

MEETING - ZONING BOARD OF APPEAL

CITY OF NOVI

TUESDAY, MAY 10, 2022 7:00 P.M.

Council Chambers |Novi Civic Center |45175 W. Ten Mile Road

BOARD MEMBERS:

Linda Krieger, Acting Chairperson

Clift Montague, Secretary

Siddharth Mav Sanghvi

Michael Longo

Jay McLeod

Michael Thompson

Bob Copes

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Charles Boulard, Community Development Director

Anita Sophia Wagner, Recording Secretary

REPORTED BY:

Theresa L. Roberts, CSR-4870

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Novi, Michigan
Wednesday, May 10, 2022
(At about 7 o'clock P.M.)

— — —

CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Board of Appeals for Tuesday, May 10, 2022. And, Member Longo, if you could give us the pledge.

MEMBER LONGO: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

MS. WAGNER: Member Krieger?

CHAIRPERSON KRIEGER: Here.

MS. WAGNER: Member Longo?

MEMBER LONGO: Here.

MS. WAGNER: Member McLeod?

MEMBER McLEOD: Here.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Here.

MS. WAGNER: Chairperson Peddiboyina absent, excused. Member Sanghvi?

MEMBER SANGHVI: Here.

1 MS. WAGNER: Member Thompson?

2 MEMBER THOMPSON: Here.

3 MS. WAGNER: Member Copes?

4 MEMBER COPEES: Here.

5 CHAIRPERSON KRIEGER: All right, so we
6 have a full board. And for the agenda, approval of
7 the agenda, are there any changes?

8 MS. WAGNER: No changes.

9 CHAIRPERSON KRIEGER: Very good. So I
10 need a motion to approve the agenda.

11 MEMBER SANGHVI: May I make a motion to
12 accept the agenda as presented?

13 CHAIRPERSON KRIEGER: Okay.

14 MEMBER LONGO: Second.

15 CHAIRPERSON KRIEGER: Second? Okay,
16 Member Longo second. All in favor say "aye." Any
17 opposed? None opposed. We have an agenda.

18 March 20, 2022 minutes, do we have any
19 changes there?

20 MS. WAGNER: No changes.

21 CHAIRPERSON KRIEGER: No changes?

22 MEMBER SANGHVI: There is one thing I
23 noticed. That's on page 14, line 22 where it says

1 laboratory. Larry meant laboratory, not laboratory
2 on the second floor.

3 CHAIRPERSON KRIEGER: It was a "b"
4 instead of a "v".

5 MEMBER SANGHVI: That was Larry, he's not
6 here today but that was one of his statements. So
7 we can change it to laboratory and not laboratory.

8 CHAIRPERSON KRIEGER: Got it. So we have
9 a --

10 MEMBER SANGHVI: I make a motion to
11 accept the minutes.

12 CHAIRPERSON KRIEGER: Second?

13 MEMBER COPEES: Second.

14 CHAIRPERSON KRIEGER: All right. All in
15 favor "aye." None opposed? None opposed. Okay,
16 minutes are approved. Public remarks, anyone in the
17 public have a remark regarding anything other than
18 the cases that we are doing tonight? Okay. Seeing
19 none, public is done.

20 We have the public hearing format and
21 rules of conduct are in the back. If there's any
22 questions let us know and we'll try and help out.

23 It's a public hearing so to come up to

1 the podium, state your name, spell your name. And
2 if you're an attorney you don't need to be sworn in.
3 And if not, you do need to be sworn in for anyone
4 that's going to speak regarding their case. And to
5 have the phone so they're not ringing and let's go
6 to our first case which is PZ22-0013, Rayburn
7 Properties, LLC, 707 South Lake Drive, east of West
8 Park Drive and north of Twelve 1/2 Mile Road.
9 Parcel 50-22-03-454-007.

10 The applicant is requesting variances
11 from the City of Novi Zoning Ordinance Section
12 3.1.5 D for a rear-yard setback of 15.25, 35 feet
13 minimum required, variance of 19.83 feet. A front
14 yard setback of 27.17 feet, 30 feet minimum
15 required, variance of 2.83 feet. And a lot coverage
16 of 30 percent, 25 percent max required, variance of
17 5 percent. These variances will accommodate the
18 building of a new home. This property is zoned
19 single-family residential.

20 MR. GHANNAM: Good evening, I think we
21 may need one sworn.

22 CHAIRPERSON KRIEGER: Okay. You both
23 need to spell your names.

1 MR. GHANNAM: Yeah. My first name is
2 David, last name Ghannam, G-H-A-N-N-A-M, and this is
3 Nancy Ghannam.

4 MRS. GHANNAM: Nancy, N-A-N-C-Y
5 G-H-A-N-N-A-M.

6 MEMBER MONTAGUE: And so, are you an
7 attorney?

8 MR. GHANNAM: I'm an attorney.

9 MEMBER MONTAGUE: You're an attorney.
10 You're not?

11 MRS. GHANNAM: No.

12 MEMBER MONTAGUE: So do you swear to tell
13 the truth in this case?

14 MRS. GHANNAM: I do.

15 MEMBER MONTAGUE: Thank you.

16 CHAIRPERSON KRIEGER: And if you have any
17 overhead or projector pictures that you can put on
18 for the people watching at home?

19 MR GHANNAM: Of course, I appreciate
20 that. Thank you, and again my name is David
21 Ghannam. Both of us own the home at 707 South Lake.
22 And just for your purposes and I am a former member
23 of this board, the zoning board. Can't remember the

1 year I left. It's probably at least five, six years
2 ago is my guess. Mav may remember, I don't know.
3 But in any event, I don't think there is any
4 conflict. But this is our home.

5 We're Novi residents. We've lived here
6 for 20 years and we've come across this lot on the
7 lake that is very old. I think it was built in the
8 1950s. It's a two-bedroom one bath. It's in very
9 -- it's in deteriorating condition, and our desire
10 was to buy the lot, tear this down and build a new
11 house. We left it up. The lot is still -- the
12 house is still up at this point because we let the
13 Novi Fire Department and Police Department train
14 there for the last month, month and a half.

15 They just finished last week and we're
16 about to make application, you know, to tear down
17 the house. But in any event, in terms of the
18 variances we've requested here we tried to minimize
19 these requests as is required to make the least
20 changes possible in variation from the ordinances.
21 And the basis of the variances are as follows: We
22 have a -- the entire house sits on the building
23 envelope, so we have one of the larger lots on the

1 lake.

2 The problem is we would like a three-car
3 garage because we still have two children living
4 with us, plus if and when they move out we're going
5 to have a minimum of two cars and maybe some storage
6 for a boat or other devices for the third car. I
7 don't know -- this is kind of -- is it showing?

8 CHAIRPERSON KRIEGER: Should pop up.

9 MR. GHANNAM: Yeah, I see it on my view.
10 But in any event, the variance in the rear yard, the
11 requirement is for 35 feet. We need a variance as
12 requested because -- to accommodate really the third
13 car. If for some reason we were required -- or
14 strike that. If for some reason -- there you go.
15 So the building envelope comes in almost at about a
16 car and a half, somewhere in here. So if for some
17 reason we were denied relief, I don't think we could
18 get more than maybe a car and a half wide in there.

19 I mean, no one really has a car and a
20 half in terms of, you know, for a house. So if we
21 get the variance, we would be able to accommodate
22 just a normal size three-car garage. That's the
23 basis for the rear yard.

1 Most of the lots in the area are below 40
2 feet, sometimes further down the lake to the west,
3 they're a little bit larger. This one is a 90 foot
4 frontage which is very large, and it goes back 120
5 feet. So, again, we have no issues with the side
6 yards, the rear yard; we just need a slight variance
7 to accommodate the three-car garage.

8 In the front yard it's very minimal, and
9 the reason why we needed -- there's going to be a
10 covered porch here in the front. And literally,
11 again, the entire house is within the building
12 envelope. Even most of the front porch -- the
13 problem is part of the front porch will be covered
14 and because it's covered we need just a small, very
15 small variance from the front yard. But it does not
16 affect anybody's view along the lake. All the
17 neighbors to the east and west of us, it has really
18 nothing to do with them.

19 Their site lines of the lake, both left
20 and right, you know, east and west, are unaffected.
21 It's just when people come to our house, instead of
22 being under no covered porch, there will be a nice
23 arched covered porch there.

1 The third request that we made is lot
2 coverage and because again these lots on the lake,
3 all around the lake, are very narrow, as they were
4 designed years and years ago. It's hard to
5 retro-fit a brand new house under current codes and
6 ordinances, with a new house, you know, with the
7 general features that they come with.

8 So the lot coverage again is relatively
9 minor in terms of the additional lot coverage we
10 need. Most of it is probably due to the garage.
11 But the garage, you have to understand, the front
12 here where you're looking is -- this is South Lake
13 Drive up here. And if you're coming -- this is
14 going to be -- from this point to this point you're
15 going west and the entrance will be on this side.
16 This will be a driveway at some point over here, and
17 then we'll be able to swing around to the left into
18 the garage, the three-car garage.

19 And the -- again, the side yards are
20 perfectly fine, again, even the front and back we
21 still have extra room. But the lot coverage is
22 going to be slightly off because of the garage. But
23 because the garage is in the back it's not going to

1 be an eyesore up front. I brought another kind of a
2 rendering what our architect has done, and they do a
3 lot of work in Novi and the surrounding areas. This
4 is kind of what the front is going to look like.

5 Both oak in color with stone siding and
6 so forth, probably the difference will be we will
7 not be doing a chimney flue because we'll probably
8 end up doing a gas fireplace and there's no need for
9 that. But that's what it's going to look like.

10 I do have a couple, and you all have it
11 as part of yours. This is a side view up here
12 actually looking from west to east, and you can see
13 where the garage is going to be. The garage we
14 intend on -- you know it's going to be a normal
15 height garage.

16 We have no issues with height on the
17 entire building, including the garage. But our
18 intent is to build a room as well as storage above
19 the garage because I don't think we're going to be
20 able to put a basement. These are very close to the
21 water and the water tables are high, so we're going
22 to try to put some storage up there because we're
23 used to basements, you know, where we are. We have

1 probably a 18, 1900 square foot basement where we
2 have a lot of stuff. So we'll be putting it above
3 the garage. But, again, it's not going to be
4 visible from the street side.

5 This is just -- just for your own sake,
6 this is a rear view. This is looking from south to
7 north looking at the back of the house, and this is
8 going to be where the garage sits. So it will, you
9 know, even if for some reason we were denied, the
10 garage would look relatively the same. It would
11 just be closer to the house. But it's not going to
12 affect any of the neighbors, especially on the lake.
13 Realistically it doesn't affect anybody in the
14 neighborhood in my opinion.

15 This is just a rendering of the general
16 area, kind of taken from a -- like from a survey.
17 This is -- we have a 25 by, you know, 90 foot,
18 lakeside. This area in the middle is South Lake
19 Drive, and this is where the house is going to sit.
20 So -- and again, you can see people will be driving
21 up South Lake pulling in this way, again the garage
22 is going to be in the back.

23 So, again, we tried to make the requests

1 as minimal as possible while still trying to achieve
2 our goals. And really, in this day and age, you
3 know, even we've had, between my wife and I with no
4 kids in the house when they were at college or
5 graduate schools, we've had three cars at one point.
6 So three cars in a winter state I think is not
7 unreasonable, given the size of our lot. So that's
8 what we would request from the board, and if there's
9 any questions I'd be happy to answer.

10 CHAIRPERSON KRIEGER: Very good. Thank
11 you. Is there anyone in the audience that would
12 like to make a comment regarding this case? Seeing
13 none. From the city? Member Boulard?

14 MEMBER BOULARD: Nothing to add.

15 CHAIRPERSON KRIEGER: Very good.
16 Correspondence?

17 MEMBER MONTAGUE: Twenty-four letters
18 were mailed, four were returned, one objection and
19 two approvals. This one's interesting. They typed
20 partial over the objection and circled it. It's
21 from Robert and Heidi O'Neil. "We object to the
22 rear yard setback request based on the drawings.
23 The sole purpose of the request appears to be due to

1 a three-car garage. This is very uncommon for
2 properties in the area. The garage is also two
3 stories tall which will remove all lake view from
4 our existing structure. Which was designed to be
5 viewed from the second story. This will affect our
6 property value and enjoyment." So that's a partial
7 objection.

8 We have an approval from Zach Gielow,
9 G-I-E-L-O-W. "As a resident in the neighborhood, I
10 support the variance."

11 And then we have one more. Nothing
12 circled from Frank Esposito. "We support the new
13 potential neighbors and their plans to build the
14 home that they desire. The request seems minimal
15 and will be a major upgrade to the neighborhood.
16 South Lake Drive has seen continuing improvements
17 and this seems fitting and appropriate."

18 CHAIRPERSON KRIEGER: Again, open it up
19 to the board. Member Sanghvi?

20 MEMBER SANGHVI: Thank you. So I saw
21 this property this morning and drove around on that
22 Blind Street, alleyway and all around and I was
23 trying to visualize where is your three-car garage

1 going to go. As you all know these are very small
2 lots, and I always used to call them postage stamps
3 lots, and so you need all the variances to build a
4 good house there. So I appreciate that and I also
5 appreciate the presentation you have made and all
6 the diagrams you showed. So, it made it a little
7 clearer in my mind where your garage is going and
8 how you are going to get into your garage. So I
9 have no problem. I can support your variance
10 request. Thank you.

11 MR. GHANNAM: I appreciate that and if I
12 can just explain one little thing about the
13 objection and about where the garage is going to be.
14 So getting back to this drawing right here, what you
15 labeled as a -- identified as a partial objection,
16 we actually talked to all of our neighbors, and
17 we're trying to enjoy the lake this summer even
18 though we're not building at the moment. And all of
19 them, even though you didn't get that many
20 responses, said, we love it.

21 We all get variances because we all do
22 different things and so forth. But the one
23 gentleman, we did talk to him as well who made the

1 partial objection. His house, if you -- he's on the
2 side street, he's not on South Lake. The two that
3 you identified that are in favor are on South Lake.
4 This gentleman is on a side street called Burnstad.
5 His house is probably like right here, but his
6 backyard does go this way. And I think what he's
7 doing is he's building -- I'm just roughly drawing
8 like a some kind of deck on the upper floor.

9 The current house as it sits, it's almost
10 in the same area as this house is. I think what
11 he's -- you know, his line of sight is this way and
12 I guess he likes it. The problem is he's not on the
13 lake and, you know, he's pretty close but I think
14 that's his objection. What we told him is, I mean
15 even if God forbid we didn't get the variance
16 approved, it's still going to be a two-car garage,
17 let's say, it's still going to be a two-story. I
18 don't think anything's going to change. We want to
19 go back instead of staying within this very tight
20 line.

21 But he understood completely. He said,
22 look, we want to be great neighbors and we want to
23 work with you as much as possible. I understand his

1 concern, but some of the houses that are not on the
2 lake can't necessarily have the best views.

3 CHAIRPERSON KRIEGER: To go from that,
4 there's one of the pictures that has a rear view.

5 MR. GHANNAM: Yes.

6 CHAIRPERSON KRIEGER: That shows like the
7 garage is -- the height is lower than the rest of
8 the house.

9 MR GHANNAM: It is. You know what,
10 that's actually a very good point. The height of
11 the garage is going to be right here. The height of
12 the house is going to be up here, so again --

13 CHAIRPERSON KRIEGER: And the height of
14 the house is equitable to the houses along South
15 Lake?

16 MR GHANNAM: It is. They're mostly
17 two-story. In fact all east and west, but they're
18 mostly two stories. They're all, you know, some of
19 them are nicer, some of them are older. It's
20 actually a mix of houses, hopefully maybe in the --
21 you know, just like we're doing in the upcoming
22 years they'll be improved as well. But, yeah,
23 you're right. So his line of sight is this way,

1 okay, because his backyard comes this way. So,
2 yeah, this may affect it a little bit, but you're
3 right the house is much higher than the garage.

4 So the garage makes no difference now, in
5 all honesty. Maybe he didn't get that from the
6 documents he was looking at, but you're right.
7 Thank you for pointing that out.

8 CHAIRPERSON KRIEGER: Thank you. Anybody
9 else on the board have questions or a motion?

10 MEMBER THOMPSON: I will.

11 CHAIRPERSON KRIEGER: Okay, go ahead.

12 MEMBER THOMPSON: So we looked at Church
13 Hill Crossing right across the road here. One of
14 the garages is a three-car garage, but it's a
15 drive-through. There's two, you park, and you park
16 another car, and then making a two-car garage door,
17 but the one being two cars deep. Did you look into
18 doing that at all?

19 MR. GHANNAM: We discussed it, but the
20 architects and the builder, they did not recommend
21 it. I think that would look worse. What we would
22 like, to give you an idea, this is going to be
23 essentially our backyard, like in this area right

1 here. If you start making -- well, first of all,
2 this actually is an outdoor covered area. This is
3 going to be a nice seating area. It may be screened
4 in or not, I don't know. It's something we're going
5 to enjoy in the summertime, and we'd like to
6 hopefully watch a bunch of grandkids running around
7 in this area and playing, so forth.

8 If we make it, you know, like double deep
9 here, first of all, here it would ruin our view.
10 They just said architecturally it makes no sense.
11 Practically, I guess, if you had the room and it
12 didn't look bad, you could do it. But, yeah, no --
13 that's -- and by the way it doesn't address the one
14 neighbor who doesn't live on the lake, it doesn't
15 address his concerns because the house is bigger
16 than the garage. So it's still going to block his
17 view, and that's just something unfortunately we
18 can't avoid.

19 MRS. GHANNAM: It really wouldn't serve
20 our purpose because if you had one car that's buried
21 and everybody is leaving at different times, it
22 doesn't really serve the purpose. I mean if you
23 had a car that you didn't drive very often like a --

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MR. GHANNAM: Like a collector, yeah.

MS. GHANNAM: That would be considered, but we have people that are coming and going all day. It just wouldn't make sense to have one of the cars locked inside all the time. It wouldn't really serve the purpose of what we need.

MEMBER THOMPSON: Okay.

CHAIRPERSON KRIEGER: Okay. All right, any other questions? Or else we'll entertain a motion. Member Longo?

MEMBER LONGO: I move that we grant the variances in the case of PZ22-0013 southbound Rayburn Properties for backyard, front yard and coverage variances because the petitioner has shown practical difficulty in fitting the home on this lot. Without the variance petitioner will be unreasonably prevented or limited with respect to the use of this property because of the home would not fit on the lot. The property is unique because the lot is similar to the neighborhood lots, and so it's quite similar.

Petitioner did not create the condition because the lot was purchased by them. The relief

1 granted will not unreasonably interfere with the
2 adjacent or surrounding properties because the line
3 site does not bother the neighbors that are also on
4 the lake. Relief is consistent with the spirit and
5 intent of the ordinance because the variances are
6 not all that dramatic.

7 MEMBER SANGHVI: Second.

8 CHAIRPERSON KRIEGER: Motion is seconded.
9 Would you be amenable to an amendment stating that
10 the -- per the documentation given that the garage
11 height is going to be less than the height of the
12 house?

13 MEMBER LONGO: I don't know that we need
14 that since it's in there. Do we need that?

15 MS. SAARELA: Can you repeat that?

16 CHAIRPERSON KRIEGER: That the height of
17 the garage will be, per the documentation, less than
18 the height of the house, does that seem to be the
19 main point?

20 MS. SAARELA: Isn't it going to put a
21 condition on it, something different than the plan?

22 CHAIRPERSON KRIEGER: Yeah, do that too.

23 MEMBER LONGO: The plan has it.

1 MS. SAARELA: I mean, if it's being -- if
2 it's in accordance with the plan, I don't think it
3 needs to be restated.

4 CHAIRPERSON KRIEGER: All right. Roll
5 call.

6 MS. WAGNER: Member Krieger?

7 CHAIRPERSON KRIEGER: Yes.

8 MS. WAGNER: Member Longo?

9 MEMBER LONGO: Yes.

10 MS. WAGNER: Member Mcleod?

11 MEMBER MCLEOD: Yes.

12 MS. WAGNER: Member Montague?

13 MEMBER MONTAGUE: Yes.

14 MS. WAGNER: Member Sanghvi?

15 MEMBER SANGHVI: Yes.

16 MS. WAGNER: Member Thompson?

17 MEMBER THOMPSON: Yes.

18 MS. WAGNER: Motion passes.

19 CHAIRPERSON KRIEGER: Congratulations.

20 MR. GHANNAM: Thank you very much.

21 MEMBER LONGO: Get some grandkids.

22 MR. GHANNAM: We have one and one on the
23 way. So thank you very much. Appreciate it.

1 CHAIRPERSON KRIEGER: Call our second
2 case PZ22-0014, City Center Office Plaza for
3 43661 Grand River, west of Novi Road and north of 10
4 Mile. Parcel 50-22-15-477-011,012. The applicant
5 is requesting variances from the City of Novi Zoning
6 Ordinance from Section 3.1.25.D to permit a parking
7 setback production on the east, west and south
8 sides. 10 to 12.4 feet requested, 20 feet required.
9 Section 3.27.1.D to allow parking in the exterior
10 side yard of a non-residential collector road.

11 Flint Street and Bond Street, Section
12 5.2.12 to allow a reduction in the number of parking
13 spaces required, 65 spaces proposed, 70 required.
14 Section 5.4.2 to allow the size of the loading area
15 to be reduced. 540 square feet proposed, 940 square
16 feet required. This property is zoned Town Center-1
17 TC-1. Now the petitioner. Are you an attorney?

18 MR. ZARBO: I am not an attorney.

19 CHAIRPERSON KRIEGER: Okay.

20 MR. ZARBO: My name is Karl Zarbo. Karl
21 is with a K. Last name is Z-A-R-B-O.

22 MEMBER MONTAGUE: Do you swear to tell
23 the truth in this case?

1 MR. ZARBO: I do. Thank you and thanks
2 to the staff for all of the long, hard work on this.
3 My name is Karl Zarbo. I'm the director of
4 construction for Lormax Stern Development Company,
5 and I'm the construction manager on this project.
6 With me tonight is Patricia Keros. The Keros
7 family and GT management is the principal owner,
8 should the project proceed, would be the managers
9 and operators.

10 Our civil engineer was scheduled to be
11 with us tonight. He has 101 point something
12 temperature. He's obviously not here.

13 What we presented for your consideration
14 is a 15,300 square foot three-story office building.
15 Where it gets complicated is it's on 1.25 acres of
16 land. We've previously had preliminary site plan
17 approval from the planning commission. The
18 configuration of this site is unusual and
19 challenging. The site plan has really been
20 presented in cooperation with the city and the
21 developer. As a result really of the unique design
22 and the size, the project we are respectfully
23 requesting variances to allow both parties to really

1 accomplish their mutual goals.

2 As stated it's a TC-1 center district for
3 the zoning. The site is essentially surrounded by
4 roads. It's got a 360 degree design, and that's
5 been again created in conjunction with the we
6 believe the goals and objectives of the City of
7 Novi. In essence and here's where it gets
8 challenging. In essence, to be compliant with the
9 ordinance we'd be required to design this project as
10 if it had four distinct front yards. Obviously,
11 that presents an incredible hardship.

12 Strict enforcement of these ordinances
13 really would unreasonably restrict the highest and
14 best use and really prevent this development. We
15 believe that the request for these variance have no
16 adverse impact on the surrounding areas. We believe
17 the variances are minimal. We attempted to comply
18 in every case where we could, and where we believe
19 we could not comply we tried to absolutely minimize
20 that impact.

21 We believe the variances are created as a
22 result again of a mutual agreement that agreed to
23 the shape and to the size and in concert with the

1 Bond Street Agreement which was negotiated with the
2 City of Novi. And I guess with that I'm not sure
3 how you would proceed. Would you like me to address
4 each one individually, each variance request
5 individually?

6 CHAIRPERSON KRIEGER: Sure.

7 MR. ZARBO: Okay. On the parking
8 setback, the variances requested for the parking
9 setback pursuant to Section 3.1.25 D, it requires a
10 20 foot setback on all four sides of the
11 development. We've again complied where we could,
12 the 20 foot setback on the front, 10 foot setback on
13 the side, 12.4 on the west side and 10 foot on the
14 backside. The ordinance requires really that there
15 be a minimum of 15 percent permanently landscaped
16 open space and pedestrian plaza in TC-1 District.

17 What we've done is the developer is to
18 develop a plan that demonstrates that there is .40
19 acres of open space as provided where .19 is what's
20 required. In essence there's twice the open space
21 of what is required. And our hope is that that open
22 space is enough to get the variance favorably
23 considered with that offset of open space.

1 As it relates to the standards that you
2 require, the agreement with the City of Novi to
3 dedicate the Bond Street right-of-way to the city
4 really has created the odd shaped lot with again the
5 roads on all four sides.

6 The 20 foot setback is provided along
7 Grand River where we could. And providing the
8 20 foot setback along Bond Street and Flint will not
9 allow adequate room to park the proposed
10 development. Again, keep in mind this is really a
11 1.25 acre site completely surrounded. The applicant
12 is not with the city of Novi and come to an
13 agreement to dedicate the Bond Street right-of-way
14 to the city and to help in the goal of completing
15 the loop road. The right-of-way dedication is part
16 of what has created the really odd shaped small lot
17 and the developer restrictions.

18 We again, we believe that there is no
19 adverse impact with this, and we want to restate
20 that we have twice the open space of what is
21 actually created. We've complied where we possibly
22 could. There's not adequate room on all four sides
23 for the setback that's required, and again we

1 believe it is a minimum variance that's requested.
2 We would remind you that the parking is screened
3 adequately and it's screened in all directions with
4 both a two and a half foot high screening wall and
5 additional landscaping.

6 The variance will not cause adverse
7 impact in the surrounding area, and the project
8 again is surrounded on all sides by commercial
9 property, and we would respectfully request your
10 favorable consideration of that variance.

11 CHAIRPERSON KRIEGER: Thank you. Is
12 there anyone in the audience has any comment
13 regarding this case? Seeing none, from the city?
14 Member Boulard?

15 MR. BOULARD: Just an observation that I
16 can't think of another site in the city that has
17 four front yards and also has then the Walled Lake
18 branch of the river running through it. So there is
19 a -- I believe years ago -- years ago there was a
20 site plan for this property. It was city center
21 Phase 5. That site plan would be superseded by this
22 plan that's been approved on a preliminary basis by
23 the Planning Commission.

1 In part because the ring road that the
2 city is constructing would go through the southern
3 portion of that property of that development where
4 the basin has actually already been installed. In
5 this case there's an agreement for a swap for that
6 parcel for the remainder parcel of one of the areas
7 next to the road that the city is required to build.
8 That said, you know, the site plan needs to stand on
9 its own. But in bringing something before the ZBA
10 where it's a unique circumstance, I would say, I
11 can't think of something that would qualify. That's
12 about it, thanks.

13 CHAIRPERSON KRIEGER: Cool, thank you.
14 And for correspondence?

15 MEMBER MONTAGUE: Yes. There were 15
16 letters mailed, one letter returned, no objections
17 and no approvals.

18 CHAIRPERSON KRIEGER: Very good. Now
19 open to the board, questions. Member Sanghvi?

20 MEMBER SANGHVI: Thank you. I know this
21 area very well, and I was there again today trying
22 to visualize what you are trying to do. And as
23 Mr. Boulard just mentioned, I was watching because a

1 few years ago you came here and gave variances for
2 the entire project. So I just was trying to figure
3 out what has changed since. And now I know what has
4 changed is really the ring road has made all the
5 changes here. So now I can understand why you need
6 all these variances and I can support your variance
7 request, absolutely. Thank you.

8 MR ZARBO: Thank you, and in addition to
9 the ring road as you mentioned, as Charles
10 mentioned, there's been a land swap and conveyance.

11 MEMBER SANGHVI: It's not much of a ring
12 actually.

13 MR. ZARBO: So that it accommodates the
14 ring road and the vision that the city had and still
15 allows us to do the best development that we can
16 possibly achieve.

17 MEMBER SANGHVI: I understand your
18 problem. Thank you.

19 CHAIRPERSON KRIEGER: Great. Any
20 comments? Member Montague?

21 MEMBER MONTAGUE: Yes, it's a special
22 site with the roads all around. And I just want to
23 say I appreciate your treatment of the open area and

1 the landscaping. I think it's going to be a nice
2 addition to that piece of property. Thank you very
3 much.

4 MR. ZARBO: Thank you.

5 MEMBER McLEOD: Sorry, one question. For
6 the parking space production is 65 spots going to be
7 sufficient for the needs of the building?

8 MR. ZARBO: Yes. As it relates to the
9 number of parking spaces, what we've really done
10 with that is take a look. I've been in commercial
11 real estate now for 40 years, and what's happened
12 prominently in the industry is parking requirements
13 are really being looked at as they relate to what's
14 referenced is GLOA. And what that means is gross
15 lease and occupied area. Typically an ordinance
16 today would require parking based on your footprint
17 or your gross leaseable area.

18 And several things happen when you take a
19 look at this project. Number one, there's a main
20 entrance that's consistent on all three floors. It
21 obviously doesn't have an occupancy load. There's
22 mechanical room that obviously doesn't have an
23 occupancy load. So when the calculations that we

1 based that is again based off what will be occupied
2 in this space, we came up with the 65 parking
3 spaces. I think there's a lot of other changes that
4 happened as it relates to parking.

5 And as I'm sure you're all aware the big
6 change is the work-at-home concept. It has taken a
7 lot of load off of parking. As you look at this
8 drawing you can probably envision that it has a look
9 that probably is going to lend itself towards the
10 bank. And while we do not have any signed
11 documents, we didn't want to get the cart in front
12 of the horse. Presuming that it is a bank, the
13 banking industry has changed. It's not everybody
14 pulling up in their car, parking their car and going
15 in and doing banking.

16 So, again, the downward pressure on
17 parking is fairly dramatic. And in concert it's
18 sort of substituted with the drive-through concept
19 that's there, that's shown in your drawings.
20 Additionally, you'll see fewer employees in any of
21 the office environments that we see across the
22 country. There's just fewer employees per square
23 foot in commercial property today.

1 The other thing that's interesting, I
2 guess, as I stand in front of different boards
3 across the entire country, we have 47 shopping
4 centers that we manage and oversee across the
5 country.

6 The question that we're asked from the
7 audience in many, many cases is why is there always
8 that sea of black asphalt. And it's because the
9 parking requirements that are really put upon us as
10 a developer, and I would just very respectfully
11 submit to this group as I do across the country,
12 that that concept of parking demand and the term
13 "terms" has changed radically in our business. When
14 I moved to Michigan, parking ratios were ten to one
15 in almost every one of the shopping centers. Most
16 are down to six to one, and there's significant
17 downward pressure on that.

18 That's our concept with the requesting
19 the 65 parking spaces. We believe it will be very,
20 very adequate and serve the project very well.

21 CHAIRPERSON KRIEGER: Anyone else?
22 Seeing none. All right, then a motion maybe? Okay,
23 Member Montague?

1 MEMBER MONTAGUE: I move that we grant
2 the variance in Case Number BZ22-0014. Without the
3 variance the petitioner will be unreasonably
4 prevented and limited with respect to the property
5 because of the surrounding roads and what criteria
6 that puts on the use of the site. The property is
7 unique because of the roads and the way it's been
8 carved out with the roads. They did not create the
9 condition because in putting the ring road in, it
10 has modified the site. The relief granted will not
11 unreasonably interfere with the adjacent and
12 surrounding properties.

13 It's in the proper zone and they've done
14 a really good job of landscaping it, so I think it's
15 good. The relief is consistent with the spirit and
16 intent of the ordinance to have a good corporate
17 citizen within the city of Novi.

18 MEMBER SANGHVI: Thank you. I second
19 your motion. Thank you.

20 CHAIRPERSON KRIEGER: All right. We have
21 a motion and second. Have roll call, please?

22 MS. WAGNER: Member Krieger?

23 CHAIRPERSON KRIEGER: Yes.

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MS. WAGNER: Member Longo?

MEMBER LONGO: Yes.

MS. WAGNER: Member Mcleod?

MEMBER MCLEOD: Yes.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. WAGNER: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. WAGNER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. WAGNER: Motion passes.

CHAIRPERSON KRIEGER: Congratulations and welcome to Novi.

MR ZARBO: If I may, I would like to one more time thank Charles and the staff for all the work they did. It's been about a year and a half, and we hope to deliver a very, very nice project to the city of Novi.

MR. BOULARD: If I could at this point of order, we neglected to include Mr. Copes.

MS. WAGNER: Mr. Copes?

MEMBER COPES: Record my vote as yes.

CHAIRPERSON KRIEGER: I apologize for

1 that.

2 Okay, our third case is PZ22-0015, Metro
3 Detroit Signs, Ashley Homestore, 43620 West Oaks
4 Drive. West of Novi Road and south of 12 Mile Road.
5 Parcel 50-22-15-200-061. The applicant is
6 requesting a variance from the city of Novi, code of
7 ordinances section 28-5(a) for the installation of a
8 third wall sign measuring 30.07 square feet on the
9 east elevation of Ashley Homestore. Two wall signs
10 are permitted. The property is zoned Regional
11 Center RC.

12 MS. DETERS: Good evening. My name is
13 Mary Ann Deters, M-A-R-Y A-N-N D-E-T-E-R-S.

14 CHAIRPERSON KRIEGER: Are you an
15 attorney?

16 MS. DETERS: No, I'm not.

17 MEMBER MONTAGUE: Do you swear to tell
18 the truth in this case?

19 MS DETERS: I do.

20 MEMBER MONTAGUE: Thank you.

21 MS. DETERS: I'm with Metro Detroit Signs
22 in Warren, Michigan, and we've been contracted to
23 get permits and install signage at the new

1 Ashley Homestore at the address that you mentioned.
2 We have currently received permits for the Ashley
3 main sign and in the drawing you see V2 for
4 mattresses. So we're here tonight to request a
5 variance for sign B1 which is just over 30 square
6 feet for home accents. There have been other
7 businesses in the adjacent properties,
8 Gardner-White, Bob's Discount Furniture that also
9 have built multiple signs and the same type of look,
10 and we feel that by having that third sign it is a
11 nice look, a balance of the building. There's quite
12 a bit of frontage and it is set back pretty far from
13 the road.

14 CHAIRPERSON KRIEGER: That's it. Okay,
15 very good. In the audience, any participation?
16 Okay, very good. From the city? Mr. Boulard?

17 MR. BOULARD: Nothing to add. Stand by
18 for questions.

19 CHAIRPERSON KRIEGER: Okay.
20 Correspondence?

21 MEMBER MONTAGUE: Nine letters mailed,
22 zero returned, zero objections and zero approvals.

23 CHAIRPERSON KRIEGER: Okay, open it up to

1 the board. Member Sanghvi?

2 MEMBER SANGHVI: Thank you. I came and
3 saw your place this morning and I was trying to
4 figure out where was your second wall sign going to
5 go there. How large are your letterings of that
6 sign?

7 MS. DETERS: Okay. Again we have gotten
8 approval and permits for Ashley and for mattresses.
9 The Ashley sign is 233.8 square feet, and the
10 mattress that has been approved is 25.5 square feet.

11 MEMBER SANGHVI: Because that place where
12 you are looking, those letterings are not going to
13 be visible from Novi Road.

14 MS. DETERS: Agreed, agreed.

15 MEMBER SANGHVI: So I don't know what
16 difference this is going to make.

17 MS. DETERS: Again, based on the way that
18 the building is designed to have mattresses and
19 Ashley, you know, there's quite a big void on the
20 right and Gardner-White just down the road or across
21 does have furniture and mattresses in addition to
22 their main sign. So we feel like it's aesthetic as
23 well.

1 MEMBER SANGHVI: Okay, thank you.

2 MS. DETERS: Sure.

3 CHAIRPERSON KRIEGER: Does Ashley own
4 that building or leasing this building at that time
5 that they couldn't put up a mockup sign that we
6 could have viewed?

7 MS. DETERS: We weren't requested to do
8 it. I am sure we could have.

9 CHAIRPERSON KRIEGER: Okay. And then for
10 content, for sign, versus -- or maybe versus third
11 sign versus complete number of square feet, and so I
12 want to listen to the other members.

13 MEMBER MONTAGUE: I don't really have a
14 question, but I think that the scale of the
15 building, the signs are not over the wires. They're
16 18 inches high if I read this right. Yes, 18
17 inches, for the home access and mattresses. For the
18 length of that building I think the scale is
19 appropriate.

20 CHAIRPERSON KRIEGER: Member Longo?

21 MEMBER LONGO: That easily could be three
22 different businesses, three different units, all of
23 which would be authorized a sign. So that -- when

1 you add to that that they're way off of a street
2 that you go by, which is not Novi. But when you do
3 go through there for the other businesses, they're
4 well off -- I went by there yesterday and it took me
5 awhile to figure out what the heck was there or
6 coming. Excuse me.

7 CHAIRPERSON KRIEGER: All right, the
8 question for making it the sign -- the third sign
9 for this business in future to the next occupant if
10 they're, at any time, would come back to the board
11 for whatever their needs are compared -- depending
12 on the business.

13 MS. SAARELA: Well, if they're going to
14 change to a different size sign, if they're keeping
15 the exact same size sign, the same proportion, it
16 would be permitted. If they're coming with
17 something that's not permitted that requires
18 additional variance, they have to come back. As
19 long as it's not changing the signage, again, for a
20 new business to something not the same as this.

21 CHAIRPERSON KRIEGER: I don't remember
22 the name of the road, but I agree that knowing
23 what -- here's Ashley and what you're having for a

1 business if somebody's not aware and that you're
2 obviously going to be next to the furniture store
3 and then farther in is Joann's and Kohl's. So that
4 road there would be your major draw as people come
5 in, so I understand the need for you having signage,
6 especially in economical times. So I feel support
7 here.

8 MEMBER SANGHVI: I have no problem
9 supporting you. I just wondered whether the size of
10 the lettering is going to be adequate enough, that
11 was my question. If you think it's adequate, I am
12 not going to guess you, a better guess than what you
13 know what you're doing. So I have no problem with
14 supporting you.

15 CHAIRPERSON KRIEGER: All right, anyone
16 want to make a motion?

17 MEMBER THOMPSON: Sure. I'd like to make
18 a motion. I move that we grant the variance in Case
19 Number PZ22-0015 sought by Metro Detroit Sign for
20 Ashley Homestore for the third wall sign because the
21 petitioner has shown difficulty requiring a three
22 sign variance. Without the variance the petitioner
23 would be unreasonably prevented or limited with

1 respect to the use of the property because it is a
2 highly traveled area.

3 The property is unique because the front
4 of the building is really big enough for three
5 stores. The petitioner did not create the condition
6 because they're moving into an existing space. The
7 relief granted will not unreasonably interfere with
8 adjacent or surrounding properties because it blends
9 into the area and would balance with other stores.
10 The relief is consistent with the spirit and the
11 intent of the ordinance, again, because local stores
12 have similar signage and it just blends in.

13 CHAIRPERSON KRIEGER: All right. Anyone
14 make a motion?

15 MEMBER SANGHVI: Second motion.

16 CHAIRPERSON KRIEGER: Okay, there's a
17 motion and a second from Member Sanghvi. So roll
18 call.

19 MS. WAGNER: Member Krieger?

20 CHAIRPERSON KRIEGER: Yes.

21 MS. WAGNER: Member Longo?

22 MEMBER LONGO: Yes.

23 MS. WAGNER: Member Mcleod?

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MEMBER MCLEOD: Yes.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. WAGNER: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. WAGNER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. WAGNER: Member Copes?

MEMBER COPEES: Yes.

MS. WAGNER: Motion passes.

CHAIRPERSON KRIEGER: And our last case, PZ22-0016 Anchor Printing, on 43043 West Nine Mile Road east of Novi Road and south of 9 Mile Road. Parcel 50-22-35-101-022. The applicant is requesting variances from the city of Novi Zoning Ordinance Section 3.14.5.B.ii for allowance of a loading area less than a 100 square feet from a residential zoning district. Section 3.14.5.A for the allowance of two overhead doors and a loading dock proposed on or in a wall of a building that faces an abutting residential zoning district. The ordinance states that loading versus unloading and transport shall be not closer than a 100 feet from

1 the boundary of a residential district and no truck
2 well, loading dock or a door shall be permitted on
3 or in the wall of the building which faces the
4 abutting residential district. This property is
5 zoned Light Industrial, LI. Welcome.

6 MR. WEITZ: Thank you, how are you?

7 CHAIRPERSON KRIEGER: Good.

8 MR. WEITZ: Andrew Weitz with Anchor
9 Printing Company. Spell my name?

10 CHAIRPERSON KRIEGER: Yes, please.

11 MR. WEITZ: A-N-D-R-E-W. Last name is
12 Weitz, W-E-I-T-Z.

13 CHAIRPERSON KRIEGER: Are you an
14 attorney?

15 MR. WEITZ: I am not.

16 MEMBER MONTAGUE: Do you swear to tell
17 the truth in this case?

18 MR. WEITZ: I do.

19 MEMBER MONTAGUE: Thank you.

20 CHAIRPERSON KRIEGER: Go ahead.

21 MR. WEITZ: Obviously, we are looking for
22 two overhead doors. We have a building up on Heslip
23 Drive that's 80,000 square feet. We bought this

1 building last year and we're looking to utilize it
2 as a warehouse. Obviously, business is growing and
3 expanding and we're running out of room up the
4 street. And when buying this building we knew that
5 we would use the front 50,000 square feet currently,
6 but we needed two overhead doors to put in to be
7 able to transport goods back and forth.

8 At a minimal basis pretty much just
9 keeping goods with everything going on with supply
10 chain issues we have to order more and now and as we
11 grow it's just expanding. So there's obviously an
12 ordinance where -- in the city that it's all light
13 industrial in the area, and residential is
14 considered cemetery. So here we are. We don't want
15 to wake them up, you know?

16 CHAIRPERSON KRIEGER: All right. Anybody
17 in the audience? Okay, no comments from the
18 audience. Mr. Boulard?

19 MR. BOULARD: Nothing to add. As the
20 gentleman pointed out the challenge is, you know,
21 what zoning district does a cemetery fall into.
22 Residential is probably the best in terms of making
23 sure that we've got setbacks and things like that.

1 But in this particular case you've got an existing
2 cemetery, you've got an existing industrial
3 building. And where the door, the loading yard,
4 would require a variance. So once again, it's a
5 pretty unique situation.

6 CHAIRPERSON KRIEGER: Never heard of a
7 residential area being a cemetery. Of course I
8 wouldn't want to wake them up. From correspondence?

9 MEMBER MONTAGUE: Fifteen letters mailed,
10 no returns, no objections, no approvals.

11 CHAIRPERSON KRIEGER: All right. From
12 the board?

13 MEMBER SANGHVI: All right. I came and
14 drove around, all around including your adjoining
15 street, and I don't think the residents next door
16 are going to complain about it.

17 MR. WEITZ: I hope not.

18 MEMBER SANGHVI: I have no problem
19 supporting you. It was quite a joke when I drove
20 around and found out what it is. Thank you.

21 MEMBER McLEOD: I was going to ask, I
22 don't know if I should be more surprised that we
23 sent out the correspondence or none were returned.

1 MEMBER MONTAGUE: There's only 50 people
2 in the cemetery, so I don't know.

3 CHAIRPERSON KRIEGER: All of the other
4 businesses. Yes, Member Longo.

5 MEMBER LONGO: So I can't tell by the
6 drawing, this is my fault. How close are you to the
7 cemetery, the dock?

8 MR. WEITZ: Oh, gosh, at least a hundred
9 feet, I think maybe 90. The variance might be a
10 hundred.

11 MEMBER LONGO: The variance is higher.

12 MR. WEITZ: There's definitely like a
13 very large -- because we have a tenant in the back
14 that has, you know, obviously it's probably enough
15 for three to four lanes, so, and then there was a
16 gazebo there. So I don't know if it says on the
17 drawing, I'm sorry, I don't have it in front of me.
18 It's probably at least 60 feet would be my most
19 intelligent guess without looking at it.

20 MEMBER MONTAGUE: There's no mention on
21 the drawing, but there's two single parkings, two
22 doubles and two driveways. So, you know, that's --

23 MEMBER LONGO: More than 60.

1 MEMBER MONTAGUE: That's a lot. Yeah,
2 that's a lot more than 60 feet.

3 CHAIRPERSON KRIEGER: In that other
4 building behind the cemetery, you going to leave
5 that there?

6 MR. WEITZ: Probably not.

7 CHAIRPERSON KRIEGER: Okay.

8 MR. WEITZ: But I don't know. I mean,
9 it's pretty bad.

10 CHAIRPERSON KRIEGER: Yeah, yeah.

11 MR. WEITZ: I definitely need to fix it
12 up. It's pretty much an eyesore.

13 CHAIRPERSON KRIEGER: Okay. It looks
14 like the docking RV is even further back. So they
15 probably won't have an issue.

16 MR. WEITZ: Oh, right.

17 CHAIRPERSON KRIEGER: Yeah.

18 MR. WEITZ: It's more of an eyesore which
19 obviously, you know, the pride of the business and
20 the building and the nature of the business.

21 CHAIRPERSON KRIEGER: Have a motion from
22 anyone? Member Longo?

23 MEMBER LONGO: I move that we grant the

1 variance in Case Number PZ22-0016 sought by Anchor
2 Printing for a deck and doors too close to a
3 residential area because Petitioner has shown
4 practical difficulty required moving product for the
5 business for the company. Without the variance the
6 petitioner will be unreasonably prevented or limited
7 with respect to the use of the property because they
8 cannot move their product adequately.

9 The property is unique because of the
10 residential property that is next to it. They may
11 not have considered when they purchased the
12 property. Petitioner did not create the condition
13 because they purchased this property. The relief
14 granted will not unreasonably interfere with
15 adjacent or surrounding properties because there
16 doesn't seem to be any cause for any people to have
17 difficulty with this. The relief is consistent with
18 the spirit and intent of the ordinance because it
19 doesn't really encumber the community in any way.

20 MEMBER SANGHVI: Second.

21 CHAIRPERSON KRIEGER: All right, we have
22 a motion and a second. Roll call.

23 MS. WAGNER: Member Krieger?

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CHAIRPERSON KRIEGER: Yes.

MS. WAGNER: Member Longo?

MEMBER LONGO: Yes.

MS. WAGNER: Member Mcleod?

MEMBER MCLEOD: Yes.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. WAGNER: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. WAGNER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. WAGNER: Member Copes?

MEMBER COPEES: Yes.

MS. WAGNER: Motion passes.

MR. WEITZ: Thank you. Goodnight.

CHAIRPERSON KRIEGER: Any other issues?

Okay, a motion to adjourn.

MEMBER SANGHVI: Make a motion to adjourn
the meeting.

MEMBER LONGO: Second.

CHAIRPERSON KRIEGER: Motion and second.
All in favor?

THE BOARD: Aye.

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CHAIRPERSON KRIEGER: None opposed.

We're adjourned at 7:55.

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CERTIFICATE OF NOTARY PUBLIC - COURT REPORTER

I do certify that the attached proceedings were taken before me in the above-entitled matter; that the proceedings contained herein was by me reduced to writing by means of stenography, and afterwards transcribed upon a computer. The attached pages are a true and complete transcript of the proceedings.

I do further certify that I am not connected by blood or marriage with any of the parties, their attorneys or agents, and that I am not an employee of either of them, nor interested, directly or indirectly, in the matter of controversy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at West Bloomfield, Michigan, County of Oakland, this 22nd day of May 2022.

/ss/ Theresa L. Roberts, CSR-4870
Notary Public - Oakland County, MI
My commission expires 10-04-2027