

04/14/2026

1 REGULAR MEETING - ZONING BOARD OF APPEALS

2 CITY OF NOVI

3 Tuesday, April 14, 2026

4 Council Chambers/Novi Civic Center

5 41725 Novi Road

6 Novi, Michigan

7

8 BOARD MEMBERS:

9

W. Clift Montague, Chairperson

10 Joe Peddiboyina, Member

Linda Krieger, Member

11 Mike Longo, Secretary

Michael Thompson, Member

12 Joe Samona, Member

Marc Jappaya, Member

13

14 ALSO PRESENT:

15 Elizabeth Saarela, City Attorney

Alan Hall, Deputy Community Development

16 Director

Megan Nardone, Recording Secretary

17

REPORTED BY:

18

Melinda R. Womack

19 Certified Shorthand Reporter

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1 CHAIRPERSON MONTAGUE: I'd like to
2 call to order the City of Novi Board of Appeals
3 for Tuesday, April the 14th. Start with Pledge of
4 Allegiance.

5 (Pledge of Allegiance Recited)

6 CHAIRPERSON MONTAGUE: Thank you.

7 MS. NARDONE: Member Jappaya?

8 MEMBER JAPPAYA: Here.

9 MS. NARDONE: Chairperson Montague?

10 CHAIRPERSON MONTAGUE: Here.

11 MS. NARDONE: Member Thompson?

12 MEMBER THOMPSON: Here.

13 MS. NARDONE: Member Peddiboyina?

14 MEMBER PEDDIBOYINA: Yes, please.

15 MS. NARDONE: Member Longo?

16 MEMBER LONGO: Here.

17 MS. NARDONE: Member Krieger?

18 MEMBER KRIEGER: Here.

19 MS. NARDONE: Member Samona?

20 MEMBER SAMONA: Here.

21 MS. NARDONE: Thank you. We have a
22 quorum.

23 CHAIRPERSON MONTAGUE: I want to go
24 over a little bit of the rules of conduct for the
25 public meeting. If everyone would silence or turn

1 off their cell phones, we would appreciate it. We
2 have seven cases tonight. We'll ask the applicant
3 to come forward and present their case and the
4 reason for their variance request and will be
5 given up to ten minute to present their case. If
6 there's somebody in the audience that wants to
7 speak to that case they will be given three
8 minutes to speak to that particular case. It will
9 be an open mic public comment session before
10 things not dealing with the case tonight, cases
11 tonight, it will just be in general. If you need
12 to be recognized from the audience, please raise
13 your hand to be acknowledged, come up. And I
14 think that will take care of it.

15 So we have two meeting minutes for
16 comment and approval because we didn't have
17 February's last meeting.

18 MEMBER SAMONA: I make a motion to
19 approve both meeting minutes as well as today's, I
20 guess, agenda. The only thing I want to add to
21 that, and I know it's not a part of the minutes,
22 just part of the Action Summary, is the Action
23 Summary from the March meeting has Mr. Hall --
24 says that Mr. Hall said I have a question Mr.
25 Chairman. Can I amend the motion to include the

1 six dimensional variances. Mr. Hall did not say
2 can I amend these, can I ask the motion maker to
3 amend that, so I just want that to be clear, even
4 though the minutes are correct just so that's
5 correct so there's no confusion.

6 CHAIRPERSON MONTAGUE: Okay. I have
7 one minor comment on the March. Page 5 my name is
8 misspelled a few times.

9 MS. NARDONE: I will look into that and
10 I will have that fixed. I apologize.

11 CHAIRPERSON MONTAGUE: All right.

12 MEMBER SAMONA: I make a motion to
13 approve both the March and February minutes, the
14 March as amended with your name spelled correctly
15 as well as today's agenda.

16 MEMBER LONGO: I'll second.

17 CHAIRPERSON MONTAGUE: All right. Roll
18 call.

19 MS. NARDONE: Member Thompson?

20 MEMBER THOMPSON: Yes.

21 MS. NARDONE: Member Jappaya?

22 MEMBER JAPPAYA: Yes.

23 MS. NARDONE: Member Peddiboyina?

24 MEMBER PEDDIBOYINA: Yes, please.

25 MS. NARDONE: Member Longo?

1 MEMBER LONGO: Yes.

2 MS. NARDONE: Member Krieger?

3 MEMBER KRIEGER: Yes.

4 MS. NARDONE: Member Samona?

5 MEMBER SAMONA: Yes.

6 MS. NARDONE: Chairperson Montague?

7 CHAIRPERSON MONTAGUE: Yes.

8 MS. NARDONE: Thank you. Motion

9 carries.

10 CHAIRPERSON MONTAGUE: Do we have any
11 changes to the agenda?

12 MR. HALL: There's no changes to the
13 agenda.

14 CHAIRPERSON MONTAGUE: All right. We
15 have right now there's a chance for any public
16 remarks. If there's anybody that wants to make a
17 general comment unrelated to the cases tonight,
18 this is your time to espouse. Seeing none, we'll
19 move forward. We have seven cases tonight. Case
20 number one, PZ26-0007 The applicant is requesting
21 a variance from the City of Novi Zoning Ordinance
22 Section 3.1.5 for a rear yard setback of 28 feet
23 75 inches. (35 feet required.) So it's a variance
24 of 6 feet 25 inches.) This property is zoned One
25 Family Residential (R-4). Is the applicant here

1 to present? Please step to the microphone. State
2 and spell your name and you'll be sworn in by the
3 secretary.

4 MR. RASCH: My name is Kurt Rasch. I
5 represent Glass Doctor of Michigan and supplier of
6 the materials, Bright Covers of Ohio.

7 CHAIRPERSON MONTAGUE: Can you spell
8 your last name, please.

9 MR. RASCH: R-A-S-C-H.

10 MEMBER LONGO: Mr. Rasch, are you an
11 attorney.

12 MR. RASCH: No.

13 MEMBER LONGO: Do you promise to tell
14 the truth in this case?

15 MR. RASCH: Yes.

16 MEMBER LONGO: Thank you.

17 CHAIRPERSON MONTAGUE: Do you have any
18 visuals to put on the screen? You can put it on
19 the overhead there.

20 MR. RASCH: Do you want the
21 application?

22 CHAIRPERSON MONTAGUE: No. No. You had
23 some site plan showing where you're asking for the
24 variance and that sort of thing. There you go.
25 That's kind of what I mean. Thank you.

1 MR. RASCH: And I do have some pictures
2 on my phone of the property but this will show you
3 the site plan of the property.

4 CHAIRPERSON MONTAGUE: All right. How
5 can we help you?

6 MR. RASCH: Well we're requesting a six
7 foot variance six foot three variance on the
8 property. As the site plan shows an existing
9 concrete slab that's already there, and the
10 proposed structure would only be covering the
11 existing concrete slab. It doesn't enclose in any
12 way and the structure faces the lake, which I
13 can't see the lake objecting to anything from that
14 side and we've heard no objections from either
15 neighbor on the property either.

16 CHAIRPERSON MONTAGUE: All right.
17 Pretty much cover it?

18 MR. RASCH: Yes.

19 CHAIRPERSON MONTAGUE: All right.
20 City?

21 MR. HALL: Thank you, Mr. Chairman.
22 Yes, he's coming to us for a single dimensional
23 variance of six foot three inches rear yard
24 setback. Does provide a slope covered canopy
25 which is 13 foot one inches in length, 14 foot in

1 width and eight foot five in height. It's framed
2 around an existing chimney and it's the shade of
3 the existing patio. I have no further questions.
4 Thank you.

5 CHAIRPERSON MONTAGUE: Correspondence.

6 MEMBER LONGO: Yes. We mailed out 24
7 notices. None were returned. There were no
8 objections. There was one approval by your next
9 door neighbor, Julie Endress. She approved.

10 CHAIRPERSON MONTAGUE: Is there anyone
11 in the audience that would like to speak to this
12 case? If not, then I will open it up to the
13 board.

14 MEMBER SAMONA: I'll make a comment.
15 The lot is shallow. The slab already exists. The
16 structure is not enclosed, correct?

17 MR. RASCH: Correct.

18 MEMBER SAMONA: The structure is not
19 enclosed. I think the variance requested is for
20 all intents and purposes I think it's de minimus
21 as far as the size. To my understanding, this was
22 originally built in compliance with the rules and
23 regulations at the time that it was put in. Am I
24 correct on that, Alan?

25 MR. HALL: The patio wouldn't have

1 needed it in that because it wasn't covered.

2 MEMBER SAMONA: Sure. Got it. I think
3 it's modest in size. I drove by the property.
4 Not that I try to find a reason not to support it,
5 but I don't think if I tried to I could. So I
6 would have no problem with this.

7 MEMBER KRIEGER: The Google Maps
8 compared to the other houses on either side from
9 you, it seems like the house is set back more so
10 that you have more yard in the front than the
11 back. And you already have the slab. So I would
12 be able to approve your request.

13 CHAIRPERSON MONTAGUE: Anyone else?
14 All right. Then let's receive a motion.

15 MEMBER SAMONA: Mr. Chair, I move that
16 we grant the variance in case number PZ26-0007
17 sought by Kirk Rasch for a 6 foot 3 inch rear yard
18 setback variance from the required 35 foot to 28
19 foot 9 inches at 40705 Village Woods Road because
20 the petitioner has shown practical difficulty
21 requiring the encroachment into the rear yard
22 setback to cover an existing concrete patio slab
23 framed around an existing chimney. Without the
24 variance the petitioner will be unreasonably
25 prevented or limited with respect to the use of

1 the property because the existing concrete patio
2 slab cannot be adequately sheltered from adverse
3 weather conditions without encroaching into the
4 required rear yard setback effectively rendering
5 the patio unusable.

6 The property is unique because it is a
7 lakefront lot with shallow depth from the rear of
8 the house to the water's edge significantly limits
9 the area available for accessory structures, a
10 condition not generally shared with other
11 properties. Petitioner did not create the
12 condition because the existing home and concrete
13 slab were constructed in compliance with setback
14 requirements in effect at the time of the
15 construction and the chimney location constrains
16 the placement of the proposed canopy.

17 The relief granted will not
18 unreasonably interfere with adjacent or
19 surrounding properties because the proposed canopy
20 is open and unenclosed, projects only 12 feet from
21 the home, covers only the existing slab footprint
22 and no neighboring property owners have raised
23 objections.

24 The relief requested is consistent with
25 the spirit and intent of the ordinance because the

1 variance is the minimum necessary to cover the
2 existing slab. The structure is not enclosed and
3 it does not alter the essential character of the
4 neighborhood or the zoning district.

5 MEMBER KRIEGER: Second.

6 MS. NARDONE: Member Longo?

7 MEMBER LONGO: Yes.

8 MS. NARDONE: Member Krieger?

9 MEMBER KRIEGER: Yes.

10 MS. NARDONE: Member Samona?

11 MEMBER SAMONA: Yes.

12 MS. NARDONE: Chairperson Montague?

13 CHAIRPERSON MONTAGUE: Yes.

14 MS. NARDONE: Member Jappaya?

15 MEMBER JAPPAYA: Yes.

16 MS. NARDONE: Member Thompson?

17 MEMBER THOMPSON: Yes.

18 MS. NARDONE: Member Peddiboyina?

19 MEMBER PEDDIBOYINA: Yes, please.

20 MS. NARDONE: Thank you. Motion

21 carries.

22 CHAIRPERSON MONTAGUE: Congratulations.

23 MR. RASCH: Thank you for your time.

24 We still have snow where we come from.

25 MEMBER SAMONA: Where we are we still

1 have snow.

2 CHAIRPERSON MONTAGUE: Thank you for
3 sharing. All right. Case number two. PZ26-0008
4 (Innovative Research). The applicant is
5 requesting a variance from the City of Novi Zoning
6 Ordinance Section 3.6.2.E to allow off-street
7 parking within the front yard setback, whereas
8 parking is permitted in the rear or side yard only
9 (required 40 foot setback, variance of 5.46 feet)
10 The property is zoned Light Industrial (I-1). Is
11 the applicant here? Please state and spell your
12 name.

13 MR. PRUSS: Alan Pruss.

14 MEMBER LONGO: Alan, are you an
15 attorney?

16 MR. PRUSS: I am not.

17 MEMBER LONGO: Do you promise to tell
18 the truth in this case?

19 MR. PRUSS: Yes, sir.

20 MEMBER LONGO: Thank you.

21 CHAIRPERSON MONTAGUE: How can we help
22 you Alan?

23 MR. PRUSS: As you read, we're seeking
24 a variance for off street parking in the front
25 setback. Excuse me. I represent Innovative

1 Research. Their existing building is here to the
2 east. There's an existing driveway here that kind
3 of creates cross access arrangement between the
4 two parcels. We received site plan approval in
5 March. So we're working through the final
6 comments, final engineer approval.

7 Some of the conditions on the site, the
8 lot's a narrow lot, as you can see. We do have
9 regulated wetlands on the rear of the lot along
10 with the wetland buffer, the city wetland buffer,
11 which is a 25-foot buffer. We're losing between
12 50 and 60 feet in the rear of usable, would
13 normally be usable space. We're asking for a
14 modest relief from that on the front yard so we
15 can have all the parking on a single road here and
16 not kind of create an awkward situation for
17 parking. And I'm happy to answer any questions.

18 CHAIRPERSON MONTAGUE: All righty.
19 City.

20 MR. HALL: Thank you, Mr. Chairman.
21 Yes. He's seeking for a single dimensional
22 variance tonight for 5.46 foot encroachment within
23 the front yard setback. As he said, the
24 encroachment has the Planning Department's
25 blessing, which allows for better site

1 circulation.

2 CHAIRPERSON MONTAGUE: Correspondence?

3 MEMBER LONGO: Yes. We mailed out 14
4 notices, none were returned. No objections and no
5 approvals.

6 CHAIRPERSON MONTAGUE: Thank you.
7 Anyone in the audience wish to speak to this case?
8 All right. If not, we will open it up to the
9 board. Mike?

10 MEMBER THOMPSON: If I'm looking at
11 this correct, if the variance wasn't granted there
12 would be just one less parking spot toward the
13 street?

14 MR. PRUSS: Correct. More or less.
15 There is part of the second space there that does
16 encroach.

17 MEMBER THOMPSON: So two spots total?

18 MR. PRUSS: Yes.

19 MEMBER THOMPSON: You already have
20 pretty limited parking as it is, so.

21 MR. PRUSS: Correct. Right. And I
22 don't believe we're going to use the full amount
23 of parking that's required by the city.

24 MEMBER THOMPSON: That's good. I'd
25 have no problem approving it.

1 MR. PRUSS: Thank you.

2 MEMBER PEDDIBOYINA: Total of parking
3 lots you have?

4 MR. PRUSS: I'm sorry. Say it again,
5 please?

6 MEMBER PEDDIBOYINA: Number of parking
7 lots.

8 MR. PRUSS: We have nine spaces. One
9 of them is a handicapped space.

10 MEMBER PEDDIBOYINA: Okay. Thank you.

11 CHAIRPERSON MONTAGUE: Anyone else?

12 MEMBER KRIEGER: The building that's
13 next to it, you own it and then you're going to
14 build on the next lot?

15 MR. PRUSS: That's right. Innovative
16 Research.

17 MEMBER KRIEGER: Right.

18 CHAIRPERSON MONTAGUE: All right.
19 Entertain a motion.

20 MEMBER KRIEGER: I move that we grant
21 the variance in case number PZ26-0008 sought by
22 Innovative Research for 46460 Peary Court because
23 the petitioner has shown practical difficulty
24 requiring the variance for 5.46 feet, that they
25 have a narrow lot and regulated woodlands and

1 limited parking, that they won't have access
2 because of the wetlands is 50 to 60 feet so they
3 need the assistance for the spaces. This property
4 is unique because it's narrow. The petitioner did
5 not create the condition and it's not a divided
6 lot. The relief granted will not unreasonably
7 interfere with adjacent or surrounding properties.
8 They have similar needs for space around the
9 cul-de-sac. The relief is consistent with the
10 spirit and intent of the ordinance because of the
11 variance is a minimal request.

12 MEMBER SAMONA: Second.

13 MS. NARDONE: Member Jappaya?

14 MEMBER JAPPAYA: Yes.

15 MS. NARDONE: Chairperson Montague?

16 CHAIRPERSON MONTAGUE: Yes.

17 MS. NARDONE: Member Thompson?

18 MEMBER THOMPSON: Yes.

19 MS. NARDONE: Member Peddiboyina?

20 MEMBER PEDDIBOYINA: Yes, please.

21 MS. NARDONE: Member Longo?

22 MEMBER LONGO: Yes.

23 MS. NARDONE: Member Krieger?

24 MEMBER KRIEGER: Yes.

25 MS. NARDONE: Member Samona?

1 MEMBER SAMONA: Yes.

2 MS. NARDONE: Thank you. Motion

3 carries.

4 MR. PRUSS: Thank you.

5 CHAIRPERSON MONTAGUE: All right. Our
6 third case of the night. PZ26-0009 (Jacy
7 Headley). The applicant is requesting variances
8 from the City of Novi Zoning Ordinance, Section
9 4.19(E)(i), to allow the construction of a 900
10 square foot detached garage resulting in a total
11 of 1,380 square feet of accessory structures on
12 the property (maximum of 850 square feet allowed.
13 That's a variance of 530 square feet.); and a
14 building height of 15 feet. Required max height
15 is 14 feet, so that results in a variance of 1
16 foot. This property is zoned One-Family
17 Residential (R-4). Do we have an applicant?
18 Please state and spell your name for the court
19 reporter.

20 MS. HEADLEY: My name is Sara Headley,
21 S-A-R-A, H-E-A-D-L-E-Y.

22 MEMBER LONGO: Sara, are you an
23 attorney?

24 MS. HEADLEY: No.

25 MEMBER LONGO: Do you promise to tell

1 the truth in this case?

2 MS. HEADLEY: Yes.

3 CHAIRPERSON MONTAGUE: All right, Sara.
4 How can we help you today.

5 MS. HEADLEY: So we're trying to build
6 a detached garage 900 square feet. These are our
7 site plans. So there's our house, and in the back
8 left corner of our lot is where we want a 30-by-30
9 garage. So we have a like 1,200 square foot
10 house. And we don't have any storage. We don't
11 have a basement. We don't have an attic. We
12 don't have any closets other than like bedroom
13 closets. And we just had a baby so we have
14 nowhere to store anything. And our current garage
15 is kind of storage, but also my husband's tools
16 and so we just really need extra storage. And our
17 current garage is not deep enough to park our
18 truck in, so we would like the 30 feet we're
19 requesting that so we can actually park the truck
20 in the garage and we can close the door and just
21 for, you know, just storage for everything we
22 have. I can go on and on for all the reasons we
23 need the storage.

24 CHAIRPERSON MONTAGUE: All right.
25 City.

1 MR. HALL: Thank you, Mr. Chairman.

2 Yes, they're asking for two dimensional variances
3 tonight to construct a 30 foot by 30 foot detached
4 accessory garage. Will you be having the
5 materials match the color of your house on the
6 garage?

7 MS. HEADLEY: Yes. They'll be similar,
8 yes.

9 MR. HALL: Similar? So the one
10 variance is for a 530 square foot size increase
11 for the total allowed accessory structures to
12 allow for 900 square foot garage, accessory
13 garage. They also want a 1 foot height increase
14 variance to allow a 15 foot high structure. You
15 might have seen some wording on the previous
16 writings that there might have been a larger
17 garage proposed, but it is a 900 square foot
18 garage. I do have a question for the applicant.
19 You said you're going to park a vehicle in the
20 accessory garage?

21 MS. HEADLEY: Occasionally. Maybe in
22 the winter.

23 MR. HALL: By looking at the site plan,
24 how does a car get back there or vehicle get back
25 there?

1 MS. HEADLEY: We have a double fence
2 where you fit through.

3 MR. HALL: So does it come off of the
4 like the front of the house? Can you just trace
5 that on your paper where you might be coming in?

6 MS. HEADLEY: Right here on the side.
7 So our driveway leads right up. Our driveway
8 leads up right here, and then we have a like
9 gravel area right here on the side of our house,
10 and that's where our fence is right here that you
11 can drive through.

12 MR. HALL: Okay. And then what's the
13 setback? I see you have a number there. I can't
14 read it from here, from your house to the property
15 line? Does that say -- that little number.

16 MS. HEADLEY: 9 feet.

17 MR. HALL: 9 feet.

18 MS. HEADLEY: Yeah.

19 MR. HALL: So I'm a little concerned
20 about getting the driveway to get a car back
21 there, but we'll deal with that at the land
22 improvement level because they're going to have to
23 do a land improvement plan to show how they're
24 going to grade this. But that's pretty tight to
25 get a driveway and have the minimum setback from

1 the driveway, the 3 foot from the property line to
2 the drive.

3 MS. HEADLEY: Well we weren't going to
4 like pave the driveway.

5 MR. HALL: So it's going to be only a 6
6 foot area between the house and the area that you
7 could drive on. So it's going to be very very
8 tight there. But we can look at that in the land
9 improvement review. But that may be a question
10 that you all have that you might want to ask on
11 that. And with that, are you going to have any
12 light back there, any kind of electrical in the
13 accessory garage?

14 MS. HEADLEY: Yes.

15 MR. HALL: Will there be spotlights or
16 some kind of lighting like security lighting or
17 anything of that nature on the garage?

18 MS. HEADLEY: Yes.

19 MR. HALL: I like the coaching he did.
20 So we would ask that that lighting be directed
21 downward and not just straight out. It has to be
22 shooting downward so it doesn't reflect on the
23 neighbor's property.

24 MS. HEADLEY: Our neighbors do have a
25 privacy fence. So it is very private back there

1 with the tree line and privacy fence.

2 MR. HALL: With that, I have no further
3 questions. Thank you.

4 CHAIRPERSON MONTAGUE: Correspondence.

5 MEMBER LONGO: Yes. We mailed out 35
6 notices. None were returned. There are no
7 objections and three of your neighbors, Mark, Lynn
8 and Karen all approved.

9 CHAIRPERSON MONTAGUE: Is there anyone
10 in the audience that would like to speak to this
11 case? Yes, sir. State and spell your name in the
12 microphone, please.

13 MEMBER SAMONA: I have to recuse myself
14 for a Wolverine fan.

15 MR. OLANDO: Go Blue. I'm Anthony
16 Olando. I live right down the street. I have the
17 same type of property. 24 years ago I put the
18 same structure behind my house and there's plenty
19 of room to drive around. There's plenty of room.
20 I got a pickup truck. I go back there. That's
21 where my tractor, and I have all my woodworking
22 stuff back there. And I concur with this. I mean
23 I understand what they're saying. They need
24 storage. I wish I would have built it bigger
25 years ago. Unfortunately, I did not. I could

1 only afford a 16-by-20, and that's what I put back
2 there. But they need that storage and I concur
3 with it and I hope the City of Novi approves it.

4 CHAIRPERSON MONTAGUE: Thank you.
5 State and spell your name.

6 MR. DALEY: Brian Daley, D-A-L-E-Y. I
7 live down the street. I actually handed them my
8 letter because I lost their return envelope, so.
9 But the thing is even if you -- there's plenty of
10 room to drive a truck, and if they're not going to
11 be paving it, there's no issue, you know, because
12 I have the same type of house. I have no
13 basement, no attic and a small garage that my
14 truck doesn't fit in and I wish I had one on my
15 property because we all have the same property. I
16 live just a couple houses down. And if you're not
17 going to see it, no one in the neighborhood really
18 cares, you know. And I mean let them build what
19 they need, you know, because I look at all the
20 stuff that is getting built around us, all these
21 huge apartment complexes and all that other crap
22 that's putting hundreds of people in. I mean
23 what's a 30-by-30 garage, you know what I mean. I
24 wish I had the storage but, you know, I don't. So
25 I understand their plight. And my kids live

1 somewhere else so I don't have to worry about all
2 the kids stuff. You know how it is when you have
3 a baby, you got double everything. So I think I
4 speak on behalf of most of my neighbors that let
5 them build. That's all. Thanks.

6 CHAIRPERSON MONTAGUE: Thank you.
7 Anyone else? Let's open it up to the board.

8 MR. PEDDIBOYINA: Are you using the
9 same material matching on the house?

10 MS. HEADLEY: I don't know what siding
11 we have, but we're going to match as similar as we
12 can. Our house is really old. It will be a
13 similar neutral color. It's not going to be pink
14 or anything.

15 MEMBER PEDDIBOYINA: Use the same one.
16 There's no different colors. That's fine. Okay.
17 Thank you. I don't have an issue.

18 MS. HEADLEY: Thank you.

19 MEMBER JAPPAYA: I love that all your
20 neighbors are here to support you. That's
21 awesome.

22 MS. HEADLEY: It's a great
23 neighborhood.

24 MEMBER JAPPAYA: Alan alluded to this
25 earlier. I just want to make sure it's in the

1 back of the house. How close are your nearest
2 neighbors on either side? My biggest concern
3 would just be like pollution.

4 MS. HEADLEY: So we're like the first
5 house on our street. All this area right here is
6 like our neighbors' back yards. So where that is
7 there's a house like over here on the road. They
8 have their whole backyard leading up to this and
9 then a privacy fence. And then we live where this
10 is back here there's like a neighborhood court of
11 a different neighborhood. And again, it's just
12 back yards back here and houses facing that way.
13 So I mean it's not very close. And then our whole
14 back property line we have tall pine trees, and
15 then we have a fence as well and then this side is
16 a privacy fence. So I mean people probably won't
17 even see it most likely, and if they do, again,
18 it's going to be neutral and not anything crazy.

19 MEMBER JAPPAYA: Okay. And in terms of
20 like security lighting, is it just going to be
21 like --

22 MS. HEADLEY: Probably like a motion
23 sensor light probably on the front facing our
24 house if anything. It won't be directed anywhere.

25 MEMBER JAPPAYA: No huge flood lights.

1 MS. HEADLEY: No.

2 MEMBER JAPPAYA: Sounds good to me.

3 Thank you.

4 MS. HEADLEY: Thank you.

5 MEMBER SAMONA: I'm going to kind of
6 piggyback off my colleague, Marc's, comment that
7 we definitely see people here that support their
8 neighbor's petitions, but I don't know that I've
9 seen several. And so I guess I would say
10 enthusiastic about it. Almost makes me want to
11 move to that neighborhood. The only problem is I
12 bleed green and white. But no, I would have --
13 I'd have no issue supporting. I definitely see
14 the need for it, see the need for the storage.
15 I'm a real estate agent. I know what the
16 difficulties are with homes that don't have
17 basements, don't have attic space, have limited
18 space for storage, and it's not -- it's not just a
19 want. This is -- this is something that you need
20 to live comfortably. You're not -- it's not
21 something -- it's not something egregious so I
22 would have, and I will have, no problem supporting
23 this.

24 MS. HEADLEY: Thank you.

25 CHAIRPERSON MONTAGUE: Yes. I've been

1 by there. It's a really deep lot. It will be
2 very unobtrusive back there in the back, the back
3 40, if you will. I think it's a reasonable
4 request.

5 MS. HEADLEY: Thank you.

6 CHAIRPERSON MONTAGUE: Any other
7 comments? All right. Debut.

8 MEMBER PEDDIBOYINA: This is me.

9 CHAIRPERSON MONTAGUE: I sorry. That's
10 Joe's. Wrong one. Scared you.

11 MEMBER PEDDIBOYINA: I move to approve
12 case PZ26-0009, Jacy Headly, at 44150 Stassen
13 Avenue, south of 11 Mile Road and east of Clark
14 Street, allowing to construct a 900 square feet
15 detached garage with a height of 15 feet, based on
16 the finding that the applicant demonstrated
17 practical difficulty due to a lot of constraints
18 of the variance. The practical difficulty for the
19 storage, and a lot of things. The variance, will
20 not negatively impact surrounding properties, and
21 the proposed structure maintains the character of
22 the neighborhood, approval consisting upon the
23 applicant. The construct manner, square feet,
24 detached garage, total accessory structure would
25 be 1,380 square feet, the maximum allowed is 850

1 square feet, variance of 530 square feet. The
2 allowable height is 15 feet, maximum allowed is 14
3 feet, variance required 1 foot, maximum allowed
4 accessory structure 850 square feet, maximum
5 allowed height is 14 feet. The proposed 1,380
6 square feet of 15 feet tall. Variance of 500
7 square feet of area. The lot size shape, the
8 topographical, the garage negatively affect
9 neighbors' light use on the property the location
10 or relative properties. Lane and right lane will
11 be 900 square feet, 15 foot garage. Is the
12 material, color, and height compatible? Does the
13 granting the variance allow reasonable use. The
14 property is still complete with the stackable
15 storm water and other city requirements? The
16 landscaping of the neighborhood may be affected.
17 The variance is due to practical difficulties
18 related to the property, that the request is not
19 self-created, or will not impact. Granting the
20 variance will not affect essential character of
21 the neighborhood. The request is consistent with
22 the intent of the zoning ordinance. The variance
23 is the minimum. Accessories provide reasonable
24 use of the property.

25 MEMBER SAMONA: Second.

1 MS. NARDONE: Member Peddiboyina?
2 MEMBER PEDDIBOYINA: Yes, please.
3 MS. NARDONE: Member Longo?
4 MEMBER LONGO: Yes.
5 MS. NARDONE: Member Krieger?
6 MEMBER KRIEGER: Yes.
7 MS. NARDONE: Member Samona?
8 MEMBER SAMONA: Yes.
9 MS. NARDONE: Chairperson Montague?
10 CHAIRPERSON MONTAGUE: Yes.
11 MS. NARDONE: Member Jappaya?
12 MEMBER JAPPAYA: Yes.
13 MS. NARDONE: Member Thompson?
14 MEMBER THOMPSON: Yes.
15 MS. NARDONE: Thank you. Motion
16 carries.
17 MEMBER KRIEGER: Best wishes.
18 MS. HEADLEY: Thank you.
19 MEMBER PEDDIBOYINA: Good luck.
20 MS. HEADLEY: Thank you.
21 MEMBER SAMONA: Did you name the baby
22 Joseph by any chance?
23 MS. HEADLEY: We did. No.
24 CHAIRPERSON MONTAGUE: Well that scared
25 me.

1 MEMBER SAMONA: Motion to withdraw.

2 Just kidding.

3 CHAIRPERSON MONTAGUE: Next case.

4 PZ26-0010. City Center Office Plaza. The
5 applicant is requesting variances from the City of
6 Novi Zoning Ordinance: Section 3.1.25.D to permit
7 a less than 20 foot parking setback on the east,
8 west and south sides of the development. Minimum
9 10 feet proposed; Section 3.27.1.D to allow
10 parking in the exterior side yards on
11 non-residential collector streets; and Section
12 5.4.2 to allow a reduction in the loading zone
13 size. 540 square foot proposed, 940 square feet
14 required. This property is zoned Town Center-1
15 (TC-1). Are the applicants here? Step to the
16 microphone. State and spell your name for the
17 recorder, please.

18 MR. ZARBO: My name is Karl Zarbo. I'm
19 the Director of Construction for Lormax Stern
20 Development Company. First of all --

21 MEMBER LONGO: Excuse me, Karl. Are
22 you an attorney?

23 MR. ZARBO: I'm sorry?

24 MEMBER LONGO: Are you an attorney?

25 MR. ZARBO: I am not.

1 MEMBER LONGO: Do you promise to tell
2 the truth in this case?

3 MR. ZARBO: I'm sorry. I didn't hear
4 that.

5 MEMBER LONGO: Do you promise to tell
6 the truth in this case?

7 MR. ZARBO: I do.

8 MEMBER LONGO: Thank you.

9 MR. ZARBO: Thank you. Again, I'd like
10 to thank the ZBA and staff. We've been at this
11 together for a couple years and appreciate all of
12 the hard work and time and effort that's gone into
13 this. My role in this process is to assist the
14 Keros family with the final site plan approval for
15 the City Center Office Plaza. With me tonight is
16 the principal and one of the owners, Patricia
17 Keros. And again, the Keros family has had a
18 longstanding relationship with the City of Novi.
19 Also with me is our civil engineer, Robert
20 Emerine. And again, SKE has been involved with
21 this project from day one, so it's a team that's
22 been together for a while, a team that you've
23 learned to know over the years. And again, we
24 appreciate your patience and working through this
25 process with us. Our goal tonight is really to

1 obtain the required variances that we had
2 previously had approved so that we can move
3 forward with final site plan approval.

4 As we've indicated, we made some minor
5 revisions from what has been previously submitted,
6 and essentially the plans now illustrate a
7 two-story building with an adjusted square footage
8 of 11,768 square foot. Essentially the only
9 change to this project was that we eliminated a
10 lower level, which was where the three-story
11 originally was, and it previously had housed the
12 mechanical devices. And what we've done is
13 eliminate that lower level, redistributed the
14 mechanicals throughout the process. That brings
15 us to present the two-story project. That's the
16 only significant change in this entire project
17 from what you have seen previously submitted,
18 previously reviewed and previously had been
19 approved.

20 So really with that, this team is here
21 to see if there are any additional questions that
22 you may have. And again, we remind you that the
23 waivers and the variances essentially are, as you
24 can see, it's the attempt to accommodate all of
25 the requirements from the City of Novi on a parcel

1 that's only an acre and a quarter, so it's been a
2 challenge from both sides. Again, we appreciate
3 how you folks have worked with us. Bob, any
4 comments?

5 MR. EMERINE: Bob Emerine with SKE
6 Group. I'd like to clarify the variances that
7 were requested because I think you listed three
8 and there were actually five that were requested
9 and previously approved. The first was, as you
10 noted, Section 3.1.25.D, which is less than 20
11 foot setbacks on all four sides of the
12 development. The second one was 3.27.1.D, which
13 is parking and the side and side front yard and
14 the two sides essentially with Bond Street being
15 extended to complete the loop road. It's
16 essentially created front yards. We have roads
17 all the way around the perimeter of our building
18 so we're going to need a variance from that.

19 MEMBER SAMONA: I don't mean to
20 interrupt. He wasn't sworn in. Does it matter?

21 MEMBER LONGO: Oh, I'm sorry. Are you
22 an attorney?

23 MR. EMERINE: I am not.

24 MEMBER LONGO: Do you promise to tell
25 the truth in this case?

1 MR. EMERINE: I do.

2 MEMBER LONGO: Thank you.

3 MEMBER SAMONA: Sorry about that. I
4 didn't mean to interrupt you.

5 MR. EMERINE: No problem. So there was
6 a loading area discussed at Section 3.27.1H. And
7 as you noted, the required square footage was 940
8 square feet and required 540 square feet. There's
9 two other variances that weren't mentioned. It's
10 a Section 4.19.2F, the dumpster. The dumpster
11 located right here on the side of the building.
12 The dumpster enclosure is within ten feet of the
13 building so we need a variance for that. And
14 lastly the last one, Section 3.27.1, there's a
15 lack of a sidewalk on the west side of Flint
16 Street. So Flint Street is right here and Bond
17 Street, the new Bond Street that was recently
18 constructed comes up and ties into Grand River.
19 There's not adequate space along this side of
20 Flint Street to get a sidewalk in there. And
21 historically there's not been a sidewalk on that
22 side of Flint Street. There is one on the east
23 side, the east side of the road. So those are the
24 actual five variances that were previously
25 approved I believe in 2022. And now that those

1 have expired, we're asking that they be
2 reapproved.

3 CHAIRPERSON MONTAGUE: All right.
4 Thank you.

5 MEMBER KRIEGER: Is it planning or
6 zoning? You've been to the planning department.

7 MR. EMERINE: Yes.

8 CHAIRPERSON MONTAGUE: All right. Does
9 that got you covered then?

10 MR. EMERINE: It does. Thank you.

11 CHAIRPERSON MONTAGUE: City.

12 MR. HALL: Thank you, Mr. Chairman. So
13 we have kind of a problem. So we only can look at
14 in today's meeting what was advertised in the
15 paper for the zoning ordinance. So the sidewalk
16 issue I believe, was that --

17 MS. SAARELA: I think that was
18 addressed that it was going to be waived
19 administratively by engineering. I don't think
20 that was a variance required.

21 MR. ZARBO: It was originally a
22 variance so we just re-requested the same
23 variance. You may be correct.

24 MS. SAARELA: Okay. I don't think that
25 one's going to be it.

1 MR. HALL: We can't look at the
2 dumpster tonight because it wasn't advertised.
3 And just to clarify, I'm going to go over the ones
4 that we can look at tonight.

5 MR. ZARBO: Okay.

6 MR. HALL: So there's going to be five
7 variances, one to allow a ten-foot side yard
8 parking setback on the east side. Another one to
9 allow a ten-foot parking setback on the west side.
10 A third variance to allow a ten-foot exterior side
11 yard parking setback on the south side of the
12 development. The fourth variance is to allow
13 parking within the exterior side yard setback, and
14 the fifth variance is to allow 400 square foot
15 side reduction loading zone, which will result in
16 540 square foot total.

17 You may have looked at, this is for the
18 board members, they may have seen that there was
19 action for a ZBA approval on May 10th, 2022, which
20 had very similar variances. The plan has changed
21 minorly, but you may have noticed that there was
22 at that time a request for reduction in parking
23 spaces. They originally showed 65 spaces that
24 required at 70. The plan shows that the parking
25 now meets the ordinance the way it stands. So

1 with that, we have no other questions. Thank you.

2 CHAIRPERSON MONTAGUE: So the question
3 for you is, do they have to come back for the
4 dumpster?

5 MR. HALL: Yes. If the dumpster is a
6 variance request, they're going to have to come
7 back for that. It wasn't advertised.

8 MEMBER SAMONA: Can you explain that to
9 us again, the dumpster issue?

10 MS. SAARELA: It just actually did not
11 get published in the Notice of Public Hearing, so
12 it just needs to be added to another agenda.

13 MEMBER KRIEGER: Do you want us to deal
14 with what you have and then come back for the
15 dumpster or postpone and do it all?

16 MS. SAARELA: I think deal with what
17 they have. We can re-advertise just for that one.

18 MR. HALL: I think we want to because
19 the advertisement wasn't established so they're
20 going to have to pay additional for more stuff.
21 It wasn't part of the request. We don't have it
22 in the original request or the one that we have
23 here.

24 MEMBER SAMONA: Not to try to get cute
25 with things. Could we, if we wanted to, this is

1 aside from any question we have, if we wanted to,
2 could we approve what they are asking for and
3 condition it on the dumpster placement?

4 MR. HALL: You can't because it wasn't
5 advertised and so someone may want to comment on
6 that.

7 MEMBER SAMONA: Got it. I understand.

8 CHAIRPERSON MONTAGUE: All right.
9 Correspondence.

10 MEMBER LONGO: Yes. We mailed out 20
11 notices. Four were returned. There were no
12 objections and no approvals.

13 CHAIRPERSON MONTAGUE: Thank you.
14 Anyone in the audience care to speak to this case?
15 All right. I will open it up to the board.

16 MEMBER SAMONA: First of all, I want to
17 make the comment that the applicant has clearly
18 put in significant effort in regards to this. I
19 think from what I was reading back it predates my
20 time serving the city and the residents and the
21 business owners. I think since 2021, if I read
22 that correctly. So the fact that they're putting
23 in the time, the willingness to put in the time
24 and willingness to work with the city definitely
25 goes a long way. So I won't go as far as saying I

1 can speak on behalf of everyone, but we show
2 appreciation for trying to work with us so we can
3 reach an amicable solution that's fair for all
4 sides. I have one question. How will the loading
5 zone be managed to avoid conflicts with the
6 drive-thru? Is there any potential -- have you
7 guys looked at that at all?

8 MR. EMERINE: We have. It's ultimately
9 going to depend on the tenant, correct? So I mean
10 I would imagine that loading hours would not be --
11 we wouldn't be loading at the same time that the
12 drive-thru would be operated. So there isn't
13 technically a tenant here yet, but originally it
14 was envisioned to be a bank so it would have been
15 very, very rare that deliveries would come in
16 anyway. So I would imagine it would be just
17 handled, you know, off peak times the deliveries
18 would happen.

19 MR. ZARBO: Again, so far there is no
20 specific tenant, but everything being looked at
21 would be low intensity on that area and do not see
22 where that would be a conflict.

23 MEMBER SAMONA: Second location for
24 Ellen's Kitchen maybe.

25 CHAIRPERSON MONTAGUE: Anybody else?

1 MEMBER THOMPSON: I guess I have a
2 question on the loading zone. We had a case a
3 couple months ago where I learned, it was actually
4 the Raising Cane's one, where I learned that the
5 loading zone could be in the middle of the parking
6 lot, okay? Going from the 940 square feet
7 required, is that number required because of the
8 square footage of the building? Where does the
9 940 come from? Is that number like generated on
10 if a building is 10,000 square feet it needs to
11 have 1,000 square feet of loading zone?

12 MR. HALL: We'd have to look up the
13 exact words on that. It's a calculated number,
14 and it appears that the planning department has no
15 exception to the request.

16 MEMBER THOMPSON: So planning is
17 approved.

18 MS. SAARELA: So the planning would
19 have reviewed the site plan and the requirement
20 they would have called this out. They would have
21 done the calculation. We don't know how they came
22 to that though.

23 MEMBER THOMPSON: The reason I asked, I
24 looked it up, the semitrailer, like a 53 foot
25 semitrailer is roughly 450 square feet. So by the

1 time you put the tractor with it, the whole
2 loading zone that you're asking for, the 540
3 square feet proposed would be that of just a semi
4 truck, which looks like it would have a really
5 hard time turning around or making its way through
6 that parking lot.

7 MR. EMERINE: So we have talked to
8 specifically engineering about this as well, and
9 planning, and we don't anticipate anything larger
10 than a small box truck, and that's actually one of
11 the engineering review comments is show that a box
12 truck could be adequately parked here, and that
13 will be part of our final site plan approval that
14 is a comment that we have addressed there. Like I
15 said, we don't anticipate anything longer than a
16 small box truck.

17 MEMBER THOMPSON: I was self-employed
18 for a long time. We did a lot of freight in and
19 out and R and L freight carries and you would
20 expect a smaller truck to show up, but a semi did
21 more times than I thought. The city planning has
22 approved the loading zone part?

23 MR. HALL: Yeah. They have no
24 objection to, but they've got to go through the
25 final steps. They're addressing it.

1 MEMBER THOMPSON: Okay. The last thing
2 would be, is it going to be like painted off or
3 taped off the parking lot what would be the
4 designated loading zone?

5 MR. ZARBO: Yeah. They'll be paint
6 lines. It will be blocked off like that, yes.

7 MEMBER THOMPSON: Thank you.

8 CHAIRPERSON MONTAGUE: Anyone else got
9 a comment?

10 MEMBER JAPPAYA: I do, Mr. Chairman.
11 Thank you. Why do we need the reduction in the
12 loading zone? Is it just because of the lot
13 configuration?

14 MR. EMERINE: Ultimately all these
15 variances are being requested because of the odd
16 shape of the lot, and you have to give up a
17 significant amount of property to allow the Bond
18 Street right-of-away to come through. And so
19 every single one of these variances, there just
20 isn't adequate room to park on the site and have a
21 larger loading zone. But that's where the -- it's
22 the Bond Street right-of-way that ultimately
23 shaped this lot.

24 MEMBER JAPPAYA: Understood.

25 MR. ZARBO: Most of the waivers and

1 variances are really driven by the acre and a
2 quarter size and still trying to give us maximum
3 compliance with the City of Novi.

4 MEMBER JAPPAYA: Okay. Thank you. I
5 think these were all previously approved, correct?

6 MR. HALL: That's correct. There have
7 been some minor changes in the site plan but
8 they've been eventually approved.

9 CHAIRPERSON MONTAGUE: All right. Give
10 it a shot.

11 MEMBER JAPPAYA: Yeah.

12 CHAIRPERSON MONTAGUE: All right.
13 Start you off with a tough one here.

14 MEMBER JAPPAYA: All right. Thank you,
15 Mr. Chairman. I move that we grant the variance
16 in case number PZ26-0010 sought by City Center
17 Office Plaza for a less than 20 foot setback on
18 the east, west and south sides of the development,
19 minimum ten feet proposed, and to allow parking in
20 the exterior side yards on nonresidential
21 collector streets and to allow a reduction in the
22 loading zone size 540 square feet proposed, 940
23 square feet required. Because the petitioner has
24 shown practical difficulty requiring the
25 variances. Without the variances the petitioner

1 will be unreasonably prevented or limited with
2 respect to the use of the property because of the
3 odd shape of the property. The property is unique
4 because it is surrounded by four roads and the
5 petitioner did not create the condition because
6 the petitioner and the city came to an agreement
7 to dedicate the Bond Street right-of-way to the
8 city to complete the loop road. The relief
9 granted will not unreasonably interfere with
10 adjacent or surrounding properties because the
11 parking spaces are adequately screened from
12 adjacent properties and the relief is consistent
13 with the spirit and intent of the ordinance
14 because it improves the site efficiency and
15 usability.

16 MEMBER SAMONA: Second.

17 MS. NARDONE: Member Longo?

18 MEMBER LONGO: Yes.

19 MS. NARDONE: Member Krieger?

20 MEMBER KRIEGER: Yes.

21 MS. NARDONE: Member Samona?

22 MEMBER SAMONA: Yes.

23 MS. NARDONE: Chairperson Montague?

24 CHAIRPERSON MONTAGUE: Yes.

25 MS. NARDONE: Member Jappaya?

1 MEMBER JAPPAYA: Yes.

2 MS. NARDONE: Member Thompson?

3 MEMBER THOMPSON: Yes.

4 MS. NARDONE: Member Peddiboyina?

5 MEMBER PEDDIBOYINA: Yes, please.

6 MS. NARDONE: Thank you. Motion

7 carries.

8 MEMBER SAMONA: Just curious. What is
9 the tenants going to be, the uses going to be?

10 MR. EMERINE: The tenants? There's no
11 actual tenant yet.

12 MEMBER SAMONA: Just office tenants,
like general office use? Just curious.

14 MR. ZARBO: Still too early to tell. I
15 think one of the things we've learned in this
16 business is to try to get a tenant on a piece of
17 dirt doesn't work. So what we're attempting to do
18 is take the drawings as far along as we can. That
19 allows you to market the site much better. People
20 see that there aren't variances and waivers in the
21 way, you have site plan approval, much easier to
22 have a quality conversation with a prospective
23 tenant.

24 MEMBER SAMONA: Now you just need that
25 dumpster to throw away the denied applications.

1 MR. EMERINE: Thank you, guys.

2 CHAIRPERSON MONTAGUE: Our next case
3 for the evening. PZ26-0012 (Raising Cane's) The
4 applicant is requesting variances from the City of
5 Novi Sign Ordinance Section 28-5(d) to allow for
6 four additional wall signs and one additional
7 ground sign. Three signs allowed. So this is a
8 variance of five additional signs; and Section
9 28-5(a) chart to allow a seven foot in height
10 ground sign, six foot maximum, so it would be a
11 variance of a foot. This property is zoned Town
12 Center (TC). State your name and spell it,
13 please.

14 MR. DETERS: Hello. My name is Kevin
15 Deters from Metro Signs, last name D-E-T-E-R-S.

16 MEMBER LONGO: Kevin, are you an
17 attorney?

18 MR. DETERS: I am not.

19 MEMBER LONGO: Do you promise to tell
20 the truth in this case?

21 MR. DETERS: Yes, I do. Okay. As
22 you've just read out what our case is, we're
23 asking for some additional signage. The former
24 Wendy's is becoming a Raising Cane's site. I
25 actually tried to stop by there about an hour and

1 a half ago on my way here but I couldn't get in.
2 It was all fenced off so I had to drive past it
3 and keep on driving.

4 Anyway, one of the signs we're asking
5 for what's labeled sign number four on the south
6 elevation is just so they can have a Raising
7 Cane's identification sign above the entry door on
8 the drive-thru elevation. That sign wouldn't
9 really be visible for northbound traffic on Novi
10 Road at all. It's basically just to identify
11 their entrance on that elevation. The drive-thru
12 arrow, which is sign number eight in the packet,
13 is also on that elevation and that's just -- it's
14 painted and it's just intended to direct cars
15 around the building to the drive-thru lane.

16 The small set of One Love letters on
17 the east elevation facing Novi Road, that's just a
18 Raising Cane's branding element. It's really
19 small, 17.13 square feet. So we're just hoping
20 that -- again, that's not really intended for to
21 catch anyone's eye and have them stop and pull
22 into Raising Cane's, it's just a design element
23 that they like to have.

24 Sign number seven is the red painted
25 mural that says Raising Cane's Novi. Nationwide

1 they try to have those on all of their sites to
2 identify the city name just to let people know
3 that they've -- Raising Cane's has moved into that
4 neighborhood, that city, that community.

5 And lastly, the sign number ten, which
6 is the directional sign off of Crescent Boulevard,
7 one thing I think there's a typo on the letter for
8 the variance case. It says that the sign is seven
9 feet high. It's actually 7 feet 10 and a quarter.
10 So but again, that's -- that is intended just
11 because that -- that directional is located really
12 far back off of crescent, and actually that --
13 that entrance isn't really -- off of Crescent
14 isn't really that -- that easy to get to, so
15 that's why they requested the additional height
16 there. After we applied for the variance, maybe a
17 few days later, I found out that oh, because of
18 this sign's height, because it's bigger than six
19 feet, it would be considered a second ground sign.
20 And I know that's a huge ask. So if that's going
21 to be a sticking point we can definitely just cut
22 that pole down and make that sign six feet high
23 and then don't even need to worry about that sign.
24 We'd hate for that to be an issue. That's not a
25 hill we're trying to die on here, so to speak.

1 I don't believe that these variances
2 were self-created by Raising Cane's. They're
3 moving into the Wendy's location. The building is
4 where it is in terms of location and it's the size
5 that it is. So that's -- this isn't really a plot
6 of land that Raising Cane's designed themselves.
7 And as far as the signs not having a negative
8 impact on neighboring businesses, I know it sounds
9 like we're asking for a lot of extra wall signage,
10 and we kind of are, but these additional signs
11 we're asking for in terms of the painted signs,
12 the drive-thru arrow and mural, those are really
13 more Raising Cane's design elements than say
14 business signage, and same thing with the One Love
15 sign. It's a sign but it's not really advertising
16 Raising Cane's, it's just a tagline that they
17 have. And the signs we're requesting, the wall
18 signs, even though there are several extra signs,
19 they're relatively small in size, reasonable in
20 size, and I think they look pretty nice,
21 aesthetically pleasing. So that's about all I
22 have and I'd be happy to ask any questions you
23 have.

24 CHAIRPERSON MONTAGUE: City.

25 MR. HALL: Thank you, Mr. Chairman.

1 Yes. He's asking for two sign variances, one to
2 allow four additional wall signs and one
3 additional ground sign for a total of eight signs
4 on the site. And the other one was to allow a
5 one-foot high height increase to the new ground
6 sign near Crescent Boulevard. You had mentioned
7 that there was a height discrepancy there. Could
8 you explain that one more time?

9 MR. DETERS: Yes. So on the variance
10 notice it says that that sign is seven feet high.
11 It's actually seven feet ten and a quarter inches.

12 MR. HALL: So you're going to be asking
13 for a one foot ten inch high variance.

14 MR. DETERS: One foot ten and a
15 quarter.

16 MR. HALL: Would you be willing to make
17 it just a one foot high increase and not do ten
18 inches?

19 MR. DETERS: Yes. Or if the height
20 issue is a really big sticking point, we can cut
21 the sign down and make it six feet high. I found
22 out after we applied for this variance that oh,
23 because of the sign's height, in addition to a
24 height variance, it's also considered a second
25 ground sign. If you were to grant a second ground

1 sign, all of a sudden everyone's coming out and
2 saying we want one too. So this is directional,
3 it's not a ground sign. It just says Raising
4 Cane's drive-thru that way, and it's five square
5 feet. So we'd hate for that to cause any trouble.

6 MEMBER SAMONA: What sign number was
7 that?

8 MR. DETERS: The directional sign, sign
9 number ten. It's a directional off of Crescent
10 Boulevard.

11 MEMBER SAMONA: Thank you.

12 MR. HALL: So if I can repeat what I
13 think I heard. So you're willing to allow a
14 one-foot high variance making a total height at
15 seven foot high.

16 MR. DETERS: Sure.

17 MR. HALL: And just to caution you, you
18 could go to a seven foot ten, but you'd have to
19 come back and re-advertise.

20 MR. DETERS: Oh, no. We wouldn't need
21 to do that.

22 MR. HALL: So we'll just clarify that
23 you're going to ask for a one foot high variance
24 tonight for a total height of seven foot.

25 MR. DETERS: Sure. That be fine.

1 MR. HALL: And these signs are needed
2 for way finding of the site. Can I ask you a
3 question about the wall sign? Are any of them
4 electrified? Are they powered up?

5 MR. DETERS: Yes. We have two Raising
6 Cane's signs that are approved on the north and
7 the east elevation. Those are illuminated. The
8 proposed sign number four on the south elevation,
9 that's above the drive-thru entrance. We need a
10 variance for that, that one's illuminated. And
11 the One Love letters, those are illuminated, but
12 the drive-thru arrow and the red painted mural,
13 those are not. Those are painted.

14 MR. HALL: So the ones that are
15 illuminated, how are they illuminated? Are they
16 lit from inside?

17 MR. DETERS: Yes. Internally
18 illuminated with LED.

19 MR. HALL: And they won't blink or have
20 any animations and that kind of stuff?

21 MR. DETERS: No.

22 MR. HALL: No distracting elements to
23 it?

24 MR. DETERS: No.

25 MR. HALL: What about the new ground

1 sign? Is that going to be lit?

2 MR. DETERS: The directional sign, no,
3 it is not.

4 MR. HALL: With that I have no further
5 questions.

6 CHAIRPERSON MONTAGUE: Correspondence.

7 MEMBER LONGO: Yes. Mailed out 22
8 notices. Six were returned. There were no
9 objections and no approvals.

10 CHAIRPERSON MONTAGUE: Thank you.
11 Anyone in the audience wish to address this case?

12 MR. JOHNSON: I do.

13 CHAIRPERSON MONTAGUE: Please come up.
14 State and spell your name for the recorder. Get
15 sworn in.

16 MR. JOHNSON: Corey Johnson,
17 J-O-H-N-S-O-N the last name.

18 MEMBER LONGO: Corey, are you an
19 attorney.

20 MR. JOHNSON: No, sir.

21 MEMBER LONGO: Do you promise to tell
22 the truth in this case?

23 MR. JOHNSON: I do.

24 MEMBER LONGO: Thank you.

25 MR. JOHNSON: I am from Architectural

1 Graphics Incorporated. We're the signage vendor
2 for Cane's. Just wanted to come up and answer any
3 other questions you may have. The painted mural,
4 the big goal of those is to keep a standard look
5 amongst the nationwide. So the story there is
6 when the original Cane's was built, when they tore
7 down one of the walls there was an old painted
8 bakery mural that they repurposed and made it a
9 Cane's mural. So on all of the sites there is a
10 city specific mural that we do on sites. And same
11 thing with the drive-thru arrow, that was on the
12 first site so he kept it on all of the other ones.

13 CHAIRPERSON MONTAGUE: All right. Very
14 good. Anyone else out there? All right. Let's
15 open it up to the board.

16 MEMBER JAPPAYA: I do have a quick
17 question. Alan asked earlier, gentlemen, about
18 the directional sign off crescent and whether that
19 would be illuminated or not. Your plans here do
20 indicate that it will be illuminated. And just so
21 that we're all in alignment and on the same page,
22 can you clarify that for us, please?

23 MR. DETERS: If I misspoke, that was a
24 total accident. I wasn't trying to pull a fast
25 one. Yes, it is illuminated. My mistake. I

1 totaled -- I muffed on that one. I'm sorry.

2 Sorry about that.

3 MEMBER JAPPAYA: Quite all right.

4 Thank you.

5 MEMBER SAMONA: I looked into this one
6 a lot, not because of the number of the variances
7 that were requested because oftentimes, you know,
8 more times than not, in my opinion, people are
9 requesting more than one variance and not just
10 one, so it has nothing to do with the number of
11 variances that were requested. However, one of
12 the things that I believe that we have to look at
13 is, are the variances being requested the minimum
14 variances, the minimum necessary. And from what
15 I'm understanding, the drive-thru sign, which you
16 said you're fine with seven feet, can go to six
17 feet. So is seven feet the minimum necessary or
18 is six feet the minimum necessary. And it's my
19 belief and understanding based on hearing the
20 presentation and looking at these documents that
21 six feet is the minimum necessary and not seven
22 feet. However, I particularly have the issue with
23 signs seven and nine, and I did a lot of work into
24 this so I wrote it down just to make sure that I
25 don't misspeak. I don't believe that the

1 applicant has met a standard of practical
2 difficulty for signs seven and nine. The entire
3 premise of a sign variance is that without
4 additional signage, the property cannot be
5 reasonably used, not that the applicant wants the
6 additional brand exposure. Now if there was
7 nowhere on the property where it says Raising
8 Cane's or if there was only one --

9 MS. SAARELA: Can I just interrupt? So
10 the sign, just so you take a look, the sign
11 ordinance variance standards are not the same as a
12 dimensional ordinance --

13 MEMBER SAMONA: I'm looking at the
14 wrong thing.

15 MS. SAARELA: -- standards that you're
16 looking at, so there's not a requirement that a
17 property cannot be used, it's more -- it's less
18 than that. It's the failure to grant relief while
19 unreasonably prevent or limit the use of the
20 property resulting in substantially more than mere
21 inconvenience. So it's not that it can't be
22 used, it's that it would be more than
23 inconvenient.

24 MEMBER SAMONA: I'm sorry. I was
25 looking at the dimensional. I should have been

1 looking at the sign variance. Thank you.

2 MS. SAARELA: So just as a general
3 rule, the sign variance standards are not as
4 difficult to meet the standard as that is for a
5 dimensional variance.

6 MEMBER SAMONA: Understood. And thank
7 you for that clarification. However, I still
8 don't think that signs seven and nine, I don't --
9 I don't see any reason aside from branding why
10 they -- why they should be there. One Love is a
11 corporate slogan. The Novi mural is a -- the One
12 Love Novi, it's a -- it's a marketing statement.
13 Neither of them I think identify an entrance or
14 serve an operational function. So I think my
15 opinion regardless of the basis, although I should
16 have been looking at the sign one, I think my
17 opinion remains the same as for seven and nine.
18 However, regarding number ten, the fact that it
19 could be ten -- the fact that it could be six feet
20 high, are we granting minimum necessary stuff. I
21 rest my case.

22 CHAIRPERSON MONTAGUE: I was just
23 looking at the locations.

24 MEMBER KRIEGER: I can understand the
25 need for a sign at Crescent and Novi Road that you

1 can -- that it doesn't need to be seven feet. It
2 could be great just having one there for
3 directional is useful. The mural to be consistent
4 with Raising Cane's, I understand. The One Love
5 sign could be inside the store versus on the
6 outside. So that's one less sign that's outside
7 for a request, but you still have it inside your
8 building and the rest are directional. And if
9 they're lit, are they lit just during working
10 hours or all night or all day?

11 MR. DETERS: They wouldn't be lit 24
12 hours. You can set that on a time clock.
13 Normally say the store closes at 10 or 11, the
14 sign would turn off shortly thereafter.

15 MEMBER JAPPAYA: I do have one
16 question, gentlemen. Can you help me understand
17 the way finding sign off of Crescent, sign number
18 ten. Why is it -- why do you have that seven feet
19 ten inches and a quarter or seven feet in this
20 case as is the variance we're asking for? Is it
21 easier for cars to see? Is there some sort of
22 scientific reason behind it?

23 MR. JOHNSON: So we're 73 feet back
24 from the center of Crescent Boulevard. There is a
25 low retaining wall that we're going next to. So

1 the worry was that the eastbound traffic coming on
2 crescent would not be able to really see the sign,
3 so that was the idea of making it higher so that
4 both directional traffic can see that sign.

5 MEMBER JAPPAYA: I see.

6 MR. JOHNSON: There's also a lot of
7 vegetation around on the landscape for Cane's.
8 They're also adding vegetation. So the worry was
9 as we get into the summer months, which this site
10 will have that issue this year, but going forward
11 the extra height would get us over that for
12 visibility sake.

13 MEMBER JAPPAYA: Thank you.

14 MEMBER SAMONA: Just curious. Does the
15 Canton location have the One Love and One Love
16 Canton sign? But I guess my colleague has a
17 question I guess while you look that up maybe.

18 MEMBER THOMPSON: Hey guys, question
19 for you. Am I right on this, there's two signs --
20 there's only two of the signs that you're asking
21 for that will not be lit, the mural is not lit,
22 right?

23 MR. JOHNSON: Right.

24 MEMBER THOMPSON: There's not going to
25 be a light shining down on it or anything?

1 MR. JOHNSON: It is down. That is
2 accurate. Yes.

3 MEMBER THOMPSON: Okay. And the
4 drive-thru same deal on the side of the building,
5 same thing, that would just be down lighting?

6 MR. JOHNSON: Yes.

7 MEMBER THOMPSON: Okay. And then the
8 One Love part just kind of hold me up, that would
9 be facing -- well it would be facing Novi Road,
10 correct?

11 MR. JOHNSON: Yes, on top of it or on
12 the building, yes.

13 MEMBER THOMPSON: So I know each case
14 is supposed to be specific to itself. There was a
15 restaurant that needed -- there was a restaurant
16 in Novi that needed an additional frontage because
17 they had drinks, they had specialty like
18 sandwiches and they had like a pickup, right? So
19 I think it said that they were allowed to have
20 like two total signs, and the reason they were
21 asking for a third one was to sort of direct
22 people on where to go, right? I don't -- I don't
23 see the One Love part. I get that it's part of a
24 company but I don't see how that is a needed part.

25 MEMBER SAMONA: I'm going to just ask

1 one question just to Alan or Beth. I can -- I
2 guess me and Mike are -- at least me and Mike
3 are -- are -- share the similar opinion on the One
4 Love signs, which are seven and nine. I don't
5 know about the other board members. So on the
6 voting portion of it once we -- once there's a
7 motion, can we do anything to separate just in
8 case there's some that are --

9 MR. HALL: Different.

10 MEMBER SAMONA: Yes, exactly, just in
11 case --

12 MS. SAARELA: So you can make your
13 motion the way you propose, and if it fails, then
14 someone else just makes a different motion.

15 MEMBER SAMONA: Okay.

16 CHAIRPERSON MONTAGUE: As I look at
17 this, the One Love is not that obtrusive. It's
18 130 feet back from Novi Road. Number seven,
19 however, seems to be not very useful. It's on the
20 side, not on street side. You already have
21 another sign on there. So I guess to some extent
22 I agree with you, Joe, on number seven. It seems
23 to be an extra sign in my book, not necessary One
24 Love relative to where it's at, not far back off
25 the road. Doesn't seem too obtrusive to me for a

1 business logo.

2 MEMBER JAPPAYA: I will say that I'm in
3 agreement as well about what the opinion that One
4 Love sign isn't a requirement. I don't have an
5 issue with the directional sign on Crescent just
6 given the explanation. I'm familiar with the
7 area. I know the vegetation you're talking about,
8 the retaining wall.

9 MEMBER LONGO: I'm sorry, do you say
10 you support seven and nine?

11 CHAIRPERSON MONTAGUE: Seven is a wall
12 sign, right, Joe?

13 MEMBER SAMONA: Seven is the mural that
14 says One Love Novi.

15 CHAIRPERSON MONTAGUE: Wait a minute.
16 Then nine, nine is the other one?

17 MR. HALL: No. Ten. Ten is the one
18 he's talking about.

19 CHAIRPERSON MONTAGUE: No. What I'm
20 looking at, I'm looking at this drawing here, and
21 it's got a seven pointing to this cane sign.

22 MEMBER SAMONA: I see that too. Which
23 one is One Love Novi?

24 MEMBER KRIEGER: Do you have the
25 ability to put it up on the screen?

1 MR. JOHNSON: Actually it's Cane's
2 Novi.

3 MEMBER SAMONA: Cane's Novi is Seven.

4 MR. JOHNSON: That's the mural.

5 MEMBER SAMONA: That's the mural, so
6 yeah.

7 MEMBER LONGO: So it's not the seven.

8 MEMBER SAMONA: It is seven.

9 MR. JOHNSON: Seven is the red mural
10 and sign number nine is the One Love letters on
11 the canopy on the east elevation.

12 MEMBER SAMONA: Oh, I see, because
13 seven says Raising Cane's Chicken Fingers, and
14 then it says Novi under Chicken Fingers it says
15 One Love. That's on page 18 in the packet. But
16 yes, that's correct seven and nine are --

17 CHAIRPERSON MONTAGUE: We're going to
18 put a graphic on the screen. Seven is here on the
19 site plan and it's sort of like facing nothing.
20 It's facing its parking lot. There's another one
21 there, which is three.

22 MEMBER JAPPAYA: Seven and nine are
23 primarily promotional to align with their brand
24 image and not really a requirement. The business
25 is going to be clearly identified without them.

1 CHAIRPERSON MONTAGUE: You're saying
2 seven is a mural painted, it's not really a sign.
3 The sign is not lit it's just painting on the side
4 of the building.

5 MEMBER JAPPAYA: I could be fine with
6 that. It's not lit or anything.

7 MEMBER SAMONA: I mean my thing is I
8 get it, it's not -- I get the fact that it's not
9 lit. It's on the side of the building but it's a
10 variance. It's not going to prevent or limit the
11 use of the property if that's not given. I don't
12 think any uniqueness of this property requires
13 that sign. I think the uniqueness of the property
14 requires the drive-thru signs and the way finding
15 signs. I don't think that any of the -- I mean
16 it's my opinion. People disagree with me all the
17 time and that's perfectly fine, but I don't think
18 any of the elements in A through E in the sign
19 variance are met for seven or nine regardless of
20 how small or the placement on the building. I'm
21 just not -- I'm just not seeing that.

22 MEMBER JAPPAYA: Objectively, looking
23 at it objectively, I would have to agree with
24 Member Samona.

25 MEMBER THOMPSON: I like seven. I

1 don't consider it a sign.

2 MEMBER LONGO: I don't either.

3 MS. SAARELA: So somebody can make a
4 motion and you can see where everyone shakes out
5 without you guys asking each other.

6 MEMBER PEDDIBOYINA: Motion time.

7 MEMBER THOMPSON: Just to go back to
8 the One Love part because I jumped on a couple
9 Google images and most of the stores do seem to
10 have that on the front of them. Is the One Love
11 lit or not?

12 MR. DETERS: It's lit. A set of
13 internally illuminated channel letters. Yeah.

14 MEMBER THOMPSON: I guess for me like I
15 just think it's more light at night, right, and
16 more confusion on a busy road already. I'd
17 probably be okay with it being up there if it was
18 not lit. I don't know how the other board members
19 feel about it.

20 MR. DETERS: Could that be a condition
21 of approval?

22 MS. SAARELA: It could be.

23 MEMBER THOMPSON: It could be. I
24 just -- I've never pulled into a chicken dinner
25 place because it said One Love on it, I pulled in

1 because it says chicken. I get wanting the brand
2 to stay the same, but one less light at night on a
3 really busy road helps me.

4 MEMBER KRIEGER: Same.

5 CHAIRPERSON MONTAGUE: So you're
6 willing to consider that one unlit?

7 MR. DETERS: Yes.

8 MEMBER LONGO: I don't need to talk
9 about the seven foot, right, because that's in
10 here. He said it was seven ten but they would go
11 to seven foot.

12 MS. SAARELA: Correct. You're correct.
13 It's in there the correct way.

14 MEMBER LONGO: Just so everybody knows,
15 I'm going to make a proposal and we can put
16 variances in there unlit signs or whatever. I'm
17 not talking about that just yet. We'll see what
18 the board wants to do.

19 MEMBER SAMONA: I guess when he makes
20 his motion, can we bring him back for discussion?

21 CHAIRPERSON MONTAGUE: He can do it
22 variance.

23 MEMBER LONGO: I move that we grant the
24 variance, in case number PZ26-0012, sought by
25 Raising Cane's for three sign variances, because

1 the petitioner has shown practical difficulty,
2 including informing customers on circumstances,
3 and requiring multiple signals how to get around.
4 That the failure to grant the relief will
5 unreasonably prevent or limit the use of the
6 property, and will result in substantially more
7 inconvenience and inability to attain higher
8 economic and financial return because the
9 customers can be confused. The grant of relief
10 will not result in the use of or a structure that
11 is incompatible with or unreasonably interfere
12 with the adjacent or surrounding properties. It
13 will result in a substantial justice being done to
14 both the applicant and the adjacent surrounding
15 properties, and is not inconsistent with the
16 spirit or intent of the chapter because the
17 signage does not interfere with adjacent
18 properties or traffic.

19 MEMBER KRIEGER: Second. Now we can
20 have discussion.

21 MEMBER SAMONA: Oh, I see what you were
22 saying. Second and then discussion. I'm sorry.
23 I misunderstood that.

24 CHAIRPERSON MONTAGUE: Any changes
25 you'd like to make?

1 MEMBER SAMONA: I don't know that the
2 change is going to be -- I don't know that the
3 change -- the only way that I'd be able to support
4 a motion is if seven and nine were not part of
5 that because I'm just -- I'm not seeing that
6 failing to grant the relief will unreasonably
7 prevent or limit the use of the property for seven
8 or nine. And I'm okay with ten at seven feet
9 because of how far back it is, and I appreciate
10 Member Jappaya asking that question of why it
11 needs to be seven feet high for number ten. I'm
12 fine with that.

13 MS. SAARELA: Okay. Well there's a
14 motion that he made that's on the floor. Did
15 anybody second that?

16 MEMBER SAMONA: Yes.

17 MS. SAARELA: Rather than saying what
18 you want to change -- are you make a motion -- are
19 you moving to change his motion? You can discuss
20 it. What I'm saying is there's a motion on the
21 floor and a second. We've heard that part of the
22 discussion. Are you moving, because you said you
23 can't support his motion, are you moving to change
24 his motion?

25 MEMBER SAMONA: I would move to -- I

1 would move to amend the motion to exclude signs
2 seven and nine.

3 MS. SAARELA: Okay. So now we have
4 to -- now we have to vote on whether we want to
5 all allow him to amend the motion before we can
6 vote on the original motion. So is there a second
7 to his motion to amend?

8 MEMBER JAPPAYA: Second.

9 MS. SAARELA: Okay.

10 MS. NARDONE: Member Krieger?

11 CHAIRPERSON MONTAGUE: We're voting on
12 amend --

13 MS. SAARELA: We're voting on whether
14 to amend your original motion to something else.

15 MEMBER KRIEGER: No.

16 MS. NARDONE: Member Samona?

17 MEMBER SAMONA: Yes.

18 MS. NARDONE: Chairperson Montague?

19 CHAIRPERSON MONTAGUE: No.

20 MS. NARDONE: Member Jappaya?

21 MEMBER JAPPAYA: Yes.

22 MS. NARDONE: Member Thompson?

23 MEMBER THOMPSON: No.

24 MS. NARDONE: Member Peddiboyina?

25 MEMBER PEDDIBOYINA: No.

1 MS. NARDONE: Member Longo?

2 MEMBER LONGO: No.

3 MS. SAARELA: Motion to amend fails.

4 MS. NARDONE: Motion to amend fails.

5 MS. SAARELA: So now the original
6 motion as presented has been seconded. It is on
7 the floor. Are we going to vote on that or is
8 there anymore discussion? So why don't we vote on
9 that motion. Are you moving to amend this to
10 something else or --

11 MEMBER THOMPSON: Moving to amend it,
12 yes. Moving to amend the motion.

13 MS. SAARELA: Okay.

14 MEMBER THOMPSON: I motion that we
15 amend it to be okay as written adding number nine
16 to not be lit.

17 MS. SAARELA: Is there a second?

18 MEMBER KRIEGER: For number seven.

19 MEMBER THOMPSON: Seven is not lit.

20 MS. SAARELA: Can you just say which
21 one it is?

22 CHAIRPERSON MONTAGUE: Number nine is
23 the One Love?

24 MEMBER THOMPSON: One Love cannot be
25 lit to get rid of confusion. Number seven is just

1 a mural on the side of the building that is not
2 directly lit. It's just going to be some down
3 lighting on it.

4 MEMBER KRIEGER: Okay. Second.

5 CHAIRPERSON MONTAGUE: Second that
6 part. We need to vote on that.

7 MS. NARDONE: Member Samona?

8 MEMBER SAMONA: No.

9 MS. NARDONE: Member Krieger?

10 MEMBER KRIEGER: Yes.

11 MS. NARDONE: Member Longo?

12 MEMBER LONGO: No.

13 MS. NARDONE: Member Peddiboyina?

14 MEMBER PEDDIBOYINA: No.

15 MS. NARDONE: Member Thompson?

16 MEMBER THOMPSON: Yes.

17 MS. NARDONE: Member Jappaya?

18 MEMBER JAPPAYA: No.

19 MS. NARDONE: Chairperson Montague?

20 CHAIRPERSON MONTAGUE: Yes.

21 MS. NARDONE: Motion to amend is not
22 approved.

23 MS. SAARELA: Fails.

24 MS. NARDONE: Fails.

25 MS. SAARELA: So we're back to the

1 original motion on the floor. Do we need to
2 repeat it or does everybody know what it is?

3 MEMBER SAMONA: No. I think we can
4 vote on it.

5 MS. NARDONE: Member Krieger?

6 MEMBER KRIEGER: No.

7 MS. NARDONE: Member Longo?

8 MEMBER LONGO: Yes.

9 MS. NARDONE: Member Peddiboyina?

10 MEMBER PEDDIBOYINA: Yes.

11 MS. NARDONE: Member Thompson?

12 MEMBER THOMPSON: Yes.

13 MS. NARDONE: Member Jappaya?

14 MEMBER JAPPAYA: No.

15 MS. NARDONE: Chairperson Montague?

16 CHAIRPERSON MONTAGUE: Yes.

17 MS. NARDONE: Member Samona?

18 MEMBER SAMONA: No.

19 MS. NARDONE: Motion carries.

20 MEMBER LONGO: Good luck, guys.

21 MR. DETERS: Thank you very much.

22 MR. JOHNSON: Thank you.

23 MR. DETERS: Have a great night.

24 CHAIRPERSON MONTAGUE: Next case.

25 PZ26-0013 (Linda Laplatt). The applicant is

1 requesting variances from the City of Novi Zoning
2 Ordinance Section 3.1.5 to allow a third story
3 addition (2.5 stories permitted, so it's a half a
4 story variance). The property is zoned One Family
5 Residential (R-4). State your name and spell it,
6 please?

7 MR. KNOST. Joshua Knost, K-N-O-S-T.

8 MEMBER LONGO: Joshua, are you an
9 attorney?

10 MR. KNOST: I'm not.

11 MEMBER LONGO: Do you promise to tell
12 the truth in this case?

13 MR. KNOST: I do.

14 MEMBER LONGO: Thank you.

15 MR. KNOST: All right. So I came
16 before you guys a little while ago, a very
17 uniquely narrow lot. I'm back before you again
18 because of a very uniquely narrow lot. So I am
19 representing TK Design on behalf of Linda Laplatt.
20 We're designing a home for her at 1701 East Lake
21 Drive. And as I said, we have a very, very unique
22 lot, very tight in the envelope here. That should
23 be granted a variance on this footprint because of
24 the setbacks across, essentially there's no
25 building envelope. So it's because of this narrow

1 lot that we are asking for a half story variance
2 to allow for a full third story in the design of
3 the home to allow for a garage to be incorporated
4 into the first floor.

5 So as can you see, we have a first
6 floor, second floor, third floor. We have a
7 garage, flex room and a foyer, all modest spaces,
8 nothing huge, nothing grand, nothing overly
9 designed, just to make this home functional for
10 Linda's use long-term to move into. So we're
11 asking for that half story variance knowing that
12 we do already comply with the height requirement
13 of the ordinance for the City of Novi so the home
14 is already below that 35 foot medium height
15 requirement, it is just with this half story
16 variance we will then be able to fully utilize the
17 space that we created. So it's essentially not a
18 bigger home, we're just asking for a more
19 efficient use of the vertical space within the
20 home.

21 That said, in asking for this variance,
22 we have looked into other homes on the street on
23 East Lake Drive. And many such homes already have
24 very similar conditions to what we're asking for,
25 so many homes that appear to be three stories, as

1 ours will, already exist within a few homes of
2 1701 East Lake. So as you can see, there's three
3 story appearing homes, and then I will show you an
4 architectural rendering of what Linda's will
5 appear like as well.

6 So we had that third story nestled into
7 the roof so it doesn't appear as a full third
8 story of the home, so it will appear as a
9 compliant home. So that said, we're not asking
10 for any kind of height again. The home won't
11 create any additional shadows. It will appear
12 just the same as any other compliant home already
13 within the neighborhood, we're just asking for
14 more efficient use of that space.

15 CHAIRPERSON MONTAGUE: Got you covered?

16 MR. KNOST: Yep. That's about it.

17 CHAIRPERSON MONTAGUE: City?

18 MR. HALL: Thank you, Mr. Chairman Yes,
19 they are looking for a dimensional variance to
20 allow a third story rather than a two and a half
21 story on the prior part of the ordinance. They
22 were before us on November 18th, 2025. Five
23 variances granted that night for the tight sight.
24 This is kind of a technicality because the house
25 does appear in some regards to be two and a half

1 stories but it does achieve a third story by code
2 and is a third story. So with that, we have no
3 further questions. Thank you.

4 CHAIRPERSON MONTAGUE: Correspondence.

5 MEMBER LONGO: Yes. We mailed out 69
6 notices, eight were returned. There was one
7 objection by a gentleman that said everyone's
8 going to want a three-story house if they approve
9 this.

10 CHAIRPERSON MONTAGUE: Anyone in the
11 audience wish to comment on this case? All right.
12 Seeing none, we'll open it up to the board. Yes.

13 MEMBER PEDDIBOYINA: Are you bringing
14 any elevator on this house for the third floor?

15 MR. KNOST: I'm sorry, what was that?

16 MEMBER PEDDIBOYINA: Elevator?

17 MR. KNOST: No.

18 MEMBER PEDDIBOYINA: No? Okay.

19 MEMBER LONGO: He's not as old as you
20 are.

21 MEMBER PEDDIBOYINA: Thank you. I have
22 no objection. Thank you.

23 MEMBER SAMONA: I remember when this
24 came before us in November and from what I
25 remember, this property, Ms. Laplatt wanted to

1 keep this property in the family. It's been in
2 the family for a while. Couple of things. So I
3 did look up, I was trying to find the notes I had
4 on it, but I did look up all five of the
5 properties that you said are three story, and I
6 don't have the exact measurement here. I had it.
7 I thought it was on the phone but it's not. But I
8 do remember this, all of -- this is the smallest
9 property of all those properties. So I guess
10 possibly an argument could be made that because
11 it's the smallest it needs a third story.
12 However, argument can also be made that because
13 those properties were bigger, both wider and
14 deeper, that the third story is more aesthetically
15 pleasing or visually appealing on those
16 properties. So this is the smallest property of
17 those three properties. When did you know that
18 you're going to need a variance for this?

19 MR. KNOST: So we were actually under
20 the impression that we were compliant with the two
21 and a half story requirement because of how the
22 design of the third floor is. Come to find out,
23 we're not, because it is that full ceiling height,
24 so that is why.

25 MEMBER SAMONA: When did you --

1 MR. KNOT: That was about a month and
2 a half ago.

3 MEMBER SAMONA: And what is the -- what
4 would it take to be in compliance with two and a
5 half stories versus what they have right now.

6 MR. HALL: So if you look on the
7 screen, you can see where the side elevations are
8 probably be the easiest, see how the pine line
9 that center triangle is pushed up and it's not in
10 line with the pine line below. That has to be in
11 line for that to be a two and a half story. When
12 that gets pushed up, it technically becomes a
13 three story because you're not inside the attic
14 space of the trusses.

15 MEMBER SAMONA: When what gets pushed
16 up? I'm sorry. When this gets pushed up?

17 MR. HALL: So if you see -- look for
18 where the gutter is for the main -- you see where
19 it's kind of a straight, the horizontal line where
20 the gutter is, the horizontal gutter. Then
21 there's a triangle. So this line here, if that
22 were all the way across, okay, this would have to
23 be inside that truss, inside that padding kind of
24 a thing. This has to come down here but that's
25 pushed up to get the head room and that was forced

1 into a third story.

2 MEMBER SAMONA: Got it. And what would
3 happen if you -- what would it mean for your
4 building plans to make this two and a half story.

5 MR. KNOT: So if we were to drop this
6 down to two and a half stories it would really
7 make the home, essentially the living space of the
8 home, this third story with the bedrooms, it would
9 make it really inefficient, mostly un-functional.
10 What we'd have to do is probably drop the garage
11 or flex room. Linda is trying to make this her
12 forever home. She's going to want to have people
13 over so she will require a little bit of space for
14 guests, which is what this flex room was intended
15 for. So with the exclusion of this floor, it then
16 makes it much tougher to try to make this a
17 forever home. Living on the lake in Michigan, we
18 do have Michigan winters. A garage would be nice.
19 Given the fact that the lot is the -- as small as
20 it is, which to your point, it is the smallest of
21 those lots. There's no space for that garage, so
22 we don't have any other options there.

23 MEMBER SAMONA: I thought about that
24 too. I thought about, you know, looking at it
25 from every angle. Thought about if someone was

1 not in favor, hypothetically speaking, of
2 something like this, then would somebody come back
3 and ask for a variance for a garage, and I could
4 be wrong, but I think I remember you all
5 mentioning at the November hearing how important a
6 garage was. And I know there was something about
7 the footprint of the house wasn't changing. So up
8 until a month and a half ago, roughly, you -- you
9 definitely did not know in November, this is a
10 question, by the way, you definitely did not know
11 in November that you needed this variance.

12 MR. KNOST: That's right. We were
13 under the impression that because we were
14 compliant with the height requirement that we were
15 okay. And because of the condition of the
16 ceilings as we understood them at the time we
17 expected to be okay but now we do see we are not.

18 MEMBER SAMONA: And Alan, just one
19 question for you, if the -- if they're still below
20 the height limit for two story or two and a half
21 stories, is it basically, for lack of better
22 words, just a technicality because it's considered
23 a three story?

24 MR. HALL: So it's a three story by
25 configuration. They've done a really good job to

1 make it look like a two and a half story. When
2 you look at it you don't think it's three stories
3 straight out, but because of the pine lines and
4 because it's not in the truss frame of the roof,
5 it's being pushed up. As soon as it gets pushed
6 up it becomes a story. And to lower that line
7 down the way you're suggesting would make the
8 third floor much smaller because it was inside
9 that truss, now it can't be pushed up. So that's
10 a practicality.

11 MEMBER SAMONA: I get it. Yeah. Those
12 were -- I was not against this, I just needed the
13 explanations, which you've provided great ones on
14 as to why these are absolutely necessary. You
15 need space to store things. You need a garage.
16 You need a flex room to store things. You don't
17 know what you're doing, going out of town, one
18 room, whatever it is, storage for Christmas stuff
19 or whatnot. I would not have an issue supporting
20 this and I think you've done an excellent job
21 presenting this.

22 CHAIRPERSON MONTAGUE: Any other
23 comments? All right.

24 MEMBER JAPPAYA: I have a question,
25 Clift. I was just taking a look at Google Maps.

1 Is this the property that's at the corner of East
2 Monticello? Is there a small home on that lot
3 now? Would the new structure impact or obstruct
4 any of the neighbor's views behind you?

5 MS. LAPLATT: I'm Linda Laplatt,
6 L-I-N-D-A, L-A-P-L-A-T-T.

7 MEMBER LONGO: Linda, are you an
8 attorney?

9 MS. LAPLATT: No, I'm not.

10 MEMBER LONGO: Do you promise to tell
11 the truth in this case?

12 MS. LAPLATT: Yes.

13 MEMBER LONGO: Thank you.

14 MS. LAPLATT: As it stands now, the
15 house has always been on the tax base of a two
16 story home because there's windows in the attic.
17 It's not going to be that much taller. I
18 purposefully looked at the -- the people behind me
19 don't have a sight of the lake. I mean they face
20 a different direction, and you have a street right
21 there too. Unfortunate for them they don't have
22 an easement. Somehow that got lost in history
23 somewhere. But I don't foresee it making extra
24 shadows for blocking anybody's view. That
25 purposely had only the windows off of the interior

1 for the wall next door to the neighbors just for
2 privacy. Wasn't necessary to keep looking from
3 window to window, that kind of thing.

4 MEMBER KRIEGER: And that said too, we
5 were very particular to make sure we were meeting
6 that height requirement for that reason so the
7 home isn't any more bulky or more massive than it
8 needs to be. It's not any taller than it needs to
9 be because we don't want to obstruct anyone else's
10 views.

11 MEMBER JAPPAYA: Fantastic. Thank you.
12 I'm satisfied.

13 MR. KNOST: I do have a quick question
14 as well. I believe we had submitted a variance
15 for the AC placement, AC unit placement.

16 MEMBER SAMONA: You know, I saw
17 something about that in the front yard or
18 something.

19 MR. KNOST: It's because of the
20 frontage on both streets, we were looking for an
21 alternative placement for that AC unit. That
22 wasn't advertised.

23 MEMBER SAMONA: It's on number two on
24 the variance as requested.

25 MR. HALL: That wasn't advertised. It

1 has to be advertised like the other ones.

2 MEMBER KRIEGER: So if he puts the AC
3 in the back it won't be an issue?

4 MR. HALL: As long as it meets the
5 ordinance he doesn't have to come back.

6 MS. LAPLATT: Does anyone know the
7 ordinance? Does it have to be behind the house
8 because the entire behind the house is going to be
9 a driveway, which is only --

10 MEMBER PEDDIBOYINA: Can you come to
11 the podium, please?

12 MS. LAPLATT: My question is, I know it
13 has to be behind the back of the house, but does
14 it have to be behind the physical house or can it be
15 off to the side a little bit, problem being that
16 the back is essentially going to be just all
17 driveway. Not all half grass, but that won't be
18 behind the house. It's a very small lot.

19 MEMBER KRIEGER: Yeah, you have two
20 fronts too.

21 MS. LAPLATT: So my goal was probably
22 to have it put to the Monticello side behind the
23 house along the driveway and probably use like the
24 sea grasses or whatever those things are that
25 everybody's growing now. Something like that too.

1 MR. HALL: Is it possible to point on
2 the graphics?

3 MR. KNOST: Somewhere here.

4 MEMBER KRIEGER: That's on Monticello.

5 MS. LAPLATT: Well my address is East
6 Lake. It could go right up the property line
7 probably with the neighbor next door. But there's
8 only about four feet in there like right here.

9 MEMBER SAMONA: You'd prefer it in the
10 front yard, though.

11 CHAIRPERSON MONTAGUE: It's not in
12 consideration. Time out. No more discussion on
13 that.

14 MEMBER SAMONA: We get it.

15 MEMBER KRIEGER: Gotcha. No problem.

16 CHAIRPERSON MONTAGUE: Let's get our
17 motion here.

18 MEMBER KRIEGER: I move that we grant
19 the variance in case number PZ26-0013, sought by
20 Linda Laplatt, for 1701 East Lake Drive because
21 the petitioner has shown practical difficulty,
22 recording a 0.5 story variance. Without the
23 variance, the petitioner will be unreasonably
24 prevented or limited with respect to the use of
25 the property because she was unable to use her

1 home with all the benefits of home with the garage
2 and guests and daily living. The property is
3 unique because it's very narrow. It's two fronts,
4 East Lake and Monticello, and it's not interfering
5 with the neighbor's views. The petitioner did not
6 create the condition. It's on a non-divided lot.
7 The relief granted will not unreasonably interfere
8 with adjacent or surrounding properties because
9 the home design will blend well with the
10 neighbors. The relief is consistent with the
11 spirit and intent of the ordinance because the
12 request will blend well with the home -- other
13 homes on East Lake.

14 MEMBER PEDDIBOYINA: Second.

15 MS. NARDONE: Member Peddiboyina?

16 MEMBER PEDDIBOYINA: Yes, please.

17 MS. NARDONE: Member Longo?

18 MEMBER LONGO: Yes.

19 MS. NARDONE: Member Krieger?

20 MEMBER KRIEGER: Yes.

21 MS. NARDONE: Member Samona?

22 MEMBER SAMONA: Yes.

23 MS. NARDONE: Chairperson Montague?

24 CHAIRPERSON MONTAGUE: Yes.

25 MS. NARDONE: Member Jappaya?

1 MEMBER JAPPAYA: Yes.

2 MS. NARDONE: Member Thompson?

3 MEMBER THOMPSON: Yes.

4 MS. NARDONE: Thank you. Motion
5 carries.

6 MR. KNOT: Thank you all.

7 CHAIRPERSON MONTAGUE: Thank you.

8 Appreciate it. The last one. PZ26-0014 (Adrian
9 Havrestiuc) The applicant is requesting a variance
10 from the City of Novi Zoning Ordinance Section
11 3.1.5 of a rear yard setback of 9 feet 3 inches.
12 35 feet is required so it's a variance of 25 feet
13 and 5 inches. This property is zoned One Family
14 Residential (R-4).

15 MR. HAVRESTIUC: Good evening,
16 everyone. My name is Adrian Havrestiuc,
17 H-A-V-R-E-S-T-I-U-C.

18 MEMBER LONGO: Adrian, are you an
19 attorney?

20 MR. HAVRESTIUC: I am not.

21 MEMBER LONGO: Do you promise to tell
22 the truth in this case?

23 MR. HAVRESTIUC: Yes.

24 MEMBER LONGO: Thank you.

25 MR. HAVRESTIUC: All right. So if you

1 guys remember back in I think of July of last
2 year, this particular address had a variance that
3 was approved for 10 feet and 3 inches for the
4 addition of a house here. We got into building
5 this home and the condition of the home was a lot
6 worse than we anticipated in the sense that the
7 walls were made out of cinderblock with severe
8 cracks in it. Basically we were able to push that
9 wall down with cinder blocks. We got obviously
10 our plans were delayed a little bit and we got
11 into building this home, framing of it. We got
12 into it around February, and February beginning of
13 March and we left one of that back wall up
14 originally as part of the addition. When we got
15 into it because the walls were not -- excuse me.
16 The windows were not egress windows we had to
17 modify the windows. And when modifying those
18 windows we needed headers so when they got to
19 cutting it they were able to push that old wall
20 down.

21 Now the approval today that we're
22 asking for is for the existing home that was
23 grandfathered in for the setback. I believe at
24 one point this was the side lot and now it's the
25 back lot. This condition was as you guys say this

1 condition was not self-created. It was existing.
2 And if I could show -- one second. This is the --
3 basically the existing what was there before. As
4 you guys can see that's the cinderblock wall, and
5 all we ended up doing was replacing that wall with
6 a 2-by-6 wall. The footprint of the home has not
7 changed. We kept the existing footing, the
8 existing foundation. We were just swapping out
9 the cinderblock wall that said there were cracks
10 in it with the 2-by-6 wall as is standard. This
11 house was, honestly, if I knew what this house was
12 when I bought it, it was a lot more than I had
13 anticipated in terms of it was a lemon house.

14 So what we're asking is to reapply and
15 reapprove the grandfathered in setback maybe
16 because I tore down that wall, I believe that
17 cancelled the setback and not has to be reapplied.
18 As soon as we tore it down I've been in contact
19 with Al and Mike the whole time. They kind of
20 guided me on what to do and they have allowed me
21 to build a wall, put the roof on, put the shingles
22 on as to not damage and lose all of the wood.

23 That is all I have. I just have the
24 existing, if I go back to the site plan, the
25 existing addition at 10 feet and 3 inches, I

1 actually intentionally brought it in a foot. It
2 was approved, I believe in July. This home now,
3 the existing home because I tore down that back
4 wall I violated the existing setback variance that
5 was approved about 15 years ago, so I'm here to
6 reapply for it.

7 CHAIRPERSON MONTAGUE: City.

8 MR. HALL: Thank you, Mr. Chairman.
9 Yes, he is looking for some dimensional variance
10 because of the grandfather condition. This is
11 kind of a unique lot. So the lot originally
12 extended out to the front is now changed and has
13 gone onto Glenda Street, right? So when you look
14 at the overall they cut out the front piece, so it
15 was one large lot. So when the house was
16 originally put on there, the 9 foot 3 inch
17 variance that you took the wall down, that was
18 actually a side yard setback, right? Now that the
19 front is actually on the side, the street side,
20 the Glenda, now it becomes a rear yard setback,
21 you see what I'm saying, because now it's not a
22 side anymore, it's a rear. So that's why the
23 request now is a 25 foot 7 inch variance to keep
24 the nine foot. So it's not just -- the variance
25 is not just for the existing house to be

1 grandfathered in, it's also the addition down the
2 side also has to have a variance, because even
3 though it's set back, I think that says 10 foot.
4 Is that 10 foot 3 inches?

5 MR. HAVRESTIUC: 10 foot. My question
6 is, I apologize, wasn't that approved in July when
7 we initially applied?

8 MR. HALL: Well because of the
9 grandfathered in, when you're a setback back you
10 weren't making a lesser variance. When the wall
11 came down, now the rear yard kicks in because that
12 wall is not there anymore and now it's not a legit
13 grandfather situation.

14 MEMBER SAMONA: I remember that. Did
15 that have anything to do with the survey being off
16 by a few inches?

17 MR. HALL: Well there's some questions
18 about the survey.

19 MEMBER SAMONA: I remember that.

20 MR. HALL: And we'll have to look at
21 that, the validity of some of that survey. But
22 the idea is that's why the situation kind of
23 changed. When the wall came down, the entire
24 grandfathered situation has been erased. That's
25 why it's here before us because it's trying to ask

1 for leniency saying that well, I'm just putting it
2 back what I had before and trying to go back. But
3 the reason why it's 25 foot 7 foot variance is
4 because now it's rear yard setback because
5 actually now you have to look at the house
6 actually changed and it's not the condition it was
7 before, so that's why it switched around here. So
8 what used to be the front yard is now the side
9 yard. It kind of rotated around. But he is
10 looking for that required 25 foot -- 25 feet point
11 7 feet variance because 75 feet in the back there.
12 Did I say that in reverse?

13 MEMBER LONGO: Not easy to say.

14 MR. HALL: Not easy to say. And so
15 with that, I have no further questions. Thank
16 you.

17 CHAIRPERSON MONTAGUE: Correspondence.

18 MEMBER LONGO: Yes. We mailed out 25
19 notices, one was returned. There were no
20 objections and no approvals.

21 CHAIRPERSON MONTAGUE: Anyone in the
22 audience wish to -- come on up and introduce
23 yourself, please.

24 MS. WING: My name is Jill Wing and I
25 request to speak on behalf of a group? Is that

1 allowable?

2 MS. SAARELA: Yeah, go ahead.

3 MS. WING: I will have ten minutes?

4 MS. SAARELA: No.

5 MS. WING: To speak on behalf of a
6 group as is indicated in the piece of paper I
7 picked up in the front of the room?

8 CHAIRPERSON MONTAGUE: No. Three
9 minutes a person.

10 MS. WING: I'd like to read the piece
11 of paper that I picked up at the front of the room
12 today. Once recognized, audience members
13 addressing the board will be sworn in and given
14 three minutes to speak as an individual or ten
15 minutes to speak if representing a group.

16 MS. SAARELA: Is that for the ZBA or
17 city council?

18 MS. WING: Public Rules of Conduct City
19 of Novi Zoning Board of Appeals. I'd like to be
20 recognized as speaking on behalf of a group. Is
21 that permissible?

22 MS. SAARELA: Yeah, go ahead.

23 MEMBER LONGO: I'm sorry. Are you an
24 attorney?

25 MS. WING: I am not.

1 MEMBER LONGO: Do you promise to tell
2 the truth in this case?

3 MS. WING: Absolutely.

4 MEMBER LONGO: Thank you.

5 MS. WING: I did come in here to speak
6 to a few things, and Adrian, I don't believe that
7 you intended to falsify anything when you stood up
8 here right now. I do believe you may have
9 misspoken on a few things and so I would like to
10 address those. I believe it was myself who
11 contacted the city initially when that wall came
12 down. I don't believe you were immediately in
13 contact or that you contacted the board ahead of
14 removing the wall.

15 MR. HAVRESTIUC: No.

16 MS. WING: So I don't believe that you
17 spoke truthfully when you made that statement
18 because it was me who contacted the board.

19 MS. SAARELA: So the conversation
20 should be a statement to the board, not an
21 argument between audience members.

22 MS. WING: Okay. So I will say that I
23 initially contacted the board when that wall came
24 down because it was my understanding that this was
25 an addition. When that wall came down, it was my

1 question as to whether this was any longer an
2 addition. That is my statement.

3 It is also my understanding that it was
4 well understood that this was a damaged home. It
5 was well understood that the previous tenant in
6 that home had filed reports about the damages to
7 that home and had possibly reported the previous
8 landlord for the damages to that home and is
9 possibly an unlivable home, possibly. I can't say
10 that is truthful or known, but it may be on record
11 that those conditions existed to this home prior.

12 We believe that a 75% difference, the
13 rear setback variance between the 35 foot
14 requirement and the 9 foot 3 inches proposal is
15 quite excessive, especially when you consider the
16 types of variances that were proposed here today.
17 We believe the approval of this variance requires
18 the removal of an established treeline that causes
19 a change in the character of the land, the
20 neighborhood, the drastic change in the overall
21 look and feel of the property and is out of scale
22 with the setbacks of all the surrounding
23 properties within a multiple block radius. Is
24 there a way to turn down the light on this? I'm
25 not sure if you can see well this treeline and the

1 lush trees in this area.

2 MEMBER SAMONA: Can you point to which
3 ones?

4 MS. WING: This treeline is the
5 property we're speaking of. This is my property,
6 my property, mine and my husbands. This treeline
7 is what separates our home. And as you can see,
8 you can barely see the property that we are in
9 question here. This is the treeline of the other
10 view of what you might see between that home and
11 the home we're speaking of. This is the view that
12 you would have seen between the properties, lush
13 treeline of established trees potentially 40, 50,
14 100, 200 year old trees. This is the
15 neighborhood. Apologies for the glare. I would
16 challenge you to find any similar variance in any
17 property in a two-block radius where, as you will
18 see, there is a four-unit structure for lease to
19 multiple persons where the property overlooks with
20 zero privacy into the backyard of someone else's
21 property.

22 We would like to assess if the city
23 forester's opinion was provide regarding the
24 removal of the trees for this project, as well as
25 any suggested replacements for those removals,

1 especially those that were greater than 36 inches
2 in diameter at breast height. Especially those
3 that were great than 36 inches in diameter at
4 breast height. We would like to be on record that
5 there's some question as to ownership of some of
6 the trees that were cut down as part of this
7 project and that any have been removed -- that
8 some may have been removed without consent. We
9 would like there to be some acknowledgement and
10 consideration for the damages caused by removal of
11 those well-established trees. We would also like
12 to gain an understanding as to when and how the
13 project of the tree removal would be completed as
14 trunks and stumps still remain.

15 Since the removal of the trees on the
16 property we have seen damages by way of flooding
17 on our property and neighboring properties that we
18 did not experience in years prior. We would like
19 to understand the required land improvement for
20 this project, including the indicated swale. We
21 would like to request these improvements be done
22 speedily so as not to cause anymore damage to ours
23 and neighboring properties. We would also like to
24 ask how many beds have been planned for in each of
25 the four dwelling units of the structure. Can we

1 be provided an answer to that question?

2 MS. SAARELA: So this a public comment
3 for you to comment. It's not a question and
4 answer session.

5 MS. WING: That's fine.

6 MS. SAARELA: If you have questions,
7 you're welcome to contact the Community
8 Development Department for answers.

9 MS. WING: We have asked for some
10 things to be considered. We would like to assess
11 some things. We would like to have a note some
12 items to be considered. We would like it to be
13 known that we came home one day to our trees
14 having been cut down into our own yard, our trees
15 on our property line on our side of our fence cut
16 down into our yard. And just two days later the
17 start of the removal of our treeline in our yard.

18 That is the back of the house that now
19 looks into our yard. Sorry. The structure, the
20 four-dwelling unit. The four-dwelling unit now
21 looks into the back of our yard where our children
22 play. And again, this is what we would like to
23 assess, and understand what the city forester
24 regarding trees in greater width than 36 inches
25 nearing five feet wide, and trees on our property

1 line on our side of the fence. And we would like
2 to understand why such great a variance is needed
3 for a four-dwelling unit.

4 We would also like to show how the
5 slope and grade of this property is affecting the
6 flooding of our property and the neighbor's
7 property.

8 MR. HAVRESTIUC: Can I object to that?
9 Can I just object to that?

10 MS. WING: This is actually not due to
11 rain. I will say this is not due to rain. This
12 image is from when there was a water main break.
13 Unfortunately, as I understand it from the city,
14 the plans they were provided did not show the
15 proper shutoff valve, and so when they came to
16 shut off the valve for the water that had frozen,
17 the plans they had been provided were inaccurate
18 so they could not shut off the water. And because
19 of the down slope it did flood our yard and our
20 neighbor's yard. As you can see, this is how it
21 slopes into the yard due to the tall grade on
22 their property, and this is what we now experience
23 now when it rains. This just happens to be from
24 improper work on that property which then when the
25 pipes froze they couldn't shut off because the

1 improper plans were submitted. That was also
2 after the tree cutting down did spark fires that
3 then blew a transformer. So I just wanted to
4 provide the comments before the 75% variance is
5 granted.

6 CHAIRPERSON MONTAGUE: Thank you.

7 MEMBER SAMONA: What was your first
8 name again? I'm sorry.

9 MS. WING: My name is Jill Wing, and I
10 represent my husband Kevin Wing and Dave Rigo, and
11 the rest of the neighborhood who could not be here
12 today.

13 MR. HAVRESTIUC: Can I still speak?

14 MS. SAARELA: It's up to the Chair if
15 he wants to allow it.

16 CHAIRPERSON MONTAGUE: Couple minutes.

17 MR. HAVRESTIUC: I do from the start I
18 do want to -- sorry. I do want to apologize, I
19 did from the start I probably have affected you
20 guys the most in here and I do want to apologize
21 for that. Now with the tree cutting, tree
22 removal, we have asked if we are okay to cut some
23 of those trees.

24 MS. WING: You did not ask if we were
25 okay with cutting the trees.

1 CHAIRPERSON MONTAGUE: You make a
2 statement, and I'm sorry, you've had your time so
3 we're not going to get into an argument.

4 MR. HAVRESTIUC: I did want to
5 apologize and to kind of sort of kind of ask and
6 propose. I can't propose it, I'm just going to
7 propose it to the board. I did want to ask if it
8 was okay, I don't know if they are allowed to
9 speak, but I was proposing to put a privacy fence
10 back there so they can feel better about me not
11 looking in their backyard. That's not the intent.
12 And when I do ask, the initial addition that was
13 put on was approved by the city with the 10 foot 3
14 back set variance, and it was the existing -- it
15 was exactly that was the initial question I had
16 was, and that's the reason I needed it was because
17 my side yard now became my backyard. So when it
18 was approved in July I was out of the country. I
19 had a representative who represented me here. It
20 was approved I believe as a 10 foot 3 back set
21 variance. I do plan on making and I had hoped to
22 be done with this project by June, July.
23 Unfortunately, the way it's with the whole stop
24 and the cold it kind of set me back, I wasn't done
25 with the foundation in time for me to start

1 framing before the freeze came. So as soon as I
2 got into it when it started warming up again in
3 February and I made the mistake of knocking down
4 that wall as I think I believe that same day when
5 she had contacted the city I was in talks with
6 you, Mike and with -- excuse me, Al, and with Mike
7 and we had a proposal, and I had been two or three
8 times at the city to discuss that. That was the
9 proposal was to continue building and cover the
10 home as to not lose all the trusses, all of the
11 wood. So I do --

12 CHAIRPERSON MONTAGUE: That's enough.
13 Thank you. Thank you. Sounds like a lot of
14 engineering and planning commission kind of work.

15 MS. SAARELA: So let me provide some
16 clarification on it. With respect to the
17 treeline, any trees that are regulated woodland
18 trees to be removed would require a woodland
19 permit. So if there's a proposal to remove
20 certain size trees, the city's landscape architect
21 would go out and decide if they're the size that
22 needs to be protected. So in the event that
23 that's determined a woodland permit is required,
24 that goes to Planning Commission. So there's a
25 public hearing for woodland tree removal in front

1 of Planning Commission. So that issue, if there's
2 any proposal to remove trees would go to Planning
3 Commission, not this board.

4 CHAIRPERSON MONTAGUE: Do you know if
5 that happened?

6 MS. SAARELA: So I don't know what has
7 been applied for or what has been inspected, but
8 there's only -- so it's not a regulated woodland
9 area. So we're only talking about if there's
10 certain size trees that are being cut down outside
11 of a regulated woodland. I think it's 36 inches.
12 There's a certain tree limit size that you need a
13 permit for. So if it's not a regulated woodland
14 area and it's under the size of the regulated
15 trees like then you don't need a permit. So I
16 can't speak to what has happened at this point,
17 and certainly, you know, the commenter can call
18 the city's landscaping architect and see what he
19 talked to him about that situation and have him
20 come look at it and see if there's anything that
21 is regulated and would have required a permit.
22 But that's a Planning Commission topic rather than
23 a ZBA topic.

24 MEMBER KRIEGER: What about the trees
25 that she's saying that's on her property?

1 MS. SAARELA: That's what I'm saying.
2 So if there's a complaint, she can call the city
3 code enforcement and woodland, the landscape
4 architect can take a look at that. If that was
5 done improperly, that would be a code enforcement
6 issue and it would require then a woodland permit
7 which goes to Planning Commission. So that's a
8 complaint that can be made to code enforcement.

9 Now as far as coming onto her property,
10 I mean you can call the police. That's a
11 trespassing issue or that's a civil trespassing
12 case.

13 MS. WING: I'm not stating that --

14 MS. SAARELA: I'm directing the board
15 now. We're not asking for further comments from
16 the audience. I'm directing them as to what
17 they're able to vote on here, okay? So those
18 issues are -- the trees are not a ZBA issue, it's
19 a Planning Commissioning and a code enforcement
20 issue. So the issues that you're looking at today
21 are strictly the setback as it pertains to the
22 property. And if you have anymore questions, I'm
23 happy to answer them.

24 CHAIRPERSON MONTAGUE: The effects on
25 the adjacent property is part of our evaluation.

1 MS. SAARELA: Yes, that's one of the
2 standards. The impacts on the substantial
3 characters in the area, so you do have that
4 ability.

5 CHAIRPERSON MONTAGUE: Absolutely it
6 does, and in that part is here. And I believe we
7 would have the right to request what's going to be
8 the offset that will make that a viable variance,
9 and that's where I'm headed right now.

10 MS. SAARELA: So if you're thinking
11 there needs to be screening and/or a fence,
12 something that a condition to grant the variance
13 to remediate whatever impact it's causing, that is
14 something you can do as a condition. I don't know
15 what size fence is allowed, so I wouldn't want to
16 speak to say like a height, a specific height. So
17 you'd have to say a fence that's compliant with
18 the ordinance. So when the drainage is reviewed
19 as part of the plot plan by the city's engineering
20 staff, so they make sure that it complies, like
21 the grading complies and drainage complies with
22 the standards of the ordinances.

23 CHAIRPERSON MONTAGUE: We still have to
24 be comfortable with it, which says to me that, at
25 least in my opinion, there's no way we're going to

1 move on this case tonight without --

2 MS. SAARELA: So that's a different
3 step in the procedure.

4 MR. HALL: I think what we can do, if
5 you would like to see a land improvement plan an
6 engineer looks at it, shows the actual setbacks,
7 what barriers could be made through the ordinance,
8 you have that right to ask for that. The
9 applicant has made a suggestion that it was
10 approved prior. That is true, it was approved
11 prior with the condition of the grandfathering
12 wall. When the wall came down it's no longer
13 grandfathered. Therefore, it goes back to a rear
14 yard setback automatic. So the side yard's not
15 there anymore because there's no wall to be a side
16 yard to because it's been removed. I'm just
17 trying to be very clear you understand why it's
18 doing what it's doing. How you look at it is how
19 you want to look at it.

20 MR. HAVRESTIUC: The other proposal is
21 we did have a proposed drain tile here to kind of
22 drain out in the ditch.

23 CHAIRPERSON MONTAGUE: That's nice but
24 we can't see that on the drawing. We need to see
25 where we're at now with what's been done, what's

1 been cut down, and there's obviously some evidence
2 of not taking care of the situation relative to
3 the drainage. Even though that's not ours, we are
4 responsible for effects on the property
5 surrounding and the whole aesthetics of the
6 neighborhood, the whole character of the
7 neighborhood, so we have to do that as far as I'm
8 concerned. Somebody else can either say yay or if
9 they want to try to vote on something. We don't
10 have enough information that I'm going to support
11 anything tonight. It's not going to happen from
12 me. Now I'll open it up to the board. Any other
13 comments you all have?

14 MEMBER JAPPAYA: Mr. Chairman, if I
15 may, and I can appreciate where the residents are
16 coming from. It sounds like it's a sensitive
17 topic, it's your home and some things changed.
18 But Elizabeth, what you're saying is that has
19 nothing to do with us. We're here to vote on the
20 variance.

21 MS. SAARELA: You're here for the
22 variance. The tree issue is on the Planning
23 Commission issue and a code enforcement issue. So
24 if there's a complaint about trees being removed,
25 anyone can call code enforcement. And we have a

1 landscape architect who can check and see what was
2 cut down along with our code enforcement officers
3 and see if it needs to be enforced as a woodland
4 permit violation. In which case, if there was a
5 woodland permit required to do any of that, it
6 would go in front of Planning Commission.

7 MEMBER JAPPAYA: Thank you. And so,
8 Alan, it also sounds like this home is being built
9 on the previous footprint that was previously
10 grandfathered in. The only reason that we're
11 having this issue is because that wall came down.
12 We have no walls from the previous structure but
13 we are using the same footprint, correct?

14 MR. HALL: That's correct, but you
15 can't look at the footprint as a grandfather
16 condition. The wall carries the condition. So
17 when the wall came down is no longer grandfathered
18 so now you're open to say whatever you feel is
19 necessary for a rear yard setback.

20 MEMBER SAMONA: Even if the foundation
21 remained?

22 MR. HALL: That doesn't matter.

23 MEMBER SAMONA: Got it. I'll make it
24 very brief, I promise. It's just one house,
25 right?

1 MR. HAVRESTIUC: Yes.

2 MEMBER SAMONA: So there's not four
3 houses.

4 MR. HAVRESTIUC: No.

5 MEMBER SAMONA: Got it. That's all I
6 have. I remember it in July when this came in.
7 You were out of town. The lot was split in 2005.
8 They were basing their numbers based on 2005
9 numbers, etcetera. I understand that. That's the
10 only question I have and that's all. And I will
11 yield to the board.

12 CHAIRPERSON MONTAGUE: Comments
13 anywhere else?

14 MEMBER SAMONA: Do like a motion to
15 would it be a table or adjourn?

16 MS. SAARELA: It would be table but you
17 would need to pick a date to adjourn it so it
18 doesn't have to be re-advertised. So depending on
19 how much time you need.

20 MR. HALL: Does the applicant have a
21 timeframe to -- what you're being requested to do
22 is provide a land improvement plan by a civil
23 engineer, which would show the property lines,
24 show the -- it be much different than what you're
25 showing tonight, and it would show the trees and

1 the things.

2 MR. HAVRESTIUC: I was prepared while I
3 was waiting. I do have a civil engineer who has
4 provided different grading plans for the land
5 improvement because as, to let you guys know, this
6 now got moved to a new construction, and as part
7 of that, we have to resubmit all of the
8 documentation for, and that included a land
9 improvement, which I have submitted a site plan
10 originally, but this one will require to
11 re-approval.

12 MS. SAARELA: So if it was set for next
13 month, you'd be ready to provide information to
14 this board, set for the next one?

15 MR. HAVRESTIUC: Yes. My only question
16 is I'm trying -- I'm trying to -- I have two
17 mortgages. And I get it. This is -- I'm trying
18 to do something. This will set me back to where I
19 don't know if I can pull this project off if I
20 keep on getting delays. Tonight's discussion was
21 for the -- for the variance approval, setback
22 approval so I can continue with the construction
23 of the home. I am stuck with this home. It's in
24 there. It's obviously making the neighbors mad
25 that nothing's being done on it. I am

1 re-submitted. I was told I have to come in here,
2 get this approval before I could re-submit the
3 plans for approval for a permit. Already all that
4 whatever I have submitted I have the plans and
5 everything that was approved, I have to resubmit
6 all that money sunk. I'm stuck. I can't move
7 forward. I can't do anything. The city is right
8 across from the public library. I would like to
9 close this off before winter comes again. I'm
10 severely delayed here.

11 CHAIRPERSON MONTAGUE: We understand.
12 We're very sorry, but we have Item (d) that we
13 have to say that the relief granted will not
14 unreasonably interfere with adjacent or
15 surrounding properties. If we cannot say that,
16 then we can vote and turn it down. So you might
17 be better off having it put off and get proper
18 information to try and help us address that point.

19 MEMBER SAMONA: Mr. Chair, can I make a
20 motion to table this to May the 13th -- it's not
21 May 13th.

22 MS. SAARELA: May 12th.

23 MEMBER SAMONA: May 12, 2026 meeting.
24 I make a motion to table this to the May 12th,
25 2026 meeting.

1 MS. SAARELA: Do you want to request
2 some specific information to be provided?

3 MEMBER SAMONA: I request the
4 information be provided if someone can provide me
5 some.

6 CHAIRPERSON MONTAGUE: We're having a
7 May meeting.

8 MR. HALL: So this doesn't have to be
9 advertised, so we could do it next month if he can
10 be ready by then and can meet your satisfaction,
11 we could actually meet because it doesn't have to
12 be advertised. If he has to advertise and
13 something's different than what he's requesting
14 tonight, then he can't make the agenda on our next
15 one, he has to go to next month. We have to
16 advertise.

17 CHAIRPERSON MONTAGUE: Gotcha. So we
18 can't do it until May.

19 MR. HALL: Right. So if his request is
20 the same and just more information, we can do
21 that.

22 MS. SAARELA: But I would specify what
23 information you're looking for. Is it's land
24 improvement plans with drainage plans?

25 MEMBER SAMONA: Correct. Yes. The

1 land improvement plans with the drainage plans.
2 So again, Mr. Chair, I make a motion to table this
3 matter until the May 12th, 2026 meeting with the
4 land improvement plans and the drainage plans to
5 be presented and for review.

6 MEMBER PEDDIBOYINA: He has a question.

7 MS. SAARELA: Can somebody either
8 second it, then you can have discussion.

9 MEMBER PEDDIBOYINA: I second.

10 MEMBER THOMPSON: Question.

11 CHAIRPERSON MONTAGUE: Yes, sir.

12 MEMBER THOMPSON: Could you put the
13 slide back of the wall that got torn down?

14 MR. HAVRESTIUC: Yeah. So what I was
15 told, I wanted to comment on that. The existing
16 wall is partially still there. If we want to --
17 this is the wall, so if you guys can see, this is
18 where all the stress cracks in here. Now the
19 original plan was to cut down below this window
20 since the windows needed to be egress code. I was
21 the one who pushed it down. It came down a little
22 bit more, a lot more, since we had cracks coming
23 down all the way here. I was able to salvage. I
24 have two of these cinder blocks, so that's part of
25 the existing wall. It's still there. And you

1 guys can see it in the second picture.

2 MEMBER THOMPSON: Just on that picture.
3 If that wall had remained up, we would have a
4 clear picture on what to vote on.

5 MS. SAARELA: We wouldn't even be here
6 if that wall was up.

7 CHAIRPERSON MONTAGUE: We wouldn't be
8 here because now it's gone to new construction.

9 MEMBER THOMPSON: Okay. It's a tough
10 one because why build a new house on one bad wall,
11 right? So tearing down the wall would make sense
12 to me. Just kind of put him in a spiral of now
13 having to wait another month. The other stuff
14 doesn't seem to, although it's not -- no one wants
15 to hear, it doesn't pertain to the case.

16 CHAIRPERSON MONTAGUE: It does. It
17 does. As I said Item (d), we're supposed to talk
18 about affects on surrounding property.

19 MS. SAARELA: The only qualification I
20 would have with that is we do have engineers who
21 look at that to make sure. So you're not going to
22 be making a determination. I don't even know if
23 they'll have looked at the plan by then to be able
24 to make a determination. It's probably been
25 submitted and approved.

1 MR. HALL: He's ready now if he's got
2 it. He's saying he's got it. I mean the faster
3 you can move, the better. I mean if he has
4 information, he can get it to you. We can look at
5 the swale and that kind of stuff. The real
6 complication is when the wall came down,
7 everything shifted and went back to a rear yard
8 setback, and that was kind of the big -- the big
9 kick, so now it's not just a 6 inch variance, like
10 a 10 foot.

11 MEMBER JAPPAYA: I'm with you, Michael.
12 I understand where you're coming from, Clift. You
13 know, the property sat there for how many years
14 with the variance with no issues. I mean, you
15 know, the side of the house may not be the back of
16 the house, but I don't see how that will
17 unreasonably interfere with adjacent or
18 surrounding properties.

19 CHAIRPERSON MONTAGUE: If that's the
20 case, why are all the trees cut down?

21 MR. HAVRESTIUC: The other comment I
22 want to make --

23 MEMBER JAPPAYA: The trees have nothing
24 to do with this. We're not allowed to --

25 CHAIRPERSON MONTAGUE: They do because

1 it's effect on adjacent properties.

2 MS. SAARELA: That's a Planning
3 Commission issue for a woodland permit. I'm not
4 happy about it either.

5 CHAIRPERSON MONTAGUE: If you want to
6 make a motion to approve it, make a motion to
7 approve it, see how it goes.

8 MEMBER SAMONA: I stand on my motion.

9 MS. SAARELA: So right now we have a
10 motion on the table. We should vote on it.

11 MS. NARDONE: Member Thompson.

12 CHAIRPERSON MONTAGUE: We have a
13 second. Roll call on the motion to table.

14 MS. NARDONE: Member Thompson?

15 MEMBER THOMPSON: To table it.

16 MS. NARDONE: Member Peddiboyina?

17 MEMBER PEDDIBOYINA: Yes.

18 MS. NARDONE: Member Longo?

19 MEMBER LONGO: Yes.

20 MS. NARDONE: Member Krieger?

21 MEMBER KRIEGER: Yes.

22 MS. NARDONE: Member Samona?

23 MEMBER SAMONA: Yes.

24 MS. NARDONE: Chairperson Montague?

25 CHAIRPERSON MONTAGUE: Yes.

1 MS. NARDONE: Member Jappaya?

2 MEMBER JAPPAYA: Yes.

3 MS. NARDONE: Thank you. Motion
4 carries.

5 MEMBER JAPPAYA: We're tabling for more
6 information to see what is going to be done to
7 mitigate the impact.

8 MS. SAARELA: The drainage.

9 MEMBER SAMONA: Mr. Chair, I'd like to
10 make a motion to adjourn.

11 CHAIRPERSON MONTAGUE: I would gladly
12 entertain it.

13 MEMBER PEDDIBOYINA: Can we have not
14 more than five case? Sometimes we have two cases,
15 three cases. If we can make it --

16 MS. SAARELA: There's been times where
17 we've had 13 and had to go back in the days of
18 early 2000s, some of those would go until
19 midnight. I don't think there's anything that
20 would support that in the state law or in the
21 ordinance.

22 MEMBER PEDDIBOYINA: Thank you. I take
23 it back.

24 CHAIRPERSON MONTAGUE: All right. Now
25 motion to adjourn.

1 MEMBER SAMONA: Motion to adjourn the
2 meeting.

3 MEMBER KRIEGER: Second.

4 CHAIRPERSON MONTAGUE: All in favor.

5 THE BOARD: Aye.

6 CHAIRPERSON MONTAGUE: Any opposed?

7 (The meeting was adjourned at 9:15 p.m.)

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CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Melinda R. Womack, Certified
Shorthand Reporter, a Notary Public in and for the
above county and state, do hereby certify that the
above deposition was taken before me at the time
and place hereinbefore set forth; that the witness
was by me first duly sworn to testify to the
truth, and nothing but the truth, that the
foregoing questions asked and answers made by the
witness were duly recorded by me stenographically
and reduced to computer transcription; that this
is a true, full and correct transcript of my
stenographic notes so taken; and that I am not
related to, nor of counsel to either party nor
interested in the event of this cause.

Melinda R. Womack

Melinda R. Womack, CSR-3611
Notary Public, Jackson County

My Commission expires: 06-22-2032

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