

MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, OCTOBER 11, 2022 -- 7:00 p.m.

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

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Clift Montague, Secretary

Linda Krieger

Michael Longo

Michael Thompson

Jay McLeod

Bob Copes

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Anita Sophia Wagner, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, October 11, 2022

7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Good afternoon.

Today is October 11th. Welcome to the Novi City Zoning Board of Appeals. Please stand up everybody for the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON PEDDIBOYINA: Thank you. Please be seated.

Welcome. Secretary?

MS. WAGNER: Member Krieger?

MEMBER KRIEGER: Here.

MS. WAGNER: Member Longo?

MEMBER LONGO: Here.

MS. WAGNER: Member McLeod?

MEMBER McLEOD: Here.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Here.

MS. WAGNER: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. WAGNER: Member Sanghvi is absent,

1 excused.

2 Member Thompson?

3 MEMBER THOMPSON: Here.

4 MS. WAGNER: Member Copes?

5 MEMBER COPES: Here.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

7 Public hearing format and rules of conduct.

8 We can see what are the cases we have today on the
9 back. There is printout pages. And all the audience
10 and presenters, please turn off your phones in the
11 silent mode. And if we call any cases, please come to
12 the podium and tell your first and last name clearly
13 for the secretary -- for the court record.

14 And the audience time limit is three minutes.
15 It's not more than that three minutes. Please make a
16 note. Anybody wants to -- apart from the presenter of
17 the case who wants to talk on the case, anybody like
18 audience, only three minutes time allowed. Thank
19 you.

20 Okay. Approval of agenda, any changes, any
21 modifications? Somebody make a motion on that.

22 MEMBER MONTAGUE: I make a motion we approve
23 the agenda.

1 CHAIRPERSON PEDDIBOYINA: Somebody make a
2 second, please.

3 MEMBER COPES: Support.

4 CHAIRPERSON PEDDIBOYINA: Thank you. Say
5 aye.

6 THE BOARD: Aye.

7 CHAIRPERSON PEDDIBOYINA: Any changes, any
8 nays?

9 Nobody. Thank you.

10 Okay. Meeting of minutes on August, any
11 changes, any modifications? Somebody make a motion for
12 the approval of meetings for the August -- September
13 2022.

14 Somebody make a motion on the September --

15 MEMBER MONTAGUE: I'll move we approve the
16 minutes --

17 MEMBER LONGO: Second.

18 CHAIRPERSON PEDDIBOYINA: Thank you. Any
19 changes, any nays?

20 Say aye in favor.

21 THE BOARD: Aye.

22 CHAIRPERSON PEDDIBOYINA: Thank you.

23 Okay. Anybody wants to -- any changes on

1 these cases, anybody wants to make any modifications
2 from the audience, this is the time to come to the
3 podium and add or modify. Once the meeting starts, I
4 cannot change any planning of the meeting.

5 Looks like none.

6 Okay. Let's move on to the first case,
7 PZ22-0045, Ryan S-z-o-s-t-e-k, Parcel
8 50-22-03-476-006, South Lake Drive, east of West Park
9 Drive. The applicant is requesting a use variance from
10 the City of Novi Zoning Ordinance Section 3.1.5.B and
11 4.19 to allow construction of an accessory structure on
12 a vacant parcel without a permitted primary use and a
13 dimensional variance from Section 3.1.5.D and 4.19.2.A
14 to allow the structure to be located within the
15 required front setback. A variance of 20 feet is
16 requested to allow the structure to be placed ten feet
17 from the front property line, 30 feet required. The
18 variance requested will accommodate a changing station.
19 This property is zoned One-Family Residential, R-4.

20 Is the applicant present?

21 MR. SZOSTEK: Yes.

22 CHAIRPERSON PEDDIBOYINA: Please come to the
23 podium and spell your first and last name clearly,

1 please.

2 MR. SZOSTEK: Hi.

3 CHAIRPERSON PEDDIBOYINA: Okay. Please and
4 follow our secretary. Go ahead.

5 MR. SZOSTEK: Yup. So my name is Ryan
6 Szostek. You want me to spell it, right?

7 CHAIRPERSON PEDDIBOYINA: Yes, please.

8 MR. SZOSTEK: First name Ryan, R-y-a-n. Last
9 name Szostek, S-z-o-s-t-e-k.

10 CHAIRPERSON PEDDIBOYINA: Okay.

11 MEMBER MONTAGUE: Excuse me?

12 MR. SZOSTEK: Yes.

13 MEMBER MONTAGUE: Are you an attorney?

14 MR. SZOSTEK: I am not.

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

17 MR. SZOSTEK: Yes.

18 MEMBER MONTAGUE: Thank you.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
20 Ryan. And please go ahead and present your case
21 clearly where we can help you tonight. And you want to
22 present anything, you know, any slides, you can use the
23 projector. There is a projector. You can use the

1 slides also.

2 And you can speak.

3 MR. SZOSTEK: I appreciate that. Thank you.

4 So, yeah. Thank you for the attention today.

5 So this is a relatively unique property. So
6 on South Lake Drive it's vacant, obviously, as
7 described. It's flag shaped. It's got a riparian lot
8 which is approximately 50 feet of lake frontage with 20
9 feet of depth. And then across the street there is a
10 20 foot wide parcel by 96 feet deep.

11 And actually, I can put that up, but I don't
12 know if you'll be able to see it. We'll see.

13 As a part of that, it's obviously
14 non-buildable because the setbacks across the street,
15 you can't build on a lot that's only approximately 20
16 feet wide. This is from the actual website. And as
17 such, we use it for mainly recreation. We have a dock
18 there. We have a boat. We go in and out.

19 We want -- the structure in question is a
20 changing room, a small changing room to allow the
21 children or adults or whatever can change. Go across
22 the street --

23 (Clarification by the court reporter.)

1 MS. SZOSTEK: I'll go slower. To go across
2 the street to change. To find some privacy and things
3 like that because we don't have a dwelling on the site.
4 That's the gist of the use.

5 As far as reasonable use, the idea is around
6 privacy and the physical conditions don't allow for the
7 building of a main structure which would otherwise make
8 the property useable. In excess of that, it can't be
9 used for anything around, you know, like privacy.

10 As far as character of the neighborhood, just
11 going through the standard number three, it doesn't
12 change the character of the neighborhood. I have a
13 photo of it we can show here.

14 Which is a matter of opinion, I know. It
15 looks as low as this, but it's not dissimilar from the
16 houses or the structures. Around the thing you'll see
17 pergolas and other structures in either cedar or
18 painted or whatever, around the lake, both on South
19 Lake Drive but also on East Lake Drive and around the
20 lake.

21 As far as not being self-created. So the
22 nature of the property itself, I didn't modify the
23 usage of the land or create a pool or anything like

1 that which would otherwise put myself in the situation.
2 It's just the fact of the platted lane.

3 So I'll pause there. That's what I'm asking
4 for. I actually did not realize, candidly, that the
5 setback from the road was 30 feet. I'm actually not
6 as -- I'm not asking necessarily for that variance as
7 an absolute. It was more around the actual use
8 variance to actually have a structure in temporary
9 nature -- it's not fastened to ground -- that could be
10 used for privacy. It's more the use that's more
11 important to me.

12 And I'll pause.

13 CHAIRPERSON PEDDIBOYINA: Any other thing you
14 would like to add, Ryan?

15 MR. SZOSTEK: Not that I can think.

16 CHAIRPERSON PEDDIBOYINA: Anybody would like
17 to speak on behalf of you tonight?

18 MR. SZOSTEK: Oh, no.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
20 Okay. From the city?

21 MR. BUTLER: No comments from the city at
22 this time.

23 CHAIRPERSON PEDDIBOYINA: Thank you, Larry.

1 Okay. And, Secretary, any correspondence?

2 MEMBER MONTAGUE: Yes. There were twelve
3 letters mailed, eight returned, no approvals and four
4 objections.

5 From Dorothy Duchesneau, D-u-c-h-e-s-n-a --
6 hard to read -- o-u, I believe.

7 "The applicant has two lots. The 20 foot on
8 the south side of South Lake Drive where the outhouse
9 currently sits next to the bike path, and a much longer
10 50 foot lot on the lake side. For pedestrian safety,
11 this belongs on lake side. Whilst traveling east on
12 South Lake, it does look like an outhouse on the bike
13 path. On the lake side he could have a larger ten by
14 ten by eight building for changing, boat accessories,
15 that. Because he has a fence on the road, it could be
16 secured from passersby."

17 The second one is from Robert and Judy
18 Thompson. "Objection. We understand you cannot have
19 any structures on the above property. We believe it
20 cannot be used as a place to store items. The prior
21 owner was told he could not put a storage shed on the
22 property."

23 Third objection from Rob and Chris Czarnecki.

1 "This property is unbuildable. The changing station
2 that they put on the property looks like an outhouse
3 and they have used the property to store multiple
4 items."

5 The fourth objection is from Mary Waldrup.
6 "The petitioner purchased the property with full
7 knowledge that the lot was not a buildable lot. The
8 current temporary structure, temporary in quotes,
9 porta-potty is over the property line and encroaches
10 into the wetland on our property. If the board
11 determines this lot is a buildable lot, the petitioner
12 should be required to meet the side and front setbacks.
13 There is no need to waive these requirements as the
14 proposed structure could be placed 30 feet from the
15 front setback and six feet from the side.

16 "Having a structure that appears to be a
17 porta-potty so close to the sidewalk used by hundreds
18 of people every day is an attractive nuisance, end
19 quotes. The previous owner applied for this same
20 variance and was denied."

21 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
22 Secretary.

23 Anybody in the public would like to speak on

1 this case, this is the time to -- your opportunity.

2 And is allowed only three minutes.

3 Okay. Looks like none.

4 Thank you, Ryan. And you presented your case
5 and let me open to my board and what they thought and
6 let's continue on more on the decision.

7 Okay. It's open to the board.

8 Okay. Go ahead, Mike.

9 MEMBER LONGO: I have a point of
10 clarification. You made a comment about the
11 distance from the ten foot -- the setback.

12 MR. SZOSTEK: Yes.

13 MEMBER LONGO: And you didn't see that as an
14 issue, meaning that you could move it and not have that
15 variance; is that correct?

16 MR. SZOSTEK: That's correct.

17 MEMBER LONGO: And you would be willing to do
18 that?

19 MR. SZOSTEK: Yes.

20 MEMBER LONGO: Okay. Thank you. Thank you
21 for the clarification.

22 MR. SZOSTEK: Yeah, of course. Thank you.

23 CHAIRPERSON PEDDIBOYINA: Jay, go ahead.

1 MEMBER McLEOD: Question. Just to clarify
2 what I'm looking at in the picture there, is it a four
3 by four wooden building propped up on cinder blocks?

4 MR. SZOSTEK: Yes.

5 MEMBER McLEOD: Okay.

6 CHAIRPERSON PEDDIBOYINA: Thank you, Jay.

7 Any other board?

8 Yeah. Go ahead.

9 MEMBER MONTAGUE: So where do you live in
10 relationship to this property? You come here and use
11 this property for what?

12 MR. SZOSTEK: I use the property for
13 accessing the lake.

14 MEMBER MONTAGUE: And you live in the
15 neighborhood?

16 MR. SZOSTEK: I live in Novi.

17 MEMBER MONTAGUE: So you just go over there
18 on a periodic basis and use that for recreation at the
19 lake?

20 MR. SZOSTEK: Yes.

21 MEMBER MONTAGUE: And have a dock in the
22 lake?

23 MR. SZOSTEK: Yes.

1 MEMBER MONTAGUE: Okay. Thank you.

2 MR. SZOSTEK: You're welcome.

3 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

4 Any other?

5 Okay. Linda, go ahead.

6 MEMBER KRIEGER: Is there any reason why you
7 couldn't put it on the lake side?

8 MR. SZOSTEK: No. It was just that it would
9 impede the view. I figured it would be a better spot
10 because it doesn't actually impede the view of the lake
11 from any of the housing owners around.

12 MEMBER KRIEGER: And it's temporary or you
13 want to leave it there permanently?

14 MR. SZOSTEK: I'd ideally like to leave it
15 there permanently, but we use it usually in-season. So
16 we use it for ice skating in the winter and then for
17 recreation and all -- recreation in the summer. So but
18 primarily it's in the summertime because in the winter
19 it's not -- you usually come fully dressed in your, you
20 know, snowmobile suits and things like that.

21 MEMBER KRIEGER: Okay.

22 CHAIRPERSON PEDDIBOYINA: Thank you, Member
23 Linda.

1 Any other board member?

2 MEMBER McLEOD: Just a question for the city.

3 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead.

4 MEMBER McLEOD: So if we're looking at a
5 small, I'll call it a moveable structure propped up on
6 cinder blocks, does that actually count as a building
7 per city ordinances?

8 MS. SAARELA: Yes.

9 MEMBER McLEOD: 'Cause I'm thinking -- or is
10 this like, say, a trailer someone could park in their
11 yard?

12 MS. SAARELA: It's accessory structure.

13 MEMBER McLEOD: Accessory structure. Okay.

14 CHAIRPERSON PEDDIBOYINA: Yeah. Continue,
15 Attorney, is it taxable, the property, that one? They
16 have to pay --

17 MS. SAARELA: The property is taxable.

18 CHAIRPERSON PEDDIBOYINA: And what about this
19 structure?

20 MS. SAARELA: If it was approved, I suppose
21 the assessing department would determine if there's any
22 value to that or not.

23 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

1 Oh. Go ahead, Thompson.

2 MEMBER THOMPSON: Is it just a room -- I see
3 the interior, but is there a toilet and stuff in there?

4 MR. SZOSTEK: There's a temporary one that
5 we'll bring in occasionally, but it's not a -- there's
6 nothing permanently affixed to the structure. It would
7 be like bring like an RV toilet, if you wanted to bring
8 that.

9 MEMBER THOMPSON: So there's no like wiring,
10 electricity or plumbing?

11 MR. SZOSTEK: There's no wiring, electricity
12 or plumbing.

13 CHAIRPERSON PEDDIBOYINA: Good.

14 MR. SZOSTEK: There's an LED light on the
15 outside that just charges.

16 CHAIRPERSON PEDDIBOYINA: Basically you're
17 using only summertime to put your stuff in the shed.
18 You want to place your stuff in the shed.

19 MR. SZOSTEK: We actually don't -- we
20 actually don't use it to store anything, interior wise.
21 We just use it for people to go inside either change,
22 use the bathroom and leave.

23 So we don't store any other materials or

1 anything else inside of it.

2 CHAIRPERSON PEDDIBOYINA: You lock every time
3 and come and go like that?

4 MS. SZOSTEK: It's got a self-locking door.

5 CHAIRPERSON PEDDIBOYINA: Self-locking door.
6 That's good. Yeah.

7 Okay. Thank you.

8 And it's motion time. And Michael Longo,
9 please go ahead and make a motion.

10 MEMBER LONGO: I move that we deny the use
11 variance in case number PZ22-0045 sought by Ryan
12 Szostek for the construction of an accessory structure
13 because the petitioner has not shown or established an
14 unnecessary hardship.

15 The petitioner has not established that a
16 hardship regarding the current zoning designation of
17 the property, as the property can be used for zone
18 because the lot basically is too small.

19 The petitioner has not established unique
20 circumstances or unique physical conditions regarding
21 the property because we're simply using a temporary
22 building for temporary use.

23 The variance requested is based on the

1 petitioner's personal and economic hardship because the
2 petitioner stated that we need to use this to
3 participate in different activities on the lake.

4 The proposed use will alter the central
5 character of the area by being a small structure.

6 The petitioner has created the need for the
7 variance -- excuse me. The petitioner has created the
8 need for the variance by putting in a temporary
9 building.

10 MEMBER KRIEGER: Second.

11 CHAIRPERSON PEDDIBOYINA: Thank you.

12 Okay. Secretary, please call the roll
13 call.

14 MS. WAGNER: Chairperson Peddiboyina?

15 CHAIRPERSON PEDDIBOYINA: Yes.

16 MS. WAGNER: Member Krieger?

17 MEMBER KRIEGER: Yes.

18 MS. WAGNER: Member Longo?

19 MEMBER LONGO: Yes.

20 MS. WAGNER: Member McLeod?

21 MEMBER McLEOD: Yes.

22 MS. WAGNER: Member Montague?

23 MEMBER MONTAGUE: Yes.

1 MS. WAGNER: Member Thompson?

2 MEMBER THOMPSON: Yes.

3 MS. WAGNER: Member Copes?

4 MEMBER COPEES: Yes.

5 MS. WAGNER: Okay. This issue has failed.

6 It's been denied. Motion denied.

7 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

8 MR. SZOSTEK: All set?

9 MEMBER KRIEGER: Yeah.

10 CHAIRPERSON PEDDIBOYINA: I'm sorry?

11 MR. KRIEGER: He wanted to know if we were
12 done?

13 CHAIRPERSON PEDDIBOYINA: Yeah, yeah, done.
14 Thank you so much. I appreciate.

15 Okay. Move to the second case tonight.

16 PZ22-0046, Andrew Falzarano, F-a-l-z-a-r-a-n-o, Crown
17 Enterprises, LLC, 46844 West Twelve Mile Road, Twelve
18 Mile Road east of Napier, Parcel 50-22-09-300-032. The
19 applicant is requesting two variances from the City of
20 Novi Zoning Ordinance. From Section 3.1.19.D. for
21 building a height variance for two silos, s-i-l-o-s,
22 with a proposed building might of 90 feet from the
23 finish grade, building height standard is 60 feet,

1 variance ever 30 feet. Also from Section 5.4.3 to
2 allow a loading space in the front yard. These
3 variances will accommodate the building of Novi
4 Concrete Plant. This property is zoned General
5 Industrial, I-2.

6 Is the applicant present, please?

7 MR. FALZARANO: Yes.

8 CHAIRPERSON PEDDIBOYINA: Yeah. Please come
9 to the podium and spell your first and last name
10 clearly for our secretary and court record. And after
11 that, the secretary will take the oath.

12 MR. FALZARANO: Good evening. Andrew,
13 A-n-d-r-e-w, Falzarano, F-a-l-z-a-r-a-n-o.

14 MEMBER MONTAGUE: Excuse me. Are you an
15 attorney?

16 MR. FALZARANO: I am not.

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

19 MR. FALZARANO: I do.

20 MEMBER MONTAGUE: Thank you.

21 CHAIRPERSON PEDDIBOYINA: Yeah. Thank you.
22 Please go ahead, Andrew, and tonight where we can help
23 you on this case.

1 MR. FALZARANO: Okay.

2 CHAIRPERSON PEDDIBOYINA: Yeah, come to the
3 speaker mic, so that everybody can hear clearly. Thank
4 you.

5 MR. FALZARANO: We are requesting two
6 variances tonight. The first variance is to allow
7 loading spaces in the front yard. Our site plan
8 details a twelve foot high brick embossed screen
9 retaining wall. That's this line highlighted in orange
10 here.

11 (Document displayed.)

12 MR. FALZARANO: The screen wall will obscure
13 the visibility of the loading operations.
14 Additionally, the screen wall is setback approximately
15 450 feet from Twelve Mile Road.

16 Reconfiguring the layout of our yard would
17 just simply expose other yard operations. And it can
18 be noted, this was supported by the planning
19 department.

20 The second variance is for exceeding the
21 maximum building height. An integral part of the plant
22 is two cement silos that happen to exceed the building
23 height. The silos extend beyond the roof to an

1 elevation of 90 feet from the finish grade. The silos
2 convey cement powder via gravity to the mixer drum
3 below.

4 The silos are setback over 800 feet from
5 Twelve Mile Road. And we generated a rendering of
6 those silos from a view of Twelve Mile and from West
7 Park Drive.

8 You can see from West Park drive they're
9 actually -- you can't even see them with the existing
10 trees and topography over there. And here's from
11 Twelve Mile. So this is off of the Google street view.
12 It's rather hard to see, but this is the building that
13 in white which is in compliance. It measures
14 approximately 50 feet and just next to it there's a
15 blue cement silo. And they're staggered off. You'd
16 only be able to see one from Twelve Mile. And that's
17 what exceeds the maximum building height.

18 I would like to note that there's a similar
19 use off of Grand River with significantly less
20 setbacks. There -- it's not showing well on the
21 screen, but we have approximately a 280 foot setback
22 from the road and we estimated their silos are
23 extending between 83 and 85 feet in elevation.

1 And that's all I have.

2 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

3 Nice presentation.

4 From the city, Larry?

5 MR. BUTLER: No questions at this time.

6 Thank you.

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 Our Secretary, any correspondence?

9 MEMBER MONTAGUE: 47 letters mailed. Zero
10 returned.

11 CHAIRPERSON PEDDIBOYINA: Oh. Thank you.

12 Okay. Anybody in the audience would like to
13 speak on this case, this is the time. Allow three
14 minutes.

15 Okay. Looks like none.

16 Okay. Andrew, a nice presentation. And let
17 me put on the board and let me see what we can help you
18 on this. And open to the board.

19 MR. FALZARANO: Thank you.

20 CHAIRPERSON PEDDIBOYINA: Okay, Jay. Member
21 Jay, go ahead.

22 MEMBER McLEOD: Thanks. So I was hoping you
23 could speak a bit to why this request is here? Is

1 this -- I guess, like, how long has this location been
2 in business? Is this to support a new product or
3 service that you're creating or are you simply
4 modernizing? What benefit does the company have from
5 the silos? And if the proposal is denied today, what
6 is your next best alternative? I'm trying to
7 understand much more about the business prospects
8 behind this request.

9 MR. FALZARANO: Sure. So the screen wall,
10 I'll start with that, also serves to contain our
11 aggregates as well. That's the piles shown in gray.
12 So that's the aggregate storage and loading. The
13 aggregates would be loaded onto -- this brown
14 triangular shape there. There's two hoppers and this
15 was what we saw as the best layout for the site.

16 So altering the site, now, that screen wall
17 now has to be moved. Screen wall/containment wall is
18 moved somewhere else and it would show other plant
19 operations. Trucks would now be queued in the front of
20 the plant as they're waiting to be loaded versus the
21 back how we're proposing. The section in blue there is
22 a truck wash. That's for the trucks to rinse out. So
23 additionally that would be screened with our current

1 layout. Adjusting it, it would be a whole other new
2 site plan layout.

3 Now, as far as the silos go, they're required
4 to be elevated due to the way that they're -- that the
5 cement powder is conveyed into the plant operation
6 itself. It's all done by gravity and the silo itself
7 needs to be up higher than the mixer drum. The mixer
8 drum is just elevated above the truck loaded itself.
9 So it's a figure that -- isn't an engineered feature
10 that there isn't much other option. It's not a good
11 workaround.

12 MEMBER McLEOD: But I guess my question is,
13 what -- sorry. Is this a new operation?

14 MR. FALZARANO: Yes, this is new operation.

15 MEMBER McLEOD: So the entire company right
16 now is new going up in that location?

17 MR. FALZARANO: Correct.

18 MEMBER McLEOD: So if this motion were to be
19 denied, you -- the company would need to find a new
20 location to exist, to do their business?

21 MR. FALZARANO: I'm not entirely -- I'm not
22 sure if I'm in the position to speak what the next move
23 would be if it was denied.

1 MEMBER McLEOD: All right. At least
2 personally, I understand the wall completely. The
3 question was mostly around the height of the silos.
4 Thank you.

5 MR. FALZARANO: And that's where -- that was
6 the reason we had generated the rendering. I'd like to
7 show it before and after as well. So this is with
8 current site conditions. And I would also like to
9 point out, so this is current. That's the street view
10 off Google. And here's what's proposed. Now, I would
11 like to add that in this rendering, it does not
12 include -- it doesn't show the screen wall and it does
13 not show any of our landscaping improvements that we
14 will be adding to the site as well.

15 So here, let me see if I can get this side by
16 side here a little bit. Existing versus our proposed
17 here.

18 CHAIRPERSON PEDDIBOYINA: Okay. Jay, do you
19 want to speak to any other thing?

20 MEMBER McLEOD: No.

21 CHAIRPERSON PEDDIBOYINA: All done? Thank
22 you.

23 Go ahead, Thompson.

1 MEMBER THOMPSON: You made reference to
2 another site on the Grand River. What is -- what is to
3 the -- that would be the west of you. What type of
4 business is to the west of that.

5 MR. FALZARANO: To the west is a landscaping
6 supply.

7 MR. KELLEY: No. It's a concrete crusher.

8 MR. FALZARANO: Oh. Okay. Concrete crusher
9 Sorry. To the east is the landscape supply.

10 MEMBER THOMPSON: Okay. So they have
11 something similar, yes?

12 MR. FALZARANO: We'd be a concrete producer
13 and they're taking in broken up old concrete debris
14 from demolitions.

15 MEMBER THOMPSON: So I've been at the driving
16 range before. I remember there being a silo or tower
17 or something over that way, yes?

18 MR. FALZARANO: Yeah. They have a conveyor
19 system that stacks their aggregates.

20 MEMBER THOMPSON: Do you know roughly the
21 height of that?

22 MR. FALZARANO: I do not, no. I think it was
23 mentioned in planning that they an estimated 60 foot

1 pile of concrete there existing right now.

2 CHAIRPERSON PEDDIBOYINA: Okay. Mr.
3 Thompson, would you like to speak any other thing?

4 MEMBER THOMPSON: Not right now.

5 CHAIRPERSON PEDDIBOYINA: Okay. Any other
6 board member? Yeah. Go ahead, Clift Montague.

7 MEMBER MONTAGUE: So on your site plan, where
8 is the entrance to the site?

9 Trucks will be coming in in that corner and
10 going around to here?

11 MR. FALZARANO: (Pointing.) Yes.

12 MEMBER MONTAGUE: Okay. All right. I think
13 in my opinion, the siting is very nice. It's back off
14 the road. I like the screen wall. So I think I'm in
15 support of this.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
17 Any other board member?

18 Oh. Member Krieger?

19 MEMBER KRIEGER: Yep. To the city, the
20 height of that other silo, is that 85 feet?

21 MR. BUTLER: The existing silo?

22 MEMBER KRIEGER: Yeah, on Grand River.

23 MR. BUTLER: I'm not sure the height on that

1 one.

2 MEMBER KRIEGER: Okay. I looked up the
3 height of the water towers that are 165 feet from what
4 I understand, so in comparison I understand that. So I
5 guess though for to go from 60 to 90 feet, is it the
6 diameter you need or does it increase speed? What does
7 the increase in the 30 feet, 60 versus 90 feet to --
8 that you want that extra 30?

9 MR. FALZARANO: This is -- with Hercules
10 Materials.

11 CHAIRPERSON PEDDIBOYINA: Okay. You can
12 spell your first and last name clearly. Yeah. Go
13 ahead.

14 MR. KELLEY: My name is Gary Kelley, G-a-r-y
15 K-e-l-l-e-y.

16 I'm the vice president of Hercules Materials
17 Holdings.

18 MEMBER MONTAGUE: Are you an attorney?

19 MR. KELLEY: Excuse me?

20 MEMBER MONTAGUE: Are you an attorney?

21 MR. KELLEY: No.

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

1 MR. KELLEY: I do.

2 MEMBER MONTAGUE: Thank you.

3 CHAIRPERSON PEDDIBOYINA: Thank you. Please
4 go ahead.

5 MR. KELLEY: So we're excited for this new
6 opportunity and we feel that it's zoned accordingly in
7 the heavy industrial zone. We're very proud of the
8 site plan and the layout and the landscaping and
9 working with the city and it's been a good process so
10 far.

11 So to speak to your point earlier of the need
12 for concrete. There's currently a concrete
13 construction material shortage facing the state of
14 Michigan and the whole Midwest and we don't see an end
15 to that coming anytime soon. There's also a lot of
16 improvements that are happening within the city of Novi
17 and the surrounding areas on I-96 and also the future
18 Twelve Mile Road. And we intend to be a part of those
19 improvements. Hopefully if approved with this
20 development, we'll be bringing utilities of water
21 across the span of Twelve Mile Road also to incorporate
22 them into our site.

23 But the concrete plant in general, the way it

1 works is the silos hold the cement powder that as
2 Andrew had mentioned, feeds the cement into the drum
3 and the conveyors bring in the sand and stone into the
4 concrete plant.

5 Speaking of the concrete plant, the plant is
6 a fully enclosed concrete plant. It's different than
7 most concrete plants that you'd be familiar with,
8 maybe. There's a concrete plant every 30 miles in the
9 United States. For example, most them are not
10 enclosed. We're very conscious of the environment.
11 We're doing things -- it's a very -- we're doing things
12 a little bit different. We're trying to be state of
13 the art. We're trying to be eco friendly. We're
14 introducing carbon captor technology into our concrete.
15 So we're trying to be very proactive and grow the
16 business and be a part of the city and the community.

17 The 90 foot on the silos, the difference is
18 to hold a full load of cement. They come in 50 ton
19 loads. To hold a full load of cement we have to have
20 that volume to hold the powder. And to keep up with
21 the daily business, you need have a volume on hand so
22 that you don't have short loads and more trucking
23 coming in and out than normally required in that

1 circumstance.

2 I hope that helps clear it up a bit.

3 CHAIRPERSON PEDDIBOYINA: Okay. Member
4 Krieger, you want to continue?

5 MEMBER KRIEGER: So it's the volume fits what
6 you're -- like put in order request for a certain
7 volume and that fits that. So that's why you need the
8 extra 30?

9 MR. KELLEY: Yeah. And there was mention of
10 some other structures in the area that may be tall.
11 There's a large cell tower to the back east, I believe
12 right at the back of the tree farm there. That's a
13 hundred plus feet tall. Just to give you an idea of
14 some other structures in the area.

15 MEMBER KRIEGER: And then the facade of it,
16 is it going to be cement color, white, blue? What was
17 the intent for -- since it's going to be taller and
18 viewed from a distance, what is it going to look like
19 after?

20 MR. KELLEY: On the concrete --

21 MEMBER KRIEGER: The silos.

22 MR. KELLEY: Oh, the silos?

23 MEMBER KRIEGER: Yeah.

1 MR. KELLEY: So the silos we are going to go
2 with a sky blue color. So they actually they blend in
3 very well. So if you're looking 480 feet away from
4 Twelve Mile Road and you're looking towards the silos,
5 you would have to really look for them to really have
6 them stand out. They're -- they blend in in the
7 environment I guess you could say.

8 MEMBER KRIEGER: Yeah. I happen to be at
9 Providence Park today and I was looking out the window
10 from the fifth floor so you can see a distance so I was
11 imagining you could see what the towers from there
12 'cause you can see the cell towers. So I couldn't see
13 the 165 foot water tower so imagine that with the trees
14 it's going to be easier to see in the winter versus
15 now. They'll probably blend with the trees.

16 MR. KELLEY: Yeah. And from the distance,
17 again, you'll really have to be looking for it.

18 MEMBER KRIEGER: Right. Okay. Thank you.

19 MR. KELLEY: Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Member
21 Krieger.

22 Any other board member?

23 Okay, Thompson.

1 MEMBER THOMPSON: Can we take a better look
2 at the site plan? I'm trying to help you and when we
3 compare the two instances to what it looks like now to
4 what it's going to look like, there wasn't a big
5 difference in the picture. But the site plan I think
6 would clear some of that up.

7 MR. FALZARANO: Yeah. Let me see if I can
8 zoom.

9 MEMBER THOMPSON: I don't know if that zooms
10 in or not.

11 MR. KELLEY: And I think the intention of our
12 rendering was just to add the concrete plant back at
13 the distance to show just that. So it really doesn't
14 incorporate much of --

15 CHAIRPERSON PEDDIBOYINA: You can zoom it.

16 MR. KELLEY: -- the pond or the landscape or
17 the wall --

18 CHAIRPERSON PEDDIBOYINA: You can zoom it on
19 the side. On the top of that one. On the side, yeah.
20 Try that one. Yeah.

21 Yeah. It's clear. Now we can see, Thompson.

22 MEMBER THOMPSON: Okay. So there's the one
23 lane with the 280 foot setback of trees into a fence

1 that's going to blend in. There's an industrial site
2 on the other side of it.

3 And the silos are where on the property
4 again?

5 MR. KELLEY: So --

6 MEMBER THOMPSON: Just in that --

7 MR. KELLEY: Kind of where the conveyer
8 points in.

9 MEMBER THOMPSON: Okay.

10 MR. KELLEY: It would be more toward the
11 center of that large rectangle. And they sit -- I
12 guess they would be facing north/south so you're only
13 going to see --

14 MR. FALZARANO: Yeah, facing north and south.

15 MR. KELLEY: You'll see one of them looking
16 at it.

17 MR. ONIFER: If I could.

18 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
19 ahead. You can spell your first and last name clearly
20 and the secretary will take the oath.

21 MR. ONIFER: Dan Onifer. D-a-n O-n-i-f-e-r.
22 I'm with Crown Enterprises also.

23 MEMBER MONTAGUE: Are you an attorney?

1 MR. ONIFER: No, I'm not. And I swear to
2 tell the truth.

3 MEMBER MONTAGUE: Thank you.

4 MR. ONIFER: And if I could, the silos would
5 be like that.

6 (Drawing.)

7 MR. ONIFER: And to answer your question
8 further about the height. As Gary described, it's a
9 matter of volume and it's also since they are cylinder,
10 it's a matter of diameter and height. And the diameter
11 is determined by -- you can see these are aligned with
12 a drive-thru lane. And that drive-thru lane feeds one
13 loading lane to the trucks and then it's kind of
14 modular. You know, 12 feet or 20 feet over there's
15 another lane. So these two silos fit above that one
16 lane. So that determines the diameter and then the
17 volume determines the height.

18 MEMBER KRIEGER: Thank you.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

20 Okay. And that ends I think. Yeah, nice
21 presentation. Andrew and Gary and team, thank you for
22 the good presentation and always welcome new businesses
23 in Novi.

1 And it's open. And now the time for the
2 motion.

3 Member Thompson?

4 MEMBER THOMPSON: Okay. I approve that -- I
5 move that we grant the variance in case PZ22-0046
6 sought by Crown Enterprises. There's two variances,
7 though, right, Joe?

8 CHAIRPERSON PEDDIBOYINA: Yeah. Yeah.
9 Height and -- two variances, yeah. Right.

10 MEMBER THOMPSON: There's two variances.
11 Because the petitioner has shown difficult in requiring
12 the height variance for the silos. Without the
13 variance, the petitioner would be unreasonably
14 prevented or limited with respect to use of the
15 property from the silos height and their use that was
16 explained well.

17 The property is unique because it is zoned
18 general industrial and fits in with the neighbors
19 around it. The petitioner did not create the condition
20 because it was a 60 foot variance for a 90 foot piece
21 of equipment. The relief granted would not be -- would
22 not unreasonably interfere with adjacent or surrounding
23 properties. And no one had phoned in or wrote in

1 complaining about it, the neighbors. And the relief is
2 constant with the spirit and intent of the ordinance
3 being in the general industrial zone.

4 MEMBER KRIEGER: Second.

5 MS. SAARELA: Is that for both variances or
6 are you making two motions?

7 MEMBER THOMPSON: For both. One motion for
8 both variances.

9 MEMBER KRIEGER: So we're allowed the front
10 loading space?

11 MEMBER THOMPSON: For the height variance and
12 the front loading space.

13 MEMBER KRIEGER: Very good.

14 CHAIRPERSON PEDDIBOYINA: Yeah. Okay.
15 Somebody can make a second, please.

16 MEMBER COPEL: Support.

17 CHAIRPERSON PEDDIBOYINA: Thank you. Say all
18 in favor.

19 MS. WAGNER: Chairperson Peddiboyina?

20 CHAIRPERSON PEDDIBOYINA: Yes, please.

21 MS. WAGNER: Member Krieger?

22 MEMBER KRIEGER: Yes.

23 MS. WAGNER: Member Longo?

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MEMBER LONGO: Yes.

MS. WAGNER: Member McLeod?

MEMBER McLEOD: Yes.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. WAGNER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. WAGNER: Member Copes?

MEMBER COPES: Yes.

MS. WAGNER: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you. And
good luck. Congratulations.

MEMBER KRIEGER: Welcome to Novi.

CHAIRPERSON PEDDIBOYINA: And welcome to
Novi.

Today our third case. PZ22- -- excuse me.
Today's case number three, PZ22-0048, Joseph Yono, 1401
East Lake Drive, west of Novi Road and south of
Fourteen Mile Road, Parcel 50-22-02-329-027. The
applicant is requesting a variance from the City of
Novi Zoning Ordinance Section 3.32.10.ii.a for a roof
height of 11 feet-6 7/8, maximum roof height 8 feet
allowed by code, variance of 3 feet 6-7/8 inch. The

1 applicant also requesting a variance from Section
2 3.32.10.ii.b for a lot coverage of a shed to be 7.54
3 percent, maximum allowed 5 percent, variance of 2.54
4 percent. The variance would accommodate the building
5 of a new lakefront accessory structure. This property
6 is zoned Single Family Residential, R-4.

7 Okay. Yeah. Please go ahead and spell your
8 first and last name clearly for our secretary.

9 MR. YONO: Joseph Yono. J-o-s-e-p-h
10 Y-o-n-o.

11 MR. SCHAUER: And I'm the architect. My name
12 Raymond Schauer. R-a-y-m-o-n-d S-c-h-a-u-e-r.

13 CHAIRPERSON PEDDIBOYINA: Okay. Secretary,
14 can you take the oath, please?

15 MEMBER MONTAGUE: I'm sorry.

16 Are you an attorney?

17 MR. SCHAUER: No.

18 MR. YONO: No.

19 MEMBER MONTAGUE: Do you swear to tell the
20 truth?

21 MR. SCHAUER: I do.

22 MR. YONO: I do.

23 MEMBER MONTAGUE: Thank you.

1 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
2 ahead and where we can help you tonight on this case.

3 MR. SCHAUER: Okay. So if you guys recall,
4 we've been here a couple of times in the past. Most
5 notably in February. We were approved for this same
6 footprint. We were approved on the size of the
7 footprint, but we were not approved on the lot coverage
8 percentage. So we haven't increased the size. It's
9 the same footprint as previous. It's just kind of a
10 formality to get that. We should have asked for it at
11 the same time. I didn't realize that.

12 Additionally, we have an eight foot max
13 accessory structure height, but in this case, we're
14 kind of in a hybrid scenario because we're not using
15 this as a shed. We're trying to put a finished ceiling
16 in it and not have it be a flat roof. I'm going to
17 pull the elevations up in a second here. But right
18 now, Mr. Yono has a home under construction directly
19 across the street and this accessory structure is going
20 to be like a miniature version of that or an accented
21 version so that as you're driving down, they look like
22 they belong together and it's not, you know, an obscure
23 thing that doesn't fit in the environment.

1 So I would just like to point out, we have
2 not increased the size since it was approved back in
3 February, we're just kind of asking for the formalities
4 of the lot coverage and then as well as the roof.

5 I'm going to show you the elevations here
6 real quick.

7 One thing that we did change since the last
8 time in February when it was approved is we had an 8/12
9 roof pitch prior. We have a 6/12 roof pitch now. And
10 I would also like to temporarily just show. This is
11 Mr. Yono's house that's under construction across the
12 street. That's a 12/12 roof pitch. So, you know, it
13 wouldn't make sense and it wouldn't fit to have
14 something that has a flat roof. And, again, if we want
15 to have a finished ceiling in there, that's at seven
16 feet with doors that can swing and people can use it
17 safely. This is essentially as low as that roof can be
18 without having it, you know appear too low of slope.
19 We don't want something that has like a 2/12 pitch and
20 it frankly wouldn't work. We'd have to have it be a
21 flat roof for it to be occupied, you know, as
22 originally intended when we asked back in February for
23 it.

1 So we made that concession. We've reduced
2 the height. And like I said, the drawings that we
3 presented before even though we weren't asking for the
4 roof height and the lot coverage per se, it was
5 approved in terms of the overall size which we have not
6 changed.

7 Thank you.

8 CHAIRPERSON PEDDIBOYINA: Okay. Do you want
9 to speak any other thing? Do you want to add anything?

10 MR. YONO: No.

11 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
12 Okay. From the city?

13 MR. BUTLER: No comments from the city at
14 this time.

15 CHAIRPERSON PEDDIBOYINA: Okay.
16 Correspondence, please, Secretary?

17 MEMBER MONTAGUE: 29 letters were mailed.
18 Two returned.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
20 Any other audience would like to speak on
21 this case tonight? Three minutes time allowed.

22 Okay. Looks like none.

23 Okay. Yeah. Nice presentation.

1 It's open to the board.

2 Anybody would like to speak on this case, the
3 board members?

4 Okay. Looks like none.

5 Okay. Motion time. Jay, please go ahead.

6 MEMBER McLEOD: Sure. I move that we grant
7 the variance in case number PZ22-0048 sought by Joseph
8 Yono for the South Lake Drive property because the
9 petitioner has shown practical difficulty requiring a
10 compliance size and a matching roof.

11 Without the variance, the petitioner would be
12 unreasonably prevented or limited with respect to the
13 use of the property because board prior approved it.
14 The property is unique because of the small size of the
15 lot and that it was approved without recognizing that
16 the lot size was as small as it was for the variance.

17 The petitioner did not create the condition
18 because the lot sizes were much smaller back when these
19 were created versus the properties today.

20 The relief granted will not unreasonably
21 interfere with adjacent or surrounding properties
22 because the variance is relatively small and the
23 structure itself was previously approved.

1 The relief is consistent with the spirit and
2 intent of the ordinance because the requester will
3 continue to have appropriate use of their own property.

4 CHAIRPERSON PEDDIBOYINA: Okay. Somebody can
5 make a second, please?

6 MEMBER LONGO: I second.

7 CHAIRPERSON PEDDIBOYINA: Thank you. Say all
8 in favor. Any changes?

9 Okay. Roll call, please.

10 MS. WAGNER: Chairperson Peddiboyina?

11 CHAIRPERSON PEDDIBOYINA: Yes, please.

12 MS. WAGNER: Member Krieger?

13 MEMBER KRIEGER: Yes.

14 MS. WAGNER: Member Longo?

15 MEMBER LONGO: Yes.

16 MS. WAGNER: Member McLeod?

17 MEMBER McLEOD: Yes.

18 MS. WAGNER: Member Montague?

19 MEMBER MONTAGUE: Yes.

20 MS. WAGNER: Member Thompson?

21 MEMBER THOMPSON: Yes.

22 MS. WAGNER: Member Copes?

23 MEMBER COPES: Yes.

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MS. WAGNER: Motion passes.

CHAIRPERSON PEDDIBOYINA: Okay. Good luck.

MR. SCHAUER: Thank you, Board.

CHAIRPERSON PEDDIBOYINA: Okay. Tonight's final case, PZ22-0050, Dan and Wendi Williams, 1419 West Lake Drive, east of West Park Drive and south of West Pontiac Trail, Parcel 50-22-03-204-021. The applicant is requesting variance from the City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of five feet, ten feet minimum required, a variance of five feet; an aggregate total side yard setback of 17.75 feet, 25 feet required, variance over 7.25 feet; and a proposed lot coverage of 32 percent, 25% maximum allowed, variance of 7 percent. Section 3.32-7 for a proposed deck 13.5 feet from the rear yard property line, 17 feet minimum required, variance of 3.5 feet. Section 4.19.1.E(i) for the construction of a 1,008 square foot garage, maximum of 850 square feet allowed by code, variance of 158 square feet. Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building of a new home and deck. This property is zoned Single Family Residential, R-4.

1 Okay. Is the applicant present, please?

2 Yeah. Please come to the podium and spell
3 your first and last name clearly for our secretary for
4 the court record. And our secretary will take the oath
5 if you're not an attorney.

6 MR. WILLIAMS: Dan Williams, D-a-n
7 W-i-l-l-i-a-m-s.

8 MS. WILLIAMS: Wendi Williams, W-e-n-d-i
9 W-i-l-l-i-a-m-s. Neither of us are lawyers.

10 MEMBER MONTAGUE: Do you swear to tell the
11 truth in this case?

12 MS. WILLIAMS: We do.

13 MR. WILLIAMS: We do. I do.

14 MS. WILLIAMS: We do.

15 MEMBER MONTAGUE: Thank you.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Dan and
17 Wendi. Please go ahead and present your case where we
18 can help you tonight.

19 MS. WILLIAMS: Thank you. Does this still
20 zoom? I don't know how to work this thing. Is this
21 the zoom?

22 CHAIRPERSON PEDDIBOYINA: Yeah, that's the
23 zoom.

1 MS. WILLIAMS: Okay. And does somebody know
2 how to turn off the stuff on the right? I think
3 somebody else did that. Okay. That's fine.

4 MR. WILLIAMS: Thank you for your time and
5 attention on our case and the details of our case. My
6 name is Dan Williams as I mentioned. This is my wife,
7 Wendi. We live on West Lake Drive.

8 CHAIRPERSON PEDDIBOYINA: Can you please talk
9 louder, please?

10 MS. WILLIAMS: Louder?

11 MR. WILLIAMS: Louder?

12 MS. WILLIAMS: Sure.

13 CHAIRPERSON PEDDIBOYINA: Yeah.

14 MR. WILLIAMS: Okay. Sorry.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 MR. WILLIAMS: And I'm Dan Williams. This is
17 my wife, Wendi. As we mentioned, we live on West Lake
18 Drive in the city of Novi. We've been there for about
19 25 years now. We raised our children here. We
20 continue to enjoy the community and lake living on
21 Walled Lake. This will be our third house on Walled
22 Lake.

23 We actually came before the board twice last

1 year where we received unanimous approval for this
2 identical design. We've made no changes. The first
3 time was in July and it was unanimously approved. And
4 the second time we came was because of an unprecedented
5 rehearing request. And in that second rehearing there
6 were no changes made to the case that was presented
7 initially that was unanimously approved and we went
8 through all the detail of it and then at the end of it
9 we were told that it was approved again unanimously.
10 So we haven't made any changes to it.

11 The reason we're here today is because of the
12 timing on it. We had to be in -- you know, break
13 ground by November 14th and we can't do it. There's
14 just not enough time to get it done. The existing
15 house has to be demolished, the existing garage has to
16 be demolished. So we're here because we couldn't get
17 it done fast enough.

18 So I'm going to go ahead and step through
19 these.

20 MS. WILLIAMS: I have copies of this if
21 the -- would the board like copies of this document
22 'cause it's kind of the key of our case?

23 MR. WILLIAMS: I don't know if you can --

1 MS. WILLIAMS: I don't know if it's very
2 legible up there.

3 MR. WILLIAMS: I don't know if you can read
4 that or not.

5 MS. WILLIAMS: Can I give you these copies or
6 no or?

7 MR. WILLIAMS: Do you want -- we have copies
8 for everybody if you want them.

9 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
10 ahead and present. Thank you.

11 MR. WILLIAMS: It's a lot easier to -- if you
12 have --

13 MEMBER KRIEGER: Is it in our packet?

14 CHAIRPERSON PEDDIBOYINA: Yeah.

15 MS. WILLIAMS: It's the same thing.

16 CHAIRPERSON PEDDIBOYINA: Yeah. I think that
17 we --

18 MR. WILLIAMS: Yeah, same thing.

19 CHAIRPERSON PEDDIBOYINA: Yeah. We do have
20 the -- thank you, ma'am.

21 MR. WILLIAMS: So there's a lot of
22 information on there. The first row is the lot
23 coverage on the top of this and then it just progresses

1 down with all of the variances that are being
2 requested.

3 The first column refers to what the code is.
4 And then the second column and third column relate to
5 the historical precedents that's been set with
6 approvals with regard to the largest and then the
7 mathematical average of the variances that have been
8 approved.

9 And the sequence is always the same. I know
10 that it's obscured on the lower right-hand side there
11 because of the projector details. But in all cases the
12 variances that are being requested are not only below
13 the maximum that have been approved, but also
14 substantially less than the average, you know, with
15 regard to the math, the dimensionality of it. 'Cause
16 these are all dimensional variances.

17 The first one -- and I ratchet right through
18 these is the lot coverage. Where the code says 25
19 percent, we're at 29 -- no, I'm sorry. The code is 25
20 percent, the largest approved is 29 percent. The
21 average approved is 12 and we're looking for seven.

22 So that just kind of points out that first
23 row where what we're asking for is way less than what

1 the maximum approved is and way less than what the
2 average approved is. Where the maximum was 29 and the
3 average was 12 and what we're asking for with regard to
4 the lot coverage is seven.

5 What we're asking for is less than the max,
6 less than the average. And then I know there's a lot
7 of variances here. I wanted to point out that we are
8 not asking for a variance for a front or rear yard
9 setback.

10 And that's really the big thing on the lake,
11 especially what we call the rear yard setback and that
12 would be the relative position of the house with
13 respect to the lake where people get crazy about
14 obstructing views. The code is 35 and out of respect
15 for the neighbors, we are holding at 39 feet away from
16 the lake so as to minimally obscure their views on
17 either side of us.

18 We know that some of the neighbors are not
19 happy. In fact, we know that, you know, one of our
20 neighbors has threatened to sue the city of Novi twice
21 in this same meeting. It is noted in the meeting
22 minutes of August 10th, 2021, on pages five and six.
23 Then a separate threat on line eight of page five. On

1 lines 20 and 21.

2 That's from the August 10th. So we're aware
3 that we have some neighbors that are opposed to this.
4 We have modified the design in an effort to accommodate
5 the best we can for our neighbors. We have around
6 \$25,000 in architectural design costs. More than half
7 of that is for design changes to accommodate the
8 neighbors.

9 We've -- when we make a change to accommodate
10 a neighbor thinking that we have a solution and a
11 resolution, all we get is another complaint. You know,
12 so that kind of got clear that we weren't ever really
13 going to get any kind of blessing from all the
14 neighbors.

15 MS. WILLIAMS: It's kind of like whac-a-mole.
16 You take care of one thing, somebody else brings
17 something else up, somebody else brings something up.
18 So we did try.

19 MR. WILLIAMS: And I can elaborate on that,
20 but, you know, you don't want to hear it all, you know,
21 what details, dates, E-mails, invoices from an
22 architect and all that kind of stuff. You don't want
23 to hear all that.

1 MS. WILLIAMS: But we did have a lot of
2 support as well.

3 MR. WILLIAMS: On a positive note, the city
4 has on record 20 letters of support of the protect.

5 You know, the big thing here is this is for
6 the -- it's for our benefit, but it's for the benefit
7 of the city of Novi, for the Novi residence, and
8 property owners on the lake. And that's why we're
9 asking for reapproval today, this evening, to go ahead
10 with our enhancement plan. Basically to tear down an
11 old house that was constructed in 1929 as a duplex and
12 along with an associated three and a half car garage
13 and build a nice proper contemporary home.

14 So I ratchet through as fast as I can here on
15 these variances. This first one relates to the lot
16 coverage. And it is 7 percent variance, below the max
17 granted, below the average that's been granted. Since
18 our approval, the averages have been going up with
19 regard to the variances that have been granted. And I
20 don't have a problem with that. I'm just bringing that
21 to your attention.

22 So this diagram illustrates the existing
23 house and the new house where the existing house is the

1 gray region and the new house is the heavy black. So
2 you can see, I have to point on this a little bit. In
3 this region right here is the garage. And the existing
4 garage is this gray square. What we've done is we --
5 in a new design, is we've connected the house to the
6 garage. And in doing -- there's currently a three and
7 a half car garage. It's a nice garage there. It's
8 three cars, not three and a half. So that's how we go
9 to this four car garage, two doors on it. Just like
10 what they're doing all over in Bolingbrooke. Just like
11 you'd do with a house, you know, that's over a million
12 dollars, you want to have a lot place to park your car.
13 And we can because we've got -- despite the fact that
14 there's hardship with this irregular kooky lot, it
15 comfortably absorbs this design.

16 One of the details there relates to the
17 distance of this house to the nearest house to the
18 north. It's 40 feet, which is unprecedented. And it's
19 afforded by the luxury that we enjoy because of the
20 city of Novi because a very large 165 foot vacant lot
21 that separates us from our neighbor to the north who is
22 an expert at making legal threats in this room about
23 why this project should not go, which is very confusing

1 for me. 165 feet deep, 22 feet wide. So the nearest
2 structure after the new house is done would be that
3 house, it's 40 feet away.

4 So the proposed lot coverage which is the
5 focus on this bullet right here, just getting right to
6 that, is real -- actually, it's quite similar to what
7 we have now. As you can see, the gray garage, the gray
8 house and then this gray here is the huge deck that's
9 out in front. And we'll get to the deck, but -- and
10 everything gets demolished and rebuilt, but the rebuild
11 is real close to what's existing. So the existing is
12 all the colored, the new is the square box. Very
13 similar lot coverage when we include the deck.

14 There's a lot of these so I have to kind of
15 ratchet through. The next ones relate to the side yard
16 setbacks. And then on our table in the bottom we have
17 the code, you know, the ten, the 15 and the 20, which
18 you have in front of you. And the current design --
19 the current home is two feet eight inches away from the
20 lot line on this side. So there's an air-conditioning
21 unit that's on this side right about where the tip of
22 my pen is. And I can't walk between the
23 air-conditioner and the fence because the house is 2.8

1 feet away from the. Okay. So that's one of the things
2 we're doing is we're going to double that. And that's
3 a variance required to -- you know, 'cause we want five
4 foot yard setback on that side. And it's a proposed
5 five foot side yard setback for that side where we
6 would be doubling the distance.

7 The original design, we wanted to go five
8 foot yard setback on the other side as well. But we
9 had some objections from our neighbors and more than
10 one of them, two of them. And so we redesigned and
11 narrowed up the house and that's how we're so far from
12 the lot line on the left side. We basically went from
13 a five foot side yard setback request to now we're 12
14 foot nine on that side. So we skinnied up the house.

15 And that was what was presented before and
16 approved before. No changes have been made.

17 Next the deck. And the deck is kind of
18 significant in the regard that it's huge. It's
19 ginormous. So there's no other deck like this aside
20 from the one that the city of Novi has in the southwest
21 corner of the lake and bay side where the deck is
22 parallel and adjacent to the lake and actually hangs
23 out over the lake. And it's about 70 feet of deck that

1 physically hangs out -- it's to the water's edge and
2 hangs out over the edge. It's pretty cool. It's nice,
3 but it's old. And the deck specification is 17 feet.
4 The current is like zero feet and we want to do it at
5 13 and a half feet. So we want to add a green belt
6 between the lake and the deck where there is none. And
7 that green belt would be 13 and a half feet, not the
8 code of 17 feet. So that's where we're asking for the
9 three and a half feet as we did before. As we approved
10 before. Nothing changed. Nothing different here.

11 This pretty -- this rendition kind of
12 illustrates what we're talking about with regard to the
13 deck where the top view, you can see it spans all the
14 way to my boat launch. The bottom view, it's short of
15 the boat launch substantially. And the top view is
16 straight to the water's edge. The bottom view is 13
17 and a half feet away from the lake.

18 And then the existing railing is a rugged,
19 heavy wood. The new stuff would be, you know, more
20 contemporary pipe and cable so you can see through it a
21 little better. Less maintenance. Low maintenance or
22 no maintenance. Low or no maintenance.

23 This diagram is from West Lake Road -- West

1 Lake Drive, I'm sorry, looking to the east. And this
2 is the 165 foot vacant lot that the city of Novi owns
3 to the north. And the fence separate us from that 22
4 foot vacant lot. And you can see the deck here right
5 up to the edge of the boat lunch. Where here, this
6 picture does a better job of it where the deck follows
7 the house, which is only -- it's about 20 feet less
8 wide. Maybe 19 and a half feet.

9 This has some glare on it, but that's the
10 current and the proposed design. And this does a
11 pretty good job showing that open space between the
12 proposed new home and the existing home.

13 We're still talking about the deck variance
14 where the 13 and a half feet with a green belt here and
15 the house placed 39 feet from the lake, it just
16 illustrates what we're trying to do. This would be
17 like a countermeasure of ours. The gentleman earlier
18 asked, well, you know, what would you do if it wasn't
19 approved, we would come back with this as a
20 countermeasure where we would -- if we didn't get
21 the -- and the only reason I talk like this defensively
22 and you have to -- I have to apologize, right, it's
23 because I'm getting hit with objections. Due to the

1 inherent design of the meeting, I have to present what
2 I'm asking for and why I think it's fair and
3 reasonable. But that would be the countermeasure with
4 regard to not getting that particular variance is that
5 we would say, oh, okay, we're going to be compliant on
6 the deck. We're going to make our little green belt
7 area 13 and a half feet. We'll increase it to 17, but
8 then we're going to take the house, you know, closer to
9 the lake which would not require, you know, any kind of
10 a variance because there's no dimensional problem with
11 it being a 35 foot setback.

12 So the design we're asking for is in fact
13 more favorable for the neighbors, not for us. And if
14 you want to test us on that, please feel free. It's
15 not like some veiled kind of threat or something like
16 that. I'll come back. And I'll come back next month
17 and I'll come with the one that's 35 foot on the house.
18 Okay.

19 All right. So let's keep on rolling here. I
20 apologize for my defensive nature, right. It's due to
21 the inherent design of the meeting where I have to
22 present and defend all at once.

23 So now we're to the last part, the three

1 story thing. And we're complaint on the overall
2 height. So what we're asking here is for a variance on
3 the number of stories. The code is two and a half
4 stories, we're asking for three stories. And what
5 pushes that third story is the elevator and the fact
6 that we don't have a basement. As you may know on the
7 lake, especially on this side of the lake, we can't
8 have basements because we hit water at about 42, 46
9 inches. So this attic, it would be our upstairs
10 basement. And this is the doctor's note, the
11 proverbial doctor's note saying, yeah, you know,
12 elevator's good. And that's on record with the city of
13 Novi with additional detail being that this public
14 forum. We're just keeping it to the minimum.

15 And here you have your design comments from
16 the elevator company where they're stipulating -- and
17 it makes sense, you have to have a full third floor if
18 the elevator is going to get you to the third floor.
19 You can't have like a two and a half story floor. When
20 the elevator door opens, it has to have the eight foot
21 to clear.

22 So that's kind of the summary. And then
23 people say, oh, why do you need the upstairs basement.

1 And it's because we have so much junk to store. We
2 have pallets of halloween decorations and Valentine's
3 decorations and every holiday's decorations. St.
4 Patrick's Day decorations. We have hearts for
5 Valentine's decoration. We would be forbidden from
6 living in most condo complexes.

7 So anyway, that would be the end of the talk
8 about the height. Where we're compliant on the height,
9 but we're -- it's not too tall, but because the way
10 it's chopped up, it's qualifying as three full floors
11 so we're asking for that.

12 The next one relates to the garage. We want
13 to have a thousand square foot garage. Tons of them in
14 town bigger than that. And on the garage thing I'm
15 just pointing out to you that the new garage is
16 basically going to go where the existing garage is.
17 The huge difference is that the new garage will connect
18 to the house. It's so cold in Michigan, you know,
19 snow, ice, rain, that we would really like to have the
20 garage attached to the house.

21 So that's the summary on the garage size.

22 And this is a summary of the community
23 considerations with regard to changes in the design and

1 whatnot that we did prior to our first approval in July
2 of 2021, last year.

3 And I apologize for not starting the protect,
4 but there's a lot of factors beyond my control. I
5 would like to have broken ground by now. Just couldn't
6 get there. And we do want to proceed with the project.
7 And so that's what we're here for this evening is to
8 ask for your support and your approval.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Dan and
10 Wendi. Good presentation. Who did that presentation,
11 is beautiful. Okay.

12 From the city?

13 MR. BUTLER: No comments from the city.

14 CHAIRPERSON PEDDIBOYINA: Thank you, Larry.
15 And correspondence, Secretary?

16 MEMBER MONTAGUE: 33 letters were mailed,
17 three returned, two objections and one approval.

18 There was an objection from a Tim Richardson.
19 I object to one of the variances. I think the five
20 yard -- it says five yard -- it's probably five foot --
21 setback is not necessary as they have a large lot. Why
22 crowd the neighbor.

23 The second is just circled objection from a

1 Michelle Wood.

2 And then from Danielle and Justin Weinger,
3 W-e-i-n-g-e-r. Approval. We feel that any improvement
4 to the neighborhood is great.

5 MS. WILLIAMS: Could I just quickly
6 comment --

7 CHAIRPERSON PEDDIBOYINA: Thank you,
8 Secretary.

9 MS. WILLIAMS: -- that we were told that we
10 did not have to go get these letters again 'cause we
11 had 20 letters of support at the meetings last year so
12 just letting you know.

13 MR. WILLIAMS: Oh, yeah. We could have
14 expanded this to 25 or 30. We didn't make any effort
15 on that, but we're prepared to do that if necessary.

16 CHAIRPERSON PEDDIBOYINA: Okay. In the
17 audience, anybody would like to speak on this case?
18 Yeah, please come. You have three minutes time limit.
19 You can proceed.

20 MR. WILLIAMS: Is there any time limit on the
21 next speaker?

22 MS. WILLIAMS: He just said that, three
23 minutes.

1 MR. CONDON: You had 23 minutes, Dan, so.

2 MS. SAARELA: Just to clarify, the applicant
3 doesn't have a time limit. There are three minutes on
4 the public comments.

5 CHAIRPERSON PEDDIBOYINA: Yep. That's what I
6 told at the beginning.

7 Okay. Thank you. And spell your first and
8 last name clearly.

9 MR. CONDON: Michael Condo, M-i-c-h-a-e-l
10 C-o-n-d-o-n. I swear to tell the whole truth.

11 CHAIRPERSON PEDDIBOYINA: Thank you, Michael.
12 Please go ahead.

13 MR. CONDON: Thank y'all very much for your
14 time here tonight. I come before you -- when I go to
15 the city's website and I look at what gets a variance,
16 okay. The elements of unnecessary hardship. Okay.
17 There -- when you look at this lot, these are self
18 created hardships. This is a gigantic lot that doesn't
19 really require variances.

20 And, yes, we've been here and it's been
21 frustrating because nothing -- you know, if we go
22 through three stories on the lake it becomes precedent
23 setting. There's not a three-story house on the lake.

1 We're changing the entire lake neighborhood. It's not
2 like a different subdivision that goes three stories.
3 Okay.

4 And then also, you know, the gigantic
5 garages. Okay. There's a reason the city has
6 ordinances and they somewhat need to be followed
7 because I would have never built the house I did if I
8 ever dreamed that the house being built to the south of
9 me was going to end up changing my sunshine, my view,
10 my look. The most expensive window in my house is
11 going to have a total different look than the city
12 ordinances ever said initially. Okay.

13 And so the point is, you know, there's been a
14 lot of frustrations in the neighborhood about this.
15 Okay. I mean, people are talking about it. They're in
16 disbelief. And, yeah, it did get approved, but there
17 also was a lot of weird things getting there because,
18 you know, at one time we were all at a meeting and Dan
19 asked for an adjournment and he didn't ask in advance,
20 but it was waited for different -- delayed for
21 different members would be at the board.

22 But bottom line, you know, Michael said right
23 at the beginning of this, well, can't we just slide the

1 garage back and have a little bit of three story and
2 move it back from the lake and that will solve all the
3 problems. I ask you to take a fresh look at this.
4 We're not asking for anything major here. We're saying
5 just pull the deck back three and a half feet so that
6 it doesn't change everybody else's, all the neighbors.
7 Their deck will still be out in front of everybody
8 else's. Okay.

9 And then the garage, one of the other things
10 about the garage, all the neighbors have one-story
11 garages with an angled roof above. This is proposed to
12 be a two-story garage with the angled roof. So it
13 really looks different when you put a two-story garage
14 and the roof above it, versus all the other neighbors
15 having one-story garages. Okay.

16 MEMBER KRIEGER: Can you sum it up, please.

17 MR. CONDON: Thank you, very much.

18 MEMBER KRIEGER: You're on your three
19 minutes.

20 CHAIRPERSON PEDDIBOYINA: Three minutes,
21 Michael. Thank you so much.

22 MR. CONDON: And so, you know, a couple of
23 the variances are one thing. Six of the variances is

1 way too much so I ask you to reconsider this. Thank
2 you very much.

3 CHAIRPERSON PEDDIBOYINA: Thank you so much.

4 Okay. It's open to the board. Any questions
5 can ask the board?

6 MEMBER KRIEGER: Two questions.

7 CHAIRPERSON PEDDIBOYINA: Yeah, Member
8 Krieger.

9 MEMBER KRIEGER: Mr. Williams?

10 CHAIRPERSON PEDDIBOYINA: Can you be on the
11 podium, Mr. Williams.

12 MEMBER KRIEGER: For the water side where
13 you're going to build your deck, the -- you have the
14 lattice I think where the deck is at and then you'd
15 remove it. Is it -- oh, I forgot the word I wanted.
16 For the water side, to protect the earth from being
17 washed away, are you putting in stone or what are you?

18 MS. WILLIAMS: Right. Yeah. That's a good
19 question. And the question is related to the
20 seawall.

21 MEMBER KRIEGER: Seawall. Thank you.

22 MR. WILLIAMS: On the lake side. Currently
23 there's a kind of a hobo looking lattice kind of stuff

1 across the whole face of it to conceal -- you know, to
2 hide, you know, what's below and behind. And so, yeah,
3 that will all get ripped out and then a proper seawall
4 would be installed there.

5 MEMBER KRIEGER: Okay. And then I guess for
6 the second question, the height or three stories, I
7 don't know if the city would be answering that.

8 MS. WAGNER: That's the height.

9 MR. WILLIAMS: Yeah. There's no height --

10 MEMBER KRIEGER: You can't have a basement
11 so --

12 MR. WILLIAMS: Right. There's no height --
13 we're within the height requirements.

14 MEMBER KRIEGER: Right.

15 MR. WILLIAMS: We're not asking for anything
16 extra high. To me it's kind of kooky that there's even
17 a code on it.

18 MEMBER KRIEGER: So you can call it three
19 stories but it's -- if your in the height, then that's
20 what you're --

21 MR. WILLIAMS: Thank you. Yeah. Why
22 would --

23 (The Court Reporter asked for clarification.)

1 MR. WILLIAMS: I'm sorry.

2 MEMBER KRIEGER: Well, anyway. So the three
3 stories is within the height so you don't have to call
4 it three stories, just call it you're at the height
5 request and that was it. Thank you.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
7 Member Krieger.

8 Any other board member? Yeah, Member Jay.

9 MEMBER McLEOD: So sorry. I'll be completely
10 transparent on this one. You lost me a lot in your
11 presentation when you commented that, quote/unquote,
12 this was already approved. I'm a little bit lost now
13 in what specifically are you requesting now in this
14 meeting versus what you've already been approved for?
15 What is new in this discussion --

16 MR. WILLIAMS: So thank you for asking.
17 Nothing new.

18 MEMBER McLEOD: Nothing new.

19 MR. BUTLER: Mr. Chair?

20 MS. SAARELA: I can clarify. This was here a
21 year ago. Because they didn't start the project, their
22 variances expired.

23 MEMBER McLEOD: Oh.

1 MS. SAARELA: So it's the same proposal, it
2 just has to -- they have to re --

3 CHAIRPERSON PEDDIBOYINA: Reconsider.

4 MS. SAARELA: Well, no. Not reconsider, but
5 they have to propose the whole thing over again and it
6 has to be reapproved because it expired.

7 MEMBER McLEOD: Okay. Thank you.

8 MS. SAARELA: So it's nothing different than
9 it was before.

10 MEMBER McLEOD: All right. Thank you.

11 CHAIRPERSON PEDDIBOYINA: Thank you, Jay.

12 And, Larry, do you have any questions?

13 MR. BUTLER: No. That just ...

14 CHAIRPERSON PEDDIBOYINA: Oh, okay.

15 Attorney. Okay.

16 Any other board member, please?

17 Member Thompson, you have any questions?

18 MEMBER THOMPSON: I do not.

19 CHAIRPERSON PEDDIBOYINA: Okay. Good. And
20 it's the time for the motion. Montague, Member
21 Montague?

22 MEMBER MONTAGUE: Yes. I move that we grant
23 the variance in case number PZ22-0050, recognizing that

1 it was previously approved and the proposal has not
2 changed. The petitioner would be prevented from using
3 a contemporary structure for his residence. The
4 property is unique because of the irregular lot. The
5 petitioner did not create the condition. The property
6 existed in its current configuration.

7 The relief granted will not unnecessarily
8 interfere with adjacent and surrounding properties
9 because it is consistent with new developments in the
10 area and the lot coverage is very similar to what's
11 sitting on the site now.

12 The relief is consistent with the spirit and
13 intent of the ordinance because it will be an
14 attractive addition to the neighborhood. And I think
15 -- remembering from before, they did a significant
16 effort in trying to satisfy the neighbors and going
17 around and talking to people.

18 The variance, it was previously approved and
19 was basically a timing issue because of construction
20 and there were no changes to the previous approved
21 approach.

22 CHAIRPERSON PEDDIBOYINA: Can somebody make a
23 second?

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MEMBER LONGO: Second.

CHAIRPERSON PEDDIBOYINA: Thank you.

Yeah. Roll call, please.

MS. WAGNER: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. WAGNER: Member Krieger?

MEMBER KRIEGER: Yes.

MS. WAGNER: Member Longo?

MEMBER LONGO: Yes.

MS. WAGNER: Member McLeod?

MEMBER McLEOD: Yes.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. WAGNER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. WAGNER: Member Copes?

MEMBER COPEs: Yes.

MS. WAGNER: Motion passes.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

And good luck. Congratulations.

MR. WILLIAMS: Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. And that is
the final of today's cases and that's the end for

1 today's agenda meeting. Before I adjourn, any say aye
2 in favor, any changes or anything?

3 MEMBER KRIEGER: I move to adjourn.

4 CHAIRPERSON PEDDIBOYINA: Okay. Somebody
5 make a second.

6 MEMBER COPES: Support.

7 CHAIRPERSON PEDDIBOYINA: Support. Thank
8 you.

9 Say all in favor aye.

10 THE BOARD: Aye.

11 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

12 Meeting is adjourned.

13 (At 8:20 p.m., matter concluded)

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, Notary Public within and for the County of Oakland, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of seventy-five (75) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/Darlene K. May
Darlene K. May, Notary Public
Oakland County, Michigan
My commission expires: 01-13-2024

October 13, 2022
(Date)