

MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, DECEMBER 12, 2023 - 7:00 p.m.

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

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Linda Krieger, Secretary

Michael Thompson

Clift Montague

Jay McLeod

ALSO PRESENT:

Joellen Shortley, City Attorney

Alan Hall, Comm. Development, Dep. Director

Sarah Fletcher, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, December 12, 2023

7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Good evening.

Today is December 12th and final meeting of this year.

Please call to the order and Pledge of Allegiance.

Please stand up everybody.

Go ahead, Linda.

(Pledge of Allegiance)

CHAIRPERSON PEDDIBOYINA: Thank you. Please
mute your cell phones. Can somebody help me for the
main door?

Thank you.

Okay. And roll call.

MS. FLETCHER: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. FLETCHER: Member Sanghvi. Absent.

Member Thompson?

MEMBER THOMPSON: Yes.

MS. FLETCHER: Member Longo. Absent,
excused.

Member Montague?

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MEMBER MONTAGUE: Here.

MS. FLETCHER: Member Krieger?

MEMBER KRIEGER: Here.

MS. FLETCHER: Member McLeod?

MEMBER McLEOD: Here.

MS. FLETCHER: Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you so much. And we have a quorum?

MS. FLETCHER: Yes.

CHAIRPERSON PEDDIBOYINA: And public hearing format and rules of conduct. And you can see that one. And approval of agenda. Any changes?

Somebody make a motion for the approval of the agenda.

MEMBER KRIEGER: I move to approve the agenda.

CHAIRPERSON PEDDIBOYINA: Somebody make a second, please.

MEMBER MONTAGUE: I'll second.

CHAIRPERSON PEDDIBOYINA: Thank you. Approval of agenda unanimously.

Minutes of meeting November 2023, somebody make a motion. Any changes or any modifications,

1 please let me know. Somebody can make a motion.

2 MEMBER KRIEGER: I move to approve the
3 minutes from November 2023.

4 CHAIRPERSON PEDDIBOYINA: Somebody make a
5 second.

6 MEMBER THOMPSON: Second.

7 CHAIRPERSON PEDDIBOYINA: Thank you. Any
8 nays? No.

9 Okay. Public remarks. This is the time
10 where you can speak up and anything.

11 Looks like none public hearing also.

12 Okay. And today we have five cases. The
13 first case is PZ23-0058, Colucci, C-o-l-u-c-c-i,
14 Colucci Properties, LLC, 40245 Grand River Avenue,
15 south of Grand River Avenue, east of Haggerty Road,
16 Parcel 50-22-24-451-006. The applicant is requesting a
17 variance from the City of Novi Zoning Ordinance Section
18 4.19.2.f.iv to allow the location of a dumpster
19 enclosure within the required 10 feet rear yard
20 setback. The existing dumpster encroaches 2.5 feet on
21 the adjacent property. This variance would clarify the
22 location of the dumpster for any future project
23 proposals. The property is zoned Non-Center

1 Commercial, NCC.

2 Is the applicant is there? Please present
3 your first name and last name clearly for our record.
4 And if you're not an attorney, our secretary will take
5 the oath. Please go ahead.

6 MR. COLUCCI: Good evening members of the
7 board. I'm John Colucci. I am an attorney. And I'm
8 here in connection with the request for a dimensional
9 variance pertaining to a dumpster enclosure at
10 40245 Grand River, which encroaches also on an adjacent
11 property at 40255 Grand River. The Colucci family has
12 owned and developed the properties in excess of 30
13 years. The dumpster corral was constructed at some
14 point in the mid-90s. We don't have an exact date on
15 that. My father would have known that, but he's passed
16 away. And the practical difficulties in moving the
17 dumpster corral are immense.

18 We have a very shallow greenbelt area at the
19 back which itself is about nine feet. So we couldn't
20 even be in the greenbelt with the dumpster corral if we
21 were to move it. We'd have to move it up.

22 We have the parking area. There's
23 immediately adjacent to the corral areas a big

1 transformer DTE installed. Also, there's a drain for
2 the parking lot right in that area.

3 So both would be interfered with if we were
4 not able to maintain the dumpster corral.

5 It otherwise meets the requirements of the
6 enclosure ordinance and is otherwise in an appropriate
7 place, albeit we do need the variance with respect to
8 the setback at the rear of the property.

9 We will also need a variance with respect to
10 40255 Grand River. We will be back on that in January.
11 The notice for this particular variance only included
12 one address. So we'll have to come back.

13 CHAIRPERSON PEDDIBOYINA: Okay. Do you have
14 any diagram or anything to show the public, please?

15 MR. COLUCCI: Absolutely.

16 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
17 ahead and present.

18 MR. COLUCCI: I do have as a part of the
19 package we submitted, there's aerial photographs
20 showing the location of the dumpster at the west -- the
21 southwest corner of 40245 Grand River. We also have
22 the survey recently done by Boss Engineering.

23 And in connection with site plan approval for

1 a veterinarian who wishes to move into 40245, we have
2 prepared a cross easement that's been reviewed by both
3 engineering and legal and it's approved by both
4 engineering and legal as well as planning.

5 I'm not sure how to show you the --

6 CHAIRPERSON PEDDIBOYINA: Yeah. You can put
7 it on the -- yeah, projector.

8 MR. COLUCCI: Okay.

9 (Document displayed.)

10 MR. COLUCCI: This would be the location of
11 the dumpster corral right here, the point of that
12 arrow. The line running through the dumpster corral
13 would indicate the property line. So it's about two
14 and a half feet over the line.

15 The two buildings share the dumpster corral
16 and have done so for many, many years. So 40255 is the
17 building running perpendicular as such to Grand River
18 and then 40245 is in this area here.

19 So the dumpster is located and shared by both
20 buildings. That is a feature that the tenants and a
21 potential purchaser would want to maintain.

22 This is a little bit more of a zoom version
23 showing the dimensions of the encroachment as well as

1 the enclosure itself.

2 So for the reasons I've indicated, as well as
3 the existing approvals of legal and engineering, we
4 would request that the board grant the variance with
5 respect to the setback and in January, the encroaching
6 portion on 40255.

7 I'm happy to address any questions you may
8 have.

9 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
10 much.

11 From the City?

12 MR. HALL: Thank you, Mr. Chairman. Yes, we
13 concur with the applicant's presentation. They will be
14 seeking a zero lot line variance for both properties.
15 We're only doing the one tonight. The next meeting
16 we'll do the second one because of advertisement
17 purposes. And the variance will be for not only the
18 enclosure walls of the dumpster, but also its
19 foundation system in case it's, you know, a little more
20 than that. But we have no comments.

21 CHAIRPERSON PEDDIBOYINA: Thank you.

22 From the audience would like to speak on
23 this, anything, before we can move?

1 Looks like none.

2 Okay. Correspondence, secretary?

3 MEMBER KRIEGER: Is that me?

4 CHAIRPERSON PEDDIBOYINA: Yeah.

5 MEMBER KRIEGER: Oh, okay.

6 CHAIRPERSON PEDDIBOYINA: Any correspondence?

7 MEMBER KRIEGER: For this case, 40 were
8 mailed, three returned, zero objections, zero
9 approvals.

10 CHAIRPERSON PEDDIBOYINA: Sounds good. Thank
11 you. Thank you so much.

12 Okay. Thank you so much for your
13 presentation and as my city also mentioned. And I'm
14 open to the board to speak on this case.

15 And please go ahead, sir.

16 MEMBER MONTAGUE: I'm going to have to recuse
17 myself from this case. Mr. Colucci is my
18 brother-in-law. And a very fine brother-in-law.

19 CHAIRPERSON PEDDIBOYINA: Okay. Excused.
20 And please make a note.

21 Okay. Any other correspondence board -- I
22 mean, board members would like to speak on this case?

23 Okay. Looks like none. And I have no

1 questions. And secretary -- Linda, can you make the
2 motion on the first case?

3 MS. SHORTLEY: Good evening. Joellen
4 Shortley from Rosati Schultz. If a member is
5 abstaining from voting, I believe your rules generally
6 say that they do not sit at the dais while the vote is
7 taking place.

8 CHAIRPERSON PEDDIBOYINA: Okay. Please
9 excuse -- you can step out for a few minutes.

10 MEMBER MONTAGUE: All right.

11 CHAIRPERSON PEDDIBOYINA: And take rest.

12 Thank you, Attorney. Yeah, I agree with you.
13 Sometimes she also -- Linda --

14 MEMBER KRIEGER: Yeah.

15 CHAIRPERSON PEDDIBOYINA: -- I remember you
16 did one time.

17 (Mr. Montague left the dais.)

18 MEMBER KRIEGER: I did have a question,
19 though.

20 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead.

21 MEMBER KRIEGER: For the dumpster, it's a
22 shared dumpster. So if the veterinarian moves in, is
23 it going to be office and then also biohazard or that's

1 just --

2 MR. COLUCCI: No. Sharps and biohazards are
3 handled separately by the dental clinic. So they
4 already deal with biohazards since there are dentists
5 in 40255. And we would expect the same from the
6 dentist. And that would be part of his approval
7 process with the city is to determine that he's going
8 to be not generating hazardous waste, which I believe
9 is the representation made to the city already.

10 MEMBER KRIEGER: Oh, okay. Very good. Thank
11 you.

12 MR. COLUCCI: And there's two
13 dumpsters there, so one gets the left and the other
14 gets the right. So ...

15 MEMBER KRIEGER: That helps too. Thank you.

16 MR. COLUCCI: Thank you.

17 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.
18 Please make a motion.

19 MEMBER KRIEGER: Okay. For this case, PZ2 --

20 CHAIRPERSON PEDDIBOYINA: You can stand
21 there, Attorney. Yeah, please. The case is completed,
22 then you can step over.

23 MEMBER KRIEGER: For case number PZ23-0058

1 sought by the petitioner, I move to -- they have shown
2 a practical difficulty requiring the variance and has
3 shown through the testimony that they meet the request.
4 Without it, the petitioner will be unreasonably
5 prevented or limited with respect to the use of the
6 property because it has been that way with the -- as
7 he's explained with the green space and the location,
8 the parking, and it's already been configured to handle
9 both properties and each have their own -- each
10 business has their separate dumpster and is enclosed
11 properly.

12 And the property is unique because of this.
13 And the petitioner did not create the condition because
14 it was created that way.

15 And the relief granted will not unreasonably
16 interfere with adjacent or surrounding properties
17 because it is between the two buildings and not
18 interfere with neighboring businesses.

19 The relief is consistent with the spirit and
20 intent of the ordinance because it works for the
21 benefit of the area.

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

23 MEMBER McLEOD: Second.

1 CHAIRPERSON PEDDIBOYINA: Roll call, please.

2 MS. FLETCHER: Chairperson Peddiboyina?

3 CHAIRPERSON PEDDIBOYINA: Yes.

4 MS. FLETCHER: Member Krieger?

5 MEMBER KRIEGER: Yes.

6 MS. FLETCHER: Member McLeod?

7 MEMBER McLEOD: Yes.

8 MS. FLETCHER: Member Thompson?

9 MEMBER THOMPSON: Yes.

10 MS. FLETCHER: Thank you. Motion passes.

11 CHAIRPERSON PEDDIBOYINA: Okay.

12 Congratulations.

13 MEMBER KRIEGER: See you in January.

14 MR. COLUCCI: Thank you very much. We'll be
15 back in January.

16 (Member Montague resumes the dais.)

17 CHAIRPERSON PEDDIBOYINA: PZ23-0059, Lithia
18 Motors Inc., 24315 Haggerty Road and 24355 Haggerty
19 Road, south of Grand River Avenue, east of Haggerty
20 Road, parcel 50-22-24-476-022. The applicant is
21 requesting variance from the City of Novi zoning
22 ordinance Section 3.1.12.D for a reduction in required
23 side yard parking setback to zero feet. A 10 feet

1 minimum, variance of 10 feet.

2 This variance will enable a proposed lot
3 split in which existing parking lots will be divided
4 between the new parcels. The property is zoned General
5 Business, B-3.

6 Okay. Please spell your first and last name
7 clearly for our court record for our secretary. If you
8 are not an attorney, take the oath from our secretary,
9 please. Go ahead.

10 MR. LONGHURST: Good evening. Jason
11 Longhurst. And it's J-a-s-o-n, L-o-n-g-h-u-r-s-t.

12 I'm with Nowak & Fraus Engineers. We are
13 here tonight continuing --

14 CHAIRPERSON PEDDIBOYINA: Are you an
15 attorney?

16 MR. LONGHURST: I am not an attorney. I'm an
17 engineer.

18 CHAIRPERSON PEDDIBOYINA: Okay. Please, my
19 secretary will take the oath on that.

20 MEMBER KRIEGER: So in this case, do you
21 swear or affirm to tell the truth?

22 MR. LONGHURST: I do.

23 MEMBER KRIEGER: Okay. Thank you.

1 CHAIRPERSON PEDDIBOYINA: Thank you, Jason.

2 CHAIRPERSON KRIEGER: And then are -- is the
3 other person -- are you going to be speaking as well?

4 UNKNOWN SPEAKER: If needed.

5 MEMBER KRIEGER: Okay. Thank you.

6 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
7 ahead where we can help you tonight, Jason.

8 (Document displayed.)

9 MR. LONGHURST: Sure. So we are continuing
10 to work with the redevelopment of this property here.

11 So the existing parcel is a little unique in
12 that it's a single tax ID, but it has three separate
13 dealership buildings created on it. Over the last
14 probably 18 months, two years, we've been working with
15 the city to redevelop the old Jaguar site just to the
16 south, and then the frontage here will be the Porsche
17 dealership, with the groundbreaking coming up in a week
18 there.

19 The rear is going to be the Audi service
20 center that will be tied to the redevelopment of the
21 Jaguar site. And then the Infiniti dealer to the north
22 is remaining as is.

23 What we are proposing to do as the next step

1 in this redevelopment is to split that single parcel
2 into two different tax IDs, with the kind of the pink
3 reddish line you see here being the proposed property
4 line.

5 What we've found out as we've gone through
6 the lot splits and in the process is that that proposed
7 property line results in a parking setback requirement
8 of 10 feet.

9 And we've got some existing landscape islands
10 here along the south side of the Infiniti dealership
11 that don't quite adhere to 10 feet. And then as we
12 come along to the west property line here where we're
13 bisecting an existing parking lot with the property
14 line, we obviously don't have a 10 foot parking setback
15 for that line there.

16 So we are asking for a variance to allow for
17 a zero foot setback. Again, the zero feet being along
18 the west line. And then we have greater greenbelt
19 setback there where the existing landscape islands are
20 in place in front of the Infiniti dealership.

21 With that, I think I'd be happy to answer any
22 questions or go over any other details that you may
23 want to dive into.

1 CHAIRPERSON PEDDIBOYINA: Yeah. Thank you,
2 Jason. Jason, this is the old Jaguar showroom, no?

3 MR. LONGHURST: This is the property just
4 north of the old Jaguar showroom.

5 CHAIRPERSON PEDDIBOYINA: Yeah.

6 MR. LONGHURST: Jaguar is this site right
7 here to the south, so we're just one parcel north of
8 there.

9 CHAIRPERSON PEDDIBOYINA: Okay. Now I
10 understand. Okay.

11 Okay. From the City?

12 MR. HALL: Thank you, Mr. Chairman. Yes, we
13 concur with the applicant's presentation. This is
14 being created for a lot split from an existing parking
15 lot. So there would be a zero foot -- or a zero
16 setback clearance for both properties. This was
17 advertised as such for both properties were in the
18 advertisement, so we can do both variances tonight. We
19 have no objections.

20 CHAIRPERSON PEDDIBOYINA: Thank you. I
21 appreciate, Alan.

22 Okay. Correspondence, secretary?

23 MEMBER KRIEGER: For this case, 26 cases were

1 mailed, four returned, zero objections, zero approvals.

2 CHAIRPERSON PEDDIBOYINA: Thank you.

3 Anybody in the audience to speak before our
4 board members speaking?

5 Looks like none.

6 Okay. It's open to the board.

7 MEMBER McLEOD: Sure. I have a couple of
8 questions just to understand the background. In this
9 case even with the property split, will it be the same
10 owner for both lots?

11 MR. LONGHURST: As far as this proposal, yes.
12 In the future, I couldn't say.

13 MEMBER McLEOD: In the future it may not be.
14 Okay. And then if I understood the material correctly,
15 if we were to enforce that split, the end result would
16 be a loss of parking for both lots, correct?

17 MR. LONGHURST: Correct. Yeah. So basically
18 any way we looked at this, this split requires
19 variances, whether it be for parking or for setbacks or
20 either way. But with the -- kind of the site
21 configuration, it's hard to see here, but we've drafted
22 up a kind of parking layout that will work in honor of
23 that property line. But if we were to adhere to

1 parking setbacks, then we're going to lose somewhere in
2 the neighborhood of 20, 25 spaces there.

3 MEMBER McLEOD: Okay. Personally, I think
4 with a single driveway leading to three lots, it does
5 make sense to keep the open parking. So that's where
6 I'm leaning at the moment. Thank you.

7 MR. LONGHURST: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Okay. You said
9 that it's the same tax ID, no?

10 MR. LONGHURST: Correct. There currently is
11 one tax ID.

12 CHAIRPERSON PEDDIBOYINA: One tax ID. Okay.
13 Okay. Any other board member, please?

14 MEMBER KRIEGER: So the split is just going
15 to make it easier for tax purposes or the intention for
16 the split?

17 MR. LONGHURST: Correct. Yeah. So the split
18 will separate the Infiniti dealership from the two
19 southern buildings. The proposed Porsche dealership
20 and then the Audi service center.

21 MEMBER KRIEGER: Okay.

22 CHAIRPERSON PEDDIBOYINA: Okay. From the
23 City, how is it going to be known, the tax exemption,

1 you know, kind of thing? Is it okay or how it works?

2 MS. FLETCHER: That would be in assessing.

3 MR. HALL: Yeah. That would be an assessing
4 question. We can assess that when we do that. That's
5 going to be -- I think the intention is to sell off the
6 property. Am I correct? Eventually you'll sell off
7 the property. I think that's the intention.

8 UNKNOWN SPEAKER: Yes.

9 CHAIRPERSON PEDDIBOYINA: No, no. You need
10 to come to the podium and tell your name so that way we
11 can take --

12 MR. LONGHURST: I can answer for him, then.

13 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
14 ahead.

15 MR. LONGHURST: Yes. The intent would be to
16 sell the property.

17 MR. HALL: Yeah. So then that would be an
18 assessing. They would do the tax IDs. And the
19 assessing would tax on the different properties at that
20 point -- when the split is approved.

21 CHAIRPERSON PEDDIBOYINA: Yeah. We don't
22 need to do anything on this thing.

23 MR. HALL: That's correct. That's correct.

1 CHAIRPERSON PEDDIBOYINA: Okay. As long as
2 all zoning issue -- there's no issue, that's fine.

3 MR. HALL: That's correct.

4 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

5 MR. HALL: Yes, yes.

6 CHAIRPERSON PEDDIBOYINA: Okay. Any other
7 board member?

8 Okay. Looks like none. Please go ahead and
9 make a motion.

10 MEMBER MONTAGUE: All right. I move that we
11 grant the variance in case number PZ23-0059 sought by
12 Lithia Motors, Inc. for a reduction of the side yard
13 setback to zero feet.

14 Without the variance, the petitioner is
15 limited in the use of their property. They are
16 splitting the property that exists so that it wouldn't
17 interfere with their parking.

18 The property is unique because it was one
19 planned unit development. They did not create the
20 situation we have because it's one development.

21 The relief will not unreasonably interfere
22 with any surrounding properties because it is within
23 and their continuous uses is very similar.

1 It's consistent with the spirit and intent in
2 the ordinance because it allows maximum use of the
3 property and actually the tax roll.

4 CHAIRPERSON PEDDIBOYINA: And can you add the
5 tax purpose also say -- assessing department is going
6 to take it from there. Thank you.

7 MEMBER MONTAGUE: Uh-huh.

8 CHAIRPERSON PEDDIBOYINA: Okay. Roll call,
9 please.

10 MS. FLETCHER: Chairperson Peddiboyina?

11 CHAIRPERSON PEDDIBOYINA: Oh, make a --
12 somebody can make a second, please.

13 MEMBER KRIEGER: Second.

14 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.
15 Okay. Roll call.

16 MS. FLETCHER: Chairperson Peddiboyina?

17 CHAIRPERSON PEDDIBOYINA: Yes, ma'am.

18 MS. FLETCHER: Member Krieger?

19 MEMBER KRIEGER: Yes.

20 MS. FLETCHER: Member Montague?

21 MEMBER MONTAGUE: Yes.

22 MS. FLETCHER: Member Thompson?

23 MEMBER THOMPSON: Yes.

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MS. FLETCHER: Member McLeod?

MEMBER McLEOD: Yes.

MS. FLETCHER: Thank you. Motion passes.

CHAIRPERSON PEDDIBOYINA: Congratulations,
Jason. Good luck.

MR. LONGHURST: Thank you. Appreciate it.

CHAIRPERSON PEDDIBOYINA: Okay. Case number
three for today. PZ23-0060, BLM Group, 46850 Cartier
Drive, south of Pontiac Trail, east of Beck Road,
parcel 50-22-04-151-036. The applicant is requesting
variance from the City of Novi Zoning Ordinance Section
3.14.5.C to increase the maximum building height to 36
feet eight inches, a maximum of 25 feet, a variance of
11 feet eight inches.

Section 3.1.18.D to reduce the front yard
setback to 18 feet at the southeast corner. Minimum of
40 feet, a variance of 32 feet. This property is zoned
Light industrial, L-1.

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

MR. JONES: My name is Glenn, G-l-e-n-n,
Jones, J-o-n-e-s.

MEMBER KRIEGER: Are you an attorney?

1 MR. JONES: No, I'm not. I'm director of
2 operations with Dembs Development and I'm not an
3 attorney.

4 MEMBER KRIEGER: Okay. Do you swear or
5 affirm to tell the truth in this case?

6 MR. JONES: Yes, I do.

7 MEMBER KRIEGER: Thank you.

8 COURT REPORTER: What kind of development?
9 What's the name of the development?

10 MR. JONES: Dembs, D-e-m-b-s, Development.

11 COURT REPORTER: Thank you.

12 CHAIRPERSON PEDDIBOYINA: Okay. Glenn,
13 please go ahead and proceed where we can help you
14 tonight in this case.

15 MR. JONES: Yeah. Like you had just
16 mentioned, we're here for two variances on the height
17 restriction, as well as the front yard setback.

18 The building was originally constructed as a
19 speculative (phonetic) building back in 2014. When we
20 built the building in 2014, we went before Zoning Board
21 of Appeals and were granted a height variance on the
22 building. The building was constructed to the variant
23 height.

1 We got a tenant in 2017, which is BLM USA.
2 And they went back for another height restriction
3 variance to increase the building height again to the
4 36 foot height what we're looking for today.

5 The reason that we need it on the building
6 addition is the building itself has a 20 ton craneway
7 constructed within the existing facility. Within the
8 new addition to the building, the 20 ton craneway is
9 going to have to traverse between the two buildings to
10 make the facility contiguous of one operation with the
11 new addition.

12 In addition to that, the front yard setback
13 is somewhat in conjunction with the craneway traversing
14 through the new addition. We tried to maximize the
15 size of the building for BLM to give them the most
16 sizeable addition that they could get within working
17 within conjunction of the -- and I'll show you on the
18 -- it was in the packet that we had submitted.

19 (Document displayed.)

20 MR. JONES: But if you look at the cul-de-sac
21 and the configuration of the corner of the building, it
22 kind of hindered us in our development in trying to lay
23 the building out and make it conducive to running their

1 20 ton craneway from one end of the existing facility
2 all the way into the new facility. Hence the request
3 for the front yard setback.

4 So with that said, I'd be happy to answer any
5 other questions that you might have.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
7 Glenn. I appreciate for your presentation.

8 And let me ask from the City.

9 MR. HALL: Thank you, Mr. Chairman. Yes, he
10 is asking for two variances, a height variance and 32
11 front yard setback, which is 80 percent of the setback,
12 which does put the corner of the building rather close
13 to the road. But there is a cul-de-sac there which
14 reduces the speeds of the cars so it does seem feasible
15 that we could -- you could approve that. And the
16 height variance does -- is in keeping with the
17 rendering which shows it is keeping with the building
18 so it's not out of scale. So we have no objections.

19 CHAIRPERSON PEDDIBOYINA: Okay. Before that,
20 can you show the diagram one more time, Glenn?

21 (Document displayed.)

22 CHAIRPERSON PEDDIBOYINA: That's the corner
23 one you're talking about --

1 MR. JONES: Yeah. That's the corner right
2 there.

3 MR. HALL: Yes. Yes, yes.

4 MR. JONES: We didn't really feel that it was
5 going to be an impact to anybody else on down the road
6 just 'cause it is a cul-de-sac configuration. It's
7 going to remain a cul-de-sac. So we felt that it
8 wouldn't have any impact on any other further
9 businesses on down the road.

10 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
11 Secretary, any correspondence?

12 MEMBER KRIEGER: In this case, 19 were
13 mailed, zero returned, zero objections, zero approvals.

14 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
15 Any public comments on this case?

16 Looks like none.

17 Okay. And as long as my city has said, you
18 know, the cul-de-sac thing, the -- you know, any -- is
19 there any objections? Without any objections, it's a
20 good thing. And I'm open to the board to speak on this
21 case.

22 Yeah. Anybody?

23 MEMBER KRIEGER: Two questions.

1 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
2 ahead.

3 MEMBER KRIEGER: One for the city. Is that a
4 house that's behind this area? Cause I notice there's
5 the apartments when I was looking at MapQuest to see
6 how to get there. And then there's like a building
7 with a drive and I actually went through the back of
8 the apartments to see and --

9 MR. JONES: It's a pumping station.

10 MEMBER KRIEGER: It's a pumping. Okay. So
11 there's no residential.

12 MR. JONES: It's city -- I think it's city
13 owned.

14 MEMBER KRIEGER: All right. Very good.
15 Yeah. There was a gate so I couldn't get through.

16 MS. SHORTLEY: There's a little line.

17 MR. HALL: Yeah, that's right.

18 MEMBER KRIEGER: And the second one, are you
19 going to have like a barrier at the cul-de-sac if a
20 semi comes around that they don't hit that corner?

21 Do you anticipate any of that?

22 MR. JONES: We've done all the turning
23 radiuses with our civil engineer and we didn't see any

1 conflicts with any semis coming through the cul-de-sac,
2 so we didn't anticipate any.

3 MEMBER KRIEGER: All right. Thank you.

4 MEMBER MONTAGUE: Yeah. There was one going
5 through there today when I was over there and it was
6 doing fine.

7 MEMBER KRIEGER: Okay.

8 MR. JONES: It's an extremely large
9 cul-de-sac.

10 CHAIRPERSON PEDDIBOYINA: Okay. Before that
11 for the City, does he has to take any association
12 permission, homeowner association?

13 MR. HALL: No, I don't think so.

14 CHAIRPERSON PEDDIBOYINA: Okay. Please go
15 ahead. Any other board member would like to speak?

16 MEMBER McLEOD: Yeah. One clarification
17 question. In your presentation I missed, was the
18 proposed addition the same height as the existing
19 building?

20 MR. JONES: Correct.

21 MEMBER McLEOD: Okay. Thank you.

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

23 Any other board member?

1 Okay. Looks like none. Okay. Thompson.

2 MEMBER THOMPSON: Okay. I move that we grant
3 the variance in case PZ23-0060 sought by BLM for a
4 height and front yard variance because the petitioner
5 has shown practical difficulty requiring this building
6 addition. Without the variance, the petitioner would
7 be unreasonably prevented or limited with respect to
8 use of the property because the building right next
9 door is the same height.

10 The property is unique because it has a
11 craneway and is at the end of a cul-de-sac in an
12 industrial park. The petitioner did not create the
13 condition because they're trying to have a building
14 equal height to the one next door.

15 The relief granted would not unreasonably
16 interfere with adjacent or surrounding properties.
17 Adjacent to the one next door, it's the same one. And
18 it's in an industrial park so it's actually going to
19 match really well.

20 The relief is consistent with the spirit and
21 the intent of the ordinance and promotes business
22 development in the City of Novi.

23 MEMBER KRIEGER: Second.

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CHAIRPERSON PEDDIBOYINA: Thank you. Roll call, please.

MS. FLETCHER: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, ma'am.

MS. FLETCHER: Member McLeod?

MEMBER McLEOD: Yes.

MS. FLETCHER: Member Krieger?

MEMBER KRIEGER: Yes.

MS. FLETCHER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. FLETCHER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. FLETCHER: Thank you. Motion passes.

CHAIRPERSON PEDDIBOYINA: Good luck, Glenn.

MR. JONES: Thank you all. Appreciate the time.

CHAIRPERSON PEDDIBOYINA: And the fourth case, PZ23-0061, The Antiques Barn, 48120 Eight Mile Road, north of Eight Mile Road, west of Beck Road, parcel 50-22-32-400-022. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.1 previously authorized in case PZ94-005 and later in case number PZ98-0070 to be transferred from the

1 petitioner to the property. This variance was granted
2 for the petitioner at that time to utilize the existing
3 barn as an antique shop in a R-A zoned district, and
4 was specifically intended for the previous petitioner
5 only, and only for the use described at that time. The
6 property is zoned Residential Acreage, R-A.

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

9 MR. TEUBERT: My first name is Douglas,
10 D-o-u-g-l-a-s. And my last name is T as in Tom, E as
11 in Edward, U, B as in boy, E as in Edward, R, T as in
12 Tom.

13 MEMBER KRIEGER: Are you an attorney?

14 MR. TEUBERT: No.

15 MEMBER KRIEGER: Okay. Do you swear to tell
16 the truth in this case?

17 MR. TEUBERT: I do.

18 MEMBER KRIEGER: Thank you.

19 CHAIRPERSON PEDDIBOYINA: Okay. Mr. Douglas,
20 please proceed with the case where we can help you
21 tonight.

22 MR. TEUBERT: Okay. So the barn antiques is
23 the old Maybury -- or Meyer berry farm and we own the

1 farmstead. It's two acres. And Grandma Meyer ran an
2 antique shop out of that barn a long time ago, probably
3 30 years ago. And then Elvy's restored the barn. It's
4 all Ponderosa pine. I mean, you could live in it if
5 you wanted to.

6 And so we requested a variance when we bought
7 the property from the Elvy's, but the variance is
8 specific to our name. And so what we're asking is that
9 the variance be specific to the property address and
10 not to our name.

11 We are having discussions with Living and
12 Learning. Are you all familiar with Living and
13 Learning?

14 Living and Learning is for kids on the
15 autistic spectrum. It's the old Massey Cadillac
16 building. And the founder of Living and Learning had a
17 child on the autistic spectrum, but he was older and
18 there's nothing for older kids. So she started this, I
19 think it was probably maybe three years ago. And so
20 we're in conversations with Living and Learning coming
21 into the barn. Nothing would really change as far as,
22 you know, we're selling antiques. They would do the
23 same thing.

1 And so we had conversations with the city
2 before and the suggestion was to come before you and
3 present to have the variance specific to the property.

4 CHAIRPERSON PEDDIBOYINA: Okay. What kind of
5 antiques are you selling?

6 MR. TEUBERT: What kind of antiques? You
7 know, it's mostly primitive. It's not high-end. You
8 know, like \$5,000 for a hutch or something like that.
9 Vintage. You have to come through and see.

10 MEMBER KRIEGER: Yeah. I've been through
11 there.

12 CHAIRPERSON PEDDIBOYINA: Okay. Douglas, any
13 other you would like to add or anything?

14 MR. TEUBERT: (Nods.)

15 CHAIRPERSON PEDDIBOYINA: Okay. From the
16 City?

17 MS. SHORTLEY: Just wanted to point out that
18 what they're really requesting is a use variance and
19 they want it to run with the land. So this is a very
20 high standard that requires you to find exceptional
21 circumstances for that. Currently they are able to
22 make use of the property with the permission given to
23 the owners themselves. So I'm not clear why they would

1 not, you know, need this to run with the land. But if
2 you are interested in that, then you need to go through
3 the standards for use variance.

4 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
5 From the City?

6 MR. HALL: And I just want to add another
7 comment. So he's -- or they're suggesting that they're
8 going to have -- selling antiques. And that's only the
9 sale of antiques, which may have some help with the
10 sales of those antiques, is that correct, that's why
11 you're mentioning the organization?

12 MR. TEUBERT: Yeah. Living and Learning,
13 what they're doing is they're training these children
14 so that they can have a vocation, you know, when they
15 are of age. And there's no help for these kids now.
16 It's -- all the help is directed at the younger ages.
17 And so that would be a wonderful legacy to have, a
18 place like that in Novi that's helping kids.

19 The use of the building isn't going to change
20 at all. It's -- they would have -- and they do have
21 children that -- young adults that, like, manage the
22 counter, do the cash register, things like that.

23 MR. HALL: Okay. Yeah. And that's fine.

1 Our planning department wanted to mention that if
2 you're going to do anything beyond the scope of what
3 you're doing now, so living quarters, if you're going
4 to have any kind of classroom settings, you know,
5 kitchenettes, that kind of stuff, that would have to go
6 through a planning department. That would be a
7 different approval. I'm being exaggerating because you
8 haven't said this. I'm just trying to be over the
9 top.

10 MR. TEUBERT: No. I understand. From our
11 conversations that we had with you before, nothing's
12 going to change. It's just going to be somebody else
13 doing it. That's the bottom line.

14 CHAIRPERSON PEDDIBOYINA: Okay. Attorney, do
15 we need to take any other precaution on this case?

16 MS. SHORTLEY: Only that if you are
17 interested in proceeding as granting a use variance,
18 that you go through all of those standards.

19 CHAIRPERSON PEDDIBOYINA: Yeah. And our city
20 manager mentioned that if there's any planning, any
21 necessary to take on that.

22 MR. HALL: If they go beyond the scope of
23 what they're asking for.

1 The commercial uses are prohibited in the
2 district where they're at right now. So they're being
3 granted -- they've already been granted variance to do
4 this kind of activity there. If the activity expands,
5 that would be the issue.

6 So that was, well, now we have to go to
7 planning because now we've got a parking, handicap type
8 situations and that kind of stuff so it would be more
9 to it than just selling of antiques, which they're
10 doing now. They're not saying they're doing that.
11 We're just making that clear of what we're trying to
12 approve tonight, if that make sense.

13 MR. TEUBERT: And that's the way I understood
14 it.

15 MR. HALL. Yes.

16 CHAIRPERSON PEDDIBOYINA: Okay. All right.
17 And he mentioned high-end or something mentioned at the
18 beginning so I was on the caution on that.

19 MR. HALL: Yes.

20 CHAIRPERSON PEDDIBOYINA: Okay. Public,
21 anybody -- any comments on the public on this case?

22 Okay. Secretary, any correspondence?

23 MEMBER KRIEGER: For this case, 17 were

1 mailed, two returned, zero objections, zero approvals.

2 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
3 Linda.

4 And any other board member would like to
5 speak on this? Okay.

6 MEMBER MONTAGUE: So you're saying that with
7 this new group operating it, they can still operate now
8 with what they're doing?

9 MR. HALL: Yeah. Right now it's -- the
10 variance is for the individual and they want to
11 transfer it to the property. And so we're saying that
12 you can approve that, but you can't expand the
13 activities. If we expand the activities, it becomes a
14 planning issue and there's more to it than just a
15 simple --

16 MEMBER MONTAGUE: No. What I'm asking is,
17 this new group that he wants to have help sale --

18 MR. HALL: Yes.

19 MEMBER MONTAGUE: -- they would be able to do
20 it with the variance they have now, correct?

21 MR. HALL: I believe so because it's under
22 his name.

23 MEMBER MONTAGUE: It would not preclude them

1 so there's not really a hardship of not being able to
2 do or help this group which is very admirable --

3 MR. PEJANOVIC: Can I --

4 CHAIRPERSON PEDDIBOYINA: One second. Let me
5 finish my board member.

6 Member Montague, please continue.

7 MEMBER MONTAGUE: Yeah. So, I mean, it's
8 very admirable. So if it's not restricted there, I
9 don't think a blank check to whomever might come in
10 there is something that I would support.

11 CHAIRPERSON PEDDIBOYINA: Okay. Montague,
12 are you done?

13 MEMBER MONTAGUE: Yes.

14 CHAIRPERSON PEDDIBOYINA: Thank you. Yeah.
15 Please come to the podium and spell your first and last
16 name clearly.

17 MR. PEJANOVIC: Sure. It's Deni Pejanovic,
18 P-e-j-a-n-o-v-i-c. First name D-e-n-i.

19 COURT REPORTER: Spell the last name one more
20 time.

21 MR. PEJANOVIC: P as in Peter,
22 E-j-a-n-o-v-i-c. I live in Maybury Park adjacent to
23 the barn. I've known Doug for over 10 years that I've

1 lived there.

2 MEMBER KRIEGER: Are you an attorney?

3 MR. PEJANOVIC: No.

4 MEMBER KRIEGER: Do you swear or affirm to
5 tell the truth in this case?

6 MR. PEJANOVIC: I do.

7 MEMBER KRIEGER: Thank you.

8 MR. PEJANOVIC: I do.

9 CHAIRPERSON PEDDIBOYINA: Thank you.

10 MR. PEJANOVIC: What we're doing is we're
11 exploring some options for that barn to work with that
12 Living and Learning Center, and that may require a
13 transfer at some point. And anytime there's a
14 transfer, we're going to have to appear before this
15 board and keep going through this process. I think
16 this is the third time that this has been a name
17 transfer. And for the sake of not doing this over and
18 over, we want to move it to the property. That's the
19 reason for the request.

20 CHAIRPERSON PEDDIBOYINA: Okay. You mean the
21 transfer, you are doing any -- within the period of, do
22 you have any intention or any thought of transferring?

23 MR. PEJANOVIC: That is the hope is that we

1 want to transfer and be able to utilize it for that
2 purpose that it's utilized today with no changes.

3 CHAIRPERSON PEDDIBOYINA: Okay. Any other
4 board member would like to speak?

5 MEMBER KRIEGER: Yeah.

6 CHAIRPERSON PEDDIBOYINA: Looks like none.
7 Linda?

8 MEMBER KRIEGER: For the kids that come in
9 there, they were already there doing that?

10 MR. TEUBERT: No.

11 MEMBER KRIEGER: Then would they be bussed in
12 or how does that work?

13 MR. PEJANOVIC: The transportation?

14 CHAIRPERSON PEDDIBOYINA: Yes.

15 MR. PEJANOVIC: We haven't worked out all the
16 details. The only request that we have is that it can
17 continue to be used for the purpose it's used today
18 with no changes. As far as the transportation, I
19 honestly don't know if they're transported by a parent
20 or guardian today --

21 MEMBER KRIEGER: Okay.

22 MR. PEJANOVIC: -- and they would be dropped
23 off.

1 MEMBER KRIEGER: And then the Living and
2 Learning, do they want a sign then? Because then you
3 would have to come back for that.

4 MR. PEJANOVIC: I didn't understand the
5 question. Do they want a sign in?

6 MEMBER KRIEGER: The Living and Learning --

7 MR. TEUBERT: A sign out front.

8 MEMBER KRIEGER: Living and Learning --

9 MR. PEJANOVIC: Oh, a sign.

10 MEMBER KRIEGER: -- is the group so you want
11 to advertise that --

12 MR. PEJANOVIC: I'm not aware that they would
13 require any signage. And if they did, I would assume
14 they'd have to come back before this --

15 MEMBER KRIEGER: Right.

16 MR. PEJANOVIC: -- committee to ask for that.

17 MEMBER KRIEGER: Okay.

18 MR. TEUBERT: Right now, just to clarify,
19 there's nobody from Living and Learning works there or
20 is being trained or anything like that.

21 We're having conversations to bring kids in
22 to give them the proper training so that they can get a
23 vocation and, you know.

1 MEMBER KRIEGER: Yeah, which is great.

2 CHAIRPERSON PEDDIBOYINA: Yeah. Good. As my
3 board member said, you know, the reason of the board
4 sign. And you mentioned Living and Learning in the
5 beginning and you explain what is Living and Learning,
6 autism big kids. That's why we're concerned about the
7 sign board. That's all. Okay.

8 MEMBER McLEOD: Sorry. Some more questions
9 here. This is for my background. I don't have much
10 background on this place. But can you remind me, how
11 many years has this barn been operating as an antique
12 shop?

13 MR. TEUBERT: We bought it around 1998. The
14 Elvy's were there probably for five years before that.
15 So that goes back to 1993. And Grandma Meyer -- I
16 don't know really know when she went in. When she was
17 selling antiques, there was a dirt floor. So that goes
18 back quite a ways. So I would say, you know, 40 years
19 we have been doing relatively the same thing.

20 MEMBER McLEOD: So roughly there's two
21 generations of people who grew up seeing this barn as
22 an antique store in Novi. How old is this barn again?

23 MR. TEUBERT: It was built in 1910. It

1 burned down in 1910 and they rebuilt it in 1910.

2 MEMBER McLEOD: Okay.

3 MR. PEJANOVIC: Originally it's --

4 MR. TEUBERT: Originally.

5 MR. PEJANOVIC: -- 1850, isn't it?

6 MR. TEUBERT: Well, the original farmstead
7 goes back to -- the house goes back to 1850, about.

8 It was actually -- there's an abstract. It
9 was granted before Michigan was even a state, the
10 property was. And then the Meyers, like I said, they
11 turned it into the Meyer berry farm. Had to sell off
12 the farm part but left the farmstead. There's a
13 picker's house, a migrant's house. There's the barn
14 itself. Then there's the old -- the house that they
15 lived in and there's a garage with a -- like a tool
16 barn there.

17 MEMBER McLEOD: Okay. So if I understood
18 correctly, the barn is effectively older than the state
19 of Michigan, and I believe rebuilt in the early 1900's.
20 It's been selling antiques for at least two
21 generations. And because of the length of time, you
22 and your family has been coming in to update the
23 permission to continue selling in a residentially zoned

1 area, despite the fact that you're older -- the place
2 itself is older than the state of Michigan.

3 I -- at least personally, I think with that
4 type of background -- and let me ask this -- one more
5 question. Sorry. What would happen if -- I'm assuming
6 you're the owner. It's in your name today. What if
7 you were to be hit by a bus tomorrow and disappear,
8 what would happen?

9 MR. TEUBERT: Well, hopefully my wife
10 would -- so my wife and I own -- well, actually my
11 daughter's name is on the deed, too. So there's three
12 of us that are on the deed. But it would be provided
13 for through the trust.

14 MEMBER McLEOD: Okay. But I guess from the
15 city, would the -- does the approval go down the
16 familial chain in that way?

17 MR. HALL: Yes. It would be the owners of
18 the property. And so if they got new owners, then they
19 would have to come forward today or again for this kind
20 of use variance.

21 MEMBER McLEOD: So in this example, his
22 daughter would need to come in for a variance?

23 MR. HALL: Yes. If it's -- well, if she

1 doesn't have the same name. So it there's a different
2 name, then there would have to be -- it would be a
3 petitioner for it, yes.

4 MEMBER McLEOD: Okay.

5 MR. HALL: So that's why they're trying to
6 transfer it to the land to avoid that, you know, kind
7 of, you know, approval process.

8 And we're just clarifying the fact that
9 the -- you know, that the activities don't -- aren't
10 changed. And having someone being trained to sell,
11 whether it be a high school student or a person of this
12 organization, that's in -- well within the caliber of
13 what would be done with selling antiques, just that
14 there might -- that may expand those activities and
15 that's where the warning comes in it becomes a
16 commercial property at that point.

17 MEMBER McLEOD: Yeah. It makes sense to me.
18 I think -- at least from my perspective, given the
19 scope of the discussion we've had, I think it makes
20 sense to do that, to transfer it to the property,
21 keeping the scope of activities the same as been agreed
22 to for the last 40 years. That said, those are my
23 comments.

1 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
2 Member McLeod.

3 Any other board member? Oh, Thompson.

4 MEMBER THOMPSON: Hey, guys. Totally support
5 what you're doing. In fact, the old Massey house, they
6 had to come in front of the Board of Zoning Appeals to
7 get some approvals from us so they could operate.
8 Right?

9 MR. TEUBERT: Right.

10 MEMBER THOMPSON: But you're able to operate
11 now doing this, correct?

12 MR. TEUBERT: We've been doing it for over 20
13 years.

14 MEMBER THOMPSON: Getting the help from that
15 organization?

16 MR. TEUBERT: No. We haven't gotten any help
17 from that organization. And we go out and hire our own
18 people now.

19 MR. PEJANOVIC: So this is -- we're in
20 discussion with them. Nothing is solidified.

21 MEMBER THOMPSON: Okay.

22 MR. PEJANOVIC: So our -- it's, you know,
23 what they've proposed to us that they want to do. It

1 looks like they could work in the antique barn without
2 coming before this board again --

3 MEMBER THOMPSON: Right.

4 MR. PEJANOVIC: -- but I don't know. Without
5 this process, those conversations end. We need this to
6 kind of move forward with them to take the next step to
7 say is there any other variances that are going to be
8 required as far as use, which we know the bar is very
9 high, or are we able to train and work and run the
10 counters and sell antiques and have no changes
11 whatsoever. And we're hoping that's the case.

12 MEMBER THOMPSON: So I guess what I'm
13 struggling with on trying to approve it, and maybe you
14 could help me get off that, is if it was not approved,
15 okay, and it just had to stay with your name, if there
16 was a property ownership change, the new property owner
17 would have to reapply. And I would assume if it was
18 for the same type use it would go through with no
19 problem. I guess I'm not seeing the --

20 MR. TEUBERT: Unless the new owner didn't
21 want to sell antiques, I guess.

22 MEMBER THOMPSON: Right. Which is why from
23 my side, you know, to try and help the city keep the

1 property in a certain way is if we did not approve it
2 and the new owner decided to do a different type of
3 business.

4 MR. PEJANOVIC: You can't do a business.
5 It's in an R-A district. I don't think that's -- it
6 would sell to a developer and put another house there
7 or two or three.

8 MR. TEUBERT: The only thing that property
9 can be used for is what it's been used for for the last
10 40 years. It can't be used for anything else. The
11 variance is to my wife and my name now. We just want
12 to change it to the property.

13 MEMBER THOMPSON: Okay. So we're not asking
14 for any sort of zoning change or property change. Just
15 so it's out of your name to the property and the only
16 thing the property can be used for is to sell antiques
17 or --

18 MR. TEUBERT: That's the way it's always
19 been. It's never been approved to sell anything but
20 antiques.

21 MEMBER THOMPSON: Okay. Just -- okay. Just
22 worry that that's a big term. Antique cars, antique
23 stuff.

1 MR. TEUBERT: We -- I don't think you could
2 get an antique car in the doors. I don't know. I
3 don't think so.

4 MEMBER THOMPSON: No, but it could get on the
5 lot.

6 MR. PEJANOVIC: But nothing is changed as far
7 as what's previous. That's how it was designated.
8 It's just a change from the name to the property.

9 I don't think there's a request for any
10 change of use today.

11 MEMBER THOMPSON: Right, right.

12 MR. PEJANOVIC: Tomorrow --

13 MEMBER THOMPSON: I would just be worried
14 that 20 years down the line the next property owner or
15 50 years or 200 years, whatever the number. Right?
16 They would -- is that kind of where you were going
17 also?

18 MEMBER MONTAGUE: Well -- yeah. I'm not
19 seeing a hardship. I mean, you can do what you need to
20 do right now with this other group. So there is no
21 extreme hardship and that's what's required is a
22 hardship to make this variance. And I just don't see
23 it. I'm sorry.

1 MR. PEJANOVIC: So every time the property
2 would change hands you would have to --

3 MEMBER MONTAGUE: I'm okay with that. That's
4 fine. The new people come in and they ask for the
5 variance and it is what it is. And it probably will go
6 through. Yeah. I don't have a problem with that at
7 all. That way every person -- if you change the
8 property --

9 MR. PEJANOVIC: Can you ask --

10 MEMBER MONTAGUE: -- and they want to keep
11 doing it, then they will come in here and verify that
12 they're going to keep that property doing what it's
13 doing. I would have no problem with that.

14 I don't see you having a particular hardship
15 right now with it.

16 MR. TEUBERT: Well, the hardship for my wife
17 and I personally is if we ever wanted to retire, then
18 nobody could use -- I guess I would have to find a
19 buyer which would be extremely hard to do that wants to
20 sell antiques.

21 MEMBER MONTAGUE: And unfortunately, economic
22 issues are not a reason for a variance. That's just
23 the nature of the beast, so.

1 MR. PEJANOVIC: Can you ask for a variance
2 before the property transfers?

3 MEMBER MONTAGUE: The person that's buying
4 it --

5 MR. PEJANOVIC: Yes.

6 MEMBER MONTAGUE: -- I suppose could come in
7 and ask for it.

8 MR. PEJANOVIC: Well, that -- I think that's
9 what's happening is because we want to transfer the
10 property so we can use it for that purpose. And unless
11 we get the approval that that can continue, then
12 they're not able to retire and necessarily sell the
13 property.

14 MEMBER MONTAGUE: You're changing the whole
15 argument here. That's not what you're asking for.

16 CHAIRPERSON PEDDIBOYINA: Yeah. Deni, what
17 is the role in this business --

18 MEMBER MONTAGUE: This is --

19 MR. PEJANOVIC: At some point I think Doug
20 and his wife want to retire and we want to use that
21 property for this purpose and we can't have
22 conversations with them because it's tied to his name
23 and there's a big question mark whether we can continue

1 to do it.

2 Does that make sense?

3 CHAIRPERSON PEDDIBOYINA: Yeah. You said
4 you --

5 MR. PEJANOVIC: So how can I -- if we were
6 to -- you know, if he wants to retire, how does anybody
7 approach you to make that suggestion if we're not -- if
8 nobody else is the property owner but him?

9 MEMBER MONTAGUE: The way it's been done
10 before, they come in and --

11 MR. PEJANOVIC: You purchase the property
12 first and then you find out if you can continue the
13 business or not?

14 MEMBER MONTAGUE: No. You come in
15 beforehand.

16 MR. PEJANOVIC: That's why we're here today.

17 MR. TEUBERT: Even if you don't own --

18 MEMBER MONTAGUE: But you're not -- you're
19 not in there saying you're going to sell it. I mean,
20 then tell us the true story. You're in here -- that's
21 not -- I mean, you're going -- you're trying to sell it
22 to somebody? I mean, that's not part of the hardship
23 you presented. You haven't presented a hardship at

1 all.

2 CHAIRPERSON PEDDIBOYINA: I asked the
3 question also, are you transferring right now and the
4 question -- in the beginning also I asked are you
5 transferring anything right now, you said no.

6 MR. PEJANOVIC: We're not transferring it
7 right now.

8 CHAIRPERSON PEDDIBOYINA: Yeah. Because
9 my --

10 MR. PEJANOVIC: But this is something that we
11 want to do. Probably sometime next year. We don't
12 know the exact timing.

13 But he wants to retire and we would like to
14 see that property continue to be used in such a
15 fashion.

16 MEMBER THOMPSON: So for me, I would say we
17 have -- I would have no problem granting the variance
18 to the next owner, okay, for the same purpose. And,
19 yeah, this is what we're doing and the next owner is
20 going to do the same thing. I would be okay with that.
21 I just struggle with putting it on just the property
22 not knowing the future of it.

23 CHAIRPERSON PEDDIBOYINA: Yeah.

1 MR. PEJANOVIC: Could you give us some advice
2 on timing then, when we would appear? Would it be
3 before, after? Like, at what point do we ask for that
4 variance to be transferred if there was a transfer in
5 ownership?

6 MEMBER KRIEGER: I have a question. The
7 use -- you're here for a use to continue the use as
8 long as the barn is still in existence to -- or would
9 you replace the barn?

10 MR. PEJANOVIC: No. Nothing gets changed.

11 MEMBER KRIEGER: So if this barn was to
12 crumble down and fall one day, then that would be the
13 end of it?

14 MR. PEJANOVIC: I don't know. I don't know
15 if I can answer your question.

16 MEMBER KRIEGER: Okay. And then the next one
17 is, so if you're retiring, continuing the use. So you
18 would still own the land and then this group comes in
19 and uses it?

20 MR. TEUBERT: No. I need to sell it if I'm
21 going to retire.

22 And then Living and Learning has been in six
23 or seven times thinking about purchasing it, but

1 they're not going to purchase it because the variance
2 is specific to my name and they would have no assurance
3 that they would get the variance if they came back once
4 they owned it.

5 MEMBER KRIEGER: So they want you to come and
6 get the variance and they get the property and continue
7 with the same use?

8 MR. TEUBERT: Well, there's -- that's part of
9 the conversation that we're having.

10 MEMBER KRIEGER: Oh.

11 MEMBER MONTAGUE: Then maybe they need to be
12 here with you to say that they're going to buy the
13 property because you're telling us they may buy the
14 property, they may not.

15 MR. PEJANOVIC: Clift, that's where I come in
16 that I would purchase the property and work with them
17 so they can use it. I would be the owner and they
18 would be the tenants. Does that make sense?

19 They don't have the financing lined up to do
20 it right now so that's where the community people like
21 myself come forward and would help them do this.

22 MEMBER MONTAGUE: So then you would ask for
23 the variance.

1 MEMBER McLEOD: So if I could say --

2 MR. PEJANOVIC: I don't own the property.

3 That's my whole point of --

4 MEMBER THOMPSON: I've been through this as a
5 small business owner on other stuff.

6 MR. PEJANOVIC: Chicken and egg. I, you
7 purchase the property and then come here and say you
8 can't do it. That --

9 MEMBER McLEOD: So from my perspective, this
10 place has been selling antiques longer than I've been
11 alive effectively. The concept of antiques being sold
12 at this barn I don't think needs to be tied to a single
13 individual. I think it's just as readily in everyone's
14 mind tied to the property. Functionally, the result is
15 the same. And I'm not sure I see why there's a --

16 MEMBER MONTAGUE: I disagree.

17 MEMBER McLEOD: -- tied to the name to that.

18 MEMBER MONTAGUE: A person is making a
19 commitment. It is the property owner that's making a
20 commitment to do this business. So I totally disagree
21 that you're just saying, okay, so it's going to be a --
22 is it going to be any easier for him to sell an -- that
23 is an antique store. And so no. I want the person

1 that's going to operate the business to come in and say
2 this is what I'm going to do.

3 MEMBER McLEOD: The other concern I have is
4 given I'll say the historic nature of the barn. I
5 don't know what the rules of Novi are for historical
6 buildings. But I think the barn could almost count as
7 one. And if the next owner comes in and for whatever
8 reason by a future board they're not approved to
9 maintain the business, it just becomes another condo or
10 another house or we're going to lose a part of Novi
11 history. And I don't know if that's the direction or a
12 risk that we'd want to take.

13 MEMBER MONTAGUE: No, that's valid, but they
14 need to come in -- if they've got plan to turn this
15 over, then we need to know that plan. It's not -- you
16 don't just set something out there on the if they come
17 that somebody is going to buy it and want to be the --
18 an antique dealer. That's not right either.

19 CHAIRPERSON PEDDIBOYINA: Okay.

20 MR. TEUBERT: We have that lined up.

21 CHAIRPERSON PEDDIBOYINA: Okay. Member
22 Montague and Member McLeod, thank you, both of you.

23 And you guys want to come when the transfer

1 is -- do you want to recome -- reapply and -- you want
2 to come for the -- what exactly or do you want to go
3 for our decision tonight?

4 MEMBER KRIEGER: I don't want to deny that.

5 CHAIRPERSON PEDDIBOYINA: Just I'm asking,
6 not deny. Tonight.

7 MEMBER KRIEGER: Right.

8 CHAIRPERSON PEDDIBOYINA: Tonight I'm asking.

9 MR. PEJANOVIC: So just could you rephrase
10 that? You want to know whether we want to come back at
11 another point?

12 CHAIRPERSON PEDDIBOYINA: Yeah.

13 MR. PEJANOVIC: But, again, I don't know
14 what -- when would be the appropriate time; before
15 we're in a contract, after we're in a contract? Like,
16 that's where I don't know when would be the right time
17 to come forward. Because without this information, our
18 conversations with Living and Learning to do this, I'm
19 not sure where we are with them.

20 CHAIRPERSON PEDDIBOYINA: Okay.

21 MEMBER KRIEGER: So through the attorney,
22 when would be a good time?

23 CHAIRPERSON PEDDIBOYINA: Yeah. That's what

1 I want.

2 MS. SHORTLEY: So it sounds like to me that
3 you're looking for perhaps Living and Learning coming
4 and saying this is what we're intending to do and them
5 to be a little further along in their discussions on
6 maybe a draft of an agreement, something. You're not
7 saying that it has to all be sold and done before you
8 approve it, but you want to hear with more certainty
9 that this arrangement is really going to take place.
10 So perhaps if you could bring Living and Learning and
11 maybe you're closer in a written agreement of what that
12 would look like. It sounds like there's some
13 willingness -- more willingness that way than now
14 because they're having difficulty seeing what your
15 hardship is. But they would feel more comfortable when
16 there's a more solidified arrangement to potentially
17 approve letting the next owner with use of Living and
18 Learning have that ability to continue selling the
19 antiques.

20 CHAIRPERSON PEDDIBOYINA: I really appreciate
21 that, Attorney. Thank you so much.

22 Okay. You guys decide your plan.

23 MR. PEJANOVIC: We'll adjourn and come back.

1 CHAIRPERSON PEDDIBOYINA: Okay.

2 MEMBER KRIEGER: So what -- do we have to do
3 that like in the next month or how do we do that?

4 MS. SHORTLEY: You could either make a motion
5 to table this or do you want to pass it to a date
6 certain?

7 Do you have an idea when you might want to
8 come back?

9 CHAIRPERSON PEDDIBOYINA: No.

10 MEMBER KRIEGER: Yes.

11 CHAIRPERSON PEDDIBOYINA: Linda --

12 MS. SHORTLEY: It sounds like you don't know
13 when you would be ready to come back.

14 MR. PEJANOVIC: There's a third-party we need
15 to discuss this with --

16 MS. SHORTLEY: Okay.

17 CHAIRPERSON PEDDIBOYINA: Linda --

18 MS. SHORTLEY: I think you want to just table
19 for right now until --

20 MEMBER KRIEGER: Table it until when --

21 CHAIRPERSON PEDDIBOYINA: Yeah, we table it.

22 MEMBER KRIEGER: -- January --

23 MS. SHORTLEY: Until you --

1 MEMBER KRIEGER: You want January, February?

2 MR. PEJANOVIC: Can we get back to you. I
3 don't know without speaking with them.

4 CHAIRPERSON PEDDIBOYINA: Yeah. Let them
5 decide what the case. Okay.

6 MEMBER McLEOD: What, you put a limit on it
7 or it has to be within so many months?

8 MS. SHORTLEY: I mean, you could ask that
9 they come back within a certain number of months or you
10 can just --

11 CHAIRPERSON PEDDIBOYINA: Yeah. I --

12 MEMBER KRIEGER: I have to do that.

13 CHAIRPERSON PEDDIBOYINA: I recommend --

14 MEMBER THOMPSON: Can we give them a high
15 number -- is there a high number of months we can give
16 them? I guess if this takes a while. We're trying to
17 help you.

18 MEMBER KRIEGER: Yeah. Absolutely.

19 MEMBER MONTAGUE: Yeah. They need --

20 MS. SHORTLEY: You could pass it until your
21 April meeting, something like that.

22 MEMBER MONTAGUE: We want to help --

23 MS. SHORTLEY: Can you be --

1 MEMBER KRIEGER: April? Spring?

2 CHAIRPERSON PEDDIBOYINA: Spring is good.

3 You can think on that.

4 MEMBER KRIEGER: April. See you in April.
5 April 2024. I move that we table this case until 2024
6 of April.

7 MR. TEUBERT: What if we can get Living and
8 Learning to come in before that?

9 MEMBER MONTAGUE: Sure. Bring them in.

10 MEMBER KRIEGER: That's fine.

11 MS. SHORTLEY: Well, okay. So first, I think
12 you want to not table it 'cause then you have to have a
13 motion to take it off the table.

14 So pass it to -- is there a meeting before
15 April that you think you'll be ready? Do you want them
16 to wait till March, till February?

17 MR. PEJANOVIC: I don't know without speaking
18 to them. I --

19 MR. TEUBERT: And we would have -- yeah. We
20 would have to talk to them -- well, what would happen,
21 if we moved it to the January and if we couldn't do it,
22 if they're not ready in January, we did it another
23 month down the road or two months down the road or

1 whatever?

2 MS. SHORTLEY: Do you have a limit on the
3 number of times that someone can keep deferring a case?

4 MR. HALL: It's supposed to be three.

5 MS. SHORTLEY: Yes. So they have a limit of
6 three times that a case can be deferred so you might
7 not want to do January if you aren't ready yet.
8 Because then they could defer it another time, but they
9 can't keep continuing deferring it if you aren't ready.

10 CHAIRPERSON PEDDIBOYINA: Douglas and Deni,
11 we are telling you to try to help you. Better you take
12 a chance for March. You have January and February.
13 That's my advice.

14 MR. PEJANOVIC: I appreciate it. I know Doug
15 has also a timeline and I want to be respectful of
16 that. Him and his wife has some plans.

17 CHAIRPERSON PEDDIBOYINA: So my attorney has
18 already mentioned you three times. That's how it is.

19 Okay. And, Linda, please go ahead and --

20 MEMBER KRIEGER: What?

21 CHAIRPERSON PEDDIBOYINA: -- table this.

22 MEMBER KRIEGER: To when?

23 MS. SHORTLEY: Are you passing it -- a motion

1 to pass it until your March meeting, is that what
2 you're doing?

3 CHAIRPERSON PEDDIBOYINA: Yeah. Yeah.

4 MS. SHORTLEY: Okay. Then it's not table.
5 It's a motion to move this item until the March
6 meeting.

7 CHAIRPERSON PEDDIBOYINA: Yeah.

8 MEMBER KRIEGER: I move this item until the
9 March meeting.

10 CHAIRPERSON PEDDIBOYINA: Okay. Somebody can
11 make a second.

12 MR. TEUBERT: I think if when we talk to
13 Living and Learning, they're going to know what they
14 can or can't do right away.

15 Funding, you know, for those kind of
16 facilities is not easy. And so they're needing to come
17 up with the funding. Deni was good enough to intervene
18 and was willing to do the funding and then negotiate --
19 you know, talk with Living and Learning and have Living
20 and Learning at some point after that come in and do,
21 you know, what they're going to do. So ...

22 MS. SHORTLEY: Could I just ask for
23 clarification?

1 MEMBER KRIEGER: Sure.

2 MS. SHORTLEY: So are -- you're saying you're
3 not able to really commit to a specific next meeting,
4 is that what you're saying? Or you're saying March is
5 too far out? I'm just --

6 MR. TEUBERT: Well, I think we're going to
7 know when we talk to Living and Learning how far out
8 they need to go. As far as them committing, you know,
9 like I said before, they've been in the barn six or
10 seven times. They all love it. They all want it. But
11 funding is another thing. So you have to be practical
12 about that.

13 And that's where Deni comes in. Where Deni
14 would be willing to purchase the property and
15 negotiation with Living and Learning. But we thought
16 it would be easier if we had a variance to the property
17 and not to the name.

18 It just seems to me like that would make it
19 easier on you guys, on us, on everybody to have the
20 variance to the property and not the name.

21 MS. SHORTLEY: So if I may, I think some of
22 the members are saying they're having difficulty
23 finding the standards to be able to do it that way. So

1 as an option because they're trying to be helpful,
2 they're saying perhaps you can get things arranged with
3 Living and Learning and this potential purchaser and
4 then come back and do it for the new owner.

5 CHAIRPERSON PEDDIBOYINA: We are giving an
6 opportunity to you guys. So you decide and we are
7 planning to go to March and you are thinking that way
8 and I know your difficulty or whatever, and we want to
9 table this case and continue on this in March 2024.

10 MEMBER KRIEGER: Otherwise it will get denied
11 today.

12 CHAIRPERSON PEDDIBOYINA: Do you want to go
13 to motion? It's up to you guys.

14 MR. TEUBERT: Yeah. I think I'd like to
15 shoot for January.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
17 Linda, can you --

18 MEMBER KRIEGER: I move to defer case number
19 PZ23-0061, I move to defer the case until the January
20 2024 meeting.

21 CHAIRPERSON PEDDIBOYINA: Somebody can make a
22 second, please.

23 MEMBER McLEOD: Second.

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CHAIRPERSON PEDDIBOYINA: Thank you.

MS. FLETCHER: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. FLETCHER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. FLETCHER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. FLETCHER: Member Krieger?

MEMBER KRIEGER: Yes.

MS. FLETCHER: Member McLeod?

MEMBER McLEOD: Yes.

MS. FLETCHER: Thank you. Motion passes.

CHAIRPERSON PEDDIBOYINA: Okay. Please prepare and come back in January. Thank you so much.

MR. TEUBERT: Okay. Thank you.

CHAIRPERSON PEDDIBOYINA: Today's final case tonight, PZ23-0063, Life Construction, 24312 Kings Pointe Drive, north of Ten Mile Road, west of Meadowbrook, parcel 50-22-23-476-015. The applicant is requesting variance from the City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 8.25 feet 8.25 feet. 10 feet required, a variance of 1.75 feet. This property is zoned One-Family Residential,

1 R-4.

2 Okay. Please tell your first and last name
3 clearly for our secretary.

4 MR. FLEMING: Sure. Matt Fleming. I'm a
5 project manager with Life Construction and Design. My
6 name is M-a-t-t, F-l-e-m-i-n-g.

7 CHAIRPERSON PEDDIBOYINA: Are you an
8 attorney?

9 MR. FLEMING: Not an attorney.

10 MEMBER KRIEGER: Okay. Do you swear or
11 affirm to tell the truth in this case?

12 MR. FLEMING: I do.

13 MEMBER KRIEGER: Thank you.

14 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
15 ahead and proceed where we can help you tonight?

16 MR. FLEMING: Yeah. So we're contracted by
17 the Myers family to put a 250 square foot addition on
18 the north side of their property. In the process of
19 getting a site survey, we found out because there's a
20 lagoon on the back side, we needed a silt fence. We
21 found that we were too close to the adjacent building
22 on the east side.

23 (Document displayed.)

1 MR. FLEMING: You can see it there.

2 And it creates a significant hardship because
3 the addition lies -- you can see it there -- right next
4 to the kitchen. A significant cost to redesign. If we
5 were to move it 1.75 feet to the west, it would require
6 that we redesign the kitchen.

7 The current building isn't technically in
8 compliance because it's within 8.25 feet of the east
9 property. And so we're asking for a variance to add
10 this addition. We sought support from the homeowners
11 association and both neighbors to the east and west
12 side of the property and both were in support. So
13 we're here to request a variance of 1.75 feet. Thank
14 you.

15 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
16 much.

17 Any other -- anybody in the audience to speak
18 on this case?

19 Okay. Looks like none.

20 From the City?

21 MR. HALL: Mr. Chairman, yeah, he's asking
22 for a side yard variance for the addition and a deck, I
23 believe.

1 Is there a deck being added to it?

2 MR. FLEMING: A small deck that would be on
3 the back side of the addition. That is correct.

4 MR. HALL: So it would be both the deck and
5 the addition. It looks to be in line with the existing
6 house so it will in the end would look appropriate. We
7 have no objections.

8 CHAIRPERSON PEDDIBOYINA: Thank you so much.
9 Secretary?

10 MEMBER KRIEGER: 34 were mailed in this case,
11 one returned, zero objections, three approvals.

12 CHAIRPERSON PEDDIBOYINA: Thank you.

13 MEMBER KRIEGER: So we have approval.

14 CHAIRPERSON PEDDIBOYINA: Thank you so much,
15 Linda. I appreciate.

16 Okay. Yeah. Thank you so much for your
17 thing. And do you have homeowners approve this one?

18 MR. FLEMING: The homeowners?

19 CHAIRPERSON PEDDIBOYINA: No, no. Homeowner
20 association.

21 MR. FLEMING: Yes. Yeah. We got support
22 from the homeowners association.

23 CHAIRPERSON PEDDIBOYINA: Okay.

1 MR. FLEMING: The letters were in the packet
2 we sent.

3 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
4 Thank you so much. I have no more questions.

5 Any other board member would like to speak on
6 this case?

7 Okay. Looks like none.

8 Okay, Thompson?

9 MEMBER THOMPSON: I move that we grant the
10 variance in case PZ23-0063 sought by Life Construction
11 for the setback variance because the petitioner has
12 shown difficulty requiring building the addition in the
13 envelope.

14 Without the variance, the petitioner would be
15 unreasonably prevented or limited with respect to use
16 of the property because you're saying that the addition
17 is going to line up down the length of the house.

18 The property is unique because it was a foot
19 and a half over the setback already and we're just
20 trying to keep everything in line. The petitioner did
21 not create the condition because the house had
22 previously been built.

23 The relief granted would not unreasonably

1 interfere with the adjacent or surrounding properties
2 because the house is going to be lined up in a flat way
3 and the neighbors agreed with it, as well as the
4 subdivision association.

5 The relief is consistent with the spirit and
6 the intent of the ordinance to keep the house
7 aesthetically pleasing for everyone in the subdivision
8 and the setting.

9 CHAIRPERSON PEDDIBOYINA: Somebody can make a
10 second, please?

11 MEMBER KRIEGER: Second.

12 CHAIRPERSON PEDDIBOYINA: Thank you. Roll
13 call, please.

14 MS. FLETCHER: Chairperson Peddiboyina?

15 CHAIRPERSON PEDDIBOYINA: Yes, please.

16 MS. FLETCHER: Member McLeod?

17 MEMBER McLEOD: Yes.

18 MS. FLETCHER: Member Montague?

19 MEMBER MONTAGUE: Yes.

20 MS. FLETCHER: Member Krieger?

21 MEMBER KRIEGER: Yes.

22 MS. FLETCHER: Member Thompson?

23 MEMBER THOMPSON: Yes.

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MS. FLETCHER: Thank you. Motion passes.

CHAIRPERSON PEDDIBOYINA: Congratulations.

Thank you so much.

MR. FLEMING: Thanks everyone.

CHAIRPERSON PEDDIBOYINA: Any other matters?

Okay. I wish you a happy holidays and Happy
New Year to everybody. And before we adjourn, say
"aye" in favor.

THE BOARD: Aye.

CHAIRPERSON PEDDIBOYINA: Any nays? No.

Motion. Thank you. Good night.

(8:10 p.m.)

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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, RMR, CRR, RPR/CSR-6479

December 18, 2023

(Date)