

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, JULY 10, 2018 7:00 P.M.

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

BOARD MEMBERS:

Linda Krieger, Chairperson

Brent Ferrell, Deputy Chairperson

Thomas Nafso, Secretary

David M. Byrwa

Siddharth Mav

Joe Peddiboyina

Samuel Olsen

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Oppermann, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, July 10, 2018

7:00 p.m.

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CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Appeals; Tuesday, July 10th, Zoning Board of Appeals meeting.

If we could all rise for the Pledge of Allegiance.

(Pledge of allegiance.)

CHAIRPERSON KRIEGER: If you could, Madame Secretary, call the role.

MS. OPPERMANN: Member Byrwa?

MEMBER BYRWA: Here.

MS. OPPERMANN: Member Ferrell?

MEMBER FERRELL: Here.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Here.

MS. OPPERMANN: Member Olsen?

MEMBER OLSEN: Here.

MS. OPPERMANN: Member Nafso?

MEMBER NAFSO: Here.

MS. OPPERMANN: Member Peddiboyina?

1 MEMBER PEDDIBOYINA: Yes.

2 MS. OPPERMANN: Member Sanghvi?

3 MEMBER SANGHVI: Yes. I'm here.

4 MS. OPPERMANN: And Member Gronachan
5 is absent, excused.

6 CHAIRPERSON KRIEGER: Very good. This
7 is a public hearing format, also televised. So if you
8 have anything that can be displayed, we have an
9 overhead display that viewers at home can see. And the
10 rules of conduct are in the back of the room. If the
11 pagers or cell phones could be switched to ring tone
12 off and thank you very much.

13 And approval of our agenda?

14 MEMBER SANGHVI: So moved.

15 MEMBER PEDDIBOYINA: Second.

16 CHAIRPERSON KRIEGER: We have a motion
17 and a second. All in favor say "Aye."

18 Aye.

19 MEMBER BYRWA: Aye.

20 MEMBER FERRELL: Aye.

21 MEMBER OLSEN: Aye.

22 MEMBER NAFSO: Aye.

23 MEMBER PEDDIBOYINA: Aye.

1 MEMBER SANGHVI: Aye.

2 CHAIRPERSON KRIEGER: Same sign, all
3 opposed.

4 None. Very good. We have an approval
5 of our agenda.

6 Minutes for June 2018, any changes
7 or ...

8 Anything?

9 I noticed on the front page that we
10 have chair and a vice chair. Brent Ferrell is our vice
11 chair. If you can include that for the next time, I'd
12 appreciate that.

13 We need a motion to approve the
14 minutes.

15 MEMBER SANGHVI: So moved.

16 CHAIRPERSON KRIEGER: And, yes, second?

17 MEMBER FERRELL: Second.

18 CHAIRPERSON KRIEGER: For the minutes
19 approval, if you could all say, "Aye."

20 Aye.

21 MEMBER BYRWA: Aye.

22 MEMBER FERRELL: Aye.

23 MEMBER OLSEN: Aye.

1 MEMBER NAFSO: Aye.

2 MEMBER PEDDIBOYINA: Aye.

3 MEMBER SANGHVI: Aye.

4 CHAIRPERSON SANGHVI: Opposed?

5 None opposed. Our minutes have been
6 approved.

7 For public remarks, there is -- for
8 opening, if anyone has any comments regarding anything
9 besides the case in front of us, if they could come up
10 to the podium. State your name and spell the last name
11 for our court recorder.

12 And seeing none, I'll go to our first
13 case, which PZ18-0028, Patrick Hertrich for 24078
14 Cranbrooke Drive, east of Meadowbrook and south of Ten
15 Mile. The applicant is requesting a variance from the
16 City of Novi Zoning Ordinance, Section 3.1.5 for a side
17 yard setback variance of 1.6 feet for a proposed 3.4
18 side yard setback and 23.4 feet aggregate. Side
19 setbacks, 25 feet total two sides required by code.
20 The property is zoned Single Family Residential, R-4.

21 If the petitioner could come to the
22 podium.

23 MR. BUTLER: Madame Chairman?

1 CHAIRPERSON KRIEGER: Yes.

2 MR. BUTLER: Comment, please. I want
3 to point out that it was advertised that the variance
4 is eight feet, but it is actually 1.6. We had some
5 blurred dimensions we had to get through, but just so
6 you know. Which is lesser than what was advertised. So
7 we're good.

8 So it's actually 1.6 for the variance,
9 for the side yard variance.

10 CHAIRPERSON KRIEGER: So 1.6 -- so 23.4
11 out of 25 feet.

12 MR. BUTLER: Yes.

13 CHAIRPERSON KRIEGER: If you could
14 state your name and spell your last. If you're not an
15 attorney, be sworn in by our secretary.

16 MR. NESLER: My name is Jason Nesler.
17 I'm here representing Mr. Hertrich, who is currently
18 out of the country. Jason Nesler, last name is
19 N-e-s-l-e-r. And I am not an attorney.

20 MEMBER NAFSO: Thank you. Good
21 evening.

22 Please raise your right hand.

23 Do you swear or affirm to tell the

1 truth in this matter?

2 MR. NESLER: Yes.

3 MEMBER NAFSO: Thank you.

4 CHAIRPERSON KRIEGER: You may proceed.

5 MR. NESLER: What we're seeking today
6 is, basically, just a 1.6 foot variance. The ordinance
7 calls for a total of 25 feet between two structures on
8 the side lot. We meet the one parameter, which you
9 have to have at least 10 feet from the demising line of
10 the property. So we're more than that. But the total
11 comes in just short of the 25 feet required. That's a
12 1.6 foot variance. We're just asking that we can go
13 ahead and do the eight feet buildout of the house,
14 addition on to the house.

15 CHAIRPERSON KRIEGER: Do you have one
16 of the slides to put on the overhead projector?

17 MR. NESLER: One of the pieces that was
18 submitted?

19 CHAIRPERSON KRIEGER: Yes. It looks
20 like there's something about a corner. If you could
21 explain a little bit more about that.

22 MR. NESLER: Okay. So the corner of
23 the house, because it's a wedge-shaped lot, the corner

1 of the house is actually the only part that would come
2 into question as far as the 25 foot border. So the --
3 I think I have another one here that shows.

4 So if you see right here, that would be
5 the demising, that would be the line that runs across
6 the property lines. So the two houses, the way that
7 they're shaped, it's just the corner of the house.
8 It's not 1.6 feet the entire length of the house. It's
9 just because of the way they sit on the pie-shaped
10 lots.

11 CHAIRPERSON KRIEGER: Very good. Thank
12 you.

13 Is there anybody in the audience that
14 wishes to discuss this case?

15 Good afternoon. And if you could,
16 spell your last name for our court reporter.

17 MR. NAGLE: Yes, my name is Paul Nagle,
18 N-a-g-l-e. I am a resident of 22614 Glen --

19 FEMALE SPEAKER: No.

20 MR. NAGLE: I'm sorry. 40135
21 Buckingham Court, excuse me, Novi, Michigan. I am a
22 property owner whose property abuts toward the back of
23 their property. We have only -- we don't have any

1 regards -- questions in regards to the variance. The
2 only question that we have is we would like assurances
3 that whatever construction that is being accomplished
4 on this property, that the dirt or whatever is removed
5 is deposited of appropriately. So that's our only
6 question. We just want to make sure that's the case;
7 that's how it's going to go. So ...

8 CHAIRPERSON KRIEGER: Very good. Thank
9 you.

10 Anybody else?

11 Seeing none. I close it to the public
12 comment.

13 And for the City?

14 MR. BUTLER: Yes, Madame Chairman, I'd
15 just like to say in comments to the gentleman's remark
16 about the grading and the dirt there, once we receive
17 the full plans of how it's going to be built, that will
18 be one of things we're going to take into factor. That
19 their degrading is taken care of, there's no runoff
20 into the neighbors, that's one of the main factors that
21 we look at when they bring it in for us to see.

22 I also want to say that it is a unique
23 pie-shaped lot. And they're, basically, 10 feet on one

1 side and 15 on the other. So they're just under. So
2 they're just under their 25 feet. So the variance of
3 1.6 feet is very little to ask for for what they want
4 which is an eight foot addition onto their house for an
5 extension. If you look at the lot, you can see it
6 would be difficult for them to move to the back with
7 the pool and everything without moving into that pie
8 wedge area, which is back there.

9 CHAIRPERSON KRIEGER: Thank you very
10 much. Appreciate it.

11 MR. BUTLER: You're very welcome.

12 CHAIRPERSON KRIEGER: And for
13 correspondence?

14 MEMBER NAFSO: Yes, there were 36
15 letters mailed, zero letters returned, zero approvals,
16 zero objections.

17 CHAIRPERSON KRIEGER: Very good. I'll
18 open it up to the board.

19 Yes, Member Sanghvi?

20 MEMBER SANGHVI: Thank you.

21 Will you please come to the podium.

22 I came and saw your property yesterday.
23 If I am right, you have got a nice, big garage and a

1 big house over there. And if I am not mistaken, the
2 place you are trying to do this extension is -- where
3 you've got this is a lattice type of fence; is that
4 right?

5 MR. NESLER: To the left.

6 MEMBER SANGHVI: It is the same side
7 you are doing the expansion?

8 MR. NESLER: Yes. If you're facing the
9 house, to the left side.

10 MEMBER SANGHVI: And looking at all
11 this is all you need is a variance for 20 inches?

12 MR. NESLER: Yes.

13 MEMBER SANGHVI: I have no problem.
14 Thank you.

15 MR. NESLER: Thank you. Any other
16 questions?

17 CHAIRPERSON KRIEGER: Yes. If you
18 could reaffirm or readdress the comments from the other
19 public participant.

20 MR. NAGLE: Yes. Absolutely. It would
21 be our intention during the build to properly dispose
22 of anything from the spoils from the digging for the
23 foundations and everything get -- you know, properly

1 haul that away and dispose of it.

2 CHAIRPERSON KRIEGER: Okay. Very good.

3 If there is any other questions or a
4 motion ...

5 Yes?

6 MEMBER PEDDIBOYINA: Yeah. I visited
7 today your property and there's the dirt. You're using
8 the same roof and same siding material of the upper
9 expansion of the eight feet on the left side of the
10 property?

11 MR. NESLER: Yes. So that the newer
12 siding would be used, that would continue on. Yes, it
13 would be the same siding.

14 MEMBER PEDDIBOYINA: Okay. Thank you.

15 CHAIRPERSON KRIEGER: I would like
16 to -- yes. Go ahead.

17 MEMBER BYRWA: Quick question. Is this
18 going to be on a basement or a crawl?

19 MR. NESLER: It's going to be on a
20 slab.

21 MEMBER BYRWA: Slab on a grade?

22 MR. NESLER: Yes.

23 MEMBER BYRWA: So the excavating part

1 of the soil would be minimal, then?

2 MR. NESLER: Yes, very much so.

3 MEMBER BYRWA: Okay.

4 CHAIRPERSON KRIEGER: I drove by the
5 property and I could see going around the curb that
6 there's a shape issue and that it's a minimal request
7 and that you're addressing the concerns and will be
8 working with our Planning Department. So I also will
9 be in approval for this motion.

10 MEMBER NAFSO: How long have you lived
11 in this home?

12 MR. NESLER: Mr. Hertrich has lived in
13 the home for 16 years.

14 MEMBER NAFSO: Did you know there was
15 an addition in the past to the other side of the home?

16 MR. NESLER: There was.

17 MEMBER NAFSO: Okay. And that was an
18 addition to the garage and the upstairs?

19 MR. NESLER: Yes. Correct.

20 MEMBER NAFSO: And this addition would
21 be to the other side of the house?

22 MR. NESLER: Correct.

23 MEMBER NAFSO: Okay. I have no issue

1 with the addition as well.

2 MEMBER BYRWA: I'll make a motion?

3 CHAIRPERSON KRIEGER: Great. Thank
4 you.

5 MEMBER BYRWA: Yeah, I move that we
6 grant the variance in case number PZ18-0028 sought by
7 Patrick Hertrich for a 1.6 side yard variance. The
8 petitioner has showed a practical difficulty resulting
9 in the need for the variance based, we're looking at
10 the unique shape of the lot. It's a wedge or
11 pie-shaped lot. The petitioner did not create the
12 condition because I believe he had nothing to do with
13 the original platting of the subdivision or anything.
14 So this wasn't created by the petitioner.

15 And the relief that we're granting is
16 not excessive or unreasonable. It's very minimal.
17 We're coming down from a 25 foot total side yard to
18 13 -- to 23 and a half feet only. Only a 1.6 foot
19 variance. And the relief is within the spirit and
20 intent of the ordinance, and the variance granted is
21 within the character of the neighborhood.

22 And I would be welcome to additional
23 input from any other board members.

1 MEMBER SANGHVI: Second.

2 CHAIRPERSON KRIEGER: We have a motion

3 and a second.

4 Any other comments?

5 Seeing none, if Madame Secretary could

6 call the role, please.

7 MS. OPPERMANN: Member Sanghvi?

8 MEMBER SANGHVI: Yes.

9 MS. OPPERMANN: Member Peddiboyina?

10 MEMBER PEDDIBOYINA: Yes.

11 MS. OPPERMANN: Member Nafso?

12 MEMBER NAFSO: Yes.

13 MS. OPPERMANN: Member Olsen?

14 MEMBER OLSEN: Yes.

15 MS. OPPERMANN: Chairperson Krieger?

16 CHAIRPERSON KRIEGER: Yes.

17 MS. OPPERMANN: Member Ferrell?

18 MEMBER FERRELL: Yes.

19 MS. OPPERMANN: And Member Byrwa?

20 MEMBER BYRWA: Yes.

21 MS. OPPERMANN: Motion masses.

22 CHAIRPERSON KRIEGER: Congratulations.

23 If you can see the planning department, and very good.

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MR. NESLER: Thank you very much.

CHAIRPERSON KRIEGER: That concludes the public hearing. Other matters will be training dates. And we can proceed to that.

(Momentarily off the record for scheduling matters.)

CHAIRPERSON KRIEGER: Any other comments?

Have a motion to adjourn. All in favor say "Aye."

Aye.

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER OLSEN: Aye.

MEMBER NAFSO: Aye.

MEMBER PEDDIBOYINA: Aye.

MEMBER SANGHVI: Aye.

CHAIRPERSON KRIEGER: We're adjourned.

(At 7:13 p.m., meeting adjourned.)

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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, 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 seventeen (17) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/ Darlene K. May
Darlene K. May, RPR/CSR-6479

June 5, 2018
(Date)