

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, DECEMBER 10, 2019 7:00 P.M.

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

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Linda Krieger, Secretary

Siddharth Mav Sanghvi

Michael Longo

Kevin Sanker

Ramesh Verma

Clift Monague

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, December 10, 2019

7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Good evening. And welcome to the Novi Zoning Board of Appeals, the last meeting of the year 2019.

And please stand up, all of you, and Pledge of Allegiance following Michael.

(Pledge of Allegiance recited.)

CHAIRPERSON PEDDIBOYINA: Thank you.

Kathy, please call roll call, please.

MS. OPPERMAN: Member Byrwa is absent, excused.

Chairperson Peddiboyina?

CHAIRPERSON PEDDIBYONA: Yes, please.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Here.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Here.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Here.

MS. OPPERMAN: Member Sanghvi?

1 MEMBER SANGHVI: Yes.

2 MS. OPPERMAN: Member Montague?

3 MEMBER MONTAGUE: Here.

4 MS. OPPERMAN: And Member Verma?

5 MEMBER VERMA: Here.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
7 Katherine. We have a board enough for the quorum for
8 the meeting. And the public hearing format and rules
9 of conduct are you could not have anything and your
10 phones are to be turned off. And we'll have a public
11 hearing when each case is called and anyone can make
12 public remarks.

13 It is on television at home and people can
14 come to the podium and speak. If there is any
15 overhead, that will show up on the computer for the
16 people at home as well. And that we have the people
17 come to the podium and state their name, first name and
18 last name, for the secretary for the recording and be
19 sworn by our secretary.

20 And we have an agenda tonight. We have, I
21 think, five cases.

22 MS. OPPERMAN: Correct.

23 CHAIRPERSON PEDDIBOYINA: Okay. I don't

1 think we have an agenda from the last meeting. None?

2 I mean, the meeting minutes.

3 MS. OPPERMAN: No. We do not have any
4 meeting minutes that we received in time.

5 CHAIRPERSON PEDDIBOYINA: And are there
6 approval of agenda or adding any changes or any
7 additions?

8 Seeing none. Okay.

9 MEMBER KRIEGER: Move to approve the agenda.

10 MEMBER VERMA: Second.

11 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

12 And a motion?

13 MEMBER KRIEGER: All in favor?

14 CHAIRPERSON PEDDIBOYINA: Say "Aye."

15 (Board says "Aye" unanimously.)

16 CHAIRPERSON PEDDIBOYINA: Thank you. We have
17 an agenda.

18 And public remarks? Anyone have anything
19 other than the meeting agenda?

20 I call one more time for public remark.

21 Anyone have anything can come to the podium.

22 CHAIRPERSON KRIEGER: Is that regarding the
23 case?

1 MALE SPEAKER: Yup.

2 CHAIRPERSON PEDDIBOYINA: Not the case.

3 MEMBER KRIEGER: We'll have you come up
4 during the case. It's anything besides the cases that
5 are tonight.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 Thank you, Linda.

8 Okay. And let's move to the first case.

9 PZ19-0032, North Hills Village Apartments,
10 44840 North Hills Drive, west of Novi Road and south of
11 Nine Mile Road, parcel 50-22-34-127-003. The applicant
12 is requesting a variance from the City of Novi Zoning
13 Ordinance, Section 5.11.C for a fence with horizontal
14 support boards facing neighboring properties. The code
15 requires that where a fence has finished and an
16 unfinished side, the finished or more decorative side
17 shall face outward to the adjoining property or street.

18 This property is zoned low-density
19 multiple-family, RM-1.

20 Is anybody -- please come to the podium.

21 Please spell your first name and last name
22 for my secretary for the record.

23 MR. NOEL: That's Richard, R-i-c-h-a-r-d,

1 Noel, N-o-e-l.

2 MEMBER KRIEGER: Are you an attorney?

3 MR. NOEL: Pardon?

4 MEMBER KRIEGER: Are you an attorney?

5 MR. NOEL: No. We own the property.

6 MEMBER KRIEGER: All right. Very good. If
7 you could raise your right hand.

8 Do you swear or affirm to tell the truth in
9 this case?

10 MR. NOEL: Yes.

11 MEMBER KRIEGER: Thank you.

12 CHAIRPERSON PEDDIBOYINA: Thank you. You may
13 proceed in the case.

14 Yeah. Go ahead.

15 MR. NOEL: I'm trying to figure out why I'm
16 here. I know you sent something.

17 MEMBER KRIEGER: We sent a petition for the
18 City regarding what -- you got a notice from the City
19 regarding your fence?

20 MR. NOEL: Correct.

21 MEMBER KRIEGER: All right. And you put in
22 some statements why you want to keep your fence so we'd
23 like to hear the presentation because then we can vote

1 on it.

2 MR. NOEL: Oh.

3 MEMBER KRIEGER: And then if you have
4 anything for an overhead that you can put up for the
5 viewers at home and then you can explain your case and
6 we'll go from there.

7 MR. NOEL: I don't know. I mean, in the
8 summertime I built a new fence around the property
9 again. And it's the exact same fence that was up there
10 when we built the property in '71. It has not changed.

11 The homeowner's side, I put it back exactly
12 the way it was. It was spaced on the fence, and that's
13 how it is today. I haven't changed it.

14 CHAIRPERSON PEDDIBOYINA: Do you have any
15 pictures for the fence?

16 MR. NOEL: I turned them in to the girl.

17 MS. OPPERMAN: (Nods.)

18 MR. NOEL: On the pictures.

19 MS. OPPERMAN: They're in the packet.

20 MEMBER KRIEGER: Can we put one up on the
21 overhead?

22 MEMBER PEDDIBOYINA: If you can put it up so
23 that people can watch.

1 (Document displayed.)

2 CHAIRPERSON PEDDIBOYINA: Thank you,
3 Katherine.

4 MS. OPPERMAN: Certainly.

5 MEMBER KRIEGER: You can flip through them
6 and pick which one you want to speak to. Or all of
7 them, if you like.

8 MR. NOEL: They're pretty much all the same.
9 But the whole -- it's 2800 feet that I put it up and
10 that's exactly how it was in 1971 when we built the
11 project.

12 CHAIRPERSON PEDDIBOYINA: Okay.

13 MR. NOEL: I did not change it on the
14 homeowner's side at all. The only reason the side of
15 the apartments was the same way, originally, all I did
16 was make it solid this year. Is the only reason -- and
17 the only reason I did that was because the homeowners,
18 on their side, they never take and cut everything down
19 and everything ends up growing through the fence and it
20 ends up damaging the fence. Which I've had to replace
21 several times.

22 But it's exactly what it was. I haven't
23 changed it.

1 MEMBER KRIEGER: Did anything in the papers
2 that you received from the City explain about how the
3 fence should be or did you go to the City and ask or
4 did you just put up the fence?

5 MR. NOEL: No. I had one of the guys come
6 out and we looked at it, one of the guys that worked
7 for the City. And I told him exactly what I was doing
8 and everybody said it was fine, that there wasn't a
9 problem with the way it was going to be. I mean, I
10 didn't change it.

11 MEMBER KRIEGER: Okay.

12 MR NOEL: The only thing I did was actually
13 made it stronger and I put up horizontal board. There
14 was three. I added. Now there's four and I dug the
15 footings deeper so the fence wouldn't rise up and down.
16 So I mean, I made it stronger and better.

17 CHAIRPERSON PEDDIBOYINA: Okay. Do you want
18 to say anything else apart from that?

19 MR. NOEL: No. Not really.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
21 Anyone in the audience?

22 MR. WINTER: Good evening. My name is Peter
23 Winter. I live at 21999 Bedford, which is on the

1 corner of Bedford and Center. I've been a resident
2 there for 40 years. I was here last time when the
3 petitioner did not appear. I would try to keep myself
4 limited to three minutes. The first thing I'd like to
5 say, I believe this petition is not appropriately
6 before the Board because I believe the person who
7 signed the petition, the first name is Jan. She's not
8 the owner. I believe she's the site manager. I don't
9 know who she is.

10 But this is a reprint of the City's page from
11 the Assessor's office. It indicates that the owner of
12 the property is Riley Mortgage Group, Incorporated and
13 the taxpayer is North Hills Village Apartments out of
14 Oakland, California.

15 You have two individuals who signed this
16 application for the petition. I don't think either one
17 of them have the legal authority to do that so I don't
18 think the petitioner is appropriately before the Board.

19 For the gentleman who's representing the
20 apartments -- and you will notice that this is a
21 multi-million dollar. The taxes they pay are a
22 multi-million dollar amount. When he says he did not
23 change the fence, that's not entirely correct. Because

1 what he did do -- before what the fence was, it was
2 interweaved. They were one on one side of the fence
3 and one on the other. And now one side of the fence is
4 totally solid, as is depicted here, and that is what we
5 would call the finished side of the fence. And that's
6 why he's in violation because that's the finished side
7 of the fence and that's supposed to be toward the
8 residences.

9 This picture depicts my property. And as I
10 said at last month's hearing, they removed survey
11 stakes, which I think is a misdemeanor. They did not
12 clean up the properties after they were through. I
13 have cement posts that are still on my property. And I
14 would require -- request the Board to deny his petition
15 or at least require that the homeowner side be
16 completed as appropriate.

17 Thank you.

18 CHAIRPERSON PEDDIBOYINA: Thank you very
19 much.

20 Anyone in the audience, please?

21 Thank you.

22 MS. MILLER: Hi. My name is Mary Jo Miller.
23 I live on Bedford next to this.

1 I love the fence. I think if you're not
2 going to grant the variance, at least find out what
3 homeowners are not happy and fix their fence. I don't
4 think they need to fix the entire fence. I don't want
5 anybody else coming on my property, stomping on my
6 landscaping and leaving another mess. I am happy with
7 it. It's beautiful. This is a waste of time and
8 money.

9 THE COURT: Thank you.

10 Anyone in the audience, please? Final call?

11 Thank you, seeing none.

12 Okay. Thank you. Anyone on the board to
13 speak about this case?

14 MEMBER KRIEGER: City.

15 CHAIRPERSON PEDDIBOYINA: City?

16 MR. BUTLER: What I would like to say is,
17 basically, there is nothing in the Code that states
18 that he cannot put slats on the other side of the fence
19 so it's not staggered as it was. What the code does
20 say is the finished side is supposed to be facing the
21 outward properties and that's where he's in violation
22 of. And that would have to be either corrected and he
23 doesn't have to move it on the other side. But if

1 those are not the finished or the decorative side, then
2 that fence is not in accordance with the code.

3 So he would need to make sure that the boards
4 facing the adjacent property are finished on the
5 decorative side. He doesn't have to add boards on to
6 it or anything because the fence was like that, but
7 they need to be finished on the decorative side.

8 MEMBER KRIEGER: When was that code made?

9 MR. BUTLER: That, I couldn't tell you at
10 this time. That's been in existence for quite a while,
11 actually.

12 CHAIRPERSON PEDDIBOYINA: Anything else?

13 MR. BUTLER: I have nothing else.

14 CHAIRPERSON PEDDIBOYINA: What --

15 MR. BUTLER: Excuse me, Chair. I'm sorry.

16 One last thing. What we did find was there was nothing
17 that showed the fence as indicating a hardship. Which
18 is normally the case for a ZBA case. Because if he had
19 a hardship besides the aesthetics of the fence.

20 CHAIRPERSON PEDDIBOYINA: All right. Thank
21 you.

22 Correspondence, secretary?

23 MEMBER KRIEGER: There were 55 letters sent.

1 Zero returned. One approval. Zero objections.

2 And the objection is: "We object to the
3 variance due to the problems with the side of the fence
4 that faces our property. First, the sawed-off metal
5 support poles are above ground level and were not
6 filled and are visible. Secondly, some vertical boards
7 are crooked and, thirdly, some vertical boards were not
8 secured with nails from joint. Orlech (ph). Bedford
9 Drive."

10 CHAIRPERSON PEDDIBOYINA: Thank you. Anyone
11 on the board?

12 Rameesh Verma, do you want to speak?

13 MEMBER VERMA: Yeah, I wanted to know, do we
14 send over City inspector to inspect?

15 MR. BUTLER: That would be an ordinance
16 officer who would go out there and look at it. An
17 ordinance officer did go look at the fence.

18 MEMBER VERMA: He looked at it. And did he
19 say that it was wrong? It was not to code?

20 MR. BUTLER: What he said was that the
21 decorative side was not facing the adjacent property.

22 MEMBER VERMA: Did he write it?

23 MR. BUTLER: He does not give us a report.

1 He gave us a verbal report on that.

2 MEMBER VERMA: It should be writing.

3 MR. BUTLER: That would be --

4 MEMBER VERMA: It should be writing, given to
5 the person who has the property.

6 MR. BUTLER: I'm not sure if he wrote him a
7 violation or not.

8 MEMBER VERMA: Beg your pardon?

9 MR. BUTLER: I'm not sure if he wrote him a
10 violation or not. We would have to look into that.

11 MEMBER VERMA: So it's not in the violation,
12 then?

13 MR. BUTLER: No.

14 MEMBER VERMA: It's not in the violation?

15 MR. BUTLER: We do not have a copy of it, if
16 he wrote the violation.

17 MEMBER VERMA: My question is is it a
18 violation or it's not a violation?

19 MR. BUTLER: It's a violation of the code
20 that he did not have the outward --

21 MEMBER VERMA: But the inspector goes there,
22 did he write it?

23 MR. BUTLER: He did not.

1 MEMBER VERMA: Yes, ma'am?

2 MS. SAARELA: So what our normal process for
3 code enforcement would be is you give the person a
4 warning and give them time to correct it. And if they
5 don't correct it, you get a notice first and then you
6 get a written violation that will be turned in to the
7 court. In this case, my understanding is they maybe
8 went out and verbally gave him a warning, gave him a
9 chance to either correct it or apply for a variance.

10 MEMBER VERMA: So what about when the
11 instruction was given, do we have in the copy here that
12 he did give verbally? For our record?

13 MR. BUTLER: We do not have a copy of that.

14 MEMBER VERMA: So why do we not have that?
15 Why that practice is not there?

16 Mr. President, I think we have to look into
17 our practice ourselves.

18 CHAIRPERSON PEDDIBOYINA: Okay. Okay, Member
19 Rameesh, anything else you want to say?

20 MEMBER VERMA: No. Thank you.

21 CHAIRPERSON PEDDIBOYINA: Thank you.

22 Anyone else on the board?

23 Okay, Mav. Go ahead.

1 MEMBER SANGHVI: May I, Mr. Chair?

2 I visited this site last month in preparation
3 of the last month's meeting where the applicant was
4 missing in action. But I have seen this fence and to
5 me it is not aesthetically acceptable and I cannot
6 support this variance. Thank you.

7 CHAIRPERSON PEDDIBOYINA: Thank you very
8 much.

9 Anyone else on the board, please.

10 MEMBER SANKER: I have a question.

11 CHAIRPERSON PEDDIBOYINA: Okay, Mr. Kevin.

12 MEMBER SANKER: So was the old fence ripped
13 out completely and you built a new one?

14 MR. NOEL: Yes. That's a brand new fence. I
15 ripped it out completely and put a whole brand new
16 fence, 2800 feet of fence. It cost me a lot of money.
17 If they would like, I can put it back exactly how it
18 was to begin with in '71. I'll take the boards off of
19 my side and stagger the fence just like it was. I
20 don't have a problem with that.

21 MEMBER SANKER: You just have to turn the
22 fence around.

23 MR. NOEL: I can't just turn the fence

1 around. So I can take off boards on my side and
2 stagger it. I can do it exactly just like it was. The
3 only reason I put that on my side was because the
4 homeowners on the other side don't care take care of
5 their landscaping.

6 There's one section I couldn't even put
7 boards on the other side because it's all -- it's like
8 a forest over there. So that's the only reason I did
9 that. It kept busting the fence out and nobody would
10 replace it. And the homeowner's trees would break,
11 limbs fell down and broke the fence. They never
12 cleaned it up. So it's not me doing it. It's
13 everybody in that whole neighborhood.

14 I didn't have to put up a brand up in fence.
15 I pay a lot of money over there and take care of that
16 apartment complex. I was there when I built it.

17 CHAIRPERSON PEDDIBOYINA: Okay. You can stay
18 there, please.

19 Linda, do you want to say something?

20 MEMBER KRIEGER: Yes. To the City, I have a
21 question. From what I understand from that area, that
22 it's a regulated woodland and wetland and so that those
23 shrubberies and trees are not to be violated, then it's

1 also an Edison easement. And I don't know.

2 Who would -- how would you get permission to
3 clean that or should it be or how it should be treated
4 and in regards it doesn't seem like the verbal -- it
5 sounds like the petitioner is being retaliatory against
6 the neighboring subdivision and homeowners and I need
7 some guidance. Thank you.

8 MR. BUTLER: The petitioner was advised that
9 his fence was not in accordance with the Code and
10 that's why he was sent for a variance. Sent to ZBA and
11 see if he can get a variance to maintain the fence the
12 way it was. So this is going to be up to the Zoning
13 Board to decide if that fence is per code or not. If
14 it is not per code, either he has to change it and put
15 the slats back on the other side and put it back to
16 where it's supposed to be so it's per code.

17 MEMBER KRIEGER: But it sounds like the
18 petitioner is going to make this a retaliatory result.
19 So would the City be supervising that?

20 Yes?

21 MS. SAARELA: I'm not sure what you mean by
22 that.

23 MEMBER KRIEGER: He said turning the fence,

1 pulling out slats. I don't understand what that means
2 with the fence. If the proper side is facing toward
3 the apartments and a code violation is that it's
4 supposed to be facing outward, that the response is --
5 I don't understand what you're saying.

6 MS. SAARELA: I think he's saying that he
7 can't put boards on the other side where the property
8 owners are on because there's foliage in the way so he
9 couldn't build over their landscaping so he just put it
10 on the other side.

11 MEMBER KRIEGER: So he would need a
12 variance --

13 MS. SAARELA: He would need to get permission
14 from the other property owners to remove their trees or
15 landscaping or whatever so he can put the boards on the
16 other side or at least remove it enough so that he
17 would be able to put boards on the other side.

18 It sounds like it's going to require removal
19 of some landscaping owned by people other than the
20 petitioner and that he's going to have to ask them can
21 you trim back your bushes or can I trim back your
22 bushes so that I can put wood on this side of the
23 fence. Because the way I'm understanding is that there

1 is foliage, bushes, trees or whatever touching that
2 other side of the fence right now inhibiting the
3 placement of boards on that side.

4 MEMBER KRIEGER: But if that's a regulated
5 wetland and woodland, how can those homeowners touch
6 that?

7 MS. SAARELA: Do we have something that says
8 it's regulated? I haven't seen that as part of the
9 records. Is there a conservation --

10 MR. NOEL: No. The only thing there is there
11 is a crick that runs along the fence line.

12 MEMBER KRIEGER: And then I believe there's a
13 drain easement as well that -- how is that kept clear
14 on whichever side from the street?

15 MS. SAARELA: I haven't seen a drainage
16 easement. I haven't seen a wetland conservation
17 easement. If there are these things that actually
18 exist in the area that he's proposed to do work, we
19 would have to look at that at the time of construction.

20 But as far as I know, we haven't seen any
21 easements, have we, that conflict with this at this
22 point?

23 MR. BUTLER: No, I have not.

1 MR. NOEL: In the southwest corner of the
2 fence, one of the homeowners dug a ditch from their
3 property on to our property and drained their water
4 from their backyard into the parking lot. So during
5 the winter it's all frozen on that side of the parking
6 lot.

7 MEMBER KRIEGER: The parking lot?

8 MR. NOEL: Yeah. Our parking lot. I have a
9 drainage that is coming over from that side. You know,
10 so, I mean ...

11 I try to take care of ours. It is true.

12 MR. WINTER: That's not true.

13 MR. NOEL: It is true. Do you want to go
14 over there and see the ditch?

15 MS. SAARELA: You should probably -- there
16 should be no interaction between the audience.

17 CHAIRPERSON PEDDIBOYINA: No. No audience
18 interacting, please. Thank you.

19 Okay. Any other member of the board, please?

20 Seeing none.

21 Do you want to move a motion?

22 MEMBER SANKER: So after considering this and
23 hearing all the facts and circumstances, I'll move --

1 I'm going to move that we deny the variance in case
2 number PZ19-0032 sought by the petitioner for having a
3 finished side facing inward towards his own property
4 because he hasn't shown practical difficulty requiring
5 the variance.

6 The circumstances and features of the
7 property, including the neighbor's landscaping, are not
8 unique because they generally exist throughout the
9 city. The circumstances and features of the property
10 relating to the variance request are self-created
11 because the petitioner installed the fence incorrectly.
12 The variance would result in interference with the
13 adjacent or surrounding properties because the
14 inward -- or the decorative side is not facing the
15 neighboring property and granting the variance would be
16 inconsistent with the spirit and intent of the
17 ordinance because the current fence as it sits today is
18 built inconsistently with the zoning laws and
19 ordinances.

20 MEMBER SANGHVI: Second.

21 CHAIRPERSON PEDDIBOYINA: Okay. Motion and a
22 second.

23 MEMBER LONGO: I have a question. For the

1 City, one of his suggestions is if he doesn't get a
2 variance then he may make the fence back the way it
3 was, which is alternating on both sides. That, I
4 assume, would be finished on both sides the same.

5 MR. BUTLER: That would probably be correct.
6 The finished side on both sides would be the same.

7 MEMBER LONGO: Rather than go and put more
8 boards on the outside, which is another option, but
9 that is probably what he wants to do. I just want to
10 make sure we understand that.

11 CHAIRPERSON PEDDIBOYINA: Okay. Katherine,
12 please call the roll call, please.

13 MS. OPPERMAN: Chairperson Peddiboyina?

14 CHAIRPERSON PEDDIBOYINA: No.

15 MS. OPPERMAN: Member Krieger?

16 MEMBER KRIEGER: Yes.

17 MS. OPPERMAN: Member Longo?

18 MEMBER LONGO: I approve the denial.

19 MS. OPPERMAN: Member Sanghvi?

20 MEMBER SANGHVI: Yes.

21 MS. OPPERMAN: Member Sanker?

22 MEMBER SANKER: Yes.

23 MS. OPPERMAN: Member Montague?

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MEMBER MONTAGUE: Yes.

MS. OPPERMAN: And Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

Okay. Move to the second case, PZ19-0044, Zach G-i-e-l-o-w, 623 South Lake Drive, east of West Lake Drive and south of South Lake Drive, parcel 50-22-03-455-001. The applicant is requesting a variance from the City of Novi, Zoning Ordinance Section 5.11.1A.ii to allow the installation of a fence to the property line. Fence shall not extend towards the front of the property nearer than the minimum front yard setback distance, R4 front setback is 30 feet minimum allowed. This property is zoned single family residential, R-4.

Is the applicant -- okay. Please spell your name, first and last name.

MR. GIELOW: Zach Gielow, Z-a-c-h, G-i-e-l-o-w.

MEMBER KRIEGER: Are you an attorney?

MR. GIELOW: Nope.

MEMBER KRIEGER: Can you raise your right

1 hand.

2 Do you swear or affirm to tell the truth in
3 this case?

4 MR. GIELOW: I do.

5 MEMBER KRIEGER: Thank you.

6 CHAIRPERSON PEDDIBOYINA: Thank you. You may
7 proceed.

8 MR. GIELOW: It's another fence issue. Long
9 story short, I bought a house a couple of years ago and
10 I've been renovating it ever since. I'm on the final
11 stages here and part of that was fixing landscaping.
12 And what existed before when I bought the house was a
13 short, two and a half foot fence surrounding the
14 property line. It was kind of falling apart. It
15 didn't look very nice and I, basically, pulled it out
16 and put the exact same size fence in built out of wood
17 and, in my opinion, looks a little bit nicer. It's a
18 little bit safer and a little bit stronger.

19 So I'm requesting a variance to allow the
20 front yard fence that's already been built. And at the
21 time I didn't know exactly. I was -- the guidance that
22 I had suggested that I could build a front yard fence
23 if it was a water front property. I sent this in the

1 package. So I would hope you have it. But it's a
2 summary from ordinance 18.24 of Article 25, Section
3 2515. And it states for water lots having water
4 frontage that you're allowed a fence within the front
5 yard, if it's not higher than four feet tall.

6 So the property that I have I consider it to
7 be waterfront. I think when I got the call from the
8 code enforcement officer he said it's not because
9 there's a street between the house and the water.

10 And here's a quick overview, a bird's-eye
11 view of the property, which is the second one in from
12 the left. And there's a street on South Lake Drive
13 that is in between Walled Lake and the house. When I
14 rebuilt the fence in the same spot, I thought it was
15 waterfront, which is why I didn't go to the City first
16 based on the guidance that I had.

17 Here's a quick picture of the old house when
18 I bought it. It's kind of dark, but you can see the
19 fence in the front door. It's an old aluminum, black
20 painted picket fence. And then I just rebuilt it in
21 the exact same position, which is also hard to see up
22 here. But it's a wooden fence in the same spot.

23 I have one more here that kind of shows a

1 view from the street showing it's not blocking
2 anybody's view of the lake or the water.

3 So, in my opinion, it fits in with the
4 neighborhood. I think it's a little more visually
5 attractive than the previous one. It's the only area
6 that I have on my property -- if you go back to that
7 front bird's-eye view picture.

8 It's the only piece on my property that has
9 any grassy area for kids or dogs to play. So I was
10 hoping I could keep it just in the terms of safety. If
11 I had a backyard or if my lot allowed for a backyard, I
12 wouldn't have the fence in the front yard in the first
13 place.

14 So, basically, I'm just trying to replace the
15 fence that was there and make it a little bit nicer and
16 a little bit safer.

17 CHAIRPERSON PEDDIBOYINA: Okay. Anything
18 else you want to say?

19 MR. GIELOW: Nope.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

21 Anyone in the audience, please, about this
22 case, you can please come forward --

23 MS. DUSCHANO: My name is Dorothy Duschano

1 (ph). I live at 11298 South Lake Drive down the road.
2 The improvements that he's done to this house have been
3 phenomenal. The addition of the balcony in the front
4 area and the increase in the living space has
5 definitely improved the neighborhood and the views of
6 those driving by.

7 This is more a matter of replacing something
8 that was already there that, as you can tell from the
9 disrepair of the old one, needed to be replaced. It's
10 not inconsistent with the neighbors who have also built
11 a type of berm and edging to the front of their
12 property and you'll see many of the homes on South Lake
13 Drive that have tried to protect not just the view, but
14 their enjoyment of the front lawn to enjoy the view by
15 making their spaces secure.

16 What was put in was just a low rise fence.
17 It's -- it works. It does not obstruct the view of the
18 lake in any way, shape or form and gives the homeowner
19 some increased value to his property. Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you.

21 Anyone in the audience, please?

22 I would request anyone in the audience with
23 the case going on and the presenter cannot talk. Thank

1 you so much.

2 Okay. From the City?

3 MR. BUTLER: I believe that what he did was
4 there was an existing fence there. It was probably
5 nonconforming, but it's probably been there for years.
6 And what he did was replace it and maintained the
7 fence. But he did express a hardship the fact that he
8 has a road on the front and side there with traffic
9 going by where he has children and pets. Putting in an
10 area to play and that fence would maintain that
11 security for them in the yard. So I think he did
12 express a hardship there.

13 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
14 Correspondence, secretary?

15 MEMBER KRIEGER: In this case 26 letters were
16 sent. Two letters returned. One approval. Zero
17 objections.

18 And the first one is from Renee and Kevin
19 Bates at 113 Berens (ph) -- Burnstadt. Same street.
20 And that's an approved.

21 Thank you.

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
23 You can come to the podium, please.

1 Thank you so much for your presentation. And
2 I understand -- nice fence and what the audience also
3 mentioned. I have no objection on this case and I'm
4 putting it to the board.

5 Anyone want to speak on this case?

6 Mav?

7 MEMBER SANGHVI: Thank you.

8 I came and saw your place the other day and I
9 realize that it is a corner lot. How long have you
10 been in that house?

11 MR. GIELOW: Just about two years now.

12 MEMBER SANGHVI: And you have young children?

13 MR. GIELOW: Not yet.

14 MEMBER SANGHVI: Not yet. You're expecting
15 some?

16 MR. GIELOW: I'm planning on it. I'm
17 married.

18 MEMBER SANGHVI: Like I said, I have no
19 problem with your fence because you have no side yard
20 and you have no backyard. You are on a corner lot and
21 it is going to be very useful when you have young
22 children going out in front. So I can support your
23 variance request.

1 Thank you.

2 MR. GIELOW: Thank you.

3 CHAIRPERSON PEDDIBOYINA: Thank you very
4 much, Mr. Mav.

5 Anybody else, please, from the board?

6 Okay. Linda?

7 MEMBER KRIEGER: Question: When the winter
8 plow goes by -- that's wood, correct?

9 MR. GIELOW: It is wood.

10 MEMBER KRIEGER: How does that work?

11 MR. BUTLER: That's a chance he has to take.
12 That's his fence to maintain.

13 MEMBER KRIEGER: Do you understand that?

14 MR. GIELOW: Yes.

15 MEMBER KRIEGER: I think it's beautiful.

16 MR. GIELOW: It's a lot stronger than the
17 aluminum one that was there before so we'll see if it
18 holds up. Thanks.

19 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

20 Anyone else on the board, please?

21 Okay. May I have a motion, Michael.

22 MEMBER LONGO: Yes. I move that we grant the
23 variance in this case of PZ19-0044 sought by Zack for

1 the address of 623 South Lake Drive for the fence
2 variance to have the fence extend beyond the front of
3 the house up to or near to the street.

4 The petitioner has shown practical difficulty
5 requiring him to have a secure area for pets and
6 children now or in the future.

7 And because of the significant -- because of
8 the size of the lot, which is very narrow and pretty
9 shallow in the back. Without the variance petitioner
10 would be unreasonably prevented or limited with respect
11 to the use of the property because it is a significant
12 to protect the children and pets.

13 The property is unique because it is very
14 narrow and very shallow. The petitioner did not create
15 the condition. He purchased the home with the lot the
16 size it is probably because it is near the water. And
17 the relief granted will not unreasonably interfere with
18 adjacent or surrounding properties because it is fairly
19 common in that area to have something in the front yard
20 to protect them.

21 The relief is consistent with the spirit and
22 intent of the ordinance because it permits the owner to
23 secure a position for children, pets and what have you

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of his lot.

MEMBER SANGHVI: Second.

CHAIRPERSON PEDDIBOYINA: Thank you. Okay.

And any other discussions?

None.

Katherine, please roll call.

MS. OPPERMAN: Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Member Montague?

Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: And Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Congratulations.

MR. GIELOW: Thank you.

1 CHAIRPERSON PEDDIBOYINA: And next, case
2 number three, PZ19-0045, Jill and Reuben Levy, 42630
3 Morgan Creek Court, west of Novi Road and north of
4 Thirteen Mile Road, parcel number 50-22-02-177-043.

5 The applicant is requesting a variance from
6 the City of Novi Zoning Ordinance, Section 5.1 to park
7 a recreational vehicle over six feet tall in the side
8 yard. This property is zoned single family
9 residential, R-4.

10 Is the applicant here, please?

11 Are you the applicant?

12 MR. LEVY: Yes, I am.

13 CHAIRPERSON PEDDIBOYINA: Okay. You can
14 spell your first and last name and swear in for my
15 secretary for the record.

16 MR. LEVY: Reuben, R-e-u-b-e-n, Levy, L-e, V
17 as in Victor, Y.

18 MEMBER KRIEGER: Are you an attorney?

19 MR. LEVY: I am not.

20 MEMBER KRIEGER: Please raise your right
21 hand.

22 Do you swear or affirm to tell the truth in
23 this case?

1 MR. LEVY: Yes.

2 MEMBER KRIEGER: Thank you.

3 CHAIRPERSON PEDDIBOYINA: Thank you. You may
4 proceed.

5 MR. LEVY: We live at 42630 Morgan Creek
6 Court. It's off of East Lake Drive. This subdivision
7 was built. We moved in that house back in 2004 and
8 these are about 12 houses. There's 12 houses on this
9 property, the subdivision area and they're built as
10 site condos. So the lots are the smaller, tighter
11 lots. This is all so -- I know that the level was
12 raised quite a bit. I don't know exactly what was
13 done, but I believe there was a lot of fill going back
14 from the lake headed towards Novi Road where this was.
15 So we're one of the houses on the cul-de-sac --

16 I can ...

17 THE COURT: Yes.

18 MR. LEVY: Here's an overview of our house.
19 So the red lines indicate the side yard lots. So it's
20 very narrow on that. And also because we are on a
21 walkout, the grade going down in the backyard is
22 extremely steep. Along with this, you can see there is
23 quite a lot of trees in the backyard and attempting to

1 try to get the vehicle down in the backyard is,
2 basically, impossible to be able to do.

3 We do have a deeper driveway and we're
4 approximately -- as you can see there, approximately
5 60 feet from the road where our camper's parked. And
6 you can see the red line right next to it. Here is the
7 property line as well.

8 So we're close on with that and trying to be
9 able to get down in the backyard just would not be able
10 to do.

11 The -- this kind of shows from the street.
12 There's grasses, taller grasses that grow there so it
13 keeps it rather hidden from view, which is nice also.
14 If you talk to the surrounding neighbors, for the folks
15 I've talked to I haven't had any issues said from them
16 on anything in regards to that, that it would be a
17 problem.

18 This is from the backyard, the trees in the
19 back. It's a little difficult to tell the grade there,
20 but it's a walkout. I don't know the exact grade, but
21 that's dropping from the drive down to the back. It's
22 probably 15 to 20 feet or so on that drop. Probably,
23 over about a 50 foot run or so. So makes it,

1 basically, with no ability to get that in the backyard
2 for storage. And this, you can tell, is a little bit
3 better kind of on the grade. You can see the steps
4 coming down there from the house there on the angle.

5 And so we're asking the City for approval to
6 be able to park our RV within the driveway. Mainly
7 throughout summertime. Wintertime we do use it quite a
8 bit. My wife and I, we have four young children.
9 We've had this for about five or six years now. We do
10 a lot of camping throughout the summer. So to be able
11 to get loaded up and take care of it and make sure to
12 have access to it quickly and easily for trips --
13 sometimes we do kind of spur of the moment quick trips
14 in that. So it would be great if we would be able to
15 keep it by the house there over the summer period of
16 time.

17 I do have a spot that I can find for a
18 storage in the winter off of it as well, if that makes
19 it more beneficial.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
21 Anything else you want to say?

22 MR. LEVY: No.

23 CHAIRPERSON PEDDIBOYINA: Okay. Audience?

1 Anyone in the audience to speak about this case?

2 Okay. Seeing none.

3 From the City?

4 MR. BUTLER: No comment. Stand by for
5 questions.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 Correspondence, secretary?

8 MEMBER KRIEGER: For this case 28 letters
9 were sent. Three approval -- Wait. Three letters
10 returned. Eight approvals. Two objections.

11 CHAIRPERSON PEDDIBOYINA: Thank you.

12 MEMBER KRIEGER: Read them?

13 CHAIRPERSON PEDDIBOYINA: Yeah, please.

14 MEMBER KRIEGER: Okay. The first one is from
15 Teresa Zaw -- oh, gosh. I don't know how to say that.

16 Z-a-w-i -- I think that's a D-r-i-a.

17 MR. LEVY: Zawanda (ph), I believe.

18 MEMBER KRIEGER: What?

19 MR. LEVY: Zawanda.

20 MEMBER KRIEGER: Zawanda. Okay.

21 "No objection for variance. This does not
22 impede traffic or cause any neighborhood issues." So
23 approval.

1 "Hi, I am responding to Ruby Levy's request
2 for variance to park recreational vehicle in the side
3 yard. I do not have any issues with this request."
4 From Robin Spaulding on Morgan Creek.

5 Approval from: "We have no issues with the
6 parking of Ruben's camper in our neighborhood. It does
7 not obstruct any traffic."

8 From Perryman on Morgan Creek Court.

9 "I live next door to the Levys and we have no
10 issue with the camper in the drive. He causes no
11 issues whatsoever." From David LePlae in Morgan Creek
12 Court.

13 Approval from -- "I have no problem with the
14 placement of the camper. Approve the variance
15 request." From Josh Robinson on Morgan Creek.

16 Approval -- another approval. Is this a copy
17 of Perryman?

18 MS. OPPERMAN: Maybe. He sent it in two
19 forms. I'm sorry. I apologize.

20 MEMBER KRIEGER: Accepted, two votes.

21 Approval: "We approve of Ruben and Jill to
22 have their RV parked on the side of their driveway;
23 however, we do not want a general rule that any or all

1 can have this privilege without approval without an
2 individual evaluation of each case." From Frances and
3 Miran Solar (ph).

4 Approval: "We have no issues. It does not
5 encumber anything with regards to traffic or views."
6 Purdeep Nair (ph) and Rajeed Nair (ph).

7 From Morgan Creek: "Please note my objection
8 to the variance request." Comments, five comments:
9 "It does not appear that the applicant has any economic
10 burden that would affect their ability to store the RV
11 at a specifically designed facility rather than in
12 their exterior side yard. Recreational vehicle storage
13 best suited to a storage facility.

14 "Second, this change in use will negatively
15 effect the neighborhood character and property values.
16 The RV lends to a congested appearance on the street.
17 Home buyers are looking for a lake living with upscale
18 housing, which is what our neighborhood has tried to
19 represent. Three, photos provided in the application
20 do not depict the RV as it is currently at the
21 residence. The RV there currently is larger and
22 taller. Image dates from 2012. Fourth, application
23 states that grass hides the RV, which is misleading.

1 It may buffer the adjacent neighbor, but does nothing
2 for the street view. The RV is in complete sight for
3 all cars going eastward once entering the street.
4 Fifth, applicant states they talked to most homeowners
5 in the homeowner's association, but not all. A focused
6 survey leading to a positive outcome for the applicant
7 should be moot when not all homeowners or homeowner's
8 association were included in said survey." From Holly
9 Tucker on Morgan Creek.

10 And objection: "If this is allowed, Novi
11 properties will be littered with motor homes, boats,
12 trailers, et cetera blocking neighbor's views and
13 accessibility to --"

14 I can't read that part.

15 "Care for their property." Oh, to mow the
16 lawn, I suppose.

17 "To care for the property that would sit next
18 to the subject. There's a reason that Novi does not
19 allow this." From Mark Ziedek (ph) on East lake Drive.

20 And that's it.

21 CHAIRPERSON PEDDIBOYINA: Thank you so much,
22 secretary.

23 Okay. Before I speak to your case, let me

1 put it to the board.

2 Okay. Mr. Sanghvi?

3 MEMBER SANGHVI: Thank you. I came and
4 visited your property a couple of days ago. First of
5 all, I want to commend you for your application. It's
6 very well done. You did your homework. You talked to
7 your neighbors. Most all of them agree it is okay for
8 you to do this. And I saw a your lot. You're right at
9 the end of the cul-de-sac.

10 You have a pie-shaped lot. Your backyard is
11 full of woodlands and there is no place really to park
12 your RV. And I see your hardship. And I
13 wholeheartedly support your application.

14 MR. LEVY: Thank you very much.

15 MR. SANGHVI: Thank you.

16 CHAIRPERSON PEDDIBOYINA: Anyone on the
17 board, please?

18 MEMBER LONGO: Yes. I have a question.

19 CHAIRPERSON PEDDIBOYINA: Yeah, please,
20 Mr. Longo?

21 MEMBER LONGO: First of all, there was
22 nothing there from the homeowner's association, was it,
23 that said they approved or did not approve?

1 MEMBER KRIEGER: No.

2 CHAIRPERSON PEDDIBOYINA: No.

3 MEMBER LONGO: That said, they really should
4 have done that, I think. But since they didn't, we'll
5 assume it's an approval.

6 How tall is that RV? Eight feet or
7 something?

8 MR. LEVY: About eight feet. Yeah. I don't
9 know exactly. I think about eight feet.

10 MEMBER LONGO: And that tall grass is on an
11 easement, actually, isn't it, between you and that next
12 door neighbor?

13 MR. LEVY: Correct. There's a drainage
14 easement that goes there.

15 MEMBER LONGO: On the side of the homeowners?

16 MR. LEVY: Yeah.

17 MEMBER LONGO: Would you have a problem
18 moving that to a, you know, winter location where it's
19 in storage?

20 MR. LEVY: Throughout the winter?

21 MEMBER LONGO: Yes.

22 MR. LEVY: I'd be okay in doing that. I
23 wouldn't have a problem. It's really more along the

1 summertime. We utilize it a lot to be able to get into
2 it. Sometimes the kids will want to sleep out in it
3 and do some things like that.

4 MEMBER LONGO: Okay. Thank you.

5 THE COURT: Okay. Thank you.

6 Anyone on the board, please?

7 MEMBER SANKER: I have a question.

8 CHAIRPERSON PEDDIBOYINA: Yeah, go ahead.

9 MEMBER SANKER: So are you allowed to have it
10 in the backyard, if you can get it there?

11 MR. LEVY: If you can get it -- I believe the
12 City allow -- I'd have to reread it. I'm pretty
13 sure.

14 So it's allowed in the backyard. A side yard
15 I think is under -- I think under six feet.

16 MEMBER SANKER: I just wasn't sure. If you
17 could get it back there, it would still be allowed?

18 MR. LEVY: Yes, it would. Yeah. From
19 everything that I read when I talked to the City.

20 MEMBER SANKER: All right. Thanks.

21 MEMBER MONTAGUE: Is the picture of the RV
22 that you had?

23 MR. LEVY: Yes. I'm pretty sure.

1 MEMBER MONTAGUE: Somebody seemed to think it
2 was a different one.

3 MR. LEVY: Yeah, well, I've had -- you know,
4 I took those from a -- I was looking for a top view on
5 it and I wasn't paying attention on it. Because I
6 grabbed those off of Google Maps when they had it on
7 there.

8 We just did just -- basically, it's the same
9 size unit that we had from before that we got two years
10 ago. The same length, same size. I don't know if it's
11 any taller, really. It might look like it's a little
12 bit taller. It's not any taller. This one just has a
13 side on the kitchenette that comes out.

14 The other one had -- when we expanded it out,
15 it had three slides on the one side. This one slid out
16 for the kitchen area. So when it's all closed, it's
17 all the same size, eight foot wide. I don't know that
18 exact height on that, though. I think it's about eight
19 feet.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
21 Anybody else on the board, please?

22 MEMBER KRIEGER: I have a question. How do
23 you support it on the driveway? I remember driving

1 down a different subdivision and they had a huge
2 incline on their driveway and they had it perched with
3 cinder blocks, which totally freaked me out because if
4 it came apart. So for those slight incline, what do
5 you do to break it?

6 MR. LEVY: Our drive, fortunately, does not
7 have much of an incline where it isn't on a flat right
8 there. So there's wheel locks that actually go in
9 between the wheels for campers they're made. Those
10 crank. They spread apart and those lock the wheels in
11 on that plus the front tongue is an electric jack that
12 is down supporting that on the ground. And I also put
13 wheel blocks in on the ground around the tires.

14 MEMBER KRIEGER: Okay. Thank you.

15 THE COURT: Okay. Thank you, Linda.

16 MEMBER SANKER: I have one question.

17 CHAIRPERSON PEDDIBOYINA: Yes, go ahead,
18 Member Sanker.

19 MEMBER SANKER: Is there anyway -- like have
20 you looked at possibilities of having a ramp or some
21 way to get it down into the backyard to fit. Have you
22 explored that at all?

23 MR. LEVY: Yeah. I looked. It's sometimes

1 hard. I've had a golf cart try to go up and down
2 there.

3 MEMBER SANKER: It's just too steep?

4 MR. LEVY: Yeah. That just won't go up.
5 Plus, it's --

6 MEMBER KRIEGER: You'll get it down and never
7 get it back up.

8 MR. LEVY: Yeah. It would be a permanent
9 fixture back there if it went down there for sure. And
10 it would be sunk in. Because it's pretty wet back
11 there, too, because of how high that all that was built
12 up. We go right on to wetlands back there behind us.
13 And the woods back there, those fill up with water. I
14 even get some water sitting in the backyard at times
15 with the rain and stuff. So if that was even down
16 there, it would be a nightmare.

17 MEMBER SANKER: Um-hmm. Okay. Thanks.

18 CHAIRPERSON PEDDIBOYINA: Thank you, Sanker.

19 Anyone on the board?

20 Okay. Mr. Mav?

21 MEMBER SANGHVI: I just want to add there
22 that when I read that there were four cars in the
23 driveway. There was a Jeep. There was Escalade,

1 another SUV and this and when all those were parked,
2 you could hardly see your RV was there. I don't think
3 it's causing any kind of nuisance or anything to
4 anybody.

5 Thank you.

6 MR. LEVY: Thank you.

7 CHAIRPERSON PEDDIBOYINA: Okay. Anyone else
8 on the board?

9 No.

10 So motion time, Mr. Sanghvi?

11 MEMBER SANGHVI: May I make a motion?

12 CHAIRPERSON PEDDIBOYINA: Yeah, please.

13 MEMBER SANGHVI: I move that we grant the
14 variance in case number PZ19-0045 sought by Jill and
15 Reuben Levy for 42630 Morgan Creek Court, Novi, parcel
16 number 50-22-02-177-043 because the petitioner has
17 shown practical difficulty requiring need for this
18 variance.

19 Without the variance the petitioner will be
20 unreasonably prevented or limited with respect to the
21 use of his property because they have woodlands and
22 wetlands in the backyard and there is no side yard
23 whatever. And he has no access to the back of the

1 property itself. And the property is unique because it
2 is in a cul-de-sac and has a pie shape lot with
3 woodlands in his backyard as mentioned earlier.

4 This is not a self-created condition and the
5 relief granted will not interfere with any adjacent or
6 surrounding properties and will not effect any property
7 values around there. The relief is consistent with the
8 spirit and intent of the ordinance.

9 Thank you.

10 CHAIRPERSON PEDDIBOYINA: Thank you. Anybody
11 second the motion?

12 MEMBER KRIEGER: Second.

13 MEMBER VERMA: Second.

14 CHAIRPERSON PEDDIBOYINA: Okay. Any other
15 discussions?

16 Seeing none.

17 MEMBER LONGO: Yes.

18 CHAIRPERSON SANGHVI: Okay.

19 MEMBER LONGO: Mr. Levy, how would you feel
20 if we approve this with the stipulation of having it
21 stored in the wintertime?

22 MR. LEVY: I would be fine with that.

23 MEMBER LONGO: Then I would like to add to

1 his motion that it's subject to having it stored in the
2 wintertime off the property.

3 MEMBER SANKER: What's the wintertime?

4 MEMBER LONGO: We can use the calendar, I
5 guess.

6 MEMBER SANKER: That's fine with me.

7 MEMBER LONGO: When does that start?

8 MEMBER SANKER: Next week or something.

9 MEMBER LONGO: I feel like it started two
10 weeks ago.

11 According to the calendar of winter months.

12 MEMBER SANKER: Until March.

13 MEMBER LONGO: Is that okay, Mr. Levy?

14 MR. LEVY: That would be fine.

15 MEMBER LONGO: Thank you.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Michael.

17 And motion is seconded and supported.

18 MS. SAARELA: The maker of the original
19 motion, do you accept the amendment, Member Sanghvi?

20 MEMBER SANGHVI: I don't see the need for the
21 variation.

22 MS. SAARELA: Okay. So then we have to vote
23 on the amendment.

1 MEMBER SANKER: I move to second the
2 amendment.

3 CHAIRPERSON PEDDIBOYINA: Okay. Katherine,
4 please call --

5 MS. SAARELA: So first take the vote for who
6 is in favor of the amendment. You can just do a voice
7 vote on who's in favor of the amendment.

8 CHAIRPERSON PEDDIBOYINA: I'm doing the final
9 for the case for the motion for the second one.

10 MS. SAARELA: So all in favor of the
11 amendment say "Aye." All opposed to the amendment,
12 that's how it would have to be done.

13 CHAIRPERSON PEDDIBOYINA: Okay. Katherine,
14 please call.

15 MS. OPPERMAN: So ...

16 MS. SAARELA: So you don't have to do
17 individually, just ask who is in favor of the
18 amendment.

19 MEMBER KRIEGER: So all in favor of the
20 amendment?

21 (Board members state "Aye.")

22 MS. SAARELA: All opposed to the amendment?

23 MEMBER SANGHVI: No.

1 MS. SAARELA: Okay. The amendment passes.
2 So now it's the motion with the amendment that's on the
3 table.

4 It doesn't matter -- we just know that the
5 amendment passed so that they can vote on the motion
6 with the amendment. We don't have to know -- as long
7 as we know there was a majority in favor of the
8 amendment.

9 CHAIRPERSON PEDDIBOYINA: Thank you.

10 Okay, Katherine, please roll call.

11 MS. OPPERMAN: Chairperson Peddiboyina?

12 CHAIRPERSON PEDDIBOYINA: Yes.

13 MS. OPPERMAN: Member Krieger?

14 MEMBER KRIEGER: Yes.

15 MS. OPPERMAN: Member Longo?

16 MEMBER LONGO: Yes.

17 MS. OPPERMAN: Member Sanghvi?

18 MEMBER SANGHVI: Yes.

19 MS. OPPERMAN: Member Sanker?

20 MEMBER SANKER: Yes.

21 MS. OPPERMAN: Member Montague?

22 MEMBER MONTAGUE: Yes.

23 MS. OPPERMAN: And Member Verma?

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MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Congratulations.

MR. LEVY: Thank you very much.

CHAIRPERSON PEDDIBOYINA: Okay. And move to the next case.

MEMBER SANGHVI: What is winter in this state? That's why it's important to define it.

MEMBER SANKER: We did.

CHAIRPERSON PEDDIBOYINA: Okay. And thank you so much everybody. Move to the fourth case.

MR. LEVY: Can I ask for one clarification? You said December 21st through March ...

MEMBER KRIEGER: March 21st is the first day of spring.

MR. LEVY: Right. So those are the dates?

MEMBER KRIEGER: Yeah.

MR. LEVY: Okay. Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. And that's the conclusion for the case number three.

And moving to the fourth case. PZ19-0048, Mark ZAWAIDEH, 40020 Twelve Mile Road, west of Haggerty Road and north of Twelve Mile Road, parcel number

1 50-22-12-400-063. The applicant is requesting the
2 variance from the City of Novi code of ordinance,
3 Section 28-(a); and 28-5(d)(7) for a second wall sign
4 facing southwest measuring 336 inches by 36 inches, 84
5 square feet.

6 The applicant was previously granted a lesser
7 variance during the April 2019 proceedings of case
8 PZ19-0011. The property is zoned Office Service
9 Technology, OST.

10 Okay. The applicant is there?

11 Yes. You can spell your first and last name
12 and swear in for my secretary for the record.

13 MR. ZAWAIDEH: Sure. Mark Zawaideh, M-a-r-k.
14 Last name Z like zebra, A-w-a-i, D like David, E-h.

15 MEMBER KRIEGER: Were you an attorney? I
16 don't remember.

17 MR. ZAWAIDEH: No.

18 MEMBER KRIEGER: Please raise your right
19 hand.

20 Do you swear or affirm to tell the truth in
21 this case?

22 MR. ZAWAIDEH: Yes. Yes, I do.

23 MEMBER KRIEGER: Okay. Great.

1 THE COURT: Thank you. You may proceed with
2 the case, please.

3 MR. ZAWAIDEH: Okay. I was here, like I
4 said, I think back in April and I thought we did a good
5 job of explaining exactly what we wanted. I guess I
6 didn't do a good enough job. When I was here in April,
7 I explained that we have a sign on the building that
8 faces the south and my intention was to put a sign that
9 faced the thoroughfare of M5 highway and then to face
10 the southeast direction. Because my building has
11 woodlands -- that you can see this picture right
12 here -- on the corner of the property that blocks the
13 entire south -- southeast -- southwest corner. The
14 entire corner of the building.

15 When we put the sign up, there's this gap
16 that you see in between. And I guess we miscalculated
17 that if you -- it defeats the whole purpose. If we put
18 the signs together, the 844-SOLD-BY-Z would have been
19 facing this right here.

20 I have a -- I did a video showing me
21 standing. I turned the sound down, but I can explain
22 it. I'm standing right below. You can see. Right
23 below that gap to show that if that sign was to be

1 moved over from either direction, it would defeat the
2 whole purpose. Which is why I was here in April,
3 saying that, you know, this blocks my entire corner of
4 the building. So the whole reason I was here in April
5 was to have one sign face the thoroughfare and one sign
6 face what you see right there, which is that southeast
7 corner. Because you have that electrical -- whatever
8 you call it. Electrical tower that covers up my
9 building as well.

10 So there's a lot of hardships from many
11 directions of my building and the only reason I bought
12 that building was to have some signage. Some
13 viewability, I guess you would say.

14 So by having that gap in between the two
15 signs, I believe it's about two feet, give or take, it
16 causes the variance for me to ask to have that
17 either -- I had two ways of approaching it, according
18 to Marianne. One was to ask for three signs or one was
19 to ask for a variance for the sign to be bigger because
20 of that. You know, the signs itself aren't bigger, but
21 because of that gap in between it makes the overall
22 signage area bigger, if that makes sense.

23 Did I explain that right?

1 CHAIRPERSON PEDDIBOYINA: Okay. Anything
2 else you want to say?

3 MR. ZAWAIDEH: No. That's it.

4 CHAIRPERSON PEDDIBOYINA: Thank you. Anyone
5 in the audience about this case, please?

6 Seeing none. From the City?

7 MR. BUTLER: No comments from the City.

8 CHAIRPERSON PEDDIBOYINA: Thank you.
9 Correspondence, secretary?

10 MEMBER KRIEGER: Eight letters were sent.
11 Zero returns. Zero approvals. Zero objections.

12 CHAIRPERSON PEDDIBOYINA: Thank you.

13 Okay. Anyone on the board want to speak
14 about this case?

15 MEMBER KRIEGER: I have a question.

16 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead.

17 MEMBER KRIEGER: I understood that the second
18 sign would be on the turret. So I don't really
19 understand why you're here. Is it they want a bigger
20 sign?

21 MS. OPPERMAN: The way that the sign was
22 installed, there's a four foot gap between the spacing,
23 which wasn't included in the original proposal. So by

1 the way our ordinance officers calculated it, it makes
2 the area of the sign larger even though the actual
3 lettering and everything is the same size as was
4 previously approved and proposed.

5 MEMBER KRIEGER: So you want to keep the four
6 feet the way it is now?

7 MR. ZAWAIDEH: Correct.

8 MEMBER KRIEGER: I have no problem with that.
9 Yeah, that's fine.

10 MR. ZAWAIDEH: So what I asked for
11 originally, we accomplished.

12 MEMBER KRIEGER: Yeah.

13 MR. ZAWAIDEH: But I guess we didn't know
14 until we put it up that to accomplish it without a
15 variance, we would have to push it together and it
16 would be in that whole middle area which defeated the
17 whole purpose.

18 MEMBER KRIEGER: Yeah. I remember we were
19 talking about putting flag on the turret.

20 MR. ZAWAIDEH: Yeah.

21 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.
22 Anyone on the board, please?

23 Seeing none. Linda, this is your turn for

1 the motion.

2 MEMBER KRIEGER: In case number PZ19-0048 for
3 Mark Zawaideh for 40020 Twelve Mile Road, the applicant
4 is requesting a variance from the City of Novi Code of
5 Ordinances Section 28-(a); and 28-5(d)(7) for a second
6 wall sign facing southwest, measuring 336 inches by 36
7 inches, 84 square feet. The applicant was previously
8 granted lesser variances during the April 2019
9 proceedings of case PZ19-0011. The property is zoned
10 office service technology, OST. And I move to grant
11 the variance in this case number.

12 The petitioner has shown his practical
13 difficulty from his previous testimony and this current
14 one that the -- having the need for the second sign on
15 the turret that the lettering of the sign had created
16 this distance. So it is limited with respect to the
17 use of the property as well as the foliage in the
18 corner to the M-5 entrance. So this property is unique
19 because of that.

20 The petitioner did not create the condition
21 because this was previously -- I believe it was a bank.
22 So he bought the building as is. The relief granted
23 will not unreasonably interfere with adjacent or

1 surrounding properties because of -- it will -- for the
2 speed of the road and causing less accidents for people
3 trying to drive by and get to this destination.

4 The relief is consistent with the spirit and
5 intent of the ordinance because it is a minimum
6 request.

7 And that's it.

8 CHAIRPERSON PEDDIBOYINA: Thank you.

9 MEMBER LONGO: I second.

10 CHAIRPERSON PEDDIBOYINA: Okay. Seconded.

11 Any other discussion about this case?

12 Seeing none.

13 Please, Katherine, can you call the roll
14 call?

15 MS. OPPERMAN: Member Verma?

16 MEMBER VERMA: Yes.

17 MS. OPPERMAN: Member Montague?

18 MEMBER MONTAGUE: Yes.

19 MS. OPPERMAN: Member Sanker?

20 MEMBER SANKER: Yes.

21 MS. OPPERMAN: Member Sanghvi?

22 MEMBER SANGHVI: Yes.

23 MS. OPPERMAN: Member Longo?

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MEMBER LONGO: Yes?

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: And Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

Congratulations.

MR. ZAWAIDEH: Thank you. Happy holidays.

MEMBER KRIEGER: You too.

CHAIRPERSON PEDDIBOYINA: And the final case of the day, of the year. PZ18-0050, Benchmark Group slash Wal-Mart, 26090 Ingersol Drive, east of Novi Road and north of Grand River Avenue, parcel number 50-22-14-351-064.

The applicant is requesting a variance from the City of Novi Code of Ordinance, Section 28-5(a) for 12 ground signs for parking space indicators, one ground sign permitted per parcel; 28-7(b)(2) for nine ground pole signs to be posted at the parking lot entrance. Number two of the entrance will have a second ground pole sign. One ground pole sign is permitted at each entrance per code.

1 Section 28-5 for a 65.43 square foot wall
2 sign on the west elevation - north side of building.
3 This sign exceeds number of signs permitted. The
4 property is zoned Town Center, TC.

5 Are you the applicant?

6 MS. VAUGHN: (No response.)

7 CHAIRPERSON PEDDIBOYINA: Are you the
8 applicant?

9 MS. VAUGHN: Yes.

10 CHAIRPERSON PEDDIBOYINA: You can come
11 forward and spell your first and last name and be sworn
12 by our secretary, please, for our record.

13 MS. VAUGHN: My name is Rachael Vaughn. It's
14 R-a-c-h-a-e-l V-a-u-g-h-n. And I'm Benchmark Group and
15 on behalf of Wal-Mart.

16 MEMBER KRIEGER: Are you an attorney?

17 MS. VAUGHN: No.

18 MEMBER KRIEGER: Can you raise your hand?
19 Do you swear or affirm to tell the truth in
20 this case?

21 MS. VAUGHN: I do.

22 MEMBER KRIEGER: Thank you.

23 CHAIRPERSON PEDDIBOYINA: Ms. Vaughn, if you

1 can speak louder, please, or come to the mic.

2 MS. VAUGHN: Yes.

3 CHAIRPERSON PEDDIBOYINA: Thank you.

4 MS. VAUGHN: This Wal-Mart store located at
5 26090 Ingersol Drive is wanting to add an online
6 grocery pickup area. This would include the 65 square
7 foot sign on the wall on the front of the store, as
8 well as 12 parking stalls designated for the pickup
9 area. Each stall would have its own sign with the
10 stall number so the associates can locate the customer
11 to deliver the order. As well as the call-in number to
12 let them know that they are there.

13 And then there are also 12 signs that would
14 be directional -- I'm sorry. Nine signs that are
15 directionals throughout the parking lot to guide
16 customers to that designated parking area.

17 CHAIRPERSON PEDDIBOYINA: Okay. Anything
18 more you want to say?

19 MS. VAUGHN: (Nods.)

20 THE COURT: Do you have any presentation to
21 show to the board? Do you have any pictures?

22 MS. VAUGHN: I have some drawings from our
23 architect with pictures of the signage if you want to

1 see the design of the signage.

2 CHAIRPERSON PEDDIBOYINA: Yes. If you can
3 show us, please. That's fine. Thank you.

4 (Document displayed.)

5 MS. VAUGHN: This sheet here shows the stall
6 numbers. This will be the directional signage
7 throughout the parking lot to guide the customers to
8 the correct area. And it's quite dark here, but here's
9 what it would look like with the numbers and then here
10 is all pieced together with the signs on the parking
11 stalls of what it would look like.

12 THE COURT: Okay. Anything else you want to
13 say?

14 MS. VAUGHN: No.

15 CHAIRPERSON PEDDIBOYINA: Thank you, ma'am.
16 Anyone in the audience speak up about this
17 case?

18 Seeing none. From the City?

19 MR. BUTLER: The City stated that there was
20 shown a practical difficulty for hardship due to the
21 fact that how large the parking lot is and the amount
22 of traffic that goes through there. This is a new
23 service that they're offering and for the traffic to

1 come in and locate the areas where they can actually
2 park and get their groceries would be difficult without
3 the additional signs to guide them to the proper
4 directions for pickup. So it does show a hardship.

5 CHAIRPERSON PEDDIBOYINA: Thank you.

6 Okay. Secretary, correspondence?

7 MEMBER KRIEGER: In this case, 62 letters
8 were sent, 13 returned. Zero approvals. Zero
9 objections.

10 CHAIRPERSON PEDDIBOYINA: Thank you.

11 Let me put it on the board. Anyone want to
12 speak on this case?

13 MEMBER KRIEGER: Do you have the map where it
14 shows the parking lot, the satellite view?

15 MS. VAUGHN: I do.

16 MEMBER KRIEGER: And if you can point out
17 where that proposed area is going to be and the signs,
18 that would be great.

19 (Document displayed.)

20 MS. VAUGHN: So about the front of the store
21 there's a rectangle box there shows the parking lots
22 that will be the pickup area. These will all be
23 labeled. And then these white notes depict here and

1 here the directional signage. That gets the entrance
2 and guides them into the middle of the parking lot
3 where the pickup area IS located.

4 CHAIRPERSON PEDDIBOYINA: Okay.

5 MEMBER KRIEGER: Yeah. I can see it's a
6 maze. When you -- first get there from 11 Mile off
7 Crescent Drive and then to have a grocery pickup, I can
8 see where you have a need. Thank you.

9 CHAIRPERSON PEDDIBOYINA: Okay. Linda.
10 Thank you. Any other board member, please?

11 Seeing none. It's a motion time.

12 Mr. Sanker?

13 MEMBER SANKER: Sure. I can do a motion.

14 CHAIRPERSON PEDDIBOYINA: Thank you.

15 MEMBER SANKER: I move that we grant the
16 variance in case number PZ19-0050 sought by the
17 petitioner for 12 ground signs, nine pole signs, one
18 extra pole sign at the entrance and one additional wall
19 sign because the petitioner has shown practical
20 difficulty requiring these variances.

21 Without the variance, the petitioner will be
22 unreasonably prevented or limited with respect to the
23 use of the property because he won't be able to

1 adequately direct its customers. The property is
2 unique because of its size.

3 The petitioner did not create the condition
4 because they purchased the property -- the large
5 property. The relief granted will not unreasonably
6 interfere with adjacent or surrounding properties
7 because it is so large and the signs are incorporated
8 into the property and they have a low profile.

9 And the relief is consistent with the spirit
10 and intent of the ordinance because customers will be
11 able to navigate the premises more easily.

12 CHAIRPERSON PEDDIBOYINA: Okay. Anyone wants
13 to say second?

14 MEMBER LONGO: I second it.

15 CHAIRPERSON PEDDIBOYINA: Thank you, Michael.
16 Anyone want to discuss anything in this case?
17 Seeing none.

18 Katherine, please call roll.

19 MS. OPPERMAN: Chairperson Peddiboyina?

20 CHAIRPERSON PEDDIBOYINA: Yes, please.

21 MS. OPPERMAN: Member Krieger?

22 MEMBER KRIEGER: Yes.

23 MS. OPPERMAN: Member Longo?

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MEMBER LONGO: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: And Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you. And
congratulations.

MEMBER KRIEGER: All set. Congratulations.

CHAIRPERSON PEDDIBOYINA: For the end of the
day and the end of the meeting. Is there any other
matters apart from this?

Then, I would like to adjourn the meeting.

MEMBER KRIEGER: Move to adjourn.

MEMBER SANKER: Second.

CHAIRPERSON PEDDIBOYINA: Second. Thank you.
And Happy Holidays and Merry Christmas and
Happy New Year to everyone.

MEMBER KRIEGER: You too.

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CHAIRPERSON PEDDIBOYINA: Thank you.
(At 8:14 p.m., meeting 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 (Acting in 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-one (71) typewritten pages, is a true and correct transcript of my said stenographic notes.

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

January 7, 2020
(Date)