

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, APRIL 13, 2021, 7:00 P.M.

VIRTUAL MEETING VIA ZOOM

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Linda Krieger

Siddharth Mav Sanghvi

Clift Montague

Kevin Sanker

Michael Longo

Travis Malott

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, April 13, 2021

7:02 p.m.

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CHAIRPERSON PEDDIBOYINA: Okay. It's 7:01 and I apologize for the late. And today is April 13th, 7:02 p.m. And due to my network issue and my link, I apologize to all the board members and everybody. And welcome to the Novi City Zoning Board of Appeals.

Roll call -- before that roll call, would you like to do the Pledge of Allegiance? Can anybody can take care of the Pledge of Allegiance?

Dr. Mav, are you there?

MEMBER SANGHVI: (Muted.)

MEMBER LONGO: I'm here.

CHAIRPERSON PEDDIBOYINA: Member Longo, can you go for the Pledge of Allegiance?

MEMBER LONGO: I'd be happy to. You guys can leave your mic on or off. That's up to you.

(Pledge of Allegiance recited.)

CHAIRPERSON PEDDIBOYINA: Thank you, Member Longo. I appreciate.

And roll call, our acting secretary,

1 Katherine, can you take the roll call, please?

2 MS. OPPERMAN: Yes, of course. Hold on just
3 a moment, please.

4 There we go. All right. Member Krieger?

5 MEMBER KRIEGER: Present. City of Novi,
6 Michigan; Oakland County.

7 MS. OPPERMAN: Thank you.

8 And our new member, Member Malott?

9 MEMBER MALOTT: Present. City of Novi,
10 Oakland County, state of Michigan.

11 MS. OPPERMAN: Thank you. Member Montague?

12 MEMBER MONTAGUE: Here. Novi, Michigan;
13 Oakland County.

14 MS. OPPERMAN: Thank you. Chairperson
15 Peddiboyina?

16 CHAIRPERSON PEDDIBOYINA: This is Joe
17 Peddiboyina, present. City of Novi and Oakland County.
18 Thank you.

19 MS. OPPERMAN: All right. Member Sanker?

20 MEMBER SANKER: Here from the city of Novi,
21 Oakland County.

22 MS. OPPERMAN: Member Sanghvi?

23 MEMBER SANGHVI: (No audio response.)

1 CHAIRPERSON PEDDIBOYINA: I think he's on the
2 mute or something.

3 MEMBER KRIEGER: Oh, yeah. There's Mav.

4 MS. OPPERMAN: I believe he's having some
5 audio issues. I do see he's present so I will mark him
6 as such.

7 And Member Thompson is absent, excused
8 tonight.

9 CHAIRPERSON PEDDIBOYINA: Thank you,
10 Katherine. Do you have the quorum?

11 MS. OPPERMAN: Yes, we do.

12 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
13 much.

14 All right. And before that, I welcome to the
15 new board member, Member Malott. And thank you so much
16 for joining the City of Novi Zoning Board of Appeals.

17 Apart from that, all right, we have public
18 hearing and rules and conduct. And anybody, you know,
19 wants to, you know, raise any questions or anything,
20 they can come -- they can raise their hand and
21 Katherine can take it the -- she can watch on the Zoom
22 call. And you can see, you know, on the TVs and also
23 as well for the Zoom link.

1 And once anybody on the public cases, they
2 can come on to the Zoom call and tell us your first and
3 last name very slowly and clearly to our court
4 secretary for recording.

5 And we have an agenda tonight. We have quite
6 a number of cases. Katherine, we have six cases
7 tonight. Am I right?

8 MS. OPPERMAN: Correct, yes. Six cases this
9 evening.

10 CHAIRPERSON PEDDIBOYINA: Thank you. And
11 approval of April agenda, anybody have any questions
12 apart from today's agenda? To add anything or
13 modifications? Any board member?

14 MEMBER KRIEGER: Nope. I move to approve the
15 agenda.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.
17 Anybody can second?

18 MEMBER SANKER: Second.

19 CHAIRPERSON PEDDIBOYINA: Thank you, Member
20 Sanker.

21 MEMBER KRIEGER: All in favor?

22 CHAIRPERSON PEDDIBOYINA: Say "Aye," all in
23 favor.

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THE BOARD: Aye.

CHAIRPERSON PEDDIBOYINA: Anybody is no?

Thank you.

And coming to the March 2019 meeting minutes.

Somebody can make a motion for the approval of the minutes?

Any changes for the last month meeting minutes?

MEMBER KRIEGER: Mav?

Mav has something to say.

Mav, can you put on your unmute?

MEMBER SANGHVI: (No audio response.)

CHAIRPERSON PEDDIBOYINA: I'm sorry?

MEMBER KRIEGER: I saw him wave.

Mav?

MEMBER SANGHVI: (No audio response.)

MEMBER KRIEGER: I guess we can come back to him.

I move to approve the minutes from March 2021 as written.

(Momentarily off the record.)

CHAIRPERSON PEDDIBOYINA: If somebody can make a motion for the minutes.

1 MEMBER KRIEGER: I did. I just need a
2 second.

3 MEMBER MONTAGUE: I'll second.

4 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
5 Thank you so much.

6 Okay. Public remarks, anyone have any
7 questions or anything for the public?

8 Katherine, anybody is raising their hand for
9 the public remarks at this time?

10 MS. OPPERMAN: No. There's no one raising
11 their hand at this time.

12 CHAIRPERSON PEDDIBOYINA: Thank you so much.
13 I think -- apart from that, we'll move on -- oh, is
14 Dr. Sanghvi is on the call or not?

15 MS. OPPERMAN: Member Sanghvi, if you could
16 try closing out of the meeting and then rejoining it.
17 We might be able to see if that would fix the issue.

18 CHAIRPERSON PEDDIBOYINA: Today is, you know,
19 too crazy for everybody.

20 Okay. Do you have people who are on the
21 call? Who all are on the call -- let him know,
22 Katherine. Once I start the cases, I don't want to go
23 back for any approval of anything; motion or anything.

1 MS. OPPERMAN: Sorry. Can you repeat that
2 for me, Joe? I was responding to an E-mail from our
3 city attorney.

4 CHAIRPERSON PEDDIBOYINA: How many people are
5 on the call right now present? You can see me and
6 Linda and Member Sanker?

7 MS. OPPERMAN: So right now, discounting
8 Member Sanghvi, we still have six members present. So
9 we still have a quorum. I don't know if we'll be able
10 to get him fixed up. So we'll still be able to go
11 ahead, if needed.

12 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
13 Make sure, Katherine, watch the people. You know, we
14 need a quorum before any motion or anything. I really
15 appreciate for that.

16 Okay. Coming to today's --

17 MS. SAARELA: Excuse me. Are we going to be
18 having the alternate voting? Do we have all members
19 present without Mav Sanghvi?

20 MEMBER KRIEGER: Yeah. Mike Longo, isn't he
21 the alternate?

22 MS. SAARELA: Yes. So I'm just trying to
23 figure out whether he's voting at this point.

1 MS. OPPERMAN: Yes. Yes. He would be
2 filling in for Member Thompson anyway.

3 MS. SAARELA: Okay.

4 MS. OPPERMAN: So he was already being a
5 regular member this evening.

6 MS. SAARELA: Okay. Thank you.

7 CHAIRPERSON PEDDIBOYINA: Thank you, Beth, I
8 appreciate for that making sure we have a quorum before
9 going to any cases.

10 MEMBER MONTAGUE: Thanks, Beth.

11 CHAIRPERSON PEDDIBOYINA: Okay. Can I start
12 the case. First case PZ21-0009, Bell Fork Lift Inc.,
13 46400 Grand River Avenue, east of Beck Road and north
14 of Grand River Avenue, parcel number 50-22-16-251-017.
15 The applicant is requesting a variance from the Novi
16 Zoning Ordinance Section 5.11.2 for the installation of
17 a fence in the front yard. The ordinance states "no
18 fence shall extend into a front yard or exterior side
19 yard." This property is zoned Office Service
20 Technology, OST.

21 Is the applicant present?

22 MR. STRUCINSKI: Yes, sir.

23 CHAIRPERSON PEDDIBOYINA: Oh, okay. Your

1 name is Dan?

2 MR. STRUCINSKI: Yes, sir.

3 CHAIRPERSON PEDDIBOYINA: Hi Dan. Good
4 evening. Welcome. You can tell your first and last
5 name for our court record purpose. And slowly tell
6 your name. Go ahead, sir.

7 MR. STRUCINSKI: My name is Dan Strucinski.

8 CHAIRPERSON PEDDIBOYINA: Okay.

9 MS. OPPERMAN: Thank you. And could you
10 please spell that and then also swear or affirm to tell
11 the truth in the case before you?

12 MR. STRUCINSKI: Okay. Last name is spelled
13 S-t-r-u-c-i-n-s-k-i. And I do swear to tell the truth.

14 MS. OPPERMAN: Thank you.

15 CHAIRPERSON PEDDIBOYINA: Thank you,
16 Katherine.

17 And thank you, Dan.

18 (Audio echoing.)

19 CHAIRPERSON PEDDIBOYINA: Oh, Member Mav?

20 I think you turned on the two of them. Can
21 you turn off one, please?

22 Okay. That's all right. Dan, you can
23 proceed on what we can help you with on today's case.

1 MR. STRUCINSKI: You refer to that being my
2 front lawn. Our building is on Grand River, but it
3 faces east. So really that's the side lawn. That's
4 our parking lot. And what we would like to do is fence
5 around our parking lot. Not around the property, but
6 just around the parking lot.

7 We've had problems with people coming and
8 dumping construction stuff next to our dumpster. I
9 came in and found a 55 reverse projection TV by our
10 dumpster.

11 This past winter I came in -- I get here at
12 6:30 in the morning. I'm still here today. And I came
13 in and half of our parking lot was plowed. So I called
14 my snow removal company and they said they couldn't do
15 the other part of the parking lot because there were
16 cars parked there. Well, I looked out in the parking
17 lot and I could see tracks there, but they weren't our
18 employee cars. So, obviously, it was somebody else
19 parked there. And he wanted to charge me extra to come
20 out and plow it again, but I talked him into finishing
21 the plowing.

22 I've also pulled in here at 6:30 in the
23 morning and found tractor trailers in our parking lot

1 and going to wake somebody up in a tractor at 6:30 in
2 the morning is a little scary sometimes. But they
3 mistake us for the place next door, Suburban, and block
4 our parking lot. That happens frequently.

5 And we -- for the security of our people and
6 our building, we just want to put a fence around our
7 parking lot. Now, when we first bought this building
8 quite a few years ago, there was a wood privacy fence
9 on the west end of our parking lot. That was a fence
10 by the ditch area.

11 Now, we have no backyard here. We have maybe
12 15 feet, I think, in the back of our building and
13 nothing to the side and we have a front lawn that faces
14 east. So what Novi considers front is really our side
15 lawn, our side property. And that's covered with
16 parking lot. That's asphalt.

17 And so far this past year and a half we've
18 spent real close to \$200,000 on the outside of the
19 building and on the inside of the building doing
20 renovations and we'd like to continue that and
21 safeguard our parking lot and our property with that
22 fence. Just around the parking lot.

23 CHAIRPERSON PEDDIBOYINA: Okay. Any other

1 thing you want to add or do you want to show anything
2 on your presentation tonight?

3 MR. STRUCINSKI: I think that pretty much
4 adds in everything.

5 CHAIRPERSON PEDDIBOYINA: Okay.

6 MR. STRUCINSKI: I'm very new at this so bear
7 with me.

8 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
9 much, Dan. I appreciate.

10 And public remarks, anybody raising their
11 hand or anything, Katherine?

12 MS. OPPERMAN: There are no attendees raising
13 their hand.

14 It does look like Mav's hand is raised. So,
15 Calvin, might need to do something with him.

16 But no. No one is raising their hands to
17 speak on this case.

18 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
19 Thank you so much.

20 From the City, you know ...

21 MEMBER KRIEGER: Correspondence?

22 CHAIRPERSON PEDDIBOYINA: Larry,
23 correspondence from the City, anything you want to say?

1 MR. BUTLER: Yeah. Hey, Dan, I want to ask
2 you something real quick about your parking lot. Are
3 you planning on making the gate lockable so you can
4 secure your parking lot in the evening so people are
5 not parking overnight and dumping garbage?

6 MR. STRUCINSKI: Yes. Yes, sir. At the east
7 side entrance -- we only have the one entrance -- will
8 be a 30-foot rolling gate. That will be locked and
9 I'll make sure the fire department and the police
10 department have a key to it. And then at the west side
11 of the building -- west end of our building there will
12 be a six-foot gate by our dumpster to get into the back
13 area of the building. That will also have a lock on
14 it, but that will be a managed gate.

15 MEMBER KRIEGER: North side.

16 MR. BUTLER: Thank you.

17 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
18 Larry. I appreciate.

19 You know, and correspondence, acting
20 secretary, Katherine, any correspondence?

21 MS. OPPERMAN: Yes. There were 12 letters
22 sent for this case. Five returned. No approvals and
23 no objections.

1 CHAIRPERSON PEDDIBOYINA: Thank you so much.

2 Okay. Coming to my point of view, Dan. I
3 know you are concerned with people parking and dumping
4 their things and the way you, you know, presented, I
5 can see that. And I'm opening to my board members to
6 speak on this case and we can move on there.

7 Open to the board members. They can speak,
8 any of them.

9 MEMBER KRIEGER: I have a question.

10 CHAIRPERSON PEDDIBOYINA: Okay. Go ahead,
11 Linda.

12 MEMBER KRIEGER: For that side, the east
13 street, is that a public roadway? Does it have a name
14 or does that belong to -- who does it belong to?

15 MR. STRUCINSKI: Well, there's a street right
16 in front of our building. That is really a drive
17 for -- I don't believe that has a name. That is a
18 drive for us and Suburban, Suburban Showplace.

19 MEMBER KRIEGER: So was it a shared driveway,
20 then, with Expo when they opened?

21 MR. STRUCINSKI: Well, when we first bought
22 this building, Suburban -- I'm showing you with my
23 hands.

1 Suburban wasn't open. It was a big, like,
2 swamp over there.

3 MEMBER KRIEGER: Yeah.

4 MR. STRUCINSKI: Okay. And this was just --
5 it was just a dirt road. And I think our address has
6 always been Grand River. So I don't know how you would
7 classify that.

8 But that's the only way -- you have to pull
9 in off Grand River on to that short stretch to get in
10 to our parking lot.

11 MEMBER KRIEGER: Yeah. Yes. I did that
12 today and I noticed you have the front doors on the
13 east side.

14 MR. STRUCKINSKI: Right.

15 MEMBER KRIEGER: So that totally
16 changes the -- the front side of the building makes it
17 your Grand River side instead of being the front is
18 really a side yard.

19 MR. STRUCINSKI: Right. Yes.

20 MEMBER KRIEGER: And you have the vehicles on
21 that side for, I guess, the protection of the parking
22 lot so trucks don't happen to pull in there?

23 MR. STRUCINSKI: Yes, ma'am.

1 MEMBER KRIEGER: Okay. And then where you
2 have the dumpster, is that the north side versus the
3 back?

4 MR. STRUCINSKI: I would consider that the
5 west side where the dumpster is.

6 MEMBER KRIEGER: With the two buildings --
7 the neighbors?

8 MR. STRUCINSKI: Yeah. That's the back part
9 of our building where the dumpster is.

10 MEMBER KRIEGER: Okay. All right. And then
11 the kind of fence that you want to put up is a chain
12 link fence?

13 MR. STRUCINSKI: Yes, ma'am.

14 MEMBER KRIEGER: Four foot? Six foot?

15 MR. STRUCINSKI: Six foot, chain link fence.
16 Industrial chain link fence.

17 MEMBER KRIEGER: And you'd maintain that?

18 MR. STRUCINSKI: Yes, ma'am.

19 MEMBER KRIEGER: I mean, because I totally
20 understand where you're coming from and it makes sense
21 to me. It's just that -- and there is -- I guess,
22 you've showed a safety concern. But then the long-term
23 is, I guess, has any other places experienced it and do

1 they also want to put up a chain link fence. So do we
2 want Grand River corridor looking like chain link
3 fences. So in the long run how do you -- how can
4 you -- how would that look?

5 Or can you add to that?

6 MR. STRUCINSKI: Well, long-term -- it won't
7 be this year because we've spent so much money on the
8 building this year in renovations. But we would like
9 to do landscaping around that fence as well.

10 But if you look, there's a company right west
11 of us that has the same fence on the front of their
12 building. It used to be a construction company there.
13 I think they have since sold that property. But they
14 have a chain link fence in the same area.

15 Chet's Rent-All has chain link fence in the
16 front. There's quite a few companies that do.

17 MEMBER KRIEGER: Yeah. I drive by so many
18 times and it just becomes a blur. So, okay, I can
19 appreciate that, that by bringing that up to remind me
20 to look at others and they're maintained and it's
21 similar, dissimilar. And you have a side front yard
22 versus the Grand River facing. So ...

23 And then you're saying that you're adding

1 landscaping so it would make it more ...

2 MR. STRUCINSKI: More aesthetically pleasing.

3 MEMBER KRIEGER: Yes. Thank you. So I can
4 support your request. Thank you.

5 MR. STRUCINSKI: Yes. And we keep our lawn
6 maintained, fertilized and cut and everything. We like
7 to keep the place looking good.

8 We just did the parking lot last fall and
9 that was \$40,000 just for the parking lot. You know,
10 we resurfaced our parking lot. We want to keep
11 everything looking good around here and I think the
12 only way to do it is to secure our parking lot.

13 MEMBER KRIEGER: Yes. Oh, I want to say
14 thank you, too, for when I drive by for the State Fair
15 in the fall that all the police, fire and ambulance,
16 you give them permission, I guess, to sit in your
17 parking lot. So thank you for that, too.

18 MR. STRUCINSKI: Yeah. And they have -- they
19 have -- I give them keys to the building so they can
20 use our building inside, too, for lavatory and to cool
21 off.

22 MEMBER KRIEGER: So they probably appreciate
23 that, too, as well.

1 MR. STRUCINSKI: Oh, yeah, they do.

2 MEMBER KRIEGER: All right. Thank you.

3 MR. STRUCINSKI: Every now and then they'll
4 mess with my alarm. They'll cut off my alarm so my
5 alarm company calls me just to give me a hard time.

6 (Echoing noise.)

7 CHAIRPERSON PEDDIBOYINA: Thank you, Member
8 Linda, and Dan.

9 Somebody's phone. I don't know whose phone.

10 MEMBER KRIEGER: Maybe Mav.

11 CHAIRPERSON PEDDIBOYINA: Anybody member
12 would like to speak on this case?

13 MEMBER SANGHVI: (Echoing) Can you hear me?

14 MEMBER KRIEGER: Hey, Mav.

15 MEMBER SANGHVI: I can't see you and can't
16 hear you. Can you hear me?

17 MEMBER KRIEGER: Yes.

18 MEMBER MONTAGUE: Yes.

19 MEMBER SANGHVI: (Echoing) Okay. I'm going
20 to speak because I can't see myself on the video here.

21 I'd just like to add to what Member Krieger
22 said that I have no difficulty in supporting this
23 application.

1 And can anybody restart my video? My video
2 stopped. And I'm also unmuted. So I need to be
3 unmuted and my video is having a lot of technical
4 difficulty.

5 CHAIRPERSON PEDDIBOYINA: No.

6 (Echoing noise.)

7 MEMBER KRIEGER: Just keep the one that we
8 can hear you and turn the other one off.

9 MEMBER SANGHVI: (Echoing) Okay. Now I'm
10 video. Very good.

11 MEMBER KRIEGER: Welcome.

12 CHAIRPERSON PEDDIBOYINA: I think you're
13 turned on the two of them, Dr. Sanghvi. Can you turn
14 off one of them, please?

15 MEMBER SANGHVI: I do not know why this thing
16 is not working. Okay. I think I can continue with just
17 the -- (no audio.)

18 MEMBER KRIEGER: Woop. Where'd you go?

19 MEMBER SANGHVI: Okay. If there is no
20 further discussion, I'd like to make a motion.

21 CHAIRPERSON PEDDIBOYINA: Okay. Before going
22 to that motion, any other board member who would like
23 to speak on this case tonight, please?

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MEMBER SANGHVI: Okay.

CHAIRPERSON PEDDIBOYINA: If not ...

Dr. Sanghvi, you can proceed.

MEMBER SANGHVI: (No audio response.)

CHAIRPERSON PEDDIBOYINA: Member Sanghvi?

MEMBER SANGHVI: Yeah.

CHAIRPERSON PEDDIBOYINA: You can make a motion, please. It's your time.

MEMBER SANGHVI: (No audio response.)

MEMBER KRIEGER: Mav?

CHAIRPERSON PEDDIBOYINA: Member Sanghvi, are you there?

MEMBER KRIEGER: I don't think he knows he put himself on mute.

CHAIRPERSON PEDDIBOYINA: I think, Linda, can you make a motion?

MEMBER KRIEGER: That's not fair to Mav. I don't know.

MEMBER SANKER: I can make a motion.

CHAIRPERSON PEDDIBOYINA: Okay. Member Sanker, please.

MEMBER SANKER: I would love to make a motion.

1 CHAIRPERSON PEDDIBOYINA: Yeah, please go
2 ahead.

3 MEMBER SANKER: I move that we grant the
4 variance in case number PZ21-0009 sought by Bell Fork
5 Lift, Inc. for a chain link fence around the front yard
6 of the property or a side yard. Because petitioner has
7 shown practical difficulty requiring this variance and
8 without the variance the petitioner will be
9 unreasonably prevented or limited with respect to the
10 use of the property because other people are using it
11 without their permission. They dump trash in the
12 property and otherwise deprive him of his use of the
13 property.

14 The property is unique because of its shape
15 and size and the way it was constructed with the
16 parking lot on the side of the property. And the
17 petitioner did not create the condition because they
18 purchased the property with its current configuration
19 and they did not build the improvements as they exist
20 today on the property.

21 The relief granted will not unreasonably
22 interfere with adjacent or surrounding properties
23 because the fence is low to the ground and it does not

1 abut other property lines. The relief is consistent
2 with the spirit and intent of the ordinance because it
3 allows the business to -- or the applicant to enhance
4 its security and safety for its employees, its
5 customers and it also will keep the mischief out of the
6 property.

7 MEMBER KRIEGER: Second.

8 CHAIRPERSON PEDDIBOYINA: Thank you. Before
9 that, making second, I would like to add, Member
10 Sanker, the six-foot fence is the commercial, you know,
11 steel, visible fence, am I right?

12 MEMBER SANKER: It's visible.

13 CHAIRPERSON PEDDIBOYINA: Yeah. Six feet.

14 MEMBER SANKER: Yeah.

15 CHAIRPERSON PEDDIBOYINA: Okay, that's all.
16 Thank you.

17 MEMBER SANKER: And they'll put some nice
18 shrubbery around it in the future.

19 CHAIRPERSON PEDDIBOYINA: Okay. Katherine,
20 it's roll call time. Katherine, can you please call
21 roll call.

22 MS. OPPERMAN: Yes, of course.

23 Chairperson Peddiboyina?

1 CHAIRPERSON PEDDIBOYINA: Yes, please.

2 MS. OPPERMAN: Member Krieger?

3 MEMBER KRIEGER: Yes.

4 MS. OPPERMAN: Member Malott?

5 MEMBER MALOTT: Yes.

6 MS. OPPERMAN: Member Montague?

7 MEMBER MONTAGUE: Yes.

8 MS. OPPERMAN: Member Sanker?

9 MEMBER SANKER: Yes.

10 MS. OPPERMAN: Member Longo?

11 MEMBER LONGO: Yes.

12 MS. OPPERMAN: And I'm not going to call
13 Member Sanghvi because it looks like he's been dropped.

14 Motion passes six to zero.

15 CHAIRPERSON PEDDIBOYINA: Thank you. And
16 good luck, Don. I appreciate.

17 MR. STRUCINSKI: Thank you very much. Now,
18 what do I do now? Do I come in with the --

19 MEMBER KRIEGER: With Larry. Go with the
20 City.

21 MR. BUTLER: You just build your fence.

22 MR. STRUCINSKI: Okay. We're all done, then?

23 CHAIRPERSON PEDDIBOYINA: Yes.

1 MEMBER KRIEGER: Thank you.

2 MS. OPPERMAN: Mr. Strucinski, you'll still
3 have to get the appropriate permitting since it's a
4 commercial property. So you'll continue to work with
5 our department now.

6 MR. STRUCINSKI: Okay. So I'll get in touch
7 with you tomorrow sometime then.

8 MS. OPPERMAN: Thank you.

9 MR. STRUCINSKI: Okay. Beautiful. Thank you
10 very much, everyone, and have a good night.

11 MEMBER LONGO: Good luck, Dan.

12 CHAIRPERSON PEDDIBOYINA: Coming to today's
13 evening second case. It looks like today we have a
14 crazy, you know, Zoom call, with Mav Sanghvi and other
15 people without. Let's continue with who stays on this
16 today's Zoom call.

17 Okay. Case number --

18 MR. BUTLER: Excuse me, Mr. Chair?

19 CHAIRPERSON PEDDIBOYINA: Yeah?

20 MR. BUTLER: This is Larry. I just spoke
21 with Mav. He's a little bit under the weather so he
22 may be in and out for a bit.

23 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,

1 Larry. I appreciate it.

2 MR. BUTLER: You're welcome.

3 CHAIRPERSON PEDDIBOYINA: And coming to the
4 second case tonight, PZ21-0011 Kensington Family Homes,
5 Ten Mile Road, east of Beck Road and south of Ten Mile
6 Road, parcel number 50-22-28-101-023. The applicant is
7 requesting a variance from the Novi Zoning Ordinance
8 Section 3.1.2 for a proposed lot split of parcel
9 50-22-28-101-023 into two lots with widths of 110 and
10 113 feet respectively, 120 feet minimum required by
11 code, variances of ten feet and seven feet. This
12 property is zoned single family residential, R-1.

13 Is the applicant present?

14 MS. LONGO: Yes we are.

15 MR. NOLES: We are.

16 CHAIRPERSON PEDDIBOYINA: Okay. Spell your
17 first and last name for our court record and after that
18 our secretary will take the oath also. And please go
19 ahead and spell your first and last name.

20 MR. NOLES: Lady's first.

21 MS. LONGO: Oh, okay. My name is Julie
22 Longo. My last name is L-o-n-g-o. And you asked me to
23 promise to tell the truth, which I will.

1 MS. OPPERMAN: Thank you.

2 CHAIRPERSON PEDDIBOYINA: Okay.

3 MR. NOLES: My name is Mike Noles, N-o-l-e-s.
4 And I swear to tell the truth.

5 MS. OPPERMAN: Thank you.

6 CHAIRPERSON PEDDIBOYINA: Thank you, both of
7 you. And whoever wants to proceed first, you can
8 present what you want and what we can help you with
9 tonight.

10 MR. NOLES: Yes. Thank you very much,
11 Chairman. I have a short presentation to share with
12 you. So I'm going to share my screen right now.

13 (Slideshow started.)

14 CHAIRPERSON PEDDIBOYINA: Yeah, we can see.

15 MR. NOLES: Okay. Very good. Can everybody
16 see the screen?

17 CHAIRPERSON PEDDIBOYINA: Yes.

18 MEMBER KRIEGER: Yup.

19 MR. NOLES: Did somebody say no?

20 CHAIRPERSON PEDDIBOYINA: No. No. She said,
21 "Yup."

22 MR. NOLES: Oh, wonderful. Thank you.

23 Yes, again, my name is Mike Noles. I'm with

1 the Umlor Group representing Kensington Family Homes
2 tonight. And Julie Longo, the owner of Kensington
3 Family Homes, just introduced herself. We're happy to
4 be back with you again tonight to present our ZBA case
5 for property located at the southeast corner of Ten
6 Mile and Beck Roads.

7 Our short presentation will demonstrate how
8 the project meets each of the City of Novi required
9 standards for granting a dimensional variance.

10 Standard number one is Circumstance or
11 Physical Conditions. The need for a variance is due to
12 the unique shape and circumstance particular to this
13 property. These conditions create an unnecessary
14 hardship that requires relief. The property is a
15 square and measures 49,731 square feet or 1.14 acres.
16 A property of this size could easily fit two lots
17 conforming with the city of Novi R-1 minimum sizes of
18 21,000 square feet each.

19 However, the shape and configuration of the
20 property is unusual in that it is a nearly a perfect
21 square with frontage on both Ten Mile and Novi Roads
22 (sic). This configuration presents a -- I'm sorry.
23 Ten Mile and Beck Road.

1 CHAIRPERSON PEDDIBOYINA: Yeah. That's what
2 I'm wondering.

3 MR. NOLES: Pardon me. Yes. Ten Mile and
4 Beck.

5 This configuration presents a unique
6 challenge to comply with the minimum lot width of 120
7 feet. All the other standards of the R-1 district can
8 be met or exceeded, including the lot area and all the
9 yard setbacks, so as to not create a burden on the
10 neighboring properties.

11 The impact of the road rights-of-way for
12 Ten Mile and Beck Roads effect the geometry of the
13 property. If you deduct the two rights-of-way from
14 either side, the 283 feet leaves the required minimum
15 lot width dimension for two lots 240 feet or short by
16 17 feet from that dimension. Because of the square
17 shape, orienting the frontage in any direction does
18 nothing to solve the problem. It would be impractical
19 to allow the irregular configuration of the property to
20 impact the applicant and would not serve the purpose
21 intended for the minimum lot width requirement.

22 The City of Novi Ordinance Section 3104
23 allows the Zoning Board of Appeals to permit

1 modification of the minimum lot width requirement and
2 this property meets the required legal standard number
3 one.

4 Standard number one also includes
5 environmental conditions which also applies to this
6 parcel. The site is heavily wooded and has nine feet
7 of elevation difference across the relatively small
8 1.14 acre property. Because of the unique topography,
9 the property receives drainage runoff from both Beck
10 Road and Ten Mile Road which present additional
11 hardships in engineering the grading plan for the two
12 proposed homes.

13 The natural woodland features are an
14 important element of the property and the surrounding
15 community. The variance would allow these properties
16 to be developed as intended by the City of Novi R-1
17 zoning ordinance while minimizing the impact to the
18 woodlands and maintaining the drainage patterns of Ten
19 Mile and Novi Roads (sic). Substantial sections of the
20 lot will remain undisturbed. And you'll see that in an
21 upcoming slide.

22 The undisturbed area will act as a natural
23 buffer. The existence of the woodland features, the

1 challenging topography and the existing drainage
2 patterns constitute environmental conditions which are
3 circumstances which meet the required legal standard
4 number one to approve this variance request.

5 The second standard is that the situation
6 cannot be self-created. The applicant's problem is not
7 self-created. The applicant did not write the
8 ordinance nor was the applicant involved in
9 establishing the precedence that surround the property.
10 The intent of the ordinance was to create similar lot
11 sizes within the district to ensure compatibility. In
12 addition, the ordinance aims to prevent an unwanted
13 increase in density through dimensional control.

14 The current situation presents neither
15 problem. The proposed lot sizes, as you can see from
16 this slide, will be larger than the minimum district
17 lot size and can comply with all the required setbacks
18 including three front yard setbacks on each lot because
19 of the unusual right-of-way configuration.

20 The adjacent lots in Broadmoor Park are in
21 the same R-1 zoning district and are only 96 foot wide
22 typical. You can see those down below the subject
23 property in this particular slide. Each of their

1 widths are identified.

2 The proposed lots will be wider measuring 110
3 and 113 feet wide. The Broadmoor Park's lots are only
4 15,000 square feet but the proposed lots in this
5 variance will be larger, measuring 24,000 and 25,000
6 square feet. The practical difficulty was not
7 self-created. The legal standard number two has been
8 met.

9 The third standard is strict compliance. The
10 property cannot reasonably be used as R-1 sized lots,
11 which creates an unnecessary hardship. Without ZBA
12 modification of the minimum lot width, the property
13 owner will be unreasonably prevented from using the
14 property for the intended purposes consistent with
15 other surrounding properties.

16 Strict compliance with the 120 foot width
17 requirement would reduce the ability to use the
18 property as intended by the City of Novi ordinance.
19 And legal standard number three has also been met.

20 Standard number four speaks to the minimum
21 variance necessary. The variance requested is the
22 minimum variance necessary. The lot widths are the
23 largest possible given the parcel dimensions and will

1 be wider than the 96 and 100 foot lots you see there in
2 Broadmoor Park, just below it.

3 No other variances to the R-1 lot
4 requirements are being requested making this the
5 minimum necessary to do substantial justice to the
6 applicant. The resulting lots will be larger than the
7 minimum district lot size and will comply with all the
8 required setbacks. Legal standard number four has been
9 met.

10 The final standard is impact on surrounding
11 area. The variance will not alter the character of the
12 area. The lots to the north and the west are zoned for
13 smaller and narrower lots in the R-3 and the PRO
14 districts.

15 The lots to the east and south in Broadmoor
16 Park are also smaller and more narrow. The Broadmoor
17 lots to the south are only 96 foot wide minimum and,
18 typically, 14,200 square feet.

19 The Broadmoor lots to the east are also
20 smaller, 16,450 to 23,000 square feet. And our
21 proposed lots are 24,000 and 25,000 square feet, as you
22 saw in the last slide.

23 Approving the variance will allow similar

1 homes to be built on the parcel on wider and larger
2 lots, providing substantial justice to the petitioner
3 and to the surrounding property owners. The variance
4 requested will not cause an adverse impact and the
5 legal standard has been met.

6 The petitioner has demonstrated that this
7 parcel meets all of the requirements set forth in the
8 ordinance to grant this variance. All the elements of
9 practical difficulty exist.

10 We thank you for your attention and
11 respectfully request your support.

12 CHAIRPERSON PEDDIBOYINA: Thank you so much,
13 Michael. I appreciate. And anything you would like to
14 add or Julie wants to speak tonight before we proceed
15 on this?

16 MS. LONGO: No. I think Mike covered
17 everything.

18 CHAIRPERSON PEDDIBOYINA: Okay. There's no
19 interruption, you know, once we start. And I
20 appreciate both of you the good presentation, Michael.

21 Katherine, can you see anybody's raising
22 their hand in the audience on the Zoom call?

23 MS. OPPERMAN: Yes. There is a Christina Hix

1 raising her hand.

2 CHAIRPERSON PEDDIBOYINA: Christina, can you
3 please proceed and you can spell your first and last
4 name for the court record.

5 Are you there?

6 MS. OPPERMAN: You'll need to give her a
7 moment for Calvin to activate her link.

8 CHAIRPERSON PEDDIBOYINA: Okay. Go ahead,
9 Calvin.

10 (Pause.)

11 MS. HIX: Can you hear me?

12 MS. OPPERMAN: Yes, thank you.

13 CHAIRPERSON PEDDIBOYINA: Yes, please go
14 ahead. And first, tell your first and last name spell
15 it for the court record.

16 MS. HIX: My name is Christina Hix,
17 C-h-r-i-s-t-i-n-a. Last name is Hix, H-i-x.

18 CHAIRPERSON PEDDIBOYINA: Okay. And your
19 address, please.

20 MS. HIX: 4735 Baker and that's, of course,
21 Novi.

22 CHAIRPERSON PEDDIBOYINA: Thank you so much.
23 And you can proceed on what you want to do on this case

1 from your side.

2 MS. HIX: Sure. So this is my first time
3 attending a council meeting and I don't know what's
4 appropriate. I submitted an objection.

5 So I'm new to this and I don't know if I
6 should share all of the pieces of the objection I
7 formally submitted in writing. But if it's
8 appropriate, I can touch on a couple of key highlights
9 that are of concern to me.

10 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
11 ahead.

12 MS. HIX: Okay. So in the petition, I
13 understand the requester is asking for a dimensional
14 variance and part of the explanation indicated the lots
15 adjacent to the parcel are equally as small and so the
16 dimensions are similar in nature.

17 My biggest concern here is I sit on -- my
18 lot is the lot that's directly adjacent to where the
19 site plan has the house being built and the side of
20 that house it will be positioned so that I stare at it
21 out the back window of my living room. And so while
22 the dimensions seem reasonable in nature, the
23 juxtaposition of the site plan that has been submitted

1 for that house, I believe, will create burden on my lot
2 for a couple of reasons.

3 One, it is not very slightly to look out your
4 living room window at a house that, you know, is,
5 basically, on top of the lot. The woodlands are all
6 being cleared so there will not be a natural barrier
7 any longer. And then the other thing that I'm
8 concerned about is because my lot is positioned to that
9 house being built, if approved, will be the only lot in
10 such a position in this neighborhood and will
11 potentially reduce the resale value of my home.

12 CHAIRPERSON PEDDIBOYINA: Okay. Any other
13 thing you would like to add tonight before closing?

14 MS. HIX: Those are the key points. Thank
15 you.

16 CHAIRPERSON PEDDIBOYINA: Thank you so much.
17 Katherine, anybody raising their hand in the
18 audience?

19 MS. OPPERMAN: Yes. There is also now an
20 Amanda -- forgive me if I mispronounce your last name,
21 ma'am -- Huyck, I believe.

22 CHAIRPERSON PEDDIBOYINA: Are you there?

23 MR. HUYCK: Hello, can you hear me?

1 CHAIRPERSON PEDDIBOYINA: Yeah, please.

2 MR. HUYCK: This is my wife's account. My
3 name is Daniel Huyck, H-u-y-c-k.

4 CHAIRPERSON PEDDIBOYINA: Your address,
5 please?

6 MR. HUYCK: I'm sorry?

7 CHAIRPERSON PEDDIBOYINA: Your address,
8 please? Your home address?

9 MR. HUYCK: Yes. 24178 Trafalgar Court in
10 Novi.

11 CHAIRPERSON PEDDIBOYINA: Thank you. You can
12 proceed.

13 MR. HUYCK: Okay. And I'm also the president
14 of the Broadmoor Park Homeowner's Association. And we
15 submitted our objection to Katherine. So I'm going to
16 touch on some points that were covered in those
17 objections.

18 The first relates to the character of the
19 neighborhood and the shared drive. There's nowhere
20 else in our neighborhood do two homes share a driveway
21 as outlined in the proposal and that concerns us moving
22 forward in the future as it comes to neighbor relations
23 and value of the homes. The other objection I know

1 Colleen had mentioned and touched on was the
2 positioning of the southern most property. And nowhere
3 else does the rear of a home butt up that close to the
4 side of another home in our neighborhood which is -- as
5 she noted, is a cause of concern for her.

6 I would challenge that this variance is owner
7 created because there's no -- because the buildable
8 area on the lot, it's not necessary that they split the
9 lot. And one need to only look to the other home that
10 we had added to our neighborhood at 24179 Broadmoor
11 Park Boulevard to show how a home can be added to the
12 neighborhood and still keep the character and nature of
13 the neighborhood without asking or requesting
14 variances.

15 So those are the key points. I know I went a
16 little more in depth in the actual HOA letter that was
17 submitted for the board's consideration.

18 So, unless there's any questions ...

19 CHAIRPERSON PEDDIBOYINA: Thank you.

20 Okay. Any other person or anybody in the
21 audience raising their hand, Katherine, before we
22 proceed to the next?

23 MS. OPPERMAN: There is no one else raising

1 their hands, no.

2 CHAIRPERSON PEDDIBOYINA: Thank you so much,
3 Katherine, I appreciate.

4 From the City, Larry? Any correspondence on
5 this case, please?

6 MR. BUTLER: No. No comments from the City
7 at this time.

8 CHAIRPERSON PEDDIBOYINA: Thank you so much.
9 Okay. And it's the time for the board.

10 MS. OPPERMAN: Oh, Chairperson Peddiboyina,
11 we haven't done the mail comments yet.

12 CHAIRPERSON PEDDIBOYINA: I'm sorry. Oh,
13 yeah, correspondence, secretary, go ahead, please.

14 MS. OPPERMAN: Thank you. So there were 24
15 letters sent for this case. One returned, no approvals
16 and three objections.

17 Let's see here. So the -- we had the
18 objection from Ms. Hix and Jonathan Limo (ph). She did
19 go over it to some degree. There was also an item that
20 she noted in her letter asking that the applicant
21 consider perhaps moving the house; that is, the more
22 southern house, farther up the property so it sits more
23 in between where it would be two lots below it.

1 I'm not sure if you can see this very easily.
2 I don't think so. (Displaying photo.)

3 But, essentially, just moving that house more
4 to the west so it's not directly behind hers. And she
5 didn't mention that when she was speaking. I believe
6 she covered most of the other items.

7 There was also the letter provided by the
8 homeowner's association that Mr. Huyck went over. I
9 can certainly go through that more, but I believe he
10 also explained that while he was speaking.

11 Primarily, that it doesn't meet what their
12 HOA covenants would be and while the property is not
13 technically subject to those, it would, you know,
14 perhaps, behoove the applicant to consider meeting
15 those just out of, you know, good relations.

16 And then we have an objection from Maddie
17 LaNire (ph) at 47330 Baker Street. They say, "The
18 proposed dimension of the lot and the house design does
19 not fit the look and character of the subdivision.
20 This will affect the real estate market value of the
21 subdivision."

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
23 much, Katherine. I appreciate.

1 And let's put it on to the board, anybody
2 would like to speak on this case, please?

3 Is Dr. Mav Sanghvi there on the call, please?

4 (No response.)

5 CHAIRPERSON PEDDIBOYINA: Member Sanghvi, are
6 you there?

7 MS. OPPERMAN: Member Sanghvi isn't present
8 as a panelist anymore.

9 Calvin, it does like he may be raising his
10 hand in the attendees. We can see if we want to try
11 raising him to a panelist and see if the technical
12 issues from earlier were resolved or not.

13 CHAIRPERSON PEDDIBOYINA: Okay. Any board
14 member would like to speak on this case, please?

15 MEMBER SANKER: Yeah, I just have a couple of
16 things.

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

19 MEMBER SANKER: Yeah. So overall that was a
20 really good presentation. I'd say one of the best I've
21 ever seen. And you did hit, I would say, most of the
22 points. The one that is really troubling to me is the
23 self-created element. And so I'm curious to hear a

1 little bit more about the right-of-way. You had
2 mentioned there were two rights-of-ways and from your
3 presentation it sounds like you were saying the
4 rights-of-way shrunk the property lines or the
5 buildable area. I guess I wasn't clear as to how the
6 rights-of-way effected the property that you're trying
7 to build. So I'm curious, I guess, as to hear a little
8 more and maybe provide some clarification.

9 And the other thing is I'm pretty sure a lot
10 split is, like, precisely the thing that is a
11 self-created element.

12 And my understanding of the law is that, you
13 know, if any one of the elements are not met then you
14 don't meet the practical difficulty standard. And, so,
15 you know that's why I think knowing more about how the
16 rights-of-way effected the property would be helpful in
17 determining what is going on here.

18 MR. NOLES: Yes. I can help with that. If I
19 can share my screen again, I can share that slide and
20 make it a little more clear.

21 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
22 ahead.

23 MR. NOLES: Thank you. Let me go back to ...

1 (Document displayed.)

2 MR. NOLES: So this slide kind of helps
3 clarify that. So here you have an existing 33 feet
4 right-of-way.

5 (Demonstrating) And there's an existing 33
6 foot right-of-way as well.

7 The water main -- you see how the sidewalk
8 curves in to get out of this property? There's also a
9 water main easement that goes along there. This
10 existing right-of-way is not to the ultimate
11 right-of-way width, which is 60 feet. So the applicant
12 will be dedicating right-of-way along this road.

13 And it's the same thing that happened here.
14 You see how the sidewalk is curved away over here? The
15 additional future right-of-ways on both sides require
16 taking 27 feet out of the property. And so the
17 applicant is 17 feet short by the virtue of having two
18 right-of-ways. It doesn't matter which way she turns
19 it, there's 27 feet of additional right-of-way required
20 at this location that makes her 17 feet short. And
21 that's -- to answer the first question of how that
22 right-of-way effects it, it goes from the 283 foot
23 dimension down to the 223 dimension.

1 The other issue --

2 MEMBER SANKER: Real quick. Real quick. Go
3 back to that one with the dotted line.

4 MR. NOLES: Yes.

5 MEMBER SANKER: So is the property you
6 purchased the two yellow lines in the subdivision and
7 then the two black lines along the roads?

8 MR. NOLES: Yes. Correct. So the black
9 lines are the right-of-way lines, the ultimate
10 right-of-way lines and the yellow lines are the
11 existing property lines. But if you look at the
12 survey, you'll see that this is a 283 foot dimension on
13 the property and there's a 33 foot right-of-way. So
14 the additional 27 feet is why they had to get easements
15 for all the water mains. You'll see there's a hydrant
16 and a gate valve up over this location. So by taking
17 the additional right-of-way for the road -- which these
18 are major roads. Beck and Ten Mile both need the
19 additional right-of-way.

20 The 60 foot path right-of-way is standard for
21 the types of road, but it creates a situation where the
22 property just isn't wide enough no matter which way you
23 turn it. And what you can see is that that's also true

1 for all these other properties, which are all smaller.

2 So, you know, the homes on Trafalgar square,
3 the largest one is 23,000 square feet, which is smaller
4 than these two lots.

5 And the last thing I want to share with you
6 on this is because we have road frontage on the north,
7 we have road frontage on the west and we have road
8 frontage on the east, we have three front yard
9 setbacks. Just like your applicant that you spoke to
10 in the last case was talking about his road frontage
11 and it's really a side, well, in our case we have three
12 fronts. We have a front here, which is a 30-foot
13 setback, a front here which is a 30-foot setback and a
14 front here, which is 30-foot setback.

15 So normally one of these would be a side, if
16 you faced one of these major roads. And so you can
17 have as little as 15 feet. We don't have 15 feet
18 there. We have 30 feet and not only that but we're set
19 back even further so about another 30 feet to be able
20 to get that in.

21 So our setbacks are larger than the minimum
22 standards. They're minimum than everything else in the
23 neighborhood. So we can comply. It's not that the lot

1 split is creating the situation. The property is in
2 the R-1 district and you can see the standards for R-1
3 here. So the standards for R-1 are 21,000 square foot
4 lots. Well, we have a 24,000 square foot lot and a
5 25,000 square foot lot and they require these
6 setbacks -- 30 in the front, 25 and 15 on the side.
7 We're using 30 feet because of the unusual situation
8 where you've got frontage here, here and here.

9 So all of those situations, if this were one
10 lot, it wouldn't be similar to the lots that are
11 surrounding it. It would be an albatross. It would be
12 a completely different -- it would be like a
13 residential acreage type of zoning. So the substantial
14 justice is being done because the property owner didn't
15 create the situation with three front yards. Adjacent
16 property development did and the road rights-of-way
17 did. And we can still meet the intent of the Zoning
18 Ordinance within that zoning district because it is
19 similar homes on similar size lots and, as I pointed
20 out, even larger lots with even larger setbacks.

21 So it's really not something that the
22 applicant has created themselves. It meets every other
23 requirement, but because of the squared lot and the

1 road rights-of-way, she's unable to utilize it as it
2 was intended.

3 As far as the houses go, these are the two
4 proposed houses. They're handsome houses. You can see
5 a lot of architectural detail, brick and stone, columns
6 and gables. They're very handsome -- side entry
7 garages. They're very handsome homes. Similar to the
8 homes that are already in Trafalgar and Baker.

9 MEMBER SANKER: Okay. So, yes, I appreciate
10 that. And in general, I am a proponent of, you know,
11 building and especially a home like that and it seems
12 like it's well thought out. I guess the only thing
13 that was a little skirted and I was trying to get
14 clarity on is it look likes in your picture here the
15 parcel isn't effected by the rights-of-way, though.

16 It looks like you have 25,199 square feet and
17 24,530 square feet for the two proposed parcels, but if
18 you add those together, that's what they bought.

19 So it's close. But, you know, the ordinance
20 requires the 120 foot wide lots. So from the image I'm
21 looking at, it looks like they bought it and they knew
22 at the time if they divided the lot by two, they would
23 be short on the 120 feet.

1 So, yes. See where your red is, that's the
2 parcel, right?

3 MR. NOLES: Well, the parcel actually extends
4 out.

5 MEMBER SANKER: Oh, it does?

6 MR. NOLES: Yes.

7 MEMBER SANKER: That's what I wasn't clear
8 on.

9 MR. NOLES: So there's a 33 foot right-of-way
10 which comes down through here and there's an easement
11 for the water main.

12 MEMBER SANKER: Okay.

13 MR. NOLES: So when you dedicate the rest of
14 the right-of-way that would be required by the City,
15 that's what makes the parcel too short.

16 MEMBER SANKER: So it shrinks it down to this
17 red area?

18 MR. NOLES: You're exactly right.

19 MEMBER SANKER: Okay. Got you. So the
20 parcel does extend out to, like, the road, basically?

21 MR. NOLES: Yes. Well, it extends out to
22 that 33-foot half right-of-way. The 60-foot half
23 right-of-way is the ultimate right of way, which the

1 applicant will be required to grant.

2 MEMBER SANKER: I see. All right. Well, I
3 mean, based on that, I would say they hit all the
4 elements. So I'm good with my questions. Thank you.

5 CHAIRPERSON PEDDIBOYINA: Thank you, Member
6 Sanker.

7 And any other board member would like to
8 speak tonight on this case, please?

9 MEMBER MONTAGUE: Yes, please, if I could.

10 CHAIRPERSON PEDDIBOYINA: Thank you, Member
11 Montague. Go ahead, please.

12 MEMBER MONTAGUE: I wanted to point out if it
13 was only one lot, they still could be 15 feet from that
14 side yard. So the thing isn't made better by just
15 being one lot, if that's one of the, you know,
16 criticisms.

17 So I would just ask that they be a little bit
18 more forgiving in the layout and maybe get some more
19 space. I do like the fact that they are keeping a lot
20 of trees behind. It's sighted nicely that they're
21 keeping a lot of trees at least in that thing. So I
22 guess I -- I can support it and I can only ask the
23 developers to be conscious and forgiving to those

1 people that do have that view of it. But it would meet
2 the code with the side yard setback even if it was one.
3 It's not the house to the north that will be the
4 problem with the neighbor. It's the one to the south,
5 which could still be that way. So I think I support
6 the split.

7 CHAIRPERSON PEDDIBOYINA: Thank you, Member
8 Montague.

9 Any other board members?

10 MEMBER KRIEGER: I have a question, yes.

11 CHAIRPERSON PEDDIBOYINA: Member Linda,
12 please go ahead.

13 MEMBER KRIEGER: This subject property is
14 separate from the subdivision, then?

15 MR. NOLES: Yes, that's correct. It is not
16 in the HOA.

17 MEMBER KRIEGER: And there's no -- what do
18 you call it? Right-of-way? Or curb cut on Ten Mile or
19 Beck to access that property. You can only access it
20 from Trafalgar?

21 MR. NOLES: That's right. We would be
22 hard-pressed to get approval to get a curb cut.

23 MEMBER KRIEGER: Oh, I bet at rush hour, too.

1 Yeah, the homeowners would not be happy.

2 So, then, Trafalgar Court road, then, so the
3 intent is to make it more subdivision instead of gas
4 station or something else?

5 MR. NOLES: Well, yes. It's not zoned for
6 commercial use. It's zoned for residential use, which
7 we're proposing everything per the zoning code. So,
8 yes.

9 MEMBER KRIEGER: Yes. For residents to have
10 that in consideration as well.

11 And then as you explained about the -- you're
12 here for the lot split and the right-of-way explains
13 you're not self-creating because of the right-of-way.
14 But then the positioning of the homes, the person of
15 the home that's abutting the south house, she will be
16 impacted. So how can you address what she's concerned
17 about and alleviating her concerns?

18 MR. NOLES: Well, we can take a look at that
19 when we do the plot plan, but right now we have three
20 front yard setbacks and there are -- the side yard
21 setbacks, because of the access -- here, let me show
22 you.

23 (Document displayed.)

1 MEMBER KRIEGER: It would require further
2 variance requests?

3 MR. NOLES: Well, yeah, to modify the
4 district minimum side yard setback of 15 feet -- I
5 don't know if it was this lot or this lot. I think it
6 was this lot here that the resident that spoke about.

7 The only thing that we can do would be -- as
8 she mentioned, would be to push this house back a
9 little bit further. As she said, she suggested that we
10 push it back to the west a little bit. We'd still keep
11 the same setbacks. All within this purple line are the
12 building envelope and so we could push this back. It
13 would mean a little bit more clearing on this side to
14 push it back a little bit to the west, but we could
15 definitely do that. We have plenty of room to be able
16 to do that.

17 We want to maintain a buffer because that's
18 an important part of the character for the homes and
19 for the existing residents but we would be able to push
20 it back a little bit further.

21 MEMBER KRIEGER: And then landscaping, is
22 that an option for both the north side with the Ten
23 Mile Road and then the abutting neighbors to the south?

1 MR. NOLES: Well, so, we're saving all these
2 trees.

3 MEMBER KRIEGER: Right.

4 MR. NOLES: So that's going to be better than
5 any landscaping.

6 But, you know, this is going to be the front
7 of the house so you're going to have a service walk up
8 to the front door and some landscaping, just as a
9 matter of course, on the eastern side of this, which
10 will be sort of the front entry of this. Similar to as
11 if this were a cul-de-sac.

12 MEMBER KRIEGER: Right.

13 MR. NOLES: The same type of treatment that
14 you would have here. So those will be landscaped front
15 yards because this part will be cleared and will be
16 graded to make the grading work. So, yeah, there will
17 ultimately be some landscaping in the front yards here.

18 MEMBER KRIEGER: But it's a modified
19 cul-de-sac doing the same driveway?

20 MR. NOLES: Yeah. It's not really a modified
21 cul-de-sac. It's a shared drive. So it's an easement
22 between these two property owners to share the
23 driveway. And the reason for that is because we're

1 trying to get the minimum variance that's required by
2 making both of these lots as big as possible. But you
3 can see where Trafalgar comes in to the property. If
4 you split it here, you would have an unbuildable lot.

5 You could split it there and then you would
6 have a whole set of different problems because you
7 would have a -- you couldn't fit anything in this
8 particular lot. Which is why there's a shared easement
9 so that we can make these lots as close to the district
10 requirements as possible. And that's why we did that.

11 MEMBER KRIEGER: And minimize the impact for
12 a lot split. Okay. Thank you for answering my
13 questions.

14 MR. NOLES: You're welcome.

15 CHAIRPERSON PEDDIBOYINA: Okay. Any other
16 board member would like to speak on this case, please?

17 Thank you, Member Linda.

18 It looks like nobody. And it's now time for
19 me.

20 Thank you for the presentation from
21 Kensington Family Homes.

22 And Julie, thank you.

23 And I see all the accommodations what we have

1 in front of my board members and thanks. I have a
2 question. The easement in the shared drive, coming to
3 the shared drive, these two homes are currently, I
4 think, Julie, her name the owner for these two lots?

5 MS. LONGO: Yes.

6 CHAIRPERSON PEDDIBOYINA: And tomorrow, after
7 a couple of years, we don't know, she wants to sell or
8 she want to do -- tomorrow they want to buy, different
9 people, and comes to different owners and the easement
10 of this -- you know, today the issue of the easement
11 thing you're maintaining the shared drive and tomorrow
12 the maintenance of the snow and the driveway, how is it
13 going to be worked out?

14 MR. NOLES: There's usually an agreement
15 between the homeowners established.

16 CHAIRPERSON PEDDIBOYINA: Okay. And also you
17 mentioned that you want to push back to -- further back
18 to the west side answering the current residents. Am I
19 right, Kensington Family Home?

20 MS. LONGO: Are you talking about the
21 southern home on the layout?

22 CHAIRPERSON PEDDIBOYINA: Yeah.

23 MS. LONGO: Yeah. You know, we want to be

1 good neighbors. I live here in Novi. We want to be
2 good neighbors. So we'll work with the residents to
3 the south of our parcel and do what we can as far as
4 layout is concerned.

5 CHAIRPERSON PEDDIBOYINA: Okay. Michael, I
6 have a question. What about the landscape and all, is
7 it a combined you're putting currently -- (inaudible.)

8 MR. NOLES: I'm sorry. Could you repeat the
9 question?

10 CHAIRPERSON PEDDIBOYINA: The landscaping?

11 MEMBER KRIEGER: What about landscaping?

12 CHAIRPERSON PEDDIBOYINA: Is it both the
13 houses combined, no? They're maintaining?

14 MR. NOLES: So the only thing that they'll be
15 sharing is a driveway. Just the driveway and the
16 maintenance on the driveway. They'll each have their
17 own landscape. They're going to have 25,000 square
18 foot lots. I mean, half -- you know -- and they'll
19 each have their own landscaping and their own front
20 yards and they'll maintain that themselves.

21 CHAIRPERSON PEDDIBOYINA: Okay. Thank you
22 from my say. And who wants to make a motion?

23 Linda, can you make a motion on this case?

1 MEMBER KRIEGER: May I backtrack? One more
2 question. Will there be basements in these homes since
3 there's a water -- this easement with water drainage
4 and this rural drainage?

5 MR. NOLES: Yes. There's no problems
6 with the -- that's surface drainage that we're talking
7 about. There's no issue with putting a basement on
8 these lots. All the homes around it has basements.
9 There's no issue with that.

10 MEMBER KRIEGER: Okay. Thank you.

11 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

12 All right. Linda, make a motion, please.

13 MEMBER KRIEGER: For the case number
14 PZ21-0001 sought by Kensington Family Homes, I move to
15 grant the request for the lot split, proposed lot split
16 of parcel 50-22-28-101-023 into two lots with widths of
17 110 and 113 feet respectively, 120 feet minimum
18 required by code, a variance of 10 feet and seven feet.
19 It's zoned single family residential one, R-1.

20 That the petitioner has explained regarding
21 the lot split at Ten Mile and Beck Road future
22 enlargements effect the home -- the lot itself with its
23 future decreasing size because of the future

1 positioning of aligning of the roads.

2 Without, the petitioner will be unreasonably
3 prevented or limited with respect to the use of the
4 property because it's for residential and to blend in
5 as well as can be with minimal impact to the
6 surrounding residential neighborhood.

7 That the property is unique because of its
8 situation with four faces; north, south, east and west.
9 The petitioner did not create the condition because of
10 its location, topography, neighboring areas and future
11 road easements and sewer easement.

12 The relief granted will not unreasonably
13 interfere with adjacent or surrounding properties
14 because the petitioner has stated that they will be
15 working with the homeowner's association and the --
16 particularly the house to the south for minimizing
17 impacts for future resale values so that all will be
18 maintained and good neighbors.

19 And that this would be consistent with the
20 spirit and intent of the ordinance because they have
21 minimized their request for the size of the home
22 footprints. Footages are similar and that the
23 entrance -- shared entranceway to the two homes is a

1 minimal impact to that site.

2 CHAIRPERSON PEDDIBOYINA: Thank you, Member
3 Linda. Okay, it's time for --

4 MEMBER SANKER: Second.

5 CHAIRPERSON PEDDIBOYINA: Now roll call,
6 Katherine?

7 MS. OPPERMAN: I'm sorry. Could you repeat
8 who seconded that motion?

9 MEMBER KRIEGER: Kevin.

10 MS. OPPERMAN: Kevin, thank you.

11 MEMBER KRIEGER: Sanker.

12 MEMBER SANKER: I did. Kevin Sanker.

13 MS. OPPERMAN: Thank you.

14 MEMBER KRIEGER: Yeah. Thank you.

15 MS. OPPERMAN: All right. Chairperson
16 Peddiboyina?

17 CHAIRPERSON PEDDIBOYINA: Yes, please.

18 MS. OPPERMAN: Member Krieger?

19 MEMBER KRIEGER: Yes.

20 MS. OPPERMAN: Member Malott?

21 MEMBER MALOTT: (No audio response.)

22 CHAIRPERSON PEDDIBOYINA: He's mute, I think
23 Can you unmute, Malott?

1 MEMBER MALOTT: Sorry about that, yes.

2 CHAIRPERSON PEDDIBOYINA: I know. Sometimes
3 that happens.

4 MS. OPPERMAN: Member Montague?

5 MEMBER MONTAGUE: Yes.

6 MS. OPPERMAN: Member Sanker?

7 MEMBER SANKER: Yes.

8 MS. OPPERMAN: And Member Longo?

9 MEMBER LONGO: Yes.

10 MS. OPPERMAN: Thank you. Motion passes.

11 MR. NOLES: Thank you very much.

12 CHAIRPERSON PEDDIBOYINA: Thank you, Julie
13 and Michael. Congratulations. Thank you so much.

14 Okay. Coming to today's case number three.
15 I think it looks like there are three -- three cases,
16 number three and four and five. Three of them are
17 looking for the, you know, waterfront shed.

18 Okay. Coming to the first out of three, I'm
19 coming to the third case. PZ21-0013, Daniel Murphy,
20 1141 East Lake Drive, west of Novi Road and south of 14
21 Mile Road, parcel number 50-22-02-126-008. The
22 applicant is requesting a variance from the city of
23 Novi Zoning Ordinance, Section 3.32-10.ii.a for the

1 building of a proposed 160 square foot shed on the
2 waterfront, 100 square feet allowed by code, a variance
3 of 60 square feet. This property is zoned single
4 family residence, R-4.

5 Is the applicant present?

6 MR. MURPHY: I am. My name is Dan Murphy,
7 D-a-n. M-u-r-p-h-y is my last name. Can you hear me?

8 MEMBER KRIEGER: Yes.

9 CHAIRPERSON PEDDIBOYINA: Yeah. Yeah.

10 MR. MURPHY: So thank you, members. And if I
11 can present and walk through this?

12 CHAIRPERSON PEDDIBOYINA: Yeah, please
13 proceed slowly and for our court record she has to take
14 the minutes. And please proceed. Thank you.

15 MR. MURPHY: Please let me know when you can
16 see my screen.

17 (Document displayed.)

18 MS. OPPERMAN: Yup. If you could please,
19 spell your name, Mr. Murphy, and then also swear or
20 affirm to tell the truth in the case before you.

21 MR. MURPHY: Okay. Again, my name is Dan or
22 Daniel Murphy, D-a-n-i-e-l. Last name is Murphy,
23 M-u-r-p-h-y, and I swear to tell the truth.

1 MS. OPPERMAN: Thank you.

2 CHAIRPERSON PEDDIBOYINA: Yeah. Proceed,
3 please.

4 MR. MURPHY: Okay. Thank you.

5 (Document displayed.)

6 MR. MURPHY: Thank you and good evening to
7 everybody. So thanks for allowing me to present today.
8 As mentioned, I'm looking to get additional 60 square
9 feet for the variance.

10 So we'll move on to the next screen showing,
11 basically, from a high level the dimensions of the
12 storage shed. We're showing it's a 20 foot long by
13 eight foot wide with an 8'6" high dimension. So
14 interior dimensions, obviously, 19'4" going into 7'9"
15 wide and 7'10" high. But the approximate usage is 160
16 is which one I'm asking for the additional 60 feet
17 variance.

18 Just from a high level site plot plan. So my
19 lot in 1141 -- I've got two lots. One is lot five and
20 lot six. So as you can see here this is lot six here
21 and kind of gives you an overall dimensional feel for
22 where it's located.

23 And then moving on to just kind of gives the

1 proposed location for the storage shed unit. So you've
2 got East Lake Drive here. So the storage unit would be
3 located, which is located now there on the south,
4 approximately nine foot from the road and everything
5 else will be -- there will be grass here and
6 aesthetically pleasing for -- there's some cement
7 that's located here now as we speak.

8 Okay. Moving on to the next. So this is
9 kind of the proposed plan that I have developed. We
10 are building a new, constructed home, as we speak.
11 It's about at 90 percent complete. So a lot of what
12 you see here trimwise we'll maintain or comply with the
13 home. You know, the materials we'll be using will be,
14 you know, a lot of the similar materials is brick
15 veneer plus the timber support which is currently on
16 our new house, but certainly it's a -- so they
17 definitely will align with the elevation to the current
18 new construction house.

19 So this is kind of from the street view. One
20 other item noteworthy is that my lot does drop about
21 two feet, 24 inches from the road.

22 So there will be some -- obviously, you know,
23 I know that the eight foot does stand, but if you can

1 see, the 6'6" would be essentially what you could see
2 from the street elevation.

3 Moving on to the north elevation. So this
4 would be a pergola, a cedar red roof or such and we got
5 the beams here to support that. We got an insulated
6 roll-up door that goes here, a framed window and,
7 again, you know, the brick kind of going all the way
8 around the unit.

9 And then moving on, this is our current home
10 as we speak. It's, again, through the construction
11 process. The intent is this to be complete, hopefully,
12 by spring/summer. And then, again, some of the terms
13 that I mentioned you can see will be used on the
14 storage unit as well to kind of match the aesthetics of
15 the new construction house.

16 So that's kind of, you know, everything from,
17 you know, from a high level. So one of the reasons
18 we're coming here to the Board is to request the
19 variance for the additional 60 feet of square foot.

20 A couple of items of hardship to mention is,
21 you know, property limitations. Because the road has
22 become busier so there is a lot of traffic. So
23 certainly that can be a concern. The narrow lot

1 configuration that I have, it's just under 50 feet
2 wide. So where we placed the storage unit is kind of
3 to the side so that we can get a better visibility for
4 the lake.

5 And then the other thing is because this is
6 really close to the sand bar, so I do get a lot of
7 traffic on -- you know, from people who are on the
8 boats. So there's been many occasions where people
9 come on to my property. You know, it certainly -- you
10 know, a lot of my equipment and water equipment and
11 stuff is all -- you know, is exposed and I'd like to
12 use that unit to store everything in there to keep it
13 safe.

14 So that's kind of where I'm at from a high
15 level. So certainly I can take questions from anybody.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
17 much. Appreciate for your time, Daniel.

18 And also any other people who would like to
19 speak on your case on this tonight or you're the only
20 one?

21 MR. MURPHY: I'm the only one.

22 CHAIRPERSON PEDDIBOYINA: Thank you so much.

23 Anybody is raising -- anybody in the audience

1 on this case?

2 MS. OPPERMAN: There's no one raising their
3 hand at this time.

4 CHAIRPERSON PEDDIBOYINA: Okay. And
5 secretary. All right.

6 Larry?

7 MR. BUTLER: No comments from the City at
8 this time.

9 CHAIRPERSON PEDDIBOYINA: Thank you from the
10 City.

11 And correspondence, Katherine, acting
12 secretary?

13 MS. OPPERMAN: There were 16 letters sent for
14 this case. No returns. No approvals and four
15 objections.

16 Let's see. The first objection is from
17 Harvey Markowitz. That's M-a-r-k-o-w-i-t-z at 1153
18 East Lake Drive. He states: "To whom it may concern,
19 I would like to express my objections to the requested
20 variance. My household has discussed this property in
21 length and concluded the requested build is too large
22 for the lot. It will set a precedent for others to
23 overbuild in the feature and it will diminish the

1 lakefront view."

2 And the second objection is from John and
3 Phyllis Eroyan, E-r-o-y-a-n. And they say, "They are
4 opposed to allow a variance. The reasons are the
5 shipping container is so large that it blocks the view
6 of the lake. Not only the 160 square feet but also the
7 height. Also, it looks unsightly like a commercial or
8 industrial building in a residential lake community."

9 And next is from Chester Marena,
10 M-a-r-e-n-d-a. He states that he "strongly objects to
11 the applicant's request for a variance. The requested
12 variance is not small. It's almost twice the size
13 allowed by code. Another concern is that granting this
14 variance would leave a precedence that would be just
15 the beginning of other petitions resulting in the code
16 being circumvented. The final result being a potential
17 row of large sheds lining East Lake Drive. Almost
18 twice the square foot allowed by code."

19 And the last one is from Buddy (ph) Paeoe.
20 He states, "I absolutely do not approve of locating a
21 160 square foot shed on the waterfront. The structure
22 obstructs the view of the water, which is the reason
23 that a property owner pays a premium to live on Walled

1 Lake. In addition, East Lake Drive is a popular
2 walking, running, bicycling and other modes of
3 transportation so that individuals, friends, families
4 and other groups can take in the breathtaking sports
5 events and sunsets from the community."

6 He also states "the property owner has
7 approximately 100 feet behind the home for additional
8 sheds that would not the occlude the beautiful view of
9 this treasure located in both Novi and Walled Lake.
10 Property values are likely to decline as a result of
11 this shed that is unattractive to look at and would
12 take the place of natural water features."

13 CHAIRPERSON PEDDIBOYINA: Thank you,
14 Katherine. I appreciate.

15 And coming to the -- thank you for the
16 applicant, a good presentation. And this is open. The
17 board members can speak on this case, please. It's
18 open.

19 MEMBER MONTAGUE: I've got a couple of
20 questions, if I could.

21 CHAIRPERSON PEDDIBOYINA: Please go ahead,
22 Member Montague.

23 MEMBER MONTAGUE: As I understand it that

1 there is -- I know there is a container there now
2 because I was there. But you're replacing that
3 container with a built structure, correct?

4 MR. MURPHY: No. We're going to build on
5 that container. We're going to open it up and, again,
6 put brick around it and the timber and everything
7 accents similar to what we have in the house. So it
8 will be accessible doors. It will be windows in there
9 to make it aesthetically pleasing.

10 MEMBER MONTAGUE: Okay. So you're trying to
11 dress up the trailer -- the container, I'm sorry?

12 MR. MURPHY: Yes.

13 MEMBER MONTAGUE: My other question is what's
14 the hardship that says it needs to be 160 square feet
15 instead of the -- except at 100. I don't see that? I
16 understand the hardship of, you know, dragging things
17 across the road. It is a busy road and for your water
18 toys, if you will. But I don't understand the hardship
19 that makes the increase. That's kind of disconcerting,
20 the increase 100 to 160.

21 MR. MURPHY: I have, like, three paddle
22 boards that are, essentially, 11, 12 feet long. So I
23 do plan on putting my docks in there during the

1 wintertime because they do stack up pretty high. So it
2 would allow for, obviously, additional storage for all
3 of that stuff. So ...

4 MEMBER MONTAGUE: Well, you can do an eight
5 by twelve and a half feet. So that would accommodate
6 your paddle boards. That would be roughly a hundred.

7 MR. MURPHY: Understood. And, you know, the
8 thing is with the container, we're trying to go with
9 something a little bit different than what you see. So
10 there's a lot of variations of containers out there
11 with, you know, the windows and such to dress it up.
12 So certainly it's my intent to make it aesthetically
13 pleasing and matching that of the new constructed
14 house.

15 MEMBER KRIEGER: Hmm. Interesting.

16 MEMBER MONTAGUE: Okay. Yeah. It just is
17 starting a precedent, people asking for more and more
18 space, which is concerning. Anyway.

19 MR. MURPHY: Understood. Thank you.

20 MEMBER KRIEGER: Question?

21 CHAIRPERSON PEDDIBOYINA: Yeah. Member
22 Montague, are you done?

23 MEMBER MONTAGUE: Yes. I'm sorry. Yes,

1 thank you.

2 CHAIRPERSON PEDDIBOYINA: Okay. Then, thank
3 you. Thank you, Member Montague.

4 And Member Linda, please go ahead and
5 proceed.

6 MEMBER KRIEGER: The extra you have in the
7 second picture with the container and then there's like
8 wood, is that open area or are you going to enclose
9 that?

10 MR. MURPHY: What side are you speaking? I'm
11 sorry.

12 In the proposed location?

13 MEMBER KRIEGER: The west elevation street
14 view picture that has the container.

15 So when somebody is driving by East Lake and
16 they're looking at the building, there's going to be
17 the height and the view. Is there an open area?

18 MR. MURPHY: Yes, there is. I can show you
19 really quick, if you allow me to share my screen here.

20 (Document displayed.)

21 MEMBER KRIEGER: That one.

22 MR. MURPHY: Okay. So just to kind of give
23 you a perspective. So that right there would be -- if

1 you can see my mouse. It would be facing here. You'll
2 see.

3 And this is grass. There will be trees
4 planted here. And, again, there's already stamped
5 concrete here that's kind of outlining. And I've got a
6 sea wall here. So the item that you're asking for,
7 this portion, if you look, it will be facing the grass
8 here.

9 MEMBER KRIEGER: So by putting the roof on
10 it, it's adding the 60 feet?

11 MR. MURPHY: No. It will be a pergola-type
12 roof so it's not going to be fully contained. It's
13 more for, you know, shelter and what have you. So ...

14 MEMBER KRIEGER: So the container itself is
15 the dimension that you're looking for?

16 MR. MURPHY: Correct.

17 MEMBER KRIEGER: I drive around Walled Lake
18 all the time and in the wintertime I see that, yes,
19 that there's -- everybody takes their, what do you call
20 it, the docking out of the water. So when it freezes
21 over, I guess it doesn't break or something.

22 MR. MURPHY: Yes.

23 MEMBER KRIEGER: So, then, also because of

1 density and there's more people out on the water,
2 people visiting from other cities that the people
3 taking their -- the homeowners taking care of their
4 property and equipment on the water or in the water
5 during all seasons, there's a potential for increased
6 thievery or theft, I guess you put it.

7 MR. MURPHY: Yup.

8 MEMBER KRIEGER: So, therefore, I can see
9 where there's probably a demand for more shed along the
10 area. So then you just want to minimize the impact of
11 driving along it with the continued -- having a
12 continued view toward the lake and minimizing the
13 impact. So this -- the container that you've chosen,
14 you're going to make it match the house you're
15 building?

16 MR. MURPHY: Correct.

17 MEMBER KRIEGER: Okay. Thank you for
18 answering my questions.

19 MR. MURPHY: Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Member
21 Linda. And any other board member would like to speak?

22 MR. SANKER: Yeah. I have a question about
23 the --

1 CHAIRPERSON PEDDIBOYINA: Member Sanker,
2 please go ahead, sir.

3 MEMBER SANKER: Okay, thanks.

4 I guess, why does it have to be 60 more
5 square feet? Or in other words, a lot of times where
6 you want to try to minimize the variance required and
7 this one is fairly large, so why is it necessary to
8 have such a -- I guess, 60 more square feet than what's
9 required, which is a hundred square feet?

10 MR. MURPHY: Again, you know, I tried --
11 because I've got a hundred feet of docks plus all the
12 equipment and stuff. So the intent is to --

13 You know, granted, I understand if we, you
14 know, do an 8 X 12 or what have you, but by having the
15 eight foot this way, because of the way I have it laid
16 out, you have more visibility here into the lake so
17 it's not -- you're only -- you know, there's only eight
18 foot that's effecting, essentially, the view from the
19 road. This is why I asked to move it as far as I can
20 to the north so you can see and have some visibility to
21 the lake itself.

22 MEMBER SANKER: Okay. Thank you.

23 CHAIRPERSON PEDDIBOYINA: Thank you, Member

1 Sanker. Any other board member?

2 I see, you know, as I mentioned in the
3 beginning, these three in the Fourteen and west of Novi
4 Road, they're the same three cases. They're looking
5 the shed. You know, the ordinance is only allowed for
6 a 100 square feet whereas these applicants are
7 requesting more and more. So keep in mind all the
8 board members and let us see. And I don't know, the
9 practical difficulties and all.

10 This first case where you see that 160.
11 There is the second case is looking for almost, you
12 know, 300 square feet is -- the ordinance is only
13 allowed for 100. And the third case is 336 square
14 feet. Okay. Keep in mind when you do the motion or
15 anything. I just am cautioning all the board members.

16 Okay. Any other board would like to speak on
17 this case tonight before going to the motion?

18 Okay. Looks like none.

19 Member Montague, can you make a motion,
20 please?

21 MEMBER MONTAGUE: Yes. I'm sorry, but I
22 think that I must move that we deny the variance in
23 case number PZ21-0013 for 160 square foot or a variance

1 of 60 square feet variance. The property is very
2 similar to all the properties and purchased with those
3 dimensions. So it's not really an outside created
4 problem.

5 The relief of the grant is really for a
6 convenience of storage. The variance would -- really
7 does interfere with adjacent properties in terms of
8 views and other people's enjoyment of the lake. And I
9 think that the granting of this variance is
10 inconsistent with the spirit of the ordinance.

11 So that's my motion.

12 MEMBER SANKER: I second that.

13 CHAIRPERSON PEDDIBOYINA: Thank you, Member
14 Sanker and, thank you, Member Montague.

15 Before roll call, I'll ask our attorney,
16 Beth.

17 Are you there?

18 MS. SAARELA: Yes.

19 CHAIRPERSON PEDDIBOYINA: Yeah. As I
20 mentioned, you know, all the three cases, you know, as
21 I mentioned to all the board members, I mentioned a
22 caution. Is it appropriate for the board? I just am
23 wondering.

1 MS. SAARELA: Each case needs to be looked at
2 its own facts and surrounding circumstances. So you
3 have to look at the size, shape and all the criteria
4 for each and every lot and look at each factor
5 individually. You can't just lump cases together
6 because they are similar requests. You have to look at
7 how the properties are impacted.

8 CHAIRPERSON PEDDIBOYINA: Thank you so much.
9 I appreciate.

10 Okay. Katherine, our acting secretary,
11 please roll call.

12 MS. OPPERMAN: All right. So roll call to
13 approve the motion to disapprove the variance request.

14 Chairperson Peddiboyina?

15 CHAIRPERSON PEDDIBOYINA: I'm not agree, no.

16 MS. OPPERMAN: Member Krieger?

17 MEMBER KRIEGER: Yes.

18 MS. OPPERMAN: Member Malott?

19 MEMBER MALOTT: No.

20 MS. OPPERMAN: Member Montague?

21 MEMBER MONTAGUE: Yes.

22 MS. OPPERMAN: Member Sanker?

23 MEMBER SANKER: Yes.

1 MS. OPPERMAN: And Member Longo?

2 MEMBER LONGO: Yes.

3 MS. OPPERMAN: Motion passes four to two.

4 CHAIRPERSON PEDDIBOYINA: Thank you so much.
5 Congratulations.

6 MR. MURPHY: Thank you.

7 CHAIRPERSON PEDDIBOYINA: Going to the case
8 number four tonight. PZ21-0014, for Josh Robinson,
9 1375 East Lake Drive, west of Novi Road and south of
10 14 Mile Road, parcel number 50-22-02-328-009. The
11 applicant is requesting the variance from the City of
12 Novi Zoning Ordinance Section 3.32-10.ii.a for the
13 building of a proposed 300 square foot shed on the
14 waterfront, 100 square feet allowed by code, a variance
15 of 200 square feet.

16 Section 3.32-10.ii.b for a waterfront lot
17 coverage of 13 percent, 5 percent allowed by code, a
18 variance of 8 percent. This property is zoned single
19 family residential, R-4.

20 Is the applicant present, please?

21 MR. ROBINSON: Yes.

22 CHAIRPERSON PEDDIBOYINA: Oh, thank you.

23 MEMBER KRIEGER: Hey, Joe, you're sideways.

1 You're sideways, Joe.

2 CHAIRPERSON PEDDIBOYINA: Oh, yeah. Because
3 my cellular is charging, on my cell phone.

4 MEMBER KRIEGER: Oh, okay.

5 CHAIRPERSON PEDDIBOYINA: I only have 10
6 percent. That's why I put it on the charger quickly.
7 Sorry about that. Anyhow.

8 Thank you so much both of you and, you know,
9 tell your first and last name very, very slowly and
10 clearly for our court records and the secretary will
11 take the oath from both of you. Thank you so much.
12 You can proceed.

13 MR. ROBINSON: Josh Robinson,
14 R-o-b-i-n-s-o-n. And I do swear to tell the truth.

15 MS. OPPERMAN: Thank you.

16 MR. ROBINSON: I'm Erin Robinson,
17 R-o-b-i-n-s-o-n, and I swear to tell the truth.

18 MS. OPPERMAN: Thank you.

19 CHAIRPERSON PEDDIBOYINA: Thank you, both of
20 you.

21 Thank you, Katherine.

22 And you may proceed with what we can help you
23 tonight.

1 MR. ROBINSON: Yeah. As stated, we are
2 looking to have a variance for an additional storage
3 structure across the street on the lake side. We are
4 looking to really clean up the property. Much like the
5 previous individual, we have a lot of dock -- a lot of
6 dock. So we have 180 feet of dock that during this
7 point of the year is quite an eyesore.

8 MRS. ROBINSON: It's just stacked up outside
9 on the lawn and it looks bad.

10 MR. ROBINSON: So we are looking to create a
11 nice curb appeal with the structure. Not only
12 landscaping, but also furnishing the structure to match
13 the house to create good aesthetics.

14 We do have -- I believe, collectively it's
15 four lots. On the lake side it's two lots. So we have
16 75 feet of lakefront. So a good amount of space there.
17 It shouldn't have much impact on the neighbors. I
18 mean, the neighbor to the south is going to have over
19 55 feet of clearance before it hits their property. The
20 other side there's already actually kind of trees there
21 kind of blocking their view. So we don't think
22 aesthetically that's going to impact them.

23 One of the things that we are kind of

1 struggling with is behind the house there is quite a
2 bit of wetlands and no access to it. So not really an
3 area to put additional storage there.

4 MRS. ROBINSON: We don't even have a
5 backyard. It just abuts right up to the woods.

6 MR. ROBINSON: Yeah. So a big part of this
7 is for us to, one, be able to take a lot of the storage
8 of our lake things out from our garage. Because right
9 now we can't park our vehicles in the garage. So by
10 moving that across the street, that will open that up,
11 allowing us to park in the garage, which is also going
12 to help aesthetics.

13 I do have a couple -- if I can share my
14 screen here.

15 I do have a mockup of -- this was from the
16 landscaper. The aesthetics -- the structure wouldn't
17 quite be like this. We also wouldn't have the
18 arborvitaes on the left side here. We're not looking
19 to block off a view from the neighbors.

20 But this is, obviously, something that should
21 add some actual value to the property and not just sit
22 there and be an eyesore. Because that's the last thing
23 we want. We've invested a lot into the house and are

1 planning on making this visually appealing as well.

2 So, again, looking to create more storage for
3 us. And, you know, we also have older parents that,
4 unfortunately, to get into our house you have to go
5 through a lot of steps to get into the house. Our
6 kitchen or living area is also on the second floor. So
7 with our parents being older -- one has neuropathy. So
8 unable to really do steps. Which has really impacted
9 our ability to have them visit the house.

10 So just having an area that, when needed,
11 they can get some coverage from the sun when visiting.

12 Did that cover it?

13 MRS. ROBINSON: Yeah, also with this drawing,
14 too, we -- again, the arborvitaes aren't accurate. But
15 it still won't block people's view of the lake. If
16 you're walking, the way the road, you know, is it goes
17 around -- you can still see. By the way the
18 structure's there, people can still have a nice view of
19 the lake. Our intent is not to block the lake or block
20 the view at all.

21 CHAIRPERSON PEDDIBOYINA: Okay. Any other
22 thing you would like to add tonight?

23 MR. ROBINSON: Not that I can think of.

1 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
2 much. A nice presentation. I appreciate.

3 Katherine, anybody in the audience raising
4 their hand?

5 MS. OPPERMAN: There is no one raising their
6 hand for this case.

7 CHAIRPERSON PEDDIBOYINA: Thank you so much.
8 From the City, Larry, any correspondence?

9 MR. BUTLER: No comments from the City.

10 CHAIRPERSON PEDDIBOYINA: Thank you so much,
11 Larry.

12 And Acting Secretary Katherine, can you tell
13 me the correspondence?

14 MS. OPPERMAN: Let's see. For this case
15 there were 21 letters sent. One letter returned. No
16 approvals. No objections.

17 CHAIRPERSON PEDDIBOYINA: Thank you so much.

18 And okay. A nice presentation. I really
19 appreciate. And let's put on to our board members and
20 see their decision. And it's open to the board.

21 MEMBER MALOTT: Yeah, Josh (sic), Member
22 Malott here.

23 CHAIRPERSON PEDDIBOYINA: Yeah. Please go

1 ahead, Member Malott.

2 MEMBER MALOTT: So I can appreciate, you
3 know, the docks not being by the water and having a
4 nice place to put them, but why do you need 400 feet of
5 space?

6 CHAIRPERSON PEDDIBOYINA: No. He's only
7 asking for 300.

8 MEMBER MALOTT: Yeah. 300 extra feet, yes.

9 MR. ROBINSON: So we have a lot -- we have a
10 lot of toys. So it's between things for the boat, the
11 dock storage in the winter and things like larger items
12 as well.

13 MRS. ROBINSON: And, like, weighters, wake
14 boards and barrels and drums that we use that are
15 currently on the lawn right now.

16 MR. ROBINSON: Yeah. There's a lot of things
17 that go into maintaining a dock. So collectively it
18 does add up quite a bit. If you were to look at our
19 garage, it's quite the sight to see. So collectively
20 we feel that is going to be giving us the space that we
21 need for that storage.

22 So, again, like 180, actually 200 feet
23 collectively of dock space. And then, yeah, the

1 additional toys and paddle boards and so on.

2 MRS. ROBINSON: Not even that, but, I mean,
3 think about, we also have, like, a snow board. We have
4 stuff that we need, too, for the house that is in the
5 garage that is impacting us from parking in the garage
6 and our goal is to get the cars in the garage.

7 MR. ROBINSON: Yeah.

8 MRS. ROBINSON: So, again, like having the
9 nice curb appeal -- we have a beautiful garage and you
10 can't see it because our cars are blocking it nonstop.

11 MR. ROBINSON: Two motorcycles.

12 MRS. ROBINSON: Yeah.

13 MR. ROBINSON: And other toys. That we're
14 very fortunate to have, but it would be nice to be able
15 to utilize the space and clean up the property.

16 MEMBER MALOTT: Okay. Thank you.

17 CHAIRPERSON PEDDIBOYINA: Thank you. I
18 appreciate, Member Malott, first time.

19 Any other board member who would like to
20 speak on this case, please?

21 MEMBER SANKER: I had a quick question
22 about --

23 CHAIRPERSON PEDDIBOYINA: Member Sanker, go

1 ahead.

2 MEMBER SANKER: Yeah. If -- I mean, so just
3 like the last applicant, we're always trying to
4 see what the -- we're trying to minimize the variance
5 needed and make it work for everyone. And so I guess
6 even if you did it, like, 15 x 15 or something like
7 that, not saying that that -- I guess, why not try to
8 make it a little smaller? Like, would everything still
9 fit in there if it was 15 X 15 that you talked about or
10 have you guys considered smaller or different ways to
11 do it?

12 MR. ROBINSON: You know, we have talked about
13 that. This size -- one, this size actually isn't that
14 uncommon on the lake. So seeing that one it seemed
15 like an option.

16 Honestly, I would love to go bigger because
17 we have more that we can fit in than what fits in
18 20 X 20. So, yeah, I think -- we've talked a lot about
19 the different sizes and that did seem like the right
20 size for us, if not bigger, but, obviously, you know,
21 we weren't looking to go bigger than that.

22 But, yeah, I mean, collectively, if you look
23 at all the things, then yeah, that 20 X 20 is,

1 essentially, kind of the minimum of what we feel would
2 do the job to our desire, I guess.

3 MEMBER SANKER: Okay. Thank you.

4 CHAIRPERSON PEDDIBOYINA: Thank you, Member
5 Sanker.

6 Any other board member would like to speak?

7 MEMBER KRIEGER: Do you have an aerial photo
8 of the property?

9 MR. ROBINSON: Not a photograph, no.

10 I'm trying to think if there's -- I have a
11 site plan that I drew up.

12 MEMBER KRIEGER: That shows both sides, the
13 street?

14 MR. ROBINSON: Yeah. I mean, it's not
15 pretty, but I'd be happy to show you what I drew.

16 (Document displayed.)

17 MR. ROBINSON: I believe this is to some type
18 of scale, I think. I'm not for sure on that.

19 So, yeah, as you can see, there's a setback
20 from the road. We have 50 feet from the road to the
21 waterfront and 50 feet on the south side of that
22 structure as well. So looking at it as a whole for us
23 it does seem like it's a -- it's not a huge impact.

1 MEMBER KRIEGER: So you have 75 feet of road
2 frontage and waterfront frontage?

3 MR. ROBINSON: There's a little bit of an
4 angle so the water frontage is a little smaller than
5 the road.

6 MRS. ROBINSON: It's kind of like a horseshoe
7 where we're kind of in the middle of it so there's less
8 water.

9 MEMBER KRIEGER: And the height? What was
10 the height? I'm sorry.

11 MR. ROBINSON: That, I haven't done the -- we
12 haven't gotten as far as to an architect yet. So I
13 think on the application we put between, like, eight
14 and 10. Really, I guess, kind of whatever is allowed.

15 MEMBER KRIEGER: Okay. So go by allowed for
16 height.

17 All right. Thank you for answering my
18 questions.

19 MR. ROBINSON: Sure. Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Member
21 Krieger.

22 Any other board member?

23 Member Krieger, do you want to say something?

1 MEMBER KRIEGER: Nope.

2 CHAIRPERSON PEDDIBOYINA: Okay. Okay, and
3 can you make a motion, Member Krieger?

4 MEMBER KRIEGER: I'm not ready yet.

5 CHAIRPERSON PEDDIBOYINA: What about Sanker?
6 Member Sanker?

7 MEMBER SANKER: I mean, yeah, I can make a
8 motion.

9 CHAIRPERSON PEDDIBOYINA: Sure.

10 MEMBER SANKER: Let me just bring up the
11 motion thing here.

12 I mean, generally, I like to grant variances,
13 but in this case it just seems so huge compared to the
14 surrounding houses. So I'm going to move that we deny
15 the case in the variance sought by the petitioners for
16 the 300 additional square feet and the eight percent
17 variance for the waterfront lot coverage because the
18 petitioner has not shown practical difficulty requiring
19 either of these variances.

20 The circumstances and features of the
21 property including -- you know, having a narrow lot and
22 being on the lake are not unique because they generally
23 exist throughout the area. The circumstances and

1 features of the property relating to the variance
2 request, I guess, are self-created because, you know,
3 they could potentially build smaller and still meet
4 their needs.

5 The failure to grant their relief will result
6 in mere inconvenience or inability to obtain higher
7 economic or financial return based on the petitioner's
8 statements that they, you know, essentially intend to
9 use it as an outdoor living space and to store their
10 dock and boat toys.

11 The variance would result in interference
12 with the adjacent or surrounding properties by blocking
13 a larger portion of the water than what the variance
14 contemplates and it would be inconsistent with the
15 spirit and ordinance to keep the lakefront property
16 free of obstruction.

17 And, ultimately, I think if the City
18 feels -- and City Council the same feels like they have
19 to do an ordinance change, you know, they will change
20 the ordinance to allow the residents to build bigger
21 sheds on the waterfront and I would prefer that the
22 City Council through the, you know, legislature process
23 of the City do it rather than the Zoning Board of

1 Appeals. So that's my two cents on that.

2 MS. SAARELA: Just to clarify, it's a
3 total -- it was a 300 foot total size of the shed.
4 Only a 200 foot variance, 100 feet is allowed.

5 MEMBER SANKER: Oh, I'm sorry.

6 MS. SAARELA: So it's 200 additional. Not
7 300 additional.

8 CHAIRPERSON PEDDIBOYINA: Yes. Yes, you are
9 right.

10 MEMBER SANKER: I did misstate that, that's
11 right.

12 CHAIRPERSON PEDDIBOYINA: Yeah, I about to
13 tell you. Beth, you've got the point. I appreciate.

14 MS. SAARELA: Okay.

15 MEMBER SANKER: It's a 400 square foot shed,
16 a 200 square foot variance.

17 MEMBER MONTAGUE: No, it would be 300.

18 MEMBER LONGO: No, no, no. It's 300.

19 MEMBER MONTAGUE: It was 20 X 20, which is
20 400 and 100 is allowed so it would be a 300 foot
21 variance.

22 MEMBER LONGO: It is a 300 foot variance.

23 MEMBER SANKER: Oh, yeah. That's up at the

1 top. It says -- yeah, a 300 foot variance.

2 CHAIRPERSON PEDDIBOYINA: Okay. Okay. Thank
3 you, Member Sanker.

4 MEMBER SANKER: I think that's what I said in
5 my initial motion, right?

6 MEMBER LONGO: Yes, you did. I second.

7 CHAIRPERSON PEDDIBOYINA: Thank you, Member
8 Montague (sic).

9 And thank you, Member Sanker.

10 Okay. It's the roll call time. Acting
11 secretary, Katherine.

12 MS. OPPERMAN: Chairperson Peddiboyina?

13 CHAIRPERSON PEDDIBOYINA: Yes.

14 MS. OPPERMAN: Member Krieger?

15 MEMBER KRIEGER: Yes.

16 MS. OPPERMAN: Member Malott?

17 MEMBER MALOTT: Yes.

18 MS. OPPERMAN: Member Montague?

19 MEMBER MONTAGUE: Yes.

20 MS. OPPERMAN: Member Sanker?

21 MEMBER SANKER: Yes.

22 MS. OPPERMAN: And Member Longo?

23 MEMBER LONGO: Yes.

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MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

Okay. And before we going to the fifth case, Member Montague and Member Krieger, can you prepare for the motion, one of you? Because I did not get a response from any of them, fourth, so Member Sanker is taking the motion. So I don't want to push him. So I don't know if you, Member Montague or Krieger --

MEMBER KRIEGER: Sure.

CHAIRPERSON PEDDIBOYINA: Thank you, Member Krieger. I appreciate.

And going to the fifth case, PZ21-0015, Joseph Yono, 1401 E. Lake Drive, west of Novi Road and south of 14 Mile Road, parcel number 50-22-02-329-027. The applicant is requesting the variance from the City of Novi Zoning ordinance, section 3.1.5 for a 16.95 foot front yard setback, 30 feet required, variance of 13.05 feet; an 8 foot rear yard setback, 35 feet required, variance of 27 feet; a side yard setback of 5.08 feet, 10 feet required, variance of 4.92 feet; an aggregate total side yard setback with exterior side yard of 12.41 feet, 40 feet required, variance of 27.59 feet; and a proposed lot coverage of 48 percent, 25

1 maximum allowed, variance of 23 percent.

2 Section 3.32-10.ii.a, for the building of a
3 proposed 336 square feet shed on the waterfront, 100
4 square foot allowed by code, a variance of 236 square
5 feet. This variance would accommodate the building a
6 new home and a lakefront accessory structure. This
7 property is zoned single family residential, R-4.

8 Is the applicant present?

9 MR. SCHAUER: Yes, hello.

10 CHAIRPERSON PEDDIBOYINA: Hi.

11 MR. SCHAUER: My name is Schauer and I swear
12 to tell the whole truth.

13 MR. YONO: My name is Joseph Yono and I swear
14 to tell the whole truth.

15 (Court reporter clarification.)

16 MR. Schauer: Raymond, R-a-y-m-o-n-d. I'm
17 the architect on this project.

18 CHAIRPERSON PEDDIBOYINA: Okay. Katherine,
19 can you take the oath on both of these gentlemen?

20 MS. OPPERMAN: I believe they already stated
21 to the tell the truth.

22 Mr. Schauer, can you just spell your last
23 name real fast just to ensure our court reporter has

1 it.

2 MR. SCHAUER: S-c-h-a-u-e-r.

3 MS. OPPERMAN: Thank you.

4 MR. SCHAUER: You're welcome.

5 (Court reporter spelling clarification.)

6 MR. YONO: J-o-s-e-p-h, Y-o-n-o.

7 MS. OPPERMAN: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Thank you, both of
9 you. And you may proceed what we can help you with
10 tonight. Thank you.

11 MR. SCHAUER: Thank you. So on this
12 particular lot we used the existing house that is there
13 as our metric for both the right side setback and the
14 front yard setback. We are not requesting any
15 variances that are larger than those. So if you look
16 on our site plan -- and I'll share my screen here in a
17 minute -- we did not want to encroach any further
18 towards the water or any further towards right sides.

19 As a result of that, to build what we would
20 consider to be an adequately-sized house for the area,
21 we needed to request for the variances both in lot
22 coverage and, specifically, the left and rear yard.

23 If we were to fully comply with, you know,

1 all of the setbacks and lot coverage for the lot, we
2 would end up with approximately, like, 1600 square
3 feet, including edge. So, obviously, you know, we were
4 definitely looking for options there.

5 And if I can share my screen here, I can
6 explain a little bit further here.

7 (Document displayed.)

8 MR. SCHAUER: So, specifically, on this site
9 plan, this dash line right here represents the current
10 existing footprint of the house. That corner right
11 here on the right edge is where we set the lines. So
12 that variance, you know, was granted or the lot was
13 built in, you know, nonconforming way.

14 Additionally, this front dashed line is the
15 existing residence and we're actually proposing to go
16 further back than that. We're not asking for anything
17 forward.

18 Our square footage on the first floor is, you
19 know, just over 2000 square feet which is moderately
20 sized for a single family residence in this area. The
21 lot coverage, specifically, we tried to be able to have
22 access from Herman Street for a three-car garage. And
23 you'll notice, too, the shape of the lot specifically

1 is not uniform. It's kind of like a trapezoid. It
2 gets skinnier as it gets closer to, you know, the
3 water. So some of the variances that we're requesting
4 and asking for have already, essentially, been granted
5 or grandfather'd in in a way, if you will, by what is
6 already currently there.

7 And then in my submittal I referenced this
8 house, which is built -- I think it's 10 houses further
9 down the road. But similar size in nature and similar
10 scope in terms of lot coverage, setbacks and overall
11 size. So I didn't want to, you know, go on the extreme
12 side and ask for something that was maximizing
13 everything and having, you know, zero setbacks, but I
14 was, you know, trying to be comparable with what is
15 going to appraise in the area and also, you know,
16 provide adequate living space for this day and age.

17 And then I'm going to move through here on
18 the following sheets.

19 So this would be the foundation plan and then
20 the first floor and second floor. So we have living
21 room, kitchen, dining, all with views to the water and
22 then the three-car garage, mudroom, kind of back of
23 house stuff, library.

1 On the second floor, master suite, master
2 bath both with views to the water.

3 Suite number two and suite number three with
4 bathroom adjoining to them. And then you know, a loft
5 and suite number four above the garage.

6 If I switch over here to the front elevation,
7 we feel like this would bring quite a bit of curb
8 appeal to not only East Lake Drive, but just the area
9 in general compared to what is there currently.

10 So we have a lot of glass, you know, brick
11 and stone mixed. And then also we took special care to
12 make sure that Herman Street -- the facade of Herman
13 Street is not something that we wanted to neglect. We
14 wanted to treat this lot as two fronts. Because,
15 essentially, it is. It has two streets it abuts up
16 against to. And then this is the right side elevation
17 as well as the rear.

18 As far as the final variance, we looked at
19 proposing a cabana, similar to the two people that have
20 went just prior to us. And, you know, similar reasons,
21 security of storage for various items related to the
22 waterfront as well as the ability to not have to cross
23 the road multiple times per day if you're going to be

1 spending, you know, time in the water. Traffic's high
2 in that area and, you know, the people tend to speed.
3 So we're trying to minimize the amount of times we'd
4 need to cross back and forth.

5 If I go back here to the site plan, again,
6 specifically, this lot is 7,740 square feet and the
7 minimum lot size for an R-4 is 10,000. So we're
8 dealing with a smaller lot overall as well as a
9 uniquely shaped lot. So I feel like what we laid out
10 here is reasonable in its request and it also provides
11 an adequately sized home the area.

12 Thank you.

13 CHAIRPERSON PEDDIBOYINA: Thank you. Would
14 you like to add any other person to speak on this case?

15 MR. SCHAUER: No, we're all set.

16 CHAIRPERSON PEDDIBOYINA: Thank you so much
17 both of you.

18 Katherine, anybody's raising? Any in the
19 audience on this case?

20 MS. OPPERMAN: Yes. There is a Lauren Pober
21 raising their hand.

22 CHAIRPERSON PEDDIBOYINA: Hi Lauren, you can
23 proceed. Can you hear me?

1 Can you unmute, please, Lauren.

2 MS. POBER: (Audio inaudible.)

3 (Court reporter interposes.)

4 MS. OPPERMAN: Yes. Ms. Pober, it sounds
5 like you're a bit inaudible. You may need a better
6 audio connection.

7 MRS. TILMOS: Hi. This is the neighbor,
8 Maria Tilmos. She just texted me. She's going to come
9 on over and sit with us.

10 MS. OPPERMAN: Okay. And then since there's
11 also Tilmos. So since they're waiting on Ms. Pober --

12 MRS. TILMOS: Sorry. We're communicating in
13 the back yard. She's running through. Could you
14 repeat what you just said? I missed it. I'm sorry.

15 MS. OPPERMAN: I was just saying that since
16 we're waiting for her to make her way over to you, you
17 should be able to go ahead with your comment.

18 MRS. TILMOS: Excellent. She's coming.
19 She's going to sit right next to us.

20 So I do have a presentation that I would like
21 to present, but we have to state our names first,
22 correct?

23 CHAIRPERSON PEDDIBOYINA: Yeah, but please

1 first state your first and last name, both of you.

2 MRS. TILMOS: My name is Maria Tilmos. Would
3 you like me to spell that?

4 MS. OPPERMAN: Please.

5 MRS. TILMOS: M-a-r-i-a, T-i-l-m-o-s.

6 MR. TILMOS: My name is Wayne Tilmos. And I
7 swear to tell the truth, by the way, in case you're
8 going to ask that.

9 MS. OPPERMAN: Thank you.

10 MRS. TILMOS: I also swear to tell the truth.

11 CHAIRPERSON PEDDIBOYINA: Thank you. You may
12 proceed and you can show the presentation, whatever you
13 want.

14 MRS. TILMOS: Okay. Excellent. I'm going to
15 go ahead and share my screen.

16 (Document displayed.)

17 MRS. TILMOS: Okay. Can everyone see my
18 screen okay?

19 CHAIRPERSON PEDDIBOYINA: Yes, please.

20 MRS. TILMOS: So Wayne and I have some
21 objections to Mr. Yono's request for a dimensional
22 variance.

23 This is just our identifying information so

1 I'll move to the next screen. I submitted this
2 yesterday. I'm just going to read it, if you don't
3 mind, so that all the members can hear our objections
4 if they haven't had a chance to read them already. Is
5 that okay?

6 So, "We, the homeowners, of 1404 Paramount
7 Street, which is adjacent to and directly east 1404
8 East Lake Drive object to the variances that are being
9 requested by Joseph Yono. We, specifically, object to
10 Standard #4 and Standard #5 in the Review Standards
11 Dimensional Variance document.

12 "With regards to standard #4, Mr. Yono states
13 that he is, quote, not asking for setbacks that are
14 larger than the current house, except for the backyard
15 slash rear yard setback. The requested variance
16 setbacks would allow for a modestly-sized home,
17 unquote.

18 "We believe that Mr. Yono will be building
19 too close to our existing fence as well as the many
20 power lines and --"

21 What else did you call them?

22 MR. TILMOS: Utility lines.

23 "That would be within 4 to 5 feet back of his

1 proposed house. We also don't believe that what
2 Mr. Yono has in mind is a modestly-sized home."

3 MR. TILMOS: For this area.

4 MRS. TILMOS: For this area, specifically.

5 "Our home is only 1600 square feet. Lauren
6 Pober's home --" who is sitting next to me -- "at 1404
7 East Lake Drive is less than 1500 square feet.

8 "Mr. Yono's plans call for a two-story
9 resident with dimensions of 56 feet by 45 and 1/6 feet.
10 This works out to 2529 and one-third square feet on the
11 first floor alone. His proposed 3.5 car garage with
12 dimensions of 25 feet by 81 feet would measure 2025
13 square feet. This garage alone is larger than both our
14 house and Lauren Pober's house, the homes adjacent to
15 Mr. Yono's proposed house. The dimensions provided by
16 Pinnacle Design Services have this entire home at
17 somewhere between 8354 square feet to 9108 square feet.
18 This in our opinion is not a, quote, moderately-sized
19 home, unquote."

20 MR. TILMOS: Modest.

21 MRS. TILMOS: Modestly-sized home. I just
22 want to interject here for a moment. I am a math
23 teacher. So I did these calculations based on the

1 drawings that I saw and these numbers are a range and
2 it also does include the square footage of the garage,
3 which I'm sure is not considered living space. So it
4 includes the first floor, the second floor and the loft
5 above the garage. So I just want to clarify that.

6 So in regards to standard number five,
7 Mr. Yono states, quote: "'The footprint and setbacks
8 are intended to not have an adverse impact on any
9 neighbors, nor detract from any lake view angles that
10 are not affected by the existing house.' This is
11 absolutely false. Earlier today I submitted --"

12 So this was yesterday.

13 "Yesterday I submitted an E-mail to
14 Kopperman@cityofnovi.org with Wayne Tilmos standing at
15 the northeast corner of Mr. Yono's proposed house. If
16 Mr. Yono's house is approved and built, we will lose
17 pretty much all of the view that we currently enjoy. We
18 purchased our home because of its proximity to the lake
19 and we are certain if our lake views are eradicated our
20 home will lose a lot of its value not to mention the
21 enjoyment we currently get from our beautiful views.

22 "In standard number five, Mr. Yono goes on to
23 say 'This proposed home will increase the curb appeal

1 of both Herman and East Lake Drive.' Curb appeal has
2 more to do with just a house, it also has to do with
3 the way a property is landscaped and maintained. So
4 this is a matter of opinion.

5 "In closing, we do not believe that Mr. Yono
6 is proposing a design that fits with our neighborhood.
7 With an estimated size ranging between 8354 square feet
8 and 9108 square feet, it is quite obvious that Mr. Yono
9 should have purchased a much larger piece of property
10 to support his vision."

11 And then I go on to thank you for
12 thoughtfully considering the objection to Mr. Yono's
13 variance request.

14 Now, I do want just to show you one more
15 thing, another calculation, I did today. I apologize
16 if these are a little bit out of order, but if you can
17 just focus in on the basic calculation here. In the
18 document Mr. Yono said he wanted to increase the lot
19 coverage to 48 perc- -- excuse me.

20 What was it?

21 48 percent. So I did some calculations and,
22 basically, the footprint -- so just the outline here.
23 And I had to do a little bit of an estimation because I

1 didn't know exactly what this length here was. But I
2 did an estimation and it came up to 4154 and one-third
3 square feet for the footprint.

4 I also did a calculation to determine the
5 square footage of the lot. You can see that there are
6 two trapezoid shapes here that create these two lots.

7 I came out with 7848.5. If you divide this
8 out, multiply by hundred, you get 53 percent. So going
9 from the approved and accepted 25 percent lot coverage
10 to 53 percent lot coverage, we believe is exorbitant.

11 So what I referenced earlier was the views
12 from our home.

13 (Photos displayed.)

14 MRS. ROBINSON: So this is the view from the
15 south window of our master bedroom. And the highlight
16 in the picture -- I'm highlighting where Wayne is
17 standing. He is standing at the northeast corner of
18 Mr. Yono's proposed home. And so I drew that highlight
19 up to kind of represent the height of the house. And I
20 just want you to focus on everything to the left of the
21 yellow line. That is our current view and when the
22 house goes up that view will no longer be there.

23 The second picture I took from the north

1 window of our master bedroom. You can see where Wayne
2 is standing and the yellow highlight. You see the
3 neighbor's home -- excuse me. We have someone noisy
4 going by. We'll just wait.

5 You can see the neighbor's home at 1399 East
6 Lake Drive. So, again, we're losing a large position
7 of our view. We can see a little bit through our
8 neighbor's -- our kitty-korner neighbor's deck.

9 And then this is the view, the current view
10 from our guest room. And this is the deck that we're
11 currently sitting on right now. So I don't know if you
12 noticed as time went on we were trying to highlight the
13 view behind us so you could see, but because we were
14 last it's now dark. But, again, Wayne is standing
15 there. I have this drawn to represent the height of
16 the house and all of the view that we're going to lose.

17 So this is the design of the rear portion of
18 his proposed home. Again, this is the current view
19 from our guest room and now I have superimposed the
20 proposed home on to that same picture. You can still
21 see a little bit of the yellow highlight to the left of
22 the proposed home. And this is basically what our view
23 will change to. This is basically what we're going to

1 look on to. And that is why we are objecting to number
2 five.

3 And that -- actually, let me just go back.
4 I'll just leave you there. And tell me when you're
5 ready for me change to over.

6 CHAIRPERSON PEDDIBOYINA: Okay. Any other
7 person would like to speak on this case? Any other in
8 the audience?

9 Make sure we have only three minutes for each
10 audience. I forgot to tell you. Okay, proceed,
11 please.

12 MS. POBER: Hi. My name is Lauren Pober,
13 L-a-u-r-e-n, P-o-b-e-r. I am at 1405 East Lake, which
14 is directly next to the proposed residence, and I swear
15 to tell the truth. I appreciate you all staying on. I
16 know it's late and everyone wants to get off so thank
17 you for taking the time.

18 I do want to start by saying that some of the
19 calculations that I heard from Mr. Yono's proposal I do
20 not believe are accurate. I had a site survey done on
21 my property prior to the property changing hands and
22 some of my numbers seem to conflict.

23 And if you don't mind, I just wrote a few

1 things that I wanted to go over. I don't like starting
2 off in neighbor relationships contentious. That's not
3 my intention, but I do have to object and protect the
4 property and the neighborhood. When I purchased my
5 home back in 2014, I did a lot of research and I asked
6 questions and I talked to neighbors. And I did learn
7 that the property next door to what I was wanting to
8 purchase was a rental. So I knew at some point in the
9 near future most likely there would be a larger home
10 going up next door.

11 Upon learning that, I did research on the
12 zoning laws so that I could make sure if I purchased
13 this piece of property that my investment and my
14 property and my home would be protected.

15 So I do understand that Mr. Yono would like
16 to build his dream home. I just ask that they build
17 one in keeping with the zoning laws and mainly a home
18 that is proportional to the piece of land that they
19 bought. What they currently have proposed is not in
20 line with the size of their property.

21 Going from 23 percent to around 53 percent, I
22 think is exorbitant. It would negatively impact my
23 home both from a financial perspective and personal

1 enjoyment perspective.

2 When I purchased my property, I feel I did
3 the homework that I needed to do and I don't want to be
4 penalized because he didn't purchase a piece of land
5 that would accommodate what his dream is.

6 The bottom line is that my great view of the
7 lake would be severely diminished and it will dimension
8 it also for the neighbors, all those residents that
9 walk around and bike around the lake. With my
10 objection, I did submit a survey of my property, facts
11 and figures and some photos and I ask that those be
12 considered in your decision.

13 Mr. Yono has proposed a home that is similar
14 to the homes at 1345 and 1209 East Lake Drive. 1345 is
15 the example that he uses in his proposal.

16 The difference is is that Mr. Yono's land is
17 significantly smaller in size than the land on those
18 two homes and, yet he wants a larger residence. In the
19 case of 1345, from my calculations, he has 36 percent
20 less land and wants 1700 more square feet of residence.

21 In the case of 1209, which has over half an
22 acre of land, that means 69 percent less land of his
23 property, but 1400 more square feet in the home. The

1 size of the home would diminish my site lines
2 considerably.

3 Regarding the waterfront structure of 336
4 square feet that is proposed, again, 1435 and 1209 East
5 Lake both have similar structures; however, they are at
6 lower elevations and they are, essentially, below the
7 main road. So they do not impact any sort of site
8 lines for their neighbors. Unfortunately, Mr. Yono's
9 property does not do that.

10 The five-foot side variance would mean that
11 his house is, basically, on top of mine and I would
12 argue that the current property that is at Mr. Yono's
13 1401 is eight to 10 feet and not a five-foot variance
14 so he and I definitely have a discrepancy on that
15 number.

16 The requested front setback, from what we
17 calculated, puts him approximately 10 to 15 feet in
18 front of my home. I have a small balcony on the front
19 of my house which I use daily in the summer months.
20 His 2000 square foot garage and loft above it would
21 kill any view north of my balcony. His home would
22 essentially tower over mine and negatively impact my
23 home financially and, more importantly, quite honestly,

1 negatively impact my enjoyment of it and the lake.

2 I ask you to please reject Mr. Yono's
3 variance request and require him to build a suitable
4 home that is proportionate to the piece of property he
5 purchased. Thank you very much. I appreciate your
6 time.

7 And thank you, Katherine, for taking all of
8 my annoying phone calls.

9 MR. SCHAUER: I'd like to respond briefly,
10 here.

11 MS. POBER. That's fine.

12 CHAIRPERSON PEDDIBOYINA: Thank you.

13 MR. SCHAUER: First off, the square footage
14 on the lot is accurate. The lot was professionally
15 surveyed by Boss Engineering.

16 MS. POBER: Which is who I selected -- just
17 so you know.

18 MEMBER KRIEGER: Wait a minute. Wait a
19 minute. This is all out of line, Joe.

20 CHAIRPERSON PEDDIBOYINA: Ma'am, let him
21 explain.

22 MS. POBER: I'm sorry. I apologize.

23 MEMBER KRIEGER: No rebuttals. That's if we

1 allow it, Joe. They can't just automatically pop in
2 and speak.

3 MR. SCHAUER: I would just like to state that
4 the numbers on the plans are not arbitrary. The square
5 footage for the lot is exactly 7740, based on the
6 criteria of the found irons. Now, I heard some numbers
7 around 8 to 9000 square feet and in the realm of real
8 estate and architecture, you don't include areas like
9 porches or the foyer or the garage. So to say that
10 that is considered square feet is a bit of a stretch.

11 The other element, too, is we have, you know,
12 surveyors who have measured the dimensions that I show
13 on the plans so I know for a fact -- and, again, I
14 swear to tell the whole truth -- the existing house is
15 five foot one off of the existing property line. It's
16 not eight feet. You know, the minimum is five feet.
17 So these numbers were not arbitrary.

18 And again, I'd also like to state, the front
19 yard existing house, we are proposing to go further
20 away from the water than what is currently there. We
21 are also keeping in line with what's existing along the
22 right side.

23 So I would just also -- again, this house is

1 around 5000 appraisal square footage, meaning, you
2 know, heated elements of the home. You don't consider
3 garages or porches.

4 I would also like the record to show that
5 immediately after submitted we deleted the covered
6 patio off the back of the house. That will not be a
7 part of the project and Katie (sic) at Novi's office
8 was made aware of that. The setback line referencing
9 that patio, we will not be building any raised elements
10 back there.

11 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

12 And let's see, any other audience raising
13 their hands, Katherine?

14 MS. POBER: I'm sorry. Am I allowed to
15 speak to that and just clarify something or no?

16 CHAIRPERSON PEDDIBOYINA: No. At this
17 moment, no. You both explained and let us see how the
18 board is acting.

19 And before that, I want to see, Katherine,
20 any other audience raising their hands, please?

21 MS. OPPERMAN: There are no other audience
22 members raising their hand.

23 CHAIRPERSON PEDDIBOYINA: Sounds good. I

1 want to give you a last chance. And you have only one
2 minute. You can explain. This is the last. Thank you.

3 Katherine, what is her name?

4 MR. SCHAUER: I don't think she knows. The
5 lady that wanted her rebuttal.

6 MS. OPPERMAN: Yes.

7 MS. POBER: I'm sorry. Prior to Mr. Yono
8 owning this, it was owned for, I think, about six
9 months by another couple and prior to them purchasing
10 the property, I had Boss Engineering come out. Then
11 the couple that bought it before Mr. Yono asked who I
12 had surveyed it. He took Boss Engineering.

13 I guess my question is did Mr. Yono -- is
14 there a third survey or are you using the Boss
15 Engineering survey from the previous proprietor?

16 MR. SCHAUER: Previous proprietor.

17 MS. POBER: Okay. So our surveys are
18 essentially together so there does seem to be some
19 discrepancy between them. I just want to make note of
20 that.

21 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
22 much.

23 MR. SCHAUER: I would also briefly like to

1 state that the variance ...

2 (Court reporter pauses.)

3 MEMBER KRIEGER: Joe.

4 CHAIRPERSON PEDDIBOYINA: No, no, no. One
5 second. One second, I said everybody and, you know,
6 our board members are there also. And let us see.

7 And from the City, Larry. Any other
8 correspondence from the City, Larry?

9 MR. BUTLER: There's no correspondence from
10 the City.

11 CHAIRPERSON PEDDIBOYINA: Any comments? No.

12 MR. BUTLER: Basic comment I have to say is
13 looking in the similar/dissimilar in the area, the
14 house is rather large compared to the other houses and
15 that's something the board may want to consider.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Larry.
17 I appreciate.

18 Acting secretary, Katherine, any
19 correspondence on this case, please?

20 MS. OPPERMAN: Yes. There were 31 letters
21 sent for this case. Zero approvals and five
22 objections.

23 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead,

1 please.

2 MS. OPPERMAN: Thank you. The first
3 objection is from Ed Tegler, T-e-g-l-e-r. He says, "As
4 far as the City of Novi granting variance requests for
5 building structures along Walled Lake, the Zoning Board
6 members need to stop. The property and lots along
7 Walled Lake, especially in Novi, are a mess. Nobody is
8 able to know where the properties start and other
9 properties end and if any property markers remain they
10 are not reliable and can't be counted as correct. As
11 many surveys as are performed, that is how many
12 different results you'll get as far as the property
13 lines are. Stop changing the rules and allowing money
14 to dictate what you allow people to get away with.
15 Property markers are trying to do a correct survey. In
16 Novi around Walled Lake is known throughout the area as
17 a mess and a lot of surveyors don't even want to try to
18 figure out what is the true dimensions and locations of
19 any lake lot. All of this is now and has been for
20 quite a long while a money grab. Stop changing the
21 rules and start trying to do the right thing."

22 Let's see. The next objection is -- this is
23 from Wayne and Maria Tilmos who spoke. So I think they

1 went quite thoroughly over their full presentation. So
2 I'll go ahead and pass that by.

3 Next is from Andrew and Susan Soborowski,
4 S-o-b-o-r-o-w-s-k-i. They say, please see my
5 objections to the proposed building at 1401 East Lake
6 Drive and thank you for considering their concerns.
7 Their comments are: "Considering the large lot size at
8 1401 East Lake we oppose the front yard variance as no
9 home should be closer to the road than its neighbor, a
10 long-standing Novi requirement in this neighborhood.
11 No structure should impede the front view of the
12 neighboring homes. Regarding the side variance request
13 of five feet between 1401 and 1505 East Lake, this is
14 unnecessary. These five foot variances were granted to
15 local homes on 30 foot wide lots. Not necessary in
16 this larger lot case. Perhaps, move the dwelling north
17 towards Herman Street, not impacting a neighboring
18 home. And the variance related for accessory structure
19 should not be larger than existing legal structures
20 with current variances. The shed should be built next
21 to the Herman Street access lot so as to not block the
22 view of neighboring homes."

23 And we have from Jeffrey Rooke, R-o-o-k-e, he

1 says, "I request the applicant's house front yard
2 setback adhere to the existing ordinance as per every
3 house on the block and in the neighborhood. And I
4 request the shed or building on the lakeside lot to be
5 moved to the north side of their lot abutting the lake
6 road access."

7 A few different copies of the Tilmos' one.
8 They submitted it a few different ways.

9 And then we have from Ms. Pober who submitted
10 her comments while speaking. She did also include, as
11 she mentioned, some photos. Again, I do apologize. I
12 have limited ways to show them here. But we have that
13 photo and this one showing the street.

14 (Photos displayed.)

15 MS. OPPERMAN: We have another of the front
16 lawn here and that one.

17 And she did also include the survey that she
18 mentioned. Again, that apparently has some
19 discrepancies with it although we're not able to
20 discuss that over at the board meeting this evening.

21 And that would be all of them, Chairperson.

22 CHAIRPERSON PEDDIBOYINA: Thank you so much.
23 I appreciate for your time. With so many objections on

1 that case. I appreciate.

2 Coming to the applicant and no objections in
3 the audience and we have certain limits. We need to
4 stop on that and that's why we concluded.

5 Coming to my thing, I'm open to my board
6 members to speak on this case.

7 MEMBER KRIEGER: Joe?

8 CHAIRPERSON PEDDIBOYINA: Yes. Member
9 Krieger, please go ahead.

10 MEMBER KRIEGER: I'm having difficulty with
11 this case because I remember a previous person saying
12 you're overbuilding this site and that it is
13 self-created in that way and that unreasonably
14 interferes with adjacent and surrounding properties.

15 Because of that and by the comments of
16 people. So I would be willing to table if you would
17 want to go back and give us a new, decreased version.
18 Otherwise, I'm going to have to deny. I'm going to
19 deny all this. I'd like to hear from others.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Member
21 Krieger.

22 Any other board member comments, please?

23 MEMBER MONTAGUE: Sure. I would.

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CHAIRPERSON PEDDIBOYINA: Yes, Member Montague. Please go ahead, sir.

MEMBER MONTAGUE: Yeah, the lot coverage, the excessive lot coverage really bothers me and then you can't honestly say that it doesn't affect the surrounding people. And I think those are a couple of things we need to say and the character is a little bit out of scale for the area.

So I think three of the criteria have some issues. So I kind of have a problem with this myself.

CHAIRPERSON PEDDIBOYINA: Thank you, Member Montague. Any other board member would like to speak?

MEMBER SANKER: Yeah. I just have one thing, or one question.

CHAIRPERSON PEDDIBOYINA: Yes, go ahead.

MEMBER SANKER: I mean, so I think in the application it said that they can only have a 2000 square foot first floor if they were to comply with all of the zoning requirements. And I guess I'm wondering, you know, what about that is not -- you know, why doesn't that work, I guess?

MR. SCHAUER: That included the entire footprint of the building envelope. So to take away

1 the garages, we would be left with about a thousand
2 square foot home.

3 MEMBER SANKER: I see what you're saying,
4 yeah, okay. I mean, that makes sense. I get that.

5 So, essentially, you're saying if you did
6 comply, you would be left with essentially a very small
7 house?

8 MR. SCHAUER: Well, actually, if we fully
9 complied, we would left with a smaller house that's
10 currently built. Because the house that's currently
11 built is into the front yard and into the rear yard
12 setback. So if we demolish this house and built new,
13 we would end up with a smaller house.

14 MEMBER SANKER: Yeah. Okay. That's good to
15 note. And something to, you know, that maybe, you
16 know, the objectors haven't considered. If you were to
17 comply completely with this, you would be left with an
18 extremely small house and so it's something to
19 consider.

20 But by and large, it's just tough to -- I
21 mean, this is a tough area because the lot sizes are
22 unique and small and then with modern day living, you
23 know, things are much bigger and so there's a battle

1 there. Plus, you want to preserve the lake view as
2 much as possible. So, yeah, I guess those are just
3 some additional thoughts I had. Not necessarily
4 directed at the applicants. So I'm all set.

5 CHAIRPERSON PEDDIBOYINA: Thank you. Any
6 other thing you would like to add, Member Sanker?

7 MEMBER SANKER: No.

8 CHAIRPERSON PEDDIBOYINA: Thank you so much.
9 Any other board member, please?

10 MEMBER MONTAGUE: I guess I would like to,
11 yeah, respond to that as well. I wouldn't say that no
12 variance is where it is to have to meet it all. We do
13 recognize the uniqueness of the lots. I think it's
14 more of a reasonable variance is more the aspect here
15 and a little bit more consideration of the properties
16 around.

17 Thanks.

18 CHAIRPERSON PEDDIBOYINA: Thank you, Member
19 Montague. Any other board member, please?

20 MEMBER KRIEGER: Yup.

21 CHAIRPERSON PEDDIBOYINA: Please go ahead,
22 Linda.

23 MEMBER KRIEGER: You're going to have to come

1 back for a variance request and a different idea, but
2 to comply with the variances, yes, you would have to
3 build a smaller thing. So yes, you would have to come
4 back with a variance. But the request that you're
5 asking for now is still out of scope for this site. So
6 I still can't support it because it is unreasonably
7 interfering with adjacent neighbors. So I would be
8 willing to table this or I'm going to deny it.

9 Can you come back with a different concept?

10 MR. SCHAUER: If we get denied, we would.

11 Yes.

12 MEMBER KRIEGER: Okay. So can I table it
13 then and then have you come back with it or I
14 don't -- whichever way you want.

15 MEMBER SANKER: No. We have to reject it and
16 then they have to come back and submit a whole new
17 thing, a whole new application kit.

18 MEMBER KRIEGER: Okay. No problem.

19 CHAIRPERSON PEDDIBOYINA: Okay. Any other
20 board member, please? Final call.

21 Okay, seeing none looks like.

22 Member Krieger, please go ahead and start the
23 motion, please.

1 MEMBER KRIEGER: I move that we deny the
2 request for a variance in case number PZ21-0015 sought
3 by the petitioner, Mr. Yono. That the petitioner has
4 not shown practical difficulty requiring their request
5 for the variances are larger than what could be asked
6 for and still have a variance that's reasonable for the
7 adjacent members -- neighbors.

8 The circumstance and features of the
9 property, including its location with two fronts,
10 Herman Street and East Lake, are not unique because
11 they exist generally throughout the city in that area.
12 The circumstances and features of the property relating
13 to the variance request are self-created because he can
14 come back with a smaller request.

15 The failure to grant a relief will result in
16 mere inconvenience or inability to obtain higher
17 economic or financial return based on the petitioner's
18 statement that he can't. That with the current version
19 that they have, the variance would result in
20 interference with adjacent and surrounding properties
21 by their view of their lake, by their sale values and
22 resale values and enjoyment of the property which
23 interferes with the spirit and intent of the ordinance.

1 CHAIRPERSON PEDDIBOYINA: Anybody can make a
2 second. Who wants to make a second, please?

3 MEMBER LONGO: I'll second that.

4 CHAIRPERSON SANGHVI: Thank you, Member
5 Krieger and thank you, Member Montague (sic).

6 Okay. And roll call, please, Katherine.

7 MS. OPPERMAN: Just to note, I believe that
8 was Member Longo that seconded. Not Member Montague.

9 MEMBER MONTAGUE: Very well.

10 CHAIRPERSON PEDDIBOYINA: Oh, okay.

11 MS. OPPERMAN: Going forward, Chairperson
12 Peddiboyina?

13 CHAIRPERSON PEDDIBOYINA: Yes, please.

14 MS. OPPERMAN: Member Krieger?

15 MEMBER KRIEGER: Yes.

16 MS. OPPERMAN: Member Malott?

17 MEMBER MALOTT: (Audio is muted.)

18 MS. OPPERMAN: Member Malott?

19 CHAIRPERSON PEDDIBOYINA: Unmute, please,
20 Malott.

21 MEMBER MALOTT: (Audio is muted.)

22 MS. OPPERMAN: Still on mute.

23 MEMBER MALOTT: Yes. It's working. Okay. I

1 don't know why it's not working. Yes.

2 MS. OPPERMAN: Member Montague?

3 MEMBER MONTAGUE: Yes.

4 MS. OPPERMAN: Member Sanker?

5 MR. SANKER: Yes.

6 MS. OPPERMAN: And Member Longo?

7 MEMBER LONGO: Yes.

8 MS. OPPERMAN: The motion to deny the
9 variance request passes six to zero.

10 CHAIRPERSON PEDDIBOYINA: Thank you.

11 Today's -- I know it's going on long day, you
12 know, a very long day and this is the final case
13 tonight.

14 PZ21-0016, Michelle Estes, 112 N. Haven
15 Drive, east of West Road and south of West Pontiac
16 Trail, parcel number 50-22-03-201-05. The applicant is
17 requesting the variance from the City of Novi Zoning
18 Ordinance Section 3.1.5 for a proposed rear yard
19 setback of 27 feet, 35 feet required, a variance of 8
20 feet. Section 3.32-7 for a deck projecting into the
21 rear yard setback 14 feet, 18 feet maximum allowed by
22 code, a variance of four feet. These variances would
23 accommodate the building of a home addition and a new

1 deck. The property is zoned single family residential,
2 R-4.

3 Is the applicant present, please?

4 MS. ESTES: Yes, I am.

5 CHAIRPERSON PEDDIBOYINA: I know I see you
6 there sitting. It's too long day. Thank you so much
7 for your patience and you can say your first and last
8 name clearly to our court record and our recording
9 secretary will take the oath. Thank you so much. You
10 can proceed.

11 MS. ESTES: Thank you. My name is Michelle
12 Estes. Last name is spelled E-s-t-e-s. And, yes, I
13 swear to tell the truth.

14 Thank you for hearing me tonight. I know it
15 is late and everyone's probably anxious to get off the
16 Zoom call. So I will try to make it brief. It's a
17 pretty simple case.

18 I've already submitted all of my permits. I
19 am requesting a variance permit for a home that I
20 purchased a few months ago here on Walled Lake. The
21 home actually sits on three lots, but it is an
22 irregular shaped lot. It's kind of like an L-shaped
23 lot and it is on the end, a corner lot. It's a very

1 unique shaped lot. So I don't have any neighbors to
2 the right of me and I already talked to my surrounding
3 other neighbors. I am looking to bump out the back of
4 the house probably about eight feet.

5 I'm requesting probably more than I will
6 actually use, but I know it's better to ask for more
7 and maybe not use it all. So eight feet in the back
8 and four feet -- four to six feet on the side of my
9 house, but only for, like, the kitchen nook area.

10 I'm requesting this because it's a -- it's
11 presented a very hardship for me. I have a wheelchair
12 bound mother and I will be taking full-time care for
13 her and I live alone right now and I will be her sole
14 caretaker. So I'm looking for handicapped access as
15 well as the fact that my lot, the way it's shaped, is
16 making it difficult for me to expand anything.

17 So the house is built in 1990. It's 31 years
18 old, and I have done building and renovating a lot and
19 personal interior decorating for 20 plus years. So,
20 obviously, any improvements I'm making significantly
21 improve the community.

22 I will pull all necessary permits. I am very
23 flexible with the board as to what I'm asking for. And

1 I don't -- what I'm asking doesn't impede or infringe
2 on any of my neighbors, their views from any of their
3 lots because I'm asking for a straight out the back
4 eight feet and to the right of me where there is no
5 neighbors.

6 So I didn't upload anything online but I
7 don't know if you can see this (showing sketch). This
8 is the shape of my lot.

9 And if you can see the orange, that's what
10 I'm asking to extend. It's a very, very small amount.
11 So I've talked with Chris Weber at City of Novi,
12 building inspector. Obviously, he's not the one that
13 makes the decision. You all are which I appreciate.
14 But I don't see a reason why this should affect
15 anybody. Actually, it won't affect anybody. And it'll
16 help me with my mother and being able to make the
17 improvements necessary.

18 CHAIRPERSON PEDDIBOYINA: Okay. Any other
19 thing you would like to add, Michelle, for tonight
20 before moving to the board?

21 MS. ESTES: Nope. That's it.

22 CHAIRPERSON PEDDIBOYINA: Thank you so much
23 for your patience. I appreciate.

1 Okay. Audience, Katherine, anybody is
2 raising their hands on the audience point of view on
3 this case?

4 MS. OPPERMAN: No. There's no one raising
5 their hand for this case.

6 CHAIRPERSON PEDDIBOYINA: Sounds good. Thank
7 you so much.

8 From the City, Larry, any correspondence?
9 Any comments?

10 MR. BUTLER: There are no comments from the
11 City.

12 CHAIRPERSON PEDDIBOYINA: Thank you so much,
13 Larry.

14 And acting secretary, Katherine, any
15 correspondence?

16 MS. OPPERMAN: Yes. There were 24 letters
17 sent. No letters returned, one approval and zero
18 objections.

19 The approval is from Brian Kosaian -- forgive
20 me for misenunciating it. I'm sure I did --
21 K-o-s-a-i-a-n.

22 And they say, "Michelle has been a great
23 neighbor since she moved in. We give her our full

1 support for the improvement."

2 CHAIRPERSON PEDDIBOYINA: Thank you so much,
3 Katherine. I appreciate.

4 And, Michelle, I appreciate for your -- you
5 know, the way you presented, the way of what you are
6 requesting for your mother.

7 I have no objection on this case. I
8 appreciate and let us see how things go from my fellow
9 board members.

10 It's open to the board members.

11 MEMBER MONTAGUE: Yes. I have a comment
12 here, too.

13 CHAIRPERSON PEDDIBOYINA: Yes. Member
14 Montague, please go ahead.

15 MEMBER MONTAGUE: Yes. I went by and I
16 totally concur with her assessment that it will not
17 affect the people around her. I think it's very
18 acceptable and reasonable and the hardship of
19 supporting her mother is obviously there. So I support
20 this.

21 MS. ESTES: Thank you.

22 CHAIRPERSON PEDDIBOYINA: Thank you, Member
23 Montague.

1 Any other board member, please?

2 (No response.)

3 MEMBER KRIEGER: I'll take that as a motion.

4 CHAIRPERSON PEDDIBOYINA: Thank you. Who
5 wants to make -- Member Sanker?

6 MS. ESTES: He's on mute.

7 MEMBER SANKER: Oh, am I doing this one?

8 CHAIRPERSON PEDDIBOYINA: Yup.

9 MEMBER SANKER: Yes, I am.

10 CHAIRPERSON PEDDIBOYINA: Thank you, Member
11 Sanker. I appreciate.

12 MEMBER SANKER: All right. Let me just bring
13 it up.

14 I move that we grant the variance in case
15 number PZ21-0016 sought by the petitioner for the eight
16 foot rear yard setback and the ...

17 MS. ESTES: Yeah. I sent in two proposals.
18 The second one included --

19 MEMBER SANKER: For a deck?

20 MS. ESTES: Well, there's an existing deck
21 there. So I would remove it. Move the back of my
22 house the eight feet and then put a nice new deck on.

23 MR. SANKER: Oh, got you. Okay. So we're

1 approving the eight foot setback for the building and
2 then the four foot setback -- variance for the deck
3 setback requirement. Is that clear?

4 MEMBER KRIEGER: Yup.

5 MEMBER SANKER: Because the petitioner has
6 shown practical difficulty requiring these variances.
7 Without the variance, the petitioner will be
8 unreasonably prevented or limited with respect to the
9 use of the property because she won't be able to enjoy
10 it as much and she won't be able to take care of her
11 ailing mother as much either.

12 The property is unique because of the oddly
13 shaped lot. The petitioner did not create the
14 condition because she purchased the shape of the lot as
15 it exists. The relief will not unreasonably interfere
16 with adjacent or surrounding properties because the
17 setbacks are minimum and no one objected to them.

18 The relief is consistent with the spirit and
19 intent of the ordinance because the variances are
20 minimum and make the homeowner happy and does not
21 interfere with any other people.

22 MEMBER KRIEGER: Second.

23 CHAIRPERSON PEDDIBOYINA: Thank you, Member

1 Krieger. And thank you, Member Sanker.

2 And it's roll call time. Katherine, can you
3 please roll call?

4 MS. OPPERMAN: Yes. Chairperson Peddiboyina?

5 CHAIRPERSON PEDDIBOYINA: Yes, please.

6 MS. OPPERMAN: Member Krieger?

7 MEMBER KRIEGER: Yes.

8 MS. OPPERMAN: Member Malott?

9 MEMBER MALOTT: Yes.

10 MS. OPPERMAN: Member Sanker?

11 MEMBER SANKER: Yes.

12 MS. OPPERMAN: And Member Longo?

13 MEMBER LONGO: Yes.

14 MS. OPPERMAN: Oop. And I skipped Member
15 Montague. My apologies. Member Montague?

16 MEMBER MONTAGUE: Yes. Thank you.

17 MS. OPPERMAN: Motion passes.

18 CHAIRPERSON PEDDIBOYINA: Thank you. Thank
19 you so much, Katherine, I appreciate.

20 And congratulations, Michelle.

21 MS. ESTES: Thank you. It was worth the two
22 hours and 45 minute wait.

23 CHAIRPERSON PEDDIBOYINA: Thank you, I know.

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And any other things? I don't think so. And it's too long day. I know it's almost two hours, 45 minutes. I was two minutes late and anyhow it's all done.

Okay. All say in favor and before adjourning anybody say anything?

All right. We are adjourned. The motion say aye, everybody.

MEMBER KRIEGER: I move to adjourn.

MEMBER LONGO: Second.

CHAIRPERSON PEDDIBOYINA: Say aye.

MEMBER KRIEGER: All in favor. Good night.

THE BOARD: Aye.

CHAIRPERSON PEDDIBOYINA: Thank you.

(At 9:45 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, 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 one hundred thirty-nine (139) typewritten pages, is a true and correct transcript of my said stenographic notes.

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

May 9, 2021
(Date)