

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, FEBRUARY 9, 2021, 7:00 P.M.

VIRTUAL MEETING VIA ZOOM

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Linda Krieger

Siddharth Mav Sanghvi

Clift Montague

Kevin Sanker

Ramesh Verma

Michael Thompson

ALSO PRESENT:

Tom Schultz, City Attorney

Charles Boulard, Community Development, Director

Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan
Tuesday, February 9, 2021
7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Okay. It's seven o'clock. Good evening, everybody, and welcome to the Novi City Zoning Board of Appeals. The meeting is held electronically as authorized by the Open Meetings Act, MCL 15.261, ET SEQ., as amended. Members of the public body and members of the public may participate electronically.

And welcome to all the board members. The time is 7:00 p.m.

Okay. And Pledge of Allegiance, our Pledge of Allegiance, no. Roll call ...

The roll call, Katherine.

MS. OPPERMAN: Certainly. As a reminder, you'll have to state the city, county and state you're speaking from.

CHAIRPERSON PEDDIBOYINA: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Linda Krieger, Novi, Michigan, Oakland County.

1 MS. OPPERMAN: Member Longo is absent,
2 excused.

3 Member Montague?

4 MEMBER MONTAGUE: Clift Montague, Novi,
5 Oakland County, Michigan.

6 MS. OPPERMAN: Chairperson Peddiboyina?

7 CHAIRPERSON PEDDIBOYINA: Joe Peddiboyina,
8 Novi city, Oakland County, Michigan.

9 MS. OPPERMAN: Member Sanker?

10 MEMBER SANKER: Kevin Sanker, Novi, Oakland
11 County, Michigan.

12 MS. OPPERMAN: Member Thompson.

13 MEMBER THOMPSON: Michael Thompson, Novi,
14 Michigan, Oakland County.

15 MS. OPPERMAN: And Member Verma?

16 MEMBER VERMA: Ramesh Verma, Oakland County,
17 Michigan.

18 MS. OPPERMAN: Thank you.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

20 MEMBER SANGHVI: Hey, you don't want me?

21 (Laughter.)

22 MEMBER KRIEGER: We do want you here, yes.

23 MS. OPPERMAN: Oh, I've never skipped one

1 over before.

2 Member Sanghvi?

3 MEMBER SANGHVI: Novi, Oakland County,
4 Michigan.

5 MS. OPPERMAN: Thank you.

6 CHAIRPERSON PEDDIBOYINA: Okay. Public
7 hearing and the Format and Rules of Conduct. Approval
8 of the agenda?

9 MEMBER SANGHVI: So moved.

10 MEMBER VERMA: Second.

11 CHAIRPERSON PEDDIBOYINA: Thank you, both of
12 you. And approval of the agenda is done. And ...

13 MEMBER KRIEGER: We have to all approve it or
14 deny it.

15 CHAIRPERSON PEDDIBOYINA: I'm sorry?

16 MEMBER KRIEGER: We all approve or deny it,
17 though.

18 CHAIRPERSON PEDDIBOYINA: Yeah.

19 MEMBER KRIEGER: So all say "Aye," or --

20 CHAIRPERSON PEDDIBOYINA: Aye, everybody?

21 THE BOARD: Aye.

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

23 The approval of the agenda is approved. And is our

1 board enough for a quorum, Kathy? Do you have enough
2 for quorum?

3 MS. OPPERMAN: Yes. We have a quorum. Yes.

4 CHAIRPERSON PEDDIBOYINA: Thank you. The
5 agenda is done and let's move to public remarks.

6 Anyone have anything apart from what we have
7 on the agenda meeting today, other than the cases?
8 Something?

9 The ZBA, you can come to the -- I mean, raise
10 your -- on the Zoom call, raise your hand. Can you see
11 anybody apart from the meeting agenda? Anybody is
12 raising their hand, Kathy?

13 MS. OPPERMAN: No. No one is raising their
14 hand at this time.

15 CHAIRPERSON PEDDIBOYINA: Okay. Well, thank
16 you so much and nothing else. And for today the total
17 number of cases is four.

18 Am I right, Kathy?

19 MS. OPPERMAN: If I can, you have to approve
20 the meetings from last month also.

21 CHAIRPERSON PEDDIBOYINA: Yeah. Okay.

22 January meetings, approval of the agenda and
23 you have that one also. Anybody, can you approve for

1 the agenda, the January 2021 meeting minutes, please?

2 MEMBER SANGHVI: Mr. Chair, I just would like
3 to make an amendment in the minutes.

4 CHAIRPERSON PEDDIBOYINA: Okay.

5 MEMBER SANGHVI: I want to correct on page
6 83, line 7, what is typed is "their". It should read
7 "that."

8 Thank you.

9 CHAIRPERSON PEDDIBOYINA: Kathy, do
10 you have -- be acting secretary for us, tonight?

11 MS. OPPERMAN: Pardon?

12 CHAIRPERSON PEDDIBOYINA: Mav Sanghvi
13 mentioned -- Member Mav Sanghvi's request, can you look
14 into that?

15 MS. OPPERMAN: Yes. I've noted it down.
16 I'll make that correction when I'm in the office on
17 Thursday.

18 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
19 And apart from that, any other things you want to move
20 on for the agenda of the meeting approval?

21 MEMBER SANGHVI: I make a motion to approve
22 the minutes as amended.

23 MEMBER KRIEGER: Second.

1 CHAIRPERSON PEDDIBOYINA: Thank you. Anybody
2 have any objections apart from Member Mav Sanghvi?

3 Say "Aye."

4 THE BOARD: Aye.

5 CHAIRPERSON PEDDIBOYINA: Any nays, please?

6 (No response.)

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 Approval of the agenda -- the meeting minutes were
9 approved for January. Thank you.

10 Okay. Total number of cases we have tonight
11 is four cases. Am I right, Kathy?

12 MS. OPPERMAN: Correct. Yes.

13 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

14 Let's move to the first case. PZ20-0066, Margaret
15 Beller, 1235 South Lake Drive, west of Old Novi Road
16 and north of 13 Mile Road, parcel number
17 50-22-03-332-018. The applicant is requesting the
18 variance from the City of Novi Zoning Ordinance Section
19 5.11 to allow the extension of a decorative fence to
20 the front property line on one side of the lot, a six
21 foot fence to the front of the house and a four-foot
22 feet rail fence to the lot line. The fence shall not
23 extend toward the front of the property nearer than the

1 minimum front yard setback distance by code. This
2 property is zoned single family residence, R-4.

3 Is the applicant present?

4 MS. BELLER: Yes, I'm here.

5 CHAIRPERSON PEDDIBOYINA: Okay. You can come
6 to the podium. You can speak out and you can tell your
7 first and last name for the court record first. And
8 you can present.

9 MS. BELLER: Margaret Beller, B-e-l-l-e-r.

10 CHAIRPERSON PEDDIBOYINA: All right. Go
11 ahead, please.

12 MS. BELLER: I've put up a privacy fence from
13 the back of my lot.

14 CHAIRPERSON PEDDIBOYINA: Hold on. Before
15 you go ...

16 Secretary, can you take the oath, please?

17 MS. OPPERMAN: Yes. Mrs. Beller, can you
18 please swear or affirm to tell the truth in the case
19 before you?

20 MS. BELLER: Oh, yes, I do.

21 MS. OPPERMAN: Thank you.

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
23 Please move. You can proceed, please.

1 MS. BELLER: I have a privacy fence now that
2 goes to the corner of my house proper. But the living
3 room has a bump-out that goes five feet further out and
4 I would like to extend the private -- that privacy
5 fence out to that bump-out and then from there put this
6 foot rail fence to the setback site.

7 The reason I'm doing this is for ...

8 I would like to say for a hardship, but
9 mostly it's for my privacy, security and peace of mind.
10 I'm 74. I have recently been widowed and I would just
11 feel safer if there were delineation of the property
12 line there for me.

13 The people who -- this is on the east side of
14 my property only. The people who live on the east side
15 have erected an eight foot metal -- I don't know what
16 you would call it. Like a screen, but it's eight foot
17 tall and it's at least 12-foot long and it starts five
18 feet from their house. So they're not doing -- you
19 know, they're against the ordinance also. So I'm not.
20 Because I'm not going to put the fence up unless you
21 tell me I can.

22 But just for my -- this is very difficult.
23 This is the first time I've had to do anything like

1 this since my husband passed. So unless you would like
2 specifics besides just that it's for privacy, security
3 and peace of mind, I would prefer to leave it at that
4 and let you make the decision.

5 I know that other people have put up a fence
6 on South Lake Drive completely enclosing their front
7 yard, which I'm not asking. I just need it on this
8 side.

9 Novi Fence is going to put it in and it will
10 be two inches on to my property line. We found a
11 medallion on the back and you have a copy of my plat so
12 you can see it. Basically, I really, unless you
13 actually need specifics, I would prefer not to go into
14 them because they're very emotional for me. The last
15 contact I had with the people were the wife yelling at
16 me to get off my fat something and fix my house. And I
17 didn't know what she meant and she repeated it and her
18 husband came out and his only response is, "Call the
19 cops."

20 Which I'm an educated woman. I taught school
21 for 40 years. You don't call the police unless
22 somebody is calling you names. Unless you're in middle
23 school and I'm not. So I'm doing this fence as a

1 deterrence so that I do not have to have any contact.
2 And that -- and the privacy fence up to that point and
3 then the smaller fence, I think would be exactly what I
4 need.

5 Does anybody need any other explanation? I
6 really need this fence is what it is.

7 MEMBER KRIEGER: You can talk regarding
8 the -- the distance between the -- the measurements?

9 MS. BELLER: Well, see, the person who knew
10 that is no longer with me. So it's exactly on -- what
11 I want is -- do you have a copy of the plat line?

12 CHAIRPERSON PEDDIBOYINA: Yes.

13 MEMBER KRIEGER: Yup.

14 MS. BELLER: Okay. If you look in the back,
15 if you look at this third layer -- okay?

16 If you look at the back, it'll say this is
17 where the fence starts. Well, you really can't see the
18 bump-out on my house. I'm sure you got the big one,
19 too.

20 Well, wait a minute. This should tell me how
21 much. That's what I said. I don't even know if I know
22 how to do this. Ordinance tried to to help me, but you
23 know, it's not their job to babysit me. I think it

1 would be an extra five feet of a six-foot fence and you
2 would have to tell me where -- or they would -- the
3 fence would tell me where the setback is.

4 Brian seems to know all the rules in Novi.
5 He's the one that owns Novi Fence and he's the one that
6 told me, he said, "I will not put your fence on your
7 property line, even though I could." He said, "We
8 don't do that. We put it at two-inch setback so
9 there's no question."

10 And like I said, we found the medallion and
11 we'd stay right on the plat line. So I -- except for
12 just saying it's a hardship and I am 74, we've lived --
13 my husband and I lived in Novi for almost 50 years. We
14 lived in the south end and then we moved here. And I
15 plan on living here the rest of my life, which will be
16 a really long time.

17 MEMBER KRIEGER: Very good.

18 CHAIRPERSON PEDDIBOYINA: Thank you. Thank
19 you, Linda.

20 Margaret, anything you want to add apart from
21 that?

22 MS. BELLER: It's hard for me to go into the
23 details of everything that they have done that warrants

1 this fence because it's very emotional and I'm not
2 ready to -- I'm dealing with this by putting up a fence
3 because I do not want to have contact with them. They
4 have done -- I had a -- I put in a dry river bed so
5 that the water wouldn't go on their property and they
6 put stones in it and they put dirt in it to block it
7 up. So now there is no more river bed.

8 I can't fight. I can't argue with them if
9 they're going to keep -- you know, they're trying to
10 destroy something and tell me I have to fix it. So the
11 fence went up.

12 Because I talked to Maureen and Brian at
13 Ordinance. The engineer came over. I got -- dotted
14 all my Is and crossed all my Ts as far as getting
15 everything. You should have pictures of what the fence
16 looks like and also what their fence looked like behind
17 it.

18 CHAIRPERSON SANGHVI: Okay.

19 MS. BELLER: Okay. I just really need this
20 fence. And I don't know how much more I can say. I
21 mean, if you have a question you would like to ask me,
22 I will answer.

23 CHAIRPERSON PEDDIBOYINA: Yeah, we'll come

1 back to that point, Margaret.

2 MS. BELLER: Okay.

3 CHAIRPERSON PEDDIBOYINA: Anybody apart from
4 you? Anybody who would like to speak on behalf of you
5 on this case, tonight? You are the only one person?

6 MS. BELLER: I am -- sad to say, that I am
7 only one person now, yes.

8 CHAIRPERSON PEDDIBOYINA: Okay. Sorry.
9 Thank you so much, Margaret. I appreciate your
10 presentation. It's excellent. And I can understand
11 your request. And let me see.

12 The City, any comment from the City? Larry?

13 MR. BOULARD: A couple of questions, Mr.
14 Chairman, if I could, for the applicant?

15 MS. BELLER: Sure.

16 MR. BOULARD: So, first, are there any
17 utilities along the property line?

18 MS. BELLER: No.

19 MR. BOULARD: No drainage between the lots
20 or nothing --

21 MS. BELLER: As far as I know, there is no
22 drainage.

23 MR. BOULARD: Okay. And the second question

1 is certainly there's ways to -- you know, there's ways
2 that the City provides for the police and so on to deal
3 with the situation where you feel threatened and, of
4 course, you never want that to be the case. I guess
5 the question is how does the situation -- your
6 situation apply to the criteria for granting a
7 variance; the physical circumstances, the uniqueness of
8 the property, you know, things like that? Could you
9 maybe speak to that?

10 MS. BELLER: Yes, I can try. Since my house
11 has technically, you know, two corners, because it has
12 a bump-out and I was advised by the City and also by
13 the fence people, "Just go to the corner of your house.
14 Do not go up there. Go and ask for a variance and the
15 chances are they will give it to you and then you will
16 have done it legally." Which I've never done anything
17 illegal anyway.

18 It blocks -- it also -- they have a hard time
19 understanding where the property line is and they put
20 things like the stones and the dirt and all of the
21 things that they put on my property. And I'm trying to
22 delineate a property line so that there's no question
23 in anybody's mind where you belong and where I belong.

1 Did that help? Or make it just more
2 confusing?

3 MR. BOULARD: I guess I'm looking for the --
4 you know, normally a variance is based on some things
5 that are unique about the property, right? And so I'm
6 looking for things that are unique in terms of the
7 shape of the property. I know your house sits, I
8 think, part way into the setback and that is certainly
9 something -- the fence is allowed to go there, but --

10 MS. BELLER: Yeah.

11 MR. BOULARD: -- are there any other unique
12 situations and so on. So ...

13 MS. BELLER: See, I'm not quite sure what a
14 unique situation is. When this house was built -- and
15 I didn't build it. I would never have built this house
16 like this. It was built four feet higher than the
17 houses on both sides.

18 And we're on a watershed. Lake Shawood with
19 that marsh is back there and there's a lake across the
20 street. Did no one think that there would be a moat
21 here? The water comes down. And when we first moved
22 in, we would look out and there would be water on four
23 sides, and that's not fair to your neighbors. Because

1 my water goes that way. And that's why I put the dry
2 riverbed in and it works. But it doesn't work well
3 enough for them and I don't know what to do.

4 So I don't know -- I guess, I don't
5 understand what -- you know, I have a setback. I sit
6 far back from the street. They have put up a structure
7 that is eight foot tall and goes way past my house.
8 So ...

9 MR. BOULARD: I guess -- and I'll end it
10 here.

11 MS. BELLAR: Okay.

12 MR. BOULARD: So if there are violations or
13 issues that should be --

14 MS. BELLER: Then we'll take care of those
15 later.

16 MR. BOULARD: Yes. We'll deal with those.

17 MS. BELLER: Yes.

18 MR. BOULARD: I guess I'm -- I'm challenging
19 myself to match the things that you're saying with --

20 MS. BELLER: What I'm asking for --

21 MR. BOULARD: -- the criteria for a variance
22 that says that strict compliance with the regulations
23 would be unnecessarily burdensome.

1 MS. BELLER: Well, since my house,
2 technically, has two actual corners -- I mean, it has a
3 fist (ph) and then there's a bump-out. So that could
4 be a -- I really thought I could bring it out to where
5 the porch or where the living room goes out on to the
6 porch. Not on to the porch, but out. It bumps out.
7 So I do, technically, have two corners of the house.

8 If we're looking for a reason and if -- see,
9 I really would like both the six-foot fence and then
10 the split rail fence. If it comes down to choices, I
11 don't know which I would choose.

12 MR. BOULARD: I think ...

13 MS. BELLER: I don't know -- see, like I
14 said, the person who would know the answers to these
15 questions isn't here anymore. He took care of all of
16 the things that ever needed to be taken care of. He
17 understood that. I'm not a foolish person, but I just
18 never paid attention. And that's -- you know, my
19 ignorance is not your problem.

20 MR. BOULARD: Okay. Thank you very much.
21 Thank you.

22 MS. BELLER: Okay.

23 CHAIRPERSON PEDDIBOYINA: Thank you. Thank

1 you, Larry (sic).

2 And thank you, Margaret.

3 For our acting secretary tonight, Katherine,
4 any correspondence tonight on this case, please?

5 MS. OPPERMAN: Yes. There were 30 letters
6 sent out. None returned, one approval, one objection
7 and then one sort of approval. You'll see when I ...

8 The first approval is from Susan Ashisaka
9 (ph). It's just a simple circled approval.

10 And the kind of in between one is from the
11 Duchesneaus. And they have a couple of properties over
12 there so they sent back a few of them. I'll read it
13 all off. They say that the left and right neighbors
14 should have the largest say, east side neighbors close
15 to the property line, and if both next door neighbors
16 don't have any objections, then they would approve of
17 the variance requests.

18 And then the objection is from Patty --

19 MS. BELLER: Those are my neighbors. The
20 Maniewskis.

21 MS. OPPERMAN: M-a-n-i-e-w --

22 MS. BELLER: The Maniewskis.

23 MS. OPPERMAN: -- -s-k-i. And they write, "In

1 regards to the fencing, the answer is no. There is a
2 French drain that runs down the property line and east
3 to west to drain our lots. This was installed by the
4 City of Novi."

5 And thinking they could damage the drain and
6 flood their lots presently. They say she is pumping
7 her sump pump on their lot and --

8 MS. BELLER: That's not true.

9 MS. OPPERMAN: -- and takes no responsibility
10 for actions.

11 MS. BELLER: That's not true.

12 (Court reporter clarification.)

13 MS. BELLER: I know how to spell it.

14 MS. OPPERMAN: The last name is spelled M as
15 Mary, A as in apple, N as in Nancy, I as in Igloo, E as
16 in Edward, W as in Whiskey, S as in Sky, K as in Kite,
17 I as in Igloo.

18 MS. BELLER: Can I respond to any of that?
19 Am I allowed to respond to any of that?

20 MEMBER KRIEGER: Not right now, honey.

21 MS. BELLER: Okay.

22 CHAIRPERSON PEDDIBOYINA: Okay, Katherine,
23 any other things?

1 MS. OPPERMAN: No. That's all of it.

2 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
3 much for your time.

4 And Margaret, I really appreciate your
5 presentation and the way you are requesting and the
6 privacy and all. And let me put it on my board members
7 and let them come up with what they want to and what
8 they discuss.

9 And it's open for the board. Anybody would
10 like to speak on this case tonight, please?

11 MEMBER KRIEGER: Did you build the bump-out
12 on your house?

13 MS. BELLER: No. It was built there. It was
14 part of the original house.

15 MEMBER KRIEGER: Okay. And then you want
16 the --

17 MS. BELLER: It's the style of the home.

18 MEMBER KRIEGER: And you want the fence --
19 the privacy fence up to that point and then continue
20 the fence up to the front of the house?

21 MS. BELLER: But I want it north and south.
22 It won't run east and west by their -- it won't go near
23 the French drain.

1 MEMBER KRIEGER: It'll be on your property?

2 MS. BELLER: Yes.

3 MEMBER KRIEGER: Okay. That's all that
4 matters.

5 MS. BELLER: Thank you.

6 MEMBER KRIEGER: But then the six foot fence
7 will extend up to the front property and then you want
8 a different kind of fence all the way to the sidewalk?

9 MS. BELLER: Well, not all the way to the
10 sidewalk, all the way to the -- what do you call -- the
11 setback.

12 MEMBER KRIEGER: Setback.

13 MS. BELLER: It would not go all the way to
14 the sidewalk.

15 CHAIRPERSON PEDDIBOYINA: Yeah, Linda. I'm
16 sorry. I apologize for the board. I forgot to call
17 the audience.

18 Anybody would like to speak on this case,
19 please?

20 MS. OPPERMAN: There's no one raising their
21 hand for this case.

22 CHAIRPERSON PEDDIBOYINA: Okay. Nobody is.

23 Thank you so much. Linda, you can continue.

1 Thank you so much.

2 MEMBER KRIEGER: Okay. And then the house is
3 positioned, you said, you bought it and then the way
4 they built it, it's a little bit higher than the
5 neighboring sides and its position on the property and
6 the topography is all as it was when you bought it?

7 MS. BELLER: Absolutely.

8 MEMBER KRIEGER: Okay. Thank you. That's
9 it.

10 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.
11 Any other board member would like to speak on this
12 case, please.

13 MEMBER SANGHVI: Mr. Chair?

14 CHAIRPERSON PEDDIBOYINA: Yes. Member Mav,
15 please go ahead, sir.

16 MEMBER SANGHVI: I came there yesterday and
17 visited this site and looked around and went in the
18 other side. And I can understand the predicament of
19 the applicant and I have no difficulty in supporting
20 her variance request. Thank you.

21 CHAIRPERSON PEDDIBOYINA: Thank you, so much,
22 Member Mav.

23 And any other board member would like to

1 speak on this case, please?

2 MEMBER SANKER: Yeah, I would like to make
3 just a few comments.

4 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead.

5 MEMBER SANKER: I think -- I appreciate what
6 Margaret said and the presentation she put together. I
7 think based off the conversation with Charles and then
8 coupled with her application she submitted, I'm not
9 seeing a practical difficulty. And it looks like based
10 off what she said and the application said, she's using
11 the fence as sort of a divider instead of, you know ...

12
13 And I guess she's also trying to use it as
14 sort of a way to keep her neighbors off the lot. But I
15 don't think --

16 MEMBER KRIEGER: She did say safety.
17 Sorry.

18 MEMBER SANKER: No. And I appreciate that.
19 It's just there was no specific thing about the
20 topography or the layout or the lot size or pretty much
21 anything unique about the property that seems to make
22 sense to grant this variance that puts a fence, you
23 know, far out into the front yard. And I think the

1 variance was designed to not have a fence out in the
2 front yard like this.

3 And without any sort of unique aspects of the
4 property to create a hardship that would allow us to
5 grant the variance, I can't see a reason to grant it.
6 So that's my piece on it.

7 CHAIRPERSON PEDDIBOYINA: Thank you, Member
8 Sanker.

9 Any other board member who would like to
10 speak, please?

11 Okay, it looks like seeing none. Okay. It's
12 my turn. And I don't have any objection, Margaret,
13 with your presentation and difficulty. And also my
14 City, Charles, the accommodation and the other board
15 members, the accommodations. I have no objection on
16 this case.

17 And anybody -- anything you want to speak
18 before closing this case?

19 Seeing none.

20 Okay. And Linda, can you make a motion,
21 please?

22 MEMBER KRIEGER: Okay. For case number
23 PZ20-0066, I move that we grant the request by the

1 petitioner for the fence, a four-foot rail fence to the
2 lot line sought by the petitioner.

3 Her practical difficulty: Neighboring areas
4 have delineations of fences, the chain link, and she's
5 not -- hasn't stated about that.

6 I guess it would be the fence would be
7 aesthetically pleasing to the neighbors on South Lake
8 Drive.

9 That the petitioner would be unlimited and
10 prevented from -- with respect to her property because
11 of the safety and the security and that the house --
12 the property is unique because, as she stated, it was
13 built higher than the neighboring homes. So for water
14 drainage issues. And the location of the house on the
15 property and the bump-out wasn't created by the person.
16 She bought it that way. So it wasn't self-created.

17 The relief granted will not unreasonably
18 interfere with adjacent or surrounding properties
19 because other homes in this area have fences as well,
20 even around the front of the whole property. That the
21 neighbors will -- it's a reasonable request that it
22 won't be six feet extending all the way to the sidewalk
23 or setback. That it won't interfere with line of

1 sight.

2 The relief is consistent with the spirit and
3 intent of the ordinance. It is a minimum request only
4 being on one side and not surrounding the entire
5 property and is similar to other homes in this area.

6 MEMBER SANGHVI: Second.

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

9 Any other discussion on this case, please?

10 Looks like seeing none.

11 All right. Katherine, can you please roll
12 call?

13 MS. OPPERMAN: Certainly. Member Verma?

14 MEMBER VERMA: Yes.

15 MS. OPPERMAN: Member Thompson?

16 MEMBER THOMPSON: Yes.

17 MS. OPPERMAN: Member Sanker?

18 MEMBER SANKER: No.

19 MS. OPPERMAN: Member Sanghvi?

20 MEMBER SANGHVI: Yes.

21 MS. OPPERMAN: Member Peddiboyina?

22 CHAIRPERSON PEDDIBOYINA: Yes.

23 MS. OPPERMAN: Member Montague?

1 MEMBER MONTAGUE: No.

2 MS. OPPERMAN: And Member Krieger?

3 MEMBER KRIEGER: Yes.

4 MS. OPPERMAN: Motion passes five to two.

5 CHAIRPERSON PEDDIBOYINA: Okay.

6 Congratulations, Margaret, and good luck.

7 MS. BELLER: Thank you very much.

8 CHAIRPERSON PEDDIBOYINA: All right. That
9 brings us to the next case. PZ20-001, David and Molly
10 Armstrong, 43824 Westridge Lane, west of Novi Road and
11 south of Nine Mile Road, parcel number
12 50-22-34-277-008. The applicant is requesting
13 variances from the City of Novi Zoning Ordinance,
14 Section 3.1.5 for a 15-foot exterior side yard setback,
15 30 feet required. Variance of 15 feet.

16 This variance would accommodate the building
17 of a new garage addition. This property is zoned
18 single family residence, R-4.

19 Is the applicant present?

20 MS. ARMSTRONG: Yes. We're both here.

21 CHAIRPERSON PEDDIBOYINA: Oh, there. Thank
22 you. And you can spell your first and last name and
23 take the oath for our acting secretary, Katherine, and

1 talk slowly and not take too much time. We are on a
2 limited time. Please proceed.

3 MS. ARMSTRONG: Okay. The last name is
4 Armstrong spelled A-r-m-s-t-r-o-n-g.

5 CHAIRPERSON PEDDIBOYINA: Any other person
6 would like to speak? You're the only one.

7 MR. ARMSTRONG: Yeah. I'm here as well.
8 This is David Armstrong. Same last name. And I think
9 our architect, Joshua Dee, might be joining us as well.

10 MR. DEE: Yes. My name is Josh Dee. Do I
11 need to state the city and location, then, as well?

12 MS. OPPERMAN: No. Just spell your name,
13 please.

14 MR. DEE: Okay. Dee, D-e-e. D as in Delta,
15 E as in Edward, E as in Edward.

16 MS. OPPERMAN: I'll need each of you to swear
17 or affirm to tell the truth in the case.

18 MR. DEE: Yes.

19 MRS. ARMSTRONG: Yes.

20 MR. ARMSTRONG: Yes.

21 CHAIRPERSON PEDDIBOYINA: All right. David
22 and Molly, you can proceed with your case and you can
23 present what all you have, any slides also. And it's

1 all yours now. Go ahead, please, the three of you.

2 MRS. ARMSTRONG: Okay. Well, thank you. I
3 just want to say thank you for your time and just give
4 you a very, very high-level homeowner point of view.
5 We moved in in about 2014 and -- well, we did move in
6 during 2014. And we noted at that time that the
7 current garage was in rough shape and knew that
8 eventually we would need to do something to fix it.
9 And we're kind of at that point now where we're looking
10 at rebuilding the garage. And it can't accommodate two
11 modern vehicles as it is today, as the footprint is
12 today.

13 We live off a fairly busy street and so
14 parking out overnight on the street is in my opinion
15 not the safest thing to do and it's also pretty dark
16 out there. So we're definitely not comfortable leaving
17 a car out overnight. And then, actually, after we
18 moved in, probably about six months after we moved into
19 the home in '14 we bought a new car. About a month
20 after having the car we came out one morning and the
21 tires had been stolen. So the car was propped up on
22 blocks and it was not a great site especially after not
23 being here, you know, that long and especially it being

1 a new car.

2 So we would like to be able to accommodate
3 two modern-sized vehicles. You know, if we're going to
4 put up the new garage, it just would be really great to
5 have that.

6 MR. DEE: Yeah. I think if I can share my
7 screen, too, that would better show the current
8 situation and then what we're proposing to do.

9 CHAIRPERSON PEDDIBOYINA: Yes. Go ahead.

10 (Document displayed.)

11 MR. DEE: So on the right there's the current
12 plot plan of what this is right now, and then on the
13 left there is the street view. So the area in question
14 is this garage, which is sort of obscured by this tree
15 that, you know, kind of has this flat roof. It doesn't
16 drain very well. It has a door that is actually less
17 than standard height currently so, like Molly said, you
18 can't get a modern vehicle in. It's also actually
19 fairly narrow as well. So to be able to park vehicles
20 side-by-side just doesn't work as, you know, getting
21 vehicles in and being able to open doors and get out of
22 them is a real issue right now.

23 So that's one of the things that prompted the

1 project. What we're proposing is a garage with -- it
2 will have a new, gable roof. But I think a lot of the
3 area in question is that we're actually growing the
4 footprint of it two feet in the west direction. So
5 we're maintaining this south base which is currently 15
6 feet from the property line.

7 And to see what this looks like
8 architecturally, we're going with more of a gable roof
9 structure with a dormer which matches the, I think
10 more, you know, New England cape cod type homes in the
11 neighborhood. It drains. It functions better and
12 would be more aesthetically pleasing than the current
13 situation, which is a flat roof and it's fairly
14 uncommon.

15 And as Molly said, you know, just getting the
16 vehicles off the street, because there's a sidewalk out
17 here and relatively narrow space between the door and
18 the sidewalk. Hopefully, it would be a thing that
19 would be good and benefit the neighborhood and improve
20 the walkability with the architecture definitely being
21 sensitive to the existing surroundings. You know, with
22 having the gable face east and west as opposed to south
23 because that makes the overall volume of the garage

1 less -- you know, it's less dominant and more
2 subordinate to the existing structure of the house and
3 surrounding neighbors.

4 So having the fascia slope down towards the
5 street with a lower fascia as opposed to facing the
6 gable just, you know, creates a more friendly pathway
7 for people to walk. They're not, you know, walking and
8 seeing this imposing structure in the distance. And
9 then it kind of upgrades with the current situation
10 there now.

11 So I don't know if anybody has any questions
12 or anything or wants to see more. I have other photos
13 in the model which I can, you know, present if you guys
14 have other questions or need to see other views or
15 anything like that.

16 CHAIRPERSON PEDDIBOYINA: Yeah, Josh. We'll
17 come back on to the questions and answers later.

18 MR. DEE: Okay.

19 CHAIRPERSON PEDDIBOYINA: Any other things
20 you would like to add? Anything you, both? Anything
21 you want to add, anybody?

22 MR. ARMSTRONG: No. I think they summed it
23 up pretty well. When we decided that we wanted to do

1 something -- you know, I had actually wanted to come
2 out even closer to the street and Josh had advised us
3 that we're already on like a -- I don't know if it's
4 current -- an older variance or whatever. So he
5 recommended against that. So we tried to stay within
6 what is already there.

7 We're only trying to go just a little bit
8 wider so we can get with the modern times here. So
9 we're definitely not trying to, you know, overdo it
10 here or anything like that.

11 CHAIRPERSON KRIEGER: Okay. Thank you, David
12 and Molly.

13 Okay. Katherine, any other audience raising
14 their hand? Can you see anybody?

15 MS. OPPERMAN: No one is raising their hand
16 for this case.

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

19 And okay. Coming to the City. Charles, are
20 you there?

21 MR. BOULARD: Just one question, if I might,
22 Mr. Chairman, of the applicant.

23 CHAIRPERSON PEDDIBOYINA: Yes, please.

1 MR. BOULARD: The new larger garage,
2 obviously, extends further back to the north than the
3 existing because you're holding the south face even.
4 Is there a reason that -- is there a particular reason
5 that you weren't able to move that even farther to the
6 north to lessen the variance?

7 MR. ARMSTRONG: Yeah. Well, we have a
8 sliding door that leads off of our kitchen out on to
9 our deck. So we're going back as far as we can before
10 we interfere with that.

11 MRS. ARMSTRONG: Yeah.

12 MR. BOULARD: Thank you.

13 CHAIRPERSON PEDDIBOYINA: Thank you, Charles.
14 I appreciate it.

15 Correspondence, Katherine? Acting secretary,
16 any correspondence tonight for this case, please?

17 MS. OPPERMAN: Certainly.

18 CHAIRPERSON PEDDIBOYINA: Thank you.

19 MS. OPPERMAN: There were 42 letters sent,
20 one returned, one approval from a Mark Stern,
21 S-t-e-r-n, and no objections.

22 (Court reporter clarification.)

23 CHAIRPERSON PEDDIBOYINA: Okay, thank you,

1 Katherine, I appreciate.

2 And, yeah, looks I've visited your property
3 two days back. I see that now you have practical
4 difficulty and you expressed your thought. You know,
5 on the issue what happened to your car also and all
6 these practical difficulties for you. And about my
7 City, Charles's, accommodation.

8 And putting all these things to my board and
9 I'm open to the board members to speak on this case
10 tonight.

11 Anybody who would like to ask any questions
12 on this case, board members, on this case?

13 MEMBER SANGHVI: Yes, Mr. Chair.

14 CHAIRPERSON PEDDIBOYINA: Yeah, Member Mav
15 Sanghvi, just go ahead, sir.

16 MEMBER SANGHVI: Thank you. I came and saw
17 this place yesterday. It's a corner lot. They have a
18 fire hydrant which is not too far from there and they
19 also have some very nice trees there. My only question
20 is what are they going to do with the trees?

21 MR. ARMSTRONG: I can answer you on that.
22 I'm a -- I get very irritated whenever trees are cut
23 down in this neighborhood. It makes me insane. So I

1 want to -- we might have to do a little bit of
2 trimming, which we probably would have to do anyway,
3 but I don't want to remove any of the trees. Except
4 for possibly that pine tree which, you know, it's kind
5 of leaning towards the house anyway and it's too close.
6 If we remove that, I would like to replace it with
7 something better anyway. But I love these trees.

8 MRS. ARMSTRONG: Yeah.

9 MR. ARMSTRONG: This is why we want to live
10 in this neighborhood. So I promise you we're not
11 wanting to take down any trees at all.

12 MEMBER SANGHVI: Thank you. I have no
13 difficulty in granting their request. Thank you.

14 CHAIRPERSON PEDDIBOYINA: Thank you, Member
15 Sanghvi. You asked my question. That was the same
16 question I had. That's good.

17 Any other board would like to speak on this
18 case, please?

19 MEMBER MONTAGUE: Yes, please.

20 CHAIRPERSON PEDDIBOYINA: Yeah.

21 MR. MONTAGUE: I would like to thank them for
22 maintaining the current location of that and we should
23 note that they did maintain that location and it is

1 definitely a hardship of the site in terms of getting a
2 modern vehicle in there. So I am supportive of this as
3 well.

4 CHAIRPERSON PEDDIBOYINA: Thank you, Member
5 Montague.

6 Any other board member would like to speak on
7 this case, please?

8 MR. SANKER: Yeah. I had a question about
9 where on -- well, first, thanks for that presentation.
10 It's very helpful.

11 And then, if you can go back to the site
12 plan. I thought the variance was requesting the south,
13 I guess, the road the architect was cruising down on
14 the Google map. Is that the variance setback or is it,
15 like, backyard, from the backyard?

16 MR. DEE: I can share my screen again, if you
17 want to see.

18 CHAIRPERSON PEDDIBOYINA: Yes, I appreciate
19 it. One more time for my members.

20 MR. DEE: Yup. So because it's a corner
21 lot --

22 MEMBER SANKER: Okay, yeah.

23 MR. DEE: -- and we're requesting to work in

1 right here.

2 MEMBER SANKER: Oh, yeah.

3 MR. DEE: So there's more than 35 feet from
4 the rear lot line to where we're proposing.

5 MEMBER SANKER: Okay. And that is considered
6 the backyard, right?

7 MR. DEE: Yeah. So this is kind of
8 considered the rear yard.

9 MEMBER SANKER: You have the two front yards?

10 MR. DEE: Yeah, right. So this is Westridge
11 and then this is Gallway.

12 MEMBER SANKER: And the side yard's set back?

13 MR. DEE: Yeah.

14 MEMBER SANKER: And did you build this house
15 or did you buy it already built?

16 MR. ARMSTRONG: It was built in 1970, I
17 think. There's been -- that garage, I think, was an
18 addition at some point in the past.

19 There's been -- you know, there's another --
20 that other bump-out in the back of the house, I think,
21 where we're sitting right now, that was an addition at
22 one point in time. But, yeah, the original house was
23 built in 1970 and we bought it as it was.

1 MRS. ARMSTRONG: Yeah. That's as it exists
2 today.

3 MEMBER SANKER: Okay. That makes sense to
4 me. Yeah, I see why you need that variance. So I'd be
5 in support of it. Thanks.

6 MRS. ARMSTRONG: Thank you.

7 CHAIRPERSON PEDDIBOYINA: Thank you, Member
8 Sanker.

9 Any other board member?

10 MEMBER VERMA: Yes. This is Ramesh Verma.

11 CHAIRPERSON PEDDIBOYINA: Yes, Member Verma.
12 Please go ahead.

13 MEMBER VERMA: Since he's extending it, the
14 house was built in 1970, did his architect tell him
15 about asbestos and other things in the existing wall?

16 MR. ARMSTRONG: Well, yeah, that -- I think
17 we talked about that. The garage that would be removed
18 and replaced, that's newer than 1970, though. I have
19 nothing in our records that would tell us when it was
20 built, but that was an addition well after the original
21 home was constructed.

22 MEMBER VERMA: The original home was
23 constructed in 1970 and the garage was added?

1 MRS. ARMSTRONG: Correct.

2 MR. ARMSTRONG: Correct.

3 MEMBER VERMA: But you don't have a record of
4 when it was built?

5 MEMBER KRIEGER: I can barely remember, but I
6 can remember that.

7 MRS. ARMSTRONG: (Laughter) No way. Yeah, I
8 don't -- we haven't found anything here that would tell
9 us when that was added. It definitely was because we
10 have an extra living room.

11 MEMBER KRIEGER: '80s. Probably in the
12 '80s.

13 MRS. ARMSTRONG: Probably.

14 MR. ARMSTRONG: And there's no insulation or
15 anything in that garage now. It's just some drywall
16 that's peeling off. It's just a mess.

17 MEMBER VERMA: Well, whenever doing the
18 construction, we will check about those type of
19 things.

20 MRS. ARMSTRONG: Yeah. Thank you. That's a
21 good point. Yup.

22 CHAIRPERSON PEDDIBOYINA: Thank you, Member
23 Ramesh.

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Any other board member?

(No response.)

CHAIRPERSON PEDDIBOYINA: Okay. Looks Like seeing none. It's motion time. Member Sanker?

MEMBER SANKER: Yes. I move that we grant the variance in case number PZ21-0001 sought by the petitioners for the 15-foot side yard setback because the petitioner has shown practical difficulty requiring the variance.

Without the variance, the petitioner will be unreasonably prevented or limited with respect to the use of the property because they won't be able to have a normal garage that can fit two modern day cars.

The property is unique because it's a corner lot and they purchased the property with the house already built on it and it was situated close to the side yard. The petitioner did not create the condition because they purchased it with the house on there. The relief granted will not unreasonably interfere with the adjacent or surrounding properties because the garage pretty much already sits where it's going to end up and no neighbors objected to the current garage site.

The relief is consistent with the spirit and

1 the intent of the ordinance because the petitioners
2 will be able to update the house to a more modern time
3 and it is, basically, the least amount of variance they
4 need to accomplish that.

5 MEMBER KRIEGER: Second.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 Thank you, Linda and thank you, Member
8 Sanker. Any other discussion on this case?

9 MEMBER SANGHVI: No.

10 CHAIRPERSON PEDDIBOYINA: All right. Seeing
11 none. Katherine, can you please roll call?

12 MS. OPPERMAN: Certainly.

13 CHAIRPERSON PEDDIBOYINA: Thanks.

14 MS. OPPERMAN: Member Krieger?

15 MEMBER KRIEGER: Yes.

16 MS. OPPERMAN: Member Montague?

17 MEMBER MONTAGUE: Yes.

18 MS. OPPERMAN: Chairperson Peddiboyina?

19 CHAIRPERSON PEDDIBOYINA: Yes.

20 MS. OPPERMAN: Member Sanghvi?

21 MEMBER SANGHVI: Yes.

22 MS. OPPERMAN: Member Sanker?

23 MEMBER SANKER: Yes.

1 MS. OPPERMAN: Member Thompson?

2 MEMBER THOMPSON: Yes.

3 MS. OPPERMAN: Member Verma?

4 MEMBER VERMA: Yes.

5 MS. OPPERMAN: Motion passes.

6 MRS. ARMSTRONG: Thank you.

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 Congratulations, both of you.

9 MR. ARMSTRONG: Thank you.

10 CHAIRPERSON PEDDIBOYINA: And that brings us
11 to the third case tonight. PZ21-0003, Novi Road Retail
12 Management, LLC, 26222 Novi Road, east of Novi Road and
13 north of Grand River Avenue, parcel number
14 50-22-14-352-002. The applicant is requesting the
15 variances from the Novi Zoning Ordinance Section
16 3.1.25.D for a 5.2-foot exterior side yard, south
17 setback, 20 feet required by code. A variance of
18 14.8 feet. This property is zoned Town Center, TC.

19 Is the applicant present?

20 MR. LANDRY: Yes, Mr. Chairman?

21 CHAIRPERSON PEDDIBOYINA: Oh, hello. How are
22 you, sir?

23 MR. LANDRY: Good.

1 CHAIRPERSON PEDDIBOYINA: Okay. Can you
2 present what we can help you with and please spell your
3 first and last name for the court record and the
4 secretary will take the vote. Thank you, David.

5 MR. LANDRY: My name is David Landry,
6 L-a-n-d-r-y, and I represent Novi Road Retail
7 Maintenance, LLC. I'm here tonight with our engineer
8 Mr. Mitchell Harvey and the representative of the
9 owner, Ms. Heather Hanika.

10 CHAIRPERSON PEDDIBOYINA: Thank you, David.

11 (Court reporter clarification.)

12 MR. LANDRY: The representative of the
13 developer is Ms. Heather Hanika, H-a-n-i-k-a.

14 CHAIRPERSON PEDDIBOYINA: Katherine, are you
15 there?

16 MS. OPPERMAN: Yes, I am.

17 MEMBER KRIEGER: You don't have to.

18 MR. SCHULTZ: No oaths for an attorney. You
19 don't have to. He's already under oath. He's an
20 officer of the court.

21 CHAIRPERSON PEDDIBOYINA: I know. Thank you
22 so much.

23 Okay, you can proceed what we can help you

1 on, sir.

2 MR. LANDRY: Thank you. I represent the
3 developer. This is a redevelopment of an existing site
4 that is currently occupied by what was a Fifth Third
5 Bank. This is on the east side of Novi Road between
6 Grand River and I-96. Actually, it's between Crowe
7 Drive and Crescent right next to the Boston Market.

8 We appeared before the Planning Commission on
9 January 13 and we obtained unanimous approval for our
10 preliminary site plan. Contingent, of course, on
11 receiving a single variance from the ZBA for a decrease
12 in the side yard parking setback. Section 3.1.25.D
13 provides for a 20-foot setback.

14 The existing side yard setback -- this is
15 along Crowe Drive. The front is Novi Road. So Crowe
16 Drive would be the side yard. Right now with that
17 Fifth Third Bank, it's only an 8.4 foot setback. We're
18 requesting a 5.2 foot setback. My understanding from
19 reading all the reviews is that the administration
20 supports this due to the narrowness of the site.

21 This redevelopment includes taking a single
22 use building and replacing it with a multi-use. We're
23 going to have two tenants. We're going to bring it up

1 close to Novi Road. There would be brick pavers in the
2 front with benches. This is consistent with the TC,
3 Town Center, district, pedestrian walkability. And
4 virtually all of the redevelopment along Novi Road
5 involves taking these buildings and bringing them up.
6 Because what that does is it doesn't make Novi Road
7 seem so large. It brings it in so you don't have this
8 massive road.

9 So we are consistent with all the other
10 developments. We specifically mirror the development
11 on the other side of Crowe Drive, which is the Crowe
12 development. I was involved in that in 2017 when that
13 was approved.

14 We are also eliminating a curb cut onto Novi
15 Road which I think the Planning Commission thought it
16 was important and I did, too. Because right now you've
17 got cars going into the car wash. You've got cars
18 going into Crowe Drive in the Novi Town Center. And
19 right now there's also a curb cut going into the bank.
20 We're eliminating that. So the only way to get into
21 this now is to go into Crowe Drive and then pull into
22 this unit.

23 We are, along the side yard where we're

1 requesting this setback, installing a sidewalk, a small
2 brick wall with a wrought iron type fence on top, which
3 will complete the symmetry directly to the south of
4 Crowe Drive. So there will be two sidewalks, two brick
5 walls, two wrought iron type fences.

6 The decrease in setback is needed because
7 when we bring this building up close to the road, we
8 need this space for parking and also a turning radius
9 for fire vehicles. However, it should also be noted
10 that just like Crowe Drive, which was granted an almost
11 identical variance to the south, the brick wall and the
12 wrought iron type fence will screen the cars. So one
13 of the reasons for the setback is to get the vehicles
14 away from the roadway from the site with that brick
15 wall. And I've attached a couple of photographs to the
16 letter I submitted which show the existing brick wall
17 and cars parked behind it.

18 Again, this is consistent with the Town
19 Center's theme. Analyzed under the review standards of
20 a variance, this physical condition is unique because
21 this lot is very small for the Town Center. It's 1.17
22 acres and it is surrounded on three sides by roads.

23 It's a very unique piece. I think the piece

1 on the other side of Crowe is the only other piece that
2 small surrounded by three streets.

3 It's not self-created. We didn't lay the
4 streets out. Strict compliance would not allow us to
5 develop this small-time tenant, pedestrian-friendly
6 with adequate turning radius. It's the minimum
7 variance necessary.

8 Other developments in the TC district have
9 also been granted variances across the street at Crowe.
10 But also important, in 2011 Wal-Mart was granted a zero
11 variance. So this is the minimum. We're not asking
12 for zero. We're just asking for enough to let us park
13 our cars and turn the fire trucks.

14 There's no adverse impact on the surrounding
15 area. In fact, we think exactly the opposite. It
16 would enhance it. We're completing the symmetry with
17 the two brick walls going down Crowe Drive and the
18 wrought iron fence eliminating the curb cut. So,
19 again, from everything I've seen, the administration is
20 supporting this. The Planning Commission did.

21 We're here standing by to answer any
22 questions which the Zoning Board may have. Thank you.

23 CHAIRPERSON PEDDIBOYINA: Thank you so much,

1 David Landry. I appreciate your excellent
2 presentation.

3 Coming to the -- Katherine, any of the
4 audience is raising their hands for comments?

5 MS. OPPERMAN: No. No audience member is
6 raising their hand.

7 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
8 much.

9 From the City, Charles?

10 MR. BOULARD: Nothing to add, Mr. Chairman.

11 CHAIRPERSON PEDDIBOYINA: Thank you so much.

12 Okay. Correspondence, our acting secretary,
13 Katherine, can you please proceed on the correspondence
14 for tonight on this case?

15 MS. OPPERMAN: Yes. There were 32 letters,
16 seven letters returned. No approvals. No objections.

17 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
18 much.

19 Okay. And thank you so much, David Landry.
20 I appreciate your excellent presentation, the way you
21 presented. And apart from that, I seen the property
22 also.

23 And coming to board members, please present

1 your concern or anything on this case. It's open to
2 the board members.

3 MEMBER VERMA: Ramesh Verma.

4 CHAIRPERSON PEDDIBOYINA: Yes, Member Verma,
5 please go ahead.

6 MEMBER VERMA: I just wanted to know that,
7 there are some honey locust trees there, three or four
8 of them. So when they are building the wall, what
9 happens to these trees?

10 MR. LANDRY: Mitchell, can you answer that
11 question? I know we submitted the site plan --

12 MR. HARVEY: Yeah, I can ...

13 MR. LANDRY: -- and before the Planning
14 Commission we talked about the trees. We're adding
15 trees, aren't we, Mitchell?

16 MR. HARVEY: Yes. So right now I think there
17 is four trees out there.

18 MEMBER VERMA: Yeah.

19 MR. HARVEY: Those honey locust trees. We're
20 going to be able to save three of them and then we're
21 going to be planting an additional one, two, three
22 trees along there. So we'll replace the one that we're
23 removing and then add two more.

1 MEMBER VERMA: You're adding where, those
2 two? Which site?

3 MR. HARVEY: They're along Crowe Drive. That
4 side there.

5 MEMBER VERMA: Okay. Thank you.

6 CHAIRPERSON PEDDIBOYINA: Thank you, Member
7 Verma.

8 Any other board member would like to speak on
9 this case tonight?

10 MEMBER SANGHVI: Mr. Chair?

11 CHAIRPERSON PEDDIBOYINA: Member Mav, please
12 go ahead, sir.

13 MEMBER SANGHVI: Yeah. Thank you. We know
14 this site. I know how small it is. My only question
15 is what kind of building is going up there?

16 MR. LANDRY: The site plan that we submitted
17 -- when you say "what kind of building," you're talking
18 about facade?

19 MEMBER SANGHVI: Yes.

20 MR. LANDRY: Well, I thought we submitted --
21 Mr. Harvey may be able to address that.

22 Did we submit facade samples, Mitch?

23 MR. HARVEY: Yeah. We submitted them to the

1 Planning Commission and they were approved. I mean, as
2 far as -- I can give you a high level. I'm not an
3 architect, but it's going to be a lot of stone,
4 brick-veneer type of materials, multi-tone materials, a
5 lot of masonry.

6 MEMBER SANGHVI: So this area you're going
7 to -- keeping in tune with the surroundings?

8 MR. HARVEY: Yeah. We're going to be keeping
9 it consistent with the Town Center Boulevard there.

10 MEMBER SANGHVI: Thank you.

11 CHAIRPERSON KRIEGER: Thank you, Member Mav.
12 Any other member would like to speak on this
13 case tonight, please?

14 MEMBER MONTAGUE: Yes, I would. If I could.

15 CHAIRPERSON PEDDIBOYINA: Yeah, Member
16 Montague. Please go ahead, sir.

17 MEMBER MONTAGUE: Thank you. I think it's a
18 nice addition to the area. Cutting off that curb cut,
19 I think, is a great idea because that is a messy area.
20 It is very dangerous. So I think we're getting that
21 out of it, plus getting the character around the site.
22 So I am fully in support of this variance.

23 CHAIRPERSON PEDDIBOYINA: Thank you, Member

1 Montague.

2 Any other board anybody would like to speak,
3 please?

4 MEMBER SANKER: I'll just say something real
5 quick. And basically, just echoing what Clift just
6 said. I think the presentation, you know, clearly was
7 satisfactory as far as showing a practical difficulty
8 and I think that we should do it.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Member
10 Sanker.

11 Any other board member?

12 MEMBER KRIEGER: I agree.

13 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.
14 Thank you so much.

15 And apart from that, thank you so much, Mitch
16 and David Landry. Excellent presentation. Coming to
17 our board members, they had a couple of questions. You
18 answered everyone very good.

19 That's a good property and good project. I
20 fully support on this.

21 And coming to the motion. Member Mav.

22 MEMBER SANGHVI: Okay. I move that we grant
23 the variance in the case number PZ21-0003 for Novi Road

1 Retail Management, LLC for parcel number
2 50-22-14-352-002. Because the petitioner has shown
3 practical difficulty requiring a variance of 14.8 feet
4 on the south exterior side yard from the Novi Zoning
5 Ordinance Section 3.1.25.D, and this property is zoned
6 Town Center.

7 Without the variance the petitioner will be
8 unreasonably prevented from developing this single-use
9 building into a multi-use property. The property is
10 unique because it is very small and it is surrounded by
11 private and public roads on three sides.

12 And because of the small size of it, they
13 require the variance on the south side to make it
14 pedestrian friendly access to the Town Center.

15 The property, as I already mentioned, is
16 unique and is very small. The petitioner did not
17 create this condition, and the minimum variance has
18 been recommended by the Planning Commission.

19 The relief granted will not unreasonably
20 interfere with adjacent or surrounding properties and,
21 as a matter of fact, they already detailed this in
22 their application.

23 And the relief is consistent with the spirit

1 and intent of the ordinance and this development has
2 multiple benefits and will not reduce any number of
3 parking spots. And this is a win/win situation.

4 All right. Thank you.

5 CHAIRPERSON PEDDIBOYINA: Thank you, Member
6 Mav.

7 MEMBER KRIEGER: Second.

8 CHAIRPERSON PEDDIBOYINA: Second, Linda.
9 Thank you.

10 CHAIRPERSON PEDDIBOYINA: And any other
11 discussion on this case, please?

12 Looks like seeing none.

13 All right. Katherine, can you please roll
14 call?

15 MS. OPPERMAN: Yes. Member Verma?

16 MEMBER VERMA: Yes.

17 MS. OPPERMAN: Member Thompson?

18 MEMBER THOMPSON: Yes.

19 MS. OPPERMAN: Member Sanker?

20 MEMBER SANKER: Yes.

21 MS. OPPERMAN: Member Sanghvi?

22 MEMBER SANGHVI: Yes.

23 MS. OPPERMAN: Chairperson Peddiboyina?

1 CHAIRPERSON PEDDIBOYINA: Yes, please.

2 MS. OPPERMAN: Member Montague?

3 MEMBER MONTAGUE: Yes.

4 MS. OPPERMAN: And Member Krieger?

5 MEMBER KRIEGER: Yes.

6 MS. OPPERMAN: Motion passes.

7 CHAIRPERSON PEDDIBOYINA: Thank you,
8 Mr. David Landry. Congratulations, both of you.

9 MR. LANDRY: Thank you very much. Thanks to
10 everyone.

11 CHAIRPERSON PEDDIBOYINA: Okay. Coming to
12 today's final case, PZ19-0049, Jason St. John, 22190
13 Beck Road, east of Beck Road and south of Nine Mile
14 Road, parcel number 50-22-33-100-013.

15 The applicant is requesting an extension to
16 variances previously approved by the Zoning Board of
17 Appeals on 1/14/2020. City of Novi Zoning Code 3.1.2
18 for a front yard setback of 19 feet, 30 feet allowed,
19 proposed variance is 11 feet; and a rear yard setback
20 of 15 feet, 35 feet allowed. Proposed variance is 20
21 feet, to accommodate the construction of a new house.
22 This property is zoned single family residence, R-1.

23 Is the applicant present, please?

1 MR. ST. JOHN: Yup. Jason St. John here.

2 CHAIRPERSON PEDDIBOYINA: Can you spell your
3 first and last name very slowly and our acting
4 secretary will take the oath, if you're not an
5 attorney.

6 MR. ST. JOHN: Sure.

7 CHAIRPERSON PEDDIBOYINA: Thank you. Please
8 proceed.

9 MR. ST. JOHN: First name Jason, J-a-s-o-n.
10 Last name St. John, S-t period space J-o-h-n.

11 MS. OPPERMAN: Thank you. And do you swear
12 or affirm to tell the truth in the case before you?

13 MR. ST. JOHN: I do.

14 MS. OPPERMAN: Thank you.

15 CHAIRPERSON PEDDIBOYINA: Thank you,
16 Katherine.

17 Jason, any other members who are speaking on
18 your behalf or you are the only person tonight on this
19 case?

20 MR. ST. JOHN: It will be just me tonight.

21 CHAIRPERSON PEDDIBOYINA: Okay. Thank you
22 and proceed on what we can help you with on this case,
23 please, tonight.

1 MR. ST. JOHN: Sure. So I came before the
2 board -- it was under the previous owner's name -- just
3 over a year ago now as I was in talks to purchase this
4 property. Looking to move a little bit closer to work
5 and love the area, found this place. It made perfect
6 sense since I had been looking for multiple years in
7 the area and unable to find something I'm interested
8 in, in my price range especially. So I came across
9 this.

10 The one hurdle with this parcel was the fact
11 that the parcel was in existence well before the
12 current zoning was enacted and if we're to follow the
13 current zoning as written for this parcel ...

14 I'm going to go ahead and share my screen
15 here for a moment just to revisit some of the stuff we
16 talked about.

17 (Document displayed.)

18 MR. ST. JOHN: So I'm assuming you can see my
19 screen here. If I was to follow the current zoning for
20 this parcel that was in existence before the zoning, I
21 would be left with a building envelope that is
22 approximately 18 feet deep by 55 feet wide. So I would
23 be able to, basically, build something that appears

1 much like a single wide trailer. In addition to that,
2 the current zoning would allow me to build a detached
3 garage, which would have to be at least 10 feet away
4 from the home or could be as close as six feet to the
5 rear and side property line.

6 I, myself, don't particularly desire a home
7 that looks like a -- you know, just a simple rectangle
8 and I would prefer it to, one, not have a detached
9 garage; and two, you know, some uniqueness to the site.
10 Give some more buffer to the neighbors that were there.

11 So with all these kind of considerations in
12 mind, went out and found a plan that I thought
13 architecturally fit the area better. And so this is
14 fundamentally what the home is going to look like. The
15 only real difference here would be the portion on the
16 left that is shown. The carport would actually be a
17 garage. So I think everybody would agree this fits the
18 area much better than just a simple rectangle box
19 would. You know, nice architectural features.

20 And so as I was trying to select a plan that
21 would fit the site, this is what we came up with. The
22 home itself I believe this about 1,500 square feet. So
23 I'm not trying to put a, you know, 6,000 square foot

1 mansion of any sorts on this small parcel. Something
2 that's a reasonably sized home for a reasonable family.
3 And keep with the character of the neighborhood.

4 The -- let me switch back here for a second.

5 (Document displayed.)

6 MR. ST. JOHN: So as you can see, you know,
7 the variances that were granted, the 15 feet rear
8 setback and the approximately 20 foot front setback
9 give me a larger distance to the neighboring parcels
10 than actually would be if I was to build to the current
11 zoning ordinance. Because, as I said, I would have to
12 put a detached garage back here. And based on the size
13 and everything, it would be six foot off both property
14 lines and now I'm 25 and 15.

15 The side setbacks I meet so that wouldn't
16 change anything.

17 So, basically, with the restrictions that
18 were in place, we probably did the best we could to
19 find something that fit the character of the
20 neighborhood and gave us as much buffer as possible to
21 the neighbors and I think all these factors went into
22 why it was unanimously approved at the meeting a year
23 ago.

1 Unfortunately, with the state of the world
2 that occurred near maybe a month after I closed on the
3 property and the variance was granted, one, I was
4 concerned that I might lose my job. Being in
5 automotive we seem to be quite cyclical in these kind
6 of things. So I was, one, not really too keen to start
7 a process of this scope; and then, two, as I did get a
8 little bit more comfortable as the year wore on, I
9 reached out to try to get some things in motion as
10 simple as getting somebody to come out and do a new
11 survey. You know, getting the site cleared and things
12 of that nature and the -- one, the backlogs that had
13 ensued from the time that everybody was shut down to
14 just people not being comfortable to work and
15 everything else, even simple things like that I was
16 struggling to get done.

17 So here I am a year later with a variance
18 that needs to be extended in order to continue on the
19 path that I would like to go down. So that's why I'm
20 before you guys tonight hoping to just extend this
21 variance and not have to go through the process again
22 of bringing it forth for a reapproval. If I did, it
23 would be the exact same thing that I, you know, brought

1 forth last time. There would be no changes. I don't
2 want anything different. I'm just hoping to get some
3 more time with the struggle with the world to get this
4 project rolling.

5 CHAIRPERSON PEDDIBOYINA: Okay, thank you,
6 Jason. Anything you want do add-on this?

7 MR. ST. JOHN: No. I think that's it for me.

8 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
9 much. Any other audience would like to speak? Any
10 other audience raising their hand, Katherine, you see?

11 Jason, can you take your presentation off,
12 please, from sharing on the screen?

13 MR. ST. JOHN: Sure.

14 CHAIRPERSON PEDDIBOYINA: Thank you.

15 MS. OPPERMAN: There are no one raising their
16 hand for this case.

17 CHAIRPERSON KRIEGER: Thank you so much.

18 Okay. From the City, Charles, anything? You
19 would like to talk on this case from the city?

20 MR. BOULARD: Nothing to add other than that
21 this is, indeed -- the conditions of the original
22 request did not change. This is a request simply that
23 is asking for an extension.

1 CHAIRPERSON PEDDIBOYINA: Thank you.

2 Correspondence, Katherine? Any other
3 correspondence for this case tonight?

4 MS. OPPERMAN: There is no new correspondence
5 sent out on this case. Per our city attorney because
6 this was just an extension request it did not need to
7 be (audio dropped) ...

8 (Court reporter clarification.)

9 MS. OPPERMAN: There is no correspondence
10 sent out for this case. Our city attorney's office
11 confirmed that because this was a simple extension
12 request, and they confirmed that because this was a
13 simple extension, there would not need to be
14 correspondence sent out once more.

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

17 Jason, thank you so much for your
18 presentation and thank you for, you know, coming to
19 this case. And let us see how things will go from
20 here. It's open to my board members. So it's open to
21 the board.

22 MEMBER THOMPSON: Yeah. I can verify with
23 Jason on the weekly basis.

1 CHAIRPERSON PEDDIBOYINA: Okay, sir.

2 MEMBER THOMPSON: Yeah. I agree with Jason.
3 He's going to have, you know, the problems with getting
4 a builder creates -- people buy the site, it probably
5 pushed him back quite a bit. So I feel for him.

6 CHAIRPERSON SANGHVI: Okay. Thank you,
7 Member Thompson.

8 And any other board member would like to
9 speak on this case, please.

10 MEMBER SANGHVI: Mr. Chair?

11 CHAIRPERSON KRIEGER: Member Sanghvi, please
12 go ahead, sir.

13 MEMBER SANGHVI: Yeah. I think this is only
14 just an extension for the permit time from what I
15 gather. And I have no problem extending it for another
16 year. Thank you.

17 CHAIRPERSON PEDDIBOYINA: Thank you, Member
18 Sanghvi.

19 Any other board member, please?

20 MEMBER KRIEGER: I have a question. The
21 property, is it on Beck Road? So if they widen Beck
22 Road, what happens then? Are we still okay?

23 MR. SCHULTZ: Through the Chair, the City's

1 plans to widen or not widen are not really before the
2 board tonight. I think we've addressed the issue when
3 I considered this the first time, maybe a year ago. So
4 you should just consider the existing setbacks and make
5 the determination the way you did last time around.
6 And in fact, this is, you know, as the Chair said, this
7 is just an extension.

8 MEMBER KRIEGER: Okay.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Attorney
10 Tom.

11 Any other board member who would like to
12 speak on this case?

13 Okay. Looks like seeing none. It's time to
14 motion.

15 Member Sanker, can you make a motion please?

16 MEMBER SANKER: Yup. I move we grant the
17 extension to the variance in case number PZ19-0049
18 sought by the petitioner for the construction of a new
19 house because he's shown the practical difficulty
20 requiring the extension due to COVID-19.

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

23 MEMBER THOMPSON: I can second that.

1 MEMBER KRIEGER: Second.

2 CHAIRPERSON PEDDIBOYINA: Okay, Member
3 Thompson. Thank you for second.

4 Any other discussion on this case?

5 MEMBER SANGHVI: Can we you put an extension
6 for one year, specify one year?

7 MEMBER SANKER: Can we do a two-year
8 extension? Because he might have to come back in a
9 year.

10 MEMBER SANGHVI: All right.

11 MEMBER SANKER: Can we do that?

12 MR. SCHULTZ: I'll take a look.

13 CHAIRPERSON PEDDIBOYINA: One second.

14 MR. SCHULTZ: Charles, do you know if we have
15 done more than one year before?

16 MR. BOULARD: I'm not aware of more than a
17 year.

18 MR. SANKER: We'll just do the year.

19 MR. BOULARD: I would think, if I understand
20 that section of the ordinance, it would be a year from
21 today's date as opposed to the original date that it
22 would be a year, but I could stand corrected on that.

23 MEMBER SANKER: Let's make it simple. He can

1 come back.

2 MR. SCHULTZ: Yeah. Make it simple for the
3 year. We'll take a look into that.

4 MEMBER SANKER: Yeah. Yeah.

5 CHAIRPERSON PEDDIBOYINA: Thank you, Tom.

6 And thank you, Charles.

7 And thank you, Member Sanker.

8 And thank you, Member Sanghvi.

9 Okay. Who is making a second?

10 MEMBER SANGHVI: Second.

11 CHAIRPERSON PEDDIBOYINA: Thank you, Member
12 Sanghvi.

13 Any other discussions?

14 All right. Looks like seeing anyone.

15 Katherine, please call roll call.

16 MS. OPPERMAN: Certainly. Member Krieger?

17 MEMBER KRIEGER: Yes.

18 MS. OPPERMAN: Member Montague?

19 MEMBER MONTAGUE: Yes.

20 MS. OPPERMAN: Chairperson Peddiboyina?

21 CHAIRPERSON PEDDIBOYINA: Yes, please.

22 MS. OPPERMAN: Member Sanghvi?

23 MEMBER SANGHVI: Yes.

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MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Thompson?

MEMBER THOMPSON: Yes.

MS. OPPERMAN: And Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

And congratulations, Jason. Good luck.

That brings tonight all the cases and I'm
making a motion to adjourn. Say all in favor.

THE BOARD: Aye.

CHAIRPERSON PEDDIBOYINA: Adjourned. Thank
you.

(At 8:19 a.m., meeting adjourned.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, 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 seventy (70) 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

February 22, 2021
(Date)