

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

October 9, 2018

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, October 9, 2018.

BOARD MEMBERS

Linda Krieger, Chairperson

David M. Byrwa

Joe Peddiboyina

Siddharth Mav Sanghvi

Samuel Olsen

Cindy Gronachan

Brent Ferrell

ALSO PRESENT:

Lawrence Butler, Community Development Deputy Director

Elizabeth Saarela, City Attorney

Katherine Oppermann, Recording Secretary

Certified Shorthand Reporter, Diane Szach

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Novi, Michigan
Tuesday, October 9, 2018
7:00 p.m.

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CHAIRPERSON KRIEGER: Good evening.
Welcome to the Novi Zoning Board of Appeals October.
9th, Tuesday in 2018. And if we can all rise for the
Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON KRIEGER: If Katherine can call
the roll.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Present.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Here.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Present.

MS. OPPERMANN: Member Olsen?

MR. OLSEN: Here.

MS. OPPERMANN: Member Nafso is absent.

Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

MS. OPPERMANN: And Member Sanghvi?

1 MR. SANGHVI: Yes.

2 CHAIRPERSON KRIEGER: This is a public
3 hearing format, and the rules of conduct are in the
4 back by the door to come in. Also it's televised at
5 home for those that can't make it here, and we also
6 have the pedestal with the overhead that if there are
7 pictures, that they can see at home, too.

8 And that brings us to the approval of our
9 agenda. We have an agenda as is? Any changes?

10 MS. OPPERMANN: The changes were changed
11 from the original newspaper notice in that PZ18-0045
12 was cancelled in its entirety, and PZ18-0046 has been
13 postponed until the November meeting.

14 CHAIRPERSON KRIEGER: Very good. So we
15 have an agenda. And all in favor?

16 THE BOARD: Aye.

17 CHAIRPERSON KRIEGER: Okay. None opposed.
18 Minutes for August 2018, any changes or --
19 none. We'll have a motion.

20 MR. SANGHVI: So moved.

21 MS. GRONACHAN: Second.

22 CHAIRPERSON KRIEGER: Then all in favor?

23 THE BOARD: Aye.

24 CHAIRPERSON KRIEGER: None opposed. Very
25 good, we have our minutes approved.

1 Public remarks. If you have a statement
2 about the case that -- public remarks other than what
3 the case is before us, then people are usually free to
4 come up, but since we don't have any, then we'll just
5 close that and go to our public hearings which leads
6 us to our first case, PZ18-0043, Ahmad Ozeir, 44015
7 Settlers Creek, west of Novi and south of Grand River.
8 The applicant is requesting a variance from the City
9 of Novi Zoning Ordinance Section 3.1.5 for a 16 foot
10 variance for a proposed 19 foot rear yard setback for
11 a sunroom addition, 35 minimum required. And the
12 property is zoned Single Family Residential (R-4).

13 And if you can come to the podium, state
14 your name, spell your name for the court recorder, and
15 proceed with your case, thank you. And be sworn.
16 Thank you.

17 MR. OZEIR: My name is Ahmad Ozeir,
18 A-h-m-a-d O-z-e-i-r.

19 CHAIRPERSON KRIEGER: Are you an attorney?

20 MR. OZEIR: No, I'm not.

21 CHAIRPERSON KRIEGER: Our secretary will
22 swear you in.

23 MR. OLSEN: Please raise your right hand.
24 Do you swear to tell the truth in this case?

25 MR. OZEIR: I do.

1 CHAIRPERSON KRIEGER: Proceed. Thank you.

2 MR. OZEIR: Basically I think on the
3 application this is what we stated that we'd like the
4 variance to put a sunroom there. In the back of our
5 house there is a pond or a small lake, manmade lake
6 where we get a lot of mosquitos, so we don't get to
7 enjoy basically our summers outside. So basically the
8 sunroom would be mostly glass, and it's going to be
9 sitting on the top of an existing deck. So we're not
10 going any further than what the deck is built now, but
11 we're going to basically put the glass on the top of
12 it and then a roof.

13 CHAIRPERSON KRIEGER: All right. And
14 that's it?

15 MR. OZEIR: That's it.

16 CHAIRPERSON KRIEGER: Okay. And seeing no
17 audience participation, I will go to the
18 correspondence first.

19 MR. OLSEN: There were 32 letters mailed,
20 one letter returned, zero approvals, zero objections.

21 CHAIRPERSON KRIEGER: Very good. And from
22 the city?

23 MR. BUTLER: Basically I just want to say
24 that our staff commented that the new sun porch is
25 supposed to built on an existing pad taking up the

1 same square footage as that pad that's there. And
2 also that the pond is approximately 100 feet away from
3 the location of the sunroom. So during the wet
4 seasons, there's probably a lot of water sitting in
5 there. Also, open decks are allowed to extend 18 feet
6 into the rear yard setback. Covered in porches are
7 normally not according to code, and that's why he's
8 here for the variance.

9 CHAIRPERSON KRIEGER: Thank you,
10 Mr. Butler.

11 We'll open it up to the board for
12 questions.

13 Yes, Member Sanghvi.

14 MR. SANGHVI: Thank you. I came and
15 visited your place last Saturday and looked around.

16 MR. OZEIR: I wish I would have knew. I
17 would have had you up for coffee.

18 MR. SANGHVI: It's not a very easy street
19 going the long way in from the cross street, but you
20 have a beautiful home in a very nice neighborhood. I
21 see you don't have much room other than asking for the
22 variance. So I will be in support of your variance
23 request. Thank you.

24 MR. OZEIR: Thank you.

25 CHAIRPERSON KRIEGER: Other questions?

1 Yes, Member Gronachan.

2 MS. GRONACHAN: I really don't have a
3 question. I concur with the previous speaker in that
4 there was an existing deck. It's pretty wooded back
5 there. With that pond I'm sure and in Michigan given
6 the weather conditions and as you mentioned that
7 mosquitos, 100 feet is not a big distance when you
8 have the challenges that you have in your backyard.
9 So given that this is already an existing deck, and
10 it's because of the ordinance that is requiring this
11 variance, given the topography, also given the
12 conditions that we cannot predict with the weather and
13 the amount of rain that we have, I would be in full
14 support of this.

15 MR. OZEIR: Thank you.

16 CHAIRPERSON KRIEGER: I'm curious. The
17 deck, is that on a cement pad or how are you --

18 MR. OZEIR: It's not currently, but when we
19 do the sunroom, we're going to take the deck out and
20 pour a cement instead.

21 CHAIRPERSON KRIEGER: I'm also in favor as
22 per previous members' speeches and wish you good luck.

23 MR. OZEIR: Thank you very much. I
24 appreciate it.

25 CHAIRPERSON KRIEGER: Member Peddiboyina.

1 MR. PEDDIBOYINA: Yes. I came to your
2 application and I also see the photograph here of what
3 you're building, and I have no objections. Thank you.

4 CHAIRPERSON KRIEGER: Member Byrwa.

5 MR. BYRWA: Yes. This is more of a
6 building question. But he would be required to put a
7 footing under that slab to prevent heaving or moving
8 of the glass structure?

9 MR. BUTLER: Yes.

10 MR. OZEIR: The plan is have an architect
11 draw it, and then we're going to submit it basically
12 to the city for --

13 MR. BYRWA: Yes. You don't want it heaving
14 or moving once that ground freezes, and you would be
15 well-served and I think it's going to be required that
16 you have an actual footing under there so that nothing
17 moves when that ground freezes.

18 MR. OZEIR: Gotcha. Will do.

19 MR. BYRWA: Great. Thank you.

20 MR. OZEIR: Thanks.

21 CHAIRPERSON KRIEGER: Very good.

22 MR. BUTLER: Madam Chair. Also, there were
23 no previous variances on this property.

24 CHAIRPERSON KRIEGER: Okay. I appreciate
25 that. Thank you.

1 Do we have a motion?

2 MR. OLSEN: I will.

3 CHAIRPERSON KRIEGER: Thank you.

4 MR. OLSEN: I move that we grant the
5 variance in Case Number PZ18-0043 sought by Ahmad
6 Ozeir for the 16 foot variance in proposed 19 rear
7 yard setback because the petitioner has established
8 that the property is unique as it has numerous large
9 trees and backs up to an existing park which causes
10 practical difficulty relating to the property
11 including some or all the following criteria.

12 The petitioner has established that the
13 property is unique because of the shape of the lot and
14 due to the proximity of the park and pond, and the
15 condition is not a personal or economic hardship
16 because the need for the variance is not self-created
17 as the park was put there before and it makes it
18 difficult to enjoy it outside during the wet years.

19 It won't make it unnecessarily burdensome
20 to comply with the regulation because they're looking
21 to replace the deck with a sunroom and not necessarily
22 build outward past where it currently is.

23 The petitioner has established that the
24 variance is the minimum variance necessary, because a
25 lesser variance would not allow them to have a closed

1 area from where the deck currently rests.

2 The requested variance will not cause
3 adverse impact on the surrounding property, property
4 values, or the enjoy of the property in the
5 neighborhood or zoning district because it's an
6 improvement to the property and should not impact its
7 neighbors.

8 MS. GRONACHAN: Second.

9 CHAIRPERSON KRIEGER: All right. We have a
10 motion and a second. We'll have Katherine call the
11 roll.

12 MS. OPPERMANN: Member Byrwa?

13 MR. BYRWA: Yes.

14 MS. OPPERMANN: Member Ferrell?

15 MR. FERRELL: Yes.

16 MS. OPPERMANN: Member Gronachan?

17 MS. GRONACHAN: Yes.

18 MS. OPPERMANN: Chairperson Krieger?

19 CHAIRPERSON KRIEGER: Yes.

20 MS. OPPERMANN: Member Olsen?

21 MR. OLSEN: Yes.

22 MS. OPPERMANN: Member Peddiboyina?

23 MR. PEDDIBOYINA: Yes.

24 MS. OPPERMANN: Member Sanghvi?

25 MR. SANGHVI: Yes.

1 MS. OPPERMANN: Motion passes.

2 CHAIRPERSON KRIEGER: Congratulations.

3 MR. OZEIR: Thank you very much.

4 Appreciate it.

5 CHAIRPERSON KRIEGER: All right. Since the
6 other two cases have been cancelled or postponed from
7 today, that moves us to our public hearing or other
8 matters. Are there any other matters?

9 Seeing none, a move to adjournment?

10 MS. GRONACHAN: So moved.

11 MR. SANGHVI: Second.

12 CHAIRPERSON KRIEGER: All in favor?

13 THE BOARD: Aye.

14 CHAIRPERSON KRIEGER: All right. We're
15 adjourned. Thank you.

16 (Meeting adjourned at 7:10 p.m.)

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C E R T I F I C A T E

I, Diane L. Szach, 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 (12) pages, is a true and correct transcript of my said stenograph notes.

Diane L. Szach

Diane L. Szach, CSR-3170
(Acting in Wayne County)
Oakland County, Michigan
My Commission Expires: 3/9/24

October 23, 2018.