

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

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

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

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Linda Krieger, Secretary

Siddharth Mav Sanghvi

Clift Montague

Michael Longo

Michael Thompson

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, July 13, 2021
7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Good afternoon, everybody. Welcome to the Novi Zoning Board of Appeals. Today is July 13th, 7:00 p.m. and after pandemic. We are meeting after so long, and after this we are all, you know, excited to meet in person, every board member, and all the applicants on the case and the Novi city, a good city. And thank you so much and welcome.

And also, I'd like to do the Pledge of Allegiance followed by Michael. Please all of you stand up.

Thank you.

(Pledge of Allegiance recited)

CHAIRPERSON PEDDIBOYINA: Thank you, Michael. Please be seated.

Okay. Our secretary is getting water. Thank you so much.

Kathy, can you please roll call?

MS. OPPERMAN: Yes, I can.

1 CHAIRPERSON PEDDIBOYINA: Thank you.

2 MS. OPPERMAN: Member Krieger?

3 MEMBER KRIEGER: Present.

4 MS. OPPERMAN: Member Malott is absent,
5 excused.

6 Member Montague?

7 MEMBER MONTAGUE: Here.

8 MS. OPPERMAN: Chairperson Peddiboyina?

9 CHAIRPERSON PEDDIBOYINA: Yes, please.

10 MS. OPPERMAN: Member Sanker is absent,
11 excused.

12 Member Sanghvi?

13 MEMBER SANGHVI: Yes.

14 MS. OPPERMAN: And Member Thompson?

15 MEMBER THOMPSON: Yes.

16 MS. OPPERMAN: And Member Longo?

17 MEMBER LONGO: Present.

18 MS. OPPERMAN: Thank you.

19 CHAIRPERSON PEDDIBOYINA: Thank you. And we
20 have enough quorum?

21 MS. OPPERMAN: Yes, we do.

22 CHAIRPERSON PEDDIBOYINA: Thank you. And

23 let's move. All right. We have a board and a quorum

1 and roll call.

2 And Public Format and Rules of Conduct, you
3 have seen in the back there is a format on everything,
4 if you have any questions on those.

5 Coming to the approval of agenda on May and
6 June. Somebody can make a motion?

7 MEMBER SANGHVI: What is that?

8 CHAIRPERSON PEDDIBOYINA: Agenda. Meeting
9 minutes.

10 MEMBER SANGHVI: Yes.

11 MEMBER KRIEGER: I don't have any changes so
12 I move to approve the minutes for May and June.

13 MEMBER MONTAGUE: I second.

14 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
15 Do you have any questions, Katherine?

16 MS. OPPERMAN: We do also need to make a
17 motion to approve the agenda. There was an update on
18 the other matters where we removed potential
19 reconsideration of case PZ21-0011 as it was determined
20 that they already had the chance to be reconsidered
21 last month and it was not done so and that's the only
22 update on the agenda.

23 CHAIRPERSON PEDDIBOYINA: Okay. Do you want

1 to make an agenda to be added on this board? To be
2 added for a proposal on that one?

3 MEMBER KRIEGER: I move to approve the agenda
4 as amended.

5 MEMBER SANGHVI: Thank you. Second.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 MEMBER KRIEGER: All in favor?

8 CHAIRPERSON PEDDIBOYINA: Say "Aye" all in
9 favor.

10 THE BOARD: Aye.

11 CHAIRPERSON PEDDIBOYINA: Thank you. All
12 right. We have an approval of the agenda.

13 (Cell phone ringing.)

14 Public remarks, any questions on the public
15 remarks? Anyone have any questions?

16 (No response.)

17 Okay. Try to please turn off your phones.

18 And as well when you are here, please come to the
19 podium and spell your first and last name very clearly
20 for our court secretary. And also we have our
21 projector and we can watch it.

22 Today we have almost six cases. Am I right,
23 Katherine? Today is six cases we have?

1 MS. OPPERMAN: Correct, yes.

2 CHAIRPERSON PEDDIBOYINA. And, yeah, let's
3 move to the first case. Before moving to the first
4 case, any public hearing? Any remarks or any changes
5 before I move to the first case? After that I cannot
6 change anything, please.

7 (No response.)

8 CHAIRPERSON PEDDIBOYINA: Seeing none. Okay.
9 Thank you.

10 Okay, today's first case is PZ21-0022, Dan
11 and Wendi Williams, 1419 West Lake Drive, east of West
12 Park Drive and south of West Pontiac Trail, parcel
13 50-22-03-204-021.

14 {{The applicant is requesting the variance
15 from the City of Novi Zoning Ordinance, Section 3.1.5
16 for a side yard setback of five feet, 10 feet minimum
17 required, a variance of five feet; an aggregate total
18 side yard setback of 17.75 feet, 25 feet required,
19 variance of 7.25 feet; and a proposed lot coverage of
20 32 percent, 25 percent maximum allowed, a variance of 7
21 percent.

22 Section 3.32-7 for a proposed deck 13.5 feet
23 from the rear yard's property line, 17 feet minimum

1 required, a variance of 3.5 feet.

2 Section 4.19.1.E(i) for the construction of a
3 1157 square foot garage, maximum of 850 square feet
4 allowed by code, a variance of 307 square feet.

5 Section 3.1.5 for a third story, 2.5 stories
6 allowed by code.

7 These variances would accommodate the
8 building of a new home and deck. The property is zoned
9 single family residential, R-4. The case was postponed
10 from the June 8, 2021 meeting.

11 Is the applicant present? Please come to the
12 podium. Please spell your first and last name clearly
13 and if anybody is representing you, now would be the
14 time to join on your behalf. Thank you so much.

15 Katherine, can you take this?

16 Secretary?

17 MEMBER KRIEGER: If you could, just state
18 your names and spell them for our court recorder.

19 MR. WILLIAMS: Dan Williams, D-a-n,
20 W-i-l-l-i-a-m-s.

21 MS. WILLIAMS: And Wendi Williams, W-e-n-d-i,
22 W-i-l-l-i-a-m-s.

23 MEMBER KRIEGER: And if you could raise your

1 right hand.

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

4 MS. WILLIAMS: I do.

5 MR. WILLIAMS: I do.

6 MEMBER KRIEGER: Thank you.

7 CHAIRPERSON PEDDIBOYINA: Thank you so much,
8 Linda.

9 And thank you so much. You can proceed what
10 we can help you with, where we can proceed on this
11 case. Thank you.

12 MS. WILLIAMS: Do you want us to restate the
13 variances whatever you stated?

14 CHAIRPERSON PEDDIBOYINA: Yeah. Whatever you
15 want you can present where we can help you and how we
16 can resolve your case. Thank you.

17 MR. WILLIAMS: Well, first of all, thank you
18 for taking the time to hear our case. I appreciate
19 that very much.

20 We're here because some people are concerned
21 about, you know, the size of the house that we're
22 proposing to build and obstructing their views from
23 across the street. People who live in the back lots.

1 CHAIRPERSON PEDDIBOYINA: Can you please talk
2 louder or pull your mics closer? Thank you so much.

3 MR. WILLIAMS: Yes. And we understand that
4 people are concerned and that they have been enjoying
5 views across our unimproved property for years, but now
6 we do want to improve the property and build a
7 contemporary home at this location.

8 While this does impact some of our neighbors'
9 views, I just wanted to point out that I have met with
10 each one of the neighbors separately and in all cases
11 have made modifications to the design in an effort to
12 accommodate the neighbors' requests and have re-emailed
13 those. We're very close.

14 I'm kind of surprised that we actually have
15 written objections still. I thought that we had
16 concurrence in a couple of cases where we don't. In
17 all candor, I'm a bit disappointed because of my
18 architectural re-engineering with TK Design in South
19 Lyon, Michigan. You know, just, basically, the expense
20 and time to go through all that effort and find out
21 that there's still, you know, objections. But I
22 understand those objections and I would like to address
23 those.

1 MEMBER KRIEGER: Do you have a -- you're
2 going to put information up on the board?

3 MS. WILLIAMS: My understanding is that the
4 members all have the packet.

5 MEMBER KRIEGER: We do. But for the viewers
6 at home.

7 MR. WILLIAMS: Oh, sure. Yes. It's on this
8 hard drive here. We can do that.

9 CHAIRPERSON PEDDIBOYINA: Yes, please.

10 MS. WILLIAMS: I have a thumb drive.

11 CHAIRPERSON PEDDIBOYINA: Thank you. Thank
12 you, Linda.

13 MS. OPPERMAN: If I could, just so the board
14 is aware, the over screen is not currently working.
15 They only have laptop access. So possibly not all
16 applicants will have that ability, but all of the
17 materials are available online for anyone that wants to
18 view them.

19 MS. WILLIAMS: Should I give this thumb drive
20 to someone?

21 CHAIRPERSON PEDDIBOYINA: Yes. You can try
22 it.

23 MS. WILLIAMS: Just try to plug it in?

1 MS. OPPERMAN: Um-hmm.

2 (Pause.)

3 (Document displayed.)

4 MR. WILLIAMS: That's perfect. That's good.

5 MRS. WILLIAMS: Can everyone see that?

6 CHAIRPERSON PEDDIBOYINA: Yes, we can see it.

7 MR. WILLIAMS: That's really good there.

8 So this is a really nice recap here where it
9 shows lot coverage. Ordinance is 25 percent and we're
10 looking for 30 percent. It would be a five percent
11 variance. Front yard set back is 31 feet and we're
12 going to be 30 feet. So there's no variance requested
13 there.

14 The backyard setback for the house is 39
15 feet, 10-inches from the rear lot line. The ordinance
16 is 35 feet. So there's no variance for the rear yard
17 setback on the house.

18 But we are asking for a rear yard setback on
19 the deck. Where the ordinance is 17 feet and we want
20 to be 13 feet. And then the same variances would need
21 to be granted, if I understand it correctly, for the
22 deck. Where we're a five-foot side yard setback, you
23 know, the deck would continue along that same path of

1 being five foot from the side yard.

2 There is an existing garage at the location
3 now and it's about in the same spot where the new
4 garage would go. So the overall footprint is quite
5 similar; the new house compared to the old house. The
6 difference being that the new house, you know, is
7 taller, higher. The new house also would be further
8 from the lot line. We're asking for a variance for
9 that five-foot setback. The current home is two and a
10 half feet from the lot line.

11 And then another -- so it would be an
12 improvement. I know that it's not compliant with the
13 code, you know, but the five foot would be further than
14 what it is right now.

15 The other improvement would be with the size
16 of the deck, where the current deck is -- and there's
17 several objections about that and I can speak to those
18 separately, is around 2400 square feet. The new deck
19 is about a thousand square feet smaller than the
20 existing deck.

21 One of the variances is the rear yard setback
22 where the code is 17 feet. You know, the back of the
23 deck is supposed to be 17 feet from the rear yard lot

1 line and we're wanting to encroach upon that 17 feet by
2 about --

3 MS. WILLIAMS: Three and a half.

4 MR. WILLIAMS: Three and a half.

5 So we would be asking for a variance on that.
6 I also would like to point out that the current deck
7 completely goes to the rear yard. It literally touches
8 the rear lot line. So kind of like on the other side
9 of the house where it's two and a half feet, the five
10 foot is what we're asking for. It's better on the back
11 of the lot, but not compliant with the code and that's
12 why we're here.

13 The back of the deck as it is right now is
14 along the lot line and this would bring it back away
15 from the lot line by about 13 and a half feet. So the
16 new deck would be -- I'm just repeating myself a little
17 bit there -- would be smaller and further from the rear
18 yard lot line

19 And I don't know how much -- do you want me
20 to speak to the objections of the neighbors or what
21 would you like me to do?

22 CHAIRPERSON PEDDIBOYINA: No. Not at this
23 time.

1 MR. WILLIAMS: Okay.

2 CHAIRPERSON PEDDIBOYINA: Thank you.

3 And I would like --

4 MS. WILLIAMS: I guess, Dan, I think the only
5 other thing I would suggest that we point out in this
6 point is this page where you talk about -- where we
7 talked about --

8 MEMBER LONGO: Can you go over to the mic,
9 please?

10 MS. WILLIAMS: Sorry. You may just want to
11 speak to this page which talks about some of the
12 accommodations we gave up. Really, I think the table
13 at the bottom is a summary of what we have tried to
14 summarize. You know, what has been approved on the
15 lake and in most cases we're asking for less than
16 what's been approved and we just thought we would point
17 that out.

18 MR. WILLIAMS: Oh, yeah. That's a nice recap
19 there. It just shows that the variances that we're
20 asking for are consistent with the history of variances
21 that have been granted over the years and we considered
22 that when we designed the house.

23 And then the other thing is -- it's not in

1 writing anywhere. But if I was in your position
2 thinking oh, this guy's crazy. He's building a huge
3 house or something like that, it's not that big of a
4 house. What makes it seem kind of big is we want to
5 have a first floor master suite. So as soon as you put
6 the master bedroom on the first floor, you know, then
7 that creates a bigger footprint like that. I don't
8 know if I'll ever go upstairs. You know, I didn't go
9 upstairs in my last house. I hardly go upstairs in the
10 house I have right now.

11 We need that for guests, for resale and other
12 factors. I'm planning on living on the first floor of
13 this house which is not, you know, real big. It's
14 whatever it is, 1800 square feet or something like
15 that. I just want to point that out. It's a first
16 floor master suite. Each time we get into crunching
17 the house smaller in the one case we made it narrower
18 and it's always the master suite that is kind of the
19 constraint on the design, the first floor master suite.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

21 Thank you so much. Anybody in the audience
22 would like to speak on this case?

23 Please come to the podium.

1 Yeah. I would like to request any audience
2 or any member, the time limit for this case, I forgot
3 to tell you, anybody, three minutes. Please make a
4 note. Thank you so much. I appreciate your support.

5 Please proceed.

6 MEMBER KRIEGER: I forget. Do I have to
7 swear him in?

8 MS. OPPERMAN: Yes.

9 CHAIRPERSON PEDDIBOYINA: Please go ahead,
10 Linda.

11 MEMBER KRIEGER: If you could spell your name
12 for the court recorder.

13 MR. CONDON: Michael Condon, M-i-c-h-a-e-l,
14 C-o-n-d-o-n.

15 MEMBER KRIEGER: Do you swear or affirm to
16 tell the truth in this case?

17 MR. CONDON: Yes, I do.

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

20 MR. CONDON: Hello. My name is Michael
21 Condon and I live to the north of the Williams. And I
22 give them a lot of credit. We did talk about a lot of
23 things to try to make things work but in the end we

1 couldn't agree on everything.

2 But, anyway. I've lived in Novi for over 30
3 years and I've built three houses on Walled Lake. So I
4 know there is challenges, okay, and I did have to
5 request the variance on one of them. And I was talking
6 to some neighbors that have not came here over the
7 course of the last couple of years and they've live to
8 regret it. So that's kind of what brings me here. I
9 want to kind of keep on planning with what our city
10 planners had planned.

11 On the application that I had got off the
12 internet, it said the circumstances for hardship to
13 request a variance, it said the shape of the lot and it
14 says on there that it's 45 foot wide at the roadside.
15 And it is 45 foot wide at the roadside, but the key is
16 it's 90 foot wide at the lake. Which actually makes it
17 one of the biggest lots in the neighborhood. It's so
18 big, matter of fact, at one time it used to be a duplex
19 back in the old days, okay?

20 And when I look at the site plan, okay, I
21 guess I just look at this and I see house and garage
22 and concrete and a deck and it's just not typical with
23 what is in the neighborhood. And in going through it I

1 got confused because on one of the things it says
2 proposed residence 2122 square feet. That's per floor
3 is what I saw online, okay? And by the time you add
4 that up to three floors and a full living area -- or a
5 full gym or whatever over the garage, you're like 7400
6 square foot of house, which is pretty big for our
7 neighborhood and nobody has a four-car garage that's
8 being requested and nobody has a 1500 square foot deck.

9 We all moved on the lake for the view of the
10 lake. And if you're going to put a deck with railings
11 on it, while I appreciate some of the modifications
12 they made for the deck with the railings, it's still
13 just way too much. And when you live on a lake, your
14 backyard is kind of really your front yard. And by
15 allowing the deck to go out that far, it's really going
16 to start blocking the view and it's going to set a bad
17 precedent on what is allowed on the lake.

18 So the other big key is they're requesting
19 seven variances. Yes, you can look at each one and
20 say, well, it was given here. It was given here. But
21 on one house, seven variances, it seems pretty
22 excessive for what is already one of the largest lots,
23 if not the largest, in the neighborhood.

1 And it's just going to totally -- I think
2 it's going to look like a multi-family apartment
3 building there. It's just so big that -- you know,
4 that's why I'm here saying I think seven variances is
5 too much. I don't think that's what the city planners
6 when they came up with the ordinances had in mind that
7 a Zoning Board would give leeway on. So I ask you on
8 that, you know, to stay with what was the intentions of
9 the planners, historically. Because I think it's
10 blocking a lot of view in a lot of places and it's just
11 too big for what's in the neighborhood.

12 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

13 MR. CONDON: Thank you.

14 CHAIRPERSON PEDDIBOYINA: Thank you for
15 staying in your time of three minutes. Thank you so
16 much.

17 Any other in the audience would like to speak
18 before I move?

19 Looks like seeing none.

20 From the City?

21 MR. BUTLER: Only thing I had to say was
22 there is no limit to the amount of variances that
23 anybody could ask for their property. So they're

1 within their rights to ask for their variances, which
2 is up to the ZBA Board to determine whether they're
3 going to give them to them or not.

4 And as to the square footage of the home,
5 square footage is what's sitting on the property. It
6 doesn't matter what size the other floors are. It's
7 still just that square footage sitting on the property.
8 That's all I have. Thank you, sir.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Larry.
10 Correspondence, Member Linda?

11 MS. OPPERMAN: It'll be on the folder itself
12 underneath all of the attachments.

13 MEMBER KRIEGER: The sent 32; returns, zero;
14 approvals, three; objections, six?

15 MS. OPPERMAN: Um-hmm.

16 MEMBER KRIEGER: Okay. Very good.

17 First one is objection: "This is not a
18 hardship case. The Williams moved to this house from a
19 new house down the same street. I see no reason to
20 push the limits this far," from Bruce Bernard.

21 Objection: "See attached letter, from
22 Raymond Aught (ph). Note the side yard setback on the
23 garage on the south side could remain --"

1 Is it two sides?

2 "To Zoning Board, I am Williams' neighbor
3 that is located to the southwest of the residence. On
4 July 8, '92, I purchased my home at 1425 West Lake
5 Drive. I purchased it for two reasons; one, view,
6 usage of the lake; two, future increase in real estate
7 value. Twenty-nine years later these still remain my
8 top concerns. I'm writing to the zoning board to
9 protect these two concerns.

10 "View, usage of the lake: One of my concerns
11 with the Williams' house plans is the effect it will
12 have on my views of the lake. I am not asking for any
13 better views than I had when I bought my house, but I
14 don't feel that my views should be any worse either.
15 All I am asking is that the views be kept as close to
16 the same as possible. The following are two options
17 that I am propose to ensure that my lake views remain
18 close to what I have now.

19 "Option one: Build the new house at the
20 existing house setback from the lake. In 2017, '18,
21 the Williams shared several versions of their house
22 plans with me. One of the plans had their new house
23 being built closer to the lake than their existing

1 house resulting in my views of the lake being blocked,
2 reduced. I shared with them I would like it if they
3 would keep the new setback from the lake the same as
4 the existing house, build the lakeside wall of the new
5 house in the same location as the old house. The
6 Williams pointed out that even building at the current
7 setback, my views were going to be obstructed because
8 the current house's second floor roof line is slanted
9 away from the lake giving me a broad view of the lake
10 whereas the Williams' new design would be a straight up
11 wall blocking part of my view.

12 "I indicated that if they built at the
13 setback of the existing house, I would accept the
14 obstructions caused by the new wall design. The
15 Williams seemed very understanding of my concerns and
16 indicated they would have the plans redrawn. I have
17 reviewed the Williams' new plans. I appreciate that
18 the Williams have increased the house setback from the
19 lake from 44 feet in the original plan to 47 feet;
20 however, this still results in the new house being
21 built two feet closer to the lake than the current
22 house limiting the views out of my side windows on both
23 the main floor and second floor. I know that two feet

1 does not seem like a lot but it is when it is a
2 three-story wall that has been moved forward towards
3 the lake in front of my windows.

4 "Option two: Build the new house with equal
5 split of north and south side yard setback. Another
6 option could be to reposition the house deck on the
7 lot. If the Williams kept their 47-foot setback on the
8 south corner and simply moved their home toward the
9 north lot line, it might keep some of my view. This
10 would be -- could be accomplished a number of different
11 ways, including the Williams have proposed building 12
12 feet nine inches from the north lot line to improve the
13 view for my neighbors.

14 "For neighbors who do not live on the lake,
15 the Williams are requesting a five foot setback
16 variance so they can build five feet from the south lot
17 line. Perhaps we could split the side yard setbacks
18 and build eight, feet 11 inches from each lot line,
19 thus centering the house on the lot.

20 "Note, the side yard setback for the garage
21 on the south side could remain at five feet to
22 accommodate the property size at the street. This
23 option has many advantages. It satisfies the Williams'

1 desire to keep the 47-foot setback on the corner,
2 reduces total side yard setback variance required,
3 maintains much of the lake view for the non-lakefront
4 neighbors, keep some of my lake view.

5 "Real estate values: Real estate values is a
6 little bit more difficult to address. The question is
7 how do you determine the future real estate value of
8 your home? There are so many factors that affect real
9 estate values. In this case, I think we can consider
10 how do we think the Williams' design will affect my
11 property values. A three-story house with a two-story,
12 four-car garage, a structure covering 30 percent of the
13 lot, built five feet from south property line, I think
14 it raises a number of questions. Will the effect be
15 positive? Will the effect be negative or will it be a
16 combination of both? Would anyone want to live in my
17 home directly next to a home that size? What would
18 someone be willing to pay for my property?"

19 And then it goes on and he summarizes. And
20 keep reading it verbatim?

21 MS. SAARELA: You can just summarize these
22 letters. You don't have to read them word for word.
23 So you can just indicate it's a denial and pick the

1 high points without having to read the whole letter.

2 MEMBER KRIEGER: So real estate values and a
3 view of the lake. And that was the summary of those
4 issues and then more detail.

5 The next one is from Mike and Georgie
6 Batalucco on West Lake.

7 (Court reporter spelling clarification.)

8 MEMBER KRIEGER: Yup. Mike and Georgie is
9 G-e-o-r-g-i-e; and then Batalucco, B-a-t-a-l-u-c-c-o.

10 "We are the owners of 117 Recston, which is a
11 back lot situated behind the Williams' address and is
12 afforded a view of the lake. Due in large part to the
13 current size of the Williams' residence, Dan and Wendi
14 Williams' openness and communication about their
15 planned new construction of the home needing multiple
16 zonings has been much appreciated. We personally
17 voiced our concerns in regards to the variances the
18 Williams seek that will obstruct the view of the lake
19 as other back lot owners like us.

20 "Additionally, we often see neighbors walk
21 down West Lake Drive enjoying the openness and
22 occasional view of the lake. Although we do understand
23 the Williams owned the lakefront property, the scope

1 and scale of the proposed new home will further
2 diminish any already dwindling lake atmosphere that the
3 community offers. In addition, we believe we paid a
4 premium for our home due to their being views allowing
5 to sit on their patio in the backyard and enjoy the
6 already obstructed view of the lake and lake-like
7 atmosphere created by the lake views."

8 It goes on similarly.

9 "Given, we did not receive a copy of the
10 proposed home plans with Zooming meeting. As we did in
11 the prior adjourned meeting, we did not know the
12 additional variance --"

13 Okay. And thank you for their consideration.

14 Another one from Michelle Wood. "First, I
15 want it on the record that I did not approve the plans.
16 I had a brief conversation with the applicant and
17 expressed my concerns. I never saw the plot plan. I
18 did not realize how much of the real estate the
19 proposed home took up. For once again, it is my
20 opinion the proposed structure is excessive for the lot
21 size and should be limited to the existing footprint
22 and not exceed the height of the adjacent homes.

23 "Finally, I would appreciate the council

1 members or the zoning members to keep in mind that the
2 neighborhood common lake lot that was maintained by the
3 neighborhood for decades was taken away several years
4 ago left with a small view of the lake. Please do not
5 allow the view to be reduced any further," from
6 Michelle Wood.

7 Objection from S. Zanotti, Z-a-n-o-t-t-i, on
8 Recston.

9 "What are building codes for? In fact, what
10 are zoning boards for if the builders are able to
11 bypass constantly the codes that are in place? The
12 codes were established for a reason. Remodel should be
13 restricted to original footprint of the building and
14 structures on the property. To call this a single
15 family structure is ridiculous and now they want more
16 variances. Either upload the codes or put a motion out
17 to change the zoning codes to the people in Novi and
18 let them decide."

19 Approval from Tim Richardson on 1511 West
20 Lake. "I approve provided the neighbor on the south
21 side approves the five-foot setback."

22 "Hi, I've lived at 1430 West Lake for 21
23 years, the proposed new home on 1419 West Lake Drive

1 looks gorgeous and I am in support of the variances,
2 thank you." Jennifer Sinkevics, S-i-n-k-e-v-i-c-s.

3 Objection from James Seabold, 1405 West Lake,
4 "Neither the size or shape, reason given in their
5 request, justifying a variance allowing construction of
6 a deck closer to the lake than current zoning
7 requirements. It's a nice-sized lot, quite deep and
8 vary at the lake, although narrower at the street.
9 Although building plans were altered to accommodate the
10 neighbors, I believe the current deck plans could still
11 interfere with the neighbors' view and subsequent
12 enjoyment of the lake. Please note the current deck,
13 which is closer to the lake than the proposed deck, was
14 installed without a permit and at that time was an
15 empty lot to the north. The new deck will be
16 significantly higher in elevation than the current deck
17 and that combined with any type of railing will
18 significantly impair the view of the lake despite
19 diagrams and proposal to the contrary.

20 "The proposed deck is extremely large. If
21 the variance is not granted the resulting deck will
22 still be quite large. The request also states the
23 variance is needed to accommodate a new covered deck.

1 I'm not sure what is meant by a covered deck, but that
2 should be clarified. There is no cover noted in the
3 plans. Certainly a large deck can be accommodated
4 without the variance. These are good neighbors and it
5 looks like it will be a beautiful home. I just don't
6 think this rear yard variance is needed or justified.

7 "The standard setback will not unreasonably
8 prevent building on the property. The proposed rear
9 setback is not the minimum variance necessary for a
10 construction of a home and deck and could have adverse
11 effect on the neighbors and surroundings."

12 Approval from Daniel and Justin Weinger,
13 W-e-i-n-g-e-r, on 1523 West Lake. "Home improvements
14 are good for the neighborhood and increase home
15 values."

16 And that's it.

17 CHAIRPERSON PEDDIBOYINA: Thank you so much
18 Member, Secretary, Krieger. I appreciate your time.
19 Thank you so much.

20 Okay. Dan and Wendi, I appreciate for your
21 presentation and also there is the people on the
22 neighbors. I hear you. And, yeah, let us see what we
23 can do. I'll put it on the board.

1 Board members, this is the time you can speak
2 up. Anybody? It's open.

3 MEMBER KRIEGER: Could you put a picture or
4 rendering that you have in our packet of what the house
5 is going to look like? Just so everybody at home can
6 see what we're talking about.

7 MS. WILLIAMS: Yes, there is in the package,
8 but it's not on this disc.

9 MEMBER KRIEGER: It's not on your clip?

10 MS. WILLIAMS: Sorry, no.

11 MEMBER KRIEGER: Okay.

12 MS. WILLIAMS: But it does not look like a
13 multi-family dwelling unit. And it's not 7400 square
14 feet. It's approximately 3400.

15 MR. WILLIAMS: It's specific northwest
16 design.

17 MEMBER KRIEGER: Wait. I'm sorry. If you
18 speak, you have to speak at the podium with the mic.
19 And then my question is to clarify three stories versus
20 height requirement and what's the difference or how are
21 they the same.

22 MR. BUTLER: It's two and a half stories.

23 MEMBER KRIEGER: It's two and a half stories.

1 So the height?

2 MS. OPPERMAN: It's 35 feet or two and a half
3 stories whichever is less is the requirement. And
4 they're requesting three stories.

5 MS. WILLIAMS: And 33 feet in height.

6 MR. WILLIAMS: So it's less than the height.
7 The height spec is 35 max.

8 MEMBER KRIEGER: And that's similar to the
9 homes along the street?

10 MR. WILLIAMS: The newer homes. The older
11 homes are shorter.

12 CHAIRPERSON PEDDIBOYINA: Okay. Linda, you
13 can proceed.

14 MR. WILLIAMS: But to answer your question
15 about the design, it's specific northwest. TK Design
16 from South Lyon did it. Some people call it the Frank
17 Lloyd Wright look. It's the hip roof with the
18 horizontal lines.

19 MEMBER KRIEGER: Yeah. I wanted you to put
20 it up there because I thought it was a beautiful
21 picture of the house. I wanted everyone at home to
22 appreciate what the intent is.

23 MR. WILLIAMS: Yeah. It is beautiful. It's

1 really well done.

2 MEMBER KRIEGER: I still am digesting all the
3 notes and everything. So I would like to hear from
4 other members first.

5 CHAIRPERSON PEDDIBOYINA: Okay, Member
6 Krieger. Thank you.

7 Any board member would like to speak?

8 Member Sanghvi, please go ahead.

9 MEMBER SANGHVI: Thank you, Mr. Chair.

10 Good evening, Mr. and Mrs. Williams. Welcome
11 to ZBA. First of all, I want to accommodate you for a
12 very beautiful application you have prepared. I came
13 and visited your property also a month ago before, you
14 were coming here previously, and looked around the
15 neighborhood.

16 I see you have taken the trouble to talk to
17 your neighbors. And I know everybody doesn't always
18 agree to what you're trying to do, but that's
19 inevitable in a democracy.

20 Every single property around the Walled Lake
21 is a nonconforming structure these days because the
22 ordinances have changed over the years. So everybody
23 needs some kind of variances to build anything better

1 than what is already existing. So I'm not surprised
2 you need quite a few variances.

3 I also note that in the publicized from the
4 ZBA you had 32 percent lot coverage but you are asking
5 for 30 percent now; is that correct?

6 MS. WILLIAMS: 32 percent is correct. I'm
7 sorry.

8 MEMBER SANGHVI: Please. Don't talk in the
9 middle, please. Thank you.

10 I'm asking the City.

11 MR. BUTLER: I misspoke.

12 MEMBER SANGHVI: Yes. I think it's 32
13 percent. We just saw it in the application. We have
14 advertised 32 percent.

15 MS. OPPERMAN: The calculations are in the
16 description.

17 MEMBER SANGHVI: And while you are doing
18 that, I also have another question for you.

19 MR. BUTLER: 32 percent she's asking.

20 MEMBER SANGHVI: Yes. That is what we
21 advertised, but they asked for 30 percent.

22 MEMBER KRIEGER: So if they're asking for 30,
23 then that's less.

1 MR. BUTLER: They can go less.

2 MEMBER SANGHVI: Because what I saw in the
3 presentation is 30 percent.

4 MS. OPPERMAN: If I may, we should go by what
5 is in the description. That is what was determined by
6 our building reviewer. If they do only end up needing
7 30 percent, that's great, but we should go by what is
8 written.

9 MEMBER SANGHVI: Another question for
10 Mr. Butler is how do you define attic as compared to a
11 floor? What's the difference?

12 MR. BUTLER: What was that again?

13 MEMBER SANGHVI: Between the attic and the
14 floor, when we're talking about he's doing a third
15 floor there, I think it's very important to distinguish
16 between a regular floor, which is minimum of 10 foot of
17 height, as compared to an attic.

18 MR. BUTLER: Because that is considered a
19 half height because it doesn't go all the way up to the
20 ceiling. So that's why we have it at two and a half
21 floors.

22 MR. SANGHVI: This is a half floor?

23 MR. BUTLER: Yes.

1 MEMBER SANGHVI: This is not three floors,
2 but two and a half floors?

3 MR. BUTLER: Yes.

4 MEMBER SANGHVI: Thank you.

5 Considering everything, I realize that you
6 asked for quite a few variances. But I think you got a
7 beautiful home there from whenever plans I have seen
8 and I think you're doing a good job of preparing all
9 these things and I have no difficulty in supporting
10 your application.

11 MR. WILLIAMS: Thank you.

12 CHAIRPERSON PEDDIBOYINA: Thank you, Member
13 Sanghvi.

14 Any other board member would like to discuss
15 on this case?

16 MEMBER MONTAGUE: Yes, please.

17 CHAIRPERSON PEDDIBOYINA: Yeah, please,
18 Member Clift. Go ahead.

19 MEMBER MONTAGUE: I applaud you in talking to
20 your neighbors, for sure. What concerns me is 32
21 percent lot coverage. It's getting very dense out
22 there and I do appreciate people wanting to see a lake
23 and that lot coverage is getting excessive. I don't

1 think because some other people have come through and
2 got some, I don't think we should keep stretching that.
3 So I do have a problem with that and I'd really like
4 you to look at that lot coverage and getting it down.

5 CHAIRPERSON PEDDIBOYINA: Thank you, Member
6 Clift.

7 Any other board member?

8 MEMBER THOMPSON: I have a question for you.
9 On the lot coverage and some of the other issues,
10 wouldn't a fair amount of them go away if you went to a
11 three-car garage instead of the four-car garage?

12 MR. WILLIAMS: Yeah. For sure, if we went to
13 a three-car garage, it would reduce the lot coverage.

14 MEMBER THOMPSON: Okay.

15 MR. WILLIAMS: We would still need all of the
16 other variances.

17 MEMBER THOMPSON: So if you went to a
18 three-car garage and moved the house back, because
19 there was one less garage needed, so couldn't the house
20 go back towards the road and the people that needed --

21 MR. WILLIAMS: When I look out my side
22 windows, I see my neighbor's house. When my neighbors
23 look out their side windows, they have some view of the

1 lake.

2 MR. CONDON: Incorrect.

3 MR. WILLIAMS: The reason is --

4 CHAIRPERSON PEDDIBOYINA: I'm sorry. Please
5 continue.

6 Your time is done. Please let him present.

7 And I'm sorry for that.

8 MR. WILLIAMS: Well, and very specific, real
9 specific, let's go to the pinch point on the design.
10 It's a great question. I love it --

11 The pinch point on the design is in the
12 southeast corner of the house effecting the property to
13 the south. And when I look out my window to the south,
14 I see the side of their home. When they look out their
15 window on my side of the house to the north, they see
16 the lake. And the reason why is because their house is
17 seven feet closer to the lake than my house is.
18 They're compliant with the code, the 35-foot setback.
19 I'm going to be compliant with the setback. There's no
20 variance request for the setback from the lake, from
21 the rear yard.

22 So, yeah, I'm moving it out two feet, but not
23 two feet past their house. Their house is still five

1 feet closer to the lake than mine. It's hard to
2 explain, but ...

3 MEMBER THOMPSON: It's hard for me to
4 understand. My thought is just that I don't want your
5 master bedroom to be any smaller. I get that --

6 MR. WILLIAMS: Well, no. What you're
7 bringing up is a good point. You're right. Bring the
8 house closer to the road. But then if I bring the
9 house closer to the road, I'm burrowing the house
10 between the houses and, specifically, the house to the
11 south.

12 So when I look out my front window -- forget
13 about the side window. He's saying -- he can see the
14 lake everywhere out his front windows. He's saying --
15 and it says in writing -- out his side windows he sees
16 my house. If I did what you're proposing, pulled my
17 house back even more behind his house, when I look out
18 my front windows, I wouldn't see the lake at all. I
19 would see his house with the lake.

20 It's great to pull the house off the lake
21 more, but it kills the view.

22 MEMBER THOMPSON: It wouldn't kill the view
23 from the deck and, like, really where do you want to be

1 anyways?

2 MR. WILLIAMS: The master suite is in that
3 corner, the southeast corner of the house.

4 MEMBER THOMPSON: So the setback is not an
5 issue?

6 MS. WILLIAMS: We're not requesting a rear
7 yard setback.

8 MR. WILLIAMS: There's no request for the
9 rear yard setback on the house.

10 MEMBER THOMPSON: I'm trying to figure out
11 with listening to the neighbors say, you know, what's
12 the hardship and this and that, I'm just trying to
13 figure out if there is other alternatives to get the
14 house that you want without -- I mean, steal from the
15 garage.

16 MR. WILLIAMS: Make an invisible house.

17 MS. WILLIAMS: We did have a lot of this
18 dialogue with the neighbors and we really -- I mean,
19 the house is like, Mr. Ott's statement said that, well,
20 geez, just center it between the setbacks without
21 pushing it, you know, five feet off the south property
22 line. Well, if we did that, then the neighbors on the
23 other side are going to not be happy.

1 MR. WILLIAMS: Yeah, if you move it --
2 another solution, like Wendi was saying, is move the
3 whole house north, then it completely eliminates the
4 objection from the neighbor to the south.

5 Well, if we move the house further to the
6 north as he's proposing, it's a good idea. Then we'd
7 have three neighbors that are adversely effected. One
8 of them is in this room that would be opposed to that.

9 So we're going for the five-foot setback on
10 the right-hand side of the house and the 12 and a half
11 or whatever it is, 13 feet. I think 12 and a half on
12 the north side of the house, 17 foot total. We see
13 tons of them are five foot on both sides, tons, very
14 large homes.

15 And it goes back -- really, I should have
16 started with it -- the first floor master suite. If we
17 put that master bedroom upstairs, we could eliminate a
18 lot of this.

19 MEMBER THOMPSON: I -- okay.

20 CHAIRPERSON PEDDIBOYINA: Are you done?

21 MEMBER THOMPSON: Confused. But, yeah, I'm
22 good.

23 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

1 Any other board member?

2 MEMBER KRIEGER: May I add to that?

3 CHAIRPERSON PEDDIOBOYINA: Yeah.

4 MEMBER KRIEGER: Or Mike.

5 CHAIRPERSON PEDDIBOYINA: Mike, go ahead. Do
6 you want to speak?

7 MEMBER LONGO: No.

8 CHAIRPERSON PEDDIBOYINA: Member Krieger, you
9 want to say something?

10 MEMBER KRIEGER: Yes.

11 CHAIRPERSON PEDDIBOYINA: Okay. Please go
12 ahead.

13 MEMBER KRIEGER: The picture of the house
14 that shows the diagram, I guess that would work, except
15 it's looking sideways instead of how it would be
16 sitting on the lake.

17 The south side is going to be farther away
18 from the lot line?

19 MR. WILLIAMS: Correct. The current house is
20 two and a half feet and the new house would be five.

21 MEMBER KRIEGER: Very good. And then the
22 deck footprint -- what is the footage of the deck
23 footprint?

1 MR. WILLIAMS: Approximately 2400 square
2 feet. The new deck would be 900 square foot smaller.

3 MEMBER KRIEGER: So the deck would be
4 smaller. You're keeping the master bedroom for resale
5 value, I guess, is on the first floor. I don't know
6 how supply and demand works on that.

7 MS. WILLIAMS: No. It's not for resale. I'm
8 sorry.

9 MEMBER KRIEGER: Okay.

10 MS. WILLIAMS: It's for our own personal
11 health. I broke my knee and my wrist last year and
12 we're not comfortable living with the second floor --

13 MR. WILLIAMS: There's a very high likelihood
14 we'll have an elevator in the house. It would be
15 within the confines of the footprint that we've
16 outlined here.

17 MEMBER KRIEGER: Very good. If you move as
18 previously suggested the house further west -- yeah,
19 then that possibly could obstruct view from the people
20 in the subdivision on other streets.

21 So with your current plan, I appreciate you
22 started back in 2018 speaking with neighbors about
23 building a new property. So that is forethought and

1 good planning. The plan itself that you presented in
2 our packet is an excellent packet presentation. The
3 house is beautiful. It is similar to other home
4 requests that have been granted on West Lake in
5 different areas.

6 Each house is unique. Each property size is
7 unique, topography is different. I appreciate when I
8 drive by over the years the fence that you have on the
9 north side, all the flowers every year. As I've
10 learned from before location, location, location. When
11 you buy a house that something can happen. The house
12 that I'm in, the prior owner built it and there was
13 nothing to the east of the house and all of a sudden a
14 subdivision popped up and he moved.

15 So you can't please everybody. You can
16 please some people some of the time. You can't please
17 all the people all the time. This is a unique plan.
18 It is -- the requests are seven requests, but
19 considering the presentation and the footprint of the
20 first floor, the height is stated as three stories but
21 is in height permissible per the ordinances. So it's
22 two and a half because it's an attic space.

23 You're willing to reduce it to a three-car

1 garage and stated that it could be 30 percent, which is
2 less than 32 percent printed in our packet for the
3 public to review. The lake view, they pay a premium
4 for lake view. It's an adjustment. Everybody's got to
5 see that Novi is evolving. That the homes of the '40s
6 when this location was first built meets the ordinances
7 of the past. People who are moving in now have a
8 different demand and idea and considering all the
9 elements I would move to accept the request.

10 MEMBER SANGHVI: Second.

11 CHAIRPERSON PEDDIBOYINA: No.

12 MEMBER KRIEGER: That wasn't a motion, but
13 thank you.

14 CHAIRPERSON PEDDIBOYINA: No, no, no. This
15 is not the motion. Everybody, please, listen.

16 Member Krieger, thank you so much. And it's
17 time for the motion.

18 MEMBER SANGHVI: Yeah. You can make a formal
19 motion now.

20 CHAIRPERSON PEDDIBOYINA: Member Michael,
21 please go ahead and make a motion.

22 MEMBER LONGO: In addition to what she said,
23 I move that we grant the variance in case PZ21-0022

1 sought by Daniel and Wendi Williams for two side yard
2 variances, maximum coverage variance, deck rear yard
3 variance, maximum garage variance and a third story or
4 half story, whatever that thing is variance, because
5 the petitioner has shown practical difficulty fitting a
6 modern home on this lot.

7 Without the variance, petitioner would be
8 unreasonably prevented or limited with respect to the
9 use of the property because the home would be
10 dramatically smaller. The property is unique because
11 it was an irregular shape and narrow at the front. The
12 petitioner did not create the condition because the lot
13 dimensions were existing when they purchased it.

14 The relief granted will not unreasonably
15 interfere with adjacent or surrounding properties
16 because the lots are narrow. And the relief is
17 consistent with the spirit and intent of the ordinances
18 because the lot was laid out before most of these
19 ordinances were set up. And the view blockage for the
20 neighbors is not overly done.

21 Thank you.

22 MR. BUTLER: Mr. Chair? One last question
23 before you guys pass a vote. I would like to make one

1 correction. Mav had asked me a question about.

2 It is a three-story, not two and a half
3 story, Mav. Because there is a three-story building.
4 The two and a half story that would have been
5 considered an attic which you asked from before. I
6 read right past that.

7 MEMBER SANGHVI: It's a very important point
8 to clarify. Thank you.

9 MR. BUTLER: You're very welcome, sir.
10 Thank you, Mr. Chair.

11 CHAIRPERSON PEDDIBOYINA: Thank you, Larry.
12 I appreciate.

13 Can you add that, Member Longo, on that three
14 story? Can you correct yourself on that?

15 MEMBER LONGO: So the third story, I did say
16 third story?

17 MS. OPPERMAN: Yeah.

18 CHAIRPERSON PEDDIBOYINA: Then it's okay.

19 MEMBER SANGHVI: I second the motion.

20 MEMBER MONTAGUE: Can I say something before
21 we vote? Could I have one more say before we vote?

22 CHAIRPERSON PEDDIBOYINA: Yeah, please.

23 MEMBER MONTAGUE: I just want to say that I

1 do have the concern for the lot coverage, but the need
2 for the master bedroom -- I was looking at the plan.

3 The need for that master bedroom on the first
4 floor definitely limits the thing that's driving this,
5 which is the width. So that sort of puts you in a -- I
6 think that's a special problem that's addressed here.

7 MR. CONDON: So could somebody explain to me
8 why they need the deck variance?

9 MEMBER KRIEGER: You're out of order, sir.

10 CHAIRPERSON PEDDIBOYINA: No. No.

11 MR. CONDON: I'm just asking the question,
12 why do they need the deck variance?

13 MEMBER KRIEGER: You had your chance when we
14 started at the beginning. Thank you, though.

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

17 I would like to put -- I want to close this
18 one. Member Sanghvi, you did the second?

19 MS. OPPERMAN: He did.

20 MEMBER SANGHVI: I agree with you. Second.

21 CHAIRPERSON PEDDIBOYINA: Roll call, please,
22 secretary, Katherine.

23 MS. OPPERMAN: Certainly. Member Longo?

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MEMBER LONGO: Yes.

MS. OPPERMAN: Member Thompson?

MEMBER THOMPSON: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: And Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

Congratulations, Dan and Wendi. I appreciate and congratulations to your project. Thank you so much.

And I want to request -- I want to tell the audience, anybody, just, you know, you have a time. You know, conversation on the case and the applicant and the board, we discuss. Once the audience members speaks, their time is done. This is the part that we have the board closed. I appreciate for your cooperation. Thank you so much. And the limit of the

1 time is three minutes.

2 Thank you.

3 MS. WILLIAMS: Thank you very much.

4 MR. CONDON: I only want to say that you're
5 making a mistake in your math.

6 CHAIRPERSON PEDDIBOYINA: Okay. Today's
7 second case, PZ21-0031, Michael Jocz, J-o-c-z, 45144
8 Nine Mile Road, east of Taft Road and north of Nine
9 Mile Road, parcel number 50-22-27-355-031. The
10 applicant is requesting a variance from the City of
11 Novi Zoning Ordinance Section 4.19.1.E(i) for a 1,688
12 square feet of garage space, maximum of 850 square feet
13 allowed by the code, for a variance of 838 square feet.
14 This variance would accommodate the building of a
15 garage addition. This property is zoned single family
16 residential, R-3.

17 Is the applicant present?

18 Okay. Please tell my secretary for your
19 first and last name clearly.

20 Member Linda?

21 MEMBER KRIEGER: Yup. If you could spell
22 your name for the court recorder.

23 MR. JOCZ: Michael Jocz. M-i-c-h-a-e-l, last

1 name J-o-c-z.

2 MR. MYERS: And I'm Frank Myers, F-r-a-n-k
3 M-y-e-r-s.

4 MEMBER KRIEGER: Will you raise your right
5 hand.

6 If you could swear or affirm to tell the
7 truth in this case?

8 MR. JOCZ: I do.

9 MR. MYERS: I do.

10 MEMBER KRIEGER: Thank you. Go ahead,
11 please.

12 CHAIRPERSON PEDDIBOYINA: Thank you,
13 secretary.

14 You can proceed on what we can help you with
15 on this case.

16 And please get close to the mic so the
17 audience can hear you.

18 MR. MYERS: I'm Frank Myers. I'm working
19 with Michael and Adalaide (ph) on their project here.
20 They're proposing a new renovation to their existing
21 home and want to attach a two-car garage to the home.
22 And that's pretty much, you know, all that there is.

23 They're on a very, very large lot, like 200

1 by 350 feet. And I guess its special use only allows
2 850 square feet so we need a variance to increase that.

3 MR. JOCZ: Just to ...

4 CHAIRPERSON PEDDIBOYINA: Yeah, go ahead.

5 MR. JOCZ: Just to add that the variance that
6 we have due to the presence of an existing pole barn
7 structure, that is why the variance is required that's
8 setback from the property that was there when we
9 purchased the property.

10 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
11 Any other thing you would like to add or you want to
12 show anything on the projector?

13 MR. MYERS: I didn't have anything to show on
14 the projector other than what we've presented to the
15 board. We have, you know, the plot plan there. We
16 have the proposed plans for the addition and then also
17 the existing property that's on there.

18 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
19 Anybody in the audience would like to speak on this
20 case before moving today?

21 (No response.)

22 CHAIRPERSON PEDDIBOYINA: This is the time to
23 talk, please, any audience. After that we don't give

1 any time.

2 Thank you.

3 (No response.)

4 CHAIRPERSON PEDDIBOYINA: Okay. Yeah, I see.
5 I saw the property and what you're looking and the
6 variance on this. Let me put it on my board. Let them
7 speak on this and we'll see how things will go from
8 there. It's open to the board.

9 MEMBER KRIEGER: From the City?

10 CHAIRPERSON PEDDIBOYINA: Yeah, from the
11 City, Larry, anything on that?

12 MR. BUTLER: No comment on this at this
13 time.

14 CHAIRPERSON PEDDIBOYINA: Thank you so much,
15 Member Krieger.

16 I'm sorry, Larry.

17 And correspondence, Secretary, Member
18 Krieger.

19 MEMBER KRIEGER: Fifty-one letters were sent.
20 Zero returned, one objection, one approval.

21 This is from Debra McCann, M-c-c-a-n-n.

22 "Dear City Board of Appeals. I am resident of 45049
23 Huntington Crossroad whose property is adjoined to the

1 property seeking variance. Due to the size square
2 footage, 1688 square feet requested, I find it
3 difficult to label this addition as a garage. The
4 transparency of their request seems questionable. For
5 the following reasons I object to the request: The
6 size alone will reduce the existing park-like setting
7 to a garage thereby diminishing the view. I see on the
8 designs that an apartment is part of the plan. As a
9 senior citizen, I do not want renters in my backyard.
10 Even if the owners' intent is not to rent that will
11 possibly always exist. Once it's built a single family
12 residential standing will be gone.

13 "Attached are two photos displaying the view
14 from inside my home showing the visibility of the
15 property in question. The sheer size and design of
16 this requested variance will devalue my property and I
17 respectfully ask that you deny it."

18 And an approval from Lawrence Taylor, 45398
19 Mayo Drive. And that's it.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Member
21 Krieger.

22 Okay. It's open to the board.

23 Member Sanghvi?

1 MEMBER SANGHVI: Thank you.

2 I came and visited your property a couple of
3 days ago and I didn't come inside, but I drove around
4 and saw you have a huge property. You can hardly see
5 anything from Nine Mile Road even if you look twice the
6 size of it. Why do you need such a big garage?

7 MR. JOCZ: So I guess for the correction.
8 The square footage, it is a 30 by 30 garage, two-stall
9 garage. There is no existing garage to the house. The
10 closest structure is the pole barn which is on the
11 order of 120 to 150 feet away. So the addition of the
12 garage would be to allow us to park our cars there in
13 the winter and have access to them as opposed to
14 experience the hardship of the winter to go out in the
15 snow and shovel off our cars.

16 MEMBER SANGHVI: I understand. Thank you.

17 Yeah, I have no problem. Thank you very
18 much.

19 CHAIRPERSON PEDDIBOYINA: Thank you, Member
20 Sanghvi.

21 Any other board member?

22 MEMBER KRIEGER: Could you speak to what the
23 resident in the back was -- the second story -- or the

1 room above the garage? Is that for storage or what's
2 the intent?

3 MR. JOCZ: So that has multiple intents to
4 it. There is a bedroom and a bath, but essentially
5 added living space adjacent to our current residence.
6 So we have ideas of rec rooms, weight room, as well as
7 to space above the garage.

8 MEMBER KRIEGER: And regarding renters?

9 MR. JOCZ: No renters. A single family
10 house.

11 MR. MYERS: Yeah. You can't have renters.
12 They're all going to be on the same meter; gas meter,
13 electrical meter. So you can't split it off and have
14 renters. It'll allow a quarter at some point in time
15 for in-laws, but that would be about it.

16 MEMBER KRIEGER: Okay. I appreciate you
17 speaking to that.

18 I have driven by there a zillion times. I
19 can't count the number of times. And there isn't a
20 garage and I totally appreciate the need for a garage
21 and storage space. I'm sure -- I don't know. Is there
22 a basement in that property, in the house?

23 MR. JOCZ: There is. Older, semi-finished.

1 MEMBER KRIEGER: Head space?

2 MR. JOCZ: Low head space, but it is cement
3 floors.

4 MEMBER KRIEGER: Okay. So not really much
5 space. So the second story to an added garage for
6 storage or as needed. In case you get in a fight with
7 your wife or something, you can go to the garage.

8 I can appreciate that and I can approve your
9 request.

10 CHAIRPERSON PEDDIBOYINA: Thank you, Member
11 Krieger.

12 Any other board member?

13 Okay. It's time for the motion. Member
14 Clift?

15 MEMBER MONTAGUE: Yes. I move that we grant
16 the variance in case number PZ21-0031 for 1688 square
17 feet of garage space. Without the variance the
18 petitioner is unreasonably prevented from using his
19 property. Most places in this climate would like a
20 garage.

21 The property is unique because it is a very
22 large size piece of property that can absorb that kind
23 of square footage. The petitioner did not create the

1 condition because he purchased the property and it had
2 a building on it which makes this variance bigger.

3 The relief will not unnecessarily interfere
4 with the surrounding properties because the size of the
5 property and the relief is consistent with the spirit
6 and intent of the ordinance for a person to use their
7 property in a manner that is fitting for our climate.

8 MEMBER KRIEGER: Second.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Member
10 Clift and Member Krieger.

11 Okay. Roll call.

12 MS. OPPERMAN: Member Longo?

13 MEMBER LONGO: Yes.

14 MS. OPPERMAN: Member Thompson?

15 MEMBER THOMPSON: Yes.

16 MS. OPPERMAN: Member Sanghvi?

17 MEMBER SANGHVI: Yes.

18 MS. OPPERMAN: Member Montague?

19 MEMBER MONTAGUE: Yes.

20 MS. OPPERMAN: Member Krieger?

21 MEMBER KRIEGER: Yes.

22 MS. OPPERMAN: And Chairperson Peddiboyina?

23 CHAIRPERSON PEDDIBOYINA: Yes, please.

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MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Yes.

Congratulations.

MR. JOCZ: Thank you.

MR. MYERS: Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Moving to the third case for today, PZ21-0032, Metro General Construction (sic), 39601 Grand River Avenue, Suites A and B, west of Haggerty Road and south of Grand River Avenue, parcel number 50-22-24-476-017. The applicant is requesting a variance from the City of Novi Code of ordinance, Section 28-5(b)(1)a for a 46.67 square feet wall sign on the north, 17.50 square feet maximum of the area is allowed, based upon 14 feet lineal frontage; and a 41.42 square feet wall sign on the north elevation, 22.50 square feet maximum area is allowed, based upon 18 feet lineal frontage.

Section 28-5(d)(2) for a 46.67 square feet of wall sign on the west elevation, 24 square feet maximum area is allowed on the wall at the side entrance per code.

Section 28-5(b)(2)a and 28-5(a) for an oversize and overheight ground sign, 32.17 square feet

1 maximum area is allowed, based upon the 64'4" setback
2 from the center line of Grand River and six feet is the
3 maximum allowable from height grade.

4 Section 28-7(b)(2) for three 4.22 square feet
5 directional ground pole signs at the west and north
6 entryway driveways and northeast landscape island,
7 three square feet maximum area is allowed. The third
8 sign is also over the maximum allowable number of signs
9 on a parcel. These variances are to accommodate the
10 signage for the new 11:11 Burgers and Jimmy John's
11 restaurants. This property is zoned general business,
12 B-3.

13 Please spell your first and last name clearly
14 for the secretary, please.

15 MR. TOMEY: Anthony, A-n-t-h-o-n-y, Tomey,
16 T-o-m-e-y.

17 MR. DEDVUKAJ: Luk, L-u-k, Dedvukaj,
18 D-e-d-v-u-k-a-j.

19 MEMBER KRIEGER: Can you raise your right
20 hand?

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

23 MR. TOMEY: I do.

1 MR. DEDVUKAJ: Yes.

2 MEMBER KRIEGER: Thank you.

3 CHAIRPERSON PEDDIBOYINA: Thank you, guys.
4 Please go ahead.

5 MR. TOMEY: Thank you guys for listening to
6 our petition. I own Jimmy John's in Novi. I own 50
7 locations throughout Metro Detroit and I do have two
8 stores in Novi with potentially a third one as well at
9 Twelve Mile in Novi at some point. Maybe. I've been
10 waiting about 12 years for it.

11 But in the plaza connected to this building
12 here, I've been there for 18 plus years. You know,
13 we've been around for a long time and we decided to
14 eventually, when this building was vacant -- it's been
15 vacant for almost, maybe even more than two years now.
16 It used to be a Burger King.

17 After many years working with the landlord,
18 we came upon an agreeable price. And we wanted the
19 drive-thru because, obviously, with COVID. We've
20 always wanted a drive-thru, but with COVID, that has
21 been the -- you know, the move pretty much for all
22 restaurants is to try to do a pickup service or drive
23 thru of some sort.

1 So we made the decision to do this. And Luke
2 owns the 11:11 Burgers, and is also my general
3 contractor. He's built all my Jimmy John's. So with
4 this, we're looking to see if we can increase the size
5 of the signage as we've put in almost a million dollars
6 between both of us on the building, the demolition, the
7 inside, the outside, the landscaping, all these
8 different things.

9 And with the visibility not as good as the
10 rest of the plaza -- it's to the east of where I'm
11 located already. And it was one existing building,
12 obviously, for the entire time, one Burger King, and
13 now we're splitting it into two as it was too big of a
14 restaurant, almost over 2600 feet, for either of us to
15 take as one. So we're requesting a variance for the
16 size of the signage both on the building and the
17 monument sign as well.

18 Yeah, basically, that's where we're at.
19 Just, you know, the traffic flow and the site
20 configuration of it, we're simply asking for a larger
21 directional sign of three and a larger monument sign so
22 people are able to visually see what is there as it has
23 been vacant and it was a, you know, dilapidated

1 building for over two years now.

2 CHAIRPERSON PEDDIBOYINA: Okay. Any other
3 thing you would like to add before I move?

4 MR. DEDVUKAJ: No. I'm good.

5 CHAIRPERSON PEDDIBOYINA: Thank you.

6 Audience would like to speak on this case? Anyone?

7 (No response.)

8 CHAIRPERSON PEDDIBOYINA: Looks like seeing
9 none.

10 Okay, City?

11 MR. BUTLER: No comments from the City at
12 this time.

13 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

14 MR. TOMEY: I'm sorry. If I could, also?

15 The size of my sign currently is the same
16 size of this sign that we're asking for. So there
17 would be really no difference in the size of the sign
18 that I have in the plaza next door.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

20 Correspondence, Secretary?

21 MEMBER KRIEGER: 15 were sent; two letters
22 returned, zero objections, zero approvals.

23 CHAIRPERSON PEDDIBOYINA: Thank you so much.

1 Your time is saved.

2 MEMBER KRIEGER: Yes.

3 CHAIRPERSON PEDDIBOYINA: Okay. Yeah. I saw
4 the building and I went many times to the location,
5 Jimmy John's location, current location, and I never
6 knew that you are moving to that building, Burger King
7 one.

8 It's open to my board. Let's discuss what is
9 going to happen.

10 Thank you. Member Michael.

11 MEMBER LONGO: Yeah, I think you understand
12 how difficult it is to see the sign down there because
13 you're tucked down in there on the east side.

14 MR. TOMEY: Correct.

15 MEMBER LONGO: As I -- I know that area well
16 and as you drive by you kind of see the other signs,
17 even though they sit back. But that building is tucked
18 in back there. Plus, it's Grand River and most of us
19 are getting ready for the intersection. Not everybody
20 is, but you should be paying attention to the
21 intersection.

22 So I think you understated how difficult that
23 is and the signage is not overly done. So I will

1 support you.

2 MR. TOMEY: Thank you. And then also with
3 the monument sign, that's a big thing for us as people
4 are coming and going -- heading west on Grand River,
5 you know, you pass it. You pass the light. There's a
6 large couple of trees right there which I don't know if
7 we can do much with it. It's, obviously, the City
8 property.

9 MR. DEDVUKAJ: And it's a wetland.

10 MR. TOMEY: And it's also a wetland. So
11 going by, you know, coming going west on Grand River,
12 it is very difficult to see if you don't know it's
13 there, A; and B, with two restaurants there, you know,
14 we just were asking for extra signage and visibility
15 for us.

16 Again, we have put in a lot of money into
17 this and we both have been within the city for many,
18 many almost 20 years between both of us, you know,
19 working within the city. You know, we have a lot of
20 jobs. I need about 20 some people. That's our best
21 store.

22 CHAIRPERSON PEDDIBOYINA: Thank you.

23 Thank you, Member Michael, also.

1 Any other board member would like to speak?

2 MEMBER KRIEGER: Question?

3 CHAIRPERSON PEDDIBOYINA: Yeah, Member
4 Krieger.

5 MEMBER KRIEGER: The hours of operation? So
6 for the, like, ground sign, if it's going to be lit,
7 the hours?

8 MR. TOMEY: Would they be posted; is that
9 what you're asking?

10 MEMBER KRIEGER: No --

11 MR. TOMEY: We were open until 9:00 p.m.
12 every day. Monday through -- Sunday through, you know,
13 Saturday.

14 MEMBER KRIEGER: So in the winter as it gets
15 darker it would be lit?

16 MR. DEDVUKAJ: Yeah. Usually 6:00 to 5:00
17 a.m. Six to 6:00 a.m., 6:00 p.m.

18 MEMBER KRIEGER: So you'll have it lit 24
19 hours?

20 MR. TOMEY: Maybe not 24 hours. Maybe from
21 5:00 p.m. or 6:00 p.m. through the morning.

22 MR. DEDVUKAJ: The morning, yeah.

23 MEMBER KRIEGER: Okay. Thank you.

1 CHAIRPERSON PEDDIBOYINA: Thank you, Member
2 Krieger.

3 Any other board member?

4 MEMBER KRIEGER: Mav.

5 CHAIRPERSON PEDDIBOYINA: Oh, Mav. Go ahead,
6 Member Sanghvi.

7 MEMBER SANGHVI: Yeah. I came yesterday and
8 drove around there. It's not an easy place to drive
9 around at the moment because his big stuff was sitting
10 there and it was hard. But I understand you need the
11 signs. But if you had tried to put up a few mockups, I
12 could have better visualized what you are trying to do
13 about the flow of the traffic there. Because you got
14 two restaurants and you're going to have a drive-thru
15 for both of them, the same drive-thru?

16 MR. DEDVUKAJ: No. Only one is going to have
17 a drive-thru.

18 MR. TOMEY: Yes. Just the Jimmy John's has a
19 drive-thru.

20 MEMBER SANGHVI: It's very hard to realize --
21 and I tried to go around there. It wasn't very easy.
22 I know you need the signs and I know you are going out
23 on the street more from where you have the place right

1 now.

2 MR. TOMEY: Correct.

3 MEMBER SANGHVI: So congratulations on
4 stopping being a tenant and becoming a landlord. I
5 wish you all the best. Thank you.

6 MR. TOMEY: Thank you very much. We
7 appreciate that. We're banking on, obviously, the
8 people knowing we've been there for 18 years.

9 MEMBER SANGHVI: You're really tucked in a
10 corner and your visibility is going to be a major
11 problem.

12 MR. TOMEY: Yeah. But I do, I'm banking on
13 the people knowing that we've been there for 18, almost
14 19 years. And we'll have a sign. I think eventually
15 they'll figure it out, maybe not the first minute.

16 MEMBER SANGHVI: The place was known for
17 burgers before anyway.

18 MR. TOMEY: Correct.

19 MEMBER SANGHVI: So I suppose some people are
20 aware of it still.

21 Thank you.

22 CHAIRPERSON PEDDIBOYINA: Thank you, Member
23 Sanghvi.

1 Any other board member before I move?

2 Okay. Yeah, my conclusion, also I have no
3 objection for that. I saw it many times and I used to
4 go to Burger King before, but also occasionally to
5 Jimmy John's.

6 Okay. I have no objection to approve. And
7 it's motion time.

8 Member Krieger, please go ahead.

9 MEMBER KRIEGER: I move that we grant the
10 variance in case number PZ21-0032 sought by the
11 petitioner. That without the variance, the petitioner
12 will be unreasonably prevented or limited with respect
13 to the use of the property because of its location of
14 the building with the wetlands to the east and the
15 position of the building setback that it will be
16 difficult for passerbys. It's unique because of that
17 and that speed, the speed limit, the posted speed and
18 intersection at Grand River and Haggerty make it
19 difficult for drivers to see the sign.

20 So the sign as requested would assist them.
21 And the petitioner did not create the condition because
22 of the location of the building previously. That's how
23 they purchased it. The relief granted will not

1 unreasonably interfere with adjacent or surrounding
2 properties because it is next to -- it was a burger
3 restaurant and it will continue as a food source. So
4 that will create a draw for the surrounding area
5 properties. So that would be a plus.

6 And the relief is consistent with the spirit
7 and intent of the ordinance because it is a reasonable
8 request.

9 CHAIRPERSON PEDDIBOYINA: Thank you so much,
10 Member Krieger.

11 Katherine, can you please roll call?

12 MEMBER KRIEGER: Wait. I need a second.

13 CHAIRPERSON PEDDIBOYINA: Oh.

14 MEMBER LONGO: I need a second.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 Yeah, Katherine, please roll call.

17 MS. OPPERMAN: Member Longo?

18 MEMBER LONGO: Yes.

19 MS. OPPERMAN: Member Thompson?

20 MEMBER THOMPSON: Yes.

21 MS. OPPERMAN: Member Sanghvi?

22 MEMBER SANGHVI: Yes.

23 MS. OPPERMAN: Member Montague?

1 MEMBER MONTAGUE: Yes.

2 MS. OPPERMAN: Member Krieger?

3 MEMBER KRIEGER: Yes.

4 MS. OPPERMAN: And Chairperson Peddiboyina?

5 CHAIRPERSON PEDDIBOYINA: Yes, please.

6 MS. OPPERMAN: Motion passes.

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 Congratulations.

9 MR. TOMEY: Thank you, God bless. I
10 appreciate it.

11 CHAIRPERSON PEDDIBOYINA: Okay. Coming to
12 the fourth case, PZ21-0034, All Construction SCI, 41131
13 S. McMahon Circle, east of Meadowbrook Road and south
14 of Ten Mile Road parcel number 50-22-25-105-034. The
15 applicant is requesting a variance from the City of
16 Novi Zoning Ordinance, Section 3.1.5 for a side yard
17 setback of three feet, 10 feet required, a variance of
18 seven feet. This variance would accommodate the
19 building of a home addition. This property is zoned
20 single family residential, R-4.

21 Is the applicant present?

22 Please come to the podium, please.

23 Yeah. Please, tell your first and last name

1 to our secretary and take the oath.

2 MR. BUZIMKIC: My name is Edin Buzimkic,
3 E-d-i-n, last name B-u-z-i-m-k-i-c.

4 MEMBER KRIEGER: Will you raise your right
5 hand.

6 Do you swear or affirm to tell the truth in
7 this case?

8 MR. BUZIMKIC: Yes.

9 MEMBER KRIEGER: Thank you. Go ahead.

10 CHAIRPERSON PEDDIBOYINA: Thank you. Please
11 go ahead.

12 MR. BUZIMKIC: I'm a contractor for the owner
13 and I'm asking for a variance of seven feet on a side
14 yard.

15 CHAIRPERSON PEDDIBOYINA: Talk in the mic,
16 closer to that, please.

17 MR. BUZIMKIC: I'm asking for a variance of
18 seven feet for a ten-foot side yard setback. And
19 that's all. It's a 600 -- 558 square foot addition on
20 the back. I'm meeting the rear setback. All of the
21 variances I'm meeting except the one, the side. So
22 just asking for that one side variance of seven feet.

23 And the reason is because the existing garage

1 is already built that way, three feet away from the
2 side and I'm attaching the addition flush with the
3 existing wall of the garage.

4 CHAIRPERSON PEDDIBOYINA: Any other thing you
5 would like to add before I move?

6 MR. BUZIMKIC: No. That's all.

7 CHAIRPERSON PEDDIBOYINA: Okay. It's open to
8 the board.

9 I'm sorry. Any audience on this case before
10 I move?

11 Seeing none.

12 City, Larry?

13 MR. BUTLER: No comments from the City at
14 this time. Stand by for questions.

15 CHAIRPERSON PEDDIBOYINA: Thank you.
16 Correspondence, Secretary?

17 MEMBER KRIEGER: 43 letters were sent. Zero
18 returned. No objections. No approvals.

19 CHAIRPERSON PEDDIBOYINA: Thank you, Member
20 Krieger.

21 Okay. It's time for the board to speak on
22 this case. Anybody would like to speak?

23 Member Sanghvi?

1 MEMBER SANGHVI: All right. Thank you. I
2 came and visited your place and I know that street very
3 well. Those houses are so close to each other when
4 they were built that you're always going to need a
5 variance to do anything to that place out there. And I
6 realize that. Only sometimes I worry about it whether
7 there is enough room for a fire truck to get around
8 between the two if there is a major problem. But I
9 think there is a way around on the back so I think they
10 can always get to it.

11 And I really have no problem. I wish you all
12 the luck in that.

13 Thank you.

14 MR. BUZIMKIC: Thank you.

15 MEMBER SANGHVI: Thank you.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Member
17 Sanghvi.

18 Any other board member?

19 Okay, Member Clift?

20 MEMBER MONTAGUE: Yes. I was also by there
21 and I noticed that the existing building being close
22 and I understand why you want to lineup with it. And I
23 do notice on the plans you're trench footing. So

1 that's a good way to do it without disturbing the
2 adjacent property. So I appreciate that attention to
3 detail and you did take advantage of that.

4 MR. BUZIMKIC: Thank you.

5 MEMBER MONTAGUE: So I'll be in support of
6 your addition.

7 MR. BUZIMKIC: Thank you very much.

8 CHAIRPERSON PEDDIBOYINA: Thank you, Member
9 Clift.

10 Any other board member?

11 MEMBER THOMPSON: I do. So this is three
12 feet off from the property line?

13 CHAIRPERSON PEDDIBOYINA: Yes.

14 MEMBER THOMPSON: It says 12 feet away. So
15 that would be twelve feet away from the other house?

16 CHAIRPERSON PEDDIBOYINA: Yes. Yeah, right.

17 (Pause.)

18 CHAIRPERSON PEDDIBOYINA: You're done?

19 MEMBER THOMPSON: I'm sorry. I'm done,
20 yes.

21 CHAIRPERSON PEDDIBOYINA: Thank you, member
22 Thompson.

23 Any other board member before we move to the

1 motion?

2 No. Okay, Member Krieger. Can you make a
3 motion, please?

4 MEMBER KRIEGER: Sure. I move that we grant
5 the request in case number PZ21-0034 sought by the
6 petitioner. The petitioner has shown a practical
7 difficulty for his request that he will be unreasonably
8 prevented and limited with respect the use of the
9 property because of the home already situated where it
10 is on the property, that it's three feet from the
11 property line and 12 feet from the next house and that
12 it's unique because of the subdivision and when it was
13 built.

14 He did not create the condition because the
15 home already has its footprint. He's just going to add
16 along the posterior of the house and continue along the
17 same line. So it's a reasonable request and will not
18 unreasonably interfere with adjacent or surrounding
19 properties because it is -- it will enhance the
20 neighborhood and draw for resale or property values and
21 is consistent with the spirit and intent of the
22 ordinance because it is a minimal request and
23 consistent with the side of the house.

1 MEMBER SANGHVI: Second.

2 CHAIRPERSON PEDDIBOYINA: Thank you, Member
3 Krieger and Member Sanghvi.

4 And it's time, Katherine, to roll call.

5 MS. OPPERMAN: Yes. Member Longo?

6 MEMBER LONGO: Yes.

7 MS. OPPERMAN: Member Thompson?

8 MEMBER THOMPSON: Me?

9 MS. OPPERMAN: Yes.

10 MEMBER THOMPSON: I'm sorry. I didn't hear
11 you. Yes.

12 MS. OPPERMAN: Member Sanghvi?

13 MEMBER SANGHVI: Yes.

14 MS. OPPERMAN: Member Montague?

15 MEMBER MONTAGUE: Yes.

16 MS. OPPERMAN: Member Krieger?

17 MEMBER KRIEGER: Yes.

18 MS. OPPERMAN: And Chairperson Peddiboyina?

19 CHAIRPERSON PEDDIBOYINA: Yes, please.

20 MS. OPPERMAN: Motion passes.

21 CHAIRPERSON PEDDIBOYINA: Congratulations.

22 MEMBER KRIEGER: Yup.

23 CHAIRPERSON PEDDIBOYINA: Good luck.

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MEMBER KRIEGER: Best wishes.

MR. BUZIMKIC: Thank you.

CHAIRPERSON PEDDIBOYINA: And the next case, PZ21-0036, Chadham's, C-h-a-d-h-a-m-s, Professional Services, 21067 Mayberry Park Drive, west of Beck Road and north of Eight Mile Road, parcel number 50-22-32-401-035. The applicant is requesting a variance from the City of Novi Zoning Ordinance, 4.19.1E(iii) for a total of 1936 square feet of accessory structure, maximum of 1500 square feet allowed by code, a variance of 436 square feet. This variance would accommodate the building of a 660 square foot pool house, the remaining 1276 square feet is from an existing attached garage. This property is zoned residential acreage, RA.

Okay. The applicant is there. Please spell your first and last name for our court record and our secretary will take the oath.

Linda, can you take this one? Thank you, secretary.

MR. BUZIMKIC: Mark Merucci, M-a-r-k, M-e-r-u-c-c-i.

MR. QUINN: Dan Quinn, D-a-n Q-u-i-n-n.

1 MEMBER KRIEGER: If you could raise your
2 right hands.

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

5 MR. BUZIMKIC: I do.

6 MR. QUINN: I do.

7 MEMBER KRIEGER: All right. Thank you.

8 CHAIRPERSON PEDDIBOYINA: Thank you. Please
9 proceed.

10 MR. QUINN: We are seeking a variance to
11 4.19.1.E(iii). The maximum square footage allowed for
12 the accessory structure is 1,500 square feet. We are
13 seeking a variance of an additional 436 square feet and
14 the hardship would be that 1275 square feet of that
15 amount is from the existing garage that is within the
16 footprint of the home and was there when purchased.

17 The pool house there -- we're building a pool
18 as well and the pool house will have a changing room in
19 it. So with -- after the pandemic, they will not have
20 to have, you know, have people go in their home to
21 change and they'll be able to entertain out there and
22 use that outdoor space as it becomes more common and
23 more popular.

1 CHAIRPERSON PEDDIBOYINA: Okay. And would
2 you like to add anything?

3 MR. BUZIMKIC: No. That covers it.

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

6 Any other audience would like to speak on
7 this case before I move?

8 Seeing none. Thank you.

9 Okay. City, Larry?

10 MR. BUTLER: No questions from the City.

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

13 Correspondence, secretary.

14 MEMBER KRIEGER: 18 letters were sent. Zero
15 returned. Zero objections. Zero approvals.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Member
17 Secretary.

18 Okay. And, yeah, I'll put it on the board.
19 And it's open to the board to speak on this case,
20 please.

21 You want to speak, Member Sanghvi, please go
22 ahead.

23 MEMBER SANGHVI: I tried to come and visit

1 your place, but I couldn't get in because of the gated
2 community.

3 MEMBER KRIEGER: Ditto.

4 MR. BUZIMKIC: Sorry about that.

5 MEMBER SANGHVI: But looking at your plans
6 and everything, I think this is going to be an all
7 weather swimming pool there?

8 MR. BUZIMKIC: Spring, summer and fall.

9 MEMBER SANGHVI: You have huge amount of
10 property there and I have no problem granting this.
11 Thank you.

12 MR. BUZIMKIC: I appreciate that.

13 CHAIRPERSON PEDDIBOYINA: Thank you, Member
14 Sanghvi. Any other board member?

15 Okay. Looks like none. I would like to call
16 for the motion.

17 Member Clift?

18 MEMBER MONTAGUE: Certainly.

19 CHAIRPERSON PEDDIBOYINA: Thank you.

20 MEMBER MONTAGUE: I move that we grant the
21 variance in case number PZ21-0034 for -- oh, I'm sorry.
22 PZ21-0036.

23 CHAIRPERSON PEDDIBOYINA: Yes.

1 MEMBER MONTAGUE: I'm on the wrong thing.
2 For 1936 square feet of accessory structures. Without
3 the variance the petitioner will be prevented from
4 using his property as he has a pool he needs to serve.
5 The property is unique in that it's a large piece of
6 property. It does have a pool and the pool house is
7 associated with that.

8 He did not create the condition. The house
9 is there. He's adding an amenity to it. The relief
10 granted will not unreasonably interfere with adjacent
11 or surrounding properties. It's well within his
12 property and not encroaching on any setbacks. And the
13 relief is consistent with the spirit and intent of the
14 ordinance for the proper use of his property.

15 MEMBER SANGHVI: Second.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Member
17 Clift and Member Sanghvi.

18 Katherine, can you please roll call?

19 MS. OPPERMAN: Yes.

20 CHAIRPERSON PEDDIBOYINA: Thank you.

21 MS. OPPERMAN: Member Longo?

22 MEMBER LONGO: Yes.

23 MS. OPPERMAN: Member Thompson?

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MEMBER THOMPSON: Yes.
MS. OPPERMAN: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. OPPERMAN: Member Montague?
MEMBER MONTAGUE: Yes.
MS. OPPERMAN: Member Krieger?
MEMBER KRIEGER: Yes.
MS. OPPERMAN: And Chairperson Peddiboyina?
CHAIRPERSON PEDDIBOYINA: Yes, please.
MS. OPPERMAN: Motion passes.
CHAIRPERSON PEDDIBOYINA: Thank you.

Congratulations.

MR. QUINN: Thank you.
MR. BUZIMKIC: Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Last case for the day, PZ21-0039, K-i-e-l, H-e-a-r-n, 157 Wainwright Street, east of old Novi Road and south of Thirteen Mile Road, parcel number 50-22-11-101-011. The applicant is requesting the variance from the City of Novi Zoning Ordinance, section 5.11 to install a fence in the front yard of a corner lot. By code, a fence shall not extend toward the front of the lot nearer than the minimum front yard setback.

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

3 Is the applicant present?

4 (No response.)

5 CHAIRPERSON PEDDIBOYINA: Oh, okay. The
6 applicant is not there.

7 MEMBER KRIEGER: Number 157 Wainwright.

8 CHAIRPERSON PEDDIBOYINA: Nobody is there.

9 Can you move this case to the next month or
10 after that or what do you want to do, Katherine?

11 MS. OPPERMAN: I believe a motion would have
12 to be made to postpone it.

13 CHAIRPERSON PEDDIBOYINA: Yeah, before that.
14 Okay. Somebody can make a motion.

15 MEMBER KRIEGER: I move to move the case
16 number PZ21-0039 for 157 Wainwright to the August
17 meeting 2021.

18 What's the date? Sorry.

19 MS. SAARELA: It is August 10th.

20 MEMBER KRIEGER: 10th. August 10th.

21 CHAIRPERSON PEDDIBOYINA: August 10th. Okay.
22 In case we have more cases, we'll move it to September.

23 MEMBER SANGHVI: Thank you.

1 CHAIRPERSON PEDDIBOYINA: Yeah. Because we
2 don't want to do too many cases on the day because the
3 applicant is not present. So I want to make this one,
4 if the cases is below five cases, we can make it on
5 August. If not, we'll move to September.

6 MEMBER KRIEGER: Okay.

7 CHAIRPERSON PEDDIBOYINA: I don't want to
8 waste the summertime for all the board members to
9 enjoy.

10 Okay. Somebody can make a second.

11 MEMBER MONTAGUE: I'll second.

12 CHAIRPERSON PEDDIBOYINA: Okay, Member
13 Montague.

14 All in favor?

15 THE BOARD: Aye.

16 CHAIRPERSON PEDDIBOYINA: Okay. Any other
17 matters for the day before I make a motion and I'll --
18 yeah, Beth?

19 MS. SAARELA: There's -- you may have
20 noticed, there's a letter in the packet with a request
21 from a neighbor to reconsider one of the previously
22 granted variances. This would be the only meeting that
23 you can consider such a request. In order to consider

1 such a request, it would have to be one of the board
2 members who approved the variance who would have to
3 have a change of heart and move to reconsider the
4 request.

5 MS. OPPERMAN: I did also include in your
6 folder an action summary just for that case so you
7 check if you were of the ones that voted on it.

8 CHAIRPERSON PEDDIBOYINA: You mean the case
9 PZ21-0026?

10 MS. OPPERMAN: Correct.

11 CHAIRPERSON PEDDIBOYINA: Okay. And you want
12 me somebody motion for that?

13 MS. SAARELA: So, no. If there is nobody who
14 is interested in reconsidering, you don't have to take
15 any action.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

17 MEMBER KRIEGER: Make a comment?

18 MS. SAARELA: You can comment. But before
19 you can't -- I mean, you can comment. But before you
20 comment, you would have to have somebody that is
21 interested in reconsidering.

22 MEMBER KRIEGER: Oh, okay.

23 MS. SAARELA: So not unless there is someone

1 who is in favor who wants to move to reconsider, then
2 you can open the discussion.

3 MEMBER KRIEGER: All righty. Thank you.

4 MS. SAARELA: But if there is not anyone who
5 wants to reconsider, then, no.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 And Linda.

8 And thank you so much for the packet,
9 Katherine, for reminding. I appreciate.

10 Okay. Any other matters?

11 MEMBER KRIEGER: No.

12 CHAIRPERSON PEDDIBOYINA: No.

13 MEMBER SANGHVI: No. I just, I can live with
14 the decision we have made. And I don't see any need
15 for doing any revision to it myself. Thank you.

16 And if there is no further business to be
17 done, I would like to make a motion to adjourn.

18 MEMBER KRIEGER: Second.

19 CHAIRPERSON PEDDIBOYINA: Thank you.

20 FEMALE SPEAKER: Please hear us.

21 MEMBER KRIEGER: Oh, would you like
22 something? Sure.

23 FEMALE SPEAKER: That's why we're here.

1 MALE SPEAKER: We filed the motion. That's
2 why we're here.

3 MEMBER KRIEGER: Which motion?

4 MS. OPPERMAN: They requested the
5 reconsideration.

6 MS. SAARELA: We can't reopen it unless
7 there's somebody who wants to change their vote on it.
8 So they do have your information in the packet. They
9 were able to receive your request and the basis for it.
10 But in order for them to have a discussion, one of the
11 people who voted in favor of the variance would have to
12 decide to change their vote. So if none of them are
13 willing to do that, the discussion can't be reopened.
14 But they were, however, able to see what your position
15 was. So they were informed.

16 At this point there isn't another public
17 hearing. You could have spoken at the public hearing
18 in the beginning.

19 FEMALE SPEAKER: I couldn't make it.

20 MS. SAARELA: Okay. But, yeah, they won't be
21 able to reopen the matter without changing their pote.

22 FEMALE SPEAKER: So there is no one there at
23 the board that will at least hear us or at least

1 reconsider or listen to us?

2 MEMBER KRIEGER: Like she said.

3 MEMBER LONGO: No.

4 MS. SAARELA: So they would have to have
5 someone who wanted to change their vote, that person
6 would have to move and then they would have to get a
7 majority of people to agree to that.

8 FEMALE SPEAKER: Yeah. Understood.

9 MEMBER KRIEGER: So she could come and make a
10 comment if she wants?

11 MS. SAARELA: Yeah. Anybody could come make
12 a comment at the public section hearing of the meeting.

13 CHAIRPERSON PEDDIBOYINA: No. At the
14 beginning.

15 MS. SAARELA: But at this point, after today,
16 there's no ability to reconsider.

17 FEMALE SPEAKER: That's why I'm asking if you
18 could please hear us.

19 CHAIRPERSON PEDDIBOYINA: Yeah. I know
20 you're sitting from the beginning. I know you came
21 almost close to two hours you are here. And I called
22 for the public remarks in the packet. At the time you
23 should have come so the public remarks should have been

1 added, what is what.

2 I'm sorry. Katherine, please go ahead.

3 MS. OPPERMAN: Yes, if I may, I think Beth
4 was saying that they would have had to speak at the
5 public hearing for the first one. Not at this one. So
6 that's why the matter is on it for reconsideration.

7 FEMALE SPEAKER: I don't understand. I'm
8 sorry.

9 MS. SAARELA: Procedurally, we can't reopen
10 this case unless somebody here wants to change their
11 vote, move to reconsider and then the whole board, they
12 would have to have a majority of people say, yes, we
13 want to reconsider it and then you can speak. At this
14 point there is no opportunity for you to speak again.

15 But just so you know, they do have your
16 letter. It's in the packet. They have all seen it.
17 So they do know the basis of your request. Based on
18 that, no one was willing to make that motion to change
19 their vote and to have everybody reconsider it.

20 MALE SPEAKER: In the public hearing?

21 MS. SAARELA: At the beginning. It's at the
22 beginning of the ZBA meeting. It would have happened
23 right after they approved the agenda.

1 MR. DUNLAP: I'm sorry. I'm Rod Dunlap. And
2 I saw that we were in the agenda for today. It's the
3 last category of the agenda. I thought we'd be able to
4 address it at that time. We waited patiently to make
5 sure everybody could go.

6 MS. SAARELA: I understand. But procedurally
7 under Robert's Rules of Order, you cannot come up and
8 plead a case unless they want to reconsider it and no
9 one here has expressed an interest to reconsider. So
10 the only way that you could have a case that you're
11 rearguing to them, is if someone reopened it. No one
12 here is interested in reopening it. So that does not
13 give you an opportunity to speak to them
14 substantively.

15 FEMALE SPEAKER: So it was a misunderstanding
16 on my part. Because I wrote the letter. I asked for a
17 reconsideration and then it was added to the agenda.
18 So I believed that you were --

19 MS. SAARELA: But you have to -- Robert's
20 Rules of Order, you only get to speak if somebody was
21 interested in rehearing the matter none of them are.

22 MALE SPEAKER: Right. Understood.

23 FEMALE SPEAKER: Right. Okay.

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CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

That ends the matters. No other matters and everybody would like to say aye, in favor to adjourn?

THE BOARD: Aye.

CHAIRPERSON PEDDIBOYINA: We're done. Thank you.

(At 8:39 p.m., matter 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 ninety-two (92) 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

August 6, 2021
(Date)

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

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

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

BOARD MEMBERS:

Linda Krieger, Acting Chairperson

Clift Montague

Michael Longo

Michael Thompson

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Oppermann, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter