

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, JULY 14, 2020, 7:00 P.M.

VIRTUAL MEETING VIA ZOOM

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Kevin Sanker, Vice Chairperson

Linda Krieger

Siddharth Mav Sanghvi

Michael Longo

Clift Montague

Ramesh Verma

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 14, 2020

7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Welcome to the Novi
Zoning Board of Appeals of July 14th, 7:00 p.m.

And to be called for the roll call,
Katherine.

MS. OPPERMAN: So roll call. Member Krieger?

MEMBER KRIEGER: Present.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Present.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Here.

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Here.

MS. OPPERMAN: See, has Member Sanghvi
managed to rejoin?

I'll put him absent for the time being. He's
having technical difficulties that we're trying to
resolve.

1 Member Thompson?

2 MEMBER THOMPSON: Here. Yeah.

3 MS. OPPERMAN: And Member Verma?

4 CHAIRPERSON PEDDIBOYINA: Mr. Verma?

5 MEMBER VERMA: Here.

6 MS. OPPERMAN: Thank you.

7 CHAIRPERSON PEDDIBOYINA: Thank you,

8 Katherine. And I think we have enough quorum?

9 MS. OPPERMAN: (Nods.)

10 CHAIRPERSON PEDDIBOYINA: Sure. Thank you so
11 much. We have a board and a quorum.

12 And public hearing format rules and conduct.
13 If you have -- your phone should be turned off, if
14 you're on the call or muted. And if you want to talk,
15 just unmute your phone. And we have a public hearing
16 where in each case we call up and anyone can make
17 remarks. It is on the television.

18 Unfortunately, we don't have podium for the
19 people. Now we have a Zoom call. So in order to come
20 to the podium, we have a COVID situation we have only
21 Zoom call. And now we can -- you'll be showing on the
22 computer also.

23 The people come up onto the -- you know, that

1 have any questions, they can raise their hand. And we
2 have a virtual thing in our Zoom call. You guys can --
3 our acting secretary, Katherine, can watch all those
4 people who are raising their hand. They can ask the
5 question and she can allow the people to talk on that.

6 And at the time when you say -- you need to
7 spell your correct, full name and the first and last
8 name for our court records. And you need to be, you
9 know, sworn to tell the truth on this by our secretary.

10 And then we have an agenda tonight. We have
11 a total of four cases.

12 Am I right, Katherine?

13 MS. OPPERMAN: Correct. Four cases.

14 CHAIRPERSON PEDDIBOYINA: Thank you. Okay.
15 Let's go to approval of meeting minutes for last month.
16 Do you have any questions or anything? Modifications,
17 changes, please let us know.

18 Anybody have anything and if you want to make
19 a motion for last month's meeting?

20 MEMBER SANKER: Move to approve the meeting
21 minutes for April.

22 CHAIRPERSON PEDDIBOYINA: Thank you. And who
23 is seconding Member Sanker?

1 MEMBER LONGO: I'll second.

2 CHAIRPERSON PEDDIBOYINA: Thank you, Michael.

3 Okay. Approval of meeting and move for the
4 agenda and everything is, you know, passed. Second
5 also.

6 Anybody have any questions on that? And if
7 there's none, we can move.

8 So coming to the, you know, public remarks.
9 Anyone have anything apart from our agenda? Have
10 something on it, you can raise your hand or anything,
11 you can -- this is the time to add or delete anything,
12 please let me know, apart from our agenda of today's
13 meeting.

14 MS. OPPERMAN: I don't see that anyone is
15 raising their hand to speak on any matter apart from
16 the agenda items.

17 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
18 And public remarks is closed at this moment.

19 And go to our first case for today. The
20 first case: PZ20-001 M-a-e-n Jabboori, 26181 Mandalay
21 Circle, east of Beck Road and north of 11 Mile Road,
22 parcel number 50-22-16-300-086. The applicant is
23 requesting the variance from for the city -- sorry,

1 variance from the Novi Zoning Ordinance, Section 3.1.2
2 for a 14 foot variance for a proposed 21 feet rear
3 setback, 35 feet required by code. And 10 foot
4 variance for the 30 foot aggregate total side yard
5 setback, 40 feet required. Section 4.19.E.iii for a
6 variance of 890 -- 890 square feet for a proposed 1890
7 square feet of garage space, 1000 square feet of garage
8 space allowed by code. This variance will accommodate
9 the building of proposed second garage and portico.
10 This property is zoned Single Family Residential, R-1.

11 Is the applicant is there?

12 MR. JABBOORI: Yes, I'm here. Present.

13 CHAIRPERSON PEDDIBOYINA: Oh, thank you.

14 Okay. And you can say your first and last name for our
15 court records and secretary can take -- acting
16 secretary, Katherine, can take care of this, please.

17 MR. JABBOORI: Okay. First name is Maen,
18 last name Jabboori.

19 CHAIRPERSON PEDDIBOYINA: Katherine --

20 MR. JABBOORI: Did you want me to say -- I'm
21 sorry? You want me to state my case right now or --

22 MS. OPPERMAN: You need to spell your name
23 for the court reporter.

1 MR. JABBOORI: Okay. It's M-a-e-n, last name
2 J-a-b-b as in boy, o-o-r-i.

3 MS. OPPERMAN: Do you swear or affirm to tell
4 the truth in the case before you?

5 MR. JABBOORI: I sure do.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
7 And for today you can present your case, what you want
8 to -- what you need from us, from the board, and what
9 do you need and you can explain. We can move on that.

10 MR. JABBOORI: Great. Well, this is my third
11 meeting so I feel like I'm part of the panel now, so.
12 We've been back and forth so it's been a long road.
13 Hopefully, this is the last meeting.

14 I'm just applying for the variance to
15 finalize the last part before we actually do our
16 building plans for this additional three-car garage
17 with an attached porte cochere to the home. It's going
18 to be tied into the home. It's going to match exactly
19 to the home. I've got the full support of the
20 subdivision and HOA. All the neighbors have fully
21 supported me. I don't even know if any of them
22 have ...

23 I'm sorry. I was getting a call in.

1 CHAIRPERSON PEDDIBOYINA: Go ahead, please.

2 MR. JABBOORI: So I've got the full support
3 of the HOA. And I don't know if anybody's actually
4 logged in and kind of given their statement to support
5 it. So I don't know if that's on our -- on the docket
6 there.

7 But I'm just looking for the variance for the
8 setback rear side and the additional garage space
9 allowance and we're ready to start. So we've done
10 everything that has been needed from us at this point
11 and hopefully we can get the variance from you guys at
12 this point.

13 CHAIRPERSON PEDDIBOYINA: Okay. And do you
14 want to show any of the layout? How you got -- now
15 doing -- do you have any presentation to show the board
16 members?

17 MR. JABBOORI: What do you mean show? What
18 do you want me to show?

19 CHAIRPERSON PEDDIBOYINA: Like, you know, any
20 pictures or anything?

21 MR. JABBOORI: Well, I submitted all the
22 drawings, all the sketchings, the rough drawings, what
23 it's going to look like, really, on paper. I mean, I'm

1 sitting in front of the empty lot. I could kind of pan
2 my phone over and --

3 CHAIRPERSON PEDDIBOYINA: That's okay. I
4 thought if you have anything, you know, in front of you
5 you can show to, you know, share --

6 MR. JABBOORI: I didn't pull out any
7 paperwork. I thought because from our last meeting
8 everyone had everything in front of them. I was
9 assuming that you guys would still have all that
10 information that I submitted for this final variance.

11 CHAIRPERSON PEDDIBOYINA: Okay. Do you want
12 to say anything apart from the -- any other things you
13 want to add?

14 MR. JABBOORI: No. That just we know we love
15 the subdivision. Like I said, all the neighbors are in
16 support of it. We're spending a lot of money on the
17 home. I know it's going to be additional taxes for the
18 City. It's a positive thing for everybody. So I don't
19 see any negative part to anything.

20 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
21 Thank you so much. And thank you for you presentation
22 and the way you expressed and you have a very good
23 support on HOA as you mentioned. And apart from that,

1 I want to, you know, open to my board members.

2 Before that, I want to go the -- I want to go
3 to the City.

4 Larry, do you have anything to say from the
5 City?

6 Larry, are you there?

7 MR. BUTLER: Nothing from the City at this
8 time. Standing by for questions.

9 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
10 And thank you very much, Larry.

11 And correspondence. Katherine, any
12 correspondence?

13 MS. OPPERMAN: Let's see. For this case
14 there were 16 letters sent out, no letters returned, no
15 approvals and no objections.

16 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
17 Thank you so much. I appreciate it.

18 Yeah. Everything is good and the City
19 mentioned nothing and we have no objection from the
20 neighbors and no approvals, no letters also. And thank
21 you for your presentation.

22 And let me open to my board members to speak
23 on this case. Whoever wants to, it's open to the

1 board, please go ahead.

2 MEMBER SANKER: Yeah. I have a quick
3 question, Maen. When you purchased the property, have
4 you changed any boundary lines on the property?

5 MR. JABBOORI: As far as -- what do you mean
6 boundary lines?

7 MEMBER SANKER: Like, your -- you know, the
8 lot layout. Have you changed that since you purchased
9 it?

10 MR. JABBOORI: Lot layout. I don't
11 understand. I mean, the --

12 MEMBER SANKER: Your plot. Have you changed
13 that?

14 MR. JABBOORI: I don't know what you really
15 mean by that. I know we -- the last meeting we had was
16 to be able to take down the trees and we took that
17 down. But I don't know what you mean by changing the
18 lines.

19 MEMBER SANKER: But your lot lines, have you
20 changed those? You would probably know if you did.

21 MR. JABBOORI: As far as like those metal
22 rods that stick in the ground that show --

23 MEMBER SANKER: Yes.

1 MR. JABBOORI: No. Definitely not. I mean,
2 those are fixated. Yeah.

3 MEMBER SANKER: Okay. Like the legal
4 description of your boundary lines, you haven't altered
5 those since you bought the place?

6 MR. JABBOORI: No. No, no. That -- I even
7 had -- from my first variance -- or I'm sorry. Not
8 first variance.

9 The first meeting I had with you guys, I had
10 to submit, actually, a drawing where an engineer came
11 out and did like a site plan of the property before I
12 even took down some trees and he went off those
13 markers. So they're all -- they should be on the
14 paperwork that you have in front of you where the
15 survey was done. I did a lot survey, so they'll show
16 those original lines.

17 MEMBER SANKER: Okay. Perfect. Thanks.

18 Okay. Yeah, I mean, I think the variances
19 you're asking for are relatively small compared to the
20 property itself and plus your -- the construction is
21 located near those protective wetlands. So I think
22 overall what you're asking for, I'd be happy to
23 support.

1 MR. JABBOORI: Great.

2 CHAIRPERSON PEDDIBOYINA: Thank you, Kevin.

3 Any other person who wants to talk on this?
4 Board members?

5 MEMBER KRIEGER: Clarification question.

6 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead,
7 Linda.

8 MEMBER KRIEGER: On the request, standard
9 four, you asked for -- asked for 15 feet for the side
10 and 20 for the back. And on the request in the public
11 hearing it says 14 feet and 21 feet for the rear. So
12 which one --

13 MR. JABBOORI: It should be -- it should be
14 10 on the side, just the garage side, the new addition,
15 and 21 to the back.

16 MEMBER KRIEGER: Okay.

17 MR. JABBOORI: I don't know what 14. Maybe
18 that's probably I'm adding the other side because I
19 know they wanted the aggregate, like a total.

20 MEMBER KRIEGER: Yeah.

21 MR. JABBOORI: I thought I have 16 on one
22 side and I'm asking for 10 on the other side.

23 So the main thing is I'm trying to get to is

1 10 for my side lot and 21 to the back.

2 MEMBER KRIEGER: 14 --

3 MR. JABBOORI: I hope I filled out the
4 paperwork --

5 MEMBER KRIEGER: Okay. Very good.

6 MR. JABBOORI: Yeah. I just hope I filled
7 out the paperwork correctly, so ...

8 I thought I did.

9 MEMBER KRIEGER: Okay. I'm going to --

10 MS. OPPERMAN: It's the 14 feet variance from
11 what the normal code would require. So he's asking for
12 that 21, which differs by 14.

13 MR. JABBOORI: I see. Okay.

14 MEMBER KRIEGER: I'm in support. Thank you.

15 MR. JABBOORI: Thank you.

16 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

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

19 MEMBER SANGHVI: Okay.

20 CHAIRPERSON PEDDIBOYINA: Oh, there you go,
21 Mav.

22 MEMBER SANGHVI: I have it. Thank you.

23 I just wanted to say a couple of words about

1 this case. I went and saw the place and it's a
2 beautiful home in a great neighborhood. And then, to
3 be honest, I have seen all the homes. And everything
4 there submitted. It's a nice application and I have no
5 difficulty in supporting the application. Thank you.

6 CHAIRPERSON PEDDIBOYINA: Thank you, Mr. Mav.

7 MR. JABBOORI: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Any other board
9 members who would like to speak on this case, please?

10 Okay. It looks like nobody would like to
11 speak on this case. Apart from that, any other?
12 Audience?

13 MR. JABBOORI: I just want to make sure also,
14 the additional square footage is going to be allowed in
15 this variance. So I guess it's several items on this
16 variance. It's the additional square footage on the
17 garage with the side setback and back setback.

18 CHAIRPERSON PEDDIBOYINA: Okay.

19 And before going in anything, applicant, I
20 would like to request you, you want to add any other
21 thing, please let me know now. So if you want to move
22 on to our agenda.

23 MR. JABBOORI: Yeah. We're not adding

1 anything. It should be on the paperwork.

2 CHAIRPERSON PEDDIBOYINA: No, no. Okay. You
3 don't want to. Yeah.

4 MR. JABBOORI: Yeah.

5 CHAIRPERSON PEDDIBOYINA: Thank you.

6 MR. JABBOORI: Because we're going from a
7 three-car garage to a six-car garage home.

8 CHAIRPERSON PEDDIBOYINA: Okay. Katherine,
9 do you see any other people who would like to speak on
10 this? Are you able to see raising their hands or
11 anything in the audience, public?

12 MS. OPPERMAN: No. There's no one raising
13 their hands to speak on this case.

14 CHAIRPERSON PEDDIBOYINA: Okay. I think,
15 yeah, if somebody who can make a motion on this, I have
16 no objection on this.

17 MEMBER SANKER: I can make a motion.

18 CHAIRPERSON PEDDIBOYINA: Thank you, Sanker.
19 Go ahead.

20 MEMBER SANKER: All right. I move that we
21 grant the variance in case number PZ20-0021 sought by
22 the petitioner for the 14 foot variance from the rear
23 setback, the 10 foot variance from total side yard

1 setback and the 890 square feet for the garage, because
2 the petitioner has shown practical difficulty requiring
3 the variance. Without the variance, the petitioner
4 would be unreasonably prevented or limited with respect
5 to the use of the property because he will not be able
6 to provide adequate parking and storage for his family
7 on his property.

8 The property is unique because of its size
9 and shape. The petitioner did not create the condition
10 because he purchased the property in its current size
11 and shape.

12 The relief granted will not unreasonably
13 interfere with adjacent or surrounding properties
14 because the area is next to a protected wetland and no
15 one has appeared to object to this. And the petitioner
16 says he has full support from the association.

17 The relief is consistent with the spirit and
18 intent of the ordinance because the homeowner will be
19 able to improve the property while respecting the
20 surrounding properties.

21 CHAIRPERSON PEDDIBOYINA: Thank you,
22 Mr. Sanker. If somebody can make a second?

23 MEMBER SANGHVI: Second.

1 CHAIRPERSON PEDDIBOYINA: Any other people
2 who wants to say anything?
3 Katherine, please call roll call.
4 MS. OPPERMAN: Member Krieger?
5 MEMBER KRIEGER: Yes.
6 MS. OPPERMAN: Member Longo?
7 MEMBER LONGO: (No answer.)
8 MS. OPPERMAN: Member Longo?
9 CHAIRPERSON PEDDIBOYINA: He's there. I
10 think --
11 MEMBER LONGO: Yes.
12 MS. OPPERMAN: Member Montague?
13 MEMBER MONTAGUE: Yes.
14 MS. OPPERMAN: Chairperson Peddiboyina?
15 CHAIRPERSON PEDDIBOYINA: Yes, please.
16 MS. OPPERMAN: Member Sanghvi?
17 MEMBER SANGHVI: Yes.
18 MS. OPPERMAN: Member Sanker?
19 MEMBER SANKER: Yes.
20 MS. OPPERMAN: Member Thompson?
21 MEMBER THOMPSON: Yes.
22 MS. OPPERMAN: And Member Verma?
23 MEMBER VERMA: Yes.

1 MS. OPPERMAN: Motion passes.

2 CHAIRPERSON PEDDIBOYINA: Okay.

3 Congratulations and good luck.

4 MR. JABBOORI: Thank you. I have one
5 question. You mentioned something 14 feet to the back.
6 What is that? Because we're going to be like within, I
7 believe, from my plans -- I don't have them in front of
8 me. But I believe I was going to be like 21 feet or so
9 from the back.

10 MS. OPPERMAN: Yes. Mr. Jabboori, it is a
11 14-foot variance to grant you that 21-foot setback.

12 MR. JABBOORI: I see. That's what that
13 additional 14 is what we're looking for.

14 MS. OPPERMAN: Correct.

15 MR. JABBOORI: So I'm going to be 10 feet
16 within my side setback and within about 21 feet to the
17 rear, correct?

18 MS. OPPERMAN: So, yes. Everything that was
19 described in the advertisement that you applied for was
20 just granted by the board.

21 MR. JABBOORI: Perfect. Thank you so much.

22 CHAIRPERSON PEDDIBOYINA: Thank you. Good
23 luck.

1 MR. JABBOORI: Thank you. Bye-bye.

2 CHAIRPERSON PEDDIBOYINA: Thank you.

3 All right. Bring our next case.

4 Our next case is PZ20-0022, Robert
5 Cummings/Jim Ascencio. Maudlin Street, west of old
6 Novi Road and south of South Lake Drive, parcel number
7 50-22-03-453-011.

8 The applicant is requesting a variance from
9 the Novi Zoning Ordinance, Section 3.1.5 for a nine
10 foot variance for 16 foot aggregate total side yard
11 setback, 25 feet required. A four percent increase of
12 lot coverage for a total proposed lot coverage of 29
13 percent; 25 percent allowed by code. These variances
14 will accommodate the building of a new home. This
15 property is zoned Single Family Residential, R-4.

16 Is the applicant present?

17 MR. CUMMINGS: Yes.

18 CHAIRPERSON PEDDIBOYINA: Oh, good. It's
19 good to see you. Thank you.

20 And, yeah. Today, what do you want to talk
21 about your request and how we can help you on this?

22 MR. CUMMINGS: Okay.

23 CHAIRPERSON PEDDIBOYINA: And you can tell

1 your first and last name. Just spell your name to my
2 acting secretary.

3 Katherine, can you please take it. Thank
4 you.

5 MR. CUMMINGS: First name Robert,
6 R-o-b-e-r-t, last name Cummings, C-u-m-m-i-n-g-s.

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

9 MR. CUMMINGS: Yes.

10 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
11 And you may proceed and you can present. Thank you.

12 MR. CUMMINGS: Mr. Chairman, board members
13 and City officials, thank you for your time this
14 evening. My name is Robert Cummings. I live at 1353
15 East Lake Drive in Novi. I'm representing Mr. Jim
16 Ascencio this evening on the matter of Lot 46, Idlemere
17 Park, Maudlin Street.

18 I'd like to start tonight first about the
19 characteristics on Maudlin that will be represented in
20 our plan tonight that are consistent with the
21 neighborhood.

22 There are eight houses that are north and
23 south of Lot 46. And our plan tonight is requesting a

1 house that is 1,080 feet. And of the houses that are
2 north and south, there are five that are larger and
3 three that are smaller, and that's why we feel that
4 this home will fit the neighborhood.

5 We've designed the house as a ranch and it's
6 going to be a nice house but nothing frivolous. We'll
7 have a kitchen, family room, two bedrooms, two
8 bathrooms. The house that we're presenting will
9 beautify the neighborhood and will raise property
10 values. Mr. Ascencio is a 26-year veteran of the Ford
11 Motor Company and he will be relocating from Westland,
12 Michigan.

13 I have a request tonight for three variances.
14 The current lot is an older lot of record, though it
15 does not comply with current size and square foot
16 requirements. We are representing our request tonight
17 with the minimum variances necessary.

18 First, of the lot coverage is approximately
19 three percent. I was told that the building department
20 put that at four percent as a safety measure. With
21 this percentage it will allow minimum room sizes that
22 fits the neighborhood as demonstrated in the draft that
23 I put in to our package. And it is what I was

1 communicating a moment ago that has five houses larger
2 and three houses smaller on the north and south
3 sides.

4 I have a request for a side yard setback and
5 a 25-foot total aggregate. The standard of 25 feet on
6 two sides with a 40-foot home would only leave 15 feet
7 to build on and that would be unreasonable.

8 The two requests allow for a 24-foot home.
9 The width would give minimum, as I said, nice ranch for
10 kitchen, bedrooms, bathroom and living room.

11 I did communicate also today with Mr. Butler
12 and there was one side yard that was 10 feet minus four
13 tenths of an inch and I realized that we would be okay
14 with that side being the fourth tenths of an inch less.

15 Mr. Butler communicated that with me today.

16 Our request as presented will grace and
17 beautify the street of Maudlin and will give positive
18 property values to the neighborhood.

19 I would like to thank everyone for their
20 considerations and time this evening.

21 CHAIRPERSON PEDDIBOYINA: Thank you. Thank
22 you, Mr. Robert. And I appreciate that. And do you
23 want to add any other thing apart from what you said?

1 MR. CUMMINGS: I am complete, sir.

2 CHAIRPERSON PEDDIBOYINA: Thank you so much.

3 Okay. And for the City, Mr. Larry, do you
4 have anything to say?

5 MR. BUTLER: Yes. I just wanted to confirm
6 that the gentleman was correct on the dimension of the
7 house. And the north corner of that house there, the
8 dimension actually on that should have been 9.94, which
9 is four tenths of an inch. So, basically, he's agreed
10 that he's going to build that house four-tenths of an
11 inch smaller to meet the variance that he's requested
12 for. Otherwise, he would ask for a larger variance
13 which would have to be awarded (ph) because we can't
14 give him the larger variance.

15 And the second is, I wanted to bring up to
16 the point that the rear of the lot, there's regulated
17 woodlands. Regulated woodlands are trees, stuff that
18 cannot be touched without going to the Planning
19 Commission. So I just wanted to inform that if he
20 decides he wants to make a bigger yard anytime in the
21 future, he's got to go to the Planning Commission in
22 order to have trees removed. But at this time, there
23 is no plans to remove any of those trees to make rear

1 yard any larger at this time.

2 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
3 Mr. Larry. I appreciate your time.

4 MR. BUTLER: You're welcome.

5 MS. SAARELA: I had -- in fact, I had one
6 issue.

7 CHAIRPERSON PEDDIBOYINA: Yes. Please go
8 ahead.

9 MS. SAARELA: Okay. So today it's come up
10 and there's been some discussion looking at the legal
11 description of this parcel as it has been shown in the
12 last few quitclaim deeds relating to the property. And
13 there has been a question raised and it's that
14 intentionally that this Lot 46 has some additional
15 width on the north side. Right now what's shown on the
16 plan as open space is actually a vacated pathway. It
17 was a 10-foot path that was vacated by the City by
18 resolution in 2000.

19 There hasn't been a warranty deed to the
20 area, but the legal description for the parcel in the
21 City's VSNA records which, obviously, is the tax
22 records. And also the last few quitclaim deeds to the
23 property adjoin that the property is actually five feet

1 wider than is being -- you know, than as proposed today
2 in this variance. So the question has been raised
3 whether, you know, there's lesser variances or options
4 to, you know, move this around a little bit on the
5 plan.

6 So I just wanted to raise that issue that.
7 You know, I don't know if there's more information that
8 the owner wants to look into regarding that five feet
9 or if there's more information that's known about that
10 additional five feet, but that might change -- you
11 know, that may be able to change the consideration.

12 Then the second issue is, if any variances
13 are granted tonight, they should be just granted with
14 respect to Lot 46, not Lot 46 and the additional five
15 feet area because that was not part of this current
16 request for variance. So when we make the motion, if
17 any motion is made tonight, it would be just -- it
18 should be specified that it's for Lot 46.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
20 much.

21 MS. SAARELA: You're welcome.

22 CHAIRPERSON PEDDIBOYINA: Okay. Secretary,
23 Acting Secretary, Katherine, any correspondence,

1 please?

2 MS. OPPERMAN: Certainly.

3 So for this case there were 47 letters sent
4 out, two returned letters, zero approvals and four
5 objections. I know that at least one of the objecting
6 parties is present, though I don't see that they've
7 notated to raise their hand yet so I would encourage
8 them to do that if it is their intention.

9 And then for the other three, one is from
10 Mike and Ruth Hilley at 135 Maudlin. They say that
11 they've enjoyed the trees in and around the
12 neighborhood as they have grown over the years. They
13 have already lost much of the shade and natural beauty
14 from trees that have been removed throughout the
15 neighborhood and in the nearby protected woods. It
16 would be a terrible shame to lose more. So being
17 concerned, maybe, of the trees for the site.

18 Michael Brewer of 130 Maudlin Street,
19 kitty-corner to the lot in question. Says he moved
20 into this home in 1985. The living room is at the
21 front of his house and it's where he spends a good deal
22 of his time. He says he has a fantastic view of the
23 neighborhood street and the landscape, including many

1 of the trees that are on the neighboring lots. He says
2 to build a house too close to these trees will be great
3 harm. Most of these trees have shallow roots that grow
4 large perimeter of shallow soil. It would be a shame
5 to not take these things into consideration when
6 granting a permit to build a home on this lot. If you
7 take a good look at surrounding homes, this home should
8 meet these parameters above all others. It should be
9 of the same size according to lot size. Please
10 understand that this is his thoughts on the subject.

11 And then from Debbie Soop of 118 Maudlin.
12 She states that she believes Jim should follow the
13 rules and should have to build a home that is like the
14 other homes in the neighborhood. Why have a large
15 garage when every other home in the neighborhood that
16 sits on a small lot does not have one. These homes
17 were built following the Novi ordinances at the time
18 they were built. Additionally, very concerned about
19 the tree line. She has lived there for over 30 years
20 and enjoys looking out to see the beautiful trees.
21 She's concerned if the applicant is allowed to build
22 four feet away it would damage or kill the trees.
23 She's also concerned regarding some of the wildlife

1 such as deer and cranes that use the lot to pass
2 through to the park. She believes that if a smaller
3 house is built, they will still have access to the
4 park. Whereas, at the current size being proposed she
5 thinks they will go elsewhere, which concerns her.

6 And then I have a fairly lengthy disapproval
7 that is from Tina and Matt Ziegler at 133 Maudlin who I
8 believe are going to give their own discussion on that.
9 Though it does look like they had raised their hand but
10 took it down again. So there they are. So if they
11 could be entered in to speak on their part.

12 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
13 much, Katherine. I appreciate your time. I know
14 acting as a secretary is not easy. Too many things you
15 are doing. I appreciate for that.

16 And let's move on to the board. Who would
17 like to --

18 MS. OPPERMAN: Joe? Joe, pardon me?

19 CHAIRPERSON PEDDIBOYINA: Yes.

20 MS. OPPERMAN: Matt and Tina Ziegler are
21 waiting to speak. So if Damon could put them on.

22 CHAIRPERSON PEDDIBOYINA: Oh, okay. Okay.
23 Public remarks. Okay. Thank you so much. I

1 appreciate. Go ahead.

2 MR. ZIEGLER: Can you hear us?

3 MS. OPPERMAN: Yes.

4 CHAIRPERSON PEDDIBOYINA: Yeah.

5 MS. ZIEGLER: Thank you.

6 MR. ZIEGLER: All right. Thank you.

7 MS. ZIEGLER: We appreciate you guys
8 listening to our case. I think we've spent a lot of
9 time doing a lot of research on city code.

10 All right. My name is Christina Ziegler,
11 Z-i-e-g-l-e-r.

12 MR. ZIEGLER: And Matt, M-a-t-t
13 Z-i-e-g-l-e-r.

14 CHAIRPERSON PEDDIBOYINA: Yeah.

15 MS. ZIEGLER: I think our biggest contention
16 is the four foot variance from Lot 47. We have brought
17 in quite a bit of experts that will -- that have proved
18 that the tree line, if we have any trees on that tree
19 line that will perish if he builds four feet away from
20 our lot. So we've done quite a bit of research. I
21 hope the committee has had a chance to review
22 everything that we've done. And we've offered a lot of
23 different suggestions to the builder that they could do

1 other things and save the tree line. And I just hope
2 we've done enough to convince the committee that we
3 want our trees to be saved.

4 MR. ZIEGLER: That's pretty much the bottom
5 line.

6 MS. ZIEGLER: I think we have two witnesses
7 here with us. We have a realtor that looked over the
8 application. And the builder noted that it was going
9 to be a 1,080 square foot home, but with the finished
10 basement, I believe it was going to be sold for around
11 2,100 square feet. So we believe the application is in
12 error.

13 I believe it needs to be redone and
14 resubmitted to the committee so it's just and fair and
15 the committee is understood what is exactly going to be
16 built on the lot.

17 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
18 Do you want to add any other thing, ma'am?

19 MS. ZIEGLER: Honey?

20 MR. ZIEGLER: I think my wife summed it up.
21 That's our thoughts.

22 MS. ZIEGLER: As long as they read through --
23 the committee read through everything that we put

1 together and if our witnesses would like to say
2 anything else, I would ask them to.

3 MR. ZIEGLER: We think they're here.

4 Sorry. This is our first Zoom meeting like
5 this where we can't see everyone who's attending.

6 MS. OPPERMAN: Certainly. So we just want to
7 confirm that you're all through with the aspect you're
8 speaking on and then we can move on to, I believe, Dawn
9 Thierbach would be next.

10 MS. ZIEGLER: Yes. Thank you.

11 MR. ZIEGLER: I believe so. Does everyone
12 have all of the documentation that we provided?

13 MS. ZIEGLER: Has everybody read through it?

14 CHAIRPERSON PEDDIBOYINA: Yes.

15 MS. ZIEGLER: Thank you.

16 MR. ZIEGLER: Thank you so much.

17 CHAIRPERSON PEDDIBOYINA: Thank you so much.

18 Unfortunately, at this COVID time you are at home and
19 you're doing the Zoom. I know it's not -- you know,
20 people -- some people are not comfortable on the Zoom
21 calls. And let's move on to any other public remarks
22 on this.

23 Katherine, do you see anybody on the Zoom

1 call?

2 MS. OPPERMAN: Yes. I believe Damon has just
3 opened it up for Dawn Theirbach.

4 MS. THIERBACH: Hi there. My name is Dawn
5 Theirbach. I'm a certified arborist. I ...

6 (Court reporter clarification.)

7 MS. THIERBACH: It's Dawn, D-a-w-n
8 T-h-i-e-r-b-a-c-h.

9 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
10 ahead. Thank you.

11 MS. THIERBACH: It will kill the trees on the
12 Ziegler side of the lot because when you build a house,
13 you have to -- the area that they will dig out will be
14 larger than the house area which will put the trench
15 about one inch to six inches away from the trees. It
16 will also put a footer in there and then they'll have
17 to dig the trench wider because they have to have men
18 working around there. And so it will kill the trees.

19 In fact, if they have to build it five feet,
20 the ditch, it will be under the roots. So they will
21 have to cut all the roots on those trees that the
22 Zieglers own. And it will kill them. It -- it will
23 start with a slow pest and disease and then it'll move

1 into brown rot and white rot and it will kill those
2 trees.

3 CHAIRPERSON PEDDIBOYINA: Okay. Any other
4 thing you want to add, ma'am?

5 MS. THIERBACH: Is there anything else I
6 should add, Jeff?

7 CHAIRPERSON PEDDIBOYINA: Yeah. That's what
8 I'm asking you on, to say any other thing?

9 MS. THIERBACH: Oh, I'm sorry. That's my
10 husband -- I'm talking to my husband. Is there
11 anything else I should add?

12 MR. THIERBACH: Water shed.

13 MS. THIERBACH: And then the water shed from
14 the roof, it's going to cause -- because the Ziegler's
15 property is lower, it's going to cause them to flood.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

17 Katherine, any other people that are on Zoom
18 on the call, anybody raising their hands?

19 MS. OPPERMAN: Yes. There's also a Casey
20 Matteson.

21 CHAIRPERSON PEDDIBOYINA: Hi, Casey. Can you
22 spell your first and last name for our records?

23 MS. OPPERMAN: I think we'll have to give

1 Damon a moment to transfer you over to them.

2 CHAIRPERSON PEDDIBOYINA: Okay.

3 MR. MATTESON: Hello, can you hear me?

4 MS. OPPERMAN: Yes.

5 MR. MATTESON: My name is Casey Matteson,
6 C-a-s-e-y, last name is spelled M-a-t-t-e-s-o-n. I am
7 a local realtor. I was asked to just review the
8 building plans that the builder has proposed. One
9 thing that I think would be important to take into
10 consideration, on the very last page of what the lot
11 owner has submitted, he has added in there that he
12 would be the sixth amongst nine in terms of square
13 footage. It is not uncommon with properties being
14 built with walkout basements, that that square footage
15 is included when that property is sold. If you look at
16 the properties that the home -- that lot owner has used
17 in reference to his build on Lot 46, if you look up the
18 lot dimensions, those lots, majority of them on this
19 list are much larger than the 40 foot frontage that he
20 is working with here. There are some that are almost
21 double the size.

22 Being the size of this build, I personally do
23 not believe that it conforms to the neighborhood and/or

1 would bring up property values.

2 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,
3 Casey.

4 Any other thing anybody wants to say?
5 Katherine, can you see anybody?

6 MS. OPPERMAN: No. I believe Casey was the
7 last one who wished to speak on this matter.

8 CHAIRPERSON PEDDIBOYINA: Okay. Now the
9 board time would like to speak? Any of them? Board
10 members, it's open to everybody.

11 MEMBER SANGHVI: Can I?

12 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
13 ahead, Mav.

14 MEMBER SANGHVI: Thank you. I visited this
15 street and went up and down and looked around. And I
16 also have reviewed all the information that has been
17 provided, including the objections and the PowerPoint
18 and everything else.

19 I have a comment for Mr. Cummings, who is
20 representing the owners here. There are too many
21 questions have been raised by your neighbors. And I
22 believe a lot of those are quite genuine. I'd like to
23 give you an opportunity to get together with your

1 neighbors and see if you can sort out some of the
2 problems amongst yourself. If you can, that would be
3 very nice.

4 And so I would like to hear your response to
5 my concerns.

6 MR. CUMMINGS: Thank you, sir. I would like
7 to state that there is a number of items that were
8 mentioned that are a hundred percent incorrect. One of
9 them is there is no basement in this plan. There is
10 going to be a crawl space, number one. The number two
11 that has been misleading from the statements that have
12 been said is, the couple that spoke had mentioned that
13 there was a four foot setback -- I'm sorry. They said
14 that was -- that we were building at four feet to the
15 property line and that is incorrect. We are building
16 10 feet from the property line. That's over a hundred
17 percent difference in the conversation.

18 Someone, sir, also mentioned that there would
19 be inadequate water spilloff. This house is going to
20 be built by Evergreen Development. They have been
21 building in the city of Novi for over 20 years and I
22 can tell you that they are a custom builder and they
23 will make every precaution to make draining a hundred

1 percent correct. We have worked with -- I'll put one
2 person in the building department we've worked with,
3 that's Chris Webber. And Chris knows our style and
4 what we do, getting things done a hundred percent in
5 that.

6 The fourth item is, is that there are going
7 to be no trees that we're going to be cutting down or
8 even touching on this property. With the measurements
9 that we have requested, there is going to be 10 feet
10 from the property line and there's no trees that are on
11 this property that are going to be touched. These
12 trees in question are all on the neighbor's property.
13 So we're going to have a minimum of 10 feet. And,
14 again, I want to state that there is no trees that are
15 going to be touched in this construction. So we're
16 going to have -- there's no trees in the front.
17 There's 10 feet from the side. There are no trees to
18 the other side. And we're going to be at least 35 feet
19 from the back that we'll be missing.

20 So I would like to state that those four
21 items that I just mentioned are a hundred percent
22 different than anyone that has just given their
23 comments.

1 MEMBER SANGHVI: Thank you.

2 MR. CUMMINGS: Thank you, Mr. Mav.

3 CHAIRPERSON PEDDIBOYINA: Mr. Mav, do you
4 want to say anything else?

5 MEMBER MONTAGUE: Yes. I would like to ask a
6 couple of questions. You say it's going to be a crawl
7 space, but the plan --

8 CHAIRPERSON PEDDIBOYINA: One second,
9 Montague -- Member Montague, one second. Let me finish
10 Mr. Mav.

11 MEMBER MONTAGUE: Oh, I'm sorry. Okay.

12 CHAIRPERSON PEDDIBOYINA: Are you there?

13 MEMBER SANGHVI: I am done. Thank you.

14 CHAIRPERSON PEDDIBOYINA: Oh, thank you so
15 much. Okay.

16 MEMBER MONTAGUE: I'm sorry. Sorry to cut
17 you off.

18 CHAIRPERSON PEDDIBOYINA: Thank you so much,
19 Mr. Mav. Thank you.

20 MEMBER MONTAGUE: Your plan shows an eight
21 foot depth of basement. You say that's a crawl space?
22 Crawl spaces to me are usually three or four feet. And
23 if you look at that, the other side you're doing a six

1 foot setback, right?

2 MR. CUMMINGS: We have -- we have a request
3 of -- we will have approximately the 10 feet on one
4 side and we're requesting the -- we're requesting the
5 six foot on one side to make 10. And we have -- we
6 will be requesting the six foot on the aggregate.

7 MEMBER MONTAGUE: Yeah. On the flip side
8 you're asking six and I guess my concern there is that
9 how you -- how you're going to do the excavation eight
10 foot down and not affect that other property. I mean,
11 they're on this side. What about that property? That
12 goes against the -- you know, we got to make sure we're
13 not adversely affecting anybody else.

14 MR. CUMMINGS: There are no trees on the
15 other side. And the distance between the house and the
16 other property owner is at least 30 feet.

17 MEMBER MONTAGUE: I'm not -- I'm sorry. I'm
18 not talking about trees. I'm talking about excavating
19 and being on their property while you're doing that
20 because you're going eight down, if that crawl space is
21 truly going to be eight foot. Is it going to be eight
22 foot, the basement height?

23 MR. CUMMINGS: It's going to be a crawl space

1 to answer your question. And to answer your other
2 question, on the north side we're going to have the
3 space that we're requesting for the variance, then
4 there's the easement of 10 feet and then there's at
5 least -- I said 30. I'm going to say 20 to 30 feet
6 between the easement and the house to the north.

7 MEMBER MONTAGUE: Yeah, I saw that. I was
8 out there and saw the house. It's quite a ways. I
9 guess I didn't -- I didn't see the easement on the plan
10 so it looked like it was right against the property
11 line.

12 Is there an easement on that side, Larry?

13 MR. CUMMINGS: Yes, a hundred percent. That
14 was what our city attorney Beth communicated a few
15 moments ago.

16 MS. SAARELA: Let me clarify. So that
17 easement has been vacated. It appears through our
18 assessing records that the applicant owns half of that
19 easement area and it has been attached to his property.
20 So five feet of that area are included in his parcel
21 description on the City's tax records on the website.

22 So there may be, if the applicant
23 investigates it, an additional five feet that he owns

1 on the north side of his property.

2 CHAIRPERSON PEDDIBOYINA: Thank you, Beth. I
3 appreciate it.

4 MS. SAARELA: You're welcome.

5 CHAIRPERSON PEDDIBOYINA: Okay. Member
6 Montague, you want to continue anything?

7 MEMBER MONTAGUE: So you ask us to rule on
8 this without that five foot. That five foot makes a
9 difference, I think. So what do we do with that?

10 MS. SAARELA: You can rule on it without the
11 five foot because that -- adding that five feet
12 actually makes the variances smaller.

13 MEMBER MONTAGUE: Right.

14 MS. SAARELA: So it doesn't -- so the notice
15 doesn't -- it doesn't impact the notice because you can
16 always grant a lesser variance than was requested. But
17 it may be something that the applicant wishes to table
18 and look into. That's up to the applicant.

19 MEMBER MONTAGUE: Okay. Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Beth.

21 MS. SAARELA: You're welcome.

22 CHAIRPERSON PEDDIBOYINA: Okay. Member
23 Montague, do you want to continue anything?

1 MEMBER MONTAGUE: (Gestures.)

2 MR. CUMMINGS: To answer that gentleman's
3 question, we hope that the five feet will occur. We
4 are not planning on using any of that space for
5 building envelope. We are very happy with the
6 submitted plan on the current lot size.

7 CHAIRPERSON PEDDIBOYINA: Thank you, Robert.

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

10 MEMBER SANKER: Yeah. I just have a quick
11 question.

12 CHAIRPERSON PEDDIBOYINA: Go ahead.

13 MEMBER SANKER: So suppose you did build a
14 house that was within the ordinances and you didn't
15 need any variances, what kind of house would that look
16 like?

17 MR. CUMMINGS: Well, we are -- we have a
18 sketch in the plan that was submitted. It is a ranch
19 house that is living room, a kitchen, two bedrooms, two
20 bathrooms, 1,080 square feet.

21 MEMBER SANKER: Without requesting a
22 variance?

23 MR. CUMMINGS: Are you -- you're asking the

1 question if we did not build the house without the
2 variance?

3 MEMBER SANKER: Yeah. I'm saying if you had
4 to -- if you built a house that was within the zoning
5 ordinance, what would be the resulting house?

6 MR. CUMMINGS: Well, I stated that earlier
7 and that is a very good question. We would have a lot
8 width that would be 40 feet minus the 25 foot side
9 aggregates. We would have a house width of 15 feet.
10 That would be unreasonable to build on.

11 MEMBER SANKER: Have a 15 foot width,
12 basically?

13 MR. CUMMINGS: Yes.

14 MEMBER SANKER: Okay.

15 CHAIRPERSON PEDDIBOYINA: Okay, Sanker, you
16 want to continue any other thing, Member Sanker?

17 MEMBER SANKER: No, not at this moment.

18 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

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

21 MEMBER KRIEGER: Sure. Just to reclarify
22 regarding the --

23 CHAIRPERSON PEDDIBOYINA: Linda?

1 MEMBER KRIEGER: -- water drainage, when you
2 built the house that your -- that it doesn't drain into
3 the neighbor's yard or into their basement or house.

4 And then the root balls of the trees, I know
5 it's -- it was six inches for a tree before you needed
6 a request to remove it, and I know that's on the
7 neighbor's property. But as far as the roots, can you
8 just explain the 10 foot is enough to clear that? And
9 then the water again, if you could reexplain that.

10 MR. CUMMINGS: Yes. Our building company is
11 Evergreen Development. They've been building in the
12 city of Novi for over 20 years. Everyone in the
13 building department would know them and can give a
14 positive on the quality of build. And I can guarantee
15 that, you know, we've worked with restrictions. We've
16 worked with the ordinances and we will make the water
17 flow correctly per ordinance and not have any issues
18 with that.

19 The trees are on the neighbor's property and
20 with the setback, we would be at least 10 feet from the
21 property line and those trees are beyond that 10 feet.
22 We're not cutting any trees. We're not taking any
23 trees out. There will be a 10 foot between -- 10 feet

1 at a minimum.

2 MEMBER KRIEGER: So if they dropped a drip
3 line for the trees, that wouldn't be an issue with you?

4 MR. CUMMINGS: That would not.

5 MEMBER KRIEGER: And then eight feet -- it
6 could be used as -- is it going to be a walkout or not?

7 MR. CUMMINGS: This is going to be a crawl
8 space.

9 MEMBER KRIEGER: Crawl space. So you can't
10 walk out from the crawl space?

11 MR. CUMMINGS: Yes, you are correct.

12 MEMBER KRIEGER: Okay. Very good.

13 Actually, it's similar to other homes along
14 the lake that have issues and the percentage of size as
15 discussed matches those along. I drove through there.
16 It is hard to see an empty lot turn into a house lot,
17 but it's the right of an -- whoever is paying the taxes
18 should have a right to do with it and it's within
19 reason. So it seems to be that the builder is taking
20 into consideration the needs of the person that would
21 like to build on the lot and the houses next door on
22 either side, that the water will not be draining into
23 their property and that to the other side they have an

1 extra five feet on the north side that takes -- makes
2 an addition for the six feet request.

3 So I would be able to support the request.

4 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

5 Okay. Any other board member who would like
6 to speak on this case, please?

7 MEMBER SANGHVI: Yes, sir.

8 CHAIRPERSON PEDDIBOYINA: Okay.

9 MEMBER SANGHVI: Can I make some comments?

10 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
11 ahead.

12 MEMBER SANGHVI: Thank you. These are the
13 questions for Mr. Cummings.

14 How do you define a ranch?

15 MR. CUMMINGS: I define a ranch that is one
16 level. It is not a second level. A colonial we would
17 define as a --

18 MEMBER SANGHVI: I know what's colonial. I
19 live in one of them. But a ranch I thought was
20 supposed to have a basement.

21 MR. CUMMINGS: In the building world that
22 could be optional. So I --

23 MEMBER SANGHVI: You just mentioned -- one

1 point it was a basement and then you called it a crawl
2 space. What's the difference between the two?

3 MR. CUMMINGS: Say your question again,
4 please.

5 MEMBER SANGHVI: I say you described this as
6 a ranch once. And then you described that this is not
7 a basement but a crawl space. What's the difference
8 between a basement and a crawl space, as opposed to a
9 ranch in consideration with ranch?

10 MR. CUMMINGS: A ranch is the type of house.

11 MEMBER SANGHVI: I know.

12 MR. CUMMINGS: You can stand in a lower part
13 of the house under the ranch. A basement, generally,
14 is where you can fully stand up and walk around. And a
15 crawl space is the area that is going to be just that,
16 it's the foundation and you're going to generally have
17 your -- a lot of your utilities are going to run in
18 that direction, your HVAC, and it gives enough room for
19 those to operate and get to them physically if you ever
20 needed to do some kind of maintenance.

21 MEMBER SANGHVI: So this house you are going
22 to build, is it going to be a ranch or are you going to
23 call it a house with a crawl space?

1 MR. CUMMINGS: I hope we're not getting, you
2 know, into a word. But by traditional building, a one
3 level building in the residential world is called a
4 ranch.

5 MEMBER SANGHVI: Because the amount of
6 digging you need to do for a basement and a crawl space
7 are two different, aren't they?

8 MR. CUMMINGS: Minimal. I mean, it really is
9 defined by how much you want the crawl space to be.

10 MEMBER SANGHVI: So what's going to be the
11 size of the crawl space you are talking about?

12 MR. CUMMINGS: We are currently -- we're
13 currently keeping it at what the plan has.

14 And there's -- the lot actually does slope a
15 little bit and it will be able to have its depth, as I
16 mentioned, for HVAC, plumbing and equal measurements to
17 service it.

18 MEMBER SANGHVI: Thank you.

19 MR. CUMMINGS: Thank you.

20 MEMBER SANGHVI: Mr. Chairman?

21 CHAIRPERSON PEDDIBOYINA: Yes. Go ahead, Mr.
22 Mav.

23 MEMBER SANGHVI: I am not particularly happy

1 with some of the answers I have got and I will not be
2 able to support this. Thank you.

3 CHAIRPERSON PEDDIBOYINA: Thank you, Mr. Mav.
4 Any other board member would like to speak on
5 this case, please?

6 MEMBER KRIEGER: Yeah. Joe, if our attorney
7 or Larry could -- Beth or Larry could explain the
8 definitions for us for crawl space and basement, just
9 to clarify for ranch.

10 CHAIRPERSON PEDDIBOYINA: Mr. Larry?

11 MR. BUTLER: As far as I know, a crawl space
12 is designed so it is not utilized for anything but a
13 crawl space to access any utilities that may -- piping
14 or anything that may come under there would, basically,
15 be a crawl space. Normally, which can be three to five
16 feet high. The gentleman's calling it a crawl space,
17 but on his plans it's showing eight foot height. So we
18 need to -- you probably want to ask for clarification
19 on that eight foot height.

20 MEMBER KRIEGER: Okay. If the petitioner
21 could explain the eight feet request, then.

22 MR. CUMMINGS: It appears that -- I'm trying
23 to give the best answer I can to this. The eight feet

1 has been put on the survey for the purpose of the crawl
2 space. If -- that appears to be a slight more than
3 what Mr. Butler gave us. I have no space in that lower
4 level that will be used for anything else. He
5 mentioned that was a utilities and that is its only
6 purpose.

7 MEMBER KRIEGER: So the topography will allow
8 you to put in eight feet versus five?

9 MR. CUMMINGS: Yes.

10 MEMBER KRIEGER: Thank you, Joe.

11 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

12 Any other board member would like to speak on
13 this case for final, please?

14 MEMBER THOMPSON: Yeah. I got a question for
15 you. If the tree roots are an issue, right, is there a
16 chance of building just a regular three or four foot
17 crawl space? That would be going down three or four
18 feet less.

19 MR. CUMMINGS: I'm not sure if the roots are
20 impacted. Could we do a smaller crawl space? Yes.

21 MEMBER KRIEGER: There we go.

22 MEMBER THOMPSON: Is the -- there was someone
23 that spoke about the trees. Are they still on the

1 call? Would they be able to answer that better?

2 MS. OPPERMAN: They are still on the call,
3 both the neighbors that were concerned, as well as the
4 arborist who they -- they are both raising their hands.
5 I don't know if Joe formally closed the public hearing
6 section or if you would like to call on them.

7 CHAIRPERSON PEDDIBOYINA: Thank you,
8 Katherine.

9 Okay. Anybody would like to speak on this?

10 MS. OPPERMAN: Are you allowing the audience
11 members to speak further on this, Joe?

12 CHAIRPERSON PEDDIBOYINA: No. On the board
13 members. I'm asking the board members.

14 MS. OPPERMAN: But could I have you confirm
15 whether or not you will hear anymore from the audience
16 or if the public hearing section is closed for this
17 case?

18 CHAIRPERSON PEDDIBOYINA: Yeah. Before that,
19 let me finish this, you know. Yeah. Go ahead. You
20 can see -- anybody you can see in the audience, that
21 will be good, too.

22 Anybody in the audience want to?

23 MS. OPPERMAN: So, yes. The Zieglers who had

1 spoken earlier are raising their hand. Also, the
2 arborist that they had hired. So if you'd like to
3 allow them.

4 CHAIRPERSON PEDDIBOYINA: Yeah. Yeah.
5 Please go ahead.

6 And this is the final for the audience. We
7 are closing it.

8 MS. THIERBACH: Okay. This is the arborist.
9 This is Dawn Thierbach. And so the house is going to
10 be 10 feet from the trees and the lot line, basically.
11 But they're still going to have to dig within five feet
12 of the trees. So that is going to cut a lot of roots.
13 And even if you have a three foot crawl space or a five
14 foot crawl space or an eight foot crawl space, you're
15 still going to impact the roots and you're going to
16 cause damage to those trees.

17 So what I was saying to the Zieglers is, if
18 they are going to -- if you guys are going to approve
19 this, then he should have to pay the value of the trees
20 and the -- and some impact. Because what I would --
21 what I had recommended was the value of the trees. The
22 air conditioning they're going to lose, expenses.
23 Everything that they're going to lose including

1 replacement trees to put in there my letter states.
2 Because even if you build that crawl space and you --
3 you're still going to have to come within five feet of
4 those trees and that is going to impact those roots.

5 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

6 MR. BUTLER: Mr. Chair, this is Larry from
7 the City.

8 CHAIRPERSON PEDDIBOYINA: Yeah, please. Go
9 ahead.

10 MR. BUTLER: Mr. Chair, definition of the
11 crawl space, just wanted to let you know that there is
12 no height limitation on a crawl space. It can be eight
13 feet, three feet or four feet.

14 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

15 MR. BUTLER: Thank you, sir.

16 CHAIRPERSON PEDDIBOYINA: Okay. Mr. Mav, you
17 have -- you got answered about the crawl space.

18 MEMBER SANGHVI: I heard the answer. I have
19 a feeling that perhaps they want to look again at this
20 and give them an opportunity by tabling this today and
21 see if they can revise their plans which are more
22 reasonable.

23 Thank you.

1 CHAIRPERSON PEDDIBOYINA: Thank you, Mr.
2 Member Mav.

3 Okay. Katherine, do you see any other
4 audience before I close to the audience?

5 MS. OPPERMAN: Yes. The Zieglers also have
6 their hand raised again.

7 CHAIRPERSON PEDDIBOYINA: Okay. Go ahead,
8 please. Thank you.

9 Ziegler, are you there? Yeah, please go
10 ahead and state your first and last name, please. Go
11 ahead.

12 MR. ZIEGLER: Matthew Ziegler, Z-i-e-g-l-e-r.
13 I don't want to take up too much of your time. So we
14 believe, my wife and I, that our presentation kind of
15 speaks for itself. So I apologize if we're wasting
16 anyone's time based on the information we have. These
17 plans they showed a basement, they show an egress from
18 the basement, so clearly that's why we used that
19 verbiage.

20 And as much as I look at it, I cannot seem to
21 see how that appears to be 10 feet from our tree line.
22 And on the first page of the application it says side
23 yard of four feet, 10 required, aggregate of 16, 25

1 required. I don't know how they calculated that with
2 the gravel on the north side. But, again, the numbers
3 just don't add up to me I suppose. That's -- other
4 than that, I think our case speaks for itself and we
5 appreciate your time.

6 CHAIRPERSON PEDDIBOYINA: Thank you, Mr.
7 Ziegler. I appreciate your time. Thank you so much.

8 Any board members who would like to speak any
9 other thing for final call today? Board members?

10 MEMBER LONGO: I --

11 CHAIRPERSON PEDDIBOYINA: Yeah, Mr. -- go
12 ahead, Longo.

13 MEMBER LONGO: I think Mav has a solution
14 here. We should table the -- there's so much
15 confusion. He keeps calling it a crawl space. It
16 clearly says it's a basement with an eight foot wall.
17 That's what it says. That's what his plan says. And
18 then the thing about the tree roots, I mean, there
19 would be some tree damage for sure. I don't know about
20 paying for that. I think we should table this. I
21 think they should talk to the neighborhood and come
22 back to the zoning board.

23 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,

1 Mr. Michael.

2 All right. Any other board members who would
3 like to speak?

4 Okay. Katherine, I would like to say what we
5 want to say about this.

6 And also I have a question on the City.

7 Beth, what do you think? You want to table
8 this case for this moment at this time and you want to
9 review it and how do you want to put in the -- present,
10 you know, motion? Can you give me advice, please,
11 Beth?

12 MS. SAARELA: Well, if you feel you don't
13 have enough information and there's additional
14 information that you would like the applicant to
15 provide you, any of you can move to table the case
16 until the next -- until -- we would need the date for
17 the next ZBA meeting, specifically.

18 CHAIRPERSON PEDDIBOYINA: I really
19 appreciate. Thank you so much, Ms. Beth.

20 And anybody would like to make a motion on
21 this one, please, board members?

22 MEMBER KRIEGER: I'll make a motion.

23 CHAIRPERSON PEDDIBOYINA: Yeah, Linda. Go

1 ahead.

2 MEMBER KRIEGER: I'll make a motion. I'd
3 like to motion for case number PZ20-0022, that we table
4 till the next meeting, September -- I don't know what
5 date.

6 MS. OPPERMAN: It would be --

7 MEMBER KRIEGER: I mean August.

8 MS. OPPERMAN: -- August -- let me double
9 check what date that would be.

10 CHAIRPERSON PEDDIBOYINA: 11th, September
11 (sic) 11th.

12 MS. OPPERMAN: Correct.

13 MEMBER KRIEGER: And September 11th. And
14 bring more clarification regarding the information, the
15 basement, crawl space, what is -- and also for the root
16 ball, the digging. As to they're asking for 10 feet,
17 if it's going to be -- what's going to occur there and
18 what other information they can bring from discussion
19 with the neighbors.

20 CHAIRPERSON PEDDIBOYINA: And also, can you
21 add a couple of our board members had a lot of
22 confusion on this case?

23 MEMBER KRIEGER: Yes.

1 CHAIRPERSON PEDDIBOYINA: Can you add,
2 please? Thank you.

3 MEMBER SANGHVI: Second the motion.

4 MS. SAARELA: What was the date? Can we
5 clarify, what was the date that it's being adjourned --
6 tabled over to?

7 MEMBER KRIEGER: August 11.

8 MS. SAARELA: Oh, okay. Thank you.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Ms. Beth
10 and Linda. And second is Mr. Mav. And thank you so
11 much.

12 Yeah. We're moving to next case.

13 MEMBER SANGHVI: No. Please take the roll.

14 CHAIRPERSON PEDDIBOYINA: I'm sorry. Mr.
15 Mav, I appreciate it.

16 Please roll call, Katherine.

17 MS. OPPERMAN: Member Verma?

18 MEMBER VERMA: Yes.

19 MS. OPPERMAN: Member Thompson?

20 MEMBER THOMPSON: Yes.

21 MS. OPPERMAN: Member Sanker?

22 MEMBER SANKER: Yes.

23 MS. OPPERMAN: Member Sanghvi?

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MEMBER SANGHVI: Yes.

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: And Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Motion passes.

MEMBER LONGO: And Member Longo also agrees.

MEMBER KRIEGER: Appreciate that.

CHAIRPERSON PEDDIBOYINA: Thank you. All right. And go to the third case for today.

I know it is taking a long time. Let's move on this third case. PZ20-0023, William Decoste at 24 -- I'm so sorry. 22430 Southwyck Court, east of Beck Road and north of Nine Mile Road, parcel number 50-22-22-351-007.

The applicant is requesting a variance from the Novi Zoning Ordinance, Section 3.1.2 for five foot variance for a proposed 30 foot rear yard setback, 35 feet required. This variance will accommodate the building of proposed screened-in porch. The property is zoned Single Family Residential, R-1.

1 Is the applicant present, please?

2 MR. DECOSTE: I am.

3 CHAIRPERSON PEDDIBOYINA: Oh, sounds good.

4 Thank you so much, William. I appreciate. And can
5 present -- you can tell your first and last name and
6 slowly and tell to my court record for my secretary.

7 And Katherine, can you take care of it,
8 please?

9 MR. DECOSTE: Okay. William Decoste,
10 W-i-l-l-i-a-m, D-e-c-o-s-t-e.

11 Address is 22430 Southwyck Court, Novi, which
12 is also the location that we're talking about.

13 So thanks for all for attending here tonight,
14 especially Kate for my help -- helping me coming up to
15 this because I've never done this before.

16 MS. OPPERMAN: And then I'll just have to
17 have you swear or affirm to tell the truth in the case
18 before you.

19 And also, real fast, just a reminder, if
20 you're not actively speaking, please make sure that you
21 mute your microphones so it's not picking up background
22 noise.

23 CHAIRPERSON PEDDIBOYINA: Thank you, Kathy.

1 Thank you.

2 MR. DECOSTE: Okay. Ready for me?

3 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead,
4 sir.

5 MR. DECOSTE: Okay. So it's a proposed
6 screened-in porch. It will be at my home and I'll be
7 the builder. And it's freestanding and not attached to
8 the house but adjacent to the house. I have a walkout
9 basement with a sliding door that would lead into the
10 porch.

11 So I'm asking -- it's actually four feet six
12 and a half inches variance to the 35 foot rear setback,
13 but we'll call it five feet. We have no HOA. We're a
14 cul-de-sac street of seven homes. And my neighbors,
15 everyone I've spoken to are very supportive of my porch
16 plans.

17 We have a bit of a unique setup here. We --
18 my backyard does not face someone else's backyard. It
19 goes into a treed easement and then there's a street
20 and then there's the front yard of the houses behind me
21 and, you know, so that's a little different than you
22 might find in most subdivisions.

23 So I'm building the porch to try to avoid

1 mosquitoes, like we all are. We're in a bit of a wet
2 area here. And the size that I'm looking for is to
3 allow for a six place table inside the porch. I don't
4 know if you guys have all looked at my drawings, but I
5 tried to show what it would look like if I stayed
6 within the setback.

7 And it also allows me room to pass through
8 from the sliding door through the porch -- I'm sorry.
9 I'm talking with my hands, but you can't see them. And
10 then which would lead to the stairs that go up to my
11 deck. As proposed, it won't extend past the side of
12 the house, so you wouldn't see it from the front of the
13 house. And it also will not extend past the back of
14 the existing deck.

15 And generally, trees block the view of my
16 backyard from all sides. There's a little bit of view
17 in from the street side, but it is minimal. So it
18 shouldn't really bother anyone.

19 Let's see. Also, there is a precedent. Back
20 in 2000, my neighbor two lots to the north also built a
21 screened in porch and they got a -- and was approved
22 for a four-foot, two-inch variance for their screened
23 porch. So that was year 2000.

1 So that's it. If you guys have any
2 questions, I can hopefully answer or you can see my
3 plans.

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

6 And from the City, Larry, are you there?

7 MR. BUTLER: There is no comments from the
8 City at this time. Standing by for questions.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Larry.
10 I appreciate.

11 And chairperson -- sorry. Correspondence,
12 Katherine, acting, can you say how many letters of
13 correspondence?

14 MS. OPPERMAN: Yes. For this case, there
15 were 26 letters mailed out, none returned, five
16 approvals and no objections.

17 CHAIRPERSON PEDDIBOYINA: Sounds good. Thank
18 you so much.

19 Okay. And thank you for the nice
20 presentation, Mr. William. And I appreciate.

21 And let's talk to my board members what they
22 think the decision on this to this case. And I will
23 open for the board members to speak on this case.

1 MEMBER SANGHVI: Mr. Chair?

2 CHAIRPERSON PEDDIBOYINA: Yes, Mr. Mav,
3 member. Go ahead.

4 MEMBER SANGHVI: Thank you. I went and
5 visited this gentleman's home. And it's a beautiful
6 home in a great neighborhood. And I also looked at the
7 plans. And what they are proposing is quite reasonable
8 and I have no difficulty in supporting their
9 application. Thank you.

10 MR. DECOSTE: Thank you, Mr. Mav.

11 CHAIRPERSON PEDDIBOYINA: Any other board
12 member who would like to speak on this case tonight?

13 MEMBER LONGO: Yes, I would.

14 CHAIRPERSON PEDDIBOYINA: Yes, please.

15 MEMBER LONGO: Expanding on what Mav said. I
16 drove all the way around this thing and he's right.
17 You can't see this thing. So it's not -- that's not a
18 problem. And I think that it's a -- I absolutely
19 support this appeal.

20 MR. DECOSTE: Thank you.

21 CHAIRPERSON KRIEGER: Thank you, Member
22 Michael.

23 Any other board member?

1 MEMBER KRIEGER: Is that a motion, Mike?

2 CHAIRPERSON PEDDIBOYINA: Before that, Linda,
3 I would like to ask any of the audience are raising
4 their hands, Katherine?

5 MEMBER SANGHVI: Seeing none.

6 MS. OPPERMAN: No. There's no audiences
7 raising their hand for this topic.

8 CHAIRPERSON PEDDIBOYINA: Oh, sounds good.
9 Thank you so much. And let's go to -- continue the
10 board members. Anybody would like to speak? You want
11 to go for the motion tonight?

12 Okay. Looks like the motion time. Any
13 member can move for a motion.

14 Linda?

15 MEMBER KRIEGER: In case number PZ20-0023, I
16 move to grant the request sought by the petitioner
17 to -- for a five foot variance for a proposed 30 foot
18 square yard setback, 35 square feet required. Variance
19 will accommodate the building of the proposed screened
20 in porch. The petitioner has shown practical
21 difficulty because of its location with the -- as he
22 explained the street on the one side and the trees to
23 the rear and then a subdivision next to that.

1 That the property is unique as stated and he
2 did not create the condition because the house, this is
3 how it was proposed for the streets and homes to be
4 built on this sub.

5 That the relief granted will not unreasonably
6 interfere with adjacent or surrounding properties
7 because similar additions were -- of enclosures were
8 built.

9 And the relief is consistent with the spirit
10 and intent of the ordinance. It's a minimum request.

11 CHAIRPERSON PEDDIBOYINA: Okay. Somebody can
12 make a second, please.

13 MEMBER SANGHVI: Second.

14 CHAIRPERSON PEDDIBOYINA: Thank you.

15 Okay. Now's the time for the -- Katherine,
16 for the roll call.

17 MS. OPPERMAN: Member Verma?

18 MEMBER VERMA: Yes.

19 MS. OPPERMAN: Member Thompson?

20 MEMBER THOMPSON: Yes.

21 MS. OPPERMAN: Member Sanker?

22 MEMBER SANKER: Yes.

23 MS. OPPERMAN: Member Sanghvi?

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MEMBER SANGHVI: Yes.

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Yes.

MS. OPPERMAN: And Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Okay.

MEMBER KRIEGER: Congratulations.

CHAIRPERSON PEDDIBOYINA: Congratulations,
William. Thank you so much.

And let's move to our final case today.

PZ20-0024, C-u-r-t-i-s, Curtis, M-a-s-s-o-l-l. 330
Ludlow Drive, east of West Park Drive and south of West
Pontiac Trail, parcel number 50-22-03-129-027.

Applicant is requesting a variance from the
City of Novi Zoning Ordinance, Section 5.11.1A ii, to
allow the installation of a fence to the property line.
Fence shall not extend towards the front of the
property nearer than a minimum front yard setback

1 distance by code. The property is zoned Single Family
2 Residential, R-4.

3 Is the applicant, please, present?

4 MR. MASSOLL: The applicant is present. This
5 is Curtis Massoll, C-u-r-t-i-s, M-a-s-s-o-l-l.

6 CHAIRPERSON PEDDIBOYINA: Thank you, Curtis.

7 And Katherine, can you take the oath for this
8 case, please?

9 MS. OPPERMAN: Mr. Massoll, do you swear or
10 affirm to tell the truth in the case before you?

11 MR. MASSOLL: I do. Thank you.

12 CHAIRPERSON PEDDIBOYINA: Thank you,
13 Mr. Curtis. And you can -- and you can present your --
14 what you want you can do and -- sorry. What you want
15 that can help us for today.

16 MR. MASSOLL: Certainly, I appreciate the
17 time counsel members and city representatives. I'll
18 try to be quick knowing I'm the last one of a long
19 evening here.

20 I submitted the application to keep the fence
21 that is already erected during the quarantine. It was
22 the beginning of May we started landscaping and
23 renovations to our home as stated at 330 Ludlow. And

1 we started erecting a fence by all of the City of Novi
2 information that I could find, which was pretty clear
3 and available.

4 So we started building the fence to all of
5 all those specifications to the best of our knowledge.

6 After the fence was already being erected, it
7 was brought to our attention that we may be in
8 violation of a front yard setback because of the
9 irregular shape of the lot. I have three front yards
10 that I wasn't aware of. So we have one in front of the
11 house that faces Ludlow. That's where our door is.
12 That's where the address is. We were not aware that on
13 our backyard all along the wood was also considered a
14 front yard. So the street of our home, our address is
15 on Ludlow, but our back yard faces Faywood Street.

16 I would be happy to do a screen share and
17 walk everybody through, you know, the area, if that
18 would be of any help. I don't know how many people
19 have had a chance to drive by and see.

20 CHAIRPERSON PEDDIBOYINA: Okay. Curtis, you
21 want to continue any other things?

22 MR. MASSOLL: The only other things that I
23 would like to state with it was, you know, this house,

1 those that have been in the neighborhood for a long
2 time knows that it sat empty for 15 years. There was
3 major overgrowth and blight. We've done the last two
4 years, you know, a lot of blood, sweat and tears of
5 making this into what I think is a beautiful home,
6 utilizing the property. As far as -- I don't know that
7 that will show very well, but of a before and after,
8 you know, of what that looked like. This is one with
9 just the fence and the home and the side.

10 Something else that I would like to state is
11 that the letter that went out to all of the neighbors
12 and myself, you know, we didn't think much of it, but
13 it had the wrong name on it. It had our address, but
14 it had the previous person, William Decoste's name on
15 it. So I think that may have caused some confusion.

16 We did discuss with all of our neighbors. We
17 really only have one immediate neighbor who I know is
18 also present on the line tonight, Mr. Dimo and Kaliana.
19 And they wrote a letter of approval to us that we did
20 submit yesterday. And then we also have signatures
21 from 14 other neighbors saying that they're in favor of
22 the fence and supportive of how we have things as of
23 now. Which I'll note six of them that we got the

1 signatures from are on Faywood Street, which is the one
2 that's really in question.

3 Here's just a small map. I know the colors
4 may be hard to see, but we highlighted everybody in
5 green that is in favor of keeping it and we received a
6 signature from them.

7 And also, since all the offices and such were
8 closed, other than also going off of the City of Novi
9 residential fence requirements bulletin that we found
10 online, I also did look at all of the other neighbors
11 and took measurements, and I have several other
12 addresses where it appears that they are either less
13 than five feet, you know, that's there.

14 I was unaware of any neighbors really
15 objecting to it until I logged on to the site and there
16 was one neighbor that did file an objection that I see
17 is filed with our case. Which I know my fiance tried
18 to speak to them going around and he did not object of
19 it at that time. But his stating is that, you know,
20 there's poor visibility because of the fence.

21 Again, if you would like to do a
22 walk-through, there's more visibility now than what
23 there ever was because it was so overgrown on that

1 road. Now there's actually clearing on the side of my
2 property between the fence and the road which allows
3 for much better visibility, not less. So I'm not sure
4 what he's talking about there.

5 The main reason that we wanted the fence is
6 because we have four young daughters, two of them that
7 are six, an eight-year-old and a 10-year-old. And
8 prior and while working on this property for the last
9 two years, I know it sat empty for a long time. And
10 neighbors came by and told us that it was nicknamed the
11 murder house and, you know, the park. It was just a
12 big empty area. And I think a lot of people used it as
13 that nature. But just last winter we had our girls out
14 playing in the snow, you know, building snow angels and
15 then about a few minutes later someone comes ripping
16 across the yard in a snowmobile. We've had people
17 driving across the yard in motorcycles and dirt bikes.
18 And, obviously, it's private property. It was our own
19 desire for us to purchase that, you know, for our
20 children, as well as for our large dog and that is why
21 we built the fence for their safety and for our
22 utilization of it.

23 The last piece I'll state is that if I were

1 to abide by this setback off of Faywood, it's 30 feet
2 is what I was told and I'd be losing about half of the
3 yard which would have zero purpose for myself as the
4 property owner. And also, it would not be maintained.
5 It would not look good, you know, in that area. And I
6 think it would just look odd to have a fence going
7 through the middle of a large yard instead of along the
8 perimeter of it.

9 So I'm asking for the counsel members and
10 city representatives to agree to let our fence stay as
11 it's been erected.

12 CHAIRPERSON PEDDIBOYINA: Any other thing,
13 Curtis, you want to add or you are done with the
14 presentation?

15 MR. MASSOLL: The only other presentation is,
16 I mean, I'd be happy to do a screen share if people
17 haven't been able to drive by and see it themselves, or
18 if they don't have it in front. I don't know if your
19 Zoom is equipped where I can click a button and do that
20 quickly or not.

21 CHAIRPERSON PEDDIBOYINA: Okay. If we need
22 that, we'll ask you. Any board member would like to
23 ask anything, we can come to that point.

1 MR. MASSOLL: Sure.

2 CHAIRPERSON PEDDIBOYINA: And anybody want
3 to -- sorry. Anything you want to add apart from that?

4 MR. MASSOLL: There is nothing else that I
5 want to add, no.

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

8 And Katherine, do you see any audience
9 raising their hands on this case, please?

10 MS. OPPERMAN: I do, but did you want me to
11 read the correspondence for this case first?

12 CHAIRPERSON PEDDIBOYINA: Yeah. Before that,
13 I want to go to the City.

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

16 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
17 And Katherine, go ahead for the
18 correspondence, please.

19 MS. OPPERMAN: Certainly. In this case --

20 CHAIRPERSON PEDDIBOYINA: Thank you.

21 MS. OPPERMAN: -- 66 letters sent out. None
22 returned. One approval and one objection. The
23 objection as he mentioned was already in the packet,

1 but it is from Martin and Danielle Meyer. They say
2 that you cannot see when going around the corner on
3 Faywood because of the fence. There was almost a
4 head-on crash and people almost got hit by cars because
5 there is no place to go and nobody can see people
6 walking there.

7 He says the fence must be taken down or moved
8 in a few feet. And he does not believe it adds beauty
9 to the neighborhood.

10 Then the approval was from Roger and Rose
11 Pacis, P-a-c-i-s. They say they live across the street
12 where the -- from where the fence was installed. They
13 miss the view of the open space; however, they do not
14 object to the installation of the fence. They believe
15 being that it's, you know, the private property of the
16 neighbors they can, you know, do what they want with it
17 providing they're not violating the city ordinances.
18 They know that they have young children and dogs and
19 they want their children to stay safe while playing in
20 the yard. And they also note that they're not part of
21 the North Haven Woods subdivision and thereby not
22 subject to any restrictions imposed by the homeowners
23 association.

1 CHAIRPERSON PEDDIBOYINA: Thank you,
2 Katherine. I appreciate it.

3 Any other board -- any audience looking -- I
4 mean, raising their hands?

5 MS. OPPERMAN: Yes. There are two audience
6 members raising their hands. First, Caitlin Monson.

7 CHAIRPERSON PEDDIBOYINA: Ms. Monson, are you
8 there?

9 MS. MONSON: Hello, can you hear me okay?

10 CHAIRPERSON PEDDIBOYINA: Yeah. Please state
11 your first and last name.

12 MS. MONSON: Sure. First name is Caitlin,
13 C-a-i-t-l-i-n, last name is Monson, M-o-n-s-o-n. I
14 live at 330 Ludlow, which is the property that we're
15 currently talking about. I'm the fiance of Curtis.
16 And also am not with him right now because I am at home
17 with all four of our daughters.

18 This house, as he mentioned, sat vacant for
19 about 15 years. When we went to go purchase the home,
20 it was a home that we had walked by for about two years
21 before we actually bought and started renovating it as
22 we were working with the previous homeowner on ways to
23 buy the property for the fact that it was not deemed

1 living conditions. There was no electric, plumbing or
2 anything in the house. When we did buy the house,
3 there was a structure up front falling over, as well as
4 many broken windows and things of that nature. And we
5 put, like he mentioned, blood, sweat and tears into
6 this property. And the reason why we went with this
7 property and instead of another house that, you know,
8 could have cost us the same amount to live on the water
9 here in Novi is for the property for our daughters.

10 This is our first summer that we've been here
11 and during COVID has made things a little bit
12 different. We've always dreamed of putting a fence in.
13 Being at home full-time with our kids and having a
14 large dog here is what really prompted us to move the
15 fence in quicker than usual. We've had my girls
16 outside playing, coming inside crying. And I'm always
17 in very close proximity or working out on the porch
18 while they're out there. People stopping by, people
19 walking onto the property trying to fly kites, hit golf
20 balls, all on private property. And, yes, you know, we
21 do approach them, but it is known as the park.

22 In the back where that gentleman was saying
23 that he can't see, we removed probably five to 10 feet

1 of coverage or overage that was full of poison oak and
2 poison ivy, in which there was also needles, vials,
3 alcohol bottles and such, which are things that I don't
4 want thrown into a yard with my young kids.

5 And also, you know, really the other fact is
6 our neighbors, Dimo and Kaliana, who are next to us,
7 also wanted some privacy there as well. We're great
8 friends with them and have a walk-through fence to be
9 able to go by on the back end where their house
10 connects with ours, we have a four-foot fence so that
11 we have a gate that we can also walk through.

12 And so I guess my major consideration is for
13 us is to let us keep the fence and the property the way
14 that it is. We've got a trampoline in the back, we've
15 got tire swings. And we bought the property to be able
16 to do what it is on the back end. We want to put a
17 garden. We want to, you know, have other things of
18 that nature. And to not have the fence there and just
19 have it looking like a lot of random things as people
20 are driving by I think is less appealing to the
21 neighbors. And we should be able to enjoy our property
22 line as is.

23 And I appreciate you guys taking the

1 consideration for everything and listening to
2 everything that Curtis and I have to say as well.

3 CHAIRPERSON PEDDIBOYINA: Thank you so much,
4 Caitlin.

5 MS. MONSON: Thank you.

6 CHAIRPERSON PEDDIBOYINA: Okay. Any other
7 board -- any other audience?

8 MS. OPPERMAN: Yes. There's a Dimo Melistas
9 also waiting to speak.

10 CHAIRPERSON PEDDIBOYINA: All right, Dimo.
11 Please go ahead, first and last name.

12 MR. MELISTAS: Hello. My name is Dimo
13 Melistas, spelled D-i-m-o, last name M-e-l-i-s-t-a-s.

14 CHAIRPERSON PEDDIBOYINA: Yeah, please go
15 ahead, Dimo. Thank you.

16 MR. MELISTAS: You can add my name to the
17 list of approval. You know, these items mentioned
18 about visibility on Faywood Street, I'm actually the
19 house, the first house on Faywood Street as you pass
20 down. And like they mentioned, the amount of
21 overgrowth before they bought the property and
22 completely renovated it, there's no difference. You
23 know, there was less visibility in my opinion with the

1 overgrowth than with the fence. So I don't really see
2 any truth to that statement.

3 I think it's a very well constructed fence.
4 It looks great in the area. And I just wanted to
5 attest that I do not have any issues with the fence.

6 CHAIRPERSON PEDDIBOYINA: Thank you, Mr.
7 Dimo. I appreciate.

8 And any other audience before closing to the
9 audience, Katherine?

10 MS. OPPERMAN: No. Mr. Melistas was the last
11 one who had raised his hand.

12 CHAIRPERSON PEDDIBOYINA: Thank you so much.
13 I appreciate it.

14 And now is the board time. Any other board
15 member would like to speak on this case, please?

16 MEMBER THOMPSON: I have a question about,
17 like, the materials, please.

18 CHAIRPERSON PEDDIBOYINA: Yeah, go ahead.

19 MEMBER THOMPSON: I have a question about
20 like the materials used for the --

21 MR. MASSOLL: Fence?

22 MEMBER THOMPSON: -- like the posts. Doesn't
23 the City --

1 MR. MASSOLL: Sure.

2 MEMBER THOMPSON: -- have to come out and
3 inspect the posts at some point?

4 MS. OPPERMAN: The City doesn't require any
5 permits for fences on residential properties as long as
6 they follow the ordinance requirements and, thus,
7 there's no inspections that take place.

8 MEMBER THOMPSON: Yeah. But there is
9 commercial then, right? A commercial --

10 MS. OPPERMAN: Correct. Yes. Uh-huh.

11 MEMBER THOMPSON: Not residential. Okay.

12 CHAIRPERSON PEDDIBOYINA: Thank you,
13 Katherine.

14 MEMBER SANGHVI: Mr. Chair?

15 CHAIRPERSON PEDDIBOYINA: Yeah. Please go
16 ahead, Mr. Member Mav. Yeah. Go ahead.

17 MEMBER SANGHVI: Thank you. I went and
18 visited this street and also drove around the side
19 street and actually went all the way down in the side
20 street and do a U-turn and came around. If you drive
21 slowly, I don't think there is any danger of any
22 head-on collisions or anything like that. This fence
23 is pretty tall, but it's a huge lot and inside whatever

1 I could see through the fence and over the fence is
2 very well kept. And I have no difficulty in supporting
3 their application. Thank you.

4 CHAIRPERSON PEDDIBOYINA: Thank you, Mr. Mav.
5 Any other board member, please?

6 MEMBER MONTAGUE: Yes. I also drove around
7 and I agree. If you're driving the right speeds, it
8 really doesn't obstruct and create a hazard. So I
9 drove all the way around it as well today. So, thank
10 you.

11 CHAIRPERSON PEDDIBOYINA: Thank you, Mr.
12 Clift.

13 Any other board member?

14 MEMBER VERMA: Yes, Ramesh.

15 CHAIRPERSON PEDDIBOYINA: Ramesh, go ahead.

16 MEMBER VERMA: I have one question about
17 that. We was also last -- last month also we had a
18 similar type of thing. The job is already done then
19 the person comes for the variance and whatever. Now,
20 this is the same situation.

21 Why before building the fence the person
22 didn't go to the City to ask for all the approvals and
23 everything?

1 MS. OPPERMAN: Member Verma, the City
2 actually doesn't require a permit for a fence. I
3 believe the applicant installed it based on the actual
4 ordinances as he understood them, not realizing that
5 his yard is considered to have multiple frontages.

6 CHAIRPERSON PEDDIBOYINA: Thank you,
7 Katherine.

8 MEMBER VERMA: So then if it's not required,
9 then why are we discussing this? Why are we discussing
10 this?

11 MS. OPPERMAN: Because he ended up being in
12 violation because his yard as it lays has multiple
13 frontages which he didn't realize. He thought the only
14 front yard was the one that's facing his front door,
15 essentially. But he is still currently in violation of
16 ordinances as written.

17 MEMBER VERMA: How he came to know that he's
18 violating the variances, whatever, ordinances? How he
19 came to know now?

20 MR. MASSOLL: After the fence was already
21 erected.

22 MEMBER VERMA: Who told you that, that you
23 are not abiding with the ordinance?

1 MR. MASSOLL: It was a city code enforcement
2 officer. And I think there was a delay in everything
3 due to COVID and them not being operating and seeing
4 it. So after it was already erected, she told me.

5 And I said, "The fence is already
6 constructed. What can I do?" And she said to do the
7 Zoning Board of Appeals, which I rushed to do that
8 right away, you know, with, I believe, Katherine or
9 somebody in the office taking payment the same day to
10 get on as soon as possible to have consideration for
11 it.

12 MEMBER VERMA: So what were the variances
13 which you didn't follow?

14 MR. MASSOLL: So my yard is kind of a
15 triangle shape, more of a pie. And there's technically
16 three front yards, which I wasn't aware of. I thought
17 I only had one front yard with the front of my house
18 and the rest of it was my back and side yard. And they
19 said no, you have three front yards. And I did not
20 know. So the -- I mean, I can read the information
21 that was submitted with my application. But as far as
22 location, it just says fences on residential lots are
23 allowed at the rear yard and extending along side

1 yards, for the front of the house up to the minimum
2 front yard setback. If an existing home extends into
3 the required front setback, fences may extend to the
4 front of the home.

5 So my fence does got to the front of my home
6 and that's not a problem. The problem is my very large
7 backyard is technically a front yard.

8 MEMBER VERMA: So the variance is you're
9 asking for the backyard, huh?

10 MR. MASSOLL: I mean, I call it the backyard.
11 I only have one front of the house, one back of the
12 house in the backyard. What I'm asking is that,
13 basically, the fence can stay as it is erected and
14 constructed, which would be asking for a variance and,
15 technically, a front yard setback.

16 If not, they would want me to take the fence
17 down and move 30 feet back into, like, the middle of my
18 yard which would cut my backyard in half and serve
19 absolutely no purpose, no visual aesthetics. Be no
20 gain for everybody.

21 MEMBER VERMA: So the city inspector,
22 whoever, came and he says move that fence 30 yard
23 away -- 30 feet or whatever?

1 MR. MASSOLL: So they were cordial about
2 everything. But they said your fence is in violation.
3 You know, you're going to have to take it down or go to
4 the zoning board. And once I submitted my Zoning Board
5 of Appeals application, nobody has bothered me on
6 anything. Because I think it logically makes sense
7 what it is I'm doing. I mean, that's why I erected it.

8 I'm a business owner. I feel that I
9 understand directions and instructions pretty well.
10 But I was not aware. There was no information online
11 talking about multiple front yards. It's the first
12 I've heard of such a thing.

13 MEMBER VERMA: I don't understand. Every
14 meeting we have the job is already done. Now they're
15 asking us for the variance to approval.

16 Mr. Chair, I don't approve of such things.

17 MR. MASSOLL: So if I may just say one item
18 is that I'm not asking for approval trying to do the
19 fence first and then ask for an exception to it. You
20 know, there were no permits required. The City was all
21 closed. There were clear directions posted online
22 stating how to construct a fence on your property and I
23 abided by all of all those items.

1 I was unaware anything was in violation when
2 we were planning and erecting the fence or else I
3 wouldn't have done it. The only time that I knew was
4 once COVID started stopping. I think all the
5 inspectors and city people started coming out and one
6 of them noted it and that's where we are today. I did
7 not build a fence knowing it was in violation of any
8 ordinance at all.

9 MEMBER VERMA: Thank you.

10 CHAIRPERSON PEDDIBOYINA: Thank you,
11 Mr. Ramesh. Yeah. Okay. I understand your concern
12 and let me see the remaining board members.

13 Okay. Any other board member who would like
14 to speak on this case tonight?

15 MEMBER SANKER: Yeah. I'd like to ask a
16 quick question.

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

19 MEMBER SANKER: So how should it look if you
20 did do it correctly? Because, like you said, it's just
21 the shape of the lot is awkward. The location of the
22 house relative to the lot is awkward and I just can't
23 figure out how you should have done it. And so if you

1 know. And I'm looking at the drawing where you have
2 the fence measured out with a white line. So if you
3 could, like, describe where that white line should be.

4 MR. MASSOLL: Certainly.

5 MEMBER SANKER: That would help.

6 MR. MASSOLL: So if you would look at that
7 drawing, you can see the peak of our -- we only have
8 one neighbor that this is touching. So that home that
9 you see just to the north of my property.

10 MEMBER SANKER: Yeah. Where it says, like,
11 600 feet, there's a line there?

12 MR. MASSOLL: Yeah. Correct. So that is
13 a -- the peak of that ridge line is approximately 30
14 feet back, so they would want me to move the north most
15 line back 30 feet, almost to the center of that house
16 and then the fence line that's on the northwest side
17 along Faywood also 30 feet into the yard. So it would
18 just leave this exposed, unmaintained, blighted area
19 instead of it being part of my yard.

20 MEMBER SANKER: And then what about that 200
21 foot line down at the south --

22 MR. MASSOLL: So that one is not in any
23 violation to my knowledge because of the distance away

1 from the road already.

2 MEMBER SANKER: Oh, okay. Got you. So it's
3 just like along that Faywood Street, basically, move
4 back 30 feet?

5 MR. MASSOLL: Correct.

6 MEMBER SANKER: Okay. Yeah. Well, I do
7 somewhat agree with Mr. Verma in that it's a little
8 perplexing that we get cases where the job is done and
9 now they're coming for approval. But in this
10 particular case, it is extremely confusing in the way
11 the ordinance is written and the picture is drawn in
12 there. I mean, you're grasping for straws, so to
13 speak, or pretty much guessing at how to do it with the
14 way your lot is configured and the way your house sits
15 on it. And so -- and on top of that, some of the board
16 members said there's no real safety issue and you have
17 a ton of approval from surrounding neighbors. And so
18 despite the reverse mode of doing this, I would be in
19 support of it.

20 CHAIRPERSON PEDDIBOYINA: Thank you,
21 Mr. Sanker.

22 Any other board member from the call tonight?

23 Okay. Looks like saying none. And somebody

1 can make a motion.

2 Mr. Sanker, are you able to make a motion?

3 MEMBER SANKER: Yeah. Sure.

4 CHAIRPERSON PEDDIBOYINA: Thank you.

5 MEMBER SANKER: I move we grant the variance
6 in case number PZ20-0024 sought by the petitioner for
7 the -- I guess the front yard setback variance because
8 the petitioner has shown practical difficulty requiring
9 the variance.

10 Without the variance, the petitioner would be
11 unreasonably prevented or limited with respect to the
12 use of the property because his yard will be
13 significantly reduced and his family will be less safe.

14 The property is unique because of the
15 multiple frontages, the odd shape of the lot and the
16 location of the house with respect to the lot. The
17 petitioner did not create the condition because he
18 purchased the lot as is.

19 The relief granted will not be -- will not
20 unreasonably interfere with adjacent or surrounding
21 properties because they've actually cut back a lot of
22 vegetation and growth. And the only other house nearby
23 has approved it. And the relief is consistent with the

1 spirit and intent of the ordinance because the fence
2 provides safety and privacy to the homeowners.

3 MEMBER KRIEGER: Second.

4 CHAIRPERSON PEDDIBOYINA: Thank you so much,
5 Linda.

6 And Mr. Sanker. I appreciate.

7 And Katherine, can you please roll call?

8 MS. OPPERMAN: Certainly.

9 Member Krieger?

10 MEMBER KRIEGER: Yes.

11 MS. OPPERMAN: Member Longo?

12 MEMBER LONGO: (Nods.)

13 MS. OPPERMAN: Member Longo? Okay. He is
14 nodding his head.

15 MEMBER LONGO: Yes.

16 MS. OPPERMAN: Member Montague?

17 MEMBER MONTAGUE: Yes.

18 MS. OPPERMAN: Chairperson Peddiboyina?

19 CHAIRPERSON PEDDIBOYINA: Yes, please.

20 MS. OPPERMAN: Member Sanghvi?

21 MEMBER SANGHVI: Yes.

22 MS. OPPERMAN: Member Sanker?

23 MEMBER SANKER: Yes.

1 MS. OPPERMAN: Member Thompson?

2 MEMBER THOMPSON: Yes.

3 MS. OPPERMAN: And Member Verma?

4 MEMBER VERMA: I want to abstain. I don't
5 want to vote.

6 MS. SAARELA: You can't -- you can't really
7 abstain. You have to vote yes or no.

8 MEMBER VERMA: No. Okay. No.

9 CHAIRPERSON PEDDIBOYINA: Thank you, Mr.
10 Verma.

11 MS. OPPERMAN: Motion passes.

12 CHAIRPERSON PEDDIBOYINA: Congratulations,
13 Curtis. Good luck.

14 MR. MASSOLL: Thank you everyone for your
15 time and consideration.

16 CHAIRPERSON PEDDIBOYINA: And today that is
17 the last and final case. And I would like to -- any
18 other things, are there any matters apart from that
19 before closing tonight?

20 Seeing none. Are there any other things?

21 Okay. The matters and the motions are
22 adjourned. We are adjourning. And anybody say motion
23 for adjourn for second?

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MEMBER SANGHVI: So moved to adjourn.

CHAIRPERSON PEDDIBOYINA: Thank you --

MEMBER KRIEGER: Second.

CHAIRPERSON PEDDIBOYINA: -- Mr. Mav, Member
Mav.

Thank you, Linda.

Okay. Motion to adjourn. And say "Aye"
everybody.

THE BOARD: Aye.

CHAIRPERSON PEDDIBOYINA: And meeting is
adjourned. Thank you so much. Good night everybody.

(At 8:45 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 (Acting in Oakland), do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of ninety-five (95) typewritten pages, is a true and correct transcript of my said stenographic notes to the best of my ability.

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

July 30, 2020
(Date)