

MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, SEPTEMBER 12, 2023, 7:00 p.m.

Council Chambers|Novi Civic Center|45175 W. 10 Mile Rd

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Michael Longo

Clift Montague

Jay McLeod

Siddharth Mav Sanghvi

Michael Thompson

ALSO PRESENT:

Alan Hall, Community Development, Deputy Director

Elizabeth Saarela, City Attorney

Sarah Fletcher, Recording Secretary

Reported by:

Sandra D. Wilson, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, September 12, 2023

about 7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Can somebody close the door, please. I really appreciate it. Thank you so much. And good evening. This is the regular monthly meeting, Zoning Board of Appeals in Novi. Please call to order, and please stand up for the Pledge of Allegiance. Michael Thompson.

(Pledge of Allegiance)

CHAIRPERSON PEDDIBOYINA: Thank you so much. Please be seated, turn your cell phones in silent mode. Excuse me? Can you maintain the silence and put your cell phones on mute mode? Roll-call.

MADAM SECRETARY: Chairperson Peddiboyina.

CHAIRPERSON PEDDIBOYINA: Yes, please.

MADAM SECRETARY: Member Sanghvi.

MEMBER SANGHVI: (No verbal

1 response).

2 CHAIRPERSON PEDDIBOYINA: Member
3 Sanghvi.

4 MEMBER SANGHVI: (Nodding head).

5 MADAM SECRETARY: Member Thompson.

6 MEMBER THOMPSON: Yes.

7 MADAM SECRETARY: Member Mongo.

8 MEMBER MONGO: Here.

9 MADAM SECRETARY: Member Montague.

10 MEMBER MONTAGUE: Yes.

11 MADAM SECRETARY: Member Krieger.

12 Absent, excused. And Member McLeod.

13 MEMBER MCLEOD: Here.

14 MADAM SECRETARY: Thank you.

15 CHAIRPERSON PEDDIBOYINA: Thank you,
16 Sarah. Appreciated. Public hearing format
17 and rules of conduct. When we call the case,
18 please come to the podium. And you can spell
19 your first and last name clearly for the court
20 reporter and for the secretary. You will take
21 the oath if you're not an attorney. Please
22 maintain -- if anybody wants to present a
23 case, the public, they can have three minutes

1 of time; not more than that. Please respect
2 the time. Approval of the agenda. Somebody --

3 MEMBER LONGO: I move that we
4 approve the agenda.

5 CHAIRPERSON PEDDIBOYINA: August
6 2022 (sic.,2023). Somebody make a second,
7 please.

8 MEMBER MONTAGUE: I'll second it.

9 CHAIRPERSON PEDDIBOYINA: Okay. Any
10 objections?

11 BOARD MEMBERS: (No verbal
12 response).

13 CHAIRPERSON PEDDIBOYINA: Say all in
14 favor aye.

15 BOARD MEMBERS: Aye.

16 CHAIRPERSON PEDDIBOYINA: Any nays?

17 BOARD MEMBERS: (No verbal response).

18 CHAIRPERSON PEDDIBOYINA: Thank you.
19 Approval of agenda is done. Minutes of August
20 2023 is done. And public remarks. Anybody
21 wants to change or add on this -- to this what
22 we have agenda, please use the time where you
23 can public -- you can present. If you want to

1 add anything, you can speak up.

2 AUDIENCE: (No verbal response).

3 CHAIRPERSON PEDDIBOYINA: Anybody in
4 the public want to add anything in the agenda?

5 AUDIENCE: (No verbal response).

6 CHAIRPERSON PEDDIBOYINA: Okay.

7 Looks like none.

8 MEMBER LONGO: I move that we
9 approve the agenda as is.

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

12 MEMBER MONTAGUE: Second.

13 CHAIRPERSON PEDDIBOYINA: Thank you.
14 Say all in -- aye.

15 BOARD MEMBERS: Aye.

16 CHAIRPERSON PEDDIBOYINA: Any nays?

17 BOARD MEMBERS: (No verbal response).

18 CHAIRPERSON PEDDIBOYINA: Thank you
19 so much. Okay. Today's first case, PZ
20 23-0027, Jonathan Jacob. 1619 West Lake
21 Drive, east of West Park Drive, south of
22 Pontiac Drive. Parcel 50-22-03-131-052. The
23 applicant is requesting a variance from the

1 City of Novi Zoning Ordinance Section 5.1.2,
2 to allow storage of one recreational equipment
3 or trailer under six feet tall in the front
4 yard of a residentially zoned property between
5 June 1st and September 30th of each year.

6 This property is zoned one family Residential,
7 R-4. Please spell your first and last name
8 clearly for the secretary and the court
9 reporter, please.

10 MR. JACOB: Jonathan Jacob,
11 J-O-N-A-T-H-A-N. Jacob, J-A-C-O-B.

12 MEMBER LONGO: Are you an attorney?

13 MR. JACOB: No, sir.

14 MEMBER LONGO: Do you promise to
15 tell the truth in this case?

16 MR. JACOB: I do, sir.

17 MEMBER LONGO: Thank you.

18 CHAIRPERSON PEDDIBOYINA: Thank you
19 so much, Jonathan. Please, proceed where we
20 can help you tonight on this case.

21 MR. JACOB: Yes, sir. Thank you. I
22 just wanted to leave this up here again. I
23 know that you guys have already reviewed the

1 application; I appreciate your time doing
2 that. A short just presentation. I know I
3 submitted a lot of documents, so I thank you
4 for reviewing those photographs. No need to
5 go through all of those today.

6 I do want to take the time to thank
7 you for the hearing in this matter. I
8 acknowledge this has been lengthy. I request
9 this variance as stated, storage of my boat
10 trailer at that location presented on the
11 screen there. I understand and respect your
12 time and acknowledge that you already read my
13 application and request.

14 My property presents hardships,
15 specifically exceptional narrowness and
16 enclosed fencing. Due to these hardships, I
17 can't get to the rear of the side yards. This
18 specific area requested would not be used to
19 store anything over six feet; and as stated in
20 the ordinance, and will be solely for the boat
21 trailer between those dated times. This area
22 is not unsafe and consistently maintained. My
23 trailer is in good working order.

1 My trailer is also parked next to,
2 as if you see, an approved out building that's
3 been there; and it's extremely hard to see
4 when driving by, as depicted in the other
5 photographs. This is the location of that
6 trailer right there. And from the street
7 side -- and again, this is ultimately looking
8 at the front of my house; it's very hard to
9 see the boat trailer.

10 If you're not familiar, my family
11 has owned this residence since 1977 and this
12 home has been my primary residence since 2019,
13 when my wife and I purchased this house after
14 my grandmother passed away.

15 I received this notice from Code
16 Enforcement on July 1st from Ordinance Officer
17 Underhill. And I want it noted that this is
18 the first violation, any reported enforcement
19 action since the home was actually purchased
20 back in the 1970s. I grew up in this home,
21 and for as long as I can remember, there's
22 been and trailer parked in this area without
23 any problem of some sort. So to say that I

1 was extremely surprised about this ordinance
2 violation notice would be to say the least.

3 I was able to speak with Ordinance
4 Officer Underhill after receiving the notice;
5 I was informed there was no complaints from
6 any of the neighbors about it. And when I
7 asked about the clarification which prompted
8 this, Ms. Underhill stated -- began to explain
9 to me something from the National Institute of
10 Justice about the broken windows theory. If
11 you're not familiar with the broken windows
12 theory, this theory was developed in the early
13 1980s as a criminal enforcement model, where
14 law enforcement is encouraged to address
15 disorder and incivilities in a community to
16 prevent crime.

17 The actual broken windows model
18 ultimately failed greatly. Though the idea of
19 one broken window will lead to many others may
20 sound plausible, any research on this topic
21 failed to find a connection to crime and did
22 not find any theory -- did not find the theory
23 actually oversimplifies the cause of this

1 crime, and neglects other factors such as
2 poverty, unemployment, lack of education,
3 which are all contributing factors.

4 Ms. Underhill also went on to say
5 that if she would allow me to put the trailer
6 where it was and didn't cite me, what would
7 stop someone from putting a motor home there
8 if I moved. This area is, one, not big enough
9 for a motor home, and her statement doesn't
10 have any validity. But what was interesting
11 is Ms. Underhill stated it would be okay if
12 the boat was in the exact same spot -- if the
13 boat was on the trailer in the exact same
14 spot, because she would not be able to know if
15 the boat was moved or not. And she also
16 admitted there would be no violation or
17 nothing she could enforce if I parked my 2001
18 F350 diesel pick-up truck that's four
19 different colors and leaks oil in the exact
20 same location.

21 Ms. Underhill also confirmed the
22 trailer would not be in violation at all if it
23 were in the exact same location if it was not

1 in between the time periods specified in the
2 ordinance; and ultimately agreed with me that
3 she feels that I specifically do have
4 hardships at my residence, after looking at my
5 property, that would prevent me from being in
6 compliance with the zoning ordinance without a
7 variance; one in which she told me she
8 actually would help me obtain. This goes
9 specifically against Ms. Underhill's proposed
10 broken window theory from our first
11 conversation.

12 I have had no -- I've had multiple
13 other additional conversations with
14 Ms. Underhill on this matter. I know that
15 I've submitted many additional documents, and
16 I just wanted to highlight a few of the
17 photographs about these other areas. Stand by
18 real quick.

19 This is standing in my driveway.
20 This is depicting two different houses right
21 down the street from me. This is from my
22 driveway that I took this photograph. The
23 first house is 121 Faywood. There's multiple

1 boat utility trailers parked in the yard
2 behind a fence, which is exactly just like my
3 house is. You can stand on Labata (phonetic)
4 or on Faywood and clearly see the trailers
5 from looking over the fence. I can see them
6 from my driveway as you can see in this
7 photograph.

8 Ms. Underhill informed me that there
9 is nothing she can do about this because they
10 were actually behind the residence and within
11 the zoning ordinance. There has been no other
12 reported violations at this home regarding
13 those trailers; but, again, it's right behind
14 the fence, standing on the street, looking at
15 the same picture, and I'm in violation. She
16 informed me that I was in violation and this
17 person is not just because of where it was
18 located.

19 124 Faywood is where that other
20 trailer on the top left -- I'm sorry. This is
21 the second picture of 121 Faywood, as you can
22 see directly over the fence. And that's not
23 in violation because it's behind the house.

1 But I can stand on the street and look right
2 over the fence line, as depicted in this
3 photograph. Not in violation, again,
4 according to Ms. Underhill. Those are where
5 the locations of all those trailers are.

6 This is 124 Faywood, which is the
7 other photograph that was presented -- the
8 other trailer in the first photograph that I
9 showed you still sitting right off the street.
10 But again, Ms. Underhill stated that it was
11 right next to the house and nothing she could
12 do about that. That, according to
13 Ms. Underhill, was not in violation.

14 Lastly, 115 North Haven, which this
15 is a photograph standing on West Lake Drive.
16 Right? Down the street from my house. This
17 is on the corner of North Haven and West Lake
18 Drive. There's a utility trailer and a boat
19 trailer still sitting there today that, again,
20 was told to me by Ordinance Officer Underhill
21 was not in violation -- though I'm standing on
22 West Lake Drive -- just because it's
23 positioned behind the house.

1 I ask you to consider this. How
2 many of these homes, trailers, and
3 situation -- and situations are different from
4 the request I'm asking you today; because
5 they're not, they're exactly the same.

6 Lastly -- and I'm almost finished.
7 I'm hurrying, guys. I appreciate you
8 listening to me. This is 1641 West Lake
9 Drive; this is five houses down from where I
10 live. This house is inhabited and it's a
11 horror house. This house -- Ms. Underhill is
12 very familiar with this home, though she has
13 failed to cite them since 2019; there has been
14 no other violations. This is what my wife and
15 I and my neighbors have to live next to.

16 This is the front yard as depicted
17 from the day that Ms. Underhill gave me the
18 notice of violation and still looks the exact
19 same today. There has been multiple requests
20 for something to be done with this house, and
21 the people that own it consistently just do
22 just enough not to be in trouble. This van
23 has not moved in almost 10 years. How do I

1 know this? Like I said, I've been in and out
2 of my house prior to me buying it every single
3 day because I was a primary caregiver for my
4 grandmother when she was alive and primary
5 caregiver of the yard and property at this
6 house.

7 So to say that's very frustrating --
8 the one thing Ms. Underhill said was that
9 that's a private area. As depicted by GIS
10 itself, it's not a private road. It's not a
11 private road until the end of the street comes
12 back into the condo association. She said she
13 has a relationship with those individuals;
14 and, like I already stated, she knows who they
15 are, but she has failed to take any action or
16 any violations upon request since 2019.

17 I do you want to say this as I
18 finish up. I spent my life savings in
19 hundreds of thousands of dollars to update and
20 upgrade my home; my wife and I have done this.
21 The homes on my street are all homes of very
22 high value, and we don't say that lightly.
23 We're very proud of where we live. I don't

1 want to see my street going down in value as
2 the example that Ms. Underhill originally told
3 me, but I don't think it's the boat trailers
4 in the summer, when we all live on a lake,
5 that's going to depreciate the neighborhood.

6 I have respect for the zoning
7 ordinances and ordinance codes, and I
8 understand the value of both. But I don't --
9 also I don't agree with the monetary cost that
10 it's cost me to come up here today. I had to
11 pay \$200 just to be allowed to speak here
12 today. I had to take a day off work, because
13 I work the afternoon shift, of my own money
14 and my own time. I had to pay \$50 in printing
15 fees for the proper documents just to submit
16 them properly to your board. I also had to
17 pay an extra \$50 because I had a notice of
18 violation that Ms. Underhill, herself,
19 admittedly acknowledged that I had a unique
20 circumstance and may not actually be in
21 violation, in her own words; she specifically
22 told me that on the phone.

23 More so enough that she told me she

1 was going to help me to obtain this variance.
2 I don't think that that's very fair.
3 Nonetheless, I do want to specifically thank
4 Ms. Underhill for actually taking the time to
5 work with me and ultimately being honest about
6 my situation. To you members sitting here
7 before me, thank you again for reviewing my
8 application, for taking the time to listen to
9 me talk for considering this variance. I
10 respectfully request that you please grant
11 this. Thank you very much.

12 CHAIRPERSON PEDDIBOYINA: Okay.
13 Thank you so much, Jonathan. I really
14 appreciate your presentation and the way you
15 presented. From the city.

16 MR. HALL: We have no comments, we
17 just stand for questions.

18 CHAIRPERSON PEDDIBOYINA: Okay.

19 MS. SAARELA: Just a comment. In
20 looking at this type of situation, where
21 there's facts pointed out about other
22 properties. We may or may not know if those
23 are violations or in accordance with the

1 ordinance, but the city does investigate each
2 property's unique circumstances and determines
3 whether there are other violations to be
4 issued; and that will be the same in this
5 case. So if there are other violations, they
6 will also be issued a ticket.

7 It's also important to remember that
8 when looking at a request, it's up to the
9 applicant to show how their property is unique
10 and different from any other property in the
11 neighborhood that would entitle them to use
12 their property differently than everybody else
13 is required to use it. So I just want to
14 remind you of those things before discussion.

15 CHAIRPERSON PEDDIBOYINA: Thank you,
16 Liz. Okay. Corresponding secretary.

17 MEMBER LONGO: Yes. There were 26
18 letters mailed out for this, four were
19 returned. There were zero objections, four
20 approvals.

21 CHAIRPERSON PEDDIBOYINA: Thank you.
22 Okay. Public hearing. Anybody would like to
23 speak on this case? Okay. Please come to the

1 podium and tell your first and last name
2 clearly for the record.

3 MR. TRAN: Hi. My name is Xuan
4 Tran. I'm actually the direct neighbor of
5 John and Gin. I wholeheartedly support what
6 he's shared today. And I --

7 MS. SAARELA: Can you spell your
8 name for the court reporter, please?

9 MR. TRAN: Oh. I'm sorry. X, as in
10 x-ray, U-A-N, as in Nancy. Last name, Tran.
11 T, as in Tom, R-A-N, as in Nancy.

12 CHAIRPERSON PEDDIBOYINA: Okay. Can
13 you tell your address, please.

14 MR. TRAN: My address is 1623 West
15 Lake. I'm the house in his photos also. And
16 I will have the same issue. I have received a
17 warning already. Aside from supporting him on
18 this issue and our other neighbor over here
19 who will speak tonight, I just feel that maybe
20 our ordinances need an update, I mean, in the
21 end so we don't have to waste everybody's time
22 on this issue anymore. But thank you.

23 CHAIRPERSON PEDDIBOYINA: Thank you

1 so much. Okay. Please come to the podium,
2 tell your first and last name clearly for the
3 record.

4 MS. JERGENS: Hi. I'm in support of
5 Mr. Jacob also. We are three doors down, 1635
6 West Lake Drive. Susan Jergens, the daughter
7 of Henry Kozlowski.

8 CHAIRPERSON PEDDIBOYINA: Thank you
9 so much for coming.

10 MADAM SECRETARY: Can you spell it?

11 MS. JERGENS: Sure. J-E-R-G-E-N-S.

12 CHAIRPERSON PEDDIBOYINA: Thank you
13 so much. Anybody who would like to speak?
14 This is the opportunity where you can talk on
15 this case.

16 AUDIENCE: (No verbal response).

17 CHAIRPERSON PEDDIBOYINA: Okay.
18 Looks like none. Okay. Jonathan, that's a
19 good presentation you gave --

20 MR. JACOB: Thank you, sir.

21 CHAIRPERSON PEDDIBOYINA: Yeah. You
22 gave a good presentation, and I've seen the
23 support on behalf of you. Let's see what's

1 going to happen for the remaining board
2 members, let them speak out. Anybody who
3 would like to speak on this case, other board
4 members. Dr. Sanghvi.

5 MEMBER SANGHVI: Thank you. I came
6 and visited your site the other day, on
7 Saturday, actually, and I realize that you
8 need some variance to keep your equipment.
9 What kind of equipment are we talking about?

10 MR. JACOB: It's just a fishing
11 boat, sir; that's all.

12 MEMBER SANGHVI: Okay. Very good.
13 I have no problem. You need to keep something
14 somewhere and they are all very small lots;
15 and there is no room on the street to keep
16 anything there anyway. So I can support your
17 request for a variance. Thank you.

18 MR. JACOB: Thank you, sir.

19 CHAIRPERSON PEDDIBOYINA: Thank you,
20 Dr. Sanghvi. Any other board member.

21 BOARD MEMBERS: (No verbal
22 response).

23 CHAIRPERSON PEDDIBOYINA: Okay.

1 Jonathan, you're looking from June 1st to
2 September 1st; am I are right, so four months
3 period.

4 MR. JACOB: Yes, sir. Sorry. The
5 30th, September 30th; is that correct?

6 CHAIRPERSON PEDDIBOYINA: June 1st
7 to September 30th, yeah.

8 MR. JACOB: Yes, sir.

9 CHAIRPERSON PEDDIBOYINA: Yeah, you
10 are correct. And I have no objections on
11 that. Thank you. Somebody -- I mean, Member
12 Thompson, can you make a motion, please.

13 MEMBER THOMPSON: Sure. I just have
14 a question for you first. The garage that
15 it's parked next to, is it unable to go in
16 there?

17 MR. JACOB: Yes.

18 CHAIRPERSON PEDDIBOYINA: Too long.

19 MR. JACOB: Too long and the way
20 that it's constructed on the inside, yes.

21 MEMBER THOMPSON: And then there is
22 also a garage on the house, right?

23 MR. JACOB: Yes.

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MEMBER THOMPSON: Same situation?

MR. JACOB: Yes, it is.

MEMBER THOMPSON: Okay.

MR. JACOB: Yes.

MR. THOMPSON: Thank you.

CHAIRPERSON PEDDIBOYINA: Any other.

MR. JACOB: Thank you, sir.

BOARD MEMBERS: (No verbal
response).

CHAIRPERSON PEDDIBOYINA: Okay.

Looks like none. Member Thompson, can you
make a motion, please.

MEMBER THOMPSON: I can. Make sure
we've got this turned on. I move that we
grant the variance, Case PZ23-0027, sought by
Jonathan Jacob for seasonal outdoor storage
because the petitioner has shown difficulty
acquiring storage for a trailer. Without the
variance, the petitioner would be unreasonably
prevented or limited with respect to use of
his property just because of the size of his
lot. He's unable to get it into his backyard.
The property is unique because it is

1 narrow with a fence line. The petitioner did
2 not create the condition, as he purchased the
3 house that way. The relief granted would not
4 unreasonably interfere with adjacent or
5 surrounding properties, as his neighbors have
6 agreed on. And it fits in with the lake
7 setting. The relief is consistent with the
8 spirit and intent of the ordinance because of
9 the lot size and the location.

10 MEMBER SANGHVI: Support. Second.

11 CHAIRPERSON PEDDIBOYINA: Thank you
12 both, Dr. Sanghvi and Member Thompson.
13 Roll-call, please.

14 MADAM SECRETARY: Chairperson
15 Peddiboyina.

16 CHAIRPERSON PEDDIBOYINA: Yes,
17 please.

18 MADAM SECRETARY: Member Sanghvi.

19 MEMBER SANGHVI: Yes.

20 MADAM SECRETARY: Member Thompson.

21 MEMBER THOMPSON: Yes.

22 MADAM SECRETARY: Member Longo.

23 MEMBER LONGO: Yes.

1 MADAM SECRETARY: Member Montague.

2 MEMBER MONTAGUE: Yes.

3 MADAM SECRETARY: And Member McLeod.

4 MEMBER MCLEOD: Yes.

5 MADAM SECRETARY: Thank you. Motion
6 passes.

7 CHAIRPERSON PEDDIBOYINA: Thank you.
8 Congratulations.

9 MR. JACOB: Thank you very much,
10 everybody. I appreciate your time.

11 CHAIRPERSON PEDDIBOYINA: Case
12 Number PZ23-0028, Ronnie and Wafaa Jamil.
13 1927 West Lake Drive. East of West Park
14 Drive, South of Pontiac Trail. Parcel
15 50-22-03-131-026. The applicant is requesting
16 variances from the City of Novi Zoning
17 Ordinance Section 3.1.5 for a side yard
18 setback of 2.25 feet, 10 feet required,
19 variance of 7.75 feet; for an aggregate total
20 of 4.5 feet. 25 feet required, variance of
21 20.5 feet, for an increase in lot coverage to
22 42.5 percent. 25 percent maximum, variance of
23 17.5 percent. This variance would accommodate

1 the building of a new home. This property is
2 zoned one family residential, R-4. Please
3 tell your first and last name clearly for the
4 record. And if you are not an attorney, our
5 secretary will take the oath. Let's proceed
6 where we can help you tonight.

7 MS. JAMIL: Wafaa Jamil. W-A-F-A-A.
8 Jamil, J-A-M-I-L.

9 MR. JAMIL: Ronnie Jamil.

10 MS. JAMIL: My husband.

11 MR. JAMIL: 35649 Lincolnshire
12 Drive, Farmington Hills, Michigan.

13 MEMBER LONGO: Spell your name,
14 please.

15 MR. JAMIL: J-A-M-I-L. Ronnie,
16 R-O-N-N-I-E.

17 MR. MAROGI: I'm an engineer. I
18 prepared the -- (indiscernible) -- for this
19 property. My name is Larry Marogi. I'm from
20 Barry Construction and Consulting. And the
21 spelling of my name is L-A-R-R-Y. Marogi,
22 M-A-R-O-G-I.

23 MEMBER LONGO: Are any of you

1 attorneys?

2 MS. JAMIL: No.

3 MR. JAMIL: No.

4 MEMBER LONGO: Do you all promise to
5 tell the truth in this case?

6 MS. JAMIL: Yes.

7 MR. JAMIL: Yes.

8 MEMBER LONGO: Thank you.

9 CHAIRPERSON PEDDIBOYINA: Okay.

10 Please go ahead and proceed where you can help
11 us tonight.

12 MR. JAMIL: We acquired this
13 property about a year ago; it's a little
14 cottage. We tried to kind of see if we can
15 remodel it and keep it as is and just keep it
16 as a cottage. But it's so old and rotten, the
17 wood, the studs, and the floors, the ceiling,
18 everything was really not fixable unless we
19 replaced the whole thing. So we decided to
20 build a new home and hired the engineering
21 firm and architect. And I think Larry already
22 checked with the city. Larry you want to
23 continue?

1 MR. MAROGI: The size of the
2 property is 30 feet wide, and the zoning is
3 R-4. The minimum width for R-4 is 80 feet,
4 that's why the setback is -- minimum is 25 --
5 10 feet from one side, and total is 25 feet.
6 So if I take from -- my property is 30 feet --
7 actually, my client's property is 30 feet. So
8 if I take 25 feet, I would have five feet only
9 for building; which is not enough even for
10 maybe two people to walk. So that's why we
11 are requesting variance for this property, for
12 the building. We put two and a half -- I mean
13 27 inches from each side, so total is four and
14 a half feet. And we are requesting the
15 variance for this.

16 CHAIRPERSON PEDDIBOYINA: Okay. Do
17 you want to talk anything, ma'am?

18 MS. JAMIL: Yes. Same as what he's
19 saying; we're requesting a variance to be able
20 to build a house, you know, big enough to have
21 a few feet on each side and, you know, build a
22 nice home. So if you will grant us that, we'd
23 appreciate it.

1 MR. JAMIL: We have a rendering of
2 the home if you would like to look at it.

3 CHAIRPERSON PEDDIBOYINA: Please, go
4 ahead and present that.

5 MR. JAMIL: May I approach?

6 CHAIRPERSON PEDDIBOYINA: No. No.
7 You can put it there.

8 MADAM SECRETARY: There is a podium,
9 the screen right there.

10 CHAIRPERSON PEDDIBOYINA: I was
11 about to ask you that question, yes.

12 MR. JAMIL: This is the back of the
13 home, facing the lake, and this is the front.

14 CHAIRPERSON PEDDIBOYINA: It's a
15 two-car garage?

16 MR. JAMIL: Pardon me?

17 CHAIRPERSON PEDDIBOYINA: It's a
18 two-car garage?

19 MR. JAMIL: Yes, it is.

20 CHAIRPERSON PEDDIBOYINA: Okay.
21 Thank you. Anything you want to say?

22 MR. JAMIL: Nope. Thank you.
23 Thank you for your time.

1 MS. JAMIL: Thank you for your time.

2 CHAIRPERSON PEDDIBOYINA: Thank you
3 so much. How old is the current house?

4 MR. JAMIL: How old is it?

5 CHAIRPERSON PEDDIBOYINA: Uh-huh.

6 Ms. JAMIL: 1957, I believe.

7 CHAIRPERSON PEDDIBOYINA: From the
8 city?

9 MR. HALL: Yes. Thank you, Mr.
10 Chairman. There is an existing house there,
11 the existing house is non-conforming right
12 now. They will be asking for three variance
13 requests tonight; and the 4.5 aggregate is
14 one. There's going to be a setback variance
15 of 7.75 feet. Then the lot coverage is 25
16 maximum. The variance is 17.5 percent. So
17 there's three variances to be requested.

18 For the sides, they're getting kind
19 of close to the property line. We're going to
20 be two and a quarter feet from the property
21 line; is that correct?

22 MR. JAMIL: Yes.

23 MR. HALL: And so the building code

1 is going to have some direction as to the
2 openings on the side. I see a lot of windows
3 and things there; have you discussed that with
4 your architect?

5 MR. JAMIL: Yes, I just discussed it
6 with him last week, I think. And we -- the
7 building is going to have all fire walls.
8 It's like the one hour fire walls on both
9 sides of the wall. So that's to -- with
10 respect to the opening, I'm not sure -- I
11 didn't realize that it had to be within three
12 feet, right?

13 MR. HALL: Yes.

14 MR. JAMIL: Less than three feet. I
15 just saw that when I went to the city to pick
16 up some papers, and I think I spoke with you.

17 MR. HALL: Actually, you probably
18 spoke with Charles.

19 MR. JAMIL: Right. Right.

20 MR. HALL: Yeah. That's fine.

21 MR. JAMIL: And he mentioned it to
22 me, which we were not aware of.

23 MR. HALL: So you'll be limited 25

1 percent of the facade for opening, so you may
2 want to look at that; you may be very close to
3 that, what I see right now.

4 The other comment I'd like to make
5 is that you have overhangs on the house on
6 that side. You're allowed to have a
7 percentage of the overhang --

8 MR. JAMIL: I don't have any
9 overhangs on the side -- on the left side --
10 on the right side.

11 MR. HALL: Am I seeing an overhang
12 on the roof there or not?

13 MR. JAMIL: The roof, yes.

14 MR. HALL: The roof is overhanging,
15 yes.

16 MR. JAMIL: Yes.

17 MR. HALL: So I couldn't tell on
18 your -- the section of the house of what the
19 dimension of that overhang is. You're allowed
20 --

21 MR. MAROGI: It's 12 inches.

22 MR. HALL: It's 12 inches?

23 MS. JAMIL: Uh-huh.

1 MR. HALL: Okay. So according to
2 the ordinance -- well, the building code,
3 actually -- because you're -- I'm sorry, the
4 ordinance. You're allowed two inches for
5 every foot of side yard. So you'll be only
6 allowed to have like a little over four inches
7 of overhang there. So I only mention that if
8 you do proceed and you're granted the variance
9 tonight, you may be required to have that
10 variance also that was not advertised for
11 that. If you're going to change your building
12 and pull it back the additional six inches,
13 you can have the windows, that's something you
14 should probably discuss tonight, if that makes
15 sense.

16 MR. JAMIL: Okay.

17 MR. HILL: Thank you.

18 MS. JAMIL: So just for the record,
19 we started building according to where the
20 house sits right now, so we automatically
21 assumed that that would be okay because that's
22 where it sits now. We didn't do -- we didn't
23 go any further, so it sits at two and a half

1 feet now.

2 MR. HALL: Right. Right. Yeah.

3 MS. JAMIL: Just -- you know.

4 MR. HALL: Yep. Yep.

5 MS. JAMIL: Yeah.

6 MR. HALL: Yeah, it's non-
7 conforming. So that is a -- you're correct.
8 You're correct. Unfortunately, building a new
9 house, you would be under the new code and
10 they're going to hold you to those
11 regulations. So that's just something to
12 consider. If you're going to pull it back, we
13 can discuss it tonight. If you do get
14 approved by the variance, there may be -- the
15 overhang may have to be reduced. And you can
16 do that architecturally; you don't have to ask
17 for a variance; but that wasn't advertised.
18 Do you understand what I'm saying there?

19 MS. JAMIL: Yeah.

20 MR. JAMIL: Yes.

21 MR. HILL: Thank you.

22 CHAIRPERSON PEDDIBOYINA: Okay.

23 Thank you.

1 MS. JAMIL: Thank you.

2 CHAIRPERSON PEDDIBOYINA:

3 Correspondence secretary.

4 MEMBER LONGO: Twenty-five letters
5 were mailed out, eight were returned. Five
6 were objections, and one was approved. One of
7 the objections was from Sarah Fletcher; she's
8 1929 West Lake Drive. "Our neighbors have
9 done some excellent --"

10 MS. SAARELA: Are you sure about the
11 names on there?

12 MADAM SECRETARY: That is a printed
13 email; so it's just showing that email was
14 sent to me.

15 MEMBER LONGO: I beg your pardon.
16 It's not from Sarah, it's from Topp, T-O-P-P,
17 Brenda, Brenda Topp. Thank you. "Our
18 neighbors have done some excellent research on
19 the variance. We would like to --" they sent
20 a letter in, but now they'd like to say that
21 "approving a side setback have been no less
22 than four feet on each side of the rest of the
23 community. We think this is a reasonable

1 restriction that has not prevented any of
2 these families from building their home.
3 Therefore, we don't support this."

4 This is from 1921 West Lake Drive.
5 The people that live there -- it doesn't have
6 a name, but they're opposed because many of
7 the homes have -- many of the homes have
8 required a setback variance. But it
9 usually --" and then they list one, two,
10 three, four, five, six, seven homes, all of
11 which have four feet setbacks on the side
12 yards or more.

13 This one is from 1915 West Lake.
14 Again, I don't have the name. "We do not
15 support the 27 inch side setback. The owners
16 of the lot -- of Lot 25 is asking the Zoning
17 Board to approve a setback that necessitates a
18 trespass on the adjoining neighbor's property
19 for both construction of a new home and day-
20 to-day use after the new house is built."

21 This is -- "We welcome the future
22 new neighbors as well as improvement to the
23 existing property. In review of the site plan

1 submitted, a variance for a side yard setback
2 should be considered at a minimum of four
3 feet, due to the fire and emergency access of
4 the lake in regard to existing adjacent
5 structures." Did I say who that was? I don't
6 think I did. It's 19 -- no. I'm sorry.
7 It's -- it doesn't say where it's from. Oh,
8 yes, it does. 1905 -- thank you -- West Lake
9 Drive. That was Sandra Phillips. Gary
10 Phillips echoed that same thing.

11 This is from Jerry Ross, 1911 West
12 Lake Drive. I've always felt the immediate
13 neighbor or others build's (sic) affect should
14 decide. The building has no effect on me."
15 That was not an objection. That's it.

16 CHAIRPERSON PEDDIBOYINA: Thank you
17 so much. It's now time to speak the public
18 hearing. Anybody would like to speak on this
19 case, this is the time. You can come to the
20 podium. You have three minutes time lapse.
21 Each person can speak. Also, please state
22 your first and last name clearly, as I
23 mentioned earlier. Thank you.

1 MR. MARTELLA: (Indiscernible).

2 CHAIRPERSON PEDDIBOYINA: You can
3 leave it, it comes automatically. Yep. Your
4 time starts now at 7:34.

5 MR. MARTELLA: Christopher Martella.
6 I'm an attorney with Dawda, Mann. I'm here on
7 behalf of 1921 West Lake Drive, the Houghtons.
8 And I am augmenting a letter that was read
9 earlier.

10 (Pause)

11 MR. MARTELLA: Christopher Martella,
12 an attorney with Dawda, Mann, Mulcahy &
13 Sadler. M-A-R-T-E-L-L-A. I'm here on behalf
14 of 1921 West Lake; that is the Houghtons. You
15 were read a letter by them; it was the one
16 that had the nice little box on it, and talked
17 about the six homes in the adjacent area and
18 the setbacks.

19 The property in question is pictured
20 in Exhibit 1, just so you have an idea of
21 where it is. The plan and the Houghton home
22 is the adjacent property to the north, Lot
23 Number 26. The bulk of what is going on in

1 the discussions here have been about the side
2 yard setback. Currently proposed in the
3 currently non-conforming structure is at 27
4 inches, foot and a half -- sorry -- two and a
5 half feet.

6 The Houghtons, they're adjacent
7 neighbors. And if you turn over to the second
8 page, all of -- focused -- okay. All of the
9 colored homes that aren't in red, so Lots 27,
10 26, 18, 9, 8, and 7, all have between four and
11 five yard -- four and five foot side yard
12 setbacks on either side. The homes range
13 anywhere from 2,200 to 2,500 square feet. So
14 the -- understanding that these are narrow
15 lots -- they are 30 feet wide. They were
16 platted that way in the early 1900s, 1913.
17 This does create a major issue in depth. So
18 we understand the coverage issues, and the
19 seeking of a variance is almost always
20 necessary to build anything larger than a
21 small one-story home, similar to what is there
22 currently that is going to be torn down.

23 The important piece to remember here

1 is there are other variances that have been
2 granted, obviously, to utilize the property
3 because people want to build larger homes, but
4 they understand the need to have access both
5 for safety, fire, and simply to prevent an
6 ongoing trespass. When you have something so
7 narrow, the ability to get to your side yard
8 or even wash a window or put up a ladder or
9 even access. As was mentioned, the Fire
10 Department has restrictions on anything less
11 than three feet for safety reasons.

12 So to give you an idea, two homes
13 that were built to the north, my client's and
14 the adjacent home, there have a four-foot
15 setback on either side of the property line.
16 And if you turn to Exhibit 3, that is a
17 four-foot either side of the property line
18 setback; just about enough to pull a Bobcat
19 through, barely pull a kayak. If you want to
20 wash your windows, clean your gutters, or
21 whatnot, you're almost assuredly going to be
22 trespassing; and I hope you like your
23 neighbors.

1 So approving a variance of anything
2 less than four feet, you've already made
3 neighbors unhappy people because you've
4 created an incident of trespass almost
5 assuredly, unless somebody wants to walk their
6 lawn mower through the center of their house
7 to mow their backyard. They can always float
8 it in; I guess that's an option, but, you
9 know, you do have those kinds of issues.

10 So, you know, again, you can see
11 also in the same exhibit, it's the rear of the
12 house. This is the front yard versus the
13 rear. You notice again, these are enough for
14 ingress and egress if necessary; and, again,
15 we don't create an issue with trespass. You
16 still have to like your neighbor and you can
17 somewhat mow your lawn and whatnot; but,
18 again, you have issues of sideage slab
19 non-opening windows, which was also mentioned.
20 Again, anything less than three feet, fire
21 code has a problem with even opening windows.
22 You can have some windows but they can't open.

23 Again, as you see here, we have

1 setback issues already; and you have a
2 build-out -- a pop-out on either side. Both
3 homes have pop-outs on their respective sides
4 of the property. And this was only allowed
5 because of the four plus foot side yard
6 setback; otherwise, this pop-out would be mere
7 inches.

8 Currently, if -- this is Exhibit 4.
9 If you go over to Exhibit 4, you will notice
10 that is the existing home and lot that is
11 requesting the variance. The air conditioning
12 unit belongs to my clients. That is at the
13 current width, so our four-foot setback, and
14 them being right on the property line, the 27
15 inches where the current structure to be torn
16 down exists.

17 As you notice, you couldn't put two
18 units, AC units next to each other, you
19 couldn't put a back-up generator, so you have
20 an issue of where do you place things. And,
21 again, once you tear the building down, its
22 non-conforming use becomes requirement to
23 conform; so we run into that issue as well

1 about once this comes down, conforming with
2 the current code.

3 Last but not least, you will notice
4 this is further forward towards the front of
5 the house. That's my neighbor's entrance to
6 their home. The existing poles that are right
7 there are the fence line that was taken down.
8 So if a fence line is put up, you can see how
9 narrow the gap is at 27 inches. Again, we
10 jokingly say that's from the tip of my finger
11 to my shoulder, so we're not talking about a
12 lot of distance. If you'd like to bring even
13 a pool floaty from your garage or from the
14 front to the back, you can't do it without
15 creating a trespass.

16 As was astutely mentioned, you know,
17 previously the five things that the
18 municipality looks at when granting a variance
19 are strict enforcement makes it impossible to
20 use the property. Well, there are other
21 people that have sought variances of lesser
22 nature. And you could use this -- although
23 not the way people want to build homes today

1 -- under current zoning, except for the fact
2 that -- let's talk about a 20-foot setback
3 making their 10-foot wide house wouldn't be
4 exactly --

5 CHAIRPERSON PEDDIBOYINA: Excuse me.

6 MR. MARTELLA: Yes.

7 CHAIRPERSON PEDDIBOYINA:
8 (Indiscernible) -- the time limit.

9 MR. MARTELLA: I have 30 seconds, I
10 believe.

11 CHAIRPERSON PEDDIBOYINA: You're
12 already past six minutes.

13 MR. MARTELLA: Oh. Sorry. I
14 apologize. Then I will end it at that. Under
15 the analysis as stated before, the five
16 points, this is not compliant any of them.
17 So that's that.

18 CHAIRPERSON PEDDIBOYINA: Thank you.
19 Anybody would like to speak, please?

20 MR. JAJJOKA: Can I speak?

21 CHAIRPERSON PEDDIBOYINA: Yeah.

22 Yeah. Please, go ahead.

23 MR. JAJJOKA: David Jajjoka.

1 (Indiscernible).

2 CHAIRPERSON PEDDIBOYINA: No. No.

3 Can you please speak clearly?

4 MR. JAJJOKA: David Jajjoka. David
5 Jajjoka. J-A-J-J-O-K-A. 381 Deer Path Trail,
6 Waterford, Michigan, 48237. Let me make sure.
7 This is good. What we are proposing is 2.27
8 inchs to the property line. And there is like
9 another four feet --

10 CHAIRPERSON PEDDIBOYINA: Can you
11 speak on the mic clearly, please? Put your
12 mic on back so that the audience can hear
13 clearly.

14 MR. JAJJOKA: Yeah. The proposed
15 house is 27 inches to the property line, not
16 the next house. The next house is about four
17 feet, right? Yeah. So the total is about six
18 foot, three inches or four inches, I believe;
19 (indiscernible) -- between two walls. I just
20 want to mention that. Not like the one that's
21 showing here, which is going to be more. I
22 just want to point that --

23 CHAIRPERSON PEDDIBOYINA: Okay.

1 UNIDENTIFIED SPEAKER: That's not
2 true.

3 MR. JAJJOKA: This is eight foot.

4 UNIDENTIFIED SPEAKER: That's eight
5 foot. That's four foot by four feet.

6 MR. JAJJOKA: That cannot be.
7 Cannot be eight foot, look out the window.

8 CHAIRPERSON PEDDIBOYINA: Okay. You
9 can speak on this case on behalf of --
10 (indiscernible) -- you know. Thank you.

11 MR. JAJJOKA: Thank you.

12 CHAIRPERSON PEDDIBOYINA: Anybody
13 else, please? Please respect the time; I
14 really appreciate it. One-on-one discussion
15 is very important, rather than the group.

16 MR. STREET: My name is James
17 Street, 1915 West Lake Drive. My wife and I
18 own the house two parcels to the north of the
19 Jamils. We're actually very happy that the
20 Jamils are going to build and move in. One of
21 our concerns, though, is, you know, in terms
22 of the neighborhood is the -- respecting each
23 other's property and also trying your best not

1 to inconvenience your neighbors. It's really
2 important, especially when you're living in a
3 30 foot piece of property with really tight
4 side setbacks.

5 As you heard earlier, most of the
6 new construction in the area, if not all of
7 it, have built really nice homes on setbacks
8 that were roughly four feet or -- side
9 setbacks roughly four feet or larger. In our
10 case, we work with our builder to try to fit
11 into that four foot side back -- side -- um,
12 side setback. And we were able to build a
13 two-story 2,900 square foot home. So in our
14 view, it can be done and we don't think it
15 really creates a hardship to grant a setback
16 of 27 inches.

17 And you may ask, okay, we're two
18 properties north, why is it important. Well,
19 it's important because a couple of things;
20 one, you've gotta be able to get along with
21 your neighbors. And I can tell you that 27
22 inches, as you just heard, you will be asking
23 or walking on other people's property all the

1 time. And it's just -- it's a non tenable
2 situation where by approving a 27 inch
3 variance, by definition you're going to create
4 a hardship for the neighborhood.

5 And quite frankly, you'll create one
6 for the Jamils as well, because they need to
7 be able to get their stuff to the front of
8 the -- to the lake side; and it will be really
9 difficult, if not impossible to do so. Unless
10 you've lived on a lake and you've done this
11 sort of thing, you may not appreciate what it
12 takes to get a paddleboard, a canoe, a dock, a
13 lift, all those kinds of things that we need
14 to do to get to the lake side.

15 And so I think it would be great if
16 they can work with their builder to work with
17 the plans and get a reasonable side setback
18 that will work for them and for the
19 neighborhood. And I think that's, in my
20 opinion, the best route to go. Thank you.

21 CHAIRPERSON PEDDIBOYINA: Thank you
22 so much. Any other audience, please? Yes,
23 please come to the podium.

1 MS. ROSS: I always have to lower
2 these. I'm Deborah Ross, 1911 West Lake
3 Drive. I am three houses to the north. And
4 luckily my brilliant husband bought a piece of
5 property in 1970 something that was 60 feet
6 wide, so we never had to deal with this. But
7 I've seen people come in and knock down the
8 cottages and build beautiful homes, so I know
9 it can be done.

10 And one time a few years ago I
11 watched across the lake two houses burn. One
12 house caught on fire and then the other one
13 did. And it was quite a hardship and quite a
14 terrible thing to watch both of them go. So
15 we really need to think about this in terms of
16 safety. Thank you.

17 CHAIRPERSON PEDDIBOYINA: Thank you
18 so much, Deborah. Okay. Any other audience,
19 please?

20 AUDIENCE: (No verbal response).

21 CHAIRPERSON PEDDIBOYINA: Okay.
22 Looks like none. Mr. Ronnie, are you there?
23 Can you come to the podium, please? Okay. As

1 our city manager mentioned, we have three
2 motions we need to make today on this case.
3 And do you have anything to change your mind
4 to setback variance? You want to come back?
5 How do you want to proceed with the board,
6 what we did tonight?

7 MR. JAMIL: I have discussed with my
8 architect and he said if we can get a
9 three-foot setback on each side, it will be
10 sufficient enough to put the door on the side
11 entry instead of facing north. So if we can
12 get a variance of six feet, which is three
13 feet on each side, that would be workable for
14 us.

15 CHAIRPERSON PEDDIBOYINA: Liz, can
16 we ask this case to --

17 MS. SAARELA: You can grant a lesser
18 variance; but if they're asking to increase it
19 has to be renoticed. But if they're asking
20 for less than was posted, you can always grant
21 less.

22 CHAIRPERSON PEDDIBOYINA: Yeah.
23 Okay. Let's see. It's open to the board.

1 Okay. Dr. Sanghvi.

2 MEMBER SANGHVI: Thank you. Good
3 evening.

4 MR. JAMIL: Good evening.

5 MS. JAMIL: Good evening.

6 MEMBER SANGHVI: I came and saw your
7 place, and I know it's a very small place.
8 What is the total size of your lot.

9 MR. JAMIL: It's 30 by 150, I
10 believe; 30 foot wide, 150 deep.

11 MEMBER SANGHVI: What is the square
12 footage of the house you are trying to put on
13 it?

14 MR. JAMIL: I think the first floor
15 is 1,200 square feet, plus a garage.

16 MEMBER SANGHVI: And how many
17 bedrooms?

18 MR. JAMIL: Three bedrooms on the
19 second floor.

20 MEMBER SANGHVI: I see. Thank you.
21 Thank you very much.

22 MR. JAMIL: Thank you.

23 MS. JAMIL: Thank you.

1 CHAIRPERSON PEDDIBOYINA: Thank you,
2 Dr. Sanghvi. Any other board member, please?
3 Yeah, go ahead, Michael (sic).

4 MEMBER MONTAGUE: Yes, I have a
5 problem with the setback; it needs to be
6 bigger. It's a pretty tall structure you're
7 putting there; it's two floors and an attic --

8 MR. JAMIL: Uh-huh.

9 MR. MONTAGUE: -- which is towering
10 over, which is pretty large. So I don't like
11 the site coverage at 42 percent; that's
12 another problem that we're propagating by
13 doing this. So I won't be in support unless
14 you go back and make some changes.

15 MR. JAMIL: The height of the
16 property is within the city's --

17 MEMBER MONTAGUE: I wasn't saying it
18 was not, I'm just saying it is towering, it is
19 tall, and it being two and a half or three
20 feet from next door, it does tower, so --

21 CHAIRPERSON PEDDIBOYINA: Thank you.
22 Any other board member, please? Go ahead.

23 MEMBER MCLEOD: So question. Did I

1 hear correctly that you do have a side
2 entryway as well or no?

3 MR. JAMIL: No.

4 MEMBER MCLEOD: Okay. So it won't
5 be a side door within that three-foot setback?

6 MR. JAMIL: No.

7 MEMBER MCLEOD: What about an air
8 conditioner?

9 MR. JAMIL: I'm sure we'll need one.

10 MEMBER MCLEOD: Okay. Thanks.

11 CHAIRPERSON PEDDIBOYINA: Thank you,
12 Jay. Go ahead, sir.

13 MEMBER LONGO: You mentioned that
14 there might be a possibility of three-foot
15 setback; I assume that's on both sides?

16 MR. JAMIL: On both sides, yes.

17 MR. LONGO: Right now you're at four
18 and a half, total?

19 MR. JAMIL: Total.

20 MEMBER LONGO: Which I also don't
21 support. Have you looked at anything better,
22 where it would be like four feet or eight feet
23 total; have you considered anything like that?

1 MR. JAMIL: It just would be so
2 narrow. We want the door to be not going into
3 the side of the house; we want to be able to
4 go in straightforward. So if we reduce it to
5 six feet -- I mean increase it to six feet,
6 the door may be on an angle going into the
7 property.

8 MS. JAMIL: Or to the side.

9 MEMBER LONGO: You're talking about
10 the front door, correct?

11 MR. JAMIL: The front door, yes.

12 MEMBER LONGO: So you don't see any
13 way to go any better?

14 MR. JAMIL: It would be difficult.

15 But --

16 MEMBER LONGO: That's all I have.

17 CHAIRPERSON PEDDIBOYINA: Okay. Any
18 other board member?

19 BOARD MEMBERS: (No verbal
20 response).

21 CHAIRPERSON PEDDIBOYINA: Michael?

22 MR. THOMPSON: No.

23 CHAIRPERSON PEDDIBOYINA: Okay.

1 Okay. It's time for the motion. Michael.

2 MEMBER LONGO: I move that we deny
3 the variance of Case Number PZ23-0025, sought
4 by Ronnie and Wafaa for the side yard variance
5 and the lot coverage variance, which is
6 practical difficulty of such severe variances.
7 The circumstances and features of the property
8 include variances that are not unique because
9 they are generally that throughout the city.
10 The circumstances of features of line
11 property -- of the property -- excuse me --
12 relating to the various requests are self-
13 created because they are asking to build a
14 home that is, frankly, too wide for the lot.

15 The failure to grant relief and
16 result -- will result in mere inconvenience or
17 inability to attain a higher economic or
18 financial return, based on petitioner's
19 statement that they want a larger home. The
20 variance would result in interference with the
21 adjacent and surrounding properties by
22 creating a very narrow distance between homes.
23 Granting the variance would be inconsistent

1 with the spirit and intent of the ordinance.
2 Homes have not been that close in the other
3 recent builds.

4 CHAIRPERSON PEDDIBOYINA: Okay.

5 Somebody can make --

6 MEMBER MONTAGUE: I would second it.

7 CHAIRPERSON PEDDIBOYINA: Okay.

8 Thank you.

9 MADAM SECRETARY: Chairperson
10 Peddiboyina.

11 CHAIRPERSON PEDDIBOYINA: Yes.

12 MADAM SECRETARY: Member Sanghvi.

13 MEMBER SANGHVI: No.

14 MADAM SECRETARY: Member Thompson.

15 MEMBER THOMPSON: Yes. I would be
16 agreeing to the motion?

17 MADAM SECRETARY: You would be
18 agreeing to deny their variance.

19 MEMBER THOMPSON: Yes.

20 MADAM SECRETARY: Member Longo.

21 MEMBER LONGO: Yes.

22 MADAM SECRETARY: Member Montague.

23 MEMBER MONTAGUE: Yes.

1 MADAM SECRETARY: Member McCloud.

2 MEMBER MCCLOUD: No.

3 MADAM SECRETARY: Okay. Thank you.

4 Motion passes.

5 CHAIRPERSON PEDDIBOYINA: Thank you.

6 MR. JAMIL: Thank you.

7 MS. JAMIL: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Case

9 Number PZ23-0032, Nowak and Fraus

10 Engineers/Audi. 24295 Haggerty Road, West of

11 Haggerty Road, North of 10 Mile, Parcel

12 50-22-24-476-030. The applicant is requesting

13 a variance from the City of Novi Zoning

14 Ordinance Section 3.10.3.a to allow one

15 overhead door to face a major thoroughfare, 10

16 Mile Road. This property is zoned general

17 business, B-3. Okay. Go ahead and spell your

18 first and last name clearly for the record.

19 And if you are not an attorney, our secretary

20 will take the oath.

21 MR. COPPERSMITH: My name is Adam

22 Coppersmith. A-D-A-M. C-O-P-P-E-R-S-M-I-T-H.

23 I'm with Studio Detroit; we're the

1 architecture firm for the development.

2 MEMBER LONGO: Are you an attorney?

3 MR. COPPERSMITH: I am not.

4 MEMBER LONGO: Do you promise to
5 tell the truth in this case?

6 MR. COPPERSMITH: I do.

7 MEMBER LONGO: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Okay.

9 Adam, please go ahead and proceed where we can
10 help you tonight on this case.

11 MR. COPPERSMITH: So I'm in front of
12 you to ask for a variance to replace two
13 existing overhead doors that face 10 Mile Road
14 in the existing building. It's currently an
15 unoccupied space; we're looking to redevelop
16 that into a new automotive dealership. It was
17 previously an automotive dealership before.
18 And at the location that faces 10 Mile, it is
19 the service drive entrance, where the customer
20 will come onto the site and pull in to drop
21 off their vehicle for service.

22 And so currently there are two
23 overhead doors; we're proposing to remove

1 those two and replace them with a single 16
2 foot wide overhead door. And just maintaining
3 the requirements of the brand image, it's just
4 to have a single door versus the two.

5 CHAIRPERSON PEDDIBOYINA: Okay. Do
6 you have a picture, by chance, so that the
7 audience can look at it?

8 MR. COPPERSMITH: So the existing --
9 so in this location here is the two existing
10 glass overhead doors, and they set (sic) back
11 behind these existing black columns. In this
12 location here you can see where -- this is
13 where we're requesting a single 16 foot wide
14 door, eliminating the two individual. This is
15 a glass door also; it's a coiling high speed
16 door versus a traditional glass sectional
17 door, so that it's more energy efficient. It
18 will open and close quicker to prevent the
19 air -- the cold air coming in in the winter,
20 the warm air entering in the summer.

21 CHAIRPERSON PEDDIBOYINA: Okay.
22 Thank you. Anything you would like to add?

23 MR. COPPERSMITH: I think that's

1 all.

2 CHAIRPERSON PEDDIBOYINA: Thank you
3 so much. From the city?

4 MR. HALL: Thank you, Mr. Chairman.
5 So the door that you're saying is glass; it's
6 not plastic, it's glass?

7 MR. COPPERSMITH: It is a glass
8 door, correct.

9 MR. HALL: Okay. Thank you. And
10 the door is screened by the building from
11 Haggerty; you'll be able to see it from 10
12 Mile. We have no -- we stand for questions.

13 CHAIRPERSON PEDDIBOYINA: Thank you.
14 Okay. Secretary for correspondence.

15 MEMBER LONGO: Eight letters were
16 mailed out, two were returned. There were no
17 objections and no approvals.

18 CHAIRPERSON PEDDIBOYINA: Thank you.
19 Anybody would like to speak on this case in
20 public?

21 AUDIENCE: (No verbal response).

22 CHAIRPERSON PEDDIBOYINA: Looks like
23 none. Okay. I have no objection on this

1 case, and it's open to the board. Yes, Dr.
2 Sanghvi.

3 MEMBER SANGHVI: Thank you. I came
4 and visited your place a couple of days ago.
5 I've known this place for a long time,
6 actually. And I can understand there is no
7 other way you can put any door anywhere there
8 to get the service and everything functional;
9 so I can support your requirement. Thank you.

10 CHAIRPERSON PEDDIBOYINA: Thank you,
11 Dr. Sanghvi. Any other board member?

12 BOARD MEMBERS: (No verbal
13 response).

14 CHAIRPERSON PEDDIBOYINA: Looks like
15 none. It's motion time. Member Montague.

16 MEMBER MONTAGUE: I move that we
17 grant the variance in Case Number PZ23-0032,
18 sought by Nowak & Fraus Engineers, for a
19 variance from Section 3.10.3.a to allow an
20 overhead door facing a major thoroughfare.
21 Without the -- sorry. Without this variance
22 the petitioner would be prevented from use of
23 the property because the building is existing

1 and the service layout exists as such so the
2 entrance to that service area is already
3 defined.

4 The property is unique because it's
5 located on two main thoroughfares, being on
6 Haggerty and 10 Mile. The petitioner did not
7 create the situation because, obviously, he
8 purchased an existing building. The relief
9 granted doesn't necessarily interfere with the
10 surrounding properties. All the properties
11 around are very commercial in nature; it's a
12 fairly nice building sitting amongst that.
13 The relief is consistent with the spirit and
14 intent of the ordinance because it does fit in
15 the area and it is in existing condition,
16 which is basically replacing two doors with
17 one door.

18 MEMBER SANGHVI: Support.

19 CHAIRPERSON PEDDIBOYINA: Okay.

20 Thank you.

21 MADAM SECRETARY: Chairperson

22 Peddiboyina.

23 CHAIRPERSON PEDDIBOYINA: Yes,

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please.

MADAM SECRETARY: Member Sanghvi.

MEMBER SANGHVI: Yes.

MADAM SECRETARY: Member Thompson.

MR. THOMPSON: Yes.

MADAM SECRETARY: Member Longo.

MEMBER LONGO: Yes.

MADAM SECRETARY: Member Montague.

MEMBER MONTAGUE: Yes.

MADAM SECRETARY: Member McLeod.

MEMBER MCLEOD: Yes.

MADAM SECRETARY: Thank you. Motion

passes.

CHAIRPERSON PEDDIBOYINA:

Congratulations.

MR. COPPERSMITH: Thank you.

CHAIRPERSON PEDDIBOYINA: And the

case number for tonight. PZ23-0033, Henry
K-O-Z-L-O-W-S-K-I, Kozlowski. 1635 West Lake
Drive, east of West Park Drive, south of
Pontiac Trail. Parcel 50-22-03-131-012. The
applicant is requesting a variance from the
City of Novi Zoning Ordinance Section 5.1.2

1 to allow storage of one recreational equipment
2 or trailer under six feet tall in the front
3 yard of a residentially zoned property between
4 June 1st and September 30th of each year.
5 This property is zoned one family residential,
6 R-4. Okay. Please, go ahead, spell your
7 first and last name clearly for our record.
8 And if you're not an attorney, our secretary
9 will take the oath.

10 MS. JERGENS: Susan, S-U-S-A-N,
11 Jergens, J-E-R-G-E-N-S. And I'm not an
12 attorney.

13 MEMBER LONGO: Do you promise to
14 tell the truth in this case?

15 MS. JERGENS: I do.

16 MEMBER LONGO: Thank you.

17 MS. JERGENS: Thank you.

18 CHAIRPERSON PEDDIBOYINA: Okay.
19 Ma'am, please go ahead and proceed where we
20 can here you tonight.

21 MS. JERGENS: Sure. Sure. I'm
22 hoping that we will be granted the variance to
23 allow our jet ski trailer on the property.

1 And I appreciate everyone's time right now.
2 I've physically been on this property over 40
3 years, and have never heard of any variances
4 or any violations with this variance. We've
5 had many trailers, boats throughout the years.

6 We are physically not able to put
7 this trailer on the side lot or, staying
8 within our property lines, go to the front of
9 the house. We actually consider the lake side
10 the front of the house, and this is the rear
11 that we have this thing, but the City looks at
12 this differently.

13 We do not believe this is causing
14 any hardship or diminishing of the property --
15 nearby properties, even; this is a lake and
16 these are trailers and jet keys. So we would
17 like to request a variance be granted.

18 CHAIRPERSON PEDDIBOYINA: Okay.
19 Thank you.

20 MS. JERGENS: Any other thing you'd
21 like to add, or anybody would like to speak on
22 this or just you.

23 MS. JERGENS: I wholeheartedly

1 support Mr. Jacob's presentation; that was
2 wonderful. Yes. And, again, we are
3 neighbors, three doors down from them. Yes.

4 CHAIRPERSON PEDDIBOYINA: Okay.
5 Thank you so much, ma'am. Okay. From the
6 city.

7 MR. HALL: Mr. Chairman, no. We
8 stand for questions.

9 MS. SAARELA: Just a remainder that
10 you have to look at whether there's a unique
11 circumstance of the property that makes it
12 different from other properties that would
13 make it unreasonable and prevent them from
14 using the property the way that it's required
15 to by ordinance.

16 CHAIRPERSON PEDDIBOYINA: Thank you,
17 Elizabeth. From the city. I'm sorry.
18 There's nothing?

19 MR. HALL: Yep. Just for questions.

20 CHAIRPERSON PEDDIBOYINA: Thank you
21 so much. Correspondence secretary.

22 MEMBER LONGO: Seventeen letters
23 were mailed out, two were returned. There

1 were no objections and there were two
2 approvals.

3 CHAIRPERSON PEDDIBOYINA:
4 (Indiscernible).

5 MEMBER SANGHVI: What?

6 CHAIRPERSON PEDDIBOYINA: That's
7 fine. Thank you. Public hearing. Anybody
8 who would like to speak on this case, please?

9 MR. JACOB: Jonathan Jacob.
10 J-O-N-A-T-H-A-N. J-A-C-O-B. Again, as
11 previously stated in my presentation, this is
12 an exact similar circumstance; the fact that
13 Mr. Kozlowski cannot even get to the lake side
14 of the home from where he is. And I echo what
15 has already been stated. Again, being in the
16 area a long, long time, many years -- I'm 35,
17 so since I was a kid, there's always been some
18 sort of trailer or something on that. This
19 July was the first time that anybody's ever
20 said a word about anything on West Lake Drive
21 like this.

22 Coincidentally, I was actually
23 mailed the photograph of Mr. Kozlowski's house

1 and my notice of violation, and there was much
2 confusion on which one was which. So it
3 appears the ordinance Officer Underhill may be
4 going to a time of retirement if she can't
5 figure out where the right place is.

6 So I support this and I think that
7 this is a little bit of an overreach on her
8 end of it. And I hope that I find the same
9 way that you found for me. Thank you very
10 much.

11 CHAIRPERSON PEDDIBOYINA: Thank you.
12 Any other public.

13 AUDIENCE: (No verbal response).

14 CHAIRPERSON PEDDIBOYINA: Okay.
15 Looks like none. Okay. It's time for the
16 board; somebody can speak on this.

17 MEMBER THOMPSON: I have a question.
18 I'm sorry.

19 CHAIRPERSON PEDDIBOYINA: Please, go
20 ahead.

21 MEMBER THOMPSON: So the picture
22 shows there's two trailers.

23 MS. JERGENS: Yes. Yes.

1 MEMBER THOMPSON: You're asking for
2 a variance for one or two?

3 MS. JERGENS: For two. There's not
4 two at all times. For example, if you go
5 there right now, there's only one. So this
6 would be for two trailers; one is a single and
7 one is a double.

8 MEMBER THOMPSON: Like a personal
9 watercraft, is it?

10 MS. JERGENS: Yes. Jet skis, yes.

11 MEMBER THOMPSON: Little bit
12 different situation. Jet ski trailers are
13 shorter, yes?

14 MS. JERGENS: Yes. Well, that's all
15 that's there, the jet ski trailers, yes.

16 MEMBER THOMPSON: Being shorter, is
17 that unable to go in the garage?

18 MS. JERGENS: Yes. Yes. There's no
19 room in the garage, yes.

20 MEMBER THOMPSON: There's no -- it's
21 too long or there's not room, boxes and stuff?

22 MS. JERGENS: The dimensions -- let
23 me take a look here.

1 CHAIRPERSON PEDDIBOYINA: Is it
2 going to fit in the garage or you don't have
3 space in the garage?

4 MS. JERGENS: No, this would not be
5 able to fit in the garage, correct.

6 CHAIRPERSON PEDDIBOYINA: How often
7 you keep both of them?

8 MS. JERGENS: Um, if my son -- I
9 have two sons; if one takes and leaves it on a
10 friend's lake. So, again, I believe we've
11 only had this one double trailer right now for
12 two months in our driveway, so --

13 MS. SAARELA: So the variance is for
14 one trailer; you can't add an additional
15 trailer at the point after it's been posted.
16 They're requesting two trailers at any time,
17 they need to redo the whole variance and come
18 back on another day, repost for two trailers.
19 So you cannot grant a variance for two
20 trailers.

21 MS. JERGENS: But we were -- the
22 picture shows two. And when Ms. Hill --

23 MS. SAARELA: It was not advertised

1 for two trailers; they can't grant two
2 trailers. If you're requesting two trailers,
3 that's what needs to go on the application,
4 not just in the picture. You need to specify
5 two trailers, front yard, whatever the request
6 is. You need to advertise it for two
7 trailers; that was not done in this case. So
8 if that's the request, you'll have to be
9 renoticed and come back on another day.

10 MS. JERGENS: Okay. So let's just
11 leave it for the one then at this point.

12 CHAIRPERSON PEDDIBOYINA: Okay. You
13 want to go for one trailer?

14 MS. JERGENS: Well, yeah. I mean
15 that's what we have right now. And, again,
16 Ms. Hill knows what was on our property when
17 she took the picture showing the two. I've
18 never had to do this again in my life. This
19 wasn't explained to me properly.

20 CHAIRPERSON PEDDIBOYINA: You're
21 okay with one trailer?

22 MS. JERGENS: Yes.

23 CHAIRPERSON PEDDIBOYINA: Okay. Any

1 other board member would like to speak on
2 this? Dr. Sanghvi.

3 MEMBER SANGHVI: He was before me.

4 CHAIRPERSON PEDDIBOYINA: Sorry.

5 MEMBER MCLEOD: Thank you. I just
6 wanted to throw caution out there.

7 MS. JERGENS: Sure.

8 MEMBER MONTAGUE: When you address
9 at the podium, please don't throw other
10 neighbors under the bus, please don't insult
11 city staff or -- and, again, your neighbors.
12 That might not strongly impact your case this
13 time around, but it may in future instances.
14 I just wanted to put that out there. Thank
15 you.

16 CHAIRPERSON PEDDIBOYINA: Thank you.
17 Dr. Sanghvi.

18 MEMBER SANGHVI: Before I start, I
19 just want to clarify. We don't need to
20 readvertise this because of the little change
21 in the requirement?

22 MS. SAARELA: They have two trailers
23 versus one, you'll need to readvertise.

1 MEMBER SANGHVI: Okay. Just one.

2 Thank you.

3 MS. SAARELA: Yeah.

4 MEMBER SANGHVI: I went and saw your
5 place the other day. I think there is no
6 choice but to put it there somewhere during
7 your summer, otherwise you can't use it.

8 MS. JERGENS: Exactly.

9 MEMBER SANGHVI: So I understand
10 your need and I can support it without any
11 problem. Thank you.

12 MS. JERGENS: Okay. Thank you.
13 Thank you, sir.

14 CHAIRPERSON PEDDIBOYINA: Okay. I
15 have no objection for the one trailer. This
16 is motion time; if none of the board members
17 would like to speak, Dr. Sanghvi, it's the one
18 trailer motion.

19 MEMBER SANGHVI: I move that we
20 grant the variance in Case Number PZ23-0033,
21 sought by Henry Kozlowski of 1635 West Lake
22 Drive, for the storage of recreational
23 equipment during the summer months in the

1 front yard because petitioner has shown
2 practical difficulty about putting this
3 storage somewhere during the summer months to
4 use the equipment. Without the variance, the
5 petitioner would be unreasonably prevented
6 from enjoying the property during summer
7 months. And the property is unique because of
8 its narrow and unique situation along the
9 lakeside. This is not a self-created
10 condition. The relief granted will not
11 unreasonably enterfer with adjacent or
12 surrounding properties. And the relief is
13 consistent with the spirit and intent of the
14 ordinance. Thank you.

15 MS. JERGENS: All right.

16 CHAIRPERSON PEDDIBOYINA: Somebody
17 can second, please?

18 MEMBER MCLEOD: Second.

19 CHAIRPERSON PEDDIBOYINA: Okay.
20 Thank you.

21 MADAM SECRETARY: Chairperson
22 Peddiboyina.

23 CHAIRPERSON PEDDIBOYINA: Yes,

1 please.

2 MADAM SECRETARY: Member Sanghvi.

3 MEMBER SANGHVI: Yes.

4 MADAM SECRETARY: Member Thompson.

5 MEMBER THOMPSON: Yes.

6 MADAM SECRETARY: Member Longo.

7 MEMBER LONGO: Yes.

8 MADAM SECRETARY: Mr. Montague.

9 MR. MONTAGUE: Yes.

10 MADAM SECRETARY: Member McLeod.

11 MEMBER MCLEOD: Yes.

12 MADAM SECRETARY: Thank you. Motion
13 passes.

14 CHAIRPERSON PEDDIBOYINA:

15 Congratulations.

16 MS. JERGENS: Thank you.

17 CHAIRPERSON PEDDIBOYINA: Case

18 Number 5 for tonight. PZ23-0034, Remodeling

19 Star, Inc. 1537 West Lake Drive east of West

20 Park Drive, south of Pontiac Trail, Parcel

21 50-22-03-131-006. The applicant is requesting

22 variances from the City of Novi Zoning

23 Ordinance Section 3.1.5 for a front yard

1 setback of 15 feet --

2 (Pause)

3 CHAIRPERSON PEDDIBOYINA: Excuse me.

4 MR. HUARD: No problem. It's okay.

5 CHAIRPERSON PEDDIBOYINA: It's okay.

6 It's okay. Take a long time.

7 (Pause)

8 MEMBER LONGO: Thank you for

9 pausing, chairperson.

10 CHAIRPERSON PEDDIBOYINA: Thank you

11 so much, everybody. I'm sorry for that, you

12 know.

13 MR. HUARD: No problem.

14 CHAIRPERSON PEDDIBOYINA: I'm sorry.

15 I'm repeating the case again. PZ-23-0034.

16 Remodeling Star, Inc. 1537 West Lake Drive,

17 west (sic) of West Park Drive, south of

18 Pontiac Trail. Parcel 50-22-03-131-006. The

19 applicant is requesting variances from the

20 City of Novi Zoning Ordinance Section 3.1.5

21 for a front yard setback of 15 feet, 30th feet

22 required, variance of 15 feet, for a side yard

23 setback of 1 foot, 10 feet required, variance

1 of nine feet, for an aggregate total of eight
2 feet, 25 feet required, variance of 17 feet.
3 This variance would accommodate the building
4 of a second story addition on an existing
5 home. This property is zoned one family
6 residential, R-4. Please spell your first and
7 last name clearly for the record. If you're
8 not an attorney, our secretary will take the
9 oath.

10 MR. HUARD: Sure thing. My first
11 name is Michael, M-I-C-H-A-E-L. Last name is
12 Huard, H-U-A-R-D.

13 MEMBER LONGO: Michael, are you an
14 attorney?

15 MR. HUARD: I am not, sir.

16 MEMBER LONGO: Do you promise to
17 tell the truth in this case?

18 MR. HUARD: Yes, sir.

19 MEMBER LONGO: Thank you.

20 CHAIRPERSON PEDDIBOYINA: Michael,
21 please, proceed where we can help you tonight.
22 Are you the -- (indiscernible).

23 MR. HUARD: Yes, I am. I'm with

1 Remodeling Star, representing -- well, I'm
2 here for the McClellan family.

3 CHAIRPERSON PEDDIBOYINA: Okay.
4 Please go ahead.

5 MR. HUARD: Sure. What we're
6 looking to do is there's an existing office
7 over the garage right now. And the homeowner
8 would like to expand the office towards the
9 front and to the sides, not encroaching on any
10 of the existing roofline as far as the width
11 of the house or anything like that. And
12 that's really about it. We're not going to be
13 raising the roofline, we're not going to be
14 raising the peak of the roof; it's basically
15 just expanding the wall out.

16 And when I was speaking with the
17 gentleman from the city, he did inform us of
18 one side needs to be without a window and
19 without -- with a fire wall rated wall. We
20 were aware of the fire wall rated wall but not
21 the windows, so we made modifications
22 internally for that change as well. So --

23 CHAIRPERSON PEDDIBOYINA: Do you

1 have any pictures showing the audience?

2 MR. HUARD: Sure. So this is the
3 structure as it exists now, where we have --
4 this is the attached garage here.

5 CHAIRPERSON PEDDIBOYINA: Let him --

6 MR. HUARD: Pardon me?

7 CHAIRPERSON PEDDIBOYINA: It's not
8 coming on the screen; I was waiting for that.

9 MR. HUARD: Oh. We'll wait.

10 CHAIRPERSON PEDDIBOYINA: Yep. Go
11 ahead.

12 MR. HUARD: There we go. So this is
13 the existing attached garage and this is the
14 existing overhang, which is an additional
15 bedroom space or office space for the
16 homeowner. What we're looking to do -- this
17 should be maybe a little bit of glare. What
18 we're looking at is this expansion of the
19 office space from right about here, up to
20 here. And I think there was about a foot on
21 either side that we're going -- is going to be
22 extended. But again, roofline-wise or peek of
23 the roof, there is no change there. And then

1 the width of the overhang and everything will
2 remain the same. You know, we are aware that
3 it's legal non-conforming as it sits right
4 now, so we're just looking for a variance to
5 make the addition to this office space for the
6 homeowner.

7 CHAIRPERSON PEDDIBOYINA: Okay. Any
8 other thing you would like to add?

9 MR. HUARD: No, sir.

10 CHAIRPERSON PEDDIBOYINA: Thank you
11 so much. From the city.

12 MR. HALL: Mr. Chairman. Yes, he
13 will be asking for three dimensional variances
14 tonight if you approve the proposal.

15 CHAIRPERSON PEDDIBOYINA: Thank you.
16 Corresponding secretary.

17 MEMBER LONGO: Twenty-seven letters
18 were mailed out, three were returned. There
19 was one objection and two approvals. The
20 objection was from Joann and Ned Noel, I think
21 it is. "Since the lake front lots in our area
22 are narrow, we usually support the side yard
23 setback variance. But this is just too much.

1 Only one foot instead of 10 feet just presents
2 a fire hazard. We feel the remodel needs to
3 be redesigned so the setback from the side
4 yard is seven or eight feet, definitely not
5 one feet. So sorry to have to oppose this,
6 but, as homeowners settle for a smaller
7 variance and a larger side yard setback.

8 CHAIRPERSON PEDDIBOYINA: Okay.
9 Thank you. Anybody in the public would like
10 to speak on this case?

11 MR. JACOB: Jonathan Jacob, 1619
12 West Lake. No objection.

13 CHAIRPERSON PEDDIBOYINA: Thank you.
14 Any other audience, please?

15 AUDIENCE: (No verbal response).

16 CHAIRPERSON PEDDIBOYINA: Looks like
17 none. Okay. So open to the board. Dr.
18 Sanghvi.

19 MEMBER SANGHVI: Thank you. I came
20 and visited. You already have a second story
21 there.

22 MR. HUARD: Correct.

23 MEMBER SANGHVI: You are trying to

1 extend it on top of your garage?

2 MR. HUARD: Yes, doctor.

3 MEMBER SANGHVI: Your footprint is
4 not changing?

5 MR. HUARD: No, sir.

6 MEMBER SANGHVI: Nothing else is
7 changing?

8 MR. HUARD: No, sir. The existing
9 setback --

10 MEMBER SANGHVI: Thank you. I have
11 no problem. Thank you.

12 MR. HUARD: Okay.

13 CHAIRPERSON PEDDIBOYINA: And the
14 roof is matching the same?

15 MR. HUARD: Yes, the roof is
16 matching the same. Now, are you referencing
17 the height of the peek of the roof?

18 CHAIRPERSON PEDDIBOYINA: Yes.

19 MR. HUARD: Yes, the peek of the
20 roof is matching.

21 CHAIRPERSON PEDDIBOYINA: Thank you.
22 Any other board member? Please, go ahead.

23 MEMBER MONTAGUE: I don't understand

1 the one foot setback. That's an existing
2 condition. You're not getting closer to the
3 property line with this addition?

4 MR. HUARD: Absolutely not.

5 MEMBER MONTAGUE: It looks like it's
6 actually -- what you're doing is setback
7 further because it's over the garage.

8 MR. HUARD: Correct.

9 MEMBER MONTAGUE: So is the variance
10 because of an existing condition, that it has
11 to conform now?

12 MR. HUARD: That's correct.

13 MEMBER MONTAGUE: It's the same
14 thing with the front yard; all of these are
15 because he's doing an addition, so he now has
16 to try to get the existing structure to
17 conform.

18 MR. HUARD: That's correct. That's
19 correct.

20 MEMBER MONTAGUE: All right. Thank
21 you.

22 CHAIRPERSON PEDDIBOYINA: Thank you.
23 Any other board member, please?

1 MEMBER LONGO: Yes.

2 CHAIRPERSON PEDDIBOYINA: Yeah, go
3 ahead.

4 MEMBER LONGO: We typically don't
5 read approvals, but I think it's important to
6 know that the property right next door sent
7 approval saying that "This is an enhancement
8 to our community," and they have no objection.

9 CHAIRPERSON PEDDIBOYINA: Thank you.

10 MR. HUARD: Thank you.

11 CHAIRPERSON PEDDIBOYINA: Okay. Any
12 other?

13 BOARD MEMBERS: (No verbal
14 response).

15 CHAIRPERSON PEDDIBOYINA: Looks like
16 none. From my side, I have nothing. Okay.
17 It's motion time. Jay.

18 MEMBER MCLEOD: Yep. I apologize,
19 I've been scribbling here. The scope of the
20 work had changed from what I initially
21 considered. Knowing that the impact is only
22 going to be what is succinctly over the garage
23 as opposed to a brand new construction does

1 change the view on it. So I move that we
2 grant the variance in Case Number PZ23-0034,
3 sought by Remodeling Star, Inc., for -- and
4 there is a significant number here. Front
5 yard setback of 15 feet, where 30 feet is
6 required, variance of 15. For a side yard
7 setback of one foot, 10 feet required,
8 variance of nine feet. For an added total of
9 eight feet, 25 feet required, variance is 17
10 feet. Without the variance, the petitioner
11 would be unreasonably prevented or limited
12 with respect to these other property (sic)
13 because they are looking to expand the upper
14 story of the house within the current
15 footprint. And being prevented from doing so
16 would limit the activity that he can do in his
17 own house. The property is unique because of
18 the very thin lot shape and the fact that it
19 currently exists within one foot of the
20 property line; which is not impacted by the
21 new construction. Petitioner did not create
22 the condition due to the -- not altering the
23 lot shape that existed previously. The relief

1 granted will not unreasonably interfere with
2 the adjacent surrounding properties. The
3 immediate next-door neighbor did provide the
4 approvals -- their approval of it. And it
5 should, if anything, impact positively on the
6 neighborhood value. The relief is consistent
7 with the spirit and intent of the ordinance
8 because it is overall of benefit to the area.
9 The neighbors approve. And without the
10 variance, the homeowner would be impacting on
11 the use of their own property.

12 MEMBER LONGO: I second that.

13 CHAIRPERSON PEDDIBOYINA: Thank you.

14 MADAM SECRETARY: Chairperson
15 Peddiboyina.

16 CHAIRPERSON PEDDIBOYINA: Yes,
17 please.

18 MADAM SECRETARY: Member Sanghvi.

19 MEMBER SANGHVI: Yes.

20 MADAM SECRETARY: Member Thompson.

21 MEMBER THOMPSON: Yes.

22 MADAM SECRETARY: Member Longo.

23 MEMBER LONGO: Yes.

1 MADAM SECRETARY: Member Montague.

2 MEMBER MONTAGUE: Yes.

3 MADAM SECRETARY: Member McLeod.

4 MEMBER MCLEOD: Yes.

5 MADAM SECRETARY: Thank you. Motion
6 passes.

7 CHAIRPERSON PEDDIBOYINA:
8 Congratulations.

9 MR. HUARD: Thank you very much.
10 You all have a nice evening.

11 CHAIRPERSON PEDDIBOYINA: PZ23-0035,
12 814 Services LLC/Primrose Daycare and Swim
13 School. 43455 10 Mile Road, west of Novi
14 Road, south of 10 Mile Road. Parcel
15 50-22-27-200-003. The applicant is requesting
16 variances from the City of Novi Zoning
17 Ordinance Section 4.12.2.i.a to allow reduced
18 outdoor recreation space for a daycare to
19 8,495 square feet. 30,300 square feet area
20 required, based on the estimated number of
21 children. Variance of 21,505 square feet.
22 The Section 4.12.2.ii.b to allow direct access
23 to 10 Mile Road. V-E-H-I-C-U-L-A-R, vehicular

1 access to and from a major arterial road is
2 not allowed. This property is zoned office
3 service, OS-1. Okay. Please go ahead and
4 spell your first and last name clearly for the
5 record. If you are not an attorney, our
6 secretary will take the oath.

7 MR. KELLENBERGER: Thank you. My
8 name Mark Kellenberger -- M-A-R-K.
9 K-E-L-L-E-N-B-E-R-G-E-R -- with 814 Services.
10 I am not an attorney.

11 MEMBER LONGO: Do you promise to
12 tell the truth in this case?

13 MR. KELLENBERGER: I do.

14 MEMBER LONGO: Thank you.

15 MR. KELLENBERGER: Thank you for
16 allowing us to be here. Good evening. We're
17 proposing the redevelopment of the former
18 retirement home at 43455 10 Mile Road. We're
19 seeking two variances this evening; the first
20 is to allow the development -- the proposed
21 redevelopment to utilize the two existing curb
22 cuts and access 10 Mile Road.

23 The second request is to allow the

1 proposed play area to be just under 9,000
2 square feet, where just over 30,000 would be
3 required. The state licensing requirement for
4 Michigan for childcare would only require
5 1,200 square feet for an outdoor play area, so
6 we far exceed that. The building, itself, is
7 13,000 square feet. So to provide almost
8 three times that for the play area would seem
9 excessive in our mind.

10 The play area is typical of what we
11 develop across the Country for our childcare
12 tenants, and our tenant is in agreement with
13 the proposed layout. The classrooms are not
14 let into the playground area all at once, so
15 they are dismissed by classroom, by age group;
16 so there won't be the entire population of
17 children on the play area at one time.

18 There is an existing wetland on the
19 western portion of the property, and an
20 existing utility easement on the eastern
21 portion of the property that prohibits,
22 really, expanding out any further to provide
23 any additional play area.

1 We've received at this point
2 unanimous approval from the Planning
3 Commission for preliminary site plan special
4 land use, the Woodland permit, and the
5 stormwater permit. I'd be happy to answer any
6 questions you may have, and look forward to
7 redeveloping this property, hopefully. Thank
8 you.

9 CHAIRPERSON PEDDIBOYINA: Thank you,
10 Mark. Before I ask anything, let me ask the
11 city.

12 MR. HALL: Mr. Chairman, no; we're
13 just standing in for questions. Thank you.

14 CHAIRPERSON PEDDIBOYINA: Thank you.
15 Correspondence.

16 MEMBER LONGO: Yes. There were
17 eight letters mailed, three were returned.
18 There were no objections and no approvals.

19 CHAIRPERSON PEDDIBOYINA: Okay.
20 Thank you. Anybody in the public want to
21 speak on this case?

22 AUDIENCE: (No verbal response).

23 CHAIRPERSON PEDDIBOYINA: Looks like

1 none. Okay. Yeah. You mentioned that based
2 on the area, how many children are you
3 accommodating on this?

4 MR. KELLENBERGER: The license
5 requires -- the license allowable is 202;
6 that's based on a full occupancy, which is not
7 always the case, but that would be the license
8 capacity.

9 CHAIRPERSON PEDDIBOYINA: What age
10 are you looking on this?

11 MR. KELLENBERGER: I'm sorry?

12 CHAIRPERSON PEDDIBOYINA: What age
13 are the kids?

14 MR. KELLENBERGER: It's pre-school
15 to just under school age; so it's primarily
16 child daycare.

17 MEMBER LONGO: Excuse me. School
18 age means grade school age?

19 MR. KELLENBERGER: Well, let me step
20 back. When I say pre-school, infant to school
21 age. So just, typically, just prior to
22 entering kindergarten or elementary school.
23 Depending on enrollment and necessity or need

1 in the area, they sometimes do have like
2 after-school type programs for older children;
3 but that's just based on need or operations.

4 MEMBER LONGO: And again, older
5 children are grade school?

6 MR. KELLENBERGER: Older children --

7 MEMBER LONGO: Are they high school?
8 What --

9 MR. KELLENBERGER: No, not grade
10 school. I'm sorry. No. So it would be
11 infant to, you know, kindergarten age.

12 MEMBER LONGO: Six years.

13 MR. KELLENBERGER: Yeah. Five, six
14 years old.

15 MR. LONGO: Thank you.

16 MR. KELLENBERGER: Yep. I'm sorry
17 for the confusion.

18 CHAIRPERSON PEDDIBOYINA: Do you own
19 this business, Mark?

20 MR. KELLENBERGER: No. We own the
21 property and are looking to develop it for our
22 two tenants.

23 CHAIRPERSON PEDDIBOYINA: Okay. Let

1 me open it to the board. Dr. Sanghvi.

2 MEMBER SANGHVI: Thank you. I know
3 this property is a nursing home for many
4 years.

5 MR. KELLENBERGER: Yes.

6 MEMBER SANGHVI: My only concern is
7 first of all, is there going to be a swimming
8 pool there?

9 MR. KELLENBERGER: So this facility
10 here is a swim school. It's inside, indoor
11 pools --

12 MEMBER SANGHVI: How deep is it
13 going to be for the kindergarten?

14 MR. KELLENBERGER: They're pools are
15 typically four feet; it's just for
16 instruction.

17 MEMBER SANGHVI: And the second
18 question I had was, on the back side where
19 there is wetlands, are you going to have it
20 all screened off?

21 MR. KELLENBERGER: Oh, yes. So the
22 wetlands is on this property over here; it's
23 not shown in its entirety. It's buffered

1 extremely well. We went through a buffer
2 review as part of the Planning Commission
3 review, so it's screened from the residential
4 area. It's considerably far from that
5 residence, but it is screened by the existing
6 vegetation. We've got, as you can see, pretty
7 extensive landscaping and we are not impacting
8 the wetlands.

9 MEMBER SANGHVI: My only concern is
10 that children do very unexpected things at any
11 time.

12 MR. KELLENBERGER: The child play
13 areas are all fenced and secured.

14 MEMBER SANGHVI: So you're going to
15 make sure everything is quite secure there?

16 MR. KELLENBERGER: Oh, 100 percent,
17 sir.

18 MEMBER SANGHVI: Thank you.

19 MR. KELLENBERGER: Yes.

20 CHAIRPERSON PEDDIBOYINA: Thank you,
21 Dr. Sanghvi. Safety is very important and you
22 need to take care of the safety; it's of high
23 priority. This property is on the cleaner's

1 opposite, the dry cleaning opposite of the
2 building of this one?

3 MR. KELLENBERGER: The dry cleaning?

4 CHAIRPERSON PEDDIBOYINA: Yeah.

5 MEMBER THOMPSON: Yes, it's on the
6 other side of the street.

7 CHAIRPERSON PEDDIBOYINA: Yeah, and
8 the liquor shop on the opposite.

9 MR. KELLENBERGER: Oh, on the
10 opposite property, yes. This is the old
11 retirement home property.

12 CHAIRPERSON PEDDIBOYINA: Are you
13 removing the old building or just --

14 MR. KELLENBERGER: We are removing
15 the old building, demolishing and removing all
16 of that for this new development.

17 CHAIRPERSON PEDDIBOYINA: You own
18 this property?

19 MR. KELLENBERGER: Yeah. I believe
20 it's been closed on; but yeah, we are under
21 contract, and I believe it was closed.

22 CHAIRPERSON PEDDIBOYINA: Okay. Any
23 other board member, please? Okay.

1 MEMBER MONTAGUE: So how far from
2 the intersection of Novi Road there is your
3 easternmost entry? You're asking for two curb
4 cuts, and it seems to me that one's awful
5 close to Novi Road.

6 MR. KELLENBERGER: I don't have that
7 dimension. Again, the Planning Commission and
8 Engineering Department had reviewed this and
9 granted the preliminary siteplan. Our
10 understanding was it was just to allow the
11 access to there; that it wasn't concerned over
12 the location or the number.

13 MEMBER MONTAGUE: But you're needing
14 a variance -- they're needing a variance for
15 two curb cuts, right?

16 MR. HALL: That's correct.

17 MEMBER MONTAGUE: Right. So part of
18 this is we would have to allow that, so I am
19 concerned. That's a busy -- I know that's a
20 busy intersection; I go through there all the
21 time.

22 MR. KELLENBERGER: Yeah.

23 MEMBER MONTAGUE: And that's awful

1 close to that intersection.

2 MR. KELLENBERGER: So the thought is
3 with the two existing curb cuts, it would
4 allow people to navigate that property,
5 utilize one for right turn coming out. It
6 would allow people to navigate inbound traffic
7 as well and not stack up into the drive. So
8 it gives alternate access for both ingress and
9 egress for both the swim school and the child
10 care.

11 MONTAGUE: Yeah. It's still
12 concerning. Okay. Thank you.

13 CHAIRPERSON PEDDIBOYINA: Any other
14 board member?

15 MEMBER MCLEOD: Correct me if I'm
16 wrong. With those two connection points is
17 how they exist today, yes?

18 MR. KELLENBERGER: Correct. They
19 exist in their current form and as proposed
20 and reviewed by the city.

21 CHAIRPERSON PEDDIBOYINA: Okay. Go
22 ahead.

23 MEMBER LONGO: To Clifford's point,

1 isn't there a gas station between you and Novi
2 Road?

3 MR. KELLENBERGER: Yes.

4 MEMBER LONGO: Okay. So there's a
5 gas station there?

6 MEMBER MONTAGUE: I go there all the
7 time.

8 MR. KELLENBERGER: There is some
9 other property there too as well. And there
10 is a bank in there as well.

11 CHAIRPERSON PEDDIBOYINA: Yeah, it
12 used to be a bank, Flagstar Bank.

13 MR. KELLENBERGER: Yes. So there's
14 -- we're three properties -- the third
15 property off the corner.

16 CHAIRPERSON PEDDIBOYINA: Okay. I
17 have no objection on this. It is motion time.
18 Michael Thompson.

19 MEMBER THOMPSON: Excuse me?

20 CHAIRPERSON PEDDIBOYINA: Please go
21 ahead, Michael Thompson, for the motion.

22 MEMBER THOMPSON: I move that we
23 grant the variance in Case PZ23-0035, sought

1 by 814 Services, LLC, for the outdoor
2 recreational space. They're asking for one
3 variance.

4 MEMBER MCLEOD: Two.

5 CHAIRPERSON PEDDIBOYINA: Two
6 variances.

7 MEMBER THOMPSON: Two variances, the
8 outdoor recreation, and the parking, the curb
9 -- (indiscernible).

10 UNIDENTIFIED SPEAKER: The entrance
11 off of 10 Mile.

12 MR. THOMPSON: That is already
13 there.

14 MR. HALL: The entrance off of 10
15 Mile, that's not allowed, so you have to --

16 MEMBER THOMPSON: Okay. So the two
17 variances with the outdoor recreation space
18 and vehicular access to a major road. Because
19 the petitioner has shown practical difficulty
20 requiring on an existing space. Without the
21 variance, the petitioner would be unreasonably
22 prevented or limited with respect to the use
23 of the property, as the outdoor -- the parking

1 is already paved that way; they're not making
2 an improvement on it. The property is unique,
3 being off of 10 Mile Road, in an OS-1 space,
4 which is considered to be an office space.
5 The petitioner did not create the condition
6 because it is currently that way now with the
7 two driveways. The relief granted will not
8 unreasonably interfere with adjacent or
9 surrounding properties because there is other
10 businesses there, such as the --
11 (indiscernible) -- bank and the gas station.
12 And the relief is consistent with the spirit
13 and intent of the ordinance; again, being in a
14 business area.

15 CHAIRPERSON PEDDIBOYINA: Thank you.
16 Somebody can make a second, please.

17 MEMBER MCLEOD: Second.

18 CHAIRPERSON PEDDIBOYINA: Thank you.
19 Call roll-call, please.

20 MADAM SECRETARY: Chairperson
21 Peddiboyina.

22 CHAIRPERSON PEDDIBOYINA: Yes,
23 please.

1 MADAM SECRETARY: Member Sanghvi.
2 MEMBER SANGHVI: Yes.
3 MADAM SECRETARY: Member Thompson.
4 MEMBER THOMPSON: Yes.
5 MADAM SECRETARY: Member Longo.
6 MEMBER LONGO: Yes.
7 MADAM SECRETARY: Member Montague.
8 MEMBER MONTAGUE: Yes.
9 MADAM SECRETARY: Member McLeod.
10 MEMBER MCLEOD: Yes.
11 MADAM SECRETARY: Thank you. Motion
12 passes.
13 CHAIRPERSON PEDDIBOYINA:
14 Congratulations and good luck for the
15 business.
16 MR. KELLENBERGER: Thank you so
17 much.
18 CHAIRPERSON PEDDIBOYINA: Take care
19 of it.
20 MR. KELLENBERGER: We appreciate it
21 greatly.
22 CHAIRPERSON PEDDIBOYINA: Any other
23 matters before I adjourn?

1 MR. JACOB: Can I speak real quick?

2 CHAIRPERSON PEDDIBOYINA: No.

3 Public hearing is done.

4 MR. JACOB: Just to address
5 something that was said to me.

6 CHAIRPERSON PEDDIBOYINA: No. No.
7 No. It's already done. We requested the
8 public hearing, remarks anything you need to
9 talk in the beginning.

10 MR. JACOB: I didn't understand.

11 MS. SAARELA: You can't talk to the
12 -- if you have a question for administration,
13 you always can call administration.

14 MR. JACOB: I'm sorry. It was in
15 response to something that was said from your
16 board to me, so --

17 MS. SAARELA: If you have a concern,
18 you can always give --

19 MR. JACOB: No. No, it's not a
20 concern, it was just for clarification, that's
21 all.

22 MS. SAARELA: We're off the public
23 record, so --

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MR. JACOB: No, that's fine. I'm not looking for any trouble, ma'am. I'm sorry.

CHAIRPERSON PEDDIBOYINA: Thank you so much. I appreciate it. Before I adjourn, any other matters for the board or any other things?

BOARD MEMBERS: (No verbal response).

CHAIRPERSON PEDDIBOYINA: Before I adjourn, say all in favor aye.

BOARD MEMBERS: Aye.

CHAIRPERSON PEDDIBOYINA: Any nays?

BOARD MEMBERS: (No verbal response).

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Good night.

(Meeting adjourned at 8:35 p.m.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Sandra D. Wilson, Notary Public
within and for the County of Oakland, do hereby
certify that I have recorded stenographically the
proceedings had and testimony taken in the
above-titled matter at the time and place hereinbefore
set forth; and I do further certify that the foregoing
transcript, consisting of 104 typewritten pages, is a
true and correct transcription of my said stenographic
notes.

/s/ Sandra D. Wilson

Sandra D. Wilson, CSR
Notary Public
Oakland County, Michigan
My commission expires: 05-09-25