

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

July 11, 2017

Proceedings taken in the matter of the
ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten
Mile Road, Novi, Michigan, on Tuesday, July 11, 2017.

BOARD MEMBERS

Siddharth Mav Sanghvi, Chairperson

David Byrwa

Linda Krieger

Cynthia Gronachan

Brent Ferrell

Jonathan Montville

Joe Peddiboyina

ALSO PRESENT:

Beth Saarela, City Attorney

Lawrence Butler

Coordinator: Katherine Oppermann, Recording Secretary

Certified Shorthand Reporter, Diane Szach

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Novi, Michigan.
Wednesday, June 28, 2017
7:00 p.m.
* * * *

CHAIRPERSON SANGHVI: Good evening.
It's 7:00 p.m. It's time to start the ZBA meeting
today, Tuesday, July 11th, 2017.

Will you all please rise and join
me in the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON SANGHVI: Thank you.
Please be seated.

Madam Secretary, please call roll.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Present.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Here.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Here.

MS. OPPERMANN: Member Krieger?

MS. KRIEGER: Here.

MS. OPPERMANN: Member Nafso is
absent, excused.

Member Montville.

1 MR. MONTVILLE: Here.

2 MS. OPPERMANN: Member Peddiboyina?

3 MR. PEDDIBOYINA: Yes.

4 MS. OPPERMANN: And Chairperson
5 Sanghvi?

6 CHAIRPERSON SANGHVI: Thank you.

7 Okay. If there is anybody in the
8 audience who would like to address the board about any
9 subject other than today's agenda is very welcome to
10 do at this point in time.

11 I don't see anybody, so we'll move
12 on to the next item on the agenda, and that is the --
13 well, you are all as far as the public hearing format
14 and rules of conduct are concerned, I think the
15 printed material is on the table here in the front,
16 and the only special request I would like to make is
17 please turn off your cell phones. Thank you.

18 Approval of agenda. All of you
19 have seen the agenda. Is there any changes or
20 additions, deletions?

21 MS. OPPERMANN: Case Number
22 PZ17-0026, Christopher Leineke, is being postponed.

23 CHAIRPERSON SANGHVI: Postponed.
24 Very good.

25 The chair will entertain a motion

1 to accept the agenda as amended.

2 MS. GRONACHAN: So moved.

3 CHAIRPERSON SANGHVI: Moved. Is
4 there a second?

5 MR. FERRELL: Second.

6 CHAIRPERSON SANGHVI: A motion has
7 been made and seconded. Those in favor of accepting
8 the amended agenda please signify saying aye.

9 THE BOARD: Aye.

10 CHAIRPERSON SANGHVI: Those opposed
11 same sign.

12 Thank you.

13 Now, the next item on the agenda is
14 the minutes of the June 2017 meeting. I hope you all
15 had an opportunity to look at the minutes, and if
16 there any alterations, deletions, omissions anybody
17 would like to suggest?

18 Yes.

19 MS. SAARELA: I actually have three
20 changes. Page 51, Line 4, that statement was not made
21 by me. I'm not sure who it was made by, but it's
22 identified as me.

23 Let me see. Page 56, Line 5, again
24 another statement that's identified as me that I did
25 not make. It was a second to a motion. I didn't make

1 that.

2 And Page 58, Line 14 is another
3 one, is another statement that I didn't make. So I'm
4 not sure who they were catching, probably some other
5 person.

6 CHAIRPERSON SANGHVI: We'll correct
7 all that.

8 Anything else? Anybody else have
9 any other changes?

10 Members.

11 MS. GRONACHAN: No.

12 CHAIRPERSON SANGHVI: I would
13 entertain a motion to except the minutes as amended.

14 MR. FERRELL: So moved.

15 MS. GRONACHAN: Second.

16 CHAIRPERSON SANGHVI: The motion
17 has been moved and seconded. All of those in favor
18 please signify by aye.

19 THE BOARD: Aye.

20 CHAIRPERSON SANGHVI: Those opposed
21 same sign.

22 We'll move to the next.

23 MR. LEINEKE: I just have a
24 question. Why was mine postponed?

25 CHAIRPERSON SANGHVI: I'm sorry, I

1 can't --

2 MS. OPPERMANN: Mr. Leineke?

3 MR. LEINEKE: Yes.

4 MS. OPPERMANN: Oh. Because there
5 were changes that were to be made to your case. I was
6 under the impression you had been speaking to
7 Mr. Boulard already and Mr. Butler on that.

8 MR. LEINEKE: No, nobody said
9 anything to me about it.

10 MR. BUTLER: Per our conversation,
11 we had informed you that you were probably not going
12 to make this one because your dimensions and stuff had
13 changed on that, and because of the fact they had
14 changed, we cannot go in with it because of those
15 numbers.

16 MR. BYRWA: They have to advertise
17 again the new change.

18 MR. LEINEKE: Okay, okay. Thanks.

19 CHAIRPERSON SANGHVI: Okay. Go
20 back to the minutes. And again let's go to the first
21 case on the agenda, PZ17-0014, McCotter Architecture
22 and Design, P.L.L.C., 1141 East Lake Drive, east of
23 East Lake Drive and south of 14 Mile Road, Parcel
24 # 50-22-02-126-008.

25 Is the applicant here?

1 MR. McCOTTER: Yes.

2 CHAIRPERSON SANGHVI: Will you
3 please come forward.

4 MR. McCOTTER: Good evening.

5 CHAIRPERSON SANGHVI: Please
6 identify yourself, your name and address and if you're
7 not an attorney.

8 MR. McCOTTER: Tim McCotter,
9 McCotter Architecture and Design, 2060 Ore Creek Lane.

10 CHAIRPERSON SANGHVI: You were here
11 last month, right?

12 MR. McCOTTER: I was here last
13 month, yep.

14 CHAIRPERSON SANGHVI: Do we need to
15 swear him in again?

16 MS. SAARELA: No.

17 CHAIRPERSON SANGHVI: Okay. Go
18 ahead and make your presentation, sir, because some of
19 us were not here last month.

20 MR. McCOTTER: Not a problem.
21 Since our last month meeting, we had the last month
22 been asking for two variances, a side yard setback for
23 an attached garage structure because of the narrow lot
24 to make a side entry garage so that we could get a
25 four-car garage in, which was also requesting at that

1 point a variance to the accessory building size.

2 We have since elected to reduce the size of
3 the garage so that we won't need the variance to the
4 building size. We'll be at 843 square feet, which is
5 less than the requirement. So we're only looking for
6 the side yard variance at this point.

7 CHAIRPERSON SANGHVI: Okay.
8 Anything else?

9 MR. McCOTTER: The only thing I
10 would add is that since our last meeting we have
11 looked, the two neighbors directly to the north of us,
12 one has a garage that's 15 inches off the property
13 line, and the other one has a garage that's 28 inches
14 off the property line. So this is an existing
15 condition for lots in this area because of the narrow
16 width of it.

17 CHAIRPERSON SANGHVI: I see. Thank
18 you.

19 MR. McCOTTER: Yes.

20 CHAIRPERSON SANGHVI: Is there
21 anybody in the audience who would like to make any
22 comment about this case? This is the time to do it.

23 I don't see anybody. Thank you.

24 Do we have anything to add from the
25 city?

1 MS. SAARELA: Nothing to add here.

2 MR. BUTLER: No comment.

3 CHAIRPERSON SANGHVI: No. Okay.

4 Do we have any more correspondence, Mr. Secretary?

5 MR. FERRELL: These were dated 6/12
6 and 5/30. Did we need to re-read those?

7 MS. SAARELA: No, they're already
8 in the record.

9 MR. FERRELL: Okay.

10 CHAIRPERSON SANGHVI: Okay. If
11 there's nothing, I'll open it up to the board. Any
12 comments? I think some of you were here already last
13 month. So any new comments from anybody?

14 Go ahead, Ms. Gronachan.

15 MS. GRONACHAN: Good evening.

16 Thank you for the less is better rule, and not needing
17 the variance for the size of the garage. So can you
18 clarify the variance for the side yard setback then
19 would be 11 and 9 inches.

20 MR. McCOTTER: 11 foot 9 inches,
21 which would place the wall two feet from the property
22 line.

23 MS. GRONACHAN: And that's the only
24 variance that you're going to need, correct?

25 MR. McCOTTER: That would be the

1 only variance, because I believe that that covers the
2 fact that the existing house is nonconforming through
3 that process.

4 MS. GRONACHAN: Given that you and
5 the petitioner listened to the board last month and
6 took our suggestions, I feel that I can support this,
7 and I feel that given the condition of the property,
8 the uniqueness, and the fact that you went with fewer
9 variances, I have no objections at this time.

10 MR. McCOTTER: Thank you.

11 CHAIRPERSON SANGHVI: Very good.
12 Anybody else?

13 MR. PEDDIBOYINA: Yes. I have no
14 objections and I'm okay.

15 CHAIRPERSON SANGHVI: Thank you.
16 Anyone else?

17 I think just I would like to thank
18 you folks. I think you've done very well by
19 reorganizing everything that you have done, and I have
20 no problem with it, and I will entertain a motion for
21 this case. Anybody willing to make a motion?

22 MS. GRONACHAN: I see. A broken
23 foot doesn't -- that's not the exception. Okay.

24 I move that we grant the variance
25 in Case Number PZ17-0014 sought by the petitioner

1 McCotter Architecture and Design, P.L.L.C., for
2 1141 East Lake Drive. Because the petitioner has
3 shown practical difficulty, without this variance the
4 petitioner would be unreasonably prevented or limited
5 with respect to use of the property due to the
6 uniqueness and shape of the property. The property is
7 unique because of the narrowness which is typical up
8 in that section of Novi. The petitioner did not
9 create the condition because this lot was in existence
10 and the house was built prior to the ordinances. The
11 relief granted would not unreasonably interfere with
12 adjacent or surrounding properties based on the
13 testimony from neighbors in the surrounding area who
14 voiced their approval with their letters, which are
15 part of the file.

16 The relief is consistent with the
17 spirit and intent of the ordinance, because this
18 enables the resident to stay in his home and enjoy the
19 piece and quiet of his residence. Therefore I move
20 that we grant this variance.

21 MS. KRIEGER: Second.

22 CHAIRPERSON SANGHVI: The motion
23 has been made and seconded. Any further discussion
24 from the members? Thank you.

25 Seeing none, will you please call

1 the roll?

2 MS. OPPEMANN: Member Byrwa?

3 MR. BYRWA: Yes.

4 MS. OPPEMANN: Member Ferrell?

5 MR. FERRELL: Yes.

6 MS. OPPEMANN: Member Gronachan?

7 MS. GRONACHAN: Yes.

8 MS. OPPEMANN: Member Krieger?

9 MS. KRIEGER: Yes.

10 MS. OPPEMANN: Member Sanghvi?

11 CHAIRPERSON SANGHVI: Yes.

12 MS. OPPEMANN: Member Montville?

13 MR. MONTVILLE: Yes.

14 MS. OPPEMANN: Member Peddiboyina?

15 MR. PEDDIBOYINA: Yes.

16 CHAIRPERSON SANGHVI: Well,

17 congratulations.

18 MR. McCOTTER: Thank you very much.

19 CHAIRPERSON SANGHVI: Thank you.

20 The second case is PZ17-0017,
21 Audrey and Gordie Wilson, 1345 East Lake Drive, west
22 of Novi Road and north of Thirteen Mile Road, Parcel
23 Number 50-22-02-177-013. The applicant is requesting
24 a variance from the City of Novi Ordinance Section
25 4.19 for a height as well as size variance for an

1 accessory structure. Maximum of 1500 square feet with
2 one-story or 14 foot height maximum. This property is
3 zoned single-family residential (R-4).

4 Is the applicant here? Come on in,
5 please.

6 Are you by yourself, and give your
7 name and address, and if you are not an attorney, you
8 need to be sworn in by our secretary.

9 MR. WILSON: My name is Gordon
10 Wilson, 1345 East Lake Drive, Novi, Michigan.

11 CHAIRPERSON SANGHVI: And you're
12 not an attorney, right?

13 MR. WILSON: No, sir.

14 MR. FERRELL: Are you both going to
15 be speaking?

16 MR. COLTHURST: Yes. My name is
17 Eric Colthurst. I'm Gordie's father-in-law. I am an
18 attorney, but I'm not appearing here on his behalf. I
19 can be a witness because I've seen this property.

20 MR. FERRELL: Okay. You're all
21 set.

22 Go ahead and raise your right hand.
23 Do you swear to tell the truth in the testimony you're
24 about to give?

25 MR. WILSON: Yes.

1 CHAIRPERSON SANGHVI: Thank you.
2 Please make your presentation.

3 MR. WILSON: Can we put this on
4 here so you can see it? I can't seem to figure out
5 combination to the --

6 MS. GRONACHAN: It will come up in
7 a minute.

8 MR. WILSON: Okay. Perfect.

9 MR. COLTHURST: That's a view from
10 the second floor of Gordie's house, and you can see
11 the structure there on the lake side of the road.
12 It's a 20 foot by 20 foot structure. The roof is
13 14 feet high, but you can notice there that the land
14 really drops off there. So the 14 is not as much of
15 an obstruction as you would think it would be. He's
16 got an 80 foot lot there. On the right side he's got
17 about 10 feet or so to the adjoining property line.
18 And then the left side goes all the way past the tree.

19 So if we understand correctly, you
20 could have a 10 foot by 10 foot accessory structure on
21 a single lot maximum, which would be 40 feet. He's
22 got 80 feet there, he's got two lots. So a 20 foot by
23 20 foot is in keeping with that guideline.

24 We've got letters from the
25 neighbors, and I think you should have them in the

1 file, all four of the neighbors that have approved
2 this and have no objection to it.

3 MR. WILSON: And I think the only
4 thing I would add is we've put a lot of time and
5 effort into the house itself, and if any folks happen
6 to drive by there and see it, we're pretty proud of
7 the house. The structure that is going to be on lake
8 side is going to match it both material-wise. I had
9 it designed by an architect. It's going to be done
10 professionally with stone, with wood. It's going to
11 match the house and it's going to -- it's definitely
12 going to be an addition to the neighborhood. There is
13 some things that are going on the lake side, hopefully
14 this will set a precedence that people will really
15 take some pride in the lake side instead of just
16 putting up a shed.

17 Thank you for your time today and
18 thanks for listening, and we'll be happy to answer any
19 questions.

20 CHAIRPERSON SANGHVI: Okay.
21 Anything else?

22 MR. WILSON: That's all that we
23 have for now.

24 CHAIRPERSON SANGHVI: Is there
25 anybody in the audience who would like to make any

1 comments about this case, this is the time.

2 Seeing none, City, any comments?

3 MR. BUTLER: We have been out
4 working with Mr. Hagie (ph) and Gordie Wilson, and
5 there is no issue with him requesting because a
6 variance for a 20 by 20, there is nothing that states
7 that he cannot have that because of the size of his
8 lot. We just had to get him straightened out on the
9 paperwork for he had it as an accessory building
10 sitting across from the water, but we got that figured
11 out. But he's within all rights to ask for that, and
12 it does match a lot of existing ones out there with a
13 20 by 20. I think normally we ask for 10 by 10 by 8
14 foot high, but that's why he's asking for that
15 variance.

16 CHAIRPERSON SANGHVI: Thank you.
17 I'm sorry.

18 MS. GRONACHAN: Can you clarify
19 that again? Are you saying because he has a double
20 lot, he can have a 20 by 20?

21 MR. BUTLER: It has nothing to do
22 with the double lot. He's just here for the variance.

23 MS. GRONACHAN: That's what I
24 thought, okay. He still needs the variance.

25 MR. BUTLER: He still needs the

1 variance, yes.

2 MS. GRONACHAN: Okay. I was
3 confused the way you said that. Okay.

4 CHAIRPERSON SANGHVI:
5 Mr. Secretary, do we have any correspondence?

6 MR. FERRELL: Yes, we do, Chairman.
7 50 letters were mailed, two letters returned, four
8 approvals, zero objections.

9 The first approval is by Joe
10 D-e-b-r-i-n-c-d-t-e or a-t-e -- I'm not sure. It's an
11 approval. Per my discussion with Mr. Wilson, he's
12 willing to move the building south as much as
13 possible, 5 foot minimum. This will reduce the
14 hindrance of our view of the lake. I would like to
15 add that the building height will not be the 14 max
16 height but it's kept to a minimum, so we can see the
17 lake from our deck.

18 The second approval is from Anthony
19 M. Hodeck, H-o-d-e-c-k. My name is Anthony Hodeck,
20 and I reside at 1354 East Lake Drive, Novi, two houses
21 down from the proposed accessory structure at 1345
22 East Lake Drive, Novi, Michigan. After reviewing the
23 plans with Gordie Wilson, I'm in full support of the
24 requested variance and in full approval of the
25 project. If you would like to speak with me

1 personally, I can be reached at -- should I give his
2 phone number?

3 MS. SAARELA: No.

4 MR. FERRELL: Okay. The third
5 approval is from Brent Westbrook at 1349 East Lake
6 Drive, Novi. My name is Brent Westbrook. I live next
7 door to Gordie Wilson. I've reviewed his plans for
8 the accessory structure by the lake. I'm in full
9 support of his development project. It would be a
10 nice addition to the neighborhood. Please feel free
11 to call me with any questions.

12 And the fourth approval by Robert
13 Cummings, C-u-m-m-i-n-g-s. My name is Robert
14 Cummings. I live at 1353 East Lake Drive, which is
15 two doors down from the zoning request. I've reviewed
16 the project personally with Mr. Wilson, and I'm in
17 full support of his requested variance.

18 CHAIRPERSON SANGHVI: Thank you,
19 Mr. Secretary.

20 You have quite a fan club there.
21 And I was at your place Sunday afternoon. I go and
22 visits all sites. And I thought I saw a powder blue
23 classic car in your driveway, is that right?

24 MR. WILSON: That's correct, sir.

25 CHAIRPERSON SANGHVI: And, yes, I

1 personally have no problem with it, but I'm going to
2 ask my colleagues for their opinion.

3 Members of the board, any comments
4 by anybody?

5 MR. MONTVILLE: I would echo the
6 same comments. The house is very well-designed.
7 Clearly you did put a lot of time and effort and
8 detail into having it professionally designed. The
9 structure across the street and on the lake will
10 mirror that. And again with it being two lots as
11 opposed to one when the ordinance was written, it's a
12 little unique situation which I think justifies even
13 more the normal -- the 20 by 20 structure. So I would
14 be in full support as well.

15 CHAIRPERSON SANGHVI: Thank you.

16 Ms. Krieger?

17 MS. KRIEGER: I have a question.
18 The building across, is it already constructed or in
19 process?

20 MR. WILSON: I'm sorry, no, it's
21 not. I had the architect take it and put it on -- I
22 took a picture, and then he has a computer program
23 that set that structure on the lot. So that picture
24 you're looking at is just a computer-generated
25 drawing. So there is no building on the lot at this

1 time.

2 MS. KRIEGER: Okay. Thank you. I
3 agree with my previous members.

4 CHAIRPERSON SANGHVI: Yes,
5 Ms. Gronachan?

6 MS. GRONACHAN: Two questions. The
7 first question is, is that the actual height then
8 of -- from standing to your property?

9 MR. WILSON: Yes. So when you're
10 standing -- the lot slopes from the road down to the
11 lake about six feet. So only -- I don't really know
12 how to say it other than it's going to be -- part of
13 the structure is going to be four feet underground.
14 So that it won't be 14 feet high, it will only be 10
15 foot.

16 MS. GRONACHAN: So you addressed
17 what I was getting at, and my next question is one of
18 your neighbors who said that the building height would
19 not be 14 feet max. So just for clarification for the
20 record, the height would be what?

21 MR. WILSON: The height -- well,
22 from the grade -- from the mid grade it will not
23 exceed 10.

24 MS. GRONACHAN: It will not exceed
25 10?

1 MR. WILSON: Yes.

2 MS. GRONACHAN: So in essence what
3 you did here is you took great care in making sure
4 that nobody's view was blocked, which I commend you
5 for.

6 MR. WILSON: Well, thank you.
7 That's all part of living on the lake. We're all
8 trying to -- we live in close quarters, and we try to
9 work with each other the best we can. It's part of
10 being a neighbor.

11 MS. GRONACHAN: Thank God that's
12 not dying on that side of the lake. That's a good
13 thing to see. So I commend you for that and I'm in
14 full support.

15 MR. WILSON: Thank you.

16 CHAIRPERSON SANGHVI: Anybody else?

17 Yes, Mr. Peddiboyina.

18 MR. PEDDIBOYINA: Thank you,
19 Chairman. I'll just state that I have no issue, and I
20 also you have a lot of support from your neighbors,
21 and I have no issue. Thank you.

22 CHAIRPERSON SANGHVI: Thank you.

23 Anybody else?

24 I already mentioned I had no
25 problem, and I think you're doing a great job on your

1 property, and it's going to be even better with what
2 you're trying to do.

3 With no further discussion, I'll
4 entertain a motion.

5 MR. FERRELL: Thank you,
6 Mr. Chairman.

7 I would move that we grant the
8 variance in Case Number PZ17-0017 sought by the
9 petitioner for a 20 by 20 foot waterfront structure as
10 the petitioner has shown practical difficulty
11 requiring the structure. Without the variance the
12 petitioner will be unreasonably prevented or limited
13 with respect to the use of the property. Having two
14 lots, which is one of the main reasons I support this
15 is the double-sized lot, and that you have the height,
16 which is 10 feet above grade I guess you could say.

17 So I'm definitely in support of
18 that. The property is unique because due to having
19 the multiple lots. The petitioner did not create the
20 condition and the relief granted will not unreasonably
21 interfere with the adjacent or surrounding properties.
22 It sits below the requested -- the height is below
23 grade, at least four feet below the grade. And with
24 the letters from the neighbors saying that they
25 appreciate the property being lower than the grade, it

1 doesn't affect their view. The relief is consistent
2 with the spirit and intent of the ordinance.

3 CHAIRPERSON SANGHVI: Thank you.

4 MR. PEDDIBOYINA: I second it.

5 CHAIRPERSON SANGHVI: Thank you.

6 Any further discussion about this from anybody?

7 Seeing none, will you please call
8 the roll, Madam Secretary?

9 MS. OPPERMANN: Member Byrwa?

10 MR. BYRWA: Yes.

11 MS. OPPERMANN: Member Ferrell?

12 MR. FERRELL: Yes.

13 MS. OPPERMANN: Member Gronachan?

14 MS. GRONACHAN: Yes.

15 MS. OPPERMANN: Member Krieger?

16 MS. KRIEGER: Yes.

17 MS. OPPERMANN: Chairperson

18 Sanghvi?

19 CHAIRPERSON SANGHVI: Yes.

20 MS. OPPERMANN: Member Montville?

21 MR. MONTVILLE: Yes.

22 MS. OPPERMANN: Member Peddiboyina?

23 MR. PEDDIBOYINA: Yes.

24 CHAIRPERSON SANGHVI:

25 Congratulations.

1 MR. WILSON: Ladies and gentlemen,
2 thank you. I appreciate it. Have a good night.

3 CHAIRPERSON SANGHVI: You've done a
4 super job. Thank you.

5 Moving on to the next one,
6 PZ17-0024, Greg Meadows, 25595 Buckminster Drive, east
7 of Taft Road and south of Eleven Mile Road, Parcel #
8 50-22-22-128-011. The applicant is requesting a
9 variance from the City of Novi Ordinance Section 3.1.5
10 for a rear yard setback of 24.7 feet for a proposed
11 roof over patio, and 35 feet minimum required by the
12 code. This property is zoned single-family
13 residential, (R-4).

14 Will you please identify yourself
15 with your name and address?

16 MS. MEADOWS: I'm Jeannie Meadows,
17 and my address is 25595 Buckminster in Novi.

18 MR. KLOCKE: My name is Glen
19 Klocke. I'm at 44480 Eleven Mile Road in Novi. I'm a
20 neighbor.

21 CHAIRPERSON SANGHVI: Neither of
22 your are attorneys, right?

23 MR. KLOCKE: No, no.

24 MR. FERRELL: Then both of you
25 raise your right hands for me so I can swear you in.

1 Do you swear to tell the truth in the testimony in the
2 case you're about to give?

3 MS. MEADOWS: Yes.

4 MR. KLOCKE: Yes.

5 CHAIRPERSON SANGHVI: Thank you.

6 Please go ahead and make your presentation.

7 MS. MEADOWS: We've been a long
8 time resident of Novi. We've lived in our house for
9 22 years. Our backyard faces west, and we just get
10 the sun all day. It's so hot back there, and we want
11 to cover our existing patio. So the addition we want
12 to put on is going to be tied into the house. This is
13 not a three-quarter room, it's going to be opened on
14 the sides and the front. It's not going to be
15 screened in or anything. We just want the covering so
16 we can have the shade and be able to sit out there and
17 have dinner in the summer without the sun beating on
18 us and blinding us.

19 CHAIRPERSON SANGHVI: Thank you.

20 Anything else?

21 MR. KLOCKE: She also has a letter
22 from the association that approves it, and there are
23 no objections.

24 CHAIRPERSON SANGHVI: Very good.

25 Anything else?

1 MS. MEADOWS: No.

2 CHAIRPERSON SANGHVI: You're all
3 set. Thank you.

4 Is there anybody in the audience
5 that would like to make a comment about this case?

6 Seeing none, let's move on.

7 The City, any comments?

8 MR. BUTLER: Yes. We did review
9 the package, and it is an existing patio that needs
10 covering, and they're replacing a somewhat aging
11 awning that they'd like to remove and put a nice
12 little roof over it.

13 CHAIRPERSON SANGHVI: Thank you.

14 Mr. Secretary, any correspondence?

15 MR. FERRELL: Yes. Mr. Chairman,
16 there was 37 letters mailed, three letters returned,
17 zero approvals, zero objections.

18 CHAIRPERSON SANGHVI: Very good.

19 I did come and see your place last
20 Sunday, and I saw what you are talking about.

21 MS. MEADOWS: Yes, it's hot back
22 there.

23 CHAIRPERSON SANGHVI: And I
24 appreciate your problem, and I support your
25 application.

1 MS. MEADOWS: Thank you.

2 CHAIRPERSON SANGHVI: Members of
3 the Board?

4 Jon -- sorry, Mr. Montville?

5 MR. MONTVILLE: No need to
6 apologize.

7 CHAIRPERSON SANGHVI: Force of
8 habit.

9 MR. MONTVILLE: And I would assume
10 you've picked out a nice top aesthetically fitting
11 with everything just to confirm?

12 MS. MEADOWS: Yes, and it's going
13 to be tied into the house, so it will look like it's
14 an addition. It's not going to be like an aluminum
15 thing just put on there, no. It's going to look
16 really nice, and it's going to be stained to match the
17 house, and it's going to look very nice.

18 MR. MONTVILLE: Very nice. I
19 assumed so.

20 MS. MEADOWS: It will be like kind
21 of a resort.

22 MR. MONTVILLE: Very nice. Well,
23 if it's going to be a resort, in that case it's hard
24 to refuse, but given the unique circumstances, and
25 obviously it's going to be aesthetically fitting, I

1 have no problem supporting it as well.

2 CHAIRPERSON SANGHVI: Thank you.

3 Anybody else? Mrs. Krieger?

4 MS. KRIEGER: I also drove by. I
5 drove by through the back neighborhood road as well,
6 so I can see how you're saying the west side, the sun
7 is just -- there is no -- there isn't anything even in
8 the winter. So it will be nice in the winter, too,
9 not to have the cold wind hitting it direct either.

10 MS. MEADOWS: Mm-hmm.

11 MS. KRIEGER: So I'm in support.

12 Thank you.

13 CHAIRPERSON SANGHVI: Good.

14 Any other comments by anybody? If
15 not, I'll entertain a motion.

16 MR. MONTVILLE: I move that we
17 grant the variance requested in Case Number PZ17-0024
18 sought by Greg Meadows as the petitioner has shown --
19 to support a rear yard setback as the petitioner has
20 shown practical difficulty requiring the variance
21 being requested. Without the variance being
22 requested, the petitioner will be unreasonably
23 prevented and limited with respect to the use of their
24 residential property due to the western facing
25 exposure and also as noted in the packet and the notes

1 submitted to the Board, the unique bowl shape of the
2 yard preventing any wind flow within the area of the
3 patio area.

4 This property is unique again
5 because of those two circumstances mentioned, the
6 western exposure of the sunset and also the lack of
7 wind as a result of the bowl shaped yard. The
8 petitioner did not create those two conditions as they
9 were pre-existing, and the relief granted will not
10 unreasonably interfere with the adjacent properties as
11 it is an aesthetic improvement to the property, and
12 also noted by the lack of any correspondence of
13 negativity or any types of pushback from neighbors,
14 and the relief is consistent with the spirit and
15 intent of the ordinance as it will allow the
16 petitioners to properly enjoy their residence here in
17 the city.

18 MS. KRIEGER: Second.

19 CHAIRPERSON SANGHVI: Second by
20 Ms. Krieger. Any further discussion?

21 Seeing none, Madam Secretary,
22 please call the roll.

23 MS. OPPERMANN: Member Byrwa?

24 MR. BYRWA: Yes.

25 MS. OPPERMANN: Member Ferrell?

1 MR. FERRELL: Yes.
2 MS. OPPEMANN: Member Gronachan?
3 MS. GRONACHAN: Yes.
4 MS. OPPEMANN: Member Krieger?
5 MS. KRIEGER: Yes.
6 MS. OPPEMANN: Chairperson
7 Sanghvi?
8 CHAIRPERSON SANGHVI: Yes.
9 MS. OPPEMANN: Member Montville?
10 MR. MONTVILLE: Yes.
11 MS. OPPEMANN: Member Peddiboyina?
12 MR. PEDDIBOYINA: Yes.
13 CHAIRPERSON SANGHVI:
14 Congratulations. Enjoy and keep cool.
15 MS. MEADOWS: Thank you. My dog
16 will appreciate it.
17 MS. GRONACHAN: Will it be done by
18 the end of summer?
19 MS. MEADOWS: I hope so.
20 MS. GRONACHAN: There you go.
21 Enjoy.
22 CHAIRPERSON SANGHVI: Let's go on,
23 move on to the next. The last case on the agenda
24 today is PZ17-0027, Martell Development, L.L.C., Lot
25 8, East of Beck Road and north of Twelve Mile Road,

1 Parcel Number 50-22-04-451-024. Is the applicant
2 here? Very good.

3 The applicant is requesting a
4 variance from the City of Novi Ordinance Section 3.1.5
5 for a left side yard setback of 10 feet, 15 feet
6 minimum required by the code; and the right side yard
7 setback of 20 feet, minimum required is 25 feet by
8 code; and the front yard setback of 25 feet, and 30
9 feet minimum required by code. This
10 property is zoned single-family residence.

11 Sir, will you please identify
12 yourself with your name and address, and then you'll
13 be sworn in by our secretary. Please go ahead.

14 MR. ATTISHA: My name is Andy
15 Attisha. I'm the owner of Lot 8, and I'm selling Lot
16 8 to Jerry. He wants to --

17 MR. ALLEN: I'm the prospective buyer of
18 the lot from Andy. I'm the one who filed or has the
19 interest in getting the variance. I'm not an
20 attorney. My address is 18854 Gary Lane, Livonia,
21 Michigan.

22 MS. GRONACHAN: You need to state
23 your name, please.

24 MR. ALLEN: Jerome Allen.

25 CHAIRPERSON SANGHVI: Thank you.

1 MR. FERRELL: Go ahead and both
2 raise your right hand. You're both going to be
3 speaking, correct?

4 MR. ALLEN: Yes.

5 MR. FERRELL: Do you both swear to
6 tell the truth in the testimony you're about to give?

7 MR. ATTISHA: Yes.

8 MR. ALLEN: Yes.

9 MR. FERRELL: Go ahead.

10 MR. ALLEN: So I'm going to go
11 ahead and just walk you through this. So you have the
12 petition I take it. So just to show you here, I drew
13 this up off -- it's to scale. Let me make sure you
14 can see it here. This shows -- the existing easement
15 is the gray dotted line here. You can see that the
16 lot is a wedge or a pie shape. It's an unusual shaped
17 lot, and because of that, where the gray dotted lines
18 are, that is the existing easement. You can see where
19 I've indicated 25 feet on the left, 15 on the right,
20 and then 30 on the front. What I've petitioned for is
21 to get 20 on the left, 10 on the right and 25 in the
22 front.

23 The drawing of the structure that I
24 have there is just an estimate. I do not have a
25 building plan at this point. I did not want to buy

1 the lot until I was sure that I would be able to fit a
2 typical type of residential structure on the lot. As
3 you can see, I've got 40 feet on one side, 60 on the
4 back, and then what I've got drawn in the front is
5 scaled to be -- represent a three-car garage.

6 With this, if I were to receive the
7 approved variance, you would see that I would be able
8 to in effect fit this structure or something similar
9 to it within that boundary.

10 I just want to show you here what
11 happens if I don't have the variance, okay. So there
12 is the same structure with the same garage, and you
13 can see that the structure is now fit only within the
14 gray dotted lines, which is the existing easement.
15 With such a structure, I impede on the or I go over
16 actually that existing easement. Even you can see
17 part of a two-car garage would do that as well. It's
18 in the nature of the geometry of the lot as you --
19 because of the acute ankle of the lot, it does not --
20 when you try to push the building back or orient it,
21 you get caught in the easement itself either on the
22 left or the right.

23 And I just want to show you here
24 what -- I'm an engineer, so you have to bear with me.
25 I'm a little anal. But you can see here if you take

1 that same drawing that I just showed you, I've
2 highlighted there where it goes over the existing
3 easement. So I infringe on it on both the left on the
4 front and -- on both fronts I should say.

5 Just one other here. This one --
6 this is a layout showing if I were granted the
7 variance, because of the nature of the angle on that,
8 in essence not to get too technical, but basically by
9 getting the 5 feet on either side, you can see where
10 that affords me the ability to move that structure
11 back 22 feet. It surprised me when I figured it out
12 and I scaled it out, but that's exactly what happens
13 because you're dealing with such an acute angle on
14 that lot.

15 So in summary I'm looking for the
16 variance on the left and the right and on the front.

17 Any questions?

18 CHAIRPERSON SANGHVI: That's it?

19 MR. ALLEN: Yes.

20 CHAIRPERSON SANGHVI: Thank you.

21 MR> ALLEN: And I just to say -- I
22 just wanted to add one other point. All the other
23 lots, and I think Andy can attest to this, are your
24 more trapezoidal or rectangular type of lots. This is
25 an odd lot, pardon the pun, because of the fact that

1 it comes at the joining of two streets, two
2 cul-de-sacs, and, you know, it's like they fit it in
3 as a lot. And I have no use really for the back
4 narrower part. My interest is in being able to put a
5 structure in the front. And by putting it there, I
6 wouldn't have any impact on the other lot owners.
7 Andy owns Lot 7 that he's planning on building on.
8 There is an existing homeowner on Lot Number 9, and
9 this also sets out almost like a peninsula from those
10 other two lots. So it would have no impact on the
11 adjacent homeowners and their properties. Thank you.

12 CHAIRPERSON SANGHVI: Thank you.
13 Is there anybody in the audience who would like to
14 make any comments about this case?

15 Seeing none, I'll turn to the City.

16 MR. BUTLER: Yes. He did come in
17 and he met with me and Charles and we talked to him
18 about it, and at first he had everything presented
19 forward as you see there, and we had recommended that
20 he might want to think about moving it back a little
21 bit to give yourself a little bit more space and see
22 how that flies. But, I mean, he's trying to put that
23 on as best as he can. He did not create that as the
24 owner or as the buyer because he's trying to buy the
25 lot.

1 MR. ALLEN: And I appreciate your
2 help by the way or your advice.

3 MR. BUTLER: Thank you.

4 CHAIRPERSON SANGHVI:
5 Mr. Secretary, do you have any correspondence?

6 MR. FERRELL: Yes, Mr. Chairman.
7 There were 36 letters mailed, five letters returned,
8 zero approvals and two objections.

9 The first objection is from Richard
10 Ketterman, 46090 West Park Drive, Novi, Michigan
11 48377. Board of Appeals, I'm not in favor of granting
12 this variance. I do not believe that the lower
13 setbacks requested are in keeping with the surrounding
14 neighborhood and that it would wrong to grant the
15 variance. Thanks. Richard Ketterman,
16 K-e-t-t-e-r-m-a-n.

17 The second objection is from Ezio,
18 E-z-i-o, Walter, M-a-s-c-i-u-l-l-i, 29839 Martell
19 Court, M-a-r-t-e-l-l. I personally have no objections
20 to the granting of the side yard variances as
21 requested. However, I do object to granting a
22 variance in the front yard setback. I feel that the
23 house will be too close to the street out of character
24 with the rest of the homes. This I feel could
25 negatively impact our home value.

1 That is it.

2 CHAIRPERSON SANGHVI: Thank you.

3 Before I open it up to the rest of the board members,
4 I have a few questions for you, sir.

5 MR. ALLEN: Yes.

6 CHAIRPERSON SANGHVI: First of all,
7 I want you to know that I came and visited your site,
8 and I want to congratulate for starting your own
9 little court there of your own and designing all of
10 this development. What is the size of the rest of the
11 lots you are designing there?

12 MR. ATTISHA: I'm sorry, I didn't
13 hear that.

14 CHAIRPERSON SANGHVI: How big are
15 the lots, the rest of them?

16 MR. ATTISHA: The lot, he can fit
17 3,000, 3,500, up to 4,000 square feet.

18 CHAIRPERSON SANGHVI: And the new
19 homes you are going to build, what is likely to be the
20 average price of those homes?

21 MR. ATTISHA: Around 6 -- 600,000.
22 Some of them they're more, up to 8, 800,000.

23 CHAIRPERSON SANGHVI: So pretty
24 good size homes.

25 MR. ATTISHA: Yes.

1 CHAIRPERSON SANGHVI: And my
2 question is that when you designed this layout, did
3 you realize that you have got a little triangular
4 wedge left in this corner here?

5 MR. ATTISHA: Actually I didn't lay
6 it out. I have it on foreclosure and I took over the
7 lots. It was developed by somebody else.

8 CHAIRPERSON SANGHVI: Oh, you
9 didn't develop -- you're not part of Martell
10 Development?

11 MR. ATTISHA: I am. I'm the owner
12 of Martell Development. But it was developed by other
13 company which went foreclosure when the houses dropped
14 down, and I took over that property.

15 CHAIRPERSON SANGHVI: I see.
16 Because I can't see how we can call this lot that it
17 is not self-created, and you inherited it from
18 somebody else?

19 MS. SAARELA: I can -- this was a
20 development designed by Windmill Homes that during the
21 economic downturn, they lost it in foreclosure to
22 Mr. Attisha who had given them a mortgage for some of
23 the properties. So he was not the designer of the
24 subdivision, he just got it when they had to let it go
25 in foreclosure.

1 CHAIRPERSON SANGHVI: I see. Thank
2 you. Very good.

3 Well, I'll open it up to the board.

4 Yes, Mr. Byrwa.

5 MR. BYRWA: Yes, I have a couple of
6 questions here. You had mentioned that that gray
7 dotted line represents the easement there?

8 MR. ALLEN: The existing, yes.

9 MR. BYRWA: My understanding of
10 easements is that you still own the property, but
11 somewhere along the line a legal right was given to
12 somebody to go over and use that particular property,
13 whether it be a utility or -- you know, and I don't
14 understand how somebody is going to go over and use
15 it, and to me I'm looking at four different areas
16 where you're encroaching into the easement there.

17 MS. SAARELA: So I don't think he's
18 going to be encroaching into the easement. I think
19 they're easements that were created by the condo.
20 This is a site condominium. So they're created in the
21 master deed and they're probably for public utilities,
22 maybe ones for storm and sewer, you know, potentially,
23 I can't tell from here, but I don't think that he's
24 showing that it would be encroaching into the
25 utilities. He's moving it so that it does not

1 encroach into the utilities.

2 MR. BYRWA: It might not encroach
3 into like a water main underneath, but it's into that
4 area that would be necessary --

5 MS. SAARELA: I don't think that we
6 would -- that the city would be permitting him to be
7 able to put it over the utility easement.

8 MR. BYRWA: So we don't know what
9 kind of easement it is then?

10 MS. SAARELA: Well, we would if we
11 looked at the master deed, because we do know it's
12 either a utility, which is a private easement for
13 public utilities which anybody can put their utility
14 there, phone, cable, electric, or it's a water main or
15 sewer. It's not detailed on that sheet, but there is
16 a master deed condominium subdivision plan that if we
17 pulled it up would show what they are. They're not,
18 you know, personal easements for any surrounding
19 properties, they're just -- they're utility services
20 for the properties. But I think what he's showing
21 there isn't intending to go over the easements, it's
22 intending to move him out of the easements.

23 MR. BYRWA: Well, to me it shows
24 that, you know, starting with the 20 foot section of
25 the garage, that's well into the easement at the

1 bottom of the screen there. And then again it
2 encroaches into the easement at the 60/40 area at the
3 top right corner, that's encroaching into the
4 easement.

5 MS. SAARELA: The building
6 department confirmed that it doesn't encroach into the
7 easements when they looked at the plans.

8 MR. BYRWA: So this drawing isn't
9 accurate then.

10 And then somebody mentioned a
11 three-car garage, but I show an area here of 30 and
12 then another 20 foot section. Generally a 20 by 20 is
13 a two-car garage. I'm looking at like a five-car
14 garage here.

15 CHAIRPERSON SANGHVI: 20 by 30,
16 yes.

17 MR. ALLEN: The first section of
18 that where I've got the 30 foot indicated is to
19 represent a two-car garage. And then I just took half
20 of that and added it on to the bottom to make it --
21 and this wasn't done with a lot of care, this was done
22 with a scale and my drafting skills from 30 years ago
23 when I was in school. So forgive me if it isn't
24 exactly right, but it's my representation of a
25 three-car garage.

1 MR. BYRWA: But it's 50 foot of
2 garage frontage, isn't it, is what you were looking
3 at?

4 MR. ALLEN: Yes, it would be
5 about -- it would be about 50 feet, 50 by I think what
6 20 I believe.

7 MR. BYRWA: Yeah. To me that's
8 like a five-car garage is what I'm looking at. And
9 then I seen an encroachment on the south into the
10 easement.

11 And I just think there's a lot of
12 questions to be left here with the easement and the
13 oversized garage, and I just think it could be a
14 better design, and for that reason with a lot of the
15 variables unanswered and the details on the drawing, I
16 won't be voting for it.

17 MS. SAARELA: I just wanted to
18 clarify that when the house comes in for review, it's
19 still -- he's going to have to have a plot plan review
20 and approval, and our engineers that review that would
21 catch that if he was actually on the scale drawing
22 encroaching into the easement, and his plan would not
23 be approved. So that's not for us to catch here,
24 that's to be caught when he comes in with an actual
25 plan for construction.

1 MR. BYRWA: I would still prefer
2 accurate drawings and what I'm approving is accurate
3 and is scaled as best as possible, not guessing at it.

4 MR. ALLEN: Well, just understand
5 that will cost me several thousand dollars on a
6 property that I don't own. So I'll decline to do that
7 in favor of, you know. If I'm forced to that, I'm
8 going to have sunk money in, and I'm not an
9 entrepreneur, I'm a homeowner, so.

10 CHAIRPERSON SANGHVI: Thank you.
11 Yes, Ms. Gronachan.

12 MS. GRONACHAN: And I believe this
13 would go for the owner, the current owner. Can you
14 help us out here with the actual dimensions of the lot
15 itself currently? Do you have a picture of this lot
16 without any of the drawings on it?

17 MR. ALLEN: I do. I have an aerial
18 if you'll take that. It will show you on there.

19 MS. GRONACHAN: Okay.

20 MR. ALLEN: You can see it's very
21 deep on one side --

22 MR. ATTISHA: It's a corner lot.
23 It's a corner lot.

24 MS. GRONACHAN: Okay. Got that.
25 So help me out with the -- because this looks way

1 different than this. So help me out if you would.
2 Are we looking at -- in the front we're looking at 88
3 feet width on the front?

4 MR. ALLEN: No, it's more than
5 that.

6 MS. GRONACHAN: And then the
7 91 feet at the bottom?

8 MR. ALLEN: Yes. Well, you've got
9 91 across the right as you can see on that. And then
10 you've got a combination of 31 plus 57 gets you the
11 88.

12 MS. GRONACHAN: Right. Okay. So
13 we're looking at your drawing of 60 feet, 60 by 40
14 house?

15 MR. ALLEN: Yes.

16 MS. GRONACHAN: Based on this
17 picture, it should fit, correct?

18 MR. ALLEN: Yes. That's a two-car
19 garage, though. All the homes in that neighborhood
20 are three or four.

21 MS. GRONACHAN: Let's just take --
22 if you can humor me here. I'm just breaking it down a
23 little bit. I don't do this on a daily basis. So if
24 we do the 60 by 40, right, that building would fit in
25 there, correct, based on that picture?

1 MR. ALLEN: Yes, just the building,
2 not the garage.

3 MS. GRONACHAN: Okay. No, can you
4 put that other picture back up, please?

5 MR. ALLEN: The aerial?

6 MS. GRONACHAN: Please. Do you see
7 what I'm saying?

8 CHAIRPERSON SANGHVI: I do.

9 MS. GRONACHAN: Right. So what I'm
10 saying is that if -- without confusing the issue,
11 without the easement question and this question and
12 that question, if you look at this picture, this
13 picture helps you better than the drawing that you
14 gave us. The drawing that you gave us, with all due
15 respect, is very confusing.

16 MR. ALLEN: But the only problem
17 with that is I have to be within the boundaries as the
18 attorney can tell you. And if I place something on
19 there, I have to be within the 25 feet. I lose 25
20 feet on the left, and I lose 15 feet on the right, and
21 I lose 30 feet in the front that I have to put a
22 building within. I can have -- correct me if I'm
23 wrong, Larry, but I can't have any part of the
24 structure protruding beyond that boundary, and that's
25 what I'm in here to get is a variance of 5 feet on

1 either side so that I can do that. I can put a
2 driveway or I can put something that is easily moved
3 or removed let's say, but as far as a permanent
4 structure goes, that's what I can't do at this point.

5 It looks like a large lot, I agree
6 with you, until you start putting that envelope around
7 it, and then it becomes very restrictive. And like I
8 said, because of the angle of it, it really limits my
9 ability to move the structure back or to orient it in
10 any other fashion.

11 MS. GRONACHAN: I have a question
12 for the city attorney. In regards to those easements,
13 is it possible to get clarification? I know you're
14 saying that it doesn't affect, but it does if he buys
15 it and it enters into the easement.

16 MS. SAARELA: But what I'm saying
17 is that he won't be permitted to do that. So if comes
18 in with his detailed plan when he's ready for
19 construction, he has to submit it to the building
20 department. They review it to make sure it's not over
21 any of these easements. And if it is, they'll reject
22 it and he has to go back to the drawing board and fit
23 it. That would not be permitted by the building
24 department.

25 MS. GRONACHAN: Okay. So in that

1 case, that is not under what we're looking at at this
2 point?

3 MS. SAARELA: No, no. He's just
4 explaining that to you to tell you why he needs this
5 variance, because he can't place it over those
6 easements. It's not something that we're considering
7 because that's not our review, that's a building
8 department plot plan review.

9 MS. GRONACHAN: Okay. Thank you
10 for that clarification.

11 MR. ALLEN: Might I add, too, just
12 for explanation, I don't have any firm building
13 structure at this time. What I showed you on that is
14 an estimate. I mean, it's my best guess. It's what's
15 called a place holder for lack of a better term. I
16 don't know at this point. I just want to know what
17 are the boundaries of which I would need a building
18 company and an architect, what are the parameters of
19 which they have to work within.

20 MS. GRONACHAN: So the reason why
21 I'm hesitating along with Member Byrwa is that there's
22 three or four variances that you're requesting
23 tonight, and then --

24 MR. ALLEN: Three.

25 MS. GRONACHAN: Three, correction.

1 And based on when you put the building in, you may
2 need more.

3 MR. ALLEN: I'm not -- go ahead.

4 MS. SAARELA: I mean, I think what
5 he's saying -- I think you're again taking into
6 consideration easements and things that he's going to
7 go over. And what he's doing is shifting him out of
8 the easements. That's the whole intent here. So I
9 don't think he's looking at it with the idea that he's
10 going to need more. He's looking at it with this is
11 my new building envelope, this is where my architect
12 or whoever can draw within these new boundaries so
13 that we're not within the easements.

14 MR. ALLEN: I would agree with
15 that. I'm not looking to go outside of that. I mean,
16 there might be a variance for something unknown, but
17 it won't be dimensional in regards to the lot.

18 MS. GRONACHAN: I'll reserve any
19 further until I hear from my other board members, but
20 at this point I'm not in support of it.

21 CHAIRPERSON SANGHVI: Thank you.

22 Mr. Ferrell.

23 MR. FERRELL: I just feel like
24 being that close to the road like one of the neighbors
25 had suggested, I mean, I know the lot is unique and

1 stuff like that, but I feel like having a three-car
2 garage, most of the homes have three-car garages?

3 MR. ALLEN: Two.

4 MR. FERRELL: Two. So he's asking
5 for one size -- one car bigger?

6 MR. ALLEN: Yes. Well, the home
7 beside it on Lot 9 has a four-car garage.

8 MR. FERRELL: Hold on a second. I
9 just feel like if you had a three-car garage or
10 five-car, I don't know what the size of cars are, but
11 I feel like it's going to be really close at the main
12 road or like the road. I don't know if that
13 aesthetically is going to be as pleasing to all the
14 other houses and other stuff like that either. So
15 that's the only variance I wouldn't really support is
16 the one that is closer to the road. Thank you.

17 CHAIRPERSON SANGHVI: Thank you.

18 AUDIENCE PARTICIPANT: There are
19 some --

20 MR. FERRELL: No, ma'am, you can't
21 talk.

22 MS. GRONACHAN: Member Montville.

23 MR. MONTVILLE: My thoughts are
24 clearly the lot is uniquely shaped, and based on the
25 other properties and houses being built, if you're

1 forced into the way the ordinance is written, you're
2 either going to be very awkwardly shaped or it's going
3 to be a non-traditional structure in terms of -- you
4 know, in relation to the design of the other houses,
5 or it's going to be really, really small compared to
6 the others and it's going to be an eyesore for the
7 overall development.

8 So that's my hesitance in not
9 granting the variances, and it sounds like for -- it's
10 bringing up a lot of hesitation for other members in
11 something that is out of our realm and falls on the
12 building department. So we have to make sure we stay
13 focused.

14 That said, I would support the
15 things that -- the variances, the three as being
16 requested. I understand the front yard might be a
17 little close, but again it's a unique lot. Clearly
18 you can't even define what that shape is. So a little
19 lenience, and again that's what we're here for if
20 warranted, and I think it is warranted in this
21 circumstance.

22 CHAIRPERSON SANGHVI: Thank you.

23 MR. FERRELL: I agree with Member
24 Montville on most of what he had said. Unfortunately
25 I don't agree with -- I think if the house was a

1 little bit smaller, I don't think it's going to make
2 that noticeable a difference, a few feet here and
3 there, that you're requesting on the sides. I don't
4 think it's going to change the aesthetics of the
5 building that everybody is going to notice that yours
6 is little smaller. So I don't agree with that part.

7 CHAIRPERSON SANGHVI: Thank you.

8 Anybody else? Yes, Ms. Krieger.

9 MS. KRIEGER: I agree with Member
10 Montville that it is a unique shape, that -- but the
11 relief granted will not unreasonably interfere with
12 adjacent or surrounding properties, I can't approve it
13 because of that, because the surrounding property --
14 when you look at the site and drive to it, it looks
15 bigger than on the picture that was diagramed with the
16 home so that you can fit in something like that. But
17 then when you put in the easements and then compared
18 to the other homes, I'm okay with that except that
19 we're looking at the zoning requests. So that's where
20 I'm at.

21 CHAIRPERSON SANGHVI: I was there.
22 I sat there for 20 minutes trying to figure out,
23 because looking at the real thing and not just the
24 pictures in the street with the rest of the lots and
25 some of the homes which are already built, which are

1 beautiful homes, you did a great job, and I appreciate
2 that, and then I'm looking at this little triangle
3 sitting in the middle there sticking up like a sore
4 thumb, you know, and I had a lot of doubts in my mind
5 when I was sitting there, and I wanted to hear what
6 everybody has to say about it. But that is where we
7 are.

8 Any further discussion? No.

9 I'll entertain a motion.

10 MR. ALLEN: Excuse me. Can I just
11 get one final point of clarification? I don't mean to
12 interrupt or correct Andy, but --

13 MS. GRONACHAN: He wants to say
14 something else.

15 CHAIRPERSON SANGHVI: Okay. Go
16 ahead.

17 MS. GRONACHAN: It's at the Board
18 right now.

19 MR. ALLEN: And it's for
20 clarification.

21 CHAIRPERSON SANGHVI: You can add
22 anything you want to add, because we're going to make
23 a decision tonight.

24 MR. ALLEN: That's fine. I just
25 wanted for clarification sake. So the question was

1 asked about -- I believe you had asked about the
2 number of garages on the houses. I don't mean to
3 correct you, but aren't they all three car or better
4 there? I don't know of any that are two-car.

5 AUDIENCE PARTICIPANT: They're all
6 about three-car garages. Most of the garages are more
7 into the house and the depth with the garage is about
8 36 feet for a three-car garage or so.

9 MR. ALLEN: Right. So all I'm
10 looking to do is get something equivalent to what is
11 there on the structures today. If it were up to me,
12 being the guy I am, I'd like to have a four-car
13 garage, but with what I have to work with, you know,
14 three is probably going to be it if I'm able to get
15 the variances.

16 The other thing that I'll say just
17 for clarification is, I need the left and the right to
18 go forward with purchasing the lot. I don't need the
19 front. So if I can get granted the left and the
20 right, I'm happy. If I can't, then I'm done with
21 purchasing the lot. That's all. Thank you.

22 CHAIRPERSON SANGHVI: Any further
23 discussion?

24 MS. KRIEGER: I have a question.
25 I'm sorry, just to clarify, on the diagram that you

1 have --

2 MR. ALLEN: Would you like me to
3 put that back up?

4 MS. KRIEGER: Yes.

5 MR. ALLEN: Okay. Hold on one
6 second.

7 MS. KRIEGER: You have 60 by 40 for
8 the house.

9 MR. ALLEN: Yes.

10 MS. KRIEGER: And then the other
11 structure is 20 and then 30. So 30 is the box, and
12 then you add another 20? Can you clarify that?

13 MR. ALLEN: Well, let me just
14 explain. The larger box is 60 across, 40 deep for the
15 main house, okay. What I'm trying to represent as the
16 garage is 20 across, 30 for the first part, and then
17 20 again. So as I was saying earlier, if you add the
18 two up you've got 50 by 20 overall for that rectangle.

19 MS. KRIEGER: Okay.

20 MR. ALLEN: And I was told that --
21 I believe Larry and Chris told me that it was 1,000
22 isn't -- so that would be 50 by 20 is 1,000. Isn't
23 the maximum for a garage 1,000 square feet? I thought
24 that's what somebody in the department said.

25 MS. KRIEGER: I just wanted to

1 clarify the number. Thank you.

2 MR. ALLEN: Okay. I'm just --
3 that's why I tried to max it out. Just understand I
4 drew this because it's not an unreasonable, it's not a
5 mansion so to speak, but it's a reasonable side house
6 for the size of the homes in that area, and it's
7 something that would I go that large, probably not.
8 But then again I don't know at this point. So without
9 having a firm drawing of a structure, you know, I'm
10 naturally trying to max it out to get the most
11 coverage I can in the future. Thank you.

12 CHAIRPERSON SANGHVI: Yes.

13 MS. GRONACHAN: Before we go back,
14 round three, I would be in full support of the left
15 and right variance request based on the uniqueness of
16 the lot. I could go for that. Being that the
17 petitioner said he does not need the front variance
18 request, I would be in support of the two on the side,
19 because I think that the front -- I think that there
20 is going to be other things down the road once he gets
21 into it, and I would like to leave that available to
22 him.

23 MS. KRIEGER: Can we split up that
24 motion?

25 MS. SAARELA: You can just grant

1 for the left and the right if that's what your
2 proposing to do.

3 MS. GRONACHAN: I agree with Member
4 Ferrell, and I think that there is going to be an
5 issue there. And I think it does interfere with like
6 Member Krieger said earlier about the phrase about the
7 surrounding neighborhood. So therefore I could
8 support those two and -- given that information.

9 Member Montville, I know he wants
10 to make a motion.

11 CHAIRPERSON SANGHVI: Go ahead.

12 MR. MONTVILLE: I move that we
13 grant two variances requested in case number PZ17-0027
14 sought by Martell Development, L.L.C., a limited
15 liability company, for specifically a left side yard
16 setback and a right side yard setback as the
17 petitioner has shown practical difficulty requiring
18 these two specific variances. Without these two
19 variances, the petitioner will be unreasonably
20 prevented and limited with respect to the use of the
21 property as a result of the uniqueness of the
22 pre-existing lot shape and structure, and specifically
23 the acute angles throughout the lot making it very
24 unique.

25 For those previously mentioned

1 reasons, the property is unique, and the petitioner
2 did not create these conditions as the lot was
3 previously designed by a previous development and was
4 not modified or edited by the petitioner.

5 The relief granted will not
6 unreasonably interfere with adjacent or surrounding
7 properties as it will allow a structure similar and
8 aesthetically in line with the surrounding
9 development, and the relief is consistent with the
10 spirit and intent of the ordinance as it allows the
11 petitioner to use the property as currently zoned.

12 MS. GRONACHAN: Second.

13 CHAIRPERSON SANGHVI: Thank you.

14 Anybody?

15 MS. GRONACHAN: Second.

16 CHAIRPERSON SANGHVI: Seconded.

17 Okay. Yes, Mr. Byrwa.

18 MR. BYRWA: Yes. I was wondering
19 if we could just to make me feel better maybe add an
20 amendment that would say something to the affect of no
21 portion of the structure shall be placed on or over
22 any easement.

23 MS. GRONACHAN: I don't think it's
24 necessary. It's not necessary. It's out of our
25 jurisdiction.

1 MR. BYRWA: Well, we're looking at
2 a drawing that clearly goes into the easement.

3 MS. GRONACHAN: I know, but given
4 testimony of the city attorney and both the city, it's
5 not within our realm --

6 MR. BYRWA: But it may end up being
7 something less than 40 by 60 if he has to not build
8 into the easement.

9 MR. MONTVILLE: I will not conform
10 to that amendment as requested. I would leave my
11 motion as stated.

12 MS. GRONACHAN: Second.

13 CHAIRPERSON SANGHVI: I have a
14 question for the city attorney.

15 MS. SAARELA: Yes.

16 CHAIRPERSON SANGHVI: Can we make
17 two separate motions about the side yard and the front
18 setback?

19 MS. SAARELA: You could. If
20 there's someone that is still seeking to approve the
21 front yard, and you think that there is, you know,
22 support for it, you can make that motion.

23 CHAIRPERSON SANGHVI: Thank you.
24 What is pleasure of the Board?

25 MS. SAARELA: I would first finish

1 the motion.

2 CHAIRPERSON SANGHVI: Okay. We
3 have a motion here about just the two side yard
4 setbacks, and that's about it so far. And the motion
5 has been made and seconded, and an amendment has been
6 offered and it has been declined by the proposer.

7 CHAIRPERSON SANGHVI: Is there any
8 further discussion?

9 If there isn't any, I would request
10 Madam Secretary to call the roll.

11 MS. OPPERMANN: Member Byrwa?

12 MR. BYRWA: No.

13 MS. OPPERMANN: Member Ferrell?

14 MR. FERRELL: Yes.

15 MS. OPPERMANN: Member Gronachan?

16 MS. GRONACHAN: Yes.

17 MS. OPPERMANN: Member Krieger?

18 MS. KRIEGER: Yes.

19 MS. OPPERMANN: Chairperson

20 Sanghvi?

21 CHAIRPERSON SANGHVI: No.

22 MS. OPPERMANN: Member Montville?

23 MR. MONTVILLE: Yes.

24 MS. OPPERMANN: Member Peddiboyina?

25 MR. PEDDIBOYINA: Yes.

1 MS. OPPERMANN: Motion passes with
2 five.

3 CHAIRPERSON SANGHVI: Very good.
4 Thank you.

5 Now, do we want to entertain a
6 motion about the front yard setback?

7 MS. GRONACHAN: I don't. I don't
8 know if anybody else does.

9 CHAIRPERSON SANGHVI: No. Okay.

10 MS. GRONACHAN: I mean, the motion
11 has been approved, and the petitioner says that he can
12 do without, and that's what the motion called for. So
13 I don't feel that there is anything else.

14 CHAIRPERSON SANGHVI: Then we'll
15 leave it at that. Is that okay?

16 MS. SAARELA: That's fine. You're
17 permitted to grant less relief than was requested, and
18 that's what was provided.

19 CHAIRPERSON SANGHVI: We'll cross
20 the bridges when we get there. Thank you.

21 MS. GRONACHAN: Your variance has
22 been granted.

23 MR. ALLEN: Thank you. Just a
24 question -- and thanks to all of you.

25 So did I get all three, or only the

1 left and the right?

2 MS. KRIEGER: Left and right.

3 MS. GRONACHAN: Left and right.

4 MR. ALLEN: Okay. Thank you.

5 CHAIRPERSON SANGHVI: Thank you.

6 You're done. Thank you.

7 Okay. There's nothing else left on
8 the agenda, so I'll entertain a motion for
9 adjournment.

10 MS. GRONACHAN: So moved.

11 MR. BYRWA: Second.

12 CHAIRPERSON SANGHVI: All those in
13 favor?

14 THE BOARD: Aye.

15 CHAIRPERSON SANGHVI: All those
16 opposed same sign.

17 This meeting is adjourned. Thank
18 you.

19 (Meeting adjourned at 8:10 p.m.)

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C E R T I F I C A T E

I, Diane L. Szach, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (62) pages, is a true and correct transcript of my said stenograph notes.

Diane L. Szach

Diane L. Szach, CSR-3170
Oakland County, Michigan
My Commission Expires: 3/9/18

July 27, 2017.