

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, NOVEMBER 19, 2019 7:00 P.M.

Council Chambers/Novi Civic Center

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Linda Krieger, Acting Secretary

Kevin Sanker

Michael Longo

Siddharth Mav Sanghvi

Clift Montague

Ramesh Verma, Member

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Community Development,

Deputy Director

Katherine Opperman, Recording Secretary

Reported by:

Cynthia Ann Chyla

Certified Shorthand Reporter

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1 Novi, Michigan

2 Tuesday, November 19, 2019

3 7:00 p.m.

4 CHAIRPERSON PEDDIBOYINA: Good evening and  
5 welcome to Novi Zoning Board of Appeals, November 19th.

6 Please stand up for the Pledge of Allegiance.  
7 (Pledge of Allegiance)

8 CHAIRPERSON PEDDIBOYINA: Thank you.

9 Okay. Can you call for the roll call,  
10 Katherine.

11 MS. OPPERMAN: Member Byrwa absent, excused.  
12 Chairman Peddiboyina.

13 CHAIRMAN PEDDIBOYINA: Yes, please.

14 MS. OPPERMAN: Member Krieger.

15 MEMBER KRIEGER: Here.

16 MS. OPPERMAN: Member Longo.

17 MEMBER LONGO: Here.

18 MS. OPPERMAN: Member Sanker.

19 MEMBER SANKER: Here.

20 MS. OPPERMAN: Member Sanghvi.

21 MEMBER SANGHVI: Here.

22 MS. OPPERMAN: Member Montague.

23 MEMBER MONTAGUE: Here.

1 MS. OPPERMAN: Member Verma.

2 MEMBER VERMA: Yes.

3 CHAIRPERSON PEDDIBOYINA: Thank you,  
4 Katherine.

5 And we have a Board enough quorum for this  
6 meeting.

7 And Public Hearing Format and Rules of  
8 Conduct are your phones are to be in silent mode.  
9 Thank you.

10 And we have a public hearing, when each case  
11 called upon anyone can come to -- anyone can remarks.  
12 And it's on television at home and people can come to  
13 the podium to speak and there is an overhead that is up  
14 on the computer for the people at home as well.

15 And that when the people come to the podium,  
16 please state your name, spell for the court recorder,  
17 and sworn by secretary if you're not an attorney and  
18 when you have an agenda.

19 We have 5 cases. Am I correct, Linda, how  
20 many cases we have?

21 MEMBER KRIEGER: Five.

22 CHAIRMAN PEDDIBOYINA: Total of five cases,  
23 okay.

1 And if we have the agenda from October.

2 MEMBER KRIEGER: Any changes.

3 MS. OPPERMAN: No, there's been no changes to  
4 the agenda.

5 MEMBER KRIEGER: I move to accept the agenda.

6 MR. SANKER: Second.

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 Agenda approved.

9 MEMBER KRIEGER: All in favor, I.

10 (All indicate aye)

11 CHAIRPERSON PEDDIBOYINA: Any nays?

12 Thank you. And what about the meeting  
13 minutes from October?

14 MEMBER KRIEGER: I move to approve the  
15 October 2019 minutes.

16 Yes. Sorry.

17 MEMBER SANGHVI: Yes. I got a couple of  
18 corrections.

19 MEMBER KRIEGER: Okay.

20 CHAIRPERSON PEDDIBOYINA: Go ahead,  
21 Mr. Sanghvi.

22 MEMBER SANGHVI: May I?

23 CHAIRPERSON PEDDIBOYINA: Yes.

1 MEMBER SANGHVI: ON page 4, line 2 should  
2 read here, H-E-R-E. Page 18, Line 3 it should read  
3 space and not shack. And on page 79, line 9, it should  
4 read patients like patients for that outfit.

5 Thank you.

6 CHAIRPERSON PEDDIBOYINA: Okay. Any other  
7 things?

8 MS. OPPERMAN: Member Sanghvi, for the last  
9 correction, what was the page number?

10 MEMBER SANGHVI: Page 79 --

11 MS. OPPERMAN: -- line 9, it should read  
12 patients. Thank you.

13 CHAIRPERSON PEDDIBOYINA: Thank you.

14 Any other corrections, please?

15 MEMBER KRIEGER: So I move to approve the  
16 agenda with the corrections.

17 MEMBER SANKER: Second.

18 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.  
19 Anybody say aye in favor.

20 (All indicate aye)

21 MEMBER KRIEGER: In favor.

22 CHAIRPERSON PEDDIBOYINA: Anybody no?

23 Thank you.

1           Okay. Public remarks. Anyone have anything  
2 regarding other than cases what we have today and for  
3 the ZBA you can come to the podium. This is the time  
4 where you can speak up.

5           Anyone? Seeing none. Thank you.

6           Okay. We'll call the first case, PZ19-0032  
7 (North Hills Apartments), 44840 North Hills Drive, west  
8 of Novi Road, and south of Nine Mile, Parcel Number  
9 50-22-34-127-003.

10           The applicant is requesting a variance from  
11 the City of Novi Zoning Ordinance Section 5.11.C for a  
12 fence with horizontal support boards facing neighboring  
13 properties. The code requires that where a fence has  
14 finished and unfinished side, the finished or more  
15 decorative side shall face outward the adjoining  
16 property or street. This property is zoned low density  
17 multiple family (RM-1).

18           Is there an appearance here, please?

19           MEMBER KRIEGER: Are you the applicant for  
20 this case?

21           CHAIRPERSON PEDDIBOYINA: Anybody in the  
22 first case, please?

23           MEMBER SANKER: North Hills Village

1 Apartments.

2 CHAIRPERSON PEDDIBOYINA: Okay. Nobody. And  
3 we can --

4 FROM THE AUDIENCE: Are you just taking from  
5 the apartments point of view or do you want the  
6 neighbors?

7 CHAIRPERSON PEDDIBOYINA: No, the applicant  
8 we are asking.

9 MEMBER KRIEGER: The Petitioner.

10 CHAIRPERSON PEDDIBOYINA: The Petitioner.  
11 Okay. Go ahead.

12 MS. SAARELA: You want to put this one over,  
13 see if they come in late and move on to the second.

14 CHAIRPERSON PEDDIBOYINA: Yeah, we can do  
15 that one.

16 Yeah, let's move to the fifth case -- from  
17 the first case and let me go to the second case.

18 Yeah. Is everybody okay, the Board?

19 MEMBER KRIEGER: Yeah.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

21 Second case, PZ-19-0041, Waterview Farms  
22 Apartments, 45685 Timber Lane Court, east of Beck Road  
23 and south of West Pontiac Trail, Parcel Number



1 50-22-04-200-009.

2 The applicant is requesting a variance from  
3 the City of Novi of Code of Ordinance Section 28-5(a)  
4 for two proposed ground signs (one ground sign allowed  
5 by code) and 28-5(f)(3) for proposed 0 feet setback  
6 from the right of way (not less than 10 feet back from  
7 the right of way allowed by code). This property is  
8 zoned low density, multiple family RM-1.

9 Is the applicant there, please?

10 MS. JULLETTE: Yes, we are.

11 CHAIRPERSON PEDDIBOYINA: Can you come to the  
12 podium.

13 Okay. Please state your name for my  
14 secretary.

15 MS. JULLETTE: My name is Danielle Jullette,  
16 D-A-N-I-E-L-L-E, J-U-L-L-E-T-T-E.

17 MS. GONZALEZ: My name is Jennifer Gonzalez,  
18 J-E-N-N-I-F-E-R, G-O-N-Z-A-L-E-Z.

19 MEMBER KRIEGER: All right. Are either of  
20 you an attorney?

21 MS. GONZALEZ: No.

22 MEMBER KRIEGER: Okay. Do you swear -- if  
23 you could raise your right hand.

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

3 MS. JULLETTE: Yes.

4 MS. GONZALEZ: Yes.

5 CHAIRPERSON PEDDIBOYINA: Thank you. You may  
6 proceed with your case.

7 MS. JULLETTE: We -- the sign in front of our  
8 property has fallen into disrepair and needs to be  
9 replaced. It has been needing attention for a couple  
10 of years now. At the point where the City was planning  
11 the large sidewalk that runs in front of the community,  
12 we were advised to wait until the sidewalk was  
13 completed because it looked like it was going to run  
14 right directly through our existing sign, and the  
15 person who was in that position prior to Maureen said  
16 that it would be best if we waited until it was done.

17 The sidewalk has now been completed and we  
18 need to replace our sign. Putting it where it is is  
19 not an option due to other zoning problems that it runs  
20 into which then requires us to move it.

21 Current code allows for one sign. The way  
22 our community is set, we have two entrances that are  
23 both main entrances. Neither one has a boulevard or

1 anyplace to set the sign. So with the speed of traffic  
2 driving down Pontiac Trail our concern is that people  
3 would not be able to view our business if they weren't  
4 able to see the sign at each entrance, the one facing  
5 outward at approximately 45-degree angles so the  
6 traffic could see it.

7 MEMBER KRIEGER: Do you have a paper or a  
8 copy to put on the overhead for people at home to view?

9 MS. JULLETTE: Sure. Can I have our sign guy  
10 come up?

11 CHAIRPERSON PEDDIBOYINA: Yeah. Please go  
12 ahead.

13 Put it on the projector on the down side.

14 MR. EMBREE: Right here?

15 CHAIRPERSON PEDDIBOYINA: Yes, please.

16 Okay. Thank you. Do you want to say  
17 anything, both of you want to say anything apart from  
18 that?

19 MR. EMBREE: Ah --

20 CHAIRPERSON PEDDIBOYINA: No, for them.  
21 Because if you want to talk, you can come and -- no?

22 MS. GONZALEZ: Another reason that we are  
23 requesting these new signs is that an issue that we're

1 having with the existing one and, of course, if we put  
2 it where we can't repair, we can't do anything.

3 Unfortunately, what's happening is our company is  
4 losing a lot of business because they don't know that  
5 we're Waterview Farms. They think we're part of other  
6 communities because of the signs that they have and we  
7 ultimately don't really have one. At least the one we  
8 have, again, is, like Danielle said, is in disarray.  
9 So we are requesting these again so people can know  
10 that we are Waterview Farms and not part of the other  
11 communities in the area.

12 MS. JULLETTE: It is our intention to  
13 landscape the sign with decorative trees, work with  
14 forestry on what they will approve. We've already met  
15 with them. Put flowers in front of it, make it  
16 attractive.

17 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

18 Correspondence secretary.

19 MEMBER KRIEGER: In this case PZ19-0041 --

20 CHAIRMAN PEDDIBOYINA: Yeah.

21 MEMBER KRIEGER: -- Waterford Farms  
22 Apartments, 21 letters were sent, zero returned, zero  
23 approval, zero objections.

1 CHAIRPERSON PEDDIBOYINA: Thank you.

2 Okay. Anybody in the audience?

3 Okay. City.

4 MR. BUTLER: Yeah. The City did review the  
5 project and it was determined that it was better for  
6 them to go ahead and redo the signs once the new  
7 sidewalk was in. They have pretty much zero clearance  
8 for the right of way and the signs being the small size  
9 it shows some tactical difficulty of people seeing it  
10 from the road anybody coming by. And, so, they  
11 presented a pretty good packet, and we see it as deemed  
12 necessary.

13 CHAIRPERSON PEDDIBOYINA: Thank you.

14 Anybody in the audience, please?

15 Say none. Okay. I'm open to the -- yeah. I  
16 see your presentation and I think I don't want to ask  
17 you anything, and I can open to my Board this case.

18 MR. SANKER: I just have one question.

19 CHAIRPERSON PEDDIBOYINA: Yeah, please go  
20 ahead.

21 MEMBER SANKER: Obviously it looks a lot  
22 better when it's there. I just have one question about  
23 the 0 feet setback from the right of way. How come --

1 does it have to be 0 or can it be less? Or I guess  
2 could it be 1 foot back. I guess how is -- how did  
3 that come about?

4 MS. JULLETTE: At the time we originally set  
5 the location there were existing trees and we were  
6 trying to set the sign with the trees in place. Once  
7 we got permission to remove those dying trees now there  
8 seems to be more room there, and if it's a sticking  
9 issue we would be happy to move the sign back a foot or  
10 two.

11 MEMBER SANGHVI: Speak in the mike, please.

12 MS. JULLETTE: We --

13 CHAIRPERSON PEDDIBOYINA: You can lift like  
14 this. You can move the mike up.

15 MEMBER SANKER: You can move the mike.

16 CHAIRPERSON PEDDIBOYINA: Yeah, move the  
17 mike. Yeah.

18 Go ahead, please.

19 MS. JULLETTE: When we set -- when we  
20 requested the 0-foot setback there were still existing  
21 trees in that location. We were setting the sign  
22 around the existing trees. Since then we received  
23 forestry's approval to remove those trees. They were

1 dying. And now if you would like the sign moved back a  
2 couple feet we do have room to do that.

3 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

4 And any other?

5 Okay. Linda.

6 MEMBER KRIEGER: From the City, I guess it  
7 would be the 0 feet. When I drove by that all the  
8 signs and all the subdivisions are the same so it would  
9 be if the road is widened, is that where the issue  
10 would become?

11 MS. SAARELA: They'd have to move it.

12 MEMBER KRIEGER: Okay.

13 MEMBER SANKER: That would be at their risk  
14 basically.

15 MEMBER KRIEGER: Right.

16 CHAIRPERSON PEDDIBOYINA: Yeah.

17 MEMBER KRIEGER: So I also have no issue. I  
18 drove by your site and agree with your request. I do  
19 wonder, though, the Waterford Farms, the sign is going  
20 to face towards Pontiac Trail or east/west?

21 MS. JULLETTE: It's going to face at -- is it  
22 a 45-degree angle approximately --

23 MR. EMBREE: Yes.

1 MS. JULLETTE: -- towards Pontiac Trail so  
2 that the vehicle that was driving each direction would  
3 see the sign closest to their entrance.

4 MEMBER KRIEGER: Okay, yep. Because I drove  
5 through the back. I can see how it's confusing,  
6 because the subs connect in the back, too. So you can  
7 see once a person gets in there they were totally  
8 confused.

9 MS. JULLETTE: They are.

10 MEMBER KRIEGER: I would be able to support  
11 your request.

12 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

13 Mr. Sanghvi, go ahead, please.

14 MEMBER SANGHVI: I came and saw your place.  
15 You already got new signs on the Pontiac Trail; right?

16 MS. JULLETTE: We have temporary banners  
17 installed with a picture of the sign on them.

18 MEMBER SANGHVI: I saw the signs there. I  
19 don't know whether they are real ones or they are just  
20 mock-ups, but I did see a sign. When you go inside  
21 from Wedgewood and looking for this particular sign --  
22 you have diagrams somewhere where you show where you  
23 plan to put these two signs, entrance signs, you got



1 that? Can you put it on the monitor here?

2 MR. EMBREE: It's kind of small. It's  
3 actually right where -- it's right where they are,  
4 supposed -- it's right where they're proposed to go.

5 MEMBER SANGHVI: Yeah. I'm talking about the  
6 Timberlane one --

7 MR. EMBREE: The temporary one?

8 MEMBER SANGHVI: -- not the Pontiac Trail,  
9 the other one, you see that's where you are requesting  
10 for -- not Pontiac Trail.

11 MR. EMBREE: I'm not sure if this helps, but  
12 ....

13 MS. JULLETTE: The existing mock-up is close  
14 to exactly --

15 MR. EMBREE: Can you see that? It's kind of  
16 small, but that's where we positioned --

17 MEMBER SANGHVI: Actually it's bigger on my  
18 screen. But -- so I guess I want the people to know  
19 where these signs are going, not the one that you have  
20 got already on the Pontiac Trail, and --

21 MR. EMBREE: Well, we installed temporary --

22 MEMBER SANGHVI: And you see one of my  
23 colleagues asked you a question about the 0 variance

1 from the right of way, it is because they put the new  
2 walk park there, walking park there, that is why you  
3 need the variance?

4 MR. EMBREE: Well, we installed the temporary  
5 banners where we proposed to put the new signs.

6 MEMBER SANGHVI: Yeah, that's what we call  
7 mock-up signs, yeah. Okay. All right. Very good.

8 MR. EMBREE: Same exact spot, sir.

9 MEMBER SANGHVI: He's not sworn in.

10 CHAIRPERSON PEDDIBOYINA: That's what I want  
11 to ask you.

12 MEMBER SANGHVI: Thank you.

13 CHAIRPERSON PEDDIBOYINA: Madam Secretary,  
14 you want to take his name.

15 MEMBER KRIEGER: Do you have anything else to  
16 add? I'll take your name and then --

17 MR. EMBREE: My name is Dave Embree.

18 CHAIRPERSON PEDDIBOYINA: Can you spell it.

19 MR. EMBREE: E-M-B-R-E-E.

20 MEMBER KRIEGER: And could you raise your  
21 right hand.

22 MR. EMBREE: Sure.

23 MEMBER KRIEGER: Do you swear or affirm to

1 tell the truth in this case?

2 MR. EMBREE: Yes, I do.

3 MEMBER KRIEGER: Thank you.

4 CHAIRPERSON PEDDIBOYINA: Anyone on the  
5 Board, please?

6 Okay. I have a question. Are you focusing  
7 any lights for the sign?

8 MS. JULLETTE: There are no lights that are  
9 built into the sign, but, yes, we would like to put a  
10 small spotlight in the ground pointed at the sign so it  
11 would be visible in the dark.

12 CHAIRPERSON PEDDIBOYINA: Okay. Apart from  
13 that I have no questions.

14 Anybody on the Board -- what can I say, I  
15 want to make -- somebody can make a motion. Linda.

16 MEMBER KRIEGER: Yeah. In Case Number  
17 PZ19-0041 for Waterview Farms Apartments for 45685  
18 Timberlane Court, east of Beck and south of West  
19 Pontiac Trail, Parcel 50-22-04-200-009 the applicant is  
20 requesting variances from the City of Novi Code of  
21 Ordinance Section 28.5(a) for two proposed ground signs  
22 (one ground sign allowed by code) and 28-5(f)(3) for a  
23 proposed 0 feet setback from the right of way not less

1 than 10 feet back from the right of way allowed by  
2 code. This property is zoned low density multiple  
3 family R-1.

4 I move to approve the request from the  
5 Petitioner. They've shown a practical difficulty from  
6 the speed of the road at 45 miles an hour posted and  
7 the setback matches the other apartments. There are  
8 multiple entrances to multiple apartment complexes.  
9 There are two to this one that need to be clarified.

10 So they've proposed -- the sign proposed, I  
11 move to grant that, that the Petitioner has shown  
12 practical difficulty. Without the variance the  
13 Petitioner will be unreasonably prevented or limited  
14 with respect to the use of the property because of the  
15 multiple apartment complexes on Pontiac Trail.

16 The property is unique because it's in the  
17 middle of this whole stretch of road. Petitioner did  
18 not create the condition because the road is 2-lane at  
19 this time. A time element of the sign deteriorating  
20 over time so putting in a new one and that the sidewalk  
21 was also placed.

22 The relief granted will not unreasonably  
23 interfere with adjacent or surrounding properties. It

1 will help clarify and identify the areas for residents  
2 and visitors to visit this area of our City. The  
3 relief is consistent with the spirit and intent of the  
4 ordinance because there's a minimum request.

5 CHAIRPERSON PEDDIBOYINA: Okay. Mr. Sanghvi,  
6 you have a question?

7 MEMBER SANGHVI: I have one question.

8 CHAIRPERSON PEDDIBOYINA: Please go ahead.

9 MEMBER SANGHVI: Whether there's an issue  
10 with the size of the sign?

11 MS. JULLETTE: No.

12 MR. EMBREE: No, there's no --

13 MEMBER SANGHVI: Okay. Fine. Thank you.

14 MR. BUTLER: Mr. Chair.

15 MS. SAARELA: Can I suggest one clarification  
16 when you indicated as the cause being the sidewalk  
17 being placed, that we clarify to say the City caused  
18 the relocation of the sign by placing the sidewalk  
19 where the existing sign was, because that's important  
20 as far as the cause of the location.

21 And the second thing that you want to -- if  
22 you would want to place a condition on it that if the  
23 road is ever widened they have to set back the signs

1 farther at their own expense.

2 MEMBER KRIEGER: I'd like to add that.

3 CHAIRPERSON PEDDIBOYINA: Yeah, yeah, the two  
4 things, I agree.

5 MEMBER SANGHVI: Second.

6 CHAIRPERSON PEDDIBOYINA: Motion seconded.

7 Anybody say no? All say aye?

8 Okay. Call the roll call.

9 MS. OPPERMAN: Member Verma?

10 MEMBER VERMA: Yes.

11 MS. OPPERMAN: Member Montague?

12 MEMBER MONTAGUE: Yes.

13 MS. OPPERMAN: Member Sanker?

14 MEMBER SANKER: Yes.

15 MS. OPPERMAN: Member Sanghvi?

16 MEMBER SANGHVI: Yes.

17 MS. OPPERMAN: Member Longo?

18 MEMBER LONGO: Yes.

19 MS. OPPERMAN: Member Krieger?

20 MEMBER KRIEGER: Yes.

21 MS. OPPERMAN: And Chairperson Peddiboyina?

22 CHAIRPERSON PEDDIBOYINA: Yes, please.

23 MS. OPPERMAN: Motion passes.

1 MEMBER KRIEGER: Congratulations.

2 MS. JULLETTE: Thank you, Board.

3 CHAIRPERSON PEDDIBOYINA: We have the Case  
4 Number 3, PZ19-0042 (Singh Development), 210 Buffington  
5 Drive, west of Old Novi Road and south of South Lake  
6 Drive, Parcel Number 50-22-03-378-008.

7 The applicant is requesting a variance from  
8 the City of Novi Zoning Board Section 3.28.6.C.iv.a to  
9 allow the absence of landscape berm -- B-E-R-M -- on  
10 the east, west and south property lines. The property  
11 is zoned single family residential(R-4).

12 Okay.

13 MEMBER KRIEGER: Are you an attorney?

14 MR. NOLES: No.

15 MEMBER KRIEGER: If you can spell your name  
16 for our court recorder.

17 MR. NOLES: Good evening. My name is Mike  
18 Noles, N-O-L-E-S.

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

21 MR. NOLES: I do.

22 MEMBER KRIEGER: Thank you.

23 CHAIRPERSON PEDDIBOYINA: Thank you. You may

1 proceed.

2 MR. NOLES: Thank you. Good evening. I'm  
3 here tonight representing Singh Development on the  
4 Scenic Pines proposed development. The variance that  
5 we seek tonight is relief from the screening berms  
6 between adjacent residential districts on three sides  
7 of the property. The request meets all five of the  
8 requirements for approval for the variance. And I'll  
9 briefly run through those. I know you have my  
10 materials in your package so I'll just summarize them  
11 for you.

12 The first standard, if you look at the  
13 property, the physical conditions are very unique and  
14 particular to this property and it creates an  
15 unnecessary hardship because of the irregularly-shaped  
16 property. The property is a polygon with uneven  
17 lengths and eleven unique variance.

18 Berm construction along the property lines  
19 would be irregular and haphazard. The geometry would  
20 have the berm changing directions several times  
21 creating drainage issues with the surrounding  
22 properties and it would wind through the existing  
23 woodlands and would not serve the purpose intended.



1           You can see from the board that I put up and  
2           on the overhead projector -- I'll point it out here --  
3           the site is surrounded to the south by a 300-acre  
4           wetland. The dark green property is a City park. The  
5           lighter grayish property over here is where the  
6           wastewater treatment plant is. And to the north is an  
7           existing development where we are installing the berm  
8           on the north side. So we're only seeking the minimum  
9           that we need.

10           This site has extreme environmental  
11           conditions that make up part of the physical  
12           circumstances as to why we're seeking the variance this  
13           evening. The site is 9.44 acres and it includes 1.7  
14           acres of regulated wetlands on the site and 7.45 acres  
15           of regulated woodlands on this site, constituting  
16           80 percent of the site acreage. And as I mentioned it  
17           is surrounded by a 300-acre wetland.

18           These natural features are an important  
19           element for the property and the surrounding community.  
20           The site plan that we got approved at Planning  
21           Commission in September strives to preserve the natural  
22           features by utilizing the City of Novi's cluster option  
23           which permits clustering of the units near the interior

1 of the site to leave large sections of the site  
2 undisturbed.

3 You can also see that on this slide here. In  
4 white it's the area of the development, and in green  
5 all around it it's the area of 53 percent of the site  
6 that we are leaving undisturbed. Preservation of those  
7 woodlands and wetlands is extremely important which is  
8 why the City of Novi cluster option was written so that  
9 you could cluster the homes at the center of the site  
10 and leave large sections undisturbed to preserve the  
11 natural features.

12 This is what we intend to do and this is why  
13 the physical conditions of this property would have us  
14 -- would meet the standard of not requiring a berm to  
15 be built along the perimeter of the property.

16 The second standard is that it is not a self-  
17 created condition. The Planning Commission approved on  
18 9-25 the reduction of our building setbacks from  
19 30 feet to 25 feet. Part of the reasons to reduce the  
20 setbacks is so that again we are cluster the homes and  
21 closer to the road so that we can preserve the  
22 regulated woodlands.

23 The approval was conditioned on the ZBA

1 variance for elimination of the berm requirement which  
2 is why I'm here tonight. The reason that the Planning  
3 Commission could not waive the berm requirement  
4 themselves is because Section 3.28.6.C.iv.a wording  
5 says single family residential districts rather than  
6 single family residential use.

7 The wording of the ordinance inadvertently  
8 moves the jurisdiction out of the Planning Commission  
9 purview for berm construction and places it in the  
10 jurisdiction of the ZBA as a zoning matter.

11 This applicant did not write the ordinance  
12 and had no part in the choice of words. The intent of  
13 the ordinance was to create berms between uses to  
14 protect adjacent neighbors from viewing nonstandard  
15 configurations. The actual situation here is that  
16 there are no residential uses in proximity to the east,  
17 the south and the west of the property lines and there  
18 never will be. Those adjacent properties are zoned for  
19 residential uses but can never be developed as such.  
20 There's a City park and wastewater plant and the  
21 300-acre wetland that I mentioned.

22 If the planners who wrote the ordinance had  
23 considered the possibility of cluster development

1 adjacent to permanent nonresidential uses in a  
2 residential district they may have had the foresight to  
3 use the phrase residential use rather than residential  
4 district. Unfortunately, not every possible situation  
5 can be anticipated when the ordinances are being  
6 written, and they did use the word district which  
7 brings me here tonight.

8 The City Planner is in full support of the  
9 variance, and as stated previously the City Planning  
10 Commission has already approved it unanimously subject  
11 to the ZBA granting the requested variance to eliminate  
12 the required berm so a 75-foot wide natural buffer can  
13 remain instead.

14 The third standard is strict compliance. The  
15 unanimous approval at Planning Commission approved us  
16 for our site plan, our special land use permit, our  
17 wetland permit, our woodland permit and our stormwater  
18 management plan. Without ZBA approval the owner would  
19 be unreasonably prevented from using the property for  
20 the approved and permitted purpose. Strict compliance  
21 with the berm requirement would render the City of Novi  
22 cluster option unavailable without cutting down the  
23 natural features that it aims to protect.

1           The fourth standard is the minimum variance  
2           necessary. As I mentioned, the 75-foot requested  
3           setback is along three property lines in question and  
4           that 75-foot setback will remain in full force and  
5           effect. There's going to be a conservation easement  
6           placed over this majestic woods and wetlands so that it  
7           stays in perpetuity.

8           Along the north side that property line is  
9           not included in this request because a berm can be  
10          built there because there are not abundant natural  
11          features at that location and there is room to make way  
12          for a berm; and, in addition, it suits the purpose of  
13          why the berm ordinance was written in the first place  
14          which is between two adjacent residential uses. There  
15          are neighbors that live to the north that would benefit  
16          from a screening berm. There aren't any and never will  
17          be any to the other property lines.

18          Because it's limited to three of the four  
19          property lines we have requested the minimum variance  
20          necessary.

21          The last standard, of course, is the adverse  
22          impact to surrounding areas. The variance will not  
23          alter the essential character of the area but will

1 actually enhance the character. Clearing the regulated  
2 woodlands creates an unnecessary hardship on both the  
3 property owner and the adjacent neighboring properties  
4 due to the loss of significant natural features.

5 The spirit of the ordinance is observed  
6 because the proposed 75-foot wide undisturbed regulated  
7 woodlands creates a natural buffer. These natural  
8 buffers provide a superior buffer than the alternative  
9 required by the zoning ordinance from which we seek  
10 relief.

11 Removal of wonderful resources to build a  
12 less effective screening berm in their stead would be a  
13 disservice to the community. Property values will not  
14 be diminished or impaired but will instead be enhanced  
15 through the preservation of the natural features.

16 The Petitioner has met all the requirements  
17 set forth to grant the variance. All the elements of  
18 practical difficulty exist and we respectfully request  
19 your support.

20 Thank you.

21 CHAIRPERSON PEDDIBOYINA: Thank you.

22 Is there anyone else in the audience to speak  
23 up with this case please come to the podium and spell

1 your name and be sworn in by the secretary.

2 MEMBER KRIEGER: Do they have to be sworn in  
3 for public input?

4 MS. SAARELA: No.

5 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.  
6 Please go ahead.

7 MS. DUCHESNEAU: My name is Dorothy  
8 Duchesneau. I own the home at 125 Henning which is  
9 just down the street from the proposed Scenic Pines,  
10 and I am totally in support of today's request for no  
11 berms on the east, south or west sides of Scenic Pines.  
12 Berms would only hamper the natural flow of the  
13 surrounding parkland waters to the southwest.

14 However, I do hope a consideration of not  
15 requiring a berm also be included as an option for the  
16 north side of Scenic Pines. The way Pembine Street was  
17 paved the northern property line of Scenic Pines is  
18 practically the southern edge of pavement of Pembine.

19 Pembine Street is totally located in the  
20 Lakewood Subdivision. It is not 50/50 shared with the  
21 Scenic Pines property. That paved water still needs to  
22 flow south and not be hampered by a berm.

23 Many City maps show the property surrounding

1 Scenic Pines as part of Lakeshore Park, another reason  
2 for no berms, and the fact that you probably are never  
3 going to see more houses being built around them.  
4 However, the neighbors are more concerned about water  
5 drainage than views of Scenic Pines. Only about three  
6 homes actually front off of the Pembine side that would  
7 see anything.

8 About tonight's meetings, we've talked with  
9 several of the neighbors and they let us know that  
10 nobody's received any notices about tonight's meeting.  
11 We only spotted it because we now subscribe to the Novi  
12 News so that I can get copies.

13 Thank you.

14 CHAIRPERSON PEDDIBOYINA: Thank you.

15 Anyone else in the audience, please?

16 MR. DUCHESNEAU: Mike Duchesneau,  
17 D-U-C-H-E-S-N-E-A-U, 1191 South Lake Drive.

18 The applicant is asking for permission to not  
19 have berms on three out of the four sides for this  
20 proposed development. He should be asking to not have  
21 berms on all four sides. I support the ZBA granting  
22 the applicant's request for a variance.

23 The western boundary of this development



1 currently directs water west towards the Middle Rouge  
2 River. Berms would obstruct the water flow in that  
3 direction. Three ditches have existed on the western  
4 boundary and should be restored and maintained to allow  
5 the water to flow to the west as it does. The east  
6 ditches currently serve as overflow valves when the  
7 property gets overly wet water, and it doesn't show  
8 very well on this overhead, but there's a large  
9 substantial water wetland that travels directly through  
10 this development that requires the applicant to build a  
11 bridge.

12 One of the major concerns of existing  
13 neighbors is the potential for the proposed development  
14 increasing water in their backyards. The applicant is  
15 aware of this. The berms proposed on the north side  
16 will prevent water flowing onto the site that's being  
17 proposed as it currently does. Currently the water  
18 flows onto this site from the north and the berms that  
19 are not being requested here tonight caused issues in  
20 our opinion, in my opinion as preventing water from  
21 flowing.

22 The applicant has proposed one storm drain in  
23 this area but the preliminary site plan appears

1 inadequate and I preface that also with self-filters  
2 that are required during construction and if the  
3 Bollingbrook sub is an example of how long it takes to  
4 build a subdivision that could impact the drainage for  
5 about 5 years.

6 The applicant is proposing to build a parcel  
7 on a significant wetland, as was mentioned, and it also  
8 has a high water table. The preliminary site plan  
9 raises the property creating an island. It literally  
10 through the middle of this property elevates everything  
11 7 to 9 feet, so significant amount of dirt will have to  
12 be brought in to create this island. The island  
13 basically goes back and tapers to the perimeter to the  
14 currently existing elevations.

15 The applicant is aware that 3-story homes are  
16 not allowed on this site. They've proposed basements  
17 and that's part of the reason for having to create this  
18 island. The applicant is aware that with the required  
19 setbacks many homes will not be allowed to have  
20 screened-in porches or decks.

21 Just as a heads-up obviously from what you  
22 hear tonight, this is a kind of -- the case was made  
23 pretty substantially but there are other issues with

1 the site and the developers are aware of these issues.

2 Thank you.

3 CHAIRPERSON PEDDIBOYINA: Thank you very  
4 much.

5 Anyone in the audience, please. This is the  
6 final call.

7 Seeing none. Thank you.

8 From the City.

9 MR. BUTLER: No comments from the City.

10 CHAIRPERSON PEDDIBOYINA: Thank you. And the  
11 Correspondence Secretary.

12 MEMBER KRIEGER: In Case Number PZ19-0042,  
13 Singh Development, 210 Buffington Drive, 42 letters  
14 sent, zero returned, zero approvals, zero objections.

15 CHAIRPERSON PEDDIBOYINA: Thank you. And  
16 thank you so much for your presentation and your  
17 comments and the public. We appreciate it, everything,  
18 and I'm open from my Board.

19 Yeah, please, Mr. Verma.

20 MEMBER VERMA: Can I speak to the architect  
21 who was there? The person who was there today?

22 You were talking about the berm. How high  
23 the berms are?

1 MR. NOLES: The minimum required berm is 4  
2 feet high for the City of Novi ordinance.

3 MEMBER VERMA: So on top of the berm are you  
4 having grass or you are having some sort of --

5 MR. NOLES: It requires both, it requires  
6 landscape with trees and grass as well.

7 MEMBER VERMA: Okay. This area is high water  
8 table there and then person was talking about you are  
9 going to elevate 5-6 feet high?

10 MR. NOLES: No, the variance is to eliminate  
11 the berms.

12 MEMBER VERMA: Say it again, please.

13 MR. NOLES: The variance that we're seeking  
14 tonight is to eliminate the berms, to not build the  
15 berms on the east, west and south sides of the  
16 properties.

17 MEMBER VERMA: Okay.

18 MR. NOLES: So we don't want to build the  
19 berms because it could create additional drainage  
20 problems. That's the variance that we're seeking  
21 tonight, sir.

22 MEMBER VERMA: Okay. But what is the  
23 question about elevate 4-5 feet?

1 MR. NOLES: So this site plan, we've been  
2 working on this site plan for about year and the  
3 Duchesneaus have been very kind and we've shared much  
4 correspondence with the neighbors. We've had several  
5 public meetings with the neighbors to explain exactly  
6 what we're doing. We've had meetings with Engineering,  
7 Planning, a public hearing at Planning Commission, and  
8 we've gone through many of these issues.

9 We are heading into final engineering where  
10 we have been monitoring the groundwater. This is  
11 unrelated to what we're here tonight, but very  
12 interesting to people, the -- we have to monitor the  
13 groundwater to make sure that we place everything at  
14 the right elevation, the detention basin, the  
15 underground storage, the basement elevations.

16 So all of those issues are ongoing  
17 engineering issues that are being reviewed both with  
18 ourselves, the design engineers, and the City engineers  
19 and reviewers.

20 So, yes, there are absolutely challenges in  
21 every development that need to be overcome and we are  
22 working with the City to overcome those developments.  
23 And they just approved unanimously that the concept,

1 the preliminary plan for this including the stormwater  
2 management system along with the wetlands and woodlands  
3 impacts were approved unanimously by the Planning  
4 Commission, and that's not in issue here tonight. The  
5 issue here tonight is simply the berm waiver.

6 MEMBER VERMA: Thank you very much.

7 MR. NOLES: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Okay. Mr. Clift.

9 MEMBER MONTAGUE: Do you -- would you prefer  
10 not to have the berm on the north or you prefer to have  
11 it?

12 MR. NOLES: So that is a tricky question.  
13 The issue of the berm on the north if it were to create  
14 a drainage hazard then we would prefer not to have the  
15 berm. However, our engineering plans show that it  
16 won't create an engineering drainage issue over there.

17 And we are moving into the phase now where we  
18 present final engineering plans to the City and they'll  
19 look at it in detail and they'll take a look at the  
20 percent slopes in our ditches and in our swales, the  
21 locations of our catch basins, the amount of volume  
22 that they can carry, the amount of volume that comes  
23 off the road, and they'll be splitting hairs on that

1 with us, and we may have to add another drain, we may  
2 have to change the design of the swale, but the berm is  
3 a required improvement and if I were to stand up here  
4 and say well, let's eliminate the berm, then I'd be in  
5 the sights of the City forester who that's an important  
6 landscape element that goes there.

7 So I would say that so long as we don't  
8 create a drainage hazard we see no problem with the  
9 landscape berm. However, that's all due respect to  
10 Mr. and Mrs. Duchesneau who have been working with us  
11 and have expressed concerns. And their primary concern  
12 with the berm is a drainage issue, and, so, we're going  
13 to continue to work through that and if it created a  
14 drainage issue then we would perhaps eliminate it. But  
15 at this point the engineering shows it doesn't need to  
16 be eliminated, and, so, that's why we're seeking the  
17 minimum variance needed, the one that was prescribed by  
18 the Planning Commission for us to come seek here  
19 tonight.

20 MEMBER MONTAGUE: I trust the City will get  
21 the drain correct. It just -- if it did create it it  
22 could be a hardship that that flows in the path.

23 MR. NOLES: There's a lot of ways to create

1 screens between properties. You know, one of them is  
2 what you're considering tonight by allowing us to have  
3 75-foot natural buffer instead of a 4-foot high berm  
4 with 6-foot pine trees on it.

5 You know, there are other ways, there are  
6 screen walls, there are, you know, heavy landscaping.  
7 So there's more than one way to solve a screening  
8 issue, and we will be working with the City and with  
9 the neighbors to make sure that the development has a  
10 fantastic presence there but also that there's  
11 appropriate screening between the property.

12 CHAIRPERSON PEDDIBOYINA: Excuse me. Can  
13 you, the attorney can speak up.

14 MS. SAARELA: Before we I guess go on  
15 discussing the berm to the north, I understand, you  
16 know, we've had public comment on it. Right now the  
17 plan for the berm to the north meets ordinance  
18 requirements so that issue is not in front of you  
19 tonight for consideration. The only issue are the  
20 variances for the east, west and south.

21 So the discussion about the berm to the north  
22 is not -- is not the issue that's before you tonight.  
23 So it sounds like the applicant is working with the



1 community development to address those concerns with  
2 the surrounding property owners, but that's not part of  
3 this decision tonight.

4 CHAIRMAN PEDDIBOYINA: Thank you.

5 MEMBER MONTAGUE: Okay.

6 CHAIRPERSON PEDDIBOYINA: Okay. Anybody on  
7 the Board, please?

8 Mr. Sanker, go ahead.

9 MEMBER SANKER: Yeah, I just thought your  
10 presentation was very thorough and hit all the points  
11 it needed to hit, and, so, I'd have no issue approving  
12 this.

13 CHAIRPERSON PEDDIBOYINA: Thank you.

14 MR. NOLES: Thank you.

15 CHAIRPERSON PEDDIBOYINA: Anyone on the  
16 Board, please.

17 Mr. Sanghvi.

18 MEMBER SANGHVI: Thank you.

19 I came in and I drove around all that area.  
20 It's all woodland at the moment. How many trees do you  
21 think you are going to cut for this development?

22 MR. NOLES: There's quite a few.

23 MEMBER SANGHVI: Quite a few. So we're going

1 to change the whole character of that area and the  
2 drainage of the land and everything, all around, not  
3 just the north, south, east, west, it's all around it's  
4 going to change.

5 MR. NOLES: Yes, we're going to improve the  
6 drainage of the area.

7 MEMBER SANGHVI: And berm, we are only  
8 talking about the berm, so I can't go into other  
9 things, other issues.

10 MR. NOLES: Yes.

11 MEMBER SANGHVI: But how many trees will you  
12 save by not putting the berm?

13 MR. NOLES: Oh, by not putting the berm.  
14 Boy, I would say, you know, a 4-high berm has to be  
15 8-foot wide, 8 foot around that entire perimeter would  
16 probably constitute an acre. Maybe, maybe 100 trees.  
17 We're doing about 100 trees per acre on this particular  
18 site. 70 to 100 I would estimate would be cut for the  
19 berms if we had to put them in.

20 MEMBER SANGHVI: I think you will agree with  
21 me that with the presence of the trees the drainage  
22 will be improved all-around.

23 MR. NOLES: Yes.

1 MEMBER SANGHVI: And, so, less number of  
2 trees you cut the better.

3 MR. NOLES: That's right. Yes.

4 MEMBER SANGHVI: So that's okay.

5 And some of the concerns raised by the  
6 residents are pretty valid and -- but, unfortunately,  
7 we cannot talk about these particular berms.

8 MR. NOLES: Well, if it makes you feel  
9 better, we are saving 53 percent of the woodlands on  
10 the site which is a big number. I've done many  
11 developments where we were at, you know, 15 and  
12 20 percent open space. This is 53 percent so the  
13 ordinances are serving their purposes.

14 MEMBER SANGHVI: Thank you.

15 CHAIRPERSON PEDDIBOYINA: Thank you,  
16 Mr. Sanghvi.

17 Anybody on the Board, please.

18 Okay. Miss Linda.

19 MEMBER KRIEGER: I agree with the previous  
20 speakers and that our -- as our attorney told us our  
21 regard is regarding the berm to the east, west and  
22 south, which is, as you've also stated, in your  
23 presentation regarding the City requirement. So for

1 the specifics of the north berm, I will agree and defer  
2 to the City and you to make the best happen.

3 And then for the petition PZ19-0042, Singh  
4 Development, 210 Buffington Drive, west of Old Novi  
5 Road and south of South Lake, Parcel 50-22-03-378-008,  
6 applicant is requesting variances from the City of Novi  
7 Zoning Code Section 3.28.6.C.iv.a to allow the absence  
8 of landscape berm on the east, west and south property  
9 lines. Property is zoned single family residential  
10 R-4.

11 I move to grant the request for the absence  
12 of the landscape berms on the east, west, and south  
13 property lines. The petitioner has shown practical  
14 difficulty and will be unreasonably prevented and  
15 limited with respect to the use of the property because  
16 of his discussion during the case that there will be an  
17 increased water drainage problem with these added three  
18 berms. The property is unique because of its location  
19 and topography and its irregular shape and drainage  
20 issues and the connecting woodland and wetland areas.

21 The Petitioner did not create the condition  
22 because he has stated in the packet and in the  
23 presentation regarding the landscaping was already

1 present. They will do a cluster option and 53 percent  
2 will be undisturbed. The relief granted will not  
3 unreasonably interfere with adjacent or surrounding  
4 properties because as he's discussed he will -- this is  
5 not a complete project and the -- both will be working  
6 with the City and -- to take care of the issues  
7 regarding any of the project put together.

8 The relief is consistent in spirit and intent  
9 of the ordinance because of the minimum request.

10 MEMBER SANGHVI: Second.

11 CHAIRPERSON PEDDIBOYINA: Thank you.

12 Motion is done?

13 MEMBER KRIEGER: Yes.

14 MS. SAARELA: May I suggest having as one of  
15 the findings that it doesn't impact the surrounding  
16 property because there are no residential properties  
17 surrounding on the east, west and south side of the  
18 property, if you would accept that as an amendment to  
19 your motion.

20 MEMBER KRIEGER: Yeah.

21 CHAIRPERSON PEDDIBOYINA: Yes, please. Thank  
22 you. Okay.

23 Any other discussion? Say all in favor. No?

1 Roll call, please, Katherine.

2 MS. OPPERMAN: Did we have a second to the  
3 motion?

4 CHAIRPERSON PEDDIBOYINA: Yes, Mr. Sanghvi  
5 said.

6 MS. OPPERMAN: Chairperson Peddiboyina?

7 CHAIRPERSON PEDDIBOYINA: Yes, please.

8 MS. OPPERMAN: Member Krieger?

9 MEMBER KRIEGER: Yes.

10 MS. OPPERMAN: Member Longo?

11 MEMBER LONGO: Yes.

12 MS. OPPERMAN: Member Sanghvi?

13 MEMBER SANGHVI: Yes.

14 MS. OPPERMAN: Member Sanker?

15 MEMBER SANKER: Yes.

16 MS. OPPERMAN: Member Montague?

17 MEMBER MONTAGUE: Yes.

18 MS. OPPERMAN: And Member Verma?

19 MEMBER VERMA: Yes.

20 MS. OPPERMAN: Motion passes.

21 MEMBER KRIEGER: Good luck.

22 CHAIRPERSON PEDDIBOYINA: Congratulations.

23 Thank you.

1           Okay. Let's move to the second case --  
2           fourth case, PZ 19-0043 (Jenny Griffith) east of Old  
3           Novi Road and south of East Lake Drive, parcel Number  
4           50-22-02-357-010.

5           The applicant is requesting a variance from  
6           the Novi Zoning Ordinance Section 3.1.5 for a 4-foot  
7           left and right side yard variance for a proposed 6- and  
8           11-foot side yards, 10- and 15-foot allowed by code, 25  
9           foot total required; and for a 19-foot front yard  
10          variance for a proposed 11-foot setback (30 feet  
11          required); a 31-foot variance for a proposed 4-foot  
12          rear yard setback (35 feet required); and a 29 percent  
13          variance for a proposed 54 percent lot coverage (25  
14          percent max required.)

15          The applicant was previously granted lesser  
16          variance on February 12, 2019. The property is zoned  
17          single family residential(R-4).

18          Okay. Please, spell your name and -- for our  
19          secretary and court recorder.

20                 MS. GRIFFITH: Jenny Griffith. J-E-N-N-Y,  
21                 G-R-I-F-F-I-T-H.

22                 MEMBER KRIEGER: Are you an attorney?

23                 MS. GRIFFITH: I'm Jenny.

1 MEMBER KRIEGER: Are you a lawyer?

2 MR. GRIFFITH: No.

3 MEMBER KRIEGER: If you would raise your  
4 right hand.

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

7 MS. GRIFFITH: Yes.

8 MEMBER KRIEGER: Thank you.

9 CHAIRPERSON PEDDIBOYINA: You can start your  
10 presentation.

11 MS. GRIFFITH: Okay. I was here in February,  
12 I think February 12th, and I had an appeal approved  
13 then. At that time -- you can see that -- what has  
14 changed since then. At that time I didn't own the  
15 property and now I do. These are the two lots on East  
16 Lake Drive and they're under my name. I bought them.

17 So after I purchased the property I  
18 purchased -- I got a survey to start building. So when  
19 my first appeal was approved I apparently wasn't  
20 standing exactly on my lot line. So instead of --  
21 because I didn't have a survey, didn't want to pay for  
22 the survey because I wasn't going to build if I didn't  
23 get my appeal approved.



1           So now I come to find out that I had a  
2           14-foot setback approved for the house, a 6-foot  
3           setback approved for the porch, and all of my neighbors  
4           have a setback of 11 feet. So with the approval I  
5           received in February I would be 3 feet behind everybody  
6           else on the street.

7           I'm going to have fix this. It's out of  
8           whack.

9           Okay. So this is what was approved -- or  
10          this is the survey that I received. This is what --  
11          put my glasses on -- right, this is what was approved,  
12          the 14-foot setback, and you can see my neighbor's  
13          house is set back to 11 as well as all the other houses  
14          on the street.

15          This is what I'm asking for instead is to be  
16          a 11-foot setback for my house just like all the other  
17          people on the street, my neighbors adjacent to me.

18          Here's a picture coming from the Novi website  
19          and trying to point out that everybody seems to be the  
20          same setback away from the lot line.

21          In addition to the survey I learned that my  
22          porch since it was a covered porch has to be part of  
23          the house. The setback that I had approved had the

1 porch as a separate item. But if it's going to be a  
2 covered porch it's considered part of the house so I  
3 had to change that porch also.

4 Here's what was approved, that the porch be  
5 6-foot back and the house 14 feet back and I'm asking  
6 now that there -- I mean the porch and the house are  
7 one unit instead of two separate units and that the  
8 porch will start 11 feet back to match the neighbors.

9 And that's -- that's it.

10 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

11 Is there anybody in the audience to speak up  
12 on this case, please?

13 Saying none.

14 Okay. From the City?

15 MR. BUTLER: The City had determined after  
16 looking at her drawings that due to the fact that she  
17 didn't have sufficient evidence for a survey, accurate  
18 survey for her setbacks it's a reasonable request for  
19 her to try to get her setback corrected to match  
20 existing properties even though we were just looking at  
21 her property but we can understand that that would be  
22 probably required.

23 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

1 Correspondence Secretary.

2 MEMBER KRIEGER: For Case Number PZ 19-0043,  
3 Jenny Griffith, east of Old Novi Road and south of East  
4 Lake Drive, parcel 50-22-02-357-010, 48 letters were  
5 sent, four returned, zero approval, zero objections.

6 CHAIRPERSON PEDDIBOYINA: Thank you. Okay.

7 Thank you for your presentation and we'll see  
8 if we approve the request. I have no other thing and  
9 I'm okay with that and let me open to my Board and  
10 speak up.

11 Please go ahead, anyone on the Board, please.

12 MEMBER SANKER: Yeah.

13 CHAIRPERSON PEDDIBOYINA: Mr. Sanker, go  
14 ahead.

15 MEMBER SANKER: You talked about the I guess  
16 north/south setbacks. What about the side setbacks,  
17 were those similar to other neighbors?

18 MS. GRIFFITH: They're the same. I didn't  
19 change the side setbacks from what was approved in  
20 February. They're 4 feet on each side and that was  
21 already approved in February.

22 MEMBER SANKER: Okay.

23 CHAIRPERSON PEDDIBOYINA: Okay.

1 MEMBER SANKER: No other question.

2 CHAIRPERSON PEDDIBOYINA: Anyone on the  
3 Board, please?

4 Mr. Sanghvi.

5 MEMBER SANGHVI: Yes, thank you.

6 CHAIRPERSON PEDDIBOYINA: Okay. Go ahead,  
7 please.

8 MEMBER SANGHVI: Best of times it's very hard  
9 to bring anything in those size lots so I understand  
10 your problem and per the comment and things are  
11 changing. I have no problems supporting your  
12 variances.

13 MS. GRIFFITH: Thank you.

14 CHAIRPERSON PEDDIBOYINA: Thank you.

15 Anyone else, please?

16 Okay. Mr. Michael, can you make a motion.

17 MEMBER LONGO: Yes. I move that we grant the  
18 variance in case PZ19-0043 sought by Jenny Griffith for  
19 the variances for the Novi Ordinance Section 3.1.5 for  
20 a 4-foot left and right side yard variance for proposed  
21 6- and 11-foot side yards, 10- and 15-foot allowed by  
22 code, 25 total required; and the 19-foot front yard  
23 variance for a proposed 11-foot setback, 30 feet is

1 required; a 31-foot variance for a proposed 40-foot  
2 rear yard setback, 35 feet required, and a 29 percent  
3 variance for the proposed 54 percent lot coverage,  
4 25 percent maximum required.

5 Because the Petitioner has shown the  
6 practicality of being difficult in building a home the  
7 same size as the rest of the homes in the neighborhood  
8 on a lot that is pretty narrow. Without the variance  
9 Petitioner would be unreasonably prevented or limited  
10 with respect to the use of the property because the  
11 site would be non-buildable. The property is unique  
12 because it is so narrow.

13 The Petitioner has not created the condition  
14 because the dimensions were already existing and the  
15 relief granted will not unreasonably interfere with the  
16 adjacent or surrounding properties because the variance  
17 setback is the same as the neighboring homes.

18 And, lastly, the relief is consistent with  
19 the spirit and intent of the ordinance because it  
20 matches neighboring homes.

21 MEMBER KRIEGER: Second.

22 CHAIRPERSON PEDDIBOYINA: Okay. Motion is  
23 done. Anyone else?

1 Okay. Katherine, can you please roll call.  
2 MS. OPPERMAN: Member Verma?  
3 MEMBER VERMA: Yes.  
4 MS. OPPERMAN: Member Montague?  
5 MEMBER MONTAGUE: Yes.  
6 MS. OPPERMAN: Member Sanker?  
7 MEMBER SANKER: Yes.  
8 MS. OPPERMAN: Member Sanghvi?  
9 MEMBER SANGHVI: Yes.  
10 MS. OPPERMAN: Member Longo?  
11 MEMBER LONGO: Yes.  
12 MS. OPPERMAN: Member Krieger?  
13 MEMBER KRIEGER: Yes.  
14 MS. OPPERMAN: And Chairperson Peddiboyina?  
15 CHAIRPERSON PEDDIBOYINA: Thank you,  
16 ladies -- yes, please. I'm sorry.  
17 Okay. Congratulations. Good luck.  
18 MS. GRIFFITH: Thank you.  
19 CHAIRPERSON PEDDIBOYINA: Okay. The case  
20 Number PZ19-0047 (the Bond at Novi, LLC) west of Novi  
21 Road and south of Grand River Avenue, Parcel Number  
22 50-22-22-226-005 and 50-22-22-226-003.  
23 The applicant is requesting a variance from

1 the City of Novi Zoning Ordinance Section 4.82.2 to  
2 increase the maximum percentage of 1 bedroom unit  
3 allowed for this development from the previous variance  
4 received on August 14, 2018, by 1 percent (59 percent  
5 proposed, 50 percent maximum allowed by code). The  
6 request is to accommodate the addition of five more  
7 single bedroom units based on a market study  
8 recommending 60 percent. This property is zoned Town  
9 Center-1 (TC-1).

10 Is the applicant here, please?

11 Can spell your name for my secretary.

12 MR. LUDWIG: Albert Ludwig, A-L-B-E-R-T,  
13 L-U-D-W-I-G.

14 MEMBER KRIEGER: Are you a lawyer?

15 MR. LUDWIG: I am not.

16 MEMBER KRIEGER: Can you raise your right  
17 hand.

18 Do you swear or affirm to tell the truth in  
19 this case?

20 MR. LUDWIG: I do.

21 MEMBER KRIEGER: Thank you.

22 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.  
23 Thank you.

1                   You may proceed.

2                   MR. LUDWIG: Thank you.

3                   We came before you about 15 months ago I  
4 stood before this Board with our unique project that  
5 we've designed for this orphaned site. As we speak,  
6 the City is now building the road that will become part  
7 of the loop that will front the site and we're pretty  
8 excited about it.

9                   At the time we were here we had plans that  
10 were not fully developed, obviously, and since that  
11 time we've taken the plans through several improvements  
12 -- we've worked on them. It's been a work in process  
13 for all 15 months since I saw you last.

14                   One of the things that our architect had done  
15 previous was just black out some -- look for the right  
16 plan here -- he blacked out some areas for amenities.  
17 We didn't define what the amenities were going to be  
18 exactly and/or where they were going to go, so he just  
19 blacked out sections on the plan for future amenities.

20                   Well, he blacked out too many areas. So the  
21 building was very inefficient. So as we've taken this  
22 from first generation to fourth generation currently  
23 and we refined the amenities to exactly what we think



1 the property needs and make the building reasonably  
2 efficient we have converted some of the previous  
3 amenity areas inside the building to additional units,  
4 five additional units.

5 The previous approval we received was for  
6 58 percent. We should have asked for 60 because that's  
7 what our marketing analysis had suggested in the first  
8 place, that we have 60 percent one bedrooms. The plan  
9 at the time only called for 58. Now it calls for 59.

10 It seems kind of silly, but following the  
11 ordinance we had to come back here. We're going to be  
12 before City Council next week subject to your approval  
13 here to ask for their approval. And then we'll have to  
14 tweak our development agreement.

15 We have received as I believe you're aware  
16 unanimous support from the Planning Commission and City  
17 Council on every step of the way thus far. We've  
18 worked with Beth and her group on the development  
19 agreement, and that's been successfully completed.

20 So it's not a big change, it's five  
21 additional units. I can show you. I've got plans if  
22 you want to see inside the building how it's changed.  
23 The outside of the building hasn't changed except it's

1           become a little bit narrower, because we made our  
2           hallways a little bit narrower. They were 6 feet. We  
3           changed them to 5 1/2 feet. So the overall width of  
4           each building is a foot and a half narrower. It  
5           doesn't impact the site.

6                        There's no other sites that are adjacent to  
7           this. We've got the road on one side and then the  
8           river across the street. We've got the railroad tracks  
9           behind us with the CVS warehouse behind that, and we go  
10          block to block, so we're not affecting anybody.

11                      We're in the TC-1 district. We've tried to  
12          create a new type of development for this property, a  
13          more urban development, as you're aware, and everybody  
14          seemed pretty excited about it.

15                      And that's about it. I'm happy to answer  
16          questions that you might have.

17                      CHAIRPERSON PEDDIBOYINA: Okay. Can you  
18          please show your presentation, this map what you  
19          already have.

20                      Can you explain to the Board and -- thank  
21          you.

22                      MR. LUDWIG: This is the -- this is the first  
23          floor of the I'm going to call it the eastern building.

1 We have two buildings. They're almost the same.  
2 They're a little bit different. There are about  
3 roughly 125 units in each building, 130 units in each  
4 building. And for this area here, this is all of the  
5 lobby. This is the sales office, marketing area. This  
6 is all amenity area, the lobby for people to hang out,  
7 sit around, socialize. That's what all these areas  
8 are.

9 We had two units over here on our previously  
10 approved plan. And those units have not been  
11 eliminated and this area has been expanded down on this  
12 floor.

13 This was more common area that we've  
14 converted to efficiency units. So that's the changes  
15 on this floor, except, again, I mentioned these three  
16 corridors each were narrowed by 6 inches. That's what  
17 changed on this floor.

18 This is the second floor of that same  
19 building, and come back to this, this area right here  
20 used to be a 2-story ceiling. We converted that to a  
21 single 10-foot high ceiling, the little square there,  
22 so on the second floor we've added one unit. That's  
23 the only change to that building with the exception,

1 again, the corridors are 6 inches narrower.

2 This is the second building, we call it the  
3 western building. And previously we had duplicated  
4 areas here that were in the other building.

5 Separate -- rework areas, separate mailroom and  
6 packaging areas. Now we've relocated the mailroom and  
7 the packaging down into this area on both buildings.  
8 So we've converted these four into efficiency units and  
9 previously converted these two which was just blocked  
10 out space for amenities into two units.

11 So that's how we end up with our net  
12 additional 5 units. It's pretty minutia stuff. Again,  
13 the building looks the same, feels the same, tastes the  
14 same. It's 58 percent to 59 percent.

15 So, I'm happy to answer any more questions.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank you  
17 very much for your presentation and I'll ask the  
18 question later.

19 Anyone in the audience speak up on this case,  
20 please.

21 Mr. DUCHESNEAU: Mike Duchesneau, 1191 South  
22 Lake Drive.

23 And I've not really followed this project

1 that closely but I was in attendance when it went  
2 before the Planning Commission and also City Council.  
3 But the -- the question -- and that -- my point thing  
4 is more of a question that maybe the applicant can  
5 answer through the Board.

6 During the initial sales for this program the  
7 business high speed Internet was an integral part. We  
8 were attracting very substantial income residents. It  
9 was a very unique project and hopefully it still is,  
10 but the two items that kind of caught my attention were  
11 the elimination of the we work rooms which I assume are  
12 the business rooms that were touted and promoted  
13 because of the clientele this was going to attract to  
14 Novi.

15 The City has gone backwards as far as  
16 increasing the density and allowing and supporting this  
17 project and I'm sure the ZBA tonight will probably do  
18 the same; however, I am interested a little bit more  
19 information as to whether high speed Internet is still  
20 available and the business aspects that the community  
21 is providing. I think the applicant touched briefly on  
22 it.

23 But thank you.

1 CHAIRMAN PEDDIBOYINA: Thank you.

2 Anybody in the audience, please.

3 Okay. The applicant can answer the question?

4 MR. LUDWIG: I just neglected to say we  
5 didn't eliminate the we work areas, they've just been  
6 relocated. So we're still providing that as an amenity  
7 for our tenants.

8 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

9 From the City?

10 MR. BUTLER: The only comment I have is there  
11 was no impact to the site, there was growth in the size  
12 of the buildings or anything so we consider it as a  
13 reasonable -- because everything is internal basically  
14 with the buildings.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 Correspondence Secretary.

17 MEMBER KRIEGER: For case Number PZ19-0047,  
18 The Bond at Novi, LLC, 46 letters were sent, eight  
19 returned, zero approvals, zero objections.

20 CHAIRPERSON PEDDIBOYINA: Thank you. Okay.

21 Anyone on the Board to speak on this case,  
22 please.

23 Mr. Sanghvi. Go ahead, sir.

1 MEMBER SANGHVI: Thank you.

2 I remember telling you last time I was quite  
3 excited you were doing something worthwhile and the  
4 piece of land was almost like a wasted area and I am --  
5 I don't have any reason to change my opinion what I had  
6 stated last time. I think the footprint has remained  
7 the same; right?

8 MR. LUDWIG: Correct.

9 MEMBER SANGHVI: So only the -- I don't know  
10 much has changed other than some area of the building.

11 MR. LUDWIG: Well, you want to build a  
12 building that doesn't have empty areas that aren't  
13 designed for anything. We've got all of the amenities  
14 that a modern urban building provides and then some.  
15 We've got the four courtyards, we've got two in each  
16 building. We've got we work, we've got -- you know,  
17 people want to get coffee in the morning, there's a  
18 coffee machine. It's free, it's part of their rent.  
19 They come down, they get coffee and they hang out. If  
20 they want to watch television outside of their space,  
21 they watch television.

22 If they want -- in the pool area, we've got a  
23 spa, you know, a sauna -- not sauna, a hot tub. We've

1 got a big exercise room. To make it bigger wouldn't  
2 make it better. So we've tried to design this thing to  
3 meet the needs of the people and not just have open  
4 areas with no designated use, because that just doesn't  
5 do anything.

6 MEMBER SANGHVI: Mind you, I have no problem  
7 about that increase. Do you have enough parking for  
8 the whole units now?

9 MR. LUDWIG: Yes, we have previous approval.  
10 We had met that, we exceeded the required parking  
11 number by 20 percent. We were able to dig up a couple  
12 more parking spaces so now we're like 19 percent over  
13 the requirement or something like that, but we're well  
14 over the required minimum.

15 MEMBER SANGHVI: Very good. Thank you. I  
16 have no problems. Thank you.

17 MR. LUDWIG: Thank you.

18 CHAIRPERSON PEDDIBOYINA: Thank you,  
19 Mr. Sanghvi.

20 Anyone on the Board, please?

21 Okay. Nobody. And --

22 MEMBER SANGHVI: If I may.

23 CHAIRPERSON PEDDIBOYINA: Yeah, go ahead,



1 Mr. Sanghvi, yeah, go ahead.

2 MEMBER SANGHVI: That we grant the variance  
3 in Case Number PZ-19-0047, The Bond at Novi, LLC, both  
4 the parcels here. As far as I can see the variance we  
5 granted earlier is not essentially changed, and only  
6 changes as they have described are more or less  
7 internal changes and no change in the footprint of the  
8 building, and they also assure us they have adequate  
9 parking for the whole units. And apart from them all  
10 the reasons why we granted the variance on August 14th,  
11 2018, are still valid and I don't see any reason to  
12 change my opinion and I request the Board to grant him  
13 the variance. Thank you.

14 CHAIRPERSON PEDDIBOYINA: Anybody wants to  
15 second?

16 MEMBER SANKER: Second.

17 CHAIRPERSON PEDDIBOYINA: Thank you.

18 The motion is passed. Please call the roll  
19 call, Katherine.

20 MS. OPPERMAN: Chairperson Peddiboyina?

21 CHAIRPERSON PEDDIBOYINA: Yes, please.

22 MS. OPPERMAN: Member Krieger?

23 MEMBER KRIEGER: Yes.

1 MS. OPPERMAN: Member Longo?  
2 MEMBER LONGO: Yes.  
3 MS. OPPERMAN: Member Sanghvi?  
4 MEMBER SANGHVI: Yes.  
5 MS. OPPERMAN: Member Sanker?  
6 MEMBER SANKER: Yes.  
7 MS. OPPERMAN: Member Montague?  
8 MEMBER MONTAGUE: Yes.  
9 MS. OPPERMAN: Member Verma?  
10 MEMBER VERMA: Yes.  
11 MS. OPPERMAN: Motion passes.  
12 CHAIRPERSON PEDDIBOYINA: Thank you and  
13 congratulations.  
14 MR. LUDWIG: Thank you.  
15 CHAIRPERSON PEDDIBOYINA: I want to bring  
16 back the first case number. Is there any -- the  
17 applicant is here, Case Number 1, PZ19-0032. The  
18 applicant is here, please?  
19 MEMBER SANKER: North Hills Village  
20 Apartments.  
21 CHAIRPERSON PEDDIBOYINA: I'm sorry.  
22 Go ahead, Attorney.  
23 MS. SAARELA: You could just open the public

1 hearing so the members of the public that came to speak  
2 on the matter and then close the public hearing and  
3 then table it for the next meeting.

4 CHAIRPERSON PEDDIBOYINA: Yeah, I agree.  
5 Thank you.

6 And I would like to talk about the first  
7 case, please. The applicant is not here. The audience  
8 or whoever wants to come and talk to the podium. I'll  
9 read the case number once again. PZ19-0032, North  
10 Hills Village Apartment, 4408 North Hills Drive, west  
11 of Novi Road and south of Nine Mile Road, Parcel Number  
12 50-22-34-127-003.

13 The applicant is requesting a variance from  
14 the City of Novi Zoning Ordinance Section 5.11.C for a  
15 fence with horizontal support board facing the  
16 neighboring properties. The code requires that where a  
17 fence has finished and unfinished side the finished or  
18 more decorative side shall face outward the adjoining  
19 property or street. This property is zoned low density  
20 multiple family RM-1.

21 This case, applicant is not there and our  
22 attorney said we don't want to waste our audience time  
23 where they came and I appreciate. Thank you.

1                   And please go ahead, sir.

2                   MR. WINTER: Good evening. My name is Peter  
3 Winter. I live at 21999 Bedford Drive. That is at the  
4 corner of Center and Bedford Drive. It is also  
5 adjacent immediately to the applicant's petition.

6                   I don't know what the typical procedure is  
7 before the Commission. I don't typically come to ZBA  
8 hearings, but I would request that the Petitioner's  
9 application be dismissed and have him refile it. I  
10 don't think that he has fulfilled a number of  
11 requirements. I don't believe that the applicant is  
12 the owner, and the copy of the petition that I have  
13 seen there is no owner's signature. The owner -- the  
14 applicant indicates he's the applicant but there's no  
15 owner signature and I doubt highly that this gentleman  
16 is the owner of this property, and I think the petition  
17 is improper on that basis. I will leave that to  
18 counsel.

19                   My comments relate to the facts as stated in  
20 the handwritten petition and partly in the supplemental  
21 page which is a printed page. If the Board desires to  
22 adjourn this and hear it at the next meeting, then I  
23 will appear at the next meeting and I will assume that

1 my neighbors will do as well. None of us received any  
2 notice about this petition. To my knowledge none of us  
3 have any knowledge other than perhaps we got no  
4 individual mailing. My home is right next to this  
5 place.

6 I would take issue with a number of the  
7 factual statements in the Petitioner's application.  
8 The Petitioner alleges in his application that the  
9 homeowners that surround his property are responsible  
10 for the deterioration of the fence which would then  
11 require its replacement. I would like to submit that  
12 that's an alternate reality, because this property, the  
13 apartments and the -- now, I have to back up because  
14 the property is surrounded to the west by Connemara  
15 Hills. Connemara Hills was platted, if I remember, in  
16 1950. They are all on half acre lots. They were  
17 originally on well and septic, and a good portion of  
18 the fence abuts their property. North Hills was built,  
19 the North Hills Estates Subdivision was built in the  
20 early '70s, and during the construction of the North  
21 Hills Estates Subdivision the apartments started to go  
22 up and I believe the Greenspan was the developer for  
23 both.

1           Now, that fence that was replaced -- and  
2           I'm -- I should go back and say my wife and I have  
3           lived in our home since 1989.

4           MRS. WINTER: '80.

5           MR. WINTER: My math is no good, I stand  
6           corrected. I'm always happy to have my wife present.

7           So we have lived in that house for almost 40  
8           years. That fence is from the 1970s. I submit to the  
9           Board that the Petitioner's action on this petition,  
10          the petition submission to the Board in the handwritten  
11          form that it was presented to you by an apartment  
12          complex which is a multi-million dollar apartment  
13          complex is indicative of the laissez faire and  
14          lackadaisical way they handled the management of and  
15          use of their property. That fence has been there for  
16          45 years.

17          To say that the adjoining property owners  
18          that the landscaping and stuff that was put up against  
19          it caused the destruction of that fence is an alternate  
20          reality. My home is on the corner of Bedford and  
21          Center, as I indicated. There are approximately five  
22          panels which have nothing adjoining, zip. And one of  
23          those panels -- and I think that one of the reasons

1 that the City required them to replace this fence --  
2 one of those panels kept falling down because there was  
3 nothing to attach it to.

4 So there was a lack of maintenance. Our  
5 subdivision Board has been in contact with the operator  
6 and the maintenance people of the apartments for many  
7 years without getting any satisfaction. Their answer  
8 is that there are a number of properties on which the  
9 landscaping has impaired the fence. True. There is  
10 one particular property that I can think of which has a  
11 tree which has basically knocked that part of the fence  
12 over. But that's one.

13 What they are asking you to do is to approve  
14 -- there was a discussion earlier by one of the  
15 gentlemen in one of the proposals about berms, and  
16 there was a discussion about the proposal for berms and  
17 the purpose for berms. And the purpose for berms is to  
18 separate the two different types of areas.

19 That's the same reason for this type of  
20 fence. And the purpose of a fence and what the  
21 ordinance requires is that the better appearing portion  
22 of the fence be next to the adjoining property owners,  
23 the residential property owners. Whether it was

1 through error, oversight, lackadaisical management,  
2 what they did was they built the nice part of the fence  
3 facing the apartments, not towards the homes. So now  
4 we got the back end of the fence.

5 I see no reason why there should be -- they  
6 are -- should be entitled to have a variance from this  
7 ordinance because it's inconvenient for them. They  
8 indicate that they are unable to build a fence in  
9 certain areas, yet it's up, it's been built.

10 I will also indicate to you that when we come  
11 back if we come back -- I can show them to you now --  
12 that when, when the fence was built there were two  
13 survey stakes on my property on the corner lines of my  
14 property. The contractors that built the fence removed  
15 them, bye-bye, so long. That's a misdemeanor under  
16 Michigan law and I'll give you the statute. The  
17 statute is MCL 750.383. That's a misdemeanor.

18 When they -- when the contractors removed the  
19 fence I have chunks of concrete on my side of the  
20 property with cut-off parts of steel poles which were  
21 the supports for the prior fence. That's still junk on  
22 my property.

23 This whole effort by the apartments including



1 this submission for this application for variance is  
2 improper, it's improperly handled, and I believe it  
3 should be denied. At the very least they should be  
4 required to put up the best part of the fence towards  
5 the holding --

6 MEMBER SANKER: We like to limit the public  
7 comments to three minutes. So if you could succinctly  
8 conclude your thoughts --

9 MR. WINTER: I'm done.

10 CHAIRPERSON PEDDIBOYINA: Thank you, Mr.  
11 Sanker.

12 MR. WINTER: I would just like to note that  
13 if --

14 CHAIRPERSON PEDDIBOYINA: I appreciate it,  
15 thank you, because the 3 minutes for the public  
16 hearing. I appreciate ....

17 And, Linda, you want --

18 MS. MILLER: Hi, I'm Mary Jo Miller.

19 M-A-R-Y, J-O, M-I-L-L-E-R.

20 I live next door to Pete so I do back up to  
21 the fence. I have no problem with this fence. I think  
22 you should let it go. The fence from my point looks  
23 the same as it did. It was a staggged fence, you saw

1 the support beams. I still see the support beams. The  
2 fence is beautiful. Yes, they did a crap job; yes,  
3 they made a mess. I do not want them coming on my  
4 property and messing up my landscaping to fix this.  
5 Maybe, you know -- they did leave the pipes cut off.  
6 They fixed it for us. I don't know what anybody else  
7 is doing but the fence is beautiful. Compared to what  
8 it was, the fence is beautiful. I say you let it go.

9 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.  
10 Anyone else in the audience, please.

11 MRS. WINTER: Mary Angela Winter, M-A-R-Y,  
12 A-N-G-E-L-A, W-I-N-T-E-R. I'm Pete's wife and Mary Jo  
13 and Dave's neighbor. I agree with Mary Jo, the fence  
14 is much better than it was. There is no moss growing  
15 on it like it used to. There is no paint that's  
16 peeling off like it used to. It's not falling down  
17 like it used to.

18 It still is the wrong side of the fence  
19 facing us. They did try to put some of the slats, some  
20 of the vertical slats on like it used to be but not  
21 enough of them. There are still big gaps where the  
22 horizontal supports show through. And Mary Jo and  
23 Dave's property has most of their landscaping covering

1 the fence. We tried to do that, too, but we have a lot  
2 more of the fence than they do, so we have a lot more  
3 to look at. So I would like the fence fixed the way  
4 it's supposed to be according to the ordinance and to  
5 have their proposal denied.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 Anyone else in the audience, please?

8 I have a question for the attorney, City  
9 Attorney.

10 Are we considering all these from the public  
11 today? Tomorrow -- I mean next month if the applicant  
12 shows up, this audience did not show up, are  
13 considering these all the points?

14 MS. SAARELA: So you would close the public  
15 hearing and you heard these comments and you can apply  
16 them at the next --

17 CHAIRPERSON PEDDIBOYINA: Meeting.

18 MS. SAARELA: -- if the applicant shows up so  
19 you can consider these at the next hearing, that's why  
20 we're allowing them to speak today.

21 CHAIRPERSON PEDDIBOYINA: Okay, Katherine.

22 MEMBER SANGHVI: Is it appropriate to make  
23 any comments about this at this point in time?

1 MS. SAARELA: It's just appropriate to listen  
2 to them at this time and then hear from the applicant  
3 the next time.

4 MEMBER SANGHVI: The only comment I would  
5 make is bring the photographs what they are talking  
6 about. It would make it easier to understand.

7 CHAIRPERSON PEDDIBOYINA: Okay. Katherine,  
8 go ahead.

9 MS. OPPERMAN: I just want to state that I  
10 will reach out to the applicant to see about his  
11 present concerns on that. It will not be able to be on  
12 the December meeting because that has already been  
13 advertised in the Novi newspaper. Because this is a  
14 third week hearing as opposed to our normal second, it  
15 would be in January and --

16 MS. SAARELA: As long as you -- as long as  
17 they set the date here it doesn't have to be renoticed.  
18 So as long as they say table it to the December 10th  
19 meeting, you don't have to put it in the paper again.

20 MS. OPPERMAN: Okay. Would you say it could  
21 be renoticed due to the concern of the neighbors not  
22 receiving the letter?

23 MS. SAARELA: If they really didn't receive

1 the letter. There's still time to get them, they still  
2 have time to get them.

3 MEMBER KRIEGER: I have a question. If we  
4 table it, then they come back and make their request,  
5 but if we deny it then they can leave the fence as it  
6 is and they can't make the request as here to flip the  
7 fence around?

8 MS. SAARELA: If you deny it tonight they  
9 would have to make the fence compliant with the  
10 ordinance. If you table it they would put on their  
11 presentation at the next meeting.

12 CHAIRPERSON PEDDIBOYINA: Yeah. I want to  
13 say table it. That's my thinking also, Linda.

14 Okay. One of the audience is asking they did  
15 not receive any letters. Can we disclose this or what  
16 how many --

17 MS. SAARELA: Kathryn is going to look into  
18 that.

19 CHAIRPERSON PEDDIBOYINA: Okay.

20 MS. SAARELA: If that's the case they'll get  
21 the proper notice in the next meeting.

22 CHAIRPERSON PEDDIBOYINA: I tabling this case  
23 at this moment and thank you so much. Okay.

1 MS. SAARELA: You can move to table it to the  
2 December 10th, 2019, meeting and if that motion passes,  
3 then it will be on that.

4 CHAIRPERSON PEDDIBOYINA: Okay. You want me  
5 to make a motion on this one? Okay.

6 MR. WINTER: Point of order, if there was  
7 improper notice --

8 CHAIRPERSON PEDDIBOYINA: We closed --

9 MS. SAARELA: We just indicated that Kathryn  
10 is going to look into the improper notice and correct  
11 it if that's the case.

12 MR. WINTER: And may I finish my point?

13 MEMBER KRIEGER: No, sir, you have to --

14 MS. SAARELA: The public hearing is closed.

15 CHAIRPERSON PEDDIBOYINA: The public hearing  
16 is closed.

17 MR. WINTER: Okay. Thank you.

18 CHAIRPERSON PEDDIBOYINA: Thank you. I  
19 appreciate it.

20 Okay. City, go ahead, Attorney, you want to  
21 say something or --

22 MS. SAARELA: No. So you would just move to  
23 table it to December 10th, 2019, meeting and then if

1 that motion passes Kathryn will double-check the  
2 notices, make sure the mail notices go out, but it  
3 doesn't have to go back in the paper.

4 CHAIRPERSON PEDDIBOYINA: Okay.

5 MEMBER KRIEGER: It will be December or  
6 January?

7 MS. SAARELA: December.

8 CHAIRPERSON PEDDIBOYINA: December 10th.

9 MS. SAARELA: December 10th.

10 CHAIRPERSON PEDDIBOYINA: Okay. You want to  
11 say something, sir?

12 MEMBER LONGO: I so move.

13 MEMBER SANKER: Second.

14 CHAIRPERSON PEDDIBOYINA: Okay. The motion  
15 is passed.

16 MEMBER SANGHVI: I just have one question.  
17 This property is a Northville address. You are in the  
18 wrong City.

19 MEMBER KRIEGER: It's Novi property taxes.

20 CHAIRPERSON PEDDIBOYINA: Property taxes is  
21 Novi.

22 MEMBER SANGHVI: No, this address is not  
23 Novi, it's Northville.

1 MEMBER KRIEGER: It's Novi. I live there,  
2 too.

3 MEMBER SANGHVI: The address is not Novi, and  
4 I --

5 MEMBER KRIEGER: It's Novi property taxes.

6 MS. SAARELA: It's just the mailing address.  
7 So Kathryn will double-check the mailing.

8 CHAIRPERSON PEDDIBOYINA: Okay, okay. Hang  
9 on.

10 Thank you.

11 MEMBER SANGHVI: I just want to know if you  
12 have a Northville address or Novi address?

13 MR. WINTER: It's a Northville address.

14 MS. OPPERMAN: The notices do go out to  
15 Northville if it's within the 300 feet.

16 MEMBER SANGHVI: They'll get the notice.

17 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

18 And motion is passed unanimously. And anybody say no?

19 Okay, thank you.

20 Kathryn, please call -- you want me to call  
21 the roll call or this is not needed?

22 MS. SAARELA: You can pass, motion to table  
23 just on the voice vote.



1 All in favor.

2 CHAIRPERSON PEDDIBOYINA: All in favor.

3 (All indicate Aye)

4 CHAIRPERSON PEDDIBOYINA: Thank you.

5 And before closing today's meeting, I'm sorry

6 I had not welcomed two of the new Board members,

7 Mr. Ramesh Verma, and Mr. Clift Montague. And welcome.

8 Thank you so much and wish you good luck, and

9 everybody. Okay.

10 We have the motion and anybody wants to say

11 anything?

12 Any other agenda?

13 MEMBER KRIEGER: Motion to adjourn.

14 CHAIRPERSON PEDDIBOYINA: Motion to adjourn.

15 MEMBER SANKER: Second.

16 (The Meeting concluded at 8:33 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN            )  
  ) SS  
COUNTY OF OAKLAND         )

I, Cynthia Ann Chyla, hereby certify that I reported stenographically the foregoing proceedings and testimony under oath at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.

Cynthia Ann Chyla, CSR 0092  
Notary Public  
Oakland County, Michigan

My Commission expires: May 12, 2023