

05/12/2026

REGULAR MEETING – ZONING BOARD OF APPEALS

CITY OF NOVI

Tuesday, May 12, 2026

Council Chambers/Novi Civic Center

41725 Novi Road

Novi, Michigan

BOARD MEMBERS:

W. Clift Montague, Chairperson
Linda Krieger, Member
Joe Samona, Member
Michael Thompson, Member
Michael Longo, Secretary
Mark Jappaya, Member

ABSENT EXCUSED:

Joe Peddiboyina, Member

ALSO PRESENT:

City Attorney, Joellen Shortley
Alan Hall, Deputy Community Development Director
Megan Nardone, Recording Secretary

REPORTED BY:

Megan Novak
Certified Electronic Recorder

AGENDA

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1 CHAIRPERSON MONTAGUE: I will call to order the
2 Zoning Board of Appeals meeting for City of Novi for
3 Tuesday, May 12th. Pledge of Allegiance please.

4 (Pledge of Allegiance recited)

5 CHAIRPERSON MONTAGUE: Roll call please.

6 MS. NARDONE: Member Jappaya.

7 MR. JAPPAYA: Here.

8 MS. NARDONE: Chairperson Montague.

9 CHAIRPERSON MONTAGUE: Here.

10 MS. NARDONE: Member Thompson.

11 MR. THOMPSON: Here.

12 MS. NARDONE: Member Peddiboyina, absent,
13 excused. Member Longo.

14 MR. LONGO: Here.

15 MS. NARDONE: Member Krieger, absent, excused.
16 Member Simona.

17 MR. SAMONA: Here.

18 MS. NARDONE: Thank you, we have a quorum.

19 CHAIRPERSON MONTAGUE: Thank you. We'll go over a
20 few of the rules of conduct. If everybody will turn off or
21 put their phones on silent. I would appreciate it. We have
22 only one case tonight. The applicant can present. You have
23 ten minutes for that. If there's responses from the
24 audience, they should ask to be called upon. They get
25 three minutes or ten minutes. It's representing a group,

1 as I was pointing out to you last week. Thank you. And
2 let's about it for now. So, let's talk about the meeting
3 minutes.

4 MR. SAMONA: Make a motion to approve the meeting
5 minutes from April as well as today's agenda. Providing
6 there's no corrections to it.

7 MR. LONGO: I'll second whatever you said.

8 MS. NARDONE: Member Thompson.

9 MR. THOMPSON: Yes.

10 MS. NARDONE: Member Longo.

11 MR. LONGO: Yes.

12 MS. NARDONE: Member Samona.

13 MR. SAMONA: Yes. Member Krieger is here at the
14 moment.

15 MS. NARDONE: Chairperson Montague.

16 CHAIRPERSON MONTAGUE: Yes.

17 MS. NARDONE: Member Jappaya.

18 MR. JAPPAYA: Yes.

19 MS. NARDONE: Member Krieger.

20 MS. KREIGER: Here.

21 MS. NARDONE: Thank you. Motion carries.

22 CHAIRPERSON MONTAGUE: Barely. Welcome. All
23 right. We do have an opportunity for any public remarks if
24 there's any that have nothing to do with the cases that we
25 have tonight.

1 MS. NARDONE: I would like to go on the record
2 and say that Linda Kreiger is here and present.

3 MR. HALL: Just because she was noted as absent
4 excused, so.

5 CHAIRPERSON MONTAGUE: Back to the general
6 comments.

7 MR. HARESTIUC: I am the owner of the house.

8 CHAIRPERSON MONTAGUE: Not to the case. This is
9 just general comments.

10 MR. HARESTIUC: Sorry.

11 CHAIRPERSON MONTAGUE: That is all right. We will
12 get to the case in just a bit. With none of that, Joe, you
13 have a motion?

14 MR. SAMONA: Yes, Mr. Chair. I make a motion to
15 remove from the table case PZ26-0014, which was tabled
16 until today. I make a motion to remove that from the
17 table, and hear it, and proceed with it.

18 MR. LONGO: I second.

19 MS. NARDONE: Member Krieger?

20 MS. KREIGER: Yes.

21 MS. NARDONE: Member Samona?

22 MR. SAMONA: Yes.

23 MS. NARDONE: Chairperson Montague?

24 CHAIRPERSON MONTAGUE: Yes.

25 MS. NARDONE: Member Jappaya?

1 MR. JAPPAYA: Yes.

2 MS. NARDONE: Member Thompson?

3 MR. THOMPSON: Yes.

4 MS. NARDONE: Member Longo?

5 MR. LONGO: Yes.

6 MS. NARDONE: Thank you. Motion carries.

7 CHAIRPERSON MONTAGUE: All right. So we have one
8 case tonight.

9 MR. SAMONA: I would like to wish Member Joe
10 Peddiboyina, who's not here, a happy, happy birthday. I
11 think he was afraid how much I would talk today, so he
12 probably wanted to make dinner with his wife. So happy
13 birthday to Joe, and wish him all the best.

14 CHAIRPERSON MONTAGUE: All right. Can we get to
15 the first case now, I think.

16 MR. HALL: We should probably approve the agenda.

17 MR. SAMONA: I made that motion with the...

18 MR. LONGO: Yeah, he put them in the same...

19 MR. HALL: No, that was just to table. We need to
20 approve the agenda now.

21 MR. SAMONA: No, no, I did, I made the motion to
22 approve the minutes and the agenda.

23 MR. HALL: Oh, and the agenda at the same time?

24 MR. SAMONA: Yeah.

25 MR. LONGO: Yes.

1 MR. SAMONA: Provided that there is no
2 corrections.

3 MR. HALL: Okay. Very good. Thank you.

4 CHAIRPERSON MONTAGUE: So we have just one case
5 tonight, which was tabled from last month. PZ 26 0014.
6 Applicant is requesting a variance from the city of Novi
7 Zoning Ordinance Section 3.1.5 of a rear yard setback of 9
8 feet 3 inches, 35 feet apart. It's a variance of 25 feet 5
9 inches. This property is zoned One Family Residential R4.
10 Our applicant is here. Step up to the podium. Spell your
11 name. Swear in for Secretary.

12 MR. HAVRESTIUC: My name is Adrian Havrestiuc, A-
13 D-R-I-A-N. Last name H-A-V-R-E-S-T-I-U-C.

14 MR. LONGO: I'm sorry. Adrian, are you an
15 attorney?

16 MR. HAVRESTIUC: I am not.

17 MR. LONGO: Promise to tell the truth in this
18 case?

19 MR. HAVRESTIUC: I promise.

20 MR. LONGO: Thank you.

21 CHAIRPERSON MONTAGUE: All right. Go ahead for
22 this case.

23 MR. HAVRESTIUC: Well, I'm seeking this variance
24 that was tabled from last month's discussion. There was
25 some additional information that was requested, and that

1 was an updated grading plan with necessary adjustments,
2 and we have worked on that, and that was approved as of
3 last week. And initially, I believe this was supposed to
4 be delayed again until June. Last minute, it ended up
5 getting approved by your third party that approves the
6 grading plans. So I'm just back here hoping to get the
7 approval to continue. I don't know if there's any other
8 information that is needed from me. I believe it was
9 discussed pretty in length. I have been in touch multiple
10 times with the city this past month in regards to
11 everything that is required and is needed still in terms
12 of the soil erosion permit, and we have submitted the
13 application once. There's some updates that I've got to
14 make for the soil erosion in terms of where the silt fence
15 is going, and that is going to be submitted sometime this
16 week again. I'm hoping to get the soil erosion permit
17 approved sometime, and I don't know what else.

18 MR. SAMONA: You said regarding what fence?

19 MR. HAVRESTIUC: The silt fence for the soil
20 erosion.

21 MR. SAMONA: Oh, okay.

22 MR. HAVRESTIUC: I don't know what else is
23 required of me here. This was a pretty linked discussion
24 last time, and it was tabled due to a lot of issues. I
25 know there's a couple people against, so they are here. So

1 I don't have anything else additionally to present, other
2 than that the grading plan was approved. I heard there
3 were some comments. I am not seeing the approval for the
4 grading plan, but there were comments out there that I
5 need to follow very strictly. I think that's all I have.

6 CHAIRPERSON MONTAGUE: All right. City?

7 MR. HALL: Thank you, Chairman. I guess I'm
8 hoping to have some background so I can show you what the
9 background looks like. This case was postponed and tabled
10 for further information during the last ZBA meeting held
11 on April 14th. A request was made from the applicant to
12 provide an approval plan showing a more detailed area for
13 the grading and screening along the rear property line,
14 which is asking for the variance that is adjacent to the
15 neighbor. The neighbor was present last time, and I
16 believe she's present tonight as well. The applicant is
17 seeking a rear yard dimensional variance of 25.75 feet. An
18 existing wall that had been grandfathered in condition was
19 removed during construction, and now that side of the
20 building requires a variance for the existing and the new
21 addition that was there.

22 So he's asking for that tonight. The applicant has
23 submitted a land improvement plan that was reviewed and
24 approved. The city did go above and beyond. We, kind of,
25 got the plans approved. We got the plans in. Our

1 consultants reviewed it in a timely manner and got it
2 assented.

3 MR. HAVRESTIUC: I appreciate that.

4 MR. HALL: So I think, do you have that plan in
5 front of you?

6 MR. HAVRESTIUC: I do.

7 MR. HALL: Yeah, why don't you put it down on. So
8 for the people at home and those on the board, could you
9 kind of, show the area that was approved and what
10 improvements you made and what was approved by the site
11 planners? What did you do different than from last time?

12 MR. HAVRESTIUC: Well, one, the first time
13 around, my site plan was from the old addition, where we
14 were just adding on that piece of the house. And with
15 this, it now became a fully new construction. So we added
16 the swales, which, this is all existing currently. We
17 added the swales to slope down and to meet the code, the 2
18 percent minimum, and to slope down. There's also the
19 existing swale in the back here, and off to the side here
20 as well. And this meets the code by Novi (inaudible). And
21 additionally, we added where the sump pump lead is going
22 to be coming out. And that's the changes that were made.

23 MR. HALL: So the plan that you provided that the
24 city has approved shows a swale. It shows the direction of
25 the stormwater that's leaving the site. And this shows

1 that the water shouldn't be leaving their site to the
2 neighbor's property. Is that correct?

3 MR. HAVRESTIUC: Correct. Additionally, so if you
4 guys remember last time we were here, we were on the flood
5 watch. If you guys remember, we were all praying to get
6 out of here because of that, huge storm that was coming.
7 So the following, the next two to three days, it rained.
8 And I was there every day. And I did look, on purpose,
9 just to see how my property was affecting the neighbors.
10 And there was no water. I took pictures. There was no
11 water. There was no pooling water that I could see. So, I
12 just wanted to put that out there. I do have pictures.
13 But, again, this was without any kind of grading done, the
14 final grading done. But with the final grading done, this
15 will meet all my code. And there are swales created for
16 the water run.

17 MR. HALL: And then the last time we were here,
18 there was a discussion about some trees being removed and
19 some screening being removed. And you guys had some
20 screening. Can you discuss some of that?

21 MR. HAVRESTIUC: Screening?

22 MR. HALL: How you're going to screen it.
23 Landscaping that you're going to put between your trees?

24 MR. HAVRESTIUC: Well, I did try. I did put it on
25 there originally. So I do have one that I did ask to put

1 it on there. Unfortunately, I was told that this is too
2 close to the property line. I have to be a minimum of five
3 feet from the property line. And I had to remove those.
4 But again, I did speak to the neighbor after, and they did
5 not want it. The arborvitae, I'm sorry. I always mess up
6 that word. I apologize. So there is a fence currently
7 there. It's not a privacy fence. I don't know if there's
8 anything additionally that the neighbor would like. But
9 I'm not sure exactly what else I would need to do. I did
10 try to add those in there. I was told I had to remove them
11 because they're too close to the property line.

12 MR. HALL: And he is correct. There is a
13 measuring standard that an arborvitae would have to be so
14 far off the property line. So that's true. So with that,
15 we have for you, thank you, Mr. Chair.

16 CHAIRPERSON MONTAGUE: Of course. Any additional?
17 I know over the course of this last time?

18 MR. LONGO: What we said last time was there are
19 25 mailed out, one returned to the mail department. No
20 objections.

21 CHAIRPERSON MONTAGUE: All right. I will open up
22 to comments from the audience at this point. Yes, if you
23 will step to the podium and state your names and spell
24 them for the recorder. Sworn in by our secretary.

25 MS. WING: I appreciate it. I would also like to

1 speak. My name is Jill Wing, J-I-L-L W-I-N-G, neighboring
2 property.

3 MR. LONGO: Excuse me. Are you an attorney?

4 MS. WING: I am not an attorney.

5 MR. LONGO: Do you promise to tell the truth in
6 this case?

7 MS. WING: I do.

8 MR. LONGO: Thank you.

9 MS. WING: Referencing the July 8th, 2025 Zoning
10 Board meeting minutes approved the next month on August
11 12th, Ms. Angela Carnahan (phonetic) appeared on behalf of
12 Mr. Adrian Havrestiuc, while he was out of the country.
13 She stated that this addition was intended to make this a
14 larger livable home. Based on the public hearing notice
15 she had received, a neighbor asked whether this would
16 truly be a single family home, or in essence, whether it
17 would function as a business, with multiple residents
18 paying rent. Ms. Mason, quoting from the meeting minutes
19 that have been approved. Hi, I'm Haley Mason. We're moving
20 in, actually, tomorrow across the street from this, so I
21 have a question about the notice that was sent. I'm going
22 to read from it. Then, I'm sure, which I think you kind of
23 already answered, but I'm here, so I might as well ask. It
24 says in the ordinance with the MCL 125.313, the manager or
25 owner of a single structure containing more than four

1 dwelling units or other distinct spatial areas owned or
2 leased by different persons, is hereby requested to post a
3 notice on the primary entrance of the structure. My
4 question is about the four dwelling units. This is just
5 going to be a single family home? Ms. Carnahan. Yeah,
6 where does it say four dwelling units? Ms. Fletcher. That
7 goes on every notice as just a legality thing. So, for
8 apartment buildings, they would just post that in, like,
9 their common area and such, but we include it on every
10 notice.

11 Ms. Carnahan. They're extending their home because
12 it's a really tiny home. That's all I wanted to know. Make
13 sure it wasn't an apartment or townhouse going in. That
14 was my only question. Thank you. At the time of that
15 meeting, though, there was already an executed instrument
16 in place indicating that he would not be living in that
17 structure, and that rent would be collected from multiple
18 residents. It was already well known to Adrian and his
19 representative that this would operate as a business. That
20 question was raised again by a member of this board last
21 month, and the response given was that this would be a
22 single family home. The meeting minutes have just now been
23 approved, so I cannot quote them. Adrian, while still
24 sworn in, made no effort to correct that statement.

25 It is also on record with the city at this time that

1 this is not a single family home. To be clear, I
2 understand that this type of use may be permitted under
3 zoning if certain requirements are met. I am not
4 challenging that. But I am suggesting that this board
5 assess how this project has been handled so far before
6 making a final decision on the variance request and
7 whether it has been done in good faith. Residents have
8 already raised repeated concerns during construction. The
9 city ordinance officer was called by Glenda Street
10 residents regarding hazardous site conditions affecting
11 road conditions due to flooding days after the last board
12 meeting. Tree fall in by a family member caused an
13 electrical line fire in my backyard, a downed power line
14 leading to a lone transformer, resulting in a neighborhood
15 power outage.

16 There was also flood damage to neighboring properties
17 caused by improper winterization of the site, along with
18 inaccurate plans submitted to the city that had delayed
19 shutting off the water. And additional flood damage to
20 neighboring properties is currently being caused by the
21 improper ground preparations of the construction site
22 prior to beginning work. Throughout these issues,
23 ownership has either been out of the country or
24 unavailable to address the concerns directly, given his
25 permanent lack of proximity to the property. Both he and

1 his representative have appeared before this board, while
2 sworn in and have been, at minimum, misleading through
3 direct statements or omission. The board might consider
4 what level of confidence they can now have in the owner's
5 willingness to follow city ordinances and regulations
6 throughout the remaining stages of building his business
7 in our neighborhood, and in our backyards, without regular
8 or even daily inspections from city officials.

9 I do also have experience professionally working in
10 assisted living, senior care, and memory care facilities.
11 These operations require constant oversight,
12 responsibility, and commitment from ownership once this
13 group home is operational. If the lack of availability and
14 care shown toward this project, neighboring residents, and
15 to this board, is any indication of how this business will
16 be operated or how the premises will be maintained, that
17 should concern all of us. You have an opportunity right
18 now to consider that record and the potential impact on
19 our neighborhood and its change in character and to deny
20 this request for variance. Thank you.

21 MR. HAVRESTIUC: Can I respond to that?

22 CHAIRPERSON MONTAGUE: Yes, go ahead.

23 MR. HAVRESTIUC: So, this is a single-family
24 residence. Under multiple court cases; in McWilliams v.
25 Eisterman, (phonetic) 1984, adult foster care facilities,

1 group homes, are not considered commercial use. And I have
2 been upfront from the very start. I was asked to submit a
3 letter in the very beginning that I am opening up a group
4 home. This is still considered a single-family use. I am
5 not changing to it. It's not a commercial use. This
6 facility can be changed. And it's a 2,700-square-foot
7 home. It's not a big home. I'm not doing something
8 commercial, as in a commercial building. I have been very
9 upfront from the start. As she has stated, I am not
10 present. I have been almost daily in the city. I live in
11 Belleville. My partner in the business lives over here in
12 Salem Township. On Beck Road and 8 Mile. So we are here.
13 We are present. We have been running an additional
14 facility that we have open and have been running it for
15 three years now. And it's in Farmington. It's not
16 something that we take lightly. This is still considered a
17 single-family home.

18 As far as the issues I have had with the project
19 itself, and that is my fault as I have been very new to
20 the process of building. I am an engineer. This is my
21 first ever project that I have ever done. So I have maybe
22 screwed up a couple things in terms of, initially, we just
23 started off as an additional project. So I have met those
24 requirements. When things change, I have been trying to
25 get all the proper approvals. I have been at the city,

1 almost on a weekly basis trying to get this resolved. I
2 have hired. Initially, I had, as she has stated, Angela
3 Carnahan (phonetic), who was representing. She was a
4 family friend who, her husband was a civil engineer and
5 who said, you know, all we need is a site plan. So they
6 were able to put it together. When things changed, I did
7 hire a professional company who they are a shared domain
8 consultant, and they have created all necessary for the
9 grading plan. Now, in terms of the zoning board, I think
10 we're just talking about approving. Again, I have not
11 changed anything in terms of spacing to what was
12 grandfathered in, and I believe the zoning board
13 discussion now is for that.

14 CHAIRPERSON MONTAGUE: Yeah, thank you. That is a
15 fact. We're not here. We are here only to look at the
16 merits of the variance of the setback and the
17 ramifications of that, where the whole use and regulation
18 of use and all of that is another department.

19 MS. WING: May I?

20 CHAIRPERSON MONTAGUE: No, not right. Just hang
21 on a second. Not until I'm done. Thank you. We're not here
22 to do that. I understand your concerns as a resident. I
23 get that. We are here not to deal with that. That is
24 regulated by the city. It will be regulated by the city.
25 They will keep their eye on it. I have confidence in those

1 departments. So if we can keep ourselves to the issue, I
2 would appreciate it.

3 MS. WING: I do understand that, and what I'm
4 suggesting is what was brought up in the last meeting, is
5 that now that this has come before the zoning board in a
6 different manner.

7 MS. KREIGER: Excuse me. You are not at the
8 podium, so it can't be transcribed properly, and you've
9 already had your speech.

10 MS. WING: However, there's an important piece
11 that is missing here.

12 CHAIRPERSON MONTAGUE: That's before you go
13 forward. You said there were other people that would like
14 to talk. Allow them to talk if you would, please. If you
15 would like to speak, come up. You have your allotted time.
16 State your name, spell your name, and you'll be sworn in
17 by the secretary of please.

18 MR. WEBER: Yeah, my name is John Weber, W-E-B-E-
19 R.

20 MR. LONGO: John, are you an attorney?

21 MR. WEBER: No, sir.

22 MR. LONGO: Promise to tell the truth in this
23 case?

24 MR. WEBER: Yes, sir.

25 MR. LONGO: Thank you.

1 MR. WEBER: Real quick, I probably need three
2 minutes. Concerns is I'm the second house from Adrian's
3 house. It was a comment that he made a little bit ago. I
4 was kind of like, all right, so he looked out in the back,
5 talked about the variances and the water. You know, there
6 was no water running off. Well, I know where it was. It
7 was in my backyard. So that needs to be handled ASAP. I'm
8 the only one with a basement. Am I a concern? Hell, yeah,
9 I'm concerned. And as far as the job site goes, I'm in
10 construction. And the pictures I saw online, embarrassing,
11 man. I witnessed the tree cutting down and the fire that
12 almost started the house right behind him. And ever since
13 that project and looking with the water breaking, I know
14 it's not your fault. You weren't there. I don't even know
15 you. I'm not going to sit there and harp on you. But this
16 project needs to be handled. It needs to be looked over by
17 inspectors to make sure that things are getting done
18 properly. And I know this isn't the place or time to talk
19 about what this place is going to be, but, I was floored
20 when I heard what it's going to be. Now, all of you people
21 ought to live next to it. We have one two doors down. And
22 I have to be stopped by a fire truck or an ambulance all
23 the time, because they're going in there. So now we're
24 putting another one? I mean, how many of these can we put
25 in? Can I put my hat in the ring to make my house into an

1 8 bed? (inaudible) You know, this is supposed to be a hell
2 of a community, and it has been. But is this what we're
3 doing now? That's it. Thank you.

4 CHAIRPERSON MONTAGUE: Yes.

5 MR. RIGO: Thank you. My name is David Rigo. R-I-
6 G-O.

7 MR. LONGO: Are you an attorney?

8 MR. RIGO: I'm not.

9 MR. LONGO: Do you promise to tell the truth in
10 this case?

11 MR. RIGO: I do.

12 MR. LONGO: Thank you.

13 MR. RIGO: I am the neighbor that lives next to
14 Mr. Weber, who just spoke, so I'm three properties down.
15 But I'm also next to the other group facility that is
16 further to the west, so I can support what he said about
17 there is more traffic when you have a facility like this,
18 depending on your clientele. But, I know I want to try to
19 stay with what is within the purview of this zoning board.
20 Now, the one thing that I'm learning, because I've never
21 been to one of these meetings before, and I learned a lot
22 last time, is that it sounds like what is something that
23 is considered by this board, is the impact that the zoning
24 could have on adjacent properties. And my concern,
25 specifically, is regarding the nine feet, which is, of

1 course, a very small variance. I think he has done a lot
2 to mitigate the concerns. He's had a lot put on him. I
3 think he's been responsive in that regard. But the
4 situation that I see is that you cannot have a privacy
5 barrier and a swale in a nine-foot space, which means the
6 only place for there to be privacy for the property that
7 is being most affected by this project is the neighbor's
8 property.

9 Now, again, I don't know if this is something that
10 would be within the consideration or the purview of this
11 board, but that's the issue here is that you have a
12 problem where you have a major intrusion of privacy on an
13 adjacent property that cannot be mitigated because of the
14 size of the variance. Now, this could be, of course,
15 mitigated if there was some sort of privacy barrier put in
16 on the neighbor's property with the neighbor's permission.
17 I don't know if that's something that they would want, but
18 that is my two cents that I wanted to throw in, because it
19 does seem to have a direct impact on the immediate
20 neighbor's property and potentially property value. Aside
21 from that, I saw drawings of the house that is being
22 proposed. I think it's a beautiful house. I think it fits
23 in with the surrounding neighborhood. It is a vast
24 improvement over the shack that was there before. So I
25 think there is potential. This is an improvement in some

1 regards, but I think there are some very serious concerns
2 just because of the topography of this particular area,
3 and the uniqueness of this lot, that need to be taken into
4 consideration very carefully to make sure that we go
5 forward in a way that there aren't mistakes made that are
6 sort of irreparable.

7 CHAIRPERSON MONTAGUE: Thank you. Anybody else
8 over there? All right. Let me open it up to the board.
9 Yes, Joe.

10 MR. SAMONA: I can totally understand concerns,
11 but as previously mentioned, we're here to decide the
12 variance that's requested before us. That's like, if I
13 didn't want a bar to go up at the end of the street, but
14 it was zoned for that, and if they came in here asking for
15 a sign variance, I'm not objecting to the bar at the sign
16 variance. I don't think that's something for us to
17 consider, and I reflected on this. We tabled this matter.
18 We asked the applicants to come back with the plans, which
19 were approved, as I mentioned with respect to like, for
20 example, the tree removal issue that came up, that's a
21 planning commission and or code enforcement matter, we
22 can't consider that. Because it's not that the wall
23 created the tree removal issues, it's something that's I
24 think completely separate. I would argue the setback has
25 been a physical reality at this address for 15 plus years.

1 The applicant, we were essentially asking the applicant to
2 comply with the 35 foot rear yard setback. It's like
3 penalizing a player in a sports game for a penalty that
4 didn't exist before the game started. That's kind of my
5 analogy to that. We asked for this to be tabled, we asked
6 for the documents to be provided and or submitted. They
7 have since been done and I think that the applicant has
8 proved this to us, to me, at least. I think he's proved
9 why it should be successful. That's my opinion as of now.

10 MR. JAPPAYA: I would agree with Joe. I think,
11 guys, I'm very sensitive to where all of the neighbors are
12 coming from. I can appreciate your concerns. But I think,
13 like Mr. Rigo said, what is within our purview is to make
14 a determination as to whether this dimensional variance
15 should be approved or not. And since it has been that way
16 for the last 15 years, I just can't see any reason why we
17 would say no.

18 MS. KRIEGER: I got all these thoughts in my
19 head. The house has been there for the 15 years as is.
20 That he was, you could see that there was something that
21 was being built. So before the house was being, the side
22 came down, it could have gone. I don't know why there
23 wasn't any discussion prior about asking about the
24 variance. Like, okay, this came down. Can you move it a
25 little bit before you put down a new foundation? That I

1 don't understand. So, and the use, the regards to the
2 single family home issue is not in this variance
3 discussion. So, homes in Novi that they lease out their
4 homes or use them as a business online, when you look at
5 the local maps, there's homes that are businesses. How
6 that is regarded, I'm not sure about the legalities of
7 that. But that is not part of the variance request here.
8 So that issue, yes, as a city, we should look into that if
9 it becomes more. I know that in Northville, there was a
10 home that was, for the longest time, a group home in a
11 subdivision. I don't know all the specifics. I know it's
12 not now. So regards that that's not part of this variance.
13 So because he's complied with the request upon tabling,
14 he's made the effort and has put the map forward that had
15 an approval, I can support. And he's wanting to put these,
16 comply with the swale so if there's runoff water, that the
17 directional will be 100-year water flood. If you get a lot
18 of rain, the more you build, the more density, they create
19 this silt fence that probably could use some, I don't
20 know, rock trench. But he's done the job and gotten
21 approval. And so for his variance request of the initial
22 thing of the building, and then regarding privacy, it's
23 all been addressed and discussed so I can approve his
24 request.

25 MR. THOMPSON: Question for Allen. So the grading

1 plan that they submitted, I've had to do a swale before on
2 an industrial piece of property that we have where the
3 swale like drained into manholes every so often, which
4 ended up having to go into a retention pond in the back. I
5 don't, the grading plan was approved by the city?

6 MR. HALL: That's correct. So the one thing I can
7 add is that the screening was tried and it was too close
8 to the property line. It doesn't mean that screening is
9 not effective, it just means that it wasn't part of the
10 grading plan. If the board feels like there should be
11 something addressed there, that's not shown in this plan
12 right now. You can say those kinds of things. But right
13 now the water is being controlled for the plan. If they do
14 it to the plan, it should go around and not enter the
15 neighbor's property.

16 MR. THOMPSON: So obviously the heavy rainfalls
17 and all that are going to change the way the land is, and
18 water runoff and slope of the swale, and that's not
19 something that's ever checked. The city would come by,
20 approve a final grade, and then that's it. The grade never
21 has to be recertified every five years?

22 MR. HALL: Well, so it doesn't have to be
23 recertified, but there is an ordinance saying that you
24 can't shed your water to the neighbor's property if it
25 wasn't going that way. So let's say in the future

1 something is averted that does shed water, that would be
2 an ordinance violation, a site plan violation, and that
3 would be something that would be enforced. So the city can
4 act on that. It wouldn't be something that we would
5 proactive, but if there was a complaint lodged, then we
6 would look at that. Does that answer your question?

7 MR. THOMPSON: It does, especially for the guy
8 with the basement. They make it, it's supposed to work on
9 paper, it doesn't, he has to fix it?

10 MR. HALL: Right. And so during the construction,
11 if it fails during construction, obviously that's under
12 the purview of the construction, so it has to be. I think
13 part of your question is that if it passes the initial
14 grading, and over time something's adjusted, God moves
15 things, whatever he's going to do with it, right? Then,
16 yes, there is an ordinance that you can't shed water or
17 put water in someone's basement in this case. That would
18 be enforceable.

19 MS. KRIEGER: To back up with that, so for
20 shedding of water, so if there's a future thing where they
21 can, if there's an issue with the shedding of the water,
22 then the city can ask the person to address it?

23 MR. HALL: Yeah, so if a neighbor would lodge a
24 complaint, we're not a viewing state, we're not going to
25 go look for trouble. But if a neighbor were to lodge a

1 complaint, we would investigate the complaint, and it's
2 found that it is true that the water is shedding, then
3 enforcement could be actioned, and modification could be
4 made.

5 MS. KRIEGER: So we can make that part of the...

6 MR. HALL: That's going to be by right anyways.
7 You can say that, but that's going to be something that's
8 going to happen regardless of what the board says. That
9 will be followed through.

10 MS. KRIEGER: And then, like you were talking
11 about, you need to have the arborvitae or whatever,
12 shrubbery five feet, then we can make, because of this
13 issue where you don't have this close, we can say that
14 they can in this case?

15 MR. HALL: Yes, you can discuss in screening what
16 that looks like, and then if there's measures to be done,
17 I think there are some opportunities from how we put it
18 in. We can discuss it at the board if that seems to be
19 something we can do, but that could be something we can
20 talk about.

21 MS. KRIEGER: Okay, I would like that as well.

22 MR. SAMONA: I'll make a comment in regards to
23 that. I think we discussed at the last meeting, and Beth
24 Saarella, the city attorney who was present at that
25 meeting, recommended or suggested possible language that

1 the variance be granted, subject, if we're going to grant
2 it subject to fencing and or screening, that it be granted
3 subject to screening or fencing being compliant with the
4 City of Novi zoning ordinance, not going over, for
5 example, if the ordinance is four feet, not saying put a
6 five foot one there, that way he has to be compliant with
7 the zoning ordinance.

8 MS. KRIEGER: Yeah, as long as they can have the
9 screening, then we can let them have that then, fine. I
10 mean, the houses around Walled Lake, they have less than
11 that, so, and there's homes that have the shrubbery, so,
12 yeah, whatever's necessary.

13 MR. HALL: Yeah, so the screening, usually it's
14 within three feet of the property line. The neighbor is
15 here tonight. I mean, there could be some discussion.
16 Could that be put in? Is that something that could be
17 agreed to? Those could be on the tables also.

18 CHAIRPERSON MONTAGUE: Now, is that something
19 that we need to put into motion then, that that get worked
20 out?

21 MR. HALL: If you were to make that condition,
22 yes. Also, if that was going to be a condition, you could
23 say it had to be approved by engineering. The dimensional
24 part we can adjust, but that would have to have neighbor
25 approval because we're getting close to that property

1 line, so I don't want to make any assumptions here. But if
2 that were something that could be agreed upon, then the
3 engineering could be looked at to make sure that that
4 works. Whatever we're not thinking about, the ordinance
5 does that.

6 CHAIRPERSON MONTAGUE: Okay, so I think the
7 applicant has shown a willingness to put that screening in
8 and talk to the neighbors. So I guess at this point, I
9 would like to ask the neighbors if you want to work with
10 him on that. Please come up to the podium. If you'd like
11 to work with us.

12 MR. HAVRESTIUC: I do want to work it out.

13 CHAIRPERSON MONTAGUE: No, no, no.

14 MS. WING: I would just kindly, I would like to
15 just clarify what I was trying to say before, just to be
16 kind. I was not trying to argue with you all. What I was
17 trying to say is how I understood what you all were
18 allowed to consider was the characteristics of certain
19 matters and how your approvals might impact those
20 characteristics. I was not trying to alter that, and it
21 sounds as if this is the type of thing where you are
22 trying to consider certain characteristics and whether you
23 are allowed to make determinations that might deviate from
24 the characteristics that are typically, or not typically
25 allowable.

1 MS. KRIEGER: So you'd like some screening?

2 MS. WING: No, I was trying to question when you
3 say screening, in this instance, do you mean the
4 Arborvitae, do you mean a privacy fence? What are you
5 referring to?

6 CHAIRPERSON MONTAGUE: We're not here to submit
7 solutions. We're here to facilitate the working out of
8 that, and it has to be the city.

9 MS. WING: Is that what you're asking us about?

10 MR. HAVRESTIUC: Yeah. Between me, I have been
11 trying to work with you guys.

12 MS. WING: Well, you haven't reached out to us.

13 MR. HAVRESTIUC: We did talk at that meeting. I
14 don't know.

15 MS. WING: You yelled at us in the hallway.

16 MR. WING: I think honestly what we would like,
17 we didn't want the Arborvitaes going up the side. We would
18 probably prefer a privacy fence in between so that it kind
19 of walls off whatever they've got going on over there. We
20 have a big backyard with a pool. We went from like one
21 window in the backyard, now we have like five or six
22 looking all the way to the backyard, right?

23 MS. WING: They sit above us as well.

24 CHAIRPERSON MONTAGUE: Okay, we got it.

25 MS. WING: I do have a question about that,

1 though. I believe the limitation on the city of Novi has a
2 limitation on the height of that privacy fence. Is that
3 accurate?

4 MS. KRIEGER: Six feet.

5 MS. WING: And so what you're saying is that the
6 board would also not be allowed to approve a variance for
7 the height of that privacy fence?

8 MR. SAMONA: For a height to exceed that.

9 MS. WING: Would not be allowed to approve a
10 variance?

11 MR. SAMONA: Unless we brought the variance
12 before us.

13 MS. WING: So we could also agree that there
14 would be a privacy fence installed and we would have you
15 apply for a variance that would allow that fence to be
16 taller than...

17 MR. HAVRESTIUC: My only question is, and I don't
18 have an issue, I have to put those windows on the back
19 because of the, I have to have egress windows. Yes. So I
20 am open to putting a privacy fence. I did suggest the
21 trees as that is natural, looks more natural. It can grow
22 taller, right? They're not open to that. That's fine. I
23 can put a privacy fence. That's not a problem at all.

24 MS. WING: For his sake, I do have another
25 question for his sake. Given that he would be installing a

1 privacy fence on his property, does he have a requirement
2 that he would then have to install that privacy fence all
3 the way around his property? I don't want him to be stuck
4 because there are requirements for the city of Novi.

5 MR. HALL: No, that would just be down the
6 property line. You probably should agree, if you're asking
7 for a variance, six foot would be the natural privacy
8 fence. If you want it higher than that, that would have to
9 be a variance. I am not exactly sure if the board can
10 approve that suggestion without a variance on the table.

11 CHAIRPERSON MONTAGUE: I think at this point...

12 MS. WING: Can we agree that we would be open to
13 having some type of screening?

14 CHAIRPERSON MONTAGUE: We're going to put a
15 motion in place. So we've got an agreement that you guys
16 are going to work that out. We'll work that out based on
17 the city. All we can do tonight is say that we'll add in
18 our motion that there will be a privacy fence.

19 MS. WING: Some type of screening.

20 CHAIRPERSON MONTAGUE: Some type of screening
21 that will be there. At this point, it's going to have to
22 say that it will meet the city codes. If it ends up
23 needing to be something different, you're going to have to
24 come back for another variance.

25 MS. WING: Some type of screening.

1 MR. HAVRESTIUC: I have been open with them, even
2 after trying to work out with them, I'm not in any way
3 trying to do something wrong with them.

4 CHAIRPERSON MONTAGUE: You guys can keep
5 communicating. That's cool. We're all cool with where we
6 were at. Joe, you okay with that?

7 MR. SAMONA: I'm okay. And before I make the
8 motion, I just want to make one comment. And a decision we
9 make here today, we may have a different decision on a
10 different board, such as a planning commission or city
11 council, based on the idea of a building, a business, a
12 home. So I may be able to rule one way today, yes, but if
13 I was on a different board not saying I would, I might
14 vote no. I think that's the easiest way to explain it. I
15 didn't take it offensively. I'm passionate about things.
16 I'm in real estate. I talk with a lot of passion, so I can
17 say for myself it was not taken personally. But, yes, I'm
18 ready to make a motion. Mr. Chair, I move that we grant
19 the variance sought in case number PZ26-0014, sought by
20 Adrian H-A-V-R-E-S-T-I-U-C, for a rear yard setback of 9
21 feet 3 inches because the petitioner has shown practical
22 difficulty in that the existing grandfathered wall fails
23 structurally due to preexisting conditions not created by
24 the applicant, requiring its replacement in the same
25 footprint. Without the variance, the petitioner will be

1 unreasonably prevented from completing construction of the
2 home. The property is unique due to the lot configuration
3 change that converted a former side yard into a rear yard.
4 The petitioner did not create the condition. The
5 structural failure of the existing cinderblock wall
6 predated the current owner. The relief granted will not
7 unreasonably interfere with adjacent or surrounding
8 properties as demonstrated by approved land improvement
9 and drainage plan. The variance is consistent with the
10 spirit and intent of the ordinance. The rear yard setback
11 requirement exists to protect neighboring properties from
12 loss of site, air, privacy. The variance does not
13 undermine that purpose. I also move, pursuant to
14 subsection F, that the variance be granted subject to any
15 screening or fencing being compliant with the City of Novi
16 zoning ordinance and that it be approved by any necessary
17 department within this city, including but not limited to
18 the engineering department.

19 MR. LONGO: I second.

20 MR. SAMONA: Thank you.

21 MS. KRIEGER: A question about the swale. Do we
22 include anything on that, Mr. Allen?

23 MR. HALL: You can say it based on the approved
24 site plan. It's been an approved land improvement plan. I
25 don't know if you have to add that.

1 MS. KRIEGER: For water drainage?

2 MR. HALL: We should probably should enter that
3 to an approved site plan that was submitted.

4 CHAIRPERSON MONTAGUE: I'm sorry. Do you have
5 your attitude based on the approved site plan?

6 MR. HALL: That's correct.

7 MR. SAMONA: I would like to make a small
8 amendment to my motion that it be approved based on the
9 approved site plan. Do you still second it?

10 MR. LONGO: I still second it.

11 MS. NARDONE: Member Longo?

12 MR. LONGO: Yes.

13 MS. NARDONE: Member Krieger?

14 MS. KRIEGER: Yes.

15 MS. NARDONE: Member Samona?

16 MR. SAMONA: Yes.

17 MS. NARDONE: Chairperson Montague?

18 CHAIRPERSON MONTAGUE: Yes.

19 MS. NARDONE: Member Jappaya?

20 MR. JAPPAYA: Yes.

21 MS. NARDONE: Member Thompson?

22 MR. THOMPSON: Yes.

23 MS. NARDONE: Thank you. Motion carries.

24 CHAIRPERSON MONTAGUE: Good luck. Thank you all.

25 Keep the cooperation going. That's what we want, everyone.

1 Thank you very much.

2 MR. SAMONA: Before we adjourn, I would like to
3 wish all the moms here I hope they had a great Mother's
4 Day. I hope all of you thought about what a wonderful son
5 I probably am. Motion to adjourn.

6 MR. LONGO:

7 CHAIRPERSON MONTAGUE: All in favor?

8 BOARD: Aye.

9 CHAIRPERSON MONTAGUE: Opposed? Thank you.

10 (At 7:50 p.m., meeting concluded.)

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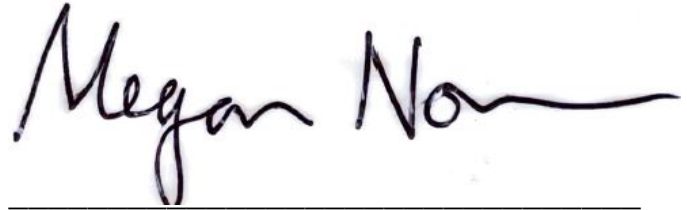
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CERTIFICATION

STATE OF MICHIGAN)
COUNTY OF MACOMB)

I certify that this transcript, consisting of 38 pages, is a complete, true, and correct record of the meeting taken on Tuesday, May 12, 2026.

I also certify that I am not a relative of, employee of, or an attorney for a party; nor am I financially interested in the action.



Megan Novak, CER 9296
Notary Public
Macomb County Michigan
My Commission Expires: 03/29/2032

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