

Meeting
07/08/2025

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

Tuesday, July 8, 2025

Council Chambers/Novi Civic Center

41725 Novi Road

Novi, Michigan

BOARD MEMBERS:

W. Clift Montague, Chairperson
Linda Krieger, Member
Michael Thompson, Member
Joe Peddiboyina, Member
Joe Samona, Member

ABSENT EXCUSED:

Siddharth Mav Sanghvi, Member
Mike Longo, Secretary

ALSO PRESENT:

Elizabeth Saarela, City Attorney
Alan Hall, Deputy Community Development
Director
Sarah Fletcher, Recording Secretary

REPORTED BY:

Melinda R. Womack
Certified Shorthand Reporter

1	AGENDA	
2		Page
3	Call to Order	3
4	Pledge of Allegiance	3
5	Roll Call	3
6	Public Hearing Format and Rules of Conduct	4
7	Minutes - June 2025	4
8	Public Remarks	5
9	Approval of Agenda	5
10	Public Hearings	5
11	PZ25-0027	5
12	PZ25-0028	16
13	PZ25-0029	29
14	PZ25-0030	34
15	PZ25-0031	53
16	Other Matters	62
17	Adjournment	63
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRPERSON MONTAGUE: Call to order the
2 Zoning Board of Appeals meeting for July 8th,
3 2025. Start with the Pledge of Allegiance,
4 please.

5 (Pledge of Allegiance recited)

6 CHAIRPERSON MONTAGUE: Roll call,
7 please.

8 MS. FLETCHER: Chairperson Montague?

9 CHAIRPERSON MONTAGUE: Here.

10 MS. FLETCHER: Member Sanghvi, absent
11 excused. Member Thompson?

12 MEMBER THOMPSON: Yes.

13 MS. FLETCHER: Member Peddiboyina?

14 MEMBER PEDDIBOYINA: Yes, please.

15 MS. FLETCHER: Member Longo, absent,
16 excused. Member Krieger?

17 MEMBER KRIEGER: Here.

18 MS. FLETCHER: Member Samona?

19 MEMBER SAMONA: Here.

20 MS. FLETCHER: Thank you. We have a
21 quorum.

22 CHAIRPERSON MONTAGUE: Thank you. Move
23 through the rules of conduct. We do have less
24 than seven members tonight so it will take a total
25 vote to approve. If you feel like you want to

1 postpone because of that, please let us know. We
2 can postpone if you feel like you need more
3 members to get your approval. I'd ask everybody
4 to silence or turn off their cell phones, please.
5 We have six cases as of now for tonight. We will
6 ask the people representing those cases come up,
7 state their name, spell their name for the
8 secretary. Be ready to be sworn in by our
9 stand-in secretary tonight. You'll have ten
10 minutes to present your case. Then anyone in the
11 audience can comment on that case. They'll have
12 three minutes to comment on that case.

13 Meeting minutes. Do we have any
14 revisions to last month's meeting minutes?

15 MEMBER SAMONA: Motion to approve.

16 MEMBER KRIEGER: Second.

17 CHAIRPERSON MONTAGUE: Everybody ayes?

18 THE BOARD: Aye.

19 CHAIRPERSON MONTAGUE: Any nays?

20 Approved. Tonight's agenda.

21 MR. HALL: Mr. Chairman. I'd like to
22 postpone case PZ25-0032 until August 12th.

23 MEMBER SAMONA: Motion to approve as
24 amended.

25 MEMBER KRIEGER: Second.

1 CHAIRPERSON MONTAGUE: Thank you very
2 much. Are there any general public remarks not
3 related to cases, if there are, this is the time
4 to present those. Okay. Seeing none, then we
5 will move on. I'd like to welcome Joe as a new
6 permanent member.

7 MEMBER SAMONA: Thank you.

8 CHAIRPERSON MONTAGUE: We felt like
9 you've been one anyway, but appreciate you and
10 thank you for your service here.

11 Tonight we now have five public
12 hearings, and we will begin with PZ25-0027, Dick's
13 Sporting Goods. Applicant requesting the variance
14 from the City of Novi Zoning Ordinance, Section
15 5.7.3.F.ii to allow a Correlated Color Temperature
16 of 5,700 Kelvin for outdoor activity space. 3,000
17 maximum, so it would be a variance of 2,700K. The
18 property is zoned Regional Center (R-C). Do we
19 have a presentation. Step up, please. State your
20 name. Spell your name.

21 MS. BRADSHAW: Hi. Good evening. My
22 name is Liz Bradshaw. L-I-Z, B-R-A-D-S-H-A-W.
23 I'm a senior development manager with Dick's
24 Sporting Goods here to discuss our newest concept
25 store which is the Dick's House of Sport going

1 into the 12 Oaks Mall.

2 MEMBER KRIEGER: Are you an attorney.

3 MS. BRADSHAW: Oh, no.

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

6 MS. BRADSHAW: Yes.

7 MEMBER KRIEGER: Thank you.

8 CHAIRPERSON MONTAGUE: Thank you. Tell
9 us how we can help you tonight.

10 MS. BRADSHAW: Yeah. So for those who
11 don't know this store concept is both retail and
12 very experiential based. We've got a lot of great
13 things going on inside. I heard you guys talking
14 about golf. There's a big golf department, golf
15 simulators. There's the climbing wall on the
16 interior. But the big draw to the store is
17 there's an outdoor sports field. It is 18,500
18 square feet. It's not regulation size, but it is
19 used for all sorts of athletic activities. Lots
20 of community events are held there. We've got --
21 I think we're up to 19 stores at the moment that
22 have active sports fields, so it's a concept
23 that's growing, and yeah, we're hoping to bring it
24 to Novi.

25 But what I'm here to ask for is a

1 variance on the lighting. Currently what is in
2 the code is a warm light, and we would like to be
3 able to elevate it and bring it down to a cool
4 light that's a little bit more similar to daylight
5 conditions just to make any sports activities a
6 little bit more safe, have better visibility and
7 kind of have that stadium feel to it when you
8 access the field.

9 CHAIRPERSON MONTAGUE: Do you have any
10 things to share with us on the screen so that the
11 public can see it as well?

12 MS. BRADSHAW: I have a few example
13 photos of some of our existing stores. I tried to
14 include night shots of some of our existing fields
15 just to kind of have a feel for how that's going
16 to be illuminated. This is our Victor, New York.
17 It's one of the first House of Sports that we
18 opened. As you can tell, that field really pops.
19 It's very illuminated. We do have glare control
20 so it doesn't spill out into the parking lot. So
21 it really is just focused on that greenfield area.

22 And then this is another location in
23 Johnson City, New York. You can see the field's
24 kind of off back in the distance. But again, very
25 controlled lighting focused on the field, gives a

1 very clear image.

2 The final photo I have is from a high
3 school signing link, one of the events that we
4 hosted at our Victor, New York store. This is in
5 the field so you can kind of see how that
6 illuminates all the student athletes and the
7 parents.

8 CHAIRPERSON MONTAGUE: Anything else to
9 add at this point?

10 MS. BRADSHAW: No, I don't believe so.

11 CHAIRPERSON MONTAGUE: All right. Do we
12 have anybody in the audience that would like to
13 comment? Okay. It appears not. City.

14 MR. HALL: Thank you, Mr. Chairman.
15 Yes, they are asking for a variance for the color
16 rendering of the lights. So the ordinance says
17 that wants to be a 3,000 Kelvin, and they'd like
18 to go at a 5,700 Kelvin, which is more of a
19 lighter bluer light. That is more in keeping with
20 a sports field, so we have no objections of that.

21 CHAIRPERSON MONTAGUE: Correspondence.

22 MEMBER KRIEGER: For this case for
23 Dick's Sporting Goods mailed were 22, returned
24 zero, objections zero, approvals zero.

25 CHAIRPERSON MONTAGUE: Open it up to

1 the board for comment.

2 MEMBER SAMONA: Yes. I'm actually very
3 excited for this. I watched I believe it was the
4 23rd of last month this City Council meeting
5 regarding this. So just so I am clear, the sports
6 field is going to go where the former Sears Auto
7 Center was, correct?

8 MS. BRADSHAW: Yes, that's correct.
9 The Auto Center is going to be torn down,
10 remediated, and we're going to be building the
11 field in the exact footprint on top.

12 MEMBER SAMONA: This is really exciting,
13 especially for that -- especially for that space.
14 I think I saw that it's like the 27th or 28th in
15 the US. I guess one of the things I wanted to say
16 was the photometric study that was provided was
17 great, which, to my knowledge, provides
18 information on any spillage of the lighting, or
19 lack thereof, which was great. Two questions.
20 One, how, if you guys know this, how does it
21 compare to, for example, if you're driving past a
22 Top Golf, for example, do you know what Kelvin
23 level they use, for example, or does it vary store
24 to store? Are you always at 5,700 Kelvins for any
25 one of these uses or does it depend on the area or

1 how much natural shade it gets or what direction
2 it's facing? That's part one of the question.
3 And the other question, I'm in support of this,
4 but what would the harm be if it was 5,000 Kelvin
5 or 4,000 versus the 5,700 just for, you know, just
6 to make sure that I'm thinking about it on the
7 same page as it was proposed.

8 MS. BRADSHAW: I can't answer the Top
9 Golf question with 100% certainty, but I'm trying
10 to visualize driving by. It seems like it would
11 be close to the same level very brightly
12 illuminated. We do, that is, the 5,700 is the
13 spec that's coming from our lighting vendor who's
14 providing these pictures, so they are consistent
15 from field to field. They really don't change
16 very much. Positioning is consistent on four
17 corners of the fenced-in area. And we typically
18 don't have any trees or shading in there, so it
19 really is pretty consistent from store to store.
20 I don't know for certain if we were to drop it
21 down what impact that would have, but I'm not
22 positive if the lights said they're dimmable. So
23 there might be some flexibility there. But from
24 what I understand, it's more of a safety concern.
25 They just want to have a brighter visibility. I

1 don't know about you guys, but I'm not a fantastic
2 athlete, so if a ball is coming at my head, I'm
3 probably going to duck, but I would like to see
4 that that ball was coming at my head.

5 MEMBER SAMONA: Sure. I don't have
6 anything against it. I think the closest I guess
7 living area, if you will, is the Baronette Hotel,
8 which I think is like 900 and something feet away
9 from what I read in the application. Those were
10 my only questions. And my about dropping it was
11 more curiosity on if it's uniform across all of
12 your stores, there's a reason for it, so I
13 understand that. I don't have anything else.
14 Thank you, though.

15 MS. BRADSHAW: Thank you.

16 MR. HALL: Mr. Chairman, I'd like to
17 add to follow-up on your question. The 700 K
18 would be negligible, if you want to be able to
19 tell the difference from 5,000 Kelvin to a 5,700
20 Kelvin, it's going to look like bluish white light
21 so you wouldn't be able to tell the difference.
22 So turning it down is not going to be -- you'd
23 have to go way down to 3,000 to make a difference
24 to make it look more like a candlelight. But we
25 don't want candlelight in the field. I think if

1 they have it bright white light would be
2 appropriate.

3 MEMBER SAMONA: More like daylight is
4 what the point is.

5 MR. HALL: Thank you.

6 MEMBER PEDDIBOYINA: Are you the
7 contractor? What is your position on this
8 application?

9 MS. BRADSHAW: I'm the real estate
10 development. Just more behind a desk most days.
11 So I'm just here as a representative, kind of
12 funneling the information that I've received.

13 MEMBER PEDDIBOYINA: Okay. What are
14 the timings of this light operating?

15 MS. BRADSHAW: The timing is going to
16 follow the store hours. Once the store is closed,
17 the lights go off, which I believe we're also
18 following the mall. So I think it's 9 p.m. is
19 when that one will close.

20 MEMBER PEDDIBOYINA: Thank you. Thank
21 you, Chairman.

22 MEMBER KRIEGER: And then to follow
23 that, is the light pole going to be as high as the
24 ones that are in the parking lot, or are they
25 going to be like the two-story building higher?

1 MS. BRADSHAW: That's a good question.
2 I know the light poles are at 40 feet. I don't
3 know how they compare to what's in the parking
4 lot.

5 MEMBER KRIEGER: Comparable to other
6 events where you want to have them well lit, and
7 then the scientific part about it that the
8 daylight versus less light, like school events as
9 an example, that would be better off, so. And
10 then you said that it followed the store hours for
11 being on and off. So I'd be able to support your
12 request.

13 MS. BRADSHAW: Thank you.

14 MEMBER SAMONA: Now, the only thing I
15 want to add is I want to make sure that if we
16 approve this, we're approving the usage, not
17 approving anything to do with operating on the
18 mall hours. So if they have special events or
19 something like that, and if they open past the
20 mall hours, our approval has nothing to do with
21 mall hours, correct?

22 CHAIRPERSON MONTAGUE: That's correct.

23 MEMBER SAMONA: Perfect.

24 CHAIRPERSON MONTAGUE: It's the Kelvin
25 of the lighting. That's what we're doing now.

1 MEMBER SAMONA: That's all.

2 MEMBER KRIEGER: But then you wouldn't
3 leave the light on all night.

4 MS. BRADSHAW: No, certainly not.

5 MEMBER PEDDIBOYINA: Yeah. I agree what
6 you said, especially, Thanksgiving sale, Christmas
7 sale, those times the lights will be on?

8 MR. LOFTON: I don't know the protocol.

9 MEMBER PEDDIBOYINA: Can you please
10 come to the podium and speak and spell your name.
11 You want to speak on this?

12 MR. LOFTON: Just that the mall lights
13 are higher, 20 foot higher than the 40 foot
14 lights. Our parking lot lights are.

15 CHAIRPERSON MONTAGUE: Could you step
16 up there for a second so we can get you on the
17 record? Appreciate that.

18 MR. LOFTON: Scott Lofton, the general
19 manager of 12 Oaks. And the parking lot lights
20 are 60 feet high. These are going to be 40. So
21 that's the difference in the height.

22 CHAIRPERSON MONTAGUE: Thank you very
23 much. Appreciate that.

24 MEMBER PEDDIBOYINA: Yeah, thank you so
25 much. And we'd love to support this case and we

1 want the City of Novi too.

2 CHAIRPERSON MONTAGUE: Anybody else?

3 No? All right. Then I will call for a motion.

4 MEMBER THOMPSON: I move that we grant
5 the variance in case PZ25-0027 sought by Dick's
6 Sporting Goods for a lighting variance because the
7 petitioner has shown practical difficulty
8 requiring lighting different than the code
9 currently stands. Without the variance, the
10 petitioner would be unreasonably prevented or
11 limited with respect to the use of the property
12 just because of the updates and the lighting power
13 that's out there. The property is unique,
14 different than anything else being in the shopping
15 mall. The petitioner did not create the condition
16 just because advancements in the new fixtures
17 compared to an older code. The relief granted
18 will not unreasonably interfere with adjacent or
19 surrounding properties because they are far away
20 and they're going to operate within good hours.
21 The relief is consistent with the spirit and the
22 intent of the ordinance and just because it's
23 going to make a good advancement to our community.

24 MEMBER SAMONA: Support.

25 MEMBER PEDDIBOYINA: Second.

1 CHAIRPERSON MONTAGUE: Roll call,
2 please.
3 MS. FLETCHER: Chairperson Montague?
4 CHAIRPERSON MONTAGUE: Yes.
5 MS. FLETCHER: Member Thompson?
6 MEMBER THOMPSON: Yes.
7 MS. FLETCHER: Member Peddiboyina?
8 MEMBER PEDDIBOYINA: Yes, please.
9 MS. FLETCHER: Member Krieger?
10 MEMBER KRIEGER: Yes.
11 MS. FLETCHER: Member Samona?
12 MEMBER SAMONA: Yes.
13 MS. FLETCHER: Thank you. Motion
14 carries.
15 CHAIRPERSON MONTAGUE: Congratulations.
16 MS. BRADSHAW: Thank you very much.
17 CHAIRPERSON MONTAGUE: Very excited.
18 Bringing a lot of light to that mall there.
19 Appreciate it.
20 MS. BRADSHAW: Very excited too.
21 CHAIRPERSON MONTAGUE: Let's move on to
22 case number two here. Case PZ25-0028. Adrian
23 Havrestiuc. I'm sorry if I mispronounced that.
24 24235 Glenda Avenue. The applicant is requesting
25 variances from the City of Novi Zoning Ordinance

1 Section 3.1.5 for a rear yard setback of 10.25
2 feet, 35 foot required, which results in the
3 variance of 24.75 feet. And a front yard setback
4 of 23.75 feet. 30 foot is required. So that
5 would be a variance of 6.25 feet. This property
6 is zoned One-Family Residential (R-4). I assume
7 you're here to represent it. Please state your
8 name and spell it.

9 MS. CARNAHAN: Good evening. My name's
10 Angela Carnahan, A-N-G-E-L-A, C-A-R-N-A-H-A-N.
11 And I'm representing Adrian Havrestiuc.

12 MEMBER KRIEGER: Are you an attorney?

13 MS. CARNAHAN: I am not.

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

16 MS. CARNAHAN: I do.

17 CHAIRPERSON MONTAGUE: How can we help
18 you tonight?

19 MS. CARNAHAN: Sure. So Adrian is a
20 friend. I'm a professional land use planner, and
21 he's out of the country so I'm representing him
22 today. He purchased this property I believe a few
23 months ago, and we are here to request a variance.
24 As you had stated, this is a lot that was split
25 back in 2005. It was part of the Salow's Walnut

1 Hill Subdivision. A variance was approved back
2 then, and it is now expired. So we are here to
3 ask for that renewal to that variance. There is
4 an existing home and an existing garage. He's
5 looking to add an addition that would be kind of
6 meet the exact footprint of the existing house,
7 just extending it north. And so there's
8 difficulty just with the deck of the lot to be
9 able to create any type of addition and make this
10 a larger, livable home.

11 I do have one correction. We were
12 basing the total variance off of the legal
13 boundary survey that was done back in 2005. We
14 just had one done two days ago, and the surveyor
15 sent me the information. So I wanted to give
16 you -- it's just off by a few inches. I wanted to
17 give you those numbers. Can I give them to you
18 now?

19 CHAIRPERSON MONTAGUE: Sure.

20 MS. CARNAHAN: So the 10.25 rear yard
21 setback would be 10.58 with a variance of 24.42.
22 And then the front yard setback would be from
23 23.75 to 23.5, requesting a variance of 6.5.

24 MEMBER SAMONA: Could you repeat those
25 numbers one more time, please?

1 MS. CARNAHAN: Sure. The rear yard
2 setback you have at 10.25. I believe on the
3 application he submitted, it is 10.58. So the
4 variance request instead of 24.75 would be 24.42.
5 The front yard setback, you have it and 23.75. It
6 should be 23.5, with a variance of 6.5 instead of
7 6.25.

8 MEMBER PEDDIBOYINA: Do you have a
9 printout?

10 MS. CARNAHAN: I do.

11 MEMBER PEDDIBOYINA: Can you please?

12 MS. CARNAHAN: So we have this at 9.3
13 and it is 9.7. So there's the existing house and
14 there's the existing garage. So this is one of
15 the variances. And then this is the garage, and
16 that's 23.6. So that's where I was --

17 CHAIRPERSON MONTAGUE: Lining up with
18 the existing.

19 MS. CARNAHAN: Just lining up with what
20 is on the lot today. 20 years ago it was a
21 different survey, so it was off by a few inches.

22 MEMBER PEDDIBOYINA: Front yard setback,
23 they are the same. There's no changes on that.

24 MS. CARNAHAN: There is.

25 CHAIRPERSON MONTAGUE: Front yard --

1 MS. CARNAHAN: Yeah. 23.6. And I
2 believe you guys had it at 23.9.

3 CHAIRPERSON MONTAGUE: You're asking
4 for 23.9? Is that what you're saying?

5 MS. CARNAHAN: No. So I'm looking at
6 what was submitted in his application, and I don't
7 know if that's what you guys have. Let me look on
8 your --

9 MEMBER PEDDIBOYINA: We have the rear
10 yard setback as 10.25 feet you mentioned.

11 MS. CARNAHAN: So yeah. You see I'm
12 looking at the agenda where it says variances of
13 24.75. So instead of 24.75, it will be 24.42.
14 And front yard variance of 6.25, it will be 6.5.
15 Those are the differences. These variances are
16 based on what's existing on the lot today.

17 MEMBER SAMONA: I don't think we can go
18 up. We can't go up, because I know I brought it
19 up I believe at the last meeting, or two meetings
20 before somebody requested.

21 MEMBER KRIEGER: Only thing, the house
22 didn't move, just the numbers.

23 MS. CARNAHAN: The house didn't move.
24 So the surveyor that was done back in 2005 was
25 just off by a few inches.

1 CHAIRPERSON MONTAGUE: We have been
2 told in the past we can go down, but not up.

3 MEMBER SAMONA: So you're requesting a
4 variance on the rear yard of 24.42 feet would be
5 the total variance being requested. 24.42 is what
6 the variance being requested is. However, the
7 rear yard setback would be 10.58 feet.

8 MS. CARNAHAN: So the house is set from
9 the rear ten feet away from the property line.
10 That's where it is today.

11 CHAIRPERSON MONTAGUE: The one setback
12 is going down from 24.75 to 24.42. The front yard
13 is going up from 6.25 to 6.5. So we have one
14 going down and one going up based on the existing
15 construction that's out there.

16 MR. HALL: Thank you, Mr. Chairman. So
17 I think the spirit of the Zoning Board of Appeals
18 from previous, they had a variance for the garage.
19 Now we're going back again for the house, but the
20 garage didn't move. So I think the spirit was it
21 was approved originally at whatever distance it
22 was. It hadn't moved. So I think even though it
23 got bigger technically, it hadn't really gotten
24 bigger in the sense that the ZBA hasn't looked at
25 it -- a previous board looked at that and approved

1 at that time, if that makes sense. We can
2 probably use that as the spirit to say that even
3 though the numbers technically changed because a
4 new survey came in, the garage was approved by a
5 previous board in that instance, and then we'll be
6 looking at the new house and where it sits in this
7 land, if that makes sense.

8 MEMBER PEDDIBOYINA: For the city. Can
9 we do this like this, we can just change these
10 numbers? Can we do now?

11 MR. HALL: The question is, can we do
12 that. You can always grant a lesser variance that
13 was published. So what was published for the
14 24.42, yes, you can you grant that change. On the
15 6.5, technically because it was published for
16 6.25, it's a greater variance, but the applicant's
17 not changing anything that was already previously
18 approved by an earlier board. So I'm thinking
19 that the spirit of it, it didn't really change.
20 It's just doing paperwork change, is to say that
21 was trying to update it to the new current records
22 that are more accurate than they were when they
23 were first were viewed.

24 MEMBER PEDDIBOYINA: Because we sent the
25 letters to the neighbors and the numbers were

1 given them, now it's changed the numbers.

2 MR. HALL: Right. So I think the
3 spirit of the previous board that approved it, if
4 you were to say you could put that, they'd have to
5 move the existing garage back. That would be a
6 hardship I don't think the board would do if you
7 didn't approve it tonight at that variance. Does
8 that make sense?

9 MEMBER SAMONA: I think I know what
10 you're saying. What you're saying is if we didn't
11 approve that, essentially, regardless of the
12 renovations or remodeling to the house, they'd
13 have to move the garage back.

14 CHAIRPERSON MONTAGUE: Let's continue
15 this when we get to our discussion. We're off
16 track here. Did you have anything else -- I want
17 to say I appreciate you bringing up the real
18 facts. That's very brave of you and admirable.
19 So thank you for that.

20 MS. CARNAHAN: Yeah. I just wanted to
21 show you the site plan because it might actually
22 make more sense than all of the numbers from the
23 survey. But it's a matter of three inches we're
24 taking about, which that can happen sometimes with
25 survey equipment. So I think that's a miniscule

1 detail. So this is the existing. So these were
2 approved back in 2005 when the lots were split.
3 This is the proposed addition. We're bringing in
4 one foot in to give a little bit more of a barrier
5 between the property line and the addition. So
6 this kind of shows the lot a little more clear
7 than all the other numbers.

8 CHAIRPERSON MONTAGUE: Okay. Anything
9 else?

10 MS. CARNAHAN: No. That will be it.
11 I'll open for discussion. I think we can answer
12 questions better during discussion.

13 CHAIRPERSON MONTAGUE: Anybody speak to
14 it?

15 MS. MASON: Hi. I'm Hailey Mason.
16 We're moving in actually tomorrow across the
17 street from this. So I have a question about the
18 notice that was sent. I'm going to read from it
19 and then I'm sure which I think you kind of
20 already answered the question, but I'm here, so I
21 might as well ask. It says an ordinance with the
22 MCL 125.3103 the manager or owner of a single
23 structure containing more than four dwelling units
24 or other distinct spatial areas owned or leased by
25 different persons is hereby requested to post the

1 notice on the primary entrance to the structure.

2 My question is about the four dwelling units.

3 This is just going to be a single-family home?

4 MS. CARNAHAN: Yeah. Where does it say
5 four dwelling units.

6 MS. FLETCHER: That goes on every notice
7 as just a legality thing. So for apartment
8 buildings they would post that in like their
9 common area and such, but we include it on every
10 notice.

11 MS. CARNAHAN: They're extending their
12 home because it's a really tiny home.

13 MS. MASON: That's all I wanted to
14 know. Make sure it wasn't an apartment or a
15 townhouse going in. That was my only question.
16 Thank you.

17 CHAIRPERSON MONTAGUE: City.

18 MR. HALL: Thank you, Mr. Chairman.
19 Well, they're asking for basically one variance
20 tonight. They're asking for a 24.42 variance for
21 the new addition to the house. Because there was
22 a discrepancy in the surveying of new technology
23 versus a previous thing, the board could approve
24 the existing placement of the garage as is, and
25 not give a variance of a number to say it approved

1 as a variance, I think, or it can approve the 6.5
2 variance that it is. So I think it's still in the
3 spirit of the ordinance and of the board's
4 decision, your decision, and the previous board's
5 decision, because it's not something that the
6 applicant can actually change without a hardship
7 of actually moving the structure. Does that make
8 sense. We're missing our city attorney, but I
9 think I'm correct.

10 So just a further comment. I think
11 that the addition is unifying the structures on
12 the site. So beyond that, we don't have any
13 discussion. Thank you.

14 CHAIRPERSON MONTAGUE: Correspondence.

15 MEMBER KRIEGER: For this case, 21 were
16 mailed, zero returned, zero objections, zero
17 approvals.

18 CHAIRPERSON MONTAGUE: Open it up to
19 comments.

20 MEMBER SAMONA: I don't have an issue
21 with this. I drove by it. I actually really
22 really like the idea of what they're doing there.
23 I would be more in favor of the actual -- the
24 front yard setback. I'd be more in favor of
25 granting that front yard setback as it currently

1 sits just in case there was a discrepancy between
2 the two surveys, so that way in case there's ever
3 someone who challenges that, if there's ever a
4 discrepancy in another surveys as far as the size,
5 that way the homeowner does not -- does not, you
6 know, have a further burden, if you will, in that
7 matter. So I think that that would serve the
8 homeowner even better to grant the front yard
9 setback as the garage currently sits.

10 CHAIRPERSON MONTAGUE: Other comments?

11 All right. I guess we're ready for a motion.

12 MEMBER PEDDIBOYINA: I move to grant the
13 variance of case number PZ25-0028 for the property
14 located 24235 Glenda Avenue granting variance of
15 Section 3.1.5 of the Zoning Ordinance of rear yard
16 setback of 10.25. Variance of 10.58. The
17 variance of 24.42. And a front yard setback 23.75
18 feet variance.

19 MEMBER SAMONA: We're trying to approve
20 the front yard as it currently sits.

21 MEMBER PEDDIBOYINA: The applicant has
22 demonstrated a practical difficulty due to the
23 shallow depth of the lot. The hardship is not
24 self-created and the variance is necessary. The
25 relief granted will not unreasonably interfere

1 with adjacent or surrounding properties because
2 the proposed variance does not negatively affect
3 the adjacent property. The relief is consistent
4 with the spirit and intent of the ordinance and is
5 in the spirit of the ordinance. That's all.

6 MEMBER SAMONA: Second.

7 MEMBER KRIEGER: Just to clarify, the
8 24.42 for the side yard and then the as is for the
9 setback for the front yard.

10 MEMBER SAMONA: Yes. That's my second.

11 MEMBER KRIEGER: Thank you.

12 MS. FLETCHER: Member Samona?

13 MEMBER SAMONA: Yes.

14 MS. FLETCHER: Member Krieger?

15 MEMBER KRIEGER: Yes.

16 MS. FLETCHER: Member Peddiboyina?

17 MEMBER PEDDIBOYINA: Yes, please.

18 MS. FLETCHER: Member Thompson?

19 MEMBER THOMPSON: Yes.

20 MS. FLETCHER: Chairperson Montague?

21 CHAIRPERSON MONTAGUE: Yes.

22 MS. FLETCHER: Thank you. Motion
23 carries.

24 MEMBER KRIEGER: Good luck.

25 CHAIRPERSON MONTAGUE: Thank you very

1 much. Appreciate it. All right. Take case
2 number three. PZ25-0029. 1401 East Lake Drive.
3 The applicant is requesting a variance from the
4 City of Novi Zoning Ordinance Section 3.32.7 to
5 allow an uncovered deck to project 8 feet 4.5
6 inches from the rear property line, 17 feet
7 required, so it's a variance of 8 feet 7.5 inches.
8 This property is zoned One-Family Residential
9 (R-4). You're representing. State your name and
10 spell it, please.

11 MR. YONO: Joseph Yono, J-O-S-E-P-H,
12 Y-O-N-O.

13 MEMBER KRIEGER: Are you an attorney,
14 Mr. Yono?

15 MR. YONO: No. I'm the homeowner.

16 MEMBER KRIEGER: Okay. Do you swear or
17 affirm to tell the truth in this case?

18 MR. YONO: I do.

19 MEMBER KRIEGER: Thank you.

20 CHAIRPERSON MONTAGUE: How can we help
21 you?

22 MR. YONO: Here for a variance for a
23 back deck. Originally when we built the house we
24 ran into water table problems so we had to raise
25 the house two feet. Originally it was supposed to

1 be five steps just out of the back into the
2 backyard. But when we rose the house, we won't be
3 able to do that because the decks would end up at
4 the back fence. So we came up with, right here is
5 basically where the deck's going to be. It was
6 originally supposed to go down this way and ended
7 up right where in the bend. But with it going up
8 two feet, we'd end up at this back fence here. So
9 we're asking for a seven foot by nine foot with
10 steps going down along the side of the house just
11 so we can access that back door. Back here is a
12 fence that goes along the whole back thing.
13 There's going to be four foot steps wide. I
14 believe it's six steps to get down.

15 CHAIRPERSON MONTAGUE: All right.
16 Anything else?

17 MR. YONO: That's about it.

18 CHAIRPERSON MONTAGUE: Anybody in the
19 audience want to make comment? All right. City.

20 MR. HALL: Thank you, Mr. Chairman.
21 Yeah. He is seeking a single variance tonight for
22 an eight foot seven and a half inch variance to
23 construct a composite deck seven foot by nine feet
24 as he mentioned. It is on a corner property and
25 it doesn't leave a lot of room for a deck. So we

1 have no comments. Thank you.

2 CHAIRPERSON MONTAGUE: Correspondence?

3 MEMBER KRIEGER: Thirty were mailed for
4 this case, three returned, zero objections, one
5 approval. The approval is from Dru and Sue
6 Soborowski on East Lake. They agree that Joe Yono
7 should be granted the desired variance. That
8 particular area around the lake has unusual small
9 lot sizes, as a result, numerous variances have
10 been granted to accommodate owners. Mr. Yono has
11 constructed a high quality beautiful home and
12 assuredly he will build the deck to those high
13 standards. That's it.

14 MEMBER PEDDIBOYINA: I just drove this
15 property a couple of days back. Nice property and
16 a corner one. They have a nice area, and I have
17 no objections. Good luck.

18 MR. YONO: Thank you.

19 MEMBER SAMONA: I don't have questions.

20 MEMBER KRIEGER: I drove by and I saw
21 you have a nice lawn put back there. And I was
22 wondering, the power lines above, that would not
23 be -- it's kind of like my house. I've got an
24 easement with power lines as well.

25 MR. YONO: Power lines run along the

1 back fence, and it's not going to go that far.
2 You still have eight feet. It's not going to be
3 that high. It's just literally going to be walk
4 out from, I think it's five feet high. Yes. Five
5 feet from the ground to the top of the door.

6 MEMBER SAMONA: I drove by too. It's
7 necessary.

8 MEMBER KRIEGER: Yes.

9 MEMBER SAMONA: I had to make a comment.
10 It wouldn't be the same.

11 MEMBER KRIEGER: It wouldn't be the same
12 without a comment.

13 CHAIRPERSON MONTAGUE: Make a motion.

14 MEMBER SAMONA: I move that we grant the
15 variance in case PZ25-0029 sought by Joseph Yono
16 for an uncovered deck to project eight feet four
17 and a half inches from the rear property line
18 because petitioner has shown practical difficulty
19 requiring relief from the rear setback due to the
20 unique restraints of the corner lot configuration
21 that limits the usable outdoor space. Without the
22 variance, the petitioner will be unreasonably
23 prevented or limited with respect to the use of
24 the property because the corner lot creates a
25 limited usable yard space. The property is unique

1 because of the irregular dimensions of the
2 property. The petitioner did not create the
3 condition because the corner lot configuration was
4 established when the property was originally
5 platted. The relief granted will not unreasonably
6 interfere with adjacent or surrounding properties
7 because proposed deck is modest in size and being
8 in the rear yard will maintain appropriate privacy
9 and compatibility with neighboring properties.
10 The relief is consistent with the spirit and
11 intent of the ordinance because allowing
12 reasonable amenities supports the residential
13 characteristics of the neighborhood while the
14 reduced setback still provides adequate separation
15 from neighboring property lines.

16 MEMBER KRIEGER: Second.

17 CHAIRPERSON MONTAGUE: Roll call,
18 please.

19 MS. FLETCHER: Member Thompson?

20 MEMBER THOMPSON: Yes.

21 MS. FLETCHER: Member Krieger?

22 MEMBER KRIEGER: Yes.

23 MS. FLETCHER: Chairperson Montague?

24 CHAIRPERSON MONTAGUE: Yes.

25 MS. FLETCHER: Member Peddiboyina?

1 MEMBER PEDDIBOYINA: Yes, please.

2 MS. FLETCHER: Member Samona?

3 MEMBER SAMONA: Yes.

4 MS. FLETCHER: Thank you. Motion
5 carries.

6 MR. YONO: Thank you. Appreciate you.

7 CHAIRPERSON MONTAGUE: Case number four.
8 PZ25-0030. The applicant is requesting a variance
9 from the City of Novi Zoning Ordinance Section
10 5.11.1.A.ii. to allow a 6 foot fence in the front
11 yard setback not permitted for this property.
12 This property is zoned One-Family Residential
13 (R-1). Please state your name and spell it for
14 the record.

15 MR. SVIONTK: Good afternoon, board.
16 My name is Jordan Sviontk, J-O-R-D-A-N, Sviontk
17 spelled S-V-I-O-N-T-K. I'm here with -- on behalf
18 of Superior Fence & Rail, which I guess is on
19 behalf of the Proppes who are here with us.

20 MEMBER KRIEGER: Are you an attorney?

21 MR. SVIONTK: I am not.

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

24 MR. SVIONTK: I do. Yes, ma'am. The
25 reason we're here today, and I don't know if this

1 is a clerical issue or not, there's not a six-foot
2 fence being asked for in the front of their house,
3 which according to your guy's variance you don't
4 offer any fences in the front yard. They were
5 just looking to put a semi private aluminium fence
6 in the front yard. For what it's worth, just to
7 give you guys the story of what's happened so far.
8 It's my understanding for fencing ordinances, you
9 guys do everything through the vein of HOAs. The
10 Proppes do not live at an HOA. I was already
11 aware of that. So I had reached out with your
12 guys' city building department to confirm all the
13 details would be compliant with the ordinances and
14 everything like that. I had spoke with a
15 inspector. She had let me know that everything I
16 had relayed to her was going to be compliant. We
17 proceeded to install their fence, and that's when
18 that inspector reached out and decided it was no
19 longer compliant. I had spoken with both that
20 inspector as well as the vice president of the
21 building department. I forget his title. His
22 name is Alan. I don't know if anybody knows him.

23 MR. HALL: That's me.

24 MR. SVIONTK: That's funny. So Alan, I
25 spoke with you about this. I guess the crux of

1 the issue is there was no malicious intent. There
2 was nothing. We were not trying to circumvent any
3 rules. We were just trying to confirm everything.
4 Somewhere, someway there was a miscommunication
5 that happened and we put a fence in the front yard
6 that you guys don't allow for.

7 We're simply just here asking for that
8 variance. It's not shown very well on this photo
9 here, but the yard does take a little bit of a
10 steep grade towards the back. It's not shown here
11 as well but there seems to be like a swampy area
12 towards the back back here.

13 The crux of the issue is really just
14 giving their young children a space to play. This
15 is around the corner of Meadowbrook and Eight
16 Mile, a little bit of a busy area. So the idea
17 was to keep all the children safe inside of that
18 fence, and in doing so, we were trying to expand
19 the footprint a little bit more so that way they
20 can have fun and do so in a safe manner. I don't
21 really have anything else to add beyond that. If
22 you guys have questions for me, I'm not exactly
23 sure how this happened, but. . .

24 CHAIRPERSON MONTAGUE: All right. Thank
25 you. Anyone in the audience want to say

1 something? Please state your name and spell it.

2 MR. PROPPE: Hello. Brian Proppe, the
3 homeowner. B-R-I-A-N, P-R-O-P-P-E.

4 MEMBER KRIEGER: Are you an attorney?

5 MR. PROPPE: I am not.

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

8 MR. PROPPE: I do.

9 MEMBER KRIEGER: Thank you.

10 MR. PROPPE: I brought a couple more
11 photos just of the fence just to have them. So it
12 is, as Jordan mentioned, it's a four-foot fence in
13 the front, not six foot, as was put on. But we
14 wanted to make the fence kind of blend in as best
15 we could, which is why we had it extend up into
16 the front where behind these arborvitaes that were
17 already present when we moved into the home. So
18 the fence actually goes up right behind all of
19 those arborvitaes in the front, and then is lower
20 than the height of all those trees as well. So if
21 we were to move it back, it would actually kind
22 of -- it would have to come back I think about 29
23 feet or so and kind of cut right through the
24 middle of that part of the yard, and then actually
25 probably be a little bit more visible because it

1 wouldn't be hugging that treeline quite as well.

2 CHAIRPERSON MONTAGUE: Does that got
3 you covered?

4 MR. PROPPE: Yep.

5 CHAIRPERSON MONTAGUE: Anybody else now?
6 All right. City.

7 MR. HALL: Mr. Chairman, yes. They're
8 here to get a variance to put a fence in the front
9 yard setback. There was some confusion with the
10 placement of it. The fence is already up. So we
11 spoke on the phone. He needed to come to the ZBA
12 to your board have to that reviewed and looked at.
13 There's no obligation because the fence is up.
14 You can make decisions whatever you would like,
15 but there was a code enforced violation because
16 the fence is up, so he's trying to rectify the
17 violation with ZBA approval tonight.

18 CHAIRPERSON MONTAGUE: Correspondence.

19 MEMBER KRIEGER: For this case, 13 were
20 mailed, zero returned, zero objections, zero
21 approvals.

22 CHAIRPERSON MONTAGUE: All right. Open
23 it up for comments.

24 MEMBER PEDDIBOYINA: Alan, the city,
25 the fence is already established?

1 MR. HALL: That's correct. There was
2 some confusion. They thought they had the
3 approvals, and the zoning ordinance doesn't allow
4 fence in the front yard setback. So when it was
5 noted that it was, then a violation was issued
6 because a fence was put in the front yard setback
7 to their dismay. So to rectify it, they've come
8 before the board tonight to see if they could get
9 approval to put it in the front yard or they'll
10 need to move it back off the front yard. So that's
11 the situation before you tonight.

12 MR. SVIONTK: Am I allowed to add
13 comment to that? I wasn't sure if I was allowed
14 to speak or not. For what it's worth, the fence
15 itself, I know, like I said, mentioned you guys do
16 things a little differently. Typically in Novi,
17 we just defer to the HOAs and make sure that they
18 have everything compliant. That's why I had
19 reached out to the city to make sure everything
20 was compliant previously. So that's the reason
21 why we had the issue in the first place with it
22 not being compliant now. But that's why I had
23 made every effort to contact the city. I have
24 call logs and everything if you guys would like to
25 verify everything. I did make efforts to reach

1 out to everyone to make sure everything was up to
2 code.

3 CHAIRPERSON MONTAGUE: Okay. I'll open
4 it up to the board for comments.

5 MEMBER SAMONA: The trees are behind the
6 fence or in front?

7 MR. SVIONTK: So from the picture's
8 perspective, the fence is behind the trees. They
9 would be -- or I'm sorry. They would be in front
10 of the trees. So if you were to walk directly
11 forward, you'd run into the fence before you ran
12 into these trees from this point of view.

13 MEMBER SAMONA: So if you're driving
14 from the road, you don't see the trees are
15 covering the fence.

16 MR. SVIONTK: Yes, sir.

17 MEMBER SAMONA: I'd be in favor of
18 supporting it as long as they maintain that the
19 tree height is maybe at least the height of the
20 fence, if not more.

21 MEMBER KRIEGER: I drove by and it's
22 kind of confusing which is the front, which is the
23 side, even though the driveway and the garage come
24 out to Meadowbrook Road, that when you look at the
25 fence and you're coming north that that's almost

1 like a front play area. But also because you have
2 little kids and it's aesthetically pleasing, and
3 I'm sure with time, the fence and the arborvitae
4 will grow together. Since it's only four feet, it
5 will disappear and take care of itself that it
6 should be fine.

7 MEMBER THOMPSON: Can I ask just ask the
8 board a question?

9 MEMBER KRIEGER: Sure.

10 MEMBER THOMPSON: All five of us would
11 have to agree being a five-person board.

12 MEMBER KRIEGER: Right.

13 CHAIRPERSON MONTAGUE: Yes, sir.

14 MEMBER THOMPSON: Versus if there was a
15 seven person board, only four of the seven would
16 have to agree.

17 CHAIRPERSON MONTAGUE: That's correct.

18 MEMBER THOMPSON: Only four of us have
19 to agree.

20 MS. FLETCHER: Only four.

21 MEMBER THOMPSON: This is a tough one.
22 For me, this is a tough one. Let me explain why.
23 The variance is going to go with the house
24 forever, okay? Ten years from now your family
25 gets bigger, you get transferred out of state, you

1 guys decide to leave the house. The variance goes
2 to the next person, okay? I have commercial
3 property that fencing becomes an issue when people
4 don't take care of the trees and the whatnot in
5 front of it. We've had situations where tenants
6 don't spray for weeds along the thing. The weeds
7 go big enough into trees that they end up pushing
8 the fence up. We have three kids. We live in a
9 busy street, even though it's in a subdivision in
10 the city, and our house was actually hit by a
11 drunk driver on Easter last year, okay? So I'm
12 well aware of all of the stuff.

13 I feel bad that I didn't go by the
14 site, okay, because looking at it on Google Earth,
15 it's the only thing around with a fence off of
16 Meadowbrook Road which is a 35, 40.

17 MEMBER KRIEGER: There is a chain link
18 fence a little bit north.

19 MR. PROPPE: Across the street there's
20 a chain link fence around one of the properties.

21 MEMBER THOMPSON: I'm just for the
22 city's side of going with it. Do you understand,
23 we're approving it forever. You can't promise the
24 next person's going to take care of it. I guess
25 that's my only comment.

1 CHAIRPERSON MONTAGUE: Okay. Well, it
2 is -- it is aesthetically pleasing. It's a nice
3 fence. The planting around there is nice. As
4 Mike says, it needs to be taken care of. And it
5 is kind of a -- you're kind of approaching --
6 you're coming up to a corner so it is fairly
7 dangerous coming up to that corner. It's on your
8 right. So a ball goes flying out there or
9 something, I do feel like it safety wise it's
10 good, you know, especially with bushes there.
11 Somebody comes between the bushes and, you know,
12 there's potential for hazard there. So that's
13 kind of my take on it.

14 MR. HALL: Mr. Chairman, I'd just like
15 to mention, and you mentioned before this case,
16 that we could postpone it and have more on the
17 board so there's not the pressure on one person
18 for a board member. We can do that, or it can be
19 up to the applicant if they want to continue to
20 that vote or they can postpone it. I just wanted
21 to remind you of that. Thank you.

22 CHAIRPERSON MONTAGUE: But we need just
23 four.

24 MS. FLETCHER: Just four.

25 MEMBER PEDDIBOYINA: I have a question.

1 MR. SVIONTK: Yes, sir.

2 MEMBER PEDDIBOYINA: You are the
3 personal fence contractor.

4 MR. SVIONTK: So I am the sales rep for
5 the fence contractor.

6 MEMBER PEDDIBOYINA: My question is, how
7 did you done the job before you took any
8 permission of the city?

9 MR. SVIONTK: I'm not sure I understand
10 the question.

11 MEMBER PEDDIBOYINA: How come you done
12 the job without the ZBA?

13 MR. SVIONTK: So, like I had said
14 before, usually for Novi how you guys have the
15 fencing ordinances set up, to my understanding,
16 the HOA is the filtering element making sure
17 everything is being code, it's going to be
18 allowable, all that fun stuff. They don't live at
19 an HOA. They're a one off house. So they don't
20 have that ability to filter it in that sense,
21 which is why I had reached out to the city, and I
22 had made calls to confirm that everything we were
23 going to do going forward would be code compliant.
24 Like I said, obviously somewhere something got
25 mixed up or mis-communicated, and I understand

1 that happens, but this is where we are now. There
2 was no malicious intent. I'm not trying to take
3 advantage of any rules or anything like that, but
4 this is where we are now.

5 MEMBER PEDDIBOYINA: Thank you.

6 CHAIRPERSON MONTAGUE: So I guess I owe
7 the applicant, would you like to postpone? There
8 will be seven people. If two people here say no,
9 you're done because then it's turned down.
10 Otherwise with seven people, you have a better
11 chance of getting the quorum. So I'll give you
12 the opportunity if you'd like to postpone it. I'm
13 sorry. You'd end up coming back.

14 MR. SVIONTK: Are we allowed to take a
15 straw poll?

16 CHAIRPERSON MONTAGUE: No. Sorry. I
17 can't do that. It's going to take four of the
18 five. That's a pretty high bar here.

19 MEMBER KRIEGER: Just to add another
20 thing. Up the street farther north there is a
21 white fence that's occlusive. You can't see into
22 it. I think we approved that a couple years ago,
23 and they're seemingly maintaining it. So could we
24 make a stipulation for the treatment or care of
25 the fence, I mean over time, because it's next to

1 a sidewalk as well.

2 MEMBER SAMONA: Or maybe in addition to
3 that or to add on to that, does the city have --
4 what's the city's ordinance as it relates to
5 maintenance of landscaping, if any.

6 MS. FLETCHER: Not so much landscaping.
7 If anything, we do have property maintenance
8 standards that they are to maintain the fence in
9 good repair. So say the trees were to overgrow
10 and the fence would start to lift in a certain
11 area or buckle, we would require them to fix it.

12 MEMBER SAMONA: So then in that regards
13 to maybe ease the thoughts of whoever may be on
14 the fence, no pun intended, on this, can we as the
15 board say that the trees are part of the fence as
16 well so that way, they are required to maintain
17 the trees as well.

18 MS. FLETCHER: Those arborvitaes would
19 not fall under the International Property
20 Maintenance Code as far as the fence itself.

21 MEMBER KRIEGER: That would be
22 interfering with the sidewalk.

23 MS. SAARELA: You can require them to
24 maintain landscaping around the fence, but you
25 couldn't make it part of the fence.

1 MEMBER SAMONA: So could we make one of
2 the stipulations where it says the variance is
3 granted subject to -- subject to, you know,
4 maintenance of -- maintenance of the trees
5 surrounding the fence? We can say that?

6 MS. SAARELA: You could say that.

7 MEMBER SAMONA: I mean if that would --
8 if that would -- I mean if that would kind of ease
9 the minds of anyone who's on the verge, then I
10 think that that would maybe would to satisfy it.
11 That's just me, though.

12 MEMBER THOMPSON: It's off topic-ish,
13 but did you guys ever look at doing like a gate,
14 whether it be a sliding gate, or like something on
15 wheels, open and close? On the safety part, a
16 ball could roll down the driveway. A ball going
17 down the driveway is going to roll down into the
18 street faster than a ball coming across the grass,
19 over some wood chips and through some trees.

20 MR. SVIONTK: So there is a gate, for
21 what it's worth. It is along the driveway. So it
22 won't be shown in these photos. So the gate is
23 approximately right here in relation to the rest
24 of the fence line, which runs through here and
25 then out along the property line. So it is tucked

1 in pretty close to that house.

2 MEMBER THOMPSON: Where does it slide
3 to?

4 MR. SVIONTK: It's a swing gate, so it
5 would swing into the yard.

6 MEMBER THOMPSON: Okay. So you could
7 roll a ball directly from the garage down into the
8 street without --

9 MR. SVIONTK: If you were in the garage
10 outside of the fence, yes.

11 MEMBER THOMPSON: All right.

12 CHAIRPERSON MONTAGUE: So I will ask
13 again, would you prefer to go ahead and have a
14 vote tonight?

15 MR. SVIONTK: Can I ask another
16 clarifying question? I know every city's
17 different. Would code enforcement be involved if
18 someone was not on top of the maintenance or the
19 fence in the future? Isn't that typically like
20 ordinance officers go around looking for that kind
21 of stuff?

22 MEMBER THOMPSON: I think that was --

23 MR. SVIONTK: That was the question
24 earlier. Correct.

25 MR. HALL: Can I answer that? So yes.

1 The property maintenance would be for the fence,
2 rusty fence.

3 MR. SVIONTK: Right. Making sure
4 someone gets the weedwhacker under it. All that.

5 MR. HALL: So if they make a motion to
6 say that the landscaping goes with the fence in
7 the sense it needs to be landscaped, that prevents
8 someone from tearing out the arborvitaes just to
9 get more space so they can get to the fence. So
10 property maintenance then would be of the
11 arborvitaes, you can't have a dead arborvitaes
12 sitting out there. So there are two different
13 kind of topics. I think that's how you'd have to
14 look at it.

15 MR. SVIONTK: Okay.

16 MS. SAARELA: Correct.

17 MR. SVIONTK: Mr. Thompson, is there
18 anything we can do to alleviate your concern?

19 MEMBER THOMPSON: Show me the crystal
20 ball what it looks like in 20 years.

21 MR. SVIONTK: Unfortunately, I can't
22 speculate on a human anything. I wanted to be
23 here tomorrow, so I can't speculate on the future.
24 I would like to think a lot of people in Novi keep
25 their yards better kept than other areas. Call

1 me, you know, sugarcoating it a little bit, but.

2 Yes, sir. You had a question.

3 MEMBER PEDDIBOYINA: I like the
4 question you want to be next day, tomorrow.

5 MR. SVIONTK: Thank you.

6 MEMBER THOMPSON: Last time around.

7 MR. SVIONTK: Yes, sir.

8 MEMBER THOMPSON: The city, if 20 years
9 from now no one's weeded anything, roots are grown
10 up, it's buckling, it's bad, the city code
11 enforcement made a correction. I'll clarify
12 things. Knowing that the city would maintain the
13 well care of it, I'd have no problem supporting
14 this fence.

15 MR. SVIONTK: I'll be honest, I think he
16 was the only one on the fence about it. So no pun
17 intended, guys.

18 MEMBER SAMONA: That's my line.

19 MR. SVIONTK: It's actually my line. I
20 use it in my sales pitches.

21 CHAIRPERSON MONTAGUE: All right. So
22 you'd like to vote tonight. All right. Linda's.

23 MEMBER KRIEGER: For case number
24 PZ25-0030 for the petitioner, Superior Fence, I
25 motion that we grant the request sought by this

1 applicant. That the petitioner has shown
2 practical difficulty requiring the fence that went
3 into the front yard as stated during the
4 discussion. That they had asked the city
5 beforehand, went ahead and ended up with a fence
6 and needing a variance afterwards. Without the
7 variance, the petitioner will unreasonably be
8 prevented or limited with respect to use of the
9 property because the area has fast traffic. It's
10 Meadowbrook and Eight mile. Speeds are fast. And
11 it will be well for little kids to have an
12 enclosed area not to be fearful. So the four foot
13 fence that is already there and the arborvitae
14 that is growing, that the applicant will be able
15 to use it, their property. There's no HOA
16 involved. The property is unique because of its
17 location and set on Meadowbrook Road. The
18 petitioner did not create the condition because
19 it's not a divided lot. The relief granted will
20 not unreasonably interfere with adjacent or
21 surrounding properties because the fencing area
22 will be maintained as stated by the petitioner.
23 And since it's on Meadowbrook, easily noted by the
24 city. The relief is consistent with the spirit
25 and intent of the ordinance because the request

1 helps little kids.

2 MEMBER SAMONA: Before we take a vote,
3 can I ask a question to Beth? Because the HOA was
4 mentioned, and there is no HOA now, if at one
5 point in time the home does become part of an HOA,
6 that does not affect our what we say right now,
7 right?

8 MS. SAARELA: Correct. It's totally
9 separate issues.

10 MEMBER SAMONA: Then I second that
11 motion.

12 MEMBER KRIEGER: Any further
13 discussion? You're okay?

14 CHAIRPERSON MONTAGUE: Roll call,
15 please.

16 MS. FLETCHER: Member Peddiboyina?

17 MEMBER PEDDIBOYINA: Yes, please.

18 MS. FLETCHER: Member Samona?

19 MEMBER SAMONA: Yes.

20 MS. FLETCHER: Member Thompson?

21 MEMBER THOMPSON: Yes.

22 MS. FLETCHER: Chairperson Montague?

23 CHAIRPERSON MONTAGUE: Yes.

24 MS. FLETCHER: Member Krieger?

25 MEMBER KRIEGER: Yes.

1 MS. FLETCHER: Thank you. Motion
2 carries.

3 MEMBER PEDDIBOYINA: Good luck.

4 CHAIRPERSON MONTAGUE: Thank you, guys.
5 Have a good night. All right. We are ready for
6 PZ25-0031. The applicant is requesting a variance
7 from the City of Novi Zoning Ordinance Section
8 3.32.10.A.ii.a. to allow a 140 square foot gazebo
9 on a lot having water frontage, 100 foot allowed,
10 variance of 40 square feet, Section 3.32.10.A.ii.b
11 for an increase in lot coverage to 12% on a lot
12 having water frontage, 5% maximum, so a variance
13 of 7%. This property is zoned One-Family
14 Residential (R-4). Please state your name and
15 spell it, please.

16 MR. METTE: Garret Mette, G-A-R-R-E-T,
17 Mette, M-E-T-T-E. I'm the homeowner.

18 MEMBER KRIEGER: Are you an attorney?

19 MR. METTE: No.

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

22 MR. METTE: Yes.

23 MEMBER KRIEGER: Thank you.

24 CHAIRPERSON MONTAGUE: Okay. How can
25 we help you tonight?

1 MR. METTE: All right. So I'm here to
2 seek approval for a gazebo as mentioned. Kind of
3 sort of the backstory for my family. We've been a
4 member of the community for 15 years. We've been
5 a homeowner for ten of those years. We've had
6 multiple beautification projects as part of that
7 home has increased. We've raised the home. We
8 had an addition to the home, and now we're looking
9 to make some beautification. Very large family.
10 Lot of people in the area. So as the request, as
11 part of that location, so this is the site plan.
12 Our lot is split into two. We do have one side of
13 East Lake and then the other. This will be on the
14 lakefront. We're seeking approval for 14-by-10
15 gazebo. The two variances as mentioned were put
16 here as well. So 100 square foot is allowed.
17 We're seeking a variance for 40 square feet. So
18 total square footage of the gazebo would be 140
19 square feet. Increase the lot coverage 12%, 5%
20 maximum with 75 variance. So this is the ask. I
21 guess what started, we always joke it started with
22 a tree. So there was a very large tree on this
23 property. Been there long as we've owned the
24 property. As it's increased with time, the tree
25 started to split at the base. There was rotting

1 through the trunk. The top of the tree started to
2 rot. Large branches begin to fall. We had a rope
3 swing on there for our kids. There was concern of
4 risk towards the branches falling. The tree if it
5 had split, there was risk to our neighbor's home
6 to the north, and there was risk to our neighbor
7 to the south for their gazebo and their boats. So
8 we decided unfortunately we had to take down the
9 tree this year.

10 The concern of this is direct sunlight
11 exposure. We have no shade. That tree provided
12 the only shade for the property. We wanted to put
13 up the gazebo to increase beautification. There's
14 additional photos that I'll show. And we use this
15 space for family gatherings, not only ours, but as
16 we bring outside family into town or we hold
17 parties or gatherings. The lake is obviously the
18 over of it. So to be able to protect against
19 that, this is a superimposed photo of the gazebo
20 over what we have. So the gazebo will help create
21 safety from the sunlight and the additional
22 elements. It's enhanced beautification. It's an
23 open wall footprint so we're going to have minimal
24 impact to anybody walking through the street from
25 our side or any neighboring houses, and the gazebo

1 is designed for year-round usage if needed. It's
2 able to hold I think 30 inches of snow. It's able
3 to withstand 100 mile an hour winds. And
4 honestly, it's a prefab Sam's Club gazebo that
5 we'd be putting on there. So it's tested, it's
6 approved, and we are hoping to have that variance.

7 In addition, we've had large community
8 support. We've had multiple neighbors sign
9 signatures and provide letters. Neighboring homes
10 have similar use cases and structures. I assume
11 they have similar needs. Everyone wants
12 protection from the sun if you're out there all
13 day and make best use of their front lot.

14 So I did post three different photos.
15 This is from our second-story balcony. Our home
16 faces to the west. And you can see the lot
17 directly across facing northwest. There are four
18 structures within our view. And facing southwest,
19 there are five structures within our view. So we
20 are hoping to get this variance to help increase
21 the usage of our property and to help protect
22 against the sun, so thank you.

23 CHAIRPERSON MONTAGUE: Thank you. I
24 assume you have no further comments?

25 MS. METTE: Do it.

1 MR. HALL: Thank you, Mr. Chairman.

2 Yes, they are seeking two variances tonight, one
3 is 40 square foot size increase variance, the
4 other is 7% increase in lot coverage on the
5 lakeside frontage. I do have a question for you.
6 Are you planning to have an electrical to the
7 gazebo?

8 MR. METTE: No. There's no electrical.
9 There is a power bank that is provided with the
10 gazebo, but we don't have any underground
11 electrical.

12 MR. HALL: So there's no lights or no
13 glare to the road.

14 MR. METTE: No.

15 MR. HALL: With that, no questions.
16 Thank you.

17 CHAIRPERSON MONTAGUE: Correspondence.

18 MEMBER KRIEGER: 18 were mailed to this
19 case, one returned, zero objections, one approval.
20 Approval is from Robert Cummings on East Lake.

21 MEMBER PEDDIBOYINA: I have a question.
22 You purchased the gazebo from Costco or somewhere
23 around there.

24 MR. METTE: From Sam's Club.

25 MEMBER PEDDIBOYINA: Yeah, I see the

1 family, beautiful family, and I have no objections
2 to approve this one. Thank you.

3 MR. METTE: Thank you.

4 CHAIRPERSON MONTAGUE: Anybody else?
5 Can I just ask, how did you come upon 140 square
6 feet? What did you look at to make that size?

7 MR. METTE: It was the size available
8 at Sam's Club. It's 14-by-10.

9 CHAIRPERSON MONTAGUE: I had to ask the
10 questions.

11 MEMBER PEDDIBOYINA: I saw that one too
12 for my home.

13 MR. METTE: It's the one when you walk
14 in it's the display one. We're walking by, okay,
15 this will work for the sun, so. . .

16 MEMBER SAMONA: But do you get 2% back
17 on executive membership.

18 MR. METTE: My Sam's cash is out of
19 control right now.

20 CHAIRPERSON MONTAGUE: I do like that
21 it's open as well, it preserves generally not
22 liking lots coverages over there, getting out of
23 control, but seems minimal and you are able to see
24 through it. And I understand, especially with the
25 hot weather, shade is a nice thing to have over

1 there.

2 MEMBER SAMONA: I guess I do have one
3 question that I'm pretty sure I know the answer
4 to, but just to ask it to cover all the bases.
5 The slope of the roof on the gazebo, is it sloped
6 well enough to let snow fall off of it?

7 MEMBER PEDDIBOYINA: Is it three inches
8 snow?

9 MR. METTE: 30 inches of snow is what
10 the roof structure can hold, but it is designed to
11 slope on all four sides of the gazebo.

12 MEMBER SAMONA: How far away from the --
13 I just had it up, and I was trying to look
14 something else up here. How far away from the
15 road is this going to be?

16 MR. METTE: From the road, I want to
17 say, so our total lot, so this is 40 feet. We
18 were 15 feet away from the lot.

19 MEMBER SAMONA: Then I don't have an
20 issue. I just wanted to make sure it wasn't like
21 super close where there could have been
22 potentially snow that got stuck on there and then
23 all of a sudden flew off into the road or
24 something.

25 MEMBER KRIEGER: The wind does that from

1 the lake anyway.

2 MEMBER PEDDIBOYINA: There's no power,
3 solar lights, you can keep solar lights.

4 MEMBER THOMPSON: I'm good. Just to
5 clarify. You'd asked about lighting.

6 MR. HALL: Yes.

7 MEMBER THOMPSON: There's solar panel
8 kits that come out.

9 MR. METTE: Yeah. Solar generators,
10 solar powered lighting like that.

11 MEMBER THOMPSON: You're not planning on
12 putting any lighting in it.

13 MR. METTE: I mean if we would, it
14 would be later on, it would be inside the gazebo,
15 ambiance, if you will.

16 MEMBER THOMPSON: Good.

17 CHAIRPERSON MONTAGUE: Okay. Your
18 motion.

19 MEMBER THOMPSON: I move that we grant
20 the variance in case number PZ25-0031 for the
21 Mette family for the -- for the -- it's a
22 variance. For the 40 foot -- for the Novi Zoning
23 Ordinance Section 3-32-10 to allow 140 square foot
24 gazebo because the petitioner has shown practical
25 difficulty requiring the space needed. Without

1 the variance, the petitioner would be unreasonably
2 prevented, limited with respect to the use of the
3 property because on the zoning on that one with
4 the current structure is going to coincide with
5 each other. The property is unique being on the
6 lakefront and across the street from the home.
7 The petitioner did not create the condition.
8 Because the size of the structure you're able to
9 buy pre-made. The relief granted will not
10 unreasonably interfere with adjacent or
11 surrounding properties as they have similar
12 structures. That a relief is consistent with the
13 spirit and intent of the ordinance because it's
14 going to make it a good place to enjoy the site.

15 MEMBER KRIEGER: Second.

16 CHAIRPERSON MONTAGUE: Roll call,
17 please.

18 MS. FLETCHER: Member Krieger?

19 MEMBER KRIEGER: Yes.

20 MS. FLETCHER: Member Samona?

21 MEMBER SAMONA: Yes.

22 MS. FLETCHER: Member Peddiboyina?

23 MEMBER PEDDIBOYINA: Yes, please.

24 MS. FLETCHER: Chairperson Montague?

25 CHAIRPERSON MONTAGUE: Yes.

1 MS. FLETCHER: Member Thompson?
2 MEMBER THOMPSON: Yes.
3 MS. FLETCHER: Thank you. Motion
4 carries.
5 MR. METTE: Thank you.
6 MEMBER KRIEGER: Thank you for coming,
7 Beth.
8 CHAIRPERSON MONTAGUE: Are there any
9 other matters?
10 MEMBER KRIEGER: Any updates for the
11 July meeting?
12 MS. FLETCHER: July 29th. That way,
13 everybody will be able to attend that meeting.
14 MEMBER PEDDIBOYINA: I may not be
15 because I'm going to Dallas for a wedding.
16 CHAIRPERSON MONTAGUE: All right.
17 Anything else?
18 MEMBER KRIEGER: Motion to adjourn I
19 guess.
20 CHAIRPERSON MONTAGUE: Motion to
21 adjourn.
22 MEMBER THOMPSON: Second.
23 CHAIRPERSON MONTAGUE: All in favor
24 aye.
25 THE BOARD: Aye.

1 CHAIRPERSON MONTAGUE: Any opposed?

2 And the meeting is adjourned.

3 (The meeting was adjourned at 8:15 p.m.)

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CERTIFICATE OF NOTARY

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STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Melinda R. Womack, Certified
Shorthand Reporter, a Notary Public in and for the
above county and state, do hereby certify that the
above deposition was taken before me at the time
and place hereinbefore set forth; that the witness
was by me first duly sworn to testify to the
truth, and nothing but the truth, that the
foregoing questions asked and answers made by the
witness were duly recorded by me stenographically
and reduced to computer transcription; that this
is a true, full and correct transcript of my
stenographic notes so taken; and that I am not
related to, nor of counsel to either party nor
interested in the event of this cause.



Melinda R. Womack, CSR-3611

Notary Public, Jackson County

My Commission expires: 06-22-2032

Meeting 07/08/2025

1

1	24.42 18:21 19:4 20:13 21:4,5,12 22:14 25:20 27:17 28:8	6.25 17:5 19:7 20:14 21:13 22:16
10.25 17:1 18:20 19:2 20:10 27:16	24.75 17:3 19:4 20:13 21:12	6.5 18:23 19:6 20:14 21:13 22:15 26:1
10.58 18:21 19:3 21:7 27:16	24235 16:24 27:14	60 14:20
100 53:9 54:16 56:3	27th 9:14	7
100% 10:9	28th 9:14	7% 53:13 57:4
12 6:1 14:19	29 37:22	7.5 29:7
12% 53:11 54:19	29th 62:12	700 11:17
125.3103 24:22	3	75 54:20
12th 4:22	3,000 5:16 8:17 11:23	8
13 38:19	3-32-10 60:23	8 29:5,7
14-by-10 54:14 58:8	3.1.5 17:1 27:15	8:15 63:3
140 53:8 54:18 58:5 60:23	3.32.10.a.ii.a 53:8	8th 3:2
1401 29:2	3.32.10.a.ii.b 53:10	9
15 54:4 59:18	3.32.7 29:4	9 12:18
17 29:6	30 17:4 56:2 59:9	9.3 19:12
18 57:18	35 17:2 42:16	9.7 19:13
18,500 6:17	4	900 11:8
19 6:21	4,000 10:5	A
2	4.5 29:5	A-N-G-E-L-A 17:10
2% 58:16	40 13:2 14:13,20 42:16 53:10 54:17 57:3 59:17 60:22	ability 44:20
2,700K 5:17	5	absent 3:10,15
20 14:13 19:20 49:20 50:8	5% 53:12 54:19	access 7:8 30:11
2005 17:25 18:13 20:24 24:2	5,000 10:4 11:19	accommodate 31:10
2025 3:3	5,700 5:16 8:18 9:24 10:5,12 11:19	accurate 22:22
21 26:15	5.11.1.a.ii 34:10	active 6:22
22 8:23	5.7.3.f.ii 5:15	activities 6:19 7:5
23.5 18:23 19:6	6	activity 5:16
23.6 19:16 20:1	6 34:10	actual 26:23
23.75 17:4 18:23 19:5 27:17		add 8:9 11:17 13:15 18:5
23.9 20:2,4		
23rd 9:4		

36:21 39:12 45:19 46:3
addition 18:5,9 24:3,5 25:21
 26:11 46:2 54:8 56:7
additional 55:14,21
adequate 33:14
adjacent 15:18 28:1,3 33:6
 51:20 61:10
adjourn 62:18,21
adjourned 63:2,3
admirable 23:18
Adrian 16:22 17:11,19
advancement 15:23
advancements 15:16
advantage 45:3
aesthetically 41:2 43:2
affect 28:2 52:6
affirm 6:4 17:14 29:17 34:22
 37:6 53:20
afternoon 34:15
agenda 4:20 20:12
agree 14:5 31:6 41:11,16,19
ahead 48:13 51:5
Alan 35:22,24 38:24
Allegiance 3:3,5
alleviate 49:18
allowable 44:18
allowed 39:12,13 45:14 53:9
 54:16
allowing 33:11
aluminium 35:5
ambiance 60:15
amended 4:24
amenities 33:12
Angela 17:10
apartment 25:7,14

Appeals 3:2 21:17
appears 8:13
applicant 5:13 16:24 26:6
 27:21 29:3 34:8 43:19 45:7
 51:1,14 53:6
applicant's 22:16
application 11:9 12:8 19:3
 20:6
approaching 43:5
approval 4:3 13:20 31:5 38:17
 39:9 54:2,14 57:19,20
approvals 8:24 26:17 38:21
 39:3
approve 3:25 4:15,23 13:16
 23:7,11 25:23 26:1 27:19 58:2
approved 4:20 18:1 21:21,25
 22:4,18 23:3 24:2 25:25 45:22
 56:6
approving 13:16,17 42:23
approximately 47:23
arborvitae 41:3 49:11 51:13
arborvitaes 37:16,19 46:18
 49:8
area 7:21 9:25 10:17 11:7 25:9
 31:8,16 36:11,16 41:1 46:11
 51:9,12,21 54:10
areas 24:24 49:25
assume 17:6 56:10,24
assuredly 31:12
athlete 11:2
athletes 8:6
athletic 6:19
attend 62:13
attorney 6:2 17:12 26:8 29:13
 34:20 37:4 53:18
audience 4:11 8:12 30:19
 36:25
August 4:22

Auto 9:6,9
Avenue 16:24 27:14
aware 35:11 42:12
aye 4:18 62:24,25
ayes 4:17

B

B-R-A-D-S-H-A-W 5:22
B-R-I-A-N 37:3
back 7:24 17:25 18:1,13 20:24
 21:19 23:5,13 24:2 29:23
 30:1,4,8,11,12 31:15,21 32:1
 36:10,12 37:21,22 39:10
 45:13 58:16
backstory 54:3
backyard 30:2
bad 42:13 50:10
balcony 56:15
ball 11:2,4 43:8 47:16,18 48:7
 49:20
bank 57:9
bar 45:18
Baronette 11:7
barrier 24:4
base 54:25
based 6:12 20:16 21:14
bases 59:4
basically 25:19 30:5
basing 18:12
beautification 54:6,9 55:13,22
beautiful 31:11 58:1
begin 5:12 55:2
behalf 34:17,19
bend 30:7
Beth 52:3 62:7
big 6:14,16 42:7

bigger 21:23,24 41:25
bit 7:4,6 24:4 36:9,16,19 37:25
 42:18 50:1
blend 37:14
bluer 8:19
bluish 11:20
board 3:2 4:18 9:1 21:17,25
 22:5,18 23:3,6 25:23 34:15
 38:12 39:8 40:4 41:8,11,15
 43:17,18 46:15 62:25
board's 26:3,4
boats 55:7
boundary 18:13
Bradshaw 5:21,22 6:3,6,10
 7:12 8:10 9:8 10:8 11:15 12:9,
 15 13:1,13 14:4 16:16,20
branches 55:2,4
brave 23:18
Brian 37:2
bright 12:1
brighter 10:25
brightly 10:11
bring 6:23 7:3 55:16
bringing 16:18 23:17 24:3
brought 20:18 37:10
buckle 46:11
buckling 50:10
build 31:12
building 9:10 12:25 35:12,21
buildings 25:8
built 29:23
burden 27:6
bushes 43:10,11
busy 36:16 42:9
buy 61:9

C

C-A-R-N-A-H-A-N 17:10
call 3:1,6 15:3 16:1 33:17
 39:24 49:25 52:14 61:16
calls 44:22
candlelight 11:24,25
care 41:5 42:4,24 43:4 45:24
 50:13
Carnahan 17:9,10,13,16,19
 18:20 19:1,10,12,19,24 20:1,
 5,11,23 21:8 23:20 24:10
 25:4,11
carries 16:14 28:23 34:5 53:2
 62:4
case 4:10,11,12,22 6:5 8:22
 14:25 15:5 16:22 17:15 26:15
 27:1,2,13 29:1,17 31:4 32:15
 34:7,23 37:7 38:19 43:15
 50:23 53:21 57:19 60:20
cases 4:5,6 5:3 56:10
cash 58:18
cell 4:4
Center 5:18 9:7,9
certainty 10:9
chain 42:17,20
Chairman 4:21 8:14 11:16
 12:21 21:16 25:18 30:20 38:7
 43:14 57:1
Chairperson 3:1,6,8,9,22
 4:17,19 5:1,8 6:8 7:9 8:8,11,
 21,25 13:22,24 14:15,22 15:2
 16:1,3,4,15,17,21 17:17 18:19
 19:17,25 20:3 21:1,11 23:14
 24:8,13 25:17 26:14,18 27:10
 28:20,21,25 29:20 30:15,18
 31:2 32:13 33:17,23,24 34:7
 36:24 38:2,5,18,22 40:3
 41:13,17 43:1,22 45:6,16
 48:12 50:21 52:14,22,23 53:4,
 24 56:23 57:17 58:4,9,20
 60:17 61:16,24,25 62:8,16,20,

23 63:1
challenges 27:3
chance 45:11
change 10:15 22:9,14,19,20
 26:6
changed 22:3 23:1
changing 22:17
characteristics 33:13
children 36:14,17
chips 47:19
Christmas 14:6
circumvent 36:2
city 5:14 7:23 8:13 9:4 15:1
 16:25 22:8 25:17 26:8 29:4
 30:19 34:9 35:12 38:6,24
 39:19,23 42:10 44:8,21 46:3
 50:8,10,12 51:4,24 53:7
city's 42:22 46:4 48:16
clarify 28:7 50:11 60:5
clarifying 48:16
clear 8:1 9:5 24:6
clerical 35:1
climbing 6:15
close 10:11 12:19 47:15 48:1
 59:21
closed 12:16
closest 11:6
Club 56:4 57:24 58:8
code 7:2 15:8,17 38:15 40:2
 44:17,23 46:20 48:17 50:10
coincide 61:4
color 5:15 8:15
comment 4:11,12 8:13 9:1
 26:10 30:19 32:9,12 39:13
 42:25
comments 26:19 27:10 31:1
 38:23 40:4 56:24

Meeting 07/08/2025

4

commercial 42:2
common 25:9
community 6:20 15:23 54:4 56:7
Comparable 13:5
compare 9:21 13:3
compared 15:17
compatibility 33:9
compliant 35:13,16,19 39:18, 20,22 44:23
composite 30:23
concept 5:24 6:11,22
concern 10:24 49:18 55:3,10
condition 15:15 33:3 51:18 61:7
conditions 7:5
conduct 3:23
configuration 32:20 33:3
confirm 35:12 36:3 44:22
confusing 40:22
confusion 38:9 39:2
Congratulations 16:15
consistent 10:14,16,19 15:21 28:3 33:10 51:24 61:12
construct 30:23
constructed 31:11
construction 21:15
contact 39:23
continue 23:14 43:19
contractor 12:7 44:3,5
control 7:19 58:19,23
controlled 7:25
cool 7:3
corner 30:24 31:16 32:20,24 33:3 36:15 43:6,7
corners 10:17

correct 9:7,8 13:21,22 26:9 39:1 41:17 48:24 49:16 52:8
correction 18:11 50:11
Correlated 5:15
Correspondence 8:21 26:14 31:2 38:18 57:17
Costco 57:22
Council 9:4
country 17:21
couple 31:15 37:10 45:22
cover 59:4
coverage 53:11 54:19 57:4
coverages 58:22
covered 38:3
covering 40:15
create 15:15 18:9 33:2 51:18 55:20 61:7
creates 32:24
crux 35:25 36:13
crystal 49:19
Cummings 57:20
curiosity 11:11
current 22:21 61:4
cut 37:23

D

Dallas 62:15
dangerous 43:7
day 50:4 56:13
daylight 7:4 12:3 13:8
days 12:10 18:14 31:15
dead 49:11
decide 42:1
decided 35:18 55:8
decision 26:4,5

decisions 38:14
deck 18:8 29:5,23 30:23,25 31:12 32:16 33:7
deck's 30:5
decks 30:3
defer 39:17
demonstrated 27:22
department 6:14 35:12,21
depend 9:25
depth 27:23
designed 56:1 59:10
desired 31:7
desk 12:10
detail 24:1
details 35:13
development 5:23 12:10
Dick's 5:23,25 8:23 15:5
Dick's 5:12
difference 11:19,21,23 14:21
differences 20:15
differently 39:16
difficulty 15:7 18:8 27:22 32:18 51:2 60:25
dimensions 33:1
dimnable 10:22
direct 55:10
direction 10:1
directly 40:10 48:7 56:17
disappear 41:5
discrepancy 25:22 27:1,4
discuss 5:24
discussion 23:15 24:11,12 26:13 51:4 52:13
dismay 39:7
display 58:14

distance 7:24 21:21

distinct 24:24

divided 51:19

door 30:11 32:5

draw 6:16

Drive 29:2

driver 42:11

driveway 40:23 47:16,17,21

driving 9:21 10:10 40:13

drop 10:20

dropping 11:10

drove 26:21 31:14,20 32:6
40:21

Dru 31:5

drunk 42:11

duck 11:3

due 27:22 32:19

dwelling 24:23 25:2,5

E

earlier 22:18 48:24

Earth 42:14

ease 46:13 47:8

easement 31:24

easily 51:23

East 29:2 31:6 54:13 57:20

Easter 42:11

effort 39:23

efforts 39:25

electrical 57:6,8,11

element 44:16

elements 55:22

elevate 7:3

enclosed 51:12

end 30:3,8 42:7 45:13

ended 30:6 51:5

enforced 38:15

enforcement 48:17 50:11

enhanced 55:22

enjoy 61:14

entrance 25:1

equipment 23:25

essentially 23:11

established 33:4 38:25

estate 12:9

evening 5:21 17:9

events 6:20 8:3 13:6,8,18

exact 9:11 18:6

excited 9:3 16:17,20

exciting 9:12

excused 3:11,16

executive 58:17

existing 7:13,14 18:4,6 19:13,
14,18 20:16 21:14 23:5 24:1
25:24

expand 36:18

experiential 6:12

expired 18:2

explain 41:22

exposure 55:11

extend 37:15

extending 18:7 25:11

F

faces 56:16

facing 10:2 56:17,18

facts 23:18

fairly 43:6

fall 46:19 55:2 59:6

falling 55:4

family 41:24 54:3,9 55:15,16
58:1 60:21

fantastic 11:1

farther 45:20

fast 51:9,10

faster 47:18

favor 26:23,24 40:17 62:23

fearful 51:12

feel 3:25 4:2 7:7,15 42:13 43:9
feet 6:18 11:8 13:2 14:20 17:2,
3,4,5 20:10 21:4,7,9 27:18
29:5,6,7,25 30:8,23 32:2,4,5,
16 37:23 41:4 53:10 54:17,19
58:6 59:17,18

felt 5:8

fence 30:4,8,12 32:1 34:10,18
35:2,5,17 36:5,18 37:11,12,
14,18 38:8,10,13,16,25 39:4,
6,14 40:6,8,11,15,20,25 41:3
42:8,15,18,20 43:3 44:3,5
45:21,25 46:8,10,14,15,20,24,
25 47:5,24 48:10,19 49:1,2,6,
9 50:14,16,24 51:2,5,13

fenced-in 10:17

fences 35:4

fencing 35:8 42:3 44:15 51:21

field 6:17 7:8,18,25 8:5,20 9:6,
11 10:15 11:25

field's 7:23

fields 6:22 7:14

filter 44:20

filtering 44:16

final 8:2

fine 41:6

five-person 41:11

fix 46:11

fixtures 15:16

FLETCHER 3:8,10,13,15,18,
20 16:3,5,7,9,11,13 25:6
28:12,14,16,18,20,22 33:19,
21,23,25 34:2,4 41:20 43:24
46:6,18 52:16,18,20,22,24
53:1 61:18,20,22,24 62:1,3,12

flew 59:23

flexibility 10:23

flying 43:8

focused 7:21,25

follow 12:16,22

follow-up 11:17

foot 14:13 17:2,4 24:4 30:9,13,
22,23 34:10 37:13 51:12 53:8,
9 54:16 57:3 60:22,23

footage 54:18

footprint 9:11 18:6 36:19
55:23

forever 41:24 42:23

forget 35:21

forward 40:11 44:23

four-foot 37:12

friend 17:20

front 17:3 18:22 19:5,22,25
20:14 21:12 26:24,25 27:8,17,
20 28:9 34:10 35:2,4,6 36:5
37:13,16,19 38:8 39:4,6,9,10
40:6,9,22 41:1 42:5 51:3
56:13

frontage 53:9,12 57:5

fun 36:20 44:18

funneling 12:12

funny 35:24

future 48:19 49:23

G

G-A-R-R-E-T 53:16

garage 18:4 19:14,15 21:18,20
22:4 23:5,13 25:24 27:9 40:23

48:7,9

Garret 53:16

gate 47:13,14,20,22 48:4

gatherings 55:15,17

gazebo 53:8 54:2,15,18 55:7,
13,19,20,25 56:4 57:7,10,22
59:5,11 60:14,24

general 5:2 14:18

generally 58:21

generators 60:9

give 18:15,17 24:4 25:25 35:7
45:11

giving 36:14

glare 7:19 57:13

Glenda 16:24 27:14

golf 6:14 9:22 10:9

good 5:21 13:1 15:20,23 17:9
28:24 31:17 34:15 43:10 46:9
53:3,5 60:4,16 61:14

Goods 5:13,24 8:23 15:6

Google 42:14

grade 36:10

grant 15:4 22:12,14 27:8,12
32:14 50:25 60:19

granted 15:17 27:25 31:7,10
33:5 47:3 51:19 61:9

granting 26:25 27:14

grass 47:18

great 6:12 9:17,19

greater 22:16

greenfield 7:21

ground 32:5

grow 41:4

growing 6:23 51:14

grown 50:9

guess 9:15 11:6 27:11 34:18
35:25 42:24 45:6 54:21 59:2

62:19

guy's 35:3

guys 6:13 9:20 11:1 20:2,7
35:7,9 36:6,22 39:15,24 42:1
44:14 47:13 50:17 53:4

guys' 35:12

H

Hailey 24:15

half 30:22 32:17

HALL 4:21 8:14 11:16 12:5
21:16 22:11 23:2 25:18 30:20
35:23 38:7 39:1 43:14 48:25
49:5 57:1,12,15 60:6

happen 23:24

happened 35:7 36:5,23

hardship 23:6 26:6 27:23

harm 10:4

Havrestiuic 16:23 17:11

hazard 43:12

head 11:2,4

heard 6:13

hearings 5:12

height 14:21 37:20 40:19

held 6:20

helps 52:1

high 8:2 12:23 14:20 31:11,12
32:3,4 45:18

higher 12:25 14:13

Hill 18:1

hit 42:10

HOA 35:10 44:16,19 51:15
52:3,4,5

HOAS 35:9 39:17

hold 55:16 56:2 59:10

home 18:4,10 25:3,12 31:11
37:17 52:5 54:7,8 55:5 56:15

58:12 61:6
homeowner 27:5,8 29:15 37:3
 53:17 54:5
homes 56:9
honest 50:15
honestly 56:4
hoping 6:23 56:6,20
hosted 8:4
hot 58:25
Hotel 11:7
hour 56:3
hours 12:16 13:10,18,20,21
 15:20
house 5:25 7:17 18:6 19:13
 20:21,23 21:8,19 22:6 23:12
 25:21 29:23,25 30:2,10 31:23
 35:2 41:23 42:1,10 44:19 48:1
houses 55:25
hugging 38:1
human 49:22

I

idea 26:22 36:16
illuminated 7:16,19 10:12
illuminates 8:6
image 8:1
impact 10:21 55:24
inch 30:22
inches 18:16 19:21 20:25
 23:23 29:6,7 32:17 56:2 59:7,
 9
include 7:14 25:9
increase 53:11 54:19 55:13
 56:20 57:3,4
increased 54:7,24
information 9:18 12:12 18:15

inside 6:13 36:17 60:14
inspector 35:15,18,20
install 35:17
instance 22:5
intended 46:14 50:17
intent 15:22 28:4 33:11 36:1
 45:2 51:25 61:13
interfere 15:18 27:25 33:6
 51:20 61:10
interfering 46:22
interior 6:16
International 46:19
involved 48:17 51:16
irregular 33:1
issue 26:20 35:1 36:1,13
 39:21 42:3 59:20
issued 39:5
issues 52:9

J

J-O-R-D-A-N 34:16
J-O-S-E-P-H 29:11
job 44:7,12
Joe 5:5 31:6
Johnson 7:23
joke 54:21
Jordan 34:16 37:12
Joseph 29:11 32:15
July 3:2 62:11,12

K

keeping 8:19
Kelvin 5:16 8:17,18 9:22 10:4
 11:19,20 13:24
Kelvins 9:24

kids 41:2 42:8 51:11 52:1 55:3
kind 7:7,15,24 8:5 12:11 18:5
 24:6,19 31:23 37:14,21,23
 40:22 43:5,13 47:8 48:20
 49:13 54:2
kits 60:8
Knowing 50:12
knowledge 9:17
Krieger 3:16,17 4:16,25 6:2,4,
 7 8:22 12:22 13:5 14:2 16:9,
 10 17:12,14 20:21 26:15 28:7,
 11,14,15,24 29:13,16,19 31:3,
 20 32:8,11 33:16,21,22 34:20,
 22 37:4,6,9 38:19 40:21 41:9,
 12 42:17 45:19 46:21 50:23
 52:12,24,25 53:18,20,23
 57:18 59:25 61:15,18,19 62:6,
 10,18

L

L-I-Z 5:22
lack 9:19
lake 29:2 31:6,8 54:13 55:17
 57:20 60:1
lakefront 54:14 61:6
lakeside 57:5
land 17:20 22:7
landscaped 49:7
landscaping 46:5,6,24 49:6
large 54:9,22 55:2 56:7
larger 18:10
lawn 31:21
leased 24:24
leave 14:3 30:25 42:1
legal 18:12
legality 25:7
lesser 22:12
letters 22:25 56:9

Meeting 07/08/2025

8

level 9:23 10:11
lift 46:10
light 7:2,4 8:19 11:20 12:1,14,23 13:2,8 14:3 16:18
lighter 8:19
lighting 7:1,25 9:18 10:13 13:25 15:6,8,12 60:5,10,12
lights 8:16 10:22 12:17 14:7,12,14,19 57:12 60:3
liking 58:22
limited 15:11 32:23,25 51:8 61:2
limits 32:21
Linda's 50:22
lines 31:22,24,25 33:15
lining 19:17,19
link 8:3 42:17,20
lit 13:6
literally 32:3
livable 18:10
live 35:10 42:8 44:18
living 11:7
Liz 5:22
located 27:14
location 7:22 51:17 54:11
Lofton 14:8,12,18
logs 39:24
long 40:18 54:23
longer 35:19
Longo 3:15
looked 21:24,25 38:12
lot 6:12 7:20 12:24 13:4 14:14,19 16:18 17:24 18:8 19:20 20:16 24:6 27:23 30:25 31:9 32:20,24 33:3 49:24 51:19 53:9,11 54:10,12,19 56:13,16 57:4 59:17,18

lots 6:19 24:2 58:22
love 14:25
lower 37:19
luck 28:24 31:17 53:3

M

M-E-T-T-E 53:17
made 39:23 44:22 50:11
mailed 8:23 26:16 31:3 38:20 57:18
maintain 33:8 40:18 46:8,16,24 50:12
maintained 51:22
maintaining 45:23
maintenance 46:5,7,20 47:4 48:18 49:1,10
make 7:5 10:6 11:23,24 13:15 15:23 18:9 23:8,22 25:14 26:7 30:19 32:9,13 37:14 38:14 39:17,19,25 40:1 45:24 46:25 47:1 49:5 54:9 56:13 58:6 59:20 61:14
makes 22:1,7
making 44:16 49:3
malicious 36:1 45:2
mall 6:1 12:18 13:18,20,21 14:12 15:15 16:18
manager 5:23 14:19 24:22
manner 36:20
Mason 24:15 25:13
matter 23:23 27:7
matters 62:9
maximum 5:17 53:12 54:20
MCL 24:22
Meadowbrook 36:15 40:24 42:16 51:10,17,23
meet 18:6

meeting 3:2 4:13,14 9:4 20:19 62:11,13 63:2,3
meetings 20:19
member 3:10,11,12,13,14,15,16,17,18,19 4:15,16,23,25 5:6,7 6:2,4,7 8:22 9:2,12 11:5 12:3,6,13,20,22 13:5,14,23 14:1,2,5,9,24 15:4,24,25 16:5,6,7,8,9,10,11,12 17:12,14 18:24 19:8,11,22 20:9,17,21 21:3 22:8,24 23:9 26:15,20 27:12,19,21 28:6,7,10,11,12,13,14,15,16,17,18,19,24 29:13,16,19 31:3,14,19,20 32:6,8,9,11,14 33:16,19,20,21,22,25 34:1,2,3,20,22 37:4,6,9 38:19,24 40:5,13,17,21 41:7,9,10,12,14,18,21 42:17,21 43:18,25 44:2,6,11 45:5,19 46:2,12,21 47:1,7,12 48:2,6,11,22 49:19 50:3,6,8,18,23 52:2,10,12,16,17,18,19,20,21,24,25 53:3,18,20,23 54:4 57:18,21,25 58:11,16 59:2,7,12,19,25 60:2,4,7,11,16,19 61:15,18,19,20,21,22,23 62:1,2,6,10,14,18,22
members 3:24 4:3
membership 58:17
mention 43:15
mentioned 20:10 30:24 37:12 39:15 43:15 52:4 54:2,15
Mette 53:16,17,19,22 54:1 56:25 57:8,14,24 58:3,7,13,18 59:9,16 60:9,13,21 62:5
middle 37:24
Mike 43:4
mile 36:16 51:10 56:3
minds 47:9
minimal 55:23 58:23
miniscule 23:25
minutes 4:10,12,13,14
mis-communicated 44:25

miscommunication 36:4
mispronounced 16:23
missing 26:8
mixed 44:25
modest 33:7
moment 6:21
Montague 3:1,6,8,9,22 4:17, 19 5:1,8 6:8 7:9 8:8,11,21,25 13:22,24 14:15,22 15:2 16:1, 3,4,15,17,21 17:17 18:19 19:17,25 20:3 21:1,11 23:14 24:8,13 25:17 26:14,18 27:10 28:20,21,25 29:20 30:15,18 31:2 32:13 33:17,23,24 34:7 36:24 38:2,5,18,22 40:3 41:13,17 43:1,22 45:6,16 48:12 50:21 52:14,22,23 53:4, 24 56:23 57:17 58:4,9,20 60:17 61:16,24,25 62:8,16,20, 23 63:1
month 9:4
month's 4:14
months 17:23
motion 4:15,23 15:3 16:13 27:11 28:22 32:13 34:4 49:5 50:25 52:11 53:1 60:18 62:3, 18,20
move 3:22 5:5 15:4 16:21 20:22,23 21:20 23:5,13 27:12 32:14 37:21 39:10 60:19
moved 21:22 37:17
moving 24:16 26:7
multiple 54:6 56:8

N

name's 17:9
natural 10:1
nays 4:19
needed 38:11 56:1 60:25
needing 51:6

negatively 28:2
negligible 11:18
neighbor 55:6
neighbor's 55:5
neighborhood 33:13
neighboring 33:9,15 55:25 56:9
neighbors 22:25 56:8
newest 5:24
nice 31:15,16,21 43:2,3 58:25
night 7:14 14:3 53:5
north 18:7 40:25 42:18 45:20 55:6
northwest 56:17
noted 39:5 51:23
notice 24:18 25:1,6,10
Novi 5:14 6:24 15:1 16:25 29:4 34:9 39:16 44:14 49:24 53:7 60:22
number 16:22 25:25 27:13 29:2 34:7 50:23 60:20
numbers 18:17,25 20:22 22:3, 10,25 23:1,22 24:7
numerous 31:9

O

Oaks 6:1 14:19
objections 8:20,24 26:16 31:4,17 38:20 57:19 58:1
obligation 38:13
occlusive 45:21
offer 35:4
officers 48:20
older 15:17
one's 50:9
One-family 17:6 29:8 34:12 53:13

open 8:25 13:19 24:11 26:18 38:22 40:3 47:15 55:23 58:21
opened 7:18
operate 15:20
operating 12:14 13:17
opportunity 45:12
opposed 63:1
order 3:1
ordinance 5:14 8:16 15:22 16:25 24:21 26:3 27:15 28:4,5 29:4 33:11 34:9 39:3 46:4 48:20 51:25 53:7 60:23 61:13
ordinances 35:8,13 44:15
originally 21:21 29:23,25 30:6 33:4
outdoor 5:16 6:17 32:21
overgrow 46:9
owe 45:6
owned 24:24 54:23
owner 24:22
owners 31:10

P

P-R-O-P-P-E 37:3
p.m. 12:18 63:3
panel 60:7
paperwork 22:20
parents 8:7
parking 7:20 12:24 13:3 14:14,19
part 10:2 13:7 17:25 37:24 46:15,25 47:15 52:5 54:6,11
parties 55:17
past 9:21 13:19 21:2
Peddiboyina 3:13,14 12:6,13, 20 14:5,9,24 15:25 16:7,8 19:8,11,22 20:9 22:8,24

27:12,21 28:16,17 31:14
33:25 34:1 38:24 43:25 44:2,
6,11 45:5 50:3 52:16,17 53:3
57:21,25 58:11 59:7 60:2
61:22,23 62:14

people 4:6 42:3 45:8,10 49:24
54:10

Perfect 13:23

permanent 5:6

permission 44:8

permitted 34:11

person 41:15 42:2 43:17

person's 42:24

personal 44:3

persons 24:25

perspective 40:8

petitioner 15:7,10,15 32:18,22
33:2 50:24 51:1,7,18,22 60:24
61:1,7

phone 38:11

phones 4:4

photo 8:2 36:8 55:19

photometric 9:16

photos 7:13 37:11 47:22
55:14 56:14

picture's 40:7

pictures 10:14

itches 50:20

place 39:21 61:14

placement 25:24 38:10

plan 23:21 54:11

planner 17:20

planning 57:6 60:11

planting 43:3

platted 33:5

play 36:14 41:1

pleasing 41:2 43:2

pledge 3:3,5

podium 14:10

point 8:9 12:4 40:12 52:5

pole 12:23

poles 13:2

poll 45:15

pops 7:18

position 12:7

Positioning 10:16

positive 10:22

post 24:25 25:8 56:14

postpone 4:1,2,22 43:16,20
45:7,12

potential 43:12

potentially 59:22

power 15:12 31:22,24,25 57:9
60:2

powered 60:10

practical 15:7 27:22 32:18
51:2 60:24

pre-made 61:9

prefab 56:4

prefer 48:13

present 4:10 5:4 37:17

presentation 5:19

preserves 58:21

president 35:20

pressure 43:17

pretty 10:19 45:18 48:1 59:3

prevented 15:10 32:23 51:8
61:2

prevents 49:7

previous 21:18,25 22:5 23:3
25:23 26:4

previously 22:17 39:20

primary 25:1

printout 19:9

privacy 33:8

private 35:5

problem 50:13

problems 29:24

proceeded 35:17

professional 17:20

project 29:5 32:16

projects 54:6

promise 42:23

properties 15:19 28:1 33:6,9
42:20 51:21 61:11

property 5:18 15:11,13 17:5,
22 21:9 24:5 27:13 28:3 29:6,
8 30:24 31:15 32:17,24,25
33:2,4,15 34:11,12 42:3 46:7,
19 47:25 49:1,10 51:9,15,16
53:13 54:23,24 55:12 56:21
61:3,5

proposed 10:7 24:3 28:2 33:7

Proppe 37:2,5,8,10 38:4 42:19

Proppes 34:19 35:10

protect 55:18 56:21

protection 56:12

protocol 14:8

provide 56:9

provided 9:16 55:11 57:9

providing 10:14

public 5:2,11 7:11

published 22:13,15

pun 46:14 50:16

purchased 17:22 57:22

pushing 42:7

put 23:4 31:21 35:5 36:5 37:13
38:8 39:6,9 54:15 55:12

putting 56:5 60:12

PZ25-0027 5:12 15:5

PZ25-0028 16:22 27:13

PZ25-0029 29:2 32:15

PZ25-0030 34:8 50:24

PZ25-0031 53:6 60:20

PZ25-0032 4:22

Q

quality 31:11

question 10:2,3,9 11:17 13:1
22:11 24:17,20 25:2,15 41:8
43:25 44:6,10 48:16,23 50:2,4
52:3 57:5,21 59:3

questions 9:19 11:10 24:12
31:19 36:22 57:15 58:10

quorum 3:21 45:11

R

R-1 34:13

R-4 17:6 29:9 53:14

R-C 5:18

Rail 34:18

raise 29:24

raised 54:7

ran 29:24 40:11

reach 39:25

reached 35:11,18 39:19 44:21

read 11:9 24:18

ready 4:8 27:11 53:5

real 12:9 23:17

rear 17:1 18:20 19:1 20:9 21:4,
7,9 27:15 29:6 32:17,19 33:8

reason 11:12 34:25 39:20

reasonable 33:12

received 12:12

recited 3:5

record 14:17 34:14

records 22:21

rectify 38:16 39:7

reduced 33:14

Regional 5:18

regulation 6:18

related 5:3

relates 46:4

relation 47:23

relayed 35:16

relief 15:17,21 27:25 28:3
32:19 33:5,10 51:19,24 61:9,
12

remarks 5:2

remediated 9:10

remind 43:21

remodeling 23:12

rendering 8:16

renewal 18:3

renovations 23:12

rep 44:4

repair 46:9

repeat 18:24

represent 17:7

representative 12:11

representing 4:6 17:11,21
29:9

request 13:12 17:23 19:4
50:25 51:25 54:10

requested 20:20 21:5,6 24:25

requesting 5:13 16:24 18:23
21:3 29:3 34:8 53:6

require 46:11,23

required 17:2,4 29:7 46:16

requiring 15:8 32:19 51:2

60:25

residential 17:6 29:8 33:12
34:12 53:14

respect 15:11 32:23 51:8 61:2

rest 47:23

restraints 32:20

result 31:9

results 17:2

retail 6:11

returned 8:23 26:16 31:4
38:20 57:19

reviewed 38:12

revisions 4:14

risk 55:4,5,6

road 40:14,24 42:16 51:17
57:13 59:15,16,23

Robert 57:20

roll 3:6 16:1 33:17 47:16,17
48:7 52:14 61:16

roof 59:5,10

room 30:25

roots 50:9

rope 55:2

rose 30:2

rot 55:2

rotting 54:25

rules 3:23 36:3 45:3

run 31:25 40:11

runs 47:24

rusty 49:2

S

S-V-I-O-N-T-K 34:17

SAARELA 46:23 47:6 49:16
52:8

safe 7:6 36:17,20

Meeting 07/08/2025

12

safety 10:24 43:9 47:15 55:21
sale 14:6,7
sales 44:4 50:20
Salow's 17:25
Sam's 56:4 57:24 58:8,18
Samona 3:18,19 4:15,23 5:7
 9:2,12 11:5 12:3 13:14,23
 14:1 15:24 16:11,12 18:24
 20:17 21:3 23:9 26:20 27:19
 28:6,10,12,13 31:19 32:6,9,14
 34:2,3 40:5,13,17 46:2,12
 47:1,7 50:18 52:2,10,18,19
 58:16 59:2,12,19 61:20,21
Sanghvi 3:10
satisfy 47:10
school 8:3 13:8
scientific 13:7
Scott 14:18
screen 7:10
Sears 9:6
second-story 56:15
secretary 4:8,9
Section 5:14 17:1 27:15 29:4
 34:9 53:7,10 60:23
seek 54:2
seeking 30:21 54:14,17 57:2
seemingly 45:23
self-created 27:24
semi 35:5
senior 5:23
sense 21:24 22:1,7 23:8,22
 26:8 44:20 49:7
separate 52:9
separation 33:14
serve 27:7
service 5:10
set 21:8 44:15 51:17

setback 17:1,3 18:21,22 19:2,
 5,22 20:10 21:7,11 26:24,25
 27:9,16,17 28:9 32:19 33:14
 34:11 38:9 39:4,6
shade 10:1 55:11,12 58:25
shading 10:18
shallow 27:23
share 7:10
shopping 15:14
shots 7:14
show 23:21 49:19 55:14
shown 15:7 32:18 36:8,10
 47:22 51:1 60:24
shows 24:6
side 28:8 30:10 40:23 42:22
 54:12 55:25
sides 59:11
sidewalk 46:1,22
sign 56:8
signatures 56:9
signing 8:3
silence 4:4
similar 7:4 56:10,11 61:11
simply 36:7
simulators 6:15
single 24:22 30:21
single-family 25:3
sir 40:16 41:13 44:1 50:2,7
site 23:21 26:12 42:14 54:11
 61:14
sits 22:6 27:1,9,20
sitting 49:12
situation 39:11
situations 42:5
six-foot 35:1
size 6:18 27:4 33:7 57:3 58:6,7

61:8
sizes 31:9
slide 48:2
sliding 47:14
slope 59:5,11
sloped 59:5
small 31:8
snow 56:2 59:6,8,9,22
Soborowski 31:6
solar 60:3,7,9,10
someway 36:4
sort 54:3
sorts 6:19
sought 15:5 32:15 50:25
south 55:7
southwest 56:18
space 5:16 9:13 32:21,25
 36:14 49:9 55:15 60:25
spatial 24:24
speak 14:10,11 24:13 39:14
spec 10:13
special 13:18
speculate 49:22,23
Speeds 51:10
spell 4:7 5:20 14:10 17:8
 29:10 34:13 37:1 53:15
spelled 34:17
spill 7:20
spillage 9:18
spirit 15:21 21:17,20 22:2,19
 23:3 26:3 28:4,5 33:10 51:24
 61:13
split 17:24 24:2 54:12,25 55:5
spoke 35:14,25 38:11
spoken 35:19

Sport 5:25
Sporting 5:13,24 8:23 15:6
sports 6:17,22 7:5,17 8:20 9:5
spray 42:6
square 6:18 53:8,10 54:16,17, 18,19 57:3 58:5 60:23
stadium 7:7
stand-in 4:9
standards 31:13 46:8
stands 15:9
start 3:3 46:10
started 54:21,25 55:1
state 4:7 5:19 17:7 29:9 34:13 37:1 41:25 53:14
stated 17:24 51:3,22
steep 36:10
step 5:19 14:15
steps 30:1,10,13,14
stipulation 45:24
stipulations 47:2
store 5:25 6:11,16 8:4 9:23,24 10:19 12:16 13:10
stores 6:21 7:13 11:12
story 35:7
straw 45:15
street 24:17 42:9,19 45:20 47:18 48:8 55:24 61:6
structure 24:23 25:1 26:7 59:10 61:4,8
structures 26:11 56:10,18,19 61:12
stuck 59:22
student 8:6
study 9:16
stuff 42:12 44:18 48:21
subdivision 18:1 42:9

subject 47:3
submitted 19:3 20:6
sudden 59:23
Sue 31:5
sugarcoating 50:1
sun 56:12,22 58:15
sunlight 55:10,21
super 59:21
superimposed 55:19
Superior 34:18 50:24
support 10:3 13:11 14:25 15:24 56:8
supporting 40:18 50:13
supports 33:12
supposed 29:25 30:6
surrounding 15:19 28:1 33:6 47:5 51:21 61:11
survey 18:13 19:21 22:4 23:23,25
surveying 25:22
surveyor 18:14 20:24
surveys 27:2,4
Sviontk 34:15,16,21,24 35:24 39:12 40:7,16 44:1,4,9,13 45:14 47:20 48:4,9,15,23 49:3,15,17,21 50:5,7,15,19
swampy 36:11
swear 6:4 17:14 29:16 34:22 37:6 53:20
swing 48:4,5 55:3
sworn 4:8

T

table 29:24
taking 23:24
talking 6:13

tearing 49:8
technically 21:23 22:3,15
technology 25:22
Temperature 5:15
ten 4:9 21:9 41:24 54:5
tenants 42:5
tested 56:5
Thanksgiving 14:6
thereof 9:19
thing 13:14 20:21 25:7,23 30:12 42:6,15 45:20 58:25
things 6:13 7:10 9:15 39:16 50:12
thinking 10:6 22:18
Thirty 31:3
Thompson 3:11,12 15:4 16:5, 6 28:18,19 33:19,20 41:7,10, 14,18,21 42:21 47:12 48:2,6, 11,22 49:17,19 50:6,8 52:20, 21 60:4,7,11,16,19 62:1,2,22
thought 39:2
thoughts 46:13
time 5:3 18:25 22:1 41:3 45:25 50:6 52:5 54:24
times 14:7
timing 12:15
timings 12:14
tiny 25:12
title 35:21
today 17:22 19:20 20:16 21:10 34:25
told 21:2
tomorrow 24:16 49:23 50:4
tonight 3:24 4:5,9 5:11 6:9 17:18 23:7 25:20 30:21 38:17 39:8,11 48:14 50:22 53:25 57:2

Tonight's 4:20
top 9:11,22 10:8 32:5 48:18 55:1
topic-ish 47:12
topics 49:13
torn 9:9
total 3:24 18:12 21:5 54:18 59:17
totally 52:8
tough 41:21,22
town 55:16
townhouse 25:15
track 23:16
traffic 51:9
transferred 41:25
treatment 45:24
tree 40:19 54:22,24 55:1,4,9, 11
treeline 38:1
trees 10:18 37:20 40:5,8,10, 12,14 42:4,7 46:9,15,17 47:4, 19
trunk 55:1
truth 6:5 17:15 29:17 34:23 37:7 53:21
tucked 47:25
turn 4:4
turned 45:9
turning 11:22
two-story 12:25
type 18:9
typically 10:17 39:16 48:19

U

uncovered 29:5 32:16
underground 57:10

understand 10:24 11:13 42:22 44:9,25 58:24
understanding 35:8 44:15
uniform 11:11
unifying 26:11
unique 15:13 32:20,25 51:16 61:5
units 24:23 25:2,5
unreasonably 15:10,18 27:25 32:22 33:5 51:7,20 61:1,10
unusual 31:8
update 22:21
updates 15:12 62:10
usable 32:21,25
usage 13:16 56:1,21

V

variance 5:13,17 7:1 8:15 15:5,6,9 17:3,5,23 18:1,3,12, 21,23 19:4,6 20:14 21:4,5,6, 18 22:12,16 23:7 25:19,20,25 26:1,2 27:13,14,16,17,18,24 28:2 29:3,7,22 30:21,22 31:7 32:15,22 34:8 35:3 36:8 38:8 41:23 42:1 47:2 51:6,7 53:6, 10,12 54:17,20 56:6,20 57:3 60:20,22 61:1
variances 16:25 19:15 20:12, 15 31:9 54:15 57:2
vary 9:23
vein 35:9
vendor 10:13
verge 47:9
verify 39:25
versus 10:5 13:8 25:23 41:14
vice 35:20
Victor 7:16 8:4
view 40:12 56:18,19

viewed 22:23
violation 38:15,17 39:5
visibility 7:6 10:25
visible 37:25
visualize 10:10
vote 3:25 43:20 48:14 50:22 52:2

W

walk 32:3 40:10 58:13
walking 55:24 58:14
wall 6:15 55:23
Walnut 17:25
wanted 9:15 18:15,16 23:20 25:13 37:14 43:20 49:22 55:12 59:20
warm 7:2
watched 9:3
water 29:24 53:9,12
weather 58:25
wedding 62:15
weeded 50:9
weeds 42:6
weedwhacker 49:4
west 56:16
whatnot 42:4
wheels 47:15
white 11:20 12:1 45:21
wide 30:13
wind 59:25
winds 56:3
wise 43:9
withstand 56:3
wondering 31:22
wood 47:19

work 58:15

worth 35:6 39:14 47:21

Y

Y-O-N-O 29:12

yard 17:1,3 18:20,22 19:1,5,
22,25 20:10,14 21:4,7,12
26:24,25 27:8,15,17,20 28:8,9
32:25 33:8 34:11 35:4,6 36:5,
9 37:24 38:9 39:4,6,9,10 48:5
51:3

yards 49:25

year 42:11 55:9

year-round 56:1

years 19:20 41:24 45:22 49:20
50:8 54:4,5

Yono 29:11,14,15,18,22 30:17
31:6,10,18,25 32:15 34:6

York 7:16,23 8:4

young 36:14

Z

ZBA 21:24 38:11,17 44:12

zoned 5:18 17:6 29:8 34:12
53:13

zoning 3:2 5:14 16:25 21:17
27:15 29:4 34:9 39:3 53:7
60:22 61:3