

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, SEPTEMBER 10, 2019 7:00 P.M.

Council Chambers-Novi Civic Center-45175 W. Ten Mile Rd.

BOARD MEMBERS:

Joe Peddiboyina - Chairperson

Linda Krieger

David M. Byrwa

Siddharth Mav Sanghvi

Kevin Sanker

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Opperman, Recording Secretary

Reported By: Laura J. Steenbergh, CSR

1 Novi, Michigan

2 Tuesday, September 10, 2019

3 7:00 p.m.

4 - - -

5 CHAIRPERSON PEDDIBOYINA: Good evening, All.
6 Welcome to the Novi Zoning Board of Appeals, Tuesday,
7 September 10th, 2019. And Member Byrwa will lead for
8 the pledge of allegiance, please stand up while we do
9 it.

10 (Pledge of Allegiance.)

11 CHAIRPERSON PEDDIBOYINA: Thank you. Please
12 be seated.

13 Katherine, can you please call roll?

14 MS. OPPERMAN: Member Byrwa?

15 MEMBER BYRWA: Present.

16 MS. OPPERMAN: Member Krieger?

17 MEMBER KRIEGER: Here.

18 MS. OPPERMAN: Member Longo is absent,
19 excused.

20 Chairperson Peddiboyina?

21 CHAIRPERSON PEDDIBOYINA: Yes, please.

22 MS. OPPERMAN: Member Sanker?

23 MEMBER SANKER: Here.

1 MS. OPPERMAN: And Member Sanghvi?

2 MEMBER SANGHVI: Here.

3 CHAIRPERSON PEDDIBOYINA: I think we have a
4 full quorum. Okay. Thank you.

5 We have a formula for two particular meetings,
6 public hearing format and rules of conduct. If you
7 could just have your phones to be turned off as we have
8 the public hearing. When each case is called anyone can
9 make remarks. It is on television at home and people
10 can come to the podium and speak, and there's an
11 overhead that can show up on the computers for the
12 people at home as well.

13 And then when people come up, to please state
14 your name, spell your first and last name to be clear to
15 our secretary, and sworn by secretary if you're not the
16 attorney, and then we have an agenda. Tonight we have
17 two -- or we have four cases.

18 And there's no change in the --

19 MS. OPPERMAN: No changes, no.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

21 MEMBER KRIEGER: I move to approve the agenda.

22 MEMBER BYRWA: So voted.

23 CHAIRPERSON PEDDIBOYINA: Seconded. Thank you

1 so much.

2 MEMBER KRIEGER: All in favor?

3 CHAIRPERSON PEDDIBOYINA: All in favor?

4 THE BOARD: Aye.

5 CHAIRPERSON PEDDIBOYINA: Any nays?

6 Okay. Thank you.

7 Public remarks, anyone have anything regarding
8 our agenda other than the cases, you know, something
9 that deviate, can come up to the podium. Okay. Anyone
10 have anything regarding the, other than the cases, have
11 something to deviate, then they can come up about the
12 podium.

13 Seeing none, I'll close the public remarks,
14 the public hearing will go forward.

15 Okay. Then we go to case one. PZ19-0028,
16 Louise L. Holbel, 23833 Harvest Drive, West of Novi
17 Road, and South of Ten Mile Road, Parcel Number
18 50-22-27-202-023.

19 The applicant is requesting variances from the
20 City of Novi Zoning Board, Ordinance Section 3.1.5 to
21 allow a proposed rear yard setback of 16 feet, 35
22 minimum allowed by code. This property is zoned Single
23 Family Residence R-4.

1 He's coming up to the --

2 MEMBER KRIEGER: IS the petitioner's here?

3 CHAIRPERSON PEDDIBOYINA: Is petitioner here?

4 MEMBER KRIEGER: All those for Harvest Drive?

5 MR. ROSSON: Here.

6 CHAIRPERSON PEDDIBOYINA: Yeah. And state
7 your full name and spell it also.

8 MR. ROSSON: My name is Steve Robson. I
9 represent the contractor that's been hired by Mr.
10 Holbels to build the remote project. The name of our
11 company is Sun Additions.

12 MEMBER KRIEGER: Are you an attorney?

13 MR. ROSSON: Yes.

14 MEMBER KRIEGER: Okay.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 MEMBER KRIEGER: But could you spell your name
17 at least for our court reporter?

18 MR. ROSSON: Oh, I'm sorry.

19 MEMBER KRIEGER: Thank you.

20 MR. ROSSON: First name Steve, last name is
21 Rosson -- R-O-S-S-O-N.

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
23 You can proceed.

1 MR. ROSSON: With me this evening is the
2 homeowner, Louise Holbel, that owns the residence in
3 question. And with her that also resides at the
4 property is Robert Littlemeyer, and he would like to
5 speak on their behalf.

6 MR. LITTLEMEYER: Good evening.

7 MEMBER KRIEGER: Good evening.

8 CHAIRPERSON PEDDIBOYINA: Good evening.

9 MEMBER BYRWA: Robert Littlemeyer. Did you
10 need a spelling on that? Little -- M-E-Y-E-R.

11 MEMBER KRIEGER: Are you an attorney?

12 MR. LITTLEMEYER: Pardon me?

13 MEMBER KRIEGER: Are you an attorney?

14 MR. LITTLEMEYER: I'm a retired navy sailor, I
15 don't do the law like that. Ask me about UCMJ, I'll
16 help you out.

17 MEMBER KRIEGER: All right. Would you raise
18 your right-hand, sir? I'm sorry, I'm the secretary. So
19 we've got to swear that we're going to tell the truth,
20 but not swear like a navy sailor.

21 MR. LITTLEMEYER: I swear to tell the truth.

22 ROBERT LITTLEMEYER,
23 having first been duly sworn, was examined and testified

1 on his oath as follows:

2 MEMBER KRIEGER: All right. Thank you.
3 Proceed.

4 MR. LITTLEMEYER: And the gate's open?

5 MEMBER KRIEGER: Yep.

6 CHAIRPERSON PEDDIBOYINA: Yes.

7 MR. LITTLEMEYER: Anyhow, Louise and I both
8 like to sit outside. We enjoy the outdoors. I can no
9 longer take the sun, and neither can she, you know,
10 knowing I had the skin cancer there, and we have an
11 extreme westerly exposure. And what we're planning on
12 doing is putting in a quality sun room to replace the
13 existing pergola and deck section that we have there.
14 What we're planning, asking to put in is in fact two
15 feet in either direction smaller than the existing
16 structure that is there.

17 There are two houses in the area that we can
18 see right from our back that stick out just as far, if
19 not a little bit further than ours does back to the --
20 on the existing property. That's basically about it
21 really. It's a quality structure that we have
22 contracted to put in. Hope for your approval so we can
23 continue on with this project.

1 Any questions that I may help you with?

2 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

3 MEMBER KRIEGER: Do you have anything for the
4 overhead that you can put up for families at home that
5 are watching?

6 MR. LITTLEMEYER: Ma'am?

7 MEMBER KRIEGER: Do you have an overhead
8 picture from like what was in our packets?

9 MR. LITTLEMEYER: Oh, just the picture that
10 they have of the room itself.

11 MEMBER KRIEGER: Yeah.

12 MR. LITTLEMEYER: It is going to tie into the
13 house. It will tie into the existing roof, it will be
14 shingled to go with the existing home itself and not be
15 a standout or anything else.

16 MEMBER KRIEGER: Okay.

17 CHAIRPERSON PEDDIBOYINA: Can you display
18 this?

19 MR. SANGHVI: Will you put it on the screen
20 there so everybody can see the picture?

21 MR. ROSSON: Yeah. The picture that you have
22 there now is probably a better representation than this
23 line drawing that's there, but it's -- yes, let's look

1 at it.

2 Again, basically what we're proposing here is
3 a, it's not going to be a heated year-round type of
4 addition, nothing that adds square footage, just what's
5 referred to as a seasonal-type porch, to replace an
6 existing pergola and larger deck that's already on the
7 back there. The pergola provides absolutely no
8 protection, you know, from the sun, be it any other
9 weather conditions and so forth that has been plaguing
10 them for some time.

11 I've been in the business myself for 33 years
12 so I know people in your position take these type of
13 things very seriously when it comes to granting special
14 permission to approve such structures. The main point
15 that I see that would be in their favor is both houses
16 just to the south of them, and particularly the one
17 listed on the application that we had submitted, extends
18 every bit as far or further into that setback than what
19 they're proposing here. Initially the thought was to
20 make the existing -- I mean, the new structure larger
21 than what it is. With one look at the lot I knew there
22 might be a potential issue so we had downsized it to
23 something that's still livable, but not gigantic. So as

1 far as an intrusion to the neighbors and whatnot, I
2 don't really see that, because it's just -- it's no more
3 obtrusive than, you know, what's there now. But that's
4 very much what it would look like when finished. And
5 quality construction, wood roof tied into the house,
6 shingled. Make it look like part of the house. It
7 would certainly not be any kind of a detriment to the
8 neighborhood or property, it's in fact enhancing it.

9 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

10 Anything else? Is there anyone in the
11 audience who'd like to speak regarding the case?

12 Seeing none, from the city?

13 MR. BUTLER: Just wanted to mention that due
14 to the fact that they are reducing their square footage
15 of the setback by reducing the dimensions of the new --
16 or the existing structure to the new one, that was
17 appreciated by the city that they're doing that, not
18 generating any visual effects from any neighbors on
19 either side.

20 And due to the fact that they are in extreme
21 southerly exposure to the sun, which is an extreme
22 hardship for them with their skin conditions and all, so
23 that would definitely be helpful to their quality of

1 life. Thank you.

2 CHAIRPERSON PEDDIBOYINA: Thank you.

3 And the correspondence, Secretary?

4 MEMBER KRIEGER: Yep. In this case there were
5 39 letters sent, zero returned, two approvals. The
6 approvals are -- the first one's from Robert and Betty
7 Hagopian on Hickory Grove Lane; and the second one is
8 approval from Mohamed Afana I think -- A-F-A-N-A -- on
9 Harvest Drive. That's it.

10 CHAIRPERSON PEDDIBOYINA: Thank you. Okay.
11 Seeing the presentation and the other points you
12 mentioned, and I came to the property also, and I don't
13 have any issue on this, and I'll leave it up to my
14 board.

15 Anybody want to say -- okay, Mr. Sanghvi, go
16 ahead, please.

17 MR. SANGHVI: Thank you. Good evening.

18 MR. LITTLEMEYER: Hi.

19 MR. SANGHVI: I came here to visit your place.

20 MR. LITTLEMEYER: Yes, sir.

21 MR. SANGHVI: I didn't get out and go through
22 the yard --

23 MR. LITTLEMEYER: Yes.

1 MR. SANGHVI: -- but I came there and I looked
2 around. And I really have no problem. You had a
3 non-conforming larger structure and you are reducing the
4 size, which is a real world situation in every respect,
5 and I would be very strongly supporting your
6 application. Thank you.

7 MR. LITTLEMEYER: Thank you.

8 Is now a good time to say that I really like
9 your dog?

10 CHAIRPERSON PEDDIBOYINA: Thank you, Sanghvi.
11 Anyone on the board, please?

12 Okay. Go ahead.

13 MEMBER KRIEGER: The footprint of the pergola
14 now then, this new building will be -- attachment will
15 be annexed for its support and then attached to the
16 home?

17 MR. LITTLEMEYER: No. That existing pergola
18 is going to be removed.

19 MEMBER KRIEGER: Right.

20 MR. LITTLEMEYER: As a larger structure.

21 MEMBER KRIEGER: But the base, is that on a
22 cement pad or you're making it?

23 MR. LITTLEMEYER: Well, currently it's on a

1 wood deck. The pergola?

2 MEMBER KRIEGER: Yes.

3 MR. LITTLEMEYER: Our plan is to put in a
4 regular full-fledged foundation or continuous footings
5 just as if you were building a home. In fact, my
6 experience in Novi here was that that was the preferred
7 method of construction from the building department, the
8 poured continuous footing versus the pier type footings
9 that decks are typically made on.

10 MEMBER KRIEGER: Okay. I also drove by, and
11 went around the other street as well, and I can see
12 you've got full sun, so I can appreciate it and I can
13 support your request.

14 MR. ROSSON: Great.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 Anyone else? Kevin?

17 MEMBER SANKER: Just one question about the
18 sun exposure. How is it different from other houses
19 that are next to it? I guess, what makes it a little
20 more unique?

21 MR. ROSSON: All of the houses on that side of
22 the street, I mean, they all have the same issue. In
23 fact, the two to the south, they have rooms or additions

1 on there, the one very right next door is some type of
2 addition as well, and that could be why that was added,
3 because of the current unfavorable conditions.

4 I wanted to add, too, that we did vote and
5 we've got the homeowner's association approval of the
6 project and they signed off on that.

7 MEMBER SANKER: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Thank you. Anyone
9 else on the board, please? Okay.

10 MEMBER KRIEGER: I'm ready to make a motion.

11 CHAIRPERSON PEDDIBOYINA: Okay. You can make
12 a motion.

13 MEMBER KRIEGER: In case number PZ19-0028 for
14 Louise L. Holbel on 23833 Harvest Drive, west of Novi
15 Road, south of 10 Mile, parcel number 50-22-27-202-023,
16 applicant is requesting variances from the city zoning
17 ordinance 3.1.5 to allow a proposed barrier yard setback
18 of 16 feet 35 feet minimum allowed to code.

19 Property is zoned single family residential.
20 And I move that we grant the request in this case. The
21 petitioner has shown practical difficulty requiring
22 assistance from their westerly-facing home because of
23 the environment. The seasons, our Michigan seasons,

1 when it's hot it's super hot, and when it's cold you've
2 got to have some kind of protection, so without the
3 variance the petitioner will be unreasonably prevented
4 or limited with respect to use of their property because
5 of the weather.

6 And the house is unique because it is
7 westerly-facing for the addition, which already has a
8 pergola on it and the addition will be enclosed and
9 allow for more of an outside feel without feeling the
10 weather. Petitioner did not create the condition
11 because of the house, its position when it was purchased
12 on the street, the backyard is facing the west during
13 the most hottest part of the day, in the evening, and
14 the relief granted will not unreasonably interfere with
15 adjacent or surrounding properties because they're
16 similar and others as well on that same street have the
17 same issues with westerly-facing backyards, and there
18 are two neighborhood -- neighbors supporting this
19 request and the relief is consistent with the spirit and
20 intent of the ordinance because it is a minimum request,
21 they will be making it smaller than the current pergola
22 and sitting in that area. Thank you.

23 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

1 MEMBER BYRWA: Second.

2 CHAIRPERSON PEDDIBOYINA: Second. Okay. The
3 motion is seconded. Any other discussions?

4 Seeing none, Katherine, please call the role.

5 MS. OPPERMAN: Member Byrwa?

6 MEMBER BYRWA: Yes.

7 MS. OPPERMAN: Member Krieger?

8 MEMBER KRIEGER: Yes.

9 MS. OPPERMAN: Member Sanghvi?

10 MEMBER SANGHVI: Yes.

11 MS. OPPERMAN: Chairperson Peddiboyina?

12 CHAIRPERSON PEDDIBOYINA: Yes.

13 MS. OPPERMAN: And Member Sanker?

14 MEMBER SANKER: Yes.

15 MS. OPPERMAN: Motion passes.

16 CHAIRPERSON PEDDIBOYINA: Okay. Then we are
17 going to case number two, PZ19-0029, 1310 East Lake
18 Drive, West of Novi Road and North of Thirteen Mile
19 Road, Parcel Number 50-22-02-151-033.

20 The applicant is requesting variances from the
21 City of Novi Zoning, Section 4.19 East(i), for a 173
22 square foot variance for the proposed 1,023 square foot
23 garage, 850 square foot allowed by code. Section 3.1.5

1 for a 25 foot total combined side yard aggregates. This
2 property is zoned Single Family Residential, R-4.

3 The applicant is here. Okay. Yeah, please
4 state your name, full name, for our Secretary.

5 MR. VARTO. Robert Varto -- R-O-B-E-R-T, last
6 name is V, in as Victor, A-R-T-O.

7 MEMBER KRIEGER: Are you an attorney?

8 MR. VARTO: I am not.

9 MEMBER KRIEGER: Okay. And you're both
10 speaking.

11 MR. THOMPSON: Yes. Michael Thompson,
12 architect -- T-H-O-M-P-S-O-N -- Royal Oak, Michigan.

13 MEMBER KRIEGER: So you both --

14 MR. THOMPSON: Not an attorney.

15 ROBERT VARTO,
16 having first been duly sworn, was examined and testified
17 on his oath as follows:

18 MICHAEL THOMPSON,
19 having first been duly sworn, was examined and testified
20 on his oath as follows:

21 MEMBER KRIEGER: Thank you. Proceed.

22 CHAIRPERSON PEDDIBOYINA: Please go ahead.

23 MR. VARTO: Good evening. Thank you for your

1 time.

2 I'm here with Mr. Thompson to propose a rework
3 of our garage roof and mudroom addition to the house.
4 Here with my wife and son. We moved to this house on
5 East Lake Drive in the middle of June. Love the house,
6 love the area. It's been fantastic. We do have some
7 functional issues with the home that we're looking to
8 correct that would not only help us for storage, but
9 will also make the outside more aesthetically pleasing.
10 So I'm just going to take you through a series of
11 slides, if that's okay, and show you kind of what we
12 have.

13 CHAIRPERSON PEDDIBOYINA: Please go ahead.

14 MR. VARTO: So I'm going to try it make this
15 really quick. Okay. You guys have it.

16 Okay. So this is our home. As you can see,
17 we have a detached garage. The home is new, it's two
18 years old. The garage we figure is between 20 and 25
19 years old, detached.

20 Is this is sort of the current state of
21 affairs of our garage. It's loaded with stuff since
22 we've moved in. There's really no opportunity to
23 optimize this just yet because of the tools, the things

1 that we have. In addition to this I have a 16-foot pod
2 that's still in storage that I'm paying monthly on. It
3 has my family's keepsakes, it has all my tools, and it
4 has all of our holiday stuff in it, so this is super
5 important to get that stuff back into our home.

6 This is essentially the closet space that we
7 have in our home. This is where we keep our coats. Not
8 proud to show this, but this is kind of how it looks on
9 a daily basis, right. The kids' book bags and our coats
10 and shoes. So with the mudroom addition we could solve
11 this problem.

12 This is a view from across the street. This
13 kind of shows how the structure is viewed relative to
14 the lake behind us.

15 And this view shows how the garage would
16 impact the view. You can see minimally because we have
17 such a large tree existing here, that the garage goes
18 up, but doesn't take away from the square footage view
19 on either side.

20 And then this view shows just quite simply
21 that we're offering up a change of the pitch of the
22 roof, right? The red is the existing and the design, of
23 course, is what's new there. It matches the house at a

1 12/12 pitch with dormers.

2 And this picture here, I just want to point
3 out, where we would offer the mudroom, that would be the
4 connecting piece. Functionally we have to go outside
5 every day, whether the weather's nice, cold, warm,
6 raining. Every day my wife and daughter, they both
7 drive, right, they're going outside, bringing groceries
8 inside in the rain. Putting this mudroom between,
9 getting us in and out of the garage, allows me to park
10 inside it, as well as not deal with the elements.

11 And then I'll let Mr. Thompson talk you
12 through the technical portion of it. Thank you.

13 MR. THOMPSON: Okay. So the Vartos are very
14 happy to live in Novi, especially on the lake. This
15 house has some problems with it. They contacted me and
16 asked me how they can solve some of these issues. They
17 have almost no capacity for storage because the house
18 is, it's a slab on grade and the garage is a slab. So
19 they're shoehorning any storage they can get. The
20 garage is full of boxes.

21 So how can I work with your zoning ordinance
22 and minimize any variances and not affect any
23 neighboring lots with the design. So tonight we're here

1 for two variances with our proposed design.

2 So the yellow box is the existing garage. It
3 was built in about 1995. It's a concrete block,
4 eight-inch block painted, and it has a low-slope roof on
5 it. And this mudroom that we're proposing doesn't
6 exist. Right now it's a detached garage and a
7 single-family house with a gap in between the two of
8 them. So like Bob was saying, you have to go out and
9 then -- outside to get into the garage. So the mudroom
10 would solve that by having a space instead of going
11 directly into the kitchen like you do now that you can
12 go into a proposed mudroom that connects right into the
13 garage.

14 And then solving the storage issue we're
15 proposing to remove the roof off of the garage, keep the
16 eight-foot high block walls, and build a new structure
17 on top of the roof or a new roof structure that's a
18 12/12 pitch that's steeper and that's -- that we can
19 efficiently use for storage. We'll have a hole in the
20 floor and a pull-down stair to get up there and put
21 boxes and that on up on the upper level.

22 This is a more blowup floor plan of a proposed
23 in-filled mudroom. So it works well with this. As you

1 come in there's a landing here, so -- and as you go
2 through the garage. So it works great. It's almost at
3 the same elevation, just fractions of an inch. So we're
4 proposing to cut a hole in the garage, connect through a
5 mudroom, and have separate lockers for all four members
6 of the family and have conditioned space that you can,
7 in Michigan, you can get in and out of the garage.

8 The garage would be empty with only vehicles
9 because we would propose to put enough structure with
10 rafters above, that's all storage, fully loaded. And it
11 has the same look of the house, so it's an extension of
12 -- this house was recently remodeled a couple years ago,
13 so it's really a contemporary beautiful house with these
14 dormers and these metal features that are on it and the
15 Hardie board and the color. So it's one of the nicest
16 houses on lake.

17 And then the back, the back sits into the lot,
18 it's kind of peaked toward the lake side, so it's even
19 lower. So the whole idea with this design was to treat
20 this garage as if it was detached, even though it would
21 be attached now with the mudroom, but respect the City
22 of Novi 14-foot high height fit point for detached
23 garages, even though we're attaching it to keep the

1 height down and push these dormers back. They're set
2 back six feet from the front so to minimize, as Bob
3 showed you, the view from across the street as well.

4 CHAIRPERSON PEDDIBOYINA: Anything else you
5 want to add?

6 MR. VARTO: There is one other thing. As we
7 showed the backyard picture. It's over here. But
8 relative to the backyard, I showed the picture earlier.
9 Yeah, this one right here. We have a lot of green space
10 directly behind the garage. My only other alternative
11 would be to blow this garage back. There's a large
12 tree, there's decks, green space for our family. I
13 don't want to do that. I desperately need this space,
14 but the last thing I want to do is have to tear out
15 trees and blow the back of my garage out and take up
16 that space with that type of structure. So going up is
17 -- it actually would make this much more aesthetically
18 pleasing and keep the green space in our backyard as
19 well.

20 MR. THOMPSON: I'd just to just add one more
21 item, too, please. This is an existing survey showing
22 the detached garage and existing house and the gap. So
23 we want put a mudroom in here. So by doing that we're

1 now attaching both of these, and we fall into the much
2 stricter setbacks where you need a 25 aggregate and a 10
3 minimum. And right now we've got the 5.6, 6.6, 6.5 and
4 5.1, so just putting that connecting mudroom put us into
5 a special variance now for setbacks. As well as the
6 square footage, we're at 577.5 square feet with the
7 garage on that footprint of 22-by-26 on the detached, so
8 the aggregate of the added storage upstairs for all
9 their belongings bumps it up above the allowable 850.
10 So that's the second variance that we're asking.

11 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

12 Anyone in the audience about this case who is
13 present?

14 Seeing none. From the city?

15 MR. BUTLER: I have no comments. Thank you.

16 CHAIRPERSON PEDDIBOYINA: Thank you.

17 Madam Secretary, any --

18 MEMBER KRIEGER: Correspondence?

19 CHAIRPERSON PEDDIBOYINA: -- correspondence?

20 Thank you.

21 MEMBER KRIEGER: Letters sent, 30; returns
22 zero, approvals zero, objections zero. Thank you.

23 CHAIRPERSON PEDDIBOYINA: Thank you.

1 Thanks for the --

2 MR. THOMPSON: Sir, we do have two letters we
3 brought ourselves that are originals.

4 MR. VARTO: I just wanted to reach out to my
5 neighbors. I wasn't sure of the process. But I did
6 reach out to my neighbors on either side and they both
7 approved, you know, relative to this project they're
8 okay with this. You know, I talked them through, showed
9 them the designs, they both signed off. So, if that
10 helps.

11 MR. THOMPSON: So these are signed letters
12 from both sides if you want copies of these.

13 CHAIRPERSON PEDDIBOYINA: Would you like to
14 see the letters, city attorney?

15 MS. SAARELA: If you could please get a copy
16 of those.

17 MR. THOMPSON: Sure.

18 MS. SAARELA: That would be very much
19 appreciated. Thank you.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

21 And after seeing the presentation and the case
22 like you laid out, I have no objections, and I'm opening
23 to my board what they say.

1 Please go ahead, anybody for -- Mr. Sanghvi,
2 please go ahead.

3 MEMBER SANGHVI: Thank you, Mr. Chair.

4 I came and visited your property I think on
5 Saturday, I was there in the afternoon.

6 MR. VARTO: Okay.

7 MEMBER SANGHVI: And if my memory serves me
8 right you had a black pickup in your drive.

9 MR. VARTO: Yes.

10 MEMBER SANGHVI: And I noticed -- I have
11 driven on East Lake Drive for over 500 times, I used to
12 live on Green Road in the village about 45 years ago.
13 And things haven't changed as far as your house in that
14 area is concerned. And if the house in your area needs
15 variation, some kind of variances, without that they
16 can't update it or improve it.

17 MR. VARTO: Right.

18 MEMBER SANGHVI: And I understand the problem.
19 It's one of the old looking houses along the road there
20 on Eight Mile with the grass sitting here and pieces of
21 land in between and then the house.

22 MR. VARTO: Right.

23 MEMBER SANGHVI: With some degree of variance,

1 difference also between the house and the garage and all
2 that. So when I saw this I got quite excited actually
3 to see what you are doing. And I really want to
4 congratulate you on how you have found a way of solving
5 the problem and making the, not only the appearance, but
6 the utilization of your property much better than how it
7 exists. And all I can say is congratulations. It's a
8 win/win situation for you, for your neighborhood, and
9 probably for the city because they really improve their
10 tax base. So thank you for doing it, and I will be
11 supporting your application. Thank you.

12 MR. VARTO: Okay. Thank you.

13 CHAIRPERSON PEDDIBOYINA: Thank you, Sanghvi.
14 Any other -- okay, Linda.

15 MEMBER KRIEGER: I agree with our previous
16 speaker, that I drove -- I drive by a lot, too -- that
17 it would be an improvement that -- the word that was
18 used in there was renovation. So the renovation will
19 help yourselves and the neighbors and you can still keep
20 your backyard, like you're saying, you've got your tree
21 and the yard to play in for the kids, so I'm also in
22 favor of your request.

23 MR. VARTO: Excellent. Thank you.

1 CHAIRPERSON PEDDIBOYINA: Okay. Kevin?

2 MEMBER SANKER: I just wanted some
3 clarification on, it sounds like you put a lot of
4 thought into figuring out how to keep the variance
5 requests minimal and also providing what you need for
6 your house. So can you just explain briefly again about
7 that? Like why do you think it's the best way for you
8 guys to build the house and the minimum zoning variance
9 required?

10 MR. VARTO: Well, I think from the perspective
11 that we can't go outward, and I don't want to impact the
12 green space rearward, the only way to go is up. The
13 house is built on slab. I literally have nowhere in the
14 home to put anymore storage. And the amount of things
15 that we have, and trusted me my family purged when we
16 moved here. We purged. And we are at the point now
17 where it's literally things that are, you know, we hold
18 most important to our family that we're keeping, so the
19 only way to go is up. And if it were up to me I'd go up
20 three stories, right, and match the house, but that's
21 not practical and Mr. Thompson has guided me to where
22 we're at now. The 14 feet respecting everybody's view.
23 I mean, directly across from me there is an empty lot,

1 so practically speaking they wouldn't see that. There
2 would be nobody affected by that. But I am respectful
3 of my neighbors across and adjacent from that, and
4 there's only one way to go and that's up.

5 MEMBER SANKER: All right. Thank you.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 Mr. Byrwa, please go ahead.

8 MEMBER BYRWA: Yeah, I have a comment there.
9 So basically we're keeping the same footprint other than
10 the breezeway on the property --

11 MR. VARTO: Correct.

12 MEMBER BYRWA: -- which has a minimal effect
13 other than we're going up and keeping it well below the
14 height limitation of an attached --

15 MR. VARTO: Correct.

16 MEMBER BYRWA: -- structure on there.

17 MR. VARTO: Yes.

18 MEMBER BYRWA: So it looks like it's a win/win
19 for everybody there.

20 MR. VARTO: I agree with that.

21 CHAIRPERSON PEDDIBOYINA: Thank you, David.

22 Is it motion time?

23 MEMBER SANKER: Yep, I'm ready.

1 CHAIRPERSON PEDDIBOYINA: Okay. Go ahead.

2 MEMBER SANKER: I move that we grant the
3 variance in case number PZ-190029, sought by the
4 homeowner Robert Varto because petitioner has shown
5 practical difficulty requiring the variances. Without
6 the variance the petitioner would be unreasonably
7 prevented or limited with respect to the use of his
8 property because he won't be able to store or -- store
9 their property or otherwise use their home adequately.
10 The property is unique because it was built with
11 inadequate storage for the needs of this particular
12 family and the shape of the lot is narrow. And the
13 petitioner did not create the condition because he
14 purchased the building as is and didn't build the house.

15 The relief granted will not unreasonably
16 interfere with adjacent or surrounding properties
17 because it is built with minimal height and in addition
18 no neighbors objected to the building.

19 The relief is consistent with the spirit and
20 intent of the ordinance because they now can provide
21 adequate storage for their family while at the same time
22 minimally impacting the view of the lake.

23 MEMBER KRIEGER: I'd like to --

1 CHAIRPERSON PEDDIBOYINA: Thank you. Okay.

2 The motion is passed.

3 And do you have any other -- any other
4 discussions?

5 Seeing none. Okay. So all in favor?

6 MEMBER SANKER: We didn't vote. We have to
7 vote on it.

8 CHAIRPERSON PEDDIBOYINA: Yeah. Please call
9 the roll. Sorry.

10 MS. OPPERMAN: Member Sanghvi?

11 MEMBER SANGHVI: Yes.

12 MS. OPPERMAN: Member Sanker?

13 MEMBER SANKER: Yes.

14 MS. OPPERMAN: Chairman Peddiboyina?

15 CHAIRPERSON PEDDIBOYINA: Yes, please.

16 MS. OPPERMAN: Member Krieger?

17 MEMBER KRIEGER: Yes.

18 MS. OPPERMAN: And Member Byrwa?

19 MEMBER BYRWA: Yes.

20 MS. OPPERMAN: Motion passes.

21 CHAIRPERSON PEDDIBOYINA: Thank you.

22 MR. VARTO: Thank you. Thank you very much.

23 Appreciate it.

1 CHAIRPERSON PEDDIBOYINA: Okay. Case number
2 three, PZ19-0030, Tri-County Builders, 22995 Beck Road,
3 West of Beck Road and North of Nine Mile Road, Parcel
4 Number 50-22-29-400-016.

5 Applicant is requesting a variance from the
6 City of Novi Zoning Ordinance Section 4.19.1.E.iii for
7 the additional 160 square foot variance for a proposed
8 1380 square foot accessory structure. 1500 square feet
9 allowed by code, Section 4.19.1.1 to allow for a 3 foot
10 height variance, one story of 14 feet allowed by code.
11 Building shall be set one foot for each foot the
12 building exceeds 14 feet in height. This property is
13 zoned Single Family Residential, R-1.

14 The applicant is here. Okay. Please state
15 your name fully and spell it then for my secretary.

16 MR. CHILDS: I'm Chris Childs -- C-H-R-I-S,
17 C-H-I-L-D-S. And this is John Whalen.

18 MR. WHALEN: W-H-A-L-E-N. My first name,
19 J-O-H-N.

20 MEMBER KRIEGER: Are either of you attorneys?

21 MR. CHILDS: No.

22 MR. WHALEN: No. I'm the homeowner.

23 MEMBER KRIEGER: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

CHRIS CHILDS,
having first been duly sworn, was examined and testified
on his oath as follows:

JOHN WHALEN,
having first been duly sworn, was examined and testified
on her oath as follows:

MEMBER KRIEGER: Thank you very much.

CHAIRPERSON PEDDIBOYINA: Please go ahead.

MR. CHILDS: So with this -- with this project
we are looking to -- his current garage is small.
There's living space that intrudes into the garage area,
and so that's why we're looking to -- and then he also
has an existing structure that will be removed on the
property where he is storing another -- another vehicle
where he doesn't have enough space even in his existing
garage. So that will be removed, the new garage will be
built. And when they built that house next to it --

How many years ago?

MR. WHALEN: Probably six years ago.

MR. CHILDS: Okay.

MR. WHALEN: The house next to it.

MR. CHILDS: So when I went to look at the
site it was a very low area, and I could clearly tell

1 that when they built the house next to it they built it
2 way too high for there and it was creating a very low
3 flooding area. So my suggestion to him was let's put it
4 higher up on block, that will clear out that issue, then
5 we can grade the -- and then we can create a swale and
6 push it back towards the natural grade of the land,
7 which was towards the front. So there is currently a
8 swale, but when they built that house up so much it just
9 wouldn't allow it and it was puddling in that area in
10 his backyard.

11 MR. WHALEN: Yeah, I get tremendous flooding
12 in the area in the backyard, and that would alleviate
13 it. I think the builder actually filled a wetland that
14 was next to the property, it was a pond before, and he
15 built the up like three feet higher than my property.
16 And the property behind it was about three feet higher.
17 But the guy behind me built like a berm along the
18 backside of the -- his house, and his house doesn't, you
19 know, drain water into my yard, but, you know, I have
20 ducks in my yard in the springtime. It's pretty bad.

21 CHAIRPERSON PEDDIBOYINA: Okay. Anything else
22 you want to say? Do you have any kind of presentation?

23 MR. CHILDS: I do have just to show where it's

1 going to sit on the property. There is -- I brought a
2 full-size print, so let's see if this works. Yes, no?

3 MS. OPPERMAN: It will just take a second.

4 MR. CHILDS: Okay. So where it sits on the
5 property, it is behind the house. There is no windows
6 to the neighbor's house. The neighbor next to him
7 cannot see it. And like you just stated, there's a big
8 berm in the backyard where the newer development
9 division and it's covered in a bunch of trees, there is
10 no view, no line of sight issue whatsoever.

11 The only neighbor that it would impact did
12 write a letter in agreeance with the project in support
13 of it to help the issue that their house created.

14 We do have that, too, but I think that's on
15 file? The letter.

16 MS. SAARELA: We received two letters. I
17 believe one was an approval and one was a conditional
18 approval because they had some concerns they wanted to
19 address.

20 CHAIRPERSON PEDDIBOYINA: Yeah, we called
21 them. Yeah, please go ahead.

22 MR. CHILDS: Okay. Perfect.

23 CHAIRPERSON PEDDIBOYINA: Any other questions?

1 Anybody else want to say anything?

2 MR. CHILDS: No.

3 MR. WHALEN: Yeah. Well, I did want to
4 mention, that, you know, my house was built in 1977, and
5 there really isn't much storage in the house at all.
6 There's no basement in it, it's built on a slab. And,
7 you know, it's just -- I like to restore car, you know,
8 like I have a small car that I'm restoring right now.
9 And I'm going to be retiring soon and that's something
10 that I'd like to continue to do, and I think a larger
11 garage would just keep everything inside the garage. I
12 can piddle around with the cars or do whatever I want to
13 do when I retire. I've worked 60 years and -- or 50 --
14 58 years.

15 MEMBER KRIEGER: And stay in Novi.

16 MR. WHALEN: I want to stay in Novi.

17 MR. CHILDS: Yeah, that's exactly it. All the
18 other houses in the area are newer and updated, and this
19 was his big option. We are going to -- it is going to
20 fit the new look of all the houses, it's going to match
21 the, you know, current siding and everything else, so it
22 will look just like the home.

23 MR. WHALEN: Yeah. It matches the roof line

1 of the properties in the area, too. And a lot -- the
2 houses that are next door to me are, you know, much
3 higher than my house, so I think it --

4 CHAIRPERSON PEDDIBOYINA: Thank you.

5 Anyone --

6 MR. WHALEN: -- fits right in.

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 Anyone in the audience about this case want to
9 comment, please come to the podium.

10 MEMBER KRIEGER: Sure.

11 CHAIRPERSON PEDDIBOYINA: Anyone in the
12 audience to speak about the case?

13 MEMBER KRIEGER: Do you want to come up and
14 speak about the case?

15 UNIDENTIFIED SPEAKER: No. I just can't hear
16 you all.

17 CHAIRPERSON PEDDIBOYINA: Can you hear me now?

18 UNIDENTIFIED SPEAKER: Yes.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

20 Okay. Seeing none. From the city?

21 MR. BUTLER: No comment at this time, standing
22 by questions.

23 CHAIRPERSON PEDDIBOYINA: Okay. Any

1 correspondence?

2 MEMBER KRIEGER: Letters sent 29, returned
3 one, approvals two, objections zero. The first one is
4 Marina Ufimzeff and Daniel Ufimzeff -- I hope this is
5 right.

6 I live at 22975 Beck Road, directly next door
7 to Tracy and John Whelan, to the north. They have told
8 my husband and I about the variance issue of two foot
9 four inch in height of the garage they wish to
10 construct. We have no issue with them doing so. All
11 the homes in this area have roof lines that are much
12 higher than the one they propose and totally in style of
13 our home's roof. There are no other homes in the area
14 that could even see their garage as we are their only
15 direct neighbors. We have no windows on the south side
16 of our home, so our only partial view of the garage
17 would be from our backyard.

18 In summary, we have no issue and agree that
19 their decision to build a garage will be an improvement
20 to the area.

21 And there's another one from Tischler, in
22 Beckenham Court. We object to the late notice and
23 insufficient time to review the details of the request

1 or attend the meeting. Notification had been after
2 deadline. We can't agree or object based on limited
3 access to this request and have no preexisting reasons
4 for concern. The due diligence we wish to have done is
5 as follows. One setback from residential property line
6 to the west, 22712 Beckingham Court, will be maintained
7 per code and not part of the exception being requested.

8 Two, confirm that the use of requiring a
9 17-foot high garage is consistent with residential use
10 and noise level.

11 Three, the new lighting will not be excessive
12 or beyond current level for aesthetic appearances not
13 inconsistent with current and surrounding structures.
14 And it's T-I-S-C-H-L-E-R, David and Yoshiko.

15 MR. CHILDS: So we're good within the setbacks
16 for the rear.

17 MEMBER KRIEGER: So wait a second.

18 Can he address that?

19 MR. CHILDS: Can I?

20 MEMBER KRIEGER: One second.

21 MR. BUTLER: If they want to.

22 MR. CHILDS: It was sent -- there was
23 sufficient time, correct? It gets --

1 MS. SAARELA: Yes, I'm not sure, but I did
2 speak to them on the phone today. I think they had
3 wanted to be able to come to the meeting, but couldn't.
4 So they had asked if it could be postponed and I
5 expressed that no, the meeting would not be able to be
6 postponed, unfortunately.

7 MR. CHILDS: Yeah. We did turn in all
8 information within the, you know, within the time frame.
9 And there were -- he did ask neighbors. He assumed
10 there would be absolutely no problem with it.

11 Did anybody go out to his property to see the
12 overgrowth, the trees in the backyard for the --

13 CHAIRPERSON PEDDIBOYINA: Yeah, we come up on
14 that. Once you finish your thing, then we will --

15 MR. CHILDS: Yes, we do meet the rear setbacks
16 and side setbacks. And as far as lighting, I mean, at
17 this time there is only a storage area on what is the
18 attic area is only storage, so there is nothing up
19 there, and then there will be no rear lights or
20 anything, so, I mean, we can make a note of that, that
21 there will be no spotlights or anything else in the rear
22 that should impact anybody 's view or anything, or --

23 CHAIRPERSON PEDDIBOYINA: Anything else you

1 wanted to say for now?

2 MR. CHILDS: No. I'll keep quiet.

3 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

4 Yeah. I see your presentation, and we were
5 testing the practicalities, I have no objection, and I'm
6 keeping my board to open to speak up.

7 Anyone on the board?

8 Yeah, Mr. Sanghvi, please go ahead.

9 MR. SANGHVI: Thank you, Mr. Chair.

10 I came and visited your place on Saturday
11 afternoon. I think it was the wrong time to come, it
12 was so busy, I overshot a little bit, causing me to turn
13 around, but ultimately I found your house.

14 MR. WHALEN: Yeah, it's hard to find.

15 MEMBER SANGHVI: It's not very easy to the
16 number around there on that part of Beck Road there.

17 But anyway, I see what your problem is and I
18 understand your hardship. To be quite honest, I have no
19 problem supporting your application. Thank you.

20 MR. WHALEN: Okay.

21 CHAIRPERSON PEDDIBOYINA: Okay. Any other
22 questions for the board?

23 MR. BUTLER: Mr. Chair? I just wanted to say

1 that due to the fact that they had a question about the
2 lighting that it's not a factor as long as they meet the
3 proper luminaires required for how much light comes out
4 of the building. That's all they have to really rely
5 on. So they can have a light up in their garage, it
6 just can't be an extremely bright light that shines on
7 the whole neighborhood, it just has to meet the
8 luminaire standards.

9 CHAIRPERSON PEDDIBOYINA: Thank you. Okay,
10 Mr. Byrwa.

11 MEMBER BYRWA: Yeah, I had a question for the
12 city. The building height of 14 feet, that's measured
13 to the midpoint of the gable?

14 MR. BUTLER: To the midpoint, yes.

15 MEMBER BYRWA: So theoretically he'd be
16 allowed to go 18 feet to the ridge.

17 MR. BUTLER: Pretty much, yes.

18 MEMBER BYRWA: Okay. Thank you.

19 CHAIRPERSON PEDDIBOYINA: Mr. Sanghvi?

20 MR. SANGHVI: No.

21 CHAIRPERSON PEDDIBOYINA: Okay. Anybody else?
22 Go ahead, Linda.

23 MEMBER KRIEGER: So to continue with that

1 thought, the homes on Beckingham Court appear to be
2 taller than that, am I right, that even if he was doing
3 18 feet he'd still be under?

4 MR. BUTLER: Right.

5 MEMBER KRIEGER: Okay. Thank you.

6 I drove by was well, and same thing as Member
7 Sanghvi, that the homes are set back from the righted
8 road so you kind of have to slow down and look and then
9 I think there's three homes there. So then I went
10 around behind in the back and I could see the berm and
11 the homes are taller in the back and they're obviously
12 newer, so that your request would be minimum, and the --
13 I guess the cars, if you're working with cars it would
14 be mostly during the daytime?

15 MR. WHALEN: No. I mean, I don't -- I'm not
16 like a heavy mechanic or anything like that. I like to
17 --

18 MEMBER KRIEGER: Just like an air compressor?

19 MR. WHALEN: -- polish them up and clean them
20 up and, you know, do things like that. It's just a
21 hobby.

22 MEMBER KRIEGER: That wouldn't sound like a, I
23 don't know what you call it when they're using their air

1 compressor and their machine.

2 MR. WHALEN: No, it's not.

3 MEMBER KRIEGER: So the berm and the trees in
4 the back would create another berm for sound and any
5 kind of light that they're concerned about.

6 MR. WHALEN: Right.

7 MEMBER KRIEGER: You don't foresee any of
8 their concerns being an issue.

9 MR. WHALEN: No.

10 MEMBER KRIEGER: Okay.

11 MR. WHALEN: No, I don't -- I can't even see
12 the back of the house of the guy behind me, let alone,
13 you know, I don't know where other --

14 MEMBER KRIEGER: So it would be vice-versa.

15 MR. WHALEN: Yeah, right.

16 MR. CHILDS: Yeah.

17 MEMBER KRIEGER: Right? And then the swale, I
18 can understand that, the water from Thornton Creek comes
19 from that area and it makes its way all the way as it
20 keeps going to the Rouge.

21 MR. WHALEN: Right.

22 MEMBER KRIEGER: So any kind of water's going
23 to build up and go where it can. So having -- being

1 with a -- being on a slab you can see your not having a
2 basement, probably because of the water issue --

3 MR. WHALEN: Right.

4 MEMBER KRIEGER: -- that your request is
5 reasonable, so I would be able to support your request.

6 CHAIRPERSON PEDDIBOYINA: Okay. Anyone else?

7 Okay. Make a motion, please.

8 MEMBER KRIEGER: In Case Number -- where am I?

9 CHAIRPERSON PEDDIBOYINA: PZ.

10 MEMBER KRIEGER: I gotcha.

11 PZ19-0030, for Tri-County Builders, 22955 Beck
12 Road, Parcel 50-22-29-400-016, applicant is requesting
13 variances from City of Novi Zoning Ordinance
14 4.19.1.E.iii for the additional 160 square foot variance
15 for a proposed 1380 square foot accessory structure.
16 1500 square feet allowed by code, Section 4.19.1.1, to
17 allow for a 3 foot height variance, one story of 14 feet
18 allowed by code. Building shall be set one foot for
19 each foot the building exceeds 14 feet in height. This
20 property is zoned Single Family Residential.

21 I move to support the -- grant the request in
22 this case because the petitioner has shown practical
23 difficulty requiring the building of this attached

1 accessory -- garage or accessory structure?

2 MR. BUTLER: Accessory structure.

3 MEMBER KRIEGER: -- accessory structure.

4 Without the variance petitioner will be unreasonably
5 prevented or limited with respect to the use of their
6 property because of during his request that he stated
7 about the swale that there is the water coming in, being
8 a house on a slab there's limited space for him to have
9 his garage for the storage of his vehicles, and then
10 also to be staying in Novi versus moving on so it would
11 be a retirement place.

12 And the property is unique because of the
13 swale and back berm that was created from the new sub to
14 the west. The petitioner did not create the condition
15 because the house was built in '77 on a slab and the new
16 home will -- or the new addition will have matching roof
17 line. The petitioner did not create the condition
18 because of the neighboring -- the neighboring areas, the
19 construction and to the north the increase of water flow
20 to the front yard or the neighbor's yard and in the
21 back, the new subdivision.

22 The petitioner -- the relief granted will not
23 unreasonably interfere with adjacent or surrounding

1 properties because it's a minimal request and will
2 enhance the value, property values, the improvement, for
3 the petitioner and the neighboring homes and the city.
4 The relief is consistent with the spirit and intent of
5 the ordinance because it is a minimal request.

6 MEMBER SANGHVI: Second.

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 Any other discussions? Seeing none,
9 Katherine, please roll call.

10 MS. OPPERMAN: Member Byrwa?

11 MEMBER BYRWA: Yes.

12 MS. OPPERMAN: Member Krieger?

13 MEMBER KRIEGER: Yes.

14 MS. OPPERMAN: Chairperson Peddiboyina?

15 CHAIRPERSON PEDDIBOYINA: Yes, please.

16 MS. OPPERMAN: Member Sanghvi?

17 MEMBER SANGHVI: Yes.

18 MS. OPPERMAN: Member Sanker?

19 MEMBER SANKER: Yes.

20 MS. OPPERMAN: Motion passes.

21 MR. WHALEN: Thank you, Board. Have a good
22 evening.

23 CHAIRPERSON PEDDIBOYINA: Okay. Case number

1 PZ19-031, Donald Smolarek -- S-M-O-L-A-R-E-K -- 41932
2 Cherryhill Road, East of Meadowbrook Road and South of
3 Grand River Avenue, Parcel Number 50-22-23-409-017.

4 The applicant is requesting a variance from
5 the City of Novi Zoning Ordinance, Section 4.19.i.J for
6 a variance to build a proposed second accessory
7 structure, one 850 square foot accessory structure is
8 allowed by code. This property is zoned Single Family
9 Residential, R-4.

10 Okay. Please state your name and spell your
11 name for the secretary.

12 MR. SMOLAREK: My name is a Donald Smolarek --
13 S-M-O-L-A-R-E-K.

14 MRS. SMOLAREK: And I'm Sheryl -- S-H-E-R-Y-L
15 -- same last name.

16 MEMBER KRIEGER: Are either of you attorneys?

17 MR. SMOLAREK: We're not.

18 MRS. SMOLAREK: No.

19 MEMBER KRIEGER: If you could raise your
20 right-hand.

21 SHERYL SMOLAREK,
22 having first been duly sworn, was examined and testified
23 on her oath as follows:

1 DONALD SMOLAREK,
2 having first been duly sworn, was examined and testified
3 on his oath as follows:

4 MEMBER KRIEGER: Thank you. Proceed.

5 CHAIRPERSON PEDDIBOYINA: Please proceed.

6 MR. SMOLAREK: Good evening, everyone. We are
7 here to request a variance to get a second structure for
8 storage in our backyard. We've been Novi residents for
9 21 years, we live in Meadowbrook Glens. It's an older
10 subdivision, our house was built in 1979. And the
11 garage is just small. The inside of the garage measures
12 18-and-a-half-by-19 feet, so it's 350 square feet, and
13 it's very difficult when it comes to just the build-up
14 everything, of tools and lawnmower, gardening equipment,
15 sporting equipment, bicycles. Let alone I like to try
16 to have my wife park in the garage in the wintertime.
17 It's helpful --

18 MRS. SMOLAREK: No auto start on the car. And
19 we have a 14-year-old -- 15-year-old daughter who has
20 lots of sports equipment also in the garage and we're
21 kind of stuck.

22 MR. SMOLAREK: And we did have a -- what
23 turned into a shed in our backyard. We had a hot tub

1 with an enclosure in the backyard in the past. The hot
2 tub met its end of life so we just got rid of it. But
3 we kept the enclosure and that's when we started using
4 it as storage. And it was very, very handy at the time,
5 it kept us from tripping over everything. And if had to
6 get one thing out of the garage you had to move two
7 things to get to it, so it really, really helps become
8 -- being organized. I took that down this spring, the
9 bottom of it was starting to decay and I just didn't
10 feel it was safe.

11 So at that time we started shopping and
12 decided to do a major renovation of our backyard. We
13 ripped out our deck that was there and we put in a nice
14 patio. Our house backs up to some woods. There's
15 nobody behind us, and it goes down to an Edison
16 easement, so there won't be anybody behind us. And it's
17 -- it was just time to get some updating on our yard.

18 MRS. SMOLAREK: We plan to stay in Novi. Our
19 daughter, she's in high school here, and I really like
20 the area. I love our sub. At first I thought, you
21 know, we're in the old sub, but I really love it. The
22 trees are mature, it's beautiful. I just want to stay
23 there. But now our backyard's beautiful, but we figured

1 if we're going to stay there we really want to update
2 the backyard so we can -- I can sit out on the patio.
3 We had five families of ducks that grew up in our
4 backyard this spring from the -- there's like a --

5 MR. SMOLAREK: It's the 100-yard creek or --

6 MRS. SMOLAREK: Marsh area down that has,
7 like, a drain from the city right there, so water builds
8 up there at the bottom. So there's ducks and different
9 kinds of animals. So I just like to sit out and enjoy
10 the backyard. So we figured if we're going to stay here
11 we really want to, you know, make it more usable, make
12 it beautiful, so --

13 MR. SMOLAREK: So we put our patio in. It's
14 still in the process of going in. It's been a long,
15 long drawn-out process. We're about two and a half
16 months behind with all the rain in the spring. We're
17 the second on the books for our contractor, and it got
18 delayed over two months. And then just other factors it
19 got delayed a bit more. So he's finally coming close to
20 getting the finishing grade on it and getting sod, and
21 we'll be done with him.

22 And then we had talked to both our neighbors,
23 our adjacent neighbors, we don't have anyone behind us,

1 again, we just have two neighbors on the sides. They
2 both are all for it. I showed them the plan, showed
3 them the pictures of what we're putting in and they're
4 excited for us.

5 And we also sent it to the homeowners
6 association and we got the same response from them.
7 They're excited for us to get it done and have
8 everything go through.

9 And the structure that we're proposing putting
10 in, it's a kit made by Weaver Barns.

11 It's right here (indicating). So it's not a
12 plastic kit or something from Lowe's or Home Depot to
13 build it yourself that's going to be an eyesore to
14 anyone.

15 MRS. SMOLAREK: And it's 10 --

16 MR. SMOLAREK: It's 10 foot-by-12 foot, which
17 is only 120 square feet, but it's going to help us
18 tremendously.

19 MRS. SMOLAREK: And the reason it's a second
20 structure is because when we updated the patio or took
21 out the deck and put in the patio we weren't aware that
22 a --

23 MR. SMOLAREK: We put a pavilion on --

1 MRS. SMOLAREK: -- pavilion was a second
2 structure. So we added a really, really nice pavilion
3 that will help with the sun and really add to the value
4 of the home. I will say that that was inspected and
5 everything was approved for that. But we didn't realize
6 that putting that and then replacing the shed was going
7 to be a problem.

8 That's the structure that's there
9 (indicating).

10 CHAIRPERSON PEDDIBOYINA: Okay. Anything else
11 you want to say to the public?

12 MR. SMOLAREK: No. I think we're all set.

13 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
14 Anyone in the audience want to say anything?
15 Seeing none. From the city?

16 MR. BUTLER: No comment at this time.

17 CHAIRPERSON PEDDIBOYINA: Thank you.
18 And correspondence separately?

19 MEMBER KRIEGER: 37 letters were sent,
20 returned one, approvals two, objections zero.

21 The first one is please note approval. It is
22 from Charles and Becky Staab -- S-T-A-A-B -- on
23 Cherryhill. And we have reviewed the plans and approve.

1 We look forward to seeing the project completed.

2 And the second one is Roger Armstrong --
3 A-R-M-S-T-R-O-N-G. My name is Roger Armstrong, and I
4 have lived at Cherryhill next door to Donald Smolarek.
5 He is requesting variance which would allow him to
6 replace the structure which he tore down due to its
7 condition. I live just east of his property and would
8 be the closest individual affected by the variance.

9 I have seen the plans and know the exact
10 location of the structure and have no objection to its
11 construction.

12 Thank you. That's it.

13 CHAIRPERSON PEDDIBOYINA: Thank you.

14 And I've seen your presentation and the way
15 your present it, and also I have question. Is this roof
16 is matching your current house roofing?

17 MR. SMOLAREK: It is.

18 MRS. SMOLAREK: Yes. And it matches the
19 roofing of the pavilion that's also there.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

21 And I have no issue.

22 Anything on the board? Mr. -- David?

23 MEMBER BYRWA: Yes I had a quick question.

1 Was the pool removed along with the deck?

2 MRS. SMOLAREK: No.

3 MR. SMOLAREK: No. The pool caved in 15 years
4 ago.

5 MEMBER BYRWA: Okay.

6 MR. SMOLAREK: So that part of the deck was
7 removed at that time. There was decking all the way
8 around the pool. And we just graded the backyard, just
9 filled the pool in.

10 MEMBER BYRWA: Okay.

11 MR. SMOLAREK: And just have grass there.

12 MEMBER BYRWA: The floor was busted up for
13 drainage or --

14 MR. SMOLAREK: Was semi dug in, and over time
15 it just pushed in and it caved in on the top part, so --

16 MEMBER BYRWA: Okay.

17 MRS. SMOLAREK: So everything was removed and
18 then they just brought in dirt, and it was kind of was a
19 hill like --

20 MR. SMOLAREK: It would have been easier to
21 replace it.

22 CHAIRPERSON PEDDIBOYINA: Thank you.

23 Mr. Sanghvi, please go ahead.

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

2 First of all, I want to congratulate you for a
3 complete application with everything you ever want to
4 see on that application. You did a great job.

5 MR. SMOLAREK: Thank you.

6 MR. SANGHVI: Number two, I came and saw your
7 place on Saturday afternoon, and looked around and see.
8 And I have two questions. Are you just replacing the
9 old shed or you are doing something more than that?

10 MR. SMOLAREK: We're just replacing the old
11 shed. Everything else is just the patio.

12 MR. SANGHVI: Just as it was.

13 MR. SMOLAREK: Yes, sir.

14 MR. SANGHVI: That's what I thought, it looked
15 like it, but I just wanted to make sure.

16 MR. SMOLAREK: Yeah. The patio and
17 everything's brand new and they want to be finished.

18 MR. SANGHVI: Yeah. I understand you need
19 room to put other things in Michigan weather and all
20 kind of things, so really all you need is the
21 replacement and I have no problem with it. Thank you.

22 MR. SMOLAREK: Thank you.

23 CHAIRPERSON PEDDIBOYINA: Any other board

1 members?

2 Okay. Yes, go ahead, Linda.

3 MEMBER KRIEGER: I went by on your street and
4 it's a bonus to have the backyard as a -- you've got a
5 lot of pluses for the easement with Edison, plus the
6 wetland because then it -- you don't have to worry about
7 what's in the back, except the wildlife. And then the
8 shed, the previous shed, do you have a slab for that?

9 MR. SMOLAREK: There's a slab that is there,
10 yes. It's --

11 MEMBER KRIEGER: So then the new one will fit
12 right on top of it?

13 MR. SMOLAREK: Yes, it will.

14 MEMBER KRIEGER: Oh bonus. Okay. I
15 understand as well the need for -- you stay somewhere
16 over time and you're going through and you're trying to
17 organize, and it helps to have a secondary spot that you
18 can use to store stuff, so -- and it will be
19 aesthetically pleasing and matching the rest of the
20 home, and so I have no objection to it. Thank you.

21 CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

22 Any other board members with questions?

23 Motion time. David, go ahead.

1 MEMBER BYRWA: Yes. I would move that we
2 grant the variance in Case Number PZ19-031 sought by Mr.
3 Donald Smolarek of 41932 Cherryhill Road. This is a
4 detached accessory structure. It's within the area and
5 height limitations. I think it's sought by the
6 petitioner because petitioner has shown a practical
7 difficulty with the limited storage that he has on his
8 site. Without the variance the petitioner would be
9 unreasonably prevented and limited with respect to the
10 use of the property.

11 The property is unique because of the shape of
12 the lot, I think the wetlands and the wet areas of the
13 property, this is pretty much a replacement of an
14 existing detached accessory structure. The relief
15 granted is not unreasonable or would interfere with the
16 surrounding properties based on the testimony from the
17 neighbors, and the association voted to approve, you
18 know, what you're doing out there.

19 It is within the maximum limitations of 850
20 square feet and the relief is consistent with the spirit
21 and intent of the ordinance because denial would be
22 based on an unreasonable ability to store equipment and
23 various other articles of the property. I don't think

1 the good variance is granted to any special conditions,
2 it's within the height and area limitations, and I would
3 make a motion -- well, we're not at that point yet, but
4 I think that would, if anybody has anything to add to
5 that or whatever, you know, this is an 850 square foot
6 accessory structure, it's a replacement, and it should
7 be approved.

8 MEMBER KRIEGER: Second.

9 CHAIRPERSON PEDDIBOYINA: Okay. Any other
10 discussions?

11 Seeing none, Katherine, please call the roll.

12 MS. OPPERMAN: Member Sanker?

13 MEMBER SANKER: Yes.

14 MS. OPPERMAN: Member Sanghvi?

15 MR. SANGHVI: Yes.

16 MS. OPPERMAN: Chairperson Peddiboyina?

17 CHAIRPERSON PEDDIBOYINA: Yes, please.

18 MS. OPPERMAN: Member Krieger?

19 MEMBER KRIEGER: Yes.

20 MS. OPPERMAN: And Member Byrwa?

21 MEMBER BYRWA: Yes.

22 MS. OPPERMAN: Motion passes.

23 MEMBER KRIEGER: Congratulations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

MR. SMOLAREK: Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. That brings
to an end of today's issues.

And motion?

MEMBER KRIEGER: Motion to adjourn.

MEMBER SANKER: Motion seconded.

CHAIRPERSON PEDDIBOYINA: And seconded.

All right. Thank you, motion granted.

(The proceeding was concluded at 8:10 p.m.)

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

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

Laura J. Steenbergh

Laura J. Steenbergh,
CSR-3707