REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

July 11, 2017

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

BOARD MEMBERS

Siddharth Mav Sanghvi, Chairperson
David Byrwa
Linda Krieger
Cynthia Gronachan
Brent Ferrell
Jonathan Montville
Joe Peddiboyina

ALSO PRESENT:

Beth Saarela, City Attorney
Lawrence Butler
Coordinator: Katherine Oppermann, Recording Secretary
Certified Shorthand Reporter, Diane Szach
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PZ17-0014</td>
<td>7</td>
</tr>
<tr>
<td>PZ17-0017</td>
<td>13</td>
</tr>
<tr>
<td>PZ17-0024</td>
<td>25</td>
</tr>
<tr>
<td>PZ17-0027</td>
<td>31</td>
</tr>
</tbody>
</table>
CHAIRPERSON SANGHVI: Good evening.

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

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

(Pledge recited.)

CHAIRPERSON SANGHVI: Thank you.

Please be seated.

Madam Secretary, please call roll.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Present.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Here.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Here.

MS. OPPERMANN: Member Krieger?

MS. KRIEGER: Here.

MS. OPPERMANN: Member Nafso is absent, excused.

Member Montville.
MR. MONTVILLE: Here.

MS. OPPERMANN: Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi?

CHAIRPERSON SANGHVI: Thank you.

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

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

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

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

CHAIRPERSON SANGHVI: Postponed.

Very good.

The chair will entertain a motion
to accept the agenda as amended.

MS. GRONACHAN: So moved.

CHAIRPERSON SANGHVI: Moved. Is there a second?

MR. FERRELL: Second.

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

THE BOARD: Aye.

CHAIRPERSON SANGHVI: Those opposed same sign.

Thank you.

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

Yes.

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

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

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

CHAIRPERSON SANGHVI: We'll correct all that.

Anything else? Anybody else have any other changes?

Members.

MS. GRONACHAN: No.

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

MR. FERRELL: So moved.

MS. GRONACHAN: Second.

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

THE BOARD: Aye.

CHAIRPERSON SANGHVI: Those opposed same sign.

We'll move to the next.

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

CHAIRPERSON SANGHVI: I'm sorry, I
can't --

MS. OPPERMANN: Mr. Leineke?

MR. LEINEKE: Yes.

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

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

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

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

MR. LEINEKE: Okay, okay. Thanks.

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

Is the applicant here?
MR. McCOTTER: Yes.

CHAIRPERSON SANGHVI: Will you please come forward.

MR. McCOTTER: Good evening.

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

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

CHAIRPERSON SANGHVI: You were here last month, right?

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

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

MS. SAARELA: No.

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

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

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

CHAIRPERSON SANGHVI: Okay.

Anything else?

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

CHAIRPERSON SANGHVI: I see. Thank
you.

MR. McCOTTER: Yes.

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

I don't see anybody. Thank you.

Do we have anything to add from the
city?
MS. SAARELA: Nothing to add here.

MR. BUTLER: No comment.

CHAIRPERSON SANGHVI: No. Okay.

Do we have any more correspondence, Mr. Secretary?

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

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

MR. FERRELL: Okay.

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

Go ahead, Ms. Gronachan.

MS. GRONACHAN: Good evening.

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

MR. MCCOTTER: 11 foot 9 inches, which would place the wall two feet from the property line.

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

MR. MCCOTTER: That would be the
only variance, because I believe that that covers the fact that the existing house is nonconforming through that process.

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

MR. MCCOTTER: Thank you.

CHAIRPERSON SANGHVI: Very good.

Anybody else?

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

CHAIRPERSON SANGHVI: Thank you.

Anyone else?

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

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

I move that we grant the variance in Case Number PZ17-0014 sought by the petitioner
McCotter Architecture and Design, P.L.L.C., for 1141 East Lake Drive. Because the petitioner has shown practical difficulty, without this variance the petitioner would be unreasonably prevented or limited with respect to use of the property due to the uniqueness and shape of the property. The property is unique because of the narrowness which is typical up in that section of Novi. The petitioner did not create the condition because this lot was in existence and the house was built prior to the ordinances. The relief granted would not unreasonably interfere with adjacent or surrounding properties based on the testimony from neighbors in the surrounding area who voiced their approval with their letters, which are part of the file.

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

    MS. KRIEGER: Second.

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

    Seeing none, will you please call
the roll?

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Member Krieger?

MS. KRIEGER: Yes.

MS. OPPERMANN: Member Sanghvi?

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Member Montville?

MR. MONTVILLE: Yes.

MS. OPPERMANN: Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

CHAIRPERSON SANGHVI: Well,

congratulations.

MR. McCOTTER: Thank you very much.

CHAIRPERSON SANGHVI: Thank you.

The second case is PZ17-0017,

Audrey and Gordie Wilson, 1345 East Lake Drive, west
of Novi Road and north of Thirteen Mile Road, Parcel
Number 50-22-02-177-013. The applicant is requesting
a variance from the City of Novi Ordinance Section
4.19 for a height as well as size variance for an
accessory structure. Maximum of 1500 square feet with one-story or 14 foot height maximum. This property is zoned single-family residential (R-4).

Is the applicant here? Come on in, please.

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

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

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

MR. WILSON: No, sir.

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

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

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

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

MR. WILSON: Yes.
CHAIRPERSON SANGHVI: Thank you.

Please make your presentation.

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

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

MR. WILSON: Okay. Perfect.

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

And then the left side goes all the way past the tree.

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

We've got letters from the neighbors, and I think you should have them in the
file, all four of the neighbors that have approved this and have no objection to it.

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

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

CHAIRPERSON SANGHVI: Okay.

Anything else?

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

CHAIRPERSON SANGHVI: Is there anybody in the audience who would like to make any
comments about this case, this is the time.

Seeing none, City, any comments?

MR. BUTLER: We have been out

working with Mr. Hagie (ph) and Gordie Wilson, and

there is no issue with him requesting because a

variance for a 20 by 20, there is nothing that states

that he cannot have that because of the size of his

lot. We just had to get him straightened out on the

paperwork for he had it as an accessory building

sitting across from the water, but we got that figured

out. But he's within all rights to ask for that, and

it does match a lot of existing ones out there with a

20 by 20. I think normally we ask for 10 by 10 by 8

foot high, but that's why he's asking for that

variance.

CHAIRPERSON SANGHVI: Thank you.

I'm sorry.

MS. GRONACHAN: Can you clarify

that again? Are you saying because he has a double

lot, he can have a 20 by 20?

MR. BUTLER: It has nothing to do

with the double lot. He's just here for the variance.

MS. GRONACHAN: That's what I

thought, okay. He still needs the variance.

MR. BUTLER: He still needs the
variance, yes.

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

CHAIRPERSON SANGHVI:

Mr. Secretary, do we have any correspondence?

MR. FERRELL: Yes, we do, Chairman.

50 letters were mailed, two letters returned, four approvals, zero objections.

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

The second approval is from Anthony M. Hodeck, H-o-d-e-c-k. My name is Anthony Hodeck, and I reside at 1354 East Lake Drive, Novi, two houses down from the proposed accessory structure at 1345 East Lake Drive, Novi, Michigan. After reviewing the plans with Gordie Wilson, I'm in full support of the requested variance and in full approval of the project. If you would like to speak with me
personally, I can be reached at -- should I give his phone number?

MS. SAARELA: No.

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

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

CHAIRPERSON SANGHVI: Thank you, Mr. Secretary.

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

MR. WILSON: That's correct, sir.

CHAIRPERSON SANGHVI: And, yes, I
personally have no problem with it, but I'm going to ask my colleagues for their opinion.

Members of the board, any comments by anybody?

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

CHAIRPERSON SANGHVI: Thank you.

Ms. Krieger?

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

MR. WILSON: I'm sorry, no, it's not. I had the architect take it and put it on -- I took a picture, and then he has a computer program that set that structure on the lot. So that picture you're looking at is just a computer-generated drawing. So there is no building on the lot at this
MS. KRIEGER: Okay. Thank you. I agree with my previous members.

CHAIRPERSON SANGHVI: Yes, Ms. Gronachan?

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

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

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

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

MS. GRONACHAN: It will not exceed 10?
MR. WILSON: Yes.

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

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

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

MR. WILSON: Thank you.

CHAIRPERSON SANGHVI: Anybody else?

Yes, Mr. Peddiboyina.

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

CHAIRPERSON SANGHVI: Thank you.

Anybody else?

I already mentioned I had no problem, and I think you're doing a great job on your
property, and it's going to be even better with what you're trying to do.

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

MR. FERRELL: Thank you, Mr. Chairman.

I would move that we grant the variance in Case Number P217-0017 sought by the petitioner for a 20 by 20 foot waterfront structure as the petitioner has shown practical difficulty requiring the structure. Without the variance the petitioner will be unreasonably prevented or limited with respect to the use of the property. Having two lots, which is one of the main reasons I support this is the double-sized lot, and that you have the height, which is 10 feet above grade I guess you could say.

So I'm definitely in support of that. The property is unique because due to having the multiple lots. The petitioner did not create the condition and the relief granted will not unreasonably interfere with the adjacent or surrounding properties. It sits below the requested -- the height is below grade, at least four feet below the grade. And with the letters from the neighbors saying that they appreciate the property being lower than the grade, it
doesn't affect their view. The relief is consistent with the spirit and intent of the ordinance.

CHAIRPERSON SANGHVI: Thank you.
MR. PEDDIBOYINA: I second it.
CHAIRPERSON SANGHVI: Thank you.

Any further discussion about this from anybody?

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

MS. OPPERMANN: Member Byrwa?
MR. BYRWA: Yes.
MS. OPPERMANN: Member Ferrell?
MR. FERRELL: Yes.
MS. OPPERMANN: Member Gronachan?
MS. GRONACHAN: Yes.
MS. OPPERMANN: Member Krieger?
MS. KRIEGER: Yes.
MS. OPPERMANN: Chairperson Sanghvi?
CHAIRPERSON SANGHVI: Yes.
MS. OPPERMANN: Member Montville?
MR. MONTVILLE: Yes.
MS. OPPERMANN: Member Peddiboyina?
MR. PEDDIBOYINA: Yes.
CHAIRPERSON SANGHVI: Congratulations.
MR. WILSON: Ladies and gentlemen, thank you. I appreciate it. Have a good night.

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

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

Will you please identify yourself with your name and address?

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

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

CHAIRPERSON SANGHVI: Neither of your are attorneys, right?

MR. KLOCKE: No, no.

MR. FERRELL: Then both of you raise your right hands for me so I can swear you in.
Do you swear to tell the truth in the testimony in the case you're about to give?

MS. MEADOWS: Yes.

MR. KLOCKE: Yes.

CHAIRPERSON SANGHVI: Thank you.

Please go ahead and make your presentation.

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

CHAIRPERSON SANGHVI: Thank you.

Anything else?

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

CHAIRPERSON SANGHVI: Very good.

Anything else?
MS. MEADOWS: No.

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

Is there anybody in the audience that would like to make a comment about this case? Seeing none, let's move on.

The City, any comments?

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

CHAIRPERSON SANGHVI: Thank you.

Mr. Secretary, any correspondence?

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

CHAIRPERSON SANGHVI: Very good.

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

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

CHAIRPERSON SANGHVI: And I appreciate your problem, and I support your application.
MS. MEADOWS: Thank you.

CHAIRPERSON SANGHVI: Members of the Board?

Jon -- sorry, Mr. Montville?

MR. MONTVILLE: No need to apologize.

CHAIRPERSON SANGHVI: Force of habit.

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

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

MR. MONTVILLE: Very nice. I assumed so.

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

MR. MONTVILLE: Very nice. Well, if it's going to be a resort, in that case it's hard to refuse, but given the unique circumstances, and obviously it's going to be aesthetically fitting, I
have no problem supporting it as well.

CHAIRPERSON SANGHVI: Thank you.

Anybody else? Mrs. Krieger?

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

MS. MEADOWS: Mm-hmm.

MS. KRIEGER: So I'm in support.

Thank you.

CHAIRPERSON SANGHVI: Good.

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

MR. MONTVILLE: I move that we grant the variance requested in Case Number PZ17-0024 sought by Greg Meadows as the petitioner has shown -- to support a rear yard setback as the petitioner has shown practical difficulty requiring the variance being requested. Without the variance being requested, the petitioner will be unreasonably prevented and limited with respect to the use of their residential property due to the western facing exposure and also as noted in the packet and the notes
submitted to the Board, the unique bowl shape of the yard preventing any wind flow within the area of the patio area.

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

MS. KRIEGER: Second.

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

Seeing none, Madam Secretary, please call the roll.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell?
MR. FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Member Krieger?

MS. KRIEGER: Yes.

MS. OPPERMANN: Chairperson Sanghvi?

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Member Montville?

MR. MONTVILLE: Yes.

MS. OPPERMANN: Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

CHAIRPERSON SANGHVI: Congratulations. Enjoy and keep cool.

MS. MEADOWS: Thank you. My dog will appreciate it.

MS. GRONACHAN: Will it be done by the end of summer?

MS. MEADOWS: I hope so.

MS. GRONACHAN: There you go.

Enjoy.

CHAIRPERSON SANGHVI: Let's go on, move on to the next. The last case on the agenda today is PZ17-0027, Martell Development, L.L.C., Lot 8, East of Beck Road and north of Twelve Mile Road,

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

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

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

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

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

MR. ALLEN: Jerome Allen.

CHAIRPERSON SANGHVI: Thank you.
MR. FERRELL: Go ahead and both raise your right hand. You're both going to be speaking, correct?

MR. ALLEN: Yes.

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

MR. ATTISHA: Yes.

MR. ALLEN: Yes.

MR. FERRELL: Go ahead.

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

The drawing of the structure that I have there is just an estimate. I do not have a building plan at this point. I did not want to buy
the lot until I was sure that I would be able to fit a
typical type of residential structure on the lot. As
you can see, I've got 40 feet on one side, 60 on the
back, and then what I've got drawn in the front is
scaled to be -- represent a three-car garage.

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

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

And I just want to show you here
what -- I'm an engineer, so you have to bear with me.
I'm a little anal. But you can see here if you take
that same drawing that I just showed you, I've highlighted there where it goes over the existing easement. So I infringe on it on both the left on the front and -- on both fronts I should say.

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

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

Any questions?

CHAIRPERSON SANGHVI: That's it?

MR. ALLEN: Yes.

CHAIRPERSON SANGHVI: Thank you.

MR> ALLEN: And I just to say -- I just wanted to add one other point. All the other lots, and I think Andy can attest to this, are your more trapezoidal or rectangular type of lots. This is an odd lot, pardon the pun, because of the fact that
it comes at the joining of two streets, two
cul-de-sacs, and, you know, it's like they fit it in as a lot. And I have no use really for the back narrower part. My interest is in being able to put a structure in the front. And by putting it there, I wouldn't have any impact on the other lot owners.
Andy owns Lot 7 that he's planning on building on. There is an existing homeowner on Lot Number 9, and this also sets out almost like a peninsula from those other two lots. So it would have no impact on the adjacent homeowners and their properties. Thank you.

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

Seeing none, I'll turn to the City.

MR. BUTLER: Yes. He did come in and he met with me and Charles and we talked to him about it, and at first he had everything presented forward as you see there, and we had recommended that he might want to think about moving it back a little bit to give yourself a little bit more space and see how that flies. But, I mean, he's trying to put that on as best as he can. He did not create that as the owner or as the buyer because he's trying to buy the lot.
MR. ALLEN: And I appreciate your help by the way or your advice.

MR. BUTLER: Thank you.

CHAIRPERSON SANGHVI:

Mr. Secretary, do you have any correspondence?

MR. FERRELL: Yes, Mr. Chairman.

There were 36 letters mailed, five letters returned, zero approvals and two objections.

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

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

CHAIRPERSON SANGHVI: Thank you.

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

MR. ALLEN: Yes.

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

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

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

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

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

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

CHAIRPERSON SANGHVI: So pretty
good size homes.

MR. ATTISHA: Yes.
CHAIRPERSON SANGHVI: And my question is that when you designed this layout, did you realize that you have got a little triangular wedge left in this corner here?

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

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

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

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

MS. SAARELA: I can -- this was a development designed by Windmill Homes that during the economic downturn, they lost it in foreclosure to Mr. Attisha who had given them a mortgage for some of the properties. So he was not the designer of the subdivision, he just got it when they had to let it go in foreclosure.
CHAIRPERSON SANGHVI: I see. Thank you. Very good.

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

Yes, Mr. Byrwa.

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

MR. ALLEN: The existing, yes.

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

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

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

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

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

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

   MR. BYRWA: Well, to me it shows
that, you know, starting with the 20 foot section of
the garage, that's well into the easement at the
bottom of the screen there. And then again it encroaches into the easement at the 60/40 area at the top right corner, that's encroaching into the easement.

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

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

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

CHAIRPERSON SANGHVI: 20 by 30, yes.

MR. ALLEN: The first section of that where I've got the 30 foot indicated is to represent a two-car garage. And then I just took half of that and added it on to the bottom to make it -- and this wasn't done with a lot of care, this was done with a scale and my drafting skills from 30 years ago when I was in school. So forgive me if it isn't exactly right, but it's my representation of a three-car garage.
MR. BYRWA: But it's 50 foot of garage frontage, isn't it, is what you were looking at?

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

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

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

MS. SAARELA: I just wanted to clarify that when the house comes in for review, it's still -- he's going to have to have a plot plan review and approval, and our engineers that review that would catch that if he was actually on the scale drawing encroaching into the easement, and his plan would not be approved. So that's not for us to catch here, that's to be caught when he comes in with an actual plan for construction.
MR. BYRWA: I would still prefer accurate drawings and what I'm approving is accurate and is scaled as best as possible, not guessing at it.

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

CHAIRPERSON SANGHVI: Thank you.

Yes, Ms. Gronachan.

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

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

MS. GRONACHAN: Okay.

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

MR. ATTISHA: It's a corner lot.

It's a corner lot.

MS. GRONACHAN: Okay. Got that.

So help me out with the -- because this looks way
7/11/2017

different than this. So help me out if you would.

Are we looking at -- in the front we're looking at 88 feet width on the front?

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

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

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

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

    MR. ALLEN: Yes.

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

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

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

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

MR. ALLEN: The aerial?

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

CHAIRPERSON SANGHVI: I do.

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

MR. ALLEN: But the only problem with that is I have to be within the boundaries as the attorney can tell you. And if I place something on there, I have to be within the 25 feet. I lose 25 feet on the left, and I lose 15 feet on the right, and I lose 30 feet in the front that I have to put a building within. I can have -- correct me if I'm wrong, Larry, but I can't have any part of the structure protruding beyond that boundary, and that's what I'm in here to get is a variance of 5 feet on
either side so that I can do that. I can put a 
driveway or I can put something that is easily moved 
or removed let's say, but as far as a permanent 
structure goes, that's what I can't do at this point. 

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

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

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

MS. GRONACHAN: Okay. So in that
case, that is not under what we're looking at at this point?

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

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

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

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

    MR. ALLEN: Three.

    MS. GRONACHAN: Three, correction.
And based on when you put the building in, you may need more.

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

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

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

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

CHAIRPERSON SANGHVI: Thank you.

Mr. Ferrell.

MR. FERRELL: I just feel like being that close to the road like one of the neighbors had suggested, I mean, I know the lot is unique and
stuff like that, but I feel like having a three-car
garage, most of the homes have three-car garages?

MR. ALLEN: Two.

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

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

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

CHAIRPERSON SANGHVI: Thank you.

AUDIENCE PARTICIPANT: There are
some --

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

MS. GRONACHAN: Member Montville.

MR. MONTVILLE: My thoughts are
clearly the lot is uniquely shaped, and based on the
other properties and houses being built, if you're
forced into the way the ordinance is written, you're either going to be very awkwardly shaped or it's going to be a non-traditional structure in terms of -- you know, in relation to the design of the other houses, or it's going to be really, really small compared to the others and it's going to be an eyesore for the overall development.

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

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

CHAIRPERSON SANGHVI: Thank you.

MR. FERRELL: I agree with Member Montville on most of what he had said. Unfortunately I don't agree with -- I think if the house was a
little bit smaller, I don't think it's going to make
that noticeable a difference, a few feet here and
there, that you're requesting on the sides. I don't
think it's going to change the aesthetics of the
building that everybody is going to notice that yours
is little smaller. So I don't agree with that part.

CHAIRPERSON SANGHVI: Thank you.

Anybody else? Yes, Ms. Krieger.

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

CHAIRPERSON SANGHVI: I was there.
I sat there for 20 minutes trying to figure out,
because looking at the real thing and not just the
pictures in the street with the rest of the lots and
some of the homes which are already built, which are
beautiful homes, you did a great job, and I appreciate that, and then I'm looking at this little triangle sitting in the middle there sticking up like a sore thumb, you know, and I had a lot of doubts in my mind when I was sitting there, and I wanted to hear what everybody has to say about it. But that is where we are.

Any further discussion? No.

I'll entertain a motion.

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

MS. GRONACHAN: He wants to say something else.

CHAIRPERSON SANGHVI: Okay. Go ahead.

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

MR. ALLEN: And it's for clarification.

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

MR. ALLEN: That's fine. I just wanted for clarification sake. So the question was
asked about -- I believe you had asked about the
number of garages on the houses. I don't mean to
correct you, but aren't they all three car or better
there? I don't know of any that are two-car.

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

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

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

CHAIRPERSON SANGHVI: Any further
discussion?

MS. KRIEGER: I have a question.

I'm sorry, just to clarify, on the diagram that you
have --

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

MS. KRIEGER: Yes.

MR. ALLEN: Okay. Hold on one second.

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

MR. ALLEN: Yes.

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

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

MS. KRIEGER: Okay.

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

MS. KRIEGER: I just wanted to
clarify the number. Thank you.

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

CHAIRPERSON SANGHVI: Yes.

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

MS. KRIEGER: Can we split up that
motion?

MS. SAARELA: You can just grant
for the left and the right if that's what your
proposing to do.

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

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

CHAIRPERSON SANGHVI: Go ahead.

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

For those previously mentioned
reasons, the property is unique, and the petitioner did not create these conditions as the lot was previously designed by a previous development and was not modified or edited by the petitioner.

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

MS. GRONACHAN: Second.

CHAIRPERSON SANGHVI: Thank you.

Anybody?

MS. GRONACHAN: Second.

CHAIRPERSON SANGHVI: Seconded.

Okay. Yes, Mr. Byrwa.

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

MS. GRONACHAN: I don't think it's necessary. It's not necessary. It's out of our jurisdiction.
MR. BYRWA: Well, we're looking at a drawing that clearly goes into the easement.

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

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

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

MS. GRONACHAN: Second.

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

MS. SAARELA: Yes.

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

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

CHAIRPERSON SANGHVI: Thank you.

What is pleasure of the Board?

MS. SAARELA: I would first finish
the motion.

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

CHAIRPERSON SANGHVI: Is there any further discussion?

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

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: No.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Member Krieger?

MS. KRIEGER: Yes.

MS. OPPERMANN: Chairperson Sanghvi?

CHAIRPERSON SANGHVI: No.

MS. OPPERMANN: Member Montville?

MR. MONTVILLE: Yes.

MS. OPPERMANN: Member Peddiboyina?

MR. PEDDIBOYINA: Yes.
MS. OPPERMANN: Motion passes with five.

CHAIRPERSON SANGHVI: Very good.

Thank you.

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

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

CHAIRPERSON SANGHVI: No. Okay.

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

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

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

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

MS. GRONACHAN: Your variance has been granted.

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

So did I get all three, or only the
left and the right?

MS. KRIEGER: Left and right.

MS. GRONACHAN: Left and right.

MR. ALLEN: Okay. Thank you.

CHAIRPERSON SANGHVI: Thank you.

You're done. Thank you.

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

MS. GRONACHAN: So moved.

MR. BYRWA: Second.

CHAIRPERSON SANGHVI: All those in favor?

THE BOARD: Aye.

CHAIRPERSON SANGHVI: All those opposed same sign.

This meeting is adjourned. Thank you.

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

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

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