REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
TUESDAY, NOVEMBER 19, 2019  7:00 P.M.
Council Chambers/Novi Civic Center

BOARD MEMBERS:

Joe Peddiboyina, Chairperson
Linda Krieger, Acting Secretary
Kevin Sanker
Michael Longo
Siddharth Mav Sanghvi
Clift Montague
Ramesh Verma, Member

ALSO PRESENT:

Elizabeth Saarela, City Attorney
Lawrence Butler, Community Development,
   Deputy Director
Katherine Opperman, Recording Secretary

Reported by:

Cynthia Ann Chyla
Certified Shorthand Reporter
AGENDA

1. Call to Order 3
2. Pledge of Allegiance 3
3. Roll Call 3
4. Public Hearing Format and Rules of Conduct 4
5. Approval of Agenda 5
6. Minutes - October 2019 5
7. Public Remarks 7
8. Public Hearings
9. PZ19-0032 7
10. (Public Hearing) 66
11. PZ19-0041 8
12. PZ19-0042 23
13. PZ19-0043 47
14. PZ19-0047 54
15. Adjournment 81
Novi, Michigan
Tuesday, November 19, 2019
7:00 p.m.

CHAIRPERSON PEDDIBOYINA: Good evening and welcome to Novi Zoning Board of Appeals, November 19th. Please stand up for the Pledge of Allegiance.
(Pledge of Allegiance)


MS. OPPERMAN: Member Byrwa absent, excused.

Chairman Peddiboyina.

CHAIRMAN PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Member Krieger.

MEMBER KRIEGER: Here.

MS. OPPERMAN: Member Longo.

MEMBER LONGO: Here.

MS. OPPERMAN: Member Sanker.

MEMBER SANKER: Here.

MS. OPPERMAN: Member Sanghvi.

MEMBER SANGHVI: Here.

MS. OPPERMAN: Member Montague.

MEMBER MONTAGUE: Here.
MS. OPPERMAN: Member Verma.

MEMBER VERMA: Yes.

CHAIRPERSON PEDDIBOYINA: Thank you, Katherine.

And we have a Board enough quorum for this meeting.

And Public Hearing Format and Rules of Conduct are your phones are to be in silent mode.

Thank you.

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

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

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

MEMBER KRIEGER: Five.

CHAIRMAN PEDDIBOYINA: Total of five cases, okay.
And if we have the agenda from October.

MEMBER KRIEGER: Any changes.

MS. OPPERMANN: No, there's been no changes to the agenda.

MEMBER KRIEGER: I move to accept the agenda.

MR. SANKER: Second.

CHAIRPERSON PEDDIBOYINA: Thank you.

Agenda approved.

MEMBER KRIEGER: All in favor, I.

(All indicate aye)

CHAIRPERSON PEDDIBOYINA: Any nays?

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

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

Yes. Sorry.

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

MEMBER KRIEGER: Okay.

CHAIRPERSON PEDDIBOYINA: Go ahead, Mr. Sanghvi.

MEMBER SANGHVI: May I?

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

Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Any other things?

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

MEMBER SANGHVI: Page 79 --

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

CHAIRPERSON PEDDIBOYINA: Thank you.

Any other corrections, please?

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

MEMBER SANKER: Second.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

Anybody say aye in favor.

(All indicate aye)

MEMBER KRIEGER: In favor.

CHAIRPERSON PEDDIBOYINA: Anybody no?

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


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

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

Is there an appearance here, please?

MEMBER KRIEGER: Are you the applicant for this case?

CHAIRPERSON PEDDIBOYINA: Anybody in the first case, please?

MEMBER SANKER: North Hills Village
Apartments.

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

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

CHAIRPERSON PEDDIBOYINA: No, the applicant we are asking.

MEMBER KRIEGER: The Petitioner.

CHAIRPERSON PEDDIBOYINA: The Petitioner.

Okay. Go ahead.

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

CHAIRPERSON PEDDIBOYINA: Yeah, we can do that one.

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

Yeah. Is everybody okay, the Board?

MEMBER KRIEGER: Yeah.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

Second case, PZ-19-0041, Waterview Farms Apartments, 45685 Timber Lane Court, east of Beck Road and south of West Pontiac Trail, Parcel Number
50-22-04-200-009.

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

Is the applicant there, please?

MS. JULLETTE: Yes, we are.

CHAIRPERSON PEDDIBOYINA: Can you come to the podium.

Okay. Please state your name for my secretary.


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

MS. GONZALEZ: No.

MEMBER KRIEGER: Okay. Do you swear -- if you could raise your right hand.
Do you swear or affirm to tell the truth in this case?

MS. JULLETTE: Yes.

MS. GONZALEZ: Yes.

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

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

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

Current code allows for one sign. The way our community is set, we have two entrances that are both main entrances. Neither one has a boulevard or
anyplace to set the sign. So with the speed of traffic
driving down Pontiac Trail our concern is that people
would not be able to view our business if they weren't
able to see the sign at each entrance, the one facing
outward at approximately 45-degree angles so the
traffic could see it.

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

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

CHAIRPERSON PEDDIBOYINA: Yeah. Please go
ahead.

Put it on the projector on the down side.

MR. EMBREE: Right here?

CHAIRPERSON PEDDIBOYINA: Yes, please.

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

MR. EMBREE: Ah --

CHAIRPERSON PEDDIBOYINA: No, for them.

Because if you want to talk, you can come and -- no?

MS. GONZALEZ: Another reason that we are
requesting these new signs is that an issue that we're
having with the existing one and, of course, if we put it where we can't repair, we can't do anything. Unfortunately, what's happening is our company is losing a lot of business because they don't know that we're Waterview Farms. They think we're part of other communities because of the signs that they have and we ultimately don't really have one. At least the one we have, again, is, like Danielle said, is in disarray. So we are requesting these again so people can know that we are Waterview Farms and not part of the other communities in the area.

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

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

Correspondence secretary.

MEMBER KRIEGER: In this case PZ19-0041 --

CHAIRMAN PEDDIBOYINA: Yeah.

MEMBER KRIEGER: -- Waterford Farms Apartments, 21 letters were sent, zero returned, zero approval, zero objections.
CHAIRPERSON PEDDIBOYINA: Thank you.

Okay. Anybody in the audience?

Okay. City.

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

CHAIRPERSON PEDDIBOYINA: Thank you.

Anybody in the audience, please?

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

MR. SANKER: I just have one question.

CHAIRPERSON PEDDIBOYINA: Yeah, please go ahead.

MEMBER SANKER: Obviously it looks a lot better when it's there. I just have one question about the 0 feet setback from the right of way. How come --
does it have to be 0 or can it be less? Or I guess could it be 1 foot back. I guess how is -- how did that come about?

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

MEMBER SANGHVI: Speak in the mike, please.

MS. JULLETTE: We --

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

MEMBER SANKER: You can move the mike.

CHAIRPERSON PEDDIBOYINA: Yeah, move the mike. Yeah.

Go ahead, please.

MS. JULLETTE: When we set -- when we requested the 0-foot setback there were still existing trees in that location. We were setting the sign around the existing trees. Since then we received forestry's approval to remove those trees. They were
dying. And now if you would like the sign moved back a

couple feet we do have room to do that.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.
And any other?
Okay. Linda.

MEMBER KRIEGER: From the City, I guess it

would be the 0 feet. When I drove by that all the

signs and all the subdivisions are the same so it would

be if the road is widened, is that where the issue

would become?

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

MEMBER KRIEGER: Okay.

MEMBER SANKER: That would be at their risk

basically.

MEMBER KRIEGER: Right.

CHAIRPERSON PEDDIBOYINA: Yeah.

MEMBER KRIEGER: So I also have no issue. I
drove by your site and agree with your request. I do

wonder, though, the Waterford Farms, the sign is going
to face towards Pontiac Trail or east/west?

MS. JULLETTE: It's going to face at -- is it

a 45-degree angle approximately --

MR. EMBREE: Yes.
MS. JULLETTE: -- towards Pontiac Trail so that the vehicle that was driving each direction would see the sign closest to their entrance.

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

MS. JULLETTE: They are.

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

CHAIRPERSON PEDDIBOYINA: Thank you, Linda. Mr. Sanghvi, go ahead, please.

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

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

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

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

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

    MR. EMBREE: The temporary one?

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

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

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

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

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

    MR. EMBREE: Well, we installed temporary --

    MEMBER SANGHVI: And you see one of my colleagues asked you a question about the 0 variance
from the right of way, it is because they put the new walk park there, walking park there, that is why you need the variance?

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

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

MR. EMBREE: Same exact spot, sir.

MEMBER SANGHVI: He's not sworn in.

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

MEMBER SANGHVI: Thank you.

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

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

MR. EMBREE: My name is Dave Embree.

CHAIRPERSON PEDDIBOYINA: Can you spell it.

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

MEMBER KRIEGER: And could you raise your right hand.

MR. EMBREE: Sure.

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

MR. EMBREE: Yes, I do.

MEMBER KRIEGER: Thank you.

CHAIRPERSON PEDDIBOYINA: Anyone on the Board, please?

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

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

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

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

MEMBER KRIEGER: Yeah. In Case Number PZ19-0041 for Waterview Farms Apartments for 45685 Timberlane Court, east of Beck and south of West Pontiac Trail, Parcel 50-22-04-200-009 the applicant is requesting variances from the City of Novi Code of Ordinance Section 28.5(a) for two proposed ground signs (one ground sign allowed by code) and 28-5(f)(3) for a proposed 0 feet setback from the right of way not less
than 10 feet back from the right of way allowed by code. This property is zoned low density multiple family R-1.

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

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

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

The relief granted will not unreasonably interfere with adjacent or surrounding properties. It
will help clarify and identify the areas for residents and visitors to visit this area of our City. The relief is consistent with the spirit and intent of the ordinance because there's a minimum request.

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

MEMBER SANGHVI: I have one question.

CHAIRPERSON PEDDIBOYINA: Please go ahead.

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

MS. JULLETTE: No.

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

MEMBER SANGHVI: Okay. Fine. Thank you.

MR. BUTLER: Mr. Chair.

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

And the second thing that you want to -- if you would want to place a condition on it that if the road is ever widened they have to set back the signs
farther at their own expense.

MEMBER KRIEGER: I'd like to add that.

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

MEMBER SANGHVI: Second.

CHAIRPERSON PEDDIBOYINA: Motion seconded.

Anybody say no? All say aye?

Okay. Call the roll call.

MS. OPPERMAN: Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: And Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Motion passes.
MEMBER KRIEGER: Congratulations.

MS. JULLETTE: Thank you, Board.

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

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

Okay.

MEMBER KRIEGER: Are you an attorney?

MR. NOLES: No.

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

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

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

MR. NOLES: I do.

MEMBER KRIEGER: Thank you.

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

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

Berm construction along the property lines would be irregular and haphazard. The geometry would have the berm changing directions several times creating drainage issues with the surrounding properties and it would wind through the existing woodlands and would not serve the purpose intended.
You can see from the board that I put up and on the overhead projector -- I'll point it out here -- the site is surrounded to the south by a 300-acre wetland. The dark green property is a City park. The lighter grayish property over here is where the wastewater treatment plant is. And to the north is an existing development where we are installing the berm on the north side. So we're only seeking the minimum that we need.

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

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

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

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

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

The approval was conditioned on the ZBA
variance for elimination of the berm requirement which
is why I'm here tonight. The reason that the Planning
Commission could not waive the berm requirement
themselves is because Section 3.28.6.C.iv.a wording
says single family residential districts rather than
single family residential use.

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

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

If the planners who wrote the ordinance had
considered the possibility of cluster development
adjacent to permanent nonresidential uses in a residential district they may have had the foresight to use the phrase residential use rather than residential district. Unfortunately, not every possible situation can be anticipated when the ordinances are being written, and they did use the word district which brings me here tonight.

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

The third standard is strict compliance. The unanimous approval at Planning Commission approved us for our site plan, our special land use permit, our wetland permit, our woodland permit and our stormwater management plan. Without ZBA approval the owner would be unreasonably prevented from using the property for the approved and permitted purpose. Strict compliance with the berm requirement would render the City of Novi cluster option unavailable without cutting down the natural features that it aims to protect.
The fourth standard is the minimum variance necessary. As I mentioned, the 75-foot requested setback is along three property lines in question and that 75-foot setback will remain in full force and effect. There's going to be a conservation easement placed over this majestic woods and wetlands so that it stays in perpetuity.

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

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

The last standard, of course, is the adverse impact to surrounding areas. The variance will not alter the essential character of the area but will
actually enhance the character. Clearing the regulated
woodlands creates an unnecessary hardship on both the
property owner and the adjacent neighboring properties
due to the loss of significant natural features.

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

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

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

Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you.

Is there anyone else in the audience to speak
up with this case please come to the podium and spell
your name and be sworn in by the secretary.

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

MS. SAARELA: No.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

Please go ahead.

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

However, I do hope a consideration of not requiring a berm also be included as an option for the north side of Scenic Pines. The way Pembine Street was paved the northern property line of Scenic Pines is practically the southern edge of pavement of Pembine. Pembine Street is totally located in the Lakewood Subdivision. It is not 50/50 shared with the Scenic Pines property. That paved water still needs to flow south and not be hampered by a berm.

Many City maps show the property surrounding
Scenic Pines as part of Lakeshore Park, another reason for no berms, and the fact that you probably are never going to see more houses being built around them. However, the neighbors are more concerned about water drainage than views of Scenic Pines. Only about three homes actually front off of the Pembine side that would see anything.

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

Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you.

Anyone else in the audience, please?


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

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

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

The applicant has proposed one storm drain in this area but the preliminary site plan appears
inadequate and I preface that also with self-filters
that are required during construction and if the
Bollingbrook sub is an example of how long it takes to
build a subdivision that could impact the drainage for
about 5 years.

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

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

Just as a heads-up obviously from what you
hear tonight, this is a kind of -- the case was made
pretty substantially but there are other issues with
the site and the developers are aware of these issues.

Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you very much.

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

Seeing none. Thank you.

From the City.

MR. BUTLER: No comments from the City.

CHAIRPERSON PEDDIBOYINA: Thank you. And the Correspondence Secretary.

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

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

Yeah, please, Mr. Verma.

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

You were talking about the berm. How high the berms are?
Mr. Noles: The minimum required berm is 4 feet high for the City of Novi ordinance.

Member Verma: So on top of the berm are you having grass or you are having some sort of --

Mr. Noles: It requires both, it requires landscape with trees and grass as well.

Member Verma: Okay. This area is high water table there and then person was talking about you are going to elevate 5-6 feet high?

Mr. Noles: No, the variance is to eliminate the berms.

Member Verma: Say it again, please.

Mr. Noles: The variance that we're seeking tonight is to eliminate the berms, to not build the berms on the east, west and south sides of the properties.

Member Verma: Okay.

Mr. Noles: So we don't want to build the berms because it could create additional drainage problems. That's the variance that we're seeking tonight, sir.

Member Verma: Okay. But what is the question about elevate 4-5 feet?
MR. NOLES: So this site plan, we've been working on this site plan for about year and the Duchesneaus have been very kind and we've shared much correspondence with the neighbors. We've had several public meetings with the neighbors to explain exactly what we're doing. We've had meetings with Engineering, Planning, a public hearing at Planning Commission, and we've gone through many of these issues.

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

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

So, yes, there are absolutely challenges in every development that need to be overcome and we are working with the City to overcome those developments. And they just approved unanimously that the concept,
the preliminary plan for this including the stormwater
management system along with the wetlands and woodlands
impacts were approved unanimously by the Planning
Commission, and that's not in issue here tonight. The
issue here tonight is simply the berm waiver.

MEMBER VERMA: Thank you very much.

MR. NOLES: Thank you.

CHAIRPERSON PED디BOYINA: Okay. Mr. Clift.

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

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

And we are moving into the phase now where we
present final engineering plans to the City and they'll
look at it in detail and they'll take a look at the
percent slopes in our ditches and in our swales, the
locations of our catch basins, the amount of volume
that they can carry, the amount of volume that comes
off the road, and they'll be splitting hairs on that
with us, and we may have to add another drain, we may 
have to change the design of the swale, but the berm is 
a required improvement and if I were to stand up here 
and say well, let's eliminate the berm, then I'd be in 
the sights of the City forester who that's an important 
landscape element that goes there.

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

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

MR. NOLES: There's a lot of ways to create
screens between properties. You know, one of them is what you’re considering tonight by allowing us to have 75-foot natural buffer instead of a 4-foot high berm with 6-foot pine trees on it.

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

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

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

So the discussion about the berm to the north is not -- is not the issue that's before you tonight.

So it sounds like the applicant is working with the
community development to address those concerns with
the surrounding property owners, but that's not part of
this decision tonight.

CHAIRMAN PEDDIBOYINA: Thank you.
MEMBER MONTAGUE: Okay.
CHAIRPERSON PEDDIBOYINA: Okay. Anybody on
the Board, please?

Mr. Sanker, go ahead.
MEMBER SANKER: Yeah, I just thought your
presentation was very thorough and hit all the points
it needed to hit, and, so, I'd have no issue approving
this.

CHAIRPERSON PEDDIBOYINA: Thank you.
MR. NOLES: Thank you.
CHAIRPERSON PEDDIBOYINA: Anyone on the
Board, please.

Mr. Sanghvi.
MEMBER SANGHVI: Thank you.
I came in and I drove around all that area.
It's all woodland at the moment. How many trees do you
think you are going to cut for this development?
MR. NOLES: There's quite a few.
MEMBER SANGHVI: Quite a few. So we're going
to change the whole character of that area and the
drainage of the land and everything, all around, not
just the north, south, east, west, it's all around it's
going to change.

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

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

MR. NOLES: Yes.

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

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

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

MR. NOLES: Yes.
MEMBER SANGHVI: And, so, less number of
trees you cut the better.

MR. NOLES: That's right. Yes.

MEMBER SANGHVI: So that's okay.

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

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

MEMBER SANGHVI: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you,
Mr. Sanghvi.

Anybody on the Board, please.

Okay. Miss Linda.

MEMBER KRIEGER: I agree with the previous
speakers and that our -- as our attorney told us our
regard is regarding the berm to the east, west and
south, which is, as you've also stated, in your
presentation regarding the City requirement. So for
the specifics of the north berm, I will agree and defer
to the City and you to make the best happen.

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

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

The Petitioner did not create the condition
because he has stated in the packet and in the
presentation regarding the landscaping was already
present. They will do a cluster option and 53 percent will be undisturbed. The relief granted will not unreasonably interfere with adjacent or surrounding properties because as he’s discussed he will -- this is not a complete project and the -- both will be working with the City and -- to take care of the issues regarding any of the project put together.

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

MEMBER SANGHVI:  Second.

CHAIRPERSON PEDDIBOYINA:  Thank you.

Motion is done?

MEMBER KRIEGER:  Yes.

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

MEMBER KRIEGER:  Yeah.

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

Any other discussion? Say all in favor. No?
Roll call, please, Katherine.

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

CHAIRPERSON PEDDIBOYINA: Yes, Mr. Sanghvi said.

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: And Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Notion passes.

MEMBER KRIEGER: Good luck.

CHAIRPERSON PEDDIBOYINA: Congratulations.

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

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

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

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


MEMBER KRIEGER: Are you an attorney?

MS. GRIFFITH: I'm Jenny.
MEMBER KRIEGER: Are you a lawyer?

MR. GRIFFITH: No.

MEMBER KRIEGER: If you would raise your right hand.

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

MS. GRIFFITH: Yes.

MEMBER KRIEGER: Thank you.

CHAIRPERSON PEDDIBOYINA: You can start your presentation.

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

So after I purchased the property I purchased -- I got a survey to start building. So when my first appeal was approved I apparently wasn't standing exactly on my lot line. So instead of -- because I didn't have a survey, didn't want to pay for the survey because I wasn't going to build if I didn't get my appeal approved.
So now I come to find out that I had a 14-foot setback approved for the house, a 6-foot setback approved for the porch, and all of my neighbors have a setback of 11 feet. So with the approval I received in February I would be 3 feet behind everybody else on the street.

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

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

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

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

In addition to the survey I learned that my porch since it was a covered porch has to be part of the house. The setback that I had approved had the
porch as a separate item. But if it's going to be a covered porch it's considered part of the house so I had to change that porch also.

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

And that's -- that's it.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

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

Saying none.

Okay. From the City?

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

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

CHAIRPERSON PEDDIBOYINA: Thank you. Okay.

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

Please go ahead, anyone on the Board, please.

MEMBER SANKER: Yeah.

CHAIRPERSON PEDDIBOYINA: Mr. Sanker, go ahead.

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

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

MEMBER SANKER: Okay.

CHAIRPERSON PEDDIBOYINA: Okay.
MEMBER SANKER: No other question.

CHAIRPERSON PEDDIBOYINA: Anyone on the Board, please?

Mr. Sanghvi.

MEMBER SANGHVI: Yes, thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Go ahead, please.

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

MS. GRIFFITH: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you.

Anyone else, please?

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

MEMBER LONGO: Yes. I move that we grant the variance in case PZ19-0043 sought by Jenny Griffith for the variances for the Novi Ordinance Section 3.1.5 for a 4-foot left and right side yard variance for proposed 6- and 11-foot side yards, 10- and 15-foot allowed by code, 25 total required; and the 19-foot front yard variance for a proposed 11-foot setback, 30 feet is
required; a 31-foot variance for a proposed 40-foot rear yard setback, 35 feet required, and a 29 percent variance for the proposed 54 percent lot coverage, 25 percent maximum required.

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

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

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

MEMBER KRIEGER: Second.

CHAIRPERSON PEDDIBOYINA: Okay. Motion is done. Anyone else?
Okay. Katherine, can you please roll call.

MS. OPPERMAN: Member Verma?
MEMBER VERMA: Yes.

MS. OPPERMAN: Member Montague?
MEMBER MONTAGUE: Yes.

MS. OPPERMAN: Member Sanker?
MEMBER SANKER: Yes.

MS. OPPERMAN: Member Sanghvi?
MEMBER SANGHVII: Yes.

MS. OPPERMAN: Member Longo?
MEMBER LONGO: Yes.

MS. OPPERMAN: Member Krieger?
MEMBER KRIEGER: Yes.

MS. OPPERMAN: And Chairperson Peddiboyina?
CHAIRPERSON PEDDIBOYINA: Thank you, ladies -- yes, please. I'm sorry.


MS. GRIFFITH: Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. The case Number PZ19-0047 (the Bond at Novi, LLC) west of Novi Road and south of Grand River Avenue, Parcel Number 50-22-22-226-005 and 50-22-22-226-003.

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

Is the applicant here, please?
Can spell your name for my secretary.


MEMBER KRIEGE: Are you a lawyer?
MR. LUDWIG: I am not.
MEMBER KRIEGE: Can you raise your right hand.
Do you swear or affirm to tell the truth in this case?

MR. LUDWIG: I do.
MEMBER KRIEGE: Thank you.
CHAIRPERSON PEDDIBOYINA: Thank you, Linda.
Thank you.
You may proceed.

MR. LUDWIG: Thank you.

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

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

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

Well, he blacked out too many areas. So the building was very inefficient. So as we've taken this from first generation to fourth generation currently and we refined the amenities to exactly what we think
the property needs and make the building reasonably efficient we have converted some of the previous amenity areas inside the building to additional units, five additional units.

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

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

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

So it's not a big change, it's five additional units. I can show you. I've got plans if you want to see inside the building how it's changed. The outside of the building hasn't changed except it's
become a little bit narrower, because we made our hallways a little bit narrower. They were 6 feet. We changed them to 5 1/2 feet. So the overall width of each building is a foot and a half narrower. It doesn't impact the site.

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

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

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

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

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

MR. LUDWIG: This is the -- this is the first floor of the I'm going to call it the eastern building.
We have two buildings. They're almost the same. They're a little bit different. There are about roughly 125 units in each building, 130 units in each building. And for this area here, this is all of the lobby. This is the sales office, marketing area. This is all amenity area, the lobby for people to hang out, sit around, socialize. That's what all these areas are.

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

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

This is the second floor of that same building, and come back to this, this area right here used to be a 2-story ceiling. We converted that to a single 10-foot high ceiling, the little square there, so on the second floor we've added one unit. That's the only change to that building with the exception,
again, the corridors are 6 inches narrower.

This is the second building, we call it the western building. And previously we had duplicated areas here that were in the other building. Separate -- rework areas, separate mailroom and packaging areas. Now we've relocated the mailroom and the packaging down into this area on both buildings. So we've converted these four into efficiency units and previously converted these two which was just blocked out space for amenities into two units.

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

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

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

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

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

And I've not really followed this project
that closely but I was in attendance when it went
before the Planning Commission and also City Council.
But the -- the question -- and that -- my point thing
is more of a question that maybe the applicant can
answer through the Board.

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

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

But thank you.
CHAIRMAN PEDDIBOYINA: Thank you.

Anybody in the audience, please.

Okay. The applicant can answer the question?

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

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

From the City?

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

CHAIRPERSON PEDDIBOYINA: Thank you.

Correspondence Secretary.

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

CHAIRPERSON PEDDIBOYINA: Thank you. Okay.

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

Mr. Sanghvi. Go ahead, sir.
MEMBER SANGHVI: Thank you.

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

MR. LUDWIG: Correct.

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

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

If they want -- in the pool area, we've got a spa, you know, a sauna -- not sauna, a hot tub. We've
got a big exercise room. To make it bigger wouldn't
make it better. So we've tried to design this thing to
meet the needs of the people and not just have open
areas with no designated use, because that just doesn't
do anything.

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

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

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

MR. LUDWIG: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you,
Mr. Sanghvi.

Anyone on the Board, please?
Okay. Nobody. And --

MEMBER SANGHVI: If I may.

CHAIRPERSON PEDDIBOYINA: Yeah, go ahead,
Mr. Sanghvi, yeah, go ahead.

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

CHAIRPERSON PEDDIBOYINA: Anybody wants to second?

MEMBER SANKER: Second.

CHAIRPERSON PEDDIBOYINA: Thank you.

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

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.
MS. OPPERMAN: Member Longo?
MEMBER LONGO: Yes.

MS. OPPERMAN: Member Sanghvi?
MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Sanker?
MEMBER SANKER: Yes.

MS. OPPERMAN: Member Montague?
MEMBER MONTAGUE: Yes.

MS. OPPERMAN: Member Verma?
MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you and congratulations.

MR. LUDWIG: Thank you.

CHAIRPERSON PEDDIBOYINA: I want to bring back the first case number. Is there any -- the applicant is here, Case Number 1, PZ19-0032. The applicant is here, please?
MEMBER SANKER: North Hills Village Apartments.

CHAIRPERSON PEDDIBOYINA: I'm sorry.

Go ahead, Attorney.

MS. SAARELA: You could just open the public
hearing so the members of the public that came to speak
on the matter and then close the public hearing and
then table it for the next meeting.

CHAIRPERSON PEDDIBOYINA: Yeah, I agree.

Thank you.

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

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

This case, applicant is not there and our
attorney said we don't want to waste our audience time
where they came and I appreciate. Thank you.
And please go ahead, sir.

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

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

My comments relate to the facts as stated in the handwritten petition and partly in the supplemental page which is a printed page. If the Board desires to adjourn this and hear it at the next meeting, then I will appear at the next meeting and I will assume that
my neighbors will do as well. None of us received any notice about this petition. To my knowledge none of us have any knowledge other than perhaps we got no individual mailing. My home is right next to this place.

I would take issue with a number of the factual statements in the Petitioner's application. The Petitioner alleges in his application that the homeowners that surround his property are responsible for the deterioration of the fence which would then require its replacement. I would like to submit that that's an alternate reality, because this property, the apartments and the -- now, I have to back up because the property is surrounded to the west by Connemara Hills. Connemara Hills was platted, if I remember, in 1950. They are all on half acre lots. They were originally on well and septic, and a good portion of the fence abuts their property. North Hills was built, the North Hills Estates Subdivision was built in the early '70s, and during the construction of the North Hills Estates Subdivision the apartments started to go up and I believe the Greenspan was the developer for both.
Now, that fence that was replaced -- and I'm -- I should go back and say my wife and I have lived in our home since 1989.

MRS. WINTER: '80.

MR. WINTER: My math is no good, I stand corrected. I'm always happy to have my wife present. So we have lived in that house for almost 40 years. That fence is from the 1970s. I submit to the Board that the Petitioner's action on this petition, the petition submission to the Board in the handwritten form that it was presented to you by an apartment complex which is a multi-million dollar apartment complex is indicative of the laissez faire and lackadaisical way they handled the management of and use of their property. That fence has been there for 45 years.

To say that the adjoining property owners that the landscaping and stuff that was put up against it caused the destruction of that fence is an alternate reality. My home is on the corner of Bedford and Center, as I indicated. There are approximately five panels which have nothing adjoining, zip. And one of those panels -- and I think that one of the reasons
that the City required them to replace this fence --
one of those panels kept falling down because there was
nothing to attach it to.

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

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

That's the same reason for this type of
fence. And the purpose of a fence and what the
ordinance requires is that the better appearing portion
of the fence be next to the adjoining property owners,
the residential property owners. Whether it was
through error, oversight, lackadaisical management, what they did was they built the nice part of the fence facing the apartments, not towards the homes. So now we got the back end of the fence.

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

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

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

This whole effort by the apartments including
this submission for this application for variance is improper, it's improperly handled, and I believe it should be denied. At the very least they should be required to put up the best part of the fence towards the holding --

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

MR. WINTER: I'm done.

CHAIRPERSON PEDDIBOYINA: Thank you, Mr. Sanker.

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

CHAIRPERSON PEDDIBOYINA: I appreciate it, thank you, because the 3 minutes for the public hearing. I appreciate .... And, Linda, you want --


I live next door to Pete so I do back up to the fence. I have no problem with this fence. I think you should let it go. The fence from my point looks the same as it did. It was a staged fence, you saw
the support beams. I still see the support beams. The fence is beautiful. Yes, they did a crap job; yes, they made a mess. I do not want them coming on my property and messing up my landscaping to fix this. Maybe, you know -- they did leave the pipes cut off. They fixed it for us. I don't know what anybody else is doing but the fence is beautiful. Compared to what it was, the fence is beautiful. I say you let it go.

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

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

It still is the wrong side of the fence facing us. They did try to put some of the slats, some of the vertical slats on like it used to be but not enough of them. There are still big gaps where the horizontal supports show through. And Mary Jo and Dave's property has most of their landscaping covering
the fence. We tried to do that, too, but we have a lot more of the fence than they do, so we have a lot more to look at. So I would like the fence fixed the way it's supposed to be according to the ordinance and to have their proposal denied.

CHAIRPERSON PEDDIBOYINA: Thank you.

Anyone else in the audience, please?

I have a question for the attorney, City Attorney.

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

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

CHAIRPERSON PEDDIBOYINA: Meeting.

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

CHAIRPERSON PEDDIBOYINA: Okay, Katherine.

MEMBER SANGHVI: Is it appropriate to make any comments about this at this point in time?
MS. SAARELA: It's just appropriate to listen to them at this time and then hear from the applicant the next time.

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

CHAIRPERSON PEDDIBOYINA: Okay. Katherine, go ahead.

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

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

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

MS. SAARELA: If they really didn't receive
the letter. There's still time to get them, they still have time to get them.

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

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

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

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

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

CHAIRPERSON PEDDIBOYINA: Okay.

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

CHAIRPERSON PEDDIBOYINA: I tabling this case at this moment and thank you so much. Okay.
MS. SAARELA: You can move to table it to the December 10th, 2019, meeting and if that motion passes, then it will be on that.

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

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

CHAIRPERSON PEDDIBOYINA: We closed --

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

MR. WINTER: And may I finish my point?

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

MS. SAARELA: The public hearing is closed.

CHAIRPERSON PEDDIBOYINA: The public hearing is closed.

MR. WINTER: Okay. Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you. I appreciate it.

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

MS. SAARELA: No. So you would just move to table it to December 10th, 2019, meeting and then if
that motion passes Kathryn will double-check the
notices, make sure the mail notices go out, but it
doesn't have to go back in the paper.

CHAIRPERSON PEDDIBOYINA: Okay.

MEMBER KRIEGER: It will be December or
January?

MS. SAARELA: December.

CHAIRPERSON PEDDIBOYINA: December 10th.

MS. SAARELA: December 10th.

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

MEMBER LONGO: I so move.

MEMBER SANKER: Second.

CHAIRPERSON PEDDIBOYINA: Okay. The motion
is passed.

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

MEMBER KRIEGER: It's Novi property taxes.

CHAIRPERSON PEDDIBOYINA: Property taxes is
Novi.

MEMBER SANGHVI: No, this address is not
Novi, it's Northville.
MEMBER KRIEGER: It's Novi. I live there, too.

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

MEMBER KRIEGER: It's Novi property taxes.

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

CHAIRPERSON PEDDIBOYINA: Okay, okay. Hang on.

Thank you.

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

MR. WINTER: It's a Northville address.

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

MEMBER SANGHVI: They'll get the notice.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. And motion is passed unanimously. And anybody say no?

Okay, thank you.

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

MS. SAARELA: You can pass, motion to table just on the voice vote.
All in favor.

CHAIRPERSON PEDDIBOYINA: All in favor.

(All indicate Aye)

CHAIRPERSON PEDDIBOYINA: Thank you.

And before closing today's meeting, I'm sorry I had not welcomed two of the new Board members, Mr. Ramesh Verma, and Mr. Clift Montague. And welcome. Thank you so much and wish you good luck, and everybody. Okay.

We have the motion and anybody wants to say anything?

Any other agenda?

MEMBER KRIEGER: Motion to adjourn.

CHAIRPERSON PEDDIBOYINA: Motion to adjourn.

MEMBER SANKER: Second.

(The Meeting concluded at 8:33 p.m.)
CERTIFICATE OF REPORTER

STATE OF MICHIGAN        )
                      ) SS
COUNTY OF OAKLAND    )

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

Cynthia Ann Chyla, CSR 0092
Notary Public
Oakland County, Michigan
My Commission expires: May 12, 2023