REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, JULY 10, 2018 7:00 P.M.

Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road

BOARD MEMBERS:

Linda Krieger, Chairperson
Brent Ferrell, Deputy Chairperson
Thomas Nafso, Secretary
David M. Byrwa
Siddharth Mav
Joe Peddiboyina
Samuel Olsen

ALSO PRESENT:

Elizabeth Saarela, City Attorney
Lawrence Butler, Comm. Development, Dep. Director
Katherine Oppermann, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter
Novi, Michigan
Tuesday, July 10, 2018
7:00 p.m.

- - -

CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Appeals; Tuesday, July 10th, Zoning Board of Appeals meeting.
If we could all rise for the Pledge of Allegiance.

(Pledge of allegiance.)

CHAIRPERSON KRIEGER: If you could, Madame Secretary, call the role.

MS. OPPERMANN: Member Byrwa?
MEMBER BYRWA: Here.

MS. OPPERMANN: Member Ferrell?
MEMBER FERRELL: Here.

MS. OPPERMANN: Chairperson Krieger?
CHAIRPERSON KRIEGER: Here.

MS. OPPERMANN: Member Olsen?
MEMBER OLSEN: Here.

MS. OPPERMANN: Member Nafso?
MEMBER NAFSO: Here.

MS. OPPERMANN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.

MS. OPPERMANN: Member Sanghvi?

MEMBER SANGHVI: Yes. I'm here.

MS. OPPERMANN: And Member Gronachan is absent, excused.

CHAIRPERSON KRIEGER: Very good. This is a public hearing format, also televised. So if you have anything that can be displayed, we have an overhead display that viewers at home can see. And the rules of conduct are in the back of the room. If the pagers or cell phones could be switched to ring tone off and thank you very much.

And approval of our agenda?

MEMBER SANGHVI: So moved.

MEMBER PEDDIBOYINA: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. All in favor say "Aye."

Aye.

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER OLSEN: Aye.

MEMBER NAFSO: Aye.

MEMBER PEDDIBOYINA: Aye.
MEMBER SANGHVI: Aye.

CHAIRPERSON KRIEGER: Same sign, all opposed.

None. Very good. We have an approval of our agenda.

Minutes for June 2018, any changes or ...

Anything?

I noticed on the front page that we have chair and a vice chair. Brent Ferrell is our vice chair. If you can include that for the next time, I'd appreciate that.

We need a motion to approve the minutes.

MEMBER SANGHVI: So moved.

CHAIRPERSON KRIEGER: And, yes, second?

MEMBER FERRELL: Second.

CHAIRPERSON KRIEGER: For the minutes approval, if you could all say, "Aye."

Aye.

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER OLSEN: Aye.
MEMBER NAFSO:  Aye.
MEMBER PEDDI BOYINA:  Aye.
MEMBER SANGHVI:  Aye.
CHAIRPERSON SANGHVI:  Opposed?
None opposed.  Our minutes have been approved.

For public remarks, there is -- for opening, if anyone has any comments regarding anything besides the case in front of us, if they could come up to the podium. State your name and spell the last name for our court recorder.

And seeing none, I'll go to our first case, which PZ18-0028, Patrick Hertrich for 24078 Cranbrooke Drive, east of Meadowbrook and south of Ten Mile. The applicant is requesting a variance from the City of Novi Zoning Ordinance, Section 3.1.5 for a side yard setback variance of 1.6 feet for a proposed 3.4 side yard setback and 23.4 feet aggregate. Side setbacks, 25 feet total two sides required by code. The property is zoned Single Family Residential, R-4.

If the petitioner could come to the podium.

MR. BUTLER: Madame Chairman?
CHAIRPERSON KRIEGER: Yes.

MR. BUTLER: Comment, please. I want to point out that it was advertised that the variance is eight feet, but it is actually 1.6. We had some blurred dimensions we had to get through, but just so you know. Which is lesser than what was advertised. So we're good.

So it's actually 1.6 for the variance, for the side yard variance.

CHAIRPERSON KRIEGER: So 1.6 -- so 23.4 out of 25 feet.

MR. BUTLER: Yes.

CHAIRPERSON KRIEGER: If you could state your name and spell your last. If you're not an attorney, be sworn in by our secretary.

MR. NESLER: My name is Jason Nesler. I'm here representing Mr. Hertrich, who is currently out of the country. Jason Nesler, last name is N-e-s-l-e-r. And I am not an attorney.

MEMBER NAFSO: Thank you. Good evening.

Please raise your right hand.

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

MR. NESLER: Yes.

MEMBER NAFSO: Thank you.

CHAIRPERSON KRIEGER: You may proceed.

MR. NESLER: What we're seeking today is, basically, just a 1.6 foot variance. The ordinance calls for a total of 25 feet between two structures on the side lot. We meet the one parameter, which you have to have at least 10 feet from the demising line of the property. So we're more than that. But the total comes in just short of the 25 feet required. That's a 1.6 foot variance. We're just asking that we can go ahead and do the eight feet buildout of the house, addition on to the house.

CHAIRPERSON KRIEGER: Do you have one of the slides to put on the overhead projector?

MR. NESLER: One of the pieces that was submitted?

CHAIRPERSON KRIEGER: Yes. It looks like there's something about a corner. If you could explain a little bit more about that.

MR. NESLER: Okay. So the corner of the house, because it's a wedge-shaped lot, the corner
of the house is actually the only part that would come
into question as far as the 25 foot border. So the --
I think I have another one here that shows.

So if you see right here, that would be
the demising, that would be the line that runs across
the property lines. So the two houses, the way that
they're shaped, it's just the corner of the house.
It's not 1.6 feet the entire length of the house. It's
just because of the way they sit on the pie-shaped
lots.

CHAIRPERSON KRIEGER: Very good. Thank you.

Is there anybody in the audience that
wishes to discuss this case?

Good afternoon. And if you could,
spell your last name for our court reporter.

MR. NAGLE: Yes, my name is Paul Nagle,
N-a-g-l-e. I am a resident of 22614 Glen --

FEMALE SPEAKER: No.

MR. NAGLE: I'm sorry. 40135
Buckingham Court, excuse me, Novi, Michigan. I am a
property owner whose property abuts toward the back of
their property. We have only -- we don't have any
regards -- questions in regards to the variance. The only question that we have is we would like assurances that whatever construction that is being accomplished on this property, that the dirt or whatever is removed is deposed of appropriately. So that's our only question. We just want to make sure that's the case; that's how it's going to go. So ...

CHAIRPERSON KRIEGER: Very good. Thank you.

Anybody else?

Seeing none. I close it to the public comment.

And for the City?

MR. BUTLER: Yes, Madame Chairman, I'd just like to say in comments to the gentleman's remark about the grading and the dirt there, once we receive the full plans of how it's going to be built, that will be one of things we're going to take into factor. That their degrading is taken care of, there's no runoff into the neighbors, that's one of the main factors that we look at when they bring it in for us to see.

I also want to say that it is a unique pie-shaped lot. And they're, basically, 10 feet on one
side and 15 on the other. So they're just under. So they're just under their 25 feet. So the variance of 1.6 feet is very little to ask for for what they want which is an eight foot addition onto their house for an extension. If you look at the lot, you can see it would be difficult for them to move to the back with the pool and everything without moving into that pie wedge area, which is back there.

CHAIRPERSON KRIEGER: Thank you very much. Appreciate it.

MR. BUTLER: You're very welcome.

CHAIRPERSON KRIEGER: And for correspondence?

MEMBER NAFSO: Yes, there were 36 letters mailed, zero letters returned, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Very good. I'll open it up to the board.

Yes, Member Sanghvi?

MEMBER SANGHVI: Thank you.

Will you please come to the podium.

I came and saw your property yesterday.

If I am right, you have got a nice, big garage and a
big house over there. And if I am not mistaken, the
place you are trying to do this extension is -- where
you've got this is a lattice type of fence; is that
right?

MR. NESLER: To the left.

MEMBER SANGHVI: It is the same side you are doing the expansion?

MR. NESLER: Yes. If you're facing the house, to the left side.

MEMBER SANGHVI: And looking at all this is all you need is a variance for 20 inches?

MR. NESLER: Yes.

MEMBER SANGHVI: I have no problem.

Thank you.

MR. NESLER: Thank you. Any other questions?

CHAIRPERSON KRIEGER: Yes. If you could reaffirm or readdress the comments from the other public participant.

MR. NAGLE: Yes. Absolutely. It would be our intention during the build to properly dispose of anything from the spoils from the digging for the foundations and everything get -- you know, properly
haul that away and dispose of it.

CHAIRPERSON KRIEGER: Okay. Very good.

If there is any other questions or a
motion ...

Yes?

MEMBER PEDDIBOYINA: Yeah. I visited
today your property and there's the dirt. You're using
the same roof and same siding material of the upper
expansion of the eight feet on the left side of the
property?

MR. NESLER: Yes. So that the newer
siding would be used, that would continue on. Yes, it
would be the same siding.

MEMBER PEDDIBOYINA: Okay. Thank you.

CHAIRPERSON KRIEGER: I would like
to -- yes. Go ahead.

MEMBER BYRWA: Quick question. Is this
going to be on a basement or a crawl?

MR. NESLER: It's going to be on a
slab.

MEMBER BYRWA: Slab on a grade?

MR. NESLER: Yes.

MEMBER BYRWA: So the excavating part
of the soil would be minimal, then?

MR. NESLER: Yes, very much so.

MEMBER BYRWA: Okay.

CHAIRPERSON KRIEGER: I drove by the property and I could see going around the curb that there's a shape issue and that it's a minimal request and that you're addressing the concerns and will be working with our Planning Department. So I also will be in approval for this motion.

MEMBER NAFSO: How long have you lived in this home?

MR. NESLER: Mr. Hertrich has lived in the home for 16 years.

MEMBER NAFSO: Did you know there was an addition in the past to the other side of the home?

MR. NESLER: There was.

MEMBER NAFSO: Okay. And that was an addiction to the garage and the upstairs?

MR. NESLER: Yes. Correct.

MEMBER NAFSO: And this addition would be to the other side of the house?

MR. NESLER: Correct.

MEMBER NAFSO: Okay. I have no issue
with the addition as well.

MEMBER BYRWA: I'll make a motion?

CHAIRPERSON KRIEGER: Great. Thank you.

MEMBER BYRWA: Yeah, I move that we grant the variance in case number PZ18-0028 sought by Patrick Hertrich for a 1.6 side yard variance. The petitioner has showed a practical difficulty resulting in the need for the variance based, we're looking at the unique shape of the lot. It's a wedge or pie-shaped lot. The petitioner did not create the condition because I believe he had nothing to do with the original platting of the subdivision or anything. So this wasn't created by the petitioner.

And the relief that we're granting is not excessive or unreasonable. It's very minimal. We're coming down from a 25 foot total side yard to 13 -- to 23 and a half feet only. Only a 1.6 foot variance. And the relief is within the spirit and intent of the ordinance, and the variance granted is within the character of the neighborhood.

And I would be welcome to additional input from any other board members.
MEMBER SANGHVI: Second.

CHAIRPERSON KRIEGER: We have a motion and a second.

Any other comments?

Seeing none, if Madame Secretary could call the role, please.

MS. OPPERMANN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMANN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMANN: Member Nafso?

MEMBER NAFSO: Yes.

MS. OPPERMANN: Member Olsen?

MEMBER OLSEN: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMANN: And Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMANN: Motion masses.

CHAIRPERSON KRIEGER: Congratulations.

If you can see the planning department, and very good.
MR. NESLER: Thank you very much.

CHAIRPERSON KRIEGER: That concludes the public hearing. Other matters will be training dates. And we can proceed to that.

(Momentarily off the record for scheduling matters.)

CHAIRPERSON KRIEGER: Any other comments?

Have a motion to adjourn. All in favor say "Aye."

Aye.

MEMBER BYRWA: Aye.
MEMBER FERRELL: Aye.
MEMBER OLSEN: Aye.
MEMBER NAFSO: Aye.
MEMBER PEDDIBOYINA: Aye.
MEMBER SANGHVI: Aye.

CHAIRPERSON KRIEGER: We're adjourned.

(At 7:13 p.m., meeting adjourned.)
CERTIFICATE

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, 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 seventeen (17) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/ Darlene K. May
Darlene K. May, RPR/CSR-6479

June 5, 2018
(Date)