

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

AUGUST 15, 2017

Proceedings taken in the matter of the ZONING BOARD OF  
APPEALS, City of Novi, at 45175 West Ten Mile Road,  
Novi, Michigan on Tuesday, August 15, 2017.

BOARD MEMBERS:

Mav Sanghvi, Chairperson

Brent Ferrell, Secretary

Cindy Gronachan

Jonathan Montville

David Byrwa

Thomas Nafso

ALSO PRESENT:

Beth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Oppermann, Recording Secretary

REPORTED BY: Pamela Mocerri, Certified Shorthand Reporter

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1 Novi, Michigan

2 August 15, 2017

3 7:00 p.m.

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CHAIRPERSON SANGHVI: Good evening, ladies and gentlemen. It is 7:00 p.m. and it's time to call to order the Zoning Board of Appeals for August 15, 2017.

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

11

(Pledge recited.)

12

13

CHAIRPERSON SANGHVI: Thank you. Please be seated.

14

15

Madam Secretary, will you please call the roll.

16

MS. OPPERMANN: Member Byrwa.

17

MR. BYRWA: Yes, here.

18

MS. OPPERMANN: Member Ferrell.

19

MR. FERRELL: Here.

20

MS. OPPERMANN: Member Gronachan.

21

MS. GRONACHAN: Here.

22

MS. OPPERMANN: Member Krieger is absent,

23

excused.

1 MS. OPPERMANN: Member Nafso.

2 MR. NAFSO: Here.

3 MS. OPPERMANN: Member Montville.

4 MR. MONTVILLE: Here.

5 MS. OPPERMANN: Member Peddiboyina absent,  
6 excused.

7 MS. OPPERMANN: And Chairperson Sanghvi.

8 CHAIRPERSON SANGHVI: Here. Thank you.

9 The next item on the agenda is the public  
10 hearing format and rules of conduct. I think these  
11 rules are available for anybody to look at right in the  
12 front of the room so I won't go into it, only special  
13 requests. Please turn off your cellphones. Thank you.

14 Madam Secretary, is there any change in the  
15 agenda?

16 MS. OPPERMANN: No.

17 CHAIRPERSON SANGHVI: I will entertain a  
18 motion to approve the agenda as presented.

19 MR. MONTVILLE: So moved.

20 MS. GRONACHAN: Second.

21 CHAIRPERSON SANGHVI: Seconded, thank you.  
22 The motion has been made and seconded. All those in  
23 favor signify by saying aye.

1 MR. MONTVILLE: Aye.

2 MS. GRONACHAN: Aye.

3 MR. BYRWA: Aye.

4 MR. NAFSO: Aye.

5 MR. FERRELL: Aye.

6 CHAIRPERSON SANGHVI: Aye. Those opposed  
7 same sign.

8 Can we move on to the minutes from July  
9 2017. Are there any changes, deletions, omissions,  
10 additions the minutes as presented?

11 MS. GRONACHAN: No.

12 MR. FERRELL: No.

13 CHAIRPERSON SANGHVI: I don't see a comment  
14 from anybody, so may I have a motion to approve the  
15 minutes as presented?

16 MS. GRONACHAN: So moved.

17 MR. BYRWA: Second.

18 CHAIRPERSON SANGHVI: Thank you. A motion  
19 has been made and seconded. All those in favor signify  
20 by saying aye.

21 MR. MONTVILLE: Aye.

22 MS. GRONACHAN: Aye.

23 MR. FERRELL: Aye.

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MR. NAFSO:

MR. BYRWA: Aye.

CHAIRPERSON SANGHVI: Aye. Those opposed same sign.

Now the next item on the agenda is public remarks. This is the time that anybody in the audience would like to make any comment to this board about any subject other than that which are on the agenda today.

Seeing none, we will move on and we'll close the public remarks section and we'll begin with our first case.

PZ17-0026: Christopher Leineke -- I hope I am pronouncing it correctly -- 2292 Austin Drive, south of Thirteen Mile and west of Old Novi Road, Parcel No. 50-22-10-227-018.

The applicant is requesting a variance from the City of Novi, Ordinance Section 3.1.5 and also 4.19 for a 8.9 feet side yard, 15 feet allowed, and 2 foot side yard setback, 10 feet allowed, proposed lot coverage of 30 percent, 25 percent allowed, and a 1,000 square feet garage, 850 allowed. This property is zoned Single-Family Residential (R-4).

Is the applicant -- oh, you are already

1 here. Very good. Will you please identify yourself  
2 with name and address, and if you are not an attorney,  
3 please be sworn in by our secretary. Thank you.

4 MR. LEINEKE: Okay, I'm not an attorney.

5 MR. FERRELL: Just go ahead and state and  
6 spell your name for the secretary so she can record it.

7 MR. LEINEKE: Christopher Hale Leineke.

8 MR. FERRELL: Spell it for her, too.

9 MR. LEINEKE: Oh, spell it,  
10 C-h-r-i-s-t-o-p-h-e-r, H-a-l-e, L-e-i-n-e-k-a, 2297  
11 Austin Drive, Novi.

12 MR. FERRELL: Go ahead and raise your right  
13 hand.

14 (Mr. Christopher Leineke sworn.)

15 CHAIRPERSON SANGHVI: Thank you. Please go  
16 ahead and make your presentation.

17 MR. LEINEKE: So there's a little house I  
18 bought that's across the street from where I live right  
19 now kiddy-corner to the right and it's like a 1940s  
20 build so it's very old, it's very dated. It has a  
21 little tiny garage that sets way back on the property  
22 maybe 15 feet from the rear property line, so it's quite  
23 a ways from the front of the property line.

1           So my plan is to -- well, I wanted to bring  
2           the garage forward 20 feet because the neighbors  
3           complain if you have a trailer or if you have anything  
4           other -- I don't know, people just complain if you have  
5           a trailer in your yard, you know, so I'm trying to make  
6           enough room to get a truck and a trailer in the garage.  
7           So that's one of the things I want to do.

8           And then the other thing that I want to do  
9           with the house is it's an old house. It started off as  
10          a little shack, you know, and then they added on to it,  
11          and the part they added on has a flat roof, so my plan  
12          is to tear, remove all the flat roof, the walls, the  
13          foundation, and then put new foundation where the old  
14          foundation is and then bring that up to a full two-story  
15          and then to modernize the house, update the plumbing,  
16          the electric, of course the windows, make it -- you  
17          know, build it to today's standards, make it energy  
18          efficient and bring it up to code, and it will improve  
19          the neighborhood.

20          I mean the neighbors on both sides, I've  
21          shown them the plans and they're -- I mean, nobody's  
22          here to object to anything we're doing. The one  
23          neighbor came up tonight and wished us luck so they're

1 hoping that we're able to do it because we're going to  
2 put some money into it and it will improve not only our  
3 house, but it will improve the neighborhood as well.

4 So that's my case.

5 CHAIRPERSON SANGHVI: Thank you. If there  
6 is anybody in the audience who would like to make a  
7 comment about this case, this is the time to come  
8 forward.

9 Seeing none, we will call the city.

10 Mr. Butler, any comments from the city?

11 MR. BUTLER: No comment at this time, no.

12 CHAIRPERSON SANGHVI: Do we have any  
13 correspondence, Mr. Secretary?

14 MR. FERRELL: Yes, Mr. Chair. There's 34  
15 letters mailed, two letters returned, zero approvals,  
16 six objections.

17 CHAIRPERSON SANGHVI: Thank you.

18 Thank you for your presentation. I came  
19 and visited and saw your place and I have looked at it.

20 MS. GRONACHAN: He's got six objections.

21 CHAIRPERSON SANGHVI: Oh, yes. Go ahead.

22 MR. FERRELL: This one is from Mark  
23 Robbins, 2292 Austin Drive. It's quite lengthy so I'm

1 going to kind of highlight it.

2 The reasons for his objections are a 2 foot  
3 side yard setback.

4 "I object to the setback request as it  
5 increases the crowding of homes on the Shawood lake side  
6 of Austin Drive. The setback also creates a safety  
7 issue. I understand the garage corner is sitting across  
8 the property line and is on the neighbor's property.  
9 I'm not sure it's the best interest of the neighborhood  
10 to have the house and garage span the entirety of the  
11 lot to save 2 feet.

12 "Water view will be blocked for 2293 and  
13 2295 Austin Drive homes. My home across from the City  
14 of Novi has a home with a water view. Assessor's Office  
15 and I argued the point in arbitration and the city  
16 showed pictures. I've been paying taxes on this view  
17 for 23 years. There is value assigned by the City of  
18 Novi and I feel the value needs to be defined."

19 CHAIRPERSON SANGHVI: Another one?

20 MR. FERRELL: Yes. This one is from Rachel  
21 Sines, 2219 Austin Drive.

22 "My apologies for not attending the meeting  
23 in person, but I am out of town. I object to the side

1 yard setbacks. This would further crowd the homes on  
2 the water and eliminate my water view that I enjoy daily  
3 from the front porch.

4 "Additionally, this will decrease my home  
5 value and potentially my assessed value for taxes  
6 because I would no longer be able to claim water views."

7 Another objection from Richard, I think  
8 it's Adams, A-d-a-m-s, at 2300 Shawood.

9 "I've lived here for a long time." It says  
10 looks like 760 years, but that's not right, obviously,  
11 so 60 years maybe. "The main concern here is safety  
12 with kids next door. Three, this change will eliminate  
13 access to the lake if there were an emergency; i.e. fall  
14 through ice, water near drowning. I have to cut grass  
15 at both homes with access." I can't read it. "It will  
16 be near impossible to get to my backyard to main" --  
17 again, something I can't read it. And that is it.

18 CHAIRPERSON SANGHVI: Thank you.

19 MR. LEINEKE: Do I comment to those? Can I  
20 respond?

21 CHAIRPERSON SANGHVI: You may, I'll let  
22 you, but wait a minute, okay, and I'll ask for comments.

23 As I was saying, I have come and visited

1 your place and I looked around, thank you.

2 I'll open up to the board for any comments.

3 Yes, Ms. Gronachan.

4 MS. GRONACHAN: You didn't post your  
5 pictures that we have in the case and I saw that you  
6 spread something out that you have with you. Can you  
7 put it on the projector so we can take a look?

8 We talked about the garage, but there seems  
9 to be some concern about the size of the dwelling that  
10 you're -- and while you're doing that, I, too, went out  
11 and looked at your property and you have got quite a  
12 challenge going on out there.

13 For one, it's not very wide. The lot size  
14 is very unique; it's a pretty odd shape. The elevation  
15 is involved, if I'm not mistaken. I didn't get out of  
16 the car, but the back of your yard drops quite a bit,  
17 does it not?

18 MR. LEINEKE: Yes, all of the houses right  
19 there on that side, which they just did two. One was a  
20 complete demolition and a full rebuild, which is larger  
21 than the footprint of my house by a long ways, and then  
22 probably about four houses down they did another almost  
23 complete demo and rebuild. I mean it is what it is.

1 It's lakefront.

2 MS. GRONACHAN: So while you're talking  
3 about that, on the house specifically, you mentioned  
4 that you're going to be updating the house. Are you  
5 doing a complete teardown or are you leaving part of it?

6 MR. LEINEKE: Yes.

7 MR. GRONACHAN: So how much are you leaving  
8 and how much are you -- what are you adding to it? I  
9 think that would help settle some of this in question.

10 MR. LEINEKE: Sure. So as far as the  
11 footprint of the house, it will not change at all. The  
12 foundation dimension stays exactly the same so it  
13 doesn't change the footprint at all, it's zero.

14 And then like I said, there's this flat  
15 part that comes off the house. I'll show you once we  
16 get this projector working.

17 MS. GRONACHAN: May I ask you what the  
18 square footage of the house will be upon completion?

19 MR. LEINEKE: I think right now it is about  
20 1,400, and I think with what we're doing it's like 20 by  
21 40 so two times four, it might be 1,900 when we're done.  
22 I haven't -- all I did is I paid the architect, we  
23 designed the house. I'm really not concerned with the

1 square footage because I'm going to live there so I  
2 didn't really say I want it bigger or smaller, you know  
3 what I mean.

4 MS. GRONACHAN: Well, my purpose for asking  
5 that question is usually people that live on the lake  
6 have limited storage. So there is no basement on this  
7 house; is that correct?

8 MR. LEINEKE: No, there's actually a  
9 basement on this house, yes.

10 MS. GRONACHAN: And is the basement  
11 finished or --

12 MR. LEINEKE: No, it's unfinished.

13 MS. GRONACHAN: So then the garage, what is  
14 the need to having a larger garage to go from the 850  
15 square feet to the 1,000?

16 MR. LEINEKE: Because I can't get my  
17 trailers in my garage, and I do a lot of work with  
18 trailers. And, I mean, I just had a citation by the  
19 ordinance person here from the City of Novi that the --  
20 there were two trailers in the driveway.

21 They're flat trailers; nothing is stored  
22 above even 4 feet. They had some stuff from a pontoon  
23 boat that I'm rebuilding right now and then some

1 shelving that's going to go in the garage once it's  
2 done, but they're just two little trailers and people  
3 were calling and complaining about them.

4 MS. GRONACHAN: So your intent is to move  
5 from across the street into this house and this will be  
6 your main house when you get done?

7 MR. LEINEKE: Yes, ma'am.

8 MS. GRONACHAN: Sorry that that created a  
9 project here by asking that. I don't have any further  
10 questions at this time and I'll reserve my further  
11 comments for after I hear from my other board members.

12 CHAIRPERSON SANGHVI: Anybody else?

13 MR. NAFSO: What's the difference between  
14 the proposed height and the current height of the home?

15 MR. LEINEKE: Well, the flat part is  
16 probably -- it's a flat roof. In the back it's  
17 probably, I don't know, 20 feet, you know, or less, and  
18 then to go to a two-story it's probably going to be  
19 another 10 feet on top of that.

20 MR. NAFSO: Your plan states 28 feet --

21 MR. LEINEKE: Yes.

22 MR. NAFSO: -- so that's about right.

23 MR. LEINEKE: It's not above the ordinance

1 for how tall a building can be in the city of Novi as a  
2 single-family residence. We're not building a tower or  
3 three-story house, anything like that.

4 CHAIRPERSON SANGHVI: Yes, Mr. Montville.

5 MR. MONTVILLE: From my perspective, a  
6 couple different things. One is, just in general, do  
7 you know what year the original house was built?

8 MR. LEINEKE: You know --

9 MR. MONTVILLE: Rest assured, clearly it  
10 was a long time ago.

11 MR. LEINEKE: Yes, so approximately 1940.

12 MR. MONTVILLE: So adding the aesthetic  
13 improvement I think is a positive. I look at the first  
14 three requests for variances and, again, these aren't  
15 anything above and beyond what the current footprint is,  
16 and with the fourth for the garage, to me, it sounds  
17 like a minimal extension in order to have a better  
18 impact on the surrounding homes and families.

19 MR. LEINEKE: Yes.

20 MR. MONTVILLE: So I have zero hesitation  
21 on the first three. To my fellow board members, I'm  
22 leaning towards approving and being supportive of the  
23 fourth, but would again open that up to my fellow board

1 members for their thoughts.

2 CHAIRPERSON SANGHVI: Anybody else? No.

3 MS. GRONACHAN: So now --

4 CHAIRPERSON SANGHVI: Oh, go ahead.

5 MS. GRONACHAN: Thank you, sorry. Can you  
6 have the picture of the garage up? Do you have a  
7 picture of the garage?

8 MR. LEINEKE: The garage is -- it's  
9 actually not shown on the drawings right now, but I can  
10 show you on this here.

11 So we're the -- the garage right now sits  
12 about where my finger is, somewhere right in this area  
13 (indicating), and we're simply going to bring the garage  
14 to about where that window is right there, so that  
15 window would just disappear. So the door will still be  
16 there, and then it will be a roof like this (indicating)  
17 in the same shape as this roof here, it will be right  
18 here, and then it will extend out the width of the  
19 driveway or approximately 15-16 feet wide.

20 MS. GRONACHAN: So it's in the back of the  
21 driveway right now setting kind of down a hill?

22 MR. LEINEKE: Uh-hum.

23 MS. GRONACHAN: Is it going to -- I'm not

1 clear. Is it still going to be attached to the house or  
2 are you just going to pick it up and bring it forward  
3 basically from where it is?

4 MR. LEINEKE: Well, the garage that's there  
5 right now is going to stay right there.

6 MS. GRONACHAN: Oh, you're keeping that  
7 garage?

8 MR. LEINEKE: Yes. I'm simply building on  
9 to make the garage 1,000 square feet instead of 850 so  
10 we're going to add 20 feet to the length of the garage.

11 MS. GRONACHAN: Okay.

12 MR. LEINEKE: So in front of the garage  
13 right now it's flat, the ground is flat and level, so  
14 just 20 feet. And all that that does is allows me to  
15 get my truck and trailers into the garage.

16 MS. GRONACHAN: I have no problem with  
17 that. I was not clear that you were reusing the -- or  
18 repurposing your garage. You're just adding to it?

19 MR. LEINEKE: Yes.

20 MS. GRONACHAN: If that's the case, given  
21 the previous comments that I made about lot size,  
22 uniqueness, you've got a challenge out there.

23 MR. LEINEKE: Yes, we do.

1 MR. GRONACHAN: I just recently had a foot  
2 injury. I would have loved to walk the back to see what  
3 a challenge it is, but like I said, I mentioned I did  
4 not get out of the car, but looked from all sides. I  
5 think that this is going to be a vast improvement in the  
6 neighborhood.

7 Change is always tough with other residents  
8 when they see it coming. You know, it is difficult  
9 about the water views, we've heard that before, but I'm  
10 in full support of your request. I think they're  
11 minimum, and like Member Montville said, this is going  
12 to be a great improvement, and I wish you a lot of luck.  
13 You have my support.

14 MR. LEINEKE: THANK YOU.

15 CHAIRPERSON SANGHVI: Anybody else? Yes,  
16 Mr. Byrwa.

17 MR. BYRWA: I'm looking at the drawing here  
18 and it looks like an approximate addition to the  
19 existing garage of 20 feet, you show 20, and it looks  
20 like another 20 going toward the house.

21 To me, that's like a 400 square foot  
22 addition to the garage, which would put you, if the  
23 existing is 800, that would put you at 1,200 not 1,000.

1 MR. LEINEKE: Right now the garage is  
2 approximately 16 feet wide. I don't have a calculator  
3 on me or a pencil. I do. Here I go.

4 So right now the garage is approximately --  
5 let's just say it's 30 by 16, that would be 480 square  
6 feet, and if we make it 20 by 15, we're going to add --  
7 say we're adding 300. We're adding a 15 by 20, not 40  
8 feet. It's only going to be extended 20 feet by 15 feet  
9 wide so we're going to add 300. So really it might be  
10 780 to 800, approximately 800 square feet.

11 MR. BYRWA: So how close to that is 1,000  
12 square foot that you were asking for in the write-up?

13 MR. LEINEKE: I think we're going to be  
14 below the 1,000 by approximately 100 to 200 square feet  
15 because we're only going to bring it 20 feet forward.  
16 That's what I'm asking for, adding 20 feet of land to  
17 the front of it.

18 MR. BYRWA: So it's not to exceed, then --  
19 in a motion, it could be not to exceed 1,000 square  
20 foot?

21 MR. LEINEKE: Oh, yes, absolutely, yes,  
22 sir.

23 MR. BYRWA: Okay, that would be fine, yes.

1                   CHAIRPERSON SANGHVI: Thank you. Anybody  
2                   else?

3                   Now, as you heard, a couple of people have  
4                   objected about the view, it's going to offset their view  
5                   and all that. Have you any comments about that?

6                   MR. LEINEKE: Well, the only comment that I  
7                   will say is the people that are going to complain about  
8                   the view, they don't have waterfront property. They  
9                   actually live across the street from the lake. Myself,  
10                  I live across the street from the lake. So if somebody  
11                  were across the street from me and they built onto their  
12                  house, I don't think it's my right to complain you're  
13                  ruining my view, number one.

14                  I don't live on the lake side of the  
15                  street, so really shame on me. I don't own the  
16                  property. The people that live on that side of the  
17                  lake, it's my opinion - it's only my opinion - those are  
18                  the people that pay the higher taxes that are truly  
19                  entitled to the view of the lake. And none of my  
20                  neighbors are complaining that by what I'm doing is  
21                  going to limit their view. So that's really all.  
22                  That's my opinion.

23                  CHAIRPERSON SANGHVI: Thank you. Any

1 further discussion?

2 Seeing none, I would entertain a motion.

3 MS. GRONACHAN: Okay, I'll give it a shot.

4 I move that we grant the variance in Case  
5 No. PZ17-0026, Christopher Leineke, at 2292 Austin  
6 Drive, for the following variances: a 2 foot side yard  
7 setback first one, 8.9 feet side yard setback where 15  
8 feet allowed; a 2 foot side yard setback where 10 foot  
9 is allowed; an increase of lot coverage from 25 to 30  
10 percent; and the increase of the garage not to exceed  
11 1,000 square feet where 850 square foot is allowed.

12 Based on the testimony given by the  
13 petitioner and the comments made by the board, this  
14 property is unique due to several reasons. One, lot  
15 size and the limited size; the uniqueness and odd shape  
16 of the property; the elevation and the degree of  
17 difficulty that the petitioner will have in building and  
18 being creative in trying to get all of this into that  
19 small piece of property, quite frankly.

20 The petitioner did not create this  
21 condition because this property was established with a  
22 small house. As given testimony by petitioner, the  
23 house is probably back from the 1940s, approximately.

1           The relief granted would not unreasonably  
2 interfere with the adjacent surrounding properties  
3 because the view is not really blocked given that the  
4 current house is there. There is going to be some  
5 height added to the property. However, it is within the  
6 ordinance and the ability that the owner of the property  
7 gets to build on.

8           The relief is consistent with the spirit  
9 and intent of the ordinance due to the fact that this is  
10 a unique and older piece of property and when first  
11 created did not meet any of the current ordinances, and  
12 if the variances were not granted, then the upgrades and  
13 improvements on the residence would not be available.

14           CHAIRPERSON SANGHVI: Thank you. Do I have  
15 a second?

16           MR. BYRWA: Second.

17           CHAIRPERSON SANGHVI: Any further  
18 discussion on the motion?

19           Seeing none, Madam Secretary, please call  
20 the roll.

21           MS. OPPERMANN: Member Byrwa.

22           MR. BYRWA: Yes.

23           MS. OPPERMANN: Member Ferrell.

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MR. FERRELL: Yes.

MS. OPPERMANN: Member Gronachan.

MS. GRONACHAN: Yes.

MS. OPPERMANN: Member Nafso.

MR. NAFSO: Yes.

MS. OPPERMANN: Member Montville.

MR. MONTVILLE: Yes.

MS. OPPERMANN: Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON SANGHVI: Congratulations,  
Mr. Leineke.

MR. LEINEKE: Thank you, everyone.

MS. GRONACHAN: Good luck.

CHAIRPERSON SANGHVI: Moving on to the next  
case: PT17-0030, Ron Morelli, Benito's -- oh, I beg  
your pardon.

We go back to PT17-0028. Kim Capello,  
attorney, representing the property at 47289 Sierra  
Drive, east of Beck Road and south of Eleven Mile Road,  
Parcel No. 50-22-101-001.

The applicant is requesting a variance from  
the City of Novi Ordinance Section 5.11.2.A to install

1 an interior side yard fence. This property is zoned  
2 Residential Acreage (R-A).

3 MR. CAPELLO: Good evening. Kim Capello on  
4 behalf of the applicants, Marco and Kelly Dumouchelle.  
5 Kim Capello, C-a-p-e-l-l-o, 26444 Taft Road, Novi,  
6 Michigan.

7 After contacting the city --

8 MR. FERRELL: Are you an attorney?

9 MR. CAPELLO: Yes.

10 MR. FERRELL: You are, okay. I was writing  
11 and I didn't catch that, sorry.

12 MR. CAPELLO: After contacting the city and  
13 picking up an application to apply on their own, they  
14 got confused with the application for good reason and  
15 then gave me a call to help them fill out the  
16 application.

17 The issue here is easy: just asking for a  
18 side yard fence. The technical requirements to meet the  
19 requirements for a variance are more technical. I think  
20 I've met all the technical requirements in the  
21 application.

22 This is property in Pioneer Meadows, and I  
23 think Pioneer Meadows was the first subdivision on the

1 west side of Novi. It could have been Echo Valley, but  
2 I really think Pioneer Meadows was the first  
3 subdivision.

4 That subdivision was constructed and  
5 occupied years and years ago. There are a handful of  
6 lots along Beck Road that have never been developed. A  
7 couple years ago a developer did come in, picked up all  
8 the remaining lots, and has started to build new homes  
9 on those lots, lots that had been vacant for years and  
10 years and years.

11 The Dumouchelles have purchased a house on  
12 the corner of Sierra -- Sienna and Beck which is the  
13 southeast corner to Beck and Sierra; their house faces  
14 Sierra, the side of the house faces Beck. There's a  
15 couple pictures attached to the application and that  
16 really shows you the location of the fence and what the  
17 fence looks like from Beck Road.

18 Beck Road right-of-way is quite a distance.  
19 It's quite a distance from the edge of Beck Road to the  
20 location of the fence, and the fence is a little bit  
21 within the property line, 2 feet within the property  
22 line.

23 They have two young children, a small dog

1 and a third child on the way, I understand. They need a  
2 fenced yard. If they were further in the subdivision,  
3 there wouldn't be an issue because they could fence  
4 their yard. It would make no sense to allow them to put  
5 a fence across the front, the side and the rear and not  
6 have a fence along Beck Road. They need four enclosed  
7 areas for the safety of their children and safety of  
8 their dog.

9 If I might, I just received a couple of  
10 pictures. Is somebody helping me with this or is it  
11 going to pop up? There we go.

12 This winter a car slid off of Beck Road  
13 through the right-of-way and ended up on their front  
14 yard. Those are the tire tracks from that car. That  
15 car could have easily went into the rear yard. Would  
16 the fence have stopped the car? I can't say that for  
17 sure, but there's a better chance that the fence would  
18 stop a car sliding off of Beck Road than having no fence  
19 there at all.

20 You know, I've known this ordinance was  
21 there for years. I'm not sure what the purpose of the  
22 ordinance is. Perhaps on an interior road within a  
23 residential subdivision you might want some type of

1 setback or not a fence along the non-front of the home  
2 for visibility purposes, but in this case, as you're  
3 coming to the stop sign, you've got the entire full  
4 right-of-way between the side yard and Beck Road. It  
5 doesn't create any visibility problem at all.

6 Along Beck Road there are several fences  
7 similar to this. Actually, this is the nicer looking  
8 fence aesthetically than the fences that are there, and  
9 they would not meet today's ordinance. Across the  
10 street there is a brick wall along Beck Road which was  
11 required by the city when they built condominiums. It's  
12 in the rear yard so it doesn't violate the ordinance,  
13 but it's a brick wall, if you want to consider that a  
14 fence, which I don't think it is, but it's a lot less  
15 offensive than the fence that they've constructed.

16 With today's ordinances, if you're going to  
17 -- Pioneer Meadows was developed years and years ago.  
18 If you were to develop that subdivision today, you would  
19 either have a brick wall along that area of Beck Road or  
20 you'd have a berm. You'd have something between the  
21 residential homes and Beck Road for various purposes:  
22 noise, safety, other reasons. Even through they're not  
23 meeting the fence ordinance, they are meeting the intent

1 of the new ordinances with new subdivisions.

2 So as I said, I think I've met the  
3 requirements, technical requirements to have the  
4 variance granted.

5 There's two neighbors cast [sic] the  
6 application have agreed, I don't think anybody has  
7 objected, and there's a couple neighbors here today that  
8 agree with the fence. So we'd ask you to grant the  
9 variance so they can leave their fence in place.

10 CHAIRPERSON SANGHVI: Thank you. Is there  
11 anybody in the audience who would like to make a comment  
12 about this case? Please come forward right now. Thank  
13 you.

14 Identify yourself, give your name and  
15 address.

16 MR. KAISER: My name is Steve Kaiser, I  
17 live at 47269 Sierra Drive. I am their direct neighbor.

18 This new home was built adjacent to my  
19 property. We share a fence on the west side of my  
20 property facing Beck Road.

21 During the move-in process, the new  
22 homeowner approached me with the potential idea of  
23 installing a fence around the remainder of his property

1 and asked me what I thought about it. He didn't tell me  
2 he was going to put a fence in, he asked me what I  
3 thought about it. It's a fairly unusual circumstance in  
4 today's environment.

5 I mentioned to him that my childhood home  
6 from the sixth grade through college was at the corner  
7 of Farmington Road and Joy Road, two main thoroughfares,  
8 and my family, myself and my two younger sisters were  
9 quite aware of what it's like to live on a main  
10 thoroughfare: the beeping of the horns, the hollering  
11 out the windows. My father would sit on the porch and  
12 the passersbys might say something about, "How's it  
13 going, pops" on a Sunday afternoon. So when I heard  
14 about the fence, I made my recommendations to him. And  
15 what he has installed is well designed, very highly --  
16 it has a high quality of construction to it. And as was  
17 mentioned before, as you exit the subdivision on Sierra,  
18 no portion of the fence hinders your view from traffic  
19 coming from the south northbound on Beck Road. So it  
20 would be my hope that the council will permit this  
21 fence. Thank you.

22 CHAIRPERSON SANGHVI: Thank you. Anybody  
23 else? I think somebody is coming.

1                   Please state your name and address.

2                   MS. BURNS: Hi, Kim Burns, address 47296  
3                   Sierra. We live directly across the street from the  
4                   variance in question.

5                   I am here just to gain the support of the  
6                   committee to approve this variance. I actually find it  
7                   a bit disappointing that we're spending this much time  
8                   and money on something that looks so fantastic, has  
9                   improved the community, and is ensuring the safety of  
10                  their children and their family.

11                  I appreciate and respect the ordinances of  
12                  course, and appreciate the steps that need to be taken,  
13                  but again, full support. The house has been a big  
14                  improvement.

15                  The house that we live in was a foreclosure  
16                  and we've had to put a lot of money into it, and we  
17                  currently have a fence, and I certainly hope I don't  
18                  have to go through these same motions to make  
19                  improvements because our fence does need improvement.

20                  So again, full support. I think they've  
21                  done something that consider the safety and the  
22                  aesthetics of the community, and they've done a  
23                  fantastic job to improve the surrounding neighborhood,

1 and that's it.

2 CHAIRPERSON SANGHVI: Thank you. Anybody  
3 else?

4 Seeing none, any comments from the city?

5 MR. BUTLER: No comments.

6 CHAIRPERSON SANGHVI: No comments, very  
7 good. Mr. Secretary, any correspondence?

8 MR. FERRELL: Yes, Mr. Chair. Twenty  
9 letters mailed, one letter returned, zero objections,  
10 zero approvals.

11 CHAIRPERSON SANGHVI: Thank you. I'll open  
12 up to the board, please. Yes, Ms. Gronachan.

13 MS. GRONACHAN: Good evening, it's been a  
14 long time. Usually you were on this side. It's been  
15 many years.

16 MR. CAPELLO: I was. I'm happy to be over  
17 here, actually.

18 MS. GRONACHAN: Yeah, it's been reversed.

19 MR. CAPELLO: As I was getting ready to  
20 come to this meeting tonight, I thought, oh, it's so  
21 nice I don't have to do this every two weeks.

22 MS. GRONACHAN: There you go. I have to  
23 say that when I drove out there I was -- and this has no

1 bearing on this case -- but I was overwhelmed with the  
2 amount of privacy fences in that subdivision and how it  
3 really took away from some of those residents in there.

4 It is a lovely neighborhood. It's been a  
5 long time since we've been out there for cases. I  
6 understand, too, the purpose of this ordinance, but this  
7 house and the fence, I don't know how it went up before  
8 it got approved, but having said that, being new to the  
9 area I'm going to let that go.

10 I think that given the location and the  
11 unique situation that this was built after the fact, so  
12 to speak, there's a huge safety factor out there, as you  
13 mentioned. I think that the petitioner did a great job  
14 on the fence, and I'm in full support. I cannot see a  
15 reason to not support it, and basically the biggest  
16 thing is the safety.

17 And that ordinance does need to get looked  
18 at, and I would make a recommendation for ordinance  
19 review to review it in the future. So I will be in full  
20 support.

21 MR. CAPELLO: Thank you.

22 CHAIRPERSON SANGHVI: Anybody else? Go  
23 ahead, Mr. Byrwa.

1 MR. BYRWA: I just had a question. It  
2 sounds like you were on the zoning board for a while  
3 or --

4 MS. GRONACHAN: He was a city council  
5 member.

6 MR. BYRWA: Oh, okay.

7 MR. CAPELLO: About 12 years in planning  
8 commission and six at city council.

9 MR. BYRWA: Okay. I thought if you were on  
10 the zoning board, you would have known that it required  
11 a fence variance and I couldn't understand why you --

12 MR. CAPELLO: That was the job they tried  
13 to get me on at the planning commission, and you've got  
14 the toughest job, I think. I luckily did not have to  
15 sit on that.

16 MR. BYRWA: Okay, I'm fine. Thank you.

17 CHAIRPERSON SANGHVI: For some of the  
18 newcomers, Mr. Capello has been around for quite some  
19 time. Thank you.

20 Yes, Mr. Ferrell.

21 MR. FERRELL: I'm just ready for a motion.

22 CHAIRPERSON SANGHVI: Mr. Montville, are  
23 you prepared to make a motion?

1 MR. MONTVILLE: No.

2 MR. FERRELL: I'll make a motion.

3 CHAIRPERSON SANGHVI: Go ahead and make a  
4 motion. Thank you.

5 MR. FERRELL: I move that we grant the  
6 variance in Case No. PZ17-0028 sought by the petitioner  
7 for interior side yard fence. Without the variance,  
8 petitioner will be unreasonably prevented or limited  
9 with respect to the use of the property due to the  
10 safety and security of having their children in the  
11 backyard to play, and their dogs.

12 The property is unique due to the property  
13 being on a corner of the main roads of Beck and Sierra.  
14 Petitioner did not create the condition. The relief  
15 granted will not unreasonably interfere with adjacent or  
16 surrounding properties. The sides are located on the  
17 main road and it's 2 feet inside the property line.

18 The relief is consistent with the spirit  
19 and intent of the ordinance and additionally have  
20 multiple neighbors adjacent to the property supporting  
21 the request is the reason why I feel we should approve  
22 this.

23 CHAIRPERSON SANGHVI: Thank you.

1 MS. GRONACHAN: Second.

2 CHAIRPERSON SANGHVI: Motion has been made  
3 and seconded. Any further discussion?

4 Seeing none, Madam Secretary, please call  
5 the roll.

6 MS. OPPERMANN: Member Byrwa.

7 MR. BYRWA: Yes.

8 MS. OPPERMANN: Member Ferrell.

9 MR. FERRELL: Yes.

10 MS. OPPERMANN: Member Gronachan.

11 MS. GRONACHAN: Yes.

12 MS. OPPERMANN: Member Nafso.

13 MR. NAFSO: Yes.

14 MS. OPPERMANN: Member Montville.

15 MR. MONTVILLE: Yes.

16 MS. OPPERMANN: And Chairperson Sanghvi.

17 CHAIRPERSON SANGHVI: Yes.

18 MS. OPPERMANN: Motion passes.

19 MR. CAPELLO: Thank you.

20 CHAIRPERSON SANGHVI: Next case is

21 PZ17-0030: Ron Morelli/Benito's Pizza, 24270 Novi Road  
22 east of Novi Road and north of Ten Mile Road, Parcel No.  
23 50-22-23-351-064.

1                   The applicant is requesting a variance from  
2                   the City of Novi Ordinance Section 5.2.12 to allow for  
3                   30 additional parking spaces for proposed expansion, 89  
4                   parking spaces are currently available and 114 are  
5                   required. This property is zoned General Business  
6                   (B-3).

7                   Will you please identify yourself, your  
8                   name and address, and if you're not an attorney, please  
9                   respond to our secretary.

10                   MR. MORELLI: I'm not an attorney. My name  
11                   is Ron Morelli. My address is 179 Eagle Press Drive,  
12                   South Lyon, Michigan.

13                   MR. FERRELL: Can you spell your last name,  
14                   please?

15                   MR. MORELLI: M-o-r-e-l-l-i.

16                   MR. FERRELL: Raise your right hand.

17                   (Mr. Ron Morelli sworn.)

18                   MR. FERRELL: Go ahead.

19                   MR. MORELLI: I am operations manager for  
20                   the Benito's Pizza Corporation and we're here seeking a  
21                   variance for 30 parking spaces for an expansion that we  
22                   want to do.

23                   I would like to introduce the people that

1 are here today. To your far left is Benito; he's the  
2 founder and president of our company. He started  
3 Benito's in 1979. His wife Joyce; Jim, who is one of  
4 the managers at the store; and then Benito's three sons:  
5 Jason, Michael and Maro.

6 I want to let Michael, who is the head chef  
7 and head manager of that store, if you'll allow him to,  
8 to give you the scope of what we want to do or what we  
9 want to accomplish at that store, and then I can answer  
10 any questions you may have as far as practical  
11 difficulty and what our traffic studies and all of that  
12 type kind of stuff get if you'll allow that.

13 CHAIRPERSON SANGHVI: Thank you.

14 MR. MALTONI: Well, thank you. My name is  
15 Michael Maltoni. I want to thank Ron for all of his  
16 hard work and I'd like to thank the committee for having  
17 us here today.

18 When we first -- well, first I'd like to  
19 say that nine years ago we started a new concept for our  
20 company. It's Benito's Cafe, and I'm sure that some of  
21 you are familiar with it, hopefully all. And we had a  
22 vision to have it be an Italian cafe with an American  
23 twist, but we didn't have -- we weren't ready to do the

1 full scope of it. However, after being in Novi for nine  
2 years now - well, it will be nine years in October - we  
3 feel like we have, you know, successfully, first of all,  
4 been able to garner up enough support in the community,  
5 and also experience and, of course, the wherewithal, the  
6 capital to be able to do it.

7 We've had success here, but we still always  
8 thought of it as a work-in-progress because the full  
9 scope was to make it something bigger, something  
10 grander, and we're really focused on making a unique  
11 concept where it will be unique to the City of Novi and  
12 will also be unique, actually, to the Greater Metro  
13 Detroit area.

14 Shortly after we opened nine years ago, we  
15 quickly affirmed that the City of Novi was a perfect  
16 place for us to fulfill this dream of having a cafe and  
17 kind of to redefine ourselves, because if you're aware  
18 of all of our other locations, you know they're strictly  
19 mostly takeout and delivery and it's Benito's Pizza.  
20 And not to take away from those type of units, but we  
21 wanted to do something a little bit grander.

22 We've gotten a lot of support from the  
23 community. We have good word of mouth, we have great

1 feedback and, in general, you know, people always give  
2 us compliments and say how much they enjoy us being  
3 here. Novi has been very welcoming, and honestly we've  
4 went through a lot -- I've gone through a lot of growth  
5 and development, and we have -- they have been very  
6 patient at times, too, because we haven't started off  
7 perfect, you know, it's been a growing process. And if  
8 you notice, I mean, we're a family business and so we're  
9 beginning to mature.

10 I just wanted to talk a second more about  
11 the community of Novi. My brothers, they both actually  
12 live in Novi, it's a great city, and if you talk to  
13 anyone else who knows me, customers or whatever, they  
14 would say that I actually live in Novi, too. I am at  
15 the Benito's Cafe pretty much every day, and I've been  
16 doing that for nine years. I've been fully committed to  
17 making this as great of an experience as I can.

18 This is my brother Jason Maltoni. He, of  
19 course, works just as hard as I do, but he works at  
20 other ends of the business, and my other brother Maro  
21 Maltoni, who is sitting right there.

22 MR. JASON MALTONI: I want to say  
23 something. Jason Maltoni, 40562 Village Oaks. I hate

1 to interrupt you, but just to go on what Michael's --

2 CHAIRPERSON SANGHVI: Excuse me. You must  
3 identify yourself and give your address.

4 MR. JASON MALTONI: Jason Maltoni, 40562  
5 Village Oaks, Novi, Michigan.

6 CHAIRPERSON SANGHVI: Okay.

7 MR JASON MALTONI: We're getting to the  
8 point -- like he said, we've been here for nine years.  
9 We're getting to the point we're getting to the end of  
10 our lease. We would like to renew it.

11 The place has been very successful and we  
12 need the extra space to move the cafe concept to the  
13 next level and to pretty much give us the space that is  
14 needed to accomplish our goals.

15 Typically this landlord likes to sign a  
16 ten-year lease. We would like it prepared properly. I  
17 mean another ten years, you know, you never know what  
18 could happen.

19 Obviously the parking is an important part  
20 of that, to be able to have the customers and all the  
21 businesses around us be able to do business properly.  
22 And based on the analysis we received from various --  
23 from the city and from the company that we hired, we

1 think that it's very possible to get the extra parking  
2 spots allocated to allow us to accomplish that goal.

3 So I just wanted to give you a little bit  
4 of heads up where we're at with the whole process with  
5 the landlord and trying to move this project to the next  
6 step, moving for the next ten years so we can be here  
7 long term.

8 CHAIRPERSON SANGHVI: Thank you. Is that  
9 all?

10 MR. JASON MALTONI: I didn't want to say  
11 what we planned to do with the expansion. So right now  
12 we specialize in pizzas and pastas and paninis and subs  
13 and salads and soups and artisan breads. What we want  
14 to do in the cafe is expand it even further and take our  
15 homemade concept to another level, and we want to expand  
16 by making homemade gelato.

17 We're going to add a whole gelato case, and  
18 there will be a lot more when you walk in. You'll see a  
19 whole dessert case full of homemade desserts that will  
20 be unique and they'll be inventive. And also we'll have  
21 a full coffee and espresso bar where we will have our  
22 unique blends of coffee and espresso. And also we'll  
23 have full liquor with a beer and wine bar to enhance the

1 experience for our guests which we haven't had as of  
2 yet.

3 So we're fully committed to doing this  
4 concept. We want to do it here in Novi, and right now  
5 we're looking -- we're seeking the variance for the  
6 parking to enable us to be able to do that.

7 CHAIRPERSON SANGHVI: Thank you. Is there  
8 anybody in the audience who would like to make a comment  
9 about this case?

10 Seeing none, City, any comments,  
11 Mr. Butler?

12 MR. BUTLER: Just one comment. I just  
13 wanted to make sure that you're aware that the parking  
14 lot is an existing parking lot and will not be  
15 expanding, so basically what is there is there so that's  
16 what they have to work with.

17 CHAIRPERSON SANGHVI: Thank you.  
18 Mr. Secretary, any correspondence?

19 MR. FERRELL: Mr. Chair, there were 40  
20 letters mailed, zero letters returned, zero approvals,  
21 zero objections.

22 CHAIRPERSON SANGHVI: Thank you.

23 I came and visited your place and I am very

1 happy that you are expanding and I wish you luck. I  
2 will open up to the board, please.

3 Yes, Ms. Gronachan.

4 MS. GRONACHAN: Good evening. It's one of  
5 my favorite places so I'm glad to hear that you're  
6 expanding, especially when you bring people in and  
7 there's not enough room. I'm sure you don't want to  
8 hear about that. So we're all happy.

9 Could you expand a little bit in the  
10 picture on -- because looking at that parking lot it's  
11 quite a challenge that you've got. So what's going to  
12 be removed? You're not expanding the parking lot,  
13 right?

14 MR. MORELLI: Well, we're not expanding the  
15 parking lot and nothing's changing outside at all; the  
16 place is going to stay exactly the same. The cleaners  
17 is moving so we would like to take that space over.

18 We had two meetings with Margaret Beth and  
19 the people here in planning and that kind of stuff on  
20 how we can accomplish this. They gave us the list of --  
21 a short list of different traffic engineers. We hired  
22 one of them to do a traffic study. And by the way, I  
23 have to tell you, you know, we feed people, and I will

1 tell you that Kate has been unbelievable in helping us  
2 with this paperwork because this paperwork isn't what we  
3 do, but she's been great. You guys are very lucky to  
4 have her.

5 So we went to the city, they told us what  
6 we needed to do, we had the study done and then prepared  
7 ourselves for what -- you know, I got the packet offline  
8 to look at what practical difficulty and all of that  
9 kind of thing is, and I will tell you that the practical  
10 difficulty that I see is the makeup of the people that  
11 are there. I mean that parking lot does go around  
12 Subway, and when you look at the parking requirements  
13 based on square footage, and if it's a restaurant, it's  
14 based on seats, it came up with a number which was 89,  
15 but there's -- you know, the people, the makeup that's  
16 there, once the cleaners goes, is going to be Penn  
17 Station, ourselves, the bank, which is closed on  
18 weekends, closed nights, which is when the restaurants  
19 are open, and then a health club. The health club isn't  
20 a typical health club like a Planet Fitness. It's one  
21 client, one trainer, so very low traffic volume that's  
22 there. And if you go by there now, the parking lot is  
23 virtually empty.

1 In fact, I went by there on the way here  
2 and there were 11 cars in the entire parking lot.  
3 Before that, I drove a mile down to Meadowbrook and  
4 looked at the complex that was there. That really shows  
5 the real heart of what the ordinance is, which is they  
6 have Busch's, Rite-Aid, Ace Hardware, Pet Supplies Plus,  
7 Hallmark, a lot of traffic, especially on the weekends.

8 When I looked at the traffic study that we  
9 got, it was done in the middle of the day which the two  
10 organizations, UTI and the other one, I can't remember  
11 the names right now, both did theirs based on formula  
12 and came up with what, with the makeup and the size of  
13 the buildings that are there, how many parking spaces  
14 are needed and what would be deficient or extra based on  
15 weekends, weekdays, those kind of things. They showed  
16 that there would be an eight extra spots, 8 to 17 extra  
17 spots on the weekends, but where we're at, that's not --  
18 it's completely the opposite.

19 The weekends is when we have the most  
20 parking because the bank is closed. They count the  
21 square footage of the bank as 27 parking spaces for the  
22 bank. I don't think there's been 27 cars at the bank  
23 ever because banks -- and that doesn't count the queue

1 lane, it's actually parking spaces. So they show in the  
2 parking study that was done, they showed during the  
3 week, and Penn Station and us are both really heavy,  
4 middle of the week lunchtime places. In fact, that's  
5 Penn Station's, the bulk of their business is at  
6 lunchtime, and the study was done at 1:00 in the  
7 afternoon, and it showed that in the middle of the week,  
8 1:00 in the afternoon, there were only 41 of the 89  
9 parking spaces used which left a balance of 48 parking  
10 spaces that were there, well within the 30 that we're  
11 asking for.

12 I mean 30 is a lot, I get it, but with the  
13 cleaners being gone and just Penn Station and ourselves  
14 there that are open later, open on the weekends, and  
15 that kind of thing, I think that it fits, and there  
16 would still be an excess of parking. I mean, please,  
17 God, let the pizza gods let the 30 spaces that we want  
18 always be busy, be full and there'd still be an excess  
19 of 18 parking spaces based on the traffic study that was  
20 done.

21 CHAIRPERSON SANGHVI: Thank you. Anybody  
22 else any comment? Go ahead.

23 MR. MONTVILLE: I'm in full support and I'm

1 prepared to make a motion at this time.

2 CHAIRPERSON SANGHVI: No further  
3 discussion, I will entertain a motion.

4 MR. MONTVILLE: I move that we grant the  
5 variance request in Case No. PZ17-0030 sought by Morelli  
6 and Benito's Pizza for a variance for 30 additional  
7 parking spaces as petitioner has shown practical  
8 difficulty requiring these additional parking spaces for  
9 their business zoned within the General Business zoning.

10 Without the variance, the petitioner will  
11 be unreasonably prevented and limited with respect to  
12 the use of their property due to their expansion and the  
13 type of business and the surrounding businesses  
14 requiring some additional parking in the lot.

15 The property is unique due to the  
16 preexisting lot that they'll be modifying but not  
17 expanding upon.

18 The petitioner did not create this  
19 condition as it was a preexisting condition, and again  
20 they would only be modifying, not expanding upon, the  
21 usage of the parking lot within the zone.

22 The relief will not unreasonably interfere  
23 with the adjacent or surrounding properties as reflected

1 within the traffic study and the community development  
2 partnership with the City of Novi and the applicants  
3 during their review process.

4 The relief is consistent with the spirit  
5 and intent of the ordinance as it is, again, not an  
6 increase but just a modification, and with the business  
7 being in the General Business zoning, and being a  
8 consumer-oriented type business, it's an improvement for  
9 the city and an improvement for the citizens.

10 For those reasons, I move that we grant the  
11 variance as it has been requested.

12 MS. GRONACHAN: Second.

13 CHAIRPERSON SANGHVI: Thank you. A motion  
14 has been made and seconded. Any further discussion?

15 Seeing none, Madam Secretary, please call  
16 the roll.

17 MS. OPPERMANN: Member Byrwa.

18 MR. BYRWA: Yes.

19 MS. OPPERMANN: Member Ferrell.

20 MR. FERRELL: Yes.

21 MS. OPPERMANN: Member Gronachan.

22 MS. GRONACHAN: Yes.

23 MS. OPPERMANN: Member Nafso.

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MR. NAFSO: Yes.

MS. OPPERMANN: Member Montville.

MR. MONTVILLE: Yes.

MS. OPPERMANN: And Chairman Sanghvi.

CHAIRMAN SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

MR. MORELLI: Thank you very much. I appreciate it.

MS. GRONACHAN: Good luck.

CHAIRPERSON SANGHVI: Thank you.

Next Case is PZ17-0031: Ann Smith, 226 Henning Drive, west of Old Novi Road south of South Lake Drive, Parcel No. 22-03-376-004.

The applicant is requesting a variance from the City of Novi Ordinance Section 3.32 for a front yard setback of 11 feet for construction of a new unenclosed porch, 30 feet allowed by code. This property is zoned Single-Family Residential.

Is the applicant here? Yes. Will you please identify yourself and state your name and address, and if you are not an attorney, please be sworn in by our secretary. Go ahead.

MS. SMITH: My name is Ann Smith, I live at

1 226 Henning. I'm at the corner of Henning and Pembine,  
2 and I'm asking for -- okay.

3 MR. FERRELL: Go ahead and raise your right  
4 hand for me and I'll swear you in real quick.

5 (Ms. Ann Smith sworn).

6 CHAIRPERSON SANGHVI: Go ahead.

7 MS. SMITH: Okay, I'm asking for an 11 foot  
8 variance to put a porch across the front of my house. I  
9 had a porch there and we found out that it had carpenter  
10 ants in it. When we'd walk down the steps, they would  
11 sag and it was all rotten. So I had new siding put on  
12 the house and a new front door and I thought, okay, I've  
13 got to put the porch back. So I thought, okay, let's  
14 put it across the whole front of the house to make it  
15 really cute. So I'm asking for an 11 foot variance.

16 CHAIRPERSON SANGHVI: Thank you. Is there  
17 anybody in the audience who would like to make a comment  
18 about this case? Please come forward and identify  
19 yourself.

20 MS. IAQUINTA: My name is Susan Iaquinta,  
21 I-a-q-u-i-n-t-a. I'm not an attorney, I'm a neighbor.  
22 I'm a realtor in the area as well. I live at 29755  
23 Lilley Trail around the corner from her. I pass by her

1 house often. I'm friends with her now, and she's  
2 consistently made improvements to the property, and I  
3 think this will improve her property aesthetically as  
4 well to adding her front porch on.

5 And like she said, she's updated the home  
6 since she's bought it. She's added a garage, driveway,  
7 siding, and it's improving the looks of the  
8 neighborhood, and I think it's improving the properties  
9 surrounding her.

10 CHAIRPERSON SANGHVI: Thank you. Anybody  
11 else?

12 Seeing none -- do you want to say  
13 something?

14 MR. BYRWA: Yes, I just had a question  
15 here. The dimensions aren't --

16 CHAIRPERSON SANGHVI: We will come to that  
17 in one second.

18 Does the city have any comments?

19 MR. BUTLER: No comments at this time.

20 CHAIRPERSON SANGHVI: Mr. Secretary.

21 MR. FERRELL: Yes, Mr. Chair. There were  
22 31 letters mailed, zero letters returned, three  
23 approvals, zero objections.

1 CHAIRPERSON SANGHVI: Thank you.

2 MR. FERRELL: The first approval is by  
3 Erica Brennan, B-r-e-n-n-a-n, I think.

4 "We are in favor of allowing Ann to build  
5 her deck. Since she moved in a few years ago, she has  
6 made several improvements to her home. The deck on the  
7 front will be a nice addition."

8 The next approval is from Curt and Michelle  
9 Werner, W-e-r-n-e-r, 135 Henning Street, Novi.

10 "Hello, my name is Curt Werner and I live  
11 at 135 Henning Street, Novi. I'm writing this email to  
12 submit my approval of Ann Smith's request for a property  
13 variance of Parcel No. 50-22-03-376-004.

14 "The proposed deck poses no harm to any  
15 other property and continues to show improvements to our  
16 street. My family supports approval of Ann Smith's  
17 variance request."

18 Another one is from John and Stephanie  
19 Hall, H-a-l-l.

20 "We approve the porch addition at 226  
21 Henning."

22 CHAIRPERSON SANGHVI: Okay, thank you. Now  
23 I'll open up to the board. Mr. Byrwa.

1 MR. BYRWA: Yes, I've got a question on  
2 that front yard setback. It looks like it's showing 16  
3 feet of front yard setback. Is it 16 or 18?

4 MS. SMITH: I don't know. I don't have any  
5 of the paperwork.

6 MR. BYRWA: Because if it's 16, then you  
7 would need a -- it would only be 9 foot after you put on  
8 a 7 foot porch; subtract that from 16 and it would be a  
9 9 foot front yard setback, not an 11 foot. But with my  
10 eyes, I'm not sure if it's a -- if it's 18, then it  
11 would work. If it's 16, then it's not working.

12 MS. GRONACHAN: It looks like it's 16.

13 MR. BYRWA: So if you subtract the 7 foot  
14 porch, then you end up with a 9 foot setback, not an 11.

15 MR. BUTLER: That would be better because  
16 it would be less.

17 MS. GRONACHAN: So it's not 11 feet that  
18 she's asking for, then it's 9?

19 MR. BUTLER: Yes.

20 CHAIRPERSON SANGHVI: It would be 9 feet  
21 rather than 11. Is that a problem?

22 MS. SAARELA: No.

23 CHAIRPERSON SANGHVI: Very good. Anybody

1 else? Any comments? Go ahead.

2 MS. GRONACHAN: I think it would be a great  
3 addition. I was out there. I think you did a great job  
4 on your house. It does look very nice. And, you know,  
5 when you've been around these neighborhoods a lot, as we  
6 get these variances, it's very nice to see people  
7 improve.

8 I have no objection to this and I'd be in  
9 full support.

10 MS. SMITH: Thank you.

11 CHAIRPERSON SANGHVI: Thank you. I was  
12 there, too, and met your son-in-law, I believe, and we  
13 both looked at your place and I personally have no  
14 problem with granting your request.

15 Any further discussion? Seeing none, I  
16 will entertain a motion.

17 MR. MONTVILLE: Well, I'll just confirm  
18 with the city attorney before we do move forward. So  
19 this will be a setback of 9 feet, not 11 feet?

20 MS. SAARELA: Of course.

21 MR. MONTVILLE: I move that we grant the  
22 variance requested in Case No. PZ17-0031 by Ms. Ann  
23 Smith for a front yard setback of 9 feet, 30 feet

1 allowed, as the petitioner has shown a practical  
2 difficulty requiring this variance request.

3 Without the variance, the petitioner will  
4 be unreasonably prevented and limited to using her home  
5 zoned Single-Family Residential due to her testimony and  
6 the current problem and need for an upgrade and remodel  
7 of her front yard.

8 The property is unique because, again, it's  
9 a non-created condition that she's working with; the  
10 petitioner did not create that condition. Again, it's a  
11 natural event that was out of the realm of her control,  
12 and also due to the dated nature of the property which  
13 she has continually worked to upgrade and this will be a  
14 further improvement and upgrade on the property.

15 The property will not unusually interfere  
16 with any adjacent or surrounding properties as, again,  
17 it is an upgrade and is the minimal necessary. And as  
18 reflected in zero of the objections and also the  
19 approval by the co-neighbor who verbally provided her  
20 support, there will not be anything negative to the  
21 surrounding area. And this relief is consistent with  
22 the spirit and intent of ordinance. For those reasons,  
23 I move that we grant this variance as has been

1 requested.

2 MR. FERRELL: Support.

3 MS. GRONACHAN: Second.

4 CHAIRPERSON SANGHVI: Thank you. Any  
5 further discussion?

6 Seeing none, Madam Secretary, please call  
7 the roll.

8 MS. OPPERMANN: Member Byrwa.

9 MR. BYRWA: Yes.

10 MS. OPPERMANN: Member Ferrell.

11 MR. FERRELL: Yes.

12 MS. OPPERMANN: Member Gronachan.

13 MS. GRONACHAN: Yes.

14 MS. OPPERMANN: Member Nafso.

15 MR. NAFSO: Yes.

16 MS. OPPERMANN: Member Montville.

17 MR. MONTVILLE: Yes.

18 MS. OPPERMANN: And Chairperson Sanghvi.

19 CHAIRPERSON SANGHVI: Yes.

20 MS. OPPERMANN: Motion passes.

21 CHAIRPERSON SANGHVI: Thank you.

22 MS. SMITH: Thank you. I also wanted to  
23 tell you that when I made this porch, there were animals

1 living underneath it, so this time we're going to take  
2 and put the frame around the porch and I'm adding like  
3 some kind of a grate and then I'm putting two and a half  
4 inches of pea gravel under there and then I'm putting a  
5 little picket fence around the whole things so no  
6 animals are going to live around my porch again. So  
7 it's going to be really well protected and it's going to  
8 be put together right.

9 CHAIRPERSON SANGHVI: Thank you.

10 MR. GRONACHAN: Well, good luck.

11 MS. SMITH: Thank you.

12 CHAIRPERSON SANGHVI: The next case is  
13 PZ17-0032: Mr. Kevin S. Choksi, 20970 Turnberry  
14 Boulevard, west of Haggerty Road and north of Eight Mile  
15 Road, Parcel No. 50-22-36-451-008.

16 The applicant is requesting a variance from  
17 the City of Novi Code of Ordinance Section 3.1.3 of 3  
18 feet to reduce the side yard setback to 22 feet, 25 feet  
19 minimum required by code. This property is zoned  
20 Residential Acreage (R-A).

21 Please identify yourself, Mr. Choksi, and  
22 go ahead.

23 MR. CHOKSI: Hi, my name is Kevin Choksi,

1 C-h-o-k-s-i, I live at 20970 Turnberry Boulevard in  
2 Northville. And would you like to swear me in?

3 MR. FERRELL: Yes.

4 (Mr. Kevin Choksi sworn.)

5 MR. CHOKSI: I'm looking to add on to my  
6 existing home by adding a new bedroom on the first floor  
7 and exercise room and indoor pool. The home as it  
8 currently exists is on a lot that's deep and not very  
9 wide, so this is the only logical place to add the  
10 proposed rooms to the home.

11 Currently the home has all its bedrooms on  
12 either the second floor or the basement so there's no  
13 bedrooms on the first floor, so it makes it very  
14 difficult for my parents, for example, who are elderly,  
15 to come and stay here, both who have some physical  
16 restrictions.

17 So in order to make the home -- or in order  
18 to make the additional bedrooms an appropriate size for  
19 the home and similar to other bedrooms in the home and  
20 consistent with the neighborhood, we'd like to get a  
21 small variance to the setback requirements from 25 feet  
22 to 22 feet, so a 3 foot variance.

23 The way that the subdivision is organized

1 we're at the end of the cul-de-sac. The only neighbor  
2 that would be affected by the setback requirement is to  
3 the north. At the time I made the application I didn't  
4 have a letter from him, but I do now have a letter from  
5 my neighbor to the north who is in full support of that.  
6 In addition, the homeowners' association has reviewed  
7 and approved the change.

8 And so that's my request, and I look  
9 forward to hopefully you granting the request.

10 CHAIRPERSON SANGHVI: Thank you. Is there  
11 anybody in the audience that would like to make any  
12 comment about this case?

13 Seeing none, city?

14 MR. BUTLER: No comment.

15 CHAIRPERSON SANGHVI: No comments. Any  
16 correspondence, Mr. Secretary?

17 MR. FERRELL: Yes, Mr. Chairperson.  
18 There's 15 letters mailed, zero letters returned, zero  
19 approvals, zero objections.

20 CHAIRPERSON SANGHVI: Thank you. I went  
21 and looked at your place and we had chance encounter  
22 when I was there. And thank you for making a great  
23 application, and also thank you for explaining to me

1 what you are planning to do, and I have no problem with  
2 your request.

3 I'll open up to the board, please. Go  
4 ahead.

5 MS. GRONACHAN: I have no problem with the  
6 request. I think it's minimal and I think that the  
7 petitioner laid it out very nicely in this packet so I  
8 have nothing more to add.

9 CHAIRPERSON SANGHVI: Thank you. Anybody  
10 else? Yes, Mr. Ferrell.

11 MR. FERRELL: Ready to make a motion?

12 CHAIRPERSON SANGHVI: Go ahead, please, go  
13 ahead and make a motion. Any comments?

14 MR. NAFSO: I'll take a crack at it.

15 CHAIRPERSON SANGHVI: Okay, go ahead.

16 MR. FERRELL: Are you sure?

17 MR. NAFSO: Yes, there's a time for  
18 everything.

19 I move that we grant the variance in Case  
20 No. PZ17-0032 sought by Mr. Kevin Choksi for a 3 foot  
21 variance to reduce the side yard setback of 22 feet  
22 where 25 feet is the minimum required by the code  
23 because petitioner has shown practical difficulty at

1 that location, 20970 Turnberry Boulevard, city of Novi.

2 Without the variance, the petitioner would  
3 be unreasonably prevented or limited with respect to the  
4 use of the property because there's no first floor  
5 bedrooms and that's required and necessary for the  
6 petitioner so his parents don't have any issues  
7 accessing the bedroom at the home.

8 In addition, the property is unique  
9 because, as the petition stated, it's deep and wide, and  
10 that is the location where the addition works on the  
11 property.

12 The petitioner did not create the  
13 condition. This is the layout of the property as it  
14 sits, and the relief granted will not unreasonably  
15 interfere with the adjacent or surrounding properties  
16 because this addition is on the north side of the  
17 property near a wooded area and the neighbor to the  
18 north as well as the homeowners' association not only  
19 don't object, but they are, in fact, in support of the  
20 requested variance.

21 In addition, the relief is consistent with  
22 the spirit and intent of the ordinance. I have nothing  
23 further.

1 MS. GRONACHAN: Second. I do --

2 CHAIRPERSON SANGHVI: Anything further? Go  
3 ahead.

4 MR. GRONACHAN: I have something to add to  
5 the record not in regards to the motion, but the letter  
6 that the petitioner has got on the overhead. I feel it  
7 should be given to the secretary so it can be entered  
8 into our record.

9 CHAIRPERSON SANGHVI: Yes, we can introduce  
10 it as a part of the packet.

11 MS. GRONACHAN: As a part of the packet  
12 since we don't have --

13 CHAIRPERSON SANGHVI: And give it to the  
14 secretary, please.

15 MS. OPPERMANN: Thank you.

16 CHAIRPERSON SANGHVI: Thank you,  
17 Mr. Choksi.

18 Any further discussion? Yes, Mr. Byrwa.

19 MR. BYRWA: Yes. According to the drawing,  
20 and I just spotted this and I probably should have  
21 brought it up earlier, but it looks like that 3 feet, it  
22 says that that's being put into a 25-foot private  
23 easement for franchise utilities.

1                   Now, is there a special approval that you  
2                   have to have on that going into an easement?

3                   MR. CHOKSI: Right, thank you for pointing  
4                   that out. That is something we have already looked at.  
5                   We actually confirmed with MISS DIG that, in fact, there  
6                   are no existing utilities running in that area; they  
7                   actually run on the south side of the home. And so  
8                   given that there was no actual utilities running through  
9                   that area, there's really no practical issue.

10                  MR. BYRWA: So the 3-foot encroachment  
11                  isn't a problem into the utilities then?

12                  MR. CHOKSI: That's right.

13                  MR. BYRWA: Thank you.

14                  CHAIRPERSON SANGHVI: Thank you. Any  
15                  further discussion?

16                  Seeing none, Madam Secretary, please call  
17                  the roll.

18                  MS. OPPERMANN: Member Byrwa.

19                  MR. BYRWA: Yes.

20                  MS. OPPERMANN: Member Ferrell.

21                  MR. FERRELL: Yes.

22                  MS. OPPERMANN: Member Gronachan.

23                  MS. GRONACHAN: Yes.

1 MS. OPPERMANN: Member Nafso.

2 MR. NAFSO: Yes.

3 MS. OPPERMANN: Member Montville.

4 MR. MONTVILLE: Yes.

5 MS. OPPERMANN: And Chairperson Sanghvi.

6 CHAIRPERSON SANGHVI: Yes.

7 MS. OPPERMANN: Motion passes.

8 CHAIRPERSON SANGHVI: Thank you. Enjoy  
9 your indoor swimming pool.

10 MR. CHOKSI: Thank you.

11 CHAIRPERSON SANGHVI: Moving on. The next  
12 case is PZ17-0033: Fountain Park of Novi LLC, 42101  
13 Fountain Park Drive, east of Novi Road and south of  
14 Grand River Avenue, Parcel No. 50-22-23-251-020.

15 The applicant is requesting a variance form  
16 the City of Novi Code of Ordinance Section 28.5F3 and  
17 28.5D to reconstruct one 10 by 7 foot square monument  
18 sign 3 feet within the right-of-way and two 6 square  
19 foot ground signs. One sign is located in the  
20 right-of-way and subject to Oakland County approval and  
21 one sign allowed by the code. This property is zoned  
22 Low-Density Multiple-Family.

23 The applicant is already here. Would you

1 please identify yourself with your name and address, and  
2 if you are not an attorney, please be sworn in by our  
3 secretary. Thank you.

4 MR. DAVIS: Thank you. My name is Steven  
5 Davis, D-a-v-i-s. I represent Fountain Park Apartments.  
6 I live at 4668 Drake Hollow Drive in West Bloomfield,  
7 Michigan.

8 MR. FERRELL: Are you an attorney?

9 MR. DAVIS: No, sir.

10 MR. FERRELL: Go ahead and raise your right  
11 hand.

12 (Mr. Steven Davis sworn.)

13 CHAIRPERSON SANGHVI: Please go ahead.

14 MR. DAVIS: First I want to thank you for  
15 considering our request. Fountain Park Novi is a proud  
16 member of the Novi business community. We've been  
17 operating our apartment community since 1987, and we've  
18 won many multi awards through local and state  
19 associations and proud to say we're a six time People's  
20 Choice Award winner as voted on by the readers of the  
21 Novi News. And if you have gone through our property,  
22 you can probably tell why. We try to maintain it in  
23 immaculate condition.

1                   What we're requesting is we have an  
2                   existing sign on our small drive that fronts on Grand  
3                   River, and what we would like to do is reconstruct that  
4                   sign in the same place that it's been at since 1987,  
5                   however, we wanted to give it more of an updated look.

6                   In the 30 years that we've been in business  
7                   here, we've seen the city of Novi really flourish, and  
8                   the façade, if you will, of the city of Novi is kind of  
9                   a rich red brick-type look as you go down Grand River,  
10                  and so we'd like to replace our existing sign with a  
11                  sign more consistent with that façade. It basically  
12                  would be -- I don't know if you have the drawing in your  
13                  packet.

14                 MS. GRONACHAN: We do.

15                 MR. DAVIS: I can put it on the screen  
16                 (indicating). So we just want to replace the existing  
17                 sign where it currently sits with a new sign that is  
18                 more consistent with the look going down Grand River  
19                 being that it's the city of Novi. It's a very desirable  
20                 place to live and we want people to have that feel when  
21                 they pull in our community.

22                 Since that sign was installed back in 1987,  
23                 I'm not exactly sure what happened, but there was some

1 change in the ordinance, and if we were to reconstruct  
2 this sign now, they're saying that we have to move it  
3 back 25 feet, I believe is the measurement, and that's  
4 significant considering the fact that we only have about  
5 60 feet of frontage on Grand River, and you cannot see  
6 our community from Grand River either. So it's the only  
7 way that people know that we're there.

8           Additionally, if we move the sign back --  
9 you know, we've had -- as you can see on the existing  
10 photo, that we've got extensive landscaping utilizing  
11 lots of flowers, probably more flowers than any  
12 apartment community that I know of, and some  
13 fieldstones, and moving the sign back would not only  
14 reduce the visibility, but require us to redo that  
15 landscape area.

16           But we have a unique situation where we  
17 have Marty Feldman or Feldman Chevrolet now to the west  
18 of us and there is a fence that separates our  
19 properties. So if you are coming east on Grand River,  
20 you really can't see our sign until you're right on top  
21 of it. To the east of us, we have a protected wetland  
22 barrier, I believe it's about 75 feet wide, has a lot of  
23 bushes and trees and other foliage that's a protected

1 area, and that prevents visibility when you're coming  
2 east.

3 So we just are respectfully asking that we  
4 can rebuild the current sign that we've been trying to  
5 keep in good repair with the new brick sign. So that is  
6 our request.

7 CHAIRPERSON SANGHVI: Thank you. All  
8 right. Anybody in the audience that would like to make  
9 a comment about this case?

10 Seeing none, City Department?

11 MR. BUTLER: Just the only comment was just  
12 that limited frontage, so to make practical use of that  
13 sign moving is very limited, and we worked with them  
14 several times. We were kind of interested with going in  
15 and looking at maybe future use of that property pathway  
16 coming across there. We thought they did a really good  
17 job of trying to design how they want to propose it.

18 And this is a safety factor. Somebody  
19 trying to slow down in the traffic along in there and  
20 looking down that road to something we had to think  
21 about to see what the sign said, see where we were going  
22 was also taken into consideration.

23 CHAIRPERSON SANGHVI: Thank you.

1 Mr. Secretary, any correspondence?

2 MR. FERRELL: There were 72 letters mailed,  
3 zero letters returned, zero approvals, zero objections.

4 CHAIRPERSON SANGHVI: Thank you. I came  
5 and drove around there. I have no problem with your  
6 request. I will open it up to the board.

7 Ms. Gronachan.

8 MS. GRONACHAN: Good evening. I cannot see  
9 moving it back. It's so busy on that street, and you  
10 have been a long time partner with Novi. This complex,  
11 even though it's been established a long time, new  
12 people looking for the building, it's not like a regular  
13 business like Benito's where people know where it is.  
14 Therefore, I will be in full support.

15 I think that moving the sign would be  
16 detrimental, along with the lack of safety given to when  
17 that sign was put up originally -- how many years?  
18 Fifteen years?

19 MR. DAVIS: Thirty years.

20 MS. GRONACHAN: Thirty years. Thirty  
21 years, really?

22 MR. DAVIS: Yes.

23 MS. GRONACHAN: A lot has been built around

1 that since then, and I think that there's a lot of  
2 distraction, so to move the sign would only be  
3 detrimental to finding your location. So I will be in  
4 full support for those reasons.

5 CHAIRPERSON SANGHVI: Anybody else from the  
6 board? No.

7 If there are no further comments, I will  
8 entertain a motion.

9 MS. GRONACHAN: I'm prepared to make a  
10 motion.

11 CHAIRPERSON SANGHVI: Okay, go ahead.

12 MS. GRONACHAN: In Case No. PZ17-0033,  
13 Fountain Park of Novi LLC, 42101 Fountain Park Drive,  
14 east of Novi south and south Grand River, I move that we  
15 approve the request for a variance to construct a one 10  
16 by 7 foot monument sign within 3 feet of the  
17 right-of-way and two 6 foot ground signs. One sign is  
18 located in the right-of-way subject to Oakland County  
19 approval, and one sign allowed by code.

20 This property has a unique -- I'm sorry,  
21 strike that statement.

22 The petitioner has shown a practical  
23 difficulty in his presentation indicating the changes in

1 the area of the location of the sign and the  
2 surroundings for visibility and for safety.

3 Without the variance, the petitioner would  
4 be unreasonably prevented or limited with respect to the  
5 use of the property because future clients trying to  
6 locate this apartment complex would not be able to do  
7 business identification if the sign was moved back  
8 further.

9 The property is unique because of the  
10 narrowness of the entryway of the apartment complex and  
11 the wetlands to the east, as stated by the petitioner,  
12 also with the obstruction of a privacy fence to the west  
13 of the property.

14 The petitioner did not create the condition  
15 based on the testimony from this table and from the  
16 petitioner.

17 The relief granted would not unreasonably  
18 interfere with adjacent or surrounding properties due to  
19 the uniqueness and location of the signs.

20 The relief is consistent with the spirit  
21 and intent of the ordinance due to the fact that it  
22 still offers identification to the apartment complex and  
23 provides them to succeed for another 30 years. Here's

1 hoping.

2 CHAIRPERSON SANGHVI: Thank you. Any  
3 second?

4 MR. MONTVILLE: I second.

5 CHAIRPERSON SANGHVI: It's been seconded.  
6 Any further discussion?

7 Seeing none, Madam Secretary, please call  
8 the roll.

9 MS. OPPERMANN: Member Byrwa.

10 MR. BYRWA: Yes.

11 MS. OPPERMANN: Member Ferrell.

12 MR. FERRELL: Yes.

13 MS. OPPERMANN: Member Gronachan.

14 MS. GRONACHAN: Yes.

15 MS. OPPERMANN: Member Nafso.

16 MR. NAFSO: Yes.

17 MS. OPPERMANN: Member Montville.

18 MR. MONTVILLE: Yes.

19 MS. OPPERMANN: And Chairperson Sanghvi.

20 CHAIRPERSON SANGHVI: Yes.

21 MS. OPPERMANN: Motion passes.

22 MR. DAVIS: Thank you, everybody.

23 CHAIRPERSON SANGHVI: Moving on with the

1 next case. PZ17-0034: David Dismondy, 1181 West Lake  
2 Drive, east of Beck Road and south of West Pontiac  
3 Trail, Parcel No 50-22-03-204-003.

4 The applicant is requesting a variance from  
5 the City of Novi Ordinance Section 3.1.5 for an 11 foot  
6 aggregate side yard setback, 25 feet required and 2 feet  
7 for side yard setback and 10 feet required, and 28 feet  
8 rear yard setback, 35 feet required, and a proposed  
9 coverage of 37 percent, 25 percent maximum allowed.  
10 This property is zoned Single-Family Residential.

11 And our applicant is here. Please identify  
12 yourself, give your name and address, and if you're not  
13 an attorney, please be sworn in by our secretary.

14 MR. DISMONDY: My name is David Dismondy,  
15 D-i-s-m-o--d-y, 1181 West Lake Drive.

16 MR. FERRELL: Are you an attorney?

17 MR. DISMONDY: No.

18 (Mr. David Dismondy sworn.)

19 MR. FERRELL: Okay, go ahead.

20 CHAIRPERSON SANGHVI: Please go ahead.

21 MR. DISMONDY: This is the, I believe,  
22 third or fourth time that I've been in front of this  
23 board. I moved here in 2003, and my family owns these

1 two homes and it's on the western shoreline of Walled  
2 Lake. And as you can see, it's on a really unique  
3 peninsula here, and there's an easement that runs down  
4 the middle as a driveway to access all these homes. So  
5 it's really made it difficult to do anything within the  
6 ordinance as written. So any time we have to do an  
7 addition or rehabilitate either of the homes or add a  
8 garage or something like that along the way, we've had  
9 to come and ask for a request here.

10 So our proposal today is to add -- you  
11 know, being on the lake, we don't have a basement, and  
12 so since we built this house, the subject property right  
13 here (indicating), we've had two more children, and we  
14 planned well for the number of bedrooms, but they have  
15 stuff and so we need additional storage, and we also  
16 need some additional common space on the main floor.

17 And so if you'd like, I know you guys have  
18 the packet, but if you'd like, I can kind of run you  
19 through the plan real quick to kind of show you why  
20 we're adding a small side addition to accommodate a  
21 little bit of extra square footage in the home to  
22 accommodate our needs.

23 (Indicating) so the home as it sits, this

1 lot is really narrow and shallow due to that easement,  
2 so the home as it sits is only 25 feet wide. So if you  
3 notice, we have some room with the variance to push this  
4 out eight more feet and accommodate a larger common area  
5 room, because right now in 25 feet you have a dining  
6 area, a kitchen and your family room. It made sense at  
7 one point, but when you have three little kids running  
8 around it's a little difficult. In addition to this, it  
9 gives us more storage in this area as well. So that's  
10 the first floor.

11 And with this addition, it carries to the  
12 second floor as well, which I didn't want to make like a  
13 giant box for the side of the home, so then the second  
14 floor you're going to have two small balconies on either  
15 end, more storage, and a small office there.

16 And then from this angle what you're seeing  
17 is here's the existing home, it's 25 feet wide, and this  
18 addition right here is 8 feet.

19 So that's it in a nutshell, and I've  
20 brought this as well to show you. You would think in an  
21 area so small with so many homes kind of packed in here,  
22 you might have some neighbors that object, but, in fact,  
23 every neighbor has approved this request and sent some

1 letters to you folks and it should be in your package as  
2 well. Any questions?

3 CHAIRPERSON SANGHVI: Very good.

4 MR. DISMONDY: Thank you very much.

5 CHAIRPERSON SANGHVI: Thank you. I don't  
6 see anybody in the audience.

7 MR. DISMONDY: I'm the last man standing  
8 tonight.

9 CHAIRPERSON SANGHVI: Okay, thank you. Any  
10 comment from the city?

11 MR. BUTLER: Just to bring to your  
12 attention that there is only going to be 4 feet  
13 separating the two homes. Just be aware of that.

14 CHAIRPERSON SANGHVI: Thank you.  
15 Mr. Secretary.

16 MR. FERRELL: I've got a question for the  
17 city attorney. There's like nine approvals. Do you  
18 want me to read all of them?

19 MS. SAARELA: You don't have to. We can  
20 just say nine approvals and make them part of the  
21 record.

22 MR. FERRELL: Okay. 15 letters mailed,  
23 zero letters returned. It says six on here, but there's

1 nine approvals, zero objections.

2 CHAIRPERSON SANGHVI: Thank you. Well, I  
3 came and visited your place, and I really had a hard  
4 time getting out of it and I commend you for being able  
5 to use that place during the winter. It's a very tough  
6 spot to get in and out.

7 I like what I saw, and I have no difficulty  
8 supporting your application, but I will leave it to the  
9 board to decide and open up to the board for comments.

10 MR. FERRELL: For the city, 4 feet between  
11 the two houses once the addition is added to it, that's  
12 all there will be between the two houses?

13 MR. BUTLER: Yes.

14 MR. FERRELL: Is there any issues with --

15 MR. BUTLER: They're just going to have to  
16 look at the fire rating on those walls definitely  
17 because of the close proximity, but that's not my call.

18 MR. FERRELL: Right, okay.

19 CHAIRPERSON SANGHVI: Thank you. Anybody  
20 else?

21 No comments, very good. I will entertain a  
22 motion.

23 MR. MONTVILLE: I move that we grant the

1 variances requested in Case No. PZ17-0034 sought by  
2 Mr. David Dismondy as the petitioner has shown a  
3 practical difficulty requiring these variances due to  
4 the preexisting nonconforming lot that his home is  
5 placed on.

6 The petitioner will be unreasonably  
7 prevented and limited with respect to using his home and  
8 his property zoned Single-Family Residential due to the  
9 nonconforming nature of the preexisting lot.

10 The property is unique because of the,  
11 again, nonconforming preexisting nature, and that nature  
12 was not created by the petitioner.

13 The relief granted will not unreasonably  
14 interfere with any adjacent or surrounding properties as  
15 noted by the nine approvals submitted and the zero  
16 objections by all of the surrounding neighbors within  
17 the area.

18 The relief is consistent within the spirit  
19 and intent of the ordinance as this would allow the  
20 petitioner to have a proper use as initially intended by  
21 the ordinance for, again, zoned single-family  
22 residential.

23 So for those reasons, I move that we grant

1 the variances as they have been requested.

2 MS. GRONACHAN: Second.

3 CHAIRPERSON SANGHVI: Any further  
4 discussion?

5 Seeing none, Madam Secretary, please call  
6 the roll.

7 MS. OPPERMANN: Member Byrwa.

8 MR. BYRWA: Yes.

9 MS. OPPERMANN: Member Ferrell.

10 MR. FERRELL: Yes.

11 MS. OPPERMANN: Member Gronachan.

12 MS. GRONACHAN: Yes.

13 MS. OPPERMANN: Member Nafso.

14 MR. NAFSO: Yes.

15 MS. OPPERMANN: Member Montville.

16 MR. MONTVILLE: Yes.

17 MS. OPPERMANN: And Chairperson Sanghvi.

18 CHAIRPERSON SANGHVI: Yes.

19 MS. OPPERMANN: Motion passes.

20 CHAIRPERSON SANGHVI: Thank you.

21 MR. DISMONDY: Thank you.

22 CHAIRPERSON SANGHVI: That was the last  
23 case on the agenda. If there are no further items to be

1 discussed today, I will entertain a motion to adjourn.

2 MS. GRONACHAN: So moved.

3 MR. FERRELL: Second.

4 CHAIRPERSON SANGHVI: Yes, Mr. Byrwa.

5 MR. BYRWA: Yes, I have a quick question.

6 Do we have any more meetings this year that's not on the  
7 second Tuesday of the month? I was trying to download  
8 minutes last week and I called up the city. I go, "Hey,  
9 you know, I'm having trouble downloading the minutes."  
10 He goes, "Well, we haven't loaded them yet. The  
11 meeting's not this week."

12 So I just wondering if we knew on our  
13 schedule are there any more this year that aren't on the  
14 second Tuesday?

15 MS. OPPERMANN: I don't know off the top of  
16 my head, but I can double-check that in my office in  
17 just a minute for you.

18 CHAIRPERSON SANGHVI: Thank you. The  
19 motion has been made and seconded. All those in favor  
20 signify by saying aye.

21 MS. GRONACHAN: Aye.

22 MR. FERRELL: Aye.

23 MR. BYRWA: Aye.

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MR. NAFSO: Aye.

MR. MONTVILLE: Aye.

CHAIRPERSON SANGHVI: Aye. No one opposed,  
the meeting is adjourned. Thank you.

\* \* \*

(Meeting adjourned at 8:40 p.m.)

1 STATE OF MICHIGAN)  
 ) SS.  
 2 COUNTY OF OAKLAND)

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CERTIFICATE OF NOTARY PUBLIC

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6

I, PAMELA MOCERI, CSR-2285, a Notary Public in and  
 for the above county and state, do hereby certify that the  
 Regular Meeting of the City of Novi was taken before me at the  
 time and place herein before set forth; that thereupon the  
 foregoing record was made stenographically and later reduced  
 to typewritten form; and I certify that this is a true and  
 correct transcript of my stenographic notes so taken.

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I do further certify that I am not connected by  
 blood or marriage to any of the parties, or their attorneys or  
 agents; that I am not an employee of them, nor am I interested  
 directly or indirectly in the matter in controversy either as  
 counsel, agent, attorney, or otherwise.

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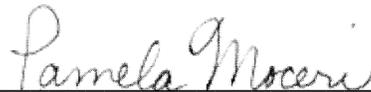
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PAMELA MOCERI, CSR-2285  
 Certified Shorthand Reporter

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Notary Public, Oakland County  
 Michigan

19

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My Commission Expires:  
 08/09/2023

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