

**Meeting**  
**08/13/2024**

1 REGULAR MEETING - ZONING BOARD OF APPEALS

2 CITY OF NOVI

3 TUESDAY, AUGUST 13, 2024

4 Council Chambers/Novi Civic Center

5 41725 Novi Road

6 Novi, Michigan

7

8 BOARD MEMBERS:

9 Joe Peddiboyina, Chairperson

10 Michael Longo, Secretary

11 Siddharth Mav Sanghvi, Member

12 Michael Thompson, Member

13 W. Clift Montague, Member

14 Jay McLeod, Member

15

16 ALSO PRESENT:

17 Elizabeth Saarela, City Attorney

18 Alan Hall, Deputy Community Development

19 Director

20 Sarah Fletcher, Recording Secretary

21

22 REPORTED BY:

23 Cynthia Ann Chyla

24 Certified Shorthand Reporter

25

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1 CHAIRPERSON PEDDIBOYINA: Good evening.  
2 Welcome to the Novi City of Zoning Board of Appeals.  
3 Today is August 13th, 7:00 p.m.

4 And the roll call, call to order and please  
5 stand up everybody for the Pledge of Allegiance followed  
6 by the roll call.

7 (The pledge of Allegiance was recited)

8 CHAIRPERSON PEDDIBOYINA: Thank you. Please  
9 be seated and keep your cell phones muted.

10 And roll call, Secretary Sarah.

11 MS. FLETCHER: Chairperson Peddiboyina.

12 CHAIRPERSON PEDDIBOYINA: Yes, ma'am.

13 MS. FLETCHER: Member Sanghvi.

14 MEMBER SANGHVI: Yes.

15 MS. FLETCHER: Member Thompson.

16 MEMBER THOMPSON: Yes.

17 MS. FLETCHER: Member Montague.

18 MEMBER MONTAGUE: Here.

19 MS. FLETCHER: Member Longo.

20 MEMBER LONGO: Here.

21 MS. FLETCHER: Member McLeod.

22 MEMBER McLEOD: Here.

23 MS. FLETCHER: Thank you.

24 CHAIRPERSON PEDDIBOYINA: Thank you.

25 And public hearing format and rules of

1 conduct. Please make your cell phones muted, and if you  
2 have anything you can come to the podium and you can  
3 present your thing, and there's only limited for 3  
4 minutes for the audience, and you can use the public  
5 also.

6 And we have today three cases.

7 And you pull up minutes of July.

8 Somebody make a motion for the April of --  
9 July meeting minutes.

10 Any changes or anything?

11 MEMBER LONGO: I move we accept the minutes as  
12 written.

13 MEMBER MONTAGUE: Second.

14 CHAIRPERSON PEDDIBOYINA: Thank you.

15 Say aye in favor.

16 THE BOARD: Aye.

17 CHAIRPERSON PEDDIBOYINA: Any nays? No?  
18 Okay. Approved.

19 And you pull if there are any changes or  
20 anything, any modifications, this is the time where we  
21 can change or add anything.

22 Looks like none.

23 Public remarks, anybody wants to say any  
24 remarks?

25 Okay. Public hearing, nothing.

1 MEMBER MONTAGUE: I move we approve the agenda  
2 for tonight.

3 CHAIRPERSON PEDDIBOYINA: Yeah, please.  
4 Somebody can make a second.

5 MEMBER LONGO: I second.

6 CHAIRPERSON PEDDIBOYINA: Okay. Say all in  
7 favor aye.

8 THE BOARD: Aye.

9 CHAIRPERSON PEDDIBOYINA: Any nays?  
10 Thank you. It is been approved.

11 Okay. And let's go to the first case tonight,  
12 and it's a long story of the case and I'll go through  
13 very slowly for the -- but you can stop me if you don't  
14 understand and I'll go very slow. Thank you.

15 PZ24-0035 (The Bond) 43485 and 43555 Bond  
16 Street, south of Grand River Avenue, west of Novi Road,  
17 Parcel 50-22-22-226-009, and 50-22-22-226-008.

18 The applicant is requesting variance from the  
19 City of Novi Zoning Ordinance Sections 4.82.2 for  
20 increasing the maximum percentage of 1-bedroom units  
21 allowed for this development (50 percent maximum  
22 allowed, 59 percent proposed); Section 3.27.1.D to allow  
23 parking in the side yard for a commercial building (49  
24 spaces); Section 3.27.1.D to allow parking in front of  
25 yard for residential section (38 spaces); Section

1 3.27.1.D to allow parking in side yard for residential  
2 section (50 spaces on the east and 35 spaces on the  
3 west); Section 4.82.2.e for a reduction of the minimum  
4 building setback for Building 1 on the east side  
5 (15 feet required, 8.8 feet proposed); Section 4.82.2.e  
6 for a reduction of the minimum building setback for  
7 Building 2 on the east side (15 feet required, 3.8 feet  
8 proposed); reduction of the minimum building setback for  
9 Building 2 on the east side (15 feet required, 3.8 feet  
10 proposed); Section 4.8.2.e for a reduction of minimum  
11 building setback for the parking garage on the west side  
12 (15 feet required, 5 feet proposed); Section 5.7.3.L for  
13 exceeding the maximum allowed footcandle measurement  
14 along required 5 feet proposed; Section 5.7.3L for  
15 exceeding the maximum allowed footcandle measurements  
16 along the land required 5 feet proposed; Section 5.7.3.L  
17 for exceeding the maximum allowed footcandle measurement  
18 along the required 5 feet proposed -- sorry. Yeah -- 5  
19 feet proposed; Section 5.7.3.L for exceeding the maximum  
20 allowed footcandle measurement along the -- 5 feet  
21 proposed. The south side. Along -- along the south  
22 property -- south property line 1 footcandle is allowed  
23 up to 1.7 feet candle proposed; Section 3.27.1.H and  
24 Section 5.4.2 to allow two loading areas in the side  
25 yard for the residential section; Section 5.4.2 for a

1 reduction in the minimum required loading area for each  
2 of the two loading spaces in the residential section  
3 (2,830 square feet required, 644 square feet provided);  
4 Section 3.27.1.I for a reduction in width of the  
5 sidewalk along a nonresidential collection (12.5 feet  
6 required on both sides, 8 feet proposed on west side and  
7 10 feet proposed on east); Section 5.3.2 for a reduction  
8 of the minimum parking bay depth for space proposed in  
9 the parking garage (19 feet minimum required, 18 feet  
10 proposed). This property is zoned Town Center-1 (TC-1).

11 Is a representative present?

12 Oh, please come to the podium. Please spell  
13 your first and last name clearly for our records and if  
14 you're not an attorney our secretary will take the oath.

15 MR. LUDWIG: Hi. My name is Albert Ludwig.

16 MEMBER LONGO: Albert, excuse me. Are you an  
17 attorney?

18 MR. LUDWIG: No.

19 MEMBER LONGO: Do you promise to tell the  
20 truth in this case?

21 MR. LUDWIG: Absolutely.

22 MEMBER LONGO: Thank you.

23 CHAIRPERSON PEDDIBOYINA: Albert, please go  
24 ahead and proceed where we can help you on this Bond and  
25 you can present your case.

1 MR. LUDWIG: Okay.

2 CHAIRPERSON PEDDIBOYINA: Please go ahead.

3 MR. LUDWIG: Well, we were before this Board  
4 several years ago for the exact same variances that  
5 we're looking for today. They all expired. The project  
6 got delayed due to COVID and then due to a variety of  
7 other instances that occurred within the city including  
8 having to redo the FMEA map. That cost us a year and  
9 then that cost us our financing and just went from one  
10 thing to another as far as delays.

11 So our approvals from this body expired. What  
12 we're looking to do now is reinstate those approvals.  
13 We have added another floor to the building to make it  
14 more economically feasible with today's construction  
15 costs and interest rates, but the footprint doesn't  
16 change. It's the same buildings, it's the same parking  
17 structure, they're just taller, but they all meet --  
18 there's no new variances because they all meet the  
19 current ordinances.

20 So we're looking to get the variances that  
21 were approved 3, 4, 5 years ago, whatever it was,  
22 because it expired to get them reinstated.

23 The reason we needed those variances, the  
24 property is very shallow, and then we donated  
25 approximately an acre to the City so they could complete



1 the road, the Bond road loop, and -- which is done now  
2 and it's beautiful, but we gave them approximately an  
3 acre of property which made our shallow property even  
4 shallower.

5 We back up to a railroad track and we have no  
6 neighbors east, west, north, south. So it's really an  
7 orphan parcel. None of these variances are going to be  
8 noticed by anybody as far as surrounding neighbors, and  
9 we're seeking your approval tonight.

10 I'm here to answer questions. So is John  
11 Woods and Glenn Cantor and come back to me with anything  
12 you want to ask.

13 CHAIRPERSON PEDDIBOYINA: Okay. Anybody would  
14 like to speak on behalf of you at this moment? Albert?  
15 Anybody is joining to speak on this case?

16 MR. LUDWIG: Do you want to say anything  
17 further?

18 No, I think we're good.

19 CHAIRPERSON PEDDIBOYINA: Okay. Looks like --  
20 okay. Before I go, from the City.

21 MR. HALL: Thanks, Mr. Chairman.

22 Yes, they were back here originally on  
23 August 14th, 2018, and had the similar variances  
24 approved at that time and they all have expired so  
25 that's why they're here before you today.

1 I went through a list on some notes here  
2 saying that there are 14 variances to be approved  
3 tonight. I was going to read them very briefly just to  
4 put them in the record if you don't mind.

5 One will be the 9 percent increase of  
6 1-bedroom units. Is that still accurate based on the  
7 upper floor's been added?

8 MR. LUDWIG: Yes, our percentage ratios have  
9 not changed with the additional units so we're still  
10 9 percent.

11 MR. HALL: Okay. Another one IS to allow 49  
12 parking spaces in the east side -- on the side yard for  
13 the commercial building, not the east side; to allow 38  
14 parking spaces in the front yard for the residential  
15 building; and to allow 50 parking spaces in the east  
16 side of the yard for residential section, and 35 parking  
17 spaces on the west side of the residential section, so  
18 there's a number of spaces to be added in the setbacks.

19 By adding this upper level does any of the  
20 parking change in this regard?

21 MR. LUDWIG: We added another floor to the  
22 parking deck so the footprint, again, doesn't change  
23 with the exception of the ramp sticks out a little bit  
24 further so that another level to get the adequate  
25 parking -- to keep the parking ratio the same as what it

1 was.

2 MR. HALL: Great. So there's no footprint  
3 increase, we're just adding a level to the parking  
4 garage?

5 MR. LUDWIG: Right.

6 MR. HALL: Okay. They also want a for  
7 Building 1 for 6.2 east side building setback variance,  
8 Building 2 for 11.2 east side building setback, and  
9 based on what you're saying, you're just going to a top  
10 floor, there's no footprint expansion, it's just a floor  
11 going up?

12 MR. LUDWIG: That's correct.

13 MR. HALL: Okay. The parking garage for a  
14 10-foot west side building setback variance. And,  
15 again, the parking garage is just a level above that,  
16 you're not adding to the footprint; is that correct?

17 MR. LUDWIG: Correct.

18 MR. HALL: The lighting variance on the south  
19 property line to allows up to 1.7 footcandles abutting  
20 the railroads. Being that there's no residential area  
21 there that's why it's been requested to go to 1.7?

22 MR. LUDWIG: Correct.

23 MR. HALL: Okay. Then Number 10 variance was  
24 to allow two loading areas in the side yard for  
25 residential section.

1           The 11th variance is to allow a 77.24 percent  
2 size reduction for both of the loading areas. So  
3 loading areas got smaller.

4           Being that you've added square footage to the  
5 buildings does that need to increase or is that okay to  
6 be lower?

7           MR. LUDWIG: I'm sorry. Could you say that  
8 again?

9           MR. HALL: This is for the reduction for the  
10 loading areas, the loading areas got smaller. Being  
11 adding the floor above, does that change any of the  
12 loading areas?

13           MR. LUDWIG: No, we have not changed the  
14 loading areas whatsoever.

15           MR. HALL: Okay. And Number 12, to allow  
16 4.5-foot sidewalk width reduction along the west side  
17 for the nonresidential collector, and to allow 2.5-foot  
18 sidewalk reduction along the east side of the  
19 nonresidential collector. Being that you're adding more  
20 people to the site you don't need to add to the  
21 sidewalk, it's still okay?

22           MR. LUDWIG: Well, yeah, that was part of  
23 the -- you know, we've got that on the other side of the  
24 road. We're putting in that big bike lane and asphalt  
25 path, so there's plenty of pedestrian access to get to

1 downtown.

2 MR. HALL: Okay. Number 14 is to allow 1-foot  
3 reduction of the parking bay depth for the parking  
4 garage.

5 And, again, you're just going to a level above  
6 so it would be the same bay depth.

7 MR. LUDWIG: Right. That's the same as just  
8 because the precast structures come in certain  
9 dimensions --

10 MR. HALL: Right.

11 MR. LUDWIG: -- so that was just to make it  
12 fit.

13 MR. HALL: Okay. So there might have been a  
14 discrepancy in how many variances were approved the  
15 first time but I counted up there are 14 now, so that  
16 should be what we're looking for tonight.

17 With that I have no more questions. Thank  
18 you.

19 MR. LUDWIG: Thanks, Alan.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Alan,  
21 and I appreciate. Okay.

22 Public hearing? Anybody would like to speak  
23 on this from the public hearing?

24 Okay. Looks like none.

25 Mr. Albert, can you be on the podium so that

1 any of my Board Members can ask you questions or  
2 anything so you can stay there a few more minutes at the  
3 podium.

4 MR. LUDWIG: No. We're just seeking your  
5 approval tonight so we can go back to the City Council  
6 to get our development agreement revised to reflect the  
7 current plans and move forward.

8 CHAIRPERSON PEDDIBOYINA: Please be at the  
9 podium so that my Board Members will ask you questions.

10 MR. LUDWIG: Yeah.

11 CHAIRPERSON PEDDIBOYINA: Okay. Open to the  
12 Board.

13 Okay. Member Michael, go ahead.

14 MEMBER LONGO: We mailed out 29 notices about  
15 this and five were returned. There are no objections  
16 and there are no approvals.

17 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.  
18 Appreciate.

19 Okay. Now it's open to the board. Please go  
20 ahead.

21 MEMBER LONGO: Several of the Board Members  
22 have some questions because there's several variances  
23 here, but I have a big question. Okay?

24 So I'm looking at this and you step back and  
25 look at it. It's much larger than any other -- you

1 know, it barely fits on there in my opinion. When you  
2 start making, specifically making sidewalks smaller, I'm  
3 a senior and I don't like smaller sidewalks, but in your  
4 opinion why do you think it's okay to have this building  
5 that's much larger than typically would fit on that  
6 property?

7 MR. LUDWIG: Well, our design -- we met with  
8 our market study people and what we're trying to  
9 establish here is an urban building, not a suburban  
10 typical 3-story walk up, but an urban building which are  
11 typically on small lots and go high.

12 Now, we're only going five stories, we're not  
13 going fifteen stories or twenty stories, but for an  
14 urban building with secure parking was what we intended  
15 to build here, and doing so presented a bunch of  
16 challenges because of the shape of the lot. It's so  
17 narrow. We've got the river on the front, we've got the  
18 railroads on the back, we got the detention pond on the  
19 west side.

20 So we had all these parameters that we had to  
21 try and fit, try to make it economically feasible and  
22 try and make it to where we think that it's going to be  
23 luxurious enough for people to want to pay the rents  
24 that they have to pay to live there because it's not  
25 going to be a cheap rent. It's not going to be a dollar

1 a foot. It's going to be closer to \$2 a foot. So you  
2 have to provide them with a lot of amenities which  
3 includes parking, Number 1, and -- Tom, you want to  
4 throw something else in here?

5 MR. WOODS: Sure. May I address the Council?

6 CHAIRPERSON PEDDIBOYINA: Yeah. Please come  
7 to the podium and you can spell your first and last name  
8 clearly. If you're not an attorney my secretary will  
9 take the oath.

10 MR. WOODS: Sure.

11 CHAIRPERSON PEDDIBOYINA: Thank you.

12 MR. WOODS: My name is John Woods, J-O-H-N,  
13 last name W-O-O-D-S.

14 MEMBER LONGO: John, are you an attorney?

15 MR. WOODS: I am not an attorney.

16 MEMBER LONGO: Do you promise to tell the  
17 truth in this case?

18 MR. WOODS: I do.

19 MEMBER LONGO: Thank you.

20 MR. WOODS: I'm here on behalf of DTN which is  
21 Tri-Cap's partner. We've been partnered on this for the  
22 entire time.

23 What I wanted to add, hopefully it  
24 specifically addresses your concern as to the size of  
25 the building. It is more of -- it's really what we call



1 a surban building. You don't want to necessarily call  
2 it just an urban, but it's kind of the urban/suburban.  
3 They're more prevalent in the, you know, Austin markets.  
4 You've got some downtown Detroit. It's a concept that  
5 we brought to Novi that we thought based on the  
6 community amenity in a very thriving environment that  
7 Novi is and specific to this kind of orphan -- 9-acre  
8 orphan lot that it was a good fit.

9           So along the lines of Albert's comments, the  
10 building doesn't necessarily have the exterior amenities  
11 that you're traditionally used to with the garden style.  
12 And a good example would be I moved to Metro Detroit  
13 25 years ago and I lived in Main Street Apartments right  
14 across the street owned by Singh, 299 units, you know,  
15 spread out over a campus. Not a lot of the green space  
16 is used. The community amenities like the clubhouse and  
17 the pool are relatively small, the units are larger but  
18 you've got the green space.

19           This style of design doesn't have the green  
20 space but what it has is it has phenomenal amenities  
21 within the footprint of the entire property, so when I  
22 mean the entire property, it's not just the land  
23 boundary but if you look at an overhead aerial of the  
24 building and the two, you know, separate buildings  
25 connected with a pool area, you have four courtyards,

1 which are exterior courtyards. They're beautiful and  
2 they're all amenitized with, you know, outdoor living  
3 space and reflection areas and recreational things to  
4 do. We've got a phenomenal clubhouse that's a multiple  
5 size of anything else that's probably in the community  
6 as far as apartments: a 1500 square foot fitness center,  
7 indoor yoga facilities. It is a community within the  
8 confines of the footprint of the building.

9 MR. LUDWIG: WeWork areas.

10 MR. WOODS: Pardon?

11 MR. LUDWIG: WeWork areas.

12 MR. WOODS: WeWork areas, so, you know, we've  
13 got a 1900-square foot clubhouse. You can come in and  
14 use a demo kitten, rent it for the weekend and have  
15 friends. We've got areas that are probably much like  
16 this building or this room where we've got spaces where  
17 people can come in and sit and they can work if they  
18 work from home.

19 It's very different. It's a very different  
20 lifestyle and it's proven very successful in other  
21 markets. And we've built, DTN. I don't know about  
22 Tri-Cap, but we've built others. We've got one in  
23 Lansing Township that's just like this building but it's  
24 only two-thirds the size because we were constrained by  
25 the footprint, and it's been phenomenally successful.

1 And the demographic and diversity in that building is  
2 much broader than we anticipated. We've 20-year-olds  
3 and we have 70-year-olds living in the building in this  
4 style of property, and part of it is the amenities of  
5 the building.

6 It's also the location. The location is very  
7 important. If we stuck this out in Wixom, you know,  
8 north of Pontiac Trail probably wouldn't do as well.  
9 There's not as much around it but in this environment in  
10 Novi, this property we feel is really going to thrive  
11 and it's just a really great fit for people looking for  
12 that lifestyle that's both community outside of the  
13 property and the community we feel we're creating within  
14 the walls of this building and what it has to offer.

15 So I don't know if that addresses, you know,  
16 some of your concern for the yield, you know, the unit  
17 relative to the land but we think it's very unique in  
18 that sense and also very appealing, you know, to the  
19 market, and we've had success, we've had proven success  
20 with it personally.

21 MEMBER LONGO: Thank you.

22 MR. WOODS: You're welcome.

23 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

24 Dr. Sanghvi, please go ahead.

25 MEMBER SANGHVI: I distinctly remember you

1 presenting when you came the previously time.

2 MR. LUDWIG: I remember you, too.

3 MEMBER SANGHVI: And I was quite happy that  
4 you are putting people in the downtown we are trying to  
5 make in this city. And I ran through my previous notes  
6 also and I realized that I had wholeheartedly supported  
7 this project because we need people in Downtown  
8 Detroit -- I mean in the City of Novi. And I had  
9 actually at that time congratulated and applauded your  
10 effort to do this.

11 In the meantime the Ring Road happened and lot  
12 of things have changed, but your project hasn't changed;  
13 right?

14 MR. LUDWIG: It hasn't changed except we've  
15 added one more floor to each building and one more floor  
16 to the parking garage.

17 MEMBER SANGHVI: That's the only way, you go  
18 up. There's no other way you can do it anyway.

19 MR. LUDWIG: Right.

20 MEMBER SANGHVI: I have no problem supporting  
21 your project. I have supported it previously and I have  
22 no reason to change my mind. Thank you.

23 MR. LUDWIG: Thank you.

24 CHAIRPERSON PEDDIBOYINA: Thank you,  
25 Dr. Sanghvi.

1 MEMBER McLEOD: So question. This is actually  
2 for the City. Given that they're going higher in  
3 elevation in looking at the plan here, it shows  
4 157 feet, does that require another variance at all, or  
5 is that within specs for how high they can build?

6 MS. SAARELA: It does not require an  
7 additional variance.

8 MEMBER McLEOD: Does not require one. Okay.

9 MS. SAARELA: It's the town center.

10 MEMBER McLEOD: And the other question I saw  
11 in here: You were looking for a variance on the  
12 brightness. I was hoping you could explain a little bit  
13 more about that, the brightness variance.

14 MR. LUDWIG: That was a photometric issue  
15 where the wedding guys, the wedding engineers were  
16 trying to get the even balance of the light spread  
17 throughout the entire parking lot, and in order to get  
18 it to come this way they had to spill over a little bit  
19 that way, but that was the railroad track so it really  
20 didn't affect anybody, so ....

21 MEMBER McLEOD: Okay. So next question, right  
22 back to the City.

23 The 1.7 footcandle versus 1 footcandle of  
24 power/brightness, is that specific to the railroad  
25 tracks or is that for -- I'm trying to understand more

1 about the brightnesses aspect, given I know there's a  
2 lot of concern in big cities in the ambient light issues  
3 that we don't want to -- especially if there's a  
4 residential area; right? -- they're building the place  
5 for residents, we don't want it to be too bright for  
6 people that are trying to sleep.

7 MR. HALL: Right, right, yes. So 1 footcandle  
8 at the property line is what's required. They're asking  
9 for a variance of .7 footcandles, more brightness back  
10 there. But because it's near the railroad track and  
11 there's not a residence there, that's why they're asking  
12 for leniency because it's a railroad track, and if that  
13 has light on it's -- the glare there isn't going to be  
14 as much as if it were a house or, you know, a road or  
15 something that would be impacted by that light.

16 MEMBER McLEOD: Okay. So the concern is not  
17 on the property, the concern is on the spillover?

18 MR. HALL: The spillover, that's correct.

19 MEMBER McLEOD: Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you, Jay.

21 Any other Board Member?

22 Okay. Go ahead, Clift.

23 MEMBER MONTAGUE: Can anybody -- can you  
24 identify -- are these exactly the same? I see similar  
25 and then the same variances. Are there any new

1 variances in this list from what -- I was not on the  
2 Board when --

3 MR. LUDWIG: Not to my understanding. They're  
4 the same variances I had Lindsay Bell from the Planning  
5 Commission and she prepared the list for me of the  
6 variances, and to my knowledge they are identical to  
7 what we were here with before, just that they had  
8 expired.

9 MEMBER MONTAGUE: Okay.

10 MEMBER LONGO: IF you want to ask the City.

11 MR. HALL: I can add to that.

12 I did check with our Planning Department and  
13 they are consistent with what they asked for before.

14 MEMBER LONGO: Okay. Isn't there one less --

15 MR. HALL: There was -- the numbers are a  
16 little bit different so there's one less, but then  
17 because of the way it was written the last time it was  
18 actually east side/west side, so there's actually two  
19 variances. So the total is 14 but it does coincide with  
20 what Planning is asking for or saying that we need, so  
21 it is consistent.

22 MEMBER MONTAGUE: Okay. So the parking  
23 variances are just for location, the actual parking  
24 amount meets code, the parking spaces that are being  
25 provided?

1 MR. HALL: Yes. That's correct. Right?

2 MR. LUDWIG: Right. They're in the setbacks  
3 that you're referring to, I believe, and the setbacks,  
4 again, it's a ring road. There's no -- there's no other  
5 buildings on the road, nothing across the street from  
6 us, nothing behind us, so it doesn't affect anybody  
7 other than our own tenants.

8 MEMBER MONTAGUE: Right. So my question is  
9 the variance is strictly for the location of the  
10 parking --

11 MR. LUDWIG: Correct.

12 MEMBER MONTAGUE: -- not for parking  
13 quantities?

14 MR. LUDWIG: That's correct.

15 MEMBER MONTAGUE: Okay. All right. Thank  
16 you.

17 MEMBER McLEOD: Sorry. One more random  
18 question.

19 How many units is the residential side of  
20 this?

21 MR. LUDWIG: 329.

22 MEMBER McLEOD: 329.

23 And then there's going to be a commercial  
24 building next to that?

25 MR. LUDWIG: On the other side of the road.



1 MEMBER McLEOD: Is a traffic study required or  
2 has there been one? I know that Grand River and Novi  
3 Road are horrible during regular times let alone peak  
4 times. Adding such incremental traffic, I don't know if  
5 that's --

6 MR. LUDWIG: We just had the traffic study  
7 updated at the Planning Department's request and they  
8 actually are following different standards today than  
9 they were following when we were here before, and  
10 according to the parking study this is less intrusive  
11 than it was when we had fewer units based on the new  
12 standards that they follow today.

13 MEMBER McLEOD: Okay.

14 CHAIRPERSON PEDDIBOYINA: Okay, Jay.

15 Any other Board Member?

16 Okay. How many single units are this one?  
17 You say the total is 329, no?

18 MR. LUDWIG: 329.

19 CHAIRPERSON PEDDIBOYINA: 329.

20 Yeah, the elevation, it looks beautiful and  
21 you designed well.5.

22 And also the City, when did we approve this  
23 Bond, in which year, Alan?

24 MR. HALL: It was August 14th, 2018.

25 CHAIRPERSON PEDDIBOYINA: 2018.

1 MR. HALL: That's correct.

2 CHAIRPERSON PEDDIBOYINA: Okay. I was there,  
3 too. Okay.

4 Yeah, I have no objection on this and anybody  
5 would like to speak on this, or somebody make a motion  
6 on this case.

7 Clift Montague.

8 MEMBER MONTAGUE: Sure. So this is going to  
9 be a long one.

10 CHAIRPERSON PEDDIBOYINA: Before going back  
11 City already explained there are how many variances,  
12 this is 14 or something?

13 MR. HALL: Yeah, 14.

14 CHAIRPERSON PEDDBOYINA: Yeah, 14.

15 MEMBER MONTAGUE: All right. I move that we  
16 grant the variance in Case Number PZ24-0035 sought by  
17 The Bond for 9 percent increase in 1-bedroom units, 49  
18 parking spaces in the side yard for the commercial  
19 building, 38 parking spaces in the front yard for  
20 residential building, 50 parking spaces on the east side  
21 yard for residential section, 35 parking spaces on the  
22 west yard for residential; a 6-foot 2 -- 6.2 foot east  
23 side building setback and 11.2 foot east side building  
24 setback; a parking garage for a 10-foot west side  
25 building setback; a lighting variance to allow up to 1.7

1 footcandles abutting the railroad tracks; two loading  
2 areas on the side yard for the residential section;  
3 77.24 size reduction for both loading areas; 4.5-foot  
4 sidewalk width reduction along the west side of a  
5 nonresidential collector; 2.5-foot sidewalk with  
6 reduction along the east side of the nonresidential  
7 collector; and a 1-foot reduction of parking bay depth  
8 for the parking garage.

9           Without the variance the petitioner will be  
10 unreasonably prevented or limited in respect to use of  
11 the property because of the unique property, the  
12 narrowness of the property and the layout that's  
13 required to make that work.

14           The property is unique because of its  
15 configuration and location. There's no adjacent  
16 structures by it. The petitioner did not create the  
17 condition because they're utilizing an existing property  
18 bringing some much needed downtown activity.

19           The relief granted will not unreasonably  
20 interfere with the adjacent and surrounding properties  
21 because it is essentially isolated from other properties  
22 with the barriers and railroad tracks and the new road.

23           The relief is consistent with the spirit and  
24 intent of the ordinance because it is encouraging to the  
25 City Main Street development.

1 MEMBER SANGHVI: Second.  
2 CHAIRPERSON PEDDIBOYINA: Thank you.  
3 Roll call, please.  
4 Dr. Sanghvi.  
5 MEMBER SANGHVI: Second.  
6 MS. FLETCHER: Chairperson Peddiboyina.  
7 CHAIRPERSON PEDDIBOYINA: Yes, please.  
8 MS. FLETCHER: Member Thompson.  
9 MEMBER THOMPSON: Yes.  
10 MS. FLETCHER: Member Montague.  
11 MEMBER MONTAGUE: Yes.  
12 MS. FLETCHER: Member McLeod.  
13 MEMBER McLEOD: Yes.  
14 MS. FLETCHER: Member Sanghvi.  
15 MEMBER SANGHVI: Yes.  
16 MS. FLETCHER: Member Longo.  
17 MEMBER LONGO: Yes.  
18 MS. FLETCHER: Thank you. Motion carries.  
19 CHAIRPERSON PEDDIBOYINA: Congratulations.  
20 MR. LUDWIG: Thank you.  
21 CHAIRPERSON PEDDIBOYINA: Okay. The Case  
22 Number 2, PZ24-0036 (Fred Scott), 401 Duana Street, on  
23 South Lake Drive, west of Thirteen Mile Road, Parcel  
24 50-22-03-478-013.  
25 The applicant is requesting variance from the

1 City of Novi Zoning Ordinance Section 3.1.5 for a front  
2 yard setback of 24.2 feet (30 feet required, variance of  
3 5.8 feet); Section 3.1.5 for an exterior side yard  
4 setback of 15 feet (30 feet required, variance of  
5 15 feet); Section 3.1.5 for an aggregate side yard total  
6 of 32.4 feet (40 feet required, variance of 7.6); and  
7 Section 3.1.5 for a rear yard setback of 17.4 feet (35  
8 feet required, variance of 17.6 feet); Section 3.1.5 for  
9 an increase in lot coverage to 31 percent (25 percent  
10 allowed, variance of 6 percent). This variance would  
11 accommodate a new single family residence. This  
12 property is zoned one family residential (R-4).

13 Is the applicant present, please? Come to the  
14 podium, spell your first and last name clearly. If  
15 you're not an attorney my secretary will take the oath.

16 Please go ahead.

17 MR. SCOTT: Hello. My name is Fred Scott,  
18 F-R-E-D, S-C-O-T-T.

19 MEMBER LONGO: Fred, are you an attorney?

20 MR. SCOTT: No, I'm not.

21 MEMBER LONGO: Do you promise to tell the  
22 truth in this case?

23 MR. SCOTT: I do.

24 MEMBER LONGO: Thank you.

25 CHAIRPERSON PEDDIBOYINA: Okay. Mr. Fred,

1 please go ahead and proceed where we can help you  
2 tonight on this case. You can present your case,  
3 please.

4 MR. SCOTT: Okay. I did bring copies, but  
5 does anyone need a print off copy of --

6 CHAIRPERSON PEDDIBOYINA: You can present what  
7 you have on the screen --

8 MR. SCOTT:

9 CHAIRPERSON PEDDIBOYINA: -- on the projector.

10 MR. SCOTT: As I said, my name is Fred Scott  
11 and I appreciate your time today. I am looking for five  
12 variances to build a new home at 401 Duana. The  
13 property is an odd-shaped property. It is located along  
14 South Lake Drive and Duana Street. Having those two  
15 streets create three front yard setback requirements as  
16 well as a backyard requirement. With the shape of the  
17 lot and those requirements it creates a very small  
18 buildable space.

19 The -- let's see. So I talked to some of my  
20 neighbors to get support for the project and included  
21 that in my application. I will show you guys the lot  
22 right now.

23 There's currently a home on the property that  
24 we'll be demolishing and replacing with a new home, so  
25 the use of the property will be the same as it was

1 before.

2 Other than that I think that's all I have  
3 right now.

4 The property is located on South Lake Drive.  
5 Along South Lake and East Lake Drive there are a number  
6 of properties that have -- it's in an area where there  
7 are similar variances approved in the past. I didn't  
8 bring a list of those properties, but from talking to  
9 the City they said that they were aware of those  
10 properties and I didn't need to present that list at  
11 this meeting.

12 CHAIRPERSON PEDDIBOYINA: Anything you would  
13 like to add?

14 MR. SCOTT: No, that's all.

15 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.  
16 From the City.

17 MR. HALL: Thank you, Mr. Chairman.

18 Do you have a copy of the site plan that you  
19 can put up for us that we can take a look at?

20 MR. SCOTT: Yes.

21 MR. HALL: So the applicant is seeking for  
22 five variances tonight, dimensional variances, four  
23 setback variances and one lot coverage variance.

24 There is an existing home on the site that he  
25 mentioned that will be demolished before he begins. The

1 lot is uniquely configured with street frontage on two  
2 sides of the property.

3 With that I have no other questions.

4 CHAIRPERSON PEDDIBOYINA: Thank you so much,  
5 Alan. I appreciate it.

6 Fellow Secretary, any correspondence?

7 MEMBER LONGO: Yes. Correspondence, we sent  
8 out 26 -- well, we sent out 26 twice, so that's 52. We  
9 had five returned. There were no objections and no  
10 approvals.

11 CHAIRPERSON PEDDIBOYINA: Thank you.

12 Public hearing, anybody would like to speak on  
13 this case?

14 Okay. So open to the Board.

15 Dr. Sanghvi.

16 MEMBER SANGHVI: Thank you.

17 Well, I came and drove around your area. I've  
18 been familiar with that area for a long time and you  
19 have a very interesting lot with three different streets  
20 around. And you're going to knock down everything there  
21 including your garage?

22 MR. SCOTT: Yes.

23 MEMBER SANGHVI: And build a new home for  
24 yourself?

25 MR. SCOTT: Yes.



1 MEMBER SANGHVI: Good.

2 How many square feet are you going to build?

3 MR. SCOTT: The house as currently drawn is  
4 3400 square feet.

5 MEMBER SANGHVI: Okay. Very good.

6 Everything in that area is very small and very  
7 awkward lots, and his is even more awkward than others  
8 because of the three different streets coming around  
9 there. So I can understand that you can't build  
10 anything worthwhile without all kind of variances and I  
11 have no problem in supporting your application.

12 Thank you.

13 CHAIRPERSON PEDDIBOYINA: Thank you,  
14 Dr. Sanghvi.

15 Any other Board Member? Please call, Jay.  
16 Sorry.

17 Clift. Sorry, go ahead.

18 MEMBER MONTAGUE: So the plot plan is showing  
19 three lots. Are those lots now combined?

20 MR. SCOTT: Yes, they are.

21 MEMBER MONTAGUE: Showing lots 19, 21 and 22,  
22 is that one lot now?

23 MR. SCOTT: It is one lot now. Yes, it went  
24 through the combination process in December or November,  
25 somewhere in the late winter of last year.

1 MEMBER MONTAGUE: So your lot coverage of  
2 31 percent is all the newly combined lot?

3 MR. SCOTT: Yeah. It's all inclusive, yes.

4 MEMBER MONTAGUE: Okay. Thank you.

5 CHAIRPERSON PEDDIBOYINA: Thank you. I was  
6 going to ask that question. You asked the question.  
7 Thank you.

8 Member Thompson.

9 MEMBER THOMPSON: Hi. Question for you.

10 On the -- looking at the site plan there's no  
11 room for -- well, you don't have it drawn like deck or  
12 patio area except for the roof one.

13 MR. SCOTT: Correct.

14 MEMBER THOMPSON: Does the plan only have  
15 one --

16 MR. SCOTT: There will be a front porch that's  
17 small -- it will have a small little sitting area that  
18 you can see right off of the, that would be the east  
19 side of the lot, but other than that on the ground level  
20 there will not be a deck.

21 MEMBER THOMPSON: Okay.

22 MR. SCOTT: I guess there's also, just to be  
23 clear, there's a small one off the back of the house  
24 there you see it's just right behind -- right -- it's  
25 just a very small little walk-out deck out of the garage

1 there.

2 MEMBER THOMPSON: Okay. So I guess I have a  
3 question for the City then.

4 If he were to apply for a permit to build a  
5 patio or deck or something, would he then have to come  
6 back in front of the Zoning Board of Appeals in order to  
7 do that?

8 MR. HALL: Yes, he would. It would depend on  
9 is there a roof over the deck or the lot coverage, but  
10 there would be some consideration we'd have to look at  
11 what the design looks like.

12 MEMBER THOMPSON: Okay. Not saying that he  
13 would or anything.

14 MR. HALL: Yeah, right.

15 So she's saying that the deck could go into a  
16 setback without a roof but we would have to see the  
17 design to make a determination of what we can do. So  
18 there are regulations we have to look at but he would  
19 have to come back if there was a --

20 MEMBER THOMPSON: He would have to come back?

21 MR. HALL: Yes.

22 MEMBER THOMPSON: Okay. Just not that you  
23 would, but there's -- I've never seen a house like -- it  
24 looks like really nice without barbecue in place there.

25 MR. SCOTT: The plan of that would be over the

1 top of the -- there is a second floor deck.

2 MR. THOMPSON: Yeah.

3 MR. SCOTT: SO that's where all that activity  
4 would take place.

5 MEMBER THOMPSON: Okay. Make sure you put  
6 natural gas up there instead of the propane tank.

7 That was it for me.

8 CHAIRPERSON PEDDIBOYINA: Yeah. Thank you,  
9 Mr. Thompson.

10 Any other Board Member?

11 Yeah. I've gone through your proposed front  
12 yard elevation and so, and you extend in that case and I  
13 have no objection on this, and it's time for the motion.

14 Member Thompson.

15 MEMBER THOMPSON: Yes, sir.

16 I move we grant the variance in case  
17 PZ24-0036, sought by Fred Scott for five dimensional  
18 variances, four setback variances and one lot coverage  
19 variance because the petitioner has shown practical  
20 difficulty requiring a variance to accommodate a  
21 single-family home. Without the variance the petitioner  
22 would be unreasonably prevented or limited with respect  
23 to the use of the property because of the lot's odd  
24 shape. The property is unique because of the lot  
25 dimensions and really being five-sided.

1           The petitioner did not create the condition  
2           because of the odd-shaped lot. The relief granted would  
3           not unreasonably interfere with adjacent or surrounding  
4           properties because it would be an area to an improvement  
5           -- the area would be an improvement and the relief is  
6           constant with the spirit and intent of the ordinance.  
7           Again, goes back to no neighborhood complaints and it  
8           being an improvement.

9           MEMBER LONGO: Second.

10           CHAIRPERSON PEDDBOYINA: Thank you,  
11           Dr. Sanghvi, Member Thompson.

12           Roll call, please.

13           MS. FLETCHER: Member Montague.

14           MEMBER MONTAGUE: Yes.

15           MS. FLETCHER: Member Longo.

16           MEMBER LONGO: Yes.

17           MS. FLETCHER: Chairperson Peddiboyina.

18           CHAIRPERSON PEDDIBOYINA: Yes, please.

19           MS. FLETCHER: Member McLeod.

20           MEMBER McLEOD: Yes.

21           MS. FLETCHER: Member Sanghvi.

22           MEMBER SANGHVI: Yes.

23           MS. FLETCHER: Member Thompson.

24           MEMBER THOMPSON: Yes.

25           MS. FLETCHER: Thank you. Motion carries.

1 CHAIRPERSON PEDDIBOYINA: Congratulations,  
2 Fred, and good luck with your new home.

3 MR. SCOTT: Thank you for your time.

4 CHAIRPERSON PEDDIBOYINA: Thank you.

5 And the final case PZ24-0037 (Simon Bach)  
6 22537 Montebello Court, north of Nine Mile Road, west of  
7 Novi Road, Parcel 50-22-24-453-010. The applicant is  
8 requesting variance from the City of Novi Zoning  
9 Ordinance Section 5.11.1.A.i to allow an 8-foot privacy  
10 fence (6 feet allowed, variance of 2 feet);  
11 Section 5.11.1.C the omit to requirement that the fence  
12 be constructed of comparable materials on both front and  
13 back side (wooden fence to be attached to existing steel  
14 posts); Section 5.11.3.C to omit the requirement of  
15 uniformity along the property line (existing steel fence  
16 with a couple wood panels). The variance would  
17 accommodate some privacy at the rear of the property.  
18 This property is zoned one-family residential (R-1).

19 Yeah. Please go ahead and spell your first  
20 and last name clearly for our secretary. If you're not  
21 an attorney you take the oath.

22 MR. BACH: Good evening. So it's Simon Bach.  
23 That's S-I-M-O-N, B-A-C-H.

24 MEMBER LONGO: Simon, are you an attorney?

25 MR. BACH: No.

1 MEMBER LONGO: Do you promise to tell the  
2 truth in this case?

3 MR. BACH: Yes.

4 MEMBER LONGO: Thank you.

5 CHAIRPERSON PEDDIBOYINA: Please go ahead,  
6 Simon where we can help you tonight on this case.  
7 Please present.

8 MR. BACH: So first I thank you everyone for  
9 your time, everyone. I appreciate that.

10 So as mentioned we would like to build a  
11 privacy fence in the backyard of our home which is 22537  
12 Montebello Court, and the issue we have which is in need  
13 of mitigation is that we have a short backyard, about  
14 15 yards or so from the back of our house to a chain  
15 link fence, and we're building a deck behind the house.

16 It's a new property, about 2 years old. And,  
17 so, of course, we want to sit on the deck and enjoy the  
18 view but right in front of where our deck would be are  
19 two sheds in neighbors' yards which are rather old and  
20 unsightly and is making these issues. And there's also  
21 piles of trash, you know, bricks and old ironwork in  
22 those neighbors' yards and also weeds going through the  
23 fence as well. So we'd like to install a privacy fence  
24 just to partially obscure that view.

25 Now, this is the view of the two sheds on the

1 northwest side of our home, and just for reference  
2 called this shed on the left A, this shed here on the  
3 right B. And those properties are actually in Novi  
4 Township.

5 So shed A detail, it's in disrepair. The  
6 joint is coming apart and the back face is rotting, and  
7 there's also piles of bricks and debris and old ironwork  
8 and so forth within that yard. That, of course, is  
9 visible through the chain link fence.

10 Shed B is in a different neighbor's property.  
11 The condition may be slightly better but it's still a  
12 lot of weeds surrounding that shed.

13 And to the right or to the east of shed B is  
14 also an old wooden fence. So, really, that's the view  
15 from my backyard at the moment.

16 Now, just to give a little bit of context  
17 here, I'm sure you all are familiar with Montebello  
18 Court being developed in the last 5 years or so. Lot 10  
19 is our lot. To the north and west is Novi Township.  
20 Our house is here and the sheds are located just -- oh,  
21 dear, turned this off somehow. Anyone else can switch  
22 this on?

23 So thank you very much. I think I just caught  
24 it with my knuckle.

25 CHAIRPERSON PEDDIBOYINA: Admin, can you



1 please come up.

2 MR. BACH: There we are.

3 CHAIRPERSON PEDDIBOYINA: Oh, got it? Thank  
4 you.

5 MR. BACH: Okay. So showing you is Montebello  
6 Court development, 32 homes, and this was originally a  
7 single property, it was a single estate which was  
8 purchased by Mirage Development and they did this  
9 development. And the original estate was surrounded by  
10 the chain link fence. It goes all around the property  
11 including along Nine Mile Road here.

12 So as far as I'm able to establish the chain  
13 link fence belongs to the original single estate so the  
14 ownership passed to us as individual property owners  
15 within Montebello.

16 Now, the next diagram that I'm showing you is  
17 just a plan view of our backyard. The house is here,  
18 the deck is going to be here, we have across wood chips,  
19 and the location of the privacy fence proposed is just  
20 where I'm indicating with my pen right now.

21 With my application I did include a sketch  
22 showing, again, the location of the wooden privacy fence  
23 and the location of the two sheds.

24 The total length, by the way, of the proposed  
25 privacy fence would be 20 feet on the west side and

1 40 feet on the north side.

2 I did construct a mock-up of what the fence  
3 would look like. It's using 6-inch by 1-inch thick  
4 pressure-treated wooden boards and then 8 feet high in  
5 the area of the sheds.

6 And to attach the fence pickets to the  
7 existing chain link fence what I would use is galvanized  
8 steel brackets. I have one in my pocket. I'm sure  
9 you're all familiar with these things. Galvanized steel  
10 which is consistent with the steel fence posts, and then  
11 using 5/16ths galvanized coach bolts to attach  
12 horizontal rails that are made from 2 inch x 4 inch  
13 pressured treated lumber, and the three rails, two  
14 towards the top and one towards the bottom.

15 So to summarize, the problem is we're looking  
16 at two sheds and debris and weeds in neighboring  
17 properties. We're asking to build a privacy fence to  
18 mostly obscure those things, and the size of the privacy  
19 fence is really minimum size to achieve that effect.

20 CHAIRPERSON PEDDIBOYINA: Anything you would  
21 like to add, sir?

22 MR. BACH: That's really it unless people have  
23 questions. I can provide some more detail if people  
24 have questions.

25 CHAIRPERSON PEDDBOYINA: Thank you so much.

1 From the City?

2 MR. HALL: Thank you, Mr. Chairman.

3 Yes, he's asking for three different variances  
4 tonight for this fence. One variance would be for the  
5 8-foot high portion of the fence. I don't know if you  
6 could tell with the presentation, but there will be a  
7 portion of chain link fence and then go to a wood fence  
8 that will go to 6-foot high and then some will be 7-foot  
9 high, others will be 8-foot high, back down to 6-foot  
10 high and then to the chain link fence. So it's going to  
11 have kind of a cascading kind of a look to it is what  
12 he's proposing.

13 But the 8-foot and the 7-foot would be at a  
14 variance. You can't -- it's only allowed to go 6 feet  
15 high. So he's looking for a variance for the 7-foot  
16 portions and the 8-foot portions.

17 The second variance would be attach a wood  
18 fence to the existing chain link fence and using mixed  
19 fence composite materials. The use of the ordinance  
20 forbids using structural components to a fence like  
21 that. They would support a free-standing fence but not  
22 something to an existing fence. So there would be a  
23 variance to ask to go to that fence would be a variance.

24 And the third variance would be to only have a  
25 wood fence for a portion of the total length and

1 existing chain link fence as remains, so that's the  
2 consistency part of the ordinance.

3 In that same section which is  
4 Section 5.11.3.C, it talks about the fence construction,  
5 and it says that the more decorative side of the fence  
6 shall face outward toward the adjoining property. So  
7 the neighbor would receive the nicer side and I think, I  
8 believe in the pictures you're showing would be the  
9 nicer on your side.

10 MR. BACH: Yes.

11 MR. HALL: So it could be two-sided fence,  
12 would be allowed rather than having the supports or  
13 anything face the neighbor and the good side facing his  
14 side, the ordinance would suggest that they would want  
15 to have the support showing on his side and the nice  
16 side being facing to the neighbors. So that's part of  
17 the consistency of that variance for that.

18 So if you have any other questions I'm here to  
19 answer them. Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you, I  
21 appreciate. From the Secretary, correspondence.

22 MEMBER LONGO: Yes. We mailed out 21 pieces  
23 of correspondence. Three were returned. There was one  
24 objection and one approval, and I'd like to read part --  
25 the approval says: Have no issue with the privacy fence

1 being installed as long as it does not rely on existing  
2 chain link fence and structural integrity.

3 The objection is that recommend that he plants  
4 trees next to his existing fence in a tight berm to  
5 provide the privacy rather than have the fence. That  
6 was the objection.

7 CHAIRPERSON PEDDIBOYINA: Thank you.

8 From the public, anybody would like to speak  
9 on this case please come to the podium. Spell your  
10 first and last name and your address, please.

11 MR. RINI: Hello. My name is Tony Rini --  
12 Anthony Rini, A-N-T-H-O-N-Y, R-I-N-I.

13 MEMBER LONGO: Tony, are you an attorney?

14 MR. RINI: I am not.

15 MEMBER LONGO: You promise to tell the truth  
16 in this case?

17 MR. RINI: I do.

18 MEMBER LONGO: Thank you.

19 CHAIRPERSON PEDDIBOYINA: Please go ahead,  
20 Tony.

21 MR. RINI: So I'm the individual that  
22 submitted the written comments that hopefully you all  
23 have had a chance to read on the concerns that I have.

24 So shed A is on my property, so I am northwest  
25 of Simon's property. And the concern that I have is the

1 added weight of that fence along with the wind that we  
2 get through our yards will actually have structural  
3 integrity issues with the fence.

4 I have a pool in my backyard. My  
5 understanding is that fence is on the property line so I  
6 am legally obligated through Oakland County to have my  
7 pool fenced in. And I believe that Montebello's  
8 Homeowners Association is not yet set up and does not  
9 allow for new fences to be added, so my concerns is that  
10 if that fence is damaged it will not be able to be  
11 replaced. And that existing chain link fence goes  
12 around my entire property towards the creek that is  
13 shared with Dunbar and Pines on the other side, which we  
14 also have fenced in.

15 So my concern is that, again, the added weight  
16 of that wood that's being added because it is not  
17 secured with their own posts will have a deterrence on  
18 the fence.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

20 Anybody who would like to speak on this case  
21 from public hearing before I close it.

22 MR. BACH: So I can answer some of those  
23 points.

24 Tony had mentioned some of those things to me.  
25 Just by way of background, I'm a qualified engineer.

1 Chain link fence posts, of course, are typically set in  
2 concrete to about a 30-inch depth. I think that chain  
3 link fence is I'm guesstimating about 40 years old.  
4 It's not seriously corroded. All of them feel very,  
5 very solid. You know, I've sort of reefed on them,  
6 pulled on them, and none of them are leaning. They're  
7 all vertical.

8           So in my judgment, now being a homeowner for  
9 40 years, and I'm very practical, I do a lot of work, I  
10 think they'll be absolutely fine. The depth of the  
11 concrete footing on a chain link fence is very similar  
12 to a wooden fence post anyway. And the way that I  
13 designed the fence is actually the west -- the weight of  
14 the fence will rest on pressure-treated wooden blocks  
15 which are on the ground. So it isn't just -- I don't  
16 think there's a problem with the weight.

17           In terms of the wind, I set the pickets with a  
18 quarter-inch gap between them so wind can pass through.  
19 But basically the whole fence is surrounded by houses  
20 and trees and the sheds, so there's a lot of wind breaks  
21 around.

22           And the other thing to mention is that, in  
23 fact, the fence would be completed in an L-shape so it's  
24 not just like a vein sticking up being blown in the  
25 wind. So, of course, if you have an L-shape it's much,

1 much stronger than just a single panels sticking up  
2 being exposed to the wind. If there's a force put on  
3 this one, of course, it's held rigid by this section and  
4 vice versa as well.

5 So in my judgment it would be perfectly strong  
6 enough. Now, of course, if there was a problem, if it  
7 came loose, then, of course, I would fix it. It's our  
8 fence. I take pride in my property, and if necessary I  
9 could remove those steel posts and replace them with, I  
10 don't know, say, 6 x 6 pressure-treated wooden posts.  
11 So in my opinion it wouldn't be a problem.

12 You know, I understand what Tony is saying.  
13 Fair enough, he has dogs, he has a swimming pool. He  
14 wants the fence to stay in good shape and be functional.  
15 So, of course, if it degraded I wouldn't just leave it.  
16 Of course I would fix it. I would do whatever is  
17 necessary.

18 So that's my undertaking to both Tony and to  
19 this Board.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,  
21 Simon.

22 Any other Board Member before I move.

23 MEMBER SANGHVI: Can I --

24 CHAIRPERSON PEDDIBOYINA: Sorry, in the  
25 audience before I move?



1           Before the audience, I did not finish the  
2 audience. Looks like I want to close off the public  
3 hearing.

4           Okay. And looks like it's open to the Board.  
5           Dr. Sanghvi.

6           MEMBER SANGHVI: Thank you.

7           MR. RINI: Sorry. I don't think I used the  
8 full 3 minutes.

9           CHAIRPERSON PEDDIBOYINA: Okay. One second.  
10          Please come to the podium, and, Mr. Simon,  
11 please step back a little bit, and you can --

12          MR. RINI: Sorry. The other thing that I  
13 would like to mention to Simon's point we have  
14 drastically improved our backyard condition and we  
15 continue to do so, so the debris that he sees, yes, it  
16 does I agree need to be fixed but it is not something  
17 that we plan on leaving that way forever.

18          Also, I believe his whole property is  
19 woodlands or supposed to be woodlands which there were  
20 trees and bushes that surrounded that property line,  
21 that fence line before he moved in which, again, he  
22 purchased that property within the last 2 years and  
23 those trees and bushes have been removed since then.

24          So there's been changes that he has made that  
25 have now caused him to want to cover those both sheds or

1 properties up. And along his entire property line are  
2 all wooded sections on my side. Those weeds continue  
3 because it is a protected woodland area.

4 So thank you.

5 CHAIRPERSON PEDDIBOYINA: Thank you so much.

6 Okay. Any other audience?

7 MR. BACH: One of the --

8 CHAIRPERSON PEDDIBOYINA: One second, Simon.

9 Let me finish the public hearing. You can keep it on.

10 Okay. None of them.

11 Please go aide, Mr. Simon. Please come to the  
12 podium and what you want to say, then we'll go to the  
13 board.

14 MR. BACH: Sure. One other thing I forgot to  
15 mention Is that I did get approval for this change from  
16 the Montebello Homeowners Association. So at the moment  
17 the HOA is actually run by representatives from the  
18 developers and is in the process of doing a hand-over to  
19 the homeowners, so the HOA does exist. I have written  
20 approval from the HOA.

21 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

22 MR. BACH: Thanks.

23 CHAIRPERSON PEDDIBOYINA: Now it's open to the  
24 board and, Dr. Sanghvi, please go ahead. I'm sorry.

25 MEMBER SANGHVI: Thank you.

1 I went and visited this --

2 CHAIRPERSON PEDDIBOYINA: Please come to the  
3 podium, Simon, if anybody asks you questions you can  
4 answer. Please stand at the podium.

5 MEMBER SANGHVI: -- and I identified myself  
6 and I saw Mr. Bach over there, and he showed me around  
7 inside the walk-through, all the different areas of the  
8 backyard, and I also had a look at those sheds and all  
9 those, and I think to call those sheds an eyesore is an  
10 understatement, and he needs the fence to cover it up to  
11 use his backyard. And I saw everything myself  
12 personally with my own eyes.

13 And I was quite convinced that without doing  
14 those kind of fences you cannot have a reasonable view  
15 of his backyard himself, and I very strongly felt that  
16 he needed those fences 8 feet high there so to cover up  
17 all those things. And there was no need to do the  
18 8-foot high fence all along the chain link that he has  
19 got because it's not going to cause any problem to  
20 anybody else and doesn't need an extra expense of  
21 putting it all the way through that, and I very strongly  
22 suggest that we approve his request.

23 Thank you.

24 CHAIRPERSON PEDDIBOYINA: Thank you,  
25 Dr. Sanghvi.

1 Jay.

2 MEMBER McLEOD: So I have a couple of  
3 desperate thoughts so please bear with me.

4 I actually live in Dunbar right next door so  
5 I'm familiar with the area and I did a drive-by, I  
6 didn't do a walk-through like Sanghvi did. I did a  
7 drive-by and kind of saw the sample you had up.

8 And my first thought is always if you're going  
9 to put up a privacy fence go all out; right? Do the --  
10 if you want 8 feet go 8 feet all-around. This is my  
11 personal opinion. You can present it how you like, but  
12 when it comes to the different sizes, are you degrading  
13 it smoothly or is it just going to be a 7-foot hits and  
14 suddenly there's an 8-foot bump?

15 MR. BACH: Well, my thought basically was 8  
16 feet just in the area of the sheds, and then the  
17 extended area where there's weeds and then there's  
18 another wooden fence in the other garden and I was  
19 dropping it down to 6 feet or 7 feet in that area. So I  
20 just think it doesn't need to be 8 feet, and as Tony was  
21 saying, if you have a total fence obviously there's more  
22 force from the wind. So I'm just trying too minimize  
23 the fence, really.

24 MR. McLEOD: Okay. So it would be a step-wise  
25 change between 6-foot and 8-foot?

1 MR. BACH: Yes.

2 MR. McLEOD: Okay. And as you mentioned the  
3 weeds from your VERY recent experience I would say DO  
4 you check for poison ivy back there? You definitely  
5 don't want that. I can encourage you to take Round Up  
6 to the neighbor's yard.

7 MR. BACH: I think it got me yesterday.

8 MEMBER McLEOD: Yeah. Not fun.

9 As for the HOA I don't think we take that into  
10 consideration from our perspective. If we approve it  
11 and the HOA does not, that's still between you and the  
12 HOA.

13 I'm looking at my notes here. Overall  
14 that's -- the final concern is the impact of attaching  
15 the wooden fence to the posts of the chain link fence,  
16 having grown up around -- with the chain link fence.  
17 Yeah, those things are quite solid but they certainly  
18 get rusted out over time. I don't have the knowledge to  
19 speak to what the structural integrity would be if you  
20 start attaching things to them. Maybe someone else has  
21 more knowledge than I do, but if we were to approve with  
22 the exception of attaching to the chain link fence would  
23 you still be able to move forward?

24 MR. BACH: Well, just to try to answer your  
25 question. I'm using the same material for the brackets,

1 so it's galvanized steel. So there's no dissimilar  
2 metals, there's no increase in corrosion, and, in fact,  
3 the condition of those posts is good. I mean there's  
4 very light surface rusting in places but they're very  
5 solid, and if they weren't I would cut them down and I  
6 would put wooden posts in. But I'm just trying to avoid  
7 unnecessary work and unnecessary expense. Those posts  
8 are perfectly good. And I only want the privacy fence  
9 over limited sections. So it seemed wasteful to cut  
10 those out and put in wooden posts.

11 MEMBER McLEOD: So one more.

12 So based on earlier conversation you said that  
13 you would agree if the posts were to be damaged by wind,  
14 because let's be honest wooden poles that high are quite  
15 heavy, and that still could potentially throw a lot of  
16 weight on the chain link fence posts, so if those were  
17 to be damaged we could write that in to say yes, you  
18 would be responsible for wind damage?

19 MR. BACH: It goes without saying. We want  
20 the privacy fence, and, so if I have to improve it or  
21 replace posts it in the future of course I'd do it.  
22 Yes, I wouldn't leave a fence just falling down in our  
23 backyard.

24 MEMBER McLEOD: Okay. Thanks.

25 CHAIRPERSON PEDDIBOYINA: Thank you, Jay.

1 Any other Board Member?

2 Board Member Thompson.

3 MEMBER THOMPSON: Hi.

4 So I have, I have two industrial properties,  
5 one is 4 acres and one is 13 acres. They're both  
6 totally fenced in.

7 MR. BACH: Yes.

8 MEMBER THOMPSON: They're fenced in with  
9 galvanized wood, the pressure-treated wood, one of which  
10 was a project we did 20 years ago. It was supposed to  
11 last forever. This is pole barn siding. So the 8-foot  
12 or 10-foot panel is put in with the post, it's super  
13 deep, lots of cement. Over time because there's nowhere  
14 for the wind to go it just keeps hitting it and hitting  
15 it, and it has bent some of the big wooden poles in the  
16 ground. It's warped them to go the way of the wind;  
17 right?

18 Something we never though was going to happen.  
19 The engineer didn't say it was going to happen --

20 MR. BACH: Sure.

21 MEMBER THOMPSON: -- but I put up a lot of  
22 fence. I've gone through Future Fence in Warren for  
23 everything.

24 I'm on board with your idea. I would want to  
25 do something similar. I don't think you're far away but

1 what would the thought be about there's no engineered  
2 drawings to this and -- I can't -- I really like the  
3 idea, I would do the same idea, but I'm worried that's  
4 what going to happen over time is you're going to put  
5 your fence up and the posts that are in the ground, you  
6 can't control what the neighbor on the other side does  
7 or Mother Nature does and there's weeds that end up  
8 growing onto that adding even more weed.

9 I don't see enough support for it over the  
10 next 20 or 30 years in my nonengineering opinion to be  
11 able to approve that. I just wish there was more  
12 support.

13 MR. BACH: Okay. You mean bending strength or  
14 footings or --

15 MEMBER THOMPSON: Well, I would feel better if  
16 the posts that were holding the fence were the same  
17 height as the fence.

18 So the posts that's in there are 4 or 5 tall?

19 MR. BACH: 6 feet, 6 feet tall. Almost the  
20 same. The wood only extends to 2 feet above the chain  
21 link fence posts. They're big posts. They're large  
22 diamond type.

23 MEMBER THOMPSON: Right. So we're going to  
24 have 2 feet of fence above that, though?

25 MR. BACH: Yes.



1 In my opinion it's fine, but it's on me. If  
2 there's a problem with the wind, I got to fix it. I  
3 mean --

4 MEMBER THOMPSON: I think there's a --  
5 everyone sells their house eventually and that would go  
6 on to the next homeowner and -- correct?

7 MR. HALL: Correct.

8 MR. THOMPSON: We don't know who's going to  
9 buy your house next.

10 MR. BACH: Again, in my opinion -- I'm a  
11 qualified engineer. In my opinion it's fine but, you  
12 know, I submitted the application to your Board, of  
13 course.

14 MR. THOMPSON: I'm really for the idea. I  
15 haven't seen enough proof that it's going to stand for a  
16 long time, to be able to approve it.

17 MR. BACH: Okay.

18 MEMBER McLEOD: A question for the Board,  
19 then.

20 Before we make our motion would it make sense  
21 to split the motion into separate components, because it  
22 sounds like some of them might be okay and some of them  
23 people are less comfortable with. Whoever is making the  
24 motions.

25 MEMBER LONGO: There's three variances.

1 MEMBER McLEOD: You can separate them?

2 MEMBER LONGO: You can separate them.

3 MEMBER McLEOD: That would be my  
4 recommendation.

5 CHAIRPERSON PEDDIBOYINA: Okay. Thank you,  
6 Jay.

7 Any other Board Member before going to motion?

8 Okay. I have a question now, Simon. Thank  
9 you for your good presentation and the way you presented  
10 it and you brought the galvanized tool, whatever tool  
11 you fixing it. And also the neighbor consideration  
12 you're willing to take care of the -- if anything  
13 happens, the wind does something, your responsibility.

14 MR. BACH: Of course.

15 CHAIRPERSON PEDDIBOYINA: And also please  
16 consider to keep in mind neighbors' house is very  
17 important as anybody neighbors.

18 MR. BACH: Yes.

19 CHAIRPERSON PEDDIBOYINA: I have no objection  
20 on these things. It's time for the motion.

21 Dr. Sanghvi, please can make a motion, please.

22 MEMBER SANGHVI: All right. I make a motion  
23 that we grant the variance in Case Number PZ24-06-37;  
24 that applicant being Simon Bach of 22537 Montebello  
25 Court, Parcel Number 50-22-24-453-010. The applicant

1 has requested a variance from the City of Novi Zoning  
2 Ordinance Section 5.11.1.A to allow an 8-foot privacy  
3 fence (6-foot allowed) and it requires a variance of  
4 2 feet; and Section 5.11.1.C to omit the requirement  
5 that the fence be constructed of comparable material on  
6 both front and the back sides. Wood tends to be  
7 attached to the existing steel posts. And  
8 Section 5.1.3.C to omit the requirement of uniformity  
9 along the property line existing steel fence with a  
10 couple of wood panels. This variance would accommodate  
11 some privacy at the rear of the property and the  
12 property is zoned one-family residence.

13 The applicant has shown practical difficulty  
14 requiring need for the variances. I have personally  
15 inspected the property and noticed the problem. Without  
16 the variance the petitioner will be unreasonably  
17 prevented from reasonably use -- for a useful use of the  
18 property. They need their privacy to enjoy their  
19 backyard.

20 The property is unique because it is very  
21 small and a pie-shaped lot and needs higher fence to  
22 create the privacy for the use of the owner of the  
23 current property.

24 The petitioner did not create this difficulty  
25 and this problem is not self-created. The relief

1 granted will not unreasonably interfere with the  
2 adjacent or surrounding properties because it does not  
3 affect the neighbors. The relief is consistent with the  
4 spirit and intent of the ordinance.

5 Thank you.

6 CHAIRPERSON PEDDIBOYINA: Thank you,  
7 Dr. Sanghvi.

8 Somebody make a second, please.

9 MEMBER McLEOD: Second.

10 CHAIRPERSON PEDDIBOYINA: Thank you, Jay.

11 Roll call, please.

12 MS. FLETCHER: Member McLeod?

13 MEMBER McLEOD: Yes.

14 MS. FLETCHER: Member Thompson.

15 MEMBER THOMPSON: No.

16 MS. FLETCHER: Member Montague.

17 MEMBER MONTAGUE: No.

18 MS. FLETCHER: Member Longo.

19 MEMBER LONGO: Yes.

20 MS. FLETCHER: Chairperson Peddiboyina.

21 CHAIRPERSON PEDDIBOYINA: Yes, please.

22 MS. FLETCHER: Member Sanghvi.

23 MEMBER SANGHVI: Yes.

24 MS. FLETCHER: Thank you. Motion carries.

25 CHAIRPERSON PEDDIBOYINA: Good luck and

1 congratulations.

2 MR. BACH: Okay. Thank you very much.

3 CHAIRPERSON PEDDIBOYINA: And any other  
4 matters before I adjourn?

5 Somebody can make a motion for adjourn.

6 MEMBER LONGO: I so move.

7 CHAIRPERSON PEDDIBOYINA: Okay. Second.

8 MEMBER McLEOD: Second.

9 CHAIRPERSON PEDDIBOYINA: All in favor say  
10 aye.

11 THE BOARD: Aye.

12 CHAIRPERSON PEDDIBOYINA: Any nays?

13 Okay. Meeting adjourned. Thank you. Good  
14 night. Safe drive.

15 (The meeting adjourned at 8:14 p.m.)

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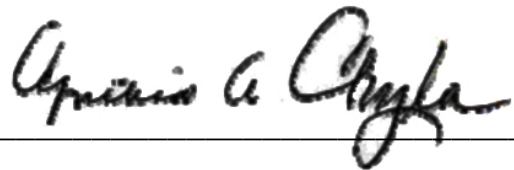
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CERTIFICATE OF REPORTER

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COUNTY OF OAKLAND )

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



Cynthia Ann Chyla, CSR 0092  
Notary Public  
Oakland County, Michigan

My Commission expires: May 12, 2029

Meeting  
08/13/2024

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