

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, JUNE 9, 2020, 7:00 P.M.

VIRTUAL MEETING VIA ZOOM

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Kevin Sanker, Vice Chairperson

Siddharth Mav Sanghvi

Michael Longo

Clift Montague

Ramesh Verma

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan
Tuesday, June 9, 2020
7:00 p.m.

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CHAIRPERSON PEDDIBOYINA: Okay. Good evening, everyone. It's seven o'clock. Welcome to the City of Novi Zoning Board of Appeals. If you can hear me, everybody?

THE BOARD: Yes.

CHAIRPERSON PEDDIBOYINA: Welcome to the City of Novi Zoning Board of Appeals Zoom night. This is Tuesday, and we call for the roll.

And there is no Pledge of Allegiance in our public hearing. And the Rules of Conduct and chairperson.

And also can you roll call, Katherine?

MS. OPPERMAN: Certainly.

All right. Member Krieger is currently absent. Member Longo is currently absent.

Member Montague?

MEMBER MONTAGUE: Here.

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

1 MS. OPPERMAN: Member Sanker is also
2 currently absent.

3 Member Sanghvi?

4 (No response.)

5 MS. OPPERMAN: Dr. Sanghvi?

6 MEMBER SANGHVI: I am here, thank you.

7 MS. OPPERMAN: Member Thompson is absent,
8 excused.

9 And Member Verma?

10 (No response.)

11 CHAIRPERSON PEDDIBOYINA: Mr. Verma, can you
12 unmute your thing. Unmute your system. You're muted.

13 I can see you, Ramesh, and you're muted.

14 (Pause.)

15 MEMBER VERMA: Present.

16 MS. OPPERMAN: Excellent. And I do see that
17 Member Longo just joined.

18 Member Longo, could you confirm your
19 attendance?

20 MEMBER LONGO: Yes. Here.

21 MS. OPPERMAN: Thank you.

22 CHAIRPERSON PEDDIBOYINA: Thank you,
23 Katherine. And also you're also acting secretary for

1 tonight for the Zoning Board of Appeals meeting. And I
2 think we have enough quorum?

3 MS. OPPERMAN: Correct.

4 CHAIRPERSON PEDDIBOYINA: Yes. Thank you.
5 And the roll call is done. All right. And the board,
6 enough quorum.

7 Let's go to -- everybody presenting and
8 working, please mute your cell phones and home device.

9 Also, we have a public hearing when each case
10 is called upon. Anybody can make remarks in raising
11 their hand in the Zoom and our acting secretary can
12 watch. Katherine can watch that if someone wants to
13 talk, they'll just raise their hand and come.

14 In each case anyone can make their remarks on
15 the Zoom television and the people at home can watch
16 and it will show up on the computer as other people.
17 And when the people come today, raise their hands, as I
18 said.

19 The name, please spell your first and last
20 name clearly for the court record and sworn by our
21 secretary, too, if you're not an attorney.

22 And then we have an agenda. We have two
23 cases. Am I right, Katherine?

1 MS. OPPERMAN: Correct. Two cases for this
2 evening.

3 CHAIRPERSON PEDDIBOYINA: We have two cases.
4 And let's go to the approval of the agenda minutes on
5 May 2020. Any changes or any modifications any board
6 member want to say on this?

7 For the approval of the meeting minutes for
8 last month?

9 (No response.)

10 CHAIRPERSON PEDDIBOYINA: All right. There
11 is no change. Somebody can make a motion for the
12 meeting minutes.

13 MEMBER VERMA: So moved.

14 MEMBER SANGHVI: Second.

15 CHAIRPERSON PEDDIBOYINA: Okay. Somebody
16 seconded it.

17 Everybody say "Aye."

18 THE BOARD: "Aye."

19 CHAIRPERSON PEDDIBOYINA: And no?

20 That's good. The meeting minutes are
21 approved for May 2020.

22 And coming to the public remarks. Public
23 remarks, anyone have anything regarding other than the

1 two cases and you can say. Anybody that wants to raise
2 their hand for the Zoom call and our secretary can
3 watch, and Katherine can say any remarks on that.
4 Anybody wants to -- any remarks other than the two
5 cases?

6 Seeing none.

7 MS. OPPERMAN: I don't see that anyone is
8 raising their hand currently.

9 CHAIRPERSON PEDDIBOYINA: Thank you so much,
10 Katherine. I appreciate the update.

11 And let's go to today's meeting. First case
12 PZ20-0018, Behavioral Care Solutions, 39465 Fourteen
13 Mile Road, west of Haggerty Road and south of Fourteen
14 Mile Road, parcel number 50-22-01-200-037. The
15 applicant is requesting a variance from the City of
16 Novi Zoning Code Section 5.4.1 to locate a loading zone
17 in the side yard. Section 5.3.11, for a drive-through
18 lane that does not meet ordinance requirements for
19 separation of drive through and egress lane, by-pass
20 lane width, encroachment into the minimum side yard
21 parking setback, and minimum number of stacking spaces.
22 This property is zoned for Office Service Technology,
23 OST.

1 And is the applicant present, please?

2 (No audible response.)

3 Hello?

4 (No audible response.)

5 CHAIRPERSON PEDDIBOYINA: Can you unmute,
6 please? Anybody is there on the first case, PZ20-0018?

7 MS. OPPERMAN: Mr. Clemente, you'll need to
8 unmute yourself.

9 MR. CLEMENTE: There we go. Is that better?

10 CHAIRPERSON PEDDIBOYINA: Yes. Now I can
11 hear you.

12 Okay. You're the applicant for this first
13 case, please.

14 (No audible response.)

15 CHAIRPERSON PEDDIBOYINA: Hello?

16 MEMBER SANGHVI: You're still muted.

17 CHAIRPERSON PEDDIBOYINA: You are still
18 muted. Can you unmute, please, Robert?

19 MR. CLEMENTE: Does that work now?

20 CHAIRPERSON PEDDIBOYINA: Yeah. Now I can
21 hear you.

22 MR. CLEMENTE: I'm sorry.

23 CHAIRPERSON PEDDIBOYINA: Are you the

1 applicant for the case for this one?

2 MR. CLEMENTE: Yes. I am appearing on behalf
3 of the owner.

4 CHAIRPERSON PEDDIBOYINA: Sounds good. And
5 let's move on to this one. Are you an attorney or
6 something and say your name for the court record?

7 MR. CLEMENTE: I am the CEO and the owner
8 through my trust of the subject property.

9 CHAIRPERSON PEDDIBOYINA: Katherine?

10 MS. OPPERMAN: Sir, could you please spell
11 your name for our court reporter.

12 MR. CLEMENTE: Robert, R-o-b-e-r-t, A.
13 Clemente, C-l-e-m-e-n-t-e.

14 MS. OPPERMAN: And do you swear or affirm to
15 tell the truth in the case before you?

16 MR. CLEMENTE: Yes, I do.

17 MS. OPPERMAN: Thank you.

18 CHAIRPERSON PEDDIBOYINA: Yes, please. You
19 can proceed. What do you want to present and what do
20 you want to say about this case and why you are here.

21 MR. CLEMENTE: Okay. Well, again, I'm the
22 CEO of Behavioral Care Solutions and am the owner of
23 the subject property. Thank you, members of the ZBA,

1 for allowing me to present here. And I also want to
2 thank our architectural engineering and construction
3 team who I'm very grateful for.

4 We're a medical management business providing
5 mental health services to long-term care facilities,
6 nursing homes and assisted livings. We're the largest
7 in the midwest. We service about 500 nursing homes and
8 have a hundred clinical staff plus working within our
9 businesses. They, basically, work out of their homes
10 and they're physicians, nurse practitioners, PA, social
11 workers and Ph.D. psychologists who are extensively
12 trained in psychiatry and psychology.

13 We're a family business with many fine
14 employees and we are literally a family business
15 because I have two children and my sister who are very
16 active contributors in the business along with other
17 employees who we treat as family.

18 For the period we've owned the property,
19 we've been good neighbors and citizens of Novi. We
20 purchased the site from PNC Bank a few years ago. PNC
21 required that we keep an ATM there, an issue that was
22 addressed in our purchase agreement, if we wanted to
23 purchase. And also we agreed that we would not

1 otherwise use the location as a bank.

2 PNC indicated to us that zoning approval was
3 not required and they provided us E-mails to that
4 effect. The ATM has been present at this location for
5 many years and for the full time we owned the property.
6 In fact, at the time of purchase, the monument sign up
7 front states ATM right on it and that is clearly
8 visible right off of Fourteen Mile Road.

9 The ATM agreement between us and PNC remains
10 in place for up to another three plus years. In my
11 experience, I haven't seen more than one car at the ATM
12 at any one time.

13 We are committed to the Novi community and
14 that's why we're intending on doing a very substantial
15 expansion. We're presently in the process of acquiring
16 another business in a neighboring community and intend
17 to move that business and its employees into this newly
18 renovated building, which is why we need the expansion
19 and why it's warranted.

20 We intend to combine these two businesses and
21 the related employees at this location. More
22 importantly, we have made it our duty and vocation to
23 make this property a site for the employees and our

1 community to be proud of.

2 We're committed to doing the right thing and
3 we're committed to the geriatric population and those
4 of the businesses we serve, which are nursing homes.
5 And you can imagine at this point it's a very complex
6 business because of the COVID virus, yet we have
7 clinicians that go into the nursing homes to service
8 these patients. And, basically, we have some pretty
9 brave clinicians who are willing to do that.

10 Just as a side note, we provide services
11 through our Novi location for Michigan, Illinois,
12 Indiana, Ohio and Wisconsin at the moment and we're
13 intending on moving into Minnesota as well.

14 Also, as a side note, as part of our
15 business, over the last three months we've purchased
16 45,000 N95 masks and we contributed them to the
17 long-term care facilities in our service area without
18 charge with the intention of helping protect their
19 staff as well as ours. We tried to target nursing
20 homes that were struggling with the COVID outbreak, you
21 know, based upon the published state of the state of
22 Michigan. Again, we're the largest business of our
23 kind in the Midwest.

1 I'm also affiliated with two inpatient acute
2 care psychiatric hospitals I'm an owner in, one in
3 Detroit and one in Warren, Michigan, and we have 112
4 beds that we provide for patients. And we're expanding
5 those locations as well.

6 We have worked very closely and cooperatively
7 with the City of Novi developing this site renovation
8 and they're recommending approval of this zoning
9 variance.

10 We ask for your consideration. The one
11 variance is the loading and unloading zone in the side
12 yard and the other is the drive-through ATM.

13 Just the loading and unloading, while we
14 understand its need, we don't load and unload. We
15 don't bring big trucks in or anything like that. The
16 only thing we're really bringing in is supplies and we,
17 basically, bring those in by car. And then, really,
18 the loading zone is not required for our business
19 although it is required for zoning.

20 And then the ATM, as I indicated, was a
21 requirement by PNC Bank and we entered into a contract
22 with them where we would keep the ATM there and they've
23 indicated to us that they're not willing to release us

1 from that commitment.

2 I did talk to them about the -- just so we
3 can understand what the potential options were, but
4 right now they want to keep it there and they're not
5 offering us any kind of exit strategy regarding the
6 ATM.

7 So I would ask for your approval on the
8 variances. We had a 6-0 approval at the Planning
9 Commission. And I know that that is not determinative
10 for you, but it is indicative that they felt there was
11 reasonableness in the process.

12 We're expanding the building from 2,500 feet
13 to add another 3,300 square feet. So it will more than
14 double in size, but we meet all the other requirements.

15 So I'd ask for your indulgence here and thank
16 you for your consideration, recognizing that mental
17 health businesses are in short supply and we would be a
18 very nice addition and expansion to your community.
19 Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you very
21 much, Mr. Robert. And thank you for your good
22 presentation and thank you for being so generous for
23 this COVID what you said, the donation and others for

1 the city of Novi. We do appreciate that.

2 And I drove the property a few days back. I
3 saw that one. And I see the difficulties for what you
4 are requesting and I have no objection. And I have to
5 move on to my fellow board members. So I'll let them
6 speak out and then we can take the specific on that.

7 And I am open for the board members, but
8 before that, from the City.

9 Do you have anything from the City?

10 MR. BUTLER: There are no comments from the
11 City at this time.

12 CHAIRPERSON PEDDIBOYINA: Thank you, Larry.
13 Correspondence? Acting Secretary, Katherine?

14 MS. OPPERMAN: Certainly.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 MS. OPPERMAN: There were 13 letters sent out
17 for this case. We received none that were returned.
18 No approvals and no objections.

19 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
20 much, Katherine, for the update.

21 Thank you. And let's move to board. Anybody
22 want to speak on this case on the board members?

23 Yeah, Mr. Sanghvi?

1 MEMBER SANGHVI: Thank you. Thank you, Mr.
2 Chair.

3 I visited this site a couple of days ago. I
4 also want to welcome this business to the City of Novi
5 and I appreciate any recommendations by the applicant
6 himself.

7 I have been in the medical business for over
8 60 years and I appreciate the willingness to be part of
9 the community here. And I am not sure whether the big
10 ground in the side there is a large parking lot. I
11 don't know if it belongs to this property or not, but
12 otherwise I have no objection to their application.

13 Thank you.

14 CHAIRPERSON PEDDIBOYINA: Thank you, Mr.
15 Sanghvi.

16 Any other board members who would like to
17 speak on this case, please?

18 MEMBER LONGO: I do. Robert, the ATM
19 machine, it stays where it is? Physically stays right
20 where it is?

21 MR. CLEMENTE: Yes.

22 MEMBER LONGO: Oh, okay. So how do you use
23 the space between the building and ATM which used to be

1 a drive-thru banking?

2 MR. CLEMENTE: We haven't used it up to this
3 point, but as part of the construction, we're adding
4 landscaping there to meet the landscaping requirements
5 and we're putting in two parking spots to the left of
6 it and taking out the two cement islands.

7 MEMBER LONGO: Got you.

8 MR. CLEMENTE: So the outside island is where
9 the ATM is. So we're going to be putting two spots in
10 between.

11 MEMBER LONGO: Thank you. And I have no
12 objection. I'm glad you're joining our community.

13 MR. CLEMENTE: Thank you.

14 CHAIRPERSON PEDDIBOYINA: Thank you. Once
15 again, any of the other board members who would like to
16 speak on this case, please?

17 MEMBER SANKER: Yeah. I just had one quick
18 question.

19 CHAIRPERSON PEDDIBOYINA: Yes?

20 MEMBER SANKER: And just real quick.
21 Beforehand, I could hear you guys -- I had the hardest
22 time getting logged in here. So I could hear you guys
23 doing roll call. But I was in here at the time. Just

1 so you know.

2 CHAIRPERSON PEDDIBOYINA: I was going to ask
3 you. You disappeared and suddenly you came out of
4 there.

5 MEMBER SANKER: I don't know what was going
6 on, but luckily I figured it out in time.

7 CHAIRPERSON PEDDIBOYINA: Yes. Sometimes I
8 have the same issue in the beginning. You know that.

9 MEMBER SANKER: Yes.

10 CHAIRPERSON PEDDIBOYINA: Okay. Go ahead.
11 Go ahead, please.

12 MEMBER SANKER: Yes. Real quick. Is the
13 loading zone going to interfere with any public
14 rights-of-way that you're aware of?

15 MR. CLEMENTE: Not that I'm aware of, no.

16 MEMBER SANKER: Okay. And I think overall
17 what you're doing is really good and I don't see any
18 reason to object to any of the variances that you're
19 requesting here.

20 I think I have one question for the attorney.
21 Do we have to do all four of these in this memorandum
22 from the planning, the City planner? Do you know,
23 like, if that's -- if we're supposed to do that?

1 MS. SAARELA: It looks to me like they're
2 listed in the sheet. If you look at page one of the
3 staff report for today, so the two that are listed,
4 Section 5.4.1 and 5.3.11 are the two that are
5 pending.

6 MEMBER SANKER: Okay. So the 5.3.11 covers
7 all that?

8 MS. SAARELA: Both those two sections cover
9 it.

10 MEMBER SANKER: All right.

11 MS. SAARELA: So you have the loading zone on
12 the side yard and then you have 5.3.11 not needing the
13 other three items. The other three issues being that
14 section of that ordinance. So it's, basically, three
15 variances under one section and one variance under the
16 other section.

17 MEMBER SANKER: Okay. Thank you.

18 CHAIRPERSON PEDDIBOYINA: Thank you.

19 Okay. Any other board members would like to
20 speak on this case, please?

21 MEMBER SANGHVI: Seeing none.

22 CHAIRPERSON PEDDIBOYINA: Okay. Seeing none.

23 I forgot to ask you, any from the audience?

1 Katherine, do you see any audience?

2 MS. OPPERMAN: No. There's no public
3 comments that are waiting to be heard at this time.

4 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
5 And no board members would like to speak any
6 other thing. Let's move to the motion. Somebody can
7 make a motion, please.

8 MEMBER SANKER: I can make a motion.

9 CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead,
10 please.

11 MEMBER SANKER: I move that we grant the
12 variance in case number PZ20-0018 sought by the
13 petitioner for both variances under Section 5.4.1 and
14 Section 5.3.11 ...

15 Because the petitioner has shown practical
16 difficulty and without the variance the petitioner will
17 be prevented or limited with respect to the use of the
18 property because they will not be able to use the
19 property for the permitted use.

20 The property is unique because it was
21 formerly a bank and now it's being converted into a
22 behavioral care facility. And the lot is narrow and
23 shallow. The petitioner did not create the condition

1 because it was caused by the previous owner.

2 The relief granted will not unreasonably
3 interfere with adjacent or surrounding properties
4 because the loading area will not interfere with public
5 rights of way and the drive-through will provide
6 adequate stacking of cars.

7 The relief is consistent with the spirit and
8 intent of the ordinance because there are no
9 obstructions to the rights of way and vehicles can
10 still get through the property safely.

11 MS. SAARELA: I would say just to clarify
12 that it's actually four variances from two sections.
13 Just so that it reads correctly in the motion.

14 MEMBER SANKER: Okay. So do I have to amend
15 that motion?

16 MS. SAARELA: Well, you said two variances.
17 I think you should just say -- would you amend it to be
18 four variances? That's the only part that needs to be
19 changed.

20 MEMBER SANKER: Okay. To amend the motion so
21 that there are -- the four variances requested are
22 approved with everything I just said beforehand.

23 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

1 Somebody can make a second.

2 MEMBER SANGHVI: Second.

3 CHAIRPERSON PEDDIBOYINA: Okay. Mr. Sanghvi,
4 thank you.

5 Katherine, can you please call the roll call?

6 MS. OPPERMAN: Of course. Chairperson
7 Peddiboyina?

8 CHAIRPERSON PEDDIBOYINA: Yes, please.

9 MS. OPPERMAN: Member Longo?

10 MEMBER LONGO: Yes.

11 MS. OPPERMAN: Member Sanghvi?

12 MEMBER SANGHVI: Yes.

13 MS. OPPERMAN: Member Sanker?

14 MEMBER SANKER: Yes.

15 MS. OPPERMAN: Member Montague?

16 MEMBER MONTAGUE: Yes.

17 MS. OPPERMAN: Thank you. And Member Verma?

18 MEMBER VERMA: Yes.

19 MS. OPPERMAN: Thank you. Motion passes.

20 CHAIRPERSON PEDDIBOYINA: Okay.

21 Congratulations.

22 And thank you, Katherine, for the roll call.

23 And Robert, congratulations.

1 MR. CLEMENTE: Thank you so much for your
2 consideration. Very much appreciated. We will not let
3 you down. I promise you that.

4 CHAIRPERSON PEDDIBOYINA: Thank you so much.

5 All right. And that brings us to the next
6 case for tonight and it is the final case tonight.
7 Going to the second case, PZ20-0020, Defrim and Elvira
8 Cizmja, C-i-z-m-j-a, 45605 Nine Mile Road, west of Taft
9 Road and south of 10 Mile Road, parcel number
10 50-22-33-200-034. The applicant is requesting a
11 variance from the City of Novi Zoning Code, Section
12 5.11 to install a fence with a driveway gate. By code
13 a fence shall not extend towards the front of the lot
14 nearer than the minimum front yard setback. This
15 property is zoned single family residential, R-1.

16 And is the applicant there today? Katherine?

17 MS. OPPERMAN: I believe Mr. Isaku will be
18 representing this case.

19 CHAIRPERSON PEDDIBOYINA: Okay.

20 MR. ISAKU: Yes.

21 CHAIRPERSON PEDDIBOYINA: Okay. Sounds good.
22 Are you the applicant?

23 MR. CLEMENTE: I am speaking on behalf of the

1 applicant today. The applicant is unfortunately unable
2 to join because of technical difficulties.

3 CHAIRPERSON PEDDIBOYINA: Okay. And for our
4 court record and secretary, Katherine, can you take the
5 oath?

6 MS. OPPERMAN: All right. Could you please
7 spell your name, sir?

8 MR. ISAKU: R-o-a-n, the last name is
9 I-s-a-k-u.

10 MS. OPPERMAN: Thank you. And you are not a
11 lawyer, correct?

12 MR. ISAKU: I am not.

13 MS. OPPERMAN: Then do you swear or affirm to
14 tell the truth in the matter before you?

15 MR. ISAKU: I do.

16 MS. OPPERMAN: Thank you.

17 CHAIRPERSON PEDDIBOYINA: Thank you,
18 Katherine. I appreciate that.

19 Roan, can you present on why you are here
20 today and can you present the case and how we can help
21 you?

22 MR. ISAKU: Yes. First off, thank you very
23 much for your time and consideration. This is a

1 strange and peculiar situation. The homeowners, Defrim
2 and his wife, their children, have a beautiful property
3 in Novi on Nine Mile west of Taft. And they did --
4 they built this beautiful home. It has a paved
5 driveway -- or the entire front, I suppose, of the
6 house is hardscape. It's these many good-looking,
7 brick pavers.

8 And it's -- they find themselves -- or ...

9 So it started with, you know, one of them
10 would come home from work and they would find a car
11 parked in the driveway, a strange car, right, just
12 parked in the -- like off to the side near the fence
13 maybe checking for directions or answering their phone,
14 you know. And these would be total strangers. And
15 they have also often returned home to find, like,
16 cracks from delivery trucks going on to their property
17 and turning around and sometimes they're heavy enough
18 to crack the brick pavers.

19 Also, in another situation there's plenty of
20 photos and evidence of rubber marks, you know, defacing
21 their front property there. And so they would like
22 your permission to install a lift gate fence which is a
23 very minimal structure that is magnetically operated

1 and also fails open in case there's a siren. It has a
2 sound-operated system that if there's a siren from
3 police or fire, then it fails open in case that there's
4 an emergency.

5 And that is the case that I'm here to
6 present. And I believe that there were also some
7 drawings and perhaps some photos that were submitted
8 for your consideration.

9 CHAIRPERSON PEDDIBOYINA: Excuse me.
10 Somebody's got a lot of noise in the background going
11 on. Can you put on mute somebody? Somebody needs to
12 put it on mute. I don't know who it is.

13 MR. ISAKU: I'm sorry about that.

14 CHAIRPERSON PEDDIBOYINA: Again, the noise is
15 coming in.

16 Anyhow, go ahead, please. Anything else you
17 want to say?

18 MR. ISAKU: No. I have drawings and photos,
19 if you would like for me to show as well.

20 CHAIRPERSON PEDDIBOYINA: Yes. Please go
21 ahead.

22 MR. ISAKU: Okay. So I'll share my screen.

23 (Documents displayed.)

1 MR. ISAKU: Here are some photos of scuff
2 marks and tire marks and things like that. And there's
3 a couple repairs that had to be made -- please forgive
4 me. That's my three-year-old baby crying in the
5 background.

6 So there's, like, pavers that had to be
7 replaced because they would crack. And, you know,
8 because of the freeze/thaw, once you have a crack,
9 water gets in there and then it causes further damage.

10 And here's some more. And that's the
11 hardship and the problem that they are dealing with.

12 And this is the fence right here. It's
13 already purchased and installed. But they would like
14 to sort of ask for permission anyway. It's magnetic
15 access Pro-H lift. And there's some images of this
16 here installed.

17 And so here it is from the front. It's, I
18 guess, as minimal as a lift gate could be.

19 So, you know, once you -- but there's no
20 mistaking it, if you approach it. So if someone, a
21 delivery truck or something goes up to it, they'll know
22 they should be stopping there because that's somebody's
23 home.

1 CHAIRPERSON PEDDIBOYINA: Roan, you're muted.

2 If you can unmute, please.

3 MR. ISAKU: Yes. Yes. Forgive me.

4 CHAIRPERSON PEDDIBOYINA: Thank you.

5 MR. ISAKU: So this is an image of the
6 homeowner's truck here. But, you know, can you imagine
7 if you pull in here and you return home from going out
8 to dinner with family and friends and then you come
9 here and this could be a stranger just sitting there.
10 Or, you know, maybe they're lost and they thought it
11 was a convenient place to pull in and turn around and
12 check their phone for directions. And that's the type
13 of thing they would like to prevent with this.

14 Like I said, it's really unusual. But as you
15 saw in those earlier photos, the evidence of the scuff
16 marks and rubber tracks and everything, it is a problem
17 and a hardship.

18 CHAIRPERSON PEDDIBOYINA: Okay. Do you want
19 to say any other thing? Any more questions or anything
20 before moving to that, Roan?

21 MR. ISAKU: No. Nope, I believe that's it.

22 CHAIRPERSON PEDDIBOYINA: Okay. Thank you
23 for your good presentation and everything. Thank you.

1 Anyone else in the audience?

2 Katherine, can you see anybody in the
3 audience?

4 MS. OPPERMAN: I can see that one of the
5 homeowners is in the audience watching right now, but I
6 don't see that anyone is raising their hand for a
7 comment.

8 CHAIRPERSON PEDDIBOYINA: Thank you so much,
9 Katherine.

10 And the City, Larry?

11 MR. BUTLER: There are no comments from the
12 City on this case at this time.

13 CHAIRPERSON PEDDIBOYINA: Thank you so much,
14 Larry. I appreciate it.

15 MR. BUTLER: You're welcome.

16 CHAIRPERSON PEDDIBOYINA: There being
17 nothing. And let's go to correspondence.

18 Acting secretary, Katherine?

19 MS. OPPERMAN: Certainly. In this case there
20 were 21 letters sent out. None that were returned. We
21 received two approvals. The first one was from
22 Katarina Wilson and that was just a simple circled
23 approval on that one.

1 And then the second approval came from
2 Eugene, I believe, Bonadeo, B-o-n-a-d-e-o. And they
3 have circled approval and commented that it is going to
4 look beautiful.

5 CHAIRPERSON PEDDIBOYINA: Thank you,
6 Katherine. I appreciate your time.

7 And Roan, I have a quick question. I saw
8 your property. And suppose that anything happens, a
9 fire or anything, how can the emergency or fire
10 department going to access your property?

11 MR. ISAKU: Yes. So if there is a siren
12 deployed, the gate is designed so that it opens and
13 remains opened until it is manually closed.

14 CHAIRPERSON PEDDIBOYINA: It is designed and
15 it is programmed by a siren?

16 MR. ISAKU: Yes. It's an SOS alarm system
17 that it's called.

18 CHAIRPERSON PEDDIBOYINA: SOS system, okay.
19 Okay. And let me see my fellow board members
20 what they say and I'll move on that.

21 Anybody on the board members can ...

22 Ramesh, go ahead.

23 MEMBER VERMA: Yeah. I do not understand.

1 The job is already done and why he's asking for the
2 variance now?

3 MR. ISAKU: It was -- they moved a bit fast
4 because of not knowing the procedures and the zoning
5 laws and ordinances. That was the reason.

6 MEMBER VERMA: I do not appreciate this.

7 MR. ISAKU: No. No. They asked for
8 forgiveness on that.

9 MEMBER VERMA: That's not a good answer,
10 actually.

11 Even the person who is putting it, that
12 person should know that they have to go to the City for
13 the ordinance approval.

14 MR. ISAKU: Yes. They have fired that
15 person, obviously. But, yeah, they are incredibly
16 sorry for having bypassed this.

17 MEMBER VERMA: Now, you are representing the
18 owner. What is your relationship with the owner?

19 MR. ISAKU: I am an architect. I am the
20 owner's architect for this.

21 MEMBER VERMA: As an architect you should
22 have known this also.

23 MR. ISAKU: Oh, I did. However,

1 unfortunately for me, I came on board after the gate
2 was already there.

3 MEMBER VERMA: Okay.

4 CHAIRPERSON PEDDIBOYINA: Thank you,
5 Mr. Ramesh.

6 And anyone on the board members who would
7 like to speak?

8 MEMBER SANGHVI: Mr. Chair, can I say a word?

9 CHAIRPERSON PEDDIBOYINA: Yes. Please go
10 ahead.

11 MEMBER SANGHVI: I agree with Ramesh's
12 comments and they should have known before they
13 installed the gate. I saw the gate there when I went
14 and visited that two days ago. But in spite of all
15 that, I understand that difficulty and I am still
16 willing to support their application. Thank you.

17 CHAIRPERSON PEDDIBOYINA: Thank you.

18 Anybody in the board member, please?

19 MEMBER SANKER: I would like to say a quick
20 word.

21 CHAIRPERSON PEDDIBOYINA: Yeah. Please, go
22 ahead.

23 MEMBER SANKER: Yes. So I think the purpose

1 of the zoning code section is for something that's --
2 in my opinion, I think it's for, like, platted land.
3 So that a neighborhood just doesn't have a row of
4 fences on their front property line. So this house is
5 a little bit different sitting on a public road or off
6 of a public road and it's not really in a platted
7 subdivision.

8 So I think the purpose of the zoning code --
9 or I guess what they want to do would be okay with me.
10 And I don't think the zoning code is trying to get
11 at -- you know, to prevent what they are -- or have
12 done already. So I'd be in full support of the fence.

13 CHAIRPERSON PEDDIBOYINA: Thank you so much.
14 I appreciate your time.

15 Okay. Who else in the board member would
16 like to speak on this case?

17 Okay. Looks like nobody would like to speak.

18 MEMBER LONGO: I would like to make a motion.

19 CHAIRPERSON PEDDIBOYINA: Yeah. Before that,
20 I would like to say one thing.

21 MEMBER LONGO: Excuse me.

22 CHAIRPERSON PEDDIBOYINA: Roan, before that,
23 you know, you are presenting as architect and also the

1 homeowner is not there and you already started and my
2 fellow board member, Ramesh Verma, he mentioned and
3 also the other board member, you need to -- you know,
4 before anything you have to do, any permission of the
5 zoning. But you guys stated on that you already
6 started. And let us see how the board reacts on this.

7 And please go ahead for the motion, please.

8 MEMBER LONGO: Okay. Thank you. I move that
9 we grant the variance in case PZ20-0020 and this is
10 sought by Defrim and Elvira Cizmja for a variance for
11 the fence and, more importantly, the gate. Because the
12 petitioner has shown the practical difficulty requiring
13 the placement of the gate. Without the placement of
14 the gate it has caused some visitors that were
15 unwarranted.

16 Without the variance, the petitioner would be
17 unreasonably prevented or limited with respect to the
18 use of the property because the gate would be too close
19 to the house and it's in a good spot. The property is
20 unique because -- because of the size of the lot, the
21 depth, the width and so forth which the owner bought as
22 it stands.

23 The petitioner did not create the condition

1 of these visitors. So placing the gate there is --
2 actually, a good security thing for the family and
3 people that live there.

4 The relief granted will not unreasonably
5 interfere with adjacent or surrounding properties
6 because the gate and the fence are all very attractive
7 and match the home. The relief is consistent with the
8 spirit and intent of the ordinance because it prevents
9 unwanted vehicles and who knows what from using the
10 driveway.

11 MEMBER SANKER: I second.

12 CHAIRPERSON PEDDIBOYINA: Thank you. And
13 chairperson, if you can, please, call for the roll.

14 MS. OPPERMAN: If I can get who seconded that
15 once more. I didn't catch it.

16 MEMBER SANKER: I seconded.

17 MS. OPPERMAN: Thank you. All right. In
18 that case, Member Verma?

19 MEMBER VERMA: Yes.

20 MS. OPPERMAN: Member Montague?

21 MEMBER MONTAGUE: Yes.

22 MS. OPPERMAN: Member Sanker?

23 MEMBER SANKER: Yes.

1 MS. OPPERMAN: Member Sanghvi?

2 MEMBER SANGHVI: Yes.

3 MS. OPPERMAN: Member Longo?

4 MEMBER LONGO: Yes.

5 MS. OPPERMAN: And Chairperson Peddiboyina?

6 CHAIRPERSON PEDDIBOYINA: Yes, please.

7 MS. OPPERMAN: Motion passes.

8 CHAIRPERSON PEDDIBOYINA: Okay.

9 Congratulations, Roan. Thank you. Good luck.

10 MR. ISAKU: Thank you. Thank you very much
11 on behalf of myself and the homeowners.

12 CHAIRPERSON PEDDIBOYINA: Okay. Thank you so
13 much.

14 All right. And today's cases are all
15 finished and nothing else to do. And I would like to
16 motion for the adjournment of today's meeting. Can
17 someone say adjourn this meeting?

18 MEMBER SANGHVI: Move to adjourn.

19 MEMBER SANKER: Second.

20 CHAIRPERSON PEDDIBOYINA: All say "Aye."

21 THE BOARD: Aye.

22 CHAIRPERSON KRIEGER: Thank you so much and
23 have a nice day and stay safe.

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And do you know, Katherine, when we're going to come back to the City and in-person meeting? Do you have any idea or any plan of that?

MS. OPPERMAN: There's been no official word from the City just as of yet. They're still working out what it will be for July. It will be a little bit dependent on what reaction we get from the governor's office from the State of Michigan.

CHAIRPERSON PEDDIBOYINA: Thank you so much. Stay safe, everybody. And good night.

(At 7:42 p.m., matter concluded.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, Notary Public within and for the County of Oakland (Acting in Oakland), do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of thirty-seven (37) typewritten pages, is a true and correct transcript of my said stenographic notes to the best of my ability.

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

June 19, 2020
(Date)