

03/11/2025

1 REGULAR MEETING - ZONING BOARD OF APPEALS

2 CITY OF NOVI

3 Tuesday, March 11, 2025

4 Council Chambers/Novi Civic Center

5 41725 Novi Road

6 Novi, Michigan

7

8 BOARD MEMBERS:

9

Joe Peddiboyina, Chairperson

Mike Longo, Secretary

10

Siddharth Mav Sanghvi, Member

Linda Krieger, Member

11

Michael Thompson, Member

W. Clift Montague, Member

12

Joe Samona, Alternate Member

13

ABSENT UNEXCUSED:

14

Larry Butler, Member

15

ALSO PRESENT:

16

Joellen Shortley, City Attorney

Alan Hall, Deputy Community Development

17

Director

Sarah Fletcher, Recording Secretary

18

REPORTED BY:

19

Melinda R. Womack

20

Certified Shorthand Reporter

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1 CHAIRPERSON PEDDIBOYINA: Okay. Good
2 evening and welcome to the Novi City Zoning Board
3 of Appeals. Today is March 11th, 7 p.m. Pledge
4 of Allegiance. Please stand up everybody. Clift
5 Montague.

6 (Pledge of Allegiance recited)

7 CHAIRPERSON PEDDIBOYINA: Thank you.
8 Please be seated. Roll call.

9 MS. FLETCHER: Chairperson Peddiboyina?

10 CHAIRPERSON PEDDIBOYINA: Yes, please.

11 MS. FLETCHER: Member Sanghvi?

12 MEMBER SANGHVI: Here.

13 MS. FLETCHER: Member Thompson?

14 MEMBER THOMPSON: Yes.

15 MS. FLETCHER: Member Montague?

16 MEMBER MONTAGUE: Here.

17 MS. FLETCHER: Member Longo?

18 MEMBER LONGO: Here.

19 MS. FLETCHER: Member Krieger?

20 MEMBER KRIEGER: Here.

21 MS. FLETCHER: Member Butler? Absent
22 unexcused. And Alternate Member Samona?

23 MEMBER SAMONA: Here.

24 MS. FLETCHER: Thank you. We have a
25 quorum.

1 CHAIRPERSON PEDDIBOYINA: Thank you so
2 much. Public hearing and format and rules of
3 conduct. Approval of minutes of February.
4 Somebody make a motion. Any changes? Any
5 modifications?

6 MEMBER SAMONA: I make a motion to
7 approve.

8 CHAIRPERSON PEDDIBOYINA: Make a
9 second, please.

10 MEMBER LONGO: I second.

11 CHAIRPERSON PEDDIBOYINA: Thank you.
12 Any objections? Any changes? Say all in favor
13 aye.

14 THE BOARD: Aye.

15 CHAIRPERSON PEDDIBOYINA: Any nays?
16 Passed unanimous. And roll call. Okay. Approval
17 of the agenda. Any changes? Any modifications to
18 tonight's meeting?

19 MEMBER SANGHVI: Is it okay to start
20 without the attorney?

21 MEMBER KRIEGER: Is Beth coming?

22 MS. FLETCHER: Beth is not coming.
23 Joellen is supposed to be here. She is not here.

24 MR. HALL: I don't know if we can do
25 anything without her.

1 MS. FLETCHER: Let me call Beth.

2 CHAIRPERSON PEDDIBOYINA: Please wait
3 for few minutes. Secretary is calling for
4 attorney. Sorry for that. Thank you, Dr.
5 Sanghvi, for pointing attorney.

6 MR. HALL: Mr. Chairman, she's coming
7 right now.

8 CHAIRPERSON PEDDIBOYINA: Thank you so
9 much. Appreciate it and thank you city. Okay.
10 Approval of agenda. Any changes? Any
11 modifications? Looks like none. Public remarks?
12 This is the time to speak up any public remarks
13 around these public hearings. Looks like none.
14 Thank you. And today we have two cases. Once I
15 call your case, please come to the podium. Tell
16 your first and last name clearly for our
17 secretary. And if you're not an attorney, you
18 need to take a pledge from the secretary. And we
19 have two cases. The case number today is
20 PZ25-0004 (Sheryl Madden) 46130 West Park Drive,
21 on West Park Drive, north of West Road, Parcel.
22 50-22-04-451-009. The applicant is requesting variances
23 from the City of Novi Zoning Ordinance Section 4.19.E.v
24 to allow 2,952 sq ft aggregate total for accessory
25 structures (2,500 sq ft allowed, variance of 452 sq ft).

1 This property is zoned Residential Acreage (R-A).
2 Please tell your first and last name clearly for our
3 secretary.

4 MS. MADDEN: Yes, sir. I'm Sheryl
5 Madden.

6 MEMBER LONGO: Could you spell your
7 first and last name, please?

8 MS. MADDEN: S-H-E-R-Y-L, M-A-D-D-E-N.

9 MEMBER LONGO: Sheryl, are you an
10 attorney?

11 MS. MADDEN: No, I am not.

12 MEMBER LONGO: Do you promise to tell
13 the truth in this case?

14 MS. MADDEN: I do.

15 MEMBER LONGO: Thank you.

16 CHAIRPERSON PEDDIBOYINA: Please go
17 ahead, Sheryl, where we can help you tonight on
18 this case please.

19 MS. MADDEN: Thank you. Good evening
20 I'm the homeowner of the property located at 46130
21 West Park Drive and I'm applying for a dimensional
22 variance for a home zone as a residential acreage
23 so that I may install a shed measuring 16-by-12
24 feet, which is less than 200 square feet, in order
25 to store our yard and snow equipment. We have a

1 vast number of tools, which are required to
2 maintain a property of this size, which measures
3 2.72 acres. And for perspective, the lot is
4 larger than the size of two football fields. The
5 total variance requested is 452 square feet
6 allowing 2,952 square feet of total accessory
7 space for the property. As you can see, the home
8 is set back from the road approximately 200 and
9 300 feet, which places the majority of the
10 property in the front yard from a maintenance
11 perspective.

12 The proposed accessory structure will
13 be located in the backyard as shown here. From
14 this photo you can see that the structure cannot
15 be seen from the road. The structure also cannot
16 be seen by the neighbors or the adjacent
17 neighborhood due to tree coverage as well as a
18 privacy fence.

19 Here's a picture of the proposed
20 location from inside the yard. The practical
21 difficulty we're experiencing is have to store all
22 of our lawn and snow equipment. For instance, we
23 have two snowblowers, a riding mower, a push
24 mower, a wood chipper, and the list goes on and on
25 as to the amount of equipment that we have. We

1 prefer to have to dedicated space inside a
2 structure to keep the equipment out of the natural
3 elements.

4 Here's a picture of the proposed
5 structure, which we'll try to coordinate to match
6 our existing home. We're a standalone home and
7 not part of a homeowners association. However, we
8 have obtained collective support of our neighbors
9 who understand what we do for our property to keep
10 it looking well maintained for them to view as
11 well.

12 So I thank you for your consideration,
13 and I'm happy to answer any questions you may
14 have.

15 CHAIRPERSON PEDDIBOYINA: Thank you,
16 Sheryl. Appreciate your presentation. The roof
17 structure, before we go, from the city.

18 MR. HALL: Mr. Chairman. Yes. She's
19 asking for an aggregate variance. So they're
20 allowed to have for this property 2,500 square
21 feet of aggregate accessory structures. So she'll
22 be asking for a 452 square foot variance tonight
23 to the aggregate. She will have -- she'll end up
24 with two accessory structures, which is fine for
25 what she wants to do, so that's fine. I believe

1 the height of it was 11'3" to the height of the
2 peak, which is also fine for the ordinance.

3 I do have a question for you. On
4 the -- you showed the one that showed the two
5 fences where you're going to put it. Are the
6 fences on the property line?

7 MS. MADDEN: The fences are not on the
8 property line. There is easement, and our
9 property is actually on the other side of the --

10 MR. HALL: So it's inside your
11 property?

12 MS. MADDEN: Correct. It's inside our
13 property line. Absolutely.

14 MR. HALL: And then I think I saw a
15 graphic, you said you're going to be six foot off
16 the fence in both directions for the --

17 MS. MADDEN: We will be ten feet off
18 the house and six feet off the fence. Correct.

19 MR. HALL: So it has to be a minimum of
20 six feet to the fence.

21 MS. MADDEN: It will be more than that.
22 Yes.

23 MR. HALL: In which case we're all
24 good. Thank you.

25 CHAIRPERSON PEDDIBOYINA: Thank you,

1 Alan. I appreciate. Public remarks. Public
2 hearing. Anybody would like speak on this case?
3 Looks like none. Okay. From the secretary,
4 correspondence?

5 MEMBER LONGO: Yes. We mailed out 20
6 notices about this and we had none returned.
7 There were no objections and no approvals.

8 CHAIRPERSON PEDDIBOYINA: Thank you.
9 Before going to the Board I'd like to ask a
10 question. Is the roof, is it matching the current
11 roof?

12 MS. MADDEN: I have spoken with the
13 Michigan Storage Barns, which we hope to purchase
14 from, and they said that they can try to match the
15 shingling, so. . .

16 CHAIRPERSON PEDDIBOYINA: Okay. Yeah
17 thank you. And I don't have any further
18 questions. And open to the Board. Please go
19 ahead. Anybody would like to speak on this case?
20 Dr. Sanghvi.

21 MEMBER SANGHVI: You have a very famous
22 last name.

23 MS. MADDEN: Thank you.

24 MEMBER SANGHVI: I came and visited
25 your property last week. It's almost like -- how

1 many acres have you got?

2 MS. MADDEN: 2.72.

3 MEMBER SANGHVI: So no wonder it is so
4 huge to come inside. Main thing I really wanted
5 to congratulate you. I haven't seen such a
6 beautiful application that you have prepared, and
7 I've been on this Board for about 20 years. So
8 it's one of the best applications you have created
9 for this job.

10 MS. MADDEN: Thank you very much.

11 MEMBER SANGHVI: I can see why you need
12 a big shed there to keep all your equipment,
13 tractor, all kinds of things for snow removal and
14 all that. So I have no problem in supporting your
15 application. Thank you.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank
17 you, Dr. Sanghvi. Michael Thompson.

18 MEMBER THOMPSON: What kind of floor
19 are you going to have?

20 MS. MADDEN: It's going to be concrete
21 floor, four inches, three to four inches is what's
22 required. And then below that will be crushed
23 stone.

24 MEMBER THOMPSON: Does the fire
25 department have -- put any kind of stuff with --

1 the reason I ask, with outdoor equipment it all
2 has gas.

3 MR. HALL: They're okay as long as it
4 offsets of the property line. So six foot they'll
5 be fine with. And then you are going to store gas
6 in there, is that correct?

7 MS. MADDEN: Gas will be within the
8 equipment itself. So we don't have to store the
9 actual tanks in there, but we can -- certainly the
10 mowers are going to have gasoline in them.

11 MR. HALL: So that would be fine. It
12 would be storing a lot of gas like tanks and that
13 would be a problem. I believe the code does
14 govern that, and so does the fire code of how much
15 that is, but I don't see that you're saying that.
16 So I don't think that's an issue.

17 MEMBER THOMPSON: That's it.

18 CHAIRPERSON PEDDIBOYINA: Thank you,
19 Member Thompson. Joe?

20 MEMBER SAMONA: Besides the garage,
21 what's the other accessory structure?

22 MS. MADDEN: There's an outbuilding on
23 the property.

24 MEMBER SAMONA: There's an outbuilding
25 on the property. I drove by the property as well

1 over the weekend. I really like how it's well
2 manicured, and I join Dr. Sanghvi in saying that,
3 you know, the application is very well put
4 together. Although it's nice to have applications
5 well put together. That way it makes it clear and
6 concise what you're asking for, where things are
7 going so we definitely appreciate that. And I as
8 well wouldn't have any issue with this.

9 CHAIRPERSON PEDDIBOYINA: From the
10 city, Alan?

11 MR. HALL: Yeah. I'd like to clarify
12 your question. So they do have an accessory
13 structure. Also the attached garage is also
14 considered as an attached accessory. So you're
15 allowed to have two detached accessories and one
16 attached, and they have the attached. So the
17 total variance will be asking to adding all of
18 them would be 452 square feet. Thank you.

19 CHAIRPERSON PEDDIBOYINA: Thank you.
20 Okay. Linda?

21 MEMBER KRIEGER: So the garage is
22 attached or not attached?

23 MS. MADDEN: We have an attached garage
24 and then we have a detached outbuilding.

25 MEMBER KRIEGER: Okay. Thank you.

1 CHAIRPERSON PEDDIBOYINA: Okay. Any
2 other board member? Looks like none. Linda, can
3 you make a motion, please.

4 MEMBER KRIEGER: I move that we grant
5 the variance in Case No. PZ25-0004 sought by
6 Sheryl Madden for 46130 West Park Drive.
7 Because Petitioner has shown practical difficulty
8 requiring a 452 Sq Ft variance for a 2952 aggregate
9 variance and she is on 2.72 acres. Without the variance
10 the Petitioner will be unreasonably prevented or limited
11 with respect to the use of the property because of the
12 requirement for manicuring and maintaining the property.
13 And the placement of the accessory structure will be as
14 she stated that it will not cause interference with
15 neighbors. The property is unique because of its
16 placement of the house further back from the road. The
17 Petitioner did not create the condition because it's not
18 a split lot. The relief granted will not unreasonably
19 interfere with adjacent or surrounding properties
20 because of fencing to the north and the placement of the
21 house and the intended placement of the accessory
22 structure. The relief is consistent with the spirit and
23 intent of the ordinance because it is a reasonable
24 Request.

25 MEMBER SANGHVI: Second.

1 CHAIRPERSON PEDDIBOYINA: Thank you.

2 Thank you Dr. Sanghvi and Dr. -- sorry, Linda.

3 Roll call, please.

4 MS. FLETCHER: Chairperson Peddiboyina?

5 CHAIRPERSON PEDDIBOYINA: Yes, ma'am.

6 MS. FLETCHER: Member Sanghvi?

7 MEMBER SANGHVI: Yes.

8 MS. FLETCHER: Member Thompson?

9 MEMBER THOMPSON: Yes.

10 MS. FLETCHER: Member Montague?

11 MEMBER MONTAGUE: Yes.

12 MS. FLETCHER: Member Longo?

13 MEMBER LONGO: Yes.

14 MS. FLETCHER: Member Krieger?

15 MEMBER KRIEGER: Yes.

16 MS. FLETCHER: Member Samona?

17 MEMBER SAMONA: Yes.

18 MS. FLETCHER: Thank you. Motion

19 carries.

20 CHAIRPERSON PEDDIBOYINA: Thank you,

21 Sheryl. Good luck and congratulations.

22 MS. MADDEN: Thank you very much.

23 CHAIRPERSON PEDDIBOYINA: Okay. The

24 final case tonight PZ25-0005 (Ori Halpert) 130

25 Buffington Drive, south of South Lake Drive, east

1 of West Park Drive, Parcel 50-22-03-331-007. The
2 applicant is requesting variances from City of
3 Novi Zoning Ordinance Section 3.1.5 for a side
4 yard setback of 5 ft (10 ft required, variance of
5 5 ft); for a side yard aggregate total of 15 ft
6 (25 ft required, variance of 10 ft); for a front
7 yard setback of 24 ft (30 ft required, variance of
8 6 ft) This variance would accommodate the building
9 of a new home. This property is zoned One-Family
10 Residential (R-4). Is applicant present? Please
11 come up to the podium and spell your first and
12 last name clearly. And if you're not an attorney
13 you need take an oath from secretary.

14 MR. HALPERT: My name is Ori Halpert.

15 MEMBER LONGO: Could you spell your
16 name for us, please.

17 MR. HALPERT: O-R-I, H-A-L-P-E-R-T.

18 MEMBER LONGO: Are you an attorney?

19 MR. HALPERT: No.

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

22 MR. HALPERT: Yes.

23 MEMBER LONGO: Thank you.

24 CHAIRPERSON PEDDIBOYINA: Okay. Please
25 go ahead and explain your situation where we can

1 help you tonight on this case.

2 MR. HALPERT: So first I will say that
3 my architect couldn't come here because he had a
4 situation and is in recovery, so I'll try to do my
5 best here. I'm the property owner. So what we're
6 asking, the property is 40 feet wide. And, of
7 course, the side yard requires 25. So what we are
8 asking is for be a variance of five foot on one
9 side and ten on the other, so total of 15. So
10 instead of 25 we are asking for 15. And then on
11 the front we're asking for a variance of six foot
12 because it's required 30, and we're asking for a
13 front yard setback of 24. And that's it.

14 The one thing I want to mention,
15 because we still have the city comment. So on the
16 right -- on the side where we have the ten foot,
17 we would do an eight foot driveway and a three
18 foot for landscaping because the city said it's
19 required. So one foot, 23 foot instead 24. So
20 that would meet the requirement for eight foot
21 driveway and a three foot landscaping basically.
22 So we would do that.

23 And regarding the garage, the city also
24 said the backyard need a six foot variance and we
25 have just three. So we will remove it from the

1 plans now and maybe we will maybe submit at a
2 later meeting or something for the garage after we
3 decide what exactly we're going to do. Because if
4 we take like six foot from the back.

5 CHAIRPERSON PEDDIBOYINA: Any other
6 thing you would like to add?

7 MR. HALPERT: No. Of course if there
8 is questions.

9 CHAIRPERSON PEDDIBOYINA: Okay. Thank
10 you. From the city?

11 MR. HALL: Thank you, Mr. Chairman. Do
12 you have a graphic that shows your site plan?

13 MR. HALPERT: The what?

14 MR. HALL: Do you have a graphic that
15 shows your site plan you can put up on the screen
16 so we can see it?

17 MR. HALPERT: I thought we sent it to
18 the city. I didn't bring it with me.

19 MR. HALL: She's going to help you.

20 MR. HALPERT: So on the right side you
21 can see that's the ten foot, and the left side is
22 five foot.

23 CHAIRPERSON PEDDIBOYINA: Can you point
24 your finger on there on the screen and show five
25 feet for the audience also?

1 MR. HALPERT: What is that?

2 CHAIRPERSON PEDDIBOYINA: You can point
3 to the screen, please, so that everybody can see
4 what you're asking.

5 MR. HALPERT: So that side would be ten
6 foot on that side, and the other side would be
7 five, so a total of 15 instead of 25. And that's
8 what we're asking. What I said earlier that the
9 ten foot, the width of the house is 24 so we would
10 shrink it to 23, so it's allowable three foot for
11 the driveway and the three foot landscaping.

12 MR. HALL: So I have some questions.
13 So this plan that you've provided, has that been
14 designed by a civil engineering where the iron is
15 actually found? So is the plan you're showing
16 accurate?

17 MR. HALPERT: Yeah. So we had survey
18 on the property. And then we spoke with the city,
19 told us get us just a floor -- sorry. Not a floor
20 plan, so the board can see what we're talking
21 about. And after that, we'll have the actual
22 plans inside and everything. But that would be
23 the size of the house.

24 MR. HALL: So it's accurate, because
25 it's very tight. So I just want to make sure.

1 MR. HALPERT: It's after a survey and
2 everything by engineer.

3 MR. HALL: Okay. So he's asking for
4 three variances tonight. One is for a six foot
5 front yard setback variance. So he's in the front
6 yard setback. Two is going to be a five yard side
7 yard setback variance. And just as a cautionary
8 note, anything that the building is closer to five
9 feet to the property line, wall has to be fire
10 rated, so it's going to limit the openings like
11 windows and things on that wall. So right now,
12 you're five feet, so you're okay. Actually, I
13 think you're 5'6". It looks like it's 5'0." But
14 if you're closer to five feet, the building code's
15 going to require that to be a fire rated wall and
16 you won't be having any windows on that side as a
17 caution.

18 And then he needs another variance for
19 a ten foot aggregate for a total variance on both
20 sides. So three variances tonight. I do have a
21 question about the ten foot side. So the
22 accessory garage in the back, you're going to use
23 that for a garage like for cars, or for what's
24 your purpose?

25 MR. HALPERT: That was the plan. Yeah.

1 MR. HALL: So the intention is to drive
2 a vehicle in that ten foot space, now 11 foot if
3 you decide to make your house --

4 MR. HALPERT: We want it to be eight
5 foot.

6 MR. HALL: Okay. So just as a
7 cautionary thing, we'd have to have three foot
8 minimum from the property line to the edge of
9 concrete for that, for a swale to get drainage
10 through there. So that would make you down to
11 seven feet or eight foot width. It's exactly
12 right to the house. So you probably want to have
13 a little distance off your house. So anything
14 less than ten feet would have to go to the Board
15 of Appeals because of the width of the driveway
16 just as a note.

17 So the accessory garage can't be looked
18 at today because it's -- right now it's because
19 you need variances for that. But you said you can
20 move the accessory garage to a point where you
21 don't need any variances, is that correct?

22 MR. HALPERT: Yes. So when we resubmit
23 the plans for approval, we will remove the garage
24 at this point.

25 MR. HALL: So we have a concern about

1 just how close when you bring it down there's an
2 angle in the back, so you're going to follow that
3 six foot off the property line in the back.
4 You're going push it down so it's six foot off the
5 other property line, it's going to come down some.
6 The apron in front of that garage is going to have
7 to have your cars, so as they come in from the
8 side, they have to get in geometrically.

9 The Board could ask for another drawing
10 to show the driveway, the actual width of the
11 house that you want it to be and how that looks.
12 You could do that and have it ready for the next
13 meeting if you wish. I just wanted to say that so
14 you don't -- if you have questions on that, I want
15 to see more detail on that because there are other
16 boards you have to do if it's going to be less
17 than ten feet for a driveway.

18 MR. HALPERT: Question. If we're
19 moving the garage so for the building permit that
20 we submitted, so that's fine.

21 MR. HALL: Right now it hasn't been
22 advertised for any variances for any accessory
23 structure, so it has to be moved. It can't be
24 that close to the property line right now. Now,
25 if you wish to keep it there, you can come back

1 and do a variance for those. But right now the
2 Board can't look at that in terms of where it has
3 to move, if that makes sense.

4 I mean there's a fence on the existing
5 property line now from the neighbor, so it's very
6 tight between the house and that fence. So that's
7 just a caution there.

8 CHAIRPERSON PEDDIBOYINA: Thank you,
9 Alan. Appreciate it. From the secretary?

10 MEMBER LONGO: We mailed out 31
11 notices, one was returned. There were two
12 objections and two approvals. The two objections,
13 one of them was from Gerald and Loretta Montes.
14 Any structure within five feet I assume on their
15 side would be dangerously close, especially with
16 the fireplace structure near the lot line. They
17 also say the elevation of the lot is 933.7, 7/10,
18 and we are at 933 and 8/10. Any backfill on the
19 40 foot lot will cause flooding to us. The other
20 objection was lot too small and drainage issues.
21 That was from Margaret Valez.

22 CHAIRPERSON PEDDIBOYINA: Thank you.
23 So public, anybody would like to speak on this
24 case? Please come to the podium. Spell your
25 first and last name clearly.

1 MR. MONTES: Hello. My name is Gerald
2 Montes.

3 MEMBER LONGO: Gerald, please spell
4 your first and last name.

5 MR. MONTES: G-E-R-A-L-D, last name is
6 M-O-N-T-E-S.

7 MEMBER LONGO: Gerald, are you an
8 attorney?

9 MR. MONTES: No.

10 MEMBER LONGO: Do you promise to tell
11 the truth in this case?

12 MR. MONTES: Yes, I do.

13 MEMBER LONGO: Thank you.

14 CHAIRPERSON PEDDIBOYINA: Please go
15 ahead.

16 MR. MONTES: I'm the house at 130
17 Buffington, and I have a plan here from the
18 existing home if I could submit it.

19 CHAIRPERSON PEDDIBOYINA: Please go
20 ahead.

21 MR. MONTES: This is my home here, and
22 this is the six feet between my home and the
23 fence, the existing fence now. The previous
24 structure, which was at 130 was 11.5 feet from the
25 fence line to that structure. The garage area

1 that was in the back was six feet away. So
2 basically between my six feet and the 11.5, there
3 was almost 18 feet between the houses, which was
4 safe for structural fires or any damage that could
5 come.

6 Now, if you only knock that down to
7 five feet and then it's six feet from my house,
8 that's only 11 feet. 11 feet with a variance of
9 five feet on lot 130 up against my fence is really
10 going to narrow the size of the safe distance
11 between homes. All of the homes on Buffington
12 Street, if you're familiar with that area out
13 there, we have anywhere from 16 to 20 feet between
14 every home, which is a safe distance for fire or
15 emergencies. I'm just finding the fact that a
16 five foot variance on the north side, which would
17 be right here, would infringe on my property. And
18 as stated by the gentleman, any type of backfill
19 or elevation increase in that area, the backfill
20 up against the house and foundation, would create
21 a flooded area into my property. I prefer that
22 the house move -- I don't want to accept the
23 variance on the north side. I don't have an
24 objection to his variance from the road to the
25 house. The reason you probably wonder why, my

1 house sits 70 feet back, the elderly lady that
2 lived at 130 Buffington had one small window on
3 the side of her house, and she asked me when I
4 built my house, could you please move it back. I
5 sit there and drink my coffee. I look at the
6 lake. So that's why my house sits back so far. I
7 was being neighborly.

8 I just believe that the five foot
9 variance would be an infringement on my property
10 and also a safety hazard to my property in case of
11 fire. Every other house on the street there's 20
12 feet, ten feet, ten feet, 20 feet between homes.
13 One house somebody requested for a variance at 130
14 Buffington, it's a 40 foot lot. It's really too
15 narrow to build anything on it and have any kind
16 of swale process done to it after the building to
17 maybe move water, or the house itself is a
18 pre-existing house as you can see here was 11
19 feet. So when I requested a variance to build
20 this home 50 years ago, the reason they gave me
21 the variance is because the house next door was 11
22 and a half feet, and with my six feet, that
23 created an 18 foot separation between the two
24 houses. So I would like to maintain that, and I'm
25 requesting that the variance on the north side not

1 be granted. That's all I have to say. Thank you.

2 CHAIRPERSON PEDDIBOYINA: Thank you so
3 much.

4 MEMBER LONGO: You're at 128.

5 MR. MONTES: Yes.

6 MEMBER LONGO: And he's at 130.

7 MR. MONTES: Yes.

8 MEMBER LONGO: So that's a ten foot
9 variance on that side, not a five foot.

10 MR. MONTES: Is that what the picture
11 showed, the ten foot variance? Is that the
12 driveway side?

13 MEMBER LONGO: Yes.

14 MR. MONTES: Okay. I didn't see that.
15 The ten foot variance would be on the north side.

16 MEMBER KRIEGER: Correct.

17 MR. MONTES: Is that correct? Okay. I
18 don't have a problem with it if it's going to be
19 ten feet on that side and I have a ten foot
20 variance between the house and my fence where the
21 driveway is going to be and then that creates a
22 safe distance between the two properties, I have
23 no objection.

24 CHAIRPERSON PEDDIBOYINA: Thank you so
25 much. Any other audience? Any other audience

1 would like to speak, this is the time. Okay.

2 Looks like none. Okay. It's open to the board.

3 Okay, Joe.

4 MEMBER SAMONA: Yes. Couple of things
5 really. This is a tough predicament because as a
6 Realtor I see these types of properties all the
7 time, and I'm familiar with that street, but I see
8 it more so, a lot of them in Birmingham where the
9 single wide lots are about 40 feet wide. However,
10 one of the questions that I have, and this may be
11 a question for Alan, may be a question for the
12 city attorney here today, is if we granted the
13 variance on the side, are we granting it as -- are
14 we granting the ten foot variance requested, or
15 are we granting that has to be no less than five
16 feet setback from one side and no less than ten
17 from the other side? Because hypothetically
18 speaking, again, this is a what if he decided to
19 go right in the middle and it was seven and a half
20 on both sides?

21 MR. HALL: So to answer your question,
22 he's asking for two variances. One is the
23 aggregate, which is the ten foot between the two
24 15 foot both the aggregate, he's asking for a
25 variance on the side of the home too. So to

1 answer your question, if you approve the variances
2 the way they stand, he couldn't move the house.
3 It have to be locked in.

4 Now, there may be a question about
5 drainage I heard. There might be some other
6 questions how the driveway is going to act and
7 where the accessory structure is going to be. You
8 can ask for that information at a separate
9 meeting. You can say I'd like to see how this
10 drainage is going to work and ask for more
11 information if you'd like to add to that. So
12 because you're asking if you approve it, how is it
13 going to lock in. So right now the drawings are
14 level, which is understandable. He's trying to
15 get to a certain part to make a decision here.
16 But if we can't make a decision as a board and you
17 need more information, you can ask for that.

18 MEMBER SAMONA: My natural
19 inclination -- like I said, I'm familiar with
20 these properties. However, this is relatively
21 especially narrow. And I don't know if we can do
22 this. I'm going to wait to hear from the other
23 board members. My inclination is to, if we can,
24 table this to see where the drainage is going to
25 go, you know, and how that's going to work out,

1 unless that's not necessarily recommended, if you
2 will.

3 MR. HALL: That's the board's
4 prerogative.

5 CHAIRPERSON PEDDIBOYINA: Thank you,
6 Joe.

7 MR. HALPERT: Regarding the drainage,
8 so it's kind of a process because I need to know
9 where the house is sitting and then I can go to my
10 engineers and ask them to prepare like the
11 drainage plan, right? Like they can do a drainage
12 plan, but then if the board will approve a
13 different type of house, that's a different
14 variance or something, so that we need to change
15 the drainage. If I'm wrong here, but I think
16 that's how it's going to work. Like I can go back
17 to the engineer and tell him hey, that's the site
18 plan. That's how we're going to build the house,
19 they need to plan like the drainage and show it on
20 the plans.

21 MR. HALL: Through the Chairman, can I
22 answer that?

23 CHAIRPERSON PEDDIBOYINA: Please go
24 ahead.

25 MR. HALL: So if the board doesn't have

1 enough information to make a determination for
2 variances, they can ask for more. If you could
3 present tonight enough information they can make
4 the determination, they can do that. So the
5 actual configuration of the house and how it lays
6 out if it has to be more information, maybe it is
7 a good idea to table to understand where the
8 design parameters really are for that driveway and
9 how that works with the accessory garage. But the
10 requirement, that's only if the board wishes to do
11 so they can make a determination tonight. That
12 makes sense. Thank you.

13 CHAIRPERSON PEDDIBOYINA: Before going
14 to the board, as Joe said, for the board, I'm
15 asking the board members, do you want to table
16 this case, or do you want more questions and
17 answers?

18 MEMBER SAMONA: I think there's more
19 information that would be beneficial in order for
20 us to better serve not only the property owner but
21 the community surrounding him to table this. And
22 that's not -- that's not necessarily -- that's not
23 a bad thing, necessarily, we just want to make the
24 best decision for you. We don't want to drag it
25 on, but we want to make the best decision not only

1 for you, but also in accordance with what we have
2 presented to us.

3 CHAIRPERSON PEDDIBOYINA: Thank you,
4 Joe.

5 MR. HALPERT: My architect is watching
6 the committee. He text me. He said that the
7 drainage will travel down the driveway and would
8 be swale it around the other side of the house.
9 That's for the drainage question.

10 CHAIRPERSON PEDDIBOYINA: Go ahead.

11 MEMBER MONTAGUE: Joe, I think we need
12 to see some additional information. I think it's
13 going to serve you well because you don't want to
14 get turned down because we don't feel like we have
15 enough. So if you could come back with the
16 driveway layout, your 11 foot shown, the structure
17 on the back where it really meets, if it's going
18 to meet and don't need another variance and show
19 us some contours for that drainage, I think you'll
20 have a better chance. I think tonight you will
21 not have a very good chance in my mind.

22 CHAIRPERSON PEDDIBOYINA: Thank you,
23 Clift Montague. Dr. Sanghvi.

24 MEMBER SANGHVI: I came and saw your
25 place last week. I had a hard time to do a u-turn

1 in that narrow street to get out of here. And
2 when I saw your place, I think you're a brave man
3 to have a lot like that to build a house on it
4 with two big trees, one on the side yard here,
5 next to your property, I think, and the one in the
6 right back. And you're going to get rid of those
7 trees, right?

8 MR. HALPERT: So all the trees, the one
9 in the back from to --

10 MEMBER SANGHVI: That tree in that
11 house, there is no place to put your wall there.
12 It's a difficult situation all around. I
13 understand that. And I know that for many years
14 there's always been a problem in that area. Most
15 of those roads were not designed to build a house,
16 they were all designed for cabins in the old days.
17 If you go on the west side, the other side opens
18 up and you are too close on the north side. I
19 don't know which is the correct way of doing it.
20 It is up to you to decide. You heard what
21 everybody's saying. I personally don't believe
22 putting off decisions because I'm a surgeon. I
23 like to decide the time to do it and do it well.
24 First time is the best time.

25 MEMBER LONGO: This isn't surgery.

1 MEMBER SANGHVI: My suggestion will be
2 to come to some understanding right now instead of
3 postponing it later on and do it. So it's up to
4 you. Thank you.

5 CHAIRPERSON PEDDIBOYINA: Thank you,
6 Dr. Sanghvi. Dr. Sanghvi, I really appreciate you
7 driving at this age and in winter and rainy season
8 you physically go look at the property, and I
9 really thank you for that. Okay. Linda, you have
10 a question, please?

11 MEMBER KRIEGER: Yep. On the fence
12 side, on the south of the line of trees there, are
13 you going to remove them?

14 MR. HALPERT: So if I remember
15 correctly I have a tree on the back inside our
16 property line.

17 MEMBER KRIEGER: Right. There's a tree
18 in the middle and it seems like the house is going
19 to be -- there's the garage and then the house and
20 then it would be in the middle, I suppose, that
21 you could keep that tree in the middle?

22 MR. HALPERT: So the one in the back we
23 plan to keep. The one inside we need to see how
24 it's sitting with the plan. I don't remember.

25 MEMBER KRIEGER: And then the garage, I

1 guess you're wanting us to postpone that, and then
2 you don't have the interiors figured out. And
3 then there is the issue of the drainage. So if
4 you have your laundry, you know, what side is that
5 going to be coming out of for the air to come out,
6 bedrooms, living room, kitchen and drainage and
7 then the swale that the best thing to do would be
8 like we're all saying is to table it, come back,
9 have your interior figured out, have the swale,
10 figured out, where's the water going to go so it
11 accommodates your home. But also takes care of
12 the neighbors as well that they're not going to
13 have water in their basement. And then figure out
14 with the garage with the city so you can have your
15 entire plan, here it is, and no more worries.

16 CHAIRPERSON PEDDIBOYINA: Thank you,
17 Linda. See, the thing is, again, coming back, you
18 want to keep this case to postpone or how you
19 want? The board members can help me on that.

20 MEMBER LONGO: I think we should
21 postpone it until we see the drainage information.

22 CHAIRPERSON PEDDIBOYINA: Okay.

23 MEMBER LONGO: And I make a motion.

24 CHAIRPERSON PEDDIBOYINA: Before going
25 to motion, any other board members? From the

1 city?

2 MR. HALL: I do want to mention just a
3 I guess rudimentary kind of things. If you come
4 back with a different plan and there's different
5 variances required because it's very specific in
6 nature, the exact variances, so if you do shrink
7 your house and you have a lesser variance, you
8 need to repost that. So you'd have to pay an
9 additional fee to repost the ZBA hearing for next
10 time.

11 MEMBER KRIEGER: If it's lesser or
12 more?

13 MR. HALPERT: For you're talking about
14 for the ten foot?

15 MR. HALL: You're asking for more.
16 Right.

17 MR. HALPERT: The house will be
18 smaller.

19 MR. HALL: Right. Right. So if it's
20 going to be a different variance, I don't know
21 what that is yet. But as you look at that, if
22 there's a difference, tighter, whatever it is, you
23 may have to republish it, all right? So if it's a
24 worse thing. So I just want to put that on the
25 record.

1 CHAIRPERSON PEDDIBOYINA: Okay.

2 Secretary Sarah?

3 MS. FLETCHER: This would be the time
4 if we do republish it to add the garage. That
5 way, it's under one submittal. But that would
6 allow you the option to put those dimensions and
7 ask for a different variance for the garage should
8 you need one.

9 CHAIRPERSON PEDDIBOYINA: Okay. Joe,
10 you have a question?

11 MEMBER SAMONA: Yes. Alan, just to be
12 clear, if he's asking for a ten foot variance now
13 and we table this and he comes back and he wants
14 to ask for an eight foot variance, that's what you
15 were referencing that he'd have to pay a new fee?

16 MR. HALL: That's correct. If it's
17 worse. So if he -- like what he's saying right
18 now --

19 MEMBER SAMONA: Oh, if it's worse.

20 MR. HALL: So it's 11 foot variance,
21 that's fine, because you're actually advertising
22 for a ten. So that's okay. That's actually a
23 lesser variance. If he comes back and wants it
24 tighter, that has to be re-sent out and published
25 again. So what Sarah just mentioned too that if

1 the accessory garage wants to stay where it is,
2 then that needs to be published. He may move it
3 down like we suggest, but that's -- this is the
4 time to do it all. If we're going to do that,
5 then we've got to republish for anything that's
6 not part of the specific arrangements that are
7 given.

8 CHAIRPERSON PEDDIBOYINA: Thank you. I
9 appreciate. And Mr. Ori, do you want to table
10 this because of the couple of things that are
11 going on? I would like to call for this motion
12 for Linda.

13 MEMBER KRIEGER: Sure. For Case No.
14 PZ25-0005 for Ori Halpert on 130 Buffington Drive,
15 I move to table this until the April 8th meeting
16 next month.

17 MEMBER SAMONA: Before we make a
18 second, I apologize. I don't want to step over
19 anyone's feet. Although he is the petitioner
20 technically from what I'm reading, the owner of
21 record is O&S Investments, LLC. So we are tabling
22 the discussion for the -- for this, not
23 necessarily just for the person presenting it to
24 us, correct?

25 MS. SHORTLEY: Correct.

1 MEMBER KRIEGER: Yes.

2 CHAIRPERSON PEDDIBOYINA: Joellen?

3 MS. SHORTLEY: I just would like to
4 make a correction to the motion. You want to
5 postpone until their next meeting. If you're
6 tabling it, then you have to do a motion to take
7 it off the table when you bring it forward. So
8 you're postponing it until your next meeting or
9 until such time as he submits new plants.

10 MEMBER KRIEGER: Do you think April is
11 enough for you?

12 MR. HALPERT: Yeah.

13 MEMBER KRIEGER: So postpone until the
14 April meeting.

15 MR. HALPERT: A quick question about
16 the garage add to the variance. Of course be less
17 than what it is now, but we need to submit another
18 one, or it's just --

19 MR. HALL: To clarify, if you leave the
20 garage where it is, that needs variances. If you
21 move the garage over so you're six foot from the
22 property lines, then you don't need a variance.
23 When you start looking at the configuration in the
24 driveway and the apron to get there, you may want
25 that variance, but that has to be published. So

1 then you have to go pay more fee to do that. If
2 you just move it over and you keep these
3 variances, then there's no need for any fees.
4 Does that make sense?

5 MR. HALPERT: Yep.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank
7 you so much.

8 MR. HALPERT: Thank you.

9 CHAIRPERSON PEDDIBOYINA: That is the
10 final tonight. And we have other matters?

11 MEMBER SAMONA: I second.

12 CHAIRPERSON PEDDIBOYINA: Thank you.
13 Roll call, please.

14 MS. FLETCHER: Member Samona?

15 MEMBER SAMONA: Yes.

16 MS. FLETCHER: Member Krieger?

17 MEMBER KRIEGER: Yes.

18 MS. FLETCHER: Member Longo?

19 MEMBER LONGO: Yes.

20 MS. FLETCHER: Member Montague?

21 MEMBER MONTAGUE: Yes.

22 MS. FLETCHER: Member Thompson?

23 MEMBER THOMPSON: Yes.

24 MS. FLETCHER: Member Sanghvi?

25 MEMBER SANGHVI: Yes.

1 MS. FLETCHER: And Chairperson
2 Peddiboyina?

3 CHAIRPERSON PEDDIBOYINA: Yes, ma'am.

4 MS. FLETCHER: Thank you. Motion
5 carries.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank
7 you so much. We are set and we have other
8 matters. Today we have other matters to appoint a
9 new board -- okay. I've got the Chairperson. Who
10 wants to be?

11 MS. FLETCHER: Excuse me, Chairperson.
12 Didn't you mention in the last meeting that we
13 were going to be doing this at the April 8th
14 meeting? If you want you can do it now.

15 MEMBER SAMONA: Should we do it now or
16 do you guys want to wait until April in case the
17 full board is here. That way in case the other,
18 Mr. Butler, is here because I'm the alternate. I
19 don't know how that would work out as far as a
20 vote, if you will. So just in case everybody is
21 here in April.

22 MS. FLETCHER: There's still
23 technically a quorum.

24 MEMBER KRIEGER: Chair, Vice Chair and
25 Secretary, and it's supposed to rotate through,

1 and then go from there.

2 CHAIRPERSON PEDDIBOYINA: Okay. Who
3 wants to be Chair?

4 MEMBER KRIEGER: So it would be Vice
5 Chair. So it would be Clift unless he doesn't
6 want --

7 CHAIRPERSON PEDDIBOYINA: Anybody --

8 MEMBER KRIEGER: Do we need to do a
9 roll call vote on that or all in favor?

10 CHAIRPERSON PEDDIBOYINA: Anybody have
11 any objection or anything?

12 MS. FLETCHER: You have to nominate
13 somebody. They have to accept and everyone has to
14 agree on it.

15 MEMBER KRIEGER: I nominate Clift
16 Montague to be Chair.

17 MEMBER MONTAGUE: I accept.

18 MS. FLETCHER: All in favor?

19 MEMBER LONGO: I nominate Joe as the
20 Vice Chair.

21 CHAIRPERSON PEDDIBOYINA: And over the
22 secretary I nominate --

23 MEMBER LONGO: Anybody want to be
24 secretary?

25 MS. FLETCHER: And then all in favor?

1 MEMBER LONGO: I accept.

2 CHAIRPERSON PEDDIBOYINA: All in favor?

3 THE BOARD: Aye.

4 CHAIRPERSON PEDDIBOYINA: Any changes?

5 Anybody say no? Thank you. Congratulation.

6 Thank you so much.

7 (The meeting was adjourned at 7:49 p.m.)

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CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Melinda R. Womack, Certified
Shorthand Reporter, a Notary Public in and for the
above county and state, do hereby certify that the
above deposition was taken before me at the time
and place hereinbefore set forth; that the witness
was by me first duly sworn to testify to the
truth, and nothing but the truth, that the
foregoing questions asked and answers made by the
witness were duly recorded by me stenographically
and reduced to computer transcription; that this
is a true, full and correct transcript of my
stenographic notes so taken; and that I am not
related to, nor of counsel to either party nor
interested in the event of this cause.

Melinda R. Womack

Melinda R. Womack, CSR-3611

Notary Public, Oakland County, Michigan

My Commission expires: 06-22-2025

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