REGULAR MEETING - ZONING BOARD OF APPEALS CITY OF NOVI TUESDAY, JULY 9, 2019 7:00 P.M.

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

BOARD MEMBERS:
Joe Peddiboyina, Chairman
Linda Krieger, Acting Secretary
David M. Byrwa
Kevin Sanker
Michael Longo
Siddharth Mav Sanghvi

ALSO PRESENT:
Elizabeth Saarela, City Attorney
Lawrence Butler, Community Development, Deputy Director

Katherine Oppermann, Recording Secretary

Reported by:
Laurel A. Frogner,
Certified Shorthand Reporter

Novi, Michigan
Tuesday, July 9, 2019
7:00 p.m.

CHAIRMAN PEDDIBOYINA: Okay. Good evening. Welcome to the Novi Zoning Board Appeal, Tuesday, July 9th, and we will now call for order and the pledge of allegiance.
(Pledge of Allegiance.)
CHAIRMAN PEDDIBOYINA: Thank you. Katherine, please call for the roll.

MS. OPPERMANN: Member Byrwa?
MEMBER BYRWA: Here.
MS. OPPERMANN: Member Krieger?
MEMBER KRIEGER: Here.
MS. OPPERMANN: Member Longo?
MEMBER LONGO: Here.
MS. OPPERMANN: Chairperson
Peddiboyina?
CHAIRMAN PEDDIBOYINA: Here. MS. OPPERMANN: Member Sanker?

MEMBER SANKER: Here.
MS. OPPERMANN: Member Sanghvi?
MEMBER SANGHVI: Here.
CHAIRMAN PEDDIBOYINA: Thank you. We have a board and a quorum. And this is a public hearing format and rules of conduct are in the back. And would you just have your phone turned off and sound off. And we will have the public hearing wherein each case is called, anyone can make remarks. It is on television at home, and people can come to the podium and speak, and there is an overhead that will show up onto the computer to the people at home as well. And when people come up, and state your name and spell it for the court recorder and be sworn by the secretary if you are not an attorney.

And then we have an agenda tonight,
we have two cases, and one case was canceled. And the previous agenda, is there any changes?

MS. OPPERMANN: None other than the
cancellation of the first case, which you already mentioned.

CHAIRMAN PEDDIBOYINA: Thank you. Thank you, Miss Oppermann.

All right. You want to move for decision, anybody?

MR. SANGHVI: Do you need a motion to --

CHAIRMAN PEDDIBOYINA: Yeah.
MEMBER SANGHVI: I move that we accept the amended agenda for tonight.

MEMBER KRIEGER: Second.

CHAIRMAN PEDDIBOYINA: Thank you.
And we have a motion. And all in favor say
"aye."
MEMBER BYRWA: Aye.
MEMBER KRIEGER: Aye.
MEMBER LONGO: Aye.
CHAIRMAN PEDDIBOYINA: Aye.
MEMBER SANKER: Aye.
MEMBER SANGHVI: Aye.
CHAIRMAN PEDDIBOYINA: Okay. So we have an agenda. And the minutes of our

June 2019 meeting; any changes?
MS. OPPERMANN: We didn't receive the June minutes as of yet.

CHAIRMAN PEDDIBOYINA: Okay.
Then we can move to the public
remarks.
We don't have the meeting minutes from the June, then we can move --

MS. OPPERMANN: Correct, yes, we have not received the June minutes yet, so they'll be on the next agenda instead.

CHAIRMAN PEDDIBOYINA: Thank you.
Okay. Public remarks, anyone have anything regarding other than the cases we have -- something, you can come up to the podium.

And seeing none, we'll close the public remarks.

Okay. Let's move to the first case. The first case, do you want me to go through the first case or you don't want me to, the cancelled one.

MS. SARRELA: You can just call it
by number, Case Number PZ19-0023.
CHAIRMAN PEDDIBOYINA: Okay. I can
call it. PZ19-0023, (Bagley \& Langan PLLC)
Endwell Street West of Novi Road and North
of Thirteen Mile Road, Parcel Number
50-22-02-359-035. The applicant is
requesting a variance from the City of Novi Zoning Ordinance Section 5.11(1)A for a proposed 25 foot front yard setback for each front yard to allow for a new fence installation.

By code fences shall not extend toward the front of the lot nearer than the minimum front yard setback, unless an existing house is already extending into the front yard. The property is zoned Single Family Residential (R-4). Okay.

MEMBER KRIEGER: You're an attorney?

MR. LANGAN: I am. My name is J. Robert Langan. I'm with the law firm of Bagley \& Langan PLLC. I'm here on behalf of Cal and Janet Hong, the owners of the
property.
CHAIRMAN PEDDIBOYINA: Okay. You can --

MR. LANGAN: Thank you. Yes, so thank you for the introduction. Essentially this issue arose, Cal and Janet Hong own property on Walled Lake on East Lake Drive. And if you look at the lot configuration on Exhibit $A$, you'll see a highlighted area that extends fully along two sides of the lot and partially along one side of the lot. So if you were to look left or on the other side of Chapman Drive, that's where the home is. Chapman Drive is a little alley that gets very little traffic. Endwell Street is kind of the main road that connects East Lake Road and Thirteen Mile.

And the reason for this request is that Mr. and Mrs. Hong, his job as a medical doctor took him to California, and they moved out of the home there on East Lake Road, and they have tenants there, and
this is their backyard. And the property to the south, which is Lot 13, is a long-time tenant-occupied property that is in a significant state of disrepair. The tenants of this house have a strong tendency to use/abuse the property that's owned by Mr. and Mrs. Hong. It is very difficult to police it, of course, from California and to ask tenants to police or to observe or to interfere with some of the activities that go on on this property. The tenants of this house kind of routinely put junk there, park cars there, have bonfires there, have late night parties there, lots of noise, lots of $I$ would call it blight, kind of a public nuisance.

And the Hongs have, you know, worked to find a way to prevent these activities from taking place. And to place a fence there within the confines of the ordinance would basically be to fence the middle of the property, which wouldn't do a
whole lot of good.
And I apologize for the quality of the pictures that I've attached for you all. They are terrible, and I'm embarrassed, but that's the best we could do.

What they would show, if you could actually see them clearly or if you drove down Endwell, Endwell was a street that was developed back when Novi was -- when Endwell was adjacent to the carnival, and so it's a lot of smaller ranch 1920s and 30s homes. There's quite a few fences that are closer to the actual street than the current ordinance would provide. The character of that neighborhood I don't think would be altered in any negative way by the placement of these fences. In fact, I would argue that it would be altered in a very positive way, because it would allow the homeowner or the tenant of the house on Walled Lake, on East Lake Drive, to actually use the backyard uninterrupted.

They would be able to maintain the backyard consistent with the other yards that are on this house. We would be able to prevent the accumulation of debris. We would be able to thwart the late night activities, the bonfires, the broken beer bottles.

You can see in our exhibits the pictures that we've taken -- actually, these were taken by my client so they are much better quality, but you can see that there's cars all over the place, you can see that there's couches and boxes and debris just kind of strewn about these lots, and it really just is an eyesore. And I think in the City files there are multiple instances of complaints both to the police and to Code Enforcement, and, of course, they are answered and Novi does a great job of that, but it's not as good at preventing these kind of activities as a fence would be.

And so those are I think the reasons that pretty much encapsulate all of
the various items that one would consider when you're considering this variance.

I would be happy to answer any questions or supplement this information in any way, but that's essentially the nature of our request.

CHAIRMAN PEDDIBOYINA: Okay. Thank you.

Is there anyone else in the audience like to speak regarding on this case, please?

None?
MR. LANGAN: I will note for the record I have contacted personally two of the neighbors on Endwell Street that you can just know that they aren't here but they support our motion, but they didn't write anything, and that's just me talking, but I did reach out to the neighbors and I did make contact with two of them.

CHAIRMAN PEDDIBOYINA: Thank you.
Okay. From the City.
MR. BUTLER: I just wanted to say
that it was explained to the City and that area is known to -- for areas that aren't fenced off or somebody's not actually using the property has a tendency to collect abandoned vehicles and furniture and has become somewhat of a problem, so we have noted that, and we try to do the best we can, but it still seems to show up if areas aren't fenced off.

CHAIRMAN PEDDIBOYINA: Okay. Thank you, Mr. Butler.

Correspondence?
MEMBER KRIEGER: Yes. 49 letters were mailed, two returned, one approval, zero objections, and it's just circled approval from Mark Adams on 1721 East Lake Drive, and that's it.

CHAIRMAN PEDDIBOYINA: Thank you, Linda.

Anybody on the Board want to say -okay, Mr. Sanghvi.

MR. SANGHVI: Yeah, I went and
looked at the place, and I agree it can
become a junk yard there, and what you said I am quite in agreement with it, and I have no difficulty in making sure that it remains a private property, and I have no problem in recommending that your request should be granted. Thank you.

MR. LANGAN: Thank you so much. I appreciate that.

CHAIRMAN PEDDIBOYINA: David.
MEMBER BYRWA: Yeah, just real quick. The proposed fence that you're proposing is going to be like a 4-foot chain-link?

MR. LANGAN: Yes, I believe that that -- I don't know if we included that in the application, but, yes, a chain-link fence.

MR. BYRWA: Thank you.
CHAIRMAN PEDDIBOYINA: Okay.
Anybody on the board want to -- okay.
MEMBER KRIEGER: Make a motion?
CHAIRMAN PEDDIBOYINA: Motion,
okay.

MEMBER KRIEGER: In Case Number PZ19-0023 for Bagley \& Langan PLLC for Endwell Street, West of Novi Road and North of Thirteen Mile, Parcel 50-22-02-359-035, to grant the request for the City Ordinance Section 5.11(1) A (ii) for a proposed 25 foot front yard setback for each front yard to allow for a new fence installation, the request, the petition -- without the variance, the petitioner will unreasonably be prevented or limited with respect to use of the property because of the trespassers and other setback doesn't allow for space for privacy and would cover only one-third of the property. Property is unique because of its location on Endwell and Chapman.

The petitioner did not create the condition because of its location and can't control the trespassers.

The relief granted will not
unreasonably interfere with adjacent or surrounding properties because of the
pictures provided in the petition, and that other properties are similar and won't diminish their value and increase and deflect the appearance of a garbage yard.

The relief is consistent with the spirit and intent of the ordinance because it is a minimum request and will prevent trespassers and illegal parking and dumping.

MR. SANGHVI: Second.
CHAIRMAN PEDDIBOYINA: Second, Mr. Sanghvi.

Any other discussions? Okay.
Katherine, please call for the roll.

MS. OPPERMANN: Member Byrwa?
MEMBER BYRWA: Yes.
MS. OPPERMANN: Member Krieger?
MEMBER KRIEGER: Yes.
MS. OPPERMANN: Member Longo?
MEMBER LONGO: Yes.
MS. OPPERMANN: Chairperson
Peddiboyina?

CHAIRMAN PEDDIBOYINA: Yes.
MS. OPPERMANN: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. OPPERMANN: And Member Sanker?
MEMBER SANKER: Yes.
MS. OPPERMANN: Motion passes.
CHAIRMAN PEDDIBOYINA:
Congratulations and good luck.
MR. LANGAN: Thank you very much
for your consideration. Have a good evening.

CHAIRMAN PEDDIBOYINA: Okay. We can move to the next case, PZ19-0025, GreenTech Engineering, 25650 Taft Road, East of Wixom Road and South of Eleven Mile Road, Parcel \#50-22-22-100-026. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.12 for not having frontage on a public street for the entire width of the lot (80 feet frontage required, 44 feet proposed). This variance is required for creation of two parcels (C \& D) and associated extension of

Danyas Way that ends in a $T$ turn-around. The variance would prevent impacts to the existing Wetlands. The property is zoned Single Family Residential, (R-4). Applicant is here. Okay.

Go ahead, sir, spell your name to my secretary and if you are not an attorney --

MEMBER KRIEGER: Are you an attorney?

MR. LeCLAIR: No, I'm not.
MEMBER KRIEGER: So if you could state your name and spell it for our court recorder.

MR. LeCLAIR: Sure. My name is Dan LeClair. I'm with GreenTech Engineering. I'm here to --

MEMBER KRIEGER: And could you spell it for our court recorder.

MR. LeCLAIR: Sure. It's L-e-C-l-a-i-r.

MEMBER KRIEGER: And do you swear or affirm to tell the truth in this case?

MR. LeCLAIR: I do.
MEMBER KRIEGER: Thank you.
CHAIRMAN PEDDIBOYINA: Thank you, Linda.

MR. LeCLAIR: We're here tonight as a follow-up. We were in front of the City Planning Commission in June for a site plan approval for this property, and we were given an approval to move forward with a six month and vote. Part of this property includes the extension of the existing Danyas Way, which is immediately to the south of this property to gain frontage for parcels as well as gain the appropriate real estate to construct a turn-around in the roadway for public safety so that the fire department, so that the police department, so they can turn around emergency vehicles.

As the ordinance states by word, a new roadway would have to be constructed all the way across the 80 -foot frontage, which would mean we would have to fill
wetlands and cut trees. It's not necessary for the physical construction of the road to make the turn-around nor for -- to gain access to the adjacent parcels. So it's really not necessary to impact wetlands and woodlands just to build a road.

So we've been requested to come to the Zoning Board of Appeals to ask for a variance so that we could essentially just reduce the length of the physical road that would be required.

If you have any questions, I'd be happy to answer them.

CHAIRMAN PEDDIBOYINA: Thank you. Okay.

Anything from the City?
MR. BUTLER: After discussing the case with Planning, it was determined that it would be more preferable for the turn-around for the lesser impact on the wetlands, you know, we protect our wetlands and our trees here, so that would definitely help in that case.

CHAIRMAN PEDDIBOYINA: Okay. Thank you, Mr. Butler.

Public remarks if anyone wants to -- okay, none.

Correspondence?
MEMBER KRIEGER: Okay. In this case there were 67 mailed, zero returned, one approval, zero objections. It's an approval. As far as I know, they have no reason to object from Dan D. Valente on 46216 Eleven Mile Road.

MEMBER PEDDIBOYINA: Thank you, Linda. And the Board is open for the vote.

MEMBER SANGHVI: Thank you, Mr.
Chair. I went and looked at this property across from the school board building and all that, and $I$ know you have wetlands in the back there. How deep is going to be this lot with the 44 -foot frontage?

MR. LeCLAIR: They're about 120 feet deep.

MEMBER SANGHVI: Yeah, so I don't know which way you will face the house when
you build it there.
MR. LecLAIR: They face the road.
MEMBER SANGHVI: Okay. You will be able to do that.

MR. LeCLAIR: Yes.
MEMBER SANGHVI: Okay. Thank you.
CHAIRMAN PEDDIBOYINA: Okay.
Anybody on the Board to say anything?
MEMBER KRIEGER: So to confirm,
Exhibit B is what is approved or what you're asking for, and then $I$ was reading it says it creates a child parcel, so I guess through -- I didn't really understand that, if you could explain it better.

MR. LeCLAIR: Well, the -- yeah, I can explain it a little bit. We went to the Assessor to get parcel splits approved. The current property owner owns the house up on the front, so we're splitting -we're doing parcel splits to create all of this. The City requires all lots to be fronting on a public road, so for this, we could have done it with a private road if
the ordinance would allow us, but the City's ordinance requirements require a public road, so in order to have the lots front on the road, we had to create a public road, which means we would have had to build it.

MEMBER KRIEGER: Thank you.
CHAIRMAN PEDDIBOYINA: Okay. I have no comments on this one and apart from my Board Members. Anybody wants to say anything?

Okay. None.
Katherine, please call for the --
MS. SAARELA: Someone has to make a motion.

CHAIRMAN PEDDIBOYINA: A motion, anybody wants to motion.

Linda, go ahead.
MEMBER KRIEGER: Would this be a dimensional or it can go for deny or approve?

MS. SAARELA: This is a nonuse
variance, so it's for votes. You still
have to go through the standards.
MEMBER KRIEGER: Okay. I move that we grant the variance in Case Number PZ19-0025 for GreenTech Engineering for 25650 Taft Road, East of Wixom and South of Eleven Mile, Parcel 50-22-22-100-026.

The applicant is requesting a variance from the City Zoning Section 5.12 for not having frontage on a public street for entire width of the lot (80 foot frontage required, 44 proposed). Variance is required for creation of the two parcels and associated extension of Danyas Way that ends in a -- it will end in a T turn-around for the fire department, and the variance would prevent impacts to the existing wetlands. And the petitioner has established the practical difficulty through the explaining about the road having the least impact would be creating the $T$ road.

That the petitioner has established the property is unique because of its
location and topography and the wetlands situation.

That the physical condition of the property creates the need for a variance because of the location of the properties and creating the homes.

The condition is not a personal or economic hardship. It is not self-created because of the wetlands and location of this property.

Strict compliance with dimensional regulations of the zoning including -MS. SAARELA: I'm looking at the standards on -- under Recommendations, grant the variance, so you have the Standards 1A through E, so you're looking for the grant will not unreasonably interfere with adjacent or surrounding properties, and will be consistent with the spirit and intent of the ordinance.

MEMBER KRIEGER: By creating this,
the neighboring homes will not be
unreasonably prevented or limited with
respect to the use of their property because there also will remain the consistency for the wetlands. The property is unique because of the wetlands as well. And the petitioner did not create the condition because of that, the wetlands and its topography.

And the property is permitted for its purpose for the homes according to our master plan, and the petitioner has established the variances, the minimum variance necessary for the least amount impacted and will not cause an adverse impact on surrounding properties and allow for fire safety and homes facing on the proposed street, Danyas Way.

CHAIRMAN PEDDIBOYINA: Thank you. MEMBER BYRWA: Second. CHAIRMAN PEDDIBOYINA: Second, Mr. Byrwa. Any other discussions.

Okay, none.
Katherine, please call for the roll.

MEMBER KRIEGER: Wait. There's someone in the audience that had a -- can we include that --

MR. VANSICKLE: All I wanted to say is --

MEMBER KRIEGER: No, wait a minute, wait a minute.

MS. SAARELA: We're already past the public hearing part. You could maybe have another public hearing at the end.

Is it pertaining to this case?
MEMBER KRIEGER: Is it regarding this case?

MR. VANSICKLE: Yes.
MS. SAARELA: It's up to the Chair if you want to re-open the public hearing.

CHAIRMAN PEDDIBOYINA: Okay.
MR. VANSICKLE: It's minor but you described it as --

MEMBER KRIEGER: You need to come up to the podium, sir.

CHAIRMAN PEDDIBOYINA: Please come to the podium.

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State your name.
MR. VANSICKLE: Gilbert Vansickle.
I'm the owner of the property. You
described it as being east of Wixom Road. It's east of Taft.

MEMBER KRIEGER: It's east of Taft.
MR. VANSICKLE: You're two miles off.

MEMBER KRIEGER: Yeah, I'm reading what's here but --

MR. VANSICKLE: Well, it's wrong.
MS. OPPERMANN: Sir, would you
possibly spell your name, please, for our court reporter for her record.

MR. VANSICKLE: Gilbert V-a-n-s-i-c-k-l-e.

MEMBER KRIEGER: Technically it's still east of Wixom, too.

MR. VANSICKLE: Well, yeah, but you'd miss it by two miles.

MEMBER KRIEGER: Yeah, a little bit.

CHAIRMAN PEDDIBOYINA: Thank you so
. SARRELA: Close the public
hearing.
CHAIRMAN PEDDIBOYINA: Closing the public hearing. Thank you.

And, Katherine, please call for the vote.

MS. OPPERMANN: Member Sanker?
MEMBER SANKER: Yes.
MS. OPPERMANN: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. OPPERMANN: Chairperson
Peddiboyina?
CHAIRMAN PEDDIBOYINA: Yes.
MS. OPPERMANN: Member Longo?
MEMBER LONGO: Yes.
MS. OPPERMANN: Member Krieger?
MEMBER KRIEGER: Yes.
MS. OPPERMANN: And Member Byrwa?
MEMBER BYRWA: Yes.
MS. OPPERMANN: Motion passes.
CHAIRMAN PEDDIBOYINA: Thank you.
Congratulations.

Okay. Let's go to the other businesses. I have two, three things I would like to bring. One is our past Board Members, Brent and Cynthia. They did a phenomenal job, and we had a good time. And I don't know if there is anything anybody wants to say to those two people and fellow Board Members.

MEMBER KRIEGER: Just best wishes. CHAIRMAN PEDDIBOYINA: Best wishes and good luck to them. Thank you, and we miss them.

And, also, the second thing, there is one invitation from my side, on August 17 th at Suburban Showplace there is an India Day. Please, all Zoning Board Members and City Clerk and everybody, please, I would like to invite you on August 17th at 9:30 Suburban Showplace, there is an India festival and there is a lot of food and cultural activities, and we have a lunch or something. Okay. Thank you so much. And we announced yesterday
also in the Consulate meeting. Thank you so much.

Any other people who wants to say before we adjourn the meeting?

MEMBER KRIEGER: Move to adjourn.
CHAIRMAN PEDDIBOYINA: Move to
adjourn.
Anybody say second?
MEMBER LONGO: Second.
CHAIRMAN PEDDIBOYINA: Okay.
Thank you. Motion is -- meeting is adjourned. Thank you so much.

MS. SAARELA: Want to vote on the -- do a vote on the motion -- voice vote --

MS. KRIEGER: All in favor to adjourn?
(In unison.) Aye.
CHAIRMAN PEDDIBOYINA: Thank you. (At 7:28 p.m., meeting adjourned.)

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C ERTIFICATE
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STATE OF MICHIGAN )
) SS
COUNTY OF OAKLAND )
I, Laurel A. Frogner, Certified Shorthand
Reporter, a Notary Public in and for the above county and state, 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 31 typewritten pages, is a true and correct transcript of my said stenographic notes.

Laurel A. Frogner, CSR-2495, RMR, CRR

