REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

Tuesday, September 9, 2014

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, September 9, 2014

BOARD MEMBERS

Brent Ferrell, Chairperson
Mav Sanghvi
Rickie Ibe
James Gerblick
Linda Krieger

ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PZ14-0035</td>
<td>6</td>
</tr>
<tr>
<td>PZ14-0036</td>
<td>13</td>
</tr>
<tr>
<td>PZ14-0037</td>
<td>23</td>
</tr>
<tr>
<td>PZ14-0039</td>
<td>24</td>
</tr>
<tr>
<td>PZ14-0040</td>
<td>38</td>
</tr>
</tbody>
</table>

Novi, Michigan.
Tuesday, September 9, 2014

7:00 p.m.

** ** **

CHAIRPERSON FERRELL: Good evening. Welcome to the ZBA meeting, regular scheduled for Tuesday, September 9, 2014. If I can get everybody to stand for the Pledge of Allegiance to be lead by Member Ibe.

(Pledge recited.)

CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Here.

MS. PAWLOWSKI: Member Ghannam is absent, excused.

Member Gronachan is absent, excused.

Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Present.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLOWSKI: Chairperson
Ferrell?

CHAIRPERSON FERRELL: Here.

In the back of the room there is public hearing format rules of conduct, if anybody needs to get a copy or didn't get one.

We ask that you turn any cellphones or pagers off at this time.

Onto the approval of the agenda. Is there any additions or any changes?

MS. PAWLOWSKI: No.

CHAIRPERSON FERRELL: Motion?

MR. SANGHVI: So moved.

MR. IBE: Second.

CHAIRPERSON FERRELL: Have a motion and a second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, we have an agenda.

Onto minutes of July 8th, 2014.

Any changes to that from the city or the board?
(No audible responses.)

Hear a motion?

MR. SANGHVI: Make a motion to approve the minutes as printed.

MR. GERBLICK: Second.

CHAIRPERSON FERRELL: I have a motion and second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none.

Open any public remarks. Anybody have anything they want to say at this time to the board that's not related to a case that's being heard this evening?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none.

We ask when your case is called to come up -- where is everybody sitting over there. You get called up, please raise your right hand be sworn in by secretary, if you're not an attorney, and state and spell your name for the reporter.
Case No. PZ 14-0035, 2020 Austin Drive.

Please come up to the podium, get sworn in by the secretary and state and spell your name for the reporter.

MR. GERBLICK: Raise your right hand.

In Case No. PZ14-0035, do you swear to tell the truth?

MR. HALVENGIS: I do.

MR. GERBLICK: Are you going to be speaking?

We may both.

MR. GERBLICK: In Case No. PZ14-0035, do you swear to tell the truth?

MR. LEVENTIS: I do.

MR. HALVENGIS: My name is Bill Halvengis, H-a-l-v-e-n-g-i-s.

MR. LEVENTIS: My name is Tom Leventis, L-e-v-e-n-t-i-s. I will be the one doing the construction, the general contractor.

MR. HALVENGIS: I and my wife Karla, K-a-r-l-a, are the owners of 2020 Austin. We presently in Novi. We live at 22522 Brook Forest in Novi.
I had lived in Austin in 1994. When we got married in 2006, we moved to Brook Forest and I had -- and we rent 2020, and have rented it since that time.

What we would like to do is put on a second story. At this moment, Austin is about 900 or 960 or so square feet. We would like to put on a second story. We would like to move there. We have two sons, 14 and 16, so a two bedroom 900 square foot is not going to be adequate for that.

And so the request for this is to put on a second story. It would be a four bedroom, approximately 2,000 square foot house and add a carport and I'm not sure what other speech I'm supposed to be giving.

CHAIRPERSON FERRELL: Thank you. Anybody else have any questions or comments related to this case? Anything from the city?

MR. WALSH: No comments at this time.

CHAIRPERSON FERRELL: Secretary, can you read in the correspondence.

MR. GERBLICK: In Case No. PZ14-0035, 32 notices were mailed, three
notices returned, one approval letter.

The approval letter is from Peter and Adrian Elliot at 1988 Austin Drive, dated September 2nd, 2014. The approval comments indicate "We have no issue with the variance on the building permit for 2020 Austin Drive, as long as it remains a single family residence and is not being extended to create a duel unit rental property. Also care needs to be taken to ensure that road is not blocked to traffic and does not suffer from surface damage, as was the case with the previous construction on Austin Drive."

CHAIRPERSON FERRELL: Thank you. Open it up to the board for discussion.

MR. IBE: Just a quick comment, Mr. Chair.

CHAIRPERSON FERRELL: Yes.

MR. IBE: I have no problem with this. I think the construction that you -- back home will actually help the property value in the area.

Since your neighbors are not really concerned about it, other than traffic which, of course, is something that you cannot control when you're in reconstruction.
I'm sure you will take proper care to ensure that the neighbors are not overly disturbed because of the construction, so I'm sure your contractor will make sure that that happens. So I have no problem with that. I will vote for this.

CHAIRPERSON FERRELL: Okay. Anybody else?

MR. GERBLICK: I just have a quick question. On that street are there any other homes that have, I guess, an addition to the front of the home that would decrease that front yard setback to I believe it's eight feet what you're requesting?

MR. HALVENGIS: On 2280 and 2214, both of those pieces of property sit approximately -- and a garage is on 2280, they sit 15 feet from the actual -- from the road from -- for the road end, the property lines, of course, is within really a couple feet of that garage, and the other, 2214 is a house, and that property line is probably about two or three feet away from the house.

MR. GERBLICK: Thank you.

CHAIRPERSON FERRELL: Any other discussion?
MR. HALVENGIS: All of this property has an issue. You know this section, it's all very, very small. I mean, they're generally long and narrow. And it's—you can't do anything that would meet, you know, the code on that.

It's all narrow and you are going to need variances to put anything on it. Most of the property on either side of me are now two story.

We are now the smallest really in most of that section there.

MR. GERBLICK: Thank you.

CHAIRPERSON FERRELL: Any other discussion from the board?

MS. KRIEGER: I also am in favor for it.

I just had a question about the shed, you use that for like the lawnmower? In previous cases they wondered about sheds.

MR. LEVENTIS: It's going to be built into the house. It will meet all the fire codes requirements and so forth.

MS. KRIEGER: Thank you.

CHAIRPERSON FERRELL: Motion?

MR. GERBLICK: Case No.
PZ14-0035, I move that we grant the variances as requested, as there are unique circumstances or physical conditions of the property such as the property's narrowness and the need is not self-created, given the non-conforming structure of the existing property.

Strict compliance with regulations governing area setback, frontage or height or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

The requested variance is the minimum variance necessary to do substantial justice to the applicant, as well as property owners in the district, and the requested variance will not cause an adverse impact on the surrounding property, property values or the use and enjoyment of the property in the neighborhood.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: Motion and a second, any further discussion?

Seeing none, Ms. Pawlowski, can
you call the roll, please.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes five to zero.

CHAIRPERSON FERRELL:

Congratulations.

Onto Case No. Case No PZ14-0036, 25843 Strathaven.

Please come forward and be sworn in by the secretary.

MR. GERBLICK: In Case No. PZ14-0036, do you swear to tell the truth?

MS. SCHOLTEN: Yes, I do.

CHAIRPERSON FERRELL: Please state and spell your name.

MS. SCHOLTEN: My name is
Collette Scholton, C-o-l-l-e-t-t-e, S-c-h-o-l-t-o-n.

I'm here basically representing the owner of that lot and the builder developer.

These lots in Pioneer Meadows, I know that you've had owners appear here before.

It is zoned for one acre lots basically and all of the building lots are just over a quarter of an acre. So in order to build a home, we are requesting a change in the setbacks.

Currently, the zoning is 45 feet front setback. We're requesting 40 feet. Rear setback is currently 50, we are requesting 40. And the aggregate side setbacks are currently 50, we are requesting 41.

And we have the approval, as you saw in your packet, from the architectural control committee of Pioneer Meadows subdivision, and we feel that this will only enhance the property values of that area in the zoning, that whole zoning district.

So we are requesting those
setbacks in order to build a home that is adequate for the neighborhood.

CHAIRPERSON FERRELL: Okay.

Anybody in the audience have any questions or comments pertaining to this case? Please come forward and be sworn in by the secretary and the state and spell your name for the reporter.

MR. NELSON: My name is Gregory Nelson. I live in Pioneer Meadows as well.

CHAIRPERSON FERRELL: Spell your name for us.

MR. NELSON: G-r-e-g-o-r-y, N-e-l-s-o-n.

CHAIRPERSON FERRELL: Raise your right hand and be sworn in by the secretary.

MR. GERBLICK: In Case No. PZ14-0036, do you swear to tell the truth?

MR. NELSON: Yes.

I had a page I was going to display, but I think since we are in this room, could I hand this out tonight?

CHAIRPERSON FERRELL: Yes.

MR. NELSON: Just maybe for the panel here.

So while you're waiting to get
this, what you will see here, I kind of put together a little bit of history on Pioneer Meadows.

I think as Collette indicated, the lots in Pioneer Meadows are difficult to build homes on with today's standard. So I'm going to walk through this real quickly.

Point number one here is we've got roughly 100, 120 lots in this subdivision, most of the lots were built back in the '60s or '70s. And there is about 15 vacant lots remaining, as you can see in point number one here.

Because we've had requests over the past 10 to 12 years, we have done a lot of work to understand the current setbacks of the homes and what would fit, what may be a little too big.

You can see here that we came up and looked at the data for the current homes. And the average setback is about 43 feet in the front, 45 in the rear.

And we took that and we try to be somewhat reasonable for builders that want to have a bigger home today, to today's standard because a lot of the homes in the Pioneer
Meadows are a little bit smaller, we came up with a compromise and thought that 40 feet front and rear setback was a big compromise.

I will emphasize that that's minimum. So what we desire is a little bit bigger, to be consistent with the current homes, we did say we would allow 40 in the front, 40 in the rear, for a standard lot like 100 by 120, which are the majority of these lots.

So as you can see in .2C, it allows for a bit larger home, right in -- it still doesn't obstruct the views of the other surrounding homes.

We did also update the bylaws and I think some of the information we submitted, you will see in there that we have made it very clear that the desire of setbacks are again 40 in the front, 40 in the rear minimum.

There are times when we have clear hardships, so point E talks about lot 15, which is in the bottom left. And that's kind of an odd shaped lot, so you may or may not recall, but last month there was a case that came in, and you did approve that, we
did support that because it was an odd shaped
lot. We worked with the applicant to come up
with the home, you know, it was their design,
but we thought it was a good fit, so when we
have cases like that, we will approve them.

When we have homes that are on
standard lots, so in the case of lot 59,
which is tonight, you will see in the chart
here that we put together, you will see all
the pink homes are existing, the green are

builds that are either new in the past 10, 15
years or in the case of 15 approved last
month, then the two blue here you will see
here on the agenda for tonight.

Lot No. 59, which was just
reviewed, we are in favor of. We have no
problem with the 40 and the 40. We think
it's consistent with the by-laws and you can
also see the other homes that are kind of
shaded in green there, over the past again,
ten years or so, we have been able to come up
with solutions that are consistent with a
minimum 40 in the front, 40 in the rear.

So we are here just to support
and appreciate the applicant working with us.
It took a couple of iterations, but she is
very cooperative, and I think came up with a home we are excited to have in the neighborhood with lot No. 59, so we endorse the project.

CHAIRPERSON FERRELL: Thank you. So you're only referring to lot 59, not 61? Is that another case?

MR. NELSON: 61 is another case. I think it's the next case. So right now lot 59.

CHAIRPERSON FERRELL: Thank you.

Anything from the city?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Any correspondence?

MR. GERBLICK: In Case No. PZ14-0036, 30 notices were mailed, zero notices were returned, two approval letters received and zero denial letters.

The approval letter from Gregory M. Nelson and Ron Odenwald (ph) of the Pioneer Meadows architectural committee, summarized, "We request that you approve this variance and thank the applicant for working within the association."

The second approval letter, dated
September 2nd, 2014 from Greg Nelson at 25870 Strathaven, indicates approval. "Thank you for the wonderful design that is 100 percent compliant with the by-laws. We look forward to the addition of this home in our neighborhood."

CHAIRPERSON FERRELL: Open it up to the board for discussion.

MR. SANGHVI: I have no problem with the variance requested. It's a very small lot. All these ordinances are made after these laws were created over 30 years ago. No way they comply. This is a reasonable request. Thank you.

CHAIRPERSON FERRELL: I also agree with you as well.

Do I hear a motion?

MR. IBE: I'll take it.

Mr. Chair, in Case No. PZ14-0036, I move that the board approve the applicant's request for the following reasons.

One, there are unique circumstances regarding the physical condition of the property itself, such as the narrowness and the shape or topography of the lot itself.
And that warrants for the board to approve the request.

The need is not self-created, and based on the information provided to us by the Pioneer Meadows Association, in looking at the single lots, in the same subdivision, it goes to show you the only way that this applicant can have anything done is for a variance to be granted. Therefore, the need is certainly not the creation of the applicants.

The request of the variance is the minimum necessary to do substantial justice to the applicant, as well as the other property owners in the district, as well as was clearly stated eloquently by the Pioneer Meadows Association representative.

The lots in the area are quite small. The homes seem to have the consistency of about 40 front and 40 back in some of the setbacks.

So this here, the request that's being made, clearly meets with what the neighborhood association actually approves.

And finally, the requested variance will not cause an adverse impact on
surrounding property values of the use or the
enjoyment of the property in the neighborhood
or zoning district.

Again, a new home such as the one
proposed by the applicant will only enhance
the property values.

I think in the last few years,
few homes have been built in this
subdivision, that helps the existing homes in
that subdivision, so granting this variance
will only make it better for that
subdivision.

Therefore, based on the evidence
presented by the applicant, the comments made
by the Pioneer Meadows Association and all
other application documentation submitted, I
move that we grant the variance as requested.

MS. KRIEGER: Second.

CHAIRPERSON FERRELL: Motion and
a second, any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing
none, Ms. Pawlowski, can you call the roll,
please.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes five to zero.

CHAIRPERSON FERRELL: Thank you.

Case No. PZ-14-0037, 25885 Strathaven.

MR. GERBLICK: Case No. PZ14-0037, do you swear to tell the truth?

MS. MCHUGH: I do.

CHAIRPERSON FERRELL: State and spell your name.

MS. MCHUGH: Charlene McHugh, M-c-h-u-g-h. So at the request of the Pioneer Meadows architectural committee and because some new information has come to light to me, would it be possible to table this motion until next month so I have more time to confer with the architectural
MS. SAARELA: Yes.

MR. GERBLICK: Make a motion to table the case until next month.

MS. PAWLOWSKI: October 14th.

MR. GERBLICK: October 14 meeting.

CHAIRPERSON FERRELL: Do I hear a second?

MR. IBE: Second.

CHAIRPERSON FERRELL: Hearing a motion and a second, all in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none.

MS. MCHUGH: Thank you very much.

CHAIRPERSON FERRELL: Case No. PZ14-0039, parcel 5022-32-401-044.

MR. GERBLICK: In Case No. PZ14-0039, do you swear to tell the truth?

MR. WINDINGLAND: I do.

MR. GERBLICK: Thank you.

MR. WINDINGLAND: Good evening.
I'm Greg Windingland with Cranbrook Talcom Homes. W-i-n-d-i-n-g-l-a-n-d. It took me until seventh grade to learn that.

Good evening. Thank you for allowing me to appear before you tonight. We have a sign at the entrance of Mayberry Park at Eight Mile Road that we would like to receive an extension of the allowable time. The community is past the 80 percent certificate of occupancy point, which now makes that sign expired.

We would like to request a six month extension of that sign. We still have two homes, two vacant home sites within the community that we are marketing as well as the model.

Once we get closer to being finished there, then we would certainly pull that sign out and restore that area.

CHAIRPERSON FERRELL: Thank you. Anybody in the audience have any comments on this case?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, city?

MR. WALSH: No comments at this
time.

CHAIRPERSON FERRELL: Any correspondence?

MR. GERBLICK: In Case No. PZ14-0039, 50 notices were mailed, five notices returned, one approval letter was received and one denial letter was received. The denial letter reads, from Gaudino, that's G-a-u-d-i-n-o at 21029 Richmond Drive, dated September 8, 2014, "We object because it causes additional subdivision traffic which creates a safety issue with all the small children in the neighborhood. The benefit outweighs the risk with only one lot left. We object."

The approval letter from Mark Merncer (ph) at 21067 Mayberry Park Drive dated August 23rd, 2014, indicates, "I have no problem with this. It's called progress. Those residential subs are going fast, this is not a permanent situation, so I have no problem."

CHAIRPERSON FERRELL: Okay. Open it up to the board for discussion.

MR. IBE: Sir, how long have you had a sign out there?
MR. WINDINGLAND: That's a good question. It expired August 10th of this year.

We received the first notice in June, then a subsequent one in July. We had the application for this extension in there.

I don't know what the original date that was installed was.

MR. IBE: While they are checking, is it fair to say that you do have more than 80 percent of the subdivision built up, is that correct?

MR. WINDINGLAND: Yes, that is correct.

MR. IBE: I was there last weekend. I have been there quite a few times. I have friends that live there. I know that subdivision is quite developed, so -- do you think that the sign out there will make it easier for you to sell the two lots that are remaining as well as the model?

MR. WINDINGLAND: Absolutely. With the amount of drive-by traffic it certainly is helpful. Also I neglected to mention earlier. The sign has been well-maintained. It's not neglected.
MR. IBE: I see. Don't you have a permanent sign out there already for Mayberry Park? I see one when you pull up in the front.

MR. WINDINGLAND: There is permanent signage as part of the entrance amenities for Mayberry Park, yes, that's correct. But they are not a marketing type sign.

MR. IBE: Do you have any other kind of marketing mediums that you are using other than the sign?

MR. WINDINGLAND: We certainly have other means. We use the internet. We also use radio and we use printed media.

MR. IBE: Do you think that someone driving down Eight Mile Road and sees the sign, oh, let me go there and buy a lot. You think that's the best way to market those two lots?

MR. WINDINGLAND: It's a very good way to market it, again, because of the traffic traveling on Eight Mile Road, they see the community, they see the sign, they see the community and certainly an inviting
community, so by having the sign there, and having the ability to go in and look, we do think it's very beneficial.

MR. IBE: Well, very well. I must tell you right now, based on my history in the past on the board here, with subdivisions that are completely built up, I am not very receptive to having signs, you know, the marketing signs sit out, especially because you only have two lots and the model itself. I think that you have a better way to market those two lots, other than the sign.

The sign definitely will not -- I drive past that place quite a few times to go to the sports park down the street as well as friends that live at Tuscany, as well as your place, never even noticed that sign out there.

So really if you had one, I had no way of knowing it because I see the permanent sign all the time.

Based on my -- on the history of that other places completely developed really, I have a problem until I hear from the other members as to whether I will be in
support of this or not.

Thank you, sir.

CHAIRPERSON FERRELL: Any others?

MS. KRIEGER: I also was opposed, but you had mentioned six months, so I would be allowable to let you have it for six months.

But then because it's 80 percent occupied to have it removed after that for sure.

MR. WINDINGLAND: Mr. Chairman, may I respond?

CHAIRPERSON FERRELL: Absolutely.

MR. WINDINGLAND: With that, if we are able to have the six months put it on record, I will not come back and ask for another extension to that. I certainly would not insult you folks by doing that.

The six month period would very likely help us to sell those last two remaining home sites.

The other issue is, sir, you mentioned, or you questioned how long that sign had been up.

When we first obtained Mayberry Park, it was during the recession, so part of
that time was still just getting traction. Certainly we have had success recently, but part of the time that that sign has been up was during a very challenging time, so maybe that's part of the reason for the extended period.

But certainly six months would be wonderful and I will not come back and ask for an extension beyond that.

MR. IBE: Supposing that a developer would come in there, still interested in adding some additional tax base for the city, that also would be an inclination if someone drives by, they're looking for a house for sale versus an unfinished development, that would is why, my thinking, to allow them to have the six months as well. That's it.

CHAIRPERSON FERRELL: Yes?

MR. GERBLICK: Sir, so we have pretty strict standards, I would say, about what we are able to pass here as a board and what we are not.

Other than a higher economic return by selling these two properties, what other unique or exceptional conditions are
there to the property that would allow us to
grant the sign?

MR. WINDINGLAND: Your first
letter that you read, the letter of
objection, cited objecting to the sign
because of increased traffic, as I believe
you guys discussed with the first applicant
tonight, there was also a concern about
safety on the roads and construction,
traffic, things like that.

The reality is at some point
those two home sites will be built, whether
it's within the next several months, whether
it's a couple years down the road, so at some
point there is going to be that construction
traffic.

Our view would be, let's get that
construction traffic in, let's get it over
with, let's get the community 100 percent
done and get us out of there.

So, I guess to the first letter
of objection, we pound into our trades
traffic safety, cleanliness, all those type
of things.

Building a house obviously is a
messy, noisy process, but I think the sooner
we can build those two homes and be out of
the community entirely, is -- obviously it's
a financial benefit to us, but I think it's a
benefit to the community of Mayberry Park by
having their community 100 percent completed.

MR. GERBLICK: All right. Thank
you.

CHAIRPERSON FERRELL: Any further
discussion?

MR. SANGHVI: Apart from not
being able to sell without the sign, what is
your hardship?

I'm not quite convinced by your
hardship for this sign.

MR. WINDINGLAND: The hardship is
just the delay-ability to sell these two home
sites.

MR. SANGHVI: That's marketing.

Thank you.

CHAIRPERSON FERRELL: Any other
discussion?

MR. NELSON: Is it possible to
talk? I mean, you kind went by the audience
feedback, if not, I understand.

CHAIRPERSON FERRELL: Are you
part of this subdivision?
MR. NELSON: No. I'm part of the city. If not, I understand, no problem.

CHAIRPERSON FERRELL: If you can limit what you say.

You are still sworn in, just so you know.

MR. NELSON: I need to swear again or no?

CHAIRPERSON FERRELL: No.

MR. NELSON: It's interesting when I heard this because it kind of struck a bit of a cord with me.

So there is a sign on the southwest corner of Beck and Eleven Mile for Asberry Park. I got to tell you, as an 18 year resident, every time I drive by that sign, it just looks like clutter to me.

So it reminded me that I needed to call because I think periodically to find out, you know, what's the state of that subdivision. I look forward to the day that that sign can be taken down because it's just -- I take pride in keeping my home and the city and the surroundings free of, you know, distractions.

So I have nothing else against
this person's sign, but just as a resident, I want to tell you, that I don't support those signs staying up, you know, longer than necessary.

I just think it distracts from the city.

CHAIRPERSON FERRELL: Thank you.

Any more discussion?

My comments, I'm in favor for the six months, that would be my limit. And I definitely would not approve it if you came back.

MR. WINDINGLAND: I won't be back.

CHAIRPERSON FERRELL: Other than that --

MR. GERBLICK: So, sir, in order to pass a motion here, you would need a quorum, which I believe is four members.

I'm not sure we are quite there. We would be happy to take a vote and see where we're at.

Would you like us to proceed with taking a vote?

MS. SAARELA: I just want to clarify for a sign variance, you just need a
MR. GERBLICK: So three.

I can make a motion. In Case No. PZ14-0039, I move that we grant the requested variance for the six month period or until the properties sell, whichever is sooner.

The requested variance is based on circumstances or features that are exceptional or unique to the property and do not result in conditions that generally exist in the city, or that are self-created, given the location of the subdivision on Eight Mile, the traffic, which is quite heavy on Eight Mile, and the location of these properties within that community.

The failure to grant relief will unreasonably prevent or limit the use of the property or will result in substantially more than a mere inconvenience or inability to attain a higher economic return.

The grant of relief will not result in a use of the structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, and will result in substantial justice being done to both the applicant and adjacent or
surrounding properties and is not inconsistent with the spirit of the ordinance.

MS. KRIEGER: Second.

CHAIRPERSON FERRELL: Motion and a second, any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski will you call the roll, please.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: No.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to one.

MR. WINDINGLAND: Thank you, folks. Good evening.

CHAIRPERSON FERRELL: Moving onto
MR. GERBLICK: In Case No. PZ14-0040, do you swear to tell the truth?

MR. HUYGE: My name is Patrick Huyge, H-u-y-g-e. I work for Site Enhancement Services located at 6001 Mince Parkway, South-Bend, Indiana 46628.

I am here tonight representing Eyeglass World. We are requesting a third sign on a building where only one is allowed.

We are actually here -- back in December -- I actually was here in December of 2013 to request a second wall sign for the property.

We feel that this sign is necessary in order to make actually the building look nicer.

If you look at and drive by the building right now, it almost looks unoccupied, and quite honestly, it looks out of place because the blank facade and actually the two blank facades, I should say that one faces West Oaks Road, one faces the parking lot.

In our original request, back in
December we felt that one wall sign that we were requesting on the north elevation, which actually is our entrance to our building would help, not only with the business itself, but also make the building look a little nicer and we thought that would be the minimum relief necessary in order to properly advertise this site.

This request is to give motorists who are coming in on West Oaks Drive a little advance notification and make the building not look so unoccupied.

Does the board have artwork? I have artwork with me, if you don't mind me passing it out.

CHAIRPERSON FERRELL: Not at all.

MR. HUYGE: Still keep it brief and we will just walk through it.

I will walk you guys through the artwork.

If you turn to page two, what we have done is we've taken the site plan and showed obviously where we are within the existing shopping center and showed the proposed sign. It is a 22 square foot sign, 22.25 square feet, excuse me.
So we feel that, you know, this is the minimum relief necessary in order -- in regards to the square footage, to make the sign legible, but also make the building look occupied, and I know within the city of Novi, obviously you want to keep buildings looking nice and keep the property values up and we feel that a blank looking building actually might deter from people within the city.

So this request is to not only put up a sign to give motorists that notification that Eyeglass World is here, but also make the building look a little more little nice. Excuse me. And less unoccupied.

In conclusion, we have others within the surrounding corridor that have similar circumstances, such as the Starbucks and Jared which have three wall signs on their building. Obviously two is Jared and one is Starbucks, if I'm not mistaken.

And then also driving throughout the corridor there is the Sears outlet, which is right around the corner from our proposed location, they have three wall signs, one facing each parking lot that they have.
Then there is also the Gander Mountain, which is just off West Oaks Drive there kitty-corner from the ABC Warehouse, which has a wall sign facing their parking lot. Then also a wall sign facing West Oaks Drive.

I know that, you know, in order to have the variance granted the board has to see a hardship.

We feel there is a hardship here in regards to our building looking rather blank and unoccupied. And it is unique in the fact that we're a freestanding building within the shopping center whereas most everybody else within that shopping center is an in-line tenant, which only has one frontage whereas we have three.

And others within the surrounding corridor have similar circumstances and have similar signage to what's being requested, so we feel that this will not -- will not hurt the corridor and will actually fit in with others in the surrounding corridor.

Thank you for your time and I'm happy to answer any questions you may have at this time.
CHAIRPERSON FERRELL: Thank you.

Anybody in the audience have any comments or questions?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, secretary, can you read any correspondence.

MR. GERBLICK: In Case No. PZ14-0040, 38 notices were mailed, two notices returned, zero approval letters and zero denials.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Open it up to the board.

MS. KRIEGER: In this case, I can't support the request for a third sign because you came back for the second one, so now it's a matter of where do you want those two signs to get your best advantage. Not have the third sign.

Because diamond -- I believe we have turned that one down for Jared. They might have had that diamond shape on the west side, but they only have the two Jared
diamond and they chose where they want to put those two signs.

So I believe the same thing should go for here, is that you wanted -- if you want -- which way you want it faced, or get the attention of is the drive or by the stores, that's a matter for you to discuss, but, I'm sorry, I can't support the third sign.

MR. HUYGE: May I respond?

MS. KRIEGER: You may.

MR. HUYGE: In response to that, Jared actually has frontage along Novi Road where we are within the shopping center, so the only traffic we are really going to get is somebody who is driving along West Oaks Drive or has turned in off Novi Road.

This sign will help people who are on West Oaks Drive know that this building is occupied. Without this third sign that we are requesting, it will look unoccupied.

Now, the placement of the two signs we have right now, one is over the entrance of the building in the number one --
for businesses is you got to have a sign over your entrance. That's actually the variance we requested in December was to have a sign over our entrance because our code allowed sign actually faces that drive aisle, which is directly east of our property.

We felt that, you know, obviously, the code allowed sign is -- we are going to utilize that because obviously it's allowed by code.

We wanted to utilize this sign over the front of our -- over the entrance because like I stated, you got to have a sign over the entrance to your building to notify it.

Now, the third sign is something that's needed for motorists coming the other way.

Now, Jared is a different unique circumstance, in the fact that their traffic is coming from Novi Road.

We have traffic coming from different sections and different roadways.

MS. KRIEGER: I appreciate your comments.

I have a question regarding
something. They have a sign by right. That sign by right, can they put it anywhere on that building or I know they want to intend to put one over their door, entrance.

MR. WALSH: Just the one sign, yes, by right.

MS. KRIEGER: Can go anywhere?

MR. WALSH: Yes, just one sign.

MR. HUYGE: Right, we are allowed one sign. When we actually brought that up, when we started permitting the sign, we were told that we cannot put it over the entrance. Because that's exactly what we would have done and not requested the variance in 2013.

But when we had correspondence with the city, we were told that the sign that we were allowed by code can only face the artillery drive directly east of our building.

MR. WALSH: I would have to look.

MR. HUYGE: Otherwise we would have just to put a sign over the front of our entrance and not even put a sign along the artillery drive directly east.

MR. GERBLICK: Sir, based on
those comments, if that east facing sign that
you are saying you never really wanted, was
able to be moved to the south facing facade,
would that solve your hardship or
inconvenience?

MR. HUYGE: It wouldn't solve the
hardship in the fact the building looks
unoccupied. And we still wouldn't have that
visibility along -- from West Oaks Drive, the
motorists who are turning left onto West Oaks
Drive into the shopping center there, would
see no signs on a building, which, in
essence, makes it look unoccupied.

Now, the sign on the side serves
a purpose for motorists turning in from off
of Novi Road.

My comment, what I meant, I guess
I should clarify. Was given the choice of
having the sign over our entrance, or having
the sign over the side of our side -- side
face that artillery drive, Eyeglass World
would have chosen over their entrance.

So if that would have been the
code allowed option, that would have been
what they would have done.

Now, hypothetically speaking
obviously, if that was allowed, we would have
put the sign over the front, over the
entrance. I don't know if they would have
wanted us to come back and request a variance
along the side.

Obviously that's a hypothetical
situation that I do not know the answer to

unfortunately.

MR. GERBLICK: Appreciate your
honesty. Thank you.

MS. KRIEGER: Yours has a sign
three -- the one facing west -- is there one
on the west building, west side.

CHAIRPERSON FERRELL: I got a
question. So if you were to put a sign on
the north and south side of the building --

MR. HUYGE: Correct, so the north
elevation, which is where our entrance, the
south is where we are requesting tonight.

CHAIRPERSON FERRELL: So if you
took the sign that you have on the east side,
that you're not really sure you guys even
wanted, you put it on the south, I guess I'm
confused, unless you can explain it to me,
how do you not see that sign if you pull into
the parking lot by the strip mall part, or if
you pull in say where like the Art Van and Jared is and you come down that way, I think anywhere you're at on those two spots you're going to see something on that building.

MR. HUYGE: No. Without -- you mean on the north and south?

CHAIRPERSON FERRELL: On the north and south, if you just switched that east one and put it on the south, you had them both there, north and south -- anyway you come in, I feel like you would see the sign no matter where you're at.

MR. HUYGE: So if we come off -- come in -- if a motorist turns in off of Novi Road there, that sign on the south elevation is actually parallel. So that sign wouldn't necessarily be visible to a motorist who is --

CHAIRPERSON FERRELL: You wouldn't really see your sign until you got kind of close to anyway because Jared would kind of block your view as to make that turn, you have to be kind of close to your building.

MR. HUYGE: Jared?

CHAIRPERSON FERRELL: You know
where Jared is on the corner?

MR. HUYGE: Isn't Jared off on Novi Road there, all the way over to the east?

CHAIRPERSON FERRELL: Yes.

MR. HUYGE: So as a motorists turns left off of Novi -- let's say a motorist is heading north on Novi Road --

CHAIRPERSON FERRELL: What I'm saying, if you come off here onto that strip here, you put a sign on the south part of the building, how are you not going to see that if you're driving right here?

MR. HUYGE: Because it's parallel and that building setback is only -- I mean, I wish I had a number, but that building setback is not far away from that driveway.

CHAIRPERSON FERRELL: Like if somebody is driving through there, they happened to see your building, are they going to go, oh, there is an eyeglass place, I'm going to go there. Or are they already going to know that you're there to come to your place. You know what I'm saying. It's not like you're a retail store.

MR. HUYGE: Where you rely on
impulse purchases.

CHAIRPERSON FERRELL: When you get close enough to the building, you would be able to see the sign and know, okay, next time I'll make an appointment to go here, eye doctor, get my glasses so I know where the building is at.

I don't really feel you would need to have that much exposure with your signage to actually go to an eyeglass place.

MR. HUYGE: I understand your concerns and kind of our thinking here is we are trying to get those motorists who are along West Oaks Drive who might not necessarily get to the east side of the shopping center. If they don't get to the east side of the shopping center right now, they don't know that's an Eyeglass World.

I understand, you know, Novi is a small town, you have -- but it is a destination.

CHAIRPERSON FERRELL: But when you come off this road, you're almost right by your building before you can turn in. There is an entrance right here to get into this parking lot. So you are pretty close.
I kind of feel you would see it from there.

I would have to actually go to really tell. I feel like from being in that area quite a bit, that you would still kind of see it. If you pull in off the upper part, I think anywhere in here you're going to see it.

MR. HUYGE: You're going to see the northern wall sign.

CHAIRPERSON FERRELL: I think without a problem. I think having three signs, in my opinion, may be a little too much. We are kind of big on not having like a ton of signs.

MR. HUYGE: I know sign clutter definitely -- we just felt like each sign serves a unique purpose in the fact, you know, each way somebody is coming in or approaching the building, we would like to have that visibility. And I completely understand your concerns at the same time.

MS. SAARELA: We don't see anything that would limit it from being over the main entrance.

CHAIRPERSON FERRELL: So they could put it -- it already is over the main
MR. HUYGE: Can I clarify what we were told then?

CHAIRPERSON FERRELL: Yes, go ahead.

MR. HUYGE: Yes, because we have frontage along that access drive, we had to put our code allowed sign along that frontage, even though our entrance faced the parking lot. That's what we were told. I know. It might not be what the code states. We tried making that argument as well. But that was the ruling we got.

MR. IBE: Well, based on what you've said, sir, I think that regardless of -- I think you have a sign already over your front entrance, which is really the most important.

Now, the one facing the parking lot, it's just a parking lot. If somebody is going to pull up to an Eyeglass World and see a sign on the front door, they are not going to pull up into the parking lot and say, oh, wow, that's not the same building, my eyes must be deceiving me. That should be a good
marketing tool for you.

So, based on that, I don't think you need a third sign. I think you have just been offered two. And I know way -- I don't need the eyeglasses, but I have seen the sign. The parking lot is not a distraction. Your view of it is very visible and the color that you have for your sign, I mean, it's really beautiful. I don't think a third line will serve you any good.

Unfortunately, I don't believe I would be in support of it. We have a very strict standard regarding signs. And what stops you from asking for a fourth sign, after all, you have the four corners. I mean you could ask for a fourth one this week.

MR. HUYGE: We wouldn't have an argument for that.

MR. IBE: I don't believe you have showed any exceptional and unique reasons why this should be granted, and based on that, I'm simply not going to be in favor of it. Thank you.

CHAIRPERSON FERRELL: Any further discussion? Ready for a motion.

MR. IBE: Mr. Chair, in Case No.
PZ14-0040, Eyeglass World, located at 27793 Novi Road, I move that we deny the applicant's request for the following reasons, that one, the applicant has not or has failed to show circumstances of features that are exceptional, unique to the property, and that do not currently exist in the city.

And also the applicant's request is more of something that is self-created. The applicant is asking for a third sign that is not really necessary. The applicant is entitled to one sign, however, the applicant was given a second sign to allow for more visibility.

Now the applicant comes to us, and asks for a third one that the applicant feels is necessary.

However, suggestions have been made to the applicant that they can move a current sign, the second line they have facing the parking lot to the south elevation where they currently are requesting a new sign.

Also failure to grant relief will not prevent this applicant from using the
property as intended.

And finally the grant of relief is consistent with the zoning ordinance and will also do substantial justice to the surrounding property in the area.

Based on this and based on the presentation made by the applicant, based on the arguments presented by the members, as well as the documents that was submitted by the applicant, I move that we deny the applicant's request.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: Motion and a second. Any further discussion?

(NO audible responses.)

CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson
CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes five to zero.

MR. HUYGE: Can I ask for a clarification. In the motion, was stated -- I guess are we allowed to move the sign then?

MR. WALSH: It all depends on how the previous motion was made.

MR. HUYGE: We have to pull up the previous minutes.

MS. SAARELA: Yes.

MR. HUYGE: Thank you for your time. It is appreciated.

CHAIRPERSON FERRELL: Any other matters?

MS. KRIEGER: Regarding the sign that the Pioneer Meadows person, wasn't that for Asberry, didn't we fail that then Mr. Bosco allowed the sign to be put on his property?

MR. WALSH: Not sure.

MR. IBE: That's the one on Eleven Mile Road.

MS. KRIEGER: I think we denied it.
MR. IBE: That's been there forever.

MS. KRIEGER: I believe we denied it.

MR. IBE: It's a big eyesore.

CHAIRPERSON FERRELL: Any other matters?

MS. KRIEGER: No. Thank you.

CHAIRPERSON FERRELL: Anything else from the board?
I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the witness whose attached deposition was taken before me in the above entitled matter was by me duly sworn at the aforementioned time and place; that the testimony given by said witness was stenographically recorded in the presence of said witness and afterward transcribed by computer under my personal supervision, and that the said deposition is a full, true and correct transcript of the testimony given by the witness.

I further certify that I am not connected by blood or marriage with any of the parties or their attorneys, and that I am not an employee of either of them, nor financially interested in the action.

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan.

_________________  _________________________
Date              Jennifer L. Wall CSR-4183

Oakland County, Michigan

My Commission Expires 11/12/15