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REGULAR MEETING - ZONING BOARD OF APPEALS

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CITY OF NOVI

3

Tuesday, September 9, 2014

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Proceedings taken in the matter of the ZONING BOARD OF

6

APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi,

7

Michigan, on Tuesday, September 9, 2014

8

BOARD MEMBERS

9

Brent Ferrell, Chairperson

10

Mav Sanghvi

11

Rickie Ibe

12

James Gerblich

13

Linda Krieger

14

ALSO PRESENT: Thomas Walsh, Building Official

15

Beth Saarela, City Attorney

16

Coordinator: Angela Pawlowski, Recording Secretary

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REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Tuesday, September 9, 2014

7:00 p.m.

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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

3 Ferrell?

4 CHAIRPERSON FERRELL: Here.

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

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

11 Onto the approval of the agenda.

12 Is there any additions or any  
13 changes?

14 MS. PAWLOWSKI: No.

15 CHAIRPERSON FERRELL: Motion?

16 MR. SANGHVI: So moved.

17 MR. IBE: Second.

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

20 THE BOARD: Aye.

21 CHAIRPERSON FERRELL: Any  
22 opposed?

23 (No audible responses.)

24 CHAIRPERSON FERRELL: Seeing  
25 none, we have an agenda.

0005

1 Onto minutes of July 8th, 2014.

2 Any changes to that from the city or the  
3 board?

4 (No audible responses.)

5 Hear a motion?

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

8 MR. GERBLICK: Second.

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

11 THE BOARD: Aye.

12 CHAIRPERSON FERRELL: Any  
13 opposed?

14 (No audible responses.)

15 CHAIRPERSON FERRELL: Seeing  
16 none.

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

21 (No audible responses.)

22 CHAIRPERSON FERRELL: Seeing  
23 none.

24 We ask when your case is called  
25 to come up -- where is everybody sitting over

0006

1 there. You get called up, please raise your  
2 right hand be sworn in by secretary, if  
3 you're not an attorney, and state and spell  
4 your name for the reporter.

5 Case No. PZ 14-0035, 2020 Austin  
6 Drive.

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

10 MR. GERBLICK: Raise your right  
11 hand.

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

14 MR. HALVENGIS: I do.

15 MR. GERBLICK: Are you going to  
16 be speaking?

17 We may both.

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

20 MR. LEVENTIS: I do.

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

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

0007

1 contractor.

2 MR. HALVENGIS: I and my wife  
3 Karla, K-a-r-l-a, are the owners of 2020  
4 Austin. We presently in Novi. We live at  
5 22522 Brook Forest in Novi.

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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

7 notices returned, one approval letter.

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

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

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

24 CHAIRPERSON FERRELL: Yes.

25 MR. IBE: I have no problem with

0009

1 this. I think the construction that you --  
2 back home will actually help the property  
3 value in the area.

4 Since your neighbors are not  
5 really concerned about it, other than traffic  
6 which, of course, is something that you  
7 cannot control when you're in reconstruction.



8 I'm sure you will take proper care to ensure  
9 that the neighbors are not overly disturbed  
10 because of the construction, so I'm sure your  
11 contractor will make sure that that happens.

12 So I have no problem with that.  
13 I will vote for this.

14 CHAIRPERSON FERRELL: Okay.  
15 Anybody else?

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

22 MR. HALVENGIS: On 2280 and 2214,  
23 both of those pieces of property sit  
24 approximately -- and a garage is on 2280,  
25 they sit 15 feet from the actual -- from the

0010

1 road from -- for the road end, the property  
2 lines, of course, is within really a couple  
3 feet of that garage, and the other, 2214 is a  
4 house, and that property line is probably  
5 about two or three feet away from the house.

6 MR. GERBLICK: Thank you.

7 CHAIRPERSON FERRELL: Any other  
8 discussion?

9 MR. HALVENGIS: All of this  
10 property has an issue. You know this  
11 section, it's all very, very small. I mean,  
12 they're generally long and narrow. And  
13 it's-- you can't do anything that would meet,  
14 you know, the code on that.

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

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

21 MR. GERBLICK: Thank you.

22 CHAIRPERSON FERRELL: Any other  
23 discussion from the board?

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

0011

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

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

7 MS. KRIEGER: Thank you.

8 CHAIRPERSON FERRELL: Motion?

9 MR. GERBLICK: Case No.

10 PZ14-0035, I move that we grant the variances  
11 as requested, as there are unique  
12 circumstances or physical conditions of the  
13 property such as the property's narrowness  
14 and the need is not self-created, given the  
15 non-conforming structure of the existing  
16 property.

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

24 The requested variance is the  
25 minimum variance necessary to do substantial

0012

1 justice to the applicant, as well as property  
2 owners in the district, and the requested  
3 variance will not cause an adverse impact on  
4 the surrounding property, property values or  
5 the use and enjoyment of the property in the  
6 neighborhood.

7 MR. SANGHVI: Second.

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

10 Seeing none, Ms. Pawlowski, can

11                   you call the roll, please.

12                   MS. PAWLOWSKI: Member Gerblick?

13                   MR. GERBLICK: Yes.

14                   MS. PAWLOWSKI: Member Ibe?

15                   MR. IBE: Yes.

16                   MS. PAWLOWSKI: Member Krieger?

17                   MS. KRIEGER: Yes.

18                   MS. PAWLOWSKI: Member Sanghvi?

19                   MR. SANGHVI: Yes.

20                   MS. PAWLOWSKI: Chairperson

21                   Ferrell?

22                   CHAIRPERSON FERRELL: Yes.

23                   MS. PAWLOWSKI: Motion passes

24                   five to zero.

25                   CHAIRPERSON FERRELL:

0013

1                    Congratulations.

2                    Onto Case No. Case No PZ14-0036,

3                    25843 Strathaven.

4                    Please come forward and be sworn

5                    in by the secretary.

6                    MR. GERBLICK: In Case No.

7                    PZ14-0036, do you swear to tell the truth?

8                    MS. SCHOLTEN: Yes, I do.

9                    CHAIRPERSON FERRELL: Please

10                   state and spell your name.

11                   MS. SCHOLTEN: My name is

12 Collette Scholton, C-o-l-l-e-t-t-e,  
13 S-c-h-o-l-t-e-n.

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

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

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

25 Currently, the zoning is 45 feet

0014

1 front setback. We're requesting 40 feet.  
2 Rear setback is currently 50, we are  
3 requesting 40. And the aggregate side  
4 setbacks are currently 50, we are requesting  
5 41.

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

12 So we are requesting those

13 setbacks in order to build a home that is  
14 adequate for the neighborhood.

15 CHAIRPERSON FERRELL: Okay.  
16 Anybody in the audience have any questions or  
17 comments pertaining to this case? Please  
18 come forward and be sworn in by the secretary  
19 and the state and spell your name for the  
20 reporter.

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

23 CHAIRPERSON FERRELL: Spell your  
24 name for us.

25 MR. NELSON: G-r-e-g-o-r-y,

0015

1 N-e-l-s-o-n.

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

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

6 MR. NELSON: Yes.

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

10 CHAIRPERSON FERRELL: Yes.

11 MR. NELSON: Just maybe for the  
12 panel here.

13 So while you're waiting to get

14 this, what you will see here, I kind of put  
15 together a little bit of history on Pioneer  
16 Meadows.

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

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

0016

1 point number one here.

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

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

11 And we took that and we try to be  
12 somewhat reasonable for builders that want to  
13 have a bigger home today, to today's standard  
14 because a lot of the homes in the Pioneer

15 Meadows are a little bit smaller, we came up  
16 with a compromise and thought that 40 feet  
17 front and rear setback was a big compromise.

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

25 So as you can see in .2C, it

0017

1 allows for a bit larger home, right in -- it  
2 still doesn't obstruct the views of the other  
3 surrounding homes.

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

10 There are times when we have  
11 clear hardships, so point E talks about lot  
12 15, which is in the bottom left. And that's  
13 kind of an odd shaped lot, so you may or may  
14 not recall, but last month there was a case  
15 that came in, and you did approve that, we



16 did support that because it was an odd shaped  
17 lot. We worked with the applicant to come up  
18 with the home, you know, it was their design,  
19 but we thought it was a good fit, so when we  
20 have cases like that, we will approve them.

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

0018

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

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

14 So we are here just to support  
15 and appreciate the applicant working with us.  
16 It took a couple of iterations, but she is

17 very cooperative, and I think came up with a  
18 home we are excited to have in the  
19 neighborhood with lot No. 59, so we endorse  
20 the project.

21 CHAIRPERSON FERRELL: Thank you.

22 So you're only refering to lot  
23 59, not 61? Is that another case?

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

0019

1 59.

2 CHAIRPERSON FERRELL: Thank you.

3 Anything from the city?

4 MR. WALSH: No comments.

5 CHAIRPERSON FERRELL: Any  
6 correspondence?

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

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

17 The second approval letter, dated

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

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

0020

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

7 CHAIRPERSON FERRELL: I also  
8 agree with you as well.

9 Do I hear a motion?

10 MR. IBE: I'll take it.

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

14 One, there are unique  
15 circumstances regarding the physical  
16 condition of the property itself, such as the  
17 narrowness and the shape or topography of the  
18 lot itself.

19                                   And that warrants for the board  
20                                   to approve the request.

21                                   The need is not self-created, and  
22                                   based on the information provided to us by  
23                                   the Pioneer Meadows Association, in looking  
24                                   at the single lots, in the same subdivision,  
25                                   it goes to show you the only way that this

0021

1                                   applicant can have anything done is for a  
2                                   variance to be granted. Therefore, the need  
3                                   is certainly not the creation of the  
4                                   applicants.

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

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

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

18                                   And finally, the requested  
19                                   variance will not cause an adverse impact on

20 surrounding property values of the use or the  
21 enjoyment of the property in the neighborhood  
22 or zoning district.

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

0022

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

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

12 MS. KRIEGER: Second.

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

15 (No audible responses.)

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

19 MS. PAWLOWSKI: Member Gerblick?

20 MR. GERBLICK: Yes.

21 MS. PAWLOWSKI: Member Ibe?  
22 MR. IBE: Yes.  
23 MS. PAWLOWSKI: Member Krieger?  
24 MS. KRIEGER: Yes.  
25 MS. PAWLOWSKI: Member Sanghvi?  
0023  
1 MR. SANGHVI: Yes.  
2 MS. PAWLOWSKI: Chairperson  
3 Ferrell?  
4 CHAIRPERSON FERRELL: Yes.  
5 MS. PAWLOWSKI: Motion passes  
6 five to zero.  
7 CHAIRPERSON FERRELL: Thank you.  
8 Case No. PZ-14-0037, 25885  
9 Strathaven.  
10 MR. GERBLICK: Case No.  
11 PZ14-0037, do you swear to tell the truth?  
12 MS. MCHUGH: I do.  
13 CHAIRPERSON FERRELL: State and  
14 spell your name.  
15 MS. MCHUGH: Charlene McHugh,  
16 M-c-h-u-g-h. So at the request of the  
17 Pioneer Meadows architectural committee and  
18 because some new information has come to  
19 light to me, would it be possible to table  
20 this motion until next month so I have more  
21 time to confer with the architectural

22 committee?

23 MS. SAARELA: Yes.

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

0024

1 MS. PAWLOWSKI: October 14th.

2 MR. GERBLICK: October 14

3 meeting.

4 CHAIRPERSON FERRELL: Do I hear a  
5 second?

6 MR. IBE: Second.

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

9 THE BOARD: Aye.

10 CHAIRPERSON FERRELL: Any

11 opposed?

12 (No audible responses.)

13 CHAIRPERSON FERRELL: Seeing

14 none.

15 MS. MCHUGH: Thank you very much.

16 CHAIRPERSON FERRELL: Case No.

17 PZ14-0039, parcel 5022-32-401-044.

18 MR. GERBLICK: In Case No.

19 PZ14-0039, do you swear to tell the truth?

20 MR. WINDINGLAND: I do.

21 MR. GERBLICK: Thank you.

22 MR. WINDINGLAND: Good evening.

23 I'm Greg Windingland with Cranbrook Talcom  
24 Homes. W-i-n-d-i-n-g-l-a-n-d. It took me  
25 until seventh grade to learn that.

0025

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

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

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

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

20 (No audible responses.)

21 CHAIRPERSON FERRELL: Seeing  
22 none, city?

23 MR. WALSH: No comments at this



24 time.

25 CHAIRPERSON FERRELL: Any

0026

1 correspondence?

2 MR. GERBLICK: In Case No.  
3 PZ14-0039, 50 notices were mailed, five  
4 notices returned, one approval letter was  
5 received and one denial letter was received.

6 The denial letter reads, from  
7 Gaudino, that's G-a-u-d-i-n-o at 21029  
8 Richmond Drive, dated September 8, 2014, "We  
9 object because it causes additional  
10 subdivision traffic which creates a safety  
11 issue with all the small children in the  
12 neighborhood. The benefit outweighs the risk  
13 with only one lot left. We object."

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

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

23 MR. IBE: Sir, how long have you  
24 had a sign out there?

25

MR. WINDINGLAND: That's a good

0027

1 question. It expired August 10th of this  
2 year.

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

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

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

12 MR. WINDINGLAND: Yes, that is  
13 correct.

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

21 MR. WINDINGLAND: Absolutely.  
22 With the amount of drive-by traffic it  
23 certainly is helpful. Also I neglected to  
24 mention earlier. The sign has been  
25 well-maintained. It's not neglected.

0028

1                   MR. IBE: I see. Don't you have  
2 a permanent sign out there already for  
3 Mayberry Park? I see one when you pull up in  
4 the front.

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

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

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

16                  MR. IBE: Do you think that  
17 someone driving down Eight Mile Road and sees  
18 the sign, oh, let me go there and buy a lot.

19                  You think that's the best way to  
20 market those two lots?

21                  MR. WINDINGLAND: It's a very  
22 good way to market it, again, because of the  
23 traffic traveling on Eight Mile Road, they  
24 see the community, they see the sign, they  
25 see the community and certainly an inviting

0029

1 community, so by having the sign there, and  
2 having the ability to go in and look, we do  
3 think it's very beneficial.

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

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

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

23 Based on my -- on the history of  
24 that other places completely developed  
25 really, I have a problem until I hear from

0030

1 the other members as to whether I will be in

2 support of this or not.

3 Thank you, sir.

4 CHAIRPERSON FERRELL: Any others?

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

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

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

14 CHAIRPERSON FERRELL: Absolutely.

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

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

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

0031

1 When we first obtained Mayberry  
2 Park, it was during the recession, so part of

3 that time was still just getting traction.  
4 Certainly we have had success recently, but  
5 part of the time that that sign has been up  
6 was during a very challenging time, so maybe  
7 that's part of the reason for the extended  
8 period.

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

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

21 CHAIRPERSON FERRELL: Yes?

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

0032

1 Other than a higher economic  
2 return by selling these two properties, what  
3 other unique or exceptional conditions are

4 there to the property that would allow us to  
5 grant the sign?

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

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

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

24 So, I guess to the first letter  
25 of objection, we pound into our trades

0033

1 traffic safety, cleanliness, all those type  
2 of things.

3 Building a house obviously is a  
4 messy, noisy process, but I think the sooner

5 we can build those two homes and be out of  
6 the community entirely, is -- obviously it's  
7 a financial benefit to us, but I think it's a  
8 benefit to the community of Mayberry Park by  
9 having their community 100 percent completed.

10 MR. GERBLICK: All right. Thank  
11 you.

12 CHAIRPERSON FERRELL: Any further  
13 discussion?

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

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

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

22 MR. SANGHVI: That's marketing.  
23 Thank you.

24 CHAIRPERSON FERRELL: Any other  
25 discussion?

0034

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

4 CHAIRPERSON FERRELL: Are you  
5 part of this subdivision?



6 MR. NELSON: No. I'm part of the  
7 city. If not, I understand, no problem.

8 CHAIRPERSON FERRELL: If you can  
9 limit what you say.

10 You are still sworn in, just so  
11 you know.

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

14 CHAIRPERSON FERRELL: No.

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

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

23 So it reminded me that I needed  
24 to call because I think periodically to find  
25 out, you know, what's the state of that

0035

1 subdivision. I look forward to the day that  
2 that sign can be taken down because it's  
3 just -- I take pride in keeping my home and  
4 the city and the surroundings free of, you  
5 know, distractions.

6 So I have nothing else against

7           this person's sign, but just as a resident, I  
8           want to tell you, that I don't support those  
9           signs staying up, you know, longer than  
10          necessary.

11                        I just think it distracts from  
12          the city.

13                        CHAIRPERSON FERRELL:  Thank you.  
14          Any more discussion?

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

19                        MR. WINDINGLAND:  I won't be  
20          back.

21                        CHAIRPERSON FERRELL:  Other than  
22          that --

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

0036

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

4                        Would you like us to proceed with  
5          taking a vote?

6                        MS. SAARELA:  I just want to  
7          clarify for a sign variance, you just need a

8 majority of the present.

9 MR. GERBLICK: So three.

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

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

23 The failure to grant relief will  
24 unreasonably prevent or limit the use of the  
25 property or will result in substantially more

0037

1 than a mere inconvenience or inability to  
2 attain a higher economic return.

3 The grant of relief will not  
4 result in a use of the structure that is  
5 incompatible with or unreasonably interferes  
6 with adjacent or surrounding properties, and  
7 will result in substantial justice being done  
8 to both the applicant and adjacent or

9 surrounding properties and is not  
10 inconsistent with the spirit of the  
11 ordinance.

12 MS. KRIEGER: Second.

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

15 (No audible responses.)

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

19 MS. PAWLOWSKI: Member Gerblick?

20 MR. GERBLICK: Yes.

21 MS. PAWLOWSKI: Member Ibe?

22 MR. IBE: Yes.

23 MS. PAWLOWSKI: Member Krieger?

24 MS. KRIEGER: Yes.

25 MS. PAWLOWSKI: Member Sanghvi?

0038

1 MR. SANGHVI: No.

2 MS. PAWLOWSKI: Chairperson

3 Ferrell?

4 CHAIRPERSON FERRELL: Yes.

5 MS. PAWLOWSKI: Motion passes

6 four to one.

7 MR. WINDINGLAND: Thank you,

8 folks. Good evening.

9 CHAIRPERSON FERRELL: Moving onto

10 Case No. PZ14-0040, 27793 Novi Road, Eyeglass  
11 World.

12 MR. GERBLICK: In Case No.  
13 PZ14-0040, do you swear to tell the truth?

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

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

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

25 We feel that this sign is

0039

1 necessary in order to make actually the  
2 building look nicer.

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

10 In our original request, back in

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

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

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

0040

1 CHAIRPERSON FERRELL: Not at all.

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

4 I will walk you guys through the  
5 artwork.

6 If you turn to page two, what we  
7 have done is we've taken the site plan and  
8 showed obviously where we are within the  
9 existing shopping center and showed the  
10 proposed sign. It is a 22 square foot sign,  
11 22.25 square feet, excuse me.



13                               Then there is also the Gander  
14                               Mountain, which is just off West Oaks Drive  
15                               there kitty-corner from the ABC Warehouse,  
16                               which has a wall sign facing their parking  
17                               lot. Then also a wall sign facing West Oaks  
18                               Drive.

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

22                               We feel there is a hardship here  
23                               in regards to our building looking rather  
24                               blank and unoccupied. And it is unique in  
25                               the fact that we're a freestanding building

0042

1                               within the shopping center whereas most  
2                               everybody else within that shopping center is  
3                               an in-line tenant, which only has one  
4                               frontage whereas we have three.

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

11                               Thank you for your time and I'm  
12                               happy to answer any questions you may have at  
13                               this time.



14 CHAIRPERSON FERRELL: Thank you.  
15 Anybody in the audience have any comments or  
16 questions?

17 (No audible responses.)

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

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

25 CHAIRPERSON FERRELL: Anything

0043

1 from the city?

2 MR. WALSH: No comments.

3 CHAIRPERSON FERRELL: Open it up  
4 to the board.

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

11 Because diamond -- I believe we  
12 have turned that one down for Jared. They  
13 might have had that diamond shape on the west  
14 side, but they only have the two Jared

15 diamond and they chose where they want to put  
16 those two signs.

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

24 MR. HUYGE: May I respond?

25 MS. KRIEGER: You may.

0044

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

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

12 Now, the placement of the two  
13 signs we have right now, one is over the  
14 entrance of the building in the number one --  
15 in the signage industry, the number one rule

16 for businesses is you got to have a sign over  
17 your entrance. That's actually the variance  
18 we requested in December was to have a sign  
19 over our entrance because our code allowed  
20 sign actually faces that drive aisle, which  
21 is directly east of our property.

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

0045

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

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

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

12 We have traffic coming from  
13 different sections and different roadways.

14 MS. KRIEGER: I appreciate your  
15 comments.

16 I have a question regarding

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

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

23 MS. KRIEGER: Can go anywhere?

24 MR. WALSH: Yes, just one sign.

25 MR. HUYGE: Right, we are allowed

0046

1 one sign. When we actually brought that up,  
2 when we started permitting the sign, we were  
3 told that we cannot put it over the entrance.

4 Because that's exactly what we  
5 would have done and not requested the  
6 variance in 2013.

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

12 MR. WALSH: I would have to look.

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

17 MR. GERBLICK: Sir, based on

18 those comments, if that east facing sign that  
19 you are saying you never really wanted, was  
20 able to be moved to the south facing facade,  
21 would that solve your hardship or  
22 inconvenience?

23 MR. HUYGE: It wouldn't solve the  
24 hardship in the fact the building looks  
25 unoccupied. And we still wouldn't have that

0047

1 visibility along -- from West Oaks Drive, the  
2 motorists who are turning left onto West Oaks  
3 Drive into the shopping center there, would  
4 see no signs on a building, which, in  
5 essence, makes it look unoccupied.

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

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

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

18 Now, hypothetically speaking

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

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

0048

1 unfortunately.

2 MR. GERBLICK: Appreciate your  
3 honesty. Thank you.

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

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

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

13 CHAIRPERSON FERRELL: So if you  
14 took the sign that you have on the east side,  
15 that you're not really sure you guys even  
16 wanted, you put it on the south, I guess I'm  
17 confused, unless you can explain it to me,  
18 how do you not see that sign if you pull into  
19 the parking lot by the strip mall part, or if

20           you pull in say where like the Art Van and  
21           Jared is and you come down that way, I think  
22           anywhere you're at on those two spots you're  
23           going to see something on that building.

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

0049

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

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

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

19                     MR. HUYGE:  Jared?

20                     CHAIRPERSON FERRELL:  You know

21 where Jared is on the corner?

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

25 CHAIRPERSON FERRELL: Yes.

0050

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

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

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

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

21 MR. HUYGE: Where you rely on



22 impulse purchases.

23 CHAIRPERSON FERRELL: When you  
24 get close enough to the building, you would  
25 be able to see the sign and know, okay, next

0051

1 time I'll make an appointment to go here, eye  
2 doctor, get my glasses so I know where the  
3 building is at.

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

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

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

18 CHAIRPERSON FERRELL: But when  
19 you come off this road, you're almost right  
20 by your building before you can turn in.  
21 There is an entrance right here to get into  
22 this parking lot. So you are pretty close.

23 I kind of feel you would see it from there.

24 I would have to actually go to  
25 really tell. I feel like from being in that

0052

1 area quite a bit, that you would still kind  
2 of see it. If you pull in off the upper  
3 part, I think anywhere in here you're going  
4 to see it.

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

7 CHAIRPERSON FERRELL: I think  
8 without a problem. I think having three  
9 signs, in my opinion, may be a little to  
10 much. We are kind of big of not having like  
11 a ton of signs.

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

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

22 CHAIRPERSON FERRELL: So they  
23 could put it -- it already is over the main

24 entrance anyway?

25 MR. WALSH: Yes.

0053

1 MR. HUYGE: Can I clarify what we  
2 were told then?

3 CHAIRPERSON FERRELL: Yes, go  
4 ahead.

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

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

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

25 marketing tool for you.

0054

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

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

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

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

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

25 MR. IBE: Mr. Chair, in Case No.

1 PZ14-0040, Eyeglass World, located at 27793  
2 Novi Road, I move that we deny the  
3 applicant's request for the following  
4 reasons, that one, the applicant has not or  
5 has failed to show circumstances of features  
6 that are exceptional, unique to the property,  
7 and that do not currently exist in the city.

8 And also the applicant's request  
9 is more of something that is self-created.  
10 The applicant is asking for a third sign that  
11 is not really necessary. The applicant is  
12 entitled to one sign, however, the applicant  
13 was given a second sign to allow for more  
14 visibililty.

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

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

24 Also failure to grant relief will  
25 not prevent this applicant from using the

1 property as intended.

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

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

12 MR. SANGHVI: Second.

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

15 (NO audible responses.)

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

18 MS. PAWLOWSKI: Member Gerblick?

19 MR. GERBLICK: Yes.

20 MS. PAWLOWSKI: Member Ibe?

21 MR. IBE: Yes.

22 MS. PAWLOWSKI: Member Krieger?

23 MS. KRIEGER: Yes.

24 MS. PAWLOWSKI: Member Sanghvi?

25 MR. SANGHVI: Yes.

0057

1 MS. PAWLOWSKI: Chairperson

2 Ferrell?

3 CHAIRPERSON FERRELL: Yes.

4 MS. PAWLOWSKI: Motion passes  
5 five to zero.

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

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

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

13 MS. SAARELA: Yes.

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

16 CHAIRPERSON FERRELL: Any other  
17 matters?

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

23 MR. WALSH: Not sure.

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

0058

1 MS. KRIEGER: I think we denied  
2 it.

3 MR. IBE: That's been there  
4 forever.  
5 MS. KRIEGER: I believe we denied  
6 it.  
7 MR. IBE: It's a big eyesore.  
8 CHAIRPERSON FERRELL: Any other  
9 matters?  
10 MS. KRIEGER: No. Thank you.  
11 CHAIRPERSON FERRELL: Anything  
12 else from the board?  
13 MR. GERBLICK: Motion to adjourn.  
14 MR. SANGHVI: Second.  
15 CHAIRPERSON FERRELL: Motion and  
16 a second, all in favor say aye.  
17 THE BOARD: Aye.  
18 CHAIRPERSON FERRELL: Any  
19 opposed?  
20 (No audible responses.)  
21 CHAIRPERSON FERRELL: Seeing  
22 none, we are adjourned.  
23 (The meeting was adjourned at 7:57 p.m.)

24 \*\* \*\* \*\*  
25

0059

1 STATE OF MICHIGAN )  
2 )  
3 COUNTY OF OAKLAND )

ss.



4 I, Jennifer L. Wall, Notary Public within and for the  
5 County of Oakland, State of Michigan, do hereby certify that the  
6 witness whose attached deposition was taken before me in the  
7 above entitled matter was by me duly sworn at the aforementioned  
8 time and place; that the testimony given by said witness was  
9 stenographically recorded in the presence of said witness and  
10 afterward transcribed by computer under my personal supervision,  
11 and that the said deposition is a full, true and correct  
12 transcript of the testimony given by the witness.

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

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

19

20

21

\_\_\_\_\_

Date

Jennifer L. Wall CSR-4183

22

Oakland County, Michigan

My Commission Expires 11/12/15

23

24

25