REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, January 14, 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, January 14, 2014

BOARD MEMBERS
Linda Krieger, Chairperson
Mav Sanghvi
David Ghannam
Rickie Ibe
Brent Ferrell
Cynthia Gronachan

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

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.
Tuesday, January 14, 2014
7:00 p.m.

** *** **

CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Board of Appeals for January 14, 2014. Happy New Year to everybody.

Cindy Gronachan, if you could lead us with the Pledge. Thank you.

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1. (Pledge recited.)
2. CHAIRPERSON KRIEGER: Ms. Pawlowski, if you could
call the roll.
3. MS. PAWLOWSKI: Member Ferrell?
4. MR. FERRELL: Here.
5. MS. PAWLOWSKI: Member Gedeon is absent, excused.
6. Member Gerblick is absent, excused.
7. Member Ghannam?
8. MR. GHANNAM: Here.
9. MS. PAWLOWSKI: Member Gronachan?
10. MS. GRONACHAN: Here.
11. MS. PAWLOWSKI: Member Ibe?
12. MR. IBE: Here.
13. MS. PAWLOWSKI: Chairperson Krieger?
14. CHAIRPERSON KRIEGER: Present.
15. MS. PAWLOWSKI: Member Sanghvi?
16. MR. SANGHVI: Here.
17. CHAIRPERSON KRIEGER: We have a full board. This is a public hearing format and Rules of Conduct are in the back of the seating area, and there is also an agenda as well, if you needed to pick one up. And we have seven items on our case tonight, and if there any -- from the city, for the agenda, any, deletion, additions?
18. MS. PAWLOWSKI: No.
19. MR. WALSH: No.
20. CHAIRPERSON KRIEGER: Very good. Approval of an agenda?
21. MR. SANGHVI: So moved.
22. MR. GHANNAM: Second.
23. CHAIRPERSON KRIEGER: We have a motion and a second for the agenda. All in favor?
25. CHAIRPERSON KRIEGER: Any opposed?
26. (No audible responses.)
27. CHAIRPERSON KRIEGER: Seeing none, we have an agenda. Minutes? No minutes? So we will have three next time?
28. MS. PAWLOWSKI: Two.
29. CHAIRPERSON KRIEGER: Next public remarks. If there is anyone in the public that has something regarding any of the cases to hold off until that time, and then, if not, anything else you may come up with at this time.
30. (No audible responses.)
31. Seeing none, close the public remarks at this time.
32. And we will call our first case, PZ13-0065, 29770 Hudson Drive for Hengst Automotive.
If you could, when you get up to the podium to spell your name -- yes, I'm sorry? MS. SAARELA: Before we get started, I just wanted to point out that since we have some regular members absent tonight, Ms. Gronachan will be able to vote as the alternate. She will able to participate fully.

CHAIRPERSON KRIEGER: Very good. Welcome back.

MS. GRONACHAN: Thank you.

CHAIRPERSON KRIEGER: If you could spell your name for our court reporter and be sworn by our secretary if you are not an attorney, at the podium.

MS. MANTE: Good evening. My name is Iris Mante, it is spelled I-r-i-s, M-a-n-t-e, and I'm representing Hengst of North America 29777 Hudson Drive.

CHAIRPERSON KRIEGER: Are you an attorney?

MS. MANTE: No.

CHAIRPERSON KRIEGER: If you could be sworn in by our secretary.

MR. IBE: In Case No. PZ13-0065, 29770 Hudson Drive, Hengst Automotive, do you swear or affirm to tell the truth?

MS. MANTE: Absolutely, yes, I will.

CHAIRPERSON KRIEGER: Sir, will you be participating as well?

MR. JOHNSON: Yes.

CHAIRPERSON KRIEGER: Are you an attorney?

MR. JOHNSON: No. Jay Johnson. It's J-a-y, J-o-h-n-s-o-n and I'm with Johnson Sign company.

CHAIRPERSON KRIEGER: If you could be sworn in.

MR. IBE: In Case No. PZ13-0065, 29770 Hudson Drive, Hengst Automotive, do you swear or affirm to tell the truth?

MR. JOHNSON: Yes.

MR. IBE: Thank you.

CHAIRPERSON KRIEGER: You may proceed.

MR. JOHNSON: Not really sure, every municipality handles this a little differently. From what I understand here, what they're allowed is a sign at 30 square feet and what we are requesting is a sign at 32 square feet. First I owe the city a little bit of an apology. We went ahead and permitted the sign, had it made, and we were going to get ready to put it up when we discovered there would be a real directional problem.

So we went ahead and put the...
vinyl graphics on the pole cover -- I think you have copies of it, correct?

CHAIRPERSON KRIEGER: Yes. Go ahead with the overhead, the people at home will see it as well.

MR. JOHNSON: This is the sign that we had permitted, improved and had installed. Then when we discovered the problem we had with directionals, we went ahead and put the vinyl copy, main entrance and delivery on the sign. So what the city then said that counts as square footage. That's what we are here for, to increase it from 30 square foot to 32 square feet.

We then attempted to get a directional sign at three square feet, but you're not allowed to have a directional sign only at each entrance. And I think this particular location, where they struggled a little bit is the importance and we will put this site plan up, which I think you also have. They struggle a little bit where they -- more than a little bit as traffic comes up, they need them to be able to turn on Perry Court for their deliveries.

MS. MANTE: So more traffic comes in here and the driver needs to makes the decision here at this point, either the deliveries, to the back of the building or to the main entrance to the front.

That's why on this corner here, that's not a good copy, I guess. You can see that the main entrance delivery. The arrows pointing to the direction, which is appropriate, whether it's for the delivery or for main entrance.

MR. JOHNSON: I think when you look at this, we are trying to prove a hardship. The hardship is we definitely have to get a directional sign at that corner at that intersection, which is not considered an entryway with the way the city has to interpret it, and that's the critical part for us to get people to turn right or turn left. They got to make a decision at that point.

If you look at a -- I have got a larger print here that shows -- I don't think that you have this, but I will try to put it on, that shows that whole block.

If you see, if they end up coming and miss Perry Court, the big semis that do all the delivering, then has to go all the way down and go all the way around the block, which becomes a real inconvenience. Or they're going to make a mistake of pulling into one of the neighbor's parking lots, then trying to turn a big rig
around. The main purpose of this is to direct the traffic, the deliveries and the semis that come to that entry off Perry. So I think we got a unique circumstance being on a corner lot that drives off two different streets. Do you have any questions in regards to --

CHAIRPERSON KRIEGER: You're all set for now? Until -- you're done with your presentation?

MR. JOHNSON: Do you ask questions after we close it?

CHAIRPERSON KRIEGER: Right.

MR. JOHNSON: Do you have anymore that you would like to input?

MS. MANTE: So this sign as it was approved by the City of Novi, and now this sign, as you see it, it has two words and two arrows is what actually sits on the -- actually installed.

And meanwhile I'm the office manager for Hengst of North America receiving the deliveries from the UPS trucks, and so on, and pallets, they always say, it's good direction, we didn't have to turn around. So they actually pointed out that it's actually helpful, that they know that they have to turn on Perry in order to come to the back of the building. They have to turn here, the truck driver has to make the decision here, you know, when he drives up here, that is too late.

CHAIRPERSON KRIEGER: I guess to interject, then you're instructing your drivers to come in from the west lake -- or the west drive?

MR. JOHNSON: Yes.

CHAIRPERSON KRIEGER: Okay. Then I will open it up to the public. Anybody in the public have any remarks regarding this case?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, I will close it and open it up to the city.

MR. WALSH: No comments at this time.

CHAIRPERSON KRIEGER: Okay.

MS. SAARELA: I have no comments either.

CHAIRPERSON KRIEGER: So I will open it up to the board? Questions? Minutes, please.

MR. IBE: Thank you, Madam Chair.

In Case No. PZ13-0065, there were 18 mails, four return mail, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Very good.
Yes, Member Sanghvi?

MR. SANGHVI: I have been to your place and I see your problem. I have no difficulty in supporting your variance. Thank you.

CHAIRPERSON KRIEGER: Very good. I also drove through today and could now I understand for the directions, and they're already telling them to come in from the south, helpful to -- for your company.

I don't have a difficulty with it. Thank you.

MS. GRONACHAN: I have some clarification questions, if you will. So it is my understanding that this is the permit sign that's up there now?

MS. MANTE: Correct.

MS. GRONACHAN: I certainly do agree that there is a difficulty, especially for the lay of the building, the location of the building, and given the two intersections, however, I was concerned that the whole purpose of this variance was for directions. It almost seemed like the directions were too low.

And the reason why I say that, as I drove up, the yellow you can spot from Pontiac, just kidding, but it's quite bright. That's good. Especially if you are driving a semi.

But the actual directional, if it snows again the way it did, I almost would like to see it up a little higher so that particular -- those two particular directions are not blocked for any circumstance.

Can you comment on that, is there a reason why it's not on the top?

MR. JOHNSON: I think when we originally did this, the sign was complete and they're really pretty adamant and strict about their logo. So we had to keep the directionals off the yellow portion.

We could probably raise it up some, but we tried to keep it as discrete as we could, but yet be useful in directing people.

You know, we didn't really want to bring a lot of attention to it, but when the people were looking, they could tell.

But we could easily -- that is just nothing more than details, letters. We can easily peel those letters off and raise them up some. You know, put them a little bit closer to the yellow, if needed.

MS. MANTE: I wanted to thank you for observing that because obviously this all helps to flow -- make a good traffic flow.

Although I want to remind you back to the comment that I made before, which...
I received from an actual delivery driver, that they found us very easily, and knew, okay, I have to turn onto Perry. I think the delivery drivers anyway have a trained eye for searching for letters like that.

If you see that proportion here of the Hengst Automotive sign that actually our company, corporate -- company logo and that is not -- according to our corporate guidelines is not to be altered in any way, in the color, the proportions, in size, anyway there could not be listed something in there or above there. This would be absolutely forbidden for our corporate guidelines.

And so I feel like that's a nice harmony in terms of proportions, where the main entrance and deliveries are displayed.

So far --

MR. JOHNSON: We could raise them up like three inches, if you wanted. It's kind of an unusual winter.

MS. MANTE: I would not necessarily -- I personally would not, if at all possible, prefer to keep it that way because when you see corporate signs, this is, for example, headquarters Germany, we are -- nothing is even close to that yellow sign. It's just an empty base. There is nothing listed in that besides underneath or here -- our foundry up here, it's not a good picture. It's always the yellow by itself.

MS. GRONCHAN: Madam Chair, if I could just interrupt.

I understand that this is a corporate structure, but again, I'm going back to the spirit of the variance and the request.

Specifically, that people need direction and guidance to find your business. And so, I would be in support of raising that three inches. If I'm looking to my other members, for any further discussion or guidance, since I'm a little rusty, I'm coming out of semi-retirement, but I think that you will understand what I'm saying, especially when I drove out there, if there is any snow, I just wouldn't want the petitioner to have to come back not say, it's not working.

That was my concern. Thank you.

CHAIRPERSON KRIEGER: Thank you, Member Gronachan. Other questions, comments?

Yes?

MR. GHANNAM: I'm actually fine with the way it is. I mean, I guess it's your choice where you want to put it, if it
have nothing else.

CHAIRPERSON KRIEGER: Okay.

Anybody have a motion?

MR. IBE: I will take it. Madam Chair, in Case No. PZ13-0065, Hengst Automotive, I move that we grant the petitioner’s request as requested for the following reasons.

One, the request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the city or that are self-created. This property is located, I think, has a two -- it's at a corner lot of which two side entrances, and this particular variance will help to create better traffic flow into this establishment and also will help to alleviate any issues that may cause these semis that actually pull in and out of this place.

The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than a mere inconvenience or inability to attain a higher economic or financial 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 granting the relief will result in substantial justice being done to support the application as well as the adjacent or surrounding properties and is not inconsistent with the spirit of the ordinance.

Therefore, I move that we grant your request.

MR. GHANAN: Second.

CHAIRPERSON KRIEGER: We have a motion and a second, any other discussion?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, if Ms. Pawlowski could call the roll.

MS. PAWLowski: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLowski: Member Ghannam?

MR. GHANAN: Yes.

MS. PAWLowski: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLowski: Member Ibe?

MR. IBE: Yes.

MS. PAWLowski: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLowski: Member Sanghvi?

MR. SANGHVI: Yes.
to zero.

CHAIRPERSON KRIEGER: Congratulations.

MS. MANTE: Thank you.

CHAIRPERSON KRIEGER: That brings us to our next case, PZ13-0067, located on the southwest corner of Thirteen Mile and Martin Street.

MR. HELWIG: Good evening, I'm the owner of that property. My name is Carl Helwig, C-a-r-l, H-e-l-w-i-g.

CHAIRPERSON KRIEGER: Are you an attorney?

MR. HELWIG: No, I'm just a layman.

CHAIRPERSON KRIEGER: I will have our secretary swear you in then.

MR. IBE: Sir, in Case No. PZ13-0067, do you swear or affirm to tell the truth?

MR. HELWIG: Yes, I do.

CHAIRPERSON KRIEGER: Very good. Proceed.

MR. HELWIG: I have owned this piece of property now for over 30 years. And back in 2007, I was in front of the board and had an approval to split it.

I had a potential buyer that changed his mind after I got the split and I didn't realize at the time that that was only good for 180 days.

And so consequently at this time, I have got a potential buyer that wants to put two buildable homes on that site and I'd like to have it split into two lots.

The property is larger today than it was then because there was a 20 foot alley behind that got vacated, so that added 10 feet to my property.

And what I'm asking is to have the property split into two lots of 8,800 square feet each for the buildable homes.

That would increase the amount of taxes the city gets on that property instead of just vacant property, like I have been paying all these years.

CHAIRPERSON KRIEGER: Very good.

Is there anyone in the public that has any remarks regarding this case?

(NO audible responses.)

CHAIRPERSON KRIEGER: Seeing none, I will open it up to the city.

MR. WALSH: I just want to comment. Since the case was heard back in 2007, there is an alley in the back that has been vacated, so that's where the additional 10 feet has come from.

So the lot is 80 by 110 for a total of 8,800 square feet.

CHAIRPERSON KRIEGER: Very good.
Thank you very much. Correspondence?

MR. IBE: Yes, Madam Chair, in Case No. PZ13-0067, there were 27 mailed, one return mail, zero approval, zero objections.

CHAIRPERSON KRIEGER: Very good.

I will open it up to the board. Questions?

MR. GHANNAM: I have got a few questions. Do you have proposed site plans for each of lots for homes or do you intend to sell the lots individually for people to develop?

MR. HELWIG: No, I have a builder that went through -- attempted to get it split and he was having difficulty. He had shown the city plans of two homes and then he was ready to back out and said he thought I should come and apply for the split like I did before. So that's where I'm at right now.

MR. GHANNAM: That I understand, but with the lots, if they're split, do you have proposed plans for each of these lots to build a home? Do you already have plans to build homes on these lots?

MR. HELWIG: He has plans to build two homes, yes. I think he's already submitted them to the city.

MR. GHANNAM: Do you know if any variances are going to be necessary, if these lots are split as you request?

MR. HELWIG: No, there is no variances going to be required.

MR. GHANNAM: I have no problem with your proposal, sir. Thank you, sir.

CHAIRPERSON KRIEGER: Thank you, Member Ghannam.

Others? Motion?

MR. GHANNAM: If there is nothing else, I will make a motion.

In Case PZ13-0067, I move to approve the petition as requested. The variance -- for a few reasons. Number one, there are unique circumstances or conditions of this property, such as narrowness, shape, shallowness, shape water and so forth.

And the need for the variance is not due to the applicant's personal or economic difficulty. Additionally because there was vacated land from the alley that adds to it, it provides additional basis.

It is not self-created and strict compliance with the regulations governing area setback, frontage, height and so forth will unreasonably prevent the property owner from using a property for a permitted purpose.

It is the minimum variance necessary to do substantial justice to the
MR. FERRELL: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, Ms. Pawlowski call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

CHAIRPERSON KRIEGER: Motion passes six to zero.

Congratulations.

MR. HELWIG: Thank you. Have a good evening.

CHAIRPERSON KRIEGER: Case No. PZ13-0068 for 44500 Grand River. Are you an attorney?

MR. MONTGOMERY: No.

CHAIRPERSON KRIEGER: If you could spell your name for our reporter and be sworn in by our secretary.

MR. MONTGOMARY: Sure. My name is Jim Montgomery. I'm a principal at Signature Associates, Montgomery.

MR. IBE: In Case No. PZ13-0068, 44500 Grand River, do you swear or affirm to tell the truth?

MR. MONTGOMERY: Yes.

MR. IBE: Thank You.

CHAIRPERSON KRIEGER: Very good.

Mr. Montgomery: We'd like to keep our signs up for a little while longer. They're on two buildings.

CHAIRPERSON KRIEGER: That's it?

Any further presentation? Keeping them a year, two years?

MR. MONTGOMERY: A year would be great. We do have some interested parties now, but you know how those things go.

CHAIRPERSON KRIEGER: Anybody in our public have remarks regarding this case?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, open it up to the city.

MR. WALSH: No additional comments.
1. MR. IBE: Yes, in Case No. PZ13-0068, there were 30 mailed, seven return mail, zero approvals, zero objections.
2. CHAIRPERSON KRIEGER: Very good.
3. MR. IBE: Case PZ13-0068, for 44500 Grand River, I move we approve the request as requested -- the petition was requested for one year or whenever the property is sold, whichever comes first.
4. CHAIRPERSON KRIEGER: Yes, Member Sanghvi?
5. MR. SANGHVI: I agree.
6. CHAIRPERSON KRIEGER: Member Gronachan?
7. MS. GRONACHAN: I'm good.
8. CHAIRPERSON KRIEGER: Have a motion?
9. MR. GHANNAM: I'll get it.
10. CHAIRPERSON KRIEGER: Very good.

MR. GHANNAM: Case PZ13-0068, for 44500 Grand River, I move we approve the request as requested -- the petition was requested for one year or whenever the property is sold, whichever comes first.

The request is based on circumstances that are exceptional and unique to the property. There are two buildings fronting a freeway, rail and Grand River. It's not self-created. The grant of relief -- the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than a mere inconvenience or inability to attain a higher economic financial return.

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

MR. SANGHVI: Second.

CHAIRPERSON KRIEGER: I have
motion and a second any other discussion?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, if Ms. Pawlowski can call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON KRIEGER: For Case No. PZ13-0069, 44700 Grand River.

MR. MONTGOMERY: I thought it was all one.

CHAIRPERSON KRIEGER: I'm sorry.

two different cases, since they're two different signs.

MR. MONTGOMERY: Pardon me. I don't do this very often.

CHAIRPERSON KRIEGER: Do I have to swear him in again?

MS. SAARELA: No, he doesn't have to be sworn in again.

CHAIRPERSON KRIEGER: Do you have any additions to this case?

MR. MONTGOMERY: We'd like to leave the sign up on 44700 Grand River for another year, or if we sell it, whichever comes first.

CHAIRPERSON KRIEGER: Anybody in the public have any conversation regarding this case?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, open it up to the city.

MR. WALSH: No comments.

CHAIRPERSON KRIEGER: Very good.

For correspondence?

MR. IBE: If Case PZ13-0069, 30 mailed, five returned mail, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Very good.

Open it up to the board.

MR. GHANNAM: Unless anybody has any questions, I'm prepared to make a motion. Can I use the same basis as my last motion or do I have to restate everything?

MS. SAARELA: You should as close as possible --

MR. GHANNAM: Restate it.

MS. SAARELA: It doesn't have to
MR. GHANNAM: So I'll move -- in PZ13-0069, I move to approve the petition as requested, limit it to one year or whenever the property is sold, whichever first.

The request is based upon circumstances or features that are exceptional and unique to the property. These two properties together border rail, 96, Grand River, and they do not result from conditions that exist generally in the city or self-created.

The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return and grant of relief will not result in the use of a structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties. And will result in substantial justice being done to the applicant and surrounding properties is not inconsistent with the spirit of the ordinance.

MR. SANGHVI: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, if Ms. Pawlowski could call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON KRIEGER: Congratulations. That brings us to our next case, which is Socialite Bistro, PZ13-0070, for 44175 West Twelve Mile.

Are you both going to do a presentation?

MR. YATOOMA: Just one is fine.

CHAIRPERSON KRIEGER: So then whoever is going to present, if you could spell your name for our court reporter and be sworn in by our secretary if you're not an attorney.

MR. YATOOMA: Sure. It's Jeff Yatooma, last name is Y-a-t-o-o-m-a.
MR. IBE: In Case PZ13-0070, do you swear or affirm to tell the truth.

MR. YATOOMA: Yes.

CHAIRPERSON KRIEGER: Very good. You may proceed.

MR. YATOOMA: We are asking for outdoor seating to be permitted to use year-round as opposed to the March 1st, November 30 window closing it during that time period.

CHAIRPERSON KRIEGER: Excuse me, the reverse, yeah.

MR. YATOOMA: In the reverse. You're permitted to open from March 1st to November 30, we would like to propose to have it open year-round.

CHAIRPERSON KRIEGER: That's your request?

MR. YATOOMA: It is.

CHAIRPERSON KRIEGER: Very good. Is there anyone else in the -- have any conversation regarding this case?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, I'll close it for public input. From the city?

MR. WALSH: Just the only comment I had, if there is a motion for approval, make it a condition that the hours of operation is the same as the indoor seating.

CHAIRPERSON KRIEGER: Very good. And correspondence?

MR. IBE: Madam Chair, in Case PZ13-0070, 28 mailed, two returned mails, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Very good. Now, open it up to the board. Yes, Member Sanghvi?

MR. SANGHVI: Thank you. I know your place, where it is. I have been around it for a lot of time. And I wish you luck in this kind of weather people coming sitting out there.

MR. YATOOMA: Thank you.

MR. IBE: Sir, is there any particular reason why you want the all year-round?

MR. YATOOMA: Yes. We are a bistro, cigar lounge, so by nature that it is a smoking restaurant, and given the floor plan and the limited square footage we have at our disposal, this gives customers a non-smoking option, still able to frequent our restaurant.

MR. IBE: Will the -- during inclement weather, like what we have been having, how will the -- do you have anything for your patrons to be covered or --

MR. YATOOMA: It's completely
enclosed, it will be heated for the winter months. Obviously in the summer months there is a electric roll-up sides so it would serve as a traditional outdoor seating in that sense.

MR. IBE: Okay. Very well, thank you.

CHAIRPERSON KRIEGER: Any other questions or a motion?

MR. SANGHVI: I just have one question. How big is your inside as compared to the outside area?

MR. YATOOMA: As far as actual percentages, I don't have an answer to that.

MR. ROMAYA: 2,900 square feet inside, which only gives you 1,000 square feet of seating. Outside area is about 800 square feet of seating.

MR. SANGHVI: The reason why I asked you, you got a larger smoking section than the non-smoking section?

MR. ROMAYA: The smoking section is a little bit larger, yes.

MR. YATOOMA: We have a walk-in humidor --

CHAIRPERSON KRIEGER: I'm sorry, sir, if you're going to -- if you could add -- spell your name for our court reporter and be sworn in.

MR. ROMAYA: Steve Romaya, R-o-m-a-y-a.

MR. IBE: Sir, in Case No. PZ13-0070, do you swear or affirm to tell the truth?

MR. ROMAYA: Yes.

CHAIRPERSON KRIEGER: Thank you.

MR. ROMAYA: 2,900 square feet with 1,000 square feet of seating inside and then the outside has 800 square feet, estimated.

MR. SANGHVI: Normally people are outside in the smoking area, rather than inside.

MR. ROMAYA: Smoking outside is not permitted because -- even with our license, outside seating. So patrons walking by would get smoke that's not allowed by the law.

MR. SANGHVI: Thank you.

CHAIRPERSON KRIEGER: Member Ghannam?

MR. GHANNAM: Thank you. I have looked at your proposal and I have looked to the planning review comments, as well as some architect comments. I have no problem with it. It seems appropriate under the circumstances.

CHAIRPERSON KRIEGER: Very good. Very good input from inclusions in the paper. Thank you.

Motion?
MR. GHANNAM: I will make a motion. In PZ13-0070, for Socialite Bistro. I move that we grant the petition as requested with the proviso as mentioned by the city that your outdoor sitting -- that the same business hours as your indoor seating, for a couple of reasons. There are unique circumstances or physical conditions of this property, and the need for the variance is not due to the applicant's personal or economic difficulty. Part of the uniqueness is the smoking inside. The need is not self-created. The strict compliance with the regulations governing the area and so forth will unreasonably prevent the property owners from using the property for a permitted purpose. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as the other property owners. And the requested variance will not cause an adverse impact on surrounding property in the neighborhood.

MR. FERRELL: Second.

CHAIRPERSON KRIEGER: We have a motion and a second.

Any further discussion?
(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, if Ms. Pawlowski could call the roll.

MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON KRIEGER: Congratulations.
MR. YATOOMA: Thank you.

Appreciate it.
CHAIRPERSON KRIEGER: That brings us to PZ13-0072, Feldman Automotive. Are you an attorney?

Good evening. I am not an attorney.

CHAIRPERSON KRIEGER: If you could spell your names for us.

MR. PHILLIPS: My name is Ed Phillips, Phillips Sign and Lighting, 40920 Executive Drive. P-h-i-l-l-i-p-s.
MR. CURIE: Jason Curie, Feldman Automotive, C-u-r-i-e.

MR. IBE: Gentlemen, in Case PZ13-0072, do you swear or affirm to tell the truth?

MR. CURIE: Yes.
MR. PHILLIPS: Yes.

CHAIRPERSON KRIEGER: Thank you.

Go ahead.

MR. PHILLIPS: Good evening.

Here this evening with Mr. Jason Curie, as we just went through.

We are representing the Feldman Automotive Group located at 42355 Grand River.

Our hardship is lack of identification for our Hertz rental car division and actually public safety.

Included in your package is a photo of the original Hertz sign, which was approved by the variance 08-014.

Our hardship is lack of identification for our Hertz rental car division and actually public safety.

Included in your package is a photo of the original Hertz sign, which was approved by the variance 08-014.

Some of you probably are aware, we have totally remodeled Marty Feldman with all of the current GM branding.

During this process, we learned that GM had some concerns about the location of the Hertz sign.

So we while working with GM, we installed the temporary Feldman face, again you have in your packets.

As you might expect, nothing happens quick at these levels. And honestly, we have been so busy with our remodel, we have not been working with GM on this item.

We would like to ask the board to allow us 18 months to work through this with GM or come back to this board with an alternate plan.

Our sign is a modest 15 square feet. We have invested much time and effort in developing this sign and your approval here tonight will give us the time we need to work with GM and with all parts satisfied.

The reason I mentioned safety, we do a lot -- I say we, Feldman does a lot of Hertz business. And people are -- we are finding with the sign gone now, I don't know that we knew as much before, but with that sign missing, people are actually going by the dealership and calling and they're saying, we don't see a Hertz sign. Some of the people are used to seeing the sign out there, it's not there. They think it's gone.

So it's important to us to get the Hertz sign back out there, so we are working with GM in an effort to try to get that back.

CHAIRPERSON KRIEGER: Thank you.

Anybody else in the public for a conversation? So remarks, we have lost our public.
open it up to the city.

MR. WALSH: No comments at this time.

CHAIRPERSON KRIEGER: Okay. Then correspondence.

MR. IBE: In Case PZ13-0072, there were 17 mailed, one return mailed, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Very good.

Open it up to the board.

MR. FERRELL: I have a question. All you are basically doing is refacing the sign, you are not adding any additional square footage or moving it, you are just refacing them, you want to come back at some later date, 18 months is what you're kind of requesting to move them or make them larger or --

MR. PHILLIPS: That's where we are not sure. That is a little unclear with GM. The district manager was kind of on the fence about the sign, didn't really like the proximity to the GM signage. So we thought it was prudent just to pull the thing out and stick the temporary there until we worked that out with GM. We didn't want to know from GM. So we just need to work through with that whole thing and see where they do want it. Our intention is -- we have saved the faces, so the Hertz faces are intended --

MR. FERRELL: So the Hertz sign is completely gone?

MR. PHILLIPS: No, it's right there.

MR. FERRELL: You are just refacing it?

MR. PHILLIPS: That's all.

MR. FERRELL: When you say people can't seem to find it, why is it that they can't find it?

MR. PHILLIPS: It was clearly identified before with the Hertz sign. So that 15 square foot sign out there, I think it's 30 inches by 72 inches. I know it is, was very identifiable, black and yellow. People easily found us. We don't -- I don't think we realized until taking the sign down how important the sign was to us.

MR. FERRELL: Thank you.

CHAIRPERSON KRIEGER: Thank you.

I have a question for the city, if we approve this previous sign with the Hertz did it -- what is on the sign itself, is that -- they decide versus us?

MS. SAARELA: Was there a condition specific to that business, is that...
the reason -- that's why --

CHAIRPERSON KRIEGER: Okay,

interesting.

MS. GRONACHAN: I need
clarification. Just so you understand, is
there a Hertz sign on the property now?

MR. PHILLIPS: There is not.

MS. GRONACHAN: The original
request for that sign was for the Hertz car
company?

MR. PHILLIPS: Can I back up?

MS. GRONACHAN: Sure.

MR. PHILLIPS: The cabinet that
you see there, that's the framework around
the existing Feldman is the Hertz sign.

MS. GRONACHAN: I understand
that, but it doesn't say Hertz on there
anymore. It does not address the second
business within your business.

MR. PHILLIPS: It does not.

MS. GRONACHAN: Which is the real
reason why that original variance was
granted?

MR. PHILLIPS: Exactly.

MS. GRONACHAN: So your attempt
here, if I understand you correctly, would be
to leave it up until you resolve your issues
with General Motors.

MR. PHILLIPS: We would hope to
do that sooner than 18 months, but we are
thinking on the outside, if we have that much
time, we can certainly get this cleared up.

MS. GRONACHAN: Okay, but this
sign was granted to Hertz. So are you
representing Hertz?

MR. PHILLIPS: No, I'm certainly
not. I'm representing Feldman, who came and
had it approved for Hertz on their property.

MS. GRONACHAN: So at this point,
Hertz, the rental car company, they're kind
of lost because nobody knows that they're
still there?

MR. PHILLIPS: Kind of, yes.

MS. GRONACHAN: That's the only
question I have at this time.

CHAIRPERSON KRIEGER: Thank you.

MR. IBE: Quick clarification
again. Maybe I got lost in this one.

Tell me, what was the reason
why the Hertz sign was taken down?

MR. PHILLIPS: GM, the district
rep had some concerns about its proximity to
the new -- when they do these new brandings,
when they come out, everything was gung-ho,
they want everything to look just-so.

We sense that there was
some -- they weren't happy with the
placement -- the relation to the GM signage.

So we just right away pulled
it down before we were told, no, get rid of
it, we thought we would work through our
channels and see if we can't just get it approved.

MR. CURIE: It's the changing of the guard, the zoning managers have changed. So that one is gone, a new one is here and very optimistic about the business and so forth and more willing to appreciate all the gains we have had and helped us fix our Hertz sign.

This should be quick.

MR. IBE: What are the chances that you will resolve this issue after this is approved and have the Hertz sign back up?

MR. CURIE: I don't think I understood that question.

MR. IBE: I know you said 18 months. What is the likelihood that this will actually be resolved?

MR. PHILLIPS: Highly. We feel very strongly. That's why we haven't taken the sign down.

MR. CURIE: It should be resolved. I just can't -- I have to have your approval to get their approval. It's the way they work. They say yes, but they say -- ask your father and your father says ask your mother, that's kind of what this is. If dad says yes or mom, then they will say yes, probably.

MR. IBE: So the Feldman facade right now is just covering the Hertz, is that what it is?

MR. PHILLIPS: It's replacing the Hertz.

MR. IBE: It's replacing the Hertz?

MR. PHILLIPS: Just the panel. The sign is the same, the sign is the Hertz sign.

MR. IBE: The frame.

MR. FERRELL: There is just a cover over the sign that says Feldman and you want to take that off?

MR. PHILLIPS: We want to leave that, leave it for now. It looks silly to have nothing out there.

CHAIRPERSON KRIEGER: Instead of taking the sign down all together, you have changed it to something different?

MR. PHILLIPS: Just put the American flag out there.

CHAIRPERSON KRIEGER: Very good.

Member Sanghvi?

MR. SANGHVI: My only concern is the original sign was a business identification which does not exist anymore.

MR. PHILLIPS: It does exist.

MR. CURIE: It's still physically there. It is still there.

MR. SANGHVI: Why did you take it off?
MR. CURIE: General Motors, the franchisee didn't want their sign so close to the Hertz sign.

MR. SANGHVI: Primarily associated with Ford, right, Hertz?

MR. CURIE: I don't know about that. I don't know.

MR. PHILLIPS: It was that whole branding thing. When they do the re-branding, they are gung-ho on everything and then things lighten up a little bit once things are done and up.

MR. SANGHVI: Thank you.

MS. GRONACHAN: Madam Chair, if I could, I would like to have a little conversation with the board members, for your help.

I don't understand that they can ask for this variance. So I'm not going to be supporting this, and for the following reasons.

Number one, the original request for that sign was for a different business. The fact that General Motors does not approve that sign, that's not a hardship, per se. And it doesn't impact Marty Feldman. It definitely impacts poor Hertz. But at this point, I can't support this based on the original reason why the sign was granted, and there is too much uncertainty, if you will, in regards to what's going to happen or how this sign will be abused or how it will be approved.

So therefore, if anybody else has anything to educate me since it's my first night back, by all means, but I will not be supporting this, and those are the reasons why. Thank you.

CHAIRPERSON KRIEGER: Thank you.

MR. PHILLIPS: Maybe I could restate. We have a variance for the Hertz sign. All we are looking for is a little time to work with General Motors to re-put the Hertz sign back in exactly the same spot. That's all we're asking for. We are not asking for another sign.

MS. GRONACHAN: I understand your request. However, I don't feel that their hardship should be to your benefit is the best way I can put it. This should not be advertising. The original spirit of the variance was requested for Hertz specific. Then I think it should be covered and you should not be able to be benefited by the fact that Hertz can't have the sign there. So I don't feel that Marty Feldman open Saturday is a reasonable request while we are waiting for those 18 months for...
this outcome or this decision to be made.

So the variance wouldn't have been granted originally for Marty Feldman because you had your signs there. The original request, the original spirit of the variance was granted to a specific business within a business. You're not that. So therefore, you don't fall into that -- to that -- to the realm of the request or the original spirit of the variance.

If I made myself -- if I have confused everybody.

But because it's Marty Feldman asking to put that on there, for just strictly advertisement, open on Saturdays, I think the whole sign should just be covered. Sorry. That's kind of harsh, but I don't see adding another sign for Marty Feldman, when it's Hertz that's suffering the hardship at this time.

Does that make it clear?

CHAIRPERSON KRIEGER: Yep.

MR. IBE: Madam Chair, thank you so much.

I think that I will -- having thought about this, I will concur with the position of the previous member. That's the reason I ask the line of questions regarding -- my previous line of questions to you about what are the chances of resolving this matter with General Motors.

Now obviously, I remembered I was on the board when this matter came up initially, when it was approved. The fact that Hertz has an agreement with obviously Marty Feldman to be an establishment and was granted its sign. It's only to the benefit, of course, Hertz as well as, of course, to Marty Feldman. General Motors obviously is a (unintelligible) that you guys saw. Says, well, we don't want this particular sign, as to our sign. Unfortunately I don't think that because General Motors says that, that you should now take -- have the benefit of what was allocated to Hertz in the first place because but for Hertz -- but for Hertz requesting for the sign, we wouldn't have (unintelligible) for Marty Feldman.

So technically I think what you are doing here is getting an additional sign by default. I mean, clearly, you have good intentions, but I think 18 months is really too long. I think perhaps -- perhaps, excuse me, sir -- I think perhaps if you desire to have this matter -- if you want to have this matter resolved, you can close up
that sign. Figure out what you need to do with General Motors, and then come back to us. Assuming that GM says, look, we don't want that there, you may have to take it off. But you have to find a way for you and obviously your lessee, which is Hertz, to figure out how to resolve your contractual issues with General Motors. That is not the prerogative or the jurisdiction of this board to have to deal with contractual matters, private contractual matters that involves you and General Motors or Hertz. It is beyond the scope of our jurisdiction and I seriously doubt that you have demonstrated that. Not allowing you to have this sign will not prevent the use of this particular premises for the purpose intended. Therefore, I also will not be in support of this at this time. Thank you.

CHAIRPERSON KRIEGER: Member Ghannam?

MR. CURIE: Can I ask a question?

CHAIRPERSON KRIEGER: I’m sorry. At this time, we are going through our discussion, then afterwards come back to you.

MR. GHANNAM: You guys in a pickle, right? You got approved for a Hertz sign, but GM disapproves at least at this point. You need to put something in there instead of covering it up with some kind of canvas or some ugly looking thing, that’s what you are looking for?

MR. PHILLIPS: That’s exactly right.

MR. GHANNAM: That’s what I thought I gathered. To make it more clear from this discussion. Just my personal perspective, I have no problem with it. You’re trying to resolve a problem because of branding. First of all, I agreed with the original motion way back when because we have tons of businesses in this city as well as throughout the state that have a business within a business. And you both deserve some type of identification. You got it at the time and you deserved it. Now you have this issue with branding and signs too close to GM and so forth, so I understand the pickle and I have no problem granting your request for a period of time, such as 18 months, maybe two years just in case. So personally under those circumstances, because of that particular hardship, I have no problem. I’d rather see a Feldman sign with a little American flag than it being
covered, I just think it doesn’t look right.
Thank you.

CHAIRPERSON KRIEGER: Other
questions? Make a motion?

MR. PHILLIPS: Just as an offer.
I mean, I think we could maybe wrap this
thing in 12 months if that would help at all
here.

Again, I don’t know that a
burlap -- that’s the wrong word, a banner bag
or something sitting over this sign is going
to look more esthetically pleasing for the
City of Novi than an American flag.

MR. CURIE: I apologize if we did
have any benefit by this. You know, in the
last -- in the spirit of -- you know, the
rebirth of this area, we have added
25 percent more jobs this year, in the last
12 months, probably since the last time we
have been here.

We are working very hard to
keep General Motors happy and you happy.

It’s not an easy pickle. The owners have
$35, 40,000,000 invested. I know, maybe it
doesn’t matter, but in the end it’s a lot of
people’s jobs and every little bit of it
helps and having a burlap sack or black bags
over a sign it looks trashy, it looks trashy
for Novi.

I’m sorry if we did, maybe we
benefited a touch, so --

CHAIRPERSON KRIEGER: Yes.

MR. IBE: I think it’s
appropriate that I make it clear no one is
anti-American flag, we are -- so same thing,
the flag there, for sentimental reasons, it
really does go well with me. We don’t want
it to sound like we are anti-flag. You can
put a flag of Michigan if you want.

The problem is not that for
me.

The problem is about the
standards that are required, and the fact
that Marty Feldman is creating jobs is a
great thing, we love jobs. I mean, I’m a pro
business person. That’s not the issue here.
That’s neither a problem.

The fact that you want an
additional sign for you -- you can put up any
sign you want, you can put up any other
thing, but that doesn’t mean that that is
right because if but for Hertz, that sign
would not have been granted in the first
place, for Marty Feldman. Would you agree
with me?

MR. PHILLIPS: I would agree.

Again, we are only asking for a little time
here. We are not asking for a permanent
sign. We just need a little time. That’s
all we are asking for.

MR. IBE: Unfortunately, my
position obviously remains the same. But I understand that for this member the same, which matters is the rest of the board. However, I do respect everybody's opinion and certainly think that what you are asking for, I think any other business or anyone watching us at home, who have multiple establishments in their place, can come with the same reason and ask for the same thing. Obviously makes sense, why should we want to cover it up. Just put up another sign for 18 months. I think it gives you a little bit more advantage.

It is -- I believe that it is just a way to get an extra sign for the next whether it's 10 months or 12 months or whether it's 24 months. It's still the same format. It just doesn't sit well, the fact that an additional sign will be given to Marty Feldman.

MR. CURIE: And to Novi. That's also been given to Novi. Because if they buy a car in Novi, versus New Hudson, or another city, then those tax dollars stay in our city. So it's an advantage to everyone watching and everyone here. It's better for all of us. And it looks nicer.

MR. IBE: Sir, are you saying by that not granting you this sign, it will prevent you from using your property as was intended?

MR. CURIE: No. I'm just saying that the advantage that you said that we have is for all of us. Not just for us, because every dollar we bring in is tax dollars for our area.

MR. IBE: Sir, I understand that, but what my position is, there are also surrounding businesses, such as yourself in the City of Novi, that probably have similar problems and similar issues. Should we now solve their problems the same way you're asking us to solve yours, if they have a similar situation?

MR. CURIE: I think so, yes.

MR. IBE: You think so. So more signs, more signs merrier for everybody?

MR. PHILLIPS: We are not adding signs.

MR. CURIE: It's the same sign --

MR. IBE: I have nothing further.

Thank you.

MR. FERRELL: For the city, city attorney. If we don't approve this, we don't get the sign, temporary sign up, whatever we are calling it, what happens to the monument sign that's there? Does it just get covered and is that going to be considered like a blight type of thing that has to be removed, or does it stay up or how does that work?

MS. SAARELA: They would only
have a certain amount of time to use their variance, so if they're using it for whatever was granted, they are going to have to remove it.

MR. FERRELL: Do we know how long that is?

MS. SAARELA: Six months.

MR. WALSH: Six months.

MR. FERRELL: So if we tell them that they can't have it, six months from today, they would have to either have it resolved with GM, or have the whole sign removed from the ground?

MS. SAARELA: Yes.

MR. GHANNAM: Along those same lines, if it's not approved would the whole structure have to come out or just the face of the structure?

MS. SAARELA: What would you consider that?

MR. WALSH: It's just a blank face, say a white face or a blue face, I mean, I would say it's a structure.

MR. GHANNAM: I mean --

MR. WALSH: If they moved the top and just have the base, that's a planter, could be a planter type.

MR. FERRELL: So the whole thing would have to come out of the ground?

MR. WALSH: It would not have to come out.

MR. FERRELL: It would not?

MR. WALSH: While they work out the situation with GM.

MR. FERRELL: It could still sit there, they would have at the least six months?

MR. WALSH: Yes.

MR. FERRELL: Then after six months, it would have to be removed?

MR. WALSH: That's correct.

MR. GHANNAM: I'm prepared to make a motion. I don't know if it's going to be well received.

I'm willing to make a motion in PZ13-0072, I make a motion that we approve the petition as requested limited to, I'll call it one year, 12 months, for the following reasons.

It is based on circumstances that are unique to this particular property, and to this particular business within a business situation. That does not result from conditions that exist generally in the city or that are self-created.

The failure -- along those same lines, we have a number of cases that come before us with national brands that rebrand, either they tear down buildings and, you know, re-erect them and they have...
different signage and we give different variances for signage to accommodate their new brands and new logos and so forth. The failure to grant relief will unreasonably prevent or limit the use of a property and will result in substantially more than a mere inconvenience or inability to attain a higher economic or financial return.

The grant of relief will not result in the use of a structure that is incompatible with or unreasonably interferes with adjacent properties and will result in substantial justice being done to the applicant and surrounding properties, and is consistent with the ordinance. And the reason for that just is because under the circumstances if they're not granted a variance, it would result, in my opinion, in blight and potentially the loss of the sign which doesn't make sense. I think at some point between GM and Hertz, the issue will have to be resolved and we may be revisiting this, but I think for that period of time, one year I think it is appropriate.

MR. SANGHVI: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion?

(No audible responses.)

Seeing none, if Ms. Pawlowski call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: No.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: No.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: No.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: No.

MS. PAWLOWSKI: Member Sānghvi?

MR. SANGHVI: Yes.

MR. GHANNAM: Motion fails two to four.

CHAIRPERSON KRIEGER: Should we make another motion or is that -- we are all set?

MS. SAARELA: Well, you should -- it was a motion -- yes, someone should make a motion to deny now.

MR. IBE: I'll make that motion.

In Case No PZ13-0072, Feldman Automotive, I move that we deny the applicant's request for the following reasons. The failure to grant relief will not unreasonably prevent or limit the use of the property. And the problem is Page 28
self-created, in that the applicant is in a contractual dispute with General Motors, who insists on not having a Hertz sign on its -- next to it sign on their property. The original sign was approved previously for the use of Hertz and not for the applicant. Any attempt to grant what the applicant is requesting will be tantamount to an additional sign that the applicant was not eligible for in the first place. The grant -- the failure to grant relief will not cause the applicant to lose any economic returns. And the fact that the applicant is seeking a sign for 12 or 18 months in addition to what it has will obviously have -- do -- interfere with surrounding properties that may have similar problems and do not have the same opportunity that the applicant presented today. And failure to grant the request is consistent with the spirit of the ordinance. The ordinance is very straightforward in terms of what it calls for. And that is, if the applicant can show that failure to grant will limit the use of its property, then the applicant will have shown the hardship. However, the applicant has failed to demonstrate that, therefore, I move that based on that and the conversations, discussions that took place, really cause of this hearing, that we deny the applicant as requested. Thank you.

MS. GRONACHAN: Second.
CHAIRPERSON KRIEGER: We have a motion and a second, any other discussion? (No audible responses.) Seeing none, Ms. Pawlowski call the roll.

MS. PAWLICKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLICKI: Member Ghannam?
MR. GHANNAM: No.
MS. PAWLICKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLICKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLICKI: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. PAWLICKI: Member Sanghvi?
MR. SANGHVI: No.
MS. PAWLICKI: Motion passes four to two.

CHAIRPERSON KRIEGER: You got six months. We will see you. That brings us to the Andiamo's. For Case No. 7, have they been asked to be tabled or something?

MR. WALSH: We have not heard
from them.

CHAIRPERSON KRIEGER: So for Case No. PZ13-0073, 42705 Grand River for Joe and Aldo's Italian Tavern and Andiamo's, we do not have the applicant, so is there a discussion?

MR. IBE: Can we table it?

MS. SAARELA: You can.

MR. IBE: This is the first time.

CHAIRPERSON KRIEGER: Considering this is their first, you're making a motion?

MR. IBE: Yes, Madam Chair. In Case NO. PZ13-0073, Joe and Aldo's Italian Tavern and Andiamo's, I move that due to that this is the first time this case has been called and the applicant unfortunately is not before the board today, I move that we table this for the next scheduled meeting to give the applicant a second opportunity to appear.

CHAIRPERSON KRIEGER: That will be February 11th.

We have a motion and a second for this case, if Ms. Pawlowski could call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON KRIEGER: Other matters?

(No audible responses.)

CHAIRPERSON KRIEGER: No other matters. A motion to adjourn?

MR. IBE: So moved.

MS. GRONACHAN: Second.

CHAIRPERSON KRIEGER: All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed?

(No audible responses.)

Seeing none, we are adjourned.

(The meeting was adjourned at 8:05 p.m.)

*** **
STATE OF MICHIGAN )
COUNTY OF OAKLAND ) ss.

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