REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, March 12, 2013

Proceedings had and Testimony taken in the matter of
the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile
Road, Novi, Michigan, on Tuesday, March 12, 2013

BOARD MEMBERS
Rickie Ibe, Chairman
Linda Krieger
Jeffrey Gedeon
Brent Ferrell
David Ghannam
James Gerblick
Mav Sanghvi

ALSO PRESENT: Charles Boulard, 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, March 12, 2013
7:00 p.m.

** ** **

CHAIRMAN IBE: Good evening.

Welcome to the Tuesday, March 12, 2013 meeting of the Novi Zoning Board of Appeals.

Can we all please rise for the
Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRMAN IBE: Thank you.

Ms. Pawlowski, please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Here.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Here.

MS. PAWLOWSKI: Chairman Ibe?

CHAIRMAN IBE: Present.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Here.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLOWSKI: Member Skelley is absent, excused.

Member Ferrell?

MR. FERRELL: Here.

CHAIRMAN IBE: I would like to go over some of the rules governing the meeting this evening.

Please turn off all cellphones and pagers, please.

The agenda for today's meeting can be found in the back of the room, for those of you who wish to pick up a copy for the proceedings today.

Now, when called, when your case is called, please come to the podium, state your first and last name, and spell your last
name for the record.
And if you are not an attorney, raise your right hand and be sworn in by our secretary.
You will be allowed five minutes to make a presentation and then you will get a chance to be asked some questions by members of the board.
Now, the chair, at his discretion, can allow you some more time to present your case.
Do we have any modifications to the today meeting? Yes?
MR. BOULARD: We do have not minutes, due to the shortness of the month, so we will get those to you next month.
CHAIRMAN IBE: Very well.
Are there any discussions regarding today's agenda?
(No audible responses.)
CHAIRMAN IBE: In the absence of any discussion or modification, I will like to entertain a motion, please.
MR. SANGHVI: So moved.
MR. GHANNAM: Second.
CHAIRMAN IBE: All those in favor say aye.
THE BOARD: Aye.
CHAIRMAN IBE: All those against?
(No audible responses.)
CHAIRMAN IBE: Seeing none, the agenda for today's meeting is hereby adopted.

Now, is there anyone in the public who would like to make a public remark at this time?

A public remark is limited to just what it is, a public remark. And not to any specific case that's before this board this evening.

Is there anyone who would like to make a comment at this time?

Well, seeing none, we will move onto our first case for today.

That's Case No. PZ13-0005, 44225 Twelve Mile Road, GFS Marketplace.

Will the applicant please come to the podium.

MR. SYTSMA: My name is Ryan Smith with Gordon Food Service. My last name is spelled S-y-t-s-m-a.

MS. KRIEGER: Are you an attorney?

MR. SYTSMA: I am not. I am a real estate manager for the company.

MS. KRIEGER: In Case No. PZ13-0005, do you swear or affirm to tell the truth?

MR. SYTSMA: I do.

CHAIRMAN IBE: Go ahead.

MR. SYTSMA: I want to thank you...
for the ability to talk to you regarding a variance request for our potential new site there on Twelve Mile and Donaldson.

I do want to let you know that it is our goal to provide a separate, self-contained parcel that is designed to look contiguous to the Twelve Mile Fountain Walk development in terms of the parking and the building layout that we are providing.

I do want to say it is our understanding that the setbacks associated with the RC zoning district are unique and intended probably for more of a large retail center development such as Fountain Walk overall, or the Twelve Oaks Mall, where the buildings are mainly located in the center of the site and the parking field surrounding it.

However, when you provide the setbacks in a parcel as we are pursuing, which is a 2.5-acre parcel, what happens is that a 100-foot setback is very restrictive as to the size of the building that you can construct on it.

And so in making some comments to the variances that we are requesting for tonight, in regards to the east building setback and the west parking setback, our main goal in the west parking setback was
trying to mirror the parking field that the Fountain Walk currently has on their side to make it contiguous and more seamless in order for the whole development to look contiguous overall.

In doing that, we had decided to eliminate the parking all together on the east side of the building in order to provide additional screening and green space to soften the view of the building towards Donaldson Drive.

And we are hoping that in comparison to the other buildings that you see on Donaldson Drive, that will be a nice buffer for the traffic that goes down there.

In relation to the south building setback and the south parking setback request that we are asking, mainly this was, we felt, we wanted to make that we were in compliance with the north variances because we felt that that was the most prominent location of the entire development.

We wanted to make sure that we were in that 100 foot setback giving the feel and the exposure to that entire development overall would provide, so in doing that, what we are left with was asking for those variances on the south side of the building where the service drive runs in the back of us.
I do want to note that we have a 13-foot wide landscaping area between that adjacent driveway and our parking lot that will exceed a 10-foot landscape setback that is already required by the ordinance itself.

And also as well, the entire site is -- has more green space than what is to be required as well.

So I'd be happy to answer any questions that you may have at this time.

Thank you.

CHAIRMAN IBE: Thank you, sir, for that presentation.

Is there anybody in the public who would like to make a comment regarding this particular case at this time?

(No audible responses.)

CHAIRMAN IBE: Seeing none, I will turn to Madam Secretary and ask her to read into the record any correspondence.

MS. KRIEGER: In Case No. PZ13-0005, 28 were mailed, four returned, zero approvals, zero objections.

CHAIRMAN IBE: Thank you. I'll now turn to the city and ask if there are any comments.

MS. SAARELA: I don't have any.

MR. BOULARD: I will stand by for questions.

I just wanted to mention that the...
plan review center report from the planning
test is attached. The criteria for
dimensional variances are on the coversheet,
and this was approved with -- contingent upon
any approvals that you might grant at city
council last night for preliminary site plan.
Thank you.

CHAIRMAN IBE: Thank you,

Mr. Boulard.

I will now open this up to the
full board for discussion.

Yes, Member Sanghvi. Welcome
back.

MR. SANGHVI: Thank you. Good
evening. My question is, what kind of
business is this going to be?

MR. SYTSMA: This will be a
Gordon Food Service Marketplace store. Are
you familiar with those stores at all?

MR. SANGHVI: Yes.

MR. SYTSMA: It's going to be
very similar to any other stores that you go
to for Gordon Food Service.

MR. SANGHVI: Very well. First
of all, sir, welcome to Novi.

MR. SYTSMA: We are excited about
it.

MR. SANGHVI: I looked at your
plot and I see you're a street on the east
side, that side is open.
And looking at the comments from the planning commission and everything, I certainly have no problem with granting your variances. Thank you.

MR. SYTSMA: Thank you.

CHAIRMAN IBE: Thank you, Member Sanghvi.

Do I have anyone else who would like to make a comment or ask questions of the gentleman?

Yes, Member Ghannam.

MR. GHANNAM: I also have no problem with this.

I have seen the reports of the planning commission. I have been by the place a million times, going in that direction and that whole shopping center. You are surrounded basically by parking or a street, so I don't think it will be out of character for that area.

I know they have been trying to sell that lot for quite a while.

Did it go through lot split process already?

MR. SYTSMA: Yes, we are going through that right now. I believe the city has already actually recorded the lot division.

MR. GHANNAM: I have no problem with it, sir.
MR. SYTSDA: Thank you.

CHAIRMAN IBE: Thank you very much, Member Ghannam.

Do we have any additional --

yes --

MS. KRIEGER: I don't know if it would be for the city or the applicant.

The anticipated intended traffic flow would be on Donaldson or through the -- where the Dick's Sporting Good entrance is at?

MR. SYTSDA: I believe it will be a little through both, just depending on the traffic flow. I know this traffic study that they had done for I think a previous addition to the Fountain Walk was used, they said there was going to be no other impact to the traffic, to Twelve Mile. I guess is that the question that you're asking?

MS. KRIEGER: Yes. Thank you.

CHAIRMAN IBE: Thank you, Member Krieger.

Do I see any additional comments?

(No audible responses.)

CHAIRMAN IBE: In the absence of any other comments, I will entertain a motion, please.

Yes, Member Ghannam.
MR. GHANNAM: In Case No. PZ13-0005, I will make a motion to approve the petition as requested.

The variance should be granted in this case because practical difficulties exist, due to the following: Number one, there is unique circumstances regarding the physical conditions of the property that make the applicant's need for the variance not due to the applicant's personal or economic difficulty. The need is not self-created, as this is basically an outlot that's commonly seen in the city and the surrounding areas. And realistically it's only a grassy area right now.

Strict compliance with the regulations governing setback, frontage, so forth, will only unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

The requested variance is the minimum variance requested to do substantial justice because physically they couldn't operate a reasonable building on the premises without the necessity of this variance.

The requested variance will not cause adverse impact around the surrounding
property areas, in fact, it will I think increase it.

MR. SANGHVI: Second.

CHAIRMAN IBE: Seeing a motion has been made and seconded, is there any need for further discussion?

(No audible responses.)

CHAIRMAN IBE: Seeing none, Ms. Pawlowski, please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes seven to zero.

CHAIRMAN IBE: Congratulations, sir.

MR. SYTSMA: Thank you very much.

CHAIRMAN IBE: You're welcome.

That brings us to our next case.
Case No. PZ13-0007, 156 Rexton.

Is the applicant here? Please approach the podium.

Now, all the parties who will be speaking today, please state their names and spell their last name for the record.

MS. SIEMENS: Hi. My name is Erin Siemens, E-r-i-n, last name is Siemens, S-i-e-m-e-n-s.

MR. SIEMENS: Rob Siemens.

MS. KRIEGER: Are either of you an attorney?

MR. SIEMENS: No.

MS. KRIEGER: In Case No. PZ13-0007, do you swear or affirm to tell the truth?

MR. SIEMENS: We do.

MS. SIEMENS: We do.

CHAIRMAN IBE: Please go ahead.

MS. SIEMENS: Thank you for reviewing our variance request today.

About seven years ago my husband and I purchased a home in Novi in the neighborhood on Rexton Street. It was a spec home that was built on a lot that was divided from the next-door -- the home next-door. So it's kind of an odd shape lot.

One of the very first things that we told our realtor in looking at the home, it was a beautiful home, lots of windows, but
that we definitely need a fence, because we have three dogs, and we have a daughter, we knew we would have more children on the way.

So the realtor, of course, confirmed that we could build a fence, and shortly after purchasing the home, we built a fence.

This was about six and a half years ago our fence was built. Just this last fall, Maurenn Underhill told me that our fence was not in compliance with the building code.

So in talking with her about some the concerns around the building code and why it exists the way it did, to get together our variance request, hopefully we could address some of the concerns therein.

We have some pictures here. So again, the fence is kind of a requirement for us to make the home and the property useable. Because we have such a large sideyard, that has frontage to the road, which is actually facing a wooded area, we would lose a lot of the use of that yard if we were to have followed the codes strictly, and so we were able to enclose that sideyard and make a much larger backyard for our dogs and for our kids to enjoy.

The back -- the fence is also kind of a requirement for privacy because we
have so many windows, and we are on a raised foundation, anybody walking by our home, and we have a lot of foot traffic because we're right off of Walled Lake, can see directly into our home.

And I actually mentioned in the variance request that we actually had an individual who was unfortunately brought up on stalking charges after quite sometime, and had we not had the fence, he would have been able to approach our home much more closely than he was able to.

So the fence has been a pretty good addition to our home, something we hope we can keep. I thank you for considering our request.

CHAIRMAN IBE: Thank you. You plan to make any comment, sir?

MR. SIEMENS: No. I will answer questions. Thank you.

CHAIRMAN IBE: Thank you very much. Is there anybody in the audience who would like to make a comment at this time regarding this particular case?

(No audible responses.)

CHAIRMAN IBE: Seeing none, I will turn to the city and ask do we have any comments?

MS. SAARELA: I have none.

MR. BOULARD: No comments.
CHAIRMAN IBE: Thank you. I will now turn to Madam Secretary and ask her to read into the record any correspondence.

MS. KRIEGER: In Case No. PZ13-0007, 32 were mailed, zero returned, two approvals, zero objections.

First approval is, “I have no problem with location of fence at 156 Rex ton. It is placed in such a way as appropriate for the use as a backyard fence on a corner lot. The fence matches the esthetics and causes no detriment to the neighborhood.” From the Simps.

The second one is an approval from Mygal, “The Siemens family lives behind us, and we do not have any problem at all with the fence and hope that you accept their request. The fence has been up for years and I never heard any other neighbors complain.”

That’s it. Thank you.

CHAIRMAN IBE: Thank you, Member Krieger.

I will now open this up to the board for discussion.

Yes, Member Sanghvi?

MR. SANGHVI: Good evening.

Actually I was right in out in front of your house, I saw you going out walking with the dog on Sunday morning. You were giving me a
look, who is this guy parked in front of my house.

MR. GHANNAM: He wasn't a stalker.

MR. SANGHVI: That's okay. I looked around. I agree 100 percent with you that you need a fence there and I have no problem with that. Thank you.

CHAIRMAN IBE: Thank you, Member Sanghvi. Yes, Member Ghannam?

MR. GHANNAM: I just have a question for the city.

According to this, the sideyard -- or the setback should be 30 feet, correct? They're allowed a fence, but it should be 30 feet setback, is that what I read?

MR. BOULARD: Yes.

MR. GHANNAM: What is the setback in this case? I didn't get that from the paperwork.

MR. BOULARD: I believe the setback -- the existing setback for the fence is nearly on the property.

MR. GHANNAM: So they need the entire 30 feet?

MR. BOULARD: Yes.

MR. GHANNAM: I don't have any other questions. Thank you.

CHAIRMAN IBE: Thank you, Member
Ghannam.

Do we have any additional questions or comments regarding this particular case?

(No audible responses.)

Well, seeing none, I want to make this quick comment, then I'll probably ask for a motion.

I don't have any problem with this as well. And what is a more -- of a concern to me, was that this fence was up for about six years, is that what I hear?

MS. SIEMENS: Yes.

CHAIRMAN IBE: This is the first time you have been told about a fence?

MR. SIEMENS: Yes, last week of November. We were called -- I was called about our new fence and I was quite confused.

When I left the house this morning, there was no new fence. I don't know what happened since I left, but, anyway, it turned out to be the fence.

CHAIRMAN IBE: Very well. Thank you very much.

In the absence of any additional comments or questions, I will entertain a motion if someone is wanting to take it on.

Yes, Member Gerblick.

MR. GERBLICK: In Case No. PZ13-0007, 156 Rexton, I move that we approve
the variances as requested -- or variance, I should say.

There are unique circumstances or physical conditions of the property, such as its shape, and the need for the variance is not due to the applicant's personal or economic difficulty.

The need is not self-created. It's due to the size and shape of the lot on this particularly large sideyard.

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

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

MR. FERRELL: Second.

CHAIRMAN IBE: Seeing a motion has been made and seconded, is there any feed
for further discussion?
(No audible responses.)
CHAIRMAN IBE: Seeing none,
please call the roll.

MS. PAWLOWSKI: Member Gedeon?
MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Chairman Ibe?
CHAIRMAN IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Motion passes
seven to zero.

CHAIRMAN IBE: Congratulations.
MS. SIEMENS: Thank you very
much.
CHAIRMAN IBE: We will now call
Case No. PZ13-0008, 40380 Grand River Avenue,
Big Tommy's Parthenon. Will the applicant --
MR. STYLIANOU: Anthony
Stylianou, spelled S-t-y-l-i-a-n-o-u.
MS. KRIEGER: In Case No.
PZ13-0008, do you swear or affirm to tell the
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MR. STYLIANOU: Yes.

MR. FITZGERALD: Dan Fitzgerald from Classic Canopy and Signs, 19235 Smot, Northville.

CHAIRMAN IBE: In Case No. PZ13-0008, do you swear or affirm to tell the truth?

MR. FITZGERALD: Yes.

MR. STYLIANOU: So we are here for a variance on our sign size. As you know, this establishment has been many restaurants over the years, has not made it, for whatever reason.

We strongly believe that the sign has a lot to do with our business. Of course, every business wants as much signage as possible.

Our sign here, we didn't intend to make it bigger. We knew the structure was there, and we thought we could use the whole structure.

Driving eastbound on Grand River, you will see that our sign actually faces the building next door to us. So as you're driving eastbound, you hardly can see it until you get to the building.

I have been with Leo's for three
years. I opened their store, and we had a hard time for three years, Leo's is very successful restaurateur with 45 restaurants in Michigan, and it was a subpar restaurant for three years.

Granted it be the sign, location, I don't know what it was, but after three years, he decided to sell it to me, and I'm in the process of transferring everything right now, so we changed the sign.

In the three years I was there with Leo's we changed this panel three different times, and still didn't have any success with it.

So with that, we tried to upgrade the restaurant in the area by putting a nice sign and providing something nice to the community. That's kind of where we are at today.

We are hoping that you will grant us the variance and allow us the signage.

CHAIRMAN IBE: Thank you, sir.

Is there anybody in the audience who would like to make a comment regarding this particular case?

(No audible responses.)

CHAIRMAN IBE: Seeing none, I will turn to the secretary to read into the record any correspondence.

MS. KRIEGER: In Case No.
PZ13-0008, 17 were mailed, one returned, one approval, zero objections.

The approval is from Kathleen Bozack, The Conserva Electric Supply Company on Grand River. That's it.

CHAIRMAN IBE: Thank you, Madam Secretary.

I will now turn to the City for any comments or question they may have.

MS. SAARELA: I don't have any.

MR. BOULARD: Mr. Chairman, I will stand by for questions. I did want to mention that if the board is inclined to consider a variance, my suggestion is that you consider perhaps limiting any variance to this particular business. Thank you.

CHAIRMAN IBE: Very well. Thank you, Mr. Boulard.

I will now turn to the board for discussion in this particular case.

Yes, Member Sanghvi?

MR. SANGHVI: I did come and look at your sign and it's quite a large sign, but I guess you need it because they move traffic is moving very fast on Grand River there.

MR. STYLIANOU: Yes, it is.

MR. SANGHVI: I hope you do well in your new surroundings.

MR. STYLIANOU: Thank you.
MR. SANGHVI: I have been here a long time in Novi. A lot of restaurants have changed in that location. And I have no problem in hoping and praying that you are successful with the bigger sign.

MR. STYLIANOU: Thank you so much.

CHAIRMAN IBE: Yes, Member Gedeon?

MR. GEDEON: Well, as my fellow members well know, I'm no fan of big signs. But in this case, I kind of feel like, you know, the damage has already been done, you know, it's a big sign, it's big a physical obstruction already. And I don't really see any difference if, you know, the text is bigger or not.

So, you know, as far as the actual size of the sign, I don't have a problem that.

I'm not sure about the construction material. I guess I'd welcome more information from the applicant about that aspect of the variance request.

MR. STYLIANOU: As far as material is concerned? I think Dan might --

MR. FITZGERALD: This is a -- it's called a flex panel. You would see this fabric on signs like Best Buy. Best Buy at
Eight and Haggerty has the same fabric. And it's used for large sign faces. It's a 20 ounce fabric, holds up to high wind. It's probably the best material you could use on a sign that you can get.

They asked me to make their sign look like Best Buy, his wife, she liked the colors. I told them that's a flex face panel, which is fabric. She says, I don't care, I want it to look like that, I like the black and yellow. I said, fine. That's how they got that flex base.

MR. GEDeon: Thank you.

CHAIRMAN IBE: Thank you, Member Gedeon.

Yes, Member Krieger?

MS. KRIEGER: In regards to the structure is already there, so to enlarge to the size of the sign to the structure, in this case, I would be in agreement with it. But also that, in previous cases, or historically, in the future for considering pole signs and ground signs.

And then also my question, I guess you already answered it, for the fabric that's on it, that it's okay, with high winds because the Best Buy signs that I have seen were on the building versus this one, it would be a separate structure, so that it...
would tolerate winds or something of that
nature?

MR. FITZGERALD: Yes, the back of this, whatever this big thing is, somebody built previously, is a solid structure, and this is only a six-inch projection on a sign, so it's all-welded frame anyway, all steel structure welded frame. It would handle any wind load, pretty much.

MS. KRIEGER: Thank you. I wish you the best of luck with Leo's because, yes, I know anywhere there is a hospital, if there is a Leo's, it's full of staff. Thank you.

CHAIRMAN IBE: Thank you, Member Krieger.

We have any additional comments or questions?

MR. GHANNAM: I was going to say the same thing. Normally I would not be in favor of these type of large signs, but the structure is there, and we are just trying to utilize whatever is there. It makes sense, although if this was -- if this had a different type of structure, I would not be in favor it that, but I have no problem with this.

MR. STYLIANOU: Thank you.

MR. FITZGERALD: He's had nothing but compliments on the sign. He really has.
CHAIRMAN IBE: Very well. Thank you. Do we have any additional comments?
(No audible responses.)
CHAIRMAN IBE: In the absence of any additional comments or questions, I will entertain a motion.

Yes, Member Krieger.

MS. KRIEGER: In Case No. PZ13-0008, for 40380 Grand River Avenue, Big Tommy's Parthenon, in this case, I move to approve the requested variance, that the request is based upon the circumstance and features that are exceptional and unique to the property, they're on Grand River, and the speed is 45 and traffic can be heavy and it can be difficult for them to see, did not result from conditions that exist generally in the city.

The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantial -- more than mere inconvenience or inability to attain a higher economic or financial return because of its location and the structure is already there.

The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done.
to both the applicant and adjacent and
surrounding properties and is not
inconsistent with the spirit of the
ordinance. Because it will probably increase
attention towards the area, and that's good
for business and residents as well.

And that this request would be to
this applicant.

MR. GEDEON: I will second that.
CHAIRMAN IBE: Did you want to
have a condition as Mr. Boulard suggested?
MS. KRIEGER: I said that.
Conditioned to this applicant.
CHAIRMAN IBE: Very well. Thank
you. Seeing a motion has been made and
seconded, do we have any need for further
discussion?
(No audible responses.)
CHAIRMAN IBE: Seeing none,
please call the roll.

MS. PAWLOWSKI: Member Gedeon?
MR. GEDEON: Yes.
MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Chairman Ibe?
CHAIRMAN IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes seven to zero.

CHAIRMAN IBE: Congratulations.

MR. STYLIANOU: Thank you very much.

CHAIRMAN IBE: We now call Case No. PZ13-0009, 39555 Ten Mile Road, Prime Care Urgent Care.

Will the applicants please come to the podium, state your name, spell your last name for the record.

If you are not an attorney, please raise your right hand and be sworn in by Madam Secretary.

MR. SHIVELEY: Good evening. My name is Dr. Theodore Shiveley, S-h-i-v-e-l-e-y, DO. I am the founder, member of Prime Care of Novi.

MR. ZAID: I am Robert R. Zaid, also member/owner of Prime Care of Novi.

CHAIRMAN IBE: Sir, spell your last name.

MR. ZAID: Absolutely. Z, as in zebra, a-i-d, as in dog.

MS. ZAID: I am Edna Zaid, Z-a-i-d. I'm one of the owners of the Holly
130312.txt

Hill Professional Village. Thank you.

MS. KRIEGER: In Case No. PZ13-0009, for 39555 Ten Mile Road, Prime Care Urgent Care. Do you swear or affirm to tell the truth?

MR. ZAID: I do.

MR. SHIVELEY: I do.

MS. ZAID: I do.

CHAIRMAN IBE: Thank you. Please proceed.

MR. SHIVELEY: Thank you for the opportunity to come before the board tonight, present our reasons for request for a sign variance.

Prime Care of Novi was established in 1999 in the Holly Hills Professional Village. We have rapidly become recognized, not only as a local, state and even nationally recognized leader in preventative care.

We are now coming before the board because we are going to form an additional new Prime Care Urgent Care that we attached to our Prime Care office.

One of the difficulties that organizations, such as this board have with urgent care is like a box of chocolates in the Forrest Gump's movie, you never know what you are going to get. There is a large variation between some urgent cares that are
simply a place for a non-clinician, makes a
diagnosis, follows a protocol, all the way up
to places where extended facilities are
available.

Prime Care Urgent Care will be a
state-of-the-art urgent care. We will have
eight exam rooms, two surgical suites, x-ray
abilities, the ability to handle casting,
defibrillation and everything short of urgent
care which would require hospitalization.

We expect this organization to
handle approximately 150 visit a day. That
would be approximately 1,000 new patients
visits to this complex every week. One of
the difficulties that we simply have is that
patients who enter this complex do not have
direct easy access to the urgent care
facility.

This facility is unique in the
city in that it is -- because of its design
and the nature of the campus, it's impossible
for patients simply entering to go directly
to the urgent care. There are three medical
buildings in this complex. Patients must go
in, often in a hurried state of affairs, find
the urgent care facility. And we will also
have an ambulance entrance, we foresee that
that could cause real harm, to either the
patients or the other occupants of this
1             complex.
2                         So I'd like to have Dr. Zaid now
3             show you a little bit more about the specific
4             nature of this difficulty, which I think is
5             unique to the city.
6                         MR. ZAID:  Just to reiterate real
7             quick, we have been involved for 14 years.
8             We have a very strong relationship with the
9             hospital, and we hope that with primary care
10             we are a big part of the change in medicine.
11                         With a lot of places like urgent
12             cares and emergency rooms, people are coming
13             to you in a panic and oftentimes that can
14             impair their ability to find a place, if
15             they're looking for something and driving at
16             the same time.
17                         In our complex specifically, we
18             have one entrance to the entire complex, and
19             I don't know if my laser pointer -- if you
20             look here, I'm going to turn this around.
21                         This is Ten Mile Road, and the
22             entrance comes in towards a first building
23             over here.  Our building is all the way to
24             the east side of the road.
25                         And when you're coming in there,
26                         you may not know where you're going if you're
27             looking for an urgent care.
28                         The other thing is we have a lot
29             of traffic within the complex, including an
30             "
adult day-care center, where there is a lot of people standing outside at times. We don't want a lot of cars going around. We are worried about safety. The adult day-care in right in that area, and so if cars are coming around or ambulances are coming around, we want people to directly find where they're going.

I'm going to have Edna, one of the owners, speak next on our behalf.

MS. ZAID: Good evening. Thank you for hearing us tonight.

Providence Hospital is supporting this venture, they're, in fact, investing finances to get it going. The tenants in the building are very happy about it. They're hoping the urgent care will bring referrals to everyone, which indeed it will because of the different specialties that are there.

We are very grateful for their urgent because that adds another large percentage, when we purchased the building, that was not too long ago, it was 60 percent occupied, this will make it maybe more than 70 percent occupied, and because of their coming into the building, other rehab place other potential people are coming, so we're hoping for their success and their success is going to depend a lot on the signage.

We have 17 suites in the three
buildings, and as you pull in to them, it doesn't look as complicated, I think in these drawings as when you do drive in. The three buildings are pretty long. They are in the furthest one left, and to even find their building -- to find their office when I first was looking at it, I started with the first building and worked my way down to the third building, which was fine, because I was casually looking for them. But for an emergency situation and somebody trying to find an urgent care, looking at everybody's little sign outside their door is probably not going to be sufficient for safety.

And the adult day-care that Robert referred to is an CNS network company, where they are mentally challenged adults that are there, and they are outside walking around quite a bit. And I think that it could be detrimental both to the driver, not expecting someone to be walking in front of them and to the people themselves not expecting someone driving in a hurry, not noticing them. So I think it could be unsafe for both parties, the driver and the pedestrians walking around.

So I guess -- let's see. The employment that the urgent care is going to bring in, the finances that it's going to bring in, it's -- it will be the only urgent
care other than Providence Hospital.
And there is one more thing, this
is not going to be -- in addition to signage
on our sign, we don't have a spot for them
there anyway, it will be the only sign they
have. So it won't be duplicating signs. Go
ahead.

MR. ZAID: I just want to
clarify. Providence supports our practice,
they do not invest in the urgent care. I
just wanted to make that -- because this is

public information. They do not invest in
the urgent care. They're just a supporter of
our practice.

MS. ZAID: Sorry. I think that's
all I have to say. Thank you.
CHAIRMAN IBE: Thank you very
much for that well informed and detailed
presentation.

At this time I would like to open
it up to anybody in the audience who would
like to make a comment regarding this
particular case.

(No audible responses.)
CHAIRMAN IBE: Seeing none, I
will turn to our Madam Secretary and ask her
to read into the record any correspondence.

MS. KRIEGER: In Case No.
PZ13-0009, 23 were mailed, five returned, one
approval, one objection.
The approval is, "Many people will have difficulty locating urgent care facility since it is the furthest building from entrance without appropriate and easily identifiable signage. Seventeen units to the front and back." That's from Edna and--I don't know how to say this.

MS. ZAID: (Inaudible).

MS. KRIEGER: Zaid. Thank you.

And the second one is from--the objection.

"I believe Novi city ordinances are in place to protect property values and protect owners from nuisances such as obstructed views. One of the reasons I moved to Novi was because they had stricter rules and ordinances than many other cities regarding signs and blight. There are many other options for this company to advertise. I strongly object to more signs and ask the city not to allow this. Thanks for considering my opinion in this matter." From Joyce Allison. That's it.

Thank you.

CHAIRMAN IBE: Thank you, Madam Secretary.

I will now turn to the city for any questions or comments that they may have.

MS. SAARELA: I don't have any.

MR. BOULARD: I will stand by for questions.

CHAIRMAN IBE: Very well,
Mr. Boulard, city attorney, thank you.

I will now open it up to the board for discussion.

MR. SANGHVI: May I go first?

CHAIRMAN IBE: Absolutely, sir, you may.

MR. SANGHVI: I have a couple of questions. Number one, what are going to be your hours?

MR. SHIVELEY: Excellent question. We will be open from 10:00 a.m. to 9:00 p.m. to start. We anticipate extending those hours later in the evening, as indicated based on patient flow. I would point out that a lot of those hours are going to be after dark, especially in the winter months.

MR. SANGHVI: So this is a lit-up sign?

MR. SHIVELEY: I'm sorry, one more time.

MR. SANGHVI: Is your sign lit up?

MR. SHIVELEY: Yes, the sign is illuminated.

MR. SANGHVI: Second question, what kind of facility? What are you going to provide there, EKG, x-ray, minor surgery and all of that?
MR. SHIVELEY: We will be able to provide all of the urgent care needs that the community might need, short of full treatment that an emergency facility would need to be attached to the hospital. So we will x-rays, ability to will cast and splint. We will be able to provide defibrillation, minor surgical suites, all the acute illnesses and injuries that the community might require.

MR. SANGHVI: Very good. Thank you. I don't have no further questions.

CHAIRMAN IBE: Yes, Member Ghannam?

MR. GHANNAM: You were talking to Dr. Sanghvi. That's why he had those questions.

But actually I have got a couple of questions.

Number one, in one of the photos you provided us, is like an aerial view, it had some yellow, in fact, I think it's the one you have up right now. It has some yellow outline. Is that a proposed suite you have right now?

MR. SHIVELEY: Yes, it is indeed. That is the suite. Our suite is adjacent to it. They will be connected through a back hallway. We will actually be sharing one of our surgical suites and x-ray with our Prime Care practice.
MR. GHANNAM: So between your primary practice and this urgent care, do you occupy that entire building?

MR. SHIVELEY: No, we do not. We would occupy approximately half of the building. In fact, that's exactly true. If you could bisect that third building in your mind's eye, we would have the yellow section for urgent care, and the other half of that, that's exactly where our Primary Care suite is located.

MR. ZAID: It's 6,300 square feet total.

MR. GHANNAM: Between the two?

MR. ZAID: Yes, 4,900 currently for Prime Care, 2,400 for the urgent care.

MR. GHANNAM: Then I have noticed you put up -- you gave us a proposed signage with the dimensions and so forth and how it sits on the roof. That was one of the photographs you presented. In fact, if you can put that on the overhead. That one.

I assume -- because I have been by this place a million also. I presume this sits up on the part of the building that comes up that high, correct?

MR. ZAID: Exactly. It's not on the roof, it's on a wall.

MR. GHANNAM: Right. In one of the other photographs, if you can show that,
too, has those walls without the signage, if
you can show that photograph. That's the way
it currently looks, correct?

MR. SHIVELEY: Except it's
backwards, but yes.

MR. GHANNAM: Again, your sign
would basically be flush against one of those
walls?

MR. SHIFMAN: It would be flush
to the wall, correct, in that space right
there.

MR. GHANNAM: I mean, I noticed,

having gone by this place, actually my family
used to have an oral surgeon in that place, I
know they moved to I think Grand River, but
as I know, the signage in that area is very
difficult, they're very small. This is very,
you know, large complex. I know we have
given other variances, one I recall is on
Twelve Mile. I think there is multiple
buildings across from Fountain Walk, in fact.

But ordinarily, on this type of
thing, on roof signs, I wouldn't be in favor
of it, but because of the way this roof is
situated, number one, it's fairly flat or
slightly inclined roof, and you already have
that wall there, you're just simply putting
up a sign, to me it makes sense only because
it's an urgent care.

If you come in with another
tenant, for example, you know, like a skin
doctor or something, I mean, that don't seem
as urgent where they would need to direct
themselves right away. I think it would look
unusual in the area. But under these
circumstances it does make sense to me, again
under these limited circumstances, so I would
be in favor of it.

CHAIRMAN IBE: Yes, Member Gedeon.

MR. GEDEON: I would like a point
of clarification on the size of the sign. In
your mock-up, it says 39.6 square feet, and
in the request that we have in front of us it
says 37 square feet.

MR. ZAID: So 20 inches times
22 feet. So it's --

MR. SHIVELEY: I'm not honestly
sure. I know based on the linear footage in
front of the office, looking at the city's
regulations, we were within their
requirements, but now the question is 39
versus -- I'm not sure.

MR. ZAID: There is 37 square
feet, rounded up.

MR. GEDEON: I would echo what
was said by Member Ghannam, I would actually
clarify even more that I would be in favor of
specific -- under the conditions that a
variance is for the specific text of an
urgent care to avoid the, you know, slippery slope of everybody wanting a sign in this complex.

CHAIRMAN IBE: Thank you, Member Gedeon.

Yes, Member Krieger.

MS. KRIEGER: For the Ten Mile sign, would it also say urgent care on there, so then to -- so for urgent -- this is going to face south? So how would somebody know there is an urgent care in there?

MR. SHIVELEY: This sign faces -- north faces Ten Mile Road, there would be no signage facing south. This is the only sign for this business. There would not be -- we are not requesting a second sign on the monument.

MS. KRIEGER: And then for the neighboring, as you were speaking about earlier, that -- the other building, if -- is that normal that they -- patients are out in that area, could potentially be walking the parking lot?

MS. ZAID: Yes. It happens, it's the way it is. It's a drop-in center where they learn life skills, and some of them smoke, so, of course, they're outside walking around smoking.
Well, there is talk about enforcing the non-smoking with the people that are there. But they have been doing that for 20 some years. They're one of the original tenants of the building and we just purchased, and we don't want to ruffle anyone's feathers being brand new, so we are trying to figure out how to handle that. Even the people that own that don't want everybody walking around, but right now they do and there is no plans of changing it.

MS. KRIEGER: One other question, for the urgent care, is that into the future -- the change you were talking about, medicine that instead of going to an ER, that there would be an integral step go to urgent care first, then if it's determined, they would be going into --

MR. ZAID: Almost. We envision -- urgent cares have been around for a long time, but with this model, we are going to have primary care physicians manning the urgent care, who also work at the Prime Care site. So if somebody came in with a problem and one of their doctors wasn't there, they could continue their care on regular business hours, on the primary care side. That's what -- that's what we mean by the future of medicine. With one record, one electronic record. All your care could stay
within one place, except for, of course, if you need to go to the hospital.

MR. SHIVELEY: If I might add, with the changes coming in healthcare, there are about to be several million people with healthcare that currently don't have a doctor. Many of those people are going to end up in either emergency rooms or urgent cares. We intend to help supply that need.

MS. KRIEGER: Now I know what to tell people when they ask me. What is this urgent care for. Thank you.

MS. ZAID: Also urgent care is also more economical for people to go to, if they can't afford to go to the hospital emergency room. They're oftentimes -- I know my Henry Ford, it's $50 co-pay, close to $100 co-pay, where people might find it more affordable to go to an urgent care if it's not a life threatening emergency.

MS. KRIEGER: So in consideration for the signage, I also am not -- as previous speakers have mentioned, in agreement with it.

CHAIRMAN IBE: Yes, ma'am?

MS. ZAID: I just want to let everybody know that we have no plans of any other tenant coming for a variance, since I am one of the owners. We don't want signs up on the roof. We don't want anybody else,
just the nature of the urgent care. But we agree with the integrity of the rules of Novi, and that, you know, for good reason, it's just the nature of this business. You don't ever have to worry about us coming back for another variance for landfall.

But since Member Krieger brought up the second sign, I was just thinking since they are going to be 50 percent of that building, if we were to have room on their sign, would it be a problem to add another panel for the urgent care? Okay. I just wondered.

CHAIRMAN IBE: I have some questions for you.

You're one of the owners of the building, is that correct?

MS. ZAID: Yes, sir.

CHAIRMAN IBE: I assume you do have contractual obligations with your tenants currently?

MS. ZAID: Absolutely.

CHAIRMAN IBE: Do you have any empty vacant spaces in the building right now?

MS. ZAID: In that particular building?

CHAIRMAN IBE: Or in the complex itself.

MS. ZAID: Oh, we do, like
CHAIRMAN IBE: Let's assume hypothetically company B decides to move in there, and sees this sign up there, wow, geez, this is great visibility. The only condition upon which they can rent, how do you approach that?

MS. ZAID: I would say, I'm sorry, we can't do that.

CHAIRMAN IBE: You'd be willing to forego the economic gains?

MS. ZAID: Of course, yes.

CHAIRMAN IBE: Are you sure about that?

MS. ZAID: Absolutely. I mean, those are the rules. We feel -- we would feel very grateful if you allowed this. We don't take for granted that you're going to grant it, but I think the only reason you considered it would be because it was an urgent care.

But there would be so many tenants, who to you say yes to and who do you say no to. If a new tenant wanted it, what do you say to the old ones who have been there for 30 years, how come I didn't get that opportunity.

So I want a happy family, friendly complex, and that means not alienating the old people to appease the new.
people. But I was wrong. I thought you were talking about all the buildings. Their particular building only has one space left, and I believe someone is taking it. And that's not going to be a problem, I assure you.

CHAIRMAN IBE: Very well. Thank you. Mr. Boulard, do we have any other comment?

MR. BOULARD: I think there may be somebody in the public.

CHAIRMAN IBE: I will exercise a discretion and call upon the young lady in the back who was trying to get my attention. Can you please come to the podium, tell us your name, and spell your last name and be sworn in by Madam Secretary.

MS. ALLISON: Hello. I'm Joyce Allison, A-l-l-i-s-o-n. My house is directly behind the doctor's office.

MS. KRIEGER: In Case No. PZ13-0009, do you swear or affirm to tell the truth?

MS. ALLISON: Yes.

CHAIRMAN IBE: Please, go ahead.

MS. ALLISON: I'm wondering how far above the roof line right now, where the roof is, how far higher the sign will be?
MR. ZAID: You won't see it, if you're behind it because the sign is front of the --

MS. ALLISON: So it won't glow into my yard?

MR. ZAID: There is a mock-up now actually. It's the exact dimension of the sign. There is about a foot -- there is about a foot above -- if you look here --

MS. ALLISON: I was just wondering --

MR. ZAID: This is just showing the dimensions.

MS. ALLISON: That was my only confusion.

MR. ZAID: Come by and say hi one day.

CHAIRMAN IBE: Very well. We like to make sure we have happy neighbors.

MR. ZAID: Absolutely.

CHAIRMAN IBE: Very well, thank you.

Since I made a discretion, is there anyone else in the audience who would like to make a comment at this time regarding this case?

Well, sir, please I will entertain one more at least.

Can you please come to the podium and state your full name and be sworn in,
please.

MR. ZSCHERING: My name is Kirk Zschering, Z-s-c-h-e-r-i-n-n-g.

MS. KRIEGER: In Case No. PZ13-0009, do you swear or affirm to tell the truth?

MR. ZSCHERING: Yes. Ten Mile is a very, very busy street right in that little intersection. I would think that looking into another driveway with the street sign might be something they would entertain. It's a very, very busy parking lot, which they have. I think when there is street signs, and without a top of the building sign, that would make a little more sense, maybe have a neon sign on the front of the building instead of something up high. Novi doesn't have a lot of the large billboard signs with Joumana Kayrouz all over the place, things like that. That's one of the things that is attractive to this area.

Thank you.

CHAIRMAN IBE: Very well. Thank you very much, sir, for that comment.

I must state to you, unfortunately it's beyond the scope of this board to address the concerns you've raised. But I'm quite sure there are other avenues that you can take to address that, that particular comment.
I'm sure Mr. Boulard will take that into consideration as well and pass it on.

All right. In the absence of any additional discussion, I will now entertain a motion, please.

Yes, Member Gedeon.

MR. GEDEON: In Case No. PZ13-0009, 39555 Ten Mile Road, Prime Care Urgent Care, I move to approve the variance as requested under the condition that the text of the sign is limited to the text presented in the application.

The request is based upon circumstances or features that are exceptional and unique to the property and do not result in conditions that are -- that exist generally in the city or that are self-created. Specifically, there are multiple properties that share one driveway, and the applicant indicated that it may be difficult for patients under duress to find the location they're trying to get amongst the multiple buildings.

Additionally, the sign will actually mount on the wall that extends above the roof line and not attached to the roof itself.

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

MS. KRIEGER: Second.

MR. GHANNAM: If I can just make a comment in addition, that it can be limited to this particular tenant.

MR. GEDEON: I will adopt that condition that the variance is limited to the particular business occupant.

MS. KRIEGER: Second.

CHAIRMAN IBE: Thank you. Seeing that a motion has been made and seconded, do we have any need for further discussion?

(No audible responses.)

CHAIRMAN IBE: Seeing none, please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

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

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes seven to zero.

CHAIRMAN IBE: Congratulations.

MR. SHIVELEY: Thank you.

CHAIRMAN IBE: We will now call Case No. PZ13-0010, 24926 Bloomfield Court.

Will the applicant please come to the podium.

MR. MUNDT: Good evening. I'm John Mundt from Singh Homes. Last name is spelled M-u-n-d-t.

Along with me, I have Mr. Sandhu.

MR. SANDHU: My name is Veant, V-e-a-n-t, last name is S-a-n-d-h-u.

MS. KRIEGER: In Case No. PZ13-0010, do you both swear or affirm to tell the truth?

MR. MUNDT: Yes.

MR. SANDHU: Yes.
MR. MUNDT: We are here tonight to request a variance for Novi's ordinance that limits residential garages to the size of 850 square feet.

Our main hardship lies within the size and the shape of Mr. Sandhu's future lot.

As you will see in the attached plot plan, what you have in your packet there, the lot is very narrow, long and it actually curves. And to accommodate a three-stall garage for Mr. Sandhu, we actually had to create a bend in the garage.

This bend created some additional square footage in the garage, which just the three-stall garage alone exceeded the 850 square feet.

We'd also like to incorporate some space for him to store his lawn equipment, lawn supplies, things of that nature. So there isn't, you know, a secondary structure on the lot, as far as a shed or something like that.

CHAIRMAN IBE: Very well. Would the other gentleman like to make any comments?

MR. SANDHU: You know, the way the house -- because of the irregular shape...
of the lot, the first door of -- the garage
door, from the front of the house is only
four feet. So you can barely turn the car
in, and that's why the garage had to posted
away from the house, so that created that
space. So we will do that as storage. But
it was the nature of the lot that we had to
do this.

And first of all, I'm very sorry
for the phone because this is not my phone
and I didn't know how to turn it off.

I am a 20 year resident of Novi,
and I have three -- we have three children,
seven grandchildren, our residents of Novi
and we plan to stay here, if you grant us the
variance and we build this house, we will
plan to stay in this house for the rest of
our lives. Thank you.

CHAIRMAN IBE: Thank you, sir.

Is there anybody in the audience who would
like to make a comment regarding this
particular case?

(No audible responses.)

CHAIRMAN IBE: Well, seeing none,
I will turn to Madam Secretary and ask her to
read into the record any correspondence.

MS. KRIEGER: In Case No.
PZ13-0010, 11 were mailed, zero returned,
zero approvals, zero objections. Thank you.

CHAIRMAN IBE: Thank you. I will
now turn to the city and ask for any comments
they may have.

MS. SAARELA: I have none.

MR. BOULARD: Nothing to add.

CHAIRMAN IBE: Thank you very much.

I will open it up to the board for discussion. Member Sanghvi?

MR. SANGHVI: I just have one question for Mr. Boulard. How is this different than when they came previous time?

MR. BOULARD: The garage design is different than when they came previously for the setbacks and so on.

MR. SANGHVI: Thank you. I remember going to the same site before.

Very good. I have no more questions. Thank you.

CHAIRMAN IBE: Thank you very much, Member Sanghvi.

Yes, Member Ghannam?

MR. GHANNAM: Are you saying the necessity to have a larger garage is because of the turning radius to get in there?

MR. SANDHU: Yes, if you look at the plan, you know, like from the front of the house, the first garage door to turn the car in, okay, it's only four feet from the front of the house, okay, that's pretty much minimum. And the house with the garage, it...
sits back. So if that's what's added, that area.

MR. GHANNAM: You are something to the effect that you would have to make two, like almost like a three-point turn, you turn in, reverse and go in, is that how you would have to do it if you didn't have a larger garage? Is that what you're suggesting?

MR. MUNDT: Let me reiterate what he's saying. You know, because it's actually a courtyard entry on the garage, so you would have two cars that will actually pull in towards each other.

So there had to be some additional square footage to allow those two cars to pull in, so they would not hit.

So that's mainly what predicated the larger garages, you know. The bend, to accommodate those two cars, and the ability to turn into the garage without a three-point turn, due to the courtyard entry.

MR. GHANNAM: I understand. I just didn't get that from the paperwork that was submitted to us. That's all. I was just trying to figure out what was the necessity of that.

So I have no problem with that either.

CHAIRMAN IBE: Thank you, Member
Do we have any additional comments or questions from the members?

(No audible responses.)

CHAIRMAN IBE: Very well, in the absence of any questions or comments, I will entertain a motion.

Yes, Member Krieger?

MS. KRIEGER: In Case No. PZ13-00010, for 24926 Bloomfield Court, I move to approve the requested variance.

There are unique circumstances and physical conditions of the property, that it's narrow in shallow, shape, water, topography and other similar physical conditions. The need for the variance is not due to the applicant's personal or economic difficulty, because of the location and it being in a court that it's made it difficult to put the garage architecture together, as the applicant spoke about.

The need is not self-created.

The strict compliance with regulations governing area setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with these regulations unnecessarily burdensome.
Because of what was in our packet as well, that this one area of garage will be for the storage, and the requested variance is the minimum variance requested due to substantial justice to the applicant as well as to other property owners in the district and will actually increase other values of the neighbors. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or its zoning district.

MR. FERRELL: Second.

CHAIRMAN IBE: Well, seeing a motion has been made and duly seconded, is there any need for further discussion?

(No audible responses.)

CHAIRMAN IBE: Seeing none, please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Chairman Ibe?
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Motion passes seven to zero.
CHAIRMAN IBE: Congratulations. That brings us to our next case.
Case PZ13-0011, 42400 Grand River, Access Point.
Will the applicant please come to the podium, state your full and correct name, spell your last name of the record. If you are not an attorney, raise your right hand and be sworn in.
MR. SOAVE: Good evening everyone. Enrico Soave on behalf of the applicant, Infinity, 4240 Grand River, LLC. With me tonight is Lori from Gardener Signs.
MS. YARMY: Lori Yarmy, last name is Y-a-r-m-y.

MR. KRIEGER: In Case No. PZ13-0011, do you both swear or affirm to tell the truth?
MR. SOAVE: I do.
MS. YARMY: Yes.
MR. SOAVE: Some additional information other than what was presented as
part of the application materials in the packet, some salient points in regards to the building itself.

The applicant purchased this building about a year ago. When he bought the building, there was about just shortly under 50 percent occupied. Mostly that was due to -- well, the occupancy that were on month-to-month status, and the status of the landlord was in receivership, so that's another reason why most of the tenants were on month-to-month status.

Bring us, fast forward to today, the occupancy there is probably about 85 percent. And that's accredited to the landlord's work and commitment to making renovations in the building, which include, and are limited to a new roof, a new parking lot, and is scheduled to do interior modifications and remodeling, which calculating to estimate over 250,000.

However, as it relates to Access Point, the remaining condition for them to fully execute an additional lease on this particular building which they occupy almost the majority of the second floor. This building is a two-story, multi-tenant building, which is about 35,000 square feet in total. They're requiring wall signage. I believe, their letter was also attached and
included as part of the application materials.

Out of the tenants, Access Point makes up about 40 percent of the 85 percent occupancy. And the fear is if they can't get wall signage, as they indicated in the letter, they're going to be finding a place to do business elsewhere, and that's the main reason why the applicant, the building owner, is here tonight.

CHAIRMAN IBE: Thank you. Is there anyone in the audience who would like to make a comment regarding this particular case?

(No audible responses.)

CHAIRMAN IBE: Seeing none, I will ask Madam Secretary to read into the record any correspondence.

MR. KRIEGER: In Case No. PZ13-0011, 18 were mailed, one returned. That's it.

CHAIRMAN IBE: Thank you. I will now turn to the city for any comments.

MS. SAARELA: I don't have any.

MR. BOULARD: Mr. Chairman, if I might pose a question.

I wanted to verify, I believe, we had a telephone conversation last week, in which you indicated that this would be the only -- there would be no other requests, as
the owner of the building that you would be
coming forward for other requests for
exterior signage?

MR. SOAVE: Correct. Since I am
under oath, Mr. Chair, I believe that was my
brother you spoke to, Reno. I didn’t want to
speak on his behalf.

MR. BOULARD: Will you confirm

that?

MR. SOAVE: That is correct.

MR. BOULARD: Thank you.

MR. SOAVE: The majority tenant
and any and all signage would be limited to
this one here before you tonight, for Access
Point.

CHAIRMAN IBE: Very well. Thank
you, Mr. Boulard, for that clarification.
I will now open it up to the
board for discussion.

Yes, Member Ferrell?

MR. FERRELL: So you said Access
Point is occupying about 40 percent of the
building?

MR. SOAVE: Forty percent of the
occupancy of 85 percent. So they’re the
majority tenant here, correct.

MR. FERRELL: So about half --

MR. SOAVE: Correct.

MR. FERRELL: So I definitely
don’t want to see a business leave the city,
especially when they're occupying that much
of a large building like that.

You definitely have my support on
the signage for that.

MR. SOAVE: Thank you.
CHAIRMAN IBE: Thank you, Member
Ferrell.

Yes, Member Gerblick?

MR. GERBLICK: What is currently
on the existing signage on the property? Is
there an existing ground sign, I believe?

MR. SOAVE: There is an existing
ground sign, and sadly to say since my
brother has only been in that office once and
I have driven there twice, one being earlier
today. They have a ground sign, which when
you pull up to Grand River, I have poor
vision to begin with, even with these goggles
on, I had a hard time ascertaining what
particular tenants were involved in that
building, and I drove past it the first time.
The only thing that marks that building is
the address digits themselves.

So my question -- I'm sorry, the
question again?

MR. GERBLICK: What was on the
ground sign?

MR. SOAVE: The ground sign is
just individual plaques of the other tenants in there, which were they're limited in size and scope, if you have driven by there yourself.

MR. GERBLICK: Thank you.
CHAIRMAN IBE: Thank you.

Yes, Member Ghannam?

MR. GHANNAM: I understand the need to have like a signature tenant and have signage for that signature tenant. I understand that.

I guess, in my opinion, when I evaluate these matters, it really does depend on the size of the building, the way the building is situated.

We have had cases, where something is on the highway, the sign only faces that highway, that makes sense to me.

This one, again, I have gone up and down Grand River 1,000 times. This has always stuck out, it's a large building.

There is really not that many large buildings in this area, such as this office building.

It does make sense to have this particular sign in this location, so I have no problem with it.

CHAIRMAN IBE: Thank you very much.

Do we have any additional comments or questions?
CHAIRMAN IBE: Very well. I will entertain a motion, please.

MR. FERRELL: I move to approve PZ13-0011 42400 Grand River, Access Point. The request is based upon circumstances or features that are exceptional and unique to the property and do not result in conditions that exist in the city or that are self-created.

The failure to grant relief will unreasonably prevent or limit the use of the property, will not result in substantially more than mere inconvenience or ability 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, will result in substantial justice being done to both the applicant and adjacent properties and is not inconsistent with the spirit of the ordinance, especially due to having a signature client that actually occupies more than half of the business that's in the building.

And I think it's appropriate to have the sign that names their business that they conduct in this building.

MR. GEDION: Second.
CHAIRMAN IBE: Seeing that a motion has been made -- I'm sorry, Member Krieger has a question regarding the motion?

MR. KRIEGER: Would that be for just this tenant?

MR. FERRELL: Yes. In addition to that, it would be for this tenant, only for that building.

CHAIRMAN IBE: Is that seconded?

MR. GEDEON: I'll second that addition.

CHAIRMAN IBE: Very well. Seeing that a motion has made, and modification made, as well as duly seconded, is there any need for further discussion?

(No audible responses.)

CHAIRMAN IBE: Seeing none, please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MR. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Motion passes seven to zero.
CHAIRMAN IBE: Congratulations.
MR. SOAVE: Thank you.
CHAIRMAN IBE: That bring us to our next case. Case No. PZ13-0012 48100 and 46080 Grand River and 26925 Taft Road.
MR. BOWMAN: Good evening. Blair Bowman, B-o-w-m-a-n, representing TBON, LLC. Good evening. I’m here before you tonight for several signs. I think it’s a total of nine is identified. And I know that that sounds like a lot of signs. But I think that if you consider the complex, and I think if you consider the main core sign that we are looking for, as far as for the hotel, that exemplifies the hardship pretty apparently. When applying for site plan, gaining approval, we actually had multiple signs on the building in accordance with Hyatt, it is a Hyatt Place hotel, their minimum standard, brand standards. Frankly, did not expect to get all of their required signage, and have to get a waiver from them, but I came to find out frankly that in the interpretation of the ordinance administratively, we were allowed
no signs at all for the hotel.
And that is resulting from --
certainly Mr. Boulard can comment on this
further, that because we are an individual
owner of a single parcel, I believe that we
are entitled to only one sign, technically,
for the entire complex.
And again, I believe hardship is
clearly demonstrated that it's nearing on --
it's over 400,000 square feet of complex,
three different buildings, two smaller ones,
and the main building, 55 acres in size,
multiple uses within the complex, even being
effectuated and operated, frankly, in the
epic Wisne family operating our Diamond
Center banquet facility, separate entrances,
the main showplace having even multiple
individual entrances. And of course, the
hotel being what we believe is shaping up as
a very fine addition, reasonably well
located, but simply because connected and
individually owned, it puts us in a position
of not technically being in compliance with
the ordinances.

So at the time we looked to then
maybe, I will use the term clean up, even
some long-term signage issues that we have
been confronted with, simple directional
signage, and that I say that there is nine
signs, but if you look at it, three of them
are modestly sized directional signages, entranceway signages, just merely directing traffic to where items within the complex are located.

One of them is an existing landscape wall sign, which is something that I honestly thought was already approved, and apparently was not.

It is more of a landscape feature with a couple of identification signage, indicating exposition halls in one direction Diamond Center in the other direction, and the overall facility identification on the garden wall.

And then the main signage package, as I described originally, was three signs for the hotel, each north, south, and east faces of the hotel, with directional signage. That is the minimum requirement under the Hyatt brand standards.

We have scaled that back, if you would, to where I think, as you might have seen, if you have transported down 96 the visual presence of the facility on 96, we have identified one of the smaller scale brand standard signs on the east face, and then discretely located within the existing confines of the square footage of the pylon sign, the pylon portion of marquis on the
expressway, two faces, indicating again Hyatt Place.

The additional two major signs that we are requesting is one over the main showplace entrance, that has been lacking, frankly, from when we opened, just simply parking attendance, literally, are faced with force, turning around, saying, okay, the middle class entrance doors, versus or saying the canopy entrance for the banquet center. If we simply now have the ability to put on the facility, what the two components are, the Diamond Banquet and Conference Center and the Showplace as the main entrances, with the hotel signage, again, it will be on the east side, with a modest directional sign in the parking lot. We should very, very cleanly and clearly be able to direct safely public and pedestrian traffic and vehicle traffic as to where they're going.

I do have a layout that I can, you know, go through, which would -- which way does it go. As far as the different signs are concerned, we will be happy to answer any questions.

I know there is a lot of them, maybe we can address them each as you might have questions.

One final thing I need to clarify, and Mr. Boulard showed me the errors
of my signage company's ways. The Diamond Center sign was supposed to be consistently sized with regards to the showplace sign, and even slightly smaller. It turned out, I think actually with the company, it's a Canadian company that Hyatt sources their signs through, so we are working with them for all the signs.

Instead of decimal points, they put in commas, so I think we were technically looking for 150,000 square foot sign, which was unintended. But we will cut it in half, for something of that nature, if you would like us to.

So sincerely there, I have brought another rendering, where it's just under 100 total square feet for the Diamond Center sign. That is not supposed to be -- prominent sign it is just to be identifying and directional in nature.

So with that, I will be happy to answer any questions.

CHAIRMAN IBE: Very well. Thank you very much, Mr. Bowman. It's a pleasure to see you again.

MR. BOWMAN: Thank you.

CHAIRMAN IBE: Is there anyone in the audience who would like to make a comment regarding this particular case?

(No audible responses.)
CHAIRMAN IBE: Well, seeing none I will turn to Madam Secretary to read into the record any correspondence.

MR. KRIEGER: In Case No. PZ13-0012, 39 were mailed, eight returned, zero approvals, zero objections.

CHAIRMAN IBE: Thank you, Madam Secretary.

I will now to turn the city for any comments or questions?

MS. SAARELA: I have none.

MR. BOULARD: Just a couple of points, if I could.

CHAIRMAN IBE: Very well, Mr. Boulard.

MR. BOULARD: It is indeed, by intension that there is so many signs, I asked Mr. Bowman to present a package for the entire site, so that there would be the context of how they're related.

One question. You had mentioned, I think when we advertised for the Diamond Center sign based on the 30 foot by 12-foot dimensions was 375 feet. You had mentioned 100 square feet? That would be sufficient to get the signage that you need or that you're asking for?

MR. BOWMAN: You know, frankly, again the signage company is saying that it really won't deliver a dramatic presence, but...
for me, it is one which, if we simply can have a presence, it will be dimensionally correct with the logo size. Let me just even put this up. This is now I believe at 99 -- just over 99 square feet, just under a 100 total, that would be more than satisfactory to me. That is not intended to be a prominent situation, it was just simply for identification and letting, frankly our customers, brides and things like this, I hate to say it, we think we have got a wonderful facility, but a lot of times, you know, a bride looking at the Showplace, quote unquote, is where they're getting married, you know, many times people don't understand, that we have a beautiful banquet and conference center and it is branded separately and it's operated through a licensed arrangement with a very fine food service, but we'd at least like to have that modest differentiation and identification on the building.

MR. BOULARD: Just one more clarification. If you could go back to the previous layout. I believe -- just for clarification, I believe the sign G2, where there is actually two labeled that?

MR. BOWMAN: I'm sorry. There is
MR. BOULARD: I just want to confirm that.

MR. BOWMAN: There is, and that is -- G4 is the directional signage for just the Hyatt Place.

I will tell you, I'm sorry, that it is -- let me just make sure here. G2, let me make sure -- one is G4. I will just show you the two of them.

G2 is the -- I have one other point of clarification. G2 would be non--internally illuminated reflective lettering at the entrance on Grand River, the main entrance, what would be the east side of the entrance drive.

It would be simply to direct to both the Hyatt Place, Diamond Center, and the other sign of the package, or the two items that I failed to mentioned, our sign number eight, is for a future tenant of the small building, that is technically off of Taft Road, which was on its own parcel, but has now been combined for the ride and drive research lot, and is being looked at from a rental car program that would have a kiosk inside the hotel, and have a modest amount of inventory on-site and a desk inside of the
that building.

They have indicated that they would like to have a sign as well. And if it were again an independent facility, which it is, in essence, it's just again under the same ownership and combined, it would obviously be entitled to, under normal circumstances a sign.

So that main sign at the entrance, that G2 sign at the entrance and then G4 is again, not -- I think it's a total is 12 square feet, again not a very big sign, but a critical one. On the far west entrance, we have nothing. Literally it is a combined entrance to the Bell Fork Truck, but it is an active entrance for us, and it's something that if a group of persons traveling down Grand River traveling eastbound, they first come to that entrance point, and many times it's difficult, they all come to the main traffic light entrance.

Now, once they start going into the west entrance, it's a single lane normally over for us, it may tend to back up a little bit, but it is one that we constantly see that the main entrance is being used and really for our traffic flow to function well, an even distribution or as much of an even disattribution as we can possibly get, so having just the entrances
identified is what we were looking to do there.

Again, non-illuminating from an internal perspective, reflective lettering, just have to little directional traffic control.

MR. BOULARD: Lastly I wanted just to confirm the point Mr. Bowman made earlier. This is a unique site with unique uses, that's why it's entirely appropriate that it would be here. And that's why this board has granted variances in the past, the question for us is what's the appropriate amount of signage.

I will stand by for questions.

Thank you.

MR. BOWMAN: I just would conclude that as far as -- to Mr. Boulard's

last point, if you look at any other complex of the multiple tenant business nature within this community, anywhere even nearing this size of this complex, again, we did at multiple buildings, multiple occupants, certainly multiple uses, there would be, you know, many, many more signs, frankly. Of course, the key thing that brought this up into the foreground now is the hotel and the really important factor would allow that to have some reasonable identification, so that travelers into the area that we're attracting
many more of, thank goodness, and having the intended effect, are able to see it, navigate to it and know what it is.

CHAIRMAN IBE: Thank you very much. I will now open it up to the board. Member Gedeon?

MR. GEDEON: Thank you. Earlier in the year I received in the mail a year-long 2013 pass for all public events to the Showplace.

And I wanted to see if you could clarify how it was determined who would receive those free passes. And I would also appreciate you confirming that those were not sent in any way trying to influence the decision here.

MR. BOWMAN: Oh, no. In fact, frankly, all bodies and members are sent them, and certainly if any individuals desired to return them for any concern -- what I'm hoping to do is allow for particularly like this body, first of all, I know you guys get overpaid for these meetings and things like that, but in seriousness, you know, having the ability to attend an event, see how we are operating, we came to this community and asked for some significant assistance from the standpoint of, you know, public/private partnership and a tax abatement was enacted not only for the
original construction but for the hotel, which took reasonable efforts in not only Lansing but here locally, and to be able to come, and the economic development folks and city administration, boards and commissions that rule on and deal with these things and see it in action, come in, and have the opportunity to review the fruits of our efforts collectively, is what that was intended for. No further purpose than that. It certainly was intended to be distributed to not only this board, but all boards and commissions, I think even down to the recs and so forth.

We work closely with various components of this community and want the facility to be used in a public/private way as much as we possibly can.

MR. GEDEON: Thank you for explaining that.

To the other board members, I would state that in general, I don't have any problem with the request. I think it's very comparable to the package of variances that we approved for the hotel, I don't remember the name of the hotel, but the hotel outside of Twelve Oaks Mall.

MR. KRIEGER: Regency.

MR. GEDEON: Right, the Regency, the renovations a couple of years ago.
CHAIRMAN IBE: Thank you, Member Gedeon.

Yes, Member Sanghvi?

MR. SANGHVI: Thank you. Good evening, Mr. Bowman. Looks very different situation from the last time I was in there in.

You should call it a complex also, not just -- you got three different kinds of businesses going in the same place, the hotel coming in and all of that.

I drove around and I tried to visualize where you are putting it. May I trouble you to take me down, show me where it's going.

MR. BOWMAN: Absolutely. So the first initial directional sign would be in what is labeled here as G2, but that is actually G4, okay.

You would then be directed both by our main sign, that it is the showplace and information might be on there about what's going on. And that is a changeable letter sign subject to a prior variance.

And then it would direct you into both the Showplace, the Diamond Center and the Hyatt Place hotel.

Then you would come onto the site and then what is labeled here as G3, a simple
pointing arrow off to the hotel, because in all reality from Grand River, there is no hotel signage. I mean, I think it kind of says what it is by its own construction and with that arrow and angle sign. Of course, a lot of times we are going to be there directing people, so that will be, I think, very sufficient.

And then the two key things would be at location H and I would be over the areas in which they are, the Diamond Center, our banquet and conference and meeting space, and then the Showplace.

Again, there are three distinct entrances, but this is over the main entrance for the Showplace, okay?

Picture if you're driving in, you're paying your parking, you're going to the -- you know, to the boat show this weekend, you would be directed to the Showplace entrance, without even having to turn, you will be able, you know, my parking attendants will be able to direct those people, if they are coming in for, you know, the Kroger function that's there, that will be going on Friday during the same time frame, they will be able to be directed to the Diamond Center and to park off to the east.

So that's the primary thing is
that each of these segments of the building can be identified.

And then the G2 sign is where --
that would be the other west entrance directional sign, showing that the west entrance is there and the main entrance is further to the east, okay.

Then the hotel signage on sign A, that would be on the main east face. If you're driving westbound, as the hotel rises up, that would be on the top of the hotel, in the east face, that would be only building applied signage.

And then finally is sign E, which is inside of the pylon already within the structure of the sign itself, just two simple illuminated Hyatt Place identifiers.

And then a future sign either building or ground based, depending on what

that particular tenant might be, within the limits as allowed under the ordinance.

So that's the package.

MR. SANGHVI: Thank you. One more question. None of these are flashing signs?

MR. BOWMAN: None of them are flashing signs, no. We have our current marquis sign, okay, we do have that currently. And, you know, we are looking at, you know, either a maintenance of that, or
maybe coming in, some upgrade to that would be something we would propose, but that's a future point and very likely will just be an item that we'll just continue to maintain the single color, changing of the letter program on there.

MR. SANGHVI: Thank you, sir.
CHAIRMAN IBE: Thank you very much.

Do we have any additional questions or comments?

MR. FERRELL: Just more of a statement. I agree that having this amount of signage on the property is definitely acceptable, it would be silly to actually have less signs on the property than what you are requesting.

Because it is appropriate when people are on the property to know where they need to go and how to get there.

So you definitely have my support on that.

MR. BOWMAN: Thank you.
CHAIRMAN IBE: Thank you. Yes, Member Krieger?

MS. KRIEGER: I was curious about your sign that you have on the expressway side, that's on the building that's not on the pylon. I think it's also a changeable sign. Is that from the state?
MR. BOWMAN: Well, there is a couple of expressway billboards, smaller versions that have been in existence on the site for, you know, even since we bought it and are maintained under a lease.

There are, on the back of the building, are panel signs for the individual events. Is that maybe what you were thinking?

MR. KRIEGER: The one that's towards -- on the expressway side, closer to Beck, a big sign, I think it's changeable as well.

MR. BOWMAN: You know, that is not our site. I know what you are speaking of. That's much closer to Beck Road, and it's a large expressway, full --

MR. KRIEGER: No, on your building.

MR. BOWMAN: This sign E is an existing marquis sign. That's in place. That was the subject of another variance and is where we are planning on the pylon portion. That's where we are looking to put what would be our sign E, that's to put identifiers for Hyatt Place on each of those, keeping it within the confines of the already existing sign structure.

MR. KRIEGER: Then the G4, says G2, would be additional to the changeable
sign where the light is on under Grand River?

MR. BOWMAN: Correct, and it would be just a simple 12 -- just a directional with arrows only, static in nature, and non-illuminated from inside.

MR. KRIEGER: I also agree that having directional signs, considering the traffic and volume, that would ease some of the congestion at times. That's it. Thank you.

CHAIRMAN IBE: Thank you, Member Krieger.

Well, it appears all that can be said has been said about this. I don't think I will add any additional comments to this. You do have my support.

In the absence of any additional comments or questions, I would entertain a motion, please.

Yes, Member Ghannam?

MR. GHANNAM: In Case No. PZ13-0012, for 46100 Grand River and Taft, I move that we approve all of the requested sign variances as requested.

This property is extremely unique in this city and I kind of analogize it to almost like a Providence Hospital, where there is so many entrances and there is so many things, they need directional signs.
That need certainly signage for the new hotel and so forth, and because there is multiple venues with under one roof clearly, this is a unique and exceptional property in the city, and the need is not self-created. That’s just the way this premises is designed.

I believe that 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 the adjacent or surrounding properties.

It will result in substantial justice being done to both the applicant and the surrounding properties.

These are very, as I mentioned, very complicated properties, that need these types of directional and identifying signs.

CHAIRMAN IBE: We have more much people raising their hands.

Let me have someone first second that, then I will call --

MR. FERRELL: I will second it.

CHAIRMAN IBE: Now --

MR. GERBLICK: I was just going
to ask to include the change in the request
to the 100 square feet for the Diamond Center
sign.

MR. GHANNAM: I apologize. I
forgot. I made a note, but I did forget. I
will amend the motion to add that particular
modification.

MR. FERRELL: Second.

CHAIRMAN IBE: Very well.

Mr. Boulard, did you have a comment or was
that what you were going to say?

MR. BOULARD: Same thing.

CHAIRMAN IBE: Very well. Well,
seeing that a motion has been made and duly
seconded, is there any need for further
discussion?

(No audible responses.)

Well, please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes seven to zero.

CHAIRMAN IBE: Thank you.

Congratulations.

MR. BOWMAN: Thank you very, very much.

CHAIRMAN IBE: Now to our final case for today. That is Case No. PZ13-0013 21373 Bridle Run.

MS. JANISSE: Hello. My name is Heather Janisse, J-a-n-i-s-s-e.

MR. JANISSE: I am James Janisse, J-a-n-i-s-s-e.

MR. KRIEGER: In Case No. PZ13-0013, do you swear or affirm to tell the truth?

MR. JANISSE: I do.

MS. JANISSE: I do.

Okay. So we own the property in Mayberry Home Park Estates. We were very happy to get this property in the City of Novi. It’s a very beautiful neighborhood.

We are a family with two young boys, a four and an eight year-old. We are really looking forward to building something and having a property we can enjoy in Novi for a long time to come.

And for us, one of the, you know,
things that I think is important for enjoying a family home is to have a bit of a backyard for a patio and pool.

Unfortunately, this particular property has some unique circumstances that make it particularly shallow.

As you can see on the image, also you have our plot plan with the house placement that we are proposing with you, although the property itself is 291 feet deep, the back 156 feet are a restricted conservation easement, so we can't build or do anything with that property.

So it really only leaves 135 foot depth for building. In addition, the current setback, which is 45 feet, which I believe is increased from many of the properties in the neighborhood, because of the size of the property, although the conservation easement takes up a larger portion of that. So given the conservation easement and the current setback, it really only leaves about 90 feet depth for building, which is rather shallow, for, you know, homes the size that are built in Mayberry Park Estates.

We actually have worked quite hard with our builder and architect to design a home that would be relatively shallow in depth, so that we could hopefully get, you know, a little bit of useable backyard. But
despite those efforts, we are still left with about 35 feet, before we hit the conservation tree line.

So if we were able to move the house 15 feet forward, that would give us approximately 50 feet behind the house, which would allow for a modest, you know, sized pool, patio, how you have surround and fencing all of those kinds of things behind the house.

So we really don't believe that this request to change the 30 feet will significantly impact the neighborhood in any way.

Based on the information we have been given, of the 106 lots in the subdivision, 96 have a 30 foot setback, which is what we are asking for, we are not asking for, you know, to be any closer to the road than those homes.

There is only ten that have the 45-foot setback that we do because of the overall size of their lots and the majority of those, just ours and on other one are the only ones that haven't already been built on.

In addition, we believe that because the lot is wide, at 150 feet, we are going to be a pretty good distance from our neighbors. Our neighbor that's built on, lot 91 he will be 90 or so feet from our house,
so I think the elbow room will minimize the appearance of the difference, as well as the curve of that particular road, it's kind of curving from here, then curving forward as it goes out.

So I think visually it will keep the house in line, and again, we are not asking for a set, you know, to move forward any closer than the majority of the homes in the neighborhood.

We have spoken to our immediate neighbor and he did provide a letter of support, you know, he has no problems with the change.

We have also spoken with developer, who also degrees that this should fit in just fine with the neighborhood, and hopefully you also have his letter of support.

So basically we just believe that this lot has some particularly unique challenges with the large conservation easement, plus the added setback, and we are just hoping to, you know, get a modest amount of space there to be able to use our backyard.

CHAIRMAN IBE: Thank you. Well, is there anybody in the audience who would like to make a comment regarding this
particular case at this time?

(No audible responses.)

CHAIRMAN IBE: Very well. I will turn to Madam Secretary to read into the record any correspondence.

MR. KRIEGER: In Case No. PZ13-0013, 23 were mailed, two returned, three approvals, zero objections.

First approval is, "We would prefer the house move forward in lieu of trees being removed from the back of the property". And that's from Michael O'Sullivan.

The second one is, "We have reviewed the modification request and the developer supports changing the setback on lot 90 in Mayberry Park Estates from 45 feet to 30 feet." Sincerely, Sebastian Lombardo, president, Cranbrook Custom Homes.

The third one is, "I am writing this letter in support of James and Heather Janisse, application for building variance to the City of Novi, I understand that they have requested to reduce their front yard setback from 45 to 30 feet. I live back at 21341 Bridle Run, which is right next to the lot James and Heather will be building on. I have met the Janisses a couple of times and we have discussed their building plans. I believe their request is reasonable, and I..."
have no objection to the requested placement
of their house on lot 90. I believe their
building plans are well suited to the
community." Sincerely, Hazime Georges.

That's it.

CHAIRMAN IBE: Thank you, Madam Secretary. I will now turn to the city attorney for any comments or questions.

MS. SAARELA: I don't have anything to add. You will note that there is an RUD agreement. If you have any questions about that, I would be happy to answer them.

CHAIRMAN IBE: Thank you.

Mr. Boulard?

MR. BOULARD: I will also stand by for questions. Thank you.

CHAIRMAN IBE: I will now open it up to the board for discussion.

Yes, Member Sanghvi?

MR. SANGHVI: Do you currently live in Novi?

MS. JANISSE: We do not. We both work in the United States, and are currently in Canada, although I am American and my children are American. We have been looking to move back, and specifically to the Novi area for a number of years. I will say it's literally been years of looking for property, and so we were, you know, very happy to find this one and wanted to, you know, work with
the challenges and hopefully get a home we can really love.

MR. SANGHVI: Well, welcome to Novi. It’s a nice place to live and raise children.

I have one question for Mr. Boulard. There is no wetland issue in the back, no?

MR. BOULARD: No, the conservation easement was recorded as part of the original development and part of the RUD agreement, but to my knowledge there are no wetlands on this property.

MR. SANGHVI: Thank you. I have no problem with what you are requesting. I know your house will be jutting out a little more than the rest of the buildings around there, but it looks like your neighbors have no problem and I have no problem. Thank you.

CHAIRMAN IBE: Thank you, Member Sanghvi.

Do we have any additional questions or comments from anyone? (No audible responses.)

CHAIRMAN IBE: Well, looks like in the absence of none, I’ll just make a quick comment.

I think that what you propose is actually very nice. You know, some may suggest that you put it based on the size of
the lot, that you can put it to the side. I think a pool is better off in the back, than the side, esthetically looks very ugly, really. I mean, for a custom home, you put a pool to the side, it's not even worth building one.

So I think from an esthetic point of view and for someone to enjoy a beautiful home, I think that makes a lot of sense. I will entertain a motion in the absence of any questions or comments.

MR. GERBLICK: In Case No. PZ13-0013, 21373 Bridle Run, I move that we approve the variance as requested, as there are unique circumstances or physical conditions of the property, such as its conservation easement on the rear of the property, which occupies the rear 150 so feet of the property.

The need is not self-created, because of the topography of the lot. Strict compliance with the regulations governing area setback, frontage, height, bulk, density and other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity of those regulations unnecessarily burdensome.

The requested variance is the minimum variance necessary to do substantial
As the applicant mentioned, the front yard setback will be similar to properties in the surrounding community. The requested variance will not cause an adverse impact to the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district.

MS. KRIEGER: Second.

CHAIRMAN IBE: Member Krieger, we will give that to you.

Seeing a motion has been made and duly seconded, is there any need for further discussion?

(No audible responses.)

CHAIRMAN IBE: Seeing none, please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes seven to zero.

CHAIRMAN IBE: Congratulations. Welcome to Novi.

MS. JANISSE: Thank you.

CHAIRMAN IBE: That concludes the last case on the agenda for today.

And that brings us to other matters that the board needs to take up.

Do we have any matters that needs to be addressed at this time?

MR. BOULARD: Mr. Chairman, it was pointed out that it's the time of year for the election of officers, and so it will be my intention to put it on the agenda for the next month.

CHAIRMAN IBE: Very well. Very well. And I know I state to you that I will be absent. I have a trial in Baltimore during that week.

So I will be gone for that meeting. Please excuse my absence.

Is there any additional matters?

Let me again extend a welcome back to Member Sanghvi. You have been gone
for awhile, welcome back, sir.

MR. SANGHVI: Thank you very much indeed.

CHAIRMAN IBE: In the absence of any additional matters, I will entertain a motion for adjournment.

MR. SANGHVI: May I make a motion to adjourn, sir.

MR. GERBLICK: Second.

CHAIRMAN IBE: Seeing a motion has been made and seconded, all those in favor say aye.

THE BOARD: Aye.

CHAIRMAN IBE: All those opposed?

(No audible responses.)

CHAIRMAN IBE: Seeing none, the meeting is hereby adjourned at 8:52 p.m.

(Meeting concluded at 8:52 p.m.)

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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 proceedings.

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

Date    Jennifer L. Wall CSR-4183
         Oakland County, Michigan
         My Commission Expires 11/12/15