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

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

ALSO PRESENT: Andy Gerecke, Building Official
Beth Saarela, City Attorney
Coordinator: Sarah Marchioni, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.

Tuesday, January 8, 2013
7:00 p.m.

** ** **

CHAIRMAN IBE: Good evening.

Welcome to the Zoning Board of Appeals for the City of Novi, February 12, 2012 meeting.

Can we please all rise for the
Pledge of Allegiance.

(Pledge of Allegiance recited.)

Chairman Ibe: Thank you. Would the Recording Secretary please call the roll.

Ms. Marchioni: Member Gedeon?

Mr. Gedeon: Here.

Ms. Marchioni: Member Gerblick?

Mr. Gerblick: Here.

Ms. Marchioni: Member Ghannam?

Mr. Ghannam: Here.

Ms. Marchioni: Chairman Ibe?

Chairman Ibe: Present.

Ms. Marchioni: Member Krieger?

Ms. Krieger: Here.

Ms. Marchioni: Member Sanghvi is absent.

Member Skelcy?

Ms. Skelcy: Here.

Ms. Marchioni: Member Ferrell?

Mr. Ferrell: Here.

Chairman Ibe: Thank you. At this time I would like to welcome those who are watching at home and those in the audience here.

And for those who wish to follow the proceedings today, the agenda can be found in the back of the room and you may pick up a copy if you like to.

And when your case is called, please approach the podium that is to my
You will have five minutes to present your case before the board, and please do state your name as well as spell your last name for the -- to make it easy for our recording secretary and the transcriber. And after the presentation is made, you will get a chance to be asked questions either by the board or the board will get a chance to discuss your case as well, and a decision will be made.

Now, all decisions made today will be final. And please turn off all cellphones and pagers.

Do we have any amendments to the agenda today?

MS. MARCHIONI: No.

CHAIRMAN IBE: Seeing none, I will entertain a motion.

MR. GHANNAM: So moved.

MR. GERBLICK: Second.

CHAIRMAN IBE: All those opposed?

(No audible responses.)

CHAIRMAN IBE: All those in favor?

THE BOARD: Aye.

CHAIRMAN IBE: The agenda is hereby approved.

We do have two minutes to approve today. I think we will take the one
from December 11, 2012.

Do we have any modifications regarding the minutes from December 11, 2012?

(No audible responses.)

CHAIRMAN IBE: Seeing none, I will entertain a motion.

MR. GEDEON: I move to approve the minutes from the December 11, 2012 meeting.

MS. SKELCY: Second.

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

THE BOARD: Aye.

CHAIRMAN IBE: All those against?

(No audible responses.)

CHAIRMAN IBE: Seeing none, the minutes for December 11, 2012 are hereby adopted.

That brings us to the minutes for January 8, 2013 meeting.

Do we have any modifications or any comments regarding the minutes?

(No audible responses.)

CHAIRMAN IBE: Seeing none, I will entertain a motion to approve the minutes.

MR. GEDEON: I move to approve the minutes from the January 8th, 2013 meeting.
motion has been made and seconded, all those
in favor say aye.

THE BOARD: Aye.

CHAIRMAN IBE: All those against?

(No audible responses.)

CHAIRMAN IBE: Seeing none, the
minutes for January 8, 2013 minutes is also
adopted.

Is there anyone in the
audience who would like to make a public
remark at this time?

Now, a public remark is
limited to, just what it is, a public remark
and not to any specific case before the board
this evening.

(No audible responses.)

Well, seeing none, we will
close the public remarks section and we will
go onto our first case for today.

CHAIRMAN IBE: And that brings us
to Case No. PZ13-0001, 26348 Mandalay Circle.

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

And if you're not an attorney,
raise your right hand and be sworn in by
Madam Secretary. Thank you.
MR. KAHN: I'm sorry? Do I have to get sworn in?

CHAIRMAN IBE: Yes, sir, you do.

First state your name.

MR. KAHN: My name is Fasel Kahn. I'm the engineer for the applicant here.

Address is 43279, Sterling Heights 48313.

MS. KRIEGER: In Case N. PZ13-0001, do you swear or affirm to tell in the truth in this case?

MR. KAHN: Yes, ma'am.

CHAIRMAN IBE: Please go ahead, sir.

MR. KAHN: As you have in front of you, my client here is asking for a two-foot variance on a side yard for a single family home because of -- due to the shape of the lot.

Although it has a lot of buildable area, it's kind of hard to fit in the house which can go in.

And we do have a letter from the neighbor here, who has no objection to this variance.

So instead of 40 feet total, we going to have 38 feet, and on one side it's 15, it's going to be 13 feet.

And if you have any other questions, I will be more than happy to answer.
CHAIRMAN IBE: Thank you, Mr. Kahn, for that brief presentation.

Is there anyone in the public who would like to make a remark regarding this particular case at this time? Please step forward to the podium.

(No audible responses.)

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

MS. KRIEGER: In Case No. PZ13-0001, 64 were mailed, one approval, one objection, five returned mail.

First one is, “I own the undeveloped light industrial property adjoining this lot. To the north there is a 60-foot deep grade green belted easement area between this Asbury Park lot and my property
to the north. I recommend the board grants this variance to allow the corner of this house to be placed two feet into the rear yard setback. As I see no adverse impact or consequences resulting from the granting of this variance. I have seen the plans for this house and I am very impressed with its elegant elevation design, especially considering the hardship resulting from the restrictive design constraints and due to the size and shape of this lot. I believe this house will be another great addition to this
already beautiful Asbury Park housing development, which Novi can be proud of.

Thank you Grand River Beck LLC. Jeff Heyn, H-e-y-n."

The next one is an objection.

"Beck Road is much too crowded. Part of the attraction to living in this area is that there is still nature surrounding us. There are already too many vacant buildings and homes to be building more, from Ashton Meyers on Manhattan Circle". That's it.

CHAIRMAN IBE: Thank you, Madam Secretary. Now, turn to the city for any comment?

MR. GERECKE: Nothing to add.

CHAIRMAN IBE: City attorney?

MS. SAARELA: I have nothing.

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

Yes, Member Skelcy.

MS. SKELCY: I note that the staff comments indicate that you are -- that there is no reason why you couldn't adjust the home, so that you don't have to have a variance?

Can you respond to the staff comments on that?

MR. KAHN: We have reduced this house as much as we could, and reducing it anymore is going to take away from the
architectural aspects of it and also gives the liveable area, that's why it's just -- it's just a column of two feet, just around that column -- that's why we went to the neighbor who owns the property and said -- he said, he supported it because he's the one -- he's the only one getting effected by that two feet.

MS. SKELCY: When I look at the plans that were provided to us with the packet, it shows that it's just a tiny corner.

MR. KAHN: Yes.

MS. SKELCY: You can't modify that tiny corner of the house to meet the variance?

MR. KAHN: He says -- the homeowner who is the buying the house does not want to do that. You know, it's a sole job, they like this and they want to keep that column straight. They don't want a rounded corner.

MS. SKELCY: They don't want a rounded corner?

MR. KAHN: Yeah.

MS. SKELCY: What about a smaller corner on either side? He doesn't want that either?

MR. KAHN: The homeowner who is buying the house, not the builder or me. I
mean, but this is the house they want, this
is the only house we can fit in here.
In other words, you have to

build a lot smaller house if you still want
to do the same things.

MS. SKELCY: It seems to me that
you could do a rounded corner and meet the
variance and that wouldn't really inhibit the
home in a great degree because it's only two
feet.

So at this point, I would have
to say I'm not so certain that I am favor of
this unless my other boards members can
convince me otherwise. Thank you.

CHAIRMAN IBE: Thank you, Member
Skelcy.

Do we have any other
additional comments or questions for the
applicant?

(No audible responses.)

Sir, while the members are
thinking, I just have one question. How big
is this house, footage-wise?

MR. KAHN: 3,600 square feet.

Just to give you a little
history because of the shape of the lot, we
are having a lot of trouble selling the house
on this.
And finally, we got somebody who wants to buy a house, but that's stuck on this small -- they want it this way, and they won't compromise as to any rounded corners on anything, so we thought we would give it a try and see if you guys would be willing to give a two foot variance.

And since the two foot variance does not effect anybody other than this industrial site, we went to him, talked to him and he understood what they're doing. He didn't have any objection, you can see the letter he wrote. Actually, he thinks that it's going to enhance the neighborhood by having another building on the lot instead of a vacant lot, growing weeds.

CHAIRMAN IBE: Thank you, Mr. Kahn.

Yes, Member Gedeon?

MR. GEDEON: Just to clarify, did you state earlier that the home design had already been modified to a smaller size to accommodate the lot?

MR. KAHN: Yes. We modified it on the side, just push it this way, to go to that two feet, otherwise we will need like a five, six feet variance. We didn't want to come for a five feet variance.

MR. GEDEON: Thank you.
CHAIRMAN IBE: Thank you, Member Gedeon. Do we have any additional questions for Mr. Kahn?

Yes, Member Krieger?

MS. KRIEGER: I drove by the site, and considering how to build a home like that, and then the drainage, there was a crew there working, taking care of water issues, and that they have already tried to come up with a construction and came with a lesser request than they might have come with, they're going to have 13 feet versus 15 feet, I'm not opposed to it.

CHAIRMAN IBE: Thank you, Member Krieger.

Do we have any additional questions or comments? Yes, Member Gerblick.

MR. GERBLICK: I would echo Member Krieger's comments of they seem to have made an attempt to minimize the requested variance, and you have already modified the home to meet the minimum requirements.

CHAIRMAN IBE: Thank you. Any additional questions or comments?

(No audible responses.)

Seeing none, I will entertain a motion depending on how the members feel about this particular case at this time. Anyone -- yes, Member Gedeon?
MR. GEDEON: I will make a motion
to approve this.

In Case PZ13-0001, 26348 Mandalay Circle, I move to approve the variance as requested because there are unique circumstances or physical conditions of the property, specifically the triangular shape of the lot. And the need for the variance is not due the applicant’s personal economic difficulties. The need is not self-created. Strict compliance with governing setbacks and other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to the other property owners in the district. Specifically, the applicant indicated that the size of the home was already adjusted down to a smaller size to reduce the size of the needed variance. And requested variance will not cause an adverse impact on surrounding property owners, property values, or the use and enjoyment of the property in neighborhood or zoning district.
And specifically the adjoining property owner stated his approval for this variance and noted that there is a redeveloped area to the property that would be most directly impacted by the variance.

MS. KRIEGER: Second.

CHAIRMAN IBE: Seeing that a motion has been made and seconded, do we have any further need to discuss this motion?

Seeing none, will the Recording Secretary please call the record.

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

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

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

MS. MARCHIONI: Member Ghannam?
MR. GHANNAM: Yes.

MS. MARCHIONI: Chairman Ibe?
CHAIRMAN IBE: Yes.

MS. MARCHIONI: Member Skelcy?
MS. SKELCY: No.

MS. MARCHIONI: Member Ferrell?
MR. FERRELL: Yes.

MS. MARCHIONI: Motion passes.
CHAIRMAN IBE: Thank you, sir.

Congratulations.

We will now call Case No. PZ13-0002, 44575 Twelve Mile Road.
Will the applicant please come to the podium, state your name, spell the last name for the record. If you are not an attorney, please raise your right hand to be sworn in.

Thank you.

MR. LANG: My name is Ron Lang, L-a-n-g. I live in Northville.

MS. KRIEGER: In Case No. PZ13-0002, do you swear or affirm to tell the truth in this case?

MR. LANG: Yes, I do.

MR. ELLIS: Hi. My name is Gary Ellis, E-l-l-i-s. I'm from Birmingham, Michigan.

MS. KRIEGER: In Case No. PZ13-0002, do you swear or affirm to tell the truth?

MR. ELLIS: Absolutely.

CHAIRMAN IBE: Gentlemen, please proceed.

MR. LANG: I'm executive vice president, chief financial officer at Telcom Credit Union. We own the property at 44575 West 12 Mile Road, which is situated at the southwest corner of Twelve Mile and Cabaret Drive.

We are here tonight, we would like to relocate some of our signs due to some rebranding initiatives that we have been
undertaking, studying and implementing across all of our branches, which currently includes seven, including this property. We are looking to expand even further in near future.

We are not asking for an increase in the amount of square footage and total signage. The issue is, the method in which the location -- in which the way the sign is attached to the building. If you're familiar with the exterior of our building, it's primarily glass, a very small thin band of brick at the bottom, at ground level and at the top, and we've -- over the nine years that we have been in this location, we have tried a couple different signage techniques. First we went with two ground signs, that were very difficult to see from any distance based off of where they were located off Twelve Mile.

A couple years into that, we went to some small building signs. Again, those are rather small difficult to see, and the location of those signs do not permit a real attraction to our lobby area.

In such the fact that we have been told we look more than office building as opposed to a financial institution branch office.
So what we would like to do is relocate the two signs that are on the building today, one of which we would like to have above the lobby main entrance to draw attention to that area of the building so that it appears more like an actual financial institution branch office.

We feel it's necessary because the branch itself is designed to accommodate between 50 and 75 percent more lobby traffic than what we have been able to attract in the nine years that we have been there.

We think this kind of signage and branding will help in a great manner to attract more of the community members to our institution, where we attempt to provide the best financial products that we can at the lowest possible cost to our members.

So what we are asking for is the one sign at the -- above the main entrance lobby and then one ground sign is to compensate for the fact that that signage above the main entryway door, only faces to the northeast and can only be seen by traffic traveling west on Twelve Mile, so we'd like to have a ground sign, then been back where we had seven, eight years ago, down at the northwest corner of our property, so that traffic traveling east on Twelve Mile can at least see the ground sign.
10 So I think that's about it.
11 CHAIRMAN IBE: Thank you very much for that wonderful presentation.
12 We will now ask anyone in the audience who would like to make a comment regarding this particular case at this time. Do I see anyone?
13 (No audible responses.)
14 CHAIRMAN IBE: Well, seeing none, we will close the public comment section, and I will ask our Madam Secretary to read into the record any correspondence.
15 MS. KRIEGER: In Case No. PZ13-0002, 21 were mailed, zero approvals, zero objections.
16 CHAIRMAN IBE: Thank you, Madam Secretary.
17 We will now turn over to the city for any comments or questions that they may have?
18 MR. GERECKE: Nothing.
19 MS. SAARELA: Nothing either.
20 CHAIRMAN IBE: Thank you very much.
21 Now open this up to the board for discussion.
22 Yes, Member Ghannam.
23 MR. GHANNAM: I have got a question for the city. The one proposal for the ground sign is for a pole sign. Aren't
pole signs prohibited in Novi?

MS. SAARELA: Yes. Basically we will be looking as to vary from -- what you would be looking for is to vary from the fact that because it's not permitted, it's prohibited.

MR. LANG: I delivered a new packet. Angela asked me to drop off a packet that addresses that. We actually added a base instead of a pole sign. That monument sign, it's just a much more better design.

MR. GHANNAM: I saw that. I appreciate that. But based on their original proposal, can we approve --

MS. SAARELA: You can. They are eliminating one variance request basically. So we are only looking at the one. So anything that's, you know, lesser variance or withdrawal of a variance you can still consider it.

MR. GHANNAM: The two requests are --

MS. SAARELA: Just one request now. Just the suspended sign.

MR. GHANNAM: So they're entitled to the ground sign? Is that accurate?

MS. SAARELA: Correct.

MR. GHANNAM: So it's just a sign above the entrance, if I recall, is that correct?
MS. SAARELA: Correct, to attach to the --

MR. ELLIS: Again, I apologize, in regard to the suspended sign, we amended that, structurally there was no steel supports in the soffit area that we were told -- I'm from the sign company, by the way. So we had to switch how we were going to mount that. We switched to mounting directly onto the moldings itself. So it's not going to be suspended anymore. Both the signs, they actually are asking for a smaller signage, just smarter, better signage in the proper locations.

So the sign square footage is actually smaller than what they currently have. We just need -- we just don't have the wall space. We need to mount it on the glass.

It's a circular sign now, so we -- if you try to mount it on that brick -- one, it's not the right location, and you know, compared to what the lobby is, also it would hang down in front of somebody's office for that sign.

So we are asking to move that over, the lobby sign, and ask for one of the ground signs. Normally, you allow two ground signs or two wall signs, but --

MR. GHANNAM: Is that accurate?
I thought there was one sign per property?

MS. SAARELA: The section that you're looking at here, it does say that there is only one permitted single mounted pole ground sign, 30 square foot would be allowed.

MR. GHANNAM: They have complied with that, with the ground?

MS. SAARELA: That part is complied with, so it sounds like we are just looking at the additional -- request for the additional signage that's going to be attached now instead of suspended, is that correct?

MR. ELLIS: Correct.

MR. GHANNAM: Explain to me real quick what the difference between the first and second proposal was. I know one was going to be overhanging, correct, now it's going to be mounted?

MR. ELLIS: Exactly.

MR. GHANNAM: Explain to me the mounting again one more time.

MR. ELLIS: Telcom has like a eight-foot soffit that comes off of the building. We were going to have a rigid sign tying into some steel beams on that soffit.

Once we actually got into that
area, and it wasn't as easy as we thought -- the steel beams weren't there.

So to do this, would be a major undertaking structurally. So we switched to another standard mounting procedure, where we mount directly onto the beams themselves.

We have done that for multiple hospitals. We have a much larger sign with the exact same configurations for the DMC, so we are very familiar with that and how that works.

I do have some more granular mounting details if you need to see how that's done.

MR. GHANNAM: No, I don't. I'm sure the city will make sure it's sufficient under the circumstances, if it's approved.

And the difference between the size of the sign you're saying from the original proposal is your amended is smaller?

MR. ELLIS: It's the same size.
The size that's currently up there, rounding numbers is 90 square feet. What's existing. What they have there now.

And what we want to do is replace that with a 70 square foot sign. So they're leaving 20 square foot, you know, on the table basically to get a sign that's more appropriate.
MR. GHANNAM: I understand. I got 80 or 90 percent of it, but the explanation made me understand it more. I have no problem with the proposal now. I will be willing to support it. Thank you.

CHAIRMAN IBE: Thank you, Member Ghannam.

Yes, Member Gedeon?

MR. GEDEON: Remind me, when you were making your presentation, you said that you previously had a ground sign?

MR. LANG: We previously had two ground signs, of which one of them would be in the location that we would put the new ground sign back.

MR. GEDEON: At the same time when you had two ground signs, did you also have the lettering on the building?

MR. LANG: No. We only had the two ground signs at that time, and --

MR. GEDEON: Did you have a prior variance for that?

MR. LANG: For the wall signs?

We went from the two ground signs to the wall signs. We did have a variance because it increased the overall square footage.

MR. GEDEON: So to the city, is that prior variance not applicable here?

MR. GERECKE: Yes, I believe
that -- I believe that the prior variance is not applicable, at least based on the staff report that Charles provided.

MS. SAARELA: Probably most likely because it was two monument signs and this one is attached to the building. It's not the same variance.

MR. ELLIS: I don't know if I could shed any light, but I happen to be -- I have worked with Telcom for many years now. And about seven or eight years ago, we did get a variance for an additional ground sign. One was allowed. We got a variance for an additional ground sign just because of the size of the parcel and there was two streets, and to have one 60 square foot ground sign, which wasn't enough for that property, so that was granted.

They tried that for a couple of years and got quite a few complaints about not being able to see their building, and so at that point they decided to come back and ask graciously for some more help from you guys to allow them to remove the ground signs and go to the wall signs. So we were granted a variance for that as well.

CHAIRMAN IBE: Yes, Member Skelcy?

MS. SKELCY: I have a question for the city attorney.

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They're allowed the monument sign as a right, correct?

MS. SAARELA: Correct.

MS. SKELCY: And then they're basically now asking not for the suspended, but for a wall sign?

MS. SAARELA: They're asking for basically an additional sign suspended, correct. They're taking out the suspended aspect of it now.

MS. SKELCY: This is just like a second sign which we have seen before?

MS. SAARELA: Right. I will consider it a lesser variance because they're taking out the suspended part.

MS. SKELCY: So we don't have to have it renoticed?

MS. SAARELA: Right.

MS. SKELCY: Okay. Thank you.

CHAIRMAN IBE: Thank you, Member Skelcy.

Member Gerblick?

MR. GERBLICK: For the city again, sorry about all the questions.

The wall sign would then be -- is there a size limitation to the -- are we -- is it two variances that we would be -- the additional sign as well as additional square footage on that sign, from the stated ordinance?
MS. SAARELA: Is the sign still -- it's the size that you proposed originally that was requested for the

MR. ELLIS: Well, like I said, the original sign that we --

MS. SAARELA: I guess is it still 70 square foot?

MR. ELLIS: Yes.

MS. SAARELA: So that's what it was noticed as, so we can still --

MR. GERBLICK: Okay.

CHAIRMAN IBE: Do we have any additional questions or comments?

MS. KRIEGER: I was wondering what other avenues have you done, because yes, when I drive by, I have thought of it, when I see Telcom, is it an office. And so that people would not be confused with the new signage, have you tried -- what statistically have you done?

MR. LANG: We do occasional newspaper advertising in the Novi News, but we probably get our biggest play in some of the community involvement activities that we participate in.

But we're about to undertake a significant media approach to marketing ourselves along with the rebranding project.
MS. KRIEGER: Thank you.

CHAIRMAN IBE: Thank you. Do we have any additional questions, comments?

(No audible responses.)

CHAIRMAN IBE: Well, seeing none, I will entertain a motion. Yes, please.

MR. FERRELL: I move to approve Case No. PZ13-0002, for 44575 Twelve Mile Road.

The request is based upon circumstances or features that are exceptional and unique to the property and do not result from the conditions that exist generally in the city, or that are self-created because having a sign only facing so westbound traffic can see it.

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 high economic or financial return. Because by allowing people to know that the building is a financial building, rather than an office building.

The grant of relief will not result in the 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.

MR. GHANNAM: I'll second that just as long as the motion is clear that this is based on the amended petition that requests the ground sign as opposed to a pole sign, and a 70 square foot wall sign.

MR. FERRELL: Okay.

MR. GHANNAM: I will second that.

CHAIRMAN IBE: Seeing that motion has been made and duly seconded, is there any need for further discussion regarding this motion or this particular case?

(No audible responses.)

CHAIRMAN IBE: Well, seeing none, I will ask our recording secretary to please call the roll.

MS. MARCHIONI: Member Ferrell?

MR. FERRELL: Yes.

MS. MARCHIONI: Member Ghannam?

MR. GHANNAM: Yes.

MS. MARCHIONI: Member Gedeon?

MR. GEDEON: Yes.

MS. MARCHIONI: Member Gerblick?

MR. GERBLICK: Yes.

MS. MARCHIONI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. MARCHIONI: Member Krieger?

MS. KRIEGER: Yes.
MS. MARCHIONI: Member Skelcy?

MS. SKELCY: Yes.

MS. MARCHIONI: Motion passes seven to zero.

CHAIRMAN IBE: Congratulations.

MR. LANG: Thank you very much.

CHAIRMAN IBE: You're welcome.

That brings us to our third case for today. Case No. PZ13-0003, for 47960 Grand River Avenue, Menchie's Frozen Yogurt.

Please state your full name and your address and spell your last name for the record.

MS. SAMSON: My name is Danny Samson. I live in Huntington Woods. The last name is spelled S-a-m-s-o-n.

MS. KRIEGER: Are you an attorney?

MS. SAMSON: I am not an attorney.

MS. KRIEGER: In Case No. PZ13-0003, do you swear or affirm to tell the truth?

MS. SAMSON: I do.

MS. KRIEGER: Thank you.

MS. SAMSON: Thank you.

I have a couple of photos I'd like to show. Can I place them down here.

CHAIRMAN IBE: Yes.

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MS. SAMSON: First of all, thank you for hearing the case tonight. I'll keep it very simple. I don't want to overcomplicate what you will agree -- I hope you will agree is a very simple request. Menchie's Frozen Yogurt, I don't know if you have heard of it yet. We hope that you will quite a bit in the short future. It's just what it sounds like. It's a frozen yogurt concept. It's a self-service concept where you go in, and you fill your own yogurt up, you put toppings on and you weigh it at the end and you pay by the ounce. It's like a concept you have seen frequently around town now, across the country actually.

And this is a concept, Menchie's, it's very family, very community focused, so we are really looking forward to coming to Novi and doing business in Novi. What you see here is the location, and it's a little bit complicated of a location. You can see the space goes from here, over to here (indicating). This will actually be the front door, the entrance to the restaurant. And obviously it's a unique -- a hardship here, where that jog in the building is created and it complicates the ability for signage and for us to do the
type of signage that we'd typically be doing, that we'd like to be doing. I'm going to switch the photo to the mock-up that we have posted. I don't know if you have had a chance to go out and see it. I hope you have. But you get the idea, a little bit from image here, how we would like to have the sign laid out. It's my opinion, I hope you will agree again, very minor request, but certainly acknowledging that it's not in accordance with the ordinance today.

Normally what happens with our property, our signage is this circular portion of the logo would appear at the end of the Menchie's sign, right by the end. And obviously because of the way the building is configured, and the way the jog in the building exists, it's not possible to do that.

If we were to make it small enough, where we could actually fit in that area, it would be almost comical as to how small the sign becomes. So we have been able to get approvals from our corporate body to modify the logo in this fashion.

I think it's important to note that if we did this sign -- if we had the
circle on the end of the Menchie's, the way it's typically done, we are actually below the requirements, the square footage requirements that we would be allowed under the ordinance.

So all we have really done is really reconfigure the sign, and consequently, unfortunately, have picked up additional square footage as a result.

I'm sure you know, in this area, really on either side of the disk portion of the sign, which really ultimately becomes brick on the building.

So again, I don't want to over complicate things, it's very straight forward. I'm hopeful that you will see our hardship we are dealing with, it's important to us to be able to maintain visual presence that we occupy this entire location, and not just this small sliver of space in the center, and we think this will be able to accomplish that.

So I'm hopeful you will support this.

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

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

(No audible responses.)

Well, seeing none, I will ask our Madam Secretary to read into the record any correspondence.

MS. KRIEGER: In Case No. PZ13-0003, 20 were emailed, zero approvals, zero objections.

CHAIRMAN IBE: Thank you, Member Krieger.

I will now turn to the city for any comment, questions that they may have.

MS. SAARELA: I don't have any.
MR. GERCKE: Nothing.

CHAIRMAN IBE: Thank you. Now, open it up to the board for discussion. Yes, Member Ghannam.

MR. GHANNAM: I do understand your position now. You actually have explained a lot of the questions that I had.

This is part of a -- this is part of a franchise requirement, the logo as well as the name, correct?

MS. SAMSON: Correct.
MR. GHANNAM: You're saying the typical logo has the yogurt logo at the beginning, before the M?

MS. SAMSON: Exactly.
MR. GHANNAM: I understand this
little cut and this little bump out on the wall and so forth, that makes a lot more sense.

I understand also the way Novi measures the signs, it's got to include the entire area, even though you're not using it. With all that in mind, I have no problem with the request. I would be willing to support it.

MS. SAMSON: Thank you.

CHAIRMAN IBE: Thank you, Member Ghannam.

Do we have any additional questions or comments?

(No audible responses.)

MR. GHANNAM: Seeing none, I will entertain a motion. Yes, Member Gerblick?

MR. GERBLICK: I move that in Case No. PZ13-0003, 47960 Grand River, that we approve the motion as stated.

For reasons that the request is based upon circumstances or features that are exceptional and unique to the property and do not result in conditions that generally exist in the city and that are self-created. Specifically, the varying dimensions of the building, facade.

Failure to grant the 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 higher economic or financial
return.

As the applicant indicated,
the franchise logo would not be represented
from location to location, and the grant of
the relief will not result in a use of the
structure that is incompatible or
unreasonably interferes with adjacent or
surrounding properties and will result in
substantial justice being done to both the
applicant and the adjacent and surrounding
properties, and is not inconsistent with the
spirit of the ordinance.

In fact, it will take the
place of a vacant location within an existing
building.

MS. KRIEGER: Second.
CHAIRMAN IBE: Thank you. Seeing
a motion has been made and duly seconded, do
we have any need for further discussion?
(No audible responses.)
CHAIRMAN IBE: Seeing none, I
will ask the Recording Secretary to please
call the roll.

MS. MARCHIONI: Member Gerblick?
MR. GERBLICK: Yes.
MS. MARCHIONI: Member Krieger?
MS. KRIEGER: Yes.
MS. MARCHIONI: Member Gedeon?
MR. GEDEON: Yes.

MS. MARCHIONI: Member Ghannam?

MR. GHANNAM: Yes.

MS. MARCHIONI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. MARCHIONI: Member Skelcy?

MS. SKELCY: Yes.

MS. MARCHIONI: Member Ferrell?

MR. FERRELL: Yes.

MS. MARCHIONI: Motion passes seven to zero.

CHAIRMAN IBE: Congratulations.

That brings us to our final case for today.

Case No. PZ13-0004, 41197 Park Forest Court.

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

And if you are not an attorney, raise your right hand to be sworn in. Thank you.

MS. DARNELL: My name is Amy Darnell, D-a-r-n-e-l-l.

MS. KRIEGER: In Case No. PZ13-0004, do you swear or affirm to tell the truth in this case?

MS. DARNELL: Yes, I do.

Mr. DARNELL: Christopher Darnell, D-a-r-n-e-l-l.

MS. KRIEGER: In Case No. PZ13-0004, do you swear or affirm to tell the truth in this case?
MR. DARNELL: Yes.

MS. DARNELL: We are here tonight. We constructed a fence in August of last year. And this was done for the safety of our family and pets and we back up to Nine Mile and we are also a corner lot.

So with the sidewalk that was actually constructed before we purchased the house last June, we put up a privacy fence for people who were walking by, privacy for ourselves and we have two young children, who are seven and four.

After -- I came to the city and found out we did not need a permit to construct the fence, and didn't know that since we are a corner lot, we are considered to have two front yards.

So we received a letter last fall stating that we were in violation of one of the sections because we constructed a fence on our front lawn. Unaware, we went ahead and did it.

So unfortunately the fence is already constructed, and so we now know we need a variance.

MR. DARNELL: A few things to add. We have checked with our homeowners association as well with -- regarding any
issues putting up a fence. There were no
issues at that time brought to our attention.
We had Novi Fence Company, a reputable
company, come out and put up the fence for
us.

And I know some things about
the safety issues in the area. I know
recently and in the last couple of years,
there has been some coyotes in the area and
stuff like that. And one of the things that
we enjoyed about the house was the size of
the yard, and with our children, we fenced in
the yard. We were able to maximize the space
for it, our kids and many, many neighbor kids
as well to play.

MS. DARNELL: Just one more
ting. Also in the packet you should have,
as we drove through the neighborhood, there
are numerous houses in the neighborhood that
have corner lots and are fenced-in.

And I provided seven examples
of other fences, that are birwood, chain link
or what's the new -- not PVC, composite
looking fence, they're all constructed on
corner lots throughout our neighborhood.

CHAIRMAN IBE: Thank you for that
wonderful presentation.

Is there anyone in the
audience who would like to make a comment
regarding this particular case?
Yes, can you please come to the podium, state your name, and spell your last name.

If you are not an attorney, raise your right hand to be sworn in.

MR. WOOD: My name is Doug Wood, W-o-o-d.

MS. KRIEGER: In Case No. PZ13-0004, do you swear or affirm to tell the truth?

MR. WOOD: I do.

MS. KRIEGER: Thank you.

MR. WOOD: So I am a neighbor of the Darnells and the way the lots are configured, my house looks directly looking out my front window looks directly at the Darnell house.

And I just have to say that they are right. If you look in the neighborhood and down Nine Mile, which their house backs up to, my house backs up to, there is numerous examples of fences that have been installed throughout the years.

I have been a -- lived in the home since ’05. And when we bought our house, our house, our fence was installed by a previous owner, but they did a very nice job with the fence and I think it actually adds to the safety.

My kids play in their
backyard, and with the fact that people on Nine Mile Road, the speed limit is supposed to be only 35, but you know, we can both attest to the number of people that could -- pulled over right down our street. It's nice as parents that they are, that they have a safe place for their kids to play.

I don't have any objections to them building a fence.

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

I'll turn to Madam Secretary to read into the record any correspondence.

MS. KRIEGER: In Case No. PZ13-0004, 37 were mailed, one approval, one objection, one returned.

They circled the approval and the question is the fence already up from David and Nancy P-o-l-c-y-n.

The objection is "the fence is too close to the corner, when walking south on Chestnut Tree, as a person approaches Nine Mile, a car turning onto Chestnut Tree from the east cannot see the pedestrian until the car is almost on the person. When driving south on Chestnut Tree, I cannot see the pedestrian walking west on the path until they are almost in the street, obstruction of view for walking and driving" from Vicky Martin. That's it.
CHAIRMAN IBE: Thank you, Madam Secretary. I will now turn to the city for any questions or comments that they have.

MS. SAARELA: I don't have anything. Thank you.

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

Anyone interested in asking a question or comment? In the absence of anyone saying -- yes, Member Gerblick?

MR. GERBLICK: How close is the fence to the sidewalk and the rear property line?

MR. DARNELL: The sidewalk, rear property is --

MR. GERBLICK: Chestnut Tree and then --

MS. DARNELL: From the south side of our property, which would be the Nine Mile side, we are seven to eight feet from the sidewalk.

MR. DARNELL: I believe so.

MS. DARNELL: In regards to the objection, at the corner of Chestnut Tree on our side there is a very large tree there already. It's a willow, it was existing. Also that was there when we moved in, there is a large -- I don't know what they are, like large trees and shrubs that were already
obstruction, there was a line that the previous homeowners had to put in along the Chestnut Tree side of shrubs also. So our fence is chain link along Chestnut Tree. We did that on purpose because of line of sight, when you are coming down Chestnut Tree to turn onto Park Forest Court, we didn't want to cut off any line of sight as far as our children running out, or other cars, animals, anything else.

I'm sorry, what's your other question, how far is it from Chestnut Tree?

MR. GERBLICK: Yes.

MS. DARNELL: I believe I measured that was 11 feet. I'm sorry. I'm getting my numbers messed up. I'm a little nervous. I believe it's 11 feet from the edge of Chestnut Tree to the edge of our fence.

MR. DARNELL: Maybe closer 20 to the center.

MS. DARNELL: We didn't measure center.

MR. GERBLICK: Thank you.

CHAIRMAN IBE: Thank you, Member Gerblick.
MS. KRIEGER: The chain link fence is at the end of the wood fence?

MS. DARNELL: Yes.

MS. KRIEGER: Thank you.

CHAIRMAN IBE: Thank you. I have no objections regarding the fence. I think it's apparent you have to take steps for the safety and welfare of your children, as well as the neighborhood children who come upon your property.

In light of the fact that you do have fences around this subdivision is nothing that I find -- your situation is not unique, per se, in terms of finding anything really wrong with the fence. And moreover, I think it's -- being generally stated, I think it has to do with the beautification of the neighborhood itself, so I have no objections.

In the absence of any additional comments or questions, I will entertain a motion concerning this.

Member Krieger?

MS. KRIEGER: In Case No. PZ13-0004, 44197 Park Forest Court, I move to approve the applicant's request for the variance for the fence. That there are unique and physical conditions of the property. They're on a corner lot facing Nine Mile, such as narrowness, shallowness, shape, water, topography or surrounding
The need is not self-created, because there are others in that subdivision, the character of it, there are others with fences as well. 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. Their children will be able to play and be in a safe backyard, or will render conformity with those regulations unnecessarily burdensome.

Because it's also six feet and not greater than that, the requested variance is the minimum variance necessary to do substantial justice to the applicant as well to the other property owners in the district because they have -- it's a brand new fence, it looks very well, it matches in with surrounding neighbors, and is to the character and spirit of that area.

The requested variance will not cause an adverse impact on surrounding property, property values, or use and enjoyment of the property in the neighborhood or zoning district because children in that
area will be in a safe backyard.

MR. FERRELL: Second.

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

(No audible responses.)

CHAIRMAN IBE: Seeing none, will the Recording Secretary please call the roll.

MS. MARCHIONI: Member Krieger?

MS. KRIEGER: Yes.

MS. MARCHIONI: Member Ferrell?

MR. FERRELL: Yes.

MS. MARCHIONI: Member Gedeon?

MR. GEDEON: Yes.

MS. MARCHIONI: Member Gerblick?

MR. GERBLICK: Yes.

MS. MARCHIONI: Member Ghannam?

MR. GHANNAM: Yes.

MS. MARCHIONI: Chairman Ibe?

CHAIRMAN IBE: Yes.

MS. MARCHIONI: Member Skelcy?

MS. SKELCY: Yes.

MS. MARCHIONI: Motion passes seven to zero.

CHAIRMAN IBE: Congratulations.

Thank you.

That concludes the cases before the board today.

Do we have any other matters that the board should take up at this time?
Or the city?

MR. GERECKE: No.

CHAIRMAN IBE: Well, seeing none,

I'll entertain a motion to adjourn this

meeting.

MR. GERBLICK: So moved.

MS. SKELCY: Second.

CHAIRMAN IBE: Seeing that 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, this

meeting is adjourned.

(The meeting was adjourned at 7:53 p.m.)
STATE OF MICHIGAN  

COUNTY OF OAKLAND  

I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the proceedings were taken before me in the above entitled matter was stenographically recorded in the presence of said persons and afterward transcribed by computer under my personal supervision, and that the said proceedings are a full, true and correct transcript.

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

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

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