Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, April 7, 2015

BOARD MEMBERS

Cindy Gronachan, Chairperson
Brent Ferrell, Secretary
Linda Krieger
Rickie Ibe
Mav Sanghvi
David Byrwa
Jonathan Montville
Jason Richert

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

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
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Novi, Michigan.
Tuesday, April 7, 2015
7:00 p.m.

** ** **

CHAIRPERSON GRONACHAN: I'd like to call the April 2015 Zoning Board of Appeals meeting to order. And if you would all rise, please, for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN:

Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Here.

MS. PAWLOWSKI: Member Ibe?
MR. IBE: Present.

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

MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Here.

MS. PAWLOWSKI: Member Byrwa?
MR. BYRWA: Here.

MS. PAWLOWSKI: Member Richert?
MR. RICHERT: Present.

MS. PAWLOWSKI: Member Montville?
MR. MONTVILLE: Here.
Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Here.

Thank you. Welcome everyone to the Zoning Board of Appeals meeting.

In the back there was an agenda for this evening's activities and also a set of rules.

I would ask that everyone please review the rules at your leisure.

And if you have any cellphones, at this time, please set them off or put them on mute.

And then I would like to call for an approval of the agenda.

Are there any changes to be made to the agenda?

MR. SANGHVI: We still have to have the election of officers on there?

CHAIRPERSON GRONACHAN: I hope not because I'm not campaigning again.

MR. SANGHVI: May I suggest that we delete it from --

MR. IBE: Second.

CHAIRPERSON GRONACHAN: Moved and second to remove the election of officers off
All those in favor say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Any opposed?

(No audible responses.)

CHAIRPERSON GRONACHAN: So moved.

Minutes. I would like to let everyone know I did not get a chance to review March minutes because I was having a download problem with my case. I don't know what we can do if we can postpone those until next month.

So can I have a motion to move for the approval for the March 2015 minutes until next meeting.

MR. FERRELL: So moved.

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Approved.

So I know this is a small meeting although we still have to follow the procedures.

And if there is anyone in the
audience at this time that has any comments in regards to matters for the Zoning Board of Appeals that are not related to any of the cases on the agenda, they can come down now and speak their peace.

Seeing that there is no one in the audience, we will move forward to Case No. PZ15-0005, 1653 West Lake Drive. The applicant is requesting variances from the City of Novi to allow construction of a new two story addition on the existing lakefront lot on a reduced sideyard setback of 5.5, and a reduced aggregate setback of 10.7.

The property is located east of West Park and south of Pontiac Trail. The City of Novi code of ordinances requires minimum sideyard setbacks of ten feet and a minimum aggregate of 25 feet respectively.

Gentlemen, would you like to come down and present your case.

If you are not an attorney, if you would kindly spell your name, raise your right hand and be sworn in by our secretary.

MR. STREHL: Last name is Strehl,
S-t-r-e-h-l, first name Michael,
M-i-c-h-a-e-l.

MR. FERRELL: Do you swear or
affirm in Case PZ15-0005?

THE WITNESS: I do.

MR. FERRELL: Okay.

CHAIRPERSON GRONACHAN: You may
proceed.

MR. STREHL: We are requesting a
variance for the setback for a small addition
on a lake home on West Lake Drive. It's a
two story side addition with an existing
single story -- second story addition to the
rear.

I know the requirements are
25 feet and I think we are looking for 14.3.
It's 5.5 and -- the variance is 4.5.

It's just a small dining room
addition and a master bathroom upstairs,
14-foot long and then the rear is already
existing on the first floor of 20-foot by
9-foot, with a flat roof on it, which needs
to be removed. That they want to add a
second story to that. Not extending out any
further than the already existing house.

I think that's pretty much --
pretty basic.

CHAIRPERSON GRONACHAN: All right. Thank you.

Is there anyone in the audience that wishes to state their concerns in regards to this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, I'm going to turn it over to the building department. I think they have some information for us this evening.

MR. WALSH: Thank you. I passed out a document and I also gave a copy to the applicant.

Just to clarify, the proposed setbacks and the variance request.

So the sideyard is being proposed at 5.5 with a variance of four and a half feet, and total aggregate is at 10.7 for a variance of 14.3. And I also included a plot plan that indicates those dimensions for you, too.

CHAIRPERSON GRONACHAN: Just for clarification for the board members, in our packet, page four, I believe that was included, those numbers were off so the
building department provided this information for us so there is clarity.

It doesn't change anything in terms of advertising for the dimensions, they still stand.

So is there anyone on the board that has any questions for the petitioner?

MR. BYRWA: Yes, I do. Has there been any written opposition from any of the neighbors or neighborhood?

CHAIRPERSON GRONACHAN: Thank you. Secretary, can you tell us if we received any --

MR. FERRELL: Yes. Twenty-six were mailed, zero return, zero approvals and zero objections.

CHAIRPERSON GRONACHAN: That would answer your question.

MR. BYRWA: Very good. Just to add a point, I believe the building code, they get into a -- what they call a fire separation distance of at least five -- a minimum of five feet from the structure to the lot line, and supposedly, the neighboring property has a five foot -- from a minimum of
five foot from the structure to their lot line, given a total of a minimum of 10 feet.

And for fire separation purposes, 10 feet is the -- they have a fancy word called confligation, which is the ability of a fire to jump to one structure to the next, and he is over the minimum requirement of the ten feet.

So I would be in favor of the variance with no opposition in him meeting the minimum 10-foot fire separation between structures.


MR. SANGHVI: Thank you, Madam Chair.

These are very small lots, as we know, and they all need variances to build anything worthwhile.

I know this is a small lot and I don't see how they can build anything worthwhile without some variances.

And I have no problem with regard to this variance for this particular request. Thank you.

CHAIRPERSON GRONACHAN: Thank
you. Anyone else?

   I will put my comments on the record. I was out to the petitioner's home on Sunday, and good old Walled Lake, West Lake Drive is good old West Lake Drive. It is non-conforming lot. There are beautiful homes out there. It's cleaned up considerably through the years.

   I think that this is a minimum request which is always less is better, and I will also be in full support of the petitioner's request.

   So having said that, does anyone have preparation for a motion? Member Krieger.

   MS. KRIEGER: In Case No. PZ15-0005, for 1653 West Lake Drive, I move to approve the request for the variance.

   The need for the variance is not self-created. The lots as previously stated during our conversation is that they're all non-conforming. The strict compliance with dimensional regulation of the zoning ordinance will unreasonably prevent the petitioner from using the property for a permitted purpose, and will make it
unnecessarily burdensome to comply with the regulations.

The petitioner has established that the variance is the minimum variance necessary. You have put in for the minimum requested, as given to us in our packets and there will be the fire codes adhered to.

And the requested variance will not cause adverse impact on surrounding property, property values or enjoyment of the property in the neighborhood. The neighbors would still be able to have their views of the lake.

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded. Is there any further discussion in regards to this matter?

(No audible responses.)

CHAIRPERSON GRONACHAN: Ms. Pawlowski, would you please call the roll.

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

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

MR. SANGHVI: Yes.

MR. FERRELL: Member Byrwa?

MR. BYRWA: Yes.

MS. PAWLOWSKI: Member Richert?

MR. RICHERT: Yes.

MS. PAWLOWSKI: Member Montville?

MR. MONTVILLE: Yes.

MS. PAWLOWSKI: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. PAWLOWSKI: Motion passes eight to zero.

CHAIRPERSON GRONACHAN:

Congratulations. Your variance has been approved. I guess you'll have a conversation now with the building department. Good luck.

MR. STREHL: Thank you very much.

CHAIRPERSON GRONACHAN: Can I just clarify, I know I'm a little out of order.

Mr. Montville, because he is the alternate, we have a full board. He would not be voting tonight, correct?

MS. SAARELA: That's correct.
CHAIRPERSON GRONACHAN: Do we need to redo that or no?

MS. SAARELA: No, because I don't think it would change anything.

CHAIRPERSON GRONACHAN: Wow, there is a big audience crowd tonight, so we will call our next case, Case No. PZ15-0007, Bottlz, at 31260 Wakefield.

If you would like to come on down.

The applicant is requesting a variance from the City of Novi, Code of Ordinances Section 28-53 to allow a second ground sign of 30 square foot.

The property is located east of Novi and south of Fourteen Mile. The City of Novi Code of Ordinances permits a single ground sign in an RA residential acreage district.

Would you please state your name and if you're not an attorney, raise your right hand and be sworn in by our secretary.

MR. JASTER: My name is Richard Jaster, J-a-s-t-e-r.

MR. FERRELL: Do you affirm to
tell the truth in Case No. PZ15-0007 Bottlz, Bottlz, 31260 Wakefield?

MR. JASTER: I do.

CHAIRPERSON GRONACHAN: Please proceed.

MR. JASTER: So, yes, we have Bottlz, which was the old Maples of Novi golf course, and we have one ground sign is right now that's right at the entrance of the Maples of Novi subdivision.

So their sign right there, our sign is right there. As you're coming down Fourteen Mile from Welch Road, it's very difficult to see the sign, and again, coming from Novi, from the east -- or from the west heading east, there is berms and things there that also make it very difficult. That's one of the comments that the customers that have come to us so far have said, that it's very difficult to find us.

And so what we are looking to do is I'm sure you have seen where we have the temporary sign to place the 30 square foot sign, which will have the changeable banner at the top, because we offer many different special events. We have wine
tasting, beer tasting, and once the golf course opens, we will be having special events with the golf course as well.

So it's really just -- when that sign is there, it helps bring people in.

When I had to take the sign down for a little while, business dropped almost 50 percent just by the loss of that sign.

So it's a very vital part to the success of our business.

CHAIRPERSON GRONACHAN: Okay.

Anything else?

MR. JASTER: That's it.

CHAIRPERSON GRONACHAN: There clearly is no one in the audience to state their concerns tonight, so I'm going to turn it over to my secretary. Is there any correspondence?

MR. FERRELL: Yes, there is quite a few. 555 mailed. Eight returned, zero approvals -- I can't read that --

MS. PAWLOWSKI: I think it said seven.

MR. FERRELL: There is seven total, okay. Several approvals and three objections.
First objection is from Jerome M. Salesin, S-a-l-e-s-i-n, and Marilyn A. Salesin, S-a-l-e-s-i-n, at 206 Winslow Circle, Walden Pond Condominiums. "Reason for objections. The sign in question is at a main entrance of Maples of Novi. Having a large second sign will cause confusion. This becomes a hazard, distraction for drivers, which would further increase an already hazardous entrance. Many accidents at this entrance. Would have a detrimental effect on Walden Pond Condos property values as lights would shin in the backs of lots on Fourteen Mile Road." Continuing with theirs. "There is already an existence -- a light sign at the entrance to the Maple of Novi Condominiums which has been there for at least 15 years. We have lived across Fourteen Mile Road from it. This is currently the only non-resident location in the Maples of Novi complex. It was originally the site of Maples of Novi club, which was reserved for the residents of the condo complex and not really a retail establishment. Only recently has there been
a restaurant in this location. And the signage was sufficient for the restaurants that were there. The ordinance that Bottlz restaurant wishes to change is a standard for all the community residents in Novi and change in that ordinance would therefore set a precedent which will allow any and all others to request the same for them, even if they have no retail establishment in their complex. This entrance to Maples of Novi is considered a rather dangerous entry. As it's both an entry to the complex as well as an entry to the restaurant. The entry to our complex, Walden Pond, is directly across Fourteen Mile Road for that entrance and there are cars and trucks turning in both directions, many at the same time, which causes the vehicles to use the turn-in lanes to drive through at the same time. There have been numerous accidents because of the situation. An additional 30-foot sign would certainly cause more of a hazardous distraction for drivers that could lead to more accidents at the intersection.

A 30-foot sign would certainly cause excessive of lights to shine
in the back windows of units directly cross from it on the north side of Fourteen Mile Road. This would certainly lower the properly value of those units, which in turn would lower the property values in Walden Pond Condominiums. Respectfully Submitted."

Second objection. This is from Alice, A-l-i-c-e, K-o-r-t-s-a-n, at 41494 Cypress Way, Novi, Michigan 48377. She says, there is always several tacky signs displayed. If this restaurant's goal is to be upscale, to exhibit another large sign might" -- I can't this read this -- "a residential entrance is completely unnecessary. A restaurant should use other promotional ideas without being obstructive."

The next objection is from Ruth Fraser, F-r-a-s-e-r, at 31185 Rolling Grove. She says, "We want larger signage close to our property. We also don't want Bottlz traffic going through our subdivision."

Onto an approval from Maurice, M-a-u-r-i-c-e, looks W. Sanders, S-a-n-d-e-r-s, 41606, looks like Kentworth Lane, Novi. It's just an approval.

And another, just approval is Margarita, M-a-r-g-a-r-i-t-a, B-u-s-c-i-o, 41857, Canterbury
Drive, Novi, 48377.

Another approval from Amanda Rhoades, A-m-a-n-d-a, R-h-o-a-d-e-s, 41613 Sleepy Hollow Drive it's an approval, "A welcomed business in our community."

Another approval from Sheldon Rogers, S-h-e-l-d-o-n, R-o-g-e-r-s, 41720 Sleepy Hollow Drive, Novi 48377. It's an approval. "We want the restaurant to be successful. We have dined there and found it to be very pleasant. The staff and food is marvelous."

Another approval from Olga, I can't read it, O-l-g-a, it looks O-b-l-a-k, 41770 Independence, Novi.

Another approval from Christie, C-h-r-i-s-t-i-e, Weindorf, W-e-i-n-d-o-r-f, 1641 West Lake Drive.

Another approval from Isabel Dause, I-s-a-b-e-l, D-a-u-s-e, 1661 Harbor Cove, approval.

And that is it.

CHAIRPERSON GRONACHAN: Thank you, Member Ferrell.

Building department?

MR. WALSH: No comments. Thank you.
CHAIRPERSON GRONACHAN: Thank you. Board members, any questions? Member Sanghvi.

MR. SANGHVI: Thank you. I was there at your place a couple of days ago. I looked at it.

The original sign was part of the golf course?

MR. JASTER: The existing Bottlz sign has partial Bottlz and partial golf course on it.

MR. SANGHVI: The sign you are referring to, your application (unintelligible) is not visible?

MR. JASTER: Yes, it's not visible. It's just difficult to see at 45 miles an hour.

MR. SANGHVI: (Unintelligible).

MR. JASTER: I don't know.

MR. SANGHVI: Instead of a new sign, a new sign on the golf course, that is a totally different kind of sign.

MR. JASTER: The thing is, that, you know, people from across the street say, people come down that hill at 45 miles an hour, and they don't see that sign until the
very last minute because it is difficult to see. And then all of a sudden they are hitting their brake and making the sharp turn into the subdivision. So I can see why it does create problems. I think that having the sign further over -- and we also -- like I said, we have several special events that we need to be able to advertise. The sign says open to the public on it, but nobody knows it's open to the public. So that is the comments I've gotten so far is that people don't know it's there and that it's open to the public. And so we need something a little bit -- has a little better visibility to it so that we can attract those people to come in.

MR. SANGHVI: Do you have problems because of the location or the size?

MR. JASTER: The location and the size, yes.

MR. SANGHVI: I see. Thank you.

CHAIRPERSON GRONACHAN: Thank you, Member Sanghvi.
Anyone else?

Yes, Member Richert.

MR. RICHERT: Hi. I went by there before I came here to the meeting today. It did take me a little bit of time to locate it. I used to live over there.

I saw you had the white sign where you changed the letters out front.

MR. JASTER: I was allowed to put that there as a temporary sign, pending this.

MR. RICHERT: The sign that is already there, when I went through your driveway, will you be taking your name off that sign if you get the variance to be able put a new sign?

MR. JASTER: Yes, that will then just have the golf course name on it.

MR. RICHERT: And you guys will -- you will be the only one, the new sign, if you guys --

MR. JASTER: Correct.

MR. RICHERT: Another question I had.

In some of the letters it said, I was wondering, you had written that you were going to be able to change the sign?
Is it going to be like a digital display --

MR. JASTER: Yes, at the very top, like about a foot at the top of it will be the digital, changeable sign.

MR. RICHERT: That's all I have.

CHAIRPERSON GRONACHAN: Thank you. Anyone else?

MS. KRIEGER: Would there be a timing on that sign, the changeable sign like during hours of operation?

MR. JASTER: You know, it pretty much we are going to be advertising on that, like we have a lot of Wednesday evening specials. You know, first Wednesday of the months is wine tasting, second Wednesday is beer tasting, third Wednesday is scotch tasting, fourth Wednesday is chef classes.

That's pretty much what it's going to be on the top of that thing. It will probably most likely be there most of the week. It's not going to be something that's going to continually change.

So probably just say, wine tasting Wednesday on it.

MS. KRIEGER: So it won't be
changing every couple of minutes?

MR. JASTER: No, absolutely no.

MS. KRIEGER: Essentially a lit-up sign that you can change per day?

MR. JASTER: Or -- yes.

MS. KRIEGER: Then after hours when the business is closed for the night, the light will be off?

MR. JASTER: I'm sure we could do that.

MS. KRIEGER: Thank you.

CHAIRPERSON GRONACHAN: Thank you.

Anyone else?

Member Ibe, go ahead.

MR. IBE: Thank you, Madam Chair.

Sir, the factors we are to consider, in coming to a rational conclusion whether or not to grant the variance you're requesting, calls for us to determine whether there was, in fact, practical difficulty.

In arriving at that conclusion, we have to look at some other factors, such as that the condition here is not, you know, wasn't self-created.

Can you please elaborate a
little bit for me, why I should believe that this condition is not something that you talked about, and that's self-created, in other words, this restaurant is located within a subdivision.

I'm trying to grasp why I, as an individual member, should look at the exceptions here and grant the request you're making.

So what is it -- what is the practical difficulty that you're having?

MR. JASTER: Mostly it's visibility. I mean, on several of the reviews that I've gotten from people that, you know, do it on, you know, Yelp or on Facebook, they send reviews.

And they said that they thought the sign was confusing because they weren't sure if it was a restaurant or the golf course. Because it says Bottlz and it says Maples Golf Course right on the same sign. You know we try to distinguish it by color, but, you know, it still is a problem.

That's really the main factor or is in the past, as the one letter said, that the Maples was a clubhouse for the
subdivision at one time, and wasn't really --
you know, had the signage for an open
restaurant, which it eventually became. And
all they did was put on there a round stick
on letters, open to the public.

I have driven past that
building -- I have lived in the Commerce area
to go to church in Farmington Hills, I have
driven past that building for 30 years and I
never realized that it was a restaurant open
to the public. And that's a problem.

So that's why we are trying
to get the signage so that we can, you know,
make it visible to the people that they know
that it is a restaurant and -- I would love
to have an entrance off of Fourteen Mile.
Because I really don't like having to have my
customers to go into the subdivision to get
into the parking lot, but having talked with
Tom a little bit, he said it will be a lot
more difficult.

So right now we are trying to
do the best we can by offering additional
signage.

MR. IBE: How long has this
MR. JASTER: We opened ten weeks ago.

MR. IBE: So it's fairly new?

MR. JASTER: Yes. We have owned the building since February 28 last year and then it took me 11 months to turn it around and remodel it and bring it up to the point it is. We opened for business January 17th.

MR. IBE: So your analysis of your customers not finding this is based on just ten weeks?

MR. JASTER: Yes. We have had many comments on that.

MR. IBE: So it's just based on ten weeks?

MR. JASTER: Ten weeks, yes.

MR. IBE: So you don't have a long history to compare it to, just what has happened in the last ten weeks. You just opened, of course.

MR. JASTER: But as I said earlier, we had the temporary sign up and then I had to take that sign down because it was non-conforming.

In the week that we had the
sign down, business dropped almost 50 percent on those days. We were getting 30 to 40 to
50 people a night in, and once the sign came
down, that said, you know, open 5:00 p.m. on
it, it dropped down to 15 to 20 people in
those -- that's when I came in and talked
with the building department.

And when I put the sign back
out again, when I was able to put the sign
back out again, the numbers jumped right back
up again.

MR. IBE: So is the sign, is that
the main thing that attracts them? How did
they find out about the restaurant in the
first place, just driving down the street,
oh, here is a restaurant, let me just drive
in.

MR. JASTER: That is a big factor
of it. I mean, I have done billboards on 275
and on I96 and we have had over -- you know,
in our ten weeks of existence, we have had
over 3,000 hits on Yelp. And the Yelp people
say that that's on fire. You know, they are
impressed by it.

So, you know, people are
trying to find us. And one of the other
problems is when you click on the address --
I think it's through Microsoft or one of them
it actually sends you to a house in the
subdivision. It doesn't -- you know, so I
have been able to get Google to change their
location, so when you get directions it
brings you to the restaurant.

But, you know, big part of it
is they drive right by it because they don't
know it's there.

MR. IBE: What about the concerns
of -- I mean, you do have some approvals.
What about the neighbors who obviously are
centered about, what this additional sign
will bring. I mean, obviously, part of
factor we will look at whether or not the
adjacent or surrounding properties are going
to be adversely effected obviously by the
variance you're requesting for.

What do you say to that?

MR. JASTER: Well, the ones for
across the street -- there is not going to be
any signs -- not going to be any lights
shining that way because the light will be
perpendicular to Fourteen Mile and the light
of the sign will go east and west, not north
and south.

And as mentioned, you know, we can easily -- we don't have long hours. We are not a bar. We are not open until 2:00 in the morning. We are open until 11:00 on Friday and Saturday, 10:00 on the weekdays, 9:00 on Sunday.

So if it needs to have a timer on it, that shuts it off once the restaurant is closed, that's not a problem. So it's not going to be shining in anybody's windows in the evening.

MR. IBE: This subdivision, do they have a homeowners association?

MR. JASTER: Yes. In fact, I expected Mr. Wallace to be here. He had said Saturday when he was in that he was going to come and represent the association. You know, he said it was going to cost me soup for a year, but --

MR. IBE: Did he give you a letter from the homeowners --

MR. JASTER: I don't know. He said that he was going to be here tonight. I don't know what happened that he didn't show up.
MR. IBE: I assume he was going to be here to speak on behalf of himself or the homeowners?

MR. JASTER: On behalf of the homeowners association. He's one of the board members.

MR. IBE: I see. So when did you contact him about this problem you're having?

MR. JASTER: When did I contact who?

MR. IBE: The gentleman you're referring to?

MR. JASTER: Mr. Wallace?

MR. IBE: Yes.

MR. JASTER: I had told him probably a month ago that I was putting -- had put in the application.

MR. IBE: You don't know if he had a meeting of the homeowners to let them know about --

MR. JASTER: They did. They discussed it at their last homeowners association meeting which was about -- I think about ten days ago.

MR. IBE: Unfortunately he's not here today?
MR. JASTER: Yes. He told me Sunday that he was going to be here.

MR. IBE: You think it's because he had a change of heart or --

MR. JASTER: I don't think so. He's actually one of our best customers. He's in there four or five times a week.

MR. IBE: I see. Well, very well. Thank you so much. Appreciate it.

CHAIRPERSON GRONACHAN: Anyone else? Member Montville?

MR. MONTVILLE: Just so I have a firm understanding.

So you had a sign out there, they took it down, then business dropped 50 percent?

MR. JASTER: Right. I had put that sign out, and then I got a notice from the city that it was a non-conforming sign and I had to remove it and put it up by the building.

MR. MONTVILLE: Then you put in the temporary sign right now that's closer towards Novi Road?

MR. JASTER: That was the sign that I had out. And then once I got the
notice that I had to take it down, I moved it up next to the building.

And then when I came in and talked to the building department, they said I was -- once I put the application in for the variance, then I would be able to put a temporary sign back out, then I could put that sign back out again.

MR. MONTVILLE: Did you see an increase in business once you put that sign --

MR. JASTER: Absolutely. I mean, the only advertising we did for Easter Sunday brunch was on that sign. We had 150 people come in. It was on the sign for about five days.

MR. MONTVILLE: That's all I have. Thank you.

CHAIRPERSON GRONACHAN: Thank you.

I have a lot of questions. I think that you have done a very good job presenting your plight.

First of all, welcome to Novi as a business.

MR. JASTER: Thank you.
CHAIRPERSON GRONACHAN: I'm excited that there is going to be a restaurant in that area.

Having said that, I did drive up and down Novi Road -- listen to me. Fourteen Mile.

And I too am familiar with the history of that restaurant as well as the challenges on Fourteen Mile.

I want to thank you for addressing the concerns of the neighbors and the objections of the letters that we received.

But I have a few things that I would like my fellow board members to take into consideration.

First of all, I think that the uniqueness of this request is for identification to be separated from the golf course.

The golf course has a history and there has been a change in business.

So I feel that splitting the signs would be advantageous and perhaps cut down on some of the safety concerns that were addressed by the letters that we received.
Although I'm not so sure that turning left in that parking lot is what's causing the accidents, to be honest with you. There is a uniqueness because of the berm. There is a uniqueness because of the fact that this is a residential area, and we are treading on entering a business that has been there for a long time, but in essence has changed use. Before it was a private club, now it's open to the public. I do believe that there is a degree of difficulty, and the degree of difficulty would be that people -- the uniqueness of your business. People are not expecting to pull into a subdivision to get to a restaurant. You can't change that. You stated that, you have done your homework, you have gone to the the building department, it's not likely that we are going to put a road in just so we can get into your subdivision. Visibility is a problem. Not so much coming east on Fourteen Mile, but going west on Fourteen Mile because of the berm, and you can't -- you can't control
other drivers.

I would love the Novi police department to do that, however, it's not going to be a reality at this point.

We addressed the lights and that you were -- this petitioner is in agreement to limiting the light so that it doesn't affect the neighbors.

I believe that splitting this sign would address some of the safety concerns and perhaps -- I am not a traffic expert. However, when you're coming down Fourteen Mile and crossing past that berm, and that sign for the golf course is too far in, I'm not surprised that the golf course isn't here to ask for something.

So I believe that if you move the sign, that it would cause -- it would resolve most of the issues that you are talking about.

Now, having said all of that, there were four lights in the ground.

Can you tell me what the history is of those four lights?

MR. JASTER: Yes. I had a permit for a grand opening sign and that's where the
grand opening sign was.

I just haven't taken those lights. They are not plugged in or anything.

CHAIRPERSON GRONACHAN: So those lights are going away?

MR. JASTER: Yes, in fact, the reason I had not taken them out until this point is they had been frozen into the ground, so now they're not, so I can take them out.

CHAIRPERSON GRONACHAN: I have a question for the building department.

Tom, is it possible other than that ground sign, if the petitioner is granted a variance, is it possible for -- I'm walking down a slippery slope here -- but is it possible for a sign in the ground as opposed to -- I know that look. As opposed to if the sign that he's going to put in, is going to be similar to the sign that is there now, but further down, correct, am I understanding that correctly?

MR. WALSH: It's going to be a different sign.

MR. JASTER: Yes, it will be different.
MR. WALSH: It's going to be a ground sign.

CHAIRPERSON GRONACHAN: It's going to be a ground sign?

MR. WALSH: Your traditional ground sign.

CHAIRPERSON GRONACHAN: Because where those lights were almost looks like there was a sign there. Like there was a pole sign.

MR. JASTER: My grand opening sign. I put those lights in myself.

CHAIRPERSON GRONACHAN: There was nothing there --

MR. JASTER: I had a two foot by five foot grand opening January 17 that I was able to keep up for a two or three week period.

CHAIRPERSON GRONACHAN: Well, you addressed all my concerns. I am in full support of this.

I will be honest with you, I wasn't when I drove out there.

But your presentation and the concerns that we have addressed in terms of the other residents, and this board member
would support your request. I have nothing else.

MR. JASTER: Thank you.

It's also more difficult in the winter time when they have snow plowed there and they plow that entrance, it almost buries that sign, too.

CHAIRPERSON GRONACHAN: There is another degree of difficulty.

Anybody else?

MR. IBE: One question for the city, please.

Prior to -- this may be a silly question, but maybe the answer will answer it for me.

Prior to this restaurant being placed in this subdivision, residential, did the building department have to get some kind of approval to get this done first?

MR. WALSH: As far as the use or the --

MR. IBE: The use.

MR. WALSH: It was a pre-existing use. There was a restaurant there previous.

MR. IBE: There was a restaurant
there.

MR. WALSH: Originally, yes.

MR. IBE: Was it open to the public, the previous restaurant there?

MR. WALSH: It was, yes.

MR. JASTER: Yes.

MR. IBE: I thought they said it was a golf course -- private -- for the members only?

CHAIRPERSON GRONACHAN: If I may.

It was a restaurant for Maples of Novi, then Maples of Novi opened it up to the public.

I know that because I used to go there.

MR. IBE: So there was obviously no permits, nothing of that nature. It was just pre-existing and they just moved right in?

MR. WALSH: That is correct.

MR. IBE: All right. Did we know of any history of any prior request for variance by the previous restaurant there for similar -- any history that we know of?

MR. WALSH: I didn't find any past history.

MR. IBE: Sir, what makes you so
different from the prior restaurant that you think you require an additional sign?

MR. JASTER: Well, as the Chairperson said, it was originally kind of a private club for the subdivision, and that's where I think that original sign came from.

When they opened it up to the public, and actually, I think it was the Ram's Horn that used to be right there at Fourteen Mile and Novi Road, in that strip center, actually kind of moved over into that, he came in and he wasn't there very long, the people didn't like him, they didn't like his food and then they didn't support him and that's why he has gone out of business.

But I got, I believe a big part of it was because people didn't know that that was a restaurant that was open to the public.

MR. IBE: You're speculating? You're not for sure?

MR. JASTER: I am speculating.

MR. IBE: I like facts. If you don't have facts, just don't speculate.

MR. JASTER: Okay.
MR. IBE: All right. Very well.

Thank you, sir.

MR. BYRWA: I have a question for the building department.

CHAIRPERSON GRONACHAN: Certainly.

MR. BYRWA: The site plant really doesn't show where the right-of-way is.

Would you know, is that Fourteen Mile Road a 120 road and right-of-way?

And then the second question is, the sign isn't located on part of the right-of-way, it's entirely on private property?

MR. JASTER: Correct, yes.

MR. WALSH: As far as the right-of-way width, I'm not sure if it's 120 or 150, but the line kind of indicates, if you look at his plot plan, best thing to describe it, is where the north arrow is, you see kind of a line there.

MR. JASTER: Mr. Walsh pulled up the aerial view when we were there. Because I kind of figured that the sidewalk would have been on public property.

When he pulled up the aerial
view of it, the right-of-way is to just about
four or five feet from the telephone pole
between the sidewalk --

MR. BYRWA: There is no
encroachment or anything?
MR. JASTER: No.
MR. BYRWA: It's entirely on
private property?
MR. JASTER: Yes.

MR. BYRWA: Okay. Thank you.
CHAIRPERSON GRONACHAN: Anyone
else? I know that everybody is in deep
thought.

MS. KRIEGER: Further question.
For the previous restaurant, Maples of Novi,
they been in there -- how long were they in
there? Is there any information on that?
MR. JASTER: I'm not sure how
long the restaurant that was open to the
public was there. I'm guessing, I think
about a total of four years between two
different restaurants. The building was

MS. KRIEGER: Okay.
CHAIRPERSON GRONACHAN: If I can
answer, I can answer that question. It was
there at least eight years before it became a public -- open to the public. Because it was -- keep in mind when Maples Novi was built, it was for the golf course. And then they it opened to the public after that. And then I can't answer when it closed, but it's been there for a while.

MS. KRIEGER: The intent is to be a restaurant that can be used for the public.

CHAIRPERSON GRONACHAN: Member Ferrell.

MR. FERRELL: How many signs are they allowed to have?

MR. WALSH: Just one.

MR. FERRELL: How many square feet are they allowed?

MR. WALSH: Thirty.

MR. FERRELL: So it is allowed 30, okay. Then the fact that it's electronic.

MR. WALSH: It's allowed two-thirds of the sign.

MR. FERRELL: Thank you.

CHAIRPERSON GRONACHAN: I also
would have a question for the building
department.

So the fact that they're
taking their name off of the first sign,
they're removing the restaurant name off the
first sign, why do they need a variance for
the second one then?

MR. WALSH: The property is only
allowed one ground sign. Even though there
is technically two tenants, golf course and
the restaurant. So they get to share or have
one sign.

CHAIRPERSON GRONACHAN: I flunked
in that -- that question was on my test and I
didn't get it. Thank you.

Anyone else?

(No audible responses.)

Do I have a motion?

Really guys, you're going to
make me do this on my first night.

MR. IBE: One more minute.

MS. SAARELA: Not sure we should
be having discussions off the record.

MR. IBE: If we are to place
restrictions for this particular applicant
for the life of the sign, will that be okay,
if we decided to grant it?

MS. SAARELA: If you wanted to make it for this particular business, you can do that, yes.

MR. IBE: That way -- we don't want -- where someone comes in obviously I don't expect that will happen, but you never know. All right.

I haven't felt comfortable, but I think I feel comfortable enough to make a motion to grant this.

Madam Chair, okay, may I proceed?

CHAIRPERSON GRONACHAN: Proceed.

MR. IBE: In Case No. PZ15-0007, I move that we grant the ordinance, in the case sought by the applicant for the second ground sign.

Because petitioner has shown practical difficulty that would require the granting of the application for the following reasons.

Without the variance, petitioner has demonstrated by his own comments as well as some of the comments that was presented by some other members, that
they will be unreasonably prevented or limited with respect to the use of the property.

It is a restaurant that is on a private subdivision and a residential subdivision. And also has a golf course. The customers obviously have to find where they are going. Without this sign, it might make it far more difficult that the applicant will have the opportunity to maximize the use of this property for the purpose intended.

The property is unique, as stated earlier, that it is located in a subdivision, a residential subdivision and although there is a current sign that is shared by the restaurant as well as the golf course, but the berms -- and the fact that it's a 45 mile an hour road, makes it far more difficult that someone who comes closer to that sign will be able to see it right on time, to turn into this restaurant.

Petitioner did not create the condition. Obviously, the gentleman who represents the restaurant has eloquently stated that this restaurant has only been in
place for about ten weeks. And this business wasn't there before.

Although there was a prior restaurant that went out of business, we do not know exactly what caused it. But it is reasonable to assume, based on the presentations made by the applicant that perhaps they didn't have enough customers because nobody could find it.

While that is not something that we know for a fact, but I think a reasonable mind will almost come to that same conclusion.

The relief granted will not unreasonably interfere with adjacent or surrounding properties.

The applicant has stated that the -- he has brought this matter up before the subdivision homeowners association.

In fact, the president of that homeowners association was supposed to be here tonight to present positive testimony in support of the applicant.

However, the person is not here, and obviously will assume and take the credibility of the -- I'm sorry?
MR. JASTER: He's not the president, just one of the board members.

MR. IBE: Very well. Thanks for the correction.

MS. EADDY: May I --

CHAIRPERSON GRONACHAN: Not right now. I'm sorry, ma'am, out of order.

MR. IBE: The fact that the board member was going to come here, in fact, it was a meeting of the homeowners association prior to this meeting today, that obviously shows that the parties who matters, that live in the subdivision are at least in support of the applicant's request.

Finally, the relief is consistent with the spirit and intent of the ordinance.

The ordinance is meant to insure that we don't have a proliferation of signs everywhere.

However, the ordinance is not that rigid that it doesn't see when an exception should be made, where there is perhaps traffic problems, loss of life because people are speeding trying to get to a place.
And also we have to consider that the applicant is in a business, obviously to make some living. How else are you going to do it if there is no visibility. This sign itself provides an identification for this particular establishment, and continuing I think the granting of this variance will allow this establishment to be able to make towards the spirit of the ordinance.

I will also restrict the variance to this particular owner during the life of the restaurant itself. If a new owner -- if the restaurant is acquired by a new owner, or it goes out of business, the new owners, whoever decides to do something with it, will have to file a new application, even if they intend to continue using a new sign.

Based on this and the applicant's comments, member's comments as well as documents presented, I move that we grant the application.

MR. BYRWA: Agree to a time --

CHAIRPERSON GRONACHAN: Lights?

MR. IBE: The lights.
CHAIRPERSON GRONACHAN: Timers on the lights.

MR. IBE: Yes, timers on the lights.

MR. BYRWA: At closing. The light would be terminated at closing.

MR. JASTER: Like 15 minutes after or so?

MR. IBE: Thank you so much for the amendments.

The lights on that will be turned off at least 15 minutes after closing, which you said is based on the different hours that you close on different days. Very well.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: So we have a motion and it's been seconded.

Is there any further discussion?

I do have a question for the city attorney.

There is a person that walked into the audience that evidently has something to say in regards to this case. We can't change --
MS. SAARELA: It's too late. If you want to open up the public comment again at the end of this, you can do that.

CHAIRPERSON GRONACHAN: I figured. Thank you very much.

Seeing that there is no further discussion at this time, Angela, would you please call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Byrwa?

MR. BYRWA: Yes.

MS. PAWLOWSKI: Member Richert?

MR. RICHERT: Yes.

MS. PAWLOWSKI: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. PAWLOWSKI: Motion passes seven to zero.
CHAIRPERSON GRONACHAN:

Congratulations. Your sign has been granted. Good luck to you.

MR. JASTER: Thank you very much.

Once you adjourn, you ought to come over for a beverage.

CHAIRPERSON GRONACHAN: Thank you very much.

In regards to other matters, we have a late entry into the audience. I would like to open public comments at this time.

Ma'am, do you have something to offer to the Zoning Board at this time?

If you would please come up and state your name.

MS. EADDY: My name is Donna Eaddy. I live in the Maples. I am a board member of one of the associations in the area where Bottlz is there.

He didn't know I was going to be here tonight. I thought I would join in and since he was down a person, so was just going to add to the testament that it is a positive, has been beneficial with his business being there in our community. Thank
you so much.

MS. SAARELA: Could you spell
your last name.

MS. EADDY: E-a-d-d-y.

CHAIRPERSON GRONACHAN: I just
want to confirm, you are from the board, is
that correct?

MS. EADDY: I am from the board.

CHAIRPERSON GRONACHAN: You heard
the petitioner -- you may not have heard the
petitioner's testimony, just for
clarification, he said the board did approve
or support this request and that's what
you're here for this evening?

MS. EADDY: Yes. I represent
Maple Heights subdivision, our particular
board. There are four associations in that
subdivision, but yes.

CHAIRPERSON GRONACHAN: Thank you
very much. We appreciate your contribution.

Thank you.

Good luck.

That concludes our meeting
for this evening. I'm sorry that I ran over
my time.

I promised my board members
that it would be 30 minutes, so I just broke
my record. So maybe we do need a new
election. Just kidding.

MR. SANGHVI: No comments.

CHAIRPERSON GRONACHAN: Is there
any other matters for the board this evening?

MR. SANGHVI: Make a motion to
adjourn.

CHAIRPERSON GRONACHAN: I would
so entertain that motion.

MR. BYRWA: Second.

CHAIRPERSON GRONACHAN: It's been
moved and seconded that we adjourn the
meeting.

Meeting adjourned.

(The meeting was adjourned at 7:45 p.m.)

** ** **
I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the minutes taken before me in the above entitled matter was by me duly sworn at the aforementioned time and place; that the minutes were stenographically recorded and afterward transcribed by computer under my personal supervision, and that the said minutes are a full, true and correct transcript.

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

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan, this 28th day of April 2015.

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