REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday - April 8, 2014.

Proceedings taken in the matter of the ZONING
BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road,
Novi, Michigan on Tuesday, April 8, 2014

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

ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney
Coordinator: Valentina Nuculaj, Recording Secretary

REPORTED BY: Diane L. Szach, Certified Shorthand Reporter

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Novi, Michigan
Tuesday, April 8, 2014
7:00 p.m.

**  **  **

CHAIRPERSON FERRELL: Welcome to the
Tuesday, April 8th, regular meeting, scheduled meeting
of the Zoning Board of Appeals.

Ms. Nuculaj, I probably will be hacking
that up a little bit, if you'd call roll, please.
(Pledge recited.)
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11                   CHAIRPERSON FERRELL:  Okay.  If you could
call roll.
13                   MS. NUCULA:  Chair Ferrell?
14                   CHAIRPERSON FERRELL:  Here.
15                   MS. NUCULA:  Member Gerblick?  Absent,
16                   excused.
17                   Member Ghannam?  Absent, excused.
18                   Member Gronachan?
19                   MS. GRONACHAN:  Gronachan?
20                   MS. NUCULA:  Gronachan.
21                   MS. GRONACHAN:  Present.
22                   MS. NUCULA:  Member Ibe?
23                   MR. IBE:  Present.
24                   MS. NUCULA:  Member Krieger?
25                   MS. KRIEGER:  Here.
26                   MS. NUCULA:  Member Sanghvi?
27                   MR. SANGHVI:  Present. Thank you.
28                   CHAIRPERSON FERRELL:  Okay.  The public
hearing rules of conduct, there's a copy in the back
room if you'd like to have a copy of the agenda and
the public rules.  Also, we don't have a full board
today, so anybody wishing to be tabled until next
month may do so.
(No audible responses.)
31                   CHAIRPERSON FERRELL:  Okay.  Seeing none,
I'll move on.
33                   Next, approval of the agenda.  Any changes
or modifications to the agenda?
35                   MS. NUCULA:  Case PZ14-0008, Feldman
Automotive has been asked to be tabled to the May 13th
meeting.
37                   CHAIRPERSON FERRELL:  Okay.  Any other
changes?
39                   MS. NUCULA:  No.
40                   CHAIRPERSON FERRELL:  Do I hear a motion to
have that tabled?
42                   MR. SANGHVI:  So moved.
43                   MS. KRIEGER:  Second.
44                   CHAIRPERSON FERRELL:  We have a motion and
a second.  All in favor say aye.
46                   BOARD:  Aye.
47                   CHAIRPERSON FERRELL:  All opposed?
(No audible responses.)
49                   CHAIRPERSON FERRELL:  Seeing none, the case
will be tabled to next month.
51                   Approval of the minutes of the
January 14th, 2014 minutes.
53                   MS. SAARELA:  As far as the minutes, I
didn't get a chance to review them this morning, they
were due in a copy in my packet.  So I'm going to
request that we put off the approving of the minutes
until the May meeting.
58                   CHAIRPERSON FERRELL:  For both January and
February?
59                   MS. SAARELA:  Yes.
61                   CHAIRPERSON FERRELL:  Do we need to do a
motion for that?
62                   MS. SAARELA:  No, I don't think so.
63                   CHAIRPERSON FERRELL:  Okay.  Now any public
remarks, anything that's pertaining to any case that
has not anything to do with the cases in this meeting,
MR. LANDRY: Good evening. My name is David Landry, and I'm representing the applicant this evening, who is 886 Mill Street, the owner of the property in question. I'm here before you tonight seeking a variance from the requirements of the sign ordinance with respect to a changeable copy sign. However, I want to make it clear from the outset that what we are asking for is only a 5 percent variance in the nature of the changeable copy sign, only 5 percent of what your ordinance provides.

The property in question, if I can -- how does this -- there we go. The property in question is on the east east side of Wixom Road south of Grand River south of the dealership. It is right there. I don't know if this can get any clearer. But it is zoned I-1, but it is part of a larger I-1 parcel which has sort of an infamous history in Novi. It was called the Novi Promenade. It was the subject of a Consent Judgment in 2001. You know it as where the Target is and Sam's Club is. This is what has been historically known as Outlet Number 1, and pursuant to the Consent Judgment, although it is zoned I-1, it is allowed B-3 uses. And the actual Consent Judgment, I've attached it to my supplemental submissions as Exhibit C. It specifically indicates that with respect to signs, applicants can come to the ZBA and seek variances.

What we are asking for is a sign that would look like this. Now, this is slightly different from the original application. The original application, the sign looked like that, and it is smaller. I've made a separate exhibit here to show you the difference between what was originally submitted and what is submitted now.

What was originally submitted, virtually the entire sign would be changeable copy. The changeable copy portion was 4 by 7 feet. We've shrunk that so the changeable copy portion is now 3 feet by 7 feet. The total area of the sign is 30.7 square feet.

Now, the ordinance provides that the total area is not to exceed 30 square feet or one square foot for every two foot set back from the center line of the road. The center line of the road is 63 feet from the sign. Therefore, we are allowed 31.5 square feet, and this total square footage is 30.7. We are within the ordinance. The overall height of the sign is 6 feet. We are within the ordinance. The changeable copy portion, just this portion, according to the ordinance shall not exceed two-thirds of the entire square footage of the sign. As originally proposed, it violated that. We changed it. We shrunk...
the changeable copy portion. Currently it is 3 feet by 7 feet, which is 21 square feet. 21 square feet divided by 31.5 square feet is .6840. Two-thirds is .6666. So we are technically asking for a variance of 1.7 percent with respect to the changeable copy portion.

Now, the sign overall is a digital sign. It is comprised of 12 inch by 12 inch panels, and the sign however is different from what I submit your ordinance calls a changeable copy sign. A changeable copy sign as defined in Section 28.1 is a sign the copy of which can be changed manually or electronically while the surface of the sign remains unchanged. It's broad definition, the copy can change while the surface is unchanged. Technically this is a changeable copy because the copy can change. Examples are Mo's on Ten or Miracle Software. It's kind of a bad vision, but I think you know the Miracle Software sign. There is a Mo's on Ten sign. These are what I call dot matrix signs. They're dot matrix message boards where there is a message that is on the sign and it can change. According to the ordinance it can change once every 15 seconds or four times every minute. This message can change four times a minute. This sign displays a static image which we are proposing would change only once every five minutes. That's an eternity in the sign business.

Now, the purpose of the dot matrix message board is to display different messages for every user. That's the whole point of the sign. So if somebody is stopped at a traffic light, the light might be 60 seconds, might be 90 seconds if it's a really long sign. Four times every minute they're going to get blasted with several messages. This sign, the view for virtually everybody is not going to change. You're just going to have to be one of those people every five minutes that goes by the sign. Otherwise for the average person traveling up and down Wixom Road, this is just going to be -- look like a static sign, no flashing, no scrolling, no moveable transition, just a static sign.

Now, for purposes of safety, the Michigan Highway Safety Act provides that changeable copy signs can be safe and change seven times a minute, seven times a minute. We're only suggesting once every five minutes. So it would be virtually a static sign. Now, the image will be high resolution, it will be akin to a photograph. But currently there is a sign in Novi, the Wasabe sign. That's a very high resolution, and it's vinyl stretched over, but when it's lit, it looks like a very high resolution sign, and this sign as proposed would be high resolution.

Now, the variance is needed because looking at the ordinance as provided, Section 28.55(B), that changeable copy signs are permitted in places of worship, schools, theaters, entertainment, restaurant and recreational facilities. But the language of the ordinance gives specific uses, and then there is a modifier, and the modifier is similar venues similar to entertainment venues at which the entertainers, the shows change on a regular basis, recreational
This particular applicant sells high-end motor vehicles which change on a regular basis. These are not $1.50 items. These are very expensive, large items. The applicant, Varsity Lincoln, is a very well-respected and a very active corporate resident of this city. This type of business I suggest is exactly what was envisioned when the Promenade Consent Judgment was out there. It is not only a business, it is one of the leading Lincoln dealerships in the entire United States, and there is a reason for that, because of the way it conducts business.

This sign is different from what the ordinance anticipated. Is it changeable copy? Technically yes, because you can change the copy without changing the structure of the sign. But is it intended to display different messages for the same viewer, no. It would be simply a more accurate means of advertising as the car models change. I suggest this hybrid sign is a bridge between the specific uses and the modifying language. We're not seeking a bigger sign, we're not seeking a taller sign, we're not seeking a different location than your ordinance, we're just seeking a static display that merely changes 5 percent of the time, and here is why. Under your definition of changeable copy sign, it can change four times a minute. That's 240 times an hour. 240 different messages. This sign as proposed would change 12 times an hour. 12 divided by 240 is 5 percent. Your ordinance allows a changeable copy sign to change 5,760 times a day, 5,760 times a day. This would change 288 times a day. I'm suggesting it's in keeping with the spirit of the ordinance.

Finally, analyzed under Section 28.16, practical difficulty, are the circumstances unique? I suggest, yes, because the product changes. They're certainly as unique as any of the restaurants or other uses where products change on a usual basis. A denial would limit the applicant's ability to display their products.

And granting the variance would not be incompatible with or unreasonably interfere with the surrounding uses which are all industrial and business. It would result in substantial justice being done to this applicant, and I suggest substantial justice to the city, because the Novi Promenade, a large portion of which has remained vacant for a long time, to be able to have a business of this nature expand into it while only asking for a sign that differs in character 5 percent from what your ordinance is, only once every five minutes. That's our application. I'm happy to take any questions.

CHAIRPERSON FERRELL: Thank you, Mr. Landry, for your presentation. I'll open it up to the audience. If anyone has any questions or comments, they can come up to the podium.
the city if there's any comments.

MR. WALSH: No comments at this time.

CHAIRPERSON FERRELL: I'd ask the secretary
to read any correspondence.

MS. KRIEGER: In Case No. PZ14-0003, 11
were mailed, two returned, zero approvals, zero
objections.

CHAIRPERSON FERRELL: Open it up to the
board.

MR. SANGHVI: Thank you Mr. Chair. I have
known this property long before the Consent Judgment
came into the picture. I've been around 40 years in
the city, and I know this area very well. And without
going into the history of the situation in the past,
the problem at hand, I've got two questions.
Number one, what else is going there on
that sign other than the automobile you're showing?

MR. LANDRY: What advertisements would go
on there? Merely automobiles that would be sold on
the property.

MR. SANGHVI: Sold on the property. And my
second question was, this sign is going to be lit up
only during the business hours or going to be around
the clock?

MR. LANDRY: Well, I think the message
portion would be back lit I believe around the clock
with the static image changing every five minutes.

MR. SANGHVI: Around the clock?

MR. LANDRY: Yes, sir.

MR. SANGHVI: Okay. Thank you. I have no
problem supporting the application because these are
things that are going to come in the future in the
city, and we are aware that even though we don't talk
about specifics during the ZBA, we have some other
businesses with this kind of sign with a slight
modification, and as I said, I have no problem with
this sign, and I am quite willing to support their
application. Thank you.

CHAIRPERSON FERRELL: Thank you,
Mr. Sanghvi.

Any other discussion?

MR. IBE: Thank you. Thank you so much,
Mayor Landry. While your presentation was quite good,
and I think the supplement was very educating today,
but I do have a question that perhaps is also
something of concern to me.
I know that you have tried to qualify the
auto dealership within the language of the ordinance
itself. Could you tell me -- again perhaps I didn't
quite get it the first time, what is exceptional and
unique about this property that is different from any
other car dealerships in the City of Novi and warrants
that we grant you this variance?

MR. LANDRY: I would submit that what is
unique is that it is as unique as any of the uses in
your ordinance that allow changeable copy signs that
provide products and services that change on a regular
basis without being something that sells $1.50 items
and things like that.

When I say hybrid, I'm really serious about
that. In the sign industry, billboards, they change
MR. IBE: Just some more followup. Are you saying that under the ordinance that it is the intent of the ordinance itself to include a car dealership to be able to have changeable signs? Is that what you're saying?

MR. LANDRY: Well, let me say this. Actually it was kind of unique because I wrote the ordinance, I was on the group that wrote it. And I'm not here to give any insight, the ordinance is what it is and it says what it says, and it is your job to interpret and apply it. I do not want to usurp this group's authority in any way, shape or form. I would submit to you that what was considered were the dot matrix message boards. Those were what were considered, not these types of signs, and certainly not anything that only changed every five minutes, certainly not.

And I believe that -- I'll talk about it in the third person. The group when it struggled with this ordinance talked about what kind of businesses do we want that would want to do this. Restaurants obviously. And when you think about it, I guess one concern for this group would be the slippery slope. Well, if we let this car dealership, what's going to happen? Are all car dealerships going to get it?

MR. IBE: That was my next question.

MR. LANDRY: Are we going to do that? Well, let's analyze that for a minute. What does that mean, all car dealerships? There's five. How many restaurants are in the city? To my knowledge only one has a changeable content. So we know from our experience in this city that not everyone will take advantage, because we allow every restaurant, and only one has changeable. What is it, 75 restaurants in the city or something like that. And even worse case scenario, if they do, there is only five. It's a small sign. Don't forget, we haven't -- this isn't a billboard. We're not asking for anything larger than the ordinance allows, except 1 percent because of the percentage -- the calculation that I made, 1 percent larger.

So, yeah, you can look at this and say am I suggesting all car dealerships? Maybe. But even that wouldn't be so bad, there is only five of them. And it's -- I don't know that they're going to ask for it only to change five minutes, and that's really the key. Because when you analyze what we're asking for, if we asked for something 5 percent bigger, how would this group look at that. We want a sign that is only...
wouldn't be like we're asking for the world. If we wanted it 5 percent taller, I don't think this group
would think that we're asking for the world. The character of this sign, it technically fits your
definition only 5 percent of the time.
So let's look at the slippery slope. I don't think a 5 percent character changeable copy
would offend anybody. Just my thought.

MR. IBE: Well, let me take you to task then since you're the scrivener for this ordinance itself. So are you telling me, Counsel, that when you suggested the -- when you were specific here in the ordinance, and I'll read it to you, I'm sure you wrote it and you remember what it says. It states that this shall be permitted only, only for places of worship. Schools, not a car dealership. Movie theaters, not a car dealership. And similar entertainment. So does a car dealership now qualify as a place of entertainment?

MR. LANDRY: No.
MR. IBE: Does it?
MR. LANDRY: No.
MR. IBE: Okay. So tell me what in this ordinance gives your client the opportunity now to take advantage of the ordinance that you drafted?

MR. LANDRY: The ordinance that as you phrased it I drafted, let's go with this scenario that I drafted, doesn't talk about the sign. This sign is nowhere in your ordinance, which is why we are here tonight before you.

MR. IBE: That's correct.
MR. LANDRY: Because this sign is not contemplated anywhere. As the scrivener, since I've been anointed the scrivener, we didn't anticipate this sign. This is not a changeable copy sign as we defined it. We never considered it. Every five minutes, no one talked about that kind of sign.

So the answer to your question is that's why we're here, because under the ordinance we're nowhere. This sign that we're proposing is nowhere in the ordinance. That's why we're here.

MR. IBE: So if Feldman Automotive comes in next month and asks for the same thing, it wouldn't be out of character for us to say, well sure, we gave it to Varsity, Lincoln Varsity, so should we also give it to Feldman Automotive?

MR. LANDRY: Well, I don't appear before you that often, so I don't know how you'd respond to those kind of questions when you grant a sign to anybody and another person comes in and says, well, they got one, how come I can't I get one. That's -- you people are more familiar with that than I am.

But let me go back to what I said a minute ago. This sign is not provided for anywhere in your ordinance, and that possibility, that potential is at worst five signs, four more signs at worst, and we know from experience that not everybody has taken advantage. When it's expressed in the ordinance not everybody, only one restaurant has taken advantage of
MR. IBE: Well, thank you very much.
You've been quite enlightening on the issue. I will
see where the other members stand on this. I -- the
sign itself looks great. My only concern rests with
the fact that we are moving towards, I mean, the legal
term is slippery slope, and once we open it up, the
flood gates, I just hate to see -- and I like to be
fair. In other words, I simply can't grant one and
not give to the other, because obviously the fact that
your client sells a high-end car doesn't make it any
far more unique than the guy who sells -- because
obviously people buy based on their income. So, you
know, Varsity Lincoln, maybe the Ford dealership down
the street, Lexus, or maybe, you know, the GM cars
down the street, you know, who knows.
MR. LANDRY: There isn't a Ford dealership
in Novi, but --
MR. IBE: Well, other than that.
MR. LANDRY: I understand your point.
MR. IBE: You understand. I'm trying to
make an example for you.
MR. LANDRY: Sure.
MR. IBE: But certainly we cannot use the
fact that because if what you claim to be unique about
your client is that it sell high-end cars, I don't buy
that, Counsel.
MR. LANDRY: I'm not suggesting it's unique
because it sells it. That's in fact what it does, but
I'm not suggesting that the nature of its product --
the high-end portion is not because it sells things
that are expensive, as expensive. It doesn't sell --
it's not a department store. It doesn't sell widgets.
It's not a dollar store. I guess a dollar store could
come in and go, well, our products change all the
time, but there are thousands of products that change.
These don't. And they change every year, that's the
other thing. The toilet paper at a dollar store
doesn't change every year, but a Lincoln MKZ does,
that product changes every year. And to effectively
advertise it, I submit the business owner needs a
meaningful way to advertise it, where as a dollar
store, toilet paper 100 years ago is the same as it is
now, I'm assuming.
MR. IBE: So, Counsel, are you saying that
that is what is special and unique about your client?
MR. LANDRY: I'm saying that -- yes, that
the product is different that it sells. That is one
differentiating aspect of why it needs this sign and a
dollar store does not, because the products don't
change as much as ours do.
MR. IBE: Very well. Thank you very much.
MR. LANDRY: Thank you.
it has two road faces, two frontages, you have Grand River and you have Wixom Road, and considering the nature of that end of our city, it would be very attractive, so I can support that.

CHAIRPERSON FERRELL: Thank you.

MS. GRONACHAN: I would like to just put my comments on the record. I will be supporting this, and the reason for it is because I -- first of all, Mr. Landry did an excellent job explaining several points that I would like to bring out to anyone who is sitting on the fence so to speak.

One of the things he's not asking for, is he's not asking for a variance for the sign. The size of the sign meets the ordinance. It's the uniqueness of the sign, and the fact that Novi is not quite into the technology of it that requires the variance, if that makes sense.

So as Mr. Landry also said that -- he pointed out that it's limiting it on display, but we need to move into the future. It's not like every business in Novi is going to ask for a flashing sign. There are some signs that flash and distract from traffic throughout various cities, and I don't think that's what this sign is going to do.

I also think that the petitioner pointed out very clearly that this is unique in the type of business that it's doing. So maybe we need to go back to the ordinance review board and add uniqueness so it fits into this. I think that the petitioner displayed something like that. This isn't going to be a weekly event where there is going to be flashing, and I'm not going to name signs in Novi that I don't like, but I'm just saying that I don't think that there is a distraction here. I think it completes the business that's at the -- in the right part of town. We're not talking about, you know, in the heart of Main Street. I think that we're looking at a reasonable request, and that the petitioner indicated the percentage and numerous statements that he made, and without going on with any further length, I will be supporting this request.

CHAIRPERSON FERRELL: Okay. Any other discussion?

MR. IBE: Just real quick again.

CHAIRPERSON FERRELL: Yes.

MR. IBE: Just so you know, I'm not against this, but somebody has to obviously bring up some of the issues here.

MS. GRONACHAN: I agree.

MR. IBE: Because obviously this is going to present itself again. I mean, clearly when we pretend that your issues are a lot worse, we've seen cases before this board where parties have cited us as to what we've done in the past. And frankly if we are going to do one thing for John, which should be willing to do it for Jane. Sometimes we have to understand that being fair means that we have to be able to afford people the same treatment. The uniqueness he quoted about his sign, I understand it,
clearly understood. I always just want to make sure that we make a good record, because obviously if in the future someone comes up and brings up something similar, we don't pretend we haven't done this before. But clearly I think Mayor Landry did a fantastic job, and his point was well received, and I have no doubt that I will vote for the petitioner's request anyway. Thank you.

MS. GRONACHAN: Mr. Chair?

CHAIRPERSON FERRELL: Yes.

MS. GRONACHAN: Mr. Landry, I do have a question for you.

MR. LANDRY: Sure.

MS. GRONACHAN: As long as we have to be specific in our motion that we're going to make here, I would like to -- there isn't any problem to have this request for this particular sign attached to this business only? Would you have any objections if we add those words to our request?

MR. LANDRY: Not at all.

MS. GRONACHAN: I just wanted clarification.

MR. LANDRY: For clarification, I believe that technically there is two variances. We need the size of 1.7 percent increase in the changeable copy portion. That would be required under your Section 28.55(C), which says that the changeable copy portion shall not exceed two-thirds of the sign area. It technically is .6840 instead of .666. So variance number one would be the 1.7 percent increase in the changeable copy portion. And the second variance would be for the use of the sign at this location with the limitation of no changes more often than once every five minutes.

MS. GRONACHAN: Mr. Walsh, can I clarify?

MR. WALSH: Sure.

MS. GRONACHAN: In our instructions I don't have 28.55(C). So I want to clarify is this being requested correctly or --

MR. WALSH: As it was requested, they didn't ask for the second variance of the .6840. We calculated -- in staff we calculated it at .666, but as I see that you modified the sign, it was --

MR. LANDRY: In the subsequent submission I requested that. Originally I did not.

MR. WALSH: Originally it was not requested at that time.

MS. SAARELA: Because of the fact that it wasn't noticed for that, that would have to be a variance that we have to move for in a separate meeting, the second variance.

CHAIRPERSON FERRELL: Okay.

MS. SAARELA: So you can approve the single variance today for the changeable copy nature of the sign, but for the size of the changeable copy, it would have to be reset for a future meeting.

MR. LANDRY: For the 1.7 percent changeable copy portion we're happy to come back if that's what we have to do for that part. I would ask that you approve the changeable copy use tonight, and we can come back on the size.
MR. IBE: I want to make sure I get good shake at counsel here.

MR. LANDRY: You've been waiting to do that for a long time.

MR. IBE: Oh, no, not really.

MS. GRONACHAN: It's entertainment.

MR. IBE: No, no, you understand how it works.

MS. GRONACHAN: We like a good banter now and then.

MR. IBE: Case No. PZ14-0003, Varsity Lincoln, I move that we approve the request for the changeable copy as requested by the applicant. The applicant has provided significant examples and information to us that warrants for the application to be granted. The applicant has proven that there are features, that are exceptions that we make to this property and did not result from conditions that exist generally in the city and that are not self-created.

One of the things the applicant has talked about is the product itself that the applicants sells. These are not products that change frequently, these are once-a-year kind of change, and this makes it significantly different from other parties who may seek to use this same request for changeable electronic message that has been requested by this particular applicant, and the fact that the applicant also needs to market each product in a way to specific customers that are tailored for this particular product makes the product itself unique and not self-created.

Second, the features -- the failure to grant will unreasonably, you know, prevent or limit the use of the property and will substantially inconvenience this particular applicant from meeting a higher economic or financial return based on the fact that the applicant sells a product that is exceptionally unique.

Now, there are issues that may have been raised during the course of the conversations regarding whether or not this particular applicant requests falls under the auspices of the ordinance itself. There is a part of the ordinance that talks about similar -- similar businesses that obviously have a need for changeable copies. This particular applicant has demonstrated that it does meet the language of the ordinance and that the spirit and intent of the ordinance is meant to accommodate what has been requested here by the applicant.

Now, the grant of relief will not result in the use of a structure that is incompatible with or will unreasonably interfere with already existing properties. Obviously based on what we know, the
property itself has been a vacant lot, and this will bring about more needed improvement to this particular area. So I believe that the adjacent properties will actually benefit from having that particular property developed the way that this petitioner intends to do. And finally, the grant of this petition is consistent with the spirit of the zoning ordinance, and is not -- and is not something that is predominantly allowed in the City of Novi.

Therefore I move that based on the presentation made by the applicant's representative, the discussion that has taken place here with all the members, that we grant the request as stated by the applicant.

And the final issue, I think there is issue as to whether or not this particular variance that's being granted is going to be specific as to the applicant only.

MS. KRIEGER: As well as the only business.
MR. IBE: As well as the only business, yes.
MS. KRIEGER: As to the one every five minutes like the mayor was stating.

MR. IBE: Yes.
MR. SANGHVI: Second.
CHAIRPERSON FERRELL: We have the motion and a second. Ms. Nuculaj?
MS. NUCULAJ: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. NUCULAJ: Member Gronachan?
MS. GRONACHAN: Yes.
MS. NUCULAJ: Member Ibe?
MR. IBE: Present.
MS. NUCULAJ: Member -- sorry?
MR. IBE: Yes. I was present, but, yes.
MS. NUCULAJ: Member Krieger?
MS. KRIEGER: Yes.
MS. NUCULAJ: Member Sanghvi?
MR. SANGHVI: Yes.
MS. NUCULAJ: Motion passes five to zero.
CHAIRPERSON FERRELL: Congratulations.
MR. LANDRY: Thank you very much. Do I need to submit an entirely new application for the other --

MR. WALSH: Yes.
MR. LANDRY: Thank you very much. Thank you for your consideration.
MR. IBE: Thank you so much, Counsel. It was a pleasure.

CHAIRPERSON FERRELL: Moving on to Case No. 2, PZ14-0004, 24151 Cortland Boulevard, Orchard Ridge Estates. Come on up and be sworn in by the secretary if you're not an attorney, and state and spell your name for the reporter, please.

MR. KUZMA: Good evening, Todd Kuzma, K-u-z-m-a.
MS. KRIEGER: You're not an attorney?
MR. KUZMA: No.
MS. KRIEGER: Do you swear or affirm in this case, PZ14-0004 for Orchard Ridge Estates to tell
the truth in this case?

MR. KUZMA: Yes, ma'am.

MS. KRIEGER: Thank you.

MR. KUZMA: Good evening again. My name is Todd Kuzma, Orchard Ridge Estates. I'm the vice president. Forgive me, I'm not an attorney and won't being as eloquent as David. I'm also not the architect who was supposed to be here this evening, but we'll do our best.

You do have drawings in front of you, correct?

CHAIRPERSON FERRELL: Yes.

MR. KUZMA: Okay. What we are looking for this evening is no change in signage or size.

Everything we've submitted meets code. We've had Charles Boulard out two times, David Beschke out.

What we're trying to do only is move the sign 5 feet forward so it sits on the crest of the hill where it makes sense.

We have a unique situation because of the curvature of the land, we have kind of a turn lane that comes in. So we're a little bit unique compared to the other side. Our setbacks back are going to be far -- are going to be much further back than the same development across the street, Churchill Crossing. So there will be no safety issues or anything else with regards to any car being able to hit the sign.

What we're trying to do is beautify the front of the subdivision. Our sign currently is in the middle. It cannot be seen. We're looking at two signs that would sit at a 45 degree angle so you can see east and west coming. The setback is such that our property line where we're measuring the 25 feet back is already 12 to 13 feet past the sidewalk. So our setback is -- back compared to the other side of the street, we're back 37 feet or greater compared to Churchill Crossing, which is actually only 14 feet back. So we're not looking for anything unusual that would cause people driving by to say, wow, their signs are too close.

What we have done for safety considerations, and Dave Beschke the landscape architect of the city knows, we're going to be removing trees, because as you may or may not know, we had a child, 14 year old hit at the front of our subdivision. Coincidentally we've been -- well, not coincidentally, more like ironically we've been working -- I've been working on this for five years. The mayor announced that we were going to be changing the sign like two years ago at the State of the Union -- State of the City address. I had tried to get signs, stop signs at the -- where the sidewalk is, and I was told by the county that you don't get signs because you have a stop light. I said, yeah, but kids aren't looking at stop lights. All I wanted was one of those little stop signs, the small one. Well, when the child got hit this fall, guess what, magically a stop sign appeared.

So we are trying to clear the right-of-way by moving the sign out of the center, by clearing the large trees, which Dave Beschke has already said would
are on the west hand side of the street. And I can
put -- you can guys have -- I haven't used one of
these things in a while. Let's see if this makes some
sense.

If you can -- I'll just kind of point here.
This is the west side of the street, here is Ten Mile,
east side of the street. As you can see we've got a
turn lane that curves in right here. So our setbacks
are farther back -- when you look at the center line
of the road, much farther back than what Churchill
Crossing is. So all things being equal, we're going
to be -- looking to be even with our variance much
farther back than where Churchill's signs are. It's
just the nature of the street and -- when Ten Mile was
widened I believe years ago to put in the deceleration
lane.

So our sidewalk basically comes this
direction and curves. Our property line is being
measured from this point here, which is, oh, at least
14 feet off of the sidewalk. So we just -- we just
don't happen to own to the road or to the sidewalk
like Churchill does, which is the point which you
measure the 25 feet back.

So all we're looking to do is move the sign
in 5 feet so that this sign on the west hand side is
at the crest of the hill instead of literally behind
it. It wouldn't make much sense at all to have the
sign there, because you just -- when you stand out
there, you just don't have line of sight if you go
back. That 5 feet makes pretty much all the
difference in the world.

And to make sure that everything is lined
up and equal because of the curvature of the
topography, we're looking at moving in a foot and a
half to two feet, we put two feet, on the east hand
side of the road. Again, all the locations that
you're looking at right now are basically where the
trees are. So all of the trees and the scrub brush
or the bushes I should say are going to be removed,
the signs are going to be there. All of this will be
behind all lines of sight for cars pulling out and
coming in. We're going to greatly increase the
visibility.

The signs, if you have seen or not seen --
I'll give you -- we ended up with a sign very similar
to this, except I think we're going straight, the
design that we are going with, but this is just kind
of a nice rendition real quick.

This is the sign that your sign group has
approved and said is within scope. So the only

variance we're looking at is just the placement.

Let's see. I just want to make sure I
covered everything. Obviously the landscaping is all
going to be redone after we pull out the greenery.
Dave Beschke has reviewed the site plan and the
landscaping and has no problem with the added greenery
we will put in to make up for what we're taking out.
Again, the trees that are there now are not at all --
would not be in code if we were to redo the
subdivision today.
That's pretty much all I have. It's easy
to -- it's -- basically let's put it this way. When I
walked through with Charles Boulard a couple of times,
he had no issue with it, but as he said, you have to
come before the ZBA because he doesn't have the
authorization to proceed forward. So that's what
we're looking for today. I'll open it up for
questions.
CHAIRPERSON FERRELL: Thank you very much.
Just so you know, not being an attorney, you did very
well.
MR. KUZMAN: I wish I had time to practice.
I don't like that.
CHAIRPERSON FERRELL: Anybody in the
audience have any comments or questions or concerns
about this?
(No audible responses.)
CHAIRPERSON FERRELL:
Seeing none, the city any comments?
MR. WALSH: No comments at this time.
CHAIRPERSON FERRELL: Okay. We'll have the
secretary read the correspondence.
MS. KRIEGER: In the Case No. PZ14-0004, 25
mailed, one returned, zero approvals, zero objections.
CHAIRPERSON FERRELL: It's up to the board
for discussion.
MS. GRONACHAN: Well, I would like to say
to the petitioner, for not having any experience, I
think you did a very good job.
MR. KUZMA: Well, thanks.
MS. GRONACHAN: Actually you've answered
30 percent of my questions or even more than that.
MR. KUZMA: 30? 30? Okay. We'll work on
the other 70 right now.
MS. GRONACHAN: Actually you did more than
30 percent.
MR. KUZMA: Oh, good.
MS. GRONACHAN: I -- again, I don't really
have any additional questions. I would like to
commend Orchard Ridge Estates for taking the safety
concerns into consideration when you were planning
this out. And I don't feel that there is any
additional information that I need. So therefore I
will be supporting this.
CHAIRPERSON FERRELL: Anybody else?
MS. KRIEGER: I agree. When I walked by
there, the line of sight, there is not much room, so.
MR. KUZMA: Yes. And I have small
children, so this was, you know, pretty important to
me. And I would like to go on record as saying I've
been trying to do this for years, and it was -- you
know, it hasn't been -- you know, just a stop sign
alone was quite an issue. So --
MS. KRIEGER: I can support it.
MR. KUZMA: It happens.
CHAIRPERSON FERRELL: Anything else?
(No audible responses.)
CHAIRPERSON FERRELL: Okay. I'll entertain
a motion.
MS. GRONACHAN: I would like to move that in Case No. PZ14-0004 for Orchard Ridge Estates that the request be granted based on the set of circumstances and features that are exceptional and unique to this piece of property and do not result from conditions that exist generally in the city, specifically the lack of property to create a further setback. Failure to grant this relief would unreasonably prevent and limit the use of the property and would result in substantially more than a mere inconvenience as so stated by petitioner, and the grant of the relief will not result in a use that is incompatible or unreasonable within the surrounding properties, would result in substantial justice being done to both the applicant and/or adjacent surrounding properties, and is not inconsistent with the spirit of the ordinance.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: We have a motion and a second.

Ms. Nuculaj?

MS. NUCULAJ: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. NUCULAJ: Member Gronachan?

MS. GRONACHAN: Yes.

MS. NUCULAJ: Member Ibe?

MR. IBE: Yes.

MS. NUCULAJ: Member Krieger?

MS. KRIEGER: Yes.

MS. NUCULAJ: Member Sanghvi?

MR. SANGHVI: Yes.

MS. NUCULAJ: Motion passes five to zero.

CHAIRPERSON FERRELL: Congratulations.

MR. KUZMA: Thank you, and congratulations to the city. It's going to look a heck of a lot better than it looks right now.

CHAIRPERSON FERRELL: Moving on to Case No. 3, PZ14-0005, 1171 East Lake Drive. Come on up and be sworn if you're not an attorney and state and spell your name for the recorder.

MR. KWAPIS: My name is Gary Kwapis. I'm with Heins & Kwapis Architects. I represent the McDonalds in a request to build an addition to their home.

MS. KRIEGER: Are you attorney?

MR. KWAPIS: No, I am not, I'm an architect.

MS. KRIEGER: Can you spell again your last name for the recorder?

MR. KWAPIS: K-w-a-p-i-s.

MS. KRIEGER: And then for Case No. PZ14-0005, 1171 East Lake Drive, do you swear or affirm to tell the truth?

MR. KWAPIS: Yes.

MS. KRIEGER: Thank you.

MR. KWAPIS: Again, I'm representing the McDonalds. I'm the architect of the project. Currently the house is located at 1171. It's a one-story home with a two-and-a-half car garage behind...
it, and what they're requesting is to add on to the existing home. The current home is 1700 square feet, and they want to add on to an area to create a breezeway connection which they currently don't have between the existing garage and their current residence, but then also we'd like to create more space. They are a family of seven, two adults and five children, and they wish to also increase their footprint, and in doing so with bedrooms and so forth on the second floor. And then also with that we would like to also -- they're adding on also a screened-in porch. They face the lake, Walled Lake, and currently the setbacks are such that they're asking for a variance as noted there of 3 feet and so forth. There is a driveway to the one side, to the south side of the property, and to the north side is the 3 foot variance they're requesting, and the total would be 8. Basically they requested this because of the hardship that wasn't created by them of the existing footprint. We didn't want to come forward on the site for fear of blocking the adjoining neighbors out to their view of Walled Lake. So mainly what we're trying to do is again incorporate to place the house and do the addition on the second floor but not incorporate all the addition on the full footprint of the existing first floor so that it took -- it not take advantage of the setback requirements, and also with the additions we did the same thing to not take advantage of the setback requirements, both for that breezeway connection between the porch and so forth, and the front future sun screened porch. So basically that's what they're requesting.

CHAIRPERSON FERRELL: Okay. Thank you very much.

MR. KWAPIS: You're welcome.

CHAIRPERSON FERRELL: Anybody in the audience have any comments.

(No audible responses.)

CHAIRPERSON FERRELL: Anyone from the city any comments?

MR. WALSH: Just one concern. As the applicant indicated, it's a one-story house. With the second story addition, I would be concerned that if the existing foundation can't support the second story addition and that they have to completely remove the house to rebuild it, that it would come back to the board as a new case.

CHAIRPERSON FERRELL: Any correspondence?

MS. KRIEGER: In Case No. PZ-14-0005, mailed, zero returned, one approval, zero objections. The approval is, I'm concerned about the water level runoff for both houses. My basement leaks somewhere when it rains heavy if the gutters are plugged with leaves. We have many trees. I will surely have water. Please have engineers design the water flow. From Carol Kernen 1167 East Lake. That's it.

CHAIRPERSON FERRELL: Up to the board for any discussion.

MR. SANGHVI: Yes. Thank you. Thank you. I was there on your property a
couple days ago and looking around, and I realize that almost every property in that area, if they want to do something, it's going to require a variance because the houses are not designed for the kind of housing in this day and age, and I have no problem supporting your request. Thank you.

MR. KWAPIS: Thank you.

CHAIRPERSON FERRELL: I have a question. The concern that the neighbor has, are you going to do anything --

MR. KWAPIS: Yes, we've addressed that issue. As you can look at the front of the elevation of the building now, we've moved the roof line from the back. So there wouldn't be any gutter lines now toward the north side. Currently there is -- the way the roof is pitched on the existing house, it pitches toward the neighbors, one portion of it. And we've now to alleviate that issue, we've changed the roof slope to go front to back, and so that the water would pitch like behind the garage, that area, and be drained back from that way and also to the front. It doesn't go near the neighbor any more.

CHAIRPERSON FERRELL: You definitely have my support on this. Anything to better the community and the neighborhood I definitely support. Anybody else?

Ms. KRIEGER: I just have a question. Like Mr. Walsh was saying, have you discovered the basement, can it support a second story?

MR. KWAPIS: There has been some exploration of that. Part of the wall to the existing structure was corrected several years ago I know on the south side, and we're exploring the north, west and east yet. And most of that we believe can, and we're also adding additional columns and so forth to work with that structure.

Ms. KRIEGER: Thank you.

CHAIRPERSON FERRELL: Any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: We'll entertain a motion.

MR. IBE: I'll do it. Case No. PZ14-0005, 1171 East Lake Drive. I move that we grant the petitioner's request as requested for the following reasons. One, there are unique circumstances of the current conditions of the property such as the narrowness of the property itself that makes it -- that warrants for a variance to be granted, and the property is located on a very narrow nonconforming lot from what has been stated here by the applicant's representative, and that by itself makes it more of a very difficult lot to work with, and without a variance, what the applicant hence wants to accomplish would not be practical and would not be able to get accomplished. So a variance is necessary. Second, the need is not self-created. Obviously it did not from them, it is what it is. It's done by nature, and you bought the land and
that's just how it is. So you obviously need the variance in order to work it. Strict compliance with regulations governing area setbacks, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

The requested variance is the minimum variance necessary to do substantial justice to the applicants as well as to the other property owners in the district.

The requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district. In fact, by granting this variance, an improvement that is intended by the applicants will in fact increase the property values in this area. will make it to look more attractive. And so I'm quite sure that the neighbors will find it a very welcoming improvement. Therefore, based on the applicant's document that was submitted, the presentation made by the applicant's representative, the questions and comments that have been put on by board, I move that we grant the applicant's request.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: We have a motion and second.

MS. KRIEGER: In regards to that also, that if they had a concern with the second story support with the basement?

MR. IBE: Yes.

MS. KRIEGER: To work with the city?

MR. IBE: Yes. In the event where the foundation is unable to support the second story that is intended here, that the parties will obviously work with the city to fashion a way to accomplish the intent of the property owner as well as what the city requires under the law. Is that fine?

CHAIRPERSON FERRELL: Yes.

MR. IBE: Very well.

CHAIRPERSON FERRELL: Anybody else have any discussion?

(No audible responses.)

CHAIRPERSON FERRELL: We have a motion and second. Ms. Nuculaj?

MS. NUCULAJ: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. NUCULAJ: Member Gronachan?

MS. GRONACHAN: Yes.

MS. NUCULAJ: Member Ibe?

MR. IBE: Yes.

MS. NUCULAJ: Member Krieger?

MS. KRIEGER: Yes.

MS. NUCULAJ: Member Sanghvi?

MR. SANGHVI: Yes.

MS. NUCULAJ: Motion passes five to zero.

CHAIRPERSON FERRELL: Congratulations.

MR. KWAPIS: Thank you very much.

CHAIRPERSON FERRELL: Moving on to Case No.
MR. PHILLIPS: Good evening, I am not an attorney, and neither is Matt here.

CHAIRPERSON FERRELL: Just go ahead and state and spell your name.

MR. PHILLIPS: Okay. Name is Ed Phillips, Phillips Sign and Lighting, 40920 Executive Drive, Harrison Township.

MR. HECKERT: And my name is Matthew Heckert, general manager of Buddy's Pizza. Last name is H-e-c-k-e-r-t.

MS. KRIEGER: For both of you, in the Case No. PZ14-0006, Buddy's Pizza, C103, do you both swear or affirm to tell the truth in this case?

MR. PHILLIPS: Yes.

MR. HECKERT: Yes.

MS. KRIEGER: Thank you.

MR. PHILLIPS: Okay. Just a quick outline here. We are here basically representing the new Buddy's Pizza to be located at 44225 Twelve Mile in the Fountain View Shopping Center. Our hardship is lack of identification and due to the landscaping and building setback. Neither issue is self-created.

I have a handout I'd like to pass out real quick if I may. If you could refer to my handout on Page A, the first page. It's obviously an overview of the new Buddy's location. Please note that we've indicated on there that there's a 485 feet setback from Twelve Mile. We're 355 feet from Cabaret Drive. Pages B, C and D are all images, they're Google Earth images obviously of street view. They are from a couple of years ago, because these trees if you go there today are a little larger than this. We believe given these current setbacks and the vegetation, and we're demonstrating clearly that the signage that we're asking for although modest in increase in size is really required or needed. This space is presently only exterior walls. If anyone -- if you've ever been in there, the space has never been occupied. The mall has been struggling. It's all open. It's demanding -- it's 8,000 square foot, so it's going to demand a serious investment.

The exterior design of the mall, again to go back to my cover page, you'll see the lower left corner, that is the Buddy's section, how distractible -- how distracting that drive is. I mean, it's like a puzzle up there. So that's another reason we think that we do need something a little bit outside the ordinance.

We know that the site is going to be a challenge to get going. Assuming your approval this evening and our dedication to quality food and great service, we believe we can become a successful member of the Novi community. I can answer any questions on the signage.

CHAIRPERSON FERRELL: Okay. Thank you very much.
Anybody in the audience?
(No audible responses.)

CHAIRPERSON FERRELL: Hearing none. The city, any comments?

MR. WALSH: No comments at this time.

CHAIRPERSON FERRELL: Any correspondence?

MS. KRIEGER: In Case No. PZ14-0006, 29 mailed, two returned, one approval, zero objections. And the approval is, "I am the owner of Twelve Mile Crossing at Fountain Walk where this Buddy’s Pizza is opening. I believe allowing Buddy’s additional signage would be beneficial to all, the city, Buddy’s Pizza and the shopping center." And it’s from Stanley Spiegel. That’s it.

CHAIRPERSON FERRELL: Thank you. Opening it up to the board for any discussion.

MR. IBE: Just quickly. For the board, I must say congratulations to Buddy’s -- I mean to the city. I enjoy Buddy’s Pizza.

MR. PHILLIPS: Thank you.

MR. IBE: In fact, there’s one next to my firm in Farmington Hills. Unfortunately I can’t make the drive from Farmington Hills to Novi. So it’s welcoming experience to know that we’re going have a quality pizza place in the city. I have no problem at all supporting this considering the uniqueness of where your property is located in relation to Twelve Mile Road, because obviously if -- the businesses in that area are struggling. I think -- I do -- I think your business will be next to the Putting Edge? Is that close to the Putting Edge?

MS. KRIEGER: Yes.

MR. IBE: That’s where it’s located, right.

MS. KRIEGER: Yes.

MR. IBE: It’s difficult to know that there’s anything right there unless you literally drive in and you have to know your way around, because there’s abandoned business or not too many businesses there right now. So anything that will attract more traffic I think would be a welcome addition not to just to Buddy’s but to the other businesses that are within that same district.

So I have no problem at all supporting this, and congratulations.

MR. PHILLIPS: Thank you.

CHAIRPERSON FERRELL: Thank you. Anybody else?

Mr. Sanghvi?

MR. SANGHVI: Thank you. I think everybody with any children or grandchildren knows what Buddy’s Pizza is all about, and I think it will be a great addition in the city, and you are well back from sight from the main road and you need somewhere signage where exactly you are located even though people know that you’re in Fountain Walk, and with the new building coming up, it will be easier to find you, your entrance way. So I have no problem with the signage so you can be found easily. Thank you.

MR. PHILLIPS: Thank you.
MS. GRONACHAN: Congratulations and welcome to Novi.

MR. PHILLIPS: Thank you.

MS. GRONACHAN: I understand Buddy's and I have no grandchildren, just so you know. Just saying. I concur with the difficulty of driving throughout that parking lot, that row of businesses which is why I'm supporting the signage, the variance request because of the uniqueness, because of the lay of the business.

My question, though, is I just want to confirm these numbers are pretty impressive on the size of the signs, and I just want to make sure that this is -- is this the very least that you can go with on these signs. I mean, I understand the reasoning for it, and I'm in support of the identification. I'm just want to make sure that we're not doing overkill under the circumstances.

MR. PHILLIPS: Fair question. I think if you looked at the site, we put the banners up to give you some idea. If you look at the lower left corner again on Page A, that white box that you see on there is way larger than the signs. The sign image itself is contained within that white area, and the signage isn't going to have nearly the impact of the white square there. If you see both those signs, you see the one on front, it's really barely discernible on the north elevation, but on the west way over there, I mean, the signs are small. So in answer to your question, I really do believe it's very modest what we've asked for given the size of these walls. I do have a calculation on that for you.

MS. GRONACHAN: Okay.

MR. PHILLIPS: On the north elevation, we are -- we're showing a building dimension of 38 feet by 78.3, and we're showing a total overall signage or signage presence on that wall, which is the front Twelve Mile Road elevation, of 2.7 percent of the wall. It's nothing.

MS. GRONACHAN: Okay.

MR. PHILLIPS: On the other wall, the west wall it's even less. On the west wall we have a 38 by 110. We're showing a 2.2 percentage of the signage given the size of the wall.

MS. GRONACHAN: And I wanted that on the record, so I appreciate the further explanation. I think it needs to be duly noted on the record. Thank you for that explanation.

MS. GRONACHAN: I have no further questions.

CHAIRPERSON FERRELL: Thank you.

MS. KRIEGER: Is it going to be backlit?

MR. PHILLIPS: Yes.

MS. KRIEGER: Okay. I'll also be supporting the motion. Did you want me to do it?

CHAIRPERSON FERRELL: Yes.

MS. KRIEGER: In Case No. PZ14-0006, Buddy's Pizza, C103, I motion to approve the request for the petitioner. The request is based upon circumstances or features that are exceptional and...
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19 unique to the property. In Fountain Walk with the
distances and the way it's set up surely is unique and
do not result from conditions that exist generally in
the city nor are self-created. The failure to grant
relief will unduly prevent or limit the use of the
property and will result in substantially more than
mere inconvenience or inability to obtain a higher

economic or financial return.

Because of the proportionate size that was
described, the 2.7 percent versus the size of the
wall, the grant of relief will not result in 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
bringing more attention to and more use of the
Fountain Walk area, and is not inconsistent with the
spirit of the ordinance.

MS. GRONACHAN: Second.
MR. IBE: Second.
CHAIRPERSON FERRELL: Any further
discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing none,
Ms. Nuculaj?

MS. NUCULA\]: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. NUCULA\]: Member Gronachan?
MS. GRONACHAN: Yes.
MS. NUCULA\]: Member Ibe?
MR. IBE: Yes.
MS. NUCULA\]: Member Krieger?

MS. KRIEGER: Yes.
MS. NUCULA\]: And Member Sanghvi?
MR. SANGHVI: Yes.
MS. NUCULA\]: Motion passes five to zero.
MR. PHILLIPS: Thank you.
MS. KRIEGER: Looking forward to pizza.
MR. HECKERT: Thank you board members.
CHAIRPERSON FERRELL: When are you opening?
MR. PHILLIPS: August. We're looking
forward to being in Novi.

MR. IBE: Thank you.
CHAIRPERSON FERRELL: Moving on to Case No.
5, PZ14-0007, 47900 Grand River, Applebee's
Restaurant.

MR. QUINN: Good evening, ladies and
gentlemen. Matthew Quinn appearing on behalf of
Schostack, the owners of the Applebee's here in
Michigan. You know, I guess ex-older mayors don't
have to speak as fast as ex-new mayors to convince you
to get what they want.
You'll recall that Applebee's was -- we
were here on February 11th. I would like to
incorporate our presentation at that time and all the
comments and the diagrams we showed you. Because of
the typographical error in the paperwork and the
publication, we could not get our total of an 8 foot
variance for a 6 foot sign. You granted us at that
time the 7 foot variance, and we had to come back for

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the extra foot making it 8 feet.

Now I would be more than happy to go through all of my slides again for you, but if you don't want me to do that, I'll be more than happy to answer any questions, but we would like you to grant the variance so that the sign could be 8 feet tall.

CHAIRPERSON FERRELL: Thank you very much. Anybody in the public have any comments?

No audible response.

CHAIRPERSON FERRELL: Hearing none, does the city have any comments?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Any correspondence?

MS. KRIEGER: In Case No. PZ14-0007, nine were mailed, zero returned, zero approvals, zero objections.

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

MS. GRONACHAN: Yes.

CHAIRPERSON FERRELL: Yes.

MS. GRONACHAN: Good evening. Welcome back. None of us has Alzheimer's so we all remember.

MR. QUINN: Good.

MS. GRONACHAN: And it's a mayors' meeting I guess.

MR. QUINN: I guess it must be, yes.

MS. GRONACHAN: There will be a group shot after the meeting is over.

All kidding aside, I'm not going to make you go through everything. We do remember, and because of the typographical error that you duly noted, I will be in full support of increasing this 1 foot. And again as previously mentioned, it was due to the lay of the land so to speak and uniqueness and the location, and I think that the 1 foot is only going to help it more, especially in inclement weather given that the petitioner -- what the petitioner previously presented to us in the February meeting. That's it.

CHAIRPERSON FERRELL: Thank you.

MS. GRONACHAN: Okay. I move in Case No. PZ14-0007, Applebee's Restaurant, that the request to increase the sign that was previously granted approved in February of 2014 from 7 feet to 8 foot. Based on the previous case discussion both by the petitioner and this board, the request is based upon circumstances or features that are exceptional and unique to this property and do not result from conditions that exist generally in the city, and it is definitely not self-created. The failure to grant relief will unreasonably prevent the use or limit the use of this property and would result in substantially more than a mere inconvenience. And the granted relief will not result in the use of the structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties.

MR. SANGHVI: Second.

MS. KRIEGER: As per this petitioner?

MS. GRONACHAN: Specific to this petitioner as previously indicated in the February minutes and discussions.
CHAIRPERSON FERRELL: Any other discussion?

(No audible responses.)

CHAIRPERSON FERRELL: We have motion and second. Call roll.

MS. NUCULA]: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. NUCULA]: Member Gronachan?

MS. GRONACHAN: Yes.

MS. NUCULA]: Member Ibe?

MR. IBE: Yes.

MS. NUCULA]: Member Krieger?

MS. KRIEGER: Yes.

MS. NUCULA]: And Member Sanghvi?

MR. SANGHVI: Yes.

MS. NUCULA]: Motion passes five to zero.

MR. QUINN: Thank you very much. Always a pleasure to see you.

CHAIRPERSON FERRELL: Thank you. Have a good night.

Any other matters from the city or the board?

(No audible responses.)

CHAIRPERSON FERRELL: Hearing none, motion for adjournment.

MR. IBE: So moved.

CHAIRPERSON FERRELL: I'm sorry, I didn't get your --

MR. SANGHVI: I just wondered, I just have a question for the city council. The question is, is it appropriate for us to recommend to the mayor and the city council to revise some of these ordinances to keep up with the modern times?

MS. SAARELA: Anybody can make a suggestion. So if you wanted to propose something like that, that would be appropriate.

MR. SANGHVI: Maybe we can --

MS. GRONACHAN: I would concur.

MR. SANGHVI: -- make a recommendation to look at some of these ordinances because of the changing times.

MR. IBE: Yes. Because some of the -- like the one brought up by Mayor Landry, I mean, really I mean I know he wrote it, so that's why I took him to task on it. Because obviously if you look at the language as presented, if we use the language alone for --

MS. SAARELA: We can't really talk about that case any more.

MR. IBE: It's over with. But anyway, it is something that is worthy of bringing up to the city council if they wish to address those issues.

MR. SANGHVI: Yes, maybe the city council can take another look at some of these sign ordinances.

MS. GRONACHAN: Or at least that particular request, that particular ordinance in particular.

MS. SAARELA: If you have some thoughts on, you know, this section and other sections where you think there is some problems, maybe, you know, someone can put together a letter that you can all sign onto, submit it to city council to request the ordinance.
review committee to start looking at some of these.

MS. GRONACHAN: Looks like you can prepare it.

MR. SANGHVI: Yes.

MS. GRONACHAN: He has to be appointed first.

MR. SANGHVI: All right. That's it. Thank you.

CHAIRPERSON FERRELL: Any other discussion?

No?

MR. SANGHVI: I move to adjourn.

MR. IBE: Second.

CHAIRPERSON FERRELL: A move and second. We're adjourned. I'm sorry, I apologize. All in favor?

THE BOARD: Aye.

MS. KRIEGER: None opposed.

CHAIRPERSON FERRELL: None opposed. Any opposed?

MS. KRIEGER: No.

CHAIRPERSON FERRELL: We're adjourned.

(The hearing was adjourned at 8:20 p.m.)

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