REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, August 13, 2013

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, August 13, 2013

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

ALSO PRESENT: Charles Boulard, Community Development Director
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

INDEX
Case No. Page
PZ-13-0035 6
Novi, Michigan.
Tuesday, August 13, 2013
7:00 p.m.

** ** **

MS. KRIEGER: Good evening and welcome to the August 13th, 2013 Zoning Board of Appeals meeting. And if we could rise for the Pledge of Allegiance.
Member Ferrell could please lead us.

(Pledge recited.)

CHAIRPERSON KRIEGER: If you could, Ms. Pawlowski, call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Here.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Here.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Here.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Here.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Here.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Here.

CHAIRPERSON KRIEGER: All present.

This is a public hearing and rules of conduct are in -- with the agenda are in the back of the room.

Also just as a side note that today is the official Novi cheesecake day, so there is a line outside the door, I went by there. So happy cheesecake day.

And let's see, we have an
approval of the agenda. As there any additions or changes?

MS. PAWLOWSKI: Yes. PZ13-0036, Feldman Automotive, has asked to be tabled to the September 10th meeting.

And also PZ13-0040 for Panera Bread, they have put their project on hold.

CHAIRPERSON KRIEGER: All right. And with the changes, is there a motion to approve the agenda?

MR. GHANNAM: I just have a question for Panera Bread. Did they want to be dismissed or adjourned for a month?

MS. PAWLOWSKI: They did not say that they wanted to be tabled until the next meeting. They just said definitely their project is on hold.

Move to approve as amended?

MR. SANGHVI: So moved.

MR. GHANNAM: I will second it.

CHAIRPERSON KRIEGER: All those in favor?

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, we have an agenda.

For the minutes, the June will be -- we need to make a motion to postpone or
table until the September 10th meeting. If we can have that. And is there approval of the May 14th, any changes or motions?

MR. SANGHVI: Make a motion to approve the minutes for June 11th.

CHAIRPERSON KRIEGER: That's for tabling it until --

MR. SANGHVI: May 14th then.

CHAIRPERSON KRIEGER: For the May 14th, moving to approve the minutes.

Is there a second?

MR. IBE: Second.

CHAIRPERSON KRIEGER: There is a motion and a second. Is any other discussion?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, all in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, the May 14th, 2013 meeting minutes are approved. And June we will discuss in September.

We are now on Case No. PZ13-0035, for 43348 Grand River Avenue, Cellphone Repair.
MR. SEBASTIAN: Good evening. My name is Dan D. Sebastian. And I'm the owner of the Cellphone Repair Store on Novi Road.

CHAIRPERSON KRIEGER: Are you an attorney?

MR. SEBASTIAN: Attorney, no.

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

MR. GEDEON: In Case PZ13-0035, do you swear to tell the truth?

MR. SEBASTIAN: I do.

CHAIRPERSON KRIEGER: You may proceed. Thank you.

MR. SEBASTIAN: Thank you. I have a simple request. I'm sure you have the documents in front of you, some pictures I have submitted that show the rear of the building on Grand River, 43348, which is next to Biggby Coffee and in between that store and Potbelly.

We have a sign on Grand River that's 29 square feet, which was approved obviously by the city.

The one on the back side of the building, which a lot of the people think is the front side of the building, is a
smaller sign and as you can see from the photos, when you're standing in the parking lot, obviously the Biggby Coffee is prominently displayed as is the AT & T and the Potbelly.

Many people complain they cannot find the store, they say they cannot see the sign because, unfortunately, there is so many letters in the franchise name, it has to be spelled out.

What I'm asking basically is if we put a more esthetically pleasing sign up; in other words, the sign we have today is on a track mount, and raceway, and what we are proposing is we take the raceway down and put a more esthetically pleasing sign, basically the number of the letters would be attached individually to the wall and the emblem, CPR circle would be attached separately, so it would look a little nicer, but in that process we are asking that we be allowed to extend it another two feet.

I don't know for sure, if you have seen it, but we have put the banner up in the last ten days to kind of show this size different. It's a little bit bigger, but it's the exact same size as the one that is currently on Grand River Avenue now.

That's basically what we are requesting, a larger sign.
CHAIRPERSON KRIEGER: Okay. Is there anyone in the audience that has any participation that they would like to discuss?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, for the city, Ms. Pawlowski, do you have any additions?

MS. PAWLOWSKI: No.

CHAIRPERSON KRIEGER: Ms. Saarela?

MS. SAARELA: Nothing.

CHAIRPERSON KRIEGER: Seeing none. For the correspondence, Member Gedeon?

MR. GEDEON: In Case PZ13-0035, 61 notices were mailed, two were returned as undeliverable, zero approvals, zero objections.

CHAIRPERSON KRIEGER: All right.

Open it up to the board. Any questions or motions?

I wanted to state when I was reading through this, that I appreciate you writing out the Cellphone Repair for CPR because if somebody needed CPR, they might be confused.

MR. SEBASTIAN: You would be surprised how many people call and ask when we are going to have the next CPR training class. Unless it's a phone, I can't help.

CHAIRPERSON KRIEGER: Is there a
question or motion?

MR. IBE: I have some questions.

CHAIRPERSON KRIEGER: Member Ibe?

MR. IBE: Thank you, Sir, the sign you requested for us is on the north elevation, is that correct?

MR. SEBASTIAN: I'm sorry?

MR. IBE: The sign variance you're asking for, is that the one of the elevation of the building?

MR. SEBASTIAN: Correct.

MR. IBE: Now, the design of the building, it's such that the Biggby, and I think Potbelly, they pretty much you're sandwiched in the middle, is that correct?

MR. SEBASTIAN: I am, but the building is deceiving, if you look at the left pillar that window to the left is actually my store. It looks like it's Biggby Coffee. And a lot of people walk in and think they're entering Biggby Coffee, then they realize they're actually in my store.

MR. IBE: How is it possible that someone can miss your sign, when you have a door and an awning right over the sign? How is it possible that it will miss that door? I mean, they need glasses?

MR. SEBASTIAN: I don't know.

It's a really good question. I asked myself.

MR. IBE: I can see the sign very
clearly. I go in here quite frequently. I don't see how anyone can miss that door.

MR. SEBASTIAN: They're saying when they're driving their vehicle past Wal-mart heading south, they can't read the letters is what they're saying. So we are going to change the letters to a different style and make the sign slightly bigger so it's easier to read.

MR. IBE: Sir, you know, the standards that are required to grant a variance, they're very clear and specific. What are the exceptional and unique reasons why you think this should be granted to you?

MR. SEBASTIAN: I think that the current sign size and style are impacting my business because people cannot find the location. I have people literally in the parking lot at the Athena grill saying, where are you. And I say, can you see Biggby Coffee, yes. Well, I'm right next to it.

And so that's -- a number of people stand in the parking lot, that's the view I gave you a picture of, coming back, it's -- the one photo is basically standing at the Greek restaurant and taking a snapshot across the parking lot. And that you can see the current sign there now, and people say, well, I can't really make out what that says.
So we believe by changing the letter style and making it slightly bigger, they will be able to make out the CPR, if not the actual words.

So we're asking that we be given a little larger sign because we think it's actually impeding our business.

MR. IBE: It doesn't prevent you from conducting your business, does it?

MR. SEBASTIAN: Doesn't conduct -- it makes it more difficult because people are constantly calling asking where are you.

I know when they're on the Grand River side, I asked a lot of people how did you find the store, oh, I saw your sign on Grand River.

MR. IBE: Don't you think it's much easier to say, my store is next to Biggby because Biggby, you will agree with me, is better known than CPR, will you agree with me?

MR. SEBASTIAN: I would agree that the Biggby sign is much larger.

MR. IBE: Don't you think it's a good marketing tool for you, next to Biggby, seems to be more logical than a bigger sign.

MR. SEBASTIAN: I would agree
with that, but I also believe a bigger sign would provide more clarity.

MR. IBE: Thank you.

CHAIRPERSON KRIEGER: Yes, Member Ghannam?

MR. GHANNAM: Just my own two cents on this. You have two signs, correct?

MR. SEBASTIAN: Yes, sir, one on the north and one on the south.

MR. GHANNAM: I follow you on that. I agree with you on that because we have allowed others in that same area because of the nature of this corner. However, to me, from my perspective, what I have seen, it seems the sign is sufficient for the space that you have got.

I mean, I get that when people come in here, as you can imagine, we do -- probably the bulk of our cases are all sign cases, bigger signs, more signs.

And the theory is bigger is always better, and I understand that. But the object is not to see your sign from every single angle from every single distance, that's the problem.

The question becomes how does this unreasonably interfere with your ability to conduct business, you can't use the reasoning, well, my business is effected. It's how can you not use your space because
you don't have a bigger sign.

MR. SEBASTIAN: Right, but if you look, close-up picture, would you not agree that it appears that the store is the width of those two columns?

MR. GHANNAM: I understand. I understand the theory.

MR. SEBASTIAN: So the left side of the store looks like it's Biggby Coffee.

MR. GHANNAM: That's the nature of how you leased it, and I understand that, but it just -- from my perspective, I would not be in support of this because I think the sign is sufficient.

We have, I mean, it's the city that drafts the ordinances. The question becomes how do you come within an exception that we could grant.

I just don't see it, that's my just my opinion. Thank you.

MR. SEBASTIAN: It's only another two square feet. You think that's still too much?

MR. GHANNAM: I'm not here to argue here, sir.

MR. SEBASTIAN: I'm just trying to understand.

CHAIRPERSON KRIEGER: Member Gedeon?

MR. GEDEON: On that point of an
additional two square feet, the way -- what
I'm seeing in front of me, says, that you're
going from 17 and a half square feet to just
under 30 square feet.

MR. SEBASTIAN: I'm saying in
width it's two feet wider. That's all I'm
saying.

MR. GEDEON: Okay.

MR. SEBASTIAN: You're right, in
square feet it is bigger because of the
height as well as the length expanding,
that's correct.

MR. GEDEON: Thank you.

CHAIRPERSON KRIEGER: Could you
put the picture up that has the one from the
Grecian? Do you have that photo to put on
the overhead?

MR. SEBASTIAN: I didn't bring an
overhead.

CHAIRPERSON KRIEGER: I guess we
could get a better idea of the proportions
with the one farther away.

MR. SEBASTIAN: The one that's in
the packet that says actual -- says store
width?

CHAIRPERSON KRIEGER: Yes.

MR. SEBASTIAN: I don't have a
transparency of that unfortunately.

CHAIRPERSON KRIEGER: It should
show up when you put it down.
MR. SEBASTIAN: I'm back in the Stone Age with transparency. Is there a way to focus that.

CHAIRPERSON KRIEGER: So those two pillars between Potbelly and Biggby create an illusion, I suppose, for the architectural purposes, and then the business itself is different when you get down to the -- is that correct?

MR. SEBASTIAN: That's correct.

The window to the left, which appears to be part of the Biggby store, many people walk in and say, I didn't realize the store was this big. Then some people walk in and then ask me, I'm sorry, this is not the Biggby store and they go back out.

CHAIRPERSON KRIEGER: I can understand the need and comparable for proportional in this particular case, where you look at Bagger Dave's, AT & T, Potbelly and Biggby, if you're standing across it is the concept of looking for that other business. I can understand that.

MR. GEDEON: I guess I would add to that point, but I'm not sure if this road, this internal road has a name, but it's quite a distance from your store front, and even though the ordinance is -- the ordinance for the sizing of the signs is based on the linear frontage of your store front, but
perhaps because of the distance from the main internal road, to your store front, perhaps the ordinance didn't anticipate a store front with such a small linear footage, so I could see a reason for supporting this, based on the distance from your store front to the main internal road.

CHAIRPERSON KRIEGER: Member Ferrell, any questions?

MR. FERRELL: No, I'm all set.

CHAIRPERSON KRIEGER: Member Gerblick?

MR. GERBLICK: Just to give the board an idea of what I'm thinking. I would also be in favor of supporting the variance request, for a lot of the similar reasons that other board members have mentioned here.

Before I make a motion, I just want to let you guys know my thoughts.

MR. GEDEON: I can make a motion when we are ready.

CHAIRPERSON KRIEGER: Anybody else?

MR. GEDEON: In Case PZ13-0035, I move to grant the variance as requested.

The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the city or that are
self-created. Specifically, the store frontage, the linear frontage of the store is quite small in comparison to the distance from the main internal road of the shopping center, which makes the allowable signage very small for drivers on the internal road.

Failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more of a mere inconvenience or inability to attain a higher economic or financial return.

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

MR. FERRELL: Second.

CHAIRPERSON KRIEGER: There is a motion and a second. Any other comments?

(No audible responses.)

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

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: No.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: No.

MS. PAWLOWSKI: Chairperson Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: No.

MS. PAWLOWSKI: Motion passes four to three.

CHAIRPERSON KRIEGER: Very good.

I wanted to back up. I wanted to include public remarks. If anybody has any comments regarding anything except these cases, if they could -- would like to approach the podium, that's -- okay, seeing none, then I will proceed to the next case.

Thank you very much, sir.

MR. SEBASTIAN: Thank you for your time.

CHAIRPERSON KRIEGER: Next case is PZ13-0037, for 226 Henning.

If the petitioner could approach the podium and state your name and spell it for our reporter and be sworn in by our secretary. Thank you.
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MS. SMITH: My name is Annie Smith, and I would like to buy a house at 226 Henning, and I'm requesting to be able to put up a detached garage and I am lacking eight feet from having --.

CHAIRPERSON KRIEGER: Could you spell your last name for us.

MS. SMITH: I'm sorry?

CHAIRPERSON KRIEGER: Can you spell your last name for us.

MS. SMITH: S-m-i-t-h.

CHAIRPERSON KRIEGER: Thank you.

Are you an attorney? Are you a lawyer?

MS. SMITH: I'm having a hard time hearing.

CHAIRPERSON KRIEGER: Sorry. Our secretary is going to swear you in. If you could raise your right hand.

MR. GEDEON: In Case PZ13-0037, do you swear to tell the truth?

MS. SMITH: Yes.

CHAIRPERSON KRIEGER: Go ahead. Proceed. Thank you.

MS. SMITH: I would like a house at 226 Henning, and there is no garage and I would like to request to be able to build one.

I guess it's supposed to have 30 feet requirement and I only have 22. I'm asking for an eight foot variance.
CHAIRPERSON KRIEGER: Okay, that's it?

MS. SMITH: Yes.

CHAIRPERSON KRIEGER: Anybody in the audience? Yes, ma'am.

If you could spell your name and be sworn in by our secretary.

MS. LINK: My name is Leanne Link, last name is L-i-n-k.

MR. GEDEON: In Case PZ13-0037, do you swear to tell the truth?

MS. LINK: I do. I am actually the owner of the property, and Ms. Smith -- we have a purchase agreement, and I have a drawing that might help. It's in your packet. What Ms. Smith is hoping to do is put up a garage with only one variance, and she has no other issues with the distance between the home and the garage, the percentage of the buildings on the land, the distance between the back fence or the side fence to the adjoining neighbor.

The hardship comes in where there is two setbacks for this property. It's on a corner lot. And if there was not that second road that ran across the side of the property, this building could be constructed with no issues.

The size of the garage is actually not very big. She wants to build a
22 by 20-foot garage, 22 feet deep, 20-foot wide and because there are two setbacks, this is hindering our project here. So I do have a drawing. Can I show it? Okay.

So the setback comes from the property from -- it says Herbert Street, but that's actually Penbine, on any map in Novi. And you can see that the property is -- or the garage is nicely situated on the property, and it's not going to really block any traffic or anything off of Penbine, which says Herbert there.

There is very little traffic that goes down that road, and I think actually it will be a benefit to that property. As you guys all know, the north end is a very unique area.

The lot sizes are, I'm sure you have had a lot of issues with the lot sizes up there. So this is what we are coming to you with.

CHAIRPERSON KRIEGER: Thank you very much.

Anybody else in the public that would have a remark?

MS. BAKER: I live next door --

CHAIRPERSON KRIEGER: If you could come to the podium.

If you could spell your last
MS. BAKER: My last name is Baker. My name is Bonnie Baker.

MR. GEDEON: In Case PZ13-0037, do you swear to tell the truth?

MS. BAKER: Yes, I do.

MR. GEDEON: Thank you.

MS. BAKER: I live next door at 214 Henning.

From what I understand, they want to build this garage six feet over from my garage, which is not very far, and 10 feet out from the house. That totally boxes me in. I can't see Penbine. I cannot see any of that backyard. I live in a very wooded area, with a pond directly behind my backyard. There is lots of wildlife, and honestly there will be raccoons, there will be skunks, there will be snakes, everything between -- those two garages will be butted right up to each other.

Plus all the trees are like 200 feet tall. I mean, my backyard, you can't even see the sky. It's all trees, too many trees.

But this would totally block me in. I have so much blocked in now from the trees. I mean, I actually have contacted
the forestry department before to ask to come
if they could come out and do anything about
some of those trees cutting them back, I
understand that is city property there. But
I didn't get any response about that. But to
have a garage there will make it very dark,
and I know the animals will make a nest in
there.

I had a problem with a raccoon
that got under my deck this summer. In the
spring I had to hire somebody, it cost me
$500 to close up these holes. If they're
going under my neck where there is some, they
will go between those two garages and it will
be a big problem, and they can dig some
pretty deep holes.

CHAIRPERSON KRIEGER: Thank you
very much. Anybody else have any comments?
(No audible responses.)

CHAIRPERSON KRIEGER: Seeing
none, Ms. Pawlowski, from the city?

MS. PAWLOWSKI: No.

CHAIRPERSON KRIEGER: Ms.

Saarela, from the city?

MS. SAARELA: No.

CHAIRPERSON KRIEGER: All right.

Open it up to the board for questions.

Oh, first correspondence.

Thank you.

MR. GEDEON: In Case No.
PZ13-0037, there were 26 notices mailed, one returned, zero approvals, zero objections.

There were three approvals in our packet. Do we need to read those into the record?

MS. SAARELA: Read them word-for-word, no, you can just indicate that they were approvals.

MR. GEDEON: There were three approvals sent in with the application apparently, from Kelvin Hashiska, H-a-s-h-i-s-k-a, Ted, Dwojak, D-w-o-j-a-k, and Jerry Cooper, C-o-o-p-e-r.

CHAIRPERSON KRIEGER: Anything from the board? Questions, comments? Member Gerblick?

MR. GERBLICK: I have a question for the city.

So the only ordinance requiring a variance would be the setback off of Penbine, not the -- I guess, the opposite yard setback?

MR. BOULARD: That's correct.

The new proposed garage is six feet from the side property line, which is allowed at six feet from the rear property line, as the petitioner mentioned, it does comply with the requirements for 10-foot distance from the house, since it's a detached building, and also the maximum lot coverage, it works.
The only variance required is eight feet because the front of the garage facing Penbine would be -- in order to be compliant would need to be 30 feet from Penbine.

So it is just eight feet on that side. Thank you.

MR. GHANNAM: Just a couple of comments first.

First, ma'am, I understand your request for a garage, it seems logical in Michigan to want a garage for your home. It seems, it's not an unreasonably large garage. It would fit your premises. I understand you're trying to build it on an existing lot, so you can't expand your lot, it's not your fault, you're limited by land. So I would be in support of it.

I do understand your hopefully future neighbor's complaints, although I don't think building a garage would cause any additional rodent issues or that type of thing.

From what she is saying, they exist and they may end up continuing to exist. I don't think that should be a hinderance to you getting your variance. I would be in support of it. Thank you.

CHAIRPERSON KRIEGER: Member Gedeon?
MR. GEDEON: I would also be in support of this. And with the concern of the neighbor, it's understandable that having the building go up could be disruptive, but the ordinance -- the variance that's being requested is for the distance between the front of the garage and Penbine Street, that's correct, right?

MR. BOULARD: Yes.

MR. GEDEON: So she is not -- the applicant is not seeking approval for the distance between the back of the garage and the property line. So even if she built a small garage, you know, without the variance, it could still be placed that close to the property line. So that's not an issue that I think that we can deal with tonight. But so you know, I'm in support of this.

CHAIRPERSON KRIEGE: What is the height going to be of the garage?

MR. SMITH: Seventeen feet. Just a regular garage. I think it's 17 feet is the height of it.

CHAIRPERSON KRIEGE: Thank you.

MR. GERBLICK: I'd like to make a motion, unless Member Sanghvi, do you have a comment?

MR. SANGHVI: No.

MR. GERBLICK: In Case No. PZ13-0037, 226 Henning, I move that we grant
the variance as requested, as there unique circumstances or physical conditions of the property, such as the shape and topography, and the two adjacent streets on the corner lot.

And the need of the variance is not due to the applicant's personal or economic difficulty. And the need is also not self-created. Strict compliance with regulations governing area setback, frontage, height, bulk density and other dimensional requirements will unreasonably prevent the property owner from using the property for its permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as 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.

MR. SANGHVI: Second.

CHAIRPERSON KRIEGER: There is a motion and a second.

Any other comments?
(No audible responses.)

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

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

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

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

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

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

MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.

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

MS. PAWLOWSKI: Motion passes seven to zero.

CHAIRPERSON KRIEGER: Thank you.
MR. SMITH: Thank you very much.

CHAIRPERSON KRIEGER: Case No. PZ13-0038, for 27855 Cabot Drive, for Starbucks.
If you could state your name and spell it.

MR. DROLSHAGEN: My name is Joseph Drolshagen, that's D-r-o-l-s, and in Sam, h-a-g-e-n.
I'm not an attorney.

MR. GEDEON: In Case PZ13-0038, do you swear to tell the truth?

MR. DROLSHAGEN: Absolutely.

Today I'm pleased to present a development that will become an amenity with Haggerty Corridor Corporate Park.

We have been working on this for a number of years with the city and with Starbucks. It's a 2,032 square foot Starbucks facility that's at the entrance to the Haggerty Corridor Corporate Park at Twelve Mile Road and Cabot Drive.

Just in case folks aren't familiar with that location, I have got some aerials that actually will blow this up, but the parcel that is created is right there where it says Haggerty Corporate Office Center to -- it's a three-quarter acre lot that sits at the entrance of Cabot Drive and Twelve Mile Road.

The entire land around there is office service technology, the nearest residential is across M5 to the west.

We have Haggerty Corporate Office Center II to the north and immediately to the west there is the ITC easement that has the high tension wires that run down that corridor. This actually shows probably a little better the location there.
The park, the ownership of the park has -- let me go back.

The ingress and egress for the site is off of Cabot Drive. And I can show you how that's going to work. Cabot Drive is heading north and south at this point. We have a driveway leading in. There is a 10 car stacking, and then the building has approximately 29 parking spaces, it has a drive-thru.

The history of the site is one from -- Michigan National Bank made an offer as we were developing the park to purchase the lot. They were going to put a branch facility there with a drive-thru. And so we began the process of designing the building, designing the location of the building and created this lot for Michigan National Bank.

During the course of the time, Michigan National Bank got acquired by Standard Federal Bank, leaving us with a three-quarter acre parcel at the corner of Cabot and Twelve Mile Road and no user. For so many years we were marketing again at the bank and found out that this parcel size was too small for them, the building was not the size of Michigan National Bank had at the time, and with the drive-thru this just became too small of a parcel for a bank.

So we were working with the
city on the retail service overlay zoning, that's in place now, and this is the location that -- one of the locations that the city had in mind for this type of use.

The building itself, the 2,032, only represent about three percent of the land. There is about 37 percent open space, which is about double what the ordinance would normally require.

We have 150 letters of support from the office users. You can imagine how excited they are about having a Starbucks within walking distance.

From an amenities standpoint, you just can't get anything better than a Starbucks. The office buildings that are in a nearby vicinity have a little bit of a vacancy problem right now, not a problem, but we have some vacancy there and we have been bringing a whole lot of tenants through and when we mentioned Starbucks, they get very excited.

So the city -- the variances themselves are a little bit easier to see when I put this on a map. I made a handout, I thought that some of these were self-explanatory, but we are going in for variances because the site is just too small and the building is about the minimum size that Starbucks can viably put on the site.
So the first variance has to do with the setback from Haggerty Corporate Office Center II parcel, and we are asking for a variance for the building setback. We managed to place the building 45.18 feet from that North property line. The ordinance calls for a 50 foot setback, and that first variance is requesting 45 feet.

The second variance, pick up my notes here, is no longer needed, as we changed the plan -- we no longer needed variance number two, we were able to get rid of that as we changed the plan.

Variance number three is a 10-foot setback for parking, which really represents the drive-thru area there. The ordinance calls for a 20-foot setback from the nearest parking or drive-thru and we are able to provide only 10 feet, and the variances are adjacent to a parcel that is controlled by an entity related to Northern Equities Group.

That entity has signed off on an easement associated with this, and the approvals -- you know, every approval necessary has been granted by that entity.

The fire marshal approved this particular plan also, and that's number three.
Number four is the bypass lane, and if I can find it here. In the site plan you will see that the drive-thru that's required for this type of use, we were unable to squeeze it by the building on the west side, so creatively in working with the city we came up with this bail out land concept, that once the driver decides not to order coffee, or change their mind, which is kind of an event that probably won't happen at that point, they can take the right and go in through the Haggerty Corporate Office Center II parcel and bail out at that point, rather than do the drive-thru.

Again the fire marshal approved the plan and the Haggerty Corporate Office II was okay with it as well as their lender.

Then the final variance has to do with the setback on this side, which is the ITC land, 90 feet of ITC land, and then the garbage, so the final sideyard setback has to do with the dumpster, 20 feet is required. We were only able to get in 15 feet on that side.

If you look at who is impacted by that, well, the ITC wires are for 90 feet and they have a driveway, then you have the First Merit bank branch that is up there,
Again, there is no residential looking into this particular site. The First Merit has given approval for this access driveway, ITC has given their approval for the access driveway, so I think we have lined up things pretty well to work this narrow and small parcel to fit in a Starbucks, which is a very important amenity to the park.

So we are asking that the three -- that the four that remain be approved.

We have worked diligently to minimize the setbacks, as you can imagine, we had a few more and kept on working and kept on working.

We were building this way, we were building that way, we were able to minimize a few. We have support from most of -- all of the neighbors in the area, and we are asking for approval because it will enhance the park and it does not cause an advance impact on any of the surrounding properties and it's compatible with the other buildings with the brick design and everything else, it's compatible with it, so I'm asking for your approval.

CHAIRPERSON KRIEGER: Thank you. Anybody else in the audience have any comments?
(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, Ms. Pawlowski from the city or Mr. Boulard?

MR. BOULARD: I just wanted to confirm a couple things.

One, the variance request number two was actually -- had been eliminated prior to the (unintelligible) staff report, so that doesn't appear in there, so all the variances in the staff report will be required.

So also I wanted to confirm that the fire marshal did support the elimination of the bypass lane and so on.

And lastly I just wanted to point out that I'm not aware of a lot of other existing parcels of this size in the city that border on two roads and back up to the power lines, so other than that, I will stand by for questions. Thank you.

CHAIRPERSON KRIEGER: Ms. Saarela do you have any additions?

MS. SAARELA: No, I have nothing to add.

CHAIRPERSON KRIEGER: Thank you.

Any from correspondence?

MR. GEDEON: In Case PZ13-0038, there were eight notices mailed, three returned mailed, zero approvals, zero
I will open it up to the board. Member Sanghvi?

MR. SANGHVI: Thank you. Well, first, I want to commend you for a very nice presentation.

MR. DROLSHAGEN: Thank you. I was a little bit nervous. I used to teach at Walsh College, 40 people and three hours a night. I wasn't this nervous ever, so I'm sorry.

MR. SANGHVI: I'd like to -- you know, I understand your problem and practical difficulty. I have no difficulty in supporting your application.

MR. DROLSHAGEN: Thank you very much.

CHAIRPERSON KRIEGER: Yes, Member Ghannam.

MR. GHANNAM: I do, too, am in support of this. It seems like all the kinks have been worked out with the fire marshal. It does appear that this is -- I don't want to say it's an unusual lot, but just the way it's situated with the power lines and you're kind of left -- this is like the leftover parcel after most of the other parcels have been developed, and certainly, I'm sure this will fit nicely in that area.
So I have no problems supporting this also.

CHAIRPERSON KRIEGER: Do you know is the one -- the Starbucks in West Oaks going to stay?

MR. DROLHAGEN: We are not privy to that, but I think they are planning on keeping both of those open. This is really to service the park itself, coffee thirsty folks.

CHAIRPERSON KRIEGER: I'm sure it will be very popular. Thank you. Motions? Questions?

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

CHAIRPERSON KRIEGER: Thank you.

MR. GHANNAH: In Case No.

PZ13-0038, for 27855 Cabot Drive, I move to approve the four variances as requested, for the following reasons.

Number one, there are unique circumstances or conditions of the property, and the need for the variance is not due to the applicant's personal or economic difficulty because, as I have mentioned earlier, the size of the lot, the location of the lot, and relationships to the roads, adjacent parcels and the power lines.

The need is not self-created.

This lot has been existing for several years.
and is kind of a leftover parcel.

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

The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district. The requested variance will not cause an adverse impact on surrounding areas or property values, in fact, I think the opposite would be true.

MR. FERRELL: Second.

CHAIRPERSON KRIEGER: Seeing we have a motion and a second, any other discussions?

(No audible responses.)

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

MS. PAWLowski: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLowski: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLowski: Member Gerblick?

MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes seven to zero.
MR. DROLSHAGEN: Thank you all very much. We appreciate it.
CHAIRPERSON KRIEGER: Our next case is PX13-0039, for 44055 Twelve Mile for GFS Marketplace.
MR. SYTSMA: Hello, my name is Ryan Sytsma, S-y-t-s-m-a, from Gordon Ford Service and I'm not an attorney.
MR. GEDEON: Will you both be speaking?
MR. SYTSMA: Yes.

MR. VOS: Yes, Jack Vos, V, as in Victor, o-s.
MR. GEDEON: In Case No. PZ13-0039, do you swear to tell the truth?
MR. VOS: I do.
MR. SYTSMA: I do.
We submitted a request for some additional signage on our new
marketplace store that we are excited about there on Twelve Mile and Donaldson.

We are under the understanding with the current ordinance we are allowed one sign along Twelve Mile as well as one sign along Donaldson.

One of the things we wanted to do, that Donaldson, if you look, if you drove out there, you will notice there is a lot of mature landscaping that is running along Donaldson right now and we also have additional landscaping to do there.

We just felt like if we did put a sign along Donaldson, it would really expose -- give us no exposure for our sign there, so what we really would like to do is take that sign that we were allowed along Donaldson and relocate that to one of the other sides of the building, in addition to two other signs on the building, which is what we are requesting.

And you know, what I'm looking at from the sign variance, I think our site is unique and exceptional from the standpoint, if you drive out there, it's a property that we bought, we parceled it off, purchased it outright from the developer of the Fountain Walk development, and when you look at all four sides, three of the four sides have very mature trees there from when...
the development started. And, you know, when you have a lot of mature landscaping and now you're having new construction going on, what happens is it provides us a big challenge to help us find -- help our new customers and existing customers find us where we are at. You know, if we were looking at it from a standpoint where we bought it, that's a vacant piece of land, we put in new landscaping with the new construction it would be much easier for, you know, our customers to come and see us, as they're traveling as the trees grew, everybody would understand where we are at, whatnot, but as we are looking at, you know, a mature lot, a mature landscaping, with additional landscaping required yet, you know, it poses a challenge for us for the exposure. In addition to that, we also have approximately six to seven foot depression from where Twelve Mile is to where our finished flooring is going to be in the store. And so, you know, I think the challenge there that makes it exceptional when you look at other out lots along Twelve Mile there is really -- with building signage, you know, we aren't even getting the height that we would usually have, like the other buildings do, that are along Twelve
Mile that have, you know, they're finished floor at almost the same level as the street is.

And so when you couple that with mature trees, with, you know, the depression there, we just felt that it would be worth us to try to get more traffic in there and getting a couple additional signs in there would be helpful for us.

You know, the other thing I don't know, and Jack maybe can touch on this, I wasn't sure if the ordinance really had anything in there stated where if you had a parcel like ours, where you have really, you have two thoroughfares and you have a service drive off the back, you have another service drive to the west, you almost have four drives that surround this corridor or surround this parcel.

And I didn't know if there was another situation within Novi, or that had been addressed, if there is something that spells it out is it always whatever the thoroughfare is, you know, what you get.

MR. VOS: I think the question that we have is we have a building that truly is surrounded by four roads, two are internal to the site, they are the egress to the strip mall or strip center, and then two are -- and the other two are Donaldson and Twelve Mile,
so if we go by the logic of your code, we are told that we should put a sign on Donaldson and Twelve Mile, which they effectively got people to come into the site to find us, they would then drive in the site, and then they would face us from the west or from the south and they wouldn't even be able to identify our business because there would be no sign allowed on the south or west for them to even know what the building is, even though they have seen the building from Donaldson and Twelve Mile to know what it is.

So once they're, so to say, in the strip mall, in the strip center, they really have no way of identifying the building, if we are not allowed more signage, once they get in the site internal to the property.

So our challenge is with these four accesses what do we do to identify it so that people can know where to go. And we want them to get there safely, we don't want them to stop and start, we don't want them to wonder where they're going, we are trying to make it just a safe egress.

It's not about over advertising, it's not about trying to overdo it, it's simply about making sure that when
somebody is there, they know where to go. So our question to the city is how do we do this, and we are looking for your assistance to try to solve the problem.

CHAIRPERSON KRIEGER: Okay. Thank you very much. Anyone in the audience?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, Ms. Pawlowski?

MS. PAWLOWSKI: No.

CHAIRPERSON KRIEGER: Anything from the city?

MS. SAARELA: No.

CHAIRPERSON KRIEGER: Mr. Boulard?

MR. BOULARD: I guess I just want to take the opportunity to clarify, if I could.

CHAIRPERSON KRIEGER: Yes.

MR. BOULARD: The sign ordinance would allow either a monument sign or a wall sign for this structure, with the frontage on two thoroughfares, two major thoroughfares in this case, Donaldson and Twelve Mile would be considered thoroughfares, there would be an option of having two wall signs, not two ground signs, but two wall signs, to provide that additional frontage.

The building is fairly distinctive in terms of the elevations and
the -- I think folks will come to recognize it very well.

I did have one question for the petitioner, if I could.

Where do you expect the majority of your traffic to access to the site, from what direction?

MR. SYTSMA: You know, it's going to be interesting because what we are doing here is consolidating two stores, our Wixom store and our Farmington Hills store, so when you're looking at it, it's directions. I mean, I would surmise you're going to get traffic from people traveling westbound and eastbound, you know, headed into Donaldson, where if, I guess they know Novi well enough that they can sneak around, you know, from Novi Road down through the back way, so it's going to be really hard to tell to see where those existing customers are going to come from, you know, but I would assume they're going to be coming from both directions, you know, from what we have in done our reports.

I do want to make one mention to a monument sign, we did look at that option, however, with the sidewalk in, of course, we can't put a monument sign between the sign and road for the right-of-way. And there is also utility easements that run to the south of sidewalk, so it's really a
situation where I think it would be nice if we had a monument sign there. I think it would be best exposure for us. But we literally can't because we would -- we would have to basically put our monument sign within the trees that go down the embankment in order to be able to clear the utilities, so we are left with figuring out how do we get building signage with the maximum that would allow people to come in safely and notice where we are at.

CHAIRPERSON KRIEGER: All set?
MR. BOULARD: Thank you.
CHAIRPERSON KRIEGER: Ms. Saarela?

MS. SAARELA: I have nothing to add.
CHAIRPERSON KRIEGER: Open it up to the board. Member Gedeon?

MR. GEDEON: Can you talk for a minute about the decision of placing the building footprint on the parcel with respect to the parking, you know, what went into the decision for putting the building footprint into this side of the parcel as opposed to the west side of the parcel?

MR. SYTSMA: Well, when we were trying to work with the footprint, we had asked for a variance, I think, on the setback because it was cornering two different
throughfares, I believe there was a -- I can't remember what the foot of the setback was, but we had to have a variance done and we felt that it would be easiest for people to utilize our parking that we have and our individual parcel, but also that it connects with the existing parking field there.

We are self-contained, we can, you know -- we have the right ratio of parking, but we just felt the overall development would flow best that way, as well as knowing where the mature landscaping was already, you know, we didn't want to place our building entrance to where we wouldn't have any -- you know, any room for parking, per se, so that's why we had neared it towards the west.

MR. GEDEON: Would you kind of agree though that the decision of putting the building footprint in that spot kind of forced your hand with the signage, because you're basically putting the back of the building along one of your main thoroughfares.

MR. SYTSMA: Yeah, but, you know, at the same time you don't have a curb cut on Donaldson, so to have our entrance facing Donaldson, you know, it would almost make us like shut off from the rest of the development, you know.
MR. GEDEON: Thank you.

MR. GHANNAM: I have a couple questions for the city, Mr. Boulard.

They're entitled to either a monument and a wall sign or two wall signs, correct?

MR. BOULARD: No, monument or a wall sign. They would also be entitled to an additional wall sign, if they had one wall sign because it's on the corner. So basically a monument or two wall signs in this case.

MR. GHANNAM: The request is for four wall signs basically, which would be a variance of two, does that make sense or am I getting that wrong?

MR. BOULARD: Yeah, that's correct.

MR. VOS: The variance also would be -- your ordinance states that the signs can only be placed on the main thoroughfares. It doesn't allow them to be placed internal to the strip center.

So because Donaldson has so much mature vegetation, and because we are going to be adding more vegetation, as required by under the city code in the new building, the Donaldson side really is not visible, so we are looking for the variance
to not use the Donaldson thoroughfare side,
but move the sign where it is visible from
the strip center.

MR. GHANNAM: I understand. So
you want, in a sense, two wall sign
variances, and in just regard to the one
location, not on Donaldson, somewhere else?

MR. VOS: That's correct.

MR. GHANNAM: I understand that,
and you're going to add more vegetation to
Donaldson, that makes sense, you don't want
to put a sign behind trees, that makes sense.

I guess the question becomes
how many signs is enough. That's what we are
struggling with, at least me for that matter.

I'm looking, I mean, your job
when you come here is to try to minimize the
variances you need to do your parcel
substantial justice, right?

There is one facing Twelve
Mile, according to your plans, and a proposed
one at the corner of Twelve and the parking
lot, correct?

MR. VOS: Yes.

MR. GHANNAM: Why would both of

those be necessary? Why can't one be
sufficient? I understand you said traffic is
going to be going both ways, but if that's
the case, why do you need the one at the
corner, why wouldn't the Twelve Mile suffice?
MR. SYTSMA: You're talking about the one where the entrance is on the angle?

MR. GHANNAM: Yes.

MR. SYTSMA: When you're driving on Twelve Mile, if you're headed westbound, you won't be able to see the entrance sign until it's -- until you go back past it. You almost have to crank your head over to see it.

So if you're headed eastbound, you can -- you know, you will be able to see glimpses of the sign and, you know, as you see glimpses of the north sign, if we put it on the north wall. But really that sign would be there so that people that are traveling westbound would be able to see us. That would be their one shot to see where our sign is.

MR. GHANNAM: But they can see the sign that's also on the west elevation.

If you're traveling, it would be east -- if you're traveling eastbound, you can see that sign on the west side. Why isn't that sufficient? Why do you need -- basically you want two on that same side, one is at an angle, but you want two on that side.

MR. SYTSMA: We didn't know how -- when summer was going to take place, what the vegetation was going to look like, you have the conifers there, you have a bunch
of different trees there, so our thought, we didn't know what was going to be visible and what wasn't going to visible until everything started to come into bloom. And, you know, that is why we requested to see that, but I understand your reasoning why would you want two if you got one there.

MR. GHANNAM: If vegetation is going to block one of them, don't put the sign behind the vegetation, use the other one, or the one that's more readily visible.


MR. VOS: Ryan hit on it slightly, there is two signs on the north side of the building. The sign that is on the north side of the building that is furthest to the east, you really see when you're approaching from the east going west. Because there is a spot where the trees are vacant, you can see that side of the building really well. That would allow somebody to then actually turn in, get in the turn lane and turn into Donaldson and make that left turn.

If you're approaching from the west, coming east on Twelve Mile, the sign that's above the doorway, or on what we would consider the northwest corner is the highest point of the building and that actually gets
us about another eight feet or so.

That is really where the building should be, but because the building is set down in the depression like it is, eight feet, this sign is actually the one that's at the right elevation, if you will.

This sign is going to be really visible from east -- pardon me, west going east, however, the sign that is on the north and is not on the northwest corner, you would have to turn to look at.

Generally, when people turn to look at signs, it creates a safety hazard.

So we want them to be driving down the road, to look up to see the Gordon Food Service sign above the doorway and know to turn down Donaldson and come in.

MR. GHANNAM: I follow all of that.

Just my thinking, I can see the need for an additional, at least one sign.

My thinking is in terms of what I would be, you know, inclined to do is approve one additional sign, but to me the one at the northwest corner or simply the west elevation, to me, I would think you would have to pick one of the two or you should pick one of the two, both of those shouldn't be necessary. It does seem more
logical that it goes at that corner, that's the entrance of your building anyway, right?

MR. VOS: Yes.

MR. GHANNAM: The object is not to -- the object is not to see it from every single angle, from every single distance, the question becomes what really does justice to your particular parcel.

So just from my own edification, I would be willing to approve one additional sign. You can choose it, you know, which three you like, or -- I really think it would be which one you would much rather like.

I just don't see the northwest corner and the west elevation as both being necessary.

One, I understand because of -- I'm very familiar with this area, been to this area many, many times.

MR. SYTSMA: I would be in agreement with that as long as we relocate the Donaldson one.

MR. GHANNAM: I have no problem with that, too. That makes sense also because if you got the heavy vegetation and you have no curb cut there, it makes sense too.

I have no problem with a total of three, and one not being on the Donaldson,
but --

MR. SYTSMA: We would be fine
with that.

MR. GHANNAM: I have nothing
else. Thank you.

MR. FERRELL: I do agree with the
other member. I don't feel that four total
signs is necessary.

Actually, I feel like the west
elevation -- you can pick, like I'm in
agreement with him as well, you can pick, but
the one on the west, I feel if it wasn't
there, you're still in the parking lot,
you're going to see the one that's on the
south or the one that's on the corner.

I think it's definitely an
overkill having that sign there personally.
And I would definitely want to keep the ones,
if I were you on the main road, which is
Twelve Mile, which is the most traffic, I
believe, at least, I think.

So those two signs on the
corner on the north I think would be more
visible from the road. And then as soon as
you pull in, I know there is an entrance over

where I think Dick's Sporting Goods is, when
you first come in, you're going to see the
sign right there on the corner perfectly, I
think, and that if you are coming up the back side, on the south side, you're going to see the south side sign. I just think the one on the west is a little redundant.

CHAIRPERSON KRIEGER: Mr. Boulard, when I was driving on Donaldson, there was, I don't know a directional sign, would they be able to include their name in that if they -- if they're participating with Fountain Walk or is that just Fountain Walk?

MR. BOULARD: I'm not picturing the sign. It was a sign just for the development in general?

CHAIRPERSON KRIEGER: It was across the street from Mall Drive.

MR. BOULARD: It gave you guidance --

CHAIRPERSON KRIEGER: A whole bunch of names of the different stores.

MR. SYTSMA: I can speak to that. Fountain Walk, all the tenants in Fountain Walk have directional signs in addition to their allowed signage that they have. We are a separate parcel from the development, even though we are looking it as part of the overall development.

So I mean, I don't know if that would be something that would have to be approved by you or I would have to go back to the developer to say, hey, we would like a
directional -- you know, part of the
directional signs that they have available to
them.

I'm not sure if that was a PUD
when it was --

MR. VOS: In actually would
create an off premise sign because Gordon
Food Service is not part of that development.
So we would have advertising actually on a
sign that's not on another parcel or not part
of our development, so if we were allowed to
be on it, we would back here asking you for a
variance to do so.

But at this point, our
understanding is we are not allowed to per
the developer.

MR. BOULARD: I'm still having
trouble picturing where the sign is.

MR. FERRELL: Second to last
page.

MR. BOULARD: That would be the
directional signage.

If this suite or business was
part of the original development, it would
indeed be allowed to have that. They could
have -- GFS could have directional signage
within the site, there is a limited amount
that's allowed, although with the size of the
site, I think you pretty much know when you
are there.
CHAIRPERSON KRIEGER:  For the mature vegetation, do you know offhand if they're going to be pruning?  We have in the many seasons -- the seasons where is no leaves, so in that time all four sides of the concrete or the facade will be visible.

MR. BOULARD:  There is a fair number of conifers along there, trees that are going to -- pines and so on that are going to keep their foliage all winter, so I'm not aware that there would be plans to trim those up to make the signs visible.

CHAIRPERSON KRIEGER:  I'm sorry that I didn't see any -- on the building itself, did you have any mockups?

MR. VOS:  We did not because when we applied for the variance, the building didn't exist.

I building has been built in the last 30, 40 days, so we did address that with Angie and with Jeannie, and they said the elevation views would be sufficient for tonight.

CHAIRPERSON KRIEGER:  Okay.  Also potentially, this site, since they almost have four faces, with like Lazy Boy has the expressway, Novi Road, and the mall -- I see a similarity with that as well.

MR. BOULARD:  There are other out lots, small, or larger development out lots
in the city, this is not the first of these
that you have seen, it's not going to be the
last, I'm sure.

CHAIRPERSON KRIEGER: Okay. Very
good. That answers my questions, thank you.

MR. GHANNAM: Make another
comment. I have no -- just to let you know,

if you want, I have no problem making a
motion for the approval of three wall signs,
and if your choice is to have them on the
north elevation, north lot and the south
elevation, I can make a motion to that
effect. I'm not negotiating. I'm just
telling you where I can change the motion to
change one of the locations of the sign that
you would prefer, and either that motion
would be approved or denied by the board.

MR. SYTSMA: Yes. That's fine.

MR. GHANNAM: Those three
locations are what you are interested in. If
the board decides to do three out of the
four?

MR. SYTSMA: Yes.

MR. GHANNAM: In that
circumstance, I will make a motion, see what
happens, is that okay, Madam Chair?

CHAIRPERSON KRIEGER: Yes.

MR. GHANNAM: In Case PZ13-0039,
for 44055 Twelve Mile Road, Gordon Food
Service Marketplace, I move to approve a
total of one additional wall sign, in addition to two wall signs that the petitioner has requested and specifically the locations on their drawings that they gave us on the north elevation facing Twelve Mile, the northwest corner of the building, and then the south elevation as they proposed in the paperwork that they have given us. Specifically, that they are not required to put a sign on the Donaldson side, which would be the east side, and the sign that would be permissible in that area would be one of the three other locations. This motion is based on the request because the circumstances and features of this particular premises are exceptional and unique and do not result from conditions that exist generally in the city, or that are self-created because of the reasons we have been discussing. The failure to grant relief will unreasonably prevent or limit use of the property and will result in substantially more than a mere inconvenience or inability to attain a higher economic or financial return.

And the grant of relief will not result in the use of a structure that is incompatible with or unreasonably interferes
with adjacent property owners. In fact, because of the heavy vegetation on Donaldson as well as Twelve Mile, I think these three locations are appropriate under the circumstances.

MR. FERRELL: Second.

CHAIRPERSON KRIEGER: We have a motion and a second? Discussion?

MR. SANGHVI: You want the (inaudible).

MR. GHANNAM: It's as they proposed.

MR. SANGHVI: Sixty-five square feet?

MR. GHANNAM: That is correct. That is what they proposed, in the three locations that I have identified.

MR. SANGHVI: Thank you.

CHAIRPERSON KRIEGER: Seconder agrees?

MR. FERRELL: Yes.

CHAIRPERSON KRIEGER: We have a motion and a second. If Ms. Pawlowski could call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Gedeon?

MR. Gedeon: Yes.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes seven to zero.
MR. VOS: Thank you.
MR. SYTSMA: Thank you.
CHAIRPERSON KRIEGER: That brings us to other matters. Is there other matters?
(No audible responses.)
CHAIRPERSON KRIEGER: Seeing none, do we have a motion to adjourn?
MR. SANGHVI: So moved.
MR. IBE: Second.
CHAIRPERSON KRIEGER: All in favor say aye.
THE BOARD: Aye.
CHAIRPERSON KRIEGER: Opposed?
(No audible responses.)
CHAIRPERSON KRIEGER: Seeing none, we are adjourned.
(The meeting was adjourned at 8:12 p.m.)
** ** **
Page 61
STATE OF MICHIGAN 

COUNTY OF OAKLAND 

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

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

IN WITNESS THEREOF, I have hereunto set my

hand at the City of Walled Lake, County of Oakland,

State of Michigan.

Date

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