

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, DECEMBER 12, 2017 7:00 P.M.

Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road

BOARD MEMBERS:

Siddharth Mav Sanghvi, Chairperson

Brent Ferrell, Secretary

Linda Krieger

Cindy Gronachan

Joe Peddiboyina

David M. Byrwa

Thomas Nafso

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, December 12, 2017

7:00 p.m.

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CHAIRPERSON SANGHVI: Good evening. It's 7:00 p.m. and it's time to call to order the meeting of the Zoning Board of Appeals of Novi, Tuesday, December 12, 2017.

Would you please all rise and join me in the Pledge of Allegiance.

(Pledge of Allegiance.)

CHAIRPERSON SANGHVI: Thank you. Please be seated.

Madame Secretary, please call the roll.

MS. OPPERMAN: Member Byrwa?

MEMBER BYRWA: Present.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Here.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Present.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Here.

MS. OPPERMAN: Member Nafso?

1 MEMBER NAFSO: Here.

2 MS. OPPERMAN: Member Peddiboyina?

3 MEMBER PEDDIBOYINA: Yeah.

4 MS. OPPERMAN: And Chairperson Sanghvi?

5 CHAIRPERSON SANGHVI: Here.

6 Thank you. Now, the public hearing format
7 and Rules of Conduct are available in the front there,
8 if anybody wants to know, and I won't go into the
9 details of it.

10 As far as I know, there is no agenda today.

11 Is there? I mean, no minutes today?

12 MS. OPPERMAN: No. There's two sets of
13 minutes.

14 CHAIRPERSON SANGHVI: Okay. May I have a
15 motion to approve the minutes?

16 MEMBER GRONACHAN: So moved.

17 MEMBER KRIEGER: So moved.

18 CHAIRPERSON SANGHVI: All those in favor?

19 MEMBER BYRWA: Aye.

20 MEMBER FERRELL: Aye.

21 MEMBER GRONACHAN: Aye.

22 MEMBER KRIEGER: Aye.

23 MEMBER PEDDIBOYINA: Aye.

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MEMBER NAFSO: Aye.

CHAIRPERSON SANGHVI: Aye.

Opposed, same sign.

Do we have the November minutes?

I didn't see them.

MEMBER GRONACHAN: They're here.

CHAIRPERSON SANGHVI: Any comments about the
minutes?

MEMBER GRONACHAN: No changes.

CHAIRPERSON SANGHVI: No changes?

MEMBER KRIEGER: I'm good. Thank you.

CHAIRPERSON SANGHVI: Okay. May I have a
motion to approve the minutes of November?

MEMBER GRONACHAN: So moved.

MEMBER KRIEGER: Second.

MEMBER FERRELL: Second.

CHAIRPERSON SANGHVI: All those in favor
signify by saying "Aye."

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER GRONACHAN: Aye.

MEMBER KRIEGER: Aye.

MEMBER PEDDIBOYINA: Aye.

1 MEMBER NAFSO: Aye.

2 CHAIRPERSON SANGHVI: Aye.

3 Those opposed, same sign.

4 Moving on to the public remarks.

5 Is there anybody in the audience who would
6 like to address the board regarding any subject other
7 than the cases which are on the agenda tonight?

8 Seeing none. We close the public remark
9 section.

10 And we'll start with the first case:
11 PZ17-0055, Adrienne Lenda of 1209 East Lake Drive, west
12 of Novi Road and south of Fourteen Mile Road, parcel
13 number 50-22-02-127-019.

14 The applicant is requesting a variance from
15 the City of Novi Zoning Ordinance, Section
16 3.32-10.ii.a, for the building of a proposed 400 square
17 foot shed on the waterfront, 100 square feet allowed by
18 code. And also, Section 3.32-10.ii.b to allow a 10.5
19 foot height, eight foot allowed by code. This property
20 is zoned single family residential.

21 Is the applicant here? Will you please come
22 forward to the podium. Identify yourself with your
23 name and address.

1 MS. LENDA: Yes.

2 CHAIRPERSON SANGHVI: And if you are not an
3 attorney, be sworn in by our secretary.

4 MS. LENDA: I am not an attorney.

5 CHAIRPERSON SANGHVI: Go ahead.

6 MS. LENDA: My name is Adrienne Lenda. I
7 live at 120 -- well, 1209 East Lake Drive is the
8 property that I'm here for.

9 MEMBER FERRELL: Do you swear to tell the
10 truth in this case?

11 MS. LENDA: I do.

12 MEMBER FERRELL: Okay. Go ahead.

13 MS. LENDA: Thank you for hearing me out
14 today.

15 Okay. So, I'd like to start with the -- this
16 is a sketch of our new home-to-be on 1209 East Lake
17 Drive. We have two pieces of property on this
18 property. There's two pieces of land.

19 Back here is our house to be built, which is
20 being built now. There is a road here. This is East
21 Lake Drive. And then on the other side of the road in
22 front of the house is a lakefront property. The
23 lakefront property is across the street from the house

1 and sits eight feet below road elevation. So it is a
2 unique piece of property.

3 The lot size here is 100 feet wide by 57 feet
4 deep. This is a double size lot. The neighbors around
5 me have similar elevations to the road.

6 I'm going to give you kind of a better
7 picture of what it actually looks like.

8 So, this is a picture of the lake side
9 looking at the elevation going up the road. And back
10 here, this is an existing retaining wall. So we are
11 proposing to build -- let me give you another, a
12 panoramic view of this piece of property.

13 One second.

14 To give you an idea of what the whole lot
15 size is, a panoramic here of where the lot line ends
16 all the way to this side. There's a little debris.

17 So the property hasn't been taken care of in
18 many, many, many years, as you can see. So our goal is
19 to update it and make it look more modern and more
20 beautiful. So we're asking for the 25 by 20 by 10 and
21 a half feet structure.

22 Our lot is 60 feet wider than many of the
23 lots here in Walled Lake. If I understand it

1 correctly, you can have a 10 by 10 accessories
2 structure on a single 40-foot lot. I have two and a
3 half times size that original ordinance. So the 25 by
4 20 is keeping with that guideline and seems a
5 reasonable request.

6 So Igor and I -- my other half -- we've taken
7 our neighbor's view into great consideration when
8 planning this area. We have had numerous meetings and
9 E-mails back and forth with our landscaper and
10 architect and builder to make sure this structure would
11 not block any of their view of the lake. In fact, we
12 purposefully planned to set back the shed toward the
13 road so when you're looking at the lake from the
14 neighbor's house, more of the lake and shoreline is
15 visible. And when you're in the lakefront property,
16 the shed won't stick out toward the waterfront so that
17 your panoramic view is not obstructed.

18 Let me kind of give you an understanding of
19 what that means.

20 So this is the existing shed. And this is
21 the neighbor's shed over here. So the proposal to
22 build would not exceed any farther than where the
23 existing shed is. It would be built back.

1 Maybe I can give you another picture.

2 It would be toward the road.

3 So this existing shed would stay there. It
4 would all be knocked down. Start here and then go
5 backwards toward the house. So we would excavate 10
6 feet of property.

7 We've also put a lot of time and effort into
8 planning this structure to match the architecture of
9 the house with our architect EZD and our landscaper
10 West Oaks. The shed is designed to match the house
11 structure and to use the same materials of stone and
12 wood.

13 There are many similar structures now going
14 up around the lake and it's only improving the look of
15 the neighborhood and increasing the values of our
16 homes. I have many letters of support, which I think
17 you have, from the surrounding neighbors and some of
18 who are actually here and who came to support me in
19 this matter.

20 Thank you very much. That'll do it.

21 CHAIRPERSON SANGHVI: Thank you.

22 MS. LENDA: Thank you.

23 CHAIRPERSON SANGHVI: Is there anybody in the

1 audience who would like to address the board regarding
2 this case? This is the time to come forward.

3 Would you please come to the podium.
4 Identify yourself with your name and address.

5 MR. DEZELL: Thank you. I'm Allen Dezell.
6 This is my wife Nicole. We're the neighbors at
7 1217 East Lake Drive who live next door to Igor and
8 Adrienne.

9 We certainly realize -- we know Igor and
10 Adrienne are building a beautiful new home. It's
11 definitely going to help with the area and we support
12 that.

13 As such, we feel badly coming in front of the
14 board today. This is not how we want to start a
15 relationship with our neighbors but, unfortunately, we
16 find ourselves in this position as we feel the need to
17 protect the beauty of Walled Lake and the neighborhood
18 outweighs all else in this case.

19 We appreciate that the City of Novi has taken
20 the time to develop and enforce its municipal code of
21 ordinances. This particular ordinance, as well as many
22 others, allows for aesthetics and consistency within
23 the community. It ensures that there are unobstructed

1 views of our pristine Walled Lake.

2 Walled Lake is a jewel for the city, for the
3 lakefront owners and for those who walk around and
4 enjoy the beauty and the community as a whole. Given
5 these standards, we are reasonable and understand that
6 variances within the neighborhood are certainly needed
7 in many cases. Most are due to unique circumstances
8 that cause a hardship which in turn constitutes a need
9 for a variance.

10 This request, however, does not fit the
11 criteria for a variance since it falls into the "want"
12 category. The need for this variance has not been
13 demonstrated.

14 We would also like to note that the current
15 approved site plan shows a 25 by 20 structure at the
16 lakefront property which actually equates to 500 square
17 feet. So I'm assuming that is probably in error and
18 that they want a structure measuring 400 square feet.
19 So we're questioning if that was an error.

20 Additionally, the approved plot plan
21 indicates that the new home's first floor finished
22 grade will be built high enough to look above the
23 proposed boat house roof line. For already existing

1 homes in the area, this is not an option and views will
2 be impeded.

3 So we encourage this board, if they haven't
4 done so already, to see what other owners along the
5 lakefront have built in this area. Our understanding
6 is that written notice for variance is provided to
7 property owners within 300 feet of the address, but we
8 took the time to notice that all the structures going
9 approximately 1,500 square feet north to the Walled
10 Lake border and Fourteen Mile and even farther to the
11 south was noted that all the households in question
12 have sheds that are either very near or in compliance
13 to this ordinance.

14 No one in the area has a boat house or shed
15 that is even remotely comparable to the structure
16 requested in this variance.

17 We'd also want to note that there is
18 certainly plenty of room. People park their boats in
19 the back of their yards. Even after their house is
20 built, they'll have over 11,400 square feet of space in
21 the back yard to build a place to store a boat. We
22 store ours in the backyard as well as most of our
23 neighbors and most of the people on the lakefront.

1 We'd like to emphasize to this board that
2 this request does not fit the criteria outlined for a
3 successful dimensional property variance. Answering
4 these questions, many of which are shown on the City of
5 Novi ZBA, supports this fact.

6 "Do you really need a variance or just want
7 one?" This request is clearly a want.

8 "Talk to your neighbors." They never talked
9 to us about this.

10 "Look, see and observe that similar variances
11 have been granted." They have not.

12 "State specifically why you need the
13 variance, what your hardship is and why this ordinance
14 unfairly effects you." There is no hardship and this
15 ordinance does not unfairly cause a concern.

16 "Demonstrate why the hardship is unique to
17 your situation because of land shape, size,
18 topography." There are no unique situations or
19 hardships in this case.

20 "Point out that the variance is the bare
21 needed minimum to correct the problem." There is no
22 demonstrative problem to correct.

23 "Suggest that the variance will not

1 negatively impact any neighbor or will it alter the
2 essential character of the land." The request, if
3 approved, will most certainly negatively impact the
4 neighborhood. It alters the essential character of the
5 land both by blocking the view of Walled Lake and by
6 being inconsistent with other properties in this area.

7 So thank you for your time and consideration
8 in this matter.

9 CHAIRPERSON SANGHVI: Thank you.

10 I don't see anybody else. So we'll close the
11 public remark sections.

12 Mr. Secretary, do we have any correspondence?

13 MEMBER FERRELL: No. None.

14 MEMBER KRIEGER: Wait a minute.

15 MEMBER GRONACHAN: Wait. We have another.

16 CHAIRPERSON SANGHVI: Oh, hi.

17 MR. LANGAN: Hi. Mike Langan, 1225 East Lake
18 Drive, also neighbors to both.

19 I am actually in favor of this a hundred
20 percent. I don't see anything that has any negative
21 impact, not only on the house, the shed, what they're
22 doing there. I think it's all a positive impact on the
23 neighborhood for everyone. I thinks its size, their

1 lot, is definitely large enough to withstand a
2 structure of this size and they're not asking for
3 anything that's over and above. They're not asking for
4 a 20 foot high structure, something like that. There
5 will still be people around who can see the lake and
6 view the lake. Most importantly, I think they'll be
7 taking care of a distressed property, which has been
8 distressed for many years.

9 So I am actually in support of it a hundred
10 percent, and I just wanted to let you know that.

11 MEMBER GRONACHAN: Thank you.

12 CHAIRPERSON SANGHVI: Is there anybody else
13 who would like to address the board?

14 This is public remark section only. Thank
15 you.

16 Okay, Mr. Secretary?

17 MEMBER FERRELL: Yes, Mr. Chair. There was
18 33 letters mailed, 10 letters returned, two approvals
19 and zero objections. The first is by Gordon Wilson,
20 W-i-l-s-o-n, at 1345 East Lake Drive, Novi.

21 "My name is Gordon Wilson. I live at 1345
22 East Lake Drive, Novi, Michigan. After receiving the
23 drawings with Ms. Lenda, I am for support of this

1 project and granting her a variance. This parcel is
2 approximately 100 feet in width and can easily handle
3 the proposed structure. Also, with the structure being
4 several feet below the road, it will not obstruct the
5 view of the lake. This is exactly the type of project
6 East Lake Drive needs. Thank you for talking -- or
7 taking the time to read my letter. Gordie Wilson"

8 The second letter is: "To whom it may
9 concern. My name is Jodie Condon. I live at 1193 East
10 Lake Drive. In regard to lakefront property at 1209
11 East Lake Drive, I believe that the proposed plans to
12 build a 20 by 25 parcel by the water would be a
13 beautiful addition to the lakefront home. The
14 architecture nicely matches the design of the new
15 house. It does not obstruct the view of the lake from
16 our house or any property nearby. I agree to all the
17 plans they have proposed. I believe this is a very
18 good addition to the neighborhood. Sincerely, Jodie
19 Condon."

20 And that's it.

21 CHAIRPERSON SANGHVI: Thank you.

22 Thank you for your presentation, which was
23 very nice. And the photographs, they really help. I

1 know the area and I have seen your house. And all I
2 can say is you did a great job presenting your case.

3 I open it up to the board for a decision.

4 Yes. Member Byrwa?

5 MEMBER BYRWA: I have a question to the
6 petitioner.

7 Is there a reason why you chose the -- is it
8 500 square feet and not something less? That's pretty
9 extreme compared to what the ordinance allows.

10 MS. LENDA: Because we're in a situation
11 where the house is behind the road and the lakefront
12 property is across the road, dealing with the new water
13 sports and things that are going on. Like wind
14 surfing, the wind surfer is 15 feet high by 10 feet
15 wide. The board itself is 10 feet long.

16 It's kind of dangerous to bring that back and
17 forth across the road and store it behind the house,
18 keep bringing it back and forth. I am small. I would
19 need somebody to help me. There's not always that
20 person there.

21 It would just provide ample space for larger
22 toys, let's say. And maybe some shade, if we want to
23 sit under the shade in the extreme heat.

1 The property sits below the road. So to
2 build the extra-large structure, it won't be as visible
3 as most -- I would say 90 percent of the other
4 properties. Don't quote me on that.

5 But since we're below, as you drive by the
6 road, you really can't see the shed and the structure.
7 So if it's more -- kind of fits the size of the lot,
8 then we can put more of the stuff inside there and
9 maybe enjoy the lake more and bring the family down
10 there and provide some shade and provide space for all
11 this larger equipment.

12 That's just why we built the house on the
13 lake. We want to enjoy all of its goodness and
14 amenities. And, you know, we didn't buy it to sit
15 inside the house. We did it to sit by the lakefront
16 and play and -- you know.

17 MEMBER BYRWA: Thank you.

18 MS. LENDA: Stuff like that. Yeah.

19 MEMBER BYRWA: Thank you.

20 MS. LENDA: (To Igor) Do you have anything
21 you want to add?

22 This is my husband. He might want to say
23 something as well.

1 MEMBER KRIEGER: I don't know if this is for
2 you or for the City. For excavating back, does that
3 effect the road stability in any way?

4 MS. LENDA: No. The landscaper already had
5 some permits pulled and checked what the variances on
6 that are and it's 10 feet from the road toward the land
7 that we cannot touch. So it was going to be done 12
8 feet past the road.

9 MEMBER KRIEGER: Okay. I just wanted to
10 clarify. And then 400 or 500 square feet?

11 MS. LENDA: We're asking for an additional
12 400. So it's a hundred that is granted. It's a total
13 of 500.

14 MEMBER KRIEGER: Okay. That's my questions
15 right now. Thank you.

16 MEMBER GRONACHAN: I have a question for the
17 City. So the way this reads this says, "Proposed 400
18 square foot" and they're asking for a 500 square
19 feet.

20 MR. BUTLER: It's a 100 square foot allowed
21 and they're asking for a 400 square foot variance.

22 MEMBER GRONACHAN: Right. But that's not how
23 it reads.

1 MS. SAARELA: But what matters is what it
2 reads in the notice. So you have to look at the notice
3 that went out and posted. It doesn't matter what is in
4 the City's report. Their application says, "Shed
5 square footage variance of 400 square feet."

6 So as long as the notice that went out said
7 variance of 400 square feet, then it's fine. It
8 doesn't matter what the City's summary report said.

9 MEMBER GRONACHAN: My question for the
10 petitioner, if I can. So this is going to strictly be
11 for storage; is that correct? This is not going to be
12 a gazebo later on or any kind of kitchen added or a bar
13 or anything? It's strictly for storage based on your
14 testimony, correct?

15 MS. LENDA: Well, I mean, they'll be a little
16 bit of room in there for shade so we can sit for some
17 shade, but its majority of it is for storage. Like to
18 have enough of a comfort zone so we can sit and provide
19 shade. But its main utility is for storage of large
20 water toys, water structures. Yes.

21 CHAIRPERSON SANGHVI: Anybody else?

22 Yes, Mr. Peddiboyina.

23 MEMBER PEDDIBOYINA: Yeah. I have no

1 objections and you have given a good presentation. And
2 I can understand that with the space issue, and I have
3 no issue.

4 Thank you.

5 CHAIRPERSON SANGHVI: Thank you.

6 MS. LENDA: I do have a quick -- if I can --
7 to add? There was some talk about that there's no
8 other structures like this built on the lake. And just
9 down the street there is a 20 by 20. It's actually
10 already built right now on East Lake Drive down towards
11 the south and their's is only 80 feet wide by 16 feet
12 deep. And that variance was passed this past summer
13 and that shed is now existing.

14 CHAIRPERSON SANGHVI: Thank you.

15 No more? Any further discussion?

16 Seeing none. May I entertain a motion?

17 MEMBER KRIEGER: I'm not very happy.

18 MEMBER GRONACHAN: No. I have a couple of
19 concerns. I'm just trying to ...

20 So I can appreciate the fact of the
21 uniqueness of the lot, but I'm not convinced that
22 there's a hardship here and that's what I'm struggling
23 with.

1 And if my other board members want to jump
2 in, I would appreciate any kind of help or guidance at
3 the other end of the table.

4 So I don't know that not having the shed that
5 size would prevent you from using the property, number
6 one. So I'm struggling with that.

7 Number two, I don't know that not having a
8 10.5 foot height variance would prevent you from using
9 the property. And I think that a lesser variance could
10 still meet the needs without having a negative impact.
11 I understand your testimony about the size of the lot,
12 and I understand that things have changed in terms of
13 what kind of toys we all use.

14 And I don't know about the case on further
15 down that's 20 by 20. Because when we're looking at
16 your case, we have to look at your criteria. And we
17 don't really use other cases to make a determination.
18 And I know a lot of people all come up here and say
19 that, but Walled Lake, because of the lot size and the
20 variations over there, every lot needs a variance of
21 some sort when it comes to building. Ninety percent of
22 them, anyway.

23 But each case has to prove their viability to

1 why they need that variance. So if there is something
2 that you could offer -- because I'm looking at the
3 shaking of the heads here. I think there's more
4 information that you need to offer to us as to why this
5 particular size and why not less and why the height
6 variance. I understand about the wind sailer. Is
7 that -- the wind sail?

8 MS. LENDA: Um-hmm.

9 MEMBER GRONACHAN: But, again, I don't know
10 that that's criteria for a hardship. So if you can
11 help us out here, I would certainly appreciate it.

12 MS. LENDA: Okay. As far as the height
13 variance you're talking about?

14 MEMBER GRONACHAN: Um-hmm.

15 (Image displayed.)

16 MS. LENDA: This is the view from the
17 neighbor who came to object this. It's from his
18 driveway, which is right by his house. His house
19 elevates and sits up about three and a half feet from
20 elevation.

21 This is his shed here and this is his boat
22 house. Like, the covering of his boat which sits there
23 nine months of the year.

1 Our proposed shed would be over here and
2 somewhere just about the height of this. Where the tip
3 of this is, that's where the tip of our shed would be
4 and maybe one foot higher. So as it's closer to the
5 road, you can't really -- it's not obstructing the view
6 of the lake no more than his is. Or his storage of his
7 boat canopy.

8 Our neighbors to the north and south of us
9 have bushes that are four feet tall and fences that are
10 four feet tall here that would obstruct the view more
11 so than the current shed that we're planning to build.
12 That's the neighbor to --

13 MEMBER GRONACHAN: I'm sorry. Maybe let me
14 just clarify. Maybe I didn't make myself clear.

15 MS. LENDA: Yup.

16 MEMBER GRONACHAN: I'm talking about your
17 property.

18 MS. LENDA: Okay.

19 MEMBER GRONACHAN: And what is your hardship.

20 MS. LENDA: Okay.

21 MEMBER GRONACHAN: And I'm not talking about
22 visibility. What I'm looking for is guidance as to why
23 you think yours is a hardship. Why you need this size

1 of a building on this piece of property. Okay?

2 MS. LENDA: Um-hmm.

3 MEMBER GRONACHAN: So that's what I'm looking
4 for is some explanation from you to help us understand
5 what is the need. And to quote the neighbor, but that
6 it's not a want. That it -- what is the need and what
7 does it need to meet the criteria for the hardship?

8 MS. LENDA: Well, mainly it's the safety and
9 security of myself and our children as we're crossing
10 the road with toys, with drinks, with life vests, with
11 everything that would go on our boat, and we have to
12 carry that across the road. It's an increasingly
13 busier road than normal. And we'd prefer to have all
14 of the storage right in front of the lakefront
15 property. It's unfortunate that we are -- that the
16 road separates these two parcels of land and that it's
17 not in our backyard. It happens to be across the road.
18 So this is a hardship that was given to us when we
19 bought the land. We didn't create that the lake is in
20 front of the house and that there is a road separating
21 us. This is what we bought into. So that is kind of
22 our hardship there.

23 You know, we want to enjoy all of the

1 benefits and use the lake. If it was attached into the
2 backyard of my home, I wouldn't be asking for this
3 variance. But because it is across the road, it's not
4 as easy access for everything we want to use inside of
5 the lake.

6 The -- I'm just trying to think about all of
7 the questions you were asking me. I'm sorry.

8 MEMBER NAFSO: Ms. Lenda, if I may?

9 MS. LENDA: Yes.

10 MEMBER NAFSO: The area that the shed is on
11 is eight feet below --

12 MS. LENDA: Correct.

13 MEMBER NAFSO: -- the road level. And so if
14 you're transporting certain things from the shed or
15 from the house back and forth, then you're coming from
16 the shed and you're actually going up eight feet and
17 then you're crossing the road and then you're going to
18 your home?

19 MS. LENDA: Yes.

20 MEMBER NAFSO: And then, if you're coming
21 back, you're crossing the road and then you're --

22 MS. LENDA: Going down eight feet.

23 MEMBER NAFSO: -- going down eight feet?

1 MS. LENDA: Yes.

2 MEMBER NAFSO: And then coming back?

3 MS. LENDA: Yes.

4 MEMBER NAFSO: Is that correct?

5 MS. LENDA: Yes. Yes. It's a hike. It's a
6 haul. It's not easy to do. It's not safe to do, to
7 cross the road. This is the picture of where we are.

8 MALE SPEAKER: Theft.

9 MS. LENDA: Yeah. That's another issue.
10 Theft is another issue why we need to -- we had a lot
11 of break-ins in the area the past few summers. And if
12 we just leave things laying around, they do get stolen.
13 You can't leave them in the boat anymore even with the
14 boat covered. So everything things need to get locked
15 up and it's much easier to lock it up right by the
16 water than bring it back and forth across the road.
17 Again, back to safety and security.

18 MEMBER NAFSO: Do you know, other areas of
19 the lake ...

20 MEMBER GRONACHAN: Yes.

21 MEMBER NAFSO: Does every shed on that lake
22 sit below road level?

23 MS. LENDA: Not every shed.

1 MEMBER NAFSO: Okay.

2 MS. LENDA: There's just a few of us on East
3 Lake right across where we are --

4 (To Igor) I don't know. How many houses
5 would you say?

6 Seven. Eight.

7 MEMBER NAFSO: So there may be some houses
8 that are at the same level of the road and that are
9 10 feet high?

10 MS. LENDA: The majority of the houses on
11 East Lake Drive are on road elevation and they look
12 straight out into the lake and their structures are
13 10 feet high. And then there are others who have
14 variances that are even higher than that.

15 Now, if we put this variance of 10 and a half
16 feet high here, we're only going four feet above the
17 road elevation. So you won't see even near -- like,
18 that's half. That's less than half of what existing
19 structures are on both sides.

20 And we put landscaping in front to make it
21 look pretty. So typical structures on the lake or
22 where the road elevation is consistent with the water
23 are 10 feet high. Ours would only come from road

1 elevation four feet high. So it's six feet less than
2 other existing structures that are at road elevation.

3 MEMBER NAFSO: Thank you.

4 CHAIRPERSON SANGHVI: Thank you.

5 Yes, Mr. Ferrell?

6 MEMBER FERRELL: Thank you, Mr. Chair.

7 So I have a question.

8 MS. LENDA: Yes.

9 MEMBER FERRELL: So why do you need it so
10 big?

11 MS. LENDA: Well, the size of the --

12 MEMBER FERRELL: Wait. Before you answer
13 that, let me say this, though. So here's my concern
14 why I'm -- your size of it. So the other people that
15 have the same situation, you know, I mean, they're
16 going to be like, "Oh, she got 500 square feet so we
17 can go back and get 500 square feet." Then everybody
18 will get 500 feet.

19 It's not the height I'm concerned about that
20 you're wanting. I think the height is probably pretty
21 okay with me, but it's the size of the structure that
22 you want to build. I think it's excessive. And when
23 she asked you -- the other board member asked you if

1 you were going to use it for partying type of stuff,
2 whatever, I mean, I don't know if that's even something
3 that we need to be concerned about or not.

4 MS. LENDA: Um-hmm.

5 MEMBER NAFSO: I have no idea. But that does
6 concern me that that's what you're going to use it for.

7 So I don't know. Is that why you want it so
8 big or is it legitimately because you want to store --
9 and what's the size of the structure? Not the square
10 foot but actually the dimensions.

11 MS. LENDA: 25 feet wide by 20 feet deep.

12 MEMBER FERRELL: 25 by 20 feet deep. Okay.
13 So you have a boat that's 25 feet wide that you want to
14 pull up on to the shore and drag it into the shed?

15 MS. LENDA: Well, no. We don't have a boat
16 that we want to put in there.

17 MEMBER FERRELL: Okay. Well, that's what I'm
18 wondering. If you have, like, a sailboat that you're
19 going to drag on to the shore that's 25 feet long or 20
20 feet long, I maybe would see some need for that, but I
21 don't really see that this is a hardship for you.

22 MS. LENDA: Um-hmm.

23 MEMBER FERRELL: I really don't. I see the

1 hardship, like the other member said, with climbing
2 down the stairs and if you're carrying large items up
3 and down I totally get that, hundred percent understand
4 and I'm on board with that. But if you don't have
5 something that that's size that you need to store in
6 that shed that you're not going to drag across, I don't
7 really see the --

8 MS. LENDA: Well, we do. We have a wind
9 surfer.

10 MEMBER FERRELL: Yeah. And how long is that?

11 MS. LENDA: Fifteen feet long.

12 MEMBER FERRELL: Right. So why not have a
13 shed that is only maybe 15 feet wide or 20 feet wide?

14 MS. LENDA: Well ...

15 MEMBER FERRELL: You know what I mean?

16 MS. LENDA: The idea was to have a --

17 MEMBER FERRELL: I'm just trying to ask you.

18 MS. LENDA: I know.

19 MEMBER FERRELL: I'm just trying to ask you.

20 MS. LENDA: I know. And I'm just trying to
21 help you understand.

22 MEMBER FERRELL: No. I understand. Because
23 everybody wants something super big. Like, I would

1 want something bigger than that even to store all my
2 cool stuff in.

3 MS. LENDA: Yeah.

4 MEMBER FERRELL: But we can't do that,
5 unfortunately, with this. So that's why I'm trying to
6 see if there is something that you guys can minimize
7 the size of the shed that you want I would be more in
8 support. But as it right now, that's the one thing
9 that I wouldn't be in support of is the size of the
10 actual structure.

11 MS. LENDA: Um-hmm.

12 MEMBER FERRELL: The height I'm okay with,
13 but not the size of it. So if there's any way that you
14 can come smaller that the board could agree on, I would
15 be in support of that.

16 I don't know if that is something you need to
17 think about with time. It's not something you can,
18 maybe, easily snap out of your head right now or if you
19 need to talk about it, but I'm just not in support of
20 that.

21 Thank you, Mr. Chair.

22 CHAIRPERSON SANGHVI: All right.

23 Anyone else?

1 As you can see, there is a problem about the
2 hardship and the size.

3 MS. LENDA: Um-hmm.

4 CHAIRPERSON SANGHVI: And there are two ways
5 to do it. We go ahead and vote or we can table it and
6 you can come up with some compromise about the size.
7 Because this is five times the size of what the
8 ordinance allows.

9 And so you can see the situation is difficult
10 for us to justify because we haven't seen any immediate
11 hardship other than you bringing stuff back and forth.
12 And I agree that there is a gradient and you go down
13 the steps. And maybe there is an issue of some degree
14 of safety about doing all this kind of thing, but from
15 what I hear from the board members here, is that if you
16 go and try and make a kind of any kind of resolution of
17 this, rather than denying it. I would rather that not
18 happen and give you an opportunity to rethink and see
19 that you can live with a smaller size of this shed than
20 what you have proposed.

21 MS. LENDA: Um-hmm.

22 CHAIRPERSON SANGHVI: So I'm giving you a
23 choice.

1 MEMBER NAFSO: If I may, I just have one
2 thing to add.

3 Do you mind putting the photo back up where
4 you can see the shed?

5 (Photo displayed.)

6 MEMBER NAFSO: And that is the current shed,
7 correct?

8 MS. LENDA: That is the current shed that is
9 there, yes.

10 MEMBER NAFSO: Okay. I personally think it
11 would be a good idea to see a rendering of what that --
12 what it looks like or whatever you're going to end up
13 proposing actually looks like. I mean, you have very
14 nice renderings of the house and I think what everyone
15 is struggling with is what does this thing really look
16 like? I mean, it's five times the permissible size.

17 (Additional photo displayed)

18 MEMBER NAFSO: Yeah. I see that there, but
19 I'm saying in --

20 MS. LENDA: Like an actual photo?

21 MEMBER NAFSO: I mean, I'm sure you have a
22 talented architect, it looks like. I'm sure he can
23 render it --

1 MS. LENDA: Yup.

2 MEMBER NAFSO: -- you know, into the photo
3 that you have there so we can see what the frontage
4 looks like and what this thing looks like. Because I
5 don't think we're getting -- I mean, it just sounds so
6 much larger than what -- it is much larger than what is
7 permitted. So I think it would behoove you to create a
8 rendering that shows the angle that you have of the
9 actual photo. Taking that and putting that in that
10 actual photo and then we can see, you know, what that
11 actually looks like.

12 I'd urge you to take the advice of the Chair.

13 MS. LENDA: Yeah. Okay.

14 Okay. So we will table that. We will come
15 back with a better solution for you. Hopefully.

16 CHAIRPERSON SANGHVI: That's what we'll do,
17 right? Come back with a compromised site and you'll
18 come back again?

19 That's what you want to do?

20 MS. LENDA: Yes.

21 CHAIRPERSON SANGHVI: Okay.

22 May I have a motion to table this?

23 MEMBER GRONACHAN: I move that in case

1 PZ17-0055, based on the petitioner's agreement, that we
2 table the case until --

3 Can we do it for January of 2018?

4 MS. OPPERMAN: It would have to be February.
5 The deadline for the newspaper is this Thursday.

6 MEMBER GRONACHAN: Okay. So for February.
7 Will that work for you, February of 2018?

8 MS. LENDA: Um, we will be at the Olympics,
9 training. We have five teams going to the Olympics in
10 figure skating so we will not be here pretty much the
11 whole month of February.

12 MEMBER GRONACHAN: So March would be better?

13 MS. LENDA: I guess so.

14 MEMBER GRONACHAN: Or one of us can go and
15 fill in for the figure skating. I can do it. I'm
16 available.

17 So then, I move that we do it for March of
18 2018.

19 MEMBER FERRELL: Second.

20 MEMBER NAFSO: Second.

21 CHAIRPERSON SANGHVI: Any further discussion
22 on the motion?

23 MEMBER GRONACHAN: No.

1 CHAIRPERSON SANGHVI: Seeing none, Madame
2 Secretary, please call the roll.

3 MS. OPPERMAN: Member Byrwa?

4 MEMBER BYRWA: Yes.

5 MS. OPPERMAN: Member Ferrell?

6 MEMBER FERRELL: Yes.

7 MS. OPPERMAN: Member Gronachan?

8 MEMBER GRONACHAN: Yes.

9 MS. OPPERMAN: Member Krieger?

10 MEMBER KRIEGER: Yes.

11 MS. OPPERMAN: Member Nafso?

12 MEMBER NAFSO: Yes.

13 MS. OPPERMAN: Member Peddiboyina?

14 MEMBER PEDDIBOYINA: Yes.

15 MS. OPPERMAN: And Chairperson Sanghvi?

16 CHAIRPERSON SANGHVI: Yes.

17 MS. OPPERMAN: Motion passes.

18 CHAIRPERSON SANGHVI: Okay. We'll see you in
19 March.

20 MS. LENDA: Thank you.

21 MEMBER GRONACHAN: And good luck at the
22 Olympics.

23 MS. LENDA: Thank you.

1 CHAIRPERSON SANGHVI: Moving along. The next
2 case is PZ17-0057, Image360, located at 39711 Grand
3 River Avenue, west of Haggerty Road and south of Grand
4 River Avenue. Parcel number 50-22-24-476-025.

5 The applicant is requesting a variance from
6 the City of Novi, Code of Ordinance, Section 28-5.g.1
7 for the proposed modification of an existing ground
8 sign with the installation of a new changeable copy
9 sign. The base will remain for reuse. The property is
10 zoned general business.

11 Is the applicant here?

12 Will you please come to the podium, identify
13 yourself with your name and address. And if you're not
14 an attorney, please be sworn in by our secretary.

15 MR. BERTAN: My name is Nathan Bertan,
16 9874 Mavis Drive, Brighton, Michigan 48114.

17 MEMBER FERRELL: Do you swear to tell the
18 truth in this case?

19 MR. BERTAN: I do.

20 MEMBER FERRELL: Go ahead.

21 CHAIRPERSON SANGHVI: Go ahead.

22 MR. BERTAN: So I am here on behalf of
23 Fayz Properties to attempt to get the variance for the

1 ground sign that is currently at the Pheasant Run
2 Shopping Plaza.

3 Basically, our hardship in this case is the
4 uniqueness of the layout of the buildings and the
5 property. As you go eastbound down Grand River Avenue,
6 there is a building that is almost completely
7 perpendicular to the road and the driveway falls after
8 this building is viewable. At least the frontage of
9 the building is viewable. And the tenants inside that
10 space have absolutely no exposure on Grand River to be
11 able to have people, passersbys, see that there are
12 businesses there.

13 So we are attempting to in the most minimal
14 way possible use the existing sign and advertise that
15 there are businesses there that are open that can
16 receive customers. And we're trying to recycle the
17 base that is already there, use the pole that is
18 already there, reuse the power and put in a sign that
19 is half the height of the current sign; that is also
20 less wide than the current sign and service all the
21 tenants in a smaller package. Basically, not -- not
22 causing a distraction by having a sign so large.

23 If there are any other questions, I'll

1 answer.

2 CHAIRPERSON SANGHVI: Thank you.

3 Is there anybody in the audience who would
4 like to address the board regarding this case?

5 Okay. Please come forward to the podium.

6 Sir, identify yourself and your address.

7 MR. FAYZ: Good evening, ladies and
8 gentlemen. My name is Allie Fayz. I'm from Pheasant
9 Run Plaza.

10 MEMBER FERRELL: Can you spell your last
11 name?

12 MR. FAYZ: F-a-y-z.

13 MEMBER FERRELL: Thank you.

14 MR. FAYZ: The center was built in '86. It's
15 a very difficult to show the entire center from Grand
16 River when you're heading east. On the back of the
17 center is facing west and the stores are not being
18 exposed to the road when you're traveling east.

19 You have a picture of the center, please.

20 We tried about seven years ago to have a list
21 of the stores in the back to show. It was not accepted
22 by you at that time because that will not be -- will
23 not be accepted. So where we are right now we have

1 something that is very unique and very attractive that
2 can be helpful to the stores. Because we are -- we
3 happen to be across the street from Farmington Hills
4 shopping area and our centers -- one of the first
5 centers was built in '86. And we have a real hardship
6 right now.

7 We would like to ask you to consider it
8 because of the changes of ownerships. And in some of
9 the locations we have had as much as six tenants in the
10 same location in 10 years time. We just -- we need
11 help. We need some help in this area so it can be
12 attractive and helpful to the businesses on Grand
13 River.

14 And especially coming from Haggerty that
15 would not be seen too well with the brushes and trees
16 that are being obstacles for our center.

17 We need your help and consideration. Please.

18 CHAIRPERSON SANGHVI: Okay. Very good.

19 Thank you.

20 Anybody else?

21 Seeing nobody there.

22 MR. AGIUS: Excuse me.

23 CHAIRPERSON SANGHVI: Go ahead. Do you want

1 to say something?

2 MR. AGIUS: Hi. I'm Joe Agius. I work for
3 Image360. We're presenting the sign today. I am an
4 electronic message center specialist with the luminous
5 at night and how bright they are as well as the content
6 for these signs.

7 This, as you saw, it's a unique situation
8 where you've got a lot of great clients inside Allie's
9 strip mall there, but very little frontage on there.

10 I believe you have copies of -- there's their
11 existing sign. But we're not talking about -- this
12 would be cut out of metal. Very beautiful. And at the
13 top it could give these tenants a bit of face on it.
14 This is not any motion. We're going to go underneath
15 the guidelines of four per 15 minutes.

16 MR. BERTAN: I believe the ordinance is four.

17 MR. AGUIS: Four per 15 minutes.

18 Electromatic is the only Michigan made LED
19 message company. We go by high standards. I keep a
20 light meter with me. Matter of fact, I have done it
21 for the City of Milford. I've got signs in downtown
22 Milford and all over Michigan. Even from down in
23 Detroit.

1 But some of these businesses are way in the
2 back, around corners, are -- on there.

3 These would give them a nice chance over the
4 course of a period of time. As you drive by throughout
5 the year, people will find out that these businesses
6 are back there. Not only are the ones -- I mean, the
7 ones that are opposite direction than the traffic, but
8 even the ones that are parallel are at the very back of
9 that parking lot.

10 This is one of the unique situations where
11 you can give these beautiful clients an opportunity.

12 These are just static pictures of their logos
13 and it kind of makes it available so Allie can keep his
14 business full as well as attract tenants to this area.

15 I've been driving by it my whole life and
16 not -- you just don't see every one of those businesses
17 back there. And this is a part of subliminal
18 advertising. When you're driving by or either on your
19 way to work or on your way to a restaurant, you may
20 just say, "Hey, there's an Allstate agent on there" or
21 "I didn't know that Pho Lucky was back there." Of
22 course, I knew that Pho Lucky is back there because I
23 go there all the time.

1 But the other tenants, even a little book
2 shop back there, it kind of gives them a front and
3 center sign. And these things goes to a nice, slow,
4 couple of seconds dissolve between them. So they're
5 not really attracting -- a big distraction from the
6 city -- or from drivers-by.

7 Also, I am a -- I am just obsessed with
8 overbright signs. This sign operates at a hundred
9 percent during bright light but then goes to five
10 percent at night. It's very low luminous.

11 Like I said, I have been hired by companies
12 for Milford to go out there and do my light meters. I
13 carry a light meter with me all the time.

14 These signs are totally adjustable. In 30
15 days afterwards you say, "Boy, that sign was bright," I
16 can go out there and change it. But I have not had to
17 change one yet with Electromatic. We have done other
18 companies, but we've found out that this Farmington
19 Hills based company, Eletromatic, is who we're
20 representing. Image360, we're installers and content
21 designers for it.

22 My name is Joe Agius, by the way, at 522
23 Wishake Trail (ph).

1 Agius, A-g-i-u-s. Like "I haven't seen you
2 in ages."

3 All right. Any questions?

4 CHAIRPERSON SANGHVI: How long are these
5 signs going to stay on the screen?

6 MR. AGUIS: These signs -- how long is their
7 longevity?

8 MR. BERTAN: No. They cycle through.

9 CHAIRPERSON SANGHVI: The cycle through?

10 MR. BERTAN: They conform to the ordinance.
11 I believe the ordinance is four per minute?

12 MR. AGUIS: I have the ordinance with me.
13 It's four per 15 minute on there.

14 MEMBER GRONACHAN: 15 seconds or 15 minutes?

15 MR. BERTAN: I believe it's -- it would
16 conform to the ordinance. I believe it's every 15
17 minutes.

18 MR. AGUIS: I have it. I can give you an
19 exact.

20 MR. BERTAN: The scrolling is changing. It's
21 not a permanent set.

22 CHAIRPERSON SANGHVI: So if you're driving by
23 at 50 miles an hour over there, the businesses are --

1 MR. BERTAN: If you were driving by 50 miles
2 an hour, you would only see one picture. It would
3 change after that.

4 MR. AGUIS: This is something that is over a
5 period of time when you're driving by you're going to
6 find out a new gem that is back there that you did not
7 know was back there.

8 It's four times per minute. Excuse me.

9 CHAIRPERSON SANGHVI: Fifteen seconds.

10 MR. AGUIS: Once every 15 seconds.

11 CHAIRPERSON SANGHVI: Yeah.

12 MR. AGUIS: And only point five-foot candles.

13 Every one of these Electromatic signs -- and
14 I have installed, what, seven or eight in the last
15 couple of months?

16 MR. BERTAN: Yes.

17 MR. AGUIS: I'm at .45. So I'm actually
18 under at night. And I go by the International Sign
19 Association, what the foot candles are, at the exact
20 distances and heights that we measure them by.

21 CHAIRPERSON SANGHVI: Thank you. And how
22 many businesses are there in the complex?

23 MR. FAYZ: Fifteen.

1 MR. BERTAN: Fifteen.

2 CHAIRPERSON SANGHVI: Fifteen businesses.

3 MR. FAYZ: Yes.

4 CHAIRPERSON SANGHVI: Thank you.

5 Okay. Now, the City? Any comments?

6 MR. BUTLER: No comments.

7 CHAIRPERSON SANGHVI: No comments. Thank

8 you.

9 Mr. Secretary, do you have any
10 correspondence?

11 MEMBER FERRELL: Yes. There was 21 letters
12 mailed. Two letters returned. Two approvals.

13 The first approval is from --

14 I'm not really sure if it's -- it says the
15 name is -- I don't know the names. I'll just read it.

16 "Mr. Butler, the request for the better
17 signage with message board is to get the attention of
18 the heavy traffic on Grand River. The businesses need
19 customers after the lunch hour, and as of now have
20 unlimited exposure. It is difficult to see what
21 businesses are located within the plaza especially
22 being on the edge of the city limit with Farmington
23 Hills. Please consider approval of the new signage.

1 Pheasant Run, 39711 Grand River."

2 It's an approval.

3 The second one says: "Gentlemen --"

4 This is from Burger King, 39711 Grand River.

5 It says: "Gentlemen, would appreciate your

6 consideration to this request that is badly needed.

7 Restaurants especially need to show their names and

8 services to increase evening business. Especially

9 being set so far back from the road. This will help

10 the operations a great deal."

11 It's an approval as well.

12 And that's it.

13 CHAIRPERSON SANGHVI: Thank you.

14 MR. AGUIS: Can I make one other comment?

15 CHAIRPERSON SANGHVI: Yes.

16 MR. AGUIS: Allie and I did a ground

17 research. We went to each one of his tenants that were

18 out there and unanimously each tenant said --

19 MR. FAYZ: "Please."

20 MR. AGUIS: "Please. We can't -- nobody

21 knows we're back here."

22 And it was the exact same answer from each

23 one from the dry cleaner to each one of those.

1 CHAIRPERSON SANGHVI: Thank you.

2 MR. FAYZ: Thank you.

3 CHAIRPERSON SANGHVI: Open it up to the
4 board.

5 Yes, Ms. Gronachan?

6 MEMBER GRONACHAN: Who is going to do the
7 questions; the question and answer period?

8 MR. BERTAN: I will.

9 MEMBER GRONACHAN: Thank you. So is it my
10 understanding that the size of the sign is going to be
11 the same?

12 Can you put that back up for me, please?

13 MR. BERTAN: Oh, I'm sorry.

14 MEMBER GRONACHAN: That's all right.

15 MR. BERTAN: The size of the sign compared to
16 what is currently there?

17 MEMBER GRONACHAN: Yes.

18 MR. BERTAN: No. It will be smaller.

19 MEMBER GRONACHAN: It's going to be smaller?

20 MR. BERTAN: It will be half the height.

21 MEMBER GRONACHAN: Half the height.

22 MR. BERTAN: Currently the sign is 66 inches
23 tall by 72 inches wide. And what we are proposing is

1 three feet tall by 66 and, you know, roughly an eighth
2 wide.

3 MEMBER GRONACHAN: So wider but not taller?

4 MR. BERTAN: No. Less wide and less tall.

5 MEMBER GRONACHAN: Okay.

6 MR. BERTAN: Only less wider by four inches.

7 MEMBER GRONACHAN: Really? It doesn't look
8 like that visually, though.

9 MR. BERTAN: It's because this is taken much
10 further away.

11 MEMBER GRONACHAN: Oh.

12 MR. BERTAN: So, yeah. I apologize for that.

13 MEMBER GRONACHAN: Smoking mirrors.

14 MR. BERTAN: Not intentionally.

15 MEMBER GRONACHAN: Okay.

16 Secondly, so the -- you addressed the
17 lighting. Where the bottom part of the brick that says
18 "Pheasant Run Plaza", will that be lit up at night
19 as --

20 MR. BERTAN: No. That is not illuminated.
21 I'm sorry. I didn't mean to cut you off.

22 MEMBER GRONACHAN: So there's not going to be
23 any flood light or anything to identify that?

1 MR. BERTAN: No.

2 MEMBER GRONACHAN: That's a concern with me.

3 MR. BERTAN: Really.

4 MEMBER GRONACHAN: Yes. And I'll tell you
5 why. So, I'm an average consumer out there in Novi and
6 I'm looking -- definitely not for an Allstate agent.
7 If it was a State Farm agent in there, chances were.
8 That, I'd be looking for.

9 And it says, "We're in Pheasant Run." And
10 I'm driving down Grand River at eight o'clock at night
11 and it's 19 degrees, going 50 miles an hour, and I
12 can't see that that's the Pheasant Run Plaza.

13 MR. BERTAN: Okay.

14 MEMBER GRONACHAN: So that's the concern I
15 have with this change.

16 MR. BERTAN: May I pose a question?

17 MEMBER GRONACHAN: Certainly.

18 MR. BERTAN: Would we have to alter the
19 variance to install two flood lights?

20 MEMBER GRONACHAN: That would go to the
21 people to the left, those experts sitting over there.

22 MR. BUTLER: Not to install two flood
23 lights.

1 MEMBER GRONACHAN: I'm sorry?

2 MR. BUTLER: Not to install two flood
3 lights.

4 MEMBER GRONACHAN: So two flood lights would
5 not effect the variance.

6 MR. BERTAN: Then we would absolutely agree
7 to do that.

8 MEMBER GRONACHAN: That would be my only
9 concern. I'm glad that you're doing less. I
10 understand the need for the identification in this day
11 and age in technology. I think that we do need
12 something of this nature these days to get people's
13 attention. I'm guilty of it myself. Probably because
14 I'm not paying attention when I'm driving around.

15 MEMBER KRIEGER: Don't say that.

16 MEMBER GRONACHAN: Unless it's on a Sunday
17 before a ZBA meeting.

18 MR. BERTAN: Yeah. I've got three kids in
19 the back of my car. I'm not either.

20 MEMBER GRONACHAN: So unless I'm looking for
21 something specific, then I need a little help.

22 MR. BERTAN: Right.

23 MEMBER GRONACHAN: And I think that this is

1 going to have little impact. You stated that there is
2 a uniqueness to the shape of the property. That we
3 need better identification. There's a difficulty. We
4 need visible -- to improve the visibility and also to
5 increase the exposure to the businesses. And for those
6 reasons, if you agree to the flood lights and if my
7 fellow board members agree with it as well, I would be
8 in full support of this.

9 MR. BERTAN: We would absolutely put the
10 lighting on there to identify the plaza. No problem.

11 CHAIRPERSON SANGHVI: Yes, Mr. Byrwa?

12 MEMBER BYRWA: Yes. I have a couple of
13 questions.

14 MR. BERTAN: Sure.

15 MEMBER BYRWA: Number one: I have a hard
16 time understanding why he is here. Is he over the size
17 requirements for a B-3 zoned district?

18 MR. BUTLER: He's here for the changeable
19 copy sign.

20 CHAIRPERSON SANGHVI: Changeable copy.

21 MEMBER BYRWA: Oh, changeable copy. Okay.

22 And then I see a dimension on there in the
23 middle of -- at 43 and then at the top at 66.

1 MR. BERTAN: Yes.

2 MEMBER BYRWA: What is the actual width of
3 the sign?

4 MR. BERTAN: Okay. So the 66.13 is the
5 actual size of the message center. The 43, that's just
6 the width of the "Pheasant Run" underneath.

7 MEMBER BYRWA: It looks like it's the same,
8 though.

9 CHAIRPERSON SANGHVI: Yeah, it does.

10 MR. BERTAN: That is just, literally, the
11 "Pheasant Run". That doesn't include the bird.

12 MEMBER BYRWA: Well, I think, doesn't --

13 I guess another question for our
14 administration is: Doesn't the sign ordinance require
15 that you square off the Pheasant Run portion and that's
16 included as a sign, a part of the sign?

17 MR. BUTLER: The base for the sign is the
18 existing base. That base is already there.

19 MEMBER BYRWA: Yeah. But if it's conveying a
20 message, it should be included as a sign.

21 MR. BERTAN: Can I? May I?

22 MEMBER GRONACHAN: Hang on.

23 MR. BERTAN: Oh, I'm sorry.

1 CHAIRPERSON SANGHVI: Just please.

2 Go ahead.

3 MEMBER BYRWA: Yeah. So my understanding of
4 another community I work for where anything that really
5 conveyed a message or was designed to grab somebody's
6 attention was considered a sign. And when it came to
7 lettering, it would be squared off and included as a
8 square footage of the sign, the lettering that said
9 "Pheasant Run Plaza."

10 MR. BUTLER: Yes. That is normal. Yes. The
11 lettering is all part of the sign, too.

12 MEMBER BYRWA: So he still wouldn't be over
13 the sign requirements, including the changeable
14 message, and the Pheasant Run would still be within, I
15 guess, the maximum allowable for a B-3 zoned district?

16 CHAIRPERSON SANGHVI: Combination of the two
17 signs.

18 MR. BERTAN: May I comment on this?

19 MR. BUTLER: With the combination of the
20 letters plus the sign, I don't believe it is. I think
21 it would still fall within.

22 MR. BERTAN: We are at 25.33 --

23 MEMBER GRONACHAN: Hang on. Let them.

1 MR. BERTAN: I'm sorry.

2 MEMBER GRONACHAN: It's at the table now.

3 You've got to wait.

4 CHAIRPERSON SANGHVI: We'll ask you when we
5 need you.

6 MR. BERTAN: I'm sorry.

7 MEMBER BYRWA: So you're saying that it would
8 be within the requirements of the B-3 zone district?

9 MR. BUTLER: Yes.

10 MEMBER BYRWA: Okay. Good. Thank you.

11 CHAIRPERSON SANGHVI: Okay.

12 Member Ferrell?

13 MEMBER FERRELL: Is that considered, like,
14 two signs? Two separate signs? One is a flashing sign
15 and one's the Pheasant Run; is that what you're getting
16 at? I guess I'm confused with this.

17 MR. BUTLER: Well, the signage is also
18 overall square footage also. The overall square
19 footage of the sign which is the dimension of the
20 letters plus the dimension of the changeable copy
21 sign.

22 MEMBER BYRWA: And then they're attached
23 together.

1 MR. BUTLER: Right.

2 MEMBER FERRELL: I feel like we had a case
3 like that and they were considered separate signs.

4 MS. SAARELA: You have business center signs,
5 though. You have a bunch and those are usually stacked
6 on top of each other.

7 MEMBER FERRELL: Right.

8 MS. SAARELA: And those are not considered
9 separate signs.

10 CHAIRPERSON SANGHVI: Anybody else?

11 Yes, Ms. Krieger?

12 MEMBER KRIEGER: Just to clarify the brick
13 footprint. The brick is the same as before, you're
14 going to keep that and then just change the top?

15 MR. BERTAN: Yes. We're not altering the
16 brick itself at all. We're even reusing the pole that
17 is holding up the current sign. So, no. The brick
18 will not change in anyway. Other than putting the
19 letters in.

20 MEMBER KRIEGER: Okay. I am in favor as well
21 including the spotlights. And then also so at night
22 when the business is closed, the changeable copy will
23 be on or off?

1 MR. BERTAN: It will still run.

2 MEMBER KRIEGER: It will still run?

3 MR. BERTAN: Yes.

4 MEMBER BYRWA: But it's at a lower intensity
5 then?

6 MR. BERTAN: Yes.

7 MEMBER PEDDIBOYINA: You mean it's like a
8 24 by seven?

9 MR. BERTAN: Yes. It will run 24 hours a
10 day, seven days a week, 365 days a year.

11 CHAIRPERSON SANGHVI: Anybody else?

12 MEMBER KRIEGER: That's it. Thank you.

13 CHAIRPERSON SANGHVI: Well, then, I will
14 entertain a motion.

15 MEMBER GRONACHAN: Don't everybody jump at
16 once.

17 MEMBER KRIEGER: Don't worry.

18 MEMBER GRONACHAN: Really?

19 MEMBER KRIEGER: Yeah.

20 CHAIRPERSON SANGHVI: Go ahead.

21 MEMBER GRONACHAN: It could be my last one,
22 you guys. Better make it a memorable one.

23 Okay. In case number PZ17-0057, I move that

1 we grant the variance that the applicant is requesting
2 for the existing ground sign to be installed to be
3 changed with installation of a new changeable copy
4 sign. The base will remain and also that two flood
5 lights will be installed to light up the bottom of the
6 sign.

7 Without this variance, the petitioner will be
8 reasonably prevented or limited with respect to use of
9 the property, based on the testimony that was given by
10 the property occupant and the sign company.

11 The property is unique because of the shape,
12 the location of the building, causing a difficulty for
13 visible exposure of each business, which there are six
14 of them in this mall.

15 CHAIRPERSON SANGHVI: Complex.

16 MEMBER GRONACHAN: The petitioner in the
17 complex.

18 Thank you.

19 The petitioner did not create the condition.
20 This building has been a long-standing business and
21 times have changed with the increase in traffic and the
22 increase of growth throughout the city, the need for
23 additional exposure is necessary.

1 The relief granted will not unreasonably
2 interfere with adjacent or surrounding properties.
3 Again, based on the longevity of this business. The
4 relief is consistent with the spirit and intent of the
5 ordinance because there is no change -- there is no
6 change in the size of the sign as given by the
7 petitioner. The size is actually being decreased which
8 is meeting the spirit of the ordinance. And that is
9 why I move that this variance be granted?

10 MEMBER KRIEGER: Second.

11 CHAIRPERSON SANGHVI: The motion has been
12 made and seconded.

13 I just have one question before we have a
14 vote.

15 What are the hours of this sign going to be
16 on?

17 MEMBER GRONACHAN: 24 hours.

18 MR. BERTAN: 24/7, yes.

19 CHAIRPERSON SANGHVI: 24/7. Thank you.

20 All right. Any further discussion on the
21 motion?

22 Seeing none, Madame Secretary, please call
23 the roll.

1 MS. OPPERMAN: Member Byrwa?
2 MEMBER BYRWA: Yes.
3 MS. OPPERMAN: Member Ferrell?
4 MEMBER FERRELL: Yes.
5 MS. OPPERMAN: Member Gronachan?
6 MEMBER GRONACHAN: Yes.
7 MS. OPPERMAN: Member Krieger?
8 MEMBER KRIEGER: Yes.
9 MS. OPPERMAN: Member Nafso?
10 MEMBER NAFSO: Yes.
11 MS. OPPERMAN: Member Peddiboyina?
12 MEMBER PEDDIBOYINA: Yes.
13 MS. OPPERMAN: Chairperson Sanghvi?
14 CHAIRPERSON SANGHVI: Yes.
15 MS. OPPERMAN: Motion passes.
16 MEMBER KRIEGER: Congratulations.
17 CHAIRPERSON SANGHVI: Congratulations.
18 MR. BERTAN: Thank you all.
19 MEMBER GRONACHAN: Good luck.
20 MR. FAYZ: That's a good gift for Christmas.
21 MEMBER GRONACHAN: There you go. Merry
22 Christmas.
23 CHAIRPERSON SANGHVI: Before we adjourn, I

1 want to wish everybody a very happy holiday and very
2 peaceful, joyous and safe holidays for everybody.

3 MEMBER KRIEGER: You too.

4 MEMBER FERRELL: Thank you.

5 MEMBER PEDDIBOYINA: Thank you. You, too.

6 MEMBER GRONACHAN: Thank you. Good luck.

7 CHAIRPERSON SANGHVI: And we'll see you in
8 the next year. If there is no other business to be
9 discussed, may I have a motion to adjourn?

10 MEMBER GRONACHAN: So moved.

11 MEMBER NAFSO: Second.

12 CHAIRPERSON SANGHVI: Motion has been made
13 and seconded.

14 All those in favor of adjournment signify by
15 saying "Aye."

16 MEMBER KRIEGER: Aye.

17 MEMBER GRONACHAN: Aye.

18 CHAIRPERSON SANGHVI: Aye.

19 MEMBER FERRELL: Aye.

20 MEMBER BYRWA: Aye.

21 MEMBER PEDDIBOYINA: Aye.

22 MEMBER NAFSO: Aye.

23 CHAIRPERSON SANGHVI: Aye.

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All opposed, same sign.
Meeting adjourned.
(At 8:04 p.m., hearing concluded.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of sixty-four (64) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/ Darlene K. May
Darlene K. May, RPR/CSR-6479

December 19, 2017
(Date)