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REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

Tuesday, November 19, 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, November 19, 2013

BOARD MEMBERS

Linda Krieger, Chairperson
Mav Sanghvi
Jeffrey Gedeon
David Ghannam
Rickie Ibe

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

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.

Tuesday, November 19, 2013

7:00 p.m.

** ** **

CHAIRPERSON KRIEGER: Welcome and good evening. Welcome to the Novi Zoning Board of Appeals meeting for Tuesday, November 19, 7:00 p.m., and we have a call to order, and Mav,
if you could say the pledge, please.

(Pledge of Allegiance recited.)

CHAIRPERSON KRIEGER: And

Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Ferrell is absent, excused.

Member Gedeon?

MR. GEDEON: Here.

MS. PAWLOWSKI: Member Gerblick is absent.

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: We have a quorum. And this is a public hearing format and the rules of conduct are in the back. If anybody has any questions, we can help as well.

Do we have an approval of the agenda? Is there any changes?

MS. PAWLOWSKI: Yes, we do have a change.

Case No. PZ13-0060 at 47900 Grand River, for Applebee's, they have asked to be tabled to the December 10th meeting.
Then we have an approval of the agenda with the change?

MR. GHANNAM: I'll move to approve it as amended.

MR. IBE: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed? (No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, we have an agenda.

MR. SANGHVI: I just wanted to point out there are two items (inaudible).

CHAIRPERSON KRIEGER: I think they're two different sites though. Are they different two different sites?

MR. BOULARD: Two different parcels.

CHAIRPERSON KRIEGER: Very good. And minutes, a motion or any discussion regarding the September 10 minutes?

MR. SANGHVI: So moved.

CHAIRPERSON KRIEGER: We have a motion.

MR. IBE: Second.

CHAIRPERSON KRIEGER: Motion and second for September 10, 2013 minutes? Any other discussion?
CHAIRPERSON KRIEGER: Seeing none -- we call the roll --

MS. SAARELA: Just a voice.

CHAIRPERSON KRIEGER: All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, we have approval of September.

Now for October 8, 2013 minutes.

MR. SANGHVI: So moved.

CHAIRPERSON KRIEGER: Any second?

MR. GHANNAM: Second.

CHAIRPERSON KRIEGER: We have a second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, we go to the public remarks.

Is there anybody in the public that has a comment regarding anything, or else if it's regarding a case, if you could come up during that time.

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none.

Then that closes public remarks.
We will go to Case No. 1, which is PZ13-0052, for North Haven. If you come up to the podium and state your name and spell it for our court reporter.

MS. SAARELA: You should let all the applicants know that they can have their case postponed until the next meeting if they want because of the lack of a full board.

CHAIRPERSON KRIEGER: If anybody out there wants to -- we do not have a full board. We have two members absent, if you wish to postpone to another one, we would be willing to table that, when you come up or as you wish.

CHAIRPERSON KRIEGER: Go ahead.

MS. EICHLER: My name is Denise Eichler.

CHAIRPERSON KRIEGER: Could you spell your name.

MS. EICHLER: E-i-c-h-l-e-r.

CHAIRPERSON KRIEGER: Are you an attorney?

MS. EICHLER: No.

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

MR. GEDEON: In Case No. PZ13-0052, do you swear to tell the truth?

MS. EICHLER: Yes.

CHAIRPERSON KRIEGER: All right.

You may proceed thank you.
MR. EICHLER: This is a variance request for a small addition my husband put on our house. Unfortunately, he's not here because he passed away in September. So I'm here -- I'm not sure -- I'm just trying to fill in for him.

CHAIRPERSON KRIEGER: So you're looking for a variance.

Then I will send it over to Mr. Boulard, do you have any questions?

MR. BOULARD: No questions just to maybe fill in a few of the blanks. This is an addition that was put on the rear of an existing home. The rear setback of 35-foot minimum is required to be maintained and the house sits fairly far back on the lot and the addition and the deck extends into the rear setback, hence the need for the variance.

The site is somewhat unique in that it backs up to a multi family project and there is a fully dense amount of vegetation, and then a set of carports, so there is not like there is another neighbor.

It's unique only in that there is not another neighbor basically behind it.

Other than that, I will be happy to answer any questions.

CHAIRPERSON KRIEGER: Thank you.

I'm sorry for your loss.

MR. EICHLER: Thank you.

CHAIRPERSON KRIEGER: I will open Page 7.
it up to the board -- oh, correspondence, please.

MR. GEDEON: In Case PZ13-0052, there were 19 notices mailed, zero returns, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Very good.

Mr. Sanghvi?

MR. SANGHVI: Thank you. I came and saw your property yesterday. You have a very good looking dog there.

MR. EICHLER: Thank you.

MR. SANGHVI: Anyway, what is right behind your house?

MR. EICHLER: What is behind it?

MR. SANGHVI: Yes.

MR. EICHLER: Condominiums.

MR. SANGHVI: Okay. The reason why I ask you, I don't think you will disturb anybody by having this kind of change with your -- what you have requested, and as far as I'm concerned, I have no problem with the variance you have requested.

MR. EICHLER: Thank you.

CHAIRPERSON KRIEGER: Yes, public.

Thank you, Mr. Boulard.

Anybody in the public have any comments regarding this case?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none.

I'm forgetful today. I blame my statins.
Anyone else? A motion maybe?

MR. GEDEON: I'll take it. In Case PZ13-0052, 210 North Haven, I move that we approve the variances as requested.

In this case, there are unique circumstances or physical conditions of the property, such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulties, specifically in this case, there is little impact on the neighboring properties given the vegetation barrier to the rear of the property as well parking facilities and the adjacent property.

The need is not self-created.

Strict compliance with the regulations governing the area, the setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

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

The variance will not cause an advance impact on surrounding properties.
property values or the use and enjoyment of the property in the neighborhood or zoning district.

Chairperson Krieger: I have a motion.

Mr. Sanghvi: Second.

Chairperson Krieger: A motion and a second.

Any other discussion?

(No audible responses.)

Chairperson Krieger: Seeing none, Ms. Pawlowski, can you call the roll.

Ms. Pawlowski: Member Gedeon?

Mr. Gedeon: Yes.

Chairperson Krieger: 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 five to zero.

Chairperson Krieger: Very good.

Mr. Eichler: Thank you.

Chairperson Krieger: That brings us to our next case, PZ13-0054, for Grand River...
for Heyn multi tenant. If you could come to the
podium.

And are you an attorney?

MR. HEYN: No.

CHAIRPERSON KRIEGER: If you could
spell your name for our court reporter.

MR. HEYN: H-e-y-n.

CHAIRPERSON KRIEGER: Momentarily
Member Gedeon will swear you in.

MR. GEDEON: In PZ13-0054, do you
swear to tell the truth?

MR. HEYN: I do.

MR. GEDEON: Thank you.

MR. HEYN: Good evening, Board
Members. Like we said, I'm Jeff Heyn. I reside
at 1420 Pettibone Lake Road, Highland, Michigan.
And I'm one of the property owners.

There is three buildings on
this sight. The rear building is this one
here, this upper building, or then there is
two up on the front of Grand River.

We have just recently went to
the Planning Commission to renovate the
westerly front building, that's this building
right there. That's vacant. It's an older
1960s building. We plan to turn it into that
image above right there.

So anyway, we are really
excited about looking forward to rejuvenating this older '60s building, which will soon look like an attractive 2014 building.

We have done considerable recent work on the other two previously vacant light industrial buildings, and we now have three great tenants, Total Sports Roller Hockey in the rear building and two new tenants in the eastern front building. That would be that one.

Cross Fit Novi Gym and Brian Adams Physical Therapy.

So we've recently been to the Planning Commission and got approval -- or what do you call, preliminary approval to do the renovation on the older building, which we plan on removing certain parts of the building.

This front office will be removed and this side pendage will be removed.

But we have no tenants lined up as of yet for the newest building, but as part of our retrenching, we are here seeking your approval to install a new multi-tenant ground sign.

This sign will service three -- these three buildings, which total 60,000 square feet with a potential of six or more businesses located at one of these three
buildings. And we modeled our sign after another business center sign located a couple blocks west of this site. I have got a picture here.

This is essentially what we are trying to do. This particular sign is just a couple blocks west of our site and it services a 20,000 square foot multi tenant building.

Our proposed sign is about the same size, this is a little bit taller, maybe six inches taller.

Of course, this we're -- that's what we would like to do.

There are a couple of important needs or purposes that this sign will achieve for businesses in this project. Some of these businesses have limited or no visibility to Grand River traffic.

This sign will allow potential customers traveling along Grand River to find these businesses and not pass on by, then turn around and try again.

Currently this happens often with the roller blade hockey building in the rear building, you know, without having any Grand River identification.

This sign will also designate where the entrance to these businesses are and where to enter the site aiding in traffic.
movement in and out of this multiple business complex.

So I can answer any questions. I know we are going to deal with the sign, and then the parking variance afterward.

CHAIRPERSON KRIEGER: Is there anyone in the public that has any comments?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, I will turn it over to Mr. Boulard.

MR. BOULARD: Just one point of confirmation, I believe the sign, just to confirm, that the sign is 72 inches high so there is not a variance required for that height, right?

MR. HEYN: Correct.

CHAIRPERSON KRIEGER: Okay. And correspondence?

MR. GEDEON: In Case PZ13-0054, there were 20 notices mailed, two were returned mail, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Now open it up to the board. Questions? Member Sanghvi.

MR. SANGHVI: Thank you. I was wondering what you were doing to make the place look better.

MR. HEYN: Thank you.

MR. SANGHVI: I have no problem with your new improvement plan, building your parking lot arrangement. Thank you.
MR. HEYN: Thank you.

CHAIRPERSON KRIEGER: It said in the packet there is storage. Do you know what kind of storage you would have in there?

MR. HEYN: Storage?

CHAIRPERSON KRIEGER: I believe so --

MR. HEYN: In the old building there is some stuff in there, but --

CHAIRPERSON KRIEGER: Depending on your tenant then?

MR. HEYN: I'm not sure what --

CHAIRPERSON KRIEGER: I was reading it in the part on the planning review.

MR. HEYN: We plan to totally renovate that building. I'm not sure --

CHAIRPERSON KRIEGER: Maybe then I just misread it.

I also have -- it looks very nice how you're going to -- it would be nice to see how it's going to be used, since I'm right around the corner from there.

MR. HEYN: It's been vacant a long time.

MR. GHANNAM: I have a couple of questions. None of the buildings have particular tenant signs at this point?

MR. HEYN: They have wall signs. Pretty -- yeah, designating where they are and where their entrances are. Like there is a
MR. HEYN: Yes, the existing tenants. There is three. And we would hope that, you know, any future tenants would also have that ability, because actually, that designates more where they're at within the site and where their entrance is.

MR. GHANNAM: I don't have any other questions. Thank you, sir.

CHAIRPERSON KRIEGER: Yes?

MR. GEDEON: Can you go back to the picture of your mockup sign.

MR. HEYN: Sure.

MR. GEDEON: Are those -- now, you already corrected the height dimension as 72 not 79 inches. But are the other dimensions accurate?

MR. HEYN: Correct.

MR. GEDEON: And to the city, how is the overall square footage or are any of those portions of this mockup sign omitted from that calculation of 40.47 square feet?

MR. BOULARD: The base would be omitted. I have to get a calculator to do the rest.

MR. GEDEON: It's safe for us to
go with the 40.47 square feet if we approve the variance?

MR. BOULARD: Yes.

MR. GEDEON: That's all. Thank you.

MR. HEYN: Charles, we would probably ensure that it's six foot total. We would have the base, it's still there. So, you know, we would reduce proportionately, whatever, not to exceed the six feet we could probably still have that eight or 10-inch base at the bottom just to get it off the ground.

MR. BOULARD: But as -- if I may, as long as the base stays at least at six and a half inches, you would be within the 40 square feet.

MR. HEYN: Right.

MR. BOULARD: If we don't exceed the 72 high, we should be good.

CHAIRPERSON KRIEGER: You're amendable to that?

MR. HEYN: Yes, absolutely.

CHAIRPERSON KRIEGER: What, we have to do the parking separate from the sign?

MR. BOULARD: The criteria are different, so it might be worthwhile doing a separate motion. They both have been included for you.

MR. IBE: One quick question.
Sir, I heard you say that you may have new tenants obviously once this addition is done, is that correct?

MR. HEYN: Correct.

MR. IBE: Now, the sign that you have, the mockup sign, obviously, shows six businesses. Are these the existing businesses right now that you have?

MR. HEYN: No. There is three of them that are existing. We just used three fictitious names right now.

MR. IBE: So you assume -- you're taking into consideration that new business will come and they can fit into this sign as well?

MR. HEYN: Yes. That's our hope. If we end up having four tenants, then we are going to have to, you know, make each panel smaller or whatever we do, you know. I know we are going to have to stay within that area.

MR. IBE: Very well. Thank you, sir, you have answered my question.

MR. HEYN: Thank you.

MR. IBE: You're welcome.

CHAIRPERSON KRIEGER: Looking for a motion then, or two. Member Gedeon.

MR. GEDEON: In Case PZ13-0054, I move to approve the applicant's request for a sign variance for a 40.47 square foot multi tenant ground sign.

The request is based on
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 this is a multi building parcel, where there are certain of those tenants bases are obscured from the roadway, such that wall signs would not be sufficient for those businesses.

Failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than a mere inconvenience or inability to attain a 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 and 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. IBE: Second.

CHAIRPERSON KRIEGER: I have a motion and a second. Any other discussion?

(No audible responses.)

Seeing none, if Ms. Pawlowski
can call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: 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 five to zero.

MR. HEYN: Thank you.

CHAIRPERSON KRIEGER: Dimension variance we do that too? Part two. Go ahead.

MR. HEYN: We're seeking a variance for 270 square feet of -- a few parking spaces within the setback. You can -- it illustrates it on the landscape plan there.

And I think the City of Novi planners have favorably -- I don't know if I can say endorsed, but they looked favorably at our treatment of -- you know, the design of the building, the design of the landscaping. Right here we're going to have eight feet of landscaping in front of the new building. And it's according to your landscape designer.
And then we also have three-foot high berm up in front kind of buffering the parking in front along there. And we are providing a marginal access for future connection to the westerly property, adjoining property. So I think they viewed it as a positive in trying to redesign this area of this site.

CHAIRPERSON KRIEGER: That's it?

Open it up to the public again for any comments?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, Mr. Boulard?

MR. BOULARD: Nothing to add.

CHAIRPERSON KRIEGER: The board?

We're looking for a motion again.

MR. IBE: In Case No. PZ13-0054, for 6035 Grand River Avenue, I move that we grant the petitioner's request regarding the issue of parking for the following reasons. There are unique circumstances and physical conditions of the property, such as the narrowness and shape and topography or similar physical conditions and the need for the variance it is not due to the applicant's personal or economic difficulty.

For the fact that the applicant is making quite a bit of improvement to the property and the landscaping and all of that, it obviously is meaningful that the parking...
also be modified to fit with what the applicant wish to accomplish.

The need is not self-created.

Strict compliance with regulations governing the area setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose.

The requested variance is a minimum variance that is necessary to do substantial justice to the applicant as well as to all the property owners in the district.

The requested variance will not cause an adverse impact on surrounding property and will not effect the property values of the other properties in the area, or the use and enjoyment of the property of the neighborhood in the zoning district.

MR. SANGHVI: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion? (No audible responses.)

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

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: 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 five to zero.
CHAIRPERSON KRIEGER: Good luck.
MR. HEYN: Thank you very much.
CHAIRPERSON KRIEGER: Call our next case for Varsity Lincoln. Case No. PZ13-0056, 49251 Grand River.
MR. CASTANOS: Good evening. How are you. My name is Rick Castanos, C-a-s-t-a-n-o-s, service director of Varsity Lincoln.
MR. GEDEON: In Case No. PZ13-0056, do you swear the tell the truth?
MR. CASTANOS: I do.
MR. GEDEON: Thank you.
MR. CASTANOS: I don't know if these photos are going to show up on here. Can I pass these out to you guys so you can see it.
CHAIRPERSON KRIEGER: Yes. If you have an extra one for the overhead.
MR. CASTANOS: What we have is
we're asking for a variance. What we have got is we have got parking light poles that are throughout the parking lot of the dealership. And we put these black out plastic bollards there just because we had customers that were running into light poles, there was concrete base and damaged cars, so we did this esthetically throughout the dealership, plastic bollards, they're about two and a half, three feet.

They're located throughout the entire dealership within the parking lot as well as I guess on the facing Grand River as well as Wixom Road.

The question here is -- the label, you see the name, the Lincoln brand, the logo and then varsity on top. Those are stickers, they're about four inches each, they come off. They kind of come off during the wintertime, so we put them back on. So they're not fixed on permanent. So we didn't realize when you come to the store, esthetically when you're in the parking lot, they're on the front and back and the parking lot. So you don't see them from the road whatsoever. There is probably 25 total poles.

We did it esthetically on the outside too, so it matched all of them through inside the parameters of the store.
So what we are looking for, what we'd like to go through on the exterior, facing Grand River.

CHAIRPERSON KRIEGER: Very good. That's it?

MR. CASTANOS: That's it.

CHAIRPERSON KRIEGER: Anybody in the public have any comments regarding this case?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, Mr. Boulard, do you have questions, comments?

MR. BOULARD: Just a point of clarification. If you look at the overhead shot that's included in the packet, you will see that there is a -- there is a line that runs from left to right. That's actually the line that separates the City of Novi from our neighbor to the north and west. And so if you go out and count the number of signs, you will find that the total number is less than what's in the variance because only nine or ten of them are actually within the City of Novi believe it or not.

MR. CASTANOS: Right, in Wixom.

MR. BOULARD: Are out in Wixom. So I just want to point that out, if you notice there is a discrepancy what you saw out there and what's on here, that's why it is.

CHAIRPERSON KRIEGER: Thank you.
19 MR. BOULARD: Other than that, I will be happy to answer any questions. Thank you.

22 CHAIRPERSON KRIEGER: You don't have to don't pay taxes in both cities, do you?

24 MR. CASTANOS: Yes.

25 CHAIRPERSON KRIEGER: Is there any correspondence, please.

1 MR. GEDEON: In Case PZ13-0056, there were 12 notices mailed, zero return mails, zero approvals an zero objections.

5 CHAIRPERSON KRIEGER: All right. Open it up to the board. Yes, Member Sanghvi.

7 MR. SANGHVI: I drove around outside to find out. I think these little things really help to have an internal flowing and proper (inaudible).

11 MR. CASTANOS: I appreciate that.

12 MR. SANGHVI: I don't have any problem with your sign.

14 MR. CASTANOS: Thank you.

15 MR. GHANNAM: Have a question for the city. If they didn't have the words on there, would they be -- they would be considered signs, I presume?

19 MR. BOULARD: The words or the logo.

21 MR. GHANNAM: Right, the words or the logo.
MR. BOULARD: If there was no printing, essentially they would be considered signs.

MR. GHANNAM: That's my problem, I guess, with it. You're asking for ten signs, realistically, and although you have more, some are not in our city. If your theory is that these are to prevent people from hitting the poles, I understand that, but you don't need the signs there to do that.

I don't blame you for wanting them, don't get me wrong. But I think this particular corner, been by there a million times, I think all the signs that you have are appropriate. It's well-lit and well-signed, so I would be opposed to it.

MR. CASTANOS: Let me ask something real quick. The reason for -- we carried it on the outside, basically we were following the Lincoln brand. We took the Lincoln brand name, which all the cars in the Lincoln line towards Grand River, so you're seeing all the grills on Grand River, so we just took the Lincoln emblem, the Lincoln name and carried it and then obviously we added (unintelligible) that's how we came up with it esthetically when we look at the whole --

MR. GHANNAM: I don't blame you for wanting it, but in terms of trying to get an
exception under our rules, it seems to be excessive. That's all. Thank you.

CHAIRPERSON KRIEGER: So it would go along the with cars?

MR. CASTANOS: Yes, they're basically the Lincoln logos in the front of the cars, kind of match that. We have the Lincoln emblem following the Lincoln brand. Also we have got the signs that are on Wixom, in Wixom that actually face Wixom, Grand River and Wixom Road. Those are also -- I hate to take away those and still have those, you got eight signs here, not there, then you got six that are there, in Wixom, so --

MR. IBE: Sir, as part of what we have to do here in approving or denying, we obviously have to stay within the ordinance. Now, can you tell me, sir, what is the exceptional, unique reason why you need these signs?

MR. CASTANOS: Well, esthetically, when you drive into the store, and you see all the signs that are out there, the look and the cleanliness of them, really -- the awareness of them, whether -- how it shows, it really stands out a lot more. We like the look of it a lot better. It's a lot cleaner than just having the plain black boards that are there.

So putting them on the exterior just kind of follows it throughout the entire
store, you know, inside the parking lot and outside, facing outside.

MR. IBE: As a follow-up to that, the purpose of why you need this is because you feel because customers were running into --

MR. CASTANOS: It started inside the parking lot, when we did them in the parking lot. That's what happened. So what we did, when we drove by, you saw the plastic bollards inside, but then you had the plain poles that were on the border line facing Grand River, so it didn't look right.

So what we did was, we carried the plastic bollards out there, esthetically we take care of our dealership pretty well. We are pretty proud of it, so it just didn't look right when you saw the plastic bollards in the parking lot, then you saw these poles that were on Grand River, you know, that were just poles going down, so we decided to put those out there, too, to make sure esthetically it looked good.

Then when we carried later on, because they have been up there for years, later on we carried the lettering around the poles, which -- carrying the Lincoln brand and whatnot.

MR. IBE: So will you agree, sir, that without the Lincoln logo on this (unintelligible), you can still accomplish the
same thing that you wish to do without it, is that correct?

MR. CASTANOS: Sure.

MR. IBE: So obviously it does not limit or prevent you from reaching the intended goal, is that correct?

MR. CASTANOS: Correct.

MR. IBE: So the only other thing we are worried about, we don't want to see happen is, we don't want to be driving down Grand River, or anyone in there, see like, you know, esthetically when you look at the dealership, we spent a lot of money on the facade of it, I'd hate to see seven, eight, nine poles that are on Grand River that have the logos on it, and then all a sudden, the other five that are blank that are in Novi.

CHAIRPERSON KRIEGER: Has Wixom approved those?

MR. CASTANOS: Yes.

MR. IBE: Sir, I think you have made it pretty easy to oppose this. Thank you.

CHAIRPERSON KRIEGER: We will know we're in Novi, then, too. I don't know.

Any other comments?

Member Gedeon, questions?

A motion then?

MR. GHANNAM: I can. In Case No. PZ13-0056 for 49251 Grand River for Varsity Lincoln, I move to deny the zoning request as
I do not believe the request is based upon circumstances or features that are exceptional or unique to the property. The failure to grant relief will not unreasonably prevent or limit the use of the property. The grant of relief will not result -- strike that.

I don't believe substantial justice would be done to above the applicant in the adjacent or surrounding property, if the request was granted. It would be inconsistent with the spirit of the ordinance if granted.

Chairperson Krieger: Yes?

Ms. Saarela: Can you add some of the specific facts about why you don't think any exceptional circumstances exist.

Mr. Ghannam: Yes, the reason why is because if you look at the property, it is well-lit, well-signed, and they have the required signs according to the ordinance. These particular signs, I don't believe, would add anything to it. I think you can accomplish the object that you're seeking to do, which is to prevent vehicles from running into these poles without the
signs on there.
So I just don't think it's necessary.
MR. GEDEON: I will second that.

CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion?
(No audible responses.)
CHAIRPERSON KRIEGER: If Ms. Pawlowski could call the roll.
MS. PAWLOWSKI: Member Gedeon?
MR. GEDEON: 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: No.
MS. PAWLOWSKI: Motion passes four to one.
CHAIRPERSON KRIEGER: Thank you.
That brings us to Jared Jewelers, Case No. PZ13-0057, 27795 Novi Road.
MR. STIEBER: Good evening.
Patrick Stieber, 33650 Gift Hills Drive, Clinton Township, Michigan.

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CHAIRPERSON KRIEGER: You're an attorney?

MR. STIEBER: No.

CHAIRPERSON KRIEGER: Member Gedeon, if you could swear him in.

MR. GEDEON: Could you spell your last name, please, for the court reporter.

MR. STIEBER: S-t-i-e-b, as in boy, e-r.

MR. GEDEON: In Case PZ13-0057, do you swear to tell the truth?

MR. STIEBER: I do.

CHAIRPERSON KRIEGER: Go ahead.

MR. STIEBER: We are here tonight actually revisiting a site that we came in front of the board approximately 13 years ago, for this Jared location.

But basically we are back here tonight. We originally were back in 2000, came in front of the board and asked for relief to the sign ordinance for an additional sign on the south elevation and also an additional diamond logo on the west elevation. Those signs were approved at that time and permanently installed.

We are back tonight to revisit the sign on the west elevation and ask the board if we can add additional copy to the diamond logo that was installed originally.
back in the year 2000.

Basically what Jared is trying to do is get their branding out to everything in the development to the west. They feel there is a lack of identification to the west of all the traffic flows within the development, and they wanted to get the copy on that elevation along with the diamond log that was previously approved.

So due to the fact that it is the stand alone building and has the frontages on Novi Road, the entrance road into the development and, you know, all traffic flows to the west, we are here tonight to ask, you know, for relief to add the additional signage.

CHAIRPERSON KRIEGER: Is that it?

MR. STIEBER: That's it.

CHAIRPERSON KRIEGER: Anybody in the public have any questions or comments?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, Mr. Boulard, questions, comments?

MR. BOULARD: Nothing to add. The gentleman already pointed out that the existing second sign is there per variance. Thank you.

CHAIRPERSON KRIEGER: Thank you. Open it up to the board. Oh, correspondence. Thank you.

MR. GEDEON: In Case PZ13-0057,
there were 34 notices mailed, two return mails, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Open it up to the board. Yes, Member Sanghvi?

MR. SANGHVI: Do you have an entrance on the west side?

MR. STIEBER: No.

MR. SANGHVI: You had -- that sign was already -- you had the one, and then you want to move it to the south side?

MR. STIEBER: Correct.

MR. SANGHVI: The development on the back, that was always there. It's not new? This is a facility with an island with (inaudible) side, you like it all on four sides the sign?

MR. STIEBER: Well, I'm sure they would like that, but, you know, they feel that the west side is the side that they're looking for the identification. The Starbucks is to the north.

MR. SANGHVI: I remember the Zoning Board, last time, also we discussed this and (inaudible) on the south side instead of the west side.

MR. STIEBER: Correct.

MR. SANGHVI: Tell me what has changed tremendously since now you want a third sign on that side?

MR. STIEBER: Well, I mean,
nothing has changed to the surrounding area, other than, you know, the buildup of traffic flows.

The building is still the same building. The developments, you know, to the west have grown since 2000. So, you know, they just feel like there is a lack of identification and a hardship due to the fact all of that, those flows and parking right there on the west.

MR. SANGHVI: Thank you.

CHAIRPERSON KRIEGER: I was reading the correspondence from prior also. If somebody -- they opted for the south sign, so that people can drive out on the west side, if somebody is shopping, be it for Christmas shopping, they can see the identification, but any other time, somebody is already knowing where their store is, they're going to -- so driving out, their intent is probably -- when you want to catch them is when they're going in, not when they're going out.

MR. STIEBER: There is another entrance into that development though from -- you know, not just from right there on -- which would be the southeast corner of the building.

CHAIRPERSON KRIEGER: The south drive they could see the sign on the south side as they're driving by.

Yes, Member Gedeon?
MR. GEDEON: I guess, I can see a reason for supporting the sign. Just so I’m clear, we are talking about adding a sign to the west side, right?

MR. STIEBER: Correct. Currently it was approved for the diamond logo that currently exists there. I don’t know if you guys went by the site, saw we had installed the banner lettering underneath the diamond logo that’s there.

So we are looking to add the Jared jewelry copy to the -- underneath that diamond logo that was previously approved.

MR. GEDEON: So if I was going to make a motion in this regard, you know, I would use as the supporting reasons the fact that this is a -- you know, a multi entrance shopping center, there is West Oaks Drive, there is -- I can’t remember the name of the street, but off of Twelve Mile that goes behind Kohls, some of those other -- towards the rear of those other buildings which connects to West Oaks Drive. So there is multiple ways that vehicles could get into the parking lot, and they would provide them behind this business. So they wouldn’t necessarily see the signs against Novi Road or against the driveway, right near the south elevation of the building.

So I don’t have a problem with this.
MR. BOULARD: Just a point of clarification, the diamond logo that's currently on the west wall of the building was installed without a permit, so that's part of their variance, along with the lettering, that's in the letter -- it's the last page of your packet.

MR. STIEBER: Jared would like that investigated. There is a permit for that sign and approval at the variance for 2000.

MR. BOULARD: The variance from 2000 was for second wall sign on the south elevation.

MR. STIEBER: There was a variance for the west elevation also just for that logo though.

MR. BOULARD: I'm not aware -- at the same time?

CHAIRPERSON KRIEGER: I don't remember seeing it in this packet, in the previous minutes.

CHAIRPERSON KRIEGER: Is there windows facing the west?

MR. STIEBER: Yes.

CHAIRPERSON KRIEGER: I also remember seeing the freestanding -- correct me, if I'm not mistaken, that a freestanding building could be identified as a sign in a mall center like that? That's what Member Bauer...
MR. STIEBER: There was a variance from November 8, 2000. Case No. 00-058.
MR. GHANNAM: Charles, did you get that case number he just told you about?
MR. BOULARD: Yes.
CHAIRPERSON KRIEGER: You have a question, Mr. Ibe?
MR. IBE: Yes, I have some questions.
CHAIRPERSON KRIEGER: We can go onto the next questions then.
MR. IBE: If I understand you correctly, there is no entrance on the west side of the building, is that correct?
MR. STIEBER: Correct, just parking.
MR. IBE: And if someone were to park there, they will have to come to what, the south side?
MR. STIEBER: Yes.
MR. IBE: To get in the building?
MR. STIEBER: Correct.
MR. IBE: And you have a visible sign on the south side?
MR. STIEBER: Yes, sir.
MR. IBE: So in order to get to the west parking, I have to go through the south to get to the west, is that correct? The entrance.
MR. STIEBER: Yes. Well, there is parking on the west. You have to go to the south entrance to get in, yes.

MR. IBE: So in order for me to get to where you want the sign, I have to pass a big sign that says Jared to get to the back, is that correct?

MR. STIEBER: No.

MR. IBE: Wait a minute. Where is the entrance that is into your building?

MR. STIEBER: There is an entrance on the east elevation, and south elevation. So west elevation is the parking lot side. So, yes, there is traffic and parking over there, and then you would have to walk past that elevation and go to the front of the store.

MR. IBE: Let’s pretend I didn’t know where your building is. I want to come to Jared, I need to buy diamonds for my beautiful wife. And I pull in from the south entrance. And I tend to park in the rear, which is the west of the building. Are you following me?

MR. STIEBER: Yes.

MR. IBE: I’m making sense?

MR. STIEBER: Yes.

MR. IBE: So in order to get to the west parking, I have to go to either the -- if you have two entrances on the east and the south, is that correct?

MR. STIEBER: Yes. You’re saying
that once you came in, off of Novi Road, you
would see the sign there on south.

MR. IBE: Because I know that's
where I'm going. But I'm just going to park on
the west side because that's where I can find
parking in the back.

MR. STIEBER: Sure. I hear what
you are saying.

MR. IBE: The sign you're looking
for is in the back?

MR. STIEBER: It's not the back,
it's the side.

MR. IBE: It's the rear of your
building that has no entrance, is that correct?

MR. STIEBER: Well, it's the side
of the building that has no entrance, yes.

MR. IBE: So --

MR. STIEBER: There is no parking
in the rear. You know, it's the side of the
building. The north side is what we would call
the absolute rear of the building.

MR. IBE: Tell me what is so
exceptional and unique about having the sign in
the back where you have no entrance?

MR. STIEBER: Well, what it is, is
to get the identification to the traffic flows
from the west. The other entrances into the
development from the west from Twelve Mile Road,
you can get in. If you're back in that parking
lot, you look up at Jared, you can't see Jared.
You can see the building there.

But there is nothing that identifies it as Jared, when you're looking at it from the west, you know, that area of development back there.

So that's what the hardship is.

And that's why they feel that the sign is needed.

MR. IBE: Do you have any other businesses that share the building with you?

MR. STIEBER: There is Starbucks to the north, yes.

MR. IBE: How many signs do they have?

MR. STIEBER: You know, I think they have just the one on Grand River, yes.

MR. IBE: Thank you.

MR. BOULARD: Based on my reading of this, there was the original variance, 0058, the one that you mentioned, which allowed two signs, including a logo each of 60 square feet on the --

MS. SAARELA: West and the east.

MR. BOULARD: West and the east.

Then in '09 the request was to relocate one of those. There is still only two Jared signs with two logos on it.

There should not be a logo on the back of the building at this point, which I believe is there.
CHAIRPERSON KRIEGER: So you took the sign and the emblem and separated them?

MR. STIEBER: No. That's what doesn't make sense because we have an actual permit just for that logo alone. So something doesn't make sense.

MR. BOULARD: You may have had a permit before the second variance. So I would be happy to look into that for you.

MR. STIEBER: Sure. Obviously everyone wants to get it right.

MR. BOULARD: If the board is inclined to grant a variance, I would suggest that it would include the logo and the --

MR. STIEBER: Sure.

MR. BOULARD: Thank you.

MR. GHANNAM: My two seconds is in that I'm not in support of this. You have to understand, as you can imagine, even from tonight, the bulk of our cases are sign cases. Why, because the ordinances are written the way city council intended.

The question becomes do you come within one of the exceptions. We have a lot of buildings that are visible from more than one side and they want more than one sign, and under certain circumstances that's appropriate.
Here, I mean, you can be seen from all four sides. That doesn't mean you need four signs.

So I think the two that you have are sufficient. If you want to relocate, I would, you know, consider that, I guess, that would probably have to be a different petition.

But I would not be in favor of the one on the west elevation just because your building is visible from the west, because with that theory, you should have one on the north, every building that can be seen from all four sides should have four building signs. I don't think that's appropriate.

Thank you.

CHAIRPERSON KRIEGER: Member Gedeon?

MR. GEDEON: I'm all set.

CHAIRPERSON KRIEGER: Can I have a motion?

MR. IBE: I will take it. In Case No. PZ13-0057, 27795 Novi Road, Jared Jewelers, I move that the applicant's request be denied for the following reasons, that the request is not based on any circumstances or features that are exceptional and unique. And that the failure to grant relief will not prevent or limit the use of this property, as intended and will not substantially impact the ability of the
petition to attain a higher economic or financial return.

The petitioner obviously has been before the board before and requested a sign and I believe based on the minutes from that particular event in 2002, the petitioner was offered one actually on the west side, but elected to put it on the south side. And now the petitioner wishes to have an additional sign on the side that was once rejected.

And frankly, I think the petitioner's own words does justice to the denial of this motion when the petitioner claims that there has not been any significant changes in terms of circumstances or situations other than the fact that you do have more people coming through the mall.

And that is a great reason, obviously, to deny this particular motion.

Secondly, there is no entrance on the west side of the petitioner's -- or the applicant's building. You know that you get access into the building, you have to go to either the east or the south elevation, that's half signs, visible signs. A free-alone standing building does have four sides, but two signs have been allowed, one by right and one to a variance.

And now petitioners seek to
have a third sign in an area that obviously is not -- with no entrance and serves no purpose other than to accomplish what the petitioner seeks to do right now, which obviously is inconsistent with the spirit of the ordinance.

Therefore, I move that the petitioner's request be denied.

MR. GHANNAM: Second.

CHAIRPERSON KRIEGER: We have a motion and second. Any other discussion?

(No audible responses.)

CHAIRPERSON KRIEGER: If Ms. Pawlowski can call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: No.

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 four to one.

CHAIRPERSON KRIEGER: Thank you.

MR. STIEBER: Thank you for your time.
CHAIRPERSON KRIEGER: That brings us to Verizon Wireless. Case No. PZ13-0058, for 26401 Novi Road.

That's for you, too?

MR. STIEBER: Yes.

CHAIRPERSON KRIEGER: Very good.

Please restate your name.

MR. STIEBER: Patrick Stieber.

You need to be swore in again?

MS. SAARELA: No.

CHAIRPERSON KRIEGER: We are all good. Go ahead.

MR. STIEBER: All right. Well, away from Jared, and onto Verizon.

But, yes, we're here tonight asking for relief from the sign ordinance to add a second sign to the building at 26401 Novi Road. I'm sure you guys have all been to the site and seen the situation out there. But we are asking for a sign which would be on the west elevation, the rear of the building, the main entrance to the building. You know, due to the fact that this sign sits up so close to Novi Road. The main entrance is on the rear of the building.

We need to have the identification on Novi Road, with the traffic flows on Novi Road. But we also need to have that identification on the rear elevation where the main entrance is and the parking
lot is. This building actually does face another road behind it, Expo Drive, and you come in off of Crescent, Novi Road there. So this site is unique. It does have unique circumstance. There are other, you know, businesses, developments that have some of the same features as this in the area. Ts development and businesses also have, you know, what looks to be like be similar requests of what we have here. We don't feel like it is excessive, it does fit within the architecture of the building. So basically, that's the gist of what we are asking for and why. And we do feel like we do have a hardship here and some unique circumstances due to the development of the property. The developer, landlord owner is here as well, if you have any questions about any of that, along with Verizon Wireless representatives as well.

CHAIRPERSON KRIEGER: Is that it?
MR. STIEBER: Yes.
CHAIRPERSON KRIEGER: Anybody else in the public want to have a comment? Question? (No audible responses.)
CHAIRPERSON KRIEGER: Seeing none,
Mr. Boulard?

Mr. BOULARD: Just one point. I do recall that when Qdoba came for this exact building and talked about their -- requested the second sign, which there was quite a bit of discussion about.

One of the concerns was that every tenant, in fact, I think I asked the question, you know, how was this tenant different from others.

I believe it was represented that Qdoba was different because they were on the far south end, and so on. I guess, I'd just like to understand why now is Verizon also requesting the second sign?

MR. STIEBER: Well, they have the entrance on the rear. They are the far tenant to the north. They're actually limited with their visibility because they are the north tenant and the main entrance into this development is from the south.

But, yes, there is definitely a lack of identification for knowing that that is the Verizon store without a sign over the entrance on that rear elevation.

It's definitely something that, you know, they feel that they really need to get the customers into the entrance from the parking area. I really think there are some unusual circumstances with how that sits, you
know, the traffic flows on Novi Road,
obviously, they need to have a sign up there
so that everybody knows where -- that Verizon
is there. If they had just the sign on the
rear, they would be very limited to their
identification, just feel like this
situation, with the traffic flows on Novi
Road, and the entrances and parking into this
development, you know, to the south, the fact
that they do have the other roads going in
there, that this sign is warranted.

MR. BOULARD: So would your
position be that all four or all three or four
of the businesses there are going to be in this
building deserve two signs, if one does?

MR. STIEBER: I would say yes.

MR. BOULARD: Thank you.

CHAIRPERSON KRIEGER: You like to
participate? If you could spell your name,
please, be sworn in.

MR. SCHULTZ: Ryan Schultz,
S-c-h-u-l-t-z, Versa Development. We are the
landlord of the building.

MR. GEDEON: In Case PZ13-0058, do
you swear to tell the truth?

MR. SCHULTZ: I do. My name is
Ryan Schultz, Versa Development.
I was the one who actually made
the second approach to the board on behalf of
Qdoba, when the first one went sideways.
Qdoba asked for something a little different than what Verizon is asking for. They did ask for that sign to be placed on the side of the building, which is on Novi Crescent Place Drive, which is a little bit different.

I think in the TC district within the City of Novi, we pushed those buildings as close as we can to the right-of-way, which limits us from the traditional bi-directional sign that we are used to.

In this circumstance, again, all our customers are entering the building from the back. In that instance, we need to provide them effective direction to what tenant they're going to.

This is kind of a unique circumstance, we understand that, we do feel that there is precedent in the community. We have brought some additional materials, similar to the ones I presented when we were up here for Qdoba.

So we will feel strongly that signage on Novi Road is appropriate, granted by right, signage on the back side of the building to help further, show those customers, where they need to go. This is something that can be easily granted, and like our sign consultant mentioned, the sign
is unique in certain characteristics. It is fronted on three sides by public roads. That effects our setbacks. There are some -- a number of limitations, I guess, you would say. We had to apply to the board for variances just to get overall site plan to work.

We feel that kind of ties into the overall hardships situation.

I can answer anymore questions, too, if there are some from the board.

CHAIRPERSON KRIEGER:

Correspondence? Thank you, Member Gedeon.

MR. GEDeon: In Case PZ13-0058, there were 18 notices mailed, two returned mails, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Open it up to the board. Yes, Member Sanghvi.

MR. SANGHVI: I drove into your parking lot yesterday, and you got to have some sign to show which is your business from the back, you know. I have no problem with giving you an identification sign. The question is only whether you need a 64 square foot or something smaller. But you do need identification on the door.

CHAIRPERSON KRIEGER: Did they have identification on their door, when we go around, park in the back, you go to the door,
there should be like some kind of identification that you know which door you're at? Do they do that?

MR. BOULARD: There is limited identification so you can tell which door to go into. It's an opportunity that's available, but it's not near 60 square feet.

There is also an opportunity to put signage on the glass, on the inside of the glass, you know, by the letters or something like that, but nothing of this size.

MR. GHANNAM: What's the maximum signage in terms of square foot for the one sign of right?

MR. BOULARD: For the one that's currently on the east side?

MR. GHANNAM: Right. On the Novi Road side. Do you know what size the sign is on Novi Road?

MR. STIEBER: Same size.

MR. SCHULTZ: Sixty-four square feet, if I'm interpreting the ordinance correctly, it is listed on the documents that are in the packet. It is one linear foot to 1.25 square feet of signage. That puts it at about 85 square feet, which would be approved for one singular wall sign.

So the sign that's on the back of the building is less than that. It is at
63.9 square feet.

MR. BOULARD: We round to 64.

MR. GHANNAM: Tell me again, what's the size of the sign on Novi Road as it exists today?

MR. SCHULTZ: Sixty-four square feet.

MR. GHANNAM: I mean, again, I remember the Qdoba case very well. I thought it was an unusual circumstance. This was the old Big Boy that was torn down and rebuilt, I understand all of that. You do have three fronts. I remember the other variances for, I think it was the dumpster and parking, I forget all the other ones. I remember all of those things.

I have no problem with the second sign. I think it makes sense in this particular situation. My only concern is the size of the sign. You need that full 64 feet, can you use something less?

MR. SCHULTZ: I think the petitioner obviously would prefer that, me being the party to the petitioner. I do want to point out, too, that Verizon is taking the largest amount of square feet.

There will not be four tenants in this building. There will only be three.
Originally they started out at 3,200 square feet. I think now they're up to 5,500 square feet. So they are the largest tenant in this building.

MR. GHANNAM: I understand that.
I appreciate that. My question is, I guess what's the minimum amount of square footage that would be needed for this particular space? What could you live with?

I don't know what the board is inclined, but 64 foot, you have it on the east side, I'm just trying to figure out what you can live with here.

MR. GEDEON: I'm just pointing out in the mockup, you know, a large chunk of that 64 square feet is this checkmark. There is a lot of -- the lettering is not going to look like a 64 square foot sign. The lettering is going to be only half of at that, roughly half of that space. I'm not sure if it's going to really look that huge.

MR. STIEBER: That was next point I was going to bring out is the fact that there is so much white, blank space, you know, between the box out of the logo with the letters. I mean, look at all the space above the letters that's getting, you know, boxed out as signage, but it's not, it's just wall.

MR. GHANNAM: I understand. Okay.
That does make sense also, you're right. I
forgot about the checkmark is included as part of the calculation. 

So in general, I do not have a problem. I do understand the need for it in this case.

MR. GEDEON: I would also support this. You know, I was in favor of the Qdoba case. And I think these -- I think in an ideal word, you know, city council will come and update the sign ordinance specifically for these new Town Center buildings areas.

You know, I think they're going for a certain look here, where the buildings are pushed up close to the road, you know, gives it slightly more of an urban look, with the parking to the rear.

And I think, you know,

somewhere along the line, you know, that the sign ordinance was forgotten about in all of this planning process.

So I don't have a problem. I think it's, you know, an appropriate role of the ZBA, you know, to step in when things got forgotten, things get forgotten in this process. So I have got no problem with this.

CHAIRPERSON KRIEGER: Would this go with -- if we approve for a 64 square foot, would that go with just Verizon, or can we say to this tenant, and then they would have to come back if it was a different one?
MS. SAARELA: It would be limited to square footage. I'm not sure what the role would be to -- I mean, have to come back for a different tenant, from the reasons that I'm hearing, it's for rear identification. It's not specific to a tenant issue.

CHAIRPERSON KRIEGER: Once Expo Drive, Adele builds, then that Expo Drive would be used and then it will be essential for visualization of what buildings or what tenants are in the buildings, okay.

MR. IBE: I will make a motion.

In Case No. PZ13-0058, 26401 Novi Road, Verizon. I move that we grant the petitioner's request as requested, for the following reasons.

One, that the request is based upon circumstance or features that are exceptional and unique to the property and do not result from conditions that exist in the city, or that are self-created.

Specifically, this property obviously is located in a very unique area. And the design of the building itself, it's so close to Novi Road, that the entrance is in the rear of the building. And though there is a sign that tells you which building it is, but there is no sign that tells you which door to go into. So it makes more logical sense that a sign should be allowed for the patrons to know which place to go.
And since that is in the rear entrance, and where the parking is also located, it is more conducive that the petitioner be granted a sign in the rear of the building.

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

Now, the petitioner obviously caters to, you know, the public. The petitioner seeks to get more businesses and new businesses. And (unintelligible) to pull into the parking lot and not be able to locate where to go, chances are that this will not serve the purpose of why the petitioner is there in the first place.

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

May I cite that other businesses located in this particular establishment here, or where the property is
located, is Qdoba. Qdoba has similar need, and this board, based on similar reasons offered by the petitioners, was able to grant Qdoba's request for the variance. Therefore, based on all of this, I move that we grant the petitioner's request as requested.

MR. GHANNAM: Second.

CHAIRPERSON KRIEGER: So we have a motion and a second. Any other discussion?

(No audible responses.)

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

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: 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 five to zero.

MR. SCHULTZ: Thank you very much.

MR. STIEBER: Thanks.

CHAIRPERSON KRIEGER: That brings Page 59
us to Country Cousin, PZ13-0059, on 26855 Haggerty Road.

MR. FULLER: Good evening. I'm Trevor Fuller, 10836 Cartier Drive, Brighton.

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

MR. FULLER: F-u-l-l-e-r.

MR. GEDEON: In Case PZ13-0059, do you swear to tell the truth?

MR. FULLER: I do.

MR. GEDEON: Thank you.

MR. FULLER: As I understand, we are going to handle these two separately, right?

There is two parcels for Country Cousin.

CHAIRPERSON KRIEGER: Yes.

MR. FULLER: We are requesting a monument sign be placed 10 feet from the current right-of-way within a future planned right-of-way. This is for 26855 Haggerty Road. Currently there are no signs for the development. So this sign here would serve a dual purpose, double sided monument sign, as you're heading north on Haggerty Road, it would identify the entrance. As you're heading north on Haggerty, there is an overpass. The first entrance there comes up quickly, so give a visitor, guest a chance to identify the sign, make a decision and turn into that entrance safely. So that's it.

CHAIRPERSON KRIEGER: That's it.
MR. FULLER: That's it.

CHAIRPERSON KRIEGER: Is there anybody in public? Nope. They have -- our public left.

Mr. Boulard, any questions?

MR. BOULARD: If I could speak to both of these cases, similarities. I realize it can get a little bit confusing.

What's going on here is there is an existing right-of-way and there is a proposed future right-of-way, which is why. The ordinance states these signs are supposed to be setback from the future right-of-way. Not sure if that is ever going to happen.

Certainly the proposed location sign is quite a distance from the edge of the roadway.

My suggestion would be if the board were inclined to consider a variance, that a stipulation be put on that, if the additional right-of-way is ever realized, that the petitioner or the owner at that time would relocate the signs -- back out of the right-of-way at their cost.

Just for your consideration.

Other than that, I will be happy to answer any questions. Thank you.

CHAIRPERSON KRIEGER: Thanks. Any correspondence?

MR. GEDEON: In Case No.
PZ13-0059, there were 13 notices mailed, one return mail, zero approvals and zero objections.

CHAIRPERSON KRIEGER: Okay. I will it open up to the board. Yes, Member Sanghvi.

MR. SANGHVI: It is amazing that you never had a sign for this property ever before.

MR. FULLER: Yes, it is. As you drive by, there is no type of identification.

MR. SANGHVI: I don’t know how many times I have been across the street there, the flower place, but Jones, I think it is. I never saw any sign in front of the mobile home park. I think it’s time they have one.

Thank you. I have no problem with this request.

CHAIRPERSON KRIEGER: Thank you.

I see that we have got a sign -- a letter from the Road Commission, too. Yep, every time I go up Haggerty Road, I know that place, but where is your sub sign, okay. I’m in favor also.

MR. GHANNAM: I just have a question for the city. I’m still a little confused.

They’re proposing to put it 10 feet from the future right-of-way at the present time?

MR. BOULARD: Ten feet from the edge of the existing right-of-way, within the
potential future right-of-way.

MR. GHANNAM: I assume that's if Haggerty Road is expanded, right, it's widened?

MR. BOULARD: Yes.

MR. GHANNAM: Then it will be effected?

MR. BOULARD: Yes.

MR. GHANNAM: I gotcha. I have no problem with it, too.

And I think Mr. Boulard's comment about if the right-of-way is expanded, if your sign is within the right-of-way, then it should be moved at the owner's expense, but with that stipulation, I have no problem.

MR. FULLER: Thank you.

CHAIRPERSON KRIEGER: Member Gedeon, any questions?

MR. GEDEON: No.

CHAIRPERSON KRIEGER: A motion?

MR. GHANNAM: I'll make a motion.

In Case PZ13-0059, for 26855 Haggerty Road, Country Cousin, I move that we approve the petition as requested, with the provision that if for some reason the right-of-way of Haggerty in this area is expanded such that the sign where it's going to be placed comes within that right-of-way, it must be moved, it has to be moved at the owner's expense.
I think the request is based on circumstances or features or exceptions that are unique to this particular property, and do not result in conditions that exist generally in the city.

The failure to grant relief will unreasonably prevent or limit the use of the property, and will result in substantially more than a mere inconvenience or inability to attain a high economic or financial return.

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

I think the necessity of having the provision that the owner remove the sign, if the right-of-way is expanded, is necessary also because it may or may not be expanded in the future and we can't predict that, so I will move to approve based on those reasons.

MR. IBE: Second.

CHAIRPERSON KRIEGER: A motion and a second. Any further discussion?

(No audible responses.)

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

MS. PAWLOWSKI: Member Gedeon?
MR. GEDURE: 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 five to zero.

CHAIRPERSON KRIEGER: Congratulations. You're doing the next one?

MR. FULLER: Yes, thank you.

CHAIRPERSON KRIEGER: That's Case No. PZ13-0062, for 26955 Haggerty Road, Country Cousin.

MR. FULLER: Thank you. This is for 26955 Haggerty, this would be the entrance to the north requesting a second sign parcel to identify the entrance to the north. The same situation, be placed a minimum 10 feet from the existing right-of-way, however, within the planned future right-of-way.

CHAIRPERSON KRIEGER: That's it?
MR. FULLER: Yes.
CHAIRPERSON KRIEGER: No public remarks. Mr. Boulard?
MR. BOULARD: Nothing to add.
CHAIRPERSON KRIEGER: Correspondence?
MR. GEDEON: In Case PZ13-0062, 13 notices mailed, one returned mail, zero approvals, zero objections.
CHAIRPERSON KRIEGER: Very good. Open it up to the board.
MR. SANGHVI: I think nothing further to add. It's no different than the previous.
CHAIRPERSON KRIEGER: Same stipulation?
MR. GHANNAM: If nobody has any comments or questions, can I make simply the same motion based on the same reasons that we just said in the other case or do we need to restate it?
MS. SAARELA: Just restate it because the motions get separated for.
MR. GHANNAM: Okay. May I make a motion?
CHAIRPERSON KRIEGER: Yes.
MR. GHANNAM: Thank you. In Case PZ13-0062, for 26955 Haggerty Road, for Country Cousin, I move that we approve the petition as requested, with the stipulation that if for some reason this sign had to be removed because of a
future expansion of the road, where this comes
within the right-of-way, that it must be removed
at the owner's expense and relocated.

I think the request is based on circumstances or features that are
exceptional and unique to the property, and do not result from conditions that exist
generally in city, or that are self-created.

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

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

It is not inconsistent with the spirit of the ordinance. And additionally the agreement or stipulation that the owner pay for any removal based on the conditions that previously stated is also necessary because of any potential planned future expansion of the right-of-way.

MR. IBE: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. Any further discussion?

(No audible responses.)
CHAIRPERSON KRIEGER: Seeing none, Ms. Pawlowski, call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. Gedeon: 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 five to zero.

CHAIRPERSON KRIEGER: Very good. Congratulations.

MR. FULLER: Thank you.

Appreciate it.

CHAIRPERSON KRIEGER: Other matters?

MR. BOULARD: Happy Thanksgiving.

MR. IBE: Just a just quick comment, obviously, I think it's probably right, we just had an election in the city and we just re-elected our mayor as well as some members of city council, I think it is appropriate that this board at least congratulate them.

MR. GHANNAM: Second that.

CHAIRPERSON KRIEGER:
Congratulations.

MR. SANGHVI: Make a motion to adjourn.

MR. GHANNAM: Second.

CHAIRPERSON KRIEGER: All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: We are adjourned.

(The meeting was adjourned at 8:33 p.m.)

** ** **
STATE OF MICHIGAN )
) ss.
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.

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