REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, July 9, 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, July 9, 2013

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

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

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

INDEX

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PZ-13-0018</td>
<td>5</td>
</tr>
</tbody>
</table>
Novi, Michigan.
Tuesday, July 9, 2013
7:00 p.m.

** ** **

CHAIRPERSON KREIGER: Good evening. Welcome to the Zoning Board of Appeals for July 9, 2013 7:00 p.m. meeting. I'd like to call to order and
then for the Pledge of Allegiance. If Member Ghannam would please lead us.

(Pledge recited.)

CHAIRPERSON KREIGER: And Ms. Pawlowski, if you could call the roll.

MS. PAWLOWSKI: Member Gedeon, absent excused.

Member Gerblick?

MR. GERBLICK: Here.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KREIGER: Here.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Here.

CHAIRPERSON KREIGER: And this is a public hearing so that -- and rules of conduct are at the back of the room and also handed out. The next would be the approval of the agenda.

Is there any additions or a motion?

MR. SANGHVI: So moved.

MR. IBE: Second.

CHAIRPERSON KREIGER: A motion and a second, all in favor say aye.

THE BOARD: Aye.
CHAIRPERSON KREIGER: Any opposed?

(No audible responses.)

CHAIRPERSON KREIGER: Seeing none, we have an agenda.

Minutes? We do not have minutes in our packet for this month?

MS. PAWLOWSKI: No.

CHAIRPERSON KREIGER: And then public remarks. Anybody in the public that has any comments or concerns, if you can come up -- not regarding any of these cases, but in general, can come up to the public podium and have a comment.

(No audible responses.)

CHAIRPERSON KREIGER: No comments, okay.

We have nine cases tonight. And our first case is Case No. PZ13-0018, for Vincenti Court, DHI Equipment Sales.

If you could please come to the podium and -- Mr. Quinn, hello.

MR. QUINN: Good evening, ladies and gentleman of the Zoning Board of Appeals.

I'm Matt Quinn. I'm here tonight on behalf of DHI Equipment Sales and also the other part of that business, the family that owns the building that we are talking about on Vincenti Court.

Tonight we are here asking for a
variance for outside storage, outside use of
an area to the rear of the building.

When my clients came to Novi in 2008 they purchased this building, this outside storage area was already in use and attached to the building.

When they were looking around in Novi, that was an important part of what they needed.

They're a good business, exciting business, a profitable business. They're the largest supplier of paint booths to body shops throughout the metropolitan area. And they continue to do very well in that business.

Because of that, the warehouse portion of their business has always been full. And they need it specifically, this outdoor storage area, to take care of their overflow.

Now, let me, first of all, show you Vincenti Court. And this will come up in a minute.

So this is -- Meadowbrook Road is here to the west and Vincenti Court, as you know, is a dead-end street. It's zoned I-1.

Now, your I-1 zoning district does not allow outside storage, unfortunately. You need to be in an I-2 district.
As you see my client’s property, which is this right here, you will see that immediately surrounding it to the north is a wooded wetland that more than likely will never be developed. It runs all the way up to the road to the rear and all of these buildings are very industrial and you go up and down this street, you will see two things that jump out at you.

First of all, all the vacancy signs. There is lots of vacancies, buildings for sale, buildings for rent on Vincenti Court.

And just as a real sideline, I have had that discussion with some other property owners on Vincenti that are considering coming to the city at some point in the future and asking for rezoning of Vincenti to I-2 use because a lot of them -- I'm sure the tickets that have been issued on Vincenti Court will support the fact that outside storage is used by a lot of these businesses, and it's out of necessity, not just because they want to do it.

My client's specific property is this structure here. Here is the area of the outside storage immediately to the rear and also part of this case is the issue of their trailer.
It's a 55-foot trailer that they use in their business on a regular basis. It's used to take materials out of their warehouse or out of this storage area and deliver it to the sites.

Now, we can't say honestly they use it every night, and it's come and gone, but it's used in the regular course of their business and so they were also put on notice that the mere leaving of this truck on-site may also be a violation of the outside storage of vehicles.

Now, the area that we are talking about is to the rear of the building and it's this area of outside storage, it's 44 feet by 40 feet and it's totally fenced in.

The area where they have been keeping the truck is at the north end of their property. Now, I'm not going to go through all the photographs that I included in your packets, in other words, the street frontage.

As you can see, the street frontage is fairly nice. I have shown you the front of their building. I have shown you the vacancy signs up and down the street.

And as far as the outside storage is concerned itself, you will see, as we said, it's totally fenced in, and they have paint booths inside, portions of those, they
have some pallets that are inside and they also have some small trailers that come and go.

Now, what we are proposing on this is that, of course, that you permit this outside storage and that they be required to put a screening in the fencing. Sometimes it's a green material, so that nobody will be able to see inside of the fencing area. So it will spruce it up, it will make it look a little better and they can do that 360 degrees around there.

Also you may want to, if I was in your position, limit it to this building owner and perhaps even this tenant in the building, since they're kind of one in the same business, the same ownership, that would make sense, and then if in the future someone wants to use it for the same thing, they would have to come back to you and you would be able to look at their business, they would have to show you why it's necessary to have this outside storage area.

Now, this outside storage area in the rear is part of an open alley, as you see. Here's a look back to Meadowbrook Road. I just took these the other day. Right next door you see a stored, very nice motor home, then you see other vehicles that are down the alleyway.
You see that this area must preexist your dumpster ordinance because there is no requirement that any of these be contained within a brick area with any fencing, they're merely up and down the alley.

So this is not really your new, clean what I will call -- that's not the right word, your new industrial areas that were built in accordance with your current statutes.

This actually, as I recall, Vincenti Court, may have been the first light industrial street or development in the City of Novi. Maybe Dr. Sanghvi can remember that. It's one of the first, if not the first. Not saying you're that old, Doc.

MR. SANGHVI: That's okay.

MR. QUINN: Looking the other direction to the west of my client's property, you see the heavy wooded area to the north. You see next door some vehicles and all the way down, so none of this to the rear is visible from Vincenti Court. All the vehicles are -- all the vehicles and this outside storage is, of course, screened by the buildings themselves.

Now we haven't submitted to you a document petition, if you want to call it, signed by 11 of the neighbors. My client
went out, talked to all of them, they're, of course, all familiar with the outside storage area because it's visible up and down that back alley and 11 of the neighbors did not have any objection to the outside storage. So as far as this particular petition, we believe that the granting of this variance with the conditions -- oh, by the way, as far as the trailer. The only other location, because this is a vehicle that is used in this business, is to require that they put the vehicle, the trailer into the truck well and leave it there at night. Makes it a little more difficult, the truck well sticks out a little way into the alley, but the truck well is, I guess, what it's for, for trucks to be there, and to load and unload. So they would be willing to accept that condition that this truck be placed in the truck well when it's obviously not out in use.

The granting of this variance with the conditions will provide a substantial justice to DHI. It will not seriously effect the surrounding property owners because of the back alleyway and what the neighbors are using their back alleyway for.

It's unique to this property
because this is exactly the type of building they were -- thought they were buying when they came to Novi.

This was what attracted them to this particular building in 2008, when they moved in in 2009 and they have been using it that way ever since until they were just advised recently that this was in violation. Prior to that, I'm told by them they really had no idea that it was in violation of any ordinance.

It's not going to effect the properties to the north because, as you see in the pictures, you have got the heavy wooded wetlands, the properties to the south can't see anything because of the screening from the building. The properties to the east and west have the same condition in the lot with the dumpsters and what have you.

There is no additional fire danger, and everything listed in your requirements to grant a variance.

So in order to keep this business in Novi, and this is key, because this is a necessity that they have this outside, this excess storage, without it, they are going to have to look for another location. Because there is no way for them to fit all of this
equipment in their warehouse.

Now, this equipment also comes and goes. It's not there for a year. I don't want you to think that. This is things they sell. This is the parts of the paint booths that they move in and out that they're selling to their customers. So it's not -- each item isn't there for an indefinite period. It's new things that rotate over and over.

So we would ask that you consider all of this and grant them the variance as we have requested for the outside storage and to park the trailer in the truck well and we have been more than happy -- I have Ken Burke with me, he's general manager of the business here this evening.

If there is something that I can't answer, he will be more than happy to jump in and help me you out. Thank you.

CHAIRPERSON KREIGER: Thank you, Mr. Quinn.

Anyone else in public have any remarks regarding this case?

(No audible responses.)

CHAIRPERSON KREIGER: Seeing, none, if you could read the correspondence.

MR. GERBLICK: In Case No. PZ13-0018, 18 were mailed, four returned mailed, zero approvals and zero objections.
CHAIRPERSON KREIGER: All right. From the city?

MS. SAARELA: I just wanted to point out, that make sure you're paying attention to the standards in this case because it is a use variance, not a dimensional variance, so the standards are stricter than what you would consider in a dimensional variance.

So the first thing you have to consider is whether property can be reasonably used for any permitted purpose in this district, not just the purpose they're proposing or that they're using it for now, but any reasonable use of the property.

So the standards are included on the first sheet of the packet, so I just wanted to make you're using the right standard in consideration.

CHAIRPERSON KREIGER: Very good.

I'll open it up to the board for questions.

Mr. Sanghvi?

MR. SANGHVI: Thank you, Mr. Quinn, for putting age to myself here in the city.

MR. QUINN: Sorry about that.

MR. SANGHVI: No problem. I agree it is one of the oldest industrial developments here.

And I have been around that...
street a number of times for different issues.

And I was again there a couple of days ago.

As you pointed out, there is nobody there to object to this on the north side of the property. And I personally have no objection to granting this variance for DHI. Thank you.

CHAIRPERSON KREIGER: Very good.

Other members? Mr. Boulard?

MR. BOULARD: If I might ask Mr. Quinn a question.

CHAIRPERSON KREIGER: Yes.

MR. BOULARD: The trailer is 53 feet long and the truck well is 40 feet, so it would stick out into the --

MR. QUINN: Correct.

MR. BOULARD: That's what you mentioned when you said it's going to stick out longer?

MR. QUINN: That's right, yes.

It might be better to actually move it more square to the center of the building in the rear, next to the tree line, if you think it becomes a safety factor.

MR. BOULARD: Can you tell me the last time that trailer moved? I have been out there a number of times and I --

MR. BURKE: It was moved I think
probably a week and a half ago.

MR. BOULARD: Prior to that?

MR. BURKE: Probably a month and a half, when I bought the last equipment.

MR. BOULARD: I guess my concern is this. We have the zoning ordinance on the books that prohibits outdoor storage. There is a lot of activity that goes on behind those buildings there.

Certainly, there are other businesses that have brought their storage and their location into compliance along there, including some of the neighbors.

If the board is inclined to consider the -- perhaps the -- you know, the smaller fenced area or something, certainly that's your purview.

My concern would be allowing that and the truck to stay there would -- in my mind, would make enforcement with the other properties difficult, so -- thank you.

CHAIRPERSON KREIGER: Thank you. Well, I also went by through the back, and as Mr. Quinn pointed out, every single business has something going on in the back.

So as long as, I guess, a fire truck, need be, had to go through the back, I also don't really have any difficulties except making it as requested -- make conditional to this property, and its
ownership or tenant. And moving the truck as most safe can be. Thanks.

MR. GERBLICK: As Mr. Boulard mentioned, I think the fenced-in area is one thing, that's something that's already been built. It's something that's kind of enclosed, close to the building.

Again, with the enforcement issue, you have a 53-foot trailer, and sitting on this board, if every other tenant comes in here and wants the same type of trailer, then all of a sudden we have, you know, eight to ten trailers in the back of property for storage. I can see from an enforcement perspective, that becomes an issue for the city.

So kind of going along with the city and reading through the proposals here, I would be okay and in favor of approving the variance for the backyard fenced-in property and then requiring the removal of the trailer from the property, just to help with enforcement of the code in that area and going forward, so --

CHAIRPERSON KREIGER: Question.
The farther east business on Meadowbrook Road, they have two trailers, are they shorter? Is that the differential?

MR. BOULARD: Which property?
CHAIRPERSON KREIGER: The one on Vincenti, on the north side, the one that's closest to Meadowbrook Road, they had two trailers that were parallel to Meadowbrook Road?

MR. BOULARD: I'm having difficulty picturing it. I know we have -- we have got enforcement activity on a number of properties up there, so I'm sorry, I can't picture that specific property.

CHAIRPERSON KREIGER: I didn't remember if they had storage in the back, so I can't say one way or the other.

I notice that each one had something, so that whole business area, I don't know if it needs to be relooked at or they could attract businesses and have retention as well.

Member Ghannam?

MR. GHANNAM: I had some questions for Mr. Boulard.

What are you suggesting? How do you suggest we handle the truck issue or the trailer issue assuming we agree to the fence?

MR. BOULARD: I guess my --

Obviously if the trailer is used in the course of business, where it's not, you know, parked overnight and things like that, or extended periods, that's the course of
business, as I would expect for a business in an I-1 use. They may get deliveries later in the day so no one is there to unload it, it may stay the night.

My perception of this particular trailer is it sometimes stays in the same location for several weeks at a time, and at that point, in my mind, it becomes more storage than transportation.

MR. GHANNAM: I tend to agree with that analysis. I guess the question is, how do we handle that, you know, is it unsafe where it's currently situated or where they propose to situate it?

I mean, the alternative he suggests was to back it into the truck well. I don't know if you have any opinion on that?

MR. BOULARD: Personally, based on what I see, I would -- if I had no choice personally, to see the truck where it is now, or in the truck well, I think it's probably better where it is now because it's less likely to obstruct the garage.

The other thing is, frankly, it makes the truck well available for other uses, deliveries.

MR. GHANNAM: Mr. Quinn, if we don't allow the truck to be stored where it is currently situated, what is your suggestion?
MR. QUINN: Move it a little bit in the back so it sits immediately behind the building.

MR. GHANNAM: It's still creating the same problem.

MR. QUINN: I know. I mean, there isn't any other choice other than to move it off site. And as you see, they don't have a tractor attached to it, when they use it, they have to rent a tractor or arrange for someone else to bring a tractor to the site.

The difficulty is, if they have to store this off site in some I-2 area or -- I don't know if Anglin is still going to be open, where you see a lot of vehicles stored there, but they would have to find a place to store it, and then when they're going to use it, they would have to arrange for this tractor to go there. They have to meet it there, and the logistics of it are just that much more difficult.

That's why leaving it on-site, maybe centering it more behind the building towards the woods, makes it totally not visible from the other site and then it kind of just obscures itself because it's amongst the dumpsters that then sit along the tree line.

MR. GHANNAM: I understand all of
that. You're in an I-1 district. You're not allowed to store these trailers there. You got a number of buildings similarly situated. I guess the question becomes, how does this -- you know, if you're required to comply with the ordinances, how does that make your client's property unusable for their intended purpose?

MR. QUINN: Unusable, not -- I couldn't answer that. I wouldn't say it's unusable. All right. It just modifies their maximum use of the property in the course of their business, as far as a trailer is concerned.

MR. GHANNAM: That's what I'm grappling with. I generally don't have a problem with the fenced-in area with some screening and so forth.

I'm just grappling with what to do with that truck.

MR. QUINN: I appreciate that. That's why our only -- when we talked about it, the truck well seemed to be the only viable alternative. Because then only a portion of it -- the truck well does go down into the ground a ways, so then only a portion of it sticks out.

And I'm looking at the measurements back up on the screen here, you see the outside storage is 40 feet away from
the building, the truck well almost lines up
40 feet. Then you have another 15 feet of
the truck that would sit out in the driveway,
so it would jut out a little past here. But
you will still have the alleyway that's
available.

So that was really the only
alternative that we have come up with.
CHAIRPERSON KREIGER: Counsel
Saarela?

MS. SAARELA: In considering the
standards, you should be aware that even
though it's not a dimensional variance, the
issue still has to be related to unique
circumstances or physical conditions of the
particular property that are causing the
hardship, not personal or economic hardship,
so just keep in mind when you're proposing a
motion to use the standards at the bottom
with all the factors that have to be met.

CHAIRPERSON KREIGER: Yes,
Mr. Ibe?

MR. IBE: Mr. Quinn, I think I
also echo the concerns that Mr. Boulard and
the two previous speakers have raised.

I understand the business
necessity for your client here in terms of
wanting the storage space and that's the
attraction for the building and all of that.

But the trailer seems to be the
little one here that obviously, with the
standards we have to go by, you know, with a
use variance -- not granting the part of the
trailer doesn't prevent your client from, you
know, using the property as intended.
I know that why Mr. Boulard said,
you know, the option -- giving the option of
either backing into the truck well or leaving
it out there because of similar reasons. But
I think he -- the concern that the city has
more is -- first, many issues.
Obviously you can understand how
it would be difficult to enforce a rule in a
general area where everyone now comes up and,
you know, this becomes a precedent, guess,
what, that guy down the street -- you know, I
can see that. I can see the pictures of DHI
showing up here for every -- well, what do we
do.
MR. QUINN: They probably have my
picture on the truck, by the way.
MR. IBE: So I can just
understand the point, but I'm in favor,
absolutely, of the fenced area because I
think it makes sense.
Of course, with the conditions
that you propose that your client do, meaning
screening the area, and of course, limiting
it to this particular tenant only.

But the trailer leaves me a bit perplexed. Perhaps if you and your client --
I know you're a very bright man. If your client can kind of come up with something else that will give us that a little boost) to get us passed this, we will appreciate it.

MR. QUINN: I think we can understand the motion you're about to make.

MR. IBE: To the city attorney, is it possible that we can perhaps -- we can split the -- give a split decision on this?

MS. SAARELA: There has to be five votes in favor of granting the use variance.

MR. IBE: In terms of it we split --

MS. SAARELA: You mean to break it up into two different --

MR. IBE: Right.

MS. SAARELA: You can grant less than you're requesting, correct.

MR. IBE: And maybe then that obviously will allow the applicant some leeway as to what to do with that stuff within sometime?

CHAIRPERSON KREIGER: Member Sanghvi?

MR. SANGHVI: Madam Chair, if my memory serves me right, this is not the first
time we have dealt with this problem in this area and it has come before the ZBA.

There were two other, at least, I can remember, properties where they had a similar issue. And at that time, the board and their wisdom had granted the variance to allow the outdoor storage.

CHAIRPERSON KREIGER: Was that regarding the Cadillacs on Vincenti?

MR. SANGHVII: I don't think -- the nature of this whole development is that, as Mr. Quinn pointed out, maybe at some point we need to rethink about the zoning of this area. Because as we are dealing with this particular case, they're helping (unintelligible) if my memory serves me right for this kind of thing in this particular location, on that street.

Just further up the east side of it, those last two cases, both on the end of the street there, the cul-de-sac.

This situation has been -- we have faced this situation before.

CHAIRPERSON KREIGER: Question for Mr. Boulard. I know this is kind of different, but the 44 feet or 40 feet out, is that the maximum each business along the back can have or could they go out to 50 feet, for a fenced-in area?

MR. BOULARD: The 40 feet area I
believe is just what the existing area is. There is no outside storage allowed by right. I believe that's just the dimension that it happens to be and that's the length of the truck well. I'm not sure what the genesis of that was other than it's an even number.

CHAIRPERSON KREIGER: I was thinking matching up so that the truck has some kind of evenness as you go back.

MR. BOULARD: I'm sorry. I can't answer that.

CHAIRPERSON KREIGER: Is this the only location that the applicant has for storing?

MR. QUINN: Yes, this is their headquarters. This is it.

MR. GERBLICK: If the board would be in favor, I would like to make a motion on at least the first part of this request and then give us some time to think about the second part of the request. Is that fine?

MS. SAARELA: That's -- no, what do you mean by some time to think about the second part of the request?

MR. GERBLICK: It sounds like we are not going to be in agreement --

MS. SAARELA: So are you moving to table this to consider it at another time?
MR. GERBLICK: No. So there is
two use requests.

MS. SAARELA: There is actually
one request for outside storage. It's one --

MR. GERBLICK: So we would have
to approve both the trailer --

MS. SAARELA: You can approve
less than what is requested. You don't have
to approve the full amount.

MR. GERBLICK: It's one request?

MS. SAARELA: Correct.

CHAIRPERSON KREIGER: Is there
anything in front of counsel regarding
Vincenti?

MR. BOULARD: Am I correctly
guessing your question to be a rezoning to
the I-2 use?

CHAIRPERSON KREIGER: Yes.

MR. BOULARD: I'm not aware of a
current request.

As Mr. Quinn said, that's
certainly an option. And I haven't studied
that to the degree that I'd be able to speak
intelligently, but I'm not aware of any
request at this point.

MR. GHANNAM: Just a quick
question. Does the master plan still have
this area marked as I-1? Or do you know?

MR. BOULARD: I believe that's
the case, but I don't know for sure.
I will make a motion. I will move in Case PZ13-0018, to approve only the outdoor storage as requested and as it currently exists, with the following conditions: All outside storage should be maintained within that area. Number two, the entire fenced-in area should be appropriately screened so none of the interior storage is visible from the outside. And it is only applicable to the current tenant.

Make that based on the fact the property cannot be reasonably used by any of the uses permitted by right or special land use, in which the property is located. That the need for the requested variance to due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water topography and other similar physical conditions.

The proposed use will not alter the essential character of the neighborhood because I think it is similar in the area that others have this type of storage. The need for the requested variance is not the result of actions of the property owner or previous property owners.
and is not self-created.

MR. IBE: Second.

CHAIRPERSON KREIGER: Question.

You were talking fenced-in area or their whole backyard area?

MR. GHANNAM: Just the fenced-in area.

CHAIRPERSON KREIGER: Okay.

MR. GHANNAM: That's all that's I'm referring to.

MS. SAARELA: So to clarify the motion, it does not include the storage of the semi trailer?

MR. GHANNAM: Correct. It would only be to approve to the outdoor storage, the current fenced-in area and by implication to deny any additional request.

CHAIRPERSON KREIGER: Seeing a motion and a second, Ms. Pawlowski, call the roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KREIGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: No.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes five to one.

MR. QUINN: Thank you, ladies and gentlemen. I appreciate it.

CHAIRPERSON KREIGER: Case No. PZ13-0014, Regarding Qdoba Mexican Grill. If you could state your name and spell your last name for the court reporter. Thank you.

MR. SCHULTZ: My name is Ryan Schultz. Last name is spelled S-c-h-u-l-t-z.

As I mentioned, I'm with Mercier Development. We are the developer of said property, Novi Crescent, which is on the corner of Crescent Boulevard and Novi Road. Here on behalf of one our tenants, Qdoba Mexican Grill.

First I would like to thank the board for taking up this case again. I know the first presentation did not go to the liking of the board. We approached on the board last month and re-open the original decision which was a denial on the additional signage. We would like to thank them for that.

I'd like to start off with an exhibit showing some of the unique
characteristics of the site we are developing at the corner.

Our site is currently fronted on three sides by public roads. Novi Road, formerly Fonda Street, which is now Crescent Boulevard and Expo Center Drive.

We were here a little over a year ago about this same time seeking a number of variances to permit this site to be built, due primarily to the fact that it is fronted on three sides. That subjugates the site to having unique front setbacks on all three sides.

What this also does in the TC district is eliminate the opportunity to install what would be traditionally a monument sign advertising businesses in said building.

What we have chose to do, consistent with the TC district, is push the building all the way up to the right-of-way meeting the maximum setback distance and using the front building facade as the monument sign.

Our client, Qdoba, our tenant, Qdoba, is asking for an additional sign on Crescent Boulevard.

It was asked at the first meeting that this sign be mocked up. It has since been mocked up. I'm sure that a number of
you have driven past it and seen the sign. I have an image here of the mock-up, along with proposed signage that would be permitted by ordinance, which we are proposing on Novi Road as well. It will give you the combination of the two.

The variance we are seeking tonight is for this sign here, which is located on the Crescent Boulevard frontage.

This sign is permitted by right.

There is a very unique situation when you push the building up to the frontage like that. The parking falls behind your advertising both to customers that are traveling down Novi Road, but once those customers enter the site, they're then parking in the rear of the building and entering the rear of the building.

We do have a number of other tenants that are going into this building. They will also have to seek variances because many of them are going to propose signs both on Novi Road and on the back side of the building.

Qdoba has chosen to move their proposed signage and seek a variance for the site, the sign on Crescent Boulevard in an effort to capture the northbound/southbound traffic on Novi Road.

I do want to point out the unique
circumstance of the community where we have
an existing condition. This is the Blinds To
Go building, which is actually right across
the street from our proposed building on
Crescent Boulevard.

As you can see, there is signs on
both frontages, Novi Road and Crescent
Boulevard. I went back through a number of
meeting minutes back to try to find when this
was approved.

I was not able to do so. I
looked to the city for input on that, see if
they were able to recall any of that. I know
that Charles at the last meeting said he did
not know when this was approved.

But I do want to draw attention
to this because this is directly across the
street from us and the same situation we are
proposing, signs on both frontages.

I do also want to point out the
double front situation. This is Biggby
Coffee, Potbelly on Grand River. This is
actually the parking lot side of the
building, as you see there is frontage there,
signage on both sides. This was a use
variance -- or sorry, it was a variance to
allow this signage. These are their signs
along Grand River.

So we are here before you seeking
a variance for the proposed signage on
Crescent Boulevard, as you can see in this
picture.

I can answer any questions anyone
may have.

CHAIRPERSON KREIGER: Thank you.

Anybody in the public that has a remark
regarding this case?

(No audible responses.)

CHAIRPERSON KREIGER: Seeing

none, any correspondence?

MR. GERBLICK: Sir, are you an
attorney?

MR. SCHULTZ: No, I'm not.

MR. GERBLICK: Can you raise your
right hand.

MR. SCHULTZ: Yes.

MS. PAWLOWSKI: In Case. No.
PZ13-0014, do you swear to tell the truth?

MR. SCHULTZ: I do.

MR. GERBLICK: Thank you.

Correspondence --

CHAIRPERSON KREIGER: Question.

If they were in the previous one, they would
have to be sworn in again for the current

meeting?

MS. SAARELA: No, not
necessarily.

CHAIRPERSON KREIGER: Very good.
MR. GERBLICK:  Case No. PZ13-0014, 16 were mailed, two were returned mailed, zero approvals, zero objections.

CHAIRPERSON KREIGER:  Okay. From the city?

MS. SAARELA:  I have nothing to add.

MR. BOULARD:  Nothing to add.

CHAIRPERSON KREIGER:  All right. Open it up to the board for questions regarding this case.

MR. GHANNAM:  I just have -- I got a couple. I was not here last month.

I understand the uniqueness of this property. I understand -- I wasn't here with regard to the Blinds To Go, but I do remember the AT & T and Potbelly. That was during my time and I understood the uniqueness of their property, too. It does make sense.

My question is, where everybody is going to be parking in the back, facing that Expo Boulevard, whatever it's called.

You're going to have no signage that would be where people would enter, is that what you're saying?

MR. SCHULTZ:  Right. Qdoba has elected not to propose signage in the back of the building. They feel that they have a unique door that actually gets installed,
differentiates itself from the other doors that are in the building. They feel the strength in this branding feature is enough to attract the attention of the customer, and have elected to move it around the side of the building.

MR. GHANNAM: What percentage of this particular building does this particular tenant have?

MR. SCHULTZ: This tenant occupies a little under a third, 2,400 square feet of 9,813.

MR. GHANNAM: In general, to me, I mean, I understand you’re going to do your own request, but it seems more logical to have it in the back where -- you know, people are going to generally see it north or south.

It may be more noticeable if you’re coming northbound to have that Crescent Boulevard sign, but seems more logical in the back. I have no problem with the second one, the location is somewhat of an issue.

That’s all I have, thank you.

CHAIRPERSON KREIGER: Okay.

Regarding the Ring Road that’s going to connect to Grand River, I think it was Fonda Street, is there any time prediction when that will occur?

MR. BOULARD: There is -- a
certain amount of preparation work is going on. But there has not been a time frame determined in terms of when the funding will be available to do that.

In part, I think it depends on some other projects getting started and the ability to leverage those to secure funds from other sources.

CHAIRPERSON KREIGER: Okay. So in the future there is a potential for traffic coming up from Grand River up Fonda Street to Crescent Boulevard.

Member Sanghvi?

MR. SANGHVI: I had a question for you, Mr. Boulard.

What is this bypass road the applicant is referring to in his second application?

MR. BOULARD: I'm sorry?

Which --

MR. SANGHVI: If you look at the second application dated May 15, it mentioned that second -- Crescent Boulevard extension project. What's that?

MR. BOULARD: In the letter?

MR. SANGHVI: Yes.

CHAIRPERSON KREIGER: Maybe potentially referring to the completion of the Ring Road in that part of the packet?

MR. SCHULTZ: I didn't prepare
Mr. Sanghvi: If you look at the letter dated May 15, 2013 from the applicant, go down to the third paragraph.

Mr. Boulard: I believe -- you’re referring to the portion where it says, as you’re aware, the Crescent Boulevard extension project?

Mr. Sanghvi: Yes.

Mr. Boulard: That’s the planned future completion of the Ring Road, where Crescent Boulevard would loop around and come into --

Mr. Sanghvi: Come out on Grand River?

Mr. Boulard: Come out on the north side of Grand River, yes. It’s a vehicle -- I mean, there certainly are pedestrian and bicycle amenities, but it’s also a vehicle pathway.

Mr. Sanghvi: Thank you.

Chairperson Kreiger: Is it the -- I have a question regarding the building being brought up to Novi Road. Is the intent in the future to slow traffic down?
I didn’t understand the intent of moving the buildings up closer to the road.

MR. BOULARD: The Town Center district is intended to create the feeling of a downtown area, where you have buildings up on the street, the parking is secondary. I’m not aware there is any plans to provide on-street parking on Novi Road. It carries a lot of traffic, and based on what I know, the available traffic lanes are needed.

So if it’s a matter of having to go park, park in the street, walk in, I’m not aware that that’s in the plans.

CHAIRPERSON KREIGER: Okay.

MR. GERBLICK: If no one has any other comments, I’ll make a motion.

In Case No. PZ13-0014, I move that we grant the request for the second wall sign as requested.

This request is based on circumstances or features that are exceptional or unique to the property, seeing as the building is moved up towards the right-of-way.

The failure to grant relief will unreasonably prevent or limit the use of the property which will result in substantial more than a mere inconvenience or inability
to attain a higher economic return.

The grant of relief will not result in a use of the structure that is incompatible or unreasonably interferes with adjacent or surrounding properties.

MR. IBE: Second.

MR. FERRELL: I'd like to add something.

CHAIRPERSON KREIGER: Go ahead.

MR. FERRELL: I think it should be limited to this tenant and to not allow signage in the back, in the rear the building, so it's not confused with that.

CHAIRPERSON KREIGER: You're accepting that Member Gerblick?

MR. GERBLICK: A third sign will require them to come in front of this board again.

MR. FERRELL: That it's limited to this tenant only.

CHAIRPERSON KREIGER: Mr. Bouland?

MR. BOULARD: There are provisions in the sign ordinance for signs on the back of the building, just so that when folks come into the parking lot they can tell which is the entrance. So with the door that they mentioned certainly that might be appropriate to not allow a third sign for this business.

MR. GERBLICK: I will consider
Member Ferrell's additions to the amended motion.

CHAIRPERSON KREIGER: Seconder?

MR. SANGHVI: Second.

CHAIRPERSON KREIGER: So we have a motion, second and amendment.

If Ms. Pawlowski could call the roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KREIGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. SCHULTZ: Thank you very much.

CHAIRPERSON KREIGER: For our third case, we have Case No. PZ13-0025 on Expo Center Drive.

Are you an attorney?

MR. DIMAGGIO: No, I'm not.
CHAIRPERSON KREIGER: If you could say your name and spell it.

MR. DIMAGGIO: My name is Chuck Dimaggio, D-i-m-a-g-g-i-o. I'm with Burton Katzman Companies.

MR. GERBLICK: In Case No. PZ13-0025, do you swear to tell the truth?

MR. DIMAGGIO: I do.

As I said, my name is Chuck Dimaggio. I'm with Burton Katzman. We are a development in Bingham Farms, Michigan. We are here tonight representing the Adell family trust. They have selected our company to promote and redevelop the Expo Center property on their behalf, which, as you know, is located on I-96 and Novi Road.

The request tonight is relative to some marketing signs that we hope to keep on the property and we hope to install on the property.

The marketing signage is one component of our efforts to promote the site and get it redeveloped.

Of course, we are working through our development community and our brokerage community to find users and to promote the development of that piece.

One of the important components, of course, is the marketing signage. Your ordinance, I believe, would allow us to have...
one marketing sign of 16 square feet. That may be fine for a piece of property that is maybe an acre in size and has frontage on a major road. The Expo Center property we believe is unique, not just because of its size, which is 23 acres, but because of its size, it still has no frontage on a major road. It has a little bit of front on Crescent Boulevard, which dead-ends at the site some 400 feet west of Novi Road and it also has some frontage on the I-96 freeway, and the exit ramp, that traffic proceeds at high rates of speed, so the property along there is not highly visible.

Given those unique circumstances, we are requesting the board to allow us to have three marketing signs in lieu of one. The image is not coming through real well, but on this image, this is the I-96 freeway. We have the exit ramp, Novi Road, and Crescent Boulevard.

We are requesting approval to install sign number one, which is an eight-by-eight marketing sign facing the freeway and the exit ramp at this point. Sign number two, which is located at the dead end of Crescent Boulevard, that was intended to be 16 square feet. There was a slight problem with that, which I will
Then a third marketing sign, as I indicated, within the public boulevard on Crescent Boulevard at Novi Road.

The first marketing sign is eight-by-eight and this is located facing the freeway and facing the exit ramp. It is an eight-by-eight sign. It’s installed on the property presently so that you could have seen that sign.

We feel it's necessary to oversize this sign given the lack of frontage on a major road and the fact that we are now trying to attract a driver that is exiting the freeway, or on the freeway and moving at high rates of speed. In order to make this sign at all visible, it needs to be larger than 16 square feet.

I hope you had a chance to go out and see it. We don't think it's offensive. We think it does a nice job of promoting the message that this property is available for redevelopment for the uses that we have noted, which are office, retail and hotel.

The second sign, which is located at the end of Crescent Boulevard, was intended to be 14 square feet.
manufactured, it came out to be 17.1 square feet, so we are now looking at requesting a variance of 1.1 feet for the size of this sign.

I really can't say that there is any unique circumstance located to this sign, other than it was manufactured incorrectly, and without a variance, we would have to probably remove the developed by Burton Katzman logo on the bottom of that sign.

So we would ask for your approval there to allow an additional 1.1 square feet for that.

The third sign is a small two-by-three sign to be located in the Crescent Boulevard right-of-way near Novi Road. Certainly we understand that this is an off-premise sign. It's located on city property, and it brings along with it a number of issues that we would have to resolve with staff and with the city.

We feel the sign is important because as you travel on Novi Road, the sign that we have located at the end of Crescent Boulevard is quite invisible to the public as they drive by.

If you turn down Crescent Boulevard and focus, you can see this sign some 400 feet away. But as you're traveling Novi Road, you would not notice that sign.
Hopefully we intend to -- or hopefully we will be able to draw some attention to the property and its development opportunities by putting this sign in the median in Crescent Boulevard.

Again, we understand there may be a need to have some agreements with the city relative to that and we are prepared to do that if we are allowed to install this sign.

We think the circumstances I said here are unique, given the 23 acres that we have, and the fact that we have no major frontage on the street.

So we think that that is a unique circumstance that allows for the requests we have asked.

When you consider the fact that much smaller pieces of property of an acre or smaller can have one sign on the major street of 16 square feet and we are limited to the same size, we think that the variances we have asked for would provide substantial justice to the property owner.

Lastly, contrary to being detrimental to any of the surrounding properties, we think the request by contrast will be quite beneficial in that they will help promote redevelopment of this property, which in the end is going to be good for the city, will be good for the adjacent property.
owners and businesses, and hopefully good for the Adell family as well.

So thank you very much, and I'd like to answer any questions you might have.

CHAIRPERSON KREIGER: Thank you.

Any public remarks regarding this case?

(No audible responses.)

CHAIRPERSON KREIGER: Seeing none, if Mr Gerblick, you could read any correspondence.

MR. GERBLICK: In Case No. PZ13-0025, 15 were mailed, three were return mailed, zero approvals, zero objections.

CHAIRPERSON KREIGER: Responses from the city? Mr. Boulard?

MR. BOULARD: Just to clarify, sign number two, we did advertise at 20 square feet, anticipating that it was going to be more than 16 and wanted to make sure that it could be covered.

But just for the sake of the record, I just want to confirm you're revising the request to be sign one at 64 square feet and 12 feet high, sign number two, at 17.1 square feet, eight feet high, both of those are located on the property. And then the 12 square foot, 4.5-foot high sign located of the premises in the boulevard right-of-way?

MR. DIMAGGIO: Correct.
MR. BOULARD: If the board is inclined to consider sign number three, I would suggest that any motion include the requirement for the public right-of-way permits and so on from the engineering division, that those would be a condition of that.

Other than that, I will stand by for questions. Thank you.

CHAIRPERSON KREIGER: Counsel Saarela?

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

CHAIRPERSON KREIGER: Now I'll open it up to our board members.

MR. SANGHVI: Thank you very much. When do you propose to start working and complete on this project?

MR. DIMAGGIO: In today's world, speculative building is difficult, so the first order of business is to find users, which we are in the process of doing at this point in time. We are in negotiations with some, not enough to really kick off the development, but there is more activity now in the marketplace than we have seen in quite sometime.

So we are hopeful that soon we will be able to do that. But as to a
if you make it a temporary until the development is complete.

MR. DIMAGGIO: I think all the signs would be temporary until we begin the development. Certainly --

MR. SANGHVI: That's why I asked you, how soon do you think it will be finished. Because sometimes a temporary has a habit of becoming permanent.

MR. DIMAGGIO: Understood. So if you were to make them temporary subject to review after certain periods of time, I think that would be fine by ourselves.

MR. SANGHVI: Thank you.

MR. GHANNAM: Just a few questions.

At the present time, do you have the intent of putting more than one building on this premises?

MR. DIMAGGIO: Yes, at the present time we do.

MR. GHANNAM: How many?

MR. DIMAGGIO: At the present time two, possibly three.

MR. GHANNAM: One, I presume,
you're advertising for a hotel, correct?

MR. DIMMAGIO: Hotel could be a component, not necessarily, but it could be. There is activity in the market, so it is a possibility.

MR. GHANNAM: I have no problem with the first two. I mean, it's logical. This is a very unique property. It's large, has highway frontage and so forth. So signs one and two, I have no problem.

The problem with the third sign is, I understand, you know, people who want to build a hotel or an office building are not going to drive up and down the street and see the one in the public right-of-way, they're going to go through brokers and so forth. Maybe someone on the retail part or lease office might.

My particular problem is with the third sign, putting that in the right-of-way. I don't think that's going -- I don't really think it's necessary for this particular piece of property. I know you're off the frontage, I understand all of that. It is quite a unique piece of property.

I don't think that third sign is necessary, in my opinion. So thank you.

CHAIRPERSON KREIGER: Question.

Mr. Boulard, for the -- so it's a city property near the boulevard, where the
previous post sign was, did the Expo Center previously have it on the Big Boy property or was that in right-of-way as well?

MR. BOULARD: That was in the right-of-way as well.

This was a licensing -- that was under a licensing agreement.

CHAIRPERSON KREIGER: And then the current area where they want to put it, would be in the City of Novi?

MR. BOULARD: Yes, the current area is also in the public right-of-way.

CHAIRPERSON KREIGER: So if in the future when the Adell brothers want to put in a monument sign possibly or future signs, where would they intend? Because I remember the pole sign from before, so I don't know what they're thinking, but their intent, do you have any idea of their intent?

MR. DIMMAGIO: I really couldn't say. I would think they would probably put their signage, you know, at the end of Crescent Boulevard. I think some of the difficulties with the site will be mitigated when Crescent Boulevard is extended to Grand River and you get more of a traffic flow on Grand River or on Crescent Boulevard, versus, you know, the current dead-end situation.

So at that point I believe a sign just on their property would suffice.
Plus with a development on the property, with the visuals of the buildings that would be there, I think that also stands to promote the property and advertise it. So I don't know that an off-premise sign would be necessary at that point.

CHAIRPERSON KREIGER: Okay, because -- I'm sorry, but I also have difficulty in having an off-site sign on a roadway.

MR. DIMMAGIO: I understand completely. I understand completely.

I would hope we would be able to get it. Because I think it would help in the promotion of the property.

If we don't, I understand your rationale and your reasoning. So would it be fatal, it would not be fatal. Would it be helpful, of course. Yes.

CHAIRPERSON KREIGER: Thank you.

MR. SANGHVI: Just had a question, Madam Chair, if you will, question to the city attorney.

Can we break this down to two on-site and one off-site into two separate motions?

MS. SAARELA: Yes, if you wanted to.

MR. SANGHVI: Thank you. I have no problem with the on-site sign.
MS. SAARELA: You could also grant, again like the last request, you could grant less that has been requested. So you are able to just grant two of the three requested signs in one motion.

MR. IBE: May I make a motion?

CHAIRPERSON KREIGER: Go ahead.

MR. IBE: Very well. In Case No. PZ13-0025, for 3700 Expo Center Drive, I move that we grant the applicant's request for sign number one and number two that are located -- or that will be located on the property, for the following reasons.

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

The property in question is tucked in behind Novi Road and also abutted by I-96 as well as Crescent Boulevard, so visibility obviously will be an issue and thus granting the signage for number one and number two would allow for the development to at least get some visibility from motorists that are going past I-96, and the sign itself is -- I think will allow for fast moving cars to at least be able to catch a glimpse of the developer's advertising to lease this.
The failure to grant relief will unreasonably prevent unlimited use of the property and will result in substantially more than a mere convenience or inability to attain a higher economic financial return.

Obviously the developer here, the main goal is to get tenants, and not granting this variance for sign number one and two will definitely hinder this development and prevent the intended goal here. And lastly, the grant of relief will not result in a use of structure that is incompatible with or reasonably interfere with adjacent or surrounding properties. And will result in substantial justice being done to both the applicant as well as surrounding properties.

For the same reason that these properties, once developed will enhance the general area where it's located, I think it will attract more businesses to the area and it's good for all purposes and it's consistent with the spirit of the ordinance.

In addition, I will also move that we deny the request for an off-premises advertising that is requested by the applicant.

MS. SAARELA: My suggestion would either be to just grant the variance with the
two signs or separate it into two separate motions.

If you are just granting the partial request, lesser than what is requested, you don't necessarily have to do a motion denying the third sign. You just grant the lesser request.

MR. IBE: Very well. I will adopt the statement as stated by city counsel and make it a part of the motion.

CHAIRPERSON KREIGER: Second?

You have to have a second, I guess, before we have additions?

MR. FERRELL: I just wanted to see if you wanted to limit this to a time frame?

MR. IBE: Obviously. Absolutely. Thanks so much for reminding me of that.

This sign obviously is a temporary sign, and this will be good until either this is fully developed --

MR. GHANNAM: I would, just as a recommendation, I know we -- I would recommend a time period such as a couple of years, given the size of the project or until fully developed.

MR. FERRELL: I agree.

MR. IBE: Very well. Whichever
comes first. I also agree with that.

MR. GHANNAM: I will second that.

CHAIRPERSON KREIGER: I have a

motion and second.

Any other discussion?

(No audible responses.)

CHAIRPERSON KREIGER: I just

wanted to add a comment that also we have the

benefit of having the water tower on the

expressway that says Adell, so that is a

benefit as well.

MR. GERBLICK: Did we specify a

number of years?

MR. GHANNAM: Two years.

CHAIRPERSON KREIGER: Ms. Pawlows

ki, can you call the roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson

Krieger?

CHAIRPERSON KREIGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six
to zero.

MR. DIMMAGIO: Thank you very much.

CHAIRPERSON KREIGER: The next case is PZ13-0026, for 270 Rexton.

If you are not an attorney, if you could spell your name and be sworn in by our secretary.

MR. MILLER: My name is Tom Miller, M-i-l-l-e-r.

MR. GERBLICK: Case No. PZ13-0026, do you swear to tell the truth?

MR. MILLER: I do. My name is Tom Miller. This is Jackie Carter. We are the homeowners at 207 Rexton in Novi.

Our purpose of being here today is to hopefully obtain a variance that is needed for us to start the garage project that we have been looking to do this summer.

Our proposed garage dimensions are 26 feet deep by 40 wide, for a total of 1,040 square feet. We are only asking for an additional 190 square feet of garage space for the purpose of storage only. This is what is existing on the property now.

On the property now there is a 20 by 20 garage with a 25 foot carport that was originally built in the early '60s that is in desperate need of demolition.

The dimensions of this existing
structure are 30 feet deep by 45 feet wide for a total of 1,350 square feet. We are not asking to build anything bigger than what is there. Actually the footprint of the new garage will be smaller than what we are tearing down.

We bought our house last fall as a bank foreclosure. It was originally a late 1960s cottage that has been converted into a four-bedroom year-round home like many of the homes in the area. And the additions to the house were put on in the late '70s.

We need a four bedroom house because we both have kids that will be around for a number of years and God knows they need their space.

All right. Our biggest problem with the house is it has very little storage and it does not have a basement, okay? Everything is undersized, especially the closets.

Our total attic space is a six by eight upper room for a total of 48 square feet of attic space. Currently we are using the two upstairs bedrooms for storage. We hope to build the bigger garage and utilize the extra storage space that the garage will provide and turn the bedrooms from storage rooms back to bedrooms for the kids. Okay. That's the dilemma.
Last but not least, although the garage is a bit oversized, it is in no way extreme in size. As you can see, in the overhead view, the garage will not impact the size of the property. This line represents the size of the property. Here’s the existing house, and here’s the footprint for the new garage, which is just about six feet west of where the old garage was.

The lot is about eight-tenths of an acre covering about 26,000 square feet, so there is plenty of room for the garage without looking too big or out of place.

Actually, I feel the larger garage will enhance the size of the property. The lot size is very unique for the area, where most houses in the subdivision are on 40 to 80-foot lots while this house has a 240 foot frontage. It is surrounded by wetlands and lots of trees and gives us an up north feeling here in Novi that we will really enjoy.

Esthetically the garage will be a huge improvement to the property, therefore adding property value to the home and more value to the subdivision. I have petitioned most of the surrounding neighbors and have gotten nothing less than a 100 percent favorable response to the project. They are
not going to miss looking at that eyesore that exists today.

Thank you for your time. Any questions, I will be happy to answer them for you.

CHAIRPERSON KREIGER: Thank you. Anybody in the public have a comment regarding this case?

(No audible responses.)

CHAIRPERSON KREIGER: Seeing none, correspondence?

MR. GERBLICK: Case PZ13-0025, 35 were mailed, one was returned mailed, zero approvals, zero objections.

CHAIRPERSON KREIGER: Very good. From Mr. Boulard or Counsel Saarela?

MR. BOULARD: Nothing to add. I will stand by for questions.

MS. SAARELA: I have nothing to add.

CHAIRPERSON KREIGER: Open it up to the board. Member Ghannam?

MR. GHANNAM: Thank you. I have reviewed this, sir, it seems like you have spent a lot of time and effort to add this garage. Just one question, you said it's for storage, but it's not for vehicles, I presume, correct?

MR. MILLER: Well, it will be a
two-car garage. The upsize, I need -- the house is lacking storage room in a garage. So what I can't fit in the garage -- what I can't fit in the house, I intend to put in the garage.

MR. GHANNAM: I saw the two doors, garage doors, but those are for vehicles?

MR. MILLER: Yes.

MR. GHANNAM: I have no problem with it. This, to me, was one of the easier cases of our evening.

I think it would enhance. I see you have attached a number of approvals from your neighbors, which is helpful to see also. I have no problem with it.

MR. MILLER: You see what they have been looking at for 30 years.

MR. GHANNAM: Don't cater to your kids, that's all.

MR. MILLER: When they show up, they're tired of sleeping on the couch. I got to get them upstairs.

CHAIRPERSON KREIGER: Member Sanghvi?

MR. SANGHVI: Thank you. I was there yesterday and saw your place. Anything you do will be an improvement.

MR. MILLER: We have done a lot so far.
MR. SANGHVI: I have no problem with approving your application.

MR. MILLER: Thank you.

CHAIRPERSON KREIGER: I agree. I drove by as well, and the house looks nice and when you put up the garage it will look nice as well.

MR. MILLER: Thank you.

CHAIRPERSON KREIGER: Hear a motion.

MR. FERRELL: I move to approve Case No. PZ13-0026, to approve the motion as requested, the variance.

There are unique circumstances or physical conditions of the property, such as narrowness, shallowness, shape, water topography or similar physical conditions. The need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. Strict compliance with regulations regarding area setbacks, frontage, height, bulk, density and other dimensional requirement will unreasonably prevent the property owner from using the property for permitted purposes or render conformity with the regulations unnecessarily burdensome. The requested variance is the minimum variance necessary to do substantial
justice to the applicant as well as to the
other property owners in the district,
because it will improve the esthetics, plus
enhancing the look of the community.
The requested variance will not
cause an adverse impact on the surrounding
property, property values or use and
enjoyment of the property in the neighborhood
or zoning district.
MR. GERBLICK: Second.
CHAIRPERSON KREIGER: I have a
motion and a second. Ms. Pawlowski, can you
call the roll?

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KREIGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Motion passes six
to zero.
MR. MILLER: Thank you.
CHAIRPERSON KREIGER: Our next
case is PZ13-0027, for 23777 Meadowbrook Road.

If you're not an attorney, if could spell your name for our court reporter and be sworn in by our secretary.

MR. HENGSTEBECK: David Hengstebeck, H-e-n-g-s-t-e-b-e-c-k.

MR. GERBLICK: Case No.

PZ13-0027, do you swear to tell the truth?

MR. HENGSTEBECK: Yes.

Another easy garage case. Just in a nutshell, I want to build an attached garage in my house, just like everybody else has in my neighborhood.

I don't want to do anything out of the ordinary. But the house is a preexisting non-conforming structure. The aggregate setback apparently doesn't meet the existing code.

And that's it in a nutshell. I don't have a large presentation. There is nothing I can do about the house. I can't -- it was built in 1959. I obviously can't move the house.

I can't move the property lines, and that's it. I need a garage for the same reason everyone else needs one. A place for storage and a place to put my car.

CHAIRPERSON KREIGER: Very good.

Thank you. Anybody in the public have any
Seeing none, if we could have correspondence read in.

MR. GERBLICK: Case No. PZ13-0027, 27 were mailed, zero returned mailed, one approval and zero objections.

The approval is from Jeff Stocker at 23743 Meadowbrook dated June 29th, 2013, and it notes his approval with no comments.

CHAIRPERSON KREIGER: Thank you. Mr. Boulard or Counsel Saarela?

MS. SAARELA: I have nothing to add.

MR. BOULARD: Nothing to add. CHAIRPERSON KREIGER: Very good.

I'll open it up to board members. Questions, comments? Motion?

MR. SANGHVI: I have gone up and down this road lord knows over the last 40 years. I have no problem regarding your request. There is a necessity in this particular neighborhood.

MR. GHANNAM: I also have no problem with this. It is -- I wouldn't say as simple as the last one, but it is certainly needed.
I understand, again, I live in this area. I'm very familiar with these homes on Meadowbrook Road.

MR. GERBLICK: I'd like to make a motion.

CHAIRPERSON KREIGER: Yes.

MR. GERBLICK: Case No. PZ13-0027, I move that we grant the variance as requested, as there are unique circumstances or physical conditions of the property such as topography and the location of the existing structure on the property. The need is not self-created.

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

The requested variance is the minimum variance necessary to do substantial justice to the applicants as well as other property owners in the district. And the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of properties in the neighborhood or zoning district.

MR. FERRELL: Second.
CHAIRPERSON KREIGER: I have a motion and a second, any other discussion?
(No audible responses.)
CHAIRPERSON KREIGER: Seeing none, if Ms. Pawlowski could call the roll.
MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KREIGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON KREIGER: Thank you.
Next case is PZ13-0028 for 40399 Grand River for Kroger office.
If you are not an attorney, if you could spell your name for our court reporter and be sworn in with our secretary.
MR. ANDRUS: Sure. My name is Matt Andrus, A-n-d-r-u-s.
MS. PAWLOWSKI: Case No. PZ13-0028, do you swear to tell the truth?
MR. ANDRUS: I do.

My name is Matt Andrus. I'm with Jeffrey Scott Architects, here on behalf of the property owner, Kroger Company.

This project was actually in front of the board this past December and was granted a variance to place a pavilion within the 100-foot yard setback. The location of this original approval was right here (ind). Unfortunately, after we gained the variance, we were unable to get through site plan approval because we discovered there is actually a public water main easement running right in the same location.

So after working with the planning department for the last several months, trying to figure out another location for this and several meetings of phone conversations, this was the new location of the pavilion. It's still within our -- it's in that 100-foot yard setback, other than the location of the pavilion, the shape, the size, the materials, everything else of the building is exactly the same.

We just needed to relocate it to get away from that public water main easement.

With that being said, if there any questions, I'm happy to answer them.

CHAIRPERSON KREIGER: Anyone in
the public have a comment regarding this case?

(No audible responses.)

CHAIRPERSON KREIGER: Seeing none, correspondence?

MR. GERBLICK: In Case No. PZ13-0028, 23 were mailed, eight return mail, zero approvals and zero objections.

CHAIRPERSON KREIGER: Very good.

Mr. Boulard or Counsel Saarela?

MS. SAARELA: I have nothing to add.

MR. BOULARD: Just one question, if I could, for the applicant. The drawings seem -- appears to show that all the existing landscaping will stay.

Can you confirm that that's the case?

MR. ANDRUS: Yes. The intent of this location was to make sure we did not disturb any trees, any of the landscaping. We're proposing to leave everything existing as-is.

MR. BOULARD: Thank you.

CHAIRPERSON KREIGER: I'll open it up to the board for questions or a motion.

MR. GHANNAM: I have no problems with it. It's obvious you're trying to get away from the water easement, so I have no
problem with it.

CHAIRPERSON KREIGER: If no one has any other comments, I will make a motion.

MS. SAARELA: Was the correspondence read?

MR. GERBLICK: Yes.

MR. GHANNAM: I'll move in Case PZ13-0028, for 40399 Grand River that we approve the request as presented.

There are unique circumstances or physical conditions of the property, such as the shallowness, narrowness, shape and so forth.

The need for the variance is not due to the applicant's personal economic difficulty. The need is not self-created. In fact, they're trying to avoid an easement that would be inappropriate to traverse.

Strict compliance with the regulations governing the area will unreasonably prevent the property owner from using the property for a permitted purpose.

The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to the other property owners in the district. And the requested variance will not cause an adverse impact to surrounding property or property values. In fact, I think it would enhance it.
MR. IBE: Second.

CHAIRPERSON KREIGER: There is a motion and a second. Any other discussion?
(No audible responses.)
CHAIRPERSON KREIGER: Seeing none, Ms. Pawlowski, please call the roll.

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KREIGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Motion passes six to zero.
MR. ANDRUS: Thank you.
CHAIRPERSON KREIGER: Our next case is PZ13-0031 for 26152 Ingersol Drive. The applicant is present?

I guess we could -- seeing none that we could table this until the end?

MS. SAARELA: We can put it at the end or you can table it until the next
meeting.

CHAIRPERSON KREIGER: Put it to the end, then table it if they don't show up, okay.

Do we have to make a motion on that?

MS. SAARELA: No, not until the end. Then if you want to table it, you will have to make a motion.

MR. CHASE: I'm sorry that's me. My name is Brian Chase, C-h-a-s-e.

CHAIRPERSON KREIGER: Are you an attorney?

MR. CHASE: No.

CHAIRPERSON KREIGER: If you could be sworn in.

MR. GERBLICK: In Case No. PZ13-0031, do you swear to tell the truth?

MR. CHASE: Yes, I do. As I said, my name is Brian chase. I'm with Harmon Sign.

I'm representing Lane Bryant.

The Charming Shops, Incorporated is asking consideration for a non-lighted Lane Bryant LB logo on each side of the adjacent store front side elevation facing.

The building facing is unique in the fact that it's set part of the remaining store fronts, eliminating visibility and any recognition of signage from customers.
arriving or traveling through Novi Town Center parking lot.

Since the primary signage is on is the main store front elevation, to compensate for this hardship and utilize the existing store front features, Charming Shops, Incorporated is proposing two non-illuminated Lane Bryant LB logos, on each of the adjacent main store front side elevations, measuring approximately 70 by 73, with alerting customers that Lane Bryant is not only located in the Novi Town Center but also an exact location at the center.

The new logos will be -- new LB logos will be illuminated by the existing light fixtures installed on the facia, these fixtures will be painted black to match the new awning being installed giving the store fronts a cohesive fresh look.

And we installed the Lane Bryant signage already. We did that yesterday. We removed the light fixtures above that, so that's what the frontage looks like right now and in we are in the process of redoing the awnings and painting those black, then also painting those existing fixtures that are showed there black also over here to match.

That's basically all I have.

CHAIRPERSON KREIGER: Anybody in the public have remarks regarding this case?
(No audible responses.)

CHAIRPERSON KREIGER: Seeing none, correspondence?

MR. GERBLICK: Case. No.
PZ13-0031, 60 were mailed, four returned mail, zero approvals and zero objections.

CHAIRPERSON KREIGER: Mr. Boulard or Counsel Saarela?

MS. SAARELA: I have nothing to add.

MR. BOULARD: Nothing to add.

CHAIRPERSON KREIGER: Open it up to the board for questions.

MR. SANGHVI: Well, I think this looks pretty elegant and I have no problem supporting this.

CHAIRPERSON KREIGER: I had a question. How many of the -- in Town Center the -- I don't know what those are called, that -- the concrete that sticks out because Archivers has one. I didn't see any other ones that had this same kind, so I don't know if all of a sudden everybody else is going to start coming for -- I don't know, is that three signs then?

MR. BOULARD: This would qualify as three signs, three separate signs. I believe there is -- these towers occur on the corners well as the mid-point of the building. I believe that's the case.
CHAIRPERSON KREIGER: Ten of them?

MR. BOULARD: On this particular building, I believe that there is maximum of six. You recall one of the variances ordered previously that -- Running Fit on the opposite corner.

CHAIRPERSON KREIGER: They have it down where the windows are at versus up by the jutting --

MR. BOULARD: If I recall correctly they were on the flat part on the facade on the other side of the tower.

CHAIRPERSON KREIGER: Okay.

MR. GHANNAM: Quick question. Are there other brick structures or gazebos or whatever these are called that have three signs on them in this entire Town Center? I don't remember any.

MR. BOULARD: I don't recall any.

MR. GHANNAM: Okay.

CHAIRPERSON KREIGER: That would be -- my only concern would be the -- it does look like nice, but then it would be counted as three signs, and if everybody else does it, then there is too many signs to look at and it would be confusing going in there.

MR. IBE: Sir, do you know if this signage that's proposed here, is that what corporate requires?
MR. CHASE: It's one of their requirements. They have different layouts, but yes. You know, obviously, it's not on every one of them. This one is kind of unique because they're trying to draw to that as they come, the traffic comes that way to see that logo on the side when it juts out a little bit. If you are driving close into the parking spots there, you don't see that tenant as well as you do the other ones that are sitting back.

MR. IBE: Let me ask you. The facade in front of the building, is that a specific request that was made by Lane Bryant or was that just the way the building was constructed?

MR. CHASE: That's the way the building was constructed that I know of.

MR. IBE: So in other words --

MR. CHASE: Lane Bryant did not request that. That's the way it was.

MR. IBE: In other words, Lane Bryant, other outlets they have or other stores out there, do they have these logos everywhere?

MR. CHASE: I would say no, but I don't know that for sure.

MR. IBE: Very well. Thank you,
sir.

CHAIRPERSON KREIGER: The letter that we got in here from Assignments Property Group, is that the Town Center, or --

MR. BOULARD: If I may, that letter is the landlord's approval. One of the things that the zoning application requires is the property owner's approval. Assignment Property is the management company, and they represent the owner, and so before we bring variances to you, for -- the Town Center will require that they help provide their approval, so that we know that once you do everything, if the sign is approved, that the landlords actually allow it to go up. That's just their approval for the request.

CHAIRPERSON KREIGER: So they're potentially saying that they would allow -- for each one of their brick extensions to have that request brought to the city?

MR. BOULARD: No. They're saying that -- my take on it is they're saying Jeff Casper and Brian Chase and Harmon Sign are welcome to apply for a variance on the property they represent from the board.

CHAIRPERSON KREIGER: Okay.

MR. IBE: Just one quick question again. The layout of this complex itself, is this the only store front that has this
unique entrance?

CHAIRPERSON KREIGER: Fishbone Grill has it, Archivers has it.

MR. IBE: You mean Bonefish?

CHAIRPERSON KREIGER: Bonefish. We don’t want to confuse Bonefish and Fishbones.

So they do have it. Those ones only have one sign?

CHAIRPERSON KREIGER: They could potentially come forward, yes.

MR. IBE: Sir, based on some level of consistency that I think that’s perhaps -- should have been maintained in this development, while I like your sign, it’s spiritful, it looks esthetically nice, however, I think it only does -- would create unwelcome applications for people to have more signs. And I just see that coming.

Now, if I -- part of the reason why I ask you, if this is an appropriate request or if the -- if the entrance was constructed specifically for your business, you know, was to determine, you know, whether or not this is something that was agreed upon, but you had a developer when this was done, and maybe others were left out, but the fact that this is something that is common within this development itself, and the other tenants only have one sign, and frankly there...
is only one entrance into this place, it's not really any entrance, you just have to walk in the same way, I'm inclined, to unfortunately, vote against this. I'm sorry, sir.

MR. CHASE: I can change your mind, can I?

MR. IBE: Thank you.

MR. GHANNAM: My two cents on it that it's overkill. I understand -- I think the point is, it is somewhat unique, this space, because of this structure.

But I think the sign on the front makes it more prominent than really the other stores that have flat frontage.

In the alternative, I can see, in my own mind, if you came to say, look, we want it on the left side and the right side, we want two signs as opposed to every single angle that you could possibly approach this at, to me that would make a little bit more sense.

But if you are saying you have got the sign right in the front, and you want two logos, which I don't think really enhances your advertisement. I mean, I know this is a female store in general. I'm not a woman. I wouldn't know what LB meant, you know, if I drove up to it.

But I wouldn't approve it as its
stated. If you ever came back and say I want one on each side, that would make more sense to me, just because of the unusual nature of this particular structure.

CHAIRPERSON KREIGER: In part of the applicant, I see, too, that there is a map that shows -- has a green, blue and yellow on it. And green is lease executed,

so that is businesses that are moving into the complex?

MR. CHASE: Those are existing tenants, yes.

CHAIRPERSON KREIGER: So that's about 80 percent?

MR. CHASE: The blue one is they're negotiating. And actually -- let me show you. We are talking right here (ind). That's blue because there is -- when they did this, they were still negotiating.

I think there is four of five of these there, of these areas. I was just looking on the overhead view of it. I don't know what the exact number of this four or five, I believe.

MR. GERBLICK: Make a motion?

CHAIRPERSON KREIGER: Go ahead.

MR. GERBLICK: In Case No. PZ13-0031, I move that we deny the variance requested based on circumstances, although the property has unique circumstances and
shape of the facade, and having to meet all the terms of the sign variance, the board feels this will not unreasonably prevent or limit the use of the property and will result in a mere inconvenience or the inability to attain a higher economic return.

As such, I will make a motion that we deny the variance.

MS. SAARELA: I mean, if I could suggest that you add a couple of the specifics facts that were mentioned, including, the proposal was basically cosmetic and there is only one entrance. It's not necessary to identify the location and that there is multiple similar projecting entries in the Town Center.

MR. GERBLICK: So moved.

MR. GHANNAM: Second.

CHAIRPERSON KREIGER: There is a motion and a second. Any other discussion? (No audible responses.)

CHAIRPERSON KREIGER: Seeing none, if Ms. Pawlowski would call the roll.

MS. PAWLowski: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLowski: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLowski: Member Ibe?

MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KREIGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: No.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes five to one.

MR. CHASE: Thank you for your time.

CHAIRPERSON KREIGER: Case No. PZ13-0033 for Grand River Avenue.

Are you an attorney?

MR. KATCHMAN: No. My name is Ron Katchman, K-a-t-c-h-m-a-n. I'm with Designer Construction Group.

MR. GERBLICK: In Case No. PZ13-0033, do you swear to tell the truth?

MR. KATCHMAN: I do.

I'm basically before you trying to get an extension on some variances that were granted and also site plan approval that was granted.

The client for the last two years has been trying to get some financing, finally has some financing. And myself as the architect and as the general contractor, I asked him if he is -- how is the site plan approving doing. He wasn't sure. So we had
to file for an extension because it ran past the 30 days.

So the planning commission approved it based upon your approval and extension of the variances that were granted prior to this. So hopefully that you would grant those so that we could start doing some construction. Thank you.

CHAIRPERSON KREIGER: That's it.

Anybody in the public has a comment regarding this case?

(No audible responses.)

CHAIRPERSON KREIGER: Seeing none, if we could have correspondence read in.

MR. GERBLICK: Case No. PZ13-0033, 25 were mailed, two returned mailed, zero approvals, zero objections.

CHAIRPERSON KREIGER: Mr. Boulard or Counsel Saarela?

MS. SAARELA: I guess I would just clarify why this is here.

Planning commission is normally the body that approves the extension of a site plan approval, but in this case just because it wasn't requested before expiration of the site plan, within the time frame, that's why you're here, and I think part of the practical difficulty that was pointed out, if you read one of the planning reports
is that the applicant wasn't notified of that requirement, that it was coming up for expiration and they would need to submit their request for renewal or they would lose their site plan approval.

CHAIRPERSON KREIGER: Did it have to do with the three parking spots as well in there?

MS. SAARELA: They're requesting renewal of that one. That's just a renewal for you. That's your -- within your purview.

MR. GHANNAM: When does the current planning commission thing expire?

MS. SAARELA: The planning commission, I believe, approved the renewal subject to you allowing the request to be made after the time frame set forth in the zoning ordinance.

MR. GHANNAM: I have personally no problem with this. I just want to figure out how long to give them, if the board is inclined to --

MS. SAARELA: It would be as in the zoning ordinance -- the planning commission approved their one year extension as provided in the zoning ordinance, provided that you allow their request to come in after the time allotted, in the zoning ordinance for them to make the request.

MR. GHANNAM: If we were inclined
to grant it, a simple approval as requested --

MS. SAARELA: Approval of that as requested, then you would agree to your ZBA variance for what was -- was there a time frame? Is it just --

MR. KATCHMAN: I think it originally ran out in January 13th or something like that. I think we didn't catch it until March, April.

MR. BOULARD: Probably for another year.

MS. SAARELA: It would be as needed in the zoning ordinance for them -- what they would normally get to start construction before it expired.

So the time frames are in the zoning ordinance. You would just be required to approve the extension of the ZBA variance and approval for them to request the planning commission extension after the date provided in the zoning ordinance.

MR. GHANNAM: As I stated, I have no problem with this. I will be willing to support it.

CHAIRPERSON KREIGER: Anybody else? Is there a motion?

MR. GHANNAM: If there is nothing else, I'll go ahead and make motion.

A motion to approve as requested
is sufficient?

MS. SAARELA: Yes.

MR. GHANNAM: I will go ahead.

In PZ13-0033, I move to grant the petitioner's request as requested.

The variance is not due to the applicant's personal or economic difficulty. The need is not self-created. The requested variance is the minimum variance requested necessary to do substantial justice and the requested variance will not cause an adverse impact on surrounding properties or whatever else was the reasoning in the previous approval, I wanted to adopt that for whatever it's worth.

MR. FERRELL: Second.

CHAIRPERSON KREIGER: A motion and a second any other discussion?

(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

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

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. KATCHMAN: Thank you.

CHAIRPERSON KREIGER: Our last case is PZ13-0034, for 1375 East Lake Drive.

MS. MAHER: My name is Angela Maher, M-a-h-e-r. 1375 East Lake Drive. No, I'm not an attorney.

MR. GERBLICK: Case No. PZ13-0034, do you swear to tell the truth?

MS. MAHER: Yes.

I'm here tonight on perhaps a little bit of confusion. I currently live -- you may recall the house that I came before you last year at 1375.

I took this home, with your approvals, created this home. And please forgive me in advance. I had this on a slide presentation, only to realize I probably can't put it up and my computer died anyway.

The question -- I guess why I'm here, which is still a little confusing for me, is in regard to the lake front property on this side.

Page 86
I have been working very diligently with the City of Novi for almost a year on discussions on how to develop this parcel of land across. It's three lots, 90 foot at the road. They approved everything I have done. Everything I have done has been permitted and approved through the board of appeals.

When I received -- actually I will just read the letter, it will be easier.

My goal is to live in the City of Novi for the next 50 years. I have made great improvements. I'm active in this community. And in an effort to continue the beautification process along East Lake Drive and within our community to raise our home property values, I invested in an outdoor seating area, that I have been in discussions with for nearly a year.

I am here today to ask for your support in my outdoor -- in my open outdoor seating area, that includes a gas grill, which by converting to a gas grill also prevents all the smoke from going into the homes, it prevents a cleaner environment, a gas fireplace which is safer to use, and a propane tank as well as two surveillance videos.

It's important to note with an electrical permit, after I was shut down, the
130709.txt
electrical inspector came out to approve all of my electrical for the refrigerator, for everything else that was going out there.

So the City of Novi knew that I was building an outdoor lounge area that included some electrical devices. I had the directional boring permit. I had the water permit. I had the electrician coming out to my house several times.

I'm not sure when I read the letter why they keep calling it a kitchen and says it's not in compliance when it's not a kitchen, it's an outdoor lounge area. And the wildest party I have ever had there was Rotary president's night to give scholarships to our local community.

The structure is very solid and does not waiver especially as an example in the tornado we had two weeks ago, where property was flying all over the place. I built a solid structure that would last 50 years that would not allow fire pits and gas grills and chairs and lounges to be flying and damaging other properties.

I have been working diligently since November of 2012 and have pulled all my permits and have been approved.

This was a ten day project. On day one, the City of Novi engineer came to my home. My contractors are all extremely
When they come down the road, there is, you know, a parade is coming to my town. They are the best of the best contractors that you would ever be able to find.

The city engineer came up on day one, day five and day nine. She took several photos. In addition to the photos, she actually made suggestions to my contractors to make sure that I had a 30-foot setback.

She came out and measured to make sure that it wasn't too high.

In addition to the city engineer, the City of Novi city ordinance person came out every single day and also took photos. So you can only imagine my surprise on day ten when it's the final project and I have written all my checks and they have been cashed to be closed down.

When I asked why, their answer to me was, I'm not sure, the city ordinance said so. I'll have to call and call you back and let you know.

So I don't know why I'm here. I know that this structure is solid.

On East Lake Drive, not only was my -- my ten-point video surveillance that I have existing helped with the City of Novi to arrest two different people on two different
occasions for vandalism and theft. But it's an ongoing problem.

Everyone who lives along East Lake Drive, we have had unwelcomed visitors. People pull up into this vacant property of mine, they park their car, they get their picnic baskets out and start celebrating and this has been happening to all my neighbors.

So between that and with the breaking and enterings, I built a structure that from the road is actually 29 inches less -- which is less than three foot. And there was an existing fence. This is also part of why I'm here, which I don't understand. I had an existing fence, was actually my neighbor's fence. It was a chain link fence. It had been hit by four or five different trees and a car. It was an eye sore. The city gave me approval to put up a better looking fence to replace that one. On the wall which is -- they said I could have a 10 by 10 by eight, eight foot high structure. And that wall -- it's not a wall, it's where my gas grill is at, it's 10.5, so I did go over by .5, but I didn't know because the city engineer and city ordinance came out every day to measure, so I'm not really sure where I'm wrong in compliance. Except they said it was too big, and if it was too big, they had the opportunity to correct it,
130709.txt because I could have made it. It's not a wall. It's a seating area. And it's not even three foot high.

So where the existing chain link fence is going to be, that fence is high, but my area is only three feet. So if along the lake you can have a 10 by 10 by eight, and that area is 10 by five, you know, 10 and a half, you know, I went over a tad bit. It would be worse if I had put up a shed, which I originally had talked about doing. This in lieu of a shed, I decided to make an open area, so that it would not obstruct any views to my neighbors.

And every single person who walks past my home cannot thank me enough for what I'm doing. I'm sure you have received some notifications in support of my project.

I'm here today to ask you for your support as well. That's it.

CHAIRPERSON KREIGER: Very good.

Is there anybody else in the public?

(No audible responses.)

Seeing none, correspondence?

MR. GERBLICK: Case No.

PZ13-0034, 17 were mailed, one returned, two approvals and zero objections.

First approval comes from Anitha Chacko, A-n-i-t-h-a, C-h-a-c-k-o, at 1381
East Lake Road, noting her approval with the comments, "I am Angela Maher's next-door neighbor at 1381 East Lake. I not only approve this variance. I think it is disappointing that her project was shut down. I know she filed all the paperwork way in advance, and followed all the instructions from the City of Novi. I also saw various people from the building department stop by every day to review and take pictures of the site. I think this episode shows the ineffective side of government and that is very unfortunate".

Second approval comes from Carmen Matthews and Robert Matthews at 1367 East Lake Drive, noting the approval and the comment, "We believe that the request of the applicant should be approved. We fully understand the need of some privacy on the lake lot. The landscape construction of the applicant does not obstruct the view of the lake and it looks very nice. Everybody passing by stops and admires it as well as all the neighbors".

MS. MAHER: There should have been many more.

CHAIRPERSON KREIGER: Mr. Boulard or Counsel Saarela?

MS. SAARELA: I have nothing to add.
MR. BOULARD: No. Thank you.

CHAIRPERSON KREIGER: Okay.

Could you put up your -- the one that's in our packet.

MS. MAHER: Only if someone could -- I had it all on high tech. Would it be okay to borrow someone's photo? Thank you.

MR. GHANNAM: I have a couple of questions. The appliances that you put there, I assume they're removable in the winter time, is that what you do?

MS. MAHER: Yes, exactly.

MR. GHANNAM: But you keep them out there during the spring, summer, fall, that type of --


MR. GHANNAM: Personally, ma'am, I have no problem with this. There are, I'm sure, some technicalities why you need to be here as opposed to -- I understand the confusion why you thought you didn't need to be here.

I agree. I think this is much more desirable than a 10-foot shed that would obstruct people's view. So under the circumstances, I have no problem. I will support it.

MS. MAHER: Thank you.
MR. SANGHVI: I came and visited your place a couple days ago.

MS. MAHER: I saw you on camera.

MR. SANGHVI: I actually walked around and looked -- you were watching me. I think it's quite a creative and a novel way of using your space. I'm sorry you have had a problem building it. I have no problem in supporting your creative idea. I wholeheartedly support your application.

MS. MAHER: Thank you so much.

CHAIRPERSON KREIGER: I also am in favor. As you drive along East Lake, you look at the topography, it is unobtrusive. And it's very nice as well. You have your cameras, so we are all good, I guess.

MS. MAHER: Thank you.

CHAIRPERSON KREIGER: Is there a motion or any other questions?

MR. GERBLICK: In Case No. PZ13-0034, I move that we grant the variance as requested. The variance, there are factors -- unique circumstances or physical conditions of the property such as the narrowness, shape and topography of the location near the water.

The need is not self-created, based on the shape. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well.
other property owners in the district. And the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

MR. FERRELL: Second.

CHAIRPERSON KREIGER: Motion and a second. Any other discussion?
(No audible responses.)

CHAIRPERSON KREIGER: Seeing none, Ms. Pawlowski, will you call the roll.

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KREIGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Motion passes six to zero.

MS. MAHER: Thank you very much.

CHAIRPERSON KREIGER: Enjoy.
We have no official people. No official chair, second or vice president.

MR. GHANNAM: What happened when I was gone. We need nominations for all categories.

MS. SAARELA: Do we have a list of who was --

MR. BOULARD: Unless I'm mistaken, we filled one position.

MS. SAARELA: There was a vote before, then Donna Skelcy left.

There is two options. You can either re-vote on every position and shuffle everybody around or you can just fill her position with somebody else.

MR. GHANNAM: I have no problem shuffling and making our temporary chairman permanent.

MR. GERBLICK: I would be in favor of that.

MR. GHANNAM: The alternative would be to keep everybody as-is and elect a chairman because we elected Donna chair.

MS. SAARELA: Right.

MR. GHANNAM: Unless someone else wants to be chair, I will nominate Member Krieger.

MR. GERBLICK: Second.
130709.txt

MR. GHANNAM: Take a voice vote?

CHAIRPERSON KREIGER: What do we do now?

MR. GHANNAM: Take a voice vote on that or an individual vote?

MS. SAARELA: You can do a voice vote on that.

CHAIRPERSON KREIGER: All in favor for Member Krieger as president -- chair.

THE BOARD: Aye.

MR. GERBLICK: Who was the secretary that we had -- was it Jeff? It was Jeff.

MR. GHANNAM: We can keep him and we would just need to fill her position, the vice chair.

Who would like to be vice chair?

MR. FERRELL: Either one. It doesn't matter.

MR. GHANNAM: You're looking at the past three chairs over here.

MR. GERBLICK: I think Member Ferrell wanted to be involved.

MR. GHANNAM: If that's a nomination I will second that.

MR. GERBLICK: That's a nomination.

MR. GHANNAM: Very good.

CHAIRPERSON KREIGER: So for
Member Ferrell all in favor for vice president.

MR. GHANNAM: Vice chair.
CHAIRPERSON KREIGER: Vice chair.
MR. FERRELL: Whatever you want to call me.

THE BOARD: Aye.
CHAIRPERSON KREIGER: So it is.
MR. GERBLICK: We voted on Jeff previously.
CHAIRPERSON KREIGER: Motion to adjourn.
MR. GHANNAM: I move to adjourn.
MR. GERBLICK: Second.
CHAIRPERSON KREIGER: All in favor say aye.

THE BOARD: Aye.
CHAIRPERSON KREIGER: Any opposed?

(No audible responses.)
CHAIRPERSON KREIGER: Seeing none, we are adjourned.
(The meeting was adjourned at 9:06 p.m.)

** ** **

Page 98
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.

Date

Jennifer L. Wall CSR-4183

Oakland County, Michigan

My Commission Expires 11/12/15