REGULAR MEETING - ZONING BOARD OF APPEALS  
CITY OF NOVI  
Tuesday, June 11, 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, June 11, 2013

BOARD MEMBERS
Linda Krieger, Acting Chairperson
Jeffrey Gedeon
Brent Ferrell
Rickie Ibe

ALSO PRESENT: Charles Boulard, Building Official
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-13-0013</td>
<td>5</td>
</tr>
</tbody>
</table>

Page 1
Novi, Michigan.

Tuesday, June 11, 2013

7:00 p.m.

** ** **

CHAIRPERSON KRIEGER: Good evening. Welcome to the Zoning Board of Appeals City of Novi regular meeting for Tuesday, June 11, 7:00 p.m.
And if we could all rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON KRIEGER: Ms. Pawlowski, if you can please call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Here.

MS. PAWLOWSKI: Member Gerblick is absent, excused.

Member Ghannam is absent, excused.

Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Present.

MS. PAWLOWSKI: Member Sanghvi is absent, excused.

Member Ferrell?

MR. FERRELL: Here.

CHAIRPERSON KRIEGER: And this is a public hearing, and rules of conduct are in the back -- and the agenda are on paper in the back of the room.

If you could turn your cellphones and pagers so they will not have sound.

We could also have tonight's approval of the agenda. Are there any addition or removals?
MR. BOULARD: No.

CHAIRPERSON KRIEGER: Hear a motion to approve the agenda.

MR. GEDEON: So moved.

MR. IBE: Second.

CHAIRPERSON KRIEGER: All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, the approval of the agenda is in order.

Minutes, we do not have minutes this month, so it will be next month.

Public remarks, if anyone has any comments regarding anything except the cases when we call them, could come up and do so.

And also there will be four members. We do not have a full board. If any of you would like to reconsider and have your meeting (sic.) tabled to the next month, when we might have a full board, you are free to do so.

Any public remarks?

(No audible responses.)

CHAIRPERSON KRIEGER: Okay.

Seeing none, public remarks is closed.

First Case No. PZ13-0014, for
Qdoba Mexican Grill. If you could -- regarding that, we have to -- in order to hear it, we have to have someone make a motion?

MS. SAARELA: Basically what we are going to do is the applicant is going to come up and state his request for reconsideration and give you some reasons why he's requesting reconsideration.

At that point I will give you a little bit of background. You know, what a motion for reconsideration entails, who can make it and what to do if you actually pass the motion.

CHAIRPERSON KRIEGER: Okay. If you would like to come up to the podium. And if you could state your name and spell it for our court reporter.

MR. SCHULTZ: Ryan Schultz. I am project manager for Mercier Development.

CHAIRPERSON KRIEGER: If you're not an attorney, if you could be sworn in by our secretary.

MR. GEDEON: If you both will be speaking, could -- both your names, please.

MR. ECKERT: Thomas Eckert, E-c-k-e-r-t.

MR. GEDEON: In Case PZ13-0014, 26401 Novi Road, do you swear to tell the truth tonight?
MR. SCHULTZ: Once again, my name is Ryan Schultz. I'm project manager for Mercier Development. We are the parent company that is developing the center at the corner of Novi and Crescent Boulevard.

I'm here tonight on behalf of our tenant, Qdoba.

I'd like to first off apologize for the presentation last time. I was not at that hearing. We heard there were a number of confrontational remarks made, that fell short of the way that both we feel we should be represented, and Qdoba as well, so that's why we are approaching you tonight for consideration to reopen the original petition.

Do I actually make argument on that? This is the first time I've had to reopen a petition, so --

MS. SAARELA: Why don't you give some reasons why, if you have reason -- additional information that you think is, I guess, needed for reconsideration that would give them a reason to reopen.

MR. SCHULTZ: Certainly. From what I gather, the meeting minutes have been not released from the last meeting. I think
there was a number of arguments that were made that weren't necessarily truthful and became very combative.

I think we have a -- we have a couple of exhibits that we have put together that show proposed signage that we are looking for and Qdoba is looking for. Those were not presented at the last meeting. I think it will be helpful to show those to you to get a better understanding on why we think it's valued that we pose signage on Crescent Place Boulevard.

MS. SAARELA: Okay. When a motion to reconsider is being made or is being requested by the applicant, generally the purpose of reconsidering a vote is to permit correction of hasty, ill-advised or erroneous actions or to take into account added information, or a changed situation that has developed since the taking of the vote.

The motion for reconsideration can be made only by a member who voted with the prevailing side.

So last time the motion to deny was made, only someone who voted yes on the motion to deny can make the motion to reconsider the matter in this case.

The motion to reconsider has to be made, you know, by the next meeting after,
so they're within their time limits to request reconsideration.

If someone does move to reconsider, and it's seconded, you would just require a majority of the members that are here to approve that motion to reconsider then the whole matter can be brought before you for discussion again.

I guess, unless you have any questions, those are the basics of the motion to reconsider.

CHAIRPERSON KRIEGER: Anybody have any questions?

MR. IBE: I have one question.

MS. SAARELA: Yes.

MR. IBE: This is just in fairness to the applicant. Perhaps it might be a good idea for us to know the basis for the motion to reconsider first because chances are that I may not move to second or do anything because I do not want to reconsider anything yet.

So obviously when a motion is made to reconsider, it might be good if I can get -- if the motion is going to be made by a party, I think Member Gedeon was the only party that voted yes. If he's going to obviously give us good reason --

MS. SAARELA: Well, it would be the prevailing party.
So the people who can make the motion here would be you, Member Sanghvi, who is not here, Member Ferrell, who is acting as a regular member this time, or Member Krieger. Because Member Gedeon voted against it, he can't --

MR. IBE: He cannot, very well. Well, I ask then perhaps if the applicant came -- maybe it's not a proper fashion, but if you can at least give us a good reason why we should even --

MS. SAARELA: He can go into an expanded presentation at this point.

MR. IBE: Absolutely. Because like right now, as it stands, I'm not inclined to make any motions or second any motions, unless I have heard something that tells me otherwise that is new, otherwise what from what I have heard the last time, so --

MS. SAARELA: He can feel free to make his whole presentation and then what we would do if someone didn't reconsider, it would allow you to open up the whole thing for rediscussion.

MR. IBE: Very well.

CHAIRPERSON KRIEGER: If you would like to go ahead and continue with the presentation.
MR. SCHULTZ: I do want to ask one question because we do not have a full board here.

If at any time can we choose to withdraw the petition --

MS. SAARELA: If you wanted to wait for a full board, you would have to wait until they move to reconsider, unfortunately because a motion to reconsider has to be approved at the next meeting, so then we would be pushed into another meeting.

MR. SCHULTZ: An additional question piggybacked onto that, if we choose to withdraw the petition, what is the time frame to reapply for potentially a different scenario?

MS. SAARELA: If you're seeking different relief?

MR. SCHULTZ: Yes.

MS. SAARELA: I mean, if you're submitting a new proposal to the city, to community development, you could then either get, you know, an approval or a rejection and you go from there. It's like starting over.

MR. SCHULTZ: I just want to be clear.

So to move into a presentation. We were here about a year ago this time when we originally sought variances to develop this project.
Novi Crescent, parent name of this project, has some unique characteristics within the community. It is fronted on three sides by streets. Expo Center Drive being on the west, Novi -- or Crescent Boulevard being the north/south road, and then Novi Road being on the east.

That presents kind of unique characteristics in that we are subject to three front yard setbacks.

Like I said, we were here a year ago to get relief from that to allow the development to move forward.

Those setbacks create kind of a unique situation and also piggyback on the TC district which requires that we push the building almost up to the right-of-way, or onto the right-of-way, and then park in the rear.

This doesn't really allow us for a traditional monument sign in a very traditional type development where you could get bi-directional exposure to that sign on two lanes of traffic.

Other places in the community, I will point out, this is at the corner of Novi and Grand River, very similar type development, also in the TC district. This
is the AT & T building, a view looking at the building from inside the development. They have signage on the back of the building. They also have signage on the front of the building facing Grand -- I'm sorry, facing Novi Boulevard.

Same type of situation like I mentioned, at our development, which is consistent with the TC district. It's somewhat critical to provide both a pedestrian view of the sign, from the walk-by traffic, and then the car traffic which is parking in the rear, also needs, in our mind, a clear view of the tenant that they're approaching, which is the scenario you see here.

Qdoba has elected, given the unique nature of the site, instead of pursuing that sign on the back of the building, to rotate it around. What they're doing is looking at the traffic heading on Novi Road towards the expressway, trying to capture that traffic at the stoplight, and they're also planning for the future when Novi Crescent Boulevard gets developed and becomes a major bypass of the Novi Road/Grand River corridor. If they feel it's (unintelligible) to capture customers from that angle as well.

I do want to point out a couple
other scenarios within the community also in the TC district.

The Blinds To Go building directly across the street, this is directly across Novi Boulevard -- I'm sorry, Crescent Boulevard, signage on the front of the building, signage on the side of the building, similar to the proposal that Qdoba is proposing.

We do have another picture. This may be blurry. This one is a little darker, same situation. This is the same building, not as readable, these change these lights.

We have prepared a mock-up, too. I don't know if you had a chance to drive by the site, that was requested at the last meeting, I believe, through correspondence with Qdoba. It was applied to the building. We do have images of that.

This is a vinyl stencil that was put on the building to give a more accurate representation of the photo rendering of what we are proposing, fairly small in nature. It does meet the criteria wall signage square-footage wise, color-wise. It does fit within the style of the building that we are proposing.

There will be another sign adjacent on Novi Road, so the two corners
would have signage.

We felt this was pretty critical to show you to give a better understanding of what it would actually look like in real form.

That is kind of a summary of where we are at, at this point, and the value that we really see having the signage on Crescent Boulevard.

We can open it up to questions, concerns, or a motion to rehear.

MR. GEDEON: Well, I know I'm not entitled to make the motion tonight, but I think something else that might help the decision process.

With the examples you provided with the blinds store and the AT & T store, are you aware if those were two signs by right, or if that was something that this board had allowed?

MR. SCHULTZ: I believe they have been developed when the TC district was in place. According to the ordinance, those two signs would have had to have a variance applied for.

MR. BOULARD: I know that there are a number of those -- a number of the occupants there, I believe the AT & T and also Bagger Daves, I think, I recall that those have variances.
I don't specifically recall about -- this was prior to my current memory. But there were variances granted for a number of the other signs in that area.

CHAIRPERSON KRIEGER: Can we proceed with questions or do we have to go for the reconsideration?

MS. SAARELA: Yes, you have to decide whether you're going to reconsider or not, before you start actually, you know, discussing the matter as a board, you know, whether grant or deny the actual variance. It's already been denied, so there is no means of rediscussing the whole thing, unless it's back on the floor.

CHAIRPERSON KRIEGER: Are there any questions or a motion?

MR. IBE: Mr. Bouard -- is that okay?

CHAIRPERSON KRIEGER: Yes.

MR. IBE: The Bagger Daves, I remember when that came before us, wasn't there a variance because it has two frontages? It has -- the back of it is to Novi Road, isn't that correct, and then the front is actually facing the Novi Town Center. Is.

That why there were two signs on that one?

MR. BOULARD: I can't speak to
One of the comments during that was that as you drove by on Novi Road, and you saw the business, it was a fairly (unintelligible) route to get to the other side where the entrance was. I don't specifically recall that it was because the entrance to the building was one of the other -- although, in fact, I think with Bagger Daves, their entrance, you know, their only entrance is on the other side.

MR. IBE: That's correct.

How long ago, maybe I wasn't here, The Blinds To Go, I don't know -- I don't think that's --

CHAIRPERSON KRIEGER: That was before my time, too.

MR. IBE: That was before my time, so obviously -- is that one -- is the Blinds To Go that's on the same side as the business that's on --

CHAIRPERSON KRIEGER: Across the street, across Crescent. For the Town Center consideration that they were planning the
opening of the road, is there a date where
they're intending for that road to be
finalized?

MR. BOULARD: The Crescent
Boulevard?

CHAIRPERSON KRIEGER: From Novi
Road to Grand River?

MR. BOULARD: I understand that
there is some preparations that were made for
that, or in the process of being made for
that.

However, at this point, my
understanding is that it's dependent on
getting some additional grant funding and
things like that.

So I think the city obviously
wants to build that, to participate, but it
depends on getting some grant funding,
finding some businesses to develop there, so
it's definitely planned, but there was no
firm date.

CHAIRPERSON KRIEGER: So at some
point Crescent Boulevard will be a more --
there will be more traffic on that road, so
it will be consideration for any businesses

coming in there and considering their signs
for us to consider as well?

MR. BOULARD: I certainly can't
disagree with that.
MR. IBE: Now, I have a question of the city attorney.

If a motion is made to reconsider, and unless it was carried, will a decision be made on the -- will the finality -- the disposition of this -- be on this case today?

MS. SAARELA: If someone moves to reconsider, anyone can second it, then if there is a majority that want to reconsider, then yes, you can reopen the whole merits of the case up for discussion and vote on it again, if that happens.

CHAIRPERSON KRIEGER: If they wanted to table it, we can do that as well?

MS. SAARELA: If they potentially -- you know, more information they wanted to present or something, or, yeah, after the motion -- if the motion to consider is granted, then they can table it for the full board.

MR. IBE: In fairness to the applicant, and I'd like to be fair to everyone.

I can -- I'm not making a motion, I'm just making a comment. I can make a motion to reconsider, however, there will be no disposition of this case today. It has to be tabled for the full board.
because I will not be voting on finality in this case today, other than maybe to reconsider it, so that this applicant can present their case before a full board and allow people to either sway me other way one or the other, and sway the members one way or the other, rather than four of us make a decision that we had a six to one. I mean, I just think that will not be a very good way for maybe two or three -- three of us here to make a decision that -- where we headed -- we had a full board before.

So if I'm inclined to make a motion to reconsider, if it carries today, I will ask, with all due respect to the applicant, that the matter be tabled for the next hearing, when we have a full board for full consideration and have you present to the rest of the members, that way they can have the opportunity to have their say?

CHAIRPERSON KRIEGE R: Would you be agreeable to that?

MR. SCHULTZ: We are certainly agreeable to that decision.

MR. IBE: Very well. That being said, may I make a motion?

CHAIRPERSON KRIEGE R: Yes.

MR. IBE: Very well.
In Case No. PZ13-0014, 26401 Novi Road, Qdoba Mexican Grill, the applicant has appeared before the board for a motion to reconsider the full position that was rendered in the month of May 2013.

The applicant has presented sufficient minimal evidence to warrant for the board to consider its decision and to reopen this case.

Based on what was presented, I respectfully move that the decision that was made be reconsidered and that this case be reopened for full discussion.

MR. FERRELL: I second that.

CHAIRPERSON KRIEGER: Can we have a motion and a second? Any other comments or questions?

(No audible responses.)

CHAIRPERSON KRIEGER: Ms. Pawlowski, if you call the roll, please.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes
four to zero.

CHAIRPERSON KRIEGER: See you next month.

So we have confirmed to reopen it.

MR. SCHULTZ: Just confirm that --

CHAIRPERSON KRIEGER: I just want to confirm then, would you like to --

MR. SCHULTZ: Yes, we would like to table based on your request to hear in front of a full board.

CHAIRPERSON KRIEGER: Mr. Boulard?

MR. BOULARD: If the board could make a motion to postpone to a date certain, then we would need to --

CHAIRPERSON KRIEGER: July 9th.

MR. IBE: Based on the applicant's request to postpone the conversation of this matter, I hereby move that this matter, Case No., PZ13-0014, 26401 Novi Road, Qdoba Mexican Grill be postponed to the July 9, 2013 meeting.

MR. FERRELL: Second.

CHAIRPERSON KRIEGER: We have a motion and a second.

Any other comments or questions?

(No audible responses.)

Page 21
CHAIRPERSON KRIEGER: Seeing none, Ms. Pawlowski, can you call the roll.

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

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

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

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

CHAIRPERSON KRIEGER: Thank you.

MR. SCHULTZ: Thank you very much.

CHAIRPERSON KRIEGER: The next case is PZ13-0020, for 45843 Strathaven. If the applicant could come to the podium. If you could state your name and spell it for our court reporter, and if you're not an attorney, please be sworn in by our secretary, please.

MR. CANZANO: My name is Nick Canzano, representing Canzano Contracting. We are the applicant.

MR. GEDEON: Could you spell your last name.

MR. CANZANO: C-a-n-z-a-n-o.

MR. GEDEON: In Case PZ13-0020,
do you swear to tell the truth?

MR. CANZANO: I do.

Everybody has a package, I take it. We are asking here for basically a simple setback variance.

We have a vacant lot here of approximately 100 by 120 with extremely imposing setbacks when compared to the surrounding homes in this neighborhood. The existing setbacks here are combined front and back setback of I want to say 90 feet, and side yard of 50, which basically leaves a building envelope of about 25 by 35, somewhere in that neighborhood.

Without a variance on this lot, I mean, that lot would remain vacant forever. And there are many, many single family homes in this neighborhood that have all somehow managed to have a home built on them, so I'm -- from what we understand most of them have been built with variances.

So we are here to try to, you know, ultimately build a single family home on this lot.

CHAIRPERSON KRIEGER: Is that it?

MR. CANZANO: Pretty much, yes.

CHAIRPERSON KRIEGER: Thank you.

Anybody in the public have any comments regarding this case?

Come forward and say your name
MR. NELSON: My name is Gregory Nelson, N-e-l-s-o-n.

CHAIRPERSON KRIEGER: Are you an attorney?

MR. NELSON: No. I'm the chair of the architectural committee in Pioneer Meadows where this home is proposed.

MR. GEDEON: In Case PZ13-0020, do you swear to tell the truth?

MR. NELSON: Yes.

So back in April, I received a request to -- hearing notice, right, because I live nearby, in addition to being the chair of the association, board and was a bit surprised to get that because we didn't have any interaction with Mr. Canzano, maybe at some point I can follow-up with the city.

I don't know how this one kind of trickled through without a letter from the association.

But aside from that, the setbacks that were requested at the time were 50 feet in the front, which -- I'm sorry, 30 feet in the front is what they were requesting.

We have had a flurry of new builds back from 2003, there have been five new builds since then. It's an older neighborhood, about 40 years old, so in the
past ten years there has been five new builds.

All five of them we have been here asking for a variance. And the variance that Mr. Canzano is requesting is very consistent with the other builds. We republished our bylaws in 2006 to make it very clear, you know, what conditions and what setbacks are required, to be very consistent with the other homes.

So what they're proposing, with this setback of 40 feet in the front, 40 feet in the rear, 20 feet on either side are consistent and we are in full support of them building this home.

And I would ask considering that they have been patiently waiting, and they had to pay twice to, you know, go out with the notice, that we expedite their approval and we let them move forward with their project.

CHAIRPERSON KRIEGER: Thank you. Anyone else?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none. Anything from our counsel or from the city?

MS. SAARELA: I have nothing to...
MR. BOULARD: Just a couple of points. One, it is an existing non-conforming lot, so it would be challenging to build a house on this, a typical lot in this zoning district would be closer to an acre, this is about .27. So also, there is an elevation provided, so you can see what the house would look like. It is, as I understand it, just exactly reverse of what it would be because it was flipped on the bottom, but that is provided. And if there is any questions, I will be happy to answer them.

CHAIRPERSON KRIEGER: And then from the board?

MR. GEDEON: I have a question for the city. Could you just explain the RA district and why there is a subdivision -- that seems to be an existing subdivision, but with that zoning?

MR. BOULARD: I don't know when the zoning changed and the zoning was updated. In a case where -- I believe in this case, most of the subdivision was built out sometime ago, there is some remaining lots. When zoning has changed or updated, the effort is made to try to get it as close as possible without doing disservice to the...
and where needed, similar to the lots that are down by the lake that are, you know, 30 feet wide and things like that, with existing non-conforming. So the lot has been there for a long time and it hasn't been developed, and this is the appropriate venue to conform it.

MR. GEDEON: Just a little bit of a clarification, what is the RA district, and what is the intended purpose of an RA district?

MR. BOULARD: The RA district is -- if someone were developing a neighborhood in the RA district now it would be one acre lots essentially.

MR. GEDEON: I guess to the other board members, I think this is a pretty easy one to approve. I mean, it seems consistent with the neighboring houses and clearly the community, through its architectural board is supportive of it and I have no problem with this.

CHAIRPERSON KRIEGER: Sorry. Regarding the case, if you could also read in the correspondence.

MR. GEDEON: Sorry. In Case
PZ13-0020, there were 25 notices mailed out. Three were returned and one approval.

The approval comes from first initial T, last name is Zalinski, 25788 Beck Road, and it simply says approval.

CHAIRPERSON KRIEGER: All right. I'm sorry, any comments?

MR. GEDEON: I mentioned the comments to the board, I have got no problem with approving this. It seems consistent with the neighborhood and supported by the neighborhood association. So I have no problem with this.

CHAIRPERSON KRIEGER: Do you have any comments?

MR. FERRELL: No.

MR. IBE: I'll make a motion.

CHAIRPERSON KRIEGER: Go ahead.

MR. IBE: Madam Chair, in Case No. PZ13-0020, 25843 Strathaven, I move that we grant the applicant's request as stated by the applicant for the following reasons.

One, there are unique circumstances or physical conditions of the property such as the narrowness, shape, water topography, similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because.

The applicant has eloquently...
stated that there are extremely imposing setbacks with this lot that makes it very difficult to build a single family home there. And so obviously, granting the variance would be the only way to accomplish the goal of building a home on this particular lot.

Second, the need is not self-created for the following reasons. One, it is -- the lot itself, as stated by Mr. Boulard, is a non-confirming lot, and therefore, that makes it, in fact, more unique to warrant a variance.

And this lot obviously has been vacant for a long time as was stated by both the city as well as the applicant. And this by itself warrants a need for a variance.

Third, 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 finally, the requested variance will not cause an adverse impact on surrounding property or property values or the use and enjoyment of the property in the neighboring or zoning district.

In fact, granting this variance will be consistent with other variances that were granted to other homes that have been granted...
built recently in this particular subdivision.

Also the chair, I believe, of the sub was here, and eloquently stated as well that they are not in opposition to the granting of this variance.

And finally, the development of this lot would actually enhance the neighborhood and improve the property values that are of the surrounding homes in this subdivision. Therefore, I move that the applicant's request be granted.

CHAIRPERSON KRIEGER: Is there a second?

MR. FERRELL: Second.
CHAIRPERSON KRIEGER: Any other comments?

My comment would be thank you also for when you're -- in building the home that you're consistent with the other homes in the area which is agreeable with the homeowners in that sub as well?

MR. CANZANO: Absolutely.
CHAIRPERSON KRIEGER: Thank you.

And Ms. Pawlowski, can you call the roll.

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

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

MS. PAWLOWSKI: Chairperson

Page 30
Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to zero.

CHAIRPERSON KRIEGER: Thank you.

Congratulations.

Our third case is PZ13-0024, 48700 Grand River Avenue. If you could come to the podium.

MR. CAPELLO: Kim Capello on behalf of the applicant, 26444 Taft Road.

This is the old Jimmy Rustics building, as most of you know it was an outdoor furniture store in its initial use. It went into foreclosure, and it was purchased out of foreclosure and my client has purchased it from the foreclosure purchasers.

The purchasers are two individuals, they're residents of Novi, their company has been leasing space in Southfield for several years. They have been looking for a location in Novi.

When this became available, they jumped at the opportunity to purchase the property.

The property is somewhat unique. At one time the entire property was
part of Don's of Traverse City, as you know, Twelve Mile Road and Grand River comes to an intersection there which creates a triangle. The Jimmy's Rustics building actually now is more of a trapezoid. It has frontage on Grand River Avenue and has frontage on Twelve Mile Road.

Furniture stores have always been problematic in the city, in their reuse we have amended the ordinance several times over the last 20 years to try to think ahead and compensate if the furniture store goes out of business, such as Scott Shuptrine did over -- the ABC Warehouse now. And even though we do that, the ordinance still doesn't satisfy all of the needs of future users.

The user here is unique. This is an office known industry -- I'm sorry, an office owned business. If a straight office went into this building it could not meet the office parking requirements.

This business is somewhat unique because this site plan, the building footprint, as Charles may have seen, there is -- a large area of their space is dedicated to a showroom. A lot of their staff is sales staff which are out of the office, which a showroom and a sales staff
reduces the amount of parking that they need.

Also it's unique because of the frontage on Grand River and frontage on Twelve Mile Road, there is a pass-through, an emergency access along Twelve Mile Road, along the east side of the building which takes up a lot of the could-be parking area.

It's all pavement, but it's designated for a fire (unintelligible), so there is no parking available there, even though the space is available.

The property is unique. We are here tonight asking for two variances.

The first variance we are asking for is a three and a half foot variance into the setback along Twelve Mile Road, to add, I think it's 12 additional parking spaces.

We're only going three and a half feet into the setback of Twelve Mile Road.

The benefit to the city and the community in granting this variance is under the old ordinance there was minimal landscaping required along Twelve Mile Road between the parking and Twelve Mile Road.

Under the new ordinance in that particular area, where the additional parking is going to be granted, it's going to be...
So even though the parking is going into the setback, from Twelve Mile Road it's going to be more esthetically pleasing than it currently is, not encroaching the setback.

The other variance we're asking for, is we're asking for land banks and parking, which was approved by the planning commission.

There is -- along Grand River Avenue in the front of the building, there is an area now that it is somewhat landscaped, we are going to develop that more into a landscape area, three parking places, next to the landscape area, in front of the building along Grand River we also want a land bank, take the asphalt out and turn that into a landscape area to make it more pleasing at the front of the building, more pleasing for Grand River Avenue.

Now, the ordinance that provides for, as you know, for land bank parking, says that there has to be a minimum of 45 parking spaces before we can apply for the land bank. With the additional 12, we have 43 spaces, so we need a variance from you to allow land bank parking with the minimum of 43 spaces instead of 45.

Overall for the business, for
the community, it's a win-win. We are moving into a property on Grand River Avenue that's been vacant for several years, it seems somewhat rundown, they're going to re-facade the entire front of the building, and it's going to be more pleasing for Grand River Avenue.

So we are asking for those two variances from you tonight.

CHAIRPERSON KRIEGER: Anyone in the public that has any questions?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none. From our counsel or the city?

MS. SAARELA: I have nothing to add.

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

CHAIRPERSON KRIEGER: Any correspondence?

MR. GEDEON: In Case PZ13-0024, there were 15 notices mailed out, two returned mail, zero approvals and zero objections.

CHAIRPERSON KRIEGER: We will open it up to the board. Any comments, questions or motions?

MR. IBE: I'm familiar with this property. Question here.

I drive by this road every day.
and it is quite welcoming to know that someone is actually going to move into that place. I think any kind of development in that part of Novi will only make things better for us. So I am very enthusiastic about this particular one.

I have no objections at all. I will be glad to vote for this.

CHAIRPERSON KRIEGER: Thank you.

MR. GEDEON: I also have no issues with this. Seems fine to me.

MR. FERRELL: Same with me. I'm just glad we are doing something with one of the buildings that is starting to get rundown, like you said. I'm definitely supportive of this.

MR. CAPELLO: Thank you.

CHAIRPERSON KRIEGER: I also have no -- it's nice to see it turnaround then have a new business come in, and not like in ten years, but rather sooner.

MR. GEDEON: Would like to propose a motion.

CHAIRPERSON KRIEGER: Go ahead.

MR. GEDEON: In Case PZ13-0024, 48700 Grand River Avenue, I move that we approve both variances as requested by the applicant.

There are unique circumstances or physical conditions of the property, such
as narrowness, shape, shallowness, shape, water topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.

As the applicant pointed out, this parcel is a peculiar shape, somewhat trapezoidal shape, leading to difficulties in positioning of the normally required number of parking spaces. The need is not self-created. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. Specifically redevelopment of this area will most likely be helpful to other applicants in the neighboring parcels. The requested variance will not cause an adverse impact on surrounding properties, property values or the use and enjoyment of the property in the neighborhood or zoning district.

MR. IBE: Second.

CHAIRPERSON KRIEGER: We have a motion and a second.

Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.
MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to zero.

MR. CAPELLO: Thank you very much.

CHAIRPERSON KRIEGER: Our last case is PZ13-0025 for 43700 Expo Center Drive.

MR. GOSS: Good evening. My name is Larry Goss, here on behalf of Burton Katzman, LLC the applicants.

I'm not an attorney. G-o-s-s, like in Sam.

MR. GEDEON: In Case PZ13-0025, 43700 Expo Center Drive, do you swear to tell the truth tonight?

MR. GOSS: I do. I think I'd like to ask the board respectfully to table this tonight.

Our senior vice president, Chuck DiMaggio, is also out of town tonight, with three other members, I'm kind of filling in, so I think probably would be best to
table this for your next meeting, if that's all right. Unless you'd like to approve it unanimously, in which case, I would standby.

CHAIRPERSON KRIEGER: Counsel?

Comments?

MS. SAARELA: I have no comments.

MR. BOULARD: Just once again, if you're inclined to entertain the request to postpone, I request that it would be to a date certain, July 9th, if that's appropriate.

So that we won't have to readvertise.

CHAIRPERSON KRIEGER: Very good.

MR. GEDEON: In Case PZ13-0025, 43700 Expo Center Drive, I move to postpone this case to the July 9, 2013 meeting.

MR. IBE: Second.

CHAIRPERSON KRIEGER: Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Motion passes
four to zero.

MR. GOSS: Thank you very much.

CHAIRPERSON KRIEGER: That finishes our meeting tonight.

We go to other matters.

Election of officers.

Since we are not all here, should we discuss that next month?

MS. SAARELA: If you want to, go ahead and move to postpone that issue until next month, that's up to you, yep.

MR. FERRELL: I will move to postpone the election of officers until next month's meeting.

MR. GEDEON: Second.

CHAIRPERSON KRIEGER: Should we do a roll call --

MS. SAARELA: You don't need a roll call.

CHAIRPERSON KRIEGER: All in favor.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: Any opposed?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, motion to adjourn?

MR. GEDEON: So moved.

MR. IBE: Second.

CHAIRPERSON KRIEGER: All in
f a v o r?

T H E  B O A R D :  A y e .

(T h e  m e e t i n g  w a s  a d j o u r n e d  a t  7 : 5 0  p . m .)

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STATE OF MICHIGAN )
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COUNTY OF OAKLAND )

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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