

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

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

8 BOARD MEMBERS

- 9 Linda Krieger, Chairperson
 10 Brent Ferrell
 11 Rickie Ibe
 12 David Ghannam
 13 James Gerbllick
 14 Mav Sanghvi
 15 Jeffrey Gedeon

16 ALSO PRESENT: Charles Boulard, Community Development
 17 Director

18 Beth Saarela, City Attorney
 19 Coordinator: Angela Pawlowski, Recording Secretary

20
 21 REPORTED BY: Jennifer L. Wall, Certified Shorthand
 22 Reporter

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1 Novi , Mi chi gan.
2 Tuesday, August 13, 2013
3 7: 00 p. m.
4 ** ** **
5 MS. KRI EGER: Good evening and
6 wel come to the August 13th, 2013 Zoni ng Board
7 of Appeal s meeti ng. And i f we coul d ri se for
8 the PI edge of Al legi ance.

9 Member Ferrell could please
10 lead us.

11 (Pledge recited.)

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

14 MS. PAWLOWSKI: Member Ferrell?

15 MR. FERRELL: Here.

16 MS. PAWLOWSKI: Member Gedeon?

17 MR. GEDEON: Here.

18 MS. PAWLOWSKI: Member Gerbluck?

19 MR. GERBLUCK: Here.

20 MS. PAWLOWSKI: Member Ghannam?

21 MR. GHANNAM: Here.

22 MS. PAWLOWSKI: Member Ibe?

23 MR. IBE: Present.

24 MS. PAWLOWSKI: Chairperson

25 Krieger?

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1 CHAIRPERSON KRIEGER: Here.

2 MS. PAWLOWSKI: Member Sanghvi?

3 MR. SANGHVI: Here.

4 CHAIRPERSON KRIEGER: All

5 present.

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

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

13 And let's see, we have an

14 approval of the agenda. As there any
15 additions or changes?

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

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

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

24 MR. GHANNAM: I just have a
25 question for Panera Bread. Did they want to

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5

1 be dismissed or adjourned for a month?

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

6 Move to approve as amended?

7 MR. SANGHVI: So moved.

8 MR. GHANNAM: I will second it.

9 CHAIRPERSON KRIEGER: All those
10 in favor?

11 THE BOARD: Aye.

12 CHAIRPERSON KRIEGER: Any
13 opposed?

14 (No audible responses.)

15 CHAIRPERSON KRIEGER: Seeing
16 none, we have an agenda.

17 For the minutes, the June will
18 be -- we need to make a motion to postpone or

19 table until the September 10th meeting.

20 If we can have that. And is
21 there approval of the May 14th, any changes
22 or motions?

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

25 CHAIRPERSON KRIEGER: That's for

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6

1 tabling it until --

2 MR. SANGHVI: May 14th then.

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

5 Is there a second?

6 MR. IBE: Second.

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

10 (No audible responses.)

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

13 THE BOARD: Aye.

14 CHAIRPERSON KRIEGER: Any
15 opposed?

16 (No audible responses.)

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

21 We are now on Case No.
22 PZ13-0035, for 43348 Grand River Avenue,
23 Cell phone Repair.

24 If the petitioner could come
25 to the podium and state your name and spell

7

1 it for our reporter and tell us your case.

2 MR. SEBASTIAN: Good evening. My
3 name is Dan D. Sebastian. And I'm the owner
4 of the Cellphone Repair Store on Novi Road.

5 CHAIRPERSON KRIEGER: Are you an
6 attorney?

7 MR. SEBASTIAN: Attorney, no.

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

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

12 MR. SEBASTIAN: I do.

13 CHAIRPERSON KRIEGER: You may
14 proceed. Thank you.

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

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

25 The one on the back side of

8

1 the building, which a lot of the people think
2 is the front side of the building, is a

3 smaller sign and as you can see from the
4 photos, when you're standing in the parking
5 lot, obviously the Biggby Coffee is
6 prominently displayed as is the AT & T and
7 the Potbelly.

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

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

25 I don't know for sure, if you

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9

1 have seen it, but we have put the banner up
2 in the last ten days to kind of show this
3 size different. It's a little bit bigger,
4 but it's the exact same size as the one that
5 is currently on Grand River Avenue now.

6 That's basically what we are
7 requesting, a larger sign.

8 CHAIRPERSON KRIEGER: Okay. Is
9 there anyone in the audience that has any
10 participation that they would like to
11 discuss?

12 (No audible responses.)

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

16 MS. PAWLOWSKI: No.

17 CHAIRPERSON KRIEGER: Ms. Saarela?

18 MS. SAARELA: Nothing.

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

21 MR. GEDEON: In Case PZ13-0035,
22 61 notices were mailed, two were returned as
23 undeliverable, zero approvals, zero
24 objections.

25 CHAIRPERSON KRIEGER: All right.

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10

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

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

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

12 CHAIRPERSON KRIEGER: Is there a
Page 8

13 question or motion?

14 MR. IBE: I have some questions.

15 CHAIRPERSON KRIEGER: Member Ibe?

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

19 MR. SEBASTIAN: I'm sorry?

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

23 MR. SEBASTIAN: Correct.

24 MR. IBE: Now, the design of the
25 building, it's such that the Biggby, and I

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11

1 think Potbelly, they pretty much you're
2 sandwiched in the middle, is that correct?

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

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

15 MR. SEBASTIAN: I don't know.
16 It's a really good question. I asked myself.

17 MR. IBE: I can see the sign very
Page 9

18 clearly. I go in here quite frequently. I
19 don't see how anyone can miss that door.

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

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12

1 it's easier to read.

2 MR. IBE: Sir, you know, the
3 standards that are required to grant a
4 variance, they're very clear and specific.

5 What are the exceptional and
6 unique reasons why you think this should be
7 granted to you?

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

15 And so that's -- a number of
16 people stand in the parking lot, that's the
17 view I gave you a picture of, coming back,
18 it's -- the one photo is basically standing
19 at the Greek restaurant and taking a snapshot
20 across the parking lot. And that you can see
21 the current sign there now, and people say,
22 well, I can't really make out what that says.

23 So we believe by changing the
24 letter style and making it slightly bigger,
25 they will be able to make out the CPR, if not

13

1 the actual words.

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

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

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

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

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

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

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

25 MR. SEBASTIAN: I would agree

14

1 with that, but I also believe a bigger sign
2 would provide more clarity.

3 MR. IBE: Thank you.

4 CHAIRPERSON KRIEGER: Yes, Member
5 Ghannam?

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

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

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

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

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

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1 The question becomes how does
2 this unreasonably interfere with your ability
3 to conduct business, you can't use the
4 reasoning, well, my business is effected.
5 It's how can you not use your space because

6 you don't have a bigger sign.
7 MR. SEBASTIAN: Right, but if you
8 look, close-up picture, would you not agree
9 that it appears that the store is the width
10 of those two columns?
11 MR. GHANNAM: I understand. I
12 understand the theory.
13 MR. SEBASTIAN: So the left side
14 of the store looks like it's Bigby Coffee.
15 MR. GHANNAM: That's the nature
16 of how you leased it, and I understand that,
17 but it just -- from my perspective, I would
18 not be in support of this because I think the
19 sign is sufficient.
20 We have, I mean, it's the city
21 that drafts the ordinances. The question
22 becomes how do you come within an exception
23 that we could grant.
24 I just don't see it, that's my
25 just my opinion. Thank you.

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16

1 MR. SEBASTIAN: It's only another
2 two square feet. You think that's still too
3 much?
4 MR. GHANNAM: I'm not here to
5 argue here, sir.
6 MR. SEBASTIAN: I'm just trying
7 to understand.
8 CHAIRPERSON KRIEGER: Member
9 Gedeon?
10 MR. GEDEON: On that point of an

11 additional two square feet, the way -- what
12 I'm seeing in front of me, says, that you're
13 going from 17 and a half square feet to just
14 under 30 square feet.

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

18 MR. GEDEON: Okay.

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

23 MR. GEDEON: Thank you.

24 CHAIRPERSON KRIEGER: Could you
25 put the picture up that has the one from the

17

1 Grecian? Do you have that photo to put on
2 the overhead?

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

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

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

11 CHAIRPERSON KRIEGER: Yes.

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

14 CHAIRPERSON KRIEGER: It should
15 show up when you put it down.

16 MR. SEBASTIAN: I'm back in the
17 Stone Age with transparency. Is there a way
18 to focus that.

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

25 MR. SEBASTIAN: That's correct.

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18

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

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

14 MR. GEDEON: I guess I would add
15 to that point, but I'm not sure if this road,
16 this internal road has a name, but it's quite
17 a distance from your store front, and even
18 though the ordinance is -- the ordinance for
19 the sizing of the signs is based on the
20 linear frontage of your store front, but

21 perhaps because of the distance from the main
22 internal road, to your store front, perhaps
23 the ordinance didn't anticipate a store front
24 with such a small linear footage, so I could
25 see a reason for supporting this, based on

19

1 the distance from your store front to the
2 main internal road.

3 CHAIRPERSON KRIEGER: Member
4 Ferrell, any questions?

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

6 CHAIRPERSON KRIEGER: Member
7 Gerblick?

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

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

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

17 CHAIRPERSON KRIEGER: Anybody
18 else?

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

21 The request is based upon
22 circumstances or features that are
23 exceptional and unique to the property and do
24 not result from conditions that exist
25 generally in the city or that are

1 self-created. Specifically, the store
2 frontage, the linear frontage of the store is
3 quite small in comparison to the distance
4 from the main internal road of the shopping
5 center, which makes the allowable signage
6 very small for drivers on the internal road.

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

12 The grant of relief will not
13 result in a use of structure that is
14 incompatible with or unreasonably interferes
15 with adjacent or surrounding properties, will
16 result in substantial justice being done to
17 both the applicant and adjacent or
18 surrounding properties and is not
19 inconsistent with the spirit of the
20 ordinance.

21 MR. FERRELL: Second.

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

24 (No audible responses.)

25 CHAIRPERSON KRIEGER: Seeing

1 none, if Ms. Pawlowski could call the roll.

2 MS. PAWLOWSKI: Member Ferrell?

3 MR. FERRELL: Yes.

4 MS. PAWLOWSKI: Member Gedeon?

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5 MR. GEDEON: Yes.
6 MS. PAWLOWSKI: Member Gerbl ick?
7 MR. GERBLI CK: Yes.
8 MS. PAWLOWSKI: Member Ghannam?
9 MR. GHANNAM: No.
10 MS. PAWLOWSKI: Member I be?
11 MR. I BE: No.
12 MS. PAWLOWSKI: Chai rperson
13 Kri eger?
14 MS. KRI EGER: Yes.
15 MS. PAWLOWSKI: Member Sanghvi ?
16 MR. SANGHVI: No.
17 MS. PAWLOWSKI: Moti on passes
18 four to three.
19 CHAI RPERSON KRI EGER: Very good.
20 I wanted to back up. I wanted
21 to include public remarks. If anybody has
22 any comments regarding anything except these
23 cases, if they could -- would like to
24 approach the podi um, that's -- okay, seei ng
25 none, then I will proceed to the next case.

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1 Thank you very much, si r.
2 MR. SEBASTIAN: Thank you for
3 your ti me.
4 CHAI RPERSON KRI EGER: Next case
5 is PZ13-0037, for 226 Henni ng.
6 If the peti ti oner could
7 approach the podi um and state your name and
8 spell i t for our reporter and be sworn i n by
9 our secretary. Thank you.

10 MS. SMITH: My name is Annie
11 Smith, and I would like to buy a house at 226
12 Henning, and I'm requesting to be able to put
13 up a detached garage and I am lacking eight
14 feet from having --

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

17 MS. SMITH: I'm sorry?

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

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

21 CHAIRPERSON KRIEGER: Thank you.
22 Are you an attorney? Are you a lawyer?

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

25 CHAIRPERSON KRIEGER: Sorry. Our

23

1 secretary is going to swear you in. If you
2 could raise your right hand.

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

5 MS. SMITH: Yes.

6 CHAIRPERSON KRIEGER: Go ahead.
7 Proceed. Thank you.

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

12 I guess it's supposed to have
13 30 feet requirement and I only have 22. I'm
14 asking for an eight foot variance.

15 CHAIRPERSON KRIEGER: Okay,
16 that's it?

17 MS. SMITH: Yes.

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

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

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

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

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

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

18 The size of the garage is
19 actually not very big. She wants to build a

20 22 by 20-foot garage, 22 feet deep, 20-foot
21 wide and because there are two setbacks, this
22 is hindering our project here.

23 So I do have a drawing. Can I
24 show it? Okay.

25 So the setback comes from the

25

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

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

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

17 CHAIRPERSON KRIEGER: Thank you
18 very much.

19 Anybody else in the public
20 that would have a remark?

21 MS. BAKER: I live next door --

22 CHAIRPERSON KRIEGER: If you
23 could come to the podium.

24 If you could spell your last
Page 21

25 name for our court reporter.

26

1 MS. BAKER: My last name is
2 Baker. My name is Bonnie Baker.

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

5 MS. BAKER: Yes, I do.

6 MR. GEDEON: Thank you.

7 MS. BAKER: I live next door at
8 214 Hennig.

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

21 Plus all the trees are like
22 200 feet tall. I mean, my backyard, you
23 can't even see the sky. It's all trees, too
24 many trees.

25 But this would totally block

27

1 me in. I have so much blocked in now from
2 the trees. I mean, I actually have contacted

3 the forestry department before to ask to come
4 if they could come out and do anything about
5 some of those trees cutting them back, I
6 understand that is city property there. But
7 I didn't get any response about that. But to
8 have a garage there will make it very dark,
9 and I know the animals will make a nest in
10 there.

11 I had a problem with a raccoon
12 that got under my deck this summer. In the
13 spring I had to hire somebody, it cost me
14 \$500 to close up these holes. If they're
15 going under my neck where there is some, they
16 will go between those two garages and it will
17 be a big problem, and they can dig some
18 pretty deep holes.

19 CHAIRPERSON KRIEGER: Thank you
20 very much. Anybody else have any comments?

21 (No audible responses.)

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

24 MS. PAWLOWSKI: No.

25 CHAIRPERSON KRIEGER: Ms.

28

1 Saarela, from the city?

2 MS. SAARELA: No.

3 CHAIRPERSON KRIEGER: All right.

4 Open it up to the board for questions.

5 Oh, first correspondence.

6 Thank you.

7 MR. GEDEON: In Case No.

8 130813.txt
PZ13-0037, there were 26 notices mailed, one
9 returned, zero approvals, zero objections.

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

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

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

21 CHAIRPERSON KRIEGER: Anything
22 from the board? Questions, comments? Member
23 Gerblich?

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

♀

29

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

5 MR. BOULARD: That's correct.
6 The new proposed garage is six feet from the
7 side property line, which is allowed at six
8 feet from the rear property line, as the
9 petitioner mentioned, it does comply with the
10 requirements for 10-foot distance from the
11 house, since it's a detached building, and
12 also the maximum lot coverage, it works.

13 The only variance required is
14 eight feet because the front of the garage
15 facing Penbine would be -- in order to be
16 compliant would need to be 30 feet from
17 Penbine.

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

20 MR. GHANNAM: Just a couple of
21 comments first.

22 First, ma'am, I understand
23 your request for a garage, it seems logical
24 in Michigan to want a garage for your home.
25 It seems, it's not an unreasonably large

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1 garage. It would fit your premises. I
2 understand you're trying to build it on an
3 existing lot, so you can't expand your lot,
4 it's not your fault, you're limited by land.
5 So I would be in support of it.

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

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

16 CHAIRPERSON KRIEGER: Member
17 Gedeon?

130813.txt

18 MR. GEDEON: I would also be in
19 support of this. And with the concern of the
20 neighbor, it's understandable that having the
21 building go up could be disruptive, but the
22 ordinance -- the variance that's being
23 requested is for the distance between the
24 front of the garage and Penbine Street,
25 that's correct, right?

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1 MR. BOULARD: Yes.

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

11 CHAIRPERSON KRIEGER: What is the
12 height going to be of the garage?

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

16 CHAIRPERSON KRIEGER: Thank you.

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

20 MR. SANGHVI: No.

21 MR. GERBLICK: In Case No.
22 PZ13-0037, 226 Hennig, I move that we grant

23 the variance as requested, as there unique
24 circumstances or physical conditions of the
25 property, such as the shape and topography,

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1 and the two adjacent streets on the corner
2 lot.

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

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

18 The requested variance will
19 not cause an adverse impact on surrounding
20 property, property values or the use and
21 enjoyment of the property in the neighborhood
22 or zoning district.

23 MR. SANGHVI: Second.

24 CHAIRPERSON KRIEGER: There is a
25 motion and a second.

33

1 Any other comments?
Page 27

130813.txt

2 (No audible responses.)
3 CHAIRPERSON KRIEGER: Seeing
4 none, Ms. Pawlowski, can you call the roll.
5 MS. PAWLOWSKI: Member Ferrell?
6 MR. FERRELL: Yes.
7 MS. PAWLOWSKI: Member Gedeon?
8 MR. GEDEON: Yes.
9 MS. PAWLOWSKI: Member Gerbluck?
10 MR. GERBLUCK: Yes.
11 MS. PAWLOWSKI: Member Ghannam?
12 MR. GHANNAM: Yes.
13 MS. PAWLOWSKI: Member Ibe?
14 MR. IBE: Yes.
15 MS. PAWLOWSKI: Chairperson
16 Krieger?
17 CHAIRPERSON KRIEGER: Yes.
18 MS. PAWLOWSKI: Member Sanghvi?
19 MR. SANGHVI: Yes.
20 MS. PAWLOWSKI: Motion passes
21 seven to zero.
22 CHAIRPERSON KRIEGER: Thank you.
23 MR. SMITH: Thank you very much.
24 CHAIRPERSON KRIEGER: Case No.
25 PZ13-0038, for 27855 Cabot Drive, for

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1 Starbucks.
2 If you could state your name
3 and spell it.
4 MR. DROLSHAGEN: My name is
5 Joseph Drolshagen, that's D-r-o-l-s, and in
6 Sam, h-a-g-e-n.

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I'm not an attorney.

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

MR. DROLSHAGEN: Absolutely.

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

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

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

that sits at the entrance of Cabot Drive and
Twelve Mile Road.

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

We have Haggerty Corporate
Office Center II to the north and immediately
to the west there is the ITC easement that
has the high tension wires that run down that
corridor. This actually shows probably a
little better the location there.

12 The park, the ownership of the
13 park has -- let me go back.

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

22 The history of the site is one
23 from -- Michigan National Bank made an offer
24 as we were developing the park to purchase
25 the lot. They were going to put a branch

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1 facility there with a drive-thru. And so we
2 began the process of designing the building,
3 designing the location of the building and
4 created this lot for Michigan National Bank.

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

16 So we were working with the
Page 30

♀

17 city on the retail service overlay zoning,
18 that's in place now, and this is the location
19 that -- one of the locations that the city
20 had in mind for this type of use.

21 The building itself, the
22 2,032, only represent about three percent of
23 the land. There is about 37 percent open
24 space, which is about double what the
25 ordinance would normally require.

37

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

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

14 So the city -- the variances
15 themselves are a little bit easier to see
16 when I put this on a map. I made a handout,
17 I thought that some of these were
18 self-explanatory, but we are going in for
19 variances because the site is just too small
20 and the building is about the minimum size
21 that Starbucks can viably put on the site.

22 So the first variance has to
23 do with the setback from Haggerty Corporate
24 Office Center II parcel, and we are asking
25 for a variance for the building setback. We

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1 managed to place the building 45.18 feet from
2 that North property line. The ordinance
3 calls for a 50 foot setback, and that first
4 variance is requesting 45 feet.

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

10 Variance number three is a
11 10-foot setback for parking, which really
12 represents the drive-thru area there. The
13 ordinance calls for a 20-foot setback from
14 the nearest parking or drive-thru and we are
15 able to provide only 10 feet, and the
16 variances are adjacent to a parcel that is
17 controlled by an entity related to Northern
18 Equities Group.

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

23 The fire marshal approved this
24 particular plan also, and that's number
25 three.

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

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

19 Then the final variance has to
20 do with the setback on this side, which is
21 the ITC land, 90 feet of ITC land, and then
22 the garbage, so the final sideyard setback
23 has to do with the dumpster, 20 feet is
24 required. We were only able to get in
25 15 feet on that side.

♀

1 If you look at who is impacted
2 by that, well, the ITC wires are for 90 feet
3 and they have a driveway, then you have the
4 First Merit bank branch that is up there,

5 too.
6 Again, there is no residential
7 looking into this particular site. The First
8 Merit has given approval for this access
9 driveway, ITC has given their approval for
10 the access driveway, so I think we have lined
11 up things pretty well to work this narrow and
12 small parcel to fit in a Starbucks, which is
13 a very important amenity to the park.

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

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

21 We were building this way, we
22 were building that way, we were able to
23 minimize a few. We have support from most
24 of -- all of the neighbors in the area, and
25 we are asking for approval because it will

♀

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1 enhance the park and it does not cause an
2 advance impact on any of the surrounding
3 properties and it's compatible with the other
4 buildings with the brick design and
5 everything else, it's compatible with it, so
6 I'm asking for your approval.

7 CHAIRPERSON KRIEGER: Thank you.
8 Anybody else in the audience have any
9 comments?

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(No audible responses.)

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

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

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

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

And lastly I just wanted to

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

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

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

CHAIRPERSON KRIEGER: Thank you. Any from correspondence?

MR. GEDEON: In Case PZ13-0038, there were eight notices mailed, three returned mailed, zero approvals, zero

15 objections.

16 CHAIRPERSON KRIEGER: Thank you.
17 I will open it up to the board. Member
18 Sanghvi?

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

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

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1 sorry.

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

6 MR. DROLSHAGEN: Thank you very
7 much.

8 CHAIRPERSON KRIEGER: Yes, Member
9 Ghannam.

10 MR. GHANNAM: I do, too, am in
11 support of this. It seems like all the kinks
12 have been worked out with the fire marshal.
13 It does appear that this is -- I don't want
14 to say it's an unusual lot, but just the way
15 it's situated with the power lines and you're
16 kind of left -- this is like the leftover
17 parcel after most of the other parcels have
18 been developed, and certainly, I'm sure this
19 will fit nicely in that area.

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So I have no problems
supporting this also.

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

MR. DROLSHAGEN: We are not privy

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to that, but I think they are planning on
keeping both of those open. This is really
to service the park itself, coffee thirsty
folks.

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

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

CHAIRPERSON KRIEGER: Thank you.

MR. GHANNAM: In Case No.
PZ13-0038, for 27855 Cabot Drive, I move to
approve the four variances as requested, for
the following reasons.

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

The need is not self-created.
This lot has been existing for several years

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and is kind of a leftover parcel.

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Strict compliance with the

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regulations governing the area setback,

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frontage and so forth would prevent the

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property owner from using the property for a

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permitted purpose, or will render conformity

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with those regulations unnecessarily

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burdensome.

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The requested variance is the

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minimum variance necessary to do substantial

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justice to the applicant as well as other

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property owners in the district. The

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requested variance will not cause an adverse

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impact on surrounding areas or property

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values, in fact, I think the opposite would

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be true.

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MR. FERRELL: Second.

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CHAIRPERSON KRIEGER: Seeing we

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have a motion and a second, any other

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discussions?

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(No audible responses.)

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CHAIRPERSON KRIEGER: Seeing

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none, can you call the roll, Ms. Pawlowski?

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MS. PAWLOWSKI: Member Ferrell?

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MR. FERRELL: Yes.

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MS. PAWLOWSKI: Member Gedeon?

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MR. GEDEON: Yes.

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MS. PAWLOWSKI: Member Gerbl ick?

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MR. GERBLICK: Yes.

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4 MS. PAWLOWSKI: Member Ghannam?
5 MR. GHANNAM: Yes.
6 MS. PAWLOWSKI: Member Ibe?
7 MR. IBE: Yes.
8 MS. PAWLOWSKI: Chairperson
9 Krieger?
10 CHAIRPERSON KRIEGER: Yes.
11 MS. PAWLOWSKI: Member Sanghvi?
12 MR. SANGHVI: Yes.
13 MS. PAWLOWSKI: Motion passes
14 seven to zero.
15 MR. DROLSHAGEN: Thank you all
16 very much. We appreciate it.
17 CHAIRPERSON KRIEGER: Our next
18 case is PX13-0039, for 44055 Twelve Mile for
19 GFS Marketplace.
20 MR. SYTSMA: Hello, my name is
21 Ryan Sytsma, S-y-t-s-m-a, from Gordon Ford
22 Service and I'm not an attorney.
23 MR. GEDEON: Will you both be
24 speaking?
25 MR. SYTSMA: Yes.

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1 MR. VOS: Yes, Jack Vos, V, as in
2 Victor, o-s.
3 MR. GEDEON: In Case No.
4 PZ13-0039, do you swear to tell the truth?
5 MR. VOS: I do.
6 MR. SYTSMA: I do.
7 We submitted a request for
8 some additional signage on our new

9 marketplace store that we are excited about
10 there on Twelve Mile and Donaldson.

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

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

21 We just felt like if we did
22 put a sign along Donaldson, it would really
23 expose -- give us no exposure for our sign
24 there, so what we really would like to do is
25 take that sign that we were allowed along

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1 Donaldson and relocate that to one of the
2 other sides of the building, in addition to
3 two other signs on the building, which is
4 what we are requesting.

5 And you know, what I'm looking
6 at from the sign variance, I think our site
7 is unique and exceptional from the
8 standpoint, if you drive out there, it's a
9 property that we bought, we parceled it off,
10 purchased it outright from the developer of
11 the Fountain Walk development, and when you
12 look at all four sides, three of the four
13 sides have very mature trees there from when

14 the development started.

15 And, you know, when you have a
16 lot of mature landscaping and now you're
17 having new construction going on, what
18 happens is it provides us a big challenge to
19 help us find -- help our new customers and
20 existing customers find us where we are at.

21 You know, if we were looking
22 at it from a standpoint where we bought it,
23 that's a vacant piece of land, we put in new
24 landscaping with the new construction it
25 would be much easier for, you know, our

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1 customers to come and see us, as they're
2 traveling as the trees grew, everybody would
3 understand where we are at, whatnot, but as
4 we are looking at, you know, a mature lot, a
5 mature landscaping, with additional
6 landscaping required yet, you know, it poses
7 a challenge for us for the exposure.

8 In addition to that, we also
9 have approximately six to seven foot
10 depression from where Twelve Mile is to where
11 our finished flooring is going to be in the
12 store. And so, you know, I think the
13 challenge there that makes it exceptional
14 when you look at other out lots along Twelve
15 Mile there is really -- with building
16 signage, you know, we aren't even getting the
17 height that we would usually have, like the
18 other buildings do, that are along Twelve

19 Mile that have, you know, they're finished
20 floor at almost the same level as the street
21 is.

22 And so when you couple that
23 with mature trees, with, you know, the
24 depression there, we just felt that it would
25 be worth us to try to get more traffic in

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1 there and getting a couple additional signs
2 in there would be helpful for us.

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

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

18 MR. VOS: I think the question
19 that we have is we have a building that truly
20 is surrounded by four roads, two are internal
21 to the site, they are the egress to the strip
22 mall or strip center, and then two are -- and
23 the other two are Donaldson and Twelve Mile,

24 so if we go by the logic of your code, we are
25 told that we should put a sign on Donaldson

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1 and Twelve Mile, which they effectively got
2 people to come into the site to find us, they
3 would then drive in the site, and then they
4 would face us from the west or from the south
5 and they wouldn't even be able to identify
6 our business because there would be no sign
7 allowed on the south or west for them to even
8 know what the building is, even though they
9 have seen the building from Donaldson and
10 Twelve Mile to know what it is.

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

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

24 It's not about over
25 advertising, it's not about trying to overdo

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1 it, it's simply about making sure that when

2 somebody is there, they know where to go.

3 So our question to the city is
4 how do we do this, and we are looking for
5 your assistance to try to solve the problem.

6 CHAIRPERSON KRIEGER: Okay.

7 Thank you very much. Anyone in the audience?

8 (No audible responses.)

9 CHAIRPERSON KRIEGER: Seeing
10 none, Ms. Pawlowski?

11 MS. PAWLOWSKI: No.

12 CHAIRPERSON KRIEGER: Anything
13 from the city?

14 MS. SAARELA: No.

15 CHAIRPERSON KRIEGER: Mr.
16 Boulard?

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

20 CHAIRPERSON KRIEGER: Yes.

21 MR. BOULARD: The sign ordinance
22 would allow either a monument sign or a wall
23 sign for this structure, with the frontage on
24 two thoroughfares, two major thoroughfares in
25 this case, Donaldson and Twelve Mile would be

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1 considered thoroughfares, there would be an
2 option of having two wall signs, not two
3 ground signs, but two wall signs, to provide
4 that additional frontage.

5 The building is fairly
6 distinctive in terms of the elevations and

7 the -- I think folks will come to recognize
8 it very well.

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

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

14 MR. SYTSMA: You know, it's going
15 to be interesting because what we are doing
16 here is consolidating two stores, our Wixom
17 store and our Farmington Hills store, so when
18 you're looking at it, it's directions. I
19 mean, I would surmise you're going to get
20 traffic from people traveling westbound and
21 eastbound, you know, headed into Donaldson,
22 where if, I guess they know Novi well enough
23 that they can sneak around, you know, from
24 Novi Road down through the back way, so it's
25 going to be really hard to tell to see where

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1 those existing customers are going to come
2 from, you know, but I would assume they're
3 going to be coming from both directions, you
4 know, from what we have in done our reports.

5 I do want to make one mention
6 to a monument sign, we did look at that
7 option, however, with the sidewalk in, of
8 course, we can't put a monument sign between
9 the sign and road for the right-of-way. And
10 there is also utility easements that run to
11 the south of sidewalk, so it's really a

12 situation where I think it would be nice if
13 we had a monument sign there. I think it
14 would be best exposure for us. But we
15 literally can't because we would -- we would
16 have to basically put our monument sign
17 within the trees that go down the embankment
18 in order to be able to clear the utilities,
19 so we are left with figuring out how do we
20 get building signage with the maximum that
21 would allow people to come in safely and
22 notice where we are at.

23 CHAIRPERSON KRIEGER: All set?

24 MR. BOULARD: Thank you.

25 CHAIRPERSON KRIEGER: Ms.

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1 Saarel a?

2 MS. SAARELA: I have nothing to
3 add.

4 CHAIRPERSON KRIEGER: Open it up
5 to the board. Member Gedeon?

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

13 MR. SYTSMA: Well, when we were
14 trying to work with the footprint, we had
15 asked for a variance, I think, on the setback
16 because it was cornering two different

17 throughfares, I believe there was a -- I
18 can't remember what the foot of the setback
19 was, but we had to have a variance done and
20 we felt that it would be easiest for people
21 to utilize our parking that we have and our
22 individual parcel, but also that it connects
23 with the existing parking field there.

24 We are self-contained, we can,
25 you know -- we have the right ratio of

♀

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1 parking, but we just felt the overall
2 development would flow best that way, as well
3 as knowing where the mature landscaping was
4 already, you know, we didn't want to place
5 our building entrance to where we wouldn't
6 have any -- you know, any room for parking,
7 per se, so that's why we had neared it
8 towards the west.

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

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

22

MR. GEDEON: Thank you.

23

MR. GHANNAM: I have a couple

24

questions for the city, Mr. Boulard.

25

They're entitled to either a

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1

monument and a wall sign or two wall signs,

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correct?

3

MR. BOULARD: No, monument or a

4

wall sign. They would also be entitled to an

5

additional wall sign, if they had one wall

6

sign because it's on the corner. So

7

basically a monument or two wall signs in

8

this case.

9

MR. GHANNAM: The request is for

10

four wall signs basically, which would be a

11

variance of two, does that make sense or am I

12

getting that wrong?

13

MR. BOULARD: Yeah, that's

14

correct.

15

MR. VOS: The variance also would

16

be -- your ordinance states that the signs

17

can only be placed on the main thoroughfares.

18

It doesn't allow them to be placed internal

19

to the strip center.

20

So because Donaldson has so

21

much mature vegetation, and because we are

22

going to be adding more vegetation, as

23

required by under the city code in the new

24

building, the Donaldson side really is not

25

visible, so we are looking for the variance

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1 to not use the Donaldson thoroughfare side,
2 but move the sign where it is visible from
3 the strip center.

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

8 MR. VOS: That's correct.

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

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

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

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

24 MR. VOS: Yes.

25 MR. GHANNAM: Why would both of

♀

1 those be necessary? Why can't one be
2 sufficient? I understand you said traffic is
3 going to be going both ways, but if that's
4 the case, why do you need the one at the
5 corner, why wouldn't the Twelve Mile suffice?

6 MR. SYTSMA: You're talking about
7 the one where the entrance is on the angle?

8 MR. GHANNAM: Yes.

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

15 So if you're headed eastbound,
16 you can -- you know, you will be able to see
17 glimpses of the sign and, you know, as you
18 see glimpses of the north sign, if we put it
19 on the north wall. But really that sign
20 would be there so that people that are
21 traveling westbound would be able to see us.

22 That would be their one shot
23 to see there where our sign is.

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

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

7 MR. SYTSMA: We didn't know
8 how -- when summer was going to take place,
9 what the vegetation was going to look like,
10 you have the conifers there, you have a bunch

11 of different trees there, so our thought, we
12 didn't know what was going to be visible and
13 what wasn't going to be visible until everything
14 started to come into bloom. And, you know,
15 that is why we requested to see that, but I
16 understand your reasoning why would you want
17 two if you got one there.

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

22 MR. SYTSMA: Understood. Go
23 ahead.

24 MR. VOS: Ryan hit on it
25 slightly, there is two signs on the north

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1 side of the building. The sign that is on
2 the north side of the building that is
3 furthest to the east, you really see when
4 you're approaching from the east going west.
5 Because there is a spot where the trees are
6 vacant, you can see that side of the building
7 really well. That would allow somebody to
8 then actually turn in, get in the turn lane
9 and turn into Donaldson and make that left
10 turn.

11 If you're approaching from the
12 west, coming east on Twelve Mile, the sign
13 that's above the doorway, or on what we would
14 consider the northwest corner is the highest
15 point of the building and that actually gets

16 us about another eight feet or so.

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

22 This sign is going to be
23 really visible from east -- pardon me, west
24 going east, however, the sign that is on the
25 north and is not on the northwest corner, you

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1 would have to turn to look at.

2 Generally, when people turn to
3 look at signs, it creates a safety hazard.
4 So we want them to be driving down the road,
5 to look up to see the Gordon Food Service
6 sign above the doorway and know to turn down
7 Donaldson and come in.

8 MR. GHANNAM: I follow all of
9 that.

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

13 My thinking is in terms of
14 what I would be, you know, inclined to do is
15 approve one additional sign, but to me the
16 one at the northwest corner or simply the
17 west elevation, to me, I would think you
18 would have to pick one of the two or you
19 should pick one of the two, both of those
20 shouldn't be necessary. It does seem more

21 logical that it goes at that corner, that's
22 the entrance of your building anyway, right?

23 MR. VOS: Yes.

24 MR. GHANNAM: The object is not
25 to -- the object is not to see it from every

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1 single angle, from every single distance, the
2 question becomes what really does justice to
3 your particular parcel.

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

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

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

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

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

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

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1 but --

2 MR. SYTSMA: We would be fine
3 with that.

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

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

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

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

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

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1 where I think Dick's Sporting Goods is, when
2 you first come in, you're going to see the
3 sign right there on the corner perfectly, I

4 think, and that if you are coming up the back
5 side, on the south side, you're going to see
6 the south side sign. I just think the one on
7 the west is a little redundant.

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

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

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

19 MR. BOULARD: It gave you
20 guidance --

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

23 MR. SYTSMA: I can speak to that.
24 Fountain Walk, all the tenants in Fountain
25 Walk have directional signs in addition to

♀

1 their allowed signage that they have. We are
2 a separate parcel from the development, even
3 though we are looking at it as part of the
4 overall development.

5 So I mean, I don't know if
6 that would be something that would have to be
7 approved by you or I would have to go back to
8 the developer to say, hey, we would like a

9 directional -- you know, part of the
10 directional signs that they have available to
11 them.

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

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

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

25 MR. BOULARD: I'm still having

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1 trouble picturing where the sign is.

2 MR. FERRELL: Second to last
3 page.

4 MR. BOULARD: That would be the
5 directional signage.

6 If this suite or business was
7 part of the original development, it would
8 indeed be allowed to have that. They could
9 have -- GFS could have directional signage
10 within the site, there is a limited amount
11 that's allowed, although with the size of the
12 site, I think you pretty much know when you
13 are there.

14 CHAIRPERSON KRIEGER: For the
15 mature vegetation, do you know offhand if
16 they're going to be pruning? We have in the
17 many seasons -- the seasons where is no
18 leaves, so in that time all four sides of the
19 concrete or the facade will be visible.

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

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

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

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

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

17 MR. BOULARD: There are other out
18 lots, small, or larger development out lots

19 in the city, this is not the first of these
20 that you have seen, it's not going to be the
21 last, I'm sure.

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

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

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

11 MR. SYTSMA: Yes. That's fine.

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

16 MR. SYTSMA: Yes.

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

20 CHAIRPERSON KRIEGER: Yes.

21 MR. GHANNAM: In Case PZ13-0039,
22 for 44055 Twelve Mile Road, Gordon Food
23 Service Marketplace, I move to approve a

24 total of one additional wall sign, in
25 addition to two wall signs that the

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1 petitioner has requested and specifically the
2 locations on their drawings that they gave us
3 on the north elevation facing Twelve Mile,
4 the northwest corner of the building, and
5 then the south elevation as they proposed in
6 the paperwork that they have given us.

7 Specifically, that they are
8 not required to put a sign on the Donaldson
9 side, which would be the east side, and the
10 sign that would be permissible in that area
11 would be one of the three other locations.

12 This motion is based on the
13 request because the circumstances and
14 features of this particular premises are
15 exceptional and unique and do not result from
16 conditions that exist generally in the city,
17 or that are self-created because of the
18 reasons we have been discussing.

19 The failure to grant relief
20 will unreasonably prevent or limit use of the
21 property and will result in substantially
22 more than a mere inconvenience or inability
23 to attain a higher economic or financial
24 return.

25 And the grant of relief will

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1 not result in the use of a structure that is
2 incompatible with or unreasonably interferes

3 with adjacent property owners. In fact,
4 because of the heavy vegetation on Donaldson
5 as well as Twelve Mile, I think these three
6 locations are appropriate under the
7 circumstances.

8 MR. FERRELL: Second.

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

11 MR. SANGHVI: You want the
12 (inaudible).

13 MR. GHANNAM: It's as they
14 proposed.

15 MR. SANGHVI: Sixty-five square
16 feet?

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

20 MR. SANGHVI: Thank you.

21 CHAIRPERSON KRIEGER: Seconder
22 agrees?

23 MR. FERRELL: Yes.

24 CHAIRPERSON KRIEGER: We have a
25 motion and a second. If Ms. Pawlowski could

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1 call the roll.

2 MS. PAWLOWSKI: Member Ferrell?

3 MR. FERRELL: Yes.

4 MS. PAWLOWSKI: Member Gedeon?

5 MR. GEDEON: Yes.

6 MS. PAWLOWSKI: Member Gerbl ick?

7 MR. GERBLICK: Yes.

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8 MS. PAWLOWSKI: Member Ghannam?
9 MR. GHANNAM: Yes.
10 MS. PAWLOWSKI: Member Ibe?
11 MR. IBE: Yes.
12 MS. PAWLOWSKI: Chairperson
13 Krieger?
14 CHAIRPERSON KRIEGER: Yes.
15 MS. PAWLOWSKI: Member Sanghvi?
16 MR. SANGHVI: Yes.
17 MS. PAWLOWSKI: Motion passes
18 seven to zero.
19 MR. VOS: Thank you.
20 MR. SYTSMA: Thank you.
21 CHAIRPERSON KRIEGER: That brings
22 us to other matters. Is there other matters?
23 (No audible responses.)
24 CHAIRPERSON KRIEGER: Seeing
25 none, do we have a motion to adjourn?

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1 MR. SANGHVI: So moved.
2 MR. IBE: Second.
3 CHAIRPERSON KRIEGER: All in
4 favor say aye.
5 THE BOARD: Aye.
6 CHAIRPERSON KRIEGER: Opposed?
7 (No audible responses.)
8 CHAIRPERSON KRIEGER: Seeing
9 none, we are adjourned.
10 (The meeting was adjourned at 8:12 p.m.)

11 ** ** **

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1 STATE OF MICHIGAN)
2) ss.
3 COUNTY OF OAKLAND)

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

15 I further certify that I am not connected by
16 blood or marriage with any of the parties or their
17 attorneys, and that I am not an employee of either of

18 them, nor financially interested in the action.

19 IN WITNESS THEREOF, I have hereunto set my
20 hand at the City of Walled Lake, County of Oakland,
21 State of Michigan.

22

23

24 _____
Date

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

♀