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1 REGULAR MEETING - ZONING BOARD OF APPEALS
2 CITY OF NOVI
3 Tuesday - April 8, 2014.

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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 Road,
7 Novi, Michigan on Tuesday, April 8, 2014

8 BOARD MEMBERS

9 Brent Ferrell, Chairperson

10 Mav Sanghvi

11 Cynthia Gronachan

12 Linda Krieger

13 Rickie Ibe

14 ALSO PRESENT: Thomas Walsh, Building Official

15 Beth Saarela, City Attorney

16 Coordinator: Valentina Nuculaj, Recording Secretary

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18 REPORTED BY: Diane L. Szach, Certified Shorthand Reporter
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0002

1
2 INDEX

3 Case No.	Page
4 PZ14-0003	6
5 PZ14-0004	32
6 PZ14-0005	41
7 PZ14-0006	49
8 PZ14-0007	58
9 PZ14-0008	4

0003

1 Novi, Michigan
2 Tuesday, April 8, 2014
3 7:00 p.m.

4 ** ** **

5 CHAIRPERSON FERRELL: Welcome to the
6 Tuesday, April 8th, regular meeting, scheduled meeting
7 of the Zoning Board of Appeals.

8 Ms. Nuculaj, I probably will be hacking
9 that up a little bit, if you'd call roll, please.

10 (Pledge recited.)

11 CHAIRPERSON FERRELL: Okay. If you could
12 call roll.
13 MS. NUCULAJ: Chair Ferrell?
14 CHAIRPERSON FERRELL: Here.
15 MS. NUCULAJ: Member Gerblick? Absent,
16 excused.
17 Member Ghannam? Absent, excused.
18 Member Gronachan?
19 MS. GRONACHAN: Gronachan?
20 MS. NUCULAJ: Gronachan.
21 MS. GRONACHAN: Present.
22 MS. NUCULAJ: Member Ibe?
23 MR. IBE: Present.
24 MS. NUCULAJ: Member Krieger?
25 MS. KRIEGER: Here.

0004

1 MS. NUCULAJ: Member Sanghvi?
2 MR. SANGHVI: Here. Thank you.
3 CHAIRPERSON FERRELL: Okay. The public
4 hearing rules of conduct, there's a copy in the back
5 room if you'd like to have a copy of the agenda and
6 the public rules. Also, we don't have a full board
7 today, so anybody wishing to be tabled until next
8 month may do so.
9 (No audible responses.)
10 CHAIRPERSON FERRELL: Okay. Seeing none,
11 I'll move on.
12 Next, approval of the agenda. Any changes
13 or modifications to the agenda?
14 MS. NUCULAJ: Case PZ14-0008, Feldman
15 Automotive has been asked to be tabled to the May 13th
16 meeting.
17 CHAIRPERSON FERRELL: Okay. Any other
18 changes?
19 MS. NUCULAJ: No.
20 CHAIRPERSON FERRELL: Do I hear a motion to
21 have that tabled?
22 MR. SANGHVI: So moved.
23 MS. KRIEGER: Second.
24 CHAIRPERSON FERRELL: We have a motion and
25 a second. All in favor say aye.

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1 BOARD: Aye.
2 CHAIRPERSON FERRELL: All opposed?
3 (No audible responses.)
4 CHAIRPERSON FERRELL: Seeing none, the case
5 will be tabled to next month.
6 Approval of the minutes of the
7 January 14th, 2014 minutes.
8 MS. SAARELA: As far as the minutes, I
9 didn't get a chance to review them this morning, they
10 were due in a copy in my packet. So I'm going to
11 request that we put off the approving of the minutes
12 until the May meeting.
13 CHAIRPERSON FERRELL: For both January and
14 February?
15 MS. SAARELA: Yes.
16 CHAIRPERSON FERRELL: Do we need to do a
17 motion for that?
18 MS. SAARELA: No, I don't think so.
19 CHAIRPERSON FERRELL: Okay. Now any public
20 remarks, anything that's pertaining to any case that
21 has not anything to do with the cases in this meeting,

22 you may come up now with any questions or comments for
23 the board.

24 (No audible responses.)

25 CHAIRPERSON FERRELL: Seeing none, that

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1 takes us to the Case No. 1, PZ14-0003, 27600 Wixom
2 Road, Parcel 5022-17-101-029, Varsity Lincoln. Come
3 up to the podium and be sworn in if you're not an
4 attorney.

5 MR. LANDRY: Good evening. My name is
6 David Landry, and I'm representing the applicant this
7 evening, who is 886 Mill Street, the owner of the
8 property in question. I'm here before you tonight
9 seeking a variance from the requirements of the sign
10 ordinance with respect to a changeable copy sign.
11 However, I want to make it clear from the outset that
12 what we are asking for is only a 5 percent variance in
13 the nature of the changeable copy sign, only 5 percent
14 of what your ordinance provides.

15 The property in question, if I can -- how
16 does this -- there we go. The property in question is
17 on the east east side of Wixom Road south of Grand
18 River south of the dealership. It is right there. I
19 don't know if this can get any clearer. But it is
20 zoned I-1, but it is part of a larger I-1 parcel which
21 has sort of an infamous history in Novi. It was
22 called the Novi Promenade. It was the subject of a
23 Consent Judgment in 2001. You know it as where the
24 Target is and Sam's Club is. This is what has been
25 historically known as Outlet Number 1, and pursuant to

0007

1 the Consent Judgment, although it is zoned I-1, it is
2 allowed B-3 uses. And the actual Consent Judgment,
3 I've attached it to my supplemental submissions as
4 Exhibit C. It specifically indicates that with
5 respect to signs, applicants can come to the ZBA and
6 seek variances.

7 What we are asking for is a sign that would
8 look like this. Now, this is slightly different from
9 the original application. The original application,
10 the sign looked like that, and it is smaller. I've
11 made a separate exhibit here to show you the
12 difference between what was originally submitted and
13 what is submitted now.

14 What was originally submitted, virtually
15 the entire sign would be changeable copy. The
16 changeable copy portion was 4 by 7 feet. We've shrunk
17 that so the changeable copy portion is now 3 feet by
18 7 feet. The total area of the sign is 30.7 square
19 feet.

20 Now, the ordinance provides that the total
21 area is not to exceed 30 square feet or one square
22 foot for every two foot set back from the center line
23 of the road. The center line of the road is 63 feet
24 from the sign. Therefore, we are allowed 31.5 square
25 feet, and this total square footage is 30.7. We are

0008

1 within the ordinance. The overall height of the sign
2 is 6 feet. We are within the ordinance. The
3 changeable copy portion, just this portion, according
4 to the ordinance shall not exceed two-thirds of the
5 entire square footage of the sign. As originally
6 proposed, it violated that. We changed it. We shrunk

7 the changeable copy portion. Currently it is 3 feet
8 by 7 feet, which is 21 square feet. 21 square feet
9 divided by 31.5 square feet is .6840. Two-thirds is
10 .6666. So we are technically asking for a variance of
11 1.7 percent with respect to the changeable copy
12 portion.

13 Now, the sign overall is a digital sign.
14 It is comprised of 12 inch by 12 inch panels, and the
15 sign however is different from what I submit your
16 ordinance calls a changeable copy sign. A changeable
17 copy sign as defined in Section 28.1 is a sign the
18 copy of which can be changed manually or
19 electronically while the surface of the sign remains
20 unchanged. It's broad definition, the copy can change
21 while the surface is unchanged. Technically this is a
22 changeable copy because the copy can change. Examples
23 are Mo's on Ten or Miracle Software. It's kind of a
24 bad vision, but I think you know the Miracle Software
25 sign. There is a Mo's on Ten sign. These are what I

0009
1 call dot matrix signs. They're dot matrix message
2 boards where there is a message that is on the sign
3 and it can change. According to the ordinance it can
4 change once every 15 seconds or four times every
5 minute. This message can change four times a minute.
6 This sign displays a static image which we are
7 proposing would change only once every five minutes.
8 That's an eternity in the sign business.

9 Now, the purpose of the dot matrix message
10 board is to display different messages for every user.
11 That's the whole point of the sign. So if somebody is
12 stopped at a traffic light, the light might be 60
13 seconds, might be 90 seconds if it's a really long
14 sign. Four times every minute they're going to get
15 blasted with several messages. This sign, the view
16 for virtually everybody is not going to change.
17 You're just going to have to be one of those people
18 every five minutes that goes by the sign. Otherwise
19 for the average person traveling up and down Wixom
20 Road, this is just going to be -- look like a static
21 sign, no flashing, no scrolling, no moveable
22 transition, just a static sign.

23 Now, for purposes of safety, the Michigan
24 Highway Safety Act provides that changeable copy signs
25 can be safe and change seven times a minute, seven

0010
1 times a minutes. We're only suggesting once every
2 five minutes. So it would be virtually a static sign.
3 Now, the image will be high resolution, it will be
4 akin to a photograph. But currently there is a sign
5 in Novi, the Wasabe sign. That's a very high
6 resolution, and it's vinyl stretched over, but when
7 it's lit, it looks like a very high resolution sign,
8 and this sign as proposed would be high resolution.

9 Now, the variance is needed because looking
10 at the ordinance as provided, Section 28.55(B), that
11 changeable copy signs are permitted in places of
12 worship, schools, theaters, entertainment, restaurant
13 and recreational facilities. But the language of the
14 ordinance gives specific uses, and then there is a
15 modifier, and the modifier is similar venues similar
16 to entertainment venues at which the entertainers, the
17 shows change on a regular basis, recreational

18 facilities at which the events change on a regular
19 basis.
20 This particular applicant sells high-end
21 motor vehicles which change on a regular basis. These
22 are not \$1.50 items. These are very expensive, large
23 items. The applicant, Varsity Lincoln, is a very
24 well-respected and a very active corporate resident of
25 this city. This type of business I suggest is exactly

0011

1 what was envisioned when the Promenade Consent
2 Judgment was out there. It is not only a business, it
3 is one of the leading Lincoln dealerships in the
4 entire United States, and there is a reason for that,
5 because of the way it conducts business.

6 This sign is different from what the
7 ordinance anticipated. Is it changeable copy?
8 Technically yes, because you can change the copy
9 without changing the structure of the sign. But is it
10 intended to display different messages for the same
11 viewer, no. It would be simply a more accurate means
12 of advertising as the car models change. I suggest
13 this hybrid sign is a bridge between the specific uses
14 and the modifying language. We're not seeking a
15 bigger sign, we're not seeking a taller sign, we're
16 not seeking a different location than your ordinance,
17 we're just seeking a static display that merely
18 changes 5 percent of the time, and here is why. Under
19 your definition of changeable copy sign, it can change
20 four times a minute. That's 240 times an hour. 240
21 different messages. This sign as proposed would
22 change 12 times an hour. 12 divided by 240 is 5
23 percent. Your ordinance allows a changeable copy sign
24 to change 5,760 times a day, 5,760 times a day. This
25 would change 288 times a day. I'm suggesting it's in

0012

1 keeping with the spirit of the ordinance.
2 Finally, analyzed under Section 28.16,
3 practical difficulty, are the circumstances unique? I
4 suggest, yes, because the product changes. They're
5 certainly as unique as any of the restaurants or other
6 uses where products change on a usual basis. A denial
7 would limit the applicant's ability to display their
8 products.

9 And granting the variance would not be
10 incompatible with or unreasonably interfere with the
11 surrounding uses which are all industrial and
12 business. It would result in substantial justice
13 being done to this applicant, and I suggest
14 substantial justice to the city, because the Novi
15 Promenade, a large portion of which has remained
16 vacant for a long time, to be able to have a business
17 of this nature expand into it while only asking for a
18 sign that differs in character 5 percent from what
19 your ordinance is, only once every five minutes.

20 That's our application. I'm happy to take
21 any questions.

22 CHAIRPERSON FERRELL: Thank you,
23 Mr. Landry, for your presentation. I'll open it up to
24 the audience. If anyone has any questions or
25 comments, they can come up to the podium.

0013

1 (No audible responses.)
2 CHAIRPERSON FERRELL: Seeing none, I ask

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the city if there's any comments.
MR. WALSH: No comments at this time.
CHAIRPERSON FERRELL: I'd ask the secretary to read any correspondence.
MS. KRIEGER: In Case No. PZ14-0003, 11 were mailed, two returned, zero approvals, zero objections.
CHAIRPERSON FERRELL: Open it up to the board.
MR. SANGHVI: Thank, you Mr. Chair. I have known this property long before the Consent Judgment came into the picture. I've been around 40 years in the city, and I know this area very well. And without going into the history of the situation in the past, the problem at hand, I've got two questions.
Number one, what else is going there on that sign other than the automobile you're showing?
MR. LANDRY: What advertisements would go on there? Merely automobiles that would be sold on the property.
MR. SANGHVI: Sold on the property. And my second question was, this sign is going to be lit up only during the business hours or going to be around the clock?
MR. LANDRY: Well, I think the message portion would be back lit I believe around the clock with the static image changing every five minutes.
MR. SANGHVI: Around the clock?
MR. LANDRY: Yes, sir.
MR. SANGHVI: Okay. Thank you. I have no problem supporting the application because these are things that are going to come in the future in the city, and we are aware that even though we don't talk about specifics during the ZBA, we have some other businesses with this kind of sign with a slight modification, and as I said, I have no problem with this sign, and I am quite willing to support their application. Thank you.
CHAIRPERSON FERRELL: Thank you, Mr. Sanghvi.
Any other discussion?
MR. IBE: Thank you. Thank you so much, Mayor Landry. While your presentation was quite good, and I think the supplement was very educating today, but I do have a question that perhaps is also something of concern to me.
I know that you have tried to qualify the auto dealership within the language of the ordinance itself. Could you tell me -- again perhaps I didn't quite get it the first time, what is exceptional and unique about this property that is different from any other car dealerships in the City of Novi and warrants that we grant you this variance?
MR. LANDRY: I would submit that what is unique is that it is as unique as any of the uses in your ordinance that allow changeable copy signs that provide products and services that change on a regular basis without being something that sells \$1.50 items and things like that.
When I say hybrid, I'm really serious about that. In the sign industry, billboards, they change

14 every six or eight seconds or something, eight
15 seconds. For five minutes -- this is just technology.
16 So could the applicant stretch vinyl over the sign and
17 change it once a month, I guess if they came and got a
18 permit from you every month, I guess they could. This
19 is just technology catching up. It is a dealership
20 that sells high-end items very successfully, and I
21 think within your ordinance it would fit within that
22 modifier language of changing -- with constantly
23 changing inventory, while keeping within the spirit
24 that we don't want flashing, we don't want any of that
25 stuff. So that's our position.

0016

1 MR. IBE: Just some more followup. Are you
2 saying that under the ordinance that it is the intent
3 of the ordinance itself to include a car dealership to
4 be able to have changeable signs? Is that what you're
5 saying?

6 MR. LANDRY: Well, let me say this.
7 Actually it was kind of unique because I wrote the
8 ordinance, I was on the group that wrote it. And I'm
9 not here to given any insight, the ordinance is what
10 it is and it says what it says, and it is your job to
11 interpret and apply it. I do not want to usurp this
12 group's authority in any way, shape or form. I would
13 submit to you that what was considered were the dot
14 matrix message boards. Those were what were
15 considered, not these types of signs, and certainly
16 not anything that only changed every five minutes,
17 certainly not.

18 And I believe that -- I'll talk about it in
19 the third person. The group when it struggled with
20 this ordinance talked about what kind of businesses do
21 we want that would want to do this. Restaurants
22 obviously. And when you think about it, I guess one
23 concern for this group would be the slippery slope.
24 Well, if we let this car dealership, what's going to
25 happen? Are all car dealerships going to get it?

0017

1 MR. IBE: That was my next question.

2 MR. LANDRY: Are we going to do that?
3 Well, let's analyze that for a minute. What does that
4 mean, all car dealerships. There's five. How many
5 restaurants are in the city? To my knowledge only one
6 has a changeable content. So we know from our
7 experience in this city that not everyone will take
8 advantage, because we allow every restaurant, and only
9 one has changeable. What is it, 75 restaurants in the
10 city or something like that. And even worse case
11 scenario, if they do, there is only five. It's a
12 small sign. Don't forget, we haven't -- this isn't a
13 billboard. We're not asking for anything larger than
14 the ordinance allows, except 1 percent because of the
15 percentage -- the calculation that I made, 1 percent
16 larger.

17 So, yeah, you can look at this and say am I
18 suggesting all car dealerships? Maybe. But even that
19 wouldn't be so bad, there is only five of them. And
20 it's -- I don't know that they're going to ask for it
21 only to change five minutes, and that's really the
22 key. Because when you analyze what we're asking for,
23 if we asked for something 5 percent bigger, how would
24 this group look at that. We want a sign that is only

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0018

5 percent bigger. I'm going to suggest that it

1 wouldn't be like we're asking for the world. If we
2 wanted it 5 percent taller, I don't think this group
3 would think that we're asking for the world. The
4 character of this sign, it technically fits your
5 definition only 5 percent of the time.

6 So let's look at the slippery slope. I
7 don't think a 5 percent character changeable copy
8 would offend anybody. Just my thought.

9 MR. IBE: Well, let me take you to task
10 then since you're the scrivener for this ordinance
11 itself. So are you telling me, Counsel, that when you
12 suggested the -- when you were specific here in the
13 ordinance, and I'll read it to you, I'm sure you wrote
14 it and you remember what it says. It states that this
15 shall be permitted only, only for places of worship.
16 A car dealership is not a place of worship. Schools,
17 not a car dealership. Movie theaters, not a car
18 dealership. And similar entertainment. So does a car
19 dealership now qualify as a place of entertainment?

20 MR. LANDRY: No.

21 MR. IBE: Does it?

22 MR. LANDRY: No.

23 MR. IBE: Okay. So tell me what in this
24 ordinance gives your client the opportunity now to
25 take advantage of the ordinance that you drafted?

0019

1 MR. LANDRY: The ordinance that as you
2 phrased it I drafted, let's go with this scenario that
3 I drafted, doesn't talk about the sign. This sign is
4 nowhere in your ordinance, which is why we are here
5 tonight before you.

6 MR. IBE: That's correct.

7 MR. LANDRY: Because this sign is not
8 contemplated anywhere. As the scrivener, since I've
9 been anointed the scrivener, we didn't anticipate this
10 sign. This is not a changeable copy sign as we
11 defined it. We never considered it. Every five
12 minutes, no one talked about that kind of sign.

13 So the answer to your question is that's
14 why we're here, because under the ordinance we're
15 nowhere. This sign that we're proposing is nowhere in
16 the ordinance. That's why we're here.

17 MR. IBE: So if Feldman Automotive comes in
18 next month and asks for the same thing, it wouldn't be
19 out of character for us to say, well, sure, we gave it
20 to Varsity, Lincoln Varsity, so should we also give it
21 to Feldman Automotive?

22 MR. LANDRY: Well, I don't appear before
23 you that often, so I don't know how you'd respond to
24 those kind of questions when you grant a sign to
25 anybody and another person comes in and says, well,

0020

1 they got one, how come I can't I get one. That's --
2 you people are more familiar with that than I am.

3 But let me go back to what I said a minute
4 ago. This sign is not provided for anywhere in your
5 ordinance, and that possibility, that potential is at
6 worst five signs, four more signs at worst, and we
7 know from experience that not everybody has taken
8 advantage. When it's expressed in the ordinance not
9 everybody, only one restaurant has taken advantage of

10 it. So what's the likelihood that the others? You
11 can decide for yourself, you see the applicants more
12 than I do. But experience shows that even when it's
13 expressed in the ordinance, not everybody takes
14 advantage of it.
15 MR. IBE: Well, thank you very much.
16 You've been quite enlightening on the issue. I will
17 see where the other members stand on this. I -- the
18 sign itself looks great. My only concern rests with
19 the fact that we are moving towards, I mean, the legal
20 term is slippery slope, and once we open it up, the
21 flood gates, I just hate to see -- and I like to be
22 fair. In other words, I simply can't grant one and
23 not give to the other, because obviously the fact that
24 your client sells a high-end car doesn't make it any
25 far more unique than the guy who sells -- because

0021

1 obviously people buy based on their income. So, you
2 know, Varsity Lincoln, maybe the Ford dealership down
3 the street, Lexus, or maybe, you know, the GM cars
4 down the street, you know, who knows.
5 MR. LANDRY: There isn't a Ford dealership
6 in Novi, but --
7 MR. IBE: Well, other than that.
8 MR. LANDRY: I understand your point.
9 MR. IBE: You understand. I'm trying to
10 make an example for you.
11 MR. LANDRY: Sure.
12 MR. IBE: But certainly we cannot use the
13 fact that because if what you claim to be unique about
14 your client is that it sell high-end cars, I don't buy
15 that, Counsel.
16 MR. LANDRY: I'm not suggesting it's unique
17 because it sells it. That's in fact what it does, but
18 I'm not suggesting that the nature of its product --
19 the high-end portion is not because it sells things
20 that are expensive, as expensive. It doesn't sell --
21 it's not a department store. It doesn't sell widgets.
22 It's not a dollar store. I guess a dollar store could
23 come in and go, well, our products change all the
24 time, but there are thousands of products that change.
25 These don't. And they change every year, that's the

0022

1 other thing. The toilet paper at a dollar store
2 doesn't change every year, but a Lincoln MKZ does,
3 that product changes every year. And to effectively
4 advertise it, I submit the business owner needs a
5 meaningful way to advertise it, where as a dollar
6 store, toilet paper 100 years ago is the same as it is
7 now, I'm assuming.
8 MR. IBE: So, Counsel, are you saying that
9 that is what is special and unique about your client?
10 MR. LANDRY: I'm saying that -- yes, that
11 the product is different that it sells. That is one
12 differentiating aspect of why it needs this sign and a
13 dollar store does not, because the products don't
14 change as much as ours do.
15 MR. IBE: Very well. Thank you very much.
16 MR. LANDRY: Thank you.
17 CHAIRPERSON FERRELL: Thank you. Any other
18 discussion?
19 MS. KRIEGER: In consideration, I can
20 support this request. That considering as well that

21 it has two road faces, two frontages, you have Grand
22 River and you have Wixom Road, and considering the
23 nature of that end of our city, it would be very
24 attractive, so I can support that.

25 CHAIRPERSON FERRELL: Thank you.

0023

1 MS. GRONACHAN: I would like to just put my
2 comments on the record. I will be supporting this,
3 and the reason for it is because I -- first of all,
4 Mr. Landry did an excellent job explaining several
5 points that I would like to bring out to anyone who is
6 sitting on the fence so to speak.

7 One of the things he's not asking for, is
8 he's not asking for a variance for the sign. The size
9 of the sign meets the ordinance. It's the uniqueness
10 of the sign, and the fact that Novi is not quite into
11 the technology of it that requires the variance, if
12 that makes sense.

13 So as Mr. Landry also said that -- he
14 pointed out that it's limiting it on display, but we
15 need to move into the future. It's not like every
16 business in Novi is going to ask for a flashing sign.
17 There are some signs that flash and distract from
18 traffic throughout various cities, and I don't think
19 that that's what this sign is going to do.

20 I also think that the petitioner pointed
21 out very clearly that this is unique in the type of
22 business that it's doing. So maybe we need to go back
23 to the ordinance review board and add uniqueness so it
24 fits into this. I think that the petitioner displayed
25 that this is once a year change, and I can support

0024

1 something like that. This isn't going to be a weekly
2 event where there is going to be flashing, and I'm not
3 going to name signs in Novi that I don't like, but I'm
4 just saying that I don't think that there is a
5 distraction here. I think it completes the business
6 that's at the -- in the right part of town. We're not
7 talking about, you know, in the heart of Main Street.
8 I think that we're looking at a reasonable request,
9 and that the petitioner indicated the percentage and
10 numerous statements that he made, and without going on
11 with any further length, I will be supporting this
12 request.

13 CHAIRPERSON FERRELL: Okay. Any other
14 discussion?

15 MR. IBE: Just real quick again.

16 CHAIRPERSON FERRELL: Yes.

17 MR. IBE: Just so you know, I'm not against
18 this, but somebody has to obviously bring up some of
19 the issues here.

20 MS. GRONACHAN: I agree.

21 MR. IBE: Because obviously this is going
22 to present itself again. I mean, clearly when we
23 pretend that your issues are a lot worse, we've seen
24 cases before this board where parties have cited us as
25 to what we've done in the past. And frankly if we are

0025

1 going to do one thing for John, which should be
2 willing to do it for Jane. Sometimes we have to
3 understand that being fair means that we have to be
4 able to afford people the same treatment. The
5 uniqueness he quoted about his sign, I understand it,

6 clearly understood. I always just want to make sure
7 that we make a good record, because obviously if in
8 the future someone comes up and brings up something
9 similar, we don't pretend we haven't done this before.

10 But clearly I think Mayor Landry did a
11 fantastic job, and his point was well received, and I
12 have no doubt that I will vote for the petitioner's
13 request anyway. Thank you.

14 MS. GRONACHAN: Mr. Chair?

15 CHAIRPERSON FERRELL: Yes.

16 MS. GRONACHAN: Mr. Landry, I do have a
17 question for you.

18 MR. LANDRY: Sure.

19 MS. GRONACHAN: As long as we have to be
20 specific in our motion that we're going to make here,
21 I would like to -- there isn't any problem to have
22 this request for this particular sign attached to this
23 business only? Would you have any objections if we
24 add those words to our request?

25 MR. LANDRY: Not at all.

0026
1 MS. GRONACHAN: I just wanted
2 clarification.

3 MR. LANDRY: For clarification, I believe
4 that technically there is two variances. We need the
5 size of 1.7 percent increase in the changeable copy
6 portion. That would be required under your Section
7 28.55(C), which says that the changeable copy portion
8 shall not exceed two-thirds of the sign area. It
9 technically is .6840 instead of .6666. So variance
10 number one would be the 1.7 percent increase in the
11 changeable copy portion. And the second variance
12 would be for the use of the sign at this location with
13 the limitation of no changes more often than once
14 every five minutes.

15 MS. GRONACHAN: Mr. Walsh, can I clarify?

16 MR. WALSH: Sure.

17 MS. GRONACHAN: In our instructions I don't
18 have 28.55(C). So I want to clarify is this being
19 requested correctly or --

20 MR. WALSH: As it was requested, they
21 didn't ask for the second variance of the .6840. We
22 calculated -- in staff we calculated it at .666, but
23 as I see that you modified the sign, it was --

24 MR. LANDRY: In the subsequent submission I
25 requested that. Originally I did not.

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1 MR. WALSH: Originally it was not requested
2 at that time.

3 MS. SAARELA: Because of the fact that it
4 wasn't noticed for that, that would have to be a
5 variance that we have to move for in a separate
6 meeting, the second variance.

7 CHAIRPERSON FERRELL: Okay.

8 MS. SAARELA: So you can approve the single
9 variance today for the changeable copy nature of the
10 sign, but for the size of the changeable copy, it
11 would have to be reset for a future meeting.

12 MR. LANDRY: For the 1.7 percent changeable
13 copy portion, we're happy to come back if that's what
14 we have to do for that part. I would ask that you
15 approve the changeable copy use tonight, and we can
16 come back on the size.

17 MS. SAARELA: You can do that.
18 CHAIRPERSON FERRELL: Do I hear a motion?
19 MR. IBE: I'll do it.
20 MS. GRONACHAN: Thank you.
21 MR. IBE: Surprise.
22 MR. LANDRY: Since you raked me over the
23 coals.
24 MR. IBE: I want to make sure I get good
25 shake at counsel here.

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1 MR. LANDRY: You've been waiting to do that
2 for a long time.
3 MR. IBE: Oh, no, not really.
4 MS. GRONACHAN: It's entertainment.
5 MR. IBE: No, no, you understand how it
6 works.
7 MS. GRONACHAN: We like a good banter now
8 and then.
9 MR. IBE: Case No. PZ14-0003, Varsity
10 Lincoln, I move that we approve the request for the
11 changeable copy as requested by the applicant. The
12 applicant has provided significant examples and
13 information to us that warrants for the application to
14 be granted. The applicant has proven that there are
15 features, that are exceptions that we make to this
16 property and did not result from conditions that exist
17 generally in the city and that are not self-created.

18 One of the things the applicant has talked
19 about is the product itself that the applicants sells.
20 These are not products that change frequently, these
21 are once-a-year kind of change, and this makes it
22 significantly different from other parties who may
23 seek to use this same request for changeable
24 electronic message that has been requested by this
25 particular applicant, and the fact that the applicant

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1 also needs to market each product in a way to specific
2 customers that are tailored for this particular
3 product makes the product itself unique and not
4 self-created.

5 Second, the features -- the failure to
6 grant will unreasonably, you know, prevent or limit
7 the use of the property and will substantially
8 inconvenience this particular applicant from meeting a
9 higher economic or financial return based on the fact
10 that the applicant sells a product that is
11 exceptionally unique.

12 Now, there are issues that may have been
13 raised during the course of the conversations
14 regarding whether or not this particular applicant
15 requests falls under the auspices of the ordinance
16 itself. There is a part of the ordinance that talks
17 about similar -- similar businesses that obviously
18 have a need for changeable copies. This particular
19 applicant has demonstrated that it does meet the
20 language of the ordinance and that the spirit and
21 intent of the ordinance is meant to accommodate what
22 has been requested here by the applicant.

23 Now, the grant of relief will not result in
24 the use of a structure that is incompatible with or
25 will unreasonably interfere with already existing

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1 properties. Obviously based on what we know, the

2 property itself has been a vacant lot, and this will
3 bring about more needed improvement to this particular
4 area. So I believe that the adjacent properties will
5 actually benefit from having that particular property
6 developed the way that this petitioner intends to do.

7 And finally, the grant of this petition is
8 consistent with the spirit of the zoning ordinance,
9 and is not -- and is not something that is
10 predominantly -- predominantly allowed in the City of
11 Novi.

12 Therefore I move that based on the
13 presentation made by the applicant's representative,
14 the discussion that has taken place here with all the
15 members, that we grant the request as stated by the
16 applicant.

17 And the final issue, I think there is issue
18 as to whether or not this particular variance that's
19 being granted is going to be specific as to the
20 applicant only.

21 MS. KRIEGER: As well as the only business.

22 MR. IBE: As well as the only business,
23 yes.

24 MS. KRIEGER: As to the one every five
25 minutes like the mayor was stating.

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1 MR. IBE: Yes.

2 MR. SANGHVI: Second.

3 CHAIRPERSON FERRELL: We have the motion
4 and a second. Ms. Nuculaj?

5 MS. NUCULAJ: Chairperson Ferrell?

6 CHAIRPERSON FERRELL: Yes.

7 MS. NUCULAJ: Member Gronachan?

8 MS. GRONACHAN: Yes.

9 MS. NUCULAJ: Member Ibe?

10 MR. IBE: Present.

11 MS. NUCULAJ: Member -- sorry?

12 MR. IBE: Yes. I was present, but, yes.

13 MS. NUCULAJ: Member Krieger?

14 MS. KRIEGER: Yes.

15 MS. NUCULAJ: Member Sanghvi?

16 MR. SANGHVI: Yes.

17 MS. NUCULAJ: Motion passes five to zero.

18 CHAIRPERSON FERRELL: Congratulations.

19 MR. LANDRY: Thank you very much. Do I
20 need to submit an entirely new application for the
21 other --

22 MR. WALSH: Yes.

23 MR. LANDRY: Thank you very much. Thank
24 you for your consideration.

25 MR. IBE: Thank you so much, Counsel. It

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1 was a pleasure.

2 CHAIRPERSON FERRELL: Moving on to Case No.
3 2, PZ14-0004, 24151 Cortland Boulevard, Orchard Ridge
4 Estates. Come on up and be sworn in by the secretary
5 if you're not an attorney, and state and spell your
6 name for the reporter, please.

7 MR. KUZMA: Good evening, Todd Kuzma,
8 K-u-z-m-a.

9 MS. KRIEGER: You're not an attorney?

10 MR. KUZMA: No.

11 MS. KRIEGER: Do you swear or affirm in
12 this case, PZ14-0004 for Orchard Ridge Estates to tell

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the truth in this case?

MR. KUZMA: Yes, ma'am.

MS. KRIEGER: Thank you.

MR. KUZMA: Good evening again. My name is Todd Kuzma, Orchard Ridge Estates. I'm the vice president. Forgive me, I'm not an attorney and won't be as eloquent as David. I'm also not the architect who was supposed to be here this evening, but we'll do our best.

You do have drawings in front of you, correct?

CHAIRPERSON FERRELL: Yes.

MR. KUZMA: Okay. What we are looking for

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this evening is no change in signage or size.

Everything we've submitted meets code. We've had Charles Boulard out two times, David Beschke out. What we're trying to do only is move the sign 5 feet forward so it sits on the crest of the hill where it makes sense.

We have a unique situation because of the curvature of the land, we have kind of a turn lane that comes in. So we're a little bit unique compared to the other side. Our setbacks back are going to be far -- are going to be much further back than the same development across the street, Churchill Crossing. So there will be no safety issues or anything else with regards to any car being able to hit the sign.

What we're trying to do is beautify the front of the subdivision. Our sign currently is in the middle. It cannot be seen. We're looking at two signs that would sit at a 45 degree angle so you can see east and west coming. The setback is such that our property line where we're measuring the 25 feet back is already 12 to 13 feet past the sidewalk. So our setback is -- back compared to the other side of the street, we're back 37 feet or greater compared to Churchill Crossing, which is actually only 14 feet back. So we're not looking for anything unusual that

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would cause people driving by to say, wow, their signs are too close.

What we have done for safety considerations, and Dave Beschke the landscape architect of the city knows, we're going to be removing trees, because as you may or may not know, we had a child, 14 year old hit at the front of our subdivision. Coincidentally we've been -- well, not coincidentally, more like ironically we've been working -- I've been working on this for five years. The mayor announced that we were going to be changing the sign like two years ago at the State of the Union -- State of the City address. I had tried to get signs, stop signs at the -- where the sidewalk is, and I was told by the county that you don't get signs because you have a stop light. I said, yeah, but kids aren't looking at stop lights. All I wanted was one of those little stop signs, the small one. Well, when the child got hit this fall, guess what, magically a stop sign appeared.

So we are trying to clear the right-of-way by moving the sign out of the center, by clearing the large trees, which Dave Beschke has already said would

24 not be code today. The sign that we're proposing, the
25 placement would be behind the large blue spruces that

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1 are on the west hand side of the street. And I can
2 put -- you can guys have -- I haven't used one of
3 these things in a while. Let's see if this makes some
4 sense.

5 If you can -- I'll just kind of point here.
6 This is the west side of the street, here is Ten Mile,
7 east side of the street. As you can see we've got a
8 turn lane that curves in right here. So our setbacks
9 are farther back -- when you look at the center line
10 of the road, much farther back than what Churchill
11 Crossing is. So all things being equal, we're going
12 to be -- looking to be even with our variance much
13 farther back than where Churchill's signs are. It's
14 just the nature of the street and -- when Ten Mile was
15 widened I believe years ago to put in the deceleration
16 lane.

17 So our sidewalk basically comes this
18 direction and curves. Our property line is being
19 measured from this point here, which is, oh, at least
20 14 feet off of the sidewalk. So we just -- we just
21 don't happen to own to the road or to the sidewalk
22 like Churchill does, which is the point which you
23 measure the 25 feet back.

24 So all we're looking to do is move the sign
25 in 5 feet so that this sign on the west hand side is

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1 at the crest of the hill instead of literally behind
2 it. It wouldn't make much sense at all to have the
3 sign there, because you just -- when you stand out
4 there, you just don't have line of sight if you go
5 back. That 5 feet makes pretty much all the
6 difference in the world.

7 And to make sure that everything is lined
8 up and equal because of the curvature of the
9 topography, we're looking at moving in a foot and a
10 half to two feet, we put two feet, on the east hand
11 side of the road. Again, all the locations that
12 you're looking at right now are basically where the
13 treats are. So all of the trees and the scrub brush
14 or the bushes I should say are going to be removed,
15 the signs are going to be there. All of this will be
16 behind all lines of sight for cars pulling out and
17 coming in. We're going to greatly increase the
18 visibility.

19 The signs, if you have seen or not seen --
20 I'll give you -- we ended up with a sign very similar
21 to this, except I think we're going straight, the
22 design that we are going with, but this is just kind
23 of a nice rendition real quick.

24 This is the sign that your sign group has
25 approved and said is within scope. So the only

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1 variance we're looking at is just the placement.

2 Let's see. I just want to make sure I
3 covered everything. Obviously the landscaping is all
4 going to be redone after we pull out the greenery.
5 Dave Beschke has reviewed the site plan and the
6 landscaping and has no problem with the added greenery
7 we will put in to make up for what we're taking out.
8 Again, the trees that are there now are not at all --

9 would not be in code if we were to redo the
10 subdivision today.
11 That's pretty much all I have. It's easy
12 to -- it's -- basically let's put it this way. When I
13 walked through with Charles Boulard a couple of times,
14 he had no issue with it, but as he said, you have to
15 come before the ZBA because he doesn't have the
16 authorization to proceed forward. So that's what
17 we're looking for today. I'll open it up for
18 questions.

19 CHAIRPERSON FERRELL: Thank you very much.
20 Just so you know, not being an attorney, you did very
21 well.

22 MR. KUZMAN: I wish I had time to practice.
23 I don't like that.

24 CHAIRPERSON FERRELL: Anybody in the
25 audience have any comments or questions or concerns

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1 about this?

2 (No audible responses.)

3 CHAIRPERSON FERRELL:

4 Seeing none, the city any comments?

5 MR. WALSH: No comments at this time.

6 CHAIRPERSON FERRELL: Okay. We'll have the
7 secretary read the correspondence.

8 MS. KRIEGER: In the Case No. PZ14-0004, 25
9 mailed, one returned, zero approvals, zero objections.

10 CHAIRPERSON FERRELL: It's up to the board
11 for discussion.

12 MS. GRONACHAN: Well, I would like to say
13 to the petitioner, for not having any experience, I
14 think you did a very good job.

15 MR. KUZMA: Well, thanks.

16 MS. GRONACHAN: Actually you've answered
17 30 percent of my questions or even more than that.

18 MR. KUZMA: 30? 30? Okay. We'll work on
19 the other 70 right now.

20 MS. GRONACHAN: Actually you did more than
21 30 percent.

22 MR. KUZMA: Oh, good.

23 MS. GRONACHAN: I -- again, I don't really
24 have any additional questions. I would like to
25 commend Orchard Ridge Estates for taking the safety

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1 concerns into consideration when you were planning
2 this out. And I don't feel that there is any
3 additional information that I need. So therefore I
4 will be supporting this.

5 CHAIRPERSON FERRELL: Anybody else?

6 MS. KRIEGER: I agree. When I walked by
7 there, the line of sight, there is not much room, so.

8 MR. KUZMA: Yes. And I have small
9 children, so this was, you know, pretty important to
10 me. And I would like to go on record as saying I've
11 been trying to do this for years, and it was -- you
12 know, it hasn't been -- you know, just a stop sign
13 alone was quite an issue. So --

14 MS. KRIEGER: I can support it.

15 MR. KUZMA: It happens.

16 CHAIRPERSON FERRELL: Anything else?

17 (No audible responses.)

18 CHAIRPERSON FERRELL: Okay. I'll entertain
19 a motion.

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MS. GRONACHAN: I would like to move that in Case No. PZ14-0004 for Orchard Ridge Estates that the request be granted based on the set of circumstances and features that are exceptional and unique to this piece of property and do not result from conditions that exist generally in the city,

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specifically the lack of property to create a further setback. Failure to grant this relief would unreasonably prevent and limit the use of the property and would result in substantially more than a mere inconvenience as so stated by petitioner, and the grant of the relief will not result in a use that is incompatible or unreasonable within the surrounding properties, would result in substantial justice being done to both the applicant and/or adjacent surrounding properties, and is not inconsistent with the spirit of the ordinance.

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MR. SANGHVI: Second.

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CHAIRPERSON FERRELL: We have a motion and

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a second.

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Ms. Nuculaj?

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MS. NUCULAJ: Chairperson Ferrell?

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CHAIRPERSON FERRELL: Yes.

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MS. NUCULAJ: Member Gronachan?

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MS. GRONACHAN: Yes.

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MS. NUCULAJ: Member Ibe?

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MR. IBE: Yes.

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MS. NUCULAJ: Member Krieger?

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MS. KRIEGER: Yes.

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MS. NUCULAJ: Member Sanghvi?

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MR. SANGHVI: Yes.

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MS. NUCULAJ: Motion passes five to zero.

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CHAIRPERSON FERRELL: Congratulations.

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MR. KUZMA: Thank you, and congratulations to the city. It's going to look a heck of a lot better than it looks right now.

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CHAIRPERSON FERRELL: Moving on to Case No. 3, PZ14-0005, 1171 East Lake Drive. Come on up and be sworn if you're not an attorney and state and spell your name for the recorder.

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MR. KWAPIS: My name is Gary Kwapis. I'm

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with Heins & Kwapis Architects. I represent the McDonalds in a request to build an addition to their home.

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MS. KRIEGER: Are you attorney?

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MR. KWAPIS: No, I am not, I'm an

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architect.

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MS. KRIEGER: Can you spell again your last name for the recorder?

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MR. KWAPIS: K-w -- Gary Kwapis,

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K-w-a-p-i-s.

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MS. KRIEGER: And then for Case No.

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PZ14-0005, 1171 East Lake Drive, do you swear or

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affirm to tell the truth?

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MR. KWAPIS: Yes.

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MS. KRIEGER: Thank you.

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MR. KWAPIS: Again, I'm representing the

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McDonalds. I'm the architect of the project.

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Currently the house is located at 1171. It's a

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one-story home with a two-and-a-half car garage behind

5 it, and what they're requesting is to add on to the
6 existing home. The current home is 1700 square feet,
7 and they want to add on an area to create a breezeway
8 connection which they currently don't have between the
9 existing garage and their current residence, but then
10 also we'd like to create more space. They are a
11 family of seven, two adults and five children, and
12 they wish to also increase their footprint, and in
13 doing so with bedrooms and so forth on the second
14 floor. And then also with that we would like to
15 also -- they're adding on also a screened-in porch.

16 They face the lake, Walled Lake, and
17 currently the setbacks are such that they're asking
18 for a variance as noted there of 3 feet and so forth.
19 There is a driveway to the one side, to the south side
20 of the property, and to the north side is the 3 foot
21 variance they're requesting, and the total would be 8.

22 Basically they requested this because of
23 the hardship that wasn't created by them of the
24 existing footprint. We didn't want to come forward on
25 the site for fear of blocking the adjoining neighbors

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1 out to their view of Walled Lake. So mainly what
2 we're trying to do is again incorporate to place the
3 house and do the addition on the second floor but not
4 incorporate all the addition on the full footprint of
5 the existing first floor so that it took -- it not
6 take advantage of the setback requirements, and also
7 with the additions we did the same thing to not take
8 advantage of the setback requirements, both for that
9 breezeway connection between the porch and so forth,
10 and the front future sun screened porch. So basically
11 that's what they're requesting.

12 CHAIRPERSON FERRELL: Okay. Thank you very
13 much.

14 MR. KWAPIS: You're welcome.

15 CHAIRPERSON FERRELL: Anybody in the
16 audience have any comments.

17 (No audible responses.)

18 CHAIRPERSON FERRELL: Anyone from the city
19 any comments?

20 MR. WALSH: Just one concern. As the
21 applicant indicated, it's a one-story house. With the
22 second story addition, I would be concerned that if
23 the existing foundation can't support the second story
24 addition and that they have to completely remove the
25 house to rebuild it, that it would come back to the

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1 board as a new case.

2 CHAIRPERSON FERRELL: Any correspondence?

3 MS. KRIEGER: In Case No. PZ14-0005, 15
4 mailed, zero returned, one approval, zero objections.

5 The approval is, I'm concerned about the
6 water level runoff for both houses. My basement leaks
7 somewhere when it rains heavy if the gutters are
8 plugged with leaves. We have many trees. I will
9 surely have water. Please have engineers design the
10 water flow. From Carol Kernan 1167 East Lake. That's
11 it.

12 CHAIRPERSON FERRELL: Up to the board for
13 any discussion.

14 MR. SANGHVI: Yes. Thank you.

15 Thank you. I was there on your property a

16 couple days ago and looking around, and I realize that
17 almost every property in that area, if they want to do
18 something, it's going to require a variance because
19 the houses are not designed for the kind of housing in
20 this day and age, and I have no problem supporting
21 your request. Thank you.

22 MR. KWAPIS: Thank you.

23 CHAIRPERSON FERRELL: I have a question.
24 The concern that the neighbor has, are you going to do
25 anything --

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1 MR. KWAPIS: Yes, we've addressed that
2 issue. As you can look at the front of the elevation
3 of the building now, we've moved the roof line from
4 the back. So there wouldn't be any gutter lines now
5 toward the north side. Currently there is -- the way
6 the roof is pitched on the existing house, it pitches
7 toward the neighbors, one portion of it. And we've
8 now to alleviate that issue, we've changed the roof
9 slope to go front to back, and so that the water would
10 pitch like behind the garage, that area, and be
11 drained back from that way and also to the front. It
12 doesn't go near the neighbor any more.

13 CHAIRPERSON FERRELL: You definitely have
14 my support on this. Anything to better the community
15 and the neighborhood I definitely support.

16 Anybody else?

17 MS. KRIEGER: I just have a question. Like
18 Mr. Walsh was saying, have you discovered the
19 basement, can it support a second story?

20 MR. KWAPIS: There has been some
21 exploration of that. Part of the wall to the existing
22 structure was corrected several years ago I know on
23 the south side, and we're exploring the north, west
24 and east yet. And most of that we believe can, and
25 we're also adding additional columns and so forth to

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1 work with that structure.

2 MS. KRIEGER: Thank you.

3 CHAIRPERSON FERRELL: Any further
4 discussion?

5 (No audible responses.)

6 CHAIRPERSON FERRELL: We'll entertain a
7 motion.

8 MR. IBE: I'll do it. Case No. PZ14-0005,
9 1171 East Lake Drive. I move that we grant the
10 petitioner's request as requested for the following
11 reasons.

12 One, there are unique circumstances of the
13 current conditions of the property such as the
14 narrowness of the property itself that makes it --
15 that warrants for a variance to be granted, and the
16 property is located on a very narrow nonconforming lot
17 from what has been stated here by the applicant's
18 representative, and that by itself makes it more of a
19 very difficult lot to work with, and without a
20 variance, what the applicant hence wants to accomplish
21 would not be practical and would not be able to get
22 accomplished. So a variance is necessary.

23 Second, the need is not self-created.
24 Obviously it did not from them, it is what it is.
25 It's done by nature, and you bought the land and

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1 that's just how it is. So you obviously need the
2 variance in order to work it. Strict compliance with
3 regulations governing area setbacks, frontage, height,
4 bulk, density or other dimensional requirements will
5 unreasonably prevent the property owner from using the
6 property for a permitted purpose, or will render
7 conformity with those regulations unnecessarily
8 burdensome.

9 The requested variance is the minimum
10 variance necessary to do substantial justice to the
11 applicants as well as to the other property owners in
12 the district.

13 The requested variance will not cause an
14 adverse impact on surrounding property, property
15 values, or the use and enjoyment of the property in
16 the neighborhood or zoning district. In fact, by
17 granting this variance, an improvement that is
18 intended by the applicants will in fact increase the
19 property values in this area, will make it to look
20 more attractive. And so I'm quite sure that the
21 neighbors will find it a very welcoming improvement.

22 Therefore, based on the applicant's
23 document that was submitted, the presentation made by
24 the applicant's representative, the questions and
25 comments that have been put on by board, I move that

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1 we grant the applicant's request.

2 MS. GRONACHAN: Second.

3 CHAIRPERSON FERRELL: We have a motion and
4 second.

5 MS. KRIEGER: In regards to that also, that
6 if they had a concern with the second story support
7 with the basement?

8 MR. IBE: Yes.

9 MS. KRIEGER: To work with the city?

10 MR. IBE: Yes. In the event where the
11 foundation is unable to support the second story that
12 is intended here, that the parties will obviously work
13 with the city to fashion a way to accomplish the
14 intent of the property owner as well as what the city
15 requires under the law. Is that fine?

16 CHAIRPERSON FERRELL: Yes.

17 MR. IBE: Very well.

18 CHAIRPERSON FERRELL: Anybody else have any
19 di scussi on?

(No audible responses.)

20 CHAIRPERSON FERRELL: We have a motion and
21 second. Ms. Nuculaj?

22 MS. NUCULAJ: Chairperson Ferrell?

23 CHAIRPERSON FERRELL: Yes.

24 MS. NUCULAJ: Member Gronachan?

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1 MS. GRONACHAN: Yes.

2 MS. NUCULAJ: Member Ibe?

3 MR. IBE: Yes.

4 MS. NUCULAJ: Member Krieger?

5 MS. KRIEGER: Yes.

6 MS. NUCULAJ: Member Sanghvi?

7 MR. SANGHVI: Yes.

8 MS. NUCULAJ: Motion passes five to zero.

9 CHAIRPERSON FERRELL: Congratulations.

10 MR. KWAPIS: Thank you very much.

11 CHAIRPERSON FERRELL: Moving on to Case No.

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4, PZ14-00006, 44225 Twelve Mile Road, C103, Buddy's Pizza. Come up and be sworn in if you're not an attorney, and state and spell your name for the recorder, please.
MR. PHILLIPS: Good evening, I am not an attorney, and neither is Matt here.
CHAIRPERSON FERRELL: Just go ahead and state and spell your name.
MR. PHILLIPS: Okay. Name is Ed Phillips, Phillips Sign and Lighting, 40920 Executive Drive, Harrison Township.
MR. HECKERT: And my name is Matthew Heckert, general manager of Buddy's Pizza. Last name is H-e-c-k-e-r-t.

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MS. KRIEGER: For both of you, in the Case No. PZ14-0006, Buddy's Pizza, C103, do you both swear or affirm to tell the truth in this case?
MR. PHILLIPS: Yes.
MR. HECKERT: Yes.
MS. KRIEGER: Thank you.
MR. PHILLIPS: Okay. Just a quick outline here. We are here basically representing the new Buddy's Pizza to be located at 44225 Twelve Mile in the Fountain View Shopping Center. Our hardship is lack of identification and due to the landscape -- due to the landscaping and building setback. Neither issue is self-created.
I have a handout I'd like to pass out real quick if I may.
If you could refer to my handout on Page A, the first page. It's obviously an overview of the new Buddy's location. Please note that we've indicated on there that there's a 485 feet setback from Twelve Mile. We're 355 feet from Cabaret Drive.
Pages B, C and D are all images, they're Google Earth images obviously of street view. They are from a couple of years ago, because these trees if you go there today are a little larger than this. We believe given these current setbacks and the

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vegetation, and we're demonstrating clearly that the signage that we're asking for although modest in increase in size is really required or needed. This space is presently only exterior walls. If anyone -- if you've ever been in there, the space has never been occupied. The mall has been struggling. It's all open. It's demanding -- it's 8,000 square foot, so it's going to demand a serious investment.
The exterior design of the mall, again to go back to my cover page, you'll see the lower left corner, that is the Buddy's section, how distractible -- how distracting that drive is. I mean, it's like a puzzle up there. So that's another reason we think that we do need something a little bit outside the ordinance.
We know that the site is going to be a challenge to get going. Assuming your approval this evening and our dedication to quality food and great service, we believe we can become a successful member of the Novi community.
I can answer any questions on the signage.
CHAIRPERSON FERRELL: Okay. Thank you very

23

much.

24

Anybody in the audience?

25

(No audible responses.)

0052

1

CHAIRPERSON FERRELL: Hearing none. The

2

city, any comments?

3

MR. WALSH: No comments at this time.

4

CHAIRPERSON FERRELL: Any correspondence?

5

MS. KRIEGER: In Case No. PZ14-0006, 29

6

mailed, two returned, one approval, zero objections.

7

And the approval is, "I am the owner of Twelve Mile

8

Crossing at Fountain Walk where this Buddy's Pizza is

9

opening. I believe allowing Buddy's additional

10

signage would be beneficial to all, the city, Buddy's

11

Pizza and the shopping center." And it's from Stanley

12

Spiegel. That's it.

13

CHAIRPERSON FERRELL: Thank you. Opening

14

it up to the board for any discussion.

15

MR. IBE: Just quickly. For the board, I

16

must say congratulations to Buddy's -- I mean to the

17

city. I enjoy Buddy's Pizza.

18

MR. PHILLIPS: Thank you.

19

MR. IBE: In fact, there's one next to my

20

firm in Farmington Hills. Unfortunately I can't make

21

the drive from Farmington Hills to Novi. So it's

22

welcoming experience to know that we're going have a

23

quality pizza place in the city. I have no problem at

24

all supporting this considering the uniqueness of

25

where your property is located in relation to Twelve

0053

1

Mile Road, because obviously if -- the businesses in

2

that area are struggling. I think -- I do -- I think

3

your business will be next to the Putting Edge? Is

4

that close to the Putting Edge?

5

MS. KRIEGER: Yes.

6

MR. IBE: That's where it's located, right.

7

MS. KRIEGER: Yes.

8

MR. IBE: It's difficult to know that

9

there's anything right there unless you literally

10

drive in and you have to know your way around, because

11

there's abandoned business or not too many businesses

12

there right now. So anything that will attract more

13

traffic I think would be a welcome addition not to

14

just to Buddy's but to the other businesses that are

15

within that same district.

16

So I have no problem at all supporting

17

this, and congratulations.

18

MR. PHILLIPS: Thank you.

19

CHAIRPERSON FERRELL: Thank you. Anybody

20

else?

21

Mr. Sanghvi?

22

MR. SANGHVI: Thank you. I think everybody

23

with any children or grandchildren knows what Buddy's

24

Pizza is all about, and I think it will be a great

25

addition in the city, and you are well back from sight

0054

1

from the main road and you need somewhere signage

2

where exactly you are located even though people know

3

that you're in Fountain Walk, and with the new

4

building coming up, it will be easier to find you,

5

your entrance way. So I have no problem with the

6

signage so you can be found easily. Thank you.

7

MR. PHILLIPS: Thank you.

8 MS. GRONACHAN: Congratulations and welcome
9 to Novi.

10 MR. PHILLIPS: Thank you.

11 MS. GRONACHAN: I understand Buddy's and I
12 have no grandchildren, just so you know. Just saying.
13 I concur with the difficulty of driving throughout
14 that parking lot, that row of businesses which is why
15 I'm supporting the signage, the variance request
16 because of the uniqueness, because of the lay of the
17 business.

18 My question, though, is I just want to
19 confirm these numbers are pretty impressive on the
20 size of the signs, and I just want to make sure that
21 this is -- is this the very least that you can go with
22 on these signs. I mean, I understand the reasoning
23 for it, and I'm in support of the identification. I'm
24 just want to make sure that we're not doing overkill
25 under the circumstances.

0055

1 MR. PHILLIPS: Fair question. I think if
2 you looked at the site, we put the banners up to give
3 you some idea. If you look at the lower left corner
4 again on Page A, that white box that you see on there
5 is way larger than the signs. The sign image itself
6 is contained within that white area, and the signage
7 isn't going to have nearly the impact of the white
8 square there. If you see both those signs, you see
9 the one on front, it's really barely discernible on
10 the north elevation, but on the west way over there, I
11 mean, the signs are small. So in answer to your
12 question, I really do believe it's very modest what
13 we've asked for given the size of these walls. I do
14 have a calculation on that for you.

15 MS. GRONACHAN: Okay.

16 MR. PHILLIPS: On the north elevation, we
17 are -- we're showing a building dimension of 38 feet
18 by 78.3, and we're showing a total overall signage or
19 signage presence on that wall, which is the front
20 Twelve Mile Road elevation, of 2.7 percent of the
21 wall. It's nothing.

22 MS. GRONACHAN: Okay.

23 MR. PHILLIPS: On the other wall, the west
24 wall it's even less. On the west wall we have a 38 by
25 110. We're showing a 2.2 percentage of the signage

0056

1 given the size of the wall.

2 MS. GRONACHAN: And I wanted that on the
3 record, so I appreciate the further explanation. I
4 think it needs to be duly noted on the record. Thank
5 you for that explanation.

6 MR. PHILLIPS: You're very welcome.

7 MS. GRONACHAN: I have no further
8 questions.

9 CHAIRPERSON FERRELL: Thank you.

10 MS. KRIEGER: Is it going to be backlit?

11 MR. PHILLIPS: Yes.

12 MS. KRIEGER: Okay. I'll also be
13 supporting the motion. Did you want me to do it?

14 CHAIRPERSON FERRELL: Yes.

15 MS. KRIEGER: In Case No. PZ14-0006,
16 Buddy's Pizza, C103, I motion to approve the request
17 for the petitioner. The request is based upon
18 circumstances or features that are exceptional and

19 unique to the property. In Fountain Walk with the
20 distances and the way it's set up surely is unique and
21 do not result from conditions that exist generally in
22 the city nor are self-created. The failure to grant
23 relief will unduly prevent or limit the use of the
24 property and will result in substantially more than
25 mere inconvenience or inability to obtain a higher

0057

1 economic or financial return.
2 Because of the proportionate size that was
3 described, the 2.7 percent versus the size of the
4 wall, the grant of relief will not result in use of
5 structure that is incompatible with or unreasonably
6 interferes with adjacent or surrounding properties.
7 Will result in substantial justice being done to both
8 the applicant and adjacent or surrounding properties
9 bringing more attention to and more use of the
10 Fountain Walk area, and is not inconsistent with the
11 spirit of the ordinance.

12 MS. GRONACHAN: Second.

13 MR. IBE: Second.

14 CHAIRPERSON FERRELL: Any further
15 discussion?

16 (No audible responses.)

17 CHAIRPERSON FERRELL: Seeing none,

18 Ms. Nuculaj?

19 MS. NUCULAJ: Chairperson Ferrell?

20 CHAIRPERSON FERRELL: Yes.

21 MS. NUCULAJ: Member Gronachan?

22 MS. GRONACHAN: Yes.

23 MS. NUCULAJ: Member Ibe?

24 MR. IBE: Yes.

25 MS. NUCULAJ: Member Krieger?

0058

1 MS. KRIEGER: Yes.

2 MS. NUCULAJ: And Member Sanghvi?

3 MR. SANGHVI: Yes.

4 MS. NUCULAJ: Motion passes five to zero.

5 MR. PHILLIPS: Thank you.

6 MS. KRIEGER: Looking forward to pizza.

7 MR. HECKERT: Thank you board members.

8 CHAIRPERSON FERRELL: When are you opening?

9 MR. PHILLIPS: August. We're looking

10 forward to being in Novi.

11 MR. IBE: Thank you.

12 CHAIRPERSON FERRELL: Moving on to Case No.

13 5, PZ14-0007, 47900 Grand River, Applebee's

14 Restaurant.

15 MR. QUINN: Good evening, Ladies and
16 gentlemen. Matthew Quinn appearing on behalf of
17 Schostack, the owners of the Applebee's here in
18 Michigan. You know, I guess ex-older mayors don't
19 have to speak as fast as ex-new mayors to convince you
20 to get what they want.

21 You'll recall that Applebee's was -- we
22 were here on February 11th. I would like to
23 incorporate our presentation at that time and all the
24 comments and the diagrams we showed you. Because of
25 the typographical error in the paperwork and the

0059

1 publication, we could not get our total of an 8 foot
2 variance for a 6 foot sign. You granted us at that
3 time the 7 foot variance, and we had to come back for

4 the extra foot making it 8 feet.

5 Now I would be more than happy to go
6 through all of my slides again for you, but if you
7 don't want me to do that, I'll be more than happy to
8 answer any questions, but we would like you to grant
9 the variance so that the sign could be 8 feet tall.

10 CHAIRPERSON FERRELL: Thank you very much.

11 Anybody in the public have any comments?

12 (No audible response.)

13 CHAIRPERSON FERRELL: Hearing none, does
14 the city have any comments?

15 MR. WALSH: No comments.

16 CHAIRPERSON FERRELL: Any correspondence?

17 MS. KRIEGER: In Case No. PZ14-0007, nine
18 were mailed, zero returned, zero approvals, zero
19 objections.

20 CHAIRPERSON FERRELL: Open it up to the
21 board for any discussion.

22 MS. GRONACHAN: Yes.

23 CHAIRPERSON FERRELL: Yes.

24 MS. GRONACHAN: Good evening. Welcome
25 back. None of us has Alzheimer's so we all remember.

0060

1 MR. QUINN: Good.

2 MS. GRONACHAN: And it's a mayors' meeting
3 I guess.

4 MR. QUINN: I guess it must be, yes.

5 MS. GRONACHAN: There will be a group shot
6 after the meeting is over.

7 All kidding aside, I'm not going to make
8 you go through everything. We do remember, and
9 because of the typographical error that you duly
10 noted, I will be in full support of increasing this
11 the 1 foot. And again as previously mentioned, it was
12 due to the lay of the land so to speak and uniqueness
13 and the location, and I think that the 1 foot is only
14 going to help it more, especially in inclement weather
15 given that the petitioner -- what the petitioner
16 previously presented to us in the February meeting.
17 That's it.

18 CHAIRPERSON FERRELL: Thank you.

19 MS. GRONACHAN: Okay. I move in Case No.
20 PZ14-0007, Applebee's Restaurant, that the request to
21 increase the sign that was previously granted approved
22 in February of 2014 from 7 feet to 8 foot. Based on
23 the previous case discussion both by the petitioner
24 and this board, the request is based upon
25 circumstances or features that are exceptional and

0061

1 unique to this property and do not result from
2 conditions that exist generally in the city, and it is
3 definitely not self-created. The failure to grant
4 relief will unreasonably prevent the use or limit the
5 use of this property and would result in substantially
6 more than a mere inconvenience. And the granted
7 relief will not result in the use of the structure
8 that is incompatible with or unreasonably interferes
9 with adjacent or surrounding properties.

10 MR. SANGHVI: Second.

11 MS. KRIEGER: As per this petitioner?

12 MS. GRONACHAN: Specific to this petitioner
13 as previously indicated in the February minutes and
14 discussions.

15 CHAIRPERSON FERRELL: Any other discussion?
16 (No audible responses.)
17 CHAIRPERSON FERRELL: We have motion and
18 second. Call roll.
19 MS. NUCULAJ: Chairperson Ferrell?
20 CHAIRPERSON FERRELL: Yes.
21 MS. NUCULAJ: Member Gronachan?
22 MS. GRONACHAN: Yes.
23 MS. NUCULAJ: Member Ibe?
24 MR. IBE: Yes.
25 MS. NUCULAJ: Member Krieger?

0062

1 MS. KRIEGER: Yes.
2 MS. NUCULAJ: And Member Sanghvi?
3 MR. SANGHVI: Yes.
4 MS. NUCULAJ: Motion passes five to zero.
5 MR. QUINN: Thank you very much. Always a
6 pleasure to see you.

7 CHAIRPERSON FERRELL: Thank you. Have a
8 good night.

9 Any other matters from the city or the
10 board?

11 (No audible responses.)

12 CHAIRPERSON FERRELL: Hearing none, motion
13 for adjournment.

14 MR. IBE: So moved.

15 CHAIRPERSON FERRELL: I'm sorry, I didn't
16 get your --

17 MR. SANGHVI: I just wondered, I just have
18 a question for the city council. The question is, is
19 it appropriate for us to recommend to the mayor and
20 the city council to revise some of these ordinances to
21 keep up with the modern times?

22 MS. SAARELA: Anybody can make a
23 suggestion. So if you wanted to propose something
24 like that, that would be appropriate.

25 MR. SANGHVI: Maybe we can --

0063

1 MS. GRONACHAN: I would concur.

2 MR. SANGHVI: -- make a recommendation to
3 look at some of these ordinances because of the
4 changing times.

5 MR. IBE: Yes. Because some of the -- like
6 the one brought up by Mayor Landry, I mean, really I
7 mean I know he wrote it, so that's why I took him to
8 task on it. Because obviously if you look at the
9 language as presented, if we use the language alone
10 for --

11 MS. SAARELA: We can't really talk about
12 that case any more.

13 MR. IBE: It's over with. But anyway, it
14 is something that is worthy of bringing up to the city
15 council if they wish to address those issues.

16 MR. SANGHVI: Yes, maybe the city council
17 can take another look at some of these sign
18 ordinances.

19 MS. GRONACHAN: Or at least that particular
20 request, that particular ordinance in particular.

21 MS. SAARELA: If you have some thoughts on,
22 you know, that section and other sections where you
23 think there is some problems, maybe, you know, someone
24 can put together a letter that you can all sign onto,
25 submit it to city council to request the ordinance

0064

1 review committee to start looking at some of these.
 2 MS. GRONACHAN: Looks like you can prepare
 3 it.
 4 MR. SANGHVI: Yes.
 5 MS. GRONACHAN: He has to be appointed
 6 first.
 7 MR. SANGHVI: All right. That's it. Thank
 8 you.
 9 CHAIRPERSON FERRELL: Any other discussion?
 10 No?
 11 (No audible responses.)
 12 MR. SANGHVI: I move to adjourn.
 13 MR. IBE: Second.
 14 CHAIRPERSON FERRELL: A move and second.
 15 We're adjourned. I'm sorry, I apologize. All in
 16 favor?
 17 THE BOARD: Aye.
 18 MS. KRIEGER: None opposed.
 19 CHAIRPERSON FERRELL: None opposed. Any
 20 opposed?
 21 MS. KRIEGER: No.
 22 CHAIRPERSON FERRELL: We're adjourned.
 23 (The hearing was adjourned at 8:20 p.m.)
 24 ** ** **
 25

0065

1 STATE OF MICHIGAN)
)SS.
 2 COUNTY OF OAKLAND)
 3 CERTIFICATE OF NOTARY PUBLIC
 4 I, DIANE L. SZACH, a Notary Public in and for
 5 the above county and state, do hereby certify that the
 6 deposition of said witness was taken before me at the time
 7 and place hereinbefore set forth; witness was by me first
 8 duly sworn to testify to the truth; that thereupon the
 9 foregoing questions were asked and foregoing answers made
 10 stenographically and later reduced to typewritten form; and
 11 I certify that this is a true and correct transcript of my
 12 stenographic notes so taken.
 13 I do further certify that I am not connected by
 14 blood or marriage to any of the parties, or their attorneys
 15 or agents; that I am not an employee of them, nor am I
 16 interested directly or indirectly in the matter in
 17 controversy either as counsel, agent, attorney, or
 18 otherwi se.
 19
 20
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 22
 23
 24
 25

DIANE L. SZACH, CSR-3170
 Certified Shorthand Reporter
 Notary Public, Oakland County
 Michigan

My Commission Expires:
 03/09/18.