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

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, July 9, 2013

BOARD MEMBERS

- Linda Krieger, Acting Chairperson
- Brent Ferrell
- Rickie Ibe
- David Ghannam
- James Gerbllick
- Mav Sanghvi

ALSO PRESENT: Charles Boulard, Community Development Director

Beth Saarela, City Attorney

Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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1 Novi , Mi chi gan.
2 Tuesday, Jul y 9, 2013
3 7: 00 p. m.
4 ** ** **
5 CHAI RPERSON KREI GER: Good
6 eveni ng. Wel come to the Zoni ng Board of
7 Appeal s for Jul y 9, 2013 7: 00 p. m. meeti ng.
8 I' d l i ke to call to order and

9 then for the Pledge of Allegiance. If
10 Member Ghannam would please lead us.

11 (Pledge recited.)

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

14 MS. PAWLOWSKI: Member Gedeon,
15 absent excused.

16 Member Gerblick?

17 MR. GERBLICK: Here.

18 MS. PAWLOWSKI: Member Ibe?

19 MR. IBE: Present.

20 MS. PAWLOWSKI: Chairperson

21 Krieger?

22 CHAIRPERSON KREIGER: Here.

23 MS. PAWLOWSKI: Member Sanghvi?

24 MR. SANGHVI: Here.

25 MS. PAWLOWSKI: Member Ferrell?

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4

1 MR. FERRELL: Here.

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

7 Is there any additions or a
8 motion?

9 MR. SANGHVI: So moved.

10 MR. IBE: Second.

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

13 THE BOARD: Aye.

14 CHAIRPERSON KREIGER: Any

15 opposed?

16 (No audible responses.)

17 CHAIRPERSON KREIGER: Seeing

18 none, we have an agenda.

19 Minutes? We do not have minutes

20 in our packet for this month?

21 MS. PAWLOWSKI: No.

22 CHAIRPERSON KREIGER: And then

23 public remarks. Anybody in the public that

24 has any comments or concerns, if you can come

25 up -- not regarding any of these cases, but

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5

1 in general, can come up to the public podium

2 and have a comment.

3 (No audible responses.)

4 CHAIRPERSON KREIGER: No

5 comments, okay.

6 We have nine cases tonight. And

7 our first case is Case No. PZ13-0018, for

8 Vincenti Court, DHI Equipment Sales.

9 If you could please come to the

10 podium and -- Mr. Quinn, hello.

11 MR. QUINN: Good evening, ladies

12 and gentleman of the Zoning Board of Appeals.

13 I'm Matt Quinn. I'm here tonight

14 on behalf of DHI Equipment Sales and also the

15 other part of that business, the family that

16 owns the building that we are talking about

17 on Vincenti Court.

18 Tonight we are here asking for a

130709.txt

19 variance for outside storage, outside use of
20 an area to the rear of the building.

21 When my clients came to Novi in
22 2008 they purchased this building, this
23 outside storage area was already in use and
24 attached to the building.

25 When they were looking around in

♀

6

1 Novi, that was an important part of what they
2 needed.

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

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

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

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

20 Now, your I-1 zoning district
21 does not allow outside storage,
22 unfortunately. You need to be in an I-2
23 district.

24 As you see my client's property,
25 which is this right here, you will see that

7

1 immediately surrounding it to the north is a
2 wooded wetland that more than likely will
3 never be developed. It runs all the way up
4 to the road to the rear and all of these
5 buildings are very industrial and you go up
6 and down this street, you will see two things
7 that jump out at you.

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

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

23 My client's specific property is
24 this structure here. Here is the area of the
25 outside storage immediately to the rear and

8

1 also part of this case is the issue of their
2 trailer.

3 It's a 55-foot trailer that they
4 use in their business on a regular basis.
5 It's used to take materials out of their
6 warehouse or out of this storage area and
7 deliver it to the sites.

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

15 Now, the area that we are talking
16 about is to the rear of the building and it's
17 this area of outside storage, it's 44 feet by
18 40 feet and it's totally fenced in.

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

25 As you can see, the street

1 frontage is fairly nice. I have shown you
2 the front of their building. I have shown
3 you the vacancy signs up and down the street.

4 And as far as the outside storage
5 is concerned itself, you will see, as we
6 said, it's totally fenced in, and they have
7 paint booths inside, portions of those, they

8 have some pallets that are inside and they
9 also have some small trailers that come and
10 go.

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

20 Also you may want to, if I was in
21 your position, limit it to this building
22 owner and perhaps even this tenant in the
23 building, since they're kind of one in the
24 same business, the same ownership, that would
25 make sense, and then if in the future someone

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10

1 wants to use it for the same thing, they
2 would have to come back to you and you would
3 be able to look at their business, they would
4 have to show you why it's necessary to have
5 this outside storage area.

6 Now, this outside storage area in
7 the rear is part of an open alley, as you
8 see. Here's a look back to Meadowbrook Road.
9 I just took these the other day. Right next
10 door you see a stored, very nice motor home,
11 then you see other vehicles that are down the
12 alleyway.

13 You see that this area must
14 preexist your dumpster ordinance because
15 there is no requirement that any of these be
16 contained within a brick area with any
17 fencing, they're merely up and down the
18 alley.

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

24 This actually, as I recall,
25 Vincenti Court, may have been the first light

♀

11

1 industrial street or development in the City
2 of Novi. Maybe Dr. ~Sanghvi can remember
3 that. It's one of the first, if not the
4 first. Not saying you're that old, Doc.

5 MR. SANGHVI: That's okay.

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

15 Now we haven't submitted to you a
16 document petition, if you want to call it,
17 signed by 11 of the neighbors. My client

18 went out, talked to all of them, they're, of
19 course, all familiar with the outside storage
20 area because it's visible up and down that
21 back alley and 11 of the neighbors did not
22 have any objection to the outside storage.

23 So as far as this particular
24 petition, we believe that the granting of
25 this variance with the conditions -- oh, by

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12

1 the way, as far as the trailer. The only
2 other location, because this is a vehicle
3 that is used in this business, is to require
4 that they put the vehicle, the trailer into
5 the truck well and leave it there at night.
6 Makes it a little more difficult, the truck
7 well sticks out a little way into the alley,
8 but the truck well is, I guess, what it's
9 for, for trucks to be there, and to load and
10 unload.

11 So they would be willing to
12 accept that condition that this truck be
13 placed in the truck well when it's obviously
14 not out in use.

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

22 It's unique to this property
Page 10

23 because this is exactly the type of building
24 they were -- thought they were buying when
25 they came to Novi.

♀

13

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

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

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

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

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130709.txt
1 equipment in their warehouse.
2 Now, this equipment also comes
3 and goes. It's not there for a year. I
4 don't want you to think that. This is things
5 they sell. This is the parts of the paint
6 booths that they move in and out that they're
7 selling to their customers. So it's not --
8 each item isn't there for an indefinite
9 period. It's new things that rotate over and
10 over.

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

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

21 CHAIRPERSON KREIGER: Thank you,
22 Mr. Quinn.

23 Anyone else in public have any
24 remarks regarding this case?

25 (No audible responses.)

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15

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

3 MR. GERBLICK: In Case. No.
4 PZ13-0018, 18 were mailed, four returned
5 mailed, zero approvals and zero objections.

6 CHAIRPERSON KREIGER: All right.

7 From the city?

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

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

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

25 CHAIRPERSON KREIGER: Very good.

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16

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

2 Mr. Sanghvi?

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

6 MR. QUINN: Sorry about that.

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

10 And I have been around that

11 street a number of times for different
12 issues.

13 And I was again there a couple of
14 days ago.

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

20 CHAIRPERSON KREIGER: Very good.
21 Other members? Mr. Boulard?

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

24 CHAIRPERSON KREIGER: Yes.

25 MR. BOULARD: The trailer is

17

1 53 feet long and the truck well is 40 feet,
2 so it would stick out into the --

3 MR. QUINN: Correct.

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

7 MR. QUINN: That's right, yes.
8 It might be better to actually move it more
9 square to the center of the building in the
10 rear, next to the tree line, if you think it
11 becomes a safety factor.

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

15 MR. BURKE: It was moved I think

16 probably a week and a half ago.

17 MR. BOULARD: Prior to that?

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

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

25 Certainly, there are other

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18

1 businesses that have brought their storage
2 and their location into compliance along
3 there, including some of the neighbors.

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

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

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

16 So as long as, I guess, a fire
17 truck, need be, had to go through the back, I
18 also don't really have any difficulties
19 except making it as requested -- make
20 conditional to this property, and its

21 ownership or tenant. And moving the truck as
22 most safe can be. Thanks.

23 MR. GERBLICK: As Mr. Boulard
24 mentioned, I think the fenced-in area is one
25 thing, that's something that's already been

19

1 built. It's something that's kind of
2 enclosed, close to the building.

3 Again, with the enforcement
4 issue, you have a 53-foot trailer, and
5 sitting on this board, if every other tenant
6 comes in here and wants the same type of
7 trailer, then all of a sudden we have, you
8 know, eight to ten trailers in the back of
9 property for storage.

10 I can see from an enforcement
11 perspective, that becomes an issue for the
12 city.

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

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

25 MR. BOULARD: Which property?

1 CHAIRPERSON KREIGER: The one on
2 Vincenti, on the north side, the one that's
3 closest to Meadowbrook Road, they had two
4 trailers that were parallel to Meadowbrook
5 Road?

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

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

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

19 Member Ghannam?

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

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

25 MR. BOULARD: I guess my --

1 obviously if the trailer is used in the
2 course of business, where it's not, you know,
3 parked overnight and things like that, or
4 extended periods, that's the course of

5 business, as I would expect for a business in
6 an I-1 use. They may get deliveries later in
7 the day so no one is there to unload it, it
8 may stay the night.

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

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

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

22 MR. BOULARD: Personally, based
23 on what I see, I would -- if I had no choice
24 personally, to see the truck where it is now,
25 or in the truck well, I think it's probably

‡

22

1 better where it is now because it's less
2 likely to obstruct the garage.

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

6 MR. GHANNAM: Mr. Quinn, if we
7 don't allow the truck to be stored where it
8 is currently situated, what is your
9 suggestion?

10 MR. QUINN: Move it a little bit
11 in the back so it sits immediately behind the
12 building.

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

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

22 The difficulty is, if they have
23 to store this offsite in some I-2 area or --
24 I don't know if Anglin is still going to be
25 open, where you see a lot of vehicles stored

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23

1 there, but they would have to find a place to
2 store it, and then when they're going to use
3 it, they would have to arrange for this
4 tractor to go there. They have to meet it
5 there, and the logistics of it are just that
6 much more difficult.

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

14 MR. GHANNAM: I understand all of
Page 19

15 that. You're in an I-1 district. You're not
16 allowed to store these trailers there. You
17 got a number of buildings similarly situated.
18 I guess the question becomes, how does
19 this -- you know, if you're required to
20 comply with the ordinances, how does that
21 make your client's property unusable for
22 their intended purpose?

23 MR. QUINN: Unusable, not -- I
24 couldn't answer that. I wouldn't say it's
25 unusable. All right. It just modifies their

24

1 maximum use of the property in the course of
2 their business, as far as a trailer is
3 concerned.

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

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

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

17 And I'm looking at the
18 measurements back up on the screen here, you
19 see the outside storage is 40 feet away from

20 the building, the truck well almost lines up
21 40 feet. Then you have another 15 feet of
22 the truck that would sit out in the driveway,
23 so it would jut out a little past here. But
24 you will still have the alleyway that's
25 available.

†

25

1 So that was really the only
2 alternative that we have come up with.

3 CHAIRPERSON KREIGER: Counsel
4 Saarela?

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

15 CHAIRPERSON KREIGER: Yes,
16 Mr. Ibe?

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

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

24 But the trailer seems to be the
Page 21

25

little one here that obviously, with the

26

1 standards we have to go by, you know, with a
2 use variance -- not granting the part of the
3 trailer doesn't prevent your client from, you
4 know, using the property as intended.

5 I know that why Mr. Boulard said,
6 you know, the option -- giving the option of
7 either backing into the truck well or leaving
8 it out there because of similar reasons. But
9 I think he -- the concern that the city has
10 more is -- first, many issues.

11 Obviously you can understand how
12 it would be difficult to enforce a rule in a
13 general area where everyone now comes up and,
14 you know, this becomes a precedent, guess,
15 what, that guy down the street -- you know, I
16 can see that. I can see the pictures of DHI
17 showing up here for every -- well, what do we
18 do.

19 MR. QUINN: They probably have my
20 picture on the truck, by the way.

21 MR. IBE: So I can just
22 understand the point, but I'm in favor,
23 absolutely, of the fenced area because I
24 think it makes sense.

25 Of course, with the conditions

27

1 that you propose that your client do, meaning
2 screening the area, and of course, limiting

3 it to this particular tenant only.

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

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

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

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

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

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

22 MR. IBE: Right.

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

25 MR. IBE: And maybe then that

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1 obviously will allow the applicant some
2 leeway as to what to do with that stuff
3 within sometime?

4 CHAIRPERSON KREIGER: Member
5 Sanghvi?

6 MR. SANGHVI: Madam Chair, if my
7 memory serves me right, this is not the first

8 time we have dealt with this problem in this
9 area and it has come before the ZBA.

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

15 CHAIRPERSON KREIGER: Was that
16 regarding the Cadillacs on Vincenti?

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

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

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

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

12 MR. BOULARD: The 40 feet area I

13 believe is just what the existing area is.

14 There is no outside storage
15 allowed by right. I believe that's just the
16 dimension that it happens to be and that's
17 the length of the truck well.

18 I'm not sure what the genesis of
19 that was other than it's an even number.

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

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

25 CHAIRPERSON KREIGER: Is this the

30

♀
1 only location that the applicant has for
2 storing?

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

5 MR. GERBLICK: If the board would
6 be in favor, I would like to make a motion on
7 at least the first part of this request and
8 then give us some time to think about the
9 second part of the request.

10 Is that fine?

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

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

16 MS. SAARELA: So are you moving
17 to table this to consider it at another time?

18 MR. GERBLICK: No. So there is
19 two use requests.

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

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

24 MS. SAARELA: You can approve
25 less than what is requested. You don't have

31

1 to approve the full amount.

2 MR. GERBLICK: It's one request?

3 MS. SAARELA: Correct.

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

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

10 CHAIRPERSON KREIGER: Yes.

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

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

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

21 MR. BOULARD: I believe that's
22 the case, but I don't know for sure.

23

MR. GHANNAM: I will make a

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motion.

25

I will move in Case PZ13-0018, to

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1

approve only the outdoor storage as requested

2

and as it currently exists, with the

3

following conditions: All outside storage

4

should be maintained within that area.

5

Number two, the entire fenced-in area should

6

an appropriately screened so none of the

7

interior storage is visible from the outside.

8

And it is only applicable to the current

9

tenant.

10

Make that based on the fact the

11

property cannot be reasonably used by any of

12

the uses permitted by right or special land

13

use, in which the property is located.

14

That the need for the requested

15

variance to due to unique circumstances or

16

physical conditions of the property involved,

17

such as narrowness, shallowness, shape, water

18

topography and other similar physical

19

conditions.

20

The proposed use will not alter

21

the essential character of the neighborhood

22

because I think it is similar in the area

23

that others have this type of storage.

24

The need for the requested

25

variance is not the result of actions of the

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property owner or previous property owners

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and is not self-created.

MR. IBE: Second.

CHAIRPERSON KREIGER: Question.

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

MR. GHANNAM: Just the fenced-in area.

CHAIRPERSON KREIGER: Okay.

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

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

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

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

MS. PAWLOWSKI: Member Gerbl ick?

MR. GERBLI CK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

♀

MS. PAWLOWSKI: Member I be?

MR. IBE: Yes.

MS. PAWLOWSKI: Chair person Kri eger?

CHAIRPERSON KREIGER: Yes.

MS. PAWLOWSKI: Member Sanghvi ?

7 MR. SANGHVI: No.
8 MS. PAWLOWSKI: Member Ferrell?
9 MR. FERRELL: Yes.
10 MS. PAWLOWSKI: Motion passes
11 five to to one.
12 MR. QUINN: Thank you, Ladies and
13 gentlemen. I appreciate it.
14 CHAIRPERSON KREIGER: Case No.
15 PZ13-0014, Regarding Qdoba Mexican Grill. If
16 you could state your name and spell your last
17 name for the court reporter. Thank you.
18 MR. SCHULTZ: My name is
19 Ryan Schultz. Last name is spelled
20 S-c-h-u-l-t-z.
21 As I mentioned, I'm with Mercier
22 Development. We are the developer of said
23 property, Novi Crescent, which is on the
24 corner of Crescent Boulevard and Novi Road.
25 Here on behalf of one our

♀

35

1 tenants, Qdoba Mexican Grill.
2 First I would like to thank the
3 board for taking up this case again. I know
4 the first presentation did not go to the
5 liking of the board. We approached on the
6 board last month and re-open the original
7 decision which was a denial on the additional
8 signage. We would like to thank them for
9 that.
10 I'd like to start off with an
11 exhibit showing some of the unique

12 characteristics of the site we are developing
13 at the corner.

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

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

25 What this also does in the TC

♀

36

1 district is eliminate the opportunity to
2 install what would be traditionally a
3 monument sign advertising businesses in said
4 building.

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

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

14 It was asked at the first meeting
15 that this sign be mocked up. It has since
16 been mocked up. I'm sure that a number of

17 you have driven past it and seen the sign. I
18 have an image here of the mock-up, along with
19 proposed signage that would be permitted by
20 ordinance, which we are proposing on Novi
21 Road as well. It will give you the
22 combination of the two.

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

37

1 This sign is permitted by right.

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

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

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

21 I do want to point out the unique
Page 31

♀

22 circumstance of the community where we have
23 an existing condition. This is the Blinds To
24 Go building, which is actually right across
25 the street from our proposed building on

38

1 Crescent Boulevard.

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

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

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

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

25 So we are here before you seeking

39

1 a variance for the proposed signage on
2 Crescent Boulevard, as you can see in this
3 picture.

4 I can answer any questions anyone
5 may have.

6 CHAIRPERSON KREIGER: Thank you.
7 Anybody in the public that has a remark
8 regarding this case?

9 (No audible responses.)

10 CHAIRPERSON KREIGER: Seeing
11 none, any correspondence?

12 MR. GERBLICK: Sir, are you an
13 attorney?

14 MR. SCHULTZ: No, I'm not.

15 MR. GERBLICK: Can you raise your
16 right hand.

17 MR. SCHULTZ: Yes.

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

20 MR. SCHULTZ: I do.

21 MR. GERBLICK: Thank you.

22 Correspondence --

23 CHAIRPERSON KREIGER: Question.
24 If they were in the previous one, they would
25 have to be sworn in again for the current

1 meeting?

2 MS. SAARELA: No, not
3 necessarily.

4 CHAIRPERSON KREIGER: Very good.

5 MR. GERBLICK: Case No.
6 PZ13-0014, 16 were mailed, two were returned
7 mailed, zero approvals, zero objections.
8 CHAIRPERSON KREIGER: Okay. From
9 the city?
10 MS. SAARELA: I have nothing to
11 add.
12 MR. BOULARD: Nothing to add.
13 CHAIRPERSON KREIGER: All right.
14 Open it up to the board for questions
15 regarding this case.
16 MR. GHANNAM: I just have -- I
17 got a couple. I was not here last month.
18 I understand the uniqueness of
19 this property. I understand -- I wasn't here
20 with regard to the Blinds To Go, but I do
21 remember the AT & T and Potbelly. That was
22 during my time and I understood the
23 uniqueness of their property, too. It does
24 make sense.
25 My question is, where everybody

♀

41

1 is going to be parking in the back, facing
2 that Expo Boulevard, whatever it's called.
3 You're going to have no signage
4 that would be where people would enter, is
5 that what you're saying?
6 MR. SCHULTZ: Right. Qdoba has
7 elected not to propose signage in the back of
8 the building. They feel that they have a
9 unique door that actually gets installed,

10 differentiates itself from the other doors
11 that are in the building. They feel the
12 strength in this branding feature is enough
13 to attract the attention of the customer, and
14 have elected to move it around the side of
15 the building.

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

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

22 MR. GHANNAM: In general, to me,
23 I mean, I understand you're going to do your
24 own request, but it seems more logical to
25 have it in the back where -- you know, people

42

1 are going to generally see it north or south.

2 It may be more noticeable if
3 you're coming northbound to have that
4 Crescent Boulevard sign, but seems more
5 logical in the back.

6 I have no problem with the second
7 one, the location is somewhat of an issue.

8 That's all I have, thank you.

9 CHAIRPERSON KREIGER: Okay.
10 Regarding the Ring Road that's going to
11 connect to Grand River, I think it was Fonda
12 Street, is there any time prediction when
13 that will occur?

14 MR. BOULARD: There is -- a

130709.txt

15 certain amount of preparati on work is going
16 on. But there has not been a time frame
17 determined in terms of when the funding will
18 be available to do that.

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

23 CHAIRPERSON KREI GER: Okay. So
24 in the future there is a potential for
25 traffic coming up from Grand River up Fonda

43

1 Street to Crescent Boulevard.

2 Member Sanghvi ?

3 MR. SANGHVI: I had a questi on
4 for you, Mr. Boul ard.

5 What is thi s bypass road the
6 applicant is referring to in hi s second
7 applicati on?

8 MR. BOULARD: I 'm sorry?

9 Whi ch --

10 MR. SANGHVI: If you look at the
11 second applicati on dated May 15, it mentioned
12 that second -- Crescent Boul evard extensi on
13 project. What' s that?

14 MR. BOULARD: In the letter?

15 MR. SANGHVI: Yes.

16 CHAIRPERSON KREI GER: Maybe
17 potenti ally referring to the completi on of
18 the Ring Road in that part of the packet?

19 MR. SCHULTZ: I di dn' t prepare

20 the original application that was done by the
21 previous presenter.

22 I'm not sure if that's what he's
23 referring to?

24 CHAIRPERSON KREIGER: Is that
25 what you're referring to, Member Sanghvi?

44

1 MR. SANGHVI: If you look at the
2 letter dated May 15, 2013 from the applicant,
3 go down to the third paragraph.

4 MR. BOULARD: I believe -- you're
5 referring to the portion where it says, as
6 you're aware, the Crescent Boulevard
7 extension project?

8 MR. SANGHVI: Yes.

9 MR. BOULARD: That's the planned
10 future completion of the Ring Road, where
11 Crescent Boulevard would loop around and come
12 into --

13 MR. SANGHVI: Come out on Grand
14 River?

15 MR. BOULARD: Come out on the
16 north side of Grand River, yes. It's a
17 vehicle -- I mean, there certainly are
18 pedestrian and bicycle amenities, but it's
19 also a vehicle pathway.

20 MR. SANGHVI: Thank you.

21 CHAIRPERSON KREIGER: Is it
22 the -- I have a question regarding the
23 building being brought up to Novi Road. Is
24 the intent in the future to slow traffic down

25

so that parking will be in front or is it --

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1 I didn't understand the intent of moving the
2 buildings up closer to the road.

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

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

14 CHAIRPERSON KREIGER: Okay.

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

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

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

25 The failure to grant relief will

46

1 unreasonably prevent or limit the use of the
2 property which will result in substantial
3 more than a mere inconvenience or inability

4 to attain a higher economic return.

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

9 MR. IBE: Second.

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

12 CHAIRPERSON KREIGER: Go ahead.

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

17 CHAIRPERSON KREIGER: You're
18 accepting that Member Gerblick?

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

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

24 CHAIRPERSON KREIGER: Mr. Boulard?

25 MR. BOULARD: There are

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1 provisions in the sign ordinance for signs on
2 the back of the building, just so that when
3 folks come into the parking lot they can tell
4 which is the entrance. So with the door that
5 they mentioned certainly that might be
6 appropriate to not allow a third sign for
7 this business.

8 MR. GERBLICK: I will consider
Page 39

9 Member Ferrell's additions to the amended
10 motion.
11 CHAIRPERSON KREIGER: Secunder?
12 MR. SANGHVI: Second.
13 CHAIRPERSON KREIGER: So we have
14 a motion, second and amendment.
15 If Ms. Pawlowski could call the
16 roll.
17 MS. PAWLOWSKI: Member Gerbl ick?
18 MR. GERBLI CK: Yes.
19 MS. PAWLOWSKI: Member Ghannam?
20 MR. GHANNAM: Yes.
21 MS. PAWLOWSKI: Member I be?
22 MR. I BE: Yes.
23 MS. PAWLOWSKI: Chai rperson
24 Kri eger?
25 CHAIRPERSON KREIGER: Yes.

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1 MS. PAWLOWSKI: Member Sanghvi ?
2 MR. SANGHVI: Yes.
3 MS. PAWLOWSKI: Member Ferrell ?
4 MR. FERRELL: Yes.
5 MS. PAWLOWSKI: Moti on passes si x
6 to zero.
7 MR. SCHULTZ: Thank you very
8 much.
9 CHAIRPERSON KREIGER: For our
10 third case, we have Case No. PZ13-0025 on
11 Expo Center Drive.
12 Are you an attorney?
13 MR. DIMAGGIO: No, I'm not.

14 CHAIRPERSON KREIGER: If you
15 could say your name and spell it.

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

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

21 MR. DIMAGGIO: I do.

22 As I said, my name is
23 Chuck Dimaggio. I'm with Burton Katzman. We
24 are a development in Bingham Farms, Michigan.

25 We are here tonight representing

49

1 the Adell family trust. They have selected
2 our company to promote and redevelop the Expo
3 Center property on their behalf, which, as
4 you know, is located on I-96 and Novi Road.

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

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

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

16 One of the important components,
17 of course, is the marketing signage. Your
18 ordinance, I believe, would allow us to have

19 one marketing sign of 16 square feet.

20 That may be fine for a piece of
21 property that is maybe an acre in size and
22 has frontage on a major road. The Expo
23 Center property we believe is unique, not
24 just because of its size, which is 23 acres,
25 but because of its size, it still has no

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1 frontage on a major road. It has a little
2 bit of front on Crescent Boulevard, which
3 dead-ends at the site some 400 feet west of
4 Novi Road and it also has some frontage on
5 the I-96 freeway, and the exit ramp, that
6 traffic proceeds at high rates of speed, so
7 the property along there is not highly
8 visible.

9 Given those unique circumstances,
10 we are requesting the board to allow us to
11 have three marketing signs in lieu of one.

12 The image is not coming through
13 real well, but on this image, this is the
14 I-96 freeway. We have the exit ramp, Novi
15 Road, and Crescent Boulevard.

16 We are requesting approval to
17 install sign number one, which is an
18 eight-by-eight marketing sign facing the
19 freeway and the exit ramp at this point.

20 Sign number two, which is located
21 at the dead end of Crescent Boulevard, that
22 was intended to be 16 square feet. There was
23 a slight problem with that, which I will

24 allude to in a minute.

25 Then a third marketing sign, as I

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1 indicated, within the public boulevard on
2 Crescent Boulevard at Novi Road.

3 The first marketing sign is
4 eight-by-eight and this is located facing the
5 freeway and facing the exit ramp. It is an
6 eight-by-eight sign. It's installed on the
7 property presently so that you could have
8 seen that sign.

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

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

23 The second sign, which is located
24 at the end of Crescent Boulevard, was
25 intended to be 14 square feet.

52

1 Apparently when it was

2 manufactured, it came out to be 17.1 square
3 feet, so we are now looking at requesting a
4 variance of 1.1 feet for the size of this
5 sign.

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

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

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

23 We feel the sign is important
24 because as you travel on Novi Road, the sign
25 that we have located at the end of Crescent

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1 Boulevard is quite invisible to the public as
2 they drive by.

3 If you turn down Crescent
4 Boulevard and focus, you can see this sign
5 some 400 feet away. But as you're traveling
6 Novi Road, you would not notice that sign.

7 Hopefully we intend to -- or
8 hopefully we will be able to draw some
9 attention to the property and its development
10 opportunities by putting this sign in the
11 median in Crescent Boulevard.

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

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

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

23 When you consider the fact that
24 much smaller pieces of property of an acre or
25 smaller can have one sign on the major street

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1 of 16 square feet and we are limited to the
2 same size, we think that the variances we
3 have asked for would provide substantial
4 justice to the property owner.

5 Lastly, contrary to being
6 detrimental to any of the surrounding
7 properties, we think the request by contrast
8 will be quite beneficial in that they will
9 help promote redevelopment of this property,
10 which in the end is going to be good for the
11 city, will be good for the adjacent property

12 owners and businesses, and hopefully good for
13 the Adell family as well.

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

16 CHAIRPERSON KREIGER: Thank you.
17 Any public remarks regarding this case?

18 (No audible responses.)

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

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

25 CHAIRPERSON KREIGER: Responses

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1 from the city? Mr. Boulard?

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

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

16 MR. DIMAGGIO: Correct.

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

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

♀

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1 CHAIRPERSON KREIGER: Counsel
2 Saarela?

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

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

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

10 MR. DIMAGGIO: In today's world,
11 speculative building is difficult, so the
12 first order of business is to find users,
13 which we are in the process of doing at this
14 point in time.

15 We are in negotiations with some,
16 not enough to really kick off the
17 development, but there is more activity now
18 in the marketplace than we have seen in quite
19 sometime.

20 So we are hopeful that soon we
21 will be able to do that. But as to a

22 definitive time table, I really can't say.

23 MR. SANGHVI: Thank you. I'm
24 quite inclined for the first two signs. The
25 third sign, I thought I might be agreeable,

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1 if you make it a temporary until the
2 development is complete.

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

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

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

14 MR. SANGHVI: Thank you.

15 MR. GHANNAM: Just a few
16 questions.

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

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

22 MR. GHANNAM: How many?

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

25 MR. GHANNAM: One, I presume,

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1 you're advertising for a hotel, correct?

2 MR. DIMMAGIO: Hotel could be a
3 component, not necessarily, but it could be.

4 There is activity in the market,
5 so it is a possibility.

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

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

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

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

3 CHAIRPERSON KREIGER: Question.
4 Mr. Boulard, for the -- so it's a city
5 property near the boulevard, where the

6 previous post sign was, did the Expo Center
7 previously have it on the Big Boy property or
8 was that in right-of-way as well?

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

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

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

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

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

25 MR. DIMMAGIO: I really couldn't

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1 say. I would think they would probably put
2 their signage, you know, at the end of
3 Crescent Boulevard. I think some of the
4 difficulties with the site will be mitigated
5 when Crescent Boulevard is extended to Grand
6 River and you get more of a traffic flow on
7 Grand River or on Crescent Boulevard, versus,
8 you know, the current dead-end situation.

9 So at that point I believe a sign
10 just on their property would suffice.

11 Plus with a development on the
12 property, with the visuals of the buildings
13 that would be there, I think that also stands
14 to promote the property and advertise it. So
15 I don't know that an off-premise sign would
16 be necessary at that point.

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

21 MR. DIMMAGIO: I understand
22 completely. I understand completely.

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

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

5 CHAIRPERSON KREIGER: Thank you.

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

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

12 MS. SAARELA: Yes, if you wanted
13 to.

14 MR. SANGHVI: Thank you. I have
15 no problem with the on-site sign.

16 MS. SAARELA: You could also
17 grant, again like the last request, you could
18 grant less that has been requested. So you
19 are able to just grant two of the three
20 requested signs in one motion.

21 MR. IBE: May I make a motion?

22 CHAIRPERSON KREIGER: Go ahead.

23 MR. IBE: Very well. In Case No.
24 PZ13-0025, for 3700 Expo Center Drive, I move
25 that we grant the applicant's request for

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1 sign number one and number two that are
2 located -- or that will be located on the
3 property, for the following reasons.

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

10 The property in question is
11 tucked in behind Novi Road and also abutted
12 by I-96 as well as Crescent Boulevard, so
13 visibility obviously will be an issue and
14 thus granting the signage for number one and
15 number two would allow for the development to
16 at least get some visibility from motorists
17 that are going past I-96, and the sign itself
18 is -- I think will allow for fast moving cars
19 to at least be able to catch a glimpse of the
20 developer's advertising to lease this

21 particular premises.

22 The failure to grant relief will
23 unreasonably prevent unlimited use of the
24 property and will result in substantially
25 more than a mere convenience or inability to

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1 attain a higher economic financial return.

2 Obviously the developer here, the
3 main goal is to get tenants, and not granting
4 this variance for sign number one and two
5 will definitely hinder this development and
6 prevent the intended goal here.

7 And lastly, the grant of relief
8 will not result in a use of structure that is
9 incompatible with or reasonably interfere
10 with adjacent or surrounding properties. And
11 will result in substantial justice being done
12 to both the applicant as well as surrounding
13 properties.

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

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

24 MS. SAARELA: My suggestion would
25 either be to just grant the variance with the

1 two signs or separate it into two separate
2 motions.

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

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

11 CHAIRPERSON KREIGER: Second?
12 You have to have a second, I guess, before we
13 have additions?

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

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

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

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

1 fully developed.

2 MR. FERRELL: I agree.

3 MR. IBE: Very well. Whichever

4 comes first. I also agree with that.
5 MR. GHANNAM: I will second that.
6 CHAIRPERSON KREIGER: I have a
7 motion and second.
8 Any other discussion?
9 (No audible responses.)
10 CHAIRPERSON KREIGER: I just
11 wanted to add a comment that also we have the
12 benefit of having the water tower on the
13 expressway that says Adell, so that is a
14 benefit as well.
15 MR. GERBLICK: Did we specify a
16 number of years?
17 MR. GHANNAM: Two years.
18 CHAIRPERSON KREIGER: Ms. Pawlowski,
19 can you call the roll.
20 MS. PAWLOWSKI: Member Gerbl ick?
21 MR. GERBLICK: Yes.
22 MS. PAWLOWSKI: Member Ghannam?
23 MR. GHANNAM: Yes.
24 MS. PAWLOWSKI: Member I be?
25 MR. I BE: Yes.

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1 MS. PAWLOWSKI: Chairperson
2 Krieger?
3 CHAIRPERSON KREIGER: Yes.
4 MS. PAWLOWSKI: Member Sanghvi?
5 MR. SANGHVI: Yes.
6 MS. PAWLOWSKI: Member Ferrell?
7 MR. FERRELL: Yes.
8 MS. PAWLOWSKI: Motion passes six

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9 to zero.

10 MR. DIMMAGIO: Thank you very
11 much.

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

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

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

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

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

24 Our purpose of being here today
25 is to hopefully obtain a variance that is

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1 needed for us to start the garage project
2 that we have been looking to do this summer.

3 Our proposed garage dimensions
4 are 26 feet deep by 40 wide, for a total of
5 1,040 square feet. We are only asking for an
6 additional 190 square feet of garage space
7 for the purpose of storage only. This is
8 what is existing on the property now.

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

13 The dimensions of this existing

14 structure are 30 feet deep by 45 feet wide
15 for a total of 1,350 square feet. We are not
16 asking to build anything bigger than what is
17 there. Actually the footprint of the new
18 garage will be smaller than what we are
19 tearing down.

20 We bought our house last fall as
21 a bank foreclosure. It was originally a late
22 1960s cottage that has been converted into a
23 four-bedroom year-round home like many of the
24 homes in the area. And the additions to the
25 house were put on in the late '70s.

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

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

10 Our total attic space is a six by
11 eight upper room for a total of 48 square
12 feet of attic space. Currently we are using
13 the two upstairs bedrooms for storage. We
14 hope to build the bigger garage and utilize
15 the extra storage space that the garage will
16 provide and turn the bedrooms from storage
17 rooms back to bedrooms for the kids. Okay.
18 That's the dilemma.

19 Last but not least, although the
20 garage is a bit oversized, it is in no way
21 extreme in size.

22 As you can see, in the overhead
23 view, the garage will not impact the size of
24 the property. This line represents the size
25 of the property. Here's the existing house,

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1 and here's the footprint for the new garage,
2 which is just about six feet west of where
3 the old garage was.

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

8 Actually, I feel the larger
9 garage will enhance the size of the property.
10 The lot size is very unique for the area,
11 where most houses in the subdivision are on
12 40 to 80-foot lots while this house has a 240
13 foot frontage. It is surrounded by wetlands
14 and lots of trees and gives us an up north
15 feeling here in Novi that we will really
16 enjoy.

17 Esthetically the garage will be a
18 huge improvement to the property, therefore
19 adding property value to the home and more
20 value to the subdivision. I have petitioned
21 most of the surrounding neighbors and have
22 gotten nothing less than a 100 percent
23 favorable response to the project. They are

24 not going to miss looking at that eyesore
25 that exists today.

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

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

7 (No audible responses.)

8 CHAIRPERSON KREIGER: Seeing
9 none, correspondence?

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

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

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

17 MS. SAARELA: I have nothing to
18 add.

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

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

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1 presume, correct?

2 MR. MILLER: Well, it will be a
Page 59

3 two-car garage. The upsized, I need -- the
4 house is lacking storage room in a garage.
5 So what I can't fit in the garage -- what I
6 can't fit in the house, I intend to put in
7 the garage.

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

11 MR. MILLER: Yes.

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

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

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

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

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

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1 CHAIRPERSON KREIGER: Member
2 Sanghvi?

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

6 MR. MILLER: We have done a lot
7 so far.

8 MR. SANGHVI: I have no problem
9 with approving your application.
10 MR. MILLER: Thank you.
11 CHAIRPERSON KREIGER: I agree. I
12 drove by as well, and the house looks nice
13 and when you put up the garage it will look
14 nice as well.
15 MR. MILLER: Thank you.
16 CHAIRPERSON KREIGER: Hear a
17 motion.
18 MR. FERRELL: I move to approve
19 Case No. PZ13-0026, to approve the motion as
20 requested, the variance.
21 There are unique circumstances or
22 physical conditions of the property, such as
23 narrowness, shallowness, shape, water
24 topography or similar physical conditions.
25 The need for the variance is not

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1 due to the applicant's personal or economic
2 difficulty.
3 The need is not self-created.
4 Strict compliance with regulations regarding
5 area setbacks, frontage, height, bulk,
6 density and other dimensional requirement
7 will unreasonably prevent the property owner
8 from using the property for permitted
9 purposes or render conformity with the
10 regulations unnecessarily burdensome.
11 The requested variance is the
12 minimum variance necessary to do substantial

13 justice to the applicant as well as to the
14 other property owners in the district,
15 because it will improve the esthetics, plus
16 enhancing the look of the community.

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

22 MR. GERBLICK: Second.

23 CHAIRPERSON KREIGER: I have a
24 motion and a second. Ms. Pawlowski, can you
25 call the roll?

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1 MS. PAWLOWSKI: Member Gerbl ick?

2 MR. GERBLI CK: Yes.

3 MS. PAWLOWSKI: Member Ghannam?

4 MR. GHANNAM: Yes.

5 MS. PAWLOWSKI: Member I be?

6 MR. I BE: Yes.

7 MS. PAWLOWSKI: Chai rperson

8 Kri eger?

9 CHAI RPERSON KREI GER: Yes.

10 MS. PAWLOWSKI: Member Sanghvi ?

11 MR. SANGHVI : Yes.

12 MS. PAWLOWSKI: Member Ferrel l ?

13 MR. FERRELL: Yes.

14 MS. PAWLOWSKI: Moti on passes si x
15 to zero.

16 MR. MI LLER: Thank you.

17 CHAI RPERSON KREI GER: Our next
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18 case is PZ13-0027, for 23777 Meadowbrook
19 Road.

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

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

25 MR. GERBLICK: Case No.

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

2 MR. HENGSTEBECK: Yes.

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

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

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

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

21 CHAIRPERSON KREIGER: Very good.
22 Thank you. Anybody in the public have any

23 questions or comments?

24 (No audible responses.)

25 CHAIRPERSON KREIGER: All right.

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1 Seeing none, if we could have correspondence
2 read in.

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

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

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

11 MS. SAARELA: I have nothing to
12 add.

13 MR. BOULARD: Nothing to add.

14 CHAIRPERSON KREIGER: Very good.
15 I'll open it up to board members. Questions,
16 comments? Motion?

17 MR. SANGHVI: I have gone up and
18 down this road I'd know over the last 40
19 years. I have no problem regarding your
20 request. There is a necessity in this
21 particular neighborhood.

22 MR. GHANNAM: I also have no
23 problem with this. It is -- I wouldn't say
24 as simple as the last one, but it is
25 certainly needed.

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1 I understand, again, I live in
2 this area. I'm very familiar with these
3 homes on Meadowbrook Road.

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

6 CHAIRPERSON KREIGER: Yes.

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

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

22 The requested variance is the
23 minimum variance necessary to do substantial
24 justice to the applicants as well as other
25 property owners in the district. And the

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1 requested variance will not cause an adverse
2 impact on surrounding property, property
3 values or the use and enjoyment of properties
4 in the neighborhood or zoning district.

5 MR. FERRELL: Second.

6 CHAIRPERSON KREIGER: I have a
7 motion and a second, any other discussion?
8 (No audible responses.)
9 CHAIRPERSON KREIGER: Seeing
10 none, if Ms. Pawlowski could call the roll.
11 MS. PAWLOWSKI: Member Gerbllick?
12 MR. GERBLICK: Yes.
13 MS. PAWLOWSKI: Member Ghannam?
14 MR. GHANNAM: Yes.
15 MS. PAWLOWSKI: Member Ibe?
16 MR. IBE: Yes.
17 MS. PAWLOWSKI: Chairperson
18 Krieger?
19 CHAIRPERSON KREIGER: Yes.
20 MS. PAWLOWSKI: Member Sanghvi?
21 MR. SANGHVI: Yes.
22 MS. PAWLOWSKI: Member Ferrell?
23 MR. FERRELL: Yes.
24 MS. PAWLOWSKI: Motion passes six
25 to zero.

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

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11 MR. ANDRUS: I do.

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

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

25 So after working with the

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1 planning department for the last several
2 months, trying to figure out another location
3 for this and several meetings of phone
4 conversations, this was the new location of
5 the pavilion. It's still within our -- it's
6 in that 100-foot yard setback, other than the
7 location of the pavilion, the shape, the
8 size, the materials, everything else of the
9 building is exactly the same.

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

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

15 CHAIRPERSON KREIGER: Anyone in

16 the public have a comment regarding this
17 case?

18 (No audible responses.)

19 CHAIRPERSON KREIGER: Seeing
20 none, correspondence?

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

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

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

3 MR. BOULARD: Just one question,
4 if I could, for the applicant.

5 The drawings seems -- appears to
6 show that all the existing landscaping will
7 stay.

8 Can you confirm that that's the
9 case?

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

15 MR. BOULARD: Thank you.

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

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

21 130709.txt
problem with it.

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

24 MS. SAARELA: Was the
25 correspondence read?

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1 MR. GERBLICK: Yes.

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

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

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

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

18 The requested variance is the
19 minimum variance necessary to do substantial
20 justice to the applicant as well as to the
21 other property owners in the district. And
22 the requested variance will not cause an
23 adverse impact to surrounding property or
24 property values. In fact, I think it would
25 enhance it.

1 MR. IBE: Second.
2 CHAIRPERSON KREIGER: There is a
3 motion and a second. Any other discussion?
4 (No audible responses.)
5 CHAIRPERSON KREIGER: Seeing
6 none, Ms. Pawlowski, please call the roll.
7 MS. PAWLOWSKI: Member Gerbluck?
8 MR. GERBLICK: Yes.
9 MS. PAWLOWSKI: Member Ghannam?
10 MR. GHANNAM: Yes.
11 MS. PAWLOWSKI: Member Ibe?
12 MR. IBE: Yes.
13 MS. PAWLOWSKI: Chairperson
14 Krieger?
15 CHAIRPERSON KREIGER: Yes.
16 MS. PAWLOWSKI: Member Sanghvi?
17 MR. SANGHVI: Yes.
18 MS. PAWLOWSKI: Member Ferrell?
19 MR. FERRELL: Yes.
20 MS. PAWLOWSKI: Motion passes six
21 to zero.
22 MR. ANDRUS: Thank you.
23 CHAIRPERSON KREIGER: Our next
24 case is PZ13-0031 for 26152 Ingersol Drive.
25 The applicant is present?

1 I guess we could -- seeing none
2 that we could table this until the end?
3 MS. SAARELA: We can put it at
4 the end or you can table it until the next

5 meeting.

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

9 Do we have to make a motion on
10 that?

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

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

16 CHAIRPERSON KREIGER: Are you an
17 attorney?

18 MR. CHASE: No.

19 CHAIRPERSON KREIGER: If you
20 could be sworn in.

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

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

♀

85

1 I'm representing Lane Bryant.
2 The Charming Shops, Incorporated is asking
3 consideration for a non-lighted Lane Bryant
4 LB logo on each side of the adjacent store
5 front side elevation facing.

6 The building facing is unique in
7 the fact that it's set part of the remaining
8 store fronts, eliminating visibility and any
9 recognition of signage from customers

10 arriving or traveling through Novi Town
11 Center parking lot.

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

23 The new logos will be -- new LB
24 logos will be illuminated by the existing
25 light fixtures installed on the facade, these

♀

86

1 fixtures will be painted black to match the
2 new awning being installed giving the store
3 fronts a cohesive fresh look.

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

12 That's basically all I have.

13 CHAIRPERSON KREIGER: Anybody in
14 the public have remarks regarding this case?

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15 (No audible responses.)

16 CHAIRPERSON KREIGER: Seeing
17 none, correspondence?

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

21 CHAIRPERSON KREIGER: Mr. Boulard
22 or Counsel Saarela?

23 MS. SAARELA: I have nothing to
24 add.

25 MR. BOULARD: Nothing to add.

♀

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

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

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

15 MR. BOULARD: This would qualify
16 as three signs, three separate signs. I
17 believe there is -- these towers occur on the
18 corners well as the mid-point of the
19 building. I believe that's the case.

20 CHAIRPERSON KREIGER: Ten of
21 them?

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

1 opposi te corner.

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

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

8 CHAIRPERSON KREIGER: Okay.

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

14 MR. BOULARD: I don' t recall any.

15 MR. GHANNAM: Okay.

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

22 MR. IBE: Sir, do you know if
23 this signage that's proposed here, is that
24 what corporate requires?

25

MR. CHASE: It's one of their

89

1 requirements. They have different layouts,
2 but yes. You know, obviously, it's not on
3 every one of them. This one is kind of
4 unique because they're trying to draw to that
5 as they come, the traffic comes that way to
6 see that logo on the side when it juts out a
7 little bit. If you are driving close into
8 the parking spots there, you don't see that
9 tenant as well as you do the other ones that
10 are sitting back.

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

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

18 MR. IBE: So in other words --

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

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

25 MR. CHASE: I would say no, but I

90

1 don't know that for sure.

2 MR. IBE: Very well. Thank you,

3 sir.

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

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

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

24 MR. BOULARD: No. They're saying
25 that -- my take on it is they're saying Jeff

♀

1 Casper and Brian Chase and Harmon Sign are
2 welcome to apply for a variance on the
3 property they represent from the board.

4 CHAIRPERSON KREIGER: Okay.

5 MR. IBE: Just one quick question
6 again. The layout of this complex itself, is
7 this the only store front that has this

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unique entrance?

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

MR. IBE: You mean Bonefish?

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

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

CHAIRPERSON KREIGER: They could potentially come forward, yes.

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

more signs. And I just see that coming.

Now, if I -- part of the reason why I ask you, if this is an appropriate request or if the -- if the entrance was constructed specifically for your business, you know, was to determine, you know, whether or not this is something that was agreed upon, but you had a developer when this was done, and maybe others were left out, but the fact that this is something that is common within this development itself, and the other tenants only have one sign, and frankly there

♀

13 is only one entrance into this place, it's
14 not really any entrance, you just have to
15 walk in the same way, I'm inclined, to
16 unfortunately, vote against this. I'm sorry,
17 sir.

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

20 MR. IBE: Thank you.

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

25 But I think the sign on the front

♀

93

1 makes it more prominent than really the other
2 stores that have flat frontage.

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

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

17 But I wouldn't approve it as its

18 stated. If you ever came back and say I want
19 one on each side, that would make more sense
20 to me, just because of the unusual nature of
21 this particular structure.

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

94

1 so that is businesses that are moving into
2 the complex?

3 MR. CHASE: Those are existing
4 tenants, yes.

5 CHAIRPERSON KREIGER: So that's
6 about 80 percent?

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

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

17 MR. GERBLICK: Make a motion?

18 CHAIRPERSON KREIGER: Go ahead.

19 MR. GERBLICK: In Case No.
20 PZ13-0031, I move that we deny the variance
21 requested based on circumstances, although
22 the property has unique circumstances and

23 shape of the facade, and having to meet all
24 the terms of the sign variance, the board
25 feels this will not unreasonably prevent or

1 limit the use of the property and will result
2 in a mere inconvenience or the inability to
3 attain a higher economic return.

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

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

14 MR. GERBLICK: So moved.

15 MR. GHANNAM: Second.

16 CHAIRPERSON KREIGER: There is a
17 motion and a second. Any other discussion?

18 (No audible responses.)

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

21 MS. PAWLOWSKI: Member Gerbl ick?

22 MR. GERBLICK: Yes.

23 MS. PAWLOWSKI: Member Ghannam?

24 MR. GHANNAM: Yes.

25 MS. PAWLOWSKI: Member I be?

1 MR. IBE: Yes.
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2 MS. PAWLOWSKI: Chairperson
3 Krieger?
4 CHAIRPERSON KREIGER: Yes.
5 MS. PAWLOWSKI: Member Sanghvi?
6 MR. SANGHVI: No.
7 MS. PAWLOWSKI: Member Ferrell?
8 MR. FERRELL: Yes.
9 MS. PAWLOWSKI: Motion passes
10 five to one.
11 MR. CHASE: Thank you for your
12 time.
13 CHAIRPERSON KREIGER: Case No.
14 PZ13-0033 for Grand River Avenue.
15 Are you an attorney?
16 MR. KATCHMAN: No. My name is
17 Ron Katchman, K-a-t-c-h-m-a-n. I'm with
18 Designer Construction Group.
19 MR. GERBLICK: In Case No.
20 PZ13-0033, do you swear to tell the truth?
21 MR. KATCHMAN: I do.
22 I'm basically before you trying
23 to get an extension on some variances that
24 were granted and also site plan approval that
25 was granted.

♀

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1 The client for the last two years
2 has been trying to get some financing,
3 finally has some financing. And myself as
4 the architect and as the general contractor,
5 I asked him if he is -- how is the site plan
6 approving doing. He wasn't sure. So we had

7 to file for an extension because it ran past
8 the 30 days.

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

15 CHAIRPERSON KREIGER: That's it.
16 Anybody in the public has a
17 comment regarding this case?

18 (No audible responses.)

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

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

25 CHAIRPERSON KREIGER: Mr. Boulard

♀

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1 or Counsel Saarela?

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

4 Planning commission is normally
5 the body that approves the extension of a
6 site plan approval, but in this case just
7 because it wasn't requested before expiration
8 of the site plan, within the time frame,
9 that's why you're here, and I think part of
10 the practical difficulty that was pointed
11 out, if you read one of the planning reports

12 is that the applicant wasn't notified of that
13 requirement, that it was coming up for
14 expiration and they would need to submit
15 their request for renewal or they would lose
16 their site plan approval.

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

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

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

25 MS. SAARELA: The planning

♀

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1 commission, I believe, approved the renewal
2 subject to you allowing the request to be
3 made after the time frame set forth in the
4 zoning ordinance.

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

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

16 MR. GHANNAM: If we were inclined
Page 83

17 to grant it, a simple approval as
18 requested --

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

23 MR. KATCHMAN: I think it
24 originally ran out in January 13th or
25 something like that. I think we didn't catch

100

1 it until March, April.

2 MR. BOULARD: Probably for
3 another year.

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

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

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

17 CHAIRPERSON KREIGER: Anybody
18 else? Is there a motion?

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

21 A motion to approve as requested
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22 is sufficient?

23 MS. SAARELA: Yes.

24 MR. GHANNAM: I will go ahead.

25 In PZ13-0033, I move to grant the

101

1 petitioner's request as requested.

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

12 MR. FERRELL: Second.

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

15 (No audible responses.)

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

18 MS. PAWLOWSKI: Member Gerbl ick?

19 MR. GERBLICK: Yes.

20 MS. PAWLOWSKI: Member Ghannam?

21 MR. GHANNAM: Yes.

22 MS. PAWLOWSKI: Member I be?

23 MR. IBE: Yes.

24 MS. PAWLOWSKI: Chairperson

25 Krieger?

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1 CHAIRPERSON KREIGER: Yes.
2 MS. PAWLOWSKI: Member Sanghvi?
3 MR. SANGHVI: Yes.
4 MS. PAWLOWSKI: Member Ferrell?
5 MR. FERRELL: Yes.
6 MS. PAWLOWSKI: Motion passes six
7 to zero.
8 MR. KATCHMAN: Thank you.
9 CHAIRPERSON KREIGER: Our last
10 case is PZ13-0034, for 1375 East Lake Drive.
11 MS. MAHER: My name is Angela
12 Maher, M-a-h-e-r. 1375 East Lake Drive. No,
13 I'm not an attorney.
14 MR. GERBLICK: Case No.
15 PZ13-0034, do you swear to tell the truth?
16 MS. MAHER: Yes.
17 I'm here tonight on perhaps a
18 little bit of confusion. I currently live --
19 you may recall the house that I came before
20 you last year at 1375.
21 I took this home, with your
22 approvals, created this home. And please
23 forgive me in advance. I had this on a slide
24 presentation, only to realize I probably
25 can't put it up and my computer died anyway.

♀

103

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

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

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

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

24 I am here today to ask for your
25 support in my outdoor -- in my open outdoor

♀

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1 seating area, that includes a gas grill,
2 which by converting to a gas grill also
3 prevents all the smoke from going into the
4 homes, it prevents a cleaner environment, a
5 gas fireplace which is safer to use, and a
6 propane tank as well as two surveillance
7 videos.

8 It's important to note with an
9 electrical permit, after I was shut down, the

10 electrical inspector came out to approve all
11 of my electrical for the refrigerator, for
12 everything else that was going out there.

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

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

♀

105

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

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

12 This was a ten day project. On
13 day one, the City of Novi engineer came to my
14 home. My contractors are all extremely

15 intelligent, extremely mack-daddy.

16 When they come down the road,
17 there is, you know, a parade is coming to my
18 town. They are the best of the best
19 contractors that you would ever be able to
20 find.

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

♀

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

3 In addition to the city engineer,
4 the City of Novi city ordinance person came
5 out every single day and also took photos.

6 So you can only imagine my
7 surprise on day ten when it's the final
8 project and I have written all my checks and
9 they have been cashed to be closed down.
10 When I asked why, their answer to me was, I'm
11 not sure, the city ordinance said so. I'll
12 have to call and call you back and let you
13 know.

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

16 On East Lake Drive, not only was
17 my -- my ten-point video surveillance that I
18 have existing helped with the City of Novi to
19 arrest two different people on two different

20 occasions for vandalism and theft. But it's
21 an ongoing problem.

22 Everyone who lives along East
23 Lake Drive, we have had unwelcomed visitors.
24 People pull up into this vacant property of
25 mine, they park their car, they get their

♀

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1 picnic baskets out and start celebrating and
2 this has been happening to all my neighbors.

3 So between that and with the
4 breaking and enterings, I built a structure
5 that from the road is actually 29 inches
6 less -- which is less than three foot. And
7 there was an existing fence. This is also
8 part of why I'm here, which I don't
9 understand. I had an existing fence, was
10 actually my neighbor's fence. It was a chain
11 link fence. It had been hit by four or five
12 different trees and a car. It was an eye
13 sore. The city gave me approval to put up a
14 better looking fence to replace that one. On
15 the wall which is -- they said I could have a
16 10 by 10 by eight, eight foot high structure.
17 And that wall -- it's not a wall, it's where
18 my gas grill is at, it's 10.5, so I did go
19 over by .5, but I didn't know because the
20 city engineer and city ordinance came out
21 every day to measure, so I'm not really sure
22 where I'm wrong in compliance. Except they
23 said it was too big, and if it was too big,
24 they had the opportunity to correct it,

25

because I could have made it. It's not a

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1 wall. It's a seating area. And it's not
2 even three foot high.

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

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

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

20 CHAIRPERSON KREIGER: Very good.
21 Is there anybody else in the public?

22 (No audible responses.)

23 Seeing none, correspondence?

24 MR. GERBLICK: Case No.

25 PZ13-0034, 17 were mailed, one returned, two

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1 approvals and zero objections.

2 First approval comes from Anitha
3 Chacko, A-n-i-t-h-a, C-h-a-c-k-o, at 1381

4 East Lake Road, noting her approval with the
5 comments, "I am Angela Maher's next-door
6 neighbor at 1381 East Lake. I not only
7 approve this variance. I think it is
8 disappointing that her project was shut down.
9 I know she filed all the paperwork way in
10 advance, and followed all the instructions
11 from the City of Novi. I also saw various
12 people from the building department stop by
13 every day to review and take pictures of the
14 site. I think this episode shows the
15 ineffective side of government and that is
16 very unfortunate".

17 Second approval comes from Carmen
18 Matthews and Robert Matthews at 1367 East
19 Lake Drive, noting the approval and the
20 comment, "We believe that the request of the
21 applicant should be approved. We fully
22 understand the need of some privacy on the
23 lake lot. The landscape construction of the
24 applicant does not obstruct the view of the
25 lake and it looks very nice. Everybody

1 passing by stops and admires it as well as
2 all the neighbors".

3 MS. MAHER: There should have
4 been many more.

5 CHAIRPERSON KREIGER: Mr. Boulard
6 or Counsel Saarela?

7 MS. SAARELA: I have nothing to
8 add.

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9 MR. BOULARD: No. Thank you.
10 CHAIRPERSON KREIGER: Okay.
11 Could you put up your -- the one that's in
12 our packet.
13 MS. MAHER: Only if someone
14 could -- I had it all on high tech. Would it
15 be okay to borrow someone's photo? Thank
16 you.
17 MR. GHANNAM: I have a couple of
18 questions. The appliances that you put
19 there, I assume they're removable in the
20 winter time, is that what you do?
21 MS. MAHER: Yes, exactly.
22 MR. GHANNAM: But you keep them
23 out there during the spring, summer, fall,
24 that type of --
25 MS. MAHER: Exactly. Under two

♀

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1 video surveillance cameras.
2 MR. GHANNAM: Personally, ma'am,
3 I have no problem with this. There are, I'm
4 sure, some technicalities why you need to be
5 here as opposed to -- I understand the
6 confusion why you thought you didn't need to
7 be here.
8 I agree. I think this is much
9 more desirable than a 10-foot shed that would
10 obstruct people's view. So under the
11 circumstances, I have no problem. I will
12 support it.
13 MS. MAHER: Thank you.

14 MR. SANGHVI: I came and visited
15 your place a couple days ago.

16 MS. MAHER: I saw you on camera.

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

24 MS. MAHER: Thank you so much.

25 CHAIRPERSON KREIGER: I also am

♀

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1 in favor. As you drive along East Lake, you
2 look at the topography, it is unobtrusive.
3 And it's very nice as well. You have your
4 cameras, so we are all good, I guess.

5 MS. MAHER: Thank you.

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

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

15 The need is not self-created,
16 based on the shape. The requested variance
17 is the minimum variance necessary to do
18 substantial justice to the applicant as well

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

25 MR. FERRELL: Second.

113

1 CHAIRPERSON KREIGER: Motion and
2 a second. Any other discussion?

3 (No audible responses.)

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

6 MS. PAWLOWSKI: Member Gerbluck?

7 MR. GERBLICK: Yes.

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 KREIGER: Yes.

15 MS. PAWLOWSKI: Member Sanghvi?

16 MR. SANGHVI: Yes.

17 MS. PAWLOWSKI: Member Ferrell?

18 MR. FERRELL: Yes.

19 MS. PAWLOWSKI: Motion passes six
20 to zero.

21 MS. MAHER: Thank you very much.

22 CHAIRPERSON KREIGER: Enjoy.

23 Other matters? Election of officers.

24 We have no official people. No
25 official chair, second or vice president.

114

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

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

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

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

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

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

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

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

22 MS. SAARELA: Right.

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

115

1 MR. GERBLICK: Second.

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2 MR. GHANNAM: Take a voice vote?

3 CHAIRPERSON KREIGER: What do we
4 do now?

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

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

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

12 THE BOARD: Aye.

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

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

19 Who would like to be vice chair?

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

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

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

♀

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

3 MR. GERBLICK: That's a
4 nomination.

5 MR. GHANNAM: Very good.

6 CHAIRPERSON KREIGER: So for

7 Member Ferrell all in favor for vice
8 presi dent.
9 MR. GHANNAM: Vice chair.
10 CHAIRPERSON KREIGER: Vice chair.
11 MR. FERRELL: Whatever you want
12 to call me.
13 THE BOARD: Aye.
14 CHAIRPERSON KREIGER: So it is.
15 MR. GERBLICK: We voted on Jeff
16 previ ousl y.
17 CHAIRPERSON KREIGER: Moti on to
18 adj ourn.
19 MR. GHANNAM: I move to adj ourn.
20 MR. GERBLICK: Second.
21 CHAIRPERSON KREIGER: All in
22 favor say aye.
23 THE BOARD: Aye.
24 CHAIRPERSON KREIGER: Any
25 opposed?

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1 (No audi bl e responses.)
2 CHAIRPERSON KREIGER: Seei ng
3 none, we are adj ourned.
4 (The meeti ng was adj ourned at 9:06 p.m.)

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

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

13 I further certify that I am not connected by blood or
14 marriage with any of the parties or their attorneys, and that I
15 am not an employee of either of them, nor financially interested
16 in the action.

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

19

20

21

Date

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

22

23

24

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