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REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

April 7, 2015

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, April 7, 2015

BOARD MEMBERS

Cindy Gronachan, Chairperson

Brent Ferrell, Secretary

Linda Krieger

Rickie Ibe

Mav Sanghvi

David Byrwa

Jonathan Montville

Jason Richert

ALSO PRESENT: Thomas Walsh, Building Official

Beth Saarela, City Attorney

Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.

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Tuesday, April 7, 2015

7:00 p.m.

** ** *

CHAIRPERSON GRONACHAN: I'd like to call the April 2015 Zoning Board of Appeals meeting to order. And if you would all rise, please, for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN:

Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Here.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Here.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLOWSKI: Member Byrwa?

MR. BYRWA: Here.

MS. PAWLOWSKI: Member Richert?

MR. RICHERT: Present.

MS. PAWLOWSKI: Member Montville?

MR. MONTVILLE: Here.

3 MS. PAWLOWSKI: Chairperson
4 Gronachan?

5 CHAIRPERSON GRONACHAN: Here.

6 Thank you. Welcome everyone
7 to the Zoning Board of Appeals meeting.

8 In the back there was an
9 agenda for this evening's activities and also
10 a set of rules.

11 I would ask that everyone
12 please review the rules at your leisure.

13 And if you have any
14 cellphones, at this time, please set them off
15 or put them on mute.

16 And then I would like to call
17 for an approval of the agenda.

18 Are there any changes to be
19 made to the agenda?

20 MR. SANGHVI: We still have to
21 have the election of officers on there?

22 CHAIRPERSON GRONACHAN: I hope
23 not because I'm not campaigning again.

24 MR. SANGHVI: May I suggest that
25 we delete it from --

0005

1 MR. IBE: Second.

2 CHAIRPERSON GRONACHAN: Moved and
3 second to remove the election of officers off

4 the agenda.

5 All those in favor say aye.

6 THE BOARD: Aye.

7 CHAIRPERSON GRONACHAN: Any

8 opposed?

9 (No audible responses.)

10 CHAIRPERSON GRONACHAN: So moved.

11 Minutes. I would like to let

12 everyone know I did not get a chance to

13 review March minutes because I was having a

14 download problem with my case. I don't know

15 what we can do if we can postpone those until

16 next month.

17 So can I have a motion to

18 move for the approval for the March 2015

19 minutes until next meeting.

20 MR. FERRELL: So moved.

21 MR. SANGHVI: Second.

22 CHAIRPERSON GRONACHAN: All in

23 favor say aye.

24 THE BOARD: Aye.

25 CHAIRPERSON GRONACHAN: Approved.

0006

1 So I know this is a small

2 meeting although we still have to follow the

3 procedures.

4 And if there is anyone in the

5 audience at this time that has any comments
6 in regards to matters for the Zoning Board of
7 Appeals that are not related to any of the
8 cases on the agenda, they can come down now
9 and speak their peace.

10 Seeing that there is no one
11 in the audience, we will move forward to Case
12 No. PZ15-0005, 1653 West Lake Drive. The
13 applicant is requesting variances from the
14 City of Novi to allow construction of a new
15 two story addition on the existing lakefront
16 lot on a reduced sideyard setback of 5.5, and
17 a reduced aggregate setback of 10.7.

18 The property is located east
19 of West Park and south of Pontiac Trail.

20 The City of Novi code of
21 ordinances requires minimum sideyard setbacks
22 of ten feet and a minimum aggregate of
23 25 feet respectively.

24 Gentlemen, would you like to
25 come down and present your case.

0007

1 If you are not an attorney,
2 if you would kindly spell your name, raise
3 your right hand and be sworn in by our
4 secretary.

5 MR. STREHL: Last name is Strehl,

6 S-t-r-e-h-l, first name Michael,
7 M-i-c-h-a-e-l.

8 MR. FERRELL: Do you swear or
9 affirm in Case PZ15-0005?

10 THE WITNESS: I do.

11 MR. FERRELL: Okay.

12 CHAIRPERSON GRONACHAN: You may
13 proceed.

14 MR. STREHL: We are requesting a
15 variance for the setback for a small addition
16 on a lake home on West Lake Drive. It's a
17 two story side addition with an existing
18 single story -- second story addition to the
19 rear.

20 I know the requirements are
21 25 feet and I think we are looking for 14.3.
22 It's 5.5 and -- the variance is 4.5.

23 It's just a small dining room
24 addition and a master bathroom upstairs,
25 14-foot long and then the rear is already

0008

1 existing on the first floor of 20-foot by
2 9-foot, with a flat roof on it, which needs
3 to be removed. That they want to add a
4 second story to that. Not extending out any
5 further than the already existing house.

6 I think that's pretty much --

7 pretty basic.

8 CHAIRPERSON GRONACHAN: All
9 right. Thank you.

10 Is there anyone in the
11 audience that wishes to state their concerns
12 in regards to this case?

13 (No audible responses.)

14 CHAIRPERSON GRONACHAN: Seeing
15 none, I'm going to turn it over to the
16 building department. I think they have some
17 information for us this evening.

18 MR. WALSH: Thank you. I passed
19 out a document and I also gave a copy to the
20 applicant.

21 Just to clarify, the proposed
22 setbacks and the variance request.

23 So the sideyard is being
24 proposed at 5.5 with a variance of four and a
25 half feet, and total aggregate is at 10.7 for

0009

1 a variance of 14.3. And I also included a
2 plot plan that indicates those dimensions for
3 you, too.

4 CHAIRPERSON GRONACHAN: Just for
5 clarification for the board members, in our
6 packet, page four, I believe that was
7 included, those numbers were off so the

8 building department provided this information
9 for us so there is clarity.

10 It doesn't change anything in
11 terms of advertising for the dimensions, they
12 still stand.

13 So is there anyone on the
14 board that has any questions for the
15 petitioner?

16 MR. BYRWA: Yes, I do. Has there
17 been any written opposition from any of the
18 neighbors or neighborhood?

19 CHAIRPERSON GRONACHAN: Thank
20 you. Secretary, can you tell us if we
21 received any --

22 MR. FERRELL: Yes. Twenty-six
23 were mailed, zero return, zero approvals and
24 zero objections.

25 CHAIRPERSON GRONACHAN: That

0010

1 would answer your question.

2 MR. BYRWA: Very good. Just to
3 add a point, I believe the building code,
4 they get into a -- what they call a fire
5 separation distance of at least five -- a
6 minimum of five feet from the structure to
7 the lot line, and supposedly, the neighboring
8 property has a five foot -- from a minimum of

9 five foot from the structure to their lot
10 line, given a total of a minimum of 10 feet.

11 And for fire separation
12 purposes, 10 feet is the -- they have a fancy
13 word called conflagration, which is the
14 ability of a fire to jump to one structure to
15 the next, and he is over the minimum
16 requirement of the ten feet.

17 So I would be in favor of the
18 variance with no opposition in him meeting
19 the minimum 10-foot fire separation between
20 structures.

21 CHAIRPERSON GRONACHAN: Thank
22 you. Anyone else? Member Sanghvi.

23 MR. SANGHVI: Thank you, Madam
24 Chair.

25 These are very small lots, as
0011

1 we know, and they all need variances to build
2 anything worthwhile.

3 I know this is a small lot
4 and I don't see how they can build anything
5 worthwhile without some variances.

6 And I have no problem with
7 regard to this variance for this particular
8 request. Thank you.

9 CHAIRPERSON GRONACHAN: Thank

10 you. Anyone else?

11 I will put my comments on the
12 record. I was out to the petitioner's home
13 on Sunday, and good old Walled Lake, West
14 Lake Drive is good old West Lake Drive. It
15 is non-conforming lot. There are beautiful
16 homes out there. It's cleaned up
17 considerably through the years.

18 I think that this is a
19 minimum request which is always less is
20 better, and I will also be in full support of
21 the petitioner's request.

22 So having said that, does
23 anyone have preparation for a motion? Member
24 Krieger.

25 MS. KRIEGER: In Case No.

0012

1 PZ15-0005, for 1653 West Lake Drive, I move
2 to approve the request for the variance.

3 The need for the variance is
4 not self-created. The lots as previously
5 stated during our conversation is that
6 they're all non-conforming. The strict
7 compliance with dimensional regulation of the
8 zoning ordinance will unreasonably prevent
9 the petitioner from using the property for a
10 permitted purpose, and will make it

11 unnecessarily burdensome to comply with the
12 regulations.

13 The petitioner has
14 established that the variance is the minimum
15 variance necessary. You have put in for the
16 minimum requested, as given to us in our
17 packets and there will be the fire codes
18 adhered to.

19 And the requested variance
20 will not cause adverse impact on surrounding
21 property, property values or enjoyment of the
22 property in the neighborhood. The neighbors
23 would still be able to have their views of
24 the lake.

25 MR. SANGHVI: Second.

0013

1 CHAIRPERSON GRONACHAN: It's been
2 moved and seconded. Is there any further
3 discussion in regards to this matter?

4 (No audible responses.)

5 CHAIRPERSON GRONACHAN: Ms.
6 Pawlowski, would you please call the roll.

7 MR. FERRELL: Yes.

8 MS. PAWLOWSKI: Member Ibe?

9 MR. IBE: Yes.

10 MS. PAWLOWSKI: Member Krieger?

11 MS. KRIEGER: Yes.

12 MS. PAWLOWSKI: Member Sanghvi?
13 MR. SANGHVI: Yes.
14 MR. FERRELL: Member Byrwa?
15 MR. BYRWA: Yes.
16 MS. PAWLOWSKI: Member Richert?
17 MR. RICHERT: Yes.
18 MS. PAWLOWSKI: Member Montville?
19 MR. MONTVILLE: Yes.
20 MS. PAWLOWSKI:
21 Chairperson Gronachan?
22 CHAIRPERSON GRONACHAN: Yes.
23 MS. PAWLOWSKI: Motion passes
24 eight to zero.
25 CHAIRPERSON GRONACHAN:
0014
1 Congratulations. Your
2 variance has been approved. I guess you'll
3 have a conversation now with the building
4 department. Good luck.
5 MR. STREHL: Thank you very much.
6 CHAIRPERSON GRONACHAN: Can I
7 just clarify, I know I'm a little out of
8 order.
9 Mr. Montville, because he is
10 the alternate, we have a full board. He
11 would not be voting tonight, correct?
12 MS. SAARELA: That's correct.

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CHAIRPERSON GRONACHAN: Do we
need to redo that or no?

MS. SAARELA: No, because I don't
think it would change anything.

CHAIRPERSON GRONACHAN: Wow,
there is a big audience crowd tonight, so we
will call our next case, Case No. PZ15-0007,
Bottlz, at 31260 Wakefield.

If you would like to come on
down.

The applicant is requesting a
variance from the City of Novi, Code of
Ordinances Section 28-53 to allow a second
ground sign of 30 square foot.

The property is located east
of Novi and south of Fourteen Mile. The City
of Novi Code of Ordinances permits a single
ground sign in an RA residential acreage
district.

Would you please state your
name and if you're not an attorney, raise
your right hand and be sworn in by our
secretary.

MR. JASTER: My name is Richard
Jaster, J-a-s-t-e-r.

MR. FERRELL: Do you affirm to

14 tell the truth in Case No. PZ15-0007 Bottlz,
15 B-o-t-t-l-z, 31260 Wakefield?

16 MR. JASTER: I do.

17 CHAIRPERSON GRONACHAN: Please
18 proceed.

19 MR. JASTER: So, yes, we have
20 Bottlz, which was the old Maples of Novi golf
21 course, and we have one ground sign is right
22 now that's right at the entrance of the
23 Maples of Novi subdivision.

24 So their sign right there,
25 our sign is right there. As you're coming

0016

1 down Fourteen Mile from Welch Road, it's very
2 difficult to see the sign, and again, coming
3 from Novi, from the east -- or from the west
4 heading east, there is berms and things there
5 that also make it very difficult. That's one
6 of the comments that the customers that have
7 come to us so far have said, that it's very
8 difficult to find us.

9 And so what we are looking to
10 do is I'm sure you have seen where we have
11 the temporary sign to place the 30 square
12 foot sign, which will have the changeable
13 banner at the top, because we offer many
14 different special events. We have wine

15 tasting, beer tasting, and once the golf
16 course opens, we will be having special
17 events with the golf course as well.

18 So it's really just -- when
19 that sign is there, it helps bring people in.
20 When I had to take the sign down for a little
21 while, business dropped almost 50 percent
22 just by the loss of that sign.

23 So it's a very vital part to
24 the success of our business.

25 CHAIRPERSON GRONACHAN: Okay.

0017

1 Anything else?

2 MR. JASTER: That's it.

3 CHAIRPERSON GRONACHAN: There
4 clearly is no one in the audience to state
5 their concerns tonight, so I'm going to turn
6 it over to my secretary. Is there any
7 correspondence?

8 MR. FERRELL: Yes, there is quite
9 a few. 555 mailed. Eight returned, zero
10 approvals -- I can't read that --

11 MS. PAWLOWSKI: I think it said
12 seven.

13 MR. FERRELL: There is seven
14 total, okay. Several approvals and three
15 objections.

16

We will read through them.

17

First objection is from

18

Jerome M. Salesin, S-a-l-e-s-i-n, and Marilyn

19

A. Salesin, S-a-l-e-s-i-n, at 206 Winslow

20

Circle, Walden Pond Condominiums. "Reason

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for objections. The sign in question is at a

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main entrance of Maples of Novi. Having a

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large second sign will cause confusion. This

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becomes a hazard, distraction for drivers,

25

which would further increase an already

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hazardous entrance. Many accidents at this

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entrance. Would have a detrimental effect on

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Walden Pond Condos property values as lights

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would shin in the backs of lots on Fourteen

5

Mile Road." Continuing with theirs. "There

6

is already an existence -- a light sign at

7

the entrance to the Maple of Novi

8

Condominiums which has been there for at

9

least 15 years. We have lived across

10

Fourteen Mile Road from it. This is

11

currently the only non-resident location in

12

the Maples of Novi complex. It was

13

originally the site of Maples of Novi club,

14

which was reserved for the residents of the

15

condo complex and not really a retail

16

establishment. Only recently has there been

17 a restaurant in this location. And the
18 signage was sufficient for the restaurants
19 that were there. The ordinance that Bottlz
20 restaurant wishes to change is a standard for
21 all the community residents in Novi and
22 change in that ordinance would therefore set
23 a precedent which will allow any and all
24 others to request the same for them, even if
25 they have no retail establishment in their

0019

1 complex. This entrance to Maples of Novi is
2 considered a rather dangerous entry. As it's
3 both an entry to the complex as well as an
4 entry to the restaurant. The entry to our
5 complex, Walden Pond, is directly across
6 Fourteen Mile Road for that entrance and
7 there are cars and trucks turning in both
8 directions, many at the same time, which
9 causes the vehicles to use the turn-in lanes
10 to drive through at the same time. There
11 have been numerous accidents because of the
12 situation. An additional 30-foot sign would
13 certainly cause more of a hazardous
14 distraction for drivers that could lead to
15 more accidents at the intersection.

16 A 30-foot sign would
17 certainly cause excessive of lights to shine

18 in the back windows of units directly cross
19 from it on the north side of Fourteen Mile
20 Road. This would certainly lower the
21 properly value of those units, which in turn
22 would lower the property values in Walden
23 Pond Condominiums. Respectfully Submitted."

24 Second objection. This is
25 from Alice, A-l-i-c-e, K-o-u-r-t-s-i-a-n, at

0020

1 41494 Cypress Way, Novi, Michigan 48377. She
2 says, there is always several tacky signs
3 displayed. If this restaurant's goal is to
4 be upscale, to exhibit another large sign
5 might" -- I can't this read this -- "a
6 residential entrance is completely
7 unnecessary. A restaurant should use other
8 promotional ideas without being obstructive."

9 The next objection is from Ruth Fraser,
10 F-r-a-s-e-r, at 31185 Rolling Grove. She says, "We
11 want larger signage close to our property. We also
12 don't want Bottlz traffic going through our
13 subdivision."

14 Onto an approval from Maurice, M-a-u-r-i-c-e,
15 looks W. Sanders, S-a-n-d-e-r-s, 41606, looks like
16 Kentworth Lane, Novi. It's just an approval.

17 And another, just approval is Margarita,
18 M-a-r-g-a-r-i-t-a, B-u-s-c-i-g-l-i-o, 41857, Canterbury

19 Drive, Novi, 48377.

20 Another approval from Amanda Rhoades,
21 A-m-a-n-d-a, R-h-o-a-d-e-s, 41613 Sleepy Hollow Drive
22 it's an approval, "A welcomed business in our
23 community."

24 Another approval from Sheldon
25 Rogers, S-h-e-l-d-o-n, R-o-g-e-r-s, 41720

0021

1 Sleepy Hollow Drive, Novi 48377. It's an
2 approval. "We want the restaurant to be
3 successful. We have dined there and found it
4 to be very pleasant. The staff and food is
5 marvelous.

6 Another approval from Olga, I
7 can't read it, O-l-g-a, it looks O-b-l-a-k,
8 41770 Independence, Novi.

9 Another approval from Christie,
10 C-h-r-i-s-t-i-e, Weindorf, W-e-i-n-d-o-r-f, 1641 West
11 Lake Drive.

12 Another approval from Isabel Dause,
13 I-s-a-b-e-l, D-a-u-s-e, 1661 Harbor Cove, approval.

14 And that is it.

15 CHAIRPERSON GRONACHAN: Thank
16 you, Member Ferrell.

17 Building department?

18 MR. WALSH: No comments. Thank
19 you.

20 CHAIRPERSON GRONACHAN: Thank
21 you. Board members, any questions? Member
22 Sanghvi.

23 MR. SANGHVI: Thank you. I was
24 there at your place a couple of days ago. I
25 looked at it.

0022

1 The original sign was part of
2 the golf course?

3 MR. JASTER: The existing Bottlz
4 sign has partial Bottlz and partial golf
5 course on it.

6 MR. SANGHVI: The sign you are
7 referring to, your application
8 (unintelligible) is not visible?

9 MR. JASTER: Yes, it's not
10 visible. It's just difficult to see at
11 45 miles an hour.

12 MR. SANGHVI: (Unintelligible).

13 MR. JASTER: I don't know.

14 MR. SANGHVI: Instead of a new
15 sign, a new sign on the golf course, that is
16 a totally different kind of sign.

17 MR. JASTER: The thing is, that,
18 you know, people from across the street say,
19 people come down that hill at 45 miles an
20 hour, and they don't see that sign until the

21 very last minute because it is difficult to
22 see. And then all of a sudden they are
23 hitting their brake and making the sharp turn
24 into the subdivision.

25 So I can see why it does

0023

1 create problems. I think that having the
2 sign further over -- and we also -- like I
3 said, we have several special events that we
4 need to be able to advertise.

5 The sign says open to the
6 public on it, but nobody knows it's open to
7 the public.

8 So that is the comments I've
9 gotten so far is that people don't know it's
10 there and that it's open to the public.

11 And so we need something a
12 little bit -- has a little better visibility
13 to it so that we can attract those people to
14 come in.

15 MR. SANGHVI: Do you have
16 problems because of the location or the size?

17 MR. JASTER: The location and the
18 size, yes.

19 MR. SANGHVI: I see. Thank you.

20 CHAIRPERSON GRONACHAN: Thank
21 you, Member Sanghvi.

23

Is it going to be like a

24

digital display --

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MR. JASTER: Yes, at the very

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top, like about a foot at the top of it will

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be the digital, changeable sign.

3

MR. RICHERT: That's all I have.

4

CHAIRPERSON GRONACHAN: Thank

5

you. Anyone else?

6

MS. KRIEGER: Would there be a

7

timing on that sign, the changeable sign like

8

during hours of operation?

9

MR. JASTER: You know, it pretty

10

much we are going to be advertising on that,

11

like we have a lot of Wednesday evening

12

specials. You know first Wednesday of the

13

months is wine tasting, second Wednesday is

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beer tasting, third Wednesday is scotch

15

tasting, fourth Wednesday is chef classes.

16

That's pretty much what it's

17

going to be on the top of that thing. It

18

will probably most likely be there most of

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the week. It's not going to be something

20

that's going to continually change.

21

So probably just say, wine

22

tasting Wednesday on it.

23

MS. KRIEGER: So it won't be

24 changing every couple of minutes?

25 MR. JASTER: No, absolutely no.

0026

1 MS. KRIEGER: Essentially a
2 lit-up sign that you can change per day?

3 MR. JASTER: Or -- yes.

4 MS. KRIEGER: Then after hours
5 when the business is closed for the night,
6 the light will be off?

7 MR. JASTER: I'm sure we could do
8 that.

9 MS. KRIEGER: Thank you.

10 CHAIRPERSON GRONACHAN: Thank
11 you.

12 Anyone else?

13 Member Ibe, go ahead.

14 MR. IBE: Thank you, Madam Chair.

15 Sir, the factors we are to
16 consider, in coming to a rational conclusion
17 whether or not to grant the variance you're
18 requesting, calls for us to determine whether
19 there was, in fact, practical difficulty.

20 In arriving at that
21 conclusion, we have to look at some other
22 factors, such as that the condition here is
23 not, you know, wasn't self-created.

24 Can you please elaborate a

25

little bit for me, why I should believe that

0027

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this condition is not something that you

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talked about, and that's self-created, in

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other words, this restaurant is located

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within a subdivision.

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I'm trying to grasp why I, as

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an individual member, should look at the

7

exceptions here and grant the request you're

8

making.

9

So what is it -- what is the

10

practical difficulty that you're having?

11

MR. JASTER: Mostly it's

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visibility. I mean, on several of the

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reviews that I've gotten from people that,

14

you know, do it on, you know, Yelp or on

15

Facebook, they send reviews.

16

And they said that they

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thought the sign was confusing because they

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weren't sure if it was a restaurant or the

19

golf course. Because it says Bottlz and it

20

says Maples Golf Course right on the same

21

sign. You know we try to distinguish it by

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color, but, you know, it still is a problem.

23

That's really the main factor

24

or is in the past, as the one letter said,

25

that the Maples was a clubhouse for the

0028

1 subdivision at one time, and wasn't really --
2 you know, had the signage for an open
3 restaurant, which it eventually became. And
4 all they did was put on there a round stick
5 on letters, open to the public.

6 I have driven past that
7 building -- I have lived in the Commerce area
8 to go to church in Farmington Hills, I have
9 driven past that building for 30 years and I
10 never realized that it was a restaurant open
11 to the public. And that's a problem.

12 So that's why we are trying
13 to get the signage so that we can, you know,
14 make it visible to the people that they know
15 that it is a restaurant and -- I would love
16 to have an entrance off of Fourteen Mile.
17 Because I really don't like having to have my
18 customers to go into the subdivision to get
19 into the parking lot, but having talked with
20 Tom a little bit, he said it will be a lot
21 more difficult.

22 So right now we are trying to
23 do the best we can by offering additional
24 signage.

25 MR. IBE: How long has this

0029

1 restaurant been there?

2 MR. JASTER: We opened ten weeks
3 ago.

4 MR. IBE: So it's fairly new?

5 MR. JASTER: Yes. We have owned
6 the building since February 28 last year and
7 then it took me 11 months to turn it around
8 and remodel it and bring it up to the point
9 it is. We opened for business January 17th.

10 MR. IBE: So your analysis of
11 your customers not finding this is based on
12 just ten weeks?

13 MR. JASTER: Yes. We have had
14 many comments on that.

15 MR. IBE: So it's just based on
16 ten weeks?

17 MR. JASTER: Ten weeks, yes.

18 MR. IBE: So you don't have a
19 long history to compare it to, just what has
20 happened in the last ten weeks. You just
21 opened, of course.

22 MR. JASTER: But as I said
23 earlier, we had the temporary sign up and
24 then I had to take that sign down because it
25 was non-conforming.

0030

1 In the week that we had the

2 sign down, business dropped almost 50 percent
3 on those days. We were getting 30 to 40 to
4 50 people a night in, and once the sign came
5 down, that said, you know, open 5:00 p.m. on
6 it, it dropped down to 15 to 20 people in
7 those -- that's when I came in and talked
8 with the building department.

9 And when I put the sign back
10 out again, when I was able to put the sign
11 back out again, the numbers jumped right back
12 up again.

13 MR. IBE: So is the sign, is that
14 the main thing that attracts them? How did
15 they find out about the restaurant in the
16 first place, just driving down the street,
17 oh, here is a restaurant, let me just drive
18 in.

19 MR. JASTER: That is a big factor
20 of it. I mean, I have done billboards on 275
21 and on I96 and we have had over -- you know,
22 in our ten weeks of existence, we have had
23 over 3,000 hits on Yelp. And the Yelp people
24 say that that's on fire. You know, they are
25 impressed by it.

0031

1 So, you know, people are
2 trying to find us. And one of the other

3 problems is when you click on the address --
4 I think it's through Microsoft or one of them
5 it actually sends you to a house in the
6 subdivision. It doesn't -- you know, so I
7 have been able to get Google to change their
8 location, so when you get directions it
9 brings you to the restaurant.

10 But, you know, big part of it
11 is they drive right by it because they don't
12 know it's there.

13 MR. IBE: What about the concerns
14 of -- I mean, you do have some approvals.
15 What about the neighbors who obviously are
16 concerned about, what this additional sign
17 will bring. I mean, obviously, part of
18 factor we will look at whether or not the
19 adjacent or surrounding properties are going
20 to be adversely effected obviously by the
21 variance you're requesting for.

22 What do you say to that?

23 MR. JASTER: Well, the ones for
24 across the street -- there is not going to be
25 any signs -- not going to be any lights

0032

1 shining that way because the light will be
2 perpendicular to Fourteen Mile and the light
3 of the sign will go east and west, not north

4 and south.

5 And as mentioned, you know,
6 we can easily -- we don't have long hours.
7 We are not a bar. We are not open until 2:00
8 in the morning. We are open until 11:00 on
9 Friday and Saturday, 10:00 on the weekdays,
10 9:00 on Sunday.

11 So if it needs to have a
12 timer on it, that shuts it off once the
13 restaurant is closed, that's not a problem.

14 So it's not going to be
15 shining in anybody's windows in the evening.

16 MR. IBE: This subdivision, do
17 they have a homeowners association?

18 MR. JASTER: Yes. In fact, I
19 expected Mr. Wallace to be here. He had said
20 Saturday when he was in that he was going to
21 come and represent the association. You
22 know, he said it was going to cost me soup
23 for a year, but --

24 MR. IBE: Did he give you a
25 letter from the homeowners --

0033

1 MR. JASTER: I don't know. He
2 said that he was going to be here tonight. I
3 don't know what happened that he didn't show
4 up.

5 MR. IBE: I assume he was going
6 to be here to speak on behalf of himself or
7 the homeowners?

8 MR. JASTER: On behalf of the
9 homeowners association. He's one of the
10 board members.

11 MR. IBE: I see. So when did you
12 contact him about this problem you're having?

13 MR. JASTER: When did I contact
14 who?

15 MR. IBE: The gentleman you're
16 refering to?

17 MR. JASTER: Mr. Wallace?

18 MR. IBE: Yes.

19 MR. JASTER: I had told him
20 probably a month ago that I was putting --
21 had put in the application.

22 MR. IBE: You don't know if he
23 had a meeting of the homeowners to let them
24 know about --

25 MR. JASTER: They did. They

0034

1 discussed it at their last homeowners
2 association meeting which was about -- I
3 think about ten days ago.

4 MR. IBE: Unfortunately he's not
5 here today?

6 MR. JASTER: Yes. He told me
7 Sunday that he was going to be here.

8 MR. IBE: You think it's because
9 he had a change of heart or --

10 MR. JASTER: I don't think so.
11 He's actually one of our best customers.
12 He's in there four or five times a week.

13 MR. IBE: I see. Well, very
14 well. Thank you so much. Appreciate it.

15 CHAIRPERSON GRONACHAN: Anyone
16 else? Member Montville?

17 MR. MONTVILLE: Just so I have a
18 firm understanding.

19 So you had a sign out there,
20 they took it down, then business dropped
21 50 percent?

22 MR. JASTER: Right. I had put
23 that sign out, and then I got a notice from
24 the city that it was a non-conforming sign
25 and I had to remove it and put it up by the

0035

1 building.

2 MR. MONTVILLE: Then you put in
3 the temporary sign right now that's closer
4 towards Novi Road?

5 MR. JASTER: That was the sign
6 that I had out. And then once I got the

7 notice that I had to take it down, I moved it
8 up next to the building.

9 And then when I came in and
10 talked to the building department, they said
11 I was -- once I put the application in for
12 the variance, then I would be able to put a
13 temporary sign back out, then I could put
14 that sign back out again.

15 MR. MONTVILLE: Did you see an
16 increase in business once you put that
17 sign --

18 MR. JASTER: Absolutely. I mean,
19 the only advertising we did for Easter Sunday
20 brunch was on that sign. We had 150 people
21 come in. It was on the sign for about five
22 days.

23 MR. MONTVILLE: That's all I
24 have. Thank you.

25 CHAIRPERSON GRONACHAN: Thank

0036

1 you.

2 I have a lot of questions. I
3 think that you have done a very good job
4 presenting your plight.

5 First of all, welcome to Novi
6 as a business.

7 MR. JASTER: Thank you.

8 CHAIRPERSON GRONACHAN: I'm
9 excited that there is going to be a
10 restaurant in that area.

11 Having said that, I did drive
12 up and down Novi Road -- listen to me.
13 Fourteen Mile.

14 And I too am familiar with
15 the history of that restaurant as well as the
16 challenges on Fourteen Mile.

17 I want to thank you for
18 addressing the concerns of the neighbors and
19 the objections of the letters that we
20 received.

21 But I have a few things that
22 I would like my fellow board members to take
23 into consideration.

24 First of all, I think that
25 the uniqueness of this request is for

0037
1 identification to be separated from the golf
2 course.

3 The golf course has a history
4 and there has been a change in business.

5 So I feel that splitting the
6 signs would be advantageous and perhaps cut
7 down on some of the safety concerns that were
8 addressed by the letters that we received.

10 other drivers.

11 I would love the Novi police
12 department to do that, however, it's not
13 going to be a reality at this point.

14 We addressed the lights and
15 that you were -- this petitioner is in
16 agreement to limiting the light so that it
17 doesn't affect the neighbors.

18 I believe that splitting this
19 sign would address some of the safety
20 concerns and perhaps -- I am not a traffic
21 expert. However, when you're coming down
22 Fourteen Mile and crossing past that berm,
23 and that sign for the golf course is too far
24 in, I'm not surprised that the golf course
25 isn't here to ask for something.

0039

1 So I believe that if you move
2 the sign, that it would cause -- it would
3 resolve most of the issues that you are
4 talking about.

5 Now, having said all of that,
6 there were four lights in the ground.

7 Can you tell me what the
8 history is of those four lights?

9 MR. JASTER: Yes. I had a permit
10 for a grand opening sign and that's where the

11 grand opening sign was.

12 I just haven't taken those
13 lights. They are not plugged in or anything.

14 CHAIRPERSON GRONACHAN: So those
15 lights are going away?

16 MR. JASTER: Yes, in fact, the
17 reason I had not taken them out until this
18 point is they had been frozen into the
19 ground, so now they're not, so I can take
20 them out.

21 CHAIRPERSON GRONACHAN: I have a
22 question for the building department.

23 Tom, is it possible other
24 than that ground sign, if the petitioner is
25 granted a variance, is it possible for -- I'm

0040

1 walking down a slippery slope here -- but is
2 it possible for a sign in the ground as
3 opposed to -- I know that look. As opposed
4 to if the sign that he's going to put in, is
5 going to be similar to the sign that is there
6 now, but further down, correct, am I
7 understanding that correctly?

8 MR. WALSH: It's going to be a
9 different sign.

10 MR. JASTER: Yes, it will be
11 different.

12 MR. WALSH: It's going to be a
13 ground sign.

14 CHAIRPERSON GRONACHAN: It's
15 going to be a ground sign?

16 MR. WALSH: Your traditional
17 ground sign.

18 CHAIRPERSON GRONACHAN: Because
19 where those lights were almost looks like
20 there was a sign there. Like there was a
21 pole sign.

22 MR. JASTER: My grand opening
23 sign. I put those lights in myself.

24 CHAIRPERSON GRONACHAN: There was
25 nothing there --

0041

1 MR. JASTER: I had a two foot by
2 five foot grand opening January 17 that I was
3 able to keep up for a two or three week
4 period.

5 CHAIRPERSON GRONACHAN: Well, you
6 addressed all my concerns. I am in full
7 support of this.

8 I will be honest with you, I
9 wasn't when I drove out there.

10 But your presentation and the
11 concerns that we have addressed in terms of
12 the other residents, and this board member

13 would support your request. I have nothing
14 else.

15 MR. JASTER: Thank you.

16 It's also more difficult in
17 the winter time when they have snow plowed
18 there and they plow that entrance, it almost
19 buries that sign, too.

20 CHAIRPERSON GRONACHAN: There is
21 another degree of difficulty.

22 Anybody else?

23 MR. IBE: One question for the
24 city, please.

25 Prior to -- this may be a

0042

1 silly question, but maybe the answer will
2 answer it for me.

3 Prior to this restaurant
4 being placed in this subdivision,
5 residential, did the building department have
6 to get some kind of approval to get this done
7 first?

8 MR. WALSH: As far as the use or
9 the --

10 MR. IBE: The use.

11 MR. WALSH: It was a pre-existing
12 use. There was a restaurant there previous.

13 MR. IBE: There was a restaurant

14 there.

15 MR. WALSH: Originally, yes.

16 MR. IBE: Was it open to the
17 public, the previous restaurant there?

18 MR. WALSH: It was, yes.

19 MR. JASTER: Yes.

20 MR. IBE: I thought they said it
21 was a golf course -- private -- for the
22 members only?

23 CHAIRPERSON GRONACHAN: If I may.
24 It was a restaurant for Maples of Novi, then
25 Maples of Novi opened it up to the public.

0043

1 I know that because I used to
2 go there.

3 MR. IBE: So there was obviously
4 no permits, nothing of that nature. It was
5 just pre-existing and they just moved right
6 in?

7 MR. WALSH: That is correct.

8 MR. IBE: All right. Did we know
9 of any history of any prior request for
10 variance by the previous restaurant there for
11 similar -- any history that we know of?

12 MR. WALSH: I didn't find any
13 past history.

14 MR. IBE: Sir, what makes you so

15 different from the prior restaurant that you
16 think you require an additional sign?

17 MR. JASTER: Well, as the
18 Chairperson said, it was originally kind of a
19 private club for the subdivision, and that's
20 where I think that original sign came from.

21 When they opened it up to the
22 public, and actually, I think it was the
23 Ram's Horn that used to be right there at
24 Fourteen Mile and Novi Road, in that strip
25 center, actually kind of moved over into

0044

1 that, he came in and he wasn't there very
2 long, the people didn't like him, they didn't
3 like his food and then they didn't support
4 him and that's why he has gone out of
5 business.

6 But I got, I believe a big
7 part of it was because people didn't know
8 that that was a restaurant that was open to
9 the public.

10 MR. IBE: You're speculating?
11 You're not for sure?

12 MR. JASTER: I am speculating.

13 MR. IBE: I like facts. If you
14 don't have facts, just don't speculate.

15 MR. JASTER: Okay.

16 MR. IBE: All right. Very well.

17 Thank you, sir.

18 MR. BYRWA: I have a question for
19 the building department.

20 CHAIRPERSON GRONACHAN: Certainly.

21 MR. BYRWA: The site plant really
22 doesn't show where the right-of-way is.

23 Would you know, is that
24 Fourteen Mile Road a 120 road and
25 right-of-way?

0045

1 And then the second question
2 is, the sign isn't located on part of the
3 right-of-way, it's entirely on private
4 property?

5 MR. JASTER: Correct, yes.

6 MR. WALSH: As far as the
7 right-of-way width, I'm not sure if it's 120
8 or 150, but the line kind of indicates, if
9 you look at his plot plan, best thing to
10 describe it, is where the north arrow is, you
11 see kind of a line there.

12 MR. JASTER: Mr. Walsh pulled up
13 the aerial view when we were there. Because
14 I kind of figured that the sidewalk would
15 have been on public property.

16 When he pulled up the aerial

17 view of it, the right-of-way is to just about
18 four or five feet from the telephone pole
19 between the sidewalk --

20 MR. BYRWA: There is no
21 encroachment or anything?

22 MR. JASTER: No.

23 MR. BYRWA: It's entirely on
24 private property?

25 MR. JASTER: Yes.

0046

1 MR. BYRWA: Okay. Thank you.

2 CHAIRPERSON GRONACHAN: Anyone
3 else? I know that everybody is in deep
4 thought.

5 MS. KRIEGER: Further question.
6 For the previous restaurant, Maples of Novi,
7 they been in there -- how long were they in
8 there? Is there any information on that?

9 MR. JASTER: I'm not sure how
10 long the restaurant that was open to the
11 public was there. I'm guessing, I think
12 about a total of four years between two
13 different restaurants. The building was
14 built in 1992.

15 MS. KRIEGER: Okay.

16 CHAIRPERSON GRONACHAN: If I can
17 answer, I can answer that question. It was

19 would have a question for the building
20 department.

21 So the fact that they're
22 taking their name off of the first sign,
23 they're removing the restaurant name off the
24 first sign, why do they need a variance for
25 the second one then?

0048

1 MR. WALSH: The property is only
2 allowed one ground sign. Even though there
3 is technically two tenants, golf course and
4 the restaurant. So they get to share or have
5 one sign.

6 CHAIRPERSON GRONACHAN: I flunked
7 in that -- that question was on my test and I
8 didn't get it. Thank you.

9 Anyone else?

10 (No audible responses.)

11 Do I have a motion?

12 Really guys, you're going to
13 make me do this on my first night.

14 MR. IBE: One more minute.

15 MS. SAARELA: Not sure we should
16 be having discussions off the record.

17 MR. IBE: If we are to place
18 restrictions for this particular applicant
19 for the life of the sign, will that be okay,

20 if we decided to grant it?

21 MS. SAARELA: If you wanted to
22 make it for this particular business, you can
23 do that, yes.

24 MR. IBE: That way -- we don't
25 want -- where someone comes in obviously I

0049

1 don't expect that will happen, but you never
2 know. All right.

3 I haven't felt comfortable,
4 but I think I feel comfortable enough to make
5 a motion to grant this.

6 Madam Chair, okay, may I
7 proceed?

8 CHAIRPERSON GRONACHAN: Proceed.

9 MR. IBE: In Case No. PZ15-0007,
10 I move that we grant the ordinance, in the
11 case sought by the applicant for the second
12 ground sign.

13 Because petitioner has shown
14 practical difficulty that would require the
15 granting of the application for the following
16 reasons.

17 Without the variance,
18 petitioner has demonstrated by his own
19 comments as well as some of the comments that
20 was presented by some other members, that

21 they will be unreasonably prevented or
22 limited with respect to the use of the
23 property.

24 It is a restaurant that is on
25 a private subdivision and a residential

0050

1 subdivision. And also has a golf course.

2 The customers obviously have
3 to find where they are going.

4 Without this sign, it might
5 make it far more difficult that the applicant
6 will have the opportunity to maximize the use
7 of this property for the purpose intended.

8 The property is unique, as
9 stated earlier, that it is located in a
10 subdivision, a residential subdivision and
11 although there is a current sign that is
12 shared by the restaurant as well as the golf
13 course, but the berms -- and the fact that
14 it's a 45 mile an hour road, makes it far
15 more difficult that someone who comes closer
16 to that sign will be able to see it right on
17 time, to turn into this restaurant.

18 Petitioner did not create the
19 condition. Obviously, the gentleman who
20 represents the restaurant has eloquently
21 stated that this restaurant has only been in

22 place for about ten weeks. And this business
23 wasn't there before.

24 Although there was a prior
25 restaurant that went out of business, we do

0051

1 not know exactly what caused it. But it is
2 reasonable to assume, based on the
3 presentations made by the applicant that
4 perhaps they didn't have enough customers
5 because nobody could find it.

6 While that is not something
7 that we know for a fact, but I think a
8 reasonable mind will almost come to that same
9 conclusion.

10 The relief granted will not
11 unreasonably interfere with adjacent or
12 surrounding properties.

13 The applicant has stated that
14 the -- he has brought this matter up before
15 the subdivision homeowners association.

16 In fact, the president of
17 that homeowners association was supposed to
18 be here tonight to present positive testimony
19 in support of the applicant.

20 However, the person is not
21 here, and obviously will assume and take the
22 credibility of the -- I'm sorry?

23

MR. JASTER: He's not the

24

president, just one of the board members.

25

MR. IBE: Very well. Thanks for

0052

1

the correction.

2

MS. EADDY: May I --

3

CHAIRPERSON GRONACHAN: Not right

4

now. I'm sorry, ma'am, out of order.

5

MR. IBE: The fact that the board

6

member was going to come here, in fact, it

7

was a meeting of the homeowners association

8

prior to this meeting today, that obviously

9

shows that the parties who matters, that live

10

in the subdivision are at least in support of

11

the applicant's request.

12

Finally, the relief is

13

consistent with the spirit and intent of the

14

ordinance.

15

The ordinance is meant to

16

insure that we don't have a proliferation of

17

signs everywhere.

18

However, the ordinance is not

19

that rigid that it doesn't see when an

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exception should be made, where there is

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perhaps traffic problems, loss of life

22

because people are speeding trying to get to

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a place.

24

And also we have to consider

25

that the applicant is in a business,

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1

obviously to make some living. How else are

2

you going to do it if there is no visibility.

3

This sign itself provides an

4

identification for this particular

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establishment, and continuing I think the

6

granting of this variance will allow this

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establishment to be able to make towards the

8

spirit of the ordinance.

9

I will also restrict the

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variance to this particular owner during the

11

life of the restaurant itself. If a new

12

owner -- if the restaurant is acquired by a

13

new owner, or it goes out of business, the

14

new owners, whoever decides to do something

15

with it, will have to file a new

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application, even if they intend to continue

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using a new sign.

18

Based on this and the

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applicant's comments, member's comments as

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well as documents presented, I move that we

21

grant the application.

22

MR. BYRWA: Agree to a time --

23

CHAIRPERSON GRONACHAN: Lights?

24

MR. IBE: The lights.

25

CHAIRPERSON GRONACHAN: Timers on

0054

1 the lights.

2 MR. IBE: Yes, timers on the
3 lights.

4 MR. BYRWA: At closing. The
5 light would be terminated at closing.

6 MR. JASTER: Like 15 minutes
7 after or so?

8 MR. IBE: Thank you so much for
9 the amendments.

10 The lights on that will be
11 turned off at least 15 minutes after closing,
12 which you said is based on the different
13 hours that you close on different days. Very
14 well.

15 MS. KRIEGER: Second.

16 CHAIRPERSON GRONACHAN: So we
17 have a motion and it's been seconded.

18 Is there any further
19 discussion?

20 I do have a question for the
21 city attorney.

22 There is a person that walked
23 into the audience that evidently has
24 something to say in regards to this case. We
25 can't change --

0055

1 MS. SAARELA: It's too late. If
2 you want to open up the public comment again
3 at the end of this, you can do that.

4 CHAIRPERSON GRONACHAN: I
5 figured. Thank you very much.

6 Seeing that there is no
7 further discussion at this time, Angela,
8 would you please call the roll.

9 MS. PAWLOWSKI: Member Ferrell?

10 MR. FERRELL: Yes.

11 MS. PAWLOWSKI: Member Ibe?

12 MR. IBE: Yes.

13 MS. PAWLOWSKI: Member Krieger?

14 MS. KRIEGER: Yes.

15 MS. PAWLOWSKI: Member Sanghvi?

16 MR. SANGHVI: Yes.

17 MS. PAWLOWSKI: Member Byrwa?

18 MR. BYRWA: Yes.

19 MS. PAWLOWSKI: Member Richert?

20 MR. RICHERT: Yes.

21 MS. PAWLOWSKI: Chairperson

22 Gronachan?

23 CHAIRPERSON GRONACHAN: Yes.

24 MS. PAWLOWSKI: Motion passes

25 seven to zero.

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CHAIRPERSON GRONACHAN:

Congratulations. Your sign
has been granted. Good luck to you.

MR. JASTER: Thank you very much.
Once you adjourn, you ought to come over for
a beverage.

CHAIRPERSON GRONACHAN: Thank you
very much.

In regards to other matters,
we have a late entry into the audience. I
would like to open public comments at this
time.

Ma'am, do you have something
to offer to the Zoning Board at this time?

If you would please come up
and state your name.

MS. EADDY: My name is Donna
Eaddy. I live in the Maples. I am a board
member of one of the associations in the area
where Bottlz is there.

He didn't know I was going to
be here tonight. I thought I would join in
and since he was down a person, so was just
going to add to the testament that it is a
positive, has been beneficial with his

business being there in our community. Thank

3 that it would be 30 minutes, so I just broke
4 my record. So maybe we do need a new
5 election. Just kidding.

6 MR. SANGHVI: No comments.

7 CHAIRPERSON GRONACHAN: Is there
8 any other matters for the board this evening?

9 MR. SANGHVI: Make a motion to
10 adjourn.

11 CHAIRPERSON GRONACHAN: I would
12 so entertain that motion.

13 MR. BYRWA: Second.

14 CHAIRPERSON GRONACHAN: It's been
15 moved and seconded that we adjourn the
16 meeting.

17 Meeting adjourned.

18 (The meeting was adjourned at 7:45 p.m.)

19 ** ** **

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0059

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 minutes taken before me in the above entitled matter was by me
7 duly sworn at the aforementioned time and place; that the minutes
8 were stenographically recorded and afterward transcribed by
9 computer under my personal supervision, and that the said minutes
10 are a full, true and correct transcript.

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

14 IN WITNESS THEREOF, I have hereunto set my hand at the
15 City of Walled Lake, County of Oakland, State of Michigan, this
16 28th day of April 2015.

17

18

19

Jennifer L. Wall CSR-4183

Oakland County, Michigan

21

My Commission Expires 11/12/15

22

23

24

25