

0001

REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, January 14, 2014

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, January 14, 2014

BOARD MEMBERS

- Linda Krieger, Chairperson
- Mav Sanghvi
- David Ghannam
- Rickie Ibe
- Brent Ferrell
- Cynthia Gronachan

ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

0002

INDEX

Case No.	Page
PZ-13-0065	6
PZ-13-0067	21
PZ-13-0068	26
PZ-13-0069	30
PZ-13-0070	34
PZ-13-0072	42

0003

Novi, Michigan.
Tuesday, January 14, 2014
7:00 p.m.
** ** *

CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Board of Appeals for January 14, 2014. Happy New Year to everybody.

Cindy Gronachan, if you could lead us with the Pledge. Thank you.

11 1_14_14 - Vol 1.txt
 12 (Pledge recited.)
 13 CHAIRPERSON KRIEGER:
 14 Ms. Pawlowski, if you could
 15 call the roll.
 16 MS. PAWLOWSKI: Member Ferrell?
 17 MR. FERRELL: Here.
 18 MS. PAWLOWSKI: Member Gedeon is
 19 absent, excused.
 20 Member Gerblick is absent,
 21 excused.
 22 Member Ghannam?
 23 MR. GHANNAM: Here.
 24 MS. PAWLOWSKI: Member Gronachan?
 25 MS. GRONACHAN: Here.
 0004 MS. PAWLOWSKI: Member Ibe?
 1 MR. IBE: Here.
 2 MS. PAWLOWSKI: Chairperson
 3 Krieger?
 4 CHAIRPERSON KRIEGER: Present.
 5 MS. PAWLOWSKI: Member Sanghvi?
 6 MR. SANGHVI: Here.
 7 CHAIRPERSON KRIEGER: We have a
 8 full board.
 9 This is a public hearing
 10 format and Rules of Conduct are in the back
 11 of the seating area, and there is also an
 12 agenda as well, if you needed to pick one up.
 13 And we have seven items on our
 14 case tonight, and if there any -- from the
 15 city, for the agenda, any, deletion,
 16 additions?
 17 MS. PAWLOWSKI: No.
 18 MR. WALSH: No.
 19 CHAIRPERSON KRIEGER: Very good.
 20 Approval of an agenda?
 21 MR. SANGHVI: So moved.
 22 MR. GHANNAM: Second.
 23 CHAIRPERSON KRIEGER: We have a
 24 motion and a second for the agenda. All in
 25 favor?
 0005 THE BOARD: Aye.
 1 CHAIRPERSON KRIEGER: Any
 2 opposed?
 3 (No audible responses.)
 4 CHAIRPERSON KRIEGER: Seeing
 5 none, we have an agenda.
 6 Minutes? No minutes? So we
 7 will have three next time?
 8 MS. PAWLOWSKI: Two.
 9 CHAIRPERSON KRIEGER: Next public
 10 remarks. If there is anyone in the public
 11 that has something regarding any of the cases
 12 to hold off until that time, and then, if
 13 not, anything else you may come up with at
 14 this time.
 15 (No audible responses.)
 16 Seeing none, close the public
 17 remarks at this time.
 18 And we will call our first
 19 case, PZ13-0065, 29770 Hudson Drive for
 20 Hengst Automotive.
 21

If you could, when you get up to the podium to spell your name -- yes, I'm sorry?

MS. SAARELA: Before we get

started, I just wanted to point out that since we have some regular members absent tonight, Ms. Gronachan will be able to vote as the alternate. She will be able to participate fully.

CHAIRPERSON KRIEGER: Very good. Welcome back.

MS. GRONACHAN: Thank you.

CHAIRPERSON KRIEGER: If you could spell your name for our court reporter and be sworn by our secretary if you are not an attorney, at the podium.

MS. MANTE: Good evening. My name is Iris Mante, it is spelled I-r-i-s, M-a-n-t-e, and I'm representing Hengst of North America 29777 Hudson Drive.

CHAIRPERSON KRIEGER: Are you an attorney?

MS. MANTE: No.

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

MR. IBE: In Case No. PZ13-0065, 29770 Hudson Drive, Hengst Automotive, do you swear or affirm to tell the truth?

MS. MANTE: Absolutely, yes, I will.

CHAIRPERSON KRIEGER: Sir, will you be participating as well?

MR. JOHNSON: Yes.

CHAIRPERSON KRIEGER: Are you an attorney?

MR. JOHNSON: No. Jay Johnson. It's J-a-y, J-o-h-n-s-o-n and I'm with Johnson Sign company.

CHAIRPERSON KRIEGER: If you could be sworn in.

MR. IBE: In Case No. PZ13-0065, 29770 Hudson Drive, Hengst Automotive, do you swear or affirm to tell the truth?

MR. JOHNSON: Yes.

MR. IBE: Thank you.

CHAIRPERSON KRIEGER: You may proceed.

MR. JOHNSON: Not really sure, every municipality handles this a little differently. From what I understand here, what they're allowed is a sign at 30 square feet and what we are requesting is a sign at 32 square feet.

First I owe the city a little bit of an apology. We went ahead and permitted the sign, had it made, and we were going to get ready to put it up when we discovered there would be a real directional problem.

So we went ahead and put the

7 vinyl graphics on the pole cover -- I think
8 you have copies of it, correct?

9 CHAIRPERSON KRIEGER: Yes. Go
10 ahead with the overhead, the people at home
11 will see it as well.

12 MR. JOHNSON: This is the sign
13 that we had permitted, improved and had
14 installed. Then when we discovered the
15 problem we had with directionals, we went
16 ahead and put the vinyl copy, main entrance
17 and delivery on the sign. So what the city
18 then said that counts as square footage.

19 That's what we are here for,
20 to increase it from 30 square foot to 32
21 square feet.

22 We then attempted to get a
23 directional sign at three square feet, but
24 you're not allowed to have a directional sign
25 only at each entrance. And I think this

0009
1 particular location, where they struggled a
2 little bit is the importance and we will put
3 this site plan up, which I think you also
4 have.

5 They struggle a little bit
6 where they -- more than a little bit as
7 traffic comes up, they need them to be able
8 to turn on Perry Court for their deliveries.

9 MS. MANTE: So more traffic comes
10 in here and the driver needs to makes the
11 decision here at this point, either the
12 deliveries, to the back of the building or to
13 the main entrance to the front.

14 That's why on this corner
15 here, that's not a good copy, I guess. You
16 can see that the main entrance delivery,
17 arrows pointing to the direction, which is
18 appropriate, whether it's for the delivery or
19 for main entrance.

20 MR. JOHNSON: I think when you
21 look at this, we are trying to prove a
22 hardship.

23 The hardship is we definitely
24 have to get a directional sign at that corner
25 at that intersection, which is not considered

0010
1 an entryway with the way the city has to
2 interpret it, and that's the critical part
3 for us to get people to turn right or turn
4 left. They got to make a decision at that
5 point.

6 If you look at a -- I have got
7 a larger print here that shows -- I don't
8 think that you have this, but I will try to
9 put it on, that shows that whole block.

10 If you see, if they end up
11 coming and miss Perry Court, the big semi's
12 that do all the delivering, then has to go
13 all the way down and go all the way around
14 the block, which becomes a real
15 inconvenience. Or they're going to make a
16 mistake of pulling into one of the neighbor's
17 parking lots, then trying to turn a big rig

18 around.

19 The main purpose of this is to
20 direct the traffic, the deliveries and the
21 semis that come to that entry off Perry.

22 So I think we got a unique
23 circumstance being on a corner lot that
24 drives off two different streets.

25 Do you have any questions in

0011
1 regards to --

2 CHAIRPERSON KRIEGER: You're all
3 set for now? Until -- you're done with your
4 presentation?

5 MR. JOHNSON: Do you ask
6 questions after we close it?

7 CHAIRPERSON KRIEGER: Right.

8 MR. JOHNSON: Do you have anymore
9 that you would like to input?

10 MS. MANTE: So this sign as it
11 was approved by the City of Novi, and now
12 this sign, as you see it, it has two words
13 and two arrows is what actually sits on
14 the -- actually installed.

15 And meanwhile I'm the office
16 manager for Hengst of North America receiving
17 the deliveries from the UPS trucks, and so
18 on, and pallets, they always say, it's good
19 direction, we didn't have to turn around.

20 So they actually pointed out
21 that it's actually helpful, that they know
22 that they have to turn on Perry in order to
23 come to the back of the building. They have
24 to turn here, the truck driver has to make
25 the decision here, you know, when he drives

0012
1 up here, that is too late.

2 CHAIRPERSON KRIEGER: I guess to
3 interject, then you're instructing your
4 drivers to come in from the west lake -- or
5 the west drive?

6 MR. JOHNSON: Yes.

7 CHAIRPERSON KRIEGER: Okay. Then
8 I will open it up to the public. Anybody in
9 the public have any remarks regarding this
10 case?

11 (No audible responses.)

12 CHAIRPERSON KRIEGER: Seeing
13 none, I will close it and open it up to the
14 city.

15 MR. WALSH: No comments at this
16 time.

17 CHAIRPERSON KRIEGER: Okay.

18 MS. SAARELA: I have no comments
19 either.

20 CHAIRPERSON KRIEGER: So I will
21 open it up to the board? Questions?
22 Minutes, please.

23 MR. IBE: Thank you, Madam Chair.
24 In Case No. PZ13-0065, there were 18 mails,
25 four return mail, zero approvals, zero

0013
1 objections.

2 CHAIRPERSON KRIEGER: Very good.

3 Yes, Member Sanghvi?

4 MR. SANGHVI: I have been to your
5 place and I see your problem. I have no
6 difficulty in supporting your variance.
7 Thank you.

8 CHAIRPERSON KRIEGER: Very good.

9 I also drove through today and
10 could -- now I understand for the directions,
11 and they're already telling them to come in
12 from the south, helpful to -- for your
13 company.

14 I don't have a difficulty with
15 it. Thank you.

16 MS. GRONACHAN: I have some
17 clarification questions, if you will.

18 So it is my understanding that
19 this is the permit sign that's up there now?

20 MS. MANTE: Correct.

21 MS. GRONACHAN: I certainly do
22 agree that there is a difficulty, especially
23 for the lay of the building, the location of
24 the building, and given the two
25 intersections, however, I was concerned that

0014
1 the whole purpose of this variance was for
2 directions. It almost seemed like the
3 directions were too low.

4 And the reason why I say that,
5 as I drove up, the yellow you can spot from
6 Pontiac, just kidding, but it's quite bright.
7 That's good. Especially if you are driving a
8 semi.

9 But the actual directional, if
10 it snows again the way it did, I almost would
11 like to see it up a little higher so that
12 particular -- those two particular directions
13 are not blocked for any circumstance.

14 Can you comment on that, is
15 there a reason why it's not on the top?

16 MR. JOHNSON: I think when we
17 originally did this, the sign was complete
18 and they're really pretty adamant and strict
19 about their logo. So we had to keep the
20 directionals off the yellow portion.

21 We could probably raise it up
22 some, but we tried to keep it as discrete as
23 we could, but yet be useful in directing
24 people.

25 You know, we didn't really

0015
1 want to bring a lot of attention to it, but
2 when the people were looking, they could
3 tell.

4 But we could easily -- that is
5 just nothing more than details, letters. We
6 can easily peel those letters off and raise
7 them up some. You know, put them a little
8 bit closer to the yellow, if needed.

9 MS. MANTE: I wanted to thank you
10 for observing that because obviously this all
11 helps to flow -- make a good traffic flow.

12 Although I want to remind you
13 back to the comment that I made before, which

14 I received from an actual delivery driver,
15 that they found us very easily, and knew,
16 okay, I have to turn onto Perry.

17 I think the delivery drivers
18 anyway have a trained eye for searching for
19 letters like that.

20 If you see that proportion
21 here of the Hengst Automotive sign that
22 actually our company, corporate -- company
23 log and that is not -- according to our
24 corporate guidelines is not to be altered in
25 any way, in the color, the proportions, in

0016
1 size, anyway there could not be listed
2 something in there or above there. This
3 would be absolutely forbidden for our
4 corporate guidelines.

5 And so I feel like that's a
6 nice harmony in terms of proportions, where
7 the main entrance and deliveries are
8 displayed.

9 So far --
10 MR. JOHNSON: We could raise them
11 up like three inches, if you wanted. It's
12 kind of an unusual winter.

13 MS. MANTE: I would not
14 necessarily -- I personally would not, if at
15 all possible, prefer to keep it that way
16 because when you see corporate signs, this
17 is, for example, headquarters Germany, we
18 are -- nothing is even close to that yellow
19 sign. It's just an empty base. There is
20 nothing listed in that besides underneath or
21 here -- our foundry up here, it's not a good
22 picture. It's always the yellow by itself.

23 MS. GRONACHAN: Madam Chair, if I
24 could just interrupt.

25 I understand that this is a
0017
1 corporate structure, but again, I'm going
2 back to the spirit of the variance and the
3 request.

4 Specifically, that people need
5 direction and guidance to find your business.
6 And so, I would be in support of raising that
7 three inches. If I'm looking to my other
8 members, for any further discussion or
9 guidance, since I'm a little rusty, I'm
10 coming out of semi-retirement, but I think
11 that you will understand what I'm saying,
12 especially when I drove out there, if there
13 is any snow, I just wouldn't want the
14 petitioner to have to come back not say, it's
15 not working.

16 That was my concern. Thank
17 you.

18 CHAIRPERSON KRIEGER: Thank you,
19 Member Gronochan.

20 Other questions, comments?
21 Yes?

22 MR. GHANNAM: I'm actually fine
23 with the way it is. I mean, I guess it's
24 your choice where you want to put it, if it

25
0018

works. I would be in support of it as-is. I
have nothing else.

CHAIRPERSON KRIEGER: Okay.

Anybody have a motion?

MR. IBE: I will take it. Madam

Chair, in Case No. PZ13-0065, Hengst
Automotive, I move that we grant the
petitioner's request as requested for the
following reasons.

One, the request is based upon
circumstances or features that are
exceptional and unique to the property and do
not result from conditions that exist
generally in the city or that are
self-created.

This property is located, I
think, has a two -- it's at a corner lot of
which two side entrances, and this particular
variance will help to create better traffic
flow into this establishment and also will
help to alleviate any issues that may cause
these semis that actually pull in and out of
this place.

The failure to grant relief
will unreasonably prevent or limit the use of
the property and will result in substantially

0019

more than a mere inconvenience or inability
to attain a higher economic or financial
return.

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

And granting the relief will
result in substantial justice being done to
support the application as well as the
adjacent or surrounding properties and is not
inconsistent with the spirit of the
ordinance.

Therefore, I move that we
grant your request.

MR. GHANNAM: Second.

CHAIRPERSON KRIEGER: We have a
motion and a second, any other discussion?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing
none, if Ms. Pawlowski could call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

0020

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson

Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. PAWLOWSKI: Motion passes six to zero.
CHAIRPERSON KRIEGER: Congratulations.
MS. MANTE: Thank you.
CHAIRPERSON KRIEGER: That brings us to our next case, PZ13-0067, for a lot located on the southwest corner of Thirteen Mile and Martin Street.
MR. HELWIG: Good evening. I'm the owner of that property. My name is Carl Helwig, C-a-r-l, H-e-l-w-i-g.
CHAIRPERSON KRIEGER: Are you an attorney?
MR. HELWIG: No, I'm just a layman.

0021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON KRIEGER: I will have our secretary swear you in then.
MR. IBE: Sir, in Case No. PZ13-0067, do you swear or affirm to tell the truth?
MR. HELWIG: Yes, I do.
CHAIRPERSON KRIEGER: Very good. Proceed.
MR. HELWIG: I have owned this piece of property now for over 30 years. And back in 2007, I was in front of the board and had an approval to split it. I had a potential buyer that changed his mind after I got the split and I didn't realize at the time that that was only good for 180 days. And so consequently at this time, I have got a potential buyer that wants to put two buildable homes on that site and I'd like to have it split into two lots. The property is larger today than it was then because there was a 20 foot alley behind that got vacated, so that added 10 feet to my property.

0022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

And what I'm asking is to have the property split into two lots of 8,800 square feet each for the buildable homes. That would increase the amount of taxes the city gets on that property instead of just vacant property, like I have been paying all these years.
CHAIRPERSON KRIEGER: Very good. Is there anyone in the public that has any remarks regarding this case?
(No audible responses.)
CHAIRPERSON KRIEGER: Seeing none, I will open it up to the city.
MR. WALSH: I just want to comment. Since the case was heard back in 2007, there is an alley in the back that has been vacated, so that's where the additional 10 feet has come from. So the lot is 80 by 110 for a total of 8,800 square feet.
CHAIRPERSON KRIEGER: Very good.

21
22
23
24
25

Thank you very much. Correspondence?
MR. IBE: Yes, Madam Chair, in
Case No. PZ13-0067, there were 27 mailed, one
return mail, zero approval, zero objections.
CHAIRPERSON KRIEGER: Very good.

0023

1
2
3
4
5
6

I will open it up to the board. Questions?
MR. GHANNAM: I have got a few
questions. Do you have proposed site plans
for each of lots for homes or do you intend
to sell the lots individually for people to
develop?

7
8
9
10
11
12

MR. HELWIG: No, I have a builder
that went through -- attempted to get it
split and he was having difficulty. He had
shown the city plans of two homes and then he
was ready to back out and said he thought I
should come and apply for the split like I
did before.

13
14
15

So that's where I'm at right
now.

16
17
18
19
20

MR. GHANNAM: That I understand,
but with the lots, if they're split, do you
have proposed plans for each of these lots to
build a home? Do you already have plans to
build homes on these lots?

21
22
23

MR. HELWIG: He has plans to
build two homes, yes. I think he's already
submitted them to the city.

24
25

MR. GHANNAM: Do you know if any
variances are going to be necessary, if these

0024

1
2
3

lots are split as you request?
MR. HELWIG: No, there is no
variances going to be required.

4
5

MR. GHANNAM: I have no problem
with your proposal, sir. Thank you, sir.

6
7

CHAIRPERSON KRIEGER: Thank you,
Member Ghannam.

8
9

Others?
Motion?

10
11

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

12
13
14
15
16
17

In Case PZ13-0067, I move to
approve the petition as requested. The
variance -- for a few reasons. Number one,
there are unique circumstances or conditions
of this property, such as narrowness, shape,
shallowness, shape water and so forth.

18
19
20
21
22

And the need for the variance
is not due to the applicant's personal or
economic difficulty. Additionally because
there was vacated land from the alley that
adds to it, it provides additional basis.

23
24
25

It is not self-created and
strict compliance with the regulations
governing area setback, frontage, height and

0025

1
2
3
4
5

so forth will unreasonably prevent the
property owner from using a property for a
permitted purpose.

It is the minimum variance
necessary to do substantial justice to the

6 applicant and other property owners in the
7 district. It will not cause adverse impact
8 on surrounding property values, in fact, I
9 think it will increase property values.

10 MR. FERRELL: Second.

11 CHAIRPERSON KRIEGER: We have a
12 motion and a second. Any other discussion?
13 (No audible responses.)

14 CHAIRPERSON KRIEGER: Seeing
15 none, Ms. Pawlowski call the roll.

16 MS. PAWLOWSKI: Member Ferrell?

17 MR. FERRELL: Yes.

18 MS. PAWLOWSKI: Member Ghannam?

19 MR. GHANNAM: Yes.

20 MS. PAWLOWSKI: Member Gronachan?

21 MS. GRONACHAN: Yes.

22 MS. PAWLOWSKI: Member Ibe?

23 MR. IBE: Yes.

24 MS. PAWLOWSKI: Chairperson

25 Krieger?

0026 1 CHAIRPERSON KRIEGER: Yes.

2 MS. PAWLOWSKI: Member Sanghvi?

3 MR. SANGHVI: Yes.

4 MS. PAWLOWSKI: Motion passes six

5 to zero.

6 CHAIRPERSON KRIEGER: Very good.

7 Congratulations.

8 MR. HELWIG: Thank you. Have a
9 good evening.

10 CHAIRPERSON KRIEGER: Case No.
11 PZ13-0068 for 44500 Grand River.

12 Are you an attorney?

13 MR. MONTGOMERY: No.

14 CHAIRPERSON KRIEGER: If you
15 could spell your name for our reporter and be
16 sworn in by our secretary.

17 MR. MONTGOMERY: Sure. My name
18 is Jim Montgomery. I'm a principal at
19 Signature Associates, Montgomery.

20 MR. IBE: In Case No. PZ13-0068,
21 44500 Grand River, do you swear or affirm to
22 tell the truth?

23 MR. MONTGOMERY: Yes.

24 MR. IBE: Thank you.

25 CHAIRPERSON KRIEGER: Very good.

0027 1 MR. MONTGOMERY: We'd like to
2 keep our signs up for a little while longer.
3 They're on two buildings.

4 CHAIRPERSON KRIEGER: That's it?
5 Any further presentation? Keeping them a
6 year, two years?

7 MR. MONTGOMERY: A year would be
8 great. We do have some interested parties
9 now, but you know how those things go.

10 CHAIRPERSON KRIEGER: Anybody in
11 our public have remarks regarding this case?
12 (No audible responses.)

13 CHAIRPERSON KRIEGER: Seeing
14 none, open it up to the city.

15 MR. WALSH: No additional
16 comments.

17
18
19
20
21
22
23
24
25

CHAIRPERSON KRIEGER: Very good.
Correspondence?

MR. IBE: Yes, in Case No. PZ13-0068, there were 30 mailed, seven return mail, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Very good.
Open it up to the board. Yes, Member Ghannam?

MR. GHANNAM: Actually I do

0028

1
2
3
4
5
6
7
8
9

remember this from a couple years ago. I have no problem with one year or until it's sold, whichever comes first.

MR. MONTGOMERY: One year, I'm sorry?

MR. GHANNAM: Or whenever it's sold.

MR. MONTGOMERY: No problem. It will come down right after that.

10
11
12
13
14

MR. GHANNAM: I have no problem. I understand it borders Grand River as well as the freeway, and so forth. It's a couple different problems. I have no problems with that.

MR. MONTGOMERY: Great.

CHAIRPERSON KRIEGER: Yes, Member Sanghvi?

17
18
19

MR. SANGHVI: I agree.
CHAIRPERSON KRIEGER: Member

Gronachan?

20
21
22

MS. GRONACHAN: I'm good.
CHAIRPERSON KRIEGER: Have a

motion?

23
24
25

MR. GHANNAM: I'll get it.
CHAIRPERSON KRIEGER: Very good.

0029

1
2
3
4
5
6
7
8
9

MR. GHANNAM: Case PZ13-0068, for 44500 Grand River, I move we approve the request as requested -- the petition was requested for one year or whenever the property is sold, whichever comes first.

The request is based on circumstances that are exceptional and unique to the property. There are two buildings fronting a freeway, rail and Grand River.

10
11
12
13
14
15
16

It's not self-created. The grant of relief -- the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than a mere inconvenience or inability to attain a higher economic financial return.

17
18
19
20
21
22
23
24

And the grant of relief will not result in the use of a structure that is incompatible or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done to the applicant and surrounding properties and is consistent with the spirit of the ordinance.

MR. SANGHVI: Second.

0030

1

CHAIRPERSON KRIEGER: I have

2 motion and a second any other discussion?

3 (No audible responses.)

4 CHAIRPERSON KRIEGER: Seeing
5 none, if Ms. Pawlowski can call the roll.

6 MS. PAWLOWSKI: Member Ferrell?

7 MR. FERRELL: Yes.

8 MS. PAWLOWSKI: Member Ghannam?

9 MR. GHANNAM: Yes.

10 MS. PAWLOWSKI: Member Gronachan?

11 MS. GRONACHAN: Yes.

12 MS. PAWLOWSKI: Member Ibe?

13 MR. IBE: Yes.

14 MS. PAWLOWSKI: Chairperson

15 Krieger?

16 CHAIRPERSON KRIEGER: Yes.

17 MS. PAWLOWSKI: Member Sanghvi?

18 MR. SANGHVI: Yes.

19 MS. PAWLOWSKI: Motion passes six

20 to zero.

21 CHAIRPERSON KRIEGER: For Case

22 No. PZ13-0069, 44700 Grand River.

23 MR. MONTGOMERY: I thought it was

24 all one.

25 CHAIRPERSON KRIEGER: I'm sorry,

0031
1 two different cases, since they're two
2 different signs.

3 MR. MONTGOMERY: Pardon me. I

4 don't do this very often.

5 CHAIRPERSON KRIEGER: Do I have

6 to swear him in again?

7 MS. SAARELA: No, he doesn't have

8 to be sworn in again.

9 CHAIRPERSON KRIEGER: Do you have

10 any additions to this case?

11 MR. MONTGOMERY: We'd like to

12 leave the sign up on 44700 Grand River for
13 another year, or if we sell it, whichever
14 comes first.

15 CHAIRPERSON KRIEGER: Anybody in

16 the public have any conversation regarding
17 this case?

18 (No audible responses.)

19 CHAIRPERSON KRIEGER: Seeing

20 none, open it up to the city.

21 MR. WALSH: No comments.

22 CHAIRPERSON KRIEGER: Very good.

23 For correspondence?

24 MR. IBE: If Case PZ13-0069, 30

25 mailed, five returned mail, zero approvals,

0032
1 zero objections.

2 CHAIRPERSON KRIEGER: Very good.

3 Open it up to the board.

4 MR. GHANNAM: Unless anybody has

5 any questions, I'm prepared to make a motion.

6 Can I use the same basis as my

7 last motion or do I have to restate

8 everything?

9 MS. SAARELA: You should as close

10 as possible --

11 MR. GHANNAM: Restate it.

12 MS. SAARELA: It doesn't have to

13
14
15
16
17
18
19
20
21
22
23
24
25

be exact.
MR. GHANNAM: So I'll move -- in PZ13-0069, I move to approve the petition as requested, limit it to one year or whenever the property is sold, whichever first.
The request is based upon circumstances or features that are exceptional and unique to the property. These two properties together border rail, 96, Grand River, and they do not result from conditions that exist generally in the city or self-created.
The failure to grant relief

0033
1
2
3
4
5
6
7
8
9
10
11
12

will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return and grant of relief will not result in the use of a structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties. And will result in substantial justice being done to the applicant and surrounding properties is not inconsistent with the spirit of the ordinance.

13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SANGHVI: Second.
CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion? (No audible responses.)
CHAIRPERSON KRIEGER: Seeing none, if Ms. Pawlowski could call the roll.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?

0034
1
2
3
4
5
6
7
8
9

MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six to zero.

10
11
12
13
14
15
16
17
18
19
20
21
22
23

CHAIRPERSON KRIEGER: Congratulations. That brings us to our next case, which is Socialite Bistro, PZ13-0070, for 44175 West Twelve Mile.
Are you both going to do a presentation?
MR. YATOOMA: Just one is fine.
CHAIRPERSON KRIEGER: So then whoever is going to present, if you could spell your name for our court reporter and be sworn in by our secretary if you're not an attorney.
MR. YATOOMA: Sure. It's Jeff Yatooma, last name is Y-a-t-o-o-m-a.

24
25
0035

MR. IBE: In Case PZ13-0070, do you swear or affirm to tell the truth.

1

MR. YATOOMA: Yes.

2

CHAIRPERSON KRIEGER: Very good.

3

You may proceed.

4

MR. YATOOMA: We are asking for outdoor seating to be permitted to use year-round as opposed to the March 1st, November 30 window closing it during that time period.

5

6

7

8

9

Excuse me, the reverse, yeah.

10

CHAIRPERSON KRIEGER: Pardon?

11

MR. YATOOMA: In the reverse.

12

You're permitted to open from March 1st to November 30, we would like to propose to have it open year-round.

13

14

15

CHAIRPERSON KRIEGER: That's your request?

16

17

MR. YATOOMA: It is.

18

CHAIRPERSON KRIEGER: Very good.

19

Is there anyone else in the -- have any conversation regarding this case?

20

21

(No audible responses.)

22

CHAIRPERSON KRIEGER: Seeing none, I'll close it for public input. From the city?

23

24

25

MR. WALSH: Just the only comment

0036

1

I had, if there is a motion for approval, make it a condition that the hours of operation is the same as the indoor seating.

2

3

4

CHAIRPERSON KRIEGER: Very good. And correspondence?

5

6

MR. IBE: Madam Chair, in Case PZ13-0070, 28 mailed, two returned mails, zero approvals, zero objections.

7

8

9

CHAIRPERSON KRIEGER: Very good. Now, open it up to the board. Yes, Member Sanghvi?

10

11

12

MR. SANGHVI: Thank you. I know your place, where it is. I have been around it for a lot of time.

13

14

15

And I wish you luck in this kind of weather people coming sitting out there.

16

17

18

MR. YATOOMA: Thank you.

19

MR. IBE: Sir, is there any particular reason why you want the all year-round?

20

21

22

MR. YATOOMA: Yes. We are a bistro, cigar lounge, so by nature that it is a smoking restaurant, and given the floor plan and the limited square footage we have

23

24

25

0037

1

at our disposal, this gives customers a non-smoking option, still able to frequent our restaurant.

2

3

4

MR. IBE: Will the -- during inclement weather, like what we have been having, how will the -- do you have anything for your patrons to be covered or --

5

6

7

8

MR. YATOOMA: It's completely

9 enclosed, it will be heated for the winter
10 months. Obviously in the summer months there
11 is a electric roll-up sides so it would serve
12 as a traditional outdoor seating in that
13 sense.

14 MR. IBE: Okay. Very well, thank
15 you.

16 CHAIRPERSON KRIEGER: Any other
17 questions or a motion?

18 MR. SANGHVI: I just have one
19 question. How big is your inside as compared
20 to the outside area?

21 MR. YATOOMA: As far as actual
22 percentages, I don't have an answer to that.

23 MR. ROMAYA: 2,900 square feet
24 inside, which only gives you 1,000 square
25 feet of seating. Outside area is about 800

0038
1 square feet of seating.

2 MR. SANGHVI: The reason why I
3 asked you, you got a larger smoking section
4 than the non-smoking section?

5 MR. ROMAYA: The smoking section
6 is a little bit larger, yes.

7 MR. YATOOMA: We have a walk-in
8 humidor --

9 CHAIRPERSON KRIEGER: I'm sorry,
10 sir, if you're going to -- if you could
11 add -- spell your name for our court reporter
12 and be sworn in.

13 MR. ROMAYA: Steve Romaya,
14 R-o-m-a-y-a.

15 MR. IBE: Sir, in Case No.
16 PZ13-0070, do you swear or affirm to tell the
17 truth?

18 MR. ROMAYA: Yes.

19 CHAIRPERSON KRIEGER: Thank you.

20 MR. ROMAYA: 2,900 square feet
21 with 1,000 square feet of seating inside and
22 then the outside has 800 square feet,
23 estimated.

24 MR. SANGHVI: Normally people are
25 outside in the smoking area, rather than

0039
1 inside.

2 MR. ROMAYA: Smoking outside is
3 not permitted because -- even with our
4 license, outside seating. So patrons walking
5 by would get smoke that's not allowed by the
6 law.

7 MR. SANGHVI: Thank you.

8 CHAIRPERSON KRIEGER: Member
9 Ghannam?

10 MR. GHANNAM: Thank you. I have
11 looked at your proposal and I have looked to
12 the planning review comments, as well as some
13 architect comments. I have no problem with
14 it. It seems appropriate under the
15 circumstances.

16 CHAIRPERSON KRIEGER: Very good.
17 Very good input from inclusions in the paper.
18 Thank you.

19 Motion?

20
21
22
23
24
25
0040

MR. GHANNAM: I will make a motion. In PZ13-0070, for Socialite Bistro. I move that we grant the petition as requested with the proviso as mentioned by the city that your outdoor sitting -- that the same business hours as your indoor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

seating, for a couple of reasons. There are unique circumstances or physical conditions of this property, and the need for the variance is not due to the applicant's personal or economic difficulty. Part of the uniqueness is the smoking inside. The need is not self-created. The strict compliance with the regulations governing the area and so forth will unreasonably prevent the property owners from using the property for a permitted purpose. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as the other property owners. And the requested variance will not cause an adverse impact on surrounding property in the neighborhood.

20
21
22
23
24
25
0041

MR. FERRELL: Second.
CHAIRPERSON KRIEGER: We have a motion and a second. Any further discussion? (No audible responses.)
CHAIRPERSON KRIEGER: Seeing none, if Ms. Pawlowski could call the roll.

1
2
3
4
5
6
7
8
9
10

MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Chairperson

11
12
13
14
15

Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six

16
17
18
19
20
21
22
23
24
25
0042

to zero.
CHAIRPERSON KRIEGER: Congratulations.
MR. YATOOMA: Thank you. Appreciate it.
CHAIRPERSON KRIEGER: That brings us to PZ13-0072, Feldman Automotive. Are you an attorney?
Good evening. I am not an attorney.
CHAIRPERSON KRIEGER: If you

1
2
3
4

could spell your names for us.
MR. PHILLIPS: My name is Ed Phillips, Phillips Sign and Lighting, 40920 Executive Drive. P-h-i-l-l-i-p-s.

5 MR. CURIE: Jason Curie, Feldman
6 Automotive, C-u-r-i-e.
7 MR. IBE: Gentlemen, in Case
8 PZ13-0072, do you swear or affirm to tell the
9 truth?

10 MR. CURIE: Yes.

11 MR. PHILLIPS: Yes.

12 CHAIRPERSON KRIEGER: Thank you.

13 Go ahead.

14 MR. PHILLIPS: Good evening.
15 Here this evening with Mr. Jason Curie, as we
16 just went through.

17 We are representing the
18 Feldman Automotive Group located at 42355
19 Grand River.

20 Our hardship is lack of
21 identification for our Hertz rental car
22 division and actually public safety.

23 Included in your package is a
24 photo of the original Hertz sign, which was
25 approved by the variance 08-014.

0043
1 Some of you probably are
2 aware, we have totally remodeled Marty
3 Feldman with all of the current GM branding.
4 During this process, we
5 learned that GM had some concerns about the
6 location of the Hertz sign.

7 So we while working with GM,
8 we installed the temporary Feldman face,
9 again you have in your packets.

10 As you might expect, nothing
11 happens quick at these levels. And honestly,
12 we have been so busy with our remodel, we
13 have not been working with GM on this item.

14 We would like to ask the board
15 to allow us 18 months to work through this
16 with GM or come back to this board with an
17 alternate plan.

18 Our sign is a modest 15 square
19 feet. We have invested much time and effort
20 in developing this sign and your approval
21 here tonight will give us the time we need to
22 work with GM and with all parts satisfied.

23 The reason I mentioned safety,
24 we do a lot -- I say we, Feldman does a lot
25 of Hertz business. And people are -- we are

0044
1 finding with the sign gone now, I don't know
2 that we knew as much before, but with that
3 sign missing, people are actually going by
4 the dealership and calling and they're
5 saying, we don't see a Hertz sign. Some of
6 the people are used to seeing the sign out
7 there, it's not there. They think it's gone.

8 So it's important to us to get
9 the Hertz sign back out there, so we are
10 working with GM in an effort to try to get
11 that back.

12 CHAIRPERSON KRIEGER: Thank you.
13 Anybody else in the public for a
14 conversation? So remarks, we have lost our
15 public.

16 Seeing none, close that and
17 open it up to the city.

18 MR. WALSH: No comments at this
19 time.

20 CHAIRPERSON KRIEGER: Okay. Then
21 correspondence.

22 MR. IBE: In Case PZ13-0072,
23 there were 17 mailed, one return mailed, zero
24 approvals, zero objections.

25 CHAIRPERSON KRIEGER: Very good.

0045

1 Open it up to the board.

2 MR. FERRELL: I have a question.
3 All you are basically doing is refacing the
4 sign, you are not adding any additional
5 square footage or moving it, you are just
6 refacing them, you want to come back at some
7 later date, 18 months is what you're kind of
8 requesting to move them or make them larger
9 or --

10 MR. PHILLIPS: That's where we
11 are not sure. That is a little unclear with
12 GM. The district manager was kind of on the
13 fence about the sign, didn't really like the
14 proximity to the GM signage.

15 So we thought it was prudent
16 just to pull the thing out and stick the
17 temporary there until we worked that out with
18 GM. We didn't want to know from GM.

19 So we just need to work
20 through with that whole thing and see where
21 they do want it.

22 Our intention is -- we have
23 saved the faces, so the Hertz faces are
24 intended --

25 MR. FERRELL: So the Hertz sign
0046 is completely gone?

1 MR. PHILLIPS: No, it's right
2 there.

3 MR. FERRELL: You are just
4 refacing it?

5 MR. PHILLIPS: That's all.

6 MR. FERRELL: When you say people
7 can't seem to find it, why is it that they
8 can't find it?

9 MR. PHILLIPS: It was clearly
10 identified before with the Hertz sign. So
11 that 15 square foot sign out there, I think
12 it's 30 inches by 72 inches, I know it is,
13 was very identifiable, black and yellow.
14 People easily found us. We don't -- I don't
15 think we realized until taking the sign down
16 how important the sign was to us.

17 MR. FERRELL: Thank you.

18 CHAIRPERSON KRIEGER: Thank you.
19 I have a question for the city, if we approve
20 this previous sign with the Hertz did it --
21 what is on the sign itself, is that -- they
22 decide versus us?

23 MS. SAARELA: Was there a
24 condition specific to that business, is that
25

0047

1 the reason -- that's why --
2 CHAIRPERSON KRIEGER: Okay,
3 interesting.

4 MS. GRONACHAN: I need
5 clarification. Just so you understand, is
6 there a Hertz sign on the property now?

7 MR. PHILLIPS: There is not.

8 MS. GRONACHAN: The original
9 request for that sign was for the Hertz car
10 company?

11 MR. PHILLIPS: Can I back up?

12 MS. GRONACHAN: Sure.

13 MR. PHILLIPS: The cabinet that
14 you see there, that's the framework around
15 the existing Feldman is the Hertz sign.

16 MS. GRONACHAN: I understand
17 that, but it doesn't say Hertz on there
18 anymore. It does not address the second
19 business within your business.

20 MR. PHILLIPS: It does not.

21 MS. GRONACHAN: Which is the real
22 reason why that original variance was
23 granted?

24 MR. PHILLIPS: Exactly.

25 MS. GRONACHAN: So your attempt

0048
1 here, if I understand you correctly, would be
2 to leave it up until you resolve your issues
3 with General Motors.

4 MR. PHILLIPS: We would hope to
5 do that sooner than 18 months, but we are
6 thinking on the outside, if we have that much
7 time, we can certainly get this cleared up.

8 MS. GRONACHAN: Okay, but this
9 sign was granted to Hertz. So are you
10 representing Hertz?

11 MR. PHILLIPS: No, I'm certainly
12 not. I'm representing Feldman, who came and
13 had it approved for Hertz on their property.

14 MS. GRONACHAN: So at this point,
15 Hertz, the rental car company, they're kind
16 of lost because nobody knows that they're
17 still there?

18 MR. PHILLIPS: Kind of, yes.

19 MS. GRONACHAN: That's the only
20 question I have at this time.

21 CHAIRPERSON KRIEGER: Thank you.

22 MR. IBE: Quick clarification
23 again. Maybe I got lost in this one.

24 Tell me, what was the reason
25 why the Hertz sign was taken down?

0049
1 MR. PHILLIPS: GM, the district
2 rep had some concerns about its proximity to
3 the new -- when they do these new brandings,
4 when they come out, everything was gung-ho,
5 they want everything to look just-so.

6 We sense that there was
7 some -- they weren't happy with the
8 placement -- the relation to the GM signage.

9 So we just right away pulled
10 it down before we were told, no, get rid of
11 it, we thought we would work through our

12
13
14
15
16
17
18
19
20
21
22
23
24
25

channels and see if we can't just get it approved.
MR. CURIE: It's the changing of the guard, the zoning managers have changed. So that one is gone, a new one is here and very optimistic about the business and so forth and more willing to appreciate all the gains we have had and helped us fix our Hertz sign.

This should be quick.

MR. IBE: What are the chances that you will resolve this issue after this is approved and have the Hertz sign back up?

MR. CURIE: I don't think I

0050

understood that question.

MR. IBE: I know you said 18 months. What is the likelihood that this will actually be resolved?

MR. PHILLIPS: Highly. We feel very strongly. That's why we haven't taken the sign down.

MR. CURIE: It should be resolved. I just can't -- I have to have your approval to get their approval. It's the way they work. They say yes, but they say -- ask your father and your father says ask your mother, that's kind of what this is. If dad says yes or mom, then they will say yes, probably.

MR. IBE: So the Feldman facade right now is just covering the Hertz, is that what it is?

MR. PHILLIPS: It's replacing the Hertz.

MR. IBE: It's replacing the Hertz?

MR. PHILLIPS: Just the panel. The sign is the same, the sign is the Hertz sign.

0051

MR. IBE: The frame.

MR. FERRELL: There is just a cover over the sign that says Feldman and you want to take that off?

MR. PHILLIPS: We want to leave that, leave it for now. It looks silly to have nothing out there.

CHAIRPERSON KRIEGER: Instead of taking the sign down all together, you have changed it to something different?

MR. PHILLIPS: Just put the American flag out there.

CHAIRPERSON KRIEGER: Very good. Member Sanghvi?

MR. SANGHVI: My only concern is the original sign was a business identification which does not exist anymore.

MR. PHILLIPS: It does exist.

MR. CURIE: It's still physically there. It is still there.

MR. SANGHVI: Why did you take it off?

22

23
24
25
0052

MR. CURIE: General Motors, the franchise didn't want their sign so close to the Hertz sign.

1
2
3
4
5
6
7
8
9

MR. SANGHVI: Primarily associated with Ford, right, Hertz?

MR. CURIE: I don't know about that. I don't know.

MR. PHILLIPS: It was that whole branding thing. When they do the re-branding, they are gung-ho on everything and then things lighten up a little bit once things are done and up.

10
11
12
13
14

MR. SANGHVI: Thank you.

MS. GRONACHAN: Madam Chair, if I could. I would like to have a little conversation with the board members, for your help.

15
16
17
18

I don't understand that they can ask for this variance. So I'm not going to be supporting this, and for the following reasons.

19
20
21

Number one, the original request for that sign was for a different business.

22
23
24
25

The fact that General Motors does not approve that sign, that's not a hardship, per se. And it doesn't impact Marty Feldman. It definitely impacts poor

0053

1
2
3
4
5
6

Hertz. But at this point, I can't support this based on the original reason why the sign was granted, and there is too much uncertainty, if you will, in regards to what's going to happen or how this sign will be abused or how it will be approved.

7
8
9
10
11

So therefore, just if anybody else has anything to educate me since it's my first night back, by all means, but I will not be supporting this, and those are the reasons why. Thank you.

12

CHAIRPERSON KRIEGER: Thank you.

13
14
15
16
17
18
19

MR. PHILLIPS: Maybe I could restate. We have a variance for the Hertz sign. All we are looking for is a little time to work with General Motors to re-put the Hertz sign back in exactly the same spot. That's all we're asking for. We are not asking for another sign.

20
21
22
23

MS. GRONACHAN: I understand your request. However, I don't feel that their hardship should be to your benefit is the best way I can put it.

24
25
0054

This should not be advertising. The original spirit of the

1
2
3
4
5
6
7

variance was requested for Hertz specific. Then I think it should be covered and you should not be able to be benefited by the fact that Hertz can't have the sign there.

So I don't feel that Marty Feldman open Saturday is a reasonable request while we are waiting for those 18 months for

8 this outcome or this decision to be made.

9 So the variance wouldn't have
10 been granted originally for Marty Feldman
11 because you had your signs there.

12 The original request, the
13 original spirit of the variance was granted
14 to a specific business within a business.
15 You're not that. So therefore, you don't
16 fall into that -- to that -- to the realm of
17 the request or the original spirit of the
18 variance.

19 If I made myself -- if I have
20 confused everybody.

21 But because it's Marty Feldman
22 asking to put that on there, for just
23 strictly advertisement, open on Saturdays, I
24 think the whole sign should just be covered.
25 Sorry. That's kind of harsh, but I don't see

0055
1 adding another sign for Marty Feldman, when
2 it's Hertz that's suffering the hardship at
3 this time.

4 Does that make it clear?

5 CHAIRPERSON KRIEGER: Yep.

6 MR. IBE: Madam Chair, thank you
7 so much.

8 I think that I will -- having
9 thought about this, I will concur with the
10 position of the previous member.

11 That's the reason I ask the
12 line of questions regarding -- my previous
13 line of questions to you about what are the
14 chances of resolving this matter with General
15 Motors.

16 Now obviously, I remembered I
17 was on the board when this matter came up
18 initially, when it was approved.

19 The fact that Hertz has an
20 agreement with obviously Marty Feldman to be
21 an establishment and was granted its sign.
22 It's only to the benefit, of course, Hertz as
23 well as, of course, to Marty Feldman.

24 General Motors obviously is a
25 (unintelligible) that you guys saw. Says,

0056
1 well, we don't want this particular sign, as
2 to our sign. Unfortunately I don't think
3 that because General Motors says that, that
4 you should now take -- have the benefit of
5 what was allocated to Hertz in the first
6 place because but for Hertz -- but for Hertz
7 requesting for the sign, we wouldn't have
8 (unintelligible) for Marty Feldman.

9 So technically I think what
10 you are doing here is getting an additional
11 sign by default.

12 I mean, clearly, you have good
13 intentions, but I think 18 months is really
14 too long.

15 I think perhaps -- perhaps,
16 excuse me, sir -- I think perhaps if you
17 desire to have this matter -- if you want to
18 have this matter resolved, you can close up

19
20
21
22
23
24
25
0057

that sign. Figure out what you need to do with General Motors, and then come back to us.

Assuming that GM says, look, we don't want that there, you may have to take it off. But you have to find a way for you and obviously your lessee, which is

Hertz, to figure out how to resolve your contractual issues with General Motors.

That is not the prerogative or the jurisdiction of this board to have to deal with contractual matters, private contractual matters that involves you and General Motors or Hertz.

It is beyond the scope of our jurisdiction and I seriously doubt that you have demonstrated that. Not allowing you to have this sign will not prevent the use of this particular premises for the purpose intended.

Therefore, I also will not be in support of this at this time. Thank you.

CHAIRPERSON KRIEGER: Member

Ghannam?

MR. CURIE: Can I ask a question?

CHAIRPERSON KRIEGER: I'm sorry.

At this time, we are going through our discussion, then afterwards come back to you.

MR. GHANNAM: You guys in a pickle, right? You got approved for a Hertz sign, but GM disapproves at least at this point. You need to put something in there

0058

instead of covering it up with some kind of canvas or some ugly looking thing, that's what you are looking for?

MR. PHILLIPS: That's exactly right.

MR. GHANNAM: That's what I thought I gathered. To make it more clear from this discussion.

Just my personal perspective, I have no problem with it. You're trying to resolve a problem because of branding. First of all, I agreed with the original motion way back when because we have tons of businesses in this city as well as throughout the state that have a business within a business. And you both deserve some type of identification. You got it at the time and you deserved it.

Now you have this issue with branding and signs too close to GM and so forth, so I understand the pickle and I have no problem granting your request for a period of time, such as 18 months, maybe two years just in case.

So personally under those circumstances, because of that particular

0059

hardship, I have no problem.

I'd rather see a Feldman sign with a little American flag than it being

4 covered, I just think it doesn't look right.
5 Thank you.

6 CHAIRPERSON KRIEGER: Other
7 questions? Make a motion?

8 MR. PHILLIPS: Just as an offer.
9 I mean, I think we could maybe wrap this
10 thing in 12 months if that would help at all
11 here.

12 Again, I don't know that a
13 burlap -- that's the wrong word, a banner bag
14 or something sitting over this sign is going
15 to look more esthetically pleasing for the
16 City of Novi than an American flag.

17 MR. CURIE: I apologize if we did
18 have any benefit by this. You know, in the
19 last -- in the spirit of -- you know, the
20 rebirth of this area, we have added
21 25 percent more jobs this year, in the last
22 12 months, probably since the last time we
23 have been here.

24 We are working very hard to
25 keep General Motors happy and you happy.

0060
1 It's not an easy pickle. The owners have
2 \$35, 40,000,000 invested. I know, maybe it
3 doesn't matter, but in the end it's a lot of
4 people's jobs and every little bit of it
5 helps and having a burlap sack or black bags
6 over a sign it looks trashy, it looks trashy
7 for Novi.

8 I'm sorry if we did, maybe we
9 benefited a touch, so --

10 CHAIRPERSON KRIEGER: Yes.

11 MR. IBE: I think it's
12 appropriate that I make it clear no one is
13 anti-American flag, we are -- so same thing,
14 the flag there, for sentimental reasons, it
15 really does go well with me. We don't want
16 it to sound like we are anti-flag. You can
17 put a flag of Michigan if you want.

18 The problem is not that for
19 me.

20 The problem is about the
21 standards that are required, and the fact
22 that Marty Feldman is creating jobs is a
23 great thing, we love jobs. I mean, I'm a pro
24 business person. That's not the issue here.
25 That's neither a problem.

0061
1 The fact that you want an
2 additional sign for you -- you can put up any
3 sign you want, you can put up any other
4 thing, but that doesn't mean that that is
5 right because if but for Hertz, that sign
6 would not have been granted in the first
7 place, for Marty Feldman. Would you agree
8 with me?

9 MR. PHILLIPS: I would agree.
10 Again, we are only asking for a little time
11 here. We are not asking for a permanent
12 sign. We just need a little time. That's
13 all we are asking for.

14 MR. IBE: Unfortunately, my

15 position obviously remains the same. But I
16 understand that for this member the same,
17 which matters is the rest of the board.

18 However, I do respect
19 everybody's opinion and certainly think that
20 what you are asking for, I think any other
21 business or anyone watching us at home, who
22 have multiple establishments in their place,
23 can come with the same reason and ask for the
24 same thing. Obviously makes sense, why
25 should we want to cover it up. Just put up

0062
1 another sign for 18 months. I think it gives
2 you a little bit more advantage.

3 It is -- I believe that it is
4 just a way to get an extra sign for the next
5 whether it's 10 months or 12 months or
6 whether it's 24 months. It's still the same
7 format. It just doesn't sit well, the fact
8 that an additional sign will be given to
9 Marty Feldman.

10 MR. CURIE: And to Novi. That's
11 also been given to Novi. Because if they buy
12 a car in Novi, versus New Hudson, or another
13 city, then those tax dollars stay in our
14 city. So it's an advantage to everyone
15 watching and everyone here. It's better for
16 all of us. And it looks nicer.

17 MR. IBE: Sir, are you saying by
18 that not granting you this sign, it will
19 prevent you from using your property as was
20 intended?

21 MR. CURIE: No. I'm just saying
22 that the advantage that you said that we have
23 is for all of us. Not just for us, because
24 every dollar we bring in is tax dollars for
25 our area.

0063
1 MR. IBE: Sir, I understand that,
2 but what my position is, there are also
3 surrounding businesses, such as yourself in
4 the City of Novi, that probably have similar
5 problems and similar issues. Should we now
6 solve their problems the same way you're
7 asking us to solve yours, if they have a
8 similar situation?

9 MR. CURIE: I think so, yes.

10 MR. IBE: You think so. So more
11 signs, more signs merrier for everybody?

12 MR. PHILLIPS: We are not adding
13 signs.

14 MR. CURIE: It's the same sign --

15 MR. IBE: I have nothing further.
16 Thank you.

17 MR. FERRELL: For the city, city
18 attorney. If we don't approve this, we don't
19 get the sign, temporary sign up, whatever we
20 are calling it, what happens to the monument
21 sign that's there? Does it just get covered
22 and is that going to be considered like a
23 blight type of thing that has to be removed,
24 or does it stay up or how does that work?

25 MS. SAARELA: They would only

0064

1 have a certain amount of time to use their
2 variance, so if they're using it for whatever
3 was granted, they are going to have to remove
4 it.

5 MR. FERRELL: Do we know how long
6 that is?

7 MS. SAARELA: Six months.

8 MR. WALSH: Six months.

9 MR. FERRELL: So if we tell them
10 that they can't have it, six months from
11 today, they would have to either have it
12 resolved with GM, or have the whole sign
13 removed from the ground?

14 MS. SAARELA: Yes.

15 MR. GHANNAM: Along those same
16 lines, if it's not approved would the whole
17 structure have to come out or just the face
18 of the structure?

19 MS. SAARELA: What would you
20 consider that?

21 MR. WALSH: It's just a blank
22 face, say a white face or a blue face, I
23 mean, I would say it's a structure.

24 MR. GHANNAM: I mean --

25 MR. WALSH: If they moved the top

0065

1 and just have the base, that's a planter,
2 could be a planter type.

3 MR. FERRELL: So the whole thing
4 would have to come out of the ground?

5 MR. WALSH: It would not have to
6 come out.

7 MR. FERRELL: It would not?

8 MR. WALSH: While they work out
9 the situation with GM.

10 MR. FERRELL: It could still sit
11 there, they would have at the least six
12 months?

13 MR. WALSH: Yes.

14 MR. FERRELL: Then after six
15 months, it would have to be removed?

16 MR. WALSH: That's correct.

17 MR. GHANNAM: I'm prepared to
18 make a motion. I don't know if it's going to
19 be well received.

20 I'm willing to make a motion
21 in PZ13-0072, I make a motion that we approve
22 the petition as requested limited to, I'll
23 call it one year, 12 months, for the
24 following reasons.

25 It is based on circumstances

0066

1 that are unique to this particular property,
2 and to this particular business within a
3 business situation. That does not result
4 from conditions that exist generally in the
5 city or that are self-created.

6 The failure -- along those
7 same lines, we have a number of cases that
8 come before us with national brands that
9 rebrand, either they tear down buildings and,
10 you know, re-erect them and they have

11 different signage and we give different
12 variances for signage to accommodate their
13 new brands and new logos and so forth.

14 The failure to grant relief
15 will unreasonably prevent or limit the use of
16 a property and will result in substantially
17 more than a mere inconvenience or inability
18 to attain a higher economic or financial
19 return.

20 The grant of relief will not
21 result in the use of a structure that is
22 incompatible with or unreasonably interferes
23 with adjacent properties and will result in
24 substantial justice being done to the
25 applicant and surrounding properties, and is

0067
1 consistent with the ordinance.

2 And the reason for that just
3 is because under the circumstances if they're
4 not granted a variance, it would result, in
5 my opinion, in blight and potentially the
6 loss of the sign which doesn't make sense.

7 I think at some point between
8 GM and Hertz, the issue will have to be
9 resolved and we may be revisiting this, but I
10 think for that period of time, one year I
11 think it is appropriate.

12 MR. SANGHVI: Second.

13 CHAIRPERSON KRIEGER: We have a
14 motion and a second. Any other discussion?
15 (No audible responses.)

16 Seeing none, if Ms. Pawlowski
17 call the roll.

18 MS. PAWLOWSKI: Member Ferrell?

19 MR. FERRELL: No.

20 MS. PAWLOWSKI: Member Ghannam?

21 MR. GHANNAM: Yes.

22 MS. PAWLOWSKI: Member Gronachan?

23 MS. GRONACHAN: No.

24 MS. PAWLOWSKI: Member Ibe?

25 MR. IBE: No.

0068
1 MS. PAWLOWSKI: Chairperson
2 Krieger?

3 CHAIRPERSON KRIEGER: No.

4 MS. PAWLOWSKI: Member Sanghvi?

5 MR. SANGHVI: Yes.

6 MR. GHANNAM: Motion fails two to
7 four.

8 CHAIRPERSON KRIEGER: Should we
9 make another motion or is that -- we are all
10 set?

11 MS. SAARELA: Well, you should --
12 it was a motion -- yes, someone should make a
13 motion to deny now.

14 MR. IBE: I'll make that motion.

15 In Case No PZ13-0072, Feldman
16 Automotive, I move that we deny the
17 applicant's request for the following
18 reasons.

19 The failure to grant relief
20 will not unreasonably prevent or limit the
21 use of the property. And the problem is

self-created, in that the applicant is in a contractual dispute with General Motors, who insists on not having a Hertz sign on its -- next to it sign on their property.

The original sign was approved previously for the use of Hertz and not for the applicant. Any attempt to grant what the applicant is requesting will be tantamount to an additional sign that the applicant was not eligible for in the first place.

The grant -- the failure to grant relief will not cause the applicant to lose any economic returns. And the fact that the applicant is seeking a sign for 12 or 18 months in addition to what it has will obviously have -- do -- interfere with surrounding properties that may have similar problems and do not have the same opportunity that the applicant presented today.

And failure to grant the request is consistent with the spirit of the ordinance. The ordinance is very straight forward in terms of what it calls for. And that is, if the applicant can show that failure to grant will limit the use of its property, then the applicant will have shown the hardship.

However, the applicant has failed to demonstrate that, therefore, I move

that based on that and the conversations, discussions that took place, really cause of this hearing, that we deny the applicant as requested. Thank you.

MS. GRONACHAN: Second.

CHAIRPERSON KRIEGER: We have a motion and a second, any other discussion?

(No audible responses.)

Seeing none, Ms. Pawlowski

call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: No.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Chairperson

Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: No.

MS. PAWLOWSKI: Motion passes

four to two.

CHAIRPERSON KRIEGER: You got six months. We will see you.

That brings us to the Andiamo's. For Case No. 7, have they been asked to be tabled or something?

MR. WALSH: We have not heard

7 from them.

8 CHAIRPERSON KRIEGER: So for Case
9 No. PZ13-0073, 42705 Grand River for Joe and
10 Aldo's Italian Tavern and Andi amo's, we do
11 not have the applicant, so is there a
12 di scussi on?

13 MR. IBE: Can we table it?

14 MS. SAARELA: You can.

15 MR. IBE: This is the first time.

16 CHAIRPERSON KRIEGER: Consi dering
17 this is their first, you're making a motion?

18 MR. IBE: Yes, Madam Chair. In
19 Case NO. PZ13-0073, Joe and Aldo's Italian
20 Tavern and Andi amo's, I move that due to that
21 this is the first time this case has been
22 called and the applicant unfortunately is not
23 before the board today, I move that we table
24 this for the next scheduled meeting to give
25 the applicant a second opportunity to appear.

0072 1 CHAIRPERSON KRIEGER: That will
2 be February 11th.

3 We have a motion and a second
4 for this case, if Ms. Pawlowski could call
5 the roll.

6 MS. PAWLOWSKI: Member Ferrell?

7 MR. FERRELL: Yes.

8 MS. PAWLOWSKI: Member Ghannam?

9 MR. GHANNAM: Yes.

10 MS. PAWLOWSKI: Member Gronachan?

11 MS. GRONACHAN: Yes.

12 MS. PAWLOWSKI: Member Ibe?

13 MR. IBE: Yes.

14 MS. PAWLOWSKI: Chai rperson

15 Kri eger?

16 CHAIRPERSON KRIEGER: Yes.

17 MS. PAWLOWSKI: Member Sanghvi ?

18 MR. SANGHVI: Yes.

19 MS. PAWLOWSKI: Moti on passes six

20 to zero.

21 CHAIRPERSON KRIEGER: Other

22 matters?

23 (No audi ble responses.)

24 CHAIRPERSON KRIEGER: No other
25 matters. A moti on to adj ourn?

0073 1 MR. IBE: So moved.

2 MS. GRONACHAN: Second.

3 CHAIRPERSON KRIEGER: All in
4 favor say aye.

5 THE BOARD: Aye.

6 CHAIRPERSON KRIEGER: Any
7 opposed?

8 (No audi ble responses.)

9 Seeing none, we are adj ourned.
10 (The meeti ng was adj ourned at 8:05 p.m.)

11 ** ** **

18
19
20
21
22
23
24
25

0074

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

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

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

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

22
23
24

_____ _____
Date Jennifer L. Wall CSR-4183
Oakland County, Michigan

25