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Robert S. Rollinger*

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August 1, 2011

Charles Boulard
Community Development Department
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375

Re: Request that the Novi Zoning Board of Appeals Grant a Re-Hearing regarding ZBA
Case 11-010
25100 Novi Road (Gagliano Enterprises, LLC and Collex Collision Experts)

Dear Mr. Boulard:

It is my understanding that there is a rehearing procedure within the Zoning Board of Appeals Practice and Procedure for the City of Novi.

According to my understanding, Rule 10.2 of the Novi Zoning Board of Appeals Rules of Practice and Procedure provide for the Board to grant a rehearing of any decision to consider additional matters related to the relief requested, when the rehearing is requested within twenty (20) days of the initial decision of the Board.

The partial acquisition of a 10 foot strip of property from the Gagliano Enterprises property, located at 25100 Novi Road, is currently in litigation, before Judge Shalina Kumar in Oakland county Circuit Court. At a July 18, 2011 status conference with Judge Kumar, the RCOC was directed to determine if the City of Novi ZBA had in place, a rehearing procedure to reconsider a decision it had made on an applicant's request for a variance. This request for a rehearing is being made, and submitted to the Novi ZBA, per Judge Kumar's directive to the Road Commission at the July 18, 2011 status conference. The RCOC itself has no objection.

At its July 12, 2011 meeting, the City of Novi Zoning Board of Appeals did grant the application of the Road Commission for Oakland County (RCOC) application seeking one of two alternative decisions for signage for the Gagliano Enterprises, LLC and Collex Collision Experts site, located at 25100 Novi Road.

The RCOC was seeking either the granting of a zoning variance to allow a 4 foot high pole sign on top of a 10 foot high pole, or in the alternative, a monument sign consisting of an

8 foot x 4 foot on a 2 foot high pedestal with an additional wall sign to be located on the north side of the building, of approximately 30 square feet.

At its July 12, 2011 ZBA meeting, I appeared on behalf of the RCOC, and explained the owner's preference was to have a pole sign. The presentation included a discussion regarding the dimensions of the pole sign; the height of the sign structure; as well as the other alternative option which was ultimately granted by the City of Novi ZBA. (See attached pole sign drawing with elevation markings).

Both members, Krieger and Sanghvi, expressed their belief that the owner's preference should be given more weight by the City of Novi ZBA. They noted that Gagliano Enterprises, LLC was a taxpayer within the City of Novi. That Gagliano Enterprises, LLC's preferences therefore should be given additional weight with respect to the nature of the variance to be granted for this location.

Mr. Gagliano who appeared that evening, expressed to the Board that it was his belief, that given the road improvement project and its proximity to his building location, in the absence of a pole sign, the alternative selected by the Novi ZBA would not provide sufficient signage, be it identification, or the ability to observe the Collex Collision location and provide Collex Collision customers with sufficient ability to negotiate the ingress and egress to and from his building. Mr. Gagliano expressed his concern regarding the construction of the bridge embankment, in conjunction with the ingress egress configuration and its proximity to the terminus of the bridge overpass. According to Mr. Gagliano, unless the ZBA was willing to give him the 14 foot high pole sign, he believed that he would have great difficulty continuing to operate at the 25100 Novi Road location.

At least two members of the ZBA agreed and concurred in Mr. Gagliano's position. They expressed their support for Mr. Gagliano's position with their vote against the alternative option of the 32 square foot front yard sign to be placed at the height of the embankment with the 30 square foot secondary wall sign, to be placed on the north face of the building.

Gagliano Enterprises as the owner is requesting that the City of Novi ZBA grant a request for a rehearing of its decision in this case.

Mr. Gagliano discussed the previous zoning variance approval being granted to Harold's Collision location, located west of Novi Road, on the north side of Grand River Avenue, immediately west of the Grand River embankment. In that instance, the Novi ZBA recognized the proximity of the grade elevation of the bridge embankment over Grand River Avenue; and the grade elevation impact on abutting Harold's Collision location. It is believed that this prompted recognition of the need to use the elevated pole sign to identify both the location; and, the nature of the business.

Mr. Gagliano and Rebecca Weekley, the in-house attorney for Collex Collision believe that if measurements are taken based upon the proximity of the Novi Road bridge embankment to the ingress egress location entering and exiting from Collex Collision, that the Novi ZBA, on rehearing, will reconsider its decision, recognizing that the need for the 14 foot high pole sign proposed, is indeed sufficient given the "practical difficulty" of otherwise not being able to observe the location of the business, because of the change in grade.

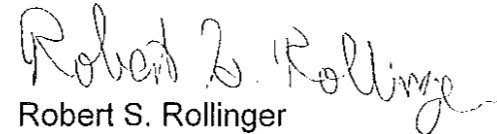
These are circumstances which are not self imposed. These are factual circumstances that are a result of the road improvement project; and the location of Collex Collision at the terminus of the bridge embankment elevation.

A drawing is being included with this request for a rehearing to depict the proposed pole sign. It identifies a 10 foot high pole, with a 4 foot tall sign affixed to the top of the pole.

These were factors which were not included in any specific detail as part of the written presentation to the Novi ZBA in advance of the July 12, 2011 meeting. They were raised with the Novi ZBA at the July 12 meeting; however, the measurements could not be considered in advance of that date. Collex Collision believes that if the distance and site distance measurements are considered, from the perspective of the proposed 14 foot high pole sign, the Novi ZBA on rehearing, will reconsider its decision and allow Collex Collision to erect the 4 foot high pole sign at the top of a 10 foot high pole as proposed.

This request for rehearing is being made in conjunction with Gagliano Enterprises, LLC, who is the owner of the property at 25100 Novi Road, and who is the moving party seeking a rehearing from the Novi ZBA of its July 12, 2011 decision.

Very truly yours,


Robert S. Rollinger

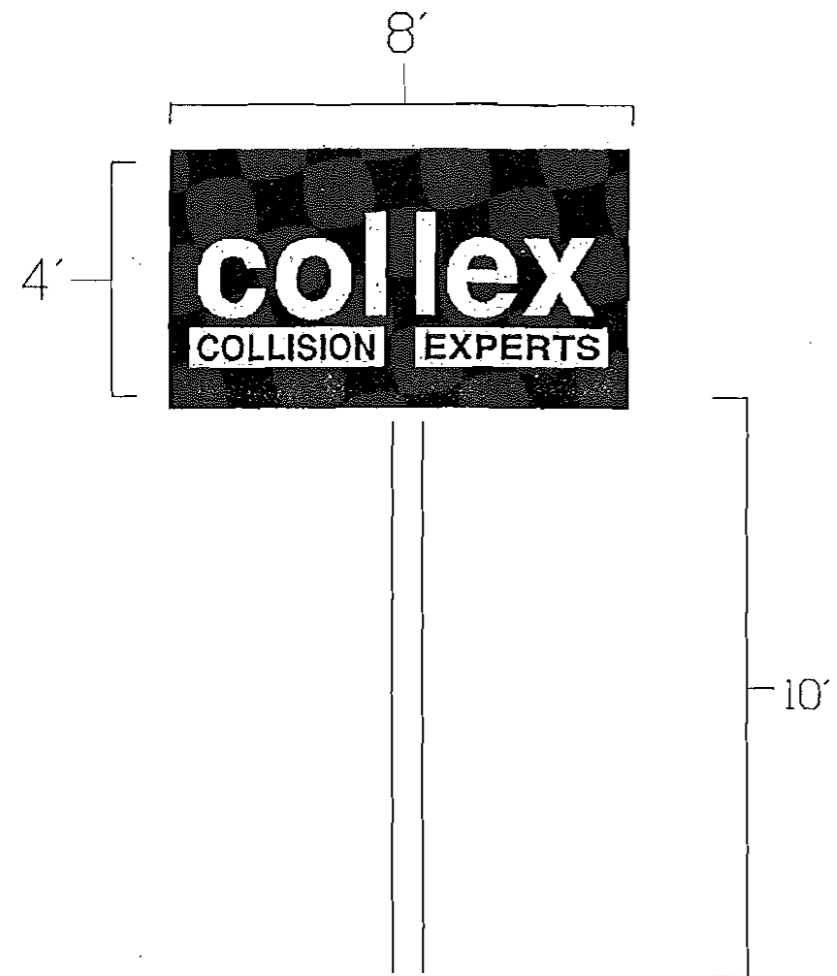
Collex Collision Experts is the moving party seeking a rehearing from the Novi ZBA of its July 12, 2011 decision in ZBA Case No. 11-010. Collex Collision is requesting that the Novi ZBA grant the requested 14 foot high pole sign alternative previously proposed.

Collex Collision Experts

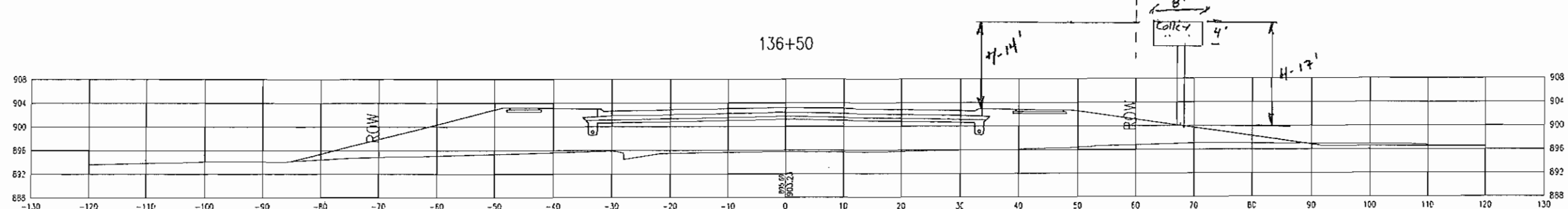
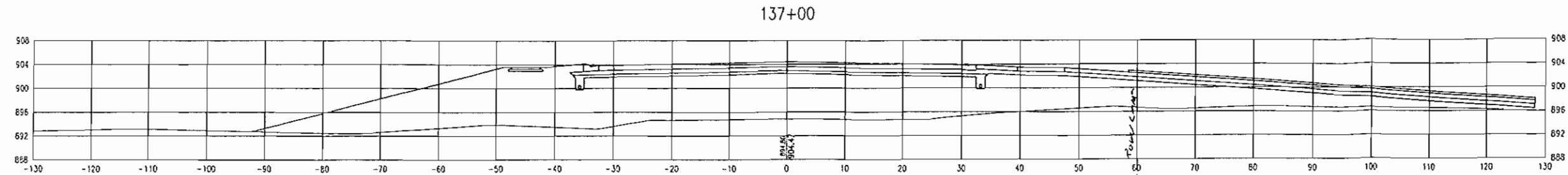
By: See Attached Email Correspondence
REBECCA WEEKLEY, Attorney for
Collex Collision Experts

RSR/ks

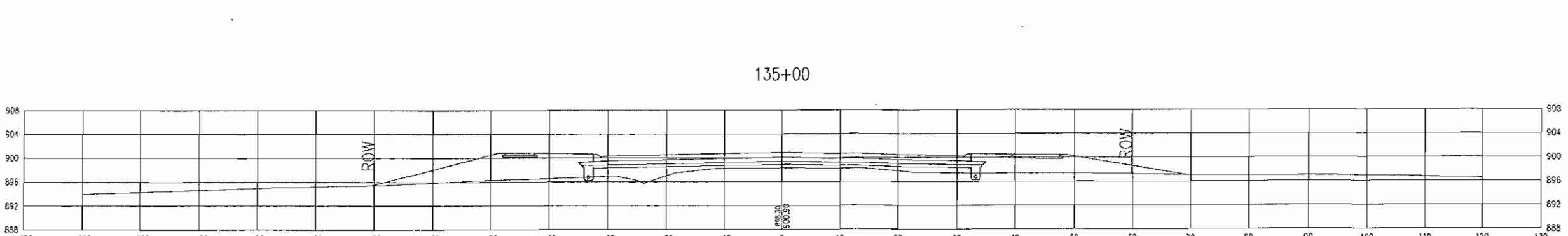
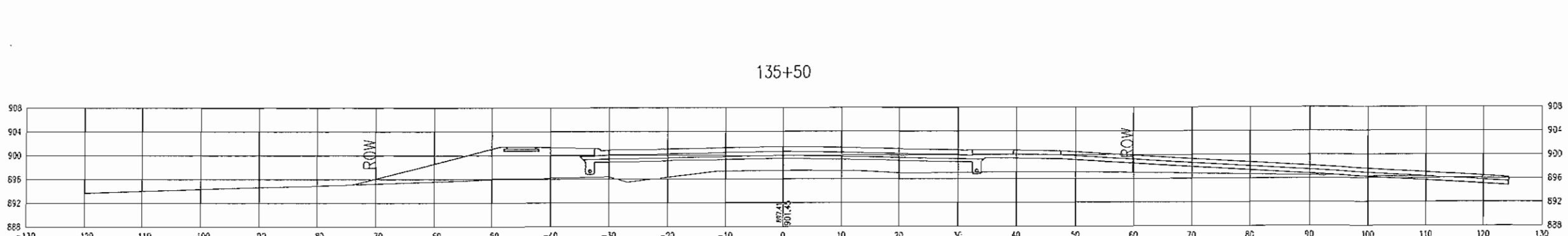
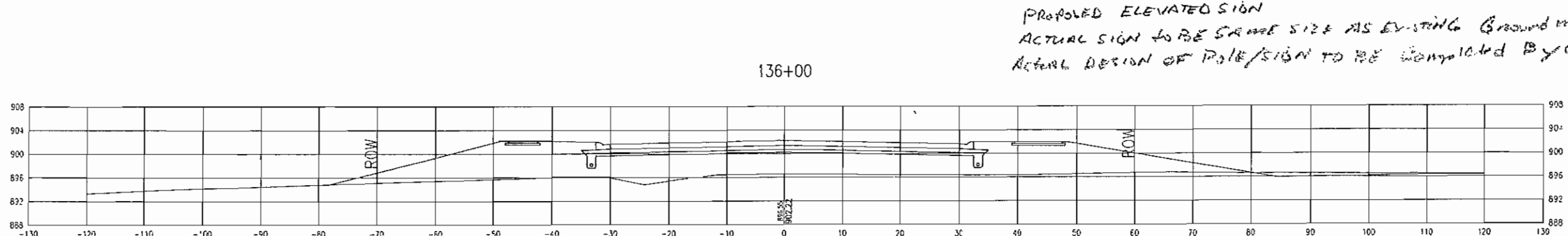
cc: Paula Reeves, Esq. (via email)
Brian Renaud, Esq. (via email)



Proposed Double Sided
Illuminated Business Sign



PROPOSED ELEVATED SIGN
 ACTUAL SIGN TO BE SAME SIZE AS EX-SITING (GROUND MOUNT SIGN)
 ACTUAL DESIGN OF POLE/SIGN TO BE COMPLETED BY CONTRACTOR



DATE	ISSUE	BY	CHKD	CHKD	SECTION	TOWN	COUNTY	SCALE	VERT. DATUM
08/17/10	1	JM	JM	CB	2025	T.A.	OAKLAND	1" = 10'	SP. 10 SOUTH U.S. G.S.
REVISION	DATE	BY	CHKD	CHKD	SECTION	TOWN	COUNTY	SCALE	VERT. DATUM
ROAD COMMISSION FOR OAKLAND COUNTY								RCOC: 41531 OHM: 0476-00-0140	
NOVI ROAD NORTH OF TEN MILE RD TO MAIN ST PROPOSED CROSS SECTIONS								34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM	

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