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REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, May 14, 2013

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, May 14, 2013

BOARD MEMBERS

- Linda Krieger, Acting Chairperson
- Jeffrey Gedeon
- Brent Ferrell
- Mav Sanghvi
- Rickie Ibe

ALSO PRESENT: Charles Boulard, Building Official
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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1 Novi , Mi chi gan.
2 Tuesday, Apri l 9, 2013
3 7: 00 p. m.
4 ** ** **
5 CHAI RPERSON KRI EGER: Good
6 eveni ng and wel come to the May 14th, 2013
7 Zoni ng Board of Appeal s meeti ng.
8 First can we rise and call for
Page 2

9 the Pledge of Allegiance.
10 (Pledge recited.)
11 CHAIRPERSON KRIEGER: And now if
12 could we have a roll call, please.
13 MS. PAWLOWSKI: Member Gedeon?
14 MR. GEDEON: Here.
15 MS. PAWLOWSKI: Member Gerblick
16 is absent, excused.
17 Member Ghannam is absent,
18 excused.
19
20 MS. SAARELA:
21 MS. SAARELA:
22 MR. IBE: Present.
23 MS. PAWLOWSKI: Chairman Krieger?
24 CHAIRPERSON KRIEGER: Present.
25 MS. PAWLOWSKI: Member Sanghvi?

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1 MR. SANGHVI: Present.
2 MS. PAWLOWSKI: Member Ferrell?
3 MR. FERRELL: Here.
4 CHAIRPERSON KRIEGER: Okay.
5 Public hearing format and rules of conduct,
6 they would be in the back of the room as you
7 walk in, or that -- there are some rules for
8 governing the meeting this evening.
9 Please turn off all cellphones
10 and pagers. The agenda for the meeting
11 tonight is in the back as well, and you may
12 have a copy.
13 When we call your case, if you

14 could please come to the podium, state your
15 name, first name and last name and spell it
16 for our reporter. And if you are not an
17 attorney, to please raise your right hand and
18 be sworn in by our secretary.

19 You will be allowed five
20 minutes to make a presentation and then you
21 will get a chance to be asked some questions
22 by the members of the board, and at the
23 chair's discretion can be allowed to have
24 more time for your case.

25 Any modifications -- are there

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5

1 any modifications to today's agenda?

2 MS. PAWLOWSKI: Yes. Case No.
3 PZ13-0018, has asked to be tabled to the
4 July 9th meeting.

5 CHAIRPERSON KRIEGER: Okay. Can
6 I have a motion on the table to accept that?

7 MR. SANGHVI: So moved.

8 MR. IBE: Second.

9 CHAIRPERSON KRIEGER: All in
10 favor say aye.

11 THE BOARD: Aye.

12 CHAIRPERSON KRIEGER: Opposed?

13 (No audible responses.)

14 CHAIRPERSON KRIEGER: We have
15 tabled that to the next -- to the July
16 meeting.

17 Tonight the -- our meeting we
18 have less than a full board. So if anybody

19 would wish to have their meeting (sic) tabled
20 to another meeting, please come forward when
21 we call your case, you can ask to have it
22 tabled to another meeting.

23 Onward for the minutes. The
24 minutes for the -- we have two, approval of
25 the March 12 minutes. I'd like to -- any --

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1 MS. SAARELA: Before we move onto
2 the minutes, can we do an approval of the
3 agenda?

4 MS. KRIEGER: Yes. Can I have a
5 motion for the agenda, please.

6 MR. SANGHVI: So moved.

7 MR. IBE: Second.

8 CHAIRPERSON KRIEGER: All in
9 favor say aye.

10 THE BOARD: Aye.

11 CHAIRPERSON KRIEGER: Opposed?

12 (No audible responses.)

13 CHAIRPERSON KRIEGER: Seeing
14 none, we can move forward.

15 For minutes, for approval of
16 the March 12 minutes, do I hear any additions
17 or subtractions or changes?

18 If I could, for my -- if I
19 could just read off the page numbers. Page
20 20, line 13, it said, "Simps". I don't
21 exactly remember the name, but I don't
22 believe it was Simps.

23 Page 54, line three, "I'm not

24 opposed" if we could put that.

25 And page 94, line 20, page

1 100, line 19 and 20, page 101, line two, page
2 104 line 25, page 109, line nine, to change
3 the M-r to M-s.

4 Anybody else?

5 I move to hear a motion to
6 approve the March 12 meeting?

7 MR. SANGHVI: May I make a motion
8 to accept the amended minutes.

9 MR. GEDEON: Second.

10 CHAIRPERSON KRIEGER: All in
11 favor say aye.

12 THE BOARD: Aye.

13 CHAIRPERSON KRIEGER: Opposed?

14 (No audible responses.)

15 CHAIRPERSON KRIEGER: Seeing
16 none. For the approval of the April 9
17 minutes. Could I hear any changes or a
18 motion?

19 MR. SANGHVI: I have a couple of
20 amendments for that.

21 CHAIRPERSON KRIEGER: Member
22 Sanghvi, go ahead.

23 MR. SANGHVI: Some of them are
24 typos. One on page three, line 11, should be
25 may I propose and not proposed.

1 Another one, on page 32, line
2 three, it reads Ms. Skelcy, it should read
Page 6

♀

♀

3 Member Ferrell.

4 CHAIRPERSON KRIEGER: Okay.

5 MR. SANGHVI: Thank you.

6 CHAIRPERSON KRIEGER: Do I hear a
7 motion with the changes?

8 MR. SANGHVI: So moved to accept
9 the amended minutes for the April meeting.

10 MR. FERRELL: Second.

11 CHAIRPERSON KRIEGER: All in
12 favor say aye.

13 THE BOARD: Aye.

14 CHAIRPERSON KRIEGER: Any
15 opposed?

16 (No audible responses.)

17 CHAIRPERSON KRIEGER: Seeing
18 none, we have the minutes for March and April
19 approved.

20 Public remarks, if anybody has
21 a remark in the public, if they would like to
22 come forward that is not related to the
23 cases, if you would like to come forward,
24 please do so.

25 Okay. Seeing none, we move

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9

1 forward to Case No. PZ13-0014, for 26401 Novi
2 Road, Odoba Mexican Grill.

3 If you could please come
4 forward.

5 MR. WALTER: Good evening. I'm
6 Richard Walter with R & B Walter Associates
7 out of Wixom, Michigan.

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8 CHAIRPERSON KRIEGER: Could you
9 spell your name, please.

10 MR. WALTER: R-i-c-h-a-r-d,
11 W-a-l-t-e-r.

12 CHAIRPERSON KRIEGER: I'm sorry,
13 we don't have a secretary.

14 So Jeff Gedeon is our
15 secretary. If you are not an attorney, if
16 you could raise your right hand and be sworn
17 in by our --

18 MR. GEDEON: You both are going
19 to be speaking tonight?

20 MR. WALTER: He may. Introduce
21 yourself.

22 MR. POLLARD: My name is
23 Chuck Pollard. I'm the regional construction
24 manager for Qdoba Mexican Grill or Qdoba
25 Restaurant Corporation.

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10

1 MR. GEDEON: Could you spell your
2 last name for the reporter.

3 MR. POLLARD: It's P, as in Paul,
4 o-l-l-a-r-d.

5 MR. GEDEON: In Case PZ13-0014,
6 Qdoba Mexican Grill, do you swear to tell the
7 truth tonight?

8 MR. WALTER: Yes.

9 MR. POLLARD: Yes.

10 CHAIRPERSON KRIEGER: Proceed.

11 Thank you.

12 MR. WALTER: Charles, you asked
Page 8

13 me to bring these along. This is the front
14 elevation. You have the drawing, which shows
15 the elevation, which we are requesting the
16 variance, but we didn't show the front
17 elevation. Charles asked us to bring that
18 along because since the building just got
19 up -- we couldn't put up a mockup for you.

20 CHAIRPERSON KRIEGER: I'm sorry,
21 if you could go back to the podium so the
22 people at home can hear you, too.

23 MR. WALTER: Oh, my gosh. Are we
24 being televised?

25 CHAIRPERSON KRIEGER: Yes.

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11

1 MR. WALTER: Oh, my goodness. I
2 didn't do my makeup.

3 CHAIRPERSON KRIEGER: Could you
4 also put a copy of the drawing on the
5 overhead.

6 MR. WALTER: Sure.

7 CHAIRPERSON KRIEGER: Thanks.

8 MR. WALTER: Is that it? There
9 you go.

10 Now, while that is the front
11 elevation, as you see on the variance
12 request, it's the same sign as on the side.

13 Is that the best we can get
14 that to zoom in or anything.

15 You're all familiar with the
16 former Big Boy site, and they have torn it
17 down, I'm sure you have all been involved

18 with the redevelopment of it.

19 It's going to have, I think
20 it's four tenants in there, or is it three,
21 do you recall?

22 MR. POLLARD: It is four tenants.

23 MR. WALTER: But right now Qdoba
24 is going to be on the southern most portion
25 of the building closest to the driveway and

12

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1 on Novi Road.

2 As you see, we are requesting
3 the variance because, first of all, it's
4 consistent with much of what we see on Novi
5 Road, Grand River, in that it's just -- the
6 community has recognized that a single sign
7 on a building, in this case, especially on
8 these roads is not sufficient.

9 So the second sign, which will
10 be on the -- like I said, the south wall,
11 will provide good visibility as you head
12 north on Novi Road.

13 This is important in that it
14 helps make certain that drivers as they're
15 coming along -- I'm hoping that I'm not
16 repeating a lot of stuff you have heard in
17 the past. I don't want to sound too
18 simplistic, but we have, you know, these
19 elements, we call vehicular -- driver
20 reaction times and the necessary amount of
21 time when somebody is driving down a road at
22 a certain speed at which they can see

23 something, recognize it, make the safe
24 maneuvers to get over and such.

25 Since we are going to have

13

1 obviously people needing to cross over, make
2 a left-hand turn into this on many occasions,
3 this will improve that, that driver reaction
4 time, and the time necessary to make a
5 decision.

6 Reduction of driver anxiety is
7 very, very important. These are the things
8 that help create accidents, and you know, so
9 therefore, it's beneficial to us as a whole
10 that if we have -- and us, I don't mean
11 Qdoba, us I mean as our community here, that
12 we have visible signage, signage that is
13 visible, conspicuous, readable, legible, so
14 that people can see it, make the decision, do
15 it safely and -- safely. That's the
16 important thing we are talking about here.

17 If, you notice here, we have
18 talked about the need for these visual cues.
19 This building is -- it's replacing an older
20 building that -- and developing it for
21 multiple tenants. It's not going to have --
22 at least not that I see anywhere on the site
23 plans, some of the other visual cues we need,
24 in that, you know, drive-thru sign, any kind
25 of way of finding signage as, like for

14

1 instance, in the Wal-mart area, you have
2 signage there that helps people get around
3 that development, more safely because -- you
4 know, direct people more easily.

5 This improvement, of course,
6 is not going to effect negatively any of the
7 supply of light or adjacent area. And it's
8 important to notice that -- to note, again, I
9 don't want to belabor the point, but when we
10 have properly signed buildings, this helps
11 appreciate the value of the properties.

12 This is beneficial to our
13 community in that, you know, property which
14 has appreciated in value, brings us more
15 revenues, which often pays for the police and
16 fire all those associated needs.

17 I think that you will see that
18 it's esthetically with everything else along
19 Grand River and Novi Road.

20 Any questions? I work better
21 with questions.

22 CHAIRPERSON KRIEGER: Thank you.
23 With that, would the city have any questions
24 or anybody in the public as well?

25 Does somebody have a comment

1 regarding this case?

2 (No audible responses.)

3 CHAIRPERSON KRIEGER: Seeing
4 none, thank you, close the public remarks.

5 And for the city, any

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additions?

MR. BOULARD: I just wanted to clarify that the (unintelligible) that's up on the screen is actually the east elevation, the front. That's a sign that's allowed by right.

And so if you wouldn't mind just putting the other one up there, it's comparable.

And then one question, if I could?

CHAIRPERSON KRIEGER: Yes.

MR. BOULARD: There is going to be more than one tenant in this building. Is there -- is it expected that each of the tenants will come and want an additional sign for the same reasons that you have brought up?

What's unique about your spot that your client is --

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MR. WALTER: We are on the end.

MR. BOULARD: How about the other end?

MR. WALTER: I can't speak for them. I think, between me and you, common sense would indicate that they will do so.

Again, like I said, visual signage, you know, more than adequate signage is important to not just Qdoba, but all the tenants in this building. And certainly most

11 importantly to all the, you know, visitors to
12 Novi and the citizens of Novi.

13 Quite frankly, if the northern
14 tenant has, you know, an additional sign, and
15 it's in conjunction with our signage, it does
16 nothing but benefit everybody all the way
17 around.

18 And -- what else? I think
19 that's it.

20 MR. BOULARD: Thank you.

21 CHAIRPERSON KRIEGER: From our
22 board, questions? Oh, secretary, please if
23 you could read in the correspondence.

24 MR. GEDEON: In Case PZ13-0014,
25 there were 16 notices mailed, two return

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17

1 mailed, zero approvals and zero.

2 CHAIRPERSON KRIEGER: Thank you.
3 Now open it up to the board, if the board
4 members have questions for the applicant.
5 Member Sanghvi?

6 MR. SANGHVI: Thank you. Good
7 evening, sir. Will you kindly show me on
8 your display where exactly this restaurant is
9 going to be located.

10 MR. WALTER: You know what, how
11 about this one. There we go.

12 This is the location here,
13 this is Novi Road, of course. And this is
14 Fonda Drive.

15 As you will notice, there is

16 no front parking, all the parking would be in
17 the rear.

18 MR. SANGHVI: Thank you. This
19 is the second sign you are applying for.
20 Where is your first sign going, in what
21 location?

22 MR. WALTER: The sign is going to
23 go -- we have an approval for this sign over
24 here in the front, on Novi Road. Then we are
25 requesting a variance for this sign over here

18

1 (indicating), on the south wall.

2 MR. SANGHVI: The sign --
3 Mr. Boulard, the sign that has been approved
4 is going to be on the south side?

5 MR. BOULARD: The sign that's
6 approved previously or that's already
7 approved is the sign on the east side, which
8 would face Novi Road.

9 MR. SANGHVI: East side. I
10 thought you were showing the picture for
11 the --

12 MR. BOULARD: I asked the
13 gentleman -- in the packet there was a
14 picture of the proposed sign on the south. I
15 asked him to bring the picture of the sign on
16 the east, just for reference.

17 MR. SANGHVI: How big is the
18 first sign?

19 MR. BOULARD: The first sign is
20 already approved. The variance request is

21 for the second sign on the south side.

22 MR. SANGHVI: What is the size of
23 the approved sign?

24 MR. BOULARD: Thirty-seven and a
25 half square feet.

19

1 MR. SANGHVI: That is within the
2 required limits?

3 MR. BOULARD: Yeah.

4 MR. SANGHVI: Thank you. I'm
5 asking you all this because it's very hard to
6 visualize when the building is under
7 construction.

8 MR. WALTER: That's true. That
9 is right there. That's the proposed variance
10 right there.

11 MR. SANGHVI: Thank you. I have
12 no further questions.

13 CHAIRPERSON KRIEGER: Other board
14 members? Member Ferrell?

15 MR. FERRELL: More of a
16 statement. Thank you. Having the second
17 sign, is it really going to be that much more
18 noticeable to the building since it's on a
19 street, there is really nothing back there
20 where the old expo center was?

21 What is it --

22 MR. WALTER: This sign is going
23 to be visible mostly to northbound traffic.
24 As you're heading north, you will be able to
25 see this sign first, which will help you make

1 a decision to, you know, get your car over in
2 the appropriate lanes to make that left-hand
3 turn.

4 As you notice here, this
5 development has placed the building closer to
6 Novi Road than where the old Big Boy was, all
7 right.

8 So what we -- what you have a
9 problem with there is now you have very
10 limited visibility, that close to the road,
11 reduces the amount of time which you can see
12 the sign, given the speed of the road, given
13 the traffic of this road, we know that there
14 is something what, 18 to 20,000 cars there in
15 a 24 hour period. That's a lot of traffic.
16 It's a lot of traffic, as you know that
17 bunches up there trying to get into the Town
18 Center and head south. Signs are real close
19 to the road, buildings are close to the road.

20 It's a nice detail in the
21 sense of we like to see more buildings closer
22 to the road because it gives us the sense of
23 more village center and such. The drawback
24 is, especially without any front parking, is
25 that signs are close to the road, we are

1 limited to just your portions of a second
2 which to see it, recognize it, and make a
3 decision, which we are going have a difficult
4 time with.

5 There is going to be -- you
6 know, that's going to be a challenge with
7 this location regardless, especially coming
8 southbound.

9 There is no solution for that.
10 Pole signs would be a nice solution, we know
11 there are issues there. The entire north
12 wall there, having a sign for each location
13 is a good solution, not one that's in Novi.

14 And so what we are going to
15 have is that as we are there longer, as
16 people, you know -- I don't know, have any of
17 you ever been to a Qdoba, or tried the
18 products -- you have been to Qdoba?

19 CHAIRPERSON KRIEGER: No, if you
20 could explain, that would -- thank you.

21 MR. WALTER: It's a quick serve
22 restaurant. Okay. It's Mexican theme food.
23 It's not a huge menu, but it's a good size
24 menu.

25 And you walk in at one end,

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22

1 you present your order to the people, and you
2 move along, and they make it, custom make
3 each one for you.

4 And it's good -- one of the
5 things that's -- you know, I'm sorry, you may
6 be thinking how does it equate to a Taco
7 Bell. If you're not -- unfortunately I
8 didn't want to throw that out, but one of the
9 big differences -- it's not just a big

10 difference, I think it's an incredibly huge
11 difference is this food has far less sodium,
12 it's much more natural, it's a better quality
13 of food. All right.

14 So you're going to go there,
15 not only does it taste good, it's an
16 interesting atmosphere, and it's going to
17 move you through quickly. It's not freaky
18 fast. But it's going give you a nice seating
19 area and you're going to have good quality
20 food, you're going to really enjoy it.

21 So you're going to have here,
22 you're going to have two things going on. As
23 people come in and seek it, there are going
24 to be people who come in, and they're going
25 to carry out, and there is going to be those

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23

1 who are going to be sitting down. So we are
2 going to have a certain flow.

3 As you know, during the high
4 traffic times with lunchtime, we want to make
5 certain that is -- you know, able to be done,
6 in a very safe manner.

7 If somebody is trying to find
8 it, and they can't see it because they get to
9 the sign too late, we are going to have some
10 problems, you know, negotiating turns there.

11 Again, and the longer it's
12 there, the more you enjoy it, the more people
13 are going to be able to safely get into it,
14 they're going to know it, particularly

15 heading northbound.

16 Visitors to the area, well, we
17 may have challenges, but hopefully not too
18 bad.

19 CHAIRPERSON KRIEGER: Member
20 Ferrell?

21 MR. FERRELL: I just still -- I
22 don't want -- I don't understand. Not that
23 I'm confused. I understand what you're
24 saying.

25 It's just how -- why is your

24

1 business more important than the one that's
2 going to be in the middle as far as having
3 this signage? Like you're going to -- you're
4 saying yours is going to be more seen coming
5 from the north side, but I mean, why --

6 MR. WALTER: The associated --

7 MR. FERRELL: Hold on a second.

8 So all three businesses are
9 going to have adequate signs in the front?

10 MR. WALTER: No.

11 MR. FERRELL: No?

12 MR. WALTER: No. We already
13 established, they're going --

14 MR. FERRELL: Different sizes?

15 MR. WALTER: The signage that is
16 allowed by the City of Novi isn't
17 necessarily -- well, it's not adequate.
18 Okay. It's going to be so close to the road,
19 we are going to have issues there. Everybody

20 is going to have an issue there.

21 What we are doing is that by
22 having additional signage, we are going to
23 help provide others in that mall with the
24 benefit of visibility.

25 The guys next to us are going

25

1 to be able to, you know, say, hey, we are
2 next to Qdoba because it's easier to find.

3 Or if the northern one is
4 easier to find, be able to say that.

5 They are going to derive
6 benefit from our signage, as much as -- if
7 not more than us.

8 MR. FERRELL: Okay. No more
9 questions.

10 CHAIRPERSON KRIEGER: Member Ibe?

11 MR. IBE: Sir, thank you so very
12 much for your presentation. I haven't been
13 to Qdoba, but maybe this will be first time.

14 But I'm going to do a quick
15 follow-up on the last comment you made about
16 the other tenants in the building.

17 Now, sir, do you know who your
18 other tenants are?

19 MR. WALTER: No. Do you?

20 MR. POLLARD: I can tell you
21 right now that one of the other tenants
22 opposite of us on the endcap is a Verizon
23 Wireless. The other two middle tenants, Five
24 Guys. What's the -- the one is not --

25

MR. IBE: The next follow-up

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1 question is, what leads you to conclude that
2 they will not need any signs?

3 MR. WALTER: I didn't say they
4 wouldn't need any signs.

5 MR. IBE: Think the gentleman
6 asked you if the other ones are going to have
7 signs in the front, and you said no.

8 MR. WALTER: No, no. He asked,
9 you know, were they adequate signs, and I
10 said, no.

11 The signs aren't going to be
12 adequate. Novi's sign ordinance does not
13 allocate signs based upon scale. They're
14 based upon square footage.

15 Even though in many respects
16 the minimum square footage is helpful, it's
17 not effective, okay.

18 This is just scientific.
19 Since the building is so close to the road,
20 you have to imagine you're heading down that
21 road, you need about a second and a half at
22 the very least which to identify something to
23 make a good decision and to start to begin
24 your actions necessary to move over.

25 Coming down that road, you're

27

1 not going to be able to see these signs since
2 they're so close to the road, until you're

3 very close to them, which is less than a
4 second and a half.

5 That's why when the tenant on
6 the north and the tenant on the south are
7 going to be a benefit to the other tenants in
8 the building. That their signage -- you
9 know, by having any additional signage,
10 people can then say, we are in the same
11 building as Verizon, or we are in the same
12 building as Qdoba.

13 MR. IBE: Sir, you still didn't
14 answer my question. I'm going to be very
15 particular, because I'm not a big fan of this
16 sign.

17 What you are asking, sir, is
18 going to open up the flood gate of all the
19 tenants in that building asking for the same
20 signs. Before we know it, the walls on that
21 building are going to be covered with signs
22 on the north as well as the south, as well as
23 the east elevation, all covered with signs.

24 I don't believe your sign will
25 serve a purpose for which you think is going

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1 to really work for you, because this sign for
2 the northbound traffic.

3 Now, remember, we are talking
4 about two-lane traffic here, plus a middle
5 lane, that's five lanes. Two going north and
6 two going south with a middle lane. You can
7 hardly turn left right now and see

8 anything -- you know because of how the cars
9 moving, it will be a very dangerous part to
10 even place a sign.

11 If we put your sign, and Five
12 Guys ask for a sign and Verizon ask for a
13 sign, by the time you know, this will be
14 called a sign building.

15 Sir, I understand your need.
16 I understand the fact that you want more
17 signage.

18 Frankly, every business, if
19 you ask them, will tell you they need more
20 signage, but I don't think that's a solution.
21 I think there are better ways to market your
22 product, so that people know where it's
23 located on Novi Road.

24 I must tell you right now,
25 sir, I am not very impressed.

♀

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1 MR. WALTER: I --

2 MR. IBE: No, sir, there is no
3 question on the table. Thank you.

4 MR. WALTER: I got to say, I'm
5 not following what you are saying.

6 MR. IBE: Sir, it was just a
7 comment. There is no question.

8 MR. WALTER: I understand that.
9 You have a building with four tenants. Right
10 now the ordinance allows each tenant to have
11 a sign on the wall. Each tenant will have a
12 sign on a wall.

13 So the tenants on the north
14 and the south, which have a second wall are
15 going to request the variance to allow a
16 second sign to increase the visibility of
17 that building.

18 I'm not following -- it sounds
19 like you're saying that nobody has a sign. I
20 think we are having a confusion here.

21 MR. IBE: Sir, maybe I should
22 make myself clear.

23 MR. WALTER: Yes, please.

24 MR. IBE: There are four tenants.
25 My question to you is, do all four tenants

♀

30

1 have required signs?

2 MR. WALTER: All four tenants
3 will require a sign, yes.

4 MR. IBE: My comment is, those
5 signs are good enough. Additional signs I
6 will not be in support of, considering where
7 this building is located and the proximity to
8 the road, it will not look esthetically
9 pleasing to the eye.

10 MR. WALTER: I beg to differ
11 because the sign is quite attractive. As you
12 can see on the wall there, that's an
13 attractive sign. It is -- you know, it's not
14 large. I'm not sure what esthetic
15 sensibilities you are questioning here.

16 The color combinations are
17 quite nice. We are, you know, quite

18 successful in many other communities with
19 attractive signage in nice locations. They
20 are good, you know, corporate citizens out in
21 the communities they're in.

22 So I think that if we're going
23 to have a discussion about esthetics, that we
24 have a rather strong discussion to have. But
25 let's say if you want to talk simply

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31

1 mathematics and science --

2 CHAIRPERSON KRIEGER: Excuse me,
3 Member Ibe, are you done -- you have any
4 other questions?

5 MR. IBE: I have no other
6 questions.

7 CHAIRPERSON KRIEGER: Member
8 Gedeon, do you have a question?

9 MR. GEDEON: No, I do not.

10 CHAIRPERSON KRIEGER: My comments
11 are that I suppose if you are coming
12 northbound, the signs apparently they're
13 going to be different square footages on the
14 east and the south or the same?

15 MR. WALTER: The same.

16 CHAIRPERSON KRIEGER: And then
17 the Qdoba Mexican Grill, the whole --
18 Qdoba -- the square footage -- the Qdoba part
19 will be bigger than Mexican Grill, so you
20 have some open space?

21 MR. WALTER: Yes.

22 CHAIRPERSON KRIEGER: Okay. And

23 then also the elevation, the Big Boy before
24 was at a lower elevation, so they brought the
25 building up to the same as the road, is that

32

1 correct?

2 MR. BOULARD: I believe that's
3 the case, yes.

4 CHAIRPERSON KRIEGER: Then also
5 speed is a thing. I guess suppose if you're
6 coming northbound you're going to know you're
7 at Qdoba. So if your residents would know if
8 you're coming southbound, the eastbound,
9 would you be more agreeable to Qdoba just
10 being on the east side versus having south
11 and east, if your south sign has already been
12 approved?

13 MR. WALTER: East wall has been
14 approved, that's what is allowed by
15 ordinance.

16 CHAIRPERSON KRIEGER: You're
17 asking for the south wall?

18 CHAIRPERSON KRIEGER: Yes, asking
19 for the south wall.

20 CHAIRPERSON KRIEGER: From the
21 previous speakers, they don't seem to be in
22 agreement with all concerned because of the
23 signage that the whole area will be covered.
24 So there probably will also be a ground -- I
25 don't know -- Mr. Boulard, will there be a

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1 ground sign?

2 MR. BOULARD: No, each of
3 these -- in this case, each suite within the
4 building would be allowed signage based on
5 the linear footage of the frontage.

6 CHAIRPERSON KRIEGER: So they
7 would be on the building?

8 MR. BOULARD: Typically, yes.
9 There is not really room to put a ground sign
10 in front of the building.

11 CHAIRPERSON KRIEGER: There is
12 going to be four, are they all going to be on
13 Novi Road, frontage?

14 MR. BOULARD: Each suite would be
15 allowed to. I would imagine they would put
16 them there. I would imagine that's what they
17 will choose. Each suite would be entitled to
18 one sign.

19 CHAIRPERSON KRIEGER: So once
20 they're parking in the back, directional,
21 they would have to know where they're going.

22 MR. BOULARD: There is also
23 directional signage that would be allowed, in
24 terms of, they could put something on the
25 backdoor. That's all allowed by the

♀

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1 ordinance, but it's nothing that's going to
2 attract your attention or that's this big.

3 CHAIRPERSON KRIEGER: It's very
4 nice that Qdoba is coming, but with -- I
5 would have to agree that in the long run that
6 there will be so much signage, we won't see

7 anything.

8 So in this matter, can I hear
9 a motion, either way.

10 MR. SANGHVI: Can I make a
11 comment?

12 CHAIRPERSON KRIEGER: Yes, go
13 ahead.

14 MR. SANGHVI: Okay, I have a
15 request for you. Understand, that is,
16 looking at the general consensus here, I
17 don't think that there is a possibility that
18 your request may be granted.

19 So I would like to give you a
20 choice between the two. Would you like to
21 have a southern sign, or would you like to
22 have an eastern sign between the two?

23 CHAIRPERSON KRIEGER: Member
24 Boulard?

25 MR. BOULARD: The single sign is

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1 allowed by right. He could have either side.

2 MR. SANGHVI: He picked the east
3 side?

4 MR. BOULARD: He could pick
5 either side if you decide not to grant the
6 variance. If he wanted to move his sign to
7 the south side, he could.

8 MR. SANGHVI: I think that
9 probably sounds better to me in every
10 respect.

11 CHAIRPERSON KRIEGER: So either a
Page 29

12 motion to approve or deny.

13 Do you have further questions,
14 Member Sanghvi?

15 MR. SANGHVI: No.

16 MR. WALTER: Can Mr. Pollard make
17 a comment real quick?

18 CHAIRPERSON KRIEGER: Go ahead.

19 MR. POLLARD: I would like to
20 just make sure that I'm following you guys on
21 this.

22 Are you worried about other
23 tenant's signage along that side of the road,
24 on Fonda Road?

25 CHAIRPERSON KRIEGER: It will be

1 either north or south.

2 MR. POLLARD: All of the signage
3 for the building, for each individual tenant
4 would be facing Novi Road.

5 So I want to make sure, sir,
6 regarding your comments, you had mentioned
7 what's going to stop other tenants from
8 asking for signs along this road, if we were
9 granted this variance, is that correct?

10 MR. SANGHVI: That was the
11 question -- that was one of the questions
12 that was raised during the discussion by the
13 board members.

14 MR. POLLARD: What it is usually,
15 in typical municipalities across the nation
16 that I have dealt with, and building all over

17 the place, we are only allowed that
18 individual tenant that has street frontage.
19 So any kind of street frontage that was
20 facing towards that, would be required or
21 would be enable them is signage.

22 So that's why we are trying to
23 have signage on both directions, in regards
24 to way finding and reaction times and things
25 of that nature, regarding north and south

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1 direction on the streets of Novi. Since
2 that's one of the busiest intersections in
3 the City of Novi, too, we just want to make
4 sure that there are appropriate reaction
5 times that we can actually get patrons to
6 come to our place, whether or not even though
7 they're new patrons, existing, old or
8 whatever, we are going to have that -- you
9 know, everything out there.

10 But the thing that I want to
11 make sure is, that no other tenant will have
12 a sign on that side basically because we are
13 the ones that are paying for that tenant
14 space. We have all that linear side signage
15 on that side that's facing Fonda Road is
16 ours.

17 So according to the lease that
18 we have, there will not be any other tenants
19 that will be able to put signage along that
20 road, it will just be Qdoba.

21 I just wanted to bring that to
Page 31

†

22 your attention. I felt like there ma be some
23 mi sconcerns about somebody else putting signs
24 along our side of our building, or where we
25 are renting, or leasing from. So I just

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1 wanted to state that real quick.

2 CHAIRPERSON KRIEGER: Member
3 Gedeon?

4 MR. GEDEON: Are ei ther of you
5 i nvolved wi th the devel opment i n -- I don' t
6 know i f i t' s Northvi l l e Townshi p at Ei ght
7 Mi l e and Haggerty, whi ch i s al so Qdoba and
8 Fi ve Guys?

9 MR. POLLARD: That i s Northvi l l e.
10 Yes, I actual ly bui l t that store, too.
11 That' s the same. I n fact, our contractor,
12 met wi th devel oper, and I asked hi m to joi n
13 us toni ght.

14 MR. GEDEON: Are you aware
15 wheth er or not that devel opment has -- that' s
16 a si mi l ar -- i t' s a l i t t l e bi t di f f e r e n t
17 becau se i t' s pushed back farther, I thi nk,
18 from the road, but i t al so has -- the mai n
19 facade i s east faci ng.

20 MR. POLLARD: Correct.

21 MR. GEDEON: Do you know i f there
22 are si gns on the north or south of that
23 bui l di ng?

24 MR. POLLARD: We have both on our
25 front and our si de and plus we al so have an

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1 additional monument sign there, too, where we
2 have our presence known to actually cue
3 people for proper way finding to the
4 establishment, because that particular
5 establishment does have a right-in,
6 right-out. It doesn't have the signalized
7 intersection like what we are experiencing at
8 Fonda and Novi Road here.

9 But yes, we do have, to answer
10 your question, signs on two sides.

11 MR. GEDEON: Thank you. I guess
12 I think I might have a different viewpoint
13 than some of the other board members here. I
14 don't really have a problem with this.

15 I think we could, you know,
16 come up with some legitimate reasons to
17 approve this, including the fact that they
18 have, you know, two road frontages, if you
19 count the Fonda Street as a second frontage.

20 You know, we have got
21 neighboring municipalities, you know, with,
22 you know, similar signage that they're
23 requesting, and -- I don't know. There is
24 one -- there is another building, I don't
25 know the address on Novi Road, near this

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1 area, it's a very small square footage. I
2 think it was designed to be some sort of
3 restaurant type building, and as far as I
4 know, it's been vacant since it was built and

5 I would -- you know, I don't want to see this
6 be another one of these abandoned
7 developments, you know, brand, new and you
8 can't fill any tenant space, that would be a
9 shame.

10 I don't have a problem with
11 approving this -- I don't know if I'm alone
12 here on that though.

13 CHAIRPERSON KRIEGER: Thank you,
14 Member Gederon.

15 My worry would be that like
16 along Karem Road, Pheasant Run development,
17 that they have got the one side signage, on
18 the east going westbound, but eastbound
19 there -- you can just see the back part of
20 their building.

21 So considering Novi Road is a
22 high -- there is similarities and
23 differences. But it would be having too many
24 signs, I have a concern with that.

25 So back to we have a motion to

♀

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1 agree or disagree?

2 MR. IBE: I'll make a motion. In
3 Case No. PZ13-0014, 26401 Novi Road, Odoba
4 Mexican Grill, I move that the petitioner's
5 application be denied for the following
6 reasons.

7 The building in question here
8 is located on a very busy road, known as Novi
9 Road. There are four tenants, and four

10 tenants obviously, that will also need
11 similar visibility as the applicant.

12 The applicant has requested a
13 second sign other than the one that's allowed
14 to be placed on the south wall of the
15 building, and the applicant believes that
16 their sign will be not only beneficial to its
17 business, but to the other businesses that
18 are located within the facility.

19 However, based upon the
20 presentations and questions asked by the
21 members, there are concerns that this
22 building may end up requiring -- may end up
23 having more signs than there are walls
24 accommodated, therefore, the request for this
25 sign should be denied. On the grounds that

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1 the features of the building are unique in
2 the sense of where it's located. Not
3 granting this sign will not prevent the --
4 will not prevent or limit the use of the
5 property, as the applicants already have an
6 allowable sign on the east elevation of the
7 building.

8 The request is not based on
9 circumstances or features that are
10 exceptional and will not -- and is
11 inconsistent with what is acceptable in the
12 area, generally acceptable in the area or in
13 the city.

14 The grant of the relief will

15 not prevent the structure or -- the denial of
16 the applicant's request will not prevent the
17 applicant from achieving any goal that is set
18 for itself.

19 I believe that a denial is
20 consistent with the ordinance as well as what
21 is seen in the surrounding area.

22 Therefore, I move that the
23 applicant's application be denied.

24 CHAIRPERSON KRIEGER: Yes,
25 Ms. Saarela, counsel?

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1 MS. SAARELA: Can I just suggest
2 based on the standards, based on what I'm
3 hearing you say is that the reason that
4 you're moving for denial is that the
5 petitioner will not be unreasonably prevented
6 or limited with respect to the property
7 because the property is not unique and it
8 shares the same visibility concerns as the
9 rest of the tenants in the building?

10 MR. IBE: That's correct.

11 MS. SAARELA: And that the
12 conditions that are causing the difficulty
13 apply generally throughout the city?

14 MR. IBE: Very well. That's
15 correct.

16 CHAIRPERSON KRIEGER: Do I hear a
17 second?

18 MR. SANGHVI: Second.

19 CHAIRPERSON KRIEGER: Ms.

20 Pawlowski, please call the roll.
21 MS. PAWLOWSKI: Member Gedeon?
22 MR. GEDEON: No.
23 MS. PAWLOWSKI: Member Ibe?
24 MR. IBE: Yes.
25 MS. PAWLOWSKI: Chairperson

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1 Krieger?
2 CHAIRPERSON KRIEGER: Yes.
3 MS. PAWLOWSKI: Member Sanghvi?
4 MR. SANGHVI: Yes.
5 MS. PAWLOWSKI: Member Ferrell?
6 MR. FERRELL: Yes.
7 MS. PAWLOWSKI: Motion passes
8 four to one.
9 MR. WALTER: The proposal that we
10 made is not inconsistent with other
11 businesses across the street or on the block.
12 CHAIRPERSON KRIEGER: Thank you,
13 sir. I appreciate --
14 MR. WALTER: I just want to say
15 that this proposal saying that this is
16 consistent with the rest of Novi, is false.
17 CHAIRPERSON KRIEGER: Thank you.
18 We now go to Case No.
19 PZ13-0019, for 27145 Karevich and 27155
20 Karevich, the Genji Steakhouse.
21 MR. QUINN: Good evening,
22 everyone. Madam Chairperson, it's a pleasure
23 to appear in front of you for the first time
24 on this matter. Gentlemen, good evening.

1 here representing PI Distributing, the owners
2 of Genji Steakhouse, Asian Cuisine and Sushi
3 Bar.

4 For those that have been in
5 it, I'm sure you will agree that this is a
6 first class restaurant, and something that
7 Novi has needed for many, many years.

8 What is unique about this
9 particular restaurant and parcel is, it's now
10 been open for a few months. And this is a --
11 first of all, I want you to understand a
12 multi-million dollar development, when you
13 consider this half mile stretch of two
14 parcels that contain two significant
15 buildings on it.

16 Since the restaurant has been
17 open for a few months, as I stated, what we
18 found out is that it's very difficult for the
19 clientele to find it, much like it was
20 difficult for people to find the Sheraton
21 hotel in the old days and now replacement
22 hotels. It's extremely difficult to find.

23 In fact, in days of modern
24 technology people are now using their
25 iPhones, GPS to find locations. Well, the

1 city didn't do this restaurant any favors by
2 changing the name of the street right in
3 front. It was Sheraton Drive and now it's

4 South Karevich Drive. When people log in on
5 their GPSs, Sheraton Drive doesn't exist.
6 When they look to find Genji Steakhouse, they
7 end up on Art Van on North Karevich Drive.

8 So the need for signage for
9 this particular business is of utmost
10 importance both for its future success and
11 its viability.

12 Now, as I stated, I'm looking
13 at the overhead now. There is a very unique
14 parcel. It runs on the east from now South
15 Karevich Drive approximately a half mile to
16 the west to Donaldson Drive. It's really two
17 parcels, one parcel with Genji restaurant and
18 the other parcel with PI Distribution. But
19 for flow-through and traffic, it acts as one
20 parcel because you have continuous parking
21 all the way through.

22 Now, the signage that we
23 requested is necessary, first of all, to
24 identify going to look for Donaldson Drive
25 first. This is a picture of Donaldson Drive

♀

1 just taken yesterday it shows the mockup
2 signage here, that says, Genji on top and PI
3 Distribution on the bottom.

4 As you look from Donaldson
5 Drive, if that sign wasn't there, what do you
6 see. You see absolutely no identification of
7 what's in this parcel at all. In fact, the
8 first structure you see is the hotel which

9 lies immediately here (indicating). They
10 have their sign at the other part of this
11 driveway identifying it as the hotel. But as
12 you look to the driveway going to PI
13 Distribution Center, and then on the other
14 side of it, Genji restaurant, there is
15 absolutely no identification.

16 So anyone using Donaldson
17 Drive will have absolutely no idea where
18 they're going, whether it's a truck going to
19 PI Distribution Company, or if it's a client,
20 customer going to the Genji Steakhouse.

21 So the sign that is requested
22 to be placed on Donaldson Drive, is a very
23 nice sign, it says Genji on the top and PI
24 Distribution on the bottom.

25 Now, the issue for the

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1 variance is, you're only allowed to have one
2 business per sign. And yes, on this sign we
3 could just have PI Distribution, but what
4 sense does that make. If somebody is coming
5 from Twelve Mile Road, to go to Genji
6 restaurant, they're going to use Donaldson
7 Drive, because it's a straight shot right to
8 the driveway that I showed you in this
9 picture, and they would drive all the way
10 through. They will not have to deal with
11 that terrible intersectional layout at
12 Karevich Drive and the main road there coming
13 into West Oaks Mall, they can totally avoid

14 it, but they won't know where to go.

15 So this sign here is
16 necessitated by people needing directions to
17 know where to go.

18 And this same sign is being
19 requested at the South Karevich Drive
20 entrance. Because if someone is coming on
21 South Karevich Drive, trying to find PI
22 Distribution Center, again, there is no
23 identification whatsoever at this entrance
24 into the property as to where PI Distribution
25 Center is, and that same sign that says Genji

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1 and PI Distribution be used there, to allow
2 the traffic to access.

3 Again, we could just put Genji
4 at that sign, but what sense does it make not
5 to identify PI Distribution. Additionally
6 it's common ownership, all right, common
7 parcels, common ownerships, common
8 businesses.

9 In fact, PI Distribution
10 Center acts as a catering building, it's
11 actually food preparation for some of the
12 food that's brought over to Genji, and it is
13 also a distribution warehouse where the
14 owners have a patent on the steak cooking
15 tables, that you see in Genji restaurant and
16 the distribution network is from there. So
17 you have the truck traffic who needs to know
18 where to go.

19 And merely by having the
20 additional name put on the sign, serves the
21 purpose. It will allow people to find where
22 they have to go.

23 The third sign is such a small
24 sign, doesn't even show up here. This is on
25 the portico right in front of the restaurant.

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1 Once you pass -- once you gain access to the
2 site, and you're in the parking lot on this
3 side of the building, there is no
4 identification whatsoever. And therefore,
5 they're asking that a very small one foot ten
6 inch sign be placed on the wood area, there
7 is a -- was a little confusion on the
8 drawing, here it shows underneath, but it
9 really is intended to be on the wood just as
10 it is on the mockup, which is placed right on
11 the wood area, just a very distinct, but
12 very nicely done sign that just identifies
13 the restaurant once again.

14 The final feature that we need
15 to address is really, in my opinion, an
16 architectural feature, not a sign.

17 And this is the flame that is
18 being proposed to go on the top of the tower
19 right here, and it's a natural gas flame.
20 There is no letters on it, no anything. The
21 flame will be roughly 24, 30 inches tall, as
22 identified in this exhibit that was submitted
23 as part of the application. And it is a

24 flame that people will be able to see from
25 around the area and hopefully assist them to

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1 find the restaurant and it can be used as a
2 trademark for the restaurant.

3 And in that manner perhaps, it
4 is under your definition a sign. All right.
5 Therefore, for tonight's purpose, we are here
6 asking for the variance for that flame to be
7 allowed, as we have requested.

8 Now, tonight, if you have any
9 questions, we have Henry Pi, the owner, we
10 have his son, we have the architects, we have
11 the contractors, we have everybody you would
12 ever need to ask any questions about to
13 answer questions on what we are presenting
14 here.

15 But the purpose of the ZBA,
16 this is a unique parcel because of the
17 layout, because of the two businesses that
18 encompass this overall parcel, it's unique
19 because of the location of this parcel. The
20 fact that we have modern GPS devices that
21 can't find it here, we have a terrible
22 intersection on the street to deal with, we
23 have no identification on Donaldson Drive
24 whatsoever.

25 We'd like to get more people

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1 to Donaldson than anyplace else to be able to

2 come to this first class restaurant.

3 This is very, as I said, a
4 heavy investment. It needs clientele, and it
5 needs your assistance by allowing this
6 signage to come through. These signs
7 obviously aren't going to effect anyone else
8 because there really is nobody else around.

9 You have the hotel next door,
10 well, they have their own problems, as you
11 can try to find them. Farther to the north
12 you have West Oaks, they have got enough
13 signage, nobody up there needs anymore.

14 But this particular parcel is
15 stuck in between and it needs the assistance
16 of the city to make it a success and we are
17 hoping you will do that this evening.

18 If you have any questions,
19 we'd be more than happy to answer them.

20 Thank you very much.

21 CHAIRPERSON KRIEGER: Thank you.

22 Is there any public remarks
23 regarding this case?

24 (No audible responses.)

25 CHAIRPERSON KRIEGER: Seeing

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1 none, the city, do we have a questions or
2 remarks?

3 MS. SAARELA: I don't have any.

4 MR. BOULARD: Just one thing I
5 want to mention. I did speak with the fire
6 marshal regarding any concerns about the

7 flame, anticipating there might be questions.

8 He indicated that the
9 equipment as presented, obviously the
10 installation will be key, and will be
11 checking on that, but he was not concerned
12 about the safety of the flame.

13 So other than that, I will
14 standby for questions.

15 CHAIRPERSON KRIEGER: Thank you.
16 Member Gedeon, if you could read into the
17 record the correspondence.

18 MR. GEDEON: In Case PZ13-0019,
19 13 notices were mailed, three returned mail,
20 zero approvals, zero objections.

21 CHAIRPERSON KRIEGER: Okay. And
22 before I open it up to the board, I was
23 wondering, question regarding the signage and
24 the architect, we do that separate or all in
25 one? For counsel.

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1 MS. SAARELA: What is the
2 question?

3 CHAIRPERSON KRIEGER: The flame,
4 the architecture of the flame and then the
5 signs, should we do that separate or
6 together?

7 MS. SAARELA: Well, is flame is
8 being considered as a sign.

9 CHAIRPERSON KRIEGER: I'd like to
10 open it up to the board.

11 Member Sanghvi?

12 MR. SANGHVI: Good evening,

13 Mr. Quinn.

14 Thank you very much for
15 explaining to us. I think we have a general
16 idea behind all these signs and the flame,
17 the torch, olympic torch, or whatever you
18 want to call it. It sounds like a neat idea
19 to me.

20 And you are right, there is no
21 way knowing from Donaldson, where is this
22 property located, so you need some
23 identification for your businesses on that
24 side also.

25 The only thing that is

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1 different is that you are going to have a
2 ground sign on each side with two businesses,
3 which is not the norm in the city, as you
4 know.

5 But considering that it's a
6 joint partnership, and the same owner owns
7 both the businesses, I have no objection to
8 it. Thank you.

9 MR. QUINN: Thank you.

10 CHAIRPERSON KRIEGER: Any other
11 questions?

12 MR. SANGHVI: I have no further
13 questions.

14 CHAIRPERSON KRIEGER: Comments or
15 questions? Regarding the sign, the 30 inch
16 flame, that would be self-retardant and then

17 also considering, you know, rubber neckers is
18 what you would call it, people wondering if
19 there is a fire somewhere, it does draw
20 attention, which is nice, but the fire being
21 what it is --

22 MR. QUINN: It's a very
23 subdued -- I don't want you to get the idea
24 there is flames shooting up. It's from the
25 top, it's only 24 to 30 inches. It's

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1 constant. It's not like it's flaming here
2 and flaming there.

3 It's a constant flame, so
4 don't think that it looks like a building on
5 fire, or anything like that.

6 CHAIRPERSON KRIEGER: Okay, thank
7 you.

8 MR. QUINN: Get sworn.

9 CHAIRPERSON KRIEGER: If you
10 could state your name and spell your name.

11 MR. BONISOAWSKI: Roman
12 Bonisoawski, B-o-n-i-s-o-a-w-s-k-i, Ron and
13 Roman Architects. I'm happy to be sworn in.

14 MR. GEDEON: In Case PZ13-0019,
15 do you swear to tell the truth tonight?

16 MR. BONISOAWSKI: I do. Thank
17 you.

18 First of all, it's a pleasure
19 to appear in front of the board. It's
20 particularly rewarding for me having appeared
21 here for the specific waiver that was

22 involved in this project with regard to the
23 materials, to say that we kept our promise
24 and gave you a very attractive and
25 well-designed building.

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1 Mr. Pi has gone to every
2 extreme efforts in terms of providing an
3 absolute A-1 business.

4 I'm sorry to step on your toes
5 with regard to this discussion of the flame,
6 but he doesn't know what the flame is about,
7 whereas we designed the flame.

8 It's specific to the
9 restaurant itself. As an Asian restaurant,
10 and the fact that you would associate it with
11 Chinese, Japanese cooking, the flame is a
12 critical component, and so we are using it in
13 that regard specifically. This will be
14 representing the grilling that's occurring in
15 the restaurant, the things that occur with
16 the woks in the restaurant.

17 I just wanted to make sure
18 that it's just not pulled out of thin air and
19 it's actually specific to the restaurant
20 itself, and its placement with regard to
21 everybody coming up to that intersection
22 right there, especially coming off of 696,
23 when they're westbound, that is one of the
24 most prominent spots in the city. I think
25 it's less about a rubber necking situation,

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1 but the fact that it allows to identify the
2 presence of the restaurant while sitting at
3 that specific spot. Thank you very much.

4 CHAIRPERSON KRIEGER: Member
5 Gedeon?

6 MR. GEDEON: Just a question for
7 the city attorney.

8 Would we, would the board be
9 able to use their authority for
10 interpretation to interpret the flame as
11 something other than a sign?

12 MS. SAARELA: Well, that's not
13 what's in front of us. If that was going to
14 be the proposal, it would have to be
15 renoticed for that.

16 Right now I think what the
17 city has determined is that it's under the
18 definition of a sign and the sign ordinance.

19 "Sign means a name,
20 identification description, display, device,
21 illustration, design, banner, flag, pennant,
22 logo or trademark that is affixed to, painted
23 or otherwise represented place, located or
24 set directly or indirectly on a parcel of
25 land, including a building or structure, in

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1 the manner so as to be visible from any
2 public street, sidewalk, alley, park or other
3 property that advertises, publicizes or
4 directs attention to a service, product,
5 activity, person, institution, organization

6 or business."

7 Then it goes onto list types
8 of signs.

9 So in this case, I think the
10 city is saying that it is a trademark, the
11 applicant hasn't proposed their application
12 to be for an interpretation. If they wanted
13 to do that, and dispute that it fits a flag,
14 pennant, logo or trademark, that would have
15 to be done at another meeting.

16 MR. GEDEON: Thank you.

17 CHAIRPERSON KRIEGER: Would that
18 Genji sign also be back lit?

19 MR. QUINN: You mean on the
20 tower, on the portico?

21 CHAIRPERSON KRIEGER: No, the
22 tower, where the flame would be?

23 MR. QUINN: That's an allowed
24 sign. That's already there.

25 CHAIRPERSON KRIEGER: Would the

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1 fire marshal, if he had any concern with it,
2 whether we vote, how we vote for it, he can
3 modify its needs?

4 MR. BOULARD: The fire marshal,
5 as well as the mechanical inspectors, or the
6 vendor, are going to verify that the
7 equipment is installed safely.

8 And I did ask the fire marshal
9 if they had any particular concerns. He
10 said, no, as long as the equipment is

11 installed appropriately and safely, he's fine
12 with it.

13 MR. BONISOAWSKI: As a
14 clarification, so that everybody understands,
15 the entire tower is built completely of
16 structural steel with a core ten structural
17 steel shell around it. There is no
18 combustible material associated with that
19 construction.

20 CHAIRPERSON KRIEGER: Okay. Do I
21 hear any other comments? Motion?

22 MR. IBE: In Case No. PZ13-0019,
23 27145 Karevich and 27155 Karevich, PI
24 Distribution and Genji. I move that the
25 applicant's application be granted for the

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1 following reasons, that the request is based
2 on circumstances or features that are
3 exceptional and unique to the property, and
4 do not result from conditions that exist
5 generally in the city or that are
6 self-created because you have to look at --
7 based on the presentation given here this
8 evening, the layout of the building itself,
9 it's something that is very unique.

10 The fact that there are two
11 businesses, and the businesses are actually
12 owned by one common ownership, so that
13 presents a that very unique interest there.

14 And currently there are really
15 no signs, based on if you are driving along

16 the road to know what actually exists in this
17 particular facility, and that by itself,
18 creates an exceptional and unique -- it makes
19 it exceptional and unique to this property.

20 Secondly, the failure to grant
21 relief will unreasonably prevent or limit the
22 use of the property and will result in
23 substantially more than a mere convenience or
24 inability to attain a higher economic or
25 financial return.

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1 The grant of relief will not
2 result in a use of a structure that is
3 incompatible with or unreasonably interferes
4 with adjacent and surrounding properties.

5 This, obviously, by granting
6 these, I think justice will be done to the
7 applicant as well as the surrounding
8 properties in the area, and I believe that
9 this will be consistent with the spirit of
10 the ordinance.

11 Moreover, finally, the --
12 strike that.

13 In addition, the area where
14 this building is located, the fact that there
15 is a name change is something that is also
16 very important to note. It used to be called
17 Sheraton Drive, and now it's called Karevich.
18 Obviously when there was a hotel there, I
19 mean, the hotel is still there, it was very
20 difficult to even find the hotel, let alone,

21 having a new business, and with a new name
22 change.

23 All of this together, all of
24 this presents an exceptional and unique
25 circumstance that warrants the grant of the

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1 applicant's request, therefore, I move that
2 the applicant's request be granted as
3 requested. Thank you.

4 One final statement. Is it
5 okay that we condition that this variance be
6 granted based on as long as there is a common
7 ownership of the parcel?

8 MS. SAARELA: Yes.

9 CHAIRPERSON KRIEGER: And for
10 this tenant?

11 MS. SAARELA: And for this tenant
12 only.

13 MR. IBE: Very well. Thank you.

14 MR. FERRELL: Second.

15 CHAIRPERSON KRIEGER: Ms.

16 Pawlowski, can you please call the roll.

17 MS. PAWLOWSKI: Member Gedeon?

18 MR. GEDEON: Yes.

19 MS. PAWLOWSKI: Member Ibe?

20 MR. IBE: Yes.

21 MS. PAWLOWSKI: Chairperson

22 Krieger?

23 CHAIRPERSON KRIEGER: Yes.

24 MS. PAWLOWSKI: Member Sanghvi?

25 MR. SANGHVI: Yes.

1 MS. PAWLOWSKI: Member Ferrell?

2 MR. FERRELL: Yes.

3 MS. PAWLOWSKI: Motion passes
4 five to zero.

5 MR. QUINN: Thank you very much.
6 Have a good evening.

7 CHAIRPERSON KRIEGER: Case No.
8 PZ13-0021, for La-Z-Boy on 27754 Novi Road.
9 Present your request.

10 MR. VENGLARCIK: Good evening.
11 My name is John Venglarci k. I'm with Harmon
12 Sign. And we both are going to be speaking,
13 so do you want to swear us both in?

14 MS. STARKEY: Hi, good evening.
15 My name is Nicole Starkey, last name is
16 S-t-a-r-k-e-y.

17 MR. GEDEON: In Case PZ13-0021,
18 do you swear to tell the truth tonight?

19 MR. VENGLARCIK: I do.

20 MS. STARKEY: I do.

21 MR. VENGLARCIK: We are here
22 representing La-Z-Boy.

23 They are in the process of
24 updating that particular property, putting,
25 you know, new signage, redoing the facia on

1 that building.

2 And we are here to kind of go
3 over some of the hardships that that

4 particular property does have.

5 I'm sure you're all familiar
6 with it. We are asking for an additional
7 sign, an additional square footage of which
8 there was, at one point in time, granted two
9 additional signs to this property, with
10 additional square footage that is actually a
11 little bit less than what we are asking for.

12 The property sits, if you --
13 one of the issues with it is the elevation of
14 this property. The elevation is, if you see
15 here is 954, at the road here, these
16 intersections, you see the elevation down
17 here is 920.

18 So we have a significant drop,
19 when you drive by there, you can see that the
20 elevation is significantly lower, which makes
21 it, you know, hard to see that building as
22 you are driving down, you know, Novi Road and
23 coming off of 96.

24 One of the other -- when we
25 talk about frontages, and I would -- I don't

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1 know how you would interpret it, but I'm not
2 sure how many frontages this property
3 actually has. You could consider 96 as a
4 frontage, Novi Road as a possible frontage,
5 this access road as a frontage and Ring Road
6 as a frontage.

7 So I wasn't -- I don't know if
8 any of you board members were here when the

9 last variance was granted for this property,
10 but I would think that that was part of the
11 argument is the -- were any of you here for
12 that last variance by chance?

13 I'm not sure what the argument
14 was, but you could tell me if I'm right, that
15 the frontages were probably part of argument
16 that was made, as we do border three to four
17 properties, three roads and could be
18 considered four.

19 There are other properties in
20 the vicinity that have multiple signs.
21 Nicole could maybe speak to those when she
22 speaks.

23 Another concern that you guys
24 might have when looking at the signage that
25 we have proposed, which, this is the -- this

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1 is the La-Z-Boy logo here. But the La-Z-Boy
2 logo and also the home furnishings and decor
3 is specific to this property.

4 It is not just a La-Z-Boy, it
5 is La-Z-Boy Home Furnishings and Decor. So
6 that is a corporate logo. We cannot modify
7 that.

8 So, you know, the argument
9 could be made, you know, why don't we just
10 call it La-Z-Boy, because they brand their
11 properties differently, removing the home
12 furnishings and decor, to reduce our square
13 footage is really not an option.

14 It's been a while since I have
15 been in front of the board, probably, five
16 years, and the last one I was here for was
17 Hagopian, and actually I haven't driven by
18 that building for sometime.

19 So I do know that, you know,
20 that building has some similar type of
21 hardships. You know, it was when I was in
22 here with that property, you know, it -- you
23 know, it sits on -- you know, it borders, you
24 know, multiple things and has multiple signs
25 on it.

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1 I think the square footage
2 that we are asking for here today is
3 definitely smaller than what's on that
4 Hagopian building and Nicole could mention
5 some other buildings in the area as well.

6 One of the other things that
7 is kind of unique to the La-Z-Boy logo, and
8 I'm going to let her speak here in just a
9 second, is the size of the logo.

10 And so I will let Nicole kind
11 of speak to the logo itself and how -- how we
12 sized it.

13 MS. STARKEY: Again, this is a
14 corporate logo, so it is branded. We cannot
15 stray from it or vary from it. But you will
16 see that there is significant dead space or
17 clear space. I think it lends to a very
18 clean logo, very visible, easy to read. But

19 with that there is significant spacing, so we
20 lose a lot of square footage when that sign,
21 those letters are spaced out in the way they
22 are.

23 So if you were to actually box
24 off the letters and the logo individually,
25 you would find that we are actually within

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1 the allowable square footage. That was one
2 thing to note.

3 And then here is our second
4 elevation, the rear elevation, so very --
5 same thing, it is smaller, and we would be
6 well under the permitted square footage,
7 based on the previously approved variance for
8 this building. If we were to look at boxing
9 off the letters and logos individually, just
10 something to note.

11 As far as other tenants, we
12 did notice that there are multiple tenants
13 that have two wall signs. We do feel that as
14 you are exiting, as you're exiting 96, coming
15 onto Novi Road, there is no visibility coming
16 off of the highway and there would be no
17 visibility along Novi Road, or as you're
18 entering the property, if we were not to have
19 this rear elevation, this rear sign here.

20 So with that said we really,
21 really feel that this additional sign is
22 needed.

23 MR. VENGLARCIK: The only thing I

24 would add is it is an extremely large
25 building, you know, so it renders itself to

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1 additional signage, as a result of just the
2 mere magnitude of the building itself.

3 So if you have any questions
4 for us --

5 MS. STARKEY: I do have one other
6 visual aid here. This is just a shot as
7 you're looking from the west side of Novi
8 Road, looking onto the property or the
9 building itself. You will see that it
10 actually does sit behind Dennys, another
11 tenant, again, it is lower. So you will see
12 that the frontage itself is set roughly
13 14-foot below grade.

14 CHAIRPERSON KRIEGER: Thank you
15 very much. Is there anyone in the public --
16 if there is anybody in the public that has a
17 remark regarding this case.

18 (No audible responses.)

19 CHAIRPERSON KRIEGER: Seeing
20 none, does the city have any questions,
21 comments?

22 MR. BOULARD: Nothing to add.

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

25 CHAIRPERSON KRIEGER: Our

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1 secretary, Mr. Gedeon?

2 MR. GEDEON: In Case PZ13-0021,
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3 there were 11 notices mailed, zero returned,
4 zero approvals, zero objections.

5 CHAIRPERSON KRIEGER: Open it up
6 to the board, questions, comments? Member
7 Sanghvi?

8 MR. SANGHVI: Thank you. If my
9 memory serves me right, La-Z-Boy used to be
10 at the same location many, many years ago?

11 MS. STARKEY: Right.

12 MR. SANGHVI: You have very
13 similar signs at that time. Looking at your
14 current request, it doesn't seem to be any
15 different than what you used to have there,
16 when you were at the same location in the
17 past.

18 So I have no difficulty in
19 supporting your application. Thank you.

20 CHAIRPERSON KRIEGER: Mr. Gedeon?

21 MR. GEDEON: Yes, I would echo
22 that I have no problem with that. I remember
23 when we handled this case a few years back.
24 And it was exactly for the reasons the
25 applicant stated, they basically have

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1 frontage on four roads, and very distant.
2 There is a significant distance and elevation
3 drop from the main Novi Road.

4 And I think the point about
5 the amount of light space or dead space on
6 the sign between the lettering is compelling.

7 CHAIRPERSON KRIEGER: Mr. Boulard?
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8 MR. BOULARD: I just wanted to
9 clarify, if I could. The previous variance
10 from when La-Z-Boy occupied the store before
11 or this building before, is still in place.
12 These signs are larger, that's why they're
13 back before you. Thank you.

14 CHAIRPERSON KRIEGER: Thank you.

15 MR. VENGLARCIK: I did the math
16 on it. I think we were at 196 and now we are
17 224, if we box it completely.

18 So I think we are -- the old
19 variance was 196 square feet. If you take it
20 the way we have shown now, a lot of it might
21 be because of the tagline at the bottom
22 that's probably making the difference.

23 But the dead space is what --
24 you know, if we can take that into
25 consideration, calculate it a little bit

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1 differently, we would be within that, what
2 was allowed in that 196 real easy.

3 CHAIRPERSON KRIEGER: Can you
4 explain to me the M3 and M4.

5 MS. STARKEY: That has been
6 approved. That is a monument sign and it's
7 just a face change here. It's existing.
8 It's been in place, the existing tenant does
9 have the signage there, so we are just
10 changing the faces out. This has been
11 already been approved.

12 CHAIRPERSON KRIEGER: Okay.
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13 MR. GEDEON: I'd like to make a
14 motion in this case.

15 In Case PZ13-0021, La-Z-Boy, I
16 move to approve the variance as requested.

17 The request is based on
18 circumstances or features that are
19 exceptional or unique to the property and do
20 not result in conditions that exist generally
21 in the city or that are self-created.
22 Specifically as was explained earlier, the
23 property is a significant distance away from
24 the main Novi Road, there is an elevation
25 drop from Novi Road, there is a parcel in

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1 between the applicant's parcel and Novi Road.
2 And there are also -- there is essentially
3 four road frontages surrounding the entire
4 parcel.

5 The failure to grant relief
6 will unreasonably prevent or limit the use of
7 the property and will result in substantially
8 more than a mere inconvenience or inability
9 to attain a higher economic or financial
10 return.

11 The grant of relief will not
12 result in a use of structure that is
13 incompatible with or unreasonably interferes
14 with adjacent or surrounding properties, and
15 will result in substantial justice being done
16 to both the applicant and adjacent or
17 surrounding properties and is not

18 inconsistent with the spirit of the
19 ordinance.

20 I would further limit one of
21 the considerations for this -- granting this
22 variance is the amount of white space or the
23 dead space in the proposed sign, so I would
24 specifically limit this variance to the
25 particular tenant as well as the particular

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1 sign that's before us in the proposal.

2 MR. IBE: Second.

3 CHAIRPERSON KRIEGER: Ms.

4 Pawlowski, please call the the roll.

5 MS. PAWLOWSKI: Member Gedeon?

6 MR. GEDEON: Yes.

7 MS. PAWLOWSKI: Member Ibe?

8 MR. IBE: Yes.

9 MS. PAWLOWSKI: Chairperson
10 Krieger?

11 CHAIRPERSON KRIEGER: Yes.

12 MS. PAWLOWSKI: Member Sanghvi?

13 MR. SANGHVI: Yes.

14 MS. PAWLOWSKI: Member Ferrell?

15 MR. FERRELL: Yes.

16 MS. PAWLOWSKI: Motion passes

17 five to zero.

18 MR. VENGLARCIK: Thank you.

19 CHAIRPERSON KRIEGER: Thank you.

20 Next we have PZ13-0022, for

21 Galway Drive.

22 MR. KENT: Hello members of the
Page 63

23 board.

24 CHAIRPERSON KRIEGER: If you
25 could state your name and spell it.

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1 MR. KENT: Thomas Kent, K-e-n-t,
2 resi di ng on 43769 Gal way.

3 CHAIRPERSON KRIEGER: Are you an
4 attorney?

5 MR. KENT: No.

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

8 MR. GEDEON: In Case PZ13-0022,
9 do you swear to tell the truth tonight?

10 MR. KENT: Yes.

11 I'm looking for a variance for
12 a covered porch on our existing home. There
13 is a current porch now that is approximately
14 eight foot across and approximately five foot
15 out.

16 We are looking to go eight
17 feet total out now and going approximately
18 21 feet across. I have some pictures of it.
19 I wasn't the actual contractor that was going
20 to be here, his son got sick, and couldn't
21 find anybody to come. So I have picture on
22 my phone. I didn't print anything, because I
23 had my kids today.

24 If it works on this, I don't
25 know if it does or not. If you can see it.

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1 It's not going to work well.

2 But a lot of the houses that
3 are on Galway Drive have covered porches
4 currently on them. It kind of works. You
5 can't really see it.

6 Again, there will be one
7 entrance into the front of it, using the
8 existing. We are not going to the street or
9 anything. We will be using the existing
10 walkway. This is another view of the coming
11 straight on, just a side view of it as well.

12 CHAIRPERSON KRIEGER: That's it?

13 MR. KENT: Yes. I have the
14 existing survey of the house which is going
15 to be really hard to see on that, which is
16 showing that existing porch on there, pretty
17 much the porch that we are putting on is
18 approximately three feet from where we are at
19 now, from -- to the actual street line, to
20 the sidewalk.

21 CHAIRPERSON KRIEGER: Okay. Any
22 public remarks regarding this case?

23 (No audible responses.)

24 CHAIRPERSON KRIEGER: Seeing
25 none, to the city, Mr. Boulard or counsel?

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1 MS. SAARELA: I have nothing.

2 MR. BOULARD: Nothing to add.

3 CHAIRPERSON KRIEGER: Member
4 Gedeon, if you could read the --

5 MR. GEDEON: In Case No.

6 PZ13-0022, there were 17 notices mailed, zero
7 returns, zero approvals, zero objections.

8 CHAIRPERSON KRIEGER: Now I will
9 open it up to the board for questions or
10 comments.

11 Member Sanghvi?

12 MR. SANGHVI: Good evening. I
13 was right in front of your property
14 yesterday, looking at your request. You have
15 a pretty good looking entranceway at present.

16 MR. KENT: Thank you.

17 MR. SANGHVI: You are going to
18 enlarge on that?

19 MR. KENT: A little bit. We have
20 a lot of -- we have lived here for 11 years,
21 we were going to actually sell the house. I
22 have three girls. We made the house, kind of
23 what we wanted, from back -- I think we are
24 the second owner from '69, and so getting to
25 know our neighbors, getting to know everybody

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1 around us, we plan to stay there for the rest
2 of our lives, so we end up with a lot of
3 neighbors that hang out in the front, watch
4 the kids. Galway is kind of a cut-thru, so
5 keeping an eye on the kids, in my eyes,
6 traffic.

7 In fact, there was somebody
8 pulled over in front of my front my house
9 this morning because of someone blowing that
10 stop sign constantly. So I like to be out,

11 the kids want to play outside, so I like to
12 sit, so at least I can put -- with the
13 covered porch, I can sit out there. I can
14 bring my laptop work out there, keep an eye
15 on things a little bit better than what it is
16 now.

17 Now it's more of just an
18 entryway coming in and out. It doesn't give
19 me a lot of room to have anywhere to sit,
20 anywhere to have -- you know, for friends to
21 come over and neighbors. Also gives me
22 something a little bit larger that I will be
23 able to keep my eye on things. I sit out
24 there right now a lot on the steps, but --

25 MR. SANGHVI: Thank you. I

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1 appreciate your hardship and I have no
2 difficulty in granting your request myself.
3 Thank you.

4 MR. KENT: Great. I appreciate
5 that. Thank you.

6 CHAIRPERSON KRIEGER: Nothing to
7 add? No other questions?

8 MR. SANGHVI: I have no further
9 questions.

10 CHAIRPERSON KRIEGER: Motion?

11 MR. SANGHVI: If somebody would
12 make a motion.

13 CHAIRPERSON KRIEGER: Somebody
14 like to make a motion?

15 MR. FERRELL: I move to approve

16 Case No. PZ13-0022, variance be granted.
17 There is a unique circumstance or physical
18 condition of the property, such as
19 narrowness, shallowness, water, topography,
20 and similar physical conditions. The need
21 for the variance is not due to the
22 applicant's personal or economic difficulty,
23 other than making the house look more
24 esthetically pleasing.
25 The need is not self-created.

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1 Strict compliance with the regulations
2 governing area setback, frontage, height,
3 bulk, density or other dimensional
4 requirements will unreasonably prevent the
5 property owner from using the property for a
6 permitted purpose or will render conformity
7 with the regulations unnecessarily
8 burdensome.

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

13 The requested variance will
14 not cause an adverse impact on surrounding
15 property, property values or the use and
16 enjoyment of the property in the neighborhood
17 or zoning district.

18 MR. GEDEON: Second.

19 CHAIRPERSON KRIEGER: If you can
20 call the roll, Ms. Pawlowski.

21 MS. PAWLOWSKI: Member Gedeon?
22 MR. GEDEON: Yes.
23 MS. PAWLOWSKI: Member Ibe?
24 MR. IBE: Yes.
25 MS. PAWLOWSKI: Chairperson

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1 Krieger?
2 CHAIRPERSON KRIEGER: Yes.
3 MS. PAWLOWSKI: Member Sanghvi?
4 MR. SANGHVI: Yes.
5 MS. PAWLOWSKI: Member Ferrell?
6 MR. FERRELL: Yes.
7 MS. PAWLOWSKI: Most passes five
8 to zero.
9 MR. KENT: Thank you. Have a
10 good evening.
11 CHAIRPERSON KRIEGER: Now we are
12 at Case No. PZ13-0023, for 2012 West Lake
13 Drive.
14 MR. SZYMANSKI: I am ready to be
15 sworn.
16 CHAIRPERSON KRIEGER: If you
17 could state your name and spell your last
18 name for our reporter.
19 MR. SZYMANSKI: Gary Szymanski,
20 G-a-r-y, S-z-y-m-a-n-s-k-i.
21 MR. GEDEON: In Case No.
22 PZ13-0023, do you swear to tell the truth?
23 MR. SZYMANSKI: I do. My wife
24 and I are the new owners of the property on
25 2012 West Lake Drive.

1 We received variances for the
2 construction of the house originally last
3 year before the board.

4 The property itself is
5 extremely narrow. It's actually 29 feet,
6 seven inches, so the setbacks were given
7 variances in order that the house could be
8 constructed. Originally we were in error.
9 We thought that the setbacks for the
10 variances received initially would also be
11 applied to the deck.

12 But through some different
13 discussions with the city, it was decided
14 that, no, we would have to bring this issue
15 up with the board again, to build a deck on
16 the back of the property.

17 But the fact remains still
18 that it's -- the property is 29 feet seven
19 inches. The house is 20 feet, and the deck
20 that we are proposing is actually slightly
21 narrower than the house, 19 feet,
22 seven inches, I believe.

23 So it's well within the
24 confines of the dimensions of the house, but
25 it still does encroach on what would be

1 normal variances for that property, the
2 normal easement.

3 So we have come to the board
4 to have you look at that.

5 I think -- do each of you have
6 plans of it -- okay. I don't need to present
7 that.

8 The plan is well-approved with
9 our fellow neighbors. It would probably most
10 impact our neighbor to the north, Carol Ames,
11 as we are extremely close to her house. And
12 she's well aware of the plan and is in
13 agreement with that plan.

14 To our south, we have -- the
15 property directly next to us, the house is
16 setback towards the road considerably from
17 the lake. So it really wouldn't impact him
18 much, but he was in agreement when we talked
19 with him earlier.

20 The next house south,
21 actually, their deck that's presently in
22 place is also -- would go into those setbacks
23 quite a bit, and actually gets much closer to
24 the lake than if I put it --

25 CHAIRPERSON KRIEGER: Face up.

♀

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1 MR. SZYMANSKI: It's kind of
2 dark. I'm not sure if you will see it well.
3 It probably -- it goes the full width of the
4 house, and then extends down to the lake,
5 maybe 10 feet from the lake. Whereas our
6 deck would only be extending 15 feet,
7 nine inches from the house, well back of the
8 lake.

9 I guess the issue for us was
Page 71

10 that it does require a variance to be that
11 close to our neighbors, but that's well
12 within the sides of the house. It's already
13 been approved for variances.

14 CHAIRPERSON KRIEGER: That's it?

15 MR. SZYMANSKI: Would you like to
16 have any discussion about the deck itself?
17 I'm not sure. It will be a wood
18 construction.

19 CHAIRPERSON KRIEGER: Do you have
20 dimensions?

21 MR. SZYMANSKI: The dimensions
22 should be on the drawing there.

23 CHAIRPERSON KRIEGER: Do you have
24 one on paper that you can put on the
25 overhead?

♀

1 MR. SZYMANSKI: No. I have also
2 a drawing similar to yours, that has the
3 dimensions on there.

4 It would be a wood
5 construction deck, with the treks, synthetic,
6 wood decking, which it actually looks a lot
7 nicer than the actual wood, low maintenance
8 and yet adds a lot of value to the house.

9 I think it will be quite a
10 nice addition to the house and add value to
11 the house. In addition to the fact that we
12 have so small an area for entertaining or
13 other activities, the deck will be very nice
14 for those activities, too, I think.

15 CHAIRPERSON KRIEGER: Thank you.
16 Is there anyone in the public that would like
17 to speak regarding this case?

18 (No audible responses.)

19 CHAIRPERSON KRIEGER: Seeing
20 none, I'd like to open it up to the city, any
21 questions or comments?

22 MR. BOULARD: Nothing to add.

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

25 CHAIRPERSON KRIEGER: Mr. Gedeon,

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1 correspondence?

2 MR. GEDEON: In Case PZ13-0023,
3 there were 35 notices mailed, four returned,
4 zero approvals, zero objections.

5 CHAIRPERSON KRIEGER: I'll open
6 it up to the board for questions or comments.
7 Member Sanghvi.

8 MR. SANGHVI: I was at your
9 property yesterday and looked around. This
10 area, all the lots are like narrow strips of
11 land, and there is no room to do anything
12 without variances.

13 I can understand his comment
14 for doing a deck, and I have no problem
15 granting you a variance. Thank you.

16 CHAIRPERSON KRIEGER: Any other
17 comments or a motion? Member Gedeon?

18 MR. GEDEON: If there is no other
19 comments, I will go ahead to make a motion to

20 approve the variance in Case No. PZ13-0023.
21 There are unique circumstances or physical
22 conditions of the property such as
23 narrowness, shallowness, shape, water,
24 topography or similar physical conditions and
25 the need for the variance is not due to the

88

1 applicant's personal or economic difficulty.
2 Specifically these are the Walled Lake lots
3 which are extremely narrow.

4 The need is not self-created.
5 Strict compliance with regulations governing
6 area setback, frontage, height, bulk, density
7 or other dimensional requirements will
8 unreasonably prevent the property owner from
9 using the property for a permitted purpose or
10 will render conformity with those regulations
11 unnecessarily burdensome.

12 The requested variance is the
13 minimum variance necessary to do substantial
14 justice to the applicant as well as to other
15 property owners in the district.

16 The variance will not cause
17 any adverse impact on surrounding properties,
18 property values or the use and enjoyment of
19 the property in the neighboring or zoning
20 district.

21 I would also note that there were
22 no official objections, and the applicant
23 indicated in his presentation that his
24 neighbors approved of this proposal.

25

MR. FERRELL: Second.

89

1

CHAIRPERSON KRIEGER: Ms.

2

Pawlowski, if you could call the roll.

3

MS. PAWLOWSKI: Member Gedeon?

4

MR. GEDEON: Yes.

5

MS. PAWLOWSKI: Member Ibe?

6

MR. IBE: Yes.

7

MS. PAWLOWSKI: Chairperson

8

Krieger?

9

CHAIRPERSON KRIEGER: Yes.

10

MS. PAWLOWSKI: Member Sanghvi?

11

MR. SANGHVI: Yes.

12

MS. PAWLOWSKI: Member Ferrell?

13

MR. FERRELL: Yes.

14

MS. PAWLOWSKI: Motion passes

15

five to zero.

16

MR. SZYMANSKI: Thank you.

17

CHAIRPERSON KRIEGER: Last, but

18

not least Case No. PZ13-0006 for Eleven Mile

19

Road.

20

MR. CHALOU: Good evening. My

21

name is Mark Chalou, and the last name is

22

spelled C-h-a-l-o-u. I'm not an attorney.

23

I'm representing Chalou Designs for Running

24

Fit athletic store.

25

MR. GEDEON: In Case No.

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1

PZ13-0006, do you swear to tell the truth?

2

MR. CHALOU: Yes, sir. Thank you

3 for taking the time this evening to allow me
4 to meet with you.

5 The case is, the way that I
6 see it, is a simple hardship case allowing
7 for an additional sign, for the Running Fit
8 store.

9 The sign currently is facing
10 Grand River, which you can barely see it
11 because it has such a setback from Grand
12 River south and the additional sign that we
13 are asking for a variance for is facing due
14 south.

15 You cannot see it from any
16 thoroughfare. You can only see it from the
17 Wal-mart area. Basically we'd like to have
18 it as an additional revenue generator for
19 Running Fit.

20 I can show you an existing --
21 where Running Fit is at this time. Right
22 here where the darkened area is, this is the
23 existing Running Fit.

24 There is a sign that faces,
25 obviously, Grand River here on the one

♀

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1 elevation.

2 What we are requesting is an
3 additional sign that faces Wal-mart in this
4 parking lot for a revenue generator.

5 I have a picture from Wal-mart
6 looking towards where we are going to -- we
7 would like to propose the new sign. There is

8 nothing on this side of the building. And
9 the issue is that people don't -- there is an
10 entrance for bringing goods in for the other
11 stores, a back entrance.

12 What we are proposing to put
13 in additional sign for, just to attract
14 attention to people in the parking lot and
15 from Wal-mart, so they can differentiate us,
16 from looking like there is nothing there
17 whatsoever.

18 There is no signage on the
19 back. There is a banner that was put there
20 for the committee to review. I don't know if
21 anyone had an opportunity to go by and look
22 at it, but this is a pretty simple hardship
23 request that we're looking to get a variance
24 for.

25 CHAIRPERSON KRIEGER: That's it?

♀

92

1 MR. CHALOU: That's pretty much
2 what I have.

3 CHAIRPERSON KRIEGER: Anybody in
4 the public that has remarks regarding this
5 case?

6 (No audible responses.)

7 CHAIRPERSON KRIEGER: Seeing
8 none, to the city, any comments or questions?

9 MS. SAARELA: No.

10 MR. BOULARD: No.

11 CHAIRPERSON KRIEGER: Secretary,
12 if you could read in the correspondence.

13 MR. GEDEON: In Case PZ13-0006,
14 there were 66 notices mailed, four
15 returned mail, one approval, and zero
16 objections.

17 The approval comes from Ken
18 Banks of Banks Vacuum, 43015 Grand River, and
19 the approval reads as follows. "The
20 applicant's request should be granted. This
21 business is an asset to the community and his
22 customers will be able to find him easier.
23 We are fortunate to have Running Fit as part
24 of the Novi community".

25 CHAIRPERSON KRIEGER: Thank you.

♀

93

1 I'm going to open it up to the board for
2 questions. Member Sanghvi?

3 MR. SANGHVI: I was at your
4 location yesterday. Coming out, I think that
5 the entire configuration of the Town Center
6 has changed, since the (unintelligible)
7 Wal-mart.

8 The approval of Wal-mart
9 opening (unintelligible) give you a new
10 frontage, so to speak, and yes, there is --

11 THE REPORTER: I'm sorry, Member
12 Sanghvi. I can't hear you. Can you turn
13 your microphone on.

14 MR. SANGHVI: I beg your pardon.
15 You want me to repeat it?

16 THE REPORTER: Yes, please.

17 MR. SANGHVI: I was in front of

18 your store yesterday and looked around. And
19 the topography and the configuration of the
20 Town Center has completely changed since the
21 arrival of Wal-mart on the property. And now
22 this has opened up and given them a new
23 frontage, and I can understand that they
24 might want to have some exposure on the east
25 side and I have no difficulty in supporting

†

94

1 that application. Thank you.

2 CHAIRPERSON KRIEGER: Did they
3 need a letter from Town Center?

4 MR. BOULARD: Originally the
5 application was submitted sometime ago, there
6 were some back and forth and the Town Center
7 landlord has approved this.

8 They have approved the -- as
9 the property owner of the center, they have
10 approved the variance request.

11 CHAIRPERSON KRIEGER: Do you know
12 offhand if they are having a central map
13 where everybody can get an idea what's where?
14 There are so many different stores --

15 MR. BOULARD: A directory map?

16 CHAIRPERSON KRIEGER: Yes.

17 MR. BOULARD: I know that there
18 is one farther north on the site. I don't
19 know if there is one near this area in
20 particular, but there is a directory, but it
21 is farther north of the site.

22 CHAIRPERSON KRIEGER: So it's

23 similar but different. I guess it's just a
24 matter of -- it doesn't matter how you're
25 driving in there, you're going to end up

95

1 seeing -- being on a road and seeing it. So
2 because it's on the -- you're on a corner
3 lot?

4 MR. CHALOU: Yes, we are on an
5 end cap, right underneath the -- I guess it
6 would be right in this area here
7 (indicating). Right where this truck is,
8 right in that area, we have an end cap, yes,
9 we are.

10 CHAIRPERSON KRIEGER: Personally
11 I go in there now and I get lost.

12 Any other comments?

13 MR. IBE: Sir, the proposed area
14 where you want the sign, is there an entrance
15 that leads into the building from that?

16 MR. CHALOU: There is an
17 entrance. It's kind of like kitty-corner
18 underneath that, I guess, the arch. There is
19 an exit -- I mean, entrance for the store,
20 it's kind of like on an angle, where you -- I
21 might have a better picture to show you, sir.
22 If you'd like me to present --

23 MR. IBE: So you can make ingress
24 and egress into this building from this door
25 here, is that correct?

96

1 MR. CHALOU: Yes.
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2 MR. IBE: So if someone wanted to
3 see the sign from the point of view, from
4 Wal-mart, you know, they can actually walk
5 into the store from that entrance?

6 MR. CHALOU: Yes, where the sign
7 would be located, yes, it's through just to
8 the left and lower to the sign, yes, sir.

9 The issue is because of the, I
10 guess we will call it, the corner being so
11 large that there is a big difference between,
12 if you had just a corner, you got a sign
13 here, a sign here, because of that corner,
14 it's basically 12 feet, 12 feet, 12 feet.

15 There is a sign on one side,
16 and we are asking for the sign on the other
17 side.

18 CHAIRPERSON KRIEGER: Have you
19 thought of having instead of Running Fit on
20 the end cap, there is another building with
21 the sign, that they just have the single sign
22 on the end corner?

23 MR. CHALOU: There is another
24 restaurant down at the end and they were
25 granted two signs sometime ago. I think it's

♀

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1 coney island. It's at the other end of
2 where -- right around the corner from where
3 we are asking for the sign. They have two
4 signs. But, no, there is no other signs on
5 this particular elevation.

6 CHAIRPERSON KRIEGER: I think
Page 81

7 it's the Arcovis (phonetic) that we approved
8 a sign before, they have got a sign on the
9 end cap. Have you thought of doing that?

10 MR. CHALOU: No, we have not.
11 They won't allow us. They have put some very
12 strict criteria.

13 Now, the letters have to be
14 flush mounted, they have to be a certain
15 size. They have -- they have changed the
16 sign criteria in the City of Novi, which we
17 do have approval, pretty drastically.

18 So actually it's going to be
19 more esthetically pleasing with the flush
20 mount instead of a raceway, the letters would
21 be adhered right to the facade of the -- the
22 letters would be attached right directly to
23 the facade. They will be LEDs instead of
24 neon, so there is environmental issues of
25 saving power.

♀

1 MR. IBE: Madam Chairperson, may
2 I make a motion, if there is no additional --

3 CHAIRPERSON KRIEGER: Yes.

4 MR. IBE: In Case No. PZ13-0006,
5 43280 Eleven Mile Road, I move that we grant
6 the request for the following reasons.

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

12 Specifically, the site (unintelligible) of
13 this particular location, since the redesign
14 of the entire Town Center itself, and the
15 fact that Wal-mart is the anchor of this
16 site, it allows room for huge parking space
17 and creates a situation where other
18 businesses in the area look quite small, and
19 this particular building has dual frontage, I
20 think on the one that faces Wal-mart and
21 actually faces the parking lot, to the left
22 and to the right of it.

23 And there is also an entrance
24 that leads into this particular structure
25 from the position -- the sign of the place,

♀

99

1 which means that customers that wish to enter
2 this establishment can see the sign across
3 from Wal-mart and would walk right in. And
4 that by itself makes it quite exceptional and
5 unique.

6 Second, the failure to grant
7 relief will unreasonably prevent or limit the
8 use of the property and will result in
9 substantially more than mere inconvenience or
10 inability to attain a higher economic or
11 financial return.

12 The grant of relief will not
13 result in a use of structure that is
14 incompatible with or unreasonably interferes
15 with adjacent or surrounding properties, and
16 will result in substantial justice being done

17 to both the applicant as well as adjacent
18 surrounding businesses. And this is not
19 inconsistent with the spirit of the
20 ordinance.

21 And let me add furthermore,
22 that the fact this particular establishment
23 is granted this variance, it will in no way
24 effect other businesses in the area.

25 I think that the unique

†

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1 location of this particular establishment
2 presents and allows for this variance.
3 Therefore, I ask that the applicant's request
4 be granted. Thank you.

5 MR. FERRELL: Second.

6 CHAIRPERSON KRIEGER: Ms.

7 Pawlowski, if you could call the roll.

8 MS. PAWLOWSKI: Member Gedeon?

9 MR. GEDEON: Yes.

10 MS. PAWLOWSKI: Member Ibe?

11 MR. IBE: Yes.

12 MS. PAWLOWSKI: Chairperson

13 Krieger?

14 CHAIRPERSON KRIEGER: No.

15 MS. PAWLOWSKI: Member Sanghvi?

16 MR. SANGHVI: Yes.

17 MS. PAWLOWSKI: Member Ferrell?

18 MR. FERRELL: Yes.

19 MS. PAWLOWSKI: Motion passes

20 four to one.

21 MR. CHALOU: Thank you very much.

22 Have a good evening everyone.

23 CHAIRPERSON KRIEGER: That brings
24 us to other matters. Do we have other
25 matters?

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1 We received a letter from
2 Donna Skelcy letter stating that she is going
3 to be relocating to Georgia, and we just
4 previously elected her to president.

5 So we have to have re-election
6 of officers?

7 MS. SAARELA: Actually just
8 because it just consists of one vacancy of
9 officers, you don't have to re-elect
10 everyone, just for her position.

11 CHAIRPERSON KRIEGER: Member
12 Sanghvi?

13 MR. SANGHVI: Thank you very
14 much, ma'am.

15 These are very unusual
16 circumstances, and we might have to redo the
17 election all over again, considering last
18 month's situation.

19 MS. SAARELA: Not necessarily.
20 Article Four of elections says, "in the event
21 of a vacancy involving an officer of the
22 board, the board shall conduct an election at
23 or before the next regular meeting to fill
24 the vacant officer's position".

25 So we don't necessarily have

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1 to do anything about the other ones that are
2 already filled, just the one that's vacant.

3 MR. SANGHVI: If you promote the
4 people up the scale --

5 MS. SAARELA: There is nothing
6 about promoting. If one vacancy becomes
7 vacant, you just deal with that vacancy under
8 section 4.1.

9 MR. FERRELL: I think what he's
10 saying if that person was already elected,
11 gets nominated for another seat, his seat
12 will be open.

13 MS. SAARELA: Okay. Doesn't
14 necessarily mean that everybody has to move
15 up, but --

16 MR. SANGHVI: That is what I'm
17 talking about.

18 So, I don't know how we should
19 do it. We should have a slate for all three
20 of them or do you want us to do it
21 individually?

22 MR. GEDEON: One issue that came
23 up was that Member Ferrell is not a full
24 member currently, but he is seeking
25 appointment for full membership --

♀

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1 MR. SANGHVI: We can make a
2 provision when he becomes a full member.

3 MS. SAARELA: We can't really
4 elect the alternate for anything under the

5 rules, so we would have to wait, if that's
6 the proposal until he actually becomes a full
7 member to make him an officer.

8 MR. GEDEON: I'm wondering if
9 since we have a couple of absences tonight,
10 I'm wondering if this may be better channeled
11 next month.

12 CHAIRPERSON KRIEGER: We can
13 table it to next month?

14 MR. SANGHVI: There are two
15 options. Either we have a temporary slate
16 now or we can table the election until the
17 next time when the full board is here.

18 MR. GEDEON: There is no issue
19 with waiting a month, is there?

20 MS. SAARELA: No.

21 MR. GEDEON: I'd rather wait
22 until next month.

23 MR. SANGHVI: I think I'll be
24 more comfortable when the full board is here.

25 May I make a motion to table

♀

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1 the election to the next meeting of the ZBA?

2 MR. GEDEON: Second.

3 CHAIRPERSON KRIEGER: All in
4 favor say aye.

5 THE BOARD: Aye.

6 CHAIRPERSON KRIEGER: Any
7 opposed?

8 (No audible responses.)

9 CHAIRPERSON KRIEGER: Seeing

130514.txt

10 none, let's move it to the next meeting.

11 Can I have a motion to

12 adjourn?

13 MR. SANGHVI: So moved.

14 MR. IBE: Second.

15 CHAIRPERSON KRIEGER: All in

16 favor?

17 THE BOARD: Aye.

18 CHAIRPERSON KRIEGER: Thank you.

19 (The meeting was adjourned at 8:50 p.m.)

20 ** ** *

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