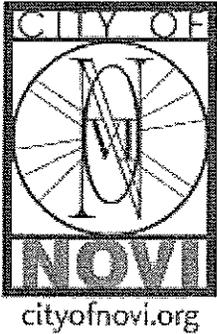


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: PUBLIC HEARING FOR SECTION 3107 TEXT AMENDMENT
DATE: MAY 28, 2008

The attached strike-through language proposed for Section 3107 contains changes to the ordinance provisions relating to the length of time certain Zoning Board of Appeals variances are valid.

At the April 8th, 2008 ZBA meeting, the members of the Board recommended changing the time frame for a building permit to be applied for and issued from the existing ninety days to one-hundred eighty days. The rationale behind the ZBA request was outlined in a memo dated April 15th, 2008 from ZBA Recording Secretary Robin Working and is as follows:

“In the past building plans or architectural drawings were required to be submitted along with a variance application. In an effort to be more customer service friendly the Board now considers granting a variance using a plot plan indicating the footprint of the building/home/addition being proposed. This approach saves the petitioner substantial money at the onset in the event a variance is not granted or a compromised variance is granted and thus creates the need for new plans to be drawn and submitted to the building division for approval for a permit to be issued.

Variations sometimes expire prior to a petitioner being able to finalize building plans or architectural drawings and submit them for permit approval per the existing ordinance. Without an extension being granted on the original variance, the order of the Board is no longer valid.”

Under the proposed amendment, the existing ninety day expiration for use variances only would remain.

The Planning Commission is asked to hold a public hearing on June 11th, 2008 and forward a recommendation to the City Council regarding this amendment. Please find attached drafts of the proposed amendment and a copy of the relevant Planning Commission minutes. If there are any questions about this text amendment, please contact Kristen Kapelanski in the Community Development Department at 248-347-0586 or kkapelanski@cityofnovi.org.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -226

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 97-18, AS AMENDED, KNOWN AS THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 31, SUBSECTION 3107, MISCELLANEOUS IN ORDER TO MODIFY THE STANDARDS FOR THE NUMBER OF DAYS A ZONING BOARD OF APPEALING RULING IS VALID

THE CITY OF NOVI ORDAINS:

ARTICLE 31. BOARD OF APPEALS.

Section 3100 – Section 3106. [Unchanged.]

Section 3107. Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than ~~one-hundred and eighty-nine~~ (180~~90~~) days, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than ninety (90) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within ~~one-hundred and eighty~~ (180) days~~such period~~ and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued,

or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2007.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -226

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 97-18, AS AMENDED, KNOWN AS THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 31, SUBSECTION 3107, MISCELLANEOUS IN ORDER TO MODIFY THE STANDARDS FOR THE NUMBER OF DAYS A ZONING BOARD OF APPEALING RULING IS VALID

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2007.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**ZONING BOARD OF APPEALS MEETING MINUTES
EXCERPT
APRIL 8, 2008**

[1] could just throw under there, review it as part of our
[2] packet process and just approve it, but it's my
[3] understanding that since we're a quasi judicial board,
[4] the City Attorney does not recommend that and that's
[5] their prerogative and so if that's their recommendation
[6] then I will go with that.

[7] So, at this point I would ask the Board to
[8] consider directing the Building Department to looking
[9] into recommending to the Ordinance Review Committee and
[10] City Council to review this 90-day rule and possibly
[11] extend it to six months or whatever their recommendation
[12] may be. If that's the direction of the Board, maybe
[13] intent, might try something differently, but if it can be
[14] reviewed and streamline our processes I think we would be
[15] much appreciative.

[16] **MEMBER BAUER:** Second.

[17] **CHAIRPERSON FISCHER:** There is apparently
[18] a motion and a second. All in favor of giving that
[19] direction say aye?

[20] **BOARD MEMBERS:** Aye.

[21] **CHAIRPERSON FISCHER:** Does the Building
[22] Department wish to comment before that actually?

[23] **MR. BOULARD:** My only question would be if
[24] there would be direction to consider a time other than

[1] the six months?

[2] **CHAIRPERSON FISCHER:** My take is that you
[3] guys are the professionals. Whatever you feel an
[4] appropriate time frame would be is fine with us. If you
[5] still think it's 90, that's fine, come back and tell us.
[6] But I am just looking at some direction from you whether
[7] or not we can recommend to that in ordinance review as to
[8] extending that so we don't get as many of these.

[9] **MR. BOULARD:** I heard six months. I
[10] assume there is some reasoning and some experience that
[11] would lead to that and I just wondered if there is
[12] anything you all wanted to add to that?

[13] **CHAIRPERSON FISCHER:** My only comment
[14] would be that oftentimes it's 90 days and we approve for
[15] another 90 days and that seems to take care of the issue.
[16] Other than that I have no experience in that.

[17] Any other members wish to comment on that?

[18] **VICE-CHAIRPERSON SANGHVI:** I think 180
[19] days is a very good idea because you don't know what the
[20] weather is going to be like when you give 90 days in
[21] December.

[22] **CHAIRPERSON FISCHER:** Exactly. It will
[23] give them a change of a season possibility and stuff like
[24] that.

[1] **VICE-CHAIRPERSON SANGHVI:** They might even
[2] change the (unintelligible).

[3] **CHAIRPERSON FISCHER:** Seeing no other
[4] business before the Board I would like — You have
[5] business?

[6] **MEMBER BAUER:** Yes.

[7] **CHAIRPERSON FISCHER:** Okay.

[8] **MEMBER BAUER:** Paradise Park where do we
[9] stand?

[10] **MS. WORKING:** Members of the Board, the
[11] Board gave the Petitioner the option to return in April
[12] or May. The Petitioner chose to return in May. So, he
[13] has been sent a letter regarding that. I have spoken to
[14] him on the phone and he will receive another meeting
[15] notification to remind him to show up in May. Those
[16] letters will go out the third week of this month along
[17] with the regular agenda items for the month of May.

[18] **CHAIRPERSON FISCHER:** Seeing no other
[19] business, I'll entertain a motion to adjourn.

[20] **MEMBER WROBEL:** Motion to adjourn.

[21] **VICE-CHAIRPERSON SANGHVI:** Second.

[22] **CHAIRPERSON FISCHER:** All in favor say
[23] aye?

[24] **BOARD MEMBERS:** Aye.

[1] (The meeting was adjourned at
[2] 10:32 p.m.)

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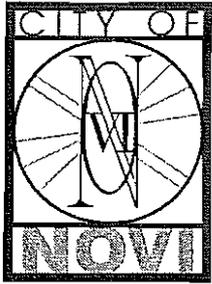
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PLANNING COMMISSION MINUTES EXCERPT MAY 28, 2008



PLANNING COMMISSION

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CITY OF NOVI
Regular Meeting

Wednesday, May 28, 2008 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

In Chair Cassis' absence, Member Pehrson chaired the meeting. The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members Brian Burke, David Greco, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: John Avdoulos (Excused), Victor Cassis (Excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Karen Reinowski, Planner; Lindon Ivezaj, Civil Engineer; John Freeland, Environmental Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

Member Meyer led the meeting in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Wrobel, seconded by Member Burke:

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER WROBEL AND SECONDED BY MEMBER BURKE:

Motion to approve the May 28, 2008 Planning Commission Agenda. *Motion carried 7-0.*

MATTERS FOR CONSIDERATION

- 1. SET A PUBLIC HEARING FOR JUNE 11, 2008 FOR ZONING ORDINANCE TEXT AMENDMENT 18.226 TO MODIFY THE STANDARDS FOR THE NUMBER OF DAYS CERTAIN ZONING BOARD OF APPEALS RULINGS ARE VALID**

Moved by Member Gutman, seconded by Member Burke:

ROLL CALL VOTE ON 18.226 PUBLIC HEARING DATE SETTING MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BURKE:

Motion to set a June 11, 2008 Public Hearing for Zoning Ordinance Text Amendment 18.226. *Motion carried 7-0.*