

INTRODUCTION-HISTORY

The applicant property is located on Taft Road, just south of Grand River Avenue, on the east side of Taft.

The existing structure is a 24 x 24 (600 sq. ft.) residential structure built around 1920. When indoor plumbing became available as a modern convenience, a shed was added on the rear of the structure to accommodate a modest indoor bathroom facility. For years, the home was used for residential purposes with the owner operating a small engine repair shop out of a shed on the property.

Through a city initiative, the residential property was re-zoned to light industrial. This city initiated rezoning caused the structure on the property to become non-conforming. The catalyst to rezone the subject property arose when the city conducted a study of properties abutting the south side of Grand River Avenue. Several deep properties fronting Grand River Avenue were dual zoned. The front of these properties abutting Grand River Avenue were zoned light industrial. The rear of the same properties were zoned residential. The residential portion of the lots were somewhat landlocked due to the existing ordinance restrictions. The City determined the development of these deep lots would be better served by having the entire parcel zoned light industrial. A line was drawn along the rear property lines of most of these parcels, which moved the industrial zoning district line south. The Taft Road property was within this extended light industrial re-zoning district.

The re-zoning to light industrial resulted in changing the set-back requirements, and imposed other obligations on the newly re-zoned residential properties. Applicant is requesting dimensional variances to allow Applicant to utilize the existing structure for office purposes. The use is a conforming use in the light industrial district. The standards to apply in granting a "dimensional variance" is for the Applicant to establish a "practical difficulty" in complying with the new light industrial zoning requirements with the existing structure.

The house was originally constructed as a residence. For several years prior to Applicant's purchase of the property, it was utilized as an office for Assemani Pool Company. Since December of 2007, Kim T. Capello and his wife have occupied the structure as a law office.

The current front yard set-back line runs directly through the center of the existing structure. To be in compliance with the front yard set-back, the entire front 12 feet of the 24 x 24 structure would have to be removed. The remaining 12 x 24 structure would be totally unusable and dysfunctional. The granting of Applicant's variances will be beneficial to Applicant and the surrounding neighbors. The well water is not potable and the septic system would not be able to sustain residential usage. If the variances are not granted, the structure would become unoccupied and abandoned. Re-development of the site any time in the near future is highly unlikely. In granting the variance, the property will not only not become abandoned, but Applicant will improve the property. If the variances are granted, Applicant will hook-up to the city water system, when available; re-face the front facade of the structure; improve the parking lot and place permanent landscaping in the front of the structure. These capital improvements will benefit Applicant, the neighbors and community as a whole (Taft Road is a major access road from Ten Mile to Grand River).

The granting of the ordinance will improve the existing non-conforming status of the property. If variances are not granted, there is no incentive to improve the property.

APPLICATION FOR VARIANCE

Applicant requests a variance from the strict standards of the zoning ordinance to allow him to operate a permitted office use in the light industrial zoning district. The property is currently zoned light industrial which permits a professional office use. The property was rezoned from residential to light industrial after the building was constructed. Applicant plans to continue to utilize the existing residential structure as a law office. The structure has been inspected and complies with existing building codes. Several years ago, the structure was converted from a residential home to an office. It has been used as an office for almost ten years.

A zoning variance is a license to use property for a purpose or to an extent not permitted by the zoning ordinance. There are two kinds of variances: use variances, which permit property to be used in a way not usually permitted in the district, and dimension variances, which permit use on a different scale than the zoning ordinance usually permits.

Applicant requests a dimensional variance because the existing structure on the property does not meet the current ordinances. A dimensional variance is justified to prevent mere practical difficulty; not an unnecessary hardship. The three factors which are necessary to establish a practical difficulty warranting a variance from an ordinance have been met in this case. These factors are:

1. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
2. A grant of the variance applied for would do substantial justice to the Applicant. The granting of the variance would grant substantial relief to the owner of the property involved.
3. The relief granted in the manner requested would be consistent with the spirit of the ordinance.

Applicant is requesting seven variances for the proposed use of an existing non-conforming structure, for use of the land for a professional office located at 26444 Taft Road. Applicant is proposing use of an existing residential structure in an I-1 district for an office use, without structural alterations. Applicant is requesting one front yard setback variance, one front yard parking setback variance, one off street parking configuration variance, one parking surfacing variance and one variance from the required standards for landscaping. Applicant also requests a variance to maintain the 25 foot buffer along Bishop Creek along the southern edge of the property. Property is zoned I-1 and located south of Grand River and east of Taft Road.

Following are the variances requested by Applicant:

The existing structure does not meet the front setback standard of 40' from the existing or future right-of-way line. Per Section 2502.4 of the Zoning Ordinance, Nonconforming Structures, "...such structure may be continued so long as it remains otherwise lawful. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity". The proposed future addition complies with the existing right-of-way line and set-back line.

The existing gravel parking area does not meet current ordinance standards. A variance to permit the current parking lot is requested. Applicant believes the existing gravel driveway and parking area meets the ordinance set-back requirements.

CITY OF NOVI, CODE OF ORDINANCES, Article 24, Schedule of Regulations Section 2400 states:

REQUIRED FRONT YARD SETBACK (From future 120' right-of-way)	40 FEET
FRONT YARD SETBACK (From current right-of-way)	10 FEET

Applicant meets the 40 foot setback requirement from the existing curb

REQUIRED FRONT YARD PARKING SETBACK (From future 120' right-of-way)	40 FEET
EXISTING FRONT YARD PARKING SETBACK	140 FEET

Applicant feels he has met this requirement

Applicant is requesting the continued use of an open gravel parking area with a minimum of four spaces for off-street parking.

REQUIRED NUMBER OF PARKING SPACES	3 SPACES
PROPOSED NUMBER OF PARKING SPACES	5 SPACES

Applicant feels he has exceeded this requirement.

CITY OF NOVI, CODE OF ORDINANCES, Section 2506.2 Off-Street Stacking Space, Layout Standards, Construction and Maintenance states:

"Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:"

REQUIRED PARKING SPACE WIDTH	9 FEET
PROPOSED PARKING SPACE WIDTH	9 FEET

Applicant feels he has met this requirement.

REQUIRED PARKING SPACE LENGTH	19 FEET
PROPOSED PARKING SPACE LENGTH	19 FEET

Applicant feels he has met this requirement.

REQUIRED MANEUVERING LANE WIDTH	24 FEET
PROPOSED MANEUVERING LANE WIDTH	20 FEET

Applicant feels he has met this requirement.

CITY OF NOVI, CODE OF ORDINANCES, Section 2506.8 Off Street Stacking Space, Layout Standards, Construction and Maintenance states:

"The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing in accordance with the parking standards contained in the City's Design and Construction Standards."

Applicant is requesting an all gravel surface variance.

CITY OF NOVI, CODE OF ORDINANCES, Section 2509 Landscape Standards: Obscuring Earth Berms and Walls, Rights-of-Way Berms and Walls, Rights-of-Way Buffers, and Interior and Exterior Landscape Plantings states: "Landscape regulation is intended to establish minimum standards for all property in the City. Property owners and occupants are encouraged to exceed these standards, to minimize paved areas and other run-off areas, and to maximize the areas devoted to attractively designed and well-maintained landscapes."

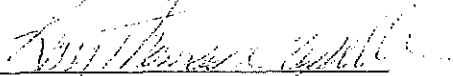
Applicant will landscape the area in front of the existing structure if the variances are granted.

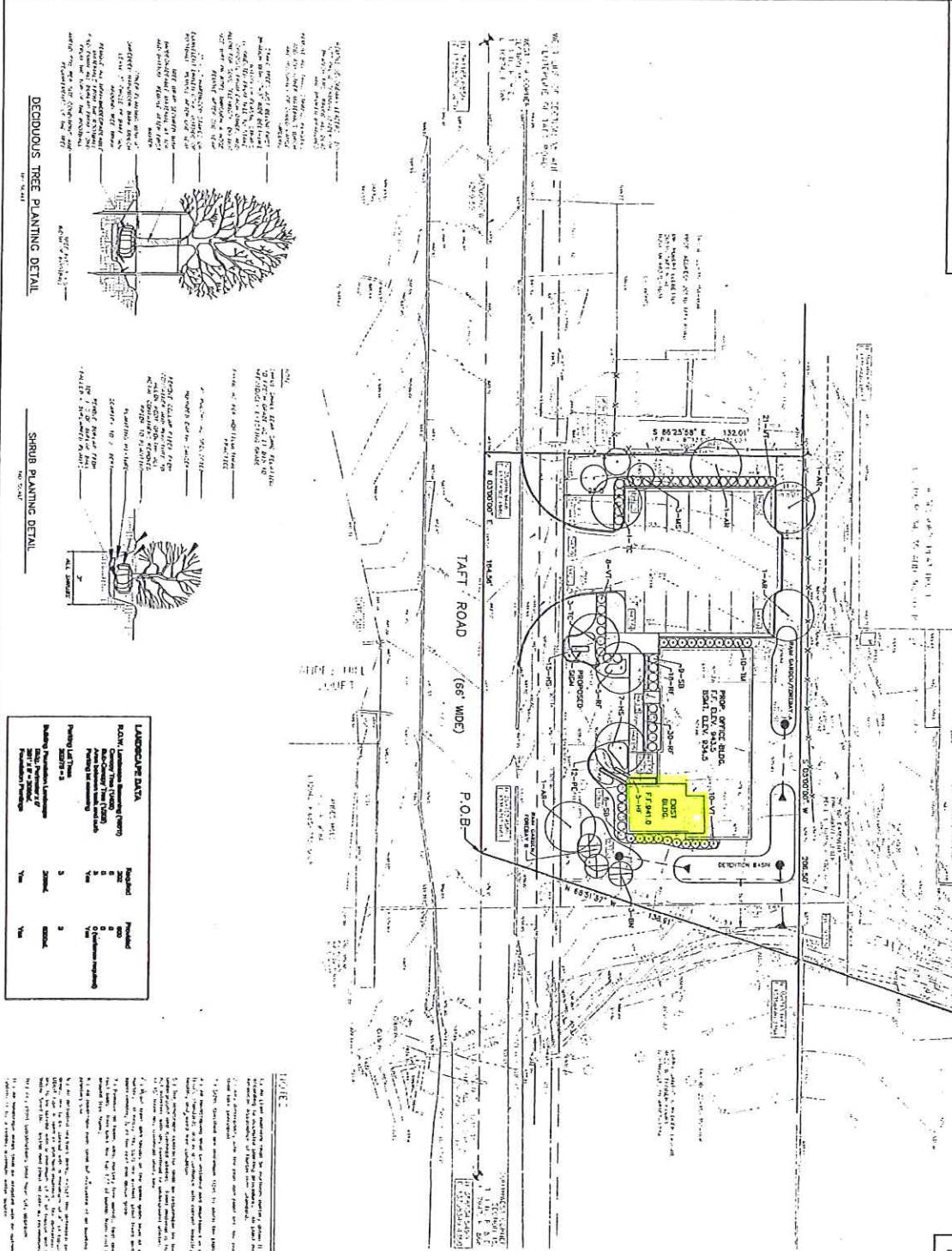
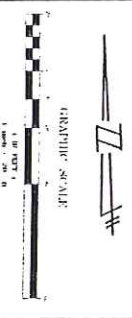
The existing house is not suitable for residential use. The existing structure would be unusable without the variances.

Applicant has met all three of the factors which entitle the Applicant to a dimensional variance. Applicant originally had plans to remove the existing structure and to build a new 4,800 square foot office building on the property. Applicant now intends to retain the existing structure and to construct a new 2,700 square foot addition to the north and east of the existing office. The date of commencement of the addition to the existing structure is wholly dependent on the economy. Dates for commencement and completion are unknown. A guess is not even possible given today's economic climate. Applicant wants to improve the aesthetics of the existing building and perform site improvements this spring. The variances are a precondition to those improvements taking place. The current structure is sound, safe and does not create any safety hazards to the occupants or surrounding property owners. If the variances were approved, Applicant would still be required to address barrier free issues with the State of Michigan.

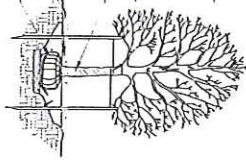
Respectfully,

GOUELLO BROS., LLC

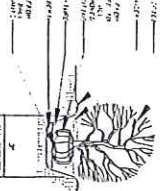

By: Kim Thomas Capello



DECIDUOUS TREE PLANTING DETAIL
 1/4" = 1'-0"



SHRUB PLANTING DETAIL
 1/4" = 1'-0"

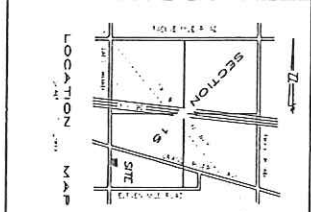


LANDSCAPE DATA

Item	Required	Provided
Planting (Trees)	200	200
Planting (Shrubs)	100	100
Planting (Perennials)	50	50
Planting (Ornamentals)	20	20
Planting (Grasses)	10	10

LEGEND

⊕	Tree (10' - 15' Ht.)
○	Tree (15' - 20' Ht.)
○	Tree (20' - 25' Ht.)
○	Tree (25' - 30' Ht.)
○	Tree (30' - 35' Ht.)
○	Tree (35' - 40' Ht.)
○	Tree (40' - 45' Ht.)
○	Tree (45' - 50' Ht.)
○	Tree (50' - 55' Ht.)
○	Tree (55' - 60' Ht.)
○	Tree (60' - 65' Ht.)
○	Tree (65' - 70' Ht.)
○	Tree (70' - 75' Ht.)
○	Tree (75' - 80' Ht.)
○	Tree (80' - 85' Ht.)
○	Tree (85' - 90' Ht.)
○	Tree (90' - 95' Ht.)
○	Tree (95' - 100' Ht.)



PLANT SCHEDULE

ID	SYM	SPECIES	SIZE	QTY
CANOPY TREES				
01	T	Redwood	12"	10
02	T	White Oak	12"	10
03	T	Black Oak	12"	10
04	T	Live Oak	12"	10
05	T	Pin Oak	12"	10
06	T	Water Oak	12"	10
07	T	Swamp White Oak	12"	10
08	T	Slippery Elm	12"	10
09	T	Black Gum	12"	10
10	T	Red Gum	12"	10
11	T	White Pine	12"	10
12	T	Shortleaf Pine	12"	10
13	T	Longleaf Pine	12"	10
14	T	Slash Pine	12"	10
15	T	Loblolly Pine	12"	10
16	T	Weymouth Pine	12"	10
17	T	Virginia Pine	12"	10
18	T	Pitch Pine	12"	10
19	T	Table Mountain Pine	12"	10
20	T	White Pine	12"	10
21	T	Shortleaf Pine	12"	10
22	T	Longleaf Pine	12"	10
23	T	Slash Pine	12"	10
24	T	Loblolly Pine	12"	10
25	T	Weymouth Pine	12"	10
26	T	Virginia Pine	12"	10
27	T	Pitch Pine	12"	10
28	T	Table Mountain Pine	12"	10
29	T	White Pine	12"	10
30	T	Shortleaf Pine	12"	10
31	T	Longleaf Pine	12"	10
32	T	Slash Pine	12"	10
33	T	Loblolly Pine	12"	10
34	T	Weymouth Pine	12"	10
35	T	Virginia Pine	12"	10
36	T	Pitch Pine	12"	10
37	T	Table Mountain Pine	12"	10
38	T	White Pine	12"	10
39	T	Shortleaf Pine	12"	10
40	T	Longleaf Pine	12"	10
41	T	Slash Pine	12"	10
42	T	Loblolly Pine	12"	10
43	T	Weymouth Pine	12"	10
44	T	Virginia Pine	12"	10
45	T	Pitch Pine	12"	10
46	T	Table Mountain Pine	12"	10
47	T	White Pine	12"	10
48	T	Shortleaf Pine	12"	10
49	T	Longleaf Pine	12"	10
50	T	Slash Pine	12"	10
51	T	Loblolly Pine	12"	10
52	T	Weymouth Pine	12"	10
53	T	Virginia Pine	12"	10
54	T	Pitch Pine	12"	10
55	T	Table Mountain Pine	12"	10
56	T	White Pine	12"	10
57	T	Shortleaf Pine	12"	10
58	T	Longleaf Pine	12"	10
59	T	Slash Pine	12"	10
60	T	Loblolly Pine	12"	10
61	T	Weymouth Pine	12"	10
62	T	Virginia Pine	12"	10
63	T	Pitch Pine	12"	10
64	T	Table Mountain Pine	12"	10
65	T	White Pine	12"	10
66	T	Shortleaf Pine	12"	10
67	T	Longleaf Pine	12"	10
68	T	Slash Pine	12"	10
69	T	Loblolly Pine	12"	10
70	T	Weymouth Pine	12"	10
71	T	Virginia Pine	12"	10
72	T	Pitch Pine	12"	10
73	T	Table Mountain Pine	12"	10
74	T	White Pine	12"	10
75	T	Shortleaf Pine	12"	10
76	T	Longleaf Pine	12"	10
77	T	Slash Pine	12"	10
78	T	Loblolly Pine	12"	10
79	T	Weymouth Pine	12"	10
80	T	Virginia Pine	12"	10
81	T	Pitch Pine	12"	10
82	T	Table Mountain Pine	12"	10
83	T	White Pine	12"	10
84	T	Shortleaf Pine	12"	10
85	T	Longleaf Pine	12"	10
86	T	Slash Pine	12"	10
87	T	Loblolly Pine	12"	10
88	T	Weymouth Pine	12"	10
89	T	Virginia Pine	12"	10
90	T	Pitch Pine	12"	10
91	T	Table Mountain Pine	12"	10
92	T	White Pine	12"	10
93	T	Shortleaf Pine	12"	10
94	T	Longleaf Pine	12"	10
95	T	Slash Pine	12"	10
96	T	Loblolly Pine	12"	10
97	T	Weymouth Pine	12"	10
98	T	Virginia Pine	12"	10
99	T	Pitch Pine	12"	10
100	T	Table Mountain Pine	12"	10

NOTES

1. All trees to be planted shall be minimum 10' Ht. at time of planting.
2. All trees to be planted shall be minimum 10' Ht. at time of planting.
3. All trees to be planted shall be minimum 10' Ht. at time of planting.
4. All trees to be planted shall be minimum 10' Ht. at time of planting.
5. All trees to be planted shall be minimum 10' Ht. at time of planting.
6. All trees to be planted shall be minimum 10' Ht. at time of planting.
7. All trees to be planted shall be minimum 10' Ht. at time of planting.
8. All trees to be planted shall be minimum 10' Ht. at time of planting.
9. All trees to be planted shall be minimum 10' Ht. at time of planting.
10. All trees to be planted shall be minimum 10' Ht. at time of planting.

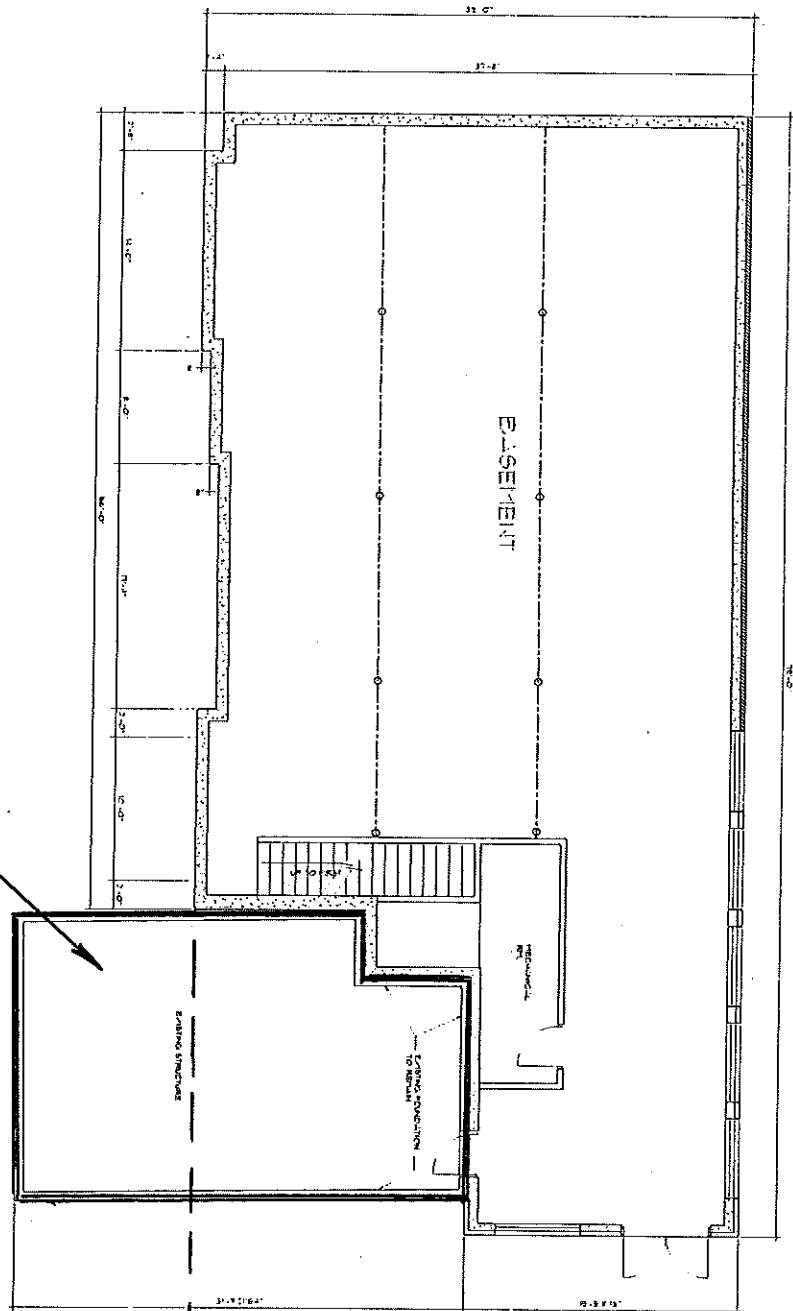
LAW OFFICE
 SECTION 10, TOWN 1 NORTH, RANGE 8 EAST
 OKLAHOMA COUNTY, MICHIGAN

REVISIONS

NO.	DATE	DESCRIPTION
1	01-22-10	ISSUED FOR PERMITS

WILLIAM KNIGHTON, P.L.L.C.
 2701 MARKET STREET, ANN ARBOR, MI 48106

CONCEPTUAL - NOT FOR CONSTRUCTION



EXISTING
STRUCTURE

FRONT
YARD
SET BACK

SHEET
A-3

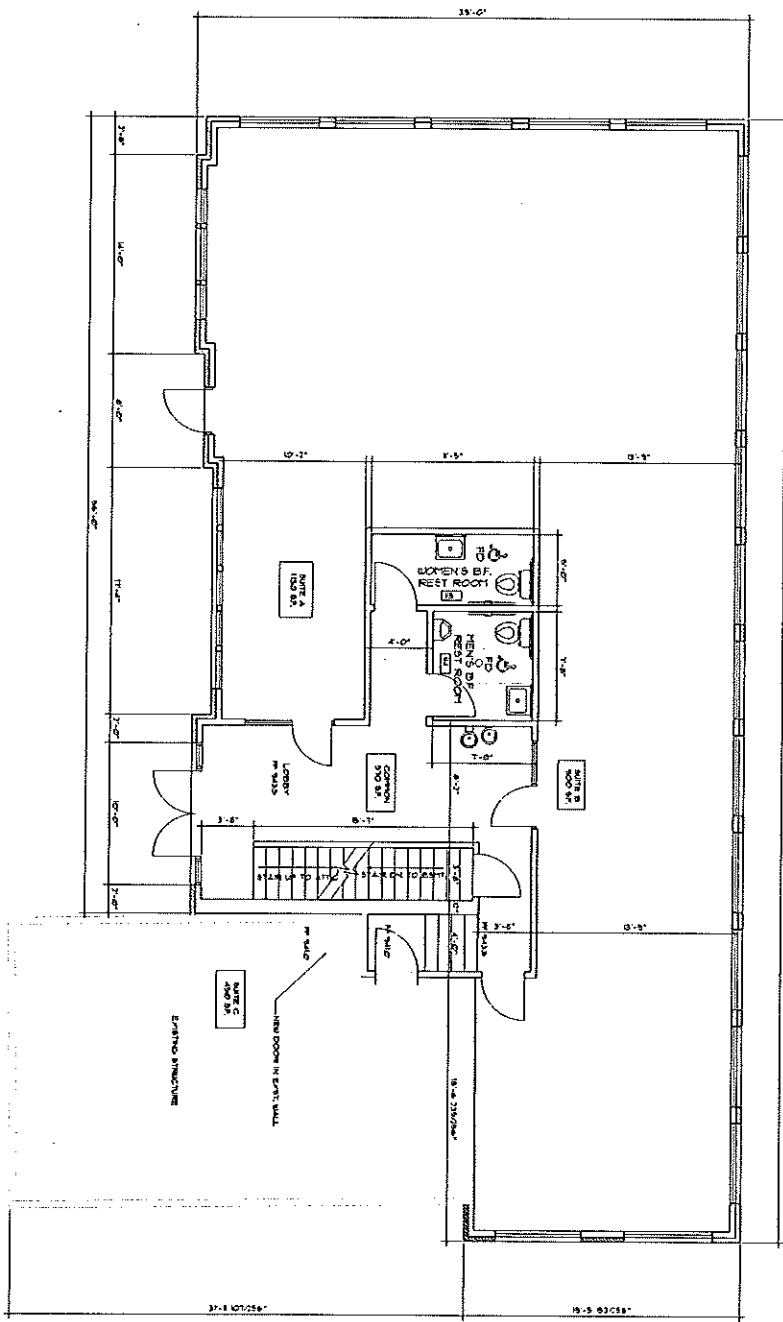
SCALE
1/8" = 1'-0"

BASEMENT
FLOOR PLAN

LAW OFFICE
NOVI, MI

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

CONCEPTUAL - NOT FOR CONSTRUCTION



FLOOR PLAN
 (3,270 S.F. GROSS)
 (2,530 S.F. LEASABLE)

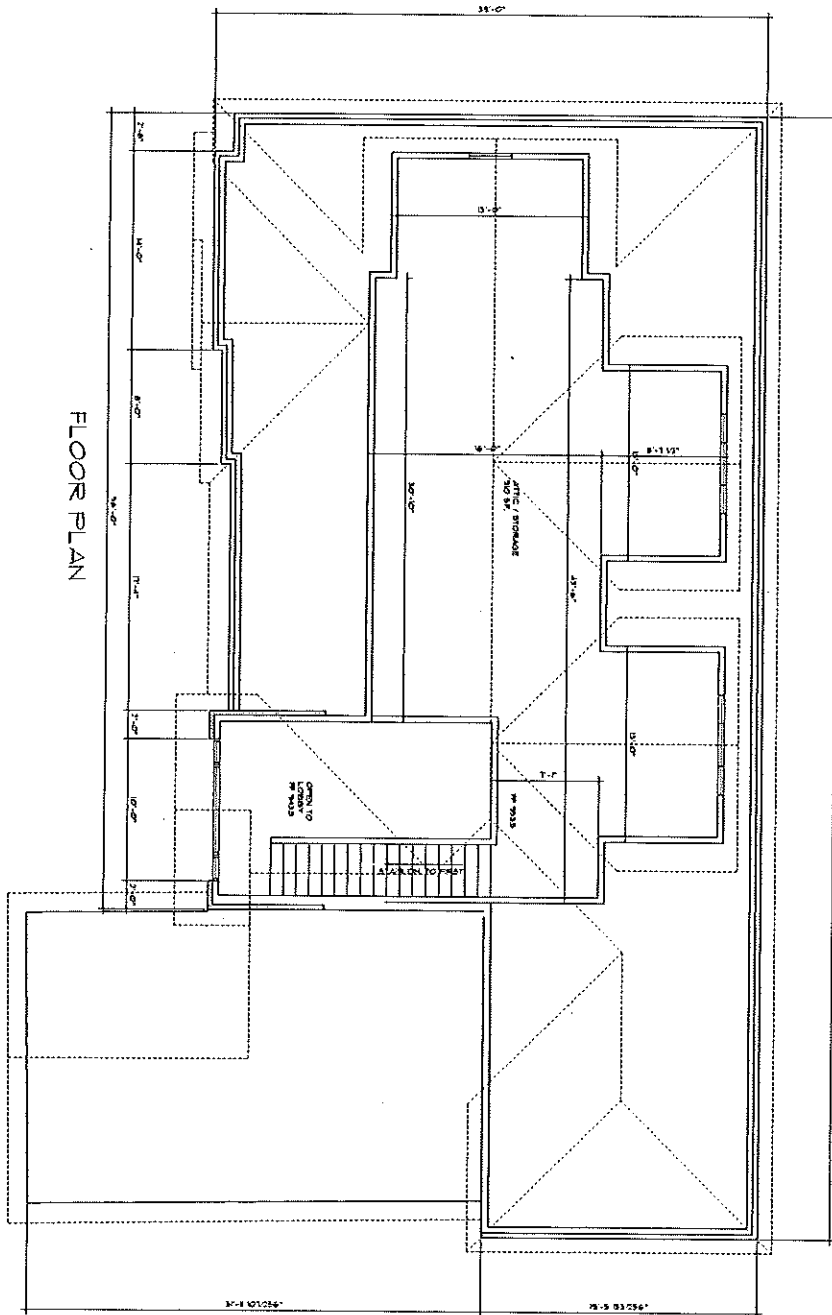
Copyright © 1999 by [unreadable] and [unreadable]. All rights reserved. This document and all other documents and drawings produced in connection with the project are the property of the architect and shall remain the property of the architect. No part of this document may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.

LAW OFFICE
 NOVI, MI

FIRST
 FLOOR PLAN

Scale	1/4" = 1'-0"
Date	11/11/99
Sheet	101-1

2002 JAN
 A-1



FLOOR PLAN

1210 W. WINDY
(2530 SF. LEASABLE)

CONCEPTUAL - NOT FOR CONSTRUCTION

SKL/AM
A-2

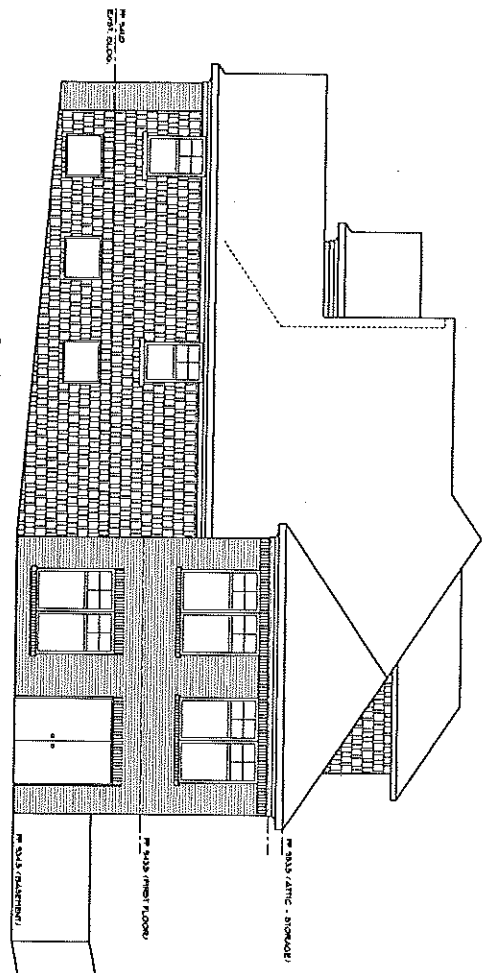
Scale	1/4" = 1'-0"
Date	5/20/08
Sheet	A-2

ATTIC FLOOR PLAN

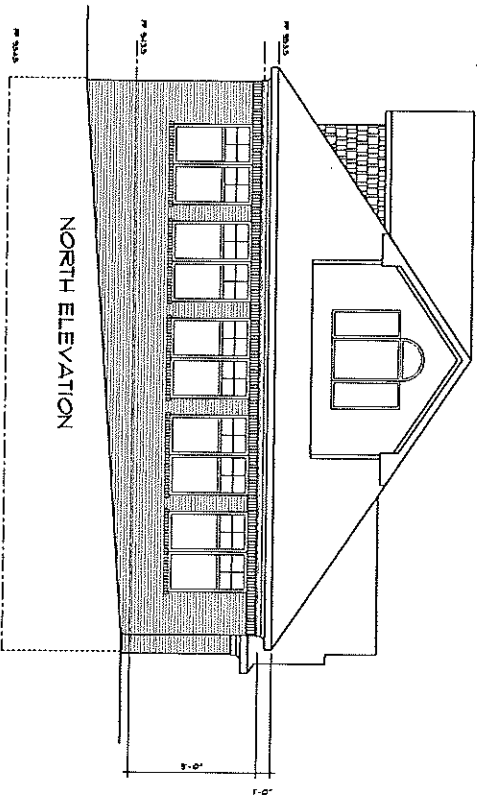
LAW OFFICE
NOVI, MI

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE CONSTRUCTION OF THE WORK SHOWN HEREIN OR FOR THE RESULTS THEREOF. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN HEREIN AND DOES NOT EXTEND TO THE STRUCTURE OR PROJECT.

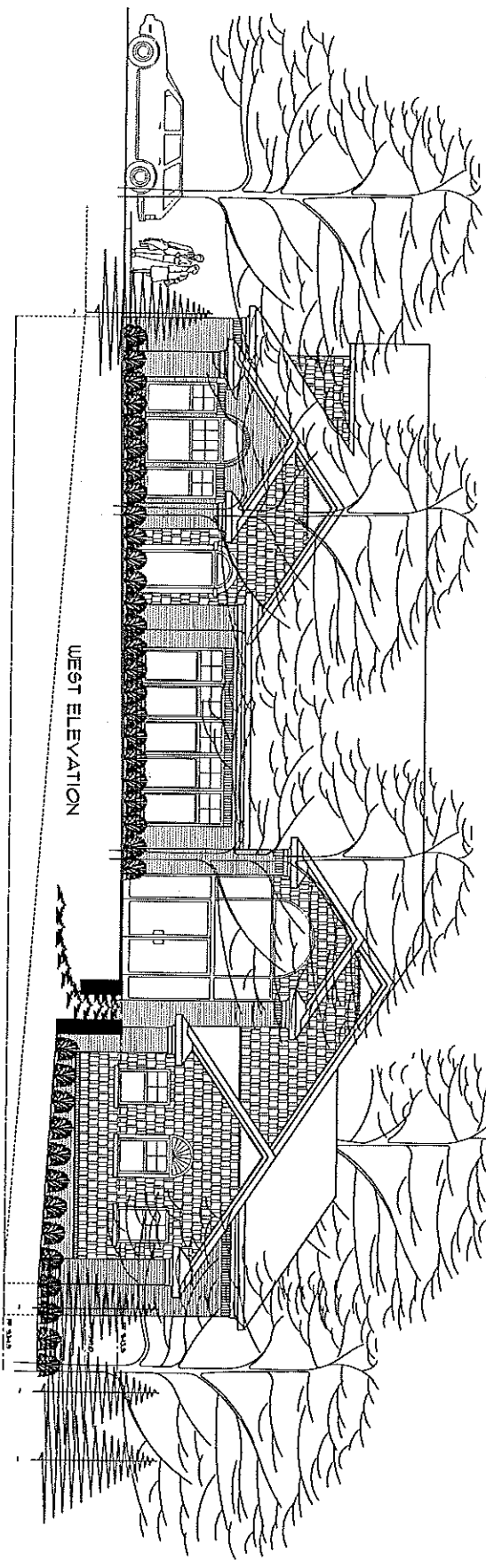
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



CONCEPTUAL - NOT FOR CONSTRUCTION

Sheet No.
A-4

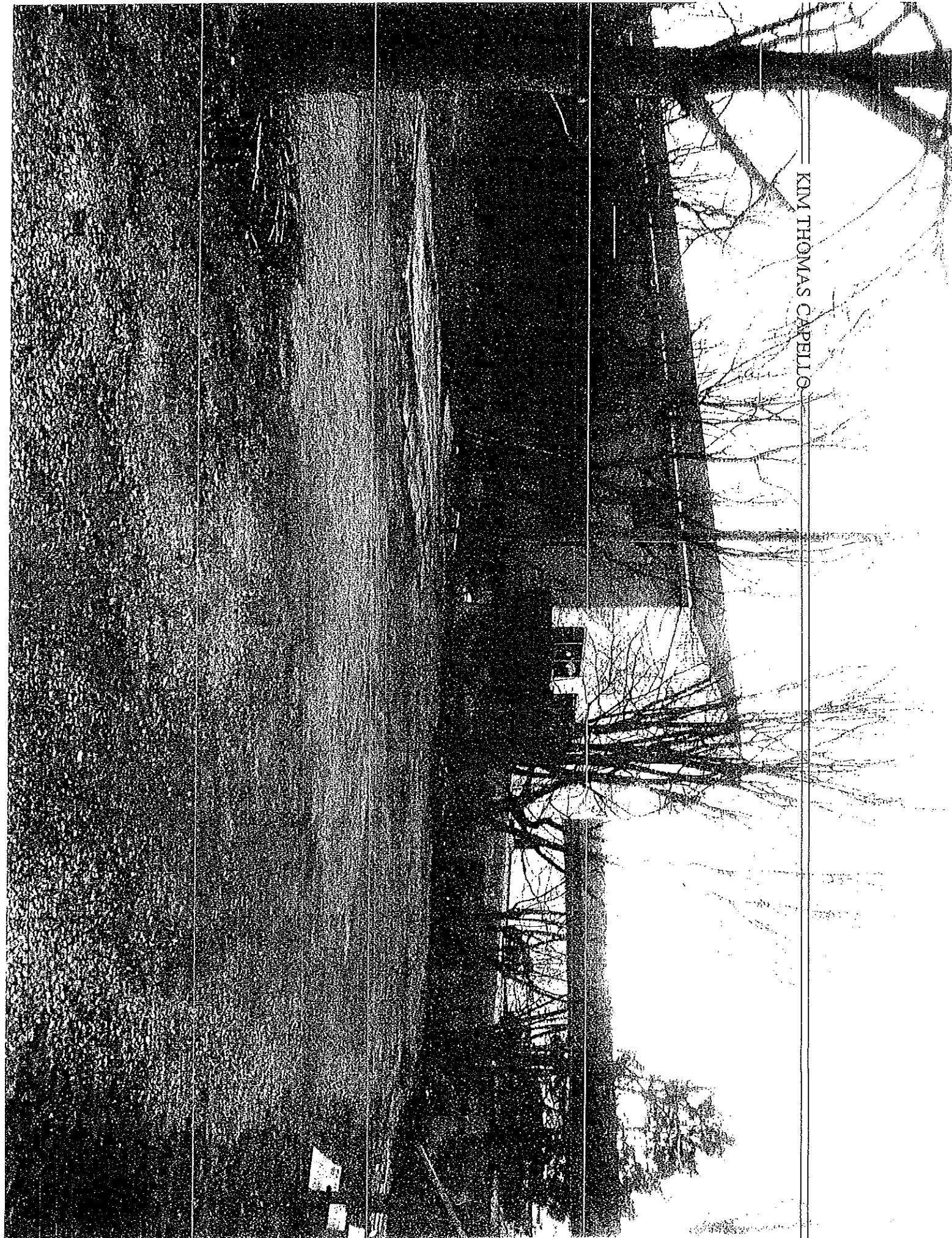
Scale
1/4" = 1'-0"
Date
1/1/2008

ELEVATIONS
SECTIONS

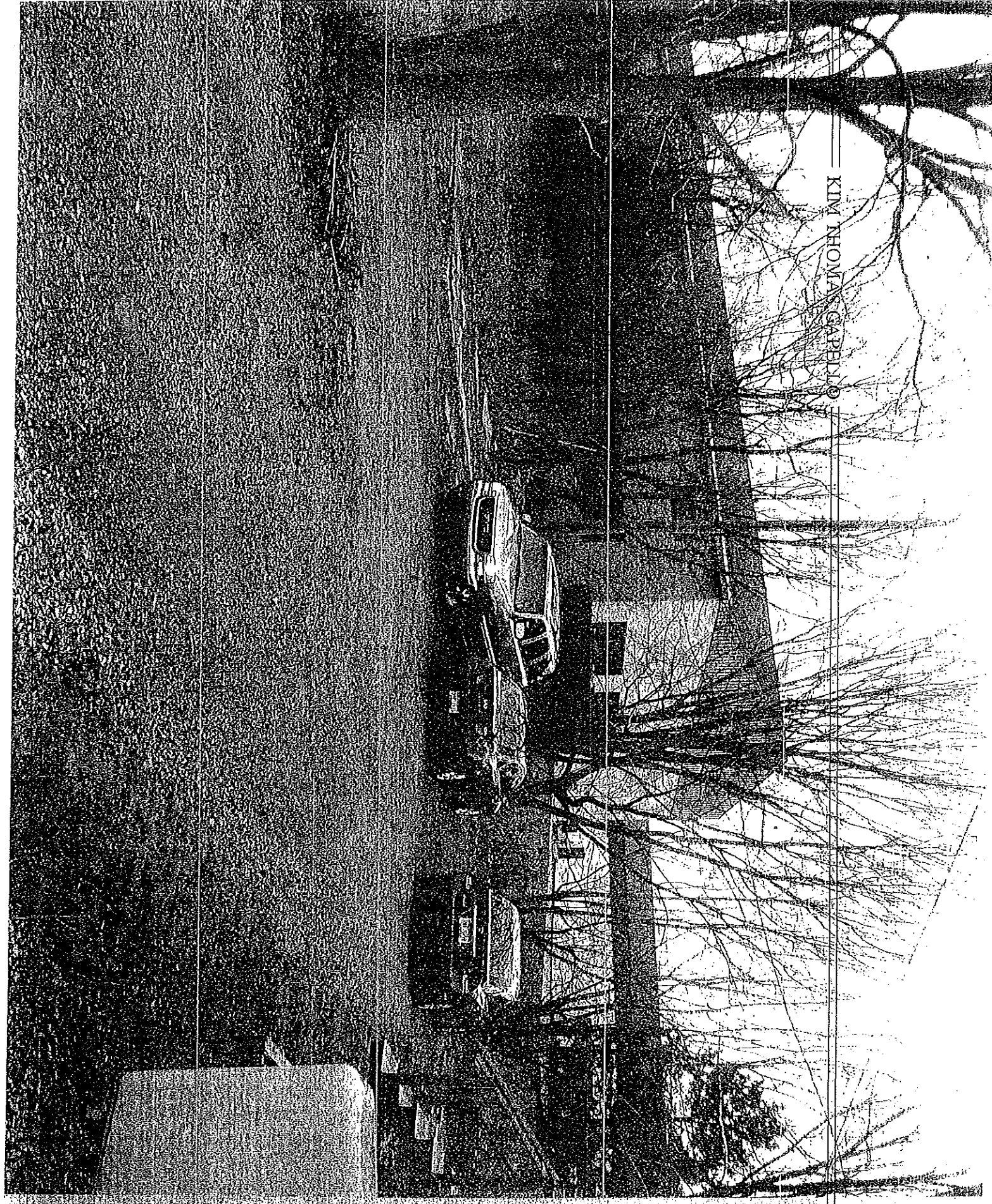
LAW OFFICE
NOVI, MI

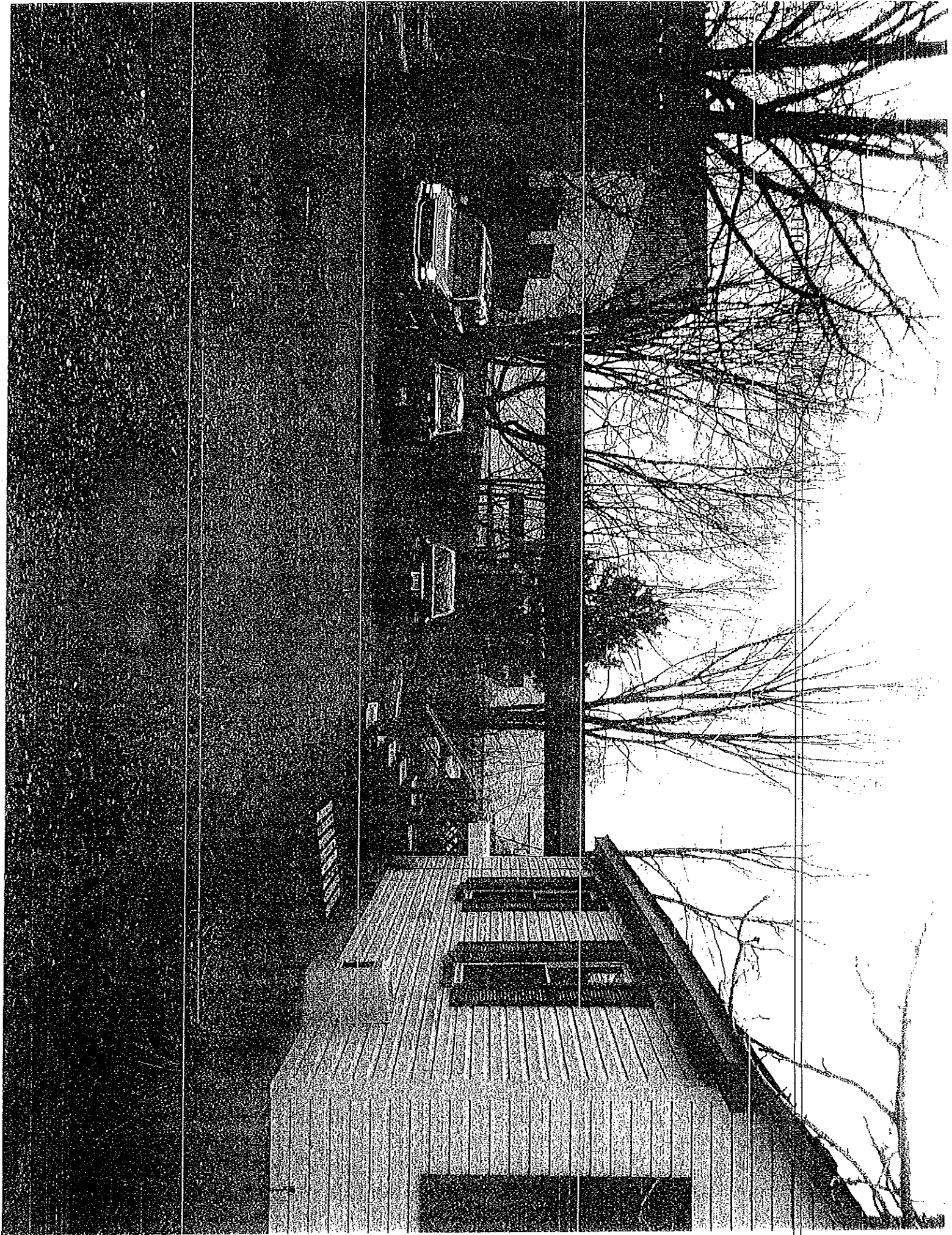
CONCEPTUAL - NOT FOR CONSTRUCTION

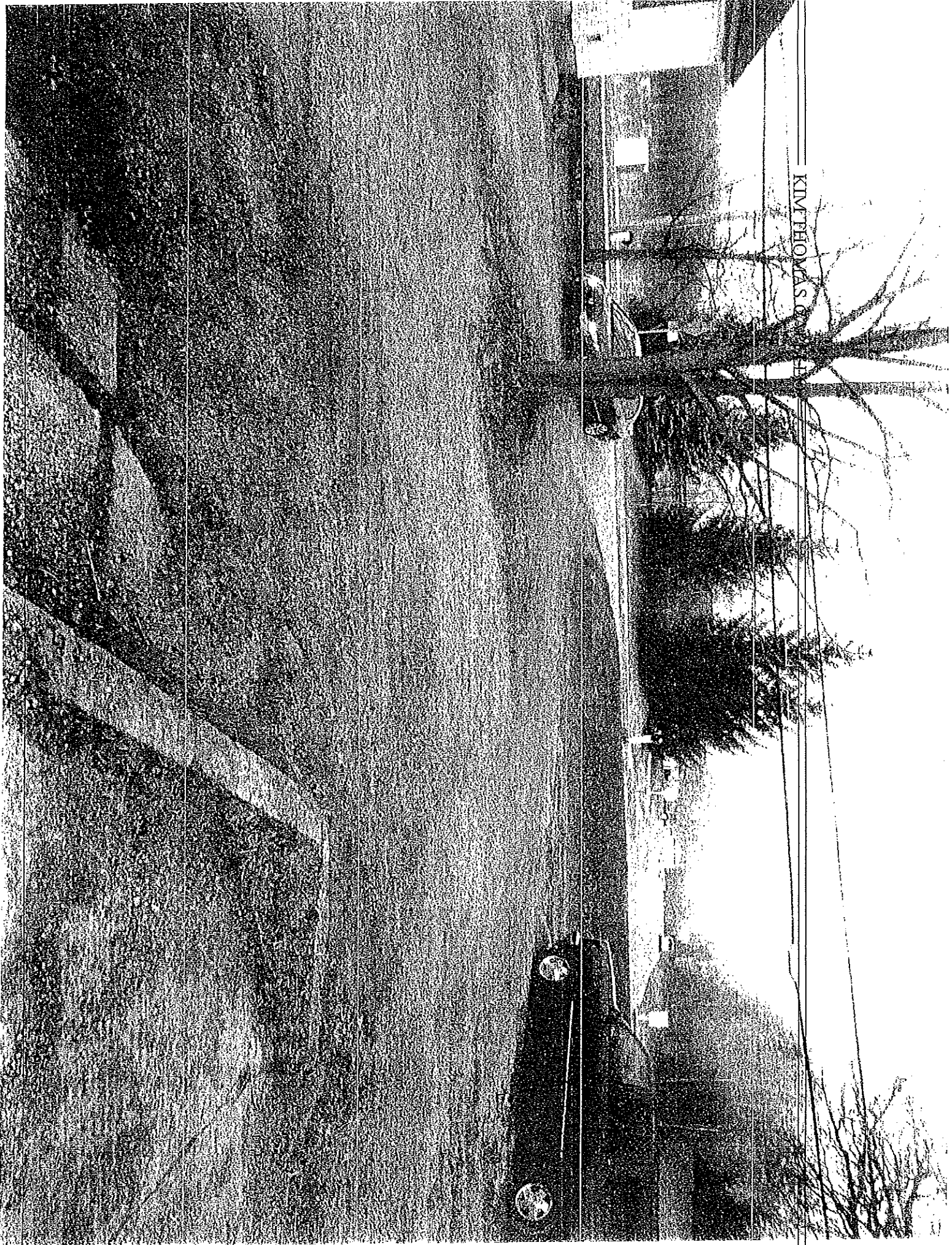
KIM THOMAS CAPELLO



KIM NHOVA CAPITAL







KIM THOMAS