

cityofnovi.org

**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**  
**(248) 347-0415**

**Case No. 11-012 21061 Haggerty (Dick's Sporting Goods – High Point Shopping Center)**

**Location: West of Haggerty Road and north of Eight Mile Road**

**Zoning District: OSC – Office Service Commercial**

The applicant is requesting a permanent variance from Section 1203.2 of the City of Novi Zoning Ordinance to allow the use of the property located at 21061 Haggerty Road (Dick's Sporting Goods) for placement of portable storage containers outside the west elevation of the building. The property is zoned OSC (Office Service Commercial) and is located on the west side of Haggerty Road and north of Eight Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 1203.2 requires uses within the OSC district to take place "within a completely enclosed building" and "...outdoor storage and display shall be prohibited."

**City of Novi Staff Comments:**

The petitioner acknowledges that exterior storage containers have been placed behind the west elevation of the shopping center suite of the Dicks Sporting Goods business. The provisions of the OSC district in the Zoning Ordinance expressly prohibit outside storage and the Novi Ordinance Enforcement staff has been consistent in enforcing these provisions whenever aware of a violation. Staff cannot support the request as the only justification provided is the loss of greater financial gain.

**Motion Guidelines:**

A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

- (a) The property cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.
- (b) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical

conditions and is not due to the applicant's personal or economic hardship.

(c) That the proposed use will not alter the essential character of the neighborhood.

(d) That the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created)

In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.



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APR 01 2011

CITY OF NOVI

For Official Use Only

ZBA Case No: 11-012 ZBA Date: \_\_\_\_\_ Payment Received: \$ \_\_\_\_\_ (Cash)

Check # \_\_\_\_\_ Include payment with cash or check written to "City of Novi."

**TO BE COMPLETED BY APPLICANT - PLEASE PRINT**

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name Robert Scott Date 04-01-2011

Company (if applicable) DICKS SPORTING GOODS

Address\* 21061 Haggerty City Novi ST MI ZIP 48375

\*Where all case correspondence is to be mailed.  
Applicant's E-mail Address: manager096@dcsq.com

Phone Number (248) 735-8160 FAX Number (724) 227-2096

Request is for:

Residential Construction (New/ Existing)  Vacant Property  Commercial  Signage

1. Address of subject ZBA case: 21061 Haggerty ZIP 48375

2. Sidwell Number: 5022 - 36477034 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes  No

4. Zoning:  RA  R-1  R-2  R-3  R-4  RT  RM-1  RM-2  MH  OS-1  OS-2  OSC  OST \_\_\_\_\_ OTHER \_\_\_\_\_

5. Property Owner Name (if other than applicant) \_\_\_\_\_

6. Does your appeal result from a Notice of Violation or Citation Issued?  Yes  No

7. Indicate ordinance section(s) and variances requested:

1. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
2. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
3. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
4. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

*- see attached documents -*

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

**SIGN CASES ONLY:**

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten (10) days before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five (5) days of the meeting.

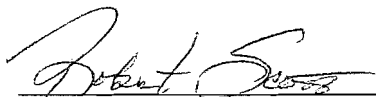
**Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.**

There is a five (5) day hold period before work/action can be taken on variance approvals. All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

**PLEASE TAKE NOTICE:**

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building     Addition to Existing Home/Building     Accessory Building  
 Use     Signage     Other

  
Applicants Signature

4/1/2011  
Date

\_\_\_\_\_  
Property Owners Signature

\_\_\_\_\_  
Date

**DECISION ON APPEAL**

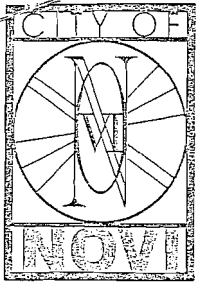
Granted     Denied    Postponed by Request of Applicant  Board

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date



## Notice of Violation

CITY COUNCIL

01/26/2011

Expiration Date: 02/25/2011

Mayor  
David B. Landry

DICK'S SPORTING GOODS  
ATTN: BOB SCOTT  
21061 HAGGERTY  
NOVI MI 48375

*Jen  
735-8180*

Mayor Pro Tem  
Bob Gatt

Terry K. Margolis

Subject Property: 21061 HAGGERTY RD NOVI

Andrew Mutch

Sidwell No.:

Kathy Crawford

Ordinance Activity No: ORD11-0109

Dave Staudt

Justin Fischer

You are in violation of code Section 1203(2)

City Manager  
Clay J. Pearson

Outside storage of portable containers is not permitted.  
Remove portable storage units from lot by expiration date.  
You may apply to the Novi Zoning Board to seek a variance  
from this code. Contact Malinda Martin at 248-347-0415 to  
seek additional information.

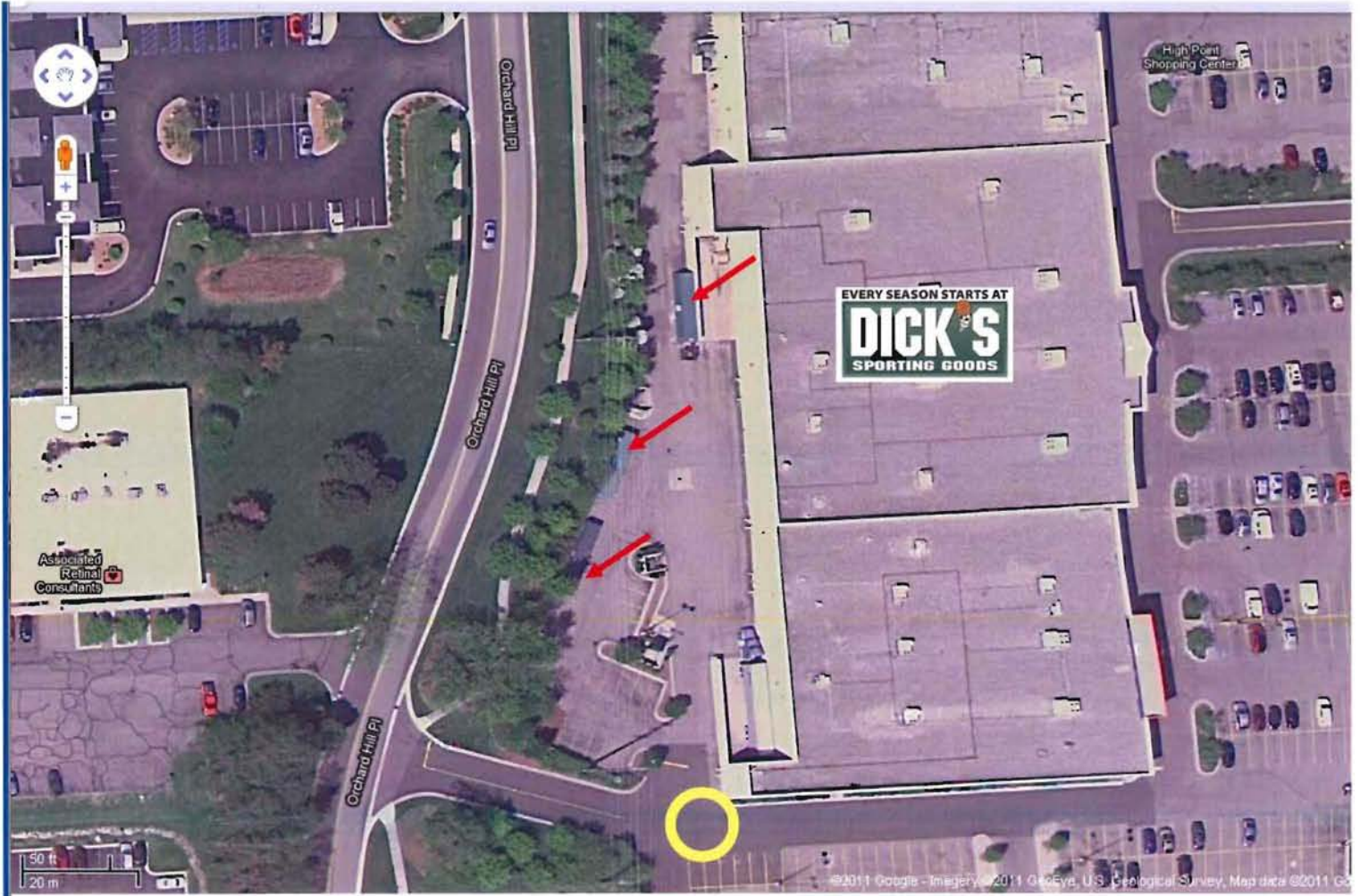
City Clerk  
Maryanne Cornelius

You will have 30 days from the date of this notice to comply with the violation cited above. Your immediate attention to this matter is requested and advised. A municipal civil infraction violation ticket will be issued for failure to comply with this matter within the time constraints stated above. Once a ticket is issued, a court appearance will be required. Please contact the Officer listed below should you have any questions with regard to this matter.

Maureen Underhill  
Ordinance Enforcement Officer  
248.735.5602  
City of Novi

Satellite image of Dick's Sporting Goods at 21061 Haggerty Road (Google Maps, 2005.)

Locations of containers noted with red arrows.



Dick's Sporting Goods currently utilizes 3 containers which provide an extra 960 sq. foot of storage space. These containers have been present since 2005 and house the bulk fitness equipment (treadmills, ellipticals, recumbent bikes, weight systems.) The containers are not visible from Orchard Hill Place (road runs parallel to the back of Dick's Sporting Goods) – they are visible only when driving directly behind the building or within the area circled in yellow.



The main stockroom of the building is only 30' x 38' which provides us with 11,400 sq. ft. of space. (figure 1.) Of this there are two areas that are already occupied by shelving units and merchandise - these areas account for 416 sq. ft of occupied space. Of the remaining stockroom space we are required to maintain an area designated for unloading merchandise from the Distribution Center trucks. This merchandise is floor-loaded and must be removed from the truck using a conveyor belt system. The merchandise is then placed onto pallets staged throughout the receiving area. (figure 2.)

Fitness sales at this location accounted for approximately 10% of the store's total sales for fiscal year 2010. Loss of the containers would result in significant hardship as the store would need to relocate all of the merchandise into the store. There is not enough available space in the stockroom to accommodate all of the merchandise that would need to be moved. The layout of the store prevents the items from being stored anywhere else in the building (storage in hallways would result in a violation of fire code.) Due to lack of storage the store would no longer be able to offer bulk fitness merchandise as in-stock to the customer. This would result in lost sales and create a financial hardship to the business.

We have consolidated as much as possible and have been able to remove one of the four containers but would like to request a permanent variance for the remaining three.



Figure 1



Figure 2

