



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, August 12, 2014 - 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gerblick, Ghannam, Gronachan, Ibe, Krieger, Sanghvi
Present: Members Ferrell, Gerblick, Ghannam, Gronachan, Ibe and Sanghvi
Absent: Member Krieger
Also
Present: Tom Walsh, Building Official, Elizabeth Saarela, City Attorney and Angela Pawlowski, Recording Secretary

Pledge of Allegiance
Approval of Agenda: Approved
Approval of Minutes: None
Public Remarks: None

1. CASE NO. PZ14-0012 44050 TWELVE MILE RD - STONERIDGE OFFICE PARK

The applicant is requesting an exception from Section 28-6(4) of the Novi Sign Ordinance to allow a 70 sq. ft. real estate sign where 16 sq. ft. is allowed for an ongoing commercial development. The property is located north of Twelve Mile Road and west of Novi Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-6(4) allows a maximum of a 16 sq. ft. real estate marketing sign for commercial properties.

In CASE No. PZ14-0012 Motion to deny the variance as requested. The petitioner failed to appear on two separate meeting nights and has not been able to present circumstances which are unique to justify the request. It does not enable the board to grant any relief to the property.

Motion carried: 6-0
Motion maker: Gronachan

2. CASE NO. PZ14-0028 1103 E. LAKE DRIVE SUNDANCE GRILL & CANTINA

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 to allow construction of a 693 square foot addition and 526 square foot outdoor seating area along the building's west side to the existing non-conforming Sundance Grille & Cantina building with a on an existing lot with a reduced front yard setback of 24 ft and a reduced exterior side setback of 3 ft. The property is located west of Novi Road and south of 14 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum front yard setbacks of 30 ft. (west/ East Lake Dr.)and an exterior side yard setback of 30 ft. (north/ Fourteen Mile Rd.).

In CASE No. PZ14-0028 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as it being a pre-existing structure and the positioning of the current building, as well as the entry points to the property. The need is not self-created as is a pre-existing non-conforming structure. Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for the permitted purpose. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

Motion carried: 6-0

Motion maker: Gerblick

3. CASE NO. PZ14-0029 43655 WEST OAKS DRIVE HOME GOODS

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)b.1.(a) (i)a to allow an oversize sign of 104.16 square feet located on the front elevation of a retail tenant suite. The property is located west of Novi Road and south of 12 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)b.1.(a) (i)a, permits a single wall sign of 65 S.F. maximum for each business storefront in the RC, Regional Center District.

In CASE No. PZ14-0029 Motion to approve the variance as requested to construct a sign no greater than 87 square feet limiting it to this particular tenant only. It is based on circumstances or features that are exceptional and unique to the property. Failure to grant the relief will unreasonably prevent the limit or use of the property and will result in more than an inconvenience or the ability to obtain higher financial return. The granting of the variance will not negatively interfere with the adjacent properties.

Motion carried: 6-0

Motion maker: Ghannam

4. CASE NO. PZ14-0030 27225 WIXOM ROAD CATHOLIC CENTRAL HIGH SCHOOL

The applicant is requesting variance from Section 2400 of the Novi Zoning Ordinance to allow construction of a parking lot with a reduced rear yard setback of 18 ft. The property is located north of 11 Mile Rd and south of Grand River Ave.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that all off-street parking lots serving any use other than single-family residential having a minimum rear yard setback 20'.

In CASE No. PZ14-0030 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property due to the interior property line that the

setback is infringing upon. The need is not self-created. Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

Motion carried: 6-0

Motion maker: Gerblick

5. CASE NO. PZ14-0031 21050 HAGGERTY ROAD MCDONALD'S RESTAURANT

The applicant is requesting variances from Section 28-5(3), and 28-7(b)(2) of the Novi Sign Ordinance to allow additional signs as follows:

- (2) additional logo wall signs of 14 sq. ft. each
- (1) additional driveway entrance sign of 4.5 sq. ft.

The property is located on the east side of Haggerty Road, and north of 8 Mile Road.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits only one sign per parcel or building and 28-7(b)(2) permits only one driveway entrance sign.

In CASE No. PZ14-0031 Motion to approve the variance as requested. The request is based upon circumstances and features that are exceptional and unique to the property and do not result from conditions that exist generally in the city. The need is not self-created. This particular establishment is located on a busy street and intersection. When driving north or south on Haggerty Road you may pass the restaurant before you realize it is there. The additional signage would be appropriate and help with visibility.

Motion carried: 6-0

Motion maker: Ibe

6. CASE NO. PZ14-0032 43700 GALWAY DRIVE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new covered porch addition with a reduced front yard setback of 23 ft. The property is located west of Novi Road and south of 9 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum front yard setbacks of 30 ft.

In CASE No. PZ14-0032 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property as the setback is currently non-conforming and the shape of the lot and the existing structure would not impede on any setback of the surrounding properties. The need is not self-created. Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily

burdensome. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

Motion carried: 6-0

Motion maker: Gerblick

7. CASE NO. PZ14-0033 44480 W. 11 MILE ROAD

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new one-story living area addition with a reduced front setback of 25.5 ft. and a reduced aggregate side setback of 22.65 ft. The property is located east of Taft Road on the north side of 11 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum front setback of 30 ft., and a minimum aggregate side setback of 25 ft.

In CASE No. PZ14-0033 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as the shape, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. The applicant has discussed how he has cared for elderly relatives in the past and will be caring for more in the future. The fact that he is making the structure handicap accessible is very important. Currently, the way the building is situated makes it difficult to meet the needs of the occupants. Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district. The improvement of the property will enhance the property and also increase other property values in the area.

Motion carried: 6-0

Motion maker: Ibe

8. CASE NO. PZ14-0034 LOT 15 PIONEER MEADOWS LOT 15 (PARCEL # 50-22-21-101-001)

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of new single family homes with reduced front setbacks of 40 ft. (45 ft. required), reduced rear setbacks of 40 ft. (50 ft. required), reduced rear setbacks of 10 ft. (20 ft. required) and reduced aggregate side yard setbacks of 40 ft. (50 ft. required) on existing non-conforming lots. The applicant is also requesting an exception from Section 3107 which requires issuance of building permits within 12 months of approval of

variances. The request is to allow the variances to remain valid for issuance of building permits within 18 months of approval date. The properties are located east of Beck Road and north of 10 Mile Road. Previous variance PZ13-47 approved setbacks and a variance remain valid for issuance of building permits within 18 months of approval date.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures constructed within the RA zoning district have a minimum front yard setback of 45 ft., a minimum rear setback of 50 ft. and an aggregate side yard setback of 50 ft. The validity of Ordinances is limited to (1) year.

In CASE No. PZ14-0034 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property as the lot is significantly smaller than surrounding properties and is a non-conforming lot in the zoning district. The need is not self-created. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district. The applicant has 12 months from the hearing date of August 12, 2014 to obtain the necessary building permits.

Motion carried: 6-0

Motion maker: Gerblick

ADJOURNMENT 8:20 PM

Zoning Ordinance, Section 3107. - Miscellaneous.

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, 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 one-hundred and eighty (180) 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 (1) year 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. (Ord. No. 18.226, 5-12-08; Ord. No. 10-18.244, Pt. VII, 11-8-10)