



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

**Case No. PZ14-0041 Brightmoor Christian Church**

**Location: 40800 W. 13 Mile Road**

**Zoning District: RA, Residential Acreage District**

The applicant is requesting variance from Section 2503.2.A and 2503.1B of the Novi Zoning Ordinance to allow construction of scoreboards with a reduced yard setback of 34 ft. for the baseball field scoreboard and 70 ft. proposed for the softball field scoreboard and accessory structures (sheds) within exterior side yards. The property is located north side of 13 Mile Rd and west of M-5.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2503.2.A requires that all accessory structures must meet the setback requirements of the district, which in this case, requires a 75 foot setback in all exterior side yards, and Sec. 2503.1.B requires accessory structures must be located in the rear yard.

**City of Novi Staff Comments:**

Please see the attached Plan Review Center Report from the Site Plan review process for the redevelopment.

**Standards for Granting Dimensional Variances:**

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because\_\_\_\_\_.
- The need is not self-created because\_\_\_\_\_.
- 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 because\_\_\_\_\_.
- 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 because\_\_\_\_\_.
- 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 because\_\_\_\_\_.



## PLAN REVIEW CENTER REPORT

August 14, 2014

### Planning Review

Brightmoor Christian Church Scoreboard and Shed  
Additions  
JC14-77

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#### Petitioner

Constantine George Pappas AIA

#### Review Type

Preliminary/Final Site Plan

#### Property Characteristics

- Site Location: 40800 W. 13 Mile Rd. (Section 1)
- Zoning: RA, Residential Acreage
- Adjoining Zoning: North and West: RM-1 (Low Density Low-Rise Multiple-Family Residential); East: OST (Planned Office Service Technology); South: RA
- Site Use(s): Brightmoor Christian Church
- Adjoining Uses: North: Lenox Park; East (across M-5): Haggerty Corridor Corporate Park; West: Fox Run Village; South (across 13 Mile Rd.): various single-family residential

#### Project Summary

The applicant is proposing to construct two storage sheds and two scoreboards at the facilities at the existing Brightmoor Christian Church. One shed (121 sq. ft.) and scoreboard is proposed at the existing baseball field bordering M-5 at the northeast corner of the property. One shed (121 sq. ft.) and one scoreboard is proposed for the existing softball field bordering M-5 at the southeast corner of the property.

#### Recommendation

Approval of the **Preliminary/Final Site Plan** is recommended. **The applicant needs to receive the necessary variances from the Zoning Board of Appeals for the location of the sheds and scoreboards in the exterior side yard and the deficient setback for both scoreboards.** Upon receipt of the variances, plans submitted for review will be used for Stamping Set approval.

#### Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3 (RA Residential Acreage District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant.

1. Accessory Structure – Location (Sec. 2503.1.B): Accessory structures must be located in the rear yard. The proposed sheds and scoreboards are all located in the exterior side yard near the existing ball fields. The Zoning Ordinance requires all accessory structures and buildings to be located in the rear yard. It is staff's understanding the sheds are intended to store sports equipment for use on the ball fields. **The applicant should seek variances from the Zoning Board of Appeals for these deficiencies.** Because of the use of the sheds and scoreboard and the fact that they are bordering a major freeway, staff would support the requested variances.

2. Accessory Structure – Setback (Sec. 2503.2.A): Accessory structures must meet the setback requirements of the district, which in this case, requires a 75 foot setback in all exterior side yards. The proposed sheds are setback appropriately. However, the setback of the proposed scoreboards is deficient (34 feet proposed for the baseball field scoreboard and 70 feet proposed for the softball field scoreboard). **The applicant should seek variances from the Zoning Board of Appeals for these deficiencies.** Because of the nature of the proposed use and location of the existing fields and the fact that they are bordering a major freeway, staff would support the required variances.
3. Site Plan Approval (Sec. 2516.c(7)): The addition of accessory structures under 1,000 sq. ft. can be approved administratively.

#### **Stamping Set Approval**

Stamping sets are still required for this project. Since no changes to the plan are required, after having received the approval of the Zoning Board of Appeals for the required variances, the plans submitted for review will be used for final Stamping Set approval.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



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Kristen Kapelanski, AICP – Planner



# ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

## For Official Use Only

ZBA Case No. \_\_\_\_\_

ZBA meeting date \_\_\_\_\_

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

### TO BE COMPLETED BY APPLICANT - PLEASE PRINT

\*\*\*Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name \_\_\_\_\_ Date \_\_\_\_\_

Company (if applicable) \_\_\_\_\_

Address\* \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip code \_\_\_\_\_ \*Where all case correspondence is to be mailed

Applicant's E-mail address \_\_\_\_\_

Phone number \_\_\_\_\_ Fax number \_\_\_\_\_

Request is for:

- Residential
  Vacant property
  Commercial
  Signage

Address of subject ZBA case \_\_\_\_\_ Zip code \_\_\_\_\_

Cross roads of property \_\_\_\_\_

Sidwell number 50-22-\_\_\_\_\_ May be obtained from Assessing Department (248) 347-0485

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

Zoning (Please circle one)

MH	R-A	R-1	R-2	R-3	R-4	RM-1	RM-2
	I-1	I-2	RC	TC	TC-1	_____	Other

Property owner name (if other than applicant) \_\_\_\_\_

Does your appeal result from a Notice of Violation or Citation issued?  Yes  No

Indicate Ordinance section(s) and variances requested:

- |    |               |                          |  |
|----|---------------|--------------------------|--|
| 1. | Section _____ | Variance requested _____ | <u>Allow for accessory structures to be built in exterior side yard</u>    |
| 2. | Section _____ | Variance requested _____ | <u>Allow for scoreboards to be built within exterior side yard setback</u> |
| 3. | Section _____ | Variance requested _____ | _____  |
| 4. | Section _____ | Variance requested _____ | _____  |

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

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

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

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:

There is a five (5) day hold period before work/action can be taken on variance approvals.

**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.

**City of Novi 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.

**PLEASE TAKE NOTICE:**

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

- Construct new home/building
- Accessory building
- Use
- Addition to existing home/building
- Signage
- Other

\_\_\_\_\_  
Applicants Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**DECISION ON APPEAL**

\_\_\_\_\_ Granted

\_\_\_\_\_ Denied

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

October 16, 2014  
Ms. Angela Pawlowski  
Community Development Department  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375  
P: (248) 347-0415

RE: Zoning Board of Appeals

PROJECT: Brightmoor Christian Church  
40800 W. 13 Mile Road  
Novi, MI 48377

DOCUMENTS: Zoning Board of Appeals Application  
Aerial photographs

Dear Ms. Pawlowski,

The existing softball, baseball, and soccer fields were all approved in their present location on the eastern portion of the property abutting M-5 in 2000. It is proposed that two (2) new sheds (11' x 11') and two (2) new electronic scoreboards be built on the eastern portion of the site near the existing ball fields. Based on the City Planner's review of the City of Novi Code of Ordinances the eastern portion of the site where the ball fields are located is considered the exterior side yard.

According to Section 2503.1.B, accessory structures shall not be erected in any required front yard or in any required exterior side yard. The sheds and scoreboards are both considered to be accessory structures and cannot be built in the required exterior side yard unless a variance is obtained. The first variance is being requested to allow for the sheds and the scoreboards to be built in the required exterior side yard.

According to Section 2503.2.A of the City of Novi Code of Ordinances, accessory structures must meet the setback requirements of the district, which in this case requires a 75 foot setback in all exterior side yards. Both sheds are setback appropriately requiring no additional variance. However, a second variance must be obtained to allow for the electronic scoreboards to be built within the required 75 foot setback.

The purpose of the electronic scoreboards are for one (1) scoreboard to serve the existing softball field and one (1) scoreboard to be shared between the baseball and soccer fields. The scoreboards should be placed within the cone of vision of the ball fields, therefore requiring them to be located in the side yard and within the required 75 foot side yard setback. The purpose of building the sheds is to store sports equipment for use on the existing ball fields. Due to the proposed use of

the sheds, it is imperative that they are placed in the side yard near the existing ball fields and away from adjoining residents.

### **Investigation supporting location of proposed electronic scoreboards**

In our overall investigation of recreation facilities in Novi, Michigan, we have found that scoreboards should be placed within the cone of vision of the playing area. Placing the scoreboards within the cone of vision of the playing area allows the scoreboards to be visible to athletes competing in the events and spectators observing the events. Our investigation included three fields all located in Novi, MI; ITC Community Sports Park Facility and Activity Areas, Novi High School, and Detroit Catholic Central High School. In all three cases the scoreboard was located within the cone of vision of the playing area (see attached aerial photographs).

We are requesting that the new scoreboards for Brightmoor Christian Church remain consistent with the results of our investigation. In order to achieve this, the location of the scoreboards need to be in one of the outfield corners for the softball field and in the right field corner of the baseball field so that it can be used for soccer events as well. For the scoreboard to be visible to spectators and athletes at the softball field it must encroach 4'-4" into the required 75 foot side yard setback. In order for one scoreboard to be shared between the soccer and baseball fields (in lieu of one scoreboard for each field) and be visible to spectators and athletes at both events it must encroach 31'-4" into the required 75 foot side yard setback.

### **Standards for Granting Dimensional Variances, based on Planning Review letter dated August 12, 2014**

*There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because –*

- The property is unique in that there are existing ball fields on the eastern portion of the lot in the required exterior side yard. The variances are not being requested due to the applicant's personal or economic ability but rather for the purpose of providing sheds and scoreboards to serve the ball fields which are already existing in the side yard.

*The need is not self-created because –*

- The need is not self-created as the ball fields are already existing on the site in the required exterior side yard. For the electronic scoreboards and sheds to serve the ball fields as required they must be placed in the required exterior side yard. In order for the electronic scoreboards to be placed within the cone of vision of the existing ball fields they must be placed within the required 75 foot side yard setback.

*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 because –*

- Strict compliance, meaning that the sheds and scoreboards be placed in the rear yard is unnecessarily burdensome for a number of reasons. First, if the scoreboards are placed in the rear yard they won't be visible to athletes and spectators on the ball fields, which is the main reason for providing scoreboards. Second, if the sheds are placed in the rear yard it would defeat the purpose of providing the sheds, which are intended to be near the ball fields and used to store athletic equipment.

*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 because –*

- The proposed location of the new scoreboards and sheds responds to the location of the existing ball fields on the eastern portion of the property in the required exterior side yard. These are the minimum variances required to achieve the intended purpose of having electronic scoreboards that are visible to athletes and spectators on the ball fields as well as sheds that store athletic equipment near the ball fields. These variances would do substantial justice to the applicant by allowing the scoreboards and sheds to be used for their intended purposes. These variances would also do substantial justice to other property owners in that they will have no impact on surrounding properties due to the location of the scoreboards and sheds on the site and the fact that the eastern portion of the site is bordered by M-5.

*The requested variance will not cause an adverse impact on the surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because –*

- The requested variances will not cause an adverse impact on the surrounding properties and are being requested for the purpose of bettering the quality of the existing ball fields on the eastern portion of the site. The proposed location of the new scoreboards and sheds will provide no negative impact on the surrounding property as the eastern portion of the property is bordered by M-5.

Thank you,

Constantine George Pappas AIA  
Architecture/Planning



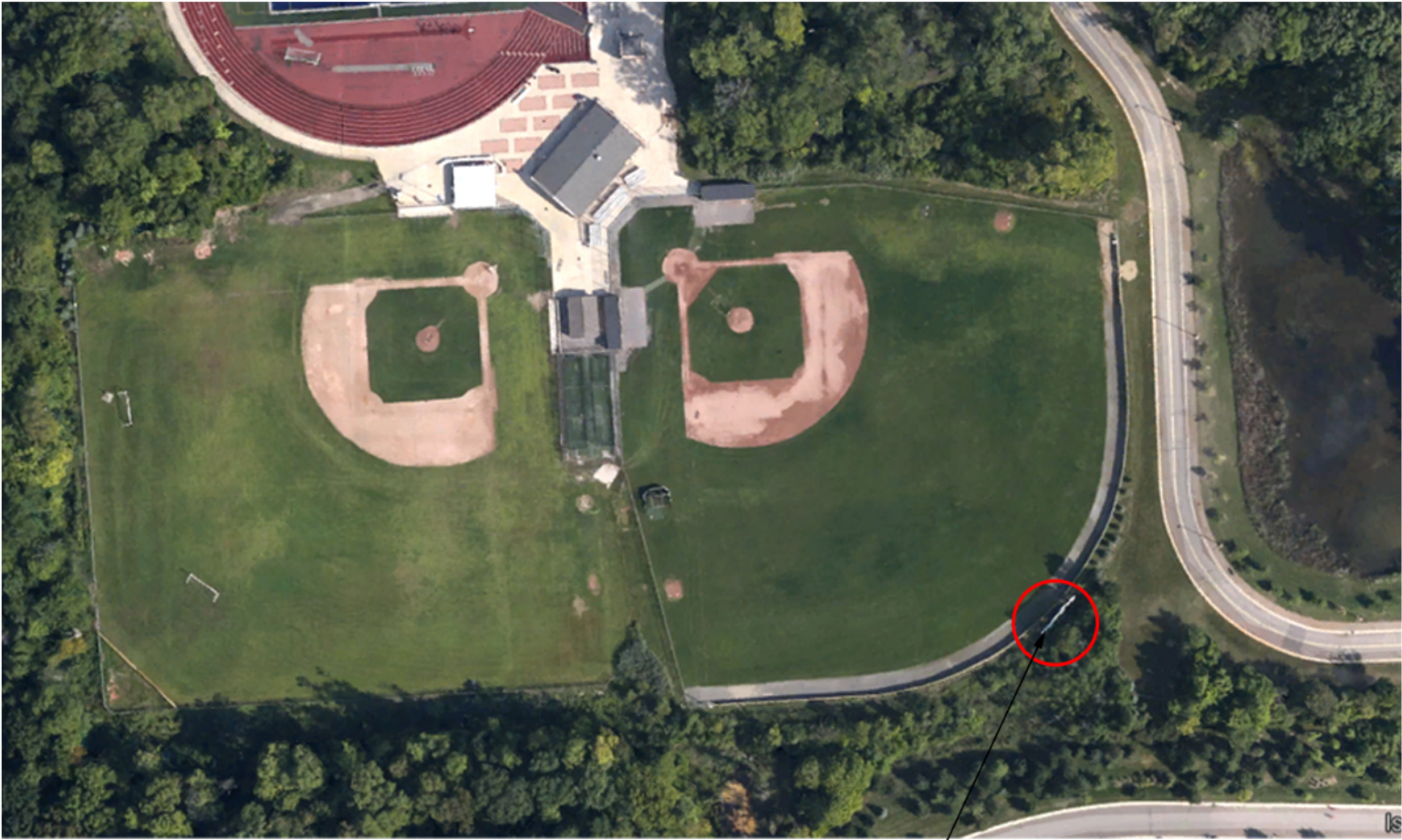
Scoreboard Location



Scoreboard Location





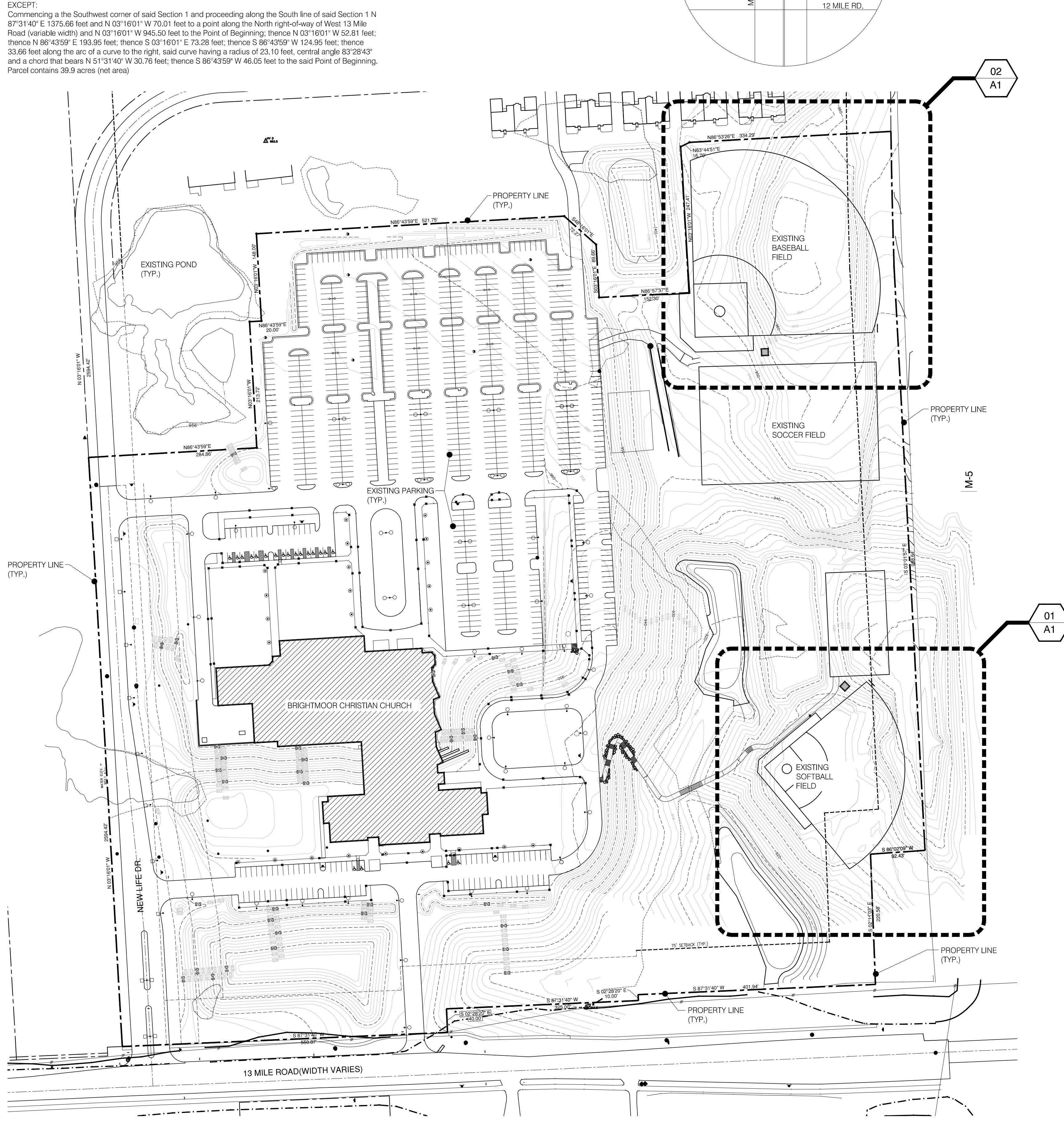


Scoreboard Location



**LEGAL DESCRIPTION:**  
 Commencing the South 1/4 corner of said Section 1 and proceeding along the North and South 1/4 line of said Section 1, N 03°02'24" W 342.99 feet to the Point of Beginning; thence S 86°58'05" W 89.71 feet; thence S 01°18'24" E 220.58 feet to the North right-of-way line of Thirteen Mile Road; thence the following (5) courses along said North right-of-way line: S 87°31'40" W 402.44 feet; thence S 02°28'20" E 10.00 feet; thence S 87°31'40" W 325.00 feet; thence S 02°28'20" E 40.00 feet; thence S 87°31'40" W 549.59 feet; thence S 86°43'59" E 20.00 feet; thence N 03°16'01" W 148.00 feet; thence N 86°43'59" E 521.75 feet; thence S 48°16'01" E 72.27 feet; thence S 03°16'01" E 89.66 feet; thence N 86°57'37" E 152.30 feet; thence N 03°16'01" W 247.41 feet; thence N 63°44'51" E 16.70 feet; thence N 86°53'26" E 334.29 feet; thence N 86°53'26" E 18.07 feet; thence along a curve to the left, radius 11730.16 feet, chord bearing S 01°53'54" E 229.19 feet, an arc distance of 229.02 feet; thence S 02°27'29" E 988.62 feet; thence S 85°58'05" W 3.49 feet to the Point of Beginning.

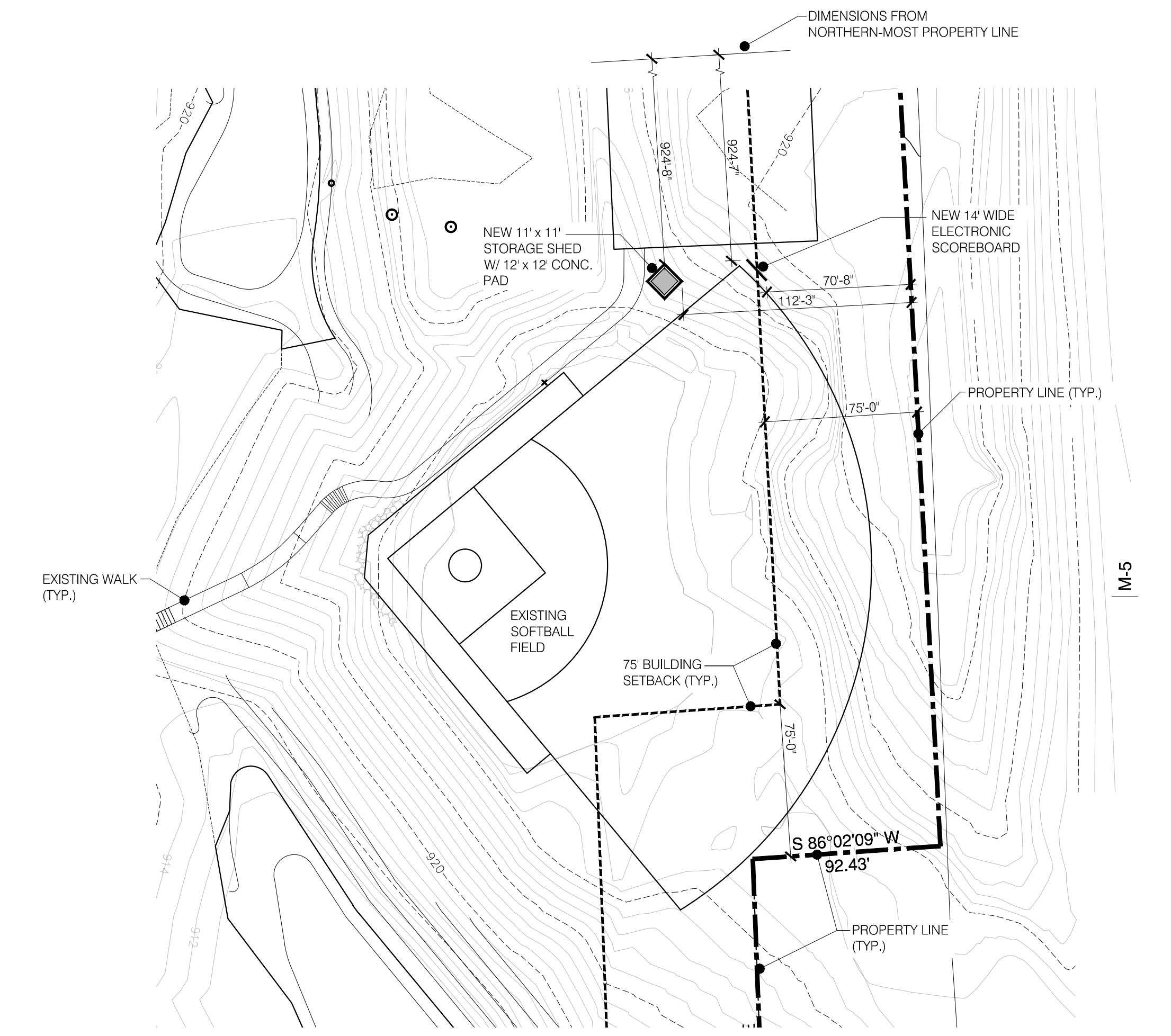
**EXCEPT:**  
 Commencing at the Southwest corner of said Section 1 and proceeding along the South line of said Section 1 N 87°31'40" E 1375.66 feet and N 03°16'01" W 70.01 feet to a point along the North right-of-way of West 13 Mile Road (variable width) and N 03°16'01" W 945.50 feet to the Point of Beginning; thence N 03°16'01" W 52.81 feet; thence N 86°43'59" E 193.95 feet; thence S 03°16'01" E 73.28 feet; thence S 86°43'59" W 124.95 feet; thence 33.66 feet along the arc of a curve to the right, said curve having a radius of 23.10 feet, central angle 83°28'43" and a chord that bears N 51°31'40" W 30.76 feet; thence S 86°43'59" W 46.05 feet to the said Point of Beginning. Parcel contains 39.9 acres (net area)



**OVERALL SITE PLAN**  
 Scale: 1" = 100'-0"

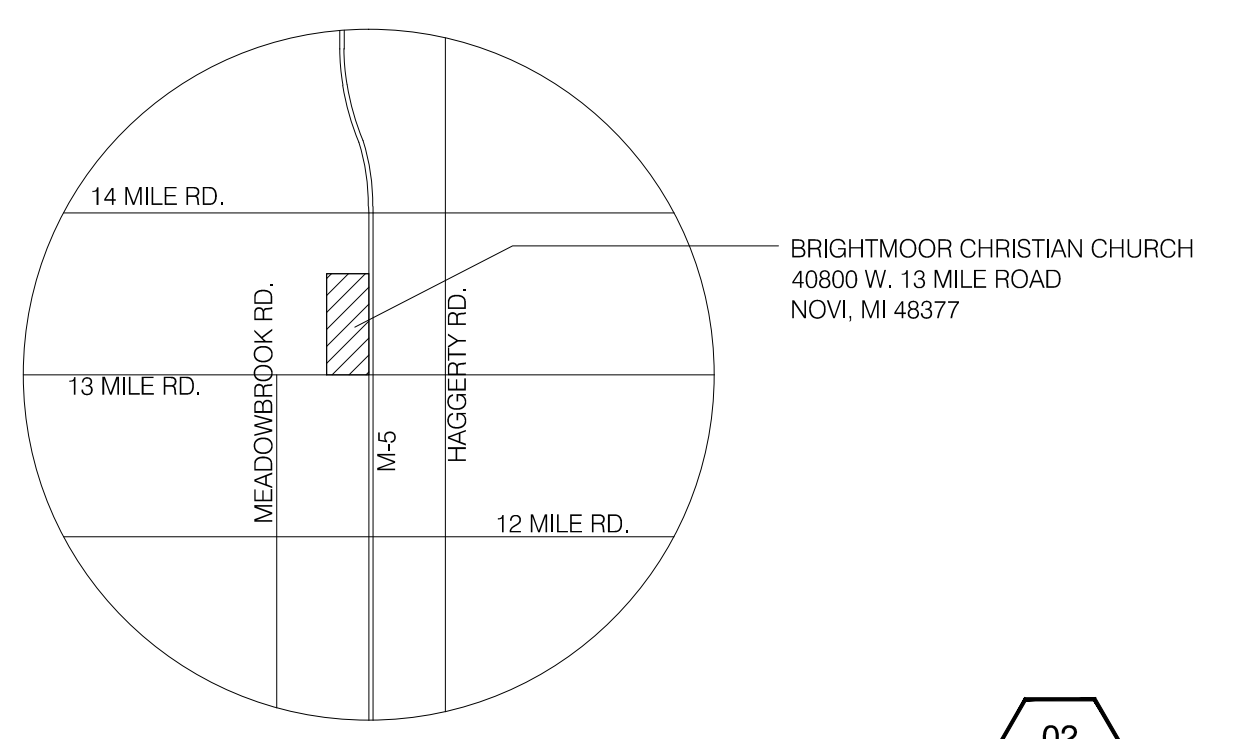


**02 A1**  
 ENLARGED SITE PLAN  
 Scale: 1" = 50'-0"



**01 A1**  
 ENLARGED SITE PLAN  
 Scale: 1" = 50'-0"

**LOCATION MAP**  
 Scale: NTS



Revisions	Architect's Seal
Application for Site Plan Approval - July 28, 2014 Zoning Board of Appeals - August 13, 2014 Zoning Board of Appeals - October 16, 2014 ###	THIS REGISTRATION SEAL IS FOR THE DRAWINGS ONLY AND DOES NOT SATISFY ANY INDIVIDUAL REQUIREMENTS NEEDED FOR EACH ENGINEER DISCIPLINE

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**Brightmoor Christian Church**  
 Scoreboard and Shed Additions  
 Project No. 201423

**Project**  
 Drawn / Checked C.B.A. / C.G.P.  
 Approved: C.G.P.  
 Date: July 28, 2014

**Sheet Title**  
 Site Plan  
 Sheet No. A1