



cityofnovi.org

**ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI**

Regular Meeting conducted remotely via ZOOM

Tuesday, April 14, 2020

**Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415**

Call to Order: 7:05pm

Initial Roll call: Member Krieger, Member Longo, Member Montague, Chairperson Peddiboyina, Member Sanghvi, Member Sanker, Member Thompson and Member Verma

Present: Member Longo, Member Montague, Chairperson Peddiboyina, Member Sanker, and Member Verma

Joined after Roll Call: Member Krieger, Chairperson Peddiboyina, Member Thompson

Absent Excused: Member Sanghvi

Also Present: Larry Butler (Community Development Deputy Director), Beth Saarela (City Attorney), Katherine Oppermann (Recording Secretary)

Pledge of Allegiance

Approval of Agenda:

Approval of Minutes:

Public Remarks:

Public Hearings:

APPROVED

JANUARY AND FEBRUARY 2020 - APPROVED

none

- PZ20-0004 (Maen Jabboori) 26181 Mandalay Circle, East of Beck Road and North of Eleven Mile Road, Parcel #50-22-16-300-086.** The applicant is requesting variance from the City of Novi Zoning Code Section 3.6.2.M.iii to remove vegetation from within a wetland setback. This property is zoned Single Family Residential (R-1).

The Applicant was not present when called at 7:15pm; Case was tabled and re-called at 9:14pm

The motion to approve case PZ20-0004 for the removal of vegetation within a wetland setback was approved. The petitioner has shown practical difficulty requiring the improvement of the state of parking for his large family with several vehicles. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the vegetation intruded upon is minimal and the future improvements made will enhance the neighborhood.

Maker: Member Krieger

Seconded: Member Sanker

Motion passed 7-0.

2. **PZ20-0005 (Michael Buca) 1501 Paramount Street, West of Novi Road and North of Thirteen Mile Road, Parcel #50-22-02-378-005.** The applicant is requesting variance from the City of Novi Code of Ordinances Section 5.1.9 to allow the storage of a commercial vehicle on a residential lot. The vehicle is intended to be converted into a personal Recreational Vehicle. This property is zoned Single Family Residential (R-4).

The Applicant was not present when called at 7:17pm; Case was tabled and re-called at 9:30pm

The motion to approve case PZ20-0005 for variance to allow the storage of a commercial vehicle on a residential lot was approved. The petitioner has shown practical difficulty storing a shuttle bus that he intends to convert into a recreational vehicle. The property is unique due the location of the lot that physically does not allow the applicant to park the vehicle in the rear yard of the property. The relief granted will not unreasonably interfere with adjacent or surrounding properties because similar vehicles are present in the area. The relief is consistent with the spirit and intent of the ordinance because it is planned for the vehicle to be converted and registered as a recreational vehicle in the near future.

The variance granted is subject to:

- 1) ***The conversion taking place no later than December 2020.***

Maker: Member Krieger

Seconded: Member Longo

Motion passed 6-1, Dissenting vote from Member Sanker.

3. **PZ20-0006 (Down Home Construction) 305 Duana Avenue, West of Old Novi Road and North of Thirteen Mile Road, Parcel # 50-22-03-481-012.** The applicant is requesting variance from the City of Novi Zoning Code Section 3.1.5 for a 13'1" front yard setback, 30 feet required and for a 3'8" side yard setback, 10 feet required. These variances will accommodate the construction of a front deck. This property is zoned Single Family Residential (R-4).

The motion to approve case PZ20-0006 for variance to allow reduced front and side yard setbacks for a front deck was approved. The petitioner has shown practical difficulty with regards to the use of her front porch/deck. The property is unique because of its proximity to two bodies of water. The petitioner did not create the condition because it is an old, established small lot. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the deck does not encroach on nearby properties and there was no objection

from neighbors. The relief is consistent with the spirit and intent of the ordinance because even with the addition there will be adequate room between properties.

Maker: Member Sanker

Seconded: Member Thompson

Motion passed 6-0. (Member Krieger was not present to vote on this case)

4. **PZ20-0007 (Allied Signs) 40255 Thirteen Mile Road, West of Haggerty Road and South of Thirteen Mile Road, Parcel #50-22-12-200-041.** The applicant is requesting variance from the City of Novi Code of Ordinances Section 28.5 to allow two additional wall signs (14.2 and 62.6 square feet respectively) beyond the permitted two and for an 8 foot high ground sign, 6 foot high maximum allowed by code. This property is zoned Office Service Technology (OST).

The Applicant had poor internet connectivity when called; Case was tabled and re-called at 9:43pm

The motion to approve case PZ20-0007 for variance to allow for two additional wall signs and an 8 foot high ground sign was approved. The petitioner has shown practical difficulty requiring additional signage to be able to adequately direct patrons and give a clear view of the business. The property is unique because of the shape and size of the property and building. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the signs are in scale to the building. The relief is consistent with the spirit and intent of the ordinance because it promotes safety.

Maker: Member Sanker

Seconded: Member Montague

Motion passed 7-0.

5. **PZ20-0008 (Michael Noonan) 1019 South Lake Drive, West of Novi Road and North of Thirteen Mile Road, Parcel #50-22-03-330-006.** The applicant is requesting a variance from the City of Novi Zoning Code Section 3.32-10.ii.a for a proposed 180 square foot lake front shed, 100 square feet allowed by code. This property is zoned Single Family Residential (R-4).

The motion to approve case PZ20-0008 for variance to allow a proposed 180 square foot lake front shed was approved. Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because it will not meet their family's storage needs. The property is unique because it is a lakefront property. The petitioner did not create the condition because everyone has needs for storage to make property neat and secure property from winter elements and theft concerns. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it has been designed so that the placement of the shed has the shorter side facing the roadway, minimizing obstruction of lake views. The relief is consistent with the spirit and intent of the

ordinance because it will aesthetically match the home and adds value to the neighborhood.

*Maker: Member Krieger
Seconded: Member Sanker
Motion passed 7-0.*

6. **PZ20-0010 (Grissim Metz Andriese Associates/ Catholic Central High School) 27225 Wixom Road, West of Wixom Road and South of Grand River Avenue, Parcel #50-22-18-200-027.** The applicant is requesting variances from the City of Novi Code of Ordinances Section 28-5(a) to allow four proposed ground signs exceeding the number of signs and the height of signs allowed. One (1) ground sign is permitted at a maximum height of 6 feet. This property is zoned Single Family Residential (R-1).

The motion to approve case PZ20-0010 for variance to allow four proposed ground signs exceeding the number of signs and the height of signs allowed was approved. The petitioner has shown practical difficulty with giving exposure and information on the property to the public. The property is unique because of the size of the school campus, the large setback from the road, and landscaping that renders the property not visible from the street. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the signs are attractive and not overly large. The relief is consistent with the spirit and intent of the ordinance because the additional signage and landscape will improve the attractiveness of the property.

*Maker: Member Longo
Seconded: Member Krieger
Motion passed 7-0.*

7. **PZ20-0011 (Michael Thompson Design) 1310 East Lake Drive, West of Novi Road and North of Thirteen Mile Road, Parcel # 50-22-02-151-033.** The applicant is requesting variances from the City of Novi Zoning Code Section 3.1.5 for a proposed lot coverage of 26.8%, 25% maximum coverage allowed by code and a proposed Side Yard setbacks of 5 feet and 5.65 feet, 10 feet minimum required by code; and an aggregate side yard setback of 10.56 feet, 25 feet required by code. This property is zoned Single Family Residential (R-4).

The motion to approve case PZ20-0011 for variance to allow lot coverage of 26.8%, Side Yard setbacks of 5 feet and 5.65 feet, and an aggregate side yard setback of 10.56 feet was approved. The petitioner has shown practical difficulty requiring these variances. Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because they would not be able to add to or improve their existing home in any meaningful way. The property is unique constructed on a narrow block foundation built into the rise of a hill on the lake. The petitioner did not create the condition because they purchased the property with the original foundation and current topography. The

relief granted will not unreasonably interfere with adjacent or surrounding properties because the way they have constructed the roof prevents water runoff and because the way the sun rotates around the houses makes it so there will not be obstruction of the neighboring houses sunlight or view of lake. The relief is consistent with the spirit and intent of the ordinance because it will allow the petitioner to build a larger house while maintaining adequate distance from neighboring properties.

Maker: Member Sanker

Seconded: Member Krieger

Motion passed 6-1, Dissenting vote from Member Thompson.

8. **PZ20-0012 (Daniel O'Conner) 48315 Nine Mile Road, West of Beck Road and South of Ten Mile Road, Parcel # 50-22-29-376-011.** The applicant is requesting a variance from the City of Novi Zoning Code Section 4.19.J to allow a proposed third detached building, resulting in a total of 3902 square foot increased by 1502 square feet. Two detached buildings with a total of 2400 square foot are allowed by code. This property is zoned Residential Acreage (RA).

The motion to approve case PZ20-0012 for variance to allow for a proposed third detached building was approved. The petitioner has shown practical difficulty requiring the storage of items needed for property maintenance. The property is unique because of its size, trees, gas line, and physical condition of the property. The petitioner did not create the condition because it was an existing property with the established conditions when it was purchased by the petitioner. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the buildings are similar to those in the area and is located quite far from the street or neighboring properties. The relief is consistent with the spirit and intent of the ordinance because it is a minimum variance to address the needs of the petitioner

The variance granted is subject to:

- 2) The removal of the existent storage building after construction of the new building is completed.***

Maker: Member Longo

Seconded: Member Krieger

Motion passed 7-0.

9. **PZ20-0013 (Eric Lewandowski) 24326 Wixom Road, East of Wixom Road and North of Ten Mile Road, Parcel # 50-22-20-301-042.** The applicant is requesting a variance from the City of Novi Zoning Code Section 5.11 to install a front yard fence and driveway gate. By code a fence shall not extend toward the front of the lot nearer then the minimum front yard setback. This property is zoned Residential Acreage (RA).

The motion to approve case PZ20-0013 for variance to allow the installation of a front yard fence and driveway gate was approved. The petitioner has shown practical difficulty requiring the fence and gate to make a safe and secure yard for his young children and pet. The property is unique because it sits near a busy intersection and lake. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the gate will be set farther back and not interfere with traffic on the road. The relief is consistent with the spirit and intent of the ordinance because its similarity to other neighboring homes.

Maker: Member Krieger

Seconded: Member Verma

Motion passed 7-0.

Other Matters – none

Meeting Adjournment: 9:51pm

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).