



COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: December 13, 2022

REGARDING: 48735 Grand River Ave, Parcel # 50-22-17-101-014 (PZ22-0057)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Moiseev, Gordon Associates

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned Light Industrial (I-1)

Location: South Lake Drive, east of West Park Drive

Parcel #: 50-22-17-101-014

Request

The applicant is requesting two variances from the City of Novi Zoning Ordinance Section 3.1.18 and 4.19 to erect an accessory structure and generator in the front yard; and for a front yard setback of 30 feet (40 feet minimum required, variance of 10 feet). The property is zoned Light Industrial (I-1).

II. STAFF COMMENTS:

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. I move that we **grant** the variance in Case No. **PZ22-0057**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.

 - (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.
 - (b) The property is unique because _____.

- (c) Petitioner did not create the condition because _____
_____.
- (d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because _____
_____.
- (e) The relief is consistent with the spirit and intent of the ordinance because _____
_____.
- (f) The variance granted is subject to:
 - 1. _____.
 - 2. _____.
 - 3. _____.
 - 4. _____.

2. I move that we **deny** the variance in Case No. **PZ22-0057**, sought by _____,
for _____ because Petitioner has not shown
practical difficulty requiring _____.

- (a) The circumstances and features of the property including _____ are not unique because they exist generally throughout the City.
- (b) The circumstances and features of the property relating to the variance request are self-created because _____
_____.
- (c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioner's statements that _____.
- (d) The variance would result in interference with the adjacent and surrounding properties by _____.
- (e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to _____
_____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.
Larry Butler - Deputy Director Community Development - City of Novi



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED

OCT 10 2022

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Fiber Hut 123.net			
ADDRESS 48735 Grand River		LOT/SIUTE/SPACE #	
SIDWELL # 50-22-17 -101 -014		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Grand River and 12 Mile Road			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS andrewm@mga-architects.net	CELL PHONE NO. 248.318.5029
NAME Andrew J Moiseev, RA		TELEPHONE NO. 248.549.4500	
ORGANIZATION/COMPANY Moiseev/Gordon Associates, Inc		FAX NO. 248.549.7300	
ADDRESS 4351 Delemere Court	CITY Royal Oak	STATE MI	ZIP CODE 48073
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS dsi@123.net	CELL PHONE NO.
NAME Dan Irvin		TELEPHONE NO. 888.440.0123	
ORGANIZATION/COMPANY NOVI CARTAGE LLC		FAX NO.	
ADDRESS 24700 Northwestern Highway Suite 700	CITY Southfield	STATE MI	ZIP CODE 48075
III. ZONING INFORMATION			
A. ZONING DISTRICT			
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input checked="" type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____			
B. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>419</u> Variance requested <u>to erect an accessory building in front yard</u>			
2. Section _____ Variance requested _____			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
IV. FEES AND DRAWINGS			
A. FEES			
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600			
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF			
<ul style="list-style-type: none"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable 		<ul style="list-style-type: none"> • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • Any other information relevant to the Variance application 	



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**REVIEW STANDARDS
DIMENSIONAL VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

- a. Shape of Lot.** Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.

Not Applicable Applicable If applicable, describe below:

and/or

- b. Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.

Not Applicable Applicable If applicable, describe below:

and/or

- c. Abutting Property.** The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties.

Not Applicable Applicable If applicable, describe below:

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, 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).

THIS LOCATION IS CLOSEST TO THE EXISTING FIBER LOCATED AT THE REAR OF SAM'S CLUB & A COMMERCIAL STRIP CENTER CLOSE TO A DUMPSTER

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in 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.

TO CARRY THE FIBER LINES TO THE ROOF OF THE SITE WOULD BE A BURDEN AND WOULD NOT SERVE THE PUBLIC GOOD IN ANYWAY. THE SITE IS BOUNDED BY HEAVY VEGETATION AND IS NOT VISIBLE FROM THE STREET

Standard #4. Minimum Variance Necessary.

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

THE PROPOSED LOCATION IS CLOSEST TO THE EXISTING FIBER LINES AND DOES NOT INTERFERE WITH THE EXISTING FUNCTION OF THE PROPERTY WITHOUT BEING TOO CLOSE OR VISIBLE TO NEIGHBORING PROPERTIES.

Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

THE IMMEDIATELY SURROUNDING AREA IS THE REAR OF A COMMERCIAL STRIP CENTER, ITS DRIVE THRU AND DUMPSTER AS WELL AS THE ROOF OF SAM'S CLUB. THE SITE IS SET BACK FROM THE ROAD AND THE PROPOSED STRUCTURE WILL NOT BE VISIBLE FROM GRAND RIVER

PLANT SCHEDULE

Scale: 1/4" = 1'-0"

TREES	QTY	BOTANICAL/COMMON NAME	SIZE	SPACING	ROOT	COMMENT	UNIT/TOTAL COST
RA	30	RIBES ALPIMUM 'GREEN MOUND' GREEN MOUND ALPINE CURRANT	30" HT	30'OC	B4B	MAINTAIN AS HEDGE	\$50/\$1500
TO	20	THUJA OCCIDENTALS 'NIGRA' DARK GREEN ARBORVITAE	5' HT	42'OC	B4B		\$50/\$1,000

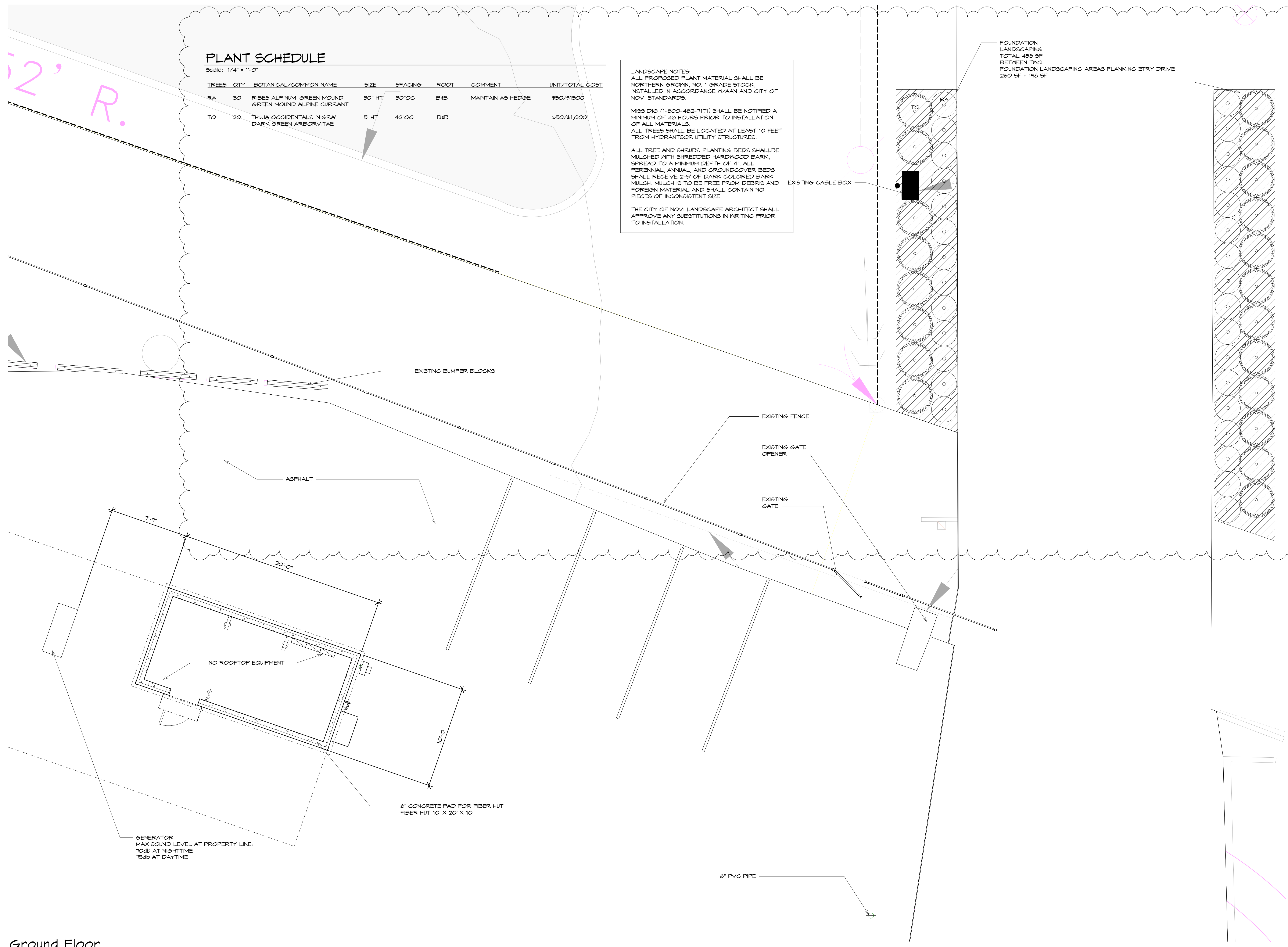
LANDSCAPE NOTES:
ALL PROPOSED PLANT MATERIAL SHALL BE NORTHERN GROWN, NO. 1 GRADE STOCK, INSTALLED IN ACCORDANCE WITH IAN AND CITY OF NOVI STANDARDS.

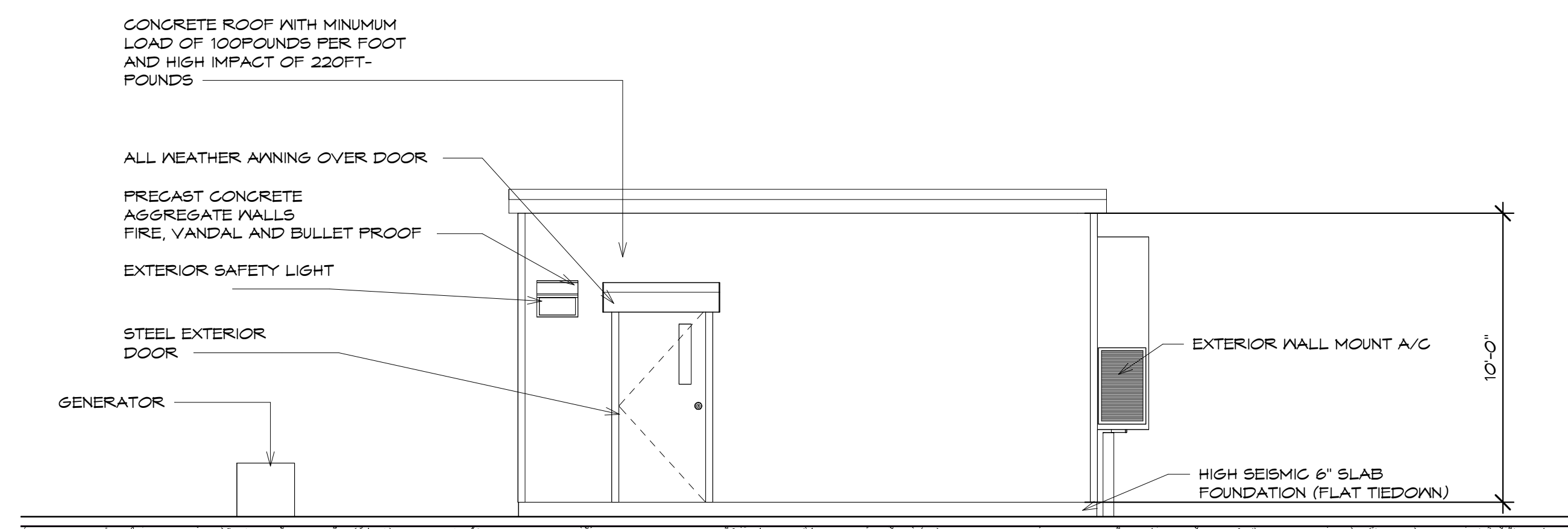
MISS DIG (1-800-492-7171) SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO INSTALLATION OF ALL MATERIALS.
ALL TREES SHALL BE LOCATED AT LEAST 10 FEET FROM HYDRANTS OR UTILITY STRUCTURES.

ALL TREE AND SHRUBS PLANTING BEDS SHALL BE MULCHED WITH SHREDDED HARDWOOD BARK, SPREAD TO A MINIMUM DEPTH OF 4". ALL PERENNIAL, ANNUAL, AND GROUND COVER BEDS SHALL RECEIVE 2-3" OF DARK COLORED BARK MULCH. MULCH IS TO BE FREE FROM DEBRIS AND FOREIGN MATERIAL AND SHALL CONTAIN NO PIECES OF INCONSISTENT SIZE.

THE CITY OF NOVI LANDSCAPE ARCHITECT SHALL APPROVE ANY SUBSTITUTIONS IN WRITING PRIOR TO INSTALLATION.

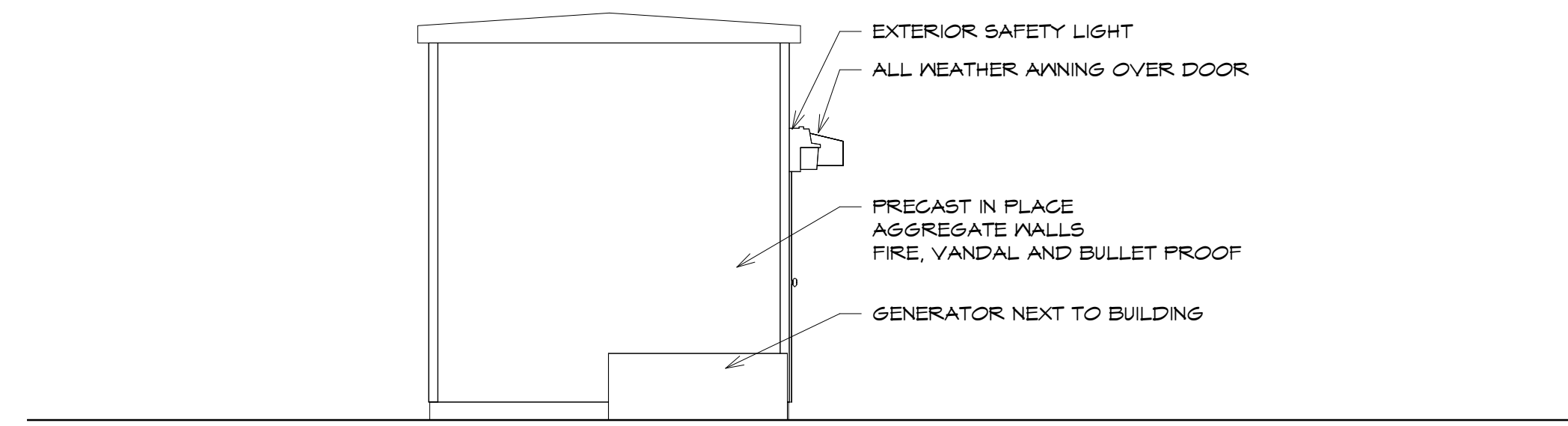
FOUNDATION LANDSCAPING
TOTAL 458 SF
BETWEEN TWO
FOUNDATION LANDSCAPING AREAS FLANKING ETRY DRIVE
280 SF + 178 SF





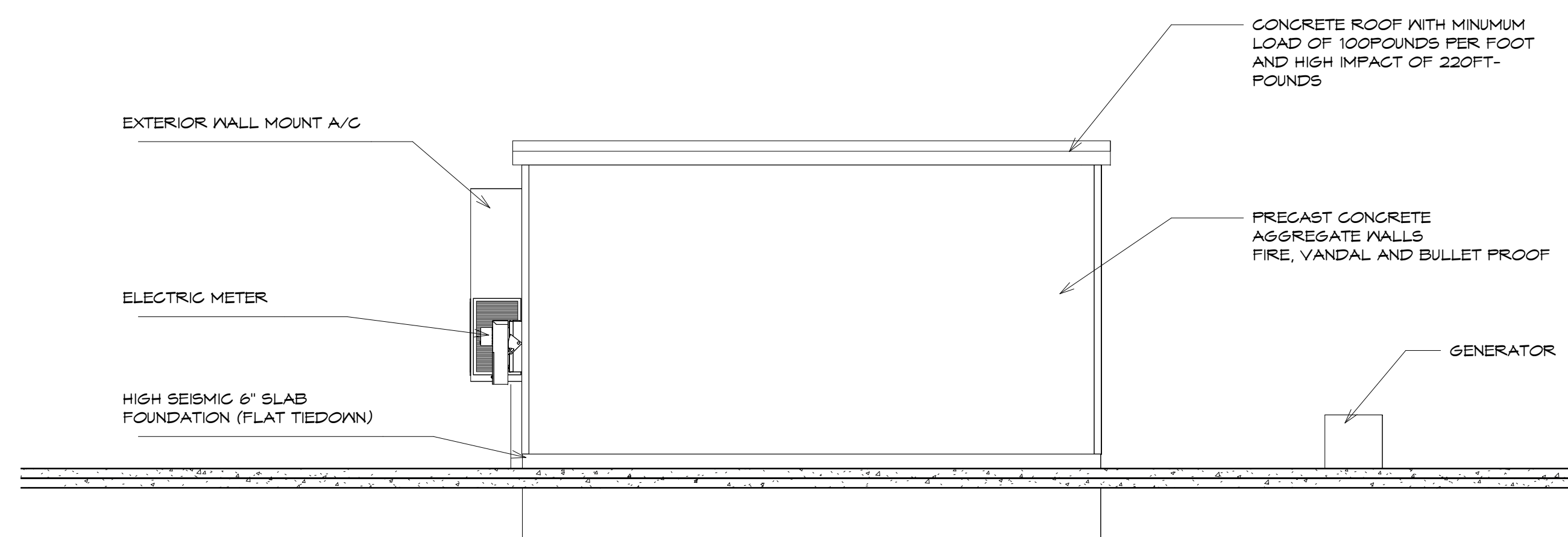
FRONT ELEVATION

Scale: 1/4" = 1'-0"



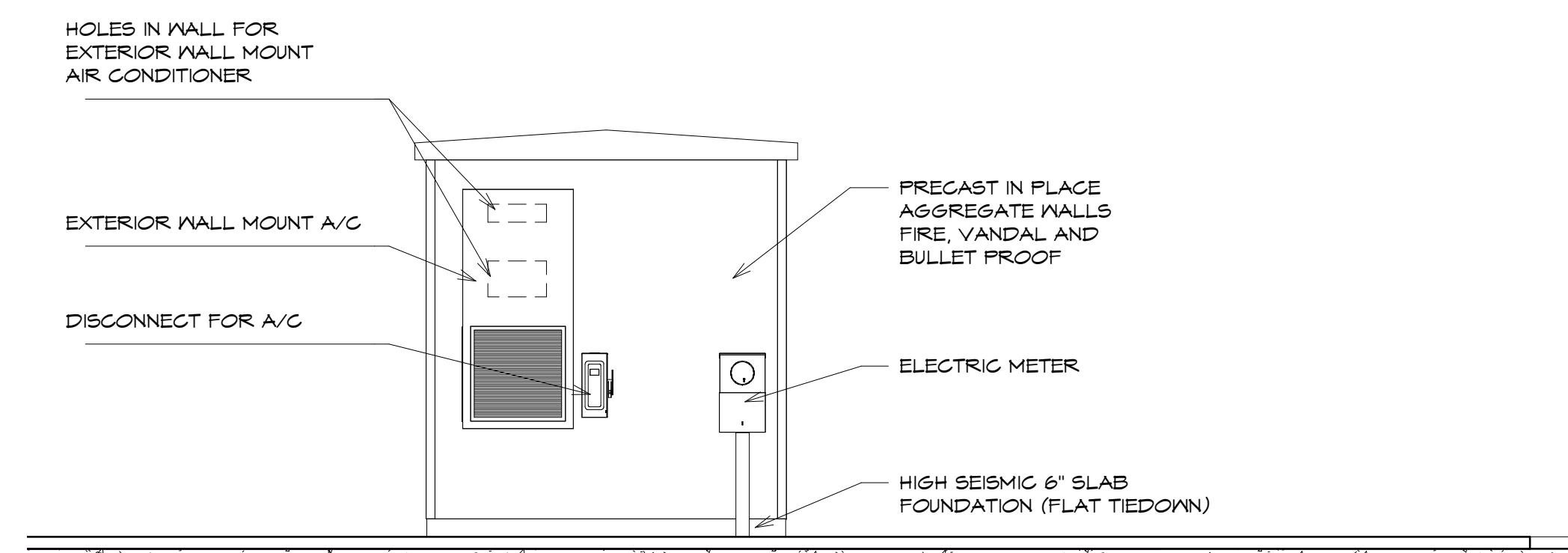
LEFT ELEVATION

Scale: 1/4" = 1'-0"



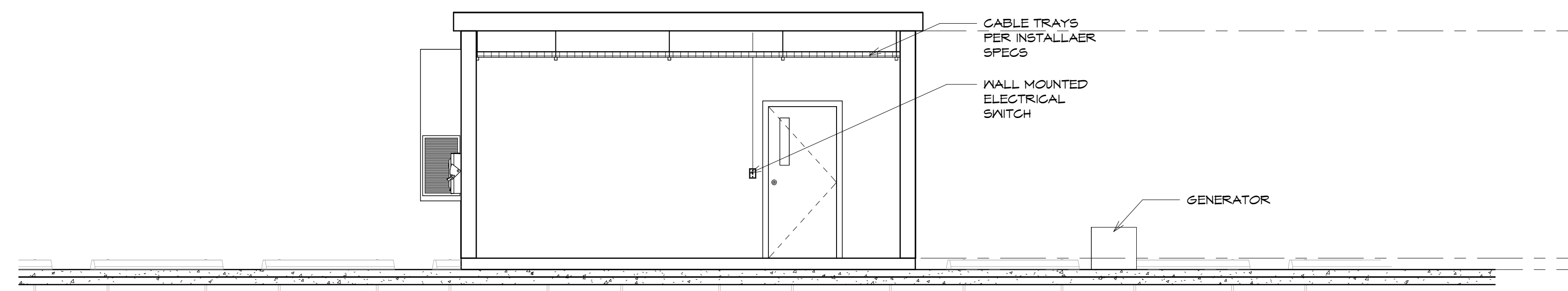
REAR ELEVATION

Scale: 1/4" = 1'-0"



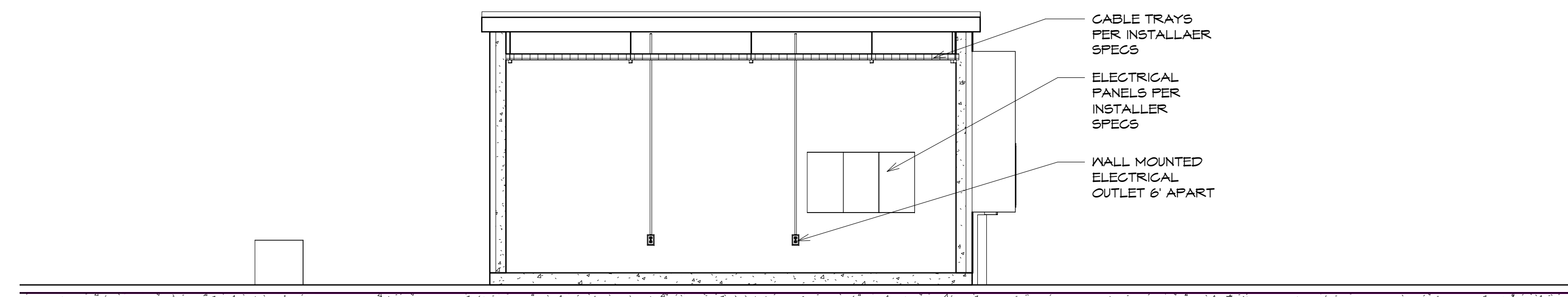
RIGHT ELEVATION

Scale: 1/4" = 1'-0"



Section 2

Scale: 1/4" = 1'-0"



Section 1

Scale: 1/4" = 1'-0"