



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, June 11, 2013 - 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gedeon, Gerblick, Ghannam, Ibe, Krieger, Sanghvi
Present: Members Ferrell, Gedeon, Ibe, and Krieger
Absent: Members Gerblick (Excused), Ghannam (Excused), Sanghvi (Excused)
Also
Present: Charles Boulard, Director of Community Development, 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. PZ13-0014 26401 NOVI ROAD (ODOBA MEXICAN GRILL)

The applicant is requesting a rehearing for the variance request from Section 28-5(3) of the Novi Sign Ordinance to allow a second wall sign of 37.5 square feet for a proposed new restaurant. The property is located west of Novi Road, and north of Grand River Avenue. The request was denied on May 14, 2013. CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits a single sign to be installed at this restaurant location.

In CASE No. PZ13-0014 Motion approved to reconsider the this case and to postpone it to the July 9, 2013 meeting. The applicant has presented sufficient minimal evidence to reconsider this case.

Motion carried: 4-0
Motion maker: Ibe

2. CASE NO. PZ13-0020 25843 STRATH HAVEN

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new single family home with a reduced front setback of 40 ft. (45 ft. required), reduced rear setback of 40 ft. (50 ft. required) and reduced aggregate side yard setback of 41 ft. (50 ft. required) on an existing non-conforming lot. The property is located east of Beck Road and north of 10 Mile Road. 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.

In CASE No. PZ13-0020 Motion to approve the variance as requested. The request is based on circumstances and features that are exceptional unique to the property such as the 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 applicant has stated there are imposing setbacks for this lot that make it difficult to build a single family home on this lot.

The need is not self-created because the lot itself is non-conforming and has been vacant for a long time. 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. Development of this lot will enhance the neighborhood and improve the property values of the surrounding homes in the subdivision.

Motion carried: 4-0

Motion maker: Ibe

3. CASE NO. PZ13-0024 48700 GRAND RIVER AVE

The applicant is requesting exceptions from Section 2400 of the Novi Zoning Ordinance to allow a reduction of the 20 ft. required exterior side yard parking setback to 16.5 ft. along the north side of the site and from Section 2505.16a to allow land banked parking for a site with 43 required parking spaces vs. the standard threshold of 45 spaces minimum. The property is located north of Grand River Ave. and east of Wixom Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 20 ft. exterior side yard parking setback. Section 2505.16a establishes a minimum required parking field of 45 spaces for application of the land banked parking provisions.

In CASE No. PZ13-0024 Motion to approve the variance as requested. 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. As the applicant pointed out the parcel has a peculiar shape leading to difficulties to have the normal amount of parking spaces. 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. Specifically redevelopment of this area will be helpful to the other neighboring parcels. 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 districts.

Motion carried: 4-0

Motion maker: Gedeon

4. CASE NO. PZ13-0025 43700 EXPO CENTER DRIVE

The applicant is requesting a variances from Section 28-6(4) of the Novi Sign Ordinance to allow installation of (2) oversize marketing signs of 64 and 20 square feet for a property intended for development and one off premises sign proposed for location within the public right of way. The 64 square foot sign is also exceeds the allowable height of 8 feet with a total height of 12 feet. The property is located west of Novi Road, and north of Grand River Avenue. CITY OF NOVI, CODE OF ORDINANCE, Section 28-6(4) permits a single sign of maximum 16 sq. ft. to be installed at this restaurant location for marketing purposes.

In CASE No. PZ13-0025 Motion to table to the July 9, 2013 meeting.

Motion carried: 4-0

Motion maker: Gedeon

OTHER MATTERS

1. ELECTION OF OFFICERS

Postponed until the next meeting when a full board is present.

ADJOURNMENT at 7:48 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)