



ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Tuesday, October 11, 2022, 7:00 PM
Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415

- Call to Order:** 7:00pm
- Roll call:** Member Krieger, Member Longo, Member McLeod, Member Montague, Chairperson Peddiboyina, Member Sanghvi, Member Copes and Member Thompson
- Present:** Chairperson Peddiboyina, Member Krieger, Member Thompson, Member Montague, Member McLeod, Member Longo and Member Copes
- Absent Excused:** Member Sanghvi
- Also Present:** Larry Butler (Community Development Deputy Director), Beth Saarela (City Attorney), Anita Sophia Wagner (Recording Secretary)

Pledge of Allegiance
Approval of Agenda:
Approval of Minutes:
Public Remarks:
Public Hearings:

APPROVED
September 2022, APPROVED
None

PZ22-0045 (Ryan Szostek) Parcel 50-22-03-476-006, South Lake Drive, east of West Park Drive. The applicant is requesting a use variance from the City of Novi Zoning Ordinance Sections 3.1.5.B and 4.19 to allow construction of an accessory structure on a vacant parcel without a permitted primary use and a dimensional variance from Section 3.1.5.D and 4.19.2.A to allow the structure to be located within the required front setback. A variance of 20 feet is requested to allow the structure to be placed 10 feet from the front property line (30 feet required). The variance requested will accommodate a changing station. This property is zoned One-Family Residential (R-4)

The motion to deny a use and dimensional variance in case PZ22-0045 was approved because the petitioner has not established a necessary hardship. Petitioner has not established that a hardship regarding the current zoning designation of the property, as the property can be used as zoned because lot is basically too small. Petitioner has not established unique circumstances or unique physical conditions regarding the property because they are simply using a temporary building for a temporary use. The variance requested is based on the Petitioner's personal or economic hardship because petitioner stated that they need to use this to participate in different activities on the lake. The proposed use will alter the essential character of the area by adding a small structure. The petitioner has created the need for the variance by putting in a temporary building.

Motion Maker: Longo
Seconded: Krieger

Motion Approved 7:0

PZ22-0046 (Andrew Falzarano – Crown Enterprises LLC) 46844 West 12 Mile Road, Twelve Mile Road east of Napier, Parcel 50-22-09-300-032. The applicant is requesting two variances from the City of Novi Zoning Ordinance. From Section 3.1.19.D for building height variance for two (2) silos with a proposed building height of 90' from finish grade (building height standard is 60 feet, variance of 30 feet). Also, from Section 5.4.3 to allow a loading space in the front yard. These variances will accommodate the building of Novi Concrete Plant. This property is zoned General Industrial (I-2).

The motion to grant variances for silo height and a front-loading space in case PZ22-0046 was approved. Without the variance Petitioner will be unreasonably prevented or limited with respect to use the property because the silos height and use were explained well. The property is unique because it is zoned General Industrial and this fits with the neighbors around it. Petitioner did not create the condition because it was a 60' variance for a 90' piece of equipment. The relief is consistent with the spirit and intent of the ordinance because it is in a General Industrial zone. This motion is for the height and front-loading space variance.

**Motion Maker: Thompson
Seconded: Copes
Motion Approved 7:0**

PZ22-0048 (Joseph Yono) 1401 E Lake Drive, west of Novi Road and south of Fourteen Mile Road, Parcel 50-22-02-329-027. The applicant is requesting a variance from The City of Novi Zoning Ordinance Section 3.32.10.ii.a for roof height of 11'-6 7/8" (Maximum roof height 8' allowed by code, variance of 3' 6-7/8"). The applicant is also requesting a variance from Section 3.32.10.ii.b for lot coverage of a shed to be 7.54% (Maximum allowed 5%, variance of 2.54%). The variance would accommodate the building of a new lakefront accessory structure. This property is zoned Single Family Residential (R-4).

The motion to grant variances for the roof height and lot coverage of a shed in case PZ22-0048 was approved. Petitioner has shown practical difficulty requiring a compliant size with matching roof. Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because we have already approved it. The property is unique because of the small size of lot. Petitioner did not create the condition because lot sizes were much smaller when the lots were created compared to other properties today. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the variance is relatively small and the structure itself was previously approved. The relief is consistent with the spirit and intent of the ordinance because the petitioner will continue to have appropriate use of their own property.

**Motion Maker: Mcleod
Seconded: Longo
Motion Approved 7:0**

PZ22-0050 (Dan and Wendi Williams) 1419 W Lake Drive, east of West Park Drive and south of W Pontiac Trail, Parcel 50-22-03-204-021. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 5 feet (10 feet minimum required, variance of 5 feet); an aggregate total side yard setback of 17.75 feet (25 feet required,

variance of 7.25 feet); and a proposed lot coverage of 32% (25% maximum allowed, variance of 7%). Section 3.32-7 for a proposed deck 13.5 feet from the rear yard property line (17 feet minimum required, variance of 3.5 feet). Section 4.19.1.E(i) for the construction of a 1,008 square foot garage (maximum of 850 square feet allowed by code, variance of 158 square feet). Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building of a new home and deck. This property is zoned Single Family Residential (R-4).

The motion to grant variances in case PZ22-0050 was approved. Recognizing that it was previously approved, and the proposal has not changed. Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because the Petitioner would be prevented from using the contemporary structure for his residence. The property is unique because of the irregular lot. Petitioner did not create the condition because property existed in its current configuration. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it is consistent with new developments in the area and the lot coverage is very similar to what is sitting on the site now. The relief is consistent with the spirit and intent of the ordinance because it will be an attractive addition to the neighborhood, and they have made a significant effort in trying to satisfy the neighbors by going around and talking to people. The variance was previously approved, and it basically is a timing issue because of construction and there are no changes to the previous request.

Motion Maker: Montague

Seconded: Longo

Motion Approved 7:0

Other Matters: None

Meeting Adjournment: 8:19pm

Zoning Ordinance, Section 7.10.8 - 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).