



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, June 10, 2014 - 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gerblich, Ghannam, Gronachan, Ibe, Krieger, Sanghvi
Present: Members Ferrell, Gerblich, Ghannam, Gronachan, Krieger and Sanghvi
Absent:
Also
Present: Tom Walsh, Building Official, Elizabeth Saarela, City Attorney and Angela Pawlowski, Recording Secretary

Pledge of Allegiance
Approval of Agenda: Approved
Approval of Minutes:

1. APPROVAL OF THE JANUARY 14, 2014 MINUTES
APPROVED
2. APPROVAL OF THE FEBRUARY 11, 2014 MINUTES
APPROVED AS AMENDED
3. APPROVAL OF THE APRIL 8, 2014 MINUTES
APPROVED
4. APPROVAL OF THE MAY 13, 2014 MINUTES
APPROVED

Public Remarks: None

1. CASE NO. PZ14-0008 42355 GRAND RIVER AVE – FELDMAN AUTOMOTIVE
The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an oversize ground directional sign of 15 square feet for an existing automotive dealership. The property is located south of Grand River and east of Novi Road. Previous variance 08-014 approved a sign of this size and location specifically for Hertz car rentals, in the B-3 Zoning District. CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) number of on-premises advertising signs permitted states: "No building or parcel of land shall be allowed more than one (1) sign..."

In CASE No. PZ14-0008 Motion to approve the case as requested. The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City and is not self-created. This is a large facility with multiple sources of revenue and even though this is not a separate business entity it effectively acts like one. The failure to grant relief will unreasonably prevent or limit the use of the property and will substantially inconvenience this applicant to attain a higher economic or financial return. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties.

Motion carried: 5-1

Motion maker: Ghannam

2. CASE NO. PZ14-0009 NOVI CORPORATE PARK PARCEL 5022-09-451-028

The applicant is requesting a renewal from CITY OF NOVI, CODE OF ORDINANCES, Section 3004 2 for the continued placement of a temporary construction/sales trailer located at parcel 50-22-09-451-028 for Novi Corporate Park. The property is located east of West Park Dr. and north of Twelve Mile, in the I-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 3004 2., "Temporary Use Permits" states: "The Building Official shall have the power to grant permits authorizing temporary special land uses for...temporary buildings...not to exceed two (2) years on undeveloped parcels within the City.

In CASE No. PZ14-0009 Motion to approve the case as requested. There are unique circumstances or physical conditions of the property such as narrowness, shallowness and shape or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. 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. 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.

Motion carried: 6-0

Motion maker: Gerblick

3. CASE NO. PZ14-0010 BECK NORTH (LOT 56) PARCEL NUMBERS 5022-04-151-028, 031, 032 AND PART OF 016.

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 1905.4(a) to allow 3 truck wells and overhead loading door facing residential district and Section 1905.4(c) to allow a height variance of 10.6 feet to allow construction of a (1) story building (29 ft. 4in. plus 6 ft. to top of RTU screen). The property is located at the north side of Cartier Dr. at Hudson Dr., in the I-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 1905.4(a) requires loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district. Section 1905.4(c) the maximum heights of any building constructed on a lot or site adjacent to a residential district shall be twenty-five (25) feet.

In CASE No. PZ14-0010 Motion to approve the case as requested. The height request at 10.6 inches and the overhead doors into the buffer zone. There are unique circumstances or physical conditions of the property such as narrowness, shallowness and shape or similar physical conditions and the need for the variance is not due to the applicant's personal or

economic difficulty. The buffer of the trees will protect the buffer. The need is not self-created. 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. Constructing it as requested it will comply with the neighbors in this office park. 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.

Motion carried: 6-0

Motion maker: Krieger

4. CASE NO. PZ14-0012 44050 TWELVE MILE RD - STONERIDGE OFFICE PARK

The applicant is requesting an exception from Section 28-6(4) of the Novi Sign Ordinance to allow a 70 sq. ft. real estate sign where 16 sq. ft. is allowed for an ongoing commercial development. The property is located north of Twelve Mile Rd and west of Novi Rd, in the OS-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-6(4) allows a maximum of a 16 sq. ft. real estate marketing sign for commercial properties.

Tabled to the July meeting.

5. CASE NO. PZ14-0013 301 DUANA AVE

The applicant is requesting variances to allow reduced rear yard setback of 4.0 ft., respectively to allow construction of a deck on the rear of an existing home. The property is located north of 13 Mile Rd and south of South Lake Dr. in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2907 uncovered decks may project into a "required rear yard" for a distance not exceeding eighteen (18) feet.

In CASE No. PZ14-0013 Motion to approve the case as requested. There are unique circumstances or physical conditions of the property such as narrowness, or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created because of the unusual nature of the lot. Strict compliance with regulations governing area, setback and so forth, will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. 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.

Motion carried: 6-0

Motion maker: Ghannam

6. CASE NO. PZ14-0014 42990 GRAND RIVER - DISCOUNT TIRE

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow two (2) additional wall signs of 72.5 square feet each located on the north and south sides. The property is located on Grand River Ave. east of Novi Rd in the TC Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits one sign per building or parcel within the TC, Town Center District.

In CASE No. PZ14-0014 Motion to table to the July 8th meeting.

Motion carried: 6-0

Motion maker: Ghannam

7. CASE NO. PZ14-0015 1361 EAST LAKE DR

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a reduced rear setback of 31.48 ft., a minimum side setback of 3 ft., a reduced aggregate side setback of 14 ft. and maximum lot coverage of 33%. The property is located south of 14 Mile Road Dr. and west of Novi Rd in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum front yard setback of 30', minimum side setback of 10 ft., a minimum aggregate side setback of 25 ft. and maximum 25% lot coverage.

In CASE No. PZ14-0015 Motion to approve the case as requested. There are unique circumstances or physical conditions of the property such as narrowness, of the lot and the need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. 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. 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.

Motion carried: 6-0

Motion maker: Gerblick

8. CASE NO. PZ14-0016 GLENS OF NORTHVILLE

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)d.1 and 28-5(2)d.2 to allow an oversize (replace) entrance monument sign of 36 square feet and a variance to allow the maximum height of 6.25 feet. The property is located on the north side of 8 Mile Road and west of Meadowbrook Road.

CITY OF NOVI, CODE OF ORDINANCES, Sign Ordinance Section 28-5(2)d.1 permits a 24 square foot sign for a entranceway signs and section 28-5(2)d.2 which allows signage to a maximum height of 5 feet.

In CASE No. PZ14-0016 Motion to approve the case as requested. The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City or that are self-created. Specifically the topography and setback of community from the road. The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return. The slope of 8 Mile road makes the visibility difficult. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit of the ordinance.

Motion carried: 6-0

Motion maker: Gerblick

9. CASE NO. PZ14-0017 23940 FOREST PARK DR

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503 (1)(E)(3), to allow construction of an 980 square foot detached garage in the rear of the property. The proposed accessory structure would exceed aggregate area of all accessory buildings by 430 square feet. The property is located south of 10 Mile Rd and west of Beck in the R-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2503(1)(E)(3) states that an accessory building may not exceed 1,000 square feet.

In CASE No. PZ14-0017 Motion to approve the case as requested. There are unique circumstances and physical conditions of the property. The need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. 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. 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 properties in fact it will enhance them.

Motion carried: 6-0

Motion maker: Ghannam

10. CASE NO. PZ14-0018 SKYZONE 46890 MAGELLAN DR

The applicant is requesting variance from Section 2505 of the Novi Zoning Ordinance to allow a reduction from the required 290 parking spaces to 230 spaces. The property is located south of West Rd and east of Beck Rd in the I-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2505 requires minimum parking areas based on useable building floor space.

In CASE No. PZ14-0018 Motion to approve the variance as requested for 230 parking spaces. There are unique circumstances or physical conditions of the property such as its shape and unique occupant of the building. The need for the variance is not due to the applicant's personal or economic difficulty. 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. 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.

Motion carried: 6-0

Motion maker: Gerblick

11. CASE NO. PZ14-0019 44725 GRAND RIVER STE 204 – CROSKY LANNI

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow wall signs of 32.5 square feet located on the front face (Grand River) of the building. The property is located on Grand River Ave. east of Taft Rd in the I-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits one sign per building or parcel within the I-1 Light Industrial District.

In CASE No. PZ14-0019 Motion to approve the variance restricted to a 30 foot wall sign as well as removing the tenant panel for Croskey Lanni from the existing ground sign. The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City or that are self-created. This is a high traffic area with limited visibility. The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit of the ordinance.

Motion carried: 6-0

Motion maker: Gerblick

12. CASE NO. PZ14-0020 1171 EAST LAKE DRIVE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new single family home within existing footprint on an existing nonconforming lot with a reduced side setback of 3 ft., a reduced aggregate side setback of 8 ft. The property is located west of Novi Rd and south of 14 Mile Rd in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum side setback of 10 ft., and a minimum aggregate side setback of 25 ft.

In CASE No. PZ14-0020 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. The need is not self-created. 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.

Motion carried: 6-0

Motion maker: Gerblick

ADJOURNMENT 8:50 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)