



**ZONING BOARD OF APPEALS ACTION SUMMARY**  
**CITY OF NOVI**  
**Regular Meeting**  
**Tuesday, March 12, 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 and Skelcy  
**Present:** Members Ferrell, Gedeon, Gerblick, Ghannam, Ibe, and Krieger  
**Absent:** Member Skelcy (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. PZ13-0005 GFS MARKETPLACE AT APPROXIMATELY 44225 W. TWELVE MILE RD**

The applicant is requesting variances from CITY OF NOVI, CODE OF ORDINANCES, Section 2400. Building and parking setback requirements are stated in Section 2400. The minimum building setback in the RC District in all yards is 100 ft. The proposed building setback in the eastern yard is 65 ft. and the proposed building setback in the southern yard is 28 ft. The minimum side and rear yard parking setback in the RC District is 10 ft. The proposed parking area is setback 4 ft. in the side (western) yard and is setback 3 ft. in the rear (southern) yard.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that buildings in the RC Zoning District be setback 100 ft.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that parking in the side and rear yard in the RC Zoning District be setback 10 ft.

**In CASE No. PZ13-0005, motion to approve the variance as requested because there are practical difficulties that exist due to the following: There are unique circumstances or physical conditions of the property specifically that make the need for the variance not due to the applicant's personal or economic difficulty. The need is not self-created since this is an out lot that is commonly seen in the city and surrounding areas. Strict compliance with regulations governing setbacks and frontage would 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 because physically they could not operate a reasonable building on the premises without the necessity of this variance. The requested variance will not cause an adverse impact on surrounding property, property values .**

**Motion carried: 7-0**  
**Motion maker: Ghannam**

2. **CASE NO. PZ13-0007 156 REXTON**

The applicant is requesting a variance of 30 feet from the requirements of the CITY OF NOVI, CODE OF ORDINANCES, Section 2515.1.a(2) to allow a fence within an exterior side yard setback on a corner lot. The fence is adjacent to the property line. The property is located north of South Lake Drive and east of West Park Drive.

CITY OF NOVI, CODE OF ORDINANCES, Section 2515.1.a(2) stipulates that fences shall not extend toward the front of a lot nearer than the minimum front yard setback distance and Section 2400(c) that exterior side yard abutting a street shall be provided with a setback equal to the front yard setback in the R4 Zoning District. In this case a setback of 30 feet would be required.

**In CASE No. PZ13-0007, motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as the shape of the property and the variance is not due to the applicant's personal or economic difficulty. The need is not self-created due to the size and shape of the lot and it has a large side yard. 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 and property values or the use and enjoyment of the property in the neighborhood or zoning district.**

**Motion carried: 7-0**

**Motion maker: Gerblick**

3. **CASE NO. PZ13-0008 40380 GRAND RIVER (BIG TOMMY'S PARTHENON)**

The applicant is requesting a variance from Sections 28-13 and 28-10 of the Novi Sign Ordinance to allow a sheet fabric type sign and revision of a previous variance to allow and increased sign are from 76 square feet to 119 square feet. The property is located west of Haggerty Road, and north of Grand River in the I-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-13 permits signs to be constructed only of materials specified for such structures in the State Construction Code. Section 28-10 prohibits banner signs.

**In CASE No. PZ13-0008, motion to approve the variance specific to this tenant only. The request is based upon circumstances and features that are exceptional and unique to the property, since they are on Grand River and the speed is 45 mph and traffic can be heavy and very difficult to see and do not result from conditions that exist generally in the City. 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 because of its location and the structure is already there. 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 because it will increase attention to the area and that is good for the business and nearby residents as well.

**Motion carried: 7-0**

**Motion maker: Krieger**

**4. CASE NO. PZ13-0009 39555 TEN MILE ROAD (PRIMECARE URGENT CARE)**

The applicant is requesting a variance from Section 28-10(a) and 28-5(3) of the Novi Sign Ordinance to allow a 37 square foot roof sign in addition to the existing ground sign with tenant identification. The property is located west of Haggerty Road, and south of Ten Mile in the OS-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-10(a) does not allow roof signs. Section 28-5(3) permits only one sign per parcel of property.

**In CASE No. PZ13-0009, motion to approve the variance under the condition that the text of the sign is limited to the text presented in the application and for this tenant only.**

**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, there are multiple properties that share one drive way and the applicant indicated that it may be difficult for patients under duress to find the location they are trying to get to when there are multiple buildings. Additionally the sign will be mounted on a wall that extends above the roof line and not attached to the roof itself. 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: 7-0**

**Motion maker: Gedeon**

**5. CASE NO. PZ13-0010 24926 BLOOMFIELD CT.**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1(E) to allow construction of a new single family home with an attached garage of 1215 square feet. The property is located west of Beck Road and north of 8 Mile Road in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1(E) allows accessory uses of up to 850 square feet in the R-4 Zoning District.

**In CASE No. PZ13-0010, 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 because of the location and it's being in a court makes it difficult. 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 because this area of garage will be for storage. 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 and should increase the surrounding values of property. 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: 7-0**

**Motion maker: Krieger**

**6. CASE NO. PZ13-0011 42400 GRAND RIVER (ACCESS POINT)**

The applicant is requesting variances from Section 28-5(3))of the Novi Sign Ordinance to allow addition of a 24 square foot wall sign on the exterior of a multi-tenant office building. The property is currently served by a ground sign allowed by right and is proposed to remain. The property is located east of Novi Road, and north of Grand River in the B-3 zoning district.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits only one sign if a ground sign is used and permits a wall sign only for businesses with a separate exterior entrance.

**In CASE No. PZ13-0011, motion to approve the variance specific to this tenant. 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. 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 especially due to a client that occupies more than half of the building.**

**Motion carried: 7-0**

**Motion maker: Ferrell**

**7. CASE NO. PZ13-0012 46100/46080 GRAND RIVER/26925 TAFT ROAD**

The applicant is requesting variances from Section 28-5(3), 28-5(2)a.1.i and 28-7(b)2 of the Novi Sign Ordinance to allow nine additional or altered signs as follows:

- (3) oversize 12 sq. ft. drive identifications signs
- (1) additional internal site directional sign of 26.9 sq. ft. at vehicle drop off

- (1) additional 65 sq. ft. wall or oversize 100 sq. ft. ground sign
- (3) additional oversize wall signs of 162 sq. ft., 375 sq. ft. and 170 sq. ft.
- Modification of previous variance ZBA04-009 to permit addition of 46 sq. ft. panel to a pylon sign adjacent to I-96.

The property is located west of Novi Road, and north of Grand River, in the OST with EXO, Planned Office Service Technology District with Exposition Overlay Zoning District.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits only one sign per parcel of property. Section 28-5(2)a.1.i (fka 28-(2)a.1.i) allows a maximum area of 100 sq. ft. and 28-7(b)2 limits directional signage to 3 sq. ft. with max. 30% business information.

Section 28-5(2) b.1.(a)ii allows a maximum of 65 sq. ft. total sign area for a multi-tenant, multi-story building.

**In CASE No. PZ13-0012, motion to approve the variances with a change to include the request for 100 square feet for the Diamond Center Sign. This property is unique in the City comparable to Providence Hospital where there are so many entrances and directional signs are needed. The need is not self-created. 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. These are complicated properties that need these types of directional signs.**

**Motion carried: 7-0**

**Motion maker: Ghannam**

**8. CASE NO. PZ13-0013 21373 BRIDLE RUN**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, and Section 2400 to allow construction of a new single family home with a reduced front setback of 30 ft. (45 ft. required). The property is located west of Beck Road and north of 8 Mile Road in the RA zoning district. CITY OF NOVI, CODE OF ORDINANCES, Section 2400 and the Maybury Park Estates RUD (Residential Unit Development) approval requires that structures designated as part of the R-A zoning district have a minimum front yard setback of 45 ft.

**In CASE No. PZ13-0013, motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as the Conservation Easement on the rear of the property that occupies the rear 150 or so feet of the property. 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, as the applicant mentioned the front yard setback will be similar to the neighboring properties. 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.**

**OTHER MATTERS**

**1.) Election of Officers will held at the next meeting.**

**ADJOURNMENT at 8:52 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)