



**ZONING BOARD OF APPEALS ACTION SUMMARY**  
**CITY OF NOVI**  
**Regular Meeting**  
**Tuesday, September 10, 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, Gerblick, Ibe, Sanghvi  
**Absent:** Gedeon (AE) , Ghannam (AE), Krieger (AE)  
**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:** **Approval of the June 11, 2013 minutes.**  
**Approval of the July 9, 2013 minutes.**

**Public Remarks:** **None**

**1. CASE NO. PZ13-0036 42355 GRAND RIVER (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 sq. ft. for an existing automotive dealership. The property is located south of Grand River and east of Novi Rd in the B-3 Zoning District. Previous variance 08-014 approved a sign of this size and location specifically for Hertz car rentals. 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..."

**Tabled to the October 8, 2013 meeting.**

**2. CASE NO. PZ13-0041 2015 WEST LAKE DR (AKA 2018 WEST LAKE DR)**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a reduction in the side yard setback to 7 ft. (10 ft. required) for a proposed addition to an existing structure to be converted to a residence and attached garage. The property is located north of South Lake Dr. and east of West Park Dr., in the R-4 Zoning District. CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires side yard setbacks of 10 feet minimum in the R-4 Zoning District.

**In CASE No. PZ13-0041 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 because of the existing structure on 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. 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: 4-0**

**Motion maker: Gerblick**

**3. CASE NO. PZ13-0042 27200 BECK RD (TOMS BAR & GRILL)**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a reduction in the exterior side yard setback to 35 ft. (50 ft. required) for an existing building proposed for redevelopment to a restaurant use. The property is located north of Grand River Ave. and east of Beck Rd. in the OST Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires front and exterior side yard setbacks of 50 feet minimum in the OST Zoning District.

**In CASE No. PZ13-0042 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 stated by Mr. Quinn, the current property that will be used by the applicant. The need is not self-created because of the existing structure on the property and the applicant can only do what is given to them. There is no other way unless they tear down the building and the applicant does not want to do that. 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: 4-0**

**Motion maker: Ibe**

4. **CASE NO. PZ13-0043 43700 GEN-MAR DR (EBERSPAECHER NORTH AMERICA)**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, 2505 to allow a reduction in the required number of parking spaces from 223 to 185, Section 2507 to allow loading and unloading between 8 pm and 7 am and Section 1905.b (2) to allow installation of a 1,500 gallon bulk argon gas storage tank with alternate screening. The property is located at the east end of Gen Mar, west of Novi Rd in the I-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2505 requires minimum quantities of parking spaces for specific uses and occupancies, Section 2507 limits loading and unloading operations and Section 1905 limits accessory structures and requires screening.

**In CASE No. PZ13-0043 Motion to approve the variance for the parking spaces and the screening for the argon gas tank at the rear of the property. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, 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: 4-0**

**Motion maker: Gerblick**

5. **CASE NO. PZ13-0044 43150 GRAND RIVER (STEVE & ROCKYS RESTAURANT)**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 to allow installation of a ground sign immediately adjacent (3 ft. setback required) to the right of way line. The property is located north of Grand River and east of Novi Rd, in the TC, Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 requires ground signs be placed a minimum of 3 feet from a future (planned) right of way line.

**In CASE No. PZ13-0044 Motion to approve the variance 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 due to the mature foliage and the increased size of the right-of-way. 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 as there is limited sight to the facility and heavy traffic on Grand River Ave.

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. Subject to determination of the exact location of the property line.

**6. CASE NO. PZ13-0045 25814 BECK RD LOT 13 PIONEER MEADOWS SUBDIVISION**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of new single family homes with reduced front setbacks of 40 ft. (45 ft. required), reduced rear setbacks of 40 ft. (50 ft. required) and reduced aggregate side yard setbacks of 30 ft. (50 ft. required) on existing non-conforming lots. The applicant is also requesting an exception from Section 3107 which requires issuance of building permits within 12 months of approval of variances. The request is to allow the variances to remain valid for issuance of building permits within 18 months of approval date. The properties are located east of Beck Road and north of 10 Mile Road in the RA Zoning District.

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. PZ13-0045 Motion to approve the variance as requested for setback and request for 18 months for issuance of building permits. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape and 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. The way the property lines are drawn it is impossible to do anything without a variance. 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 is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.**

**Motion carried: 4-0**

**Motion maker: lbe**

**7. CASE NO. PZ13-0046 LOT 14 PIONEER MEADOWS SUBDIVISION**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of new single family homes with reduced front setbacks of 40 ft. (45 ft. required), reduced rear setbacks of 40 ft. (50 ft. required) and reduced aggregate side yard setbacks of 30 ft. (50 ft. required) on existing non-conforming lots. The applicant is also requesting an exception from Section 3107 which requires issuance of building permits within 12 months of approval of variances. The request is to allow the variances to remain

valid for issuance of building permits within 18 months of approval date. The properties are located east of Beck Road and north of 10 Mile Road in the RA Zoning District.

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. PZ13-0046 Motion to approve the variance as there are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape and 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 due to the size and zoning of the property. 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 is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.**

**Motion carried: 4-0**

**Motion maker: Gerblick**

**8. CASE NO. PZ13-0047 LOT 15 PIONEER MEADOWS SUBDIVISION**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of new single family homes with reduced front setbacks of 40 ft. (45 ft. required), reduced rear setbacks of 40 ft. (50 ft. required) and reduced aggregate side yard setbacks of 30 ft. (50 ft. required) on existing non-conforming lots. The applicant is also requesting an exception from Section 3107 which requires issuance of building permits within 12 months of approval of variances. The request is to allow the variances to remain valid for issuance of building permits within 18 months of approval date. The properties are located east of Beck Road and north of 10 Mile Road in the RA Zoning District.

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. PZ13-0047 Motion to approve the variance requested as there are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape and 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 due to the size and zoning of the property. 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 is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.**

**Motion carried: 4-0**

**Motion maker: Gerblick**

**9. CASE NO. PZ13-0048 LOT 61 PIONEER MEADOWS SUBDIVISION**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of new single family homes with reduced front setbacks of 40 ft. (45 ft. required), reduced rear setbacks of 40 ft. (50 ft. required) and reduced aggregate side yard setbacks of 30 ft. (50 ft. required) on existing non-conforming lots. The applicant is also requesting an exception from Section 3107 which requires issuance of building permits within 12 months of approval of variances. The request is to allow the variances to remain valid for issuance of building permits within 18 months of approval date. The properties are located east of Beck Road and north of 10 Mile Road in the RA Zoning District.

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. PZ13-0048 Motion to approve the variance requested as there are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape and 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 due to the size and zoning of the property. 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 is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.**

**Motion carried: 4-0**

**Motion maker: Gerblich**

**OTHER MATTERS**

**ADJOURNMENT 8:04PM**

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)