



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Tuesday, November 14, 2023, 7:00 PM
Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415

- Call to Order:** 7:00 pm
- Roll call:** Chairperson Peddiboyina, Member Sanghvi, Member Thompson, Member Longo, Member Montague, Member Krieger, Member McLeod
- Present:** Chairperson Peddiboyina, Member Sanghvi, Member Thompson, Member Krieger
- Absent Excused:** Member Longo, Member Montague, Member McLeod
- Also Present:** Alan Hall (Community Development Deputy Director), Beth Saarela (City Attorney), Sarah Fletcher (Recording Secretary)

Pledge of Allegiance
Approval of Agenda: **APPROVED**
Approval of Minutes: **September 2023, APPROVED**
Public Remarks: **None**
Public Hearings:

PZ23-0039 (Central Park Estates South) north of Eleven Mile, east of Beck Road, Parcel 50-22-16-300-055. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.8.2.C for an increase in maximum horizontal length of the building to 261 ft. (180 ft. maximum, variance of 81 ft.); Section 3.8.2.F for a reduction in parking setback to 11.5 ft. (per Section 3.1.8.D, 20 ft. required, variance of 8.5 ft.); Section 5.10.1.B.vi for a reduction of building setback from the abutting parking spaces to 17 ft. (25 ft. required, variance of 8 ft.); and Section 3.1.8.D to either allow areas with less than 50-foot dimension to be considered as usable open space or reduce the required open space to 19,726 sq. ft. (28,400 sq. ft. required, variance of 8,674 sq. ft.) This property is zoned High-Density Multiple-Family (RM-2).

I move that we grant the variances in Case No. PZ23-0039 sought by Central Park Estates South, for the variances requested was approved because Petitioner has shown practical difficulty requiring getting them passed. Without the variance the Petitioner will be unreasonably prevented or limited with respect

to use of the property because of the unique layout of it. The property is unique because of the amount of wetlands that are on the site currently. The petitioner did not create the condition and is adding to the wetlands on it, which is an upgrade. The relief granted will not unreasonably interfere with adjacent or surrounding properties because they will fit in and look similar. The relief is consistent with the spirit and intent of the ordinance because of the amount of work done to preserve the wetlands in the area.

***Motion Maker: Thompson
Seconded: Sanghvi
Motion Approved 4:0***

PZ23-0040 (Matthew Burns) 24560 Glenda Street, north of Ten Mile Road, east of Taft, Parcel 50-22-22-351-035. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 3 ft. (10 ft. required, variance of 7 ft.); and Section 4.19.1.E.i for an increase in garage square foot coverage to 1,374 sq. ft. (850 sq. ft. maximum, variance of 524 sq. ft.) This variance would accommodate a garage addition. This property is zoned One-Family Residential (R-4).

I move that we grant the variance in Case No. PZ23-0040 sought by Matthew Burns, for a 3 ft. side yard setback because Petitioner has shown practical difficulty requiring a setback variance. Without the variance the Petitioner will be unreasonably prevented or limited with respect to the use of adding the garage to the new roof lines The property is unique the way it sits. Petitioner did not create the condition and has made the exception where you can go through the garage. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it would fit in with the current condition of the neighborhood. The relief is consistent with the spirit and intent of the ordinance especially being able to go through the garage to the back yard.

***Motion Maker: Thompson
Seconded: Sanghvi
Motion Approved 4:0***

PZ23-0041 (MI Remodelers) 22526 Porter Street, north of Nine Mile, west of Taft Road, Parcel 50-22-28-478-002. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19.1.E.i for an increase in garage square foot coverage to 1,459 sq. ft. (850 sq. ft. maximum, variance of 609 sq. ft.) This variance would accommodate a garage addition. This property is zoned One-Family Residential (R-3).

I move that we grant the variance in Case No. PZ23-0041 22526 Porter Street parcel NO. 50-22-28-478-002 The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19.1.E.i for an increase in garage square foot coverage to 1,459 sq. ft. (850 sq. ft. maximum, variance of 609 sq. ft.) This variance would accommodate a garage addition. The Petitioner has shown without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property and storing his equipment. The property is unique because it is pie shaped and it is situated in such an area that it won't interfere for anybody. This was not self created by the Petitioner. The situation is requiring a variance. The relief granted will not unreasonably interfere with adjacent or surrounding properties. The relief is consistent with the spirit and intent of the ordinance.

Motion Maker: Sanghvi
Seconded: Krieger
Motion Approved 4:0

PZ23-0042 (Zachary Rzotkiewicz) 233 Bernstadt Street, south of South Lake Drive, east of Old Novi Road, Parcel 50-22-03-456-005. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19.1.E.i for an increase in garage square foot coverage to 1,768 sq. ft. (850 sq. ft. maximum, variance of 918 sq. ft.); Section 4.19.1.E.v to allow the aggregate of all accessory buildings to exceed the principal building on the lot or parcel; Section 4.19.1.G to allow accessory structure to be placed 3 ft. from property line (6 ft. minimum, variance of 3 ft.); Section 4.19.1.J to allow two detached accessory structures for a lot having less than 21,780 square feet of area (maximum of one allowed, variance of one additional). This variance would accommodate the addition of an accessory structure to the property. This property is zoned One-Family Residential (R-4).

I move that we grant the variance in Case No. PZ23-0042 sought by Zachary Rzotkiewicz, was approved because Petitioner has shown practical difficulty requiring all the variances for a variety of reasons including the restructuring and development of the Lakeshore Park changed the topography of this area completely. Also, this property is located at the far end of this street and is not likely to interfere with any surrounding properties. Without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property. The property is unique because it is at the end of the street and the shape of the property. Petitioner did not create the condition requiring all of these variances. The relief granted will not unreasonably interfere with adjacent or surrounding properties. The relief is consistent with the spirit and intent of the ordinance.

Motion Maker: Sanghvi
Seconded: Krieger
Motion Approved 4:0

PZ23-0043 (Novi Pet Resort) south of Grand River Avenue, west of Novi Road, Parcel 50-22-22-276-017.

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.18.D for a reduction of exterior side yard setback to 10 ft. (ft. required, variance of 30 ft.); Section 4.46.4.B & 4.46.4.D to allow outdoor facilities to be located in the exterior side yard within the required setback; Section 4.19.2.F.i to allow refuse bin to be located in the exterior side yard; and Section 5.4 to waive the requirement for designated loading space. This property is zoned Light Industrial (I-1).

I move that we grant the variance in Case No. PZ23-0043 sought by Novi Pet Resort, because Petitioner has shown practical difficulty was approved. Without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property because as he stated, there are four frontages. The property is unique because of the incline on the east side along Novi Road. Petitioner did not create the condition because he must deal with the slope and the topography along with the four frontages. The relief granted will not unreasonably interfere with adjacent or surrounding properties because of its location. The relief is consistent with the spirit and intent of the ordinance because it is a reasonable request.

Motion Maker: Krieger

Seconded: Sanghvi

Motion Approved 4:0

PZ23-0045 (Ronnie & Wafaa Jamil) 1927 West Lake Drive, south of Pontiac Trail, east of West Park Drive, Parcel 50-22-03-131-026.

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 4 ft. (10 ft. required, variance of 6 ft.); for an aggregate total of 8 ft. (25 ft. required, variance of 17 ft.); for an increase in lot coverage to 37% (25% maximum, variance of 12%) This variance would accommodate the building of a new home. This property is zoned One-Family Residential (R-4).

I move that we grant the variance in Case No. PZ23-0045 sought by Ronnie & Wafaa Jamil, because Petitioner has shown practical difficulty requiring the request. Without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property because of its narrowness and length and distance between neighbors. The property is unique because of its location on West Lake. Petitioner did not create the condition because there was already a home there that he has to now build a new home. The relief granted will not unreasonably interfere with adjacent or surrounding properties because they're similar in nature with the narrowness and fire protected siding. The relief is consistent with the spirit and intent of the ordinance because of the environment of Walled Lake Area.

Motion Maker: Krieger
Seconded: Sanghvi
Motion Approved 4:0

PZ23-0048 (The Goddard School of Novi) 48600 Grand River Avenue, north of Grand River Ave, east of Wixom Road, Parcel 50-22-17-126-012. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 4.12.2.ii.a to allow for the amount of the front yard setback, between the minimum required parking setback and the building façade line used for parking, to consist of 60% of that area (maximum allowed 50%, variance of 10%); Section 4.19.1.B/4.19.2.A to allow an accessory structure to be placed in the front yard (accessory structures not allowed in front yard); Section 4.19.1.J to allow four detached accessory structures for a lot having more than 21,780 square feet of area (maximum of two allowed, variance of two additional). This property is zoned General Business (B-3).

I move that we grant the variance in Case No. PZ23-0048 sought by The Goddard School of Novi, because Petitioner has shown practical difficulty requiring the request. Without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property because there are two frontages, Grand River Avenue and Novi Road. The property is unique because of its location. Petitioner did not create the condition because the building is as is. The dumpster will be facing Grand River Avenue but the doors will remain closed. The relief granted will not unreasonably interfere with adjacent or surrounding properties because of neighboring businesses. The relief is consistent with the spirit and intent of the ordinance because they are working with the ordinances that exist.

Motion Maker: Krieger
Seconded: Sanghvi
Motion Approved 4:0

PZ23-0051 (The Goddard School of Novi) 48600 Grand River Avenue, north of Grand River Ave, east of Wixom Road, Parcel 50-22-17-126-012. The applicant is requesting variances from the City of Novi Sign Ordinance Section 28-5(b)(1)a to allow four wall signs (maximum of one wall sign allowed, variance of three signs); to allow a 129.5 sq. ft. wall sign (maximum allowed is 75.95 sq. ft., a variance of 53.55 sq. ft.). This property is zoned General Business (B-3).

May I make a motion Mr. Chairman that I move that we grant the variance in Case No. PZ23-0051 The Goddard School of Novi at 48600 Grand River Avenue Parcel No. 50-22-17-126-012 The applicant is requesting variances from the City of Novi Sign Ordinance Section 28-5(b)(1)a to allow four wall signs (maximum of one wall sign allowed, variance of three signs); to allow a 129.5 sq. ft. wall sign (maximum allowed is 75.95 sq. ft., a variance of 53.55 sq. ft.). This property is zoned General Business (B-3). Without the variance the Petitioner will have difficulty functioning and identify his business as Goddard School.

Without these variances they will be unreasonably prevented or limited with the respect to the use of the property and identification. The students and the parents without it they will have difficulty locating the school. The property is unique because it has two main roads as the frontage. The Petitioner did not create the condition. The relief granted will not unreasonably interfere with adjacent or surrounding properties or surrounding properties. The relief is consistent with the spirit and intent of the ordinance. Thank you

***Motion Maker: Sanghvi
Seconded: Krieger***

To amend it to include 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 because of the location on Twelve Mile Grand River they are having two fronts. That 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 their location and the footprint of the building to the roads. That the grant of relief would be offset by other improvements or actions, such as increased setbacks or increased landscaping, because of where they are putting their parking lot. Such that the net effect will result in an improvement of the property and the project and that's it.

***Amendment Maker: Krieger
Seconded: Sanghvi
Motion Approved 4:0***

PZ23-0049 (Johnson Sign Company) 41500 Ten Mile Road, north of Ten Mile Road, west of Meadowbrook Road, Parcel 50-22-23-426-017. The applicant is requesting a variance from the City of Novi Sign Ordinance Section 28-5(a) to allow an additional wall sign on the south elevation (maximum of one wall sign is allowed for this tenant, a variance of one additional wall sign). This property is zoned General Business (B-3).

That 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 the customers will be lost once in the plaza and may just stop to leave. That 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 not self-created including our sign variances. That the grant of relief would be offset by other improvements or actions, such as increased setbacks or increased landscaping, such that the net effect will result in an improvement of the property or the project of the car wash. That construction of a conforming sign would require the removal or significant alteration of natural features on the property because of its unique location. The grant of relief will not result in a use or 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 and intent of the chapter because of the shape of the property and being tucked back on a corner lot.

***Motion Maker: Thompson
Seconded: Krieger
Motion Approved 4:0***

OTHER MATTERS

ADJOURNMENT 9:01 pm

Other Matters:

Meeting Adjournment: 8:37 pm

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).