



ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting

Tuesday, November 18, 2014 - 7:00 P.M.

Activity Center | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Ghannam, Gronachan, Ibe, Krieger, Sanghvi
Present: Members Ghannam, Gronachan, Krieger, Sanghvi

Absent: Members Ferrell, Ibe

Also

Present: Tom Walsh, Building Official, Beth 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. PZ14-0041 40800 W. 13 MILE ROAD - BRIGHTMOOR CHRISTIAN CHURCH

The applicant is requesting variance from Section 2503.2.A and 2503.1B of the Novi Zoning Ordinance to allow construction of scoreboards with a reduced yard setback of 34 ft. for the baseball field scoreboard and 70 ft. proposed for the softball field scoreboard and accessory structures (sheds) within exterior side yards. The property is located north side of 13 Mile Rd and west of M-5.

CITY OF NOVI, CODE OF ORDINANCES, Section 2503.2.A requires that all accessory structures must meet the setback requirements of the district, which in this case, requires a 75 foot setback in all exterior side yards, and Sec. 2503.1.B requires accessory structures must be located in the rear yard.

In CASE No. PZ14-0041 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, topography or similar physical conditions and 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. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners. 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: Krieger

2. CASE NO. PZ14-0046 47190 ELEVEN MILE RD

The applicant is requesting a VARIANCE from the CITY OF NOVI, CODE OF ORDINANCES, 2400 to allow construction of a new screen-in-porch extending 2.5 ft. into the required 20 ft. side yard setback of an existing home. The property is located south of Grand River Ave. and east of Beck Rd. CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 20 ft. side yard setback in the R-A Zoning District.

In CASE No. PZ14-0046 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness is causing the need for this variance. 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 the sunroom would not be able to be installed. 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: Gronachan

3. CASE NO. PZ14-0047 DUNBARTON PINES 45082 NINE MILE ROAD

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES; Section 2513 allowing an entrance monument signs within the corner clearance zone area. The applicant is also requesting variances from 28-5(2)d.3 to allow placement of the entrance monument signs within a required street right-of-way setback as follows:

- 9 Mile & Plaisance, proposed at 6 ft. from Nine Mile Rd. R.O.W.
- Taft Rd. & White Pines, proposed at 12 ft. from Taft Rd. R.O.W.
- 9 Mile. & Foxton Dr., proposed at 4 ft. from 9 Mile R.O.W.
- Taft Rd. & Dunbarton, proposed at 14.5 ft. from Taft R.O.W.

The property is located on the east side of Taft Road and north of 9 Mile Rd. CITY OF NOVI, CODE OF ORDINANCES, Sign Ordinance Section 2513 which requires a 25-foot corner clearance (clear view) zone and section 28-5(2)d.3 which requires entranceway signs be located at least 10 feet from any street right of way.

In CASE No. PZ14-0047 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. 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 it will enhance the neighborhoods. 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 they will be more attractive signs.

Motion carried: 4-0

Motion maker: Kreiger

4. CASE NO. PZ14-0048 42875 GRAND RIVER -ROJO MEXICAN BISTRO

Applicant is requesting a variances to sections 28-5(2)b.1.(b)(i) and 28-5(2)b.3 to allow a 64.75 square foot sign on the second floor wall for a first floor business. Sign Code Section 28-5(2)b.1.(b)(i) permits a 65 square foot sign for a first floor business. Sign Code Section 28-5(2)b.3 allows a first floor business sign to be located within the lineal frontage of the business.

In CASE No. PZ14-0048 Motion to approve the variance as requested. The approval is limited to this tenant only while they are occupying the first floor. The request is based upon circumstances and features that are unique to the property as stated in the applicant's testimony and the questions from this Board such as the trees blocking the view, the speed of Grand River Ave. The failure to grant relief will unreasonably prevent and 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 because of the consistency of this sign along with the other businesses in this complex.

Motion carried: 4-0

Motion maker: Gronachan

5. CASE NO. PZ14-0049 28350 CABOT DR -BOGE

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3)f to allow a second wall sign of 24.2 square feet located on the west side of a separately owned and operated businesses. The property is located east of Haggerty Rd and north of 12 Mile Rd. CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3)f permits a single wall sign where two (2) or more separately owned and operated businesses occupy a building on a single parcel of land with only one main entrance.

In CASE No. PZ14-0049 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. 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 this is for two businesses. 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: 4-0

Motion maker: Krieger

6. CASE NO. PZ14-0050 (PARCEL 5022-21-101-001)

The applicant is requesting variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow development of four parcel with a reduced lot width of 141.75 (150 ft. required). The parcels are located east of Wixom Rd and north of 10 Mile Rd. CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that parcels within the RA zoning district have a minimum lot width of 150 ft.

In CASE No. PZ14-0050 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because as stated in the testimony there is not a need for larger lots in the City. 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: Gronachan

7. CASE NO. PZ14-0051 45605 NINE MILE RD

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1(I) to allow construction of a new (1) story with a building height of 18 feet(14 ft maximum) detached garage on an existing single family parcel. The property is located west of Taft on the south side of 9 Mile Rd. CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1 (I) limits detached accessory buildings to fourteen (14) feet in height in the R-1 Zoning District.

In CASE No. PZ14-0051 Motion to table to the December 9, 2014 meeting.

8. CASE NO. PZ14-0052 PINNACLE HOMES 27661 ESTRADA LN

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-10 to allow installation of an awning sign located on model home. The property is located east of Napier Rd. and south of 12 Mile Rd.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-10 prohibited awnings signs within R-4, One Family Residential District.

In CASE No. PZ14-0052 Motion to table to the January 13, 2015 meeting.

9. CASE NO. PZ14-0053 SHIRO RESTAURANT 43180 NINE MILE ROAD

The applicant is requesting a variance from Section 28-8 to allow continued placement of a thirty six (36) square foot off-premises pole sign for an existing restaurant business. The property is located on the north side of 9 Mile Rd and east of Novi Rd

CITY OF NOVI, CODE OF ORDINANCES, Section 28-8 allows off-premises advertising signs in the I-2 Zoning District only.

In CASE No. PZ14-0053 Motion to approve the variance as requested to allow continued placement sign and to extended and grant the length of the variance as long as this petitioner owns the property of both locations where the sign is as well as the business and as long as Shiro restaurant is located at this address. There are unique circumstances or physical conditions of the property such as uniqueness, setback and location from Nine Mile Road. 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. 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.

Motion carried: 4-0

Motion maker: Gronachan

OTHER MATTERS

ADJOURNMENT 8:27 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)