



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, May 14, 2013 - 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gedeon, Gerblich, Ghannam, Ibe, Krieger, Sanghvi
Present: Members Ferrell, Gedeon, Ibe, Krieger and Sanghvi
Absent: Members Gerblich (Excused), Ghannam (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: **Approved**
Public Remarks: **None**

1. CASE NO. PZ13-0014 26401 NOVI ROAD (ODOBA MEXICAN GRILL)

The applicant is requesting a variance from Section 28-5(3) of the Novi Sign Ordinance to allow a second wall sign of 37.5 square feet for a proposed new restaurant. The property is located west of Novi Road, and north of Grand River Avenue.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits a single sign to be installed at this restaurant location.

In CASE No. PZ13-0014 Motion to deny the requested variance. The building in question is on a very busy road and the building will have 4 tenants with similar visibility as the applicant. The applicant has requested a second sign other than the one that is allowed. The applicant believes his sign will be beneficial to the other tenants in the building but based on the presentation and the questions asked by the members, this building may end up having more signs than walls. Not granting this sign will not prevent unlimited use of the property as the applicant already has an allowable sign east elevation of the building. It is inconsistent with what is acceptable in the area or in the City. The denial of the request will not prevent the applicant from achieving any goal he has set himself. The denial is consistent with the Ordinance. The petitioner will not be unreasonably prevented or limited with the respect to the property because the property is not unique and it shares the same visibility concerns as the same of the rest of the tenants in the building and the conditions that are causing the difficulty apply generally to the City.

Motion carried: 4-1
Motion maker: Ibe

2. **CASE NO. PZ13-0018 41216 VINCENTI CT (DHI EQUIPMENT SLAES)**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 1905 to allow outdoor storage. The property is located east of Meadowbrook Rd and south of 11 Mile Rd in the I-1 Zoning District. CITY OF NOVI, CODE OF ORDINANCES, Section 1905 requires that uses within the I-1 District shall be conducted wholly within a completely enclosed building.

Tabled to the July 9, 2013 meeting

3. **CASE NO. PZ13-0019 27145 KAREVICH / 27155 KAREVICH (PI DISTRIBUTION & GENJI STEAKHOUSE)**

The applicant is requesting variances from Sections 28-1, 28-5 and 28-10 of the Novi Sign Ordinance to allow two entrance ground signs of 30 sq. ft., 6 ft. in height including signage for the business on the adjacent parcel, an additional (2nd) wall sign of 1.3 sq. ft. for the restaurant building and the addition of a continuously lit flame at the top of the façade tower for a recently reconstructed restaurant and catering businesses with common ownership on adjacent parcels. The properties are located west of Novi Rd, and south of Twelve Mile Rd in the C Zoning District. CITY OF NOVI, CODE OF ORDINANCE, Section 28-1 requires business signs to advertise the business located on the premises only, 28-5 permits a single wall sign or ground sign to be installed on 27145 S. Karevich parcel and a single wall sign and a ground sign on the 27155 S. Karevich parcel and 28-10 states that "a sign not expressly permitted is prohibited" applicable to the proposed continuous open flame.

In CASE No. PZ13-0019 Motion to approve the variance as requested. The request is based on circumstances and features that are exceptional unique to the property and do not result from conditions that exist generally in the City or that are self-created because based on the presentation, the layout of the building itself is unique with two business and have common ownership and currently there are no signs to know what actually exists in the facility.

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 and will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is consistent with the spirit of the ordinance. The street name change is important from Sheraton Drive to Karevich Dr. and all of these together present unique circumstances to grant the approval. Conditional approval is based on common ownership of the properties and for this tenant only.

Motion carried: 5-0

Motion maker: lbe

4. CASE NO. PZ13-0021 27754 NOVI RD (LA Z BOY)

The applicant is requesting variances from Section 28-5 of the Novi Sign Ordinance to allow a two oversize wall signs of 132 sq. ft. and 94 sq. ft. for business re-occupancy of an existing retail facility. The property is located east of Novi Rd, and south of Twelve Mile Rd in the RC Zoning District.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5 permits a single sign to be installed at this retail location and limits the sign area to 65 sq. ft.

In CASE No. PZ13-0021 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 specifically the property is a significant distance from Novi Road and there is an elevation drop and a parcel in between the properties and there are 4 road frontages surrounding the entire parcel. 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. There is a significant amount of dead space in the proposed sign and this variance is limited this to this particular tenant and sign that is proposed.

Motion carried: 5-0

Motion maker: Gedeon

5. CASE NO. PZ13-0022 43769 GALWAY DR

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, 2400 to allow construction of a new covered front porch extending 7.33 ft. into the required 30 ft. front setback of an existing home. The property is located west of Novi Rd and north of 8 Mile Rd in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 30 ft. front yard setback in the R-4 Zoning District.

In CASE No. PZ13-0022 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 other than making the house look aesthetically pleasing. 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: 5-0

Motion maker: Ferrell

6. CASE NO. PZ13-0023 2012 WEST LAKE DR

The applicant is requesting variances to allow reduced side yard setbacks of 5 ft., on each side respectively to allow construction of a deck on the rear of an existing home. The property is located east of West Lake Dr and north of South Lake Dr in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum and aggregate side yard setbacks of 10 ft. and 25 ft. respectively.

In CASE No. PZ13-0023 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 specifically because of the narrow lots. 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 variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighboring or zoning district. There were no official objections and the applicant indicated in his presentation his neighbors approved of this proposal.

Motion carried: 5-0

Motion maker: Gedeon

7. CASE NO. PZ13-0006 43280 ELEVEN MILE (RUNNING FIT)

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow a second wall sign of 32 square feet located on the east face of a retail tenant suite. 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(3) permits a single wall sign for each business storefront in the TC district.

In CASE No. PZ13-0006 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, specifically the site lay-out of this particular location and the redesign of the Town Center layout itself. It

creates a situation where other businesses look small and this building has dual frontage with an entrance that leads into this structure and customers will be able to see the sign and walk right in. 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 businesses and is not inconsistent with the spirit of the ordinance because this particular establishments' approval will not affect other businesses in the area.

Motion carried: 4-1

Motion maker: lbe

OTHER MATTERS

1. ELECTION OF OFFICERS

Will discuss at next meeting when full board is present.

ADJOURNMENT at 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)