



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Tuesday, July 13, 2021
Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415

- Call to Order:** 7:00pm
- Roll call:** Member Krieger, Member Longo, Member Malott, Member Montague, Chairperson Peddiboyina, Member Sanghvi, Member Sanker, and Member Thompson
- Present:** Member Krieger, Member Longo, Member Montague, Chairperson Peddiboyina, Member Sanghvi, and Member Thompson
- Absent Excused:** Member Malott, and Member Sanker
- Also Present:** Larry Butler (Community Development Deputy Director), Beth Saarela (City Attorney), Katherine Oppermann (Recording Secretary)

Pledge of Allegiance
Approval of Agenda:
Approval of Minutes:
Public Remarks:
Public Hearings:

APPROVED as amended
MAY & JUNE 2021, approved
none

- PZ21-0022 (Dan and Wendi Williams) 1419 W Lake Drive, East of West Park Drive and South of W Pontiac Trail, Parcel 50-22-03-204-021.** The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 5 feet (10 feet minimum required, variance of 5 feet); an aggregate total side yard setback of 17.75 feet (25 feet required, variance of 7.25 feet); and a proposed lot coverage of 32% (25% maximum allowed, variance of 7%). Section 3.32-7 for a proposed deck 13.5 feet from the rear yard property line (17 feet minimum required, variance of 3.5 feet). Section 4.19.1.E(i) for the construction of a 1,157 square foot garage (maximum of 850 square feet allowed by code, variance of 307 square feet). Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building of a new home and deck. This property is zoned Single Family Residential (R-4). *This case was postponed from the June 8, 2021, meeting.*

The motion to approve case PZ21-0022 for side yard and aggregate side yard setbacks, lot coverage of 32%, a deck 13.5 feet from the rear yard property line, a 1,157 square foot garage, and a third story was approved. The petitioner has shown practical difficulty requiring variance to fit a modern home on the lot. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because the home would be dramatically smaller. The property is unique because of the narrow shape of the lot which is narrower near the front. The

petitioner did not create the condition because they purchased the property as is. The relief is consistent with the spirit and intent of the ordinance because the lot was laid out well before the current ordinances and the proposed home will not block the neighbors lakeview.

Motion Maker: Longo

Seconded: Sanghvi

Motion Passed 6:0

- 2. PZ21-0031 (Michael Jocz) 45144 Nine Mile Road, East of Taft Road and North of Nine Mile Road, Parcel 50-22-27-355-031.** The applicant is requesting variance from The City of Novi Zoning Ordinance Section 4.19.1.E(i) for 1,688 square feet of garage space (maximum of 850 square feet allowed by code, variance of 838 square feet). This variance would accommodate the building of a garage addition. This property is zoned Single Family Residential (R-3).

The motion to approve case PZ21-0031 for 1,688 square feet of garage space was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because he needs a garage to protect property from Michigan weather. The property is unique because it is very large and can absorb the additional square footage. The petitioner did not create the condition because they purchased the property as is with an existing pole barn. The relief is consistent with the spirit and intent of the ordinance because the homeowners will be able to use the property as reasonably expected.

Motion Maker: Montague

Seconded: Krieger

Motion Passed 6:0

- 3. PZ21-0032 (Metro General Contractors) 39601 Grand River Avenue Suites A and B, West of Haggerty Road and South of Grand River Avenue, Parcel 50-22-24-476-017.** The applicant is requesting variance from The City of Novi Code of Ordinances Section 28-5(b)(1)a. For a 46.67 sq ft wall sign on the north (17.50 sq ft maximum area is allowed, based upon 14 feet lineal frontage) and a 41.42 sq ft wall sign on the north elevation (22.50 sq ft maximum area is allowed, based upon 18 feet lineal frontage). Section 28-5(d)(2) for a 46.67 sq ft wall sign on the west elevation (24 sq ft maximum area is allowed on the wall at the side entrance per Code). Section 28-5(b)(2)a and 28-5(a) for an oversize and over-height Ground Sign (32.17 sq ft maximum area is allowed, based upon the 64'4" setback from the center line of Grand River and 6 ft is the maximum allowable height from grade). Section 28-7(b)(2) for three 4.22 sq ft directional ground pole signs at the west and north entryway driveways and northeast landscape island (3 sq ft maximum area is allowed, the third sign is also over the maximum allowable number of signs on a parcel. These variances are to accommodate the signage for the new 11:11

Burgers and Jimmy Johns Restaurants. This property is zoned General Business (B-3).

The motion to approve case PZ21-0025 for sign variances was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because the location of the building will not be easily visible. The property is unique because of its unique location setback from the road at the busy Grand River/Haggerty Road intersection that travels at up to 50 mph. The petitioner did not create the condition because they purchased the dilapidated property in its established position. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the property was formerly a restaurant and will continue to draw the same clientele. The relief is consistent with the spirit and intent of the ordinance because it is a reasonable request.

Motion Maker: Krieger
Seconded: Longo
Motion Passed 6:0

- 4. PZ21-0034 (All Construction SCI) 41131 S McMahon Circle, East of Meadowbrook Road and South of Ten Mile Road, Parcel 50-22-25-105-034.** The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 3 feet (10 feet required, variance of 7 feet). This variance would accommodate the building of a home addition. This property is zoned Single Family Residential (R-4).

The motion to approve case PZ21-0034 for side yard setback of 3 feet for an addition was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because the existing home is already situated 3 feet from the property line. The property is unique because of the subdivision layout at the time the home was originally built. The petitioner did not create the condition because the new addition would be flush with the existing home as it was originally built. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it will enhance the property value. The relief is consistent with the spirit and intent of the ordinance because it is a minimal variance in line with the existing home.

Motion Maker: Krieger
Seconded: Sanghvi
Motion Passed 6:0

- 5. PZ21-0036 (Chadham's Professional Services) 21067 Maybury Park Drive, West of Beck Road and North of Eight Mile Road, Parcel 50-22-32-401-035.** The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19.1.E(iii) for a total of 1936 square feet of accessory structures (maximum of 1500 square feet allowed by code, variance of 436 square feet). This variance would accommodate the building of a 660 square foot pool house, the remaining 1276 square feet is from an existing attached garage. This property is zoned Residential Acreage (RA).

The motion to approve case PZ21-0027 for a total of 1936 square feet of accessory structures was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because he has a pool that will need to be served. The property is unique because it is a very large property. The petitioner did not create the condition because the house and pool exist, this would simply be an amenity. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it is well set on a large property and will not be a bother to neighbors.

Motion Maker: Montague

Seconded: Sanghvi

Motion Passed 6:0

6. **PZ21-0039 (Kiel Hearn) 157 Wainwright Street, East of Old Novi Road and South of Thirteen Mile Road, Parcel 50-22-11-101-011.** The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.11 to install a fence in the front yard of a corner lot. By code, a fence shall not extend toward the front of the lot nearer than the minimum front yard setback. This property is zoned Single Family Residential (R-4).

The applicant was not present at meeting, the motion to table case PZ21-0039 to the August 10, 2021 meeting was approved.

Motion Maker: Krieger

Seconded: Montague

Voice vote, all in favor

Other Matters: Board chose *not* to reconsider the motion made on June 8, 2021 to approve the request in case PZ21-0026 as requested by the neighboring property owners Ann Fiedor, Maria Tilmos, Lee Cohn, and their legal representation.

Meeting Adjournment: 8:38pm

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).