



**ZONING BOARD OF APPEALS ACTION SUMMARY**  
**CITY OF NOVI**  
**Regular Meeting**  
**Tuesday, July 8, 2014 - 7:00 P.M.**  
**Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road**  
**(248) 347-0459**

**Roll call** Members Ferrell, Gerblich, Ghannam, Gronachan, Ibe, Krieger, Sanghvi  
**Present:** Members Ferrell, Ghannam, Gronachan, Krieger and Sanghvi  
**Absent:**  
**Also**  
**Present:** Tom Walsh, Building Official, Elizabeth Saarela, City Attorney and Angela Pawlowski, Recording Secretary

**Pledge of Allegiance**  
**Approval of Agenda: Approved**  
**Approval of Minutes:**

1. **APPROVAL OF THE JUNE 10, 2014 MINUTES**  
**APPROVED AS AMENDED**

**Public Remarks: None**

1. **CASE NO. PZ14-0011 1292 EAST LAKE DR**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 and 2503(1)(E)(3), to allow construction of a new single family home with attached wood decks on an existing lakefront lot with a reduced south side yard setback of 5.0 ft, a reduced aggregate side setback of 11.5 ft., a maximum 955 square foot attached garage, and maximum lot coverage of 30%. The property is located west of Novi Road and south of 14 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum side setback of 10 ft., a minimum aggregate side setback of 25 ft. and maximum 25% lot coverage. Section 2503(1)(E)(3) states that an accessory building may not exceed 850 square feet.

**In CASE No. PZ14-0011 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 only way for this applicant to construct is if the variances are granted. 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. The neighbors are in support of this request.**

**Motion carried: 6-0**

**Motion maker: Ibe**

**2. CASE NO. PZ14-0012 44050 TWELVE MILE RD - STONERIDGE OFFICE PARK**

The applicant is requesting an exception from Section 28-6(4) of the Novi Sign Ordinance to allow a 70 sq. ft. real estate sign where 16 sq. ft. is allowed for an ongoing commercial development. The property is located north of Twelve Mile Road and west of Novi Road. CITY OF NOVI, CODE OF ORDINANCES, Section 28-6(4) allows a maximum of a 16 sq. ft. real estate marketing sign for commercial properties.

**Tabled to the August 12<sup>th</sup> meeting**

**3. CASE NO. PZ14-0014 42990 GRAND RIVER - DISCOUNT TIRE**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow two (2) additional wall signs of 72.5 square feet each located on the north and south sides. The property is located on Grand River Ave. east of Novi Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits one sign per building or parcel within the TC, Town Center District.

**In CASE No. PZ14-0014 Motion to approve the variance as requested for two wall signs totally 75 square feet. 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 location of the building and the rear of the building being viewed by the parking lot. 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 customers stated they could not locate them. 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 based on testimony given by the petitioner.**

**Motion carried: 6-0**

**Motion maker: Gronachan**

**4. CASE NO. PZ14-0021 24400 NOVI RD - HERTZ**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-1(2) to allow an individual business sign of 3 square feet located on an existing business center sign. The property is located south of Grand River and north of Ten Mile Road. Previous variance 96-004 was granted specifically for the existing tenants. CITY OF NOVI, CODE OF ORDINANCES, Section 28-1(2) prohibits information regarding individual businesses on a business center sign.

**In CASE No. PZ14-0021 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 these**

three businesses are further away from Novi Rd. 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 the visibility issues. 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. Approval is specific to this tenant only.

**Motion carried: 6-0**

**Motion maker: Kreiger**

**5. CASE NO. PZ14-0022 1367 EAST LAKE DR**

The applicant is requesting an exception from Section 2910 of the Novi Zoning Ordinance to allow an accessory structure of 180 square feet in area and a maximum height of 12 feet on a lot having water frontage. The property is located west of Novi Road and south of 14 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2910 requires that property on the water side of a public thoroughfare maintain the yard as an open unobscured yard, except that the following may be permitted: a boat well or a single storage shed that is no larger than 10 feet by 10 feet in area and no taller than eight (8) feet in height, and the winter storage of boats and docks.

**In CASE No. PZ14-0022 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, proximity to the lake, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicants personal or economic difficulty. The need is not self-created. 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: 6-0**

**Motion maker: Ghannam**

**6. CASE NO. PZ14-0023 23363 MYSTIC FOREST DR**

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 3.46 ft. into the required 35 ft. rear setback of an existing home and maximum lot coverage of 26.3% . The property is located west of Novi Road and south of Ten Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 35 ft. rear yard setback in the R-4 Zoning District and maximum 25% lot coverage.

**In CASE No. PZ14-0023 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. 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. 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.**

**7. CASE NO. PZ14-0024 – 27600 WIXOM RD - VARSITY LINCOLN (PARCEL 50-22-17-101-029)**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(5)(c) to allow an oversize changeable copy portion sign of .6840 square feet exceeding allowable two-third (2/3) .6666 square feet of the total sign area. The property is located on the south side of Grand River and east of Wixom Road. CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(5)(c) changeable copy signs, changeable copy portion of such sign shall not exceed two-thirds (2/3) of the sign area.

**In CASE No. PZ14-0024 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. 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: 6-0**

**Motion maker: Gronachan**

**8. CASE NO. PZ14-0025 2214 AUSTIN DR**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 to allow construction of a new single family home with attached wood deck on an existing lakefront lot with a reduced north side yard setback of 3.0 ft, a reduced aggregate side setback of 7.0 ft., a reduce front yard setback of 13.3 ft., and maximum lot coverage of 37.9%. The property is located west of Old Novi Road and south of 13 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum and aggregate side yard setbacks of 10 ft. and 25 ft. respectively, a front yard setback of 30 ft. and maximum lot coverage of 25%.

**In CASE No. PZ14-0025 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography and the need for the variance is not due to the applicant's personal or economic difficulty. It's a matter of trying to accommodate an existing lot with a newer**

**home. 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: 6-0**

**Motion maker: Ghannam**

**9. CASE NO. PZ14-0026 1705 EAST LAKE DR**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 to allow construction of a new wood deck over existing first floor footprint on an existing lot with a reduced east side yard setback of 7.0 ft., a reduced aggregate side setback of 12.0 ft., a reduce front yard setback of 10.3 ft. The property is located west of Novi Road and south of 14 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum and aggregate side yard setbacks of 10 ft. and 25 ft. respectively, a front yard setback of 30 ft.

**In CASE No. PZ14-0026 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. 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: 6-0**

**Motion maker: Ibe**

**10. CASE NO. PZ14-0027 1957 WEST LAKE DR**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503 (1)(E)(3), to allow construction of an 528 square foot detached garage in the front of the property on an existing lakefront lot with a reduced south side yard setback of 4.0 ft., a reduced aggregate side setback of 7.0 ft., a reduce front yard setback of 19.0 ft., and maximum lot coverage of 29%. The property is located east of Beck Road and south of W. Pontiac Trail.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum and aggregate side yard setbacks of 10 ft. and 25 ft. respectively, a front yard setback of 30 ft. and maximum lot coverage of 25%.

**In CASE No. PZ14-0027 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. 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: 6-0**

**Motion maker: Krieger**

## **ADJOURNMENT 8:22 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)