



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, January 14, 2014 - 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gedeon, Gerblick, Ghannam, Gronachan, Ibe, Krieger, Sanghvi
Present: Members Ferrell , Ghannam, Gronachan, Ibe, 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: **None**

Public Remarks: **None**

1. CASE NO. PZ13-0065 29770 HUDSON DR - HENGST AUTOMOTIVE

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)a.1.i to allow an oversize ground sign of 32 square feet located on the south side of site. The property is located east of Beck Road and north of West Road in the I-1 Zoning District. CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(2) a.1.i permits a ground sign of maximum 30 square feet in area.

In CASE No. PZ13-0065 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. This is on a corner lot with two side entrances and this variance will help better traffic flow. 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. Granting the relief will result in substantial justice being done to both the applicant and adjacent surrounding properties and is not inconsistent with the spirit of the Ordinance.

Motion carried: 6-0

Motion maker: Ghannam

2. CASE NO. PZ13-0067 VACANT PARCEL # 50-22-11-101-102 LOCATED ON THE SW CORNER OF THIRTEEN MILE AT MARTIN ST

The applicant is requesting two minimum lot size variances for parcel sidwell # 50-22-11-101-012 located on the southwest corner of Thirteen Mile and Martin in the Howell's Walled Lake Subdivision. The property consists of (8) eight 20 x 100 foot lots to be combined and split into two 8,000 square foot parcels.

CITY OF NOVI, CODE OF ORDINANCE, Section 2400, "Schedule of Regulations" requires the minimum area for lots within an R-4 District to be 10,000 square feet.

In CASE No. PZ13-0067 Motion to approve the variance as requested. There are unique circumstances or conditions of the property such as narrowness, shallowness, shape, water. The need for the variance is not due to the applicant's personal or economic difficulty. There was vacated land in the alley that provides additional basis. The need is not self-created. Strict compliance with regulations governing area, setback, frontage, height will unreasonably prevent the property owner from using the property for a permitted purpose. It is the minimum variance necessary to do substantial justice to the applicant. The requested variance will not cause an adverse impact on surrounding property or property values.

Motion carried: 6-0

Motion maker: Ghannam

3. CASE NO. PZ13-0068 44500 GRAND RIVER

The applicant is requesting an extension of the variance granted in ZBA PZ12-044 to allow (1) 24 sq. ft. and (1) 48 sq., ft. real estate signs where a single 16 sq. ft. sign is allowed for marketing of an industrial property. The property is located west of Novi Road, south of Interstate-96, and north of Grand River Ave. CITY OF NOVI, CODE OF ORDINANCE, Section 28-6 (4) states: "Sale, rental or lease sign which identifies the sale, rental, or lease of the non-residential property...be...not less than one-half the distance between the principal building and adjacent street and not higher than ten (10) feet nor more than 16 square feet in area. This section also permits only a single sign for each parcel of property.

In CASE No. PZ13-0068 Motion to approve the variance as requested for one year or whenever the property is sold, whichever comes first. The request is based upon circumstances or features that are exceptional and unique to the property because of the two buildings fronting a freeway. Not 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. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties. Granting the relief will result in substantial justice being done to both the applicant and adjacent surrounding properties and is not inconsistent with the spirit of the Ordinance.

Motion carried: 6-0

Motion maker: Ghannam

4. CASE NO. PZ13-0069 44700 GRAND RIVER

The applicant is requesting an extension of the variance granted in ZBA PZ12-045 to allow (1) 24 sq. ft. and (1) 48 sq., ft. real estate signs where a single 16 sq. ft. sign is allowed for marketing of an industrial property. The property is located west of Novi Road, south of Interstate 96, and north of Grand River Ave. CITY OF NOVI, CODE OF ORDINANCE, Section 28-6 (4) states: "Sale, rental or lease sign which identifies the sale, rental, or lease of the non-residential property...be...not less than one-half the distance between the principal building and adjacent street and not higher than ten (10) feet nor more than 16 square feet in area. This section also permits only a single sign for each parcel of property.

In CASE No. PZ13-0069 Motion to approve the variance as requested for one year or whenever the property is sold, whichever comes first. The request is based upon circumstances or features that are exceptional and unique to the property because of the two buildings fronting a freeway. Not 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. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties. Granting the relief will result in substantial justice being done to both the applicant and adjacent surrounding properties and is not inconsistent with the spirit of the Ordinance.

Motion carried: 6-0

Motion maker: Ghannam

5. CASE NO. PZ13-0070 44175 W. 12 MILE RD. STE. G-157 (SOCIALITE BISTRO)

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES 2524.b to allow outdoor seating year round. The property is located east of Cabaret Drive and south of 12 Mile Road. CITY OF NOVI, CODE OF ORDINANCES, Section 2524.b, Outdoor seating shall be permitted between March 1st and November 30th with all furniture and fixtures including, but not limited to, tables, chairs and waste receptacles removed from the exterior premises after November 30th. Outdoor seating shall not be the primary seating of the restaurant.

In CASE No. PZ13-0070 Motion to approve the variance as requested as long as the outdoor seating is the same hours as the indoor seating. There are unique circumstances or physical conditions of the property and the need for the variance is not due to the applicant's personal or economic difficulty part of the uniqueness is due to smoking inside. The need is not self-created. Strict compliance with regulations governing the area and so forth 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 properties in the neighborhood.

Motion carried: 6-0

Motion maker: Ghannam

6. CASE NO. PZ13-0072 42355 GRAND RIVER (FELDMAN AUTOMOTIVE)

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an oversize ground directional sign of 15 square feet for an existing automotive dealership. The property is located south of Grand River and east of Novi Road. Previous variance 08-014 approved a sign of this size and location specifically for Hertz car rentals. CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) number of on-premises advertising signs permitted states: "No building or parcel of land shall be allowed more than one (1) sign..."

In CASE No. PZ13-0072 Motion to approve the variance as requested but limited to one year. 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. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties. Granting the relief will result in substantial justice being done to both the applicant and adjacent surrounding properties and is consistent with the Ordinance. Under the circumstances if it's not granted, it would result in the potential of blight and loss of the sign that doesn't make sense.

Motion failed: 2-4

Motion maker: Ghannam

In CASE No. PZ13-0072 Motion to deny the applicants request. The failure to grant relief will unreasonably prevent or limit the use of the property and the problem is self-created. In that the applicant is in a contractual dispute with GM, who insists on not having a Hertz sign next to its sign on their property. The original sign was approved for Hertz and not for the applicant.

Motion carried: 4-2

Motion maker: Ibe

7. CASE NO. PZ13-0073 42705 GRAND RIVER AVE (JOE & ALDOS ITALIAN TAVERN AND ANDIAMO'S)

Applicant is requesting a variances to sections 28-5(3) and 28-5(2)b.1.(b)(iv) to allow an oversize wall sign and revision of a previous variance to allow and increased sign from 54 square feet to 76 square feet on the second floor wall for a separate second floor business. CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits only one sign per parcel of property and 28-5(2) b.1.(b)(iv) limits signage to 24 sq. ft. sign for a second floor business.

In CASE No. PZ13-0073 Motion to postpone to the February 11, 2014 meeting.

Motion carried: 6-0

Motion maker: Ibe

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)