



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, October 8, 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, Gerblich, Ghannam, Krieger, Sanghvi
Absent: Ibe (AE)
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: **Approval of the August 13, 2013 minutes.**

Public Remarks: **None**

1. **CASE NO. PZ13-0036 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 sq. ft. for an existing automotive dealership. The property is located south of Grand River and east of Novi Rd in the B-3 Zoning District. 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..."

Tabled to the November 19, 2013 meeting.

2. **CASE NO. PZ13-0049 31215 NOVI RD (MAPLE MANOR REHAB CENTER)**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 to allow installation of a ground sign immediately adjacent (3 ft. setback required) to the right of way line; and a variance from Section 28-5(3) to allow a second ground sign, only one sign per parcel of property; and a variance from Section 2513 allowing a sign within the clear zone area. The property is located north of 13 Mile Rd. and south of 14 Mile Rd. in the RM1 Zoning with a PRO Overlay. CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 requires ground signs be placed a minimum of 3 feet from a future (planned) right of way line. Section 28-5(3) permits only one sign per parcel of property. Section 2513 allowing a sign within the clear zone area.

In CASE No. PZ13-0049 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property and do not result from conditions that exist generally in the City or that are self-created. Specifically the applicant noted that the ideal location for a ground sign is occupied by the City of Novi sign. Additionally the angled nature of the main road prevents the second sign from having the proper setback. 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.

Motion carried: 6-0

Motion maker: Gedeon

3. CASE NO. PZ13-0050 25795 MEADOWBROOK RD

The applicant is requesting an extension of the variance granted in ZBA 12-036 for one 24 sq. ft. oversized real estate sign located at 25795 Meadowbrook Rd. 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 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.

In CASE No. PZ13-0050 Motion to approve the variance as requested for 1 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, specifically the applicant noted the area of wetlands that prevents proper placement of the signage as well as the placement near the main road which would benefit from a larger size sign. 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.

Motion carried: 4-2

Motion maker: Gedeon

4. CASE NO. PZ13-0051 41200 BRIDGE ST

The applicant is requesting an extension of the variance granted in ZBA12-035 for one 24 square foot oversized real estate sign located at 41200 Bridge Street. The property is located east of Meadowbrook Rd and south of Interstate 96, north of 11 Mile Rd in the I-1 Zoning District.

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.

In CASE No. PZ13-0051 Motion to approve the variance as requested for 1 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, specifically with the large berm and the topography of this site. 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.

Motion carried: 4-2

Motion maker: Gerblick

5. CASE NO. PZ13-0052 210 NORTH HAVEN DR

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, 2400 to allow construction of a one-story addition extending 13.58 ft. into the required 35 ft. rear yard setback of an existing home, and Section 2907 to allow construction of an open deck extending 4.58 ft. into the required rear yard deck setback. The property is located east of West Park Dr. and north of W. Pontiac Tr., in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 35 ft. rear yard setback in the R-4 Zoning District, and Section 2970 allows an open, unenclosed and uncovered wooden deck to project into a required rear yard setback for a distance not exceeding eighteen (18) feet.

Tabled to the November 19, 2013 meeting.

6. **CASE NO. PZ13-0053 44175 W. TWELVE MILE RD (BLACK ROCK BAR & GRILL)**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES 2524b to allow outdoor seating year round. The property is located east of Cabaret Dr. and south of 12 Mile Rd, in the RC Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2524b, 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. PZ13-0053 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

Motion carried: 6-0

Motion maker: Gerblick

7. **CASE NO. PZ13-0055 42705 GRAND RIVER AVE (JOE & ALDOS ITALIAN TAVERN AND ANDIAMO'S)**

Applicant is requesting a variances to sections 28-5(2) b.1. (b)(i) and 28-5(2)b.3 to allow a 66 square foot sign on the second floor wall for a first floor business, and a variance to section 28-5(2)b.1.(b)(iv) to allow continued placement of a 54 square foot sign on the second floor wall for a separate second 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. Sign Code Section 28-5(2)b.1.(b)(iv) permits a 24 square foot sign for a second floor business.

In CASE No. PZ13-0055 Motion to approve the variance as requested limited to the tenants Joe & Aldo's Italian Tavern and Andiamo's. 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 given the angle from Grand River in which the property sits and the wall with the sign will be on the north side of the building. 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.

Motion carried: 6-0

Motion maker: Gerblick

OTHER MATTERS

ADJOURNMENT 7:54PM

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)