



ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting

Tuesday, September 9, 2014 - 7:00 P.M.

Activity Center | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gerblick, Ghannam, Gronachan, Ibe, Krieger, Sanghvi
Present: Members Ferrell, Gerblick, Ibe, Krieger and Sanghvi
Absent: Member Ghannam and Gronachan
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: Approved

Public Remarks: None

1. CASE NO. PZ14-0035 2020 AUSTIN DRIVE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new second floor addition and carport addition with a reduced front setback of 8 ft. (30 ft. required), reduced side setback of 7 ft. (10 ft. required), reduced aggregate side yard setback of 10 ft. (25 ft. required) and maximum lot coverage of 30% on an existing non-conforming lot. The property is located south of 13 Mile Road Drive and west of Old Novi Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum front yard setback of 30', minimum side setback of 10 ft., a minimum aggregate side setback of 25 ft. and maximum 25% lot coverage.

In CASE No. PZ14-0035 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 as is a pre-existing non-conforming structure. 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: Gerblick

Supported by: Sanghvi

2. CASE NO. PZ14-0036 25843 STRATH HAVEN

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new single family home with a reduced front setback of 40 ft. (45 ft. required), reduced rear setback of 40 ft. (50 ft. required), and reduced aggregate side yard setback of 41.34 ft. (50 ft. required) on an existing non-conforming lot. The property is located east of Beck Road and north of 10 Mile Road. CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures constructed within the RA zoning district have a minimum front yard setback of 45 ft., rear yard setback of 50 ft., and an aggregate side yard setback of 50 ft.

In CASE No. PZ14-0036 Motion to approve the variance as requested. Pioneer Meadows Association is in favor of the variance being granted due to the lots in the area being particularly small with 40' front and rear setbacks. It will enhance property values and help existing homes in the subdivision. There are unique circumstances or physical conditions of the property such as it being a pre-existing structure and the positioning of the current building, as well as the entry points to the property. The need is not self-created as is a pre-existing non-conforming structure. 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 the permitted purpose. 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: Ibe

Supported by: Krieger

3. CASE NO. PZ14-0037 25885 STRATH HAVEN

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of new single family homes with reduced front setbacks of 40 ft. (45 ft. required) and reduced rear setbacks of 37 ft. (50 ft. required) on existing non-conforming lots. The properties are located east of Beck Road and north of 10 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures constructed within the RA zoning district have a minimum front yard setback of 45 ft. and a minimum rear setback of 50 ft.

In CASE No. PZ14-0037 Motion to table the case until the October 14, 2014 meeting per the applicant's request.

Motion carried: 5-0

Motion maker: Krieger

Supported by: Ibe

4. CASE NO. PZ14-0039 PARCEL 50-22-32-401-044

The petitioner is requesting an extension to allow the continued placement of the existing subdivision business sign located north side of 8 Mile Road and west of Maybury Park Drive.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-6 (2) Temporary Signs states: "Subdivision business sign which advertises residential subdivision under development, not to be issued prior to a first starting permit and is valid until eighty (80) percent of the lots in the subdivision are issued certificates of occupancy".

In CASE No. PZ14-0039 Motion to approve the request for a period of six months or until the properties sell, whichever date is sooner. If the homes do not sell, an additional extension will not be granted.

Motion carried: 4-1

Motion maker: Gerblick

Supported by: Krieger

5. CASE NO. PZ14-0040- 27793 NOVI ROAD – EYEGLOSS WORLD

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an third wall sign of 21.5 square feet located on the south side of a retail tenant suite. The property is located south of Twelve Mile Road and west of Novi Road. The applicant was previously granted approval of a second wall sign located on the north elevation in Case PZ13-0064.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits a single wall sign for each business storefront in the RC, Regional Center District.

In CASE No. PZ14-0040 Motion to deny the variance. The need for a third sign is self-created, as the current signs can be relocated on the building for better use and visibility.

Motion carried: 5-0

Motion maker: Ibe

Supported by: Sanghvi

ADJOURNMENT 7:50 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)