



**ZONING BOARD OF APPEALS ACTION SUMMARY**  
**CITY OF NOVI**  
**Regular Meeting**  
**Tuesday, April 9, 2013 - 7:00 P.M.**  
**Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road**  
**(248) 347-0459**

**Roll call** Members Ferrell, Gedeon, Gerblick, Ghannam, Ibe, Krieger, Sanghvi and Skelcy  
**Present:** Members Ferrell, Gedeon, Gerblick, Ghannam, Krieger and Sanghvi  
**Absent:** Members Ibe (Excused) and Skelcy  
**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:** **Approved**  
**Public Remarks:** **None**

1. **CASE NO. PZ13-0014 26401 NOVI ROAD (ODOBA MEXICAN GRILL)**

The applicant is requesting a variance from Section 28-5(3) of the Novi Sign Ordinance to allow a second wall sign of 37.5 square feet for a proposed new restaurant. The property is located west of Novi Road, and north of Grand River Avenue.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits a single sign to be installed at this restaurant location.

**In CASE No. PZ13-0014 Motion to adjourn the case to the May 14, 2013 meeting.**

**Motion carried: 6-0**  
**Motion maker: Sanghvi**

2. **CASE NO. PZ13-0015 21050 HAGGERTY ROAD (MC DONALD'S)**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503 to allow a side yard dumpster enclosure and Section 2507 to allow a front yard loading area. The property is located east of Haggerty Road and north of 8 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2503 requires accessory structures be located in the rear yard and be setback 10 feet minimum from any building and Section 2507 requires that Loading Spaces be located in the rear yard or interior side yard of a lot with double frontage in the FS Zoning District.

**In CASE No. PZ13-0015, motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as the narrowness or shallowness and the 40 foot easement of the property. These variances are 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 due to the size and shape of the lot. 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 to surrounding property and property values or the use and enjoyment of the property in the neighborhood or zoning district.

**Motion carried: 6-0**

**Motion maker: Gerblick**

**3. CASE NO. PZ13-0016 27500 NOVI ROAD (CHEESECAKE FACTORY)**

The applicant is requesting a variance from Section 28-5(3)f of the Novi Sign Ordinance to allow a second wall sign of 133.4 square feet for a proposed new restaurant. The property is located east of Novi Road, and south of Twelve Mile Road.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3)f permits a single sign to be installed at this restaurant location.

**In CASE No. PZ13-0016, motion to approve the variance specific to this tenant only. The request is based upon circumstances and features that are exceptional and unique to the property, and do not result from conditions that exist generally in the City. Specifically the restaurant is going into a large multi-tenant with low visibility for this particular space. 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**

**OTHER MATTERS**

**1. ELECTION OF OFFICERS**

**Secretary – Gedeon**

**Vice Chair – Krieger**

**Chairperson – Skelcy (if accepted)**

**ADJOURNMENT at 7:34 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)