



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, February 12, 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, Ibe, Krieger and Skelcy
Absent: Members Shanghvi
Also
Present: Charles Boulard, Director of Community Development, Elizabeth Saarela, City Attorney and Sarah Marchioni, Recording Secretary

Pledge of Allegiance

Approval of Agenda: **Approved**

Approval of Minutes:

1. DECEMBER 11, 2012 MINUTES **Approved**
2. JANUARY 8, 2013 MINUTES **Approved**

Public Remarks: **None**

1. CASE NO. PZ13-0001 26348 MANDALAY CIRCLE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new single family home on an existing lot with a reduced side setback of 13 feet and an aggregate side yard setback of 38 feet. The property is located east of Beck Road and north of 11 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within the R-1 zoning district have a minimum side yard setback of 15 feet and an aggregate side yard setback of 40 feet.

In CASE No. PZ13-0001, motion to approve the variance as requested. There are unique circumstances or physical conditions of the property specifically the triangular shape of the lot 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 setbacks or other dimensional requirements is one reason why it would 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 because the applicant indicated that the size of the home was already adjusted down to a smaller size. 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 specifically the adjoining property owner stated his approval for this variance.

Motion carried: 6-1

Motion maker: Gedeon

2. CASE NO. PZ13-0002 44575 TWELVE MILE RD.

The applicant is requesting variances from Section 28-5(3)h, 28-1(10) and 28-10(a) of the Novi Sign Ordinance to one 70 square foot suspended sign as well as 20 square foot sign on a short pole. A single non-pole mounted ground sign of 30 sq. ft. would be allowed. The property is located west of Novi Road, and south of Twelve Mile Road.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3)h permits only one sign if a ground sign is used; Section 28-1(10) requires ground signs to be supported by a monument on the ground, not a pole; Section 28-10(a) states that a sign not expressly permitted is prohibited. Suspended signage is not referenced or permitted.

In CASE No. PZ13-0002, motion to approve the variance as amended for a ground sign and a 70 square foot wall sign. 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 because having the sign facing west bound traffic can only see it. 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 by allowing people to know it is a financial building rather than an office building. 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: 7-0

Motion maker: Ferrell

3. CASE NO. PZ13-0003 47960 GRAND RIVER AVE. (MENCHIE'S FROZEN YOGURT)

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)b.1.(a)i.a. to allow an oversize wall sign of 40 square feet (32.3 square feet allowed) located on the south face of a new retail tenant suite. The property is located north of Grand River and west of Beck Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)b.1.(a)i.a. permits a single wall sign for each business storefront in the B2 district, with a size not to exceed 1.25 feet for every linear foot of business frontage.

In CASE No. PZ13-0003, 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 the varying dimension of the building on the façade. 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 as the applicant indicated the franchise logo would not be representative from location to location. The grant of the 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 and surrounding properties, and is not inconsistent with the spirit of the ordinance in fact it will take the place of a vacant location within an existing building.

Motion carried: 7-0

Motion maker: Gerblick

4. CASE NO. PZ13-0004 41197 PARK FOREST CT.

The applicant is requesting a variance of 30 feet from the requirements of the CITY OF NOVI, CODE OF ORDINANCES, Section 2515.1.a(2) to allow a fence within an exterior side yard setback on a corner lot. The fence is adjacent to the property line. The property is located north of Nine Mile Road and east of Meadowbrook Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2515.1.a(2) stipulates that fences shall not extend toward the front of a lot nearer than the minimum front yard setback distance and Section 2400(c) that exterior side yard abutting a street shall be provided with a setback equal to the front yard setback in the R4 district. In this case a setback of 30 feet would be required.

In CASE No. PZ13-0004, motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as they are on a corner lot 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 because of safety issues to their children. The need is not self-created because there are others with fences as well. 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, their children will be able to play in a safe backyard. 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 because it's a brand new fence and looks really well. 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 because children will be in a safe backyard.

Motion carried: 7-0

Motion maker: Krieger

OTHER MATTERS

ADJOURNMENT at 7:53 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)