



ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting

Tuesday, February 10, 2015 - 7:00 P.M.

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

Roll call Members Ferrell, Gronachan, Ibe, Krieger, Sanghvi and Mosteiko
Present: Members Ferrell, Gronachan, Ibe, Krieger and Mosteiko

Absent: Member Sanghvi

Also

Present: Tom Walsh, Building Official, Beth Saarela, City Attorney and Angela Pawlowski,
Recording Secretary

Pledge of Allegiance

Approval of Agenda: Approved

Approval of Minutes:

1. APPROVAL OF THE DECEMBER 9, 2014 MINUTES – APPROVED
2. APPROVAL OF THE JANUARY 13, 2015 MINUTES - APPROVED

Public Remarks: None

Public Hearings

1. CASE NO. PZ14-0056 WEST OAKS I 43741 WEST OAKS DRIVE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 to allow construction of an additional on the north and west sides of the existing center with a reduced north front yard setback of 69.96 ft. and a reduced west side yard setback of 67.73 ft., and Section 2507 to allow loading zone located on the side of the property. The property is located west side Novi Rd, South of 12 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES; Section 2400 requires minimum front and side yards setback of 100'. Section 2507, within the RC District, requires the loading zone be located in the rear yard or interior side yards.

In CASE No. PZ14-0056 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. 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: Mosteiko

2. CASE NO. PZ14-0063 PROVIDENCE HOSPITAL CAMPUS AND KIDNEY CENTERS OF MICHIGAN 47601 GRAND RIVER AVE.

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, a dimensional/non-use variance from the requirement of Section 2517 of the Zoning ordinance that a lot or parcel to front on a public street unless specifically provided by ordinance, for all parcels, whether existing or to be established in the future as approved by the City, remaining to be developed adjacent to and utilizing the so-called Providence Ring Road as their primary access, as depicted on the attached drawing and currently part of Parcel 22-17-400-039. The property is located on the south of Grand River, west of Beck Road, west side Novi Road, and south of 12 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES; Section 2517, "Frontage on a Public Street", states that no lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this Ordinance..

In CASE No. PZ14-0063 Motion to approve the variance as requested. Practical difficulty does exist. There are unique circumstances or physical conditions of the property such as narrowness, shape or similar physical conditions. The need is not self-created because the applicant could not have foreseen this. 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 and 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. There no way this applicant could accomplish this without the variance.

Motion carried: 4-0

Motion maker: lbe

3. CASE NO. PZ14-0064 24844 MALLARD TRAIL

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new covered porch addition with a reduced rear yard setback of 17 ft. The property is located east of Napier Road and north of 10 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum rear yard setbacks of 35 ft.

In CASE No. PZ14-0064 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shape, 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 because denying this will prevent them from enjoying their deck. 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: Mosteiko

OTHER MATTERS

- 1) Mosteiko will be resigning due to moving out of state.

ADJOURNMENT 8:17PM

OTHER MATTERS

- 1.) Welcome Matt Mosteiko

- 2.) City of Novi Zoning Ordinance
- 3.) Joint Training Session

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)