



ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. PZ13-0028 40399 Grand River (Kroger Office)

Location: 40399 Grand River

Zoning District: I-1, Light Industrial District

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow location of an accessory structure (pavilion) 48 ft. within the required minimum 100 ft. rear yard setback. The property is located west of Haggerty Road and south of Grand River Avenue.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures within the I-1 zoning district have a minimum rear yard setback of 100 feet.

City of Novi Staff Comments:

The petitioner is proposing to install an open picnic style gazebo in the rear yard of an existing commercial building. The structure was initially proposed to be constructed between the south side of the existing building and the parking access drive. A utility easement prevents this location. The current request is within an area recessed within the existing landscaped berm along the south side of the side of the site. Retaining walls would allow the elevation of the berm to remain consistent and would protect the adjacent homes to some degree.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- 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 because_____.
- The need is not self-created because_____.
- 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 because_____.
- 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 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_____.



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For Official Use Only

ZBA Case No: P2130028 ZBA Date: 7/9/13 Payment Received: \$ 300 (Cash)

Check # 8932 Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name Jeffery A Scott Architects Date 05/23/2013

Company (if applicable) Jeffery A Scott Architects (attn: Matt Andrus)

Address* 32316 Grand River Ave, ste 200 City Farmington ST MI ZIP 48336

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: mandrus@jscottarchitects.com

Phone Number () (248) 476-8800 FAX Number () (248) 476-8833

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 40399 Grand River Ave. ZIP 48375

2. Sidwell Number: 5022 - 24327-009 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes No

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 OSC OST I-1 OTHER

5. Property Owner Name (if other than applicant) The Kroger Company

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 2400 Variance requested Pavilion to extend 48' into required 100' setback
- 2. Section _____ Variance requested _____
- 3. Section _____ Variance requested _____
- 4. Section _____ Variance requested _____

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

See attached

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

See attached

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a **Mock-Up Sign ten (10) days** before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five (5) days of the meeting.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.

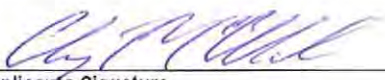
There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE.

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building Addition to Existing Home/Building Accessory Building
 Use Signage Other


Applicants Signature

5-23-13
Date

Property Owners Signature

Date

DECISION ON APPEAL

_____ Granted _____ Denied Postponed by Request of Applicant _____ Board _____

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date



**jeffery a.
scott
architects p.c.**

MEMORANDUM

architects • engineers

TO: Zoning Board of Appeals
City of Novi

FROM: Jeffery A Scott AIA
Jeffery A. Scott Architects
Matt Andrus
Jeffery A. Scott Architects

DATE: Thursday, May 23, 2012

RE: Michigan Division: Kroger Office Pavilion
40399 Grand River Ave.
Novi, Michigan 48375

JSA job # 1146.2

CC: File.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements:

This property is currently zoned I-1, light industrial. The current use of the property is office. When the current owner purchased the property, the previous owner also used the property as offices. The use does not reflect the current zoning of the property. This in turn requires the property owner to abide by a set of zoning requirements that were meant for more intense industrial uses and not office uses.

The proposed pavilion that would encroach in the 100' rear yard setback is not a building or structure that would have a use similar to that of an industrial use. It is merely a covered area outdoors for the employees of the business to be able to go and enjoy their surroundings. It is a place to relax and eat lunch or to have a possible social gathering. There is an existing beautiful landscape buffer between the existing building and the residential area that provides an element of nature for the employees to take in and enjoy.

The original intent was to locate the proposed pavilion along the rear exterior of the building, 20' from the south exterior wall of the existing building. However, due to an existing water main easement that is in the exact location of the originally proposed pavilion, the new proposed pavilion location had to be changed to what is shown on the plans. The intent is to not affect any existing landscape and to keep the existing landscape buffer between this office business and the adjacent residencies.

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

The property directly adjacent to this property to the west is zoned NCC. Their existing use is similar to this property's use yet they are only required to maintain a 20' rear yard setback abutting the R-4 residential district. The proposed pavilion still provides for an 52' rear yard setback which is much greater than the adjacent property's setback. The existing landscape buffer will still provide a buffer between this office business and the adjacent residencies.

END OF MEMORANDUM

