



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, November 19, 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
Present: Members Gedeon, Ghannam, Ibe, Krieger and Sanghvi
Absent: Ferrell(AE), Gerblick (AE)
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: **Approval of the September 10, 2013 minutes.**
Approval of the October 8, 2013 minutes.

Public Remarks: **None**

1. CASE NO. PZ13-0052 210 NORTH HAVEN DR

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, 2400 to allow construction of a one-story addition extending 13.58 ft. into the required 35 ft. rear yard setback of an existing home, and Section 2907 to allow construction of an open deck extending 4.58 ft. into the required rear yard deck setback. The property is located east of West Park Dr. and north of W. Pontiac Tr., in the R-4 Zoning District.
CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 35 ft. rear yard setback in the R-4 Zoning District, and Section 2970 allows an open, unenclosed and uncovered wooden deck to project into a required rear yard setback for a distance not exceeding eighteen (18) feet.

In CASE No. PZ13-0052 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. There is little impact on neighboring properties given the vegetation barrier of the nearby properties. 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.

Motion carried: 5-0

Motion maker: Gedeon

2. CASE NO. PZ13-0054 46035 GRAND RIVER AVE (HEYN MULTI-TENANT)

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a 15 foot reduction in the north yard of the required 40 foot parking setback, Section 28-5(3) and 28-5(2)a.1 to allow an oversize ground sign of 40.47 square feet for a multi-tenant office building. The property is located east of Beck and west of Taft Road in the I-1 Zoning District. CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires parking be setback 40 feet from all property lines. Section 28-5 (3) Number of on-premises advertising signs permitted states: "No building or parcel of land shall be allowed more than one (1) sign. Section 28-5(2)a.1 limits maximum ground signage to 35.5 sq. ft.

In CASE No. PZ13-0054 Motion to approve the variance for a 40.47 square foot multi-tenant ground sign. The request is based on circumstances or features that are exceptional or unique to the property and do not result from conditions that generally exist in the City and are not self-created. This is a multi-building parcel where there are certain tenant spaces that are obscured from the roadway where wall signs would not be sufficient for that business. 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: 5-0

Motion maker: Gedeon

In CASE No. PZ13-0054 Motion to approve the variance for the parking setback. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty. The applicant is making improvement to the property including the landscape and the parking lot should be modified to accomplish what the applicant is requesting. 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. 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

3. CASE NO. PZ13-0056 49251 GRAND RIVER (VARSITY LINCOLN)

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow ten signs of 2 square feet each located on the existing parking lot light poles. The property is located south of Grand River and east of Wixom Road in the B-3 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) allows only one sign per business in the B3, General Business District.

In CASE No. PZ13-0056 Motion to deny the request. The request is not based upon circumstances or features that are exceptional and unique to the property. The failure to grant relief will not unreasonably prevent or limit the use of the property. Substantial justice will not be done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit of the ordinance. If you look at the property it is already well lit with lots of signs and you can already prevent vehicles from running into these poles without the signs on them.

Motion carried: 4-1

Motion maker: Ghannam

4. CASE NO. PZ13-0057 27795 NOVI RD (JARED JEWELERS)

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an third wall sign of 56 square feet located on the west side of a retail tenant suite. The property is located west of Novi Road and south of Twelve Mile Road in the RC Zoning District. Previous variance 02-009 approved a second wall sign of 60 sq. ft. on the south elevation.

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. PZ13-0057 Motion to deny the request. The request is not based upon circumstances or features that are exceptional and unique to the property. The failure to grant relief will not unreasonably prevent or limit the use of the property as intended. And will not substantially impact the petitioner from the ability to attain a higher economic or financial return. They previously requested a sign and elected to put it on the south side when they were offered the west side. And the petitioner has stated there have been no significant changes or circumstances. Also, there is no entrance on the west side of the building. The applicants request is inconsistent with the spirit of the ordinance.

Motion carried: 4-1

Motion maker: lbe

5. **CASE NO. PZ13-0058 26401 NOVI RD (VERIZON WIRELESS)**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an second wall sign of 64 square feet located on the west side of a retail tenant suite. The property is located north of Grand River and south of I-96 in the TC Zoning District.

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

In CASE No. PZ13-0058 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 this property is in a unique area with the entrance in the rear of the building it is more conducive if the petitioner be granted a sign in the rear of the building. 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. Qdoba has similar needs and they were granted a similar variance.

Motion carried: 5-0

Motion maker: lbe

6. **CASE NO. PZ13-0059 26855 HAGGERTY RD (COUNTRY COUSIN)**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 to allow installation of a ground sign immediately adjacent (10 ft. setback required) to the right of way line. The property is located east of M-5 and south of Twelve Mile Road in the MH Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 requires ground signs be placed a minimum of 3 feet from a future (planned) right of way line.

In CASE No. PZ13-0059 Motion to approve the variance as requested with the only provision being if the right-of way is expanded, the sign will be moved at the owner's expense. 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. 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. The necessity of having the provision is necessary because it may or may not be expanded in the future.

Motion carried: 5-0

Motion maker: Ghannam

7. CASE NO. PZ13-0060 47900 GRAND RIVER (APPLEBEE'S)

The applicant is requesting variances from Section 28-5(3), 28-5(2)c and 28-5(2) a.2.ii of the Novi Sign Ordinance to allow additional or altered signs as follows: (2) additional oversize wall signs of 45.6 sq. ft. and 23 sq. ft.; (1) site directional sign of 9.04 sq. ft. at south entrance door.; (12) awnings (canopy signs) with logos of 53.7 sq. ft., 48.8 sq. ft., 62.3 sq. ft. and 30.5 sq. ft. ; (1) ground sign exceeding maximum height of 7 feet.

The property is located on the north side of Grand River, and west of Beck Road in the B-2 Zoning District.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits only one sign per parcel of property and 28-5(2)c limits canopy signage to 24 sq. ft. Section 28-7(a)9 limits designation signage to 2 sq. ft. business direction. Section 28-5(2)a.2.ii allows signage to a maximum height of 6 feet sq. ft.

Tabled to the December 10, 2013 meeting.

8. CASE NO. PZ13-0062 26955 HAGGERTY RD (COUNTRY COUSIN)

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 to allow installation of a ground sign immediately adjacent (10 ft. setback required) to the right of way line. The property is located east of M-5 and south of Twelve Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2) a.3 requires ground signs be placed a minimum of 3 feet from a future (planned) right of way line.

In CASE No. PZ13-0062 Motion to approve the variance as requested with the only provision being if the right-of way is expanded, the sign will be moved at the owner's expense. 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. 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. The necessity of having the provision is necessary because it may or may not be expanded in the future.

Motion carried: 5-0

Motion maker: Ghannam

OTHER MATTERS

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)