

COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: January 12, 2016

REGARDING: CITYGATE MARKETPLACE (CASE NO. PZ15-0032)

BY: Charles Boulard, Building Director

GENERAL INFORMATION:

Applicant

Doraid Markus on the behalf of Citygate Marketplace

<u>Variance Type</u> Dimensional Variance

Property Characteristics

Zoning District: Site Location: Parcel #: OST, Planned Office Service Technology District 27200 Beck Road, north of Grand River Ave. and east of Beck Road 50-22-16-176-033

<u>Request</u>

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, to allow construction of a 5,908 sq. ft. building with a retail space and two fast food restaurant spaces: 1) a variance from Section 3.1.23.D to reduce the required north yard building setback by 34 feet (50 feet required, 16 feet proposed); and 2) a variance from Section 5.3.11.A,B to reduce the required north yard parking setback (20.0 feet required, 0.0 feet proposed) to allow construction of a drive-through lane.



II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
Subject Property	OST, Planned Office Service Technology District	Vacant	Office research development and technology w/Retail Overlay
North	OSC, Office Service Commercial District	2 Go gas station and Tim Horton's Restaurant	Office research development and technology w/Retail Overlay
South	OST, Planned Office Service Technology District	Chase Bank	Office research development and technology w/Retail Overlay
East	OST, Planned Office Service Technology District	Vacant	Office research development and technology w/Retail Overlay
West	B-2 Community Business District	Westmarket Square Shopping Center	Local Commercial

III. STAFF COMMENTS:

Existing Condition

The subject property consists of one (1) lot located on the east side of Beck Road and north of Grand River. The parcel has approximately 142.76 feet of frontage on Beck Road and approximately 420.26 feet deep as measured along north side yard lot line.

Proposed Changes

The applicant is proposing to construct a 5,908 sq. ft. building with a retail space and two fast food restaurant spaces.

- <u>Building setbacks (3.1.23.D)</u> The new building would result in a setback of 117 feet from the front (west side/Beck Road) yard lot line, 202 feet from the rear (east side) yard lot line, 16 feet from the north side yard lot line, and 55 feet from the south side yard lot line. The proposed parking would result in a setback of 20.0 feet from the north, east and south side yard lot line. This requires a variance of 34.0 feet in the required north side yard setback.
- <u>Drive-through setbacks (Sec. 5.3.11.A, B)</u> drive through shall follow parking setback requirements and applicable parking lot landscaping requirements. The drive-through lane on the north is encroaching into the minimum required parking setback. This requires a variance of 20.0 feet in the required north yard parking setback.

IV. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. Grant I move that we grant the variance(s) in Case No. PZ15-0032, sought by _____,for ______ because the Petitioner has established that _____,for causes a practical difficulty relating to the property, including some or all of the following criteria: (a) Petitioner established that has the property is unique ____, or that the physical because___ condition of the property creates the need for a variance because And, the condition is not a personal or economic hardship. (b) The need for the variance is not self-created, **because** (c) Strict compliance with dimensional regulations of the Zoning Ordinance, including _____, will (either): 1. unreasonably prevent Petitioner from using the property for the permitted purpose as a _____, because_____, and/or, 2. will make it unnecessarily burdensome to comply with the regulation because_____. (d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not______. (e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because _____ (f) The variance granted is subject to the conditions that: 1. 2. 3. 4.

- 2. Deny I move that we <u>deny</u> the variance in Case No. PZ15-0032, sought by ______, for ______ because the Petitioner has <u>not</u> established a practical difficulty because:
 - (a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by_____.
 - (b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated ______.
 - (c) The need for the variance is self-created because Petitioner

(d) Conforming to the ordinance would not (either):

- 1. be unnecessarily burdensome because _____, or,
- 2. unreasonably prevent petitioner from using the property for _____, because_____.
- (e) A lesser variance consisting of ______would do substantial justice to Petitioner and surrounding property owner's because_____.
- (f) The proposed variance would have adverse impact on surrounding property because _____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Charles Boulard Building Director City of Novi

Novi, MI 48375 (248) 347-0415 Phi (248) 735-5600 Fai	one A	BOARD OF APP PPLICATION	EALS	OCT 2 6 2015
Cityofnovi.org	·	UST BE FILLED OUT CO	MPLETELY Re	MMUNITY DEVELOPMENT
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50-22- <u>16</u> - <u>176</u> - <u>03</u> ROSS ROADS OF PROPERTY		ent (248) 347-0485		
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	EMAIL ADDRESS		CELL PHONE NO.	
. APPLICANT	dsmarkus@yahoo.com	n	248-892-2222	
AME Doraid Markus			TELEPHONE NO. 248-892-2222	
RGANIZATION/COMPANY			FAX NO.	
Grand Beck Partners, LLC		CITY	N/A STATE	700.0005
036 Telegraph Road, Suite 205		Bloomfield Hills	MI	ZIP CODE 48303
	HERE IF APPLICANT IS ALS	0 THE PROPERTY OWNER		
lentify the person or organization tha			CELL PHONE NO.	
wns the subject property:		•	TELEPHONE NO.	
			TELEF HORE HO.	
RGANIZATION/COMPANY			FAX NO.	
DDRESS		CITY	STATE	ZIP CODE
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ZONING DISTRICT			n Baylan hastada	
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VARIANCE REQUESTED				
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1. Section 3.1.23.D	Variance requested	28.5' north yard build	ling setback	
50444.0	Variance requested	20' north yard parkin	g setback for drive-	thru lane
3. Section				
4. Section	Variance requested			
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. FEES				
Single Family Residential (Existin				
Multiple/Commercial/Industria		ation) \$400 🗆 Signs \$3		on) \$400
House Moves \$300		eetings (At discretion o	f Board) \$600	
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DRAWINGS 1-COPY & 1 DIC			and distance to a "	noopt news of the
Dimensioned Drawings and Plan		Existing & property		acent property lines
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DECENTER



ZONING BOARD OF APPEALS APPLICATION

A. VARIANCE (S) REQUESTED.	
There is a five-(5) hold period before work/action can be taken on variance approv	vols
	VOIS.
B. SIGN CASES (ONLY) Your signature on this application indicates that you agree to install a Mock-Up Sign meeting. Failure to install a mock-up sign may result in your case not being heard b schedule ZBA meeting, or cancelled. A mock-up sign is NOT to be actual sign. Upor removed within five-(5) days of the meeting. If the case is denied, the applicant is re removal of the mock-up or actual sign (if erected under violation) within five-(5) days	y the Board, postponed to the next a approval, the mock-up sign must be esponsible for all costs involved in the
C. ORDINANCE	
City of Novi Ordinance, Section 3107 – Miscellaneous	
No order of the Board permitting the erection of a building shall be valid for a perio building permit for such erection or alteration is obtained within such period and sup 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 eighty-(180) days unless such use is establish within such a period; provided, however dependent upon the erection or alteration or a building such order shall continue in for such erection or alteration is obtained within one-(1) year and such erection or a completion in accordance with the terms of such permit.	er, where such use permitted is n force and effect if a building permit
D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL	
PLEASE TAKE NOTICE:	
The undersigned hereby appeals the determination of the Building Official / Inspect	tor or Ordinance made
CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING	
VIE ARRIGANING RODERN'S ICNAMES	
A. APPLICANT	
Allow Whenk	
Applicant Signature	Date
B. PROPERTY OWNER	
If the applicant is not the owner, the property owner must read and sign be	
The undersigned affirms and acknowledges that he, she or they are the owner(s) of application and is/are aware of the contents of this application and related enclosed enclos	the property described in this
application and is/die dware of the contents of this application and readed enclos	soles.
Alm almell	10/20/15
Property Owner Signature	Date
DECISION ON APPEAL:	
	• ''''' · · · · · · · · · · · · · · · ·
The Building Inspector is hereby directed to issue a permit to the Applicant upon the	e following and conditions:
Chairperson, Zoning Board of Appeals	
	Date



45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Add	lress of subject ZBA Co	ise)	Application Fee:	300.00
PROJECT NAME / SUBDIVISION			1	D 1215
Citygate Marketplace			Meeting Date: //	0-13-15
ADDRESS 27200 Beck Road		LOT/SIUTE/SPACE #		10070
SIDWELL #	May be of	ptain from Assessing	Meeting Date: //	5-0032
50-22- <u>16</u> <u>-176</u> <u>-033</u> CROSS ROADS OF PROPERTY		nt (248) 347-0485		
IS THE PROPERTY WITHIN A HOMEOWNER'S AS	SOCIATION JURISDICTION?	REQUEST IS FOR:		_
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DOES YOUR APPEAL RESULT FROM A NO	TICE OF VIOLATION OR C	ITATION ISSUED?	YES 🗹 NO	
II. APPLICANT INFORMATION				
A. APPLICANT	EMAIL ADDRESS dsmarkus@yahoo.com		CELL PHONE NO. 248-892-2222	
NAME	- aonaina egy ano en com		TELEPHONE NO.	
Doraid Markus			N/A	
ORGANIZATION/COMPANY			FAX NO.	
Grand Back Partners, LLC ADDRESS		CITY	N/A STATE	ZIP CODE
4036 Telegraph Road, Suite: 205		Bloomfield Hills	MI	48303
B. PROPERTY OWNER CHECK H	IERE IF APPLICANT IS ALSO	THE PROPERTY OWNER		
Identify the person or organization that owns the subject property:	EMAIL ADDRESS		CELL PHONE NO.	
NAME			TELEPHONE NO.	
ORGANIZATION/COMPANY			FAX NO.	
ADDRESS		CITY	STATE	ZIP CODE
III. ZONING INFORMATION				
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2. Section				
3. Section				
4. Section	Variance requested			
IV. FEES AND DRAWNINGS		In the second second	an annual se an	And the second
A. FEES				
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Multiple/Commercial/Industrial	\$300 🗌 (With Violat	ion) \$400 🗌 Signs \$30	00 \Box (With Violation) 5	400
House Moves \$300	Special Me	etings (At discretion of	Board) \$600	
	ITAL COPY SUBMITTED			
 Dimensioned Drawings and Plans Site/Plot Plan 		 Existing & propose 	ed distance to adjacer	
 Site/Plot Plan Existing or proposed buildings or a 	addition on the proper		ng & proposed signs, if (vations	applicable
 Number & location of all on-site p 				riance application



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE (S) REQUESTED

DIMENSIONAL USE SIGN

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

B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a Mock-Up Sign ten-(10) days before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be 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,

C. ORDINANCE

City of Novi 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 establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or 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.

D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made 1

CONSTRUCT NEW HOME/BUILDING	ADDITION TO EXISTING HOME/BUILDING	SIGNAGE
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ACCESSORY BUILDING

USE OTHER

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT Applicant Signature	
B. PROPERTY OWNER	
	that he, she or they are the owner(s) of the property described in this
application, and is/are aware of the conten	ts of this application and related enclosures.
Property Owner Signature	Date
VII. FOR OFFICIAL USE ONLY	
DECISION ON APPEAL:	
GRANTED	
The Building Inspector is hereby directed to is	ssue a permit to the Applicant upon the following and conditions:

Chairperson, Zoning Board of Appeals

Date

Citygate Marketplace ZBA Application for Dimensional Variance

This project is proposing the development of a new 6,242 square foot retail development on a parcel of land approximately 1.98 acres in size located at 27200 Beck Road (southeast corner of Beck Road and Citygate Drive). The subject parcel is zoned OST (Office Service Technology) which requires pursuant to Section 3.1.23D a 50 foot setback from all property lines. The requested variance is to allow for a 34' foot variance from the required 50 foot setback along the north property line. The reason for this request is due to the fact that subject parcel has a limited north/south dimension to allow for the construction of an appropriately size retail development if the 50 foot setback is utilized. The parcel is also subject to an existing ingress/egress easement with the development to the south (Chase Bank) which forces the location of the building to placed west of where is would typically be sited. Finally the subject site contains a regulated wetland area at the southeast corner of the site which further reduces the amount of area available for this development.

It should be noted that a variance was previously approved for the subject development on September 10, 2013 for a project known as Tom's Bar and Grill (ZBA Case PZ13-042)



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	B16.06 SPOT ELEVATION X671.21 670 CONTOUR LINE 671	FURNISHING INFORMATION TO OTHERS, WITHOUT THE PRIOR WRITTEN CONSENT OF PEA, INC, ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 2015 PEA, INC.
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AREA = 50,140 Sq.FT. CEL AREA (1.88 Ac) = 81,822 SQ.FT.	REFERENCE DRAWINGS	Know what's below
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	26125C-0607F, EFFECTIVE SEPTEMBER 29, 2006.	
	SIGN LEGEND: 'NO PARKING FIRE LANE' SIGN (LR7-22) 1 4 EA.	
	24"x24" 'STOP' SIGN (R1-1) 2 2 EA.	
	'BARRIER FREE PARKING' SIGN (R7-8)34 EA.'VAN ACCESSIBLE' SIGN (R7-8A)41 EA.	
	'PATH ENDS' SIGN 5 1 EA.	
	'NO PARKING LOADING ZONE' SIGN (R7-6D)61 EA.'DO NOT ENTER' SIGN (R5-1)73 EA.	PEA, Inc.
	REFER TO SHEET C-9.1 FOR SIGN DETAILS.	2430 Rochester Ct, Ste 100
	ALL TRAFFIC SIGNAGE WILL COMPLY WITH CURRENT MMUTCD STANDARDS.	Troy, MI 48083-1872 t: 248.689.9090 f: 248.689.1044
IERAL NOTES:		www.peainc.com
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	DEPARTMENT NOTES:	ං දී ORIGINAL ISSUE DATE:
FIRE APPARATUS PRI	S ROADS CAPABLE OF SUPPORTING 35 TONS ARE TO BE PROVIDED FOR OR TO CONSTRUCTION ABOVE THE FOUNDATION.	APRIL 17, 2015
CONSTRUCTION ABOVE		PEA JOB NO. 2014-162 SCALE: 1" = 30'
	SS IS TO BE POSTED FACING THE STREET THROUGHOUT THE ADDRESS IS TO BE AT LEAST 3 INCHES HIGH ON CONTRASTING	DRAWING NUMBER:
NOT FOR CONSTR	UCTION XREF: S: PROJECTS\2014\2014162\DWG\14162-TOPOBASE.DWG XREF: S: PROJECTS\2014\2014162\DWG\SITE PLAN\CBASE-14162.DWG XREF: S: PROJECTS\2014\2014162\DWG\SITE PLAN\TBLK-14162.DWG	C-3.1







SUBMITTED	FOR SITE
PLAN REV	1EW: 17 APR 15
REVIEW:	27 MAY 15
SUBMITTED	FOR SITE
PLAN REV	1EW: 23 JUN. 15
REVISED:	29 JUL. 15
REVISED:	09 OCT. 15
REVISED:	19 OCT. 15
SUBMITTER	FOR SITE PLAN
REVIEW:	23 OCT. 15
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project:

+ velopmen 0 0 M Om ROGVOY ARCHITECTS 32500 TELEGRAPH ROAD SUITE 250 BINGHAM FARMS, MICHIGAN 48025-2404 PH 248.540.7700 FX 248.540.2710 www.rogvoy.com MAR DRANE ARCHITECT drawing:

Conceptual Floor Plan & Elevations

DO NOT SCALE DRAWING issue date: 14 APR. 15 drawn: KL checked: MD approved: MD

file number:

sheet:

14028

Scale: 1/8"=1'-0"

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City of Novi Public Hearing Notice

NOTICE IS HEREBY GIVEN THAT the Zoning Board of Appeals for the City of Novi will hold a public hearing on Tuesday, January 12, 2016 at 7:00 p.m. in the Council Chambers of the Novi Civic Center, 45175 Ten Mile Road, Novi, MI to consider:

CITYGATE MARKETPLACE (CASE PZ15-0032), DORAID MARKUS ON BEHALF OF CITYGATE MARKETPLACE, 27200 BECK ROAD, NORTH OF GRAND RIVER AVENUE AND EAST OF BECK ROAD, PARCEL # 50-22-16-176-033. The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, to allow construction of a 5,908 sq. ft. building with a retail space and two fast food restaurant spaces: 1) a variance from Section 3.1.23.D to reduce the required north yard building setback by 34 feet (50 feet required, 16 feet proposed); and 2) a variance from Section 5.3.11.A, B to reduce the required north yard parking setback (20.0 feet required, 0.0 feet proposed) to allow construction of a drive-through lane.

<u>VOJTIKOFSKY (CASE NO. PZ15-0045). RYAN VOJTIKOFSKY, PARCEL #: 50-22-21-179-011, 25687 CODY LANE, EAST OF BECK ROAD AND SOUTH OF 11 MILE ROAD</u>. The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A.ii to allow installation of a fence in the exterior side yard of an existing residence.

AIRTIME (CASE NO. PZ15-0046), NEW GENERATION SIGNS FOR AIRTIME, 44255 TWELVE MILE ROAD, UNIT A. WEST OF DONELSON DRIVE AND SOUTH OF 12 MILE ROAD, PARCEL#: 50-22-15-200-112. The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; 28-5 (3)f and 28-5(2)b 1(a)(i)d to allow installation of (3) additional wall signs (1 sign allowed) with a total additional area of 281 square feet. Published: December 24, 2015

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ZONING BOARD OF APPEALS MEETING NOTIFICATION

45175 West Ten Mile Road Novi, Michigan 48375-3024 (248) 347-0415

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December 23, 2015

Grand Beck Partners, LLC Attn: Doraid Markus 4036 Telegraph Road, Ste 205 Bloomfield Hills, MI 48303

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Zoning Board of Appeals Case No. PZ15-0032, 27200 Beck Road

Enclosed herewith please find the Notice of Public Hearing for your case. The City of Novi Zoning Board of Appeals will conduct a public hearing on <u>Tuesday</u>, <u>January 12</u>, <u>2016 at 7:00 p.m.</u> to consider your variance request. It is mandatory that you or your representative be present at this meeting.

The agenda will be available on the website at <u>www.cityofnovi.org</u> one week before the meeting.

If you have any questions, please contact me at (248) 735-5638.

Respectfully,

Stephanie Ramsay Customer Service Representative

