

cityofnovi.org

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

Case No. PZ13-0018

Location: 41216 VINCENTI CT

Zoning District: I-1, Light Industrial District

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 1905 to allow outdoor storage. The property is located east of Meadowbrook Road and south of 11 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 1905 requires that uses within the I-1 District shall be conducted wholly within a completely enclosed building.

City of Novi Staff Comments:

The petitioner occupies a site in an existing industrial park. Outdoor storage is precluded with the exception of a few specific cases (not applicable). The applicant is requesting variances to periodically store a semi-trailer, metal equipment and small trailers used for transportation of equipment to job sites. The equipment is kept in a fenced enclosure. If the board is included to consider a variance, staff suggests consideration of a requirement that the semi-trailer be removed, all other exterior storage be kept within the existing fenced/ screened enclosure and restriction of the exception to this tenant only.

Standards for Granting a Use Variance:

A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

- (a) The property cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located because_____.
- (b) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship because_____.
- (c) That the proposed use will not alter the essential character of the neighborhood because_____.
- (d) That the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created) because_____.

In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.



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For Official Use Only

ZBA Case No: P213-0018 ZBA Date: May 14th Payment Received: \$ 300 (Cash)

Check # _____ 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 KENNETH BURKE Date 5-5-13

Company (if applicable) DHI EQUIPMENT SALES & SERVICE

Address* 41216 VINCENTI CT. City NOVI ST. MI ZIP 48375
*Where all case correspondence is to be mailed.

Applicant's E-mail Address: CSCHWEIGER@DHI-EQUIPMENT.COM

Phone Number (248) 476-7819 FAX Number (248) 476-7849

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 41216 VINCENTI CT. ZIP 48375

2. Sidwell Number: 5022 - 24-100-035 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 OTHER

5. Property Owner Name (if other than applicant) SCHWEIGER FAMILY PROPERTIES

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 1905 Variance requested OUTDOOR STORAGE

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.

To see all the details that are visible on the screen, use the "Print" link next to the map.



50-22-24-100-035

Page 2 Question 9

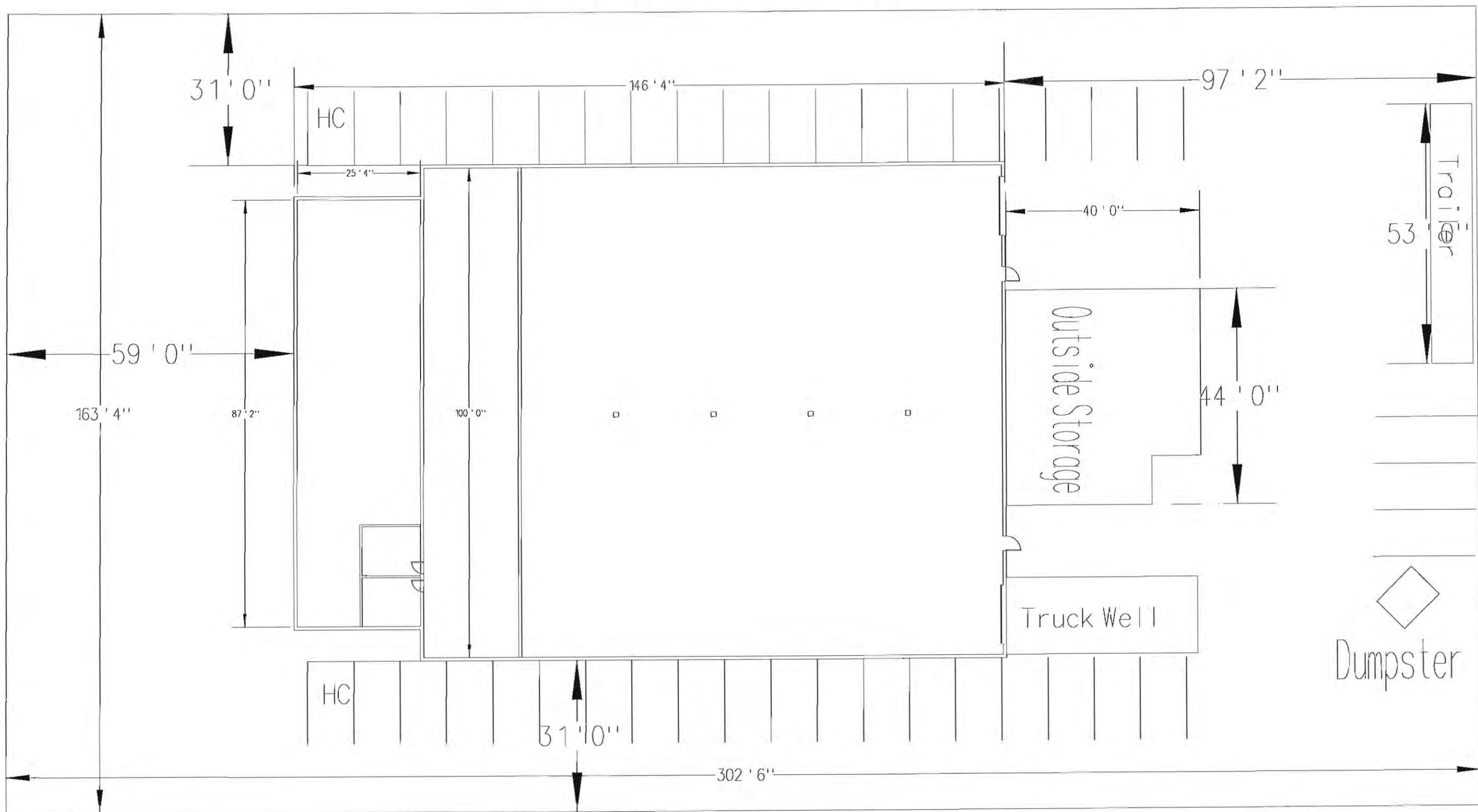
The fenced in area behind our building was pre-existing and was being used as an outdoor storage area when we purchased the property. We were unaware that it is a violation to use this fenced in storage area. One of the reasons we decided to relocate our business to Novi, was that we were able to find a building that had a small outdoor storage space. The area is currently being used to store large metal items and small trailers for easy access when we travel to job sites. This area is kept neat and clean at all times and is not visible from Vincenti Ct.

The semi-trailer that is stored in the back of our building is licensed and insured. This trailer is used to move job equipment from location to location and is only stored when not in use. This trailer can be relocated on our property if seeing it visually from Vincent Ct. is a problem.

Once again, we were unaware that using the fenced in storage area or storing the semi-trailer at the rear of our property would result in violations. These areas are kept secure and clean at all time and they are not exposed to any residential neighborhoods. Our property is located in a light industrial complex and the above mentioned areas are simply used for extra space and easy access to job materials and equipment.

Parcel # 50-22-24-100-035

41216 Vincenti Ct.



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June 25, 2013

City of Novi
Zoning Board of Appeals Secretary
45175 West Ten Mile Road
Novi, MI 48375-3024

RE: DHI Equipment Sales & Service
41216 Vincenti Court

Dear Madam Secretary:

On behalf of DHI Equipment Sales & Service I am pleased to submit the enclosed additional documentation to be used at the Zoning Board of Appeals Hearing on July 9, 2013.

The owner of the building is the CEO of DHI Equipment. This building was purchased late in the year of 2008. DHI moved into the building on February 1, 2009. When DHI was looking to purchase a building it was important to them to have an outdoor storage area. The fenced in area behind the building was pre-existing with the previous owners and it had been used as outdoor storage area when the building was purchased.

DHI Equipment supplies paint booth systems to collision shops within the State of Michigan. They are one of the largest suppliers of these systems in the metropolitan area. The business is very successful and a definite asset to the City of Novi.

Unfortunately, at the end of last year they learned from the City Ordinance Officer that they may be violating the City Ordinance regarding outside storage. The pre-existing outdoor storage area, which is approximately 44' by 40', is not allowed, per ordinance, and they may have been violating the ordinance because they were leaving their truck trailer parked behind the building. These notifications have led to the appeal being filed to the ZBA.

In order to give you a better understanding of the neighborhood and the area surrounding the DHI building I have enclosed a number of photographs:

Photo 1. This is a photo of the front of the DHI building looking east towards Meadowbrook. Photo 2 is a view of the front of the buildings looking east. Please note the vacancy next door.

Photo 3 is a view across the street showing a vacant building.

Photo 4 shows a portion of the fenced in storage area behind the building.

Photo 5 is another picture of the storage area and a portion of the truck well.

Photo 6 is a photo of the 55' trailer.

Photo 7 is the backyard of the adjacent buildings looking west towards Meadowbrook.

Photo 8 is a view of the backyards of the adjacent buildings looking east. Please note the thick woods to the north which is mostly a wetland area.

This outside storage is very important to DHI staying in its current location and within the City of Novi. Because of the success of their business the warehouse portion of the building has remained full since they moved in. The material in the outside storage area is sold and replaced with new materials on a regular basis. The small trailers that are stored in the outside storage areas come and go regularly so that work can be performed on new jobs that DHI has obtained. They have no other place for these materials to be stored. The elimination of this outside storage will create a real practical difficulty for DHI. They would either have to rent another building or move out of the existing premises all together. DHI would consider a fence screening so that no one in this back alley could see what was inside of the fenced in storage area. This may be a good compromise and be of a benefit to both the City and to DHI. The granting of this variance could also be limited to this building owner.

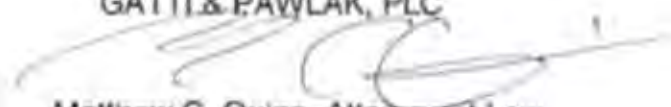
The issue of the 55' trailer being periodically parked in the parking lot area at the back of the building is causing some confusion with my client. This truck trailer is used periodically to take equipment to job sites. Sometimes it is parked and sometimes it is not. But, it is always used for DHI's regular business. When it is parked in the rear of the building it is not visible from Vincenti Court! Perhaps a compromise could be reached with the ZBA so that the trailer, if it is parked overnight, must be parked in the truck well. DHI would be agreeable to that condition.

By granting this variance, with or without conditions, it will provide substantial justice to DHI and the surrounding property owners in the district will not be affected. There are unique circumstances on this property in that the storage area pre-existed DHI's purchase of the building and it had always been used for outside storage. There is not an effect on adjacent properties because of the large wooded wetland to the north and the rear area of the buildings to the east and west is used for location of dumpsters, which do not have to be screened because they pre-existed the ordinance, for the parking of trucks for other businesses up and down the street and the like. There is no increase in fire danger or any impact on public safety. Further, property values in the area will not be diminished because the uses of the properties are not affected. Finally, the spirit of the zoning ordinance is observed because the outside storage area would be screened by materials and the truck would be parked in the truck well.

As there are seven vacant buildings on Vincent Court, the last thing the City needs is to add one more to that collection!

Respectfully submitted,

SEGLUND GABE QUINN
GATTI & PAWLAK, PLC



Matthew C. Quinn, Attorney at Law
On behalf of the Schweiger Family Properties and
DHI Equipment Sales & Service

MCQ/ckj
Enclosures
Cc: Ken Burke

1#



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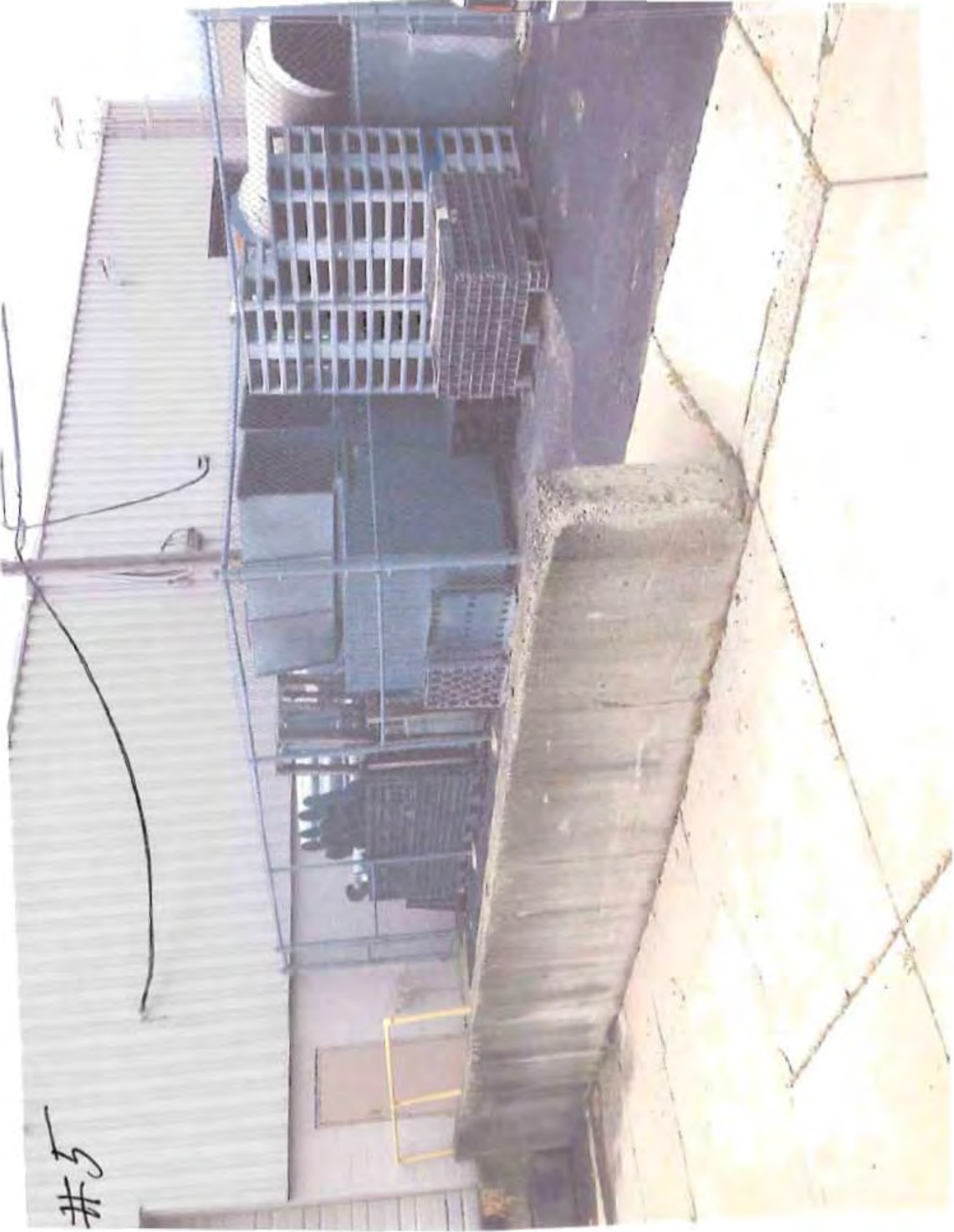


#3



#4





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#6

1321

7#





#8

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June 18, 2013

City of Novi
Zoning Board of Appeals Secretary
45175 West Ten Mile Road
Novi, MI 48375-3024

RE: DHI Equipment Sales & Service
41216 Vincenti Court

Dear Madam Secretary:

Please be advised that the undersigned attorney will be representing DHI Equipment Sales & Service at the Zoning Board of Appeals hearing on July 9, 2013.

Enclosed you will find documentation I have received from my client which is a letter dated June 17, 2013 to the building neighbors on Vincenti Court. Positive responses to the use of outside storage on the property have been received by Hall Engineering Company, 25400 Meadowbrook Road, Midwest Lanscape, Inc., 41290 Vincenti Court, Computer Group Inc., 41252 Vincenti Court, Acme Party Works, 41326 Vincenti Court, Eradico Services Inc., 41169 Vincenti Court, Automatic Valve at 41144 Vincenti Court, JSW at 41135 Vincenti Court, Paw Print at 41249 Vincenti Court, Smith Wood Floors Inc. at 41287 Vincenti Court and the Library Network at 41365 Vincenti Court.

I would ask that you make these positive responses to the variance part of the official record.

Very truly yours,

SEGLUND GABE QUINN
GATTI & PAWLAK, PLC


Matthew C. Quinn

MCQ/ckj
Enclosures
Cc: Ken Burke



June 17, 2013

DHI Equipment Sales and Service

41216 Vincenti Ct.
Novi, MI 47375
278-478-7815 Main
248-478-7849 Fax

Dear Neighbor,

DHI uses a fenced area behind our building on Vincenti Ct. for storage of job materials and small equipment (various metal pieces, small trailers, etc.). This area is behind our building, cannot be seen from the main road and was part of the building when we purchased it in 2009.

DHI also has a licensed and insured semi-trailer that is used for storage of job materials and is sometimes parked behind our building as well.

DHI has recently received complaints from the City of Novi on these two areas mentioned above. As our neighbor on Vincenti Ct. in Novi, we would like to know if you have any problems with DHI using these two areas for storage. We strive to keep our property neat and clean at all times and are happy to have taken a vacant building off of the market in Novi several years ago.

If you don't have any problems with DHI using these areas for storage, we ask you to please sign the 2nd page of this letter. Thank you in advance for your time and your help on this matter.

Sincerely,

Ken Burke
DHI Sales Manager
248-478-7815 Main
248-640-0803 Cell



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name: Russell Smith

Position: Purchasing Agent - BLD Manager

Company: HALL ENGINEERING CO

Address: 25400 Meadowbrook Rd
Novi, Michigan 48375



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name: Jon Schnetter
Position: General Manager
Company: Midwest Landscape, Inc.
Address: 41290 Vincenti Ct
Novi MI 48375



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name:

Beverly Ricci

Position:

V.P. Sales

Company:

Computer Group, Inc.

Address:

41252 Vincenti Court
Novi, MI 48375



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name:

Dan Miller

Position:

Vice President

Company:

Acme Parkways

Address:

41326 Vincenti Court

Novi, MI 48375



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name:

David Judd
VP

Position:

Company:

Eradico Services, Inc

Address:

41169 Vincenti Ct
Novi MI 48375



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name: KEVIN ARMSTRONG

Position: PROPERTY

Company: AUTOMATIC VALVE

Address: 41144 VINCENTI

[Signature]



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name:

SCOTT PAUNT *[Signature]*

Position:

SALES MGR

Company:

JSW

Address:

41135 VINCENTI COURT

NOVI MI 48325



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name: Paw PRINT

Position: _____

Company: Paw PRINT

Address: 41249 Vincenti Ct.
Novi, MI 48375



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name:

[Handwritten Signature]

Position:

owner / secretary.

Company:

Smith Wood Floors Inc.

Address:

41287 Vincenti Ct.
Novi, 48375



DHI Equipment

I do not have any problems with DHI and the use of outside storage on their property.

Name: Vince Nash

Position: Building supervisor

Company: The Library network

Address: 41365 Vincenti Ct.

Novi MI.