

# ZONING BOARD OF APPEALS STAF REPORT 

ZONING BOARD APPEALS DATE: December 13, 2016

REG ARDING: 48600 Grand River Ave., PARCEL \# 50-22-17-126-012
BY: Lary Butler, Deputy Director Community Development

## I. GENERALINFORMATION:

## Applicant

THE GODDARD SCHOOL OF NOVI

## Variance Type

DIMENSIONALAND SIGN VARIANCE

## Property Characteristics

Zoning District:
Location:
Parcel \#:

B-3 (GENERAL BUSINESS)
NORTH OF G RAND RIVER AVE. AND EASTOF WIXOM ROAD 50-22-17-126-012

## Request

The applicant is requesting a variance from the CITY OF NOVI Code of Ordinances; The applic ant is requesting a variance from the CITY OF NOVI Code of Ordinance; Sections 4.12.2.9 to allow a 113.04 square feet of recreation space/child, Section 5.4.2 to omit separate loading space, 4.19.2F to allow dumpster in side/front yard (do not have a rearyard), 4.19 to allow accessory play structures in side and front yard, 28-5.1.d.1to allow two ground signs and one wall sign one sign permitted. This property is zoned $B-3$ (General Business).

## II. STAFFCOMMENIS:

## Proposed Changes

The applic ant is requesting variances from the CITY OF NOVI Code of Ordinance; Sections 4.12.2.9 to allow a 113.04 square feet of recreation space/child, Section 5.4.2 to omit separate loading space, 4.19.2F to allow dumpster in side/front yard (no rearyard), 4.19 to allow a c essory play structures in side and front yard, 28-5.1d.1 to allow two ground signs one allowed and one wall sign one sign permitted. This property is zoned B-3 (General Business).

## III. RECOMMENDATION:

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

1. I move that we grant the variance in Case No. PZ16-0055, sought by
$\qquad$ diffic ulty requiring because Petitioner has shown practical
(a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because $\qquad$
$\qquad$
(b) The property is unique because $\qquad$
$\qquad$ -
(c) Petitionerdid not create the condition because $\qquad$
$\qquad$ -
(d) The relief granted will not unreasonably interfere with adjacent or surrounding propertiesbecause $\qquad$
$\qquad$ -
(e) The relief if consistent with the spint and intent of the ordinance because
$\qquad$ .
(f) The variance granted is subject to:
2. $\qquad$ .
3. $\qquad$ .
4. $\qquad$ .
5. $\qquad$ .
6. I move that we deny the variance in Case No. PZ16-0055, sought by for because Petitioner has not shown practic al diffic ulty requiring $\qquad$
(a) The circumstances and features of the property including__ are not unique because they exist generally throughout the City.
(b) The circumstances and features of the property relating to the variance request are self-c reated because $\qquad$ -
(c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial retum based on Petitioners statements that
$\qquad$ -
(d) The variance would result in interference with the adjacent and surrounding properties by $\qquad$ .
(e) Granting the variance would be inconsistent with the spint and intent of the ordinance to $\qquad$

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

La my Butler
Deputy Direc tor Community Development
City of Novi

cryothowirn

45175 Ten Mile Rodd Novi, Mi 48375
(248) 347-0415 Phone (248) 735-5600 Facsimile


# ZONING BOARD OF APPEALS APPLICATION 


B. PROPERTY OWNER $\square$ CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER

B. VARIANCE REQUESTED

INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:

1. Section 4.12 .2 .9 Variance requested
Allow 113.04 sf of Outdoor Recreation space/child
2. Section 5.4 .2
3. Section 4.19.2F Variance requested
Omit separate loading space
4. Section 4.19 Variance requested
Allow dumpster in side/ffont yard (do not have rear yard) Variance requested
Allow (2) accessory siructures in side \& front yard (play structures)
IV. FEES AND DRAWNINGS 5 . Sign Section 28-5.1.d. 1 Variance requested: Allow (2) ground signs.
A. FEES
5. Sign Section 28-5.1.d.1 Variance requested: Allow (i) wail sign.
$\square$ Single Family Residential (Existing) $\$ 200 \square$ (With Violation) $\$ 250 \square$ Single Family Residential (New) $\$ 250$
(7) Multiple/Commercial/Industrial $\$ 300 \quad \square$ (Wirh Violation) $\$ 400 \square$ Signs $\$ 300 \square$ (with Violation) $\$ 400$
$\square$ House Moves $\$ 300 \square$ Special Meetings (At discretion of Board) $\$ 600$
6. DRAWINGS 1-COPY \& 1 DIGITAL COPY SUBMITED AS A PDF

- Dimensioned Drawings and Plans - Exising \& proposed distance to adjacent property lines
- Site/Plot Plan - Location of existing \& proposed signs, if applicable
- Existing or proposed buildings or addition on the property - Floor plans \& elevations
- Number \& location of all on-site parking, if applicable. Any other information relevant to the Variance application


## ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE
A. VARIANCE (S) REQUESTED
( 7 DIMENSIONAL $\square$ USE $\square$ 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 ta 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 ternרs of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period langer 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
$\square$ CONSTRUCT NEW HOME/BUILDING $\square$ ADDITION TO EXISTING HOME/BUILDING $\square$ SIGNAGE
$\square$ ACCESSORY BUILDING $\square$ USE $\square$ OTHER Dimensional for Outdoor Recreation

## V1. APPLICANT \& PROPERTY SIGNATURES



## B. PROPERTY OWNER

If the applicant is not the owner, the property owner must read and sign below:
The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

See attached document for Owner signature
Property Owner signature $\quad$ Date

## VII. FOR OFFICIAL USE ONLY <br> DECISION ON APPEAL: <br> GRANTED <br> $\square$ DENIED

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

Community Development Department
45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Fa c simile
www.cityofnovi.org

## REVIEWSTANDARDS <br> DIMENSIONALVARIANCE

The Zoning Board of Appeals (ZBA) will review the applic ation package and determine if the proposed Dimensional Variance meets the required standardsfor approval. In the space below, and on additional paperif necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basisforgranting a Dimensional Variance.)

## Standard \#1. Circ umstances or Physic al Conditions.

Expla in the circumstances or physical conditions that apply to the property that do not a pply generally to other properties in the same zoning district or in the general vic inity. Circumstances or physic al conditions may include:
a. Shape of Lot Exceptional na rrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.
$\square$ Not Applicable $\square$ Applicable If applicable, describe below:

## and/or

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extra ordina ry situations on the la nd, building or struc ture. NotApplicable $\square$ Applicable If applicable, describe below:

Outdoor Recreation Variance - Due to the existing grading of the site, we have located the detention basin in the most practical location on the site to avoid more grading and retaining walls. The site could hold more Outdoor Recreation space if the existing grading were less of an impact on the layout.

## and/or

c. Abutting Property. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve signific ant practic al diffic ulties. $\square$ Not Applicable $\square$ Applicable If applicable, describe below:

## Standard \#2. NotSelf-Created.

Describe the immediate practical diffic ulty causing the need for the Dimensional Variance, 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-c reated).
Outdoor Recreation Variance - Goddard's standards for playground safety and size along with site constraints have limited the Outdoor Recreation area to keep the children safely away from the detention basin and parking lot areas.

## Standard \#3. Strict Compliance.

Explain how the Dimensional Va riance in strict compliance with regulations goveming 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 renderconformity with those regulations unnecessa rily burdensome.

Outdoor Recreation Variance - Strict compliance with the Ordinance prevents the school from using the site as the Goddard standards do not allow a vast open space for the children to play due to safety concerns and site slopes. If the Outdoor Recreation space met the Ordinance size requirement, the school would be required to provide a secondary fence to create a smaller portion of play area within the fenced in Outdoor Recreation area to conform to the Goddard school standards.

## Standard \#4. Minimum Variance Necessary.

Expla in how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the a pplic ant as well as to other property owners in the district.

Outdoor Recreation Variance - Goddard requires that the play areas are on flat ground and in a safe condition. We have worked with Goddard to provide the maximum acceptable Outdoor Recreation area based on their standards for safety in the areas where we have flat ground available on the site. The State (LARA) requirements for Outdoor Recreation area are 1,200 SF. We are providing 16,956 SF total of Outdoor Recreation space.

## Standard \#5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Outdoor Recreation Variance - Reducing the Outdoor Recreation space does not adversely affect the neighbors. The children will be limited to a smaller space on the site and this may be an advantage to the neighbors. The children's play area will not be a hazard to the neighbors' sites. The amount of children allowed outside at one time is limited to not more than (2) classrooms at one time, one classroom for each play area. Attached is the Goddard Playground Safety Policy for reference.

## Playground Safety Policy

## Policy Updated: July 2016

- The playground position charts and playground schedules must be placed beside each door leading to the playground,
- Playground sehedules should reflect time for each class to be outside in the moming and aftemoon; each elass should have thelr own plavround time. This practice allows proper supervision while mintinizing potential injuries
- The playground posttion chart illustrates equipment placement and where teachers should position themselves by the equipment.
- The orientation process for faculty members must include tratning on playground pasitions Interactions with the children and supervision techiniques
- A faculty member must be within arm's length of the climbing equipment anytime the children are playing on the equipment.
- Faculty members should not soctallize with their co workers durlng this time. They should endage the childrem and extend their leaming outdoors.
- The teachers must supervise the children by sight and sound at all times
- The director musi monitor what the faculty does and how wetl the faculty members supervise the children every day.
- The director must review the playground schedule every month to ensure that every age group is using the playground properly.
- Pror to the children foing outtide each morning, the School's management team must inspect the dutdoor play spaces every day using Goddard Systems, Inc.'s playground checklists and report.
- Safety hazards must be removed immedlately before the children may go outside.
- Playground gate alarms must be operational; If alarms are not working the playground areas cannot be used tuntil the alarms are operational.

Supporting Documents
Type Mame Moditied

There are no kems to show in this whew of the "Supportaxp Dicuments" docurtient lubrary. Supporting Videos

External Links


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$\square$ Not Applicable $\square$ Applicable If applicable, describe below:

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b. Environmental Conditions. Exceptional topographic or environmental conditions or other extra ordina ry situations on the land, building or struc ture. Not Applicable $\square$ Applicable If applicable, describe below:

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c. Abutting Property. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve signific ant practic al diffic ulties.Not Applicable Applicable

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Describe the immediate practical diffic ulty causing the need for the Dimensional Variance, 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-c reated).

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## Policy Updated: July 2016

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- Safety hazards must be removed immedately before the children may go outside.
- Playground gate alarms must be operational; If alarms are not working the playground areas cannot be used tuntil the alarms are operational.

Supporting Documents
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Supporting Videos

External Lunks
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REVIEW STANDARDS SIGN VARIANCE

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Sign Variance meets the required standardsforapproval. In the space below, and on additional paper if necessary, expla in how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basisforgranting a Sign Variance.)

## Standard \#l. Extraordinary Circ umstances or Conditions.

Expla in how the circ umstances or physical conditions a pplying to the property that do not apply generally to other properties in the same Zone District or in the general vic inity. C ircumstances or physic al conditions may include:
a. Shape of Lot A sign could not be placed in the location required by the Zoning Ordinance due to the shape, topography or other physical conditions of the lot or due to the location of an existing structure.

Not Applicable If applicable $\quad$ Aple, describe below:
Ground Sign Variance-
The site has frontage on (2) roads, Grand River Ave. and 12 Mile Rd. We would like to have a ground sign at both driveway entrances.

## and/or

b. Environmental Conditions. A sign could not be placed in the location required by the Zoning Ordinance without removing or severely altering natural features, such astrees, topography, draina ge courses or enc roaching upon stormwater facilities.Not ApplicableApplicable
If a pplic able, desc ribe below:

## and/ or

c. Abutting Property. A sign could not be rea sonably seen by passing motorists due to the configuration of existing build ings, trees, signs or other obstructions on an abutting property.
Not Applicable
Applicable
If a pplic able, desc ribe below:
d. Scale of Building or Lot Frontage. A sign that exceeds permitted dimensions for area and/or height could be considered appropriate in scale due to the length of the building frontage (wall sign only) or length of the lot frontage (ground sign only).
Not Applicable
Applicable
If a pplic able, describe below:
e. Not Self-Created. Describe the immediate practical diffic ulty causing the need for the Variance was not created by the applic ant or a ny person having an interest in the sign, sign struc ture, or property. $\square$ NotApplicable $\square$ Applicable

If a pplicable, describe below:

## Standard \#2. Limit Use of Property.

Expla in how 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 atta in a higher economic or fina ncial retum.

Outdoor Recreation Variance - Goddard requires that the play areas are on flat ground and in a safe condition. We have worked with Goddard to provide the maximum acceptable Outdoor Recreation area based on their standards for safety in the areas where we have flat ground available on the site. The State (LARA) requirements for Outdoor Recreation area are 1,200 SF. We are providing 16,956 SF total of Outdoor Recreation space.

## Standard \#3. Adverse Impact on Surrounding Area.

Expla in how the Sign Variance will not result in a use or structure that is incompatible with or unrea sonably 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 inc onsistent with the spint and intent of this chapter.

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(248) 735-5600 Fac simile
www.cityofnovi.org

REVIEW STANDARDS SIGN VARIANCE

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Sign Variance meets the required standardsforapproval. In the space below, and on additional paper if necessary, expla in how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basisforgranting a Sign Variance.)

## Standard \#l. Extraordinary Circ umstances or Conditions.

Expla in how the circ umstances or physical conditions a pplying to the property that do not apply generally to other properties in the same Zone District or in the general vic inity. C ircumstances or physic al conditions may include:
a. Shape of Lot A sign could not be placed in the location required by the Zoning Ordinance due to the shape, topography or other physical conditions of the lot or due to the location of an existing structure.

## $\square$ Not Applicable <br> ( Applicable <br> If a p plicable, describe below:

Ground Sign Variance-
The site has frontage on (2) roads, Grand River Ave. and 12 Mile Rd. We would like to have a ground sign at both driveway entrances.

## and/or

b. Environmental Conditions. A sign could not be placed in the location required by the Zoning Ordinance without removing or severely altering natural features, such as trees, topography, draina ge courses or encroaching upon stormwater facilities.Not ApplicableApplicable
If a pplic able, desc ribe below:

## and/ or

c. Abutting Property. A sign could not be rea sonably seen by passing motorists due to the configuration of existing buildings, trees, signs or other obstructions on an abutting property.
Not Applicable
Applicable
If a pplic able, desc ribe below:
d. Scale of Building or Lot Frontage. A sign that exceeds permitted dimensions for area and/or height could be considered appropriate in scale due to the length of the building frontage (wall sign only) or length of the lot frontage (ground sign only).
Not Applicable
Applicable
If a pplic able, describe below:
e. Not Self-Created. Describe the immediate practical diffic ulty causing the need for the Variance was not created by the applic ant or a ny person having an interest in the sign, sign struc ture, or property. $\square$ Not Applicable $\square$ Applicable

If a pplicable, describe below:

## Standard \#2. Limit Use of Property.

Expla in how 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 atta in a higher economic or fina ncial retum.

Outdoor Recreation Variance - Goddard requires that the play areas are on flat ground and in a safe condition. We have worked with Goddard to provide the maximum acceptable Outdoor Recreation area based on their standards for safety in the areas where we have flat ground available on the site. The State (LARA) requirements for Outdoor Recreation area are 1,200 SF. We are providing 16,956 SF total of Outdoor Recreation space.

## Standard \#3. Adverse Impact on Surrounding Area.

Expla in how the Sign Variance will not result in a use or structure that is incompatible with or unrea sonably 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 inc onsistent with the spint and intent of this chapter.

| THE GODDARD SCHOOL OF NoVI | $10-712$ |
| :--- | :--- |
| NoVI, MICHIGAN |  |



CAST STONE WITH BLUE | TRADEMARK SYMBOLS |
| :--- |
| 100 SF SIGN PER |
| CITY OF NOVI |
| CALCULATIONS |



| CAST STONE CAP |
| :--- |
| BRICK TO MATCH BUILDING |
| WHITE PANEL WITH BLUE CARVED LETTERS |
| 10 SF SIGN EACH <br> SIDE OF BASE |





PHOTO 3 - VARSITY LINCOLN - 12 MILE ROAD VIEW


PHOTO 2 - PNC BANK - 12 MILE ROAD VIEW
(1) GROUND SIGN + (1) WALL SIGN


PHOTO 1 - PNC BANK - GRAND RIVER AVE. VIEW





