



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Tuesday, August 13, 2024, 7:00 PM
Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415

- Call to Order:** 7:00 pm
- Roll call:** Chairperson Peddiboyina, Member Sanghvi, Member Thompson, Member Longo, Member Montague, Member Krieger, Member McLeod,
- Present:** Chairperson Peddiboyina, Member Sanghvi, Member Thompson, Member Longo, Member Montague, Member McLeod
- Absent Excused:** Member Krieger
- Also Present:** Alan Hall (Community Development Deputy Director), Beth Saarela (City Attorney), Sarah Fletcher (Recording Secretary)

- Pledge of Allegiance
- Approval of Minutes: **Approved**
- Approval of Agenda: **Approved**
- Public Remarks: **None**
- Public Hearings:

PZ24-0035 (The Bond) 43485 & 43555 Bond Street, south of Grand River Avenue, west of Novi Road, Parcel 50-22-22-226-009 & 50-22-22-226-008. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 4.82.2 for increasing the maximum percentage of one-bedroom units allowed for this development (50% maximum allowed, 59% proposed); Section 3.27.1.D to allow parking in the side yard for a commercial building (49 spaces); Section 3.27.1.D to allow parking in front yard for residential section (38 spaces); Section 3.27.1.D to allow parking in side yard for residential section (50 spaces on the east and 35 spaces on the west); Section 4.82.2.e for a reduction of the minimum building setback for Building 1 on the east side (15 ft. required 8.8 ft. proposed); Section 4.82.2.e for a reduction of the minimum building setback for Building 2 on the east side (15 ft. required, 3.8 ft. proposed); Section 4.82.2.e for a reduction of the minimum building setback for the parking garage on the west side (15 ft. required, 5 ft. proposed); Section 5.7.3.L for exceeding the maximum allowed foot candle measurements along the south property line (1 foot candle is allowed, up to 1.7 foot candles is proposed); Section 3.27.1.H. and Section 5.4.2 to allow two loading areas in the side yard for the residential section; Section 5.4.2 for a reduction in the minimum required loading area for each of the two loading spaces in the residential section (2,830 sq. ft. required, 644 sq. ft. provided); Section 3.27.1.I. for a reduction in width of the sidewalk along a non-residential collector (12.5 feet required on both sides, 8 feet proposed on west and 10 feet proposed on east); Section 5.3.2. for a reduction of the minimum parking bay depth for spaces proposed in the parking garage (19 ft. minimum required, 18 ft. proposed). This property is zoned Town Center-1 (TC-1).

I move that we grant the variance in Case No. PZ24-0035 sought by The Bond, for 9% increase of one-bedroom units, 49 parking spaces in the side yard for a commercial building, 38 parking spaces in the front yard for a residential building, 50 parking spaces on the east side yard for residential section, 35 parking spaces on the west yard for a residential, a 6.2 foot east side building setback, a 11.2 foot east side building setback, a parking garage for a 10 foot west side building setback, a lighting variance to allow up to 1.7 foot candles abutting the railroad tracks, two loading areas in the side yard for the residential section, 77.24% size reduction for both loading areas, 4.5 foot sidewalk width reduction along the west side of a nonresidential collector, 2.5 foot sidewalk width reduction along the east of the nonresidential collector and a 1 foot reduction of parking bay depth for the parking garage. Without the variance the Petitioner will be unreasonably prevented or limited in respect to use of the property because of the unique property, the narrowness of the property and the layout that's required to make that work. The property is unique because of its configuration and its location. There are no adjacent structures by it. Petitioner did not create the condition because they're utilizing an existing property, bringing much needed downtown activity. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it is essentially isolated from other properties with the barriers of railroad tracks and new road. The relief is consistent with the spirit and intent of the ordinance because it is encouraging the city main street development.

Motion Maker: Montague
Seconded: Sanghvi
Motion Carried: 6:0

PZ24-0036 (Fred Scott) 401 Duana Street, on South Lake Drive, west of Thirteen Mile Road, Parcel 50-22-03-478-013. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a front yard setback of 24.2 ft. (30 ft. required, variance of 5.8 ft.); Section 3.1.5 for an exterior side yard setback of 15 ft. (30 ft. required, variance of 15 ft.); Section 3.1.5 for an aggregate side yard total of 32.4 ft. (40 ft. required, variance of 7.6 ft.) and Section 3.1.5 for a rear yard setback of 17.4 ft. (35 ft. required, variance of 17.6 ft.); Section 3.1.5 for an increase in lot coverage to 31% (25% allowed, variance of 6%). This variance would accommodate a new single-family residence. This property is zoned One-Family Residential (R-4).

I move that we grant the variance in Case PZ24-0036 sought by Fred Scott, for five dimensional variances, four setback variances, and one lot coverage because Petitioner has shown practical difficulty requiring a variance to accommodate a single family home. Without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property because of the lots odd shape. The property is unique because the lots dimensions and really being five sided. Petitioner did not create the condition because of the odd shaped lot. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it would be an improvement to the area, the area would be an improvement. The relief is consistent with the spirit and intent of the ordinance, it goes back to no neighborhood complaints and it being an improvement.

Motion Maker: Thompson
Seconded: Sanghvi
Motion Carried: 6:0

PZ24-0037 (Simon Bach) 22537 Montebello Court, north of Nine Mile Road, west of Novi Road, Parcel 50-22-24-453-010. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 5.11.1.A.i to allow an 8 ft. privacy fence (6 ft. allowed, variance of 2 ft.); Section 5.11.1.C to omit the requirement that the fence be constructed of comparable materials on both front and back sides (wooden fence to be attached to existing steel posts); Section 5.11.3.C to omit to requirement of uniformity along property line (existing steel fence with a couple wood panels). This variance would accommodate some privacy at the rear of the property. This property is zoned One-Family Residential (R-1).

I make a motion that we grant the variance in Case No PZ24-applicant being Simon Bach of 22537 Montebello Court, Parcel number 50-22-24-453-010. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 5.11.1.A.i to allow an 8 ft. privacy fence, 6 ft. allowed, it requires a variance of 2 ft. Section 5.11.1.C to omit the requirement that the fence be constructed of comparable materials on both front and back sides, wooden fence to be attached to existing steel posts. Section 5.11.3.C to omit to requirement of uniformity along property line, existing steel fence with a couple of wood panels. This variance would accommodate some privacy at the rear of the property. The property is zoned One-Family Residential. The applicant has shown practical difficulty requiring the need for the variances. I have [personally inspected the property and noticed the problem. Without the variance the Petitioner will be unreasonably prevented respect to use of the property,

they need the privacy to enjoy their backyard. The property is unique because it is very small and pie shaped lot. It needs higher fence to create the privacy for the use of the current property. Petitioner did not create this difficulty, and the problem is not self-created. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it does not affect the neighbors. The relief is consistent with the spirit and intent of the ordinance. Thank you.

Motion Maker: Mcloed
Seconded: Sanghvi
Motion Carried: 4:2

Other Matters: None

Meeting Adjournment: 8:15 pm

Zoning Ordinance, Section 7.10.8 - 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).