

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: June 12, 2018

REGARDING: 25125 Regency Dr, Parcel #50-22-24-276-020 (PZ18-0021)
BY: Larry Butler, Deputy Director Community Development

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Applicant

Scott Leibovitz

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Light Industrial

Location: West of Haggerty Road and North of Grand River Avenue

Parcel #: 50-22-24-276-020

Request

The applicant is requesting variances from the City of Novi Zoning Code of Ordinance Section 4.19.2 to install an accessory structure in the side yard, accessory structures are required to be located in the rear yard by code. This property is zoned Light Industrial (I-1).

II. STAFF COMMENTS:

III. RECOMMENDATION:

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

| 1. | I | move | that | we | <u>grant</u> | the | variance | in | Case | No. I | PZ18-0021, | sought | by for |
|----|-----|------------|----------|-----------|--------------|---------|----------------|------|--------|----------|------------|------------|-----------|
| | | | | | | | | b | ecause | Petition | er has sh | own pra | ctical |
| | dit | ficulty re | equiring | 9 | | | | | | | | • | |
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| | | (b) The | e prope | erty is u | ınique b | ecaus | se | | | | · | | |
| | | (c) Pe | titioner | did no | ot create | e the c | condition be | caus | se | | · | | |

| | | (d) | | | | | | | | | terfere | | | acent | or s | surroun | ding |
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| | | (e) | The | relie | | | | | | • | d inter | | the | ordir — | nance | e bec | ause |
| | | (f) | The | variaı | nce (| grante | d is su | bject | to: | | | | | · | | | |
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| 2. | l | mo | ve | | | | - | | | | Case | No. | PZ1 | 8-002 | 1 , s | ought | by |
| | | | | | | | | | | | becau | | | | | | |
| | pra | ctic | al d | fficult | y rec | Juiring | | | | | | | | | | | · |
| | | (a) | The incluexis | uding <u>.</u> t gene | | | | | | | tures | | | | | | perty they |
| | | (b) | The | circu | msta | nces a | and fe | eatur | es of | | ty rela | | | | nce i | eques | t are |
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Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler Deputy Director Community Development City of Novi



PLAN REVIEW CENTER REPORT

May 25, 2018

Planning Review

Regency Lot 7: Chiller Unit JSP15-31

Petitioner

Ari-el Enterprises, Inc.

Review Type

Preliminary & Final Site Plan - Accessory Structure

Property Characteristics

Site Location:
 Section 24; North of Grand River Avenue and west of Haggerty

Road

Site School District: Novi Schools

Site Zoning: I-1: Light Industrial District
 Adjoining Zoning: I-1: Light Industrial District

• Site Use(s): Vacant

Adjoining Uses: Industrial/OfficeSite Size: 3.30 acres

• Building Size: 34,280 Square feet

• Site Plan Date: 05-01-18

Project Summary

The site construction is currently on-going on the subject property. The applicant is currently proposing to construct a chiller unit pad within the side yard on the south side.

Recommendation

The Preliminary Site Plan is **approved** contingent on approval of side yard location by Zoning Board of Appeals.

Ordinance Standards

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3 (Zoning Districts), Article 4 (Use Standards), Article 5 (Site Standards), and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed and incorporated as part of the final stamping sets.

- Location (Sec. 4.19.2.A): All accessory structures are to be located in the rear yard or interior side yard in the case of a double-fronted lot. The additional equipment is proposed to be located in the interior side yard due to its proximity to internal mechanical equipment, but the property does not have double frontage. The applicant has applied for a Zoning Board of Appeals variance. It is scheduled for ZBA consideration at their June 13, 2018 meeting. Please indicate the dimensions for the chiller unit pad on the drawing.
- 2. <u>Screening (Landscape Design Manual 1.e):</u> All generators are to be screened by the building, landscaping, or an enclosure constructed to match the building. The applicant has proposed 14 upright juniper plants for landscape screening around the proposed generator. Please indicate the maximum height of the chiller unit and the height of planting at the time of installation. The proposed landscape should be tall enough to completely screen the

generator within two years from the time of installation. Please update the plant list with the proposed screening Junipers.

3. Noise Levels (5.14.10.A.ii): The maximum permitted decibel levels at the property line in the I-1 are 75 decibels during the daytime hours and 70 decibels during nighttime hours. The applicant indicated a decibel level of 75.3 dB(A) at 10 feet, which results in an approximate level of 70 decibels at the property line (about 12 feet). Please a add note about decibel levels to the sheet and label the distance from edge of chiller unit pad and the property line.

NEXT STEP: Electronic Stamping Set Submittal

Please address the comments in bold above and resubmit electronically for informal review and approval prior to printing Stamping Sets.

Stamping Set Approval

Stamping sets are still required for this project. After receiving all the necessary approvals, please submit <u>5 size 24" x 36" copies with original signature and original seals</u>, to the Community Development Department for final stamping set approval.

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or skomaragiri@cityofnovi.org.

Sri Ravali Komaragiri, Planner



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 (Addr | ess of subject ZBA C | (ase) | Application Fee: | 500.00 |
|---|--|--|--------------------------|-------------------|
| PROJECT NAME / SUBDIVISION | | | | |
| Ari-El Regency Centre - Unit 7 ADDRESS | | I LOT TOWN TO TOWN OF THE | Meeting Date: 👤 | me 16,0018 |
| 25125 Regency Drive | | 7 | | |
| SIDWELL # | May be a | obtain from Assessing | IBA Case #: PZ | 3-0021 |
| 50-22- 24 _ 276 _ 020 | | ent (248) 347-0485 | | |
| CROSS ROADS OF PROPERTY Haggerly Road and Grand River | Manual Property and Control of the C | | | |
| IS THE PROPERTY WITHIN A HOMEOWNER'S ASSO | OCIATION JURISDICTION? | REQUEST IS FOR: | | |
| ☑ YES □ NO | | ☐ RESIDENTIAL ☑ COM | MERCIAL TOVACANT PR | OPERTY DISCHAGE |
| | 105.05.4101.471011.00 | | | OFERT E GIOTATOL |
| II. APPLICANT INFORMATION | ICE OF VIOLATION OR | CITATION ISSUED? | 5 LI NO | |
| | EMAIL ADDRESS | | CELL PHONE NO. | |
| A. APPLICANT | ScottL@ari-el.com | | 248-388-6000 | |
| NAME | | | TELEPHONE NO. | |
| Scott Leibovitz | | | 248-557-3800 | |
| ORGANIZATION/COMPANY Ari-El /25175 Regency LLL | | | FAX NO. | |
| ADDRESS | | CITY | STATE | ZIP CODE |
| 29355 Northwestern Highway - Suite 301 | | Southfield | MI | 48034-1045 |
| B. PROPERTY OWNER | RE IF APPLICANT IS ALSO | O THE PROPERTY OWNER | | |
| Identify the person or organization that | EMAIL ADDRESS | | CELL PHONE NO. | |
| owns the subject property: | | | TELEPHONE NO. | |
| TYCAYLE | | | TELEFRONE NO. | |
| ORGANIZATION/COMPANY | | | FAX NO. | |
| ADDRESS | | CITY | STATE | ZIP CODE |
| III. ZONING INFORMATION | | | | |
| A. ZONING DISTRICT | | | | |
| | □ R-3 □ R-4 | □ RM-1 □ RM-2 | □ . | |
| | _ | | □ MH | |
| | ☐ TC ☐ TC-1 | \square other | | |
| B. VARIANCE REQUESTED | | | | |
| INDICATE ORDINANCE SECTION (S) AND ' | | | | 4 13 15 |
| 1. Section | ariance requested | Allow Allesony St | where in si | do yand |
| 2. SectionV | ariance requested | | | |
| 3. SectionV | 'ariance requested | | | |
| | ariance requested | | | |
| IV. FEES AND DRAWNINGS | | | | |
| A. FEES | | | | |
| Single Family Residential (Existing | ı) \$200 🗆 (With Viole | ation) \$250 🗆 Sinale Fami | Ty Residential (New) \$3 | 250 |
| ☐ Multiple/Commercial/Industrial \$ | | | | |
| □ House Moves \$300 | | eetings (At discretion of Bo | , | |
| · · | TAL COPY SUBMITTED | <u> </u> | -·· -·// T = = = | |
| Dimensioned Drawings and Plans | | | l distance to adjacen | property lines |
| Site/Plot Plan | | Location of existing | & proposed signs, if a | |
| Existing or proposed buildings or a- | | erty • Floor plans & eleva | tions | |
| Number & location of all on-site po | arking, if applicable | Any other informati | on relevant to the Var | iance 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 CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING SIGNAGE ACCESSORY BUILDING USE OTHER Connected to the Building Official / Inspector or Ordinance made |
| |
| VI. APPLICANT & PROPERTY SIGNATURES |
| A. APPLICANT 5/1/18 |
| Applicant Signature Date |
| 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. Property Owner Signature Date |
| 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 tare aware of the contents of this application and related enclosures. Property Owner Signature VII. FOR OFFICIAL USE ONLY |
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| 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. Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED |
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| 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. Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED |
| 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. Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED |



Community Development Department

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REVIEW STANDARDS DIMENSIONAL VARIANCE

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if 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 basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

a. Shape of Lot. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment. Describe below:

The chiller pad needs to be placed in the southwest corner of the property which puts it in the side yard. The chiller will not be visible from the road and is well screened and will not be visible. This is the only place it could be placed because the environmental chamber that it connects to is placed along the south west wall of the lab area. There is not another suitable place for this small chiller and pad to go which is exclusively used for the environmental chamber the tenant uses for testing materials in.

OR

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

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 significant practical difficulties. **Describe** below:

Standard #2. Not Self-Created.

Describe the immediate practical difficulty 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-created).

Based on the way the building laid out for the tenant the only place the environmental chamber could be placed in the lab area was along the south wall and this piece of equipment needs to be serviced by this chiller thus the only place the chamber could fit in was along the south wall forcing us to place the chiller pad in the side yard set back.

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in 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. If we are not granted the variance the chiller can not be installed and the tenant can not use the equipment it intends to use as part of leasing this building.

Standard #4. Minimum Variance Necessary.

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. We are requesting this minimum variance to place the chiller pad within the 21' side set back yard, no neighbors would be adversely effected if the variance is granted.

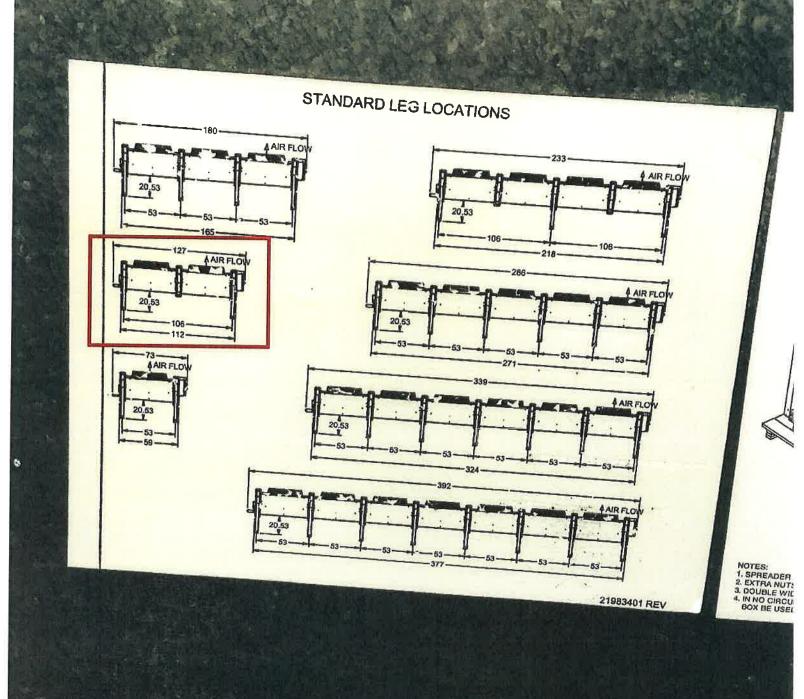
Standard #5. Adverse Impact on Surrounding Area.

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.

The chiller pad will not negatively impact any of the adjacent properties. It will be screened by landscaped material beyond what is already existing.

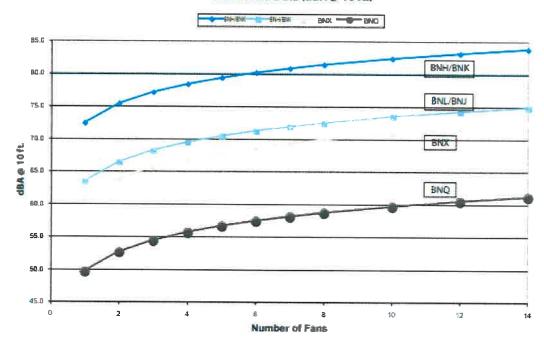


proposed location of chiller/put



Sound Data for 3-Phase A/C, 1140 Series and Rail Mounted VSEC





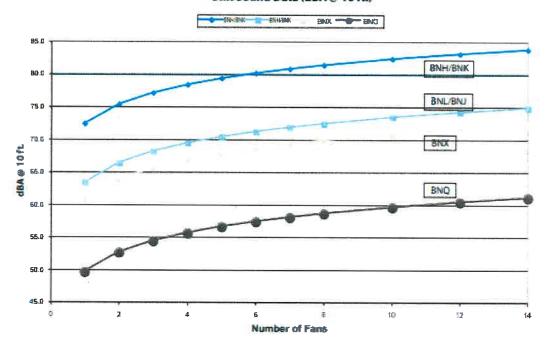
**2-FAN_75.3 dBA @ 10FT

Unit Sound Data (dBA @ 10 ft.)

| Fans | BNH/BNK | BNL/BNJ | BNX | BNQ |
|------|---------|---------|------|------|
| | 773 | 63.4 | 60.8 | 49.6 |
| 2 | 75.3 | 66.4 | 63.8 | 52.6 |
| | | î | 1 | 25.5 |

Sound Data for 3-Phase A/C, 1140 Series and Rail Mounted VSEC

Unit Sound Data (dBA @ 10 ft.)



Unit Sound Data (dBA @ 10 ft.)

| Fans | BNH/BNK | BNL/BNJ | BNX | BNQ |
|------|---------|---------|------|------|
| | 72.3 | 63.4 | 60.8 | 49.6 |
| 2 | 75.3 | 66.4 | 63.8 | 52.6 |
| - | | | | |

