



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:** November 15, 2016

REGARDING: 51395 West Ten Mile Road, Parcel # 50-22-30-100-010

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

ROAD COMMISSION FOR OAKLAND COUNTY

Variance Type

DIMENSIONAL VARIANCE

Property Characteristics

Zoning District:	R-A (Residential Acreage)
Location:	SOUTH OF TEN MILE ROAD AND EAST OF NAPIER ROAD
Parcel #:	50-22-30-100-010

Request

The applicant is requesting a variance from the CITY OF NOVI Code of Ordinance Section 4.10(1) for a dimensional variance for site less than 3 acres. Minimum size 3 acres allowed. This property is zoned R-A (Residential Acreage).

II. STAFF COMMENTS:

Proposed Changes

Request is for a reduce acreage lot less than 3 acres minimum required. For new church building.

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. **PZ16-0050**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.
- (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.
- (b) The property is unique because _____.

- (c) Petitioner did not create the condition because _____
_____.
- (d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because _____
_____.
- (e) The relief is consistent with the spirit and intent of the ordinance because _____
_____.
- (f) The variance granted is subject to:
 - 1. _____.
 - 2. _____.
 - 3. _____.
 - 4. _____.

2. I move that we **deny** the variance in Case No. **PZ16-0050**, sought by _____,
for _____ because Petitioner has not shown practical difficulty requiring _____.

- (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-created because _____
_____.
- (c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioner's statements that _____.
- (d) The variance would result in interference with the adjacent and surrounding properties by _____.
- (e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to _____
_____.

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



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION Napier Road Project				Meeting Date: _____	
ADDRESS 51395 W. Ten Mile Road, Novi, MI 48374		LOT/SIUTE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22-30-100-010		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY Napier Road and 10 Mile Road					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS smithm@rcoc.org		CELL PHONE NO. 248-763-9572	
NAME Road Commission for Oakland County, Attn: Michael Smith, Right-of-Way Manager				TELEPHONE NO. 248-645-2000	
ORGANIZATION/COMPANY Road Commission for Oakland County				FAX NO. 248-645-0452	
ADDRESS 31001 Lahser Road		CITY Beverly Hills	STATE Michigan	ZIP CODE 48025	
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS pastorshafer@yahoo.com		CELL PHONE NO. 734-595-8574	
NAME The First Free Will of Baptist Church, Attn: Pastor Shafer				TELEPHONE NO. 734-368-0311	
ORGANIZATION/COMPANY The First Free Will of Baptist Church				FAX NO. NA	
ADDRESS 51395 W. Ten Mile Road		CITY Novi	STATE Michigan	ZIP CODE 48374	
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input checked="" type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>4.10 (1)</u> Variance requested <u>Dimensional Variance for site less than (3) acres</u>					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600					
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
<ul style="list-style-type: none"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • Any other information relevant to the Variance 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 _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

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

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

GRANTED

DENIED

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

Chairperson, Zoning Board of Appeals

Date



Community Development Department

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

Not Applicable Applicable If applicable, describe below:

and/or

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

Not Applicable Applicable If applicable, describe below:

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 significant practical difficulties.

Not Applicable Applicable If applicable, 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).

Due to the Napier Road Project that requires an acquisition of a Highway Easement from this property. Prior to the acquisition of the Highway Easement the property size is 145,536 sf (3.34 ac) or Net if existing Road Right-of-Way 121,248 sf (2.78 ac). The Road Commission for Oakland County will acquire from the property owners an additional 27,963 sf (0.64 ac) for a Highway Easement to construct a Roundabout at the intersection of Napier Road and Ten Mile Road. After the acquisition the property site size will be 93,285 sf (2.14 ac). The need for this requested variance is not the result of actions of the property owner, but a direct result of a Public Road Project on Napier and Ten Mile Road.

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.

The regulation governing site area requirement for a Places of Worship is a minimum of 3 acres. The property owner will only have 2.14 acres on their remaining site. The Dimensional Variance is need to allow the property owners to redevelop the remaining site as a Places of Worship. It would be unreasonably not to allow their redevelopment since this situation is not the fault of the property owners.

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.

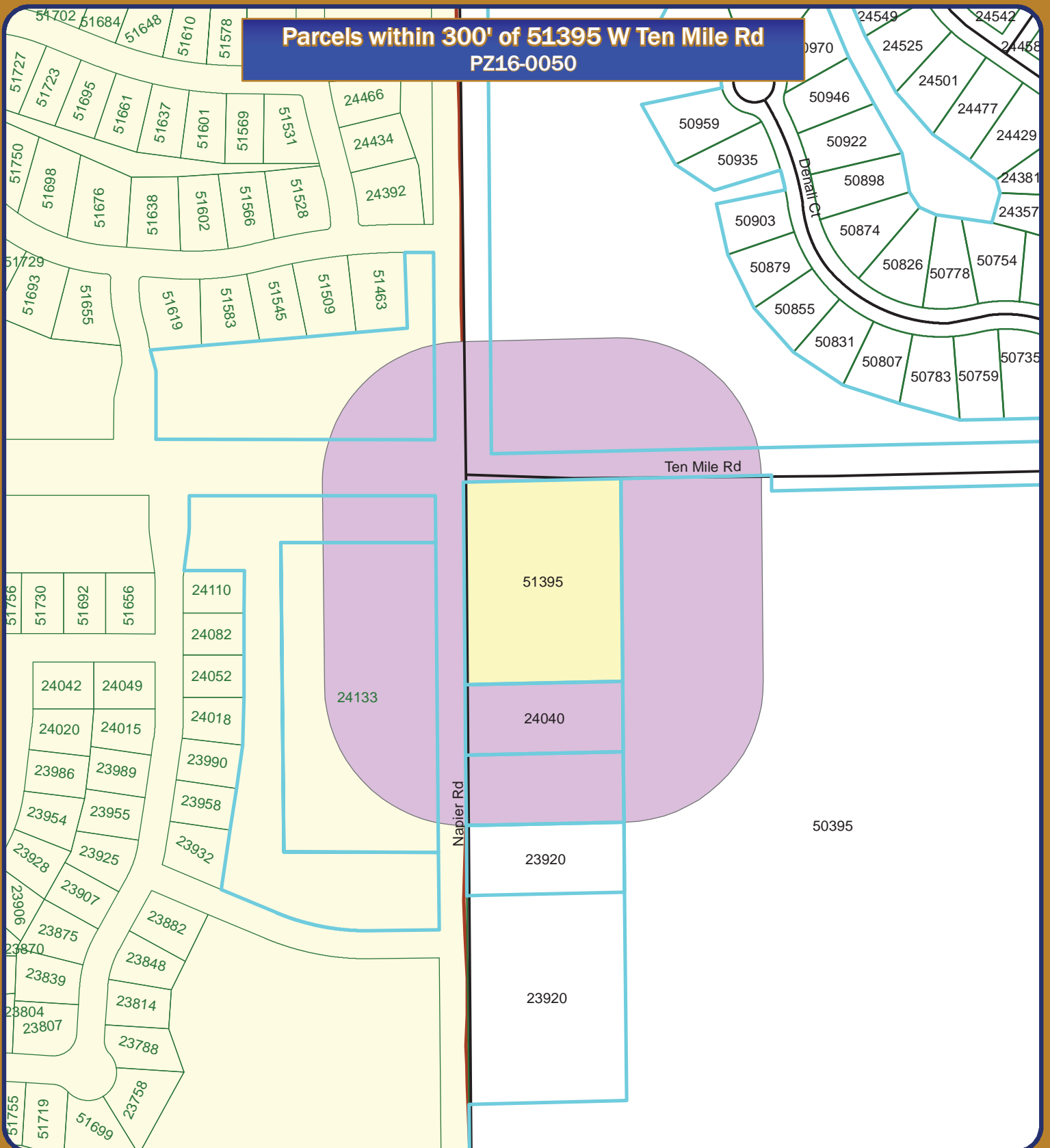
The granting of the Dimensional Variance will allow the property owners to redevelop the site as a Place of Worship. The Variance request is to allow the property owners to develop their remaining property as a Place of Worship with less than the required 3 acres. The remainder site has 2.14 acres and allow the development would be in the best interest of the property owner, other property owners and the community.

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 property is currently used as a Religious complex, consisting of a Church and hall. The granting of a Dimensional Variance, which will allow the property owners to redevelop their Religious complex on their remainder will not cause and adverse impact on surrounding property, property values, or the use and enjoyment of properties in the neighborhood or zoning district. This is true since the property will continue to be used in the same matter prior to the granting of the Dimensional Variance.

**Parcels within 300' of 51395 W Ten Mile Rd
PZ16-0050**



Map Author: Jon Gartha
Date: October 13, 2016
Address List for 50-22-30-100-010
Version #: 1.0

Amended By:
Date:
Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- 300' Buffer
 - Subject Property
 - Tax Parcel
- Municipality**
- Novi
 - Novi Twp.



City of Novi

IT Department
GIS Division
45175 Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 280 feet

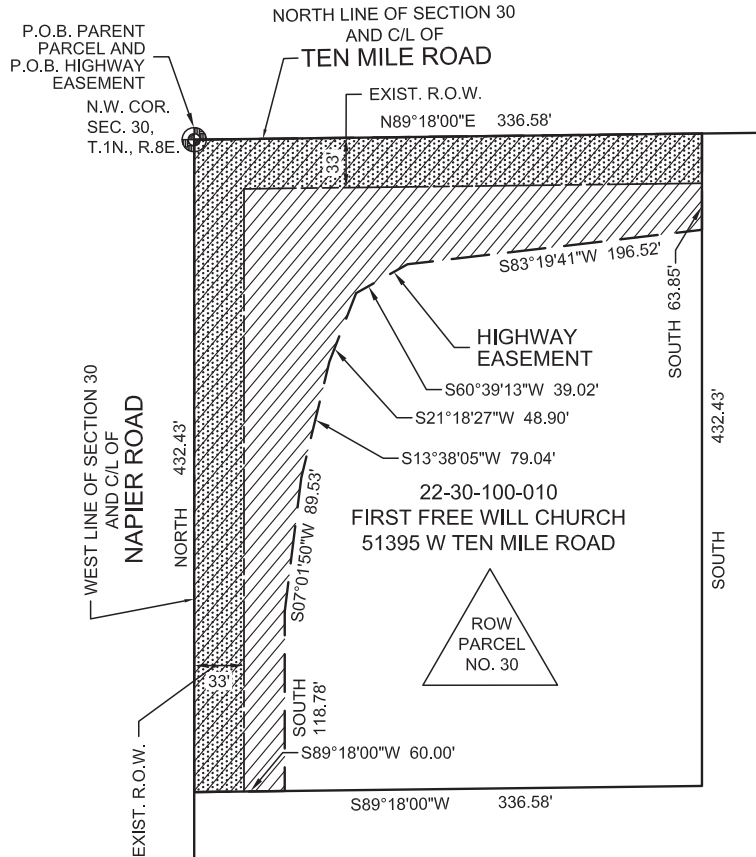




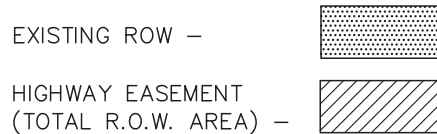
1" = 100'

EXHIBIT A

PARCEL 22-30-100-010
51395 W TEN MILE ROAD



LAND AREAS	
PARCEL	= 145,536 SFT
EXISTING R.O.W.	= 24,288 SFT
HIGHWAY EASEMENT	= 27,963 SFT
HIGHWAY EASEMENT (TOTAL R.O.W.)	= 52,251 SFT
PARCEL REMAINDER AFTER TOTAL HIGHWAY EASEMENT	= 93,285 SFT



BEARINGS BASED ON QUIT CLAIM DEED RECORDED IN LIBER 19432, PAGE 173, OAKLAND COUNTY RECORDS.

ROAD COMMISSION
for OAKLAND COUNTY

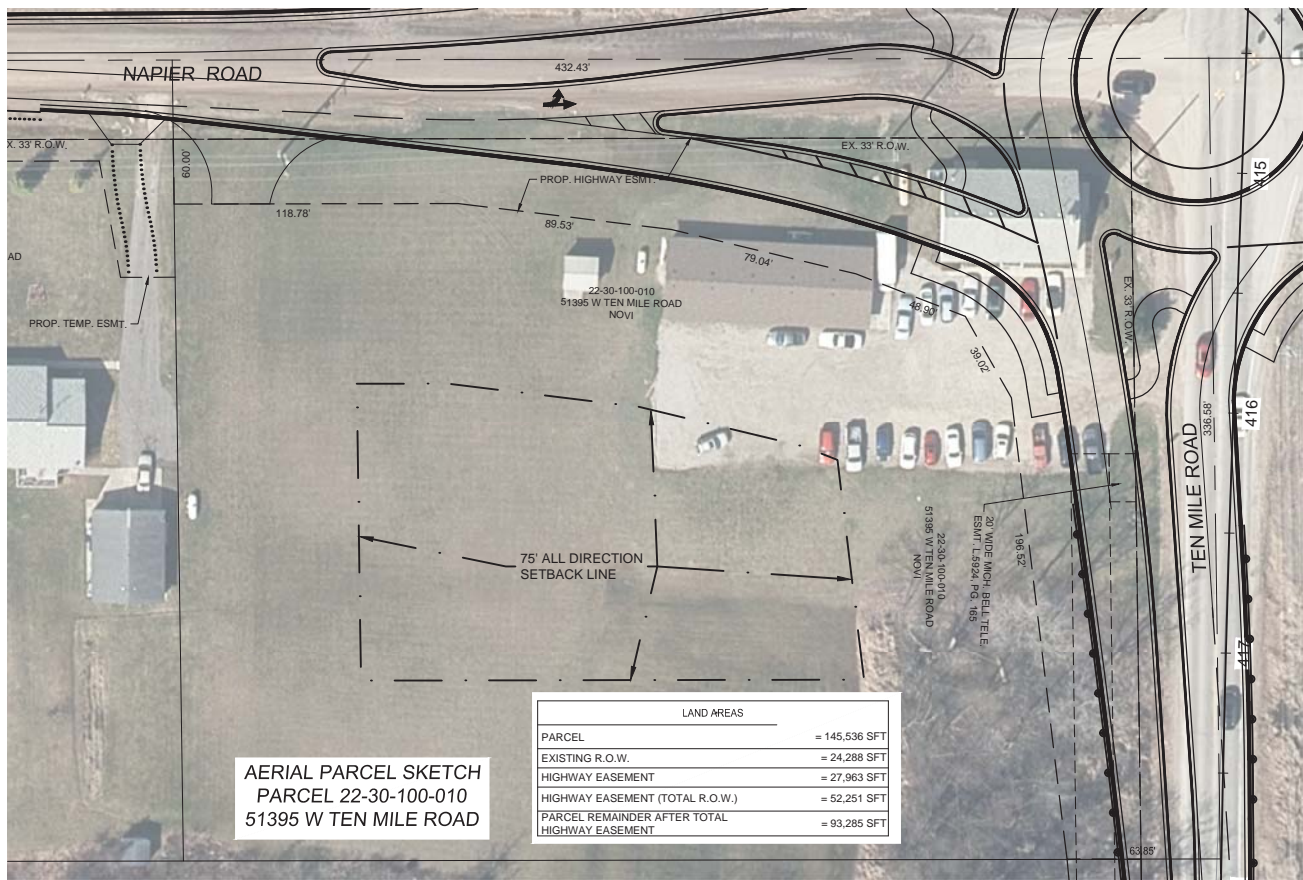
RIGHT OF WAY DIVISION
PHONE: 877-858-4804 WEB: WWW.RCOCWEB.ORG

NAPIER ROAD
PARCEL 22-30-100-010

SECTION 30, T.1N., R.8E.,
CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

DATE:	9/21/2016
PROJECT NUMBER:	52111
DRAWN BY:	AMR, KAL
CHECKED BY:	
SHEET:	1 OF 1

PROJECT 22111 - NAPIER ROAD TO TEN MILE ROAD PROJECT NUMBER 22111 ROW AND CD SHEET 21 OF 31 11/14/16



AERIAL PARCEL SKETCH
PARCEL 22-30-100-010
51395 W TEN MILE ROAD

LAND AREAS	
PARCEL	= 145,536 SFT
EXISTING R.O.W.	= 24,288 SFT
HIGHWAY EASEMENT	= 27,963 SFT
HIGHWAY EASEMENT (TOTAL R.O.W.)	= 52,251 SFT
PARCEL REMAINDER AFTER TOTAL HIGHWAY EASEMENT	= 93,285 SFT



Know what's below.
 Call before you dig.



1" = 40'



ROAD COMMISSION
 FOR CRAWFORD COUNTY
 BEVERLY HILLS, MICHIGAN
 PHONE: 877-858-4804 WEB: WWW.RCOCWEB.ORG

PROJECT NO.
 52111
 DATE
 7/26/2016

AERIAL PARCEL SKETCH
 NAPIER ROAD
 9 MILE TO 10 MILE

DESIGN PHASE
 DESIGN PHASE
 SHEET NO.
 1 OF 1