

## **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: October 13, 2015

## REGARDING: OAKLAND ORAL SURGERY (CASE NO. PZ15-0037)

BY: Thomas M. Walsh, Building Official

## GENERAL INFORMATION:

## **Applicant**

Kelly Brothers on the behalf of Oakland Oral Surgery

Variance Type Dimensional Variance

## **Property Characteristics**

Zoning District: Site Location: Parcel #: NCC, Office Service District 25000 Joseph, south of Grand River Ave and east of Meadowbrook Road 50-22-24-332-001 & 50-22-24-332-002

## <u>Request</u>

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 4.19.1 B a variance of 10.0 feet in the required south side yard setback (20 feet required, 10 feet proposed) to allow a backup generator in the required side yard.



## II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
Subject Property	NCC, Office Service District	Pinebrook Professional Plaza	TC Gateway
North	I-1, Light Industrial District	Novi Commerce Center	TC Gateway
South	NCC, Office Service District	Pinebrook Professional Plaza	TC Gateway
East	I-1, Light Industrial District	Kroger of Michigan	TC Gateway
West	NCC, Office Service District	Leslie Park Subdivision	TC Gateway

## **III. STAFF COMMENTS:**

## Existing Condition

The subject property consists of one- (1) lot located on the southeast side of Grand River Ave. The parcel has approximately 116.9 feet of frontage on Grand River Ave. and approximately 475.32 feet deep as measured along east side yard lot line. The existing building is located 46.0 feet from the front yard lot line, 20.0 feet from the east side yard lot line, 40.0 feet from the west side yard lot line, and 104.0 feet from the rear yard lot line.

The existing 5-foot wide sidewalk (ramp) and A/C units is located 15.0 feet from the east side yard lot line.

## IV. DEVELOPMENT STANDARDS:

The table below summarizes the zoning district development standards for the subject parcels.

Lot Size		Minimum Setback			
Area	Width	Front	Sides	Aggregate Side	Rear
NCC 2 Acres	200 ft.	40 ft.	20 ft.	40 ft. (total of two side)	20 ft.

## V. USE STANDARDS:

<u>Accessory Structures (Section 4.19.1 B);</u> requires all accessory structures to be located in the rear yard. The applicant is proposing to construct a new backup generator within in south side yard at the existing Oakland Oral Surgery property. As proposed, the generator would result in a setback of 10.0 feet from the south side yard lot line. **This requires a variance of 10.0 feet in the required south side yard setback.** 

## VI. RECOMMENDATION:

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

- 1. Grant I move that we grant the variance(s) in Case No.PZ15-0037, sought by ,for \_\_\_\_\_ because the Petitioner has established that \_\_\_\_\_ causes a practical difficulty relating to the property, including some or all of the following criteria: (a) Petitioner has established that the property is unique because \_\_\_\_, or that the physical condition of the property creates the need for a variance because And, the condition is not a personal or economic hardship. (b) The need for the variance is not self-created, **because**\_\_\_\_\_ (c) Strict compliance with dimensional regulations of the Zoning Ordinance, including \_\_\_\_\_, will (either): 1. unreasonably prevent Petitioner from using the property for the permitted purpose as a \_\_\_\_\_, because\_\_\_\_\_, and/or, 2. will make it unnecessarily burdensome to comply with the regulation because\_\_\_\_\_. (d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not\_\_\_\_\_\_. (e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because \_\_\_\_\_. (f) The variance granted is subject to the conditions that: 1. 2.
  - 3. \_\_\_\_\_,

Case # PZ15-0037

- 2. Deny I move that we <u>deny</u> the variance in **Case No.PZ15-0037**, sought by \_\_\_\_\_\_, for \_\_\_\_\_\_ because the Petitioner has <u>not</u> established a practical difficulty because:
  - (a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by\_\_\_\_\_.
  - (b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated \_\_\_\_\_\_.
  - (c) The need for the variance is self-created because Petitioner

(d) Conforming to the ordinance would not (either):

- 1. be unnecessarily burdensome because \_\_\_\_\_, or,
- 2. unreasonably prevent petitioner from using the property for \_\_\_\_\_, because\_\_\_\_\_.
- (e) A lesser variance consisting of \_\_\_\_\_\_would do substantial justice to Petitioner and surrounding property owner's because\_\_\_\_\_.
- (f) The proposed variance would have adverse impact on surrounding property because \_\_\_\_\_\_.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0415

Thomas M. Walsh Building Official City of Novi

TOM WALSH BY - Sept 10th



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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** 

RECEIVED

SEP 1 0 2015 CITY OF NOVI COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Add	ess of subject 784 Co	sa)	Application Fee:	\$.300-	
PROJECT NAME / SUBDIVISION		and the second		1715	
Oakland Oral Surgery		LOT/SIUTE/SPACE #	Meeting Date: 1(	) - 15 - 15	
ADDRESS 25000 Joseph			1	5 0027	
SIDWELL # 50-22- 24 - 332 - 0		otain from Assessing nt (248) 347-0485	BA Case #: PZ	5-0051	
CROSS ROADS OF PROPERTY Joseph and Grand River					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASS	OCIATION JURISDICTION?	REQUEST IS FOR:			
□ YES 🗹 NO		RESIDENTIAL COM		OPERTY SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOT	ICE OF VIOLATION OR C		s 🗆 no	*****	
II. APPLICANT INFORMATION		en de la companya de La companya de la comp			
A. APPLICANT EMAIL ADDRESS Jane@Kelleybrotherslc.		com	CELL PHONE NO.		
NAME Kelley Brothers LC			TELEPHONE NO. 734-462-6266		
ORGANIZATION/COMPANY			FAX NO. 734-462-6223		
ADDRESS		CITY	STATE	ZIP CODE	
37100 Amrhein Road		Livonia	MI	48150	
	RE IF APPLICANT IS ALSO	THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:	EMAIL ADDRESS		CELL PHONE NO.		
NAME			TELEPHONE NO.		
Oakland Oral Surgery ORGANIZATION/COMPANY			248-347-0485 FAX NO.		
OKGANIZATION/COMPANY			TAANO.		
ADDRESS		CITY	STATE	ZIP CODE	
25000 Joseph	and the second second	Novi	MI	48375	
III. ZONING INFORMATION A. ZONING DISTRICT	and the second second	and the second se	and a state of the state of the state		
$\square$ R-A $\square$ R-1 $\square$ R-2	□ R-3 □ R-4	□ RM-1 □ RM-2 [	□ MH		
$\Box$ +1 $\Box$ -2 $\Box$ RC					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND	ARIANCE REQUESTED:				
1. SectionV	ariance requested				
2. SectionV	ariance requested		3		
3. SectionV	3. SectionVariance requested				
4. SectionV	ariance requested				
IV. FEES AND DRAWNINGS					
A. FEES					
Single Family Residential (Existing	) \$200 🗌 (With Violat	ion) \$250 🗌 Single Fami	ly Residential (New) \$2	250	
Multiple/Commercial/Industrial \$	300 🗌 (With Violat	ion) \$400 🗌 Signs \$300	(With Violation) \$4	400	
House Moves \$300	Special Me	etings (At discretion of Bo	ard) \$600		
	AL COPY SUBMITTED			· ·	
Dimensioned Drawings and Plans     Site (Plat Plan)		Existing & proposed			
<ul> <li>Site/Plot Plan</li> </ul>		<ul> <li>Location of existing</li> </ul>	a proposed signs, it d	phicaple	

• 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

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### 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** <u>ten-(10)</u> 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.

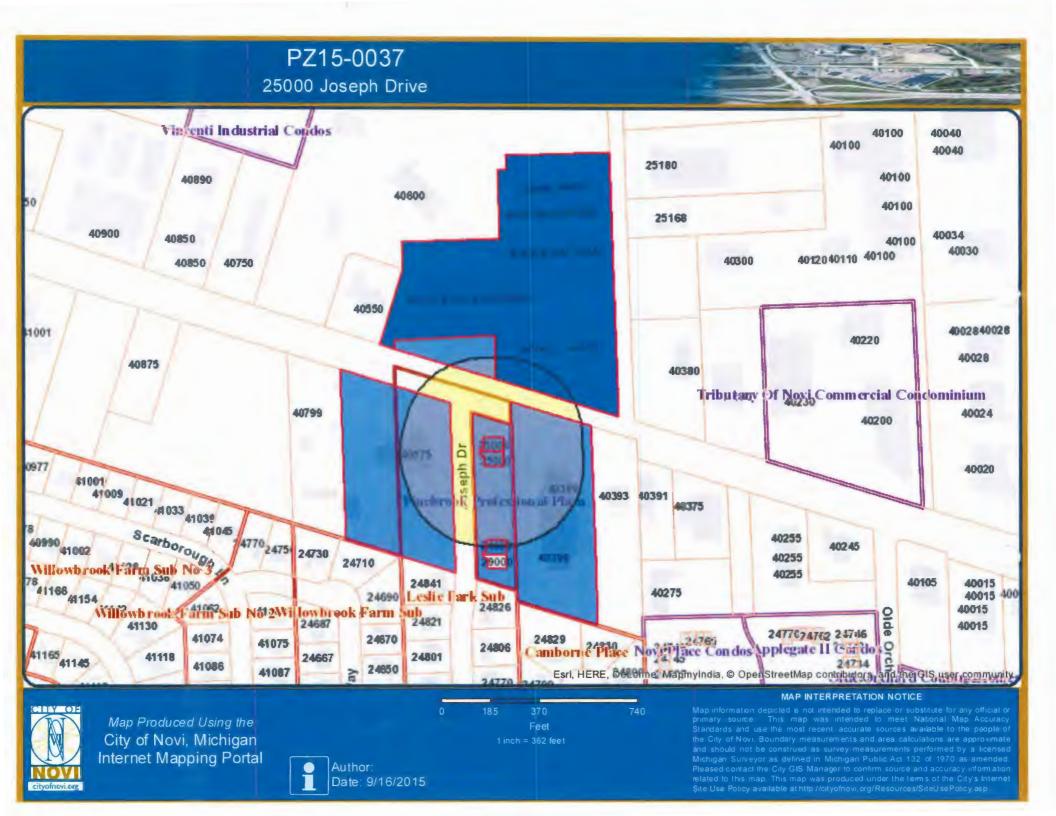
No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or a building such order 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:

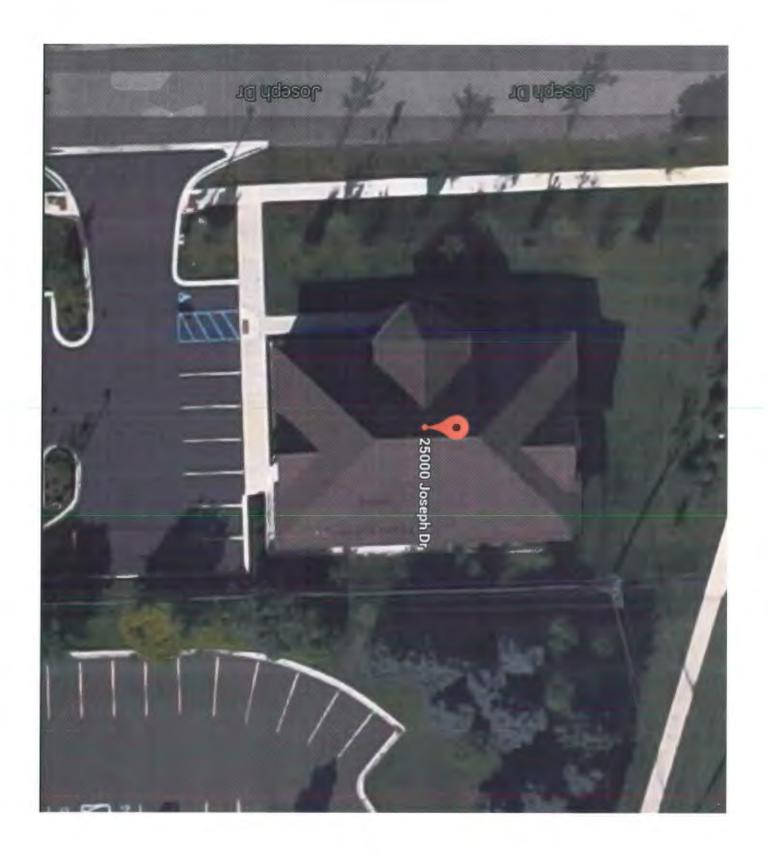
The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

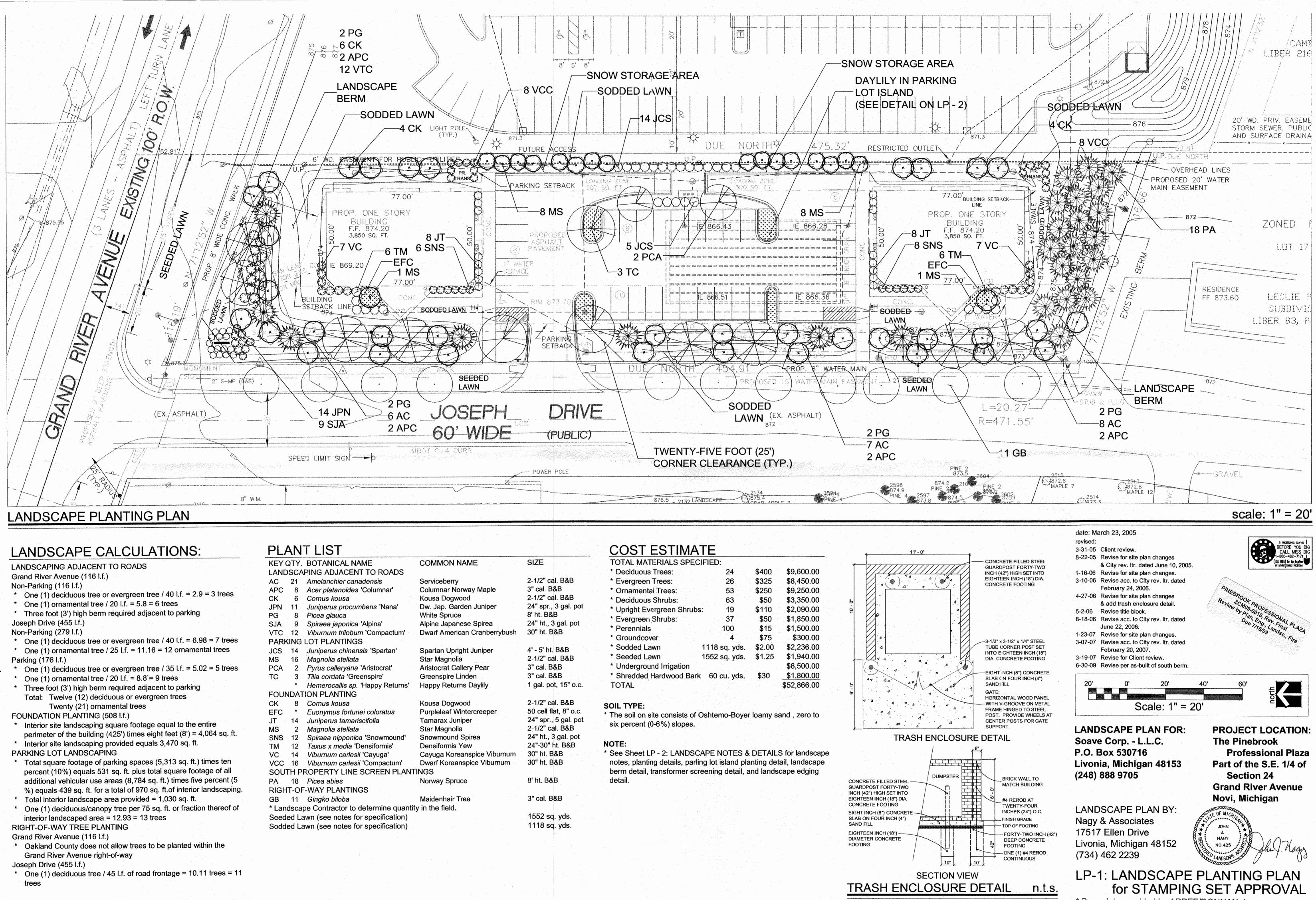
CONSTRUCT NEW HOME/BUILDING LI ADDITION TO EXISTING HOME/BUILDING LI	SIGNAGE
VI. APPLICANT & PROPERTY SIGNATURES	
A. APPLICANT Appliedrit Signature	9-9-15 Date'
B. PROPERTY OWNER	
If the applicant is not the owner, the property owner must read and sign below. The undersigned affirms and acknowledges that he, she or they are the owner(s) of the application, and is/are aware of the contents of this application and related enclosures	property described in this
	Gluba
Presente Dela	9/10/15
Property Owner Signature	9/10/15 Date
Property Owner Signature	
-	
VII. FOR OFFICIAL USE ONLY	
VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED	Date
VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL:	Date





25000 Joseph Brive Nov.





PLANT LIST			COST ESTIMATE	<u>* 11'-0"</u>
KEY QTY. BOTANICAL NAME	COMMON NAME	SIZE	TOTAL MATERIALS SPECIFIED:	* (777777777777777777777777777777777777
LANDSCAPING ADJACENT TO ROADS			* Deciduous Trees: 24 \$400 \$9,600.00	
AC 21 Amelanchier canadensis	Serviceberry	2-1/2" cal. B&B	* Evergreen Trees: 26 \$325 \$8,450.00	
APC 8 Acer platanoides 'Columnar'	Columnar Norway Maple	3" cal. B&B	* Ornamentai Trees: 53 \$250 \$9,250.00	
CK 6 Cornus kousa	Kousa Dogwood	2-1/2" cal. B&B	* Deciduous Shrubs: 63 \$50 \$3,350.00	6
	Dw. Jap. Garden Juniper	24" spr., 3 gal. pot	* Upright Evergreen Shrubs: 19 \$110 \$2,090.00	
5	White Spruce	8' ht. B&B	* Evergreen Shrubs: 37 \$50 \$1,850.00	E F
	Alpine Japanese Spirea	24" ht., 3 gal. pot	* Perennials 100 \$15 \$1,500.00	
•	Dwarf American Cranberrybush	30" ht. B&B	* Groundcover 4 \$75 \$300.00	
PARKING LOT PLANTINGS			* Sodded Lawn 1118 sq. yds. \$2.00 \$2,236.00	
	Spartan Upright Juniper	4' - 5' ht. B&B	* Seeded Lawn 1552 sq. yds. \$1.25 \$1,940.00	
<b>.</b>	Star Magnolia	2-1/2" cal. B&B		
	Aristocrat Callery Pear	3" cal. B&B		
	Greenspire Linden	3" cal. B&B	* Shredded Hardwood Bark 60 cu. yds. \$30 <u>\$1,800.00</u>	AT 44 47
	Happy Returns Daylily	1 gal. pot, 15" o.c.	TOTAL \$52,866.00	
FOUNDATION PLANTING	Kausa Dagwaad	2-1/2" cal. B&B		
	Kousa Dogwood	50 cell flat, 8" o.c.	SOIL TYPE:	· · · · · · · · · · · · · · · · · · ·
	Purpleleaf Wintercreeper Tamarax Juniper	24" spr., 5 gal. pot	* The soil on site consists of Oshtemo-Boyer loamy sand , zero to	4 4 4
•	Star Magnolia	2-1/2" cal. B&B	six percent (0-6%) slopes.	4 4 4
	Snowmound Spirea	24" ht., 3 gal. pot		TRASH E
	Densiformis Yew	24"-30" ht. B&B	NOTE:	INAGIL
	Cayuga Koreanspice Viburnum	30" ht. B&B	* See Sheet LP - 2: LANDSCAPE NOTES & DETAILS for landscape	
	Dwarf Koreanspice Viburnum	30" ht. B&B	notes, planting details, parling lot island planting detail, landscape	
SOUTH PROPERTY LINE SCREEN PLANTIN	•		berm detail, transformer screening detail, and landscape edging	
	Norway Spruce	8' ht. B&B	detail.	CONCRETE FILLED STEEL
RIGHT-OF-WAY PLANTINGS				GUARDPOST FORTY-TWO
	Maidenhair Tree	3" cal. B&B		INCH (42") HIGH SET INTO EIGHTEEN INCH (18") DIA.
* Landscape Contractor to determine quantity				CONCRETE FOOTING
Seeded Lawn (see notes for specification)		1552 sq. yds.		EIGHT INCH (8") CONCRETE
Sodded Lawn (see notes for specification)		1118 sq. yds.		SAND FILL
				EIGHTEEN INCH (18")
				DIAMETER CONCRETE
				· · · · · · · · · · · · · · · · · · ·

