



cityofnovi.org

ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting

Tuesday, August 14, 2018

Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415

- Call to Order:** 7:00pm
- Roll call:** Members Byrwa, Member Ferrell, Member Gronachan, Chairperson Krieger, Member Olsen, Member Nafso, Member Peddiboyina, and Member Sanghvi
- Present:** Members Byrwa, Member Gronachan, Member Olsen, Member Peddiboyina, and Member Sanghvi
- Absent Excused:** Member Ferrell, Chairperson Krieger, and Member Nafso
- Also Present:** Larry Butler (Community Development Deputy Director), Beth Saarela (City Attorney), Katherine Oppermann (Recording Secretary)

The board moved and approved the appointment of Member Gronachan as acting Chairperson for the duration of the meeting.

Pledge of Allegiance
Approval of Agenda:
Approval of Minutes:
Public Remarks:

APPROVED as amended, PZ18-0029 postponed
APPROVED as amended for minor typo line 15
None

Public Hearings:

- PZ18-0033 (Halis Roziali) 25869 Strath Haven Dr, East of Beck Road and South of Eleven Mile Road, Parcel #50-22-21-101-014.** The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.1 to reduce the front yard setback to proposed 40 feet, 45 feet minimum required, to reduce the rear yard setback to proposed 40 feet, 50 feet minimum required and reduce the combined side yard aggregate to proposed 42.84 feet, 50 minimum required. This property is zoned Residential Acreage (RA).

The motion to approve case PZ18-0033 requesting variance to allow reduced front yard, rear yard and aggregate side yard setbacks was approved. The petitioner has shown practical difficulty in dealing with the unique size and shape of the non-confirming lot. The relief granted will not unreasonably interfere with adjacent or surrounding properties as it is consistent with the setbacks of surrounding properties.

*Maker: Member Byrwa
Seconded: Member Sanghvi
Motion passed 5-0*

2. **PZ18-0036 (DTN Management Company/Tricap Holdings, LLC), West of Novi Road and South of Grand River Avenue, Parcels #50-22-22-226-005 & 50-22-22-226-003**

The applicant is requesting variances from the City of Novi Zoning Ordinance Sections:

4.82.2, to increase the maximum percentage of one bedroom units allowed for this development by 8 percent (58% proposed, 50% maximum allowed by code).

3.27.1D, to allow parking in side yard for commercial building for proposed 49 spaces, allow parking in front yard for residential section (approximately 38 spaces) and to allow parking in side yard for residential section (approximately 50 spaces in east side and 35 spaces in west side. No front yard or side yard parking allowed by code.

4.82.2.e, to allow for the reduction of minimum building setbacks for Building 1 on east side of building (15ft required, a minimum of 12 feet with overhang of 8.81 feet proposed for an approximate length 12 feet, total building length is 283 feet, 30 feet minimum setback required. To allow for the reduction of minimum building setback for Building 2 on east side of building (15 ft required, a minimum of 8 feet with overhang of 3.8 feet proposed for an approximate length 16 feet, total building length is 283 feet, 30 feet minimum setback required. To allow for the reduction of minimum building setback parking garage on the west side of building (15 feet required, 5 feet proposed for entire structure, total building length is 283 feet, 30 feet minimum setback required by code.

5.7.3E, to allow for the increase of average to minimum light level ratio for the site (4:1 maximum is allowed, 4.8:1 proposed).

5.7.3K, to exceed maximum allowed foot candles along the south property line abutting railroad tracks (1 foot candle maximum allowed, up to 1.7 foot candles is proposed for a small area) 1 foot candle maximum allowed where a site abuts a nonresidential district .

3.27.1H and 5.4.2, to allow two loading areas in the side yard for the residential section. All loading and unloading within the TC-1 district shall be in the rear yard by code, 5.2.4 to reduce the minimum required loading areas for each of the two spaces in residential section (2,830 square feet required, 644 square feet provided).

3.27.1.I, to reduce the width of the sidewalk along a nonresidential collector (12.5 feet required on both sides, 8 feet proposed on west side and 10 feet asphalt path proposed on east side of road. 12.5 feet required by code.

5.3.2, to reduce the minimum parking bay depth for spaces proposed in parking garage (18 feet proposed, 19 feet minimum required by code). This property is zoned Town Center-1 (TC-1).

The number of variances requested in case PZ18-0036 necessitated the board to make several motions to cover their full breadth, all were approved. The motions made by Member Olsen are as follows:

I move that we grant the variance in Case number PZ18-0036, sought by DTN Management Company and Tricap Holdings, LLC because the Petitioner has shown practical difficulty in meeting strict requirements of the ordinance, with regard to the following:

With regard to the maximum number of one bedroom units, to grant the variance from Section 4.82.2, to increase the maximum percentage of one bedroom units

allowed for this development by 8 percent (58% proposed, 50% maximum allowed by code). This variance is granted because Petitioner has established that the property is unique because it is in the Town Center District which is intended to encourage an urban “Main Street” with mixed land uses and shared parking, and Petitioner has proposed a use meeting the spirit and intent of the ordinance to the extent that it is proposed for development as a multi-family residential development and provides an urban apartment living style by providing for additional on-site services and amenities, such as and including, a dog park, bike repair, dog wash, gyms, studios and conference rooms, as well as providing the appropriate mix of luxury one-bedroom units with numerous site amenities. Without the proposed mix of on-site amenities and services and luxury one-bedroom units, the development would not be marketable as an urban “Main Street” development. The need for the variance is not self-created, because the property is located in the Town Center District and the use proposed is consistent with the uses permitted in that District. Furthermore, strict compliance with dimensional regulations of the Zoning Ordinance, including providing for a greater number of multiple bedroom units, would unreasonably prevent Petitioner from using the property for the permitted purpose as an urban “Main Street” development. Petitioner has established that variance is the minimum variance necessary because a lesser variance would not provide the proper mix of upscale one-bedroom units to support the on-site amenities and services necessary to market the development as a urban “Main Street,” development. 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 the use is consistent with other Town Center District uses, and is not near low-density single-family residential developments since it is located in the TC-District and is immediately surrounded by existing railroad tracks, a road, and a cemetery.

*Maker: Member Olsen
Seconded: Member Peddiboyina
Motion passed 5-0*

With regard to the parking in the side yard and in the front yard, to grant the variance from Section 3.27.1D:

- a. To allow parking in side yard for the commercial building for 49 spaces,**
- b. To allow parking in front yard for the residential use (approximately 38 spaces), and**
- c. To allow parking in side yard for the residential use (approximately 50 spaces on the east side and 35 spaces on the west side).**

This variance is granted due to the practical difficulty associated with the shallowness and narrowness of the property, which was created in large part by the Petitioner’s donation of land to the City for the purpose of realigning Flint Street in accordance with the City’s plans. The variance is not self-created, because there is a need to realign Flint Street for public health, safety, and welfare

purposes. The variance is the minimum variance necessary because Petitioner has taken all steps available to minimize the variance by providing the two-level parking structure as allowed in the rear yard. 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 the use is consistent with other Town Center District uses, and will not unnecessarily interfere with adjacent or surrounding properties because it is immediately surrounded by between by the existing railroad tracks, a road, and a cemetery.

*Maker: Member Olsen
Seconded: Member Sanghvi
Motion passed 5-0*

With regard to the building setbacks, to grant the variance from Section 4.82.2.e, to allow for the reduction of minimum building setbacks for:

- a) Building 1 on east side of building (15 feet required, a minimum of 12 feet with overhang of 8.81 feet proposed for an approximate length 12 feet, total building length is 283 feet,**
- b) Building 2 on east side of building (15 feet required, a minimum of 8 feet with overhang of 3.8 feet proposed for an approximate length 16 feet, total building length is 283 feet,**
- c) Parking garage on the west side of building (15 feet required, 5 feet proposed for entire structure, total building length is 283 feet.**

This variance is granted due to the practical difficulty associated with the shallowness and narrowness of the property, which was created in large part by the Petitioner's donation of land to the City for the purpose of realigning Flint Street in accordance with the City's plans. The variance is not self-created, because there is a need to realign Flint Street for public health, safety, and welfare purposes. The variance is the minimum variance necessary because Petitioner could not construct a viable building within the required setbacks. 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 the use is consistent with other Town Center District uses, and will not unnecessarily interfere with adjacent or surrounding properties because it is immediately surrounded existing railroad tracks, a road, and a cemetery.

*Maker: Member Olsen
Seconded: Member Peddiboyina
Motion passed 5-0*

With regard to the exterior lighting, to grant the variance from Section 5.7.3E, to allow for the increase of average to minimum light level ratio for the site (4:1 maximum is allowed, 4.8:1 proposed), and from Section 5.7.3K, to exceed maximum allowed foot candles along the south property line abutting railroad tracks (1 foot candle maximum allowed, up to 1.7 foot candles is proposed for a small area). This variance is granted due to the practical difficulty associated

with the shallowness and narrowness of the property. which was created in large part by the Petitioner's donation of land to the City for the purpose of realigning Flint Street in accordance with the City's plans. The variance is not self-created, because there is a need to realign Flint Street for public health, safety, and welfare purposes. The variance is the minimum variance necessary because smaller candle lighting would not provide adequate lighting in or about the area of the railroad tracks for safety purposes. 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 the lighting is consistent with other Town Center District uses, and given that there is no residential development near the property, the lighting will not unnecessarily interfere with adjacent or surrounding properties because it is immediately surrounded by existing railroad tracks, a road, and a cemetery.

*Maker: Member Olsen
Seconded: Member Sanghvi
Motion passed 5-0*

With regard to the variances for loading areas in the side yard, the reduced public sidewalk and pathway widths, and the reduced the parking bay depth, the variances are granted due to the practical difficulty associated with the shallowness and narrowness of the property, which was created in large part by the Petitioner's donation of land to the City for the purpose of realigning Flint Street in accordance with the City's plans. The variance is not self-created, because there is a need to realign Flint Street for public health, safety, and welfare purposes. The variance is the minimum variance necessary because a lesser variance would not permit for either a viable size apartment development or for the appropriate realignment of Flint Street for safety purposes. 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 the lighting is consistent with other Town Center District uses, and given that there is no residential development near the property, the lighting will not unnecessarily interfere with adjacent or surrounding properties because it is immediately surrounded by existing railroad tracks, a road, and a cemetery.

*Maker: Member Olsen
Seconded: Member Sanghvi
Motion passed 5-0*

- PZ18-0031 (Pulte Homes of Michigan, LLC), East of Novi Road and North of Nine Mile Road, Parcel #50-22-26-300-015.** The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.17.D for a 40 feet building setback along north property line, 37 feet building setback along west property line, 27 feet building setback along east property line, whereas 75 feet minimum is required along all property lines. Section 3.8.2D for the perimeter building orientation to be less than the minimum required 45 degrees from all property lines. This property is zoned Low-Density Multiple-Family (RM-1).

The motion to approve case PZ18-0031 requesting variance to allow reduced building setbacks and for the perimeter building orientation to be less than the minimum required 45 degrees from all property lines was approved. Without the variance the petitioner will be unreasonably prevented or limited with respect to use of the property because of the topography, woodlands, wetlands, and gradient of the terrain. The petitioner did not create the condition because they are the natural characteristics of the parcel. The relief granted will not unreasonably interfere with adjacent or surrounding properties as it is well screened.

*Maker: Member Sanghvi
Seconded: Member Peddiboyina
Motion passed 5-0*

4. **PZ18-0029 (Hillside Investments/D. Hardin) 25540 Seeley Rd, West of Haggerty Road and North of Grand River Ave, Parcel #50-22-24-251-027.** The applicant is requesting a variance from the City of Novi Zoning Ordinance Sections: 3.6.2F.ii and 4.19.2 to reduce the required north parking setback from 100 feet (proposed 55 feet) and to place two accessory structures in the south side yard. Except where otherwise permitted and regulated, accessory structures shall be located in the rear yard. This property is zoned Light Industrial (I-1).

Case PZ17-0063 was postponed to allow correction for a noticing error, it has been moved to the September 11th, 2018 Meeting

5. **PZ18-0035 (My House Fitness/Signarama) 43443 Grand River Ave 230, West of Novi Road and South of Grand River Avenue, Parcel #50-22-22-227-029.** The applicant is requesting variances from the City of Novi Code of Ordinances Section 28.5 for the installation of an additional wall sign for back of building, one wall sign allowed per business. This property is zoned Town Center-1 (TC-1).

The motion to approve case PZ18-0035 requesting variance for the installation of an additional wall sign was approved. Without the variance the petitioner will be unreasonably prevented or limited with respect to use of the property because the building's storefront is obstructed, making it difficult for clients to find the location. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the signage will be consistent with the other tenants of the building.

*Maker: Member Peddiboyina
Seconded: Member Sanghvi
Motion passed 5-0*

6. **PZ18-0027 (Araneae Inc/Ascension Providence Hospital) 47601 Grand River Ave, West of Beck Road and South of Grand River Ave, Parcel #50-22-17-400-046.** The applicant is requesting a variance from the City of Novi Code of Ordinance Section 28-5 to allow the installation of 19 additional wall and ground signs. Some of the additional signs exceed the allowed height and area limits. A wall sign and ground sign are allowed by right. The property is zoned Office Service Commercial (OSC).

The motion to approve case PZ18-0027 requesting variance for the installation of nineteen additional wall and ground signs was approved. The petitioner has shown practical difficulty requiring the changes in signs for the new departments at the hospital campus. Without the variance the petitioner will be unreasonably prevented or limited with respect to use of the property because the signs are necessary for the navigation of the large campus by patients and visitors. The property is unique due to its size and terrain.

*Maker: Member Sanghvi
Seconded: Member Peddiboyina
Motion passed 5-0*

7. **PZ18-0034 (TBON LLC) 46100 Grand River Ave, West of Taft Road and North of Grand River Avenue, Parcel #50-22-16-251-024.** The applicant is requesting variances from the City of Novi Code of Ordinances Section 28.5 to install five new additional oversized full screened changeable copy signs. The allowable changeable copy portion of a sign shall not exceed two thirds (0.66) of the sign area. The proposed signs are in addition to those already installed and allowed by right or previous variances. This property is zoned OST District with EXO Overlay (EXO).

The motion to approve case PZ18-0034 requesting variance for the installation of five new additional oversized full screened changeable copy signs was approved. Without the variance the petitioner will be unreasonably prevented or limited with respect to use of the property because of the size and scale of the showplace building. The property is unique because of the number of events and activities that take place on premise.

*Maker: Member Peddiboyina
Seconded: Member Sanghvi
Motion passed 5-0*

Meeting Adjournment: 8:48 PM

Zoning 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 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).