



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 10, 2017

REGARDING: 30155 Hudson Dr, Parcel # 50-22-04-152-024 (PZ17-0043)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Oak Electric/Fujitsu 10

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Light Industrial
Location: East of Beck and South of W Pontiac Trail
Parcel #: 50-22-04-152-024

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19.2.A. for the installation of a side yard generator in the north side set back of the building.

This property is zoned Light Industrial (I-1).

II. STAFF COMMENTS:

Parking lot inhibits the installation of the generator in the rear area.

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. **PZ17-0043**, 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 if 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. **PZ17-0043**, 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 Petitioners 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

RECEIVED

AUG 24 2017

CITY OF NOVI
 COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$300.⁰⁰</u>	
PROJECT NAME / SUBDIVISION Fujitsu 10				Meeting Date: <u>Oct. 10 2017</u>	
ADDRESS 30155 Hudson Drive Novi		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 17-0043</u>	
SIDWELL # 50-22-04152024		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>pontiac trail / west hudson</u>					
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 checked="" type="checkbox"/> COMMERCIAL <input 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 gary@oakelectric.com		CELL PHONE NO. 2487896821	
NAME Gary Pipia				TELEPHONE NO. 2486234900	
ORGANIZATION/COMPANY Oak Electric				FAX NO. 2486234911	
ADDRESS 5492 Dixie Highway		CITY Waterford		STATE MI	ZIP CODE 48329
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		CELL PHONE NO.	
NAME				TELEPHONE NO.	
ORGANIZATION/COMPANY Fujitsu 10				FAX NO.	
ADDRESS 30155 Hudson Drive		CITY Novi		STATE MI	ZIP CODE 48337
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input 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 checked="" type="checkbox"/> T-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>4.19.2.A</u> Variance requested <u>side yard generator</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 generator

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

Date

8/22/17

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

8/27/17

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

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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:

type of lot does not allow for rear property generator install / Existing Parking

OR

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

same as above

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:**

generator will be 32' away from property line / Industry offices on all sides

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).

not self created

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.

~~zoning will not allow to be installed rear property~~

Parking Lot in Rear

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.

~~zoning will not allow to be installed rear property~~

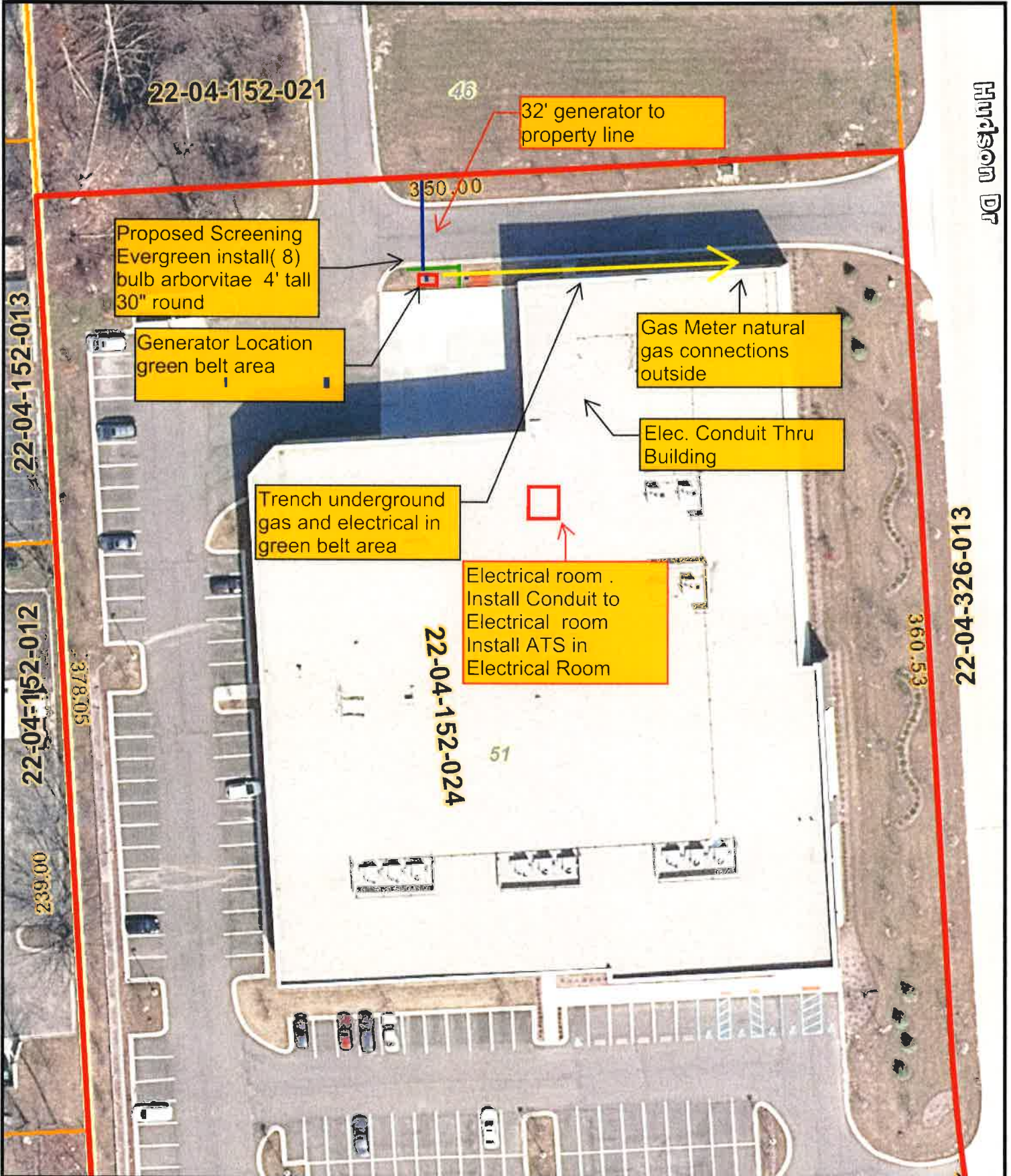
Parking Lot in Rear

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.

will not adverse impact- evergreens will screen view from road or abutting lots

30155 Hudson



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND
 COUNTY EXECUTIVE
 L. Brooks Patterson
 Oakland County Executive

Date Created: 4/27/2017

 NORTH
 1 inch = 50 feet



PLAN REVIEW CENTER REPORT

July 12, 2017

Planning Review

Fujitsu - Generator

JSP17-50

8/7/17
Samuel
EVP, Admin

8/7/17

Petitioner

Oak Electric

Review Type

Preliminary/Final Site Plan

Property Characteristics

- Site Location: 30155 Hudson Drive
- Site School District: Novi Community School District
- Site Zoning: I-1, Light Industrial
- Site Use(s): Offices and Warehouse
- Adjoining Zoning: North, East, and South are I-1, Light Industrial; West : South Lyon
- Site Size: 3.77 acres
- Site Plan Date: 04-27-2017

Project Summary

The applicant is proposing a generator installation at an existing building at 30155 Hudson Drive.

Recommendation

Approval of the Preliminary/Final Site Plan is **recommended** contingent on the variances being approved by the ZBA.

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.

1. Administrative Approval (Sec. 6.1.C): A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances: when the site is already the subject of a previously approved site plan and the reviewed plan only proposes the construction of an accessory structure. *This plan qualifies for administrative approval.*
2. Location (Sec. 4.19.2.A): All accessory structures are to be located in the rear yard. **The additional equipment is proposed to be located in the interior side yard. However, there is no suitable location in the rear yard. If proposed in the rear yard, there will be potential conflicts with existing conservation easement, required landscaping and noise levels. The current location requires a variance from ZBA. The variance is supported by staff, as the current proposed location is the most optimal location for the subject property.**
3. Accessory Structure/Building Setback (Sec. 4.19.1.G/Sec. 3.1.18.D): A detached accessory building shall not be located closer than 10 ft. to any main building and shall not be located closer than 6 ft. to any interior side or rear lot line. **It appears to be farther than 20 feet from the building. Please label the distance in the stamping set.**