

ZONING BOARD OF APPEALS CITY OF NOVI Community Development Department (248) 347-0415

Case No. PZ14-0059

Location: (parcel 50-22-20-200-002 & 003)

Zoning District: R-4, Residential District (Open Space Preservation Option)

The applicant is requesting variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow reduce lot widths of lots 14 and 70 (64.28 ft. required, 43 ft. and 50 ft. provided). The parcels are located east south side of Eleven Mile Road, west of Beck Road (Section 20).

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2403 requires that lot widths between the proposed building and minimum front yard setback cannot be less than (71.4 ft.) 90% (64.28 ft. required).

City of Novi Staff Comments:

According to the submitted plans, the lot widths between the proposed building and minimum front yard setback cannot be less than 90% (64.28 ft.) of the required minimum width. Lot 14 has a minimum width of approximately 43 ft. and Lot 70 has a minimum width of approximately 50 ft. between the proposed building envelope and the minimum front yard setback. Please see the attached Plan Review Center Report from the Site Plan review process for the redevelopment.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because______.
- The need is not self-created
- because_____
- because_
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district because_____.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because



PLAN REVIEW CENTER REPORT

August 15, 2014

Planning Review

Oberlin JSP14-42

<u>Petitioner</u>

Singh Development, LLC

<u>Review Type</u>

Preliminary Site Plan with Open Space Preservation Option

Property Characteristics

<u>FIQ</u>	Speny Characteristics	
٠	Site Location:	48301 Eleven Mile Road, south side of Eleven Mile Road, west of
		Beck Road (Section 20)
٠	Site Zoning:	R-4, One-Family Residential
٠	Adjoining Zoning:	North (across Eleven Mile Road): PSLR, RM-1 with PRO; East: R-4;
		West and South: RA
٠	Current Site Use:	Vacant Land
•	Adjoining Uses:	North (across Eleven Mile Road): Medilodge Convalescent Home (under construction); East: single-family residential; West: ITC utility corridor; South: Vacant land
•	School District:	Novi Community School District
•	Site Size:	29.9 acres
•	Plan Date:	06-24-14

Project Summary

The parcels in question are located on the south side of Eleven Mile Road between Beck Road and Wixom Road in Section 20 of the City of Novi. The property totals 29.9 acres. The current zoning of the property is R-4, One-Family Residential. The applicant has proposed a 72 unit single-family residential development utilizing the Open Space Preservation Option.

The Open Space Preservation Option is intended "...to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas." The site meets the general eligibility requirements outlined in the ordinance detailing the Open Space Preservation Option.

The site has a substantial amount of both regulated wetlands and woodlands. The applicant is proposing woodland replacement tree plantings off-site at the northwest corner of Eight Mile Road and Garfield Road.

Recommendation

Approval of the **Preliminary Site Plan is recommended**. The applicant has provided the required information to justify the use of the open space preservation option. Planning Commission approval to permit off-site woodland mitigation is required.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 4 (R-1 through R-4: One-Family Residential Districts), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant and incorporated as part of the final site plan submittal.

- 1. <u>Open Space Preservation Option:</u> The applicant is utilizing the Open Space Preservation Option which allows an applicant to develop the allowed number of units on a property on a portion of the site in exchange for the preservation of natural features and open space. The applicant has provided the required parallel plan showing the number of units that could be developed on the site. In order to qualify for the option, the applicant must save a minimum of 10% of the site as permanent open space. The applicant has proposed 21.46% open space in this case. The minimum lot size and width may be reduced depending on the amount of open space proposed. In this case, the applicant could have reduced lot areas to 8,000 sq. ft. and lot widths to 71.4 ft. The applicant has proposed a minimum lot size of 8,217 sq. ft. and a minimum lot width of 72 ft. The Planning Commission will hold the required public hearing prior to their consideration of the matter.
- 2. Qualifying Permanent Open Space: Per the Zoning Ordinance, qualifying permanent open space within a development using the Open Space Preservation Option can include the following: steep slopes, wetlands, wetland setback areas, floodplains, natural watercourses, woodlands, scenic views, agricultural components and recreational pathways and facilities. The majority of the qualifying permanent open space within the proposed development falls within the wetlands, wetland setback areas and woodlands portions of the areas permitted. This includes the proposed 'Oberlin Park' along the west side of the site, which does contain some regulated woodlands that will be preserved as part of the development. The applicant shall provide a conservation easement over this area as well as other qualifying permanent open space at the time of Final Site Plan submittal.
- 3. <u>Minimum Lot Width:</u> Lot widths between the proposed building and minimum front yard setback cannot be less than 90% (64.28 ft.) of the required minimum width. Lot 14 has a minimum width of approximately 43 ft. and Lot 70 has a minimum width of approximately 50 ft. between the proposed building envelope and the minimum front yard setback. The applicant has indicated they will seek variances from the Zoning Board of Appeals for these deficiencies.
- 4. <u>Resource Inventory</u>: A Resource Inventory noting natural features was included with the plan set as Sheet 11, as required by the Zoning Ordinance. The Planning Commission is asked to determine that the open space preservation plan meets the stated intent of this section of the Zoning Ordinance.
- 5. <u>Environmental Concerns</u>: There are significant woodland and wetland impacts proposed. The applicant has provided information detailing how the proposed impacts to both woodlands and wetlands meet the intent of the ordinance. The applicant is proposing offsite planting of the majority of woodland replacement trees. The stated purpose of the Woodland Ordinance (Chapter 37 of the City Code) is to:
 - (1) Provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in the city in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat. In this regard, it is the intent of this chapter to protect the integrity of woodland areas as a whole, in recognition that woodlands serve as part of an ecosystem, and to place priority on the preservation of woodlands, trees, similar woody vegetation, and related natural resources over development when there are no location alternatives;

- (2) Protect the woodlands, including trees and other forms of vegetation, of the city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character of geological, ecological, or historical significance; and
- (3) Provide for the paramount public concern for these natural resources in the interest of health, safety and general welfare of the residents of the city.

It is staff's opinion that the off-site woodland replacement plan meets the stated purpose of the Woodland Ordinance and will effectively be re-creating a woodland area. Per Section 37-8(g) of the City Code: Relocation or replacement plantings may be considered on private property provided that the owner grants a permanent conservation easement and the location is approved by the planning commission. Appropriate financial guarantees must be in place for all proposed replacement trees until such time as said trees are planted per the approved plan and the warranty period has expired. All created woodland areas at the off-site location would need to be preserved with conservation easements. Additionally, any created or preserved woodland and wetland areas on the subject property would also need to be preserved with conservation easements. See the wetland, woodland and landscape review letters for additional information.

6. <u>Residential Development Entrance Lighting:</u> <u>The applicant should contact Jeremy Miller</u> (248.735.5694) in the Engineering Division to begin the process of working with the City and <u>DTE on the installation of the entrance light.</u>

<u>Response Letter</u>

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested to be submitted prior to the Planning Commission meeting and with the next set of plans addressing each of the comments listed above and in other review letters.

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.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.

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Kristen Kapelanski, AICP – Planner kkapelanski@cityofnovi.org or 248-347-0586

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cityofn ZBA Case	÷	1214				ZBA mee	ting date		Jan 13		
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Applicant			0		lopment, LLC			Date		ber 20, 2014	
	(if applicat	 ole)	<u></u>	~							
Address*		7125 Orch	ard Lake Ro	ad, Suite 200		City		West Bloom	field		
State	MI	Zip code	483	25-3005	*Where c	ll case corr	espondenc	e is to be m	ailed		
Applicant	's E-mail add	dress			Mike.Kahm@	singhmail.com	i				
Phone nur	nber		248.8	65.1600		Fax numl	oer				
Request is	for:							· · · · ·		*******	
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Address of subject ZBA case			•		- Ii		Zip code	48374			
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		20-200-	002		May be ob	otained from Assessing Department (248			347-0485		
Is the prop	erty within c	a Homeown	ner's Assoc	Association jurisdiction?		_		Yes		No	
Zoning (Please circle one)		Пмн	∏ R-A □ I-1	□R-1 □1-2	囗R-2 囗RC	∏R-3 □tc	X R-4	RM-1	CRM-2 Other		
Property o	wner name	(if other the	an applice	ant)		_					
Does your	appeal resu	ult from a No	otice of V	iolation or C	Citation issue	ed?		Yes	IX	No	
Indicate C	rdinance se	ection(s) an	d varianc	es requeste	d:						
1. Section <u>2400</u>			Variance	Variance requested			To increase the front yard setback for Unit 14 from 30' to				
2.	Section	Variance requested				52.65' (aver	age)				
3.	Section	Variance requested									
4.	Section	n Variance requested									
Please sub	mit an accu	urate, scale	d drawing	g of the pro	perty showir	ng:					
a.	All property lines and dimensions correlated with the legal descript				ption.						
b.	The location and dimensions of all existing and proposed structure					· · ·	I				
с.	Any roads, easements, drains, or waterways which traverse or abu Dimensions necessary to show compliance with the regulations of t							t area and set	back.		
d.	Dimensions n	iecessary to st	now compl	ionce with the	eregulations o	ot this Ordinar	nce,				

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

To avoid impacts to wetlands, it is necessary to increase the front yard setback in order to meet the lot width requirement.

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

The configuration of existing wetlands requires a unique shape to the lot. The front yard setback will be increased, and the lot will still conform to minimum lot area and width.

There is a five (5) day hold period before work/action can be taken on variance approvals.

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten (10) days before the scheduled ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

City of Novl 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 of 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.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determin	nation o	f the Building) Official / I	nspector or Ordinance made				
Construct new home/building		Series and Series	Addition	to existing home/building				
Accessory building	Please finds	Use		Signage 🗙 Other				
Acre Mm				11/20/2014				
Applicants Signature				Date				
CAMP Uling				11/20/2014				
Property Owners Signature	3			Date				
DECISION ON APPEAL								
Granted				Denied				

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

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State	MI	_Zip code	4832	25-3005				e is to be m	ailed		
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Request is for:		X	X Vacant property		Ĩ.	Commercial			Signage		
Address o	f subject ZB.	A case					Zip code	48374			
	Is of proper		Eleven Mile Road west of Beck Road								
			- 20-200-)02		May be of	stained from	Assessing Depo	ortmont (248)	347 0485		
	•		her's Assoc	iation jurisd		annou-	Accessed in	Yes		No	
Zoning	(Please cir	rcle one)	Пмн	□ R-A □ I-1	□R-1 □I-2	□R-2 □RC	∏R-3 ∏tC	JX R-4	I RM-1	□RM-2 _Other	
Property o	wner name	e (if other the	an applicc	ant)		·					
Does your	appeal res	ult from a N	otice of Vi	olation or C	itation issu	ed?	lace of the second	Yes		No	
Indicate C	Ordinance s	ection(s) an	d varianc	es requeste	d:						
1.	Section	2400		Variance requested		To increase	the front yard s	etback for Un	it 70 from 30' to		
2.	Section			Variance requested			70.18' (average)				
3.	Section	Variance re		requested							
4.	Section			_Variance	requested		·				
Please sub	mit an acc	urate, scale	d drawing	of the prop	perty showi	ng:					
a.	All property	erty lines and dimensions correlated with the legal description.									
b.		n and dimensions of all existing and proposed structures and uses on property.									
с.				aterways which traverse or abut the property and the lot area and setback.				back,			
d.	Dimensions r	necessary to s	how compli	ance with the	regulations	of this Ordina	nce.				

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

To avoid impacts to wetlands and the Novi-Lyon Drain, it is necessary to increase the front yard setback in order to meet the lot width requirement.

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

The configuration of existing wetlands requires a unique shape to the lot. The front yard setback will be increased, and the lot will still conform to minimum lot area and width.

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PLEASE TAKE NOTICE:

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Construct new nome/building	Sector and Se	Addition to existing home/building							
Accessory building	Use	Signage 🗙 Other							
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Applicants Signature		/ Date							
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Prop er ty Øwners Signatu	re	/ ' Date							
DECISION ON APPEAL									
Granted		Denied							

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P214-0059 2 P214-0060

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Accessory building	Use	Signage 🔀 Other							
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Applicants Signature		Date							
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Property Owners Signature	Date	-							
DECISION ON APPEAL									
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