



Applicant requests a variance from the strict standards of the zoning ordinance to allow him to operate a permitted office use in the light industrial zoning district. The property is zoned light industrial which permits a professional office use. Applicant plans on utilizing the existing residential structure as a law office. Several years ago, the structure was converted from a residential home to an office. It has been used as an office for the past several years.

A zoning variance is a license to use property for a purpose or to an extent not permitted by the zoning ordinance. There are two kinds of variances: use variances, which permit property to be used in a way not usually permitted in the district, and dimension variances, which permit use on a different scale than the zoning ordinance usually permits.

Applicant requests a dimensional variance because the existing structure on the property does not meet the current ordinances.

A dimension variance is justified to prevent mere practical difficulty, not an unnecessary hardship.

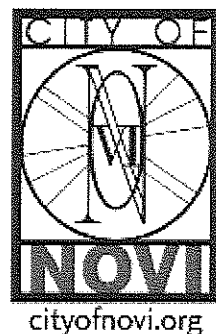
The three factors necessary to establish a practical difficulty warranting a variance from an ordinance have been met in this case. These factors are:

1. Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
2. Whether a grant of the variance applied for would do substantial justice to the Applicant. The granting of the variance would grant substantial relief to the owner of the property involved.
3. The relief granted in such fashion would be consistent with the spirit of the ordinance.

Applicant has met all three of these factors. Applicant plans on removing the existing structure and building a 4,800 square foot office building on the property. It would be impractical for Applicant to spend dollars to improve this 400 square foot structure to bring it into compliance with the current city ordinances when the structure will be torn down within the next three years. The current structure is sound, safe and does not create any safety hazards to the occupants or surrounding property owners.

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Kim Thomas Capello



## PLAN REVIEW CENTER REPORT

December 26, 2007

### Planning Comments Related to

ZBA07-093

26444 Taft Road

As requested, the Planning Division of the Community Development Department reviewed a Boundary and Topographic Survey of 26444 Taft Road (dated November 29, 2007) to determine compliance of the site to the applicable Zoning Ordinance standards. It is our understanding the applicant proposes to convert the existing structure into a professional office. The subject structure is a single-family home, which we have been informed may have been occupied by a business, however there is no record of approval. It is our understanding the applicant proposes to use the structure and land as-is, without expanding or extending the building, or modifying the parking or other exterior areas.

The site is 0.562 acres, and is zoned I-1. Professional offices are permitted in the I-1 district, subject to meeting applicable Zoning Ordinance standards.

The following includes comments regarding the nonconforming status of the structure, and suggestions for improvements to the site should the ZBA approve its use. Additional details explaining the site's conformance to the Zoning Ordinance standards, and the variances requested in order to occupy and use the structure as proposed, are discussed in the attached Planning Review Summary Chart.

1. As noted on the attached chart, the existing structure does not meet the front setback standard of 40' from the future right-of-way line. (We note it would not meet the front setback standard from the existing right-of-way line, either). Per Section 2502.4 of the Zoning Ordinance, Nonconforming Structures, "...such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity".

Given that the nonconforming structure was abandoned, because the previous business occupied the location without approvals, the site has lost its status as a legal, nonconforming use. Therefore, if this site were to be occupied, it would be required to meet the existing standards of the Zoning Ordinance, unless variances were granted.

2. If the Zoning Board of Appeals is inclined to approve this request, the members may wish to consider the following items as part of the approval:
  - a. Place a time limit (perhaps 1-2 years) on the use of the structure and property in its nonconforming state, to permit the applicant to develop a site plan that will be in greater conformance to the Zoning Ordinance standards;
  - b. Require life/safety issues identified during the building inspection to be addressed within a limited time frame, perhaps 30-60 days;
  - c. If the use of the structure and the property were proposed in their current state for approximately 1-2 years, then an upgrade to the parking lot to include a clearly defined parking area, outside of the circular driveway, with parking spaces meeting the quantity and dimensional standards of the Zoning Ordinance, may be appropriate. If the use were proposed for a longer time-frame, approximately 3-4 years or so, we recommend the applicant be required to pave the driveway and parking spaces, meet all other parking dimensional and design standards of the Zoning Ordinance, and provide perimeter landscaping on site to meet the Zoning Ordinance standards.
3. We note variances from the Michigan Barrier-Free Code may only be permitted by the State of Michigan. Barrier-Free Code standards that apply to this site include, but may not be limited to, providing one barrier-free van-accessible parking space with associated ramps.

*Karen F. Reinowski*

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Review by Karen F. Reinowski, AICP, PCP (248) 347-0484

**PLANNING REVIEW SUMMARY CHART**

**Review Date:** 12.13.07  
**Project Name:** ZBA Capello  
**Plan Date:** 11.29.07

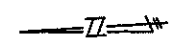
Items in **Bold** do not meet the Zoning Ordinance standards. Underlined items need to be clarified, as it may or may not meet the Zoning Ordinance standards.

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Light Industrial	No change proposed	Yes	
Zoning	I-1 (Light Industrial)	No change proposed	Yes	
Use	Principal Permitted Use - Professional offices	Law office	Yes	
Building Height (Section 2400)	40' maximum	Less than 40'	Yes	
<b>Building Setback</b>				
<b>Front (west) (Section 2400)</b>	<b>40' (from future 120' right-of-way)</b>	<b>0.5' from future right-of-way</b>	<b>No</b>	<b>Existing structure does not meet the setback standard for either the existing right-of-way (approximately 27.5' setback) or the future right-of-way (0.5' from front setback line)</b>
Side - interior (north) (Section 2400)	20'	135'	Yes	
Side - interior (south) (Section 2400)	20'	27'	Yes	
Rear (east) (Section 2400)	20'	28' to wood deck; 40' to main structure	Yes	
<b>Parking Setback</b>				
<b>Front (west) (Section 2400)</b>	<b>40' (from future 120' right-of-way)</b>	<b>Approximately 15' from existing 66' right-of-way</b>	<b>No</b>	<b>The general location of the gravel-surfaced parking area is indicated, however the layout and surfacing does not meet the Zoning Ordinance standards. See additional parking comments below.</b>
Side -interior (north) (Section 2400)	10'	Approximately 85'	Location of circular gravel drive & parking area is shown & meets setbacks, however parking layout and surfacing does not meet Zoning Ordinance standards. See comments below.	
Side - interior (south) (Section 2400)	10'	Approximately 50'		
Rear (east) (Section 2400)	10'	Approximately 15'		

Item	Required	Proposed	Meets Requirements?	Comments
Off-street parking configuration (Section 2505.4)	Off-street parking shall be an unencumbered parking stall or strip, parking bay, vehicle maneuvering space or driveway, garage or combinations thereof	Open gravel parking area	No	Parking must be designed and constructed to meet the standards of the Zoning Ordinance.
Number of Parking Spaces (Section 2505.14.d.(2))	1/222 square feet GLA (Gross Leasable Area)	None shown- Square footage not provided on site plan, however the City's internal mapping portal indicates it is 708 square feet, which is generally consistent with the building footprint shown on the plan	No	Square footage of building must be provided to verify required number of parking spaces, however it appears 3 parking spaces would be required to meet the parking standard
Parking Space Dimensions and Maneuvering Lanes [Sections 2506.2 and 2509.3.c.(2)(c)]	9' X 19' 90 degree parking spaces with 24' wide aisles; Spaces may be reduced to 17' deep from face of curb where vehicles can overhang landscaping or 7' sidewalk (if 4" curb is provided)	Parking spaces and maneuvering lanes not shown	No	
Parking Surfacing (Section 2506.8)	Entire parking area, including parking spaces and maneuvering lanes, must be paved with asphalt or concrete in accordance with the City's Design and Construction Standards	Gravel surface	No	
Landscaping (Section 2509)	Various standards are noted in the Zoning Ordinance	None shown, with the exception of existing, scattered trees	No	The site does not meet the general landscape standards of the Zoning Ordinance.
Barrier Free Spaces	1 barrier free space required – must be	None shown	No	

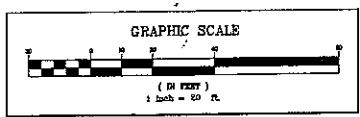
Item	Required	Proposed	Meets Requirements?	Comments
(Barrier Free Code)	van accessible			
Barrier Free Space Dimensions (Barrier Free Code)	8' wide space, with an 8' wide access aisle for van accessible spaces	None shown	No	
Woodlands and Wetlands				Per the City of Novi's Internet Mapping Portal, it does not appear there are any regulated woodlands or wetlands on the site. However, it would be appropriate to verify this with the City's consultant.
Development Sign	Signage reviewed by Ordinance Enforcement	Not shown	Unknown	Contact Alan Amolsch at 248-347-0463 for permit information

Prepared by Karen F. Reinowski, AICP, PCP (248) 347-0484 or [kreinowski@cityofnovi.org](mailto:kreinowski@cityofnovi.org)



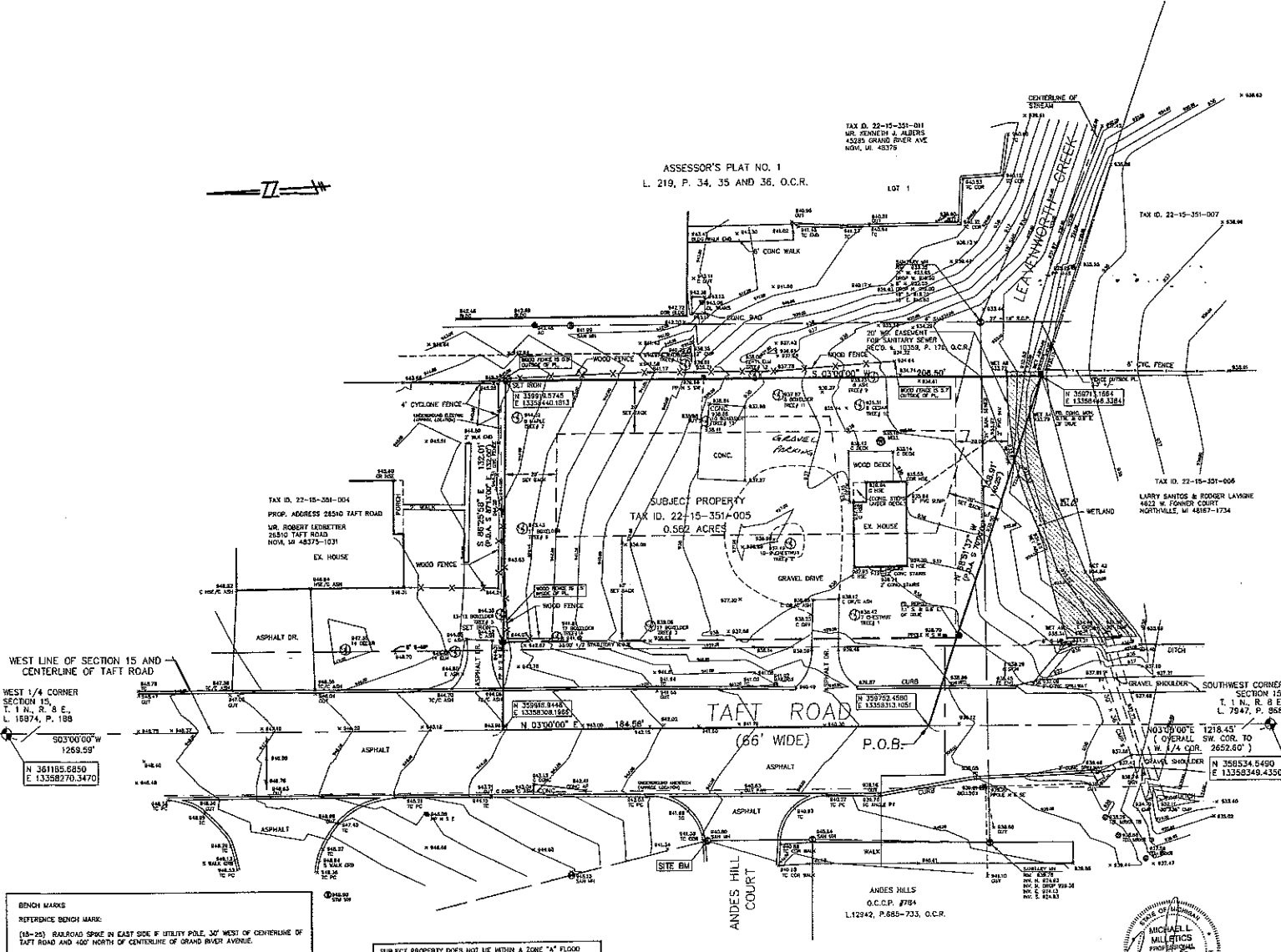
ASSESSOR'S PLAT NO. 1  
L. 219, P. 34, 35 AND 36, O.C.R.

26444 TAFT



**LEGEND**

- EXISTING ELEVATIONS
- EXISTING CONTOURS
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- MANHOLE
- GUY WIRE
- G.W. MARK
- ⊗ HYDRANT
- ⊕ UTILITY POLE
- GUY WIRE
- LIGHT POLE
- FENCE
- TREE (CONIFEROUS)
- TREE (DECIDUOUS)
- SIGN
- P.O. BOX
- SET POINT
- STATE PLANE COORDINATES



WEST LINE OF SECTION 15 AND CENTERLINE OF TAFT ROAD  
WEST 1/4 CORNER SECTION 15, T. 1 N., R. 8 E., L. 19974, P. 188  
N 361185.6850  
E 13358270.3470

**BENCH MARKS**  
REFERENCE BENCH MARK:  
(18-25) RAILROAD SPIKE IN EAST SIDE OF UTILITY POLE, 30' WEST OF CENTERLINE OF TAFT ROAD AND 400' NORTH OF CENTERLINE OF GRAND RIVER AVENUE.  
ELEVATION = 488.84 U.S.G.S. DATUM  
REFERENCE BENCHMARK:  
(13-28) RAILROAD SPIKE IN WEST SIDE OF UTILITY POLE, 30' EAST OF CENTERLINE OF TAFT ROAD AND 800' SOUTH OF CENTERLINE OF GRAND RIVER AVENUE, AND 5' SOUTH OF THE SOUTHWEST PROPERTY CORNER OF PARCEL 22-15-351-006.  
ELEVATION = 437.91 U.S.G.S. DATUM  
SITE BENCH MARK:  
RIP OF SANITARY SEWER MANHOLE ON THE NORTHEAST OF ANDES HILL COURT, AT CURB FOR THE ENTRANCE OF ANDES HILLS, LOCATED 47' WEST OF CENTERLINE OF TAFT ROAD AND 510' SOUTH OF CENTERLINE OF GRAND RIVER AVENUE.  
ELEVATION = 946.10 U.S.G.S. DATUM

SUBJECT PROPERTY DOES NOT BE WITHIN A ZONE "A" FLOOD HAZARD AREA PER U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, FLOOD INSURANCE RATE MAP (FIRM).  
COMPARITY PANEL NO. 26075-0008-C AND 26075-0007-C, EFFECTIVE DATE: MAY 3, 1983  
WETLAND FLAGGING DONE BY: KING & MOOREHEAD ENVIRONMENTAL, INC. 2875 14TH STREET SW SUITE 105 WYOMING, WYOMING 82508 (WETLAND FLAGGING WAS PERFORMED FOR ANOTHER SITE SOUTH OF SUBJECT PROPERTY)

ZONING DISTRICT	AREA IN SQ. FT. OR AC.	MIN. HEIGHT IN FEET	STORIES	FEET	FRONT	EACH SIDE	REAR
I-1 LIGHT INDUSTRIAL	1/2	15	4	40	40%	20%	20%

**UTILITY COMPANY INFORMATION**  
UNDERGROUND UTILITY INFORMATION SHOWN PER COMPANY RECORDS SHOULD BE CONSIDERED APPROXIMATE LOCATION. CALL "800 555 5100" FOR ACCURATE FIELD LOCATION.  
(AMBITIOUS TELEPHONE) - ONLY OVERHEAD LINES AFFECT SUBJECT PROPERTY. UNDERGROUND INFORMATION HAS BEEN SHOWN.  
DETROIT Edison (ELECTRIC) - HAS BEEN SHOWN.  
CONSUMERS ENERGY CO. (GAS) - HAS BEEN SHOWN.  
UNDERGROUND CABLE TELEVISION INFORMATION HAS BEEN SHOWN BY THE WIREMAN. CABLE - DOES NOT AFFECT SUBJECT PROPERTY.

- NOTES:**
- 1) UNDERGROUND SANITARY SEWER, WATER MAIN AND STORM SEWER ARE SHOWN PER RECORD LOCATION WHERE NOT PHYSICALLY EVIDENT. ALL SIZES AND LOCATIONS ARE TO BE VERIFIED BEFORE ANY USE.
  - 2) SEE UTILITY NOTE FOR UNDERGROUND ELECTRIC, TELEPHONE AND GAS LINE LOCATIONS.
  - 3) TITLE COMMITMENT HAS BEEN PROVIDED BY INTERSTATE TITLE, INC. COMMITMENT NO. 817028, EFFECTIVE DATE: APRIL 24, 1999. SEE EASEMENT LISTING.
  - 4) ONLY THOSE TREES OF 3" DIAMETER OR LARGER WERE LOCATED.
  - 5) REFERENCE BENCHMARKS USED: SEE LIST

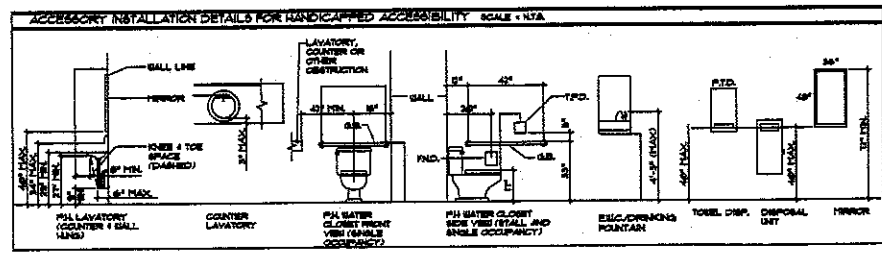
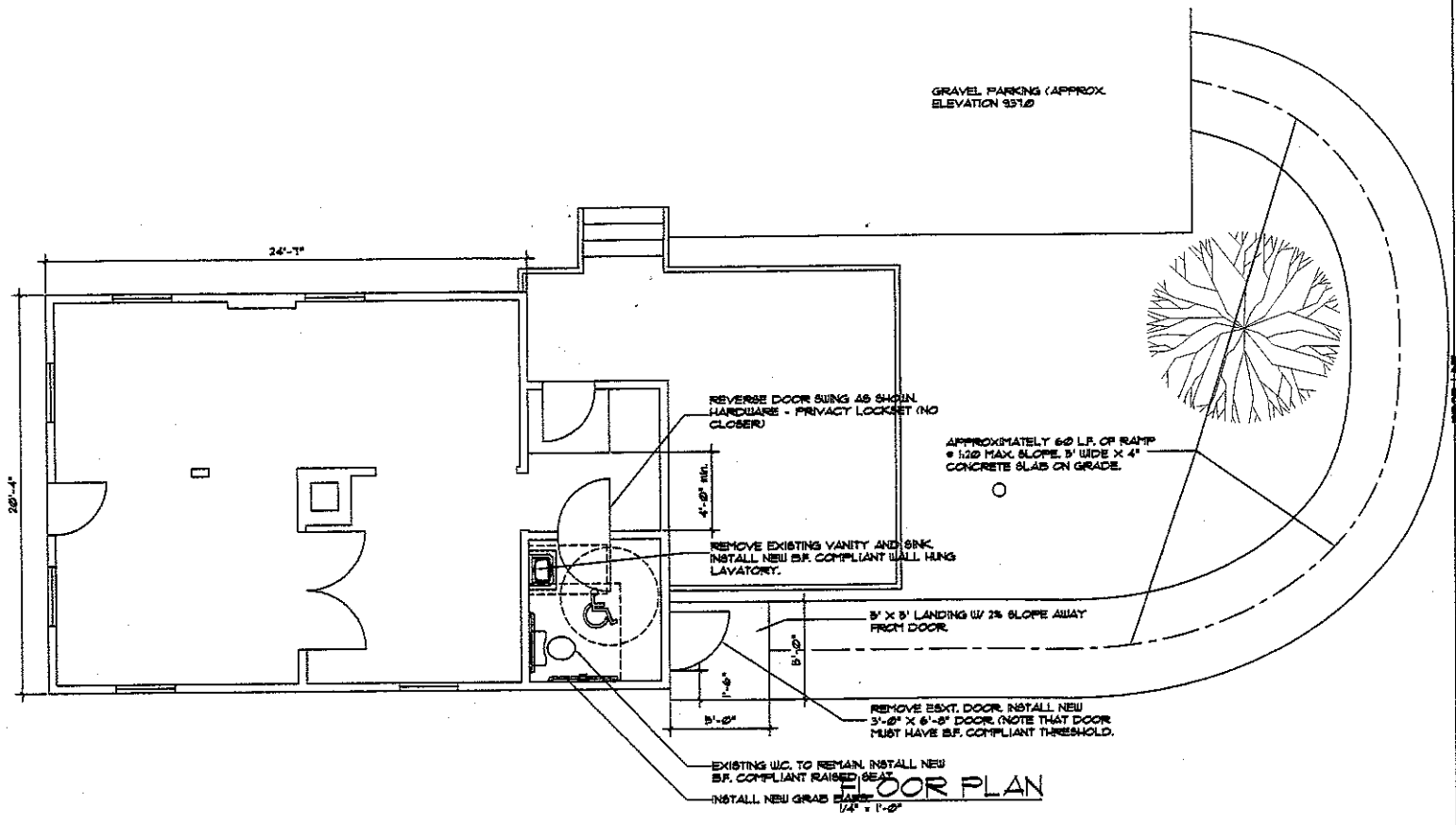
**Legal Description** Tax Id. 22-15-351-005  
A part of the Southwest 1/4 of Section 15, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being more particularly described as commencing at the Southwest Corner of said Section 15; thence North 03°00'00" East, 1218.45 feet, along the West line of said Section 15 and the centerline of Taft Road (33.00 feet 1/2 right-of-way), to the Point of Beginning; thence continuing North 03°00'00" East, 184.56 feet, along the West line of said Section 15 and the centerline of said Taft Road, (said point being South 03°00'00" West, 1262.59 feet, from the West 1/4 Corner of said Section 15); thence South 86°25'58" East, 132.01 feet, (previously described as South 87°13'00" East, 132.00 feet, to the Westerly line of "Assessor's Plat No. 1", as recorded in Liber 219 of Plats, on Pages 34, 35 and 36, Oakland County Records; thence South 03°00'00" West, 208.50 feet, along the Westerly line of said "Assessor's Plat No. 1" to the Southwest Corner of Lot 1 of said "Assessor's Plat No. 1"; thence North 88°15'17" West, 136.81 feet, (previously described as South 70°00'00" East, 140.25 feet), to the Point of Beginning. All of the above containing 0.582 Acres. All of the above being subject to easements, restrictions and right-of-ways of records. All of the above being subject to the rights of the public in Taft Road.

**BOUNDARY AND TOPOGRAPHIC SURVEY**  
GOUVELO BROS., LLC  
**ASSEMAN-BROTHER POOL CO.**  
SECTION 15, TOWN 1 NORTH, RANGE 8 EAST  
CITY OF NOVI  
OAKLAND COUNTY, MICHIGAN

SCALE: 1" = 60'  
DATE: 04-18-2001  
JOB NO.: 00-003  
DWG. P.L.C.: 00-0937P  
DRAWN BY: EHR  
CHECKED: MLJ  
SHEET: 1 OF 1

40000 GRAND RIVER AVENUE • SUITE 200 • NOVI, MI 48275-2110  
248.473.7800

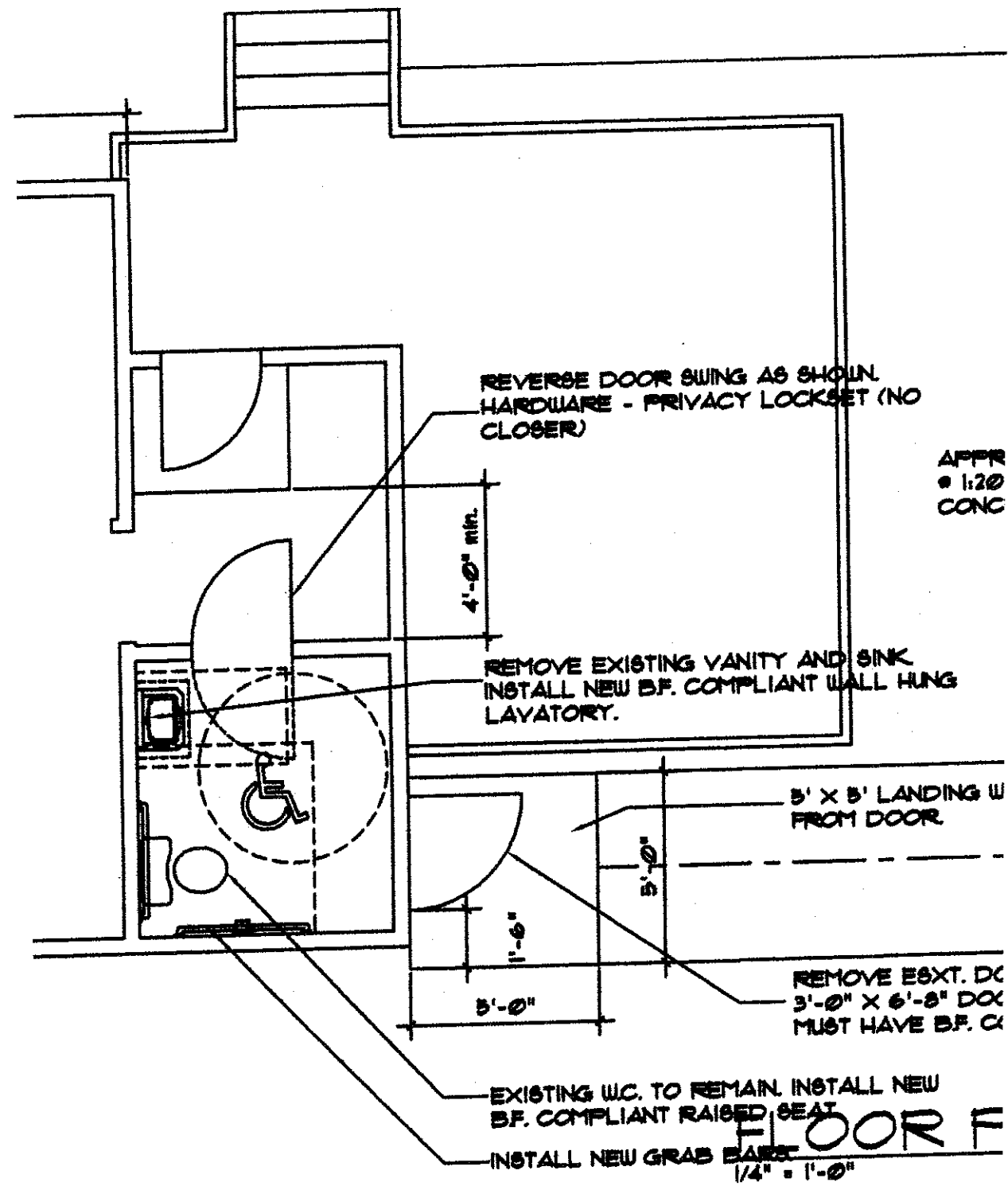
**MILLETICS AND ASSOCIATES, L.L.C.**  
LAND SURVEYORS



ACCESSORY DETAIL A

AN Kim Capello Office





REVERSE DOOR SWING AS SHOWN.  
HARDWARE - PRIVACY LOCKSET (NO  
CLOSER)

APPR  
1:20  
CONC

4'-0" MIN.

REMOVE EXISTING VANITY AND SINK.  
INSTALL NEW B.F. COMPLIANT WALL HUNG  
LAVATORY.

5' X 5' LANDING W/  
FROM DOOR

5'-0"

REMOVE ESXT. DC  
3'-0" X 6'-8" DCX  
MUST HAVE B.F. C.

EXISTING W.C. TO REMAIN. INSTALL NEW  
B.F. COMPLIANT RAISED SEAT

INSTALL NEW GRAB BARS  
1/4" = 1'-0"

FLOOR

1/4" = 1'-0"

