

Annexed A to the Application Form Item 9 of Zoning Board of Appeals

9. State the practice difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary).

For the reason stated below, adding 14 parking spaces to the existing 252 parking spaces located in the applicant's mall are in deed creating practice difficulties which prevent conformance with the Zoning Ordinance requirements.

(A). The issue before the Board is whether the approval of the applicant's application to place 36 indoor seats could affect the Mall's customers to find adequate parking spaces, if the applicant's landlord could not add additional 14 new parking space. The applicant's space is located within the "Main Street Court" mall, which is located at 25750 Novi Road, Novi, MI 48275 (the "Mall"). The Mall's principal tenant is Fifth Avenue Ballroom (the "Ballroom"). Besides, the Mall has had two other tenants, i.e. a newly-open Mexican restaurant and the applicant – an Asian food grocery store. Since the business hours for the Mall's tenants are sharply different. Here, the principal tenant – the Ballroom, will not normally start its daily business until 4:00 p.m. and it will close on Sunday. In fact, the Ballroom's business will start normally always after 9:00 p. m., while the applicant's business should have closed after 8:00 p.m. daily. Therefore, as matter of fact, the applicant's customers were not and will not be in competing with the Ballroom's patrons to find parking spaces in the Mall.

(B). The applicant's landlord had engaged an traffic expert to conduct on site study couple years ago, when the economic condition for the area was still good, in comparative with today economic conditions. The conclusion from that report demonstrated that there was more than enough parking spaces for the Mall even if the City should have approved the application to convert the applicant's currently retail store into a full service restaurant, which would contain an approximately 5,000 SF of space. The applicant here is seeking merely a 36 seats and using only 1,166 SF space – less than ¼ of the entire leasing space, which was intended to be used as restaurant. If the expert's report could be a base for permissible variance to have a full service restaurant using 5,000 SF space, it should have a reasonable support to allow the Board to allow the applicant to place 36 seats in the premises, which used less than ¼ of the 5,000 SF of lease space.

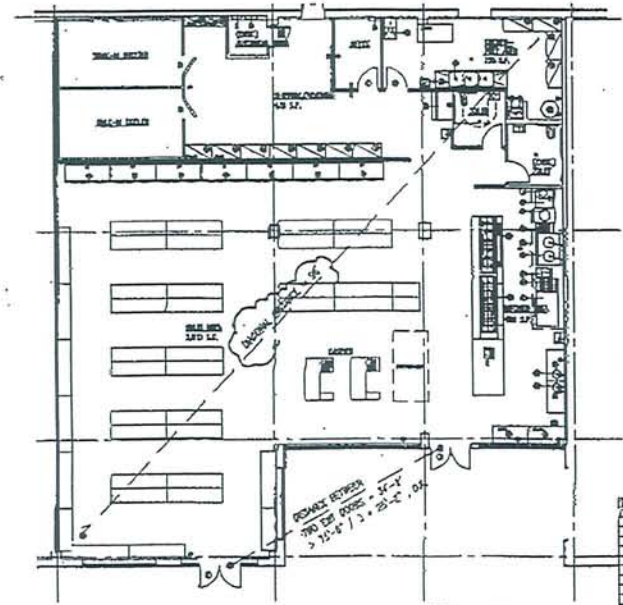
(C). All tenants in this Mall will and can testify that the true problem to this Mall is in lacking of enough parking spaces, but is difficulty to find patrons or customers coming to the Mall. Thus, the issue is not in lacking of parking spaces.

(D). The applicant's making this application to have seats for its customers is pure for the safety reason, i.e. to prevent customers get hurt when they purchased hot noodle soup, and other food, which is required to be serve hot.

(E). Due to current economic condition, all tenants, including this applicant, had failed to pay rents to the landlord in accordance with their respect leases. The Landlord had indicated that it had had no financial resources to build any additional parking spaces in the Mall. Financial hardship, which can be treated as a practice difficulty, is existing in this case to prevent conformance with the Zoning Ordinance requirements.



GENERAL PROVISIONS		FINISHES SCHEDULE		MECHANICAL	
NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1	...	1	...	1	...
2	...	2	...	2	...
3	...	3	...	3	...
4	...	4	...	4	...
5	...	5	...	5	...
6	...	6	...	6	...
7	...	7	...	7	...
8	...	8	...	8	...
9	...	9	...	9	...
10	...	10	...	10	...



**SMALL AND CEILING FINISHES (SECTION 9110)**  
 CEILING ACCESS CORRIDOR AND OPEN DECKS -  
 FLAME SPREAD 1-25; SMOKE DEVELOPED 1-400  
 ROOMS AND BELIEVED SPACES -  
 FLAME SPREAD 35-75; SMOKE DEVELOPED 0-60  
 INTERIOR FLOOR FINISHES (SECTION 9100)  
 MINIMUM CEILING RADIANT FLOOR SHALL BE 4.5%  
 INSULATION ON INSIDER

THESE CONSTRUCTION DOCUMENTS HAVE  
 BEEN PREPARED FOR COMPLIANCE WITH THE  
 MINIMUM CONSTRUCTION CODES IN EFFECT AT  
 THE DATE OF THESE DOCUMENTS. ALL SUPPLIERS,  
 CONTRACTORS AND SUBCONTRACTORS SHALL  
 COMPLY WITH THE SAME CODES, SERIES  
 AND APPROVED CODE MODIFICATIONS.  
 ANY/ALL NON CONSTRUCTION BIDDERS OF  
 MATERIALS, SUPPLIES AND SERVICES REQUIRED  
 SHALL PROVIDE SHOP DRAWINGS AND  
 SAMPLES CLEARLY IDENTIFYING  
 COMPLIANCE TO THE DESCRIBED CODES.  
 THE ARCHITECT IS NOT RESPONSIBLE FOR  
 VERIFYING THE APPROVAL.

**REQUIRED SUBMITTALS SHALL INCLUDE THE FOLLOWING:**  
 1. SHOP DRAWINGS  
 2. SAMPLES  
 3. TEST REPORTS  
 4. MANUFACTURER'S LITERATURE  
 5. INSTALLATION INSTRUCTIONS  
 6. MAINTENANCE INSTRUCTIONS  
 7. WARRANTY INFORMATION  
 8. OTHER AS REQUIRED BY THE ARCHITECT

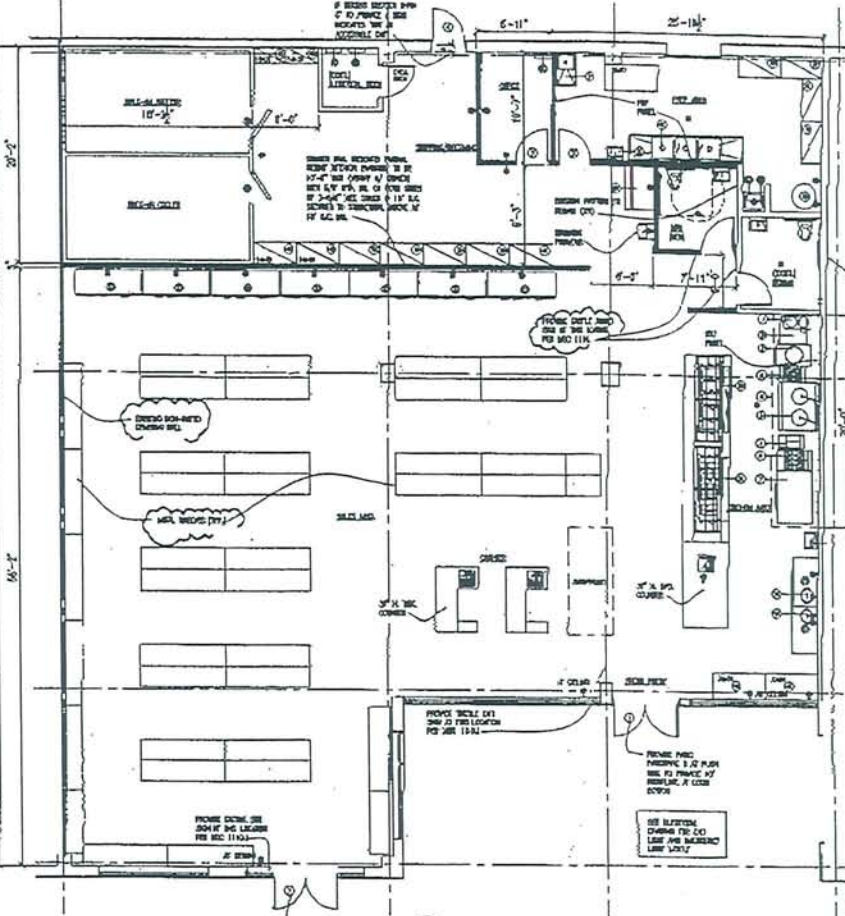


NO.	LOCATION	TYPE	FRAME	FINISH	SWELL	THRESHOLD	REMARKS
1	FRONT ENTRANCE	3'-0\"/>					

NO.	ROOM	FLOOR	CEILING	WALLS	DOORS	WINDOWS
1	...	...	...	...	...	...
2	...	...	...	...	...	...
3	...	...	...	...	...	...
4	...	...	...	...	...	...
5	...	...	...	...	...	...
6	...	...	...	...	...	...
7	...	...	...	...	...	...
8	...	...	...	...	...	...
9	...	...	...	...	...	...
10	...	...	...	...	...	...

NO.	DESCRIPTION	UNIT	TYPE	REMARKS
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...

**NOTES:**  
 1. SEE GENERAL NOTES FOR ALL NOTES.  
 2. ALL WORK IS TO BE IN ACCORDANCE WITH THE  
 MINIMUM CONSTRUCTION CODES IN EFFECT AT THE  
 DATE OF THESE DOCUMENTS.  
 3. ALL MATERIALS AND SUPPLIES SHALL BE  
 APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR  
 OBTAINING ALL NECESSARY PERMITS AND  
 APPROVALS FROM THE CITY OF NOVI.  
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL  
 ADJACENT PROPERTIES AT ALL TIMES.  
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR  
 PROTECTING ALL EXISTING UTILITIES.  
 7. THE CONTRACTOR SHALL MAINTAIN A  
 RECORD OF ALL WORK DONE.  
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR  
 CLEANING UP ALL DEBRIS.  
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR  
 PROTECTING ALL EXISTING WORK.  
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR  
 MAINTAINING ALL RECORDS.

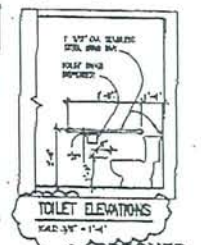


**FLOOR PLAN & EQUIPMENT LAYOUT**  
 SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	UNIT	TYPE	REMARKS
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...

**COOLERS AND FREEZER UNITS (SECTION 9110)**  
 MINIMUM 4" THICK TO HAVE FLAME SPREAD  
 INDEX OF 25 OR LESS AND  
 SMOKE DEVELOPED INDEX OF NOT MORE  
 THAN 100.  
 FLASH POINT AND SELF-IGNITION  
 TEMPERATURES OF NOT LESS THAN 100  
 DEG F, AND 100 DEG F, RESPECTIVELY.  
 COVERING SHALL MEET WITH GRADE OF  
 CORROSION-RESISTANT STEEL. MEAS. SHALL  
 BE 101.12.12.12.

**BUILDER COPY**  
 SECTION 1-1000  
 TOILET ELEVATIONS  
 SCALE: 3/8" = 1'-0"



**APPROVED**  
 WITH PLAN EXAMINATION  
 AND SUBJECT TO FIELD INSPECTION  
 CITY OF NOVI

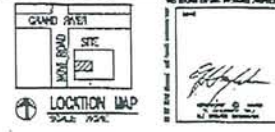
**APPROVED PLANS**  
 SHALL BE KEPT AT THE BUILDING  
 SITE OPEN TO THE CODE OFFICIALS

1. LOCAL JURISDICTIONAL REQUIREMENTS
2. 2003 MICHIGAN BUILDING CODE
3. 2003 MICHIGAN PLUMBING CODE
4. 2003 MICHIGAN MECHANICAL CODE
5. 2002 NATIONAL ELECTRICAL CODE
6. 2002 NATIONAL FIRE ALARM AND SIGNALING CODE
7. 2002 NATIONAL ELECTRICAL CODE
8. 2002 NATIONAL ELECTRICAL CODE
9. 2002 NATIONAL ELECTRICAL CODE
10. 2002 NATIONAL ELECTRICAL CODE
11. 2002 NATIONAL ELECTRICAL CODE
12. 2002 NATIONAL ELECTRICAL CODE
13. 2002 NATIONAL ELECTRICAL CODE
14. 2002 NATIONAL ELECTRICAL CODE
15. 2002 NATIONAL ELECTRICAL CODE
16. 2002 NATIONAL ELECTRICAL CODE
17. 2002 NATIONAL ELECTRICAL CODE
18. 2002 NATIONAL ELECTRICAL CODE
19. 2002 NATIONAL ELECTRICAL CODE
20. 2002 NATIONAL ELECTRICAL CODE

**INSTALLED FIRE PROTECTION**  
 PER NFPA 703  
 FIRE DEPARTMENT EQUIPMENT  
 SHALL BE WITHIN 10'

**INTERIOR CONSTRUCTION ONLY**  
 BUILDING AREA: 5,000 S.F.  
 CALCULATED OCCUPANT LOAD:  
 100 PERSONS (100/1,000 S.F.)

**DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE**  
 FOR INTERIOR DESIGN ONLY  
**Y. JERRY WU, ARCHITECT, P.C.**



**REVISOR PLAN**





February 4, 2009

Theresa Shieh, Vice President  
Bistro of Grace LLC  
d/b/a Basic Asian Market  
25750 Novi Road, Suite 103  
Novi, MI 48375

**CITY COUNCIL**

Mayor  
David B. Landry

Mayor Pro Tem  
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Brian Burke

City Manager  
Clay J. Pearson

City Clerk  
Maryanne Cornelius

RE: Basic Asian Market Placing 36 Indoor Seats

Dear Ms. Shieh:

This letter is in response to your letters of January 27, 2009 and January 29, 2009 requesting permission to place seating inside of your market at the above address for 36 patrons to consume food and drink. The Community Development Department's Planning Division Staff continues to view this use as a fast food sit down restaurant use. As discussed with you and others in the past, placing another restaurant use in this building increases the parking requirements of the site and therefore without building additional parking spaces, the use request is denied because of a shortage of parking spaces for the restaurant use.

Although you provided a sketch showing the proposed use areas, the exact amount of additional parking can not be determined without a scaled floor plan showing the location of each use and any required aisle ways etc. that would be needed to support the proposed use. A "shared parking study" was presented to and accepted by the Planning Commission to reduce the required number of parking number spaces to 252 when the site plan for this project was originally approved. Based on the new information submitted that shows a minimum of 1,166 sq. ft. of restaurant space, and assuming the required amount of parking spaces (as required during site plan approval) exist, a minimum of an additional 14 parking spaces is required for your proposed use. Detailed calculations of this requirement follow below.

Retail requirements 1,166 sq. ft. X 85% gross leaseable/200 sq. ft. per space = 5 spaces  
Fast food restaurant requirements 1,166 sq. ft. gross/60 sq. ft. per space = 19  
Required spaces 19 - 5 = 14

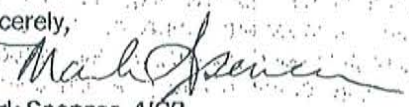
**Zoning Ordinance Requirements Section 2505.14.c.**

**Parking Space Requirements**

- (7a) Fast food sit down restaurants require a minimum on one space per 60 square feet of gross floor area or 1 space for every 2 employees and 1 space for every 2 occupants under maximum occupancy load which ever is greater.
- (7b) Sit down restaurants (the other restaurants) require a minimum on one space per 70 square feet of gross floor area or 1 space for every 2 employees and 1 space for every 2 occupants under maximum occupancy load which ever is greater.
- (17) Retail parking requires 1 space per 200 square feet of gross leaseable floor area

If you have any questions on this response, please feel free to contact me.

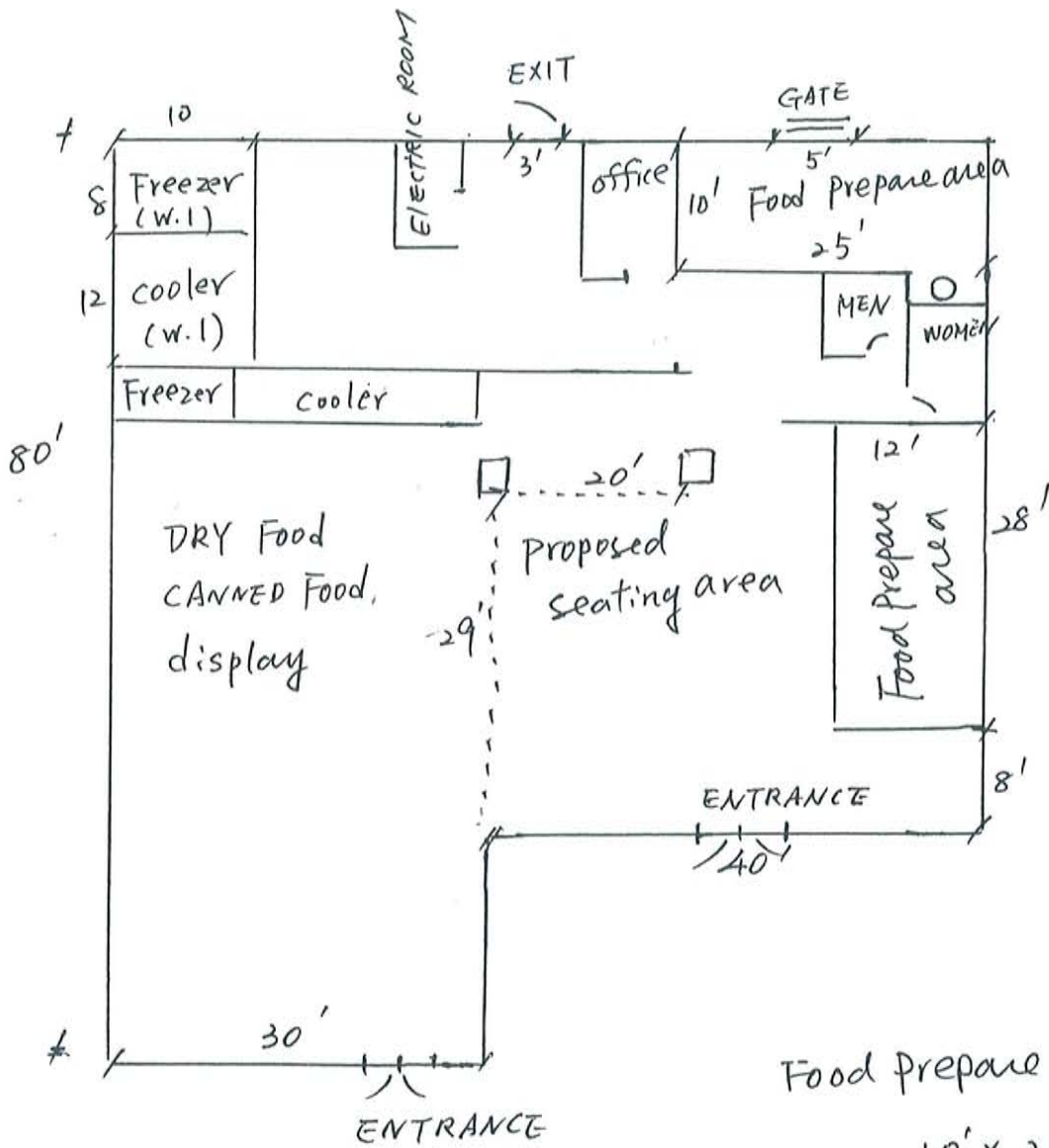
Sincerely,

  
Mark Spencer, AICP  
Planner

City of Novi  
45175 W. Ten Mile Road  
Novi, Michigan 48375  
248.347.0460  
248.347.0577 fax

cityofnovi.org

CC Charles Boulard, Building Official



Food prepare area

10' x 25'	250 sf
12' x 28'	336 sf
	<hr/>
	586 sf

seating area

29' x 20'	580 sf
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Total

	1166 sf.
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Gross area of the Market:

	5083 sf
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UNIT 1

NORTH  
239.68'

5' CONCRETE  
SIDEWALK  
N70°45'15"W  
211.73'

1-sty

2-sty

MAIN STREET COURT

NORTH  
437.67'

20' x 9'  
TYP.

254.34'  
N87°58'47"W

TRANS-X DRIVE  
60' WIDE

48.35'

S53°33'45"W

Novi Road

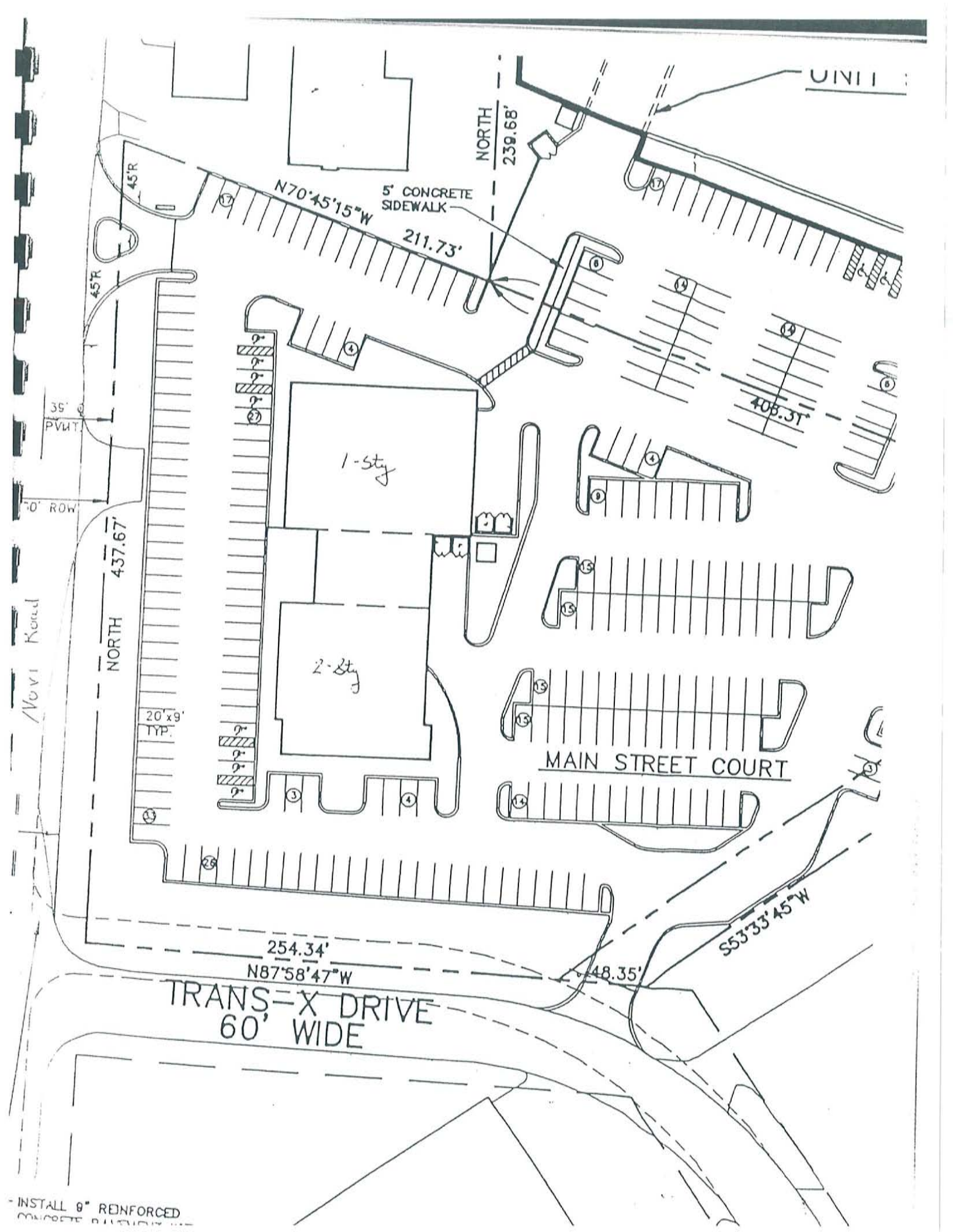
70' ROW

35' P.V.M.T.

45'R

45'R

INSTALL 9" REINFORCED  
CONCRETE CURBS



# BUILDING PLAN

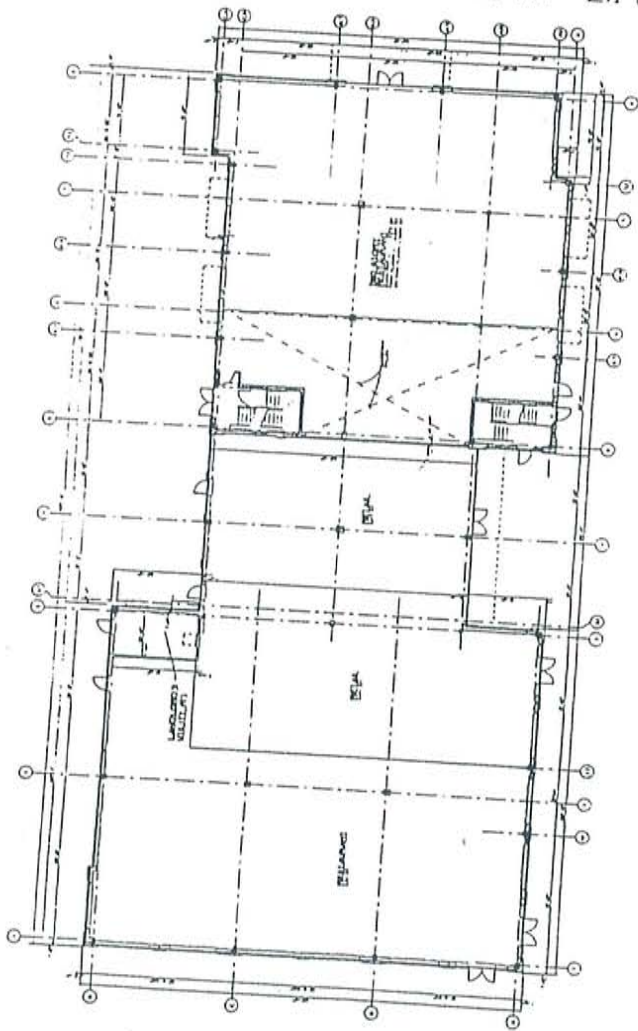
EXHIBIT 'A'

LEGEND	
RETAIL	AREA 100
RESTAURANT	AREA 200
OFFICE	AREA 300
STORAGE	AREA 400
MECHANICAL	AREA 500
TRUCK	AREA 600
TRUCK	AREA 700
TRUCK	AREA 800
TRUCK	AREA 900
TRUCK	AREA 1000
TRUCK	AREA 1100
TRUCK	AREA 1200
TRUCK	AREA 1300
TRUCK	AREA 1400
TRUCK	AREA 1500
TRUCK	AREA 1600
TRUCK	AREA 1700
TRUCK	AREA 1800
TRUCK	AREA 1900
TRUCK	AREA 2000
TRUCK	AREA 2100
TRUCK	AREA 2200
TRUCK	AREA 2300
TRUCK	AREA 2400
TRUCK	AREA 2500
TRUCK	AREA 2600
TRUCK	AREA 2700
TRUCK	AREA 2800
TRUCK	AREA 2900
TRUCK	AREA 3000
TRUCK	AREA 3100
TRUCK	AREA 3200
TRUCK	AREA 3300
TRUCK	AREA 3400
TRUCK	AREA 3500
TRUCK	AREA 3600
TRUCK	AREA 3700
TRUCK	AREA 3800
TRUCK	AREA 3900
TRUCK	AREA 4000
TRUCK	AREA 4100
TRUCK	AREA 4200
TRUCK	AREA 4300
TRUCK	AREA 4400
TRUCK	AREA 4500
TRUCK	AREA 4600
TRUCK	AREA 4700
TRUCK	AREA 4800
TRUCK	AREA 4900
TRUCK	AREA 5000
TRUCK	AREA 5100
TRUCK	AREA 5200
TRUCK	AREA 5300
TRUCK	AREA 5400
TRUCK	AREA 5500
TRUCK	AREA 5600
TRUCK	AREA 5700
TRUCK	AREA 5800
TRUCK	AREA 5900
TRUCK	AREA 6000
TRUCK	AREA 6100
TRUCK	AREA 6200
TRUCK	AREA 6300
TRUCK	AREA 6400
TRUCK	AREA 6500
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TRUCK	AREA 6700
TRUCK	AREA 6800
TRUCK	AREA 6900
TRUCK	AREA 7000
TRUCK	AREA 7100
TRUCK	AREA 7200
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TRUCK	AREA 7400
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TRUCK	AREA 7600
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TRUCK	AREA 7800
TRUCK	AREA 7900
TRUCK	AREA 8000
TRUCK	AREA 8100
TRUCK	AREA 8200
TRUCK	AREA 8300
TRUCK	AREA 8400
TRUCK	AREA 8500
TRUCK	AREA 8600
TRUCK	AREA 8700
TRUCK	AREA 8800
TRUCK	AREA 8900
TRUCK	AREA 9000
TRUCK	AREA 9100
TRUCK	AREA 9200
TRUCK	AREA 9300
TRUCK	AREA 9400
TRUCK	AREA 9500
TRUCK	AREA 9600
TRUCK	AREA 9700
TRUCK	AREA 9800
TRUCK	AREA 9900
TRUCK	AREA 10000

MAIN STREET COURT

DEVELOPER  
EVERGREEN III

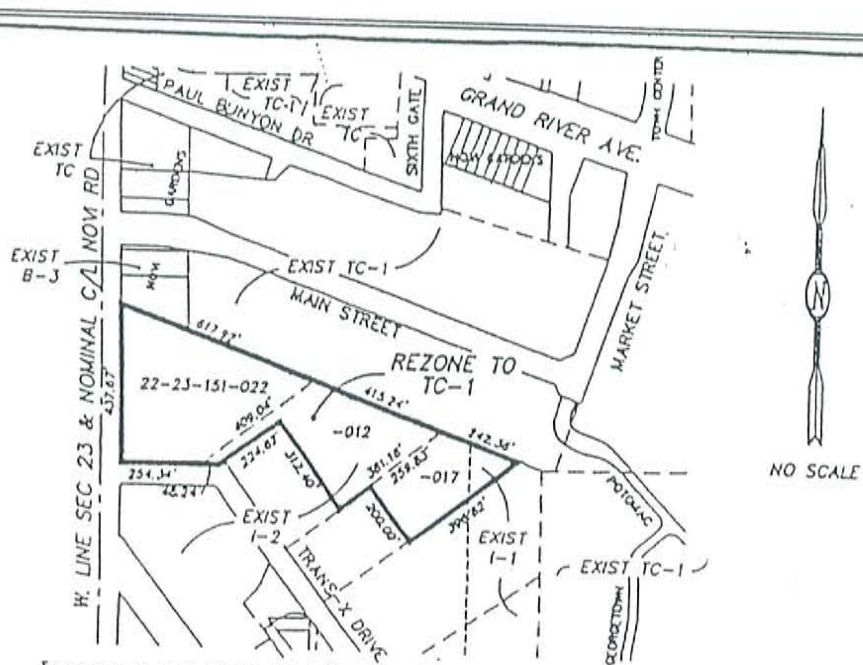
LEASING AGENT  
TODD SMITH  
THOMPSON BROWN REALTORS



15-TLR-0

2013.08.15

# Plat Map



To rezone a part of the NW 1/4 of Section 23, T.111., R.8E., City of Novi, Oakland County, Michigan, being parcels 22-23-151-012, -017, and -022 more particularly described as follows:

**PARCEL 22-23-151-012**

Beginning at a point distant South 1137.46 feet along the west line of Section 23 (nominal C/L of Novi Road) and 570°45'00"E 681.47 feet from the NW corner of Section 23; thence S70°45'00"E 415.24 feet; thence S53°39'00"W 381.18 feet; thence N36°19'00"W 312.40 feet; thence S53°34'00"W 224.82 feet; thence N87°58'32"W 48.24 feet; thence N53°34'00"E 409.04 feet to the point of beginning. Containing 2.24 acres.

**PARCEL 22-23-151-017**

Beginning at a point distant South 1137.46 feet along the west line of Section 23 (nominal C/L of Novi Road) and 570°45'00"E 1096.71 feet from the NW corner of Section 23; thence S70°45'00"E 242.38 feet; thence S53°39'00"W 396.82 feet; thence N36°20'30"W 200.00 feet; thence N53°39'30"E 259.83 feet to the point of beginning. Containing 1.40 acres.

**PARCEL 22-23-151-022**

Beginning at a point on the easterly right-of-way line of Novi Road, said point being South 1137.46 feet along the west line of Section 23 (nominal C/L of Novi Road) and 570°45'00"E 63.55 feet from the NW corner of Section 23; thence South 437.67 feet along said easterly right-of-way line; thence S87°58'32"E 254.34 feet; thence N53°34'00"E 409.04 feet; thence N70°45'00"W 617.92 feet to the point of beginning. Containing 3.67 acres.

FROM: I-1 LIGHT INDUSTRIAL DISTRICT  
I-2 GENERAL INDUSTRIAL DISTRICT

TO: TC-1 TOWN CENTER-ONE DISTRICT

ORDINANCE NO. 18.563

ZONING MAP AMENDMENT NO. 563  
CITY OF NOVI, MICHIGAN

ADOPTED BY THE CITY COUNCIL January 13, 1997

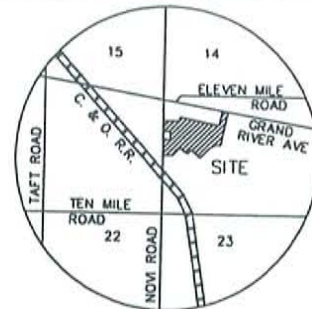


## Legal Description

T1N, R8E, SEC 23 PART OF NW 1/4 BEG AT PT DIST S 1137.46 FT & S 70-45-00 E 63.55 FT FROM NW SEC COR, TH S 437.67 FT, TH S 87-58-32 E 254.34 FT, TH N 53-34-00 E 409.04 FT, TH N 70-45-00 W 617.92 FT TO BEG 3.67 A

T1N, R8E, SEC 23 PART OF NW 1/4 BEG AT PT DIST S 1137.46 FT & S 70-45-00 E 681.47 FT FROM NW SEC COR, TH S 70-45-00 E 415.24 FT, TH S 53-39-00 W 381.18 FT, TH N 36-19-00 W 312.40 FT, TH S 53-34-00 W 224.82 FT, TH N 87-58-32 W 48.24 FT, TH N 53-34-00 E 409.04 FT TO BEG 2.24 A

T1N, R8E, SEC 23 PART OF NW 1/4 BEG AT PT DIST S 1137.46 FT & S 70-45-00 E 1096.71 FT FROM NW SEC COR, TH S 70-45-00 E 242.38 FT, TH S 53-39-00 W 396.82 FT, TH N 36-20-30 W 200 FT, TH N 53-39-30 E 259.83 FT TO BEG 1.40 A



VICINITY MAP  
SCALE: 1" = 4000'

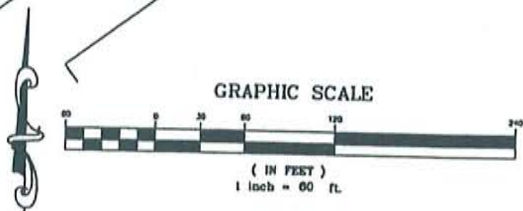
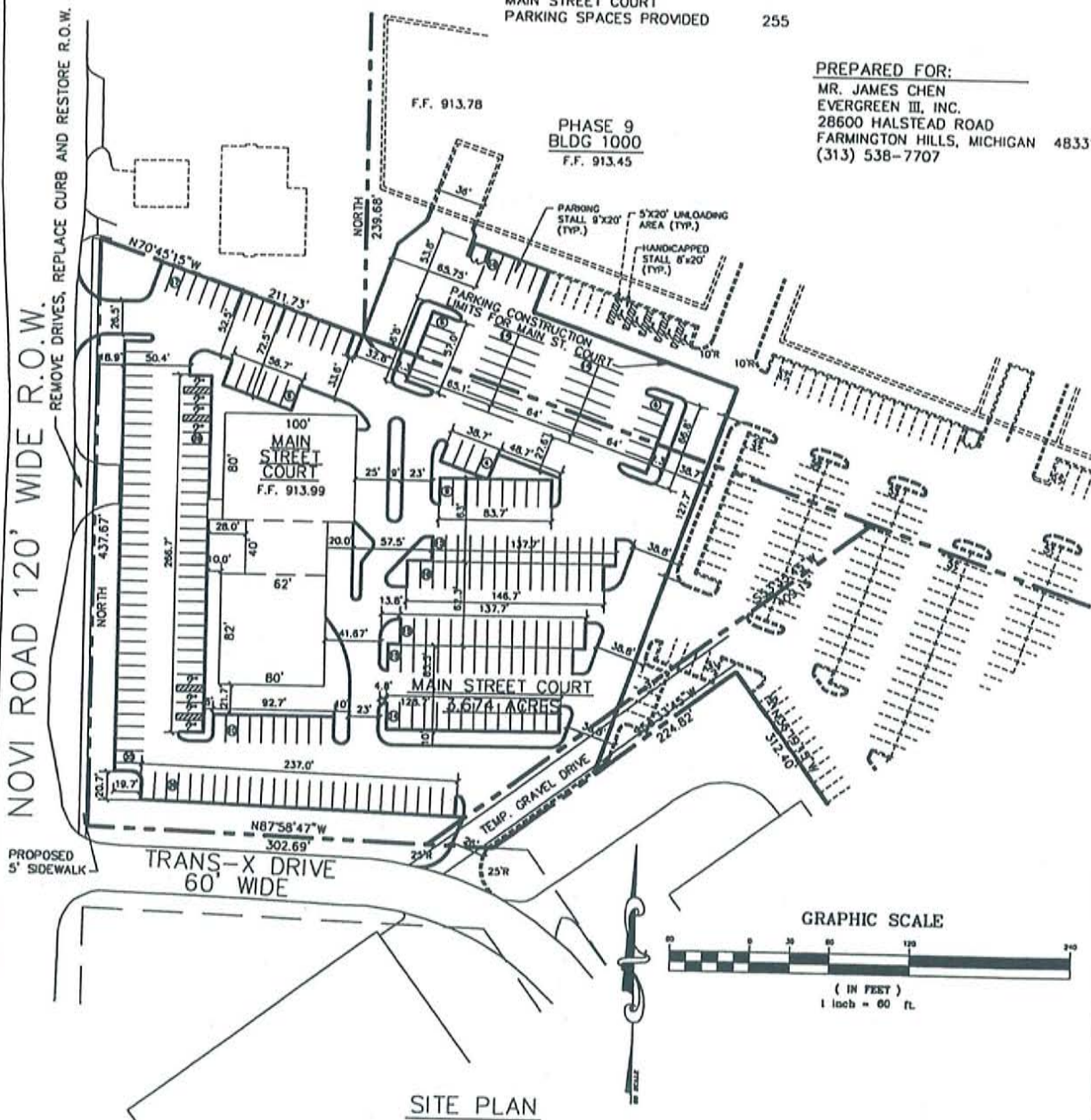
Jarrett-Mills-Schron  
and associates, inc.  
CONSULTING ENGINEERS and LAND SURVEYORS  
P.O. Box 400, 20112  
Farmington Hills, Michigan 48331  
(313) 757-2433

**JMS**  
MAIN STREET COURT  
SITE & UTILITY PLANS

**PARKING REQUIREMENTS**

MAIN STREET COURT PARKING SPACES REQUIRED	252
MAIN STREET COURT PARKING SPACES PROVIDED	255

PREPARED FOR:  
MR. JAMES CHEN  
EVERGREEN III, INC.  
28600 HALSTEAD ROAD  
FARMINGTON HILLS, MICHIGAN 48331  
(313) 538-7707



SITE PLAN

MAIN STREET NOV  
SECTION 23, CITY OF NOV

SHEET No.	JOB No.	DRAWING No.	DATE	REVISIONS
2 of 2	95019	A-1364	11-15-96	
		S. COSNER	R.J. SCHRON	
		COMP. No. 8501982	DRAWN BY:	CHECKED BY: