



cityofnovi.org

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

Case No. 11-024 21470 Novi Road (The Oil Exchange)

Location: North of 8 Mile and east of Novi Road

The applicant is requesting a variance from Section 1503 (5) to modify the approval provisions of a previous appeal and allow overhead service bay doors facing a thoroughfare and residential district to remain open halfway during the months of June, July and August. The property is zoned B-3 and is located north of Eight Mile Road and east of Novi Road.

Zoning District: B-3, General Business District

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 1503 (5): No truck well, loading dock or other service bay door shall face a major thoroughfare, nor an abutting residential district.

City of Novi Staff Comments:

Quick oil change facilities are permitted in the B-3 zoning districts subject to special conditions (1502). The original developer of the site requested and was granted a number of variances for the site (minutes attached) contingent upon the overhead doors being closed except to accommodate exiting of vehicles. (The current request is to allow the configuration of the site to remain as is, but to allow the overhead doors to remain open halfway during the months of June, July and August without limitation).

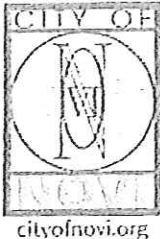
The revised plan submitted to the ZBA for consideration in 1991 included conifer trees on both the south and north sides of the exit drive to screen the overhead doors from traffic on Novi Road. Based on review of aerial photos, the trees present in the south island were removed prior to 2006 and the trees in the north island west of the screen wall were removed incrementally between 2006 and 2010. Staff does not support modification of the conditions of the original variance.

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.

- The need is not self-created.
- 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.
- 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.
- 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.



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For Official Use Only

ZBA Case No: 11-024 ZBA Date: July Payment Received: \$ 300 (Cash)
Check # 4440 Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name FRED REOA Date 6-1-2011

Company (if applicable) THE OIL EXCHANGE

Address* 21470 NOVI RD City NOVI ST NOVI ZIP 48375
*Where all case correspondence is to be mailed.

Applicant's E-mail Address: FRED REOA@ATT.NET

Phone Number (313) 729-7025 FAX Number (313) 274-4898

Request is for:

Residential Construction (New/ Existing) Vacant Property [X] Commercial [] Signage

1. Address of subject ZBA case: ZIP

2. Sidwell Number: 5022 - 36-101-025 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes [] No [X]

B-3

4. Zoning: [] RA [] R-1 [] R-2 [] R-3 [] R-4 [] RT [] RM-1 [] RM-2 [] MH [] OS-1 [] OS-2 [] CSC [] OST [] OTHER

5. Property Owner Name (if other than applicant) FRED REOA

6. Does your appeal result from a Notice of Violation or Citation Issued? [] Yes [X] No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 1503(s) Variance requested
2. Section Variance requested
3. Section Variance requested
4. Section Variance requested

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
b. The location and dimensions of all existing and proposed structures and uses on property.
c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
d. Dimensions necessary to show compliance with the regulations of this Ordinance.

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

IT GETS TOO HOT TO WORK WITHOUT THE FRONT DOORS OPEN IN JUNE/JULY/AUGUST. IT GETS LIKE AN OVEN IN THERE WHEN CARS COME IN AND THERE MOTORS ARE VERY HOT. AND THERES NO BREEZE COMING IN

10. 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:

OTHER GARAGES IN THE STREET. ^{THE} DOORS FACE OFF THE STREET, WE JUST WANT THE DOORS OPEN 1/2 WAY FOR ONLY 90 DAYS A YEAR. (THE CAR WASH NEXT DOOR ALWAYS HAS FRONT OPEN)

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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision. There is a five (5) day hold period before work/action can be taken on variance approvals. All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building Addition to Existing Home/Building Accessory Building
 Use Signage Other

[Signature]
Applicants Signature

Date 6-1-2011

[Signature]
Property Owners Signature

Date 6-1-2011

DECISION ON APPEAL

Granted Denied Postponed by Request of Applicant Board

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

Chairperson, Zoning Board of Appeals

Date

RESTAURANT

DRIVE WAY
PARKING LOT

73 FT

7 FT

22 FT

20 FT

22 FT

OIL CHANGE

FRONT
DOOR

FRONT
DOOR

SIDE WALK

NOVI ROAD

SIDE WALK

GALWAY
STREET

73 FT

CAR WASH
DRIVE WAY

CAR WASH

SIDE WALK

22-16-451-081).

ROLL CALL: YEAS (4) NAYS (2) MOTION CARRIED
(Bauer & Reinke)

CASE NO. 91-83A-F, FILED BY LEE MAMOLA, REPRESENTING ALLAN FERGUSON

Lee Mamola, representing Allan Ferguson, is appealing the Planning Commission's denial of the site plan review, and requesting the following: A) a 14'-4" side yard setback variance on the north side of the property; B) a 3 foot side yard setback variance on the south side; C) waiver of greenspace requirements on the north and south sides; D) variance to allow overhead service doors facing Novi Road; and E) variance to allow curb cut being within 100 feet of an intersection; and F) a variance for deficiency of four (4) parking spaces; for Big Al's of Novi Oil Change, to be located on the east side of Novi Road, between Eight and Nine Mile Roads.

Lee Mamola was present.

Chairman Canup indicated at the last meeting we had asked Mr. Mamola to go back and look at the property layout and see if there could be something else done with it and possibly address the shielding of the doors on Novi Road.

Mr. Mamola presented slides showing the layout of the proposed use should the concerns of the Board regarding the placement of the doors be addressed.

Mr. Mamola indicated in a drive-through arrangement, entering on one side of the building and exiting on the other side, with the building turned 90 degrees, you would need to make a 90 degree turn, which would require a 20 feet, this layout would exceed the total width of the property. An alternative would be to have doors only on one side, this would not be a drive-through arrangement. This would present a number of serious practical difficulties in the day to day operations of every client. In addition there would be a conflict in traffic patterns with somebody waiting to go in.

Mr. Mamola presented a slide of the original arrangement, with doors facing Novi Road, and indicated we are showing trying to obscure the view coming head on from Novi Road. We are showing the southern pine trees angled up and narrowed the exit from the building where two cars would have to merge into one. The trees on the north property line would also hide the view. He indicated we are also proposing a 6 foot high wall along the north property line, a masonry wall to compliment the brick, which would screen the doors as traffic moves up and down Novi Road.

Mr. Mamola indicated we have also extended the overhangs on the

possibly can to camouflage and make the most cosmetic appearance they can possibly do on what I feel is a needed service in this community. Myself, as an ex-mechanic, that is one of the few things I don't even want to do any more, for the convenience that these things do allow. The car wash, the closed restaurant, Guernsey's in Northville, and everything on Novi Road, has pretty much designated itself as a commercial strip and I think these people have done a pretty decent job and I can't see anything wrong with that going in there.

Frank Gonda, 43614 Westridge, indicated I have lived here for 15 years. There currently exists 5 places to get your oil changed on Novi Road, between the proposed site and Twelve Oaks; and I think that is plenty of places to get your oil changed if you don't want to do it yourself. Currently, to try to get turned north from Galway to Novi Road, when people are coming out of the car wash is very difficult. In the winter time on a nice day, when people are getting their car washed, they are lined up clear past this proposed site into the old Rib and Egg parking lot area. With the proliferation of apartments up and down Novi Road there are not enough places for people to wash their cars.

Thomas Moga, 44121 Galway, indicated with respect to the absurd comment that we need more oil change places, with the variance request in mind, I took a drive around our neighborhood in search of facilities that change oil. Frankly, I was amazed at the number of such outlets. There are no fewer than three such facilities within a mile radius of the proposed Big Al's site, this includes the Goodyear Novi Motive Center at 21530 Novi Road, perhaps 150-200 yards north of the proposed site. The other two facilities are Sunoco Stations. Within a two mile radius of the site you can find no fewer than eight facilities that change oil. For those in a hurry this includes a 10 Minute Quick Change Pennzoil facility on Northville Road, south of Seven Mile. Within a three mile radius that number jumps to at least twelve facilities. Clearly, there is no necessity for Big Al's unless the residents of Galway and the neighborhood streets elect to change their oil on a daily basis and even then I feel we have enough facilities.

Mr. Moga indicated when I was in law school, we were given the task of trying to convince a jury of some very absurd facts and one of the facts that I was working on was to convince a jury that a certain vehicle could flip over and do some convolutions in the air. The way I proposed it happening was sort of an exercise in lying and after I was finished, the members of the jury came up to me and said I was no persuaded by that ridiculous case, but it certainly seems you should win something for at least trying. These people should perhaps be given something for trying to convince us that a six foot wall is something that is attractive to look at or would be if we convolute greenery and twist it and grow it to such a height.

indicated they have decided to keep their northerly entrance. We have re-reviewed the site plans they have submitted and it shows that the northerly point of ingress/egress will be eliminated and the southern will be retained. They seem to have a good traffic flow with that arrangement. In terms of parking, they do not have a lot of property to give up, so there is not a lot of viability in the option to sell some of their property to accommodate this use.

Mr. Csapo indicated the idea was to perhaps share the northerly drive and the Lone Star people have indicated not only that they do not want to share that driveway, but that drive is going to be closed. They will be required to put in a decel/accel lane on the east side and additionally, their site plan approval contains the requirement for a passing lane on the west side of Novi Road. I do know they have had discussions with Rod Arroyo our traffic consultants, but I do not know the results of that conversation. I believe the applicant has expressed a desire to seek a variance to the design and construction standards from City Council.

Member Bullen indicated I would like a quick review of what businesses would be allowed there and ones that would not require a variance.

Mr. Mamola indicated they would all require a multiple of variances.

Member Bullen inquired would they all require a curb cut variance?

Mr. Mamola indicated that variance is specific to this use because of the way the ordinance relates to this kind of use; you cannot be within 100 feet of an intersection.

Mr. Csapo indicated the curb cut restriction is specific to automotive uses.

Chairman Canup indicated I would think that ordinance was put together with the idea of a gas station, because they don't want that type of use on a corner.

Member Bullen inquired would it be possible to put a fast food restaurant in there and not need a side yard variance?

Mr. Mamola indicated you would still need a side yard variance and you would probably need more of a parking variance than we are requesting.

Chairman Canup indicated Novi Motive really doesn't create a flow of traffic.

Member Foote indicated in taking a look at what uses are on Novi Road, and trying to take a look at the concerns of the residents

Chairman Canup indicated I would agree with you, but it is there and something has to be done with it whether it be an oil change or a dentist office.

A gentleman in the audience indicated from the things I have read and the things I have heard this evening, the oil change certainly is not appropriate, for a number of reasons. The Planning Department makes particular rules that would protect the citizens from having the kind of business that is being suggested for that particular property and to allow five or six variances to accommodate this particular business is the purpose of this Board and I can't understand how you can go ahead and approve something like that with all those variances. There must be some businesses that would be able to build on that property to not penalize the property owner, but certainly not that particular oil change.

Vice-Chairman Bauer inquired how would the truck come in with the bulk oil?

Mr. Mamola indicated there is a loading zone located in the rear and is adjacent to the dumpster; they would have a sufficient turning radius. There is some stop signage to control the traffic on the south side.

Member Fannon indicated at our last meeting Mr. Mamola indicated that these doors are going to remain shut other than when they have to be opened to let a customer out. How can your client assure us that this will happen? I could probably live with this, it is probably one of the nicest oil change operations I have seen, but how can you guarantee, other than just their word, that these doors will remain shut?

Mr. Mamola indicated I do rely substantially on the word of our client, and I also believe you have the power when you grant variances of this nature, to add some conditions. Once we have those conditions, it is up to your enforcement people.

Member Fannon inquired why when it is a nice day, would you leave the doors shut? There are people working in there, why wouldn't you open the doors for fresh air?

Mr. Mamola indicated there are also doors in the rear and we are not saying that those doors would be shut entirely; those would be shut when they had to be shut.

Chairman Canup indicated if the Board saw fit to approve this we could stipulate in the variance that this be a part of the approval and it would then be up to the enforcement people to handle it from there.

Member Foote indicated there are businesses located on Novi Road,

THAT IN CASE NO. 91-83A-F, THE VARIANCES BE GRANTED DUE TO LOT CONFIGURATION AND SIZE.

MOTION DIED FOR LACK OF SUPPORT.

Member Foote indicated what if we consider the requests individually.

Chairman Canup indicated I don't think this can be built any way other than what has been presented.

Member Foote indicated I thought the original plan, when this was first requested, was one entrance and one exit, with a long thin building and it had two bays.

Mr. Mamola indicated you are correct. Those two bays are what they refer to in the business as a piggyback situation, one in front of another.

Member Foote inquired did that allow for more green space?

Chairman Canup indicated I don't think it is the concern of the citizens whether it is a piggyback or a side by side situation, I think they just don't want it there.

Chairman Canup indicated I think from a marketing standpoint and the practicality of operation, I don't think there is anything else that will work there in the way of an oil change.

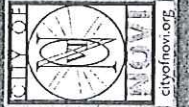
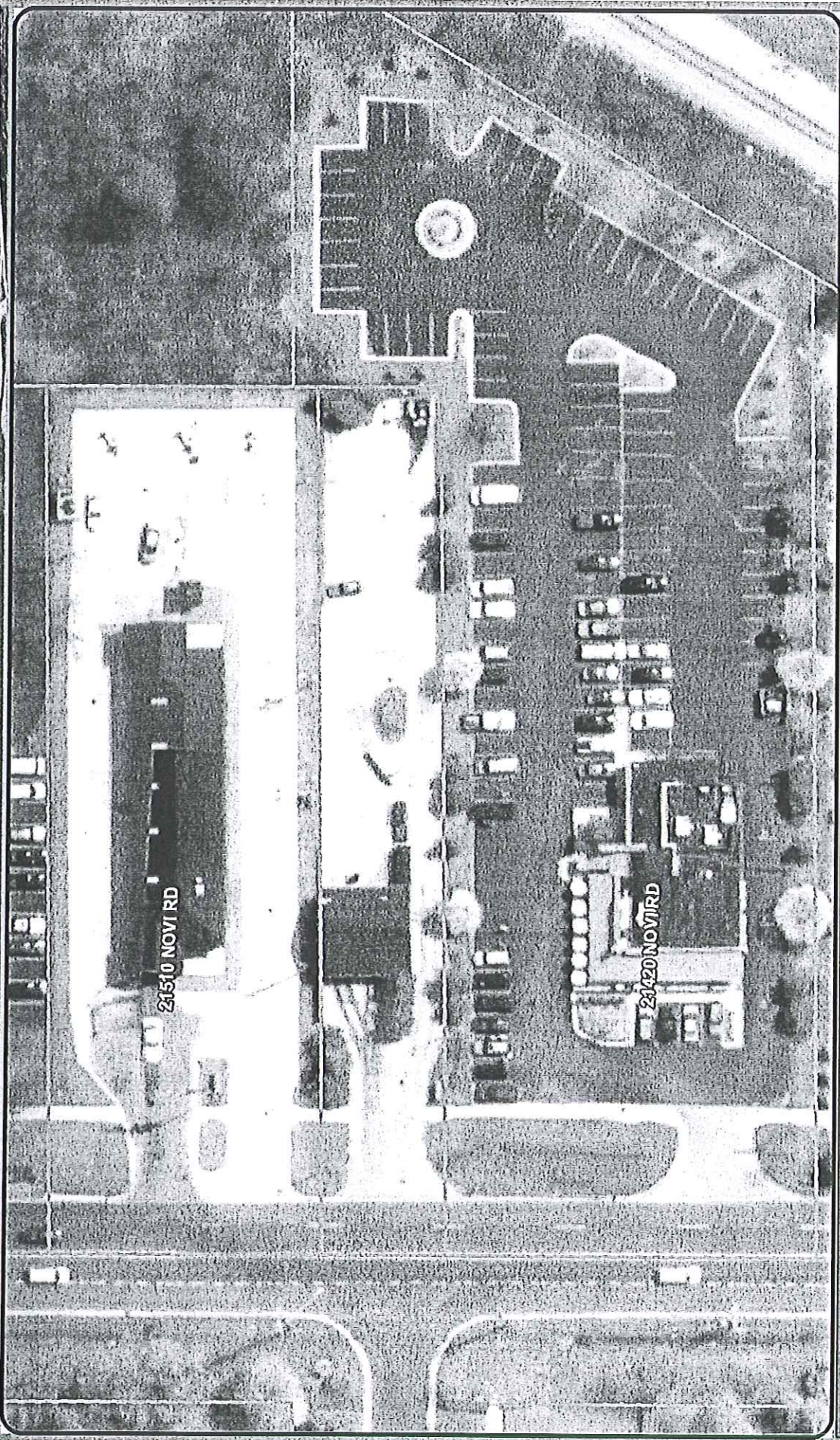
Member Foote indicated an oil change perhaps not, but some of the other usages that were pointed, such as the locksmith or tailor shop, might be the other options.

Member Fannon indicated I think one of the problems is that the Planning Commission has said this is an acceptable special land use for this specific piece of property and the only way to do it is to build it this way. This person has been lead to believe that this is a good use of this property.

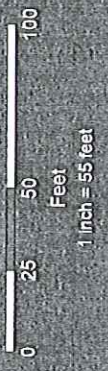
Member Foote indicated they granted the special land use and then they denied the preliminary site plan on the grounds that the bay doors, automotive overhead doors facing the neighborhood, goes against everything that has been stated that the City stands for doing for the neighborhoods.

Mr. Csapo indicated as far as the special land use, what the Planning Commission was saying is that in relationship to the other possible permitted uses or special uses this was no more or less problematic than the rest. However, they did not like this particular site plan. It has been stated they couldn't build it any other way, the Planning Commission felt otherwise. There was

City of Novi
2002 Aerial Photo



Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal

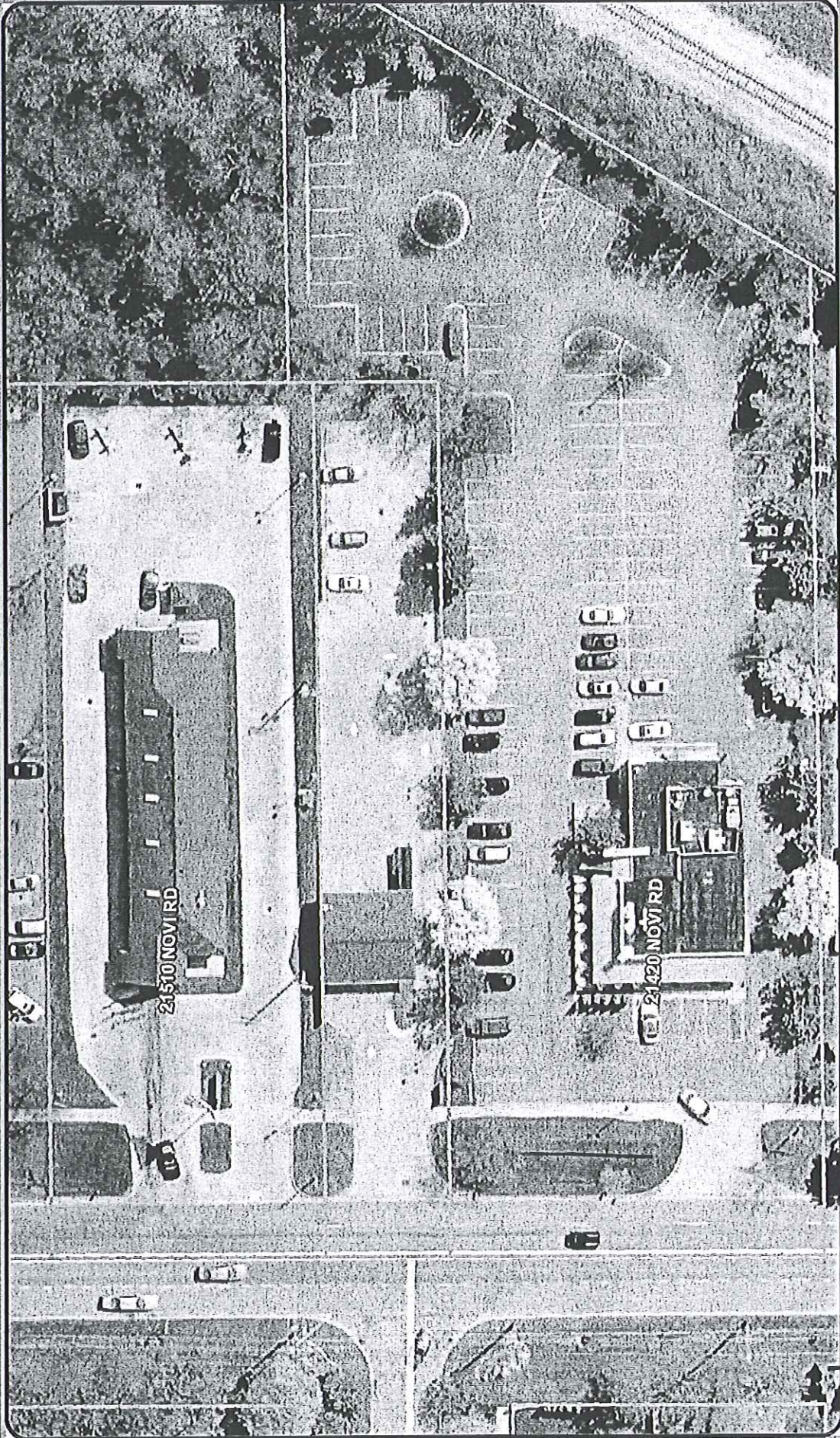


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Date: 06/10/2011

City of Novi
2010 Aerial Photo



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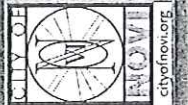
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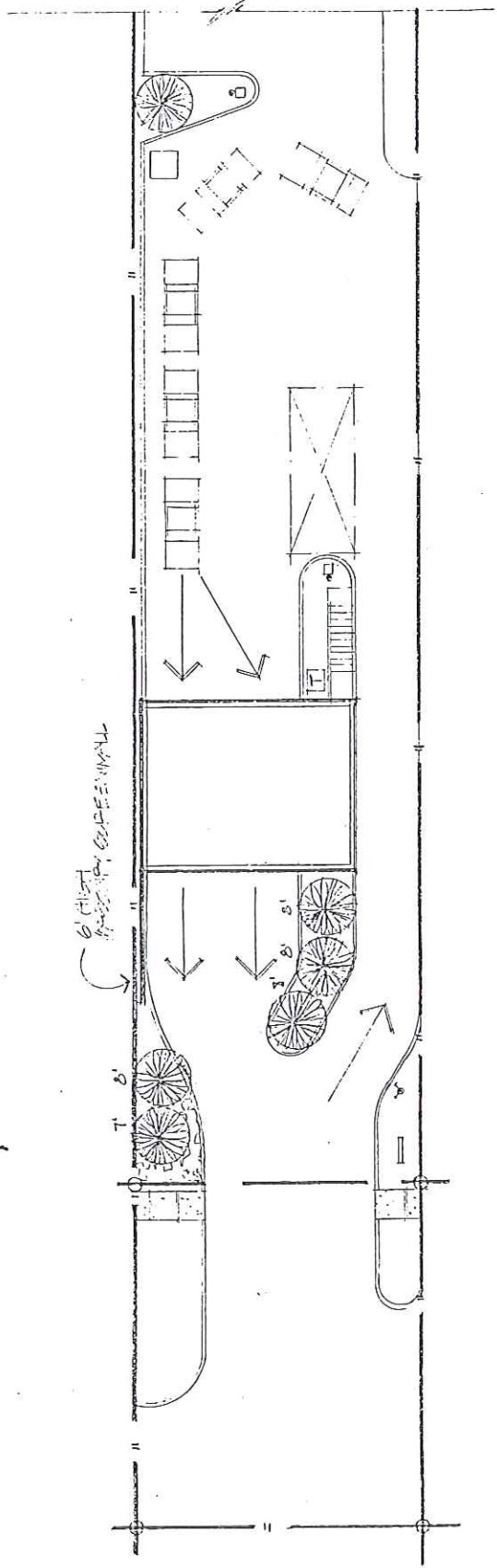


Date: 06/10/2011



Map Produced Using the
City of Novi, Michigan
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STREET SIDE WALL

PARK SITE PLAN
1:50



