

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

Case No. 12-011 Collex Collision

Location: 25100 Novi Road

Zoning District: I-2, General Industrial District

The applicant is requesting exceptions from Section 2400 of the Novi Zoning Ordinance to allow a reduction of the 100 ft required front yard parking setback to 61 ft. and a reduction in of the required 20 ft. interior side yard parking setback to approximately 5 ft; an exception from Section 2509.3(b) to allow waiver of the parking area berm along the Novi Road Right of way and Section 2505 to allow a reduction from the required 300 parking spaces to 140 spaces. The property is located north of Ten Mile Road and east of Novi Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 100 ft parking front setback for front yard parking and 20 ft. minimum side yard parking setback. Section 2509.3(b) requires a minimum 3 ft high berm or landscape wall to screen parking and Section 2505 requires minimum parking areas based on useable building floor space.

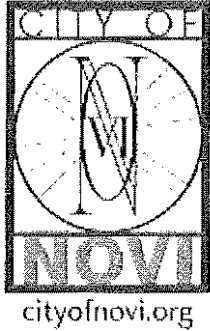
City of Novi Staff Comments:

The Planning staff have provided the attached review and comments.

Motion Guidelines:

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.



PLAN REVIEW CENTER REPORT
March 28, 2012
Planning Review for Zoning Board of Appeals
Collex Collision
SP 12-03

Petitioner

BRIVAR Construction Company

Property Characteristics

- Site Location: 25100 Novi Rd., East side of Novi Rd., south of railroad tracks (Section 23)
- Site School District: Novi Schools
- Site Zoning: I-2, General Industrial
- Adjoining Zoning: North, South and East: I-2; West (across Novi Rd.): I-1, Light Industrial and OS-1, Office Service
- Site Use(s): Existing Collex Collision
- Adjoining Uses: North: vacant, railroad tracks, office and industrial buildings; East: railroad tracks, office and industrial buildings; West (across Novi Rd.) and South: existing industrial, vacant
- Site Size: 4.33 acres
- Building Size: 21,600 sq. ft. (8,000 – existing building)
- Plan Date: 01/23/12

Project Summary

The applicant is proposing to construct a 21,600 square foot building in which to operate their existing Collex Collision business. The 8,000 square foot building currently used for the Collex operations would remain on the site. Additional parking would also be installed.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 20 (I-2, General Industrial District), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance.

1. **Front Yard Parking Screen Wall:** In order for front yard parking to be permitted in the I-2 District the parking must be screened by a 2.5' berm or wall. A 2.5' wall has not been provided and the applicant has elected to seek a variance from the Zoning Board of Appeals for the lack of a screen wall. Planning staff supports this variance as the unique topography of the site along the Novi Road frontage would negate the purpose of the wall, which is to screen car headlights from the adjacent roadway.
2. **Front Yard Parking Setback:** In order for front yard parking to be permitted in the I-2 District the parking must be setback 100'. A 61' parking setback has been provided. Planning staff supports this variance as the cars parked in the front yard parking area would be screened from the adjacent roadway because of the unique topography of the site along the Novi Road frontage.

3. Number of Parking Spaces: Automotive service establishments are required to have one parking space for each 100 square feet of usable floor area plus one space for each employee. The proposed building contains 19,956.5 square feet of usable floor area and the applicant has indicated 20 employees will be present. The proposed building requires 220 spaces. The 8,000 square foot existing building will remain. A floor plan or specific user has not been provided for the existing building. The applicant has indicated an automotive service facility as a potential use, which would require 80 additional spaces. A total of 300 spaces are required for the entire site and 140 spaces have been provided. The applicant has elected to seek a variance from the Zoning Board of Appeals for this deficiency. Planning staff does not support this variance as the applicant has not provided information explaining the hardship that prevents them from providing adequate parking on site. Additionally, the building size could be reduced which would lead to a reduction in the number of spaces required and bring the applicant closer to complying with ordinance requirements.
4. Side Yard Parking Setback: A setback of 20 feet is required for side yard parking. The plan shows a five foot parking setback in the southern side yard. The applicant has elected to seek a Zoning Board of Appeals variance from this requirement. Planning staff does not support this variance as the applicant has not provided information explaining the hardship that prevents them from providing the required parking setback. Additionally, the building size could be reduced which would provide additional space on the site to accommodate the required parking setback.

Questions concerning the above review can be directed to Kristen Kapelanski at 248.347.0586 or kkapelanski@cityofnovi.org.

ATTACHMENT A

Collex Collision - 25100 Novi Rd

9. State the practical difficulties which prevent conformance with Zoning Ordinance requirements.
10. Describe any unique circumstances regarding the property which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance.

Items 9. and 10. will be answered together with the following:

A. Section 2509.3 (b). This variance for the elimination of a three foot tall berm along the Novi Road right-of-way adjacent to the parking lot area is sought to be eliminated due to the recent addition of the Novi Road bridge over the railroad tracks. A three foot berm and/or screening wall would offer no benefit towards screening of parked cars. All parked cars in this area would already be screened by the bridge itself as well as the elevation difference between the Novi Road surface and the parking lot surface. The City of Novi Planning Staff has stated they are in support of a waiver of the frontage berm. This variance will provide substantial justice to the Petitioner and will have no effect on surrounding property owners in the Zoning District. As previously stated, the elevation difference between Novi Road and our parking lot is unique to our property. This elevation change was caused by the construction of the railroad bridge. There will not be a decrease of adequate light or air provided to adjacent properties and there is no increase in fire danger or public safety. Further, by granting this variance property values will not be diminished within the surrounding area and the spirit of the Zoning Ordinance will be observed.

B. Section 2400. We are requesting a 39 foot front yard parking setback variance for the Novi Road side of our site plan. The requirement is 100 feet for this parking setback. As you can see from our site plan, the 100 foot setback line runs roughly down the middle of the access driveway which surrounds our building. We have placed three handicap parking spots and four regular parking spots between Novi Road and our circular access road. These seven parking spots are deemed necessary in an attempt to alleviate the project's perceived parking deficiencies. We are required to have five handicap parking spaces near our main entrance and this is the only way we can accomplish that goal. These seven parking spaces are placed at the bottom of the elevation change from Novi Road to our driveway and parking areas. These parking spaces will not be visible from Novi Road unless a person is entering our driveway. As the principal purpose of the parking setback is to hide the front yard parking from the roadway, the granting of this variance will not defeat the purpose of the Ordinance. This variance will provide substantial justice to the property owner and surrounding property owners will not be affected. The unique circumstances of our property and the perceived parking deficiency are the main reason for these seven parking spaces to be placed where they are located. This problem is not self-created because if the Novi Road railroad bridge was never constructed, our property would remain relatively flat with Novi Road and we would have additional parking on site. The granting of this variance will not affect light and air on adjacent properties and there will be no increase in fire danger or public safety. Further, property values will not be diminished within the surrounding

area by granting this variance. Finally, the spirit of the Zoning Ordinance is observed by the granting of this variance.

C. Section 2505. The variance requested is for the number of parking spaces which would be required by a strict interpretation of the Zoning Ordinance. The staff has calculated we need 220 spaces for our new building and 80 spaces for the existing building which total 300 spaces for our entire site. We believe the Ordinance is ambiguous on its face. Please refer to **Exhibit A** which is the City's Ordinance definition of "Floor Area, Usable". As you can see in **Exhibit A**, the normal definition deals with the floor area which used to be used for the sale of merchandise or services or for the use to service patrons, clients or customers. The Ordinance then excludes areas principally used for storage, processing of merchandise, hallways or for utilities or sanitary facilities. Thereafter, someone thought it necessary to add an additional sentence dealing with automobile service establishments. It states: "Floor space to be used for servicing vehicles in automobile service establishments and public garages shall be considered as usable floor space."

As you can see in **Exhibit B**, the usable floor space for servicing of vehicles in our new building equals 10,191 square feet. The City Staff is calculating the usable floor space as the entire building. The Applicant would propose the City amend its off-street parking requirements for automobile repair facilities and garages to more closely reference what occurs in reality.

I have compared Novi's Ordinance to similar ordinances in the City of Royal Oak, City of South Lyon and the City of Wixom. Those results are attached as **Exhibit D**. You will note within the City of Royal Oak we would be required to have 93 parking spaces, in the City of South Lyon, 104 parking spaces and in the City of Wixom, 104 parking spaces. Novi would require 300 or more spaces. As you can see, the Novi Ordinance is so extreme that it would require more than three times the typically required parking spaces for a business of this nature.

In analyzing other business locations of Collex in the Metropolitan area, here is a listing of the City and the parking spaces for their buildings:

City	Parking Spaces
Birmingham	69
Ypsilanti	65
Dearborn Heights	95
#1Roseville	163
#2Roseville	91
Rochester Hills	39
Farmington Hills	53
Grand Blanc	84
Hazel Park	78
Clinton Township	132
Livonia	41

Flint	161
Pontiac	137
#1 West Bloomfield	39
#2 West Bloomfield	53
Riverview	176
Royal Oak	52
Taylor	134
#1 Sterling Heights	49
#2 Sterling Heights	50
Rochester	52
Troy	161
Rochester Hills	150
#1 Westland	85
#2 Westland	72
#3 Westland	73

Therefore, as you can see, the other City comparison is far better to reality than the City of Novi Ordinance requirements. We, therefore, request a variance to allow the 140 parking spaces on site. Without this variance, we would be unreasonably prevented from using our property for this permitted purpose. This variance will provide substantial justice to the Petitioner and will not have any affect on the surrounding property owners. These circumstances are unique to the property because of the loss of property to the elevation change for the railroad bridge and this problem has not been self-created. The granting of this variance will not affect light and air to adjacent properties nor will it increase fire danger or public safety. The property values of the area will not be diminished and the spirit of the Zoning Ordinance will be maintained.

D. Section 2400. Interior side yards. We are requesting a 15 foot interior side yard variance for the south side of our property that abuts other light industrial uses. As you can see from our site plan, an emergency access road for fire services enters our property along our southerly boundary. The fire truck path then intersects our parking lot as indicated on the site plan. It is necessary that our parking spaces be within five feet of our southerly property line so we can have sufficient parking on site and maintain a fire truck safety path. We are also constructing a retaining wall along this southerly boundary to provide buffering to the property to the south. This 15 foot variance will allow us to reasonably use our property and it will provide substantial justice to us and will have no impact on the surrounding property owners. The unique circumstances of this property have already been stated as they relate to the unusual site layout as a result of the Novi Road railroad bridge. The circumstances are unique to our property and will not have any adverse impact on adequate light and air to the adjacent properties. There is also no increase in fire danger or public safety and, in fact, we are specifically providing for public safety. The property values of the surrounding area will not be affected whatsoever and the spirit of the Zoning Ordinance will be maintained as there will be absolutely no effect on the industrial property which is adjacent to our south side.

Collex Collision Experts have been servicing residents of the City of Novi and the surrounding communities for quite some time. We are an established corporation with 11 other buildings in the Metropolitan area. We are very good at our business, our customers appreciate our professionalism and each community we are in appreciates the maintenance we provide at our business sites and the beauty that we provide to the neighborhood. This new building is an exciting one for us and will upgrade this light industrial area. We look forward to continued service to Novi and its residents.

EXHIBIT A

supervision for the time period set forth in this ordinance, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year. Overnight care shall not be provided. See standards in Section 402.4. (Ord. No. 2004-18.167, Pt. III, 4-5-04)

Farm: The parcel on which the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income is conducted.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, masonry, brick, stone, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

(Ord. No. 2004-18.173, Pt. I, 8-23-04)

Floodplain: The areas of land which include both the floodway and the floodway fringe.

Floodway: The area of water conveyance of the flowing portion of the water course during a one hundred (100) year flood.

Floodway Fringe: The area of ponded water which provides no water carrying or flowing capability during a one hundred (100) year flood.

Floor Area, Gross: The total horizontal area of all floors of a building, measured from the exterior faces of the exterior walls. For nonresidential buildings, the floor area shall include accessory buildings and all basement space used for activities related to the principal use. (Ord. No. 99-18.156, Pt. I, 12-20-99)

Floor Area, Gross Leasable: The whole floor area measured to the inside finished surface of the "dominant portion" of the permanent outer walls, excluding the following:

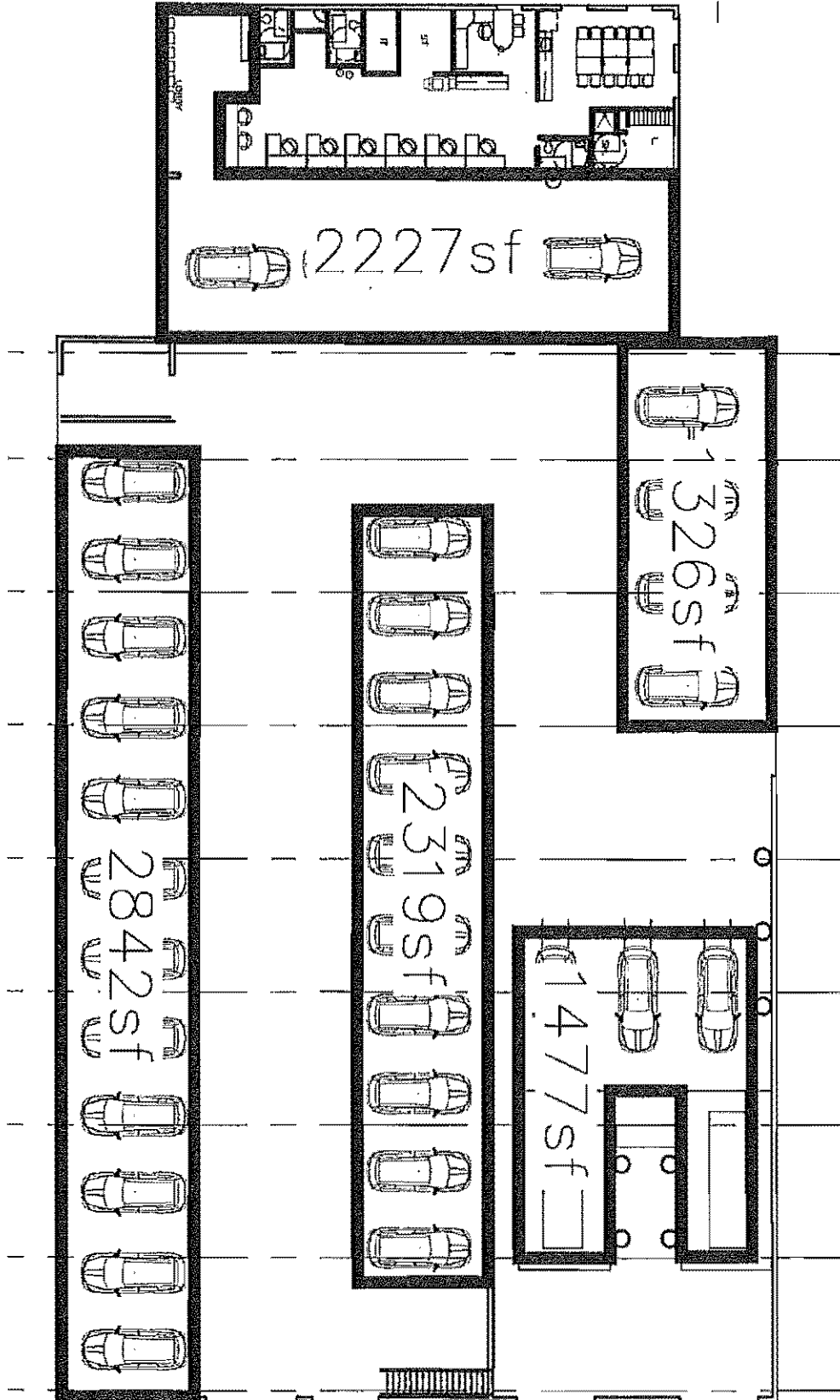
- (1) Office storage basements or mezzanines of not more than three thousand (3,000) square feet when designed exclusively for storage or mechanical equipment as determined by the building official, when accessory to an office building, ancillary to a permitted office use and when the city is in receipt of an affidavit, in recordable form acceptable to the city attorney, that is signed by the owner of the building stating that the addition will be used only for storage or mechanical equipment, and
- (2) Major vertical penetrations of the floor (e.g. elevator shafts, stairwells, flues, stacks, pipe shafts, interior courtyards/atriums and vertical ducts with their enclosing walls). Structural columns and projections are included. The gross leasable floor area is fixed for the life of a building and is not affected by changes in corridors. (Ord. No. 99-18.156, Pt. II, 12-20-99; Ord. No. 18.230, Pt. I, 9-22-08)

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor space to be used for servicing vehicles in automobile service establishments and public garages shall be considered as usable floor space. (Ord. No. 99-18.156, Pt. III, 12-20-99)

Freeway: A limited access highway with no at-grade crossings.

FLOOR AREA



PARKING DATA

REQUIRED PARKING:

NEW BUILDING(AUTOMOTIVE SERVICE ESTABLISHMENT)

TOTAL USABLE FLOOR AREA PROPOSED(SEE USABLE FLOOR AREA CALC, SHT.C-4):

10,191 S.F. @ 1 SP. PER 100 S.F. , 10,191/100 = 101.9 SPACES

=102 SPACES

NO. OF EMPLOYEES = 20

1 SP. PER EMPLOYEE = 20 SPACES

PARKING REQUIRED = 132 SPACES

EXISTING BUILDING(ASSUME AUTOMOTIVE SALES & SERVICE ESTABLISHMENT)

BUILDING SIZE: 7800 S.F.

TOTAL USABLE FLOOR AREA (ASSUME 70% USABLE):

7800 x 0.7 = 5460 S.F.

5460 S.F. @ 1 SP. PER 100 S.F. , 5460/200 = 27.3 SPACES

PARKING REQUIRED = 28 SPACES

TOTAL PARKING REQUIRED = 132 SP.+ 28 SP. = 160 SPACES

PROVIDED PARKING:

PARKING ON-SITE = 142 SPACES

PARKING IN BUILDING = 33 SPACES

TOTAL SPACES PROVIDED: = 175 SPACES
(INCL/ 5 BARRIER FREE)

Comparison of Off-Street Parking Requirements - draft 2/14/2012

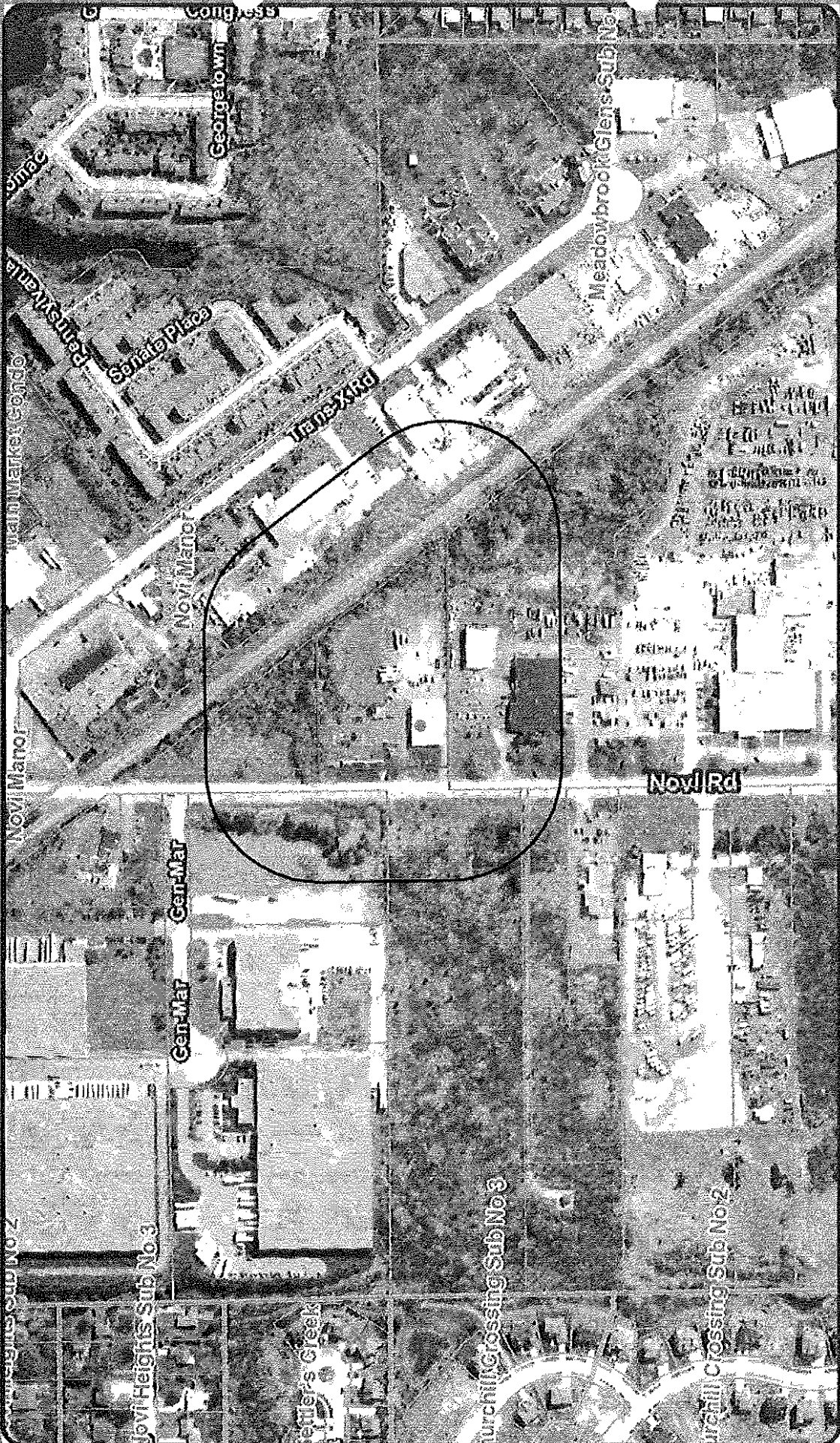
Figure #1

Parking Standards			Requirements		Parking Sp. Required - Collex Collision Site		
Municipality	Ordinance Sec.	Development Type	Parking Sp.	Criteria	Existing Bldg.	Proposed Bldg.	SubTotal
City of Royal Oak	Sec. 707-107	Auto Repair Garages	1.5	per stall or service area	9	50	59
		plus	1	per 800 sq. ft. usable service area	10	25	35
							Total:
City of South Lyon	Sec. 102-476	Auto Repair Facility	2	per service stall	12	66	78
		plus	1	per employee	6	20	26
							Total:
City of Wixom	Sec. 18.15.010	Auto Repair Facility	2	per service bay	12	66	78
		plus	1	per employee	6	20	26
		plus	1	per tow truck	0	0	0
							Total:
City of Novi	Sec. 2505	Auto Service Establishment	1	per 100 sq. ft. usable floor area	80	200	280
		plus	1	per employee	6	20	26
							Total:

Proposed Facilities

Existing Bldg.:	Usable Service Area:	8000 sf		
	No. of Service Stalls:	6		
	No. of Employees:	6		
	No. of Tow Trucks:	0		
Proposed Bldg.:	Usable Service Area:	19956.5 sf	Site:	Collex Collision
	No. of Service Stalls:	33		25100 Novi Rd.
	No. of Employees:	20		Novi, MI
	No. of Tow Trucks:	0	Date:	2/14/2012

City of Novi
Collex



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the jurisdiction of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/StdUseP-Policy.aspx>



1 inch = 365 feet



Date: 03/20/2012

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