



cityofnovi.org

## ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting

Tuesday, January 8, 2019

Council Chambers | Novi Civic Center | 45175 Ten Mile Rd  
(248) 347-0415

- Call to Order:** 7:00pm
- Roll call:** Members Byrwa, Member Ferrell, Member Gronachan, Chairperson Krieger, Member Peddiboyina, Member Sanghvi, and Member Sanker
- Present:** Members Byrwa, Member Ferrell, Member Gronachan, Chairperson Krieger, Member Peddiboyina, and Member Sanker
- Absent Excused:** Member Sanghvi
- Also Present:** Larry Butler (Community Development Deputy Director), Beth Saarela (City Attorney), Katherine Oppermann (Recording Secretary)

Pledge of Allegiance  
Approval of Agenda:  
Approval of Minutes:  
Public Remarks:  
Public Hearings:

**APPROVED**  
**APPROVED**  
**None**

- PZ18-0047 (Coy Construction Inc) 44682 Dunbarton Dr, East of Taft Road and North of Nine Mile Road, Parcel # 50-22-27-376-013.** The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.5 to allow a 10 foot rear yard variance for a proposed 25 foot setback for a proposed screened in porch, 35 feet minimum required by ordinance. This property is zoned Single Family Residential (R-3).

***The motion to approve case PZ18-0047 requesting a 10 foot rear yard variance for a screened-in porch was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to use of the property because the natural conditions in the yard and homeowner's health concerns. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the screen porch will be an enhancement to the property, increasing the value.***

*Maker: Member Peddiboyina  
Seconded: Member Gronachan  
Motion passed 6-0.*

- PZ18-0055 (Chris Ketzler/Toll Brothers) 20857 Dunhill Dr, West of Beck Road and North of Eight Mile Road, Parcel # 50-22-32-402-004.** The applicant is requesting a 2% variance from the City of Novi Zoning Ordinance Section 3.1.2 to allow the 27% proposed lot coverage for a new home, 25% allowed. This property is zoned Single Family Residential (R-1).

*The motion to deny case PZ17-0055 requesting a variance from the City of Novi Zoning Ordinance Section 3.1.2 to allow the 27% proposed lot coverage for a new home because the Petitioner has not established a practical difficulty was approved. Petitioner has not established that compliance with the strict letter of the restrictions of the ordinance would unreasonably prevent the use of the property or be unnecessarily burdensome, because Petitioner can comply with the ordinance by decreasing the size of the proposed residence, and still having a large residence consistent with the surrounding properties. Petitioner has not established unique circumstances regarding the area of the subject property, because petitioner is able to build residences on the adjacent lots which lots are substantially similar in size. The proposed user is merely seeking a residence that is oversized for the proposed lot and can reduce the size for consistency with surrounding residences. Petitioner has not established that the proposed use/improvement will not unreasonably impact the surrounding property because the proposed residence will be bigger than the surrounding residences. Petitioner has not established that, even with a grant of the variance, the spirit of the ordinance will be observed, public safety secured, and substantial justice done, because there is nothing about the size or area of the parcel and all surrounding lots are the same or substantially similar in size. All other neighbors will be required to limit the size of their residences to fit the lot. A lesser variance consisting of a smaller residence would do substantial justice to Petitioner and surrounding property owners because it will fit the lot and will be consistent with surrounding residences. Petitioner has not established that the need for the variance is not self-created, because petitioner is seeking a residence that is not consistent with surrounding residences and can be reduced to fit the lot size and still be used for residential purposes consistent with surrounding residential structures. The lot is no different than the surrounding lots.*

*Maker: Member Gronachan  
Seconded: Member Byrwa  
Motion passed 6-0.*

- PZ18-0057 (Somnio Global LLC) 45145 West 12 Mile Road, East of Taft Road and South of Twelve Mile Road, Parcel # 50-22-15-126-015.** The applicant is requesting a variance from the City of Nov Ordinance Section 4.68(2) to allow an exterior bulk Nitrogen Storage tank required for research. Limited warehousing or storage of products used in research is allowed by code. This property is zoned Office Service Technology (OST).

**This agenda item was postponed to the February 12th Zoning Board meeting at the request of the applicant.**

- PZ18-0059 (Brian Luke) 41032 S McMahon Circle, East of Meadowbrook Road and South of Ten Mile Road, Parcel # 50-22-25-104-016.** The applicant is requesting a variance from the Novi Code of Ordinance Section 3.1.5 for a 21 foot variance for a proposed front yard variance of 9 feet to allow for a new carport addition, 30 feet minimum required. This property is zoned Single Family Residential (R-4).

**The motion to approve case PZ18-0059 requesting variance to allow a 9 foot front yard setback for a garage addition was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to use of the property because the lack of a garage creates many issues with protecting belongs from weather conditions and criminal elements. The property is unique because of the unusually shaped lot. Petitioner did not create the condition because it is a long established neighborhood.**

*Maker: Member Peddiboyina  
Seconded: Member Ferrell  
Motion passed 6-0.*

5. **PZ18-0061 (Jenny Griffith) East of Old Novi Road and South of East Lake Drive, Parcel # 50-22-02-357-010.** The applicant is requesting variances from the Novi Code of Ordinance Section 3.1.5 for a 16 feet front yard variance for a proposed 14 feet setback, 30 feet required, a 25 foot variance for a proposed 10 foot rear yard setback, 35 feet required, a 6 and 11 foot variance for a proposed 4 feet by 4 feet side yard setback, 25 feet total allowed, a 26% variance for a proposed 51% max lot coverage 25% required and a 19 foot front deck variance for a proposed 6 foot deck, 25 feet required. This property is zoned Single Family Residential (R-4).

**The motion to table case PZ17-0061 to the February 12<sup>th</sup>, 2019 Zoning Board of Appeals Meeting was approved.**

*Maker: Member Gronachan  
Seconded: Member Byrwa  
Motion passed 6-0.*

6. **PZ18-0062 (Nancy Simmons) 117 Maudlin St, West of Old Novi Road and South of South Lake Drive, Parcel # 50-22-03-453-007.** The applicant is requesting variances from the Novi Code of Ordinance Section 2.2 to allow accessory use on parcel 50-22-03-453-016 absent a primary use, Section 4.19 parcel 50-22-03-453-016 absent a primary use and allow a structure in the rear setback, Section 3.32 to allow a structure in the rear setback. This property is zoned Single Family Residential (R-4).

**The motion to approve case PZ18-0062 requesting variances from the Novi Code of Ordinance Section 2.2 to allow accessory use on parcel 50-22-03-453-016 absent a primary use, Section 4.19 parcel 50-22-03-453-016 absent a primary use and allow a structure in the rear setback, and Section 3.32 to allow a structure in the rear setback was approved. The property is unique because of its size and shape. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it will be increasing the safety and usability of the property. The relief is consistent with the spirit and intent of the ordinance because it is a minimum request. The variance is subject to the term of the lease agreement between Nancy Simmons and the owners of parcel 50-22-03-453-016.**

*Maker: Member Gronachan  
Seconded: Member Peddiboyina  
Motion passed 5-1.*

7. **PZ18-0063 (Chris Ketzler/Toll Brothers) 20735 Dunhill Dr, West of Beck Road and North of Eight Mile Road, Parcel # 50-22-32-400-013.** The applicant is requesting a variance from the City of Nov Ordinance Section 28-6 for a of 44 square feet variance to allow the installation of a 64 square foot temporary sign, 20 square feet allowed. Section 28.6 for a 3 foot sign variance for proposed a 9 foot high sign, 6 feet allowed. This property is zoned Single Family Residential (R-1).

***The motion to approve case PZ18-0063 requesting variance for a 64 square foot sign, 9 feet in height was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to use of the property because temporary signage is necessary for the advertisement for the new housing available. The property is unique because the sign sits alone on a vast green space adjacent to a fast travelling road. The variance granted is subject to one year or sellout of lots, petitioner is required to return to the board for an extension should they require the temporary signage for longer than a year.***

*Maker: Member Peddiboyina  
Seconded: Member Gronachan  
Motion passed 6-0.*

#### **Meeting Adjournment: 8:10pm**

Zoning 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 or 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.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City. (Ord. No. 18.226, 5-12-08; Ord. No. 10-18.244, Pt. VII, 11-8-10).