



COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: September 12, 2017

REGARDING: 1103 East Lake Dr, Parcel #50-22-02-126-001 (PZ17-0040)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Theodore Andris

Variance Type

Dimensional Variance

Property Characteristics

| | |
|------------------|---|
| Zoning District: | General Business |
| Location: | South of Fourteen Mile Road and East of East Lake Drive |
| Parcel #: | 50-22-02-126-001 |

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.4 for a proposed 49 square foot variance for the 466 loading area, 515 square feet required.

This property is zoned General Business (B-3).

II. STAFF COMMENTS:

Ordinance requires 10 square feet for every front foot of building.

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. I move that we **grant** the variance in Case No. **PZ17-0040**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.
- (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.
- (b) The property is unique because _____.
- (c) Petitioner did not create the condition because _____.

_____.

(d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because_____.

_____.

(e) The relief if consistent with the spirit and intent of the ordinance because

_____.

_____.

(f) The variance granted is subject to:

1. _____.

2. _____.

3. _____.

4. _____.

2. I move that we **deny** the variance in Case No. **PZ17-0040**, sought by _____,
for_____ because Petitioner has not shown practical difficulty requiring _____.

(a) The circumstances and features of the property including_____ are not unique because they exist generally throughout the City.

(b) The circumstances and features of the property relating to the variance request are self-created because_____.

(c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that _____.

(d) The variance would result in interference with the adjacent and surrounding properties by_____.

(e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to_____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler
Deputy Director Community Development
City of Novi



ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

cityofnovi.org
ZBA Case No.

PZ17-0040

For Official Use Only

ZBA meeting date

September 12, 2017

Check# _____ Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

***Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name Theodore S. Andris, P.C. Date July 31, 2017

Company (if applicable) Theodore S. Andris, P.C.

Address* 24901 Northwestern Highway, Suite 411 City Southfield

State MI Zip code 48075 *Where all case correspondence is to be mailed

Applicant's E-mail address tandrispc@att.net

Phone number 810.354.2460 Fax number _____

Request is for:

Residential Vacant property Commercial Signage

Address of subject ZBA case 1103 E. Lake Drive Zip code 48375

Cross roads of property Fourteen Mile Road and East Lake Drive

Sidwell number 50-22-02-126-001 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction? Yes No

Zoning (Please circle one) MH I-1 I-2 R-A R-1 R-2 R-3 R-4 RM-1 RM-2 RC TC TC-1 B-3 Other

Property owner name (if other than applicant) _____

Does your appeal result from a Notice of Violation or Citation issued? Yes No

Indicate Ordinance section(s) and variances requested:

- | | | | | |
|----|---------|-------------------------------------|--------------------|---|
| 1. | Section | <u>5.4, Loading & Unloading</u> | Variance requested | <u>515 SF Loading Req; 466 SF Prov; Need 49 SF Variance</u> |
| 2. | Section | <u>5.4, Loading & Unloading</u> | Variance requested | <u>Located in Front yard setback; Need front setback var.</u> |
| 3. | Section | _____ | Variance requested | _____ |
| 4. | Section | _____ | Variance requested | _____ |

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

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

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

See attached letter.

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:

See attached letter.

There is a five (5) day hold period before work/action can be taken on variance approvals.

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.

City of Novi 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.

PLEASE TAKE NOTICE:

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

- Construct new home/building
- Accessory building
- Use
- Addition to existing home/building
- Signage
- Other

Theodore Stankovic
Applicants Signature **LOWNER**

8-1-17
Date

Property Owners Signature

Date

DECISION ON APPEAL

_____ Granted _____ Denied

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

SEIBER KEAST ENGINEERING, LLC

ENGINEERING CONSULTANTS

Clif Seiber, P.E.
Patrick G. Keast, P.E.
Azad W. Awad

100 MainCentre, Suite 10
Northville, MI 48167
Phone No. 248.231.9036
E-mail: cs@seibereng.com

August 7, 2017

City of Novi
Zoning Board of Appeals
45175 W. Ten Mile Road
Novi, MI 48375

Re: **Driftwood Bar & Grill, JSP 17-0007**

Board Members:

The following information is provided in response to the Review Standards Dimensional Variance check list.

Standard 1

Shape of lot, environmental conditions and abutting property are not applicable to the requested variances.

Standard 2

Not Self-Created

The current loading area location and size has existed since 1949 or before. The hardship was created when the City of Novi adopted their Zoning Ordinance. The hardship is not self-created.

Standard 3

Strick Compliance

Eliminating the existing loading area will disrupt the kitchen operations and cause the loading of supplies to be carried through the dining room and bar area.

Standard 4

Minimum Variance Needed

Since the loading area already exists and has been located at its present location for over 68 years, approval of the existing loading area is the minimum variance required to maintain operations.

Standard 5

Adverse Impact to Surrounding Area

In order to mitigate the view of the loading area, a 6-foot high screen fence is proposed on the site plan. No adverse impact to the surrounding area is foreseen.

Zoning Board of Appeals
August 7, 2017
Page 2

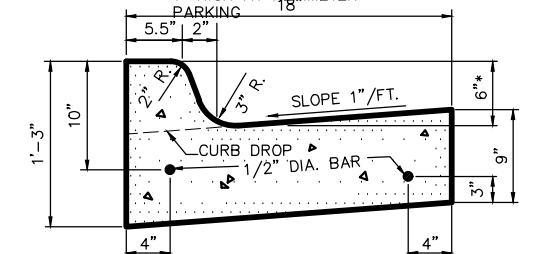
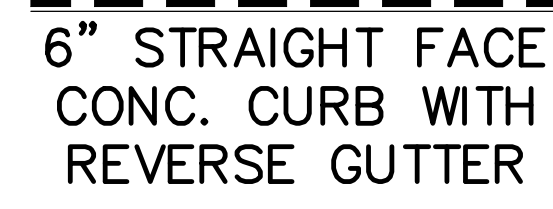
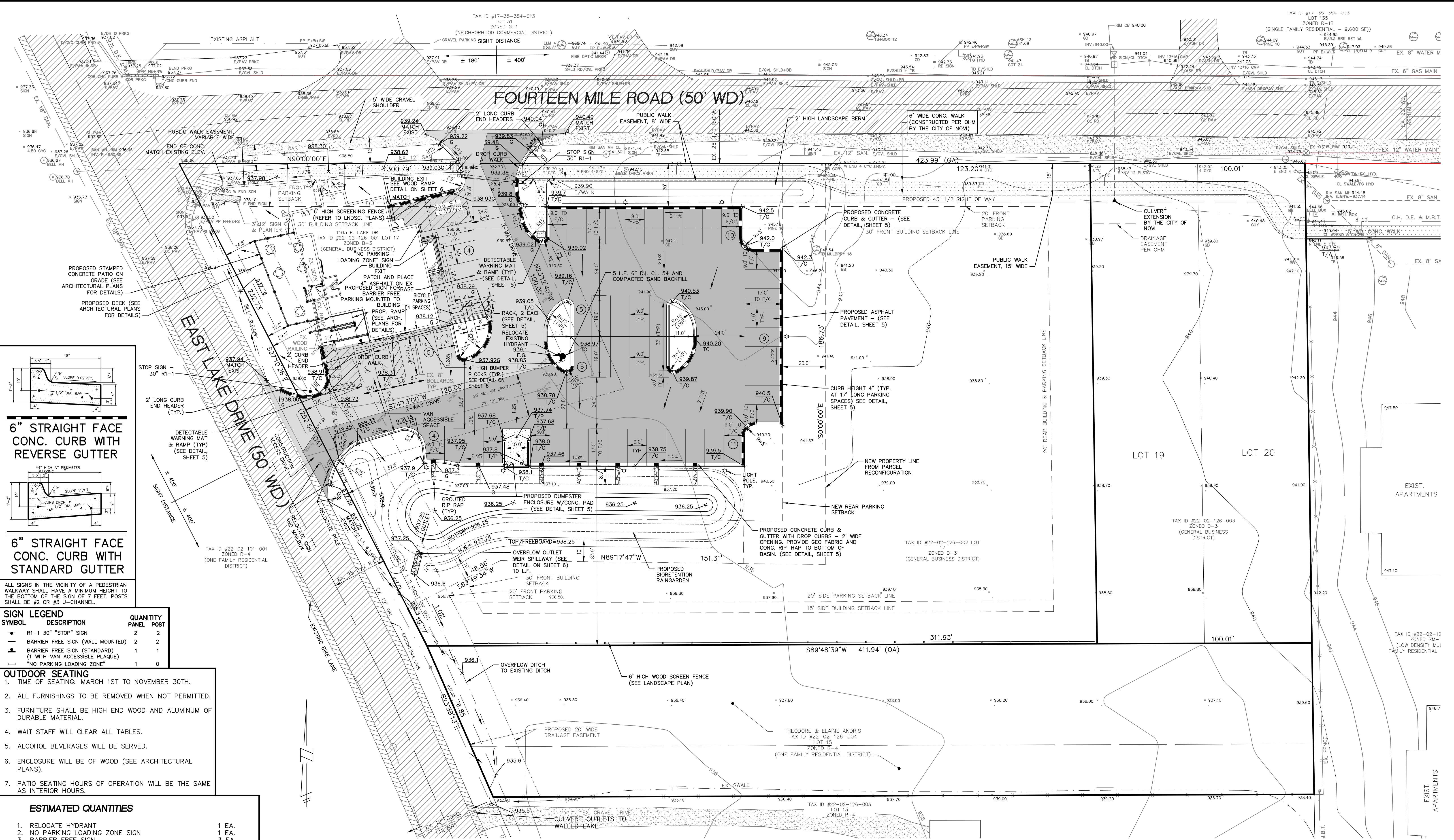
Sincerely,

SEIBER KEAST ENGINEERING, LLC

A handwritten signature in black ink, appearing to read "Clif Seiber", written in a cursive style.

Clif Seiber, P.E.

Cc: Theodore Andres



6" STRAIGHT FACE CONC. CURB WITH REVERSE GUTTER

6" STRAIGHT FACE CONC. CURB WITH STANDARD GUTTER

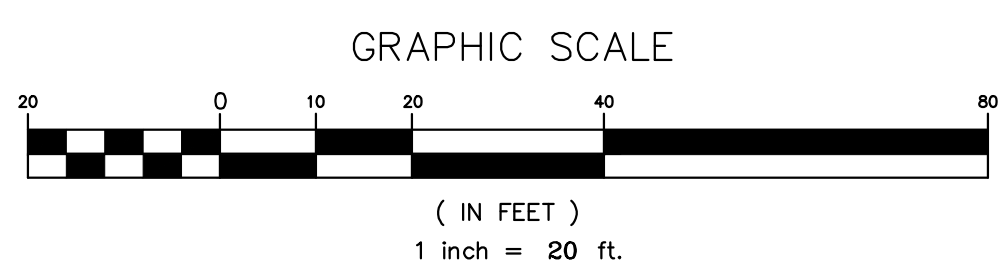
ALL SIGNS IN THE VICINITY OF A PEDESTRIAN WALKWAY SHALL HAVE A MINIMUM HEIGHT TO THE BOTTOM OF THE SIGN OF 7 FEET. POSTS SHALL BE #2 OR #3 U-CHANNEL.

| SIGN SYMBOL | DESCRIPTION | QUANTITY | PANEL | POST |
|-------------|---|----------|-------|------|
| | R1-1 30" "STOP" SIGN | 2 | 2 | |
| | BARRIER FREE SIGN (WALL MOUNTED) | 2 | 2 | |
| | BARRIER FREE SIGN (STANDARD) (1 WITH VAN ACCESSIBLE PLAQUE) | 1 | 1 | |
| | "NO PARKING LOADING ZONE" | 1 | 0 | |

- OUTDOOR SEATING**
1. TIME OF SEATING: MARCH 1ST TO NOVEMBER 30TH.
 2. ALL FURNISHINGS TO BE REMOVED WHEN NOT PERMITTED.
 3. FURNITURE SHALL BE HIGH END WOOD AND ALUMINUM OF DURABLE MATERIAL.
 4. WAIT STAFF WILL CLEAR ALL TABLES.
 5. ALCOHOL BEVERAGES WILL BE SERVED.
 6. ENCLOSURE WILL BE OF WOOD (SEE ARCHITECTURAL PLANS).
 7. PATIO SEATING HOURS OF OPERATION WILL BE THE SAME AS INTERIOR HOURS.

ESTIMATED QUANTITIES

| | |
|--|-----------|
| 1. RELOCATE HYDRANT | 1 EA. |
| 2. NO PARKING LOADING ZONE SIGN | 1 EA. |
| 3. BARRIER FREE SIGN | 3 EA. |
| 4. STOP SIGNS | 2 EA. |
| 5. "3-LOOP" BIKE RACK | 2 EA. |
| 6. LIGHT POLES | 9 EA. |
| 7. 4" HIGH BUMPER BLOCKS | 9 EA. |
| 8. DETECTABLE WARNING MATS | 3 EA. |
| 9. WHITE STRIPING (2 COATS) | 2982 L.F. |
| 10. 6" STRAIGHT FACED CONC. CURB W/GUTTER | 813 L.F. |
| 11. CONCRETE WALK | 910 S.F. |
| 12. 4" ASPH. ON 8" 21-AA LIMESTONE | 1653 S.Y. |
| 13. 4" ASPHALT | 703 S.Y. |
| 14. 6" D.I. CL 54 W/COMPACT SAND FILL | 5 L.F. |
| 15. TRASH ENCLOSURE & APPURTENANCES (PER DETAIL) | 1 EA. |
| 16. 8" THICK CONCRETE PAD ON 4" SAND | 230 S.F. |
| 17. GRAVEL SHOULDER | 491 S.F. |
| 18. REMOVE EXCESS EXCAVATED MATERIAL | LUMP SUM |



LEGEND

| EXISTING | PROPOSED | EXISTING | PROPOSED |
|----------|----------|----------|----------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

REVISIONS

| NO. | ITEM | DATE |
|-----|--------------------------------|---------|
| 11 | SUBMIT FINAL SITE PLAN TO CITY | 7-30-17 |

DATE: 07-30-17 DESIGNED BY: T.C.B. CHECKED BY: C.S.

UTILITY WARNING

UNDERGROUND UTILITY LOCATIONS AS SHOWN ON THE PLAN, WERE OBTAINED FROM UTILITY OWNER AND NOT FIELD LOCATED.

811 Know what's below. Call before you dig.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF AND/OR RELOCATION OF ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION.

JOB NUMBER: 13-020

DRIFTWOOD BAR & GRILL

PART OF THE NW 1/4 OF SECTION 2
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

GRADING & PAVING & UTILITY PLAN

SEIBER, KEAST ENGINEERING, L.L.C.

CONSULTING ENGINEERS
100 MAINCENTRE • SUITE 10 • NORTHWILLE, MI • 48167
PHONE: 248.308.3331 FAX: 248.308.3335

SHEET 3