



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: October 8, 2019

REGARDING: 39659 Thirteen Mile Rd, Parcel # 50-22-12-200-050 (PZ19-0036)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

The Goddard School

Variance Type

Dimensional

Property Characteristics

Zoning District:	Office Service Technology
Location:	West of Haggerty Road and South of Thirteen Mile Road
Parcel #:	50-22-12-200-050

Request

The applicant is requesting variances from the City of Novi Zoning Code Section 4.12.2.i.a for a proposed 19,033 square feet of outdoor recreation area, 23,400 square feet required by code. Section 4.12.2.i.a for a proposed recreation area occupying 63.87% of the exterior side yard, up to 25% of the distance between the building and the property line allowed by code. Section 5.4.3 for the absence of a loading zone. Section 5.2 for the deficiency of parking spaces, 40 spaces proposed, 41 required by code. Section 4.19.2.F for a proposed dumpster located in the front yard, dumpsters are required to be located in the rear yard by code. Section 4.19 for the location of play/shade structures in the exterior and interior side yards, and less than 10 feet from the main building, by code accessory structures must be located in the rear yard and must be located greater than 10 feet from the main building. Section 5.11 for the location of a fence in the exterior side yard, by code no fence shall extend into a front or exterior side yard. The proposed plan has a fence around the outdoor recreation area in the exterior side yard on the east side. City of Novi Code of Ordinances Section 28-5(a) for a second ground sign, one ground sign allowed by code. Section 28-6 for an overtime, oversize temporary ground sign. This property is zoned Office Service Technology (OST).

II. STAFF COMMENTS:

III. RECOMMENDATION:

- I move that we **grant** the variance in Case No. **PZ19-0036**, 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. **PZ19-0036**, 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_____

_____.

Zoning Board Of Appeals

The Goddard School
Case # PZ19-0036

October 8, 2019

Page 3 of 3

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
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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION The Goddard School				Meeting Date: _____	
ADDRESS 39659 West Thirteen Mile Road		LOT/SIUTE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22- 12 - 200 - 50		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY 13 Mile and Cabot					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS kevin@becksonmedical.com		CELL PHONE NO. 877-832-1156	
NAME Kevin Kempl		TELEPHONE NO.			
ORGANIZATION/COMPANY Kempl Group, LLC (Kevin Kempl)		FAX NO.			
ADDRESS 54383 Royal Troon Drive		CITY South Lyon	STATE Michigan	ZIP CODE 48178	
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS msosin@noreq.net		CELL PHONE NO.	
NAME Matt Sosin		TELEPHONE NO. 248-848-6400			
ORGANIZATION/COMPANY Northern Equities Group		FAX NO.			
ADDRESS 39000 County Club Drive		CITY Farmington Hills	STATE Michigan	ZIP CODE 48331	
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input checked="" type="checkbox"/> OTHER <u>OST</u>					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>4.12.2.9</u>		Variance requested		<u>Allow for reduction in outdoor recreational space</u>	
2. Section <u>5.4.2</u>		Variance requested		<u>Omit Loading Area</u>	
3. Section <u>4.19.2F</u>		Variance requested		<u>Allow dumpster in side yard setback</u>	
4. Section <u>4.19</u>		Variance requested		<u>Allow (2) accessory structures in front and side yards</u>	
IV. FEES AND DRAWINGS					
A. FEES					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600					
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
<ul style="list-style-type: none"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable 			<ul style="list-style-type: none"> • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • Any other information relevant to the Variance application 		

Additional Variances:

5. Section 4-19: Allow for a shade structure to be located less than 10' from a building
6. Section 4-12.2.ia: Allow for the percentage of play area in a side setback to be more than 25%
7. Section 5.11: Allow fencing in front or side yard
8. Section 5.2: Allow for a reduction in the number of required parking
9. Section 28-5.1.d.1: Allow for a wall sign
10. Section 28-5.1.d.1: Allow for a second ground sign



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REVIEW STANDARDS DIMENSIONAL VARIANCE

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Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

- a. Shape of Lot.** Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.

Describe below:

Outdoor Recreation Variance. Due to the configuration of the site the amount of available space for outdoor recreation area is limited.

OR

- b. Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

Outdoor Recreation Variance: The existing detention basin and the existing topographic conditions limits the space available for Outdoor Recreational Area.

OR

- c. Abutting Property.** The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties. **Describe below:**

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

Outdoor Recreation Variance. The Goddard School Standards for playground safety and size along with the physical site constraints limit the available area.

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in 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.

Outdoor Recreation Variance: Strict compliance with the Zoning Ordinance Requirements prevents Goddard School from using the site per the Goddard School Standards do not allow for a vast open space for children to play due to safety concerns.

Standard #4. Minimum Variance Necessary.

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Outdoor Recreation Variance: The Goddard School requires play areas on flat ground and in safe conditions. The State (LARA) Requirements for Outdoor Recreation Area is 1,200 square feet per student. We are providing a total of 19,033 sq ft.

Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Outdoor Recreational Area: Reducing the Outdoor Recreational Area will not adversely affect the neighbors. The amount of children allowed outside at one time is limited to not more than (2) classrooms at one time. One classroom in each playground area.



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www.cityofnovi.org

REVIEW STANDARDS DIMENSIONAL VARIANCE

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

- a. Shape of Lot.** Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.

Describe below:

Outdoor Recreation Variance. Due to the configuration of the site the amount of available space for outdoor recreation area is limited.

OR

- b. Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

Outdoor Recreation Variance: The existing detention basin and the existing topographic conditions limits the space available for Outdoor Recreational Area.

OR

- c. Abutting Property.** The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties. **Describe below:**

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

Outdoor Recreation Variance. The Goddard School Standards for playground safety and size along with the physical site constraints limit the available area.

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in 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.

Outdoor Recreation Variance: Strict compliance with the Zoning Ordinance Requirements prevents Goddard School from using the site per the Goddard School Standards do not allow for a vast open space for children to play due to safety concerns.

Standard #4. Minimum Variance Necessary.

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Outdoor Recreation Variance: The Goddard School requires play areas on flat ground and in safe conditions. The State (LARA) Requirements for Outdoor Recreation Area is 1,200 square feet per student. We are providing a total of 19,033 sq ft.

Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Outdoor Recreational Area: Reducing the Outdoor Recreational Area will not adversely affect the neighbors. The amount of children allowed outside at one time is limited to not more than (2) classrooms at one time. One classroom in each playground area.



Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
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REVIEW STANDARDS SIGN VARIANCE

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Sign Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Sign Variance.)

Standard #1. Extraordinary Circumstances or Conditions.

Explain how the circumstances or physical conditions applying to the property that do not apply generally to other properties in the same Zone District or in the general vicinity. Circumstances or physical conditions may include:

- a. Shape of Lot.** A sign could not be placed in the location required by the Zoning Ordinance due to the shape, topography or other physical conditions of the lot or due to the location of an existing structure. **Describe below:**

Due to the fact that the parcel has two (2) frontage on roadways (13 Mile and Cabot)

OR

- b. Environmental Conditions.** A sign could not be placed in the location required by the Zoning Ordinance without removing or severely altering natural features, such as trees, topography, drainage courses or encroaching upon storm water facilities. **Describe below:**

N/A

OR

- c. Abutting Property.** A sign could not be reasonably seen by passing motorists due to the configuration of existing buildings, trees, signs or other obstructions on an abutting property. **Describe below:**

N/A

- d. Scale of Building or Lot Frontage.** A sign that exceeds permitted dimensions for area and/or height could be considered appropriate in scale due to the length of the building frontage (wall sign only) or length of the lot frontage (ground sign only). **Describe below:**

Due to the configuration of the parcel the calculated size is larger than Ordinance Requirements. The proposed wall sign is in scale with the size of the building frontage.

- e. Not Self-Created.** Describe the immediate practical difficulty causing the need for the Variance was not created by the applicant or any person having an interest in the sign, sign structure, or property. **Describe below:**

The requested wall sign on the building frontage would conform with Goddard School Standards and would be consistent with other adjacent users.

Standard #2. Limit Use of Property.

Explain how the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return.

It is Goddard School Standard to have a wall sign on the frontage of the building.

Standard #3. Adverse Impact on Surrounding Area.

Explain how the Sign Variance will not result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter.

The proposed variance requested will not have a negative impact on the surrounding land uses. The signs will not block the views or compete with other neighboring signs.



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Due to the fact that the parcel has two (2) frontage on roadways (13 Mile and Cabot)

OR

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PEA, Inc. 2410 BROADWAY, SUITE 100 TOLSON, MICHIGAN 48860-1000

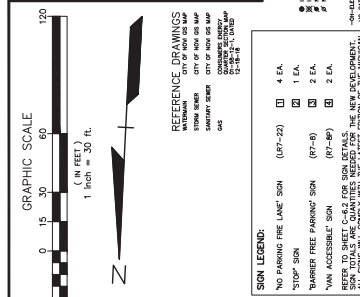
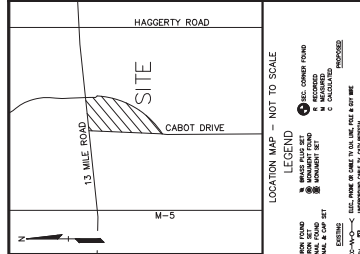


THE GODDARD SCHOOL FOR EARLY CHILDHOOD DEVELOPMENT 10.9K PROTOTYPE V 7.0

CITY OF NOVATO, OAKLAND COUNTY, MI 48377

SITE PLAN

C-2.0

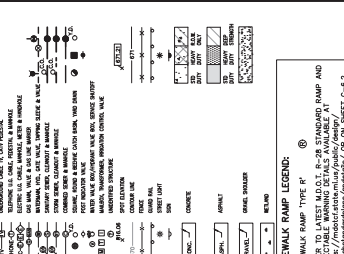


REFERENCE DRAWINGS: CITY OF NOVATO MAP NO. 103-000-000-000

LEGEND: SIGN LEGEND, SIDEWALK RAMP LEGEND, LOCATION MAP - NOT TO SCALE

GENERAL NOTES: THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT. 1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB FACE OF SIDEWALK, UNLESS OTHERWISE NOTED.

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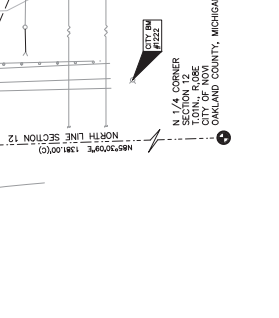
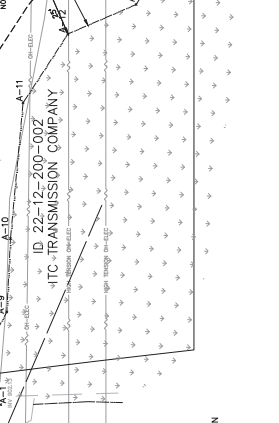
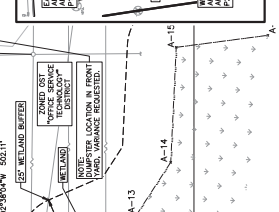
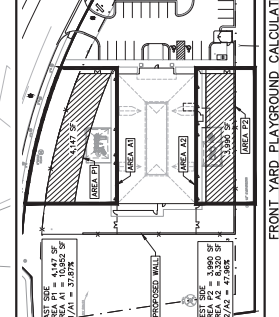
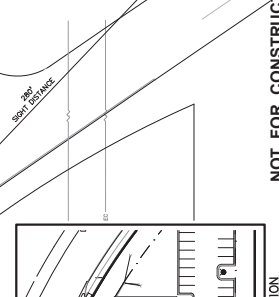
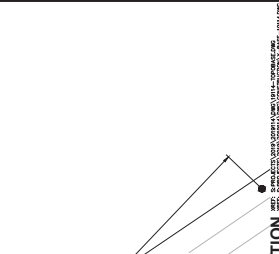
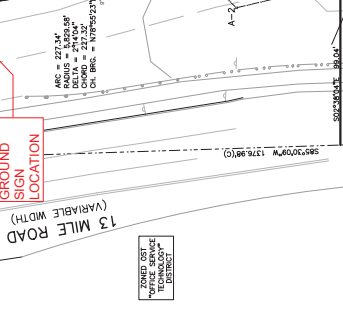
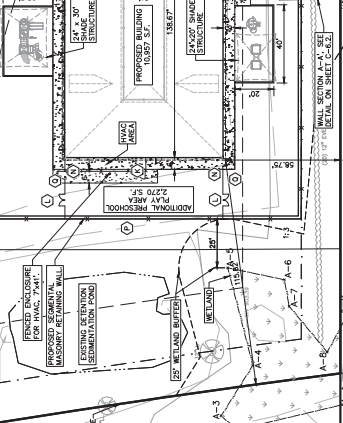
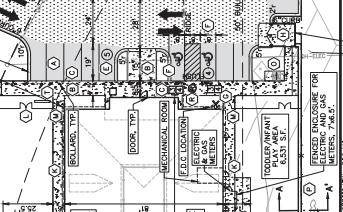
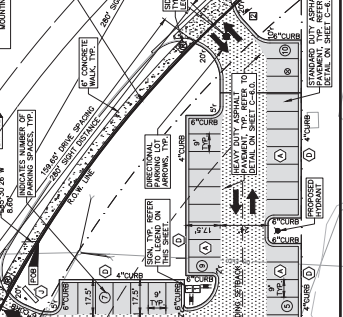
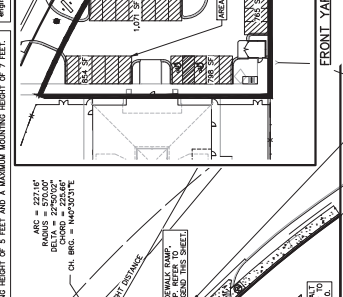
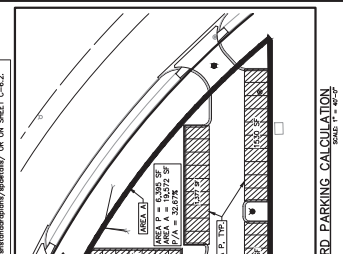
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