



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

Case No. PZ13-0063 - Raven Investments LLC

Location: 25460 Novi Road

Zoning District: I-2, General Industrial District

The applicant is requesting a use variance from CITY OF NOVI, CODE OF ORDINANCE, Section 2001 to allow principal use of the site for outdoor storage when such yard is not obscured by a masonry wall, landscaped earth berm, chain link fence with heavy screen plantings, or combinations thereof, the height, location and extent of which shall be according to the requirements of Section 2509 and Section 2514 of this Ordinance. The property is located on Novi Road and south of Grand River.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2001, "Principal Uses Permitted" states: Outdoor storage yards either as principal use of a site or as a use accessory to a principal use of a site when such yards are totally obscured by a masonry wall, landscaped earth berm, chain link fence with heavy screen plantings, or combinations thereof, the height, location and extent of which shall be according to the requirements of Section 2509 and Section 2514 of this Ordinance, except as hereinafter exempted in Section 2002.1 for a location within a planned industrial park. Whenever outdoor storage is the principal use of the parcel, no outdoor storage shall extend into the required front yard setback of the district and no wall, fence or other screening devices shall extend into the required front yard setback.

City of Novi Staff Comments:

The applicant is requesting a use variance in order to allow principal use of the site for outdoor storage without screening by a masonry wall, landscaped earth berm, chain link fence with heavy screen plantings, or combinations thereof. Staff does not support the variance as the property can be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

Standards for Granting a Use Variance:

A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

- (a) The property cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

- (b) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.
- (c) That the proposed use will not alter the essential character of the neighborhood.
- (d) 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)

In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.



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RECEIVED

OCT 31 2013

CITY OF NOVI
COMMUNITY DEVELOPMENT

For Official Use Only

ZBA Case No: P2130013 ZBA Date: Dec 10 Payment Received: \$ 400 (Cash)

Check # 1032 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 Frank Stevens Date October 17, 2013

Company (if applicable) Raven Investments LLC

Address 25460 Novi Rd City Novi ST MI ZIP 48376
Where all case correspondence is to be mailed.

Applicant's E-mail Address: _____

Phone Number (248) 347-0020 FAX Number (248) 347-8860

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 25460 Novi Rd, Novi MI ZIP 48376

2. Sidwell Number: 5022-23-151-029 may be obtained from Assessing Department (248) 347-0460

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

4. Zoning RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 OSC OST OTHER

5. Property Owner Name (if other than applicant) Raven Investments LLC

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

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

1. Section 2002 Variance requested outdoor storage of equipment fencing

2. Section 2516 Variance requested site plan review

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):

~~When the building was demolished, the existing fence was also taken down per the city's request. Section 2002 of the Zoning Ordinance states that if 1-2 use is located within a planned industrial park the screening requirements may be satisfied by screening the perimeter.~~

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.

~~This property is located in an industrial park. The building was demolished and removed. The property is enclosed on 3 sides by the railroad, the new overpass and a fence. The~~

~~only property who can see the vacant lot is owned by Mr. Stevens~~
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

Power Investments LLC
Applicants Signature

10/21/13
Date

Power Investments LLC
Frank Stevens
Property Owners Signature

10/21/13
Date

DECISION ON APPEAL

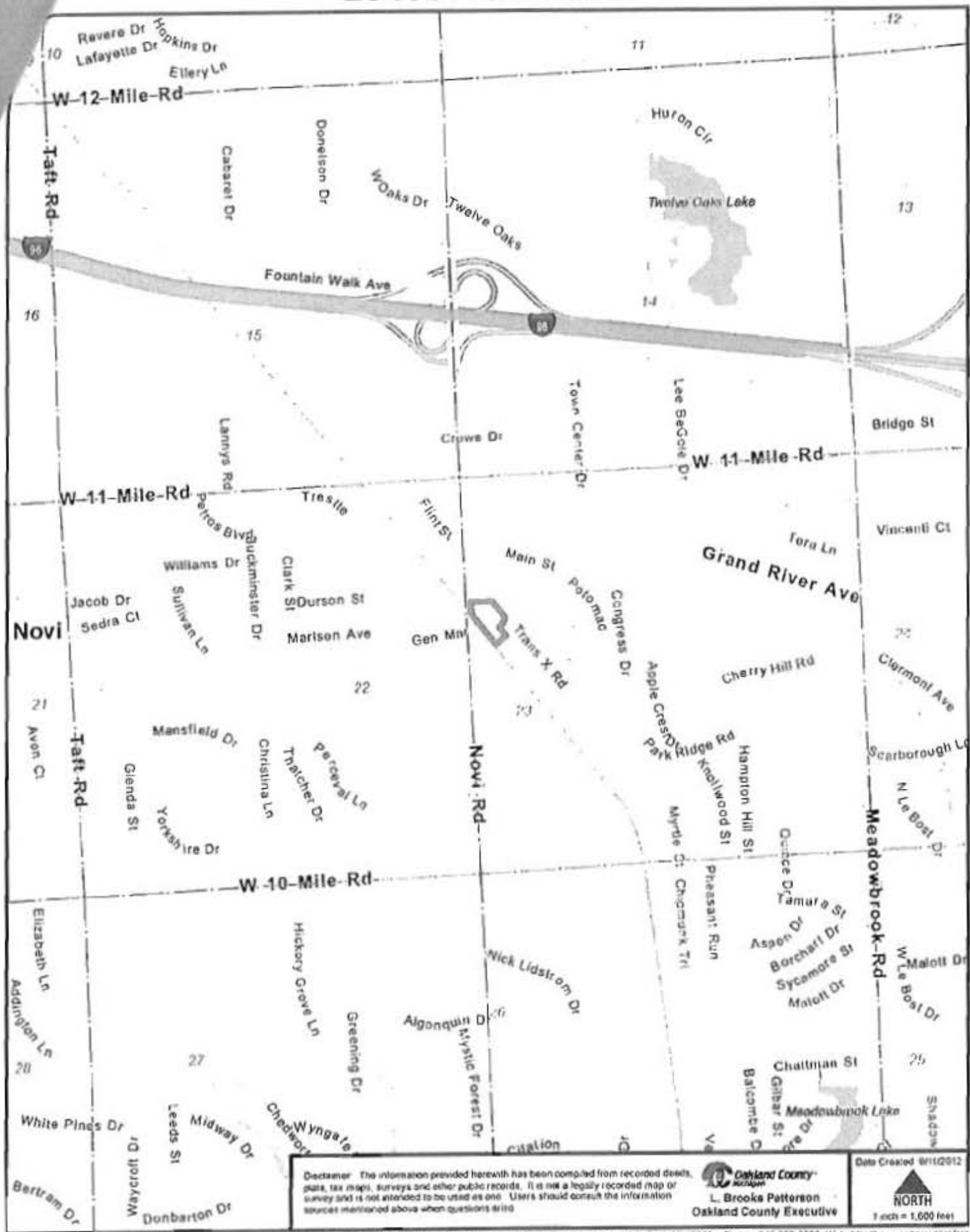
_____ Granted _____ Denied Postponed by Request of Applicant _____ Board _____

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

25460 Novi Road



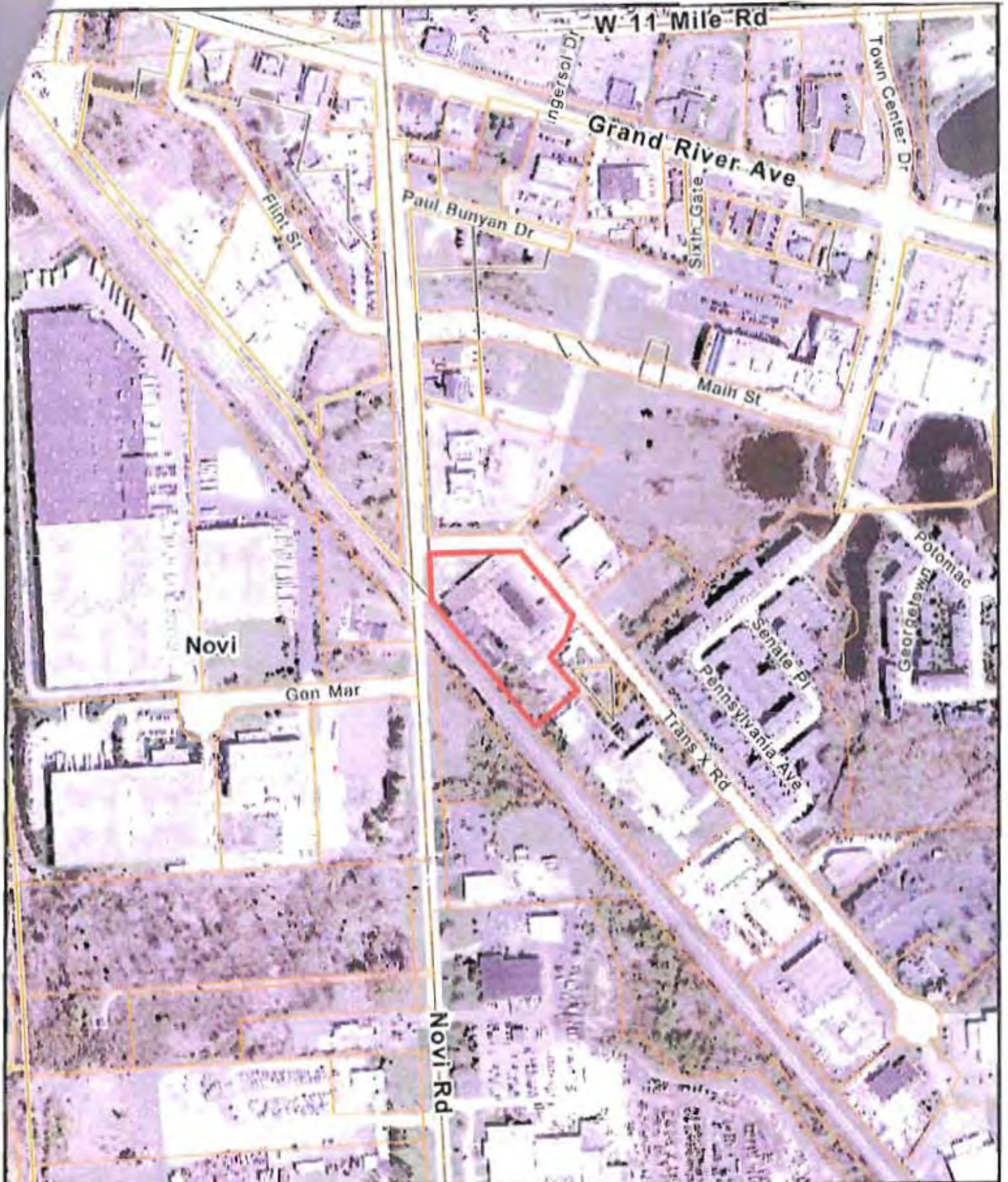
Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Oakland County
 L. Brooke Patterson
 Oakland County Executive

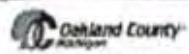
Date Created: 8/11/2012
 NORTH
 1 inch = 1,600 feet


25460 Novi Road

Property before building was demolished. Building across Trans-X is owned by Frank Stevens



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L. Brooks Patterson
Oakland County Executive

Date Created 5/11/2012

1 inch = 400 feet

Mr. Stevens property across Trans-X. |



New overpass- barrier |





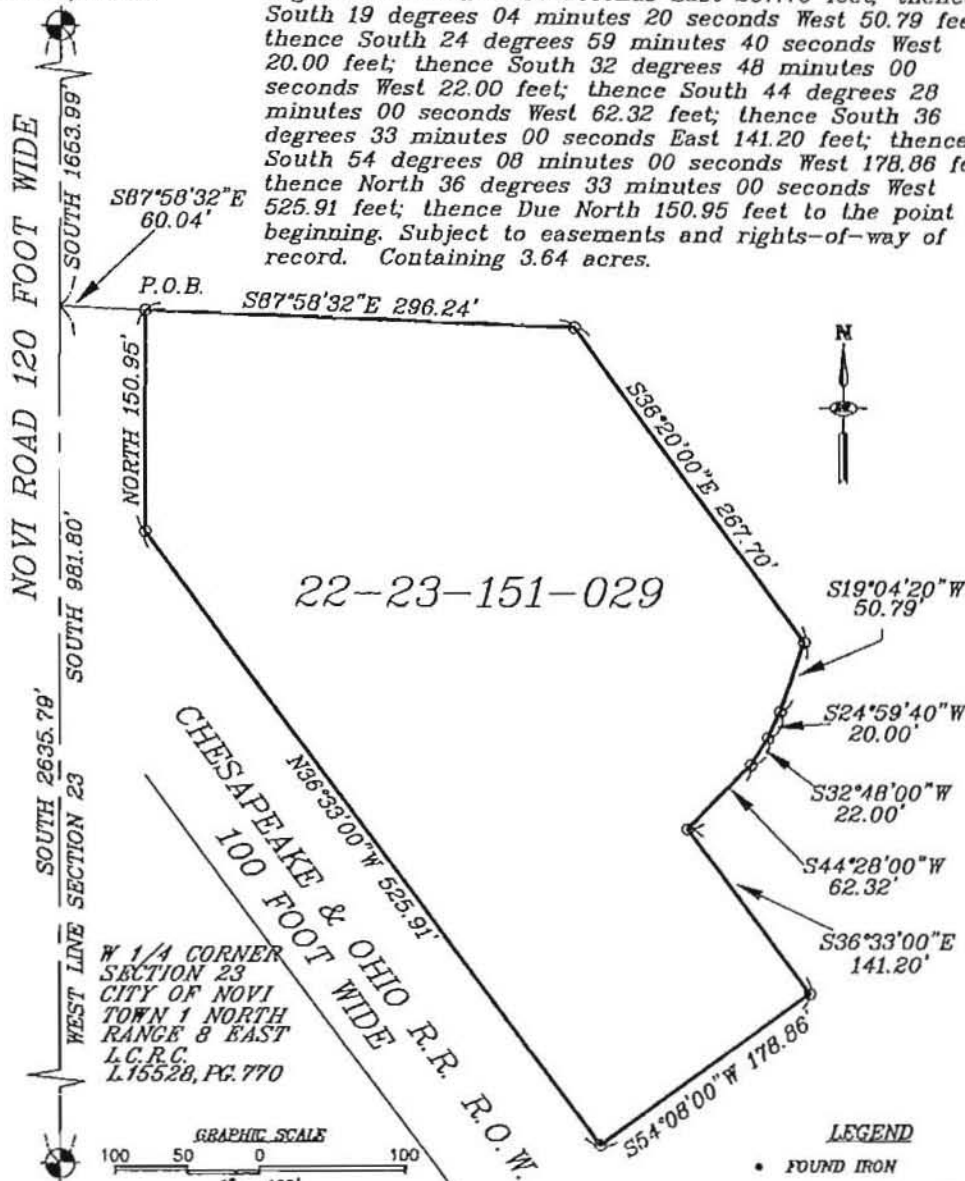
previous fence that was removed



CERTIFICATE OF SURVEY

NW CORNER
SECTION 23
CITY OF NOVI
TOWN 1 NORTH
RANGE 8 EAST
L.C.R.C.
L.16874, PG.152

Part of the Northwest 1/4 of Section 23, City of Novi, Oakland County, Michigan, Town 1 North, Range 8 East, beginning at a point distant South 1653.99 feet and South 87 degrees 58 minutes 32 seconds East 60.04 feet from the Northwest Section corner; thence South 87 degrees 58 minutes 32 seconds East 296.24 feet; thence South 36 degrees 20 minutes 00 seconds East 267.70 feet; thence South 19 degrees 04 minutes 20 seconds West 50.79 feet; thence South 24 degrees 59 minutes 40 seconds West 20.00 feet; thence South 32 degrees 48 minutes 00 seconds West 22.00 feet; thence South 44 degrees 28 minutes 00 seconds West 62.32 feet; thence South 36 degrees 33 minutes 00 seconds East 141.20 feet; thence South 54 degrees 08 minutes 00 seconds West 178.86 feet; thence North 36 degrees 33 minutes 00 seconds West 525.91 feet; thence Due North 150.95 feet to the point of beginning. Subject to easements and rights-of-way of record. Containing 3.64 acres.



BEARINGS BASED ON THE WEST LINE
OF SECTION 23 BEING NORTH AND SOUTH

- LEGEND**
- FOUND IRON
 - ⊙ FOUND CONC. MONUMENT
 - SET CAPPED IRON #24598

Joseph C. Kapelczak A Registered professional Surveyor No 24598 hereby certifies that I have surveyed the following described parcel of land in accordance with Act 132, P.A. 1970, that the ratio of closure is 1:18,324 and that such is the present acceptable limits.

JCK
& associates, inc.
45650 GRAND RIVER AVE.
NOVI, MI 48374
PHONE (248) 348-2680

STEVENS BOUNDRY
22-23-151-029



| Date | Drawn | Checked | Job No. |
|----------|-------|---------|---------|
| 10/30/02 | JWM | JCK | 8622 |

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING ORDINANCE

ARTICLE 20. I-2 GENERAL INDUSTRIAL DISTRICTS

ARTICLE 20. I-2 GENERAL INDUSTRIAL DISTRICTS

Sec. 2000. Intent.

Sec. 2001. Principal Uses Permitted.

Sec. 2002. Required Conditions.

Sec. 2000. Intent.

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials.

Sec. 2001. Principal Uses Permitted.

In a General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any use permitted in an I-1 District and as regulated in that District with regard to special conditions, provided, there shall be no necessity for a public hearing (as set forth in Section 3006) and approval as a special land use by the Planning Commission. Provided further, uses permitted under Section 1903 shall be permitted within the I-2 District irrespective of adjacency to a residentially-zoned district.
2. Heating and electric power generating plants.
3. Outdoor storage yards either as principal use of a site or as a use accessory to a principal use of a site when such yards are totally obscured by a masonry wall, landscaped earth berm, chain link fence with heavy screen plantings, or combinations thereof, the height, location and extent of which shall be according to the requirements of Section 2509 and Section 2514 of this Ordinance, except as hereinafter exempted in Section 2002.1 for a location within a planned industrial park. Whenever outdoor storage is the principal use of the parcel, no outdoor storage shall extend into the required front yard setback of the district and no wall, fence or other screening devices shall extend into the required front yard setback.
4. Commercial sale of new and used heavy trucks and heavy off-road construction equipment such as but not limited to: track laying machinery, graders, earth moving or earth hauling vehicles. The outdoor storage of any such equipment shall comply with the outdoors storage requirements of the Section, except that up to five (5) such pieces of new or rebuilt equipment may be displayed within any yard when placed on concrete pads and made an integral part of the yard's landscaping.
5. Any of the following production or manufacturing uses provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Junkyards, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall and provided further that one (1) property line abuts a railroad right-of-way.

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APPENDIX A - ZONING ORDINANCE

ARTICLE 20. I-2 GENERAL INDUSTRIAL DISTRICTS

- b. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 - c. Blast furnace, steel furnace, blooming or rolling mill.
 - d. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
 - e. Petroleum or other inflammable liquids, production, refining or storage.
 - f. Smelting of copper, iron or zinc ore.
6. Indoor tennis courts, roller skating rinks, and ice-skating rinks when, together with accessory uses such as off-street parking, they are located at least one hundred (100) feet from any adjacent residential district.
 7. Auto engine and body repair shops.
 8. Lumber and planing mills when located in the interior of the district so that no property line shall form the exterior boundary of the I-2 District.
 9. Motor freight terminals and trucking facilities.
 10. Ready-mix or transit mix concrete operations.
 11. Any other use which shall be determined by the City Council upon recommendations from the Planning Commission after a public hearing as set forth and regulated in Section 3006 of this Ordinance to be of the same general character as the above permitted uses in Section 2001. The City Council may impose any required setback, performance standards and/or screening so as to ensure public health, safety and the general welfare.
 12. Accessory buildings and uses customarily incident to any of the above permitted uses.

Sec. 2002. Required Conditions.

1. Outdoor storage of any equipment or material shall be conducted so as not to extend to a greater height than the on-site obscuring screen. This restriction shall include trucks and cranes, the booms of which shall be stored in an horizontal position. When an 1-2 use is located within a planned industrial park of not less than forty (40) acres, the screening requirements may be satisfied by screening of the perimeter of the entire planned industrial park as opposed to screening of each individual site. The park design and screening shall comply with the requirements of Sections 2509, 2514, and footnotes (i) and (m) of Section 2400
2. See Section 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.

When any loading, unloading area shall be visible from any residential or commercial district, or road or street, it shall be effectively screened from view so as not to be visible from those areas.

3. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and shall be subject to approval by the Planning Commission prior to issuance of a building permit.
4. Where a permitted use abuts a residential district the requirements at Section 1905-4 shall apply, provided, the berm required pursuant to subpart 1905.4.e. shall be of a minimum height of ten (10) feet. The irrigation requirements of Subpart 1905.4.e. may be eliminated upon recommendation of the Planning Consultant when the berm landscaping is of natural low-maintenance planting not requiring irrigation. Fencing shall be erected on the interior side of any such berm. Notwithstanding the provisions of Section 37-8(a) of the Novi Code of Ordinances, landscaping of such berm area in an I-2 planned industrial park may be considered in calculating woodland replacement credits.

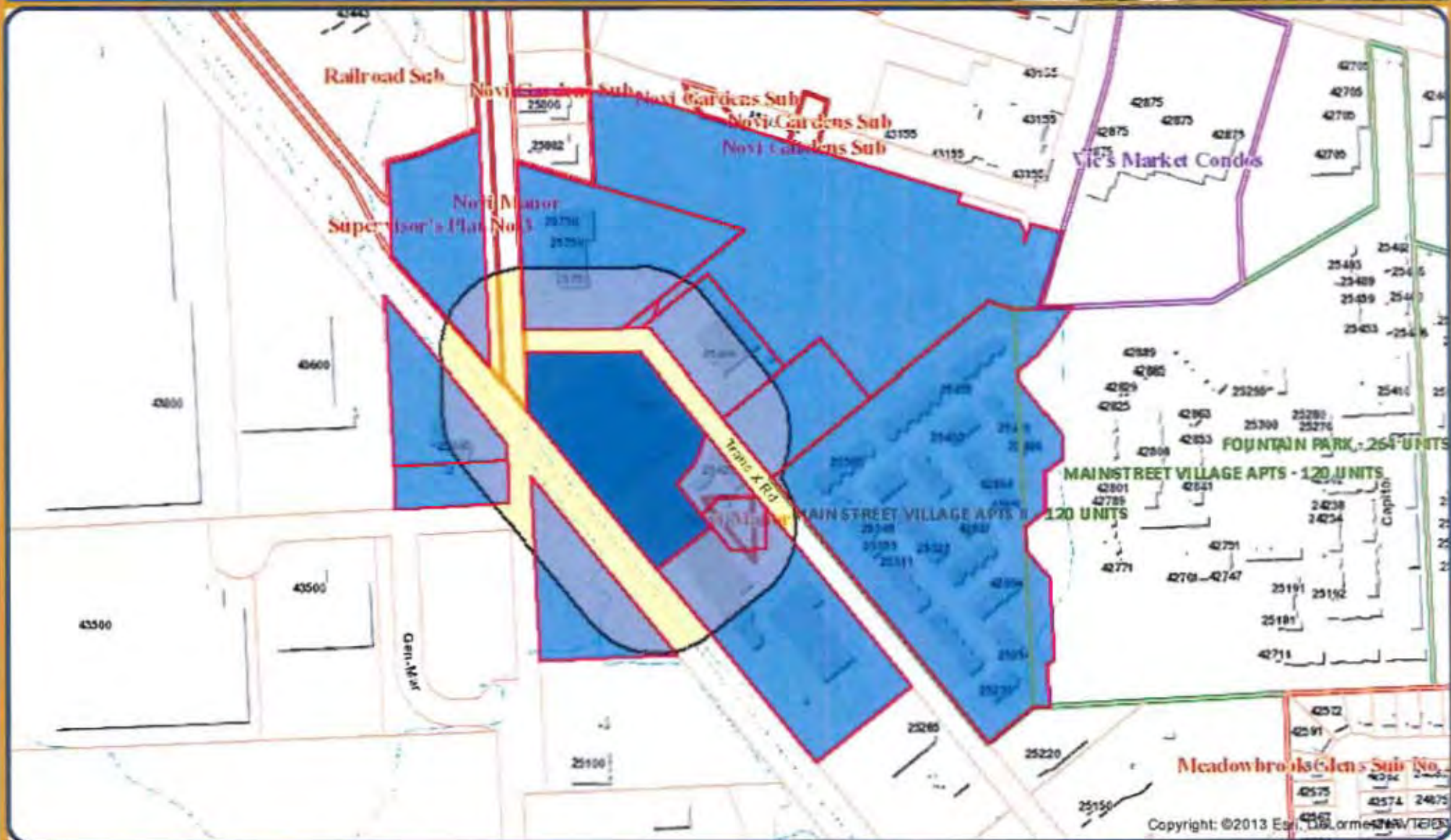
PART II - CODE OF ORDINANCES
APPENDIX A - ZONING ORDINANCE

ARTICLE 20. I-2 GENERAL INDUSTRIAL DISTRICTS

5. See Article 25, General Provisions, relating to off-street parking layout, landscaping and screening requirements, performance standards and other sections of the Article as they relate to uses permitted in the district.
6. See Article 24, Schedule of Regulations, limiting the height and bulk of buildings and providing minimum yard setbacks.

(Ord No 99-18,153, PL III 12-6-99)

Novi, MI
24560 Novi Rd



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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 people 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/SharePolicy.asp>



Map Produced Using the
City of Novi, Michigan
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Author:
Date: 11/15/2013

