



## COMMUNITY DEVELOPMENT DEPARTMENT

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

## ZONING BOARD OF APPEALS STAFF REPORT

**FOR:** City of Novi Zoning Board of Appeals      **ZONING BOARD APPEALS DATE:** December 12, 2023

**REGARDING:** 40245 Grand River Avenue, Parcel # 50-22-24-451-006 (PZ23-0058)

**BY:** Alan Hall, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### **Applicant**

Colucci Properties LLC

#### **Variance Type**

Dimensional Variance

#### **Property Characteristics**

Zoning District: This property is zoned Non-Center Commercial (NCC)

Location: south of Grand River Avenue, east of Haggerty Road

Parcel #: 50-22-24-451-006

#### **Request**

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19.2.f.iv to allow the location of a dumpster enclosure within the required 10 ft. rear yard setback. The existing dumpster encroaches 2.5 ft. onto the adjacent property. This variance would clarify the location of the dumpster for any future project proposals.

### II. STAFF COMMENTS:

*The applicant is seeking a dimensional variance for an existing dumpster which is located on two separate properties (currently owned by the same entity). A new cross easement has been identified for the existing utilities and this existing dumpster enclosure on the site plan. Even though the existing dumpster enclosure is positioned in this newly created easement, a dimensional variance will be needed for both properties. The posted announcement for the ZBA hearing included the Address 40245 Grand River Ave. and is seeking a zero-lot line variance for just the existing dumpster enclosure and its respective foundation system. This means that each property would require 100% of the 10-foot setback to be utilized. An additional variance will be required for the property located at 40255 Grand River Ave. which will be scheduled in a future ZBA hearing.*

**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. **PZ23-0058**, 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:

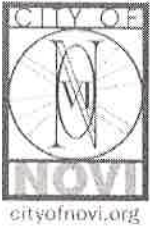
- 1. \_\_\_\_\_.
- 2. \_\_\_\_\_.
- 3. \_\_\_\_\_.
- 4. \_\_\_\_\_.

2. I move that we **deny** the variance in Case No. **PZ23-0058**, 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) 347-0423.

Alan Hall – Deputy Director Community Development - City of Novi



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

## ZONING BOARD OF APPEALS APPLICATION

RECEIVED

OCT 27 2023

APPLICATION MUST BE FILLED OUT COMPLETELY CITY OF NOVI COMMUNITY DEVELOPMENT

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION COLUCCI DUMPSTER ENCLOSURE VARIANCE AND SHARING			
ADDRESS 40245 GRAND RIVER AND 40255 GRAND RIVER		LOT/SUITE/SPACE #	
SIDWELL # 50-22-24 - 451 - 006		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Grand River Ave. and Old Orchard			
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			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS coluccilawfirm@gmail.com	CELL PHONE NO. 734-620-0055
NAME John Colucci		TELEPHONE NO. 734.956.0660	
ORGANIZATION/COMPANY Colucci Properties, LLC		FAX NO.	
ADDRESS 33659 Angeline Ave.		CITY Livonia	STATE MI
		ZIP CODE 48150	
<b>B. PROPERTY OWNER</b> <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS		CITY	STATE
		ZIP CODE	
<b>III. ZONING INFORMATION</b>			
<b>A. ZONING DISTRICT</b>			
<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 type="checkbox"/> OTHER <u>NCC</u>			
<b>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>4.19.2.f vii</u>	Variance requested	<u>Dumpster closer to rear property line than allowed</u>	
2. Section _____	Variance requested	<u>and encroaches 2.4 feet onto 40255 Grand River.</u>	
3. Section <u>21.145</u>	Variance requested	<u>Allow refuse bin for 40255 to be maintained</u>	
4. Section _____	Variance requested	<u>in the subject enclosure</u>	
<b>IV. FEES AND DRAWINGS</b>			
<b>A. FEES</b>			
<input type="checkbox"/> Single Family Residential (Existing) \$220 <input type="checkbox"/> (With Violation) \$275 <input type="checkbox"/> Single Family Residential (New) \$275 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> Signs \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> House Moves \$330 <input type="checkbox"/> Special Meetings (At discretion of Board) \$660			
<b>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>			
<ul style="list-style-type: none"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>			



# ZONING BOARD OF APPEALS APPLICATION

## V. VARIANCE

### A. VARIANCE (S) REQUESTED

DIMENSIONAL     USE     SIGN

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

### B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten-(10) days before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be 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.

### C. ORDINANCE

#### 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 establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or 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.

### D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

PLEASE TAKE NOTICE:

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

CONSTRUCT NEW HOME/BUILDING     ADDITION TO EXISTING HOME/BUILDING     SIGNAGE  
 ACCESSORY BUILDING     USE     OTHER \_\_\_\_\_

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT



Applicant Signature

10/27/23  
Date

### B. PROPERTY OWNER

**If the applicant is not the owner, the property owner must read and sign below:**

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

## VII. FOR OFFICIAL USE ONLY

### DECISION ON APPEAL:

GRANTED

DENIED

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date

## Statement in Support of Variance Request and Associated Documents

The Colucci family has owned and operated 40245 Grand River Ave. and 40255 Grand River Ave. for approximately 30 years. Over the years, 40245 Grand River was first developed and then 40255 Grand River constructed, with certain elements such as utilities and a refuse bin enclosure (the "Dumpster Enclosure") shared by the buildings. Photographs of the Dumpster Enclosure are attached as **Exhibit A**. The improvements located at 40245 Grand River were constructed in approximately 1987. 40245 Grand River building underwent substantial interior renovation in 2012 when Botsford Hospital became a tenant in the building.

The improvements located at 40255 Grand River were constructed in the mid-1990's and it is believed that the Dumpster Enclosure was constructed at approximately the same time as the building. The 40255 building (excluding tenant spaces) was "finaled" in 1995 (and again in 1998). On information and belief, the Dumpster Enclosure was constructed prior to the completion of construction in conjunction with the 40255 building.

During the last approximately 30 years, the Dumpster Enclosure has served both 40255 and 40245 as depicted in the ariel photograph attached as **Exhibit B**. The ariel photograph shows the location as well as a small encroachment of the dumpster enclosure from 40245 Grand River onto 40255 Grand River. A recent survey by Boss Engineering attached as **Exhibit C** confirms the location and extent of encroachment of the Dumpster Enclosure.

Other than the Dumpster Enclosure being located within a ten (10) foot setback and encroaching on 40255 Grand River by approximately 2.4 feet, the Dumpster Enclosure meets other applicable requirements:

- Located in rear yard of 40245 Grand River.
- Away from barrier free spaces.
- Screened from public view with brick and block construction.
- Wall or fence 1 foot higher than height of refuse bin and no less than 5 feet on three sides.
- Post and bumpers to protect the screening.
- Hard surface (concrete) pad.

The Colucci family plan on selling 40245 Grand River and 40255 Grand River separately. As such, a variance for the placement of the Dumpster Enclosure is being sought. Additionally, a proposed Cross Easement for Utilities and Refuse Enclosure (the "Cross Easement") has been drafted and circulated for review by the Planning Department and the Legal Department. A copy of the proposed Cross Easement, without exhibits is attached as **Exhibit D**. A simplified rendering of the proposed Cross Easement is attached as **Exhibit E**.

Based on the foregoing, the undersigned seeks a Non-Use/Dimensional Variance for the continued use of the Dumpster Enclosure. A variance for the continued use of the Dumpster Enclosure is appropriate on several grounds.

1. Unique Site Conditions.

As can be seen from the Ariel Photograph and the Survey, 40245 Grand River (and 40255 Grand River) present unique circumstances due to the nature of the site. The Dumpster Enclosure is required to be in the rear yard and there is less than 10 feet from the curb to the rear property line. (See, Exhibit 3, Zoom view of 40245 Rear Yard). Although there is a grass area next to Old Orchard, there is not sufficient room to locate a dumpster enclosure within a required setback from the right of way for Old Orchard street. (See, Section 4.19.2.F.v). Further practical difficulties exist in a DTE transformer (and associated high voltage lines) is approximately nine (9) feet in front of the Dumpster Enclosure. Additionally, a significant amount of the 40245-parking lot drains to a catch basin in front of the Dumpster Enclosure. Thus, as a practical matter, there is no alternative location.

## 2. Not the Result of Owner Actions.

As noted above, there really is no other location available for the Dumpster Enclosure. Moreover, as a practical matter, refuse trucks need a large area within which to safely operate. The preferred approach is straight on with an exit that does not require turning the truck around. In this case, refuse trucks come in from Grand River Ave., straight down to the Dumpster Enclosure and then exit to the East onto Old Orchard Street.

Additional site characteristics, not the fault of the owner, create practical difficulties pertaining to the Dumpster Enclosure. The Dumpster enclosure cannot be moved forward due to existing parking lot drainage identified as "CB" on Exhibit 3. Similarly, a DTE transformer located approximately 2 feet west and 9 feet north of the Dumpster Enclosure and moving the enclosure forward would interfere with the service clearances for the transformer.

## 3. Strict Compliance

As noted above, there are significant issues with any attempt to relocate the Dumpster Enclosure. Strict Compliance with the setback requirement would be unnecessarily burdensome and economically wasteful.

## 4. Minimum Variance

Leaving the Dumpster Enclosure in place represents the minimum variance required to do substantial justice to the applicant and other property owners in the district.

## 5. No Property Value Impact

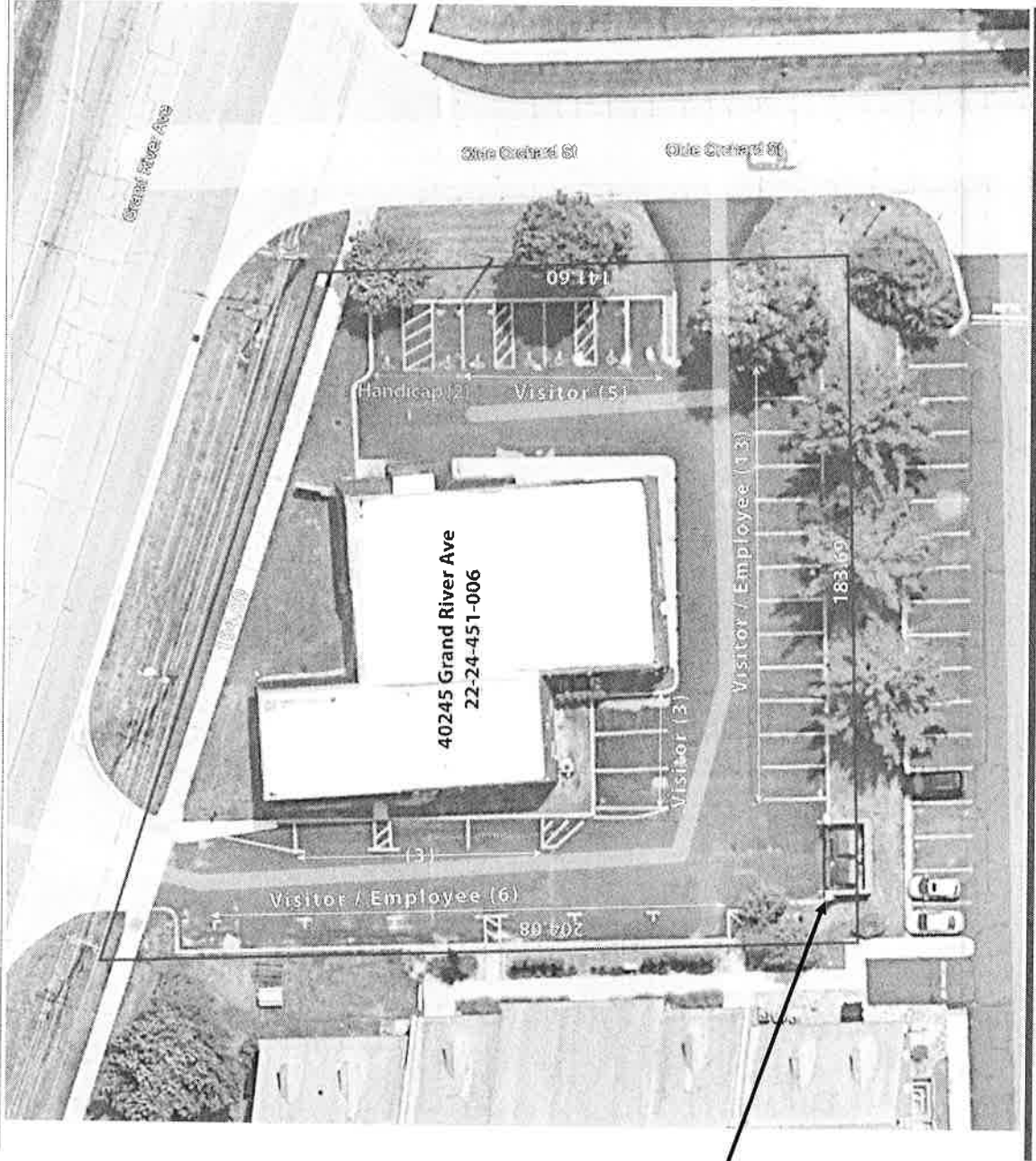
Leaving the Dumpster Enclosure in the current location will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district. The Dumpster Enclosure has been located in the current place for approximately 30 years.







**Exhibit B**



Common Dumpster  
Enclosure for 40245 and  
40255 Grand River



Exhibit C.1

Zoom view of 40245 Rear Yard



CROSS EASEMENT AGREEMENT FOR UTILITIES  
AND REFUSE ENCLOSURE USE

KNOW ALL MEN BY THESE PRESENTS, that Colucci Family Investments, LLC (“Colucci Family Investments”), a Michigan Limited Liability Company, whose address is 33659 Angeline Ave., Livonia MI 48150, owner of 40255 Grand River Ave., Novi, MI 48375 (“40255”) (as described on the attached **Exhibit A**), and Colucci Properties, LLC (“Colucci Properties”), a Michigan Limited Liability Company, whose address is 33659 Angeline Ave., Livonia MI 48150, owner of 40245 Grand River Ave., Novi, MI 48375 (“40245”) (as described on the attached **Exhibit B**) in consideration of (\$1.00) and the mutual promises and obligations recited below, hereby covenant and agree as follows:

**WHEREAS** 40255 and 40245 have shared certain utilities and associated land upon which the utilities are located (the “Utility Area”) and a refuse bin enclosure (the “Trash Enclosure”) along with the land upon which the Trash Enclosure is located as depicted on the drawing attached as **Exhibit C**.

**WHEREAS** the each of the parties hereto intend on selling their respective interests in 40255 and 40245 in the future in a manner which preserves the continued shared use of the Utility Area and the Trash Enclosure in the same or similar manner as has heretofore been the case.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. Colucci Family Investments for the benefit of Colucci Properties and its successors, assigns and transferees, hereby grants Colucci Properties an easement in and to 40255 Grand River Ave., Novi, MI 48375, for utilities and maintenance of a refuse bin in the Trash Enclosure and refuse service associated therewith (“**Easement 1**”) depicted on **Exhibit D** and as described on **Exhibit D-1**.
2. Colucci Properties for the benefit of Colucci Family Investments and its successors, assigns and transferees, hereby grants Colucci Family Investments an easement in and to 40245 Grand River Ave., Novi, MI 48375, for utilities and maintenance of a refuse bin in the Trash Enclosure and refuse service associated therewith (“**Easement 2**”) depicted on **Exhibit E** and as described on **Exhibit E-1**.
3. **Easement 1** and **Easement 2** shall be collectively known as the “Easement Areas” as more fully depicted on **Exhibit F** and described in **Exhibit F-1**.
4. The Easement Areas are intended to facilitate the continued use and sharing of the Utility Area and the Trash Enclosure in a manner consistent with past practice.
5. With respect to the Utility Area, each user of the Easement Areas shall be entitled to use, maintain and reasonably expand the current utility uses in the Easement Areas, including, but not limited to, electric, natural gas, communications, cable, fiber-optic, telephone service and other similar utility uses as may now exist or be developed in the future, such as additional parking lot lighting or electric vehicle charging stations. To the

extent possible, utilities shall be located below grade unless otherwise required for the intended use, such as electric vehicle charging stations and/or parking lot lighting. In the event of repair, replacement, or expansion of utilities within the Utility Area, the parcel owner (or sometimes referred to as the "User") commissioning, directing or otherwise undertaking the same, shall be responsible for restoration of the area to the same or similar condition it was prior to the repair, replacement or expansion. Notwithstanding anything to the contrary, expansion of any utility use in the Easement Areas shall not unreasonably interfere with or displace current uses and any use expansion shall be subject to consent of the parties, which consent shall not be unreasonably withheld.

6. With respect to the Trash Enclosure, each user of the Easement Areas shall be entitled to use and maintain a refuse bin, not to exceed a six (6) yard container, within the Trash Enclosure in a manner consistent with applicable local ordinances or regulations. The 40255 property shall use the right (west) side of the Trash Enclosure and the 40245 property shall use the left (east) side of the Trash Enclosure. Each user of the Trash Enclosure Easement Area shall make reasonable efforts to ensure that only permitted waste shall be disposed of in the Trash Enclosure and shall not overfill their respective refuse bins nor use the other user's refuse bin without permission. Each user of the Trash Enclosure may enter into separate agreements for placement and service of its refuse bin on a frequency or manner which best suits its needs. The Easement Areas include access to and from the Trash Enclosure with the actual route and removal schedule as may be reasonably determined by the trash removal contractor.
7. The Easement Areas shall be maintained in a good and useful condition by the respective parcel owners (including keeping areas reasonably free of ice and snow), with damages caused by either parcel owner or its employees, guests or invitees to be promptly repaired by the parcel owner, causing or responsible for the employee, guest or invitee causing the damage, at its sole expense. Upon a failure of a parcel owner to promptly repair damage to the Easement Areas as required by the preceding sentence or to otherwise maintain the Easement Areas in the required condition, the other parcel owner may do so with the actual and reasonable costs incurred chargeable to and promptly payable by the responsible parcel owner. For purposes of the activities required and authorized by this section, the parcels shall be subject to and burdened by temporary easements over such portions of the parcel as are reasonably necessary for the performance of the required maintenance or repairs or other activities permitted by the Easements granted herein.
8. The easements and the rights and responsibilities set forth are permanent and perpetual and intended to bind the parties hereto, their heirs, successors and assigns, and their respective properties, to touch and concern said parcels, and to run with the land and succeeding interests therein.
9. This agreement and the easements granted may not be expanded or modified except by a further agreement in writing and in recordable form by the parties hereto or their heirs, successors or assigns.

INTENTIONALLY BLANK



COLUCCI FAMILY INVESTMENTS, LLC

COLUCCI PROPERTIES, LLC

By: \_\_\_\_\_  
Its: Manager

By: \_\_\_\_\_  
Its: Manager

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by John Colucci, the Manager of Colucci Family investments, LLC, on its behalf.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County, Michigan

My commission expires: \_\_\_\_\_.

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by John Colucci, the Manager of Colucci Properties, LLC, on its behalf.

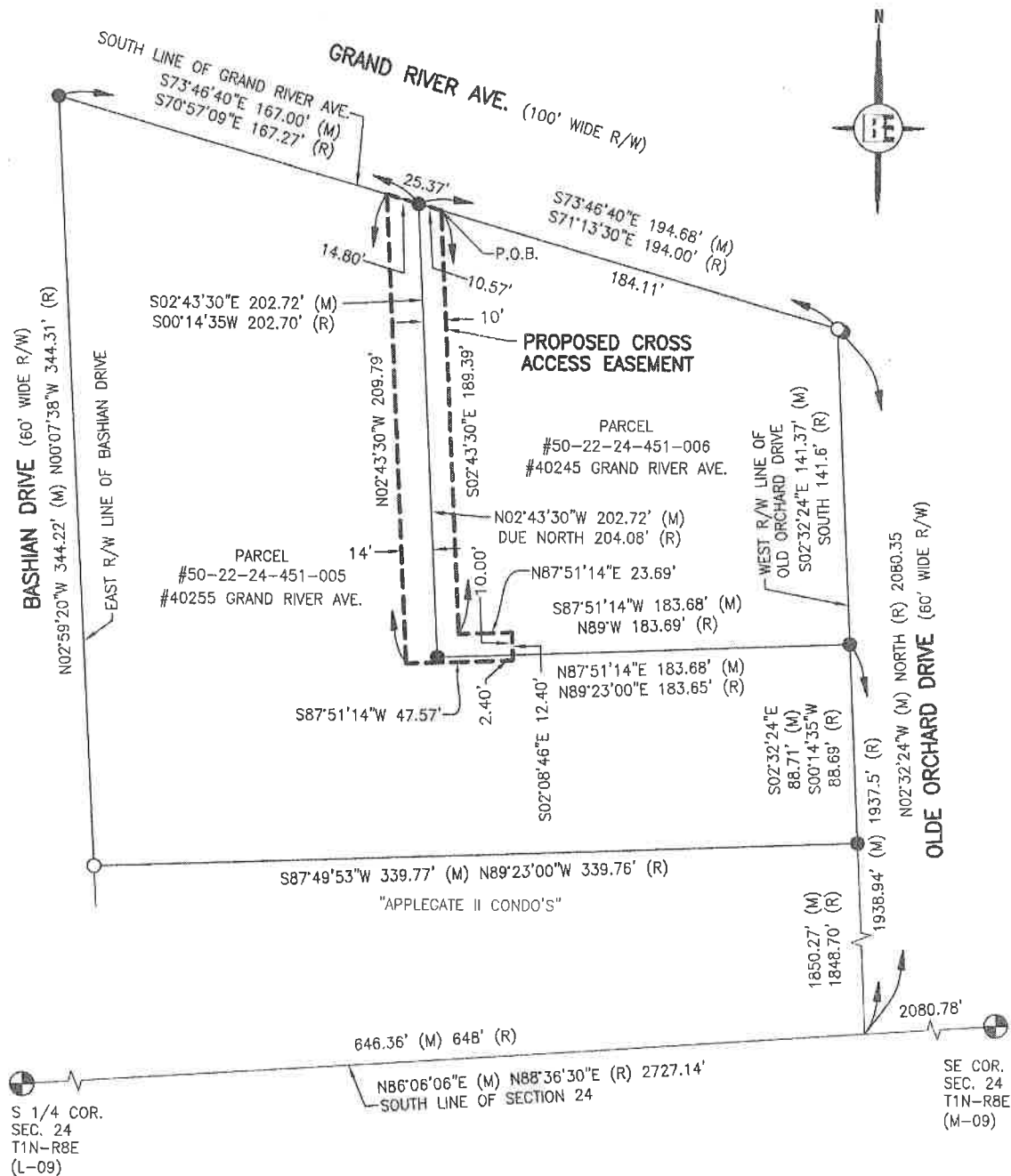
\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County, Michigan

My commission expires: \_\_\_\_\_.

Drafted By and When Recorded  
Return to: John Colucci, Esq. Law  
Offices of John Colucci33659  
Angeline Ave., Livonia MI 48150  
734.956.0660.

# CROSS ACCESS EASEMENT



**GENERAL SURVEY NOTES:**

1. BEARINGS ARE BASED ON MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

<p>DESCRIPTION:</p> <p>PART OF THE SOUTHEAST 1/4 OF SECTION 24, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN</p>		<p><b>BEBOSS Engineering</b> Engineers Surveyors Planners Landscape Architects 3121 E. GRAND RIVER AVE. HOWELL, MI. 48843 517.546.4836 FAX 517.548.1670</p>		
<p>CLIENT: LAW OFFICE OF JOHN COLUCCI</p>	<p>60 0 30 60 SCALE: 1 INCH = 60 FEET</p>	<p>LEGEND                  ○ = IRON SET                  ● = IRON FOUND                  ⊙ = MONUMENT FOUND                  * = FENCE                  (R) = RECORDED                  (M) = MEASURED</p>		
<p>JOB NO. 23-259-1</p>	<p>DATE 10-23-23</p>	<p>SHEET 1 OF 2</p>	<p>FB 661 CREW TG/TE DR. AEB CHKD.</p>	
<p>G:\23-259\SURVEY\DWG\23-259-1_EA_40245-40255.dwg, 10/23/2023 4:09:36 PM, andy</p>				

Search: All Records ▾ By: Address ▾ Enter an address or address range such as 100-200 Main St

Use Advanced Address Search

Home > Search Results > Record Details > Permit

Permit Details: PZZ2-0021

Property Address: 45283 GRAND RIVER AVE, Novi, MI 48375 | Parcel: 50-22-15-351-054

Property Owner: DIVERSIFIED DEVELOPING, LLC

Summary Information  
> 0 Inspection(s) Found

Jump To: Permit Information | Process Step Information | Document Summary | Review Comments/Concerns | Inspection Information | Violations | Fees & Payments | Attachments  
| Applicant Information | Owner Information | Occupant Information

Permit Information

Amount Due  
Permit - Zoning Board of Appeals Total  
\$0.00

Number	Type	Category	Status
PZZ2-0021	Zoning Board of Appeals	Commercial/Industrial	FINALED
04/28/2022	Applied Date	10/26/2022	Expire Date
06/15/2022	Issue Date	06/15/2022	Finalized Date

**Work Description:** DIVERSIFIED DEVELOPING - KEN ALBERS Zoned Light Industrial (I-1) Requesting dimensional variance Parcel A - Section 3.1.18 Parking setback Side (west) 5 feet Parcel B - Section 3.1.18 Building setback Front (north) 20 feet Parcel B - Section 5.12 Public road frontage 76 feet JUNE 14, 2022 ZBA MEETING PZZ2-0021 (Diversified Developing LLC) 45283-45295 Grand River Avenue, East of Taft Road and North of 11 Mile Road, Parcel 50-22-15-351-044. The applicant is requesting variances from the City of Novi Zoning Ordinance. From Section 3.1.18 a parking setback of 5 feet on the west side of the proposed Parcel A (10 feet required, variance of 5 feet) and a front yard building setback of 20 feet of the proposed Parcel B (40 feet required, variance of 20 feet). From Section 5.12 to allow a lot with no public road frontage for Parcel B. These variances are for the splitting of an existing developed 1.66 acre lot into two lots. This property is zoned Light Industrial (I-1). The motion to approve case PZZ2-0021 for splitting of an existing developed 1.66 acre lot into two lots was approved. The petitioner has shown practical difficulty requiring separate lots. Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because it cannot serve as separate sites. The property is unique because the buildings were previously built. There is no new construction going on. The applicant did not create the condition because it was purchased that way. The relief granted will not unreasonably interfere with adjacent or surrounding properties because there are no construction changes. The relief is consistent with the spirit and intent of the ordinance because it is an industrial property. Motion Maker: Thompson Seconded: Sanghvi Motion Passed 7:0

Signatures

Project: JZZ2-0013

Go to project

SERVICES

- Public Records Search
- All Record Search
- Assessing Search
- Building Department Search
- Current Tax Search
- Miscellaneous Receivables Search
- Property Sale Search
- Special Assessment Search
- Utility Billing Search
- Online Payments
- Building Department Payments
- Current Tax Payments
- Miscellaneous Receivables Payments
- Utility Billing Payments
- Building Department
- Apply for a Permit
- Apply for a Planning, Zoning or Engineering Process
- Building Department Search
- Schedule an Inspection

EMPLOYMENT OPPORTUNITIES

All Employment Opportunities (Local)  
Search for Employment Opportunities

MUNICIPALITIES

Select a Municipality

ACCOUNT

- Sign In
- Register
- Why Register?
- Remote Assistance

ELIZABETH KUDLA SAARELA  
esaarela@rsjalaw.com

2755 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

November 17, 2023

Barb McBeth, City Planner  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48375-3024

**RE: 40245 and 40255 Grand River – Veterinary Clinic JSP23-43  
*Cross Easement Agreement for Utilities and Refuse Enclosure***

Dear Ms. McBeth:

We have received and reviewed the revised draft Cross Easement Agreement for Utilities and Refuse Enclosure for the 40245 and 40255 Grand River provided in connection with the development of the proposed veterinary clinic. In addition to allowing both parcels to access utilities in the easement area, the purpose of the easement agreement allows for both parcels to access and use the dumpster enclosure located on the 40245 Grand River parcel. The exhibits have been reviewed and approved by the City's Consulting Engineer. The Cross Easement Agreement for Utilities and Refuse Enclosure is acceptable for the purposes provided and may be executed and submitted to the City for recording with the Oakland County Register of Deeds.

**This review is subject to additional comments by City Engineering Division and Planner.**

Should you have any questions or concerns relating to the issues set forth above, please feel free to contact me in that regard.

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC

A handwritten signature in blue ink, appearing to read 'Elizabeth Kudla Saarela', is written over a light blue horizontal line.

Elizabeth Kudla Saarela

EKS

C: Cortney Hanson, Clerk  
Charles Boulard, Community Development Director