

### 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: January 9, 2018

REGARDING: Parcels # 50-22-01-200-027, 50-22-01-200-026, 50-22-01-200-018 (PZ17-0063)

BY: Larry Butler, Deputy Director Community Development

#### . GENERAL INFORMATION:

### **Applicant**

Berkshire eSupply

#### Variance Type

**Dimensional Variance** 

### **Property Characteristics**

Zoning District: Office Service Technology

Location: West of Haggerty Road and South of Fourteen Mile Road Parcel #: 50-22-01-200-027, 50-22-01-200-026, 50-22-01-200-018

### Request

The applicant is requesting a variance from the City of Novi Code of Ordinances Sections 5.4.1 for the proposed location of a loading area in the side yard, in the interior side yard up to a total of ratio of 5 square foot per front foot of building to a total area of 360 square feet per building.

Section 28.7 for the proposed installation of a forth flag pole, two additional flag poles allowed by code.

This property is zoned Office Service Technology (OST).

### II. STAFF COMMENTS:

Two additional flags poles allowed on buildings with a length greater than 200 feet.

### **III. RECOMMENDATION:**

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

1.	1	move	that	we	<u>grant</u>	the	variance	in	Case	No.	PZ17-0063,	sought	by
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	dif	ficulty re	equiring	J							·		
		٠, ,					ner will be ui		,	•	nted or limite 	d with res	pect
		(b) The	e prope	erty is u	ınique b	ecaus	se				·		

	(c) Petitior	ner did n	ot create t	the condit	ion beca	use		·			
	(d) The re proper	_	ause						nt or s	surround	ding
	(e) The re		consistent		·				dinance	e beca	ause
		riance gı	ranted is su	ubject to:							
for_	move the					becau	use Pe	titioner	, has r		_
·	(a) The includi	circu	umstances  :hroughou	an	d	features	of	7	the	prop	_
	(b) The cir self-cre		ices and f cause						riance r	equest	are
	(c) The fai	_	grant relief r financ			inconven ed on			•		gher that
	(d) The va by		ould resul			th the adj	acent a	and surr	ounding	j prope	rties
	(e) Grantir to	_	ariance wo				-	nd inter	nt of the	ordina	nce

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 Related to: JSP17-0072



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# ZONING BOARD OF APPEALS APPLICATION

### APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Add	ress of subject ZBA (	Case)	Application Fee:	300
PROJECT NAME / SUBDIVISION  Berkshire-eSupply HQ Building & Fulfillment Ce	nter		Marking Dake	Jan. 9th 2018
ADDRESS N/a		LOT/SIUTE/SPACE #	Meeting Date:	Jay 1. 1 2010
SIDWELL #		obtain from Assessing	ZBA Case #: PZ	7-0063
50-22- 01 - 200 - 0 CROSS ROADS OF PROPERTY 50 - 21	2	nent (248) 347-0485	-1.6	=
Intersection of M-5 and 14 Mile Road  IS THE PROPERTY WITHIN A HOMEOWNER'S ASS			018	
YES NO	OCIATION JURISDICTIONS		mmercial 🗆 vacant pr	ROPERTY [] SIGNAGE
DOES YOUR APPEAL RESULT FROM A NOT	TICE OF VIOLATION OR	CITATION ISSUED?	ES 🗹 NO	
II. APPLICANT INFORMATION	, ,SFIFE (P. 1911)	STATE OF THE OWNER, WILLIAM	William A Hilliam Re	ESV SULLAND SWY
A. APPLICANT	EMAIL ADDRESS cfishel@pts-tools.com		CELL PHONE NO.	
NAME			TELEPHONE NO.	
Craig Fishel ORGANIZATION/COMPANY			(734) 934-4920	
Berkshire eSupply			FAX NO. (586) 755-4921	
ADDRESS 8655 East 8 Mile Road		CITY Warren	STATE MI	ZIP CODE 48089
	ERF IF APPLICANT IS ALS	O THE PROPERTY OWNER	1011	40009
Identify the person or organization that	EMAIL ADDRESS	O THE PROPERTY OWNER.	CELL PHONE NO.	
owns the subject property:	mmw@corepartners	s.net	44	
NAME Marlin M. Wroubel			(248) 399-999	
ORGANIZATION/COMPANY			FAX NO.	
Sehn Novi LLC ADDRESS		CITY	STATE	ZIP CODE
30100 Telegraph Rd., Ste 366		Bingham Farms	MI	48025
III. ZONING INFORMATION				
A. ZONING DISTRICT				
□ R-A □ R-1 □ R-2	□ R-3 □ R-4	□ RM-1 □ RM-2	☐ MH	
☐ I-1 ☐ I-2 ☐ RC  B. VARIANCE REQUESTED	☐ TC ☐ TC-1	OTHER OST	==:	
INDICATE ORDINANCE SECTION (S) AND	VARIANCE REQUESTED	for locations	cer selevitine a	east he side
200-0-4	ariance requested	for visual screening of dock,	due to natural topography	and distance. Yard
00.7	ariance requested	to allow a forth flag pol		
3. Section\	'			
		2		
IV. FEES AND DRAWNINGS		GRADES VALUE TO	NOT THE RESERVE THE PARTY OF THE	
A. FEES				
Single Family Residential (Existing	g) \$200 🗆 (With Viol	ation) \$250 🗆 Single Fan	nily Residential (New) \$	5250
☐ Multiple/Commercial/Industrial S	\$300 🗌 (With Viol	ation) \$400 🗌 Signs \$30	$\square$ (With Violation) $\$$	5400
☐ House Moves \$300	Special M	Neetings (At discretion of E	soard) \$600	
	TAL COPY SUBMITTED	O AS A PDF	, .	
<ul><li>Dimensioned Drawings and Plans</li><li>Site/Plot Plan</li></ul>			d distance to adjacer	
<ul> <li>Site/Plot Plan</li> <li>Existing or proposed buildings or a</li> </ul>	ddition on the prop	<ul> <li>Location of existin</li> <li>erty - Floor plans &amp; eleven</li> </ul>	g & proposed signs, if a	abblicapie
Number & location of all on-site p			tion relevant to the Va	riance application



# **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
VI. AFFLICANI & FROTERII SIGNAIURES
A. APPLICANT  Applicant Signature  Applicant Signature  Applicant Signature
A. APPLICANT  Applicant Signature  B. PROPERTY OWNER
A. APPLICANT  Applicant Signature  B. PROPERTY OWNER  If the applicant is not the owner, the property owner must read and sign below:
A. APPLICANT  Applicant Signature  B. PROPERTY OWNER
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A. APPLICANT  Applicant Signature  B. PROPERTY OWNER  If the applicant is not the owner, the property owner must read and sign below:  The undersigned offirms 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  VII. FOR OFFICIAL USE ONLY  Decision On APPEAL:
A. APPLICANT  Applicant Signature  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 owner of the contents of this application and related enclosures.  Property Owner Signature  VII. FOR OFFICIAL USE ONLY
A. APPLICANT  Applicant Signature  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  VII. FOR OFFICIAL USE ONLY  DECISION ON APPEAL:  GRANTED  DENIED



### **Community Development Department**

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# 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:

The lot has frontages on M-5, 14 Mile Road and Haggerty Road. As 14 Mile Road is being developed as the site's frontage, M-5 and Haggerty Road are being treated as 'Exterior Side Yards'. Given the size and shape of the lot / 68 Acre HQ Office and FC Property, natural topography, woodlands and distance to adjacent lots and/or public roadways we request a variance for visual screening of the "side yard" loading zone per section 320.2.A, for the Haggerty Road Side Yard. Please refer to further explanation provided below and per Mannik-Smith Group letter dated December 8, 2017.

OR

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

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).

The parcel is surrounded on three sides by primary roads. This and the other constraints on the site (ITC easement, Seeley Drain, extreme topography) make this a very challenging site to develop. In addition, the location of the Seeley Drain and associated high quality wetlands along the south side of the parcel restrict how trucks can be circulated throughout the site.

## 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.

The Applicant's operations require separate loading areas on two sides of the building. Essentially an in/out circulation through the building allowing for a flow of materials into the site via large semis and out through the use of smaller 'UPS' style delivery trucks. As the two functions can not mix cleanly within the building, and being only one side of the building can be utilized as a loading area per the ordinance, the Applicant requests a variance on the zoning ordinance restricting loading areas in a side yard setback. Due to the presence of the ITC easement, screening for a side yard loading zone is not possible to the east.

# Standard #4. Minimum Variance Necessary.

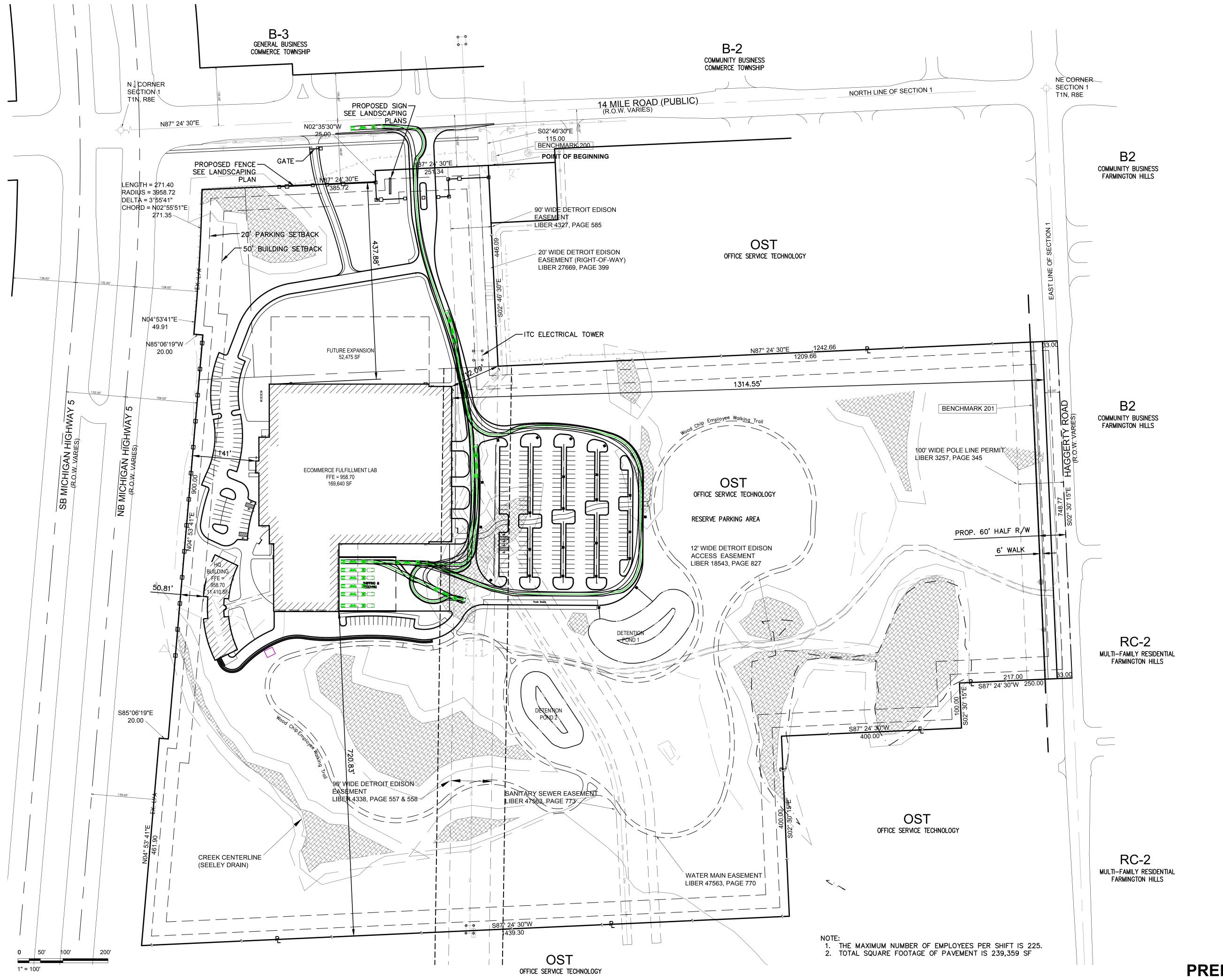
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

The Applicant originally identified the large truck dock area at the northeast corner of the building but has since revised the truck docks to be in the rear yard to come as close as possible to meeting the ordinance while still allowing for the required operation. In addition the easterly side of the facility is already naturally screened by the topography and the presence of thick natural woodlands between the facility and Haggerty Road.

## 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.

Due to the east side of the building being 1300 feet from Haggerty Road and any adjacent land use to the east, and due to the extreme topography of the site and the presence of thick woodland over the easterly half of the site, the east side of the building will not be easily visible from properties to the east.



# PARKING SUMMARY

## PARKING REQUIRED

OFFICE PARKING

GROSS LEASEABLE FLOOR AREA:

HQ - 17,000 SF (10,000 SFT 1ST FLOOR, 7,000 2ND FLOOR) FULLFILLMENT OFFICE AND MEZZANINE - 16,600 SF

REQUIRED OFFICE PARKING

HQ:  $4.5 \times 17,000/1000 = 76$ FULLFILLMENT:  $4.5 \times 16,600/1000 = 75$ 

SUBTOTAL = 151

### WAREHOUSE PARKING

TOTAL USEABLE FLOOR AREA = 170,700 SF

REQUIRED PARKING SPACES = 170,700 SF / 700 = 244 SPACES

TOTAL REQUIRED SPACES PER 5.2.12.D (151 SPACES) AND 5.2.12.E (SECTION 1 FOR WAREHOUSE; 244 SPACES) = 395 SPACES

THE LARGEST SHIFT ANTICIPATED FOR ESUPPLY IS 225 EMPLOYEES + 50 VISITORS DURING TRAINING SESSIONS. PER SECTION 2 UNDER 5.2.12.E.WAREHOUSE, PROVIDING 275 + 5 = 280 Spaces and identifying an area for reserve parking to the EAST OF THE LARGE EASTERLY PARKING LOT FOR THE ADDITIONAL 115 SPACES.

280 SPACES WILL ALSO MEET THE REQUIREMENTS OF 4.5/1000 SFT OFFICE (151 SPACES) + 1/1700 SFT WAREHOUSE SPACE (100 SPACES) FOR A TOTAL OF 251 SPACES REQUIRED.

# PARKING PROVIDED

## PARKING SPACES PROVIDED

WEST LOT = 68 STANDARD SPACES (10'X20') 3 ACCESSIBLE SPACES (8'X20' W/8' AISLES)

SOUTH LOT = 15 STANDARD SPACES (10'X20') (REVISING TO 17 SPACES)

EAST LOT = 190 STANDARD SPACES (10'X20') 4 ACCESSIBLE SPACES (8'X20' W/8' AISLES)

TOTAL = 273 STANDARD SPACES 7 ACCESSIBLE SPACES (7 ACCESSIBLE SPACES REQUIRED PER ADA)

TOTAL PARKING SPACES PROVIDED = 280

# **ZONING**

EXISTING ZONING = OST (OFFICE SERVICE TECHNOLOGY)

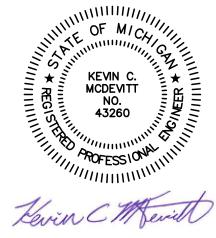
THE SITE IS NOT LOCATED IN OR WITHIN 50 FEET OF THE 100-YEAR FLOOD PLAIN PER FEMA MAP.

DUMPSTER/TRASH COMPACTOR WILL BE INSIDE THE BUILDING IN THE SOUTHEAST CORNER OF THE WAREHOUSE AT THE TRUCK DOCK. NO EXTERNAL TRASH ENCLOSURE WILL BE REQUIRED.

PAVEMENT/WALKS = 280,704 SF BUILDING FOOTPRINTS = 181,400 SF TOTAL = 462,104 SF

EXISTING PARCEL = 57.12 ACRES (2,488,147 SF) 462,104 SF/2,488,147 SF MAXIMUM LOT COVERAGE = 19%



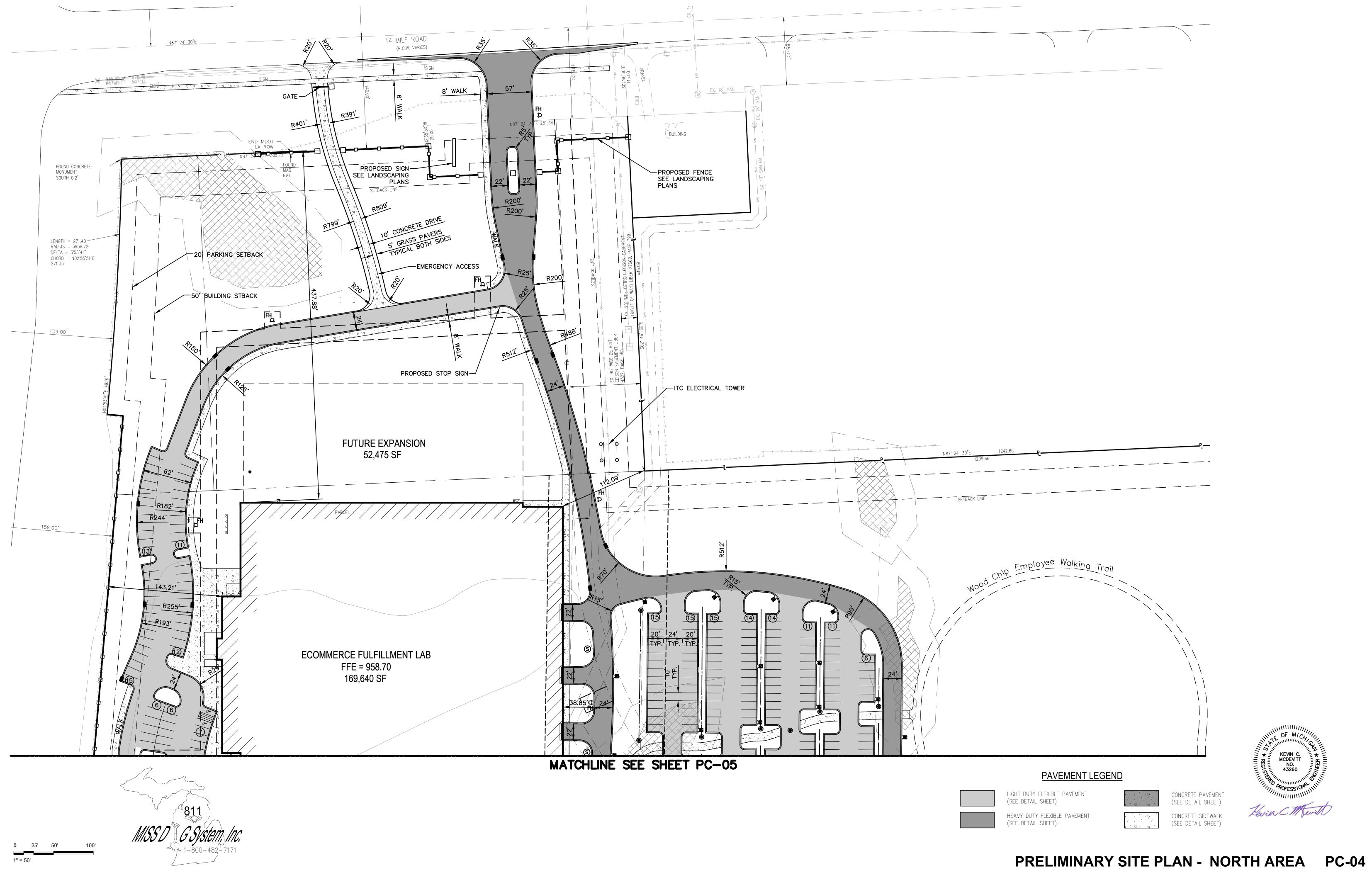


PRELIMINARY OVERALL SITE PLAN PC-03

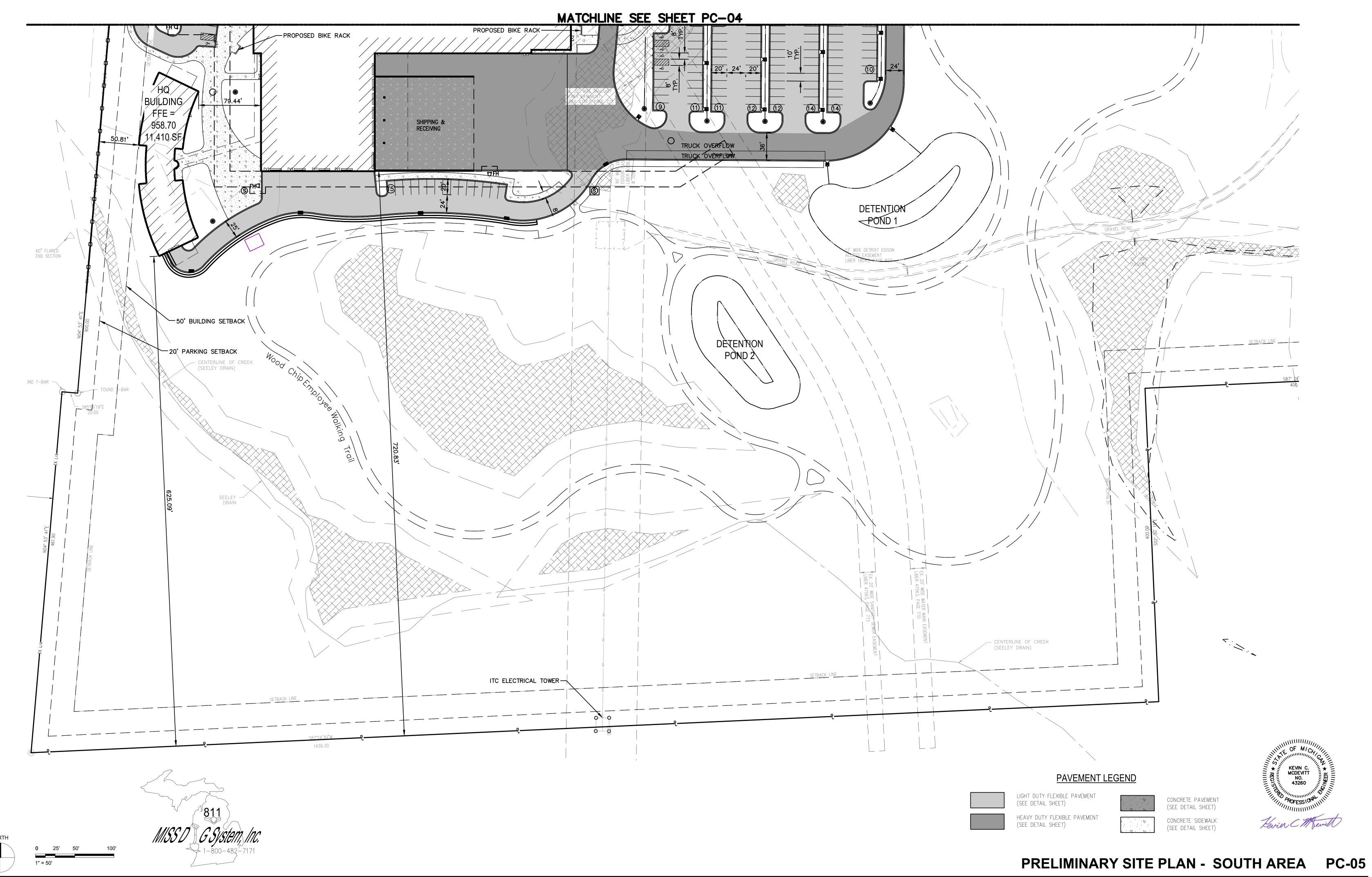


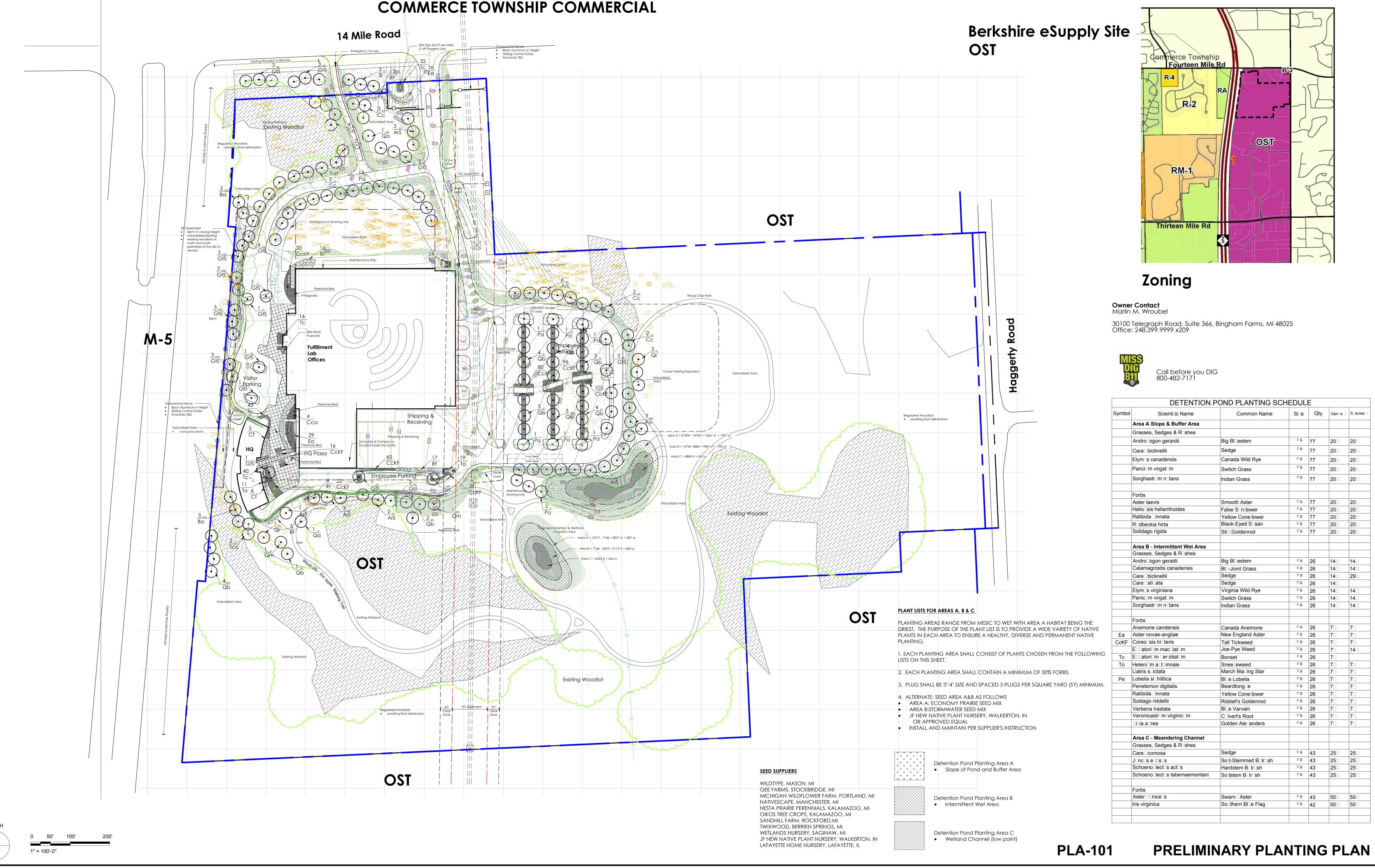


NORTH

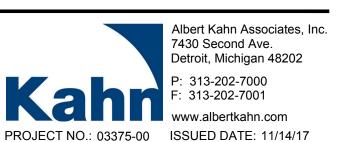


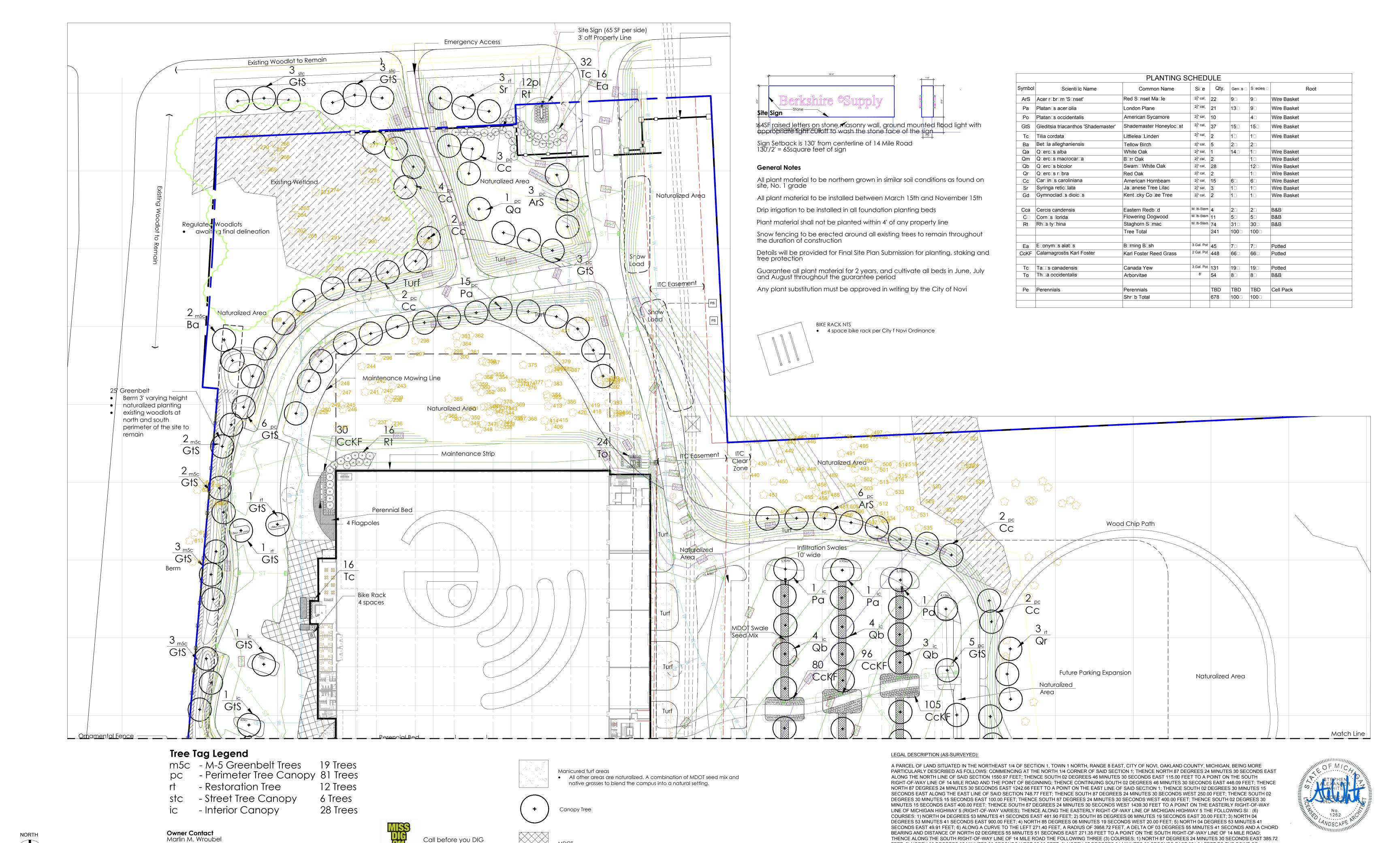
















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