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ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting conducted remotely via ZOOM

Tuesday, June 8, 2021

Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415

- Call to Order:** 7:00pm
- Roll call:** Member Krieger, Member Longo, Member Malott, Member Montague, Chairperson Peddiboyina, Member Sanghvi, Member Sanker, and Member Thompson
- Present:** Member Krieger, Member Longo, Member Montague, Chairperson Peddiboyina, Member Sanghvi, and Member Sanker
- Absent Excused:** Member Malott, and Member Thompson
- Absent:** Member Thompson
- Also Present:** Larry Butler (Community Development Deputy Director), Beth Saarela (City Attorney), Katherine Oppermann (Recording Secretary)

Pledge of Allegiance
 Approval of Agenda:
 Approval of Minutes:
 Public Remarks:
 Public Hearings:

APPROVED as amended
APRIL 2021, approved
none

- PZ21-0022 (Dan and Wendi Williams) 1419 W Lake Drive, East of West Park Drive and South of W Pontiac Trail, Parcel 50-22-03-204-021.** The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 5 feet (10 feet minimum required, variance of 5 feet); an aggregate total side yard setback of 17.75 feet (25 feet required, variance of 7.25 feet); and a proposed lot coverage of 32% (25% maximum allowed, variance of 7%). Section 3.32-7 for a proposed deck 13.5 feet from the rear yard property line (17 feet minimum required, variance of 3.5 feet). Section 4.19.1.E(i) for the construction of a 1,000 square foot garage (maximum of 850 square feet allowed by code, variance of 150 square feet). Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building a new home and deck. This property is zoned Single Family Residential (R-4).

This case was postponed at the petitioner's request to the July 13, 2021 meeting.

- PZ21-0024 (Abdul Alkhafaji) 41321 Llewelyn Drive, East of Meadowbrook Road and North of Eight Mile Road, Parcel 50-22-36-352-004.** The applicant is requesting variance from The City of Novi Zoning Ordinance Section 3.1.1 for a proposed rear yard setback of 46.7 feet (50 feet required, variance of 3.3 feet). This variance would accommodate the re-building

of a home and a new addition. This property is zoned Residential Acreage (RA). This case was tabled from the May 11, 2021, meeting as no applicant was present.

The motion to approve case PZ21-0024 for a rear yard setback of 46.7 feet was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because their property would not be able to build a necessary addition. The property is unique because of the oddly shaped rear portion of the lot. The petitioner did not create the condition because they purchased the property as is. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it is a small variance. The relief is consistent with the spirit and intent of the ordinance because the homeowners will be able to repair and enhance the dilapidated property.

Motion Maker: Sanker

Seconded: Krieger

Motion Passed 6:0

- 3. PZ21-0025 (James Wildman) 22635 Beckenham Court, West of Beck Road and North of Nine Mile Road, Parcel 50-22-29-476-016.** The applicant is requesting variance from The City of Novi Zoning Ordinance Section 3.1.2 for a proposed exterior side yard setback of 19 feet (30 feet required, variance of 11 feet). This variance would accommodate the building of a home addition. This property is zoned Single Family Residential (R-1).

The motion to approve case PZ21-0025 for a proposed exterior side yard setback of 19 feet for a home addition was approved. The property is unique because of its unique location on the corner of a standard road and a cul-de-sac. The petitioner did not create the condition because they purchased the property as is. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it is a minimal request. The relief is consistent with the spirit and intent of the ordinance because it is a minimal variance, and the proposed new addition is aesthetically pleasing.

Motion Maker: Krieger

Seconded: Sanghvi

Motion Passed 6:0

- 4. PZ21-0026 (Joseph Yono) 1401 E Lake Drive, West of Novi Road and South of Fourteen Mile Road, Parcel 50-22-02-329-027.** The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a 20.25 foot front yard setback (30 feet required, variance of 9.75 feet); an 11.75 foot rear yard setback (35 feet required, variance of 23.25 feet); a side yard setback of 8 feet (10 feet required, variance of 2 feet); an exterior side yard setback of 11.08 feet (30 feet required, variance of 18.92 feet), an aggregate total side yard setback of 19.08 feet (40 feet required, variance of 20.92 feet); and a proposed lot coverage of 38.16% (25% maximum allowed, variance of 13.16%). These variances would accommodate the building a new home. This property is zoned Single Family Residential (R-4). This applicant was previously denied on case PZ21-0015 during the Zoning Board of Appeals meeting April 13, 2021; they are now pursuing lesser variances.

The motion to approve case PZ21-0026 for front yard, rear yard, side yard, aggregate side yard, and exterior side yard setbacks with a 38.16% lot coverage was approved. The property is unique because of the lot size and its orientation on a corner lot. The petitioner did not create the condition because they purchased the property as is and are replacing the existent structure. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the petitioner has made sufficient attempts to minimize the variances needed for the new home.

**Motion Maker: Montague
Seconded: Sanghvi
Motion Passed 6:0**

5. **PZ21-0027 (Francisco Briceno) 51285 Nine Mile Road, East of Napier Road and South of Nine Mile Road, Parcel 50-22-31-100-001.** The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.11 to install a four-foot front yard fence and driveway gate. By code a fence shall not extend toward the front of the lot nearer than the minimum front yard setback. This property is zoned Residential Acreage (RA).

The motion to approve case PZ21-0027 to install a four-foot front yard fence and driveway gate was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because they will have continual security concerns due to the isolated location. The property is unique because it sits by itself without neighboring homes. The petitioner did not create the condition because they purchased the property as is. The relief granted will not unreasonably interfere with adjacent or surrounding properties because there are no direct neighbors. The relief is consistent with the spirit and intent of the ordinance because it will allow the residents to be safe and happy.

**Motion Maker: Montague
Seconded: Sanghvi
Motion Passed 6:0**

6. **PZ21-0028 (Joye Harris) 1256 E Lake Drive, West of Novi Road and South of Fourteen Mile Road, Parcel 50-22-02-151-018.** The applicant is requesting a variance from the City of Novi Zoning Code Section 5.14.10.A for a permanent backup generator creating sound over 55 decibels and up to 85 decibels during limited times of charging and while being used during a power outage. This property is zoned Single Family Residential (R-4).

The motion to approve case PZ21-0028 for permanent backup generator creating sound of 55 - 85 decibels was approved. Without the variance petitioner will be unreasonably prevented or limited with respect to the property because they need the generator to prevent future damage like that experienced in the past due to power outage. The property is unique because it sits on a smaller lot, making it difficult to place the generator elsewhere. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the charging cycle is intentionally run at a time to minimize inconvenience to neighbors and only for 12 minutes every other week. The relief is consistent with the spirit and intent of the ordinance because the generator allows peace of mind while keep the decibels as low as possible as little as possible.

Motion Maker: Krieger
Seconded: Sanghvi
Motion Passed 6:0

7. **PZ21-0030 (Vijay Ghadge) 27668 Hartwick Circle, West of Wixom Road and South of Grand River Avenue, Parcel 50-22-18-201-055.** The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.32-7 for a proposed deck 7 feet from the rear yard property line (17 feet minimum required, variance of 10 feet). This property is zoned Low-Density Multiple-Family with a PRO (RM-1).

The motion to approve case PZ21-0030 for a proposed deck 7 feet from the rear yard property line was approved. The property is unique because of its small shape/size.

Motion Maker: Sanghvi
Seconded: Kriger
Motion Passed 6:0

Other Matters: Board chose not to reconsider the motion made on April 13, 2021 to approve the request in case PZ21-0011 as requested by the Broadmoor Park Homeowners Association and their legal representation, Hirzel Law.

Meeting Adjournment: 9:30pm

Zoning Ordinance, Section 7.10.8 - 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.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City. (Ord. No. 18.226, 5-12-08; Ord. No. 10-18.244, Pt. VII, 11-8-10).