



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, August 13, 2013 - 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gedeon, Gerblick, Ghannam, Ibe, Krieger, Sanghvi
Present: Members Ferrell, Gedeon, Gerblick, Ghannam, Ibe, Krieger, Sanghvi
Absent: None
Also
Present: Charles Boulard, Director of Community Development, Elizabeth Saarela, City Attorney and Angela Pawlowski, Recording Secretary

Pledge of Allegiance

Approval of Agenda: **Approved**

Approval of Minutes: **Approval of the May 14, 2013 minutes.**

Postpone the June 11, 2013 minutes until the September meeting.

Public Remarks: **None**

1. CASE NO. PZ13-0035 43348 GRAND RIVER AVE (CELL PHONE REPAIR)

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an oversize wall sign of 30 sq. ft. located on the north side of a retail tenant suite. The property is located north of Grand River and east of Novi Rd. in the TC Zoning District. Previous variance 07-082 approved a second wall sign of 17.51 sq. ft. on the north elevation. The applicant is proposing to increase this sign to 30 sq. ft. CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits a single wall sign for each business storefront in the TC Zoning District.

In CASE No. PZ13-0035 Motion to approve the variance as requested. The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City or that are self-created, specifically the linear store front is quite small in distance to the main internal road of the shopping center which makes the signage very small from the internal road. 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. The grant of relief will not result in a use of 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 of the ordinance.

Motion carried: 4-3

Motion maker: Gedeon

2. **CASE NO. PZ13-0036 42355 GRAND RIVER (FELDMAN AUTOMOTIVE)**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an oversize ground directional sign of 15 sq ft for an existing automotive dealership. The property is located south of Grand River and east of Novi Rd in the B-3 Zoning District. Previous variance 08-014 approved a sign of this size and location specifically for Hertz car rentals. CITY OF NOVI, CODE OF ORDINANCES, Section 28-5 (3) Number of on-premises advertising signs permitted states: "No building or parcel of land shall be allowed more than one (1) sign..."

In CASE No. PZ13-0036 Motion to table to the September 10, 2013 meeting.

3. **CASE NO. PZ13-0037 226 HENNING**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new detached garage with an exterior side setback of 22 ft. (30 ft. required) on an existing single family parcel. The property is located south of South Lake Dr and west of Old Novi Rd in the R-4 Zoning District. CITY OF NOVI, CODE OF ORDINANCES, Section requires front and exterior side yard setbacks of 30 ft. minimum in the R-4 Zoning District.

In CASE No. PZ13-0037 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as shape and topography and the two adjacent streets on the corner lot. The need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

Motion carried: 7-0

Motion maker: Gerblick

4. **CASE NO. PZ13-0038 27855 CABOT DRIVE (STARBUCKS)**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a 5 ft. reduction in the required 50 ft. building setback, to allow a 10 ft. reduction in the northern yard of the required 20 ft. parking setback, Section 2506.12.d to allow a drive-through lane without the required 18 ft. bypass lane and Section 2503.2.F.4 to allow a 5 ft. reduction in the

required 20 ft. accessory structure setback. The property is located at the northwest corner of Cabot Dr and Twelve Mile Rd in the OST Zoning District. CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires buildings be setback 50 ft. from all property lines and parking be setback 20 ft. from all property lines. Section 2506.12.d requires an 18 ft. bypass lane be provided adjacent to all proposed drive-through lanes. Section 2503.2.F.4 requires all accessory structures be setback the same as parking (20 feet in this case) from all property lines.

In CASE No. PZ13-0038 Motion to approve the four variances as requested. There are unique circumstances or physical conditions of the property. The need is not self-created. 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

Motion carried: 7-0

Motion maker: Ghannam

5. CASE NO. PZ13-0039 44055 TWELVE MILE (GFS MARKETPLACE)

The applicant is requesting variances from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow (3) additional wall signs of 65 sq. ft. each for a new retail business. The property is located south of 12 Mile Rd and west of Novi Rd in the RC Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5 (3) Number of on-premises advertising signs permitted states: "No building or parcel of land shall be allowed more than one (1) sign... ...where a corner lot or parcel occupied by a single business and situated on two (2) or more thoroughfares, wall signs may be permitted on each thoroughfare....except that if a ground sign is selected and placed on the premises, only the ground sign shall be permitted.

In CASE No. PZ13-0039 Motion to approve 1 additional wall sign in addition to two wall signs that the applicant requested. They would be located on the north elevation facing Twelve Mile, northwest corner, and south elevation. They not required to put a sign on the Donelson Drive (east side) of the building. The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City or that are self-created. 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.

Motion carried: 7-0

Motion maker: Ghannam

OTHER MATTERS

ADJOURNMENT at 8:12 PM

Zoning 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 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)