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

**Case No. PZ13-0054 46035 Grand River Ave (Heyn Multi-Tenant)**

**Location: 46035 Grand River Ave**

**Zoning District: I-1, Light Industrial**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a 15 foot reduction in the north yard of the required 40 foot parking setback, Section 28-5(3) and 28-5(2)a.1 to allow an oversize ground sign of 40.47 square feet for a multi-tenant office building. The property is located east of Beck and west of Taft Road.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires parking be setback 40 feet from all property lines. 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. Section 28-5(2)a.1 limits maximum ground signage to 35.5 sq. ft.

**City of Novi Staff Comments:**

The petitioner is proposing to redevelop portion an existing multi-tenant office building and requesting approval for installation of oversize ground sign. The staff report and review documents from the Planning Commission meeting are attached for reference. A single ground sign of 35.5 sq. ft. maximum is allowed by right. The requested ground sign would be 40.47 square feet.

**Standards for Granting Dimensional Variances:**

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because\_\_\_\_\_.
- The need is not self-created because\_\_\_\_\_.
- 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 because\_\_\_\_\_.
- 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

because\_\_\_\_\_.

- 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 because\_\_\_\_\_.

**Standards for Granting a Sign Variance**

CITY OF NOVI, CODE OF ORDINANCES, Section 28-16 addresses Sign Variance

Appeals:

- 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 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 because\_\_\_\_\_.
- 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 because\_\_\_\_\_.



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RECEIVED

SEP 05 2013

CITY OF NOVI  
COMMUNITY DEVELOPMENT

For Official Use Only

ZBA Case No. 2130054 ZBA Date: November Payment Received: \$ 300 (Cash)

Check # \_\_\_\_\_ 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 Jeff Heyn Date 9-6-13

Company (if applicable) GRB Novi LLC

Address\* 1100 Corporate Office Dr City Milford ST Mi ZIP 48381

\*Where all case correspondence is to be mailed. #300-A (PO Box 535)

Applicant's E-mail Address: jeffheyn@aol.com

Phone Number (248) 889-5000 FAX Number (248) 889-5600

586 206 8395 Jeff Heyn

Request is for:

Residential Construction (New/ Existing)  Vacant Property  Commercial  Signage

1. Address of subject ZBA case: 46035 Grand River ZIP \_\_\_\_\_

2. Sidwell Number: 5022-16-451-054 may be obtained from Assessing Department (248) 347-0485

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 I-1 OTHER

5. Property Owner Name (if other than applicant) \_\_\_\_\_

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 2400 Variance requested Frontyard -15ft. Parking Setback from 40' to 25'

2. Section 28-5 (3) Variance requested monument sign (1-sign allowed per tenant ONLY per Bldg)

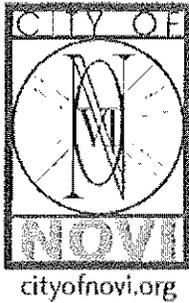
3. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

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.





## PLAN REVIEW CENTER REPORT

November 1, 2013

### Planning Review

Jeff Heyn Multi-Tenant

JSP# 13-62

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#### Petitioner

GRB Novi LLC

#### Review Type

Revised Preliminary Site Plan

#### Property Characteristics

- Site Location: 46035 Grand River, east of Beck Road (Section 16)
- Site School District: Novi Community School District
- Site Zoning: I-1, Light Industrial
- Adjoining Zoning: North: Grand River Ave., OST, EXO ; East and West: I-1; South: RA, OST
- Site Use(s): Total Sports Roller Hockey, Crossfit Gym and vacant building space
- Adjoining Uses: North: Grand River Ave., Suburban Collection Showplace, Wilkins Parts and Equipment; East: Existing house; West: Vacant; South: Existing single-family homes
- Site Size: 7.7 acres
- Plan Date: 10-16-13

#### Project Summary

The applicant is proposing to demolish a portion of the existing building at 46035 Grand River Avenue. The building façade would also be updated. The building is part of an existing three building site and the structure to be updated is located at the northwest corner of the site. The applicant is also proposing to expand the parking area along the north, west and south yards of the new building footprint. Updated landscaping is also proposed.

Twenty-four additional spaces along the east side of the new building footprint are proposed to be landbanked parking to be installed if the use of the site necessitates additional parking.

#### Recommendation

Approval of the ***Revised Preliminary Site Plan is recommended***. There are planning related items that need to be addressed at the time of Final Site Plan submittal. Planning Commission approval of the Preliminary Site Plan and landbanked parking is required.

**The City will update and the applicant will be required to sign the previously executed acknowledgement regarding on-site parking and the existing Shared Parking Study.**

#### Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 19 (I-1, Light Industrial), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any

other applicable provisions of the Zoning Ordinance. Items to be addressed by the applicant or Planning Commission are shown in **bold text**.

1. **Parking in the Front Yard:** **A Planning Commission finding that the proposed front yard parking is compatible with the surrounding developments is required.** Front yard parking in the I-1 District requires the parking not occupy more than 50% of the area between the minimum front yard setback and actual building setback. The plan meets this requirement. Additionally, the front yard parking must be screened by a brick wall or landscaped berm. A berm has been proposed along Grand River Avenue. Additionally, the parking must be setback the same as the required building setback, 40 feet in this case. The proposed front parking is setback 26 feet from Grand River Avenue. **The applicant will need to seek a Zoning Board of Appeals variance for the deficient parking setback.**
2. **Landbanked Parking Spaces:** The applicant has elected to landbank 24 parking spaces on the east side of the building. Landbanked parking for up to 25% of the required parking is permitted provided the applicant can demonstrate the number of parking spaces required is in excess of the spaces needed for the 'functional use' of the building. Several conditions apply:
  - a. The minimum number of spaces required for the site shall be 45 prior to the landbank request. The minimum number of spaces required for this site is 130.
  - b. A plan showing the parking to be constructed and landbanked must be submitted showing compliance with ordinance standards if the parking were to be constructed and all landbanked areas must be kept as landscaped open space.
  - c. The Planning Commission may attach conditions to the approval that will serve to meet the objectives and intent of the Ordinance. The Planning Commission shall make a finding that the plan meets the following standards:
    - i. The applicant has demonstrated through substantial evidence that the specified occupant or building use would require less parking than what would typically be required;
    - ii. Parking will not occur on any street or driveway;
    - iii. Parking will not occur on any area not approved and developed for parking;
    - iv. Parking will not occur on that area where parking construction has been landbanked until such time as that area is constructed for such parking;
    - v. The required parking landbanking shall not create traffic or circulation problems on or off site;
    - vi. The requested parking landbanking shall be consistent with the public health, safety and welfare of the City and the purposes of the Zoning Ordinance.
  - d. The owner of the property must report any change in use to the Building Official who may require the additional spaces to be constructed.
3. **Photometric Plan:** There are several deficient and missing items on the site lighting plan. **The applicant should refer the lighting review chart and make the appropriate corrections and additions for the Final Site Plan submittal.**
4. **Warehouse Use:** The applicant has indicated a general warehouse use for the building. A warehouse adjacent to residential zoning is a Special Land Use in the I-1 District and requires the approval of a Special Land Use Permit from the Planning Commission. Once a tenant is identified and more details on the exact use of the building and the proposed floor plan have been provided, a Special Land Use Permit may be required. **The applicant should follow-up with the Planning Division before applying for building permits for the interior build-out.**

5. Bicycle Parking: The applicant should provide a detail for the proposed bike parking so that staff can verify it conforms to the layout standards described in Section 2526 of the Zoning Ordinance.

**Response Letter**

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested **prior to the Planning Commission meeting and with the Final Site Plan submittal.**

**Site Addressing**

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at [www.cityofnovi.org](http://www.cityofnovi.org) under the forms page of the Community Development Department.

Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

**Pre-Construction Meeting**

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the Pre-Con, please contact Sarah Marchioni [248.347.0430 or [smarchioni@cityofnovi.org](mailto:smarchioni@cityofnovi.org)] in the Community Development Department.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or [kkapelanski@cityofnovi.org](mailto:kkapelanski@cityofnovi.org).



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Kristen Kapelanski, AICP, Planner

**PLANNING REVIEW SUMMARY CHART**

JSP13-62 Jeff Heyn Multi-Tenant  
 Revised Preliminary Site Plan Review  
 Plan Date: 10-16-13

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Industrial Research Development Technology	No Change Proposed	Yes	
Zoning	I-1 Light Industrial District	No Change Proposed	Yes	
Use (Article 19)	Office, research & development, technology centers, warehousing, manufacturing, laboratories, utility buildings, indoor/outdoor recreation, other similar uses, and accessory structures	13,147 sq. ft. warehouse/office	Yes	The applicant should provide additional information on the use of the building.  Additional special land use approvals may be required once a tenant is identified. See the planning review letter for additional information.
Building Height (Sec. 2400 & Sec. 2503.2.E)	40 feet maximum	28'6" (existing materials)	Yes	
<b>Building Setback (Sec. 2400)</b>				
Front (north)	40 ft.	73 ft.	Yes	
Interior Side (east)	20 ft.	204 ft.	Yes	
Interior Side (west)	20 ft.	58 ft.	Yes	
Rear (south)	20 ft.	300 ft. +	Yes	
<b>Parking Setback (Sec. 2400)</b>				
Front (north)	Front yard parking permitted subject to (a) Dev. must be 2 acres (b) Must be setback same as req. bldg, setback (40 ft.) (c) Cannot occupy more than 50% of the area btwn. min. front yard setback and bldg, setback (d) Must be	(a) Parcel is 6.36 acres (b) Setback min. 26 ft. from Grand River Ave. (c) Less than 25% (d) Landscape berm indicated	No	A Zoning Board of Appeals variance would be required to allow a parking setback less than 40 ft. in the front yard.  Planning Commission finding that parking is compatible with surrounding development is required.

Item	Required	Proposed	Meets Requirements?	Comments
	<p>screened by brick wall or landscaped berm</p> <p>(e) Planning Commission must make finding that prkg. area and lighting is compatible w/ surrounding development</p>			
Interior Side (east)	10 ft.	17 ft. (existing condition)	Yes	
Interior Side (west)	10 ft.	10 ft.	Yes	Future greenbelt for proposed landbanked parking shown.
Rear (south)	10 ft.	177 ft. (existing condition)	Yes	
Number of Parking Spaces (Sec. 2505)	<p><u>Parking Required for Existing Uses On-Site:</u> 111 spaces (per 'Acknowledgment Regarding Limitations of Use')</p> <p><u>Warehouse Store (proposed)</u> one space per 700 sq. ft. gross leasable area <math>13,147/700 = 19</math> spaces</p> <p><b>Total spaces required for site = 130 spaces</b></p>	154 spaces (24 landbanked)	Yes	<p>Existing uses on site include Total Sports Roller Hockey (an indoor recreational use), Crossfit Gym (a fitness use) and Adams Physical Therapy (a medical office use).</p> <p>The proposed floor plan does not include any areas that can be deducted from the gross leasable area.</p>
Landbanked Parking (Sec. 2505)	<p>(a) Min. number of required spaces must be 45</p> <p>(b) Areas for landbanked parking must be maintained as green space</p> <p>(c) Landbanked parking area must be</p>	<p>(a) 130 spaces required for site</p> <p>(b) Applicant should confirm area for landbanked parking will remain as green space</p> <p>(c) Generally meets</p>	Yes?	<p>Applicant should confirm landbanked parking area will remain as green space via a note on the plans.</p> <p>Planning Commission finding required.</p> <p>Acknowledgment Regarding Limitations of Use must be updated and</p>

Item	Required	Proposed	Meets Requirements?	Comments
	<p>developed in accordance with City standards</p> <p>(d) Planning Commission finding per Section 2505.16.e required</p> <p>(e) Owner must report any change in occupancy to the Building Division</p> <p>(f) Building Official may require installation of landbanked parking</p> <p>(g) Planning Commission may attach conditions to approval</p>	<p>requirements (d) – (g) N/A</p>		<p>signed by owner.</p>
<p>Parking Space Dimensions and Maneuvering Lanes (Sec. 2506)</p>	<p>9' x 19' parking space dimensions and 24' wide drives. 9' x 17' parking spaces allowed along 7' wide interior sidewalks as long as detail indicates a 4" curb at these locations and along landscaping.</p>	<p>9' x 19' spaces provided</p> <p>Min. 24' access aisles provided</p>	<p>Yes</p>	
<p>Barrier Free Spaces (Barrier Free Code)</p>	<p>6 barrier free spaces required (1 van accessible)</p>	<p>6 barrier free spaces (1 van accessible) provided</p>	<p>Yes</p>	
<p>Barrier Free Space Dimensions (Barrier Free Code)</p>	<p>8' wide with a 5' wide access aisle for standard barrier free spaces, and 8' wide with an 8' wide access aisle for van accessible spaces</p>	<p>8' wide with a 5' wide access aisles for standard barrier free spaces and 8' wide with an 8' wide access aisle shown for van accessible spaces</p>	<p>Yes</p>	

Item	Required	Proposed	Meets Requirements?	Comments
Barrier Free Signs (Barrier Free Design Graphics Manual)	One sign for each accessible parking space.	Signage indicated	Yes	
Loading Spaces (Sec. 2507 and Sec. 22-100 City Code)	Must be in rear yard and screened from right-of-way and neighboring properties - minimum 360 sq. ft.	Loading area provided in rear of site	Yes	
Accessory Structure Setback- Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached and setback the same as parking from all property lines; the structure must be in the rear or interior side yard.	Existing dumpster located in rear of site	Yes	

Item	Required	Proposed	Meets Requirements?	Comments
Dumpster (Chap. 21, Sec. 21-145)	Screening of not less than 5 feet required, interior bumpers or posts required. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	No changes to dumpster proposed	N/A	
Exterior lighting (Sec. 2511)	Photometric plan and exterior lighting details needed at time of Final Site Plan	Lighting plan submitted		See lighting review chart.
Sidewalks (City Code Sec. 11-276(b) and Subdivision Ordinance Sec. 4.05A and Non-Motorized Plan)	No additional sidewalks required	No additional sidewalks proposed	Yes	
Bicycle Parking Facilities (Sec. 2526)	<p>5% of required auto parking spaces  <math>130 \times 0.05 = 7</math> <b>bicycle parking spaces required for site</b></p> <p>Shall be located along the building approach line and easily accessible from the building entrance</p> <p>Max. 120 feet from entrance being served or the nearest auto parking space to that entrance</p> <p>Must be accessible via a paved 6 foot</p>	7 bicycle parking spaces proposed	Yes?	The applicant should provide a detail of the bike parking so required dimensions can be verified.

Item	Required	Proposed	Meets Requirements?	Comments
	<p>wide route and separated from auto facilities</p> <p>4 foot wide maneuvering lane required with a 6 foot parking space width and a depth of 2 feet for single spaces and 2.5 feet for double spaces</p>			
Development/ Business Sign	Signage if proposed requires a permit			Please contact Jeannie Niland (248.347.0438) for information on sign permits

Prepared by Kristen Kapelanski, AICP (248)347-0586

**Lighting Review Summary Chart**  
 Jeff Heyn Multi-Tenant JSP13-62  
 Revised Preliminary Site Plan Review  
 Plan Date: 10-16-13

Item	Required	Meets Requirements?	Comments
Intent (Section 2511.1)	Establish appropriate minimum levels, prevent unnecessary glare, reduce spillover onto adjacent properties, reduce unnecessary transmission of light into the night sky	Yes	
Lighting plan (Section 2511.2.a.1)	Site plan showing location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures	Yes	
Lighting Plan (Section 2511.2.a.2)	Specifications for all proposed and existing lighting fixtures including: <ul style="list-style-type: none"> <li>▪ Photometric data</li> <li>▪ Fixture height</li> <li>▪ Mounting &amp; design</li> <li>▪ Glare control devices</li> <li>▪ Type and color rendition of lamps</li> <li>▪ Hours of operation</li> <li>▪ Photometric plan</li> </ul>	Yes	
Required conditions (Section 2511.3.a)	Height not to exceed maximum height of zoning district (30 feet) or 25 feet where adjacent to residential districts or uses.	Yes	
Required Notes	- Electrical service to	No	Required notes must be

Item	Required	Meets Requirements?	Comments
(Section 2511.3.b)	light fixtures shall be placed underground - No flashing light shall be permitted - Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation.		added to the plan.
Required conditions (Section 2511.3.e)	Average light level of the surface being lit to the lowest light of the surface being lit shall not exceed 4:1.	Yes?	Applicant should provide average/minimum ratio for entire site.
Required conditions (Section 2511.3.f)	Use of true color rendering lamps such as metal halide is preferred over high and low pressure sodium lamps.	Yes	
Minimum Illumination (Section 2511.3.k)	- Parking areas- 0.2 min - Loading and unloading areas- 0.4 min - Walkways- 0.2 min - Building entrances, frequent use- 1.0 min - Building entrances, infrequent use- 0.2 min	Yes	
Maximum Illumination adjacent to Non-Residential (Section 2511.3.k)	When site abuts a non-residential district, maximum illumination at the property line shall not exceed 1 foot candle	Yes?	Light levels at the property line must be included on the plan.
Cut off Angles (Section 2511.3.1(2))	All cut off angles of fixtures must be 90 degrees when adjacent to residential districts	Yes	

Prepared by Kristen Kapelanski, AICP  
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