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ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting conducted remotely via ZOOM

Tuesday, April 13, 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 Montague, Chairperson Peddiboyina, Member Sanghvi, Member Sanker, and Member Thompson
- Present:** Member Krieger, Member Longo, Member Montague, Chairperson Peddiboyina, and Member Sanker
- Absent Excused:** Member Sanghvi, and 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
MARCH 2021, APPROVED
none

- PZ21-0009 (Bell Fork Lift Inc) 46400 Grand River Avenue, East of Beck Road and North of Grand River Avenue, Parcel 50-22-16-251-017.** The applicant is requesting variance from the Novi Zoning Ordinance Section 5.11.2 for the installation of a fence in the front yard. The Ordinance states "no fence shall extend into a front or exterior side yard." This property is zoned Office Service Technology (OST).

The motion to approve case PZ21-0009 for the installation of a fence in the front yard was approved. The petitioner has shown practical difficulty requiring in preventing unauthorized individuals from using the property, particularly for trash dumping and unauthorized parking. The property is unique because the parking area is alongside the busy Suburban Showplace convention center. The petitioner did not create the condition because the configuration of the property was established when the area was more rural. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the fence will not abut other property lines. The relief is consistent with the spirit and intent of the ordinance because it will enhance security and safety.

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

2. **PZ20-0011 (Kensington Family Homes) Ten Mile Road, East of Beck Road and South of Ten Mile Road, Parcel 50-22-28-101-023.** The applicant is requesting variance from the Novi Zoning Ordinance Section 3.1.2 for a proposed lot split of parcel 50-22-28-101-023 into two lots with widths of 110 and 113 feet respectively (120 feet minimum required by code, variance of 10 feet and 7 feet). This property is zoned Single Family Residential (R-1

The motion to approve case PZ21-0011 for a proposed lot split of parcel 50-22-28-101-023 into two lots with widths of 110 and 113 feet was approved. The property is unique because of the Right-of-Way easements decreasing the usable lot space and because it has three road frontages. The petitioner did not create the condition because the surrounding development, topography and easements were already in place. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the developer of the proposed lots they will work with the neighbors and neighboring Homeowners Association to reduce any concerns. The relief is consistent with the spirit and intent of the ordinance because all zoning standards for setbacks are to be maintained, having minimal impact on the area.

**Motion Maker: Krieger
Seconded: Sanker
Motion Passed 6:0**

3. **PZ20- 0013 (Daniel Murphy) 1141 E Lake Drive, West of Novi Road and South of Fourteen Mile Road, Parcel 50-22-02-126-008.** The applicant is requesting a variance from the City of Novi Zoning Ordinance Sections 3.32-10.ii. a, for the building of a proposed 160 square foot shed on the waterfront (100 square feet allowed by code, variance of 60 square feet). This property is zoned Single Family Residential (R-4).

The motion to DENY case PZ20-0013 for building of a proposed 160 square foot shed on the waterfront was approved. The circumstances and features of the property relating to the variance request are self-created as it is for simple convenience. The variance would result in interference with the adjacent and surrounding properties by blocking lake views.

**Motion Maker: Montague
Seconded: Sanker
Motion Passed 4:2, Members Malott and Peddiboyina dissenting**

4. **PZ19- 0014 (Josh Robinson) 1375 E Lake Drive, West of Novi Road and South of Fourteen Mile Road, Parcel 50-22-02-328-009.** The applicant is requesting a variances from the City of Novi Zoning Ordinance Section 3.32-10.ii. a, for the building of a proposed 300 square foot shed on the waterfront (100 square feet allowed by code, variance of 200 square feet). Section 3.32-10.ii.b, for a waterfront lot coverage of 13% (5% allowed by code, variance of 8%). This property is zoned Single Family Residential (R-4).

The motion to DENY case PZ20-0014 for the building of a proposed 300 square foot shed on the waterfront and a waterfront lot coverage of 13% was approved. The circumstances and features of the property relating to the variance request are self-created as the petitioners could build smaller.

The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on the petitioner's statements that they intend to use it as outdoor living space and storage. The variance would result in interference with the adjacent and surrounding properties by blocking lake views. Granting the variance would be inconsistent with the spirit and intent of the ordinance to maintain a lakefront free of obstruction.

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

5. **PZ21- 0015 (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 16.95 foot front yard setback (30 feet required, variance of 13.05 feet); an 8 foot rear yard setback (35 feet required, variance of 27 feet); a side yard setback of 5.08 feet (10 feet required, variance of 4.92 feet); an aggregate total side yard setback, with exterior side yard of 12.41 feet (40 feet required, variance of 27.59 feet); and a proposed lot coverage of 48% (25% maximum allowed, variance of 23%). Section 3.32-10.ii. a, for the building of a proposed 336 square foot shed on the waterfront (100 square feet allowed by code, variance of 236 square feet). These variances would accommodate the building a new home and a lakefront accessory structure. This property is zoned Single Family Residential (R-4).

The motion to DENY case PZ21-0015 for front yard, rear yard, side yard, aggregate side yard, and exterior side yard setbacks with a 48% lot coverage and a 336 square foot lakefront shed was approved. The circumstances and features of the property relating to the variance request are self-created as the petitioners could build smaller. The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on the petitioner's statements that the plans can be revised to be more conforming. The variance would result in interference with the adjacent and surrounding properties by effecting Lake views, enjoyment and resale values.

***Motion Maker: Krieger
Seconded: Longo
Motion Passed 6:0***

6. **PZ21- 0016 (Michelle Estes) 112 N Haven Drive, East of West Road and South of W Pontiac Trail, Parcel 50-22-03-201-005.** The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a proposed rear yard setback of 27 feet (35 feet required, variance of 8 feet). Section 3.32-7 for a deck projecting into the rear yard setback 14 feet (18 feet maximum allowed by code, variance of 4 feet). These variances would accommodate the building of a home addition and new deck. This property is zoned Single Family Residential (R-4).

The motion to approve case PZ21-0016 for a proposed rear yard setback of 27 feet to accommodate a home addition and deck was approved. Without variance the

petitioner will be unreasonably prevented or limited with respect to the property because she will not be able to fully enjoy it or care for her mother. The property is unique because it is an oddly shaped lot. The petitioner did not create the condition because she purchased the home as-is. The relief granted will not unreasonably interfere with adjacent or surrounding properties because the setbacks are minimum and there are no neighbor objections.

***Motion Maker: Sanker
Seconded: Krieger
Motion Passed 6:0***

Other Matters: None

Meeting Adjournment: 9:45pm

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).