

cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department

Case No. 12-021 44275 Twelve Mile Road

Location: 44275 Twelve Mile Road

Zoning District: RC – Regional Center

The applicant is requesting variances from Sections 2507 and 2503 of the Novi Zoning Ordinance. Applicant requests variance to allow its loading/unloading zone and trash dumpster to be in the middle of its site, instead of in the rear of its site as the Ordinance currently requires. The property is located south of Twelve Mile Road and West of Donelson Drive and has road frontages on all four sides.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2507(2) requires a site within an RC district to place its loading/unloading space in the rear of the site.

CITY OF NOVI, CODE OF ORDINANCES, Section 2503(2)(F)(1) requires a site within an RC district to have its trash receptacle in the rear yard of the site.

City of Novi Staff Comments:

The Planning staff has provided the attached review and comments.

Standards for Granting a Dimensional Variance:

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.
- 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.



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

For Official Use Only

ZBA Case No: 12-021 ZBA Date: 6/12/12 Payment Received: \$ _____ (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 Scott A. Boduch, R.A. Date 4-27-12
Company (if applicable) Cahen Architectural Group, P.C.
Address* 7076 South Alton Way, Building A City Centennial ST CO ZIP 80112
*Where all case correspondence is to be mailed.
Applicant's E-mail Address: sboduch@cahen-arch.com
Phone Number () 303-743-0002 x208 FAX Number () 303-996-0640

Request is for:
 Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 44275 Twelve Mile Road, Novi, MI ZIP 48377

2. Sidwell Number: 5022 -15-200-100 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 OTHER
RC - Regional Center

5. Property Owner Name (if other than applicant) Sun Valley, LTD.

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 2507 Variance requested Variance for location of Loading Zone
2. Section 2503 Variance requested Variance for location of Trash Enclosure
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.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

- THE DEVELOPER IS REQUESTING A VARIANCE FROM SECTION 2507 WHICH REQUIRES THE UNLOADING AREA TO BE PROVIDED IN THE REAR YARD OF THE SITE. DUE TO THE CONFIGURATION OF THE EXISTING DEVELOPMENT THAT WAS PREVIOUSLY APPROVED, THE PROPOSED BUILDING AND THE ASSOCIATED LOADING ZONE WILL NEED TO BE PROVIDED ALONG THE REAR THE BUILDING (MIDDLE OF THE SITE) AS SHOWN ON THE ATTACHED SITE PLANS. THE PROPOSED LOADING ZONE IS NOT WITHIN 300 FEET OF ANY OF THE SURROUNDING PROPERTY LINES.

- THE DEVELOPER IS REQUESTING A VARIANCE FROM SECTION 2503 FOR THE PROPOSED DUMPSTER WHICH REQUIRES A 10' SETBACK FROM THE BUILDING AND FOR THE DUMPSTER TO BE PLACED IN THE REAR YARD. DUE TO THE CONFIGURATION OF THE EXISTING DEVELOPMENT THAT WAS PREVIOUSLY APPROVED, THE PROPOSED BUILDING AND THE ASSOCIATED TRASH DUMPSTER ENCLOSURE WILL NEED TO BE PROVIDED ALONG THE REAR THE NEW BUILDING WITHIN THE MIDDLE OF THE SITE AS SHOWN ON THE ATTACHED SITE PLANS. THE PROPOSED LOADING ZONE IS NOT WITHIN 300 FEET OF ANY OF THE SURROUNDING PROPERTY LINES.

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

THE PROPOSED LOCATION / CONFIGURATION OF THE LOADING ZONE AND TRASH DUMPSTER IS INTENDED TO UTILIZE THE EXISTING CENTRAL SERVICE AREA DESIGN THAT WAS INCORPORATED WITH THE ORIGINAL DEVELOPMENT. THE PROPOSED BUILDING WILL FULLY ENCLOSE THIS SERVICE AREA, INCLUDING THE NEW LOADING ZONE AND TRASH ENCLOSURE, SO IT IS HAS LIMITED SIGHT LINES FROM THE PUBLIC AND ADJACENT PUBLIC RIGHT-OF-WAYS.

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a Mock-Up Sign ten (10) days before the scheduled ZBA meeting.

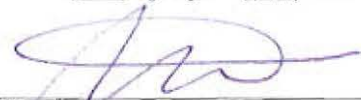
Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is NOT to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, the 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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision. There is a five (5) day hold period before work/action can be taken on variance approvals. All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building Addition to Existing Home/Building Accessory Building
 Use Signage Other


Applicants Signature Mr. Scott A. Boduch, R.A.
Cohen Architectural Group, P.C.

4-27-12
Date


Property Owners Signature Mr. Stanley Spigel
Sun Valley, LTD.

4-27-12
Date

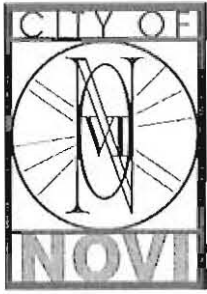
DECISION ON APPEAL

Granted Denied Postponed by Request of Applicant Board

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date



PLAN REVIEW CENTER REPORT

May 23, 2012

Planning Review

Twelve Mile Crossing at Fountain Walk New Retail

SP12-26

Petitioner

Cahen Architectural Group

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: 44275 Twelve Mile Road, South of Twelve Mile Road and west of Donelson Drive (Section 15)
- Site Zoning: RC, Regional Center
- Adjoining Zoning: North: OS-1; East: RC; West: OST; South: I-96 right-of-way
- Current Site Use: Existing 12 Mile Crossing at Fountain Walk shopping center
- Adjoining Uses: North: Vacant, Bank, Office Park; East: Shopping Center; West: Office Park; South: I-96 right-of-way
- School District: Novi Community School District
- Site Size: 67.2 acres
- Plan Date: 04-24-12

Project Summary

The subject property is within the existing 12 Mile Crossing at Fountain Walk shopping center south of Twelve Mile Road and west of Donelson Drive. The applicant is proposing to add a 57,793 square foot retail building including a larger tenant space (approximately 30,000 sq. ft.), a restaurant tenant space and six smaller general retail tenant spaces. The new building would be located near the center of the existing development and also include the addition of 224 parking spaces and associated landscaping.

Recommendation

Approval of the preliminary site plan is recommended. The applicant should submit plans for Final Site Plan approval once the appropriate approvals are granted by the City Council.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 17 (RC Regional Center District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant.

1. Loading Zone Location: All loading zones in the RC District must be located in the rear yard. The plan shows the loading zone in the exterior side yard. **The applicant should seek a variance from the Zoning Board of Appeals for the proposed loading zone location.** Staff would support this variance.
2. Dumpster Location: All dumpsters must be located in the rear yard. The plan shows the two dumpsters in the exterior side yard. **The applicant should seek a variance from the Zoning Board of Appeals for the proposed dumpster locations.** Staff would support this variance.
3. Parking
4. City Council Consideration and Approval: Section 1703.4 of the Zoning Ordinance requires all proposed plans in the RC District on parcels over 4 acres be approved by the City Council after a review and recommendation by the Planning Commission.

Response Letter

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

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction. The applicant has indicated phasing is proposed for the project but all elements will be completed within two years. Phasing is not required for projects to be completed in two years or less. **If there is a possibility that the construction will extend beyond two years, the applicant should indicate phasing approval is requested and provide a plan sheet titled phasing and graphically depicting the proposed phase lines.**

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 or to schedule a Pre-Con, please contact Sarah Marchioni [248.347.0430 or 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.

Kristen Kapelanski, AICP, Planner
248-347-0586 or kkapelanski@cityofnovi.org

Planning Review Summary Chart

Twelve Mile Crossing at Fountain Walk New Retail

SP12-26

Plan Dated: 04-24-12

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Regional Commercial	Regional Commercial	Yes	
Zoning	RC	RC	Yes	
Use (Sec. 1701 and 1702)	Regional and Community shopping centers, Retail businesses, Sit-down restaurants	57,493 sq. ft. retail center	Yes	
Building Height (Sec. 2400)	Maximum 45 feet	27'	Yes	
Building Setbacks (Sec. 2400)				
Exterior Side (north)	100 feet	200 feet +	Yes	
Exterior Side (east)	100 feet	200 feet +	Yes	
Exterior Side (west)	100 feet	200 feet +	Yes	
Exterior Side (south)	100 feet	200 feet +	Yes	
Parking Setbacks (Sec. 2400)				
Exterior Side (north)	20 feet	New parking proposed is interior to the site.	N/A	
Exterior Side (east)	20 feet			
Exterior Side (west)	20 feet			
Exterior Side (south)	20 feet			
Number of Parking Spaces (Sec. 2505)	<p>Shopping Centers greater than 600,000 sq. ft.: 1 space/222 sq. ft.</p> <p>(If the combined GLA of restaurant, cinema, and entertainment uses exceeds 20% of the total GLA for the shopping center, a shared parking study is required.)</p>	4,077 spaces	Yes/No?	<u>See attached parking review chart for parking requirements and comments</u>

Item	Required	Proposed	Meets Requirements?	Comments
	<p>Any single use over 30,000 square feet and within a shopping center shall have its portion of the parking requirement calculated from the appropriate standards for the use, if one exists.</p> <p><u>See attached parking review chart for parking requirements and comments</u></p>			
Parking Space Dimensions (Sec. 2506)	<p>9' x 19' parking space dimensions and 24' wide drives for 90° spaces.</p> <p>9' x 17' parking space dimensions permitted with a 4" curb</p>	9' x 19' and 9' x 17' parking space dimensions and 24' wide drives.	Yes	Applicant should indicate 4" curbs where 17' spaces are proposed.
Barrier Free Spaces (Barrier Free Code)	<p>20 accessible spaces plus one for each 100 spaces over 1,000; 1 in 6 spaces must be van accessible</p> <p>20+31 = 51 spaces required (17 spaces must be van accessible)</p>	92 accessible spaces (27 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	8' wide with an 8' wide access aisle for van accessible and 8' wide with a 5' wide access aisle for accessible	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	Barrier free signs shown.	Yes	
Loading Spaces (Sec. 2507)	10 square feet per front foot of	6,639 sq. ft. provided in the exterior side	No	Applicant should seek a Zoning

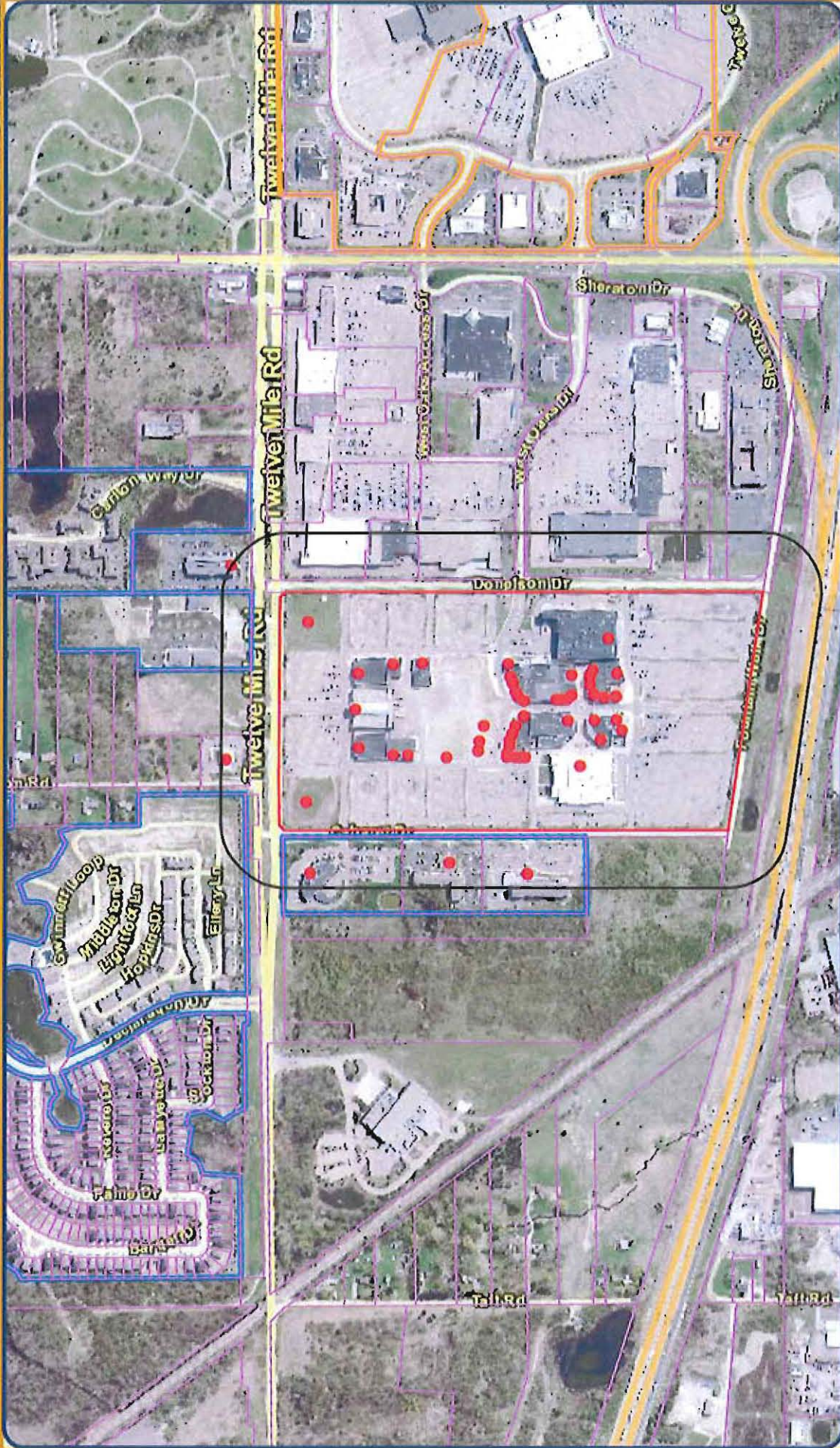
Item	Required	Proposed	Meets Requirements?	Comments
	building = 526 x 10 = 5,260 sq. ft. All loading shall be in the rear yard or interior side yard if double fronted lot.	yard.		Board of Appeals variance for the loading zone location. Staff would support this variance.
Loading Space Screening (Sec. 2302A.1)	In the RC District, view of loading and waiting areas must be shielded from rights of way and adjacent properties.	Proposed loading will be screened by an existing building.	Yes	
Accessory Structure Setback-Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear or interior side yard.	Dumpsters located in the exterior side yard and setback appropriately from the building and property lines.	No	Applicant should seek a variance from the Zoning Board of Appeals for the dumpster location. Staff would support this variance.
Dumpster (Chap. 21, Sec. 21-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	Details provided meeting ordinance requirements.	Yes	

SP12-26 Twelve Mile Crossing at Fountain Walk New Retail

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Signs	Exterior Signage is not regulated by the Planning Department or Planning Commission.			Please contact <u>Jeannie Niland</u> (248.347.0438).
Exterior Lighting (Sec. 2511)	Photometric plan and exterior lighting details needed at final site plan.	Lighting plan will be required with Final Site Plan submittal.	N/A	
Sidewalks (City Code Sec. 11-276(b)).	An 8' wide sidewalk shall be provided along Twelve Mile Road as required by the City's Pedestrian and Bicycle Master Plan. Building exits must be connected to sidewalk system or parking lot.	Existing concrete walk along 12 Mile Road to remain.	Yes	
Misc. Items	Proposed Patio Phasing Indicated			Outdoor seating must meet be approved by the Building Official. See Sec. 2524 of the Zoning Ordinance for outdoor seating regulations. A note on Sheet 4 references a phasing plan but notes all work will be completed within 2 years. A phasing plan is not required if work will be completed within 2 years. See plan review letter for additional information.

Prepared by Kristen Kapelanski, (248) 347-0586 or kkapelanski@cityofnovi.org

City of Novi 44275 Twelve Mile Road



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/SiteUsePolicy.asp>



Date: 06/20/2012

Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal

