



COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: June 14, 2022

REGARDING: 45283-45295 Grand River Avenue, Parcel # 50-22-15-351-044

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Diversified Developing LLC

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned Light Industrial (I-1)

Location: East of Taft Road and North of 11 Mile Road

Parcel #: 50-22-15-351-044

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance. From Section 3.1.18 a parking setback of 5 feet on the west side of the proposed Parcel A (10 feet required, variance of 5 feet) and a front yard building setback of 20 feet of the proposed Parcel B (40 feet required, variance of 20 feet). These variances are for the splitting of an existing developed 1.66 acre lot into two lots. This property is zoned Light Industrial (I-1).

II. STAFF COMMENTS:

A revised proposed parcel description was submitted after the initial request. This eliminated the need for the frontage variance noted in the ZBA application and the notices.

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. I move that we **grant** the variance in Case No. **PZ22-0021**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.

- (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.

- (b) The property is unique because _____
_____.
- (c) Petitioner did not create the condition because _____
_____.
- (d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because _____
_____.
- (e) The relief if consistent with the spirit and intent of the ordinance because _____
_____.
- (f) The variance granted is subject to:
 - 1. _____.
 - 2. _____.
 - 3. _____.
 - 4. _____.

2. I move that we **deny** the variance in Case No. **PZ22-0021**, sought by _____,
for _____ because Petitioner has not shown practical difficulty requiring _____.

- (a) The circumstances and features of the property including _____ are not unique because they exist generally throughout the City.
- (b) The circumstances and features of the property relating to the variance request are self-created because _____
_____.
- (c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that _____.
- (d) The variance would result in interference with the adjacent and surrounding properties by _____.
- (e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to _____
_____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler - Deputy Director Community Development - City of Novi



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ZONING BOARD OF APPEALS APPLICATION

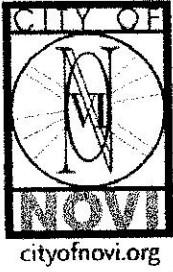
APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: _____

Meeting Date: _____

ZBA Case #: **PZ** _____

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Albers Commerce Center			
ADDRESS 45283-45295 Grand River Avenue		LOT/SUITE/SPACE #	
SIDWELL # 50-22-15 351 -044		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Grand River Avenue and Taft Road			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS kjalbers@live.com	CELL PHONE NO. (248) 797-5708
NAME Ken Albers		TELEPHONE NO.	
ORGANIZATION/COMPANY Diversified developing, LLC		FAX NO.	
ADDRESS (Mailing) 6501 Red Hook Plaza, Suite 201-725		CITY St Thomas	STATE VI
			ZIP CODE 00802
B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS		CITY	STATE
			ZIP CODE
III. ZONING INFORMATION			
A. ZONING DISTRICT			
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input checked="" type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____			
B. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section (3.1.18.D)		Variance requested Parcel A Parking setback Side (west) 5 feet	
2. Section (3.1.18.D)		Variance requested Parcel B Building Setback Front (north) 20 Feet	
3. Section (5.12)		Variance requested Parcel B Public Road Frontage 76 feet	
4. Section _____		Variance requested _____	
IV. FEES AND DRAWINGS			
A. FEES			
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600			
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF			
<ul style="list-style-type: none"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • Any other information relevant to the variance application 			



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ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

Signed Application Form

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

Response to Variance Review Standards – Dimensional, Use, or Sign

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)

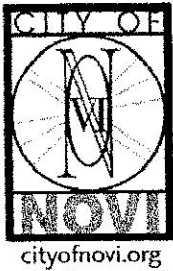
- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

Fee (make check payable to the City of Novi)

Single Family Residential (Existing) \$200 (With Violation) \$250
Single Family Residential (New) \$250
Multiple/Commercial/Industrial \$300 (With Violation) \$400
Signs \$300 (With Violation) \$400
House Moves \$300
Special Meetings (At discretion of Board) \$600

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



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**REVIEW STANDARDS
DIMENSIONAL VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

- a. **Shape of Lot.** Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.
 Not Applicable Applicable If applicable, describe below:

and/or

- b. **Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.
 Not Applicable Applicable If applicable, describe below:

and/or

- c. **Abutting Property.** The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties.
 Not Applicable Applicable If applicable, describe below:

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

Buildings are existing

Please see Attached cover letter

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in 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.

Parcel cannot be split without variances

Standard #4. Minimum Variance Necessary.

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Variances applied for are the minimum variances needed because buildings are existing.

Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

No effect.

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

Buildings are existing

Please see Attached cover letter

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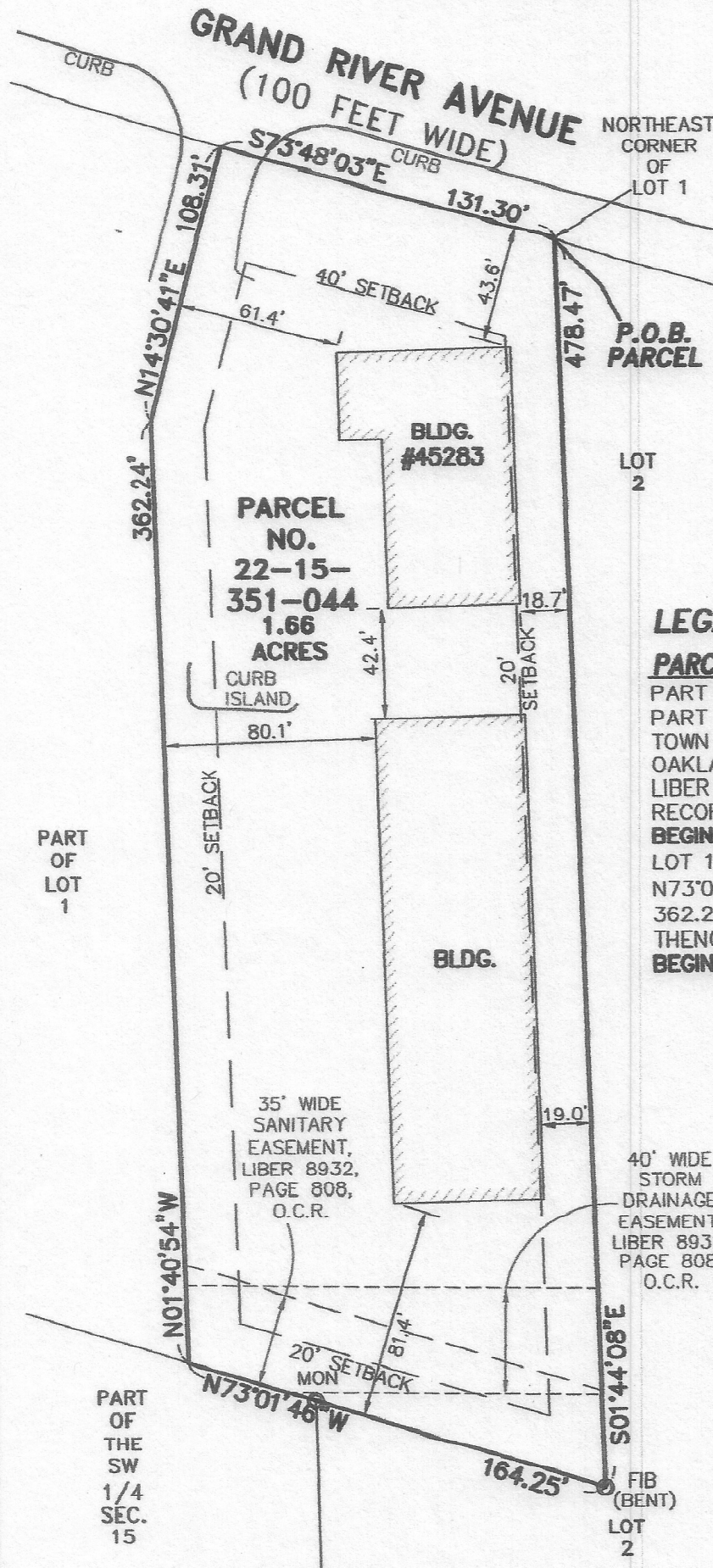
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Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

No effect.

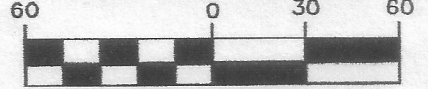
CERTIFICATE OF SURVEY



LEGEND

- SET SET CAPPED IRON
- FIB FOUND IRON BAR
- MON FOUND CONCRETE MONUMENT
- (M) MEASURED
- (R) RECORD

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

LEGAL DESCRIPTION

PARCEL NO. 22-15-351-044 (BY OTHERS):

PART OF LOT 1 OF "ASSESSOR'S PLAT NO. 1", PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 219 PLATS, PAGE 34, OAKLAND COUNTY RECORDS, DESCRIBED AS:

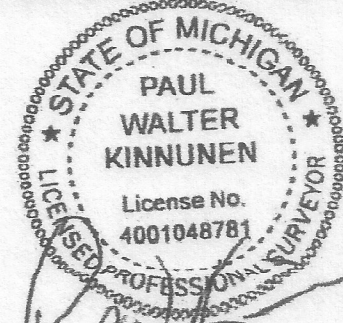
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S01°44'08"E 478.47 FEET; THENCE N73°01'46"W 164.25 FEET; THENCE N01°40'54"W 362.24 FEET; THENCE N14°30'41"E 108.31 FEET; THENCE S73°48'03"E 131.30 FEET TO THE POINT OF BEGINNING.

NOTE:

TITLE WORK WAS NOT PROVIDED. EASEMENTS MAY EXIST AND ARE NOT SHOWN.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE OR ATTACHED DESCRIBED PARCEL(S) OF LAND ON 2/23/2022, THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, AND THIS SURVEY IS IN FULL COMPLIANCE WITH SECTION NO. 3, ACT 132, P.A. 1970.



PAUL W. KINNUNEN
PROFESSIONAL SURVEYOR NO. 4001048781
EMAIL: PAUL@GREENTECHENGINEERING.NET

ZONING:
I-1, LIGHT INDUSTRIAL

BASIS OF BEARING:

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF GRAND RIVER AVENUE BEING S73°48'03"E.

SETBACKS:

FRONT = 40 FEET
SIDES = 20 FEET
REAR = 20 FEET



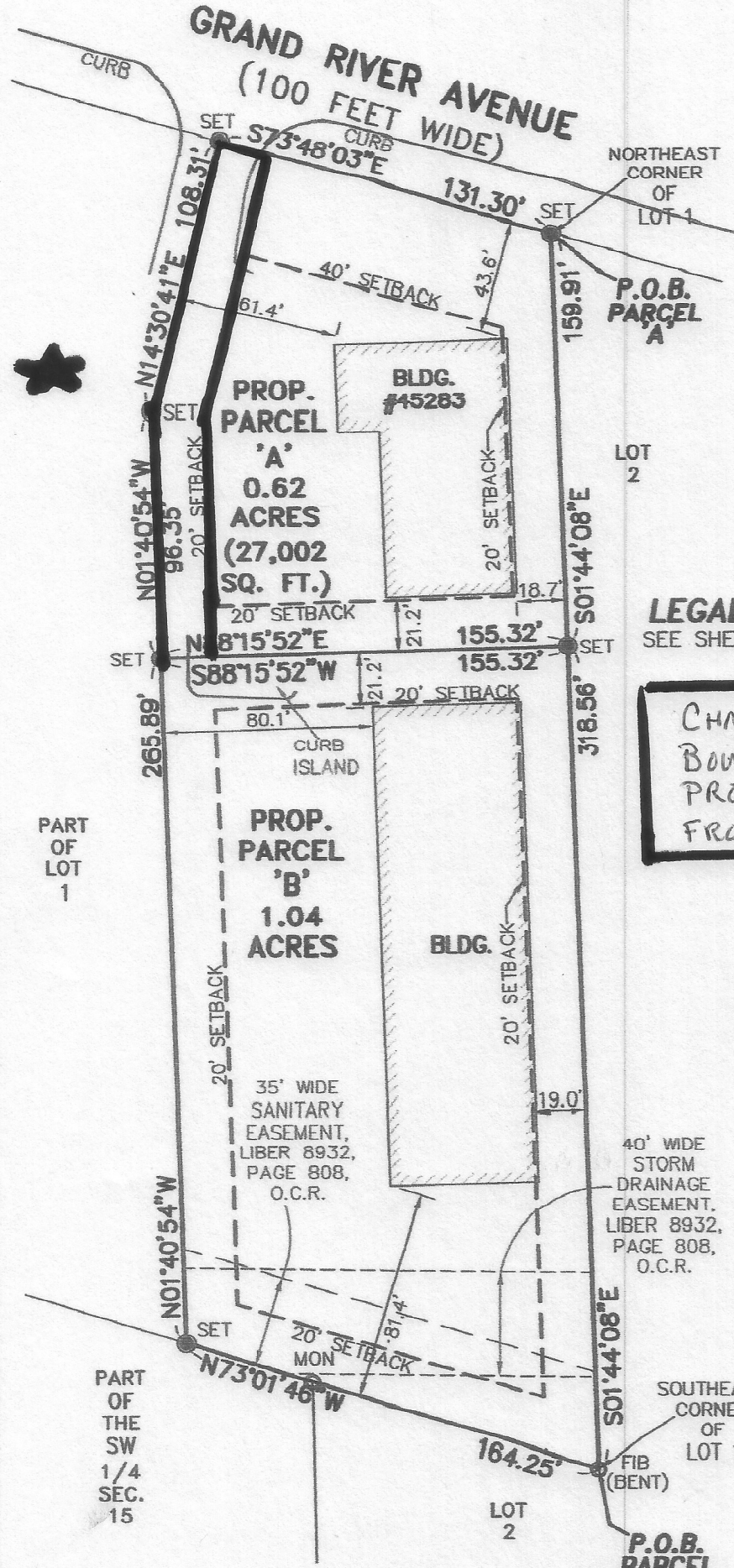
CIVIL ENGINEERS & LAND SURVEYORS

51147 W. Pontiac Trail
Wixom, MI 48393
Phone: (248) 668-0700
Fax: (248) 668-0701

CLIENT:	KEN ALBERS	DATE: 3-11-2022
		DRAWN BY: PWK
	PARCEL SPLIT	CHECKED BY: JPP
	45283 GRAND RIVER AVENUE BOULEVARD PARCEL NO. 22-15-351-044 SECTION: 15 TOWNSHIP: 01N. RANGE: 08E. CITY OF NOVI OAKLAND COUNTY MICHIGAN	 0 30 60
		FBK: ---
		CHF: ---
		1/3
		SCALE HOR 1"=60 FT. VER 1"=-- FT.

22-111

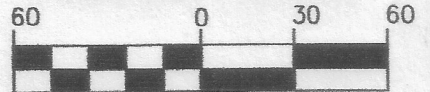
CERTIFICATE OF SURVEY



LEGEND

- SET SET CAPPED IRON OR NAIL/WASHER
- FIB FOUND IRON BAR
- FCI FOUND CAPPED IRON
- (M) MEASURED
- (R) RECORD

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

LEGAL DESCRIPTIONS

SEE SHEET 3 FOR PROPOSED LEGAL DESCRIPTIONS.

CHANGE PROP. PARCEL 'B'
BOUNDARY LINE TO
PROVIDE GRAND RIVER
FRONTAGE

NOTE:

TITLE WORK WAS NOT PROVIDED.
EASEMENTS MAY EXIST AND ARE NOT SHOWN.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE OR ATTACHED DESCRIBED PARCEL(S) OF LAND ON 2/23/2022, THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, AND THIS SURVEY IS IN FULL COMPLIANCE WITH SECTION NO. 3, ACT 132, P.A. 1970.



PAUL W. KINNUNEN
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SETBACKS:

FRONT = 40 FEET
SIDES = 20 FEET
REAR = 20 FEET



CIVIL ENGINEERS & LAND SURVEYORS

51147 W. Pontiac Trail
Wixom, MI 48393
Phone: (248) 668-0700
Fax: (248) 668-0701

Fax: (248) 668-0701

CLIENT:	KEN ALBERS	DATE: 3-11-2022
	PARCEL SPLIT	DRAWN BY: PWK
	45283 GRAND RIVER AVENUE BOULEVARD PARCEL NO. 22-15-351-044	CHECKED BY: JPP
	SECTION: 15 TOWNSHIP: 01N. RANGE: 08E. CITY OF NOVI OAKLAND COUNTY MICHIGAN	 FBK: --- CHF: --- SCALE HOR 1"=60 FT. VER 1"=--- FT.
		2/3

CERTIFICATE OF SURVEY

PROPOSED PARCEL 'A' DESCRIPTION:

PART OF LOT 1 OF "ASSESSOR'S PLAT NO. 1", PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 219 OF PLATS, PAGE 34, OAKLAND COUNTY RECORDS, DESCRIBED AS:

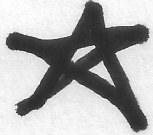
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S01°44'08"E 159.91 FEET ALONG THE EAST LINE OF SAID LOT 1; THENCE S88°15'52"W 155.32 FEET; THENCE N01°40'54"W 96.35 FEET; THENCE N14°30'41"E 108.31 FEET TO THE SOUTHERLY LINE OF GRAND RIVER AVENUE, 100 FEET WIDE, SAID SOUTHERLY LINE ALSO THE NORTHERLY LINE OF SAID LOT 1; THENCE ALONG SAID NORTHERLY LINE, S73°48'03"E 131.30 FEET TO SAID NORTHEAST CORNER OF SAID LOT 1 AND TO THE **POINT OF BEGINNING**. CONTAINING 0.62 ACRES (27,002 SQUARE FEET), AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

PROPOSED PARCEL 'B' DESCRIPTION:

PART OF LOT 1 OF "ASSESSOR'S PLAT NO. 1", PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 219 OF PLATS, PAGE 34, OAKLAND COUNTY RECORDS, DESCRIBED AS:

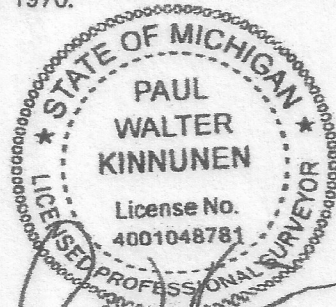
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N73°01'46"W 164.25 FEET ALONG THE SOUTH LINE OF SAID LOT 1; THENCE N01°40'54"W 265.89 FEET; THENCE N88°15'52"E 155.32 FEET TO THE EAST LINE OF SAID LOT 1; THENCE ALONG SAID EAST LINE, S01°44'08"E 318.56 FEET TO SAID SOUTHEAST CORNER OF SAID LOT 1 AND TO THE **POINT OF BEGINNING**. CONTAINING 1.04 ACRES, AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

CHANGE PARCEL DESCRIPTION
TO REFLECT NEW BOUNDARY LINES



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE OR ATTACHED DESCRIBED PARCEL(S) OF LAND ON 2/08/2021, THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, AND THIS SURVEY IS IN FULL COMPLIANCE WITH SECTION NO. 3, ACT 132, P.A. 1970.



PAUL W. KINNUNEN
PROFESSIONAL SURVEYOR NO. 48781
EMAIL: PAUL@GREENTECHENGINEERING.NET



51147 W. Pontiac Trail
Wixom, MI 48393
Phone: (248) 668-0700
Fax: (248) 668-0701

CLIENT: KEN ALBERS	DATE: 3-11-2022 DRAWN BY: PWK CHECKED BY: JPP
PARCEL SPLIT	
45283 GRAND RIVER AVENUE BOULEVARD PARCEL NO. 22-15-351-044 SECTION: 35 TOWNSHIP: 01N. RANGE: 08E. CITY OF NOVI OAKLAND COUNTY MICHIGAN	
FBK: --- CHF: ---	<div style="font-size: 2em; font-weight: bold;">3/3</div> <div style="font-size: 0.8em; text-align: right;">21-341</div>
SCALE HOR 1"=40 FT. VER 1"=--- FT.	