

## 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: July 11, 2023
REGARDING: 41100 Twelve Mile Road, Parcel \# 50-22-12-351-053 (PZ23-0020)

BY: Alan Hall, Deputy Director Community Development

## GENERAL INFORMATION:

## Applicant

Constantine George Pappas/Armenian Cultural Center

## Variance Type

Dimensional Variance

## Property Characteristics

Zoning District:
Location: East of Meadowbrook Road, North of Twelve Mile

Parcel \#: 50-22-12-351-053

## Request

The applicant is requesting the ZBA specify a height of 62.83 feet for a proposed monument structure, as permitted under Section 3.32.3 of the Zoning Ordinance. The structure has received Special Land Use approval from the Planning Commission and is located greater than 63 feet from all property lines. The applicant also requests a variance from Section 4.19.2.F. for the proposed location of a dumpster in the side yard. This property is zoned Residential Acreage (RA).

## II. STAFF COMMENTS:

This property has two different dimensional ZBA approvals that have expired.
On November 14, 2017 , a side yard variance for the dumpster was granted (Section 4.19.2.F) - expired. On November 10, 2020, a monument height of 62.83' was granted (Section 3.32.3) - expired.
The applicant is re-applying for the same two variances that were previously approved. The current submitted drawings do not reflect any dimensional deviations from the previous approval criteria.

## 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. PZ23-0020, sought by
difficulty requiring $\qquad$ .
(a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because $\qquad$
(b) The property is unique because $\qquad$
$\qquad$
(c) Petitioner did not create the condition because $\qquad$
$\qquad$
(d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because $\qquad$
$\qquad$ -.
(e) The relief if consistent with the spirit and intent of the ordinance because
$\qquad$
(f) The variance granted is subject to:
2. $\qquad$ .
3. $\qquad$ .
4. $\qquad$ .
5. $\qquad$ .
6. I move that we deny the variance in Case No. PZ23-0020, sought by for_b_ because Petitioner has not shown practical difficulty requiring $\qquad$ .
(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 $\qquad$
$\qquad$
(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
$\qquad$ -
(d) The variance would result in interference with the adjacent and surrounding properties by $\qquad$ _.
(e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to $\qquad$

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Alan Hall - Deputy Director Community Development - City of Novi


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# CITY OF NOVI <br> ZONING BOARD OF APPEALS APPLICATION COMMUNITY DEVELOPMENT APLICAION 



## ZONING BOARD OF APPEALS APPLICATION

## V. VARIANCE

## A. VARIANCE (\$) REQUESTED

$\square$ DIMENSIONAL $\square$ USE $\square$ SIGN
There is a five (5) hold period before work/action can be taken on variance approvals.

## B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a Mock-Up Slgn 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, pastponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is NOT to be an 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.

## C. ORDINANCE

## Cliy of Novl Ordinance, Section 7.10 - Miscellaneous

No order of the ZBA 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 ZBA 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.

## D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

## PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made $\square$ CONSTRUCT NEW HOME/BUILDING $\square$ ADDITION TO EXISTING HOME/BUILDING $\square$ SIGNAGE
$\square$ ACCESSORY BUILDING $\square$ USE $\square$ OTHER $\qquad$

## VI. APPLICANT \& PROPERTY SIGNATURES



## B. PROPERTY OWNER

If the applicant is not the owner, the property owner must read and sign below:
The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the coptents of this application and related enclosures.


## VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:DENIED
The Building Inspector is hereby directed to issue a permit to the Applicant upon the following conditions:

Community Development Department
45175 Ten Mile Road
Novi, Ml 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org
419. F proposed Dump rev

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 $\square$ Not Applicable $\square$ Applicable If applicable describe below:

## and/or

b. Environmental Conditions. Exceptional topographic or environmental conditions of other extraordinary situations on the land building or structure
$\square$ Not Applicable $\square$ Applicable If applicable. describe below:

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and/or
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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 (ie., is not self-created)

THE NEED FOR THO WARANCE WOULD ALLOW THE D UMPSTEN TO BO PLACED AT ITS CLOSET LOCATION 70

 Standard \#3. Strict Compliance. H LC OROINANCE GTMADNNDS.
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.
THE ORDINATE REG'O O IOTHMCE PLACES THE DUNSTAN NA WDODCFMO AREA. IN UTS PROPOSED LOCATION, THE DUMPSTEX WICN NOT Bo SEat os 4LCOWS LOODCAD To Ex IG AT THE cunnottcy ARE.

## 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.

IN ITS UNOpPOSED LOCATION, THE DUMPSTER NL PROVIDE SUBSTIMTIAC jUSTICE BY BEING CLOSETS THE BUILDING, Y OT SCREEN TO MEW.

## 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.

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REVIEW STANDARDS<br>DIMENSIONAL VARIANCE

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## 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
$\square$ 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:
See attached.

## 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.
$\square$ Not Applicable $\square$ Applicable If applicable, describe below:

## Standard \# . 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).
See attached.

## 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.

See attached.

## Standard \# . 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.
See attached.

## Standard \# . 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.

See attached.


October 1, 2020

Ref: ZBA Application - Armenian Cultural Center<br>Novi, Michigan

City File No. JSP 17-0037

## Review Standards - Dimensional Variance

Standard \#1 - Circumstances or Physical Conditions
a. Shape of Lot - Not Applicable
b. Environmental Conditions - Applicable

This project introduces an extraordinary type of structure. The proposed Memorial Monument is an atypical type of structure that is not found in any of the other properties in the general vicinity. The monument would be located between the buildings, within the Armenian Genocide Memorial Courtyard. It is designed as an architectural element with both copper and stainless-steel panels. The monument will be illuminated upward from the base. The structure is $6^{\prime}-0^{\prime \prime} \times 8^{\prime}-0^{\prime \prime}$ in plan and rises to 62.83 feet ( 1915 cm ). This height signifies the year the Armenian Genocide began, 1915. The design and creation of this monument is part of the Armenian Culture and Religion. Please see owner's narrative (attached) for a detailed description of the meaning behind the monument's height and design.
c. Abutting Property - Not Applicable

Standard \#2 - Not Self -Created
The need for the Dimensional Variance is based on a desire to create a meaningful and memorable Memorial Monument, not a result of the property owner's self-created site conditions. The inclusion of this monument may be interpreted to fall under the exceptions stated in the RA District Building height limits, whereas, the ZBA may specify the height limit for such a structure.

## Standard \#3 - Strict Compliance

The Dimensional Variance provides for the creation of a meaningful and significant monument within Michigan. This Memorial Monument commemorates the Armenian history, culture, and religion for both the Armenian Community and the greater community as a whole. The monument's proposed height of 62.83 feet $(1915 \mathrm{~cm})$ corresponds to the historical date of 1915, when the Armenian Genocide began. Please see owner's narrative (attached) for a detailed description of the meaning behind the monument's height and design.


## Standard \#4 - Minimum Variance Necessary

The Dimensional Variance requested is the minimum dimension to give meaning to the memorial structure's height. That being said, the exact height proposed, $62.83 \mathrm{ft}(1915 \mathrm{~cm})$, corresponds to the historical date of 1915 , when the Armenian Genocide began. This specific dimension gives meaning to the height of the memorial structure based on the history of the Armenian Nation. Please see owner's narrative (attached) for a detailed description of the meaning behind the monument's heights and design.

## Standard \#5 - Adverse Impact on Surrounding Area

The impact of the Dimensional Variance will be minimal to the surrounding properties due to the characteristics of the existing large site and the location of the proposed monument within the site. The site consists of a varied terrain, a large amount of existing tree growth, with a significant amount of added new landscape. The submitted renderings and drawings show the sloping site sections and the additional planting that will occur along the property lines. On the site plan, the nearest neighbor is noted as approximately $297^{\prime}-0^{\prime \prime}$ distant and sloped away from the proposed monument location. The proposed $62.83^{\prime}(1915 \mathrm{~cm})$ monument structure will be located within the Memorial Courtyard, which is located centrally to the entire site. This greatly exceeds the further stipulation that "the height of any such structure shall not be greater than the distance to the nearest property line." See the submitted Overall Site Plan for the proposed location of the monument and the associated distance from each property line. The proposed lighting for the monument will be located on the base of the structure and focused upward onto the structure. It will not be directed toward any of the adjacent properties at any time. The monument will be illuminated for a limited amount of time per day. The lighting system can be controlled and altered seasonally, as needed.


Ref: ZBA Application - Armenian Cultural Center

## Armenian Memorial Monument - Owner's Narrative

The Genocide of the Armenian nation by the Ottoman Turkish government started in 1915, under cover of World War I. By 1920, one third of all Armenians, 1.5 million men, women and children, had been savagely killed in the first Genocide of the $20^{\text {th }}$ century, the first state-planned and implemented annihilation of a people. The Anatolian Plateau was emptied of its Armenian population, casting the survivors from their home of 4,000 years into Diasporan exile unto far-away shores. The story of the Armenian people is a story of tragedy, but it is also a heroic story of strength and survival. The Armenian Diaspora today is spread across the world, including Novi, MI; Armenians have made important contributions in all fields of human endeavor; and the State of Armenia is a testament to the world of this nation's will and spirit.

The memorial monument we propose is to commemorate this history. Its two halves refer to the nation lost in the killing fields of the Genocide, but also to the nation that survived as a global community and in Armenia. The light between the two halves that shines into the skies is a reflection of the undying and striving spirit of a people. The height of the memorial monument is a reference to the starting date of the Genocide. At 62.83 ft . ( $62^{\prime} 9.944^{\prime \prime}$ ), it is equal to 1915 centimeters.

The memorial monument is to provide a moment for Armenians to grieve, reflect, reconnect and be inspired by all that this nation has lost and has achieved. It is also a memorial for non-Armenians, for the residents of Novi and for Michiganders, to learn of an important part of human history, to realize how Genocides can be organized, and to better understand their Armenian neighbors and others who have lived through similar experiences.

For these purposes, the base of the memorial monument will include a brief history of the Armenian Genocide, as well as a brief history of the Armenian Diaspora and State of Armenia. There will also be mention of when Armenians first established communities in Michigan.

The sides of the memorial monument, up to a height of eight feet, will be etched with the names of all the villages, towns and districts where Armenians lost their lives during the Genocide. The path to the memorial monument will be bricked, and Armenian families will be able to add the names of their lost relatives to these bricks.

Hayg Oshagan - Armenian Cultural Center
Raffi Ourlian - Armenian Cultural Center









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| Armenian Cultural Center 12 Mile Road, Novi, Michigan |  | Perspectives | A6 |


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