



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

Case No. PZ13-0053 (Black Rock Bar & Grill)

Location: 44175 W. 12 Mile Road

Zoning District: RC, Regional Center

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES 2524b to allow outdoor seating year round. The property is located east of Cabaret Drive and south of 12 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2524b, Outdoor seating shall be permitted between March 1st and November 30th with all furniture and fixtures including, but not limited to, tables, chairs and waste receptacles removed from the exterior premises after November 30th. Outdoor seating shall not be the primary seating of the restaurant.

City of Novi Staff Comments:

The applicant is requesting to allow unlimited use of a partially protected outdoor seating year round. As the Zoning Ordinance typically limits "outdoor seating" to a period beginning March 1st through November 30th of each year, an exception would be required for extended use. Staff supports the extension of the outdoor dining season to the full year as the proposed facility is unique, complies with fire and building safety codes, and outside of what would typically be considered and used as "outdoor seating".

Standards for Granting a Non-use 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 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 _____



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For Official Use Only

ZBA Case No: 22130053 ZBA Date: 10/8/13 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 Darlene Dnesch Fountain Square Restaurant Holdings Novi Inc Date 8/19/13

Company (if applicable) DBA Black Rock Bar + Grill Novi

Address* 44175 W. 12 mile Rd Ste F145 City Novi ST MI ZIP 48377

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: dardnesch@gmail.com

Phone Number (248) 465-7777 FAX Number (810) 991-1385

Request is for:

- Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 44175 W. 12 mile Rd ZIP 48377

2. Sidwell Number: 5022 - 15 - 200 - 110 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 _____

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

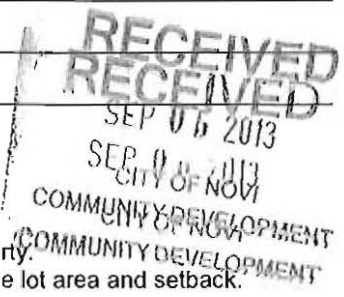
6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

1. Section 2524 B Variance requested Year round seating
2. Section _____ Variance requested _____
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):

This space has been built with a permanent awning that is sprinkled with emergency lighting + signage and has walls and will be heated

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:

our patio is the only patio in Fountain Walk with permanent awning, sprinklers emergency signage + lights and full walls and doors. We would use as seating

SIGN CASES ONLY: all year round.

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

Date

8/19/13

Property Owners Signature

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 Appcals

Date

**SUN
VALLEY, LTD.**

INVESTMENTS • REAL ESTATE

70 N.E. LOOP 410, SUITE 185
SAN ANTONIO, TEXAS 78216
210-349-3636
210-366-9422 Fax

RECEIVED

SEP 09 2013

CITY OF NOVI
COMMUNITY DEVELOPMENT

August 27, 2013

Lonny Morganroth
Black Rock Bar and Grill
44175 W. Twelve Mile Road, Suite F145
Novi, Michigan 48377

Via: Hand Delivery

RE: Black Rock Bar and Grill
44175 W. Twelve Mile Road, Suite F-145
Novi, MI 48377

Dear Lonny:

This letter is being sent regarding Black Rock's outdoor patio at the above referenced location. As you requested, Landlord is providing the following statement:

The Black Rock exterior patio area can be occupied by Black Rock all year round.

I can be reached by phone at 210-349-3636 or by email, Rachael@spigelproperties.com, if you have any questions or comments.

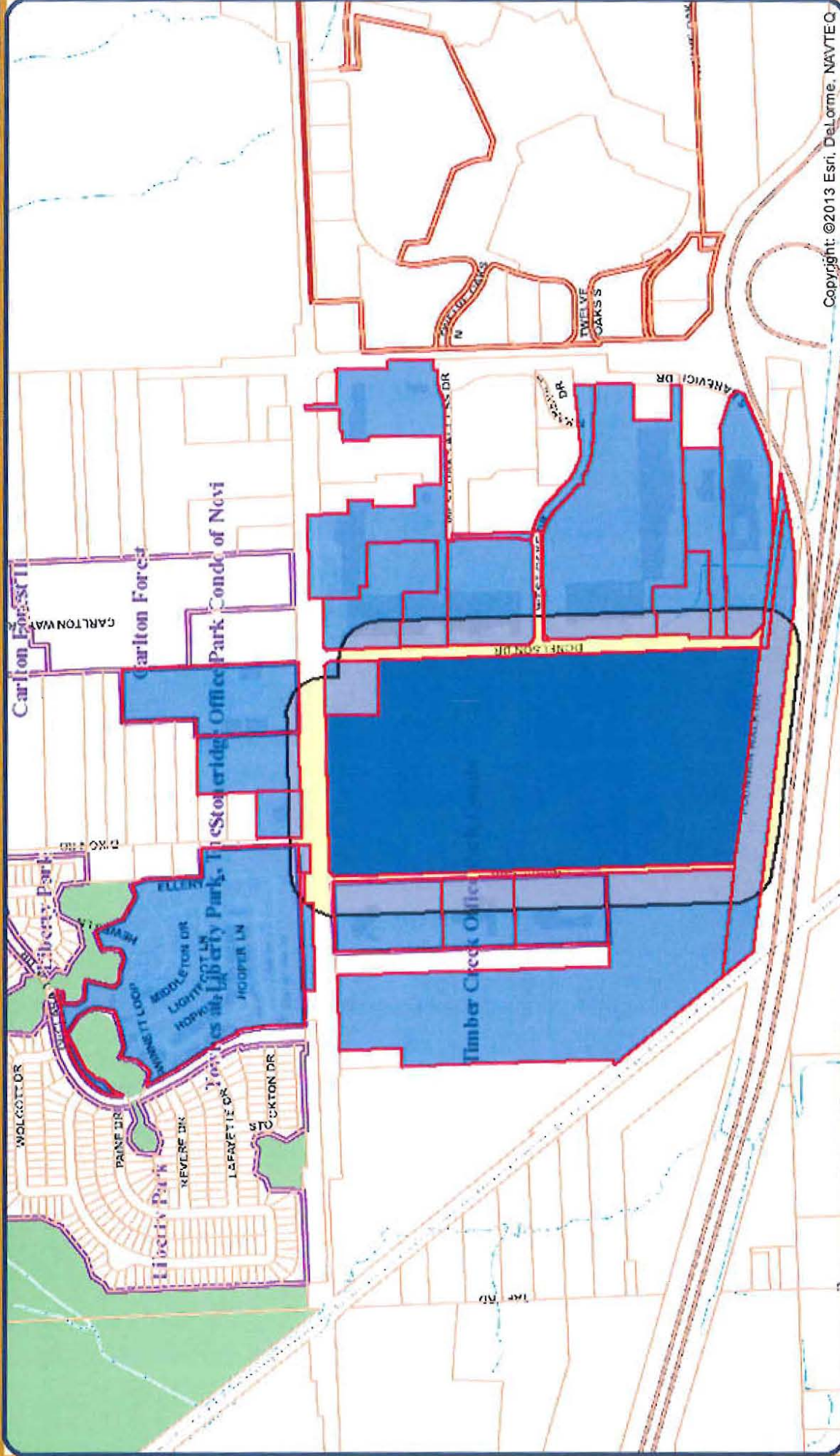
Sincerely,



Rachael Hurst
Senior Property Manager

CC: Kelly Kaufman
Tenant File

Novi, MI Black Rock



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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/StdUsePolicy.asp>



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



Author:
Date: 9/20/2013

