



ZONING BOARD OF APPEALS ACTION SUMMARY CITY OF NOVI

Regular Meeting

Tuesday, December 9, 2014 - 7:00 P.M.

Activity Center | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Ghannam, Gronachan, Ibe, Krieger, Sanghvi
Present: Members Ghannam, Gronachan, Krieger, Sanghvi

Absent: None

Also

Present: Tom Walsh, Building Official, Beth Saarela, City Attorney and Angela Pawlowski, Recording Secretary

Pledge of Allegiance

Approval of Agenda: Approved

Approval of Minutes:

1. APPROVAL OF THE OCTOBER 14, 2014 MINUTES - APPROVED

Public Remarks: None

1. CASE NO. PZ14-0051 45605 NINE MILE RD

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1(l) to allow construction of a new (1) story with a building height of 18 feet(14 ft maximum) detached garage on an existing single family parcel. The property is located west of Taft on the south side of 9 Mile Rd. CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1 (l) limits detached accessory buildings to fourteen (14) feet in height in the R-1 Zoning District.

In CASE No. PZ14-0051 Motion to deny the request because there are not unique, that are self-created and that there are alternatives such as adding onto the house. The requested variance will not do substantial justice to the applicant or property owners in the district.

Motion carried: 5-1

Motion maker: Ghannam

2. CASE NO. PZ14-0045 43979 DURSON STREET

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new one story living area addition with a reduced side yard setback of 1 ft. (10 ft. required). The property is located south of 11 Mile Rd and east of Old Taft Rd.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum side setback of 10 ft.

In CASE No. PZ14-0045 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, topography that warrants the need for this variance. The need is not self-created. The applicant has a

unique family situation and is will to make adjustments to accommodate this hardship. Strict compliance 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.

Motion carried: 6-0

Motion maker: lbe

3. CASE NO. PZ14-0054 41200 BRIDGE STREET

The applicant is requesting an extension of the variance granted in ZBA case PZ12-035 and PZ13-0051 for one 24 square foot oversized real estate sign located at 41200 Bridge St. The property is located east of Meadowbrook Rd and south of Interstate 96, north of 11 Mile Rd.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-6 (4) states: "Sale, rental or lease sign which identifies the sale, rental, or lease of the non-residential property...be...not less than one-half the distance between the principal building and adjacent street and not higher than ten (10) feet nor more than 16 square feet in area.

- **In CASE No. PZ14-0054 Motion to deny the variance. There is not a practical difficulty and is not due to an economical or financial return. The variance will interfere with adjacent or surrounding properties by obstruction or distraction. Granting this variance would be inconsistent with the spirit of the ordinance.**

Motion carried: 6-0

Motion maker: Krieger

4. CASE NO. PZ14-0055 45995 GALWAY DRIVE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new addition reduced aggregate side yard setback of 34.5 ft. (40 ft. required). The property is located south of 9 Mile Rd and west of Taft Rd.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-1 zoning district have a minimum aggregate side setback of 40 ft.

In CASE No. PZ14-0055 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water and the need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created as this is an older home. Strict compliance with regulations governing area, setback, frontage, height will unreasonably prevent the property owner from using the property for a permitted purpose such as retirement 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.

5. CASE NO. PZ14-0056 WEST OAKS I 43741 WEST OAKS DRIVE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 to allow construction of an 9,942 sq. ft. additional on the north and west sides of the existing center with a reduced north front yard setback of 95 ft. and a reduced west side yard setback of 67.73 ft., and Section 2507 to allow loading zone located on the side of the property. The property is located west side Novi Rd, South of 12 Mile Rd.

CITY OF NOVI, CODE OF ORDINANCES; Section 2400 requires minimum front and side yards setback of 100'. Section 2507, within the RC District, requires the loading zone be located in the rear yard or interior side yards.

In CASE No. PZ14-0056 Motion to place the request on hold per applicant.

6. CASE NO. PZ14-0057 1296 EAST LAKE DRIVE

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new single family home with attached deck on an existing lakefront lot with a reduced south side yard setback of 4.92ft, a reduced north side yard setback of 3.0 ft., a reduced aggregate side setback of 7.92 ft. and maximum lot coverage of 33%. The property is located east of Novi Rd and south of 14 Mile Rd.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum side yard setback of 10 ft., a minimum aggregate side setback of 25 ft. and maximum 25% lot coverage.

In CASE No. PZ14-0057 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography and the need for the variance is not due to the applicant's personal or economic difficulty it is due to the old narrow lots created years ago. The need is not self-created. The applicant would like to build a new house. 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.

OTHER MATTERS

ADJOURNMENT 8:20 PM

Zoning Ordinance, Section 3107. - 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)