



# COMMUNITY DEVELOPMENT DEPARTMENT

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

## ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: June 11, 2019

REGARDING: 24555 Novi Road, Parcel # 50-22-22-400-010 (PZ19-0021)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### Applicant

DICE Holdings Corp

#### Variance Type

Dimensional

#### Property Characteristics

|                  |  |
|------------------|--|
| Zoning District: | General Business                             |
| Location:        | West of Novi Road and North of Ten Mile Road |
| Parcel #:        | 50-22-22-400-010                             |

#### Request

The applicant is requesting variance from the City of Novi Zoning Ordinance Section 4.19.2.F for the proposed location of a dumpster in the interior side yard. Except where otherwise permitted and regulated in this ordinance, refuse bins and their screening enclosures shall be located in the rear yard. Section 5.4.2 for locating a proposed loading area in the interior side yard. Within the B, GE, FS, RC, NCC, TC and TC-1 districts, loading, unloading space shall be provided in the rear yard. Section 4.19.2.A for the proposed location for the transformer to the interior side yard. Accessory structures, except where otherwise permitted and regulated in this Ordinance, shall be located in the rear yard and shall meet the setback requirements of an accessory building. This property is zoned General Business (B-3).

### II. STAFF COMMENTS:

### 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. **PZ19-0021**, 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. **PZ19-0021**, 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

**Zoning Board Of Appeals**

DICE Holdings Corp

Case # PZ19-0021

June 11, 2019

Page 3 of 3

Deputy Director Community Development  
City of Novi

# MEMORANDUM



**TO:** ZONING BOARD OF APPEALS  
**THRU:** BARBARA MCBETH, *A/CP*, CITY PLANNER  
**FROM:** SRI RAVALI KOMARAGIRI, PLANNER  
**SUBJECT:** ZBA VARIANCE REQUESTS FOR ONYZ PLAZA  
(ZBA Case No. 19-0021)  
**DATE:** JUNE 4, 2019

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The purpose of this memo is to provide some background information on the variance requests by DICE Holdings Corp for Onyx Plaza. The request is being considered at the June 11 ZBA meeting.

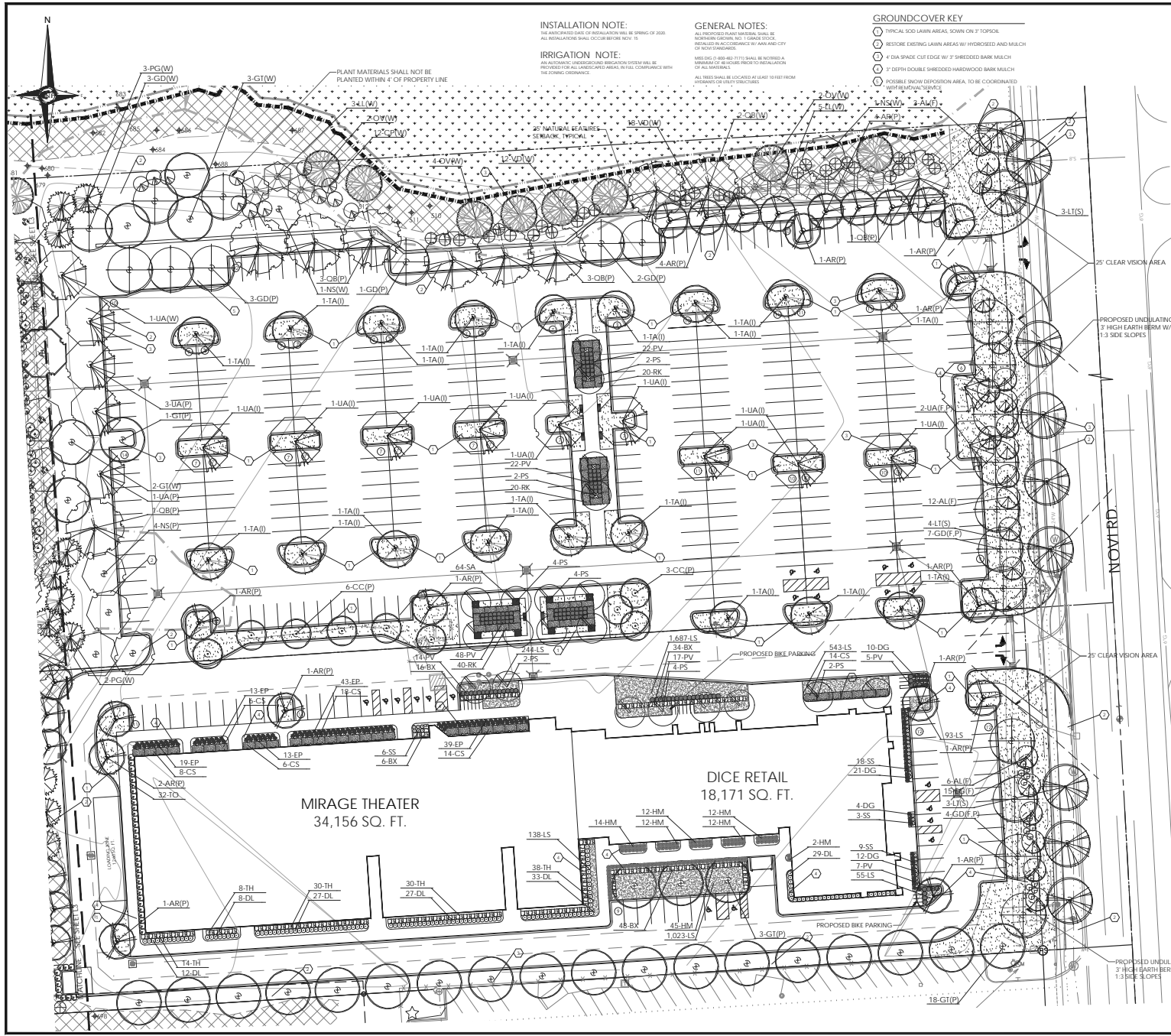
The development area for Onyx Plaza is approximately 14.29 acres and is located north of Ten Mile Road along the west side of Novi Road in Section 22. The applicant is proposing a 34,173 square foot, 9-screen theater with 709 seats and 18,178 square foot retail building within the B-3 zoned area with associated parking and site improvements on the adjacent parcel zoned OS-1. The Planning Commission has approved the Preliminary Site Plan at their April 17, 2019 meeting subject to the applicant seeking and receiving Zoning Board of Appeals approval of the following variances:

1. A Zoning Board of Appeals variance from Section 5.4.1. for allowing the loading zone in the interior side yard, instead of the required rear yard;
2. A Zoning Board of Appeals variance from Section 4.19. for allowing the dumpster in the interior side yard, instead of the required rear yard;
3. A Zoning Board of Appeals variance from Section 4.19. for allowing the transformer in the interior side yard, instead of the required rear yard;

An earlier site plan proposed the loading zone and the dumpster in the rear yard that conformed to the Zoning Ordinance requirements. However, staff recommended providing an additional loading area in the side yard closer to retail area in the interior side yard. The proposed dumpster and loading in the side yard would be hidden from view from the north, east and south property lines since it is in the proposed courtyard space created by the building design. The applicant noted that the proposed location for the transformer in the interior side yard is based on the recommendation by DTE Energy.

The applicant has provided a landscape plan that proposed adequate screening of these areas from adjacent properties. A copy of the landscape plan is attached to the memo. Please feel free to contact me at 248-735-5607 or [skomaragiri@cityofnovi.org](mailto:skomaragiri@cityofnovi.org) if you need further information.

# PRELIMINARY LANDSCAPE PLAN

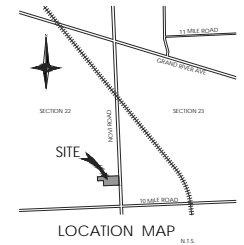


**INSTALLATION NOTE:**  
 ALL PLANTING MATERIAL SHALL BE PLANTED WITHIN 4' OF PROPERTY LINE.  
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**IRRIGATION NOTE:**  
 ALL IRRIGATION SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:  
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 2. ALL IRRIGATION SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

**GENERAL NOTES:**  
 ALL PLANTING MATERIAL SHALL BE PLANTED WITHIN 4' OF PROPERTY LINE.  
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**GROUND COVER KEY**  
 1. TYPICAL SOO LAWN AREAS, SOON ON 2' TOPSOIL.  
 2. RESTORE EXISTING LAWN AREAS WITH HYDRATED AND MULCH.  
 3. 4" DIA. DOUBLE CUT EDGE W/ 2" SHREDED BARK MULCH.  
 4. 2" DEPTH DOUBLE SHREDED HARDWOOD BARK MULCH.  
 5. POSSIBLE SNOW DEPOSITION AREA, TO BE COORDINATED WITH NEIGHBORHOODS.



**LANDSCAPE REQUIREMENTS**

**EXISTING SITE ZONING:** B-3, C-2C  
**EXISTING LOT AREA:** 402,758 S.F. OR 14.36 ACRES  
**LANDSCAPE ALTIMETER A R.O.W. STREET TREES (S):** DECIDUOUS TREE PER 30 L.F. OF FRONTAGE  
 REQUIRED: 104 S.F. / 30 L.F. = 3.47 OR 3 TREES REQUIRED  
 PROVIDED: 10 TREES

**ROW LANDSCAPE SCREENING (F)**  
**ROW ROAD:** 200 L.F. - 24 L.F. = 194 L.F.  
 REQUIRED: 194 L.F. / 75 L.F. = 2.59 OR 3 TREES REQUIRED  
 PROVIDED: 3 TREES  
**ROW CANOPY:** 200 L.F. - 24 L.F. = 176 L.F.  
 REQUIRED: 176 L.F. / 40 L.F. = 4.4 OR 5 TREES REQUIRED  
 PROVIDED: 5 TREES

**OST PARCEL:** 325 L.F. - 24 L.F. = 301 L.F.  
 REQUIRED: 301 L.F. / 75 L.F. = 4.01 OR 4 TREES REQUIRED  
 PROVIDED: 4 TREES AND 15 SUB-CANOPY TREES

**PARKING LOT LANDSCAPE REQUIREMENTS**  
**VEHICLE LOT AREA:** 100,000 S.F.  
 100 S.F. PER VEHICLE USE AREA OF 10 TO 50,000 S.F., THEN 1%  
 100,000 S.F. / 1% = 1,000 S.F.  
 100,000 S.F. / 1.0% = 1,000 S.F.  
**REQUIRED PARKING LOT LANDSCAPE AREA:**  
 REQUIRED: 1,000 S.F. / 100 S.F. = 10 OR 10 SUB-PARKING LOT ISLANDS  
 PROVIDED: 12 ISLANDS

**PARKING LOT ANDERSON SHADE (S)**  
 100 S.F. PER VEHICLE USE AREA OF 10 TO 50,000 S.F., THEN 1%  
 100,000 S.F. / 1% = 1,000 S.F.  
 100,000 S.F. / 1.0% = 1,000 S.F.  
**REQUIRED PARKING LOT LANDSCAPE AREA:**  
 REQUIRED: 1,000 S.F. / 100 S.F. = 10 OR 10 SUB-PARKING LOT ISLANDS  
 PROVIDED: 12 ISLANDS

**PARKING PERMITS GREEN SPACE (S)**  
 TREE PER 50 L.F. OF PARKING PERMITS  
 REQUIRED: 2,000 L.F. / 50 L.F. = 40 OR 40 TREES  
 PROVIDED: 40 TREES

**BUILDING FOUNDATION LANDSCAPE (B)**  
 BUILDING PERIMETER X 8' = 40' IS REQUIRED TO BE LANDSCAPED  
 BUILDING: 1,687 L.F. - 104 L.F. (DOOR) X 8' = 12,472 L.F. TOTAL AREA REQUIRED  
 12,472 L.F. / 75 L.F. = 166.29 OR 167 TREES REQUIRED ON 1 SIDE  
 PROVIDED: 124 TREES  
**FOUNDATIONAL BLDG FOUNDATION AREA:**  
 166.29 L.F. OF EACH SIDE PROVIDED

**DETENTION BASIN**  
 75% OF BASIN AREA SHALL BE LANDSCAPED  
 100 PERCENT WOODLAND REPLACEMENT TREES ARE REQUIRED  
 10% TREES PROVIDED. SLOANES FOR 58 TREES WILL BE PAID INTO THE TREE FUND

**WOODLAND REPLACEMENTS (W)**  
 100 PERCENT WOODLAND REPLACEMENT TREES ARE REQUIRED  
 10% TREES PROVIDED. SLOANES FOR 58 TREES WILL BE PAID INTO THE TREE FUND

**WAIVERS REQUIRED:**  
 1. WAIVER REQUIRED FOR THE EFFICIENCY IN 40% OF EAST FACADE LANDSCAPE AREA.  
 2. A WAIVER FOR THE 4' BY 8' BENCH TO THE WEST IS REQUESTED. THE REDUCED EXISTING GRADE DIFFERENTIAL AND PRESENCE OF REGULATED WOODLAND AND WETLAND MORE THAN METS THE NEED OF THE WAIVER

**CITY OF NOVI NOTES**  
 1. ALL LANDSCAPE PLANTS SHALL BE INSTALLED WITHIN A SAND MIXTURE TO FACILITATE CHANGING.  
 2. ALL PROPOSED LANDSCAPE ISLANDS SHALL BE CORDED.  
 3. ALL LANDSCAPE AREAS SHALL BE BARRIERS.  
 4. CHANGING (REPLACEMENT) TREES AND PLANTS TO BE REPLACED AS DIRECTED BY THE CITY CHIEF OF RECORDS.  
 5. PERENNIAL AND CANOPY TREES SHALL BE PLANTED AT MINIMUM OF 10 FEET FROM THE WETLAND AND MARSHES, AND 10 FEET FROM OVERHEAD LINES.  
 6. ALL PLANT MATERIAL SHALL BE BURNED, CURED, NO. 1 GRADE HARBOR STOCK, GUARANTEED FOR TWO (2) YEARS AFTER PLANTING AND SHALL BE INSTALLED AND MAINTAINED ACCORDING TO CITY OF NOVI GUIDELINES. THE TWO YEAR WARRANTY PERIOD SHALL INCLUDE A MINIMUM OF ONE MAINTENANCE VISIT. JUNE, JULY AND AUGUST FOR EACH OF THE TWO YEAR PERIODS.  
 7. ALL PROPOSED TREES SHALL BE PLANTED AT MINIMUM OF 4 FEET FROM THE BACK OF CURB AND PROVIDED BRACES.  
 8. ALL TREE AND SHRUB PLANTING BEDS SHALL BE MULCHED WITH SHREDED HARDWOOD BARK MULCH TO A MINIMUM DEPTH OF 4". ALL LAWN AREAS SHALL BE PLANTED WITHIN A 4" DIAMETER CIRCLE OF SHREDED HARDWOOD MULCH. 2" MINIMUM AWAY FROM TRUNK. ALL PERENNIAL, ANNUAL, AND ORNAMENTAL BEDS SHALL BE COVERED WITH 2" OF DARK COLORED BARK MULCH. MULCH IS TO BE FREE FROM SEEDS AND FOREIGN MATERIAL, AND SHALL CONTAIN NO PEICES OF RECYCLED WOOD.  
 9. THE CITY OF NOVI ARCHITECTURAL ARCHITECT SHALL APPROVE ANY SUBSTITUTIONS IN PLANTING FROM THE ORIGINAL.

**NOTE:**  
 SEE SHEET L4 FOR PLANT LIST AND BASIS OF CALCULATION DIAGRAM



**CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS**

**NOWAK & FRUAS ENGINEERS**  
 28 WEST ADAMS, SUITE 210  
 DETROIT, MI 48226  
 TEL: (313) 965-2444  
 FAX: (248) 832-8257

SIAL



**PROJECT**  
 Onyx Plaza  
 Retail Development  
 24555 Novi Rd.

**CLIENT**  
 Poturi Estates, LLC  
 19181 Levan Rd.  
 Livonia, MI 48152

**CONTACT**  
 Mr. Dinesh Poturi  
 Tel: 248-719-8675

**PROJECT LOCATION**  
 Part of the Southeast 1/4  
 of Section 22  
 T11 North, R 8 East  
 City of Novi,  
 Oakland County, Michigan

**SHEET**  
 Landscape Plan



Know what's Below  
 Call before you dig.

**REVISIONS**  
 10/21/18 PRE-APP METS  
 10/21/18 REVISED PER CITY  
 02/04/19 REVISED PER CITY

**DRAWN BY:**  
 G. Ostrowski  
**PROJECT MANAGER:**  
 G. Ostrowski

**APPROVED BY:**  
 G. Ostrowski  
**DATE:**  
 April 19, 2018

**SCALE:** 1" = 30'  
 30 15 0 15 30 45  
**NEE JOB NO. SHEET NO.**  
 K187 L2



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

# ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

|   |  |   |  |                                       |  |
|---|--|---|--|---------------------------------------|--|
| <b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>  |  |   |  | Application Fee: <u>\$300.00</u>      |  |
| PROJECT NAME / SUBDIVISION<br><b>Onyx Plaza</b>   |  |   |  | Meeting Date: <u>June 11, 2019</u>    |  |
| ADDRESS<br><b>24555 Novi Rd, Novi, MI 48375</b>   |  | LOT/SIUTE/SPACE #   |  | ZBA Case #: <u>PZ 19-0021</u>         |  |
| SIDWELL #<br><b>50-22-22 -400 -010</b>  |  | May be obtain from Assessing Department (248) 347-0485  |  |                                       |  |
| CROSS ROADS OF PROPERTY<br><b>10 Mile and Novi Rd</b>   |  |   |  |                                       |  |
| IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |  |   | REQUEST IS FOR:<br><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   |  |   |  |                                       |  |
| <b>II. APPLICANT INFORMATION</b>  |  |   |  |                                       |  |
| <b>A. APPLICANT</b>   |  | EMAIL ADDRESS<br><b>rravipati@yahoo.com</b>   |  | CELL PHONE NO.<br><b>248-787-5624</b> |  |
| NAME<br><b>Raghu Ravipati</b>   |  | TELEPHONE NO.   |  |                                       |  |
| ORGANIZATION/COMPANY<br><b>DICE Holdings Corp</b>   |  | FAX NO.   |  |                                       |  |
| ADDRESS<br><b>41713 Dukesbury Ct</b>  |  | CITY<br><b>Novi</b>   | STATE<br><b>MI</b>   | ZIP CODE<br><b>48375</b>              |  |
| <b>B. PROPERTY OWNER</b> <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                              |  |
| <b>III. ZONING INFORMATION</b>  |  |   |  |                                       |  |
| <b>A. ZONING DISTRICT</b>   |  |   |  |                                       |  |
| <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<br><input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input checked="" type="checkbox"/> OTHER <u>B-3 &amp; OS-1</u>   |  |   |  |                                       |  |
| <b>B. VARIANCE REQUESTED</b>  |  |   |  |                                       |  |
| INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:  |  |   |  |                                       |  |
| 1. Section <u>4.19.2.F</u>  |  | Variance requested <u>For locating dumpster in the interior side yard</u>   |  |                                       |  |
| 2. Section <u>5.4.2</u>   |  | Variance requested <u>For locating loading area in the interior side yard</u>   |  |                                       |  |
| 3. Section <u>4.19.2.A</u>  |  | Variance requested <u>For locating transformer in the interior side yard</u>  |  |                                       |  |
| 4. Section _____  |  | Variance requested _____  |  |                                       |  |
| <b>IV. FEES AND DRAWINGS</b>  |  |   |  |                                       |  |
| <b>A. FEES</b>  |  |   |  |                                       |  |
| <input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250<br><input type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400<br><input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600 |  |   |  |                                       |  |
| <b>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>   |  |   |  |                                       |  |
| <ul style="list-style-type: none"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> </ul>   |  | <ul style="list-style-type: none"> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul> |  |                                       |  |



# ZONING BOARD OF APPEALS APPLICATION

## V. VARIANCE

### A. VARIANCE (S) REQUESTED

DIMENSIONAL     USE     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 Sign ten-(10) days** before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be 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

#### City of Novi 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 establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or 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

CONSTRUCT NEW HOME/BUILDING     ADDITION TO EXISTING HOME/BUILDING     SIGNAGE

ACCESSORY BUILDING     USE     OTHER \_\_\_\_\_

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

Applicant Signature

05/01/2019

Date

### 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 contents of this application and related enclosures.

Property Owner Signature

Date

## VII. FOR OFFICIAL USE ONLY

### DECISION ON APPEAL:

GRANTED

DENIED

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

Chairperson, Zoning Board of Appeals

Date





**Community Development Department**

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

**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:

Applicant proposed a loading zone, dumpster location and also a transformer that meets the ordinance. However; as the proposed building is too long and the proposed location for the above is too far from the retail portion, a second loading area for the retail portion on the east side of the development will be provided as requested by the City with the understanding that a waiver/variance will be required and that is supported by the staff.

**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).

Staff recommended a second loading area, second dumpster location as the proposed location is too far from the retail portion of the building. Also, DTE made a recommendation on the location of the transformer that does not meet the Zoning Ordinance.

## **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.

With the existing ordinance, the location for the dumpster, transformer and loading area will be too far from the east portion of the proposed building.

## **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.

The requested variances are minor and are necessary to make the whole site plan work better for the applicant and justified to the other property owners in the district.

## **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.

The proposed second loading zone, dumpster location and the transformer location is behind the retail building and will be well hidden from the surrounding area and there will not be any adverse impact on surrounding area.

