



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

Case No. PZ14-0028 Sundance Grill & Cantina

Location: 1103 E. Lake Drive

Zoning District: B-3 General Business District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 to allow construction of a 693 square foot addition and 526 square foot outdoor seating area along the building's west side to the existing non-conforming Sundance Grille & Cantina building with a on an existing lot with a reduced front yard setback of 24 ft and a reduced exterior side setback of 3 ft. The property is located west of Novi Road and south of 14 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum front yard setbacks of 30 ft. (west/ East Lake Dr.)and an exterior side yard setback of 30 ft. (north/ Fourteen Mile Rd.).

City of Novi Staff Comments:

Please see the attached Plan Review Center Report from the Site Plan review process for the redevelopment.

Standards for Granting Dimensional Variances:

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_____.



PLAN REVIEW CENTER REPORT

May 6, 2014

Planning Review

Sundance Grill & Cantina

JSP13-56

Petitioner

Theodore Andris, PC

Review Type

Revised Preliminary Site Plan

Property Characteristics

- Site Location: 1103 East Lake Dr., southeast corner of Fourteen Mile Rd. and East Lake Dr. (Section 2)
- Site School District: Walled Lake Consolidated
- Site Zoning: B-3, General Business District
- Adjoining Zoning: North: City of Walled Lake, South and West: R-4, East: RM-1
- Site Use(s): Existing Restaurant
- Adjoining Uses: North: vacant and residential homes; South: residential homes; East: multiple family units; West: (across East lake Dr.) vacant and Walled Lake
- Site Size: 1.89 acres
- Building Size: 2,926 sq. ft. existing building, with a proposed 693 sq. ft. addition for a total of 3,619 sq. ft. building, plus 526 sq. ft. of outdoor seating
- Plan Date: 04/22/14

Project Summary

The applicant is proposing to construct a 693 square foot addition to the existing non-conforming Sundance Grille & Cantina building and a 526 square foot outdoor seating area along the building's west side. Additional parking and site upgrades are also being installed.

Recommendation

Staff recommends approval of the Preliminary Site Plan contingent upon the installation of a sidewalk along 14 Mile Road that connects the existing bike lane along East Lake Drive to the existing sidewalk east of the property. There are a number of items that need to be addressed at the time of Final Site Plan review as discussed in the review letters. In addition a **City Council variance request to not provide a pathway along East Lake Drive must be heard**, and two variance requests that must be heard by the Zoning Board of Appeals for the expansion of the building to not meet the front and exterior side yard setbacks along 14 Mile Road and East Lake Drive. The proposed improvements will vastly improve safety and access at an existing non-conforming site.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 15 (B-3, General Business District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant.

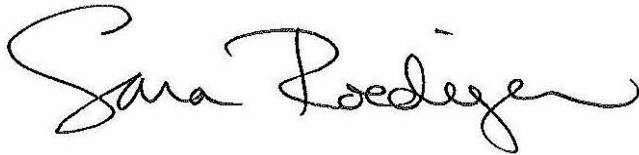
1. Front Yard Setback (East Lake Drive): A front yard setback of 30 feet is required for the building. The existing building is a non-conforming building and does not meet this setback in some locations, as the building is not parallel to the front property line. Portions of the existing building and proposed addition infringe into the setback up to 6 feet. The addition fills in an existing cut out in the building footprint to square off this corner of the building. **The applicant will need to seek a variance from the Zoning Board of Appeals for this deficiency to be approved as depicted.**
2. Exterior Side Yard Setback (Fourteen Mile Road): An exterior yard setback of 30 feet is required for the building. The existing building is a non-conforming building and does not meet this setback and currently sits within 10 feet the property line. With the proposed addition, the building will be located within 3 feet of the property line. The proposed additions fill in existing cut outs in the building footprint to square off this elevation of the building. **The applicant will need to seek a variance from the Zoning Board of Appeals for this deficiency to be approved as depicted.**
3. Loading Space: A screened loading space has been included on the plans; however, **details on the proposed screening fence must be provided. The screen should be constructed of materials that match the building.**
4. Sidewalk along 14 Mile Road: As discussed on multiple occasions with the applicant, a sidewalk is required along Fourteen Mile Road. **The applicant has chosen to not propose any type of sidewalk or pathway along this arterial road in the City, thereby not meeting the recommendations of the City's' Non-Motorized Master Plan and the requirements of Section 11-276(b) in Chapter 11 of the Novi Code of Ordinances (Design and Construction Standards). A City Council variance will be required to waive this requirement, one that staff strongly opposes. The applicant has ample room on the site to accommodate this important non-motorized connection, identified as the 17th highest priority pathway & sidewalk segment in in the City of Novi Annual Non-Motorized Prioritization: 2013-2014 Update. Furthermore, the improvements made to this property will likely increase the need for pedestrian and bicycle access as many patrons will be from the surrounding residential areas. As an alternative, staff would support a lesser administrative variance from Section 11-278(b)(5) to allow the sidewalk to be located outside of the 1 ft. requirement from the future right-of-way line, provided the sidewalk connects to the existing bike lane along East Lake Drive to the west and to the existing sidewalk east of the property, refer to attached graphic.**
5. Pathway along East Lake Drive: A pathway is required along East Lake Drive; however, because there are the existing bike lanes on both sides of this street, coupled with the fact that there are no other pathways currently or likely in the near future along this road, **staff is can support a City Council variance from this requirement (Section 11-256(b)), particularly because this is an existing site that is being improved and there is not adequate room to provide this path safely adjacent to the existing non-conforming building.**
6. Bicycle Parking: Three bike parking spaces are included on the plans; however **additional details for the bike parking spaces must be indicated on the plans to ensure compliance with City regulations as it relates to layout and separation from automotive facilities.**
7. Economic Impact: While general e information has been provided on the economic impact to the City of Novi, more specific information related to **the total cost of the proposed building and site improvements and the number of anticipated jobs created (during construction and after building is occupied, if known) should be provided.**
8. Other Reviews: **There are a number of items noted in the engineering, traffic, landscape, and façade review letters that must be addressed on the Final Site Plan submittal.**
9. Façade Review: The plans are in compliance the previously approved Stipulated Disposition for this property. It should be noted that this application does not affect the prior violation of Façade Ordinance Section 2520.2 on this property pertaining to the color of the building and its incompatibility with the surrounding neighborhood. Please refer to the façade review letter for more information.

10. Property Combination: The Planning Division recommends that the applicant pursue a lot combination of the two properties into one for development purposes. The applicant should create this parcel prior to Stamping Set approval.
11. Signage: Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) jniland@cityofnovi.org or for information regarding sign permits.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is required with the next plan submittal.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or sroediger@cityofnovi.org.



Sara Roediger, AICP – Planner

Attachments: Planning Review Chart
Lighting Review Summary Chart



ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

cityofnovi.org
ZBA Case No.

P214-0028

For Official Use Only

ZBA meeting date

August

Check# Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

***Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name Theodore S. Andris, P.C. Date June 4, 2014

Company (if applicable) Theodore S. Andris, P.C.

Address* 24901 Northwestern Highway, Suite 411 City Southfield

State MI Zip code 48075 *Where all case correspondence is to be mailed

Applicant's E-mail address tandrispc@att.net

Phone number 810.354.2460 Fax number

Request is for:

- Residential, Vacant property, Commercial, Signage

Address of subject ZBA case 1103 E. Lake Drive Zip code 48375

Cross roads of property Fourteen Mile Road and East Lake Drive

Sidwell number 50-22- 02-126-001 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction? Yes No

- Zoning (Please circle one) R-A, R-1, R-2, R-3, R-4, RM-1, RM-2, MH, I-1, I-2, RC, TC, TC-1, B-3, Other

Property owner name (if other than applicant)

Does your appeal result from a Notice of Violation or Citation issued? Yes No

Indicate Ordinance section(s) and variances requested:

- 1. Section 2400, Front Setback E. Lk Variance requested 30' required, 24' Proposed, 6' variance requested
2. Section 2400, Front Setback, 14 M. Variance requested 30' required, 3' Proposed, 27' variance requested
3. Section Variance requested
4. Section Variance requested

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.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

SEE ATTACHED LETTER.

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:

SEE ATTACHED LETTER.

There is a five (5) day hold period before work/action can be taken on variance approvals.

SIGN CASES ONLY:

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.

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 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.

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
- Accessory building Use Signage Other

Theodore Andris
Applicants Signature

June 4, 2014
Date

Theodore Andris
Property Owners Signature

June 4, 2014
Date

DECISION ON APPEAL

_____ Granted

_____ Denied

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

Chairperson, Zoning Board of Appeals

Date



June 3, 2014

City of Novi
Zoning Board of Appeals
45175 West Ten Mile Rd.
Novi, MI 48375

Re: Sundance Grille and Cantina
DSD #14-2405.00

Board Members,

On behalf of the property owner, Mr. Theodore Andris, the following supplements the application for appeal of the City of Novi zoning requirements for the front and exterior side yard setbacks.

Practical Difficulties

The existing building pre-dates any City of Novi zoning ordinance, according to aerial maps on the city website, the existing building existed in the same location and general configuration prior to 1949. The building is located in the NW corner of a rectangular parcel of land. The initial parcel was joined to the abutting parcel to the East and South. The resulting parcel is now generally rectangular with the length along 14 Mile Rd. and the width along East Lake Dr.

The addition is for the expansion of the kitchen and dining areas. The existing kitchen is along the North side of the building, the seating areas are to the South side. Any further expansion to the East side of the building would result in a less safe vehicle traffic condition than is proposed. The curb cut along 14 Mile Rd. is located to allow preferred lines of vision for vehicles leaving the premise. There is a rise in elevation along the property and 14 Mile Rd. moving west to east. Traffic approaching from the east comes over a rise in the road. If the curb cut is located further to the east than is proposed, it would result in a condition where vehicles leaving the property will have less time than preferred to view oncoming traffic.

Furthermore, an addition to East to accommodate the kitchen expansion would result in practical difficulties within the functional flow of the kitchen for food prep, storage, and service.

The addition to the South for the dining does not extend the existing footprint line any further to the South.

The addition to the East is for an outdoor seating area. This area was selected for a seating addition in order to take advantage of the existing natural sunset views to Walled Lake. This addition replaces an existing paved parking area that currently utilizes portions of the existing ROW as maneuvering lane space for the parking.

June 3, 2014
Zoning Board of Appeals
page two

Unique Circumstances

The combination of the pre-existing building, the kitchen location, vehicle traffic safety, location and view of existing Walled Lake, as noted in the Practical Difficulties section, combine to form a set of unique circumstances for this appeal.

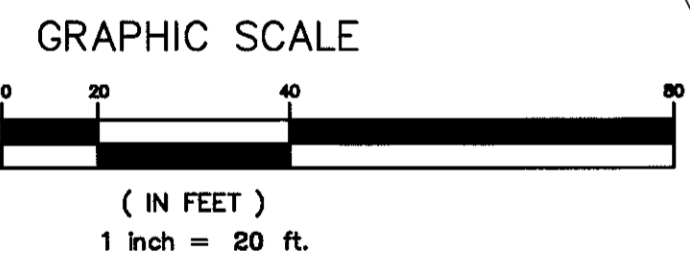
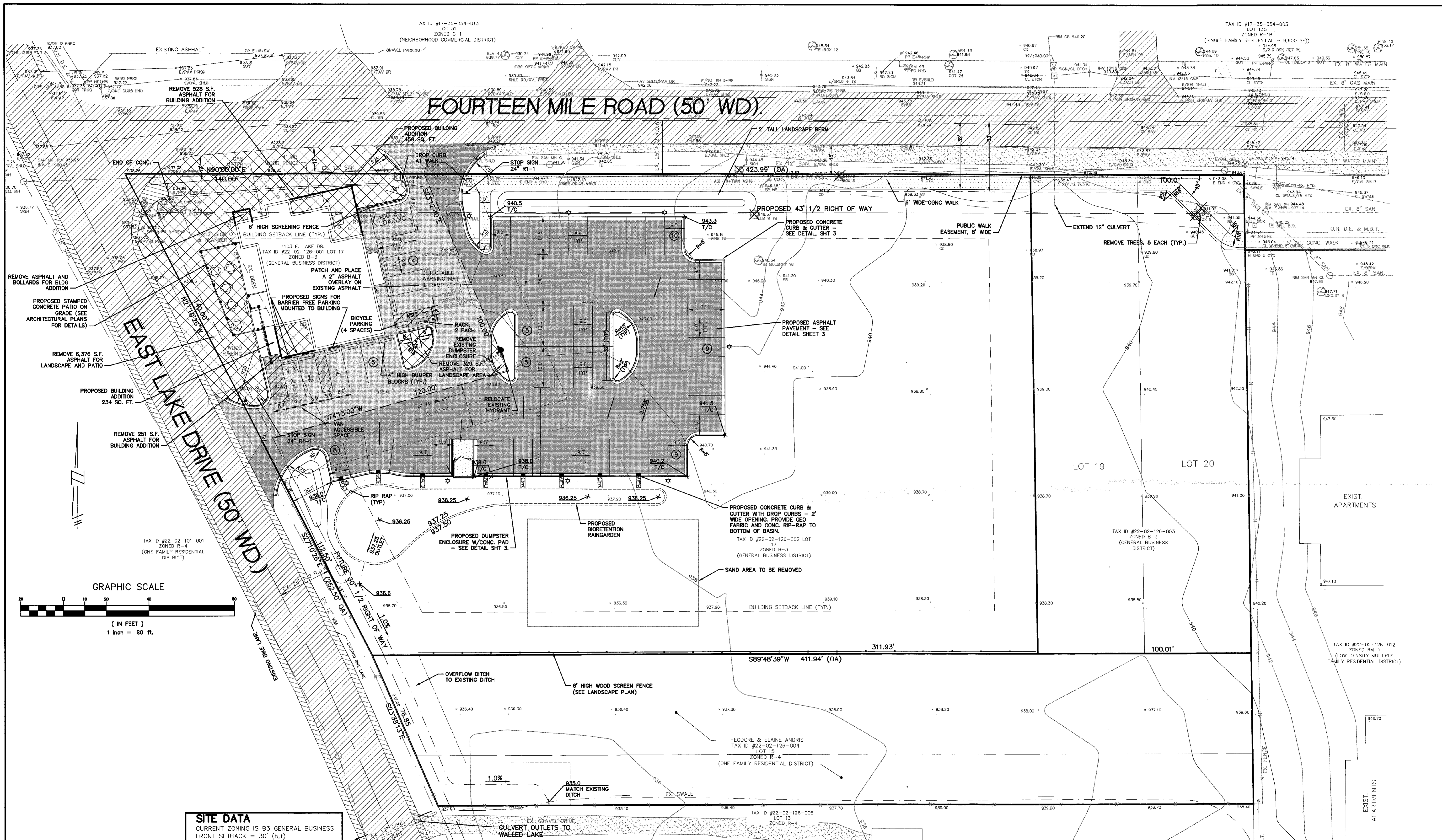
Respectfully submitted:
DiClemente Siegel Design Inc.

A handwritten signature in black ink, appearing to read 'L. Mamola', written in a cursive style.

Lee J. Mamola AIA
Vice President, Director of Architecture

Encl.

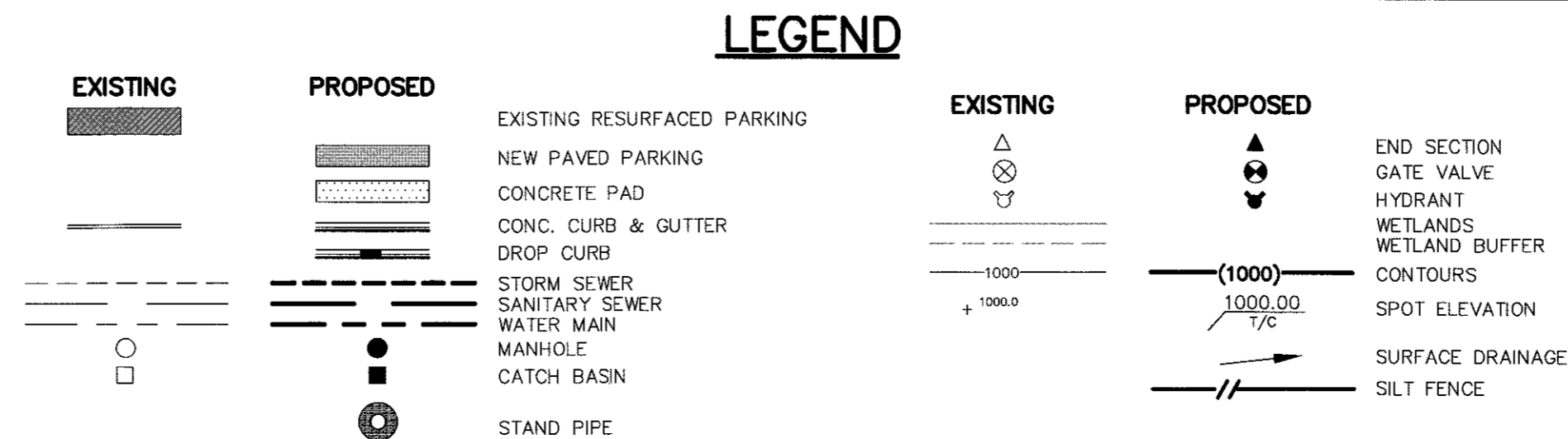
Copy: Clif Sieber
Theodore Andris
file



SITE DATA
CURRENT ZONING IS B3 GENERAL BUSINESS
FRONT SETBACK IS 30' (h,t)
REAR SETBACK = 20' (l,t)
SIDE YARD SETBACK = 15'(c,t)
EXISTING PARKING
34 REGULAR SPACES
1 BARRIER FREE SPACES
35 TOTAL SPACES
PROPOSED PARKING
1 space / 70 S.F. of Gross Area
Total Floor Area = 3,619 SF.
Parking required = 3,619/70
Parking spaces required = 51.7 spaces
Parking spaces provided = 55 spaces
50 REGULAR SPACES
2 BARRIER FREE SPACES (STANDARD)
1 BARRIER FREE VAN ACCESSIBLE SPACE

SOIL CLASSIFICATIONS
(FROM U.S.S.C. SOIL SURVEY OF OAKLAND COUNTY, MI 1980)
61A - URBAN LAND-CAPAC COMPLEX, 0 TO 3 PERCENT

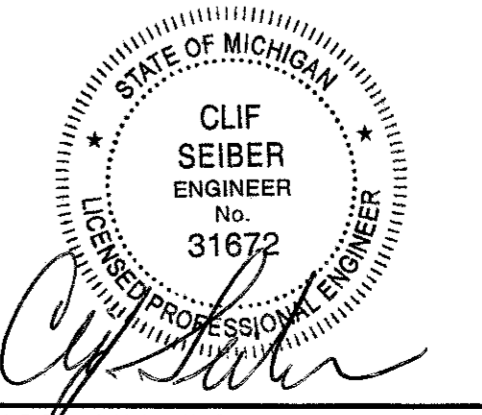
BENCHMARKS:
1. RIM OF SANITARY MANHOLE LOCATED 23 FEET SOUTH OF THE CENTERLINE OF FOURTEEN MILE RD. AND 293 FEET WEST OF THE EAST PROPERTY LINE OF SUBJECT PARCEL. ELEVATION = 944.08 (U.S.G.S. DATUM)
2. RIM OF G.V.&W. LOCATED 20 FEET SOUTH OF THE CENTERLINE OF FOURTEEN MILE RD. AND 2 FEET EAST OF THE EAST PROPERTY LINE OF SUBJECT PARCEL. ELEVATION = 943.14 (U.S.G.S. DATUM)



REVISIONS

NO.	ITEM	DATE
1.	REVISE PER CITY	3-05-14
2.	ADD WALK & BICYCLE PARKING	5-16-14

DATE: 09-25-13 DESIGNED BY: B.S. CHECKED BY: C.S. JOB NUMBER: 13-020



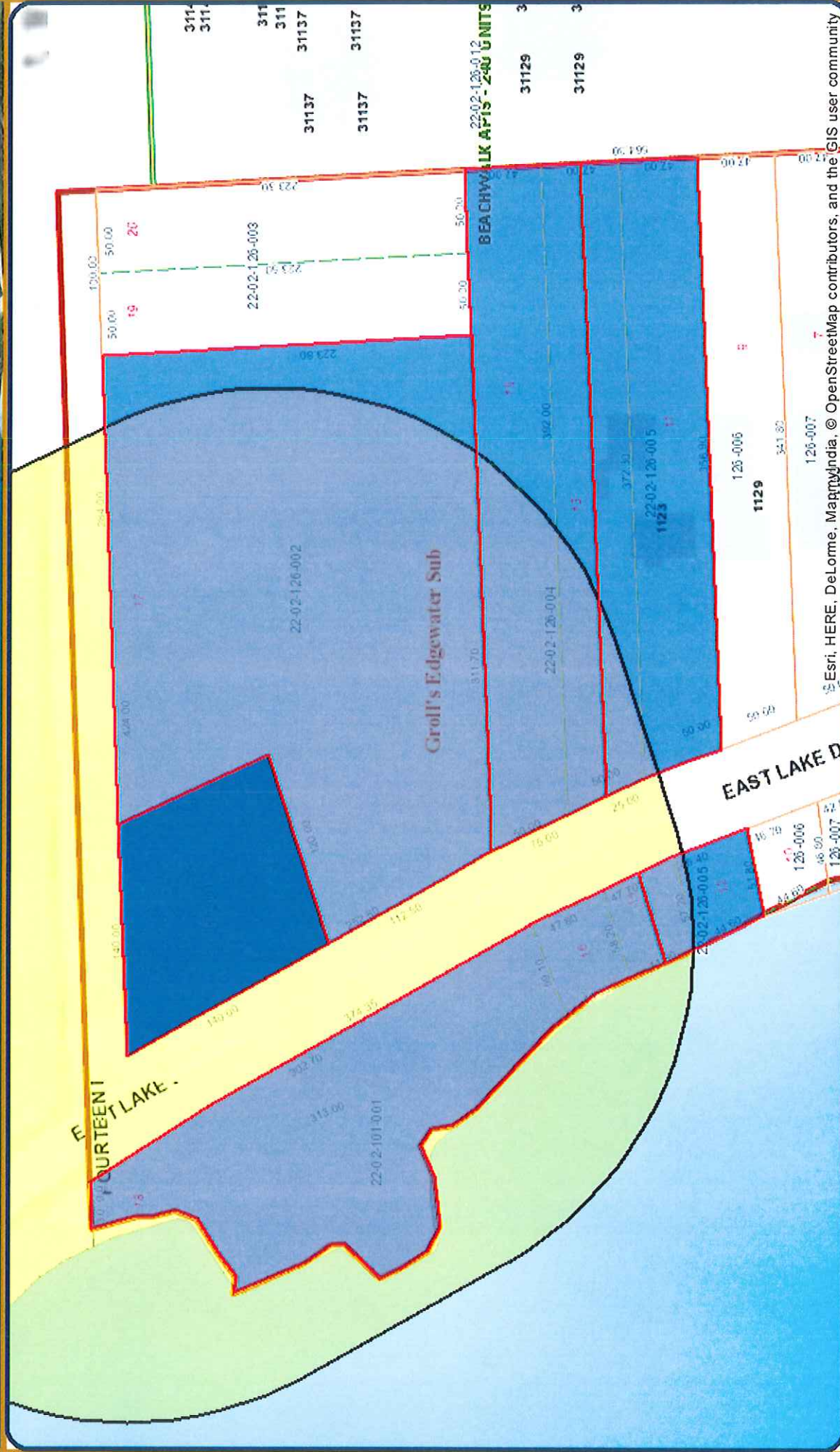
SUNDANCE GRILL & CANTINA
PART OF THE NW 1/4 OF SECTION 2
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

PRELIMINARY SITE PLAN

SEIBER, KEAST ENGINEERING, L.L.C.
CONSULTING ENGINEERS
7125 ORCHARD LAKE ROAD • SUITE 300 • WEST BLOOMFIELD, MI • 48322
PHONE: 248.562.7357 FAX: 248.562.7397

SHEET 2

1103 East Lake Dr



CITY OF NOVI
cityofnovi.org

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

Author: [i]
 Date: 7/15/2014

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>