



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, January 8, 2013 - 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road
(248) 347-0459

Roll call Members Ferrell, Gedeon, Gerblick, Ghannam, Ibe, Krieger, Sanghvi and Skelcy
Present: Members Ferrell, Gedeon, Ghannam, Ibe, Krieger, Skelcy
Absent: Members Shanghvi and Gerblick (excused)
Also
Present: Charles Boulard, Director of Community Development, Elizabeth Saarela, City Attorney and Angela Pawlowski, Recording Secretary

Pledge of Allegiance
Approval of Agenda: **Approved**
Approval of Minutes: **None**
Public Remarks: **None**

1. CASE NO. PZ12-0053 40623 NINE MILE RD

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Signs, Section 28-5(2)d.3 to placement of a subdivision entrance sign within the public right of way. The proposed sign would be located south of 9 Mile Road and west of Haggerty Road in the R-3 zoning district.

CITY OF NOVI, CODE OF ORDINANCES, Signs, Section 28-5(2)d.3 ground signs be located not less than 10 ft. from the right-of-way.

In CASE No. PZ12-0053, motion to approve the variance as requested with the condition that if the sign needs to be removed it will be at the expense of the Association. 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. The need is not self-created. 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.

Motion carried: 6-0
Motion maker: Ghannam

2. CASE NO. PZ12-0054 23925 EAST LEBOST

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of an attached carport with a reduced front setback of 25 ft. (30 ft. required) and an aggregate side setback of 19.5 ft. (25 ft. required) on an existing nonconforming residence. The property is located east of Meadowbrook Rd. and south of 10 Mile Rd. in the R-4 zoning district.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures within a R-4 zoning district have a minimum front yard setback of 30 ft. and an aggregate side setback of 25 ft.

In CASE No. PZ12-0054, motion to approve the variance as requested. There are unique circumstances and physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions. The need is not self-created. 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. 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: Skelcy

3. CASE NO. PZ12-0055 39595 TEN MILE RD

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 1102 to allow placement of a mobile medical diagnostic trailer on the site for 2 days (48 hours total) each week. The property is located west of Haggerty Rd. and south of 10 Mile Rd.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures within a R-4 zoning district have a minimum front yard setback of 30 ft. and an aggregate side setback of 25 ft., in the OS-1 zoning district.

In CASE No. PZ12-0055, motion to approve the variance as requested. There are unique circumstances and physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions. 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. 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.

Motion carried: 6-0

Motion maker: Ferrell

4. **CASE NO. PZ12-0051 25875 NOVI RD (PANERA BREAD)**

The applicant is requesting variances from CITY OF NOVI, CODE OF ORDINANCES, Section 2400 and Section 2506.12.d. Parking setback requirements are stated in Section 2400. The minimum front yard parking setback in the TC-1 District is 20 ft. The proposed parking area is setback 10 ft. in the front (eastern) yard, 10 ft. short of the mandated minimum. Requirements for drive-through lanes are stated in Section 2506.12. All drive-through facilities shall have an 18 ft. bypass lane. No bypass lane has been proposed. The property is located north of Flint St. and west of Novi Rd.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that parking in the front yard in the TC-1 District be setback 20 ft.

CITY OF NOVI, CODE OF ORDINANCES, Section 2506.12.d requires an 18 ft. bypass lane adjacent to all drive-through lanes.

In CASE No. PZ12-0054, motion to approve the variance as requested. There are unique circumstances and physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions. The need is not self-created. 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. 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. This decision is based on the applicant's presentation and the uniqueness of this particular parcel.

Motion carried: 6-0

Motion maker: Ghannam

OTHER MATTERS

ADJOURNMENT at 7:53 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)