



**ZONING BOARD OF APPEALS ACTION SUMMARY**  
**CITY OF NOVI**  
**Regular Meeting**  
**Tuesday, July 9, 2013 - 7:00 P.M.**  
**Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road**  
**(248) 347-0459**

**Roll call** Members Ferrell, Gedeon, Gerblich, Ghannam, Ibe, Krieger, Sanghvi  
**Present:** Members Ferrell, Gerblich, Ghannam, Ibe, Krieger and Sanghvi  
**Absent:** Members Gedeon (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. PZ13-0018 41216 VINCENTI CT (DHI EQUIPMENT SLAES)**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 1905 to allow outdoor storage. The property is located east of Meadowbrook Rd and south of 11 Mile Rd in the I-1 Zoning District. CITY OF NOVI, CODE OF ORDINANCES, Section 1905 requires that uses within the I-1 District shall be conducted wholly within a completely enclosed building.

**In CASE No. PZ13-0018 Motion to approve only the outdoor storage as requested and as it currently exists with the following conditions: 1) All outside storage should be maintained within that area. 2) The entire fenced in area should be appropriately screened so none of the interior storage is visible from the outside. 3.) This is applicable only to the current tenant. The property cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, and other physical conditions. That the proposed use will not alter the essential character of the neighborhood because it is similar in the area that others have this type of storage. The need is not self-created.**

**Motion carried: 5-1**  
**Motion maker: Ghannam**

**2. CASE NO. PZ13-0014 26401 NOVI ROAD (ODOBA MEXICAN GRILL)**

The applicant is requesting a rehearing for the variance request from Section 28-5(3) of the Novi Sign Ordinance to allow a second wall sign of 37.5 square feet for a proposed new restaurant. The property is located west of Novi Road, and north of Grand River Avenue. The request was denied on May 14, 2013.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-5(3) permits a single sign to be installed at this restaurant location.

**In CASE No. PZ13-0014 Motion to approve as the variance as requested. The request is limited to this tenant only. The request is based upon circumstances or features that are exceptional and unique to the property since the building is moved up towards the right-of-way. The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic return. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties.**

**Motion carried: 6-0**

**Motion maker: Gerblick**

**3. CASE NO. PZ13-0025 43700 EXPO CENTER DRIVE**

The applicant is requesting a variances from Section 28-6(4) of the Novi Sign Ordinance to allow installation of (2) oversize marketing signs of 64 and 20 square feet for a property intended for development and one off premises sign proposed for location within the public right of way. The 64 square foot sign is also exceeds the allowable height of 8 feet with a total height of 12 feet. The property is located west of Novi Road, and north of Grand River Avenue.

CITY OF NOVI, CODE OF ORDINANCE, Section 28-6(4) permits a single sign of maximum 16 sq. ft. to be installed at this restaurant location for marketing purposes.

**In CASE No. PZ13-0025 Motion to grant the request for signs #1 & #2 that are located on the property only. (This does not include sign #3 which is located in the right-of-way.) The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City or that are self-created. The property is tucked in behind Novi Road and visibility is an issue. Granting this will give visibility from I-96 of the advertisers sign. The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return. The main goal is to get tenants and not granting this variance will hinder that goal. The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties will result in substantial justice being done to both the applicant and adjacent or surrounding properties. Once this property is developed it will enhance the area and attract more businesses. This variance is limited until the property is fully developed or for a period of two years, whichever comes first.**

**Motion carried: 6-0**

**Motion maker: Ibe**

**4. CASE NO. PZ13-0026 207 REXTON**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1E to allow construction of a new oversized detached garage of 1040 sq. ft. (850 sq. ft. permitted) on an existing single family parcel. The property is located east of West Lake Drive and south of Pontiac Trail in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2503.1E limits accessory buildings to 850 square feet in the R-4 Zoning District.

**In CASE No. PZ13-0026 Motion to grant the variance as requested. 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 improvement will enhance the look of the community. 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: Ferrell**

**5. CASE NO. PZ13-0027 23770 MEADOWBROOK RD**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new garage attached to an existing non-conforming single family home with an aggregate side setback of 16.5 feet (25 feet required). The property is located east of Meadowbrook Road and south of Ten Mile Road, in the R-4 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum aggregate side yard setback of 25 feet in the R-4 Zoning District.

**In CASE No. PZ13-0027 Motion to grant the variance as requested. There are unique circumstances or physical conditions of the property such as the 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: Gerblick**

**6. CASE NO. PZ13-0028 40399 GRAND RIVER AVE (KROGER OFFICE)**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow location of an accessory structure (pavilion) 48 ft. within the required minimum 100 ft. rear yard setback. The property is located west of Haggerty Road and south of Grand River Avenue, in the I-1 Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures within the I-1 zoning district have a minimum rear yard setback of 100 feet.

**In CASE No. PZ13-0028 Motion to grant the variance as requested. There are unique circumstances or physical conditions of the property such as the shallowness and shape. The need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. In fact, the applicant is trying to avoid an easement on the property. Strict compliance with regulations governing area 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.**

**Motion carried: 6-0**

**Motion maker: Ghannam**

**7. CASE NO. PZ13-0031 26152 INGERSOL DR (LANE BRYANT)**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow 2 additional wall signs of 36 square feet each located on the sides of the projecting entry structure of a retail tenant suite. The property is located north of Grand River and east of Novi Road, in the TC Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits a single wall sign for each business storefront in the TC district.

**In CASE No. PZ13-0031 Motion to deny the variance. Although the property has unique circumstances to the shape of the façade, this will not unreasonably prevent or limit the use of the property and will result in a mere inconvenience. The proposal is cosmetic since there is once entrance and the sign is not necessary to identify the location. There are multiple similar projecting entrances in the Novi Town Center.**

**Motion carried: 5-1**

**Motion maker: Gerblick**

**8. CASE NO. PZ13-0033 43025-43043 GRAND RIVER AVE (NOVI FOOD)**

The applicant is requesting variances from the CITY of NOVI ZONING ORDINANCE:

- (1) Section 2516.7 to extend for one-year final site plan approval for project SP09-18B; and
- (2) Section 3107 to extend for one-year the setback variance granted in ZBA case number 09-042.

The property is located on the south side of Grand River Avenue between Main Street and Sixth Gate.

CITY OF NOVI, CODE OF ORDINANCE, Section 2516.7 requires site plan extensions to be approved by the Planning Commission before the site plan approval expires. Section 3107 states that no order of the ZBA permitting a use of a premises shall be valid for a period longer than 30 days after final site plan approval.

**In CASE No. PZ13-0033 Motion to approve the variance as requested. The variance is not due to the applicant's personal or economic difficulty. The need is not self-created. 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 properties.**

**Motion carried: 6-0**

**Motion maker: Ghannam**

**9. CASE NO. PZ13-0034 1375 EAST LAKE DR**

The applicant is requesting exceptions from Section 2910 of the Novi Zoning Ordinance to allow an outdoor kitchen and seating area as an accessory

structure 141 sq. ft. in area on a lot having water frontage. The applicant is also requesting a variance from Section 2515(2) for fences on water front lots which are constructed of materials that will not obstruct the view of the lake. The accessory structure has been constructed of landscape blocks that do not provide an unobstructed view of the lake.

CITY OF NOVI, CODE OF ORDINANCES, Section 2910 provides that property on the water side of a public thoroughfare maintain the yard as an open unobscured yard, except the following may be permitted, a boat well or a single storage shed that is no larger than 10 ft. by 10 ft. in area, and the winter storage of boats and docks.

**In CASE No. PZ13-0034 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shape and topography near the water. The need is not self-created. 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

### 1. ELECTION OF OFFICERS

**Chairperson Krieger  
Secretary Gedeon  
Vice-Chairperson Ferrell**

## **ADJOURNMENT at 7:48 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)