NOVI cityofnovi.org

COMMUNITY DEVELOPMENT DEPARTMENT

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

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals ZONING BOARD APPEALS DATE: July 9, 2019

REGARDING: 25650 Taft Rd, Parcel #50-22-22-100-026 (PZ19-0025)

BY: Larry Butler, Deputy Director Community Development

. GENERAL INFORMATION:

Applicant

GreenTech Engineering

Variance Type

Dimensional

Property Characteristics

Zoning District: Single Family Residential

Location: East of Wixom Road and South of Eleven Mile Road

Parcel #: 50-22-22-100-026

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.12 for not having frontage on a public street for the entire width of the lot (80 feet frontage required, 44 feet proposed). This variance is required for creation of two parcels(C & D) and associated extension of Danyas Way that ends in a T-turn around. The variance would prevent impacts to the existing Wetlands. This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1.	I	move	that	we	<u>grant</u>	the	variance	in	Case	No.	PZ19-002	25 , sou	ught	by for
								_ b	ecause	Petitic	oner has	shown	prac	
	all	ficulty re	equiring]						·	·			
							ner will be ui e		•	•		iited wit	n resp	sect
		(b) The	e prope	erty is u	ınique b	ecaus	se				·	_		

		(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	mo	ve that we <u>deny</u> the variance in Case No. PZ19-0025 , sought by							
			because Petitioner has not shown							
	pra	ictic	cal difficulty requiring							
		(a)	The circumstances and features of the property including are not unique because they exist generally throughout the City.							
			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 Deputy Director Community Development City of Novi



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Cas	- A	pplication Fee: \$\\\ 250.00				
PROJECT NAME / SUBDIVISION	Se)	Application ree.				
The Preserve -	N	leeting Date: <u>July 9, 26</u> 19				
ADDRESS 25650 TART 2000	LOI/SIUIE/SPACE #	//				
	tain from Assessing Z	BA Case #: PZ 19 - 00 2.5				
	it (248) 347-0485					
CROSS ROADS OF PROPERTY						
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?	REQUEST IS FOR:					
YES X NO	RESIDENTIAL COMM	iercial 🛣 vacant property 🗌 signage	E			
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CI	TATION ISSUED? YES	□ NO				
II. APPLICANT INFORMATION						
A. APPLICANT EMAIL ADDRESS DANCGREEN TO	ECHENGINEERING	CELL PHONE NO. (249) 921-3942				
LD INVESTMENT GROWP, UC.		TELEPHONE NO. (248) 668-0700				
ORGANIZATION/COMPANY C/O. GREENTECH ENGINEERIN	VC	FAX NO (248) 663-0701				
SI147 W. PONPIOR TRAIL	W/XOM	STATE ZIP CODE 48393				
B. PROPERTY OWNER	THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		CELL PHONE NO.				
NAME SEE ATTICLEO		TELEPHONE NO.				
ORGANIZATION/COMPANY		FAX NO.				
ADDRESS C	CITY	STATE ZIP CODE				
III. ZONING INFORMATION	4 (0 1 9 6 1					
A. ZONING DISTRICT		_				
□ R-A □ R-1 □ R-2 □ R-3 反 R-4	□ RM-1 □ RM-2 □	□ мн				
☐ -1 ☐ -2 ☐ RC ☐ TC ☐ TC-1	☐ OTHER					
B. VARIANCE REQUESTED						
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:						
1. Section 32.36 Variance requested	MINIMUM R	NO FRONTOCE				
2. SectionVariance requested						
3. SectionVariance requested _						
4. SectionVariance requested _						
IV. FEES AND DRAWNINGS			4			
A. FEES	/					
\square Single Family Residential (Existing) \$200 \square (With Violat	ion) \$250 🗹 Single Fami	y Residential (New) \$250				
☐ Multiple/Commercial/Industrial \$300 ☐ (With Violat	ion) \$400 🗆 Signs \$300	☐ (With Violation) \$400				
☐ House Moves \$300						
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED A						
Dimensioned Drawings and Plans Cit (Pl. + Pl.)		distance to adjacent property lines				
 Site/Plot Plan Existing or proposed buildings or addition on the property Existing or proposed buildings or addition on the property Floor plans & elevations 						
 Existing or proposed buildings or addition on the proper Number & location of all on-site parking, if applicable 		ions on relevant to the Variance application	n			
The state of the s						



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 OTHER Lot Split
VI. APPLICANT & PROPERTY SIGNATURES
A. APPLICANT Applicant Signature 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

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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:

 Shape of Lot. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.
 Describe below:

OR

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. Describe below:
See attached

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. **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).

See attached

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. See attached

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. See attached

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.

See attached

RESPONSES TO REVIEW STANDARDS

Standard #1. Circumstances or Physical Conditions

b. Environmental Conditions. The development for the subject land includes a proposed 80 lineal feet of 60' wide right of way dedication as an extension of the existing Danyas Way into the subject property and along the frontage of two proposed 80' wide residential building sites. The proposed right of way will extend into an existing MDEQ and City of Novi regulated wetland area. If granted a variance, the development plans will include an extension of the Danyas Way roadway into the subject property as necessary to construct a "Tee turn around" as required by the Novi fire department. The benefit of this variance includes the following:

- 1. Allows for construction of a "Tee turn around" as required by the Novi fire department.
- 2. Allows for roadway and Tee turn around construction with the impact of only 148 square feet of existing city and state regulated wetland area impacts.

Standard #2. Not Self Created

The on-site wetlands were field delineated in August 2018. The physical location of the existing wetland system is relatively close to the existing Danya's Way right of way. Several development alternatives including a straight zoning parallel plan were considered for the subject property, all of which would have required substantially more wetland impacts than what is proposed with the proposed development layout. The current development layout is the most feasible option and minimizes the impacts to the existing state and city regulated wetland areas.

Standard #3. Strict Compaliance

Strict compliance with the ordinance would require full construction of the Danya's Way roadway extension for a total additional length of 80 feet which would include an impact to the existing on-site wetland area. This requirement would put an unnecessary burden upon the development by requiring the impact of existing wetland areas, possible construction and monitoring of wetland mitigation areas, and a burden upon the city for the maintenance of additional roadway that is not need to serve the two adjacent parcels.

Standard #4. Minimum Variance Necessary

The dimensional variance would allow the applicant to construct the minimum roadway improvements as necessary to construct a "Tee turn around" and residential driveway's necessary to service to two adjacent residential home sites.

Standard #5. Adverse Impact on Surrounding Area.

This dimensional variance will not cause an adverse impact on the surrounding property, property values for the following reasons:

- It allows for the construction of a "Tee turn around" as required by the City of Novi fire department which increases the ability to turn around emergency vehicles including fire trucks and ambulances.
- It allows for preservation of natural features areas rather than impacting and mitigating wetland areas elsewhere.

• It minimizes the number of additional residential properties on Danya's Way to two additional residences. If constructed per the straight zoning "parallel" plan, Danya's way could have been constructed as a thru street to Taft Road which would have provided an additional 17 new homes on new connector roadway from Danya's Way to Taft Road. This could have a negative impact on the existing home values due to the street being a through street rather than a dead end.



51147 W. Pontiac Trail Wixom, MI 48393 Office: (248) 668-0700 Fax: (248) 668-0701

June 10, 2019

Zoning Board of Appeals City of Novi 45175 Ten Mile Road Novi, MI 48375 RECEIVED

JUN 10 2019

CITY OF NOVI COMMUNITY DEVELOPMENT

For: Proposed Variance Request

East side of Taft Road South of 11 Mile Road

Parcels 22-22-100-026 & 027

Narrative:

Our office is representing the applicant in the division of the two above referenced properties into a total of four development areas:

- Area A 2.19 acres existing home site
- Area B 10.75 acres the proposed site condominium
- Area C proposed home site
- Area D proposed home site

The attached Exhibit 'A' is part of the proposed development plans and illustrates the proposed land divisions. The development plan includes the dedication of an 80' long extension of the existing Danya's Way right of way between the proposed parcels C & D. This right of way dedication will allow for the construction of a "T turn around" as required by the City of Novi fire department.

Variance request:

Section 32.36.a.2 of the city ordinance states the following: (2) All the parcels to be created by the proposed land division(s) shall fully comply with the applicable lot, yard and area requirements of pertinent ordinances, including, but not limited to, minimum lot frontage/width, minimum road frontage, minimum lot area, maximum lot coverage, minimum set-backs for existing buildings/structures, and depth to width ratios or have received a variance from such requirement(s) from the appropriate zoning board of appeals.

We kindly request a variance from Section 32.36.a.2 of the City of Novi code of ordinances to reduce the limits of roadway and sidewalk construction to that necessary to construct a "Tee turn around" as shown on the attached Exhibit 'B'. This variance allows for the preservation of a majority of the existing wetlands that would not be preserved if the proposed Danya's Way extended roadway were to be constructed per the ordinance requirements.

Construction of an actual roadway across the full frontage of splits C & D would un-necessarily require a much greater impact of the existing City of Novi and State of Michigan regulated wetland areas.

We kindly request approval of the Zoning Board of Appeals to construct the proposed Danya's Way roadway extension as proposed on Exhibit 'B'. We believe the proposed roadway and 'T Turnaround" extension as proposed meets the requirements of city staff, fire department and consultants and minimizes the impacts to the existing wetland areas.

On behalf of the applicant, we thank you for your consideration.

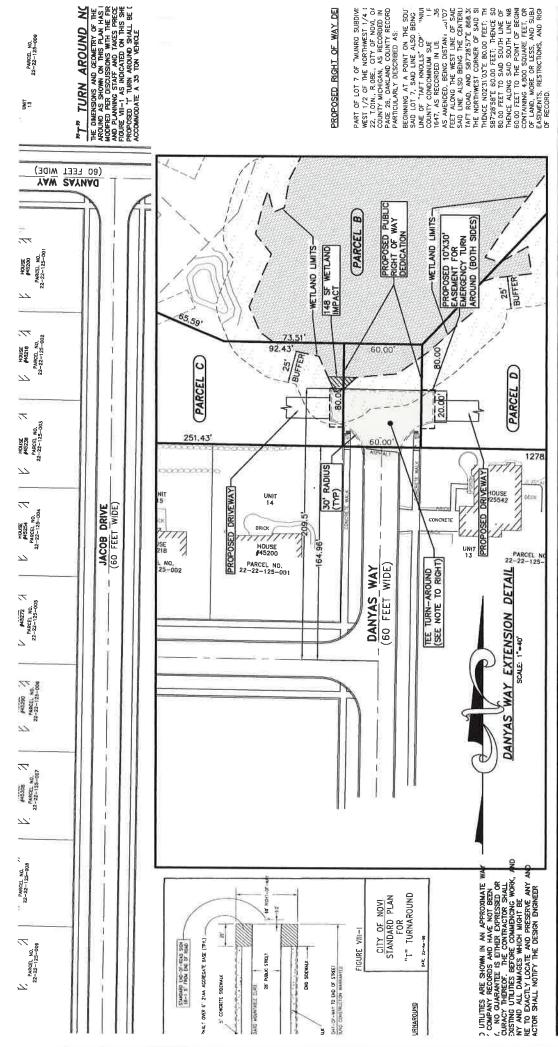
Sincerely,

Dand | Lellani

Daniel LeClair, PE, PS

EXHIBIT 'S

PARCEL NO. 22-22-125-009



PROPOSED RIGHT OF WAY DE

PART OF LOT 7 OF "WUNRO SUBDIVI: WEST 1,2 OF THE MORTHWEST 1,4 (
22, TOIN, ROBE, CITT OF NOVI, OF COUNTY MICHAN, AS RECORDED IN PAGE 28, OAKLAND COUNTY RECORD PARTICULARLY DESCRIBED AS

BECNNING AT A POINT ON THE SOU SAID LOT 7. SAD LURE ALSO BEING COUNT CONDOMINUM SUF 1647. AS RECORDED IN LE 36 AS AMENDED, BEING DISTAIN LOT SAID LINE ALSO BEING THE CENTER! LATE ROAD, AND SATZINE OF SAID SHE RAND, AND SAID SHE THEN CENTER! THENCE SOUR PEET; THENCE SAID SHENCE SOUR PEET; THENCE SAID SHENCE ALONG SAID SOUTH LINE OF THENCE ALONG SAID SOUTH LINE OF THE TO THE THENCE SAID SOUTH LINE OF THE TO THE THENCE SAID SOUTH LINE OF THE TO THENCE SAID SUBJECT SAI



CITY COUNCIL

Mayor Bob Gatt

Mayor Pro Tem Dave Staudt

Andrew Mutch

Laura Marie Casey

Kelly Breen

Ramesh Verma

City Manager Peter E. Auger

City Cierk Cortney Hanson June 7, 2019

LD Investment Group, LLC. c/o Green Tech Engineering, Inc. 51147 Pontiac Trail Wixom, MI 48393

Re: Parcel 50-22-22-100-027 and part of 50-22-22-100-026

Dear Sir;

Please be advised that your requested land division has been denied. The requested change would create a child parcel that does not conform to the current zoning codes.

If interest in this project remains it is recommended that you contact Barb McBeth in Planning (248-347-0587) to resolve the zoning non-conformance issue.

Sincerely,

James J. Licari, MÃAO, MCPPE Commercial /Industrial Appraiser

City Of Novi

City of Novi 45175 Ten Mile Road Novi, Michigan 48375 248.347.0460 248.347.0577 fax

cityofnovi.org

Cc: Barbara McBeth, Lindsay Bell, Community Development

