



BOARD OF ZONING APPEALS  
Variance Application

Cashier Validation (Code 105)

APPLICATION FEES

Single Family Residential	\$250
All Other Uses	\$350

Fee note: When a quorum is present and the applicant declines to have the case heard, the applicant shall reapply to the BZA. To do this, the applicant shall pay the fee and provide 15 complete sets by the BZA submission deadline.

Case # \_\_\_\_\_

**NOTE: To apply for a variance, the Building Official must first determine the type and extent of variance needed. To do this, you must first apply for a Building Permit. The Building Official reviews the plans to determine any needed variances. DO NOT file this application until you have fulfilled this requirement. BZA applications filed without meeting this requirement are considered to be incomplete and are deferred to a future meeting.**

Building Permit Application and Building Official Variance Letter - required

- ☒ Building Permit Application submitted on (date) 8.3.22  
☐ Copy of Building Official variance determination letter is attached to this application.

Apps that do not meet these requirements are considered incomplete

PROPERTY ADDRESS FOR REQUEST

456 E Cady

ZONING DISTRICT

Cady Street Overlay

PARCEL ID NUMBER

Various - see attached tax bills

Petitioner

Name: Jim Long - 456 Cady LLC

Address: 190 E. Main Street

City/State/Zip: Northville, MI 48167

Phone: 248.330.5201

Email: jlong@longmechanical.com

Petitioner's interest in property ☒ Owner ☐ Other (specify)

Property Owner

Name: 456 Cady LLC

Address: 190 E. Main Street

City/State/Zip: Northville, MI. 48167

Phone: 248.330.5201

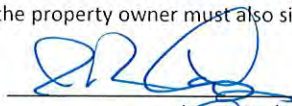
Email: jlong@longmechanical.com

☒ Attach proof of ownership of property, consisting of title insurance, or purchase agreement. If the petitioner is applying on behalf of the owner, a notarized letter of authorization from the property owner must also accompany this application as well as proof of ownership.

Application Signatures:

All correspondence and notices regarding the application will be transmitted to the petitioner. The petitioner is responsible for forwarding this information to the property owner or project representative. By signing this application, the petitioner is indicating that all information contained in this application is complete and accurate to the best of his/her knowledge, and gives permission for the City of Northville officials, staff and consultants to inspect the property for the purpose of verifying information relative to the request. If the applicant is not the property owner, the property owner must also sign this application.

Petitioner:

  
(Signature / Date)

Jim Long

(Print Name)

Property Owner:

  
(Signature / Date)

Jim Long

(Print Name)

**Zoning Ordinance Sections (for which a variance, exception, or interpretation is requested)****Variance Type(s) Requested**

- ☐ Appeal Building Official decision (section 25.04.a)  
☐ Non-Use (Dimensional) Variance - requires a certified property survey (section 25.04.b)  
☐ Use Variance (section 25.04.c)  
☐ Ordinance or Map Interpretation (section 25.04.d)  
☐ Temporary Use (section 25.04.e)  
☐ Non-Conforming Use - Expand, extend, or enlarge (section 22.01.4)  
☐ Non-Conforming Structure – expand, extend, or enlarge (section 22.01.5)

**Property Description**

Area of Lot (acres/square feet)	
Dimensions of Lot	

**Building Setbacks From Property Lines**

	Existing	Proposed
Front		
Side		
Side		
Rear		

**Property Survey/Sketch Requirement for Non-Use (Dimensional) Variances**

- ☐ Property survey/sketch attached as required. See the "Submission Information" section on page 7 of this form for a complete description of when a survey or sketch is required.

**Structures**

	Existing	Proposed
Number of Buildings on Site		
Area and Dimensions of each building		
Area of Other Structures (decks, gazebos, etc.)		
Percentage of Lot Coverage (all buildings & structures)		
Height of Structures on Site		

**For a Non-Use (Dimensional) Variance – also complete pages 3 and 4**

**For a Use Variance – also complete pages 5 and 6**

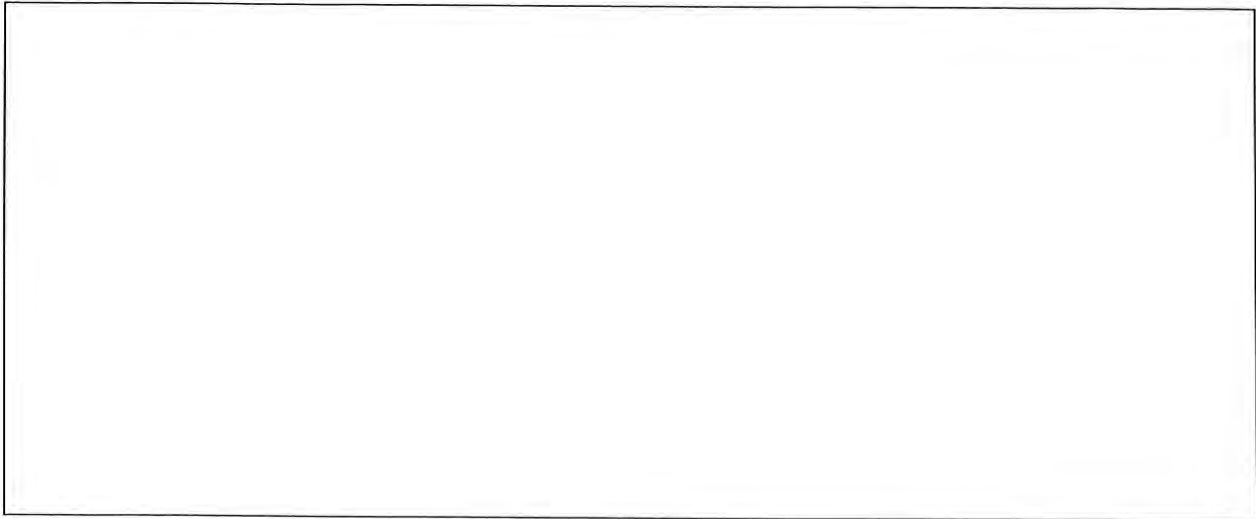
## NON-USE (DIMENSIONAL) VARIANCE

Must complete this section for a non-use variance request. Attach additional sheets if needed.

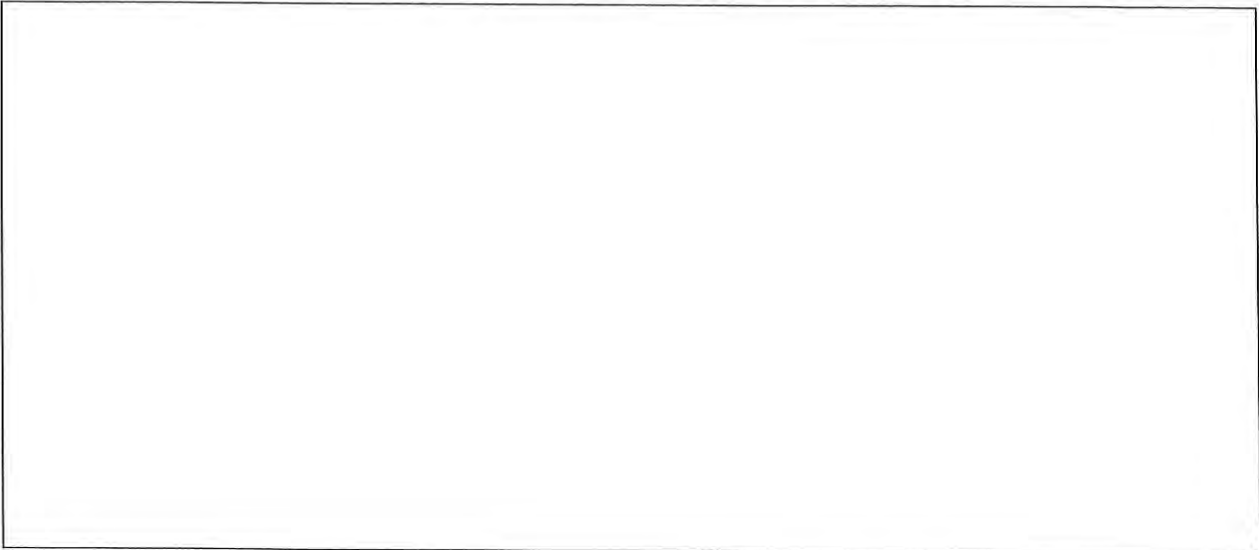
### THE PETITIONER MUST DEMONSTRATE THAT ALL OF THE FOLLOWING CONDITIONS EXIST:

1. **Practical Difficulty:** There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same Zoning District or in the general vicinity. Because of these circumstances or conditions, compliance with the strict letter of the restrictions would create practical difficulties, unreasonably preventing the use of the property for a permitted purpose or rendering conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

**Practical difficulties include one or more of the following:** i. The exceptional narrowness, shallowness or shape of a specific property; ii. The exceptional topographic or environmental conditions or manmade constraints or other extraordinary situation on the land, building or structure; and iii. The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.



2. **Substantial Justice:** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.



3. **Not Self-Created:** The problem and resulting need for the variance did not result from the actions of the applicant and/or the applicant's predecessor. This criterion may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action. Examples of actions that are "self-created" (and therefore do not meet this criterion) include, but are not limited to the following: i. Claiming practical difficulty for a substandard lot when the owner has sold off portions that would have prevented the practical difficulty; ii. Building during the pendency of an appeal; iii. Ignorance of the ordinance.

4. **Minimum Variance Necessary:** The variance requested is the minimum necessary to permit reasonable use of the land.

5. **Impact on Public Safety or Create a Public Nuisance:** The Board of Zoning Appeals may evaluate whether or not the request would have an impact on public safety or create a public nuisance.

## USE VARIANCE

Must complete this section for a Use Variance. Attach additional sheets if needed

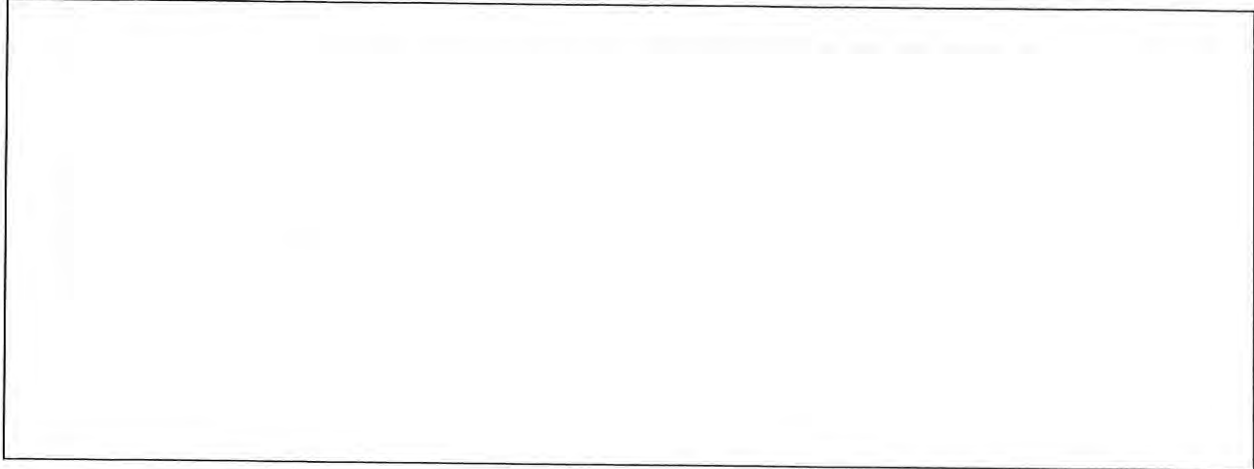
### THE PETITIONER MUST DEMONSTRATE THAT ALL OF THE FOLLOWING CONDITIONS EXIST:

1. **Unreasonable current zoning designation:** The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Board may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding.

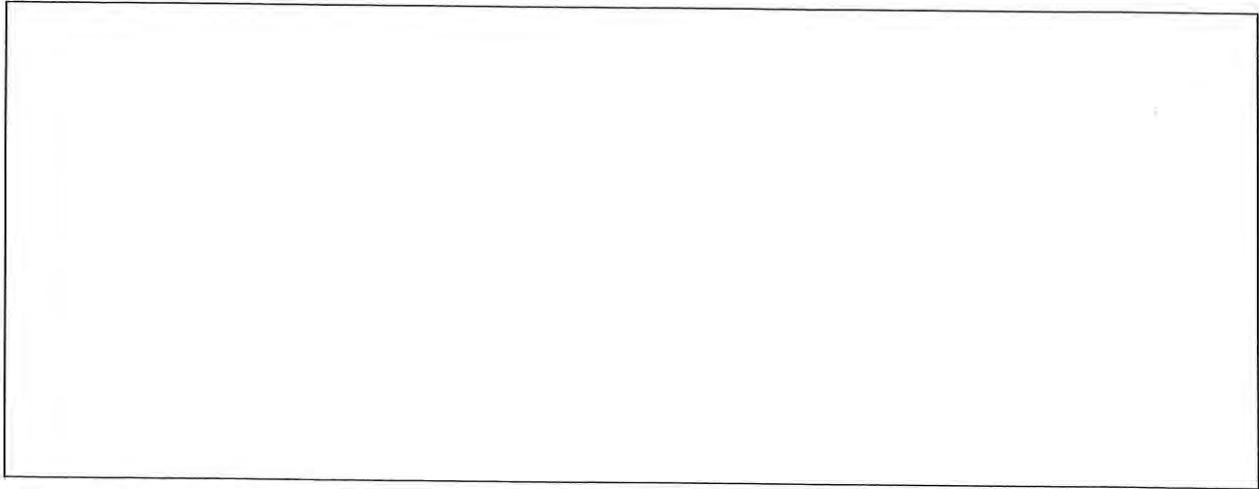
2. **Unique circumstances:** The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the Board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

3. **Not Self-Created:** The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor.

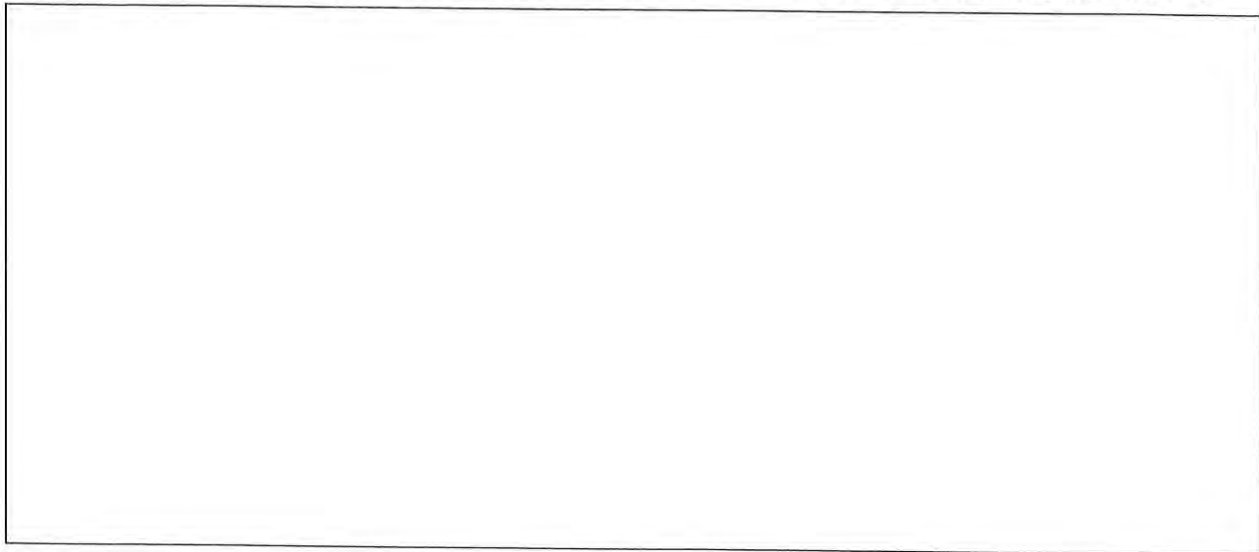
4. **Capacity of Roads, Infrastructure, and public services.** The capacity and operations of public streets, utilities, other facilities and services will not be significantly compromised.



5. **Character of Neighborhood.** The use variance will not alter the essential character of the neighborhood nor be of detriment to adjacent properties.



6. **Minimum Variance Necessary:** The variance shall be the minimum necessary to permit reasonable use of the land.



### Submission Information

1. The following must be submitted to the Building Department by the submission deadline identified on the application deadline schedule as posted on the City's website and at the Building Dept. The applicant may also call the Building Department at (248) 449-9902 for this information.

**15 identical packets that include all of the following:**

- ☒ Completed application (on top of each packet). Folders, binders, bound copies, etc. are not allowed.
- ☒ Building Official Variance Determination Letter (DO NOT submit to the BZA if you have not 1) applied for a building permit, and 2) attached the Building Official's determination letter to this application. Applications without this information are considered incomplete.
- ☒ Proof of ownership (deed, title, etc.). **TAX ROLL**

**For a Non-Use (Dimensional) Variance request:**

- ☐ Certified property survey. Mortgage surveys are not accepted. On the survey:

- The proposed building or structure requiring the variance must be drawn, to scale, on the survey.
- The survey drawing must also include existing and proposed setback lines and dimensions, and the location of any other notable site features that impact the need for the variance request, such as easements, floodplains, water courses, etc. All information must be accurately drawn, to scale, on the survey.
- For front-yard variance requests on single-family lots, the Building Official may waive the survey requirement if permanent features (such as a public sidewalk, curb or street) are determined by the Building Official to clearly indicate the location of the front property line. If a survey is not required by the Building Official, a sketch, drawn to scale, that shows all the information listed above, must be submitted with the front yard variance request.
- Failure to provide a certified survey or sketch meeting these requirements will defer the application to a future meeting.

- ☒ A PDF file of the complete submission emailed to [dmassa@ci.northville.mi.us](mailto:dmassa@ci.northville.mi.us) by the submission deadline. NO THUMB DRIVES OR FLASH DRIVES. The PDF file must exactly match the paper submission.

- ☒ Applicable fee. Applications filed without the fee are considered incomplete. A timely submission is the fee and paper submission.

2. The submission deadline is firm. Incomplete applications are deferred to a future BZA meeting.

### Review Process

1. BZA applications are reviewed by the Building Official and the City Planner to determine if they are complete. Incomplete applications are returned to the applicant for additional information. Due to statutory publication requirements, applications submitted without first filing a building permit application and receiving the Building Official's variance determination letter, or applications found to be incomplete, including due to missing or inaccurate information are deferred to a future BZA meeting.
2. For complete applications, City staff prepares a notice for publication in the newspaper and mails notifications to the applicant and property owners located within 300 feet of the property in which the request is located. Complete applications are provided to the BZA members prior to the meeting.
3. Staff reviews are provided to the petitioner by email prior to the scheduled meeting.

### Meeting Information

All meetings begin at 7:00 pm, unless otherwise noted, and are held at the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan, 48167 unless otherwise noted. Check the City's website and meeting agenda for up-to-date meeting information.

### Meeting Procedure

1. The petitioner shall appear on his/her own behalf, or by representation, at the BZA meeting. Failure to do so will result in the petition being tabled. The petitioner is responsible for covering any fees associated with rescheduling the meeting.
2. The meeting format is as follows:
  - Introduction of the petition by the City
  - Petitioner presentation
  - Public hearing
  - Deliberation, Motion and Vote
3. BZA members shall have the authority to grant a lesser variance than requested upon finding justice shall be served. In addition, the BZA may require conditions related to the site, operation and/or use to mitigate the impact of any variance.

### Approval and Permits

1. Approval of Non-Use (Dimensional) Variance is valid for one year, and the application for a building permit or zoning/compliance permit must be submitted within this period.
2. Approval of a Use Variance is valid for one year, during which time the use must be established on the subject site or a building permit obtained.

Continuation Sheets for ZBA Application:

- 1. Practical Difficulty:** *There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same Zoning District or in the general vicinity. Because of these circumstances or conditions, compliance with the strict letter of the restrictions would create practical difficulties, unreasonably preventing the use of the property for a permitted purpose or rendering conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.*

*Practical difficulties include one or more of the following: i. The exceptional narrowness, shallowness or shape of a specific property; ii. The exceptional topographic or environmental conditions or manmade constraints or other extraordinary situation on the land, building or structure; and iii. The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.*

Response:

The applicant is requesting a height variance of 6' which would increase the allowed maximum building height from 36' per Ordinance to 42'. The reason behind this request is to accommodate potential leasing opportunities for the required non-residential uses on the ground level of the structure. The targeted commercial uses for this space include retailers, in particular green grocers, who require a significantly greater volume within the first level than is presently allowed based upon the current maximum height. The only alternative beyond increasing the overall building height would be to lower the first level finish floor to accommodate this volume. The practical difficulties that limit this application include:

- a) The building finish floor cannot be depressed to a point lower than the adjoining grades. Doing so would cause disruption to the existing soils and the direct impact of the brownfield/soils beneath the structure including potential removal of dirty soils in the process. Additionally, the entire below grade condition needs to be fully encapsulated with a continuous sealed vapor barrier which would allow for the required below-building venting in conformance with the brownfield requirements. Pushing the slab downwards is not allowed as a physical envelope of this below grade condition is not possible with a stepped floor condition.
- b) Additionally, lowering this slab by 6' would introduce a challenge to provide accessible access into the space. The only possible way this could be introduced, were it even possible based upon the brownfield issues, would be the introduction of dramatic ramps or other forms of vertical transportation such as elevators or limited-use, limited access lifts. Further, it would diminish the ease of access that most tenants would desire and mitigate the walk-out characteristics of outdoor connection and use.

- 2. Substantial Justice:** *Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

Response:

Per the covenants of the Zoning Ordinance, the applicant is required to provide non-residential uses for the grade/first floor of the building. The long-term consideration has been to attract a green grocer as the preferred use with other similar format retail and commercial uses being considered. In all cases, the tenants being considered have consistently requested a higher height clearance for the first level. Adding this additional height provides substantial justice to the applicant and the community as a whole as this would allow for an expanded number of uses that cannot presently be accommodated with the lower volume.

3. ***Not Self-Created:*** *The problem and resulting need for the variance did not result from the actions of the applicant and/or the applicant's predecessor. This criterion may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action. Examples of actions that are "self-created" (and therefore do not meet this criterion) include but are not limited to the following: i. Claiming practical difficulty for a substandard lot when the owner has sold off portions that would have prevented the practical difficulty; ii. Building during the pendency of an appeal; iii. Ignorance of the ordinance.*

Response:

The applicant is required to provide non-residential uses for the grade/first floor of the building. See descriptions in Section 1 and 2 above. This issue has arisen subsequent to previous municipal approvals, development of a substantially defined structural system for the overall building, and direct engagement of potential tenants/users for the first-floor commercial space.

4. ***Minimum Variance Necessary:*** *The variance requested is the minimum necessary to permit reasonable use of the land.*

Response:

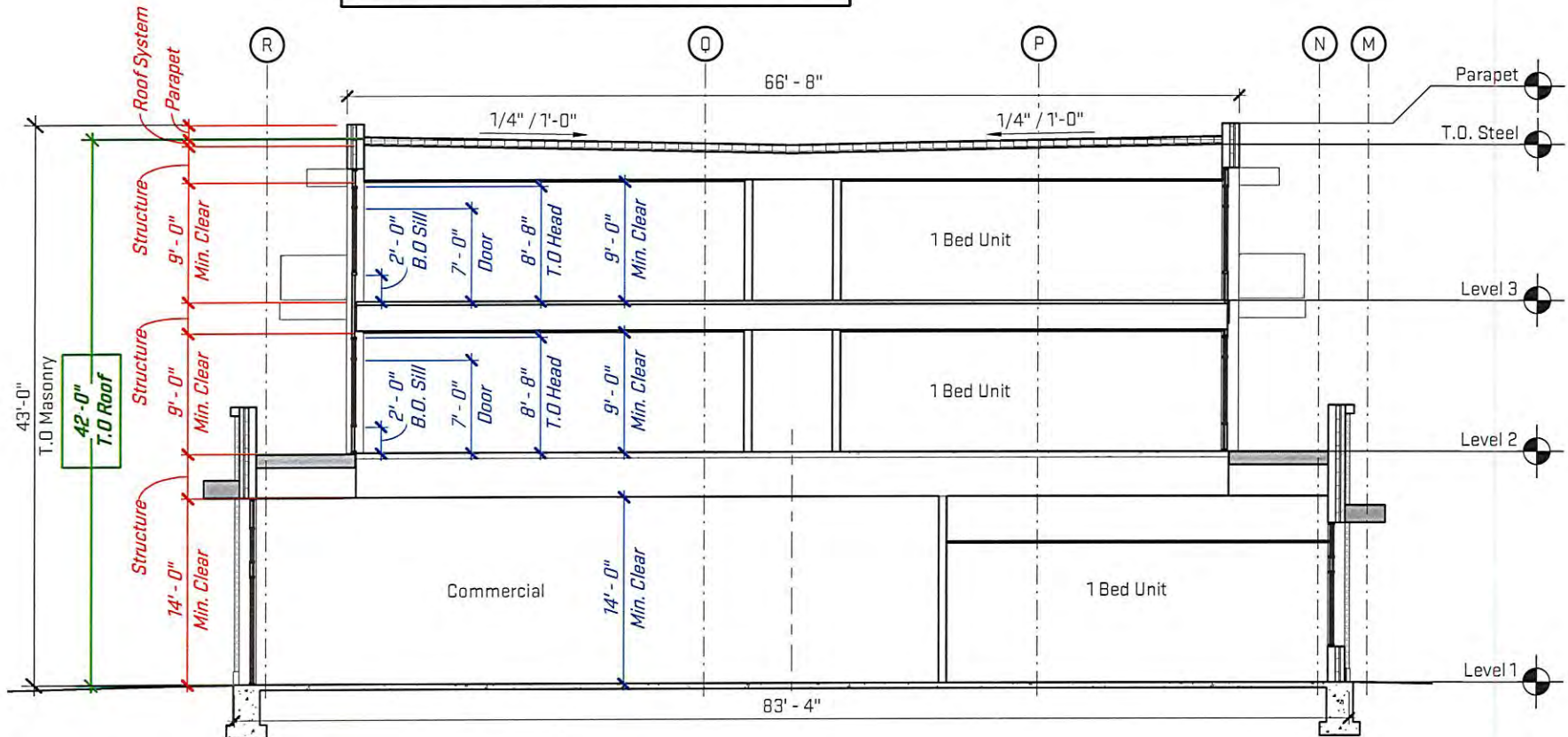
The variance being requested is to increase the top of roof structure height above grade. The allowed and approved height is 36' above grade. The height proposed as part of this request is to be 42' above grade, or a request for an additional 6' of building height. This will accommodate the requested minimum first floor interior height requirements that are necessary to attract potential commercial tenants, including green grocers presently under consideration.

5. ***Impact on Public Safety or Create a Public Nuisance:*** *The Board of Zoning Appeals may evaluate whether or not the request would have an impact on public safety or create a public nuisance.*

Response:

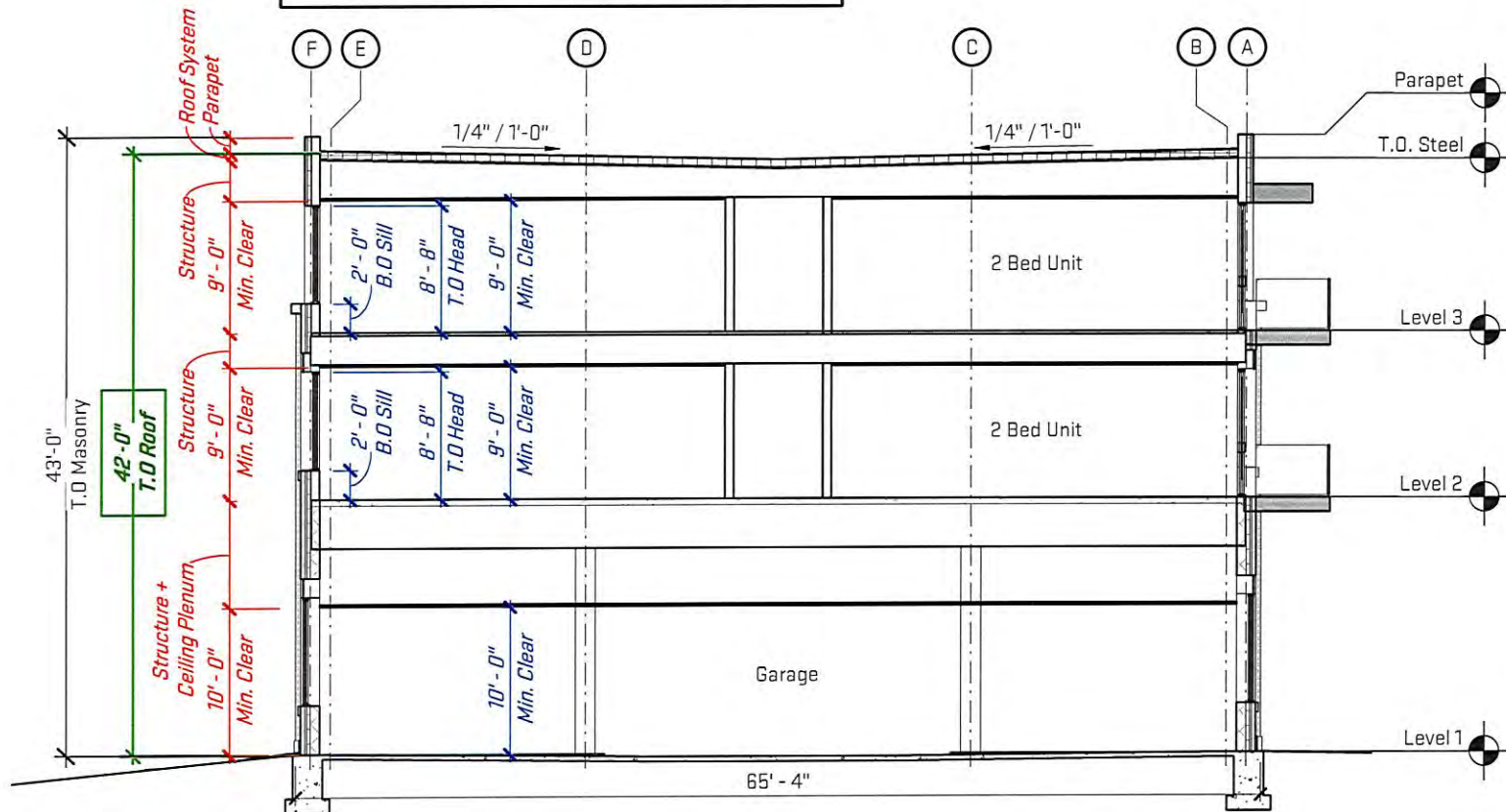
The use or function of the building does not change in any substantive measure that would directly or indirectly impact public safety or create a public nuisance.

Original T.O Roof Height: 36'-0"  
 Requested T.O Roof Height: **42'-0"** [6'-0" variance increase]  
 Original Parapet Height: 38'-6"  
 Requested Parapet Height: **43'-0"** [4'-6" variance increase]

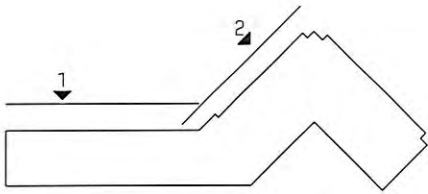


1 Section - Through Commercial  
 A-01 1/8" = 1'-0"

Original T.O Roof Height: 36'-0"  
 Requested T.O Roof Height: **42'-0"** [6'-0" variance increase]  
 Original Parapet Height: 38'-6"  
 Requested Parapet Height: **43'-0"** [4'-6" variance increase]



1 Section - Through Garage  
 A-02 1/8" = 1'-0"

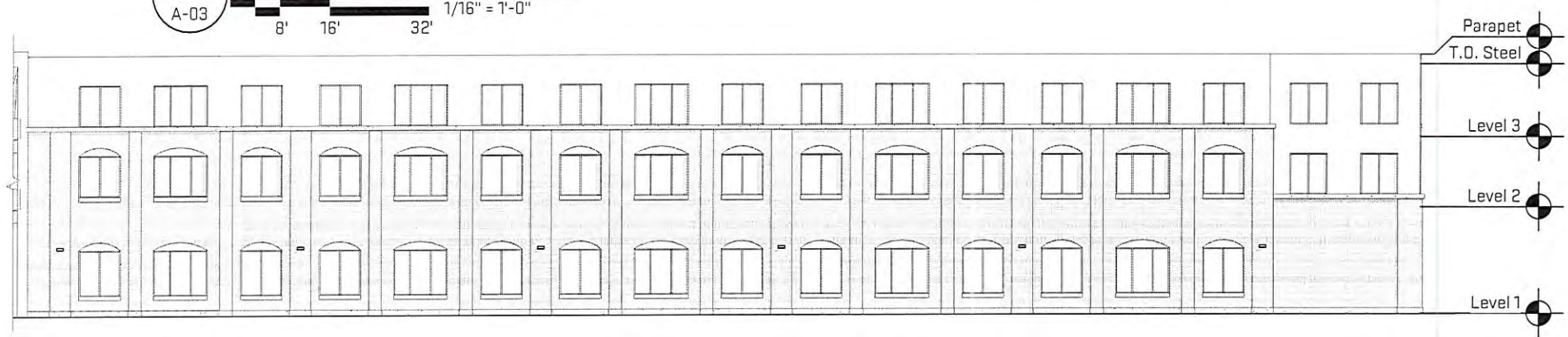


Key Plan

2 Northwest Elevation

A-03

8' 16' 32' 1/16" = 1'-0"

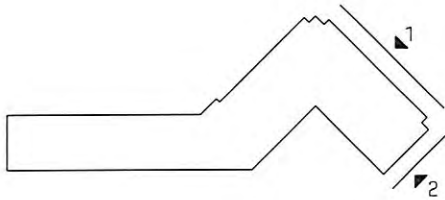


1 North Elevation

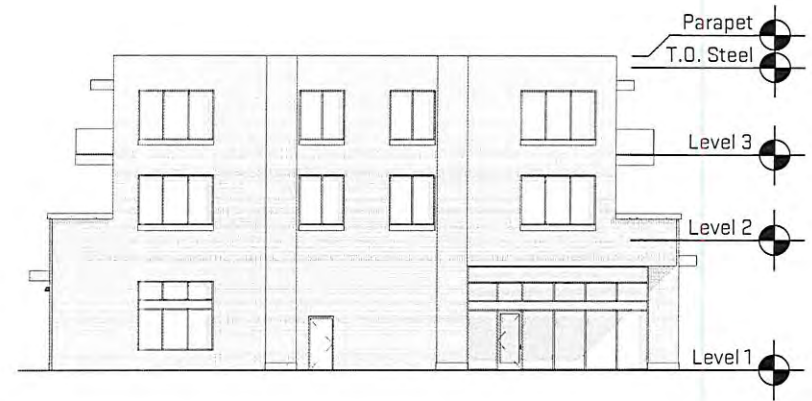
A-03

8' 16' 32' 1/16" = 1'-0"





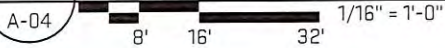
Key Plan

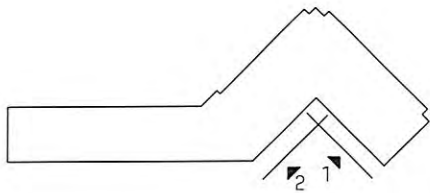


2 Southeast Elevation



1 Northeast Elevation





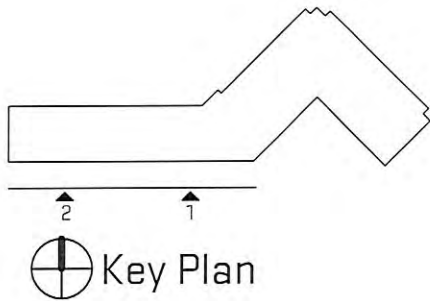
Key Plan



2 Southeast Elevation  
A-05 8' 16' 32' 1/16" = 1'-0"



1 Southwest Elevation  
A-05 8' 16' 32' 1/16" = 1'-0"



2 Partial South Elevation (West)

A-06

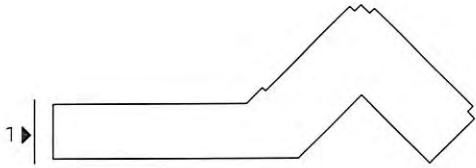
8' 16' 32' 1/16" = 1'-0"



1 Partial South Elevation (East)

A-06

8' 16' 32' 1/16" = 1'-0"



Key Plan



1 West Elevation

8' 16' 32' 1/16" = 1'-0"

# CODE ENFORCEMENT SERVICES, INC.

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605 S. Main Street, Suite 1  
Ann Arbor, Michigan 48104

Phone: 734-662-2200  
Fax: 734-662-1935

## MEMORANDUM

Date: August 3, 2022

To: Jim Long  
456 E. Cady  
Northville, MI 48167

From: Brent Strong, City of Northville Building Official

RE: Building Permit Application Denial

Your application to Construct a new commercial building has been denied for the following zoning violations below. Please revise your drawings to comply with the zoning ordinance or apply for a variance through the Board of Zoning Appeals.

1. The maximum building height in CSO is 36'. You will need a 6' height variance to construct the building as proposed.



Brent A. Strong, Building Official  
Code Enforcement Services

**City Of Northville      2022      Summer      Tax Statement**

**MESSAGE TO TAXPAYER**

Please visit the City website at  
www.ci.northville.mi.us  
or call 248-449-9901 for current tax and assessing  
information or to sign up for automatic payment.

**PAYMENT INFORMATION**

**This tax is due by:** 08/31/2022  
**Pay by mail to:** CITY OF NORTHVILLE - TAXES  
PO BOX 674505  
DETROIT MI 48267-4505  
**P.R.E. Exemption has reduced this bill by:** 0.00

**PROPERTY INFORMATION**



P8 T5 \*\*\*\*\*AUTO\*\*MIXED AADC 170      1541  
**456 CADY LLC**  
**25000 ASSEMBLY PARK DR**  
**WIXOM MI 48393-0019**



**Property Assessed To:**  
456 CADY LLC

**Property #:** 48 004 02 0065 000      **School:** 82390

**Property Addr:** 456 E CADY ST

**Legal Description:**

03N65 TO 68 92B2 LOTS 65 TO 68 INCL ALSO THAT PART OF LOT 92 DES AS BEG AT THE  
MOST SLY CORNER OF LOT 66 AND PROCEEDING TH N 34D 13M 10SEC W ALONG THE MOST WLY  
LINE OF LOT 66 A DISTANCE OF 129 85 FT TO THE S E LINE OF LOT 68 TH S 55D 45M  
20SEC W ALONG SAID LINE 45 83 FT TH S 11D 11M E ALONG THE W LINE OF LOT 92 A  
DISTANCE OF 141 0 FT TO THE NLY BANK OF RIVER ROUGE TH N ELY ALONG SAID BANK TO  
THE POB ASSESSORS NORTHVILLE PLAT NO 1 T1SR8E L66 P45 WCR

**TAX DETAIL**

**Taxable Value:** 463,900  
**State Equalized Value:** 463,900      **Class:** 301  
**Homestead %:** 0.0000

**Mort Code:**

Taxes are based upon Taxable Value.  
1 mill equals \$1.00 per \$1000 of Taxable Value.  
Amounts with no millage are either Special  
Assessments or other charges added to this bill.

Description	Millage	Amount
SCHOOL OPER W	9.00000	4,175.10
SCHOOL DEBT W	1.70000	788.63
SCHOOL SINKING W	0.46980	217.94
STATE ED TAX W	6.00000	2,783.40
CITY OPERATING W	13.01820	6,039.14
STREET IMPROV W	1.62160	752.26
DEBT SVCS STR W	0.78620	364.71
WAYNE COUNTY OP	5.60990	2,602.43
COM COLLEGE W	2.27000	1,053.05
RESA OPERATING W	0.09560	44.34
RESA SPEC ED W	3.34430	1,551.42
RESA ENHANCEMENT	1.98760	922.04

**Mort Code:**

**Total Tax** 45.90320      21,294.46  
**Administration Fee** 212.94

**Total Amount Due** 21,507.40

**Perforated Edge**

**PLEASE NOTE:** Are your name and address correct?  
If not, please call 248-449-9901.

**PLEASE RETURN THIS PORTION WITH PAYMENT. THANK YOU.**

**Property Address:** 456 E CADY ST  
456 CADY LLC

**This tax is due by:** 08/31/2022

**After 08/31/2022 additional interest and fees apply.**

2022 Summer      **Tax for Prop #:** 48 004 02 0065 000



**Make Check Payable To:** CITY OF NORTHVILLE - TAXES



**Summer 2022**

**TOTAL AMOUNT DUE:** 21,507.40

CITY OF NORTHVILLE - TAXES  
PO BOX 674505  
DETROIT MI 48267-4505

**Amount Remitted:** \_\_\_\_\_

674505S20224800402006500000021507405

City Of Northville 2022 Summer Tax Statement																																																	
<b>MESSAGE TO TAXPAYER</b>  Please visit the City website at www.ci.northville.mi.us or call 248-449-9901 for current tax and assessing information or to sign up for automatic payment.	<b>PAYMENT INFORMATION</b>  This tax is due by: 08/31/2022 Pay by mail to: CITY OF NORTHVILLE - TAXES PO BOX 674505 DETROIT MI 48267-4505  P.R.E. Exemption has reduced this bill by: 0.00																																																
<b>PROPERTY INFORMATION</b>   P8 T5 *****AUTO**MIXED AADC 170 1540 456 CADY LLC 25000 ASSEMBLY PARK DR WIXOM MI 48393-0019   Property Assessed To: 456 CADY LLC  Property #: 48 004 02 0009 709 School: 82390 Property Addr: E CADY ST VACANT Legal Description: <small>PART OF VACATED PARK PLACE ASSESSORS NORTHVILLE PLAT NO 1 T1S R8E L66 WCR DESC AS BEG S 70D 29M 40S E 76 13 FT AND S 10D 23M 15S E 101 15 FT AND S 49D 29M 40S E 92 60 FT FROM THE NE COR LOT 10 TH S 49D 29M 40S E 234.45 FT. TH S 23D 25M 36S W 57 54 FT. TH N 49D 29M 40S W 281 00 FT. TH N 68D 50M 00S E 62 48 FT POB A = 0.32 ACRES SUBJECT TO EASEMENTS OF RECORD</small>	<b>TAX DETAIL</b>  Taxable Value: 21,700 State Equalized Value: 21,700 Class: 302 Homestead %: 0.0000  Mort Code: <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">Taxes are based upon Taxable Value. 1 mill equals \$1.00 per \$1000 of Taxable Value. Amounts with no millage are either Special Assessments or other charges added to this bill.</div> <table><thead><tr><th>Description</th><th>Millage</th><th>Amount</th></tr></thead><tbody><tr><td>SCHOOL OPER W</td><td>9.00000</td><td>195.30</td></tr><tr><td>SCHOOL DEBT W</td><td>1.70000</td><td>36.89</td></tr><tr><td>SCHOOL SINKING W</td><td>0.46980</td><td>10.19</td></tr><tr><td>STATE ED TAX W</td><td>6.00000</td><td>130.20</td></tr><tr><td>CITY OPERATING W</td><td>13.01820</td><td>282.49</td></tr><tr><td>STREET IMPROV W</td><td>1.62160</td><td>35.18</td></tr><tr><td>DEBT SVCS STR W</td><td>0.78620</td><td>17.06</td></tr><tr><td>WAYNE COUNTY OP</td><td>5.60990</td><td>121.73</td></tr><tr><td>COM COLLEGE W</td><td>2.27000</td><td>49.25</td></tr><tr><td>RESA OPERATING W</td><td>0.09560</td><td>2.07</td></tr><tr><td>RESA SPEC ED W</td><td>3.34430</td><td>72.57</td></tr><tr><td>RESA ENHANCEMENT</td><td>1.98760</td><td>43.13</td></tr><tr><td>OPER DDA</td><td>1.80930</td><td>39.26</td></tr><tr><td colspan="2"> Total Tax 47.71250 1,035.32</td></tr><tr><td colspan="2">Administration Fee 9.96</td></tr><tr><td colspan="2"> Total Amount Due 1,045.28</td></tr></tbody></table>	Description	Millage	Amount	SCHOOL OPER W	9.00000	195.30	SCHOOL DEBT W	1.70000	36.89	SCHOOL SINKING W	0.46980	10.19	STATE ED TAX W	6.00000	130.20	CITY OPERATING W	13.01820	282.49	STREET IMPROV W	1.62160	35.18	DEBT SVCS STR W	0.78620	17.06	WAYNE COUNTY OP	5.60990	121.73	COM COLLEGE W	2.27000	49.25	RESA OPERATING W	0.09560	2.07	RESA SPEC ED W	3.34430	72.57	RESA ENHANCEMENT	1.98760	43.13	OPER DDA	1.80930	39.26	 Total Tax 47.71250 1,035.32		Administration Fee 9.96		 Total Amount Due 1,045.28	
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Perforated Edge

PLEASE NOTE: Are your name and address correct?  
If not, please call 248-449-9901.

Property Address: E CADY ST VACANT  
456 CADY LLC



Summer 2022

CITY OF NORTHVILLE - TAXES  
PO BOX 674505  
DETROIT MI 48267-4505

PLEASE RETURN THIS PORTION WITH PAYMENT. THANK YOU.

This tax is due by: 08/31/2022	
After 08/31/2022 additional interest and fees apply.	
2022 Summer	Tax for Prop #: 48 004 02 0009 709

Make Check Payable To: CITY OF NORTHVILLE - TAXES

TOTAL AMOUNT DUE: 1,045.28

Amount Remitted: \_\_\_\_\_

674505S20224800402000970900001045284

City Of Northville 2022 Summer Tax Statement

MESSAGE TO TAXPAYER

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PROPERTY INFORMATION



P8 T5 \*\*\*\*\*AUTO\*\*MIXED AADC 170 1539  
456 CADY LLC  
25000 ASSEMBLY PARK DR  
WIXOM MI 48393-0019



Property Assessed To:  
456 CADY LLC

Property #: 48 004 02 0009 008 School: 82390  
Property Addr: E MAIN ST VACANT  
Legal Description:

03N9A2A THE MOST SLY TRIANGULAR PART OF LOT 9 MEASURING 30 FT ON THE N ELY LINE  
AND 28.69 FT ON S WLY LINE ASSESSORS NORTHVILLE PLAT NO 1 T1SR8E L66 P45 WCR

TAX DETAIL

Taxable Value: 200  
State Equalized Value: 200 Class: 302  
Homestead %: 0.0000

Mort Code:

Taxes are based upon Taxable Value.  
1 mill equals \$1.00 per \$1000 of Taxable Value.  
Amounts with no millage are either Special  
Assessments or other charges added to this bill.

Description	Millage	Amount
SCHOOL OPER W	9.00000	1.80
SCHOOL DEBT W	1.70000	0.34
SCHOOL SINKING W	0.46980	0.09
STATE ED TAX W	6.00000	1.20
CITY OPERATING W	13.01820	2.60
STREET IMPROV W	1.62160	0.32
DEBT SVCS STR W	0.78620	0.15
WAYNE COUNTY OP	5.60990	1.12
COM COLLEGE W	2.27000	0.45
RESA OPERATING W	0.09560	0.01
RESA SPEC ED W	3.34430	0.66
RESA ENHANCEMENT	1.98760	0.39
OPER DDA	1.80930	0.36

Mort Code:

Total Tax 47.71250 9.49  
Administration Fee 0.09  
Total Amount Due 9.58

Perforated Edge

PLEASE NOTE: Are your name and address correct?  
If not, please call 248-449-9901.

Property Address: E MAIN ST VACANT  
456 CADY LLC



Summer 2022

CITY OF NORTHVILLE - TAXES  
PO BOX 674505  
DETROIT MI 48267-4505

PLEASE RETURN THIS PORTION WITH PAYMENT. THANK YOU.

This tax is due by: 08/31/2022

After 08/31/2022 additional interest and fees apply.

2022 Summer Tax for Prop #: 48 004 02 0009 008

Make Check Payable To: CITY OF NORTHVILLE - TAXES

TOTAL AMOUNT DUE: 9.58

Amount Remitted: \_\_\_\_\_

674505S20224800402000900800000009581

City Of Northville 2022 Summer Tax Statement																																																							
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Perforated Edge

PLEASE NOTE: Are your name and address correct?  
If not, please call 248-449-9901.

PLEASE RETURN THIS PORTION WITH PAYMENT. THANK YOU.

**Property Address:** 456 E CADY ST  
456 CADY LLC

This tax is due by: 08/31/2022	
After 08/31/2022 additional interest and fees apply.	
2022 Summer	Tax for Prop #: 48 004 02 0009 005



Make Check Payable To: CITY OF NORTHVILLE - TAXES



**Summer 2022**

**TOTAL AMOUNT DUE:** 1,454.72

CITY OF NORTHVILLE - TAXES  
PO BOX 674505  
DETROIT MI 48267-4505

Amount Remitted: \_\_\_\_\_

674505S20224800402000900500001454724

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456 CADY LLC



Summer 2022

CITY OF NORTHVILLE - TAXES  
PO BOX 674505  
DETROIT MI 48267-4505

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2022 Summer Tax for Prop #: 48 004 02 0069 000

Make Check Payable To: CITY OF NORTHVILLE - TAXES

TOTAL AMOUNT DUE:

1,168.26

Amount Remitted: \_\_\_\_\_

674505S20224800402006900000001168267

To: City of Northville

Attn: Diane Massa, City Clerk  
Brent Strong, Chief Building Official

Re: Board of Zoning Appeals Variance Application

We provide to you 15 copies of the following:

1. Building Permit Application
2. BZA Variance Application
3. Continuation sheets for BZA Application
4. Related drawings and sketches
5. Building Official Variance Determination Letter
6. Tax statements for proof of ownership

Jim Long

456 Cady Representative

# CODE ENFORCEMENT SERVICES, INC.

215 West Main Street  
Northville, MI 48167

Phone: (248) 449-9902

Authority: 1972 PA 230  
Completion: Mandatory to obtain permit  
Penalty: Permit cannot be issued

## CITY OF NORTHVILLE BUILDING DEPARTMENT

### BUILDING PERMIT APPLICATION

Applicant to Complete All Items in Sections I, II, III, IV, V and VI

Note: Separate Applications Must be Completed for Plumbing, Mechanical and Electrical Work Permits. **Additional required documents may include County approved well, septic, driveway permits as well as a soil erosion control permit if required by the County.**

<b>I. Project or Facility Information</b>			
PROJECT NAME The Foundry		ADDRESS 456 East Cady	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH JOB IS LOCATED <b>CITY OF NORTHVILLE</b>		COUNTY <b>OAKLAND AND WAYNE</b>	ZIP CODE 48167
<b>APPLICANT EMAIL ADDRESS:</b> jlong@longmechanical.com			
<b>II. Applicant/Facility Contact Information</b>			
<b>A. Applicant</b>			
NAME Jim Long - 456 Cady LLC		ADDRESS 190 E Main St	
CITY Northville	STATE MI	ZIP CODE 48167	TELEPHONE NUMBER (include area code) 248-330-5201
<b>B. Owner or Lessee</b>			
NAME 456 Cady LLC		ADDRESS 190 E Main St	
CITY Northville	STATE MI	ZIP CODE 48167	TELEPHONE NUMBER (include area code) 248-330-5201
<b>C. Architect or Engineer</b>			
NAME O/X Studio - Robb Burroughs		ADDRESS 2373 Oak Valley Dr #180	
CITY Ann Arbor	STATE MI	ZIP CODE 48106	TELEPHONE NUMBER (include area code) 734-929-9014
LICENSE NUMBER 1301043972			EXPIRATION DATE 4/22/23
<b>D. Contractor</b>			
NAME Schonsheck, Inc.		ADDRESS 50555 Pontiac Trail	
CITY Wixom	STATE MI	ZIP CODE 48393	TELEPHONE NUMBER (include area code) 248-669-8800
BUILDERS LICENSE NUMBER N/A			EXPIRATION DATE
FEDERAL EMPLOYER ID NUMBER (or reason for exemption)			
WORKERS COMP INSURANCE CARRIER (or reason for exemption)			
UNEMPLOYMENT INSURANCE AGENCY EMPLOYER ACCOUNT NUMBER (or reason for exemption)			
<b>III. Type of Job</b>			
<b>A. Type of Improvement</b>			
<input type="checkbox"/> NEW BUILDING <input type="checkbox"/> ALTERATION <input type="checkbox"/> DEMOLITION <input type="checkbox"/> FOUNDATION ONLY <input type="checkbox"/> RELOCATION			
<input type="checkbox"/> ADDITION <input type="checkbox"/> SIGN <input type="checkbox"/> MOBILE HOME SET-UP <input type="checkbox"/> PRE-MANUFACTURED			

The following is a list of instructions and required documents to submit for New Construction/Additions. Place a checkmark in all boxes for items completed and attached.

## BUILDING PERMIT APPLICATION

### REQUIRED SUBMITTALS

- ☐ 1. Completed and signed permit application form.
- ☐ 2. Two sets of complete plans to include:
  - Site plan of property showing all buildings on the lot with setback distances to property lines from each building, porches and decks (front, rear and both sides)
  - Floor plan
  - Front, sides and rear elevations
  - Foundation plan with walkout details and emergency egress, if applicable
  - Window and door sizes and placement
  - Wall section detail
- ☐ 3. Two copies of completed Energy Code compliance sheets. You may use ResCheck or ComCheck.
- ☐ 4. Two copies of a certified grade survey which includes:
  - Topography lines at one foot intervals
  - Finish floor elevation
  - Adjacent center of street elevation
  - Proposed finished rough grade elevations, proposed drainage swales and or storm water drainage measures
- ☐ 5. One copy of Oakland or Wayne County Soil Erosion permit or waiver.
- ☐ 6. If tree removal is part of this project, submit a signed tree removal application complete with a site plan indicating trees to be removed.

Continue to page 2 and complete the rest of the application.

**B. Plan Review Required**

3 sets of construction documents are required with each application for a permit, unless waived by the building official when code compliance can be determined based on the description in the application.

**Construction documents** must be sealed and signed by an architect or professional engineer in accordance with 1980, PA 299 as amended. The seal and signature is not required for one and two family dwellings less than 3,500 square feet of calculated floor area and public work projects less than \$15,000 in total construction cost.

**GIVE A BRIEF DESCRIPTION OF THE PROJECT:** \_\_\_\_\_

Request for variance to add 6' of building height to 26' maximum - see attached sketch plan

**IV. Plan Review Information****A. Residential – Buildings Regulated by the Michigan Residential Code**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> ONE FAMILY                               | <input type="checkbox"/> TOWNHOUSE - NO. OF UNITS _____ | <input type="checkbox"/> DETACHED GARAGE |
| <input type="checkbox"/> TWO OR MORE FAMILY<br>NO. OF UNITS _____ | <input type="checkbox"/> ATTACHED GARAGE                | <input type="checkbox"/> OTHER _____     |

**B. Buildings Regulated by the Michigan Building Code (COMMERCIAL ONLY)**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> (A-1) ASSEMBLY (THEATRES, ETC.)            | <input type="checkbox"/> (H-1) HIGH HAZARD (DETONATION)         | <input type="checkbox"/> (M) MERCANTILE                           |
| <input type="checkbox"/> (A-2) ASSEMBLY (RESTAURANTS, BARS, ETC.)   | <input type="checkbox"/> (H-2) HIGH HAZARD (DEFLAGRATION)       | <input type="checkbox"/> (R-1) RESIDENTIAL 1 (HOTELS, MOTELS)     |
| <input type="checkbox"/> (A-3) ASSEMBLY (CHURCHES, LIBRARIES, ETC.) | <input type="checkbox"/> (H-3) HIGH HAZARD (COMBUSTION)         | <input type="checkbox"/> (R-2) RESIDENTIAL 2 (MULTIPLE FAMILY)    |
| <input type="checkbox"/> (A-4) ASSEMBLY (INDOOR SPORTS, ETC.)       | <input type="checkbox"/> (H-4) HIGH HAZARD (HEALTH HAZARD)      | <input type="checkbox"/> (R-3) RESIDENTIAL 3 (CHILD & ADULT CARE) |
| <input type="checkbox"/> (A-5) ASSEMBLY (OUTDOOR SPORTS, ETC.)      | <input type="checkbox"/> (H-5) HIGH HAZARD (HPM)                | <input type="checkbox"/> (R-4) RESIDENTIAL 4 (ASSISTED LIVING)    |
| <input type="checkbox"/> (B) BUSINESS                               | <input type="checkbox"/> (I-1) INSTITUTIONAL 1 (SUPERVISED)     | <input type="checkbox"/> (S-1) STORAGE 1 (MODERATE HAZARD)        |
| <input type="checkbox"/> (E) EDUCATION                              | <input type="checkbox"/> (I-2) INSTITUTIONAL 2 (HOSPITALS ETC.) | <input type="checkbox"/> (S-2) STORAGE 2 (LOW HAZARD)             |
| <input type="checkbox"/> (F-1) FACTORY (MODERATE HAZARD)            | <input type="checkbox"/> (I-3) INSTITUTIONAL 3 (PRISONS ETC.)   | <input type="checkbox"/> (U) UTILITY (MISCELLANEOUS)              |
| <input type="checkbox"/> (F-2) FACTORY (LOW HAZARD)                 | <input type="checkbox"/> (I-4) INSTITUTIONAL 4 (DAY CARE ETC.)  |   |

**NEW COMMERCIAL CONSTRUCTION** – Provide a brief description of the work to be covered by the building permit:

**V. Building Data****A. Type of Mechanical**

**WILL THERE BE FIRE SUPPRESSION?** ☐ YES ☐ NO **FORCED AIR** ☐ YES ☐ NO **BOILER** ☐ YES ☐ NO

**B. Type of Construction**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> 1A – Non Combustible (Protected Structural Elements) 3HR | <input type="checkbox"/> 1B – Non Combustible (Rated Structural Elements) 2HR | <input type="checkbox"/> 2A – Non Combustible (Rated Structural Elements) 1HR |
| <input type="checkbox"/> 2B – Non Combustible (Non Rated Structural Elements)     | <input type="checkbox"/> 3A – Non Combustibles (Exterior Walls Only)          | <input type="checkbox"/> 3B – Non Combustible (Bearing Walls Rated)           |
| <input type="checkbox"/> 4 – Heavy Timber   | <input type="checkbox"/> 5A – Combustible (Structural Elements Rated) 1HR     | <input type="checkbox"/> 5B – Combustible (All Elements Not Rated)            |

**C. Dimensions / Data**

Basement square footage = _____	Setbacks: Front=_____ Rear=_____ Side=_____ Side=_____
1 <sup>ST</sup> Floor square footage = _____	
2 <sup>nd</sup> Floor square footage = _____	
Attached garage square footage = _____	Construction valuation=\$_____
Detached building square foot = _____	<b>Note: This includes the costs of materials and labor to complete the project including all trades.</b>
Deck square footage = _____	

**D. Number of Off Street Parking Spaces**

ENCLOSED \_\_\_\_\_

OUTDOORS \_\_\_\_\_

<b>VI. Signature</b>					
I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.					
Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.					
SIGNATURE OF OWNER (If owner is applicant)			TYPE OR PRINT James Long		
SIGNATURE OF OWNER'S AGENT			TYPE OR PRINT <i>JAMES LONG</i>		
In order to keep accurate record cards, the Assessing Department will also conduct inspection(s) of your new construction.					
<b>VII. Local Governmental Agency to Complete This Section</b>					
<b>ENVIRONMENTAL CONTROL APPROVALS</b>					
	<b>REQUIRED?</b>	<b>APPROVED</b>	<b>DATE</b>	<b>NUMBER</b>	<b>BY</b>
A – Zoning	<input type="checkbox"/> Yes <input type="checkbox"/> No				
B – Site Plan Approval	<input type="checkbox"/> Yes <input type="checkbox"/> No				
C – Soil Erosion	<input type="checkbox"/> Yes <input type="checkbox"/> No				
D – Well	<input type="checkbox"/> Yes <input type="checkbox"/> No				
E – Septic/Sewer	<input type="checkbox"/> Yes <input type="checkbox"/> No				
<b>VIII. Validation – For Department Use Only</b>					
USE GROUP _____		PERMIT FEE BREAKDOWN			
		PERMIT FEE = \$ _____			
TYPE OF CONSTRUCTION _____		PLAN REVIEW FEE = \$ _____			
		PERMIT FEE BASED ON ADOPTED FEE SCHEDULE = \$ _____			
APPROVAL SIGNATURE			DATE		
TITLE: City of Northville Building Official			DATE		



**MICHIGAN.COM – Serving the  
OBSERVER & ECCENTRIC and HOMETOWN WEEKLY NEWSPAPERS  
6200 Metropolitan Pkwy, Sterling Heights, MI 48312**

**BE IT MADE KNOWN THAT THE FOLLOWING ADVERTISEMENT APPEARED IN:**

**Publication: Northville Record  
Placed By: City of Northville  
Subject: BZA September 7, 2022  
Publication: August 18, 2022**

A handwritten signature in cursive script, appearing to read "Susan Totoraitis", written over a horizontal line.

(Susan Totoraitis), being duly sworn, deposes  
and says that the advertising illustrated above/attached was published in the  
Northville Record Newspaper on the following date/s/: August 18, 2022,  
INVOICE # 0008789546, and as an authorized employee of the Observer and  
Eccentric Media, she knows well the facts stated/herein. Cost: \$196.50.

**STATE OF MICHIGAN**

**NOTARIZED BY:**

A handwritten signature in cursive script, appearing to read "Gina Anne Huff", written over a horizontal line.

**August 19, 2022**

**DATED:**

**Acting in County of Macomb**

GINA ANNE HUFF  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF LIVINGSTON  
My Commission Expires March 09, 2023

# MILFORD MEMORIES DRAWS CROWD



The art fair at the Milford Memories festival was filled with one-of-a-kind creations.  
PHOTOS BY KATHLEEN THOMPSON/SPECIAL TO HOMETOWNLIFE.COM



Artist Heiner Hertling paints the cityscape.



Adam and Reed Baranowski of Milford try out the hula hoops.



Randy Hall makes a pizza at the Coratti's on Main booth to feed hungry festival-goers.



Winston the Weimaraner “stays in place” as he watches the Milford Memories activities.



Blake Sparks of Highland shows off a caricature of him and his younger sister.



Monique Herzig from Hero Henna paints an image on Scarlett Wash-Burn's hand.



Siblings Cameron and Jacob MacDonald of Hartland take a rock climbing adventure.



**Due to the holiday,  
our office hours and  
obituary placement  
times may vary.**

**Please contact us at  
800-926-8237 or  
detroitobits@gannett.com  
for further details.**

LO-GC0903761-11

**Lobster Fest  
AUGUST 26-28**

**PRE-ORDER AT LEAST 24 HOURS IN ADVANCE**

**GET EVERYTHING  
YOU NEED FOR YOUR  
LOBSTER BAKE!**

**SALAD ON LIVE MAINE LOBSTERS!**

**BUSCH'S**  
Fish Food Market

**BUSCHS.COM**



**NOTICE OF PUBLIC HEARING  
CITY OF NORTHVILLE**

The City of Northville Board of Zoning Appeals will hold a public hearing to receive public input on variance requests in regard to the City of Northville Zoning Ordinance:

- On premises zoned PR-1, Performance Regulated Industrial District No. 1 and CSO, Cady Street Overlay District, on property located at 456 E. Cady St., Northville, Michigan, 48167, parcel number 48 004 02 0065 000, 48 004 02 0069 000, 48 004 02 0009 709, 48 004 02 0009 008, and 48 004 02 0009 005. The applicant is seeking a variance to construct a new mixed-use building on the site. The variance needed is 6 feet from the maximum height requirement of 36 feet, per Section 10.06.
- On premises zoned R-1B, First Density Residential District on property located at 612 Orchard Dr., Northville, Michigan, 48167, parcel number 48 005 02 0003 000. The applicant is seeking a variance to construct a building addition in the front yard setback along Scott Ave. The variance needed is 6 feet from the front yard setback requirement in Section 15.01.
- On premises zoned R-1B, First Density Residential District on property located at 659 Horton Ave., Northville, Michigan, 48167, parcel number 48 001 02 0038 000. The applicant is seeking a variance to erect 92 lineal feet of fence in the front yard along E. Baseline Road, from the requirements of Section 18.09 of the Zoning Ordinance

The public hearing will be held on September 7, 2022 at 7:00 p.m. at the City of Northville Municipal Building - Council Chambers, 215 W. Main Street, Northville, Michigan, 48167, 248-449-9902. The purpose of the public hearing is to receive public comment on the variance requests.

The variance applications are available for review at the City of Northville Building Department during normal business hours of 8am to 4:30pm Monday through Friday, local prevailing time or on the City website [www.ci.northville.mi.us](http://www.ci.northville.mi.us) (Services, Building and Planning, Board of Zoning Appeals).

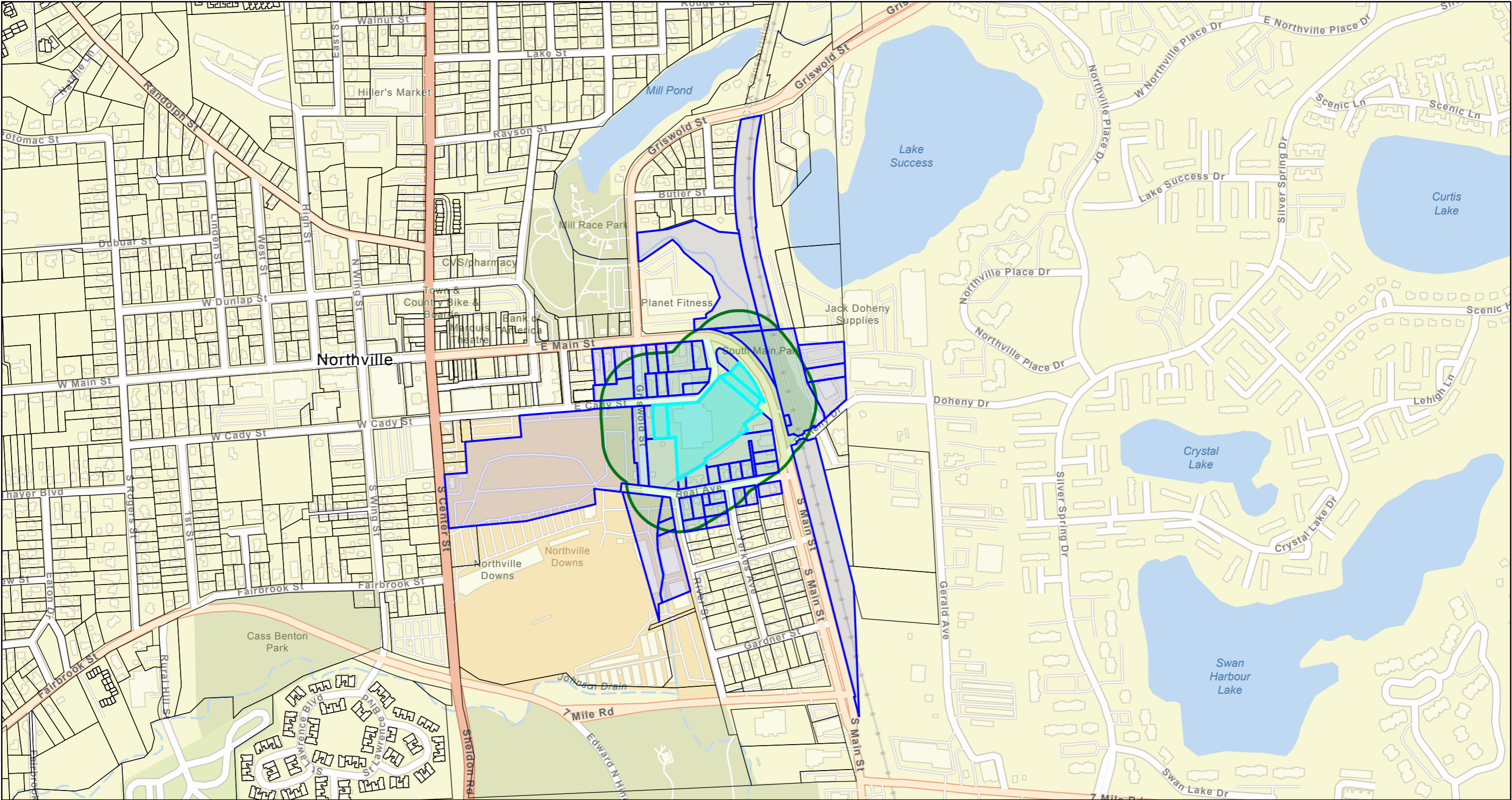
Written comments to the BZA pertaining to the proposed variance requests must be submitted no later than 4:30pm, September 6, 2022 to the City Clerk at the above address, or using the City Hall drop box, or emailed to [dmassa@ci.northville.mi.us](mailto:dmassa@ci.northville.mi.us).

**RYAN MCKINDLES, CHAIRPERSON  
BOARD OF ZONING APPEALS**

Publish: August 18, 2022

LO-0008789546 3x5

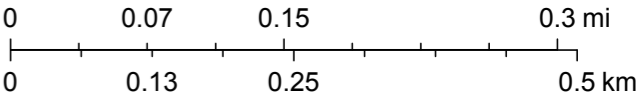
# Public Notification | 456 Cady



8/9/2022, 9:24:07 AM

Tax Parcels

1:9,028



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



**CERTIFICATE OF SERVICE**


STATE OF MICHIGAN                    )  
  ) SS  
COUNTY OF OAKLAND & WAYNE)

The undersigned, having been duly sworn, certifies that on **August 18, 2022**, he/she served a copy of the attached **notice of public hearing for the variance request for 456 E. Cady** was sent by first class mail, postage prepaid, to each of the parties identified on the list attached to this Certificate as required by Section 25.03 of the City of Northville Zoning Ordinance and by PA 110 of 2006 of the Public Acts of Michigan, as amended.

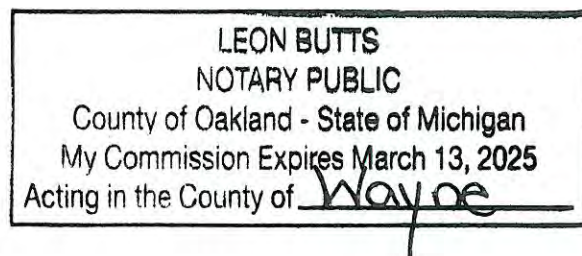
I also certify that a copy of the Notice of Public Hearing was posted at the City of Northville Municipal Building 24-hour vestibule.

  
\_\_\_\_\_  
Shari Allen, Building Department Clerk

Subscribed and sworn to before me this  
18<sup>th</sup> day of August, 2022

  
\_\_\_\_\_  
Notary Public

Wayne County, Michigan  
My Commission Expires: 3.13.25





**CITY OF NORTHVILLE  
BOARD OF ZONING APPEALS**

**HEARING DATE:** September 7, 2022  
**TIME:** 7:00 p.m.  
**MEETING LOCATION:** City of Northville Municipal Building – Council Chambers  
215 W. Main Street, Northville, MI 48167  
**APPLICANT:** Jim Long – 456 Cady LLC  
190 E. Main St., Northville, MI 48167  
**REQUEST LOCATION:** 456 E. Cady St.

The City of Northville Board of Zoning Appeals (BZA) will hold a public hearing at the above-stated dated and time to receive public input on a request in regard to the City of Northville Zoning Ordinance:

- On premises zoned PR-1, Performance Regulated Industrial District No. 1 and CSO, Cady Street Overlay District, on property located at 456 E. Cady St., Northville, Michigan, 48167, parcel number 48 004 02 0065 000, 48 004 02 0069 000, 48 004 02 0009 709, 48 004 02 0009 008, and 48 004 02 0009 005. The applicant is seeking a variance to construct a new mixed-use building on the site. The variance needed is 6 feet from the maximum height requirement of 36 feet, per Section 10.06.

**Application Review and Written Comments**

The variance application is available for review at [www.ci.northville.mi.us](http://www.ci.northville.mi.us). From the Home Page, click Services, Building and Planning, Board of Zoning Appeals. It is also available at the City of Northville Municipal Building – Building Department, 215 W. Main Street, Northville, MI 48167, 248-449-9902, Monday – Friday, 8am to 4:30pm.

Written comments to the BZA pertaining to the proposed variance request must be submitted no later than 4:30pm September 6, 2022 to City of Northville Municipal Building, Attention: City Clerk, 215 West Main Street, Northville, Michigan, 48167, or use the City Hall drop box, or email to [dmassa@ci.northville.mi.us](mailto:dmassa@ci.northville.mi.us).

*This notice is sent as required by the City of Northville Zoning Ordinance to real property owners and occupants within 300 feet of the boundary of the applicant's property. This public hearing notice may affect the occupants of your structure located within 300 feet of the boundary of the property referenced in the above public hearing notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, the manager or owner of the structure is hereby requested to post a copy of this notice at the primary entrance to the building.*

**DATED: August 18, 2022**

**Ryan McKindles, Chairperson  
Board of Zoning Appeals  
215 West Main Street  
Northville, MI 48167**

## 456 E Cady

ROSKELLY, BEVERLY J  
310 YERKES AVE  
NORTHVILLE,MI,48167

NORTHVILLE DRIVING CLUB  
43133 SEVEN MILE RD  
NORTHVILLE,MI,48167

COMM FINANCIAL CREDIT UNION  
500 S HARVEY  
PLYMOUTH,MI,48170

NORTHVILLE CITY CAR WASH  
470 E MAIN  
NORTHVILLE,MI,48167

456 CADY LLC  
190 E MAIN ST  
NORTHVILLE,MI,48167

DW 332 E MAIN ST LLC  
332 E MAIN ST  
NORTHVILLE,MI,48167

RONK, ROBERT  
48251 RUSHWOOD LANE  
NOVI,MI,48374

456 CADY LLC  
190 E MAIN ST  
NORTHVILLE,MI,48167

28TH STREET FUEL MART INC  
17197 N LAUREL PARK DR  
LIVONIA,MI,48152

VIGI, LEA J  
317 RIVER ST  
NORTHVILLE,MI,48167

NORTHVILLE, CITY OF  
215 W MAIN  
NORTHVILLE,MI,48167

HERBEL, RICHARD T,  
959 WHITTIER DR  
EAST LANSING,MI,48823-2451

MASSK, LLC  
200 SOUTH MAIN, PO BOX 935  
NORTHVILLE,MI,48167

LANDRY, MATTHEW & DION, KARI  
416 BEAL AVE  
NORTHVILLE,MI,48167

NORTHVILLE, CITY OF  
215 W MAIN  
NORTHVILLE,MI,48167

456 CADY LLC  
190 E MAIN ST  
NORTHVILLE,MI,48167

ENGERER, DENNIS E  
342 E MAIN ST  
NORTHVILLE,MI,48167

HAIR, JONATHAN&EASATERBROOK, LAUREN  
318 YERKES AVE  
NORTHVILLE,MI,48167

KELLY, JOHN REV TRST  
422 E MAIN  
NORTHVILLE,MI,48167

MOULAND, ERIN & MARK  
429 BEAL AVE  
NORTHVILLE,MI,48167

CSWS REAL ESTATE LLC  
410 N CENTER STE 150  
NORTHVILLE,MI,48167

KELLY, JOHN P & MICHELE D  
422 E MAIN ST  
NORTHVILLE,MI,48167

TEGH LLC  
2290 SCIENCE PARKWAY  
OKEMOS,MI,48864

REA, ANTHONY C & SUZANNE W  
24001 TELEGRAPH RD  
SOUTHFIELD,MI,48033-3031

RONK, ROBERT L RONK REV LVNG TRST  
48251 RUSHWOOD LANE  
NOVI,MI,48374

VIGI, JON  
5945 GOLFVIEW DR  
BLOOMFIELD HILLS,MI,48301

C & O RR PM DIST  
C/O CHAMBER OF COMMERCE,NORTHVIL  
195 S MAIN  
NORTHVILLE,MI,48167

VIGI, DAN  
404 BEAL AVE  
NORTHVILLE,MI,48167

BARTEL, KURT & KEELY  
413 BEAL AVE  
NORTHVILLE,MI,48167

410 EAST MAIN LLC  
1015 PORTSMERE CT  
NORTHVILLE,MI,48167

## 456 Cady

RONK, ROBERT L REV LVNG TRST  
48251 RUSHWOOD LANE  
NOVI,MI,48374

BAUTISTA, LEANDRO & HALL, HEIDI  
302 YERKES AVE  
NORTHVILLE,MI,48167

ROSSELLE, RICKE  
8740 NAPIER  
NORTHVILLE,MI,48167

KIRK, STEVEN & DEBRA  
502 BEAL AVE  
NORTHVILLE,MI,48167

SZARNOWSKI, PAUL  
516 BEAL AVE  
NORTHVILLE,MI,48167

NORTHVILLE, CITY OF  
215 W MAIN  
NORTHVILLE,MI,48167

NORTHVILLE DRIVING CLUB  
43133 SEVEN MILE RD  
NORTHVILLE,MI,48167

PERENNIAL NORTHVILLE LLC  
32300 NORTHWESTERN HWY STE 230  
FARMINGTON HILLS,MI,48334

KONIECZNY, CHRISTOPHER  
507 BEAL AVE  
NORTHVILLE,MI,48167

NORTHVILLE DRIVING CLUB CORP  
43133 SEVEN MILE RD  
NORTHVILLE,MI,48167

SMITH, MARIAN L TRUST  
403 BEAL AVE  
NORTHVILLE,MI,48167

NORTHVILLE DRIVING CLUB CORP  
43133 SEVEN MILE RD  
NORTHVILLE,MI,48167

DTE ELECTRIC COMPANY  
PO BOX 33017  
DETROIT,MI,48232

MILL STREAM PROPERTIES  
C/O HARLEY TSE  
6425 PINECRAFT DR  
WEST BLOOMFIELD,MI,48322

NORTHVILLE PROPERTIES LLC  
500 WATER ST  
JACKSONVILLE,FL,32202

NORTHVILLE, CITY OF  
215 W MAIN ST  
NORTHVILLE,MI,48167

CSWS REAL ESTATE LLC  
410 N CENTER ST STE 150  
NORTHVILLE,MI,48167

TIPPING POINT THEATRE COMPANY  
361 E CADY ST  
NORTHVILLE,MI,48167

NORTHVILLE PROPERTIES LLC  
777 DOHENY DR  
NORTHVILLE,MI,48167

456 CADY LLC  
190 E MAIN ST  
NORTHVILLE,MI,48167

NORTHVILLE, CITY OF  
215 W MAIN  
NORTHVILLE,MI,48167

NORTHVILLE, CITY OF  
215 W MAIN  
NORTHVILLE,MI,48167

SUMMERS, VESNA REAL ESTATE  
22450 SOUTHWYCK CT  
NOVI,MI,48374

C & O RR PM DIST  
C/O 6 201 GEN MTRS  
DETROIT,MI,48202

ROSSELLE, RICKE  
8740 NAPIER  
NORTHVILLE,MI,48167

CHESSIE SYSTEM  
1 NORTHLAND PLAZA  
SOUTHFIELD,MI,48075

456 CADY LLC  
190 E MAIN ST  
NORTHVILLE,MI,48167

28TH STREET FUEL MART INC  
17197 N LAUREL PARK DR  
LIVONIA,MI,48152

## 456 E Cady

CURRENT RESIDENT  
515 BEAL AVE  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
470 E MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
301 S CENTER  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
200 S MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
195 S MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
430 E MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
423 BEAL AVE  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
410 E MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
220 S MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
301 S CENTER ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
212 S MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
304 S MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
456 E CADY ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
301 S CENTER ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
459 E CADY ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
410 BEAL AVE  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
301 S CENTER ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
751 DOHENY DR  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
345 E CADY ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
365 BEAL AVE  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
318 RIVER ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
400 E MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
175 RAILROAD ST VACANT  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
350 E CADY ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
751 DOHENY DR  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
224 S MAIN ST  
NORTHVILLE MI, 48167

CURRENT RESIDENT  
456 E CADY ST  
NORTHVILLE MI, 48167

**Written  
Comments  
Received**

**From:** [John Kelly](#)  
**To:** [Dianne Massa](#)  
**Subject:** 456 E Cady Street  
**Date:** Monday, August 22, 2022 9:45:37 AM

---

Dianne

Please pass this email on to the BZA.

I understand that the owners of 456 E Cady are requesting a 6 foot variance from the maximum height requirement of 36 feet per Section 10.06.

My wife, Michele Kelly, and I own the residence at 423 Beal Street which is directly south of the development. We are objecting to the variance request.

Currently, our house sits along the middle Rouge River and we enjoy a peaceful and private backyard which is especially beautiful from Spring through Fall because the trees shade Foundry Flask and the commercial activity along Main Street. In the Winter months when the leaves have fallen, we can clearly see Foundry Flask across the Rouge River.

We are concerned that the multi-unit mixed use development, even without the requested 6 foot height, will interfere with our privacy. Our bedrooms and living areas face the Rouge River and not only will residents of the Development be able to see into our back yard, but also into our home and in particular, our bedrooms. The development will also spread additional unwanted light pollution onto our property and into our home.

The added height of 6 feet would make this even more offending and obnoxious. Adding light shields and trees as buffers will not minimize this. The height of the development would be above any tree line.

We recognize that living next to a commercial area would result in some unpleasant elements, and we do welcome the development and remediation of the Foundry Flask site. However, we are of the opinion that the development should conform to the existing height restrictions which were in place for the very reasons for our objections – the added height will invade our privacy and spread unwanted light unnecessarily.

The Development does not need the 6-foot variance and any hardship the Developer claims is self-created.

**John P. Kelly**  
Kelly & Kelly, PC  
422 E Main Street  
Northville, Mi 48167  
Phone: 248.348.0496  
Fax: 248.348.3761  
Email: [john@kellykellylaw.com](mailto:john@kellykellylaw.com)

Notice: This Office operates as a Debt Collector pursuant to the Fair Debt Collection Practices Act (FDCPA) and is attempting to collect a debt and any information obtained will be used for that purpose.

This message contains confidential information intended only for the use of the intended recipient(s) and may contain information that is privileged. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited.

If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message immediately thereafter.

**From:** [Angela Jaafar](#)  
**To:** [Dianne Massa](#); [Mike](#)  
**Subject:** 456 E. Cady St Development/Please forward to the BZA Chair and Board  
**Date:** Tuesday, September 6, 2022 10:51:09 PM

---

Good Evening Ms. Massa,

I am writing out of concern regarding the above-mentioned property and the potential variance to be granted. With the current road closures, Downs development, and this potential project there are many businesses and residents along Cady who will be impacted by construction, and construction traffic flow.

We own and operate the carwash Northville city carwash and this is a concern to us as we navigate the road closures. Cady is the only remaining direct route to our family-owned and operated small business.

It is critical for our survival that any variance takes into consideration that businesses rely on Cady now more than ever to support the traffic to their place. We can't afford any more detours and or closures to promote other projects at the expense of the existing businesses.

I ask that the BZA be very mindful of limited options with road closures for thru traffic and to be thoughtful about what they will and will not allow based on the variance requested for future development.

Thank you for your immediate attention regarding this matter.

# City of Northville Board of Zoning Appeals Variance Check List

*Each BZA member must complete a checklist, including signature. This checklist becomes part of the city record and will be attached to the Final Decision and Form Minutes.*

**Hearing Date**     September 7, 2022

**Applicant Name**     Jim Long – 456 Cady LLC

**Applicant Address**   190 E. Main St., Northville, MI 48167

**Property Address**   456 E. Cady

## Variance Requested

- On premises zoned PR-1, Performance Regulated Industrial District No. 1 and CSO, Cady Street Overlay District, on property located at 456 E. Cady St., Northville, Michigan, 48167, parcel number 48 004 02 0065 000, 48 004 02 0069 000, 48 004 02 0009 709, 48 004 02 0009 008, and 48 004 02 0009 005. The applicant is seeking a variance to construct a new mixed-use building on the site. The variance needed is 6 feet from the maximum height requirement of 36 feet, per Section 10.06.

## Type of Variance Requested:

☐

**Dimensional (go to Page 2)**

☐

**Use (go to Page 3)**

☐

**Temporary Buildings and Uses (go to Page 4)**

☐

**Nonconforming Uses and Structures (go to Page 5)**

# DIMENSIONAL VARIANCE

<b>DIMENSIONAL VARIANCE CHECKLIST</b> <i>Any dimensional variance from the City of Northville Zoning Ordinance must meet all of the following conditions. The board shall not grant a nonuse (dimensional) variance unless it shall have made a finding of fact based upon the evidence presented to it in each specific case as specified below:</i>	<b>Does this criterion apply?</b>
<b><u>Practical difficulties.</u></b> There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same Zoning District or in the general vicinity. Because of these circumstances or conditions, compliance with the strict letter of the restrictions would create practical difficulties, unreasonably preventing the use of the property for a permitted purpose or rendering conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance. Practical difficulties include one or more of the following:	____ Yes ____ No
i. The exceptional narrowness, shallowness or shape of a specific property;	____ Yes ____ No
ii. The exceptional topographic or environmental conditions or manmade constraints or other extraordinary situation on the land, building or structure; and	____ Yes ____ No
iii. The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.	____ Yes ____ No
<b><u>Substantial justice.</u></b> Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.	____ Yes ____ No
<b><u>Not self-created.</u></b> The problem and resulting need for the variance did not result from the actions of the applicant and/or the applicant's predecessor. This criterion may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action. Examples of actions that are "self-created" (and therefore do not meet this criterion) include, but are not limited to the following: i. Claiming practical difficulty for a substandard lot when the owner has sold off portions that would have prevented the practical difficulty ii. Building during the pendency of an appeal iii. Ignorance of the ordinance	____ Yes ____ No
<b><u>Minimum variance necessary.</u></b> The variance requested is the minimum necessary to permit reasonable use of the land.	____ Yes ____ No
<b><u>Public Safety.</u></b> The Board of Zoning Appeals may evaluate whether or not the request would have an impact on public safety or create a public nuisance.	____ Yes ____ No
<div> <div>Completed by:</div> <div>Signature:</div> <div>Date:</div> </div>	

# USE VARIANCE

<b>USE VARIANCE CHECKLIST</b> <i>The Board of Zoning Appeals may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. Approval of a use variance shall require an affirmative vote of two-thirds (2/3) or five (5) members of the Board of Zoning Appeals. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:</i>	<b>Does this criterion apply?</b>
<b><u>Unreasonable current zoning designation.</u></b> The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Board may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b><u>Unique circumstances.</u></b> The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the Board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b><u>Not self-created.</u></b> The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b><u>Capacity of roads infrastructure, and public services.</u></b> The capacity and operations of public streets, utilities, other facilities and services will not be significantly compromised.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b><u>Character of Neighborhood.</u></b> The use variance will not alter the essential character of the neighborhood nor be of detriment to adjacent properties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b><u>Minimum variance necessary.</u></b> The variance requested is the minimum necessary to permit reasonable use of the land.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div> <div>Completed by:</div> <div>Signature:</div> <div>Date:</div> </div>	

# TEMPORARY BUILDINGS AND USE VARIANCE

<b>TEMPORARY BUILDINGS AND USE VARIANCE CHECKLIST</b> <i>The Board of Zoning Appeals shall have authority to:</i>		<b>Does this criterion apply?</b>
1. Permit temporary residences, as defined, for a specified or time limited period. An emergency temporary residence may be approved by the Building Official, as described in Section 18.22. (Rev. 8/18)		<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Permit temporary uses and structures used during construction, such as temporary asphalt or concrete plants. This provision does not apply to a temporary construction building, trailer, office, or sales office, as described in Section 18.22, which may be approved by the Building Official. (Rev. 8/18)		<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Permit temporary outdoor sales, outdoor display, seasonal sales (such as Christmas trees) on private property owned or leased by the entity conducting the sale located in the Local Commercial District (LCD), Central Business District (CBD) or the General Commercial District (GCD). This shall exclude outdoor sales permitted by the Planning Commission as a special use in accordance with Section 11.03 (GCD) and seasonal sales conducted by non-profit entities in accordance with Section 18.22. (Rev. 8/18)		<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Permit other uses or buildings not mentioned above or listed in Section 18.22 for a period not to exceed twelve (12) months with the granting of an additional twelve (12) months for uses which do not require the erection of any capital improvement of a structured nature. (Rev. 8/18)		<b>Does this criterion apply?</b>
a. The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted. (Rev. 4/10)		<input type="checkbox"/> Yes <input type="checkbox"/> No
b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.		<input type="checkbox"/> Yes <input type="checkbox"/> No
c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Northville shall be made at the discretion of the Board of Zoning Appeals and as herein provided.		<input type="checkbox"/> Yes <input type="checkbox"/> No
d. In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreational developments such as, but not limited to, golf-driving ranges and outdoor archery courts; or structures which do not require foundations, systems or sanitary heating connections.		<input type="checkbox"/> Yes <input type="checkbox"/> No
e. The use shall be in harmony with the general character of the district and shall not alter the natural character of the environment by destroying its ecological systems.		<input type="checkbox"/> Yes <input type="checkbox"/> No
f. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance.		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Completed by:</b>	<b>Signature:</b>	<b>Date:</b>

# NONCONFORMING USES AND STRUCTURES

<b>NONCONFORMING USES AND STRUCTURES VARIANCE CHECKLIST</b>  <i>The Board of Zoning Appeals shall have authority to permit, upon proper application and adequate showing by applicant, an expansion, extension or enlargement of a nonconforming use or structure, subject to the following conditions and limitations. (Rev. 12/06)</i>		<b>Does this criterion apply?</b>
No such nonconforming use shall be enlarged, increased, extended, or moved except as permitted by the Board of Zoning Appeals pursuant to authority granted to said Board as set forth in Article 25, Section 25.04 of this Ordinance.		<input type="checkbox"/> Yes <input type="checkbox"/> No
Exterior alterations, expansions or structural modification involving exterior load-bearing walls shall be subject to review by the Board of Zoning Appeals, in accordance with Article 25, Section 25.04. This shall not include normal repair or routine maintenance of exterior surfaces.		<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Completed by:</b>	<b>Signature:</b>	<b>Date:</b>



# Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

## VARIANCE ANALYSIS

City of Northville

August 31, 2022

### APPLICANT INFORMATION

**Applicant:** Jim Long – 456 E. Cady LLC

**Property Address:** 456 E. Cady St.

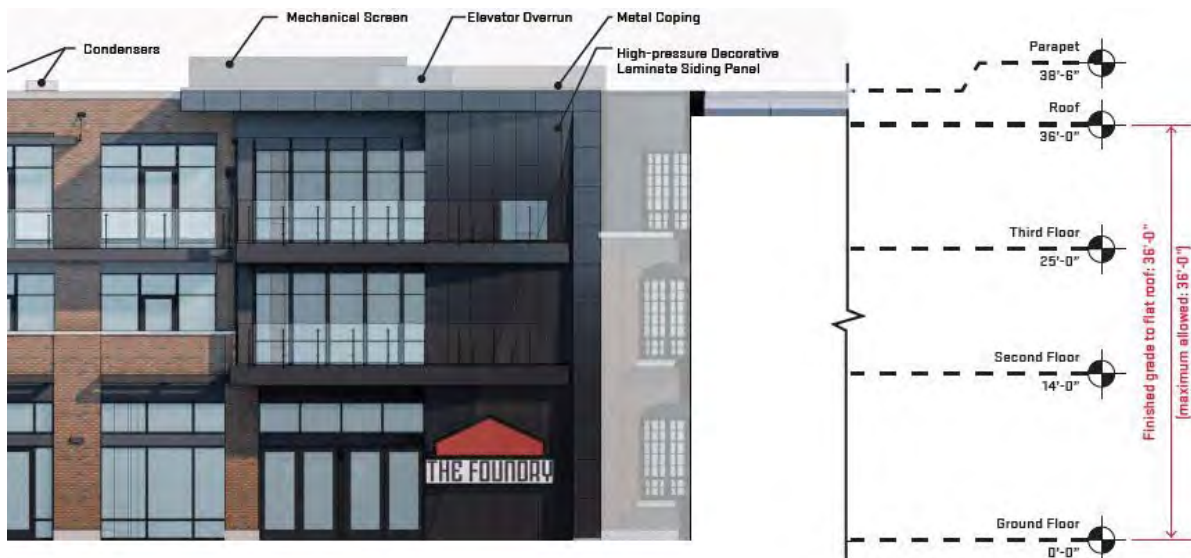
**Property I.D. #:** 48-004-02-0065-000, 48-004-02-0069-000, 48-004-02-0009-709, 48-004-02-0009-008, and 48-004-02-0009-005

**Zoning:** PR-1, Performance Regulated Industrial District, and CSO, Cady Street Overlay District

The applicant is seeking a variance to construct a new mixed-use building on the site. The variance requested is 6 feet from the maximum height requirement of 36 feet, per Section 10.06.

### Summary

The building received Special Land Use/Preliminary Site Plan approval at the Planning Commission's October 19, 2021 meeting. It then received Final Site Plan approval at the December 21, 2021 Planning Commission meeting. Neither motion contained conditions regarding the height of the building. The plans submitted to the Planning Commission (November 30, 2021) identified the commercial space as planned for a green grocer. The plans also showed the maximum height of the building at 3-stories/36 feet, and the heights of each story as shown below (Illustration labeled "Northwest Elevation" from Sheet A-10):



Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*  
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*  
Laura K. Kreps, *Associate* Paul Montagno, *Associate*

## **VARIANCE REQUESTED**

### **Summary**

The variance requested is 6 feet from the maximum height requirement of 36 feet, per Section 10.06.

The structural members between each story were not illustrated on the plans approved by the Planning Commission in 2021, but comprised 4-feet of the 36-foot total height of the building.

The structural members are now illustrated in the variance request materials. However, the structural members are not dimensioned on the BZA's plans, and should be. Without dimensions shown on the plans, we have calculated the structural members to comprise 10-feet of the total 42-foot height of the building, as follows:

*Ceiling heights: Ground level 14' + 1<sup>st</sup> and 2<sup>nd</sup> story 18' = 32'*

*Structural member heights: Total building height 42' – Ceiling heights 32' = 10'*

The reason given in the BZA application for the variance request is as follows:

*The reason behind this request is to accommodate potential leasing opportunities for the required non-residential uses on the ground level of the structure. The targeted commercial uses for this space include retailers, in particular green grocers, who require a significantly greater volume within the first level than is presently allowed based upon the current maximum height.*

### **Variance Considerations**

The Zoning Ordinance calls for the Board of Zoning Appeals (BZA) to use the five (5) criteria listed in Section 25.04 to evaluate a variance request. According to this section, no variance shall be granted unless a finding of fact is made based upon the evidence presented, and the facts meet all the criteria.

The BZA will use the following five (5) criteria to make a determination regarding this case:

- 1) *Practical difficulties: There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same Zoning District or in the general vicinity. Because of these circumstances or conditions, compliance with the strict letter of the restrictions would create practical difficulties, unreasonably preventing the use of the property for a permitted purpose or rendering conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance. Practical difficulties include one or more of the following:*
  - i. *The exceptional narrowness, shallowness or shape of a specific property;*
  - ii. *The exceptional topographic or environmental conditions or manmade constraints or other extraordinary situation on the land, building or structure; and*
  - iii. *The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.*

**CWA Comment:** Regarding this criterion, the applicant has not provided any information regarding the site itself, which is the basis for this criterion.

We can provide a preliminary evaluation of this criterion from materials submitted to the Planning Commission in 2021. However, the applicant should submit site information to illustrate site constraints, if any, described in this criterion. Using information provided to the Planning Commission, the grading plan and other site plan sheets do not illustrate exceptional/extraordinary circumstances or conditions that apply to this property and other properties in the PR-1/CSO zoning district. The site is not exceptionally narrow, shallow, or oddly shaped that make a taller building necessary for reasonable use. From materials submitted to the Planning Commission, there is no exceptional topography, or environmental/manmade constraints on the land to necessitate a deviation from the maximum height allowed in the district.

In our opinion, the request for the variance is due to economic factors, which is not a criterion in the ordinance to support a dimensional variance request.

- 2) *Substantial justice: Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

**CWA Comment:** As mentioned above, this property offers sufficient space and other features to accommodate reasonable use for a mixed-use project. Prior to review of this project, the last project approved by the Planning Commission on E. Cady St. was the mixed-use building constructed at the northwest corner of Cady and Griswold. This 3-story building has commercial uses on the ground level, and office uses on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, all within a 36-foot height. Given that the Cady/Griswold project could be accommodated within the 36-foot height maximum, we would consider granting this request, located just a half-block to the east, to not do substantial justice to the property owner who met the ordinance with his building at Cady/Griswold.

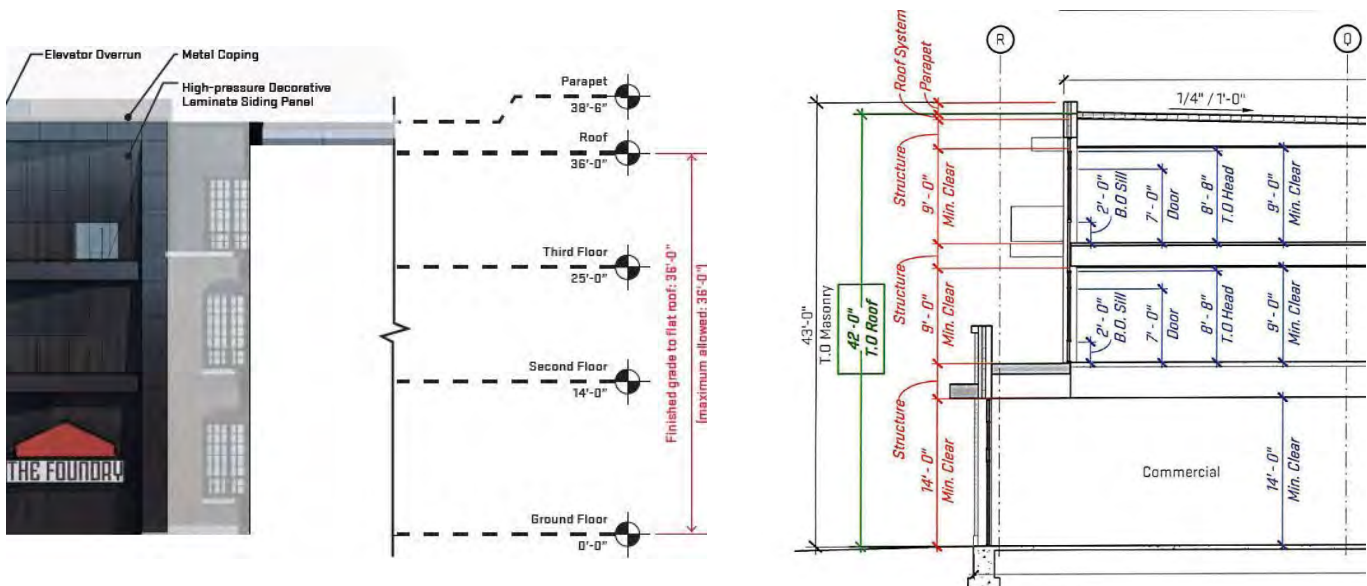
- 3) *Not self-created. The problem and resulting need for the variance did not result from the actions of the applicant and/or the applicant's predecessor. This criterion may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action. Examples of actions that are "self-created" (and therefore do not meet this criterion) include, but are not limited to the following:*

- i. Claiming practical difficulty for a substandard lot when the owner has sold off portions that would have prevented the practical difficulty*
- ii. Building during the pendency of an appeal*
- iii. Ignorance of the ordinance*

**CWA Comment:** The need for the variance appears to be resulting from the applicant's desire to accommodate a green grocer in the commercial portion of the building. See our comments under "Minimum variance necessary" below.

- 4) *Minimum variance necessary. The variance requested is the minimum necessary to permit reasonable use of the land.*

**CWA Comment:** The application form states that the need for the additional height is to accommodate 14-foot ceilings on the ground level. Because the structural members are not dimensioned, it is unclear how tall the ground level needs to be to accommodate 14-foot ceilings and the necessary structure between the ground floor and the 2<sup>nd</sup> floor. The applicant needs to identify whether all of the additional 6-feet is made up of structural members to accommodate the 14-foot ceiling heights on the ground level, or if additional height is added between the 2<sup>nd</sup> and 3<sup>rd</sup> floors, or due to the roof structure. With this information, alternatives to minimize the variance may be determined.



- 5) *The Board of Zoning Appeals may evaluate whether or not the request would have an impact on public safety or create a public nuisance.*

**CWA Comment:** We don't consider this variance request to have an impact on public safety.

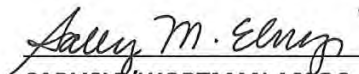
## CONCLUSIONS

The applicant should provide the following information:

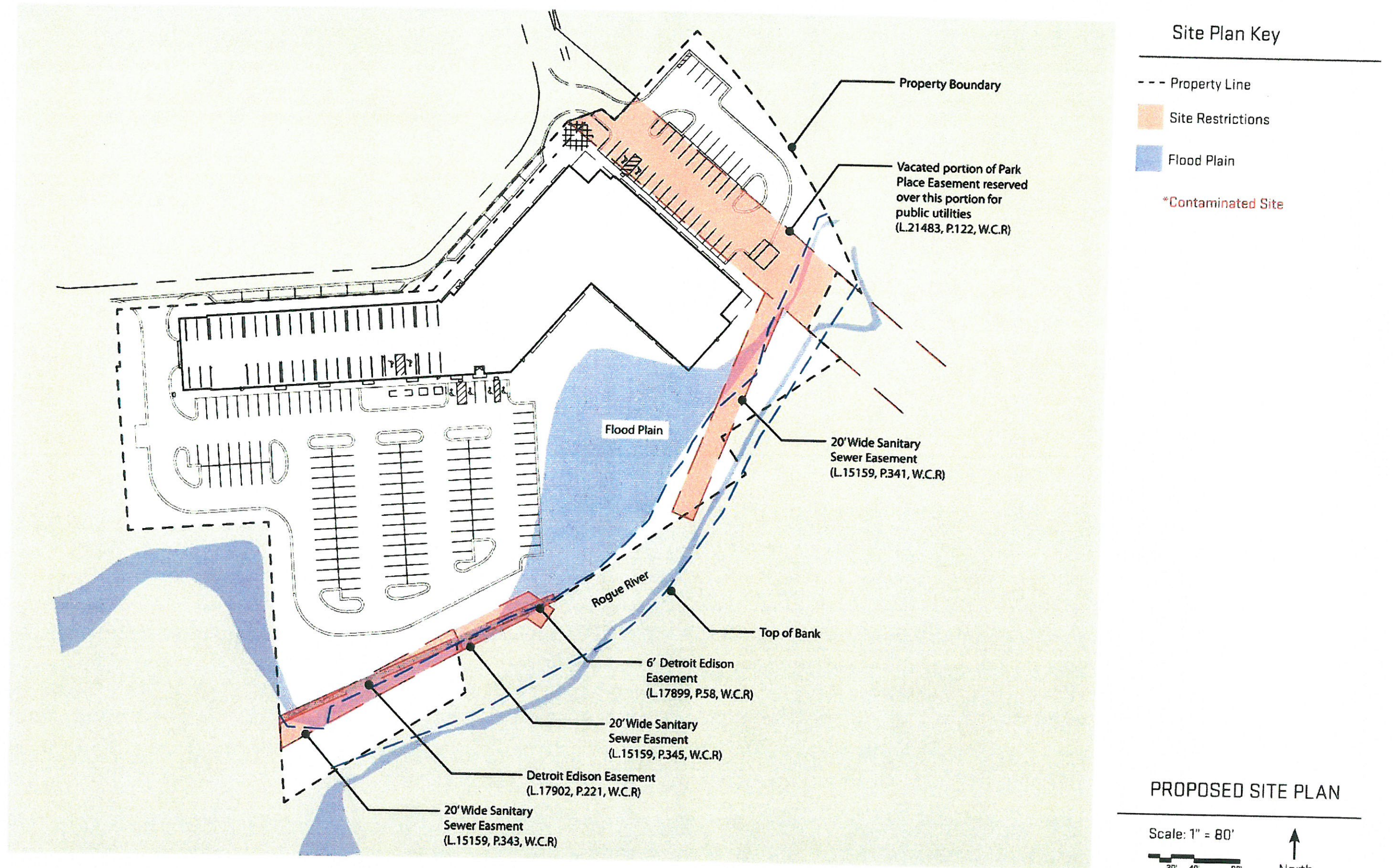
1. Dimensions of all elements that comprise the proposed building height, including structural members.
2. Site information that illustrates conditions specific to this property, if any, that necessitate greater building height for reasonable use of the land.

This additional information may shed light on the "practical difficulty" criterion, the "self-created" criterion, and the "minimum variance necessary" criterion.

Regarding the other criterion, we don't consider the request to do other property owners substantial justice who have constructed 3-story buildings within the maximum building height permitted in the Cady Street Overlay District. However, we don't consider the request to have an impact on public safety.

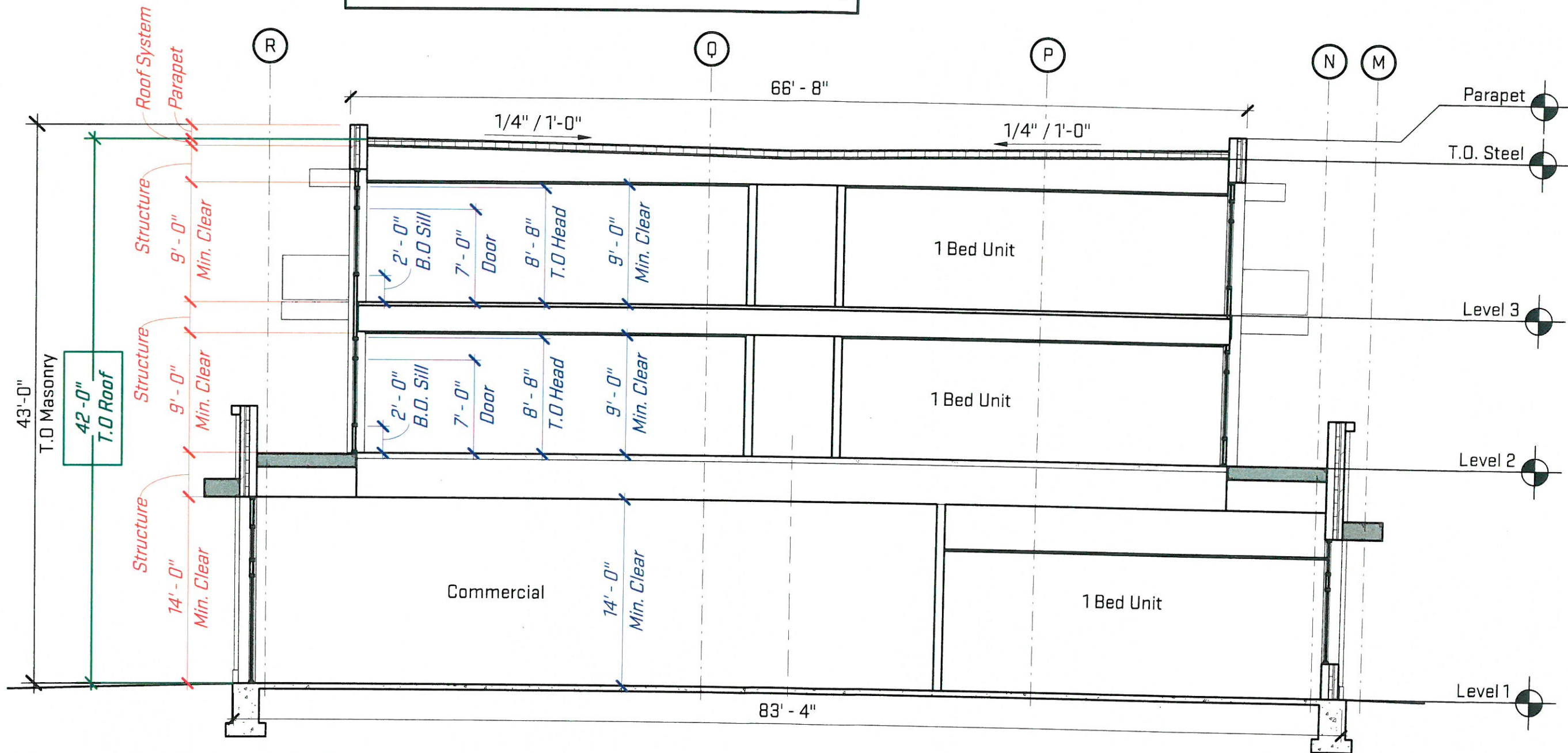
  
CARLISLE/WORTMAN ASSOC., INC.  
Sally M. Elmiger, AICP, LEED AP  
Principal

\* PROVIDED @ 4.1.22 ISCA Mtg.



Original T.O Roof Height: 36'-0"  
Requested T.O Roof Height: 42'-0" (6'-0" variance increase)

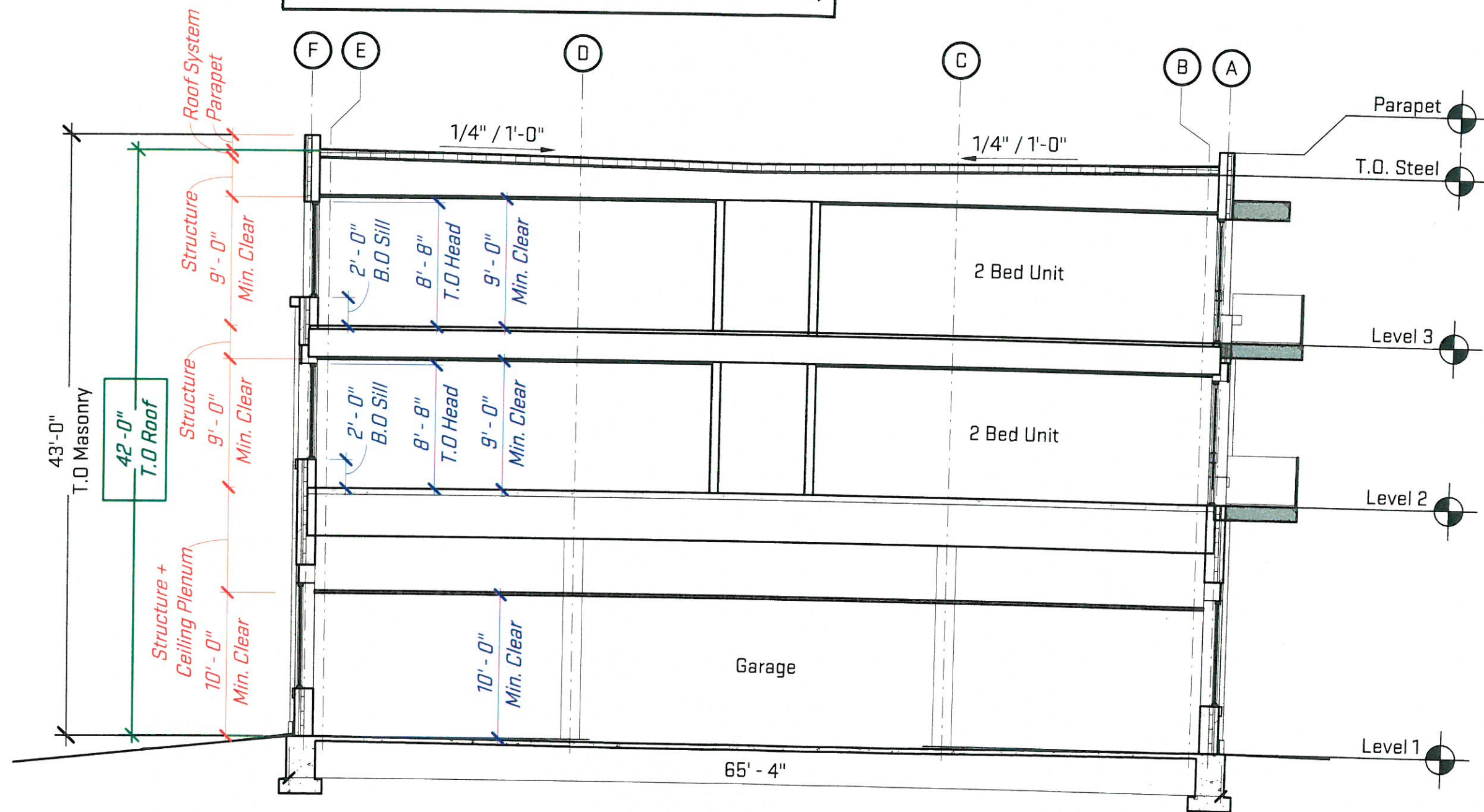
Original Parapet Height: 38'-6"  
Requested Parapet Height: 43'-0" (4'-6" variance increase)



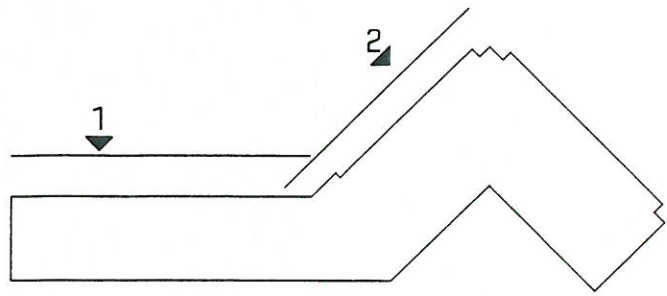
1 Section - Through Commercial  
A-01 4' 8' 16' 1/8" = 1'-0"

Original T.O Roof Height: 36'-0"  
 Requested T.O Roof Height: 42'-0" (6'-0" variance increase)

Original Parapet Height: 38'-6"  
 Requested Parapet Height: 43'-0" (4'-6" variance increase)



1 Section - Through Garage  
 A-02 1/8" = 1'-0"

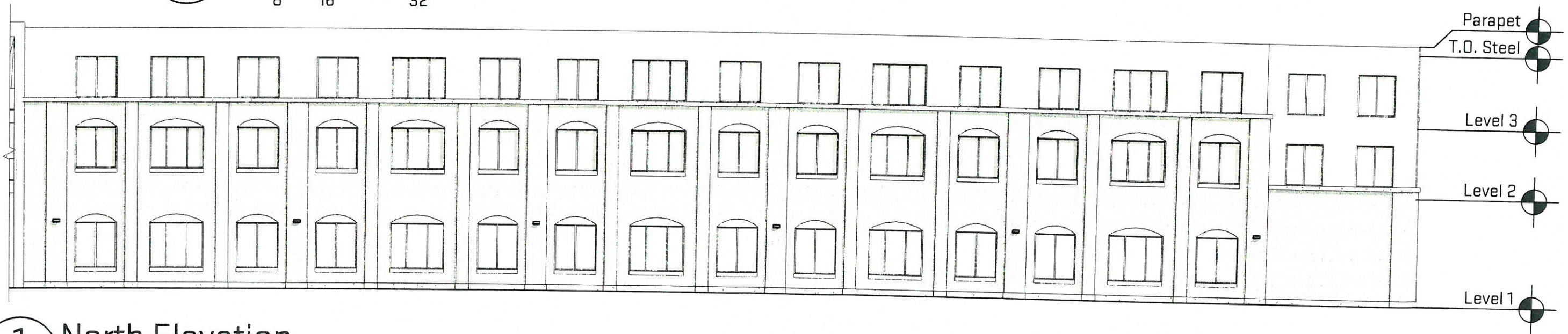


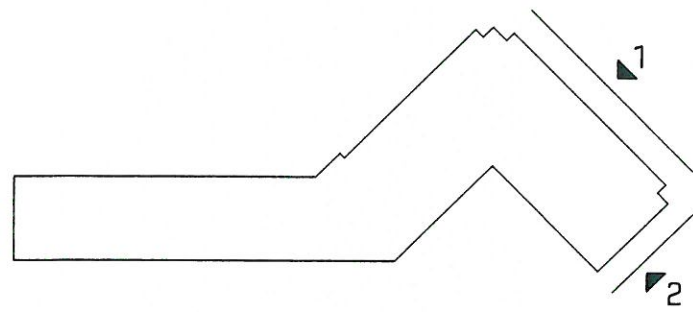
Key Plan

2 Northwest Elevation  
A-03 8' 16' 32' 1/16" = 1'-0"



1 North Elevation  
A-03 8' 16' 32' 1/16" = 1'-0"





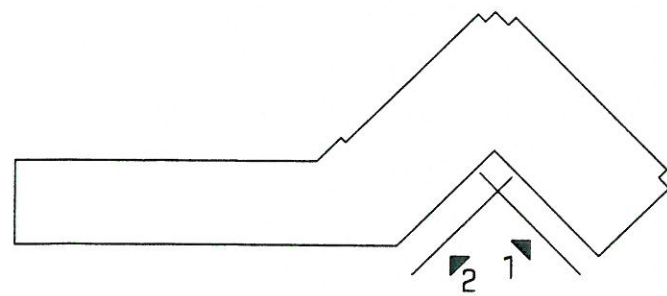
Key Plan



2 Southeast Elevation  
A-04 8' 16' 32' 1/16" = 1'-0"



1 Northeast Elevation  
A-04 8' 16' 32' 1/16" = 1'-0"



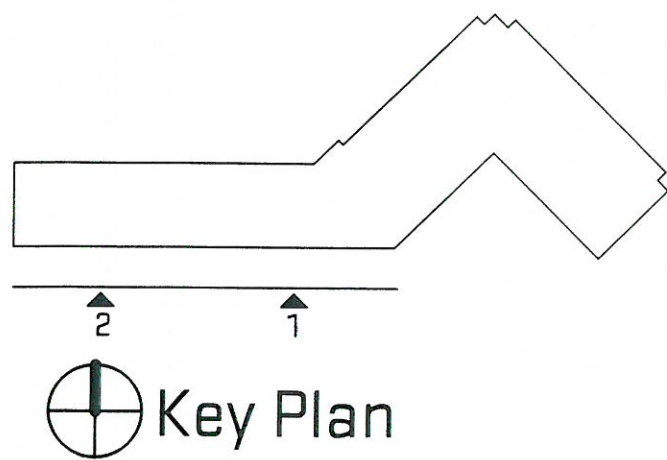
Key Plan



2 Southeast Elevation  
A-05 8' 16' 32' 1/16" = 1'-0"



1 Southwest Elevation  
A-05 8' 16' 32' 1/16" = 1'-0"



2 Partial South Elevation (West)

A-06

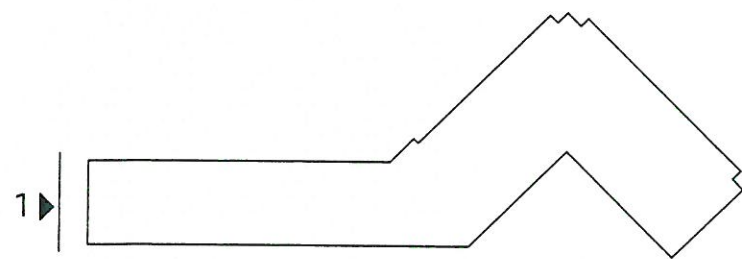
8' 16' 32' 1/16" = 1'-0"



1 Partial South Elevation (East)

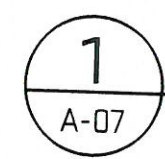
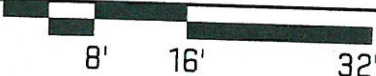
A-06

8' 16' 32' 1/16" = 1'-0"



 Key Plan



 **1 West Elevation**  
A-07  1/16" = 1'-0"

