

cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department

Case No. 12-030 1409 East Lake Dr.

Location: 1409 East Lake Dr.

Zoning District: R-4, Residential District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503 (1)(G), Section 2503 (1)(C), Section 2503 (1)(E)(1), Section 2503 (1)(E)(5) and Section 2400 to allow construction of an 864 square foot detached garage in the rear of the property. The proposed accessory structure would require reduction of the minimum side and rear setbacks from 6 ft. to 4 ft., and exceptions to the maximum 25% rear yard coverage by an accessory building (41%), the maximum 25% total lot coverage total lot coverage (26%) and maximum 850 square foot size of an accessory building and the limitation of an accessory building to the size of the principal residence (exceeds by 14 square feet).

Ordinance Sections:

Section 2503 1(G) requires a 6 foot rear and side setback for accessory buildings in an R-4 district. Section 2503 (1)(C) requires that an accessory building not exceed 25% of a required rear yard. Section 2503(1)(E)(1) states that an accessory building may not exceed 850 square feet. Section 2503 (1)(E)(5) requires that an accessory building not exceed the square footage of the main building. Section 2400 stipulates that in a R-4 district, the total area of all buildings may not exceed 25% of the total square footage of a lot.

City of Novi Staff Comments:

- The applicant proposes a variance that directly contradicts the purpose of CITY OF NOVI, CODE OF ORDINANCES Section 2503 which requires mandatory minimum rear and side setbacks, and additionally restricts the size of accessory buildings to be less than the size of the principal building on the property and less than 850 square feet. Since the requested variance does not arise from unique circumstances, and strict compliance with ordinance would not unreasonably prevent the property owner from using the property for its permitted purpose, staff does not support this variance.

Standards for Granting a Dimensional Variance

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose; or will render conformity with those regulations unnecessarily burdensome.
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



cityofnovi.org

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

For Official Use Only

ZBA Case No: 12-030 ZBA Date: 7/10/12 Payment Received: \$ 200 (Cash) **RECEIVED**

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

MAY 31 2012

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal

Applicant's Name Jeffrey Rooker Date 5/29/12

Company (if applicable) _____

Address* 1409 East Lake Dr. City Novi ST _____ ZIP 48377

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: jeffreyrooker@yahoo.com

Phone Number (248) 787-1833 FAX Number () _____

Request is for:

Residential Construction (New/ Existing) _____ Vacant Property _____ Commercial _____ Signage

1. Address of subject ZBA case: 1409 East Lake Drive Rd. ZIP 48377

2. Sidwell Number: 5022 - 02329024 may be obtained from Assessing Department (248) 347-0485

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

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 OSC OST _____ OTHER

5. Property Owner Name (if other than applicant) _____

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes _____ No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 2503/D G Variance requested 4' from side property line (6' req)
- 2. Section 2503/D G Variance requested 4' from back property line (6' req)
- 3. Section 2503/G Variance requested 64 sq. ft. extra footprint
- 4. Section 2503/C Variance requested exceeds 25% of iron yard
2503/E (1) exceed 850 sq feet maximum RDV

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

2400 - exceeds max lot coverage of 25% with 26% 25.9%

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

The Side + Rear Variance requests would allow us enough room to back the vehicles out of the garage and drive out the driveway. We need a 22 foot turning radius. It is a safety issue.

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

Lot = 6600 sq. ft → 25% = 1650 sq. ft.
house = ~~1714~~ 850 sq. ft.
garage = 864 sq. ft.
1714 sq. ft. = 25.96%.

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten (10) days before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five (5) days of the meeting.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.

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

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building Addition to Existing Home/Building Accessory Building
 Use Signage Other


Applicants Signature

5/29/12
Date


Property Owners Signature

Date

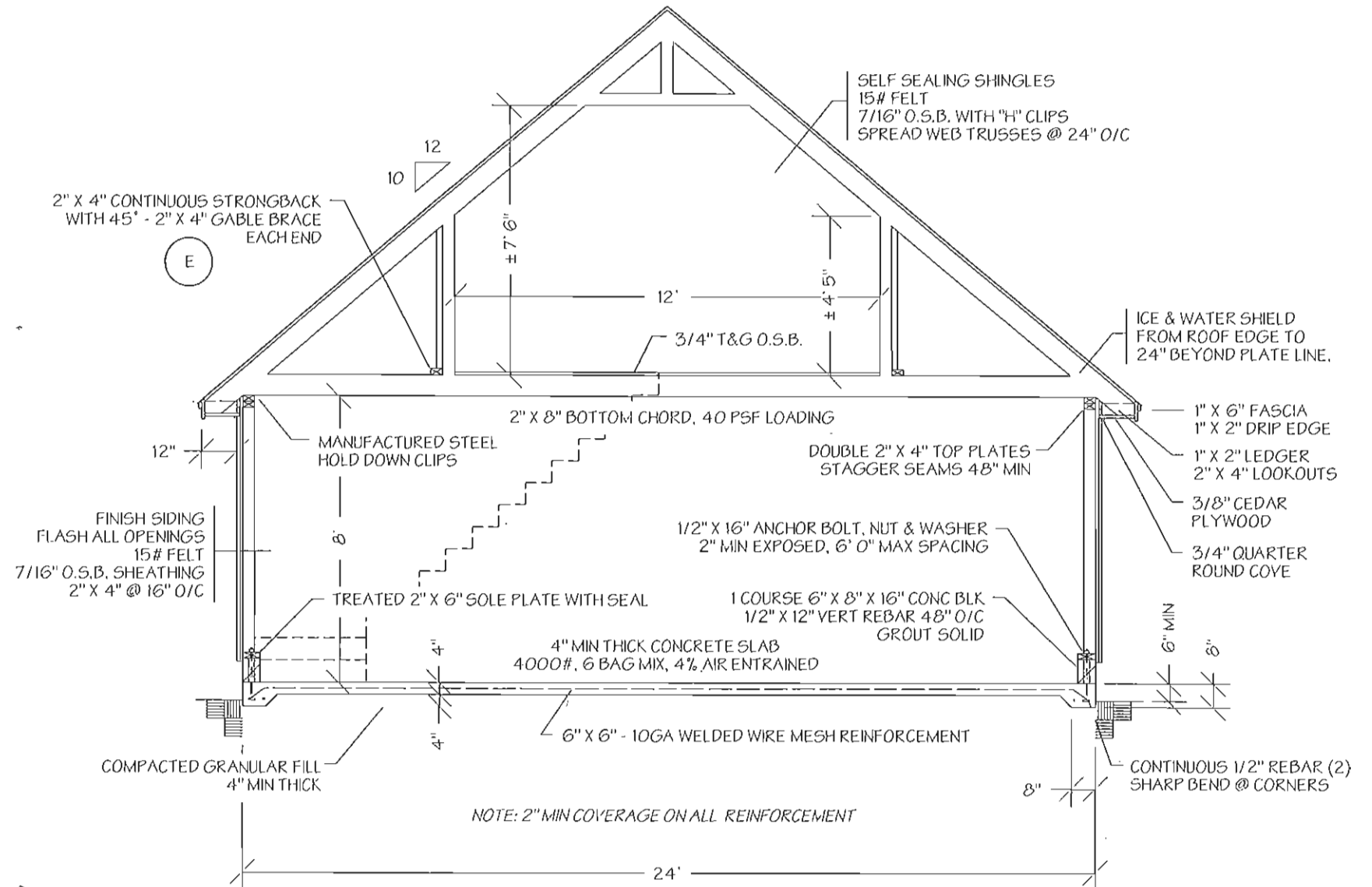
DECISION ON APPEAL

Granted Denied Postponed by Request of Applicant Board

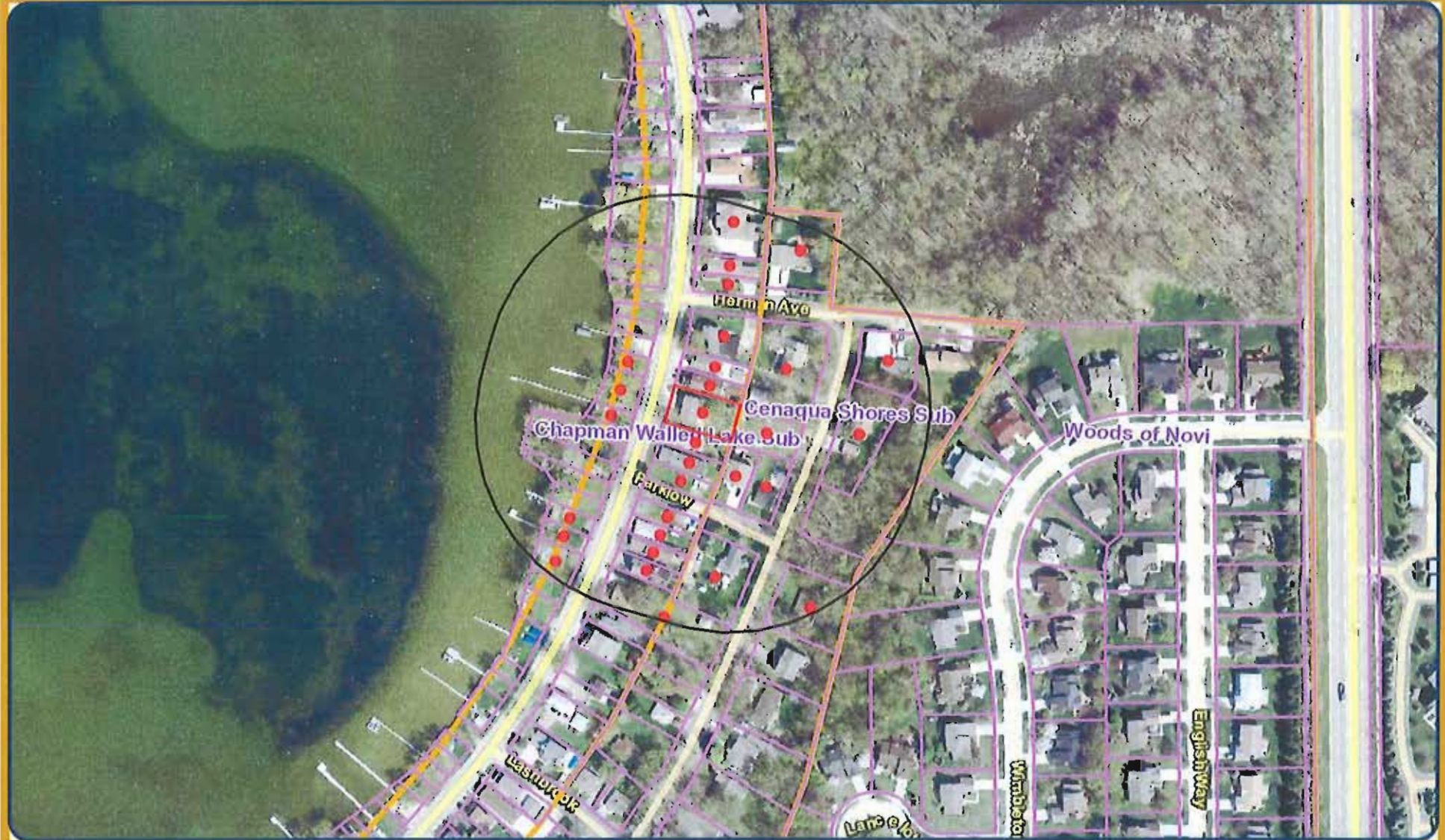
The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date



City of Novi
1409 East Lake Rd



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



Date: 06/20/2012



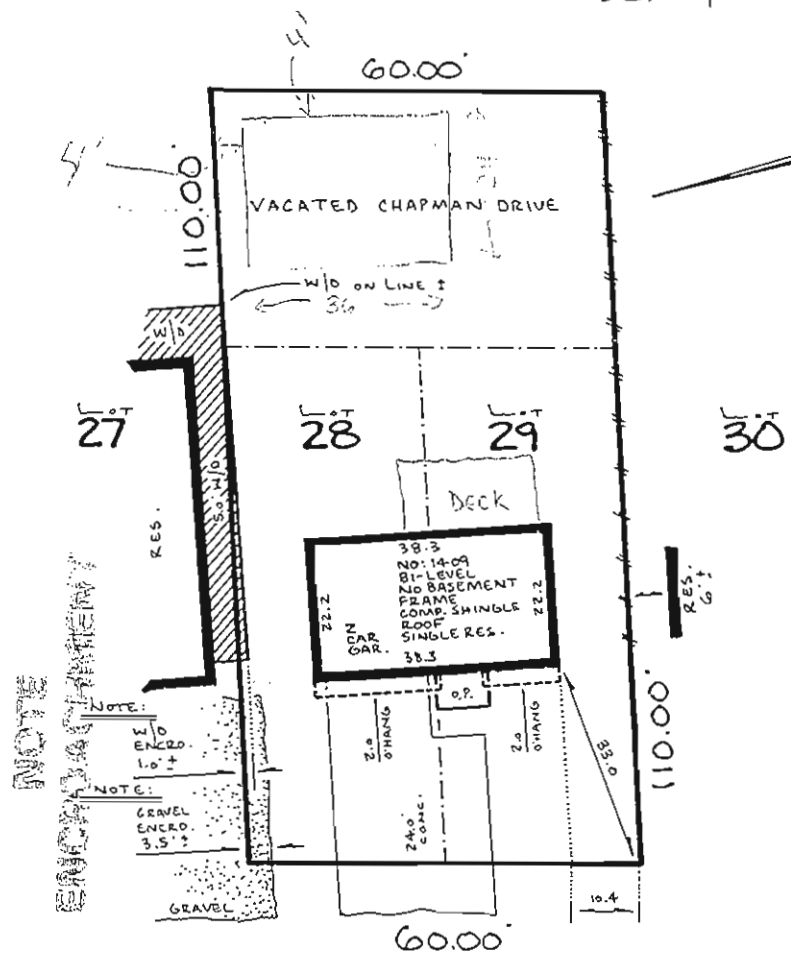
MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/SiteUsePolicy.asp>

Rooke - 1489 East Lake Dr. / Garage application

MORTGAGE REPORT FOR:

36x24 = 864 sq. ft.



FLOOD PLAIN NOTE:
This property is not in a designated Flood Plain, according to the National Flood Insurance Program, Community Panel No. 260175-0005C. Dated: 5/3/93. Final determination must be rendered by local authorities. Metropolitan Survey, Inc., cannot be held responsible for this determination without the benefit of a detailed Survey.

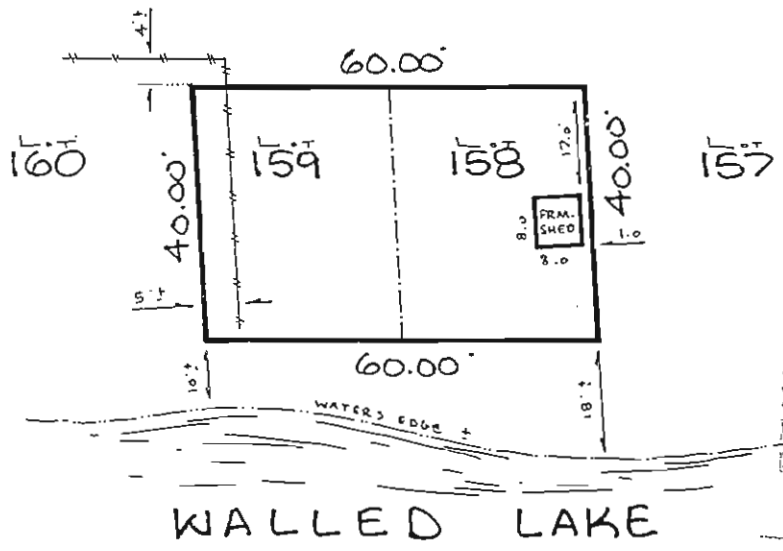
LEGAL DESCRIPTION:
LOTS #28 & 29, Also LOTS #158 & 159, Also vacant Chapman Drive adj. to same, Chapman Walled Lake Subdivision, City of Novi, Oakland County, Michigan. Rec'd L. 9, P. 13 Plats, O.C.R.

EAST LAKE DR. 50' R.O.W.

RECEIVED

MAY 27 2011

CITY OF NOVI
COMMUNITY DEVELOPMENT



APPROVED
Subject To Field Insp.
Insp. _____ Date _____
Plng. _____ Date _____
Elec. _____ Date _____
Hear. _____ Date _____
CITY OF NOVI

311-0323

Loan No. 7384

FILE NO: 249709-71828 DATE: 8/25/99
APPLICANT: Kellie Seguin

We hereby certify that we have inspected the property described in accordance with the Legal Description as furnished to us and should have been reviewed and confirmed by your title Company prior to closing on your loan and that we assume no liability for discrepancies in the Legal Description. This report is strictly used for mortgage purposes in connection with a new Mortgage loan and no other purposes are either expressed or implied. The buildings and improvements are within the property lines as known to us unless otherwise noted, and that there are no observable encroachments upon the property heretofore described or known to us except as indicated. Encumbrances as shown are per recorded Subdivision Plat unless otherwise indicated and are as disclosed within your title policy and or furnished to us. This Mortgage report was specifically prepared for identification purposes only for the applicant in connection with a new Mortgage loan within 120 days of the date shown, and should NOT be used or relied upon as a property line survey. No property lines were established and no corners were set. This cannot be used for reference purposes or transferred to any future property owners. The above Company acknowledges that by the acceptance of the Mortgage Report, the liability of Metropolitan Survey, Inc., herein is limited to the local fees paid for the services rendered. This is not to be used to establish property lines, easement lines, public right-of-way, existing lines, conformity or nonconformity to State, County or Local ordinance and/or codes, etc. Sheds, outbuildings, fences and driveway locations shown are approximate. To accurately locate the aforementioned structures and property corners, a certified Boundary Survey, not included in this report, is necessary to accurately show these improvements and is recommended.



CERTIFIED TO ALL TITLE COMPANIES: