



COMMUNITY DEVELOPMENT DEPARTMENT

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

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: April 10, 2018

REGARDING: 21651 Fenway Drive, Parcel # 50-22-34-276-008 (PZ18-0007)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Robert Brand's Environments

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential
Location: West of Novi Road and South of Nine Mile Road
Parcel #: 50-22-34-276-008

Request

The applicant is requesting a variance from the City of Novi Code of Ordinance Section 4.19 E I, for a 682 square foot variance for a proposed accessory structure of 1,532 square feet, 850 feet allowed by code.

This property is zoned Single Family Residential (R-3).

II. STAFF COMMENTS:

III. RECOMMENDATION:

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

1. I move that we grant the variance in Case No. **PZ18-0007**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.

 - (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.
 - (b) The property is unique because _____.
 - (c) Petitioner did not create the condition because _____.

(d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because_____.

(e) The relief if consistent with the spirit and intent of the ordinance because _____.

(f) The variance granted is subject to:

1. _____.

2. _____.

3. _____.

4. _____.

2. I move that we **deny** the variance in Case No. **PZ18-0007**, sought by _____, for _____ because Petitioner has not shown practical difficulty requiring _____.

(a) The circumstances and features of the property including _____ are not unique because they exist generally throughout the City.

(b) The circumstances and features of the property relating to the variance request are self-created because _____.

(c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that _____.

(d) The variance would result in interference with the adjacent and surrounding properties by _____.

(e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to _____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler
Deputy Director Community Development
City of Novi



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200.00
 Meeting Date: April 10th 2018
 ZBA Case #: PZ 18-0007

I. PROPERTY INFORMATION (Address of subject ZBA Case)	
PROJECT NAME / SUBDIVISION <u>ARNEY NEW GARAGE</u>	
ADDRESS <u>21651 FENWAY</u>	LOT/SIUTE/SPACE #
SIDWELL # <u>50-22-34-216-008</u>	May be obtain from Assessing Department (248) 347-0485
CROSS ROADS OF PROPERTY <u>N. 6th MILE WEST OF NOVI RD.</u>	
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
REQUEST IS FOR: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS <u>rrb-environments@gmail.com</u>	
NAME <u>ROBERT BRAND</u>		CELL PHONE NO. <u>248 892 3820</u>	
ORGANIZATION/COMPANY <u>ROBERT R. BRAND'S ENVIRONMENTS</u>		TELEPHONE NO. <u>248 960 0060</u>	
ADDRESS <u>2715 HAGGERTY #4</u>		CITY <u>WALLED LC</u>	FAX NO. <u>248 960 0063</u>
STATE <u>MI</u>		ZIP CODE <u>48390</u>	
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	
NAME <u>DAVID ARNEY : CHRISTINE KUZMA</u>		CELL PHONE NO. <u>248 752-0074 David</u>	
ORGANIZATION/COMPANY <u>HOMEOWNER</u>		TELEPHONE NO.	
ADDRESS <u>21651 FENWAY</u>		CITY <u>NORTHVILLE</u>	FAX NO.
STATE <u>MI</u>		ZIP CODE <u>48168</u>	

III. ZONING INFORMATION	
A. ZONING DISTRICT	
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input checked="" type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____	
B. VARIANCE REQUESTED	
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:	
1. Section <u>4.19 E.i.</u>	Variance requested <u>permission to exceed the maximum square footage allowed in R-3 for all accessory structures.</u>
2. Section _____	Variance requested _____
3. Section _____	Variance requested _____
4. Section _____	Variance requested _____

IV. FEES AND DRAWINGS	
A. FEES	
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600	
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF	
<ul style="list-style-type: none"> Dimensioned Drawings and Plans Site/Plot Plan Existing or proposed buildings or addition on the property Number & location of all on-site parking, if applicable Existing & proposed distance to adjacent property lines Location of existing & proposed signs, if applicable Floor plans & elevations Any other information relevant to the Variance application 	



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE (S) REQUESTED

DIMENSIONAL USE SIGN

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

B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten-(10) days before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be actual sign. Upon approval, the mock-up sign must be removed within five-(5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five-(5) days of the meeting.

C. ORDINANCE

City of Novi Ordinance, Section 3107 – Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than one-(1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

PLEASE TAKE NOTICE:

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

CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING SIGNAGE

ACCESSORY BUILDING USE OTHER _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT


Applicant Signature

2/27/18
Date

B. PROPERTY OWNER

If the applicant is not the owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

Property Owner Signature

Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

GRANTED

DENIED

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

Chairperson, Zoning Board of Appeals

Date



Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
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**REVIEW STANDARDS
DIMENSIONAL VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

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

Not Applicable Applicable If applicable, describe below:

Property is a unique shape + size for the R-3 district it is in. Size is more similar to perhaps an R-1/R-2 that allows large accessory structures.
and/or

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.

Not Applicable Applicable If applicable, describe below:

and/or

c. Abutting Property. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties.

Not Applicable Applicable If applicable, describe below:

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

Home has an outdated "standard" size garage that does not allow for many SUV's / trucks / larger vehicles to be stored. 4 car / truck family looking for additional storage space for vehicles and looking to eliminate excess vehicles in drive, resulting in looking like a used car lot.

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Proposed accessory structure meets existing setback requirements - original plans were adjusted to make certain it meet setback & height ordinances.

Size & placement of proposed structure will not be unsightly. A smaller garage would not give the homeowner equal use of property as enjoyed by other homeowners.

Standard #4. Minimum Variance Necessary.

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

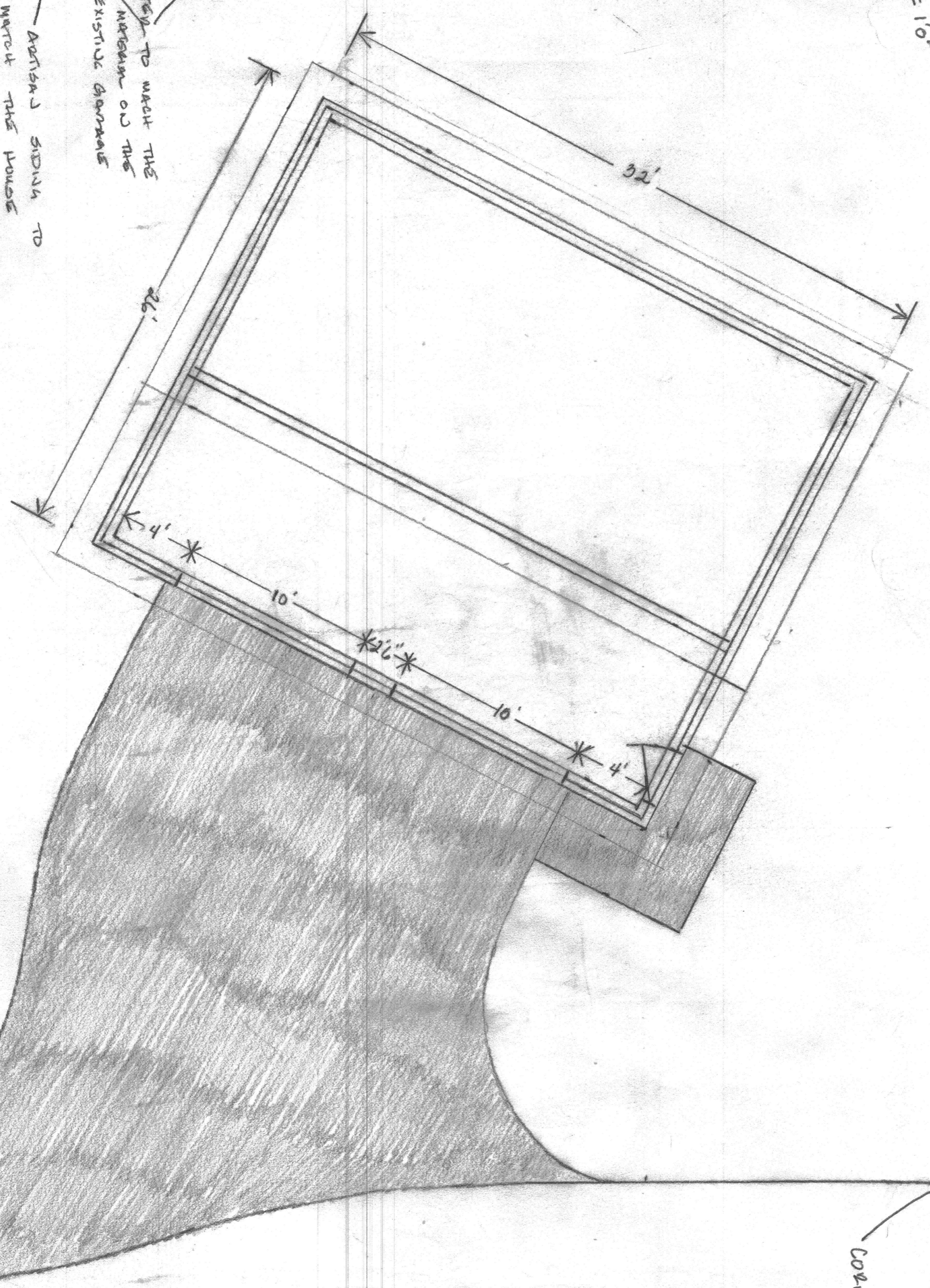
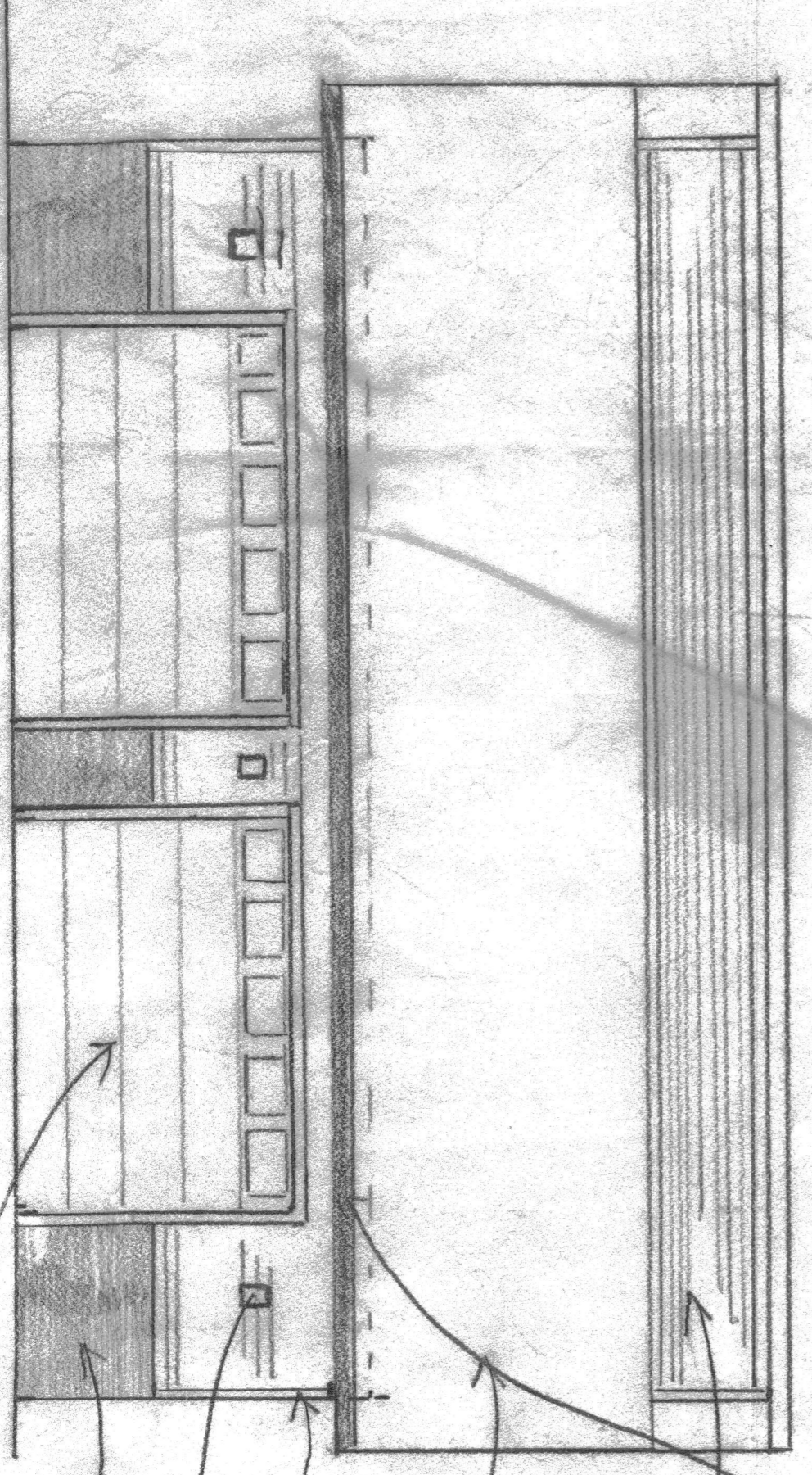
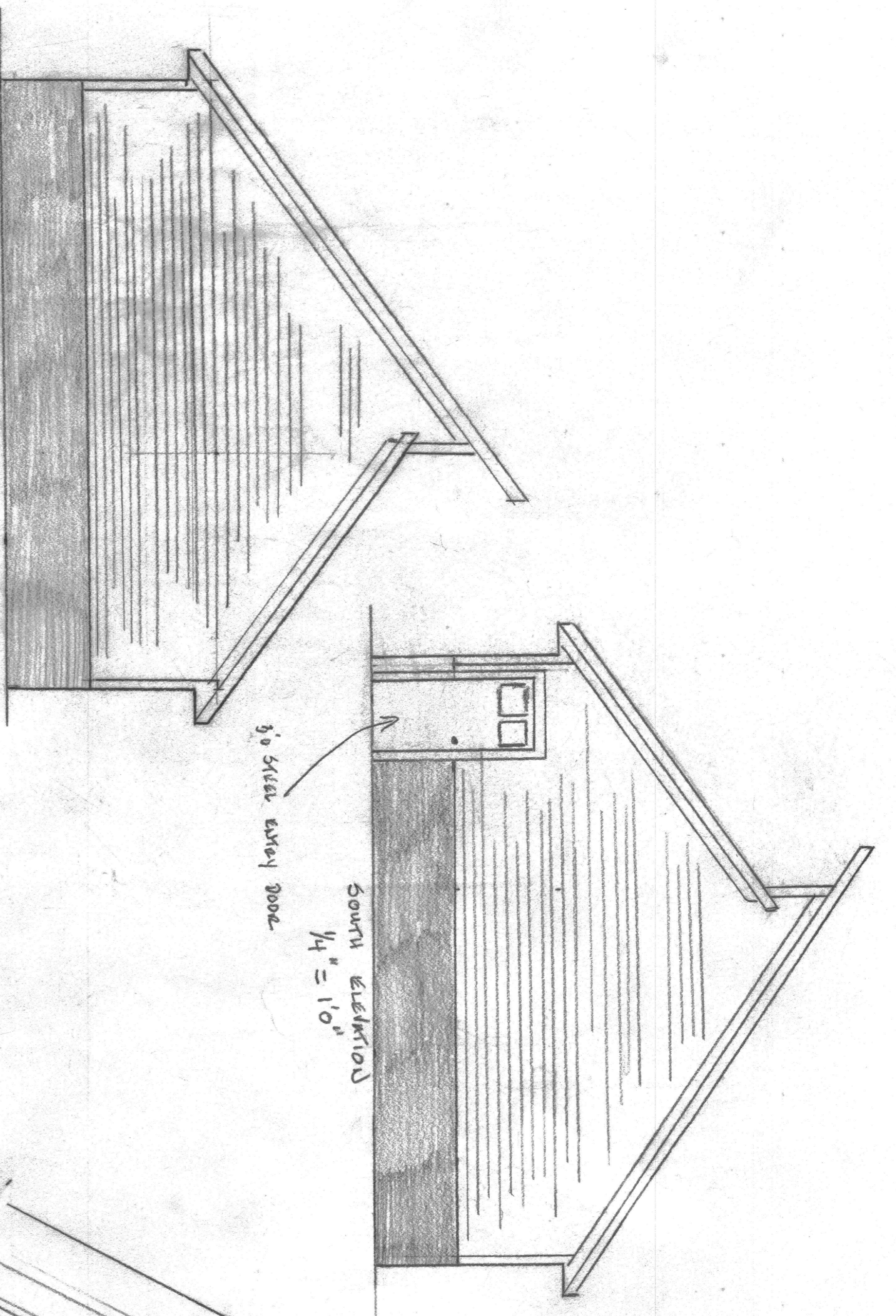
Placement of proposed accessory structure is done so as to have minimal effect / impact of neighbor sightlines and to not adversely effect beauty of property. Placement is to the benefit of neighbors & homeowner.

Standard #5. Adverse Impact on Surrounding Area.

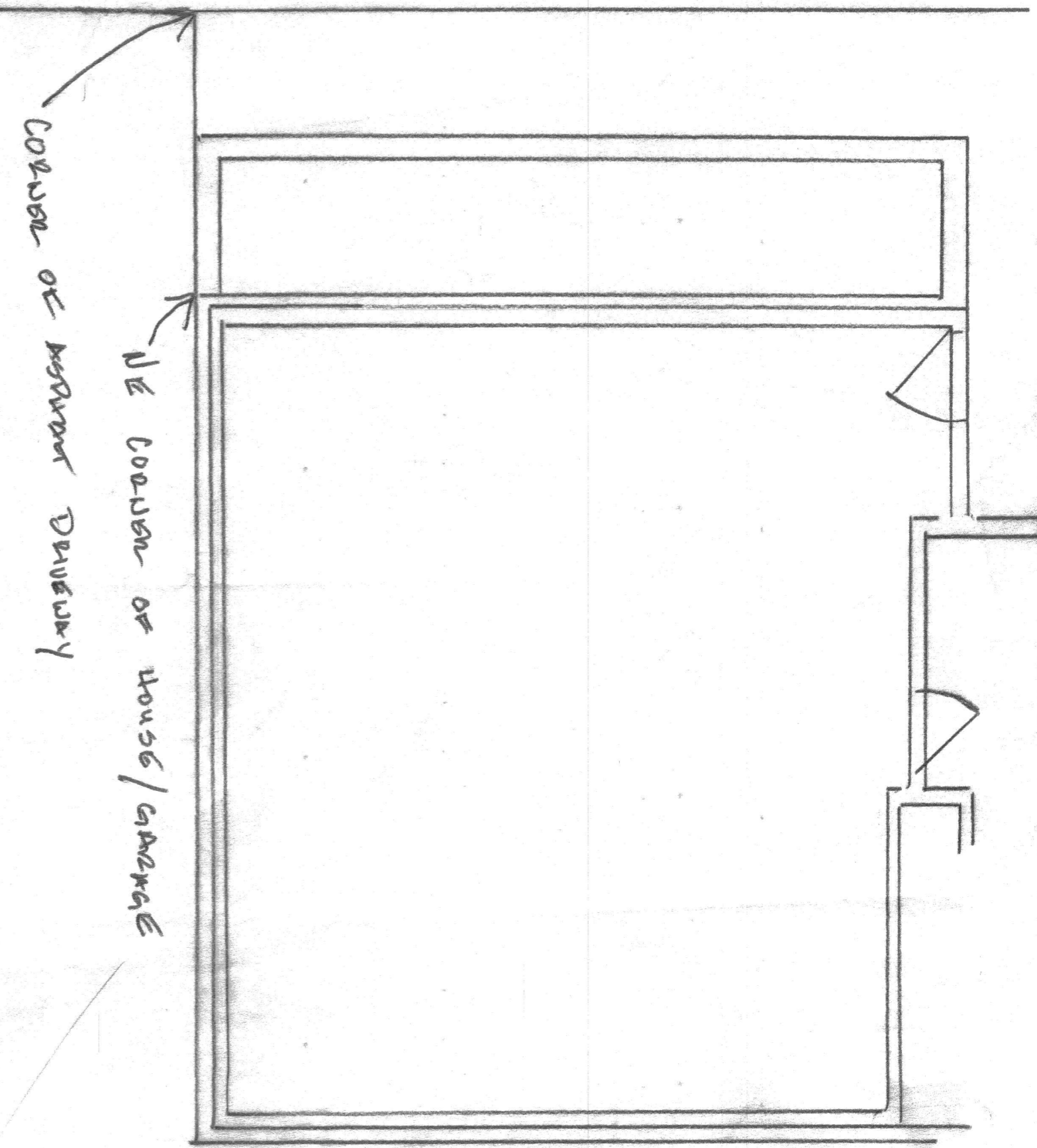
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The proposed detached accessory structure will have no adverse impact on surrounding neighbors. Much of the year when plants are lush the garage will have minimal visibility. 21651 Fenway is a unique piece of property as it is essentially in the backyard of all surrounding neighbors. Structure will have brick siding, garage doors and lighting to match the current residence so as to be esthetically pleasing to all.

The proposed location minimize's impact on neighbors. The proposed which is an excess of the 850 sq.ft will not be a detriment to neighbors or their property value.

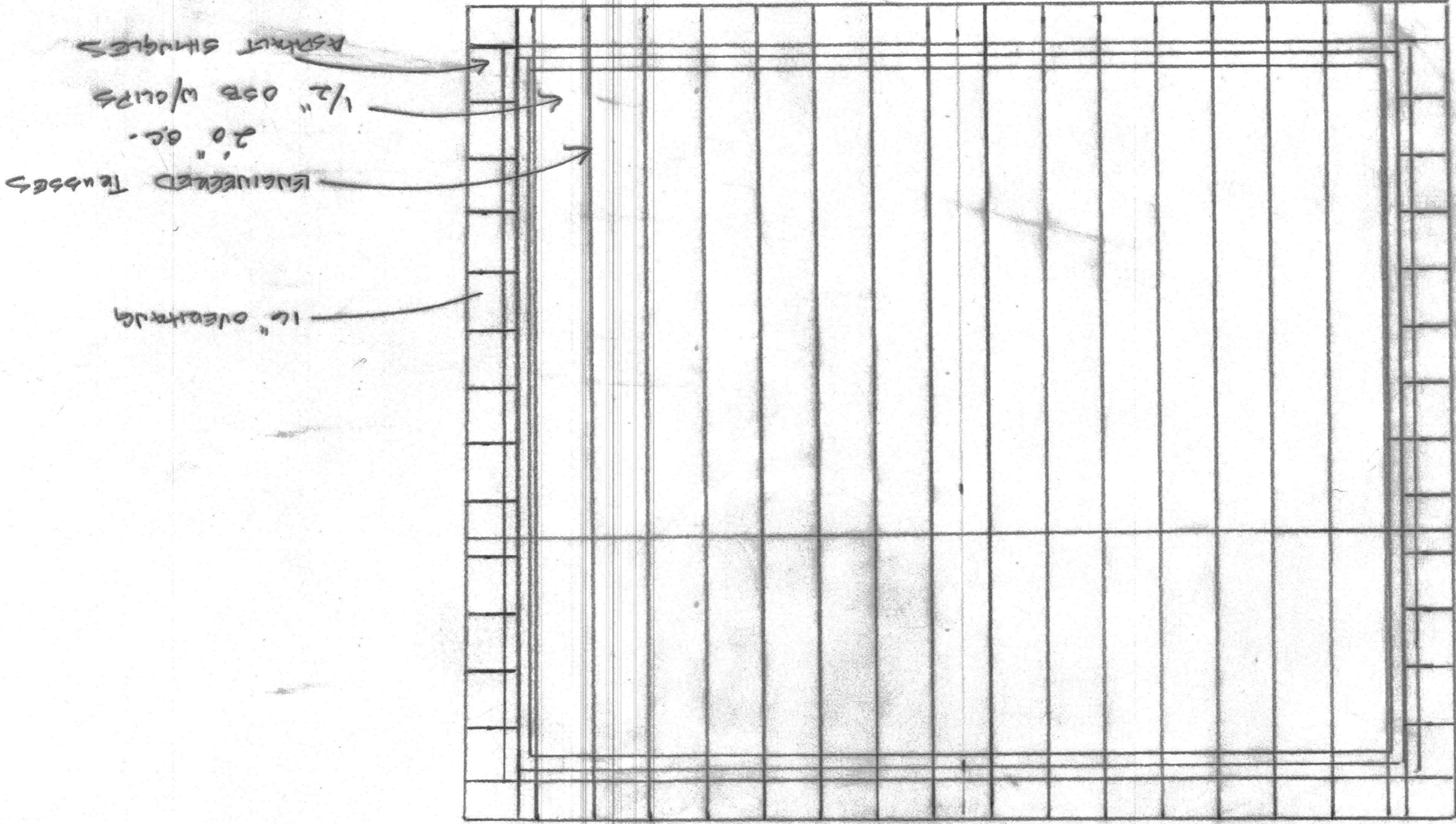


BURDEN TO MATCH THE MATERIAL ON THE EXISTING GARAGE
 ATTACHED SIDING TO MATCH THE HOUSE
 SHINGLES TO MATCH THE HOUSE
 HANDLE TRIM AND ATTACHED SIDING TO MATCH THE HOUSE
 SCAPES TO MATCH GARAGE
 BEVEL FINISH TO MATCH THE HOUSE
 GARAGE DOORS TO MATCH THE EXISTING GARAGE



DALE AND CHEER AVENUE
 21451 FEDWAY DR.
 NOLI, MICHIGAN 48067
 SCALE 1/4" = 1'0" NORTH ↓
 ROBERT R. BRAND'S
 ENVIRONMENTALS
 2775 TRAGEERY HWY. #100
 WAREO LAKE, MICHIGAN 48340
 BY: R. BRAND

Root Plan
1/4" = 1'0"



DAVID AND CHRIS ARNEY

21651 FENWAY

NOVI, MICHIGAN 48087

SCALE 1/4" = 1'0"

ROBERT R. BRAND'S

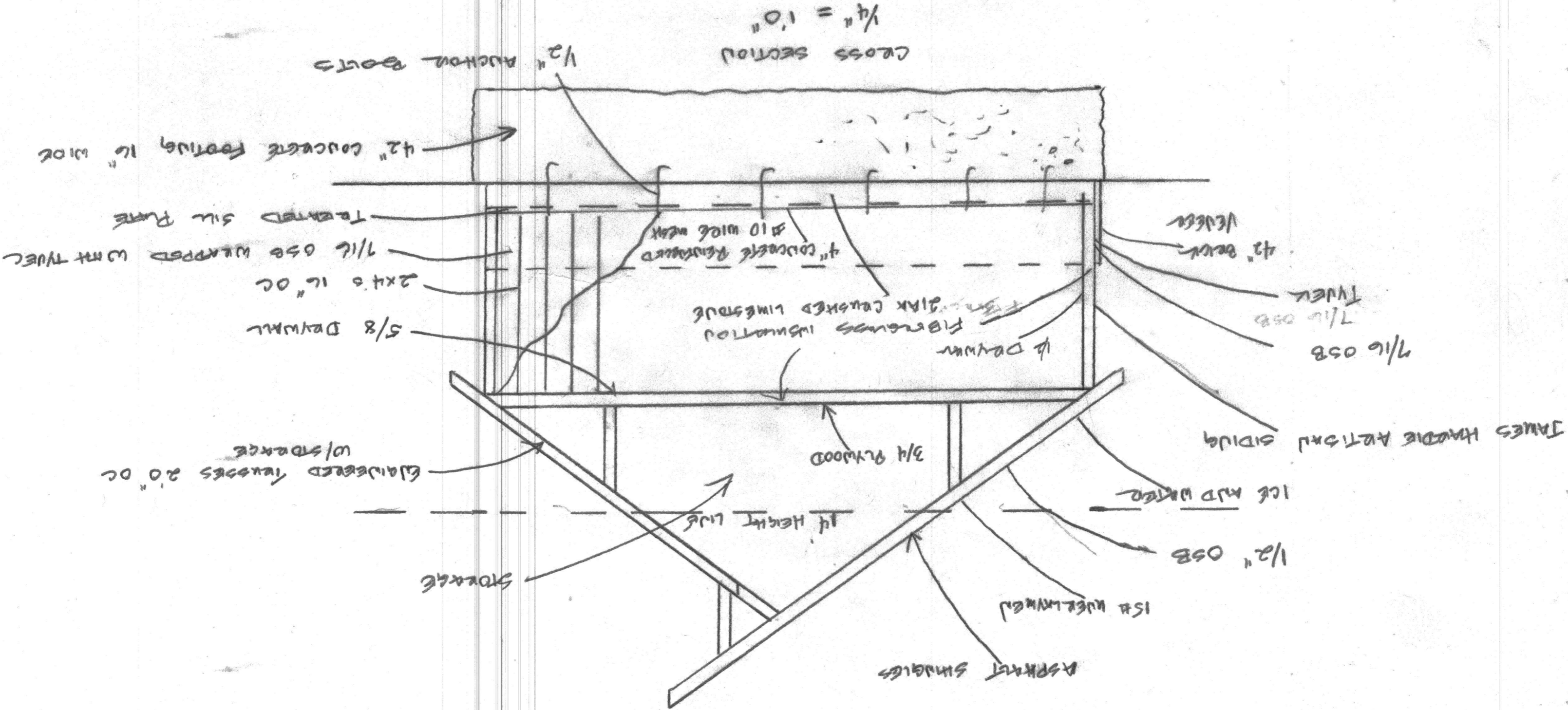
ENVIRONMENT'S

2775 HAGGERTY HWY

WALLED LAKE, MICHIGAN 48390

BY: R. BRAND

1/4" = 1'0"



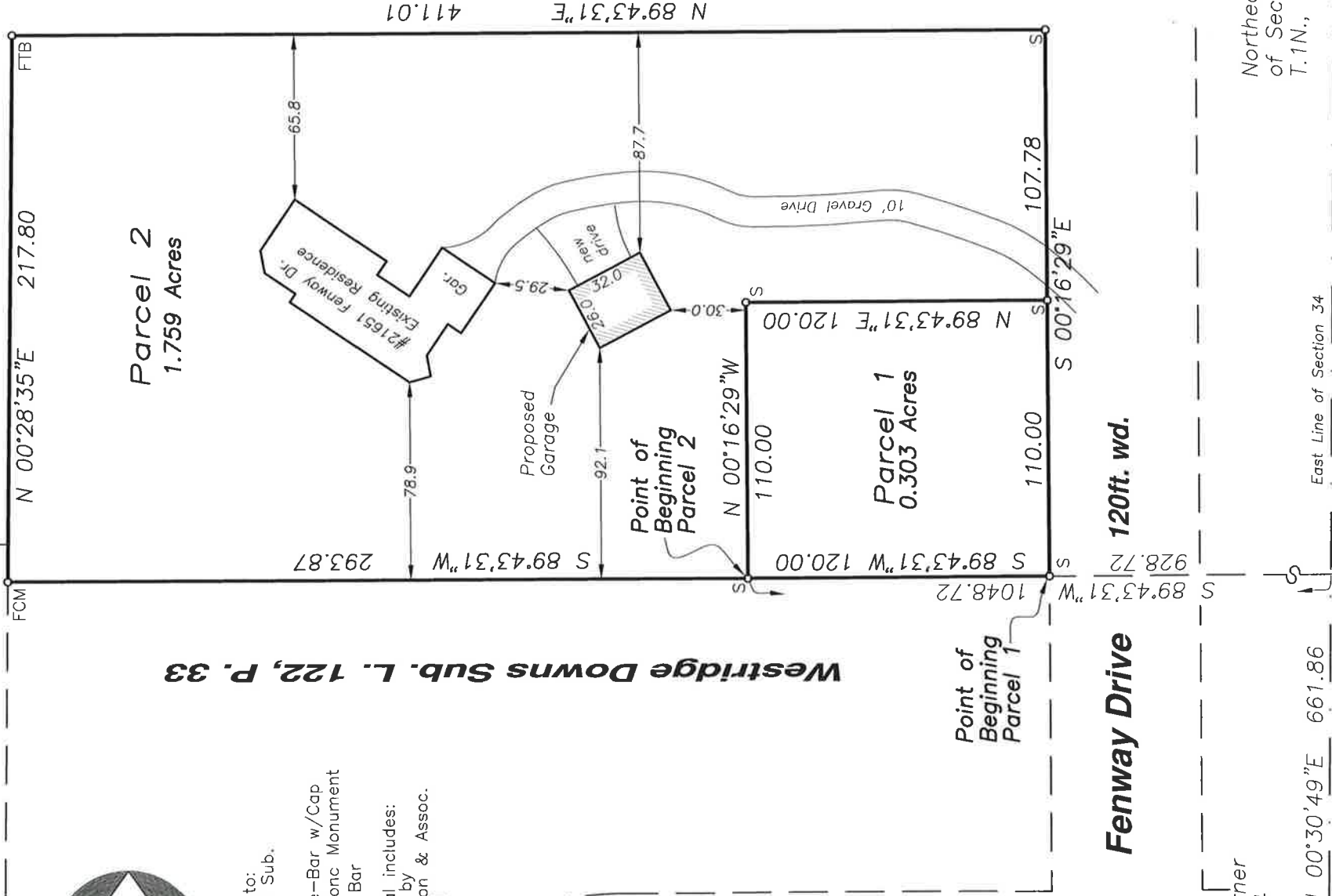


Note:
Bearings Relate to:
Westridge Downs Sub.

S = Set 5/8"Re-Bar w/Cap
FCM = Found Conc Monument
FTB = Found T Bar

Reference Material includes:
Certified Survey by
Roskelly, Jekabson & Assoc.
Job # 83-4-91

Westridge Downs Sub. L. 122, P. 33



East 1/4 Corner
of Section 34
T.1N., R.8E.,

East Line of Section 34

Northeast Corner
of Section 34
T.1N., R.8E.,

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MICHIGAN, THAT THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970, AS AMENDED, AND THAT THE ERROR OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS WAS TO 1/10,000.

I. JOHN JEKABSON P.S. #19836



CERTIFIED SURVEY

PART OF THE NORTHEAST 1/4 OF SECTION 34, T.1N., R.8E.,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

JEKABSON & ASSOCIATES, P.C.

Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 414-7272 fax



DATE	27 Feb 18
JOB NO.	99-02-110
SCALE	1" = 60'
DRAWN	IJJ
CHECKED	PJM
SHEET	1 OF 2

PARCEL 1

PART OF THE NORTHEAST 1/4 OF SECTION 34, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST ¼ CORNER OF SECTION 34, TOWN 1 NORTH, RANGE 8 EAST; THENCE ALONG THE EAST LINE OF SECTION 34, NORTH 00°30'49" EAST 661.86 FEET; THENCE ALONG THE NORTH LINE OF "WESTRIDGE DOWNS SUB.," AS RECORDED IN LIBER 122 OF PLATS, PAGE 33, OAKLAND COUNTY RECORDS, AND ITS EASTERLY EXTENSION, SOUTH 89°43'31" WEST 928.72 FEET TO THE WEST LINE OF FENWAY DRIVE, 60.00 FEET WIDE, AND TO THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG THE NORTH LINE OF "WESTRIDGE DOWNS SUB.," SOUTH 89°43'31" WEST 120.00 FEET; THENCE NORTH 00°16'29" WEST 110.00 FEET; THENCE NORTH 89°43'31" EAST 120.00 FEET; THENCE ALONG THE WEST LINE OF SAID FENWAY DRIVE, SOUTH 00°16'29" EAST 110.00 FEET TO THE **POINT OF BEGINNING**. CONTAINS 0.303 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

PARCEL 2

PART OF THE NORTHEAST 1/4 OF SECTION 34, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST ¼ CORNER OF SECTION 34, TOWN 1 NORTH, RANGE 8 EAST; THENCE ALONG THE EAST LINE OF SECTION 34, NORTH 00°30'49" EAST 661.86 FEET; THENCE ALONG THE NORTH LINE OF "WESTRIDGE DOWNS SUB.," AS RECORDED IN LIBER 122 OF PLATS, PAGE 33, OAKLAND COUNTY RECORDS, AND ITS EASTERLY EXTENSION, SOUTH 89°43'31" WEST 1048.72 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG THE NORTH LINE OF "WESTRIDGE DOWNS SUB.," SOUTH 89°43'31" WEST 293.87 FEET TO THE NORTHWEST CORNER OF "WESTRIDGE DOWNS SUB.," THENCE ALONG THE EAST LINE OF "NORTH HILLS ESTATES SUB." AS RECORDED IN LIBER 138 OF PLATS, PAGE 19, 20, 21, 22, AND 23, OAKLAND COUNTY RECORDS, AND ITS NORTHERLY EXTENSION, NORTH 00°28'35" EAST 217.80 FEET; THENCE NORTH 89°43'31" EAST 411.01 FEET; THENCE ALONG THE WEST LINE OF SAID FENWAY DRIVE, SOUTH 00°16'29" EAST 107.78 FEET; THENCE SOUTH 89°43'31" WEST 120.00 FEET; THENCE SOUTH 00°16'29" EAST 110.00 FEET; TO THE **POINT OF BEGINNING**. CONTAINS 1.759 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

CERTIFIED SURVEY

PART OF THE NORTHEAST 1/4 OF SECTION 34, T.1N., R.8E.,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

JEKABSON & ASSOCIATES, P.C.

Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 414-7272 fax



DATE	27 Feb 18
JOB NO.	99-02-110
SCALE	N.A.
DRAWN	IJJ
CHECKED	PJM
SHEET	2 OF 2

To: City of Novi
Zoning Board of Appeals
45175 Ten Mile Rd.
Novi, MI 48375

Please note my comments to:

21651 Fenway Drive, Parcel # 50-22-34-276-008 (PZ18-0007)

Please note my: **Objection** to the requested variance.

This variance proposes a near doubling of the allowed square footage for a residential accessory structure. The ordinance was established for a reason, this is a single-family residency, not a commercial or multi-family lot. Adding a 1532 square foot structure is equivalent to a medium-sized second house.

We feel the structure is excessive for the area, damages esthetic beauty, and will negatively impact surrounding property values and lead to excessive noise after completion (roaring engines or loud entertainment space).

We feel the property owner should limit any accessory structure to the Novi zoning limit as established (850 ft.)

Name: Patrick and Catherine Gibson

Address: 43988 Foothills Ct.
Northville, MI 48167

Date: April 2, 2018

