

cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department

Case No. PZ14-0017 23940 Forest Park Drive

Location: 23940 Forest Park Drive

Zoning District: R-1, Residential District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503 (1)(E)(3), to allow construction of an 980 square foot detached garage in the rear of the property. The proposed accessory structure would exceed aggregate area of all accessory buildings by 430 square feet. The property is located south of 10 Mile Road and west of Beck.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2503(1)(E)(3) states that an accessory building may not exceed 1,000 square feet.

City of Novi Staff Comments:

The applicant is proposing to construct a new detached garage within the minimum rear and side setbacks of an existing lot. Additionally the Ordinance restricts the size of accessory buildings to be less than the size of the principal building on the property, less than 25% of the rear yard and less than 1,000 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 cannot 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.

RECEIVED

APR 29 2014

ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

CITY OF NOVI
COMMUNITY DEVELOPMENT

Community Development Department
(248) 347-0415



cityofnovi.org

For Official Use Only

ZBA Case No.

P214-0017

ZBA meeting date

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

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

***Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name STACEY & KATHY ROSE Date 4/28/2014

Company (if applicable) _____

Address* 23940 FOREST PARK DR. E. City NOVI

State MI Zip code 48374 *Where all case correspondence is to be mailed

Applicant's E-mail address skrose02@aol.com

Phone number 248-344-9240 Fax number _____

Request is for:

- Residential
- Vacant property
- Commercial
- Signage

Address of subject ZBA case 23940 FOREST PARK DR., NOVI, MI Zip code 48374

Cross roads of property SOUTHWEST OF TEN & BECK IN ECHO VALLEY

Parcel number 50-22-29-206-008 May be obtained from Assessing Department (248) 347-0485

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

Zoning (Please circle one)

	R-A	<u>(R-1)</u>	R-2	R-3	R-4	RM-1	RM-2
	MH	I-1	I-2	RC	TC	TC-1	Other

Property owner name (if other than applicant) _____

Does your appeal result from a Notice of Violation or Citation issued? Yes No

Indicate Ordinance section(s) and variances requested:

Section	<u>2503.1.E.3</u>	Variance requested	<u>450ft² FOR TOTAL OF 1450 FT² VS. 1000 FT²</u>
Section	_____	Variance requested	_____
Section	_____	Variance requested	_____
Section	_____	Variance requested	_____

Case submit an accurate, scaled drawing of the property showing:

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

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

PLEASE SEE ATTACHED

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:

THERE IS MUCH VARIATION IN THE SIZE AND SHAPE OF LOTS IN ECHO VALLEY. VERY FEW IF ANY LOTS ARE THE SAME SIZE AND SHAPE. OUR LOT IS ON THE EASTERN BOUNDARY OF ECHO VALLEY AND BACKS UP TO BRUSH AND AN OPEN FIELD.

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

APPEAL 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.

Effect of Novi Ordinance, Section 3107. - Miscellaneous

An 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.

An order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty (180) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

EASE TAKE NOTICE:

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

- Construct new home/building
- Accessory building
- Use
- Addition to existing home/building
- Signage
- Other

S. P...
Applicants Signature

4/28/2014
Date

S. P...
Property Owners Signature

4/28/2014
Date

DECISION ON APPEAL

_____ Granted _____ Denied

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

Chairperson, Zoning Board of Appeals

Date

Background

We have lived in our home since 1994. Except for our need for more garage space our home is ideally suited for us and we plan to stay here. Based on our need for additional garage space we decided to go ahead and build a detached garage believing we were in full compliance with all city ordinances based on the Shed and Detached Garage Requirements summary sheet and various discussions over the last few years. Upon submission of plans to the City we learned for the first time of the minimum lot size exception to the allowed R-1 accessory building square footage of 1,500 which reduces the limit to 1,000 square feet for R-1 zoned lots under 21,780 square feet (our lot is approximately 16,465 square feet).

Based on the fact that we are well in compliance with all other aspects of the ordinance, we believe we are in spirit with the intended zoning ordinance objectives, we have the approval of our immediate neighbors and the Echo Valley Civic Association board (I am also a board member but I abstained) and we believe the design would enhance our property and the surrounding area, we have decided to seek a variance with regard to ordinance 2503.1.E.3 regarding limitation of accessory building square footage for R-1 zoned lots under 21,780 square feet based our need for more garage space.

Need For Additional Garage Space

We realize that as we age it will become more important for us to be able to park in our attached garage rather than use it for storage for a historical vehicle, lawn tractor and other yard equipment. We also realize that if we wish to hire snow removal in the future we cannot have vehicles parked in the driveway.

The neighborhood is mature and our lot backs up to an open field. As a result there are many small critters (squirrels, chipmunks and mice) that like to chew on anything parked outside. A new truck had wires on top of the fuel tank running to the fuel pump chewed through. Another one of my cars had wires and emissions system tubing chewed on. There could always be more damage that I do not know about.

I also need a camping trailer and a truck to access property I own up North. I realize camping trailers of certain size can be stored in my yard, however, a larger detached garage would be visually much more appealing than having the camping trailer parked in the back yard and would eliminate the concern of damage from small animals.

The variance requested would allow us to park two cars in our attached garage and provide the additional space needed to store all other vehicles, lawn equipment, recreation equipment and a camping trailer protected and out of sight in the larger detached garage.

Specific Variance Requested

Currently we could build a second garage of 530 square feet without a variance (1000 square feet – 470 square feet of existing garage). We seek a variance for 450 additional square feet that would allow us to build a detached garage of 980 square feet.

KOSE GARAGE

This garage is slightly smaller than our original plan after careful review of our storage needs when we realized we would need a variance.

We believe the requested variance is in the spirit of current zoning since the impact on lot coverage of the variance is 3% resulting in lot coverage of 21%, well below the 25% limitation. In addition, for illustrative purposes only, if the current attached garage were converted to living space (which we do not want to do), the proposed garage could be built without a variance.

General Information about the Proposed Garage

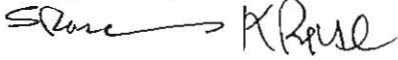
The position of the house on the lot is closer to the South West corner of the lot. This opens up more space at the North East corner of the lot for the proposed garage which is also at the end of the driveway. This layout results in both space for the proposed garage and easy access to the garage.

The proposed garage was designed to look like it was designed and built at the same time as the house with similar hip roof, overhang and any other design detail possible to match the house. We also intend to construct it of the highest quality materials. We plan a professional landscape update of our entire yard that would further enhance the new garage. We believe the proposed garage would be visually appealing and also enhance our property and the neighborhood.

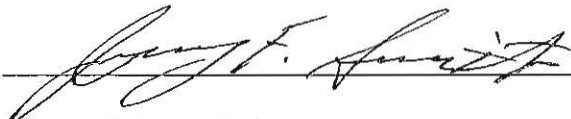
Approvals for Rose Garage at 23940 Forest Park Drive:

Summary: We wish to construct a detached garage in the back left (North East) corner of our lot. The proposed garage is entirely in the back yard and borders the EVCA subdivision eastern boundary. The placement and planned landscaping will limit visibility of the garage from within the subdivision. The garage architecture and color scheme will closely follow the house and it will be constructed of high quality materials. The proposed plan was developed after careful review of subdivision and city guidelines with regard to garage construction in this location.


Stacey & Kathy Rose



Immediate Neighbor Approvals:



Jerry and Margo Smith

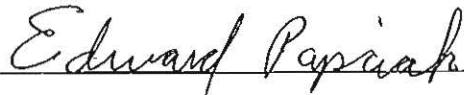


Jerry and Sue Harris


EVCA Board Member Approvals:



TREASURER



TRUSTEE



VICE PRESIDENT



PRESIDENT

KDSE GARAGE

113.5'

6' EASEMENT

8'

35'

28'

OUTER SIDE OF FOUNDATION

LOT 18

~ 59'

~ 21'

18.0 PATIO BRICK

4' WALK

143.77

6' EASEMENT

65.2

24.0

CONC.

21.0

38.9

ATT. GAR.

#23940 1 STORY BRICK, FRM. RES. W/BSM'T

38.9

62.1

21.9

6.3

18.0

PORCH

6.3

22.2

3' CONC. WALK

146.36

32.3

10' GRAVEL DRIVE

43.7 ±

88.4

5.6 ±

57.00

56.63

21' ±

