



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

**Case No. PZ14-0045**

**Location: 43979 Durson Street**

**Zoning District: R-4, One-Family Residential District**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new one story living area addition with a reduced side yard setback of 1 ft. (10 ft. required). The property is located south of 11 Mile Road and east of Old Taft Road.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-4 zoning district have a minimum side setback of 10 ft.

**City of Novi Staff Comments:**

The applicant is proposing construction of a one-story addition to an existing single family residence. The proposed addition would extend 7 ft. into the required side yard setback; matching the existing rear and front yard setbacks. 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.



cityofnovi.org  
ZBA Case No.

# ZONING BOARD OF APPEALS APPLICATION

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

For Official Use Only

P214-0045

ZBA meeting date

11/18/14

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 and one CD with a pdf version of same.

Applicant's Name Chuck McKinnon Date 9/18/2014

Company (if applicable) Coy Construction Inc.

Address\* 43979 Durson St. City Novi

State MI Zip code 48375 \*Where all case correspondence is to be mailed

Applicant's E-mail address WMckinnon@m...rr.com

Phone number 248-347-0721 Fax number \_\_\_\_\_

Request is for:

- Residential
- Vacant property
- Commercial
- Signage

Address of subject ZBA case 43979 Durson St. Zip code 48375

Cross roads of property S off of Grand river Ave, E of Taft rd.

Sidwell number 50-22- 22-251-011 May be obtained from Assessing Department (248) 347-0485

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

Zoning (Please circle one)

<input type="checkbox"/> MH	<input type="checkbox"/> R-A	<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input type="checkbox"/> R-3	<input type="checkbox"/> R-4	<input type="checkbox"/> RM-1	<input type="checkbox"/> RM-2
<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		

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:

- |                  |   |
|------------------|---|
| 1. Section _____ | Variance requested <u>Side set back</u> |
| 2. Section _____ | Variance requested _____                |
| 3. Section _____ | Variance requested _____                |
| 4. Section _____ | Variance requested _____                |

- Please 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.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):  
Please See attached page

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

**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.

**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 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 (1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

**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
- Accessory building
- Use
- Signage
- Other

William C. McKinnon  
Applicants Signature

9/19/2014  
Date

William C. McKinnon  
Property Owners Signature

9/19/2014  
Date

**DECISION ON APPEAL**

\_\_\_\_\_ Granted

\_\_\_\_\_ Denied

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

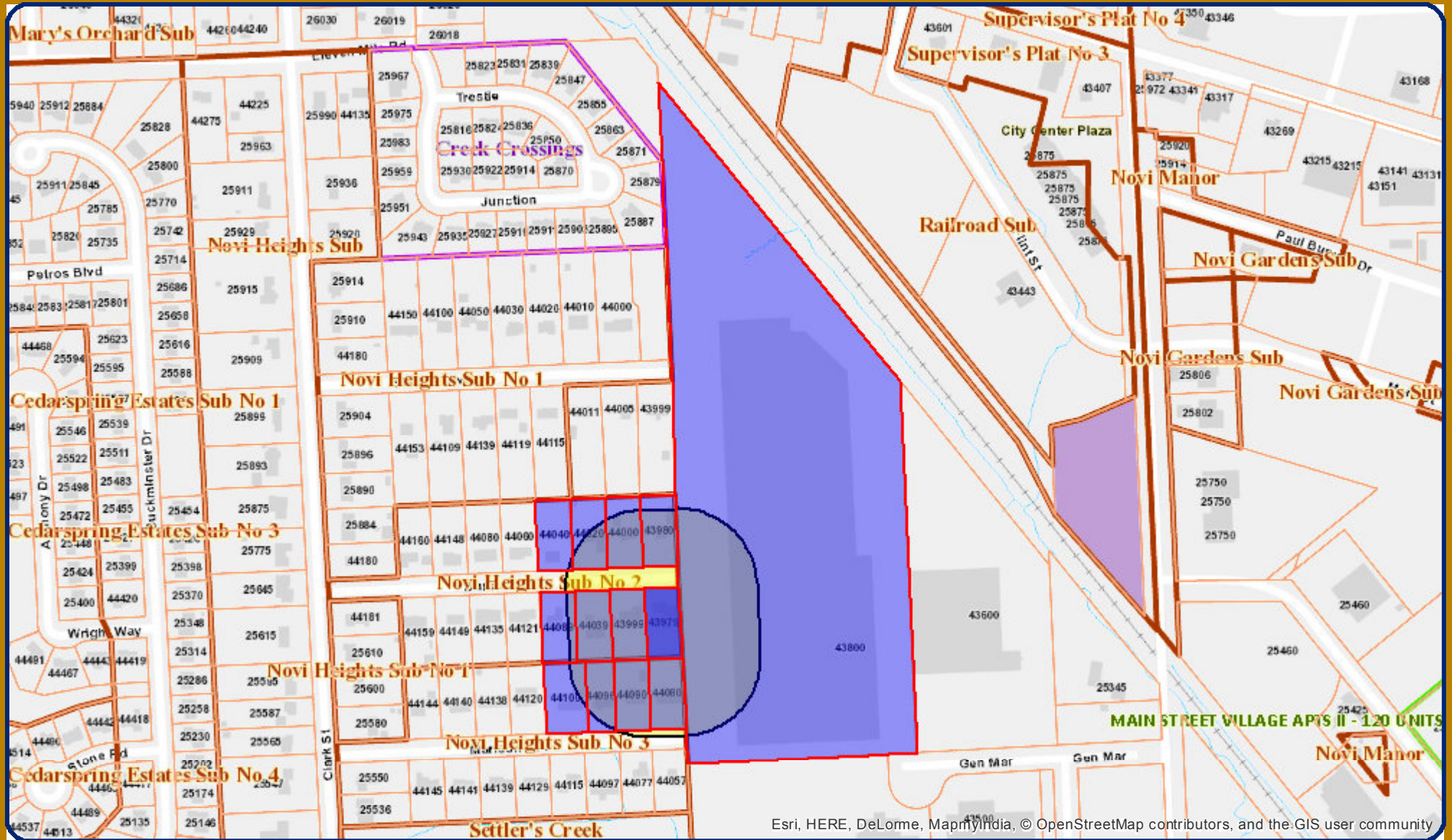
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date

# Novi, MI

## 43979 Durson



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



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



Author:  
Date: 11/20/2014



### 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>

**September 8, 2014**

**To the City of Novi: To Whom it May Concern:**

**The proposed home improvement is necessary for several reasons.**

**My sister is currently in Henry Ford Belmont Center after a severe stroke. She is currently on life support with a feeding tube. We are told it is not likely the tube will be removed. She will need continued care in the Medical Center.**

**She has lived with and cared for her mentally retarded 54 year old daughter. I have talked with her son, and we currently have agreed to share in the responsibility of the daughter (Doris).**

**The addition of a second bathroom , handicap equipped and the bedroom expansion would make this possible.**

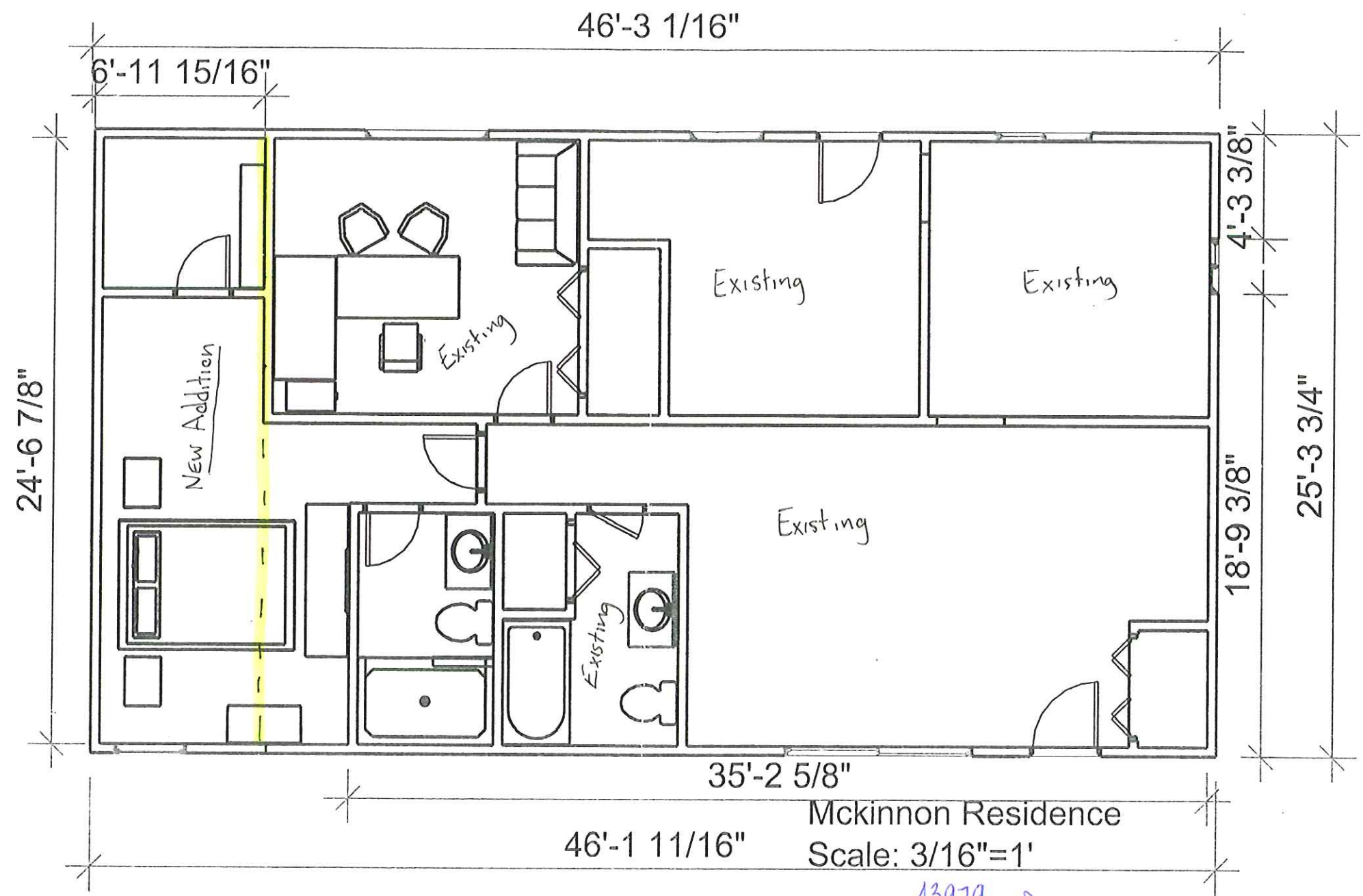
**The expansion would also make life easier for us, two retired people.**



RECEIVED

NOV 03 2014

CITY OF NOVI  
COMMUNITY DEVELOPMENT

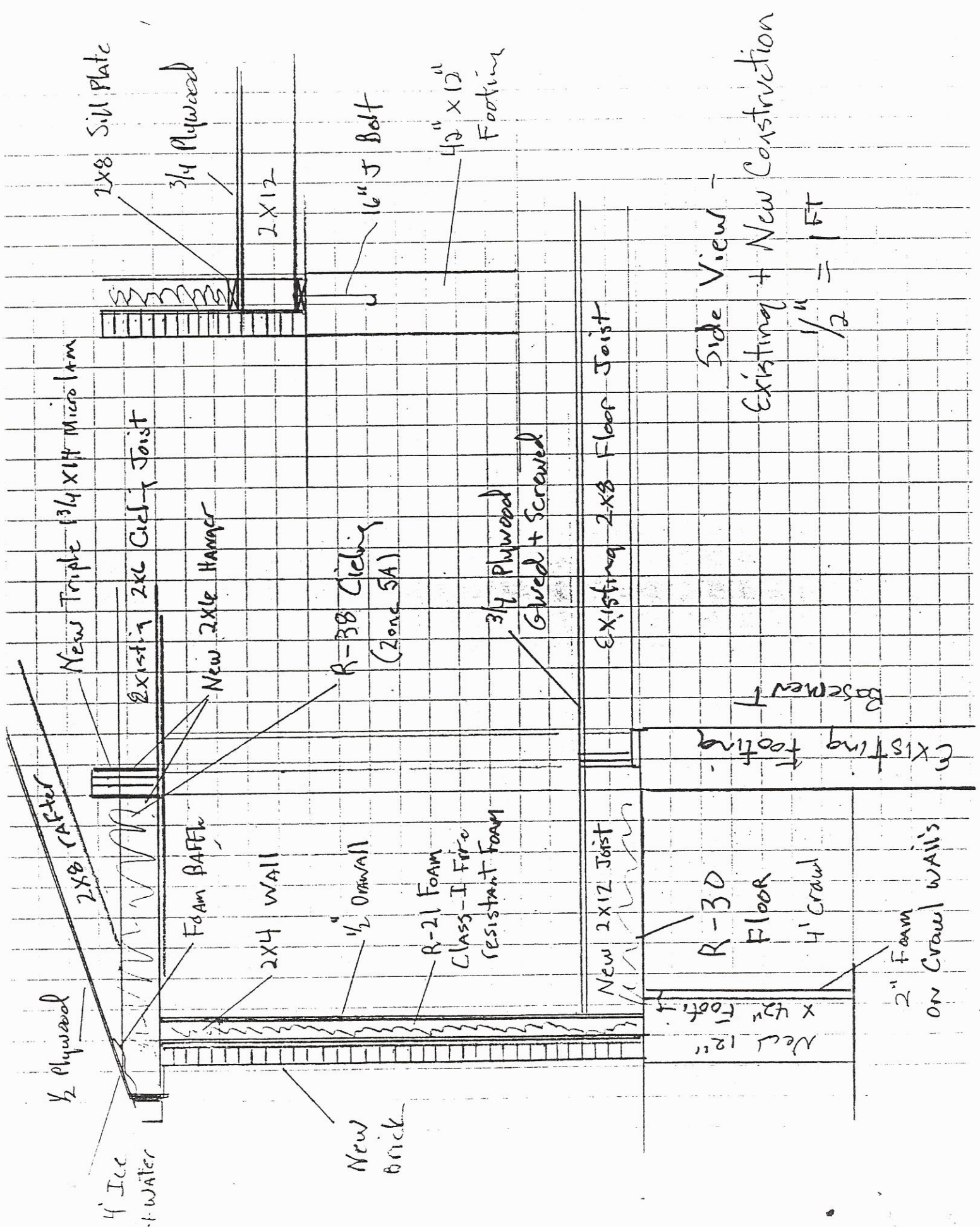


Mckinnon Residence  
Scale: 3/16"=1'

43979 Durson

**REVISED**  
11/3/14

P2140045



Side View -  
 Existing + New Construction  
 $\frac{1}{2} = 1 \text{ FT}$

1/2 Plywood

4' Ice + Water

2x8 RAFTER

Foam Baffle

2x4 WALL

1/2" OR WALL

R-21 FOAM  
 Class-I Fire  
 Resistant Foam

New  
 Brick

New Triple 13/4 x 14 Micro Lam

Existing 2x6 Ceiling Joist

New 2x6 Hanger

R-38 Ceiling  
 (Zone 5A)

3/4 Plywood  
 Glued + Screwed

New 2x12 Joist

R-30

FLOOR

4' Crawl

2" Foam  
 ON Crawl Walls

Existing 2x8 Floor Joist

Existing Footing

Basement

2x8 Sill Plate

3/4 Plywood

2x12

16" J Bolt

4" x 12"  
 Footing

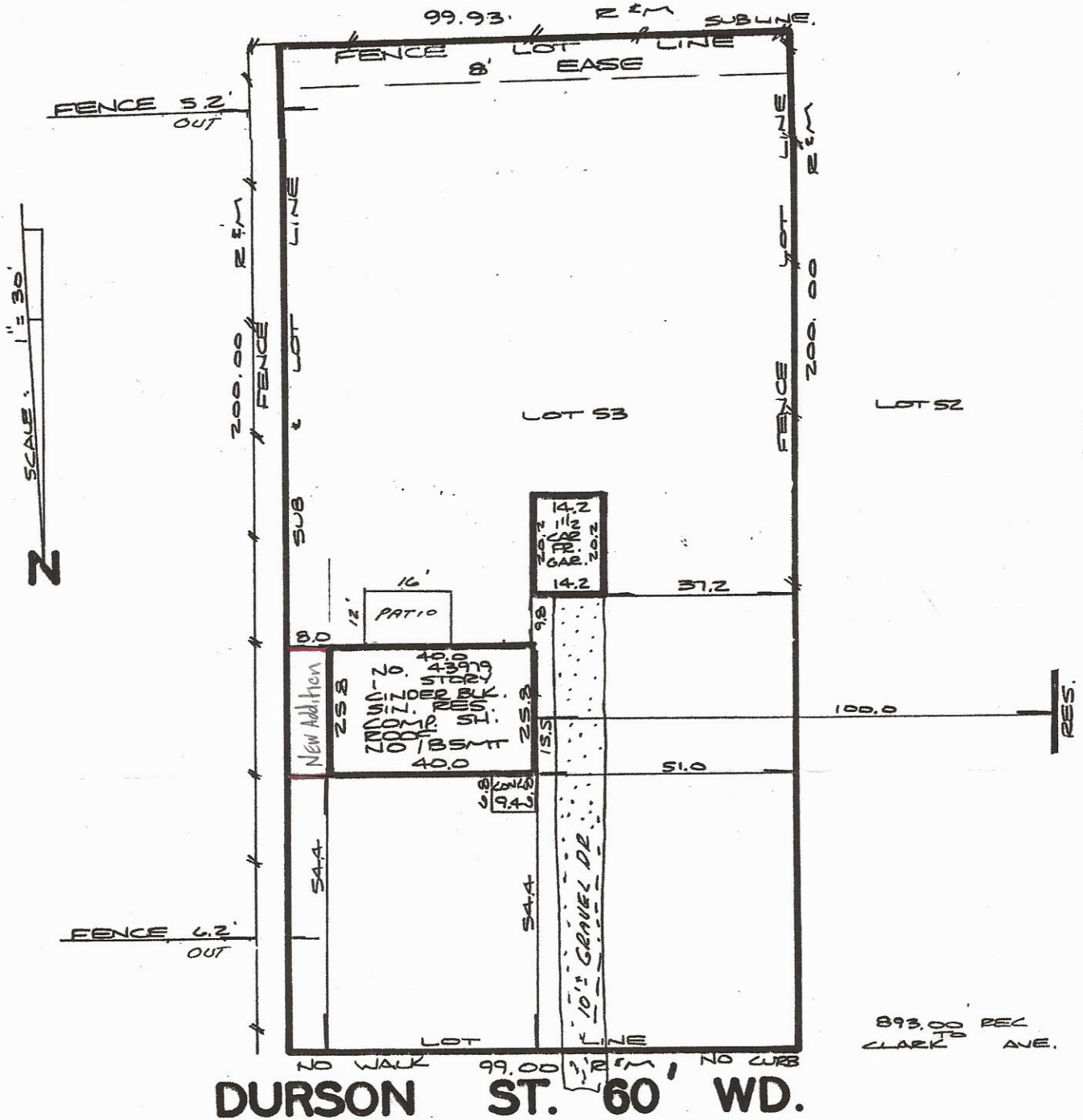
Side View -

Existing + New Construction

$\frac{1}{2} = 1 \text{ FT}$



**MORTGAGE**  
**DETROIT FEDERAL SAVINGS & LOAN ASS'N.**



*EJS*

SURVEY NO: 148262    DATE: 5-16-89    PURCHASER: Eileen L. Summers

LEGAL DESCRIPTION: LOT #53, 'Novi Heights Subdivision No. 2' part of the NE. 1/4 of Section 22, T. 1N., R. 8E., Novi Twp., City of Novi, Oakland County, Michigan. Rec'd L. 66, P. 36 Plats, O.C.R.

WE HEREBY CERTIFY that we have surveyed the property herein described; that the buildings and improvements are located as shown. photographs were taken and prints attached hereto: **NOTE:** This survey is for Mortgage Purposes only and should not be used to establish the property lines for the construction of improvements or the erection of fences.



**CERTIFIED TO ALL TITLE COMPANYS:**

*James L. Fletcher*



