



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:** July 12, 2016

REGARDING: 24022 HEARTWOOD DRIVE, Parcel # 50-22-29-203-001

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Robert Ahern

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	R-1 (One Family Residential)
Location:	south of Ten Mile and west of Beck Road
Parcel #:	50-22-29-203-001

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.2 to allow a reduction in an exterior side yard setback (30 feet required, 23.3 feet proposed) to allow construction of an addition to an existing residence. The property is zoned R-1.

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting approval to decrease the side yard setback to allow for construction of an addition. The existing lot is non-conforming.

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. **PZ16-0023**, 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. **PZ16-0023**, 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



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

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



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ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

Signed Application Form

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

Response to Variance Review Standards – Dimensional, Use, or Sign

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

Fee (make check payable to the City of Novi)

Single Family Residential (Existing) \$200 (With Violation) \$250
Single Family Residential (New) \$250
Multiple/Commercial/Industrial \$300 (With Violation) \$400
Signs \$300 (With Violation) \$400
House Moves \$300
Special Meetings (At discretion of Board) \$600

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



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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:

Corner Lot; request is for side street variance on Cedarwood, house address is on Heartwood. Cedarwood edge of pavement is 56' from existing house, or 45'-4" from addition to pavement edge.

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:

Existing septic field is in rear, existing driveway is in front.

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).

Original house location on 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.

Due to corner location, street setback on 2 sides. Small addition will not impact quality of neighborhood.

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.

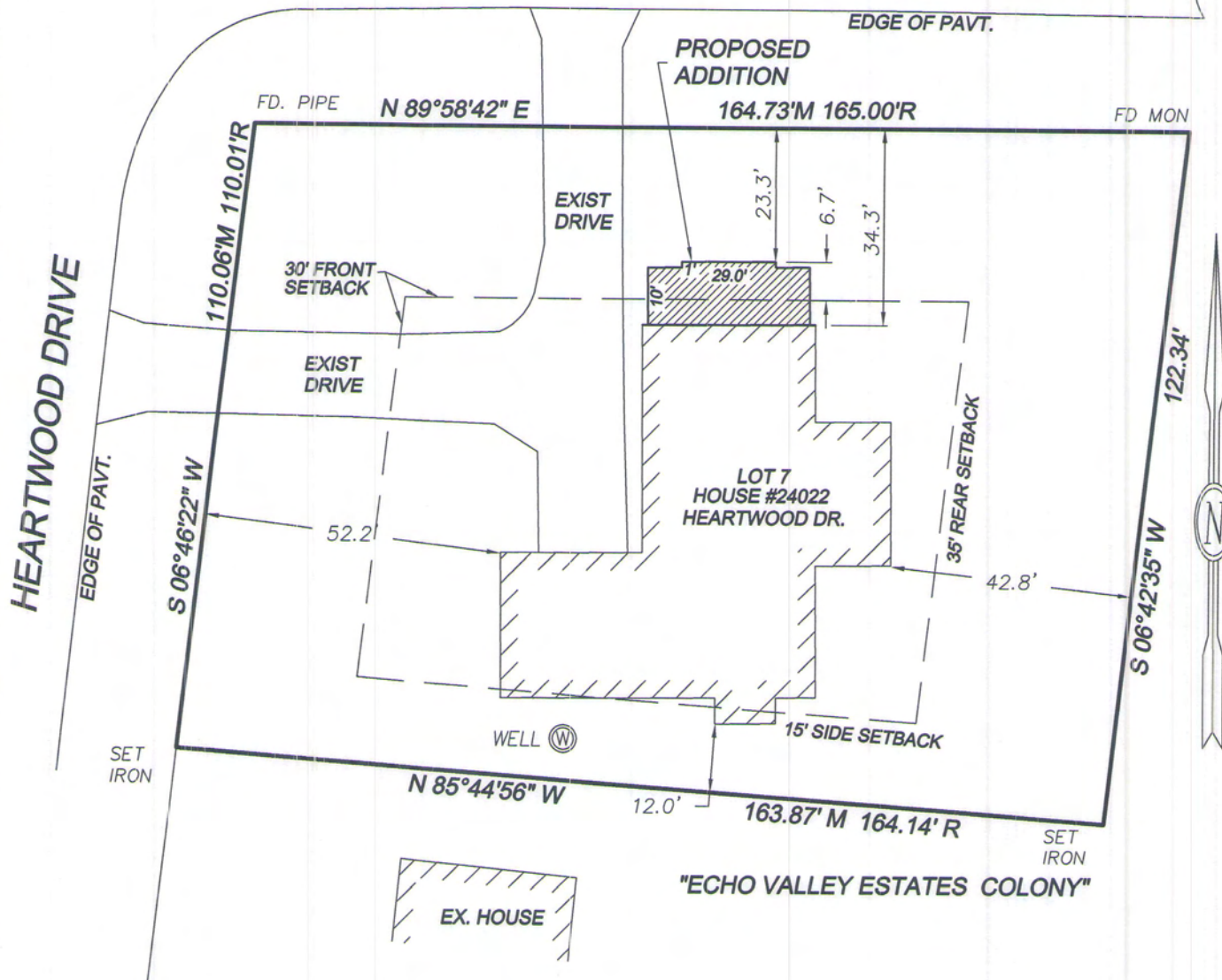
Asking for 6'-8" variance to accommodate appropriate size master bath addition.

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.

Edge of pavement on addition side of home is 56' from existing home. With proposed addition, the edge of pavement will be slightly under 50'. The property is well landscaped on the Cedarwood side with mature evergreen trees. Line of site from the corner will not be impacted.

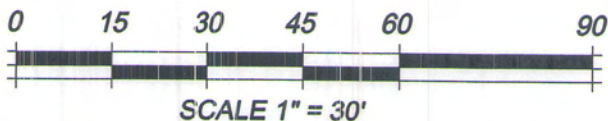
CEDARWOOD DRIVE



EXISTING ZONING: R-1 ONE-FAMILY RESIDENTIAL DISTRICT

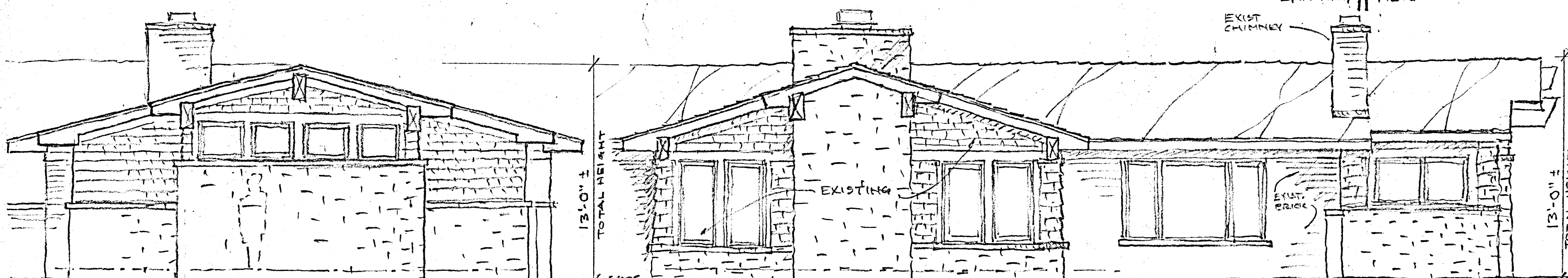
DESCRIPTION PARCEL 22-29-203-001

LOT 7 OF "ECHO VALLEY ESTATES COLONY", A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 AND PART OF THE EAST 1/4 OF THE NW 1/4 OF SECTION 29, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 103 OF PLATS, PAGE 1 OAKLAND COUNTY RECORDS.



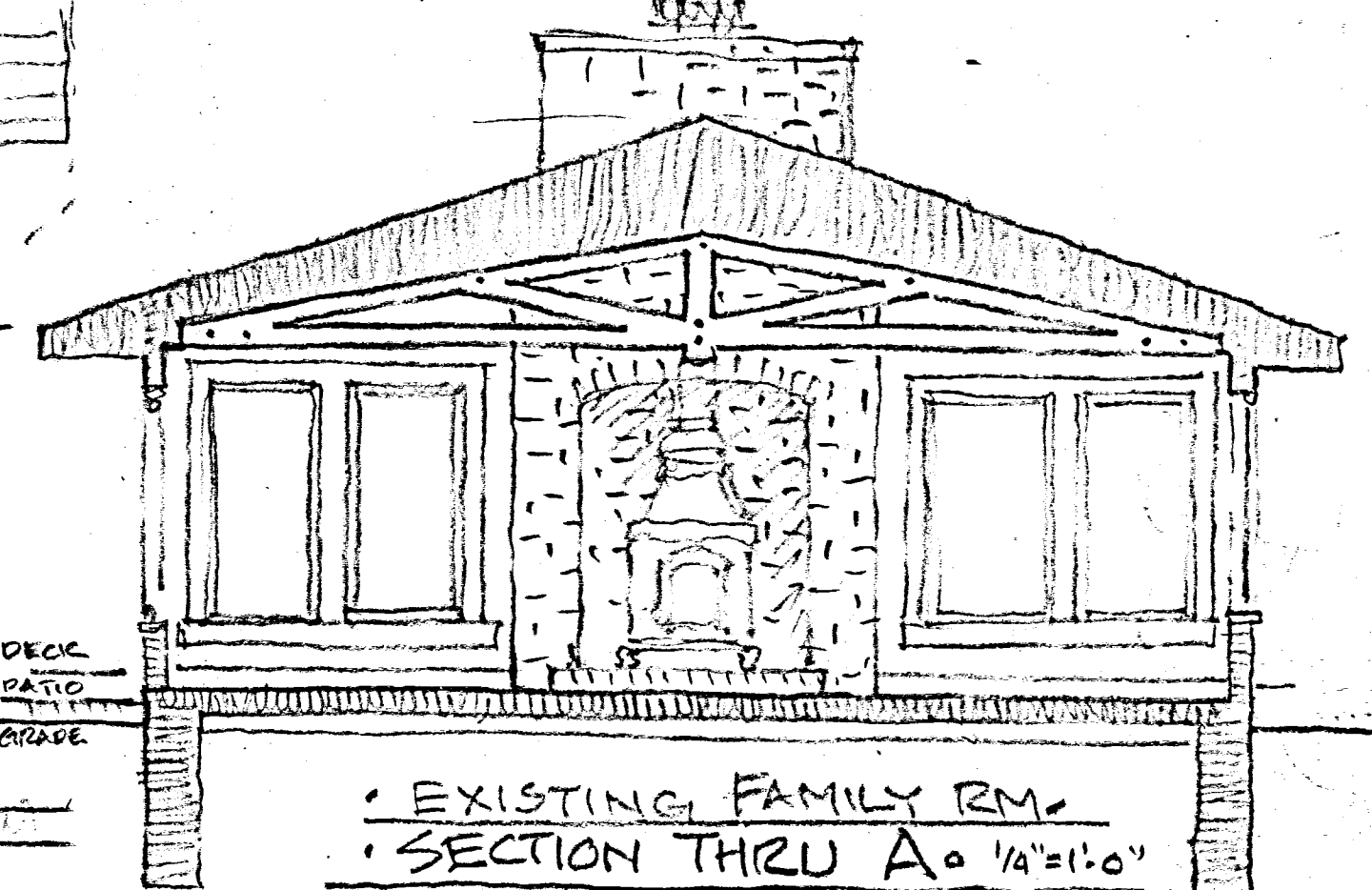
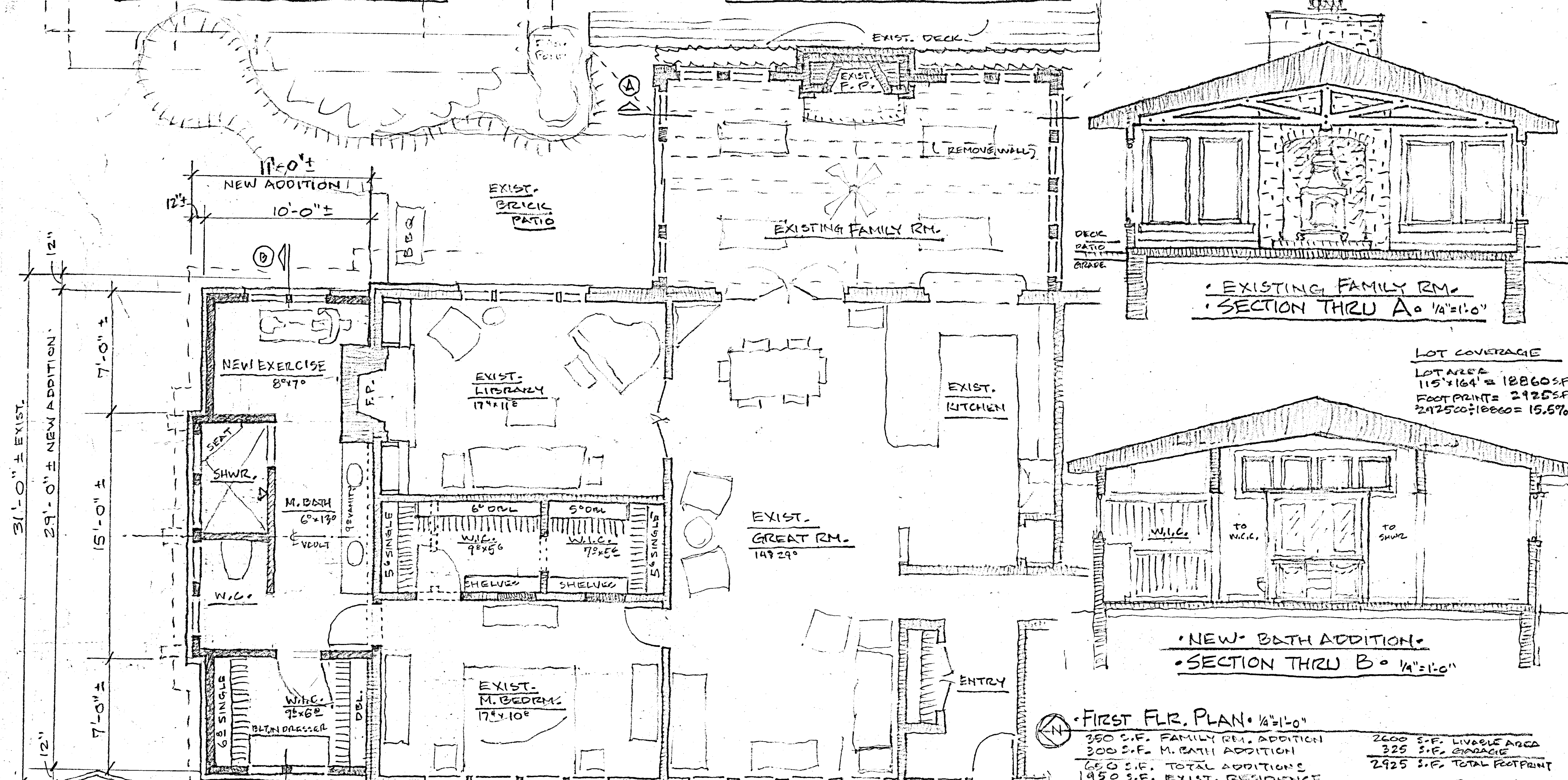
Joseph C. Kapelczak

Drawing for: M.J. WHELAN CONST.		LEGEND		
Drawn By:	LAS	R. = RECORDED	⊙ = FOUND "T" IRON	
Date:	11/4/15	M. = MEASURED	⊗ = CONCRETE MONUMENT	
Scale:	1"=30'	D. = DEEDED	○ = FOUND IRON PIPE	
Job Number:	10390	C. = CALCULATED	⊠ = LATH ON LINE	
		⊕ = SET 1/2" IRON BAR	⊗ = CHISELED "X"	
		● = FOUND IRON	○ = SET NAIL / SPIKE	
		JCK GROUP, INC. 8615 RICHARDSON RD. COMMERCE TWP., MICHIGAN 48390 248-363-2550		

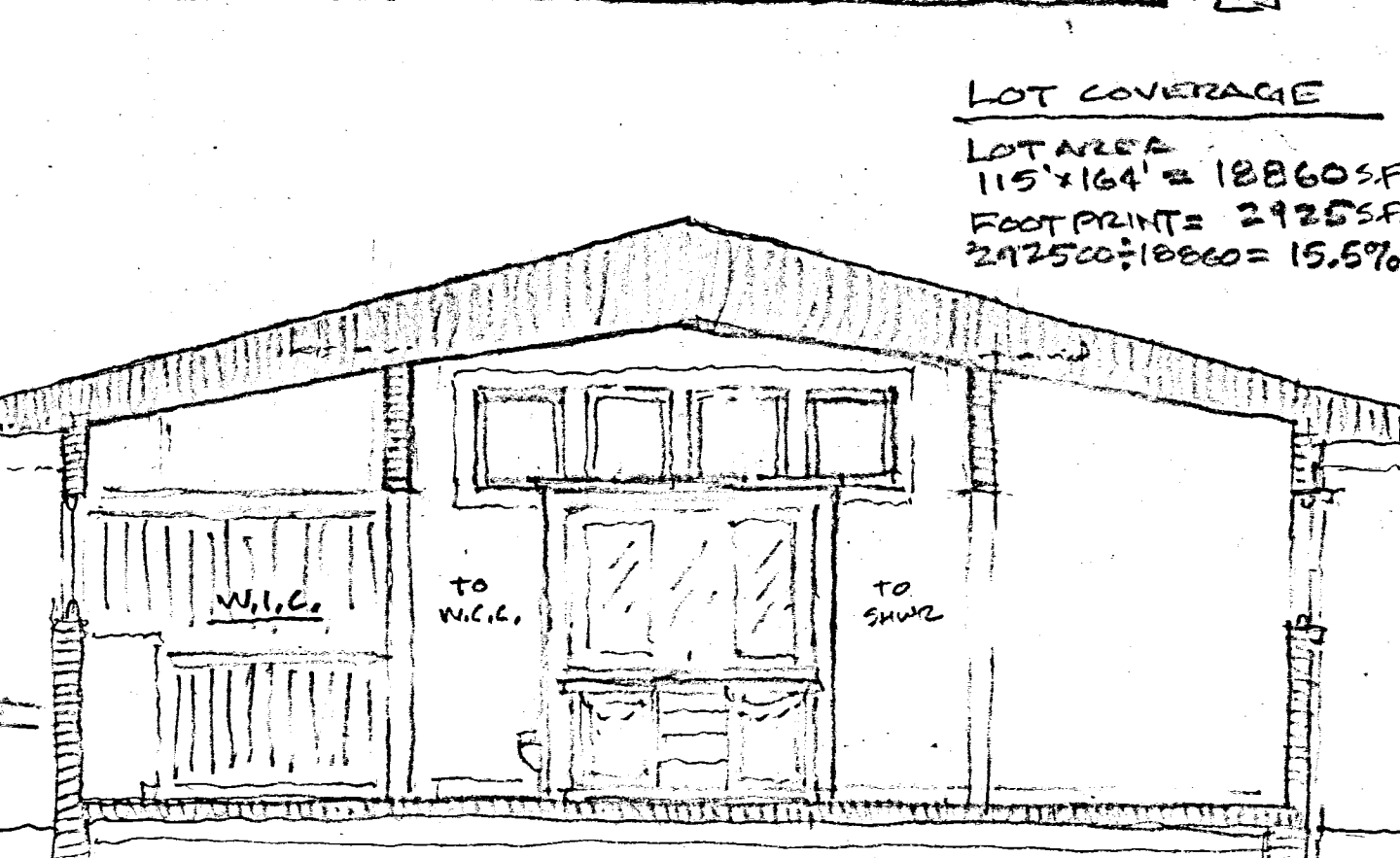


• NORTH ELEVATION • 1/4"=1'-0"

• EAST ELEVATION • 1/4"=1'-0"



• EXISTING FAMILY RM. SECTION THRU A • 1/4"=1'-0"



• NEW BATH ADDITION SECTION THRU B • 1/4"=1'-0"

• FIRST FLR. PLAN • 1/4"=1'-0"

350 S.F. FAMILY RM. ADDITION	2600 S.F. LIVABLE AREA
300 S.F. M. BATH ADDITION	325 S.F. GARAGE
650 S.F. TOTAL ADDITIONS	2925 S.F. TOTAL FOOTPRINT
1950 S.F. EXIST. RESIDENCE	
2600 S.F. TOTAL LIVABLE AREA	

LOT COVERAGE
 LOT AREA 115'x164' = 18860 SF
 FOOTPRINT = 2925 SF
 292500 ÷ 18860 = 15.5%

M.J. WHELAN
 CONSTRUCTION
 620 N. MILFORD RD.
 MILFORD, MI 48381
 248-684-4649
 www.mjwhelan.com FAX 248-685-0179

PROPOSED ADDITIONS & ALTERATIONS TO THE HOME OF:
BOB & ANN AHERN
 24022 HEARTWOOD, NOVI, MICHIGAN 48375 248-348-2812

REVISED: 5-10-16
 DATE: 9-26-09
 SHEET 1 OF 1
 DWG. # W-2673