



## COMMUNITY DEVELOPMENT DEPARTMENT

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

## ZONING BOARD OF APPEALS STAFF REPORT

**FOR:** City of Novi Zoning Board of Appeals **ZONING BOARD APPEALS DATE:** September 15, 2015

**REGARDING:** HERZOG (CASE NO. PZ15-0021)

**BY:** Thomas M. Walsh, Building Official

### I. GENERAL INFORMATION:

#### Applicant

Thomas Herzog

#### Variance Type

Use Variance

#### Property Characteristics

Zoning District:	R-4, One Family Residential
Site Location:	207 Charlotte Street, south of South Lake Rd and west of Old Novi Rd
Parcel #:	50-22-03-483-002

#### Request

The applicant is requesting use variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.1 to allow parking/storage of boat within the front yard from April 1<sup>st</sup> to October 31<sup>st</sup> of each year (72 hours, less than 7 days required).



**II. ZONING AND LAND USE:**

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
<b>Subject Property</b>	R-4, One Family Residential	Pratt Subdivision	Single Residential
<b>North</b>	R-4, One Family Residential	Pratt Subdivision	Single Residential
<b>South</b>	R-4, One Family Residential	Shawood Walled Lake Subdivision	Single Residential
<b>East</b>	R-4, One Family Residential	Pratt Subdivision	Single Residential
<b>West</b>	R-4, One Family Residential	Pratt Subdivision	Single Residential

**III. STAFF COMMENTS:**

**Existing Condition**

The subject property consists of one- (1) lot located on the south side of Charlotte Street within Pratt Subdivision. The parcel has approximately 40.0 feet of frontage on Charlotte Street and approximately 85.0 feet deep as measured along north side yard lot line. The total lot area of the parcel is approximately 3,400.0 square feet.

**IV. DEVELOPMENT STANDARDS:**

The table below summarizes the zoning district development standards for the subject parcels.

Lot Size		Minimum Setback			
Area	Width	Front	Sides	Aggregate Side	Rear
R-4 10,000 sq. ft.	80 ft.	30 ft.	10 ft. ( one side)	25 ft. (total of two side)	35 ft.

**V. SITE STANDARDS:**

1. Commercial and Recreational (boats) Vehicle Parking and Storage (Section 5.1).  
 Recreational equipment and trailers may be temporarily parked or stored anywhere on a residential premises for a period not to exceed seventy-two (72) consecutive hours for the purpose of active loading, unloading, trip preparation, or minor routine maintenance and repair. Removal of the equipment from the premises for a period of greater than twenty-four (24) hours shall commence a new seventy-two (72) hour period. For purposes of enforcement, in addition to parking or storage for a period in excess of seventy-two (72) hours, the presence of the same equipment on the same premises within a seven (7) day period shall be considered a violation of this provision, unless the property owner can establish the removal of the equipment as provided herein.

The applicant is proposing to parking/storage of boat within the front yard from April 1st to October 31st of each year. **This requires a use variance from the 72 hours, less than 7 days requirement.**

**VI. RECOMMENDATION:**

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

1. I move that we **grant** the use variance in **Case No. PZ15-0021**, sought by \_\_\_\_\_, for \_\_\_\_\_ to allow Petitioner to use the property for \_\_\_\_\_ because the Petitioner has established an unnecessary hardship:
  - (a) Petitioner cannot use the property as permitted in the \_\_\_\_\_ zoning district because (either):
    1. The unique circumstances of the property consisting of \_\_\_\_\_ prevents \_\_\_\_\_, or,
    2. The physical condition of the property consisting of \_\_\_\_\_ prevents \_\_\_\_\_.

And, the condition is not a personal or economic hardship.

(b) Using the property for \_\_\_\_\_ in the \_\_\_\_\_ zoning district will not alter the essential character of the area because \_\_\_\_\_.

(c) Petitioner and his predecessors did not create the need for this variance because \_\_\_\_\_.

(d) *The variance is granted subject to:*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

2. I move that we **deny** the use variance in **Case No. PZ15-0021**, sought by \_\_\_\_\_, for \_\_\_\_\_ because the Petitioner has **not** established an unnecessary hardship:

(a) Petitioner has not established that a hardship regarding the current zoning designation of the property, as the property can be used as zoned because\_\_\_\_\_.

(b) Petitioner has not established unique circumstances or unique physical conditions regarding the property because \_\_\_\_\_.

(c) The variance requested is based on the Petitioner's personal or economic hardship because Petitioner stated \_\_\_\_\_.

(d) The proposed use will alter the essential character of area by\_\_\_\_\_.

(e) The Petitioner has created the need for the variance by \_\_\_\_\_.

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



\_\_\_\_\_  
Thomas M. Walsh  
Building Official  
City of Novi



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 Novi, MI 48375  
 (248) 347-0415 Phone  
 (248) 735-5600 Facsimile  
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## ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

**RECEIVED**

JUL 02 2015

CITY OF NOVI  
COMMUNITY DEVELOPMENT

Application Fee: \$200-  
 Meeting Date: 9-15-15  
 ZBA Case #: PZ 15-0021

I. PROPERTY INFORMATION (Address of subject ZBA Case)	
PROJECT NAME / SUBDIVISION	
ADDRESS <u>207 Charlotte</u>	LOT/SIUTE/SPACE #
SIDWELL # <u>50-22-03-103 002</u>	May be obtain from Assessing Department (248) 347-0485
CROSS ROADS OF PROPERTY <u>13 mile and Old Novi</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 type="checkbox"/> NO	

II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS	CELL PHONE NO.
NAME <u>Thomas Herzog</u>		<u>T.Herzog41@yahoo.com</u>	<u>(734) 904-0112</u>
ORGANIZATION/COMPANY			FAX NO.
ADDRESS <u>207 Charlotte</u>	CITY <u>Novi</u>	STATE <u>MI</u>	ZIP CODE <u>48377</u>

B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME			TELEPHONE NO.
ORGANIZATION/COMPANY			FAX NO.
ADDRESS	CITY	STATE	ZIP CODE

III. ZONING INFORMATION	
A. ZONING DISTRICT	
<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"/> 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>E.1</u>	Variance requested <u>7 DAY / 72 HRS. PARKING</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"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>	



# 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:

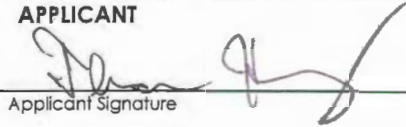
The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

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

ACCESSORY BUILDING    USE    OTHER \_\_\_\_\_

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

  
Applicant Signature

6-9-15  
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

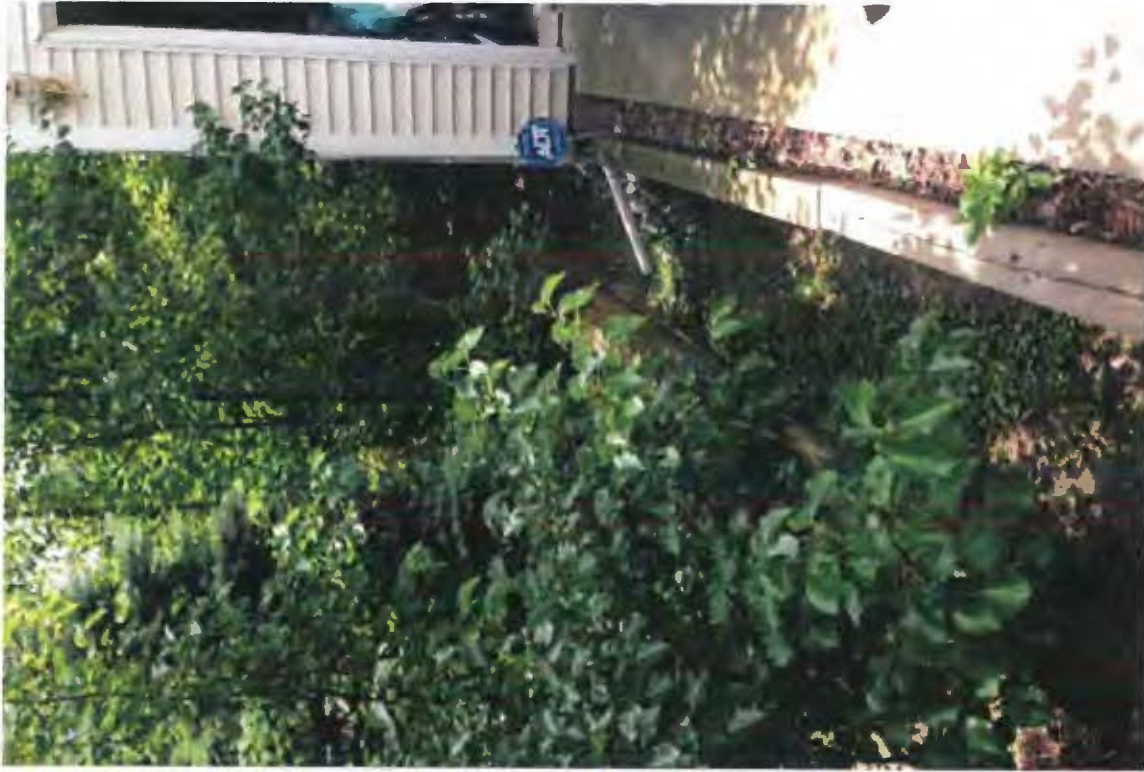
To: Novi Zoning Board of Appeals

From: Thomas Herzog

I would like to apply for a use variance of zoning ordinance 5.1 which prevents residents from keeping trailers or recreational vehicles in the front of a house. I have a boat, and the only way that I can park the boat on my property is to park it in my driveway. My lot does not allow me to park it in the side or back. The trailer will not fit in the garage (Trailer length: 21.5 ft. Garage length: 18.5 ft. width: 6 inches of clearance). Most residents in the area and in the city, have a lot large enough or a garage large enough to allow them to own a boat and keep it on their own property. I am requesting the ability to do the same thing. My closest neighbors have signed letters saying that they have no problem with it, and especially with my house being in lake Walled Lake area of Novi, it will not have a detrimental effect on the area. I would like to be able to park my boat in my driveway during the warm months of the year (April-October) for as long as I own the property.



7-2-15









**REVIEW STANDARDS  
DIMENSIONAL VARIANCE  
CITY OF NOVI  
Community Development Department  
(248) 347-0415**

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 how the circumstances or physical conditions applying to the property that do not apply generally to other properties in the same Zone 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:

The narrowness of my lot prevents me from being able to park my boat trailer on the side or rear of my house. I would like to be able to park my boat in my driveway.

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).

I own a boat that will not fit in my side-yard as city ordinance requires me to keep it. The size and shape of my lot is not a result of my actions or the previous property owner's.

## Standard #3. Strict Compliance.

Explain how the Dimensional Variance is 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.

City ordinance does not prohibit parking trailers on your lot, only in front of the house. I am requesting the ability to store my trailer on the only part of my property where it will fit.

## 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.

The front of my house is the only place possible for me to park a boat on my property.

## 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

My boat and trailer are well kept and having it parked in my driveway will, in no way negatively affect those in the community.



**REVIEW STANDARDS  
USE VARIANCE  
CITY OF NOVI  
Community Development Department  
(248) 347-0415**

For Use Variances: A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards.

**Standard #1. Cannot Be Reasonably Used.**

Explain how the land, building or structure cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

*Due to the size and shape of my property, I am unable to fit a boat on the side of my house. This prevents me from parking a boat legally on my property.*

**Standard #2. Circumstances or Physical Conditions.**

Explain how the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.

*The need for the use variance is due to the narrowness of my property. Because of that, there is no way for me to park my boat on the side of my house as is allowed by city ordinance. The garage is also too small to fit the boat.*

**Standard #3. Character of the Neighborhood.**

Explain how the proposed use will not alter the essential character of the neighborhood.

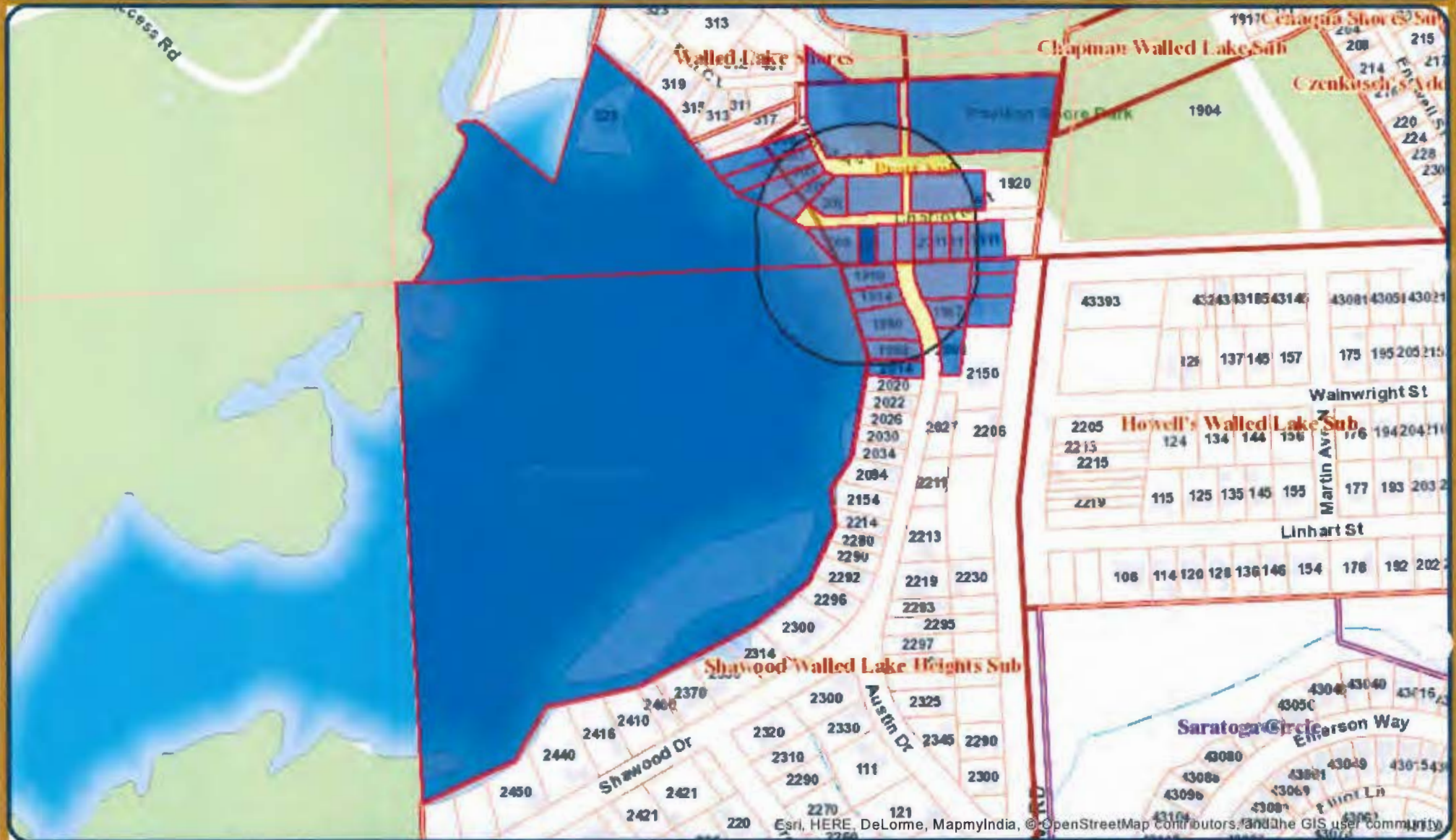
*Allowing me to park my boat in my driveway will not alter the character of the neighborhood. This is especially true because I am asking to store a boat in my driveway during the winter months in a lake area.*

**Standard #4. Not Self-Created.**

Explain how 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).

*Neither nor the previous property owners created the problem of a narrow lot.*

207 Charlotte St  
PZ15-0021



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



Author:  
Date: 8/27/2015

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>

To: Novi Zoning Board Committee

I support my neighbor, Tom Herzog, in his appeal to the zoning board committee which would allow him to park his boat in his driveway during the warm months of the year. As I live close to Mr. Herzog, this ruling will affect me, but I have no problem with him parking his boat in the driveway.

Signed: *Joel Street*

*ITS COOL WITH ME EVEN IN  
THE WINTER Mths.*

Address: *117 Charlotte*

Phone Number: *248 345  
9342*

---

\* *Andy Stah*  
*209 Charlotte*  
*(517) 404-6776*

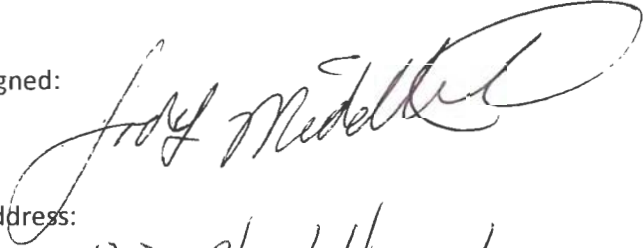
*I'm fine with it.  
No-bodies complaining-*

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**CITY OF NOVI**  
**COMMUNITY DEVELOPMENT**

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Signed:



Address:

123 Charlotte st  
Novi Mi 48377

Phone Number:

248-444-4767

**RECEIVED**  
JUL 02 2015  
CITY OF NOVI  
COMMUNITY DEVELOPMENT

To: Novi Zoning Board Committee

I support my neighbor, Tom Herzog, in his appeal to the zoning board committee which would allow him to park his boat in his driveway during the warm months of the year. As I live close to Mr. Herzog, this ruling will affect me, but I have no problem with him parking his boat in the driveway.

Signed:

*Ann (Ai) Herzog*

Address:

301 Duane St. Novi MI 48377

Phone Number:

734-929-7322

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CITY OF NOVI  
COMMUNITY DEVELOPMENT