

#### 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: March 13, 2018

REGARDING: Parcel # 50-22-21-103-003 (PZ18-0003)

BY: Larry Butler, Deputy Director Community Development

#### I. GENERAL INFORMATION:

#### **Applicant**

**Kensington Family Homes** 

#### Variance Type

**Dimensional Variance** 

#### **Property Characteristics**

Zoning District: Residential Acreage

Location: East of Beck Road and South of Eleven Mile Road

Parcel #: 50-22-21-103-003

#### Request

The applicant is requesting variance from the City of Novi Zoning Ordinance Section 3.1.1, for a side yard setback variance of 9.68 feet for an aggregate total of 40.32 feet. 50 feet is required by code. This property is zoned Residential Acreage (RA).

#### **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	3-0003,	soug	ght by
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		(b) The circumstances and features of the property relating to the va self-created because								varianc — 	e reque	est are				
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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

PROPERTY INFORMATION (Address of subject ZBA Case)   Application Fee: 3/13/2018   Application Fee: 3/13/2018   ADDRESS 4/22/45   Wile 2d
ADDRESS 42245   MILE PLANDERS   LOTISUILIESPECE #   18   LOTISUILIESPEC
May be obtain from Assessing Department (248) 347-0485  CROSS ROADS OF PROPERTY  I. W. I. & & & & & & & & & & & & & & & & & &
Department (248) 347-0485  CROSS ROADS OF PROPERTY  IN MILE + BELLE  STHE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?  REQUEST IS FOR:  RESULEST
STHE PROPERTY WITHIN A HOMBOWNER'S ASSOCIATION JURISDICTION?    YES
YES
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED?    A. APPLICANT   EMAIL ADDRESS   TOUR   TOUR   TOUR     A. APPLICANT   EMAIL ADDRESS   TOUR     A. APPLICANT   TOUR     A. APPLICANT   TOUR     A. APPLICANT   TOUR     A. APPLICANT   TOUR     ADDRESS   TOUR   TOUR     ADDRESS
III. ZONING INFORMATION  A. APPLICANT  SUITE DIVERSIS SUITE DIVERSIS STATE  CELL PHONE NO. 734-645-023  TELEPHONE NO. 734-645-023  FAX NO.  STATE  CITY PLYMAN  ADDRESS  134 27 WEST ON NE STATE  CITY PROPERTY OWNER  ADDRESS  COLONING DISTRICT  R-A R-1 R-2 R-3 R-4 RM-1 RM-2 MH  B. VARIANCE REQUESTED  INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:  1. Section Variance requested  2. Section Variance requested
APPLICANT  Suice Whereing bordaming hones. com 734-645-0231  TELEPHONE NO. 734-645-023  ORGANIZATION/COMPANY  ADDRESS  ADDRESS  PROPERTY OWNER CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER  Identify the person or organization that cwns the subject property:  NAME  LU T SMITH  ADDRESS  PROPERTY OWNER  CELL PHONE NO. 734-646-1540  TELEPHONE NO.  TO US
TELEPHONE NO.  TRAY ON THE PROPERTY OWNER  ADDRESS  ORGANIZATION/COMPANY  B. PROPERTY OWNER  Identify the person or organization that owns the subject property:  NAME  ADDRESS  ORGANIZATION/COMPANY  ADDRESS  OWNER  CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER  Identify the person or organization that owns the subject property:  NAME  ORGANIZATION/COMPANY  ADDRESS  ON WE STATE  ITELEPHONE NO.  TELEPHONE NO.  TO SHOW THE METHOD TO SHOW TO
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ADDRESS  434 22 West Oaks dir this of Novi STATE  B. PROPERTY OWNER   CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER  Identify the person or organization that owns the subject property:  NAME   CONTINUE   STATE   CELL PHONE NO.
B. PROPERTY OWNER CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER  Identify the person or organization that owns the subject property:  NAME  CULT SMITH  ORGANIZATION/COMPANY  ADDRESS  AZONING INFORMATION  A. ZONING DISTRICT  A. R-A R-1 R-2 RC TC TC-1 OTHER  B. VARIANCE REQUESTED  INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:  1. Section Variance requested  2. Section Variance requested  3. Section Variance requested  Variance requested  Variance requested  Variance requested  Variance requested
Identify the person or organization that owns the subject property:  NAME    CULT SMITH   CITY PLYMUM   STATE MI   ZIP CODE   48170    MIL ZONING INFORMATION   FAX NO.
OWNS the subject property:  NAME  KULT SMITM  ORGANIZATION/COMPANY  ADDRESS 9238 CONMUC ST  CITY RYMMIN STATE MI ZIP CODE 48:70  III. ZONING INFORMATION  A. ZONING DISTRICT  R-A R-1 R-2 R-3 R-4 RM-1 RM-2 MH  I-1 I-2 RC TC TC-1 OTHER  B. VARIANCE REQUESTED  INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:  1. Section Variance requested  2. Section Variance requested  3. Section Variance requested
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3. SectionVariance requested
3. SectionVariance requested
4. SectionVariance requested
IV. FEES AND DRAWNINGS
A. FEES
Single Family Residential (Existing) \$200 $\square$ (With Violation) \$250 $\square$ Single Family Residential (New) \$250
$\square$ Multiple/Commercial/Industrial \$300 $\square$ (With Violation) \$400 $\square$ Signs \$300 $\square$ (With Violation) \$400
☐ House Moves \$300 ☐ Special Meetings (At discretion of Board) \$600
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF
<ul> <li>Dimensioned Drawings and Plans</li> <li>Site/Plot Plan</li> <li>Existing &amp; proposed distance to adjacent property lines</li> <li>Location of existing &amp; proposed signs, if applicable</li> </ul>
<ul> <li>Existing or proposed buildings or addition on the property</li> <li>Number &amp; location of all on-site parking, if applicable</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 approva	ls.
B. SIGN CASES (ONLY)	
Your signature on this application indicates that you agree to install a <b>Mock-Up Sign</b> to meeting. Failure to install a mock-up sign may result in your case not being heard by the schedule ZBA meeting, or cancelled. A mock-up sign is <b>NOT</b> to be actual sign. Upon contemoved within five-(5) days of the meeting. If the case is denied, the applicant is respressively of the mock-up or actual sign (if erected under violation) within five-(5) days	he Board, postponed to the next approval, the mock-up sign must be consible for all costs involved in the
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 building permit for such erection or alteration is obtained within such period and such 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 perighty-(180) days unless such use is establish within such a period; provided, however, dependent upon the erection or alteration or a building such order shall continue in for such erection or alteration is obtained within one-(1) year and such erection or alteration in accordance with the terms of such permit.	where such use permitted is orce and effect if a building 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
$ otin Construct$ new home/building $\ \square$ addition to existing home/building $\ \square$	SIGNAGE
□ ACCESSORY BUILDING □ USE □ OTHER	-
VI. APPLICANT & PROPERTY SIGNATURES	
	1 /28 / 19 Date
VI. APPLICANT & PROPERTY SIGNATURES  A. APPLICANT  (MAP	1 /26 /19 Date
VI. APPLICANT & PROPERTY SIGNATURES  A. APPLICANT  (MAP	1 /26 / 15 Date
VI. APPLICANT & PROPERTY SIGNATURES  A. APPLICANT  Applicant Signature	
VI. APPLICANT & PROPERTY SIGNATURES  A. APPLICANT  Applicant Signature  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 application, and is/are aware of the contents of this application and related enclosure.	w: ne property described in this
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#### **Community Development Department**

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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:

-	maranees of 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:
	Do not meet the MM 150' Regarement. Fex BITY with is 80' less the lacre.
	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).

N? - Doesnot meet Sit back Regairments.

### 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.

80' Does not meet Zang.

### Standard #4. Minimum Variance Necessary.

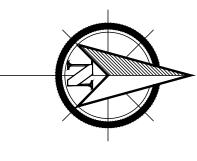
Azhing to only Side

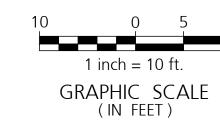
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

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.

Cartained to This Property







Location Map

### Site Address

42245 11 Mile Road, Novi Michigan 48374

### Tax ID Number

19-19-326-010

### Zoned

RA - RESIDENTIAL ACREAGE

### Setbacks

FRONT: 45 FEET

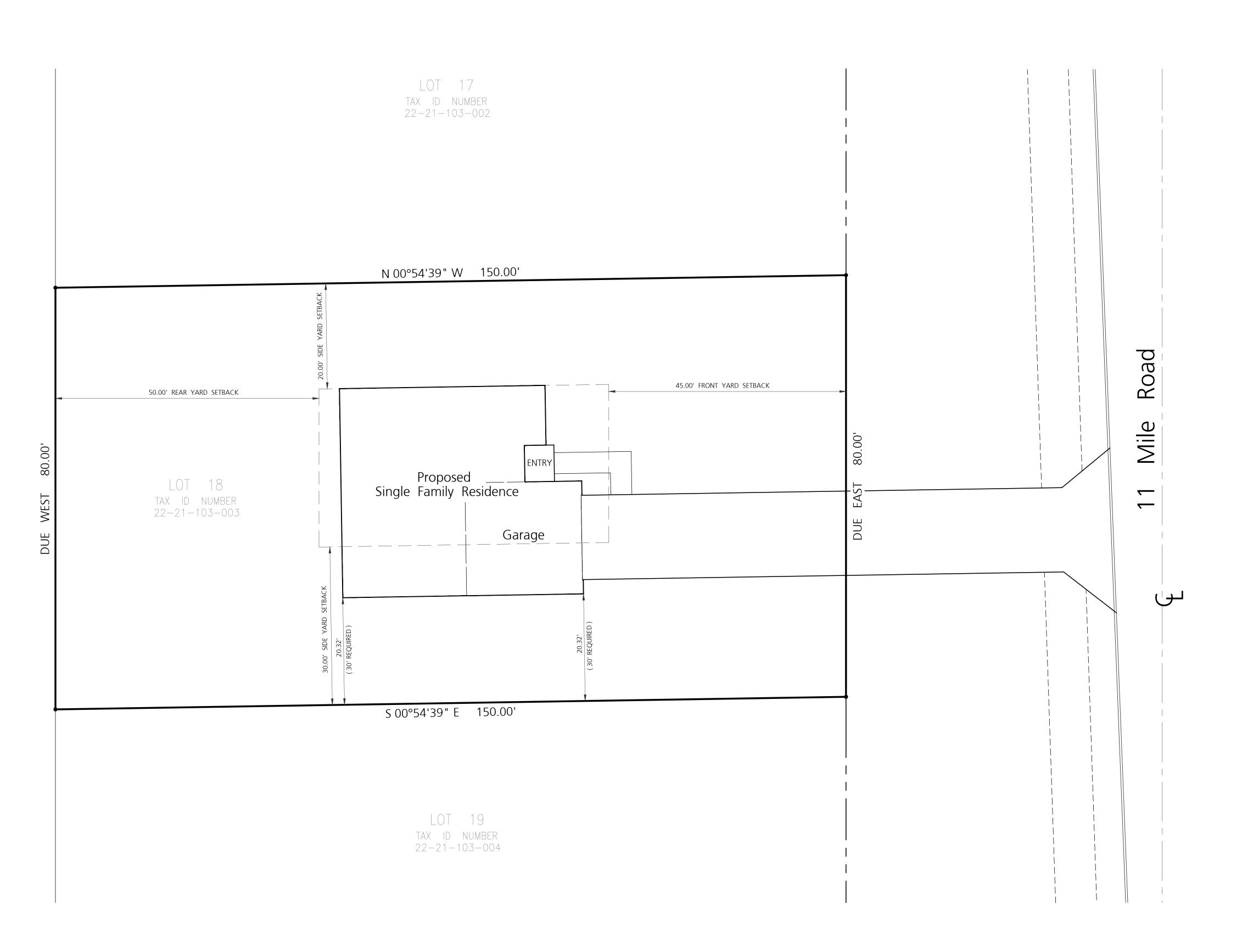
REAR: 50 FEET SIDES:

20 FEET - MIN. ONE SIDE 50 FEET TOTAL

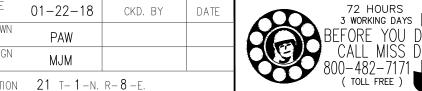
## Legal Description

LOT 18, "PIONEER MEADOWS", A SUBDIVISION BEING PART OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 1, NORTH RANGE 8, EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

AS RECORDED IN LIBER 90, PAGE 12, OAKLAND COUNTY RECORDS.







PAW

MJM

