



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. **PZ18-0003**, 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 is 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. **PZ18-0003**, 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 Petitioner's 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



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$250.00
 Meeting Date: 3/13/2018
 ZBA Case #: PZ 18-0003

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION <u>Pioneer Meadows</u>			
ADDRESS <u>42245 11 mile Rd</u>	LOT/SIUTE/SPACE # <u>18</u>		
SIDWELL # <u>50-22-21-103-003</u>	May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY <u>11 mile + Zede</u>			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS <u>Julie@KensingtonFamilyHomes.com</u>	CELL PHONE NO. <u>734-645-0231</u>
NAME <u>Kensington Family Homes</u>		TELEPHONE NO. <u>734-645-0231</u>	
ORGANIZATION/COMPANY <u>Kensington Family Homes</u>		FAX NO. <u>248-938-4357</u>	
ADDRESS <u>43422 West Oaks dr. #125</u>	CITY <u>Novi</u>	STATE <u>MI</u>	ZIP CODE <u>48377</u>
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS <u>Kurtis9238@gmail.com</u>	CELL PHONE NO. <u>734-646-1540</u>
NAME <u>Kurt Smith</u>		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS <u>9238 Cornue St</u>	CITY <u>Plymouth</u>	STATE <u>MI</u>	ZIP CODE <u>48170</u>
III. ZONING INFORMATION			
A. ZONING DISTRICT			
<input checked="" 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>31.1</u>	Variance requested <u>Side Setback Reduction + Area Reduction</u>	<i>Variance Reduction of 9.68 total of 4032</i>	
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"> Dimensioned Drawings and Plans Site/Plot Plan Existing or proposed buildings or addition on the property Number & location of all on-site parking, if applicable Existing & proposed distance to adjacent property lines Location of existing & proposed signs, if applicable Floor plans & elevations Any other information relevant to the Variance application 			



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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:

Do not meet the min 150' requirement. Existing width is 80' less than 1 acre.

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).

N7 - Does not meet set back Requirements.

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 zoning.

Standard #4. Minimum Variance Necessary.

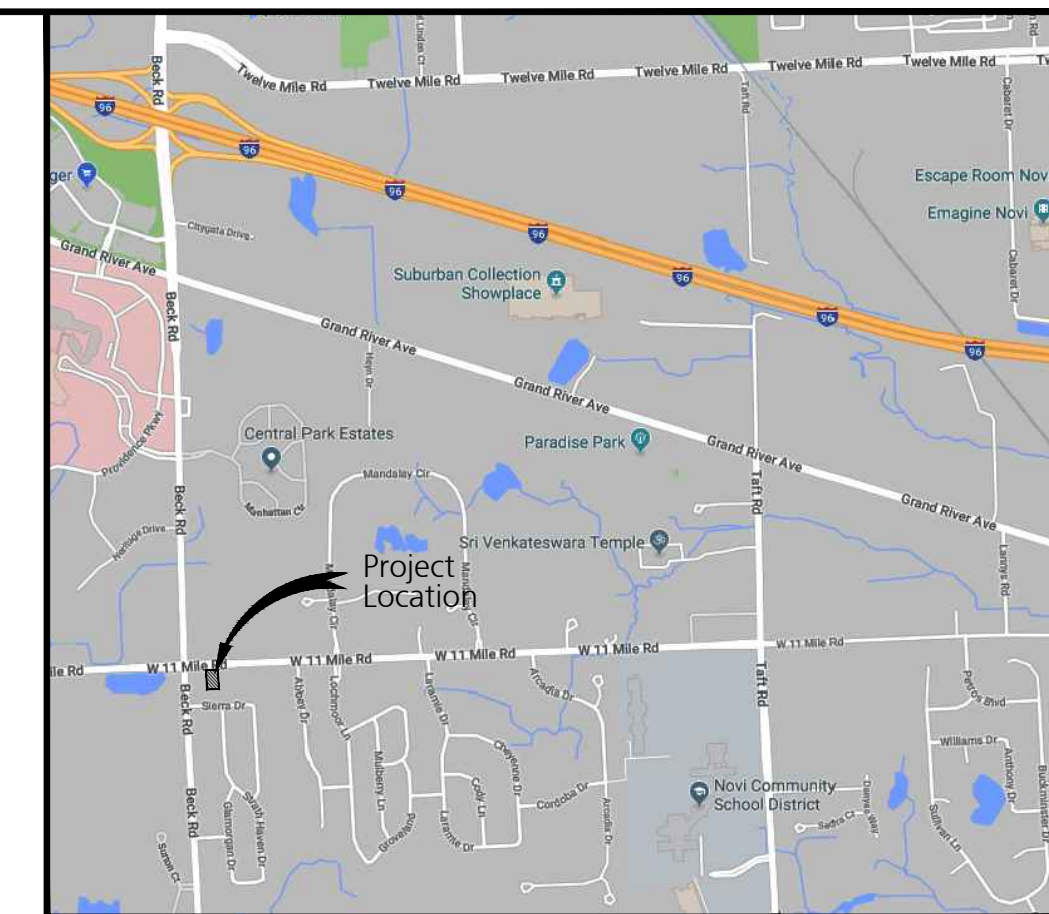
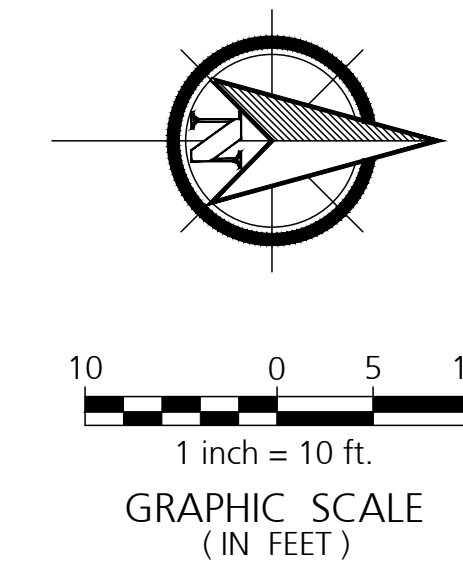
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Asking for only side set back
variance.

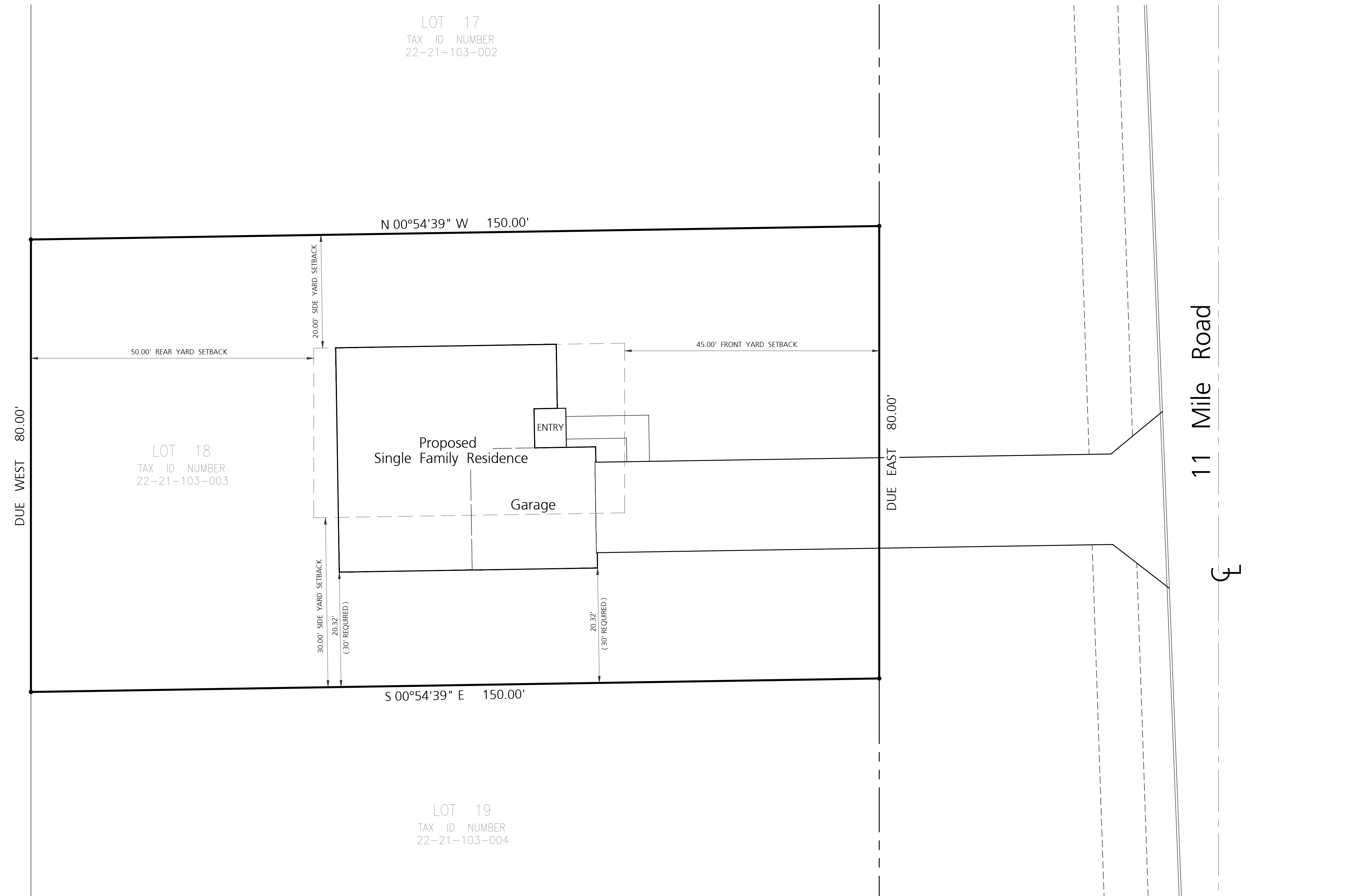
Standard #5. Adverse Impact on Surrounding Area.

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.

Contained to This Property.



Location Map
N.T.S.



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.

DATE	ISSUE	BY	PROPRIETOR

Kensington Family Homes
 103 North Center Street Northville, Michigan 48167

PROJECT
 Single Family Residence
 47245 11 Mile Road Novi, Michigan 49022
 Tax ID No. 22-21-103-003

FAIRWAY ENGINEERING LLC
 LAND DEVELOPMENT - STRUCTURAL - GEOTECH
 28525 BECK ROAD, SUITE 124 WIXOM, MI 48393-4743 (248) 214-5913

DATE	01-22-18	OKD. BY	DATE
DRAWN	PAW		
DESIGN	MJM		
SECTION	21	T-1-N-E-8-E	



Plot Plan

JOB No.	FE - 171024
SHEET	C-1
SHEET	1 OF 1