

cityofnovi.org

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

Case No. PZ13-0001

Location: 26348 Mandalay Circle

Zoning District: R-1, 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 single family home on an existing lot with a reduced side setback of 13 feet and an aggregate side yard setback of 38 feet. The property is located east of Beck Road and north of 11 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within the R-1 zoning district have a minimum side yard setback of 15 feet and an aggregate side yard setback of 40 feet.

City of Novi Staff Comments:

This request is for a proposed new home on a vacant lot in a newer subdivision. The lot is approximately triangular and the rear corner of the proposed home extends into one of the side setbacks. While the lot is unique in shape and currently adjoins a non-residential use, the home could be altered to comply with the Zoning Ordinance requirements and is not the minimum variance necessary to do substantial justice to the applicant.

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
because_____.
- The need is not self-created
because_____.
- 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
because_____.
- 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
because_____.
- 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
because_____.



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For Official Use Only

ZBA Case No: P2130001 ZBA Date: 2/12/13 Payment Received: \$ 250 (Cash)

Check # 3062 Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name STEFANO MULARONE Date 12/14/12

Company (if applicable) CENTENNIAL HOMES

Address* 51850 DEQUINDRE RD, STE 4 City SHELBY TWP ST MI ZIP 48316

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: STEFANOMULARONE@YAHOO.COM

Phone Number (586) 884-8033 FAX Number (586) 884 3477

Request is for:

- Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 26348 MANDALAY CIRCLE ZIP 48374

2. Sidwell Number: 5022-16-300-079 may be obtained from Assessing Department (248) 347-0485

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

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 OSC OST OTHER

5. Property Owner Name (if other than applicant) JEFFREY A. HEYN Jeffrey A. Heyn

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 2400 (c) Variance requested 38' AGGREGATE OF TWO SIDE YARDS
2. Section Variance requested
3. Section Variance requested
4. Section Variance requested

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
b. The location and dimensions of all existing and proposed structures and uses on property.
c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
d. Dimensions necessary to show compliance with the regulations of this Ordinance.

RECEIVED

DEC 14 2012

CITY OF NOVI COMMUNITY DEVELOPMENT

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

THE AGGREGATE SIDE SETBACK DISTANCE OF 40 FEET IS NOT SUITABLE FOR THE PROPOSED HOUSE TO CONFORM WITH OTHER HOUSES IN THE NEIGHBORHOOD. THE AREA OPPOSITE THE PROPOSED VARIANCE IS ZONED I-1 AND IS ALSO THE LOCATION OF A WETLAND.

10. 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:

THE ODD SHAPE OF THE LOT RESTRICTS DESIGN OF A PROPOSED HOUSE, BOTH IN WIDTH AND DEPTH.

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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.


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

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

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

- Construct New Home/Building
- Addition to Existing Home/Building
- Accessory Building
- Use
- Signage
- Other


Applicants Signature

12/14/12
Date


Property Owners Signature

12-14-12
Date

DECISION ON APPEAL

_____ Granted _____ Denied _____ Postponed by Request of Applicant _____ Board _____

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

