



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:** December 13, 2016

REGARDING: 1345 East Lake Dr., Parcel # 50-22-02-177-013
BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant
AUDREY AND GORDIE WILSON

Variance Type
DIMENSIONAL VARIANCE

Property Characteristics
Zoning District: R-4 (One-Family Residential)
Location: NORTH OF THIRTEEN MILE RD., WEST OF NOVI RD.
Parcel #: 50-22-02-177-013

Request
The applicant is requesting a dimensional variance from the CITY OF NOVI Code of Ordinance Section 3.1.5 for encroaching into the rear yard setback 11.42 feet 35, feet minimum is required. This property is zoned R-4 (One-Family Residential).

II. STAFF COMMENTS:

Proposed Changes
Request is for second floor encroachment of 11.42 ft. into the rear yard setback, minimum required is 35 feet.

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. **PZ16-0060**, 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. **PZ16-0060**, 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



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

ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION Shore Acres Subdivision - Room Addition - Covered Deck				Meeting Date: _____	
ADDRESS 1345 East Lake Dr.,		LOT/SUITE/SPACE # 18 & 19		ZBA Case #: PZ _____	
SIDWELL # 50-22-02 - 177 - 013		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY East Lake Dr. between 13 and 14 mile road					
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 checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS amcolthurst@gmail.com		CELL PHONE NO. 734 637 7600	
NAME Audrey and Gordie Wilson				TELEPHONE NO. 248 981 5400	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 1345 East Lake Dr.		CITY Novi	STATE MI	ZIP CODE 48377	
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 checked="" 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>3.1.5</u> Variance requested <u>encroach 11.42' into the rear setback on 2nd fl. only</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					
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines			
• Site/Plot Plan		• Location of existing & proposed signs, if applicable			
• Existing or proposed buildings or addition on the property		• Floor plans & elevations			
• Number & location of all on-site parking, if applicable		• Any other information relevant to the Variance application			



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



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 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.



Community Development Department

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

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:

The lot slopes down in the back below the proposed addition to allow for a walk out basement. These slopes would prohibit a patio attached to the back basement door of the house and leaves only the proposed addition as a back yard living area.

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:

SEE ANSWER 3.

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:

The property to the north of applicant's property has a garage built on the property line to the east and south. That property owner will not be able to see the addition from their house. The house to the east of applicant's faces the north so it has a 15' side lot set back and their windows face south not toward applicant's property. East and southeast of the addition is vacant land because of the creek and lowlands. To the south that landowner has 2 structures on the lot line. Essentially, because of the adjoining topography and uses no one will even notice this 11.42 encroachment.

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).

Applicant initially planned for the addition to be an uncovered deck with access from the kitchen on the first floor of this newly remodeled house two years ago. Because of the zika virus and applicant's unplanned pregnancy applicant believes it is necessary to have screens on this deck.

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.

Applicant's house has a six foot rise to the 1st floor. Applicant's father is in a wheelchair and the house has ramped access to the first floor. The topography of the lot makes it very difficult to access the basement floor in a wheelchair. Applicant's father and mother babysit applicant's 2 year old and will babysit the new baby next March. The addition is the only place it can be placed which allows applicant's father access to it.

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.

Applicant has only encroached 11.42 feet of the twenty five foot setback. The addition is 20' by 20' which is about the minimal for an average deck for this type of house.

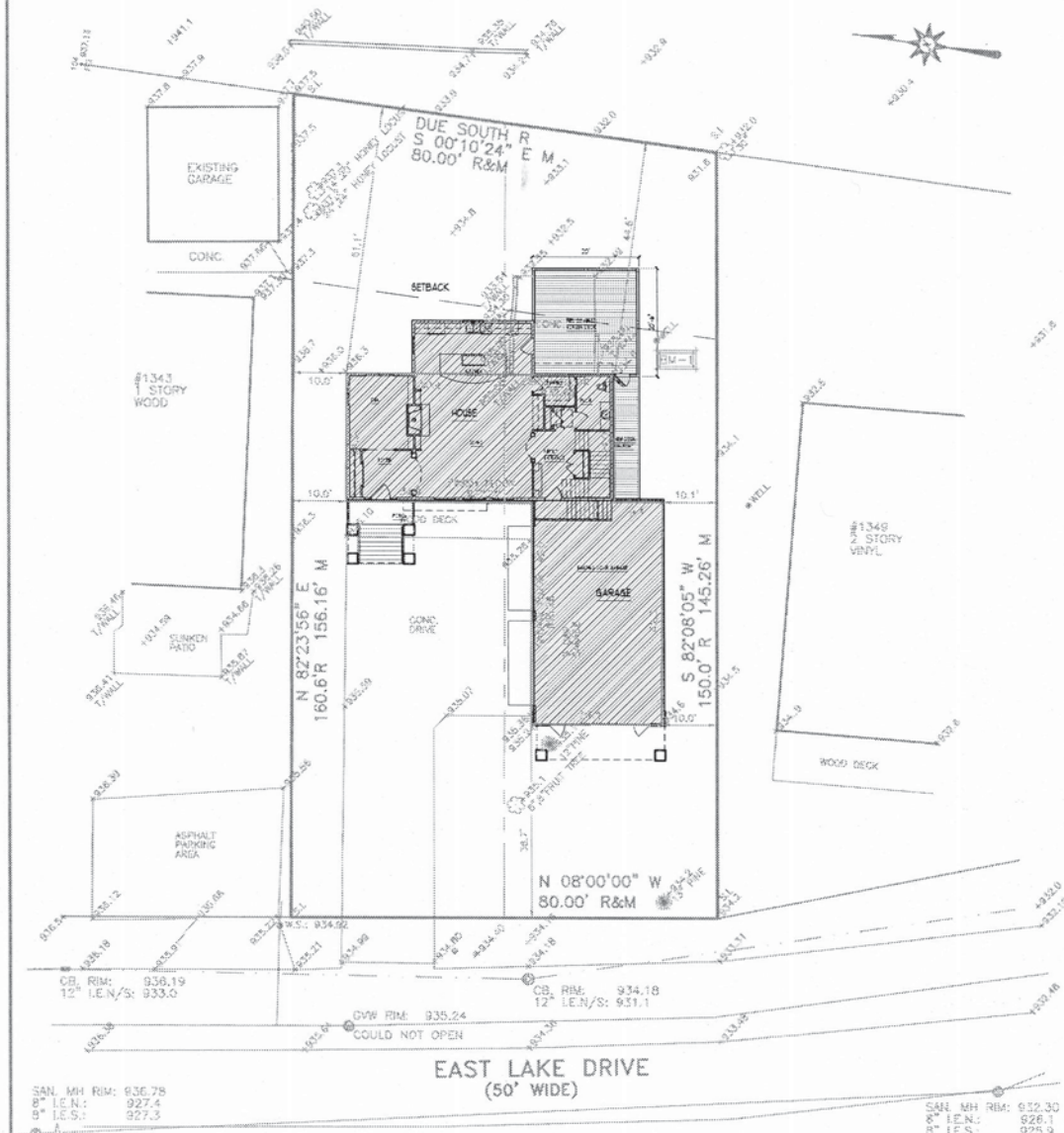
Standard #5. Adverse Impact on Surrounding Area.

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.

The neighbors have no objection to the addition and will hardly even notice it.

SITE PLAN

SCALE 3/8" = 1'-0"



NOTE:
TK DESIGN ASSOCIATES WILL NOT BE HELD LIABLE FOR SITE PLAN INFORMATION PROVIDED. SITE PLAN TO BE VERIFIED BY SURVEYOR.

LEGEND

BENCHMARK	B.M.	STORM MANHOLE	SM
FINISHED FLOOR	F.F.	STORM CATCH BASIN	SCB
FINISHED GRADE	F.G.	SEWER MANHOLE	SMH
EXISTING	EX.	GATE VALVE & WELL	GVW
FIELD MEASURE	F.M.	DET. EXHOSN MANHOLE	DEM
GRADE ELEVATION	E.L.	WATER/GAS SHUT OFF	WSO
GPS MON	---	PIPE HIGHWAY	PH
WATERMAIN	---	UTILITY POLE	UP
SEWER	---	DOIL BURNING	DB
SEWER MANHOLE	SMH	SEPTIC TANK	ST
CHIMNEY	CH	WELL	W
1" WATER SERVICE	---	POLE OR POST	PO
3" SANITARY LEAD	---	MANHOLE	M
PROF. SUMP LEAD	---	EXPOSED CORNER	EC
FINISH	---	LIGHT	L
FACE ELEVATION	---	DECAIDUOUS TREE	DT
EX. SPT ELEVATION	---	EVERGREEN TREE	ET

LEGAL DESCRIPTION

LOT 18 AND 19 OF "SHORE ACRES SUB-DIVISION" PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP OF NOWI (NOW CITY OF NOWI), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 20 OF PLATS, PAGE 2, OAKLAND COUNTY RECORDS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATED AND/OR DESCRIBED ON 06/10/14 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS LESS THAN 1/2000 AND THAT ALL REQUIREMENTS OF P.A. 132 OF 1970 HAVE BEEN COMPLIED WITH.

GREG L. ASH, P.L.S. #28400



8495 N. TERRITORIAL RD.
PLYMOUTH, MI 48170
PHONE: (734) 416-9650
FAX: (734) 416-9657
WWW.GLASURVEYOR.COM

CLIENT:
GORDIE WILSON
915 E. WALLED LAKE DRIVE
WALLED LAKE, MI 48390

DATE: 06/12/14
JOB NO.: 3404-0018
FILE NO.: 3404-0018



SHEET: 1 OF 1
DRAWN BY: G.L.A.

NOTE: GLA SURVEYORS & ENGINEERS, INC. ASSUMES NO RESPONSIBILITY FOR OWNER SUPPLIED BUILDING INFORMATION. BUILDING OWNER MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

SHEET # ZBA-2	CLIENT / PROJECT MIKE MILLER WILSON RESIDENCE RENOVATION	TK DESIGN ASSOCIATES
	DATE: 06/12/14 JOB NO.: 3404-0018 FILE NO.: 3404-0018	
	SCALE: 1" = 20'	
	CHECKED BY: DJM DATE: 06/11/14	
	DRAWN BY: G.L.A. DATE: 06/11/14	



TK DESIGN
ASSOCIATES

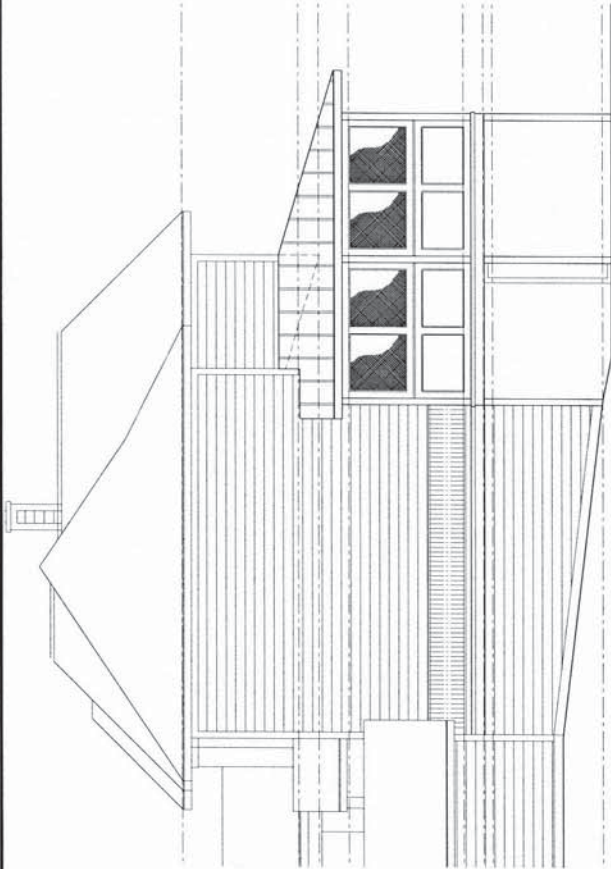
WWW.TKDESIGNASSOCIATES.COM
3000 FORTY-NINTH AVENUE
DENVER, CO 80202
PHONE: 303-733-4400
FAX: 303-733-4401

PROJECT: 10-22-14
DATE: 10-22-14
DRAWN BY: DM
CHECKED BY: DM
REVISION: 10-15-14
REVISION: 10-22-14

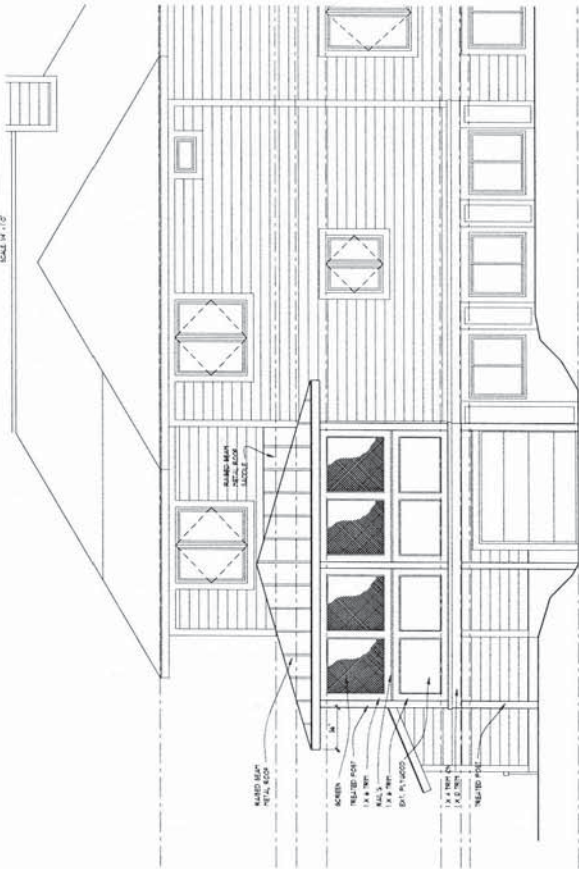
CLIENT / PROJECT
MIKE MILLER
WILSON RESIDENCE
RENOVATION

JOB NO.: 14-140
DRAWN: DM
CHECKED: DM
DATE: 10-15-14
REVISION: 10-15-14
REVISION: 10-22-14

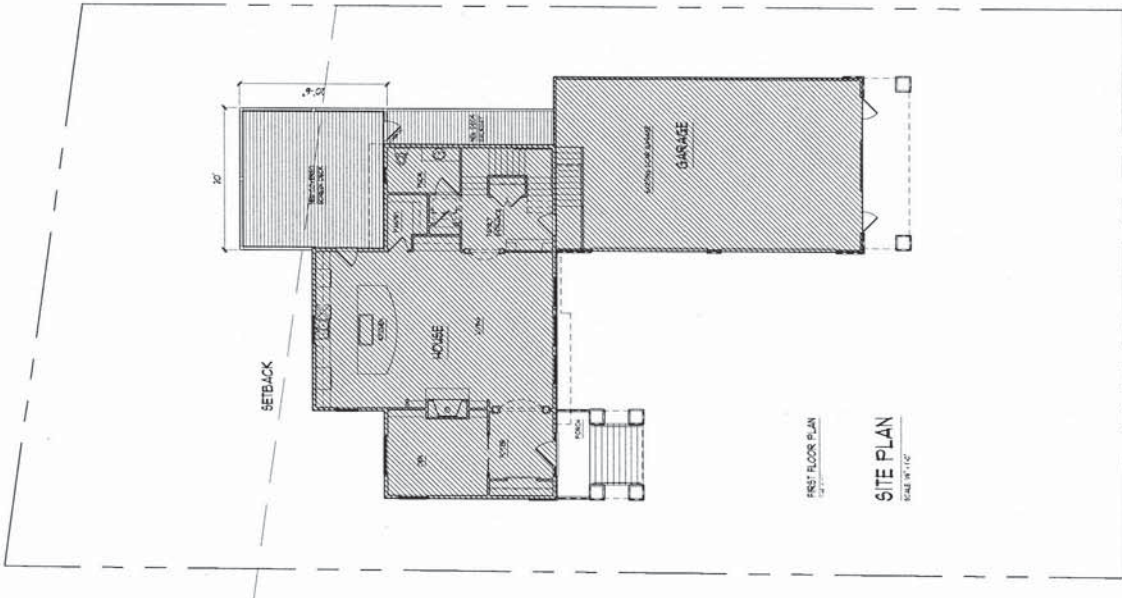
SHEET #
ZBA-1



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

SITE PLAN
SCALE: 1/8" = 1'-0"