



## 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

**MEETING DATE:** June 11, 2024

**REGARDING:** 1502 Lebenta Street # 50-22-03-129-007 (PZ24-0016)

**BY:** Alan Hall, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### **Applicant**

Ronald Johnston

#### **Variance Type**

Dimensional Variance

#### **Property Characteristics**

Zoning District: This property is zoned One-Family Residential (R-4)

Location: south of Pontiac Trail, west of West Park Drive

Parcel #: 50-22-03-129-007

#### **Request**

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.32(8) for a rear yard setback of 3 ft. (5 ft. required, variance of 2 ft.). This variance would accommodate a deck addition to the second story of an accessory garage structure.

### II. STAFF COMMENTS:

*The applicant is seeking a dimensional variance for wood stairs and a deck addition to a free-standing existing garage at the rear of the property. The occupancy use for the garage is utility / storage. The variance request is to position the stair access and landing 3-foot from the property line.*

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. **PZ24-0016**, 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 if 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. **PZ24-0016**, 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 Petitioners 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.

Alan Hall – Deputy Director Community Development - City of Novi



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## ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

RECEIVED

APR 16 2024

CITY OF NOVI  
COMMUNITY DEVELOPMENT

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: <span style="font-size: 24px; color: blue;">\$220.00</span> Meeting Date: <span style="font-size: 24px; color: blue;">6-11-24</span> ZBA Case #: <span style="font-size: 24px; color: blue;">PZ 24-0016</span>
PROJECT NAME / SUBDIVISION RON JOHNSTON				
ADDRESS 1502 LEBENTA, NOVI MI 48377		LOT/SUITE/SPACE # 26		
SIDWELL # 50-22-03 -129 -007		May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY LEBENTA AND FAYWOOD				
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				
<b>II. APPLICANT INFORMATION</b>				
<b>A. APPLICANT</b>		EMAIL ADDRESS JJ1409@YAHOO.COM	CELL PHONE NO. 248-240-2005	
NAME RON JOHNSTON		TELEPHONE NO.		
ORGANIZATION/COMPANY		FAX NO.		
ADDRESS 325 SOUTH LAKE DR		CITY NOVI	STATE MI	
		ZIP CODE 48377		
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER				
Identify the person or organization that owns the subject property:		EMAIL ADDRESS JJ1409@YAHOO.COM	CELL PHONE NO.	
NAME RON JOHNSTON		TELEPHONE NO.		
ORGANIZATION/COMPANY		FAX NO.		
ADDRESS 325 SOUTH LAKE DR		CITY NOVI	STATE MI	
		ZIP CODE 48377		
<b>III. ZONING INFORMATION</b>				
<b>A. ZONING DISTRICT</b>				
<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>B. VARIANCE REQUESTED</b>				
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:				
1. Section <u>3.32(8)</u> Variance requested <u>3' side yard setback (5' min, Variance of 2')</u>				
2. Section _____ Variance requested _____				
3. Section _____ Variance requested _____				
4. Section _____ Variance requested _____				
<b>IV. FEES AND DRAWINGS</b>				
<b>A. FEES</b>				
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$220 <input type="checkbox"/> (With Violation) \$275 <input type="checkbox"/> Single Family Residential (New) \$275 <input type="checkbox"/> Multiple/Commercial/Industrial \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> Signs \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> House Moves \$330 <input type="checkbox"/> Special Meetings (At discretion of Board) \$660				
<b>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>				
<input type="checkbox"/> Dimensioned Drawings and Plans <input type="checkbox"/> Site/Plot Plan <input type="checkbox"/> Existing or proposed buildings or addition on the property <input type="checkbox"/> Number & location of all on-site parking, if applicable		<input type="checkbox"/> Existing & proposed distance to adjacent property lines <input type="checkbox"/> Location of existing & proposed signs, if applicable <input type="checkbox"/> Floor plans & elevations <input type="checkbox"/> 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 DECK AND STAIRS

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

[Handwritten Signature]  
Applicant Signature

4/15/24  
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



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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:

CORNER AND IRRGULAR LOT TYPICAL OF LOTS LOCATED IN THIS AREA IN AND AROUND WALLED LAKE. THE ATTACHED PICTURE SHOWS A DECK ON EAST LAKE DRIVE THAT ALSO NEEDED A VARIENCE SHOWING THE HARDSHIP OF THESE LOTS.

*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:

THERE ARE ROAD WAYS ON TWO SIDES OF THE PROPERTY. FRONT EAST AND SIDE NORTH

*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 SUBJECT HOUSE SITS DIRECTLY ON THE PROPERTY LINE TO THE HOUSE ADJACENT AND THE PROJECTED STAIRS AND DECK WILL BE 3 FEET OFF THE PROPERTY LINE ON THE DETACHED GARAGE SO THIS SHOULD NOT CAUSE ANY DIFFICULTIES.

## **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).

THIS IS AN IRREGULAR CORNER LOT DEVELOED MANY YEARS AGO WHICH CREATES CONSRTUCTION DIFFICULTIES.

## **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.

THE DIMENSIONAL REQUIRMENTS CREATE THE HARDSHIP IN THIS CASE WITH THIS NON CONFORMING LOT.

## **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.

MINIMUM VARIANCE NEEDED IS 3 FEET FROM THE PROPERTY LINE TO ALLOW ACCESS TO SECOND LEVEL OF THE BUILDING

## **Standard #5. Adverse Impact on Surrounding Area.**

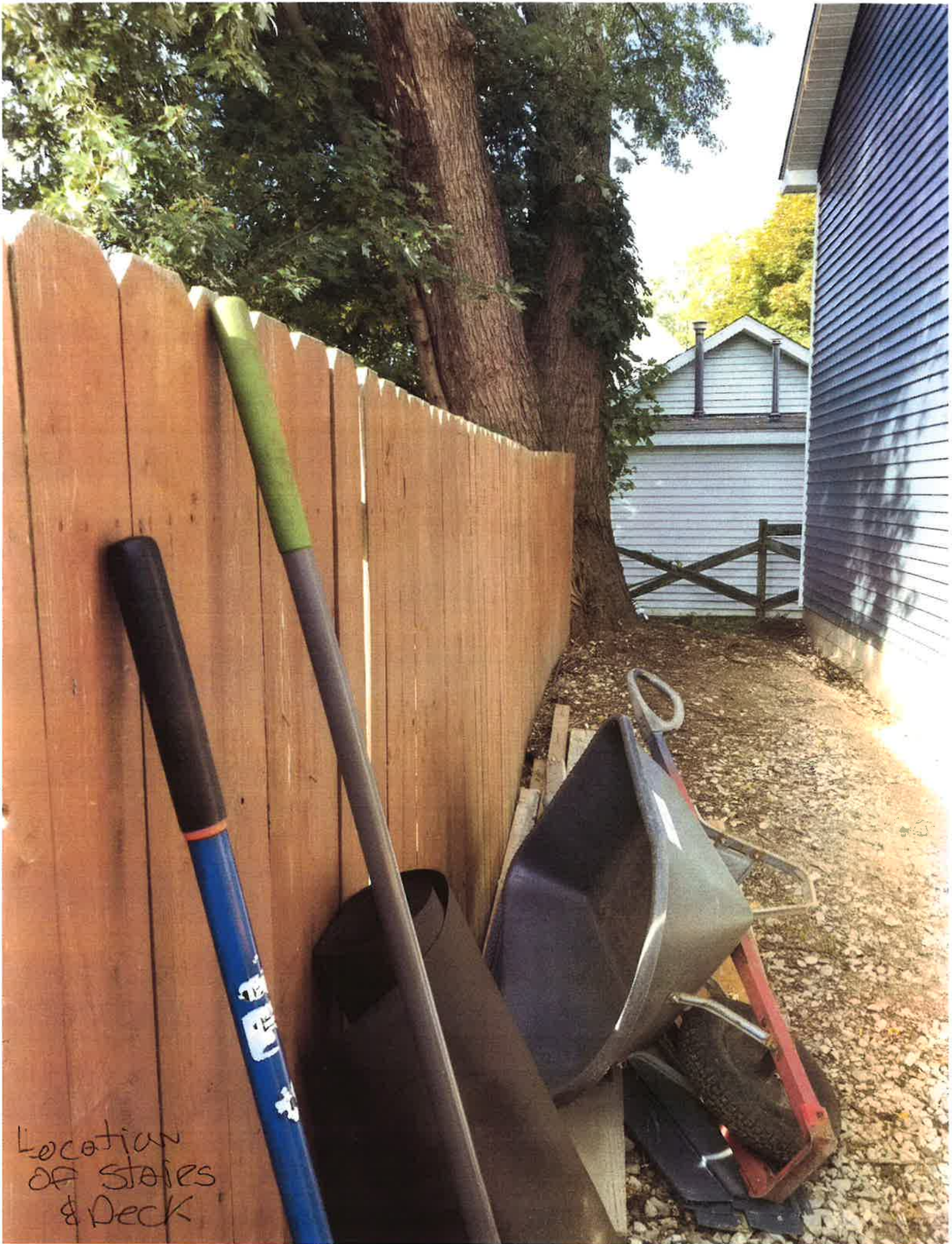
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

THE PROPOSE OF THE STAIRS AND DECK ARE TO ACCESS SECOND LEVEL AND WILL BE CONCELED BEHIND THE SIDE OF THE GARAGE AND WILL NOT BE VISABLE FROM THE ROAD. THIS WAY THE SURROUNDING AREA WILL NOT BE EFFECTED.



EAST LAKE DR NOVI  
Hardship Example of A Deck





Location  
of Stairs  
& Deck

