



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: October 13, 2020

REGARDING: 50760 Applebrooke Drive, Parcel # 50-22-31-253-001 (PZ20-0040)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Cedar Works

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Residential Acreage
Location:	East of Napier Road and North of Eight Mile Road
Parcel #:	50-22-31-253-001

Request

The applicant is requesting variance from the Novi Zoning Ordinance Section 3.1.1 for a proposed rear yard setback of 45 feet (50 feet required by code, variance of 5 feet). This variance would accommodate the building of a three season's room. This property is zoned Residential Acreage (R-A).

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. **PZ20-0040**, 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. **PZ20-0040**, 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.

Larry Butler
Deputy Director Community Development
City of Novi



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED

AUG 26 2020

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$200.00</u>
PROJECT NAME / SUBDIVISION <u>Deck / Covered Porch</u>				Meeting Date: <u>Oct. 13, 2020</u>
ADDRESS <u>50760 Applebrooke Dr.</u>		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 20-0040</u>
SIDWELL # <u>50-22-</u>		May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY				
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>jamie@cedarworks.net</u>	CELL PHONE NO. <u>248 681 0934</u>	
NAME <u>Jamie Ruddy</u>		TELEPHONE NO. <u>248 363 1113</u>		
ORGANIZATION/COMPANY <u>Cedar Works</u>		FAX NO.		
ADDRESS <u>5615 Bentwood</u>		CITY <u>Commerce</u>	STATE <u>MI</u>	ZIP CODE <u>48382</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	CELL PHONE NO.	
NAME <u>Thomas Mulvihill</u>		TELEPHONE NO. <u>248 536 6200</u>		
ORGANIZATION/COMPANY		FAX NO.		
ADDRESS <u>50760 Applebrook Dr.</u>		CITY <u>Northville</u>	STATE <u>MI</u>	ZIP CODE <u>48167</u>
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 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>3.1.1</u> Variance requested <u>Rear yard of 45' (variance of 5')</u>				
2. Section _____ Variance requested _____				
3. Section _____ Variance requested _____				
4. Section _____ Variance requested _____				
IV. FEES AND DRAWINGS				
A. FEES				
<input 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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DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

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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 / Covered Porch

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

Date

8/17/2020

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

8/17/2020

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

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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:

Irregular lot configuration.

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).

The lot is a narrow pie shaped piece of property

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.

Our lot backs up to the ITC power lines which is wetlands, weeds, and other vegetation. This causes an unusual amount of bugs in our yard. We need a screened in porch so we can sit outside with some protection from bugs. Our lot also backs up to the city of Novi, bike path which is heavily traveled. We need the screened porch to provide privacy from the path users.

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.

The porch only extends 12 feet from the back of our house and does not face any other property owner. We are keeping the porch as small as possible, while being functional for a small group to use.

Standard #5. Adverse Impact on Surrounding Area.

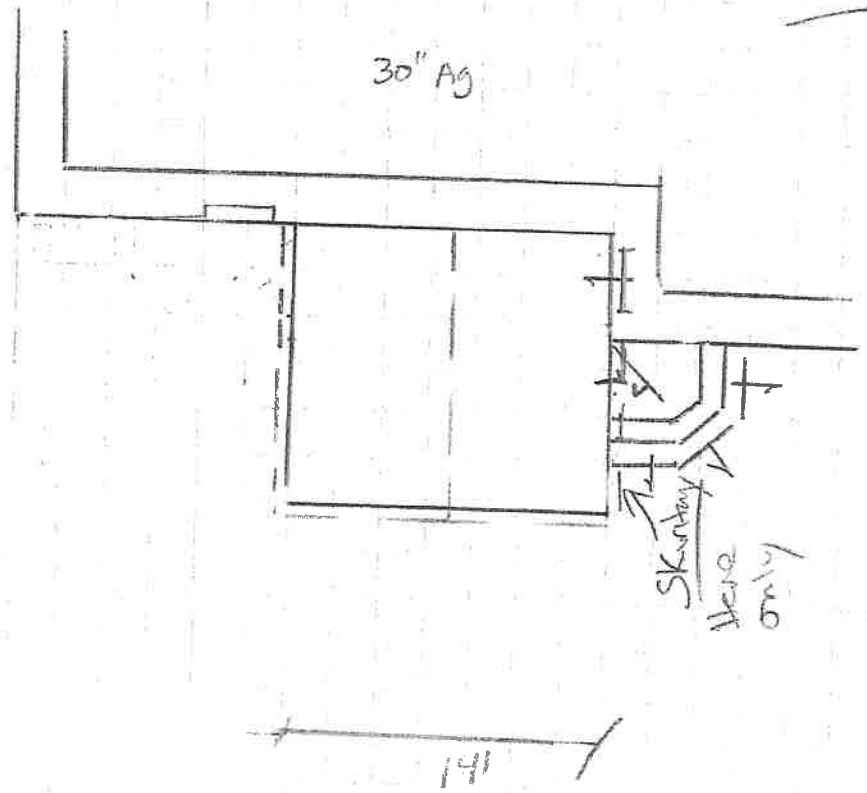
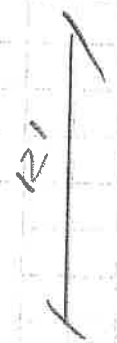
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The porch will be located on the southeast lot line of our property, which faces the ITC power lines. There are no neighbors along this lot line and will have no adverse ~~effect~~ impact on the surrounding property. The park place association has already approved our request for this variance.

Customer Thomas Mulvihill
50760 Applebrooke Dr.

Plan # 4 Date 4-8-20
6-4-20

Plan # 4



Scale = 1/8"

CEDARWORKS.NET
Deck Design and Building by Jamie Ruddy

Customer _____

Plan #

4

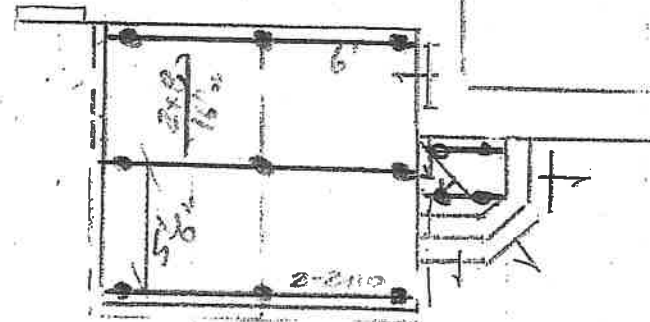
Date 4-8-20

6-4-20

Plan # 4

12'

30" PG



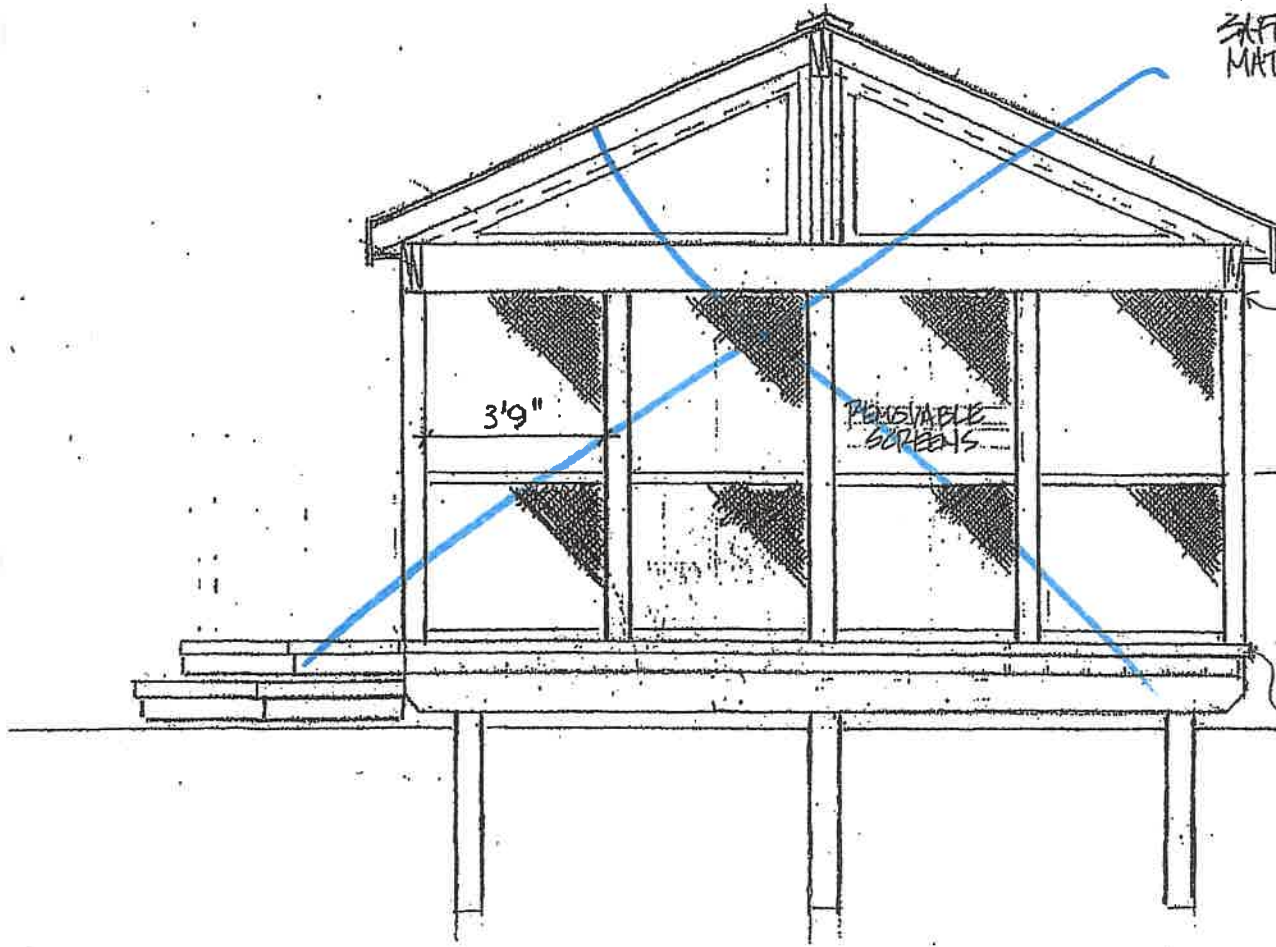
Scale = 1/8"

CEDARWORKS.NET

Deck Design and Building by Jamie Ruddv

PORCH DETAIL

ROOF STRUCTURE - DOUBLE 2x12 D.F. RIDGE WITH 2x8 D.F. RAFTERS. 2x6" O.C. (TYP) 7/16 O.S.B SHEATHING ICE & WATER SHIELD; 15# FELT DRIP EDGE; CONTINUOUS RIDGE VENT AND SHINGLE TO MATCH Hurricane Clip on Rafters to SAFE GLASS OR SIDING TO MATCH IN GABLE END.



2-2x8 D.F. Strapped to 4x4 Cedar Post

FRAME! 4x4 CEDAR POSTS WITH 2x4 SOLE PLATE. DOUBLE 2x8 D.F. HEADER WITH TOP & BOTTOM PLATE (TYP) 1x CEDAR TRIM OUTSIDE W/ 4" x 16" SCREEN VENTS

3'0"

2"x4" Bottom Plate Strapped to Deck frame & Cedar 4x4

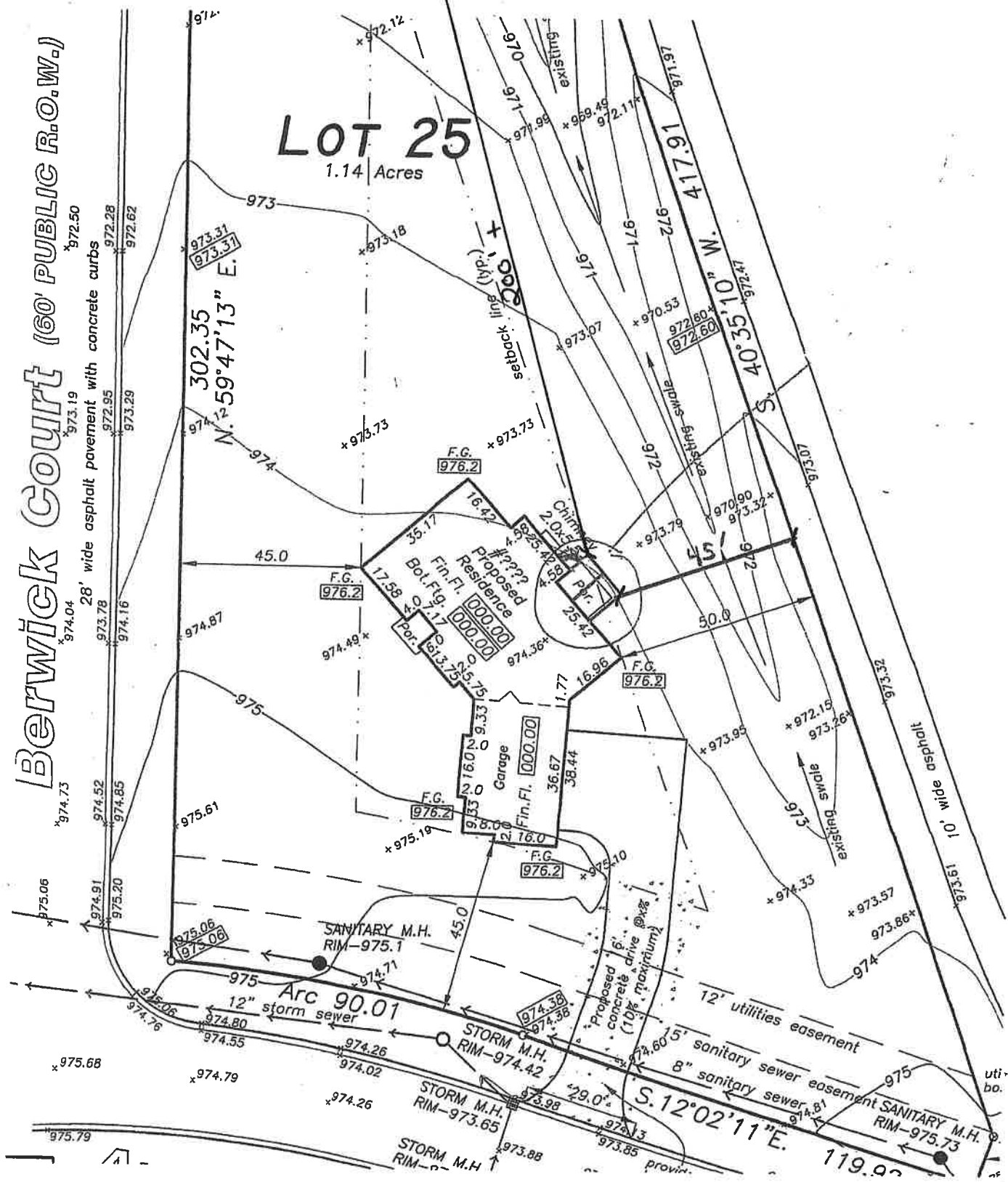
SEE DETAIL ON SUBSTRUCTURE

SCALE 1/4" = 1'0"

Berwick Court (60' PUBLIC R.O.W.)

LOT 25

1.14 Acres



28' wide asphalt pavement with concrete curbs

302.35
N. 59° 47' 13" E.

167.91
S. 40° 35' 10" W.

F.G. 976.2

F.G. 976.2

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975.06
973.09

974.38
974.38

974.26
974.26

973.88
973.88

119.92

SANITARY M.H.
RIM-975.1

STORM M.H.
RIM-974.42

STORM M.H.
RIM-973.65

STORM M.H.
RIM-973.88

12' utilities easement

15' sanitary sewer easement

8" sanitary sewer easement

S. 12° 02' 11" E.

SANITARY M.H.
RIM-975.73

Proposed concrete drive @ 10% maximum

Proposed Residence

Garage

STORM M.H.

SANITARY M.H.

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