



# 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

ZONING BOARD APPEALS DATE: October 10, 2017

REGARDING: 23160 Mystic Forest, Parcel # 50-22-27-277-002 (PZ17-0044)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Patrick O'Fiara

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District: Single Family Residential  
Location: East of Novi Road and South of Ten Mile  
Parcel #: 50-22-27-277-002

**Request**

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.5 for a 9 foot variance for a proposed rear yard setback of 26 feet, 35 feet required. To allow construction of a proposed new screened in deck. This property is zoned Single Family Residential (R-4).

### 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. **PZ17-0044**, 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. **PZ17-0044**, 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

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: 200<sup>00</sup>  
 Meeting Date: 10-10-17  
 ZBA Case #: PZ 17-0044

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION <u>OFIARA SCREENED PORCH</u>			
ADDRESS <u>33160 MYSTIC FOREST</u>		LOT/SIUTE/SPACE #	
SIDWELL # <u>50-22- 27 - 277 - 002</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 type="checkbox"/> NO			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS <u>PAT. DEBBIE@FIARA@YAHOO.COM</u>	
NAME <u>PAT OFIARA</u>		CELL PHONE NO. <u>248 567 9952</u>	
ORGANIZATION/COMPANY		TELEPHONE NO.	
ADDRESS <u>33160 MYSTIC FOREST</u>		CITY <u>NOVI</u>	
		STATE <u>MI</u>	
		ZIP CODE <u>48375</u>	
<b>B. PROPERTY OWNER</b> <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	
NAME <u>same as above</u>		CELL PHONE NO.	
ORGANIZATION/COMPANY		TELEPHONE NO.	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
<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>3.1.5</u> Variance requested <u>rearyard setback (req. 35ft, prop. 26ft) 9 ft variance</u>			
2. Section _____ Variance requested _____			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
<b>IV. FEES AND DRAWINGS</b>			
<b>A. FEES</b>			
<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>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>			
<ul style="list-style-type: none"> <li>Dimensioned Drawings and Plans</li> <li>Site/Plot Plan</li> <li>Existing or proposed buildings or addition on the property</li> <li>Number &amp; location of all on-site parking, if applicable</li> <li>Existing &amp; proposed distance to adjacent property lines</li> <li>Location of existing &amp; proposed signs, if applicable</li> <li>Floor plans &amp; elevations</li> <li>Any other information relevant to the Variance application</li> </ul>			



# 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

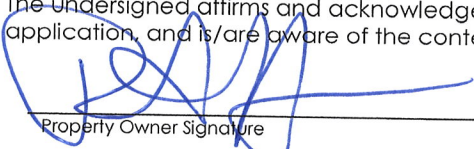
  
 Applicant Signature

8/29/17  
 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

8/29/17  
 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**

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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:

LOT HAS UNIQUE SHAPE, KEEPING THE DECK INSIDE THE VARIANCE WOULD NOT FIT THE PROPORTIONS OF THE HOUSE AND WOULD NOT BE ESTHETICALLY PLEASING.  
*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).

I'M TRYING TO BALANCE THE SHAPE OF THE LOT WITH THE PROPORTIONS OF THE HOUSE.

## 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.

IF THE VARIANCE IS NOT GRANTED, OUR BACK YARD WOULD BE RESTRICTED WITH THE TYPE OF ACTIVITIES WE'D BE ABLE TO DO.

## Standard #4. Minimum Variance Necessary.

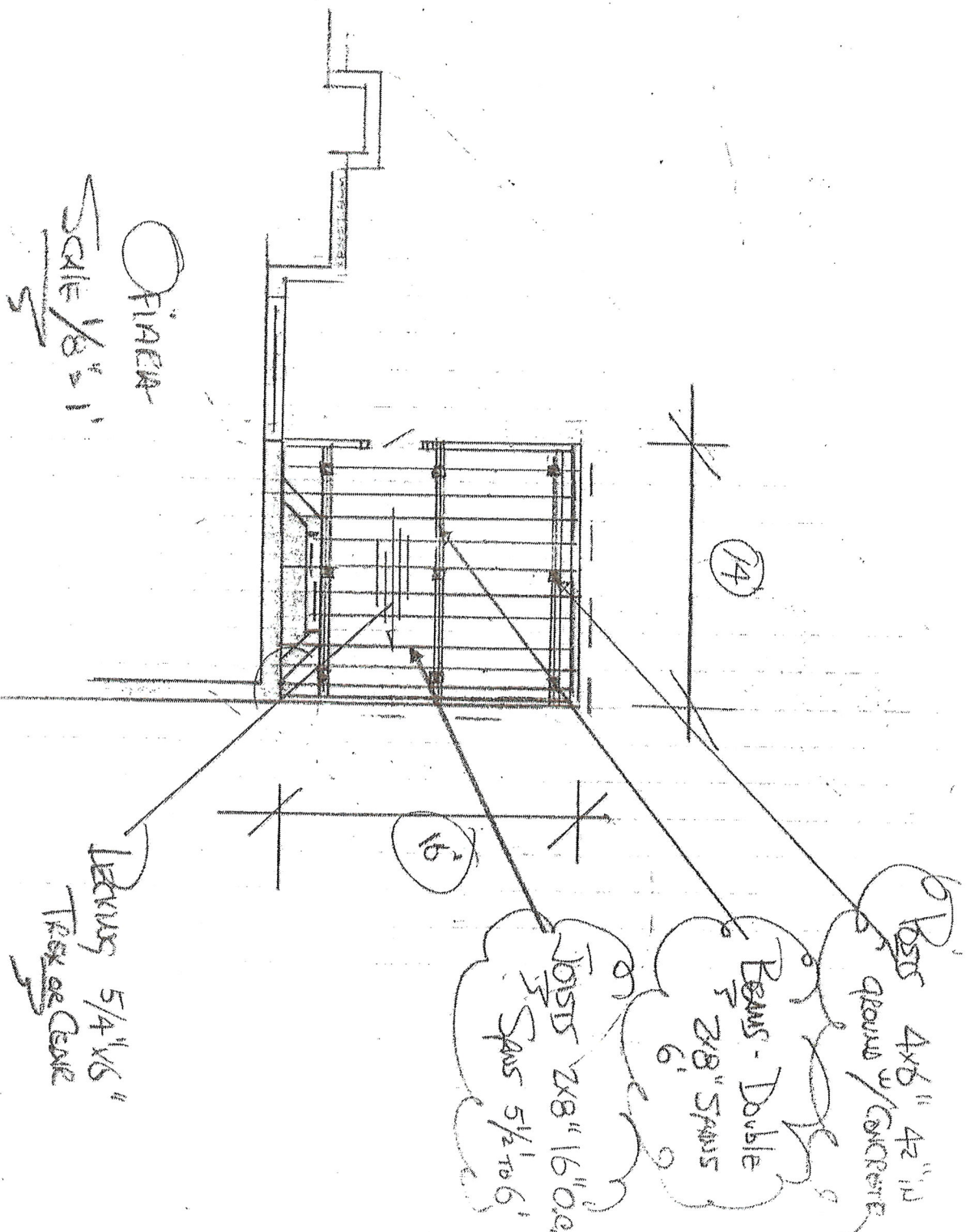
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

I'M ASKING FOR THE MINIMUM AMOUNT OF VARIANCE TO ACCOMPLISH THE SIZE ROOM NECESSARY FOR FUNCTIONALITY.

## 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.

THERE WILL BE NO ADVERSE IMPACT, THE DESIGN OF THE PORCH MATCHES & BLENDS WELL WITH THE HOUSE.



OPINION

SCALE 1/8" = 1'

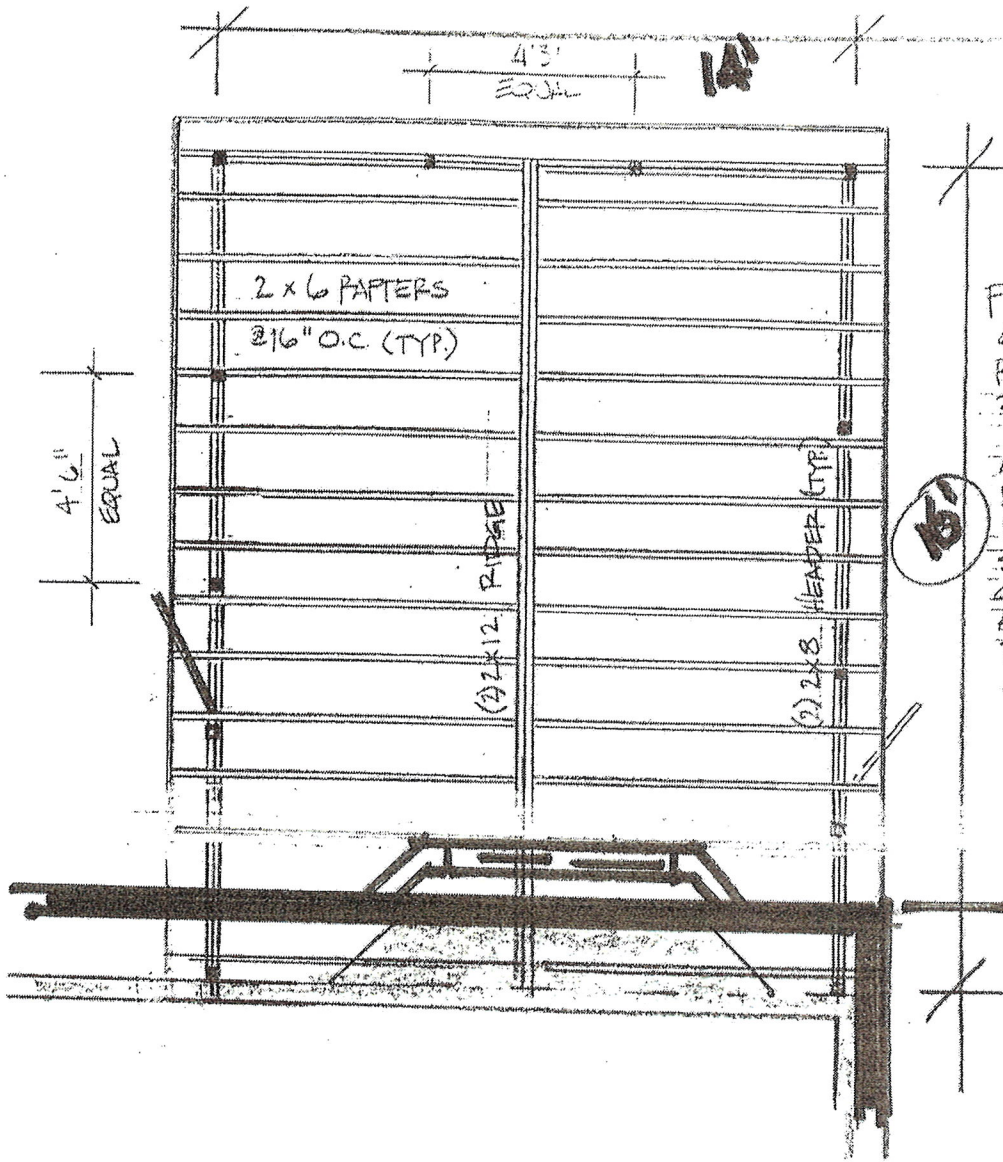
Deck/Braai Floor

REVISED 8/25/17

**RECEIVED**

AUG 29 2017

CITY OF NOVI  
COMMUNITY DEVELOPMENT



FRAME:  
 4x4 CEDAR POSTS WITH (2) 2x12 RIDGE, (2) 2x8 HEADER (TYP.)  
 2x6 RAFTERS @ 16" O.C. (TYP.)  
 7/16" O.S.B SHEETING WITH ICE AND WATER SHIELD 15# FELT PAPER DRIP EDGE AND SHINGLES TO MATCH. CONTINUOUS RIDEVENT SCREEN VENTS AND 1x R.S. CEDAR. "TRAPP" BRAND 2" ALUMN. STORM DOOR. 1x6 CEDAR T & G CEILING ON THE INSIDE. COLLAR TIES ON RAFTERS.

FRAME DETAIL  
 SCALE 1/4" = 1'

**RECEIVED**

AUG 29 2017

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

