



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:** May 9, 2023

REGARDING: 41935 Woodglen Drive, Parcel # 50-22-26-201-014 (PZ23-0013)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Vivek & Preethi Patel

Variance Type

Dimensional Variance

Property Characteristics

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

Location: west of Meadowbrook, south of Ten Mile

Parcel #: 50-22-26-201-014

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a rear yard setback of 27.95 feet (35 feet required, variance of 7.05 feet); for a lot coverage of 27% (25% allowed, variance of 2%) for a proposed covered porch.

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. **PZ23-0013**, 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. **PZ23-0013**, 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) 347-0423.

Alan Hall – Deputy Director Community Development - City of Novi



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RECEIVED

MAR 30 2023

**CITY OF NOVI ZONING BOARD OF APPEALS
 COMMUNITY DEVELOPMENT APPLICATION**

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: 250.00
 Meeting Date: 5/9/23
 ZBA Case #: PZ 23-0013

I. PROPERTY INFORMATION (Address of subject ZBA Case)	
PROJECT NAME / SUBDIVISION Residential Home - Vivek & Preethi Patil / Orchard Hills	
ADDRESS 41935 Woodglen Novi MI-48375	LOT/SIUTE/SPACE #
SIDWELL # 50-22-26 - 201 - 014	May be obtained from the Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY Quince St. & Woodglen Drive	
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	

II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS	CELL PHONE NO.
NAME Vivek J. Patil & PREETHI PATIL		vpatil1@yahoo.com	248-832-1579 - VIVEK
ORGANIZATION/COMPANY			TELEPHONE NO. 248-875-7784 - PREETHI
ADDRESS 21127 East Glen Haven Cir.		CITY Northville	STATE MI
			ZIP CODE 48167

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 checked="" 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>3.1.4</u> 3.1.5 Variance requested <u>Rear yard setback 28.95'</u> 35' REQ VAR 6.05	
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 checked="" 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 	<ul style="list-style-type: none"> 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



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 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 schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be an 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 7.10 – Miscellaneous

No order of the ZBA 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 ZBA 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 established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of 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

preeth v. patel
Applicant Signature

[Signature]

Date 3/30/2023

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 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
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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:

The width of the lot was reduced by 47.8 feet to the original lot line of Orchard Hills Subdivision.

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).

Unable to incorporate the covered porch and meet the setback requirements. Intent of the new home design was to have two bedrooms at the lower level.

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.

Request for the covered porch is to meet the needs of limited mobility resident of new home. Covered Patio will allow the resident to spend time outdoors in less than perfect weather conditions.

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 depth of the covered patio is 8' and is only extending in the area of the living room. There is no plan for any additional patio or deck and the patio will not be enclosed.

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.

Bylaws of Orchard Hills subdivision has a rear setback requirement of 25', homes in the subdivision have rear setbacks in the 15' to 30' range.

Covenants and restrictions recorded in Liber 3647, Pages 468-472, Oakland County Records.

"ORCHARD HILLS SUBDIVISION"

Lawyers Title Insurance Corporation

1. The term "Residential Lot", as herein used, shall mean (a) a platted lot, or (b) all or portion of a platted lot plus the contiguous whole or portion of an adjoining platted lot, the combined total frontage of which shall be not less than 85 feet at the building line. No dwelling shall be erected upon a site of less than a lot as above defined, or (c) a portion of a platted lot the frontage of which shall be not less than 85 feet at the building line. All "Residential Lots" shall be a minimum of 11,400 square feet in area.

2. No structures other than single family dwellings shall be erected upon any of the "Residential Lots" in the subdivision "Outlot A" and "Outlot B" located at the South West corner of 10 Mile Road and Meadowbrook Road shall be restricted for business and commercial use.

3. No dwelling shall house more than one family. No garage or car port shall be of a size larger than required to accommodate two pleasure automobiles. No vehicle shall be permitted to remain on the streets in said subdivision overnight.

4. No dwelling or garage structure shall be more than one story in height, but this shall not exclude bi-level or tri-level homes. No dwelling shall be less than 1050 square feet in area excluding car ports, garages, porches or breezeways.

5. No dwelling shall be erected less than 30 feet from the front lot line or 25 feet from the rear lot line, nor less than 5 feet to the side lot line thereof, provided however, that the combined widths of both side lots shall be not less than 15 feet.

6. A Subdivision Control Committee is hereby established for the purpose of enforcing restrictions.

7. Fences may be erected only on the side and rear lot lines. They shall be ornamental, not solid, nor of brick or stone. They shall not exceed four feet in height and shall not extend closer than thirty feet in the front line.

8. Side drives shall be uniformly installed within the discretion of the Subdivision Control Committee. Concrete head walls shall be installed at each end of culvert under driveway approach, prior to final inspection of home.

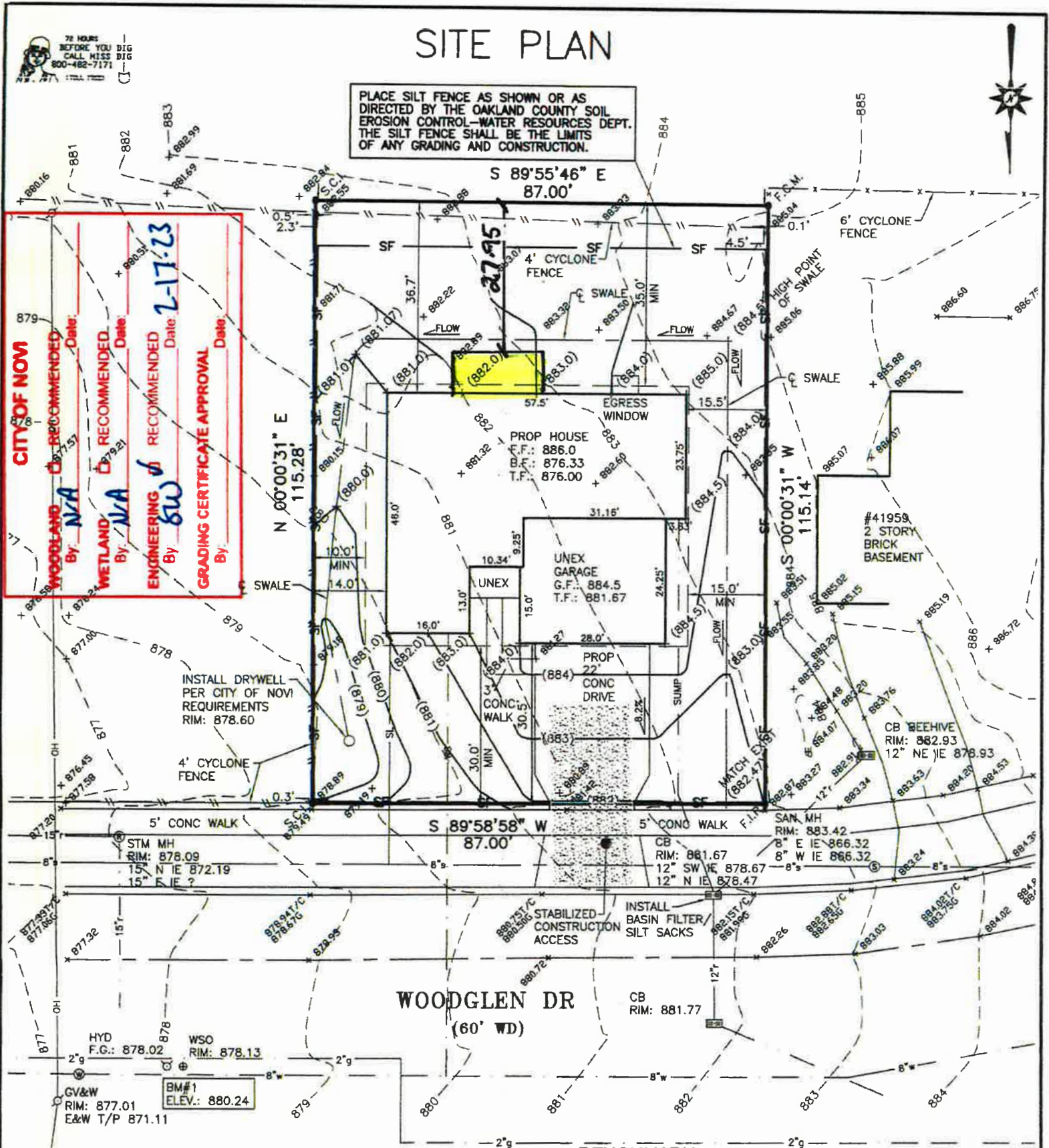
9. No trailer, basement, tent, shack, shed, garage or structure other than a fully completed, inspected and approved dwelling shall be used or occupied temporarily or permanently for dwelling purposes, except, temporarily for construction purposes upon the lot on which placed.

10. No structure shall be erected or altered unless and until the plans and specifications and a plan showing the location of proposed structures upon the land shall have been submitted to and approved in writing by the Subdivision Control Committee, hereinafter provided for, as to quality of workmanship and materials, harmony of external design with existing structures, and as to location of building on the lot.

11. The Subdivision Control Committee consisting of Max Dobrowitsky, Albert Rosenblum and Tillie Bloch all of Huntington Woods, Michigan, any two of whom are authorized to act for the Committee to January 1, 1960. Whenever there shall have been approved by the Committee, plans for 75% of the lots in the subdivision, the owners of the lots therein may, by majority vote, elect successors to the Committee members above named, each person voting being permitted to cast one ballot for each lot owned.

6.17 VARIANCE Reduction From 35' Required

SITE PLAN



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FEB 16 2023
CITY OF NOVI
COMMUNITY DEVELOPMENT



NOTE
WATER SERVICE IS TO BE 1" TYPE "K" COPPER.
SANITARY SEWER LEAD IS TO BE 6" SDR 23.5 @ 1.0%.
STORM SUMP LEAD IS TO BE 4" SCH. 40 PVC.

LEGEND

BENCHMARK	S.M.	STORM MANHOLE	⊕
FINISHED FLOOR	F.F.	STORM CATCH BASIN	⊕
FINISHED GRADE	F.G.	SANITARY MANHOLE	⊕
EXISTING	EX.	GATE VALVE & WELL	⊕
FIELD MEASURE	F.M.	DET. EDISON MANHOLE	⊕
INVERT ELEVATION	I.E.	WATER/GAS SHUT OFF	⊕
GAS MAIN	—	FIRE HYDRANT	⊕
WATERMAIN	—	UTILITY POLE	⊕
STORM SEWER	—	SOIL BORING	⊕
SANITARY SEWER	—	SEPTIC TANK	⊕
OVERHEAD WIRES	—	WELL	⊕
1" WATER SERVICE	—	POLE OR POST	⊕
6" SANITARY LEAD	—	MAILBOX	⊕
PROP. SUMP LEAD	—	SECTION CORNER	⊕
FENCE	—	LIGHT	⊕
PROP. ELEVATION	—	DECIDUOUS TREE	⊕
EX. SPOT ELEVATION	—	EVERGREEN TREE	⊕

BENCHMARK
BM#1
ARROW ON HYDRANT LOCATED NORTH OF WOODGLEN DRIVE IN FRONT OF PROPERTY #41920
ELEV: 880.24 NAVD 88

LEGAL DESCRIPTION (PER TAX DESCRIPTION)
PARCEL NUMBER: 50-22-26-201-014
CITY OF NOVI
T.1N., R.8E., SECTION 26 PART OF THE NORTHEAST 1/4, BEGINNING AT POINT DISTANT S 89°58'58" W 48.03 FEET FROM THE NORTHWEST CORNER OF LOT 23 OF "ORCHARD HILLS SUBDIVISION"; THENCE S 89°58'58" W 67.00 FEET; THENCE S 00°00'31" W 115.14 FEET; THENCE S 89°55'46" E 87.00 FEET; THENCE N 00°00'31" E 115.28 FEET TO THE POINT OF BEGINNING 0.23 ACRES.

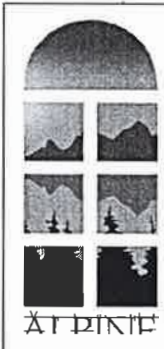
UTILITY NOTE
UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ARE PER RECORDS MADE AVAILABLE BY UTILITY OR MUNICIPALITY, AND BY FIELD OBSERVATION WHERE POSSIBLE. ALL MUNICIPALITIES, UTILITY COMPANIES AND MISS DIG SHOULD BE NOTIFIED BY CONTRACTOR FOR FIELD LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. GLA SURVEYORS AND ENGINEERS SHALL BE HELD HARMLESS FOR ANY AND ALL DAMAGE TO ANY AND ALL UTILITIES, WHETHER SHOWN ON THESE PLANS OR NOT.

<p>GLA SURVEYORS & ENGINEERS</p>	<p>9450 SOUTH MAIN STREET SUITE 103 PLYMOUTH, MI 48170 PHONE: (734) 416-9650 FAX: (734) 416-9657 www.glasurveyor.com</p>	<p>REVISED 2-16-23</p>	<p>CLIENT: BRIAN DUGGAN 14315 DENNE LIVONIA, MI 48154</p>
	<p>DATE: 11/17/22 JOB NO.: 436-004 FILE NO.: 436-004</p>	<p>SCALE: 1" = 20'</p>	<p>SHEET: 1 OF 2</p>

26/2, 26
104.9297
2507.34
101029.36
679
116
1365.82
9564

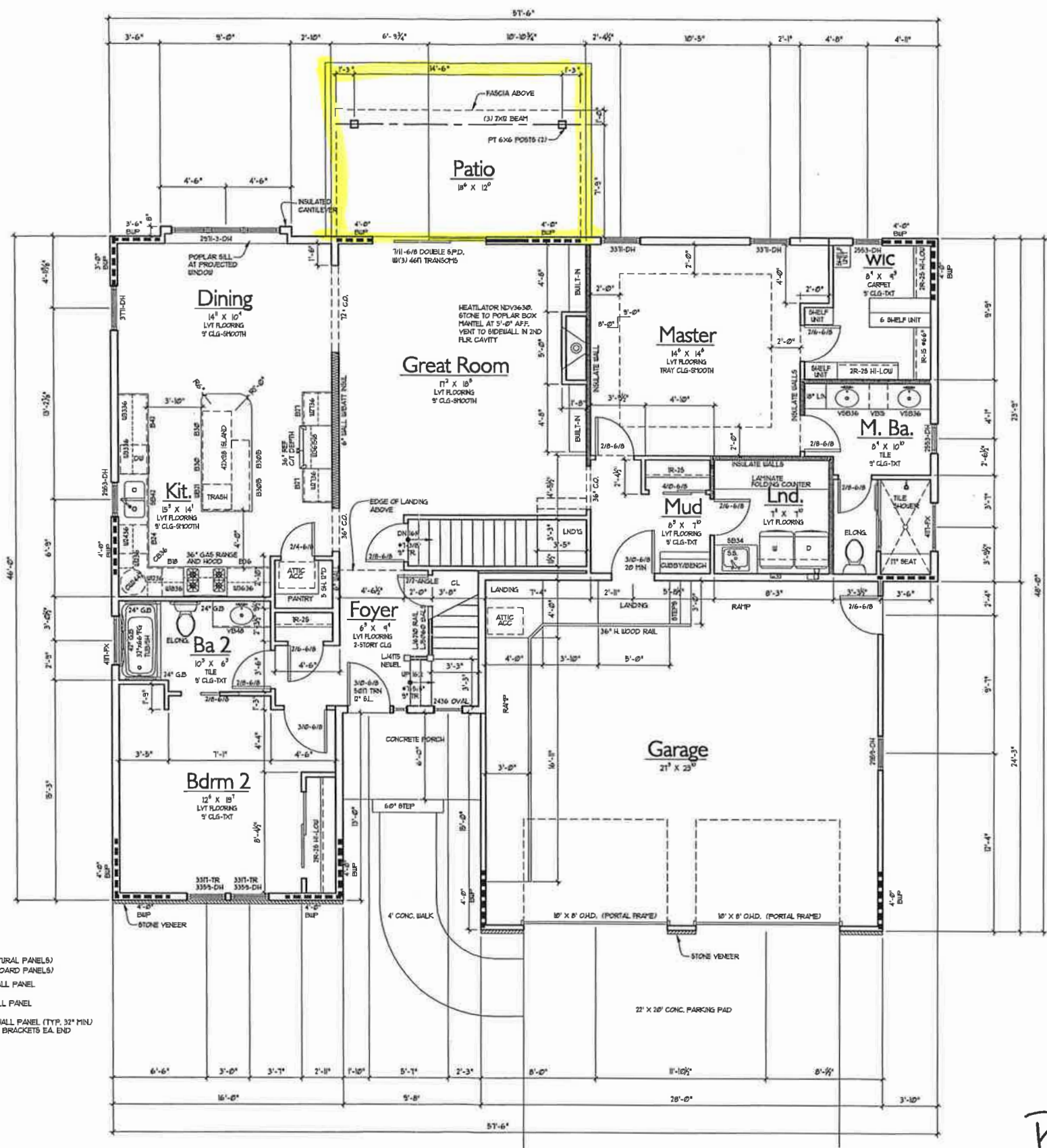
PBR23-0005

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VIVEK & PREETHI PATIL RESIDENCE
Woodglen Drive
Novi, Michigan 48375

DATE
9-12-19
PROJECT NO.
ADV201907
SHEET NO.
A101



- FLOOR PLAN NOTES:**
- ALL WINDOW SIZES GIVEN ARE BASED ON PELLA LIFESTYLE SERIES. SEE SPECIFICATIONS FOR ACTUAL WINDOW MANUFACTURER. SUBSTITUTE WITH CLOSEST STANDARD UNIT SIZE AVAILABLE AS REQUIRED.
 - DH: DOUBLE HUNG
 - SH: SINGLE HUNG
 - CS: CASSETT
 - GL: GLIDER
 - TR: FIXED TRANSOM
 - FX: FIXED PICTURE
 - PROVIDE SOLID BLOCKING AT ALL LVL. POINT LOAD LOCATIONS AND BEARING WALL LOCATIONS.
 - DIMENSIONING NOTES: ALL DIMENSIONS ARE TO FACE OF STUDS, CENTER OF OPENING, OR FACE OF EXTERIOR SHEATHING UNLESS NOTED OTHERWISE. ALL INTERIOR WALLS NOT DIMENSIONED AND APPEARING TO ALIGN WITH ADJACENT WALLS SHALL DO SO.
 - DO NOT SCALE DRAWINGS. NOTE ANY DISCREPANCIES TO CONTRACTOR.
 - ALL EXTERIOR WALLS TO BE 2X6, EXCEPT GARAGE EXTERIOR WALLS. ALL INTERIOR PARTITIONS 2X4 UNLESS NOTED OTHERWISE.
 - ALL CEILING HEIGHTS NOTED ON PLAN ARE NOMINAL. REFER TO WALL SECTIONS FOR ACTUAL CEILING HEIGHT.

- WALL BRACING CRITERIA**
- EXTERIOR WALLS: METHOD 3, (WOOD STRUCTURAL PANELS)
INTERIOR WALLS: METHOD 5, (1/2" GYPSUM BOARD PANELS)
- ■ ■ ■ ■ EXTERIOR BRACED WALL PANEL
 - ■ ■ ■ ■ INTERIOR BRACED WALL PANEL
 - ■ ■ ■ ■ ALTERNATE BRACED WALL PANEL (TYP. 32" MIN) REQUIRES HOLD DOWN BRACKETS EA. END 1 STORY ONLY

P223-0013
PBC23-0106
FIRST FLOOR PLAN
1/4" = 1'-0"
1,814 SF.