



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: August 11, 2020

REGARDING: Maudlin St, Parcel # 50-22-03-453-011 (PZ20-0022)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Robert Cummings/Jim Ascencio

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential
Location: West of Old Novi Road and South of South Lake Drive
Parcel #: 50-22-03-453-011

Request

The applicant is requesting variances from the Novi Zoning Ordinance Section 3.1.5 for a 4 foot variance for 21 foot aggregate total side yard setbacks, 25 feet required. This variance will accommodate the building of a new home. This property is zoned Single Family Residential (R-4). This case was originally heard July 14th and was tabled, the applicant is now requesting a lesser variance.

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. **PZ20-0022**, 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. **PZ20-0022**, 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

MAY 22 2020

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$250</u>	
PROJECT NAME / SUBDIVISION LOT 46 IDLEMERE PARK				Meeting Date: <u>July 14, 2020</u>	
ADDRESS		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 20-0022</u>	
SIDWELL # 50-22-03 -453 -011		May be obtain from Assessing Department (248) 347-0485			
GROSS ROADS OF PROPERTY MAUDLIN & S. LAKE DR					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?		REQUEST IS FOR:			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<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 BOB@HTUSASOLUTIONS.COM		CELL PHONE NO. 248-408-1718	
NAME ROBERT CUMMINGS				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO. N/A	
ADDRESS 1353 E. LAKE DR.		CITY NOVI		STATE MI	ZIP CODE 48377
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 JASCENC3@YAHOO.COM		CELL PHONE NO. 734-765-9066	
NAME JIM ASCENCIO				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 35755 FERNWOOD		CITY WESTLAND		STATE MI	ZIP CODE 48186
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>[REDACTED]</u>			
2. Section <u>3.1.5</u>		Variance requested <u>[REDACTED]</u>			
3. Section <u>3.1.5</u>		Variance requested <u>AGGREGATE OF 21 FT (25 REQUIRED)</u>			
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 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

Robert Pung
Applicant Signature

5-21-20
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.

James Senechal
Property Owner Signature

5-21-20
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
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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:
Property is an older lot of record. Being so does not comply with current size and square foot requirements.

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).

Property is an older lot of record. This being said does not comply with current size and square footage requirements.

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 standard of 25 foot total two sides on a 40 foot lot would give 15 feet Width and would not give reasonable footage to build on.

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.

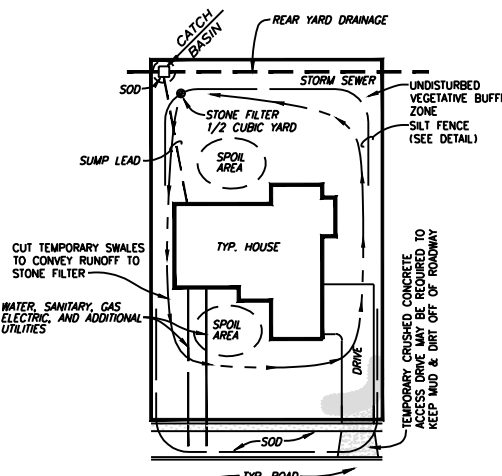
Lot coverage request will = 1080 square footage home. This allows for minimum room sizes and fits average home size in neighborhood.

2 Side yard requests will allow for a 24 foot home width for minimum bedroom, kitchen and living room size.

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.

A brand new home will add Grace & Beauty to Maudlin St. Also, will add positive property levels to the neighborhood.

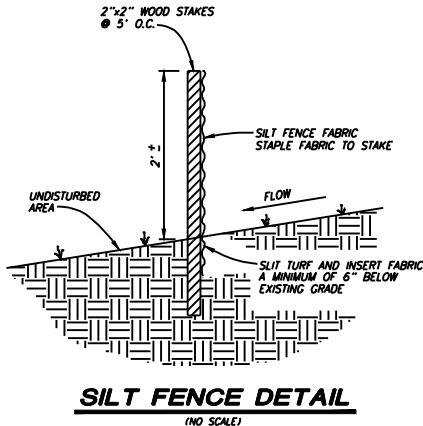


SEQUENCE OF CONSTRUCTION

1. GEO-TEXTILE FILTER FABRIC FENCE AND TEMPORARY SHIELDS WILL BE INSTALLED PRIOR TO BASEMENT EXCAVATION.
2. EXCAVATED MATERIAL WILL BE STOCKPILED BETWEEN THE EXCAVATION, THE SILT FENCE, AND TEMPORARY SHIELDS AS SHOWN.
3. THE SEQUENCE CONTROL MEASURES WILL BE MAINTAINED, AS NEEDED, THIS WILL REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE, AND THE DISTURBED AREAS ARE STABILIZED WITH VEGETATION.
4. DIRECT SURFACE RUN-OFF TOWARDS CENTER OF SILT FENCE.
5. ALLOW OPENING IN SILT FENCE FOR CONSTRUCTION TRAFFIC.
6. PRIOR TO FINAL CIVIL ESTABLISH VEGETATION IN RESILIENT, SHALLOWS AREAS, SLOPES GREATER THAN 1:1, AND 10' AROUND CATCH BASINS.
7. AFTER BASEMENT HAS BEEN BACKFILLED, SEED ALL SLOPES 1:5 OR GREATER WITH A MIXTURE OF RYE FOR TEMPORARY SOIL.

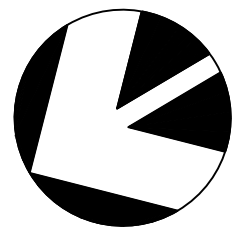
WHAT MONTH WILL CONSTRUCTION COMMENCE
WHAT MONTH WILL THE PROJECT BE COMPLETE AND READY FOR VEGETATIVE RESTABILIZATION. (SEED, MULCH, LANDSCAPING, ETC.)

NOTE:
NOTIFY COUNTY 48 HOURS PRIOR TO EXCAVATION OF BASEMENT



SILT FENCE DETAIL
(NO SCALE)

NORTH



SCALE: 1"=20'

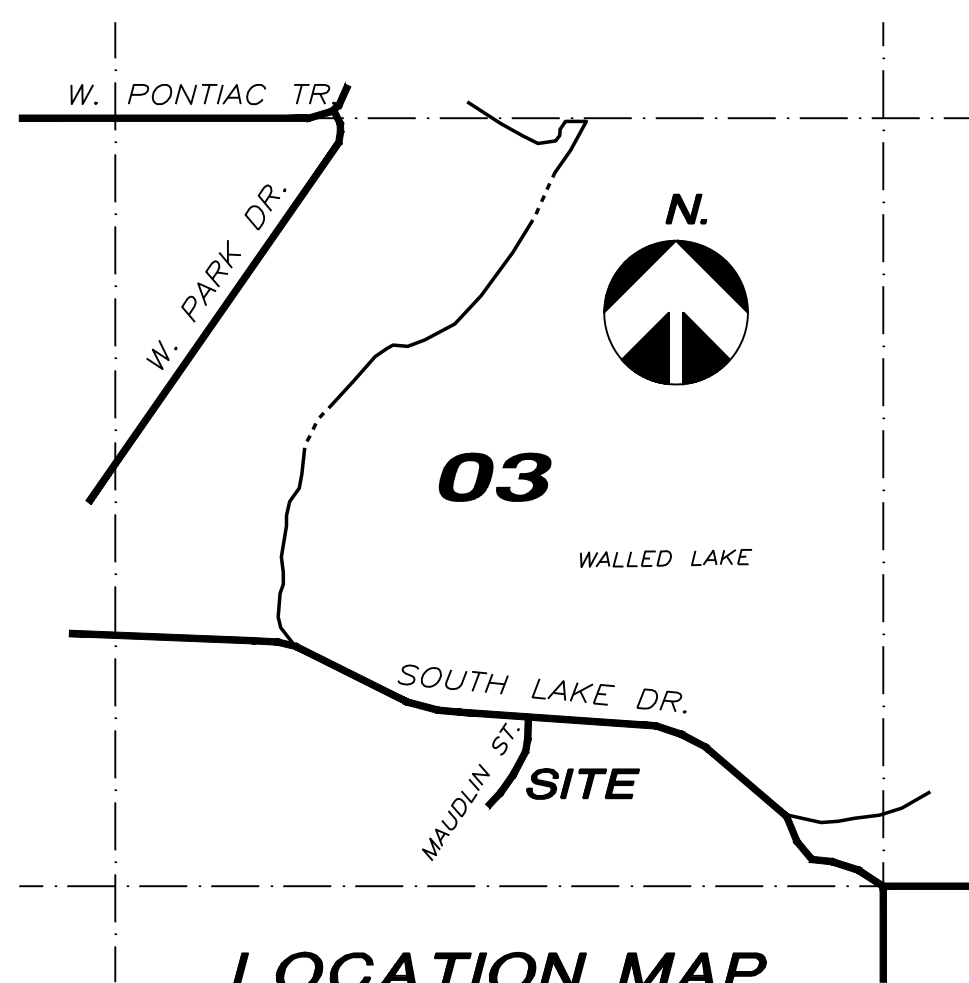
BENCHMARK

1. T/HYD. NW CORNER OF MAUDLIN & LEMAY
ELEVATION=941.06
DATUM=NAVD88

PARCEL ID

22-03-453-011

ZONED: R-4



LOCATION MAP

SCALE: 4" = 1 MILE

SOIL EROSION DETAILS

(NO SCALE)

LEGEND

- 100 EXISTING CONTOURS
- 100.00 EXISTING GRADE
- 0.0 AS-BUILT GRADE
- 0.0 PROPOSED GRADE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED SILT FENCE
- EXISTING GRAVEL

TOPOGRAPHY LEGEND

- WATER MAIN
- STORM SEWER
- SANITARY SEWER
- EASEMENT
- EX. U.G. ELEC.
- EX. O.H. WIRES
- EX. U.G. TELE.
- EX. U.G. GAS
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- UTILITY MANHOLE
- STORM MANHOLE
- END OF PIPE
- SANITARY MANHOLE
- CLEAN-OUT
- MANHOLE
- HYDRANT
- GATE VALVE WELL
- WATER VALVE
- WATER BOX
- VALVE
- LIGHT POLE
- AIR CONDITIONER
- MAIL BOX
- FENCE POST
- DOWN SPOUT
- SOIL BORING
- ELEC TRANS PAD
- UTILITY POLE
- GUY ANCHOR
- GUY POLE
- SIGN POST
- SPRINKLER HEAD
- GAS METER
- TELEPHONE RISER
- ELECTRICAL RISER
- CABLE TV RISER
- FINISHED FLOOR
- GARAGE FLOOR
- BASEMENT FLOOR
- CONC.
- SET MAG. MAIL
- SET IRON BAR
- FOUND IRON BAR
- FOUND C. MONUMENT

CAUTION

CONTRACTOR TO VERIFY GROUND WATER PRIOR TO CONSTRUCTION.

ULC RECOMMENDS SOIL ANALYSIS TO BE PERFORMED BY A PROFESSIONAL.

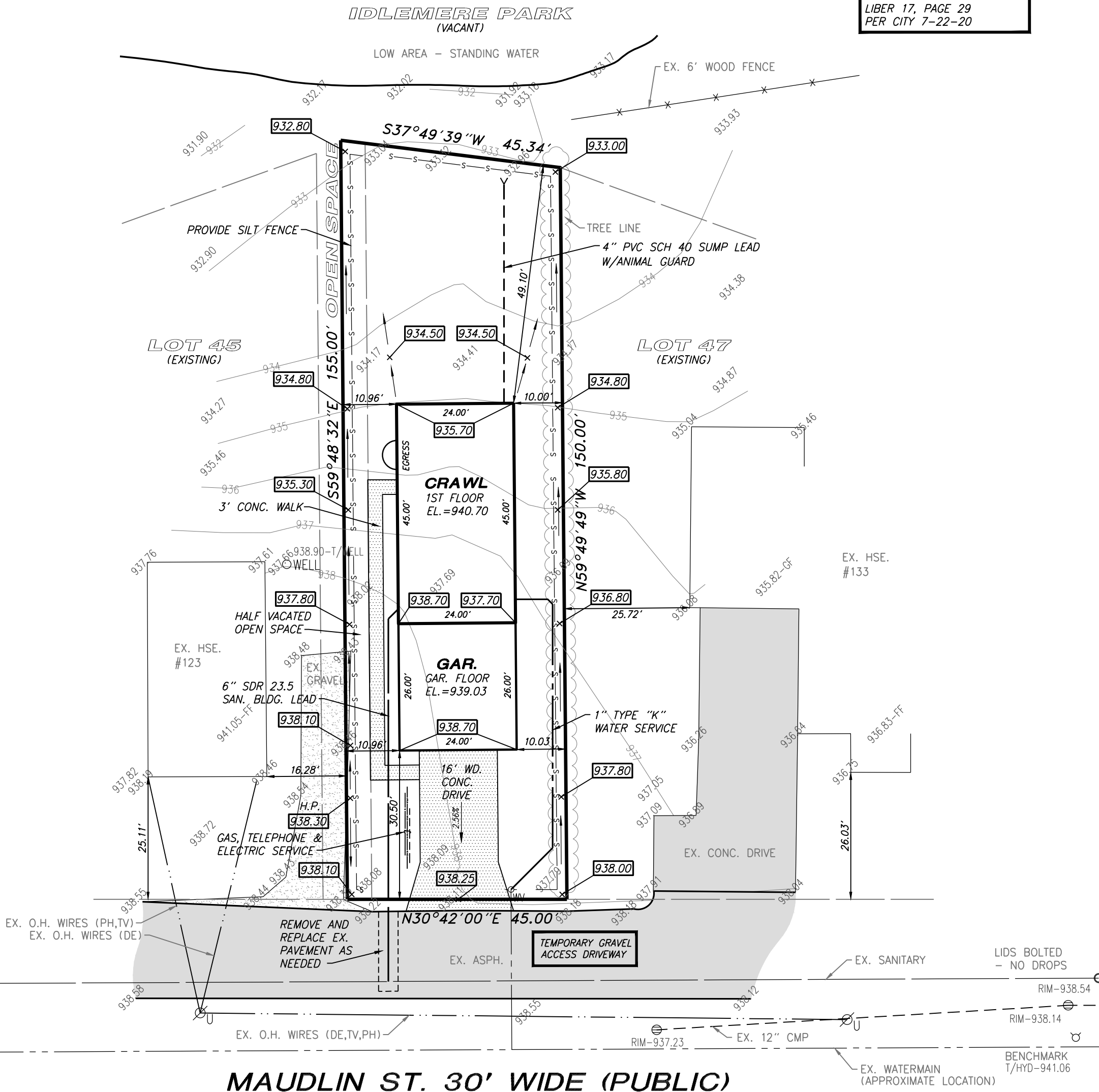
CONTRACTOR TO MONITOR EXCAVATION FOR SOIL/GROUND WATER CONDITIONS.

GRADING NOTE

1. ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENCROACH UPON ANY ADJACENT PROPERTIES.
2. SOIL EROSION CONTROLS ARE REQUIRED TO BE INSTALLED AROUND THE ENTIRE PERIMETER OF SOIL DISRUPTION PER THE COUNTY

NOTE: SIDEYARD DRAINAGE SHALL NOT DRAIN ONTO ADJACENT LOT(S). (TYPICAL)

LEGAL: LOT 46 OF IDLEMERE PARK INCLUDING HALF OF OPEN SPACE (IVYLEAF WALK) LIBER 17, PAGE 29 PER CITY 7-22-20



MAUDLIN ST. 30' WIDE (PUBLIC)

NOTE:
CONTRACTOR TO CONFIRM BASEMENT WALL HEIGHT, FIRST FLOOR ELEVATION AND BASEMENT FLOOR ELEVATION PRIOR TO THE START OF CONSTRUCTION!!!

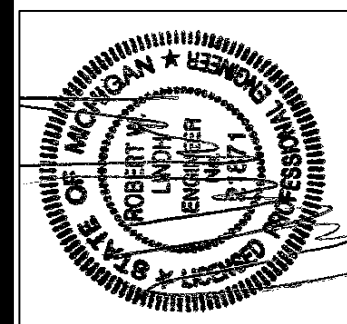
ATTENTION BUILDERS/CONTRACTORS

1. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY OR LOT SURVEY, AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES OR LOCATE IMPROVEMENTS.
2. U.L.C. ASSUMES NO RESPONSIBILITY FOR THE GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY OWNER/BUILDER PRIOR TO CONSTRUCTION.
3. THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL PLANS MUST BE USED FOR CONSTRUCTION OF FOUNDATION.
4. UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.
5. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.
6. SETBACKS SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE MUNICIPALITY. ANY DEED OR SPECIAL RESTRICTIONS - (i.e. SUBDIVISION RESTRICTIONS, HOUSE SIZE, BUILDING LOCATION, etc.) MUST BE SUPPLIED TO U.L.C. IN WRITING WHEN PLOT PLAN IS ORDERED. U.L.C. WILL NOT BE RESPONSIBLE FOR INTERPRETING SUBDIVISION RESTRICTIONS.
7. U.L.C. RECOMMENDS A .50' EXTRA ALLOWANCE TO ALL MINIMUM SETBACKS. WHERE THE OWNER / BUILDER DOES NOT FOLLOW THIS RECOMMENDATION, THE OWNER / BUILDER AGREES TO HOLD U.L.C. HARMLESS FOR STRUCTURE ENCROACHMENT (S) INTO THE MINIMUM SETBACK.
8. UTILITY LEAD LOCATIONS AS SHOWN ARE APPROXIMATE. AS-BUILT LOCATIONS MUST BE OBTAINED FROM THE LOCAL MUNICIPALITY.

URBAN LAND CONSULTANTS WILL SET HIGH GRADE/BRICKLEDGE CONTRACTOR TO USE GRADE SET ON SITE.

BY:	KP SV
ADDITIONS AND/OR REVISIONS	
DATE	7-21-20 7-10-19 7-8-19
Job No.	190604-8859
Date	6-26-19
Scale	1" = 20'
Drawn by	SV
Checked by	R. LINDH
Sheet 1 of 1	
Rev. Per Client	REV. PLOT PLAN REV. PER CLIENT COMPLETED PLOT PLAN
File	Bk.

JIM ASCENCIO
1903 TREADWELL
WESTLAND, MI 48186
734-765-9066



PHONE 586 731-8030
FAX 586 731-2605

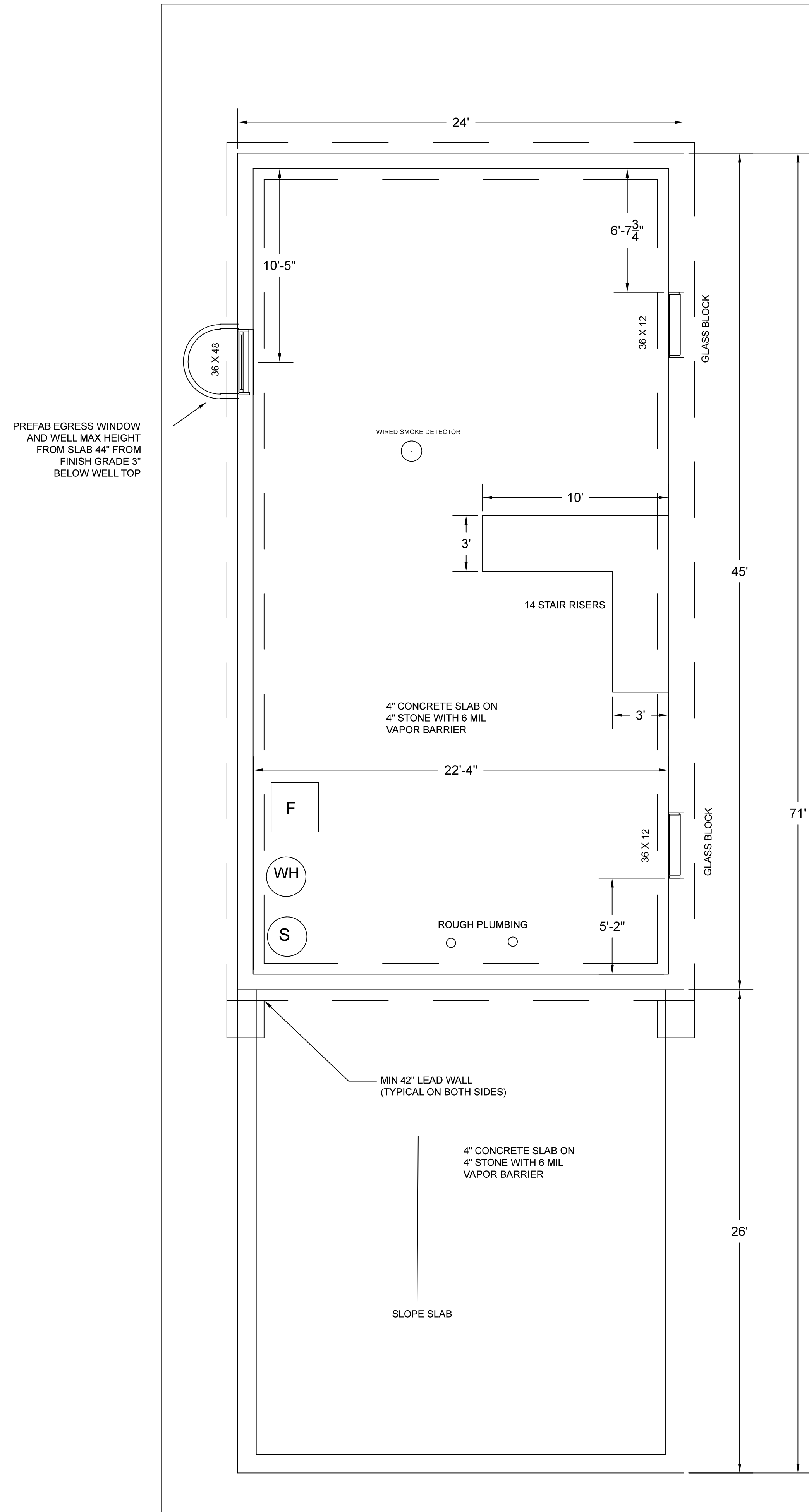
URBAN LAND CONSULTANTS

CIVIL ENGINEERS
PLANNERS
LAND SURVEYORS
GPS CONSULTANTS
SHELBY TWP., MI 48316-4516

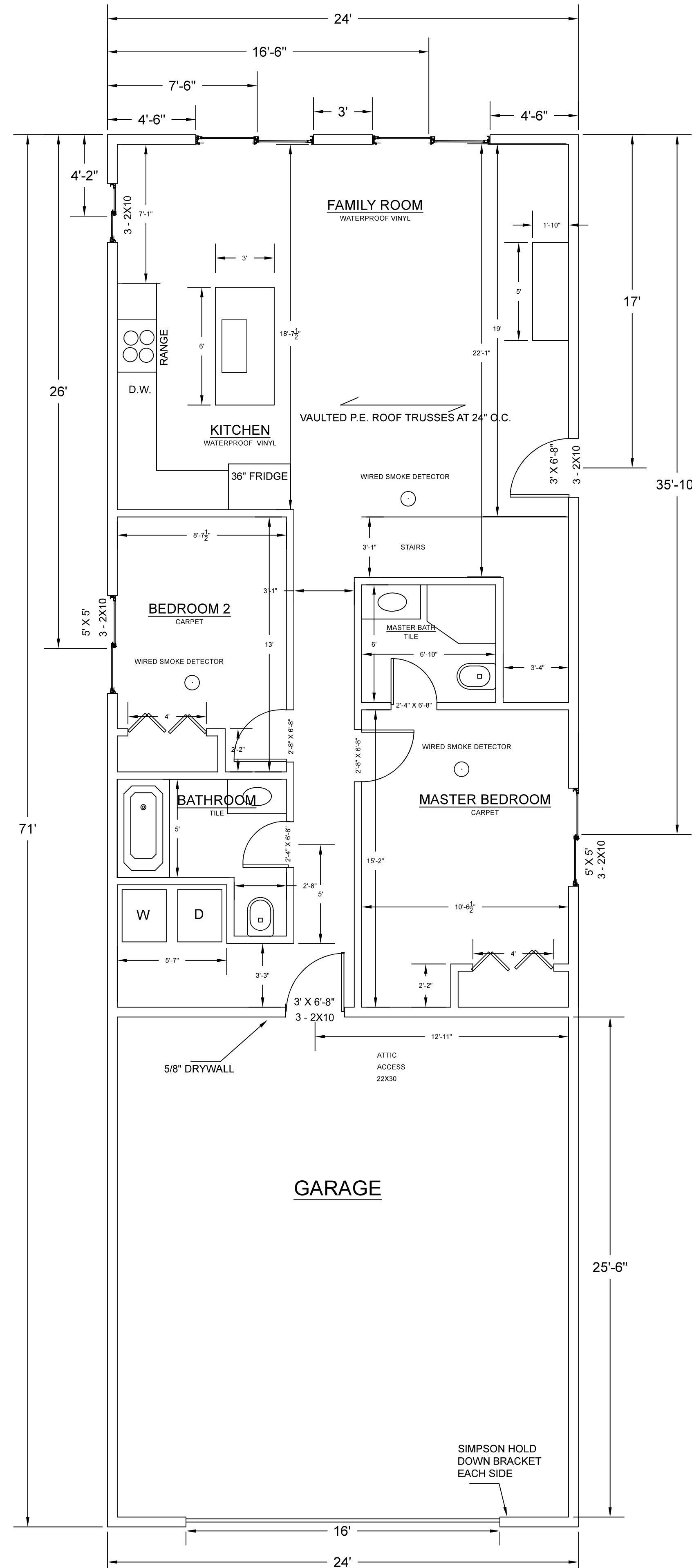


3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE) for the location of underground utilities

Contractor Note:
The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.



FOUNDATION PLAN
1/4" - 1-0' SCALE 1080 SQFT



FIRST FLOOR PLAN
1/4" - 1-0' SCALE 1080 SQFT

NOTE:
ALL WORK TO CONFORM TO MRC 2015
ALL WORK TO CONFORM TO LOCAL CODES AND ORDINANCES.
PROVIDE ATTIC ACCESS PER R807
ALL WORK PER ENERGY CONSERVATION/EFFICIENCY N1102.1.1
PROVIDE MECHANICAL VENTILATION PER R303.4
STAIRWAYS PER R311.7.3 - R311.7.5.1
ROOF DESIGN PER TRUSS MANUFACTURER
GROUND TO FOUNDATION REROD
WIND BRACING PER R802.10 USING CS-WSP METHOD
AND PFG METHOD AT GARAGE WALL OPENING
ALL WORK TO CONFORM TO CHAPTER 6 IN MRC 2015
AND COMPLY TO OPEN AREA WALLS REQUIREMENTS
(2) JACK STUDS PER END FOR ALL WINDOW HEADERS ON FIRST FLOOR
(1) JACK STUD PER END FOR ALL WINDOW HEADERS ON SECOND FLOOR

NOTE:
PROVIDE SMOKE ALARMS PER R314.3 - R314.4
PROVIDE CARBON MONOXIDE ALARMS PER R315

ALL SMOKE ALARMS SHALL BE LISTED IN ACCORDANCE WITH UL 217 AND INSTALLED IN:

1. EACH SLEEPING ROOM
2. OUTSIDE EACH SLEEPING AREA IN THE INTERMEDIATE VICINITY OF THE BEDROOMS
3. IN THE BASEMENT
4. IN THE LIVING ROOM

ALL SMOKE ALARMS SHALL BE INTERCONNECTED SUCH THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL ALARMS IN THE HOUSE

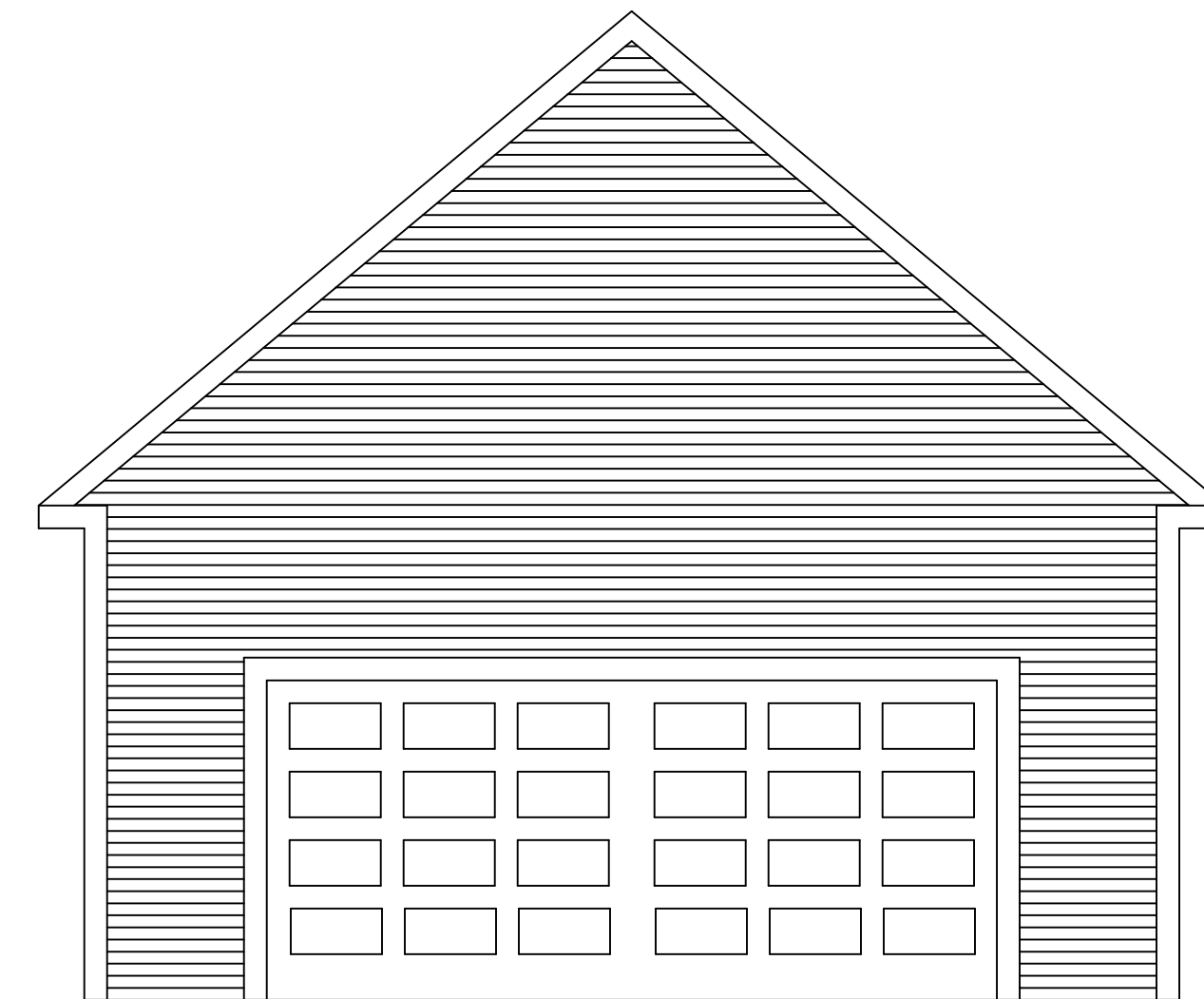
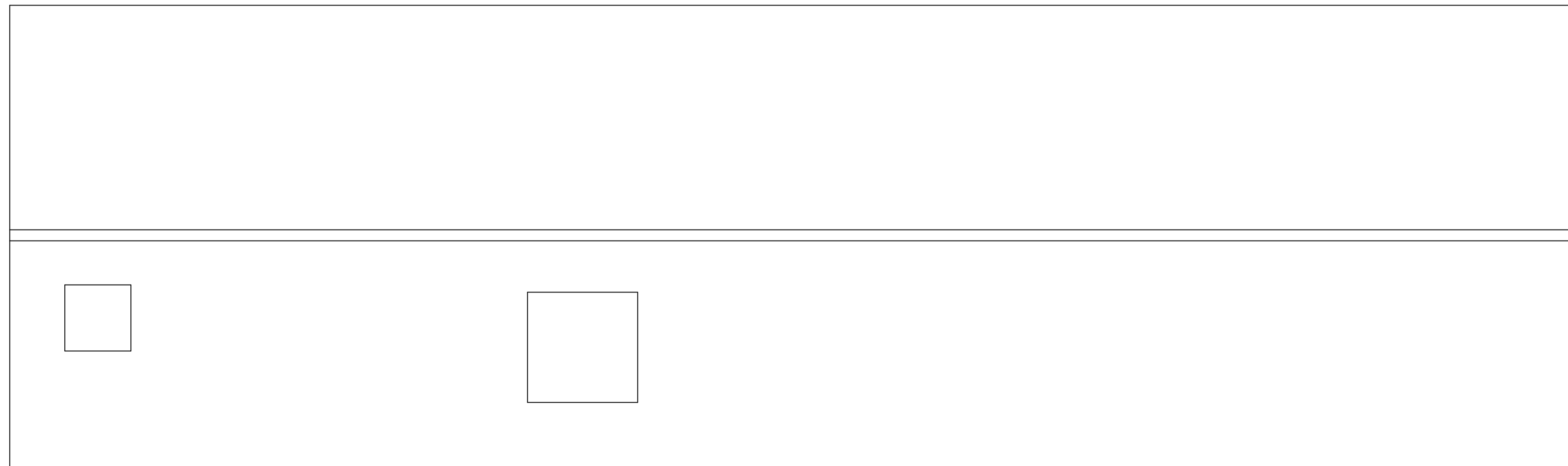
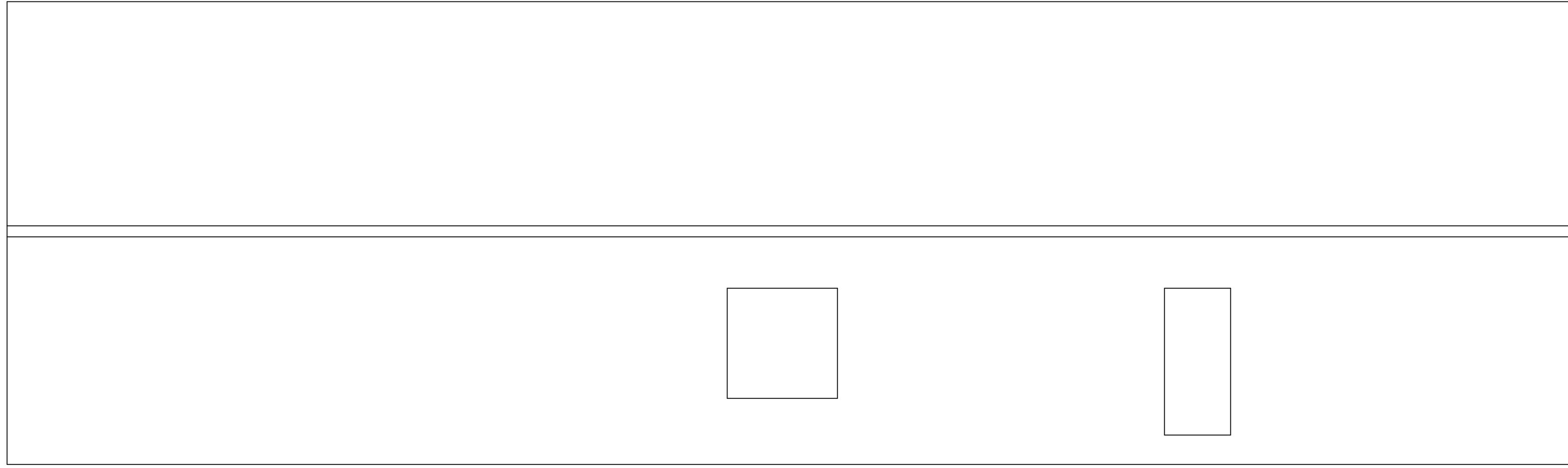
- GENERAL NOTES:
1. FOOTING WIDTH 24" PER SECTION
 2. PROVIDE SMOKE ALARMS R314.3 - 314.4

MAUDLIN ST

STEVEN ZUKKOOR
ZAMAN DEVELOPMENT
17251 W 12 MILE SOUTHFIELD, MI 48076
(248) 891-0812

SHEET NO.

A-1



MAUDLIN ST

STEVEN ZUKKOOR
ZAMAN DEVELOPMENT
17251 W 12 MILE SOUTHFIELD, MI 48076
(248) 891-0812

SHEET NO.

A-2

LOT 46 IDLEMERE PARK SUB

**THIS COMMUNICATION SHOWS THAT LOT 46
IDLEMERE PARK SUB HOME'S PROJECT
IS 6TH OUT OF 9 HOMES ON THE LIST OF SQUARE
FOOTAGE.**

**NEW HOME WILL BEAUTIFY STREET AND RAISE
NEIGHBORHOOD VALUES.**

ADDRESS HOME SQUARE FOOTAGE

1. 133 MAUDLIN 2058
2. 185 MAUDLIN 2007
3. 135 MAUDLIN 1796
4. 112 MAUDLIN 1748
5. 117 MAUDLIN 1302

6. LOT 46 1080

7. 123 MAUDLIN 1056
8. 115 MAUDLIN 880
9. 121 MAUDLIN 512

**JIM ASCENCIO OWNER
734-765-9066**