



# 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: January 8, 2019

REGARDING: 41032 S McMahon Circle, #50-22-25-104-016 (PZ18-0059)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Brian Luke

**Variance Type**

Dimensional

**Property Characteristics**

Zoning District:

Single Family Residential

Location:

East of Meadowbrook Road and South of Ten Mile Road

Parcel #:

50-22-25-104-016

**Request**

The applicant is requesting a variance from the Novi Code of Ordinance Section 3.1.5 for a 21 foot variance for a proposed front yard variance of 9 feet to allow for a new carport addition, 30 feet minimum required. This property is zoned Single Family Residential (R-4).

### II. STAFF COMMENTS:

*Lot is uniquely shaped.*

### 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. **PZ18-0059**, 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. **PZ18-0059**, 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



45175 Ten Mile Road  
 Novi, MI 48375  
 (248) 347-0415 Phone  
 (248) 735-5600 Facsimile  
 www.cityofnovi.org

# ZONING BOARD OF APPEALS APPLICATION

**RECEIVED**

**NOV 21 2018**

**CITY OF NOVI  
 COMMUNITY DEVELOPMENT**

**APPLICATION MUST BE FILLED OUT COMPLETELY**

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: _____	
PROJECT NAME / SUBDIVISION				Meeting Date: <u>Jan. 8<sup>th</sup> 2018</u>	
ADDRESS <u>41032 S McMahon Cir</u>		LOT/SUITE/SPACE # <u># 39</u>		ZBA Case #: <u>PZ 18-0059</u>	
SIDWELL # <u>50-22-25-104-016</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?			REQUEST IS FOR:		
<input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> NO					
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS		CELL PHONE NO.	
NAME <u>Brian Luke</u>		<u>Bluke1986@gmail.com</u>		<u>(734) 7408432</u>	
ORGANIZATION/COMPANY				TELEPHONE NO.	
ADDRESS <u>41032 S McMahon Cir</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		CELL PHONE NO.	
NAME <u>Brian Luke</u>				<u>(734) 740-8432</u>	
ORGANIZATION/COMPANY				TELEPHONE NO.	
ADDRESS <u>41032 S McMahon Cir</u>		CITY <u>NOVI</u>		STATE <u>MI</u> ZIP CODE <u>48375</u>	
<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>31.5</u>		Variance requested <u>Front yard Variance proposed 9'</u>		<u>30' Required; 21' 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 checked="" 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>					
• Dimensioned Drawings and Plans			• Existing & proposed distance to adjacent property lines		
• Site/Plot Plan			• Location of existing & proposed signs, if applicable		
• Existing or proposed buildings or addition on the property			• Floor plans & elevations		
• Number & location of all on-site parking, if applicable			• 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

Applicant Signature

11-21-18  
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

11-21-18  
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  
 (248) 735-5600 Facsimile  
 www.cityofnovi.org

**RECEIVED**

NOV 21 2018

**REVIEW STANDARDS  
 DIMENSIONAL VARIANCE**

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

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 lot, unique shape and orientation of house on property.

**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).

Established Subdivision

## **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.

Property Shape prohibits the building of a garage in any other location. We currently do not have a garage which causes many hardships.

## **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.

IF we built detached in back yard, it would actually require more variance requirements.

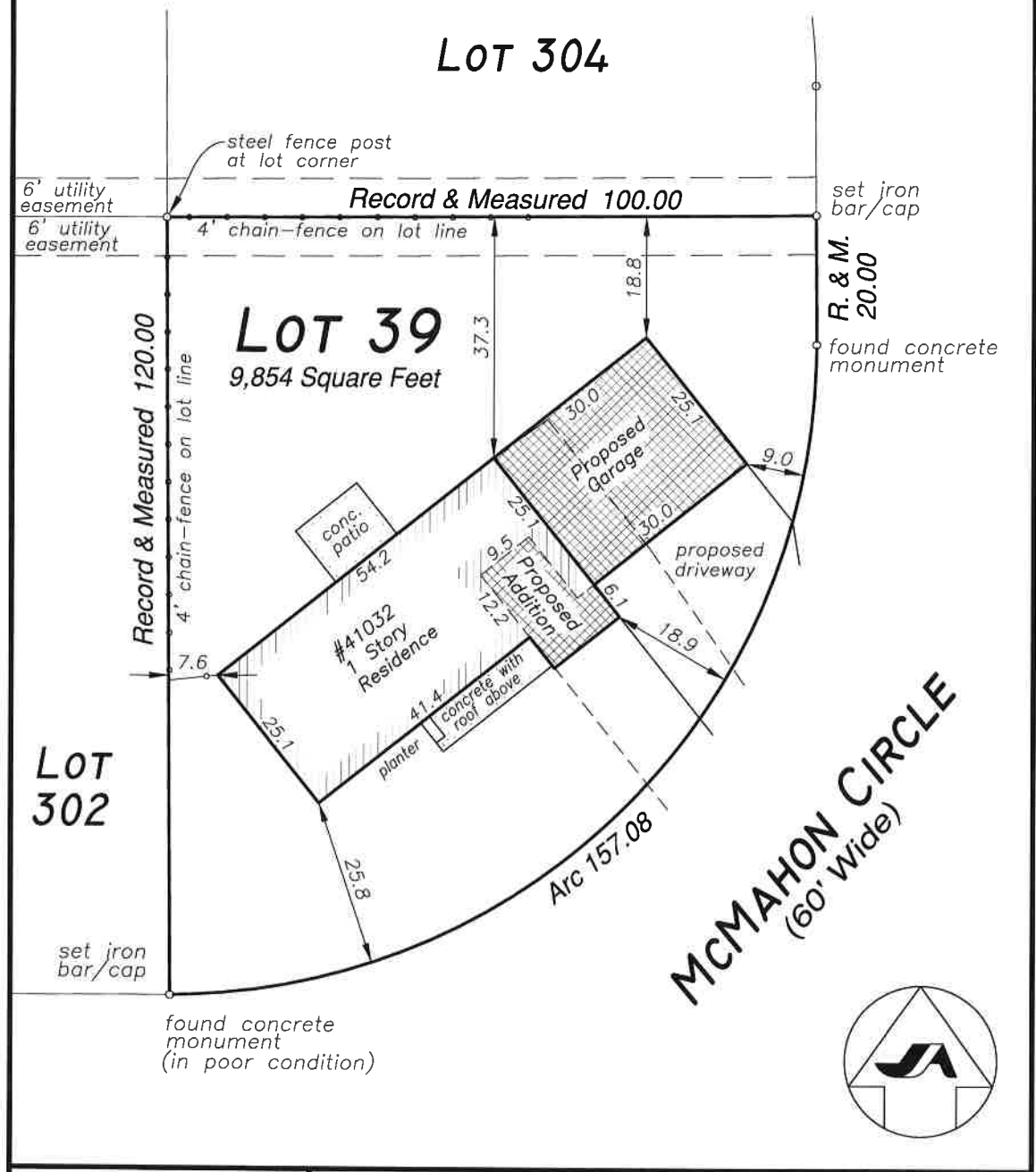
## **Standard #5. Adverse Impact on Surrounding Area.**

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.

On the side of the proposed garage addition, we are only encroaching on the road ~~to~~ (right of way) as we are a corner lot.

Proposed project

**LEGAL DESCRIPTION**  
 LOT 303 OF "WILLOWBROOK ESTATES SUBDIVISION No. 2", PART OF THE NORTHWEST ¼ OF SECTION 25, TOWN 1 NORTH, RANGE 8 EAST. NOVI TOWNSHIP (NOW CITY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 77 OF PLATS ON PAGE 5, OAKLAND COUNTY RECORDS. CONTAINS 9,854 SQUARE FEET.



**ADDITION PLAN**

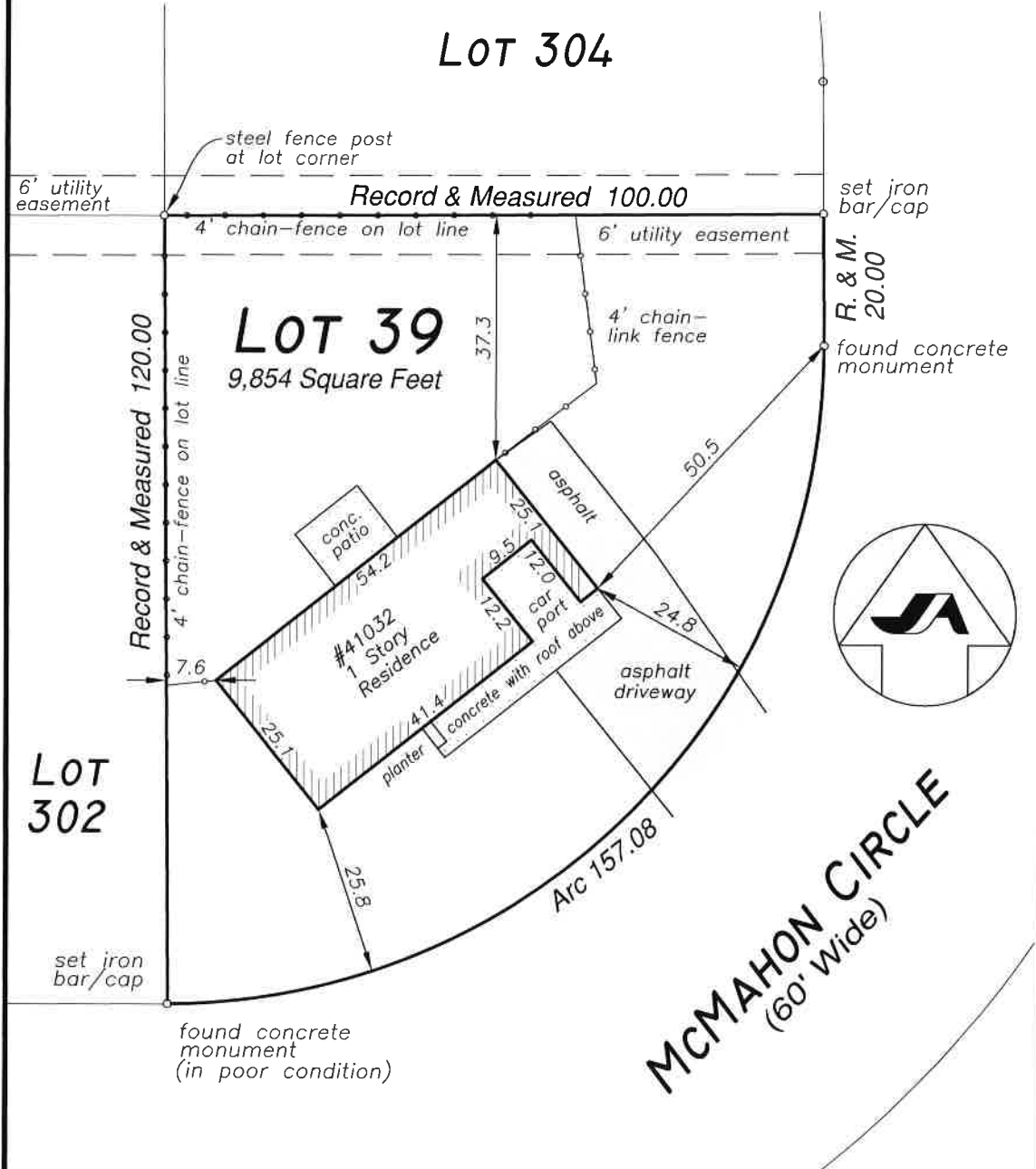
Prepared For: **Brian Luke**  
 41032 McMahon Circle  
 Novi, MI 48375  
 (734) 740-8432

**JEKABSON & ASSOCIATES, P.C.**  
 Professional Land Surveyors  
 1320 Goldsmith, Plymouth, MI 48170  
 (734) 414-7200 (734) 414-7272 fax  
 by:



DATE	2 Nov 18
JOB NO.	18-09-016
SCALE	1" = 20'
DRAWN	JGE
CHECKED	IJJ
SHEET	1 OF 1

**LEGAL DESCRIPTION**  
 LOT 303 OF "WILLOWBROOK ESTATES SUBDIVISION No. 2", PART OF THE NORTHWEST ¼ OF SECTION 25, TOWN 1 NORTH, RANGE 8 EAST. NOVI TOWNSHIP (NOW CITY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 77 OF PLATS ON PAGE 5, WAYNE COUNTY RECORDS. CONTAINS 9,854 SQUARE FEET.



**CERTIFICATE OF SURVEY**

Prepared For: Brian Luke  
 41032 McMahon Circle  
 Novi, MI 48375  
 (734) 740-8432

**JEKABSON & ASSOCIATES, P.C.**  
 Professional Land Surveyors  
 1320 Goldsmith, Plymouth, MI 48170  
 (734) 414-7200 (734) 414-7272 fax



DATE	2 Nov 18
JOB NO.	18-09-016
SCALE	1" = 20'
DRAWN	JGE
CHECKED	IJJ
SHEET	1 OF 1

by: