



## 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:** December 8, 2015

**REGARDING:** ROBERTSON (CASE NO. PZ15-0042)

**BY:** Charles Boulard, Building Official

### I. GENERAL INFORMATION:

#### **Applicant**

Darrell Robertson

#### **Variance Type**

Dimensional Variances

#### **Property Characteristics**

Zoning District:

R-4, One Family Residential

Site Location:

1953 West Lake Drive, west of Novi Road and south of 14 Mile Road

Parcel #:

50-22-03-155-002

#### **Request**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 3.1.5(d) and 3.32-8 to allow construction of a new deck addition to an existing home on nonconforming lakefront parcel: 1) a variance of 7.5 feet in the required side yard setbacks (10 feet required, 2.5 feet proposed)

### II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
<b>Subject Property</b>	R-4, One Family Residential	Bentley Subdivision	Single Residential
<b>North</b>	R-4, One Family Residential	Bentley Subdivision	Single Residential
<b>South</b>	R-4, One Family Residential	Bentley Subdivision	Single Residential
<b>East</b>		Walled Lake	
<b>West</b>	R-4, One Family Residential	Bentley Subdivision	Single Residential

### III. STAFF COMMENTS:

**Existing Condition**

The subject property consists of a single located on the east side of West Lake Drive on Walled Lake within the Bentley Subdivision. The parcel has approximately 30.0 feet of frontage on West Lake Drive and approximately 187.0 feet deep as measured along south side yard lot line. There is an existing nonconforming home and attached garage on the lot.

**Proposed Changes**

The applicant is proposing to construct a new multilevel deck on the (east ) lake side of the home . The proposed deck would align with the existing structure and occupy portions of the required side setbacks requiring the side setback variances.

**IV. DEVELOPMENT STANDARDS:**

The table below summarizes the zoning district development standards for the subject parcels.

Lot Size		Minimum Setback			
Area	Width	Front	Sides	Aggregate Side	Rear
R-4 10,000 sq. ft.	80 ft.	30 ft.	10 ft. ( one side)	25 ft. (total of two side)	35 ft.

**V. RECOMMENDATION:**

The Zoning Board of Appeals may take one of the following actions:

1. Grant I move that we **grant** the variance(s) in **Case No.PZ15-0042**, sought by \_\_\_\_\_,for \_\_\_\_\_ because the Petitioner has established that \_\_\_\_\_ causes a practical difficulty relating to the property, including some or all of the following criteria:
  - (a) Petitioner has established that the property is unique because\_\_\_\_\_, or that the physical condition of the property creates the need for a variance because\_\_\_\_\_.
  - And, the condition is not a personal or economic hardship.
  - (b) The need for the variance is not self-created, **because**\_\_\_\_\_.
  - (c) Strict compliance with dimensional regulations of the Zoning Ordinance, including \_\_\_\_\_, will (either):
    1. unreasonably prevent Petitioner from using the property for the permitted purpose as a \_\_\_\_\_, because\_\_\_\_\_ and/or,
    2. will make it unnecessarily burdensome to comply with the regulation because\_\_\_\_\_.

**Zoning Board Of Appeals**

Robertson Property  
Case # PZ15-0042

December 8, 2015

Page 3 of 3

- (d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not \_\_\_\_\_.
- (e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because \_\_\_\_\_.
- (f) The variance granted is subject to the conditions that:
  - 1. \_\_\_\_\_,
  - 2. \_\_\_\_\_,
  - 3. \_\_\_\_\_,
  - 4. \_\_\_\_\_.

2. Deny I move that we **deny** the variance in **Case No.PZ15-0042**, sought by \_\_\_\_\_, for \_\_\_\_\_ because the Petitioner has **not** established a practical difficulty because:

- (a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by \_\_\_\_\_.
- (b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated \_\_\_\_\_.
- (c) The need for the variance is self-created because Petitioner \_\_\_\_\_.
- (d) Conforming to the ordinance would not (either):
  - 1. be unnecessarily burdensome because \_\_\_\_\_, or,
  - 2. unreasonably prevent petitioner from using the property for \_\_\_\_\_, because \_\_\_\_\_.
- (e) A lesser variance consisting of \_\_\_\_\_ would do substantial justice to Petitioner and surrounding property owner's because \_\_\_\_\_.
- (f) The proposed variance would have adverse impact on surrounding property because \_\_\_\_\_.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0415.

Charles Boulard  
Building Official  
City of Novi



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 (248) 735-5600 Facsimile  
 www.cityofnovi.org

## ZONING BOARD OF APPEALS APPLICATION

**RECEIVED**  
**OCT 26 2015**  
 CITY OF NOVI  
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200  
 Meeting Date: 12-8-15  
 ZBA Case #: PZ 15-0042

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION <u>1953 WEST LAKE DR DECK PLAN</u>			
ADDRESS <u>1953 WEST LAKE DR, NOVI, MI 48377</u>		LOT/SUITE/SPACE #	
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 type="checkbox"/> YES <input checked="" 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			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS <u>DARRELL.ROB1@HOTMAIL.COM</u>	CELL PHONE NO. <u>734 386 6657</u>
NAME <u>DARRELL ROBERTSON</u>		TELEPHONE NO. <u>248 859-4022</u>	
ORGANIZATION/COMPANY <u>HOME OWNER</u>		FAX NO.	
ADDRESS <u>1953 WEST LAKE DR</u>	CITY <u>NOVI</u>	STATE <u>MI</u>	ZIP CODE <u>48377</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		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX 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 _____	Variance requested _____		
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

*Dave Roff*  
Applicant Signature

Oct 22/15  
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.

*D Roff*  
Property Owner Signature

Oct 22/15  
Date

## VII. FOR OFFICIAL USE ONLY

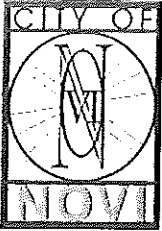
### DECISION ON APPEAL:

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



cityofnovi.org

**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:

*ZONED PROPERTIES IN THIS AREA ARE JUST OVER 30' WIDE.*

*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).

LAKE FRONT PROPERTIES ARE ZONED WITH A TOTAL WIDTH OF 30'. STANDARD SETBACKS WOULD NOT ALLOW THE CONSTRUCTION OF ANYTHING OVER 5' WIDE.

## 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 IS ZONE AS 30' WIDE AND MEETING ALL SETBACKS WOULD ONLY ALLOW AN UNREASONABLE SMALL SPACE TO BUILD ANY STRUCTURE.

## 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.

THESE VARIANCES ALLOW FOR AN ENCLOSURE AROUND THE AIR CONDITIONER UNIT TO HELP RESOLVE A CONCERN OF (HIDE A UNIT) NEIGHBOR TO THE NORTH EAST. DECK WILL ALLOW TO PUT BBQ + FURNITURE UP OFF THE GROUND AND CLEAN UP THE BACKYARD.

## 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.

MID DECK IS OF SAME ELEVATION AS NEIGHBOR TO THE IMMEDIATE NE PROPERTY. WILL ALLOW ENCLOSURE OF AIR CONDITIONER UNIT TO IMPROVE VISUAL ASPECT. 2 VERTICAL SUPPORTS ARE 6" x 6" FOR UPPER DECK POSTS AND ~~IMPACT~~ DO NOT IMPACT VIEW OF LAKE. IMMEDIATE PROPERTY TO THE NORTH EAST HAS 3 LARGE (32" DIAMETER) TREES BETWEEN HOME AND LAKE WHICH ARE A MUCH GREATER IMPACT TO THEIR VIEWS. NEIGHBOR TO THE SW IS NOT IMPACTED BY NEW CONSTRUCTION (NO VIEWS BLOCKED BACK OF HOME CLEANED UP VISUALLY. NO OTHER HOMES ARE IMPACTED.

THIS REQUEST IS COMMON WITH DECK DESIGNS IN THE AREA ON SIMILAR LOT SIZE

# 1953 Deck Information



# Reason for Variance Request

- 3 out of 4 homes to the North of 1953 West Lake Dr have 2 or more tier decks
- 5 out of 6 homes to the South of 1953 West Lake Dr have 2 or more tier decks
- Foot print of deck is smaller than the width of the home on the lower tier and a low elevation (23 – 32")
- Upper tier deck is 10' wide by 7' feet deep smaller than many current decks on similar properties with only 2 vertical supports that are 6" x 6". Should have little impact to neighbors lake front views
- Want space on the lower deck to have patio furniture and BBQ as 1951 West Lake neighbor to the immediate North has 2 large dogs that continue to pee on furniture and BBQ cover making them unusable.

# 1953 West Lake – Subject home view from the lake



# Impact of deck View on 1951 West Lake Residence.

- Hedge row added last year and lilac tree standing over 6 feet tall approx. 12 feet from building. Will fill in and up to fully block 1951 West Lake's south view shortly
- 2<sup>nd</sup> picture is of 3 large trees on 1951 greater than 32" in diameter blocking some of the lake view.
- 1951 deck is the same elevation as planned 1953 deck.



# Impact of deck View on 1951 West Lake Residence.

- Hedge row added last year and lilac tree standing over 6 feet tall approx. 12 feet from building is a greater impact on south views. Will fill in and up to fully block 1951 West Lake's south view shortly
- View from lake side on property line.



# 1947 West Lake - 2 doors to the north

- Large multiple Tier deck
- 6 vertical support structures and stairs impacting view of adjacent homes



# 1945 West Lake – 3 doors to the North

- Large multiple Tier deck
- Next house over also has a multiple tier deck



# 1957 West Lake – 1 Door South

- 1 door to the South Large multiple Tier deck
- Upper deck almost full width of house and 6 feet deep (from house)



# 2011 West Lake – 4 Doors South

- Large multiple Tier deck
- Upper deck wider than 1953 plans and as deep.





# 2115 West Lake – 5 Doors South

- Large multiple Tier deck
- Upper deck wider and similar depth than 1953 West Lake plans.



# 2018 West Lake – 6 Doors South

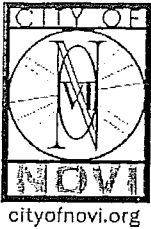
- Large multiple Tier deck
- Upper deck wider and deeper than 1953 West Lake plans.



# 2111 West Lake – 10 Doors South

- Large 3 Tier deck
- Upper deck much wider and deeper than 1953 West Lake plans.





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# ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

**I. PROPERTY INFORMATION (Address of subject ZBA Case)**

PROJECT NAME / SUBDIVISION  
1953 WEST LAKE DR DECK PLAN

ADDRESS  
1953 WEST LAKE DR, Novi, MI 48377

LOT/SIUTE/SPACE #

SIDWELL # 50-22- May be obtain from Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY

Application Fee: \$200

Meeting Date: \_\_\_\_\_

ZBA Case #: PZ

IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?  
 YES  NO

REQUEST IS FOR:  
 RESIDENTIAL  COMMERCIAL  VACANT PROPERTY  SIGNAGE

DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED?  YES  NO

**II. APPLICANT INFORMATION**

**A. APPLICANT**

EMAIL ADDRESS: DARRELL ROBI@HOTMAIL.COM CELL PHONE NO. 734 386 6657

NAME: DARRELL ROBERTSON TELEPHONE NO. 248 859-4022

ORGANIZATION/COMPANY: HOMEOWNER FAX NO.

ADDRESS: 1953 WEST LAKE DR CITY: NOVI STATE: MI ZIP CODE: 48377

**B. PROPERTY OWNER**  CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER

Identify the person or organization that owns the subject property:

NAME: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_ CELL PHONE NO. \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

ORGANIZATION/COMPANY: \_\_\_\_\_ FAX NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

**III. ZONING INFORMATION**

**A. ZONING DISTRICT**

R-A  R-1  R-2  R-3  R-4  RM-1  RM-2  MH

I-1  I-2  RC  TC  TC-1  OTHER \_\_\_\_\_

**B. VARIANCE REQUESTED**

INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:

1. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

2. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

3. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

4. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

**IV. FEES AND DRAWINGS**

**A. FEES**

Single Family Residential (Existing) \$200  (With Violation) \$250  Single Family Residential (New) \$250

Multiple/Commercial/Industrial \$300  (With Violation) \$400  Signs \$300  (With Violation) \$400

House Moves \$300  Special Meetings (At discretion of Board) \$600

**B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF**

- 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



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE(S) REQUESTED

[X] DIMENSIONAL [ ] USE [ ] SIGN

There is a five-(5) hold period before work/action can be taken on variance approvals.

B. SIGN CASES (ONLY)

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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

[Handwritten Signature]
Applicant Signature

[Handwritten Date]
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.

[Handwritten Signature]
Property Owner Signature

[Handwritten Date]
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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## ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

**Signed Application Form**

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

**Response to Variance Review Standards – Dimensional, Use, or Sign**

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

**Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)**

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

**Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)**

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

**Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)**

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

**Fee (make check payable to the City of Novi)**

Single Family Residential (Existing) \$200 (With Violation) \$250  
Single Family Residential (New) \$250  
Multiple/Commercial/Industrial \$300 (With Violation) \$400  
Signs \$300 (With Violation) \$400  
House Moves \$300  
Special Meetings (At discretion of Board) \$600

### Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



cityofnovi.org

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# ZONING BOARD OF APPEALS VARIANCE APPLICATION

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### **Purpose of a Variance**

The Variance process is meant to provide limited relief from the requirements of the Zoning Ordinance and to address extraordinary, exceptional, or unique conditions and or circumstances that were not created by the property owner. Variances are not granted to remove inconveniences or financial burdens.

### **Zoning Board of Appeals (ZBA)**

The application process includes public notice in the printed media and postcard notification to neighbors located within 300 ft of your property boundaries, and a public hearing before the Zoning Board of Appeals. The Zoning Board of Appeals is a group of appointed Novi residents who evaluate Variance requests and determine whether they meet specific Review Standards spelled out in the Zoning Ordinance. Conditions of approval may be attached to a decision.

### **Types of Variances**

Because each type of Variance has its own Review Standards, it is important to know what kind of Variance is being requested. (In some cases, you may need more than one type of Variance!) Please consult with Community Development Staff (248.347.0415) before completing an application.

**Dimensional Variance.** A Dimensional Variance is one that permits a structure to be placed on a lot or built in a way on site that would not otherwise be allowed. These are generally related to zoning requirements for setbacks, lot area or width, building height, and design standards. The applicant must demonstrate that there are *practical difficulties* to compliance due to conditions unique to the property.

**Use Variance.** A Use Variance permits a lot or structure to be used in a way that would not otherwise be allowed in a particular Zoning District. The applicant must show an *unnecessary hardship* exists due to circumstances unique to the property. In some cases, a property rezoning or a text amendment to the Zoning Ordinance is more appropriate than a Use Variance.

**Sign Variance.** A Sign Variance is one that permits a sign that would not otherwise be allowed. Sign Variances are usually requested for the type of sign, location, and number of signs or size. The applicant must demonstrate that there are *practical difficulties* to compliance with the Zoning Ordinance due to conditions unique to the property.



**Community Development Department**

45175 Ten Mile Road  
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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:

*ZONED PROPERTIES IN THIS AREA ARE JUST OVER 30' WIDE.*

*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).

LAKE FRONT PROPERTIES ARE ZONED WITH A TOTAL WIDTH OF 30'. STANDARD SETBACKS WOULD NOT ALLOW THE CONSTRUCTION OF ANYTHING OVER 5' WIDE.

## 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 IS ZONE AS 30' WIDE AND MEETING ALL SETBACKS WOULD ONLY ALLOW AN UNREASONABLE SMALL SPACE TO BUILD ANY STRUCTURE.

## Standard #4. Minimum Variance Necessary.

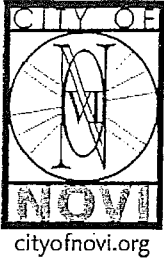
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

THESE VARIANCES ALLOW FOR AN ENCLOSURE AROUND THE AIR CONDITIONER UNIT TO HELP RESOLVE A CONCERN OF (HIDE A UNIT) NEIGHBOR TO THE NORTH EAST. DECK WILL ALLOW TO PUT BBQ + FURNITURE UP OFF THE GROUND AND CLEAN UP THE BACKYARD.

## 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.

MID DECK IS OF SAME ELEVATION AS NEIGHBOR TO THE IMMEDIATE NE PROPERTY. WILL ALLOW ENCLOSURE OF AIR CONDITIONER UNIT TO IMPROVE VISUAL ASPECT. 2 VERTICAL SUPPORTS ARE 6" x 6" FOR UPPER DECK POSTS AND ~~IMPACT~~ DO NOT IMPACT VIEW OF LAKE. IMMEDIATE PROPERTY TO THE NORTH EAST HAS 3 LARGE (32" DIAMETER) TREES BETWEEN HOME AND LAKE WHICH ARE A MUCH GREATER IMPACT TO THEIR VIEWS. NEIGHBOR TO THE SW IS NOT IMPACTED BY NEW CONSTRUCTION (NO VIEWS BLOCKED BACK OF HOME CLOWNED UP VISUALLY).  
No OTHER HOMES ARE IMPACTED.  
THE REQUEST IS COMMON TO DECK DESIGNS IN THE AREA ON SIMILAR PROPERTY SIZES.



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**REVIEW STANDARDS  
SIGN VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Sign 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 Sign Variance.)

**Standard #1. Extraordinary Circumstances or Conditions.**

Explain how the circumstances or physical conditions applying to the property that do not apply generally to other properties in the same Zone District or in the general vicinity. Circumstances or physical conditions may include:

- a. **Shape of Lot.** A sign could not be placed in the location required by the Zoning Ordinance due to the shape, topography or other physical conditions of the lot or due to the location of an existing structure.

Not Applicable     Applicable    If applicable, describe below:

*and/or*

- b. **Environmental Conditions.** A sign could not be placed in the location required by the Zoning Ordinance without removing or severely altering natural features, such as trees, topography, drainage courses or encroaching upon stormwater facilities.

Not Applicable     Applicable    If applicable, describe below:

*and/or*

- c. **Abutting Property.** A sign could not be reasonably seen by passing motorists due to the configuration of existing buildings, trees, signs or other obstructions on an abutting property.

Not Applicable     Applicable    If applicable, describe below:

d. **Scale of Building or Lot Frontage.** A sign that exceeds permitted dimensions for area and/or height could be considered appropriate in scale due to the length of the building frontage (wall sign only) or length of the lot frontage (ground sign only).

Not Applicable

Applicable

If applicable, describe below:

e. **Not Self-Created.** Describe the immediate practical difficulty causing the need for the Variance was not created by the applicant or any person having an interest in the sign, sign structure, or property.

Not Applicable

Applicable

If applicable, describe below:

## **Standard #2. Limit Use of Property.**

Explain how the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return.

## **Standard #3. Adverse Impact on Surrounding Area.**

Explain how the Sign Variance will not result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter.



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## REVIEW STANDARDS USE VARIANCE

For Use Variances: A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards.

### **Standard #1. Cannot Be Reasonably Used.**

Explain how the land, building or structure cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

### **Standard #2. Circumstances or Physical Conditions.**

Explain how the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.

*30' WIDE PROPERTY ZONED IN THIS AREA.*

### **Standard #3. Character of the Neighborhood.**

Explain how the proposed use will not alter the essential character of the neighborhood.

*MANY OTHER LAKE FRONT PROPERTY OWNERS HAVE MULTIPLE TIERED DECKS OF SIMILAR SIZE AND DESIGN WITH THE SAME NARROW PROPERTIES. 3' VARIANCES ARE COMMON FOR ANY DECK OR STRUCTURE ADDITION.*

### **Standard #4. Not Self-Created.**

Explain how 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).

*PROPERTIES ZONED VERY NARROW MANY YEARS AGO (1940'S)*

**ZONING BOARD OF APPEALS SCHEDULE 2015**  
**CITY OF NOVI**  
**Community Development Department**  
**(248) 347-0415**

<u>Date of Meeting</u>	<u>Cut off for application</u>	<u>Send out packets</u>
January 13 <sup>th</sup>	Wednesday, December 3 <sup>rd</sup>	January 5 <sup>th</sup>
February 10 <sup>th</sup>	Wednesday, December 31 <sup>st</sup>	February 2 <sup>nd</sup>
March 10 <sup>th</sup>	Wednesday, January 28 <sup>th</sup>	March 2 <sup>nd</sup>
April 7 <sup>th</sup>	Wednesday, February 25 <sup>th</sup>	March 30 <sup>st</sup>
May 12 <sup>th</sup>	Wednesday, April 1 <sup>st</sup>	May 4 <sup>th</sup>
June 9 <sup>th</sup>	Wednesday, April 29 <sup>th</sup>	June 1 <sup>st</sup>
July 14 <sup>th</sup>	Wednesday, June 3 <sup>rd</sup>	July 1 <sup>st</sup>
August 11 <sup>th</sup>	Wednesday, July 1 <sup>st</sup>	August 3 <sup>rd</sup>
September 15 <sup>th</sup>	Wednesday, August 5 <sup>th</sup>	September 7 <sup>th</sup>
October 13 <sup>th</sup>	Wednesday, September 2 <sup>nd</sup>	October 5 <sup>th</sup>
November 10 <sup>th</sup>	Wednesday, September 30 <sup>th</sup>	November 2 <sup>nd</sup>
December 8 <sup>th</sup>	Wednesday, October 28 <sup>th</sup>	November 30 <sup>th</sup>