



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: February 9, 2021

REGARDING: 22190 Beck Rd, Parcel # 50-22-33-100-013 (PZ19-0049)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Jason St. John (previously Bonner Properties LLC)

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential
Location: East of Beck Road and South of Nine Mile Road
Parcel #: 50-22-33-100-013

Request

The applicant is requesting an extension to variances previously approved by the Zoning board of Appeals on 1/14/2020. City of Novi Zoning Code Section 3.1.2 for front yard setback of 19 feet (30 feet allowed, proposed variance is 11 feet) and a rear yard setback of 15 feet (35 feet allowed, proposed variance is 20 feet) to accommodate the construction of a new house. This property is zoned single family residential (R-1).

II. STAFF COMMENTS:

Applicant had difficulty pursuing the planned new home construction in 2020 due the COVID-19 pandemic.

III. RECOMMENDATION:

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

1. I move that we **grant** the extension to the variance in Case No. **PZ19-0049**, sought by the petitioner, for the construction of a new house because Petitioner has shown practical difficulty requiring _____.
2. I move that we **deny** the extension to the variance in Case No. **PZ19-0049**, sought by the petitioner, for the construction of a new house because Petitioner has not shown practical difficulty requiring _____.

Zoning Board of Appeals

Jason St. John
Case # PZ19-0049

February 9, 2020

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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



ZONING BOARD OF APPEALS ACTION SUMMARY
CITY OF NOVI
Regular Meeting
Tuesday, January 14, 2020
Council Chambers | Novi Civic Center | 45175 Ten Mile Rd
(248) 347-0415

Call to Order: 7:00pm

Roll call: Member Krieger, Member Longo, Member Montague, Chairperson Peddiboyina, Member Sanghvi, Member Sanker, and Member Verma

Present: Member Krieger, Member Longo, Chairperson Peddiboyina, Member Sanghvi, Member Sanker, and Member Verma

Absent Excused: Member Montague

Also Present: Larry Butler (Community Development Deputy Director), Beth Saarela (City Attorney), Katherine Oppermann (Recording Secretary)

Pledge of Allegiance
Approval of Agenda: **APPROVED**
Approval of Minutes: **November 2019 - APPROVED**
Public Remarks: **none**
Public Hearings:

1. **PZ19-0049 (Bonner Properties LLC) Beck Rd, East of Beck Road and South of Nine Mile Road, Parcel # 50-22-33-100-013.** The applicant is requesting variance from the City of Novi Zoning Code Section 3.1.2 for front yard setback of 19 feet (30 feet allowed, proposed variance is 11 feet) and a rear yard setback of 15 feet (35 feet allowed, proposed variance is 20 feet) to accommodate the construction of a new house. This property is zoned single family residential (R-1).

The motion to approve case PZ19-0049 for variance front and rear yard setbacks was approved. Without variance the petitioner will be unreasonably prevented or limited with respect to use of the property because the building of a modern home would not be possible, existing standards would limit them to a 18'x55' home. The property is unique the existing lot dimensions are extremely small. The petitioner did not create the condition because the lot has been a buildable lot of record for many years, from before the current code was passed.

*Maker: Member Sanker
Seconded: Member Longo
Motion passed 6-0.*



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION <u>O Beck</u>				Meeting Date: _____	
ADDRESS <u>O Beck</u>		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ</u>	
SIDWELL # <u>50-22-331-000-13</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>Beek</u>					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input checked="" 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					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <u>Jesse FatCat@Yahoo.com</u>		CELL PHONE NO. <u>248 9390390</u>	
NAME <u>Banner Properties LLC, Jesse Bonner</u>				TELEPHONE NO.	
ORGANIZATION/COMPANY <u>Banner properties LLC</u>				FAX NO.	
ADDRESS <u>40200 Seven mile</u>		CITY <u>Northville</u>		STATE <u>Mi</u>	ZIP CODE <u>48167</u>
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 <u>Jesse Fatcat@Yahoo.com</u>		CELL PHONE NO. <u>248 9390390</u>	
NAME <u>Banner properties LLC, Jesse Bonner</u>				TELEPHONE NO.	
ORGANIZATION/COMPANY <u>Banner Properties LLC</u>				FAX NO.	
ADDRESS <u>40200 Seven mile</u>		CITY <u>Northville</u>		STATE <u>Mi</u>	ZIP CODE <u>48167</u>
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input checked="" type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input 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>SetBacks</u> Variance requested _____					
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 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					
<input type="checkbox"/> Dimensioned Drawings and Plans <input type="checkbox"/> Site/Plot Plan <input type="checkbox"/> Existing or proposed buildings or addition on the property <input type="checkbox"/> Number & location of all on-site parking, if applicable			<input type="checkbox"/> Existing & proposed distance to adjacent property lines <input type="checkbox"/> Location of existing & proposed signs, if applicable <input type="checkbox"/> Floor plans & elevations <input type="checkbox"/> 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 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

Applicant Signature

10-31-2019
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

10-31-2019
Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

GRANTED

DENIED

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

Chairperson, Zoning Board of Appeals

Date



Community Development Department

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**REVIEW STANDARDS
DIMENSIONAL VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

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

a. Shape of Lot. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.

Not Applicable Applicable If applicable, describe below:

95' Beck
116' South
95' East
116' West

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:

No environmental Conditions
over grown w/Brush

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:

House on East
Vacant Property on South
Beck on West
Drive on To House on West

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).

Fire Destroyed in 1972
Setbacks Preclude Replacement

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.

Per Drawings
House could not Be Built

Standard #4. Minimum Variance Necessary.

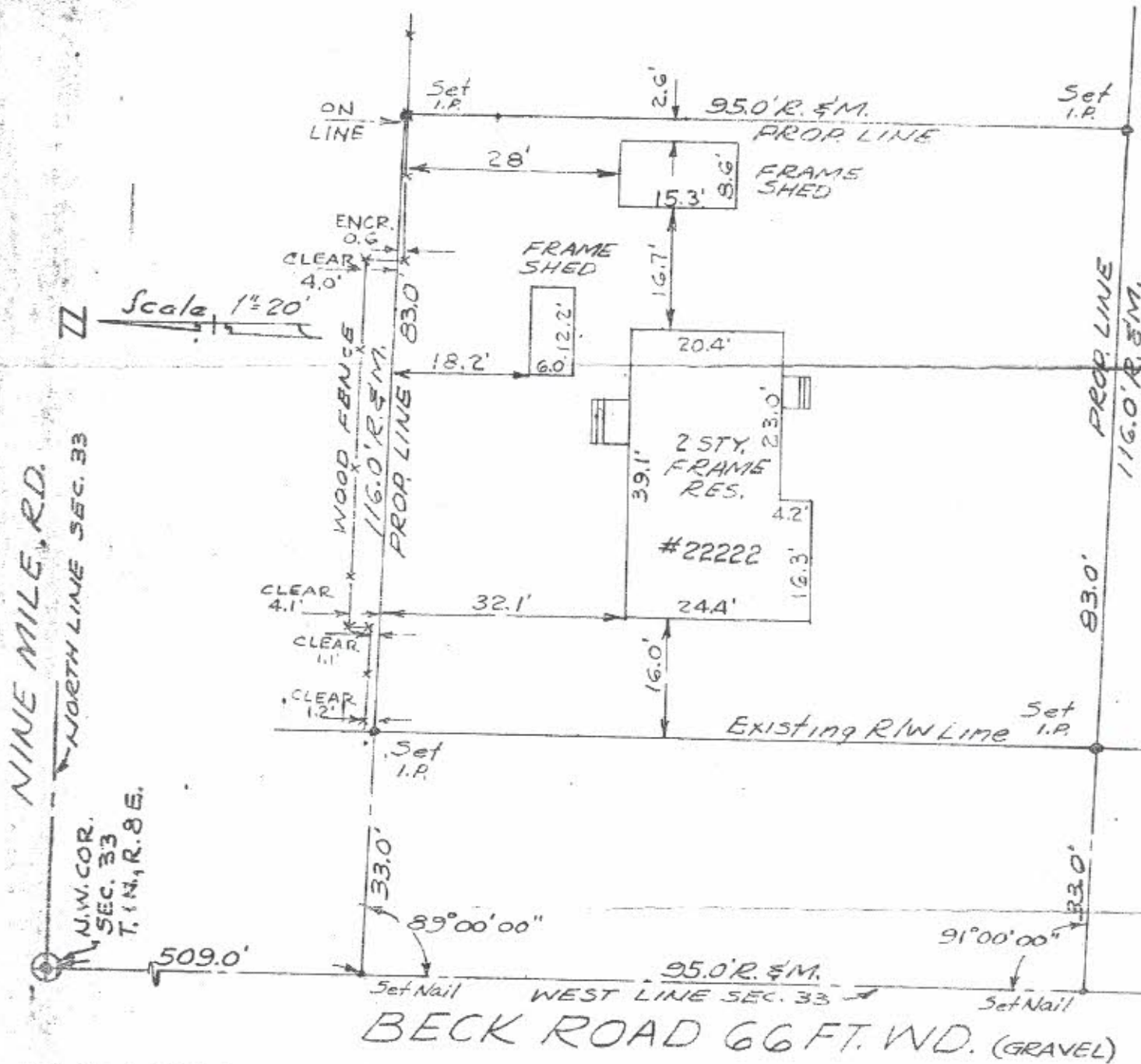
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Per Drawings
Allow a viable Home To Be Built

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 New Home will have a Positive Impact
on This Neighborhood, NO Adverse Impact



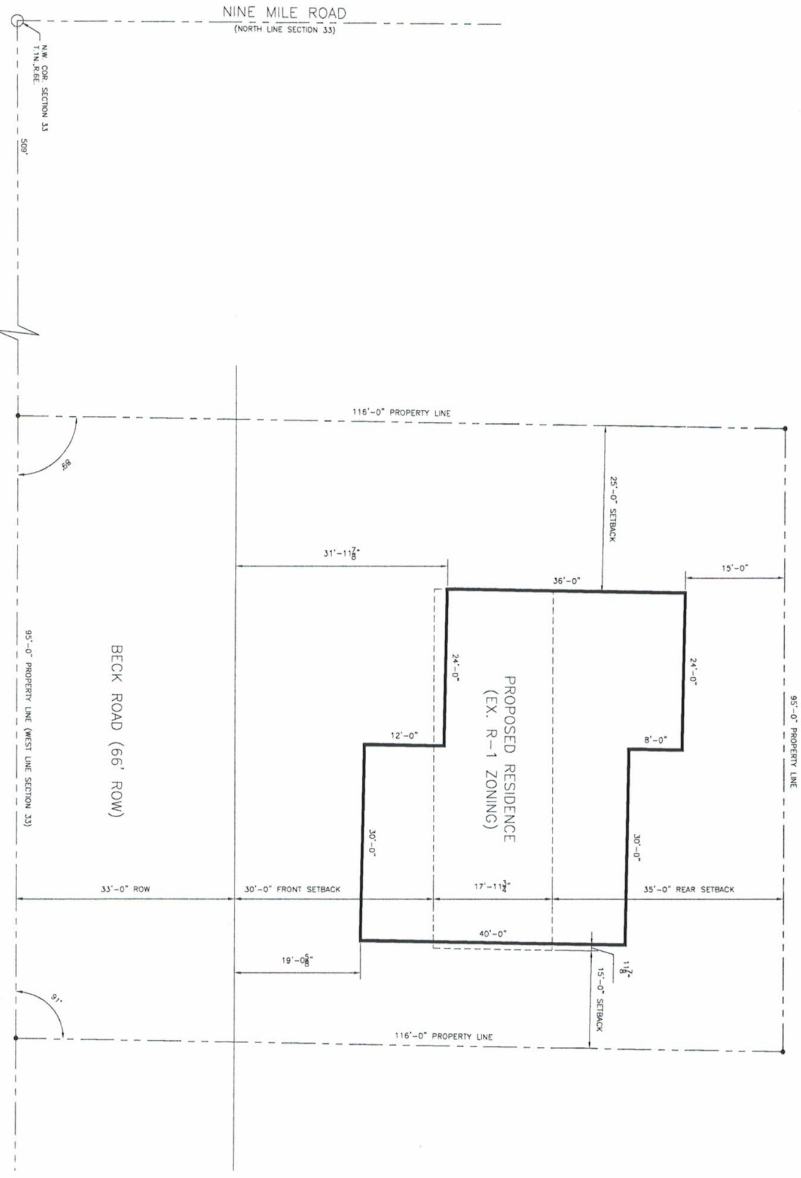
The West 116 feet of the South 95 feet of the following described land: Beginning at a point on the West line of Section 33, T. 1 N., R. 8 E., Novi Township, Oakland County, Michigan, 329 feet South from the N. W. corner of said Section; thence East parallel with the North line of said Section 396 feet; thence South parallel with the West line of said Section 275 feet; thence West parallel with the North line of said Section 396 feet; thence North along the West line of said Section 275 feet to the point of beginning.

I do hereby certify that I have surveyed the above described property and have set iron pipes as shown thusly (●) and that the dimensions and alignment thereon are correct.

Robert M. Pitts
 Robert M. Pitts, S.P.S. #10702

Robert M. Pitts, R.L.S.
 20492 Norborne Ave.
 Detroit, Michigan 48240
 534-1577 February 11, 1972
 Job No. 72492





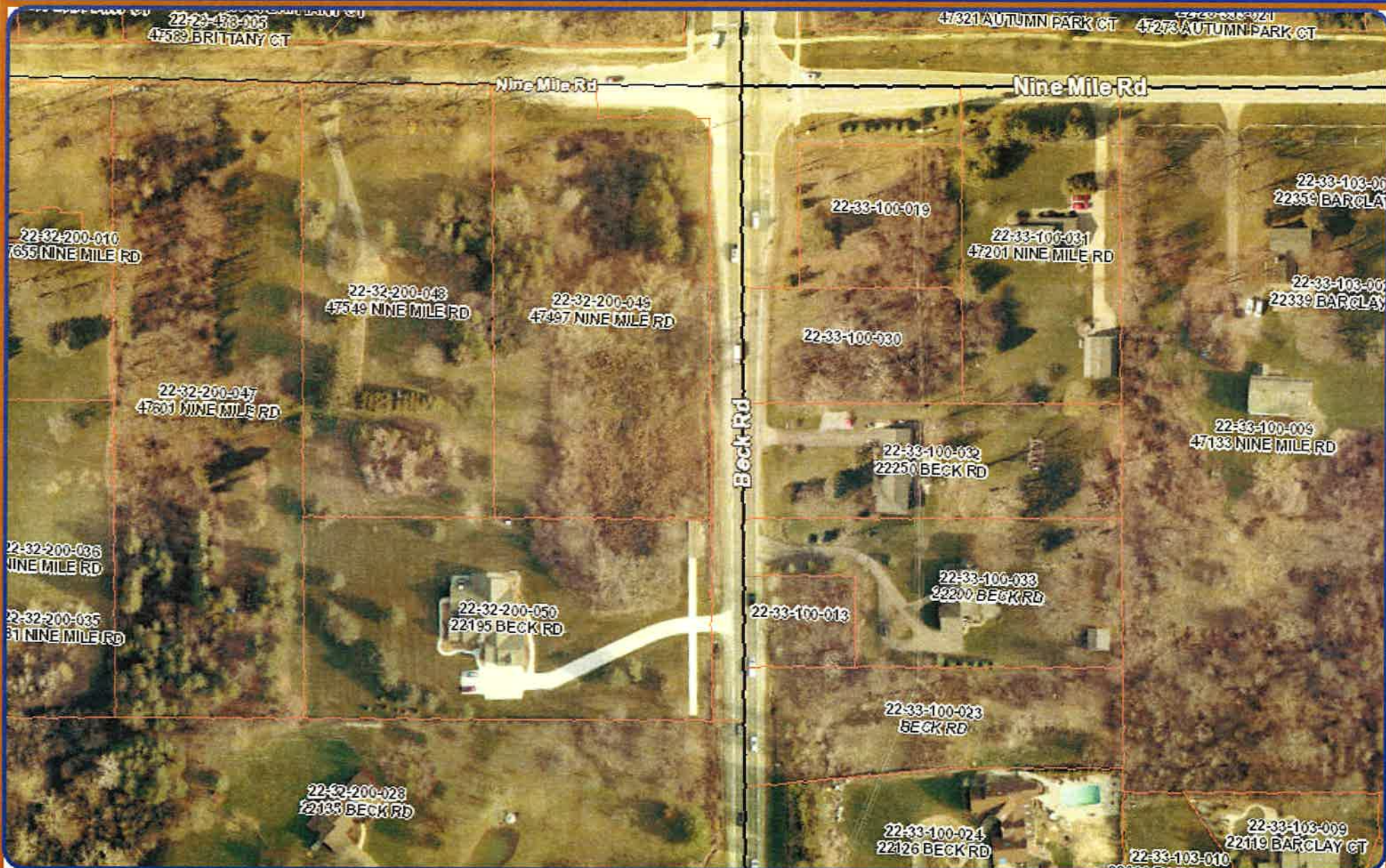
LEGAL DESCRIPTION:
 THE WEST 114 FEET, MORE OR LESS, OF THE WEST HALF OF SECTION 33, T4N, R6E, S33W, BECK ROAD, COMMENCING AT A POINT ON THE WEST LINE OF SECTION 33, T4N, R6E, S33W, CORNER OF SAID SECTION, CORNER EAST PARALLEL WITH THE NORTH LINE OF SECTION 33, SAID SECTION, THE FEET, THENCE SOUTH PARALLEL WITH THE WEST LINE OF SECTION 33, SAID SECTION, 30 FEET, THENCE SOUTH PARALLEL WITH THE WEST LINE OF SECTION 33, SAID SECTION, 15 FEET, THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, 75 FEET TO THE CORNER OF SAID SECTION.

Jason St. John
 hm# 734.637.7724

OK 586-662-1003

Sheet C-1	<input checked="" type="checkbox"/> St. John & Associates 57991 Sunflower Circle North New Hudson, MI 48163 Phone: (586) 662-1003	Project New Residence Northville, Michigan	Sheet Title Preliminary Site Plan	Project Start: 5/20/19 Job No.: H052019S Project Architect: Jim St. John Drawn by: Jim St. John File Name: H052019S	Consultants	Issued	Date	Issued	Date
			PRELIMINARY <input checked="" type="radio"/> BIDDING <input type="radio"/> PERMIT <input type="radio"/> CONSTRUCTION <input type="radio"/>			Revised 05/20/19 Revised 05/22/19			

City of Novi



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and site details are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager for additional source and accuracy information related to this map.



1 inch = 188 feet



Map Print Date:
1/7/2020



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