



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: June 8, 2021

REGARDING: 27668 Hartwick Circle, Parcel # 50-22-18-201-055 (PZ21-0030)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Vijay Ghadge

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Low-Density Multiple-Family with a PRO
Location:	West of Wixom Road and South of Grand River Avenue
Parcel #:	50-22-18-201-055

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.32-7 for a proposed deck 7 feet from the rear yard property line (17 feet minimum required, variance of 10 feet). This property is zoned Low-Density Multiple-Family with a PRO (RM-1).

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. **PZ21-0030**, 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. **PZ21-0030**, 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 2021

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION SUB DIVISION NAME: BERKSHIRE POINTE			
ADDRESS 27668 HARTWICK CIR., NOVI, MI 48374		LOT/SUITE/SPACE # 55	
SIDWELL # 50-22- 18 - 201 - 055		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY WIXOM ROAD & GRAND RIVER AVENUE			
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 VGHADGE1@YAHOO.COM	CELL PHONE NO.
NAME VIJAY GHADGE		TELEPHONE NO. 586-446-9060	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 27668 HARTWICK CIRCLE		CITY NOVI	STATE MI
ZIP CODE 48374			
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 type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input checked="" 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 _____	Variance requested _____	Proposing to encroach more than 18 ft in rear yard. Requesting permit for 28 ft	
2. Section _____	Variance requested _____	_____	
3. Section _____	Variance requested _____	_____	
4. Section _____	Variance requested _____	_____	
IV. FEES AND DRAWINGS			
A. FEES			
<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. 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 Deck (28 ft x 28 ft)

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

5/6/2021

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.

Not applicable. Applicant is property owner

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 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
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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:

RESPONSE:

Compared to the neighboring lots, my backyard is relatively small. Without your approval to this variance request, it creates a practical difficulty where that area of the property cannot reasonably be enjoyed/used to build a decent size deck with the existing zoning. Hence the humble request to please approve the variance request.

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:

RESPONSE:

Just for your additional reference, please note there is a wetland/protected area behind my backyard. Your approval to my variance request will help my family to really enjoy the view from a decent size deck with zero impact on anything or anyone. Hence the humble request to please approve the variance request.

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).

RESPONSE:

The need for the requested variance is not due to the result of my (or previous property owner's) actions. The practical difficulty is not self created. The practical difficulty exist because the house itself was built in such a way that there is little backyard space (compared to neighboring lots).

Due to this, the rear area of the property cannot be enjoyed/used to build a decent size deck with the existing zoning. Hence the humble request to please approve the variance request.

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.

RESPONSE:

I plan to build a small sun-room on my deck. The current zoning limit of 18 feet will make the actual deck too small and create a practical difficulty to enjoy/use that area of my property.

Hence the request to allow extending my deck by ONLY 10 ft so that the total 28 ft will get me a decent size deck area.

Please note, by making 28 ft deck, while it will allow my family to enjoy the deck area, it would still not bother anyone because there is no house behind my backyard. My backyard opens into protected wetland conserved area. I AM SURE YOU TOO WOULD LOVE IT

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.

RESPONSE:

This variance request is minimum necessary for that area of the property to reasonably be used/enjoyed by my family without any adverse impact on anyone or anything.

Hence the humble request to please approve the variance request to allow me to build the deck that goes 28 ft into backyard instead of just 18 ft.

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.

RESPONSE:

This requested variance is in the rear yard and will not be visible from street. There is no other house behind my property facing my backyard. So it will have zero impact on anyone's privacy.

The requested size of the deck will not cause any adverse impact to surrounding property and property values. In fact the impact may be positive. This variance request is consistent with the intent of the ordinance and results in preserving the spirit of the ordinance.

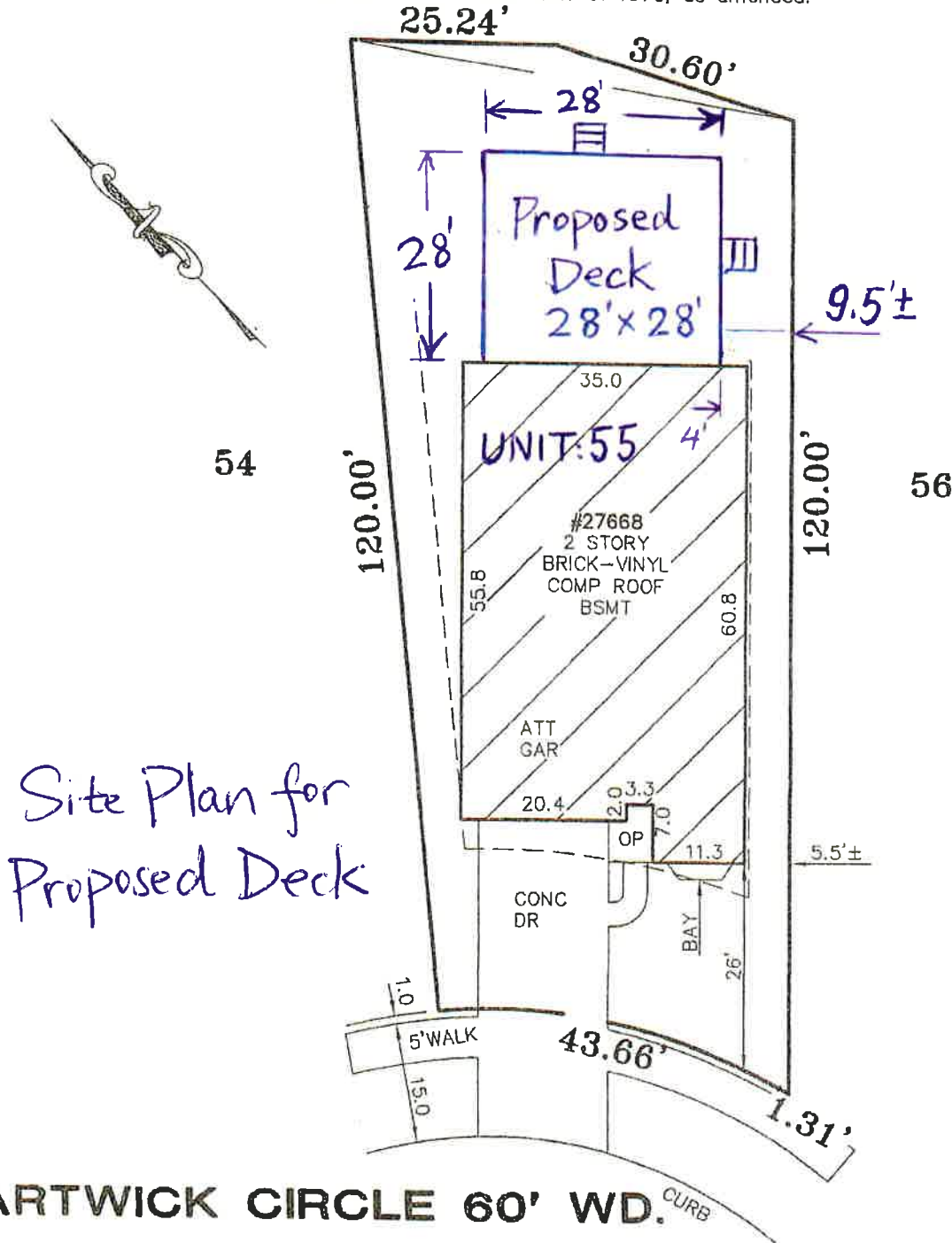
Since this variance is limited to my backyard, there will be no adverse impact on the use and enjoyment of neighborhood properties.



PGP TITLE

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Land situated in the City of Novi, Oakland County, Michigan, described as follows:
Unit 55, BERKSHIRE POINTE, a condominium, according to the Master Deed thereof recorded in
Liber 47138, Page 454, Oakland County Records, and designated as Oakland County Condominium
Subdivision Plan No. 2080, and any amendments thereto, together with rights in the general
common elements and limited common elements, as set forth in the above described Master Deed
and as described in Act 59 of the Public Acts of 1978, as amended.

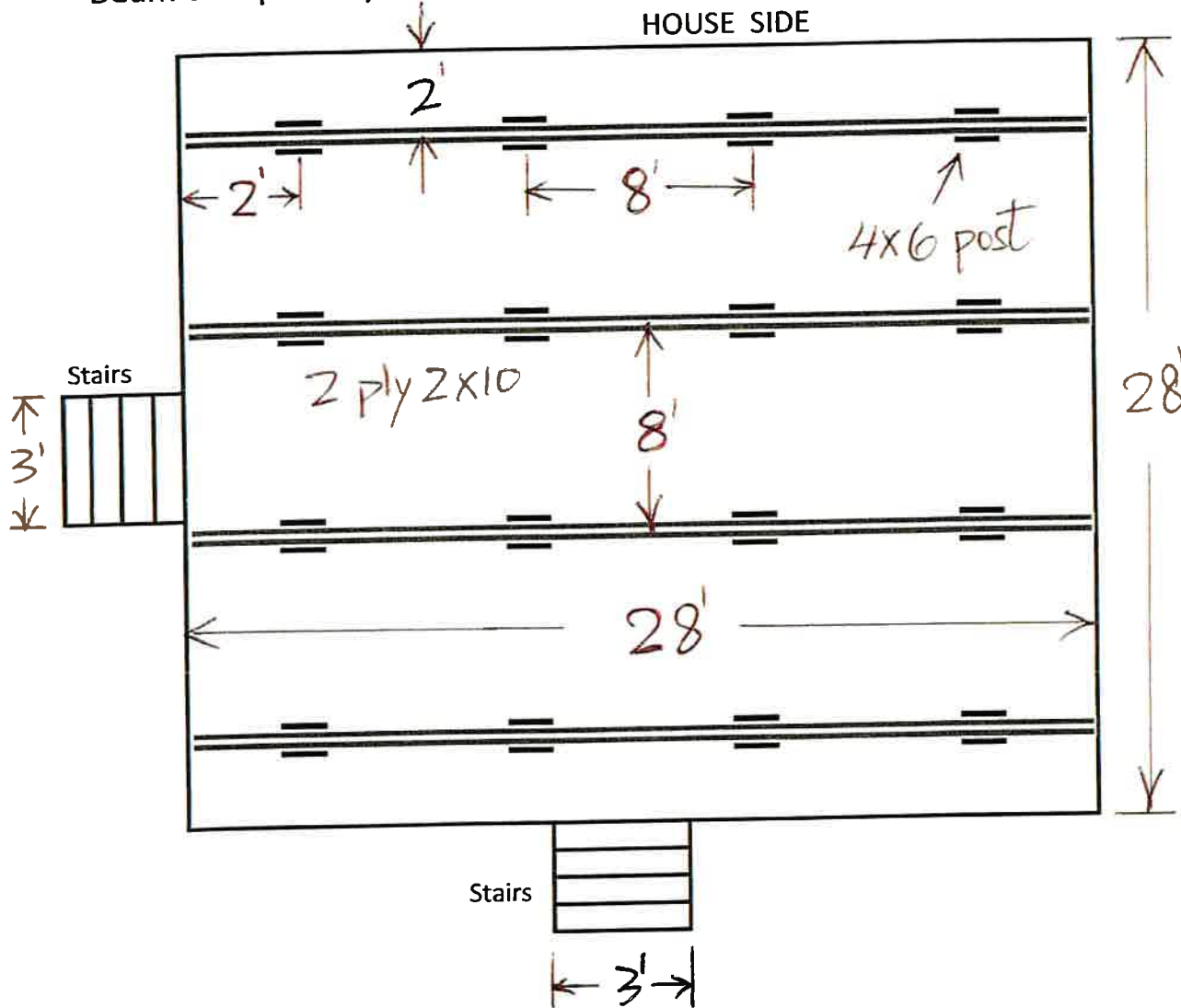


ARTWICK CIRCLE 60' WD. CURB

CERTIFICATE: We hereby certify to: _____ PGP TITLE _____,
mortgagee, that we have inspected the above-described property in accordance with the description furnished and confirmed
to be correct by mortgagee or mortgagee's title company for the purpose of a new mortgage loan to be made by,
JAY GHADGE

mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on
the adjoining property encroach upon the property heretofore described, except as shown. The location of fences, driveways,
other buildings and non-permanent structures shown are only approximate. Any easements shown are either recorded in

Beam and post layout



Deck Size: 28' x 28'

Material specs

Joist : 2x8

Joist spacing: 12" on center

Beam: 2x10

Post : 4x6

Post hole dia: 12"

Post hole depth: 42"

New deck project

Address: 27668 Hartwick Cir Novi MI 48374

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

27668 Hartwick Circle, Parcel # 50-22-18-201-055 (PZ21-0030)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

(PLEASE PRINT CLEARLY)

Name: Kunal Khosla

Address: 49482 Hartwick Dr., Novi

Date: 6/3/21

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.