



# 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: April 13, 2021

REGARDING: 112 N Haven Drive, Parcel # 50-22-03-201-005 (PZ21-0016)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Michelle Estes

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:

Single Family Residential

Location:

East of West Road and South of W Pontiac Trail

Parcel #:

50-22-03-201-005

**Request**

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a proposed rear yard setback of 27 feet (35 feet required, variance of 8 feet). Section 3.32-7 for a deck projecting into the rear yard setback 14 feet (18 feet maximum allowed by code, variance of 4 feet). These variances would accommodate the building of a home addition and new deck. This property is zoned Single Family Residential (R-4).

### 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. **PZ21-0016**, 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 is 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. **PZ21-0016**, 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 Petitioner's 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

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION <u>MICHELLE ESTES / HOME EXPANSION</u>				Meeting Date: <u>4/13/21</u>	
ADDRESS <u>112 N. HAVEN ST., NOVI, MI. 48377</u>		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ 21-0016</u>	
SIDWELL # <u>50-22-</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>OFF WEST PARK DR. BETWEEN WEST RD &amp; PONTIAC TRAIL</u>					
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>					
A. APPLICANT		EMAIL ADDRESS <u>MLESTES@COMCAST.NET</u>		CELL PHONE NO. <u>248-939-0929</u>	
NAME <u>MICHELLE ESTES</u>		TELEPHONE NO. <u>"</u>			
ORGANIZATION/C COMPANY		FAX NO.			
ADDRESS <u>112 N. HAVEN ST.</u>		CITY <u>NOVI</u>		STATE <u>MI</u>	ZIP CODE <u>48377</u>
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 <u>SAME AS ABOVE</u>		TELEPHONE NO.			
ORGANIZATION/C COMPANY		FAX NO.			
ADDRESS		CITY		STATE	ZIP CODE
<b>III. ZONING INFORMATION</b>					
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 _____ Variance requested _____					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
<b>IV. FEES AND DRAWINGS</b>					
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"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> </ul>			<ul style="list-style-type: none"> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>		



# 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

Michelle Ester  
Applicant Signature

2/25/21  
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.

Michelle Ester  
Property Owner Signature

2/25/21  
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:

*Irregular Shaped lot*

**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:

*- Corner lot  
- lake frontage*

**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).

I live on an irregular shaped corner lot & according to the survey I had done, I am at my max building envelope. Looking to bump out a portion of the rear of my house to accommodate handicapped access for

## 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.

my elderly wheelchair bound mother. I am unable to move out the east side of my house in entirely due to that being my kitchen side & I don't need another kitchen.

## 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.

The additional 8ft in depth and 21.5ft length I'm requesting provides the additional space required for wheelchair movement in my main living area. It does not impede on anyones property other than my own.

## 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.

~~The~~ Neither of my 2 proposals affect any neighbors houses or property. It in fact will increase the value of my home in addition to beautifying the area w/ a new updated trex deck that I will have built, and landscaped w/ high end architects, builders & landscaping company.

The irregular lot makes any & all renovations/expansions very difficult as it sits now. I am confined w/ the current building envelope.

late lot, corner lot & irregular shape. My proposals will definitely beautify the house, neighborhood & community.

3/2/21

Building Zoning Board,

I'm writing this letter with my application and payment in hopes of obtaining a variance permit for my projected home addition.

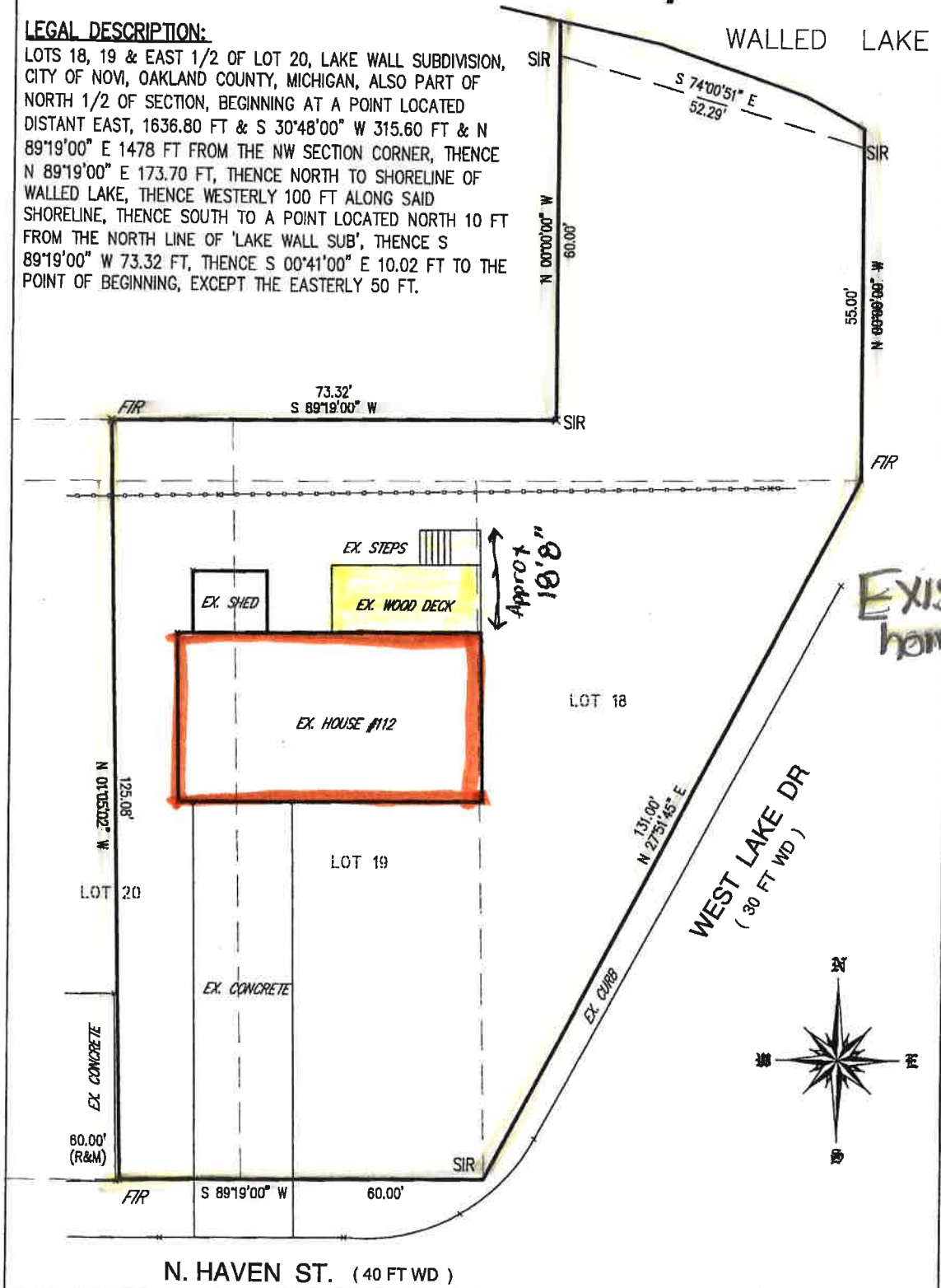
- I recently purchased my property at: 112 N. Haven St., Novi, MI 48377 on Oct. 1, 2020.
- I am looking to extend the back side of my home approx 8 feet. Only a portion of the back of the home would be enlarged. <sup>(2)</sup> PROPOSALS
- I live on an irregular shaped corner lot and would like to have the additional room to accommodate my elderly mother who's wheelchair bound.
- I have had my property surveyed and also enclosed that Certificate of Survey
- I have worked with a professional architect to help design different possibilities
- Enclosed I have sketched, per your office, my proposed expansion, although depending on a permit/variance approval, I would be happy to modify or accommodate my proposed dimensions as needed.
- Thank You for your time & Consideration  
Respectfully,  
Michelle Estes


cell # 248-939-0929

# Certificate of Survey

**LEGAL DESCRIPTION:**

LOTS 18, 19 & EAST 1/2 OF LOT 20, LAKE WALL SUBDIVISION, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ALSO PART OF NORTH 1/2 OF SECTION, BEGINNING AT A POINT LOCATED DISTANT EAST, 1636.80 FT & S 30°48'00" W 315.60 FT & N 89°19'00" E 1478 FT FROM THE NW SECTION CORNER, THENCE N 89°19'00" E 173.70 FT, THENCE NORTH TO SHORELINE OF WALLED LAKE, THENCE WESTERLY 100 FT ALONG SAID SHORELINE, THENCE SOUTH TO A POINT LOCATED NORTH 10 FT FROM THE NORTH LINE OF 'LAKE WALL SUB', THENCE S 89°19'00" W 73.32 FT, THENCE S 00°41'00" E 10.02 FT TO THE POINT OF BEGINNING, EXCEPT THE EASTERLY 50 FT.



Seal	ISSUED FOR:	REV'D BY:
	ISSUED FOR:	REV'D BY:
		
CIVIL ENGINEERING § PLANNING § DESIGN 4031 Coolidge Highway Phone: (248) 885-8431 Troy, MI 48098 Fax: (248) 885-8432 Email: SajakEngineering@Comcast.net		
DRAWN BY	TMS	JOB No. 20-132
DATE 12/11/2020	SHEET No. 1 of 1	SCALE 1"=20'
DESCRIPTION		Lake Wall Subdivision 112 N. Haven