



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: July 11, 2017

REGARDING: LOT 8, PARCEL # 50-22-04-451-024 (PZ17-0027)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Martell Development LLC

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of Beck Road and North of Twelve Mile Road
Parcel #:	50-22-04-451-024

Request

The applicant is requesting a variance from the City of Novi Ordinance Section 3.1.5 for a Left side yard setback of 10 feet, 15 feet minimum required by code, right side yard setback of 20 feet, 25 minimum is required code, front yard setback of 25 feet, 30 feet minimum required by code.

This property is zoned Single Family Residential (R-2).

II. STAFF COMMENTS:

Lot has a unique pie shape with little room for movement of new build home.

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. **PZ17-0027**, 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. **PZ17-0027**, 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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RECEIVED

MAY 30 2017

**CITY OF NOVI
 COMMUNITY DEVELOPMENT**

**ZONING BOARD OF APPEALS
 APPLICATION**

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$250
 Meeting Date: July 11th 2017
 ZBA Case #: PZ17-0027

I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION _____

ADDRESS 29870 Martel Ct LOT/SUITE/SPACE # 8

SIDWELL # 50-22-04-451-024 May be obtained from the Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY _____

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

NAME Andy Attisha EMAIL ADDRESS _____ CELL PHONE NO. 213-588-2006

ORGANIZATION/COMPANY Martel Development LLC TELEPHONE NO. _____

ADDRESS 6709 Royal Pointe Dr CITY West Bloomfield STATE Mi ZIP CODE 48322

CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER

B. 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

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 3.1.5 Variance requested MIN SIDE YARD - 10'

2. Section 3.1.5 Variance requested AGGREGATE TOTAL - 30'

3. Section 3.1.5 Variance requested REDUCE EXTERIOR FRONT YR TO 5'

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

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 scheduled 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 an 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

[Signature]
Applicant Signature

5/28/17
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.

[Signature]
Property Owner Signature

5/28/17
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 conditions:

Chairperson, Zoning Board of Appeals

Date

ZONING BOARD OF APPEALS – NOVI
REVIEW STANDARDS DIMENSIONAL VARIANCE
29870 Martell Court, Novi, MI
West Park Place Condos

RESPONSES TO STANDARDS #1 - #5

STANDARD #1:

A. SHAPE OF LOT

Describe below:

The existing lot configuration has exceptional narrowness from the front of the lot to the back which greatly restricts the placement and orientation of a structure. It is a wedge shape lot with a very acute angle created by the intersection of the left and right sides of the lot. The front measures 179 feet across with the left side being 238 feet deep; the right side being 225 feet deep and the rear being only 16 feet across. When the envelop created by the current easements of 30 feet for the front; 25 feet for the left side, and 15 feet for the right side are factored in the useable area becomes severely limited and restricted in regards to orientation and placement of a structure on the lot. See figures for further description of the situation.

STANDARD #2: Not Self-Created

ANSWER:

The immediate practical difficulty causing the need for the Dimensional Variance is not the result of the property owner, but due to the previously described wedge shape of the lot which significantly restricts the placement of a structure further backwards towards the rear of the lot and decreases available options for orientation of the front of the structure. The existing lot with the existing easements makes a majority of the lot unusable with the front of the lot being significantly smaller than the rear and thus limiting the useful space in the front.

STANDARD #3: Strict Compliance

ANSWER:

The current easements applied to this wedge shaped lot severely restrict the size, placement, and orientation of any structure since they significantly reduce the useable area and force the structure to be placed towards the front third of a deep lot. The existing lot size and easements prevent the structure from moving towards the rear of the lot and thus opening up more useable area in the front for a driveway, garage, landscaping, or etc.

STANDARD #4: Minimum Variance Necessary

ANSWER:

The requested Dimensional Variance for the proposed easements of minimum side yard of 10 feet; minimum aggregate left and right sides totaling 30 feet, and minimum front yard of 25 feet is the minimum variance necessary to allow a structure to achieve increased flexibility and options regarding placement and orientation. By approving these proposed variances in easements, a structure can be placed approximately 22 feet deeper towards the rear of the lot thus increasing the useful area in the front of the structure while also allowing greater options for orientation of front of the structure. No adjacent lots are adversely affected by these proposed changes to the current easements. Approval of this proposed variance would allow for a larger structure which is more equivalent in size and value of the properties already located in the neighborhood. The neighboring properties values would be enhanced by approval of this variance.

STANDARD #5: Adverse Impact on Surrounding Area

ANSWER:

The Dimensional Variance will not cause any adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district due to the configuration of the wedge shape lot requires the structure to be located significantly outwards from the existing and future structures on the adjacent lots. Even with this proposed, the structure will still be located outwards from the existing and future structures on the adjacent lots. The proposed variance in easements aids the property owner by allowing increased use of the lot, a larger structure to be constructed on the lot, and placement of the structure without having any adverse effect or impact on the adjacent property owners. Additionally the future structure can be appropriately sized to match the existing properties in the neighborhood and thus add to or even contribute to an increase in the property values and beautification of the neighborhood while increasing its contribution to the City and County property tax bases.

