



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: May 10, 2016

REGARDING: Attached Garage (PZ16-0012), 41150 South McHanan Circle
BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Nancy Lyons

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: R-4, Single Family Residential
Parcel #: 50-22-25-104-010

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 to allow construction of an attached garage with reduced side yard setbacks (10 feet required, 8 feet proposed) and reduced aggregate side setback (25 feet required, 15 feet proposed) for an existing nonconforming residence zoned R-4.

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting approval to construct an attached garage to an existing residence. The addition would extend beyond the footprint of the existing non-compliant residence and would add to the volume of the building within the required side and aggregate side setbacks. Review of similar homes on similar lots in the neighborhood reveal that it is not uncommon for homes to have limited setbacks.

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. **PZ16-0012**, 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. **PZ16-0012**, 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) 347-0423.

Larry Butler

Zoning Board Of Appeals

Nancy Lyons

Case # PZ16-0012

Deputy Director Community Development

City of Novi

May 10, 2016

Page 3 of 3



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

MAR 23 2016

CITY OF NOVI
 COMMUNITY DEVELOPMENT

Application Fee: \$200⁰⁰
 Meeting Date: May 10, 2016
 ZBA Case #: PZ16-0012

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION			
ADDRESS <u>4150 S. McMAHAN</u>		LOT/SUITE/SPACE # <u>297</u>	
SIDWELL # <u>50-22-25-104-010</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY <u>E. OF MEADOWBROOK, S. OF 10 MILE</u>			
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 checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS	CELL PHONE NO.
NAME <u>NANCY LYONS</u>		TELEPHONE NO. <u>248-302-1993</u>	
ORGANIZATION/COMPANY <u>OWNER</u>		FAX NO.	
ADDRESS <u>4150 S. McMAHAN</u>	CITY <u>NOVI</u>	STATE <u>MI</u>	ZIP CODE <u>48375</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	CELL PHONE NO.
NAME <u>SAME AS ABOVE</u>		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 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 <u>3.1.5</u>	Variance requested <u>8' MIN SIDE YARD</u>		
2. Section <u>3.1.5</u>	Variance requested <u>15' AGGR. TOTAL</u>		
3. Section _____	Variance requested _____		
4. Section _____	Variance requested _____		
IV. FEES AND DRAWINGS			
A. FEES			
<input checked="" type="checkbox"/> Single Family Residential (Existing) <u>\$200</u> <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 	



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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:

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).

NOT SELF CREATED

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.

R-4 ZONING WILL NOT PERMIT THE ADDITION OF AN ATTACHED GARAGE. 100% OF THE GARAGES IN THIS NEIGHBORHOOD ARE NON-CONFORMING. 85% OF THE HOMES HAVE ATTACHED GARAGES.

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.

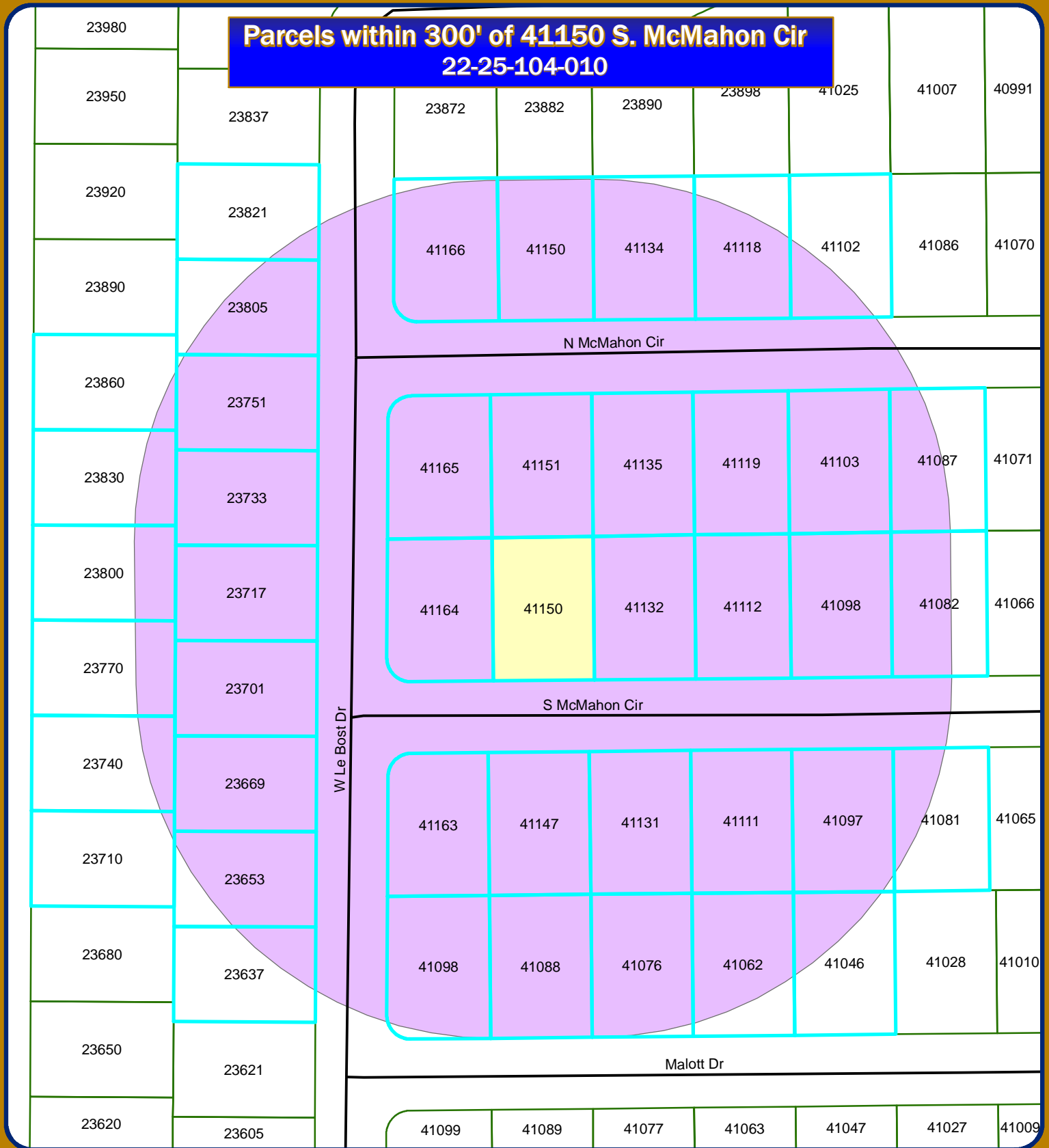
THE ECONOMIC EFFECT WOULD BE EXTREME AND UNFAIR, AS THE MAJORITY OF HOMES HAVE GARAGES AND SELL FASTER AND FOR MUCH MORE MONEY AND THEY ARE ALL NON-CONFORMING.

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.

THERE WOULD ONLY BE A POSITIVE EFFECT ON THE AREA AS THE HOME WOULD BE MORE VALUABLE AND WOULD CONFORM WITH THE VAST MAJORITY OF NEIGHBORING HOMES.

Parcels within 300' of 41150 S. McMahon Cir 22-25-104-010



Map Author: Jon Gartha
 Date: April 12, 2016
 Project: Address List for 22-25-104-010
 Version #: 1.0

Amended By:
 Date:
 Department:

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 area calculations 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 to confirm source and accuracy information related to this map.

Map Legend

- 300' Buffer
- Subject Property
- Tax Parcel

Municipality

- Novi
- Novi Twp.



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 GIS Division
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1 inch = 110 feet



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Map Print Date:
4/15/2016



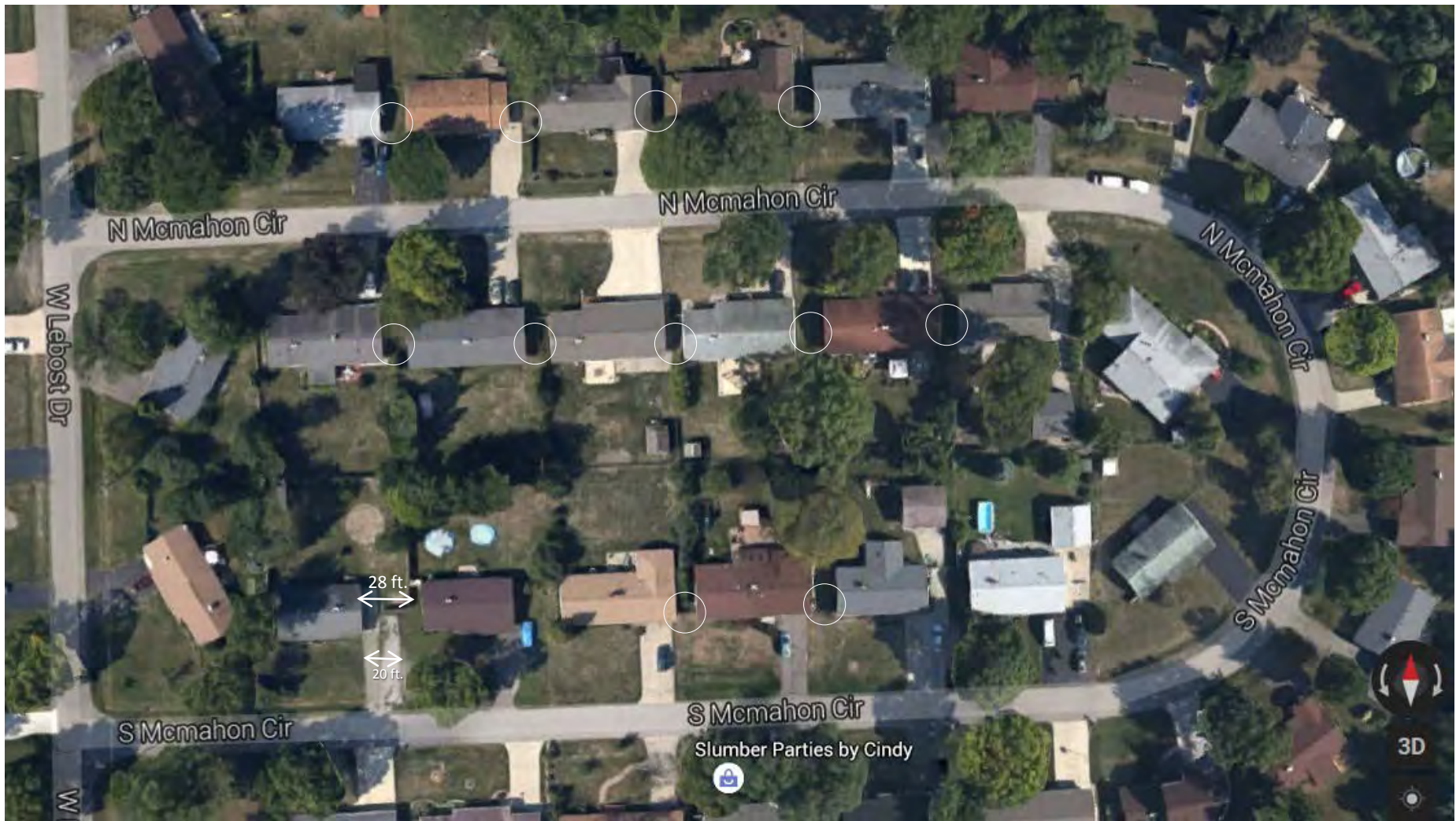
City of Novi
Department of Public Services
26300 Lee BeGole Drive
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S McMahon Cir

Novi, Michigan

Street View - Aug 2011





The setbacks around my home show that most of them are closer than the 10 ft to each other.

Willowbrook Community Association

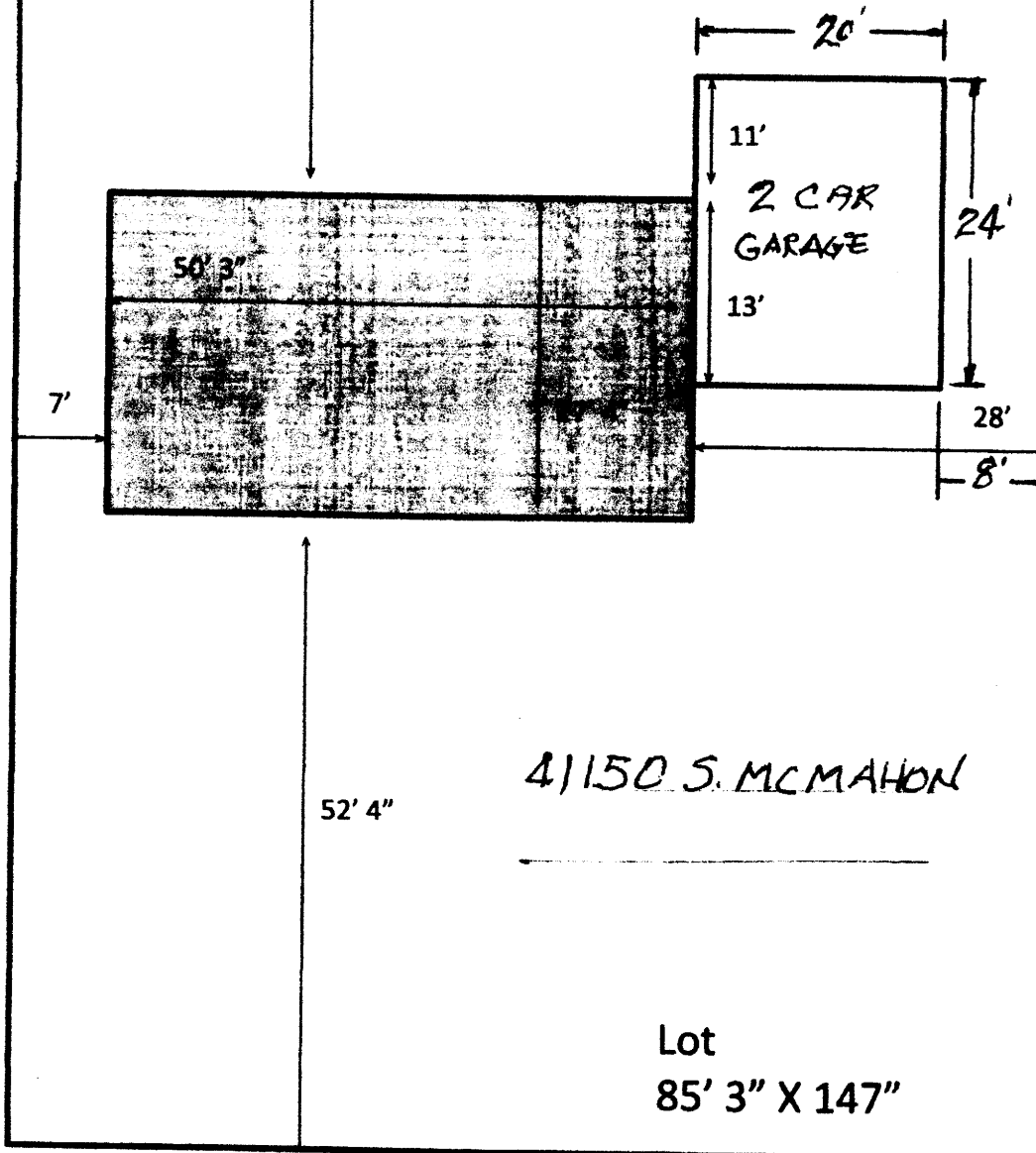
Date: 4/19/16

Approval: YES NO

Reason: _____

By: James C. Butler

67' 4"



20'

11'

2 CAR GARAGE

13'

24'

7'

28'

8'

52' 4"

41150 S. MCMAHON

Lot
85' 3" X 147"

NOTE:

10" x 42" CONCRETE FOOTINGS (AROUND)

9' SINGLE DOOR

(4) 24" x 8" SHELVES

30" ENTRY DOOR

2x4 STUD WALL
16" ON CENTER

24" WINDOW

4" CONCRETE SLAB

ALUM SIDING

24"

30" ENTRY DOOR

16' x 7' DOUBLE DOOR

20'

3'

Willowbrook Community Association

Date: 7/19/16

Approval: YES NO

Reason:

By: *[Signature]*

LEGEND = 1/4" = 1'

City of Novi



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