



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 14, 2017

REGARDING: 43641 NINE MILE ROAD (50-22-34-226-001) PZ16-0064

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

DAN DEMPSEY

Variance Type

DIMENSIONAL VARIANCE

Property Characteristics

Zoning District:	R-3 (one family residential)
Location:	south of Nine Mile Road and west of Novi Road
Parcel #:	50-22-34-226-001

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19 to allow the installation of an oversized accessory building in the front yard. This property is zoned R-3 (ONE FAMILY RESIDENTIAL).

II. STAFF COMMENTS:

The large residential property has a home set well back from the front lot line. A previous accessory building in poor condition was removed. The proposed new accessory building exceeds that typically allowed. The building is proposed to be located behind the required front setback, but in the front yard of the home. Staff is not opposed to the request due to the large setbacks from adjacent properties.

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. **PZ16-0064**, 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. **PZ16-0064**, 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

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COMMUNITY DEVELOPMENT



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ZONING BOARD OF APPEALS
APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200.00
Meeting Date: 2-10-2017
ZBA Case #: PZ 16-0064

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Dempsey Garage For In-Laws			
ADDRESS 43641 Nine Mile Rd		LOT/SUITE/SPACE #	
SIDWELL # 50-22-34 -226 -001		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY 9 Mile West of Novi Rd			
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 type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS dand@mtsl.com	CELL PHONE NO. 2487671962
NAME Dan Dempsey		TELEPHONE NO. 2489120300	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 43641 Nine Mile Rd	CITY Northville	STATE MI	ZIP CODE 48167
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</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 checked="" 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: <u>OVERSIZE</u>			
1. Section <u>4.19(B)</u>	Variance requested	<u>Accessory RUD6 IN FRONT YARD.</u>	
2. Section <u>4.19(E)j</u>	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			
• Dimensioned Drawings and Plans	• Existing & proposed distance to adjacent property lines		
• Site/Plot Plan	• Location of existing & proposed signs, if applicable		
• Existing or proposed buildings or addition on the property	• Floor plans & elevations		
• Number & location of all on-site parking, if applicable	• 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 Replace collapsed garage with slightly larger

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

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

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:

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).

Original garage was a horse barn with odd dimensions not deep enough to park a standard car and would not allow any storage. We are building this for my 89 and 84 year old in-laws and they want to park their car in a garage like they do at their condo. The horse barn was not adequate nor usable (roof collapsed) so we bought a larger garage kit at Menards that could be assembled in time to move them in before winter. Instead, based on the building department rejection they will continue living away from us in their condo and my wife will stress daily about her mother. Hopefully this can be resolved in time for her to enjoy some time next door to us.

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.

The original garage was not intended for automobiles it was for horses. Dimensions were not ideal and in order to put a two car garage on the property, we require larger dimensions that do not impact any surroundings on our 1-acre property

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.

We purchased a two-car garage and added some storage, for my in-laws stuff. The ranch house does not have adequate storage for everything they have accumulated through 68 years of marriage.

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.

Other than forcing the raccoons to next somewhere else (they loved the dillapidated horse barn with holes in the roof and eaves), this will have no negative impact however all of the neighbors are very excited that we are replacing a pathetic, run down structure with a new, attractive garage. My next door neighbor is friends with Mayor Gatt, maybe the two of them can testify to the proposed improvement to the property. Candidly, I'm surprised Novi didn't MAKE us knock the barn down before...

12/4/2016

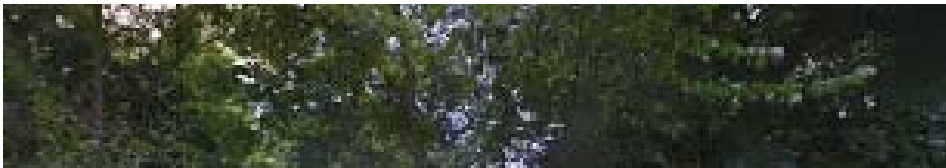
43641 9 Mile Rd - Google Maps

Google Maps

43641 9 Mile Rd



Imagery ©2016 Google, Map data ©2016 Google 20 ft















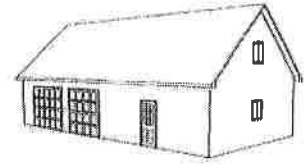
Items Selected:

Gable room in attic roof w/ 10/12 pitch Trusses 2' O.C.
Truss Design Location Zip Code: 48167
3/4" T&G Pine RIA Floor Sheathing
2x12 Stair Tread - 42"
2x4 Wall Framing Material
24' Wide X 48' Deep X 10' High
7' 6" H x 13' 10" W RIA Room Size
Vinyl Dbl 4" Lap Siding
- S. Stone
1/2" OSB Wall Sheathing
Block-It Housewrap
12" gable/12" eave overhangs
1/2" OSB Roof Sheathing
Castlebrook, Antique Black Shingles
O.C. Ventsure Ridge Vent
White Vinyl Soffit & Fascia
White Regular Roof Edge
2 - Garage Door Opener
Smokey Sable

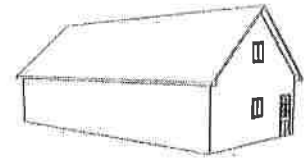
Options Selected:

The options you have selected are:
15 LB Roof Felt
2 Rows Granular Ice & Water Barrier
4 - 36x36 Window - White Vinyl Utility
1 - 9x8 Overhead Door - Poly MDP38U
1 - 10x8 Overhead Door - Poly MDP38U
2 - 36x80 Service Door - I4 9-Lite 2-Panel RS

Front View



Back View



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NOV 29 2016

CITY OF NOVI
COMMUNITY DEVELOPMENT

RECEIVED

DEC 05 2015

CITY OF NOVI
COMMUNITY DEVELOPMENT

Estimated price: \$15,522.60*

*Today's estimated price, future pricing may go up or down.

*Tax, labor, and delivery not included.

Trusses require guest pickup at the plant or jobsite delivery. Estimated price does not include jobsite delivery charge.

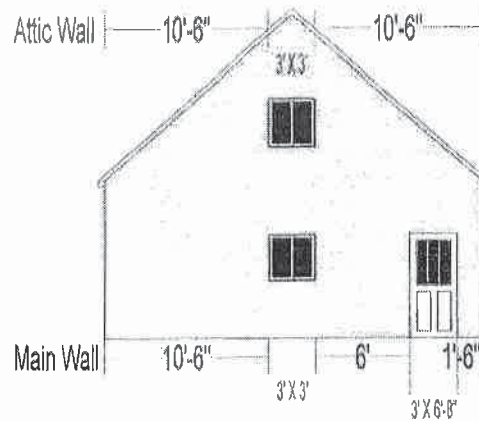
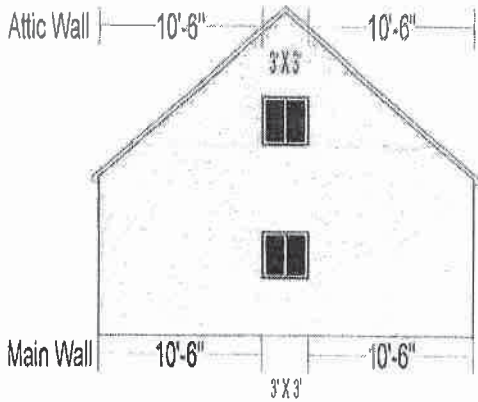
Delivery to your jobsite must be arranged with an additional fee at the delivery desk. Please see a delivery coordinator for additional information.

*** Take this sheet to the Building Materials counter to purchase your materials. ***

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

*** Here are the wall configurations for your design.

Illustration May Not Depict All Options Selected



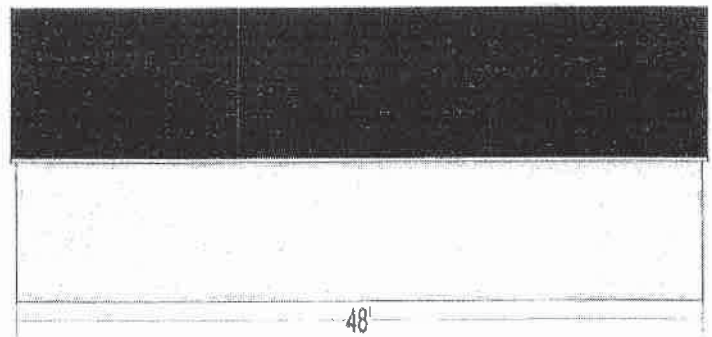
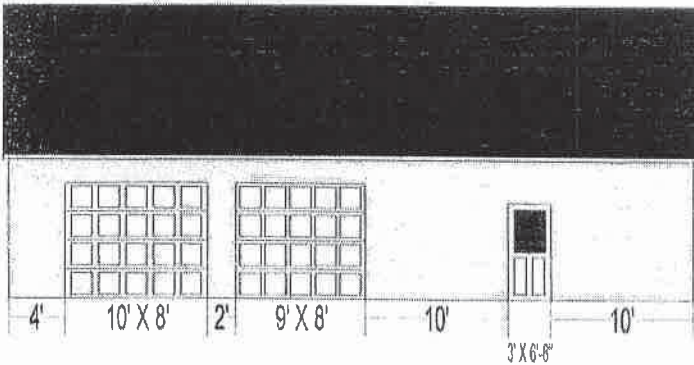
Gable Front View

- (1) - WINDOW 36X36 SLIDER UTILITY WINDOW 36X36
- (1) - WINDOW 36X36 SLIDER UTILITY WINDOW 36X36

- IN ATTIC

Gable Back View

- (1) - WINDOW 36X36 SLIDER UTILITY WINDOW 36X36
- (1) - STEEL MIDWEST I-4 9-LITE TRAD 2-PNL PH 36X80 RH DB
- (1) - WINDOW 36X36 SLIDER UTILITY WINDOW 36X36 - IN ATTIC



Eave Front View

- (1) - GARAGE DOOR MDP38U 10X8 EZ-SET WHITE MDP38U INSUL
- (1) - rder **
- (1) - rder **

Eave Back View

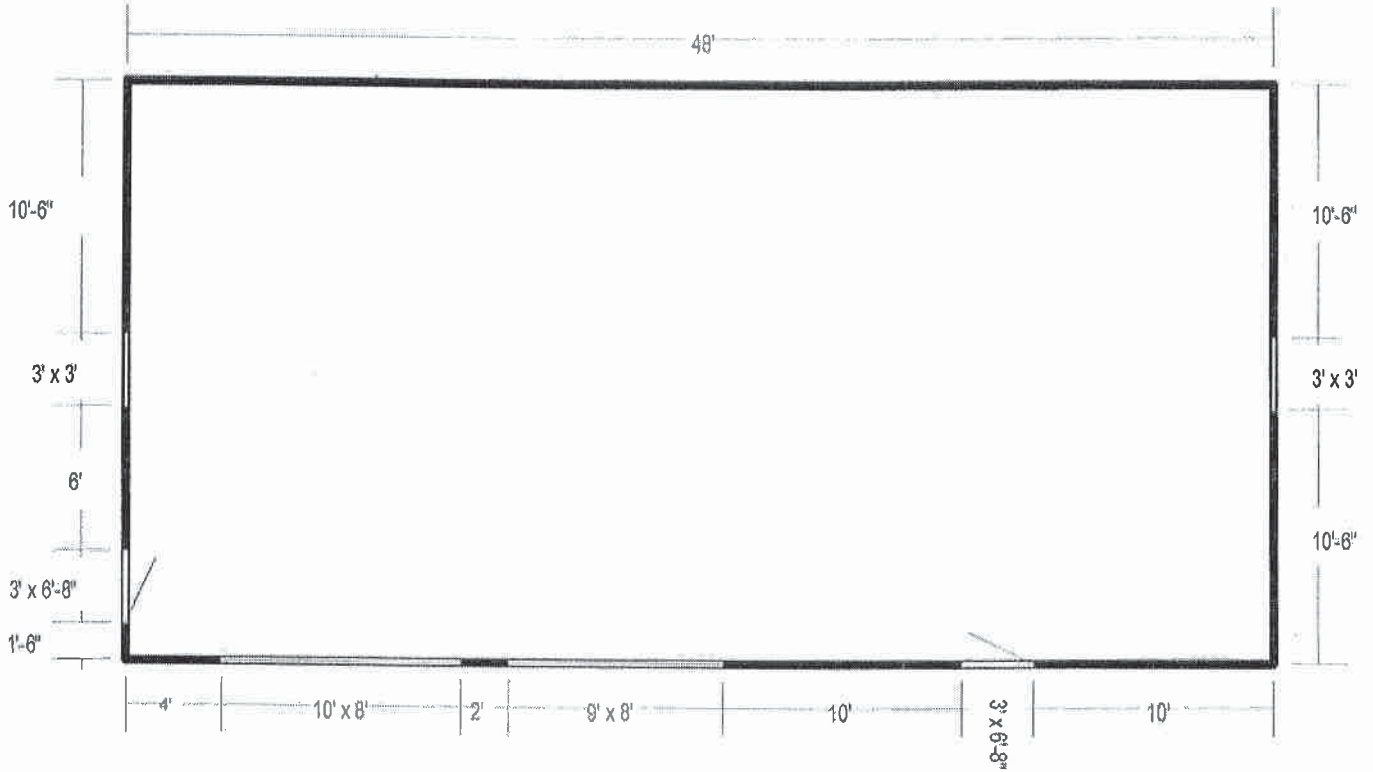
Building Size: 24 feet wide X 48 feet long X 10 feet high
Approximate Peak Height: 20 feet 10 inches (250 inches)

NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.
Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

*** Garage Floor Plan.

Illustration May Not Depict All Options Selected

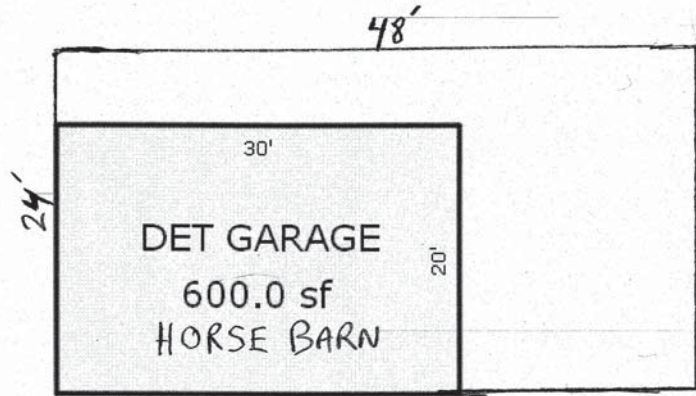
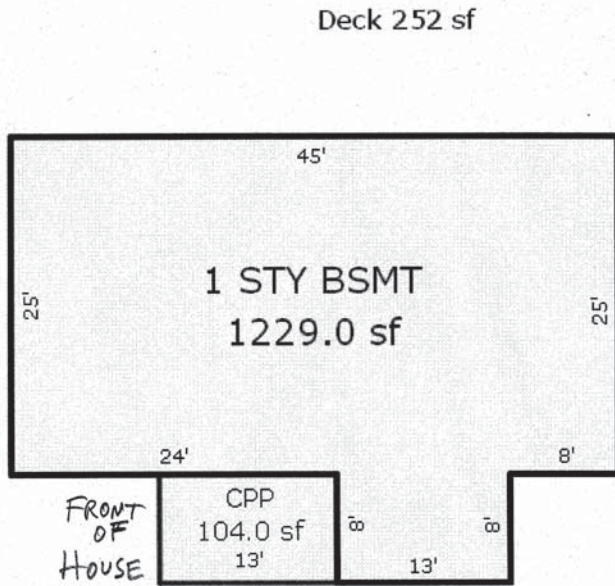


Building Size: 24 feet wide X 48 feet long X 10 feet high

Note: Wall construction is 2x4 @ 16" on center



Image/Sketch for Parcel: 50-22-34-226-001



- * ^{NEW} NORTHERN SIDE OF GARAGE IS 65' FROM 9 MILE CURB
- * PARCEL IS 1 ACRE

Sketch by Apex Medina™

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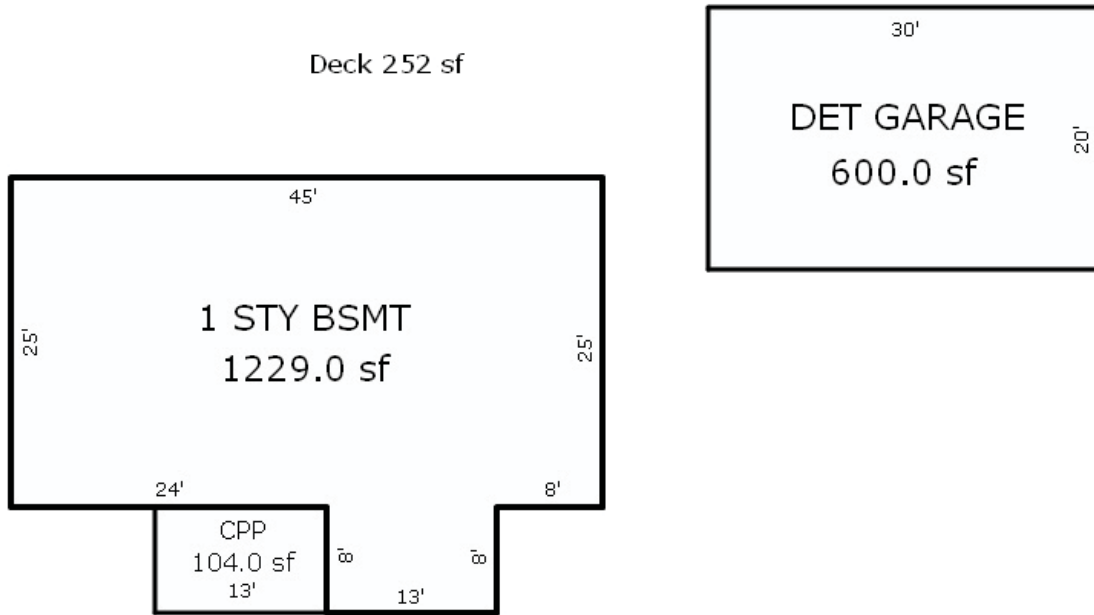
Image/Sketch for Parcel: 50-22-34-226-001



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