



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 12, 2020

REGARDING: 23873 Heartwood Drive, Parcel # 50-22-29-127-008 (PZ20-0016)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Nicholas Kalweit

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential
Location: West of Beck Road and South of Ten Mile Road
Parcel #: 50-22-29-127-008

Request

The applicant is requesting a variance from the City of Novi Code of Ordinances Section 4.19.1.E.iii to allow for 458 square feet of garage space beyond the 1000 square feet allowed by code, a total of 1458 square feet of garage space on the property. This variance would accommodate the construction of a detached garage. This property is zoned Single Family Residential (R-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. **PZ20-0016**, 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 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. **PZ20-0016**, 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 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

MAR 13 2020

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200.00
 Meeting Date: May 12, 2020
 ZBA Case #: PZ 20-0016

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Echo Valley			
ADDRESS 23873 Heartwood		LOT/SIUTE/SPACE # 17	
SIDWELL # 50-22-29 - 127 - 908		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY 10 Mile & Beck Rd.			
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 NKalweit@sbcglobal.net	CELL PHONE NO. 708-703-0106
NAME Nicholas Kalweit		TELEPHONE NO. 248-756-5433	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 23873 Heartwood		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 checked="" type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input 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:			
1. Section <u>4.19.1.E.iii</u>		Variance requested <u>Total allowed square footage of garage space is 1000</u>	
2. Section _____		Variance requested <u>due to R-1 lot size under < 21,780 sq.ft.. Requesting</u>	
3. Section _____		Variance requested <u>additional 458 sq. ft. for a total of 1458 sq. ft. of garage</u>	
4. Section _____		Variance requested <u>space.</u>	
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 _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT


Applicant Signature

03/12/2020
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

03/12/2020
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:

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:

Walking path installed in 2019 has greatly increased traffic in what was previously an empty field. Additional need to secure lawn & recreation equipment rather than just having them stored in the rear yard.

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).

Lot size is under 21,780 sq. ft. Basement was not possible due to high water table, so existing attached garage has all mechanicals in it, severely constraining space for a second vehicle. Existing garage cannot accommodate larger vehicles and cannot be reasonably expanded within the space of the property without negatively impacting proportions of primary structure.

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.

Proposed garage in compliance with all regulations other than sq. footage. Additional space needed to store vehicles, tools & lawn equipment for protection against theft, vandalism, elements, and rodents. Existing attached garage, while 690 sq.ft., loses a significant portion of that space to mechanicals since the home has no basement & a short crawl. There's also a load-bearing wall dividing the garage. These issues compound, making it nearly impossible to park even 2 of our 3 larger vehicles inside. Complying with regulations would only allow a 310 sq. ft. structure which would be insufficient for our needs.

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.

House has no basement & a very short crawl space. There is little space for storage & the usable space on one side prevents parking anything but a compact car without taking up all but a few inches of space between mechanicals and door. The requested variance would allow us to park all 3 cars in a garage and provide the additional space needed to store lawn/snow, & recreation equipment & tools protected and out of sight. Contribution to safety, the appearance and elimination of vehicles/equipment stored outside will positively affect nearby homeowners and their feedback on the proposal has been 100% supportive.

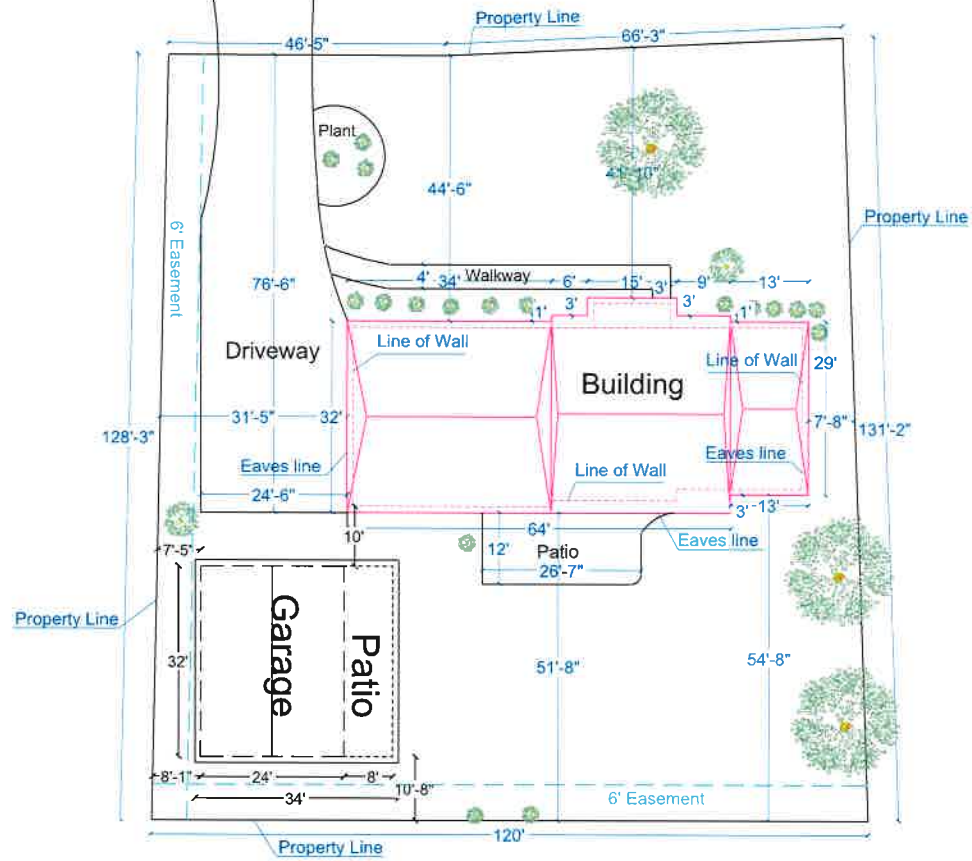
Standard #5. Adverse Impact on Surrounding Area.

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.

Garage should have no adverse affect on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district. Garage will be architecturally consistent with the house, including the same roof style, pitch & materials/color, siding & paint matching the house and coach lights installed consistent with those on the house and existing garage.

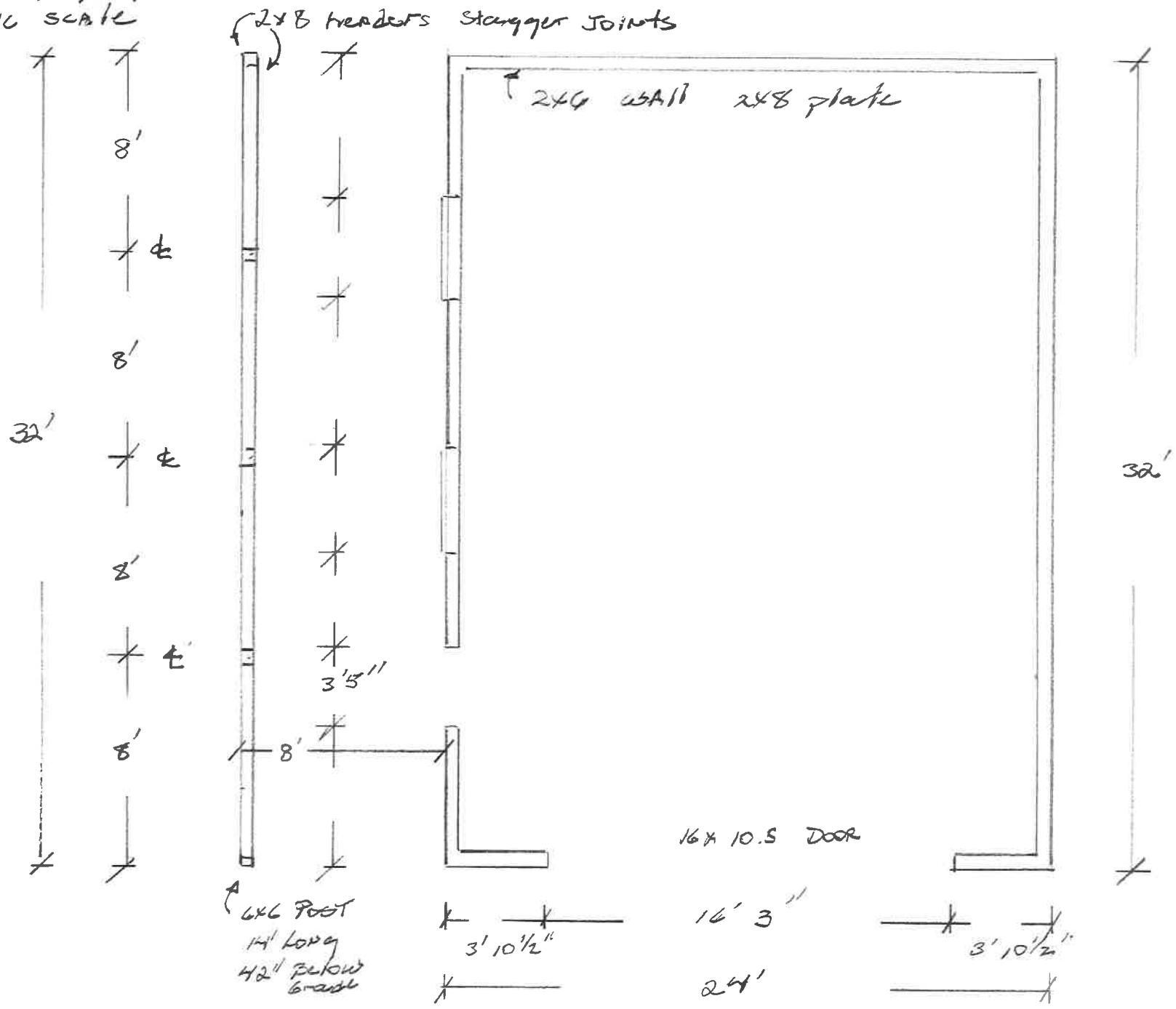


Heartwood St

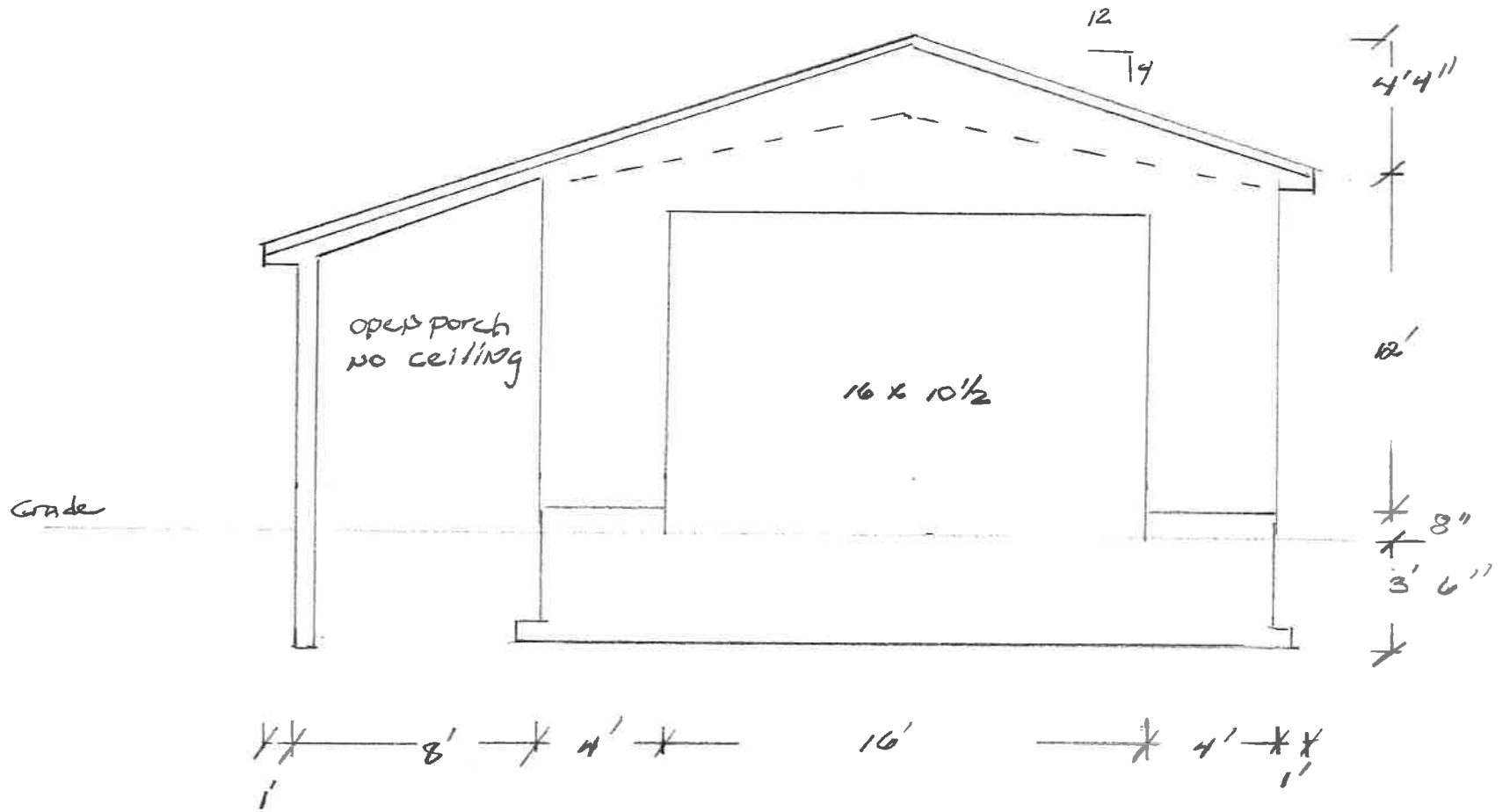


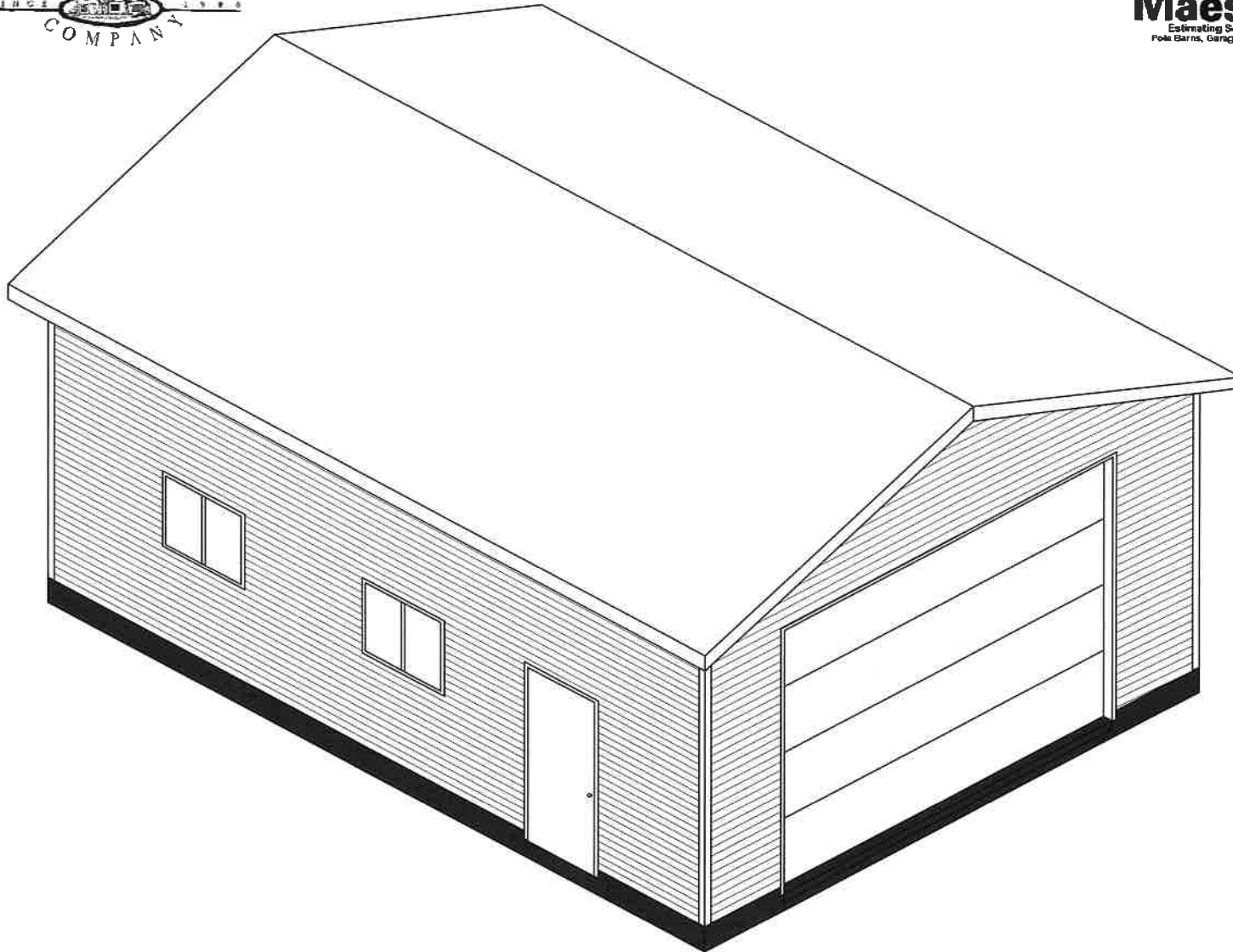
Land: 0.35 AC
 Building: 2406 SF
 23873 Heartwood St
 Novi, MI 48374 USA
 scale: 1"=20'

Nick Kalweit
3/16 scale



Nick Katweit

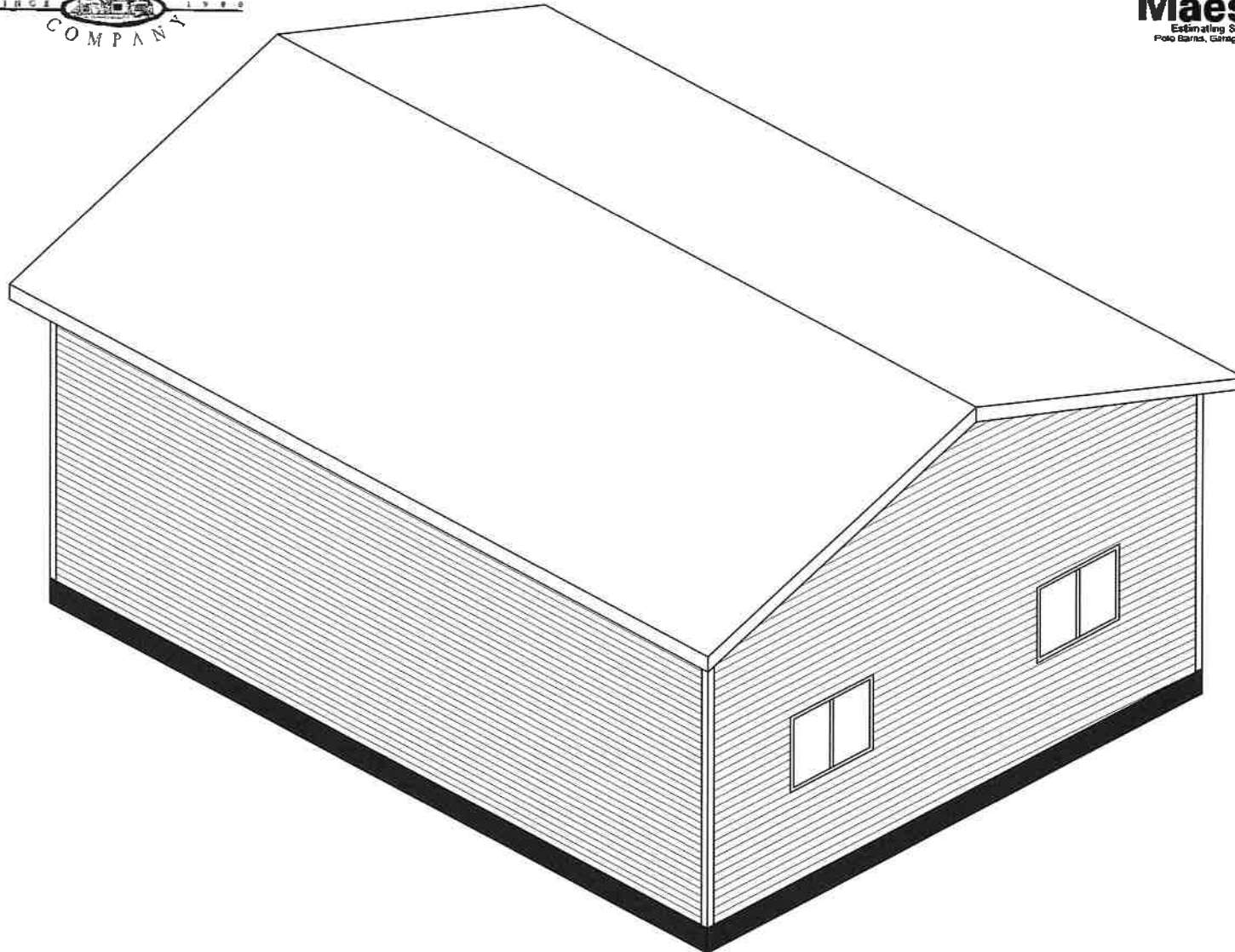




"Nick Kalweit
Estimate Number: 5916
9/11/2019"



Construction
Maestro[®]
Estimating Software
Pole Barns, Garages & Decks



"Nick Kalweit
Estimate Number: 5916
9/11/2019"



Echo Valley Civic Association

Board of Directors: Gina Van Horn, Stacey Rose, Ed Papciak, Bill McInnes, John Kuenzel, Nick Kalweit, Gabriel Brandel

Nicholas Kalweit
23873 Heartwood
Novi, MI 48374

Dear Mr. Kalweit,

The following members of the Echo Valley Civic Association Board of Directors: John Kuenzel, Gabriel Brandel, Stacey Rose, and Gina Van Horn have reviewed your plans for a garage which you wish to construct on your property at 23873 Heartwood, Novi Michigan in the Echo Valley Subdivison. We approve your plans if the following conditions are met:

1. The garage must be architecturally compatible with your house on the same property. (Similar Brick/Siding, roofing)
2. All City of Novi Codes and Ordinances are complied with.

Sincerely yours,



Gabriel Brandel
Secretary

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

Please note my comments to:

23873 Heartwood Drive, Parcel # 50-22-29-127-008 (PZ20-0016)

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

Comments:

We - approve of the request.

(PLEASE PRINT CLEARLY)

Name: ROBERT B. WEAVER

Address: 23851 HEARTWOOD

Date: NOVI MI 48374

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.

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

Please note my comments to:

23873 Heartwood Drive, Parcel # 50-22-29-127-008 (PZ20-0016)

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

Comments:

(PLEASE PRINT CLEARLY)

Name: Gale Schroeder

Address: 23750 Heartwood

Date: 04.28.2020

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