



ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. PZ14-0061

Location: 21399 Bridle Run

Zoning District: RA, Residential Acreage District

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, and Section 2400 to allow construction of a new single family home with a reduced front setback of 30ft. (45 ft. required) and a reduced aggregate side setback of 48.58 ft. (50 ft. required). The property is located west of Beck Road and north of 8 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 and the Maybury Park Estates RUD (Residential Unit Development) approval requires that structures designated as part of the R-A zoning district have a minimum front yard setback of 45 ft. and a minimum aggregate side setback of 50 ft.

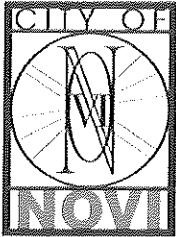
City of Novi Staff Comments:

The petitioner is proposing to construct a new single family detached home on an existing lot with an R-A zoning designation within the Maybury Park Residential Unit Development. The rear portion of the lot is occupied by a Conservation Easement with a depth of approximately 156 feet recorded as part of the original development for preservation of natural features. While there is space on the lot for the proposed structure, the owner(s) would like to be able to install a pool, patio and other amenities behind rather than beside the home. The lot is somewhat unique but is not the only lot in the development with a significant portion covered by the conservation Easement.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because_____.
- The need is not self-created because_____.
- because_____.
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district because_____.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because_____.



ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

For Official Use Only

cityofnovi.org
ZBA Case No.

P214-0061

ZBA meeting date

Jan 13, 2015

Check# 2478 Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

***Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name Gregory L. Windingland Date November 26, 2014

Company (if applicable) Cranbrook Custom Homes

Address* 51237 Danview Technology Court City Shelby Township

State MI Zip code 48315 *Where all case correspondence is to be mailed

Applicant's E-mail address gwindingland@lombardocompanies.com

Phone number 586-781-2364 Fax number 1-888-525-6881

Request is for:

- Residential
- Vacant property
- Commercial
- Signage

Address of subject ZBA case 21399 Bridle Run Zip code 48167

Cross roads of property 8 Mile & N. Beck Road

Sidwell number 50-22- 32-401-097 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction? Yes No

Zoning (Please circle one) R-A R-1 R-2 R-3 R-4 RM-1 RM-2
 MH I-1 I-2 RC TC TC-1 Other

Property owner name (if other than applicant) Thomas & Renee DiPonio

Does your appeal result from a Notice of Violation or Citation issued? Yes No

Indicate Ordinance section(s) and variances requested:

1. Section 2400 Variance requested relief from front-yard set-back
2. Section 2400 Variance requested relief from aggregate side-yard set-back
3. Section _____ Variance requested _____
4. Section _____ Variance requested _____

Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

Please refer to cover letter

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

Please refer to cover letter

There is a five (5) day hold period before work/action can be taken on variance approvals.

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 scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

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.

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
- Accessory building Use Signage Other

Gregory L. Windingland Applicants Signature

11/26/14 Date

DocuSigned by: Renee Diponio Property Owners Signature

DocuSigned by: Thomas Diponio 11/24/2014 Date

DECISION ON APPEAL

_____ Granted _____ Denied

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

_____ Chairperson, Zoning Board of Appeals

_____ Date



November 26, 2014

City of Novi Zoning Board of Appeals
C/O Mr. Charles Boulard, Community Development Director/Building Official
45175 Ten Mile Road
Novi, MI 48375

Re: Maybury Park Estates Lot 89, 21399 Bridle Run, Parcel 22-32-401-097

Dear Mr. Boulard,

Please accept this letter and enclosed information as a request to appear before the City of Novi Zoning Board of Appeals (ZBA) at their earliest convenience for consideration of two variances to the City of Novi, Code of Ordinances, Section 2400 related to the above-referenced parcel.

Specific information relative to the two requested variances is as follows:

Requested Variance #1 – Relief from Section 2400 – Front Yard Set Back

- **Requesting relief of 14.50 feet** from the required 45 foot front yard setback.
- House proposed to be set back 30.50 feet.

Requested Variance #2 – Relief from Section 2400 – Combined Side Yard Set Back

- **Requesting relief of 1.42 feet** from the required 50 foot combined side yard setback.
- Proposed total combined setback to be 48.58 feet; 23.08 feet on left side yard and 25.50 feet on right side yard.

As shown on the attached plot plan, our desire is to construct a home which would be compatible in size and architectural features with the existing homes in Maybury Park. However, two variances; one for relief from the required front yard setback and one for relief from the combined side yard setback are needed to construct the home in a location generally consistent with homes in the surrounding area, while at the same time allowing additional tree preservation in the rear yard that would otherwise not be available.

51237 DANVIEW TECHNOLOGY COURT, SHELBY TOWNSHIP, MI 48315
OFFICE (586)781-2364 CELL (586)855-7051 FAX (888)525-6881
GWINDINGLAND@LOMBARDOCOMPANIES.COM
WWW.LOMBARDOHOMES.COM

November 26, 2014
To: Novi Zoning Board of Appeals
Re: 21399 Bridle Run, Parcel 22-32-401-097
Page 2 of 3

Maybury Park Estates consists of 106 lots comprised with a mixture of lot sizes above and below 1 acre. Per the *Maybury Park Estates Residential Unit Development Agreement* (Section VII – Yard Setbacks), because lot 89 is greater than 1 acre (45,025 square feet or 1.0107 acres), it must comply with the RA District Regulations.

Support for Granting of the Requested Variance:

Unique Circumstances Creating a Practical Difficulty – By allowing a reduced front yard setback, additional rear yard tree preservation can be achieved and a home of the size and character of other homes within Maybury Park can be built.

Need for Variance is not Self-Created – The increased setbacks were agreed to by the original developer and perhaps not with sufficient forethought to the size and character of homes that would eventually be built in Maybury Park. Requiring a greater setback on certain lots do strictly to their size would otherwise seem appropriate. However, in this instance, even though the subject lot is over one acre in size, it is more than 50% encumbered by a conservation easement and woodland setback. Considering the remaining buildable area, this lot actually yields a buildable area less than some of the lots below one acre in size and otherwise subject to lesser setback requirement.

Strict Compliance with the Setbacks Unreasonably Prevent Reasonable Use of the Property – If the subject lot was 1,466 square feet smaller (3.26% smaller), it would fall under the R-1 One-Family Residential criteria, with a 30 foot front yard setback and the requested front yard setback variance would not be needed. If regulated by the R-1 standards, the requested side yard setback variance of 1.42 feet would still be needed, however we hope the ZBA will find this reduction acceptable.

Requested Variances are the Minimum Required – In all practical senses, the two variances being requested are the minimum needed to achieve the intended use of the property.

No Adverse Impact on Surrounding Properties – In granting the variances, not only do we believe no adverse impact on surrounding properties will occur, we actually believe a positive impact will be realized by allowing the construction of a larger, more valuable home than would otherwise be allowed. Given the exclusive nature of the Maybury Park community, we believe maximizing the value of the homes constructed in the community also serves to support increased home value for the entire community.

November 26, 2014

To: Novi Zoning Board of Appeals

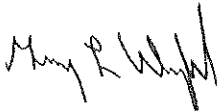
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Granting of Variance Does Not Grant Special Consideration to Applicant/Owner – In granting this variance, we do not believe the ZBA will be providing special consideration or advantage to us that would not otherwise be granted to others with circumstances similar to ours.

I look forward to discussing this with the members of the zoning board of appeals at your earliest convenience. In the meantime, should there be any questions or need for additional information, please feel free to contact me via any means listed below.

Very truly yours,
Lombardo Homes



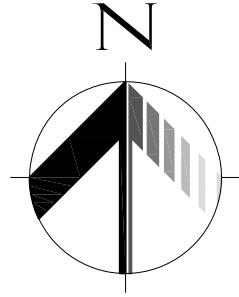
Gregory L. Windingland
Vice President of Development

Plot Plan

PAGE 1 OF 2



PLAN SCALE: 1" = 30'



UNIT 88
#21421 EQUESTRIAN TRAIL
PARCEL 22-32-401-096

SITE BM
EX. C.B. #125
RIM 968.35 A.B.

EX. C.B. #126
RIM 968.36 A.B.

NOTE: A CITY OF NOVI RIGHT-OF-WAY PERMIT SHALL BE REQUIRED PRIOR TO CONSTRUCTION FOR ANY WORK PERFORMED WITHIN BRIDLE RUN RIGHT-OF-WAY.

AREA CALCULATIONS:
UNIT AREA = 44,025 S.F. (1.011 Ac.)
BUILDING FOOTPRINT = 4,710 S.F.
LOT COVERAGE = 10.7%
DRIVEWAY AREA ON-SITE = 1,266 S.F.
CIRCLE DRIVEWAY ON-SITE = 1,359 S.F.
MAIN DRIVEWAY APRON = 286 S.F.
CIRCLE DRIVEWAY APRON = 222 S.F.
HOUSE SERVICE WALK = 70 S.F.
5' STREET SIDEWALK = 610 S.F.
LAWN AREA ON-SITE = 11,712 S.F.
(EXCLUDES WOODED AREA IN REAR)
LAWN AREA IN R.O.W. = 1,264 S.F.

BENCHMARK

SITE BENCHMARK #1
ELEVATION = 968.35 A.B. (SUBDIVISION/USGS DATUM)
(ELEVATION = 967.94 NAVD88 DATUM).
AS-BUILT STREET CATCH BASIN #125 ON THE WEST SIDE OF BRIDLE RUN AT UNIT 88.

NOTE:
SUBTRACT 0.41 FEET FROM ALL ELEVATIONS TO OBTAIN NAVD88 DATUM.

SET 1/2" REBAR WITH CAP #46724

SET 1/2" REBAR WITH CAP #46724

CARSON PARK

N 00°23'47" W 150.00'

N 89°36'13" E 304.67'

N 89°36'13" E 291.00'

UNIT 89
#21399 BRIDLE RUN
PARCEL 22-32-401-097
44,025 S.F. (1.011 Ac.)

UNIT 90
#21373 BRIDLE RUN
PARCEL 22-32-401-098

BRIDLE RUN
60' WIDE RIGHT OF WAY, PUBLIC ASPHALT PAVEMENT

HORIZON

ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

REVISIONS:

CLIENT:
MR. STEPHEN MCKAY JR.
CRANBROOK CUSTOM HOMES
51237 DANVIEW TECHNOLOGY CT.
SHELBY TWP., MI 48315
586-781-7900

JOB NO: 13-167
DATE: 10-31-14
DRAWN BY: N.P.R.

PROJECT:
Unit 89
Maybury Park Estates
#21399 BRIDLE RUN
PARCEL 22-32-401-097

PART OF THE S.E. 1/4 & S.W. 1/4 OF SECTION 32, T.1N., R.8E.,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

SOIL EROSION MAINTENANCE & SEQUENCE OF CONSTRUCTION

1. INSTALL ALL TEMPORARY SOIL EROSION CONTROL MEASURES AS PER PLAN.
2. BEGIN NEW HOUSE CONSTRUCTION.
3. INSTALL UNDERGROUND UTILITIES TO NEW HOUSE.
4. INSTALL DRIVEWAY AND PAVED AREAS.
5. COMPLETE HOUSE CONSTRUCTION AND ESTABLISH FINISH GRADE ON ALL DISTURBED AREAS AND STABILIZE WITH VEGETATIVE COVER.
6. REMOVE TEMPORARY SOIL EROSION CONTROL MEASURES.

NOTE: THE SOIL EROSION MEASURES WILL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT BY THE BUILDER. ANY DAMAGED SOIL EROSION MEASURES SHALL BE IMMEDIATELY REPAIRED.

SOIL EROSION NOTES

1. INSTALL SOIL EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION AND EARTH MOVEMENT.
2. A TEMPORARY CRUSHED STONE ACCESS DRIVE SHALL BE PROVIDED FOR CONSTRUCTION ACCESS TO THE SITE. ACCESS TO THE BUILDING SITE SHALL BE LARGE ENOUGH TO ACCOMMODATE FOR ALL CONSTRUCTION TRAFFIC. SITE ACCESS SHALL BE MAINTAINED THROUGHOUT ALL CONSTRUCTION PHASES.
3. MAINTAIN ALL CONTROL MEASURES UNTIL EARTH MOVEMENT IS COMPLETED.
4. RIGHT-OF-WAY MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
5. ALL SWALE AREAS, ALL SLOPES GREATER THAN 1:5 AND 10' AROUND STORM STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
6. AFTER PERMANENT EARTH STABILIZATION IS COMPLETED, REMOVE EROSION CONTROL MEASURES.

SOILS FROM COUNTY SOILS MAP

"20B" - GLYNWOOD LOAM (2 TO 6% SLOPES).

CONTRACTOR'S NOTE

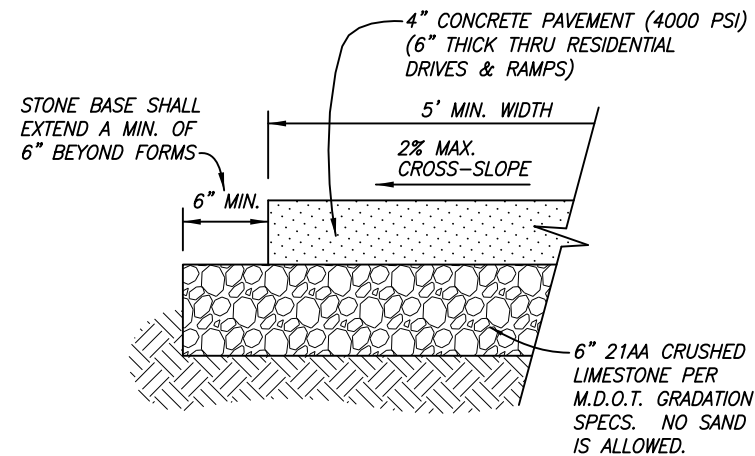
The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

3 WORKING DAYS
**BEFORE YOU DIG
 CALL MISS DIG**
 1-800-482-7171
 (TOLL FREE) for the location
 of underground utilities

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

Plot Plan

PAGE 2 OF 2



CONCRETE SIDEWALK DETAIL

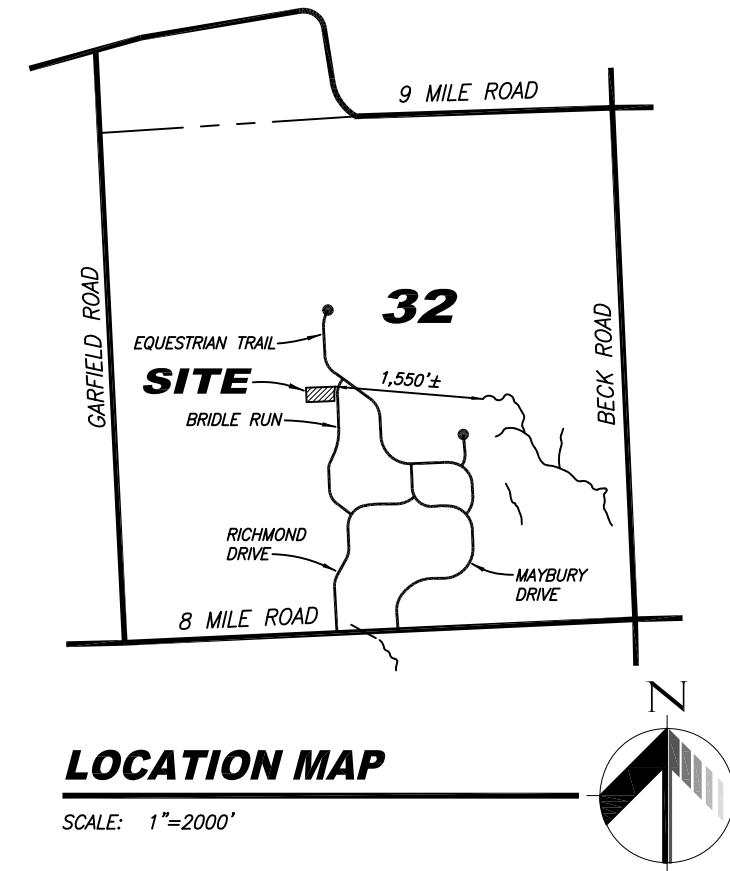
(NO SCALE)

LEGEND

	EXISTING GRADE		PROPOSED GRADE
	EXISTING CONTOURS, 1' INTERVAL		DIRECTION OF SURFACE DRAINAGE
	PROPOSED CONCRETE PAVEMENT		SILT FENCE & LIMITS OF EARTH DISTURBANCE

NOTES

1. THE CONTRACTOR SHALL VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES AND CONTACT "MISS DIG" PRIOR TO START OF CONSTRUCTION.
2. ALL CONSTRUCTION MATERIALS SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE LOCAL MUNICIPALITY, COUNTY, AND STATE.
3. ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.
4. THE BUILDER AND/OR OWNER SHALL REVIEW PLOT PLAN WITH SUBDIVISION ASSOCIATION PRIOR TO THE START OF CONSTRUCTION, IF APPLICABLE.



LOCATION MAP

SCALE: 1"=2000'

LEGAL DESCRIPTION

UNIT 89 "MAYBURY PARK ESTATES", OAKLAND COUNTY CONDOMINIUM PLAN NO. 1609, PART OF THE S.E. 1/4 & S.W. 1/4 OF SECTION 32, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 32412, PAGE 650 OF OAKLAND COUNTY RECORDS.

SITE CRITERIA

- **PARCEL SUMMARY:**
 ADDRESS: #21399 BRIDLE RUN
 PARCEL ID NO.: 22-32-401-097
 AREA OF PARCEL: 44,025 S.F. (1.011 Ac.)
 AREA OF EARTH DISTURBANCE: 0.46 ACRE
 DISTANCE TO NEAREST BODY OF WATER: 1,550± TO A WATERCOURSE TO THE SOUTHEAST (REFER TO LOCATION MAP).
- **SETBACK SUMMARY:**
 FRONT: 30'
 REAR: 35'
 SIDE: 15' MIN., 40' TOTAL

HORIZON
 ENGINEERING LLC

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 P.O. Box 182158, Shelby Township, Michigan 48318
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