



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 12, 2022

REGARDING: **41934 Aspen Drive, Parcel # 50-22-26-254-001**

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

RN Construction

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned Single Family Residential (R-4)

Location: West of Meadowbrook Road, and South of 10 Mile Road

Parcel #: 50-22-26-254-001

Request

The applicant is requesting variance from the City of Novi Zoning Ordinance section 3.1.5 for a rear yard setback of 21.74 feet (35 feet required, variance of 13.26 feet). This variance will accommodate the building of a new screened in porch. This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

A revised proposed parcel description was submitted after the initial request. This eliminated the need for the frontage variance noted in the ZBA application and the notices.

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. **PZ22-0028**, 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. **PZ22-0028**, 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

MAY 26 2022

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>200-</u>	
PROJECT NAME / SUBDIVISION <u>Knoy</u>				Meeting Date: <u>7/12/2022</u>	
ADDRESS <u>41934 Aspen Dr.</u>		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 22-0028</u>	
SIDWELL # <u>50-22-26-254-001</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>Tamara St</u>					
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 <u>*rconstruction@charter.net</u>		CELL PHONE NO. <u>810 625 8658</u>	
NAME <u>Rich Neff</u>				TELEPHONE NO. <u>810 625 8658</u>	
ORGANIZATION/COMPANY <u>RN Construction</u>				FAX NO.	
ADDRESS <u>9410 S Durand Rd</u>		CITY <u>Durand</u>		STATE <u>MI</u>	ZIP CODE <u>48429</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 <u>toonieismo1@aol.com</u>		CELL PHONE NO. <u>248 345 7173</u>	
NAME <u>Amy Knoy</u>				TELEPHONE NO. <u>248 345 7173</u>	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS <u>41934 Aspen Dr.</u>		CITY <u>NOVI</u>		STATE <u>MI</u>	ZIP CODE <u>48375</u>
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 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>REQ SETBACK 25'</u> <u>PROPOSED IS 21.74'</u> <u>VARIANCE OF 13.26'</u>	
2. Section _____		Variance requested _____			
3. Section _____		Variance requested _____			
4. Section _____		Variance requested _____			
IV. FEES AND DRAWINGS					
A. FEES					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input checked="" 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

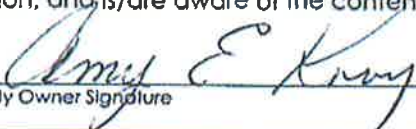

Applicant Signature

5/20/2022
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

5-23-22
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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Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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REVIEW STANDARDS USE VARIANCE

For Use Variances: A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards.

Standard #1. Cannot Be Reasonably Used.

Explain how the land, building or structure cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

Too much Sun & would like to have screened in for Mosquitoes

Standard #2. Circumstances or Physical Conditions.

Explain how the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.

The porch will be in same area as Deck is currently

Standard #3. Character of the Neighborhood.

Explain how the proposed use will not alter the essential character of the neighborhood.

Is not obstructing Anyones View

Standard #4. Not Self-Created.

Explain how 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).

She has a deck & would like to have a Screen Room so no Bugs and some shade



OHW Homeowners Association

P.O. Box 1094

Novi, MI. 48375

AMY KNOY

May 26, 2022

Re: Deck Plan Approval for Lot #1 also known as 41934 Aspen Drive

To whom it may concern,

On behalf of the Orchard Hills West HOA, please let this letter serve as your approval of the requested deck at 41934 Aspen Drive as per plans submitted to our association in person on May 22, 2022.

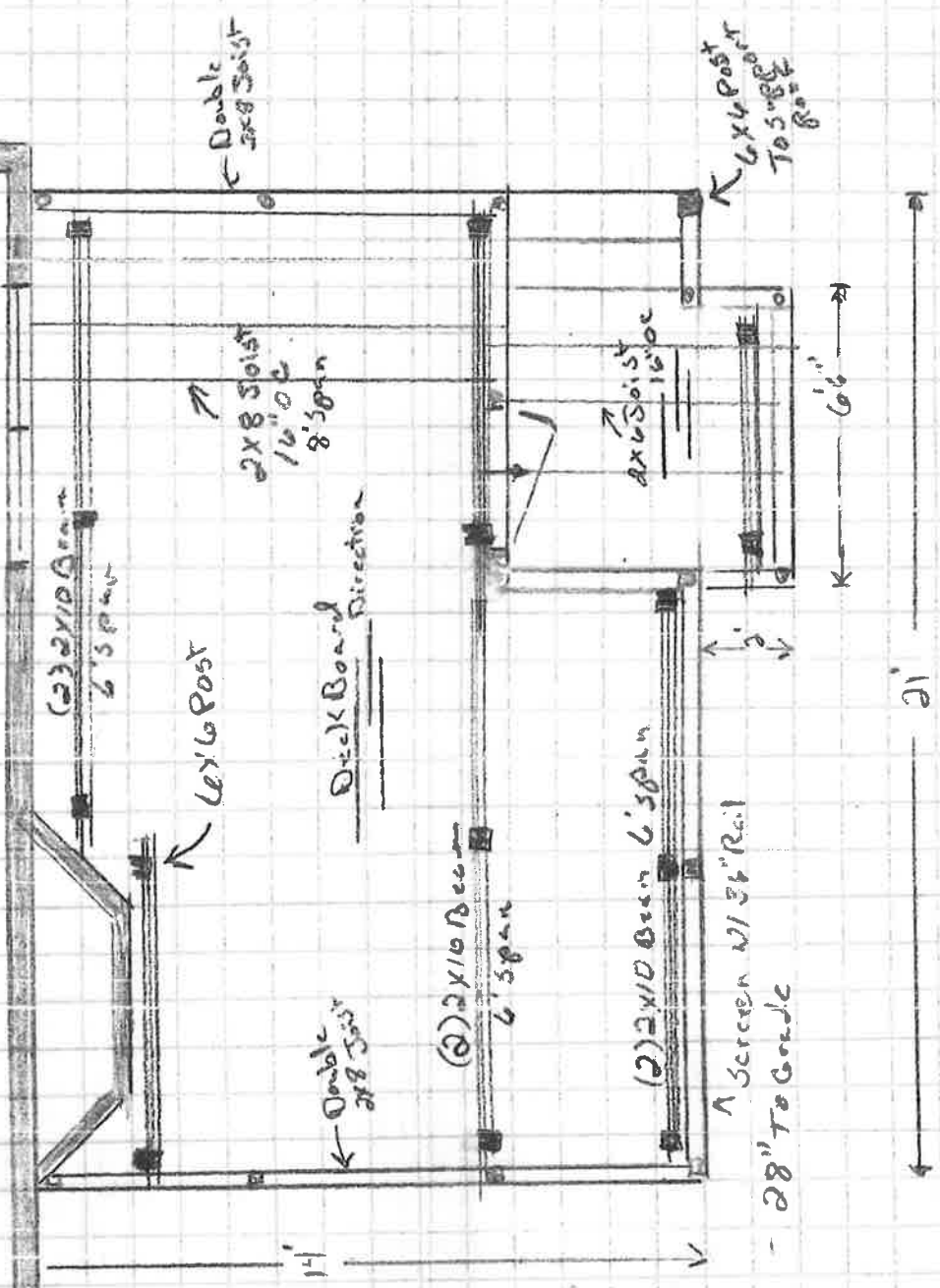
Sincerely,

OHW HOA Board of Directors

William Claypool Jr. Acting President

Builder
RNO Construction
810-625-8658

Homeowner
Amy Kney
41234 Aspen Dr
Novi, MI 48375



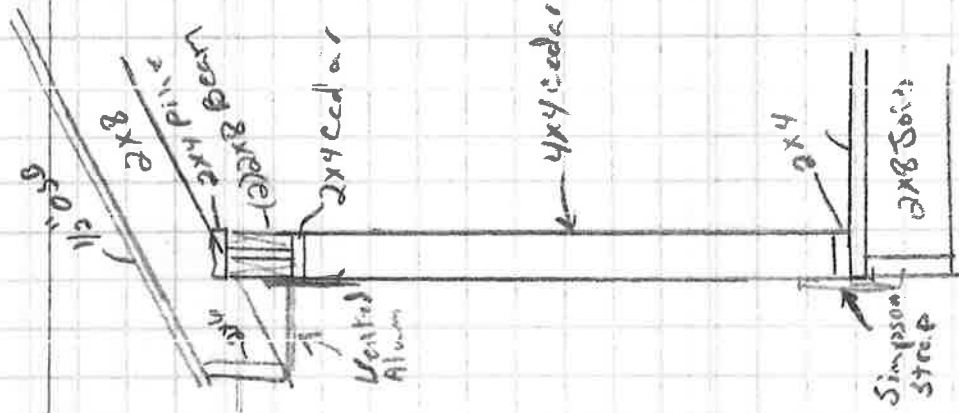
Scale 1/4" = 1'

Deck Plan

Builder
RN Construction
810-625-8658

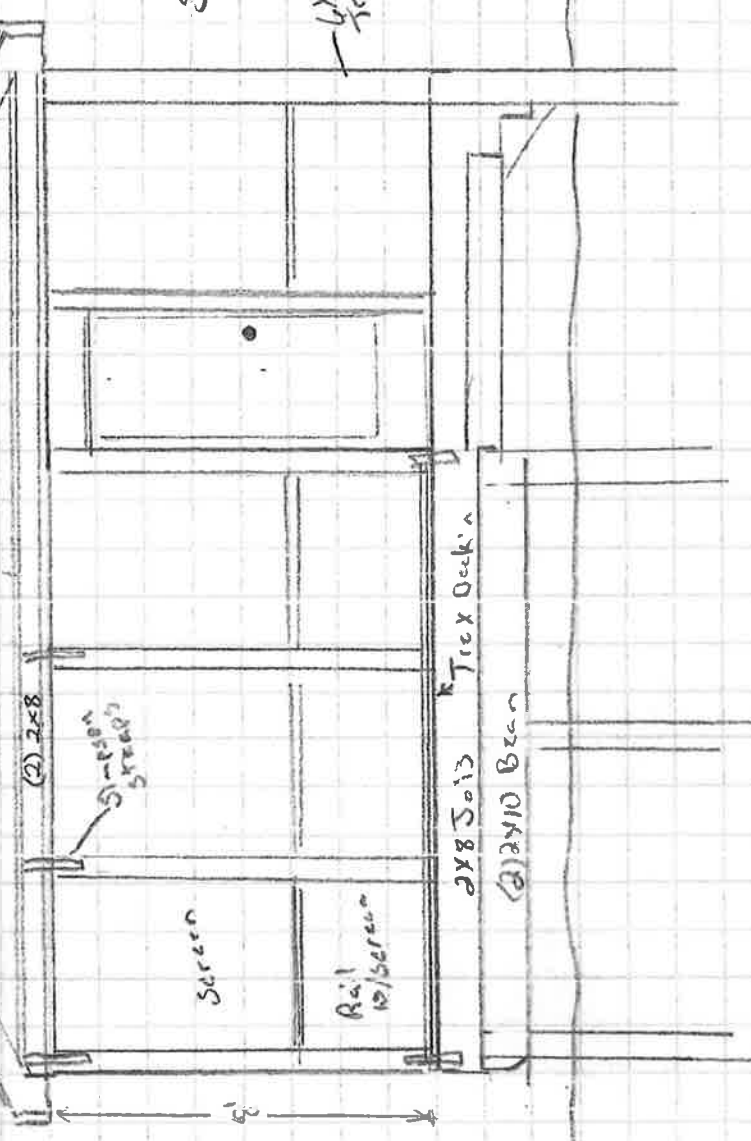
Homeowner
Amy Kroy
41934 Aspen Dr
Novi MI 48375

Front View



House siding

1/2" OSB w/ Ice water + Shingles to main
7/16" OSB 12/17/18/19/20
Side to Match Hous



Scale 1/4" = 1'

6x6 Trex Deck

Grade

Hmy Kroy

UNPLATTED

N90°00'00"W

CATCH BASIN SEDIMENT GUARD
1" TO 3" STONE ON FABRIC
& FILTER FABRIC

87.84

12" STORM

24" STORM

30' PVT. EASEMENT FOR STORM SEWER
SURFACE DRAINAGE AND PUBLIC UTILITIES.

35.74'

39.13'

CONST.

2

76.96

N00°38'22"W
116.08

10' SETBACK

35' SETBACK

39.58

2.00

12.92

SUMP

1
VACANT
F.F. 873.96

10' PVT. EASEMENT FOR
STORM SEWER DRAINAGE

10' WIDE PUBLIC WALKWAY

11.51'

11.51'

11.51'

ORCHARD HILLS SUB.
LOT 39

30.67'

18.15'

10.00'

22.00
GARAGE
UNEXC.
F.F. 871.33

6.50

PORCH
UNEXC.
6.00

7.67

19.11

19.11

2.00

12.50

2.00

11.50

30' SETBACK

40 LF 1" PLASTIC
W.M. LEAD

40 LF 4" SAN.
LEAD E.L. 5'

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N89°21'38"E 5' CONC. WALK

10' PVT EASEMENT
FOR PUBLIC UTILITIES

S00°00'00"E

60.00

AS
60

ASPEN DRIVE 60 FT. WIDE
"ORCHARD HILLS WEST SUBDIVISION"

8" WATERMAIN

MARK

42