



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 8, 2018

REGARDING: 43484 Scenic Lane, Parcel # 50-22-34-228-005 (PZ18-0011)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

A&H Custom Deck Construction LLC

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential (R-3)
Location: West of Novi Road and South of Nine Mile Road
Parcel #: 50-22-34-228-005

Request

The applicant is requesting variance from the City of Novi Zoning Code of Ordinance Section 3.32 (7) for a 2 foot exterior side yard variance for a proposed deck extension, 30 feet minimum required by code.

This property is zoned Single Family Residential (R-3).

II. STAFF COMMENTS:

Previous variance is in place for the existing current deck.

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. **PZ18-0011**, 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. **PZ18-0011**, 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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____
PROJECT NAME / SUBDIVISION Karen Bitterle - Deck				Meeting Date: _____
ADDRESS 43484 Scenic Lane, Northville, MI 48167		LOT/SIUTE/SPACE # 21		
SIDWELL # 50-22-34 - 228 - 005		May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY				ZBA Case #: PZ _____
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 quotes@AandHCustomDeckConstruction.com		CELL PHONE NO. 248-410-6040
NAME Amber Cervantes		TELEPHONE NO.		
ORGANIZATION/COMPANY A&H Custom Deck Construction LLC		FAX NO. 248-493-5936		
ADDRESS 1080 St Andrews Ct		CITY Whitmore Lake	STATE MI	ZIP CODE 48189
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 jkbitterle@gmail.com		CELL PHONE NO. 734-646-9650
NAME Karen Bitterle		TELEPHONE NO.		
ORGANIZATION/COMPANY N/A		FAX NO.		
ADDRESS 43484 Scenic Lane		CITY Northville	STATE MI	ZIP CODE 48167
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:				
1. Section <u>3.32 (7)</u> Variance requested <u>Additional 2' projection into setback.</u>				
2. Section _____ 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				
<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 • 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:

This property is considered a dual frontage lot and therefore requires compliance with a front yard setback of 30'. Were it a normal lot without the second street, the required setback would only be 10' for the side and the proposed deck would fit within those limits.

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).

The dual-frontage nature of the lot prevents building anything along the side of the house like a normal-sized deck. The Zoning Board of Appeals previously concurred with this and allowed for a small variance. We are requesting a 2' additional variance to allow room for a small table on the deck.

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.

In strict compliance, only a 4' deck would be allowed on this property which would not allow the property owner to utilize a functional deck.

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.

Allowing the deck extension as proposed would allow just enough room for a small table for the property owner to utilize without creating an overly large deck.

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.

The variance will not cause an adverse impact on the surrounding property and property values and will look very natural in the area. The HOA board also signed off and their letter is included as well.

On Feb 28, 2018, at 8:06 PM, Jim Kearns <jkearns@mi.rr.com> wrote:

Hi Hector,

Karen Bitterle sent me a copy of your plans for the deck project. Our board has now reviewed it and has no objections. You can use this email as the Timber Ridge Home Owners Associations approval to proceed, subject to any constraints the City of Novi may apply.

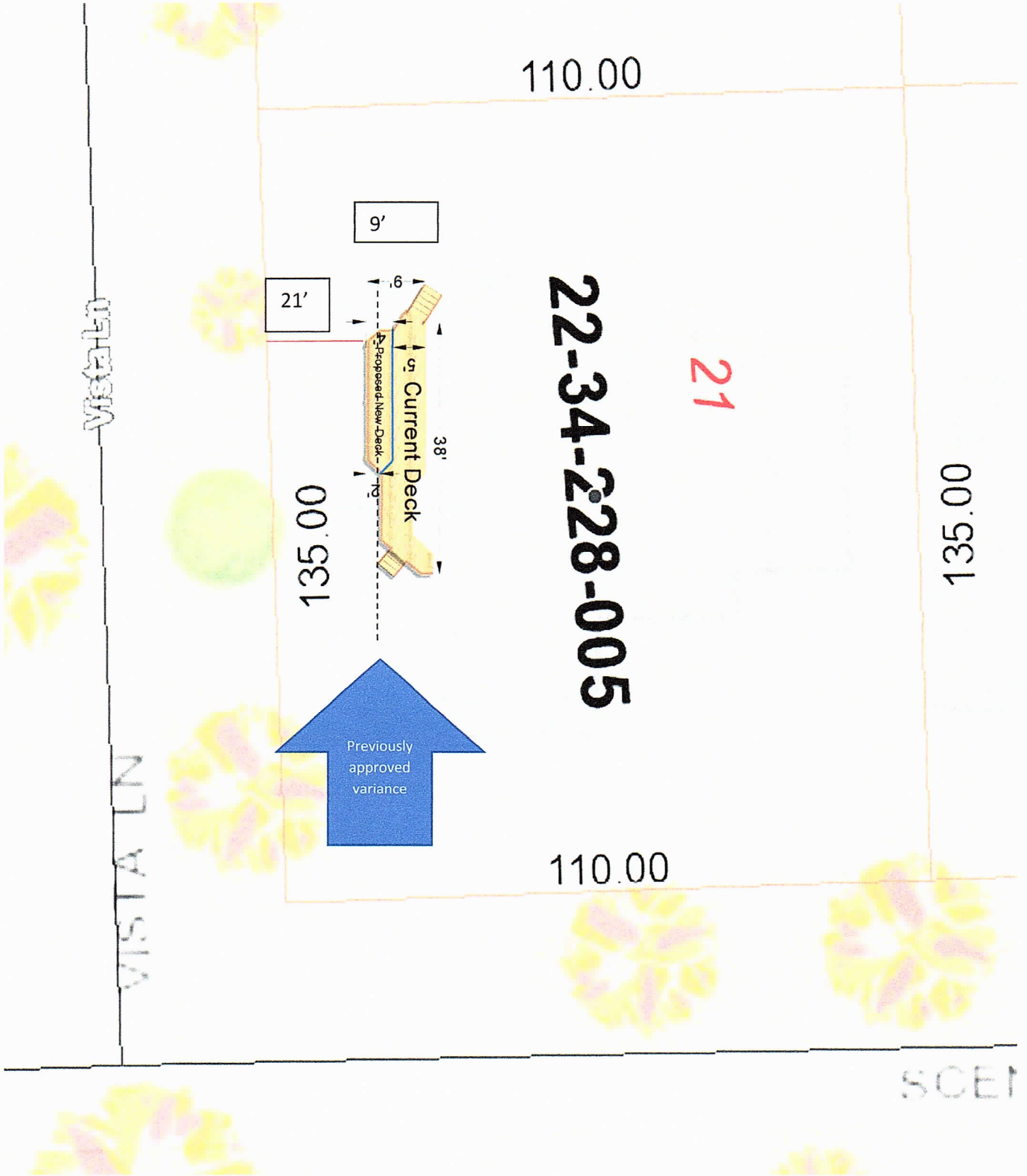
Jim Kearns
President Timber Ridge Homeowners Association



**Bitterle Deck
43484 Scenic Lane**

The current deck runs along the west side of the house, parallel to Vista Drive. It is rotted and needs to be replaced. Since this deck has access to the kitchen through the door wall we BBQ on it, however, there is no room to eat there. We must take our meals to the backyard patio to eat (downstairs through the basement OR down the hill and around the corner of the backyard.) It would make this deck so much more functional if we could extend it just enough to fit a small table so that we could eat near the BBQ in the summer.







Deck Plan and Site Detail

Address:

43484 Scenic Lane, Northville, MI 48167

Proposed dimensions:
9'

Existing house

Current Deck

Deck Extension

Proposed dimensions:38'

← DECK RAILING →

↑
4 INCH
MAXIMUM

SIDE OF HOUSE →

RAILING MUST BE AT
LEAST 36 INCHES
ABOVE THE DECK.

↖ DECK JOIST ↘

← JOIST SPAN AND SIZE

2x6 with 4'
spans @16" O.C.

→ CARRIER SIZE

(2) 2x10s
with 8' spans

Elevation: 40"

GRADE

GRADE

- All hardware to be hot-dipped galvanized (birdmouth cuts)
- ½ carriage bolts
- Stairs: Rise <8.25", Run >9" and handrail 34"
- Scale = 1/8" = 1'

TREATED POST

42 INCH
MINIMUM

POST SIZE 6x6

POST SPACING 8' spans

FOOTING

Footings: 42" or more (concrete)

Description:

Approximately 9'x38' deck: We will be removing the decking and railing and replacing. Also, we will be extending the deck 4' as indicated by the yellow shading in the drawing above. The decking and railing will be in cedar.

- ii. The function of any existing or proposed marginal access service drives adjoining the site in question will not be adversely affected by not continuing such drives on the site in question; and
 - iii. The extent of thoroughfare frontage is such that the need for marginal access service drives beyond the site in question will either no longer be needed or can be effectively developed independently of the site in question.
8. Appeals. The Zoning Board of Appeals shall have no jurisdiction to hear appeals or make interpretation or any other decisions regarding this Section or a proposed Preliminary Site Plan.

3.32 GENERAL EXCEPTIONS

Area, Height and Use Exceptions. The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

- 1. Essential Services. Essential services serving the City of Novi shall be permitted as authorized and regulated by law and other ordinances of the Municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Municipality shall receive the review and recommendation of the Planning Commission to the City Council, and the review and approval, after public hearing, of the City Council. Such a review of the City Council shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.
- 2. Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- 3. Height Limit. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or commercial wireless transmission towers; provided, however, that the Zoning Board of Appeals may specify a height limit for any such structure requires authorization as a conditional use and provided further that the height of any such structure shall not be greater than the distance to the nearest property line.

- 4. Lot Area. Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district [in] which such lot is located, other than conditional uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit, and except as provided for in Section 7.1.2, of this Ordinance.
- 5. Lots Adjoining Alleys. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.
- 6. Yard Regulations. When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Appeals.
- 7. Porches; Decks. An open, unenclosed and uncovered porch or paved terrace may project into a required front yard setback for a distance not exceeding four (4) feet, but this shall not be interpreted to include or permit fixed canopies. An open, unenclosed and uncovered wooden deck may project into a required rear yard setback for a distance not exceeding eighteen (18) feet, but this shall not be interpreted to include or permit fixed canopies. Spas and gazebos as an accessory to a deck shall be permitted in all areas allowable for placement of a deck. With the exception of the lakeside of waterfront lots which are further regulated by Section 5.11.1.A.ii, privacy and decorative fencing used in the construction of a deck shall be limited to six (6) feet in height as measured from the floor of the deck. All construction shall comply with the provisions of the State Construction Code, as enforced pursuant to Chapter 7, Article II of the Novi Code of Ordinances.



8. Projections into Yards. Architectural features, including gutters, soffits, eaves, cornices, and roof overlaps, but not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Bay windows, chimneys, cantilevered floors, and other vertical projections of up to ten (10) feet in length, and not occupying more than thirty (30) percent of the length of the wall on which they are located, may project into required side yard not more than two (2) inches for each one (1) foot of width of such side yard (up to a maximum of two (2) feet of projection), and may project into a required front or rear yard not more than three (3) feet.

9. Access Through Yards. For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall, for the purpose of this Ordinance, not be considered to be a structure, and shall be permitted in any required yard.

10. Lots Having Water Frontage

- A. Those residential lots or parcels having water frontage on a body of water having an area of six-hundred (600) acres or more and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard, except that the following may be permitted:

- i. A boat well, upon review and approval by the Planning Commission, provided the following conditions are satisfied:
 - a. Erection of the boat well shall not unreasonably impair the view of the lake from adjacent lots or parcels.
 - b. The boat well shall not be located in such a way that it will create a potential safety hazard to boaters on the lake.
 - c. The appearance of the boat well shall be in harmony with the principal use of the lot or parcel.

- ii. A single storage shed, upon review and approval by the Community Development Department, provided the following conditions are satisfied:

- a. The shed shall be no larger than ten (10) feet by ten (10) feet in area and no taller than eight (8) feet in height.
- b. The lot coverage of the shed is no more than five (5) percent.
- c. The shed is a minimum of ten (10) feet from the adjacent roadway, and a minimum of one (1) foot from the side property lines.
- d. Multiple platted lots having common ownership shall be considered one lot.

- B. Accessory structures shall be permitted upon such water frontage lots in the setback between the abutting road right-of-way and the main building provided the front yard setback required in Development Standards of each district in this Ordinance is met.

- C. The winter storage (October 1st to May 31st) of boats and docks and materials customarily incidental to the summertime usage of lake front property is permitted on lake front property and provided the property is maintained in a manner to enhance and not obstruct the view of the lake.

- D. The storage of wood on lake front lots is permitted where such storage is immediately adjacent to a house or garage on such lot and otherwise in compliance with all ordinances and regulations. When the firewood is not stored immediately adjacent to a house or garage, the maximum dimensions of the pile shall be three (3) feet in height, three (3) feet in length and eighteen (18) inches in width.

11. Basketball Apparatuses. Basketball apparatuses consisting of a single backboard, hoop, and net may project into a front yard or side yard setback area when mounted directly on a garage. As an alternative to a garage mounted apparatus, a single pole-mounted backboard, hoop and net may be erected, provided it is located only in the one-half of the front yard or side yard lawful setback area nearest the dwelling and is contiguous to the driveway.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

