



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 10, 2016

Addition (PZ16-0017), Parcel 50-22-03-380-002

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

JMD Contractors, Inc.

Variance Type

Dimensional Variances

Property Characteristics

Zoning District: R-4 (Single Family Residential)
Parcel #: 50-22-03-380-002

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 to allow construction of an addition to an existing non-conforming residence with reduced side yard setbacks (10 feet required, 3 feet and 8.3 feet proposed), reduced aggregate side setback (25 feet required, 11.3 feet proposed) and excess lot coverage (25% allowed, 37% proposed) for a residence zoned R-4.

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting permission to build an addition to an existing residence with reduced side yard setbacks and an increase in the allowable lot coverage. The existing lot width is 41 feet. Any new construction would be required to meet applicable Building Code requirements for opening limitations and fire resistance of exterior walls.

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. **PZ16-0017**, 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 is 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. **PZ16-0017**, 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 Petitioner's 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) 347-0423.

Larry Butler
Deputy Director Community Development
City of Novi



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

MAR 30 2016

CITY OF NOVI
 COMMUNITY DEVELOPMENT

Application Fee: **\$200.00**
 Meeting Date: **May 10, 2016**
 ZBA Case #: **PZ16-0017**

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION <u>Noonan Addition</u>			
ADDRESS <u>1019 South Lake Drive</u>		LOT/SIUTE/SPACE # <u>13</u>	
SIDWELL # <u>50-22-03 - 380 - 002</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY <u>South Lake & West Eubank</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 checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS <u>Bill@jmdcontractors.net</u>	CELL PHONE NO. <u>734 216 9273</u>
NAME <u>JMD Contractors Inc</u>		TELEPHONE NO. <u>734 729 4563</u>	
ORGANIZATION/COMPANY		FAX NO. <u>734 729 3214</u>	
ADDRESS <u>3935 First Street</u>		CITY <u>Wayne</u>	STATE <u>MI</u>
		ZIP CODE <u>48184</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>noonan.electric@hotmail.com</u>	CELL PHONE NO. <u>248 986 5500</u>
NAME <u>Mike Noonan</u>		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS <u>1019 South Lake drive</u>		CITY <u>Novi</u>	STATE <u>MI</u>
		ZIP CODE <u>48377</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 checked="" 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>side set back and total side setback</u>	
2. Section <u>3.1.5</u>		Variance requested <u>Total Lot Coverage of 37%</u>	
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 			



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

3/31/2016
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

3-31-16
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:

Narrow lake lots had side set back rules changed to new codes none of the existing house meets the new code for setbacks. we are requesting the 3' from the lot line

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 Lot Does Not Have enough width to add a garage to contain all of the belongings that are used for the lake and the kids

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 owners need a place for storage and the property never conformed to the laws in place now

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.

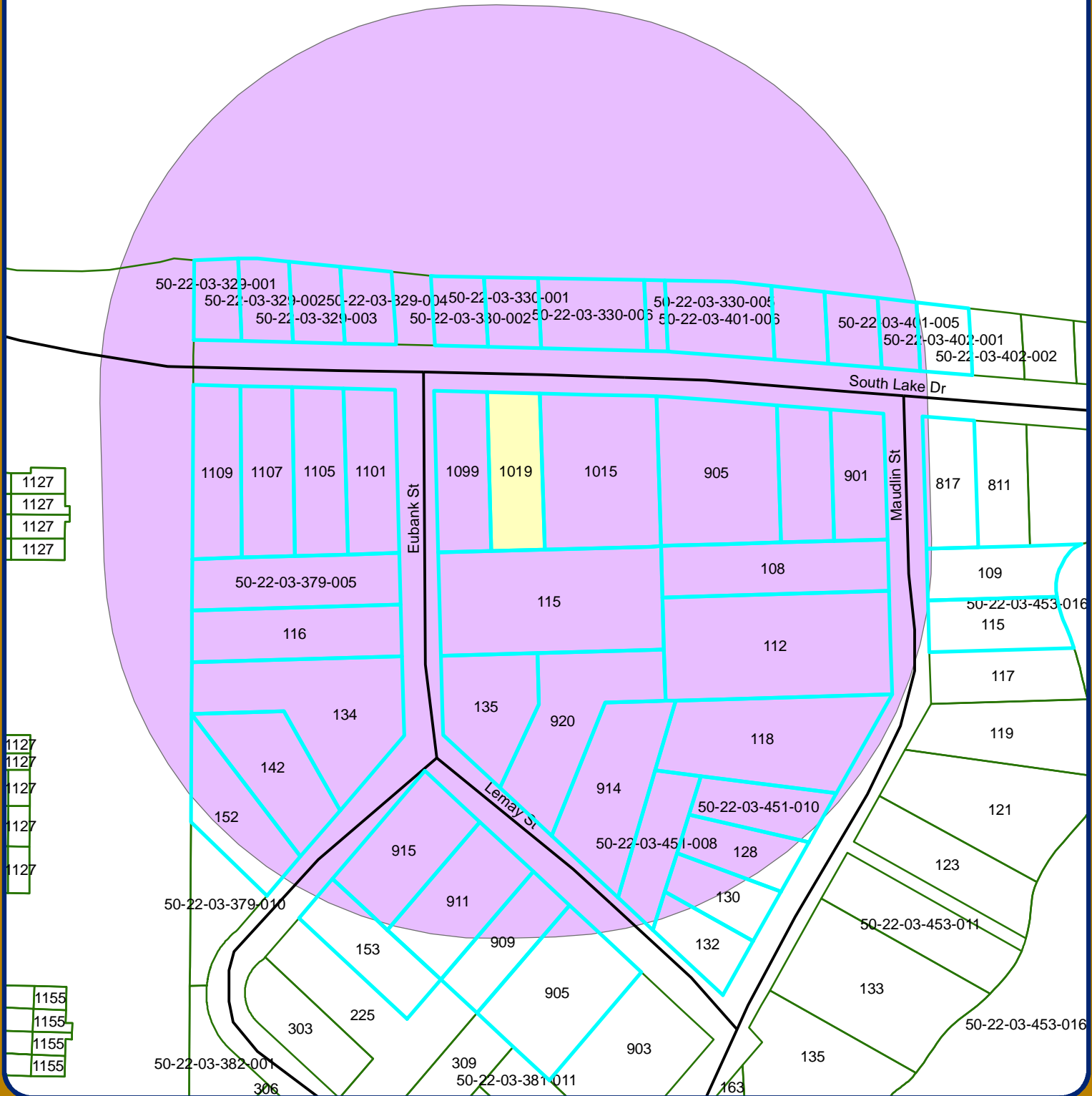
We need a 7' variance to get the one car garage onto the lot leaving a 3' side setback

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.

There should be no impact on the neighbors adding the garage to the side of the lot and there are already tall bushes blocking most of the addition on the side it is being propose to be built on

Parcels within 300' of 1019 South Lake Dr 22-03-380-002



Map Author: Jon Gartha
 Date: April 12, 2016
 Project: Address List for 22-03-380-002
 Version #: 1.0

Amended By:
 Date:
 Department:

MAP INTERPRETATION NOTICE
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- 300' Buffer
- Subject Property
- Tax Parcel

Municipality

- Novi
- Novi Twp.

City of Novi

IT Department
GIS Division
45175 Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Feet

0 20 40 80 120

1 inch = 106 feet

Noonan Residence
1019 Southgate Drive
Novi, MI 48377
Second Floor

6-0"

New Master Closet

Proposed New
Master bedroom

Line of cathedral ceiling

Ridge

2x2 Rafters 24" OC

2x12 Rafters

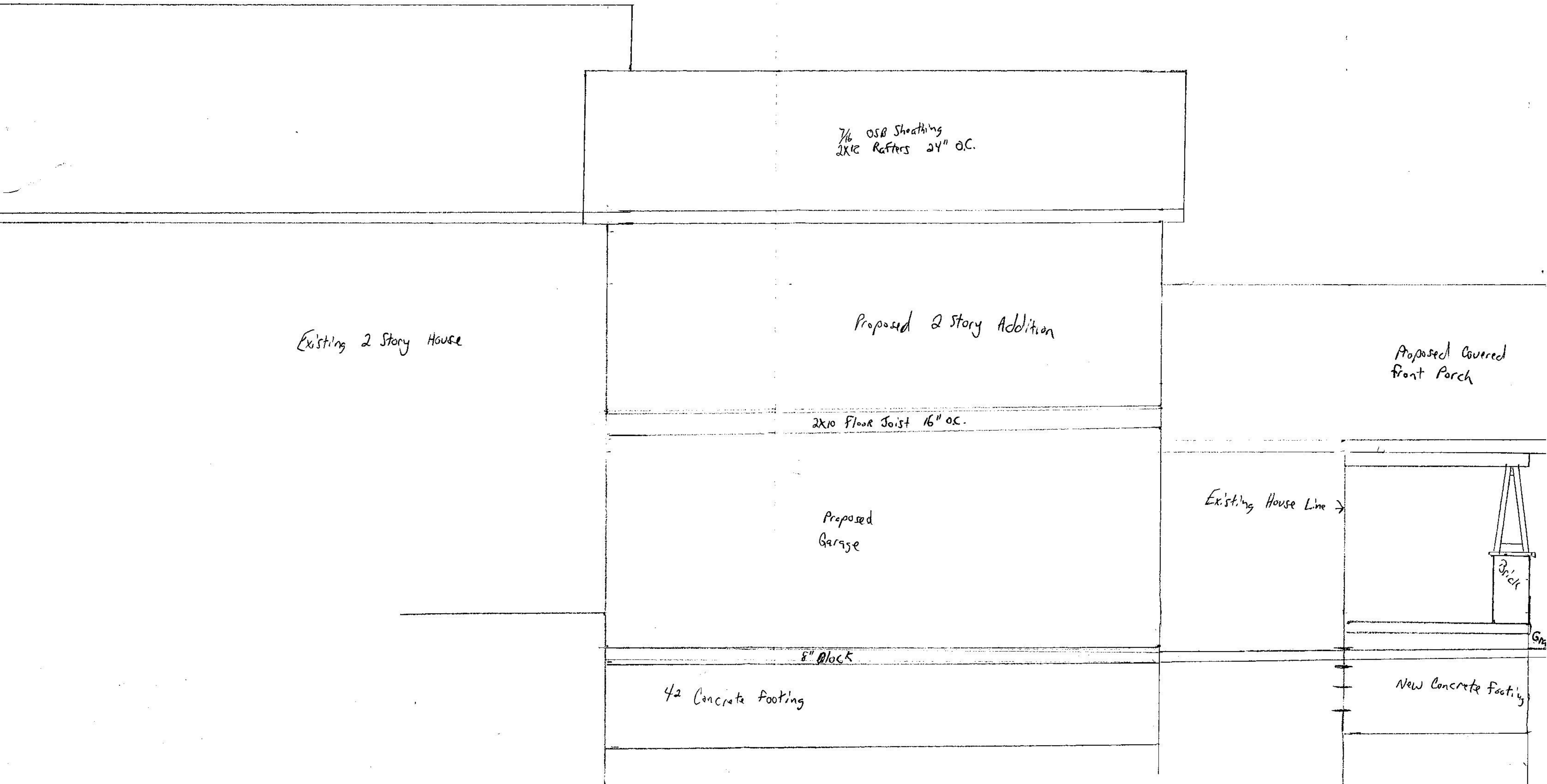
14-0

Proposed
Covered porch Roof

9-11/2

Noonan Residence
1019 South Lake Drive
Novi MI 48377

East Elevation



Existing 2 Story House

7/16 OSB Sheathing
2x12 Rafters 24" O.C.

Proposed 2 Story Addition

2x10 Floor Joist 16" O.C.

Proposed
Garage

8" Block

42 Concrete Footing

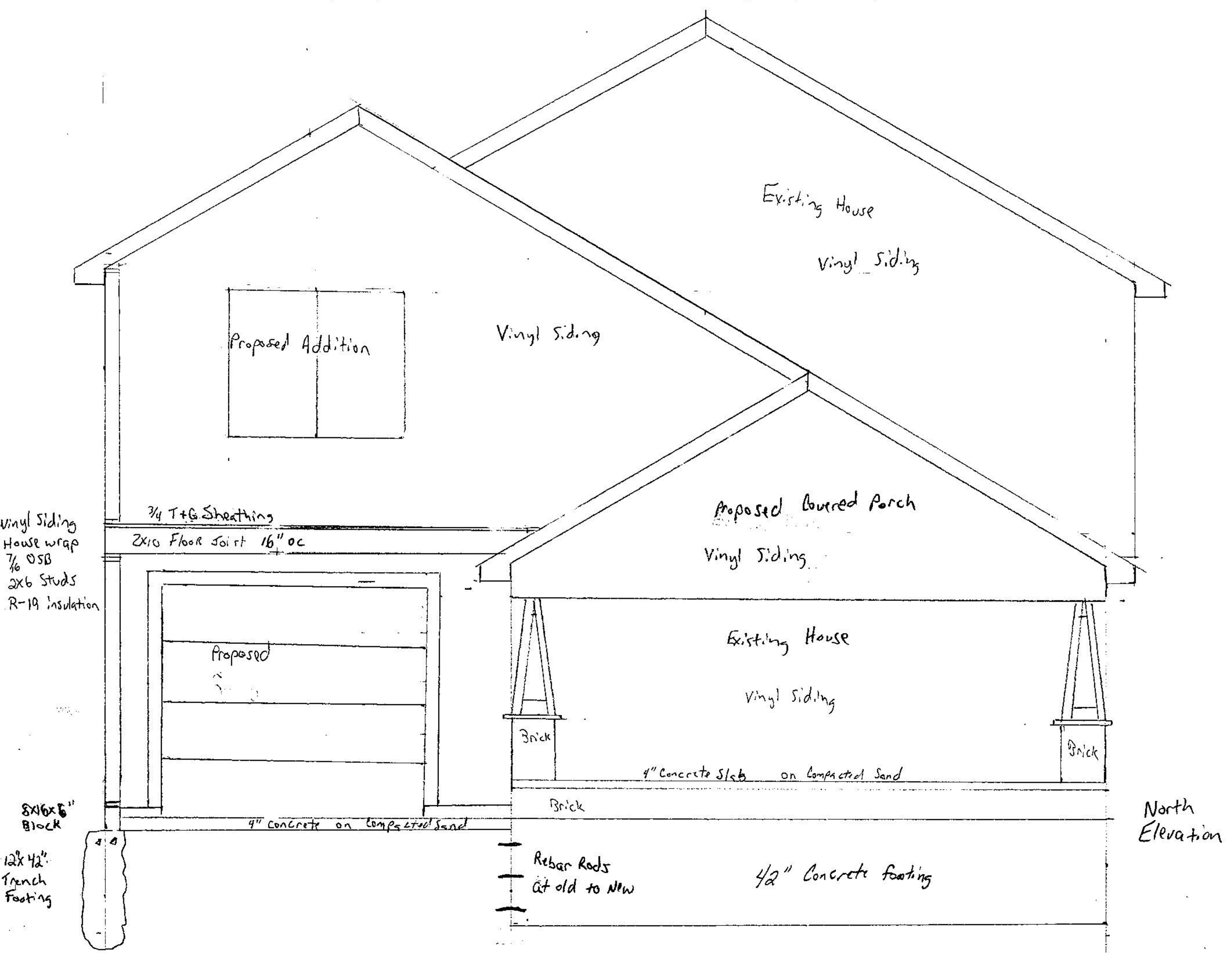
Proposed Covered
Front Porch

Existing House Line →

2x12

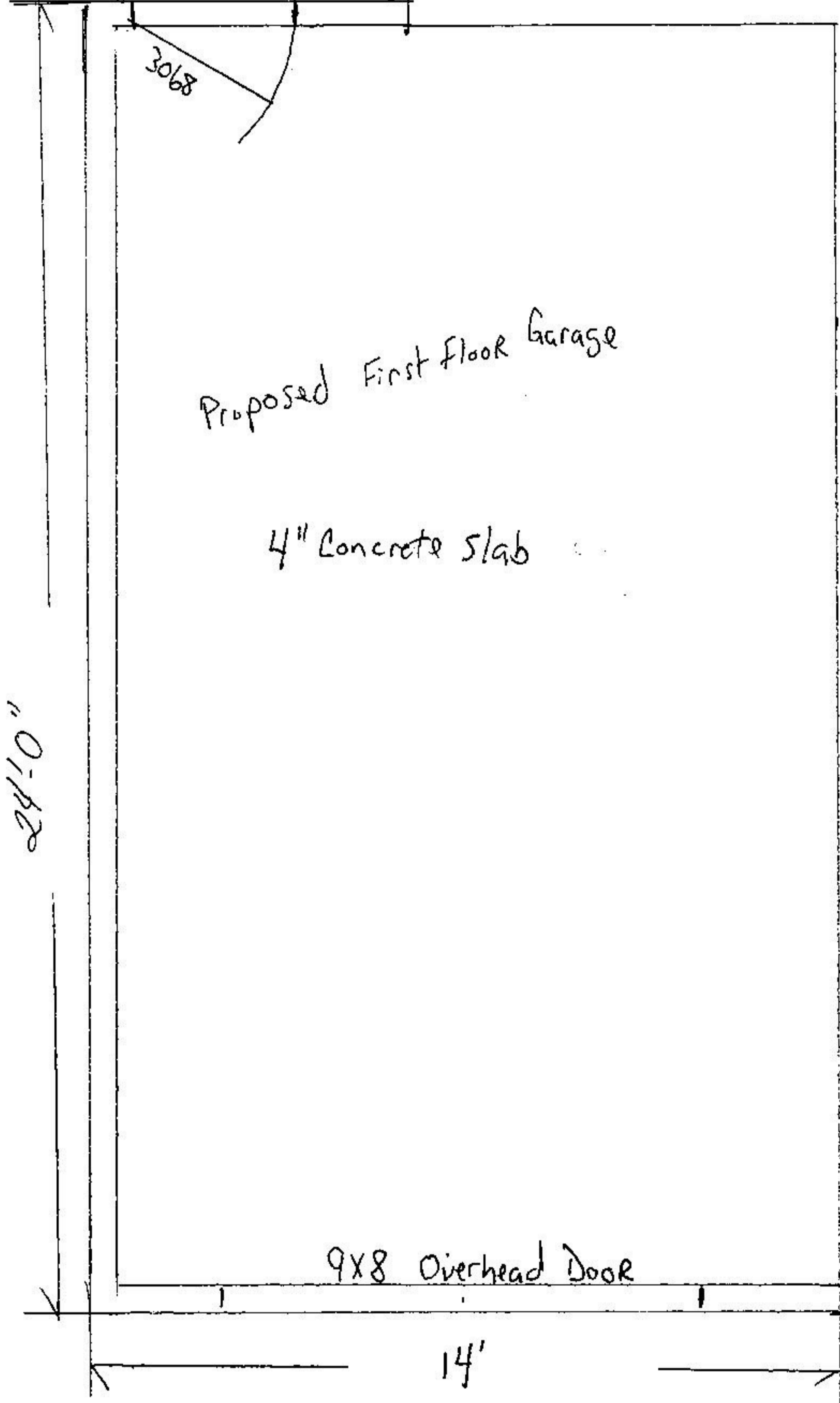
GM

New Concrete Footing



North Elevation

Mooney Residence
1019 South Lake Drive
Novi, MI 48377
First Floor



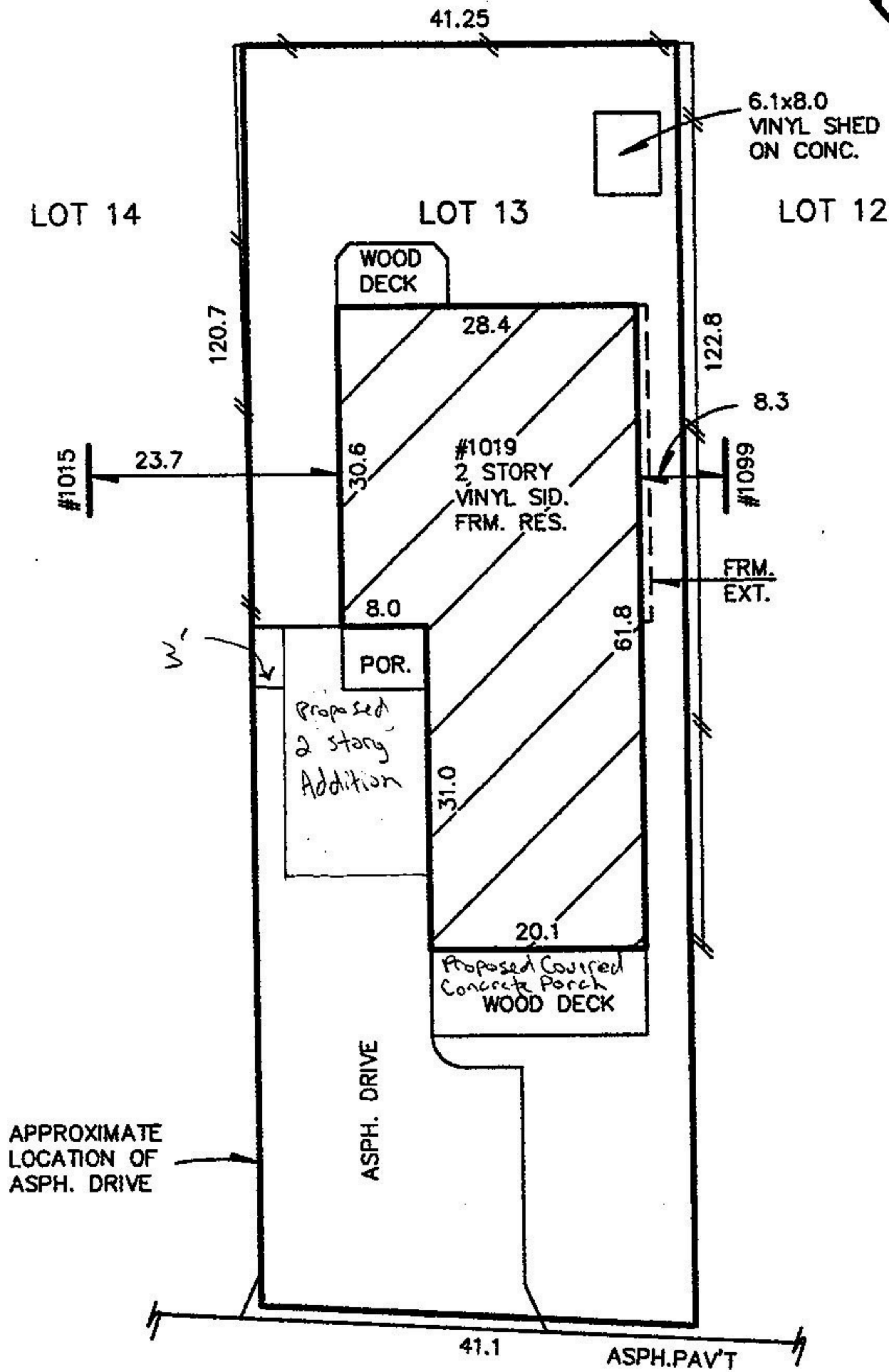
MORTGAGE SURVEY

Certified to: JMD CONTRACTORS

Property Description:

Lot 13; IDLEMERE PARK, a part of the S.W. 1/4 and S.E. 1/4 of Sec. 3, T.1 N., R.8 E., Novi Twp. (now City of Novi), Oakland County, Michigan, as recorded in Liber 17 of Plats, Page 29 of Oakland County Records.

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND FENCE LOCATIONS.



SOUTH LAKE DR. 35' WD.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

[Handwritten signature]

JOB NO: 16-00924 SCALE: 1"=20'
DATE: 03/23/16 DR BY: BW/M.L.

KEM-TEC PROFESSIONAL ENGINEERING, SURVEYING & ENVIRONMENTAL SERVICES

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