



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: June 13, 2017

REGARDING: **1141 EAST LAKE DRIVE (PZ17-0014)**

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

McCotter Architecture and Design, PLLC.

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of East Lake Drive, South of 14 Mile Road
Parcel #:	50-22-02-126-008

Request

The applicant is requesting a variance from the City of Novi Ordinance Section 3.1.5d for side yard setbacks of 11 feet, 9 inches and building overhang set back of 13 feet, 3 inches. Section 4.19-E.i to allow a 308 square foot variance to maximum allowable accessory building size 850 square feet allowed.

This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

Minimum side yard setback is 10 feet with the total two sides of 25 feet.

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. **PZ17-0014**, 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. **PZ17-0014**, 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) 347-0417.

Larry Butler
Deputy Director Community Development
City of Novi



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

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

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
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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:

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).

Standard #3. Strict Compliance.

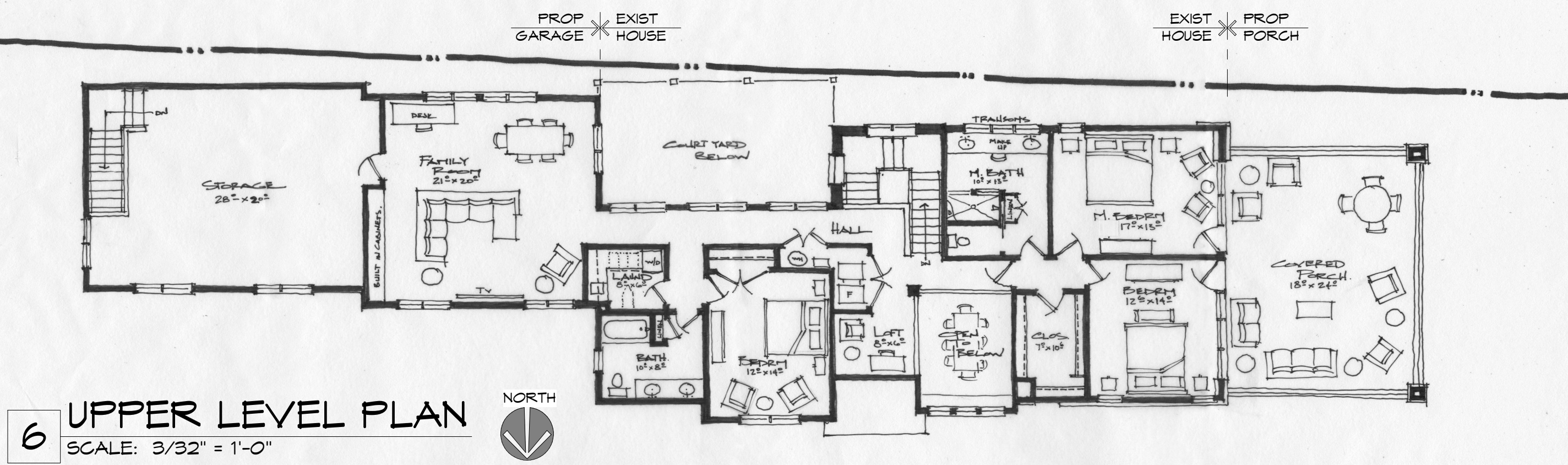
Explain how the Dimensional Variance in strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Standard #4. Minimum Variance Necessary.

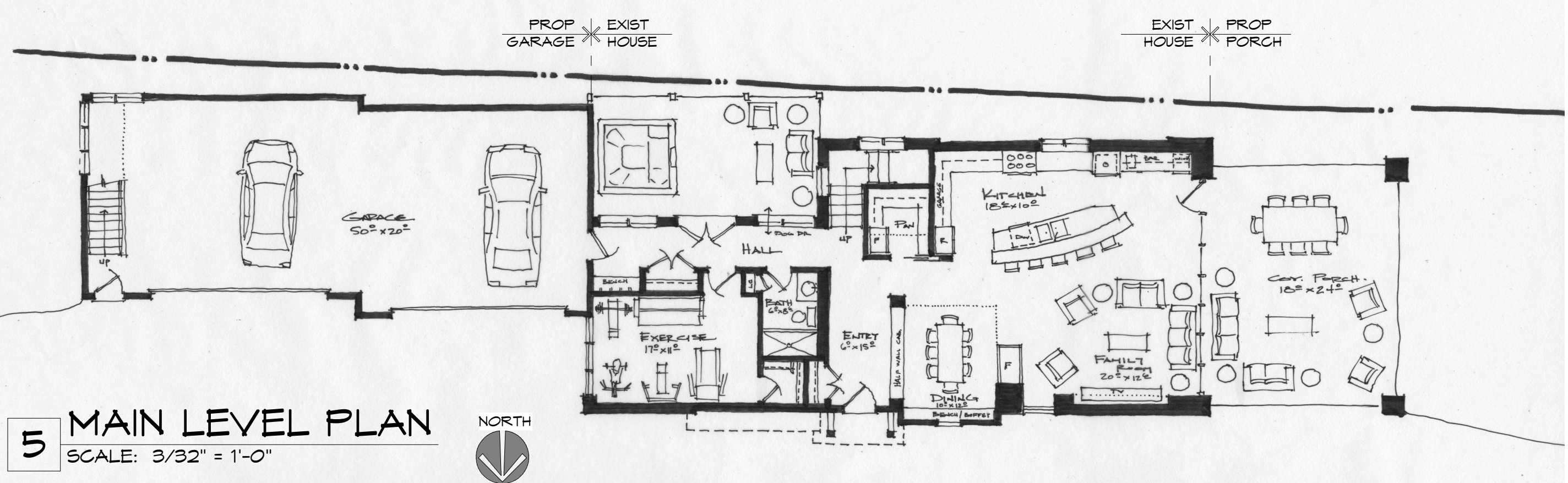
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Standard #5. Adverse Impact on Surrounding Area.

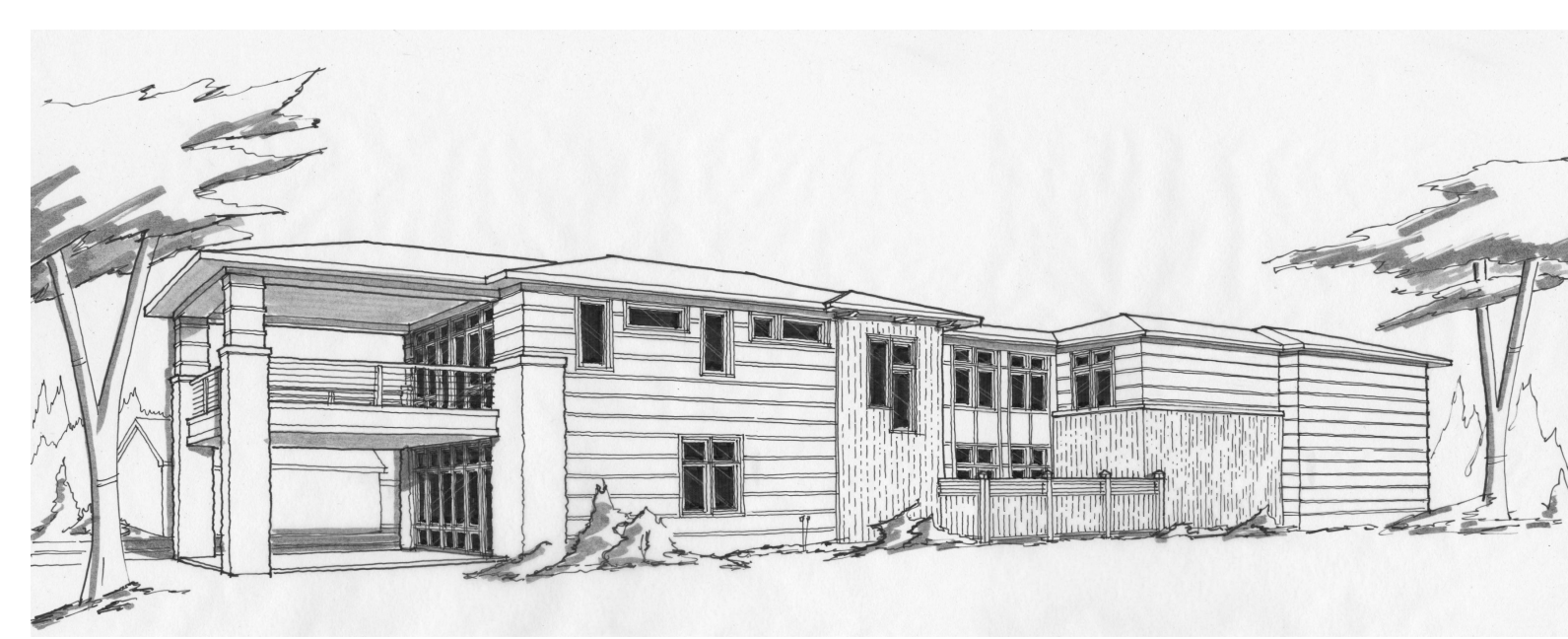
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.



6 UPPER LEVEL PLAN
SCALE: 3/32" = 1'-0"



5 MAIN LEVEL PLAN
SCALE: 3/32" = 1'-0"



4 PROPOSED SOUTH SIDE VIEW



3 PROPOSED REAR VIEW



2 PROPOSED NORTH VIEW

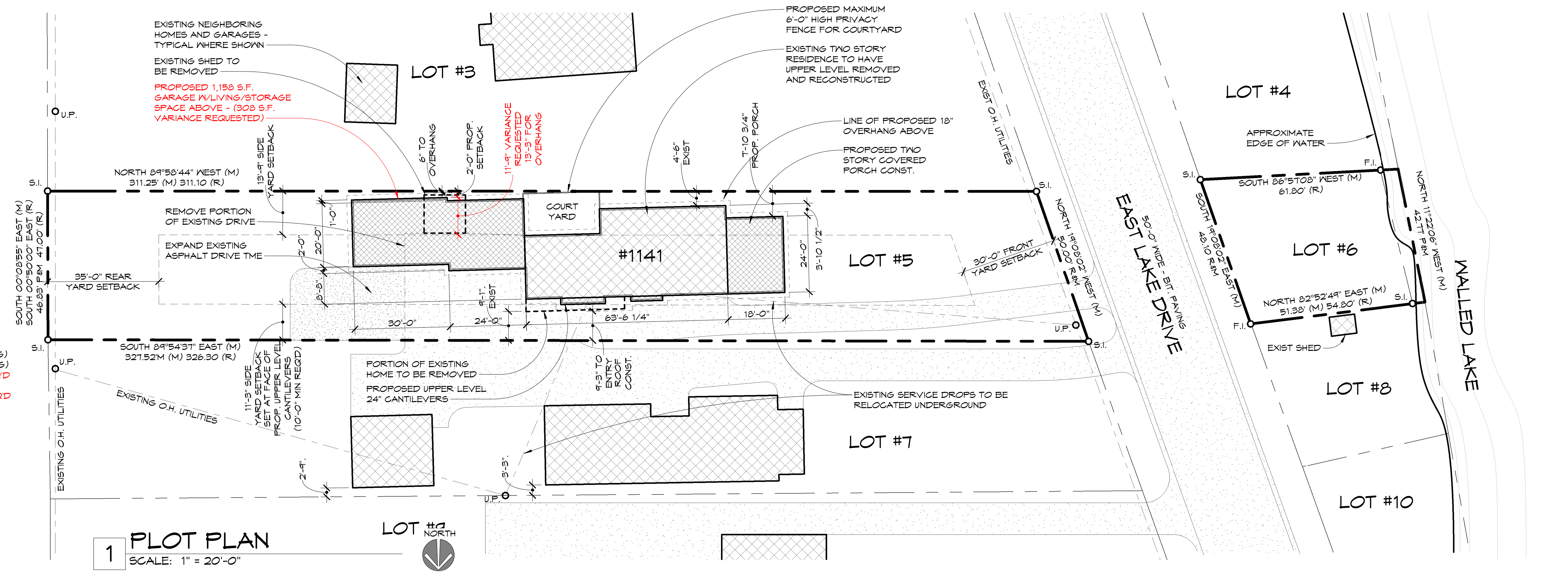
LEGAL DESCRIPTION

LOT 5 AND LOT 6, OF "GROLL'S EDGEWATER SUBDIVISION", IN THE NORTHWEST 1/4 OF SECTION 2, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 21 OF PLATS ON PAGE 3, OF OAKLAND COUNTY RECORDS, CONTAINING 0.40 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.
PARCEL # 22-02-126-008

ZONING RESTRICTIONS

ZONING JURISDICTION: CITY OF NOVI
ZONING CLASSIFICATION: R-4 ONE FAMILY RESIDENTIAL
EXISTING LOT SIZE: 11,783 S.F. (0.408 ACRES)

REGULATION	PERMITTED	PROPOSED
FRONT YARD SETBACK	30'-0"	18'-0"
REAR YARD SETBACK	35'-0"	46'-3"
SIDE YARD SETBACK	10'-0" MIN ONE SIDE 25'-0" TOTAL BOTH	11'-3" NORTH 2'-0" SOUTH (BLDG) 6" SOUTH (OVRHNG) 11'-4" VARIANCE REQ'D FOR BLDG 13'-3" VARIANCE REQ'D FOR OVERHANG
MAXIMUM BLDG HT	2.5-STORIES/35'-0"	2-STORIES/24'-8"
LOT COVERAGE	25%	17.05%
MAXIMUM ACCESSORY STRUCTURE SIZE	850 S.F.	1,158 S.F. 308 S.F. VARIANCE REQ'D



1 PLOT PLAN
SCALE: 1" = 20'-0"

SITE INFORMATION OBTAINED FROM SURVEY PREPARED BY NOWRY & HALE LAND SURVEYING LLC DATED 05-18-16, PROJECT #016-121

McCOTTER
Architecture and Design

2060 ORE CREEK LANE
BRIGHTON, MI 48114
PHONE: 734.216.1168
www.mccotterarchitecture.com

Project:

MURPHY RESIDENCE
1141 EAST LAKE DRIVE
NOVI, MI

Owner:

DAN AND MARIA MURPHY
113 CHESTNUT RIDGE
WALLED LAKE, MI

Issue/Revision:

ZBA APPLICATION 4/28/17

Sheet Title:

PLOT PLAN

A1

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COMMUNITY DEVELOPMENT DEPARTMENT

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ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: June 13, 2017

REGARDING: **116 EUBANK STREET (PZ17-0015)**

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Mark Ashbaugh & Angela Ditri

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential
Location: West of Novi Road, South of South Lake Drive
Parcel #: 50-22-03-379-013

Request

The applicant is requesting a variance from the City of Novi Ordinance Section 3.1.5 for a front yard setback of 2.4 feet 30 feet required and Section 4.19.E5 for an accessory structure larger than ground area of house.

This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

*Oversize accessory structure is allowed with conditions:
Accessory Structure is on at least one acre of land.
Accessory building does not exceed two thousand five hundred square feet of ground floor area for the total aggregate area of all accessory buildings on the lot.
Complies with applicable set back requirements.*

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. **PZ17-0015**, 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. **PZ17-0015**, 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_____
- _____.



Community Development Department

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ZONING BOARD OF APPEALS
APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)
PROJECT NAME / SUBDIVISION: Idiemere
ADDRESS: 116 Eubank St
LOT/SITE/SPACE #: 6
SIDWELL #: 50-22-03-379-013
CROSS ROADS OF PROPERTY: W of Old Novi Rd E of W Lake Dr
REQUEST IS FOR: RESIDENTIAL
II. APPLICANT INFORMATION
A. APPLICANT: Mark Ashbaugh & Angela Ditri
B. PROPERTY OWNER: Same as above
III. ZONING INFORMATION
A. ZONING DISTRICT: R-4
B. VARIANCE REQUESTED: 2.4 Ft Front Yard Setback, ground flr area garage larger than grd flr area of house. Size variance
IV. FEES AND DRAWINGS
A. FEES: Single Family Residential (Existing) \$200
B. DRAWINGS: 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF



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)

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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 / GARAGE USE OTHER _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

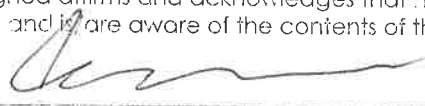

Applicant Signature

5-1-17
Date

B. PROPERTY OWNER

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Property Owner Signature

5/2/17
Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

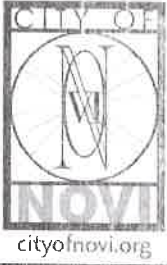
GRANTED

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
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**REVIEW STANDARDS
DIMENSIONAL VARIANCE**

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- 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:

*Due to the size & shape of the lot it hinders
my able to build a garage according to the ordinance
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).

My need is not self created as I did not create the shape & size of my lot.

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.

Without the variance the adequate size of the structure would not be able to be built.

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.

Requesting a minimum variance.

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 garage will bring value & appeal to the neighborhood. We don't feel a less than 1 1/2 foot variance will cause adverse impact to any of our neighbors.

May 1, 2017

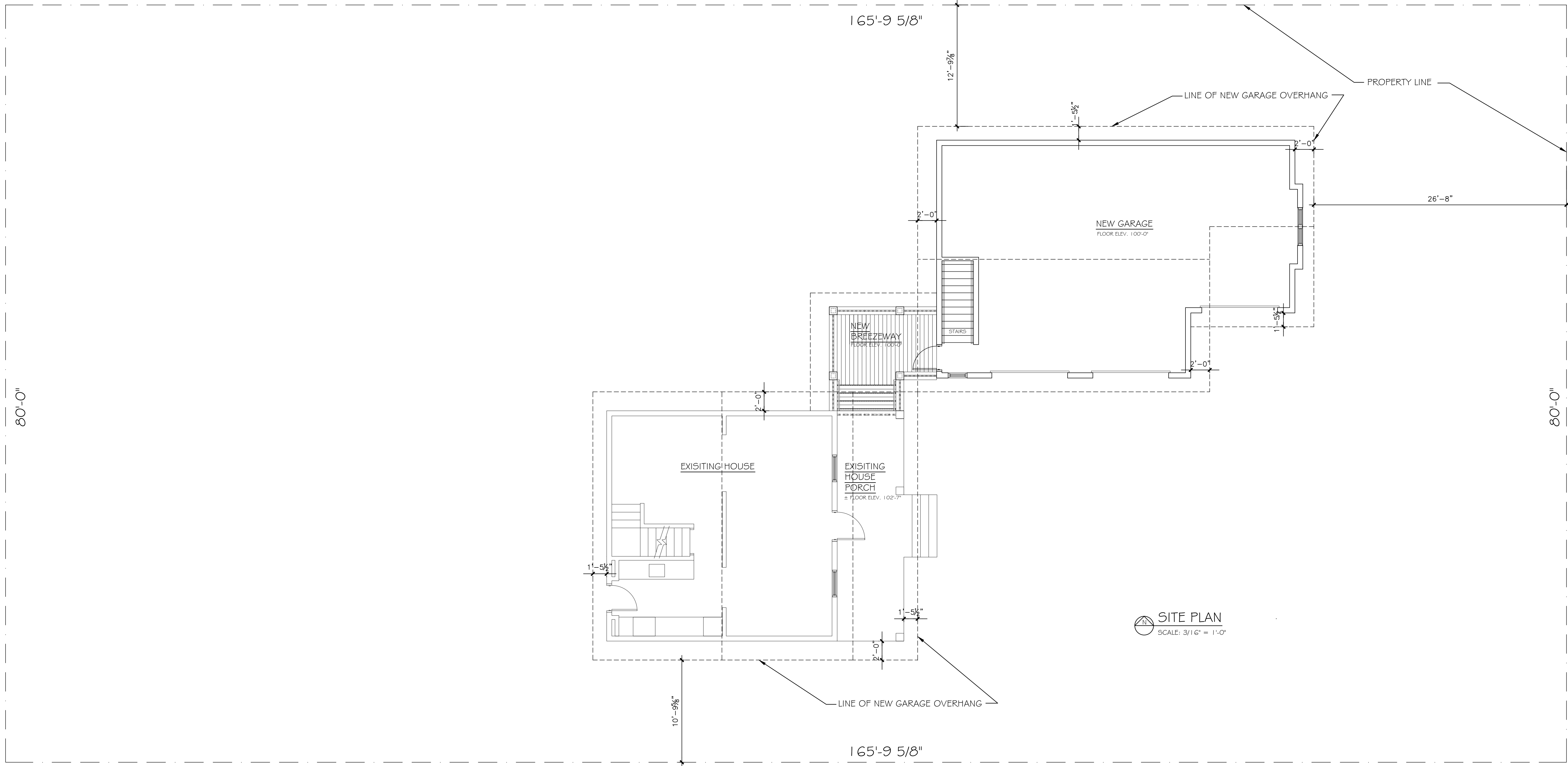
To Whom It May Concern,

I hereby state that as the owner
of 116 Eubank St Novi, MI 48377
we are not part of a Home Owners
Association.

Respectfully,



Mark Ashbaugh



SITE PLAN
SCALE: 3/16" = 1'-0"

EUREKA ST.

11
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GARAGE ADDITION - SITE PLAN

SWANSON DESIGN STUDIOS
329 EAST GRAND RIVER AVE.
LANSING, MICHIGAN 48206

DATE
3/20/2016
JOB NUM
2016.1
SHEET NU
S-

80'-0"

80'-0"

165'-9 5/8"

165'-9 5/8"

PROPERTY LINE

LINE OF NEW GARAGE OVERHANG

LINE OF NEW GARAGE OVERHANG

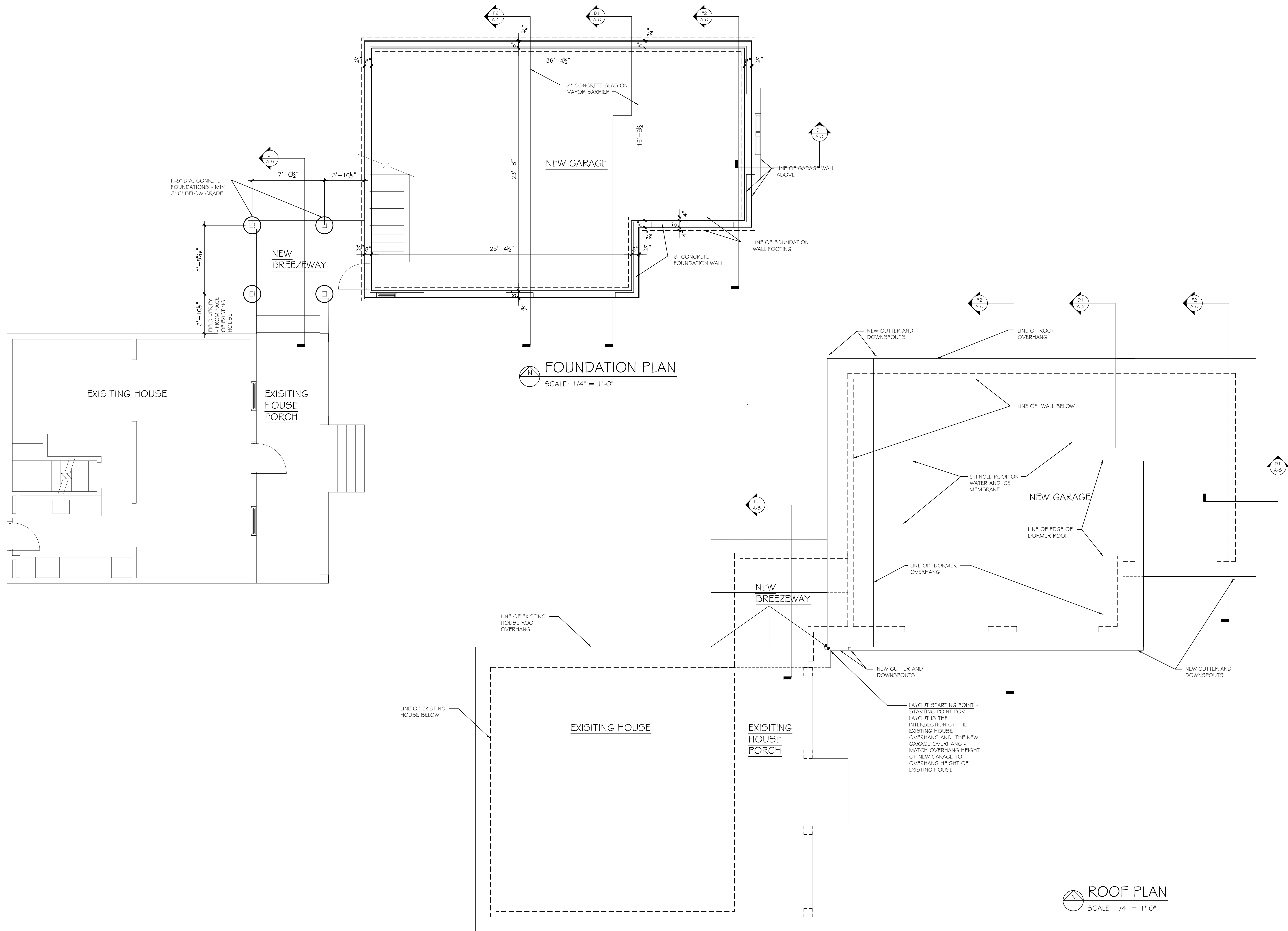
NEW GARAGE
FLOOR ELEV. 100'-0"

NEW BREEZEWAY
FLOOR ELEV. 100'-0"

EXISTING HOUSE

EXISTING HOUSE PORCH
FLOOR ELEV. 102'-7"

R Q P N M L K J H G F E D C B A



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

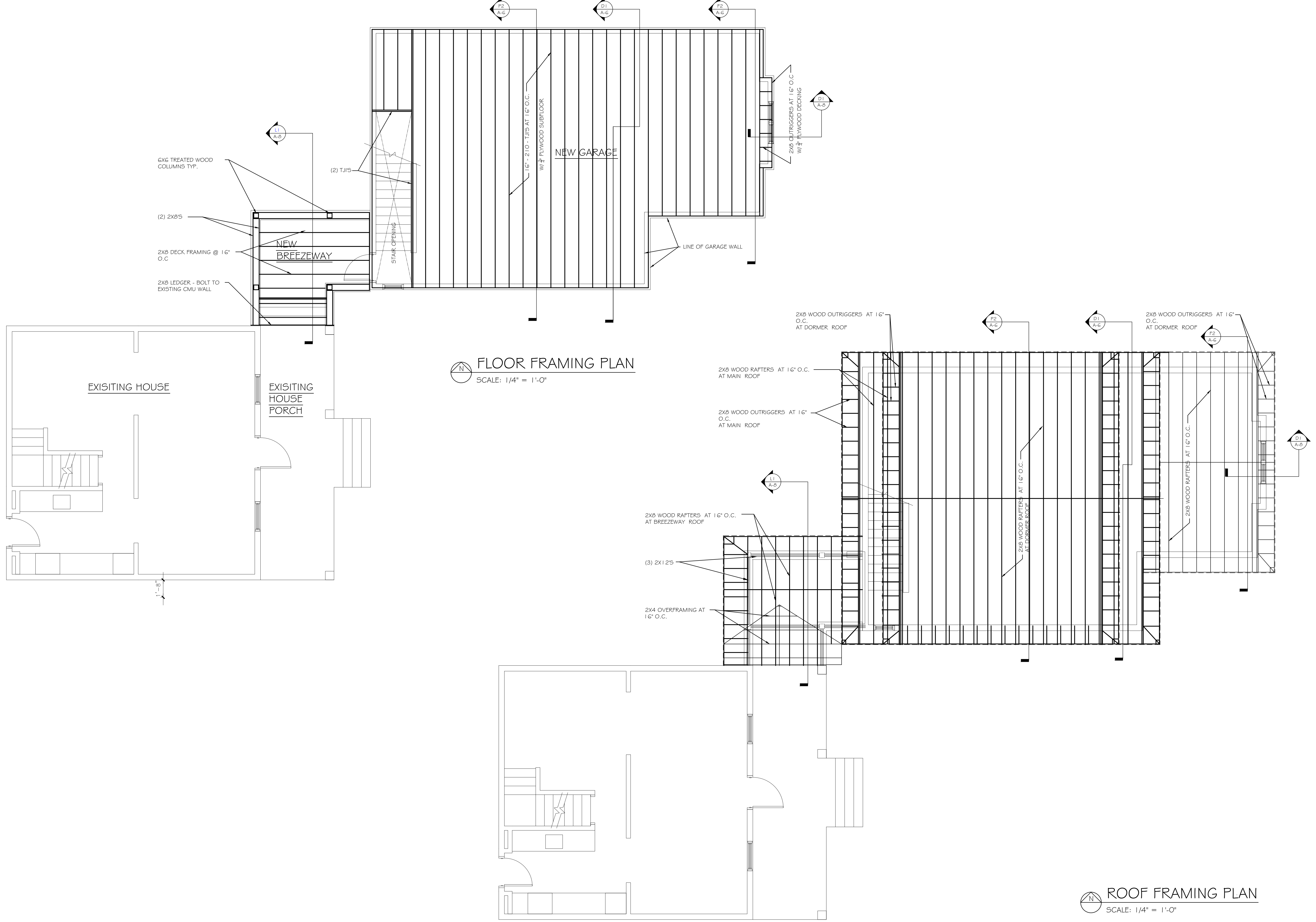
ROOF PLAN
SCALE: 1/4" = 1'-0"

SWANSON DESIGN STUDIOS
 329 EAST GRAND RIVER AVE
 LANSING, MICHIGAN 48906
 WWW.SWANSONDESIGN.COM
 PH: (517) 482-9039
 FAX: (517) 482-9290

ARCHITECTURE DESIGN INTERIOR ARCHITECTURE

GARAGE ADDITION - FOUNDATION AND ROOF PLANS
 116 EUBANK ST., NOVI MI

DATE: 3/20/17
 JOB NUMBER: 2016.110
 SHEET NUMBER: A-1



FLOOR FRAMING PLAN
 SCALE: 1/4" = 1'-0"

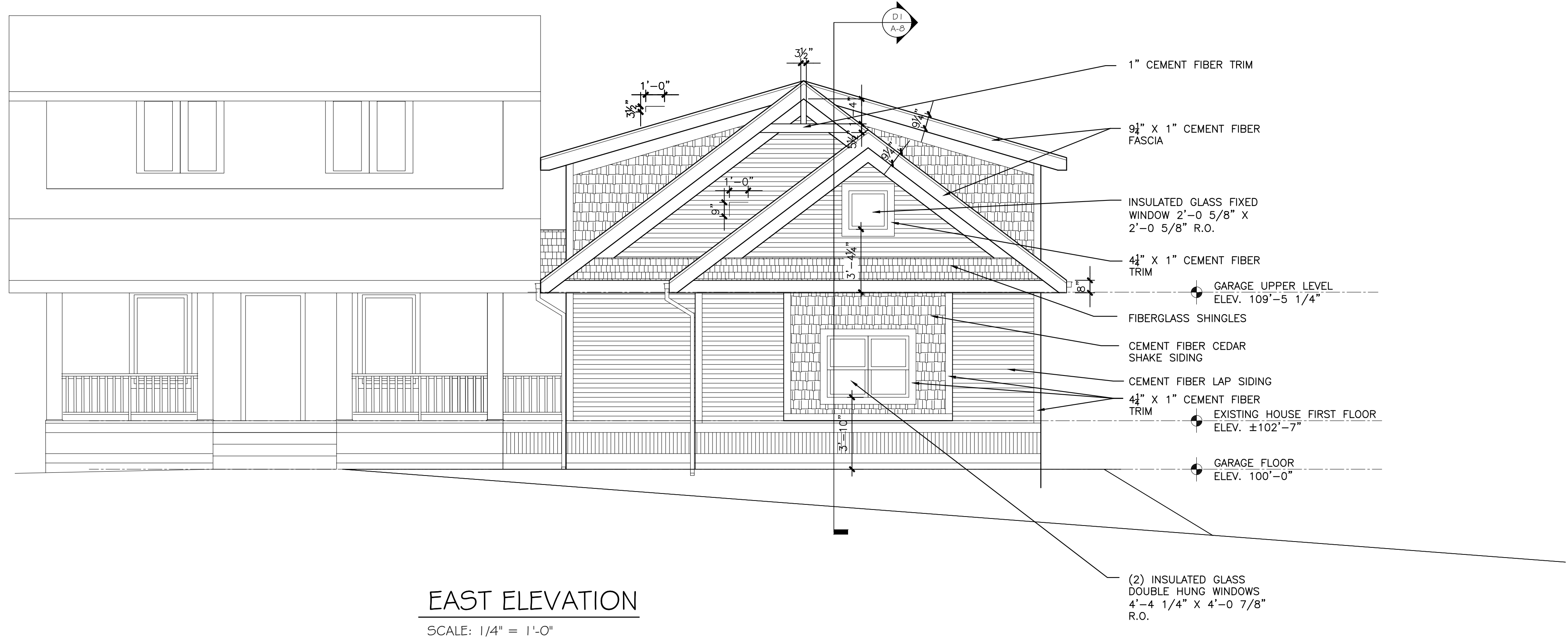
ROOF FRAMING PLAN
 SCALE: 1/4" = 1'-0"

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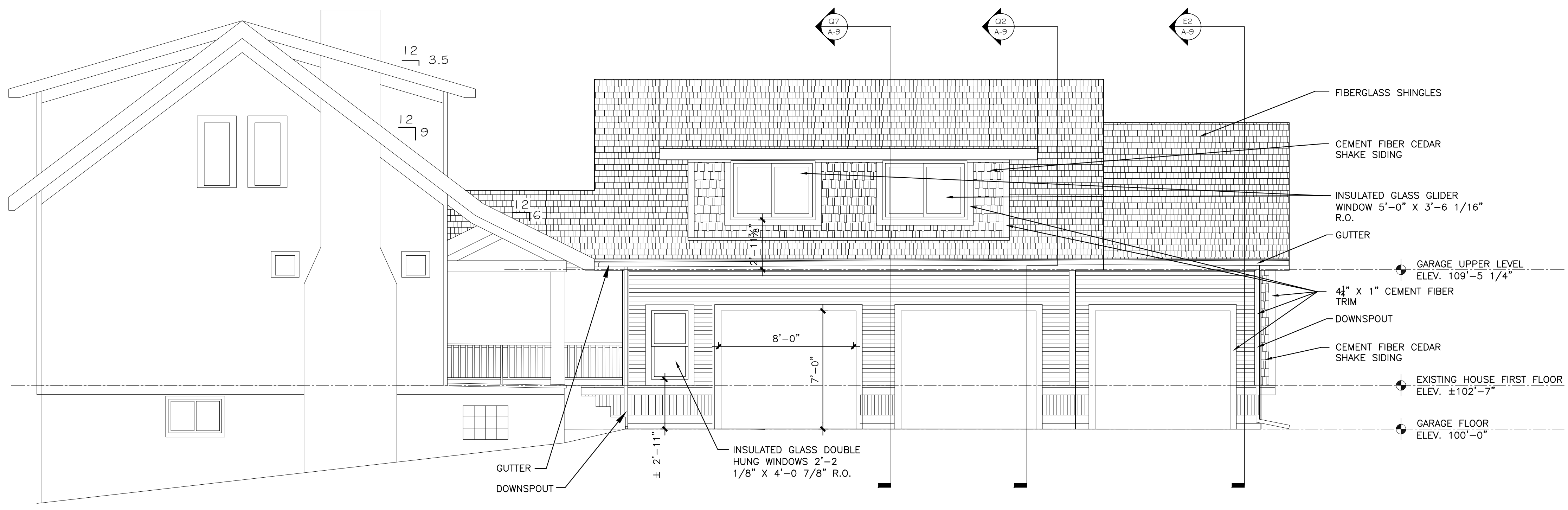
SWANSON DESIGN STUDIOS ARCHITECTURE
 329 EAST GRAND RIVER AVE. LANSING, MICHIGAN 48206
 GARAGE ADDITION - FRAMING PLANS
 116 FIRANK ST NOV1 MI

DATE
3/20/2016
 JOB NUM
2016.1
 SHEET NU
A-1

R Q P N M L K J H G F E D C B A



EAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

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SWANSON DESIGN STUDIOS
329 EAST GRAND RIVER AVE
LANSING, MICHIGAN 48906
WWW.SWANSONDESIGN.COM
PH (517) 482-9039
FAX (517) 482-9290

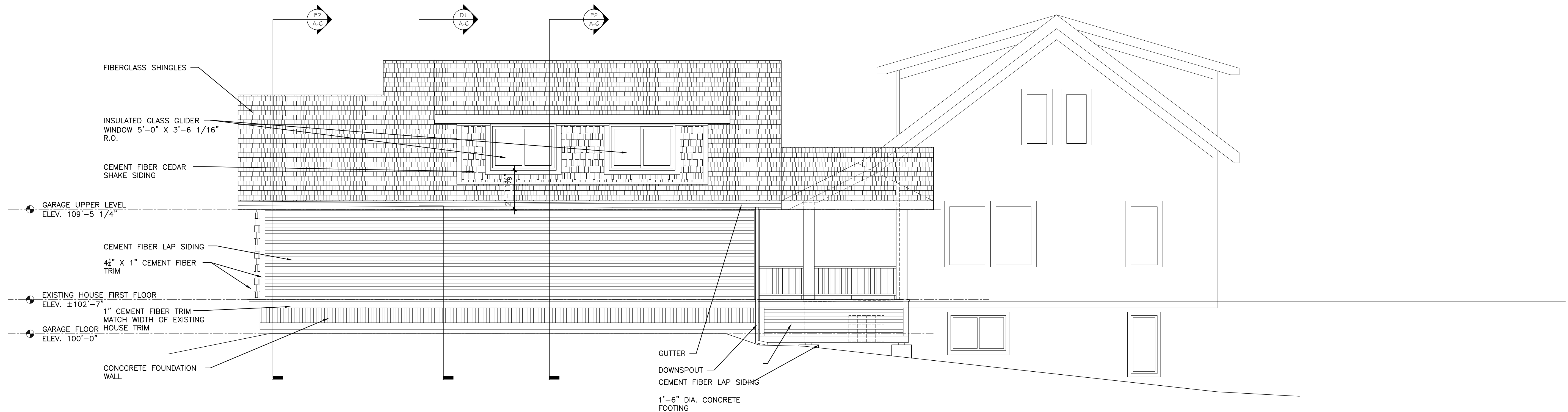
ARCHITECTURE DESIGN
INTERIOR ARCHITECTURE

GARAGE ADDITION - EAST AND SOUTH ELEVATIONS
116 EUBANK ST., NOVI MI

DATE:
3/20/17
JOB NUMBER:
2016.110
SHEET NUMBER:
A-4

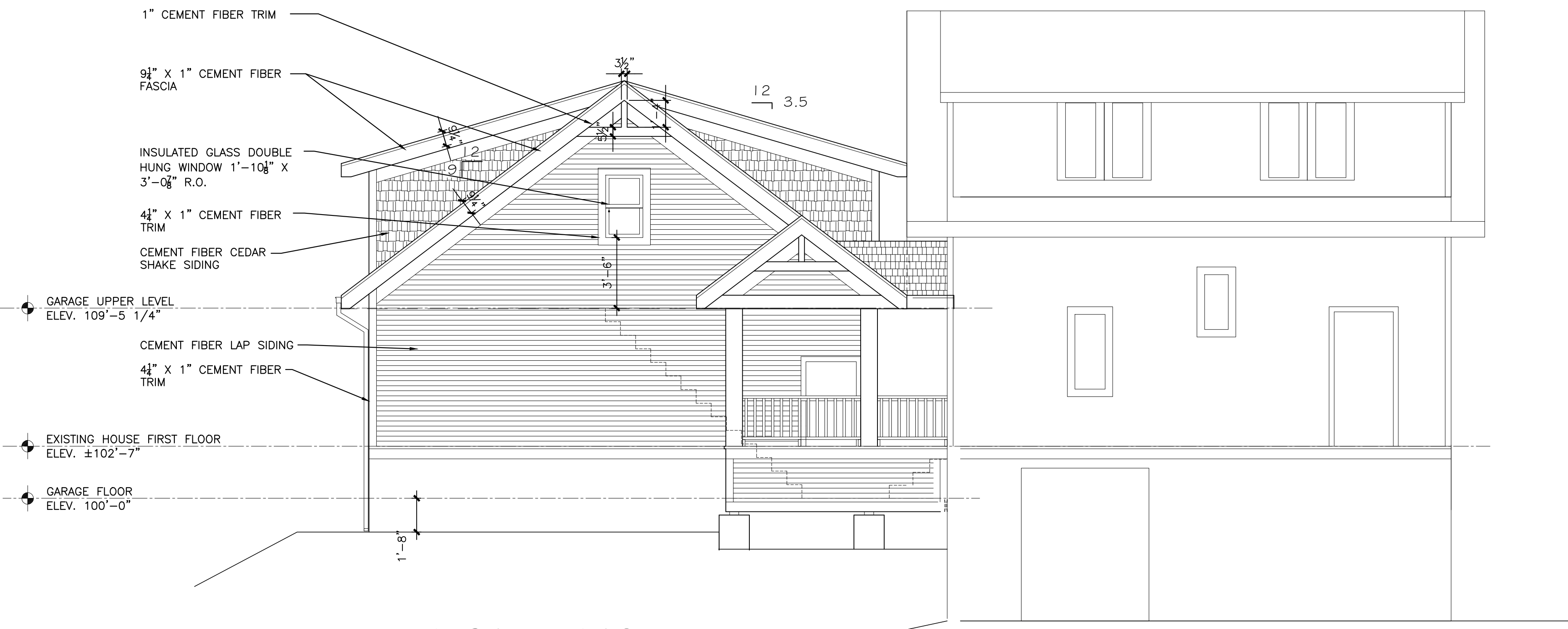
R | Q | P | N | M | L | K | J | H | G | F | E | D | C | B | A

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NORTH ELEVATION

SCALE: 1/4" = 1'-0"



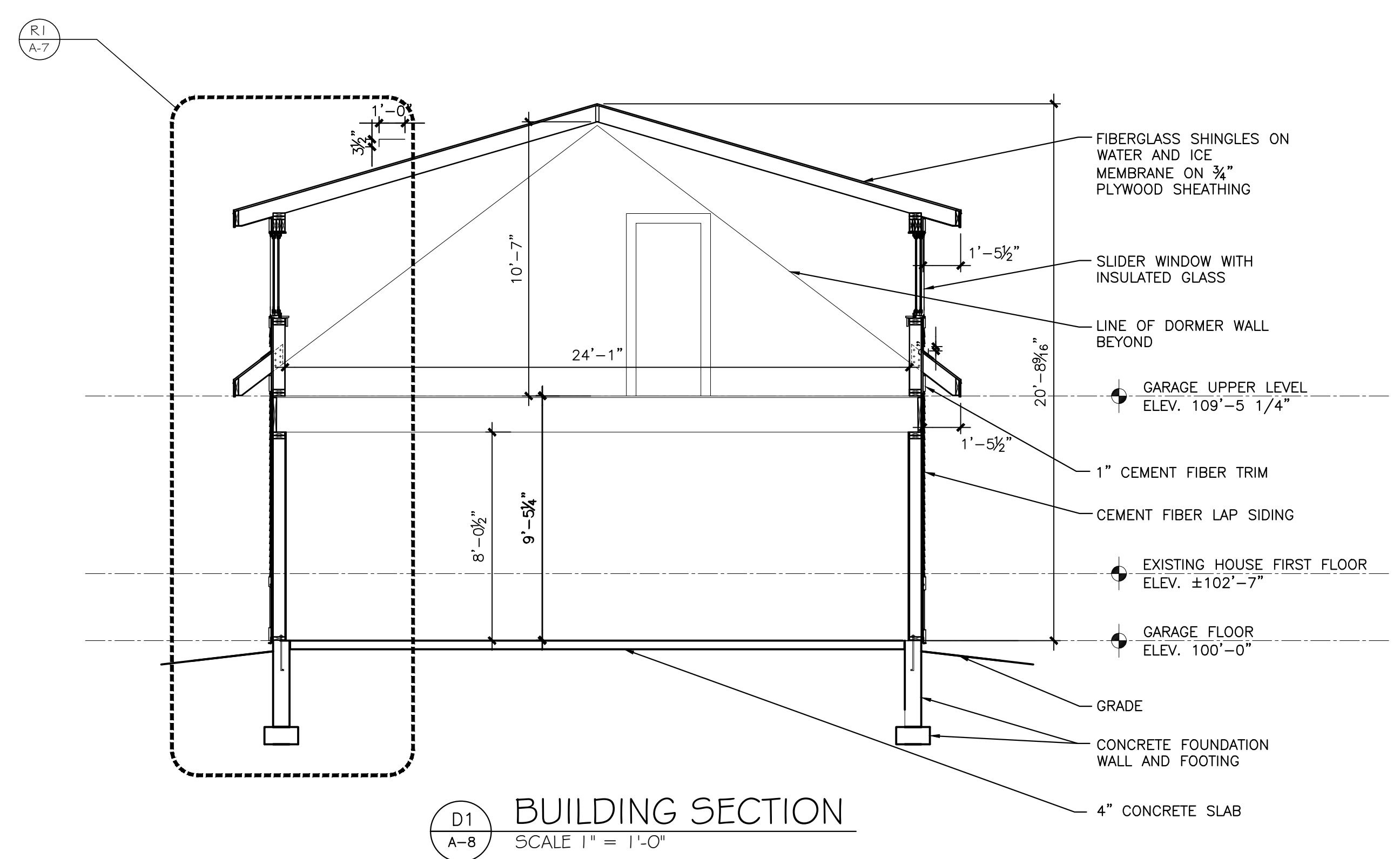
WEST ELEVATION

SCALE: 1/4" = 1'-0"

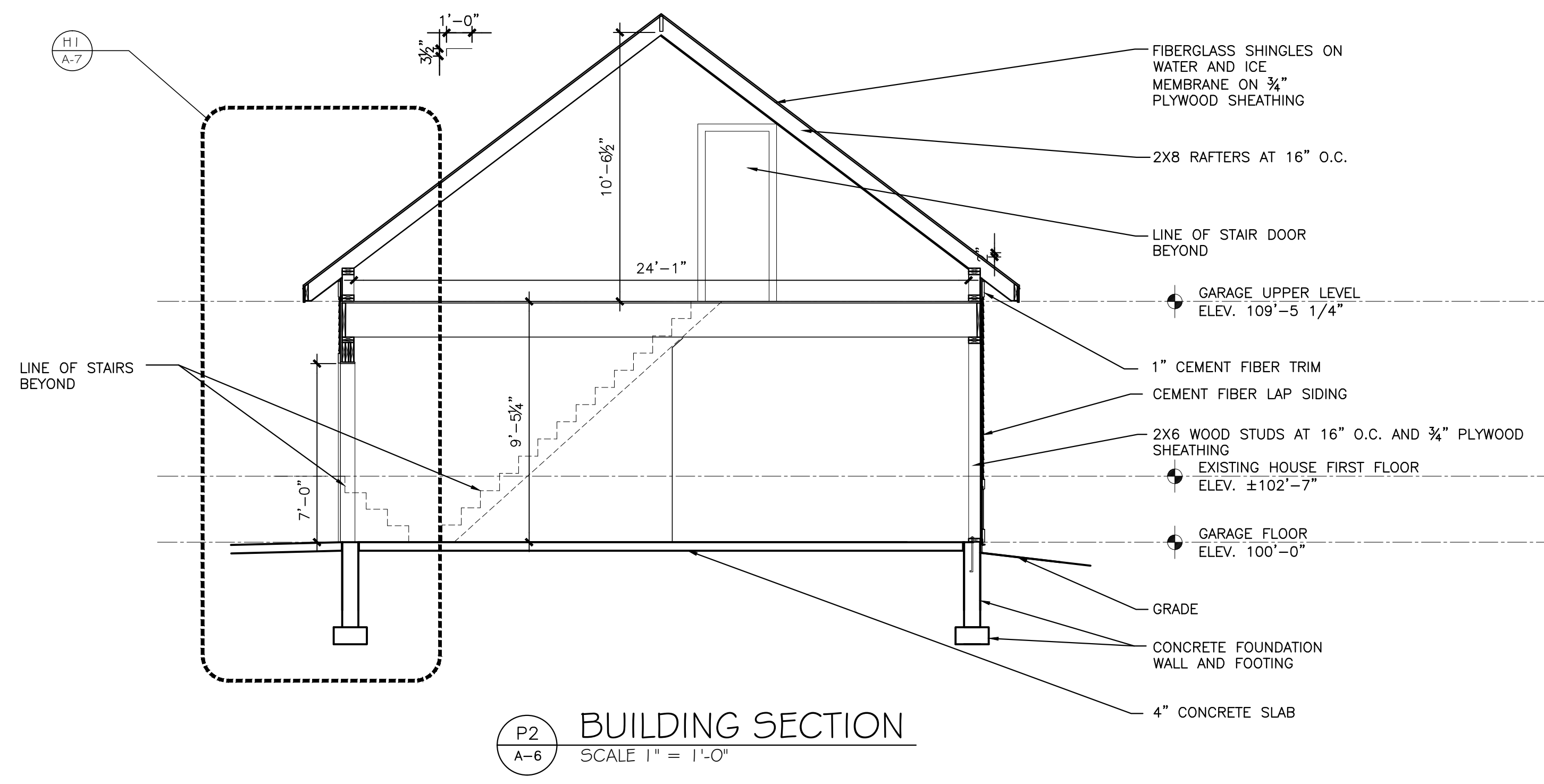
SWANSON DESIGN STUDIOS
 329 EAST GRAND RIVER AVE
 LANSING, MICHIGAN 48906
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 PH: (517) 482-9039
 FAX: (517) 482-9290

DATE: 3/20/17
 JOB NUMBER: 2016.110
 SHEET NUMBER: A-5

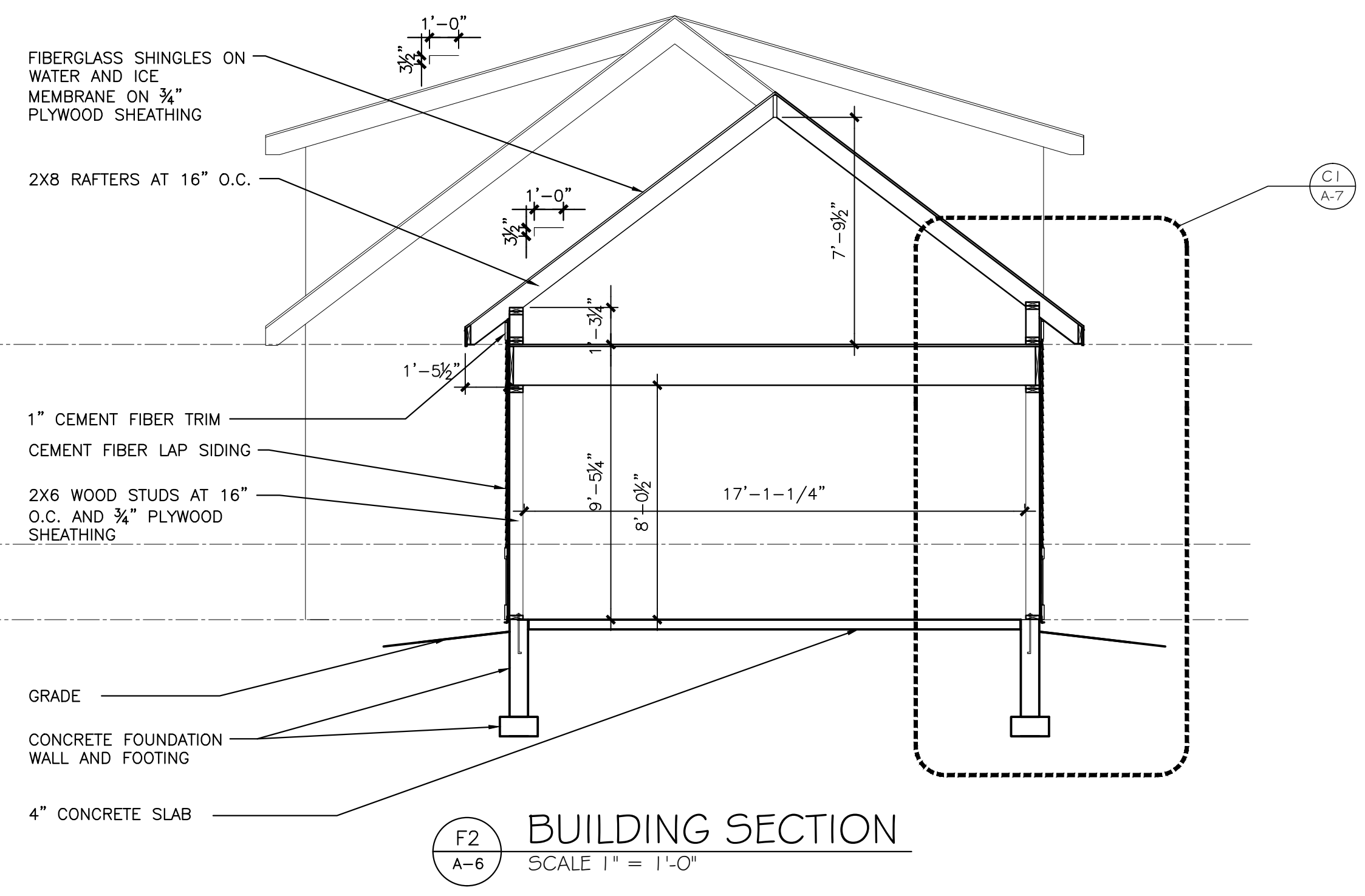
R | Q | P | N | M | L | K | J | H | G | F | E | D | C | B | A



D1 BUILDING SECTION
SCALE 1" = 1'-0"



P2 BUILDING SECTION
SCALE 1" = 1'-0"

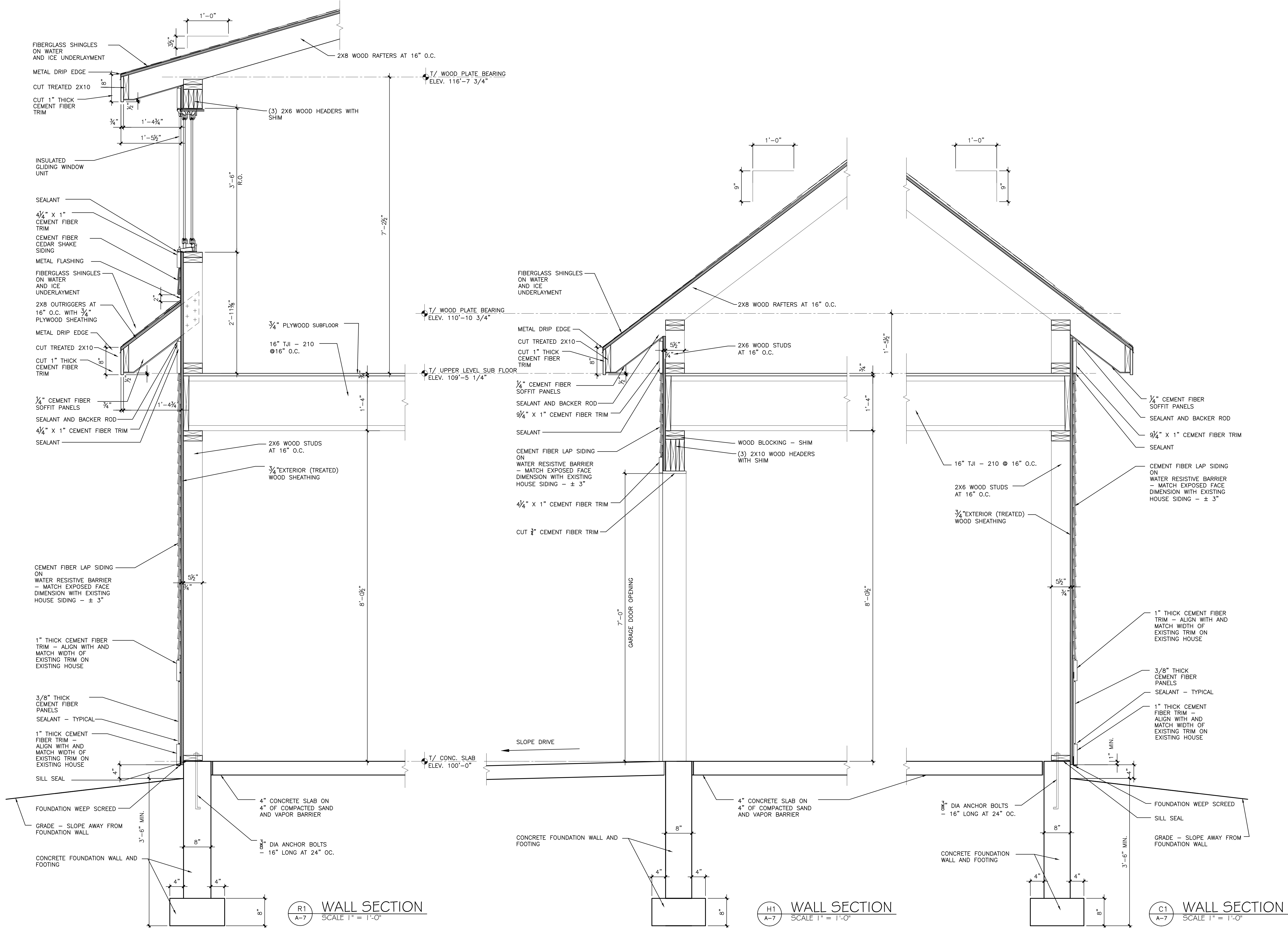


F2 BUILDING SECTION
SCALE 1" = 1'-0"

SWANSON DESIGN STUDIOS ARCHITECTURE DESIGN
 329 EAST GRAND RIVER AVE
 LANSING, MICHIGAN 48906
 WWW.SWANSONDESIGN.COM
 PH: (517) 482-9039
 FAX: (517) 482-9290

GARAGE ADDITION - BUILDING SECTIONS
 116 EUBANK ST., NOVI MI

DATE:
3/20/17
 JOB NUMBER:
2016.110
 SHEET NUMBER:
A-6



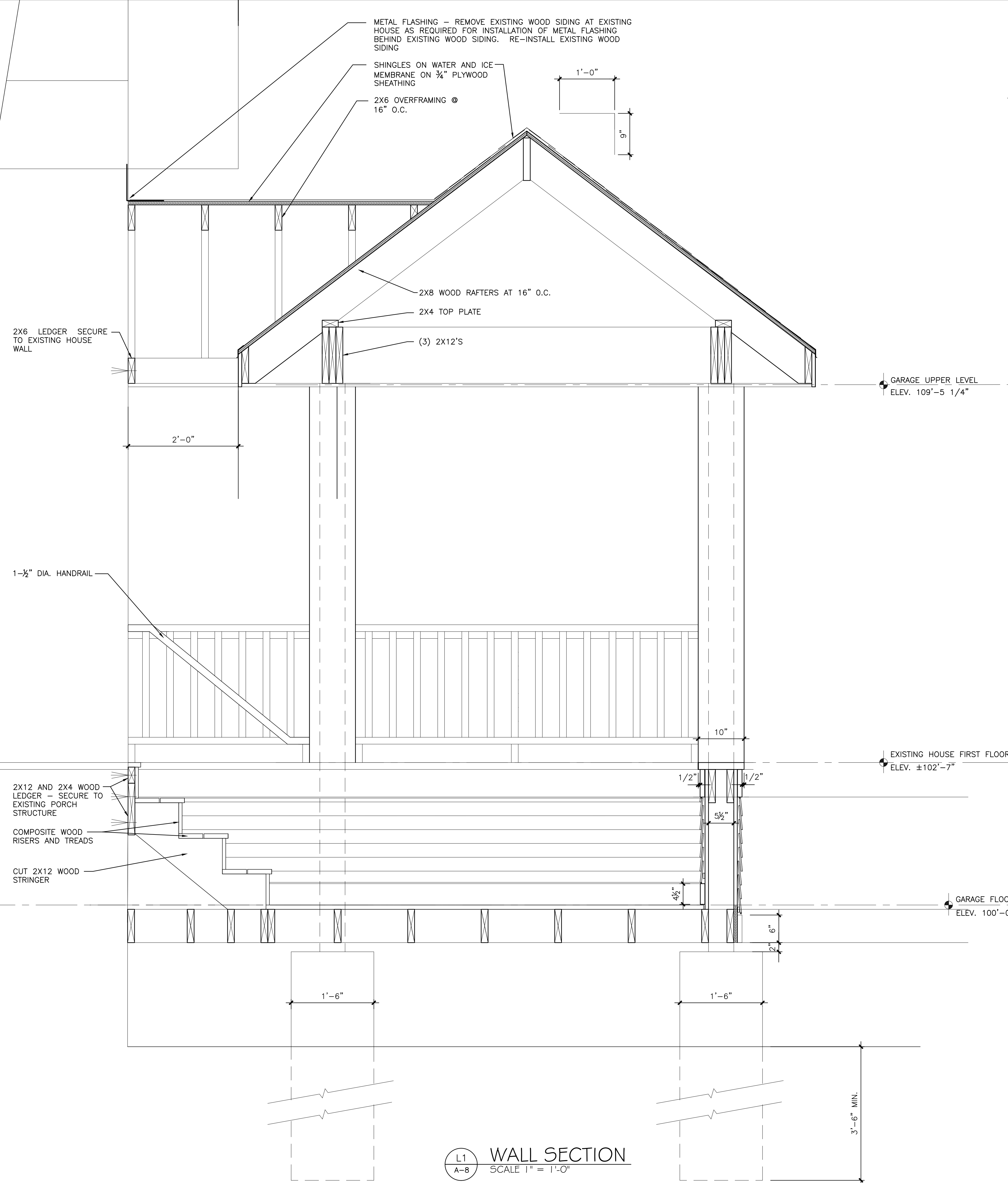
R1 WALL SECTION
SCALE 1" = 1'-0"

H1 WALL SECTION
SCALE 1" = 1'-0"

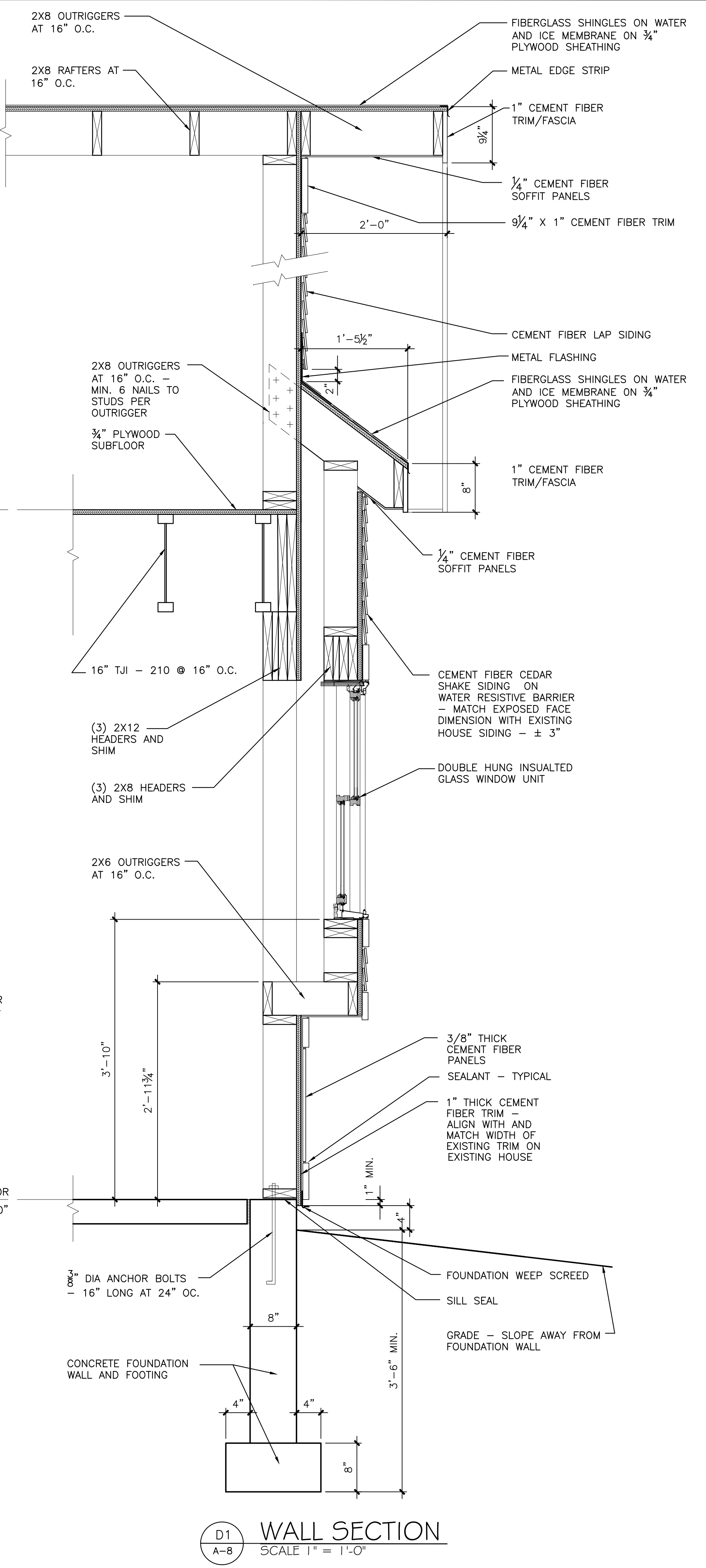
C1 WALL SECTION
SCALE 1" = 1'-0"

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L1 WALL SECTION
SCALE 1" = 1'-0"



D1 WALL SECTION
SCALE 1" = 1'-0"

11
10
9
8
7
6
5
4
3
2
1

GARAGE ADDITION - WALL SECTIONS
116 EUBANK ST., NOVI MI

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