



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:** November 15, 2016

REGARDING: 1256 East Lake Drive, Parcel # 50-22-02-151-018
BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant
FUTURE HOMES & DESIGN

Variance Type
DIMENSIONAL VARIANCE

Property Characteristics
Zoning District: R-4 (Single Family Residential)
Location: SOUTH OF FOURTEEN MILE ROAD AND WEST OF NOVI ROAD
Parcel #: 50-22-02-151-018

Request
The applicant is requesting a variance from the CITY OF NOVI Code of Ordinance Section 3.1.5 variances for a minimum 3 foot north side yard setback 10 foot required, minimum 3 foot south side yard setback 15 foot required, variance for lot coverage of 40%, 25% max required, reduced rear yard setback variance to 21.5 feet 35 feet required. This property is zoned R-4 (Single Family Residential).

II. STAFF COMMENTS:

Proposed Changes
Applicant request is for setback variances for new home side yards each at 3 feet, total two sides minimum allowed is 25 feet, reduced rear yard setback of 21.5 feet 35 feet required and variance for 40% lot coverage max allowed 25%.

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. **PZ16-0056**, 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. **PZ16-0056**, 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

Application Fee: _____

Meeting Date: _____

ZBA Case #: PZ _____

I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION
 HARRIS RESIDENCE

ADDRESS
 1256 E LAKE DR NOVI 48377

LOT/SUITE/SPACE #

SIDWELL #
 50-22-02-151-018

May be obtain from Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY
 E LAKE + 14 MILE

IS THE PROPERTY WITHIN A HOME OWNER'S ASSOCIATION JURISDICTION?
 YES NO

REQUEST IS FOR:
 RESIDENTIAL COMMERCIAL VACANT PROPERTY SIGNAGE

DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED?
 YES NO

II. APPLICANT INFORMATION

A. APPLICANT

EMAIL ADDRESS
 MAJESHURUN@GMAIL.COM

CELL PHONE NO.
 248-766-4663

NAME
 MATI JESHURUN

TELEPHONE NO.
 248 892-4847

ORGANIZATION/COMPANY
 FUTURE HOMES + DESIGN

FAX NO.
 248 929-8995

ADDRESS
 985 W. CLARKSTON RD

CITY
 LAKE ORION

STATE
 MI

ZIP CODE
 48362

B. PROPERTY OWNER CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER

Identify the person or organization that owns the subject property:

EMAIL ADDRESS
 JTHHJB@GMAIL.COM

CELL PHONE NO.
 517-291-1551

NAME
 JOY HARRIS

TELEPHONE NO.

ORGANIZATION/COMPANY

FAX NO.

ADDRESS
 1256 E LAKE DR NOVI

CITY
 NOVI

STATE
 MI

ZIP CODE
 48377

III. ZONING INFORMATION

A. ZONING DISTRICT

R-A R-1 R-2 R-3 R-4 RM-1 RM-2 MH

I-1 I-2 RC TC TC-1 OTHER _____

B. VARIANCE REQUESTED

INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:

1. Section _____ Variance requested _____

2. Section _____ Variance requested _____

3. Section _____ Variance requested _____

4. Section _____ Variance requested _____

IV. FEES AND DRAWINGS

A. FEES

Single Family Residential (Existing) \$200 (With Violation) \$250 Single Family Residential (New) \$250

Multiple/Commercial/Industrial \$300 (With Violation) \$400 Signs \$300 (With Violation) \$400

House Moves \$300 Special Meetings (At discretion of Board) \$600

B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF

- 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

10-5-16
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

10-5-16
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
www.cityofnovi.org

**ZONING BOARD OF APPEALS VARIANCE
APPLICATION CHECKLIST**

The following items are required for a complete Variance application. Incomplete applications will be returned.

Signed Application Form

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

Response to Variance Review Standards – Dimensional, Use, or Sign

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

Fee (make check payable to the City of Novi)

Single Family Residential (Existing) \$ 200 (With Violation) \$ 250
Single Family Residential (New) \$ 250
Multiple/Commercial/Industrial \$ 300 (With Violation) \$ 400
Signs \$ 300 (With Violation) \$ 400
House Moves \$ 300
Special Meetings (At discretion of Board) \$ 600

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



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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).

PROPERTY TO THE SOUTH CAUGHT FIRE AND CAUGHT THIS HOUSE ON FIRE SO NOW THE HOUSE MUST BE REBUILT

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.

ALL HOMES IN THE AREA HAVE BEEN APPROVED FOR THE SAME VARIANCES, AND THIS HOME HAD PREVIOUSLY BEEN REVIEWED & GRANTED ALL VARIANCES (THAT WERE THE SAME AS THESE) THAT WERE REQUESTED. WE MERELY MUST GO THROUGH THIS PROCESS A SECOND TIME BECAUSE WE MUST REBUILD DO TO THE FIRE

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.

SHE HAS ALREADY BEEN APPROVED ONCE FOR THESE VARIANCES TO NOT GIVE THEM FOR THE IDENTICAL HOME THAT WAS TAKEN FROM HER THROUGH NO FAULT OF HER OWN WOULD BE A GREAT IN JUSTICE. NOT TO MENTION THE CURRENT STATE OF THE HOME IS A BLEMISH ON THE NEIGHBORHOOD

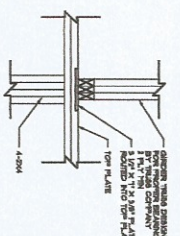
Standard #5. Adverse Impact on Surrounding Area.

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 FOOTPRINT IS EXACTLY THE SAME AS THE PREVIOUS HOME, THEREFORE NO CHANGES TO SURROUNDING PROPERTY

GENERAL NOTES:

1. GENERAL CONDITIONS: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES AND THE STATE OF MICHIGAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES AND THE STATE OF MICHIGAN.
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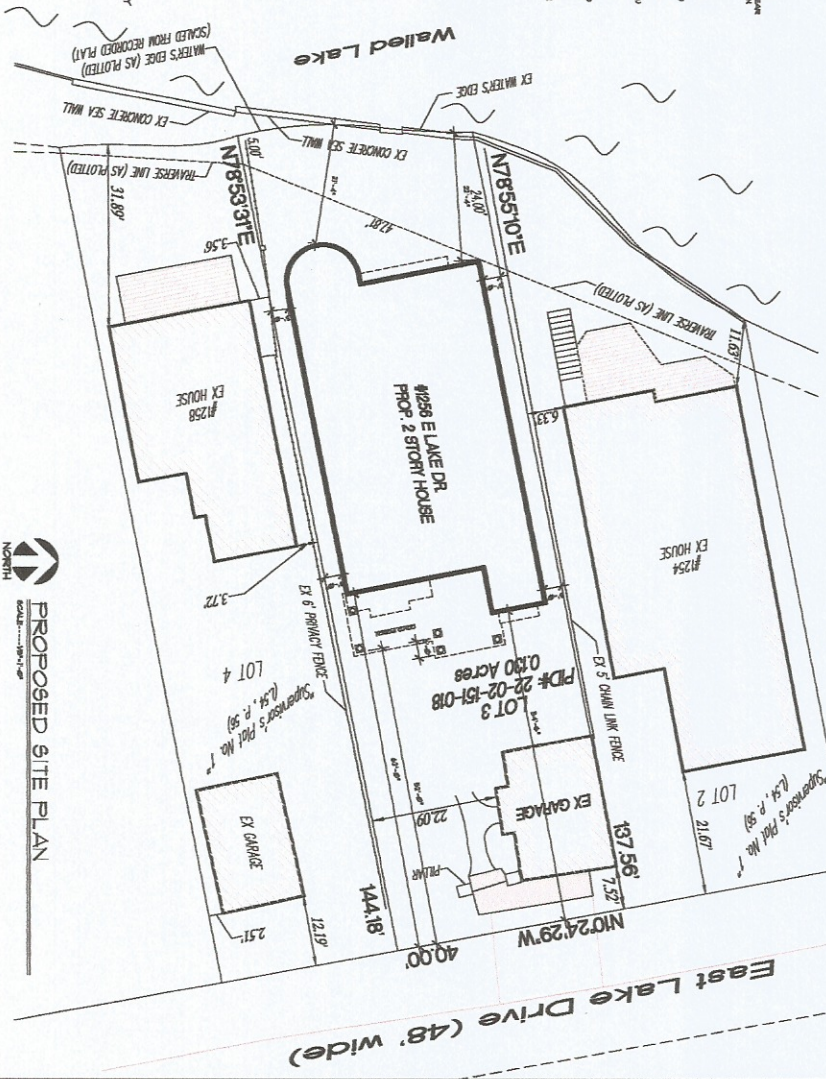


SECTION GIRDER TRUSS BEARING

NOTE: EXHAUST FAN TO BE INSTALLED IN ALL BATHROOMS AND LAUNDRY TO EXHAUST OUTSIDE. TO BE VENTED TO OUTSIDE THROUGH ROOF. WATER RESISTANT GYP/PLASTER BOARD IS TO BE USED AS BARRIERS IN ALL TUB AND SHOWER ENCLOSURES. ALL WATER RESISTANT GYP/PLASTER BOARD SHALL BE INSTALLED WITH A MINIMUM OVERLAP OF 6" (6" MIN).

NOTE: VERIFY DEPTH BRACING LAYOUT AND ANY OTHER CONDITIONS WITH TRUSS MANUFACTURER.

**PROPOSED RENOVATION FOR:
HARRIS RESIDENCE
1256 E. LAKE DRIVE
NOVI, MICHIGAN
J.T. HARRIS--OWNER**

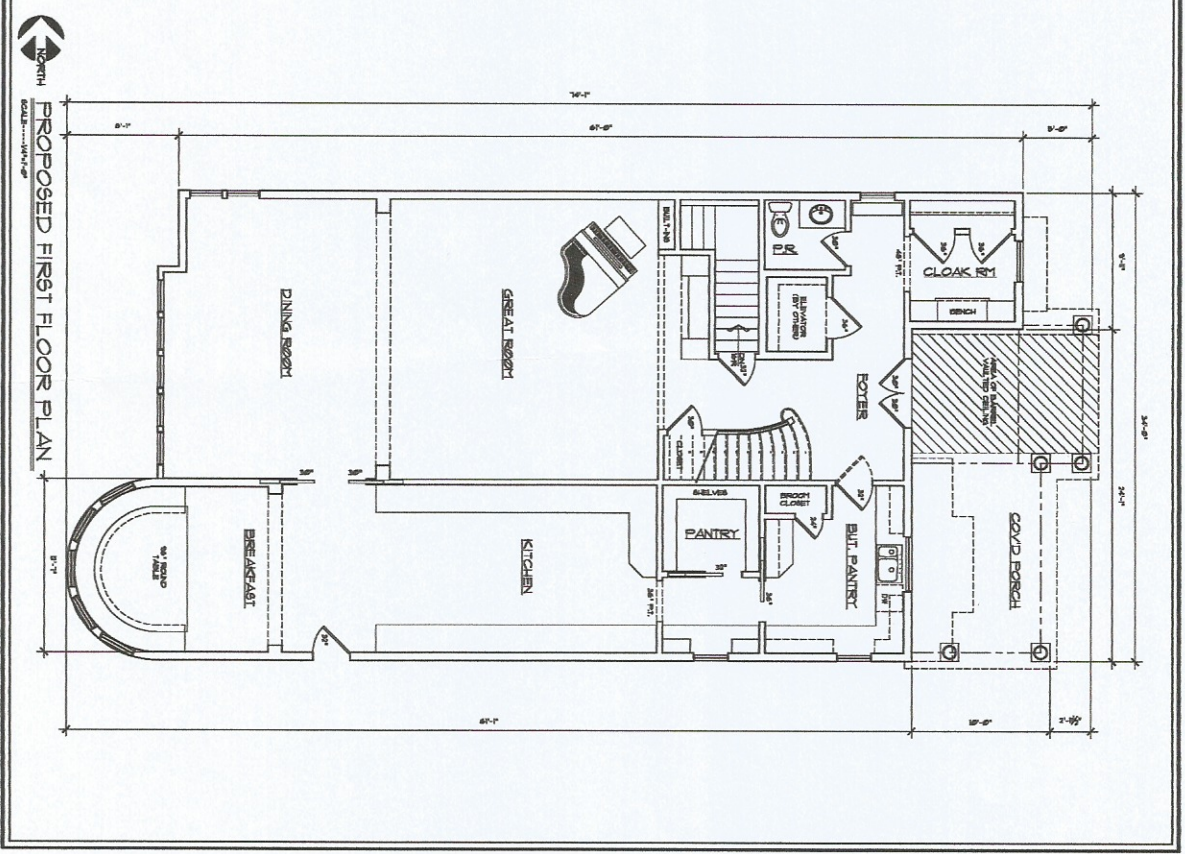
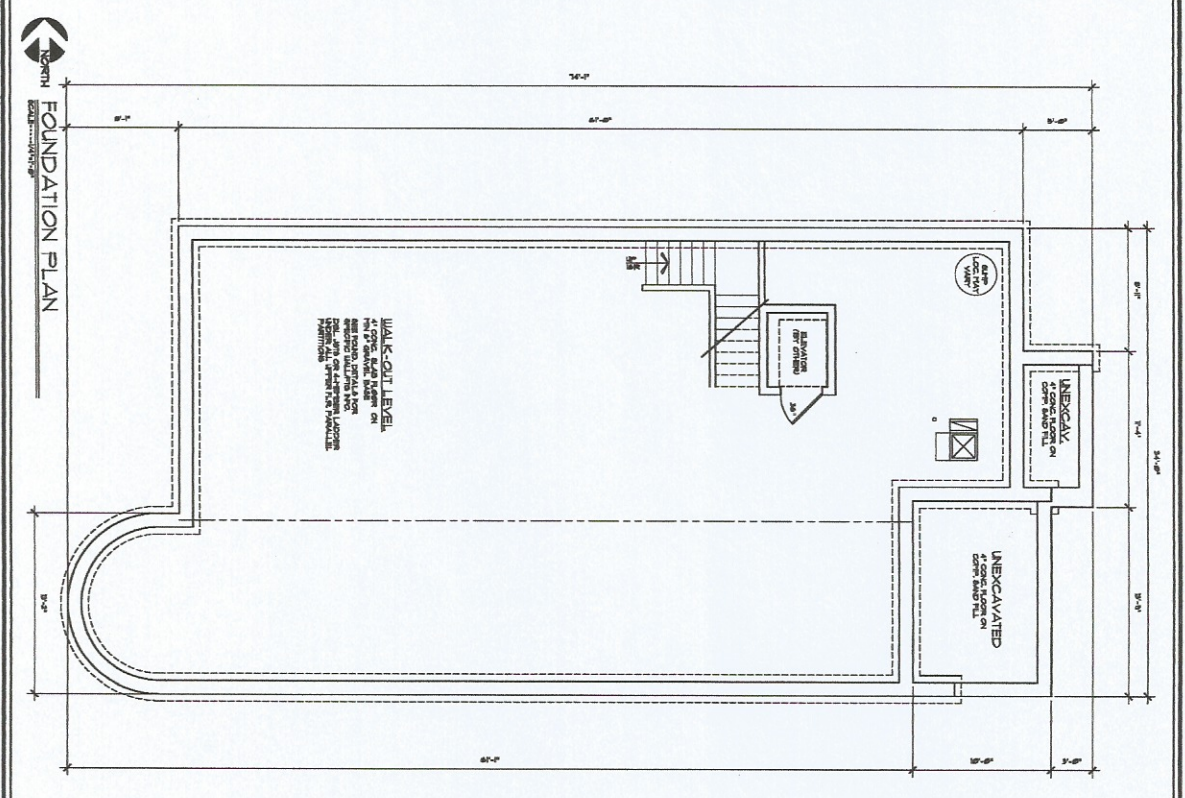



PROPOSED SITE PLAN
DATE: 05-30-16

PEGASUS GROUP, INC.
6091 MAYBEE
CLARKSTON, MI 48346
(248)318-2666 FX(248)623-1516

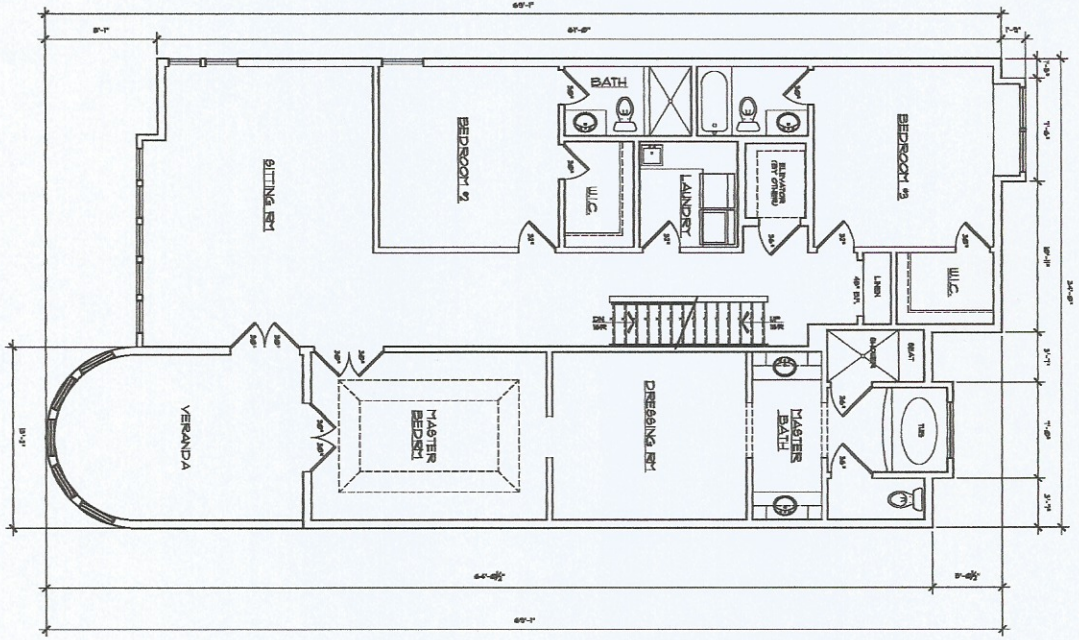
PROJECT TITLE:
**PROPOSED RENOVATION TO:
HARRIS RESIDENCE
1256 E. LAKE DRIVE
NOVI, MICHIGAN**

JOB #	00093016
CONSULTANTS	
REV.	06-30-16
SCALE	1/4" = 1'-0"
PKG DWGS	<input checked="" type="checkbox"/>
CHECK SET	<input type="checkbox"/>
PRINT	<input type="checkbox"/>
DATE	05-30-16
SHEET NUMBER	
COVER	



SHEET NUMBER A1 OF 5	DATE 08-30-16	CHECK SET []	WKG DWGS [X]	SCALE 1/4" = 1'-0"	REV. 08-30-16	CONSULTANTS PROJECT TITLE: PROPOSED RENOVATION TO: HARRIS RESIDENCE 1256 E. LAKE DRIVE NOVI, MICHIGAN	JOB # 00093016	 PEGASUS GROUP, INC. 6091 MAYBEE CLARKSTON, MI 48346 (248)318-2666 FX(248)623-1516
	FINAL []	FINISH []	DATE 08-30-16					

PROPOSED SECOND FLOOR PLAN



SHEET NUMBER
A2 OF 5

DATE 09-30-16

PENAL

CHECK SST

WKG DWS

SCALE 1/4"=1'-0"

REV. 09-30-16

CONSULTANTS

PROJECT TITLE:
**PROPOSED RENOVATION TO:
HARRIS RESIDENCE
1256 E. LAKE DRIVE
NOVI, MICHIGAN**

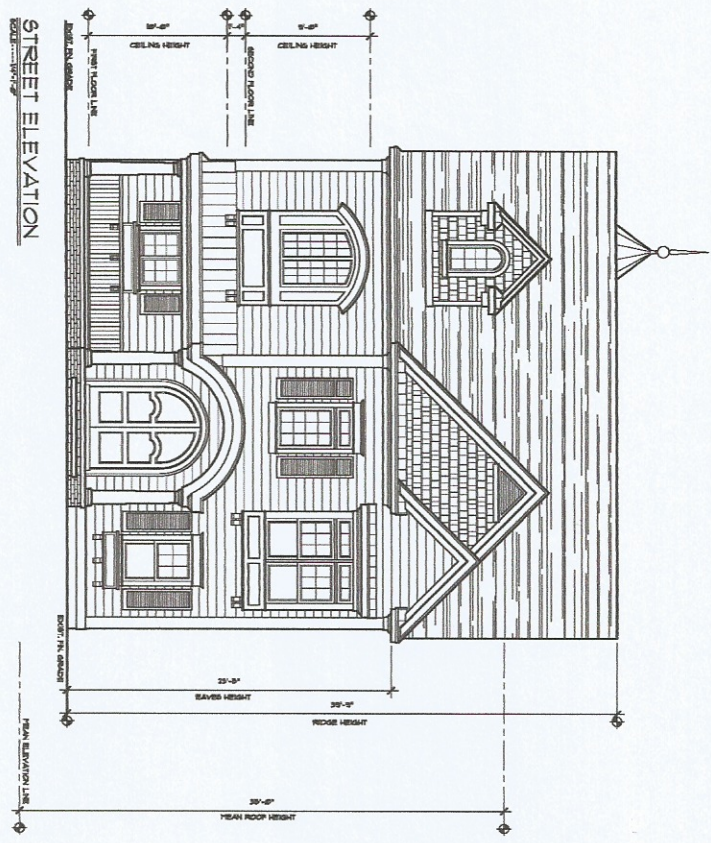
JOB # 00093016



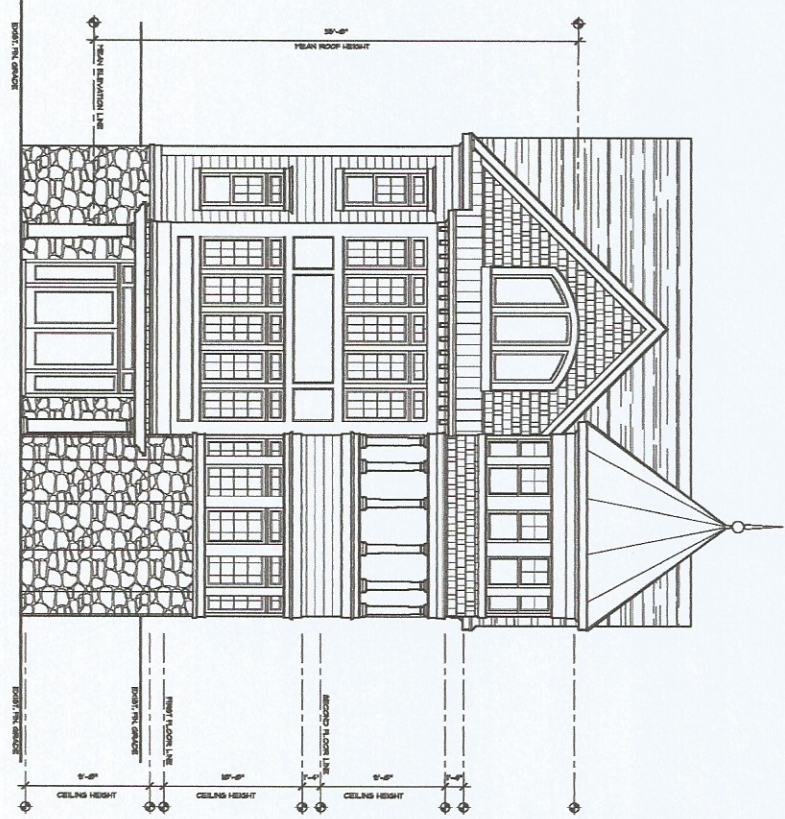
PEGASUS GROUP, INC.

6091 MAYBEE
CLARKSTON, MI 48346
(248)318-2666 FX(248)623-1516

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



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



ELEVATION NOTES

1. PROVIDE DRAIN CAPS AT ALL WINDOWS AND DOORS
2. ALL ROOF SADDLES TO BE FLYWOOD SHEATHED WITH ICE & WATER SHIELD AND BRINKLEK.
3. PROVIDE ICE & WATER SHIELD 1/4" x 6'-0" COVERAGE AT ALL EAVES
4. ROOF VENT LOCATIONS BASED ON 60 SQ IN NET FREE SPACE PER ROOF VENT.

PROJECT TITLE: PROPOSED RENOVATION TO: HARRIS RESIDENCE 1256 E. LAKE DRIVE NOVI, MICHIGAN	CONSULTANTS:	REVISIONS: REV. 06-30-16	SCALE: 1/4" = 1'-0"	WKG DWGS <input checked="" type="checkbox"/>	CHECK SET <input type="checkbox"/>	FINAL <input type="checkbox"/>	DATE: 06-30-16	SHEET NUMBER: A3 OF 5
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JOB # 00093016

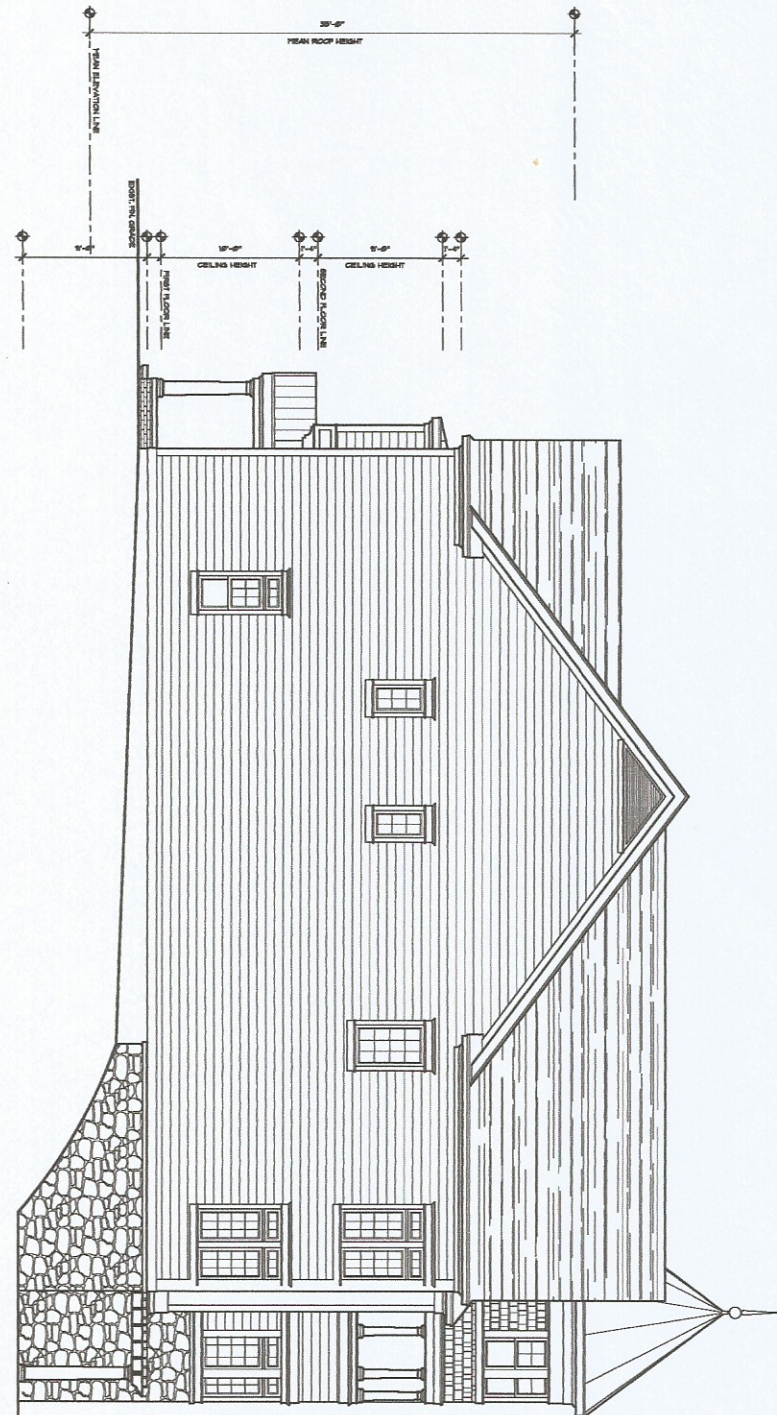


PEGASUS GROUP, INC.
6091 MAYBEE
CLARKSTON, MI 48346
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ELEVATION NOTES

1. PROVIDE DRAIN GAPS AT ALL WINDOWS AND DOORS
2. ALL ROOF SADDLES TO BE 1" WOOD BEATHED WITH ICE & WATER SHIELD AND SHANKLES
3. PROVIDE ICE & WATER SHIELD MIN. 6'-0"
4. ROOF VENT LOCATIONS BASED ON 600 SQ IN NET FREE SPACE PER ROOF VENT.



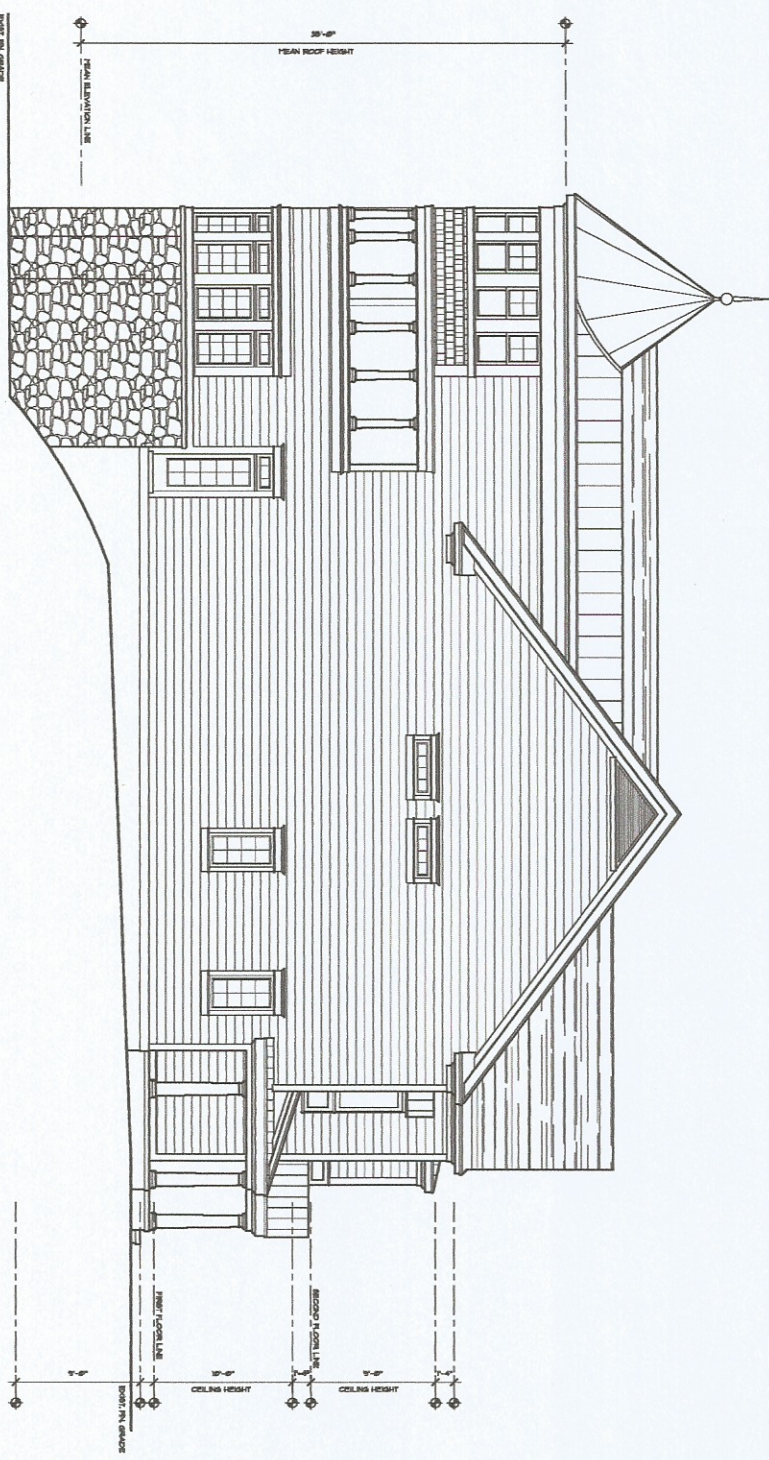
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

JOB # 00093016	PROJECT TITLE: PROPOSED RENOVATION TO: HARRIS RESIDENCE 1256 E. LAKE DRIVE NOVI, MICHIGAN	CONSULTANTS REV. 00-30-16	SCALE 1/4" = 1'-0" WRO DMYG <input checked="" type="checkbox"/> CHECK SET <input type="checkbox"/> PNDL <input type="checkbox"/> DATE 00-30-16	SHEET NUMBER A4 OF 5
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PEGASUS GROUP, INC.
 6091 MAYBEE
 CLARKSTON, MI 48346
 (248)318-2666 FX(248)623-1516

SOUTH ELEVATION



- ELEVATION NOTES**
1. PROVIDE DRAIN GAINS AT ALL WINDOWS AND DOORS
 2. ALL ROOF FLASHINGS TO BE IN UNIFORM MATERIALS WITH ICE & WATER SHIELD AND SHIMMERS
 3. PROVIDE ICE & WATER SHIELD MIN. 6'-0"
 4. ROOF VENT LOCATION BASED ON 80 80 N NET FROM GRADE FROM ROOF VENT.

<p>REVISIONS</p> <p>NO. 1</p> <p>DATE 09-30-16</p> <p>BY [Signature]</p>	<p>SCALE 1/4" = 1'-0"</p> <p>WKG DWGS <input checked="" type="checkbox"/></p> <p>CHECK SET <input type="checkbox"/></p> <p>FINAL <input type="checkbox"/></p>	<p>REV. 09-30-16</p> <p>CONSULTANTS</p>	<p>PROJECT TITLE:</p> <p>PROPOSED RENOVATION TO:</p> <p>HARRIS RESIDENCE</p> <p>1256 E. LAKE DRIVE</p> <p>NOVI, MICHIGAN</p>	<p>JOB # 00093016</p>	<p>PEGASUS</p> <p>GROUP, INC.</p> <p>6091 MAYBEE</p> <p>CLARKSTON, MI 48346</p> <p>(248)318-2666 FX(248)623-1516</p>
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SHEET NUMBER

AS OF S