



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: January 8, 2019

REGARDING: 117 Maudlin St, Parcel # 50-22-03-453-007 (PZ18-0062)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Nancy Simmons

Variance Type

Dimensional

Property Characteristics

Zoning District: Single Family Residential
Location: West of Old Novi Road and South of South Lake Drive
Parcel #: 50-22-03-453-007

Request

The applicant is requesting variances from the Novi Code of Ordinance Section 3.2. to allow accessory use on parcel 50-22-03-453-016 absent a primary use, Section 4.19 parcel 50-22-03-453-016 absent a primary use and allow a structure in the rear setback, Section 3.32 to allow a structure in the rear setback.

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

II. STAFF COMMENTS:

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. **PZ18-0062**, 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. **PZ18-0062**, 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



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200.00
 Meeting Date: Jan 8 2019
 ZBA Case #: PZ 18-0062

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION IDLEMERE PARK			
ADDRESS 117 Maudlin St, Novi, MI 48377		LOT/SIUTE/SPACE # 42	
SIDWELL # 50-22-03 - 453 - 007		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY S Lake Dr			
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 nsimmons565@yahoo.com	CELL PHONE NO. 248-207-1566
NAME Nancy Simmons		TELEPHONE NO. N/A	
ORGANIZATION/COMPANY N/A		FAX NO. N/A	
ADDRESS 117 Maudlin St	CITY Novi	STATE MI	ZIP CODE 48377
B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS	CITY	STATE	ZIP CODE
III. ZONING INFORMATION			
A. ZONING DISTRICT			
<input type="checkbox"/> R-A <input checked="" 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>Section 2.2</u>	Variance requested	<u>To allow an accessory use on parcel 50-22-03-453-016 absent a primary use</u>	
2. Section <u>Section 4.19</u>	Variance requested	<u>To allow an accessory use on parcel 50-22-03-453-016 absent a primary use</u>	
3. Section <u>Section 4.19</u>	Variance requested	<u>To allow a structure in the rear setback</u>	
4. Section <u>Section 3.32</u>	Variance requested	<u>To allow a structure in the rear setback</u>	
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 Deck

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.

Nancy J. Simmons

Property Owner Signature

12-10-18

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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**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:

The shape of the lot and location of the house on the lot prevents a deck from being built.

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 current deck is rotting and unsafe. It must be replaced to prevent further accidents from occurring (i.e. falling through the boards).

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.

If the setback is strictly enforced, a deck would not be permitted to exist.

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.

The request is to replace the existing deck and extend it to make it a more functional space.

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. In fact, it will improve the property visually and provide safety as the current deck is unstable and rotting. Additionally, the neighbor Lorraine and Arnold Fisher have offered a license agreement to allow the deck to be built on their property. They are in favor of the deck being built.

JUN 14 2005 3:43PM

MAUDLIN DRIVE

NO. 740 P. 11

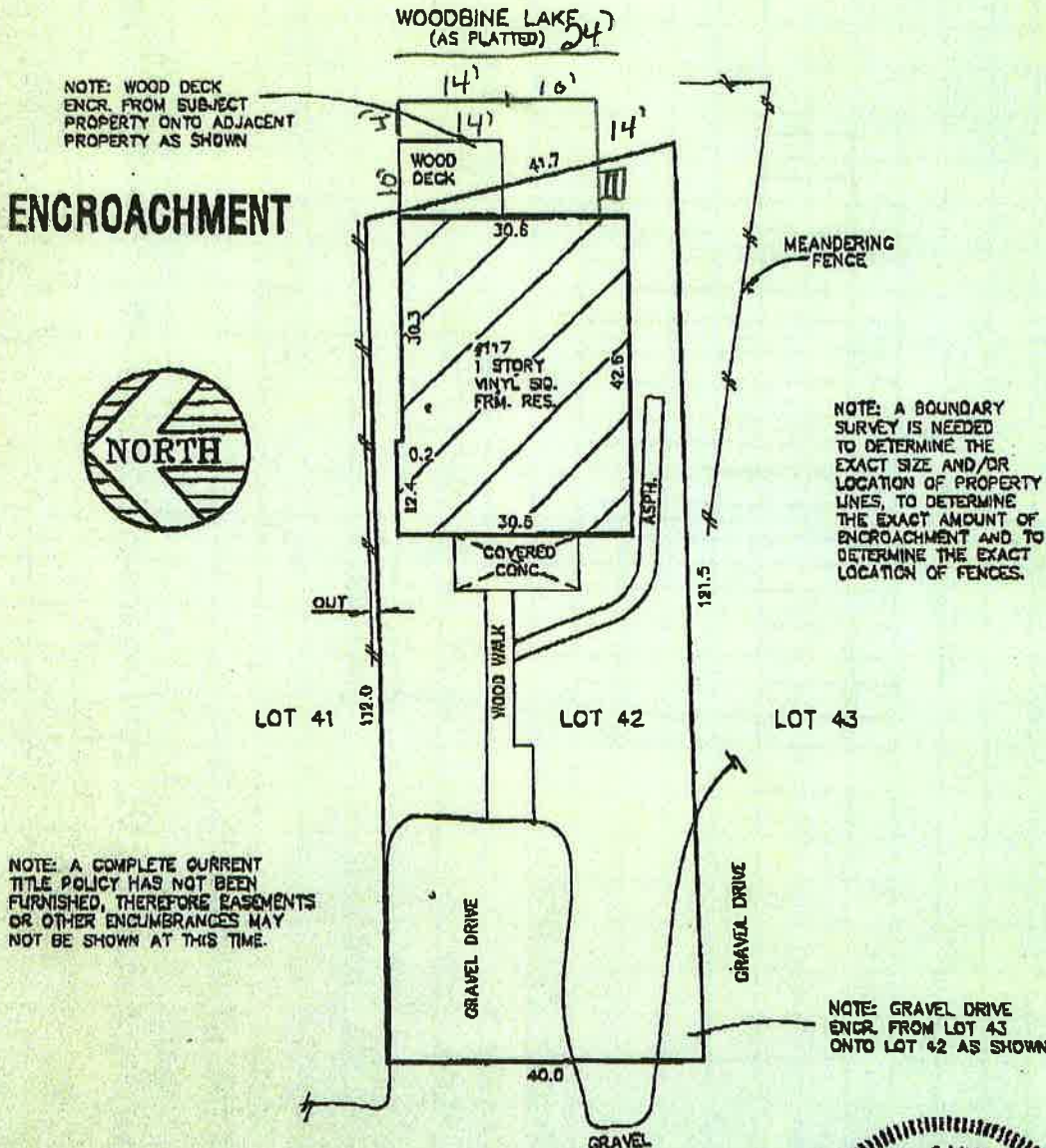
MORTGAGE SURVEY

Certified to: FIRST FRANKLIN FINANCIAL

Applicant: NANCY J. SIMMONS

Property Description:

Lot 42: IDLEMERE PARK, a part of the S.W. 1/4 and S.E. 1/4 of Sec. 3, T.1 N., R.8 E., Navi Twp. (now City of Navi), Oakland County, Michigan, as recorded in Liber 17 of Plats, Page 29 of Oakland County Records



NOTE: WOOD DECK ENCR. FROM SUBJECT PROPERTY ONTO ADJACENT PROPERTY AS SHOWN

ENCROACHMENT



MEANDERING FENCE

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE THE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, TO DETERMINE THE EXACT AMOUNT OF ENCROACHMENT AND TO DETERMINE THE EXACT LOCATION OF FENCES.

NOTE: A COMPLETE CURRENT TITLE POLICY HAS NOT BEEN FURNISHED, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY NOT BE SHOWN AT THIS TIME.

NOTE: GRAVEL DRIVE ENCR. FROM LOT 43 ONTO LOT 42 AS SHOWN.

MAUDLIN DRIVE 30' 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 aforementioned 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.

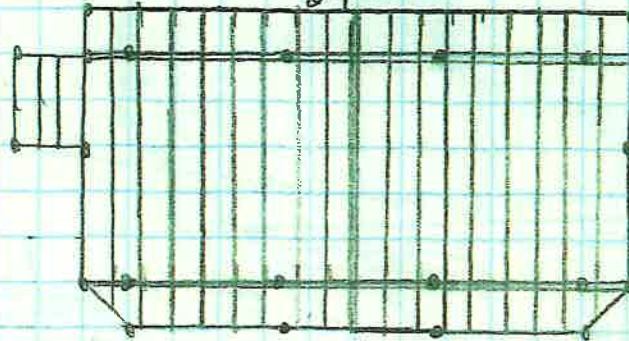
Shane P. Azbell

KEM-TEC

KEM-TEC WEST

Nancy Simmons
117 Maudlin St.
Novi, MI 48377
NSIMMONS565@yahoo

Scale: Each square = 2'
24'



14'

Joists - 2x8 @ 16" O.C.
Posts - 4x6
Beams - 2x8 (7' spans)

Elevation \approx 30"

Stairs: Rise < 8.25 ", run > 9 "
- recessed stair lights
(every other stair)

Handrail: 34"-38" above nosing,
continuous, graspable, ∇ turn
ends
Guardrail height: 36" w/ < 4 " opening

Beam to joist Connection method: $\frac{1}{2}$ " carriage bolts w/ toe-nailing of joists to beam
(hot-dipped galvanized)

Deck material

Decking - Trex - installed parallel to house (90° to joist)
Railing - Trex

Footings: 42' or more (concrete) - 12" width of holes + concrete pad