

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. 12-034 121 Austlin Drive

Location: 121 Austlin Drive

Zoning District: R-4, One-Family Residential District

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 2400. Front yard and side yard setback requirements are stated in Section 2400. The minimum front yard for a lot in an R-4 District is 30 feet and the minimum side yard is 10 feet. The proposed reconstruction/repair of an existing nonconforming structure would maintain the structure with only a 2'10" side yard, 7'2" short of the mandated minimum. The front yard would have a 10' setback, 20' below the required minimum. The property is located west of Old Novi Road and south of 13 Mile Road.

Ordinance Sections:

- CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a site within a R-4 district have a minimum front yard setback of 30'.
- CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a site within a R-4 district have a minimum side yard setback of 10' and a minimum aggregate of 25'.

City of Novi Staff Comments:

This proposal encroaches upon one of the main restrictions on development in a R-4 district: setbacks. However the board may find that the unique shape of this lot fits into the standard for granting a dimensional variance, if such regulation is deemed unreasonably burdensome and the requested variance will not cause an adverse impact on the neighborhood.

While CITY OF NOVI, CODE OF ORDINANCES, Section 2502 (6) does allow for repair of existing non-conforming structures without the issuance of a variance, staff believes the work is too extensive to fit into 2502 (6) – nonconforming structure repair/maintenance standard.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department
(248) 347-0415 (248) 735-5600 fax

For Official Use Only

ZBA Case No. 12-034 ZBA meeting date August
Payment received Cash [X] Check # 5427
Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application, 13 copies of the application and 13 copies of all supporting documentation relevant to the appeal.

Applicant's Name Robert & Kelly Rutherford Date 7-2-12

Company (if applicable)

Address* 125 Austin City Novi

State MI Zip code 48377 *Where all case correspondence is to be mailed

Applicant's E-mail address Rutherford.k@sbcglobal.net

Phone number (248) 755-7924 Fax number

Request is for:
[X] Residential [] Vacant property [] Commercial [] Signage

Address of subject ZBA case 121 Austin, Novi Zip code 48377

Cross roads of property

Sidwell number 50-22-10-278-010 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction? [] Yes [X] No

Zoning (Please circle one)
R-A R-1 R-2 R-3 R-4 RM-1 RM-2
MH B-1 B-2 B-3 I-1 I-2 NCC OS-1
OS-2 OSC OST RC TC TC-1 Other

Property owner name (if other than applicant)

Does your appeal result from a Notice of Violation or Citation Issued?
[] Yes [X] No

Indicate Ordinance section(s) and variances requested:

- 1. Section Side Yard Variance requested
- 2. Section Front Yard Variance requested
- 3. Section _____ Variance requested
- 4. Section _____ Variance requested

Section 2400

7' 2"
20'

Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

Non conforming house on a non conforming lot

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten (10) days before the scheduled ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

Varlance expration:

City of Noyl 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 established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of 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.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

- Construct new home/building
- Accessory building
- Use
- Addition to existjng home/building
- Signage
- Other

Bob Anstey & Kelly Rathford
Applicants Signature

7-2-12
Date

Bob Anstey & Kelly Rathford
Property Owners Signature

7-2-12
Date

DECISION ON APPEAL

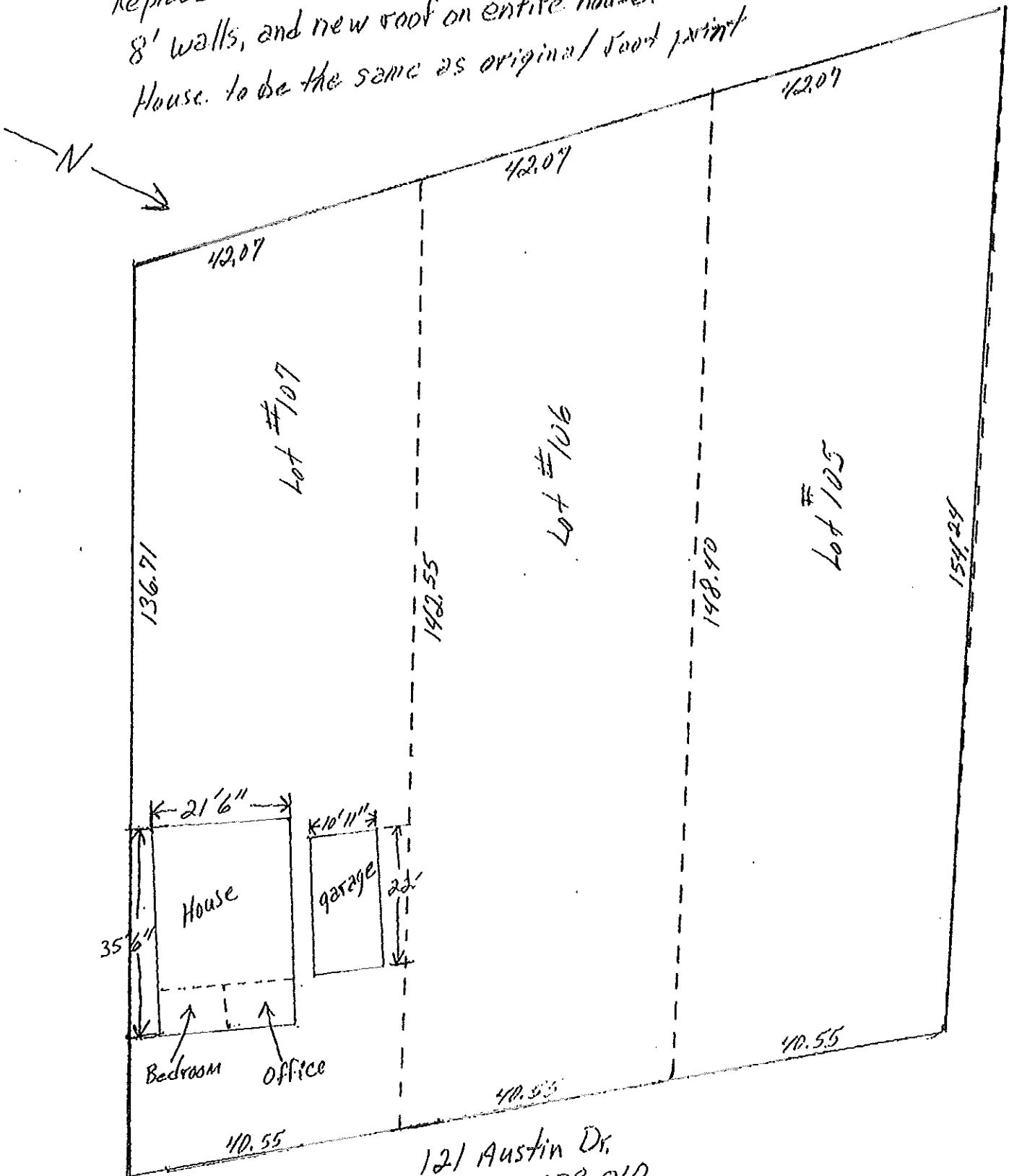
_____ Granted _____ Denied

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date

7' of sidewall & 21' across front to be removed.
 Replace with 42" Footings. Reframe front of house with
 8' walls, and new roof on entire house.
 House to be the same as original foot print



121 Austin Dr.
 50-22-10-278-010

42.07

50-22-10-248-010

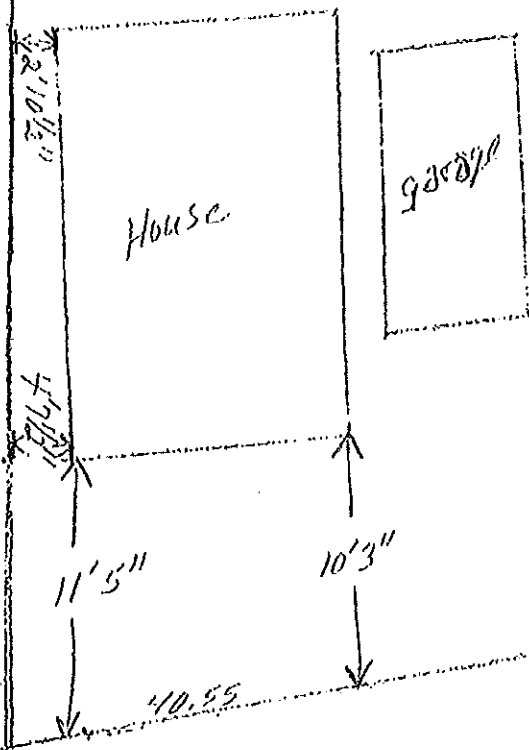
Lot # 107

Lot # 106

Actual
Property
Measurements
121 Austin Dr.

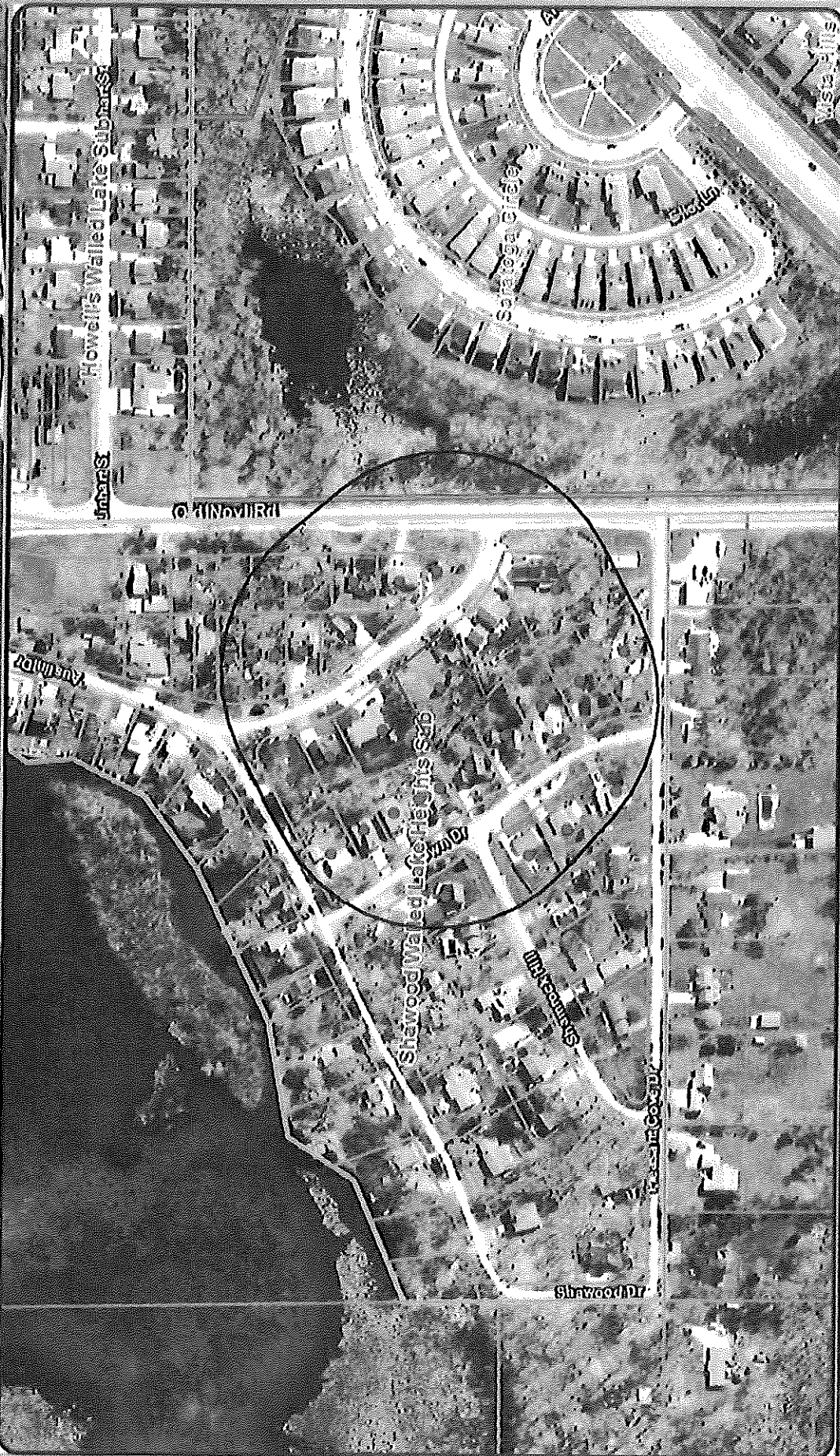
136.71

142.55





City of Novi
121 Austin Dr



Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal



Date: 07/25/2012



MAP INTERPRETATION NOTICE

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