



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: December 10, 2019

REGARDING: 42630 Morgan Creek Ct, Parcel # 50-22-02-177-043 (PZ19-0045)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Jill and Reuben Levy

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential
Location: West of Novi Road and North of Thirteen Mile Road
Parcel #: 50-22-02-177-043

Request

The applicant is requesting variance from the City of Novi Zoning Ordinance Section 5.1 to park a recreational vehicle over 6 feet tall in the side yard. 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. **PZ19-0045**, 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. **PZ19-0045**, 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

RECEIVED

OCT 16 2019

CITY OF NOVI
COMMUNITY DEVELOPMENT



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**ZONING BOARD OF APPEALS
APPLICATION**

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200.00
Meeting Date: Dec 10, 2019
ZBA Case #: PZ 19-0045

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Morgan Creek Ct.			
ADDRESS 42630 Morgan Creek Ct.		LOT/SIUTE/SPACE # 5	
SIDWELL # 50-22-02 -177 -043		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY East Lake Dr. & Morgan Creek Ct			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input checked="" type="checkbox"/> YES <input 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 type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS rlevy@globalos.com	CELL PHONE NO. 248-240-6232
NAME Reuben/Jill Levy		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 42630 Morgan Creek Ct.	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 rlevy@globalos.com	CELL PHONE NO. 248-240-6232
NAME Reuben/Jill Levy		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 42630 Morgan Creek Ct.	CITY Novi	STATE MI	ZIP CODE 48377
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>5.1.3</u> Variance requested <u>Parking RV in side yard</u>			
2. Section _____ Variance requested _____			
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			
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines	
• Site/Plot Plan		• Location of existing & proposed signs, if applicable	
• Existing or proposed buildings or addition on the property		• Floor plans & elevations	
• Number & location of all on-site parking, if applicable		• Any other information relevant to the Variance application	



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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 home was built with a walk out and zoned as site condos. Due to the site condo lot size and being on a cul de sac, we do not have room for access to the backyard due to the pie shape of the lot. Additionally, if we did, due to the slope/grade, we would not be able to move the RV to park in the backyard as it is not accessible.

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:

We back up to wetlands/woods. Our backyard is also very wet, and anything heavy would sink into the ground, disrupting the natural area. We also have various trees that would be disrupted.

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:

Both side neighbors yards are very close due to the pie shape of the lot being on a cul de sac. We do not have wide enough access on our property lines to get to the backyard with a RV or large vehicle and would have to drive on neighbors property.

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 was built as is on the lot and has not been changed since we took ownership.

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.

Too tall for side yard and unable to park in back yard.

Standard #4. Minimum Variance Necessary.

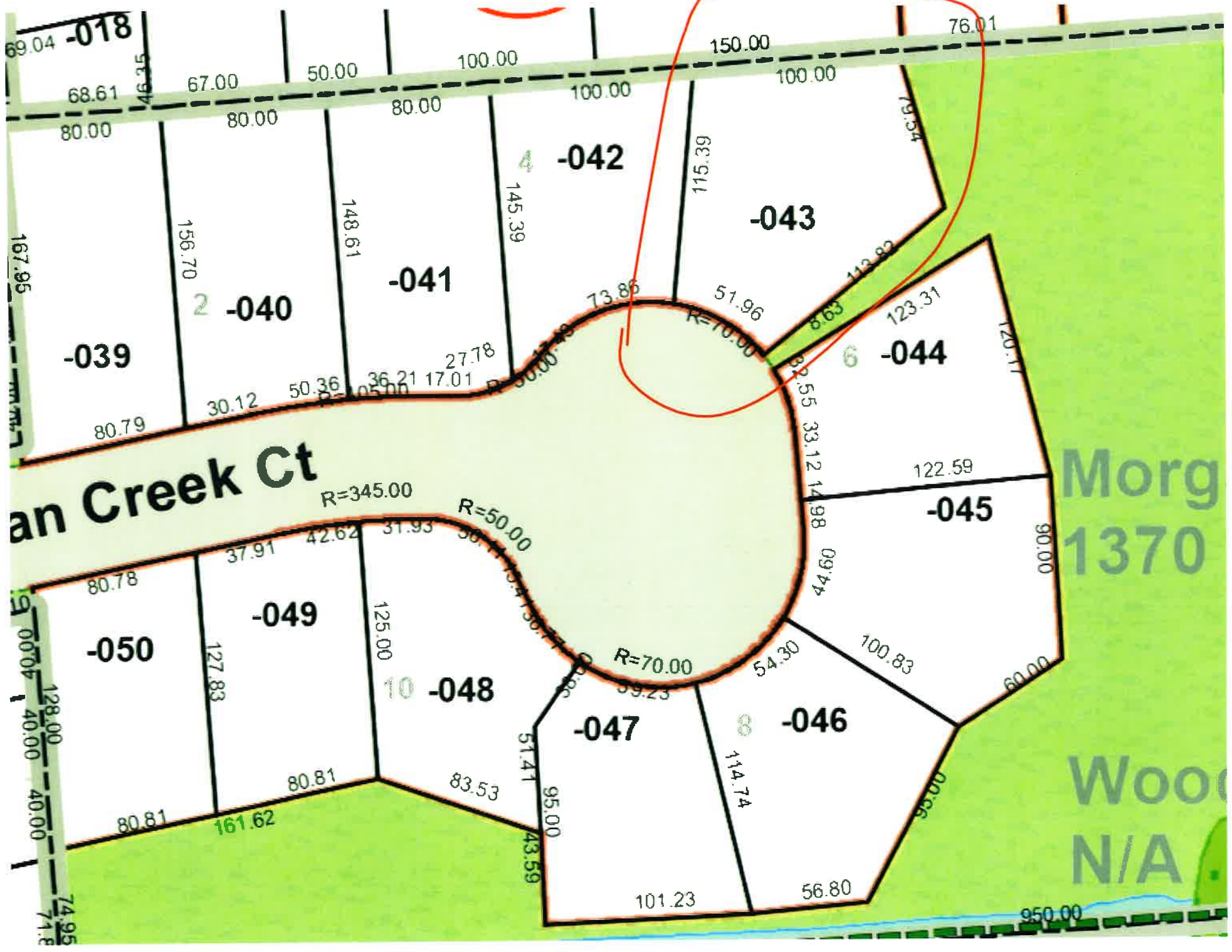
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

That back of our drive is approximately 100 ft from the street. RV will set back about 50-60 ft from street.

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.

None of the camper will extend past the front of the house. It sits back about 15 ft from front of house. The height is much lower than roof pitch. Side of drive is lined with tall grass which also hides unit. The back of our drive is approximately 100 ft from the street, and our RV is 32 ft, leaving approximately 65 ft away from the road not impacting neighboring property. See attached photos. I have talked to most of the 12 homeowners in our HOA and no one has said they have any issue and that no adverse impact on their property, property values or the enjoyment of property in the neighborhood.



Morg
1370

Wood
N/A



150.00

100.00

79.54

115.39

29-02-177-043

5

113.82

51.96

8.63

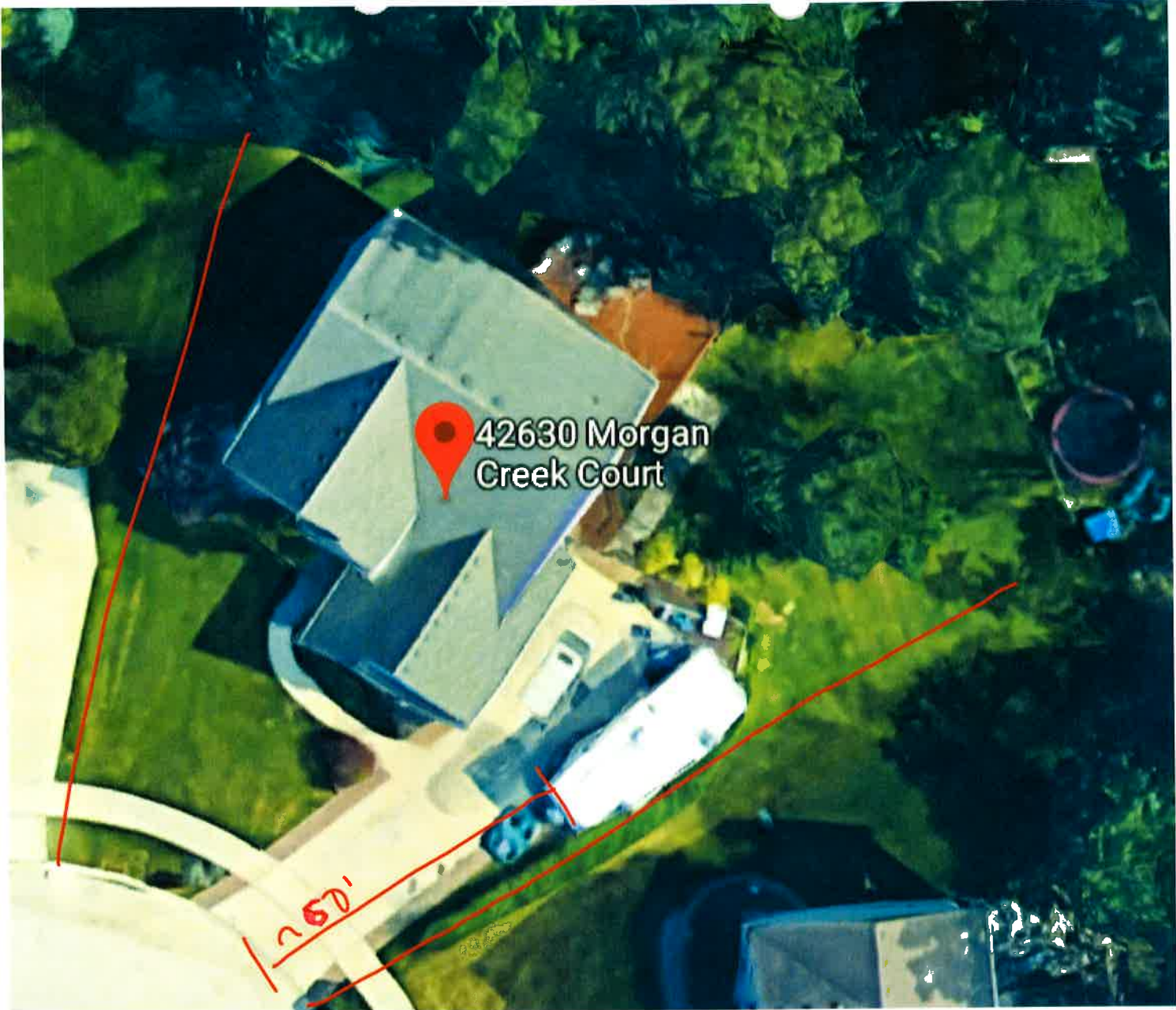
123.31

R=70.00

32.1

6

Morgan Creek Estates Site Condos





42630 Mc
Creek Co.

SET BACK
Behind front
of house &
~60' from
street

GRASS
Hides
RV





Google





