

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

Case No. PZ13-0047 Lot 15 Pioneer Meadows

Location: Lot 15 Pioneer Meadows (parcel 5022-21-101-001)

Zoning District: RA, Residential Acreage District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of new single family homes with reduced front setbacks of 40 ft. (45 ft. required), reduced rear setbacks of 40 ft. (50 ft. required) and reduced aggregate side yard setbacks of 30 ft. (50 ft. required) on existing non-conforming lots. The applicant is also requesting an exception from Section 3107 which requires issuance of building permits within 12 months of approval of variances. The request is to allow the variances to remain valid for issuance of building permits within 18 months of approval date. The properties are located east of Beck Road and north of 10 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures constructed within the RA zoning district have a minimum front yard setback of 45 ft., a minimum rear setback of 50 ft. and an aggregate side yard setback of 50 ft.

City of Novi Staff Comments:

The petitioner is proposing to construct new single family detached homes on 4 existing non-conforming lots with the RA zoning district. The lot area is significantly less than the current minimum of 1 acre at just over .27 acres. Staff supports consideration of the request provided that substantial justice can be provided to the other property owners in the district.

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 because _____.
- The need is not self-created because _____.
- because _____.
- 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 because _____.
- 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 because _____.



cityofnovi.org

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For Official Use Only

ZBA Case No: 02131017 ZBA Date: 9/14/13 Payment Received: \$ 750 (Cash)

Check # Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

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

Applicant's Name Paul and Mary Ann Bosco Date July 30, 2013

Company (if applicable)

Address* 25805 Beck Road City Novi ST MI ZIP 48376

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: maryabosco@yahoo.com

Phone Number (248) 349-4577 FAX Number ()

Request is for:

[X] Residential Construction (New/ Existing) [] Vacant Property [] Commercial [] Signage

1. Address of subject ZBA case: Vacant Beck Road - Lot 15 Pioneer Meadows Sub. ZIP 48374

2. Sidwell Number: 5022 - 21-101-001 may be obtained from Assessing Department (248) 347-0485

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

4. Zoning: [X] RA [] R-1 [] R-2 [] R-3 [] R-4 [] RT [] RM-1 [] RM-2 [] MH [] OS-1 [] OS-2 [] OSC [] OST [] OTHER

5. Property Owner Name (if other than applicant) Paul and Mary Ann Bosco

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

7. Indicate ordinance section(s) and variances requested:

- 1. Section 2400 Variance requested side line setback variances requesting aggregate East to 15'
2. Section Variance requested West 40' for total of 55' vs. required 60' aggregate under
3. Section Variance requested existing RA zoning classification.
4. Section Variance requested

8. 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.
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.

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

The subject lot is a non-conforming use under existing RA Zoning Classification which requires setback more typical of RA minimum size lots of one acre which does not fit with size of subject platted lot of only 0.29 acre.

Variances have been granted to other property owners in Pioneer Meadows Subdivision including recent grant to Lot #59 located on Strath Haven Drive, thereby establishing precedence for other similar requests.

The existing RA Zoning requires unusual setbacks for existing lot sizes in Pioneer Meadows Subdivision.

10. 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:

This ZBA application for variances is solely requesting of variances to establish reduced front, rear, and sideline setbacks which is essential in order to design homes to fit on subject lot for house to be of consistent size with existing homes in Pioneer Meadows Subdivision. The Owner recognizes that future house plans for subject lot before construction must be approved by City of Novi and the Pioneer Meadows Association.

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.

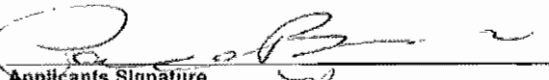
Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, 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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.
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.

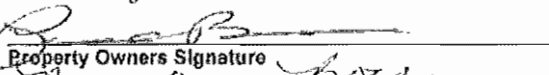
PLEASE TAKE NOTICE:

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

Construct New Home/Building Addition to Existing Home/Building Accessory Building
 Use Signage Other


Applicants Signature
Mary Ann Bosco

July 30, 2013
Date


Property Owners Signature
Mary Ann Bosco

July 30, 2013
Date

DECISION ON APPEAL

Granted Denied Postponed by Request of Applicant Board

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



THOMPSON-BROWN REALTORS®



July 30, 2013 46350 Grand River Ave. - Suite C - Novi, MI 48374
Phone: (248) 347-3000 - Fax: (248) 662-0050

To: Zoning Board of Appeals
City of Novi - Community Development Dept.
45175 West Ten Mile Road
Novi, Michigan 48375

From: Bill Bowman, Sr., SIOR
President and Associate Broker
Thompson-Brown

RE: Application for Setback Variances in Pioneer Meadows Subdivision

Dear Chairman and Members of the City of Novi Zoning Board of Appeals:

Paul and Mary Ann Bosco have requested that as their Real Estate Agent for marketing the four lots that they own as follows – Lots 13, 14, 15 and 61 which are located in the Pioneer Meadows Subdivision, that I explain the hardship created, not self-created, by the City of Novi subjecting these 4 vacant lots to the RA-Residential Zoning Classification which results in their lots becoming “non-conforming uses” and also being subject to the one acre size lots setback requirements while the subject lots are only approximately ¼ acre in size.

The requested variance is the practical variance to do substantial justice to the applicant as well as the other property owners in the district because the variance when granted will conform to the Pioneer Meadows Subdivision deed restrictions set back requirements. For the same reason, the variances will not cause any adverse impact on surrounding property, values or the use and enjoyment of the property in the neighborhood or zoning district.

The RA Zoning minimum setback requirements are designed for minimum required one acre size and larger lots. The minimum setback requirements under RA zone are:

- *Front Line setback required = 45 ft.
- *Rear Line setback required = 50 ft.
- *Aggregate side yard setback required = 50 ft.

The existing Pioneer Meadows Subdivision restrictions require minimum setbacks as follows. (Designed for approximately ¼ acre size lots which exist throughout the existing subdivision and are technically non-conforming use lots because the lot sizes do not meet the existing RA zone requirement of the minimum of one acre size lots.)

The Pioneer Meadows subdivision minimum setbacks are as follows:

- *Front yard setback minimum = 40 ft.
- *Rear yard setback minimum = 40 ft.
- *Side yard setback aggregate = 30 ft. (15 ft. each side)

The Applicant is requesting ZBA approval of setback variances from the City of Novi RA Zone setback requirements being requested to comply with the Pioneer Meadows Subdivision setback requirements which supports that substantial justice is being provided to the other property owners in the district. Further the specific unique circumstances are that the imposition of the RA Zoning Classification results in these four lots being non-conforming uses because their approximately ¼ acre size does not meet the RA zone minimum one acre size lot requirements. The inequitable result is that the setback existing requirements are substantially greater impositions on these smaller ¼ acre size lots.

In summary:

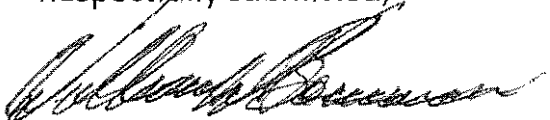
- The variance when granted because of the unique difficulty of the not practical RA zone setback requirements which are designed to fit one acre and larger lots and not these four subject non-conforming ¼ acre lots and because the ZBA has previously approved other such setback variances in this same subdivision Pioneer Meadows.
- The need for variance is not self-created because the RA Zoning including the larger setback requirements is in place at no cause by the Owner/Applicant.

- The requested variance is the minimum practical request to do justice to the applicant as well as other property owners in the district because the variance when granted will conform to the Pioneer Meadows existing deed restrictions.
- The requested variance will not cause an adverse impact on surrounding property, property values or use and enjoyment of the property in the neighborhood or zoning district because the variance will bring these four lots into conformity with the existing Pioneer Meadows subdivision restrictions as related to required setbacks.

Assuming that the ZBA acts in favor of the Applicant's request because of the unique circumstances being aware of the anticipated delays in process requiring determination of the disposition and future design of the homes to be built within the boundaries of the revised setbacks, the Applicants/Owners respectfully request that under Sec 32-310c Miscellaneous to please consider an eighteen month period for submitting plans for construction rather than the existing provided 12 month period.

Mr. and Mrs. Bosco and I very much appreciate your consideration and hope for approval of their request for ZBA variance of the setback requirements under the RA zone.

Respectfully submitted,

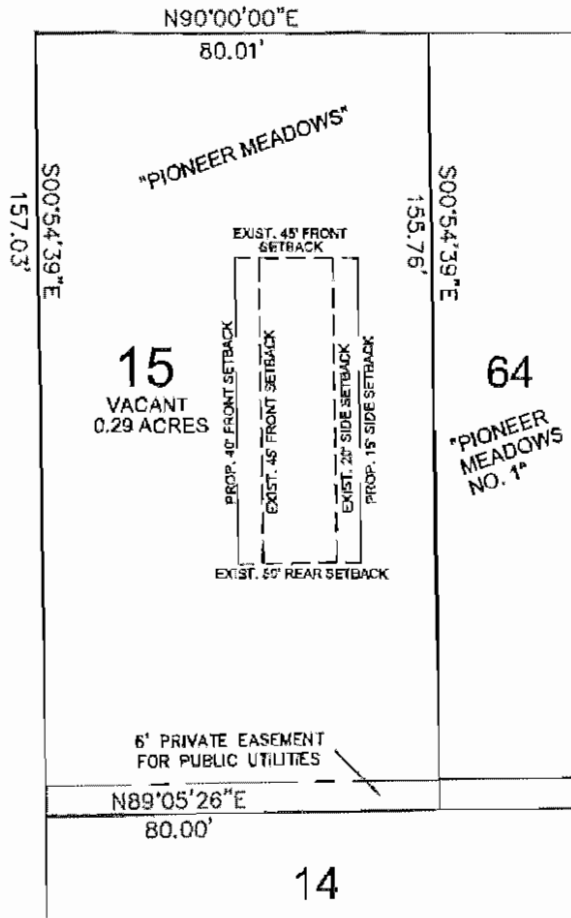


Bill Bowman, Sr., SIOR
Thompson-Brown, President and Associate Broker

cc: Paul and Mary Ann Bosco

WEST LINE OF SECTION 21
 BECK RD. (60 FT. 1/2 RIGHT-OF-WAY)
 PUBLIC STREET

SIERRA DR. 60 FT.



LEGAL DESCRIPTION PARCEL 22-21-101-001
 LOT 15 OF "PIONEER MEADOWS" A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 21, T. 1N., R. 8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 90 OF PLATS, PAGE 12 OAKLAND COUNTY RECORDS.

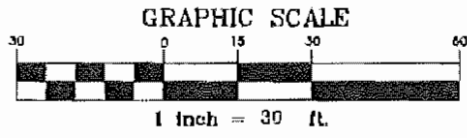
EXISTING R-A ZONING

SETBACK REQUIREMENTS

	EXISTING	PROPOSED
FRONT	45'	45/40'
SIDE	20' MIN - 50' AGG.	15'
REAR	50'	50'



Joseph C. Kopylov



Scale: 1"=30' Date: 1/19/19 Job No.: 10176 Sht. No.: 1011	PIONEER MEADOWS SUBDIVISION CITY OF NOVI, MI	LOT 15 SETBACK VARIANCE	DATE	ISSUED FOR	8815 RICHARDSON ROAD COMMERCE TWP., MI 48380 PHONE: 248-363-2550 FAX: 248-363-1648