



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: March 12, 2019

REGARDING: 1185 South Lake Drive, Parcel # 50-22-03-377-018 (PZ19-0003)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

American Made Construction

Variance Type

Dimensional

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of West Park Drive and South of South Lake Drive
Parcel #:	50-22-03-377-018

Request

The applicant is requesting a variance from the Novi Zoning Ordinance Section 2.2 for a third story addition. This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

Four previous ZBA variances on record

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. **PZ19-0003**, 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. **PZ19-0003**, 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

RECEIVED

JAN 25 2019

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)		Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION		Meeting Date: <u>3/12/19</u>	
ADDRESS <u>1185 South Lake Drive</u>		ZBA Case #: <u>PZ 19-0003</u>	
LOT/SITE/SPACE #			
SIDWELL # <u>50-22-</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input 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	
NAME <u>American Made Construction - Boyd Creech</u>		CELL PHONE NO. <u>248-736-1695</u>	
ORGANIZATION/COMPANY <u>American Made Construction</u>		TELEPHONE NO. <u>248-736-1695</u>	
ADDRESS <u>283 Taras Drive</u>		FAX NO.	
CITY <u>Highland</u>		STATE <u>MI</u>	
		ZIP CODE <u>48356</u>	
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	
NAME <u>Brandon Davis</u>		CELL PHONE NO. <u>248-520-3315</u>	
ORGANIZATION/COMPANY		TELEPHONE NO.	
ADDRESS <u>1185 South Lake Drive</u>		FAX NO.	
CITY <u>Novi</u>		STATE <u>MI</u>	
		ZIP CODE <u>48377</u>	
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>22 Definitions</u> Variance requested <u>Adding 3rd floor</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	



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

1-22-2019
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

1-23-2019
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

**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.)

Applies

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:

*No other place for Master Bedroom.
 No backyard to speak of front yard,
 is close to lake - set backs probably won't allow
 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:

No other place for Master Bedroom

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).

Current homeowners are not original owners of home and didn't create this situation.

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.

There is no other great place to build a master bedroom

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.

Creates a master suite for homeowners and is very similar after to existing home next door.

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.

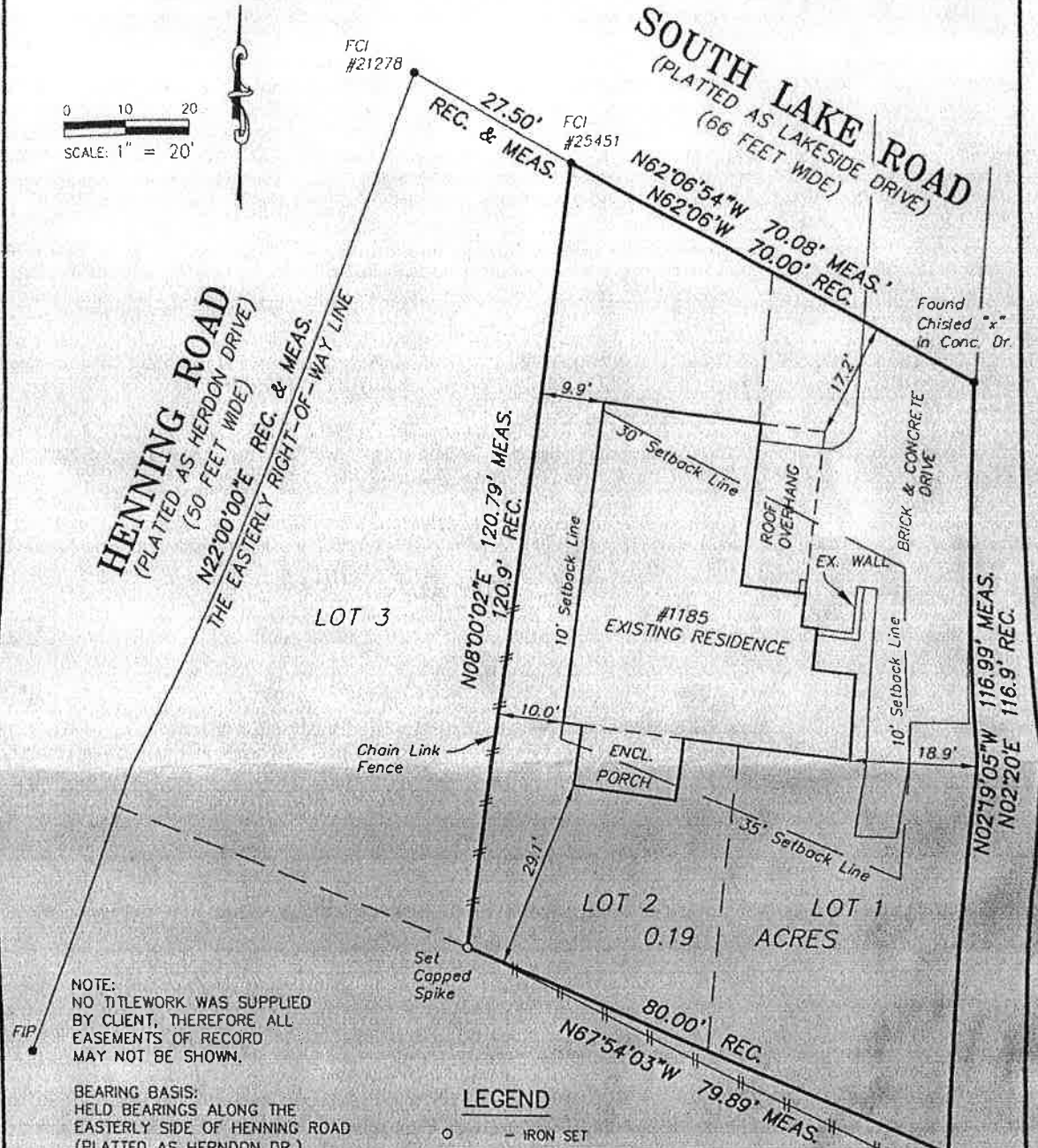
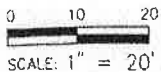
Aesthetically pleasing will be addition to the neighborhood and will increase not decrease desire to live there

SITE PLAN

Prepared For: M.J. Whelan Construction

Legal Description:

Lots 1 and 2, LAKEWOODS, a sub-division of part of the Southwest 1/4 of Section 3, Township of Novi, Oakland County, Michigan, T.1N, R.8E, according to the plat thereof as recorded in Oakland County Records.



NOTE:
NO TITLEWORK WAS SUPPLIED BY CLIENT, THEREFORE ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.

BEARING BASIS:
HELD BEARINGS ALONG THE EASTERLY SIDE OF HENNING ROAD (PLATTED AS HERNDON DR.) AS PER PLAT OF RECORD.

ZONING CHART

ZONING: = R-4
FRONT = 30'
SIDE = 10' (25' TOTAL)
REAR = 35'

LEGEND

- - IRON SET
- - IRON FOUND
- MEAS. - MEASURED
- REC. - RECORDED
- FCI - FOUND CAPPED IRON
- FIP - FOUND IRON PIPE
- — — - EXISTING FENCE LINE

I hereby certify only to the parties hereon, that we have surveyed, at the direction of said parties, the above described lots, and that we have found or set as noted hereon, permanent markers of the exterior corners of said lots and that all visible encroachments of a permanent nature upon said lots, are as shown on this survey. Said lots subject to all easements and restrictions of record.

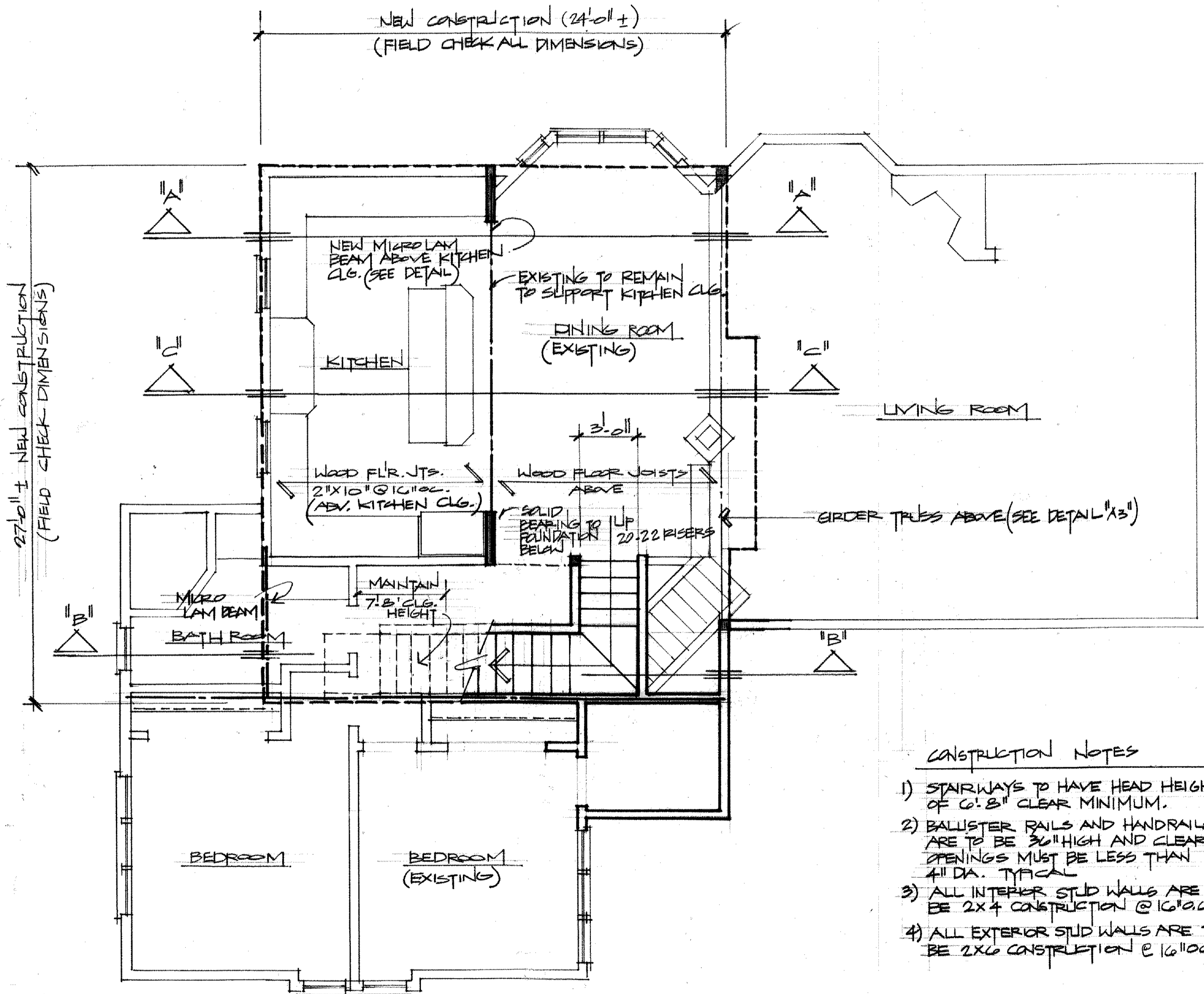
Karol L. Grove
KAROL L. GROVE
LICENSED PROFESSIONAL SURVEYOR #39075

ALPINE Land Surveying, Inc.
4237 CURTIS ROAD, HIGHLAND MICHIGAN, 48357
PHONE: 248-887-3722 FAX: 248-869-8876

FIELD:	KG	DATE:	NOVEMBER 26, 2011
DRAWN:	DS	JOB NO.:	11-1839
CHECKED:	KG	SHEET:	1 OF 1

GENERAL NOTES

- 1) ALL NEW WORK TO COMPLY WITH ALL APPLICABLE BUILDING CODES, LOCAL ORDINANCES.
- 2) VERIFY ALL DIMENSIONS, ROOF PITCHES, ETC. W/ EXISTING STRUCTURE. IF DISCREPANCIES ARISES CONTACT DESIGNER BEFORE WORK CONTINUES.
- 3) WOOD BEARING PARTS: PROVIDE SOLID BLOCKING TO FOUNDATION. DOUBLE JOIST OR LADDER UNDER ALL WALLS AND PARTITIONS.
- 4) INSULATION: ALL NEW INSULATION TO COMPLY WITH MICHIGAN RESIDENTIAL CODE (LATEST EDITION).
- 5) CARBON MONOXIDE DETECTOR - INSTALL PER SECTION R-315 OF THE MICHIGAN RESIDENTIAL CODE (MRC)
- 6) HVAC: ALL NEW HVAC TO BE A DESIGN/BUILD SYSTEM BY THE HVAC CONTRACTOR.
- 7) ELECTRICAL: DESIGN BUILD BY ELECTRICAL CONTRACTOR. UP GRADE SERVICE TO BE SIZE TO ACCOMMODATE NEW AND EXISTING.
- 8) JOIST HANGERS: "SIM PBR" STRONG TIES ALL CONNECTIONS PER MANUFACTURERS RECOMMENDATIONS. PROVIDE HURRICANE TIES AT ALL RAFTERS.

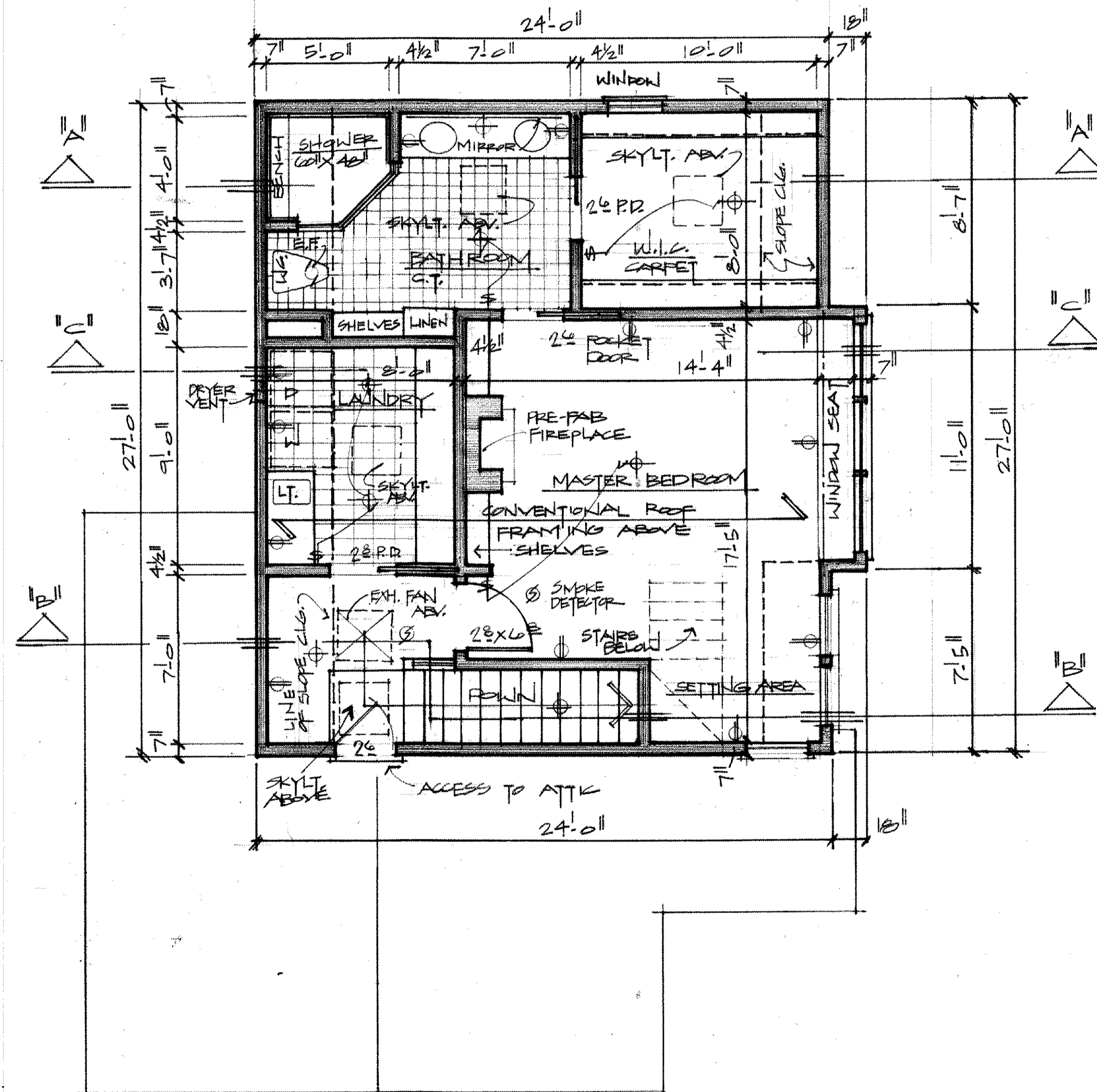


CONSTRUCTION NOTES

- 1) STAIRWAYS TO HAVE HEAD HEIGHT OF 6'-8" CLEAR MINIMUM.
- 2) BALLUSTER RAILS AND HANDRAILS ARE TO BE 36" HIGH AND CLEAR OPENINGS MUST BE LESS THAN 4" DIA. TYPICAL.
- 3) ALL INTERIOR STUD WALLS ARE TO BE 2X4 CONSTRUCTION @ 16" O.C.
- 4) ALL EXTERIOR STUD WALLS ARE TO BE 2X6 CONSTRUCTION @ 16" O.C.

SECOND FLOOR PLAN

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



TOP LEVEL (BONUS ROOM)

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

GENERAL NOTES

- 1) DO NOT SCALE DRAWINGS. USE GIVEN DIMENSIONS.
- 2) ALL CONSTRUCTION TO COMPLY WITH THE LATEST MICHIGAN RESIDENTIAL CODE, MECHANICAL CODE AND THE LATEST EDITION OF NATIONAL ELECTRICAL CODE.
- 3) CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS AND CALL FOR REQUIRED INSPECTIONS.
- 4) CONTRACTOR SHALL PROVIDE ALL SHORING, BRACING, AND UNDERPINNING AND ALL OTHER MEANS REQUIRED TO PROTECT AND MAINTAIN THE SAFETY AND INTEGRITY AND STABILITY OF ALL NEW CONSTRUCTION.
- 5) BEDROOM WINDOWS MUST MEET EMERGENCY EGRESS REQUIREMENTS
- 6) SMOKE DETECTOR: PROVIDE SMOKE DETECTORS ADJACENT TO ALL SLEEPING AND MECHANICAL ROOMS ON ALL FLOOR LEVELS. ALL SMOKE DETECTORS SHALL BE ACDC AND INTERCONNECTING WITH ONE ANOTHER.
- 7) APPROVED FIRESTOP MATERIAL SHALL BE PROVIDED IN ALL DROPS AND CHASES FOR MECHANICAL, ELECTRICAL AND PLUMBING, PER MRC R 602.8
- 8) PROVIDE DRAFTSTOPPING IN REQUIRED LOCATIONS AS PER MRC R 502.12

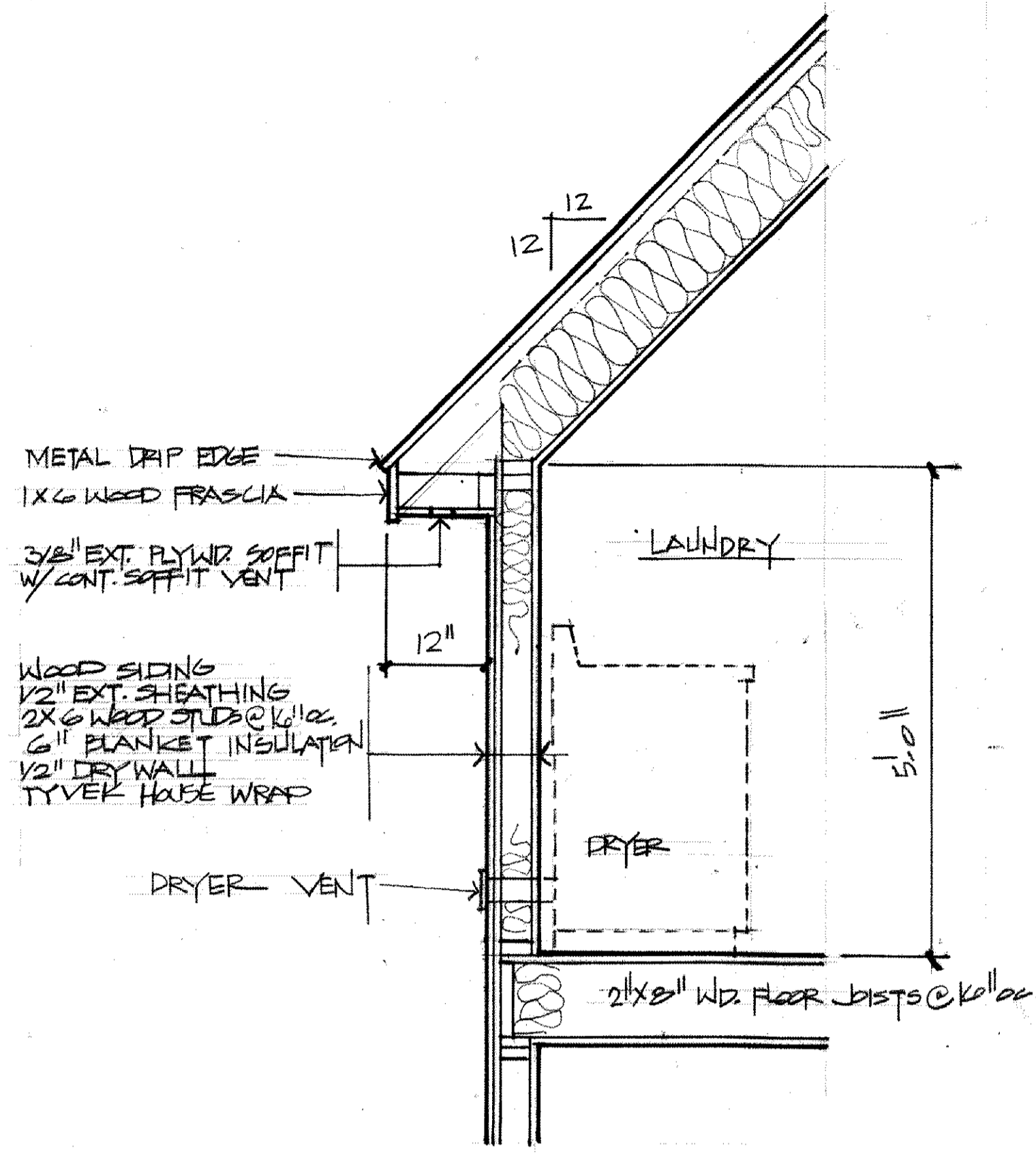
PLANS PREPARED BY: LARRY N. SHEW
4480 BARNELL STREET
CLARKSTON, MICHIGAN 48346

BUILDER: AMERICAN MADE CONSTRUCTION

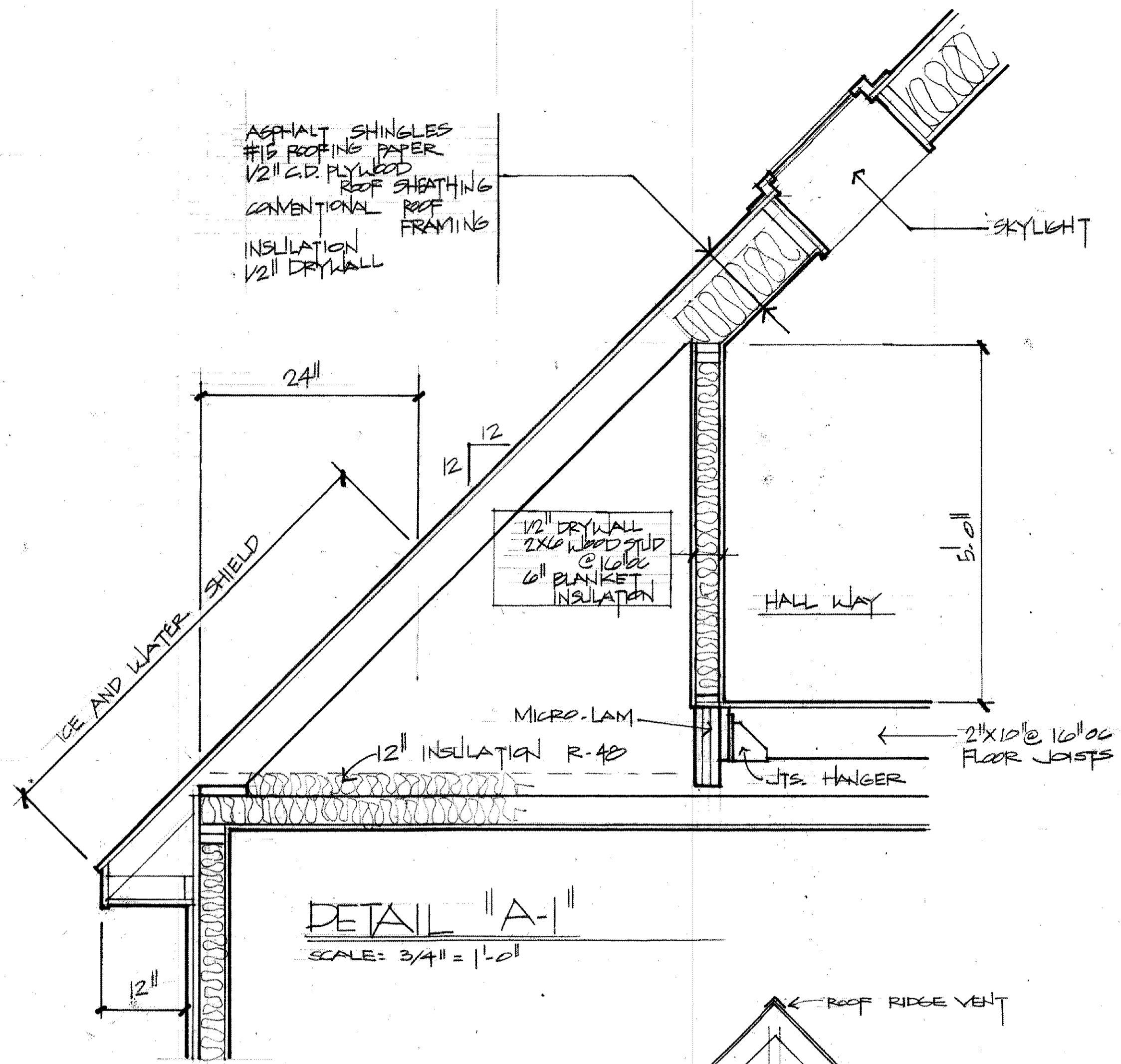
NEW CONSTRUCTION FOR: BRANDON DAVIS/DANIELLE PASSEEL
1185 SOUTH LAKE DRIVE
LAWSON, MICHIGAN 48377
(586) 783-1492

DATE: AUG. 24, 2018
SEPT. 4, 2018
BLDG. PERMIT

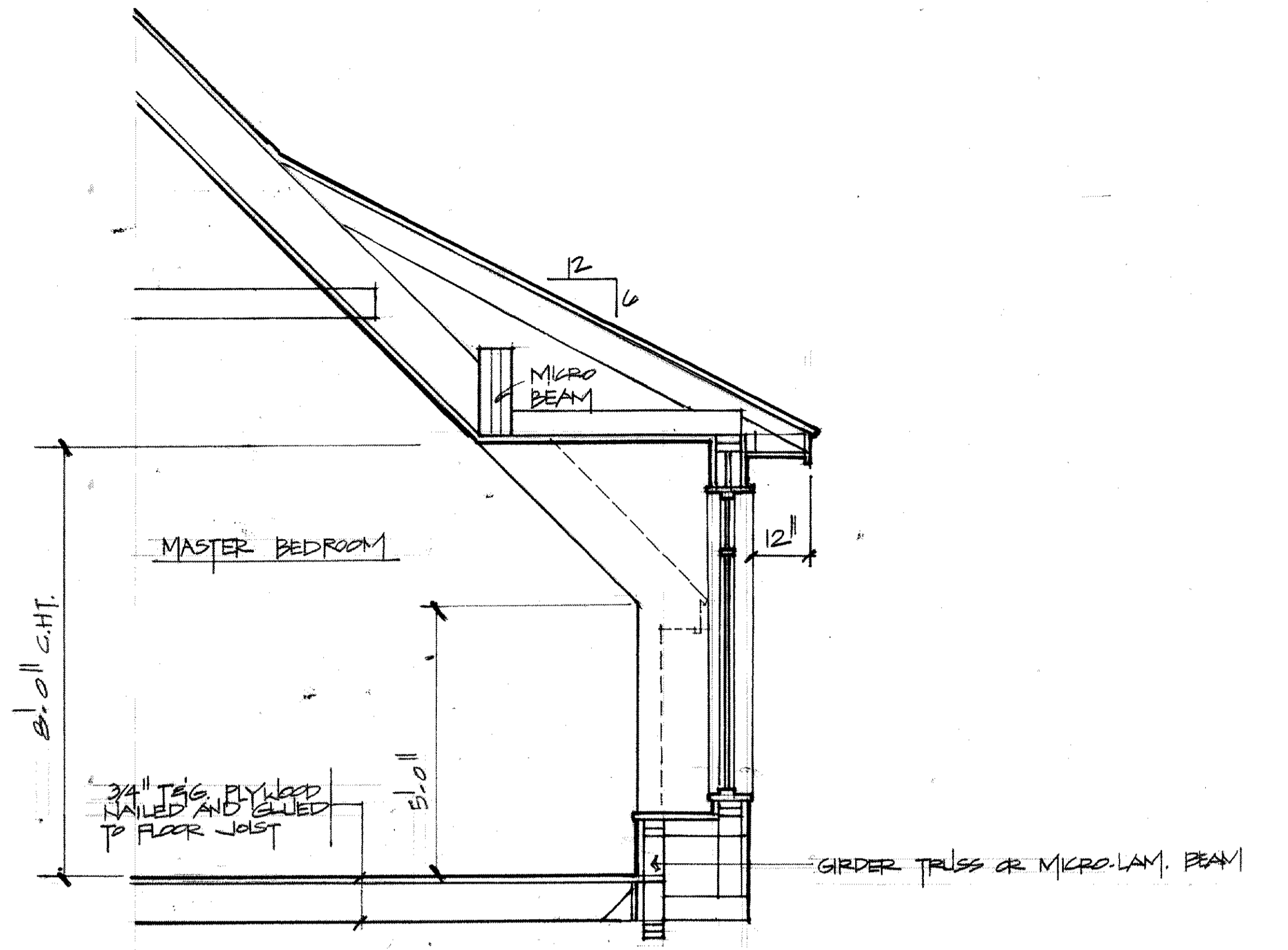
SHEET NO: #1 of 4



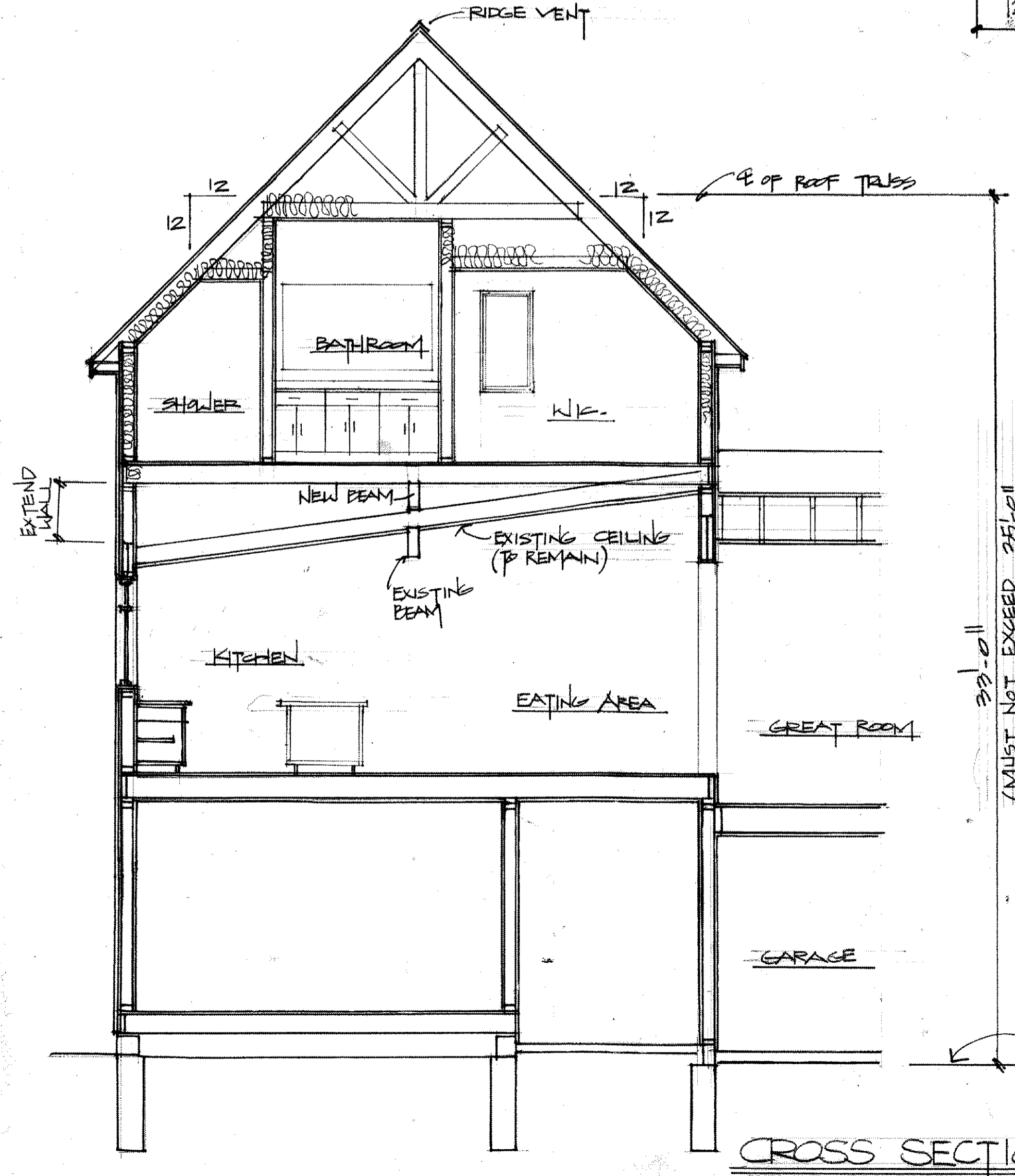
DETAIL "A-2"
SCALE: 3/4" = 1'-0"



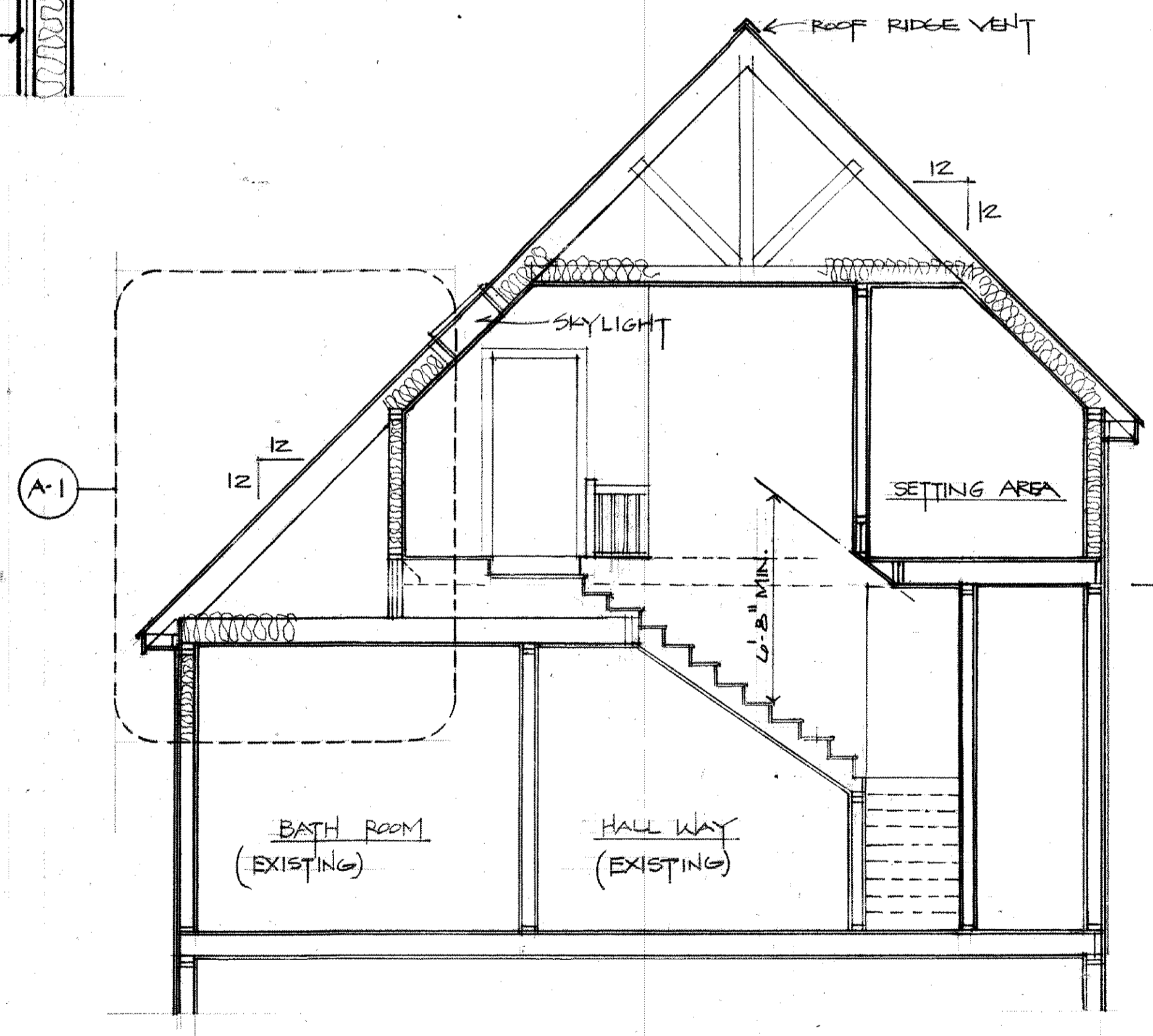
DETAIL "A-1"
SCALE: 3/4" = 1'-0"



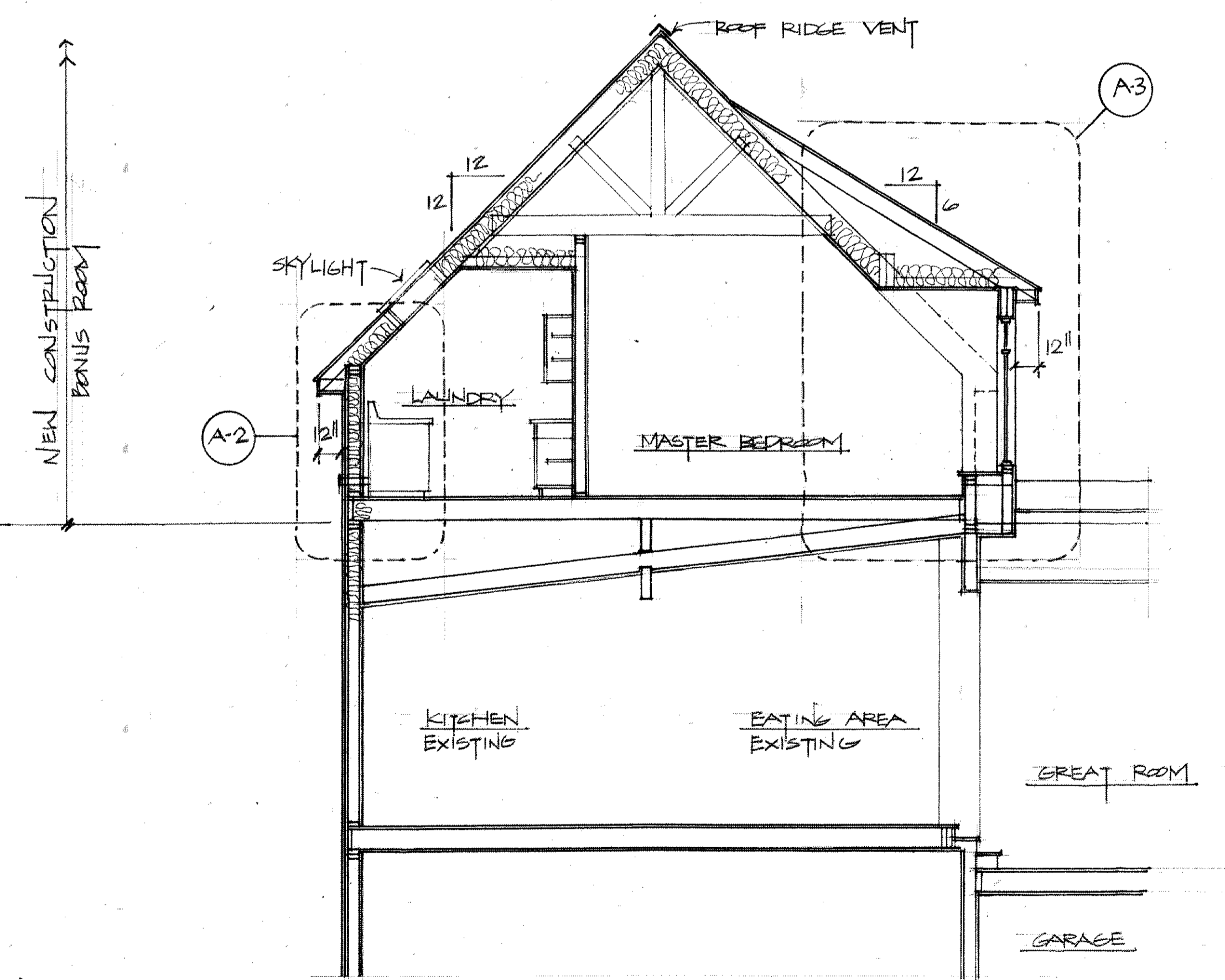
DETAIL "A-3"
SCALE: 1/2" = 1'-0"



CROSS SECTION "A-A"

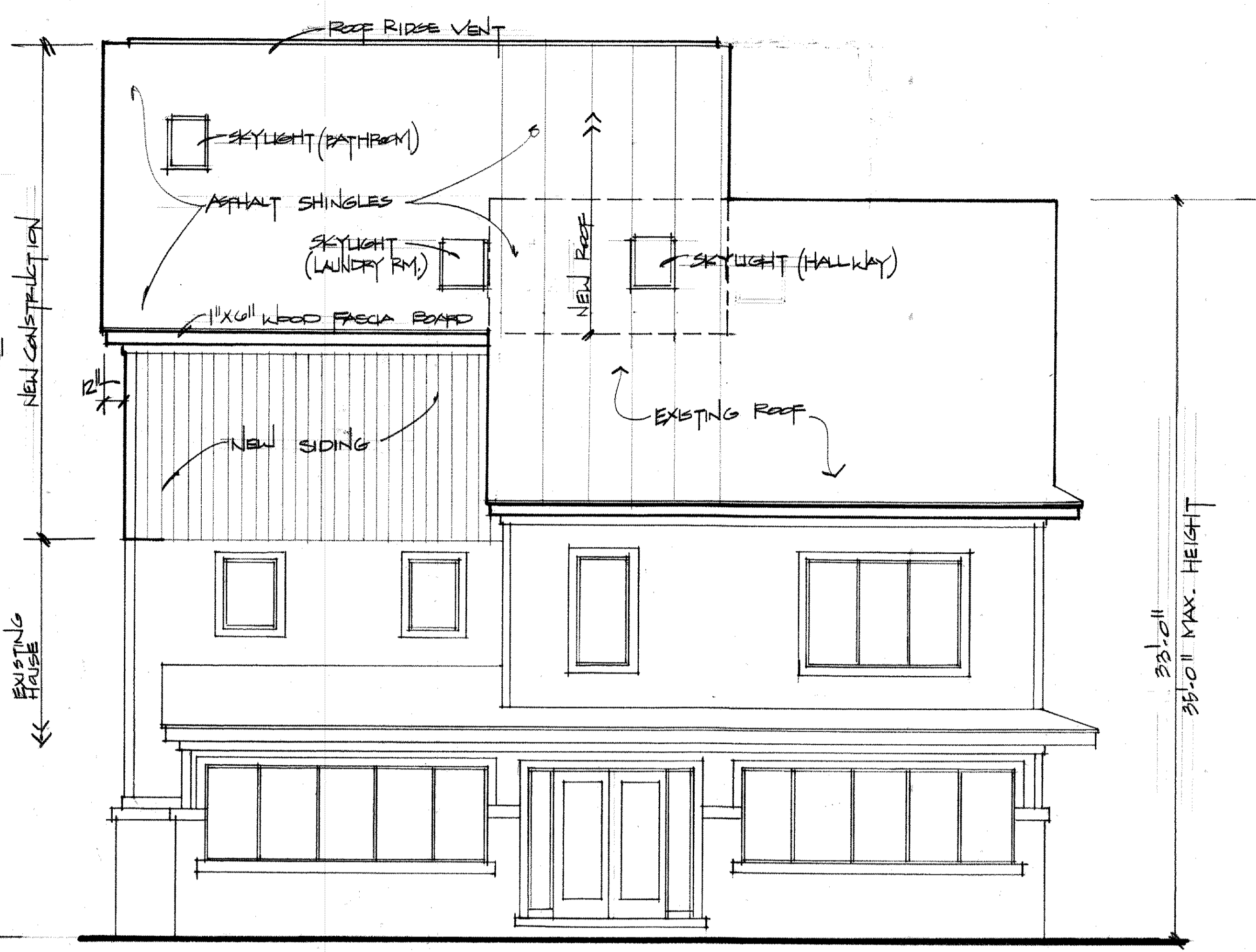
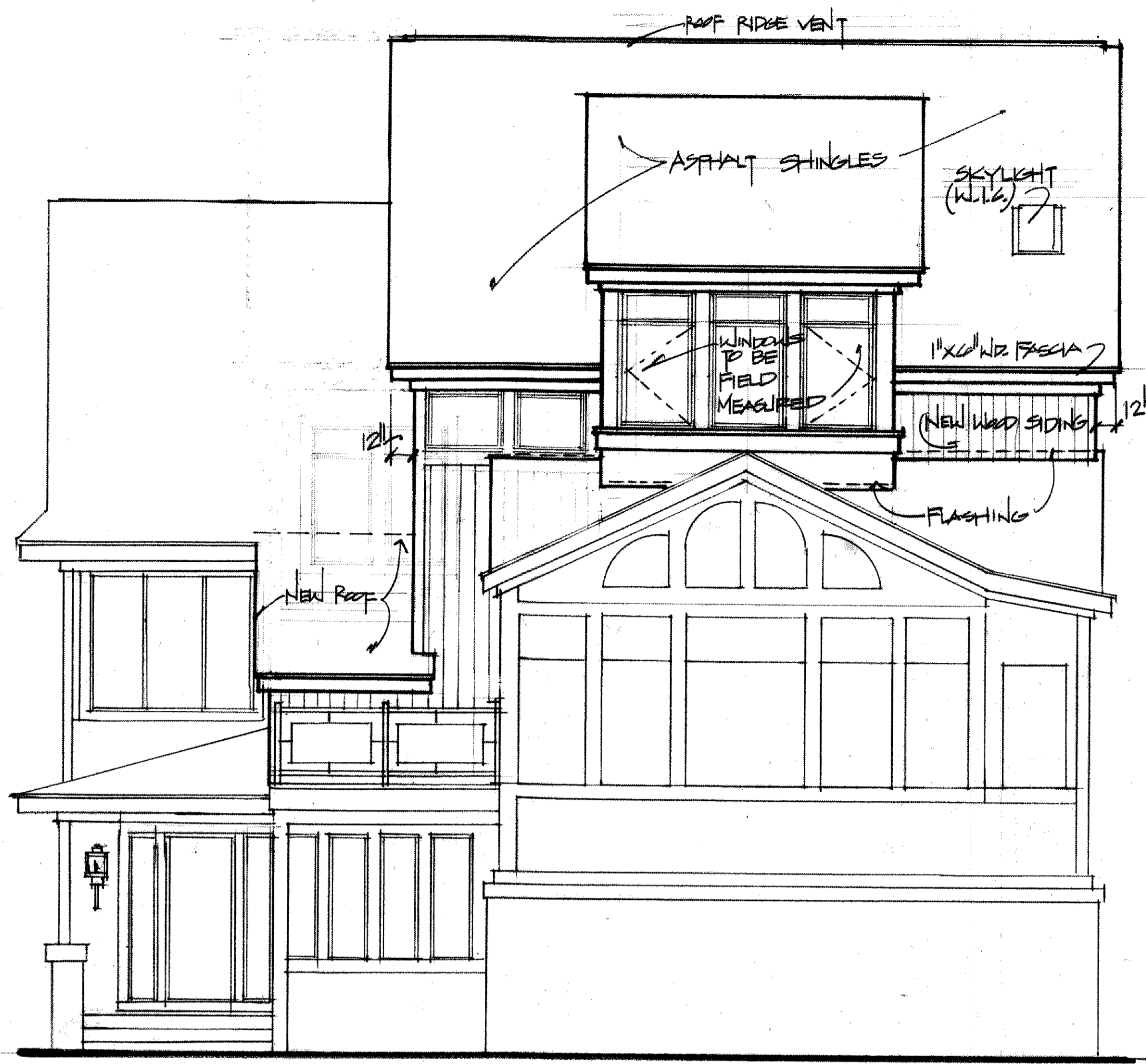


CROSS SECTION DETAIL "B-B"
SCALE: 1/4" = 1'-0"



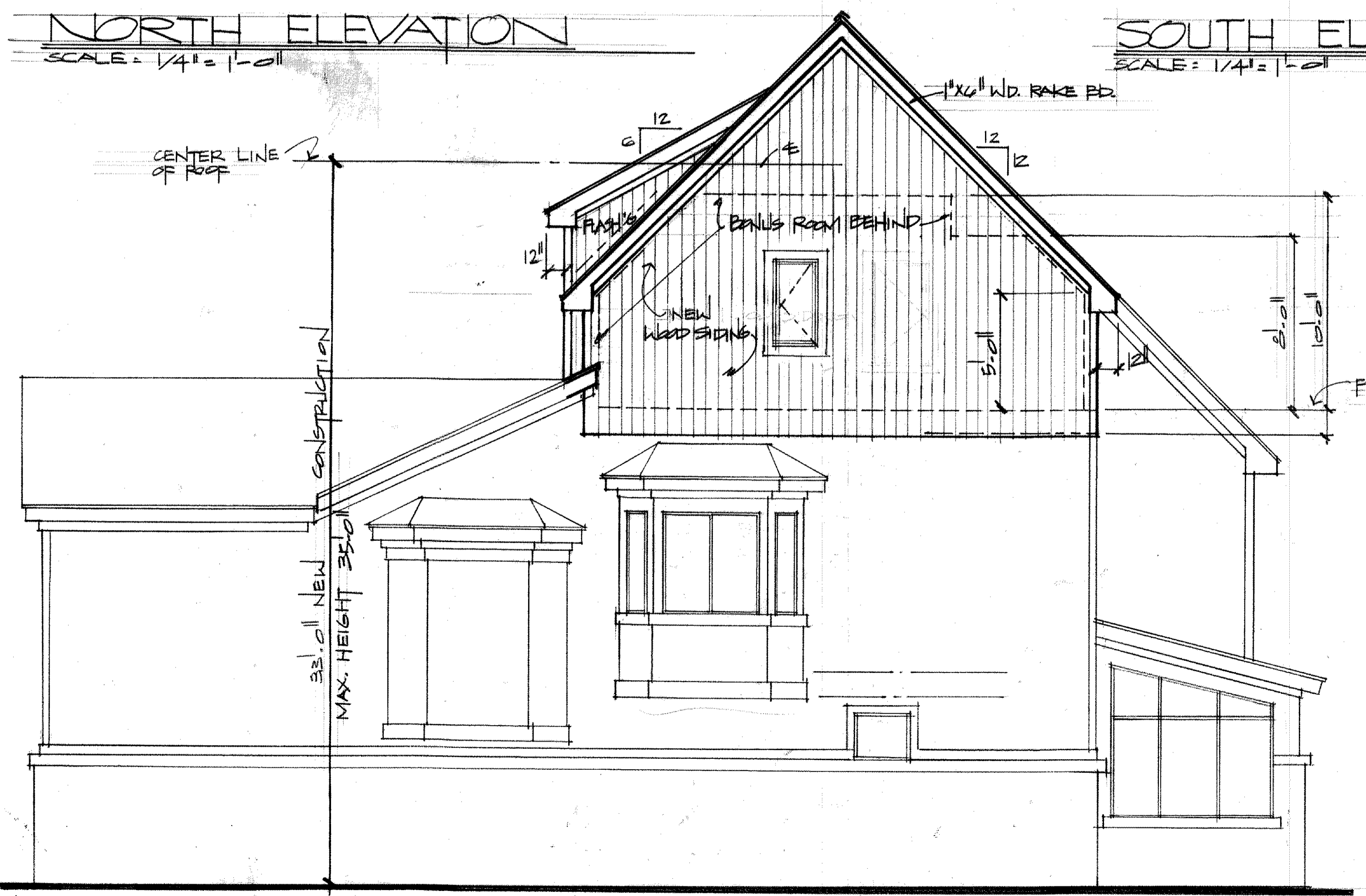
CROSS SECTION DETAIL "C-C"
SCALE: 1/4" = 1'-0"

SHT. #	DATE:	RESIDENCE FOR:	BUILDER:
# 3 OF 4	AUG. 26, 1985 SEPT. 4, 1985 BLDG. PERMIT	B. DAVIS AND D. FASSEEL 1185 SOUTH LAKE DRIVE NORVI, MICHIGAN 48377	AMERICAN MADE CONSTRUCTION



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

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

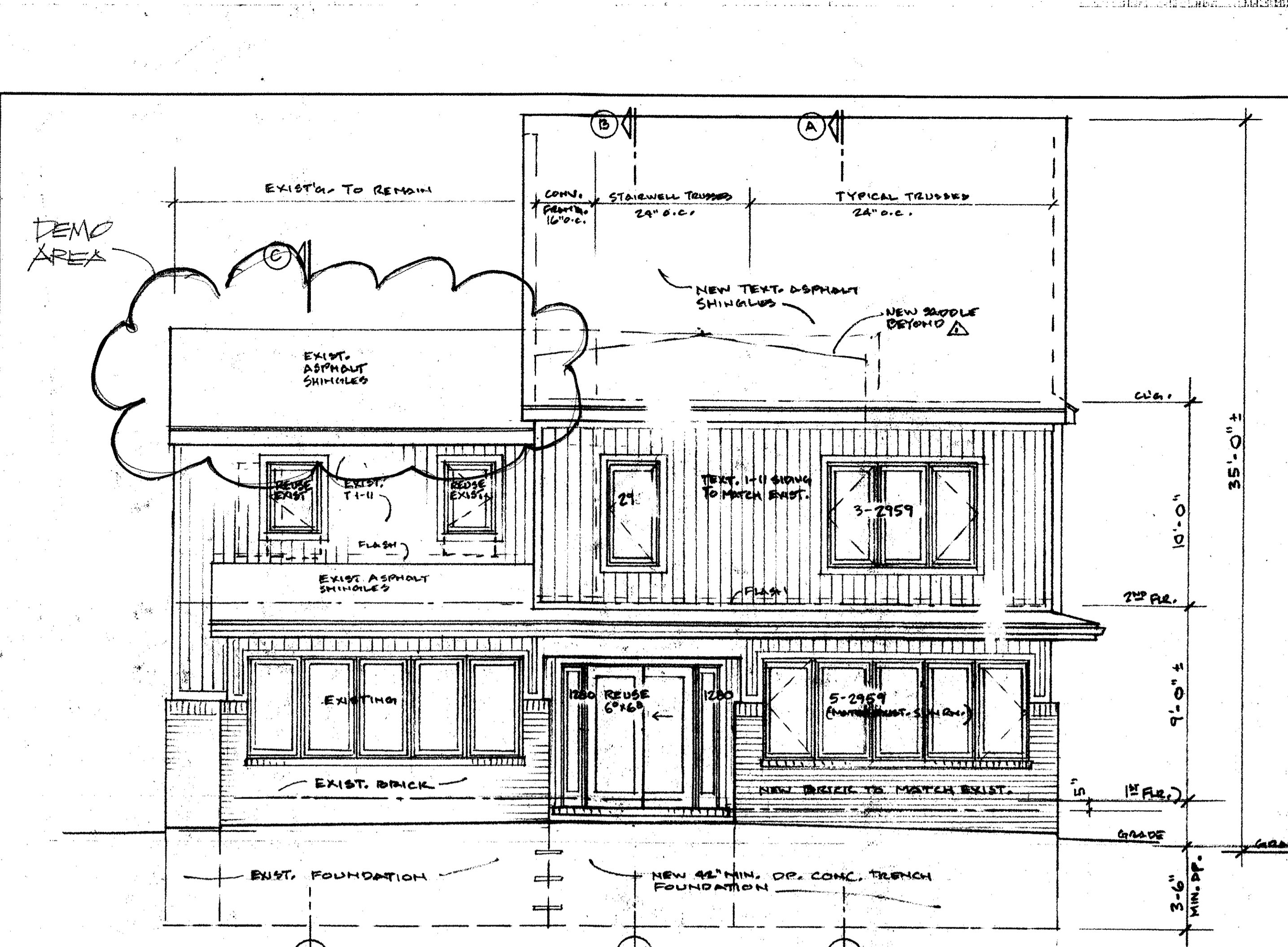


WEST ELEVATION
SCALE: 1/4" = 1'-0"

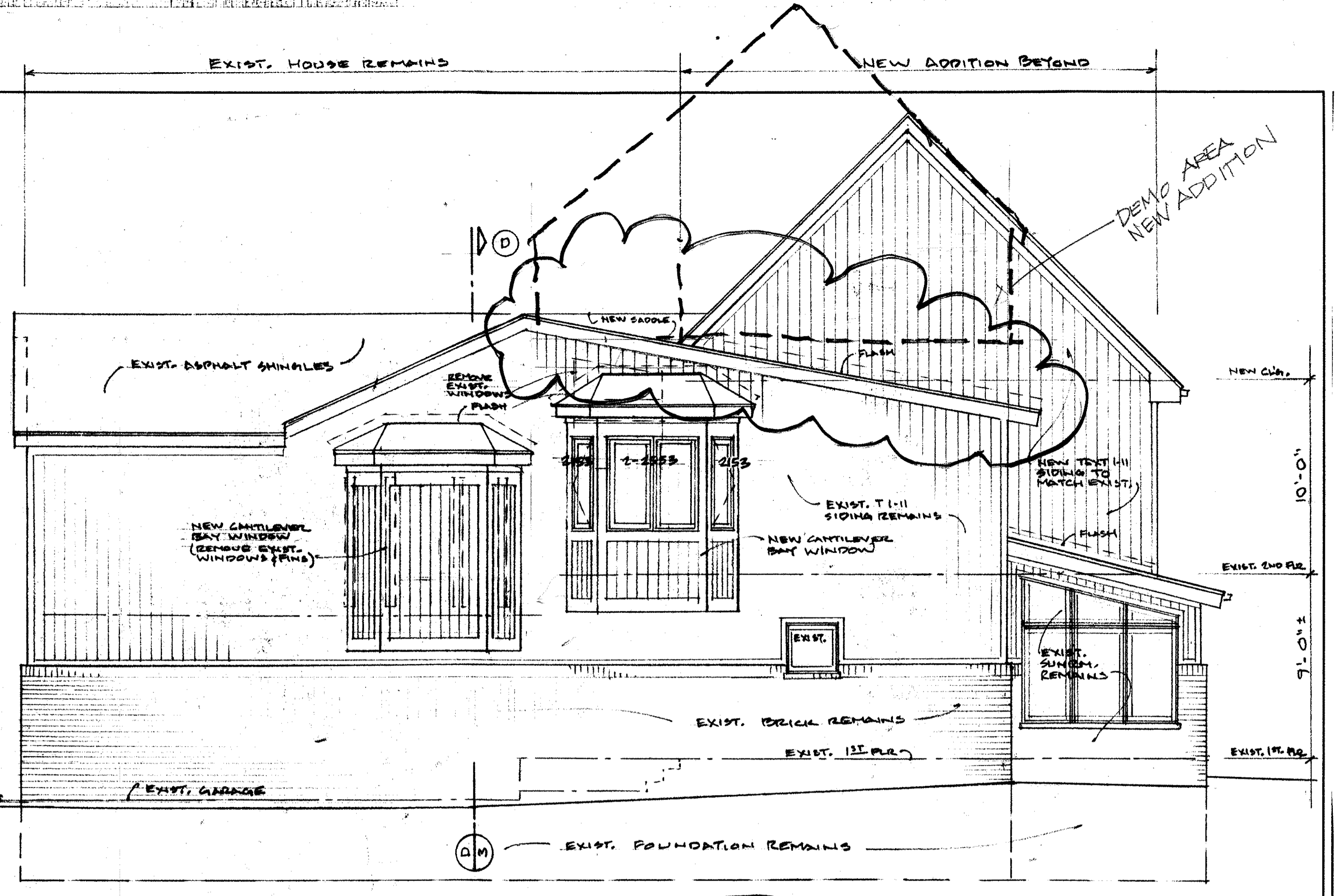
EAST ELEVATION
SCALE: 1/4" = 1'-0"

SHT. #	RESIDENCE RP#	BUILDER
#2 of 4	P. DAVIS AND D. PASSEEL 1185 SOUTH LAKE DRIVE NOVI, MICHIGAN 48377	AMERICAN MADE CONSTRUCTION

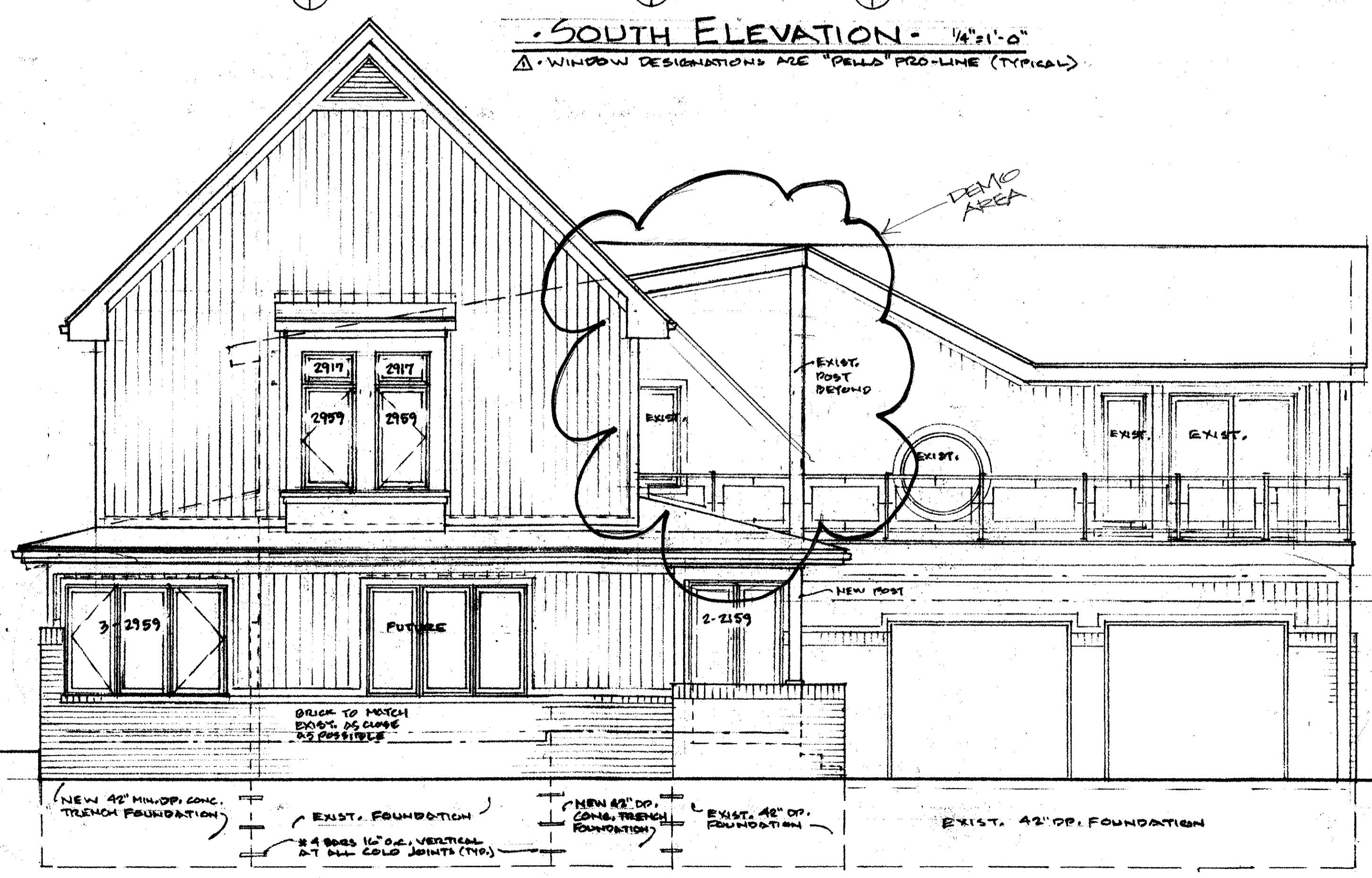
AUG. 26, 2018
SEPT. 4, 2018 BLDG. PERMIT



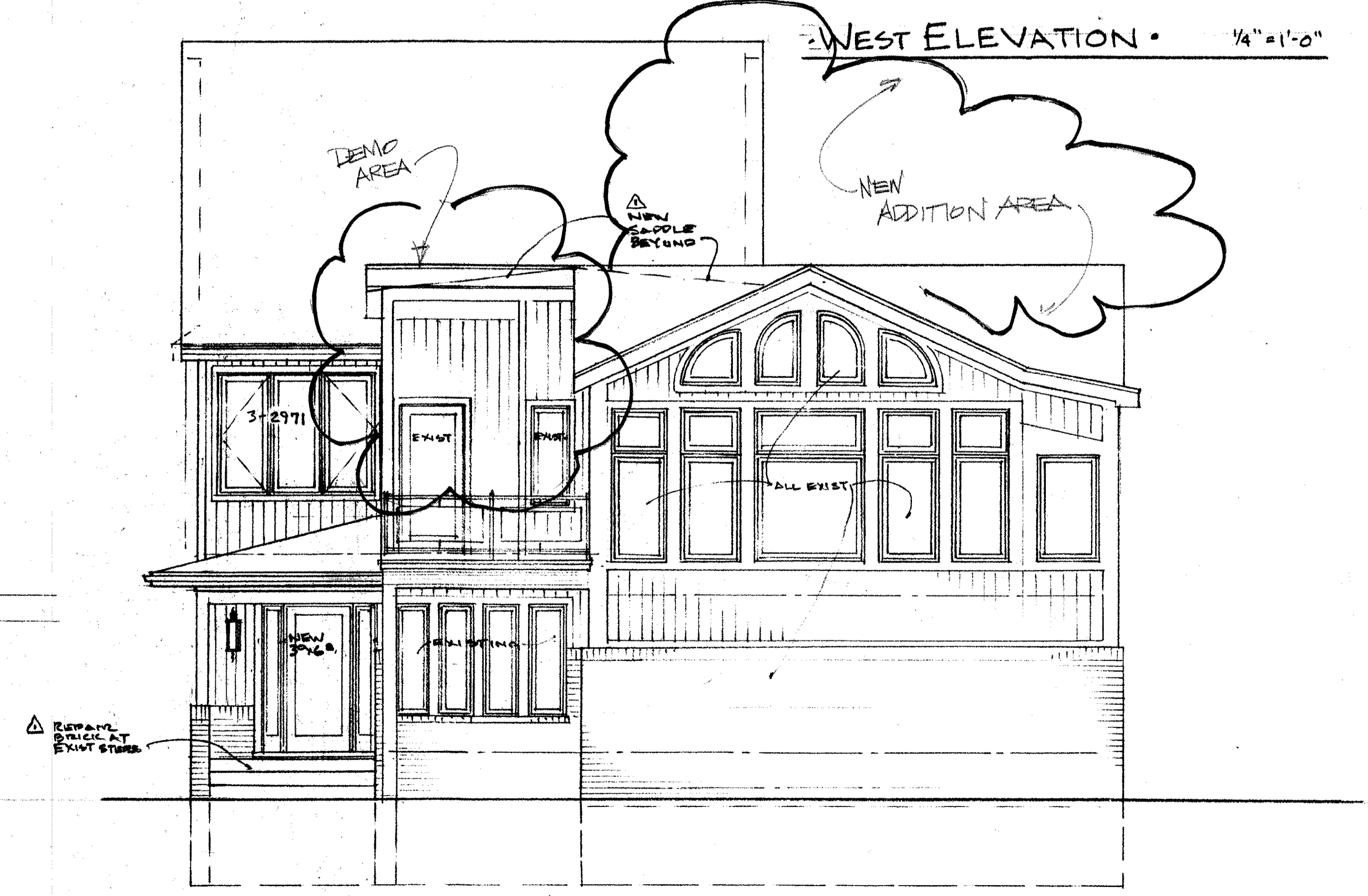
SOUTH ELEVATION - 1/4" = 1'-0"
 Δ WINDOW DESIGNATIONS ARE "PELLA" PRO-LINE (TYPICAL)



WEST ELEVATION - 1/4" = 1'-0"



EAST ELEVATION - 1/4" = 1'-0"



NORTH ELEVATION - 1/4" = 1'-0"
 Δ WINDOW DESIGNATIONS ARE FOR "PELLA" PRO-LINE (TYPICAL)

EXISTING HOUSE
 DEMO/NEW CONSTRUCTION

From: [Kurt Werner](#)
To: [Oppermann, Katherine](#)
Subject: 1185 South Lake Drive, #50-22-03-377-018 (PZ19-0003) - Approval Comment
Date: Tuesday, March 05, 2019 8:09:58 AM

Hello,

Our names are Kurt and Michelle Werner and we live at 135 Henning St. We are two houses away from 1185 South Lake Drive. We approve and support the request of a Variance from Novi Zoning Ordinance Section 3.1.5. This will not impact our property in anyway.

Thanks,

Kurt Werner
Michelle Werner
135 Henning St
Novi, MI. 48377