



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: November 20, 2018

REGARDING: 44682 Dunbarton Dr #50-22-27-376-013 (PZ18-0047)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Coy Construction Inc

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of Taft Road and North of Nine Mile Road
Parcel #:	50-22-27-376-013

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.5 to allow a 10 foot rear yard variance for a proposed 25 foot setback for a proposed screened in porch, 35 feet minimum required by ordinance. This property is zoned Single Family Residential (R-3).

II. STAFF COMMENTS:

Residence is in close proximity of a heavy wooded area. No previous variances.

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. **PZ18-0047**, 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. **PZ18-0047**, 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



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

AUG 30 2018

CITY OF NOVI
 COMMUNITY DEVELOPMENT

Application Fee: \$200.00
Meeting Date: Nov. 20th 2018
ZBA Case #: PZ 18-0047

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION <u>46</u>			
ADDRESS <u>44682 Dunbarton Dr</u>		LOT/SUITE/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 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 checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS	CELL PHONE NO.
NAME <u>Michael McCoy</u>		<u>Melissa@CoyConstruction.com</u>	
ORGANIZATION/COMPANY <u>Coy Construction, Inc</u>		TELEPHONE NO.	<u>248-363-1050</u>
ADDRESS <u>4214 Martin Rd</u>		CITY <u>Walled Lake</u>	STATE <u>MI</u> ZIP CODE <u>48390</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	CELL PHONE NO.
NAME <u>Gere & Tisa Stberry</u>			TELEPHONE NO. <u>248-496-3611</u>
ORGANIZATION/COMPANY			FAX NO.
ADDRESS <u>44682 Dunbarton Dr</u>		CITY <u>Novi</u>	STATE <u>MI</u> ZIP CODE <u>48375</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 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>3.1.5</u> Variance requested <u>10 FEET rear yard setback</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 DECK AND SCREEN PORCH

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.

Property Owner Signature

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:

IN ORDER TO BE ABLE FOR THIS HOMEOWNER TO ENJOY HER BACK YARD SHE NEEDS A "SCREENED IN AREA" AS SHE IS ALLERGIC TO MOSQUITO BITES 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 EXISTING REAR LOT LINE IS 40' FROM THE BACK WALL OF THE HOME (38' FROM THE BAY DOORWALL) A SCREEN PORCH MUST BE A MINIMUM OF 35' FROM THE LOT LINE. A VERY MODEST SIZED PORCH OF 15' X 15' WILL

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. REQUIRE A 10' VARIANCE

THE HOMEOWNER WOULD LIKE VERY MUCH TO BE ABLE TO USE HER YARD WITHOUT THE FEAR OF BEING BITTEN BY MOSQUITOES.

Standard #4. Minimum Variance Necessary.

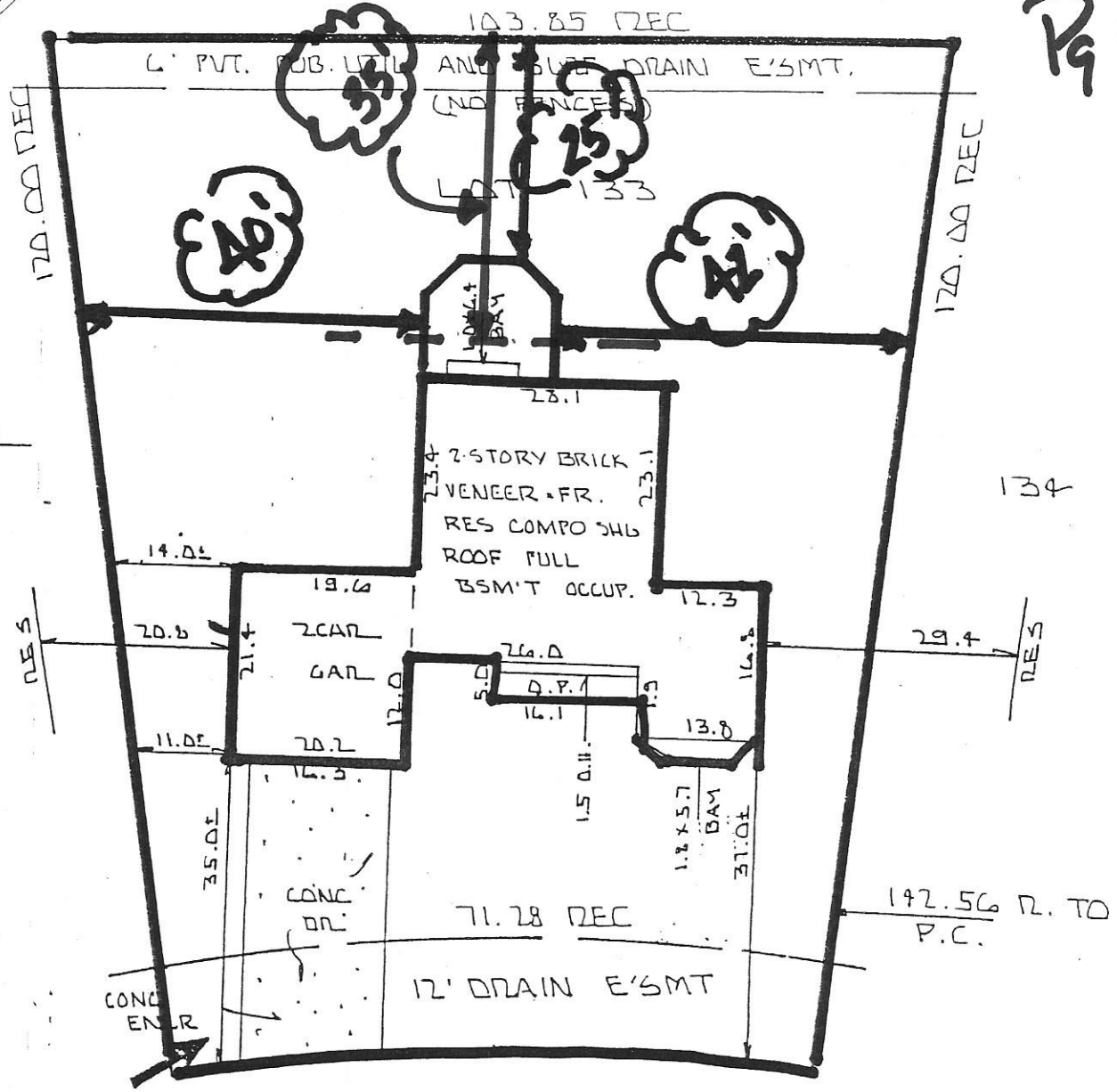
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

THE 10' VARIANCE WILL ENABLE THE HOMEOWNER TO HAVE 13' OF INTERIOR, USEABLE SPACE (THE CANTILEVERED BAY) TAKES UP 2' OF THE 15' DEEP PORCH.

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 ADDITION OF THIS SCREEN PORCH WILL VERY MUCH ENHANCE THE ARCHITECTURAL APPEAL OF THE PROPERTY..... IT WILL BE VERY AESTHETICALLY PLEASING AND INCREASE THE VALUE OF THE HOME AND THAT OF THE NEIGHBORS HOMES.



44682 DUNBARTON DR. 60' WD.

LOT 133, DUNBARTON PINES SUBDIVISION # 1, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 164, PAGES 40, 41 & 42, OF PLATS, OAKLAND COUNTY RECORDS.

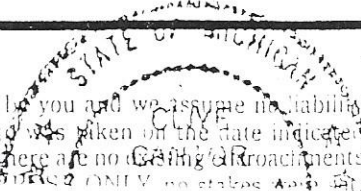
SCALE 1" = 20'

SHERRY, GERARD & NANDINI

SURVEY#PH-323128 7/17/96

I CERTIFY TO: NORWEST MORTGAGE INCORPORATED

that we have surveyed the property herein described; according to the legal description as furnished by you and we assume no liability for the accuracy thereof; that there is located entirely thereon as shown; a building, of which a photo was taken on the date indicated hereon and of which a print appears herein; that said improvements are within the property lines; and that there are no encroachments or other matters shown on this plan which are not shown on the plat of record. ONLY use stakes and pins.



Google Maps 44682 Dunbarton Dr

Location of Screen Pocket



Location o

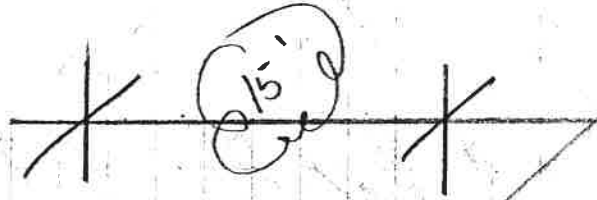


Imagery ©2018 Google, Map data ©2018 Google 5 m

Deck Floor

PATIO
by OTHERS

FIRE PIT



POSTS 4x6"
42" IN SPACES
w/ CONCRETE

BEAMS
2x8" MAX.
SPACES 6'



Decking - TREX

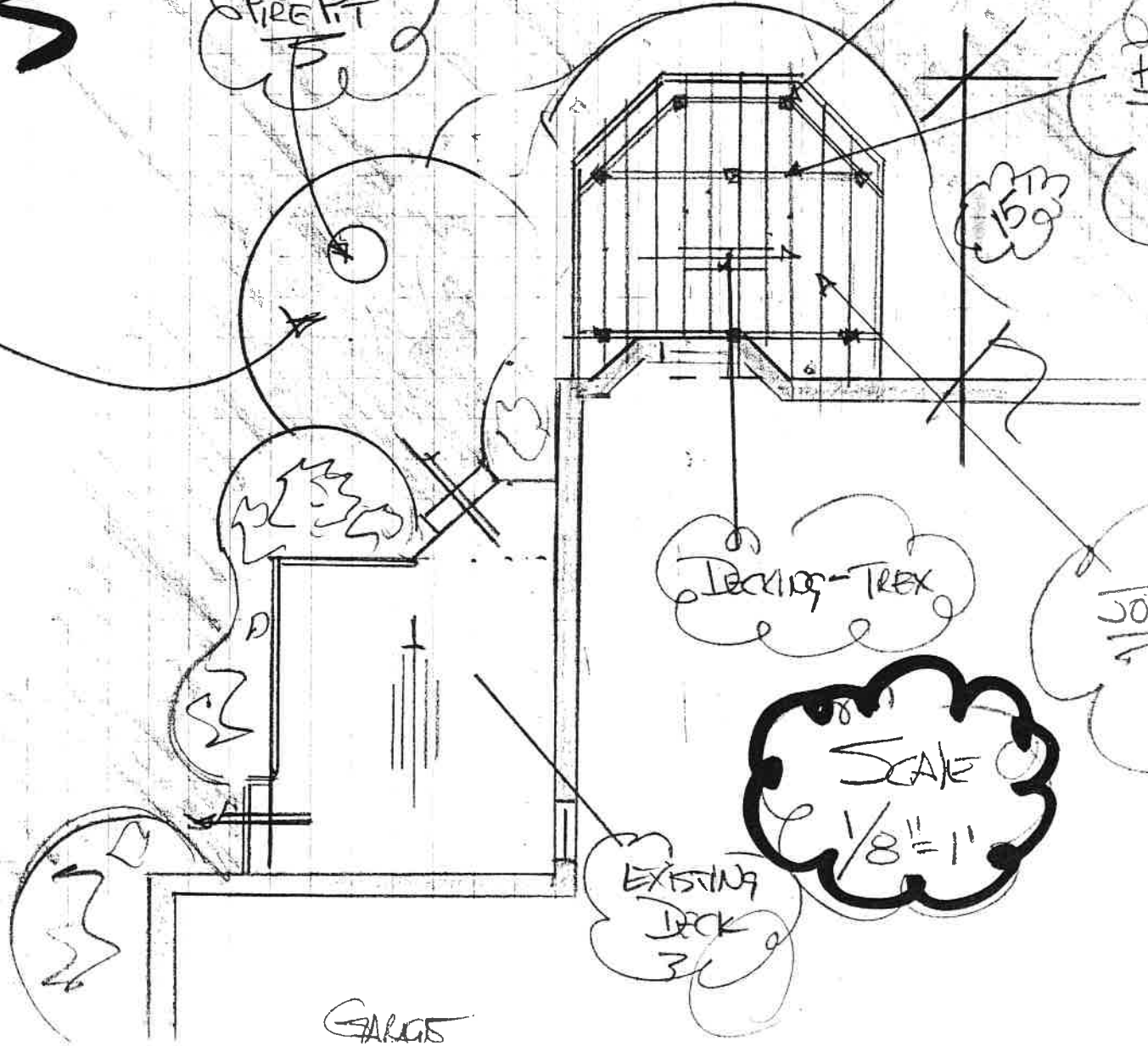
JOISTS 2x8"
16" o.c.
MAX SPACES
7 1/2'

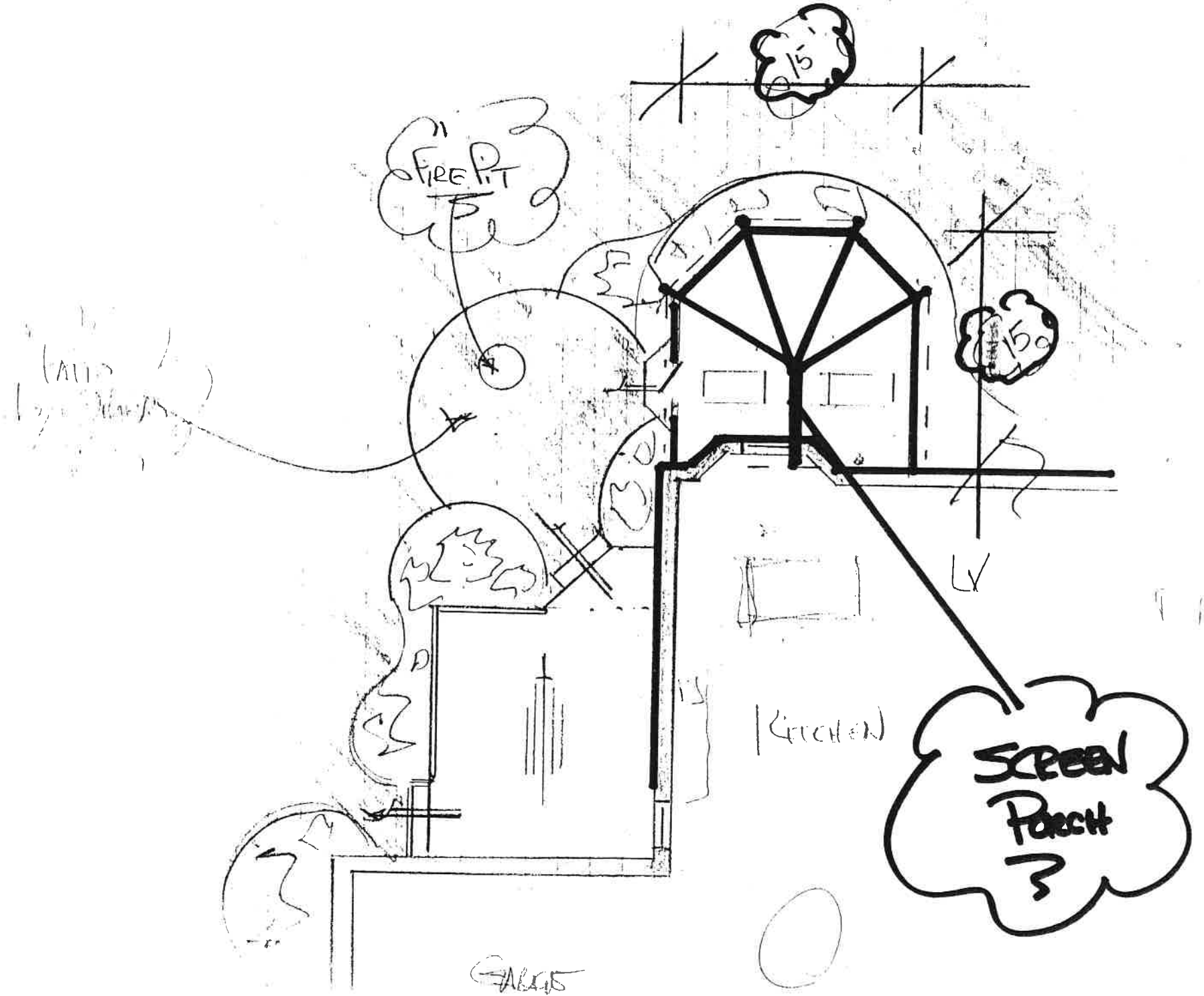
SCALE
1/8" = 1'

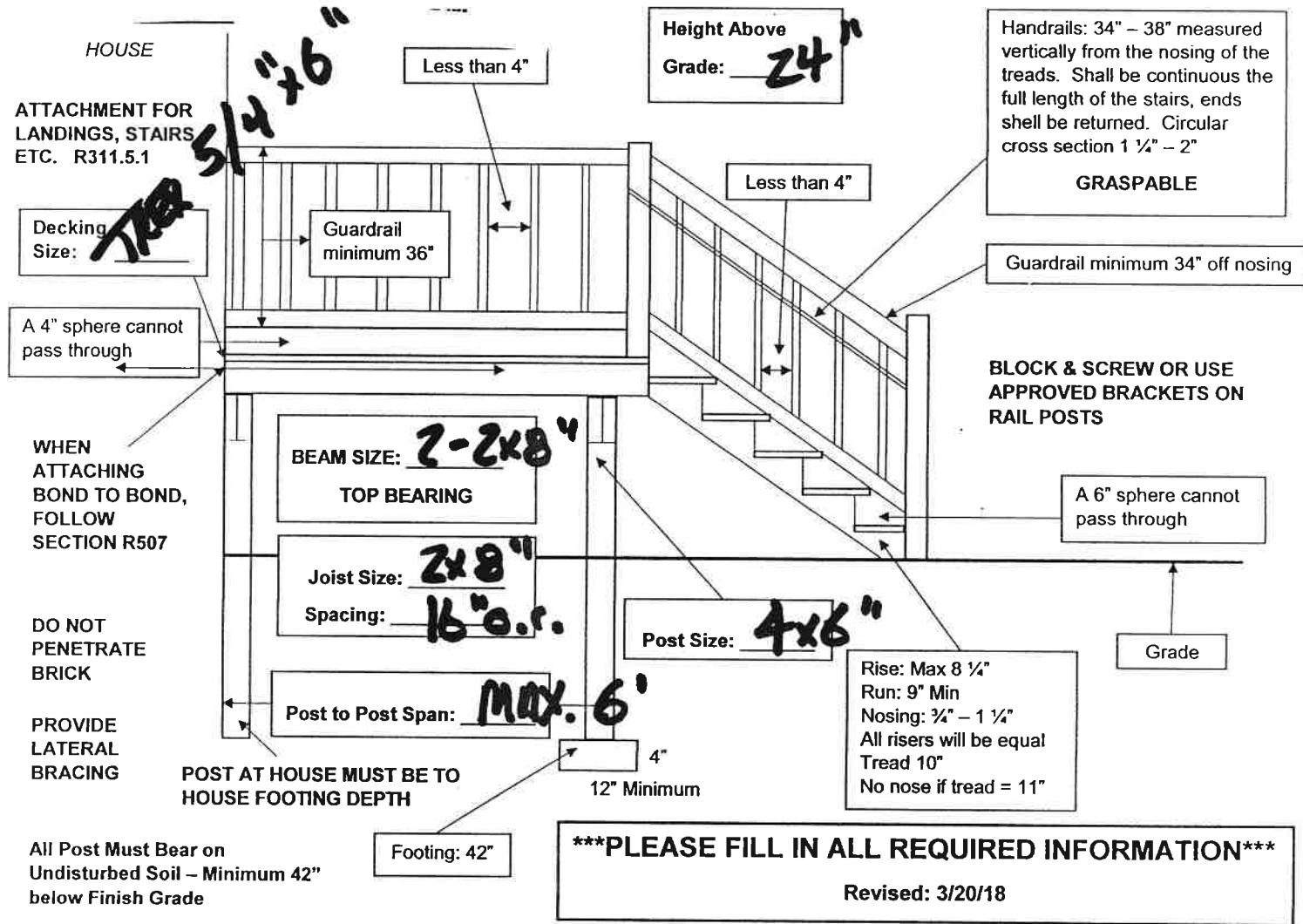
EXISTING
DECK



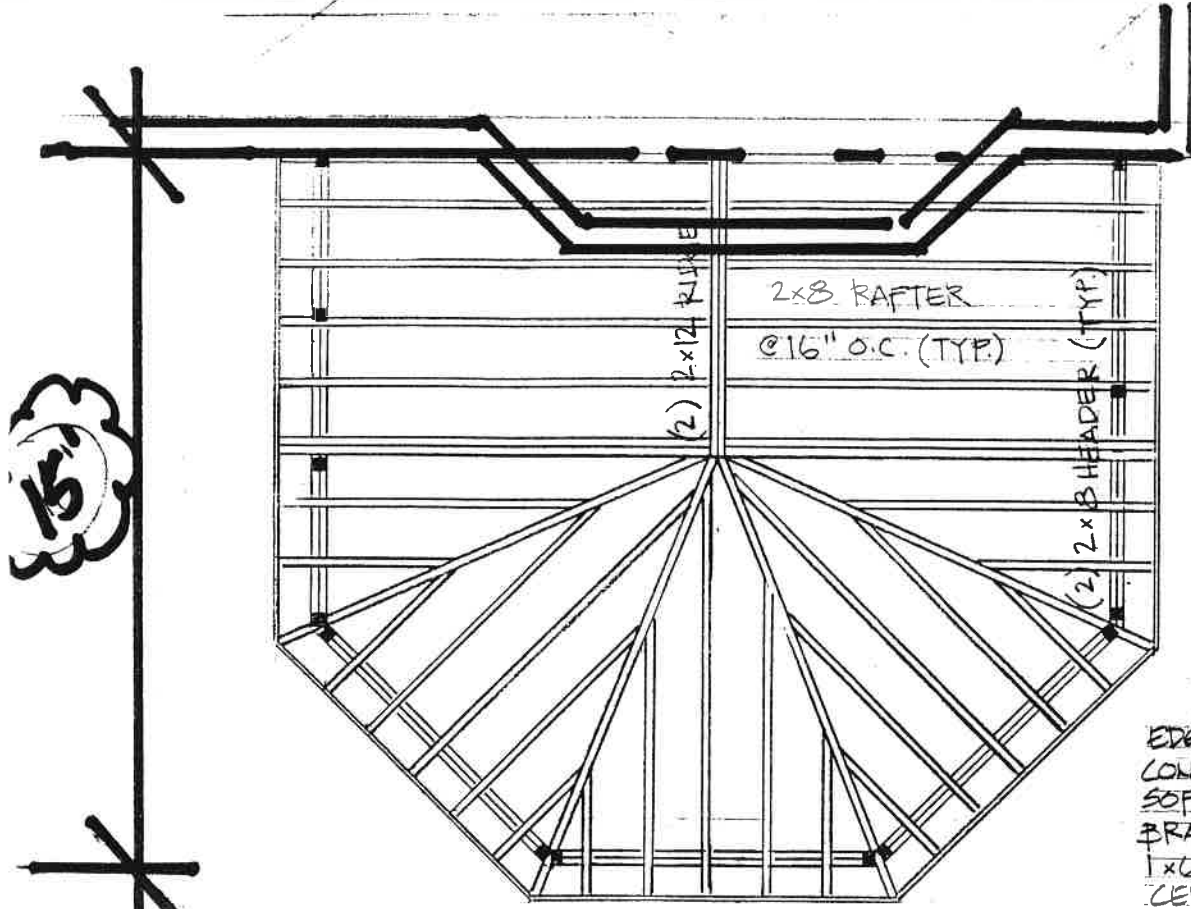
GARAGE







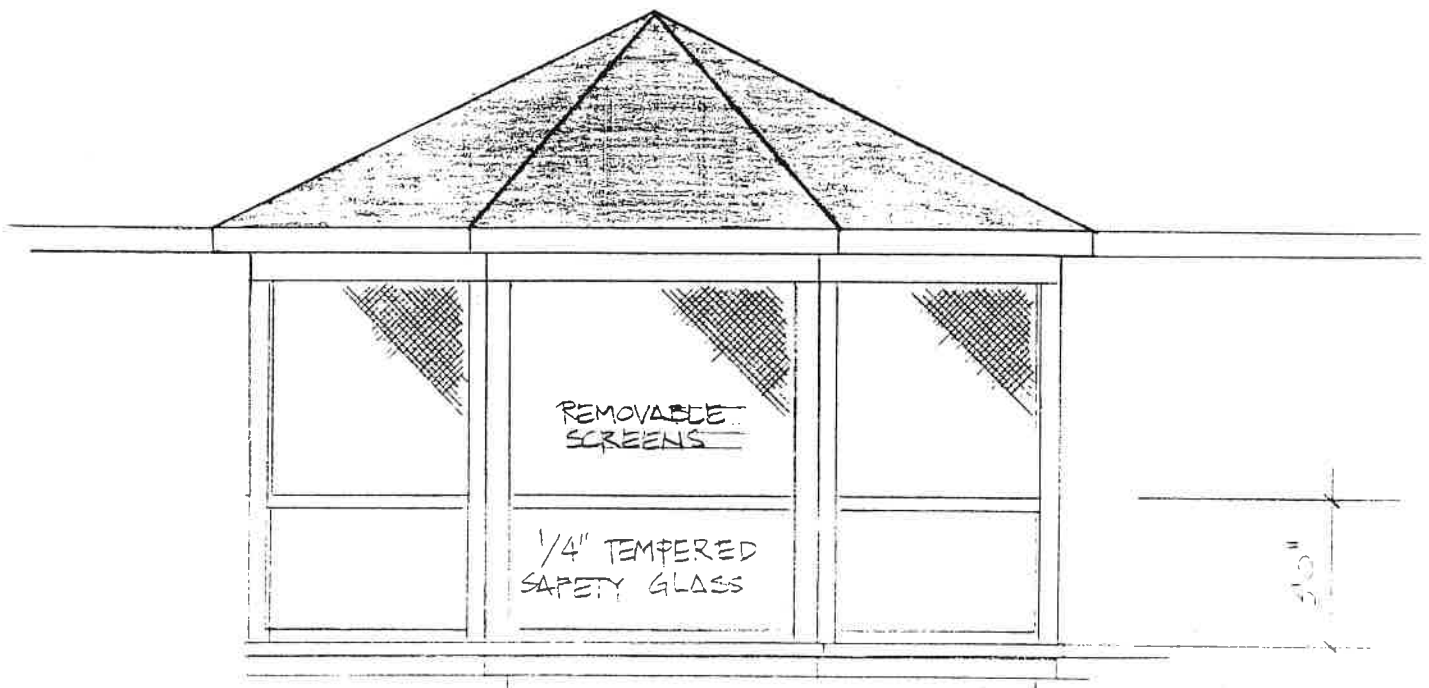
Beam/Post Connection Method and Hardware to be Used: _____



FRAME: 4x4 CEDAR POSTS WITH (2) 2x12 RIDGE; (2) 2x8 HEADER (TYP.) 2x8 RAFTERS @16" O.C. (TYP.) 7/16" O.S.B. SHEETING; ICE AND WATER SHIELD 15* FELT PAPER DRIP EDGE AND SHINGLES TO MATCH CONTINUOUS RIDGE VENT AND SOFFIT VENTS. (1) "TRAPP" BRAND 3° ALUM. STORM DOOR 1x6 T&G CEDAR FINISHED CEILING INSIDE

FRAME DETAIL
 SCALE 1/4" = 1'

15'



REAR ELEVATION
 SCALE 1/4" = 1'