



# COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
[www.cityofnovi.org](http://www.cityofnovi.org)

## ZONING BOARD OF APPEALS STAFF REPORT

**FOR:** City of Novi Zoning Board of Appeals

**ZONING BOARD APPEALS DATE:** April 12, 2022

**REGARDING:** 112 N Haven Drive, Parcel # 50-22-03-201-005 (PZ22-0008)

**BY:** Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Creative Brick Paving & Landscaping

**Variance Type**

Setback Variance

**Property Characteristics**

Zoning District:	Single-Family Residential (R4)
Location:	East of West Park Drive and South of West Pontiac Trail
Parcel #:	50-22-03-201-005

**Request**

The applicant is requesting variance from the City of Novi Zoning Ordinance Section 3.1.5 for a proposed rear yard setback of 14.33 feet (35 feet required, variance of 20.67 feet). This variance would accommodate a roof over the rear deck. This property is zoned Single-Family residential (R4).

### 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. **PZ22-0008**, 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. **PZ22-0008**, 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



45175 Ten Mile Road  
 Novi, MI 48375  
 (248) 347-0415 Phone  
 (248) 735-5600 Facsimile  
 www.cityofnovi.org

## ZONING BOARD OF APPEALS APPLICATION

RECEIVED

MAR 23 2022

CITY OF NOVI  
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: _____	
PROJECT NAME / SUBDIVISION Estes Deck Roof				Meeting Date: _____	
ADDRESS 112 North Haven		LOT/SIUTE/SPACE # 373		ZBA Case #: PZ _____	
SIDWELL # 50-22-03 - 201 - 005		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY North Haven Street & West Lake Drive (Major crossroads: W. Pontiac Trail & W. Park Drive)					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" 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					
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS creativebrick@yahoo.com		CELL PHONE NO. 248-320-5626	
NAME				TELEPHONE NO. 248-230-1600	
ORGANIZATION/COMPANY Creative Brick Paving & Landscaping				FAX NO. 248-230-1601	
ADDRESS 3195 Orchard Lake Road		CITY Keego Harbor		STATE MI	ZIP CODE 48320
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS mlestes@comcast.net		CELL PHONE NO. 248-939-0929	
NAME Michelle Estes				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 112 N. Haven Street		CITY Novi		STATE MI	ZIP CODE 48337
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<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>B. VARIANCE REQUESTED</b>					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>3.1.5</u>		Variance requested		<u>proposed rear yard setback of 29 feet (35 feet required, variance of 6 feet)</u>	
2. Section <u>3.32-7</u>		Variance requested		<u>Roof projecting into the rear yard setback 14 feet (18 feet maximum allowed by code, variance of 4 feet)</u>	
3. Section _____		Variance requested _____		_____	
4. Section _____		Variance requested _____		_____	
<b>IV. FEES AND DRAWINGS</b>					
<b>A. FEES</b>					
<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>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>					
<ul style="list-style-type: none"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> </ul>			<ul style="list-style-type: none"> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>		



# 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

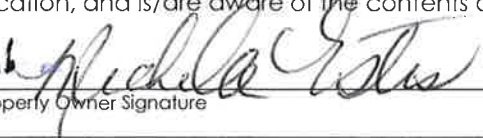
  
Applicant Signature

2-24-2022  
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

2/21/22  
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](http://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.)

### 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.

**Describe below:**

Irregular shaped lot

OR

- b. **Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

- Corner Lot
- Lake Frontage

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. **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).

In order to build a roof over the previously approved deck, a variance will be required so that the entire deck can be shielded from the elements for year-round use. The irregular shape of this corner lot makes it difficult to accommodate the space needed for this addition.

## **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.

Strict compliance would prevent the roof from covering the entire deck that has already been approved for construction.

## **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 roof needs to overhang the deck slightly so protect it from rain and snow and provide shade. Any smaller variance would inhibit the proper function of the roof. This project will not impede on any other properties in the area.

## **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.

A previous variance was already granted for the addition and the deck but not for the roof. This new version of the proposal has the same footprint as the previous proposal and the new roof does not exceed the height of the existing house. Neighboring properties will not be negatively affected and property values may be expected to increase due to the value and beauty of these improvements.

North Haven Street

Existing House 116

Property Line - 125'-0"

Property Line - 60'-0"

30'-0" Setback

10'-0" Setback

12'-6"

10'-1"

16'-4"

31'-4"

10'-0" Setback

12'-6"

14'-4"

Property Line - 73'-4"

10'-0" Setback

Property Line - 65'-0"

10'-0" Setback

45'-9"

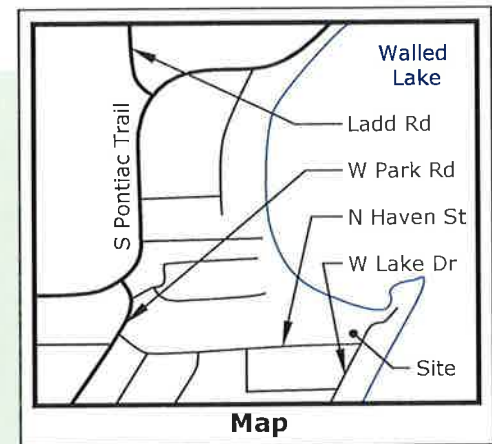
30'-0" Setback

Property Line - 131'-2"

35'-0" Rear Yard Setback

Property Line - 68'-0"

Maintain Existing Grades and Drainage



Proposed Roof Structure Above Deck

Existing Storm Drain  
Existing Fire Hydrant



PHOTO OF EXISTING CONDITIONS  
Scale: N/A

**LEGAL DESCRIPTION**

T1N, R8E, SEC 3 LAKE WALL SUB LOTS 18, 19 & E 1/2 OF LOT 20, ALSO PART OF N 1/2 OF SEC BEG AT PT DIST E 1636.80 FT & S 30-48-00 W 315.60 FT & N 89-19-00 E 1478 FT FROM NW SEC COR, TH N 89-19-00 E 173.70 FT, TH N TO SHORELINE OF WALLED LAKE, TH WLY 100 FT ALG SD SHORELINE, TH S TO PT LOC N 10 FT FROM N LINE OF 'LAKE WALL SUB', TH S 89-19-00 W 73.32 FT, TH S 00-41-00 E 10.02 FT TO BEG, EXC ELY 50 FT 12-19-89 FR 003 & 204-026

RECEIVED

MAR 24 2022

CITY OF NOVI  
COMMUNITY DEVELOPMENT

Site Plan  
Scale: 1/16" = 1'-0"

**REVISIONS**

MM/DD/YY	REMARKS
02/24/22	Building Permit Application & ZBA
03/23/22	Shorten Roof by 2 Feet

Creative Brick  
3195 Orchard Lake Rd.  
Keego Harbor, MI 48320  
p.248 230 1600  
f.248 230 1601  
info@creativebrickpaving.com

Michelle Estes  
112 N. Haven Street  
Novi, MI 48337

Date

creative representative

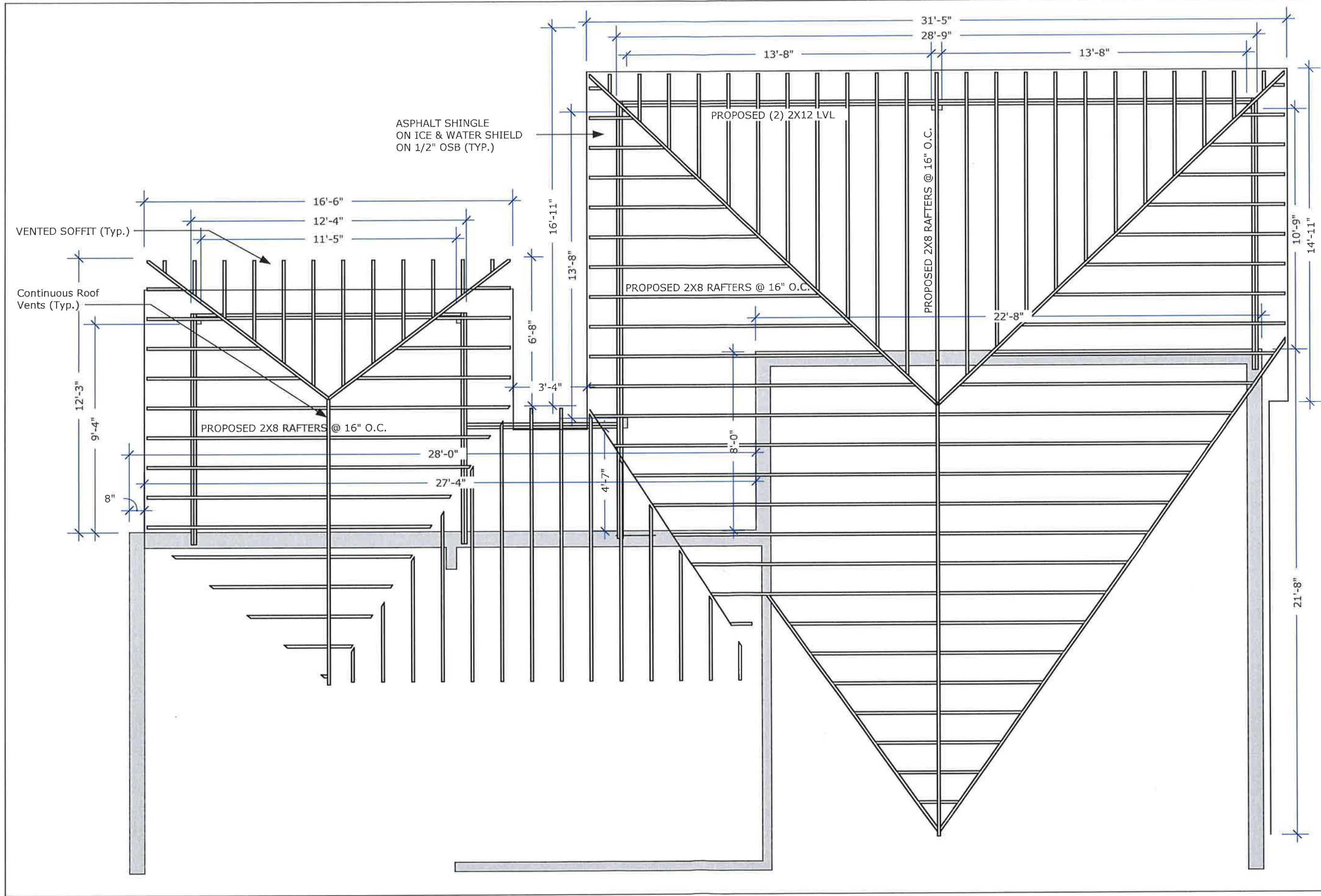
Date

client signature

Parcel ID: 50-22-03-201-005

A 001

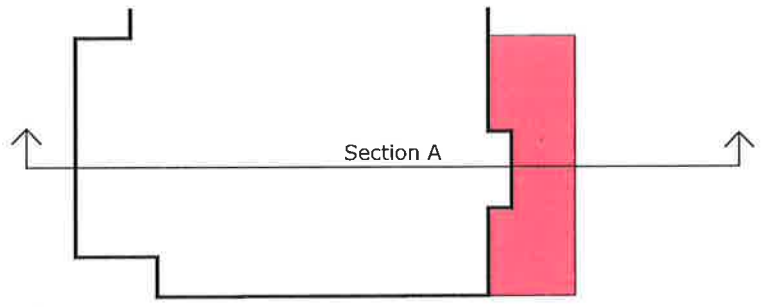
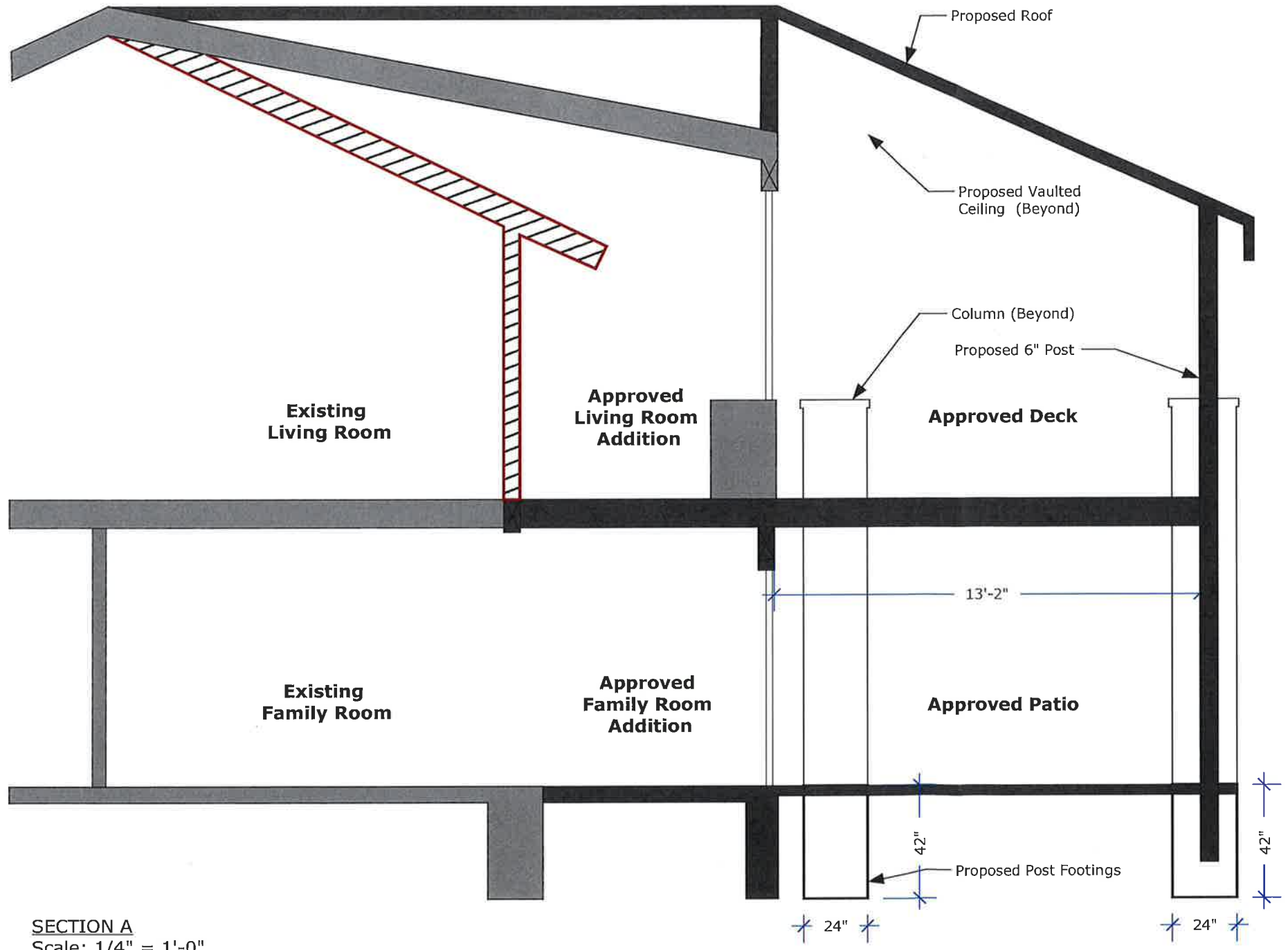
REVISED 3.24.22 CITY COP



<b>REVISIONS</b> MM/DD/YY 1 02/24/22 2 03/23/22 3 4 5	REMARKS
	Building Permit Application & ZBA
	Shorten Roof by 2 Feet
<b>Roof Framing Plan</b> Scale: 1/4" = 1'-0"	
Creative Brick 3195 Orchard Lake Rd. Keego Harbor, MI 48320 p.248 230 1600 f.248 230 1601 info@creativebrickpaving.com	
Michelle Estes 112 N. Haven Street Novi, MI 48337	
<b>A</b>	<b>004</b>

client signature \_\_\_\_\_ Date \_\_\_\_\_ creative representative \_\_\_\_\_ Date \_\_\_\_\_





**SECTION A**  
Scale: 1/4" = 1'-0"

MM/DD/YY	REVISIONS
02/24/22	1 Building Permit Application & ZBA
03/23/22	2 Shorten Roof by 2 Feet
	3
	4
	5

**Creative Brick**  
3195 Orchard lake Rd.  
Keego Harbor, MI 48320  
p.248 230 1600  
f.248 230 1601  
info@creativebrickpaving.com

**Michelle Estes**  
112 N. Haven Street  
Novi, MI 48337

**Section**  
Scale: 1/4" = 1'-0"

**A 005**

client signature

Date

creative representative

Date