



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: May 12, 2015

REGARDING: STANAJ (CASE NO. PZ15-0010)

BY: Thomas M. Walsh, Building Official

I. GENERAL INFORMATION:

Applicant

Pjeter Stanaj

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:

RA, Residential Acreage

Site Location:

Vacant parcel on south side of 9 Mile Road and east of Napier

Parcel #:

50-22-31-100-001

Request

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 3.1.1(d) to allow construction of new single family residence on an existing vacant parcel: 1) a variance of 26.0 feet in the required front yard setback (45.0 feet required, 19.0 feet proposed); and 2) a variance of 26.0 feet in the required rear yard setback (50.0 feet required, 24.0 proposed).



II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
Subject Property	RA, Residential Acreage	Section 31	Single Family
North	RA, Residential Acreage	Section 31	Single Family
South	RA, Residential Acreage	Park Place Subdivision	Single Family
East	RA, Residential Acreage	Park Place Subdivision	Single Family
West	RA, Residential Acreage	Park Place Subdivision	Single Family

III. STAFF COMMENTS:

Existing Condition

The subject property consists of one- (1) vacant lot located on the south side of 9 Mile Road within Section 31 of the City. The parcel has approximately 115.5 feet of frontage on 9 Mile Road and approximately 115.5 feet deep as measured along east side yard lot line. The total lot area of the parcel is approximately 13,340.25 square feet.

Proposed Changes

The petitioner is proposing to construct a new single family detached home on an existing lot non-conforming lot with the RA zoning district. The lot area is significantly less than the current minimum of 1 acre. The new home would result in a setback of 19.0 feet from the front yard lot line, 30.0 feet from the east side yard lot line, 20.0 feet from the west side yard lot line, and 24.0 feet from the rear yard lot line. ***This requires a variance of 26.0 feet in the required front yard setback and a variance of 26.0 feet in the required rear yard setback.***

IV. DEVELOPMENT STANDARDS:

The table below summarizes the zoning district development standards for the subject parcels.

Lot Size		Minimum Setback			
Area	Width	Front	Sides	Aggregate Side	Rear
RA 1 Acre	150ft.	45 ft.	20 ft. (one side)	50 ft. (total of two side)	50 ft.

V. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. Grant I move that we **grant** the variance(s) in Case No. **PZ15-0010**, sought by _____, for _____ because the Petitioner has established that _____ causes a practical difficulty relating to the property, including some or all of the following criteria:

(a) Petitioner has established that the property is unique because _____, or that the physical condition of the property creates the need for a variance because _____.

And, the condition is not a personal or economic hardship.

(b) The need for the variance is not self-created, **because** _____.

(c) Strict compliance with dimensional regulations of the Zoning Ordinance, including _____, will (either):

- 1. unreasonably prevent Petitioner from using the property for the permitted purpose as a _____, because _____, and/or,
- 2. will make it unnecessarily burdensome to comply with the regulation because _____.

(d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not _____.

(e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because _____.

(f) The variance granted is subject to the conditions that:

- 1. _____,
- 2. _____,
- 3. _____,
- 4. _____.

Zoning Board Of Appeals

Stanaj Property
Case # PZ15-0010

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2. Deny I move that we **deny** the variance in Case No. **PZ15-0010**, sought by _____, for _____ because the Petitioner has **not** established a practical difficulty because:

(a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by _____.

(b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated _____.

(c) The need for the variance is self-created because Petitioner _____.

(d) Conforming to the ordinance would not (either):

1. be unnecessarily burdensome because _____, or,

2. unreasonably prevent petitioner from using the property for _____, because _____.

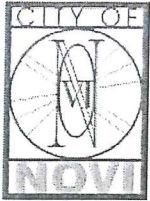
(e) A lesser variance consisting of _____ would do substantial justice to Petitioner and surrounding property owner's because _____.

(f) The proposed variance would have adverse impact on surrounding property because _____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417



Thomas M. Walsh
Building Official
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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION <u>home on 9^e Napier</u>	
ADDRESS <u>9^e Napier</u>	LOT/SIUTE/SPACE #
SIDWELL # <u>50-22-31-100-001</u>	May be obtain from Assessing Department (248) 347-0485

Application Fee: 250
 Meeting Date: 5/12/15
 ZBA Case #: PZ 15-0010

CROSS ROADS OF PROPERTY <u>Napier & 9 mile</u>	
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? YES NO

II. APPLICANT INFORMATION

A. APPLICANT		EMAIL ADDRESS <u>Pjeter Stanaj 7@gmail</u>	CELL PHONE NO. <u>(248) 640-6777</u>
NAME <u>Pjeter Stanaj</u>		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO. <u>(248) 338-7121</u>	
ADDRESS <u>1771 Long Lake Shore Dr</u>	CITY <u>Blain Twn</u>	STATE <u>MI</u>	ZIP CODE <u>48302</u>

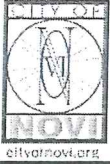
B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS	CITY	STATE	ZIP CODE

III. ZONING INFORMATION

A. ZONING DISTRICT	
<input checked="" 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>3.1.1</u>	Variance requested <u>FRONT & REAR YARDS</u>
2. Section _____	Variance requested _____
3. Section _____	Variance requested _____
4. Section _____	Variance requested _____

IV. FEES AND DRAWINGS

A. FEES	
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input checked="" 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	
<ul style="list-style-type: none"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable 	<ul style="list-style-type: none"> • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • 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

Peter Stancic
Applicant Signature

3/23/15
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:

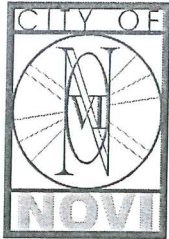
GRANTED

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



cityofnovi.org

**REVIEW STANDARDS
DIMENSIONAL VARIANCE
CITY OF NOVI
Community Development Department
(248) 347-0415**

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 how the circumstances or physical conditions applying to the property that do not apply generally to other properties in the same Zone 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:

Min width 150', lot is 115.5'
depth
currently no buildable area w/ Required setbacks

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).

I would like approval to build a home on this lot.
Parcel has been existing, as is, for more than 30 years.

Standard #3. Strict Compliance.

Explain how the Dimensional Variance is 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.

Front setback 45'
Rear setback 50'
Side setback 20' min 50' total.

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.

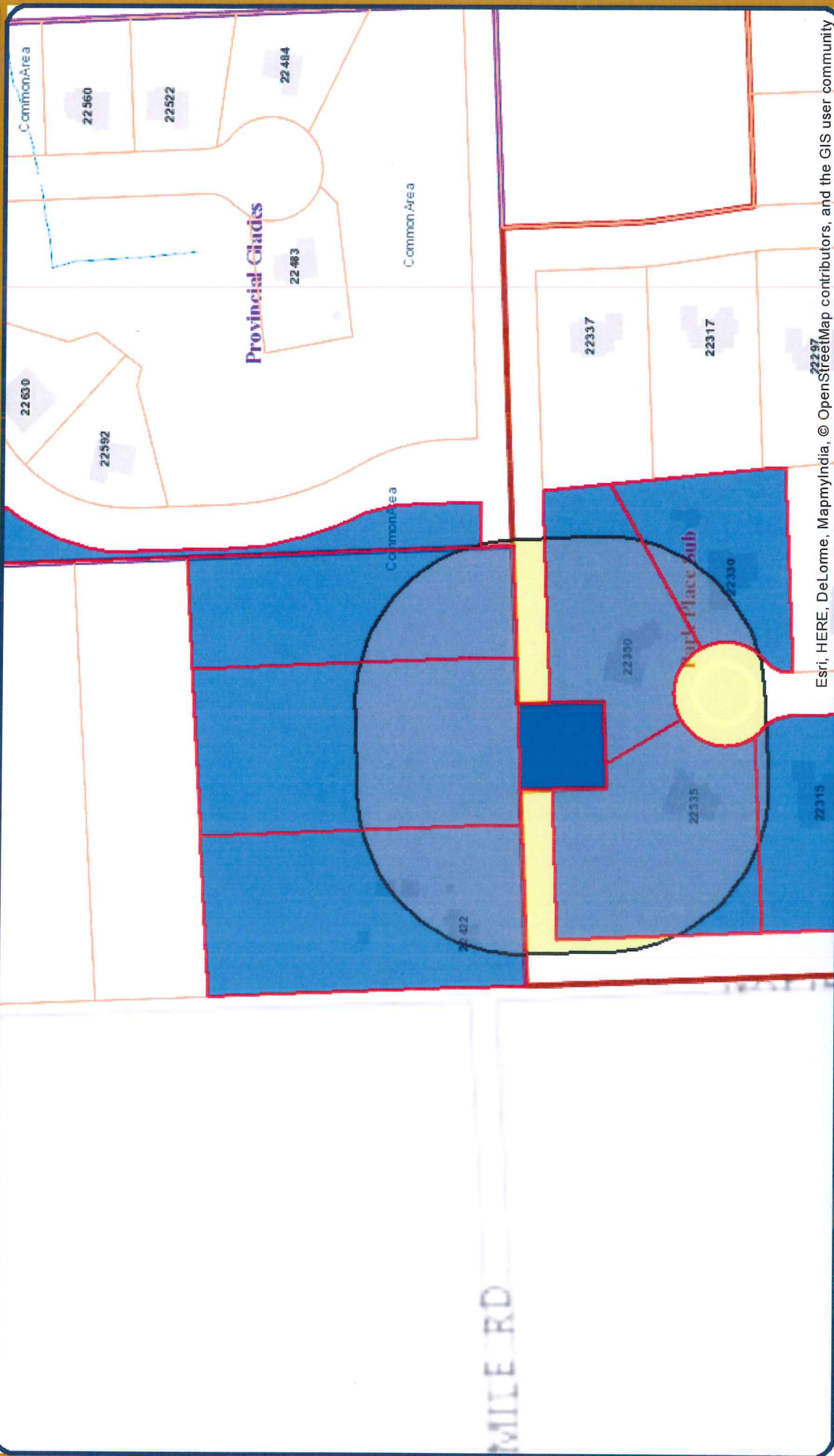
Front = 26' Variance
Rear = 26' Variance

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

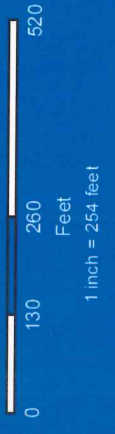
Home on Nine Mile Road & Napier Road

PZ15-0010



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

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 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970, as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/SiteUsePolicy.asp>



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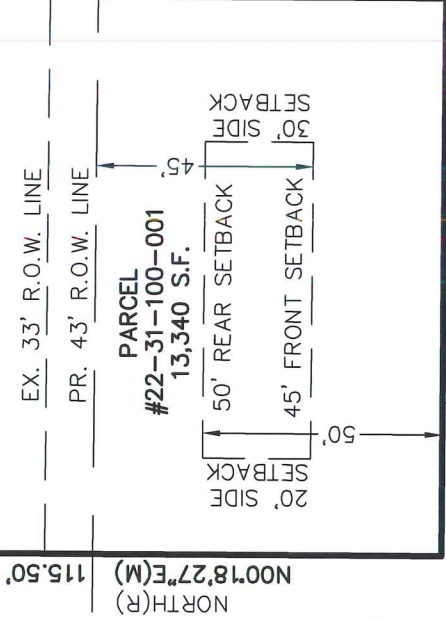
Author:
 Date: 4/17/2015



NW CORNER SECTION 31 T1N-R8E
 S89°35'50"E(M) 264.00'
 & NORTH LINE OF SECTION 31
 EAST(R)

EXISTING CONDITIONS

EAST(R)
 S89°35'50"E(M) 115.50'
 EX. 33' R.O.W. LINE
 PR. 43' R.O.W. LINE
 EX. 43' R.O.W.



DESCRIPTION:

T1N-R8E, SECTION 31, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN: THE EAST 115.5 FEET OF THE WEST 379.5 FEET OF THE NORTH 115.5 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST FRACTION 1/4.

ZONING

ZONED: RA
 SETBACKS:

- FRONT - 45' PROPOSED 19'
- SIDE - 20', TOAL 50'
- REAR - 50' PROPOSED 24'

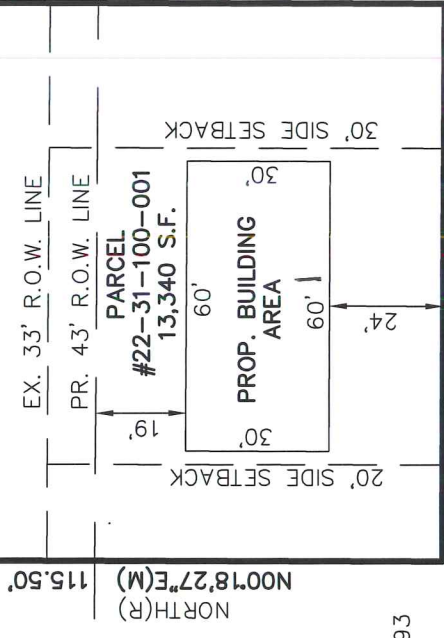
LEGEND

(M) MEASURED
 (R) RECORDED

PROPOSED VARIANCE

NW CORNER SECTION 31 T1N-R8E
 S89°35'50"E(M) 264.00'
 & NORTH LINE OF SECTION 31
 EAST(R)

EAST(R)
 S89°35'50"E(M) 115.50'
 EX. 33' R.O.W. LINE
 PR. 43' R.O.W. LINE
 EX. 43' R.O.W.



46892 WEST ROAD
 SUITE 109
 NOVI, MICHIGAN 48377
 (248) 926-3701 (BUS)
 (248) 926-3765 (FAX)

CLIENT:

STANAJ

PARCEL SKETCH

PARCEL NO. 22-31-100-001
 SECTION: 31 TOWNSHIP: 1N RANGE: 8E
 CITY OF NOVI
 OAKLAND COUNTY
 MICHIGAN

DATE: 3-20-15

DRAWN BY: JRV

CHECKED BY: GLM



FBK: -

CHF: -

15-168
 1

SCALE HOR 1"=40 FT.
 VER 1"= - FT.