



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: April 12, 2016

REGARDING: Artemio Sessions (PZ16-0008) 319 Elm Court

BY: Charles Boulard, Building Official

I. GENERAL INFORMATION:

Applicant

Artemio Sessions

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: R-1, One Family Residential District
Parcel #: 50-22-03-481-002

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 to allow construction of a second floor addition and attached garage with reduced side yard setbacks (10 feet required, 5.9 feet proposed) and reduced front setback (30 feet required, 15.5 for existing home, 19.4 for proposed garage) for an existing nonconforming residence.

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting approval to extend the second floor of an existing residence and construct a one story attached garage.

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. **PZ16-0008**, 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 _____.

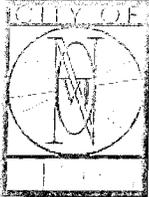
- _____.
- (c) Petitioner did not create the condition because_____.
 - (d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because_____.
 - (e) The relief if consistent with the spirit and intent of the ordinance because_____.
 - (f) The variance granted is subject to:
 - 1. _____.
 - 2. _____.
 - 3. _____.
 - 4. _____.

2. I move that we **deny** the variance in Case No. **PZ16-0008**, 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) 347-0423.

Charles Boulard
 Building Official
 City of Novi



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED

FEB 12 2010

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

| | | | | | |
|---|--|--|--|-------------------------------|--------------------------|
| I. PROPERTY INFORMATION (Address of subject ZBA Case) | | | | Application Fee: <u>\$200</u> | |
| PROJECT NAME / SUBDIVISION <u>10000 West Addition</u> | | | | Meeting Date: <u>4-12-10</u> | |
| ADDRESS <u>7000 West 10000</u> | | LOT/SIUTE/SPACE # <u>6.5</u> | | ZBA Case #: <u>PZ 10-0008</u> | |
| SIDWELL # <u>50-22-3-781-503</u> | | May be obtain from Assessing Department (248) 347-0485 | | | |
| CROSS ROADS OF PROPERTY <u>10000 West</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? <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | |
| II. APPLICANT INFORMATION | | | | | |
| A. APPLICANT | | EMAIL ADDRESS <u>luciano@luciano.com</u> | | CELL PHONE NO. | |
| NAME <u>Luciano Luciano</u> | | TELEPHONE NO. <u>734-155-2121</u> | | | |
| ORGANIZATION/COMPANY | | | | FAX NO. | |
| ADDRESS <u>10000 West</u> | | CITY <u>Novi</u> | | STATE <u>MI</u> | ZIP CODE <u>48240</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 | | TELEPHONE NO. | | | |
| ORGANIZATION/COMPANY | | | | FAX NO. | |
| ADDRESS | | CITY | | STATE | ZIP CODE |
| III. ZONING INFORMATION | | | | | |
| A. ZONING DISTRICT | | | | | |
| <input type="checkbox"/> R-A <input checked="" 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 _____ Variance requested _____ | | | | | |
| 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

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

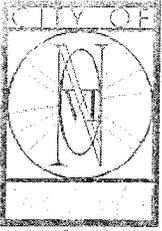
DECISION ON APPEAL:

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

Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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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:

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:

THE house was originally Built 6' from property Line. we are raising Roof on Back of house to allow for ceiling heights to meet code in 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).

The Home was Built many years ago not by property owners.

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.

The Rooms in the Backyard and floor are too long they do not meet code. The house is old. To allow the property to be used for its intended purpose, the property will match others along lake in height and density.

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 property does not have existing height for standard area. Review will allow for proper zoning, proper height and match height and design of other properties along lake.

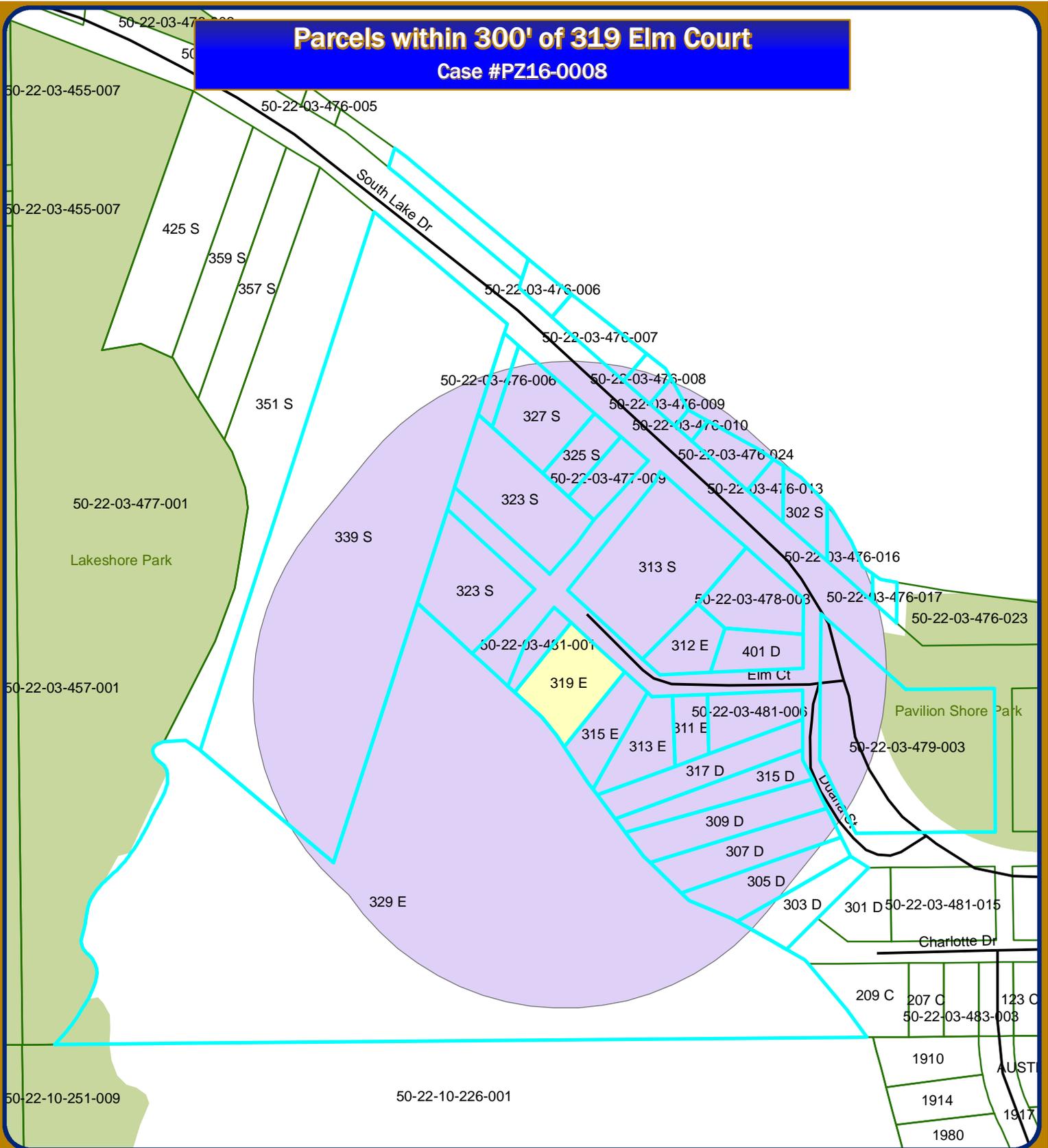
Standard #5. Adverse Impact on Surrounding Area.

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 Dimensional variance, Does not affect the surrounding properties. All lake front properties are 2 story. This property is a 2 story with slope in back of house. It is not functional and will become se. Resid. lot.

Parcels within 300' of 319 Elm Court

Case #PZ16-0008



Map Author: Jon Gartha
 Date: February 16, 2016
 Project: Address List for 22-03-481-002
 Version #: 1.0

Amended By:
 Date:
 Department:

MAP INTERPRETATION NOTICE

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.

Map Legend

- 300' Buffer
- Subject Property
- Tax Parcel

Municipality

- Novi
- Novi Twp.



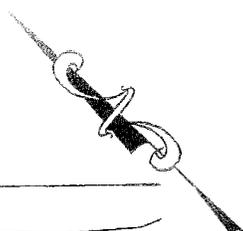
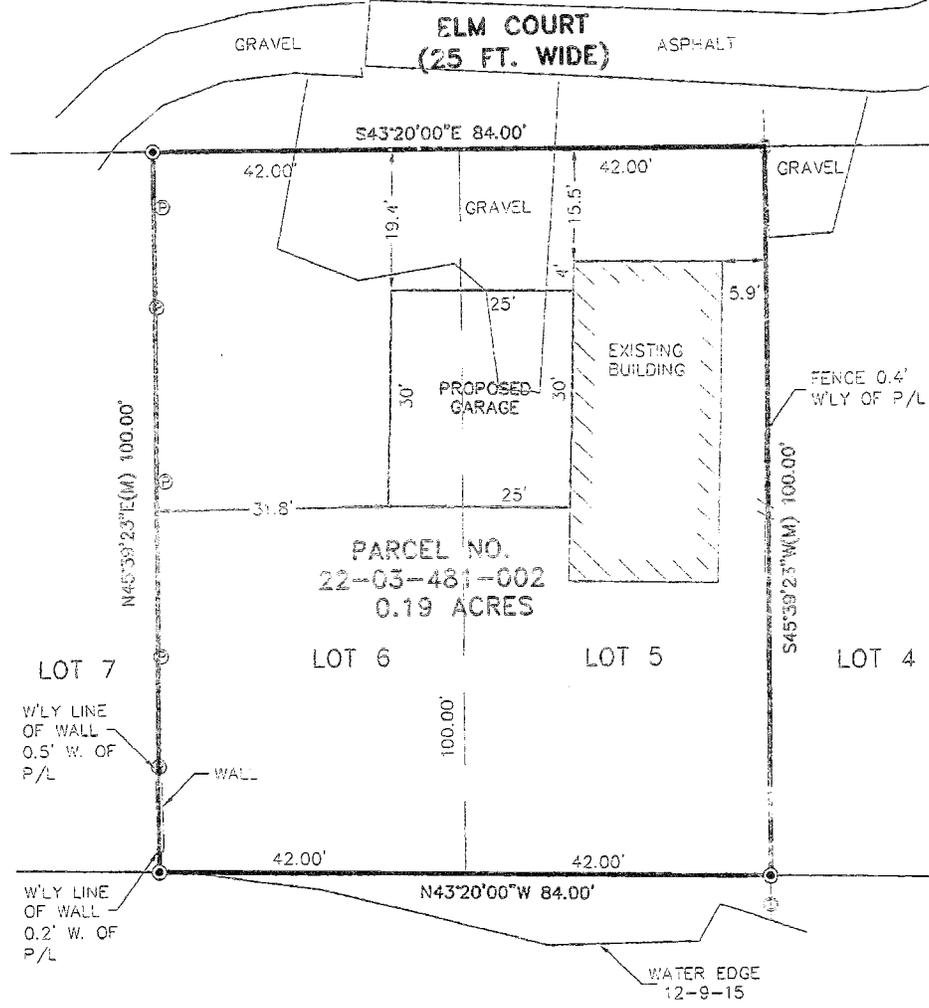
City of Novi

IT Department
 GIS Division
 45175 Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org



1 inch = 150 feet





LEGEND

- FD. IRON
- ⊙ SET CAPPED IRON
- //— EX. FENCE
- ⊙ EX. POST

LEGAL DESCRIPTION

TOWN 1 NORTH, RANGE 8 EAST,
SECTION 3 WALLED LAKE SHORES
LOTS 5 & 6

NOTE

BEARINGS BASED ON WALLED LAKE
SHORES, AS RECORDED IN LIBER 28
OF PLATS, PAGE 20, OAKLAND
COUNTY RECORDS, OAKLAND
COUNTY, MICHIGAN.

SHAWOOD LAKE

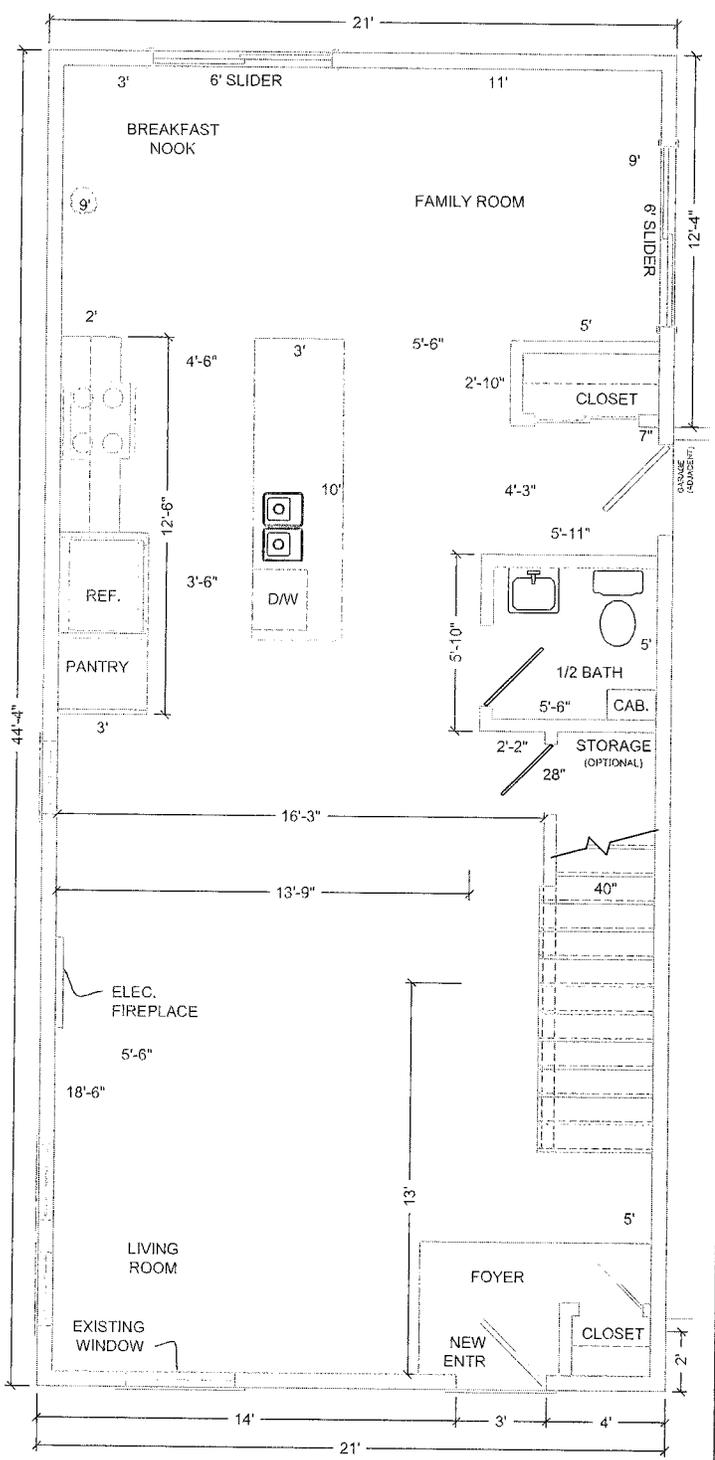
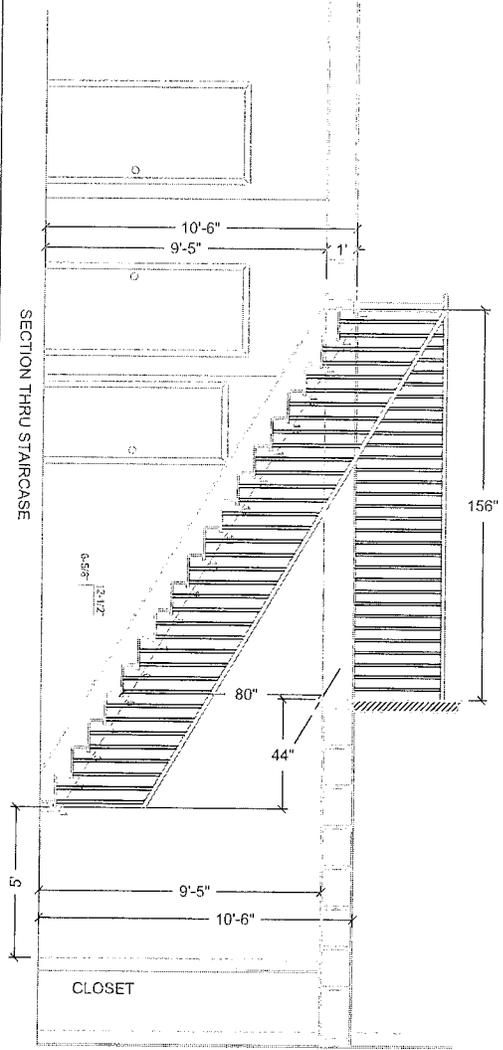


I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY
HEREIN DESCRIBED, AND THAT THERE ARE NO VISIBLE
ENCROACHMENTS UPON THE ABOVE DESCRIBED PROPERTY,
EXCEPT AS SHOWN HEREON.

Ginger Michalski-Wallace
GINGER MICHALSKI-WALLACE
PROFESSIONAL SURVEYOR NO. 47964

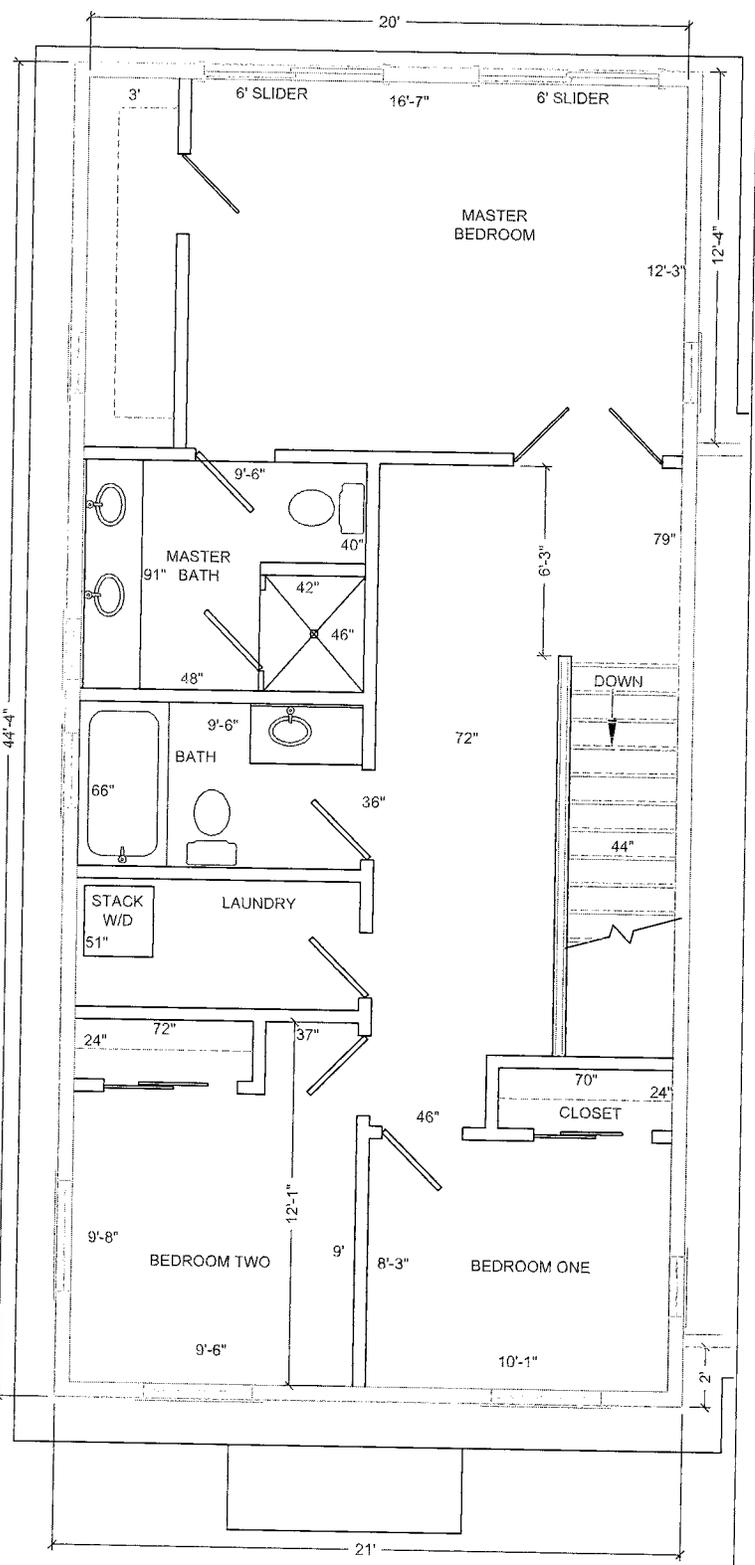
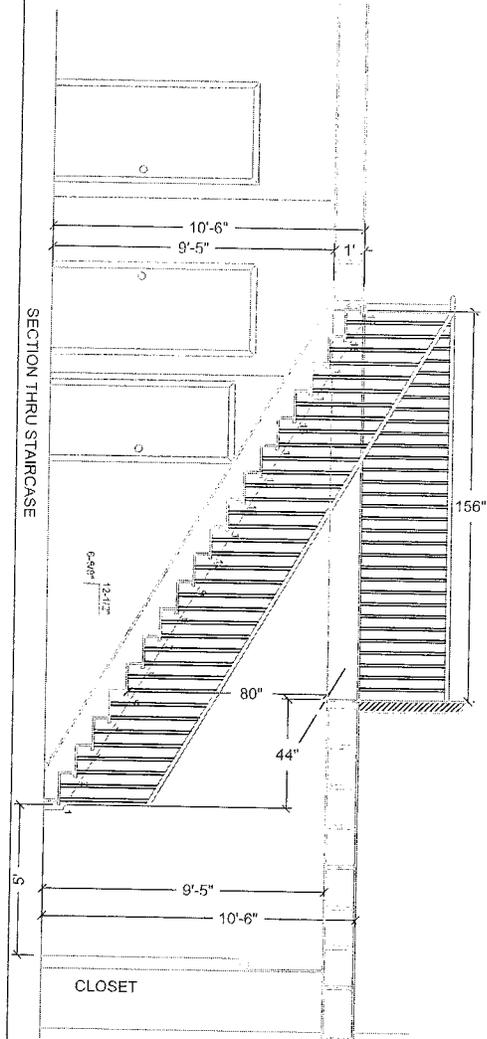
ALPINE
ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
46892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377
(248) 926-3701 (BUS)
(248) 926-3765 (FAX)

| | | | | |
|--|--------------|--|---|------------|
| CLIENT: | CORA-LEA LEE | | DATE: | 12/29/2015 |
| BOUNDARY SURVEY | | | DRAWN BY: | TTP |
| | | | CHECKED BY: | GLM |
| 319 ELM COURT SECTION: 3 TOWNSHIP: 1 N RANGE: 8 E CITY OF NOVI OAKLAND COUNTY MICHIGAN | | | 0 10 20 | |
| | | | FBK: 301 | 15--470 |
| | | | CHP: RDF | |
| | | | SCALE: HOR 1" = 20 FT. VER 1" = 40 FT. | |



| | | | |
|----------------------|---|---|--|
| Sheet: A-4 | Drawn By: L. BROWN Drawn Date: 1/13/2016 Last Rev. Date: Last Rev. Time: 11:46 PM Scale: 1/4" = 1'-0" Sheet No.: | Site Location: SESSIONS INVESTMENTS 001 DETROIT, MI | Proposed Location for: PLANS PLUS DESIGN GROUP 27472 PORTOLA PARKWAY, Ste 205-162 FOOTHILL RANCH, CA 92610 eMail: plansplus2014@gmail.com / (630) 479-2340 |
| | Title: PROPOSED 1ST FLOOR | | |

SECTION THRU STAIRCASE



| | | |
|-----------------------------|--|---|
| A-5 | Site Location: SESSIONS INVESTMENTS 001 DETROIT, MI | Proposed Location for: PLANS PLUS DESIGN GROUP 27472 PORTOLA PARKWAY, Ste 205-162 FOOTHILL RANCH, CA 92610 eMail: plansplus2014@gmail.com / (630) 479-2340 |
| | Title: PROPOSED 2ND FLOOR | |
| Drawn By: L. BROWN | Last Rev. Date: 1/13/2015 | |
| Last Rev. Time: 11:45 PM | Scale: 1/8" = 1'-0" | |
| Sheet No.: | | |

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Handwritten text, possibly a date or name, including the number 1224.