



# 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: August 15, 2017

REGARDING: 20970 Turnberry Blvd, Parcel # 50-22-36-451-008 (PZ17-0032)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Kevin S. Choksi

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:	Single Family Residential
Location:	West of Haggerty Road and North of Eight Mile Rd
Parcel #:	50-22-36-451-008

**Request**

The applicant is requesting a variance from the City of Novi Ordinance Section 3.1.1 of 3 feet to reduce the side yard setback 25 to 22 feet, 25 feet minimum required by code. This property is zoned Residential Acreage (R-A).

### II. STAFF COMMENTS:

*Setback will allow for a new proposed addition.*

### 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. **PZ17-0032**, 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. **PZ17-0032**, 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**

Application Fee: \$200

Meeting Date: August 15, 2017

ZBA Case #: PZ

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION Choksi Bedroom & Pool Addition / Turnberry Estates			
ADDRESS 20970 Turnberry Blvd		LOT/SIUTE/SPACE # 8	
SIDWELL # 50-22-36 - 451 - 008		May be obtained from the Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Northwest of 8 Mile & Orchard Hill Place			
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			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS kevin@thechoksis.com	CELL PHONE NO. 248-390-4738
NAME Kevin S. Choksi		TELEPHONE NO. 248-390-4738	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 20970 Turnberry Blvd	CITY Novi	STATE MI	ZIP CODE 48167
<b>B. PROPERTY OWNER</b> <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
<b>III. ZONING INFORMATION</b>			
<b>A. ZONING DISTRICT</b>			
<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>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>3.1.1</u>	Variance requested	<u>Reduce aggregate setback from 50' required to 47' (3' variance requested)</u>	
2. Section _____	Variance requested	_____	
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>			
• 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 scheduled 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 an 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 established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of 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 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.

**Describe below:** The lot we are located on is a corner unit of our subdivision and is much deeper than it is wide. This leaves more room the back of the property to develop, but not much on the sides, making development more challenging. The only logical place to expand and build our proposed addition is on the north end where the setback requirements affect our proposed development.

OR

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

N/A

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:**

N/A

## **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 location and layout of the home the lot was the original design approved many years ago. However, the location/layout does not provide a reasonable path to improve the property and add a new first floor bedroom/pool close to the rest of the home, except in the proposed location.

## **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.

After the proposed addition, the lot will still only be approximately 17% covered, well under the 25% lot coverage maximum. The proposed variance is minor (3' variance on a 50' aggregate requirement) and due to the location of the neighbor's home to the north and wooded areas to the north, will not interfere with their property.

## **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 3' variance is the minimum needed to build an accessible bedroom that is consistent in size and shape with the rest of the home and other homes in the area. The variance will allow us to make the room fully accessible for elderly and those with physical disabilities.

## **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.

Due to the location/size of the northern neighbor's lot, the wooded areas to the north, and trees on the northern edge of our property, there is no visible impact to our neighbors. The proposed addition will not be visible from the street as we are on the corner and at the end of a cul-de-sac. The addition will add to the value of all homes in our subdivision and is fully supported by the HOA (see attached letter).

Kevin Choksi  
20970 Turnberry Blvd.  
Northville, MI 48167

June 28, 2017

City of Novi  
Zoning Board of Appeals

RE: Request for 3' variance on aggregate 50' requirement - 20970 Turnberry Blvd

Dear Novi Zoning Board of Appeals,

I am requesting a minor dimensional variance of section 3.1.1, from the required 50' aggregate setback to a 47' aggregate setback. The 3' requested allow for the addition of a new handicap accessible bedroom to be built concurrently with a new indoor pool and related rooms.

The 3' variance request is the minimum needed to create an accessible bedroom on the 1<sup>st</sup> floor. The current home has no 1<sup>st</sup> floor bedroom, and such a room is needed for my elderly parents to allow them to visit/stay with us. With the variance, the room will be similar to others in the home and neighborhood to maintain consistency. The variance is needed due to the lot being very deep, but not very wide. Due to the shape of the lot and the existing home location, the only logical place to add the bedroom is on the north.

As the satellite view (page 7 in attachments) shows my north neighbor has an 10 acre lot, with the south end of their property undeveloped, with a lake, woods, and approximately 500' separating our respective homes. Accordingly, there is no impact on my neighbor and therefore the HOA has approved my project and the requested variance (see attached letter from Mr. Lou Agoston, HOA president).

In addition, this home improvement project will substantially add to the value of the home and the community in general and bring it in line with my neighbors who all have pools. I appreciate your time and consideration of my request. If you have any questions, you may contact me at 248-390-4738 or via e-mail at [kevin@thechoksis.com](mailto:kevin@thechoksis.com). Thank you.

Sincerely,



Kevin Choksi

## TURNBERRY ESTATES HOMEOWNER'S ASSOCIATION

June 28, 2017

Dear Mr. Choksi,

RE: Approval of your Bedroom & Pool Addition Project

We have reviewed your proposed pool and first floor additions to your home at 20970 Turnberry Blvd, as described in the attached drawings. Your proposed addition will be consistent with the look and build of the other properties and improve the value of the homes in our development. Your project is in the rear of your property and will not impact any neighbors.

As you have indicated, the aggregate setback requirements for the City of Novi and the HOA require a 50' setback, and your addition will leave only a 47' setback (25' on the south and 22' on the north). That said, your lot is a narrow shaped corner lot, the property to the north of yours is approximately 10 acres, and there are woods and a pond directly to your north. Your northern neighbor's home is approximately 500' feet from your proposed addition. Finally, there are a row of pine trees on your lot that obscures your proposed addition.

We also understand that your request for a variance of the setback is to ensure that a new, accessible first floor bedroom is adequately sized and consistent with bedrooms in your home and our complex.

All of these factors work in favor of your requested variance. Your requested variance is minor, reasonable, and in the best interest of our community and accordingly we grant a waiver of the setback requirements for your proposed project as you have requested.

With this waiver and the addition as described in the attached drawings, your project complies with all Turnberry HOA rules and we hereby approve your project, provided you obtain all necessary permits and approvals from the City of Novi.

Good luck on your addition!

Sincerely,



Lou Agoston,  
President, Turnberry Estates Homeowner's Association



## TURNBERRY ESTATES HOMEOWNER'S ASSOCIATION

June 29, 2017

City of Novi  
Zoning Board of Appeals

RE: Home Addition at 20970 Turnberry Blvd

Dear Members,

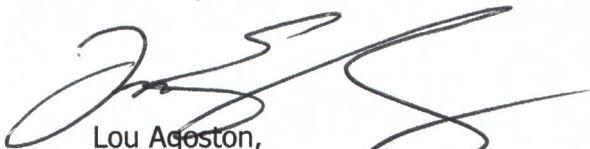
This letter from the Turnberry HOA is in support of Mr. Choksi's proposed pool and home addition. Mr. Choksi has been a valued member of our development for 3 years and has maintained his property in excellent condition and continuously improved it. His proposed indoor pool and addition substantially adds to the value of the homes in our development and brings it in line with others in our complex, most of which also have pools.

Furthermore, as you know, many homes today provide for accessible bedrooms, often used by elderly or disabled family members. His existing home does not have a first floor bedroom, and this limits the home's usefulness. Mr. Choksi's proposed first floor bedroom will allow his elderly family members to visit/stay with him and make the property more family friendly. The variance requested enables the bedroom to match the size of existing bedrooms and will support the consistency of the addition with the existing home and those in our complex.

Finally, the setback variance requested is minimal and non-intrusive. The neighbor to the north of Mr. Choksi, has a large property of approximately 10 acres and has a large pond & wooded area directly between his home and Mr. Choksi's. This neighbor's home is approximately 500 ft. from the property line. Accordingly, the variance will not be noticeable to his neighbor's in any way nor diminish the value of their property.

For all these reasons, we look forward to the ZBA approving Mr. Choksi's proposed project. If you have any questions, feel free to contact me at 248-770-3054. Thank you.

Sincerely,



Lou Agoston,  
President, Turnberry Estates Homeowner's Association

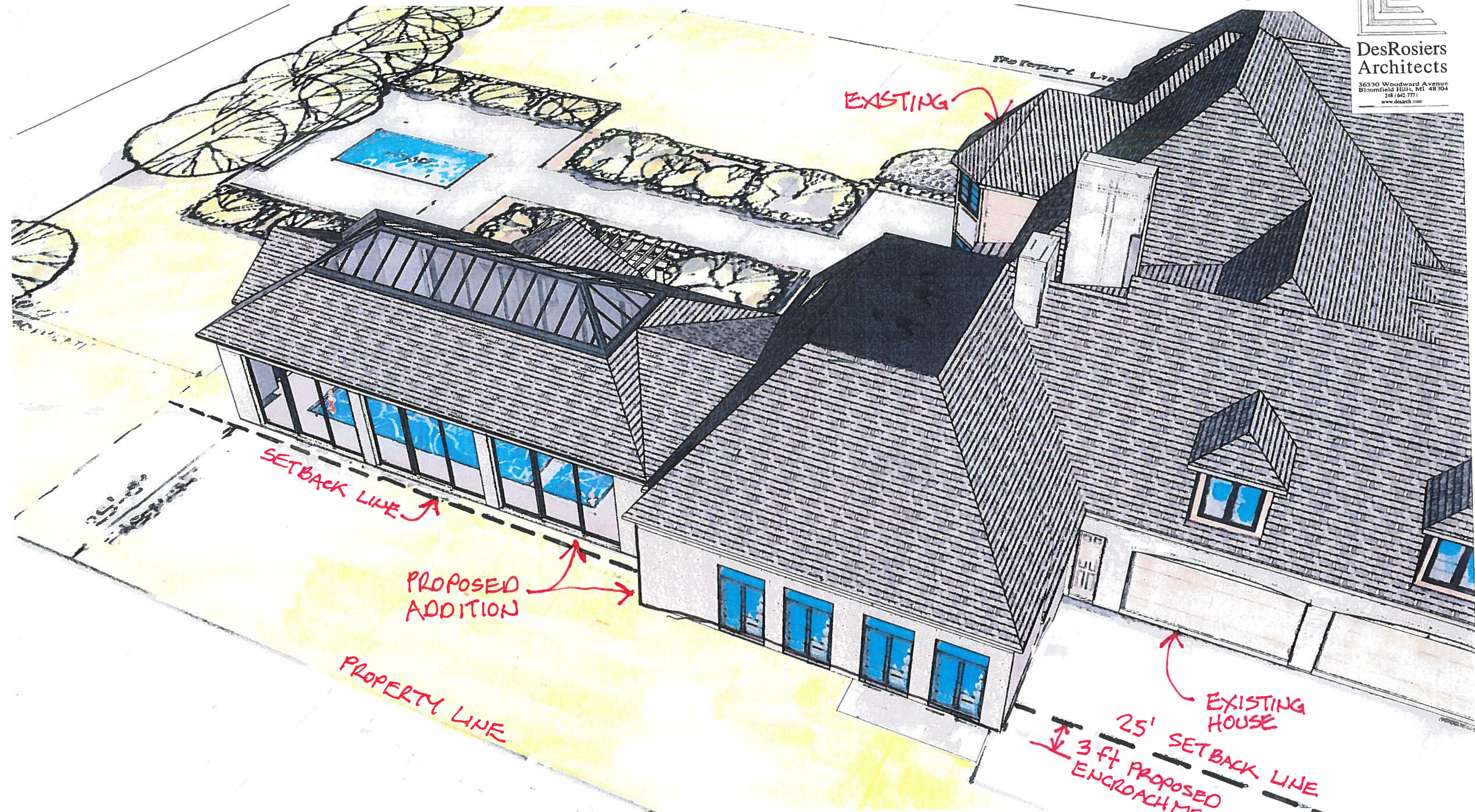
# INDOOR POOL ADDITION

# CHOKSI RESIDENCE



DesRosiers  
Architects

36330 Woodward Avenue  
Bloomfield Hills, MI 48304  
248 / 642-7771  
www.desarch.com



CHOKSI

DESROSIERS ARCHITECTS

6/26/2017

1

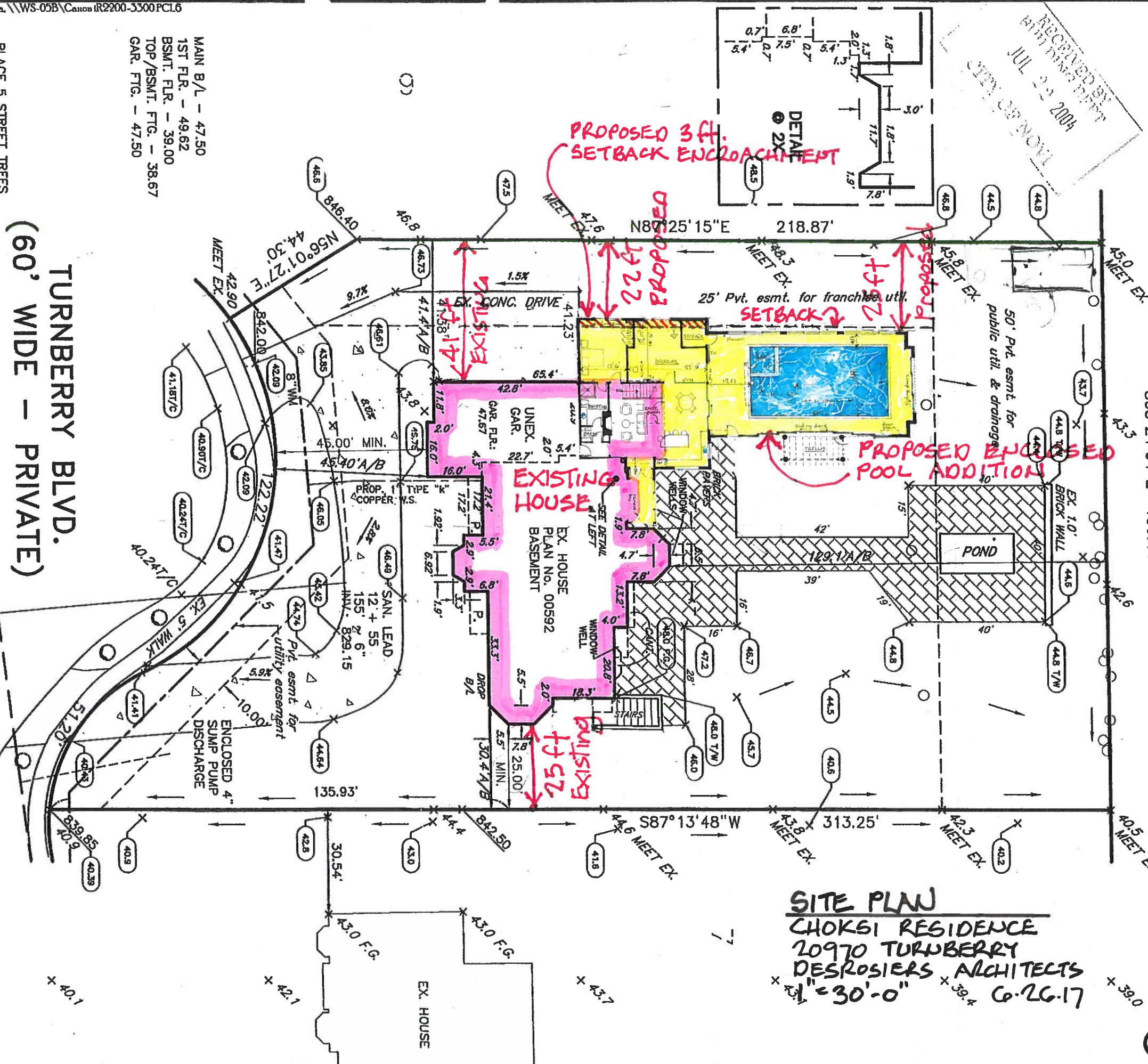
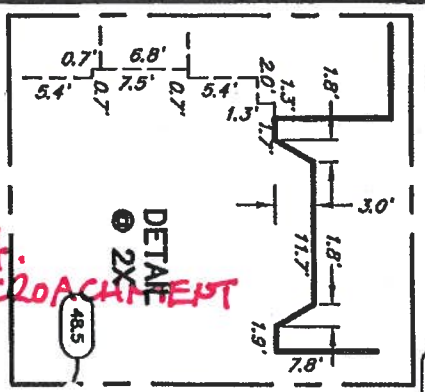
BENCH MARK:  
ARROW ON HYDRANT  
IN FRONT OF LOT 6.  
ELEV.: 839.94

TAX I.D. NO. 22-36-400-026

S03°24'04"E 166.11'

20970 Turnberry Blvd

RECEIVED BY  
BRIAN BIRNBAUM  
JUL 22 2004  
CIVIL ENGINEER



**SITE PLAN**  
CHOKSI RESIDENCE  
20970 TURNBERRY  
DESROSIERS ARCHITECTS  
1" = 30'-0" 6.26.17

MAIN B/L - 47.50  
1ST FLR. - 49.62  
BSMT. FLR. - 39.00  
TOP/BSMT. FTG. - 38.67  
GAR. FTG. - 47.50

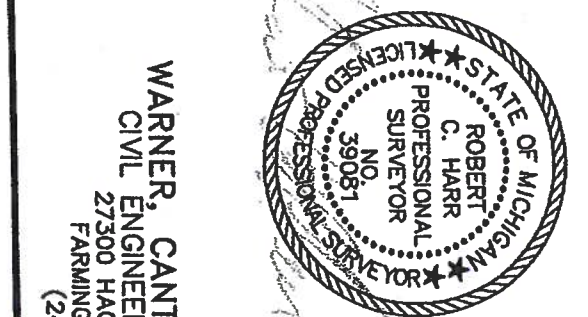
PLACE 5 STREET TREES  
2 - RED OAK  
2 - GREEN MOUNTAIN MAPLE  
1 - AUTUMN APPLAUSE WHITE ASH  
PER CITY REQUIREMENTS

TURNBERRY BLVD.  
(60' WIDE - PRIVATE)

AS-BUILT PLAN -- LOT 8  
TURNBERRY ESTATES, A CONDOMINIUM, PART OF THE S.E. 1/4 OF SECTION 36,  
T.1N., R.8E., CITY OF NOV, OAKLAND COUNTY, MICHIGAN, OAKLAND COUNTY  
CONDOMINIUM PLAN NO. 1006, AS RECORDED IN L. 16685, Pgs. 363 - 429,  
OAKLAND COUNTY RECORDS.  
SCALE: 1" = 30'  
DATE: JULY 12, 2004

FOR: JOHN RICHARDS COMPANY  
32600 TELEGRAPH, SUITE 200  
BIRMINGHAM, MI 48025  
(248) 540-4232  
JOB # 19-960605

SHERRY W. PAPPAS, CIVIL ENGINEER

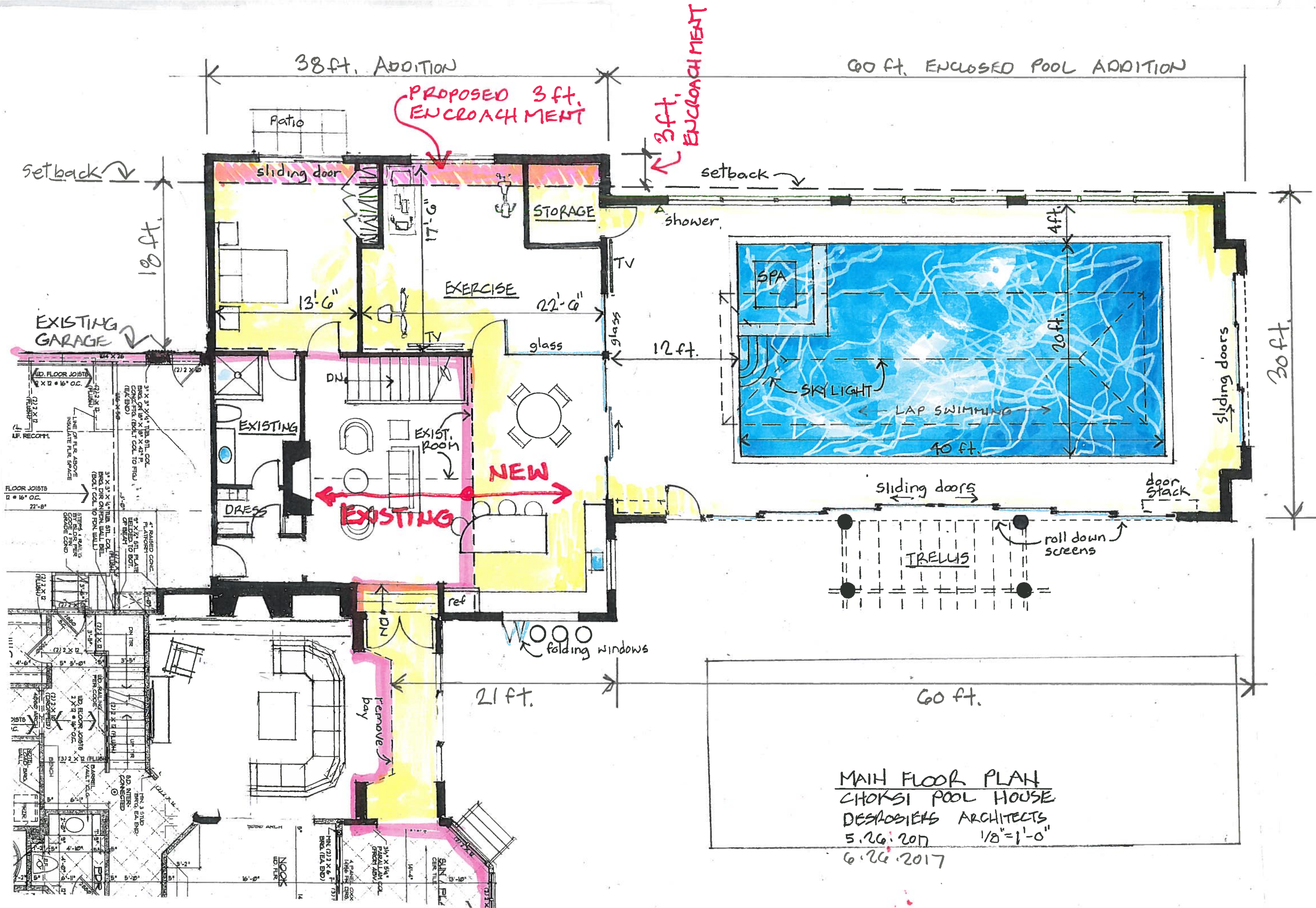


**LEGEND**

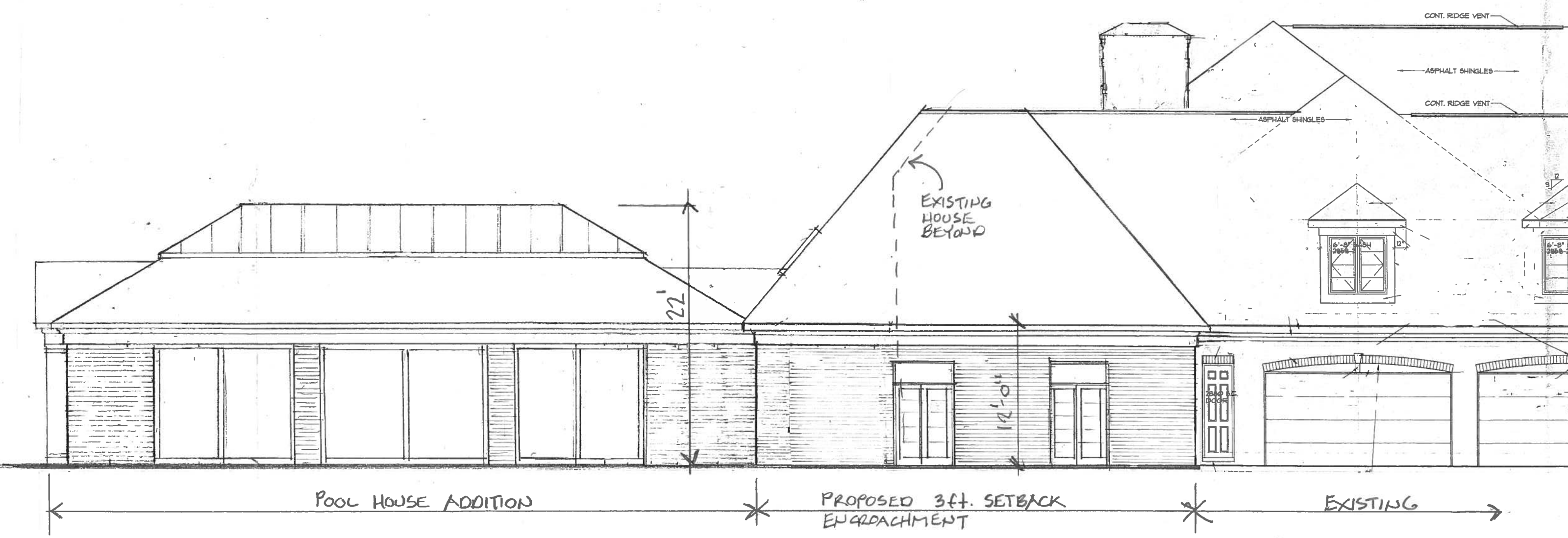
- EXIST. ELEV.
- PROP. ELEV.
- TOP OF CURB
- BRICK LEDGE
- EXISTING TREE
- AS-BUILT AS

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG (TOLL FREE) for the location of underground facilities: 1-800-482-7171

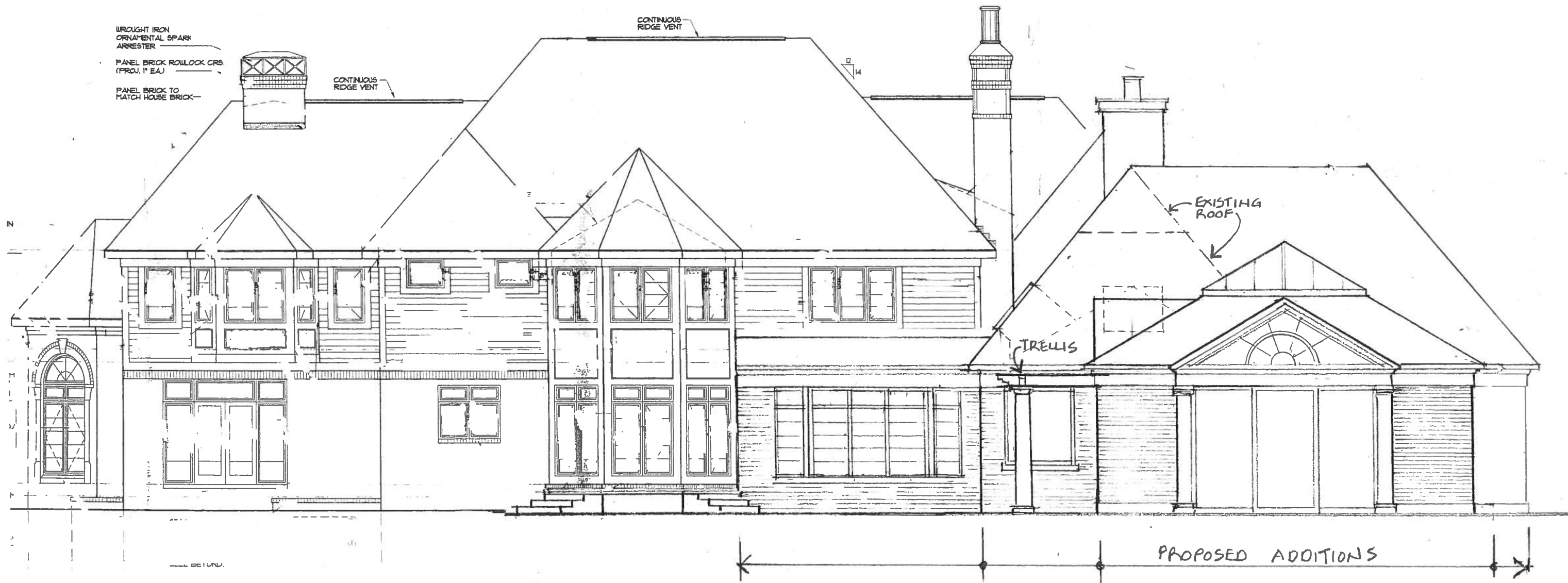
**WARNER, CANTRELL & PADMOS, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
27300 HAGGERTY ROAD, SUITE F2  
FARMINGTON HILLS, MI 48331  
(248) 848-1666



MAIN FLOOR PLAN  
 CHOKSI POOL HOUSE  
 DESROSIERS ARCHITECTS  
 5.26.2017 1/8"=1'-0"  
 6.26.2017



NORTH ELEVATION  
 CHOKSI POOL HOUSE  
 DESROSIER ARCHITECTS  
 6.26.2017

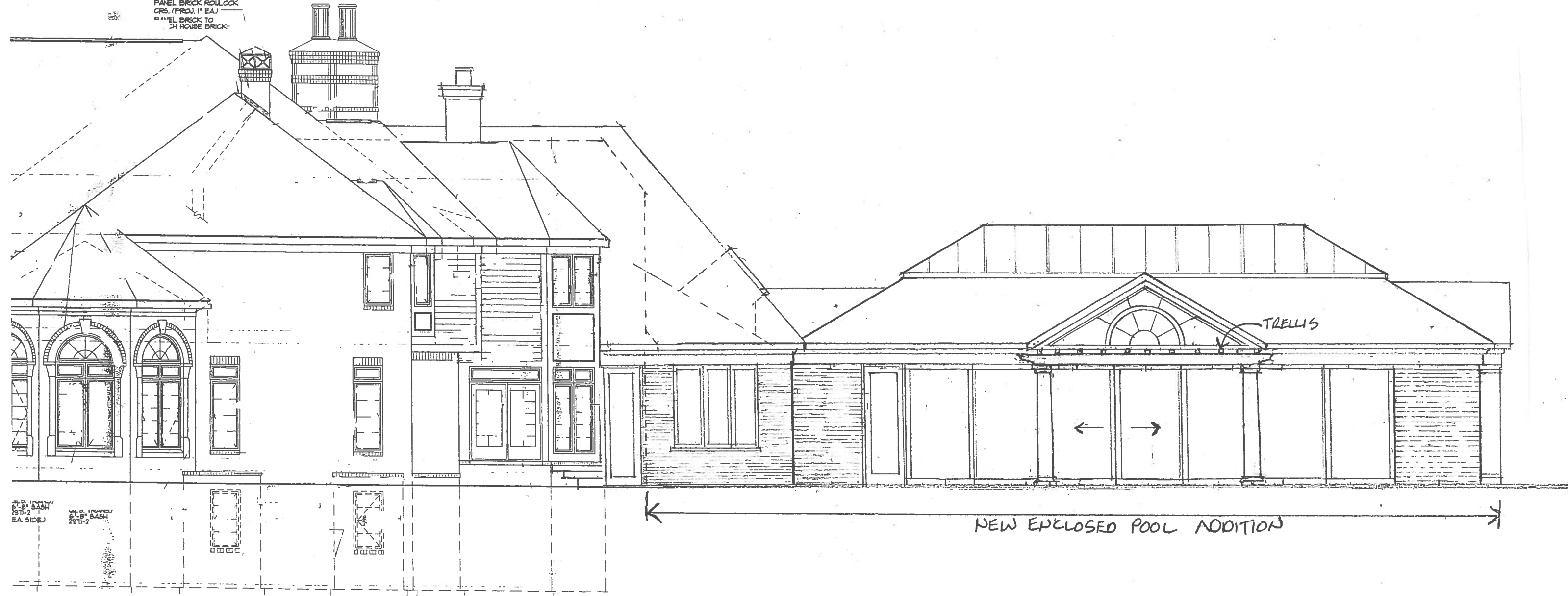


REAR ELEVATION (EAST)

CHOKSI POOL HOUSE  
 DESROSIERS ARCHITECTS  
 5.26.17 6.2.17

WROUGHT IRON  
ORNAMENTAL SPARK  
ARRESTER

PANEL BRICK ROULOCK  
CRS. (PROJ. 1" EA)  
PANEL BRICK TO  
1/4 HOUSE BRICK-



6'-0" BASH  
1511-2  
EA. SIDE

6'-0" BASH  
2511-2

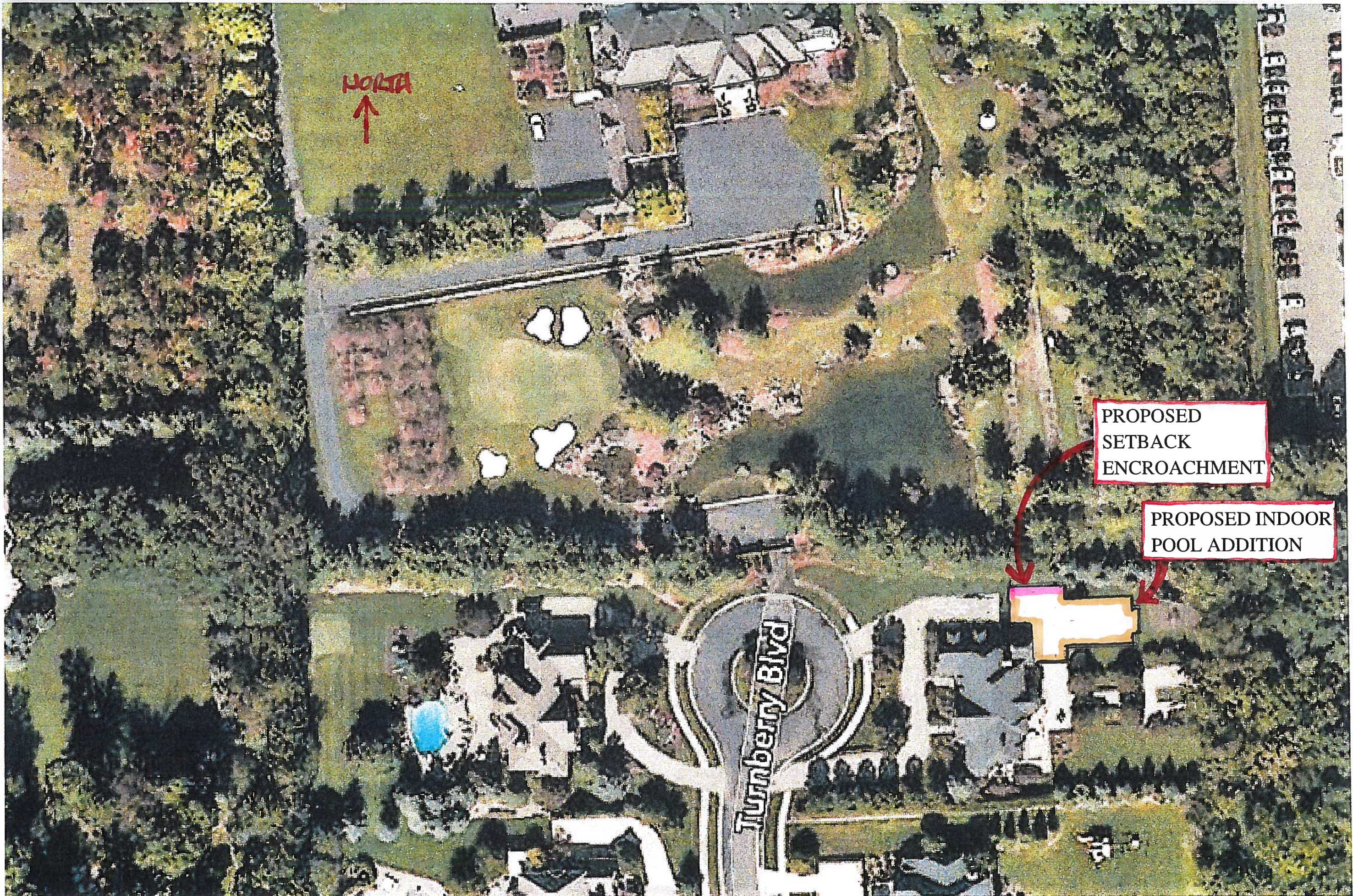
NEW ENCLOSED POOL ADDITION

SIDE ELEVATION (SOUTH)

CHOKSI POOL HOUSE

DESROSIERS ARCHITECTS

5.26.2017



NORTH  
↑

PROPOSED  
SETBACK  
ENCROACHMENT

PROPOSED INDOOR  
POOL ADDITION

Turnberry Blvd

NOT TO SCALE