



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

MEETING DATE: September 10, 2024

REGARDING: 45827 Galway Drive # 50-22-33-280-002 (PZ24-0043)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Ryan Francis

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned One-Family Residential (R-1)

Location: south of Nine Mile Road, west of Taft Road

Parcel #: 50-22-33-280-002

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.2 for a side yard setback of 12.5 ft. (15 ft. required, variance of 2.5 ft.); This variance would accommodate a garage addition.

II. STAFF COMMENTS:

The applicant is seeking a 2.5-foot side yard setback variance for a new garage addition to connect the existing house and an existing accessory structure. This new addition will line up with the existing accessory structure and make the overall building more cohesive. The overall design is in keeping with the surrounding homes in the area. There is an 8'x7' overhead door facing the interior of the backyard shown on the East Façade.

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. **PZ24-0043**, 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 is 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. **PZ24-0043**, 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.

Alan Hall – Deputy Director Community Development - City of Novi



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED

AUG 01 2024

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: \$220.00 Meeting Date: 9-10-24 ZBA Case #: PZ 24-0043	
PROJECT NAME / SUBDIVISION <i>Lexington Green</i>					
ADDRESS <i>45827 Galway Dr</i>				LOT/SIUTE/SPACE #	
SIDWELL # <i>50-22-</i>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <i>8/9 and Taft/Beck</i>					
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 type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <i>rmfranci80@gmail.com</i>		CELL PHONE NO. <i>586 557-6114</i>	
NAME <i>Ryan Francis</i>				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS <i>45827 Galway Dr</i>		CITY <i>Novi</i>		STATE <i>MI</i>	ZIP CODE <i>48374</i>
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 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 <u><i>3.0.2</i></u> Variance requested <u><i>12.5' side yard setback (15' required, variance of 25')</i></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) \$220 <input type="checkbox"/> (With Violation) \$275 <input type="checkbox"/> Single Family Residential (New) \$275 <input type="checkbox"/> Multiple/Commercial/Industrial \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> Signs \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> House Moves \$330 <input type="checkbox"/> Special Meetings (At discretion of Board) \$660					
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 • 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


Applicant Signature

7-31-24
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

7-31-24
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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Novi, MI 48375
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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:

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).

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.

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.

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.

45827 Galway Dr, Novi, Mi 48374

Standard #1: Circumstance or Physical Condition

a. Shape of Lot

The property currently has a detached single car garage on the property that would be tied into the proposed addition and would line up at 12.5 feet from the property line. Adding more space on the right will be the least impactful to the overall home design as it will not impact most of the current house structure and the driveway would still function the same.

Standard #2: Not Self-Created

The condition leading to the variance request is a direct result of the original construction of the house. The location of the current house is positioned 3 feet closer to the property line on the right side, compared to the left side. Had the house been built 3 feet to the right, there would be no need for a variance request.

Standard #3: Strict Compliance

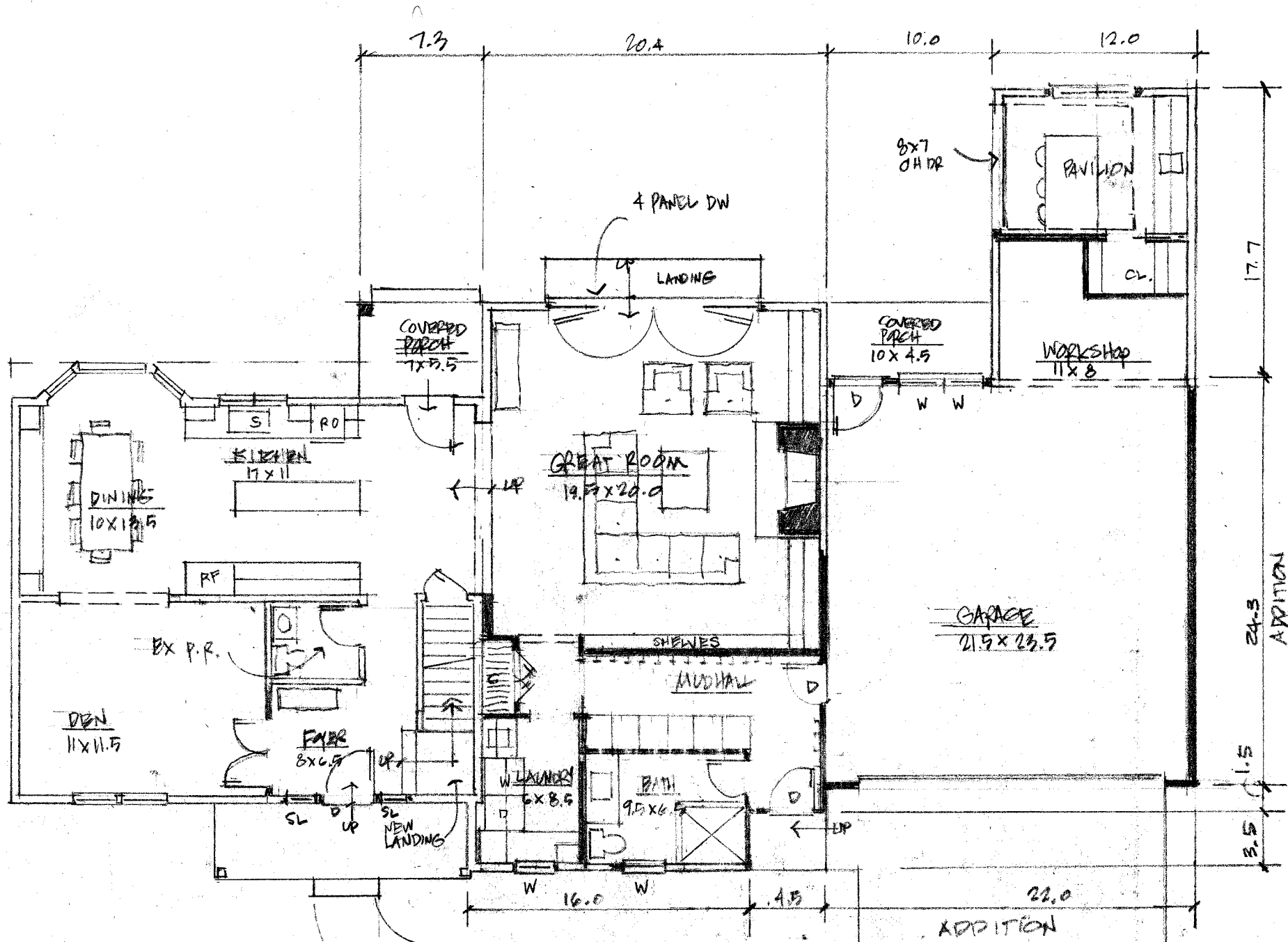
The goal is to convert the current attached 2 car garage into a more functional living space, including first floor laundry, a full bath and mudroom, and a larger family room space for our growing family. We would then create a 2 car garage that lines up with the current detached 1 car garage. The conversion of the existing garage and the creation of a new attached garage is a common addition in our neighborhood for homes that need to expand.

Standard #4: Minimum Variance Necessary

The goal is to line the new 2 car garage up and connect it with the current existing detached one car garage. Even after the addition, the setbacks will total almost 50 feet, of which 40 feet is required. The house will be 12.5 feet from the property line on the right and 37.4 feet from the property line on the left.

Standard #5: Adverse Impact on Surrounding Area

We spoke with several of our neighbors including those on Lot 44 prior to beginning the design process. They indicated they are supportive of the request for the variance. Our property lots are large and spacious. Our current detached garage is 12.5 ft from the lot line and the new addition would line up with this current structure. Lot 44's house is 42 feet away from the shared property line.



FRANCIS MAIN LEVEL PLAN

1/8" = 1'-0"

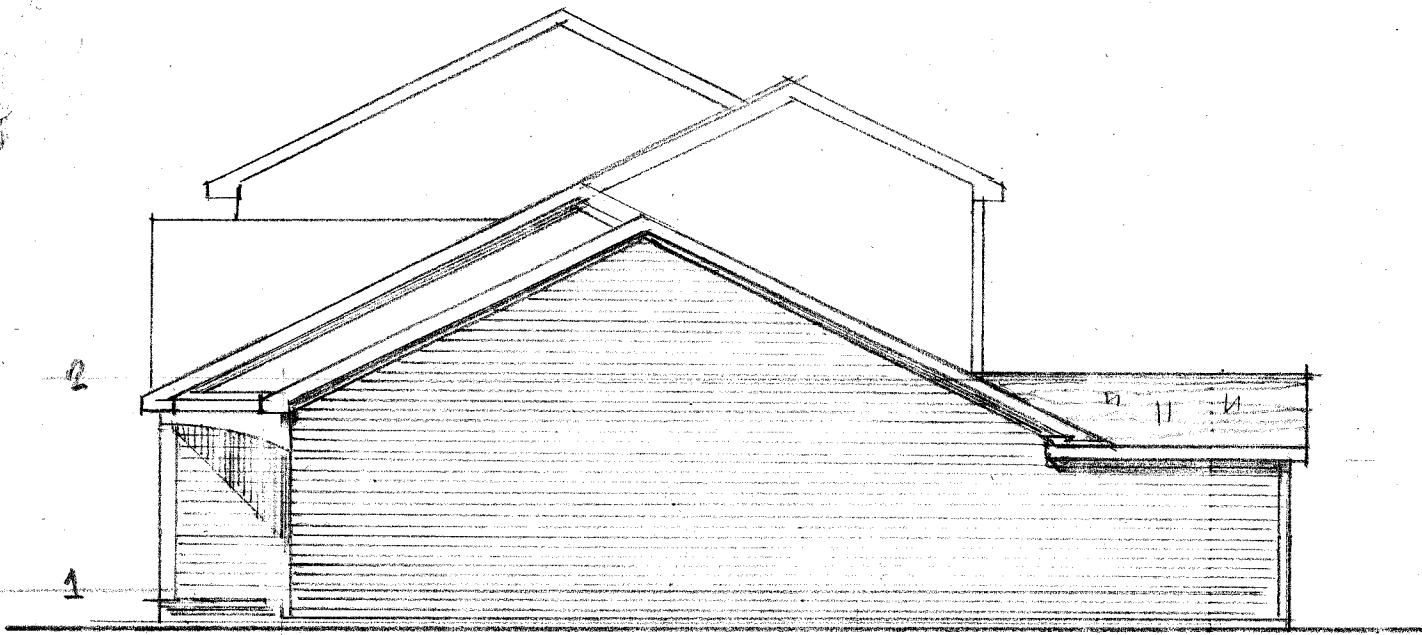
7.8.24.

R 7.30.24

NEW CONC WALK & WD

REMOVE TREE

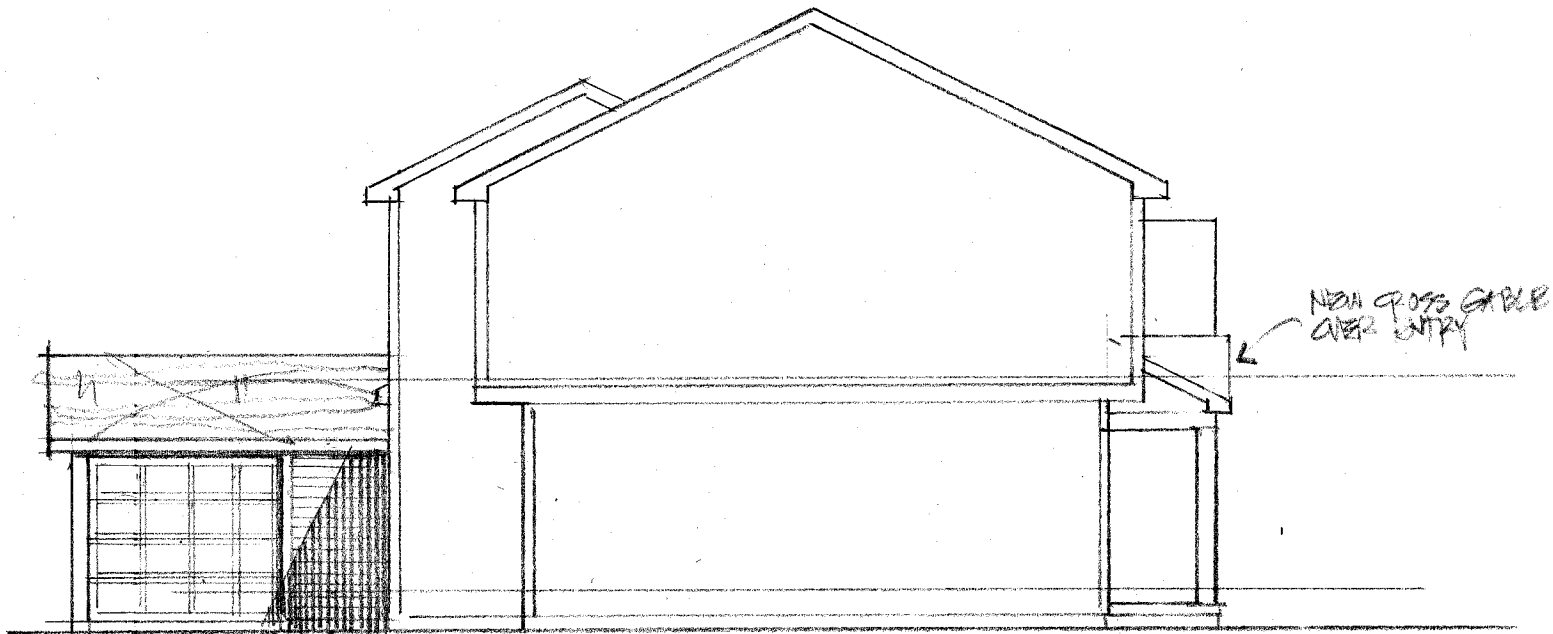




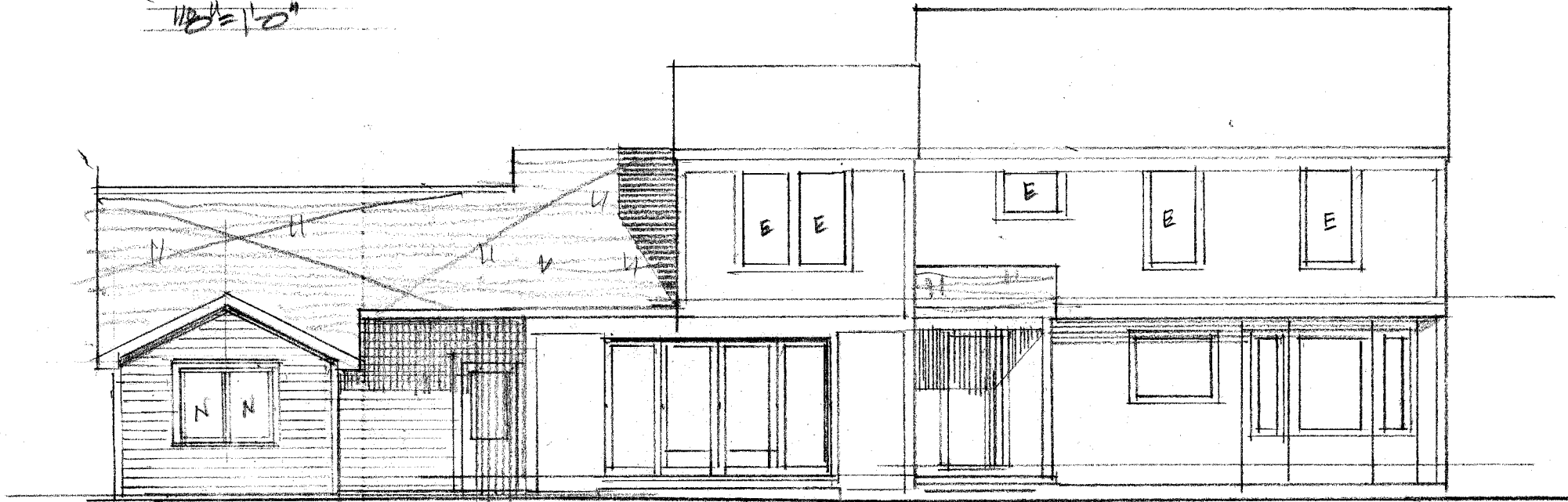
WEST ELEVATION
 $1/8" = 10'$



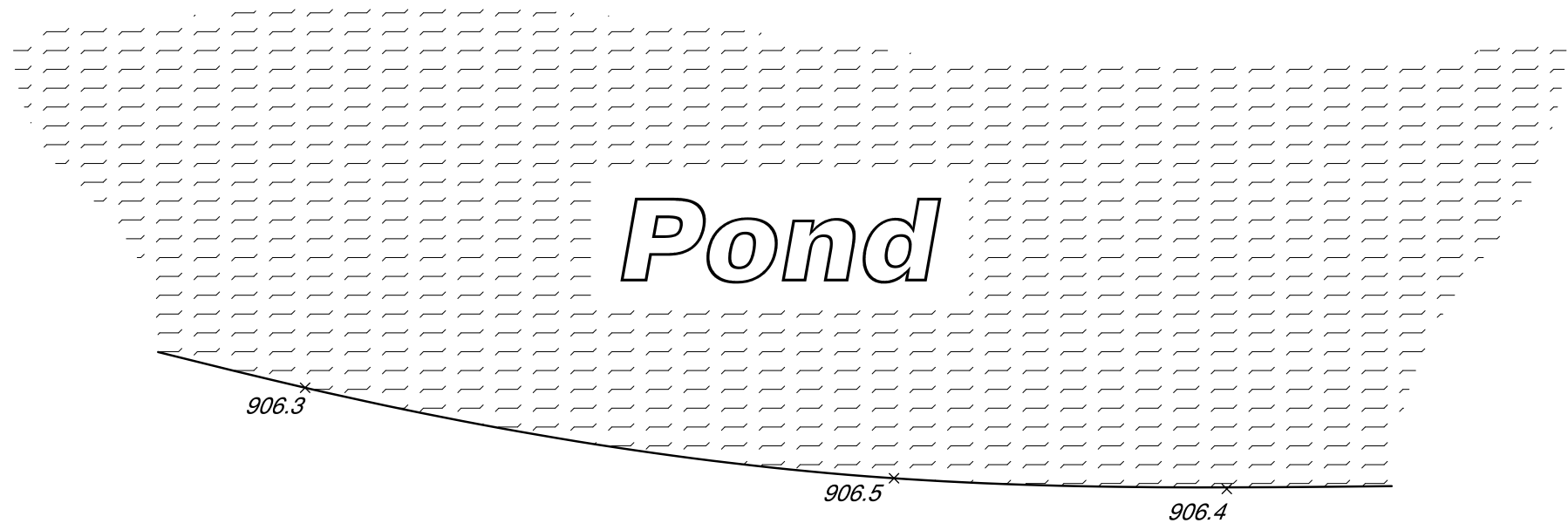
NORTH ELEVATION
 $1/8" = 10'$ 7.8.24 R 7.30.24



EAST ELEVATION
1/8" = 1'-0"

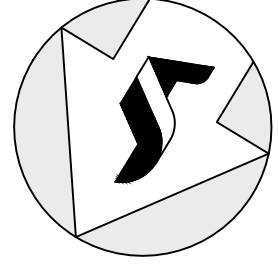
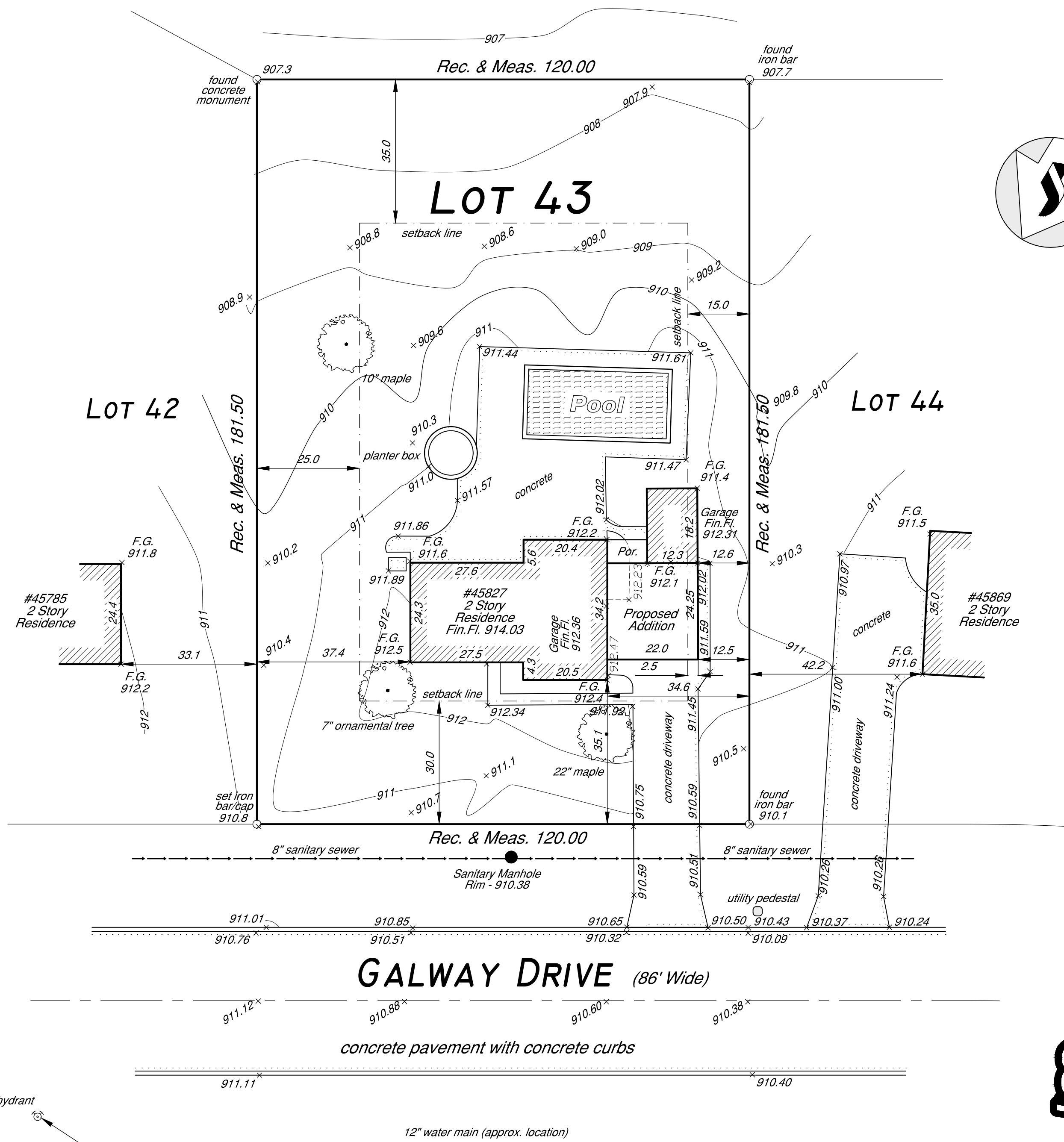


SOUTH ELEVATION
1/8" = 1'-0" 7.8.24 R 7.30.24



confirm minimum setbacks
with municipality

Zoning:	
R-1 Single Family Residential	
Setbacks:	
Front	- 30'
Side	- 15'
Side total	- 40'
Rear	- 35'
Check title policy for subdivision deed restrictions that may affect setback requirements.	



NOVI BENCHMARK
"X" ON NORTH FLANGE
BOLT ON HYDRANT
ELEVATION = 912.51

LEGAL DESCRIPTION

LOT 43 OF "LEXINGTON GREEN NO.2" SUBDIVISION, PART O THE NORTHEAST 1/4 OF SECTION 33, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 171 OF PLATS ON PAGE 36 AND PAGE 37, OAKLAND COUNTY RECORDS. LOT CONTAINS 21,780 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



PLOT PLAN FOR VARIANCE

Prepared For: Ryan Francis
45827 Galway Dr.
Novi, MI 48375
586 557-6114

Jekabson & Associates, P.C.
Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 455-8000

by: *[Signature]*

Date	10 April 24
Job no.	24-04-001
Scale	1" = 20'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1



Know what's below.
Call before you dig.