



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: March 12, 2019

REGARDING: 1502 Lebenta, Parcel # 50-22-03-129-007 (PZ19-0008)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Ronald Johnston Jr

Variance Type

Dimensional

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of West Lake Drive and South of West Pontiac Trail
Parcel #:	50-22-03-129-007

Request

The applicant is requesting variances from the Novi Code of Ordinances Section 4.19, 1(B)(C)(E)v(I), for an exterior side yard variance of 24 foot for a proposed 6 foot setback, an accessory structure variance of 36% for a proposed rear yard lot coverage of 61%, 25% required, a variance for a proposed 20 foot max height, 14 max allowed. This property is zoned Single Family Residential (R-4).

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. **PZ19-0008**, 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. **PZ19-0008**, 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



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)		Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION <u>Detached Garage / John Hawthorns Sub</u>		Meeting Date: <u>3/12/19</u>	
ADDRESS <u>1502 Lebenta Novi, MI 48377 Lot 26</u>		ZBA Case #: <u>PZ 19-0008</u>	
SIDWELL # <u>50-22-03-129-007</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY <u>Lebenta & Faywood</u>			
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 <u>jj1409@yahoo.com</u>	
NAME <u>Ronald Johnston Jr</u>		CELL PHONE NO. <u>248-240-2005</u>	
ORGANIZATION/COMPANY		TELEPHONE NO. <u>248-960-1409</u>	
ADDRESS <u>323 South Lake Dr</u>		FAX NO. <u>248-960-1409</u>	
CITY <u>Novi</u>		STATE <u>MI</u>	
		ZIP CODE <u>48377</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:		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 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. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section _____		Variance requested <u>6ft setbacks ext. side yard</u>	
2. Section _____		Variance requested <u>61% lot coverage</u>	
3. Section _____		Variance requested <u>20ft height</u>	
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 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


Applicant Signature

1/29/19
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



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:

Lot Size This is a corner lot and the road (Faywood) runs the length of the property current building ^{and/or} is only 4 feet from easement.

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 to move my water craft & other utility vehicles from the yard into the Garage. Much cleaner appearance. Lot size

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.

Because this is a corner lot the exterior setback of 30 feet would be impossible to meet. Current structure is 4 feet Lot size

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.

I need the length of 30 feet^{min} to fit my water craft & utility vehicles into the Garage. Lot size

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 house is a bungalow ~~style~~ style home. the site garage and its roof line match that of the home. ~~and~~ ^{about} will be replacing the old structure that is out of place and run down.
(pictures provided)

RECEIVED

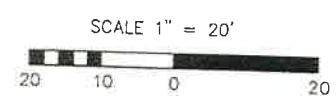
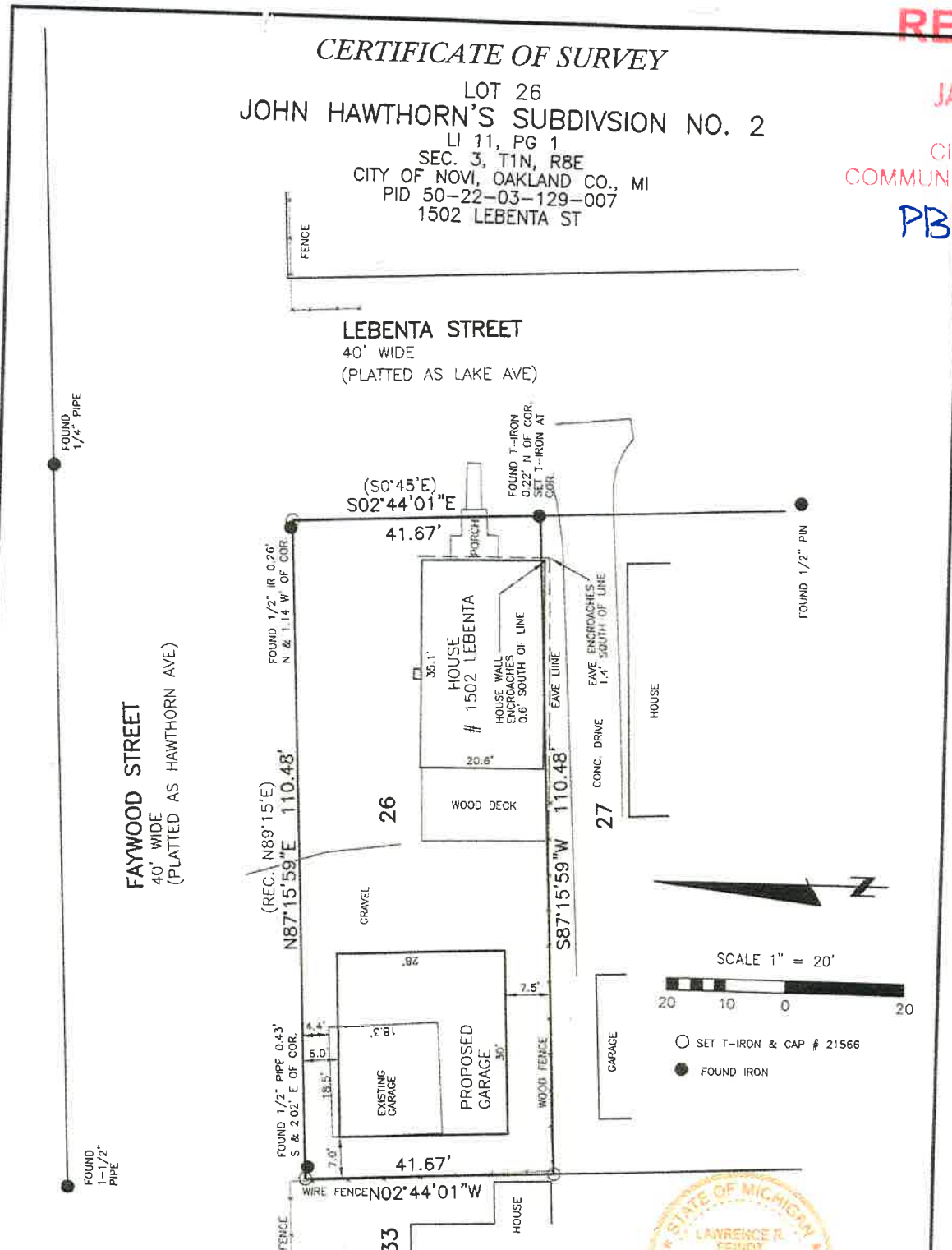
JAN 29 2019

CITY OF NOVI
COMMUNITY DEVELOPMENT

PBR19-0049

CERTIFICATE OF SURVEY

LOT 26
JOHN HAWTHORN'S SUBDIVISION NO. 2
LI 11, PG 1
SEC. 3, T1N, R8E
CITY OF NOVI, OAKLAND CO., MI
PID 50-22-03-129-007
1502 LEBENTA ST



- SET T-IRON & CAP # 21566
- FOUND IRON



BEARINGS ARE RELATIVE TO THE MICHIGAN COORDINATE SYSTEM, SOUTH ZONE (2113) AS DEFINED BY MICHIGAN P.A. 9 OF 1964 AND AMENDED BY P.A. 154 OF 1988 (NAD 83 [2011]). DISTANCES SHOWN ARE AT GROUND LEVEL.

I HEREBY CERTIFY THAT THE SURVEY HEREON DELINEATED IS TRUE AND CORRECT, THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING, AND THAT IT COMPLIES WITH P.A. 132-1970, AS AMENDED.

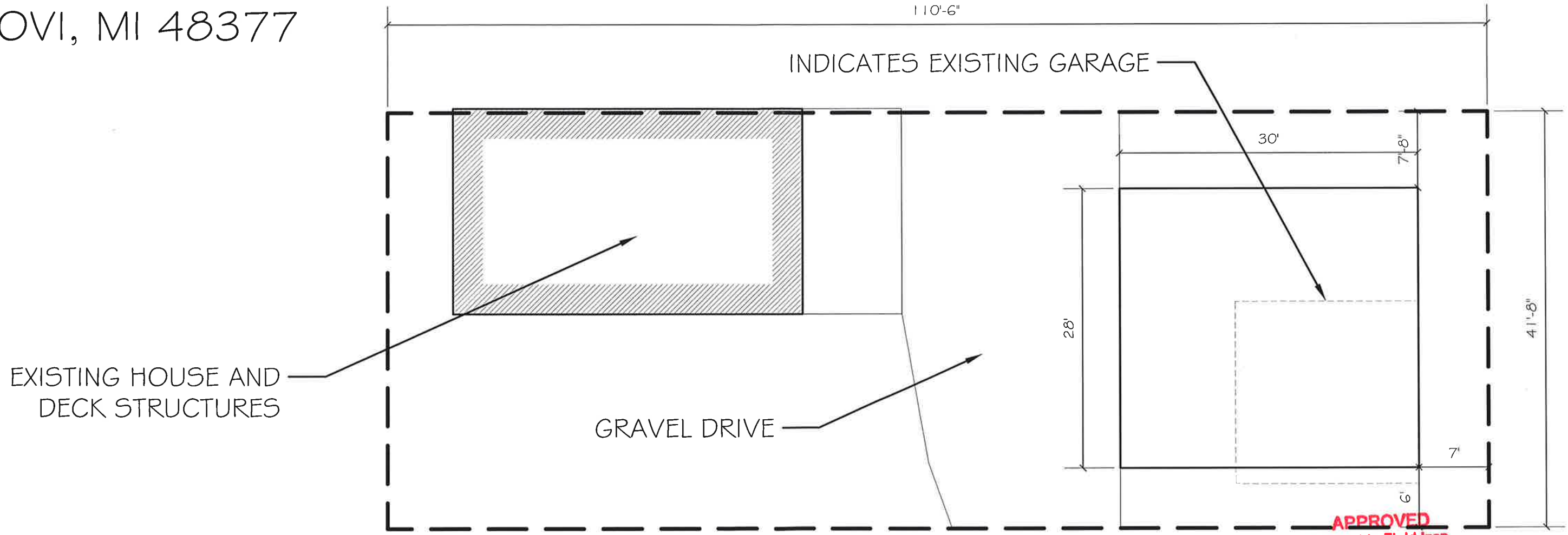
Lawrence R. Feindt
LAWRENCE R. FEINDT, PS NO. 21566

	48800 W. 10 MILE RD. NOVI, MI 48374-2708 (248) 344-2077 FAX (248) 305-8030	FOR: RONALD JOHNSTON, JR.	
	6121 MAPLE GROVE RD. CHARLEVOIX, MI 49720 (231) 547-9901	FIELDWORK: LRF/IJK/CLF COMPUTER #: 16233.DWG DRAWN BY: FAF DATE: NOVEMBER 10, 2018	COMPUTED BY: LRF CHECKED BY: LRF REV.: 1-12-2019 JOB NO.: 16233

RON JOHNSTON, JR. GARAGE PLANS

CITY COPY RECEIVED
 JAN 29 2019
 CITY OF NOVI
 COMMUNITY DEVELOPMENT
 PBR19-0049

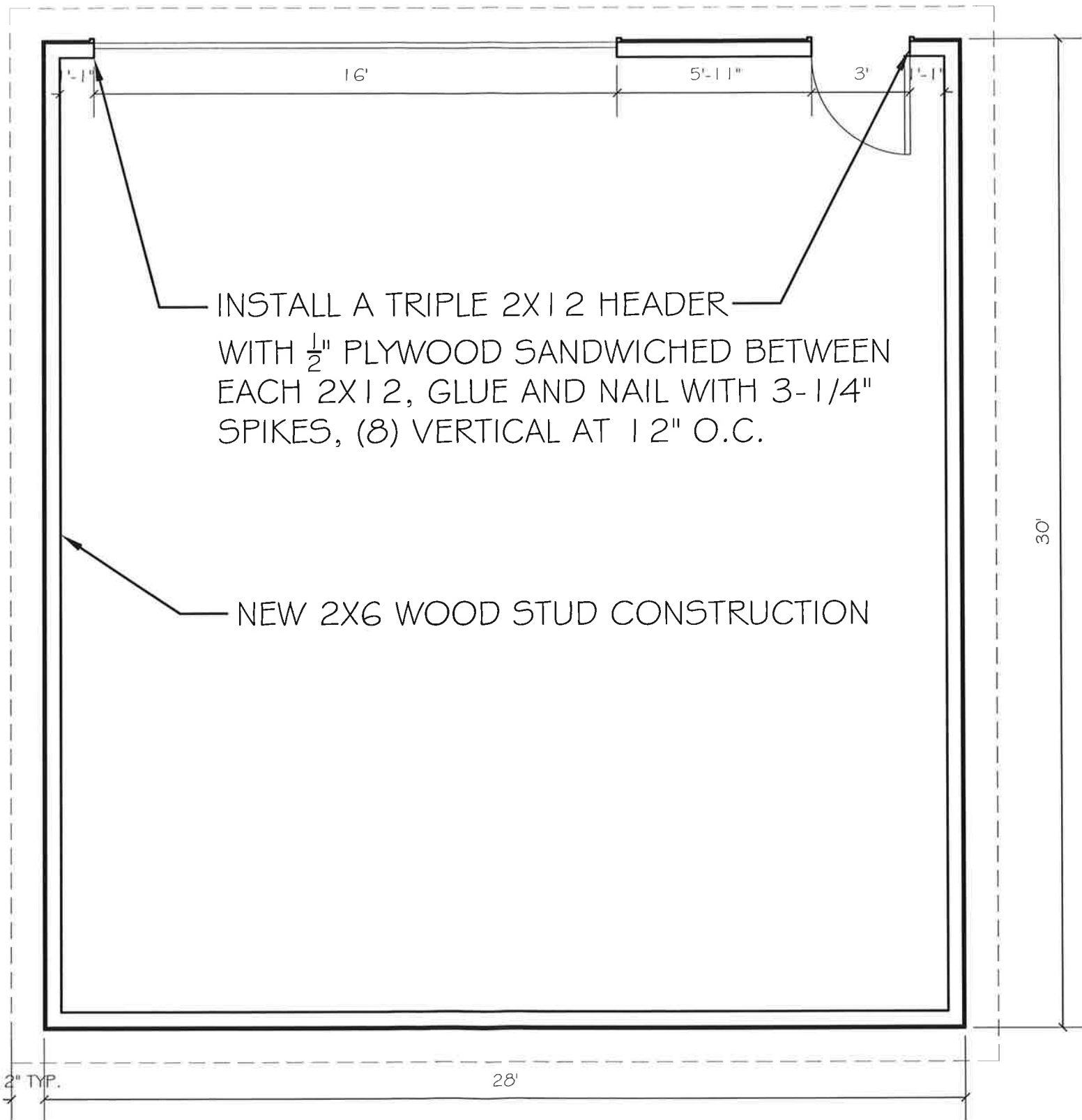
1502 LEBENTA ST.
 NOVI, MI 48377



APPROVED
 Subject to Field Insp.
 Bldg. _____ Date _____
 Plbg. _____ Date _____
 Elec. _____ Date _____
 Heat _____ Date _____
 CITY OF NOVI

SITE PLAN
 SCALE: 1/4" = 1'-0"

	<input type="checkbox"/> CLIENT APPROVAL <input checked="" type="checkbox"/> PERMIT 01/17/2019 <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> REVISIONS	PROJECT DATA: 1502 LEBENTA ST. NOVI, MI 48377 DRAWING TITLE: GARAGE	DRAWN BY: GEORGE ROSE SHEET NUMBER: S-1
--	--	---	---



INSTALL A TRIPLE 2X12 HEADER
WITH 1/2" PLYWOOD SANDWICHED BETWEEN
EACH 2X12, GLUE AND NAIL WITH 3-1/4"
SPIKES, (8) VERTICAL AT 12" O.C.

NEW 2X6 WOOD STUD CONSTRUCTION

DESIGN PLAN
SCALE: 1/4" = 1'-0"

GJSR

DESIGN

- CLIENT APPROVAL
- PERMIT 01/17/2019
- CONSTRUCTION
- REVISIONS

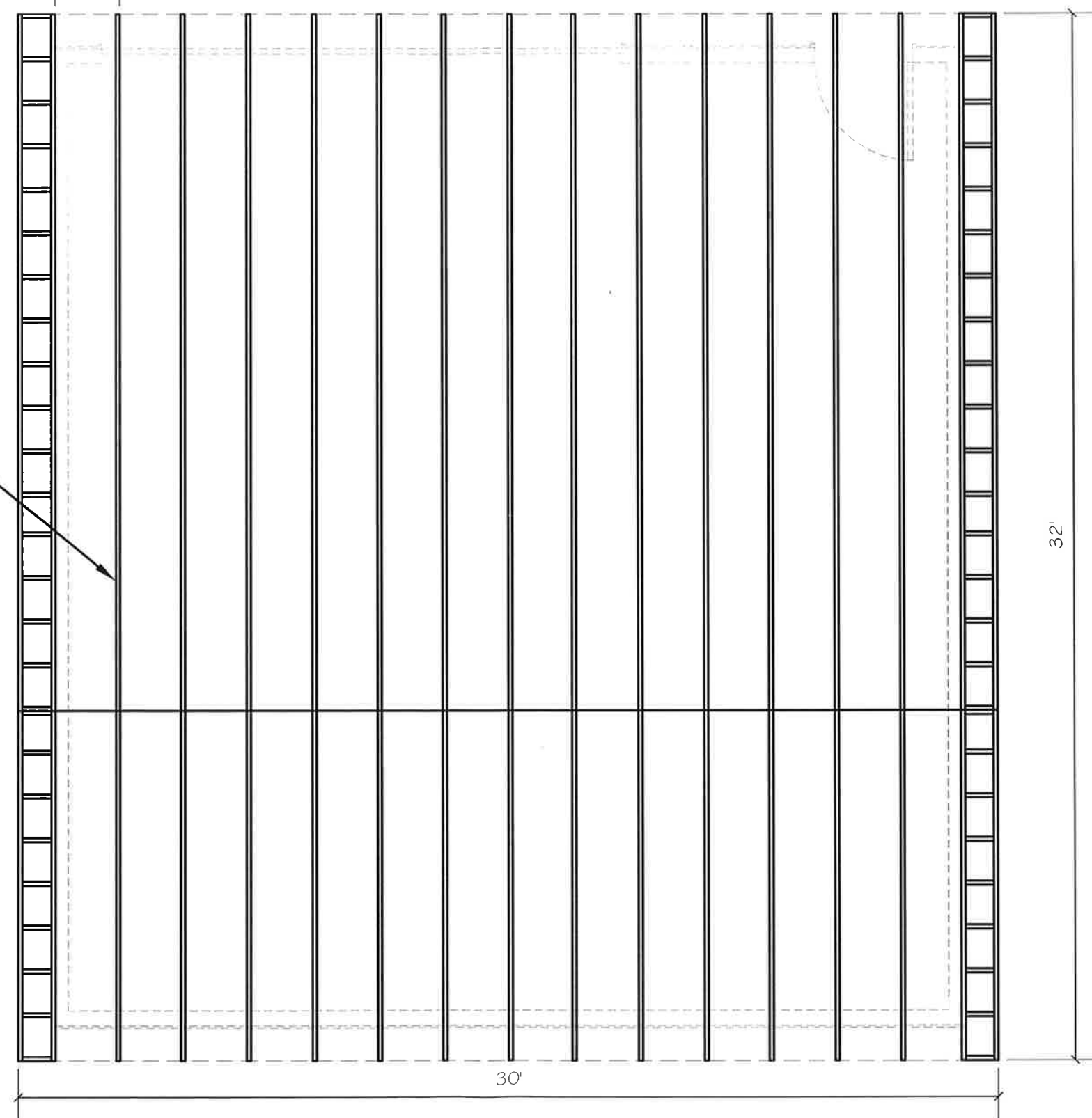
PROJECT DATA:
1502 LEBENTA ST.
NOVI, MI 48377

DRAWING TITLE:
GARAGE

DRAWN BY:
GEORGE ROSE

SHEET NUMBER:
A-1

24" O.C., TYP.



TRUSSES TO BE DESIGNED AND ENGINEERED BY OTHERS

TRUSS PLAN
SCALE: 1/4" = 1'-0"

GJSR
DESIGN

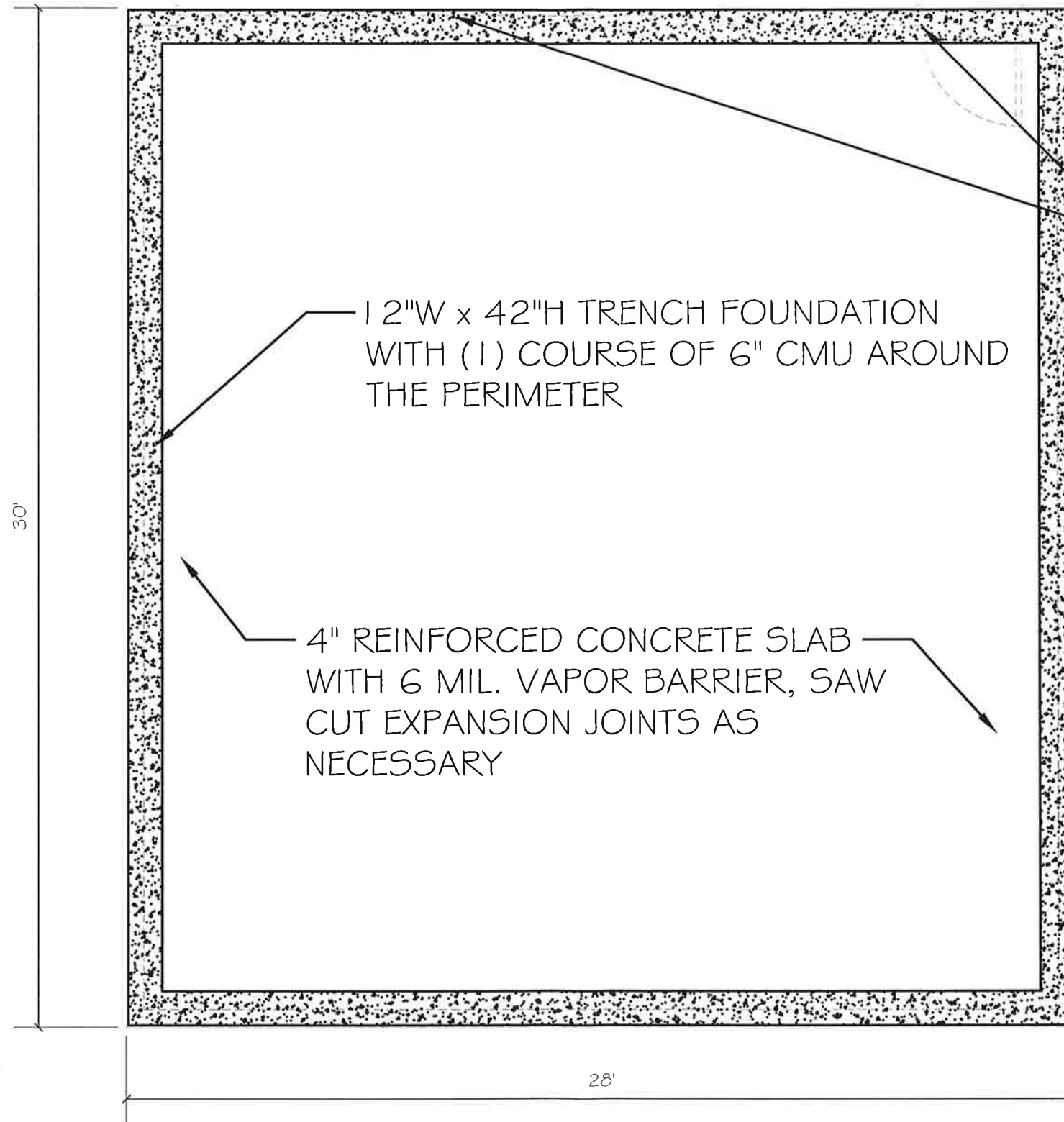
- CLIENT APPROVAL
- PERMIT 01/17/2019
- CONSTRUCTION
- REVISIONS

PROJECT DATA:
1502 LEBENTA ST.
NOVI, MI 48377

DRAWING TITLE:
GARAGE

DRAWN BY:
GEORGE ROSE

SHEET NUMBER:
A-2



DO NOT LAY BLOCK IN THE LOCATIONS OF THE GARAGE DOOR AND MAN DOOR

12"W x 42"H TRENCH FOUNDATION WITH (1) COURSE OF 6" CMU AROUND THE PERIMETER

4" REINFORCED CONCRETE SLAB WITH 6 MIL. VAPOR BARRIER, SAW CUT EXPANSION JOINTS AS NECESSARY

30'

28'

FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

GJSR
DESIGN

- CLIENT APPROVAL
- PERMIT 01/17/2019
- CONSTRUCTION
- REVISIONS

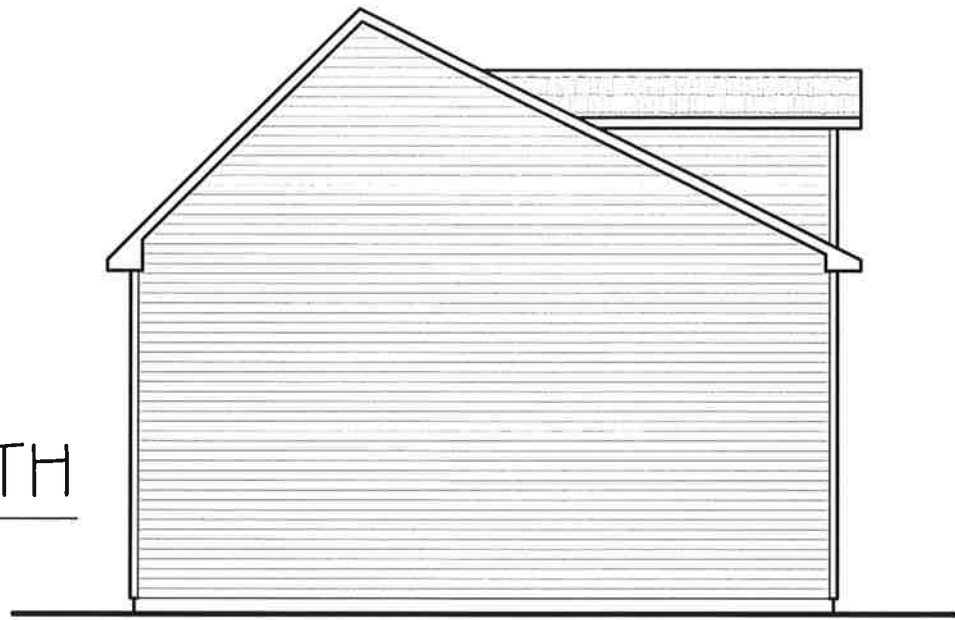
PROJECT DATA:
1502 LEBENTA ST.
NOVI, MI 48377

DRAWING TITLE:
GARAGE

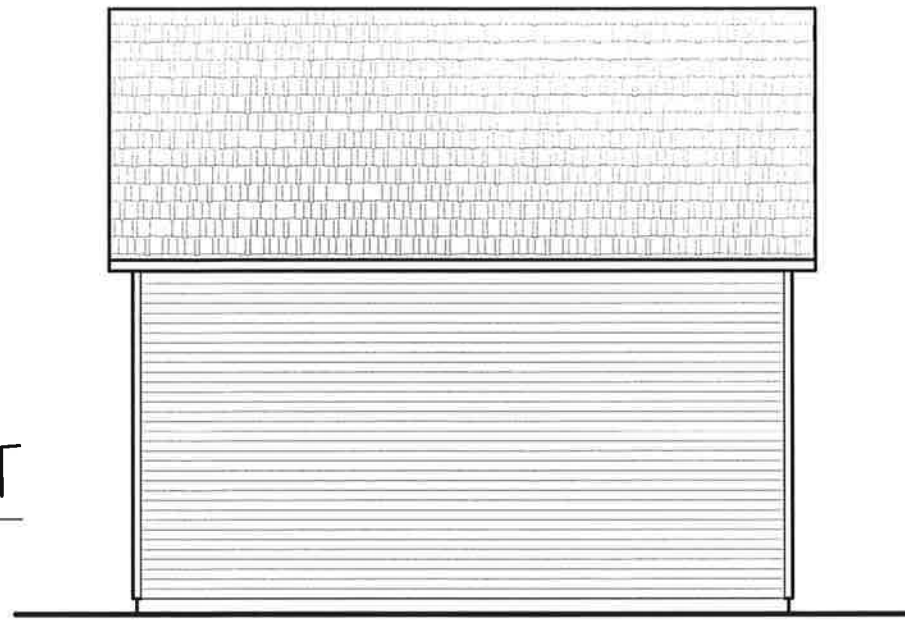
DRAWN BY:
GEORGE ROSE

SHEET NUMBER:
A-3

SOUTH



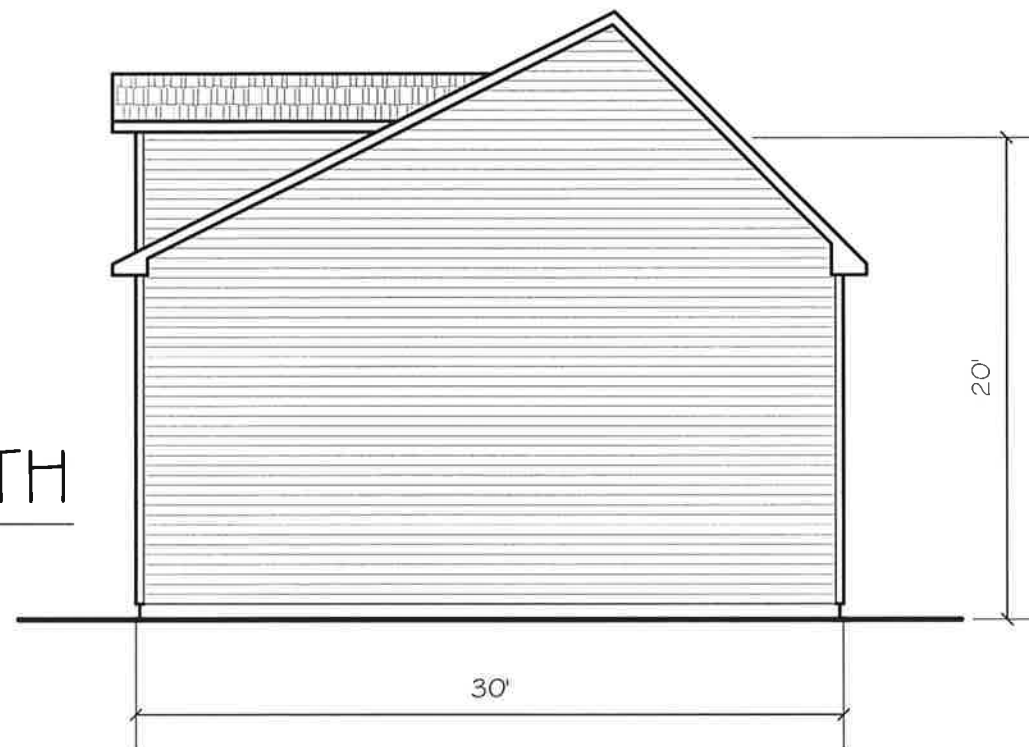
WEST



EAST



NORTH



ELEVATIONS

SCALE: 1/8" = 1'-0"

GJSR

DESIGN

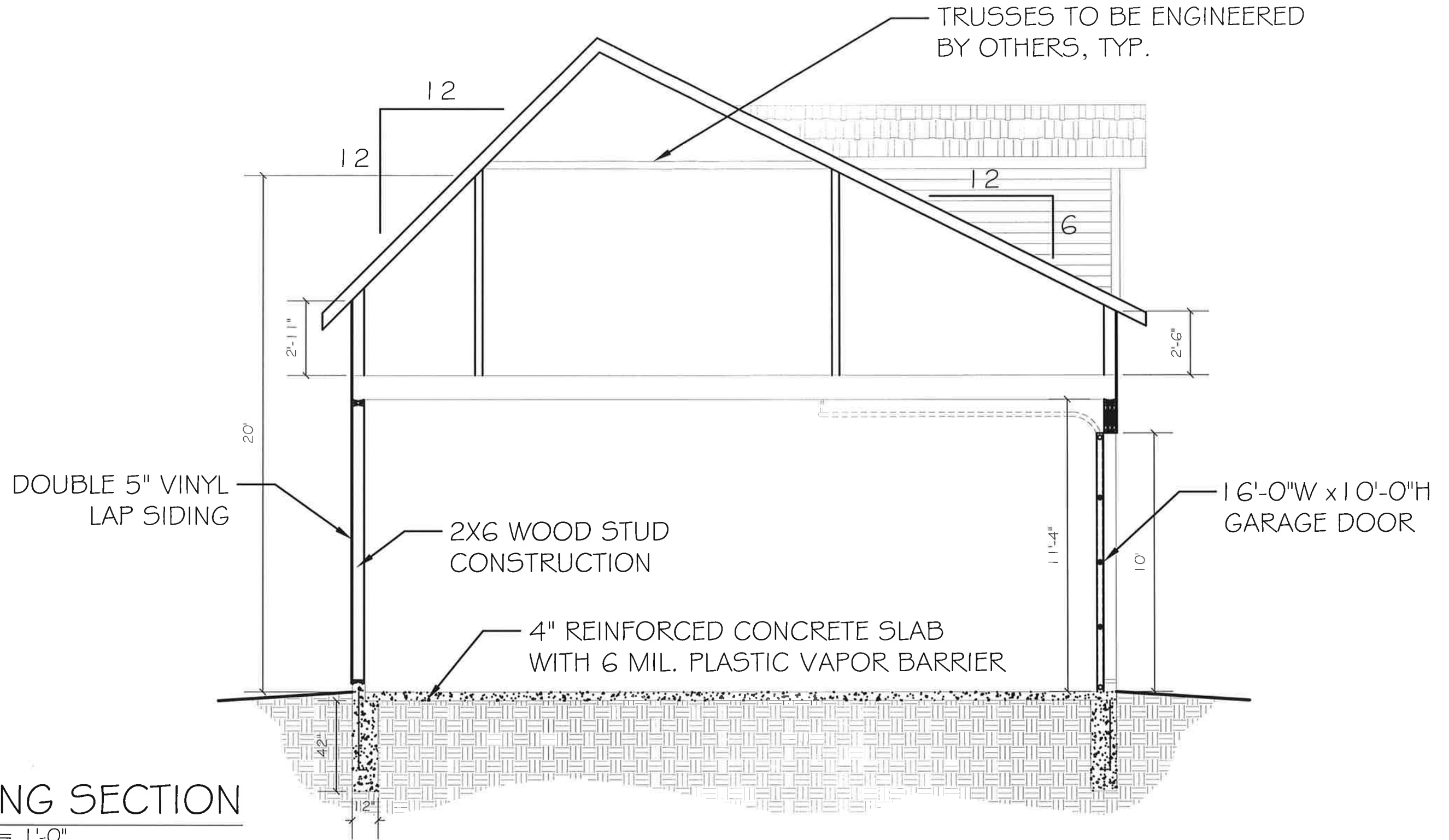
- CLIENT APPROVAL
- PERMIT 01/17/2019
- CONSTRUCTION
- REVISIONS

PROJECT DATA:
 1502 LEBENTA ST.
 NOVI, MI 48377

DRAWING TITLE:
 GARAGE

DRAWN BY:
 GEORGE ROSE

SHEET NUMBER:
A-4



BUILDING SECTION

SCALE: 1/4" = 1'-0"

GJSR

DESIGN

- CLIENT APPROVAL
- PERMIT 01/17/2019
- CONSTRUCTION
- REVISIONS

PROJECT DATA:

1502 LEBENTA ST.
NOVI, MI 48377

DRAWING TITLE:

GARAGE

DRAWN BY:

GEORGE ROSE

SHEET NUMBER:

A-5









