



ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. PZ14-0055

Location: 45995 Galway Drive

Zoning District: R-1, One-Family Residential District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new addition reduced aggregate side yard setback of 34.5 ft. (40 ft. required). The property is located south of 9 Mile Road and west of Taft Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that a structure within an R-1 zoning district have a minimum aggregate side setback of 40 ft.

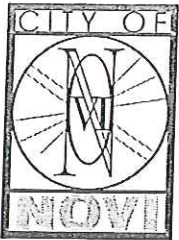
City of Novi Staff Comments:

The applicant is proposing construction of an addition to an existing single family residence. The proposed addition would extend 20 ft. into the side yard and would reduce the aggregate side yard setback on the west side to 34.5 ft. Staff supports the consideration of the variances provided substantial justice can be served for adjacent property owners.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



cityofnovi.org
ZBA Case No.

ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

For Official Use Only

P2140055

ZBA meeting date

DEC 9

Check# _____ Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

***Please submit one original full set of all documentation and one CD with a pdf version of same.

Applicant's Name ROBERT V. LORENZO Date 10-13-2014

Company (if applicable) _____

Address* 45995 GALWAY DRIVE City NOVI

State MI Zip code 48374 *Where all case correspondence is to be mailed

Applicant's E-mail address LRLORE83@PEOPLEPC.COM

Phone number (248) 349-5881 Fax number _____

Request is for:

- Residential
- Vacant property
- Commercial
- Signage

Address of subject ZBA case 45995 GALWAY DRIVE NOVI, MI Zip code 48374

Cross roads of property GALWAY DRIVE AT DALEVIEW DRIVE (BETWEEN TAFT ROAD AND NINE MILE ROAD)

Sidwell number 50-22- 33-253-004 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction? Yes No

Zoning (Please circle one)

R-A	<input checked="" type="radio"/> R-1	R-2	R-3	R-4	RM-1	RM-2
MH	I-1	I-2	RC	TC	TC-1	Other

Property owner name (if other than applicant) _____

Does your appeal result from a Notice of Violation or Citation issued? Yes No

Indicate Ordinance section(s) and variances requested:

- | | | | |
|----|-------------------------------------|--------------------|--|
| 1. | Section <u>2400, SUBSECTION (R)</u> | Variance requested | <u>VARIANCE OF 5.5 FEET TO</u> |
| 2. | Section _____ | Variance requested | <u>40-FOOT MINIMUM AGGREGATE SETBACK</u> |
| 3. | Section _____ | Variance requested | <u>OF TWO SIDE YARDS</u> |
| 4. | Section _____ | Variance requested | <u>(PROPOSED AGGREGATE SETBACK</u> |
| | | | <u>OF 34.5 FEET)</u> |

Please submit an accurate, scaled drawing of the property showing:

- All property lines and dimensions correlated with the legal description.
- The location and dimensions of all existing and proposed structures and uses on property.
- Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- Dimensions necessary to show compliance with the regulations of this Ordinance.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

PLEASE REFER TO ATTACHMENT

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

PLEASE REFER TO ATTACHMENT

There is a five (5) day hold period before work/action can be taken on variance approvals.

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 scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

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.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

- Construct new home/building
- Accessory building
- Addition to existing home/building
- Use
- Signage
- Other

Robert V. Jeanro
Applicants Signature

10-13-2014
Date

Robert V. Jeanro
Property Owners Signature

10-13-2014
Date

DECISION ON APPEAL

_____ Granted

_____ Denied

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date

Robert V. Lorenzo
Attachment to Zoning Board of Appeals Application

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements:

We are planning a single-story addition, with a proposed "footprint" of 20 feet by 52 feet, to the west side of our existing house, as we have indicated on the copy of the September 19, 2014 certified survey provided with this Zoning Board of Appeals application.

Our planned addition will provide us additional first-floor living space, which in the longer term will allow for "aging in place" accommodations, as we intend to reside in our home throughout retirement.

The planned addition would conform to the 15-foot minimum side yard setback requirement on each side of the house. Construction of the proposed 20-foot-wide addition would, however, require a variance to the required 40-foot minimum aggregate setback of the two side yards, as per Article 24, Section 2400, Subsection (R) of the Novi Zoning Ordinance. Based on the existing house-to-lot-line dimensions recorded on the certified survey (35.7 feet and 18.8 feet on the west and east sides, respectively), it appears that the aggregate side yard setback would be 34.5 feet -- thus requiring approval for a variance of 5.5 feet.

Without this approved 5.5-foot variance to the aggregate side yard setback requirement, the width of the addition would be restricted to 14.5 feet, resulting in an odd, elongated structure (resembling a railroad boxcar) lacking aesthetic "curb appeal". Restricting the width of the addition to 14.5 feet also would result in long, narrow interior rooms.

The proposed "footprint" dimensions, including the 20-foot width, will enable a more aesthetically pleasing exterior and interior design of the addition. This design would integrate well with the existing house structure -- architecture and facade of the addition would match that of the existing house -- and would blend with the character of other houses in the neighborhood. The proposed dimensions also would provide functional additional interior living space that would better integrate with the layout of existing rooms.

Given these circumstances, we respectfully request your favorable consideration of our appeal.

Robert V. Lorenzo
Attachment to Zoning Board of Appeals Application

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

Adjacent to the south border of our property (see area labeled as "Mill Pond Park" on the attached certified survey) is a wetland/pond which functions as a water retention basin. Also, a swale is located in our rear yard, approximately 25 feet from the south lot line; this swale was constructed by the Lexington Green Subdivision developer to carry rainwater and snow melt from our lot and other lots to our east, in a westward flow across a portion of our rear yard (approximately two-thirds of the width) and then southward into the wetland/pond area.

During heavy and/or prolonged rain and during rapid melting of accumulated snow, water from the swale and from the pond/wetland has backed-up further into our rear yard, well beyond the swale. This water backup has approached closest to the house on the east half of our lot. Fortunately, during the 30 years we have resided in our home, water backup has not reached the house structure, although it came within about 20 feet on a few occasions. For this reason, we have serious concerns regarding utilizing the east half of our rear yard as a location for our planned addition.

The west-side location for the addition, as depicted on the attached certified survey, is a portion of our property on which we have never experienced a water backup issue.



RECEIVED

ARCHITECTURAL REVIEW & APPROVAL REQUEST FORM
Lexington Green HOA Architectural Committee

OCT 21 2014
CITY OF NOVI
COMMUNITY DEVELOPMENT

The City of Novi requires HOA approval prior to granting a homeowner a permit. Therefore, in accordance with the recorded Covenants, Conditions, Laws, conditions and restrictions of Lexington Green HOA, and in order to protect each individual owner's rights and values, any owner who is considering improvement of their deeded property is required to submit the following information to the ARCHITECTURAL CONTROL COMMITTEE prior to initiating work on the planned improvements.

Instructions:

- 1) Complete this Building/Remodeling Request Form
- 2) Provide a copy of detailed building plans, listing materials, and specifications for projects.
- 3) A property site plan/survey showing the location of the proposed improvement. This is the same plan required by Novi to issue a permit. Note: A HOA approval signature is required prior to submitting a permit application to the City of Novi.

A property owner considering any exterior improvements is urged to review the recorded deed restrictions prior to completing this request form.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

Property Owner ROBERT V. LORENZO
 Property Address 45995 GALWAY DRIVE NOVI, MI 48374
 Home Phone (248) 349-5881 Other Phone _____
 Email Address _____

Briefly describe the proposed improvements:

(Is there a precedent within the neighborhood Y/N?) 20' BY 52' ("FOOTPRINT" DIMENSIONS) SINGLE-STORY ADDITION ON WEST SIDE OF OUR HOME; WILL REQUIRE 5.5' VARIANCE TO NOVI ZONING ORDINANCE, AS DESCRIBED IN ATTACHED LETTER. ADDITIONS HAVE BEEN BUILT ON A NUMBER OF OTHER HOMES IN THE SUBDIVISION (INCLUDING SEVERAL IN OUR IMMEDIATE VICINITY). IT IS OUR UNDERSTANDING THAT THE HOMEOWNERS ASSOCIATION HAS RECEIVED AND APPROVED VARIANCE REQUESTS FOR SOME ADDITIONS WITHIN THE SUBDIVISION.

Estimated construction start date SPRING 2015 Estimated completion date SUMMER 2015

I understand that the Architectural Control Committee will respond to this request, in writing, within 15 days of receipt. I agree not to begin property improvement without written approval from the Architectural Control Committee. I further understand that all construction will comply with local building codes, and that Architectural Control Committee approvals do not override building codes, but rather, are intended to work with them. A meeting with the Architecture committee can be set up by sending an email to LexingtonGreenHOA@yahoo.com or by contacting one of the Board members.

Robert V. Lorenzo 10-16-2014
 Property Owner Signature Date

APPROVED DISAPPROVED
Evan D. Bally 10/22/2014
 Architectural Control Committee (Signature #1) Date
Jamara Laja 10/22/2014
 Architectural Control Committee (Signature #2) Date

RETURN THIS COMPLETED FORM AND ANY ATTACHMENTS TO:
 LEXINGTON GREEN HOMEOWNERS ASSOCIATION
 PO BOX 324, NOVI, MI 48374

For HOA purposes
 Date 10/16/2014
 Received by [Signature]
 Tracking Number 13-8

1214-0055

CERTIFIED SURVEY

PROPERTY DESCRIPTION:

LAND SITUATED IN THE CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN IS DESCRIBED AS FOLLOWS:
 LOT 47, LEXINGTON GREEN SUBDIVISION NO. 2, AS RECORDED IN LIBER 171, PAGES 36-37 OF PLATS, OAKLAND COUNTY RECORDS.

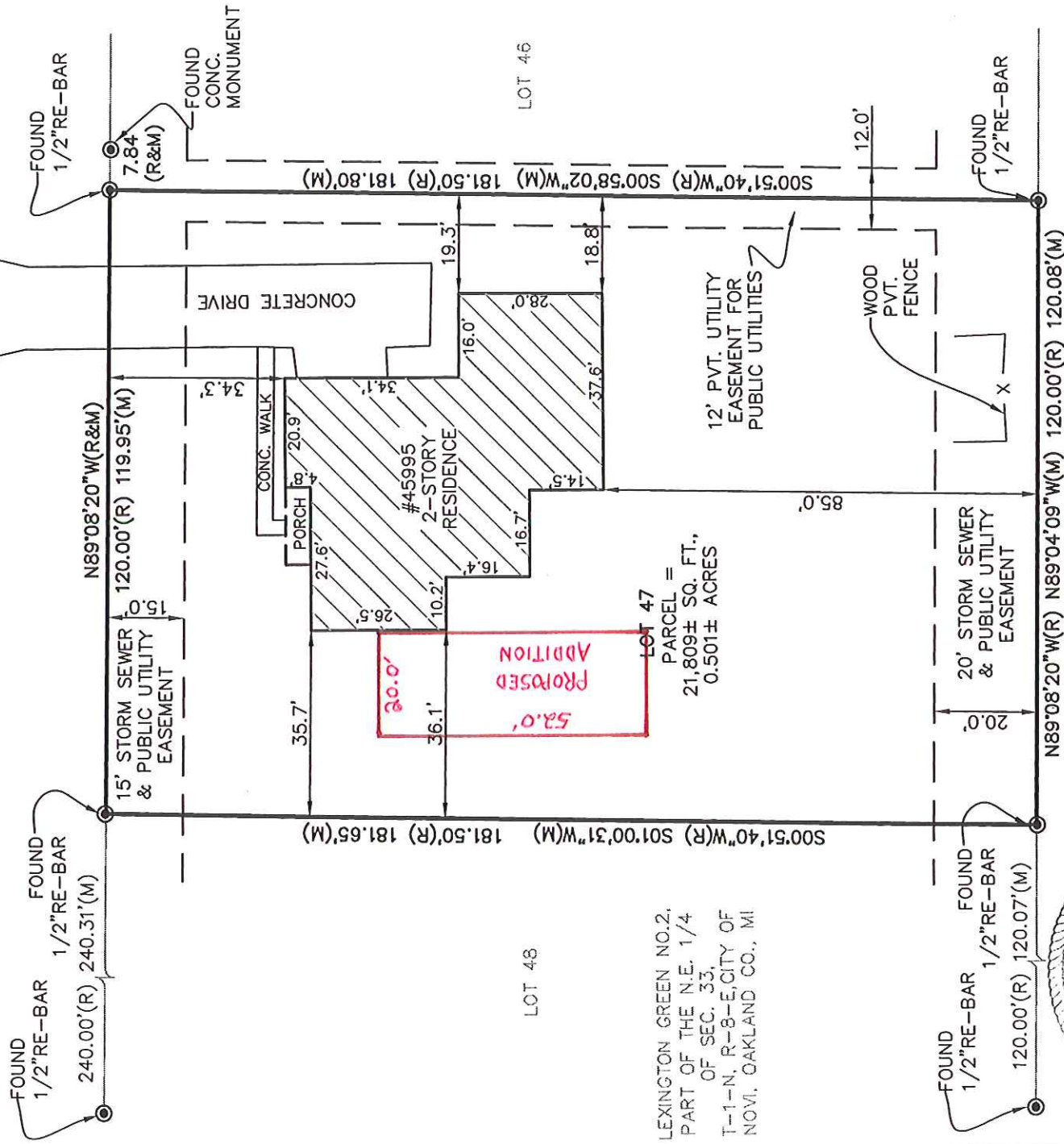
NOTE:

1. SUBJECT TO BLANKET EASEMENT FOR DETROIT EDISON AND MICHIGAN BELL TELEPHONE L. 7740, P. 272
2. SUBJECT TO CONVENANTS, CONDITIONS AND BUILDING RESTRICTIONS L. 7797, P. 342



SCALE 1" = 30'
 0' 20' 30'

GALWAY DRIVE
 (86' RIGHT OF WAY)
 CONCRETE



LEXINGTON GREEN NO.2,
 PART OF THE N.E. 1/4
 OF SEC. 33,
 T-1-N, R-8-E, CITY OF
 NOVI, OAKLAND CO., MI



LEGEND

- SET 1/2" REBAR WITH CAP, #47976
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

Anthony T. Sycko, Jr.

ANTHONY T. SYCKO, JR., P.S. NO. 47976



KEM-TEC & ASSOCIATES

22556 GRATIOT AVE. EASTPOINTE, MI 48021
 PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS
 (586)772-2222 * FAX (586)772-4048

CERTIFIED TO: ALL TYPE BUILDERS

FIELD SURVEY: JS, VR DATE: SEPTEMBER 19, 2014

DRAWN BY: DLD SHEET: 1 OF 1

SCALE: 1" = 30' JOB NO.: 14-03556