



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: January 10, 2017

REGARDING: 1391 East Lake Drive, Parcel # 50-22-02-328-013

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

DAVID & COLLEEN BOUREN

Variance Type

DIMENSIONAL VARIANCE

Property Characteristics

| | |
|------------------|--|
| Zoning District: | R-4 (ONE-FAMILY RESIDENTIAL) |
| Location: | NORTH OF THIRTEEN MILE ROAD, WEST OF NOVI ROAD |
| Parcel #: | 50-22-02-328-013 |

Request

The applicant is requesting a variance from the CITY OF NOVI Code of Ordinance; Section 3.1.5 for new residence to allow reduced rear yard setback of 31 feet, 35 feet required, side yard setback of 1.5 feet, 10 feet required, reduced aggregate total of 4.5 feet, 25 feet required front yard setback of 15.5 feet 30 feet required, lot coverage of 25%, 39% required, front deck set back of 9.5 feet, 25 feet required, front deck side setback of 3 feet 8.5 feet required, rear deck side setback of 3 feet 8.5 feet required. This property is zoned R-4 (One-Family Residential).

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting several variances to reduce rear, front, side and deck setbacks along with reduce lot coverage for new resident construction.

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. **PZ16-0062**, 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. **PZ16-0062**, 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.

Zoning Board Of Appeals

David & Colleen Bouren

Case # PZ16-0062

January 10, 2017

Page 3 of 3

Larry Butler

Deputy Director Community Development

City of Novi



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RECEIVED

NOV 29 2016

CITY OF NOVI
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS

APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$250.00

Meeting Date: 1-10-2017

ZBA Case #: PZ 16-0062

I. PROPERTY INFORMATION (Address of subject ZBA Case)
PROJECT NAME / SUBDIVISION
ADDRESS 1391 EAST LAKE DR
LOT/SIUTE/SPACE #
SIDWELL # 50-22-02-328-013
CROSS ROADS OF PROPERTY EAST LAKE DR & HERMAN ST
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?
REQUEST IS FOR: RESIDENTIAL
II. APPLICANT INFORMATION
A. APPLICANT
NAME DAVID & COLLEEN BOUREN
ADDRESS 1391 EAST LAKE DR
B. PROPERTY OWNER
III. ZONING INFORMATION
A. ZONING DISTRICT R-4
B. VARIANCE REQUESTED
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:
1. Section 3.1.5 Variance requested REAR YARD REQUIRED 35' PROPOSED 31' VARIANCE 4'
2. Section 3.1.5 Variance requested SIDE REQUIRED 10' PROPOSED 1.5' VARIANCE 8.5'
3. Section 3.1.5 Variance requested AGG TOTAL REQUIRED 25' PROPOSED 4.5' VARIANCE 20.5'
4. Section 3.1.5 Variance requested FRONT YARD REQUIRED 30' PROPOSED 15.5' VARIANCE 14.5'
IV. FEES AND DRAWINGS
A. FEES
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF



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

David Beuten
Applicant Signature

11-28-16
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

B. VARIANCE REQUESTED CONTINUED

5. SECTION 3.1.5 VARIANCE REQUESTED
LOT COVERAGE REQUIRED 39%
PROPOSED 25%
VARIANCE 14%

6. SECTION 3.1.5 VARIANCE REQUESTED
FRONT DECK DEPTH REQUIRED 25'
PROPOSED 9.5'
VARIANCE 15.5'

7. SECTION 3.1.5 VARIANCE REQUESTED
FRONT DECK SIDE REQUIRED 8.5'
PROPOSED 3'
VARIANCE 5.5'

8. SECTION 3.1.5 VARIANCE REQUESTED
REAR DECK SIDE REQUIRED 8.5'
PROPOSED 3'
VARIANCE 5.5'



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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:

NARROW LAKE LOT, PROPOSED HOUSE IS NARROWER THAN EXISTING STRUCTURE.

OR

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

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:**

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).

NARROW LAKE LOT.

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.

STRICT COMPLIANCE WOULD RESULT IN A NON BUILDABLE SITE.

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.

PROPOSED HOUSE WIDTH IS LESS THEN CURRENT STRUCTURE.

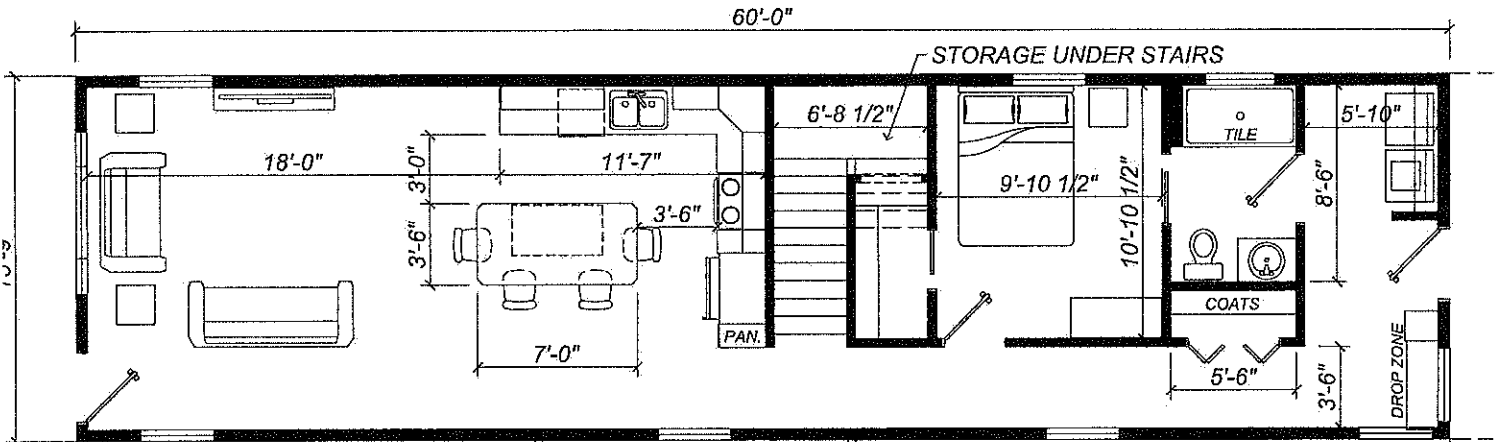
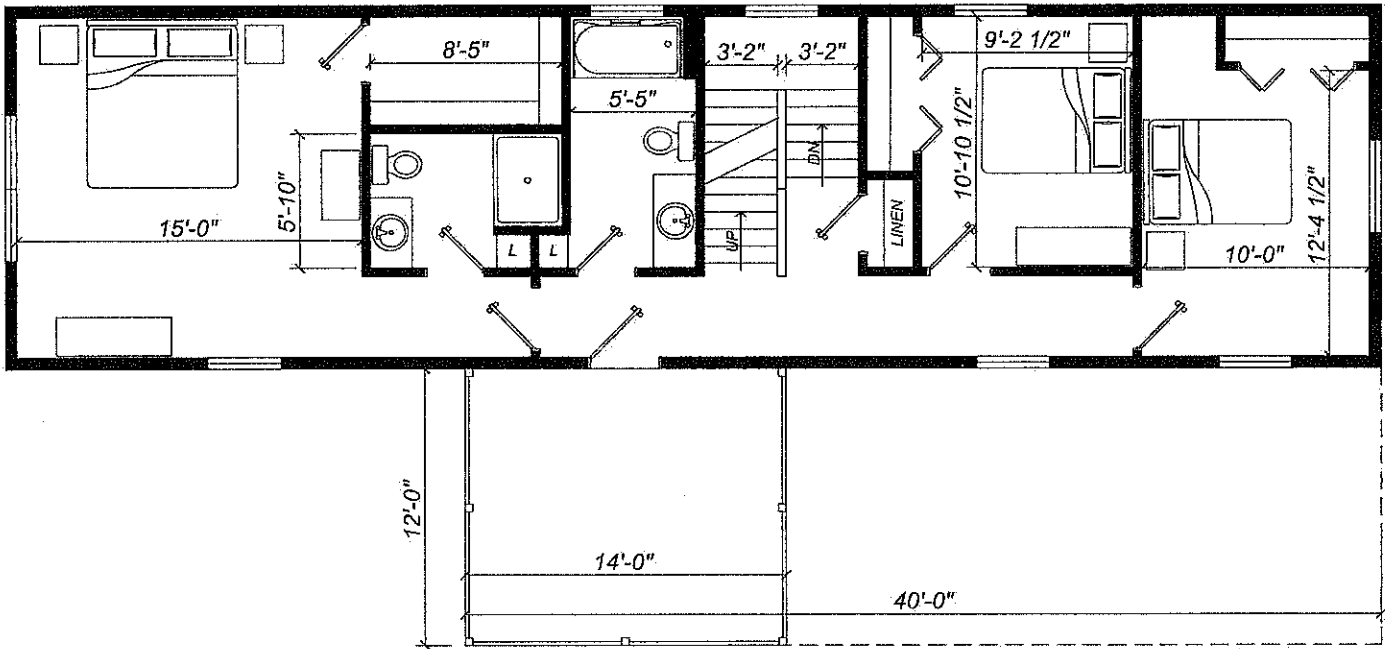
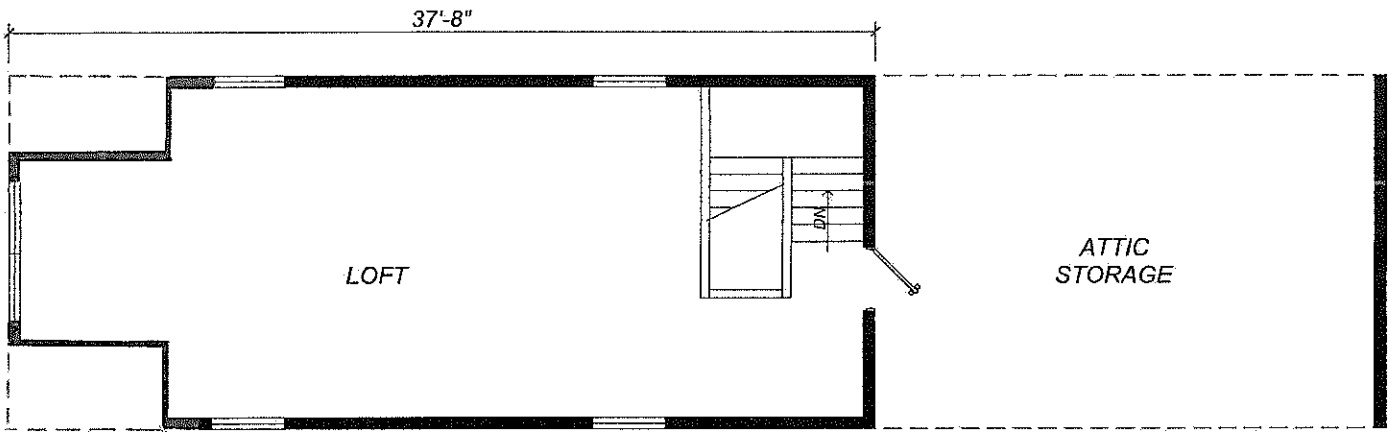
Standard #5. Adverse Impact on Surrounding Area.

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 EXISTING STRUCTURE HAS MOST OF THE ZONING VARIANCE BEING REQUESTED. SOME OF THE VARIANCE WILL BE LESS THAN CURRENT CONDITION, CARPORT WILL BE FARTER AWAY. WE WANT TO MOVE THE SIDE ENTRY TO THE FRONT OF THE HOUSE. THIS ALLOWED FOR STAIRS TO BE REMOVED FROM DRIVEWAY, BUT IT CREATED A NEED FOR A DECK AT THE FRONT TO GAIN ACCESS.

THE NEW HOUSE WILL BE A "GREEN" MODULAR CONSTRUCTION. BUILT IN A FACTORY AND TRANSPORTED TO THE SITE. THIS TYPE OF CONSTRUCTION SHOULD LESSON THE IMPACT ON NEIGHBORS DURING CONSTRUCTION. THE END RESULT WILL BE A HOME THAT IS EFFICIENT, WAS BUILT USING MODERN CONSTRUCTION TECHNIQUES, WITH MINIMAL ENVIRONMENTAL IMPACTS.





BOUREN / BOYLEN 117716

1/8"=1'-0"

DAVID BOUREN

SECTION 2



BOUNDARY SURVEY EXHIBIT

TOWN 1 NORTH, RANGE 8, EAST

NOVI TOWNSHIP

ARIZONA FLORIDA
OHIO PENN
8 8 8 8 8

OF
A PARCEL OF LAND LOCATED
IN THE SW 1/4 OF

OAKLAND COUNTY, MICHIGAN

