



# 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: July 14, 2020

REGARDING: Maudlin St, Parcel # 50-22-03-453-011 (PZ20-0022)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Robert Cummings/Jim Ascencio

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:	Single Family Residential
Location:	West of Old Novi Road and South of South Lake Drive
Parcel #:	50-22-03-453-011

**Request**

The applicant is requesting variances from the Novi Zoning Ordinance Section 3.1.5 for a 9 foot variance for 16 foot aggregate total side yard setbacks, 25 feet required. A 4% increase of lot coverage for a total proposed lot coverage of 29%, 25% allowed by code. These variances will accommodate the building of a new home. 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. **PZ20-0022**, 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. **PZ20-0022**, 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

**RECEIVED**

MAY 22 2020

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: <u>\$250</u>	
PROJECT NAME / SUBDIVISION LOT 46 IDLEMERE PARK				Meeting Date: <u>July 14, 2020</u>	
ADDRESS		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 20-0022</u>	
SIDWELL # 50-22-03 -453 -011		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY MAUDLIN & S. LAKE DR					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" 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					
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS BOB@HTUSASOLUTIONS.COM		CELL PHONE NO. 248-408-1718	
NAME ROBERT CUMMINGS				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO. N/A	
ADDRESS 1353 E. LAKE DR.		CITY NOVI		STATE MI	ZIP CODE 48377
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS JASCENC3@YAHOO.COM		CELL PHONE NO. 734-765-9066	
NAME JIM ASCENCIO				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 35755 FERNWOOD		CITY WESTLAND		STATE MI	ZIP CODE 48186
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<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>B. VARIANCE REQUESTED</b>					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>3.1.5</u>		Variance requested		<u>LOT COVERAGE .2793% - .25% = .0293%</u>	
2. Section <u>3.1.5</u>		Variance requested		<u>SIDE YARD OF 4 FEET (10 REQUIRED)</u>	
3. Section <u>3.1.5</u>		Variance requested		<u>AGGREGATE OF 16 FT (25 REQUIRED)</u>	
4. Section _____		Variance requested		_____	
<b>IV. FEES AND DRAWINGS</b>					
<b>A. FEES</b>					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input checked="" 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>					
<ul style="list-style-type: none"> <li>Dimensioned Drawings and Plans</li> <li>Site/Plot Plan</li> <li>Existing or proposed buildings or addition on the property</li> <li>Number &amp; location of all on-site parking, if applicable</li> </ul>			<ul style="list-style-type: none"> <li>Existing &amp; proposed distance to adjacent property lines</li> <li>Location of existing &amp; proposed signs, if applicable</li> <li>Floor plans &amp; elevations</li> <li>Any other information relevant to the Variance application</li> </ul>		





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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:  
Property is an older lot of record. Being so does not comply with current size and square foot requirements.

*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).

Property is an older lot of record. This being said does not comply with current size and square footage requirements.

## **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.

The standard of 25 foot total two sides on a 40 foot lot would give 15 feet Width and would not give reasonable footage to build on.

## **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.

Lot coverage request will = 1080 square footage home. This allows for minimum room sizes and fits average home size in neighborhood.

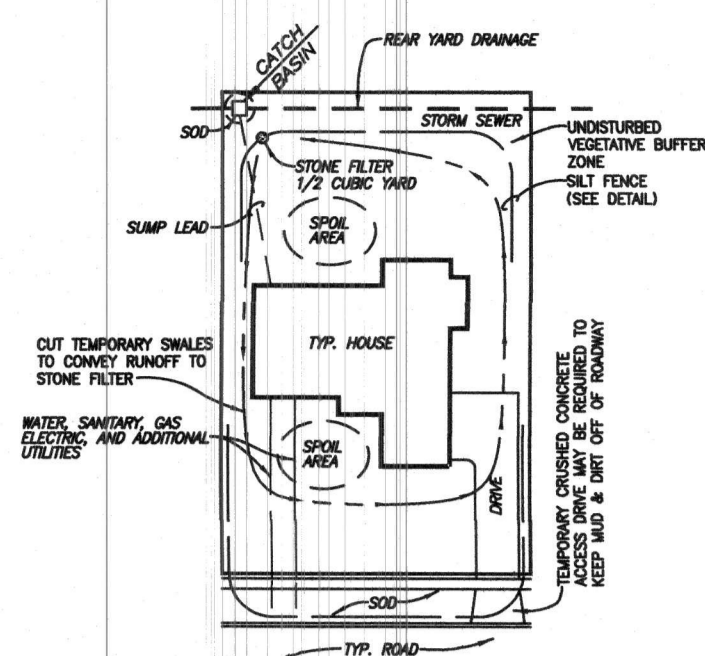
2 Side yard requests will allow for a 24 foot home width for minimum bedroom, kitchen and living room size.

## **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.

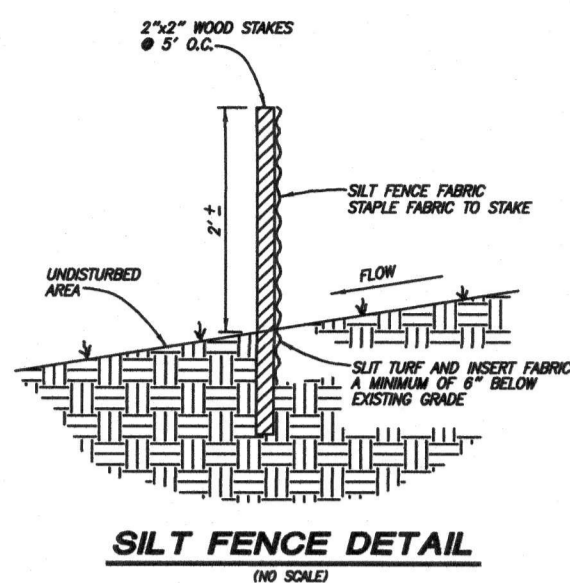
A brand new home will add Grace & Beauty to Maudlin St. Also, will add positive property levels to the neighborhood.





**NOTE:**

NOTIFY COUNTY 48 HOURS PRIOR TO EXCAVATION OF BASEMENT



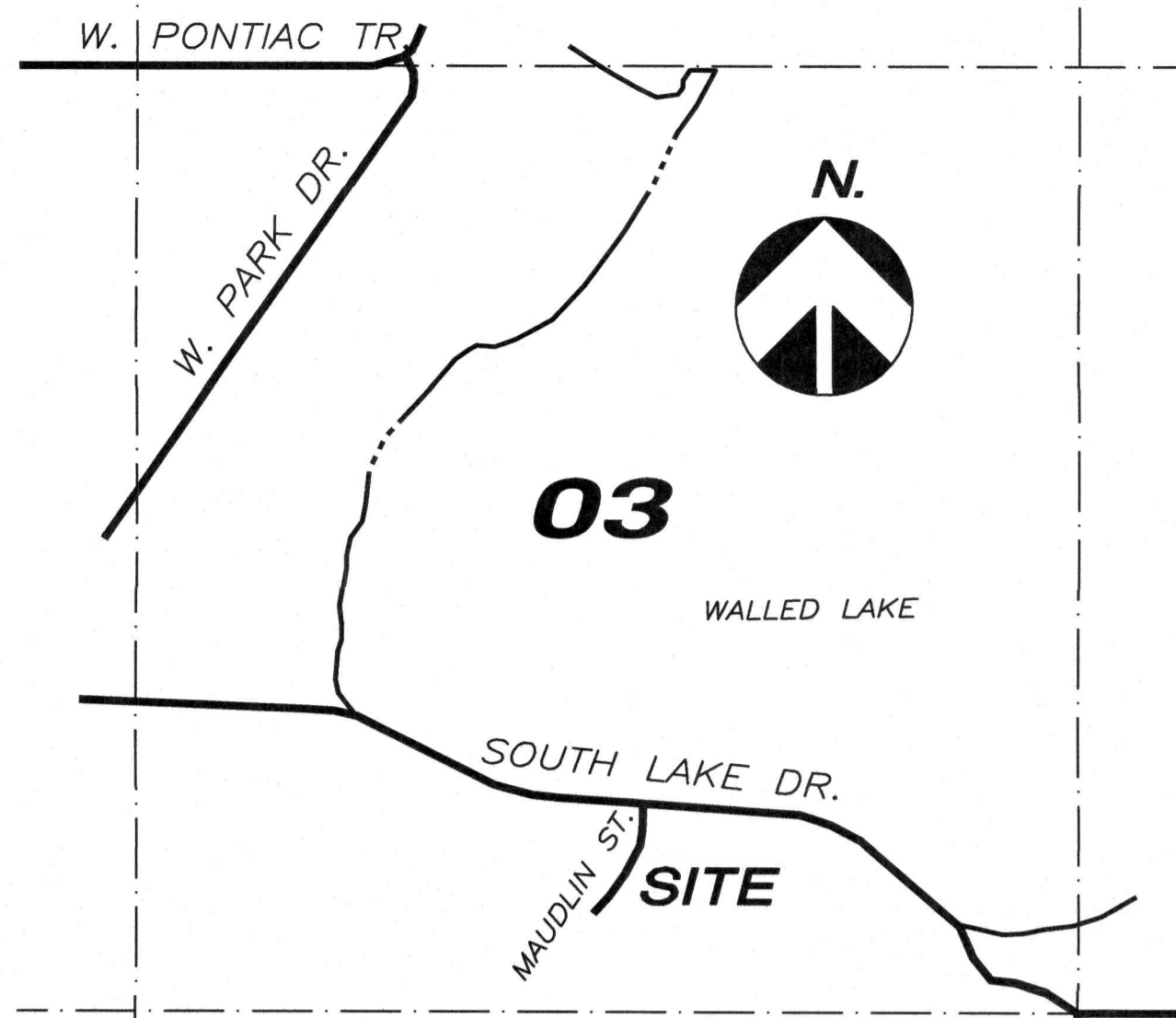
**BENCHMARK**

1. T/HYD. NW CORNER OF MAUDLIN & LEMAY  
ELEVATION=941.06  
DATUM=NAVD88

**PARCEL ID**

22-03-453-011

**ZONED: R-4**



**PLOT PLAN**  
LOT 46  
IDLEMER PARK  
PART OF THE S.E. 1/4 OF SECTION 3  
T.1N., R.8E., CITY OF NOVI  
OAKLAND COUNTY, MICHIGAN

BY:	SV
ADDITIONS AND/OR REVISIONS	
DATE	7-10-19 7-8-19
Job No.	190604-8859
Date	6-26-19
Scale	1" = 20'
Drawn by	SV
Check by	R. LINDH
Sheet	1 OF 1
Flt.	Bk.

**STEVEN ZUKKOOR**  
1351 FIELDWAY DR.  
BLOOMFIELD, MICHIGAN 48302  
248-891-0912

PHONE 586 731-8030  
FAX 586 731-2605

**URBAN LAND CONSULTANTS**  
PLANNERS LAND SURVEYORS  
GPS CONSULTANTS  
8800 23 MILE ROAD  
SHELBY TWP., MI 48316-4516

**SOIL EROSION DETAILS**

(NO SCALE)

**LEGEND**

- EXISTING CONTOURS
- EXISTING GRADE
- AS-BUILT GRADE
- PROPOSED GRADE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED SILT FENCE
- EXISTING GRAVEL

**TOPOGRAPHY LEGEND**

- WATER MAIN
- STORM SEWER
- SANITARY SEWER
- EASEMENT
- EX. U.G. ELEC.
- EX. O.H. WIRES
- EX. U.G. TELE.
- EX. U.G. GAS
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- UTILITY MANHOLE
- STORM MANHOLE
- END OF PIPE
- SANITARY MANHOLE
- CLEAN-OUT
- MANHOLE
- HYDRANT
- GW WATER VALVE
- WB WATER BOX
- VALVE
- LIGHT POLE
- AC AIR CONDITIONER
- MB MAIL BOX
- SB FENCE POST
- DOWN SPOUT
- SB SOIL BORING
- ELEC TRANS PAD
- UTILITY POLE
- GUY ANCHOR
- GUY POLE
- SIGN POST
- SPRINKLER HEAD
- GAS METER
- TELEPHONE RISER
- ELECTRICAL RISER
- CABLE TV RISER
- FF FINISHED FLOOR
- GF GARAGE FLOOR
- BF BASEMENT FLOOR
- CONC CONCRETE
- SMN SET MAG. MAIL
- SIB SET IRON BAR
- FIB FOUND IRON BAR
- F-MON FOUND C. MONUMENT

**CAUTION**

CONTRACTOR TO VERIFY GROUND WATER PRIOR TO CONSTRUCTION.

ULC RECOMMENDS SOIL ANALYSIS TO BE PERFORMED BY A PROFESSIONAL.

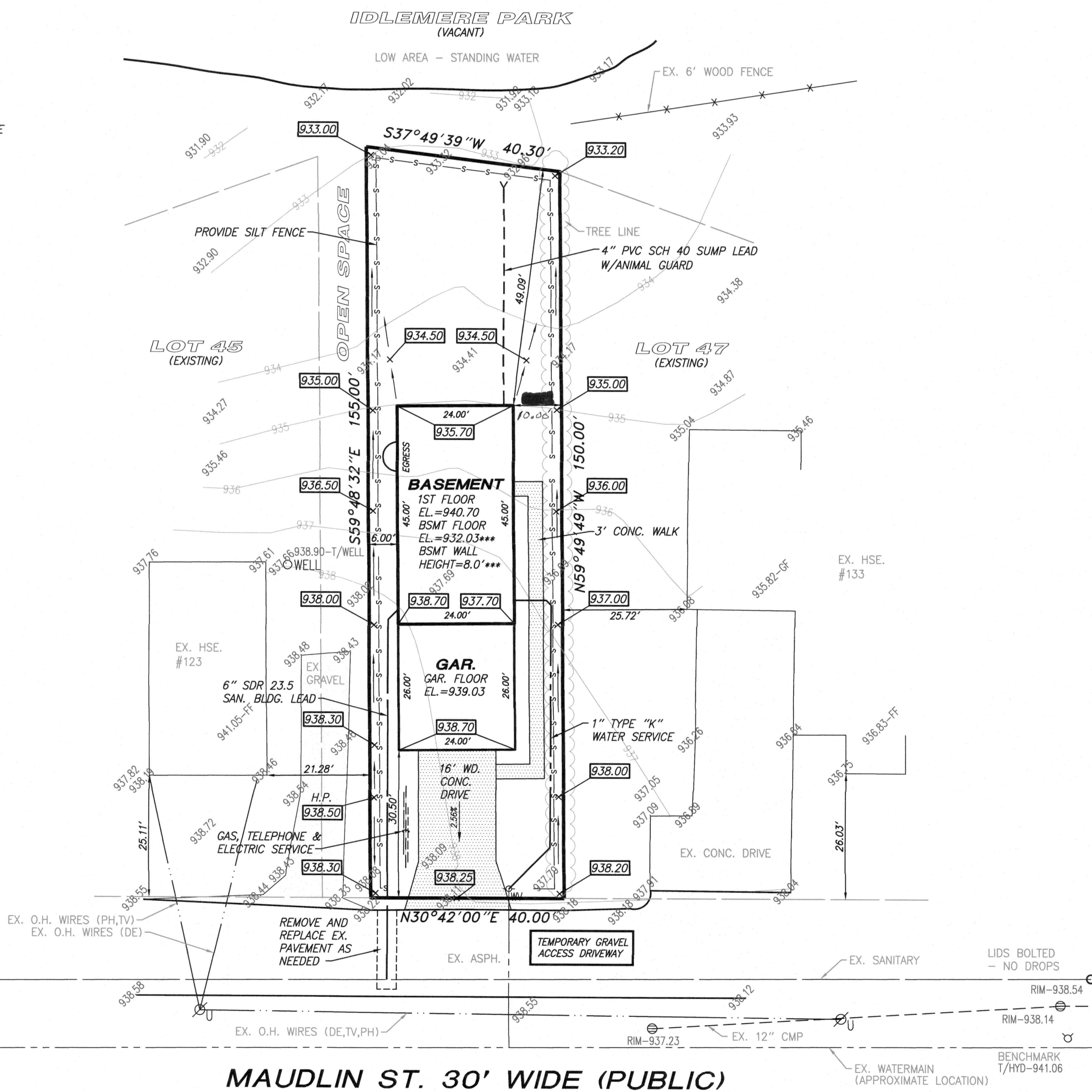
CONTRACTOR TO MONITOR EXCAVATION FOR SOIL/GROUND WATER CONDITIONS.

**GRADING NOTE**

1.) ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENCROACH UPON ANY ADJACENT PROPERTIES.

2.) SOIL EROSION CONTROLS ARE REQUIRED TO BE INSTALLED AROUND THE ENTIRE PERIMETER OF SOIL DISRUPTION PER THE COUNTY

NOTE: SIDEYARD DRAINAGE SHALL NOT DRAIN ONTO ADJACENT LOT(S). (TYPICAL)



**NOTE:**

CONTRACTOR TO CONFIRM BASEMENT WALL HEIGHT, FIRST FLOOR ELEVATION AND BASEMENT FLOOR ELEVATION PRIOR TO THE START OF CONSTRUCTION!!!

**ATTENTION BUILDERS/CONTRACTORS**

1. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY OR LOT SURVEY, AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES OR LOCATE IMPROVEMENTS.
2. U.L.C. ASSUMES NO RESPONSIBILITY FOR THE GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY OWNER/BUILDER PRIOR TO CONSTRUCTION.
3. THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL PLANS MUST BE USED FOR CONSTRUCTION OF FOUNDATION.
4. UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.
5. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.
6. SETBACKS SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE MUNICIPALITY. ANY DEED OR SPECIAL RESTRICTIONS - (i.e. SUBDIVISION RESTRICTIONS, HOUSE SIZE, BUILDING LOCATION, etc.) MUST BE SUPPLIED TO U.L.C. IN WRITING WHEN PLOT PLAN IS ORDERED. U.L.C. WILL NOT BE RESPONSIBLE FOR INTERPRETING SUBDIVISION RESTRICTIONS.
7. U.L.C. RECOMMENDS A .50' EXTRA ALLOWANCE TO ALL MINIMUM SETBACKS. WHERE THE OWNER / BUILDER DOES NOT FOLLOW THIS RECOMMENDATION, THE OWNER / BUILDER AGREES TO HOLD U.L.C. HARMLESS FOR STRUCTURE ENCROACHMENT (S) INTO THE MINIMUM SETBACK.
8. UTILITY LEAD LOCATIONS AS SHOWN ARE APPROXIMATE. AS-BUILT LOCATIONS MUST BE OBTAINED FROM THE LOCAL MUNICIPALITY.

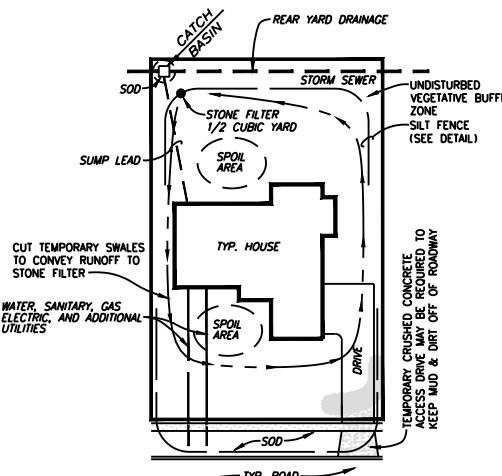
URBAN LAND CONSULTANTS WILL SET HIGH GRADE/BRICKLEDGE CONTRACTOR TO USE GRADE SET ON SITE.



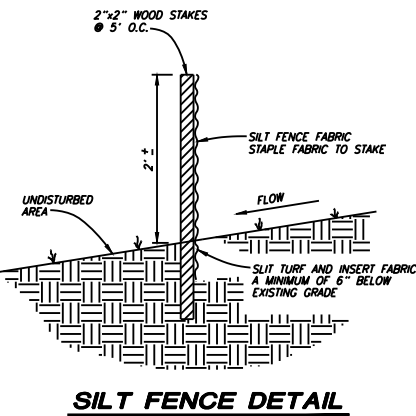
3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG  
1-800-482-7171  
(TOLL FREE) for the location of underground utilities

Contractor Note:  
The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.





**NOTE:**  
NOTIFY COUNTY 48 HOURS PRIOR TO EXCAVATION OF BASEMENT



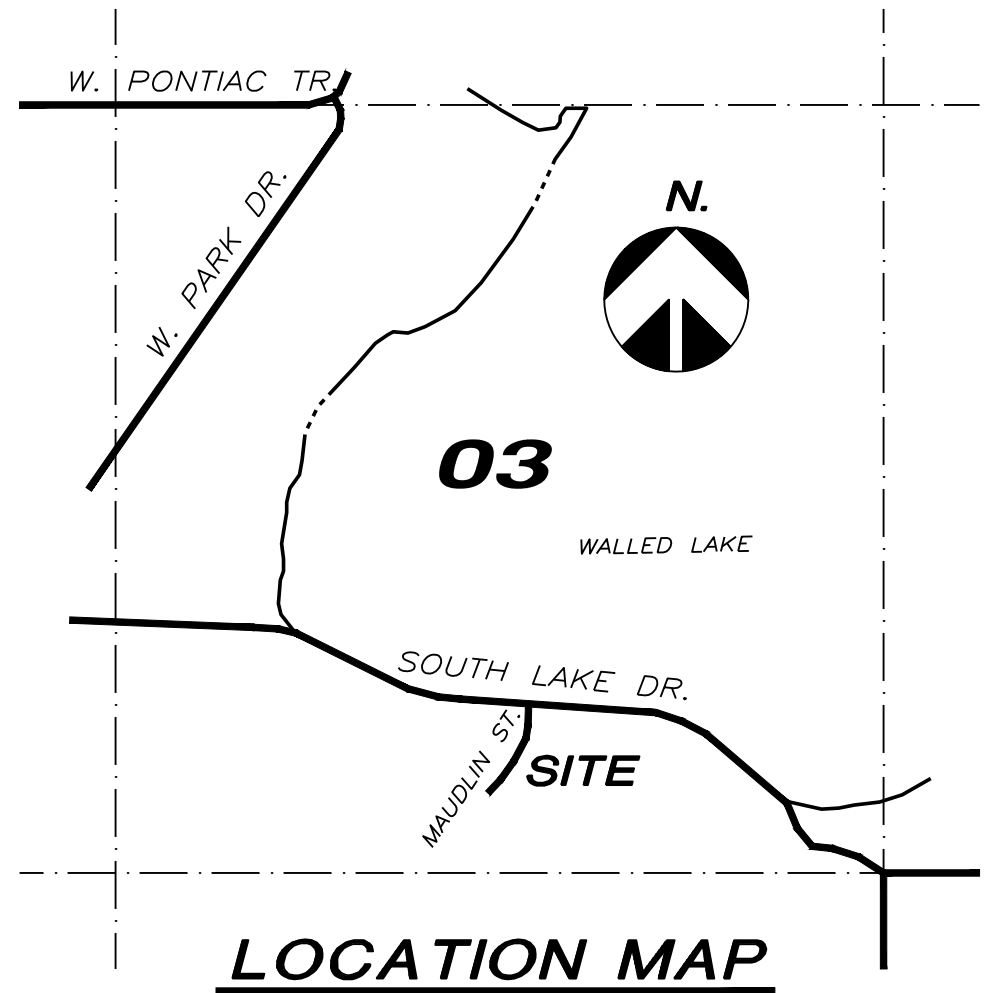
**NORTH**

**SCALE: 1"=20'**

**BENCHMARK**  
1. T/HYD. NW CORNER OF MAUDLIN & LEMAY  
ELEVATION=941.06  
DATUM=NAVD88

**PARCEL ID**  
22-03-453-011

**ZONED: R-4**



**PLOT PLAN**  
LOT 46  
IDLEMERE PARK  
PART OF THE S.E. 1/4 OF SECTION 3  
T.1N., R.8E., CITY OF NOVI  
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**SOIL EROSION DETAILS**  
(NO SCALE)

**LEGEND**

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	EXISTING GRADE
	AS-BUILT GRADE
	PROPOSED GRADE
	EXISTING PAVEMENT
	PROPOSED PAVEMENT
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	EXISTING GRAVEL

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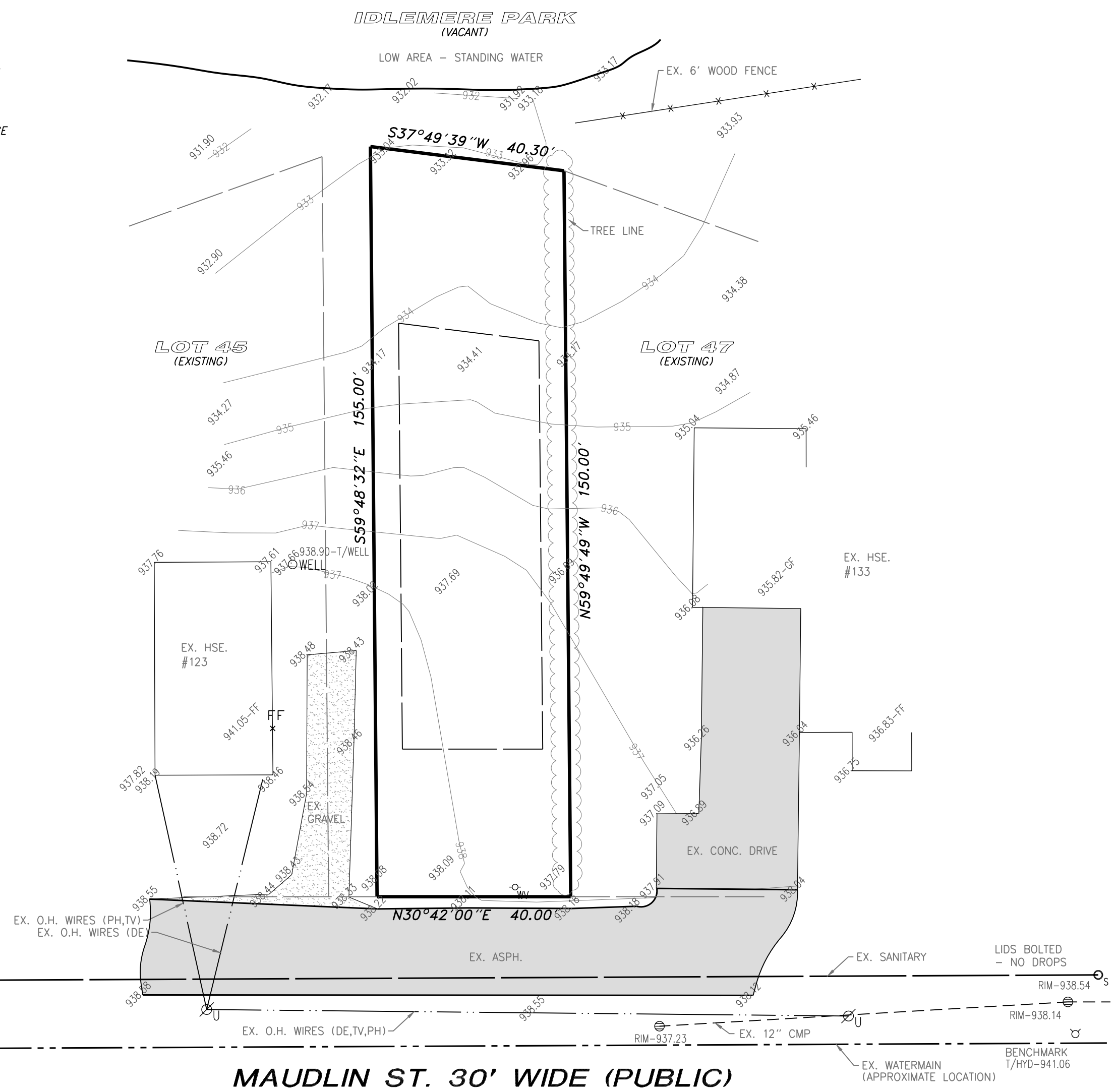
**GRADING NOTE**

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	STORM SEWER
	SANITARY SEWER
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	ROUND CATCH BASIN
	SQUARE CATCH BASIN
	UTILITY MANHOLE
	STORM MANHOLE
	END OF PIPE
	SANITARY MANHOLE
	CLEAN-OUT
	MANHOLE
	HYDRANT
	GATE VALVE WELL
	WATER VALVE
	WATER BOX
	VALVE
	LIGHT POLE
	AIR CONDITIONER
	MAIL BOX
	FENCE POST
	DOWN SPOUT
	SOIL BORING
	ELEC TRANS PAD
	UTILITY POLE
	GUY ANCHOR
	GUY POLE
	SIGN POST
	SPRINKLER HEAD
	GAS METER
	TELEPHONE RISER
	ELECTRICAL RISER
	CABLE TV RISER
	FINISHED FLOOR
	GARAGE FLOOR
	BASEMENT FLOOR
	CONC.
	SET MAG. MAIL
	SET IRON BAR
	FOUND IRON BAR
	FOUND C. MONUMENT



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

**ATTENTION BUILDERS/CONTRACTORS**

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**URBAN LAND CONSULTANTS WILL SET HIGH GRADE/BRICKLEDGE CONTRACTOR TO USE GRADE SET ON SITE.**

BY:	ADDITIONS AND/OR REVISIONS
DATE	DATE
190604-8859	190604-8859
Job No.	Job No.
Date 6-26-19	Date 6-26-19
Scale 1" = 20'	Scale 1" = 20'
Drawn SV	Drawn SV
Check R. LINDH	Check R. LINDH
Sheet 1 OF 1	Sheet 1 OF 1
Fld. Bk.	Fld. Bk.

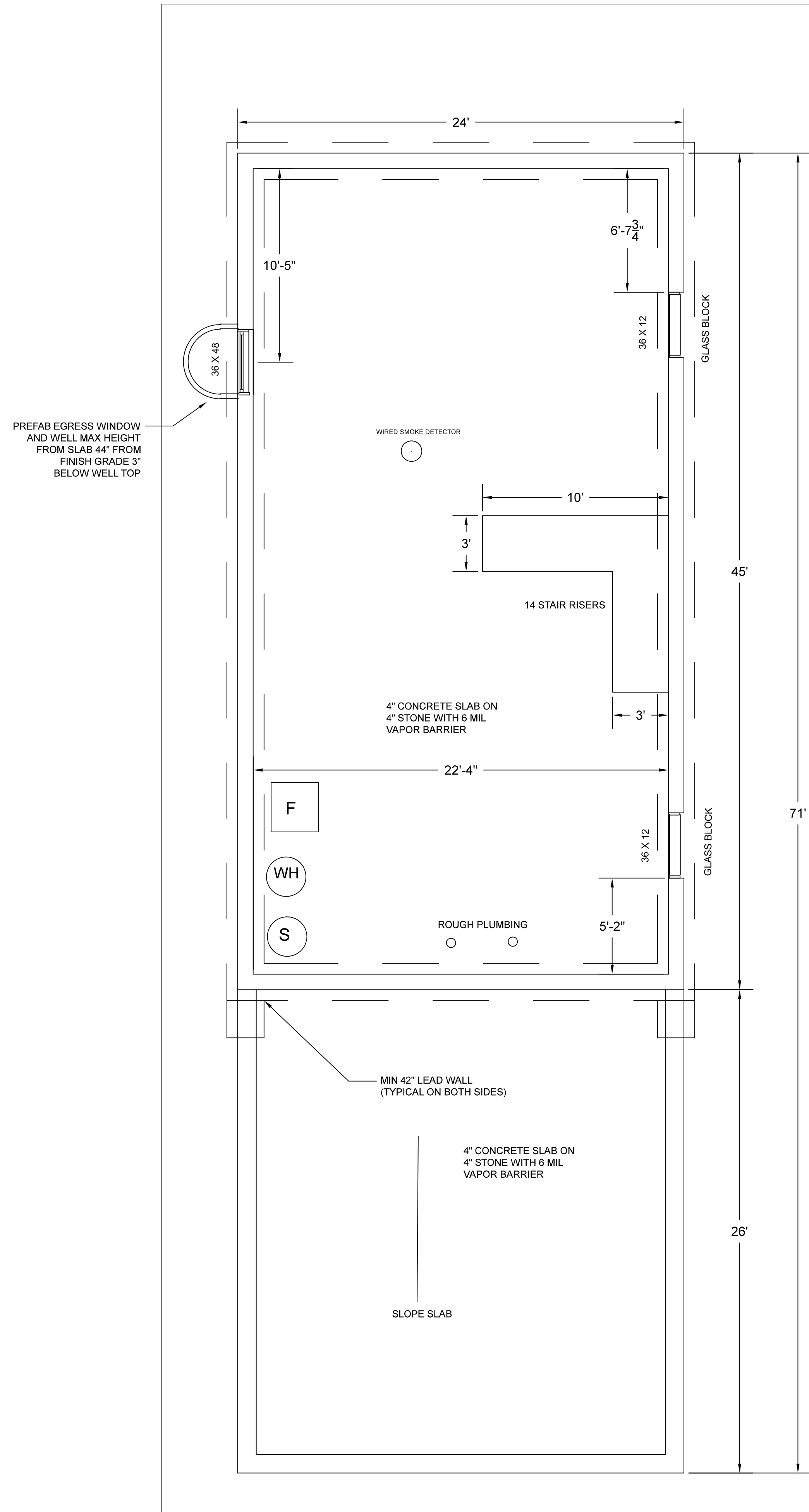
**STEVEN ZUKKOOR**

PHONE 586 731-8030  
FAX 586 731-2605

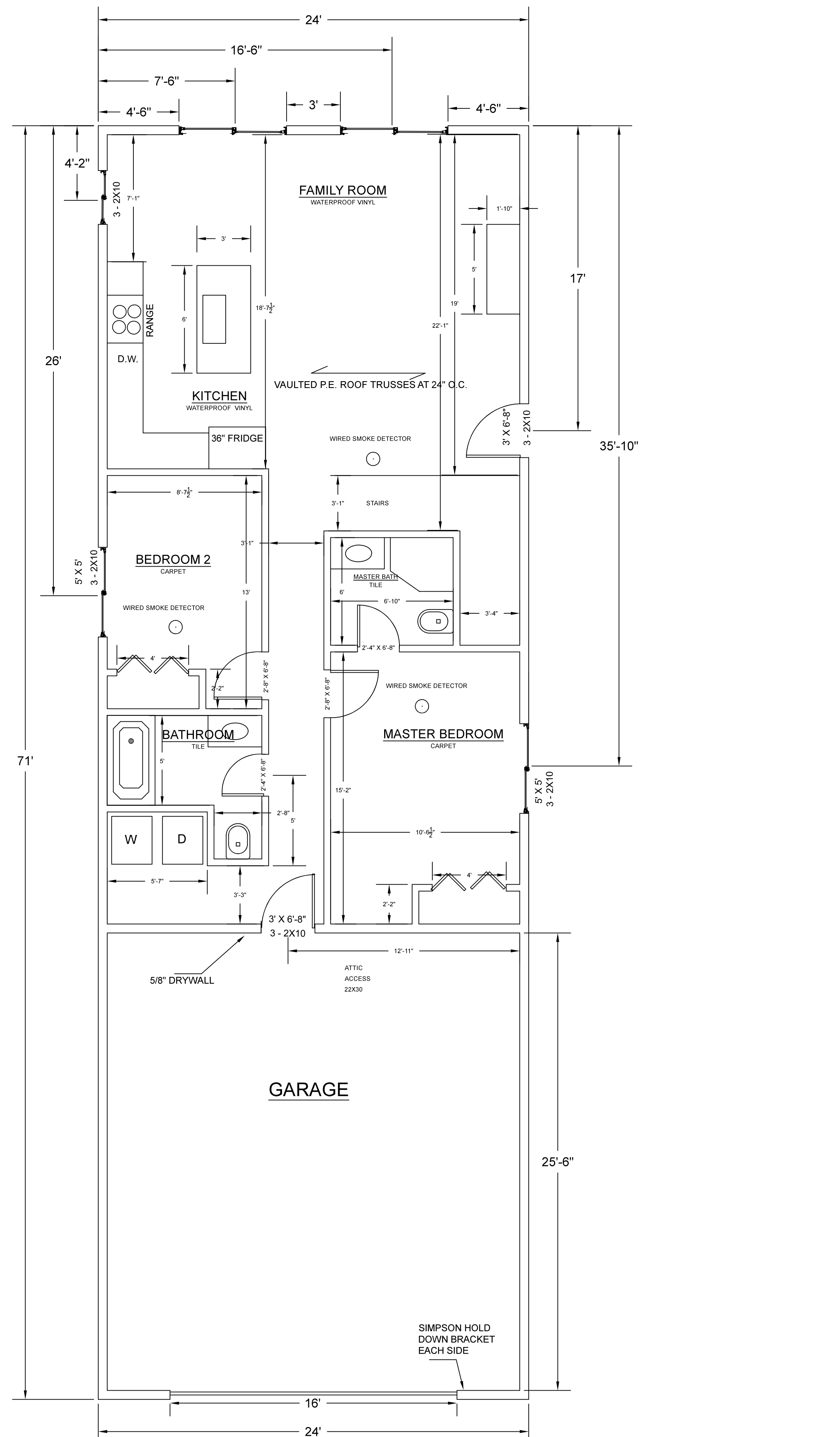
**URBAN LAND CONSULTANTS**

CIVIL ENGINEERS PLANNERS LAND SURVEYORS  
GPS CONSULTANTS  
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516





**FOUNDATION PLAN**  
1/4" - 1-0' SCALE 1080 SQFT



**FIRST FLOOR PLAN**  
1/4" - 1-0' SCALE 1080 SQFT

NOTE:  
ALL WORK TO CONFORM TO MRC 2015  
ALL WORK TO CONFORM TO LOCAL CODES AND ORDINANCES.  
PROVIDE ATTIC ACCESS PER R807  
ALL WORK PER ENERGY CONSERVATION/EFFICIENCY N1102.1.1  
PROVIDE MECHANICAL VENTILATION PER R303.4  
STAIRWAYS PER R311.7.3 - R311.7.5.1  
ROOF DESIGN PER TRUSS MANUFACTURER  
GROUND TO FOUNDATION REROD  
WIND BRACING PER R602.10 USING CS-WSP METHOD  
AND PFG METHOD AT GARAGE WALL OPENING  
ALL WORK TO CONFORM TO CHAPTER 6 IN MRC 2015  
AND COMPLY TO OPEN AREA WALLS REQUIREMENTS  
(2) JACK STUDS PER END FOR ALL WINDOW HEADERS ON FIRST FLOOR  
(1) JACK STUD PER END FOR ALL WINDOW HEADERS ON SECOND FLOOR

NOTE:  
PROVIDE SMOKE ALARMS PER R314.3 - R314.4  
PROVIDE CARBON MONOXIDE ALARMS PER R315

ALL SMOKE ALARMS SHALL BE LISTED IN ACCORDANCE WITH UL 217 AND INSTALLED IN:

1. EACH SLEEPING ROOM
2. OUTSIDE EACH SLEEPING AREA IN THE INTERMEDIATE VICINITY OF THE BEDROOMS
3. IN THE BASEMENT
4. IN THE LIVING ROOM

ALL SMOKE ALARMS SHALL BE INTERCONNECTED SUCH THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL ALARMS IN THE HOUSE

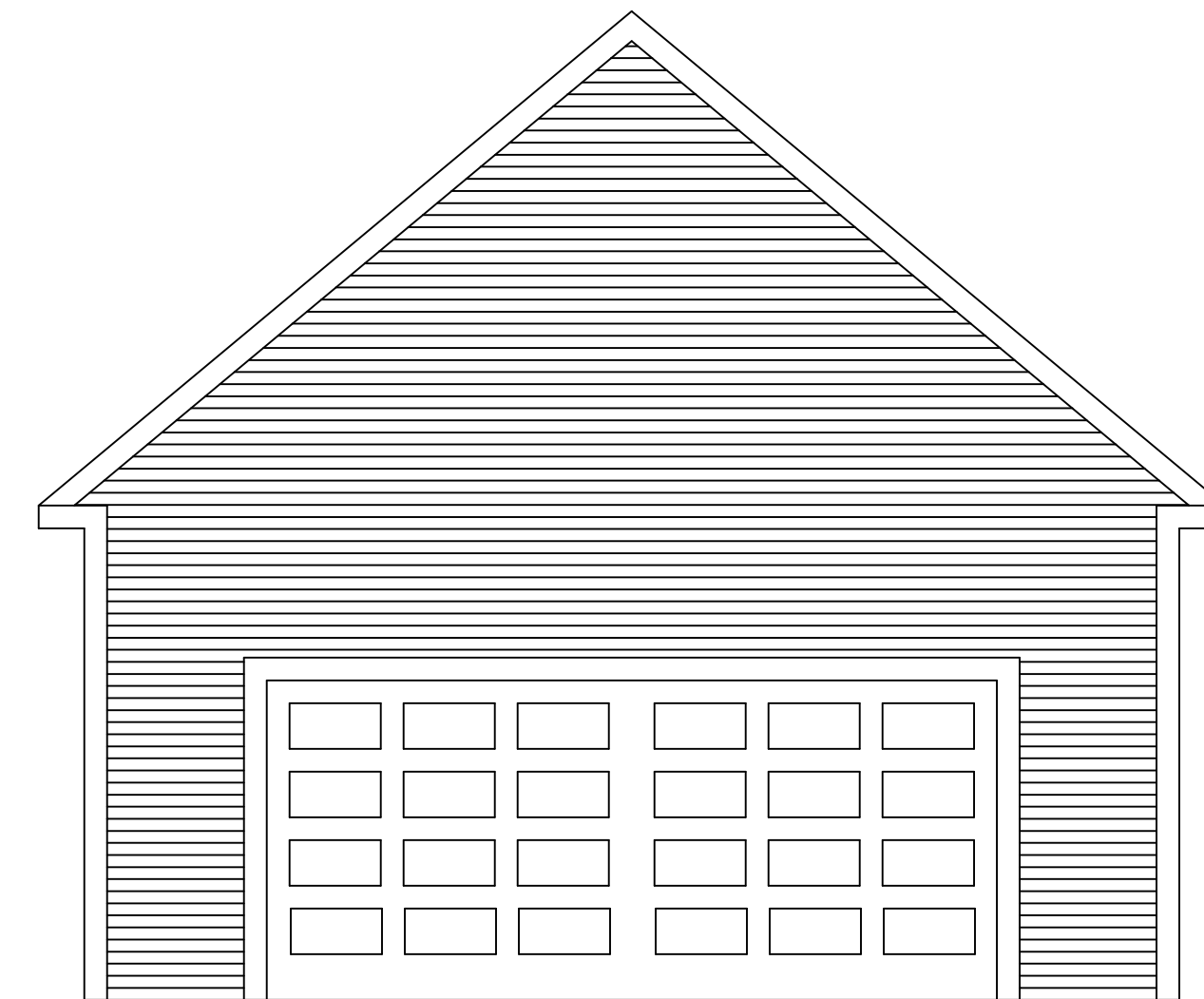
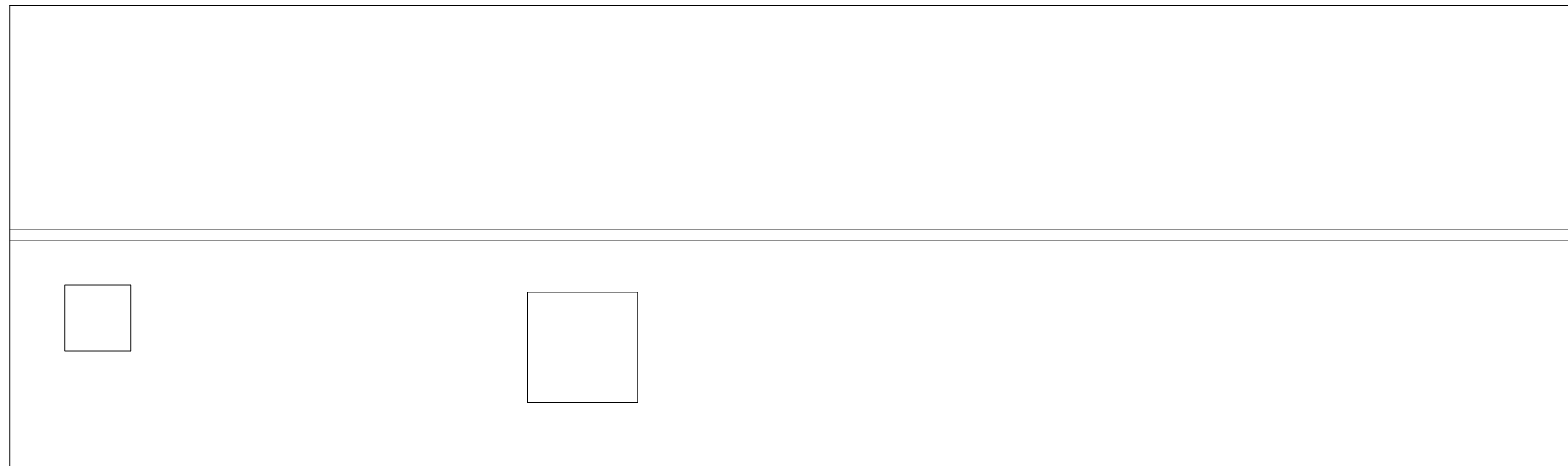
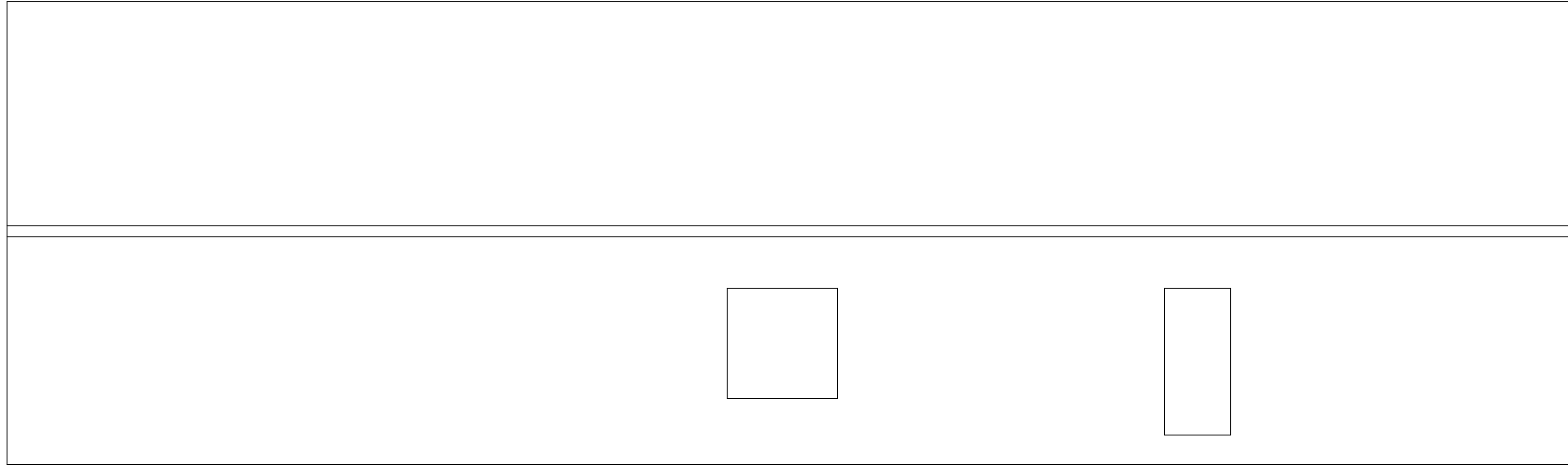
GENERAL NOTES:  
1. FOOTING WIDTH 24" PER SECTION  
2. PROVIDE SMOKE ALARMS R314.3 - 314.4

MAUDLIN ST

STEVEN ZUKKOOR  
ZAMAN DEVELOPMENT  
17251 W 12 MILE SOUTHFIELD, MI 48076  
(248) 891-0812

SHEET NO.

**A-1**



MAUDLIN ST

STEVEN ZUKKOOR  
ZAMAN DEVELOPMENT  
17251 W 12 MILE SOUTHFIELD, MI 48076  
(248) 891-0812

SHEET NO.

A-2







# LOT 46 IDLEMERE PARK SUB

THIS COMMUNICATION SHOWS THAT LOT 46  
IDLEMERE PARK SUB HOME'S PROJECT  
IS 6<sup>TH</sup> OUT OF 9 HOMES ON THE LIST OF SQUARE  
FOOTAGE.

NEW HOME WILL BEAUTIFY STREET AND RAISE  
NEIGHBORHOOD VALUES.

## ADDRESS                      HOME SQUARE FOOTAGE

1. 133 MAUDLIN      2058
2. 185 MAUDLIN      2007
3. 135 MAUDLIN      1796
4. 112 MAUDLIN      1748
5. 117 MAUDLIN      1302

**6. LOT 46              1080**

7. 123 MAUDLIN      1056
8. 115 MAUDLIN      880
9. 121 MAUDLIN      512

JIM ASCENCIO OWNER  
734-765-9066