



# COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
 Novi, MI 48375  
 (248) 347-0415 Phone  
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[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:** December 8, 2015

**REGARDING:** MCLELLAN (CASE NO. PZ15-0038)

**BY:** Charles Boulard, Building Official

### I. GENERAL INFORMATION:

**Applicant**

Mike Strehl

**Variance Type**

Dimensional Variances

**Property Characteristics**

Zoning District: R-4, One Family Residential  
 Site Location: West Lake Drive, west of Novi Road and south of 14 Mile Road  
 Parcel #: 50-22-03-130-008

**Request**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 3.1.5(d) to allow construction of a new deck on an existing nonconforming parcel: 1) a variance of 2.33 feet in each of the required side yard setbacks (10 feet required, 7.67 feet proposed); 2) a variance of 9.66 feet from the required aggregate side yard setback (25 feet required, 15.34 feet proposed); 3) a variance of 13 feet from the required rear yard setback, (35 feet required, 22 feet proposed) and 4) a variance from Section 3.32-8 to allow a full width second floor covered deck to extend into the reduced side setbacks; and a variance from 3.1.5(d) to allow excess lot coverage (25% allowed, 27% proposed).

### II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
<b>Subject Property</b>	R-4, One Family Residential	Single Family Residential	Single Residential
<b>North</b>	R-4, One Family Residential	Single Family Residential	Single Residential
<b>South</b>	R-4, One Family Residential	Single Family Residential	Single Residential
<b>East</b>	R-4, One Family Residential	Single Family Residential	Single Residential
<b>West</b>	R-4, One Family Residential	Single Family Residential	Single Residential

**III. STAFF COMMENTS:**

**Existing Condition**

The subject property consists of a single existing vacant non-conforming lot located on the northwest side of West Lake Drive. The parcel has approximately 42.0 feet of frontage on West Lake Drive and approximately 100.0 feet deep. The total lot area of the parcel is approximately 4,186.0 square feet.

**Proposed Changes**

The applicant is proposing to construct a new two story house with attached garage. As proposed, the first floor of the structure measures 23.95 ft. x 37.0 ft. and the upper floor 26.62 ft. x 37.0 ft. (42.0 ft. with the upper floor covered deck). The total proposed lot coverage is 27% (25% allowed).

**IV. DEVELOPMENT STANDARDS:**

The table below summarizes the zoning district development standards for the subject parcel.

Lot Size		Minimum Setback			
Area	Width	Front	Sides	Aggregate Side	Rear
R-4 10,000 sq. ft.	80 ft.	30 ft.	10 ft. ( one side)	25 ft. (total of two side)	35 ft.

Lot Coverage (Section 3.1.5(d)). The percentage of lot coverage including the existing residence and the proposed addition would result in 27% percent.

**V.RECOMMENDATION:**

The Zoning Board of Appeals may take one of the following actions:

- Grant I move that we **grant** the variance(s) in **Case No.PZ15-0038**, sought by \_\_\_\_\_,for \_\_\_\_\_ because the Petitioner has established that \_\_\_\_\_ causes a practical difficulty relating to the property, including some or all of the following criteria:

(a) Petitioner has established that the property is unique because \_\_\_\_\_, or that the physical condition of the property creates the need for a variance because \_\_\_\_\_.

And, the condition is not a personal or economic hardship.

(b) The need for the variance is not self-created, **because** \_\_\_\_\_.

(c) Strict compliance with dimensional regulations of the Zoning Ordinance, including \_\_\_\_\_, will (either):

- unreasonably prevent Petitioner from using the property for the permitted purpose as a \_\_\_\_\_, because \_\_\_\_\_, and/or,
- will make it unnecessarily burdensome to comply with the regulation

because\_\_\_\_\_.

(d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not\_\_\_\_\_.

(e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because\_\_\_\_\_.

(f) The variance granted is subject to the conditions that:

1. \_\_\_\_\_,
2. \_\_\_\_\_,
3. \_\_\_\_\_,
4. \_\_\_\_\_.

2. Deny I move that we **deny** the variance in **Case No.PZ15-0038**, sought by \_\_\_\_\_, for \_\_\_\_\_ because the Petitioner has **not** established a practical difficulty because:

(a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by\_\_\_\_\_.

(b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated \_\_\_\_\_.

(c) The need for the variance is self-created because Petitioner \_\_\_\_\_.

(d) Conforming to the ordinance would not (either):

1. be unnecessarily burdensome because \_\_\_\_\_, or,
2. unreasonably prevent petitioner from using the property for \_\_\_\_\_, because\_\_\_\_\_.

(e) A lesser variance consisting of \_\_\_\_\_would do substantial justice to Petitioner and surrounding property owner's because\_\_\_\_\_.

(f) The proposed variance would have adverse impact on surrounding property because\_\_\_\_\_.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0415.

Charles Boulard  
Building Official  
City of Novi



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**ZONING BOARD OF APPEALS  
 APPLICATION**

**APPLICATION MUST BE FILLED OUT COMPLETELY**

Application Fee: \$ 250-  
 Meeting Date: 11-10-15  
 ZBA Case #: PZ 15-0038

I. PROPERTY INFORMATION (Address of subject ZBA Case)	
PROJECT NAME / SUBDIVISION Mclellan Garage	
ADDRESS West Lake	LOT/SIUTE/SPACE #
SIDWELL # 50-22- <u>03</u> - <u>130</u> - <u>008</u>	May be obtained from the Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY North Haven & Ludlow	
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input checked="" 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 checked="" type="checkbox"/> NO	

**II. APPLICANT INFORMATION**

A. APPLICANT		EMAIL ADDRESS	CELL PHONE NO.
NAME Mike Strehl		mikestrehl@comcast.net	248-390-3977
ORGANIZATION/COMPANY Mike Strehl enterprises			TELEPHONE NO.
ADDRESS 1016 E West Maple Rd.		CITY Walled Lake	FAX NO. 248-960-3160
		STATE MI	ZIP CODE 48390

**B. PROPERTY OWNER**  CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER

Identify the person or organization that owns the subject property:	EMAIL ADDRESS jeff.mclellan@ifg.com	CELL PHONE NO. 248-990-1566
NAME Jeff Mclellan		TELEPHONE NO.
ORGANIZATION/COMPANY		FAX NO.
ADDRESS 1537 West Lake Dr.	CITY Novi	STATE MI
		ZIP CODE 48377

**III. ZONING INFORMATION**

**A. ZONING DISTRICT**

R-A  R-1  R-2  R-3  R-4  RM-1  RM-2  MH  
 I-1  I-2  RC  TC  TC-1  OTHER \_\_\_\_\_

**B. VARIANCE REQUESTED**

INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:

1. Section 3.1.5.D Variance requested REAR yard 35' - 22' = 13

2. Section 3.1.5.D Variance requested side yard 10' - 9' = 1

3. Section 3.1.5.D Variance requested Agg TOTAL 25' - 18' = 7

4. Section 3.32-8 Variance requested Deck side 12'6" - 9' = 3.5

**IV. FEES AND DRAWINGS**

**A. FEES**

Single Family Residential (Existing) \$200  (With Violation) \$250  Single Family Residential (New) \$250  
 Multiple/Commercial/Industrial \$300  (With Violation) \$400  Signs \$300  (With Violation) \$400  
 House Moves \$300  Special Meetings (At discretion of Board) \$600

**B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF**

- 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 established 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

10-1-15  
 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

10-1-15  
 Date

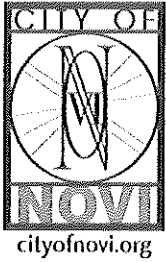
## VII. FOR OFFICIAL USE ONLY

### 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



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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 Is Narrow

*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.

Lot configuration

## **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.

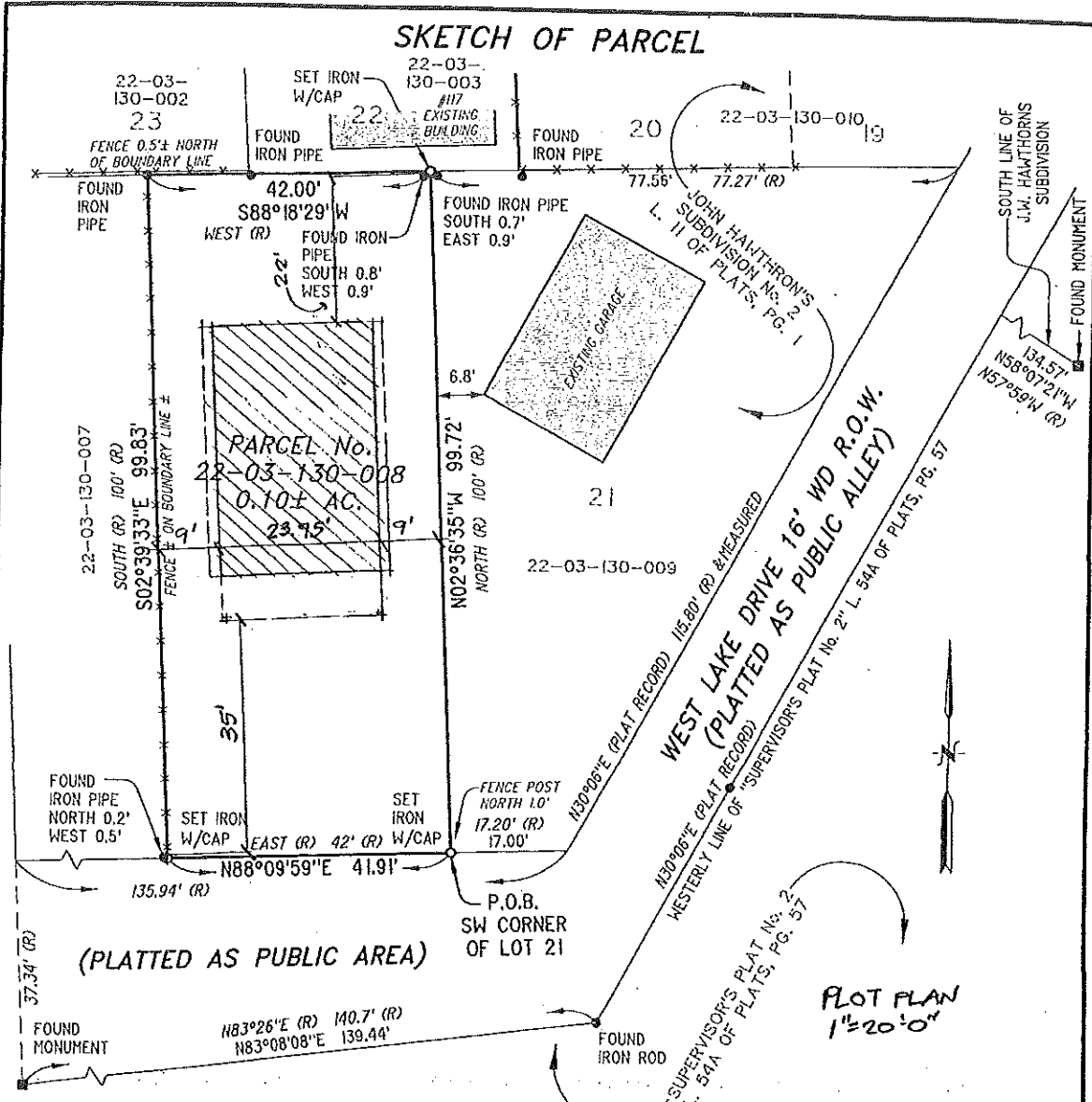
10' is minimum set back asking for a 1' variance on side yard  
minimum aggregate 25 total asking for 7' variance

## **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.

None

# SKETCH OF PARCEL



## LEGAL DESCRIPTION OF RECORD

Reference: Tax Roll August 13, 2014

A part of the Northwest fractional 1/4 of Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan and described as follows:

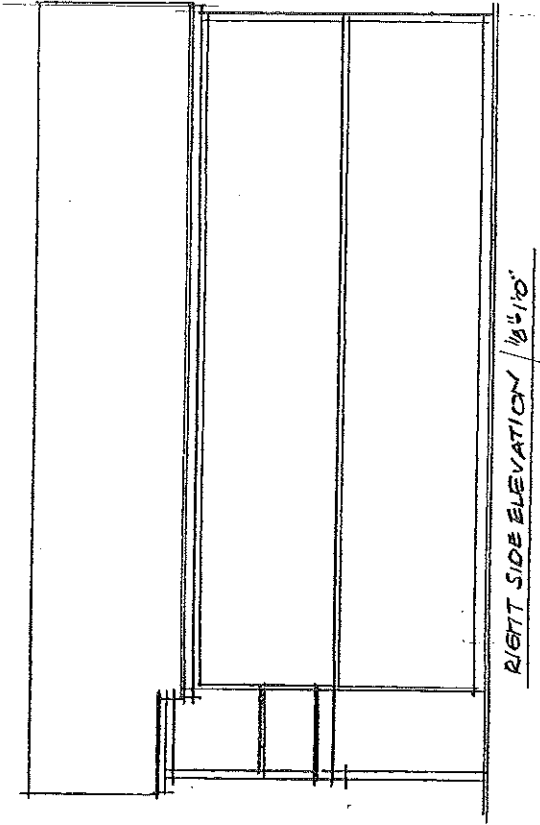
BEGINNING at the Southwest Corner of Lot 21 of "John Hawthorn's Subdivision No. 2," according to the plat thereof, as recorded in Liber 11 of Plats, Page 1, Oakland County Records; thence North on the West line of said Lot 100 feet to the Northwest Corner of said Lot; thence West 42 feet along the South line of Lots 22 and 23 of said "John Hawthorn's Subdivision No. 2;" thence South 100 feet; thence East 42 feet to the Place of Beginning. Containing 0.10 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.



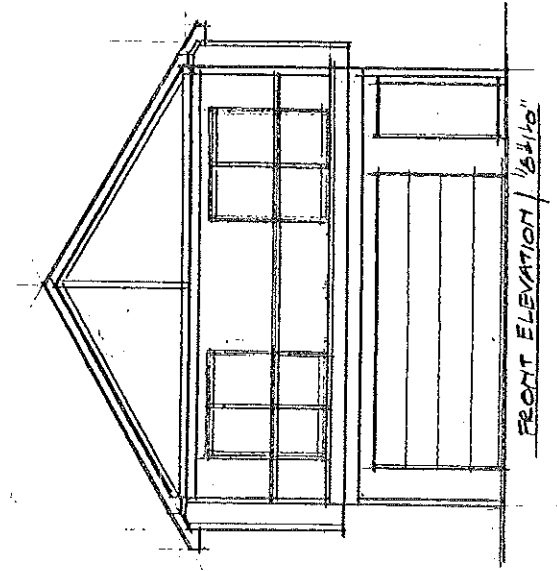
Legal description of record supplied by client. Survey was not supplied with a true...



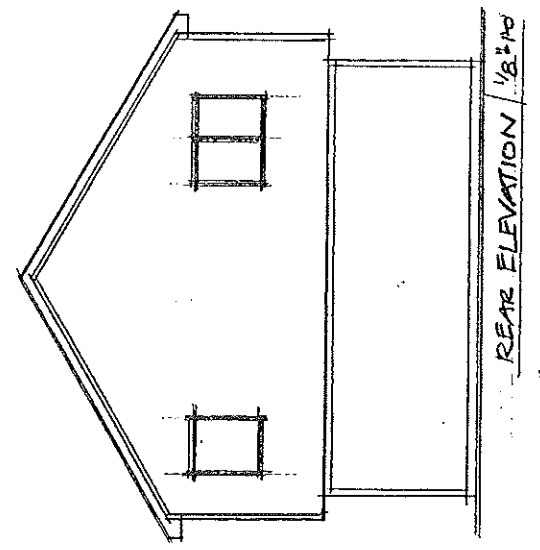
North



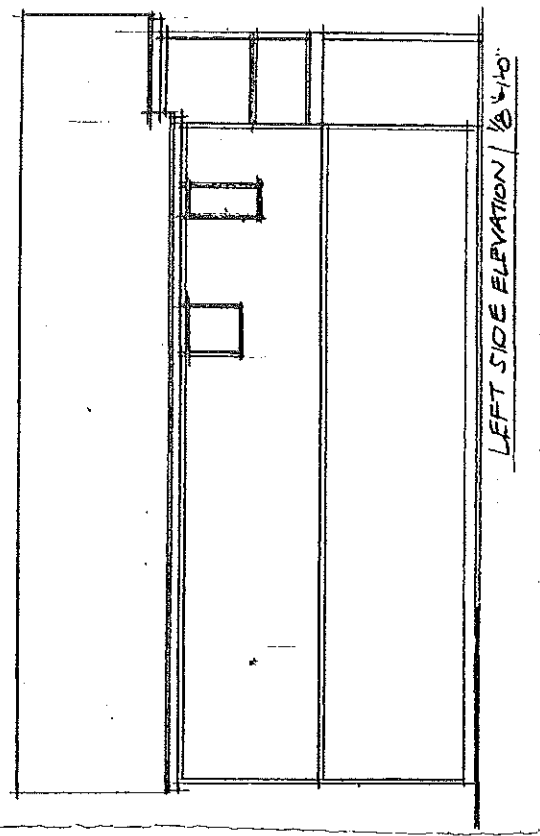
RIGHT SIDE ELEVATION 1/8" = 1'-0"



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



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



LEFT SIDE ELEVATION 1/8" = 1'-0"

