



# 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:** May 9, 2023

**REGARDING:** 707 South Lake Drive, Parcel # 50-22-03-454-021 (PZ23-0012)

**BY:** Alan Hall, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Rayburn properties LLC

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:                      This property is zoned Single-Family Residential (R-4)

Location:                                between West Park Drive and Old Novi Road, North of 12 ½ Mile Road

Parcel #:                                 50-22-03-454-021

**Request**

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.32(7) for a 16 feet front yard setback. (26 feet to patio required, variance of 10 feet); for a proposed front patio.

### 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. **PZ23-0012**, 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. **PZ23-0012**, 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) 347-0423.

Alan Hall – Deputy Director Community Development - City of Novi



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# ZONING BOARD OF APPEALS APPLICATION

RECEIVED

MAR 29 2023

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: _____	
PROJECT NAME / SUBDIVISION Rayburn Properties LLC				Meeting Date: <u>May 9, 2023</u>	
ADDRESS 707 S. Lake Dr.		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ 23-0012</u>	
SIDWELL # 50-22-03 - 454 - 021		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY South Lake Drive and West of Bernstadt St					
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 nancy@ghannam.us		CELL PHONE NO. <u>CALL</u> 313-575-6161	
NAME Nancy Ghannam		TELEPHONE NO. 2483740361			
ORGANIZATION/COMPANY Rayburn Properties LLC		FAX NO. 3139451199			
ADDRESS 41716 Hampshire St		CITY Novi		STATE MI	
				ZIP CODE 48375	
<b>B. PROPERTY OWNER</b> <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS nancy@ghannam.us		CELL PHONE NO. 313-575-6161	
NAME Nancy M Ghannam		TELEPHONE NO. 313-575-6161			
ORGANIZATION/COMPANY Rayburn Properties LLC		FAX NO. 313-945-1199			
ADDRESS 41716 Hampshire St		CITY Novi		STATE Mi	
				ZIP CODE 48375	
<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>3.32(7)</u>		Variance requested		<u>10 Feet (allowed 4 feet, need 10 more)</u>	
2. Section _____		Variance requested		<u>Requesting 10' reduction front yard</u>	
3. Section _____		Variance requested		_____	
4. Section _____		Variance requested		_____	
<b>IV. FEES AND DRAWINGS</b>					
<b>A. FEES</b>					
<input checked="" 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>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>					
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines			
• Site/Plot Plan		• Location of existing & proposed signs, if applicable			
• Existing or proposed buildings or addition on the property		• Floor plans & elevations			
• Number & location of all on-site parking, if applicable		• Any other information relevant to the Variance application			

PZ23-0012



# 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 scheduled 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 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

Nancy M. Shanno  
Applicant Signature

3/29/23  
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



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## ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.



### **Signed Application Form**

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).



### **Response to Variance Review Standards – Dimensional, Use, or Sign**

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.



### **Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)**

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.



### **Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)**

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)



### **Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)**

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.



### **Fee (make check payable to the City of Novi)**

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

### **Additional Information**

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



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**REVIEW STANDARDS  
DIMENSIONAL VARIANCE**

cityofnovi.org

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:

This lot is on Walled Lake and these lots are smaller than the typical new construction lots

*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:



**LEGAL DESCRIPTION**

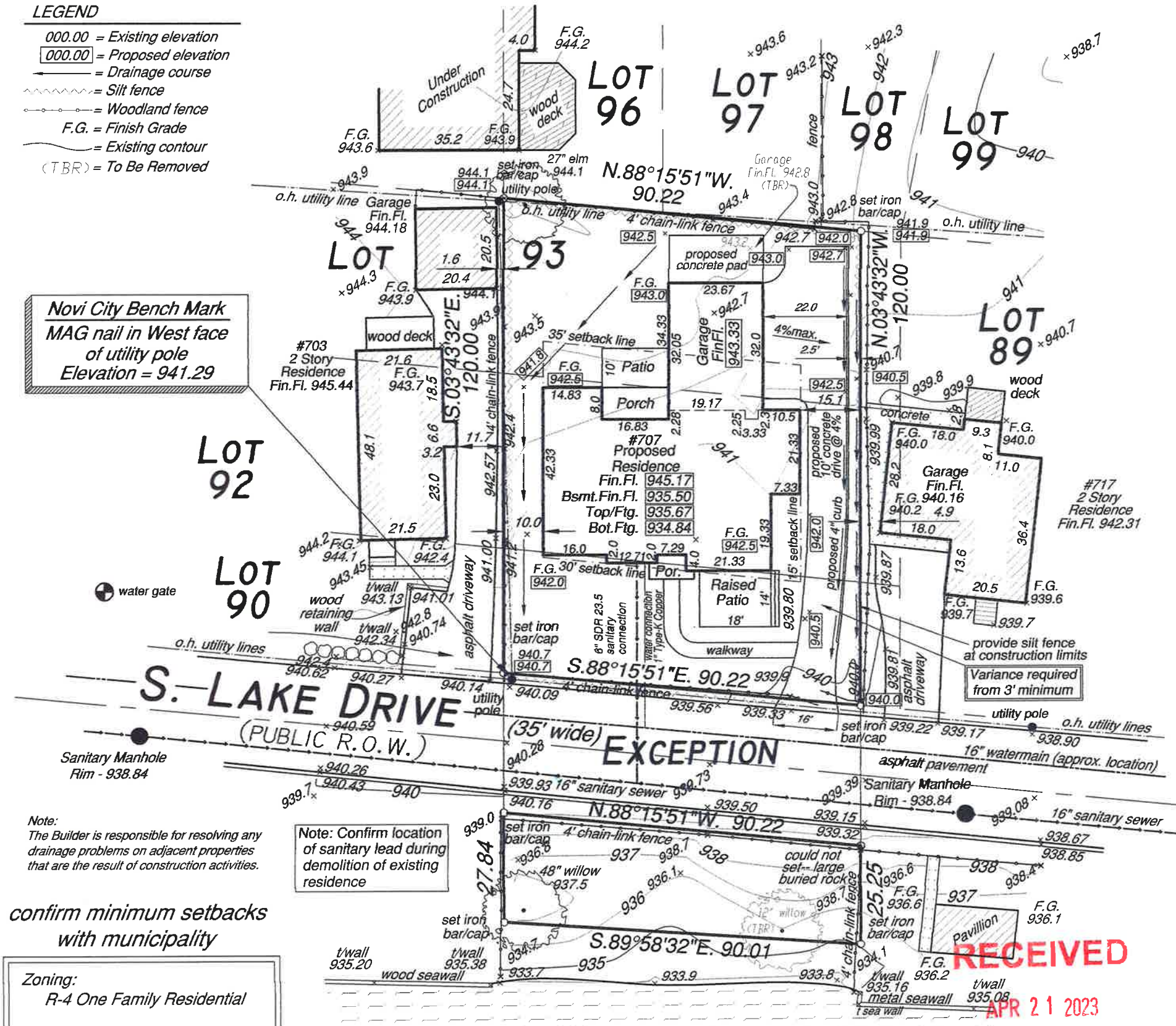
THE EAST 90.00 FEET OF THE WEST 100.00 FEET OF LOTS 92 AND 93M, IDLEMERE PARK SUBDIVISION, AS RECORDED IN LIBER 17, PAGE 29 OF PLATS, OAKLAND COUNTY RECORDS (PARCEL 1)

PART OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 3, BEGINNING AT A POINT SOUTH 83°53'00" EAST, 10.00 FEET FROM THE NORTHWEST CORNER OF LOT 92, IDLEMERE PARK SUBDIVISION, THENCE RUN NORTH 91.80 FEET TO THE SOUTH SHORE OF WALLED LAKE; THENCE SOUTH 86°15'00" EAST, 90.00 FEET; THENCE RUN SOUTH 94.50 FEET; THENCE RUN NORTH 83°53'00" WEST, 90.00 FEET TO THE POINT OF BEGINNING, EXCEPTING 35.00 FOOT RIGHT-OF-WAY FOR STREET PURPOSES. ALL OF THE ABOVE LAND IS LOCATED IN SECTION 3, TOWNSHIP 1 NORTH, RANGE 8 EAST, IDLEMERE PARK SUBDIVISION, AS RECORDED IN LIBER 17, PAGE 29 OF PLATS, OAKLAND COUNTY RECORDS. (PARCEL 2)

**LEGEND**

- 000.00 = Existing elevation
- 000.00 = Proposed elevation
- = Drainage course
- ~ = Silt fence
- = Woodland fence
- F.G. = Finish Grade
- = Existing contour
- (TBR) = To Be Removed

**Novi City Bench Mark**  
MAG nail in West face of utility pole  
Elevation = 941.29



Note: The Builder is responsible for resolving any drainage problems on adjacent properties that are the result of construction activities.

Note: Confirm location of sanitary lead during demolition of existing residence

confirm minimum setbacks with municipality

**Zoning:**  
R-4 One Family Residential

**Setbacks:**  
Front - 30'  
Side - 10'  
Side total - 25'  
Rear - 35'

\*Check title policy for subdivision deed restrictions that may affect setback requirements.\*

Revised - Drive and Tree 6/1/22  
Revised - Driveway 6/27/22  
Revised - Fg.Elev. 8/4/22  
Added Patios & Walk 3/28 23

Note: Install & maintain inlet filter & silt fence throughout construction

Note: Silt fence along side & rear lot lines as necessary to protect existing lawn & landscaping on adjacent property.

**RECEIVED**  
APR 21 2023  
CITY OF NOVI  
COMMUNITY DEVELOPMENT



**TOPOGRAPHIC SURVEY**

Prepared For: David E Ghannam, Esq.  
17436 College Parkway  
3rd Floor  
Livonia, MI 48152  
(313) 945-0088

**REVISÉ**  
4.20.23

**Jekabson & Associates, P.C.**  
Professional Land Surveyors  
1320 Goldsmith, Plymouth, MI 48170  
(734) 414-7200 (734) 414-7272 fax

by: *[Signature]*

Date	16 May 2022
Job No.	22-01-007
Scale	1" = 30'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1

DRD 17 - 6172



**LEGAL DESCRIPTION**

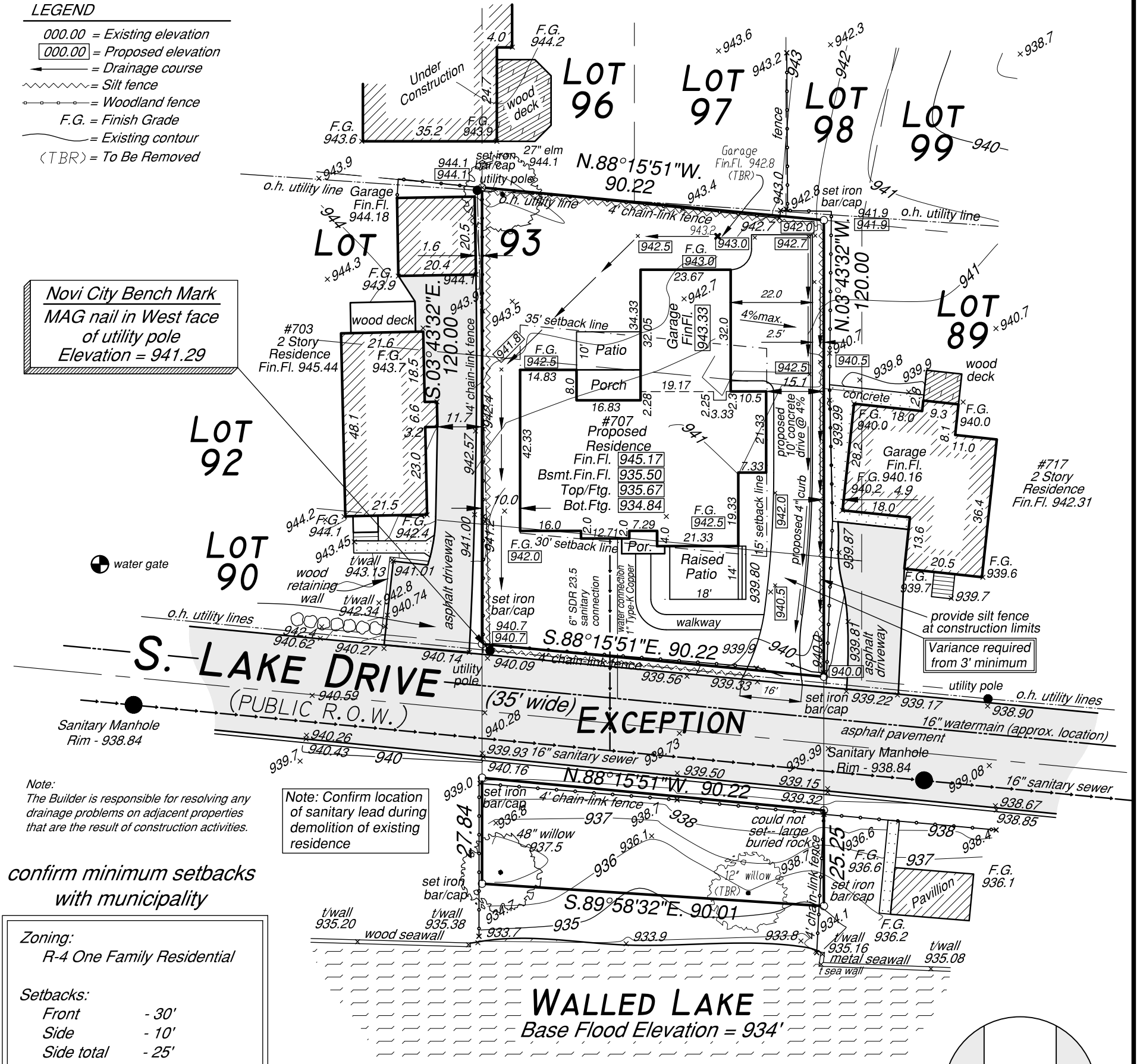
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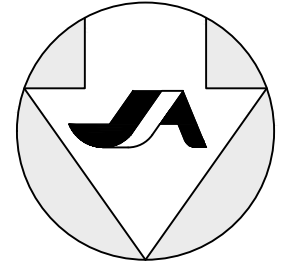
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<b>TOPOGRAPHIC SURVEY</b>		Date 16 May 2022
Prepared For: David E Ghannam, Esq. 17436 College Parkway 3rd Floor Livonia, MI 48152 (313) 945-0088		Job No. 22-01-007
Jekabson & Associates, P.C. Professional Land Surveyors 1320 Goldsmith, Plymouth, MI 48170 (734) 414-7200 (734) 414-7272 fax		Scale 1" = 30'
by:		Drawn AAH
		Checked JGE
		Sheet 1 OF 1