



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:** March 14, 2023

REGARDING: 23070 Ennishore Drive, Parcel # 50-22-26-429-008 (PZ23-0003)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Tim & Jennifer Kirk

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned One-Family Residential (R-3)

Location: west of Meadowbrook, north of Nine Mile

Parcel #: 50-22-26-429-008

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.4 for a front yard setback of 24 feet (30 feet required, variance of 6 feet); for a proposed front garage addition. This property is zoned One-Family Residential (R-3)

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. **PZ23-0003**, 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. **PZ23-0003**, 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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION KIRK GARAGE ADDITION (MEADOWBROOK LAKE SUB)	
ADDRESS 23070 ENNISHORE DR	LOT/SIUTE/SPACE #
SIDWELL # 50-22-26-429-008	May be obtain from Assessing Department (248) 347-0485
CROSS ROADS OF PROPERTY 9 MILE / MEADOWBROOK RD.	

Application Fee: _____

Meeting Date: _____

ZBA Case #: **PZ** _____

IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?

YES NO

REQUEST IS FOR:

RESIDENTIAL COMMERCIAL VACANT PROPERTY SIGNAGE

DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? YES NO

II. APPLICANT INFORMATION

A. APPLICANT		EMAIL ADDRESS timjennkirk@gmail.com	CELL PHONE NO. 248.207.3649
NAME TIM & JENNIFER KIRK		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 23070 ENNISHORE DR.	CITY NOVI	STATE MI	ZIP CODE 48375

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

Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS	CITY	STATE	ZIP CODE

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 **3.1.4** Variance requested **Front Yardset Back Required 30' Proposed 24'**

2. Section _____ Variance requested _____

3. Section _____ Variance requested _____

4. Section _____ Variance requested _____

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 establish 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

Tim Kato / Jennifer Kato
Applicant Signature

11/25/23
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.

Tim Kato / Jennifer Kato
Property Owner Signature

11/25/23
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



Community Development Department

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(248) 735-5600 Facsimile
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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**

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:

SEE LOT SURVEY WITH PROPOSED GARAGE ADDITION.
PIE SHAPED LOT AND '85' OFF THE ROAD.

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).

PIE SHAPED LOT AND ONLY PLACE FOR THIRD CAR GARAGE IS TOWARDS THE FRONT LOT LINE. WE HAVE 285' TO THE STREET DUE TO BOULEVARD PLANNED BUT NEVER BUILT

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.

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.

OUR HOUSE IS SLIGHTLY TWISTED IN ITS LOT PLACEMENT AND BEING ON A CURVE THE EASEMENT LINE IS A CURVE. WE ARE ASKING FOR A 12' x 23' ADDITION WHICH REQUIRES A 24' FRONT SETBACK (VS. STANDARD 30')

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.

IT BARELY EFFECTS SIGHT LINES SINCE WE ARE ON THE OUTSIDE OF A CURVE. ALL NEIGHBORS AND OUR HOA BOARD HAVE APPROVED OUR PLAN WITH A 6' VARIANCE WE WILL STILL BE >75' OFF THE STREET.

Emblow Dr

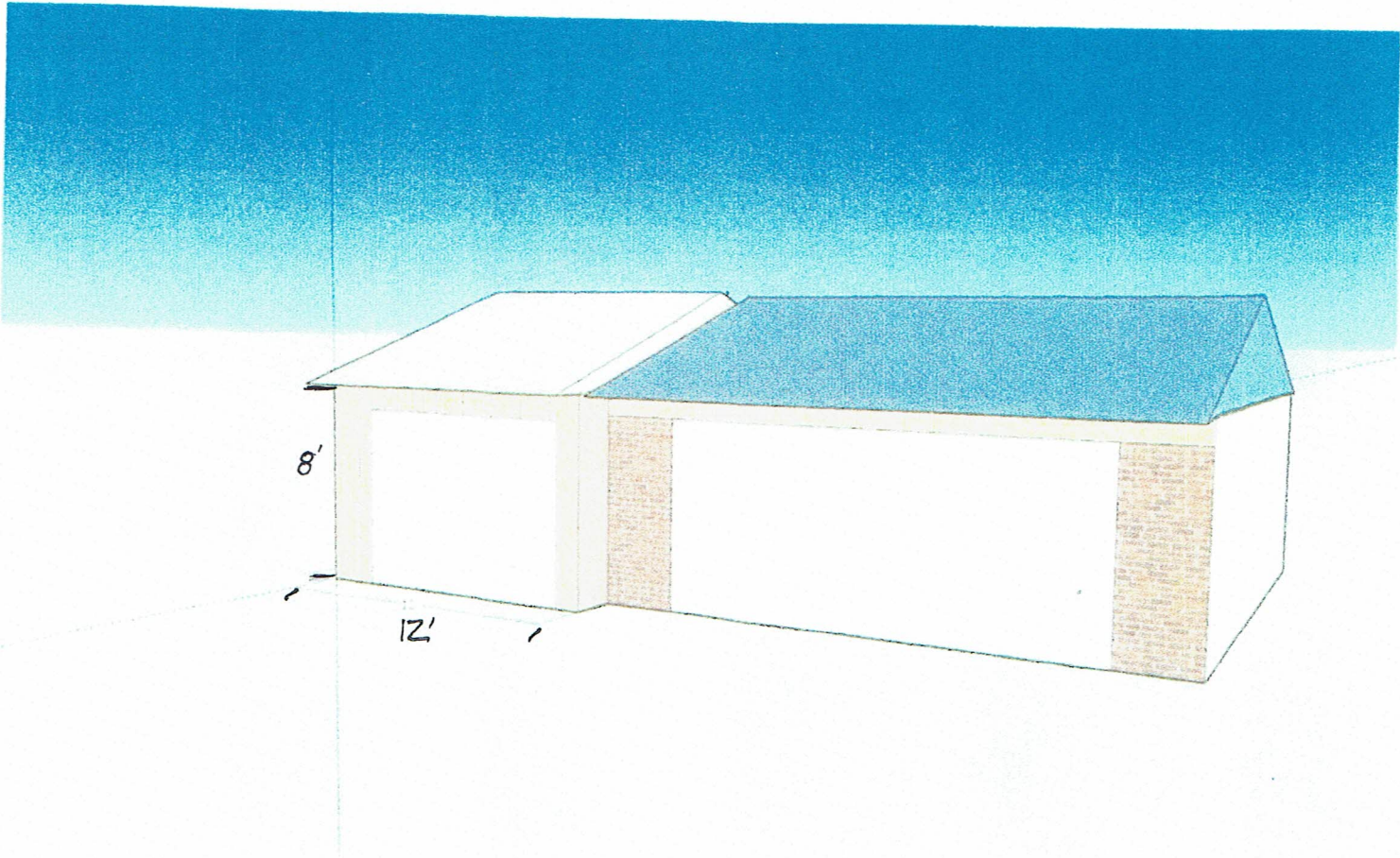
NEW
CEMENT

APPROX. NEW
RED-MOVE
SOUTH + INCREASE
MARBLE

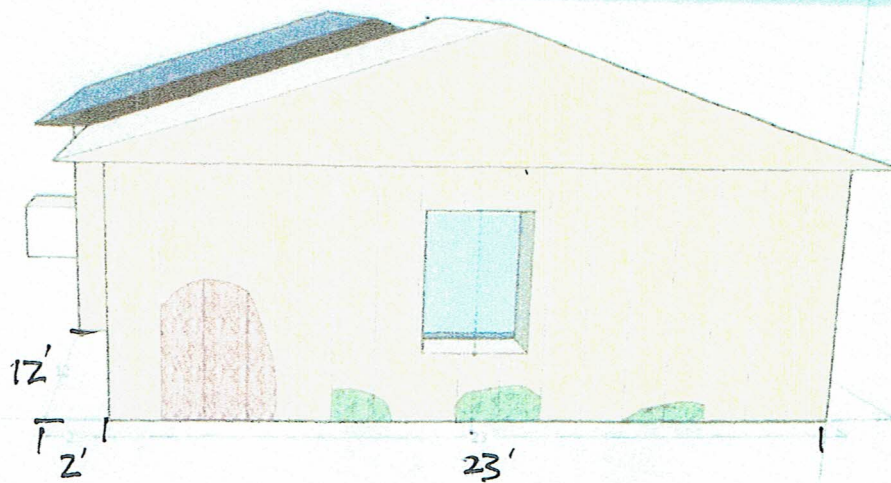
↑ GARAGE
ADDITION
12' x 23'

SUNROOM
ADDITION
14' x 16'

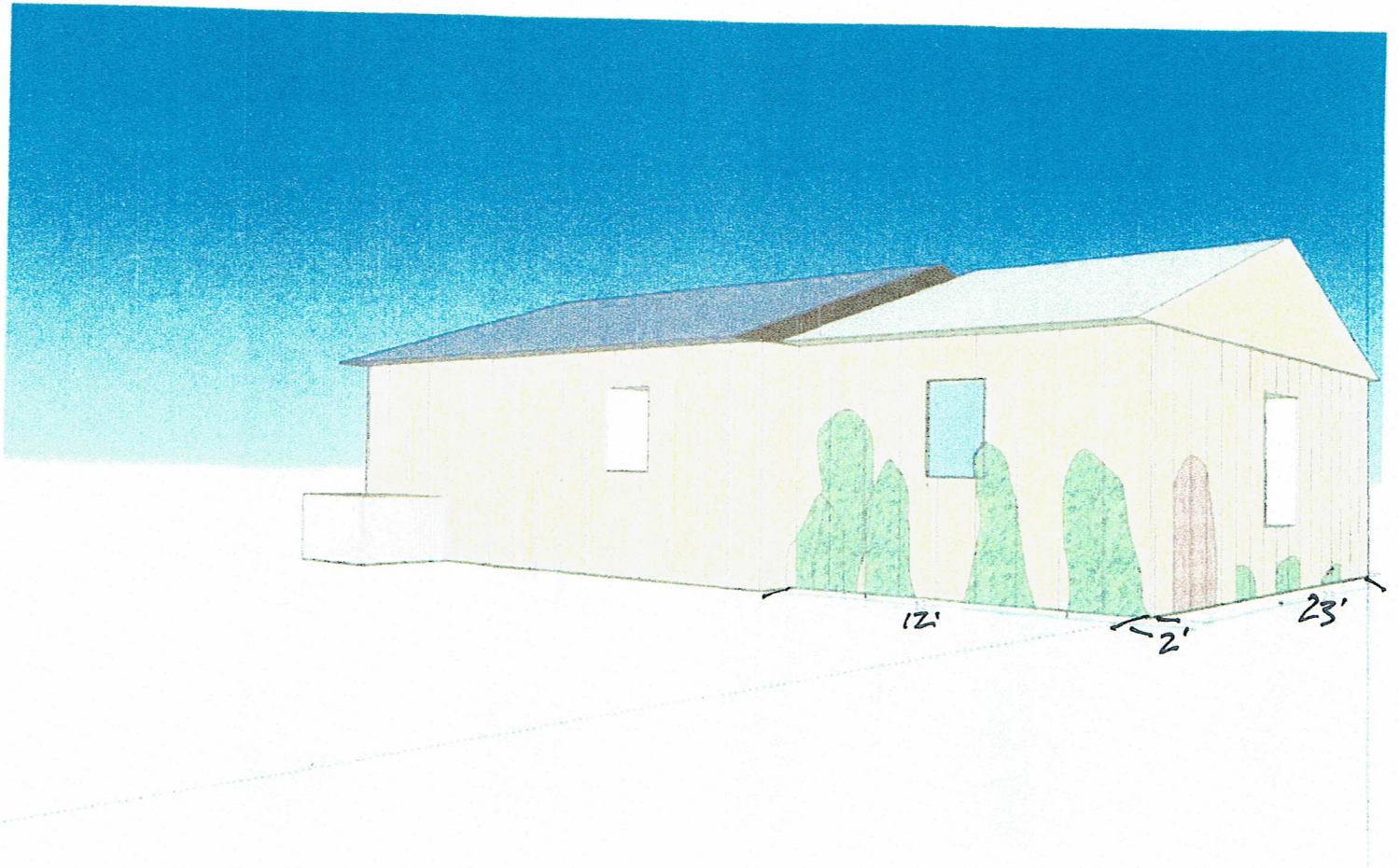




KIRK GARAGE ADDITION
SOUTH WALL



KIRK GARAGE ADDITION
WEST WALL (STREET)



KIRK GARAGE ADDITION
NORTH WALL

LOT 113

LOT 114

LOT 115

S00°36'48"W 192.54'(M)
S00°27'W 193.31'(R)

MEADOWBROOK LAKE

S40°57'56"W 49.33'(M)
S40°49'40"W 49.85'(R)
S05°50'11"W(M) 131.63'
S05°48'40"W(R)

MEADOWBROOK
EASEMENT
PER PLAT

PARCEL NO.
22-28-429-008

LOT 94

N85°57'34"E(M) 331.89'
294.37'(M) 294.21'(R)

284.91'(M) 284.00'(R)
N75°02'00"W 348.86'

LEGEND

- FOUND IRON
- ⊙ SET IRON
- ⊗ EX. UTILITY POLE
- ⊠ EX. PEDESTAL
- EX. OVERHEAD LINE

ZONING:

ZONED R-3 ONE FAMILY
RESIDENTIAL DISTRICT

SETBACKS

FRONT 35'
 SIDE 10' MIN. 30' TOTAL
 REAR 35'

DESCRIPTION:

T1N. R8E. SEC 26 MEADOWBROOK
LAKE SUB LOT 94

NOTE:

BEARINGS BASED ON "MEADOWBROOK
LAKE SUBDIVISION" L106 OF PLATS,
P.6, OAKLAND COUNTY RECORDS.

LOT 95

LOT 93

#1 PROPOSED
ADDITION
GARAGE
12' x 23'

#2 PROPOSED
ADDITION
SUN ROOM
14' x 16'

L=79.82'(M)
80'(R)
R=240.00'

TIM + JENNIFER KIRK
23070 ENNISHORE
N001 MI 48375

ENNISHORE DR. (60' WD.)

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPER
HEREIN DESCRIBED, AND THAT THERE ARE NO VISIBLE
ENCROACHMENTS UPON THE ABOVE DESCRIBED PROPERTY
EXCEPT AS SHOWN HEREON.

Dorothy Michelle Wallace

GINGER MICHALSKI-WALLACE
PROFESSIONAL SURVEYOR NO. 47964



LOT 113

LOT 114

LOT 115

S00°36'48"W 192.54'(M)
S00°27'W 193.31'(R)

MEADOWBROOK LAKE

S40°57'56"W 49.33'(M)
S40°49'40"W 49.85'(R)
S05°50'11"W(M) 131.63'
S05°48'40"W(R)

MEADOWBROOK
EASEMENT
PER PLAT

PARCEL NO.
22-26-429-008

LOT 94

N85°57'34"E(M) 331.89'
294.37'(M) 294.21'(R)

264.91'(M) 264.00'(R)
N75°02'00"W 348.86'

LOT 95

LOT 93

PROPOSED
ADDITION

SHED

BRICK

EX. HOUSE

PORCH

CONCRETE

11.9'

12'

13.5'

24.2'

36.2'

12.3'

L=79.82'(M)
80'(R)
R=240.00'

CONCRETE

ASPHALT

ENNISHORE DR. (60' WD.)

LEGEND

- FOUND IRON
- SET IRON
- ⊗ EX. UTILITY POLE
- ⊠ EX. PEDESTAL
- - - - EX. OVERHEAD LINE

ZONING:

ZONED R-3: ONE FAMILY
RESIDENTIAL DISTRICT

SETBACKS:

- FRONT: 30'
- SIDE: 10' MIN, 30' TOTAL
- REAR: 35'

DESCRIPTION:

T1N, R8E, SEC 26 MEADOWBROOK
LAKE SUB LOT 94

NOTE:

BEARINGS BASED ON "MEADOWBROOK
LAKE SUBDIVISION" L.106 OF PLATS,
P.6, OAKLAND COUNTY RECORDS.

OPIG. SURVEY
WITH FLUSH
GARAGE ADDITION



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY
HEREIN DESCRIBED, AND THAT THERE ARE NO VISIBLE
ENCROACHMENTS UPON THE ABOVE DESCRIBED PROPERTY,
EXCEPT AS SHOWN HEREON.

Ginger Michalski-Wallace

GINGER MICHALSKI-WALLACE
PROFESSIONAL SURVEYOR NO. 47964



48892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377
(248) 926-3701 (BUS)
(248) 926-3765 (FAX)

CLIENT:	TIM KIRK	DATE:	3-23-20
		DRAWN BY:	JRV
BOUNDARY SURVEY		CHECKED BY:	GLM
23070 ENNISHORE DR.			
SECTION: 26	TOWNSHIP: 1N	FBK: 372	1
	RANGE: 8E	CHF: RDF	18-235
CITY OF NOVI OAKLAND COUNTY MICHIGAN		SCALE HOR 1"=50 FT. VER 1"= - FT.	