



# 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: August 10, 2021

REGARDING: 45137 Bartlett Drive, Parcel # 50-22-10-301-130 (PZ21-0041)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Vinyl Sash

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:	Residential Acreage
Location:	West of Novi Road and North of Twelve Mile Road
Parcel #:	50-22-10-301-130

**Request**

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a rear yard setback of 18.21 feet (30 feet minimum required, variance of 11.79 feet). This variance would accommodate the building of a sunroom. This property is zoned Residential Acreage (RA).

### 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. **PZ21-0041**, 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. **PZ21-0041**, 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

JUN 28 2021

CITY OF NOVI  
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION <b>KALE Liberty Park Condo Unit 130</b>		Application Fee: <b>\$200.00</b>	
ADDRESS <b>45137 BARTHETT DR.</b>		Meeting Date: <b>August 10<sup>th</sup>, 2021</b>	
SIDWELL # 50-22-	May be obtain from Assessing Department (248) 347-0485		ZBA Case #: <b>PZ 21-0041</b>
CROSS ROADS OF PROPERTY <b>W PARK + NOVI Rd.</b>			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input checked="" type="checkbox"/> YES <input 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 <b>ryanb@viny/sash.co</b>	CELL PHONE NO.
NAME <b>Viny/Sash of Flint INC</b>		TELEPHONE NO. <b>810-234-4831</b>	
ORGANIZATION/COMPANY <b>RYAN BLOSS</b>		FAX NO. <b>810-234-0399</b>	
ADDRESS <b>21-5433 Fenton Rd</b>	CITY <b>Flint</b>	STATE <b>MI</b>	ZIP CODE <b>48507</b>
<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	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS	CITY	STATE	ZIP CODE
<b>III. ZONING INFORMATION</b>			
<b>A. ZONING DISTRICT</b>			
<input checked="" type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input 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 <b>3.1.5</b>	Variance requested <b>11.79'</b>		
2. Section _____	Variance requested _____		
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>			
<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> <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>			



# 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 DECK + PATIO ROOM

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

Applicant Signature: *Ryan A* Date: 6/24/21

### 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: *akoh* Date: 6/23/21

## 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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**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:

*BACK SET BACK ONLY 18.21' NOT 30'*

**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).

~~N/A~~ DOESN'T MEET 30' SETBACK REAR TO BUILD PATIO ROOM

## 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.

~~N/A~~ DOESN'T MEET 30' SETBACK TO BUILD ROOM 17'X16"

## 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.

DOESN'T MEET 30' REAR SETBACK

## 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.

~~N/A~~ ~~ADA~~ DOESN'T HAVE ADVERSE IMPACT

Liberty Park Condominium Association  
Request for Modification Approval

Name: Ashutosh Kade Phone: 419-233-3025  
Address: 45137 BARKER DR. Unit #130  
Novi, MI 48377  
Email: ashutosh\_kade@hotmail.com

Nature of Modification:

Describe in detail using additional sheets and/or sketches as needed:

Converting my deck into a sunroom. Please see attached sheets.

Modification Will Affect The Following:

Check all items that are applicable.

Exterior Appearance      Structural Parts of Unit  
Landscaping       Deck or Patio  
Other \_\_\_\_\_

If Approved, Modification Will Start On: August 2021 Anticipated Completion Date: 31 Aug, 2021

Contractor Name: VINYL SASH OF MICHIGAN Phone: 810-234-4831  
Contractor Address: 6-5433 FENTON RD, FLINT, MI 48507

The co-owner must obtain all appropriate permits and arrange any necessary inspections by local government's building and/or other appropriate officials or departments. If the work involves excavation, the co-owner must arrange to have underground utilities identified by "Miss Dig" by making such arrangements himself/herself and irrigation system components should be identified by the co-owner's own contractor, to the extent that they can reasonably be located. All such costs, as well as any and all costs to repair damages, as well as all consequential damages, shall be born by the co-owner.

No modification shall commence without prior Board approval. An inspection of the completed modification shall be conducted by the Board of Directors to ensure compliance with all appropriate Liberty Park Condominium Association restrictions and with reasonable standards of quality and aesthetics.

All maintenance, repair and/or replacement of modification are the responsibility of the co-owner and subsequent co-owner(s).

The Association may require the co-owner to enter into a related separate agreement that details the co-owner's current and future responsibilities in connection with an approved modification.

*Ashutosh Kade*

Co-owner Signature

6/9/2021

Date

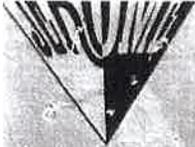
This Modification Request has been evaluated by the Board of Directors and is:

ACCEPTED with the following restrictions *Via Email*

REJECTED due to \_\_\_\_\_

Completed for the Board of Directors by: *[Signature]* Date: *6-14-21*

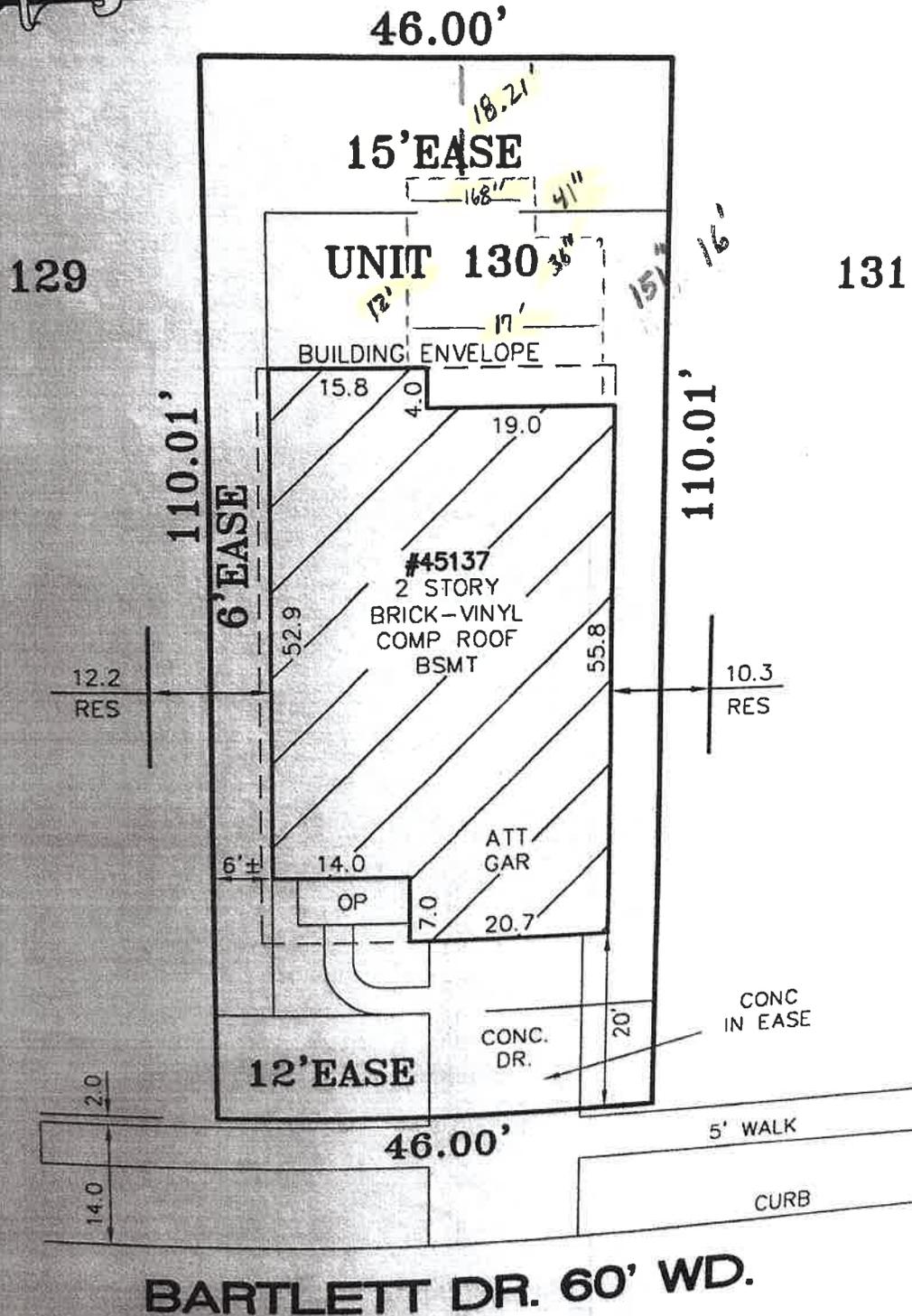


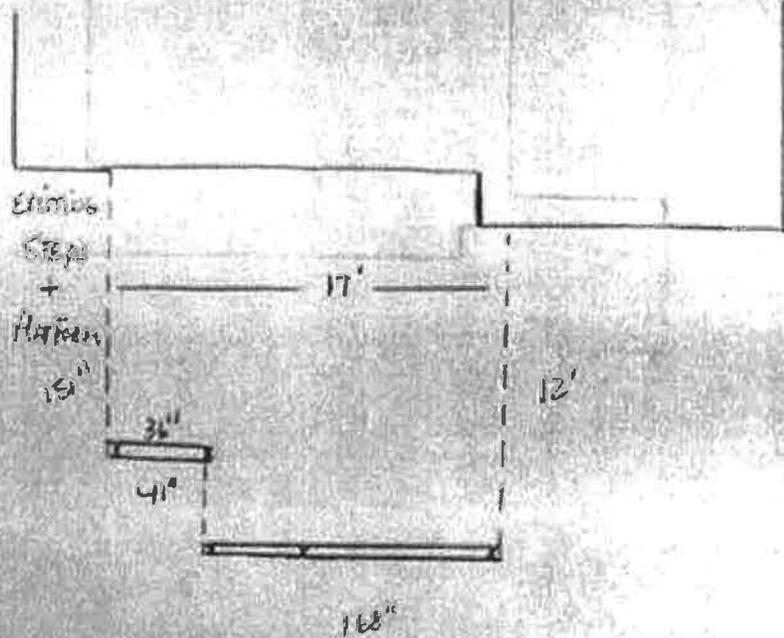


# PGP TITLE

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3100  
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Land situated in the City of Novi, Oakland County, Michigan described as follows:  
Unit 130, LIBERTY PARK CONDOMINIUM, according to the Master Deed recorded in Liber 34747, Pages 751 through 825, inclusive, of Oakland County Records and designated as Oakland County Condominium Subdivision Plan No. 1703, together with rights in general common elements and limited common elements as set forth in the above described Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.





Using Existing Deck + Steps 6"x6" Posts 42" Deep

Adding 4' to Front to make overall 17'x16' Patio Room

X 6"x6" Post 42" Deep 12" Hole on Concrete

2" x 10" Beam Added to Front

2" x 8" Joists 16" on Center

Notch 6"x6" to Except Beam

2 VELUX Skylights

ASHUTOSH KALE

45137 BARTLETT

BUILD 17'x16' SEASONAL GARAGE

PATIO ROOM

A WALL 36" DOOR 2 WIND

B WALL 1 WIND

C WALL 1 WIND

D WALL 3 WIND

E WALL 2 WIND

KNEEWALL GLASS FRONT

TRADE FRONT

ROOF SYSTEM

9 1/2' x 17' x 2

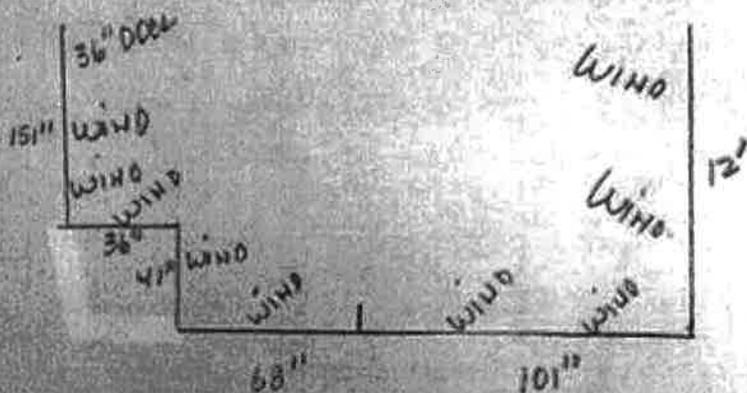
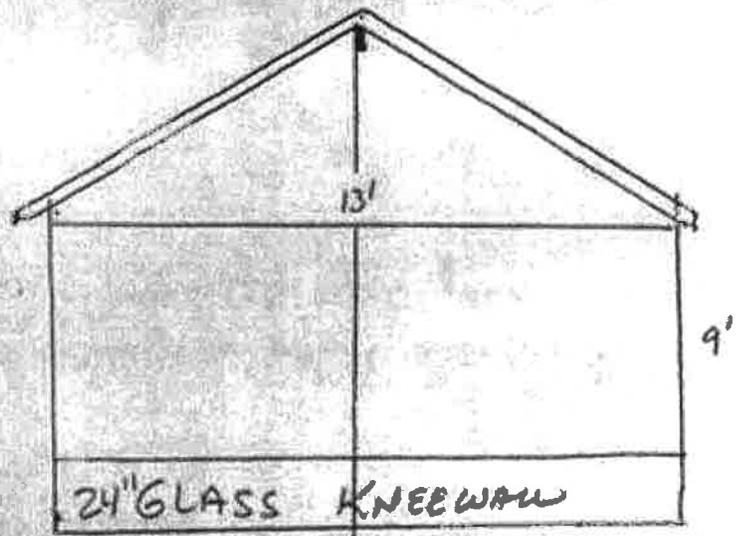
3 1/8' x 12' LAM BEAM

ICE + WATER ENTIRE

ROOF WITH MATCHING

SHINGLES

MISS DIG



ASHUTOSH KALE  
45137 BARTLETT