



cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. PZ12-0054

Location: 23925 East Lebst

Zoning District: R-4, One-Family Residential District

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of an attached carport with a reduced front setback of 25 ft. (30 ft. required) and an aggregate side setback of 19.5 ft. (25 ft. required) on an existing nonconforming residence. The property is located east of Meadowbrook Road and south of 10 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures within a R-4 zoning district have a minimum front yard setback of 30 ft. and an aggregate side setback of 25 ft.

City of Novi Staff Comments:

The existing single family home on this site was nonconforming with an existing carport added sometime in the past. The owner removed the dilapidated carport and began construction of a new, larger carport without the benefit of permits or approvals. The new carport extends into the front setback to match the existing nonconforming residence, and is slightly larger in width than that which was removed. The proposed carport would comply with the minimum 10 ft. side setback required to the south property line, but would further reduce the aggregate side setback necessitating approval of the requested 5.5 ft. variance to bring the home into compliance.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



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ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department
(248) 347-0415 (248) 735-5600 fax

For Official Use Only

ZBA Case No. _____

ZBA meeting date P212-0054

Payment received _____ Cash _____ Check # _____
Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application, 13 copies of the application and 13 copies of all supporting documentation relevant to the appeal.

Applicant's Name Kevin Lee Date 11-5-12

Company (if applicable) Lees Home Improvements

Address* 5145 Washakie Trl City Brighton

State MI Zip code 48116 *Where all case correspondence is to be mailed

Applicant's E-mail address KL6138@yahoo.com

Phone number 517-304-6138 Fax number _____

Request is for:

- Residential
- Vacant property
- Commercial
- Signage

Address of subject ZBA case 23975 East Lebast Zip code 48375

Cross roads of property _____

Sidwell number 50-22-25.03.007 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction? Yes No

Zoning (Please circle one)

R-A	R-1	R-2	R-3	<u>R-4</u>	RM-1	RM-2
MH	B-1	B-2	B-3	I-1	NCC	OS-1
OS-2	OSC	OST	RC	TC	TC-1	Other

Property owner name (if other than applicant) Karen Resegnie

Does your appeal result from a Notice of Violation or Citation issued?

- Yes
- No

Indicate Ordinance section(s) and variances requested:

- 1. Section 2400 Variance requested
- 2. Section _____ Variance requested
- 3. Section 2400 Variance requested
- 4. Section _____ Variance requested

19'6"

Reduced aggregate side setback of -20' (23 ft. req.)
Reduced front setback of 25' (30 ft. req.)

Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

See attached document

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

Gas meter location

There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

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 the 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.

Notes: Confirmed 19'-6" AGGREGATE SIDE SETBACK w/ KENN LEE by phone - 12/12/12

Variance expiration:

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.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City.

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
- Accessory building Use Signage Other *Carport*

Kevin Lee
Applicants Signature

11-5-12
Date

Karen Rossegno
Property Owners Signature

11-5-12
Date

DECISION ON APPEAL

_____ Granted _____ Denied

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date

The existing car port roof was leaking and caused excessive rotting of the roof system and support beams. It was very evident that the structure was in danger of falling down. The location of the gas meter is next to the support post of the existing car port. Because of this odd location, the gas feed had to be run through the attic space of the existing car port and into the house. If the car port was to fall down it would have ripped the gas feed out of the house causing a massive gas leak. These existing circumstances, created a very dangerous situation and immediate action needed to be taken to remove the car port from the house. A new car port was built in the same location as the old car port and provisions for a safer gas line location was made, to make the property safe for the residences and the surrounding properties. The homeowners felt, by the time they would have gotten approval from the ZBA and building department the car port would have already fallen down. It was very apparent the car port would not have been able to support the first snow or even support its own weight for another few weeks.

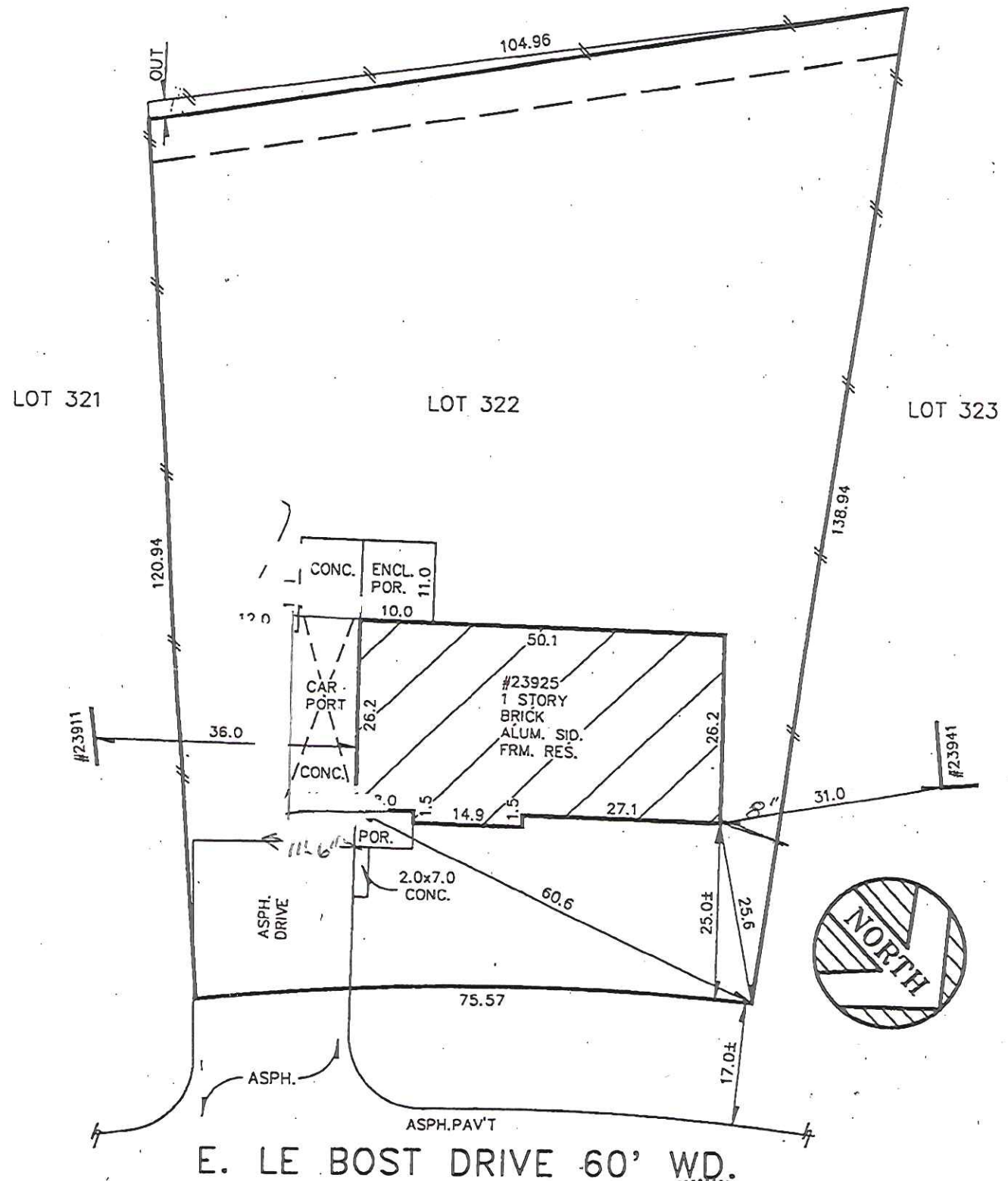
MORTGAGE SURVEY



218 735-5600
Gail

Certified to:
Applicant: KAREN A. RESSEQUIE

Property Description:
Lot 322; WILLOWBROOK ESTATES SUBDIVISION NO. 2, of part of the N.W. 1/4 of Section 25, T.1 N., R.8 E., Novi Twp. (now City of Novi), Oakland County, Michigan, as recorded in Liber 77 of Plats, Pages 4 and 5 of Oakland County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



Shane P. Azbell

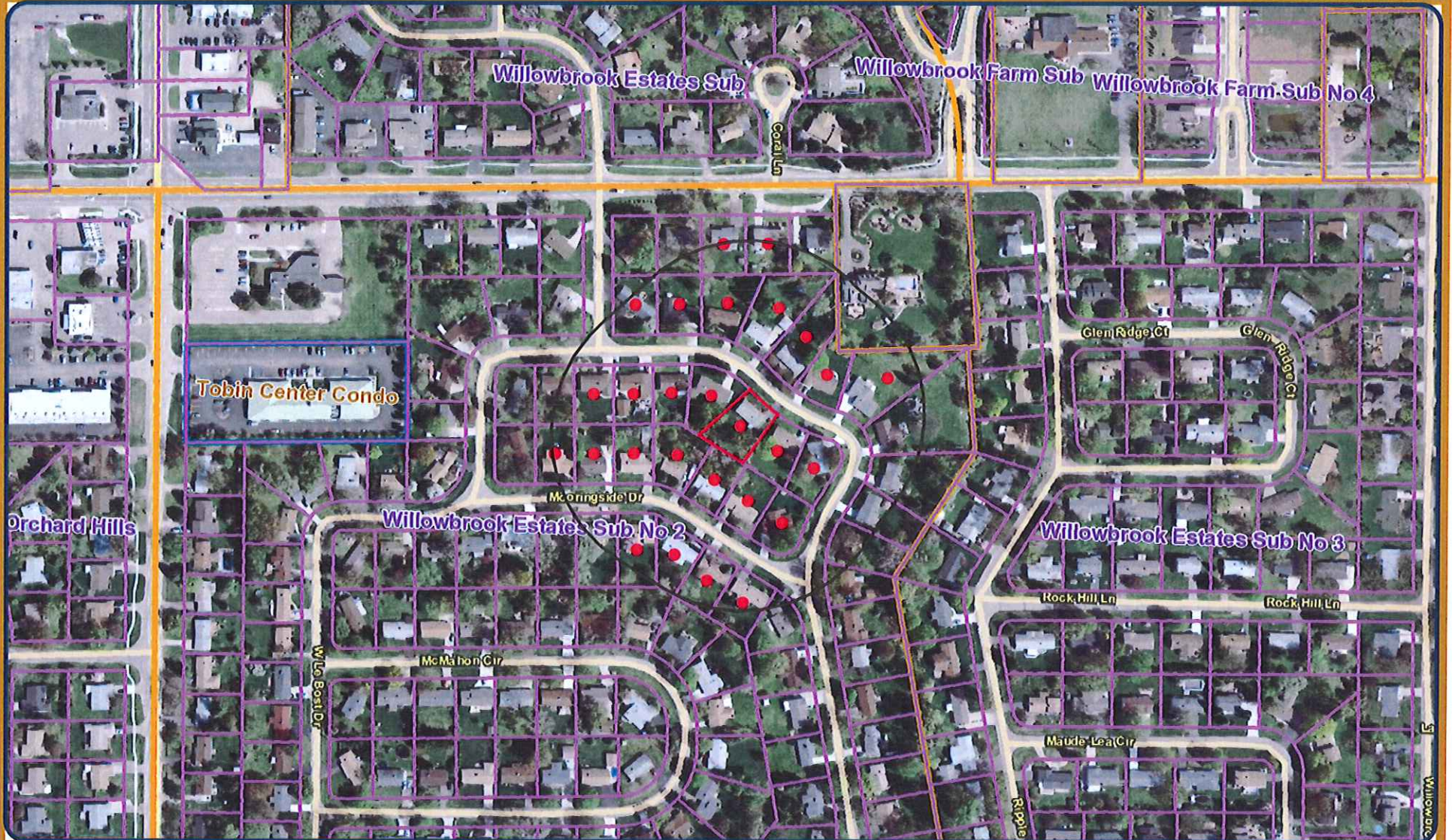
JOB NO: 01-29784 SCALE: 1"=20'
DATE: 9/18/01 DR BY: LAO

KEM-TEC
LAND SURVEYORS
22556 Gratlot Avenue
Eastpointe, MI 48021-2312
(810) 772-2222
FAX: (810) 772-4048



KEM-TEC WEST
LAND SURVEYORS
800 E. STADIUM
Ann Arbor, MI 48104-1412
(734) 994-0888 • (800) 433-6133
FAX: (734) 994-0887

City of Novi
23925 East Lebst



Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal



0 145 290 580
Feet
1 inch = 280 feet



Date: 12/17/2012

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/SiteUsePolicy.asp>