



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: July 13, 2021

REGARDING: 45144 Nine Mile Road, Parcel # 50-22-27-355-031 (PZ21-0031)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Michael Jocz

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of Taft Road and North of Nine Mile Road
Parcel #:	50-22-27-355-031

Request

The applicant is requesting variance from The City of Novi Zoning Ordinance Section 4.19.1.E(i) for 1,688 square feet of garage space (maximum of 850 square feet allowed by code, variance of 838 square feet). This variance would accommodate the building of a garage addition. This property is zoned Single 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. **PZ21-0031**, 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. **PZ21-0031**, 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 01 2021

**CITY OF NOVI
 COMMUNITY DEVELOPMENT**

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION <u>JACZ RENOVATION</u>				Meeting Date: <u>7/13/21</u>	
ADDRESS <u>45144 W NINE MILE</u>		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 21-0031</u>	
SIDWELL # <u>50-22-27-355-031</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>9 MILE + JACZ</u>					
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					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <u>MSJACZ@AOL.COM</u>		CELL PHONE NO. <u>248-345-9844</u>	
NAME <u>MICHAEL JACZ</u>				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS <u>45144 NINE MILE</u>		CITY <u>NOVI</u>		STATE <u>MICH</u>	ZIP CODE
B. PROPERTY OWNER <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		CELL PHONE NO.	
NAME				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS		CITY		STATE	ZIP CODE
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input checked="" 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. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section _____ Variance requested _____					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
<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. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
<ul style="list-style-type: none"> 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 			<ul style="list-style-type: none"> 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

Michael Jozef
Applicant Signature

5-4-21
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

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).

WERE ASKING TO REMODEL OUR HOME AND ADD AN ATTACHED 2 CAR GARAGE. OUR LOT IS 200' X 436' SO THE ATTACHED GARAGE WOULD NOT HAVE ANY IMPACT ON OUR NEIGHBORS. THE EXISTING ACCESSORY BUILDING IS NOT SITUATED IN AN AREA USEABLE TO OUR HOME.

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.

THE SIZE OF THE LOT IS 200' X 436' HAVING A GARAGE ATTACHED TO THE HOME WOULD NOT IMPACT ANY NEIGHBORS.

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.

A 30' X 30' ATTACHED GARAGE LOOKS PROPORTIONATE TO THE HOME AND THE LARGE LOT.

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.

THE PLACEMENT OF THE ATTACHED GARAGE IS SUCH THAT NONE OF THE NEIGHBORS WILL EVEN SEE IT.



Community Development Department

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Novi, MI 48375
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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:

THE SIZE OF THE LOT
GIVEN THE SIZE OF THE LOT IT WOULD MAKE SENSE
TO HAVE A GARAGE ATTACHED TO THE HOME,

and/or

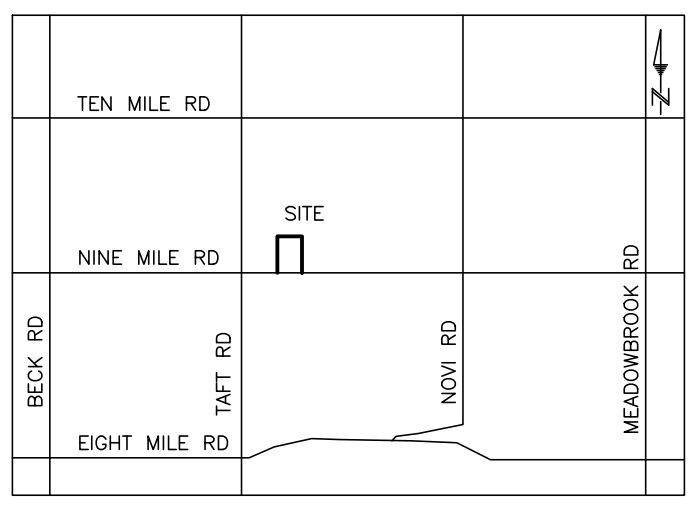
- b. **Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.
 Not Applicable Applicable If applicable, describe below:

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:



SCALE: 1" = 40'



LOCATION MAP NO SCALE

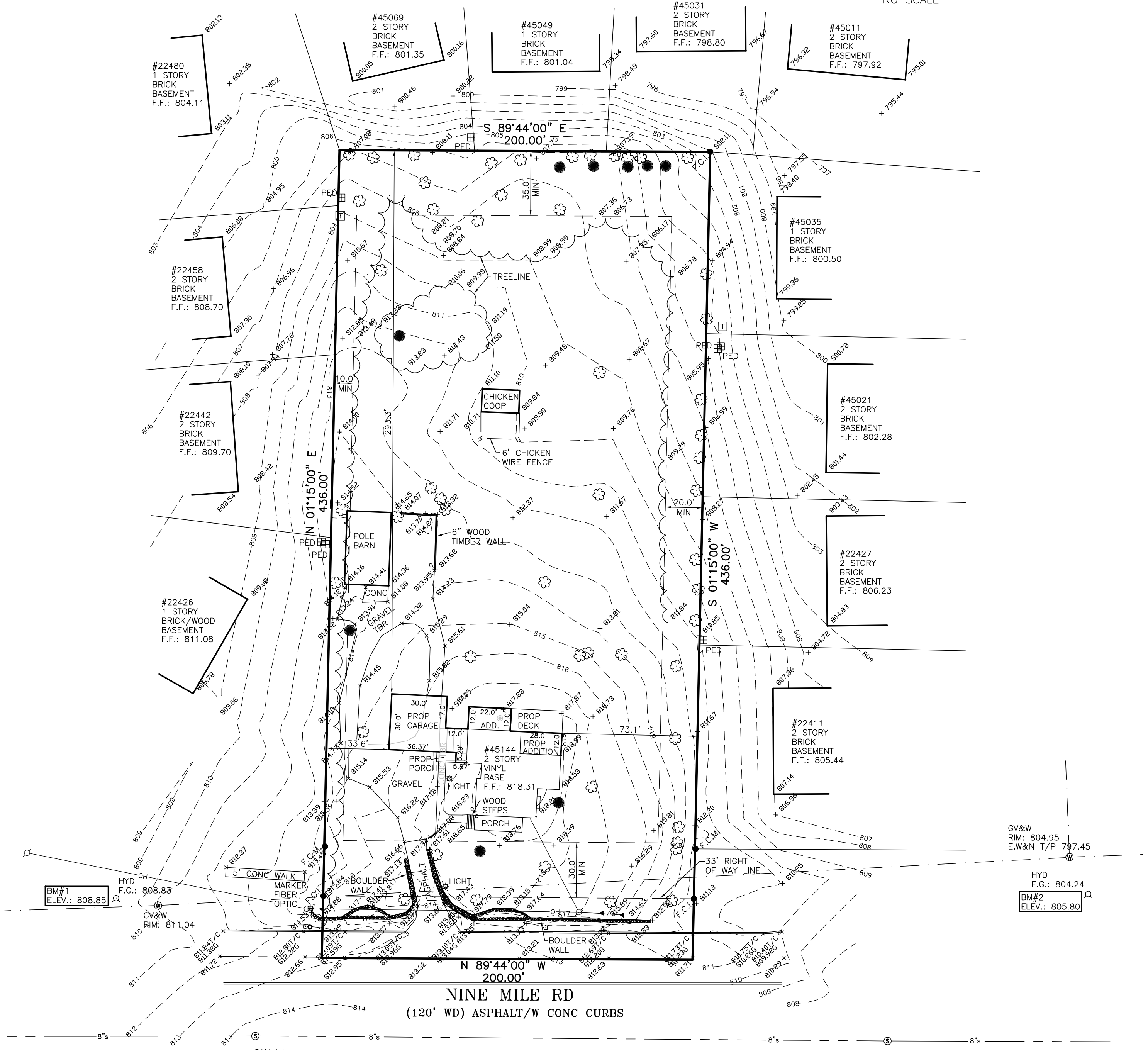
CLIENT
05/06/21

CLIENT:
NATALIE & MICHAEL JOCZ
 45144 W. NINE MILE RD
 NOVI, MI 48375

8495 N. TERRITORIAL RD.
 PLYMOUTH, MI 48170
 PHONE: (734) 416-9650
 FAX: (734) 416-9657
 www.glasurveyor.com

GLA SURVEYORS & ENGINEERS

PROPOSED ADDITION
JOCZ PROPERTY
 45144 NINE MILE ROAD
 PART OF THE S.W. 1/4 SEC. 27, T.1N., R.8E.
 CITY OF NOVI, OAKLAND COUNTY, MI



ZONING & SETBACKS
 ZONED: R-3 ONE FAMILY RESIDENTIAL
 SETBACK REQUIREMENTS:
 FRONT: 30 FEET MINIMUM
 REAR: 35 FEET MINIMUM
 SIDES: 10 FEET MINIMUM 30 FEET TOTAL

FLOODPLAIN
 SUBJECT PROPERTY LIES IN ZONE X WHICH IS AN AREA OF 0.2% ANNUAL CHANCE FLOOD HAZARD PER FEMA FLOOD MAP SERVICE CENTER FOR CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.
 COMMUNITY-PANEL NUMBER 26125C0628F
 EFFECTIVE DATE: 09/29/2006

BENCHMARKS
 BM#1
 NORTHWEST BOLT OF HYDRANT LOCATED NORTH OF NINE MILE RD AND APPROXIMATELY 112 FEET WEST OF PROPERTY #45144
 ELEV. 808.85 NAVD 88
 BM#2
 NORTHWEST BOLT ON HYDRANT LOCATED NORTH OF NINE MILE RD AND APPROXIMATELY 215 FEET EAST OF PROPERTY #45144
 ELEV.: 805.80 NAVD 88

UTILITY NOTE
 UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ARE PER RECORDS MADE AVAILABLE BY UTILITY OR MUNICIPALITY, AND BY FIELD OBSERVATION WHERE POSSIBLE. ALL MUNICIPALITIES AND UTILITY COMPANIES SHOULD BE NOTIFIED BY CONTRACTOR FOR FIELD LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

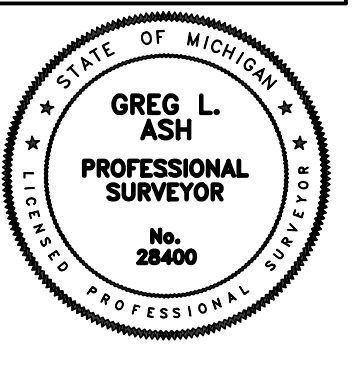
LEGEND

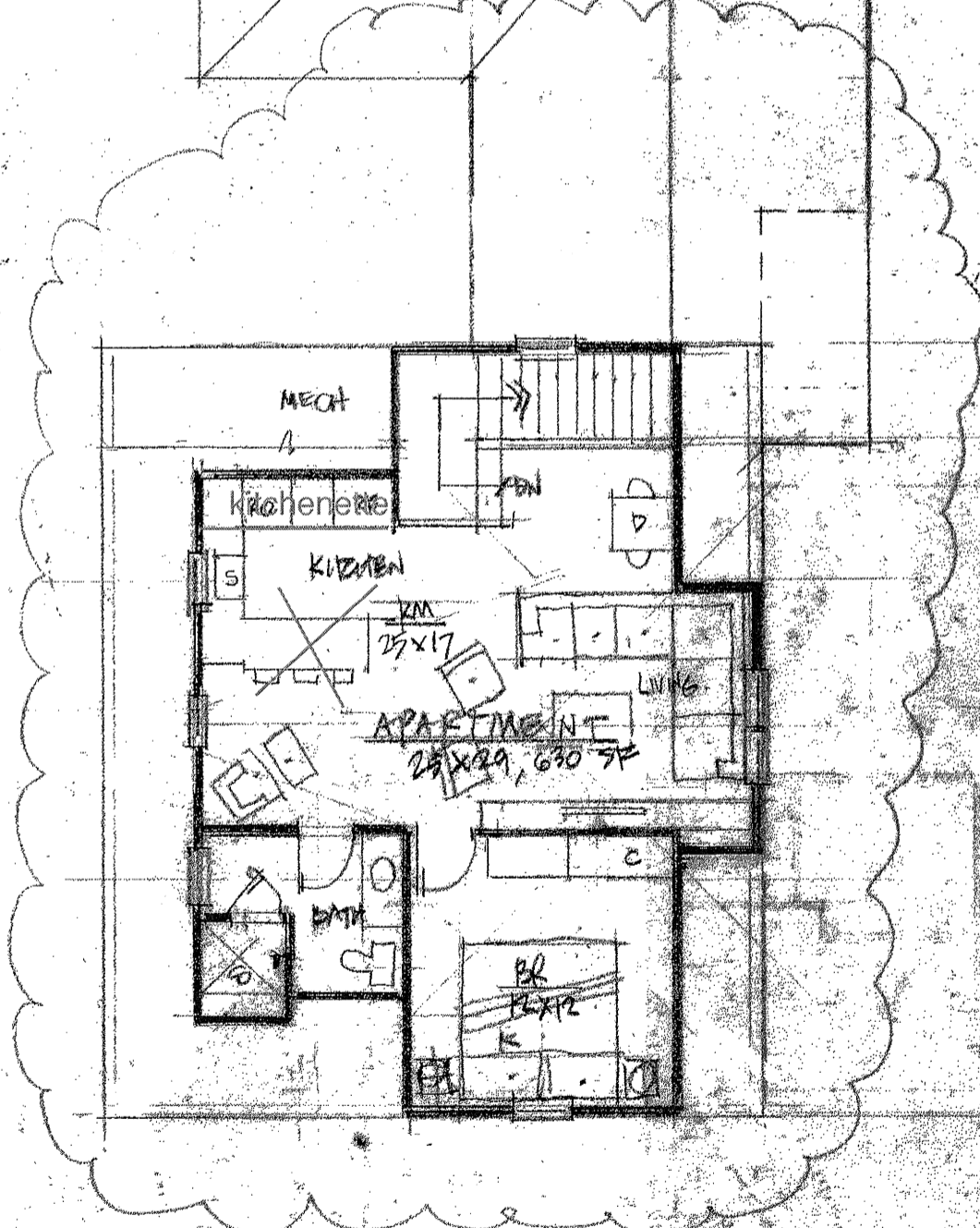
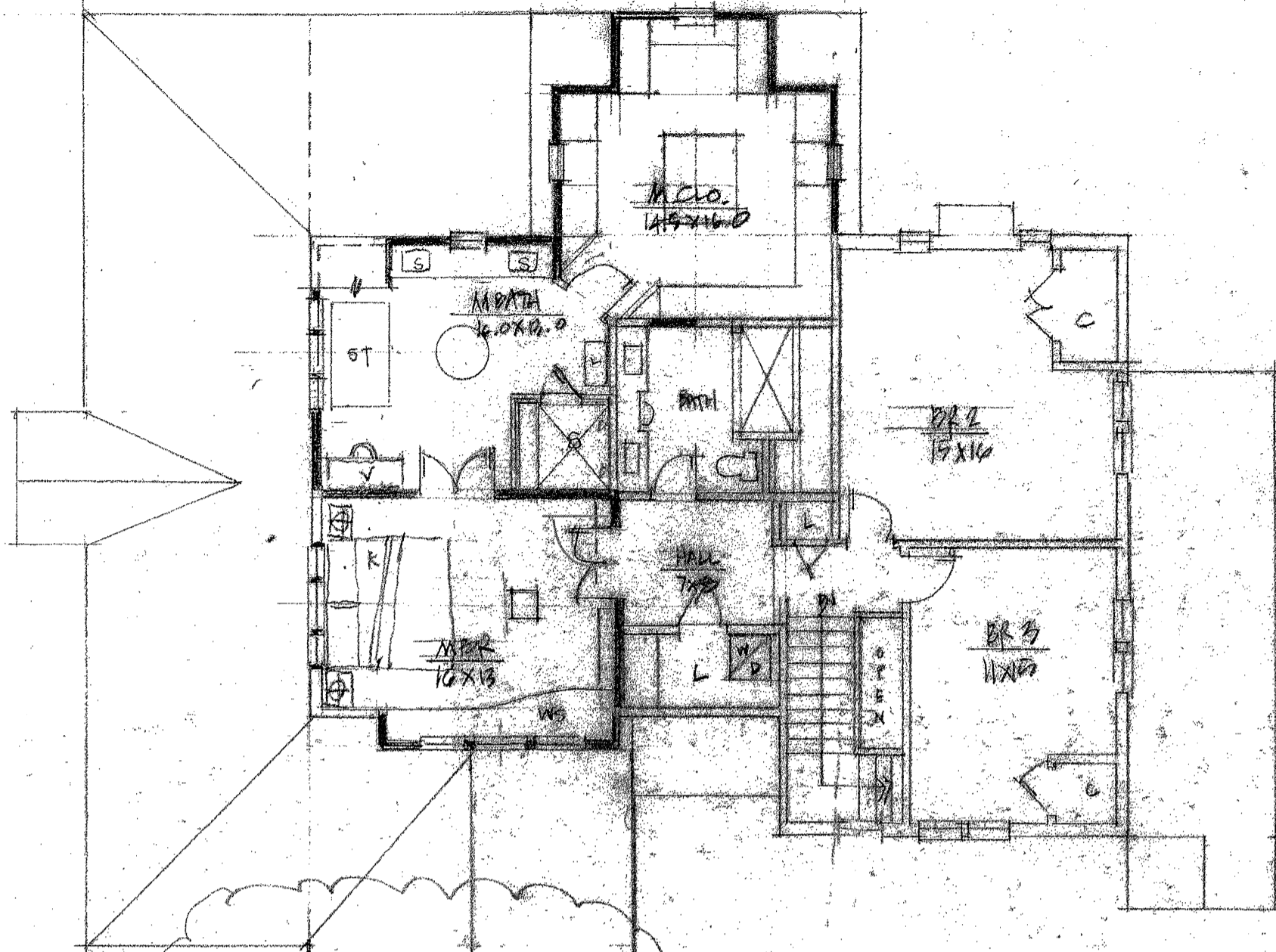
BENCHMARK	B.M.	STORM MANHOLE	Ⓜ
FINISHED FLOOR	F.F.	STORM CATCH BASIN	Ⓜ
FINISHED GRADE	F.G.	SANITARY MANHOLE	Ⓜ
EXISTING	EX.	GATE VALVE & WELL	Ⓜ
FIELD MEASURE	F.M.	DET. EDISON MANHOLE	Ⓜ
INVERT ELEVATION	I.E.	WATER/GAS SHUT OFF	Ⓜ
GAS MAIN	—g—	FIRE HYDRANT	Ⓜ
WATERMAIN	—w—	UTILITY POLE	Ⓜ
STORM SEWER	—s—	SOIL BORING	Ⓜ
SANITARY SEWER	—ss—	SEPTIC TANK	Ⓜ
OVERHEAD WIRES	—oh—	WELL	Ⓜ
1" WATER SERVICE	—ws—	POLE OR POST	Ⓜ
6" SANITARY LEAD	—sl—	MAILBOX	Ⓜ
PROP. SUMP LEAD	—sump—	SIGN	Ⓜ
FENCE	—f—	LIGHT	Ⓜ
PROP. ELEVATION	Ⓜ	DECIDUOUS TREE	Ⓜ
EX. SPOT ELEVATION	Ⓜ	DRIP EDGE	Ⓜ
RECORDED DISTANCE	R.	EVERGREEN TREE	Ⓜ
MEASURED DISTANCE	M.	FLAGPOLE	Ⓜ
SET IRON	S.I.	HANDICAPPED STALL	Ⓜ
FOUND IRON	F.I.	GUYWIRE	Ⓜ
FOUND CONC. MON.	F.C.M.	EX. GAS PUMP	Ⓜ
POINT OF BEGINNING	P.O.B.	GAS MARKER	Ⓜ
TOP OF PIPE	T/P	MONITORING WELL	Ⓜ
TOP OF CURB	T/C	SECTION CORNER	Ⓜ
GUTTER	G	UTILITY PEDESTAL	Ⓜ
		CULVERT	Ⓜ

LEGAL DESCRIPTION

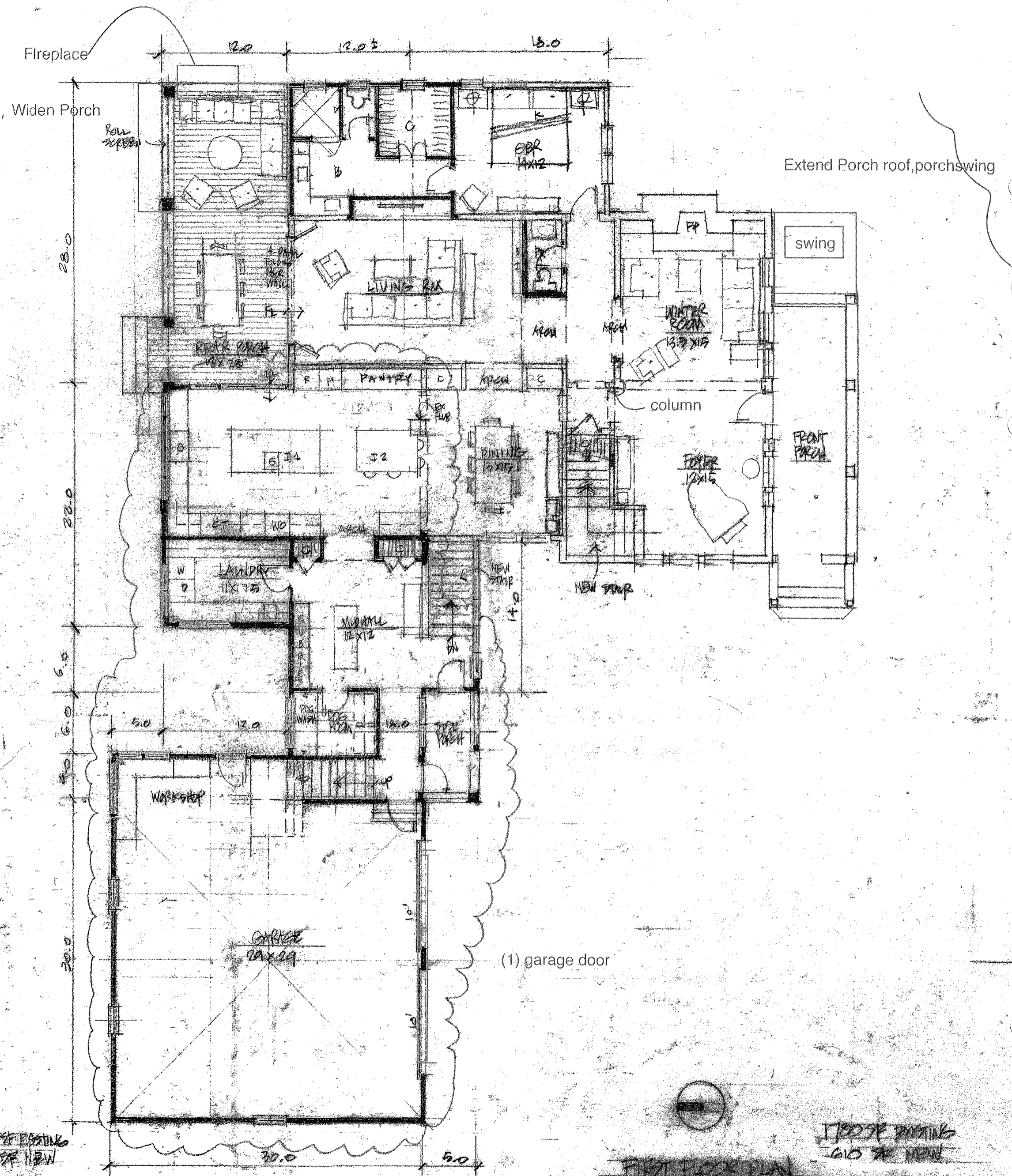
PART OF THE SOUTHWEST 1/4 OF SECTION 27, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:
 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 27; THENCE S. 89° 44' 00" E. 830.23 FEET ALONG THE SOUTH LINE OF SAID SECTION 27 SAID LINE ALSO BEING THE CENTERLINE OF NINE MILE ROAD (120 FEET WIDE) TO A CORNER OF **DUNBARTON PINES SUB'N** NO. 1 AS RECORDED IN LIBER 164 OF PLATS, PAGES 40, 41 AND 42, OAKLAND COUNTY RECORDS TO THE POINT OF BEGINNING; THENCE ALONG SAID DUNBARTON PINES SUB'N NO. 1 THE NEXT THREE (3) BEARINGS AND DISTANCES 1) N. 01° 15' 00" E. 436.00 FEET, 2) S. 89° 44' 00" E. 200.00 FEET AND 3) S. 01° 15' 00" W. 436.00 FEET TO A POINT ON SAID SOUTH LINE OF SAID SECTION 27; AND THENCE N. 89° 44' 00" W. 200.00 FEET ALONG SAID SOUTH LINE OF SECTION 27 TO THE POINT OF BEGINNING, CONTAINING 2.002 ACRES OF LAND, MORE OR LESS. SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTH 60 FEET FOR NINE MILE ROAD (120 FEET WIDE). ALSO SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD, IF ANY.

FILE NO.: 771-002	DWG. NO.: 771-002TOPO
DESIGNED BY: XXX	SHEET No.
DRAWN BY: BGW	1-1
CHECKED BY: G.L.A.	
SCALE: 1" = 40'	

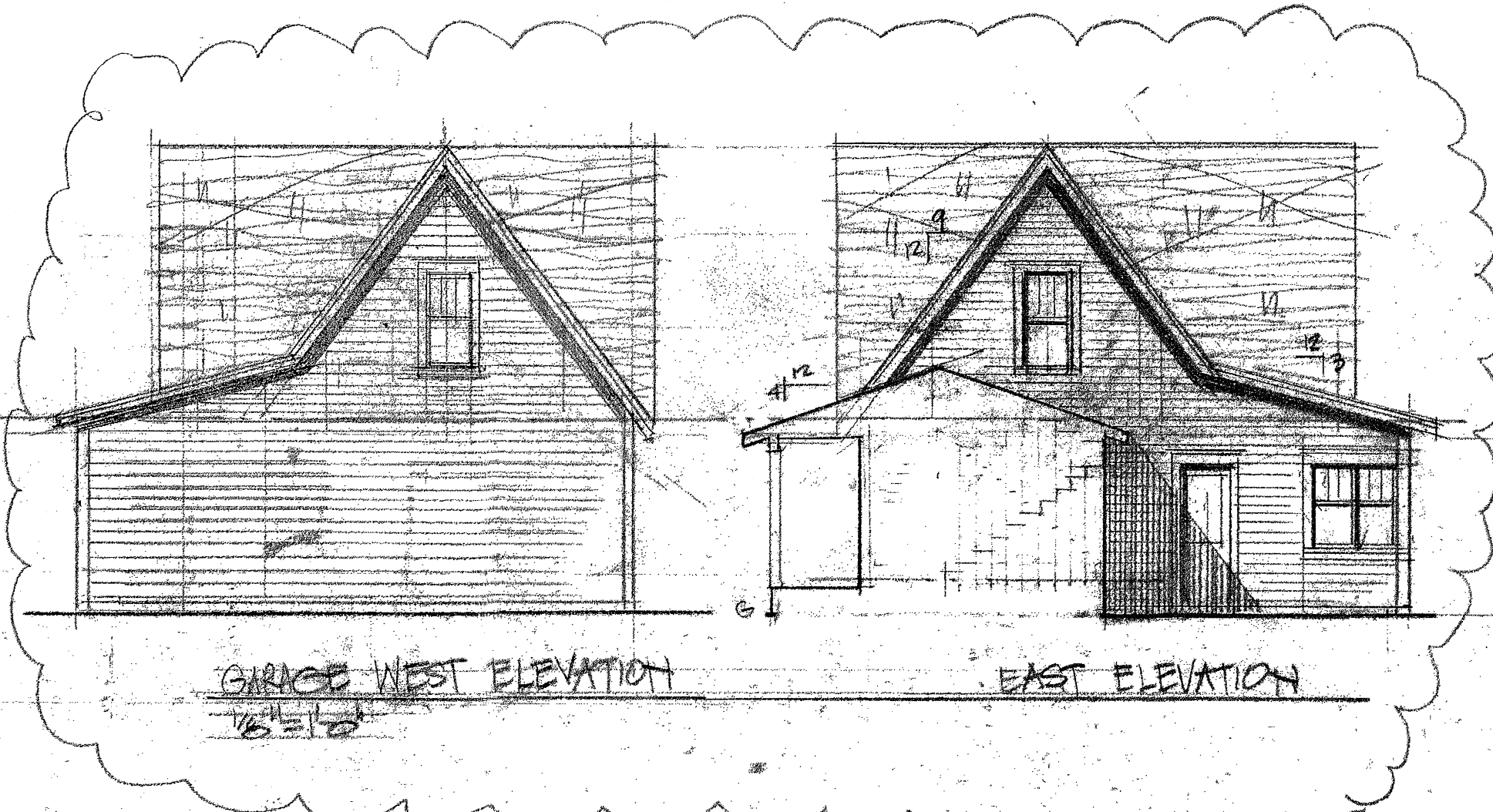
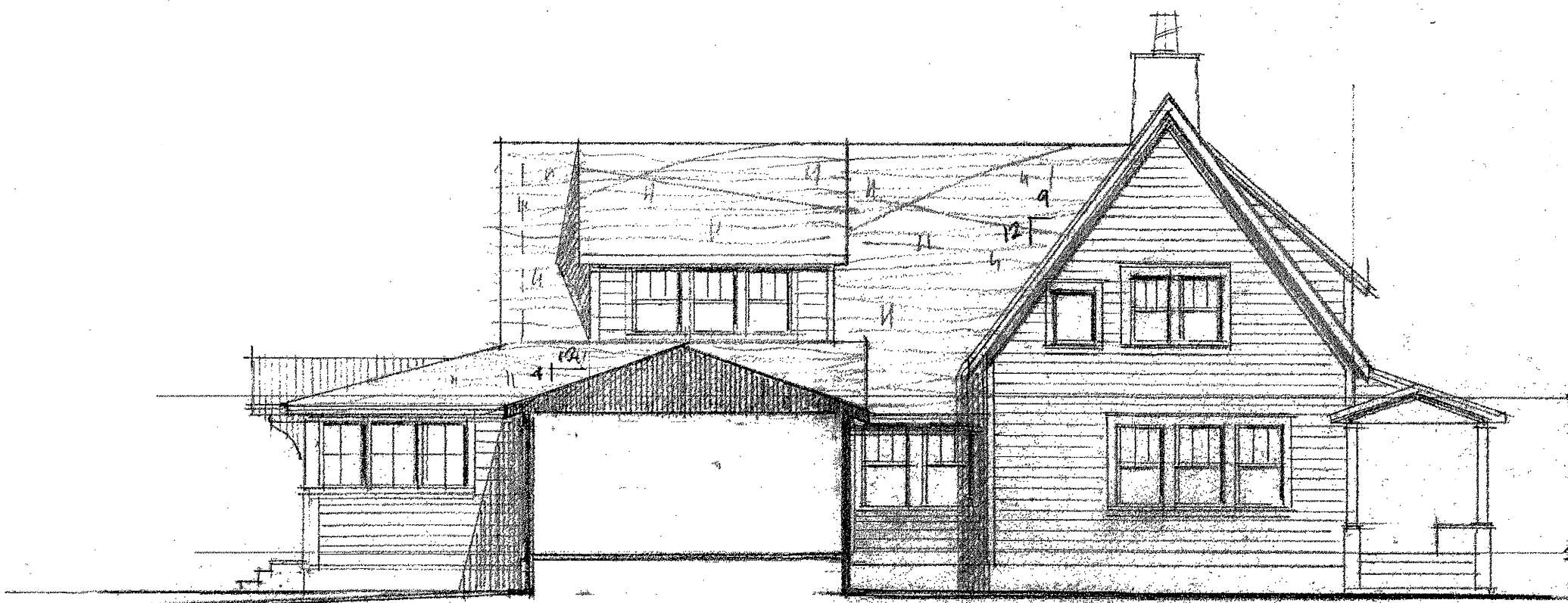




999 SF EXISTING
 457 SF NEW
 1540 SF
 PLUS 690 SF APARTMENT

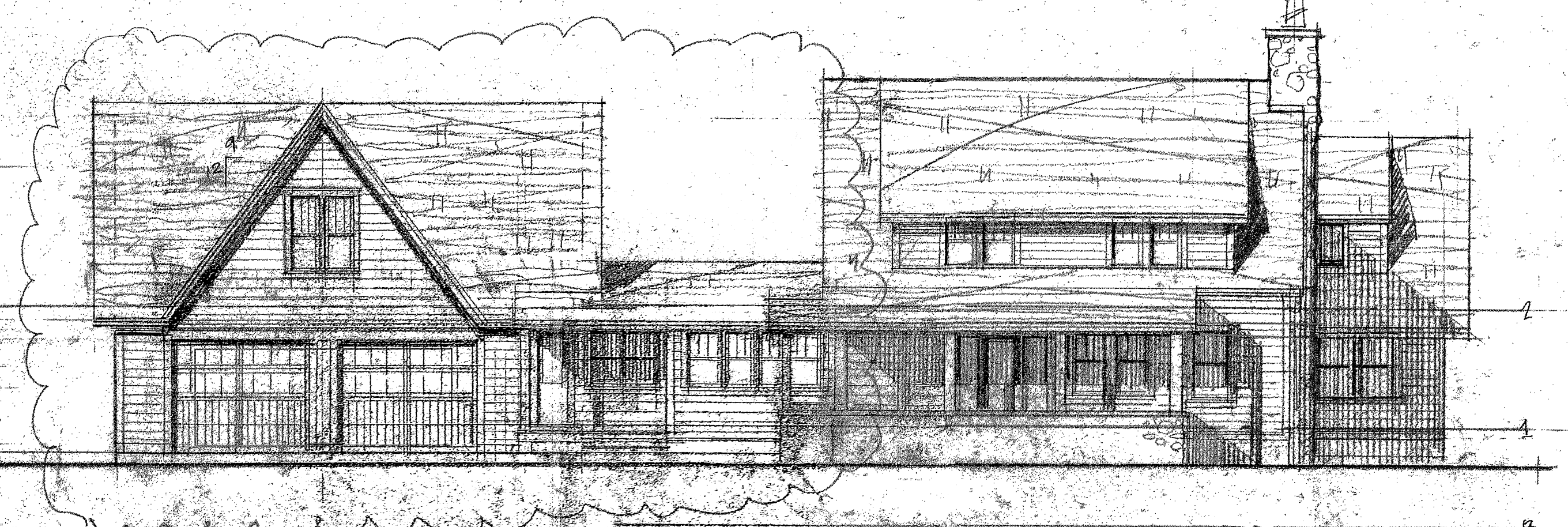


1700 SF EXISTING
 610 SF NEW
 2310 SF
 (1-30-21)



GARAGE WEST ELEVATION
1/5/10

EAST ELEVATION



SOUTH ELEVATION
1/5/10
12.22.10
(R 1.20.21)



EAST ELEVATION

12.22.20



NORTH ELEVATION

12.22.20

12.22.20
1.20.21





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