



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 14, 2020

REGARDING: 26181 Mandalay Circle, Parcel # 50-22-16-300-086 (PZ20-0021)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Maen Jabboori

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of Beck Road and North of Eleven Mile Road
Parcel #:	50-22-16-300-086

Request

The applicant is requesting variances from the Novi Zoning Ordinance Section 3.1.2 for a 14 foot variance for a proposed 21 foot rear yard setback, 35 feet required by code and a 10 foot variance for the 30 foot aggregate total side yard setbacks, 40 feet required. Section 4.19.E-iii for a variance of 890 square feet for a proposed 1890 square feet of garage space, 1000 square feet of garage space allowable by code. These variances will accommodate the building of a proposed second garage and portico. This property is zoned Single Family Residential (R-1).

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. **PZ20-0021**, 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. **PZ20-0021**, 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)				Application Fee: _____	
PROJECT NAME / SUBDIVISION <i>PORTRICO HERE ADDITION</i>				Meeting Date: _____	
ADDRESS <i>26181 MANDALAY CIRCLE</i>		LOT/SIUTE/SPACE # <i>31</i>		ZBA Case #: PZ _____	
SIDWELL # <i>50-22-16-300-086</i>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <i>BECK AND 11 MILE</i>					
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 checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <i>M.SABBORI@YAHOO.COM</i>		CELL PHONE NO. <i>248-640-0118</i>	
NAME <i>MAEN SABBORI</i>		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS <i>26181 MANDALAY CIRCLE</i>		CITY <i>NOVI</i>		STATE <i>MI</i>	ZIP CODE <i>48376</i>
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 <i>SAME</i>		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS		CITY		STATE	ZIP CODE
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input checked="" 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. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <i>3.1.2</i>		Variance requested <i>BUILD WITH FN SETBACK</i>		<i>REAR REQUIRE 20 FT</i>	
2. Section <i>3.1.2</i>		Variance requested <i>NETO TOTAL AGGREGATE OF 26 FT</i>			
3. Section <i>4.19 E-(iii)</i>		Variance requested <i>INCREASE ALLOWABLE GARAGE SQF INCREASE</i>		<i>1500</i>	
4. Section _____		Variance requested _____		<i>TOTAL OF SQF 3100</i>	
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 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


Applicant Signature

5-18-20
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



Community Development Department
45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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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:

CURRENT SET BACKS INTERFERE CONSTRUCTION NEEDS

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).

NEED ADDITIONAL PARKING

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 CURRENT SET BACKS WILL NOT ALLOW CONSTRUCTION

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.

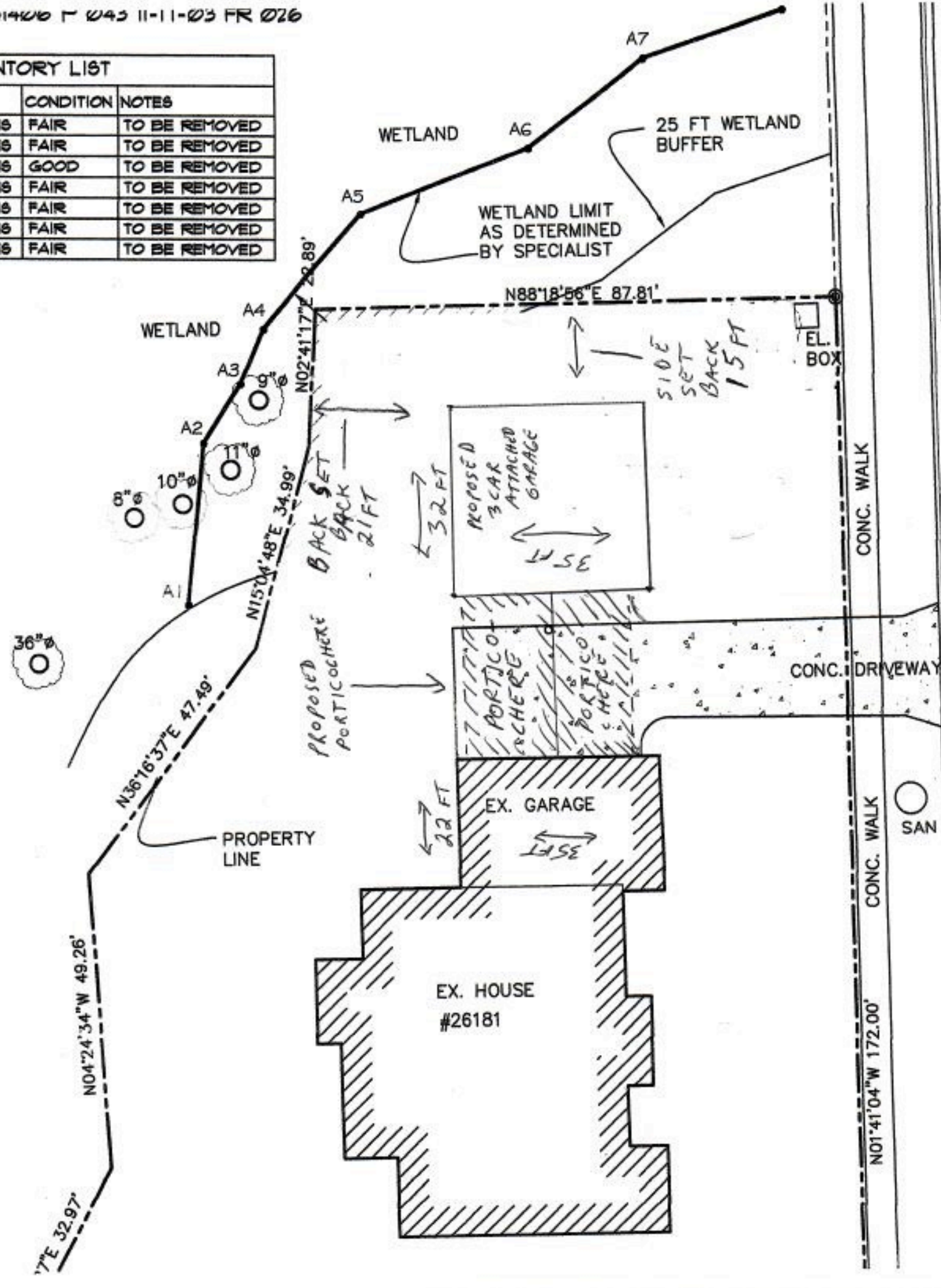
I WOULD NEED 15 FT SIDE SET BACK
AND 20 FT BACK YARD SET BACK

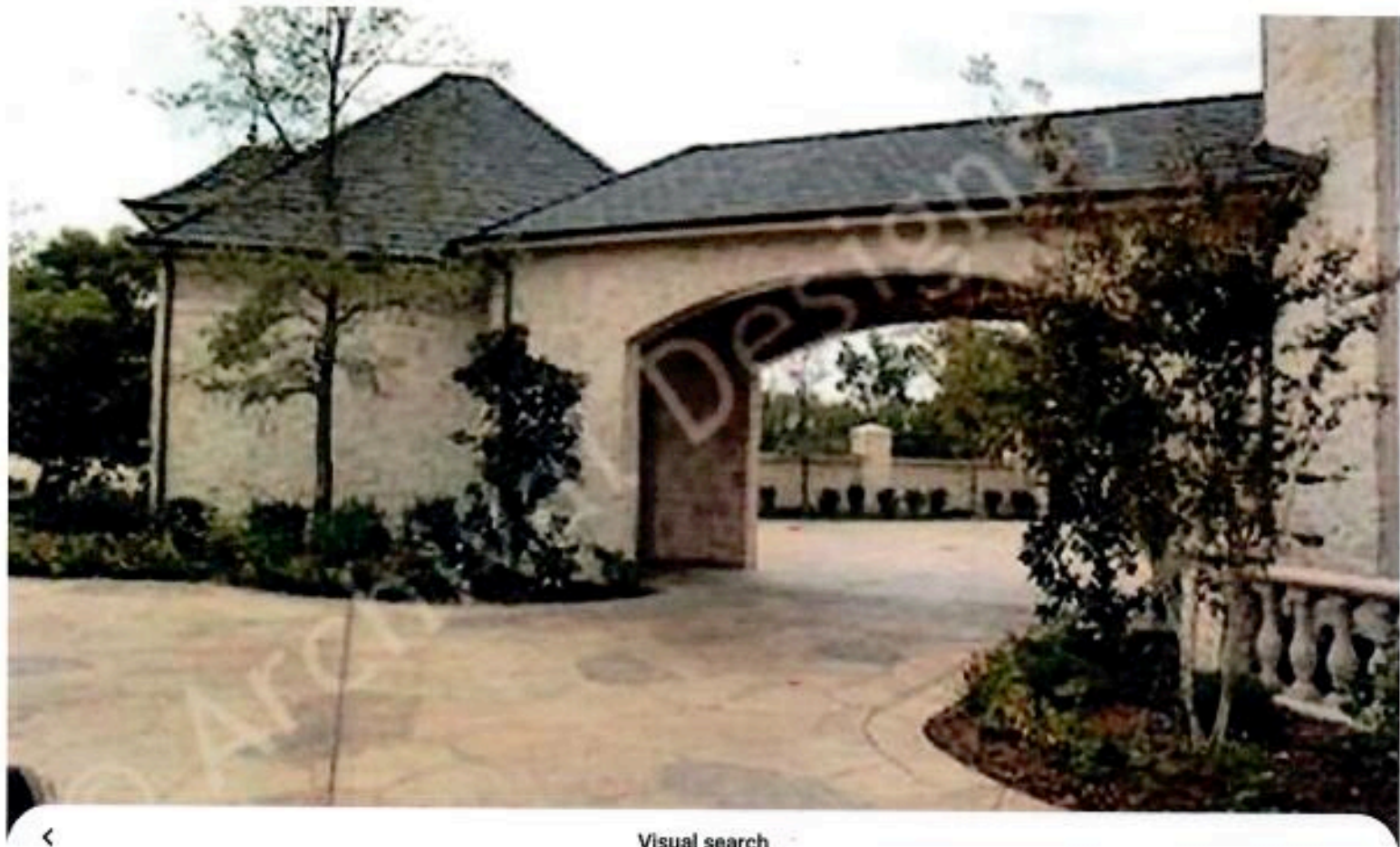
Standard #5. Adverse Impact on Surrounding Area.

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 WOULD INCREASE PROPERTY VALUE
TO HOME AS WELL AS SURROUNDING HOMES.

INVENTORY LIST		
	CONDITION	NOTES
POUS	FAIR	TO BE REMOVED
POUS	FAIR	TO BE REMOVED
POUS	GOOD	TO BE REMOVED
POUS	FAIR	TO BE REMOVED
POUS	FAIR	TO BE REMOVED
POUS	FAIR	TO BE REMOVED
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Visual search

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 Architectural Styles

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RELATED IMAGES



**ASBURY PARK ASSOCIATION
ALTERATION/MODIFICATION REQUEST**

DATE 5-18-20 UNIT NO. 31
Owner Name JULYA SABBOCKT / MAEN SABBOCKT
Owner Address 26181 MANDALAY CIRCLE
Owner Home Phone 248-640-0118 Business Phone _____

REQUESTED MODIFICATIONS

- Exterior Appearance Landscaping
 Structural
 Other _____

EXPLANATION OF MODIFICATIONS

Please note that you **MUST** submit a drawing for any modification which requires same such as a landscaping modification, etc. The drawing should be on a site plan and the scale should be 1/2" = one (1) foot. Please list sizes and materials to be used.

ADD 3 CAR PORTICOCHERE STYLE GARAGE
TO HOME AND WIDEN DRIVEWAY

This work will be performed by: LICENSED BUILDER
(List address and phone if outside contractor is to be used.) _____

PLEASE READ THE FOLLOWING CAREFULLY BEFORE SIGNING:

1. Actual construction will be performed by a licensed builder who is insured. All applicable codes and regulations will be followed and all necessary permits will be obtained at my/our expense.
2. I/we have read all applicable sections of the Bylaws and I/we understand same.
3. All maintenance of this Alteration/Modification will be performed at my/our expense.
4. I/we understand that, should any legal, regulatory agency require, at any time in the future, modifications to this variance, they will be done at my/our expense.
5. Windows/garage doors will require detailed specifications which must include style, color, material, etc.

ALTERATION/MODIFICATION REQUEST

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6. Any maintenance costs incurred by the Association, as a result of this variance will be at my/our expense.
7. This alteration/variance/modification is subject to all the requirements of the Bylaws, occupancy agreements and other applicable regulations at the Board of Directors' discretion.
8. Co-owner agrees that all future maintenance, repair and replacement is at cost of the co-owner.
9. I/we understand that it is my/our responsibility to advise future assigns and/or owners of the unit of this modification and of their responsibility for same.
10. All of the above information is truthful and accurate.

**NO WORK SHALL COMMENCE
UNTIL WRITTEN APPROVAL IS RECEIVED**

5-18-20
Date

[Signature]
Signature of Homeowner

5-18-20
Date

[Signature]
Signature of Homeowner

RETURN COMPLETED FORM TO:

ASBURY PARK ASSOCIATION
c/o **KRAMER-TRIAD MANAGEMENT GROUP, L.L.C.**
40000 Grand River, Ste. 100
Novi, MI 48375
248-888-4700 Office 248-888-4721 Fax

Approved by _____ Date _____