



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: November 9, 2021

REGARDING: 47645 Bellagio Drive, Parcel # 50-22-32-278-031 (PZ21-0070)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Moiseev/Gordon Associates, Inc

Variance Type

Dimensional Variance

Property Characteristics

| | |
|------------------|--|
| Zoning District: | Residential Acreage |
| Location: | West of Beck Road and North of Eight Mile Road |
| Parcel #: | 50-22-32-278-031 |

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.1 for a side yard setback of 15 feet (20 feet minimum required, variance of 5 feet) and Section 4.19.1.E(i) for a total of 1,157 square feet of accessory structure space (maximum of 1500 square feet allowed by code, variance of 721 square feet). These variances would accommodate the building of a pool house and lounge addition. 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. **PZ21-0070**, 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. **PZ21-0070**, 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

SEP 30 2021

APPLICATION MUST BE FILLED OUT COMPLETELY

| | | | | | |
|--|--|--|--|--|--------------------------|
| I. PROPERTY INFORMATION (Address of subject ZBA Case) | | | | CITY OF NOVI COMMUNITY DEVELOPMENT Application Fee: <u>200</u> | |
| PROJECT NAME / SUBDIVISION HAMADE POOL HOUSE & LOUNGE ADDITION | | | | Meeting Date: <u>11-9-21</u> | |
| ADDRESS 47645 BELLAGIO | | LOT/SIUTE/SPACE # | | ZBA Case #: <u>PZ 21-0070</u> | |
| SIDWELL # 50-22-32-278-031 | | May be obtain from Assessing Department (248) 347-0485 | | | |
| CROSS ROADS OF PROPERTY OFF BECK ROAD | | | | | |
| 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 | | | | | |
| II. APPLICANT INFORMATION | | | | | |
| A. APPLICANT | | EMAIL ADDRESS michael.g@mga-architects.net | | CELL PHONE NO. 248.318.2919 | |
| NAME MICHAEL J. GORDON | | | | TELEPHONE NO. 248.549.4500 | |
| ORGANIZATION/COMPANY MOISEEV / GORDON ASSOCIATES, INC ARCHITECTS | | | | FAX NO. 248.549. | |
| ADDRESS 4351 DEVERERE COURT | | CITY ROYAL OAK | | STATE MI | ZIP CODE 48073 |
| B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER | | | | | |
| Identify the person or organization that owns the subject property: | | EMAIL ADDRESS hani.hamade@gmail.com | | CELL PHONE NO. 313.610.1666 | |
| NAME HANI & MIBA HAMADE | | | | TELEPHONE NO. NA | |
| ORGANIZATION/COMPANY | | | | FAX NO. NA | |
| ADDRESS 47645 BELLAGIO DR. | | CITY NOVI | | STATE MI | ZIP CODE 48167 |
| III. ZONING INFORMATION | | | | | |
| A. ZONING DISTRICT | | | | | |
| <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. VARIANCE REQUESTED | | | | | |
| INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED: | | | | | |
| 1. Section <u>4.19Eiii</u> Variance requested <u>FROM 1,500 SF ALLOWED TO 2,221 - 721 SF REQ</u> | | | | | |
| 2. Section <u>3.1.1.E</u> Variance requested <u>SIDE SET BACK REQ'D 15'-0" REQ'D 10'-0" - 5'-0" REQ'D TO BE WITH'D</u> | | | | | |
| 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 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 | | | | | |



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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 LOT IS A UNIQUE WEDGE SHAPE THAT NARROWS TO THE REAR TO A DIMENSION OF ONLY 41.26' CREATING A WEDGE SHAPED BUILDING ENVELOPE. FURTHER, THE HOUSE IS NOT CENTERED ON THE LOT MAKING AN ADDITION CHALLENGING TO ALIGN WITH EXISTING FOUNDATIONS

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:

THE LOT HAS A STEEP GRADIENT TO THE REAR THAT ALSO SLOPES ACROSS THE BACK OF THE HOME MAKING THE CONSTRUCTION OF AN ADDITION THAT MUCH MORE CHALLENGING

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).

THE UNIQUE SHAPE OF THE LOT DEMANDS MAKES IT A CHALLENGING SITE TO ADD ON TO. ALSO LOOKING AT LOT COVERAGE THE PROPOSED DESIGN ONLY TAKES IT UP TO 14.6% WELL BELOW THE ALLOWED 25%.

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 LOT SHAPE, GRADIENT AND POSITION OF THE HOME ALL MAKE IT A DIFFICULT PROPERTY TO EXPAND. A CONFORMING ADDITION WOULD EITHER BE AN ODD SHAPE OR CONNECT TO THE HOME IN AN UNDESIRABLE LOCATION FOR THE INTENDED USE. FURTHER, THE POOL HOUSE IF ATTACHED TO THE HOME WOULD CONFORM BUT BECAUSE OF THE GRADE CHANGE THE POOL NEEDS TO BE PLACED FAR FROM THE HOME, SO A DETACHED / FREE STANDING POOL HOUSE SERVES THE POOL BETTER AND SCREENS THE EQUIPMENT.

Standard #4. Minimum Variance Necessary.

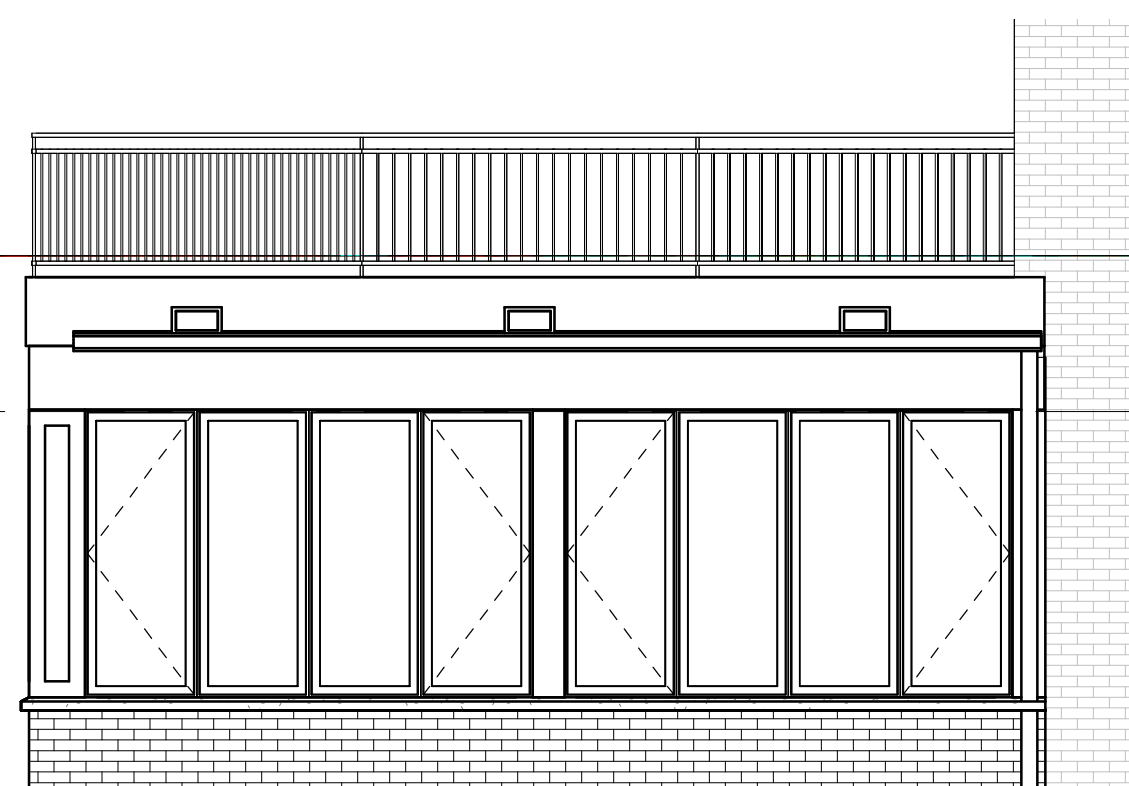
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

THE ROOM NEEDS TO BE FUNCTIONAL AND GIVEN THE GRADE CHANGE IT'S THE LOGICAL PLACE TO ATTACH A SINGLE STORY, FLAT ROOFED ADDITION. THE GRADIENT ALSO PLACES THE ADDITION LOW ON THE SITE OUT OF THE VIEW OF THE ADJOINING PROPERTY OWNERS.

Standard #5. Adverse Impact on Surrounding Area.

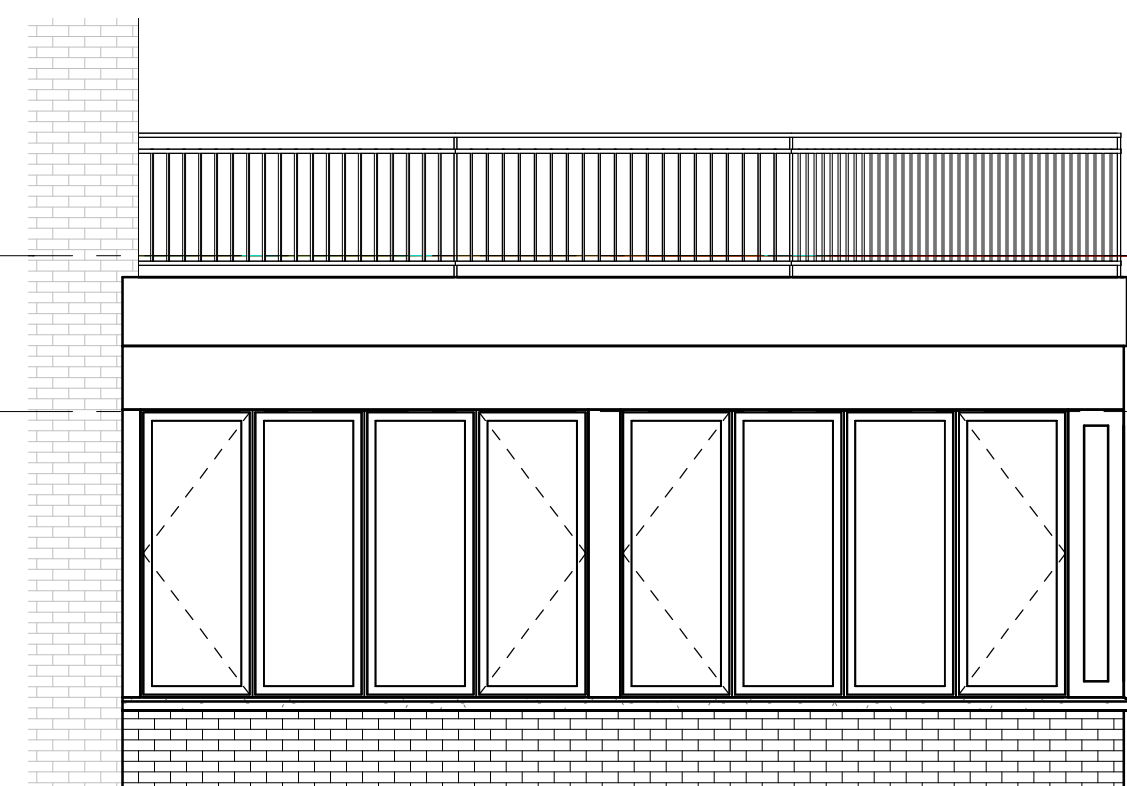
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

THE TWO VARIANCES REQUESTED WILL HAVE NO ADVERSE IMPACT ON SURROUNDING PROPERTY OWNERS. THE ADDITION AS NOTED SITS LOW ON THE SITE OUT OF VIEW OF THE NEIGHBORS AND IS EASILY SCREENED FURTHER WITH LANDSCAPING. FURTHER, IT WAS NOTED THE ADDITION AND POOL HOUSE DOES IT EVEN COME CLOSE TO THE ALLOWED LOT COVERAGE, AND AS NOTED IF THE POOL HOUSE WERE ATTACHED TO THE HOME IT WOULD BE ALLOWED, BUT WOULD NOT SERVE THE POOL WELL DUE TO ITS PLACEMENT BECAUSE OF GRADE. THESE ADDITIONS WOULD ONLY ENHANCE ADJOINING PROPERTIES ADDING TO THE VALUE OF THE HOME IN THE NEIGHBORHOOD.



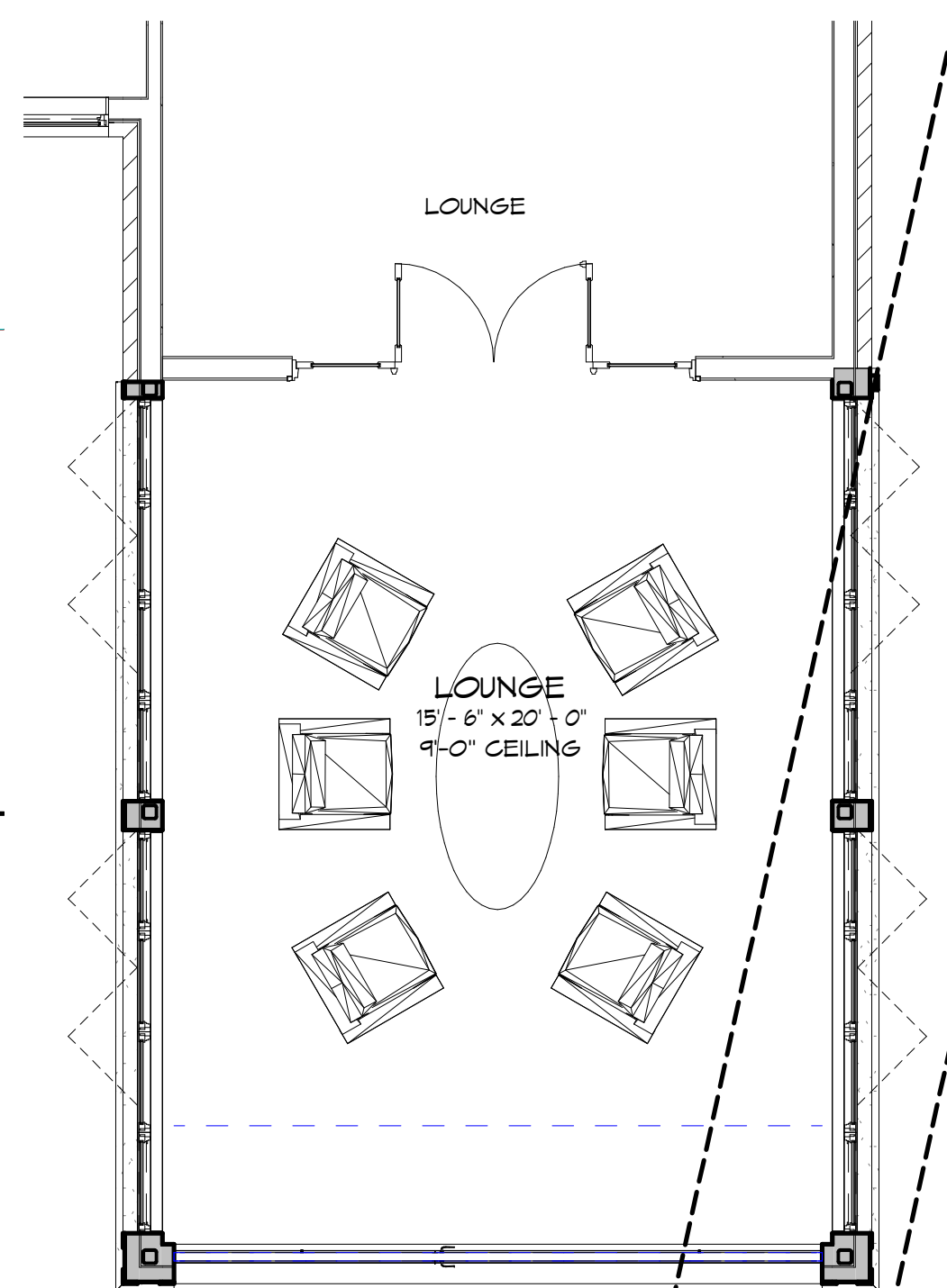
Lounge Right Elevation

Scale: 1/4" = 1'-0"



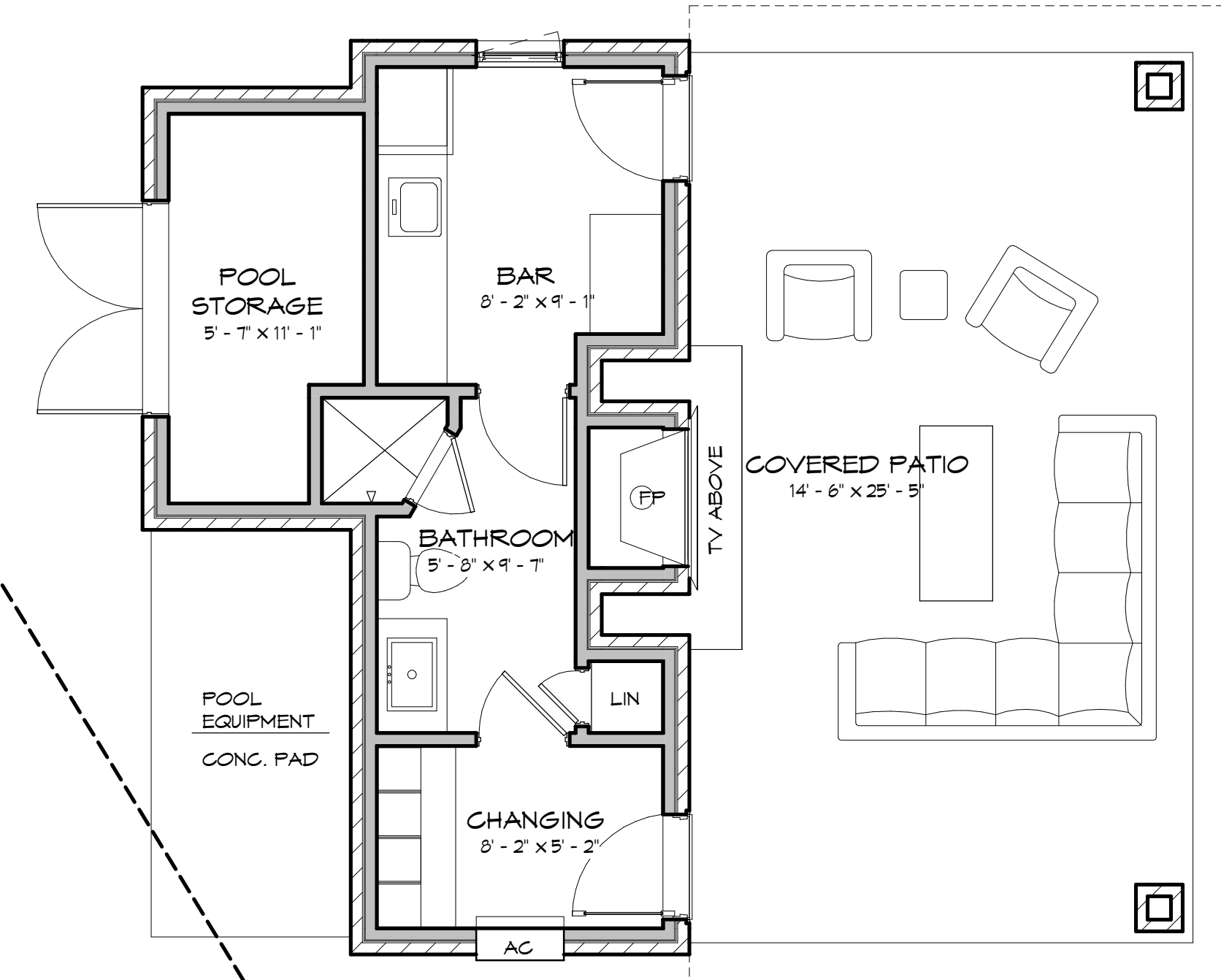
Lounge Left Elevation

Scale: 1/4" = 1'-0"



Lounge

Scale: 1/4" = 1'-0"

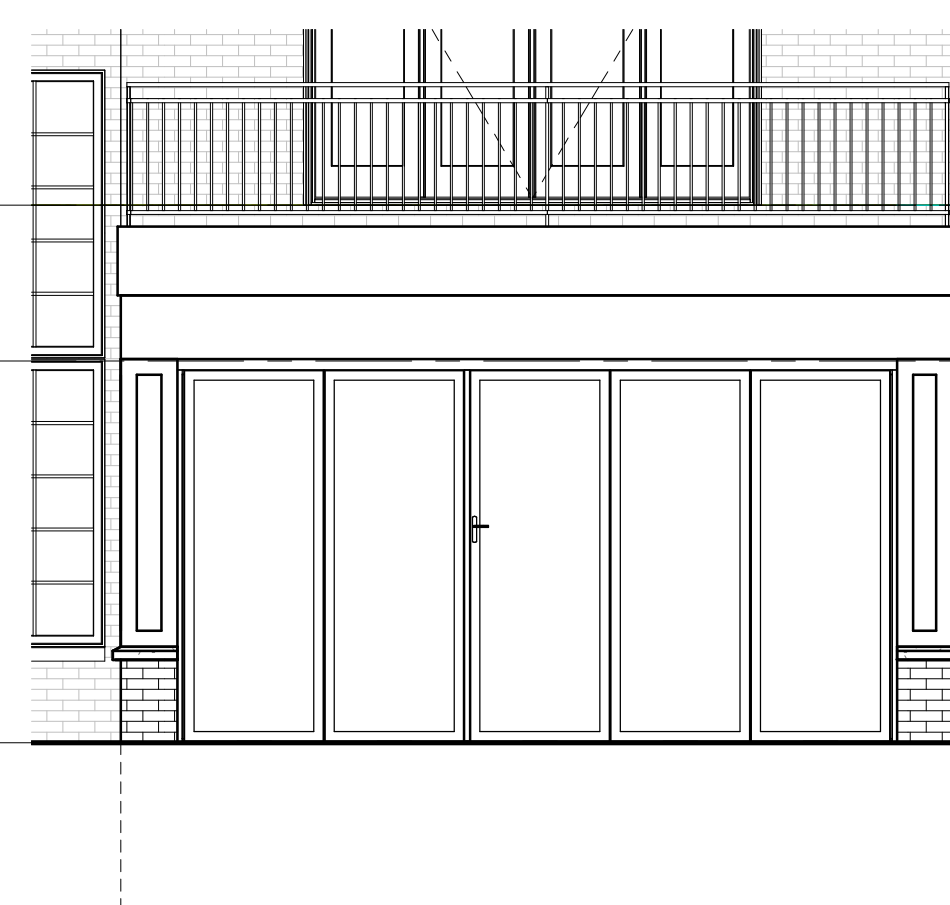


Pool House

Scale: 1/4" = 1'-0"

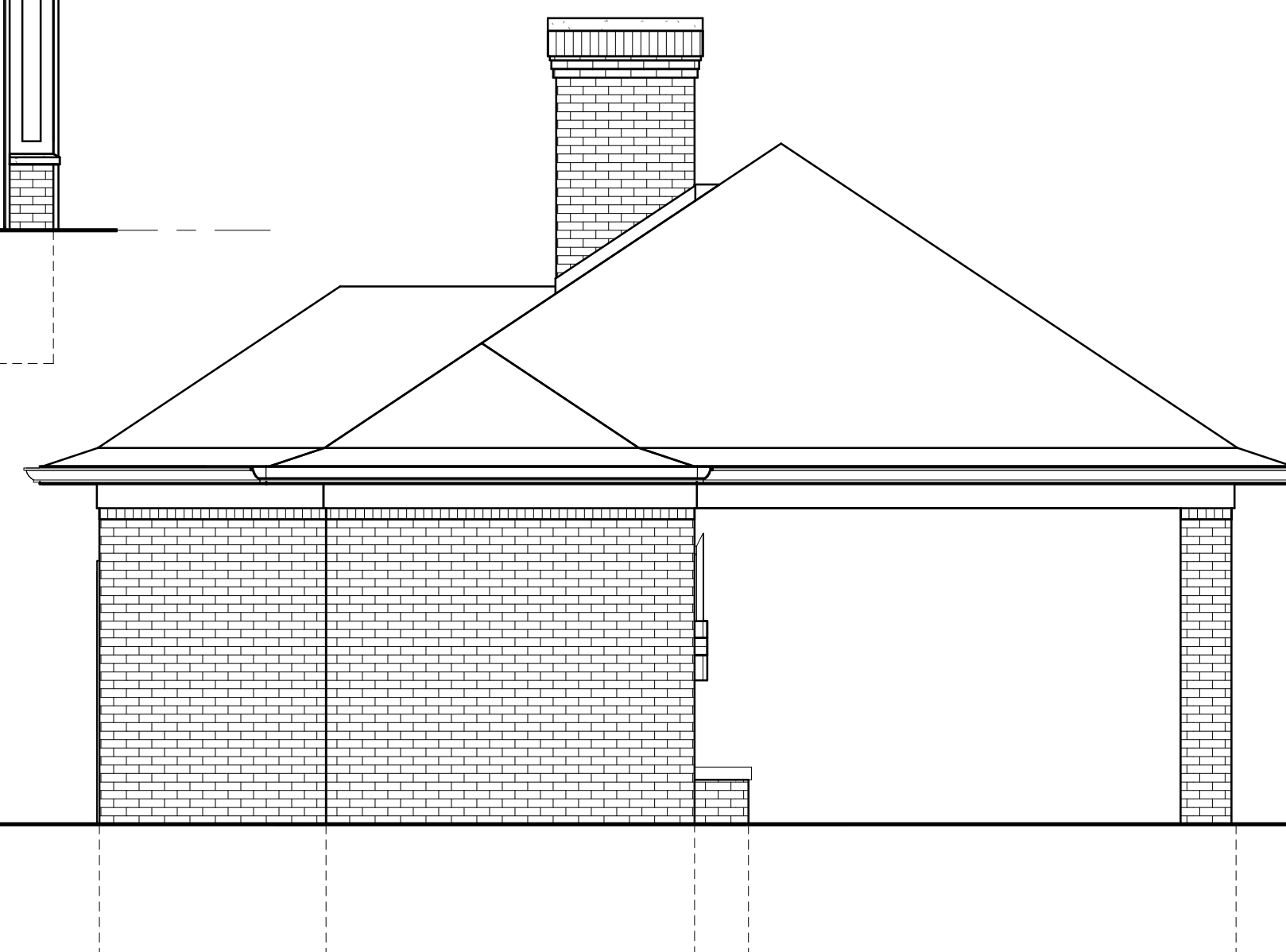


Lounge Rendering



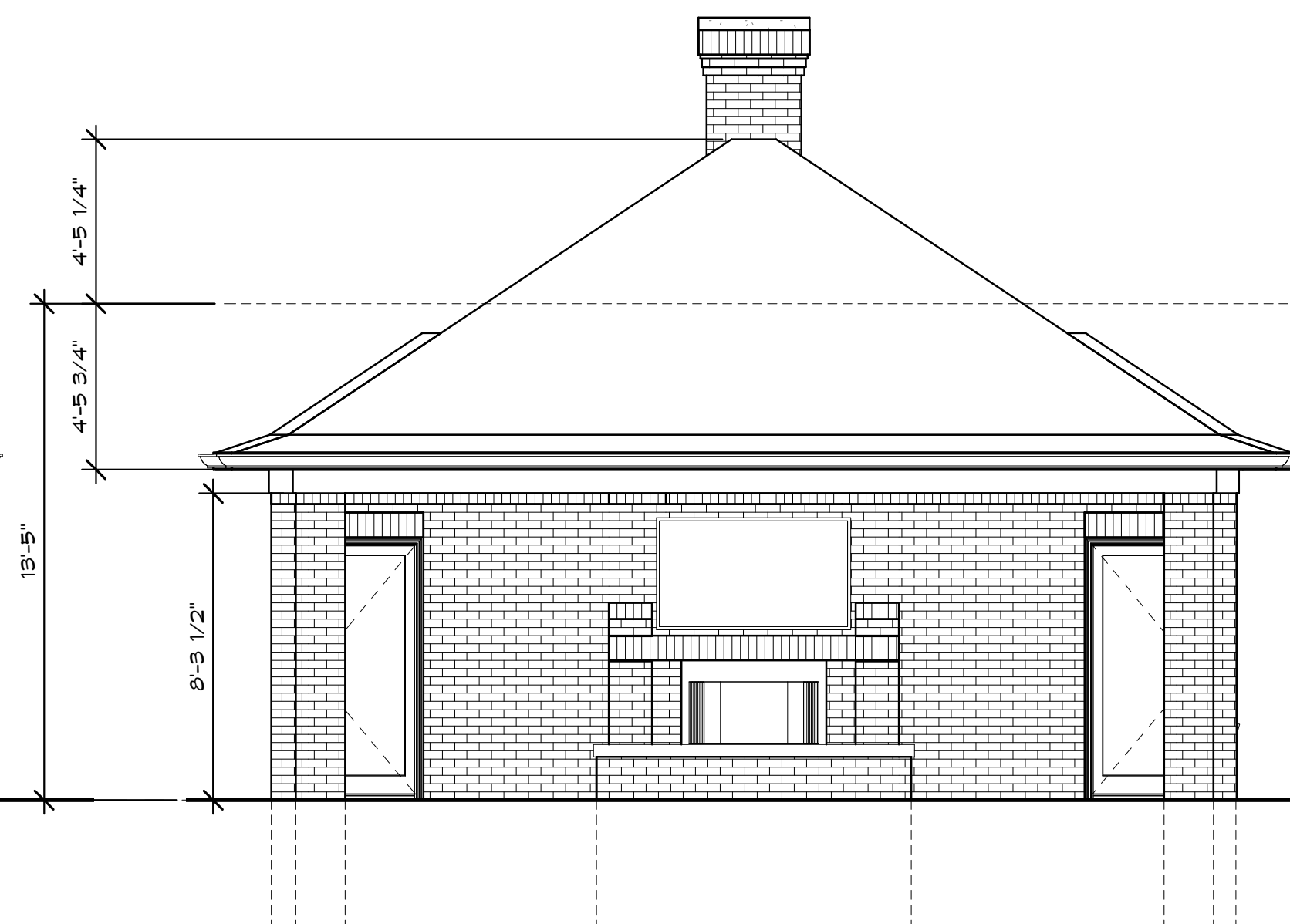
Lounge Rear Elevation

Scale: 1/4" = 1'-0"



Pool House Left Elevation

Scale: 1/4" = 1'-0"

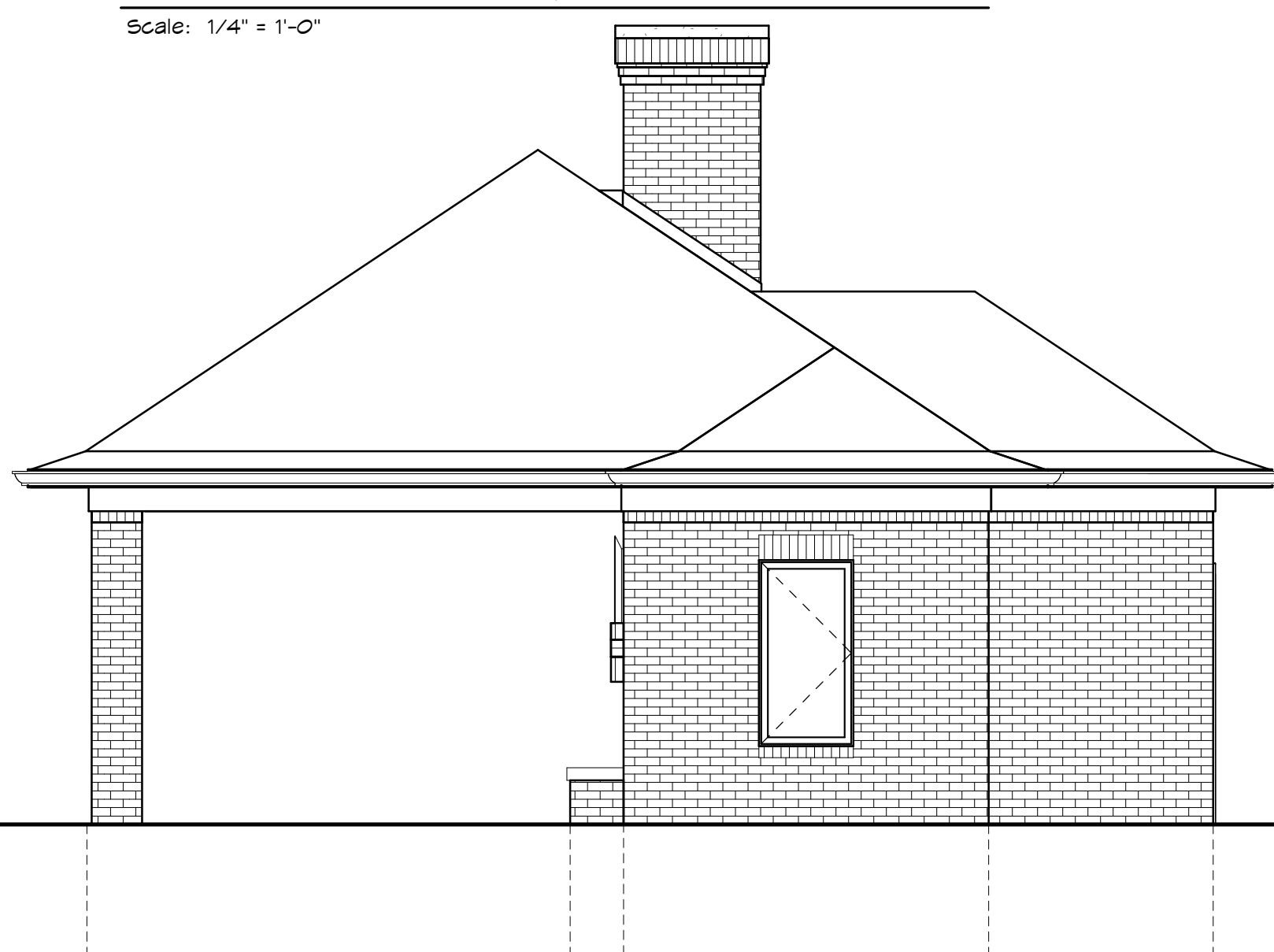


Pool House Front Elevation

Scale: 1/4" = 1'-0"

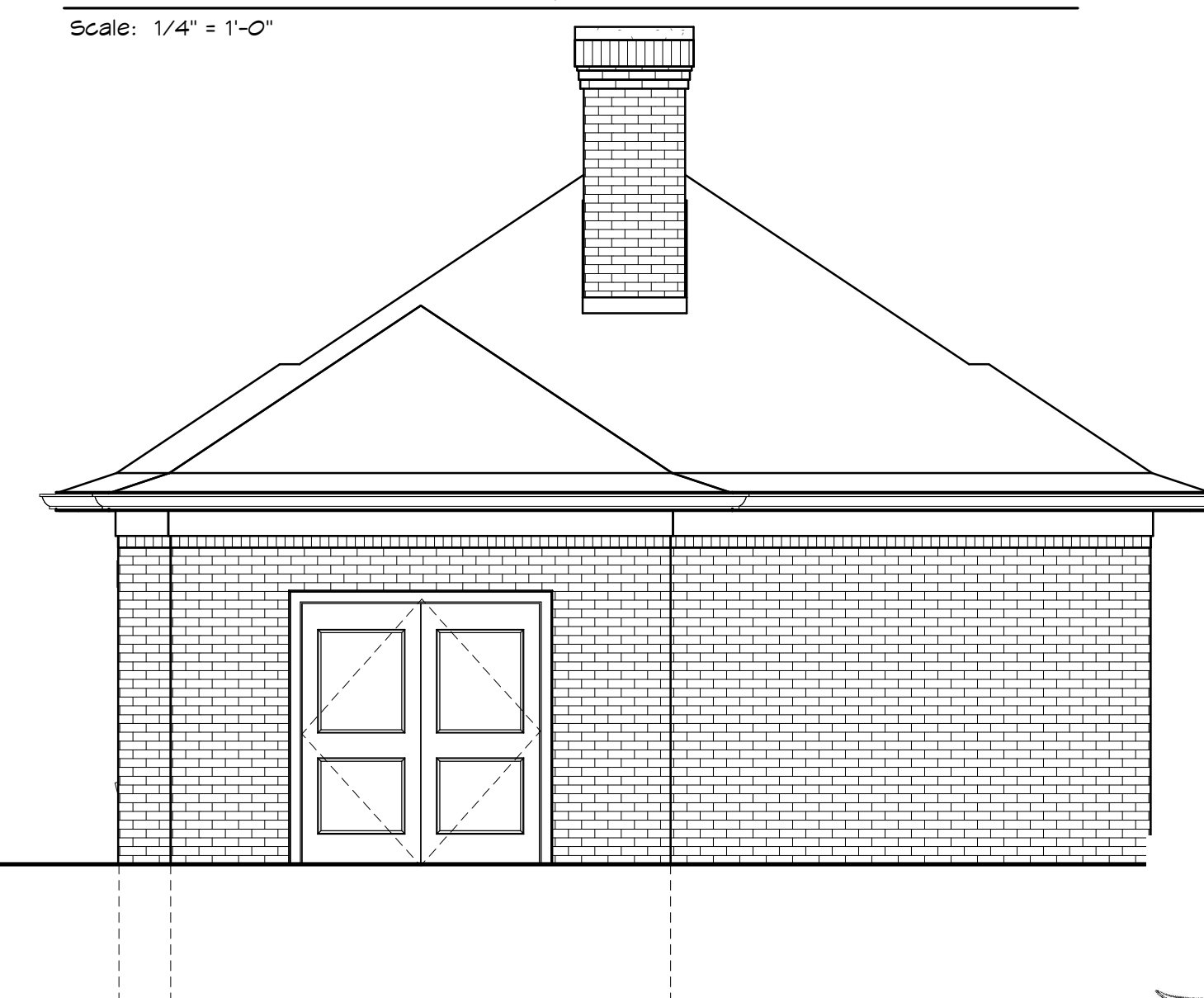


Pool House Rendering



Pool House Right Elevation

Scale: 1/4" = 1'-0"



Pool House Rear Elevation

Scale: 1/4" = 1'-0"