



# 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: April 9, 2019

REGARDING: 42496 Thirteen Mile Rd, Parcel # 50-22-02-382-002 (PZ19-0010)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Mark and Karen Lustig

**Variance Type**

Dimensional

**Property Characteristics**

Zoning District:	Single Family Residential
Location:	West of Novi Road and North of Thirteen Mile Road
Parcel #:	50-22-02-382-002

**Request**

The applicant is requesting variance from the City of Novi Zoning Ordinance Section 5.1 to park a recreational vehicle over 6 feet tall in the side yard and extending 6 feet into the front yard. This property is zoned Single Family Residential (R-4).

### 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. **PZ19-0010**, 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. **PZ19-0010**, 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

FEB 25 2019

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: <u>\$ 200<sup>00</sup></u>	
PROJECT NAME / SUBDIVISION <u>Lakeview Hills</u>				Meeting Date: <u>April 9, 2019</u>	
ADDRESS <u>42496 13 Mile Rd.</u>		LOT/SUITE/SPACE # <u>#1 Lot G</u>		ZBA Case #: <u>PZ 19-0010</u>	
SIDWELL # <u>50-22-02-382-002</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>13 mile Rd. / Novi Rd.</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 <u>Verbal</u>					
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS <u>Kareninfloral@gmail</u>		CELL PHONE NO. <u>248-444-9889</u>	
NAME <u>mark J. Lustic / Karen A. Lustic</u>				TELEPHONE NO. <u>248-669-3709</u>	
ORGANIZATION/COMPANY <u>N.A.</u>				FAX NO. <u>N.A.</u>	
ADDRESS <u>42496 13 mile Rd.</u>		CITY <u>Novi</u>		STATE <u>mi</u>	ZIP CODE <u>48377</u>
<b>B. PROPERTY OWNER</b> <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 <u>Kareninfloral@gmail</u>		CELL PHONE NO. <u>248-444-9889</u>	
NAME <u>Mark J. Lustic / Karen A. Lustic</u>				TELEPHONE NO. <u>248-669-3709</u>	
ORGANIZATION/COMPANY <u>N.A.</u>				FAX NO. <u>N.A.</u>	
ADDRESS <u>42496 13 Mile Rd.</u>		CITY <u>Novi</u>		STATE <u>MI</u>	ZIP CODE <u>48377</u>
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" 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 <u>5.11</u> Variance requested <u>parking RV in side yard</u>					
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 5th Wheel Camper

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

Applicant Signature

*Karen A. Lewaty*

Date

2/25/19

### 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

*Karen A. Lewaty*

Date

2/25/19

## 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:

The home was built with a walkout basement. The downward slope from the front to the back is one full story. Can't park RV back there.  
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:

Adjacent to the back yard are natural wetlands. All the property run off goes there. There are also 3 large trees that would be disrupted.  
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).

Property was as is. Has not been changed since we took ownership.

## **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.

To tall for side yard. unable to park in back.

## **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.

our drive is more than 80 ft. Long. RV will be set back over 40 ft.

## **\* 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.

Only 6 feet of the camper extend beyond the front of the house. Height is lower than roof pitch  
Drive is approximately 80 feet long, our RV is 31 feet long, leaving approximately 50 feet away from the road not impacting neighboring property. See attached photos.

80.00

# 42496 Thirteen Mile

Woods of Novi

80.00  
80.00

80.00

80.00

80.00

22-02-382-001

150.00

22-02-382-002

150.00

22-02-382-003

150.00

22-02-382-004

80.00

80.00

80.00

80.00

Thirteen Mile Rd

Whitman Way

### 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 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.



1 inch = 47 feet



Map Print Date: 2/8/2019



## City of Novi

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# Zoned R4

## 42496 Thirteen Mile

2

Woods of Novi



1045.77

80.00

80.00

80.00

210.00

150.00

150.00

150.00

150.00

80.00

80.00

80.00

Length: 212 Feet  
See survey file for details

Thirteen Mile Rd

Whitman Way

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1 Inch = 47 feet



Map Print Date:  
2/8/2019



### City of Novi

45175 Ten Mile Rd  
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(A)



View of  
slope.

(B)



View from backyard toward  
drive.

©



View in  
backyard  
at top of  
slope.

(P)



Beyond ②  
pine trees is  
the wetland  
area.



E



F



G