



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:** March 15, 2016

REGARDING: Seba (PZ16-0005), Vacant lot west of Novi Road and north of Nine Mile Road

BY: Charles Boulard, Building Official

I. GENERAL INFORMATION:

Applicant

Waad Seba

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: R-4, One Family Residential District
Parcel #: 50-22-27-476-034

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance; Section 5.12 to allow creation of (2) new residential lots without frontage on a public street. The property is located west of Novi Road and north of Nine Mile Road.

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting approval to create 5 new lots created via lot splits on a parcel north of Cottisford Street with frontage on Novi Road. All of the lot would be accessed off a new private street. Three of the lots would have frontage (but not access) on Novi Road, but the two lots on the west side of the new private road would not have any frontage on a public street as required in the Zoning Ordinance for individual lots.

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. **PZ16-0005**, 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. **PZ16-0005**, 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) 347-0423.

Charles Boulard

Zoning Board Of Appeals

Seba

Case # PZ16-0005

Building Official

City of Novi

March 15, 2016

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FEB 03 2016

**ZONING BOARD OF APPEALS
 APPLICATION**

**CITY OF NOVI APPLICATION MUST BE FILLED OUT COMPLETELY
 COMMUNITY DEVELOPMENT**

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION Wades Way				Meeting Date: <u>3-15-16</u>	
ADDRESS Not Yet Assinged		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 16-0005</u>	
SIDWELL # 50-22-27 - 476 - 034		May be obtained from the Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY Cottisford Street and Novi Road					
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 checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <u>Wfara5@aol.com</u>		CELL PHONE NO. <u>248-640-4314</u>	
NAME <u>Waad Seba</u>				TELEPHONE NO. <u>248-851-7779</u>	
ORGANIZATION/COMPANY <u>Cottisford development LLC</u>				FAX NO.	
ADDRESS <u>28818 Greening</u>		CITY <u>Farmington Hills</u>		STATE <u>MI</u>	ZIP CODE <u>48334</u>
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 Mr. Wass Seba				TELEPHONE NO. 248-640-4314	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 28818 Greening		CITY Farmington Hills		STATE MI	ZIP CODE 48334
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input checked="" 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. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>5.12</u>		Variance requested		<u>Waiver of requirement which requires each lot to front a public street</u> for ARE	
2. Section <u>Article XII Sec. 11-276(b) & Sec. 11-279</u>		Variance requested		<u>Proposed sidewalk on one side of private drive rather than both sides of private drive.</u>	
3. Section _____		Variance requested		_____	
4. Section _____		Variance requested		_____	
IV. FEES AND DRAWINGS					
A. FEES					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input checked="" 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 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 schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be an 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 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.

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

Wood _____ 2-3-16 _____
Applicant Signature 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 conditions:

Chairperson, Zoning Board of Appeals Date



Community Development Department

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REVIEW STANDARDS
~~DIMENSIONAL VARIANCE~~
USE

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:

*Additional Lot Created per allowable lot split
Long narrow lot split with access from newly proposed
private road 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:

Lots are conforming to current zoning R4

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).

No dimensional variance requested

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.

No dimensional variance requested

Standard #4. Minimum Variance Necessary.

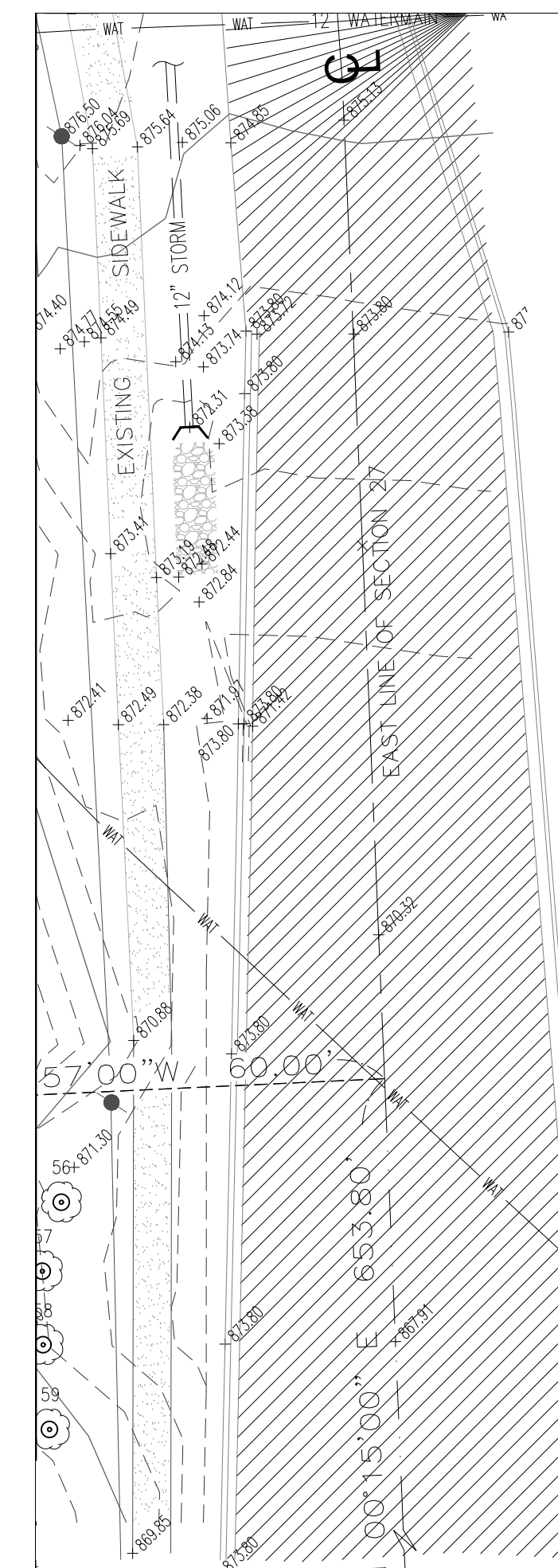
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

N/A

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.

N/A



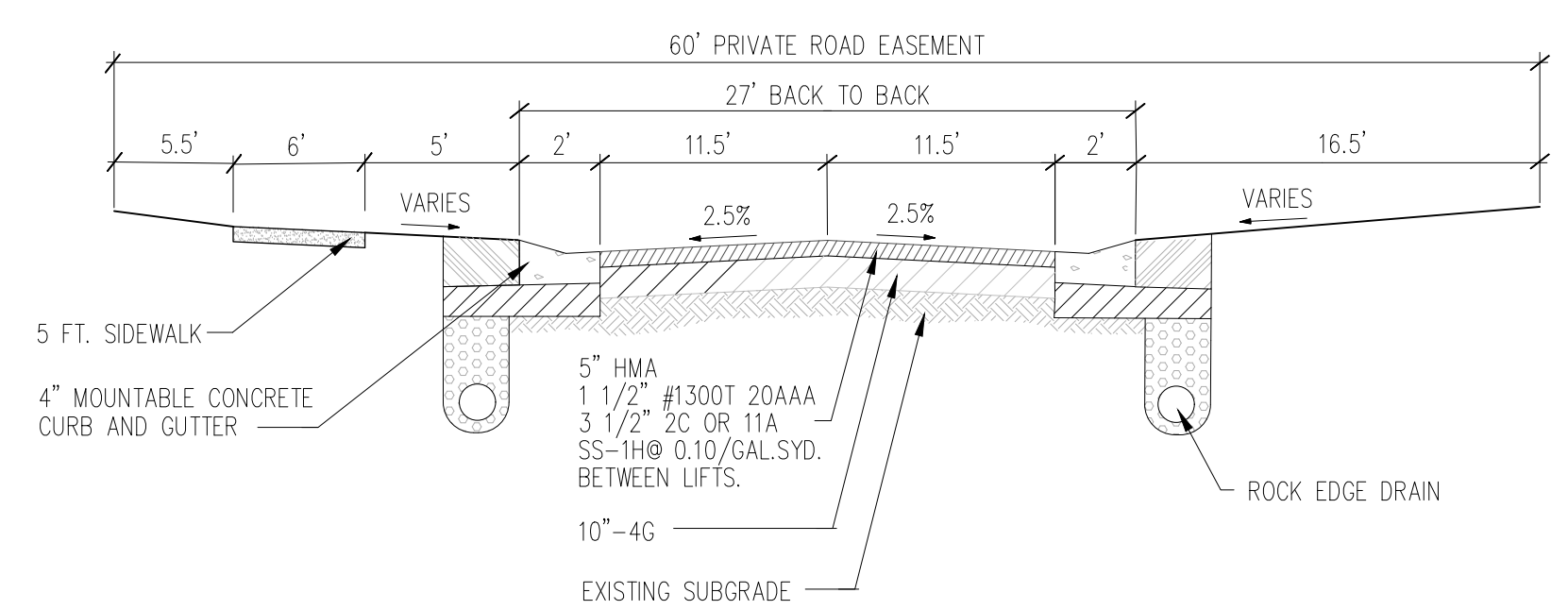
SOUTHEAST CORNER
SECTION 27 T.1N., R.8E.,
CITY OF NOVI

ELEVATION
PROPOSED FINISHED GRADE ELEVATION 00.00FG
DRAINAGE ARROW
EXISTING TREE w/ TAG 162

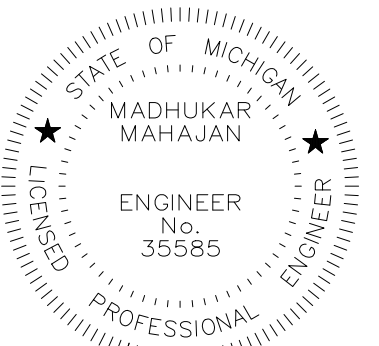
SITE DATA

AREA OF PROPERTY: 103,672 sqft (2.38 ACRE) ZONED: R-4
 MAXIMUM ALLOWABLE LOT COVERAGE: 25% MINIMUM LOT WIDTH: 80'
 SETBACKS:
 FRONT: 30'
 REAR: 35'
 SIDES: 25' TOTAL - 10' MINIMUM (20' PROVIDED)
 LOT COVERAGE (OVERALL): 16,955 / 103,672 * 100 = 16.35% < 25%

NO.	AREA OF PROPERTY	AREA OF STRUCTURE	% COVERAGE
UNIT 'A'	23,129 sq ft	3,040 sq ft	13.1%
UNIT 'B'	17,368 sq ft	3,040 sq ft	17.5%
UNIT 'C'	18,743 sq ft	3,355 sq ft	17.9%
UNIT 'D'	18,950 sq ft	3,355 sq ft	17.7%
UNIT 'E'	25,482 sq ft	4,165 sq ft	16.3%



PROPOSED TYPICAL ROAD SECTION



LLC
ECH
214-5913

DATE 11/5/15
DRAWN FAW
DESIGN MDM
SECTION 27
T-1-N, R-8-E



PROPOSED MINOR DRIVE
PARCELS A, B, C, and D
COTTISFORD STREET, NOVI, MICHIGAN

SCALE 1"=20'
SHEET C-1
JOB No. FE15504

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

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MAR 08 2016

CITY OF NOVI
COMMUNITY DEVELOPMENT

Please note my comments to SEBA (CASE PZ16-0005)

Please note my (Approval) (Objection) to the requested variance.

Comments:

I don't see the need to violate this ordinance. There is no cul-de-sac at the end of the street. The Novi Rd homes are positioned quite close to Novi Rd and to neighboring subdivisions. The owner should follow the ordinance and ~~plans~~ for three parcels.

(PLEASE PRINT CLEARLY)

Name: Barton Heldke

Address: 43444 McLean Ct.

Date: 3/8/2016

Zoning Board of Appeals meetings are broadcast live on Novi's Bright House Cable on Channel 13.