



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 15, 2016

REGARDING: 1391 East Lake Drive, Parcel # 50-22-02-328-013

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

DAVID & COLLEEN BOUREN

Variance Type

DIMENSIONAL VARIANCE

Property Characteristics

Zoning District:	R-4 (Single Family Residential)
Location:	NORTH OF THIRTEEN MILE ROAD AND WEST OF NOVI ROAD
Parcel #:	50-22-02-328-013

Request

The applicant is requesting a variance from the CITY OF NOVI Code of Ordinance Section 3-1.5 to allow 31 feet rear yard variance 35 feet required, side yard variance of 1.5 feet, 10 feet required, aggregate total variance of 4.5 feet 25 feet required, and front yard variance of 14.5 feet, 30 feet required, lot coverage variance of 39%, 25% required, front yard setback variance for 9.5 feet 25 feet required, front side setback variance for 3 feet 8.5 feet required, rear yard setback variance for 3 feet, 8.5 feet required. This property is zoned R-4 (Single Family Residential).

II. STAFF COMMENTS:

Proposed Changes

Request is for variance for the rear, side and front yard setback for new decks and aggregate coverage for new residence.

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. **PZ16-0054**, 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. PZ16-0054, 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_____.

Zoning Board Of Appeals

Phillips Sign & Lighting

Case # PZ16-0054

November 15, 2016

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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

Application Fee: **\$250.00**
 Meeting Date: **11-15-16**
 ZBA Case #: **PZ 16-0054**

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION			
ADDRESS 1391 EAST LAKE DR		LOT/SIUTE/SPACE #	
SIDWELL # 50-22- 02 -328 - 013		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY EAST LAKE DR & HERMAN ST			
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 DAVE.BOUREN@QM.COM D.BOYLANG@HOTMAIL.COM	CELL PHONE NO. 586 533 0222
NAME DAVID & COLLEEN BOUREN		TELEPHONE NO. 248 624 3437	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 1391 EAST LAKE DR		CITY NOVI	STATE MI ZIP CODE 48377
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 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 3.1.5 Variance requested REAR YARD REQUIRED 35' PROPOSED 31' VARIANCE 4'			
2. Section 3.1.5 Variance requested SIDE REQUIRED 10' PROPOSED 1.5' VARIANCE 8.5'			
3. Section 3.1.5 Variance requested AGG TOTAL REQUIRED 25' PROPOSED 4.5' VARIANCE 20.5'			
4. Section 3.1.5 Variance requested FRONT YARD REQUIRED 30' PROPOSED 15.5' VARIANCE 14.5'			
5. Section 3.1.5 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 • 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 			

B. VARIANCE REQUESTED CONTINUED

5. SECTION 3.1.5 VARIANCE REQUESTED
LOT COVERAGE REQUIRED 39%
PROPOSED 25%
VARIANCE 14%

6. SECTION 3.1.5 VARIANCE REQUESTED
FRONT DECK DEPTH REQUIRED 25'
PROPOSED 9.5'
VARIANCE 15.5'

7. SECTION 3.1.5 VARIANCE REQUESTED
FRONT DECK SIDE REQUIRED 8.5'
PROPOSED 3'
VARIANCE 5.5'

8. SECTION 3.1.5 VARIANCE REQUESTED
REAR DECK SIDE REQUIRED 8.5'
PROPOSED 3'
VARIANCE 5.5'



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

David Bouvier
Applicant Signature

10-3-16
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

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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:

NARROW LAKE LOT, PROPOSED HOUSE IS NARROWER THEN EXISTING STRUCTURE

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).

NARROW LAKE LOT

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.

STRICT COMPLIANCE WOULD RESULT IN A NON BUILDABLE SITE

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.

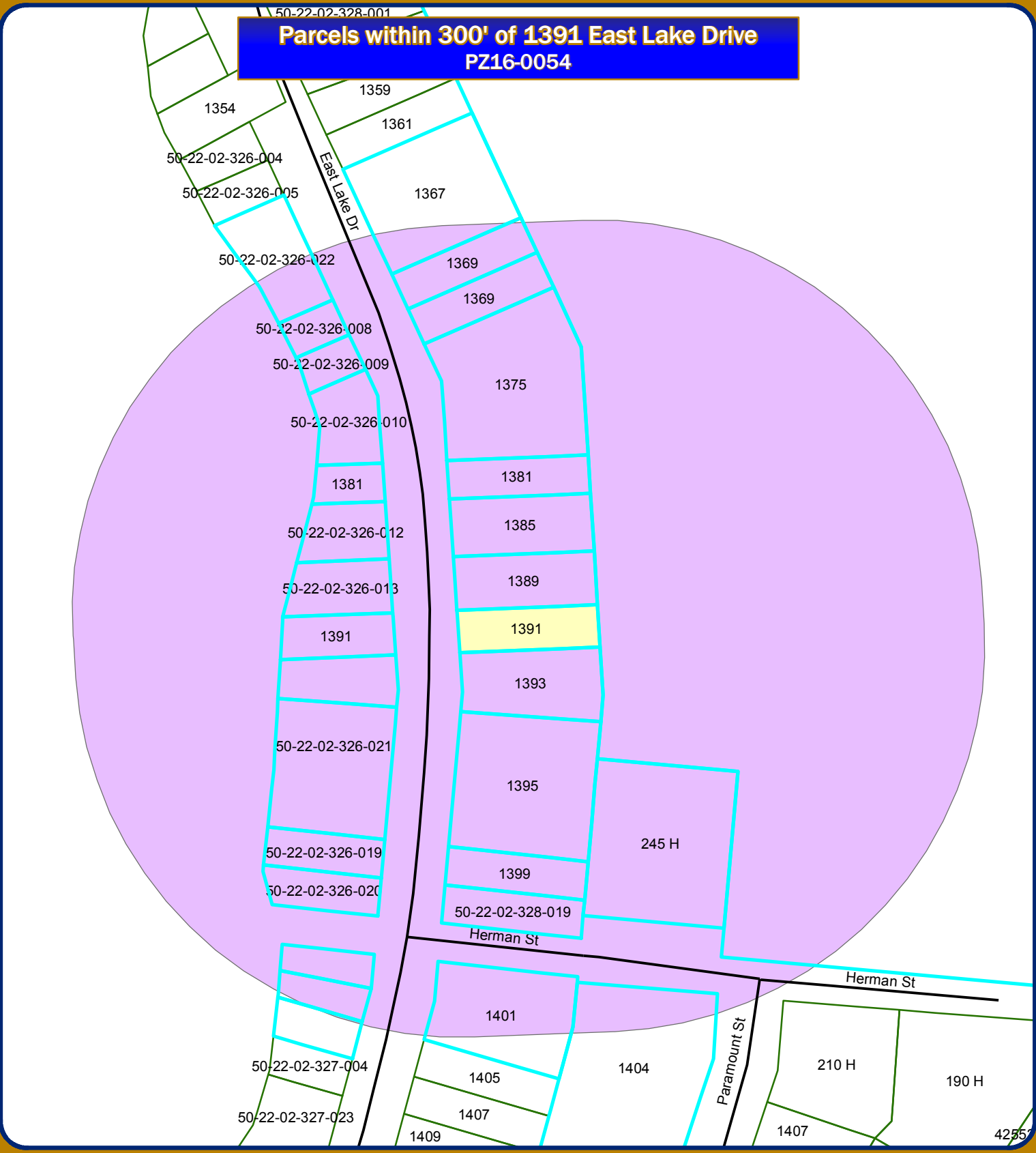
PROPOSED HOUSE WIDTH IS LESS THEN CURRENT STRUCTURE.

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 EXISTING STRUCTURE CURRENTLY HAS MOST OF THE
ZONING VARIANCE BEING REQUESTED. THE NEW HOUSE WILL
BE A "GREEN" MODULAR BUILD. BUILT IN FACTORY AND
TRANSPORTED TO SITE. THIS TYPE OF CONSTRUCTION SHOULD
LESSON IMPACT DURING CONSTRUCTION AND THE END RESULT
WILL BE A HOME THAT IS EFFICIENT, WITH MODERN TECHNOLOGY.*

**Parcels within 300' of 1391 East Lake Drive
PZ16-0054**



Map Author: Jon Gartha
 Date: October 12, 2016
 Address List for 50-22-02-328-013
 Version #: 1.0

Amended By:
 Date:
 Department:

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 people of 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.

Map Legend

- 300' Buffer
- Subject Property
- Tax Parcel

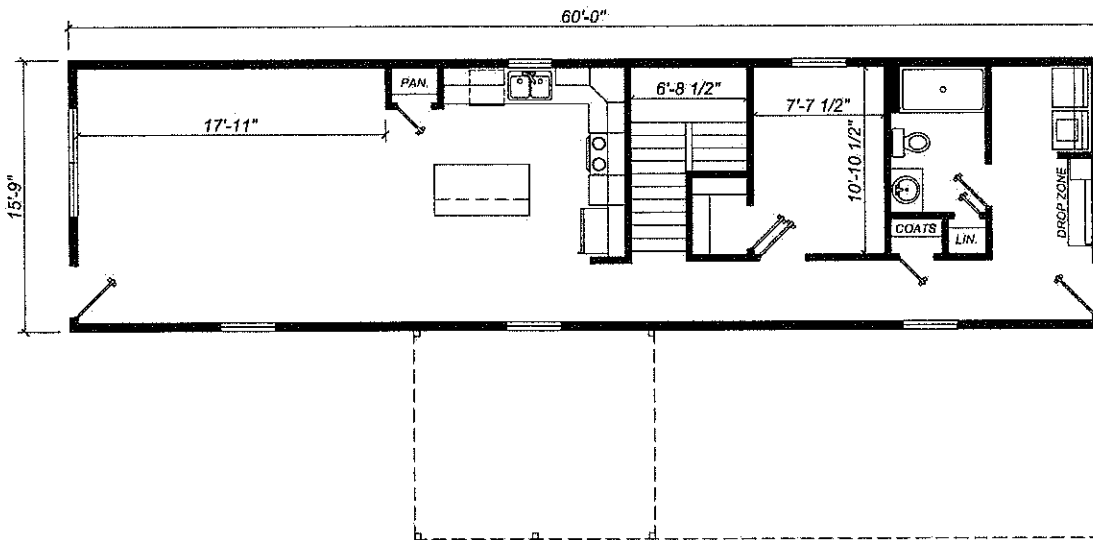
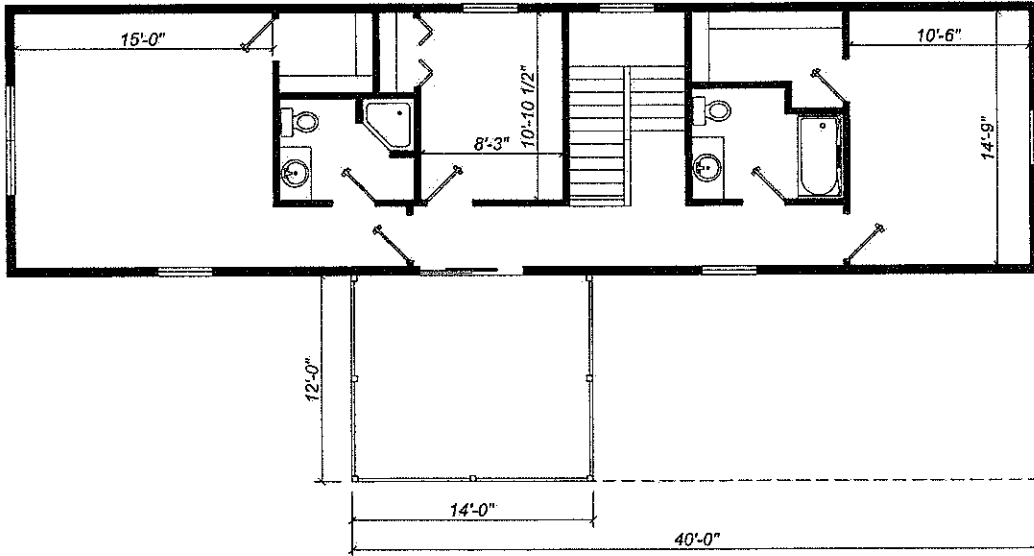
Municipality

- Novi
- Novi Twp.

CITY OF NOVI
 cityofnovi.org

City of Novi
 IT Department
 GIS Division
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 Novi, MI 48375
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Feet
 0 20 40 80 120
 1 inch = 102 feet



BOUREN / BOYLEN 9/26/16



DAVID BOUREN

BOUNDARY SURVEY EXHIBIT

TOWN 1 NORTH, RANGE 8 EAST

NOVI TOWNSHIP

OAKLAND COUNTY, MICHIGAN



ARIZONA FLORIDA
OHIO PENN
8 6 6 8 5

OF
A PARCEL OF LAND LOCATED
IN THE SW 1/4 OF

199.94' TO FOUND
THE NORTHERLY
LOT TO AS EX
TO THE EAST

VACATED CHAPMAN D
(30FT WIDE)

LOT 15

LOT 17

