



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:** April 14, 2020

REGARDING: 26181 Mandalay Circle, Parcel # 50-22-16-300-086 (PZ20-0004)

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 a variance from the City of Novi Zoning Code Section 3.6.2.M.iii to remove vegetation from within a wetland setback. 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. **PZ20-0004**, 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. **PZ20-0004**, 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

RECEIVED

JAN 21 2020

CITY OF NOVI
COMMUNITY DEVELOPMENT



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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: <u>\$200.00</u> | |
| PROJECT NAME / SUBDIVISION | | | | Meeting Date: <u>March 17, 2020</u> | |
| ADDRESS <u>26181 MANDALAY CIRCLE</u> | | LOT/SUITE/SPACE # <u>31</u> | | ZBA Case #: <u>PZ 20-0004</u> | |
| SIDWELL # <u>50-22-16-300-086</u> | | May be obtain from Assessing Department (248) 347-0485 | | | |
| CROSS ROADS OF PROPERTY <u>11 MILE AND TART</u> | | | | | |
| 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 <u>MJABBOKI@YAHOO.COM</u> | | CELL PHONE NO. <u>248-640-0118</u> | |
| NAME <u>MAEN JABBOKI</u> | | | | TELEPHONE NO. <u>SAME</u> | |
| ORGANIZATION/COMPANY | | | | FAX NO. | |
| ADDRESS <u>26181 MANDALAY CIRCLE</u> | | CITY <u>NOVI</u> | | STATE <u>MI</u> | ZIP CODE <u>48374</u> |
| 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 | | CELL PHONE NO. | |
| NAME <u>SAME</u> | | | | 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 <u>3.6.2.M.111</u> | | Variance requested <u>REMOVE VEGITATION WITH IN WETLAND SETBACK</u> | | | |
| 2. Section _____ | | Variance requested _____ | | | |
| 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 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 | | | | | |
| • Dimensioned Drawings and Plans | | | • Existing & proposed distance to adjacent property lines | | |
| • Site/Plot Plan | | | • Location of existing & proposed signs, if applicable | | |
| • Existing or proposed buildings or addition on the property | | | • Floor plans & elevations | | |
| • Number & location of all on-site parking, if applicable | | | • 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 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

Applicant Signature _____ Date 1-20-20

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 Owners signature _____ Date 1-20-20

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:

RECTANGULAR LOT FOR PARKING PROVES INADEQUATE FOR PARKING.
PROPOSING TO BUILD ADDITIONAL GARAGE WITH CAR PORT
(PORTICO SHARE) ATTACHED TO HOME.

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).

THAT WE NEEDED TO BUILD ANOTHER ATTACHED GARAGE

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.

WITH OUT ENTERING BUFFER I WILL NOT BE ABLE TO BUILD ADDITIONAL ATTACHED GARAGE

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.

MINIMUM IMPACT TO BUFFER DUE TO THERE ARE NO TREES IN BUFFER ONLY VERY SMALL GROWTH

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.

LIMITED PARKING WOULD LIKE TO EXPAND DRIVEWAY AND ADD ANOTHER 3 CAR ATTACHED WITH A CAR PORT TO EXISTING HOME THAT WILL NOT INTERFERE WITH BUFFER. CURRENTLY WE HAVE 7 CARS THAT ARE PARKED IN STREET OR MOST IN DRIVEWAY AND WE ARE ALWAYS MOVING CARS TO PULL OUT OTHER CARS. WE LIVE IN A BEAUTIFUL ~~NEIGHBORHOOD~~ SUBDIVISION AND DO NOT WANT TO DISTURB THE NEIGHBORHOOD WITH SEVERAL CARS ON STREET OR DRIVEWAY FULL OF CARS. WITH THIS PLAN ALL CARS WOULD BE IN GARAGES AND ONE WILL BE UNDER PORTICO SHARE (CAR PORT). NOT MENTION HOME WOULD HAVE VERY NICE UP GARAGE.

ALSO MUCH NEEDED STORAGE WITH THE GARAGE WOULD PROVIDE WE ARE A FAMILY OF 4 KIDS THIS ADDITION IS BADLY NEEDED.



FRONT
CORNER



CORNER VIEW



FRONT VIEW



CENTER
VIEW

A photograph of a snowy forest. The ground is covered in a layer of snow, and the trees are mostly bare, with some thin, reddish-brown branches in the foreground. The trees are tall and thin, with some showing signs of decay or damage. The sky is a clear, bright blue. At the bottom of the image, the words "BACK BUFFER AREA" are written in blue ink. There are also some small pink and red marks on the trees and snow.

BACK BUFFER
AREA



EXAMPLE



EXAMPLE



EXAMPLE

01/02/2020

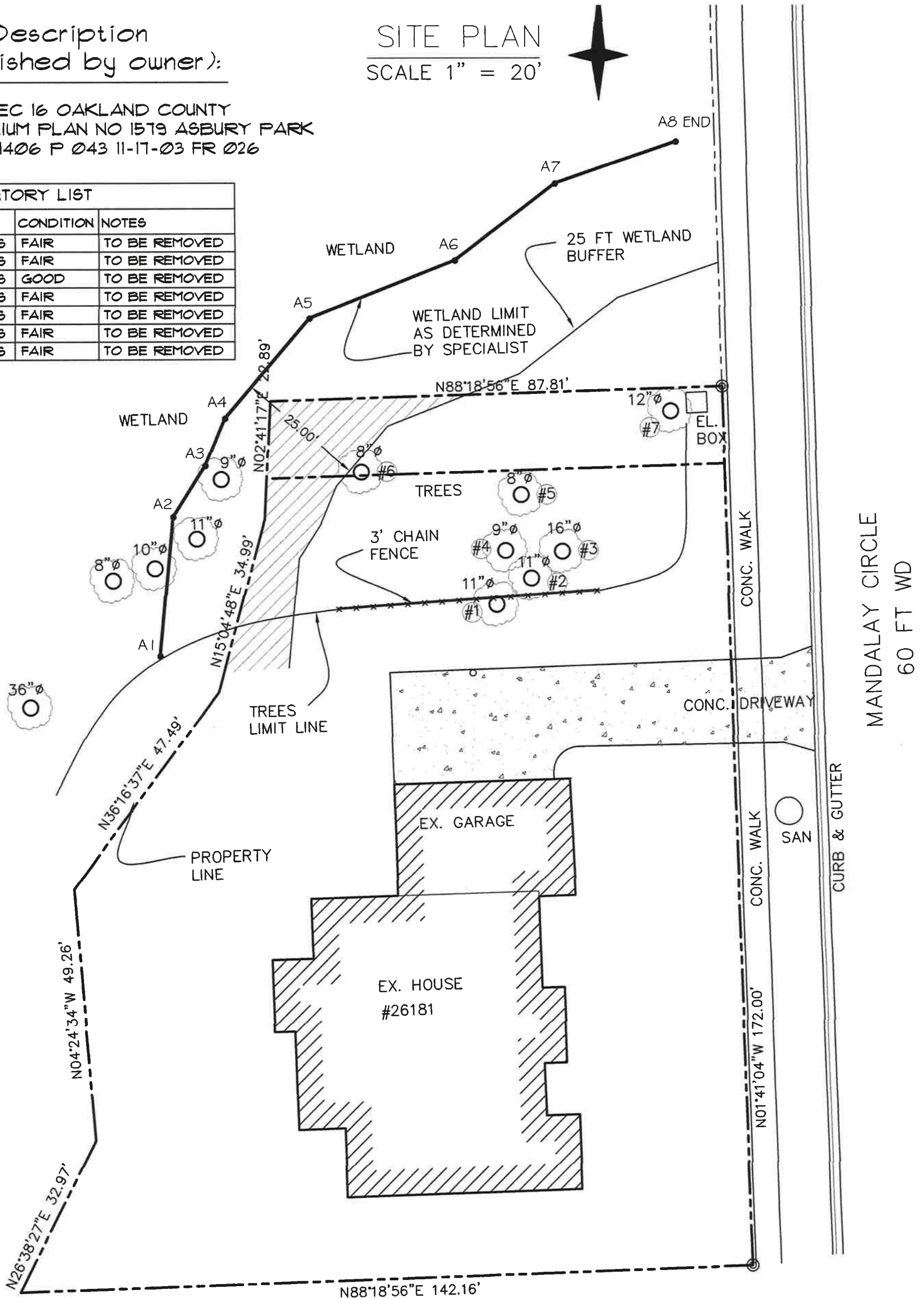
Legal Description
(as furnished by owner):

SITE PLAN
SCALE 1" = 20'



T1N, R8E, SEC 16 OAKLAND COUNTY
CONDOMINIUM PLAN NO 1579 ASBURY PARK
UNIT 31 L 31406 P 043 11-17-03 FR 026

| TREE INVENTORY LIST | | | | |
|---------------------|------|-----------|-----------|---------------|
| # | DIA. | TYPE | CONDITION | NOTES |
| 1 | 11 | DECIDUOUS | FAIR | TO BE REMOVED |
| 2 | 11 | DECIDUOUS | FAIR | TO BE REMOVED |
| 3 | 16 | DECIDUOUS | GOOD | TO BE REMOVED |
| 4 | 9 | DECIDUOUS | FAIR | TO BE REMOVED |
| 5 | 8 | DECIDUOUS | FAIR | TO BE REMOVED |
| 6 | 8 | DECIDUOUS | FAIR | TO BE REMOVED |
| 7 | 12 | DECIDUOUS | FAIR | TO BE REMOVED |

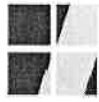


CJP
ENGINEERING & DESIGN, LLC
28763 NORTHWESTERN HWY
SUITE 225
SOUTHFIELD, MI 48034
Office (248)747-4562
Fax (248)297-6121
Cell (248)376-5006
harishakim@yahoo.com



PROJECT:
EXISTING RESIDENCE

26181 MANDALAY CIRCLE
NOVI, MI



Associa®

Kramer-Triad Management Group, L.L.C.

Ann Arbor • Novi • Troy

July 22, 2019

Julya & Maen Jabboori
26181 Mandalay Circle
Novi, MI 48374

RE: 26181 Mandalay Circle

Dear Julya & Maen Jabboori:

As Community Association Manager for the Asbury Park Homeowners Association, we are contacting you on behalf of the Board of Directors.

1. The ACC concurs with your tree removal proposal from an HOA perspective. You will still need to get approval/tree replacement concurrence with the city.
2. The ACC concurs with the layout of the proposed deck but we need to see the color and materials being planned.
3. 3. The ACC has modified your driveway expansion request and is proposing the following alternative:
 - a. 19' wide (not including apron) expanding to 25' after 20' of length. See drawing. Overall length of 102' is acceptable as requested.

The Board and Management appreciate your cooperation.

If you have any questions or concerns regarding this matter, please address them in writing to the Board of Directors in care of Kramer-Triad Management Group, L.L.C., to the address listed below.

Sincerely,

Associa Kramer-Triad Management Group, L.L.C.
For and on the behalf of Asbury Park HOA

Deborah Laudermilch
Community Administration Manager

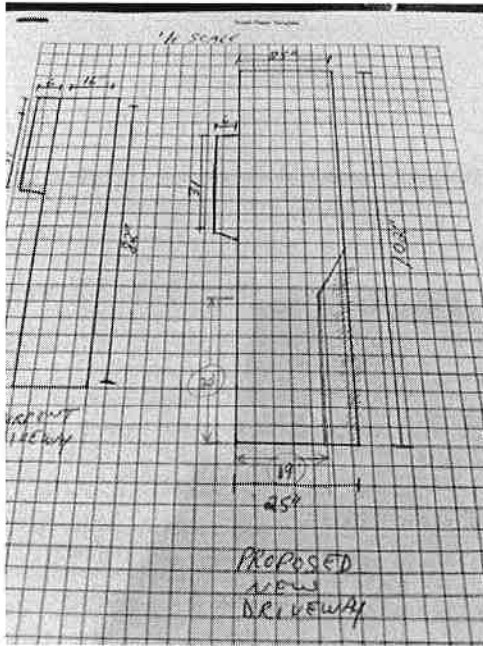
From: Deborah Laudermitlch
Sent: Monday, July 22, 2019 6:48 AM
To: 'jjabboori@yahoo.com'
Subject: RE: Asbury Park - 26181 Mandalay Circle Modification Requests

Hello Julia & Maen Jabboori,

I just wanted to touch base with you as we haven't heard from you since we emailed you last on 6/20/2019 regarding the improvements you wanted to make. Please provide and respond to the items below.

We responded with the following:

1. The ACC concurs with your tree removal proposal from an HOA perspective. You will still need to get approval/tree replacement concurrence with the city.
2. The ACC concurs with the layout of the proposed deck but we need to see the color and materials being planned.
3. The ACC has modified your driveway expansion request and is proposing the following alternative:
 - a. 19' wide (not including apron) expanding to 25' after 20' of length. See drawing. Overall length of 102' is acceptable as requested.



Thank you,

Debbie Laudermitlch, Community Association Manager

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Kramer-Triad Management Group – An Associa® Company

Ann Arbor Office: 1100 Victors Way, Suite 50, Ann Arbor, MI. 48108

Novi Office: 40000 Grand River Avenue, Suite 100, Novi, MI. 48375

Troy Office: 320 E. Big Beaver, Suite 190, Troy, MI. 48083

O: 866-788-5130

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Work-Order Request & General Inquiries (Preferred Method): customerservice@kramertriad.com

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From: Deborah Laudermitlch

Sent: Thursday, June 20, 2019 4:48 PM

To: jjabboori@yahoo.com

Subject: Asbury Park - 26181 Mandalay Circle Modification Requests

Hello Julia & Maen Jabboori,

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

Please note my comments to:

26181 Mandalay Circle, Parcel # 50-22-16-300-086 (PZ20-0004)

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

Comments:

(PLEASE PRINT CLEARLY)

Name: SERWESH BABU

Address: 26128 MANDALAY CIRCLE

Date: 3/10/20

Zoning Board of Appeals meetings are broadcast live on Bright House channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.