



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: June 8, 2021

REGARDING: 1256 E Lake Drive, Parcel # 50-22-02-151-018 (PZ21-0028)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Joye Harris

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Fourteen Mile Road
Parcel #:	50-22-02-151-018

Request

The applicant is requesting a variance from the City of Novi Zoning Code Section 5.14.10.A for a permanent backup generator creating sound over 55 decibels and up to 85 decibels during limited times of charging and while being used during a power outage. 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:

- I move that we **grant** the variance in Case No. **PZ21-0028**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.
 - Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.
 - 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 is 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. **PZ21-0028**, 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 Petitioner's 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

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

MAY 03 2021

CITY OF NOVI
COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION J.T. HARRIS		Application Fee: <u>\$ 200.00</u>	
ADDRESS 1256 East Lake Dr.	LOT/SIUTE/SPACE #	Meeting Date: <u>June 08, 2021</u>	
SIDWELL # 50-22-02-151-018	May be obtain from Assessing Department (248) 347-0485		ZBA Case #: <u>PZ 21-0028</u>
CROSS ROADS OF PROPERTY			
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			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS jthtjb@gmail.com	CELL PHONE NO. 571-291-1531
NAME J.T. HARRIS		TELEPHONE NO. -	
ORGANIZATION/COMPANY		FAX NO. -	
ADDRESS 1256 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 Same		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS	CITY	STATE	ZIP CODE
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>5714</u>	Variance requested	<u>28-30 feet</u>	
2. Section _____	Variance requested	_____	
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			
<input type="checkbox"/> Dimensioned Drawings and Plans <input type="checkbox"/> Site/Plot Plan <input type="checkbox"/> Existing or proposed buildings or addition on the property <input type="checkbox"/> Number & location of all on-site parking, if applicable		<input type="checkbox"/> Existing & proposed distance to adjacent property lines <input type="checkbox"/> Location of existing & proposed signs, if applicable <input type="checkbox"/> Floor plans & elevations <input type="checkbox"/> 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:

small lot

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).

*Decible noise found too loud after ~~not~~
many years what ~~is~~
complaint*

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.

May not be allowed to use generator

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.

28 db1

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.

Neighbors but you Bessley have no problem.

Fwd: June 8th ZBA

J.T. Harris <jthtjb@gmail.com>

Mon 5/3/2021 3:39 PM

To: The UPS Store #0582 <store0582@theupsstore.com>

CAUTION! This email originated from outside of the organization. Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: "J.T. Harris" <jthtjb@gmail.com>

Date: May 3, 2021 at 3:37:01 PM EDT

To: "J.T. Harris" <jthtjb@gmail.com>

Subject: June 8th ZBA



Generator installed April 22, 2014
1256 East Lake Dr
Novi
Behind free standing garage on concrete slab.

In the years 2000-2005 the City of Novi brought city water and sewage to East Lake Drive replacing wells and septic tanks which polluted the lake. Thus began a revitalization and gentrification of East Lake Drive with remodelling and new home construction. Since that time with a new economy our street between 13 Mile Rd and 14 Mile Rd has changed significantly for the better. The "small 500-900 sq. ft. summer cottages of yesteryear" have in large part been replaced with 4000-6000 sq. ft. modern homes including the latest technologies to provide pleasure and comfort for our new citizens currently residing on our street. With gentrification came prosperity to our street and to the city of Novi. The failure to upgrade our failing and antiquated power grid which does not currently meet the needs of the people on East Lake Drive cannot be disputed and demands the basic need for generators to comfortably live here. Generators have become a necessary insurance policy and commodity in Novi with its unsustainable power grid where power outages have become the norm dating back more than the 20 years I have lived here. Almost every other house on my street has a generator where many are used during outages to provide energy to neighbors during the outage; especially to those with small children, the elderly or those needing power for medical equipment. You can go outside any day the power is out and hear the generators all over the neighborhood; no one complains. Generators have existed on our street for years without complaint.

Our current antiquated system.







I purchased my generator April 22, 2014, after finding frozen/broken water pipes with huge water damage in my home upon my return from out of town. I then consulted with representatives of the City of Novi to understand the requirements for owning/and installing a generator and to ensure I would have no problems with the city upon installation. Upon providing the information I had received from the City to a Lowe's sales representative, I was sold the generator with the understanding that it was in total compliance with the requirements of the City of Novi and Oak Electric would install. It has never been moved from the concrete slab behind my garage upon which it is located.

Is it unreasonable to believe when the generator was purchased, permitted, installed and approved by the city that I had completed all requirements and all was in compliance?

Today Catherine and Stephen Beasley have filed with the city a noise complaint in reference to 12 minute weekly recharging of the generator. Although I have volunteered to change the charging time to accommodate my neighbor, it was firmly rejected. I have recently changed the charging time to run with the rush hour traffic which is louder than the generator. It has also been changed to charge every other week, however I am not sure that is recommended for any length of time. Since its installation until now this is the only complaint ever received.

I have been informed by Maureen Underhill that my generator is louder than the city allows "noise" in general while at the same time the engineers with Oak Electric say ***the generators in my neighborhood operate at about or the same decibel output together when charging as-well-as together when fully operating during an outage and cannot be lowered.*** The ***hardships are the size of our small lots and the high cost (\$3000-\$3800 or more) to move my generator if in fact there was a place to relocate it which in my case is unlikely.***

It has been brought to my attention that the city *noise restrictions being used were not designated for generators in particular but to include all loud noises in the city regardless of origin.* I would ask how/why the noise of *motorcycles with revved up engines sitting unattended in a driveway for periods of time;* or *the loud noise of unmanned outdoor loud speakers with talk radio be allowed to air outside all day in winter with no-one outside listening;* or *the loud noise of airplane engines constantly taking off and landing on Walled lake in Novi;* or *the loud noise of hydroplane boats racing across the lake on weekends;* all examples last much longer and are much louder than the generator noise for 12 minutes once a week which protects people and their homes from disaster. The car traffic

on East Lake Drive during rush hour is also louder than the generator. How can allowing recreational loud noises of motorcycles; unmanned outdoor loud speakers; "blue tooth amplified personal conversations blasted from a car for the world being forced to listen hi DD;" airplanes; and hydroplane boats take precedence over the occasional noise of generators when the power is out and the 12 minute once a week battery recharging noise for that which protects one's family and property?

As was suggested I asked my neighbors in my immediate vicinity minus Stephen and Catherine Beasley, if they harbored or had any objections to my generator or its noise? For the record, not one person voiced an objection of any kind.

I have submitted the signatures and addresses of 40 neighbors, all homeowners and tax paying citizens of Novi, who live on East Lake Drive and are paying close attention to the outcome of this complaint which will affect every family in Novi who either own or wish to own a generator. Let it be noted that everyone whose signature is listed stands with me against this complaint, many of whom own generators as an insurance policy. We all live together in this lovely neighborhood with its generator noises without complaint until the power grid is updated and capable of serving our community without interruption.

37) Neighbor contacted: Kelly Langan 1259 E. Lake Dr.

Neighbors who support generators in generator

1) Steve Krasig	1260 E. Lake Dr.
2) Alan Bryant	1284 EAST LAKE DR.
3) Bill Smith	1280 E. Lake Dr.
4) Tom Bazzilli	1286 E. LAKE
5) Carol Smith	1294 East Lake
6) Uwe Kozl	1295 East Lake Dr.
7) Ming Pugh	1300 E. Lake Drive
8) Chy Smith	1253 E. LAKE DR.
9) Sherie Langford	1247 E. LAKE DR.
10) John Minner	1227 E. Lake Dr.
11) Gregg Armstrong	1203 E. Lake Dr.
12) John	1193 E. Lake Dr.
13) Priscilla Rott	1315 E. LAKE DR.
14) Chy Jones	1310 E. LAKE DR.
15) Sun D. Kozl	1304 E. LAKE DR.
16) " "	1289 E. LAKE DR.
17) Donna Jakovic	1312 E. LAKE DR.
18) Kim Smith	1300 E. Lake Dr.
19) " "	1322 E. Lake Dr.
20) Mark Krasig	1328 E. LAKE DR.
21) Carmen Matthews	1307 E. Lake Dr.
22) DAVID BOURN	1391 E LAKE DR
23) David Hae	1399 E. Lake Dr.
24) Joe M.	1405 E. LAKE DR.
25) M. B.	1409 East Lake Drive
26) Adam & Krista, Bell	1309 East Lake Dr.

28) M. Kearns	1319 East Lake Drive
29) GARDIE Wilson	1315 E. LAKE DR.
30) Janette Hoh	1418 E. Lake Dr.
31) Phil MATTHEWS	1339 E. LAKE DR.
32) Chy W. Kozl	1354 East Lake Drive
33) Sheri Langford	1316 E. LAKE DR.
34) David S. Callaway	1177 E. LAKE DR.
35) Elisha Zuccato	1189 E. lake Dr
36) Arnold Kozl	1209 E. Lake Dr.
37) " "	1260 E. " "
38) Jason Skonow	1296 East Lake Dr.
39) Anika M. Kozl	1175 East Lake Drive
40) Anarine McDonald	1171 East Lake Drive