



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: December 14, 2021

REGARDING: 47645 Bellagio Drive, Parcel # 50-22-32-278-031 (PZ21-0070)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Moiseev/Gordon Associates, Inc

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Residential Acreage
Location:	West of Beck Road and North of Eight Mile Road
Parcel #:	50-22-32-278-031

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.1 for a side yard setback of 15 feet (20 feet minimum required, variance of 5 feet) and Section 4.19.1.E(i) for a total of 1,157 square feet of accessory structure space (maximum of 1500 square feet allowed by code, variance of 721 square feet). These variances would accommodate the building of a pool house and lounge addition. This property is zoned Residential Acreage (RA). ***This case was postponed from the November 9, 2021 meeting at the request of the applicant.***

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. **PZ21-0070**, 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 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. **PZ21-0070**, 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

RECEIVED

SEP 30 2021

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				CITY OF NOVI COMMUNITY DEVELOPMENT Application Fee: <u>200</u>	
PROJECT NAME / SUBDIVISION HAMADE POOL HOUSE & LOUNGE ADDITION				Meeting Date: <u>11-9-21</u>	
ADDRESS 47645 BELLAGIO		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ 21-0070</u>	
SIDWELL # 50-22-32-278-031		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY OFF BECK ROAD					
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 michael.g@mga-architects.net		CELL PHONE NO. 248.318.2919	
NAME MICHAEL J. GORDON				TELEPHONE NO. 248.549.4500	
ORGANIZATION/COMPANY MOISEEV / GORDON ASSOCIATES, INC ARCHITECTS				FAX NO. 248.549.	
ADDRESS 4351 DEVERERE COURT		CITY ROYAL OAK		STATE MI	ZIP CODE 48073
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 hani.hamade@gmail.com		CELL PHONE NO. 313.610.1666	
NAME HANI & MIBA HAMADE				TELEPHONE NO. NA	
ORGANIZATION/COMPANY				FAX NO. NA	
ADDRESS 47645 BELLAGIO DR.		CITY NOVI		STATE MI	ZIP CODE 48167
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>4.19Eiii</u> Variance requested <u>FROM 1,500 SF ALLOW TO 2,221 - 721 SF REQ</u>					
2. Section <u>3.1.1.E</u> Variance requested <u>SIDE SET BACK REQ'D 15'-0" REQ'D 10'-0" - 5'-0" REQ'D TO BE WITH'D</u>					
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					
<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 					



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



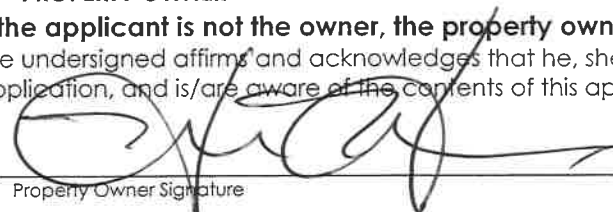
Applicant Signature

20 SEPTEMBER 2021
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

20 SEPTEMBER 21
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

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:

THE LOT IS A UNIQUE WEDGE SHAPE THAT NARROWS TO THE REAR TO A DIMENSION OF ONLY 41.26' CREATING A WEDGE SHAPED BUILDING ENVELOPE. FURTHER, THE HOUSE IS NOT CENTERED ON THE LOT MAKING AN ADDITION CHALLENGING TO ALIGN WITH EXISTING FOUNDATIONS

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:

THE LOT HAS A STEEP GRADIENT TO THE REAR THAT ALSO SLOPES ACROSS THE BACK OF THE HOME MAKING THE CONSTRUCTION OF AN ADDITION THAT MUCH MORE CHALLENGING

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).

THE UNIQUE SHAPE OF THE LOT DEMANDS MAKES IT A CHALLENGING SITE TO ADD ON TO. ALSO LOOKING AT LOT COVERAGE THE PROPOSED DESIGN ONLY TAKES IT UP TO 14.6% WELL BELOW THE ALLOWED 25%.

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.

THE LOT SHAPE, GRADIENT AND POSITION OF THE HOME ALL MAKE IT A DIFFICULT PROPERTY TO EXPAND. A CONFORMING ADDITION WOULD EITHER BE AN ODD SHAPE OR CONNECT TO THE HOME IN AN UNDESIRABLE LOCATION FOR THE INTENDED USE. FURTHER, THE POOL HOUSE IF ATTACHED TO THE HOME WOULD CONFORM BUT BECAUSE OF THE GRADE CHANGE THE POOL NEEDS TO BE PLACED FAR FROM THE HOME, SO A DETACHED / FREE STANDING POOL HOUSE SERVES THE POOL BETTER AND SCREENS THE EQUIPMENT.

Standard #4. Minimum Variance Necessary.

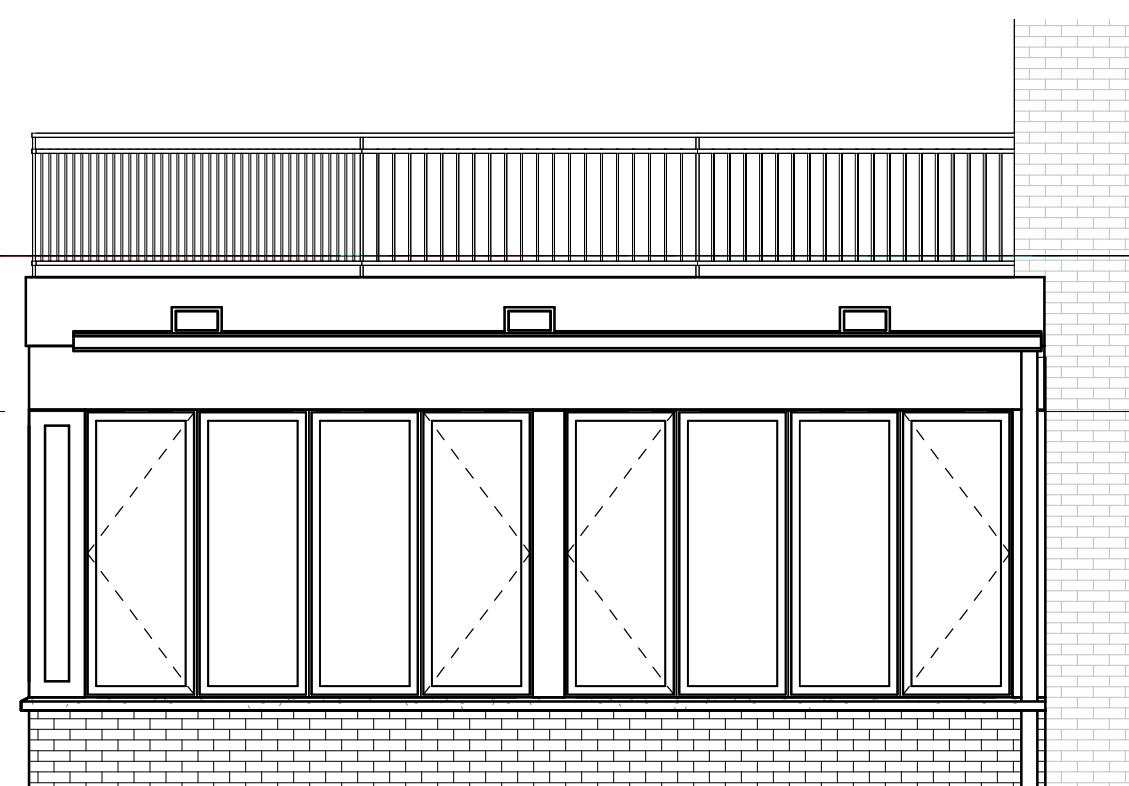
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

THE ROOM NEEDS TO BE FUNCTIONAL AND GIVEN THE GRADE CHANGE IT'S THE LOGICAL PLACE TO ATTACH A SINGLE STORY, FREE STANDING ADDITION. THE GRADIENT ALSO PLACES THE ADDITION LOW ON THE SITE OUT OF THE VIEW OF THE ADJOINING PROPERTY OWNERS.

Standard #5. Adverse Impact on Surrounding Area.

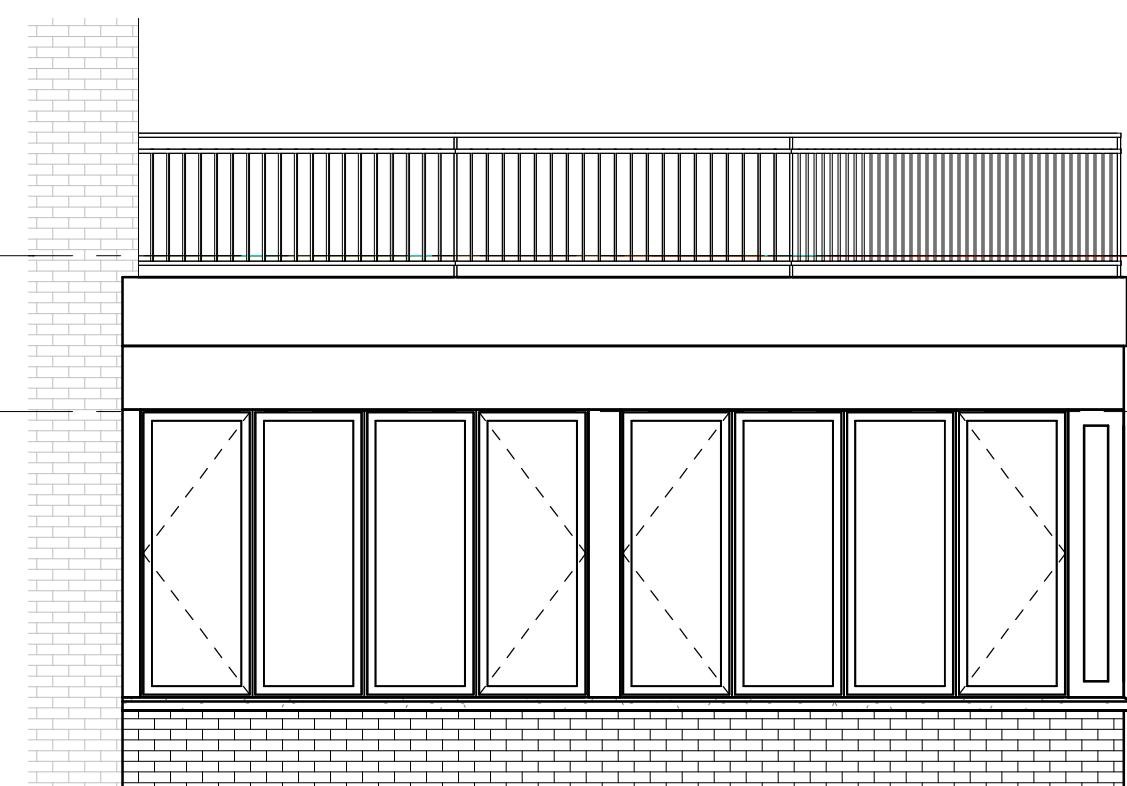
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

THE TWO VARIANCES REQUESTED WILL HAVE NO ADVERSE IMPACT ON SURROUNDING PROPERTY OWNERS. THE ADDITION AS NOTED SITS LOW ON THE SITE OUT OF VIEW OF THE NEIGHBORS AND IS EASILY SCREENED FURTHER WITH LANDSCAPING. FURTHER, IT WAS NOTED THE ADDITION AND POOL HOUSE DOES IT EVEN COME CLOSE TO THE ALLOWED LOT COVERAGE, AND AS NOTED IF THE POOL HOUSE WERE ATTACHED TO THE HOME IT WOULD BE ALLOWED, BUT WOULD NOT SERVE THE POOL WELL DUE TO ITS PLACEMENT BECAUSE OF GRADE. THESE ADDITIONS WOULD ONLY ENHANCE ADJOINING PROPERTIES ADDING TO THE VALUE OF THE HOME IN THE NEIGHBORHOOD.



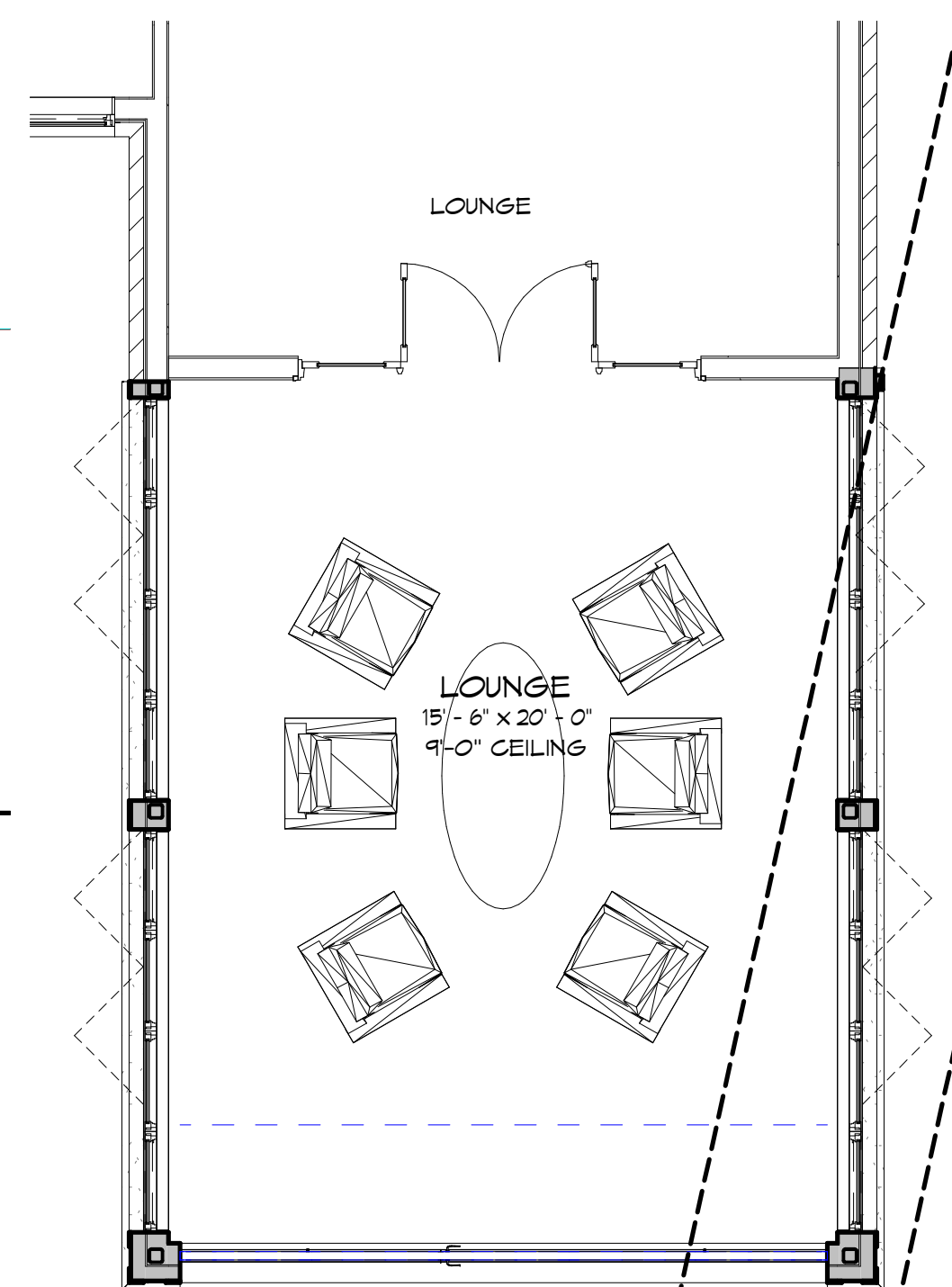
Lounge Right Elevation

Scale: 1/4" = 1'-0"



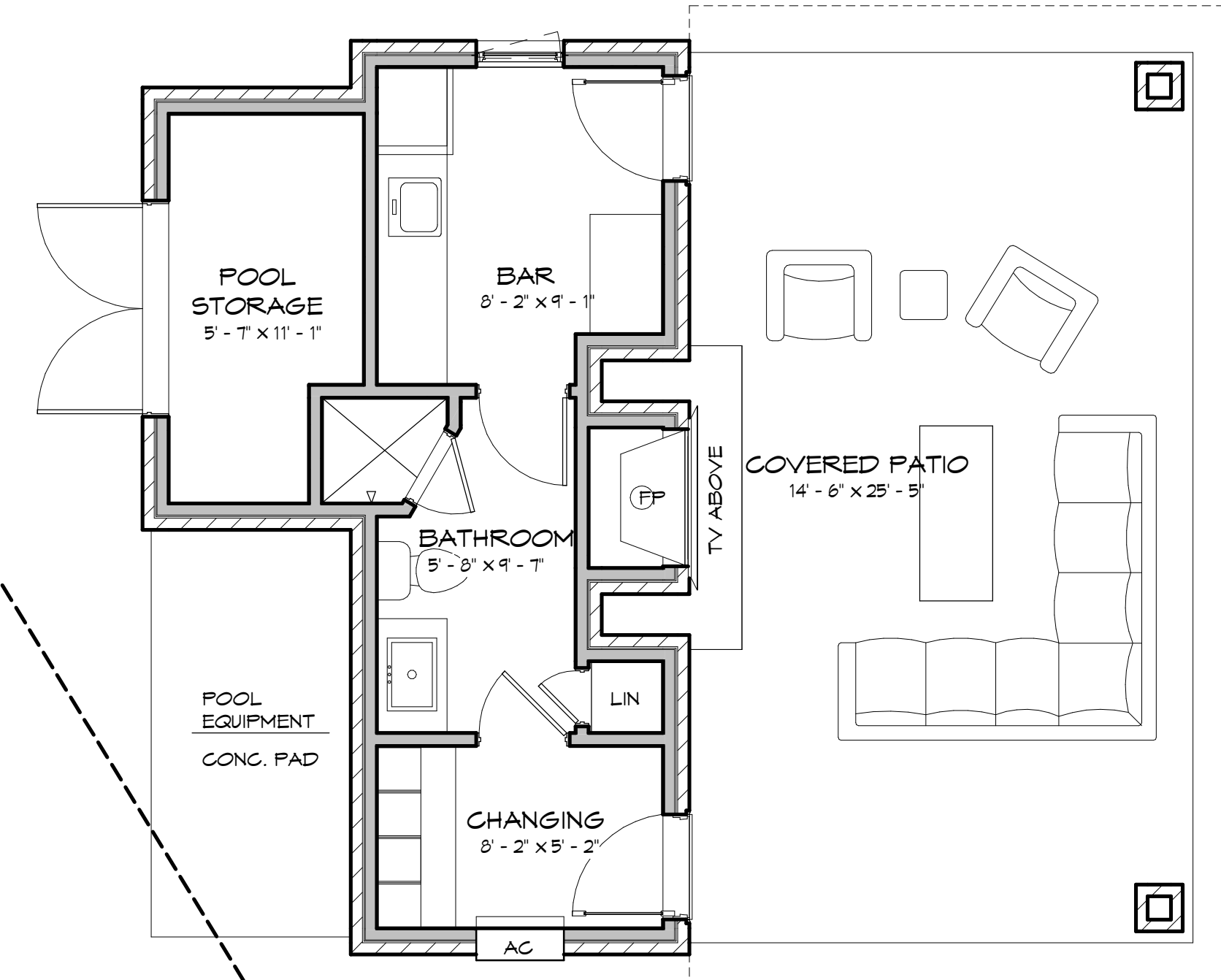
Lounge Left Elevation

Scale: 1/4" = 1'-0"



Lounge

Scale: 1/4" = 1'-0"



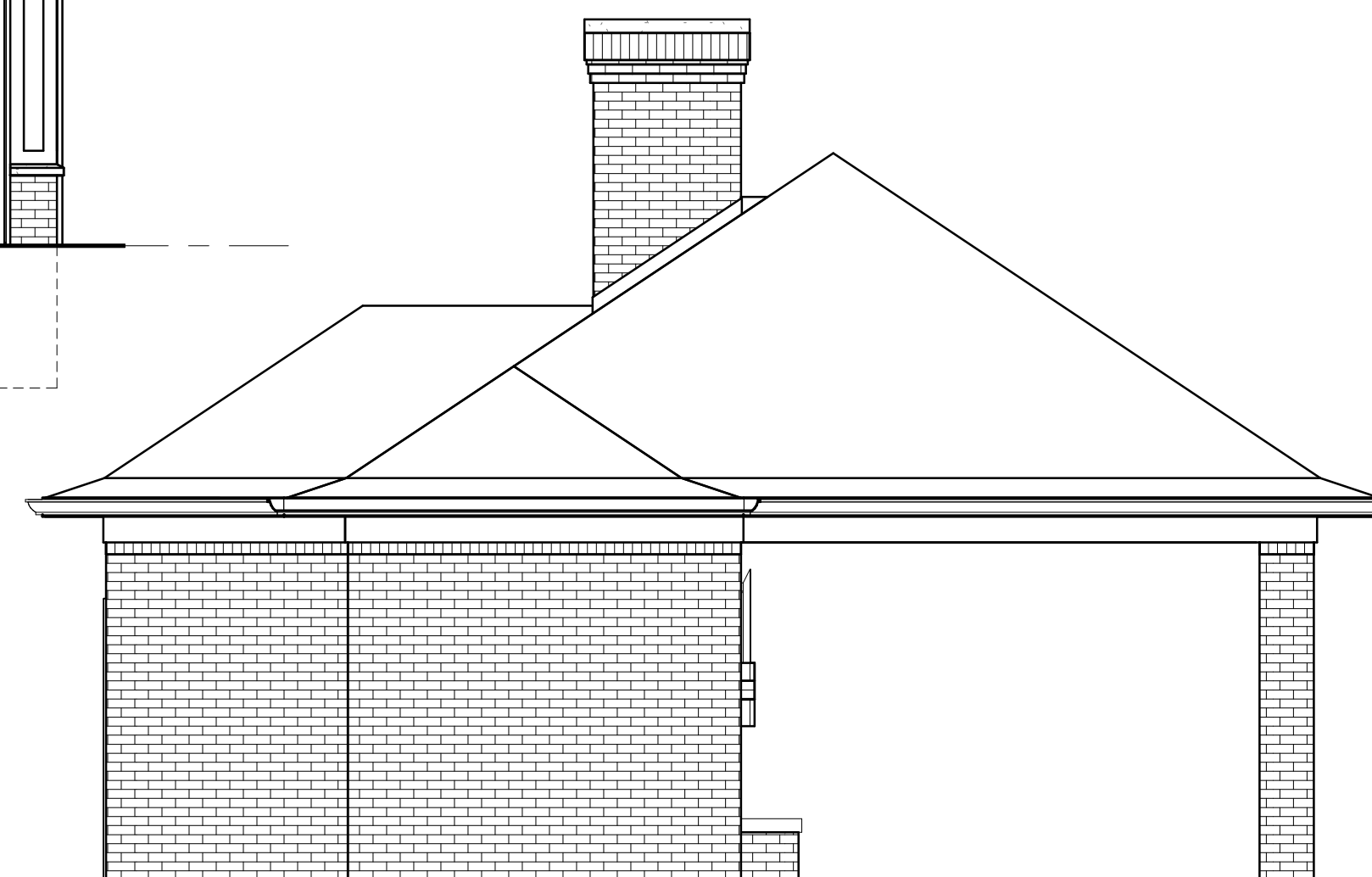
Pool House

Scale: 1/4" = 1'-0"



Lounge Rear Elevation

Scale: 1/4" = 1'-0"



Pool House Left Elevation

Scale: 1/4" = 1'-0"



Pool House Front Elevation

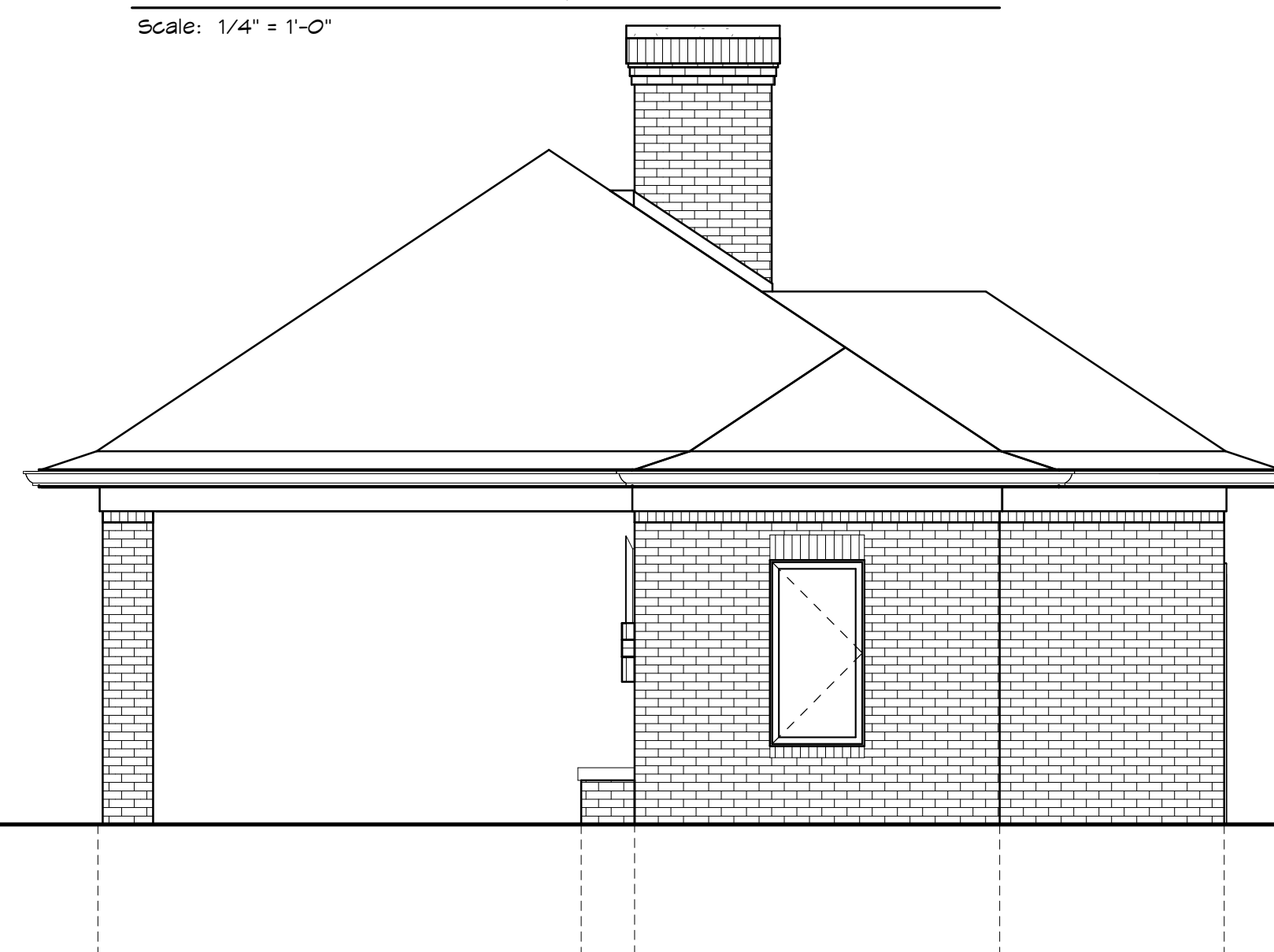
Scale: 1/4" = 1'-0"



Lounge Rendering

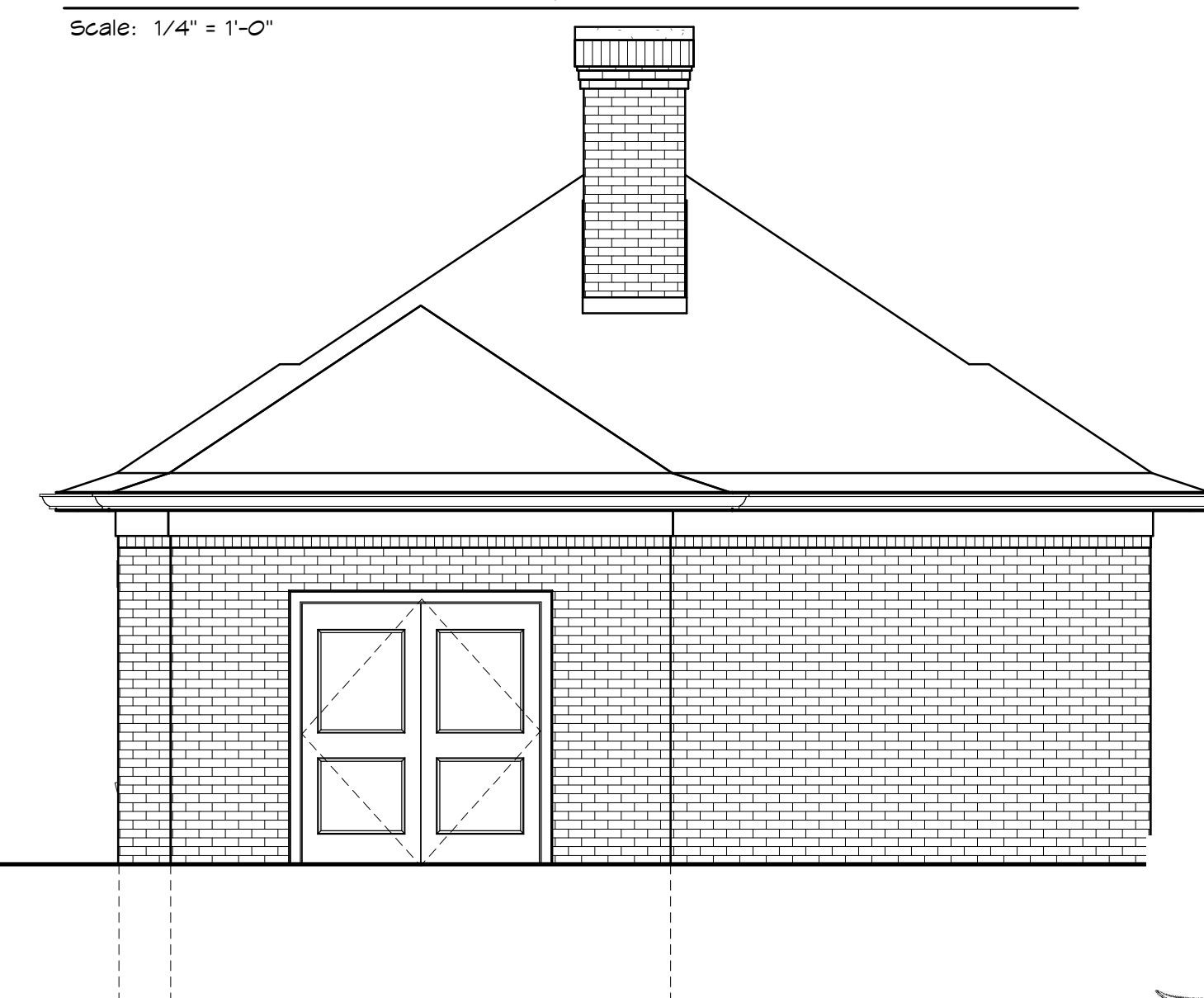


Pool House Rendering



Pool House Right Elevation

Scale: 1/4" = 1'-0"



Pool House Rear Elevation

Scale: 1/4" = 1'-0"

Hamade Residence

Novi, Michigan



Moiseev/Gordon Associates, Inc.
4351 Delemere Court
Royal Oak, MI 48073

248.549.4500 voice
248.549.7300 facs.

www.mga-architects.net

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Do not scale the drawings.

Client:

Johnny Hamade

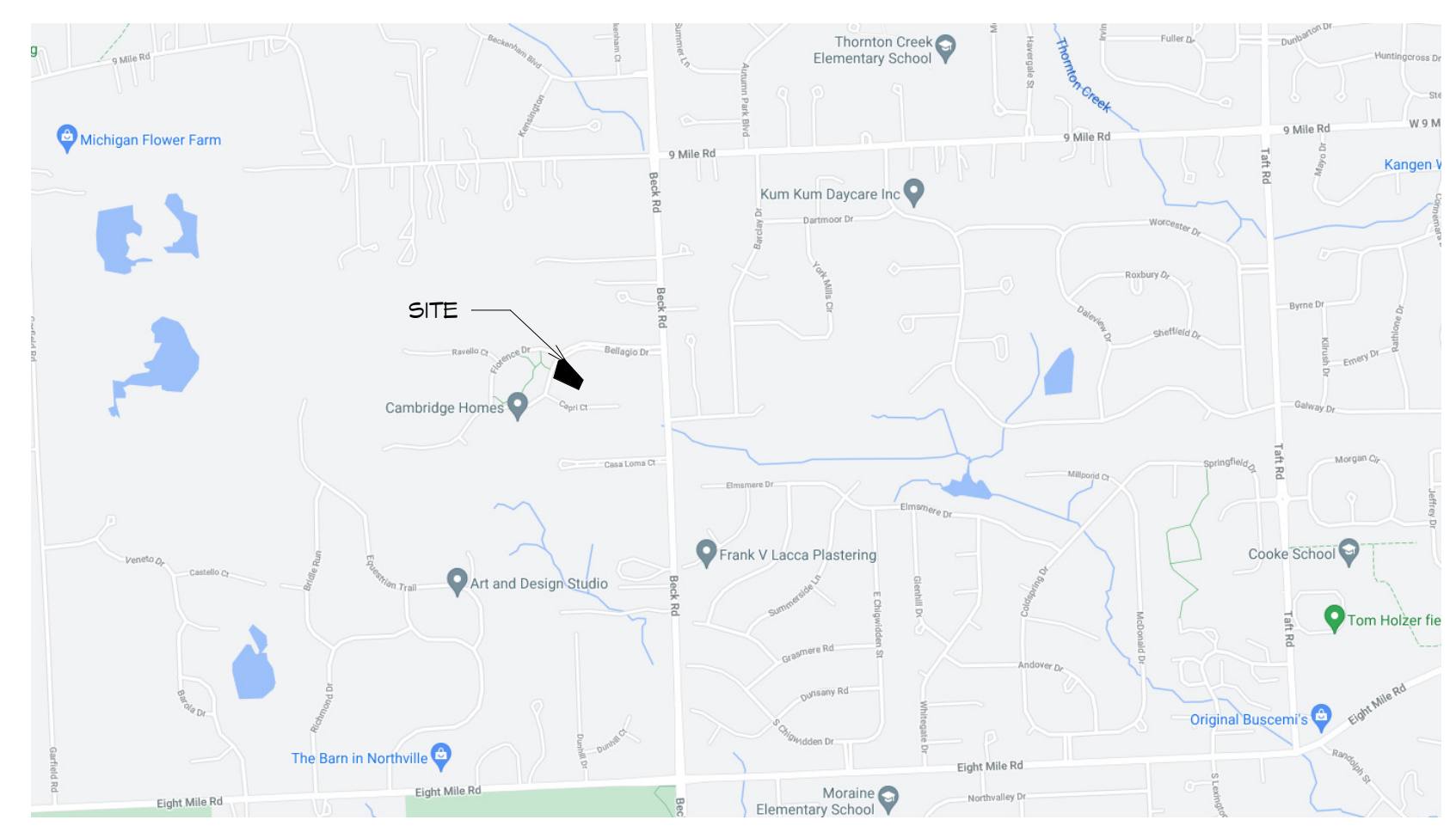
47645 Bellagio Dr.
Novi, MI 48167

Drawing Schedule

		Issued	Issued	Issued	Issued	Issued	Issued	Issued	Issued
		Owner Review	Owner Review	ZBA Submittal					
SP-1	SITE PLAN	8-30-21	9-20-21	9-30-21					
A-1	FLOOR PLAN	8-30-21	9-20-21	9-30-21					

SINGLE FAMILY RESIDENTIAL RA DISTRICT
MAXIMUM HEIGHT 35' OR 2.5 STORIES
MAXIMUM LOT COVERAGE: 25%
EXISTING LOT COVERAGE: 11.8%
PROPOSED LOT COVERAGE: 14.6%
FRONT SETBACK: 45'
SIDE SETBACK: 15' MIN, 40' TOTAL
REAR SETBACK: 50'

ACCESSORY BUILDING
MAXIMUM HEIGHT 14'
MAXIMUM LOT COVERAGE 25% OF REAR YARD &
MAX 1,500 SQFT (INCLUDING GARAGES)
EXISTING GARAGES AREA & COVERED PORCH: 1,521 SQFT
PROPOSED ACCESSORY BUILDING AREA: 1,521 + POOL HOUSE 100 = 2,221 SF
PROPOSED REAR YARD LOT COVERAGE 16.5%
SETBACK FROM HOUSE: 10'
SIDE & REAR SETBACK: 6'



LOCATION MAP
SCALE: N.T.S.

Site
Scale: 1" = 20'-0"

Project Title:

Hamade Pool House & Lounge

47645 Bellagio Dr.
Novi, MI 48167

Sheet Title:

TITLE SHEET & SITE PLAN

Project Number: 21235

Drawn By: MJG

Checked By: MJG

Approved By: MJG

Date: 08-11-2021

Issued:

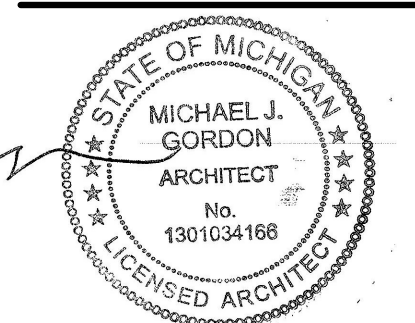
Owner Review 8-30-21

Owner Review 9-20-21

ZBA Submittal 9-30-21

Sheet Number:

SP1



9/30/2021 2:38:46 AM