



**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**  
**(248) 347-0415**

**Case No. 11-036 44911 Lindbergh Lane**

**Location: 44911 Lindbergh**

**Zoning District: R-4, One Family Residential**

The applicant is requesting a variance from Section 2400 of the Novi Zoning Ordinance to allow construction of a 3 season porch extending 5 feet into the required 35 foot rear yard setback of a single family lot.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400, requires a minimum rear yard setback of 35 feet in the R-4 Zoning District

**City of Novi Staff Comments:**

The applicant is proposing to construct a 3 season porch extending 16 feet from the rear of an existing single family residence. The existing home is located approximately 45 feet from the rear lot line. Construction of the 3 season porch would reduce the rear setback to 30 feet. The lot drops off considerably in elevation to the rear and the drawings indicated a single story porch with a floor level matching the first floor elevation of the existing home. Staff cannot support the request but notes that the lot is somewhat uniquely shaped and that the tapered sides of the lot may have prevented the original home from being placed up to the minimum required front setback due to width constraints. Support of the Home Owner Association has not been provided at the current time.

**Standards for Granting a Dimensional Variance:**

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



cityofnovi.org

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For Official Use Only

ZBA Case No: 2BA11-036 ZBA Date: Nov 1, 2011 Payment Received: \$ 200 (Cash)

Check # 2766 Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name Franklin Gourneau Date Sept 20, 2011

Company (if applicable) N/A

Address\* 44911 Lindbergh City NOVI ST MI ZIP 48377

\*Where all case correspondence is to be mailed.

Applicant's E-mail Address: fb9ourneau@yahoo.com

Phone Number (313) 805-5065 FAX Number ( ) N/A

Request is for:

[X] Residential Construction (New/ Existing) [ ] Vacant Property [ ] Commercial [ ] Signage

1. Address of subject ZBA case: 44911 Lindbergh, NOVI, MI. ZIP 48377

2. Sidwell Number: 5022-03-133-006 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes [X] No [ ]

4. Zoning: [ ] RA [ ] R-1 [ ] R-2 [ ] R-3 [X] R-4 [ ] RT [ ] RM-1 [ ] RM-2 [ ] MH [ ] OS-1 [ ] OS-2 [ ] OSC [ ] OST [ ] OTHER

5. Property Owner Name (if other than applicant) SAME AS ABOVE

6. Does your appeal result from a Notice of Violation or Citation Issued? [ ] Yes [X] No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 2400 Variance requested Setback Encroachment to Rear Prop. Line
2. Section Variance requested
3. Section Variance requested
4. Section Variance requested

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
b. The location and dimensions of all existing and proposed structures and uses on property.
c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
d. Dimensions necessary to show compliance with the regulations of this Ordinance.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

See Attached

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

See Attached

**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 scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

**Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.**

There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

**PLEASE TAKE NOTICE:**

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building     Addition to Existing Home/Building     Accessory Building  
 Use     Signage     Other

[Signature]  
Applicants Signature

Sept 20, 2011  
Date

[Signature]  
Property Owners Signature

Sept 20, 2011  
Date

**DECISION ON APPEAL**

\_\_\_\_\_ Granted    \_\_\_\_\_ Denied    Postponed by Request of Applicant \_\_\_\_\_ Board \_\_\_\_\_

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date

**Zoning Board of Appeals-City of Novi – Applicant: Franklin Gourneau, 44911 Lindbergh, Novi, MI 48377**

Submission attachment to filing form –

**Question 9 (State the practical difficulties which prevent conformance with the Zoning Ordinance requirements):**

Existing deck is planned for removal creating footprint in back yard for future enhancements including children's play area and potential in-ground pool. Utilizing a portion of the footprint from the current deck, a 3 Seasons porch is planned to support access to second floor door wall and provide increased usage in lieu of current deck, extending into spring and fall seasons. Location of proposed 3 Seasons porch, while maintaining half of the current deck square footage and layout, does encroach into 35' setback area from rear property line. (Ordinance 2400-Set Back Violation) Primarily, the SE corner of the proposed 3 Seasons porch is non-compliant (Ref. Survey Deed) with the set back regulation therefore requiring approval from the Zoning Appeals Board (ZBA) prior to permit issuance. Lesser square footage and modified floor plans have been reviewed. Alternatives were deemed not feasible given residence location relative to lot layout while maintaining current home ascetics. All aspects of construction and elevation will be compliant with municipal building code and the home owner association covenants. Furthermore, it's anticipated that the new addition if approved, will further enhance the existing home value/tax valuation while improving potential home re-sale attractiveness and pricing.

**Question 10 (Describe any unique circumstances regarding the property which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance):**

Lot 12 within Summerlin Sub-division is not symmetrical with relation to the residential dwelling footprint (Ref. Survey Deed). The lot is trapezoidal in shape whereby the rear property line is not parallel to the dwelling. This non-parallel relationship creates the encroachment of the proposed 3 Seasons porch into the set back area and is specific to the SE corner of the addition. The lot configuration, trapezoidal in shape, is not typical within the Summerlin Development creating the potential concern for set back issues within this lot as well as those adjacent.



Since 1991

# Miles Bradley

Building and Remodeling Inc.

WWW.MILESBRADLEY.COM

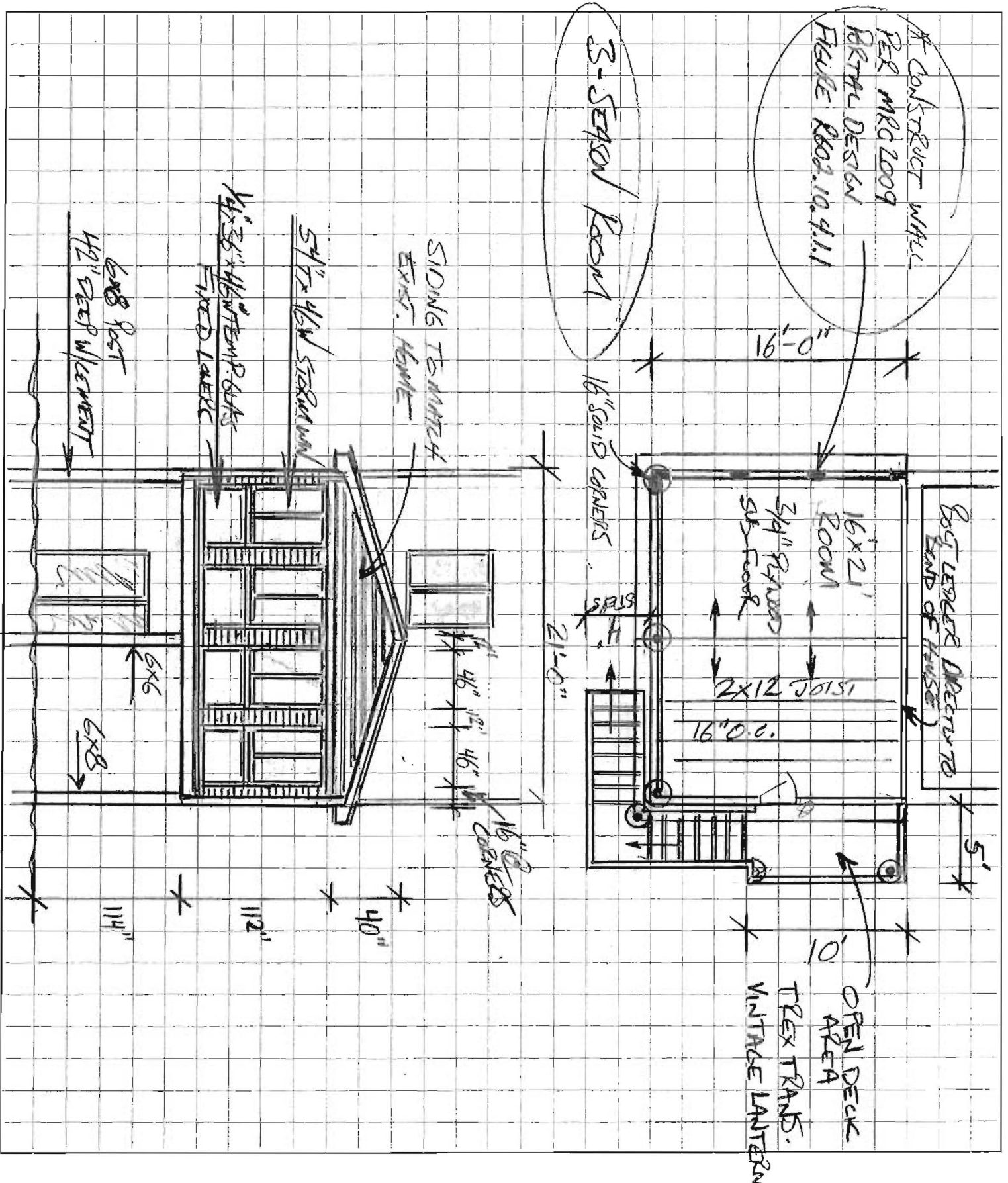
Office 248.478.8660

Project GOURNEAU REVISED

Plan Number 5470 Date 8-1-11

Prepared By BRIAN KOLODY

Scale 1/8" = 1'-0"



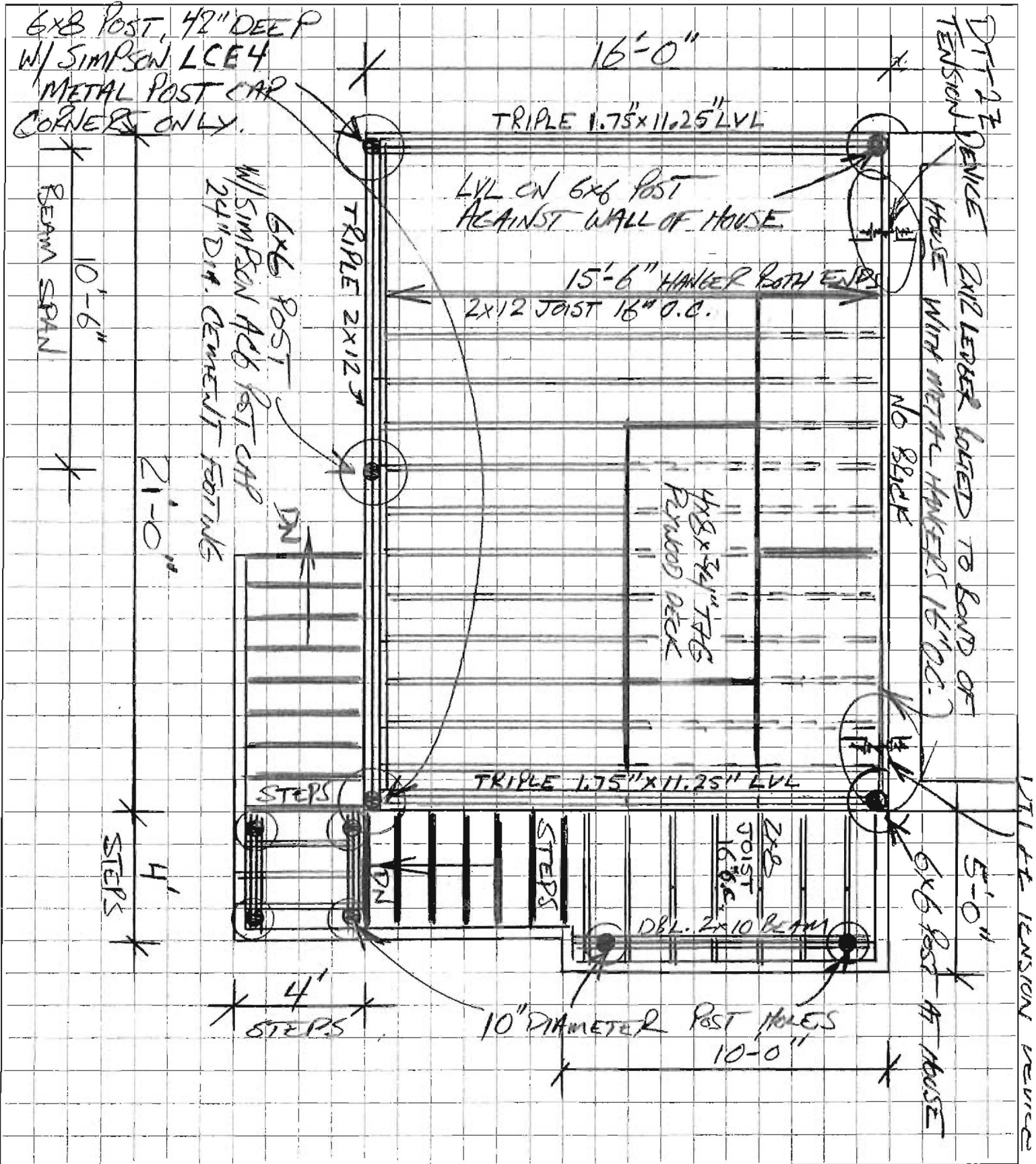


# Miles Bradley

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Office 248.478.8660

Project GOURNEAU REVISED  
Plan Number 5470 Date 8-1-11  
Prepared By BRIAN KOZOLY  
Scale 1/4" = 1'-0"



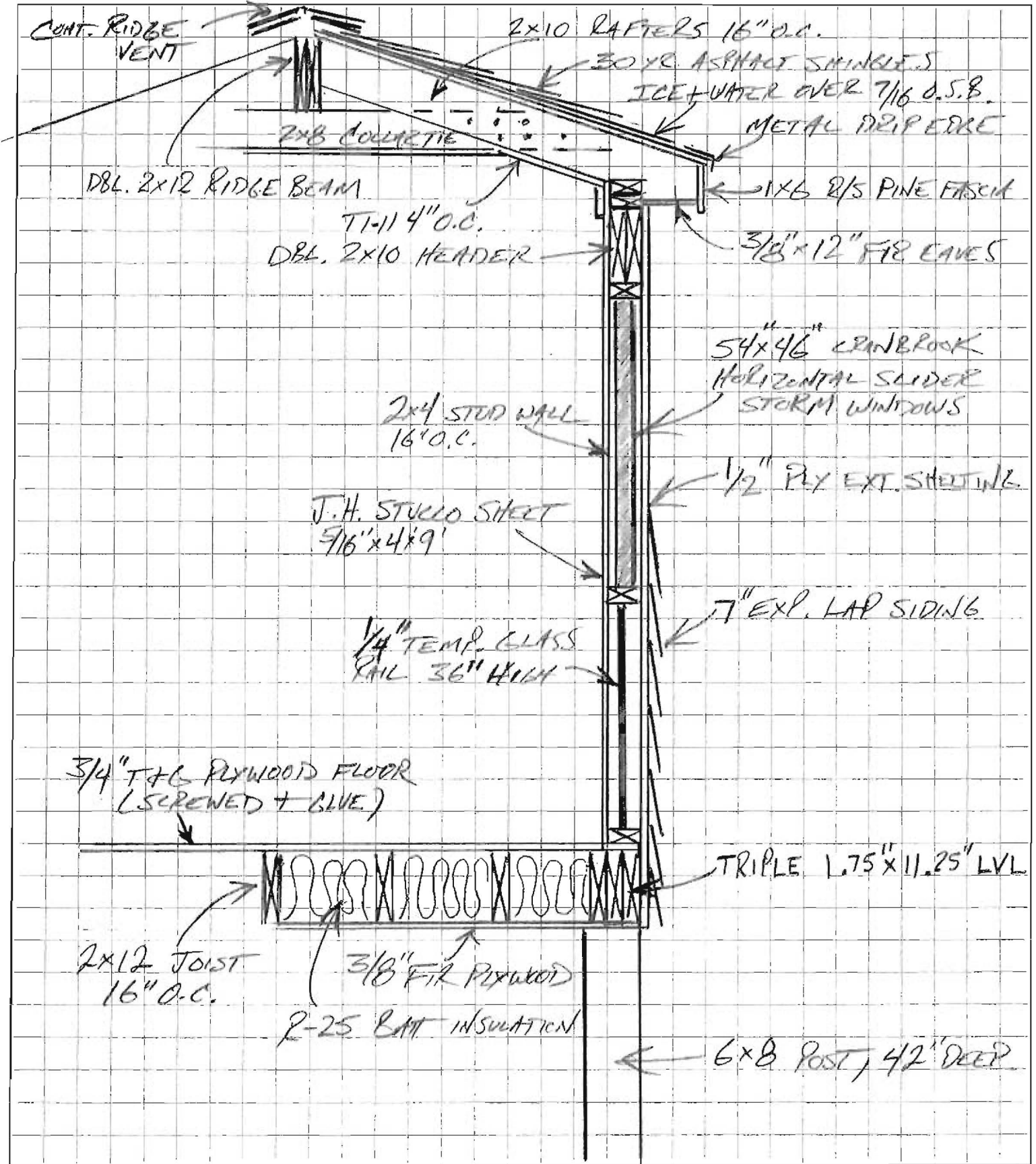


# Miles Bradley

## Building and Remodeling Inc.

WWW.MILESBRADLEY.COM  
Office 248.478.8660

Project COURNEAU REVISIT  
Plan Number 5470 Date 8-1-11  
Prepared By BRIAN KOLODY  
Scale NOT TO SCALE







# Miles Bradley

## Building and Remodeling Inc.

WWW.MILESBRADLEY.COM  
Office 248.478.8660

Project \_\_\_\_\_

Plan Number \_\_\_\_\_ Date \_\_\_\_\_

Prepared By \_\_\_\_\_

Scale \_\_\_\_\_

### General Attachment of Ledger Board to Band Joist or Rim Board

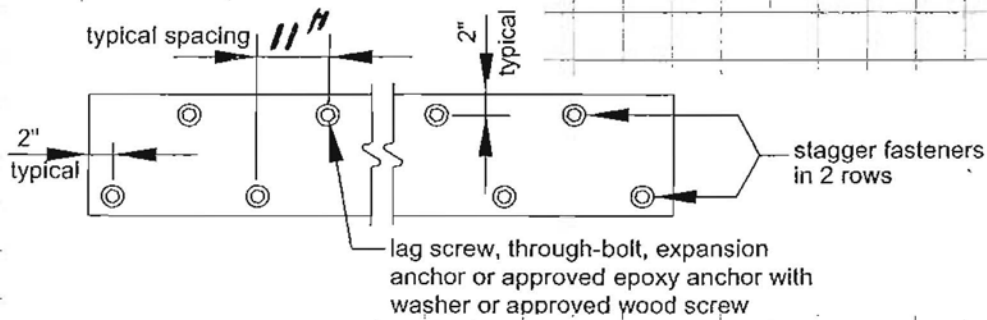
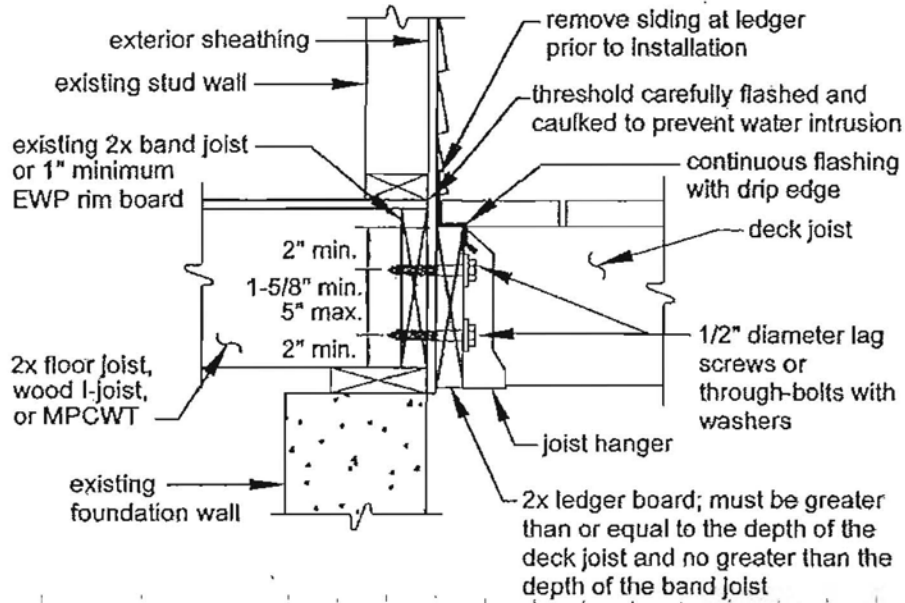
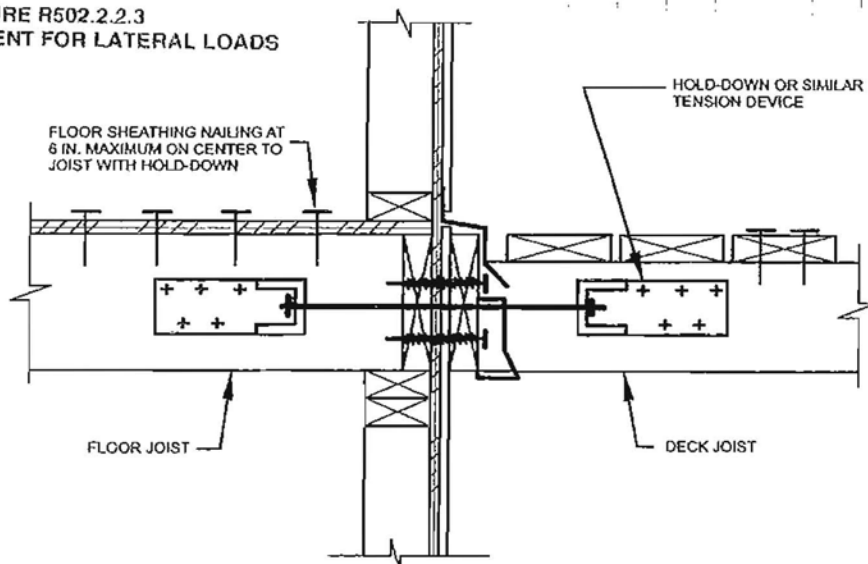


FIGURE R502.2.2.3  
DECK ATTACHMENT FOR LATERAL LOADS



"SUMMERLIN OF NOVI" SITE CONDOMINIUM  
 NW. 1/4 OF SEC. 3, T-1-N, R-8-E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

OVERED

HARRIS & MAY, INC.

03

Vilican Leman

Recommended

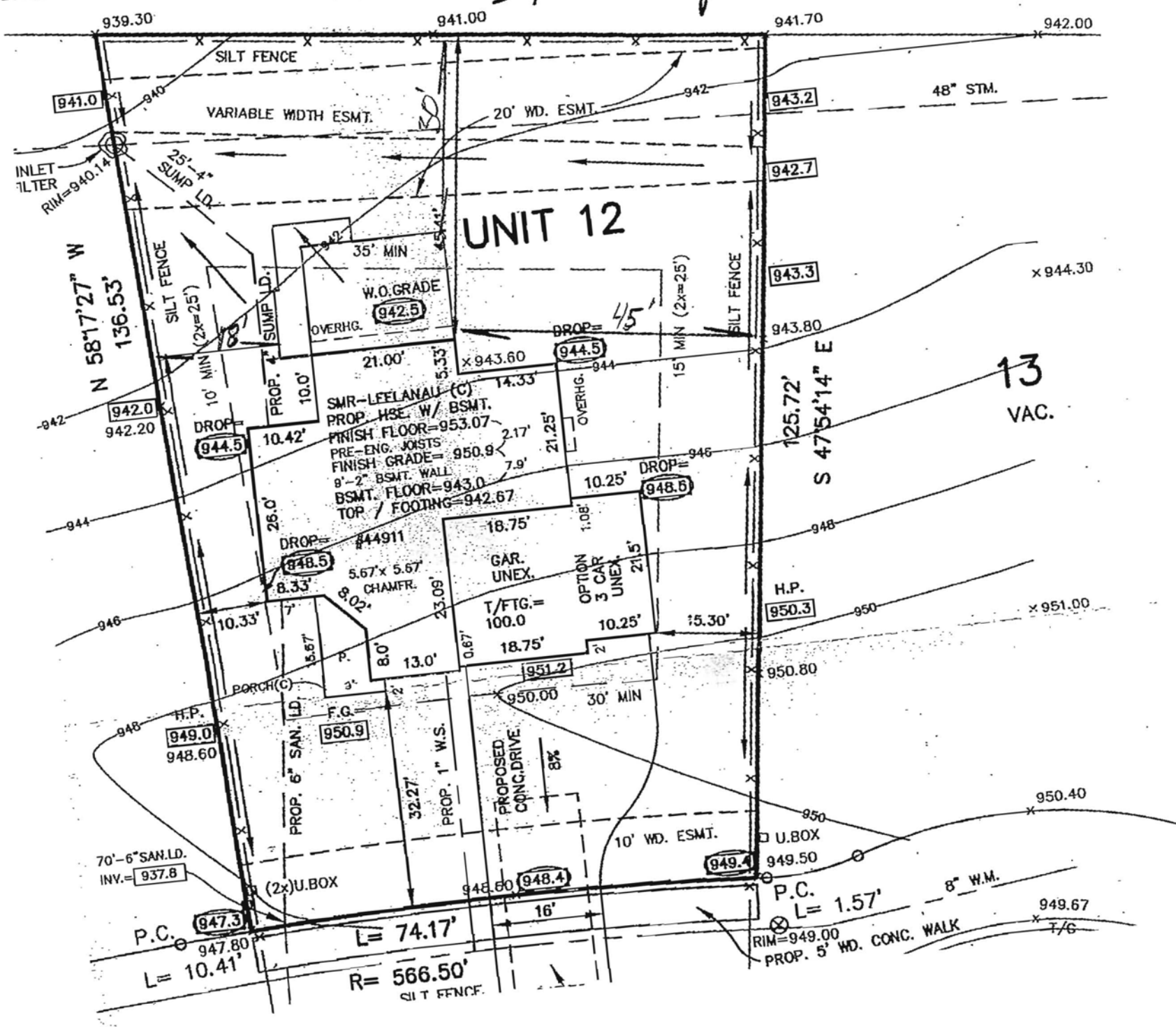
File #

S 42°05'46" W  
98.24'

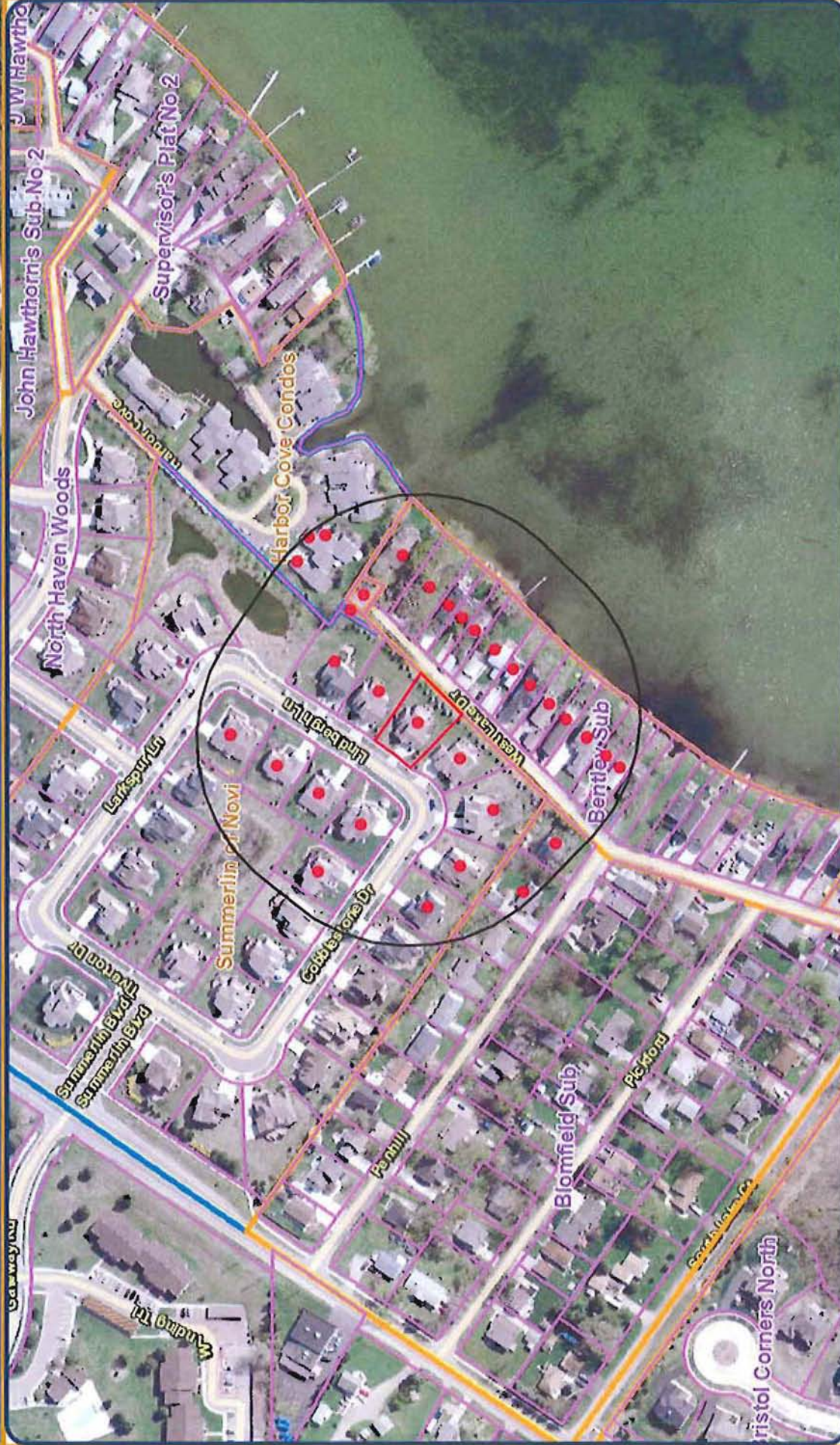
Signature

*[Handwritten Signature]*  
 S.T. Letter of 11/6/09

*As Noted*



# City of Novi 44911 Lindbergh Ln



**MAP INTERPRETATION NOTICE**  
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Internet Mapping Portal



Date: 10/14/2011

