



# COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
[www.cityofnovi.org](http://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: 22635 Beckenham Court, Parcel # 50-22-29-476-016 (PZ21-0025)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### Applicant

James Wildman

#### Variance Type

Dimensional Variance

#### Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Beck Road and North of Nine Mile Road
Parcel #:	50-22-29-476-016

#### Request

The applicant is requesting variance from The City of Novi Zoning Ordinance Section 3.1.2 for a proposed exterior side yard setback of 19 feet (30 feet required, variance of 11 feet). This variance would accommodate the building of a home addition. 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. **PZ21-0025**, 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. **PZ21-0025**, 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



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# ZONING BOARD OF APPEALS APPLICATION

**RECEIVED**

APR 27 2021

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION <u>Beckenham</u>				Meeting Date: <u>June 8, 2021</u>	
ADDRESS <u>22635 Beckenham ct</u>		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ 21-0025</u>	
SIDWELL # <u>50-22-99-476-016</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>9 mile &amp; Beck</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					
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS <u>Jwildman@dms-usa.com</u>		CELL PHONE NO. <u>(734) 637-7043</u>	
NAME <u>James Wildman</u>				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS <u>22635 Beckenham ct</u>		CITY <u>Novi</u>		STATE <u>MI</u>	ZIP CODE <u>48374</u>
<b>B. PROPERTY OWNER</b> <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
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<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>B. VARIANCE REQUESTED</b>					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>3.1.2</u>		Variance requested <u>19' exterior side yard</u>			
2. Section _____		Variance requested _____			
3. Section _____		Variance requested _____			
4. Section _____		Variance requested _____			
<b>IV. FEES AND DRAWINGS</b>					
<b>A. FEES</b>					
<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>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>					
<ul style="list-style-type: none"> <li>Dimensioned Drawings and Plans</li> <li>Site/Plot Plan</li> <li>Existing or proposed buildings or addition on the property</li> <li>Number &amp; location of all on-site parking, if applicable</li> </ul>			<ul style="list-style-type: none"> <li>Existing &amp; proposed distance to adjacent property lines</li> <li>Location of existing &amp; proposed signs, if applicable</li> <li>Floor plans &amp; elevations</li> <li>Any other information relevant to the Variance application</li> </ul>		



# 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

4/26/2021  
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

4/26/2021  
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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**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:

*We have an abnormal shaped lot that was zoned incorrectly when it comes to us having the opportunity to add an addition & therefore asking for you to make an amendment  
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).

Our lot is abnormally shaped and therefore it impacts our ability to build an addition that we are hoping you will approve.

## **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.

Due to the abnormal shape of the lot it prevents us from building our addition w/ the current variance restrictions

## **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 variance being requested will allow the addition to be built.  
It will help improve property value & allow for additional square footage.

## **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.

Due to the abnormal shape of our lot we have plenty of room to build the addition we are looking to do which will help enhance property values. We are also surrounded by 40ft blue spruce evergreens which line the property & create a fence from outside visibility

Thank you for taking the time to review our dream addition to our home.

The image below provides a basic visual of what we would like to do.



The total area of the addition would be 26' x 20' or 520 sq ft. The floor area in scope of work will be approx. 500 sq ft. This will be a heated and cooled living space so additional livable square footage will be added to our home. It will be a single floor addition. I do not know the exact height of the roof but will assume it will be around 14ft with a 4/12 roof pitch. This will be confirmed once we start working with an architect. We expect no more than 15 occupants in this living space. It will be equipped with an automatic fire alarm system.

Thank you,

James and Katya Wildman

# R-1 One-Family Residential

3.1.2

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>(1)</sup>: 21,780 sq ft  
 Minimum lot width<sup>(2)</sup>: 120 ft

### Lot Coverage<sup>(1)</sup>

Maximum lot coverage: 25%

### Setbacks<sup>(1)</sup>

Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 15 ft one side  
 40 ft total two sides

### Building Height<sup>(1)</sup>

Maximum building height: 35 ft or 2.5 stories, whichever is less

### Floor Area<sup>(1)</sup>

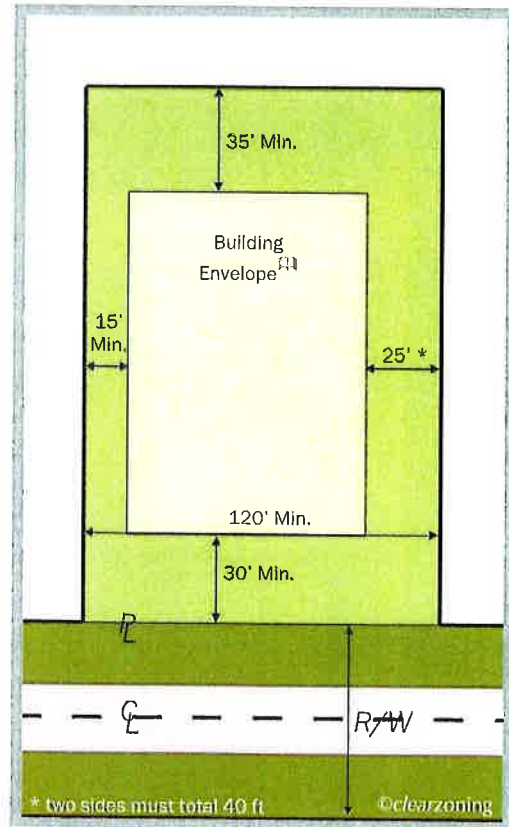
Minimum floor area per unit<sup>(3)</sup>: 1,000 sq ft

### Dwelling Unit Density

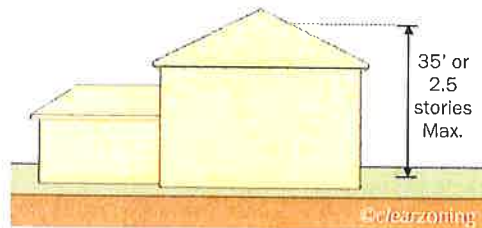
Maximum density  
 DU's/Net Site Area: 1.65

### NOTES

- For additions to the above requirements, refer to **Section 3.6.2 Notes to District Standards: A, B, C, and M**
- See *Selected References* below for applicability



How do I calculate height?



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- RA, R-1, R-2, R-3, and R-4 Required Conditions § 3.7
- One-Family Clustering Option § 3.28
- RUD Residential Unit Development § 3.29
- Open Space Preservation Option § 3.30

### 4. Use Standards

- Keeping of Cats and Dogs § 4.83
- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

### 5. Site Standards

- Commercial and Recreational Vehicle Parking § 5.1
- Off-street Parking Requirements § 5.2
- Off-street Parking Layout, Standards... § 5.3
- Off-street Loading and Unloading § 5.4
- Landscape Standards § 5.5
- Signs § 5.6
- Exterior Lighting § 5.7
- Residential Entryways § 5.8
- Corner Clearance § 5.9
- Additional Road Design § 5.10

- Fences § 5.11
- Frontage on a Public Street § 5.12
- Performance Standards § 5.14
- Exterior Building Wall Facade Materials § 5.15
- Bike Parking Facility Requirements § 5.16

### 6. Development Procedures

- Site Plan Review § 6.1
- Public Hearing § 6.2

### 7. Admin. and Enforcement

- Nonconformities § 7.1
- Planned Rezoning Overlay § 7.13.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement









# 3.1.2 R-1 One-Family Residential

## A. INTENT






The R-1, One-Family Residential district is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. **Farms**  and **greenhouses** § 4.1
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. **Home occupations**  § 4.4
- v. **Keeping of horses and ponies** § 4.8
- vi. **Family day care homes**  § 4.5
- vii. **Accessory buildings and uses**  § 4.19 customarily incident to any of the above uses

## C. SPECIAL LAND USES

- i. **Places of worship** § 4.10
- ii. **Public, parochial and private elementary, intermediate or secondary schools** § 4.3.2
- iii. **Utility and public service buildings and uses (without storage yards)** § 4.11
- iv. **Group day care homes** , **day care centers** , and **adult day care**  § 4.12.1
- v. **Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs** § 4.13
- vi. **Golf courses** § 4.14
- vii. **Colleges, universities and other such institutions of higher learning** § 4.15.1
- viii. **Private pools** § 4.16
- ix. **Cemeteries** § 4.2
- x. Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- xi. **Mortuary establishments** § 4.17
- xii. **Bed and breakfasts**  § 4.18
- xiii. **Accessory buildings and uses**  § 4.19 customarily incident to any of the above permitted uses

