



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: August 10, 2021

REGARDING: 23218 W Le Bost Drive, Parcel # 50-22-25-151-026 (PZ21-0045)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Ryan Damuth

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:

Single Family Residential

Location:

East of Meadowbrook Road and South of Ten Mile Road

Parcel #:

50-22-25-151-026

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.1.1(E) and 3.6.2(A) for an accessory structure in the exterior side yard 2 feet from main house. These variances would accommodate the replacement of an old existing shed on the property. 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:

1. I move that we **grant** the variance in Case No. **PZ21-0045**, 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. **PZ21-0045**, 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

JUL 02 2021

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION <u>Shed</u>				Meeting Date: <u>August 10, 2021</u>	
ADDRESS <u>23218 W LeBost Novi mi 48375</u>		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 21-0045</u>	
SIDWELL # <u>50-22-</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>10 mile and Meadowbrook</u>					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO			REQUEST IS FOR: <input 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>rtrtpd@aol.com</u>		CELL PHONE NO. <u>(313) 319-7239</u>	
NAME <u>Ryan Damuth</u>		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS <u>23218 W LeBost</u>		CITY <u>Novi</u>		STATE <u>MI</u>	ZIP CODE <u>48375</u>
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		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS		CITY		STATE	ZIP CODE
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" 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: <u>Shed in</u>					
1. Section <u>4.19-B-G</u> Variance requested <u>Exterior side yard, 2 feet from house</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					
• 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

7/1/2021
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

7/1/2021
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



cityofnovi.org

Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
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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:

I am only looking to build a shed where one previously existed. I live on the corner lot of W LeBost and Hollydale and really only have a side yard. I do not have much for a back yard. It could not accomodate and/or the required dimensions.

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).

The need for the variance is not self-created as I did not design the sub-division.

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.

As written the ordinance would not allow me to have a shed in my yard.

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 minimum is necessary due to the size and shape of my property.

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.

There will be no impact on surrounding property as the shed will be on the side of my house, where one previously stood.



To whom it may concern,

I am seeking association approval to take to the zoning compliance board for a permit. As you can see, a shed had already existed on the side of my house due to being a corner lot and I do not have much for a back yard. The shed will be the same height and depth as the previous one, but will be 2ft wider. It will only be used to store lawn equipment and bicycles.

I have attached a design intent with exact measurements, material list, cost, and color. I will also be looking to repair and extend my chain link fence to come further toward the front of my house.

Thank you for your time and hopefully your approval!

Sincerely,

Ryan Damuth

23218 w LeBost

Novi, MI 48375

(313)319-7239

**Willowbrook Community
Association**

Date: 07/01/21

Approval: YES NO

Reason: Shed / Fence

By: Ryan Gabrielli
Ryan Gabrielli

* Fence & Shed must comply with all City of Novi ordinances. HOA not responsible if either violate the ordinances. *





TUFF SHED

Quote

Location: LIVONIA | #490 | 734-524-0504

Scheduled Date:

Factory Location: LIVONIA | #490 | 734-524-0504

Created Date: 06/25/2021

Prepared by: Venetia Williams | 7345240501 |
venetiawilliams@tuffshed.com

Customer: Ryan Damuth
p. 313-319-7239 | c. 313-319-7239
rrtpd@aol.com

Special Instructions:

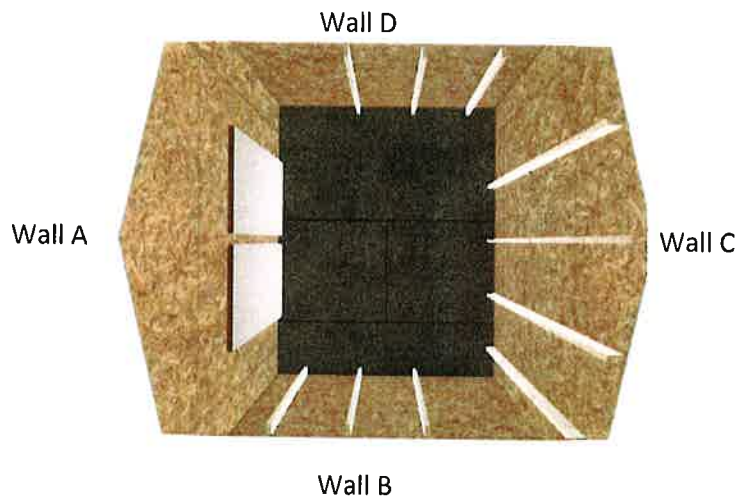
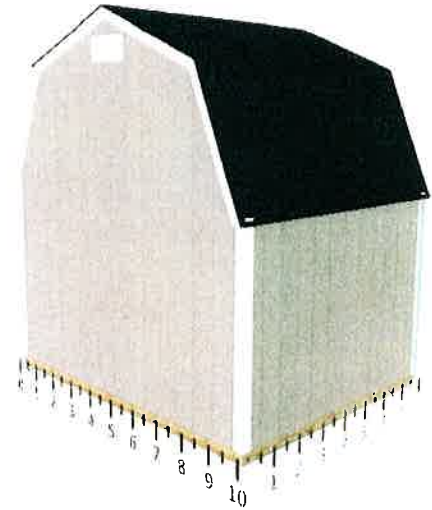
JDE SO
SF Quote Q-1200005

Ship to Address: 23218 West Lebest
Novi, MI 48375

Item Description	Unit Price	Quantity	Total Price	Discount	Net Price
Garden Barn 10 x 8	\$2,912.00	1.00	(\$0.00)	\$0.00	\$2,912.00
Upgrade - 3' x 6'2" Double Shed Door (6')	\$414.00	1.00	(\$0.00)	\$0.00	\$414.00
Paint 10% of building base price	\$292.00	1.00	(\$0.00)	\$0.00	\$292.00
Shed Anchor to Concrete - A24 & Wedge Anchor	\$30.00	4.00	(\$0.00)	\$0.00	\$120.00
Black Door Hardware - Double Door	\$60.00	1.00	(\$0.00)	\$0.00	\$60.00
Door - Decorative Double Door Trim - Lower X	\$59.00	1.00	(\$0.00)	\$0.00	\$59.00
16"x8" Wall Vent - White	\$23.00	2.00	(\$0.00)	\$0.00	\$46.00
Paint - Delicate White	\$0.00	1.00	(\$0.00)	\$0.00	\$0.00
Charcoal 3 Tab	\$0.00	129.00	(\$0.00)	\$0.00	\$0.00
Levelling 0"-4"	\$0.00	1.00	(\$0.00)	\$0.00	\$0.00
Paint - Notorious	\$0.00	281.00	(\$0.00)	\$0.00	\$0.00
Credit for Removal of Default Door	(\$200.00)	1.00	(\$0.00)	\$0.00	(\$200.00)
Delivery Fee	\$95.00	1.00	()	\$0.00	\$95.00

Gross Total	\$3,798.00
Discount	(\$0.00)
Net Total	\$3,798.00
Estimated Tax	\$0.00
Grand Total	\$3,798.00

The price quoted is valid through the expiration date of the promotion, but in no case shall be valid longer than seven days. Once an order has been placed, pricing is guaranteed for up to 6 months. If the installation is not completed within 6 months for any reason, Tuff Shed has the right to modify the order pricing. You will be notified regarding any price adjustment prior to installation or incurring any additional charges.



Base Details

Building Size & Style

Garden Barn - 10' wide by 8' long

Paint Selection

Base: Notorious, Trim: Delicate White

Roof Selection

Charcoal 3 Tab

Drip Edge

White

Options Details

Doors

3' x 6'2" Double Door (6'), LowerX,
Decorative Door Hardware

Floor and Foundation

4 Ea Shed Anchor to Concrete - A24 &
Wedge Anchor

Vents

2 Ea 16"x8" Wall Vent - White

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

No

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 24" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Anchored to Concrete with Shed Floor

Signature: _____ Date: _____

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



Please note my comments to:

23218 W Le Bost Drive, Parcel # 50-22-25-151-026 (PZ21-0045)

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

Comments:

(PLEASE PRINT CLEARLY)

Name: Lawrence + Pamela Laichalk

Address: 23211 W. Le Bost Drive

Date: 8-2-21

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

Oppermann, Katherine

From: Michael Condon <mcondon@fiberclasscontracting.com>
Sent: Friday, July 23, 2021 4:14 PM
To: Oppermann, Katherine; Butler, Larry
Cc: Michael Condon
Subject: FW: ZBA, Kate opperman

Kate, Per my conversation with Larry Butler, I am writing to request the ZBA overturn their decision allowing for all seven of the variances requested for 1419 W. Lake Dr. at the last Zoning Board of Appeals meeting. ***I am requesting, the same thing the first Zoning board members originally started to discuss as their solution.*** By keeping the garage to a three car garage, instead of the 4 car garage requested, this would allow the entire structure including the deck to slide back from the lake. Furthermore, I don't think we want to start a new precedent on the lake by having such a tall deck lakeside setback variance. This becomes a major issue as the proposed plan shows a much taller deck than is presently there. By making these changes it will take away the need for both the 3 car garage variance, and the deck rear yard setback variance requested. This would also minimize the neighbors concern to the south.

I would ask any and all ZBA members come out and allow me to review with them personally on site the impact this will have for our neighborhood. I welcome any contact via email or phone for us to meet in person on site to review this.

This seems like a reasonable compromise for our neighborhood by all parties. I ask that you not allow 2 of the 7 variances requested.

Thank you ZBA members for taking the time to review this.

Per my conversation with Larry, I will plan on being at the August 10, 2021 meeting to speak at the beginning of the meeting. Kate, Please keep me updated on any and all mailings regarding that upcoming meeting to hopefully resolve this issue locally.

Also, can you please direct me on how to get audio/written record of the past meeting?

Thank You, and can you please confirm back to me that you have received this email.

Appreciate everyone's time. Thank You for serving our wonderful City of Novi.

Michael Condon
1411 West Lake Dr.
Novi, MI. 48377
248.669.8830