



# 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: September 10, 2019

REGARDING: 23833 Harvest Drive, Parcel #50-22-27-202-023 (PZ19-0028)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Louise L. Holbel

**Variance Type**

Dimensional

**Property Characteristics**

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Ten Mile Road
Parcel #:	50-22-27-202-023

**Request**

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 to allow a proposed rear yard setback of 16 feet, 35 feet minimum allowed by code. This property is zoned Single Family Residential (R-4).

### II. STAFF COMMENTS:

*Existing deck structure is nonconforming.*

### 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. **PZ19-0028**, 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. **PZ19-0028**, 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 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

**APPLICATION MUST BE FILLED OUT COMPLETELY**

RECEIVED

JUL 24 2019

CITY OF NOVI  
COMMUNITY DEVELOPMENT

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION <i>Sunroom/Walpole Orchard Ridge Estates</i>			
ADDRESS <i>23833 Harvest Dr</i>		LOT/SUITE/SPACE # <i>39</i>	
SIDWELL # <i>50-22-27-202-023</i>	May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY <i>10 mile &amp; Churchill</i>			
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 <i>STEVED@MLTINOCOMPANIES.COM</i>	CELL PHONE NO. <i>248-417-6987</i>
NAME <i>Louise Holael Homeowner/Charles Brotzke</i>		TELEPHONE NO. <i>H.O. 248-344-2181</i>	
ORGANIZATION/COMPANY <i>SUNADDITIONS</i>		FAX NO.	
ADDRESS <i>1458 E. LINCOLN</i>	CITY <i>MADISON HETS</i>	STATE <i>Mi</i>	ZIP CODE <i>48017</i>
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS <i>Louise.Holael@gmail.com</i>	CELL PHONE NO. <i>619-922-6021</i>
NAME <i>Louise Holael</i>		TELEPHONE NO. <i>248-344-2181</i>	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS <i>23833 Harvest Dr</i>	CITY <i>Novi</i>	STATE <i>Mi</i>	ZIP CODE <i>48375</i>
<b>III. ZONING INFORMATION</b>			
<b>A. ZONING DISTRICT</b>			
<input 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>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section _____	Variance requested	<i>Relief of Rear Yard Set Back</i>	
2. Section _____	Variance requested	<i>Proposed 16'</i>	
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> <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

Steve Benson  
Applicant Signature

7-22-19  
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.

Louise L. Helbel  
Property Owner Signature

7-24-19  
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.

*Describe below: Apparently the house currently sits towards rear property line closer than current set-back requirements allow. maybe non-complying structure*

OR

- b. **Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

*Extreme Western exposure making sitting outside unbearable in the summer*

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. **Describe below:**

*Two houses just to the south, same side of street are into the setback with one @ 23793 Harvest Dr just as far or further than this request.*

## 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).

*House APPROVED ORIGINALLY ON LOT TO NOT ALLOW  
SUNROOM WITH-IN COMPLIANCE*

## 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.

*WITH THE WESTERN SEVERE SUN EXPOSED REAR THE HOMEOWNER  
CANNOT SIT OUTSIDE AND ENJOY THE REAR YARD. CURRENTLY THERE  
IS A LARGE DECK & PERGOLA STRUCTURE EXTENDING FURTHER  
INTO THE REAR THAN NEW PROPOSED STRUCTURE WOULD REPLACE.*

## 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.

*IF VARIANCE GRANTED THE NEW STRUCTURE WOULD NOT EXTEND  
AS FAR INTO SET-BACK AS CURRENT STRUCTURE. THEREFORE  
BETTERING THE CURRENT OBSTRUCTION FOR NEIGHBORING HOME  
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.

*THIS WILL INCREASE PROPERTY VALUES AND WILL  
BE AN ENHANCEMENT TO NEIGHBORHOODS.*



**Your appointment is:**

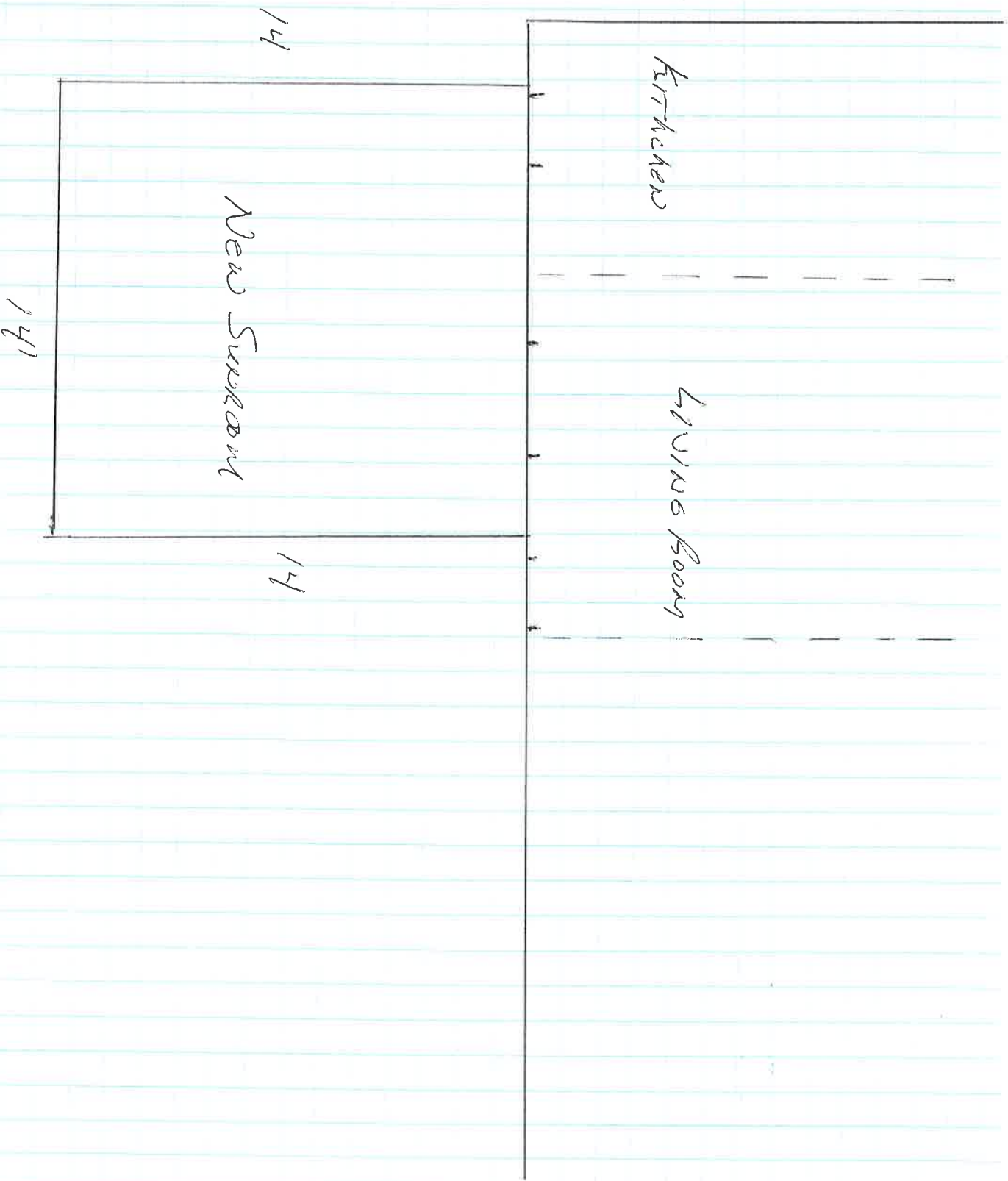
Your Local Representative

**Day** \_\_\_\_\_

**Date** \_\_\_\_\_

**Time** \_\_\_\_\_

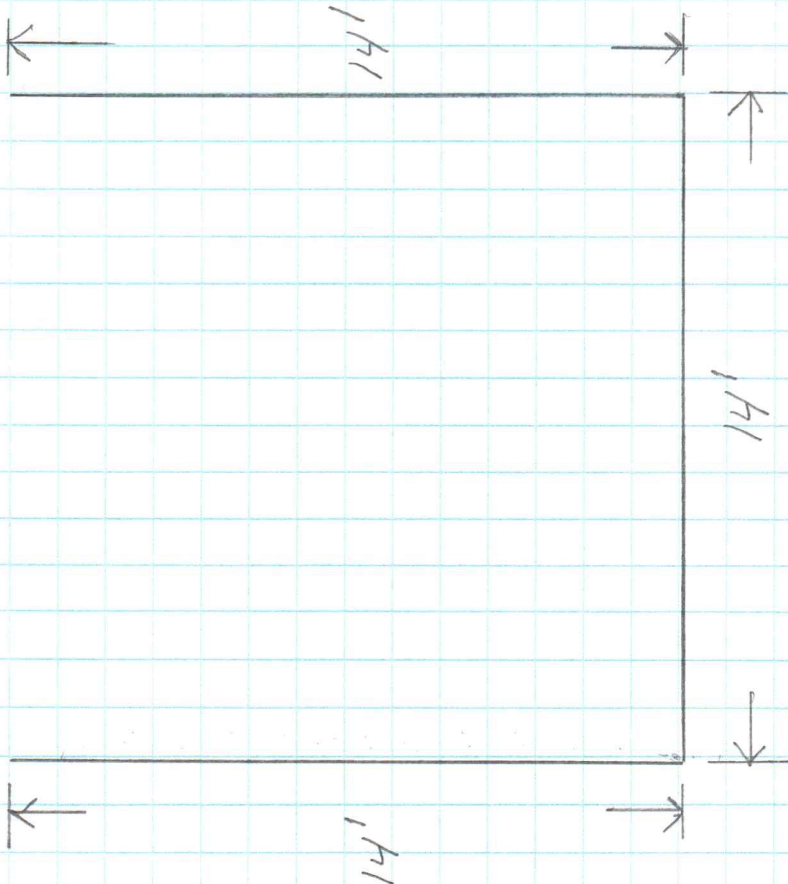
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Hobel

Concrete Detail



6 BAG 4000 PSI  
 10 GAUGE  
 WIRE MESH

4" CAP

← 8" BLOCK

← 8" BLOCK  
 GRADE

42"

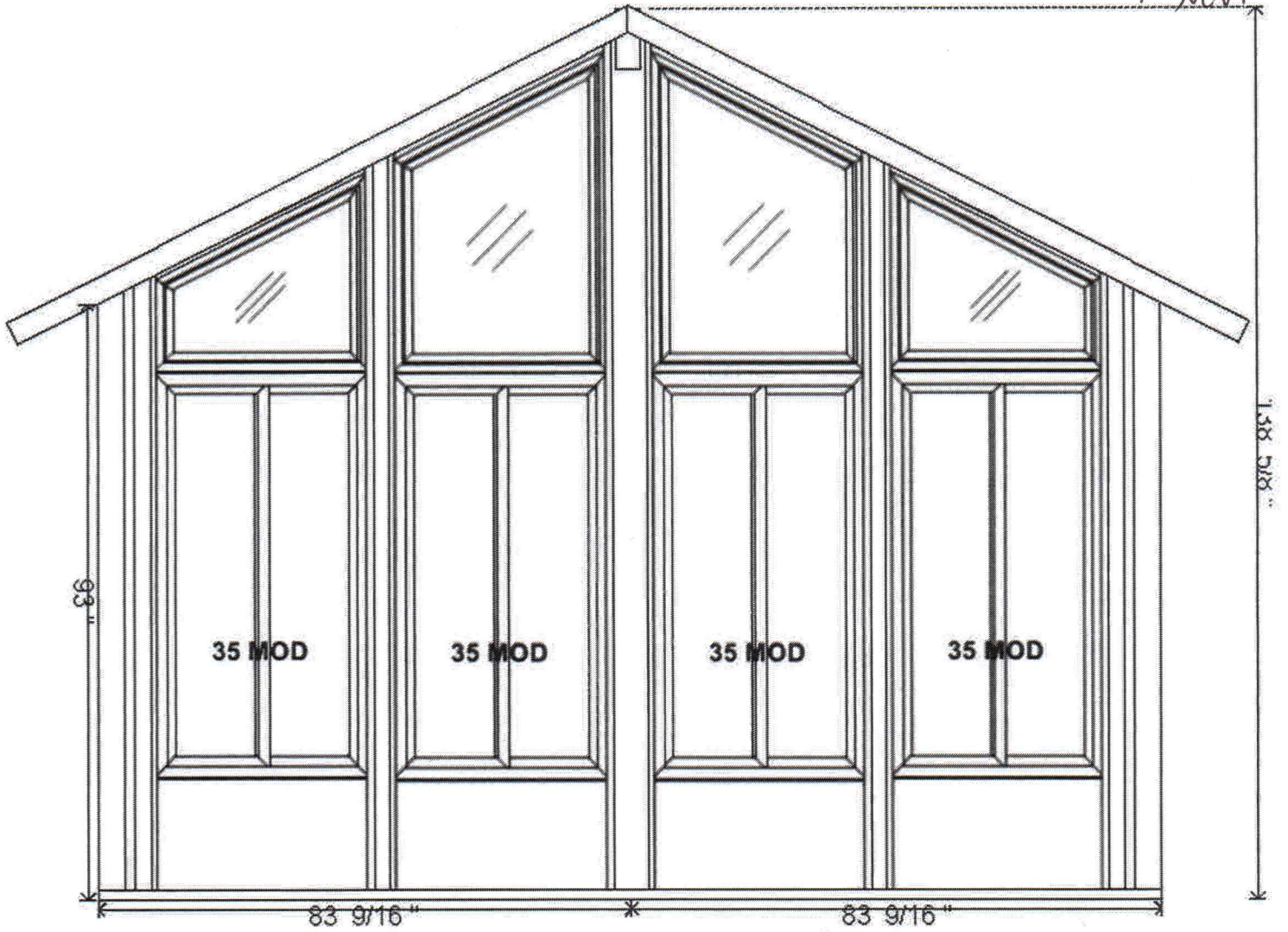
↑ VAPOR BARRIER

↑ BACK FILL  
 COMPACTED FILL DIRT  
 + 2" Z/AA CRUSHED STONE

12" Poured  
 CONTINUOUS FOOTING

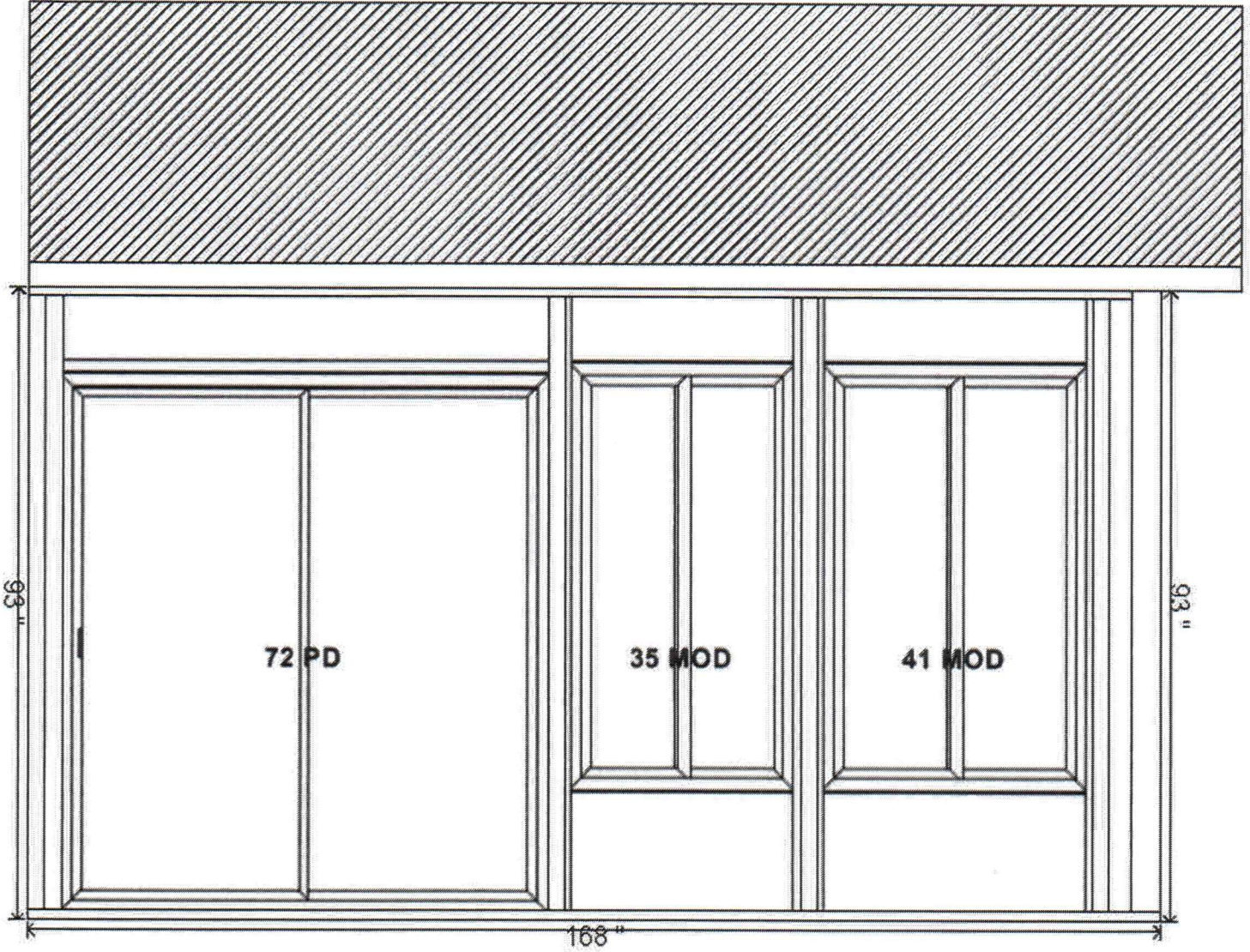
# Front Wall

*23833 Harvest Dr  
Novi*



Left Wall

23833 Harvest Dr -  
Novi



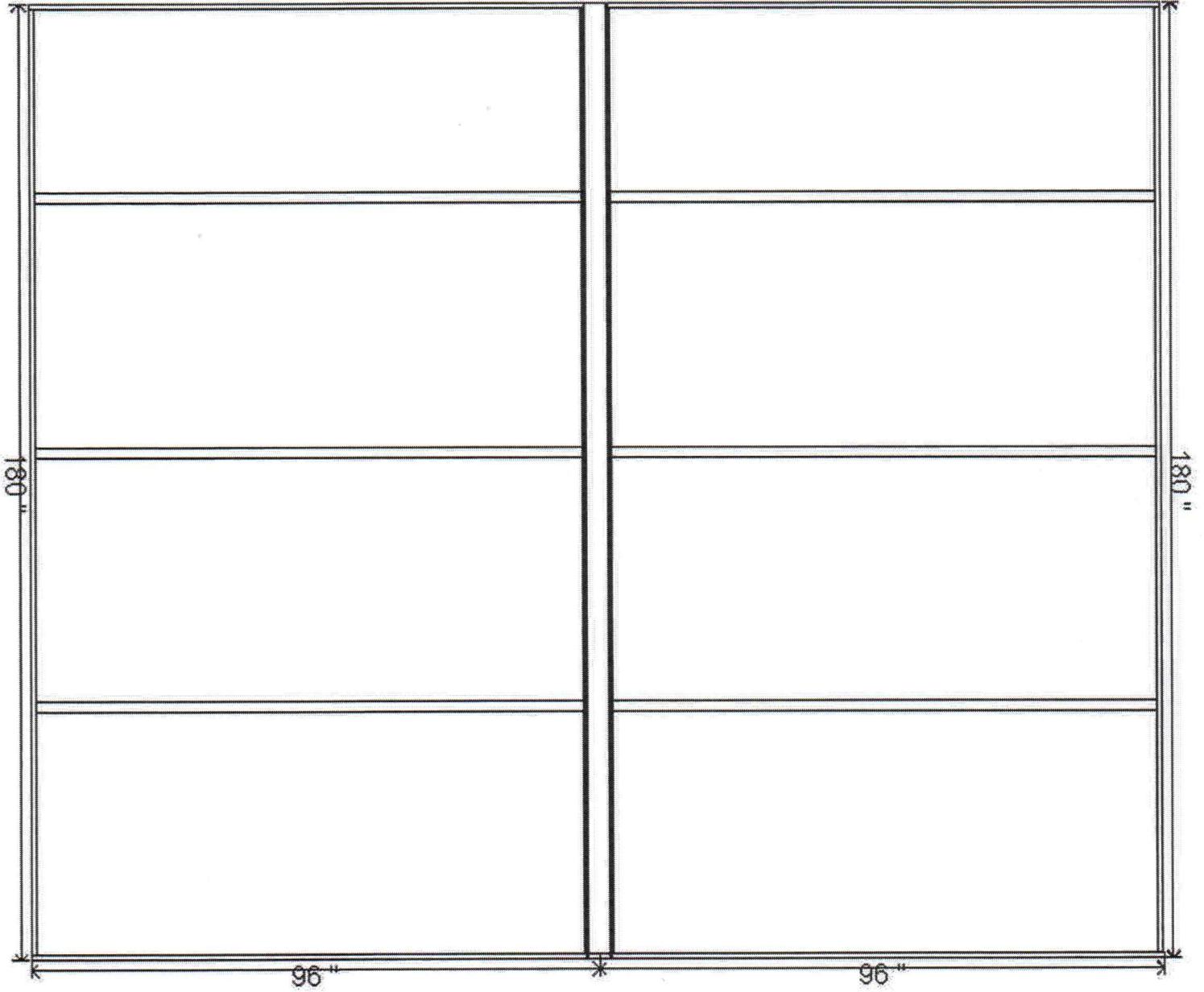
# Right Wall

23833 Harvest De  
Novi



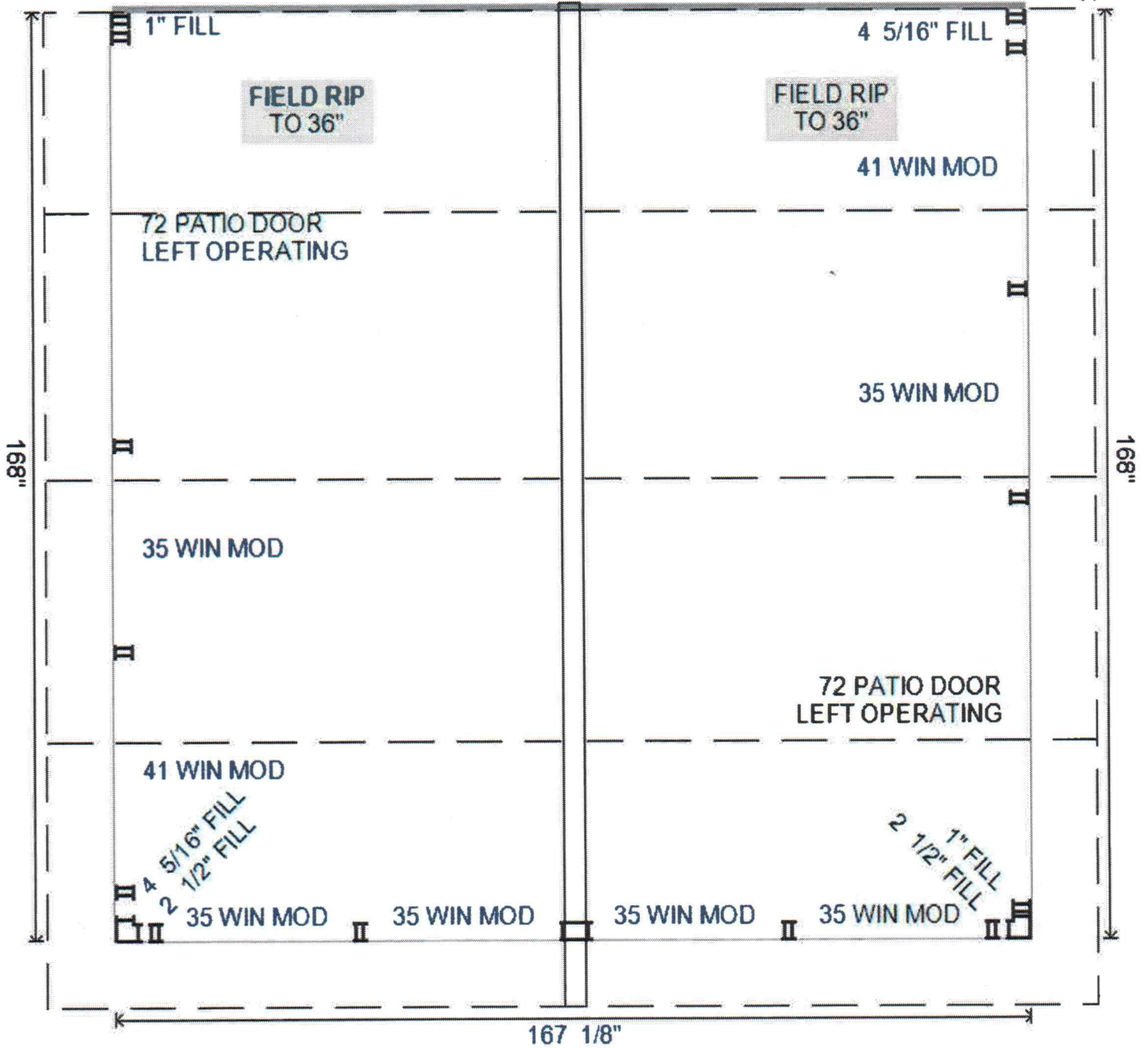
# Roof

23832 Harvest Dr.  
Novi



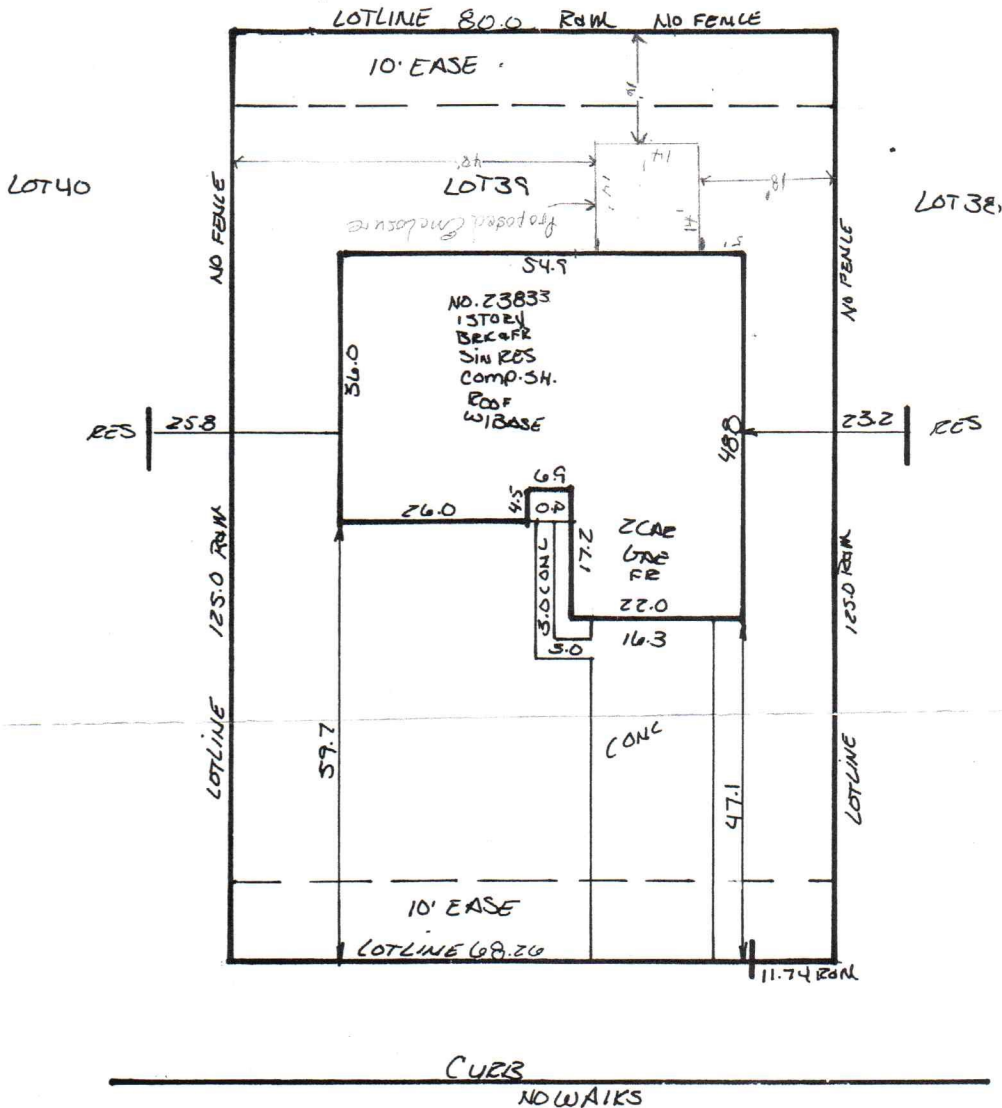
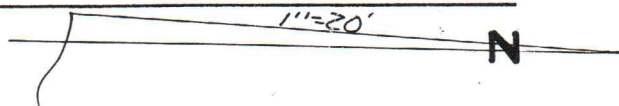
# Floor Plan

23833 Harvest Dr  
Novi



**MORTGAGE SURVEY**

DETROIT FEDERAL SAVINGS & LOAN ASS'N



**HARVEST DR. 60' WD.**

SURVEY NO: 118984    DATE: 5-9-86    PURCHASER: Richard & Victoria A. Abbott

LEGAL DESCRIPTION: LOT #39 "Orchard Ridge Estates No. 1" part of the NE 1/4 of Sec. 27, T. 1N., R. 8E., City of Novi, Oakland Co., Michigan. Rec'd L. 169, P. 38 & 39 Plats, O.C.R.



WE HEREBY CERTIFY that we have surveyed the property herein described; that the buildings and improvements are located as shown. photographs were taken and prints attached hereto: NOTE: This survey is for Mortgage Purposes only and should not be used to establish the property lines for the construction of improvements or the erection of fences.

CERTIFIED TO ALL TITLE COMPANYS:

*James L. Fletcher*