



# 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:** October 12, 2021

**REGARDING:** 114 Bernstadt Street, Parcel # 50-22-03-454-019 (PZ21-0053)

**BY:** Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Robert O'Neill

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:

Single Family Residential

Location:

East of West Park Drive and South of South Lake Drive

Parcel #:

50-22-03-454-019

**Request**

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 4.75 feet (10 feet minimum required, variance of 5.25 feet) and an aggregate total side yard setback of 13.25 feet (25 feet required, variance of 11.75 feet). Section 4.19.1.E(i) for 1,152 square foot of garage space (maximum of 850 square feet allowed by code, variance of 302 square feet). This variance would accommodate the building of a home addition. 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. **PZ21-0053**, 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. **PZ21-0053**, 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



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# ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

Application Fee: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

ZBA Case #: PZ \_\_\_\_\_

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION O'Neill Addition			
ADDRESS 114 Bernstadt Drive, Novi, MI		LOT/SIUTE/SPACE #	
SIDWELL # 50-22- <u>03</u> - <u>454</u> - <u>019</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY East Lake Drive and Old Novi Road			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" 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 checked="" type="checkbox"/> NO			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS hokie_mvsv@yahoo.com	
NAME Robert O'Neill		CELL PHONE NO. 734-604-9431	
ORGANIZATION/COMPANY		TELEPHONE NO.	
ADDRESS 114 Bernstadt Drive		CITY Novi	STATE MI
		ZIP CODE 48377	
<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	
NAME		CELL PHONE NO.	
ORGANIZATION/COMPANY		TELEPHONE NO.	
ADDRESS		CITY	STATE
		ZIP CODE	
<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 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>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section _____	Variance requested	<u>Allow increase sq footage to 1152 of garage</u>	
2. Section _____	Variance requested	<u>Allow variance from 5 feet to property line to 4'9" on garage</u>	
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>			





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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:

Not a standard lot, spanned across 4 lots, sufficient room to be able to have a larger garage for inside versus outside storage

*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).

Aesthetics of front facade of the house will now be more pleasing and less items stored within view of the neighbors and overall appearance will be approved greatly.

## **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.

Simply a family home and no business or other use will be present at this location. Simply put, conforming to current guidelines, the setbacks would create an awkward and unpleasant presentation with the current garage and front facade.

## **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 request is smaller (3" variance), however the larger garage will have additional storage of vehicles and items currently stored outside the home. This will be more pleasing to the overall presence with neighbors.

## **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.

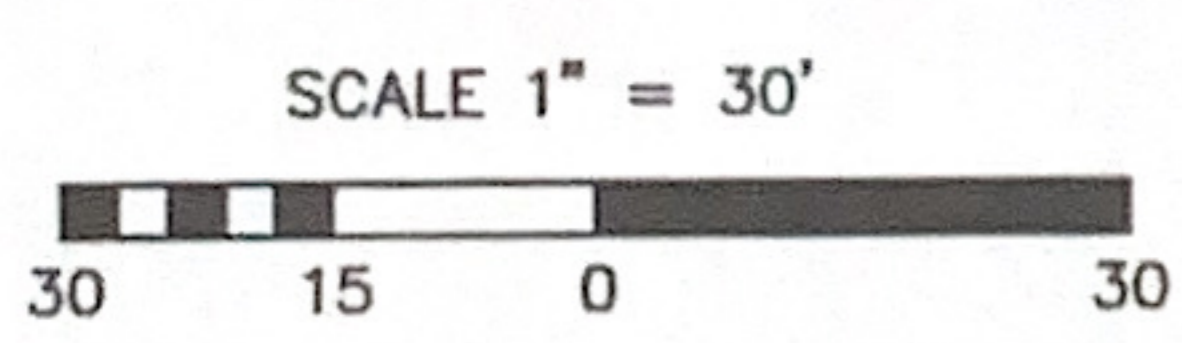
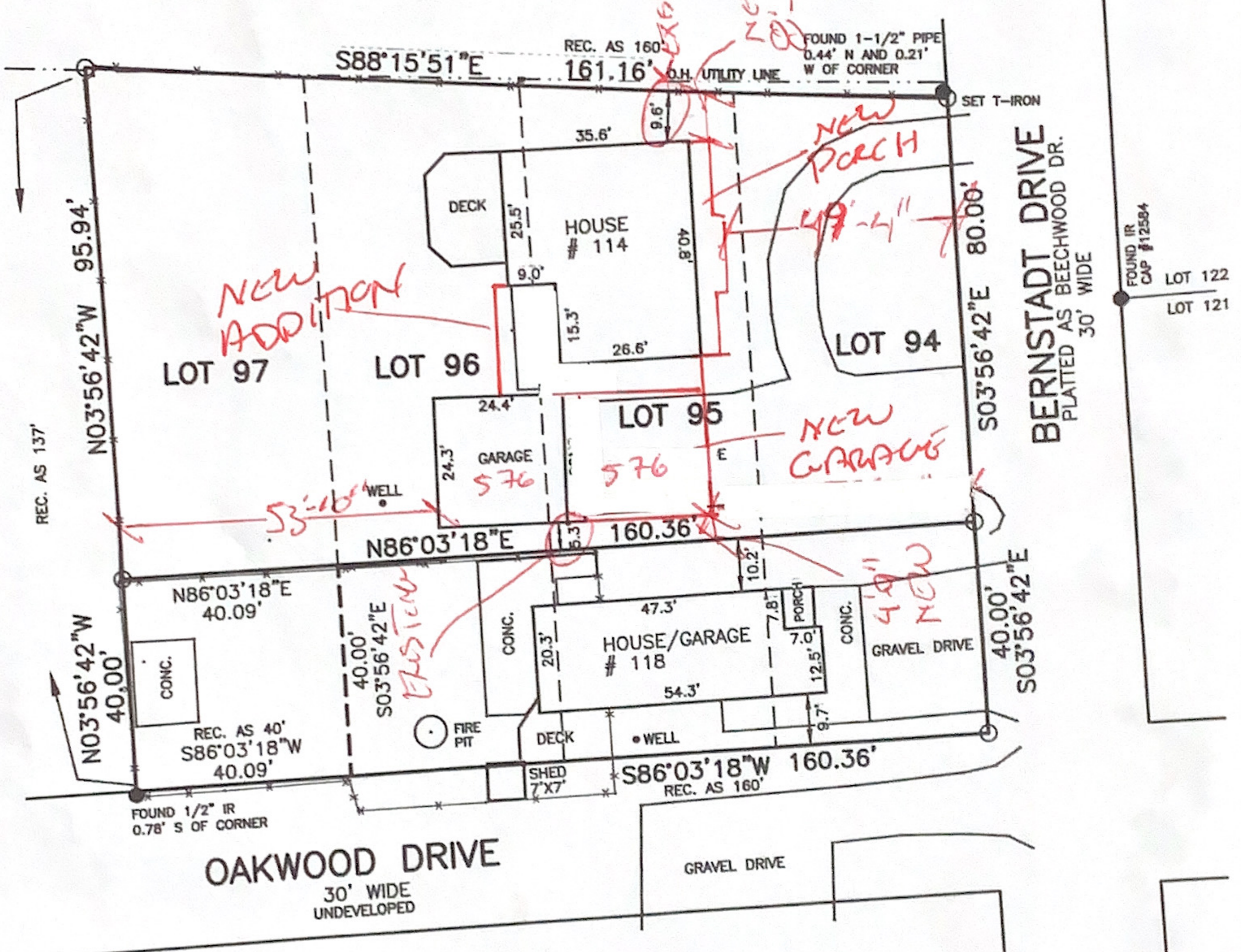
They is no adverse impact to the surrounding area

# CERTIFICATE OF SURVEY

SHEET 1 OF 2

LOTS 94, 95, 96 & 97  
IDLEMERE PARK, LI 17, PG 29  
PART OF SEC. 3, T1N, R8E  
NOVI, OAKLAND COUNTY, MI

114 BERNSTADT



- SET T-IRON W/CAP #21566
- FOUND IRON
- x — x — x — FENCE



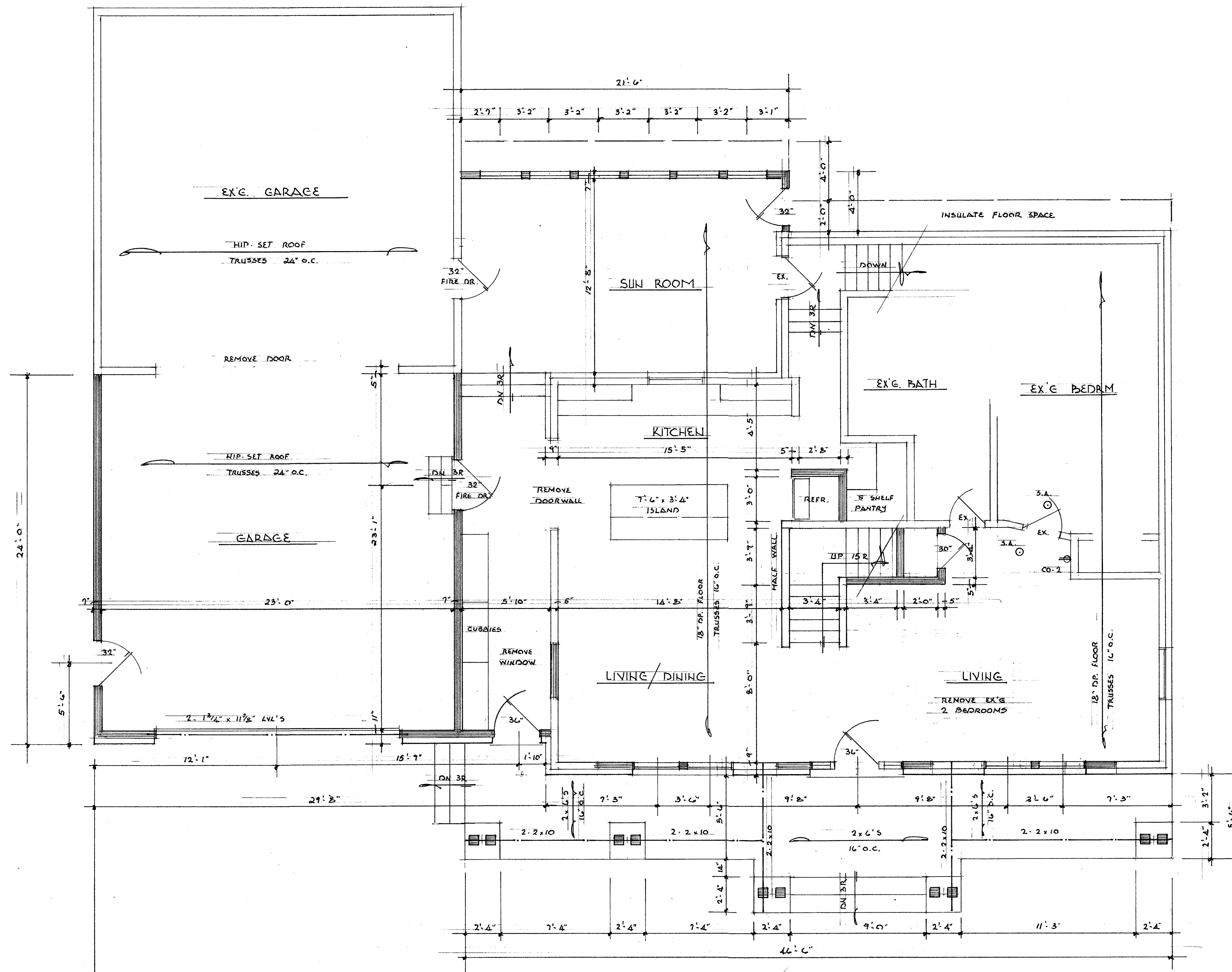
TOTAL SQ. FT. OF  
NEW AND OLD  
GARAGE = 1152 SQ. FT.

ZONED R-4 ONE-FAMILY RESIDENTIAL

Lawrence R. Feindt



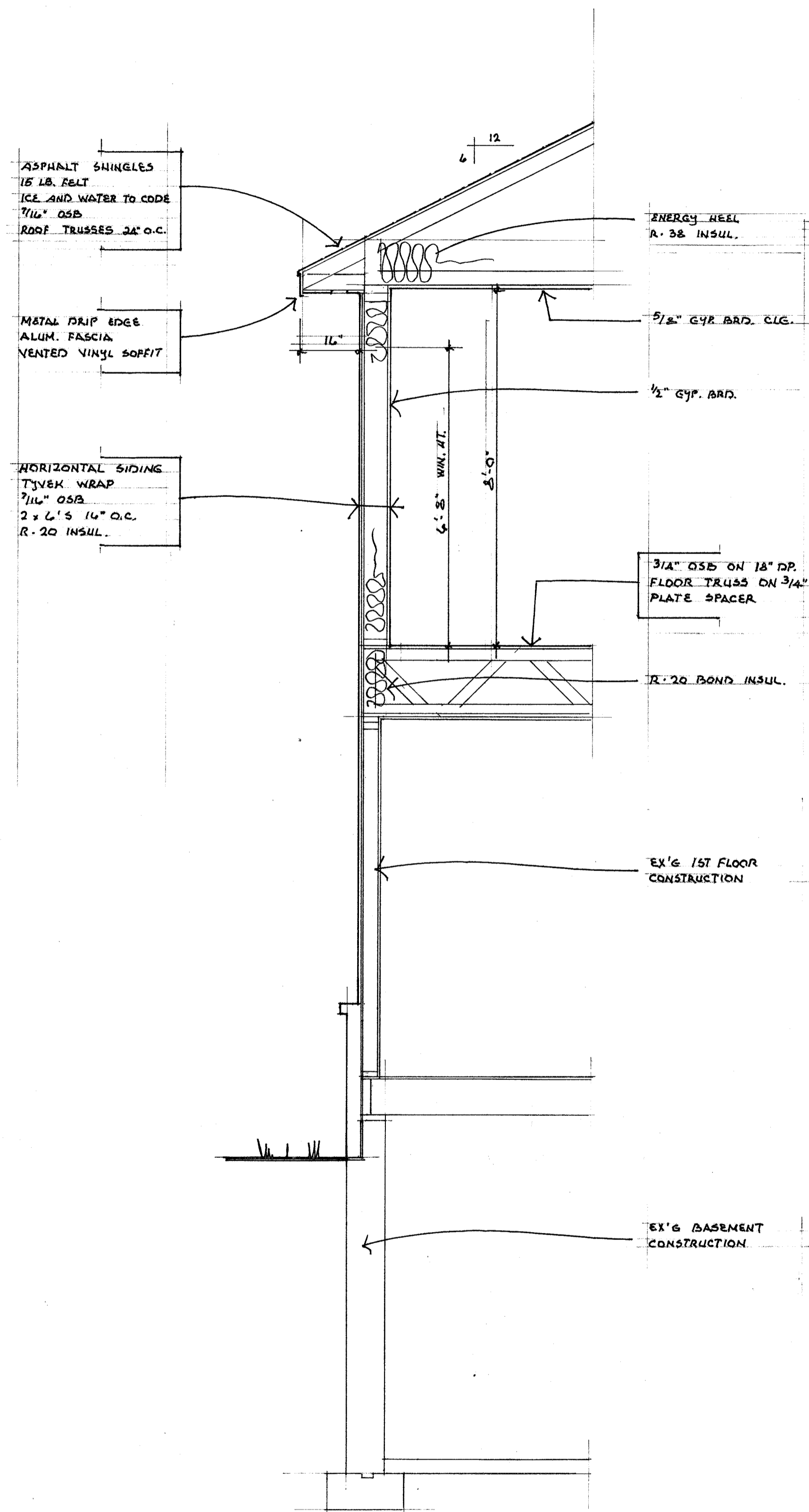




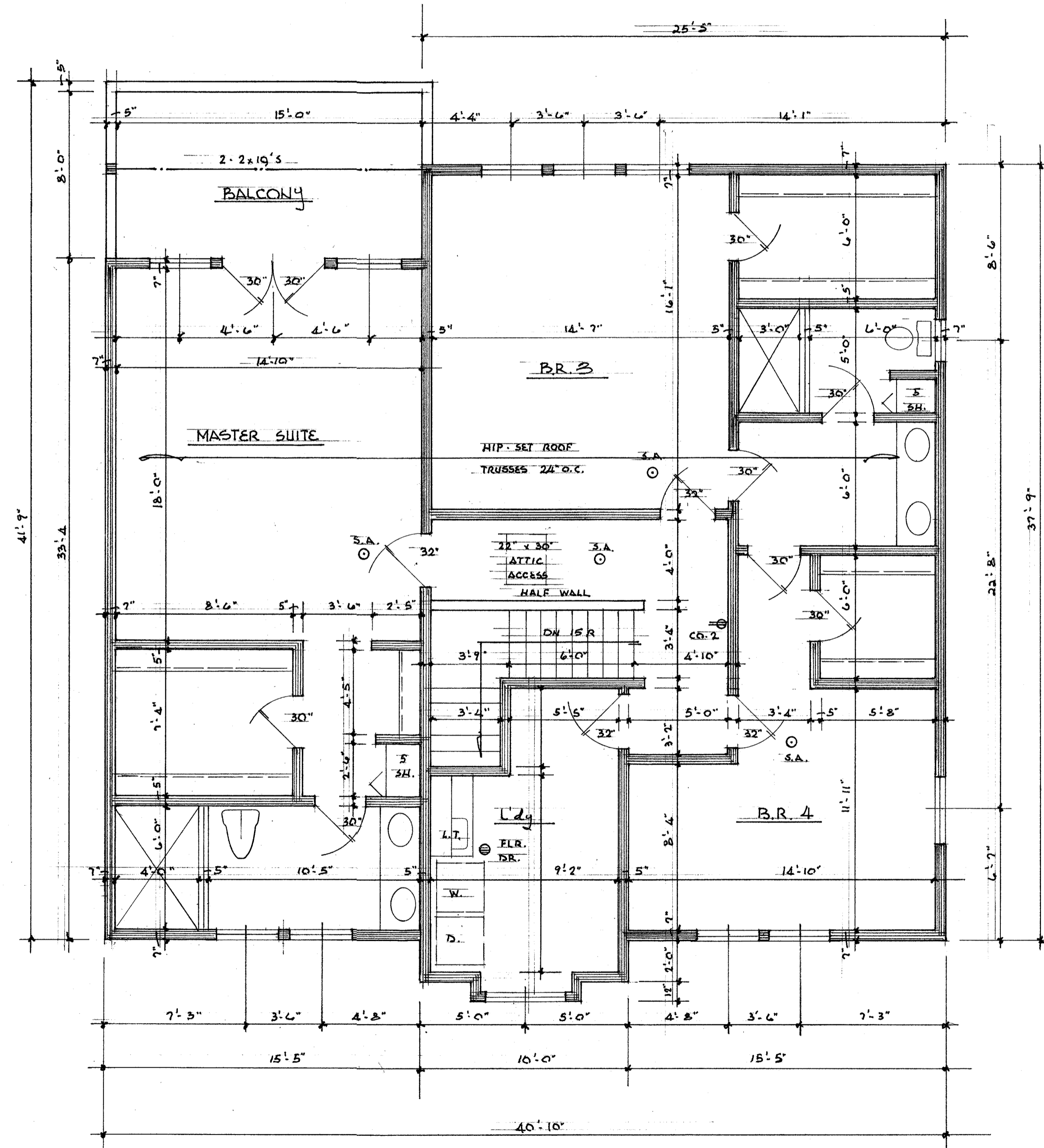
FIRST FLOOR PLAN 1/4" = 1'-0" N

——— EXISTING TO REMAIN  
 ——— NEW CONSTRUCTION

JOB NO.  
 2020-90  
 SHEET NO.  
 A-2

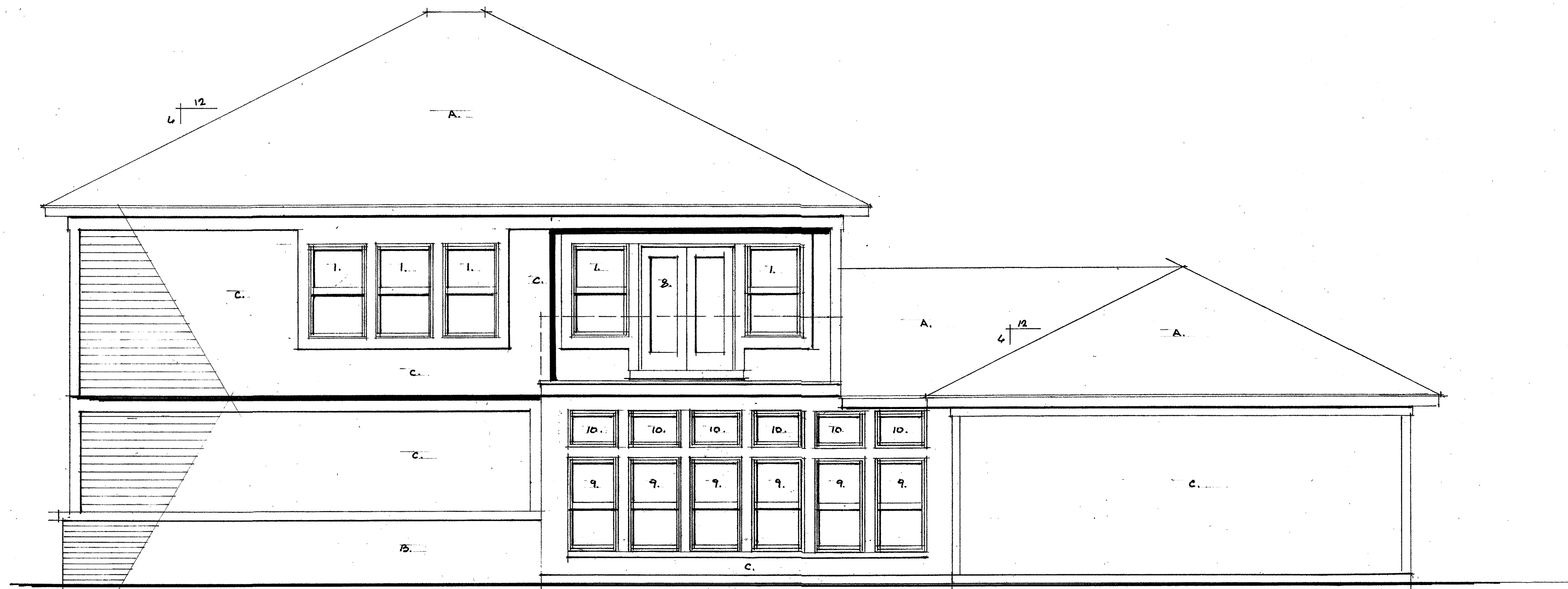


WALL SECTION 1/2" = 1'-0"

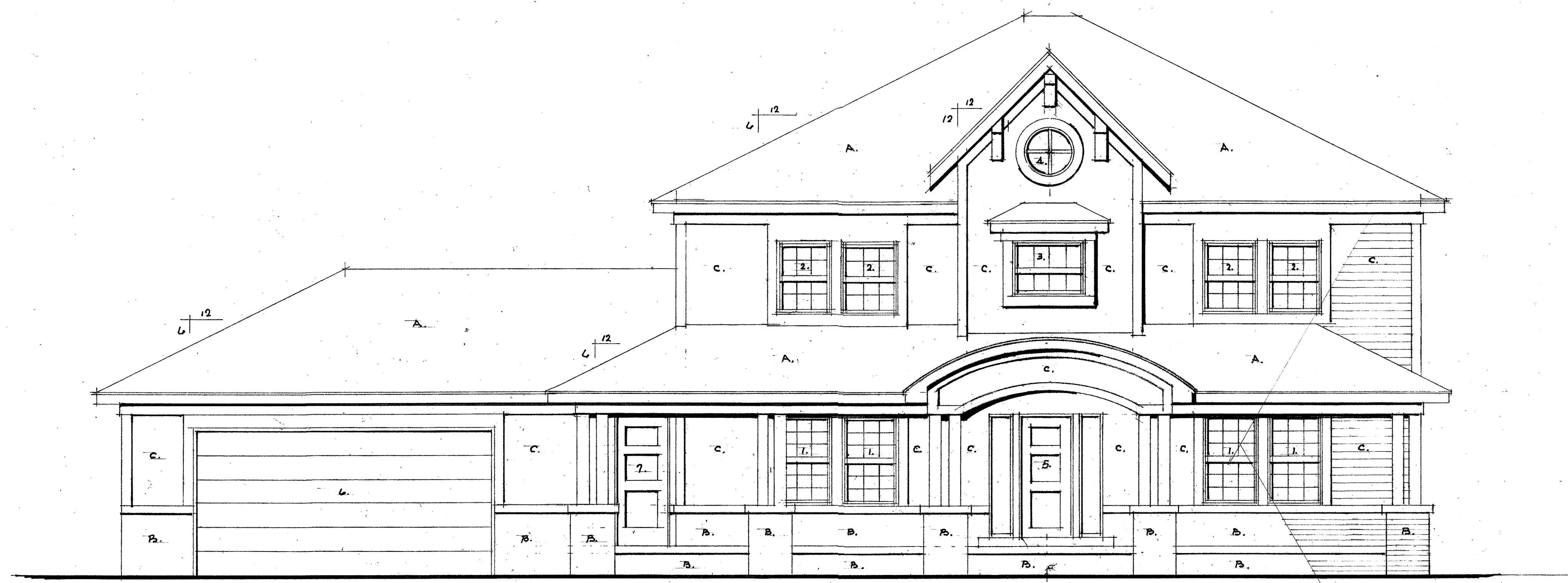


SECOND FLOOR PLAN 1/4" = 1'-0"

Job No.  
2020-50  
SHEET NO.  
A-3



REAR ELEVATION 1/4" = 1'-0"



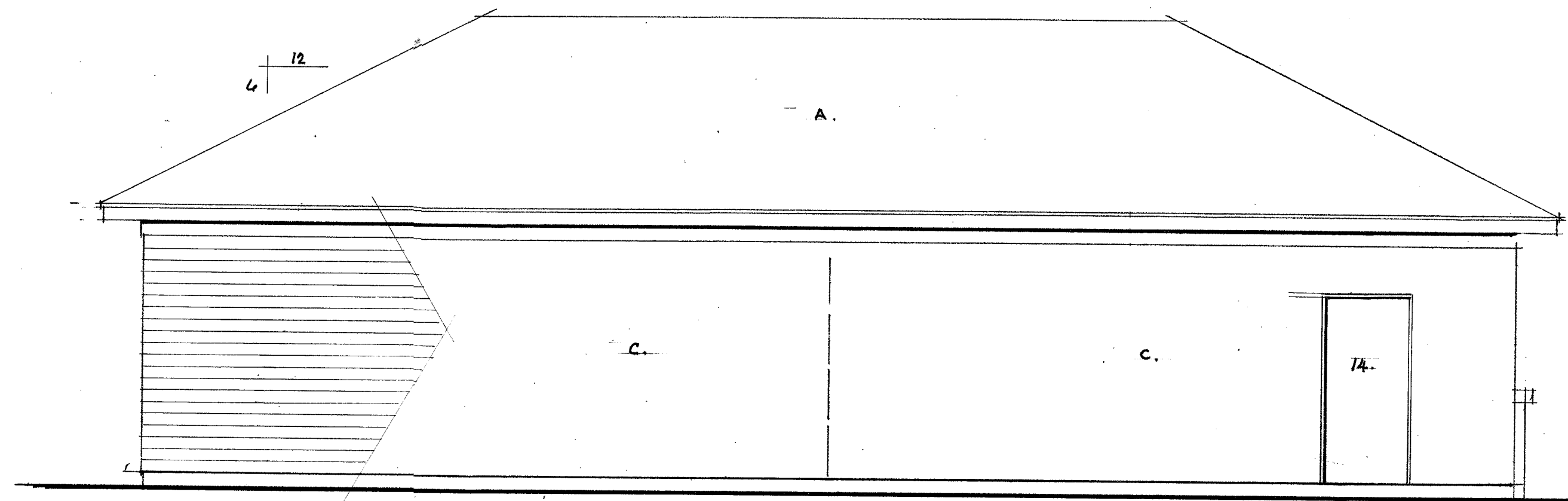
FRONT ELEVATION 1/4" = 1'-0"

**MATERIALS**

- A. ASPHALT SHINGLES
- B. LEDGEROCK
- C. HORIZONTAL VINYL SIDING
- OPTIONAL: HARDY PLANK SIDING

**WINDOWS AND DOORS**

- 1. 36" X 60" DOUBLE HUNG
- 2. 36" X 48" DOUBLE HUNG
- 3. 48" X 36" DOUBLE HUNG
- 4. 30" DIAMETER FIXED ROUND
- 5. 6'-0" X 6'-8" ENTRY DOOR W/SIDELITES
- 6. 16'-0" X 8'-0" GARAGE DOOR
- 7. 36" X 80" S.C. ENTRY DOOR
- 8. PAIR 30" X 80" FRENCH DOOR
- 9. 32" X 60" DOUBLE HUNG
- 10. 32" X 24" FIXED TRANSOM
- 11. 32" X 60" CASEMENT - EGRESS
- 12. 30" X 48" CASEMENT
- 13. EXISTING
- 14. 32" X 80" S.C. ENTRY DOOR



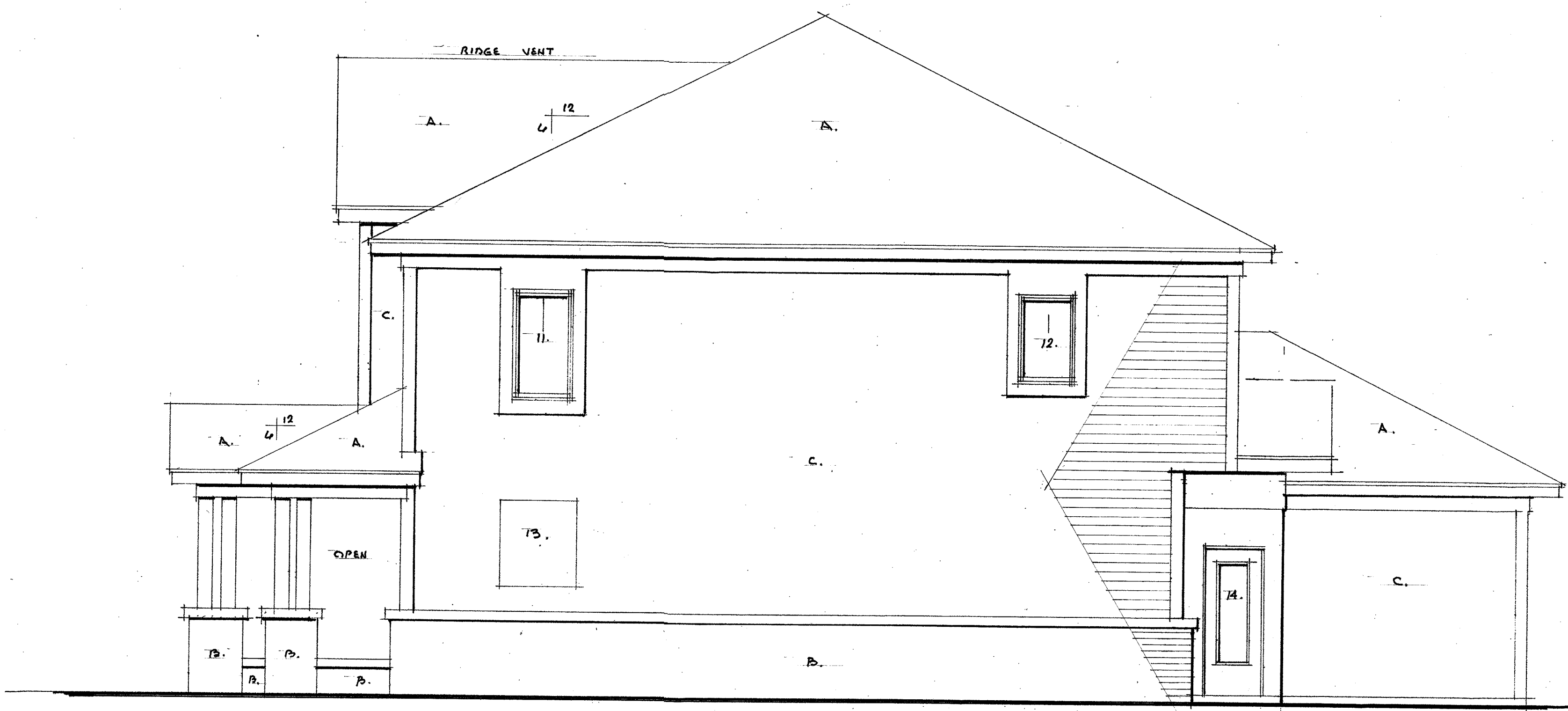
SOUTHSIDE VIEW 1/4" = 1'-0"

**MATERIALS**

- A. ASPHALT SHINGLES
- B. LEDGEROCK
- C. HORIZONTAL VINYL SIDING
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10. 32" X 24" FIXED TRANSOM
11. 32" X 60" CASEMENT - EGRESS
12. 30" X 48" CASEMENT
13. EXISTING
14. 32" X 80" S.C. ENTRY DOOR



NORTH SIDE VIEW 1/4" = 1'-0"

Job No.  
2020-30  
SHEET NO.  
A-5

Architect's rendition for look of the house with the porch

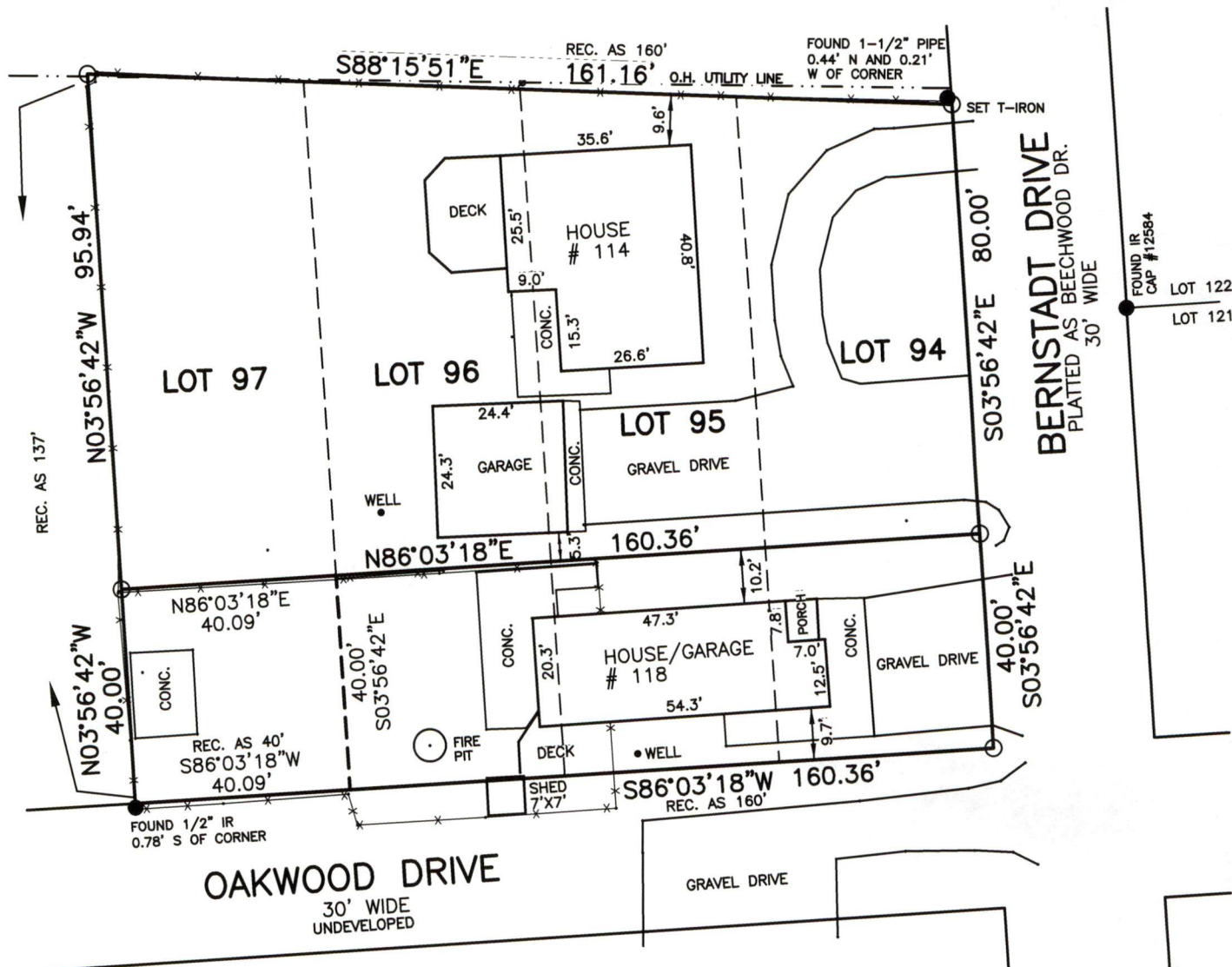




# CERTIFICATE OF SURVEY

SHEET 1 OF 2

LOTS 94, 95, 96 & 97  
**IDLEMERE PARK**, LI 17, PG 29  
 PART OF SEC. 3, T1N, R8E  
 NOVI, OAKLAND COUNTY, MI



SCALE 1" = 30'



- SET T-IRON W/CAP #21566
- FOUND IRON
- ×××× FENCE



## ZONED R-4 ONE-FAMILY RESIDENTIAL

BEARINGS ARE RELATIVE TO THE MICHIGAN COORDINATE SYSTEM, SOUTH ZONE (2113) AS DEFINED BY MICHIGAN P.A. 9 OF 1964 AND AMENDED BY P.A. 154 OF 1988 (NAD 83 [2011]). DISTANCES SHOWN ARE AT GROUND LEVEL.

I HEREBY CERTIFY THAT THE SURVEY HEREON DELINEATED IS TRUE AND CORRECT, THAT THE ACCURACY IS WITHIN 1:5000, AND IT COMPLIES WITH P.A. 132-1970, AS AMENDED.



*Lawrence R. Feindt*

Lawrence R. Feindt  
 Sep 14 2018 3:18 PM



LAWRENCE R. FEINDT, PS NO. 21566

**Advanced Geomatics**  
 PROFESSIONAL SURVEYORS  
 advancedgeomatics.com

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 NOVI, MI 48374-2708  
 (248) 344-2077  
 FAX (248) 305-8030

6121 MAPLE GROVE RD.  
 CHARLEVOIX, MI 49720  
 (231) 547-9901

**FOR: TERRY OSMUN & DAPHNE SMITH**

FIELDWORK: LRF-IJZ

COMPUTED BY: LRF

COMPUTER #: 16223.DWG

CHECKED BY: LRF

DRAWN BY: FAF

REV.:

DATE: SEPTEMBER 12, 2018

JOB NO.: 16223