



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

**Case No. PZ13-0067**

**Location: Vacant parcel # 50-22-11-101-102 located on the SW corner of Thirteen Mile at Martin Street**

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

The applicant is requesting two minimum lot size variances for parcel sidwell # 50-22-11-101-012 located on the southwest corner of Thirteen Mile and Martin in the Howell's Walled Lake Subdivision. The property consists of (8) eight 20 x 100 foot lots to be combined and split into two 8,000 square foot parcels.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCE, Section 2400, "Schedule of Regulations" requires the minimum area for lots within an R-4 District to be 10,000 square feet.

**City of Novi Staff Comments:**

The applicant would like to create Parcel "A" and "B" as (2) -two vacant 8,000 square foot parcels. Under the provisions of Section 2400, "Schedule of Regulations", proposed parcels must have a minimum lot area of 10,000 square feet and a minimum lot width of 80.0 feet, in order to meet the minimum lot area and lot width requirements of the R-4 District. According to the submitted plans, parcels "A" & "B" will have a lot width of 80.0 feet and a lot area of 8,000.0 square feet. Variances were approved under ZBA 07-038 for lot split into (2)-two 8,000 square foot parcels, however, the land division was not completed within time limits of one (1) year.

**Standards for Granting a Dimensional Variance:**

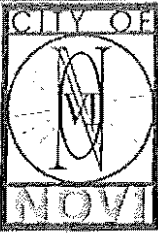
A variance may be granted if a practical difficulty exists due to all of the following:

- 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 because\_\_\_\_\_.
- The need is not self-created because\_\_\_\_\_.
- 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

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conformity with those regulations unnecessarily burdensome  
because \_\_\_\_\_.

- 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  
because \_\_\_\_\_.
- 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  
because \_\_\_\_\_.



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(248) 347-0415

RECEIVED

NOV 15 2013

CITY OF NOVI

COMMUNITY DEVELOPMENT

For Official Use Only

ZBA Case No: 2213 0067 ZBA Date: Oct 14th Payment Received: \$ (Cash)

Check # 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 CARL HELWIG TRUST Date 11-12-13

Company (if applicable)

Address\* 22755 INDIAN WOOD DR. City SOUTH LYON ST MI, ZIP 48178-9422

Applicant's E-mail Address:

Phone Number (248) 486-5525 CELL FAX Number (248) 1766-3447

Request is for:

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

1. Address of subject ZBA case: S.W. corner of 13 mile & MARTIN ZIP 48327

2. Sidwell Number: 5022-11-101-012 may be obtained from Assessing Department (248) 347-0485

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

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

5. Property Owner Name (if other than applicant)

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

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

- 1. Section Variance requested
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):

IN R-4 Zoning - 8,800 Sq. Ft. instead of 10,000 Sq. Ft.  
(see 2400). Split the piece into 2- 80' wide lots

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:

This piece of property is 160' wide, which is too wide  
for one home site in the area

**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

Carl Helwig  
Applicants Signature

11-12-13  
Date

Carl Helwig Trust  
Property Owners Signature

11-12-13  
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

**ORIGINAL LEGAL DESCRIPTION**

LOTS 16 THRU 23 OF "HOWELL'S WALLED LAKE SUBDIVISION", OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 42 OF PLATS ON PAGE 36, OAKLAND COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**LEGAL DESCRIPTIONS AFTER SURVEY, DATED 24 APRIL, 2013**

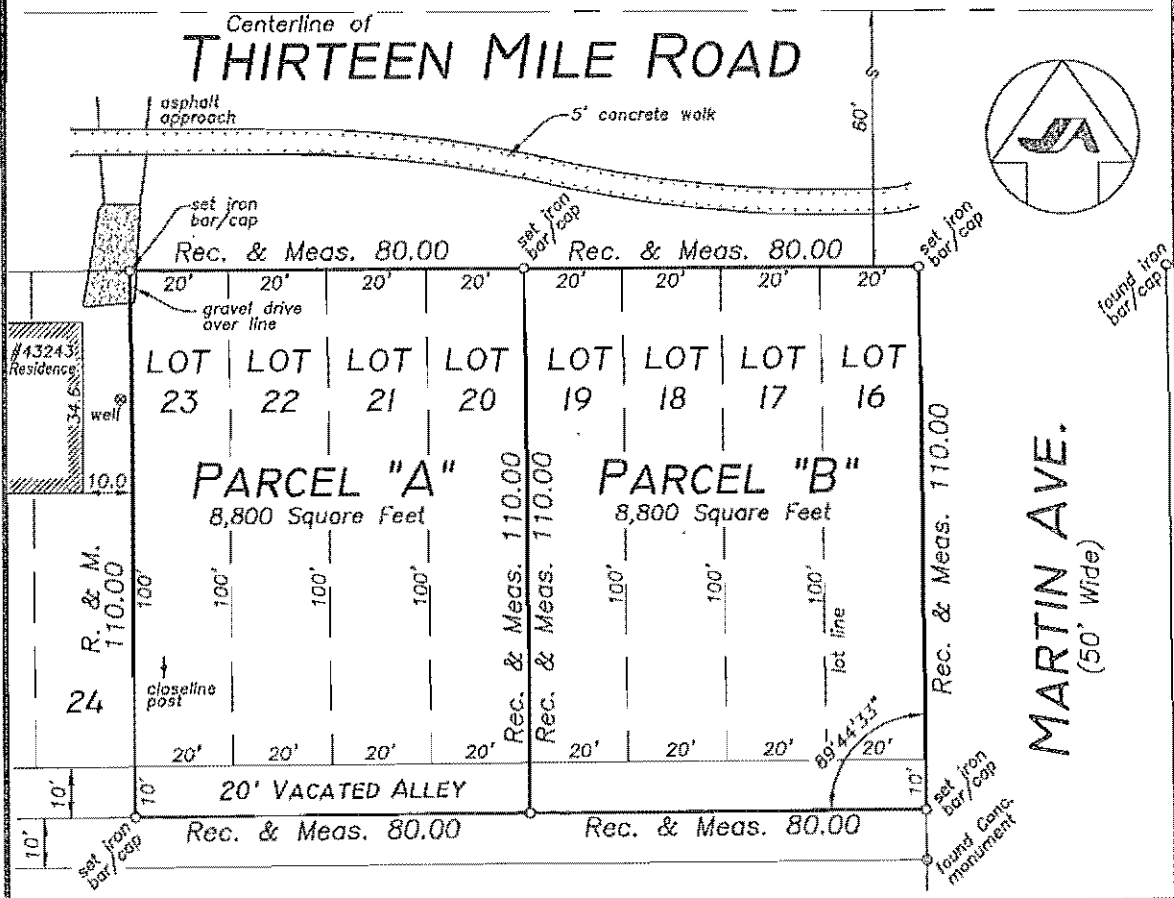
**PARCEL "A"**

LOTS 20 THRU 23 OF "HOWELL'S WALLED LAKE SUBDIVISION", OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 42 OF PLATS ON PAGE 36, OAKLAND COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**PARCEL "B"**

LOTS 16 THRU 19 OF "HOWELL'S WALLED LAKE SUBDIVISION", OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 42 OF PLATS ON PAGE 36, OAKLAND COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

CERTIFICATE: I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MICHIGAN, THAT THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970, AS AMENDED, AND THAT THE ERROR OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS WAS 1 TO 69,965.



**CERTIFICATE OF SURVEY**

Prepared for: Patrick A. Tortora  
P.O. Box 700625  
Plymouth, MI 48170

JEKABSON & ASSOCIATES, P.C.  
Professional Land Surveyors  
1320 Goldsmith, Plymouth, MI 48170  
(313) 474-7200 (734) 474-7272 fax  
by: *[Signature]*



|         |               |
|---------|---------------|
| DATE    | 24 April 2013 |
| JOB NO. | 13-04-020     |
| SCALE   | 1" = 30'      |
| DRAWN   | JGE           |
| CHECKED | IW            |
| SHEET   | 1 OF 1        |





cityofnovi.org

August 7, 2013

Mr. Patrick Tortora  
P.O. Box 700625  
Plymouth, MI 48170

Re: Parcels 50-22-11-101-012

Dear Mr. Tortora:

Please be advised that the land division review of the above referenced parcel has been completed. The subject parcel is zoned R-4 which requires a minimum parcel area of 10,000 square feet. The parcels, as configured on the submitted survey are 8,800 square feet each. Therefore, the request to divide the subject property into two new parcels is denied. An appeal of this decision can be made to the Novi City Council. However the council's review will be limited to a determination of whether my decision was in error. Instructions for that appeal are listed on pages 4 & 5 of the application which is being returned to you. I will keep one copy of the survey and application for my files.

Your best option may be to seek a size variance from the Zoning Board of Appeals. You may want to discuss the possibility of a size variance with the City of Novi Community Development Department. If a variance is sought and granted, feel free to resubmit your information along with the variance for another review by this department. I will waive the application fee if a variance is granted based on the original submittal.

If you have any questions in this matter, feel free to call me at (248) 347-0492.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Glenn Lemmon". The signature is written in a cursive style with a large initial "D".

D. Glenn Lemmon, Assessor  
City of Novi



## BOARD OF APPEALS

45175 West Ten Mile Road  
Novi, Michigan 48375-3024  
(248) 347-0415

June 6, 2007

Carl Helwig  
22755 Indianwood Drive  
South Lyon, MI 48178

Zoning Board of Appeals Case No. 07-038 Parcel # 50-22-11-101-012

Variance Request: Two minimum lot size variances for parcel sidwell # 50-22-11-101-012 located on the southwest corner of Thirteen Mile and Martin in the Howell's Walled Lake Subdivision. The property consists of (8) eight 20 x 100 foot lots to be combined and split into two 8,000 square foot parcels.

At the June 5, 2007 Regular Meeting of the Zoning Board of Appeals the following motion passed:

IN CASE NO. 07-038 TO GRANT THE VARIANCE AS REQUESTED DUE TO THE NON-MARKETABILITY OF THE PROPERTY AS IT IS PRESENTLY PLOTTED. GRANTING THIS VARIANCE WILL PROVIDE SUBSTANTIAL JUSTICE TO THE PETITIONER AS WELL AS TO SURROUNDING PROPERTY OWNERS, IT WILL NOT BE DETRIMENTAL TO ANY OTHER PROPERTY OWNERS AND THAT THIS IS A UNIQUE SITUATION.

Motion Carried: 6-0

Motion Maker: Canup

Sincerely,

CITY OF NOVI  
ZONING BOARD OF APPEALS

John H. Hines  
Building Official

Cc: Tim Shroyer  
Glenn Lemmon