

## 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: June 8, 2021

### REGARDING: 1256 E Lake Drive, Parcel # 50-22-02-151-018 (PZ21-0028)

BY: Larry Butler, Deputy Director Community Development

### **GENERAL INFORMATION:**

Applicant Joye Harris

Variance Type **Dimensional Variance** 

#### **Property Characteristics**

Zoning District:	Single Fam
Location:	West of No
Parcel #:	50-22-02-1

nily Residential ovi Road and South of Fourteen Mile Road 51-018

### Request

The applicant is requesting a variance from the City of Novi Zoning Code Section 5.14.10.A for a permanent backup generator creating sound over 55 decibels and up to 85 decibels during limited times of charging and while being used during a power outage. 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:

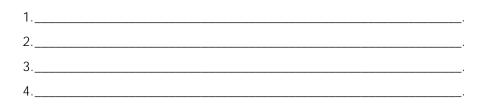
1.	Ι	move	that	we	<u>grant</u>	the	variance	in	Case	No. I	PZ21-00	<b>28</b> , sc	ught	
														for
								_ b	ecause	Petition	er has	shown	prac	tical
	dif	ficulty re	quirino	1										

- (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:



- 2. I move that we <u>deny</u> the variance in Case No. PZ21-0028, 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

MAY 0 3 2021

RECEIVED

APPLICATION MUST BE FILLED OUT COMPLETELY COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Add	se)	Application Foot \$200, 03						
PROJECT NAME / SUBDIVISION		Application Fee:						
ADDRESS		LOT/SIUTE/SPACE #	Meeting Date: June 08, 2021					
1256 East Lake Dr SIDWELL #		ZBA Case #: PZ ZI - 0028						
50-22-02-151-018-		tain from Assessing nt (248) 347-0485						
CROSS ROADS OF PROPERTY								
	OCIATION JURISDICTION?	REQUEST IS FOR:						
				ROPERTY SIGNAGE				
DOES YOUR APPEAL RESULT FROM A NOT	ICE OF VIOLATION OR C							
II. APPLICANT INFORMATION	EMAIL ADDRESS			I mile stiller a se				
A. APPLICANT	jthtjb@,gr	nail.com	CELL PHONE NO. 571-291-1551					
NAME J.T. Harris	J J		TELEPHONE NO.					
ORGANIZATION/COMPANY			FAX NO.					
ADDRESS		NTV.	STATE	710.0005				
1256 East Lake Dr	-	NOUI	MI	ZIP CODE 48377				
	RE IF APPLICANT IS ALSO	THE PROPERTY OWNER		h				
Identify the person or organization that owns the subject property:		CELL PHONE NO.						
NAME SAME			TELEPHONE NO.					
ORGANIZATION/COMPANY			FAX NO.					
ADDRESS		NITS/	074.75					
		CITY	STATE	ZIP CODE				
III. ZONING INFORMATION			Second State	1.11				
A. ZONING DISTRICT $\square$ R-A $\square$ R-1 $\square$ R-2			<b>—</b>	20 20				
			🗆 мн					
B. VARIANCE REQUESTED		OTHER						
INDICATE ORDINANCE SECTION (S) AND	ARIANCE REQUESTED:							
1. Section 5714 V	ariance requested	28- 30 heret	els)					
	2. SectionVariance requested     3. SectionVariance requested							
4. SectionV								
IV. FEES AND DRAWNINGS								
A. FEES								
Single Family Residential (Existing) \$200 🗌 (With Violation) \$250 🗌 Single Family Residential (New) \$250								
□ Multiple/Commercial/Industrial \$300 □ (With Violation) \$400 □ Signs \$300 □ (With Violation) \$400								
□ House Moves \$300 □ Special Meetings (At discretion of Board) \$600								
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF								
<ul> <li>Dimensioned Drawings and Plans</li> <li>Site/Plot Plan</li> <li>Existing &amp; proposed distance to adjacent property lines</li> <li>Location of existing &amp; proposed signs, if applicable</li> </ul>								
• Existing or proposed buildings or ac	Existing or proposed buildings or addition on the property     Floor plans & elevations							
<ul> <li>Number &amp; location of all on-site parking, if applicable</li> <li>Any other information relevant to the Variance application</li> </ul>								

101 ZBA Application Revised 10/14



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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:

small lot

### and/or

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:

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Building 113 ZBA Review Standards Dimensional Revised 06/15

## 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).

Decible noese forna too load after and many years whoat to too laist

## 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.

They wit be allowed to use generation

## 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.

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# 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.

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Building 113 ZBA Review Standards Dimensional Revised 06/15

# Fwd: June 8th ZBA

## J.T. Harris <jthtjb@gmail.com>

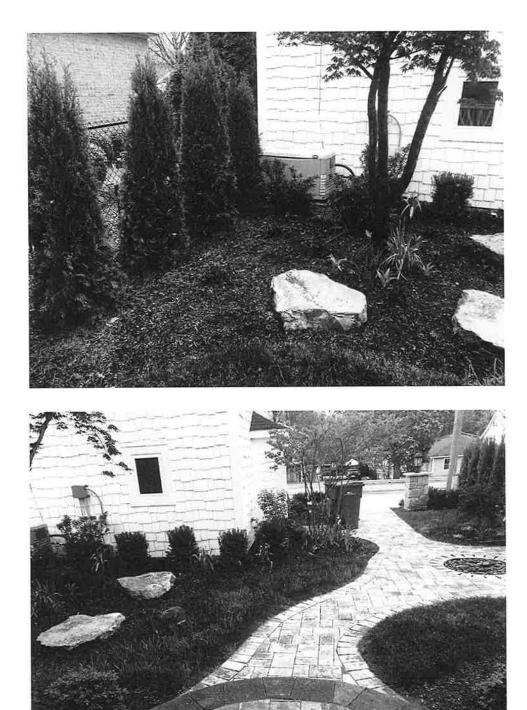
Mon 5/3/2021 3:39 PM To: The UPS Store #0582 <store0582@theupsstore.com>

CAUTION! This email originated from outside of the organization. Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

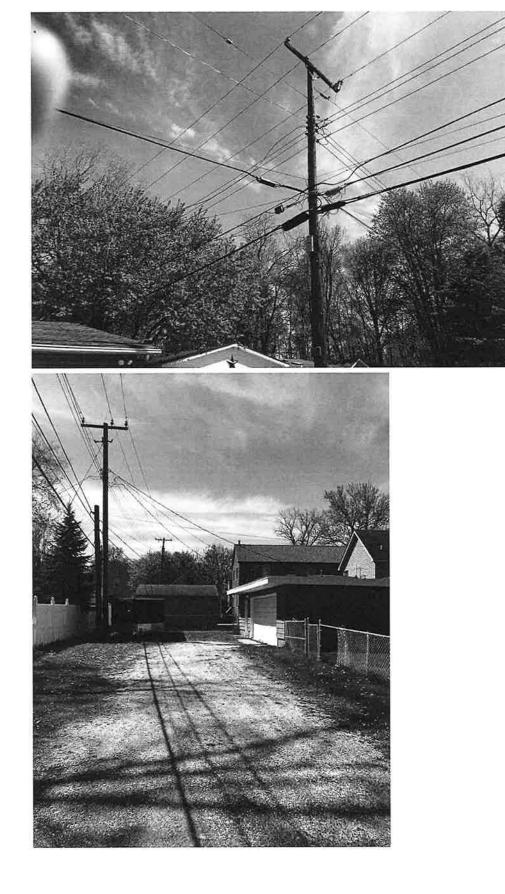
From: "J.T. Harris" <jthtjb@gmail.com> Date: May 3, 2021 at 3:37:01 PM EDT To: "J.T. Harris" <jthtjb@gmail.com> Subject: June 8th ZBA

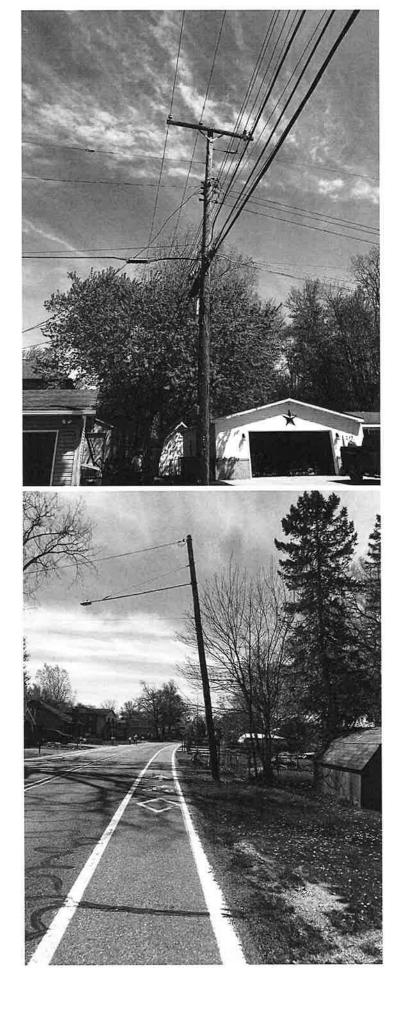


Generator installed April 22, 2014 1256 East Lake Dr Novi Behind free standing garage on concrete slab.

In the years 2000-2005 the City of Novi brought city water and sewage to East Lake Drive replacing wells and septic tanks which polluted the lake. Thus began a revitalization and gentrification of East Lake Drive with remodelling and new home construction. Since that time with a new economy our street between 13 Mile Rd and 14 Mile Rd has changed significantly for the better. The "small 500-900 sq. ft. summer cottages of yesteryear" have in large part been replaced with 4000-6000 sq. ft. modern homes including the latest technologies to provide pleasure and comfort for our new citizens currently residing on our street. With gentrification came prosperity to our street and to the city of Novi. The failure to upgrade our failing and antiquated power grid which does not currently meet the needs of the people on East Lake Drive cannot be disputed and demands the basic need for generators to comfortably live here. Generators have become a necessary insurance policy and commodity in Novi with its unsustainable power grid where power outages have become the norm dating back more than the 20 years I have lived here. Almost every other house on my street has a generator where many are used during outages to provide energy to neighbors during the outage; especially to those with small children, the elderly or those needing power for medical equipment. You can go outside any day the power is out and hear the generators all over the neighborhood; no one complains. Generators have existed on our street for years without complaint.

Our current antiquated system.







I purchased my generator April 22, 2014, after finding frozen/broken water pipes with huge water damage in my home upon my return from out of town. I then consulted with representatives of the City of Novi to understand the requirements for owning/and installing a generator and to ensure I would have no problems with the city upon installation. Upon providing the information I had received from the City to a Lowe's sales representative, I was sold the generator with the understanding that it was in total compliance with the requirements of the City of Novi and Oak Electric would install. It has never been moved from the concrete slab behind my garage upon which it is located.

Is it unreasonable to believe when the generator was purchased, permitted, installed and approved by the city that I had completed all requirements and all was in compliance?

Today Catherine and Stephen Beasley have filed with the city a noise complaint in reference to 12 minute weekly recharging of the generator. Although I have volunteered to change the charging time to accommodate my neighbor, it was firmly rejected. I have recently changed the charging time to run with the rush hour traffic which is louder than the generator. It has also been changed to charge every other week, however I am not sure that is recommended for any length of time. Since its installation until now this is the only complaint ever received.

I have been informed by Maureen Underhill that my generator is louder than the city allows "noise" in general while at the same time the engineers with Oak Electric say *the generators in my neighborhood operate at about or the same decibel output together when charging as-well-as together when fully operating during an outage and cannot be lowered*. The hardships are the size of our small lots and the high cost (\$3000-\$3800 or more) to move my generator if in fact there was a place to relocate it which in my case is unlikely.

It has been brought to my attention that the city noise restrictions being used were not designated for generators in particular but to include all loud noises in the city regardless of origin. I would ask how/why the noise of motorcycles with revved up engines sitting unattended **in a driveway for periods of time**; or the loud noise of unmanned outdoor loud speakers with talk radio be allowed to air outside all day in winter with no-one outside listening; or the loud noise of airplane engines constantly taking off and landing on Walled lake in Novi; or the loud noise of hydroplane boats racing across the lake on weekends; all examples last much longer and are much louder than the generator noise for 12 minutes once a week which protects people and their homes from disaster. The car traffic on East Lake Drive during rush hour is also louder than the generator. How can allowing recreational loud noises of motorcycles; unmanned outdoor loud speakers; "blue tooth amplified personal conversations blasted from a car for the world being forced to listen hi DD;" airplanes; and hydroplane boats take precedence over the occasional noise of generators when the power is out and the 12 minute once a week battery recharging noise for that which protects one's family and property?

As was suggested I asked my neighbors in my immediate vicinity minus Stephen and Catherine Beasley, if they harbored or had any objections to my generator or its noise? For the record, not one person voiced an objection of any kind.

I have submitted the signatures and addresses of 40 neighbors, all homeowners and tax paying citizens of Novi, who live on East Lake Drive and are paying close attention to the outcome of this complaint which will affect every family in Novi who either own or wish to own a generator. Let it be noted that everyone whose signature is listed stands with me against this complaint, many of whom own generators as an insurance policy. We all live together in this lovely neighborhood with its generator noises without complaint until the power grid is updated and capable of serving our community without interruption.

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