

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: April 9, 2019

REGARDING: 20825 Meadowbrook Road, Parcel # 50-22-35-400-048 (PZ19-0006)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Francis and Pamela Schneider

Variance Type

Dimensional

Property Characteristics

Zoning District: Single Family Residential

Location: West of Meadowbrook Road and North of Eight Mile Road

Parcel #: 50-22-35-400-048

Request

The applicant is requesting a variance from the Novi Code of Ordinance Section 3.1.2 D for a 2.65 foot variance for a proposed lot width of 118 feet, 120 feet minimum required. This property is zoned Single Family Residential (R-1).

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.	PZ19-000	16 , so	ught	by fo
	 dif	ficulty re	equiring	l							oner has	shown	prac	
							ner will be ur e		_	-		ited wi	th resp	oec [.]
		(b) The	e prope	rty is u	ınique b	ecaus	se				·	_		
		(c) Pe	titioner	did nc	ot create	the c	condition be	caus	se		·			

Case # PZ19-0006

	properties because								
	(e) The relief if consistent with the spirit and intent of the ordinance beca	use							
	(f) The variance granted is subject to:								
	1								
	2 3								
	4								
2. I	move that we <u>deny</u> the variance in Case No. PZ19-0006 , sought	by							
	orbecause Petitioner has not sho oractical difficulty requiring	wn							
Pi	(a) The circumstances and features of the proper including are not unique because the exist generally throughout the City.	_							
	(b) The circumstances and features of the property relating to the variance request self-created because	are							
	(c) The failure to grant relief will result in mere inconvenience or inability to attain hig economic or financial return based on Petitioners statements t	her hat							
	(d) The variance would result in interference with the adjacent and surrounding proper by	ties							
	(e) Granting the variance would be inconsistent with the spirit and intent of the ordinar to	ıce							

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

I. PROPERTY INFORMATION (Add	dress of subject ZBA Ca	se)	Application Fee: #706.00			
PROJECT NAME / SUBDIVISION			Meeting Date: March 12, 2			
ADDRESS 20825 MEADOWB	Pook	LOT/SIUTE/SPACE #				
SIDWELL#		tain from Assessing	(BA Case #: PZ 19 - 0006			
50-22	1	nt (248) 347-0485				
IS THE PROPERTY WITHIN A HOMEOWNER'S AS						
YES ZNO	SOCIATION JURISDICTION 9	REQUEST IS FOR: RESIDENTIAL COMMERCIAL VACANT PROPERTY SIGNAGE				
DOES YOUR APPEAL RESULT FROM A NO	OTICE OF VIOLATION OR CL					
II. APPLICANT INFORMATION						
A. APPLICANT	EMAIL ADDRESS VEGASVICE	3J@YAHOO,COM	CELL PHONE NO. 248-982-2082			
FRANCIS & PAMEL			TELEPHONE NO.			
ORGANIZATION/COMPANY	A SCHINCHOL	12	FAX NO.			
ADDRESS	20000	CITY	STATE ZIP CODE 48167			
20825 MEADOWL		ORTHVILLE	MI 4816/			
B. PROPERTY OWNER LICHECKE Identify the person or organization that	FMAIL ADDRESS	THE PROPERTY OWNER	CELL PHONE NO.			
owns the subject property:	VEGASVICB:	Je YAHOO, GOM	248-982-2082			
FRANCIS + PAMEL,	A SCHNEIDE	R	TELEPHONE NO.			
ORGANIZATION/COMPANY	1 0 117 0 1150		FAX NO.			
ADDRESS ZO 8 Z 5 MEADOWB	PAOK	NORTHVILLE	STATE ZIP CODE 48167			
III. ZONING INFORMATION		NOICITY VI CCC	70101			
A. ZONING DISTRICT						
□ R-A ☑ R-1 □ R-2	□ R-3 □ R-4	□ RM-1 □ RM-2	□ MH			
☐ I-1 ☐ I-2 ☐ RC	□ TC □ TC-1	OTHER				
B. VARIANCE REQUESTED INDICATE ORDINANCE SECTION (5) AND	WADIANICE DECHESTED.					
1. Section 3.1.2(D)		2.65 ft variance	ce			
	Variance requested		===			
3. Section						
4. Section	variance requestea _	<u> </u>				
IV. FEES AND DRAWNINGS						
A. FEES	va) \$200 □ (\ACH- \C-1 -	ion) \$250 Single Formi	by Paridontial (Nav.) \$250			
Single Family Residential (Existin Multiple/Commercial/Industrial	= :					
		etings (At discretion of Bo				
B. DRAWINGS 1-COPY & 1 DIG	SITAL COPY SUBMITTED A	= :	puru) \$000			
Dimensioned Drawings and Plans Existing & proposed distance to adjacent property lines						
Site/Plot Plan Evitting or proposed buildings or	addition on the areas		& proposed signs, if applicable			
Existing or proposed buildings orNumber & location of all on-site			on relevant to the Variance application			



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE				
A. VARIANCE (S) REQUESTED				
Ødimensional □ 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				
A. APPLICANT Applicant Signature Applicant Signature 2-8-19 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.				
Property Owner Signature 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				

CITY OF NOVI cityofnovi.org

Community Development Department

45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

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: of the two lots proposed one of them needs a 2.65 ft. Variance.
	and/or
b.	Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. Not Applicable
	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

Standa	rd #2	Not '	Self_(Created.
JIGHIGG	IU TL.	1101	7 <u>CII-</u> /	sieuleu.

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 proposed but split would create two lots.

New lot would be 120 ft wife (totally conforming).

The lot with our house would be 117.35 ft. wide. Variance of 2.65 bt needed to meet 120 ft requirement.

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. without the 2.65 ft Variance we will not be able to split the property.

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.

all other criterio is met for both lots. These include setbocks, square footage and right of ways,

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 variance will have absolutely no effect one surrounding and bordering properties. my neighbor to the south will be next to the 120ft. The land to the north is a pond.



CITY COUNCIL

Mayor Bob Gatt

Mayor Pro Tem Dave Staudt

Andrew Mutch

Wayne M. Wrobel

Laura Marie Casey

Gwen Markham

Kelly Breen

City Manager Peter E. Auger

City Clerk Cortney Hanson January 17, 2019

Francis Schneider 20825 Meadowbrook Northville, MI 48107

Re: Parcel 50-22-35-400-048

Dear Mr. Schneider;

Please be advised that your requested land combination has been denied. Approval of this request would result in one of the two child parcels created to be non-conforming with the current zoning. R-1 zoning requires a minimum lot width of 120 feet per lot.

If interest in this project remains it is recommended that you contact Barb McBeth in Planning (248-347-0587) to resolve the zoning nonconformance issue through the Zoning Board of Appeals.

Sincerely,

James J. Licari, MAAO, MCPPE Commercial /Industrial Appraiser

City Of Novi

Cc: Barbara McBeth Community Development

City of Novi 45175 Ten Mile Road Novi, Michigan 48375 248.347.0460 248.347.0577 fax

cityofnovi.org

Purpose and Introduction

R-1 One-Family Residential

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[®]:

21,780 sq ft

Minimum lot width⁹³:

120 ft

Lot Coverage (1)

Maximum lot coverage:

25%

Setbacks¹¹¹

Minimum front yard setback: Minimum rear yard setback:

30 ft 35 ft

Minimum side yard setback:

15 ft one side

40 ft total two sides

Building Height[™]

Maximum building height:

35 ft or 2.5 stories, whichever is less

Floor Area

Minimum floor area per unit¹¹:

1,000 sq ft

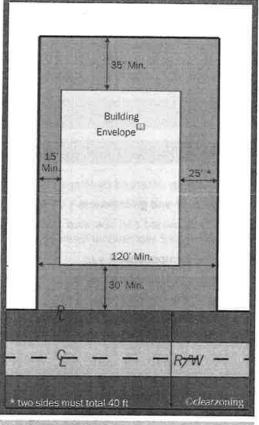
Dwelling Unit Density

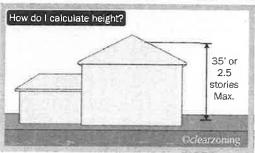
Maximum density DU's/Net Site Area:

1.65

NOTES

- For additions to the above requirements, refer to Section 3.6.2 Notes to District Standards: A, B, C,
- See Selected References below for applicability





The above drawings are not to scale.

SELECTED REFERENCES

- 3. Zoning Districts
 RA, R-1, R-2, R-3, and R-4 Required Conditions § 3.7
 One-Family Clustering Option §3.28
 RUD Residential Unit Development §3.29
- \$3.29

 Open Space Preservation Option \$3.30

4. Use Standards

- Keeping of Cats and Dogs § 4.83
- Uses Not Otherwise Included § 4.86
- Unlisted Use Determination § 4.87

Site Standards

- Commercial and Recreational Vehicle Parking § 5.1 Off-street Parking Requirements § 5.2
- § 5.2 Off-street Parking Layout, Standards... § 5.3
 Off-street Loading and Unloading
- Off-street Loading and Unload § 5.4 Landscape Standards § 5.5 Signs § 5.6 Exterior Lighting § 5.7 Residential Entryways § 5.8 Corner Clearance § 5.9 Additional Road Design § 5.10

- **Fences** § 5.11
- Frontage on a Public Street § 5.12 Performance Standards § 5.14 Exterior Building Wall Facade

- Materials § 5.15 Bike Parking Facility Requirements

6. Development Procedures

- Site Plan Review § 6.1 Public Hearing § 6.2

7. Admin. and Enforcement

- Nonconformities § 7.1
 Planned Rezoning Overlay § 7.13.2

Site Standards Procedures Development

Use Standards

Admin and Enforcement









R-1 One-Family Residential

INTENT

The R-1, One-Family Residential district is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

PRINCIPAL PERMITTED USES

- One-family detached dwellings
- Farms and greenhouses § 4.1 ii.
- iii. Publicly owned and operated parks, parkways and outdoor recreational facilities
- iv. Home occupations 4.4
- Keeping of horses and ponies § 4.8
- vi. Family day care homes § 4.5
- vii. Accessory buildings and uses customarily incident to any of the above uses

C. SPECIAL LAND USES

- Places of worship § 4.10 i,
- Public, parochial and private elementary, intermediate or secondary schools § 4.3.2
- Utility and public service buildings and uses (without storage yards) § 4.11
- Group day care homes , day care centers , and adult day care § 4.12.1
- Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs § 4.13
- Golf courses § 4.14
- Colleges, universities and other institutions of higher learning § 4.15.1
- viii. Private pools § 4.16
- Cemeteries § 4.2
- Railroad right-of-way, but not including terminal freight facilities, transfer and storage tracks
- Mortuary establishments § 4.17
- Bed and breakfasts § 4.18
- xiii. Accessory buildings and uses customarily incident to any of the above permitted uses









RECEIVED

JAN 09 2019

ASSESSING DEPT. CITY OF NOVI

CITY OF NOVI 45175 Ten Mile Road Novi, MI 48375

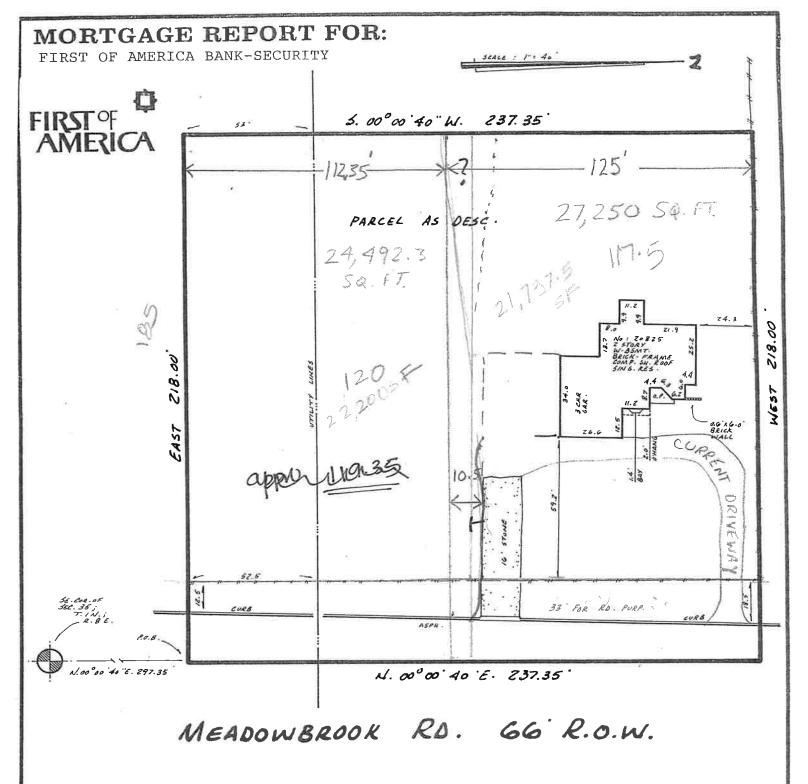
APPLICATION FOR LAND DIVISION/COMBINATION

TO THE CITY ASSESSOR OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN: I (We) the undersigned do hereby make application to the City Assessor to divide, combine, or otherwise reconfigure the parcel(s) herein described. In support of this application, the following facts are shown:					
Is thi:	s division for the purpose of sale, lease of more than one year, or building development?				
	Yes No				
H	FILL OUT ITEM #1 FOR PLATTED LOTS OR ITEM #2 FOR ACREAGE PARCELS				
1.	The property to be divided/combined is part of a recorded plat located in Section 35, having an address of 20825 MEADOWBROOK NORTHVILLE MI 48167, and is known as Lot(s) of Subdivision.				
2.	The property to be divided/combined is acreage, is not part of a recorded plat, and is located in Section 35, having an address of 20825 MEADOWBROOK NORTHVILLEME 48167 Parcel Identification Number 50-22-35-400-048 Original Acreage 1.19 Parcel Identification Number Original Acreage				
B. _{4.1}	It is requested that the above referenced parcel(s) be divided/combined into 2 new parcels.				
l.	THE PROPERTY TO BE DIVIDED/COMBINED IS OWNED BY: NAME: FRANCIS AND PAMELA SCHNEIDER ADDRESS: 20825 MEADOWBROOK CITY, ST, ZIP: NORTH VILLE MI 48167				
	PHONE: (248) 982-2082 DATE: 1-8-19 OWNER SIGNATURE: 111				

I (We), the above signed, am the legal owner(s) of the above referenced property, and hereby request the division of said property per the attached surveys.

This application must be signed by all persons who have any legal or equitable interest in the parent parcel(s). Attach additional ownership information and signatures as necessary.

5.	Petitioner Information (if different from the owner)							
	Petitioner Name	Petitioner Signature and Date						
	City, State, Zip code							
6.	TAX BILLING INFORMATION							
	Please indicate the name and address information for each new parcel.							
	A. FRANCIS PAMELA SCHNEIDER B. FRANCIS PAMELA SCHNEIDER							
	20825 MEADOWBROO	OK 20825 MEADOWBROOK						
	NORTHVILLE MI 48167	NORTHVILLE MI 48167						
	C	D						
	-							
7.	-	cur as the result of this division? NO gan State Tax Commission form(s) L-4260.						
8.		unallocated divisions under the land division act? an State Tax Commission form L-4260a.						
STA	TE OF MICHIGAN)							
COL) SS: INTY OF OAKLAND)							
	,	ath -						
The f	foregoing instrument was acknowledge	ged before me this $\frac{9}{10}$ day of $\frac{1}{20}$						
Му с	ommission expires:	Meller of Month-Mu						
	05/22/2024	Notary Public Waynl County, Michigan						
		0 X						
		KELLY L MARTELL-MARSH Notary Public, State of Michigan County of Oakland						
		My Commission Expires May 22, 2024 Acting in the County of Acting in the County of						



win.

v 21,780 sq.ft min.

V Avea which lot lives V Avea encluding 38 for Load Purpose:

NOTE: PROPERTY SUBJECT TO

Front: 30

Rear: 35

Side: 15 Iside

40 Total

R-1

120 ft min) frontage

Novi city counsil
45175 Ten mile Rd.
Novi Mi 48375

CITY OF NOVI CITY CLERK'S GEFICE 2019 FEB - 1 A 9: 32

RE: Parcel <u>50-22-35-400-048</u>

Please review this letter explaining my reasons for appealing the denial of proposed land split.

I filed the initial land division application with all necessary documents with James Licari.

We paid to get the survey done with the hope of getting it approved.

And although each lot will have the necessary square footage he had to deny it because the total frontage of my property is 237.35 feet which would make the lot we plan on selling 120 ft. and the lot frontage with our home 117.35 ft.

R1 zoning requires that each lot have 120 feet of frontage.

All other criteria for this lot split was met.

We would like to get a variance approval of 2.65 feet on our lot with the existing house.

Licari was very helpful and seemed to think an appeal would be successful because all other requirements for this land split were met.

We purchased this property in 1993 with the intent of doing this when my wife and I retire.

I'm 62 now and hoping to retire soon.

Sincerely

Francis and Pamela Schneider

20825 Meadowbrook

Northville Mi 48167

Phone 248 982-2082

Jekabson & Associates, P.C.

Professional Land Surveyors



1320 Goldsmith Plymouth, Michigan 48170 Voice (734) 414-7200 Fax (734) 414-7272

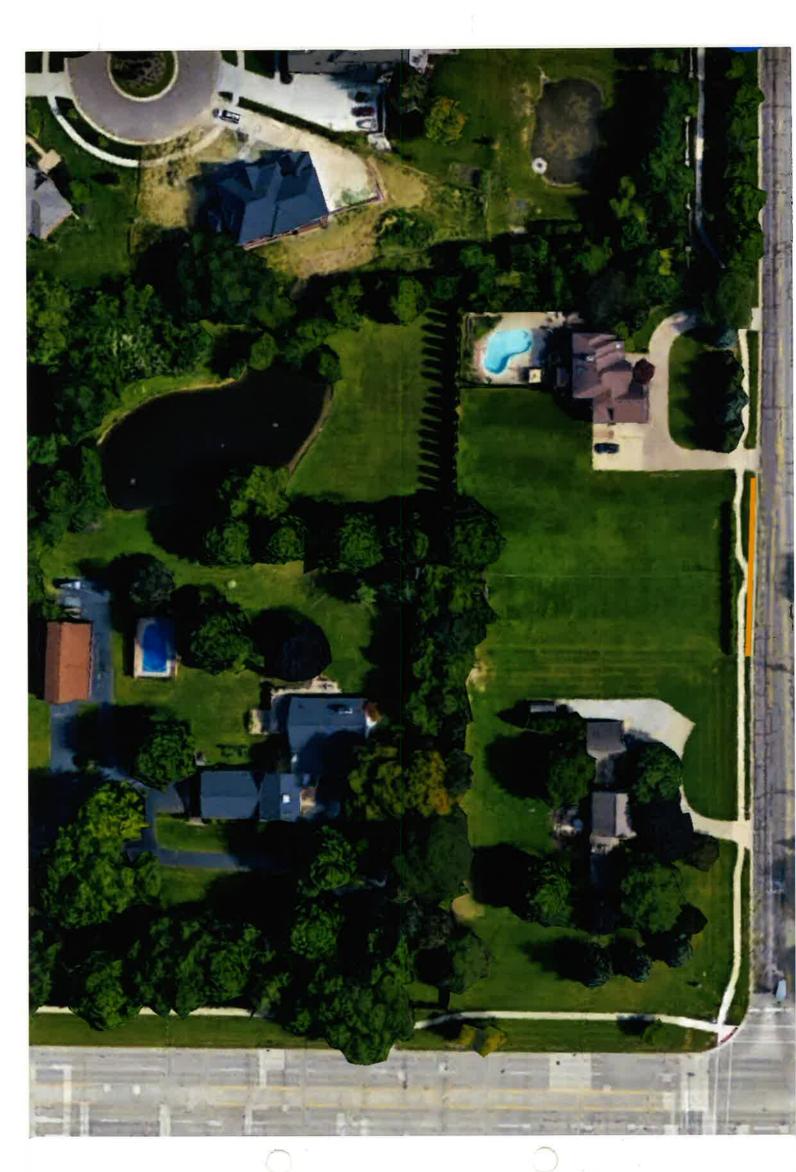
City of Novi,

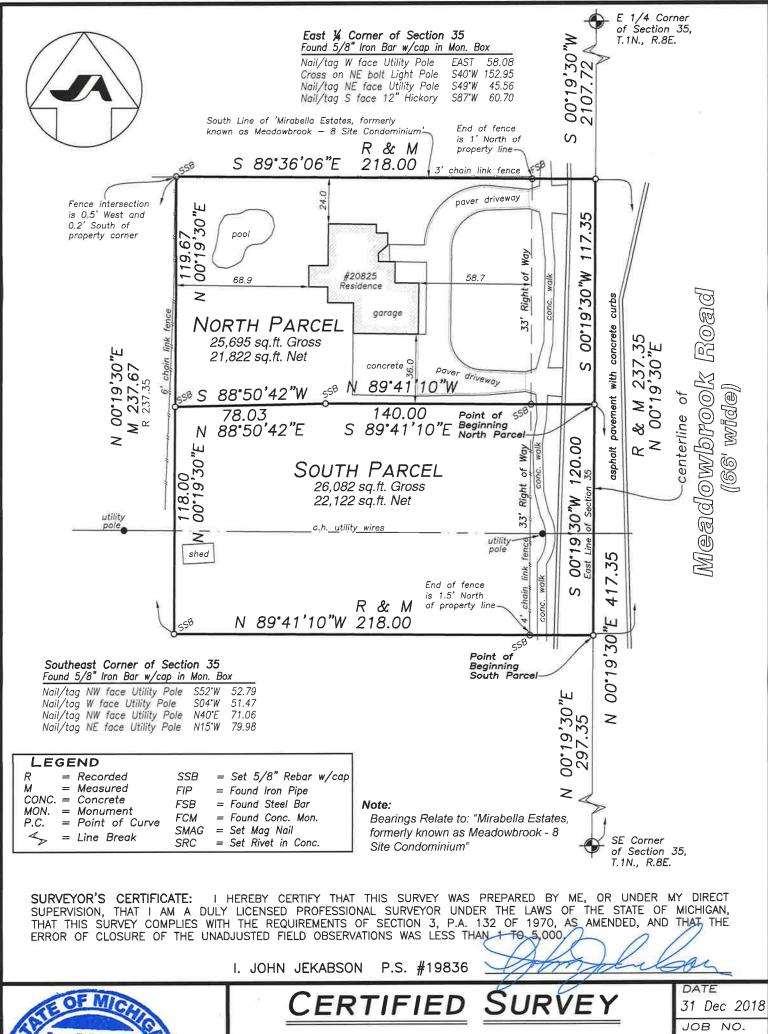
The proposed land division at 20825 Meadowbrook Road, Novi, Michigan does not violate the Land Division Act, P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997.

Thank you,

I. John Jekabson P.S. #19836 I. JOHN
JEKABSON
PROFESSIONAL
SURVEYOR
No. 19836









Part of the Southeast Quarter of Section 35, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan.

PREPARED FOR: Francis Schneider

JEKABSON & ASSOCIATES, P.C. Professional Land Surveyors 1320 Goldsmith, Plymouth, MI 48170 (734) 414-7200 (734) 414-7272 fax



18-12-001

SCALE 1" = 50

DRAWN

JRN CHECKED

IJJ

SHEET 1 OF 2