## ZONING BOARD OF APPEALS <br> CITY OF NOVI <br> Community Development Department <br> (248) 347-0415

## Case No. PZ14-0036

## Location: 25843 STRATH HAVEN

## Zoning District: RA, Residential Acreage District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new single family home with a reduced front setback of 40 ft . ( 45 ft . required), reduced rear setback of 40 ft . ( 50 ft . required), and reduced aggregate side yard setback of 41.34 ft . ( 50 ft . required) on an existing nonconforming lot. The property is located east of Beck Road and north of 10 Mile Road.

## Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures constructed within the RA zoning district have a minimum front yard setback of 45 ft ., rear yard setback of 50 ft ., and an aggregate side yard setback of 50 ft .

## City of Novi Staff Comments:

The petitioner is proposing to construct a new single family detached home on an existing lot non-conforming lot with the RA zoning district. The lot area is significantly less than the current minimum of 1 acre at just over .27 acres. Variances were approved under ZBA PZ13-0020 for construction of the new single home on an existing nonconforming lot. Staff supports consideration of the request provided that substantial justice can be provided to the other property owners in the district

## 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 $\qquad$ .
- because $\qquad$ .
- 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 $\qquad$ .
- 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 $\qquad$ —.


## COMMUNITY DEVELOPMENT DEPARTMENT

## PROJECT SUMMARY:

SETBACK VARIANCE FOR NEW HOME

## APPLICANT/OWNER INFORMATION:

APPLICANT<br>CANZANO BUILDING COMPANY<br>32233 SCHOOLCRAFT<br>Livonia MI 48150

OWNER<br>ZIELINSKI, THOMAS<br>25788 BECK<br>N OVI MI

PROPERTY INFOMATION:
LOCATION/ADDRESS: 25843 STRATH HAVEN
PARCEL NUMBER: 50-22-21-101-020 ZONING DISTRICT: R-A
SUBDIVISION: PIONEER MEADOWS PH 1
LOT/UNIT \#: 59

## ACTION SUMMARY:

ZBA MEETING DATE: 05/14/2013
CASE NO. PZ13-0020 25843 STRATH HAVEN
The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow construction of a new single family home with a reduced front setback of 40 ft . ( 45 ft . required), reduced rear setback of 40 ft . ( 50 ft . required) and reduced aggregate side yard setback of 41 ft . ( 50 ft. required) on an existing non-conforming lot. The property is located east of Beck Road and north of 10 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires that structures constructed within the RA zoning district have a minimum front yard setback of 45 ft ., a minimum rear setback of 50 ft . and an aggregate side yard setback of 50 ft .

In CASE No. PZ13-0020 Motion to approve the variance as requested. The request is based on circumstances and features that are exceptional unique to the property such as the 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 applicant has stated there are imposing setbacks for this lot that make it difficult to build a single family home on this lot. The need is not self-created because the lot itself is non-conforming and has been vacant for a long time. 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. 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. Development of this lot will enhance the neighborhood and improve the property values of the surrounding homes in the subdivision.

Motion carried: 4-0
Motion maker: Ibe


ZONING BOARD OF APPEALS APPLICATION CITY OF NOV
Community Development Department
(248) 347-0415

For Official Use Only

$9 / 9 / 14$
Check\# $\qquad$ Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT
***Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.
applicants name Strath haven Development LLC date 7-29-14
Company (if applicable)


Request is for:
 Indicate Ordinance sections) and variances requested:


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.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

## SEE ATTACH HENT

The subject lot is a non-con forming use under existing RA Zoning Classification which requires setbacks more typical of RA minimum size lots of one acre which does not fit with size of subject platted lot of .27 acre.

Describe any unique circumstances regarding the property (ie., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:


## PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

$\square$| Construct new home/building |
| :--- |
| Accessory building |$\square$ Use Addition to existing home/building



## DECISION ON APPEAL.


$\qquad$
The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

## STRATHHAVEN DEVELOPMENT LLC

## 40480 Grand River Ave., Ste. H, Novi, MI 48375

TO: Zoning Board of Appeals
FROM: Colette Scholten, Associate Broker, Keller Williams Royal Oak
RE: Application for Setback variances in Pioneer Meadows Subdivision
Dear Chairman and Members of the City of Novi Zoning Board of Appeals:
As owners of the subject Pioneer Meadows Lot \#59 and Palazzi Homes, Spencer Road and Barry Kemper have requested that, as the real estate agent for this homesite, I explain the hardship created by the current City of Novi zoning for this lot with the RA-Residential Zoning Classification. The current zoning classification results in the lot becoming "non-conforming use" and also being subject to the one-acre lot setback requirements while the lot is approximately $1 / 4$ acre.

The requested variance is the practical variance to do justice to the applicant as well as the other property owners in the area because the variance when granted will conform to the Pioneer Meadows Subdivision deed restrictions setback requirements. The variances will not cause any adverse impact on surrounding property, values or the use and enjoyment of the property in the neighborhood or zoning district.

The RA Zoning minimum setback requirements are designed for minimum required one-acre and larger lots. The minimum setback requirements under RA are:

- Front setback required $-45^{\prime}$
- Rear setback required -50'
- Aggregate side yard setback required -50'

The existing Pioneer Meadows restrictions requires minimum setbacks designed for approximately $1 / 4$ acre lots which exist throughout the existing subdivision and are technically non-conforming use lots because the lot sizes do not meet the existing RA zoning for minimum of one acre lot sizes.

The Pioneer Meadows subdivision minimum setbacks are:

- Front setback minimum $-40^{\prime}$
- Rear setback minimum - 40'
- Aggregate side yard setback - $30^{\prime}$ ( $15^{\prime}$ on each side)

The Applicant is requesting ZBA approval of setback variances from the City of Novi RA Zone setback requirements being requested to comply with the Pioneer Meadows Subdivision setback requirements which supports that justice is being provided to the other property owners in the district. The Pioneer Meadows Architectural Control Committee has issued a letter of approval for the proposed setbacks for this Lot \#59 as well as the proposed home.

The variance when granted because of the unique difficulty of the RA zone setback requirements designed for one-acre and larger lots where these approximately $1 / 4$ acre lots exist would be in conformity with ZBA-approved setback variances in the past for Pioneer Meadows, including this lot in 2013. It would also allow this lot to conform with the existing homes built in Pioneer Meadows by other property owners so it does not cause any adverse impact on surrounding homes, property values or use and enjoyment of the property in the neighborhood or zoning district.

We appreciate your consideration and hope for approval of our request for ZBA variance of the setback requirements.

Sincerely,

## Colette Scholten

Associate Broker, Keller Williams Royal Oak
cc: Barry Kemper, Strath Haven Development LLC

# PIONEER MEADOWS ASSOCIATION 

Architectural Committee

July 27, 2014
Ms. Angela Pawlowski
City of Novi Zoning Board of Appeals
45175 W. Ten Mile Road
Nevi, MI 48375

RE: Zoning Board of Appeals
Pioneer Meadows Lot 59 (Parcel \# 50-22-21-101-020)

Dear Ms. Pawlowski,
The Architectural Control Committee, Pioneer Meadows Association has reviewed a request by Ms. Colette Scholten for a variance on Lot \#59.

Please accept this letter as our approval for the following setbacks for Lot \#59 based on the attached Plot Plan and design:

| Location | Setback |
| :--- | :--- |
| Front (East): | 40 feet |
| Rear (West): | 40 feet |
| Left Side (South): | 20 feet |
| Right Side (North): | 20 feet |
| Side, combined: | 40 feet |

Sincerely,

Gregory M. Nelson
.cc Diana Canup (President), Shannon Tierney (Secretary)

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LEGAL DESCRIPTION
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LOT 59 OF "PIONEER MEADOWS NO. 1" A SUBDIVISION OF PART OF THE NW. $1 / 4$ SECTION 21, T. 1 N., R. 8 E. NOV, OAKLAND COUNTY, MICHIGAN AS RECORDED in LIBER 97, P. 22


LOT 60


## REQUIRED SETBACKS:

FRONT: 40 FEET
$\begin{array}{ll}\text { FRONT: } & 40 \mathrm{FEET} \\ \text { REAR: } & 40 \mathrm{FEET}\end{array}$
SCALE: $1^{\prime \prime}=20^{\circ}$
SIDE: $\quad 15$ FEET EACH




PIONEER MEADOWS ASSOCIATION
Appendix A
Application for New House or Addition Construction
APPLICANT INFORMATION

builder information


PIONEER MEADOWS PROPERTY INFORMATION

| Lot Number and dimensions | $59-79.4^{\prime} \times 120.66^{\circ}$ |
| :--- | :--- | :--- | :--- | :--- |



APPLICANT SIGNATURE AND DATE
Signature
Date


Effective September $26^{\text {th }}, 2006$

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\text { Page } 5 \text { of } 5
$$





| PLAN $\mathbb{N O T E S}$ | 1. TRSEES |
| :---: | :---: |
|  |  <br>  ,intion tean <br> 4. YENT ALL EXHAUST FANS TO EXTERIOR <br> WHEN POSSIBLE DIRECT ALL FLLES AND YENTS THAT PENETRATE ROO BEHIND MAIN RIDGE. |
| AREA SUMMARY <br> $\begin{array}{ll} & 1627 \text { S.F. } \\ \text { FIRST FLOOR } & 1610 \text { S.F. } \\ \text { SECOND FLOOR } & 1937 \text { S.F. }\end{array}$ | T. LSE GREENBOARD AT ALL AREAS SUSCEPTIBLE TO MOISTURE <br> 8. ALL INTERIOR DOORS TO BE 6'-8" TALL UNLESS NOTED OTHERUISE <br> 9. PROYIDE GUARDRAIL AT STAIRS DURING CONSTRUCTION. <br> 10. WINDOW NOMENCLATURE: $3050=3^{\prime}-0^{\prime \prime} \times 5^{\prime}-0^{\prime \prime}$ <br> II. IF TILE IS SELECTED FOR FLOORING AREAS YERIFY TU SPECIFICATIONS W/ MANUFACTURER |







