

## COMMUNITY DEVELOPMENTDEPARIMENT

## ZONING BOARD OFAPPEALS STAF REPORT

FOR: City of Novi Zoning Board of Appeals
ZONING BOARD APPEALS DATE: Ap ril 13, 2021

## REGARDING: Ten Mile Road, Parcel \# 50-22-28-101-023 (PZ11-0011)

BY: Lamy Butler, Deputy Director Community Development

## I. GENERALINFORMATION:

## Applicant

Kensington Fa mily Homes

## Variance Type

Dimensional Va riance

## Property Characteristics

## Zoning District: Single Family Residential

Location: East of Beck Road and South of Ten Mile Road
Parcel \#: 50-22-28-101-023

## Request

The applicant is requesting variance from the Novi Zoning Ordinance Section 3.1.2 for a proposed lot split of parcel 50-22-28-101-023 into two lots with widths of 110 and 113 feet respectively ( 120 feet minimum required by code, variance of 10 feet and 7 feet). This property is zoned Single Fa mily Residential (R-1).

## II. STAFFCOMMENIS:

## 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. PZ1-0011, sought by
$\qquad$ diffic ulty requiring because Petitioner has shown practical
(a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because $\qquad$ -
$\qquad$
(b) The property is unique because $\qquad$
$\qquad$ .
(c) Petitioner did not create the condition because $\qquad$
(d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because $\qquad$
$\qquad$ .
(e) The relief if consistent with the spint and intent of the ordinance because
$\qquad$
(f) The variance granted is subject to:
2. $\qquad$ .
3. $\qquad$ .
4. $\qquad$ .
5. $\qquad$ .
6. I move that we deny the variance in Case No. PZ1-0011, sought by $\overline{\text { for__ because Petitioner has not shown }}$ practical difficulty requiring __
(a) The circumstances and features of the property including $\qquad$ 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 $\qquad$
(c) The failure to grant relief will result in mere inconvenience or inability to atta in higher economic or financial retum based on Petitioners statements that
$\qquad$ .
(d) The variance would result in interference with the adjacent and surrounding properties by $\qquad$ .
(e) Granting the variance would be inconsistent with the spint and intent of the ordinance to $\qquad$
$\qquad$ .

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Lamy Butler
Deputy Director Community Development
City of Novi
cityofnovi.org

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

## ZONING BOARD OF APPEALS APPLICATION

## APPLICATION MUST BE FILLED OUT COMPLETELY

cityofnoviorg


Application Fee: $\$ 250.00$
Meeting Date: $4 / 13 / 21$
tBA Case \#: PZ21-0011

## 10 + Beck

 DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? $\square$ YES $\quad \square$ NO

## II. APPLICANT INFORMATION


B. PROPERTY OWNER $\square$ check here if APPLICANT IS ALSO THE PROPERTY OWNER


## III. ZONING INFORMATION

A. ZONING DISTRICT
$\square$ RA $\quad \square$ R-1
R-2R-3
$\square$ R-4
$\square \mathrm{RM}-1$RM-2
$\square \mathrm{MH}$- l-2
$\square R C$
$\square \mathrm{TC}$
$\square$ TC-
OTHER $\qquad$
B. VARIANCE REQUESTED

INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:

1. Section 3.1.2 Variance requested
Minimum Lot Width reduction from 120 to 110
2. Section $\qquad$ Variance requested $\qquad$
3. Section $\qquad$ Variance requested $\qquad$
4. Section $\qquad$ Variance requested $\qquad$

## IV. FEES AND DRAWINGS

A. FEES
$\square$ Single Family Residential (Existing) \$200 $\square$(With Violation) \$250 Single Family Residential (New) \$250
$\square$ Multiple/Commercial/Industrial \$300(With Violation) \$400 Signs $\$ 300$
$\square$ (With Violation) \$400
$\square$ House Moves $\$ 300$ $\square$ special Meetings (At discretion of Board) $\$ 600$
B. DRAWINGS 1-COPY \& 1 DIGITAL COPY SUBMITTED AS A PDF

- Dimensioned Drawings and Plans
- Site/Plot Plan
- Existing or proposed buildings or addition on the property
- Number \& location of all onsite parking, if applicable
- Existing \& proposed distance to adjacent property lines
- Location of existing \& proposed signs, if applicable
- Floor plans \& elevations
- Any other information relevant to the Variance application


## ZONING BOARD OF APPEALS APPLICATION

## V. VARIANCE

A. VARIANCE (S) REQUESTED
$\square$ DIMENSIONAL $\square$ USE $\square$ 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 $\square$ ADDITION TO EXISTING HOME/BUILDING $\square$ SIGNAGE
$\square$ ACCESSORY BUILDING$\square$ OTHER $\qquad$

## VI. APPLICANT \& PROPERTY SIGNATURES

A. APpLICANT


## 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 owners) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

## VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

## $\square$ GRANTED

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

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

REVIEW STANDARDS<br>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.
$\square$ Not Applicable $\square$ Applicable If applicable, describe below:
See attached

## and/or

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.
$\square$ Not Applicable
[] Applicable
If applicable, describe below:
See attached

## 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.
$\square$ Not Applicable $\square$ 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).
See attached

## 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.

See attached

## 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.

See attached

## 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.

[^0]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. Applicable, described below:

The need for a variance is due to unique shape and circumstances peculiar to this property. These conditions create an unnecessary hardship that requires relief. The property is square and measures 49,731 sf., or 1.14 acres. A property with these dimensions could normally fit two conforming $R-1$ lots, minimum size 21,780 sf each. However, the shape and configuration of the property is unusual in that it is nearly a perfect square with frontage on both 10 Mile and Novi Roads. This configuration presents a unique challenge to comply with the "minimum lot width" of 120', while all other standards of the R-1 district can be met or exceeded, including lot area and all yard setbacks so as not to create a burden on neighboring properties.

The impact of the rights of way and future rights of way for two major collector streets affect the geometry of the property. Deducting the future 60' half right of way from the overall length of either side (283') leaves the required "minimum lot width" dimension for two lots (240') short by 17'. Because of the unusual square shape of the lot, orienting the "frontage" N-S or E-W does nothing to solve the problem. These two proposed lots will both exceed all other requirements of the $\boldsymbol{R}-1$ district. It would be impractical to allow the irregular configuration of the property to detrimentally impact the applicant and would not serve the purpose intended for the minimum lot width requirement, as will be demonstrated in this narrative and exhibits to follow.

The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit modification of the "minimum lot width" requirement prescribed in the Zoning Ordinance because the property configuration clearly demonstrates that the shape \& circumstances of the property is unique and not generally applicable to other properties, meeting the required legal standard to approve this variance request.

Exhibit 1: Property location, zoning requirements, unusual shape, and relationship to ROW

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. Applicable, described below:

The need for a variance is due to unique circumstances particular to this property. These conditions create an unnecessary hardship that requires relief. The site is heavily wooded and has 9' of elevation difference across the relatively small 1.14-acre property. Because of the unique topography the property receives drainage runoff from both Beck Road and Ten Mile, which present additional hardships in engineering the grading plan for the two proposed homes. These natural woodland features are an important element of the property and the surrounding community. The variance would allow these properties to be developed while minimizing the impact to the woodlands and maintaining drainage patterns created by 10 Mile and Novi Roads. Substantial sections of the lot will remain undisturbed. The undisturbed area will act as a natural buffer. The existence of the woodland features, the challenging topography, and the existing drainage patterns constitute environmental conditions and extraordinary situations that require relief. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit modification of the "minimum lot width" requirement prescribed in the Zoning Ordinance because the natural features and extraordinary circumstances constitute Environmental Conditions on the property that do not apply generally to other properties, meeting the required legal standard to approve this variance request.

Exhibit 2: Environmental Conditions

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 signific ant practic al diffic ulties. Not Applicable/ Not Required.

## 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).

The applicant's problem is not self-created. The problem is an unnecessary hardship on the property owner requiring relief. The applicant did not write the ordinance nor was the applicant involved in establishing the precedents surrounding the property. The intent of the ordinance was to create similar lot sizes within the district to ensure compatibility. In addition, the ordinance aims to prevent an unwarranted increase in density through dimensional control. The current situation presents neither problem. The proposed lot sizes will be larger than the minimum district lot size and can comply with all the required setbacks, including three front yard setbacks on each lot because of the unusual configuration noted in question 1. The adjacent lots in Broadmoor Park are in the same R-1 zoning district and are 96' wide minimum/typical. The proposed two lots subject to this variance will be wider, measuring 110' \& 113' wide. The Broadmoor Park lots are 15,000 sf typical. The proposed two lots subject to this variance will be larger, measuring 24,000-25,000 sf lots. Unfortunately, not every possible situation can be anticipated when the ordinances are being written and the use of the word "minimum" makes this a ZBA matter. The City planner is in full support of the variance. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit modification of the "minimum lot width" requirement prescribed in the Zoning Ordinance because the practical difficulty was not self-created, and the legal standard has been met.

Exhibit 3: minimum requirements \& existing precedents not self-created


## 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.

The property cannot be reasonably used for the purposes permitted (two $R-1$ sized lots) which creates an unnecessary hardship. Without ZBA approval to permit modification of the "minimum lot width" requirement the property owner will be unreasonably prevented from using the property for the intended purpose, two lots proposed for residential development consistent with all other R-1 requirements. Strict compliance with the 120' width requirement would reduce the property to a single lot significantly out of character with its surroundings. The intent of the R-1 zoning bulk lot requirements could not be achieved WITHOUT the variance. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit modification of the "minimum lot width" requirement prescribed in the Zoning Ordinance because strict compliance with the 120' minimum width requirement will unreasonably prevent use of the property in the intended manner, as two R-1 sized lots. The legal standard has been met.

## 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 requested is the minimum variance necessary. The lot widths (110' \& 113' vs 120' required) are the largest lot possible given the parcel dimensions and will be wider than the 96' \& 100' lots in Broadmoor Park. No other variances to the R-1 lot requirements are being requested, making this the minimum necessary to do substantial justice to the applicant. The resulting lots will be larger than the minimum district lot size and will comply with all the required setbacks. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit modification of the "minimum lot width" requirement prescribed in the Zoning Ordinance because the requested variance is the minimum variance necessary and the legal standard has been met.

## 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.

The variance will not alter the character of the area. The residential lots to the north \& west of the site are zoned for smaller and narrower lots. (R-3 \& PRO, respectively.) The lots to the east and south in Broadmoor Park are smaller and typically narrower than the requested variance. The Broadmoor lots to the south are only 96' wide minimum and are typically 14,200 square feet. The Broadmoor lot sizes to the east are smaller (16,450 $-23,000 \mathrm{sf}$ ) than the proposed two lots (24,000-25,000 sf.) Approving the variance will allow similar homes to be built on the parcel on wider and larger lots, providing substantial justice to the petitioner and surrounding property owners. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit modification of the "minimum lot width" requirement prescribed in the Zoning Ordinance because the variance will not cause an adverse impact, and the legal standard has been met. (see Exhibit 4 next page)

Petitioner has met all requirements set forth in the ordinance to grant the variance. All the Elements of Practical Difficulty exist.
We respectfully request your support.


10 MLEE ROAD


EXISTNG LEGAL DESCRIPTION AS PROVIDED







## TABEI R404.1.2.28)







OVER RALGED WOOD F LOOR - OVERLAP OPTION
front eleyation
FIGURE R602.10.6.4
METHOD CS-PF: CONTINLOLSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION






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|  | EGRESS WINDOW W/ WINDOW WELL (SEE SHEET AI FOR CODE NOTES) |
| :---: | :---: |
| NOTE: <br> PROVIDE MIN, (2) $2 \times 4$ HEADER AT ALL INTERIOR \& EXTER INTERIOR \& EXTERIOR DOOR \& UINDOW OPENINGS (UNLESS NOTED OTHERUISE). |  |
|  |  |
| NOTE: <br>  Paemilit Refitac | OPT, EGRESS UINDOW WELL DETAIL |
| NOTE: <br> GROUT ALL CONCRETE BLOCK CORES SOLID THAT SUPPORT POINT LOADS FROM ABOVE (TYPICAL) | EGRESS WINDOW WELL <br> OPT. WINDOW WELL TO BE FILLED W/ PEA GRAVEL DOUN TO TOP OF HOUSE DRAIN TILE. TIE DRAIN INTO HOUSE DRAIN TLLE FROM BOTTOM OF UINDOW WELL RAILING OR METAL REMOYABLE GRATE \& LADDER OVER TOP (AS CODE REQUIRES WINDOW WELLS WITH A DEPTH GREATER THAN 44" BELOW GRADE SHALL BE EQUIPPED WITH A PERMANENTLY AFFIXED LADDER OR STEPS USABLE WITH THE |
| NOTE <br> - WOOD BEAM <br> -- - GTEELEEAM | WINDOW IN THE FULLY OPEN POSITION. <br> WINDOW WELL SHALL HAYE HORIZONTAL DIMENSIONS THAT PROYIDE A MIN. NET CLEAR AREA OF 9 SQ. FT, WITH A MIN HORIZONTAL PROJECTION AND UIDTH OF 36 |



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## FREPLACE NOTE




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## TABEI R404.1.2.28)







OVER RALGED WOOD F LOOR - OVERLAP OPTION
front eleyation
FIGURE R602.10.6.4
METHOD CS-PF: CONTINLOLSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION






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## FREPLACE NOTE




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