



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: September 10, 2019

REGARDING: 22955 Beck Road, Parcel # 50-22-29-400-016 (PZ19-0030)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Tri-County Builders

Variance Type

Dimensional

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Beck Road and North of Nine Mile Road
Parcel #:	50-22-29-400-016

Request

The applicant is requesting variances from the City of Novi Zoning Section 4.19.1.E.iii for the additional 160 square foot variance for a proposed 1380 square foot accessory structure, 1500 square feet allowed by code, Section 4.19.1.I to allow for a 3 foot height variance, one story of 14 feet allowed by code. Building shall be set one foot for each foot the building exceeds fourteen feet in height. 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. **PZ19-0030**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.
- (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 is consistent with the spirit and intent of the ordinance because _____
_____.
- (f) The variance granted is subject to:
 - 1. _____.
 - 2. _____.
 - 3. _____.
 - 4. _____.

2. I move that we **deny** the variance in Case No. **PZ19-0030**, 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 Petitioner's 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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION <u>Whalen Garage</u>				Meeting Date: <u>Sep. 10, 2019</u>	
ADDRESS <u>22955 Bech Rd.</u>		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 19-0030</u>	
SIDWELL # <u>50-22-</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>Bech Rd (Nine Mile)</u>					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <u>ericountybuilder@gmail.com</u>		CELL PHONE NO. <u>(810) 691-7089</u>	
NAME <u>Tri-County Builders / Chris Childs</u>		TELEPHONE NO.			
ORGANIZATION/COMPANY <u>Tri-County Builders</u>		FAX NO.			
ADDRESS <u>11360 Old Hamburg Rd.</u>		CITY <u>Whitmore Lk</u>		STATE <u>MI</u>	ZIP CODE <u>48189</u>
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS <u>john.whelen@jwswindows.com</u>		CELL PHONE NO. <u>(248) 890-1651</u>	
NAME <u>John Whalen</u>		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS <u>22955 Bech Rd.</u>		CITY <u>Novi</u>		STATE <u>MI</u>	ZIP CODE <u>48374</u>
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input checked="" type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH					
<input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>4.19.1.E.ii</u>		Variance requested <u>additional 160 sqft</u>			
2. Section <u>4.19.1.I</u>		Variance requested <u>additional 3ft</u>			
3. Section _____		Variance requested _____			
4. Section _____		Variance requested _____			
IV. FEES AND DRAWINGS					
A. FEES					
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250					
<input type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400					
<input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600					
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines			
• Site/Plot Plan		• Location of existing & proposed signs, if applicable			
• Existing or proposed buildings or addition on the property		• Floor plans & elevations			
• Number & location of all on-site parking, if applicable		• Any other information relevant to the Variance application			



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE (S) REQUESTED

DIMENSIONAL 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 ADDITION TO EXISTING HOME/BUILDING SIGNAGE
 ACCESSORY BUILDING USE OTHER _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT



Applicant Signature

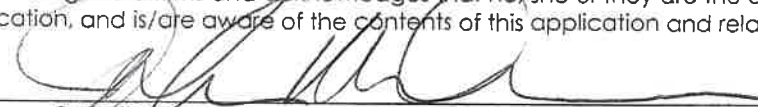
7-24-19

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

7-25-19

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



Community Development Department

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Novi, MI 48375
(248) 347-0415 Phone
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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:

Mr. Whalen's lot is fairly narrow and shallow, which prohibits the purposed garage being placed anywhere else on the property.

and/or

- b. 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:

Mr. Whalen's purposed garage exceeds the height limit by three feet. This is due in part to the necessity of a second layer of block on his foundation to prevent water damage. This need was created by the property adjacent to him being graded incorrectly, and without a proper swale. Thus, the second layer of block and increased height.

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 attached garage was part of the home when purchased and is structural in nature. It cannot be removed. The existence of this attached garage is what creates the need for a square footage variance, not the purposed garage.

The grade of the adjacent property in part has precipitated the need for the height variance.

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.

A variance for Mr. Whalen's purpose garage allows him to have an reasonable sized detached two car garage. If strict compliance is enforced He will not be able to fit a two car garage, which is common in surrounding area.

Standard #4. Minimum Variance Necessary.

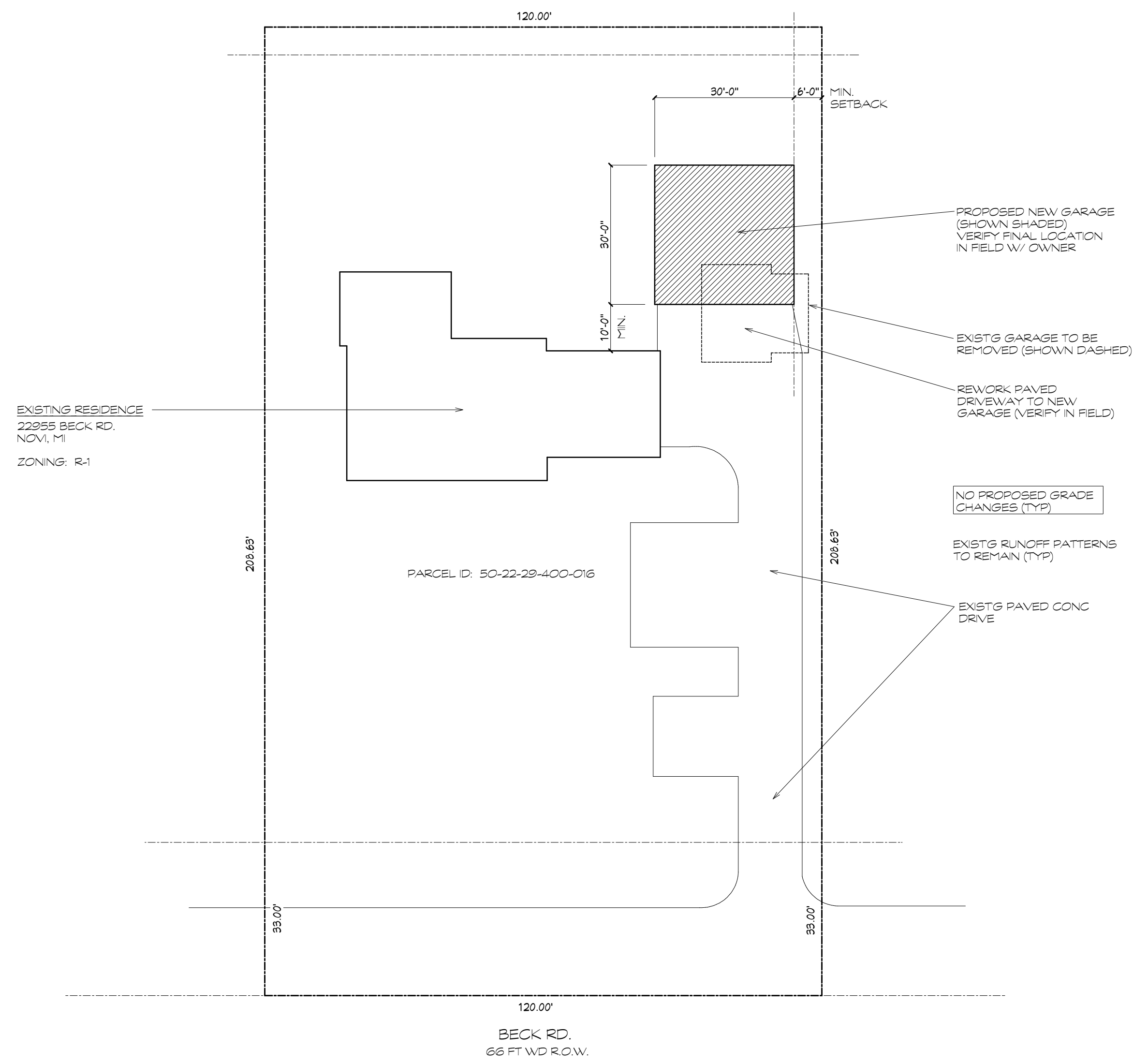
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

This variance would allow Mr. Whalen a 1380 square foot detached garage which is common in the surrounding area. The need for the variance regarding the square footage arises when his small attached garage is added in. The small attached garage is a structural part of the home, and could not be removed. This variance would allow Mr. Whalen to have a detached garage no larger than others in the area.

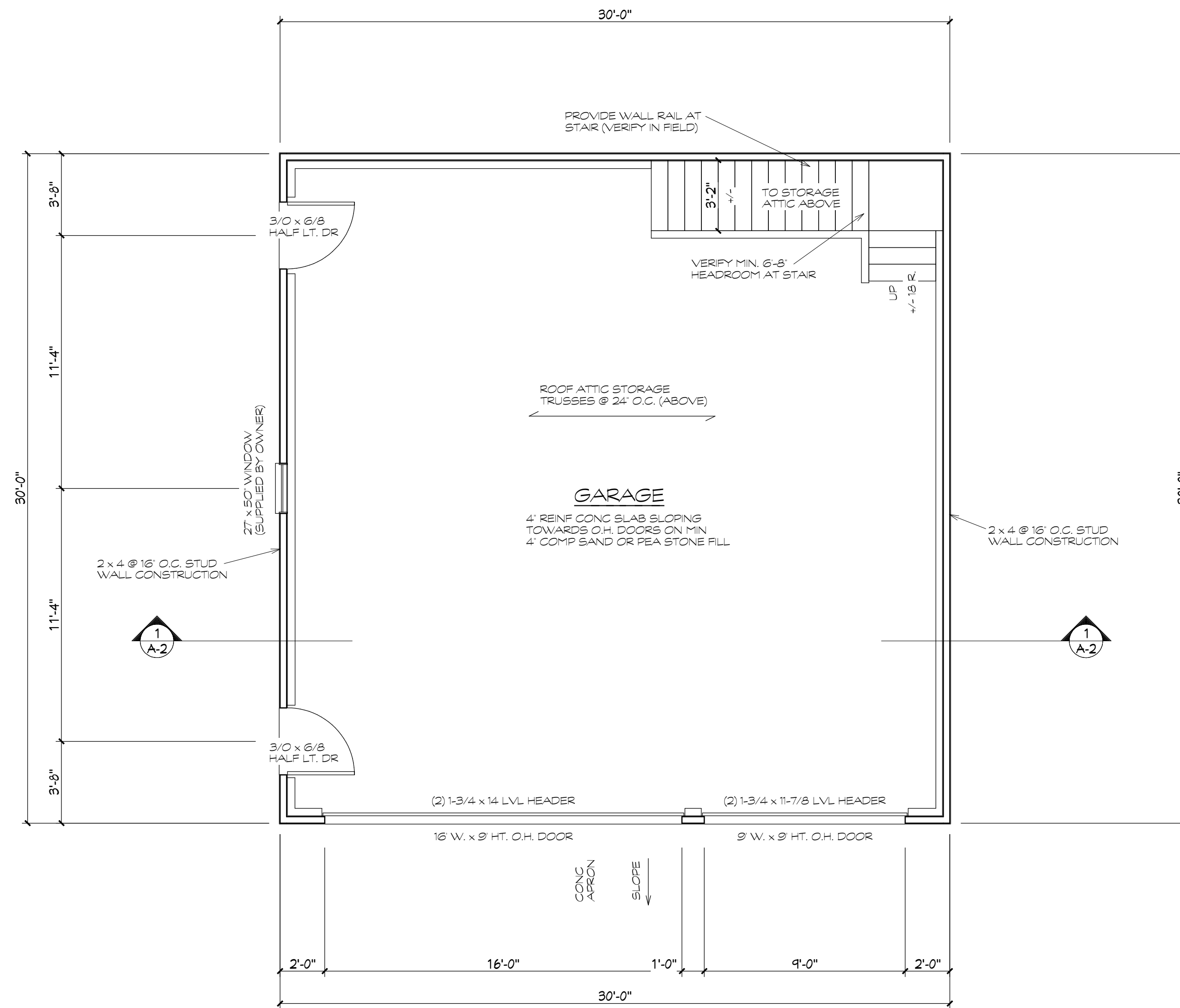
Standard #5. Adverse Impact on Surrounding Area.

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.

Mr. Whalen's purposed garage will not inhibit the view of any neighboring properties. Furthermore, the height, size, and style of the garage fits with surrounding homes and their accessory structures.

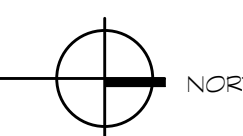


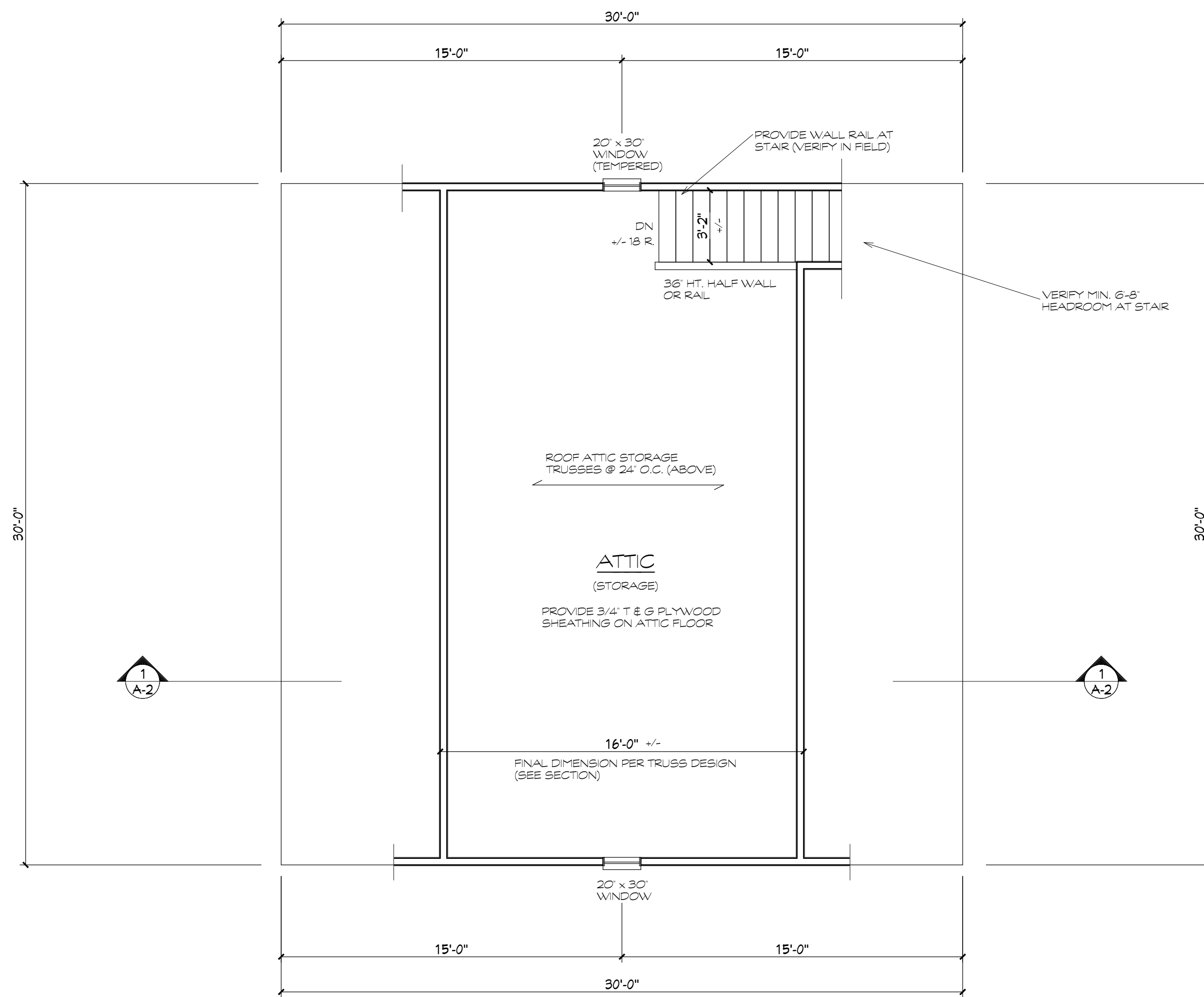
SITE PLAN
SCALE: 1" = 20'-0"



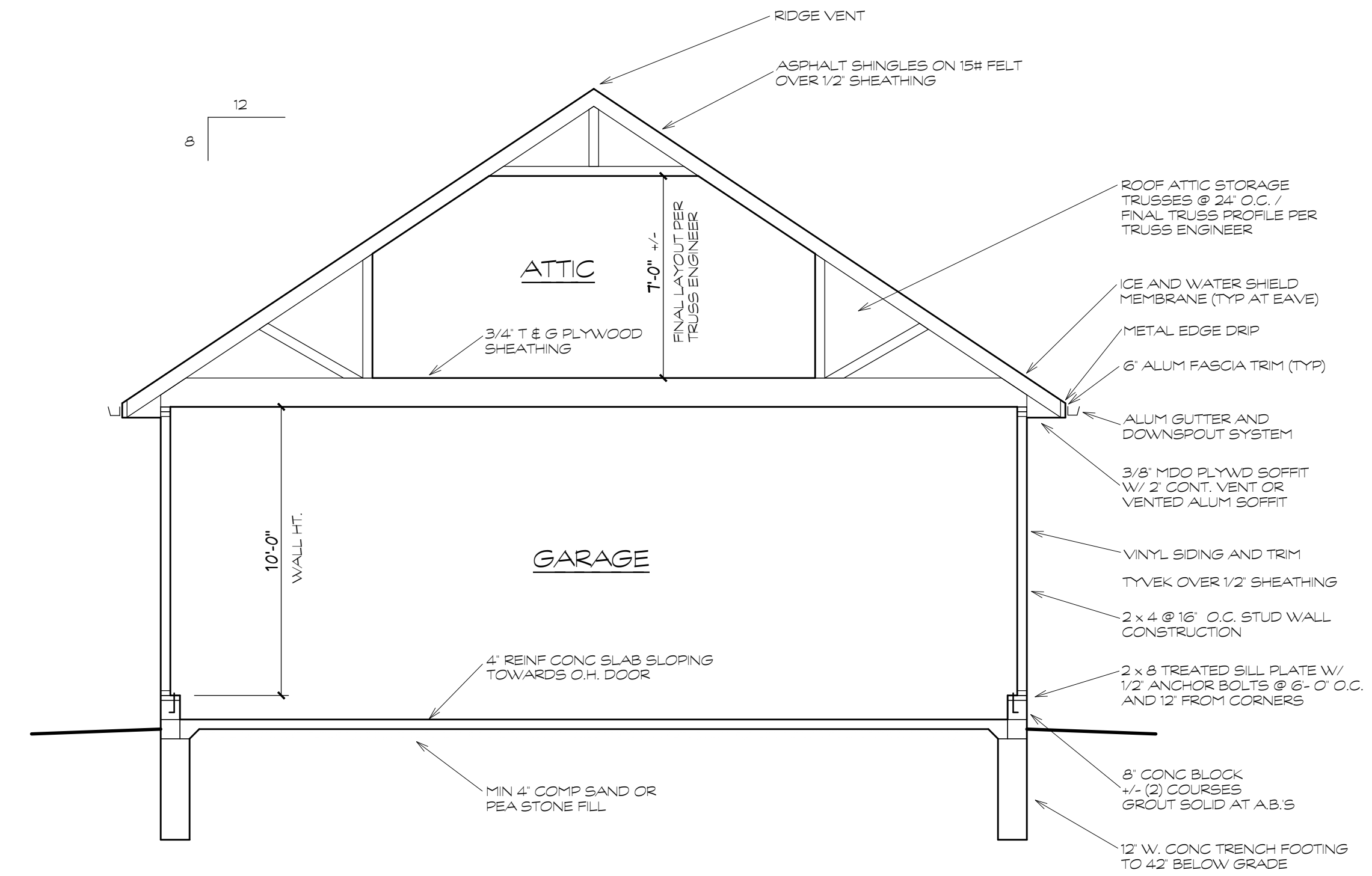
FLOOR PLAN at GARAGE

SCALE: 1/4" = 1'-0"

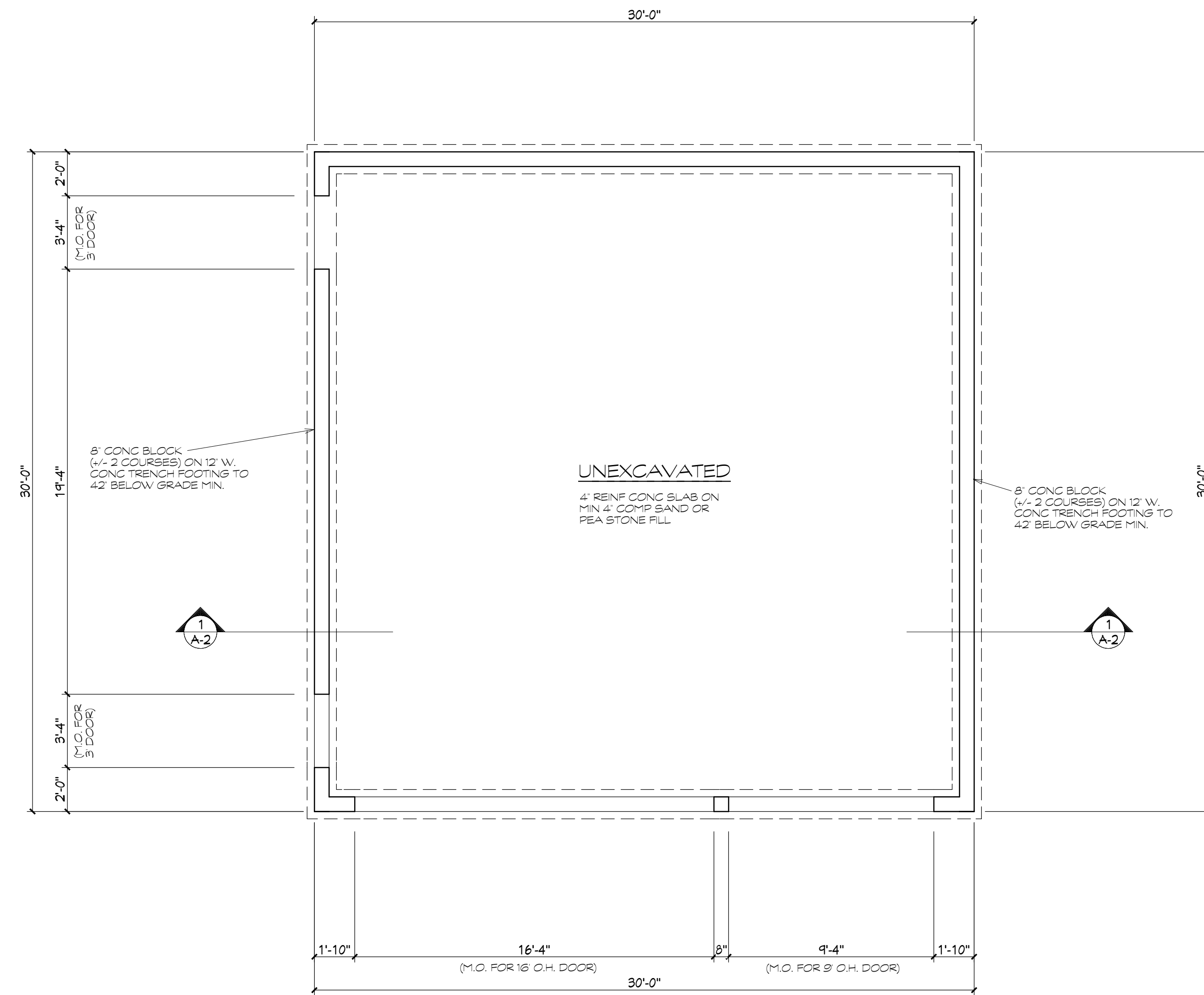




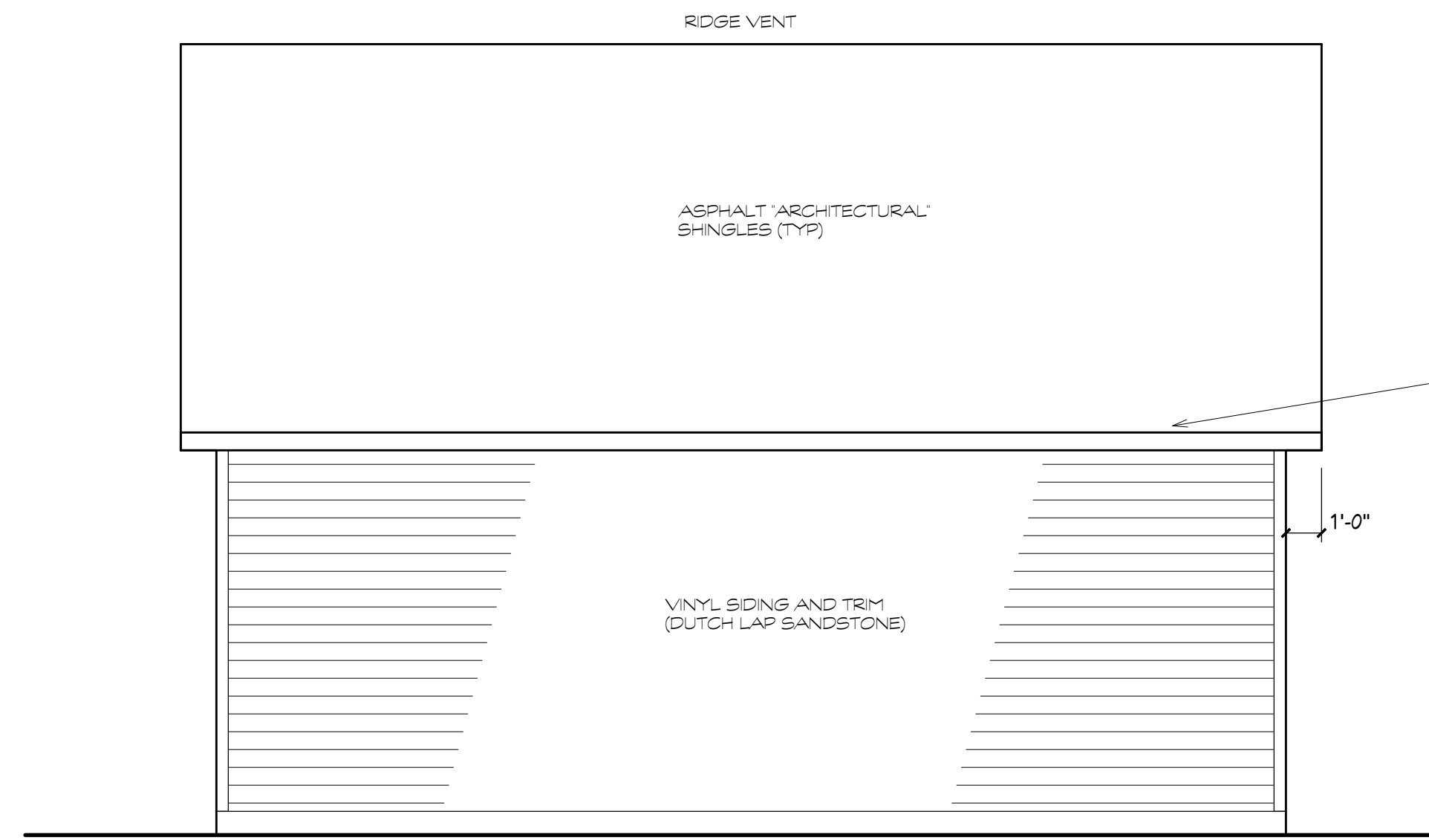
UPPER LEVEL at GARAGE
 SCALE: 1/4" = 1'-0" NORTH



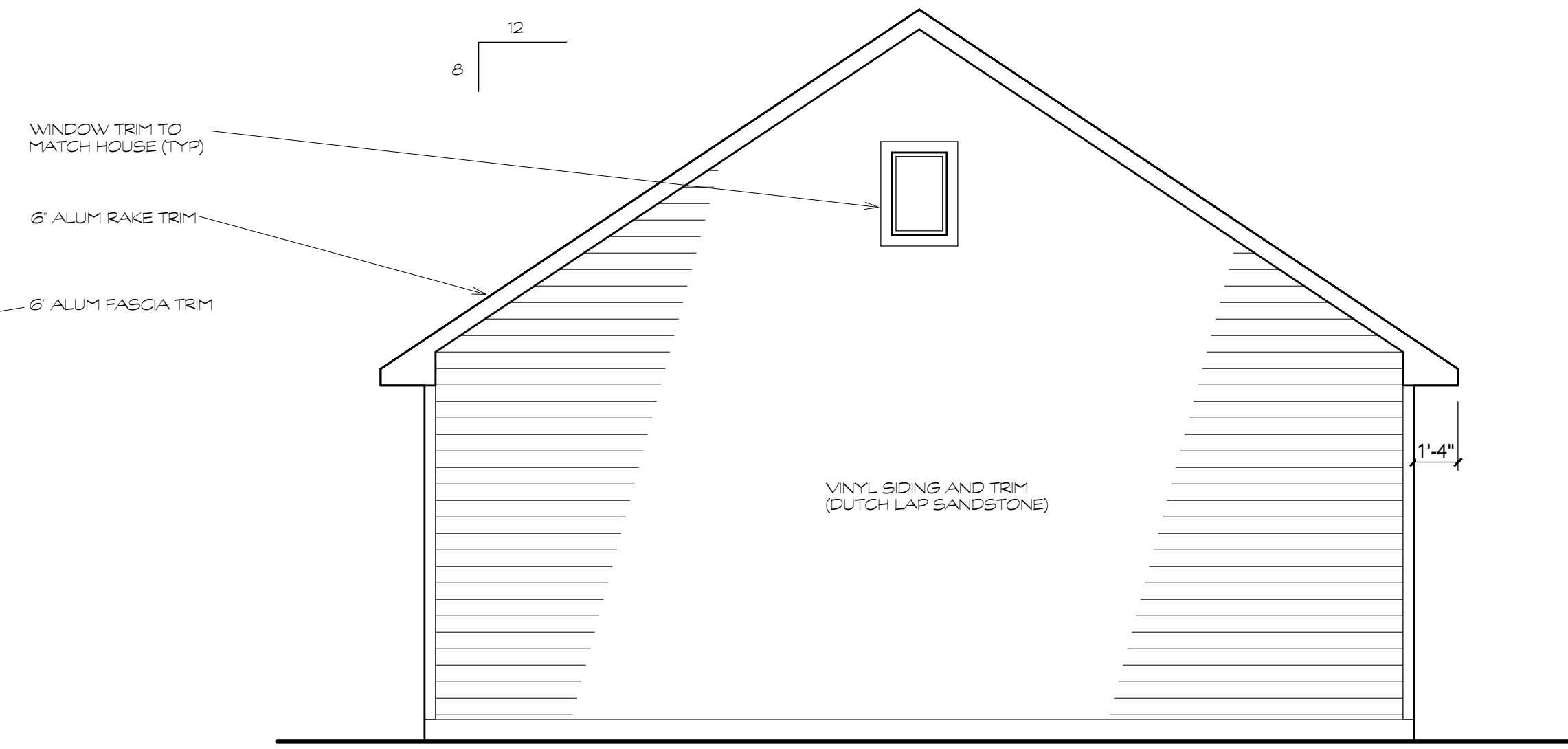
BUILDING SECTION
 SCALE: 1/4" = 1'-0"



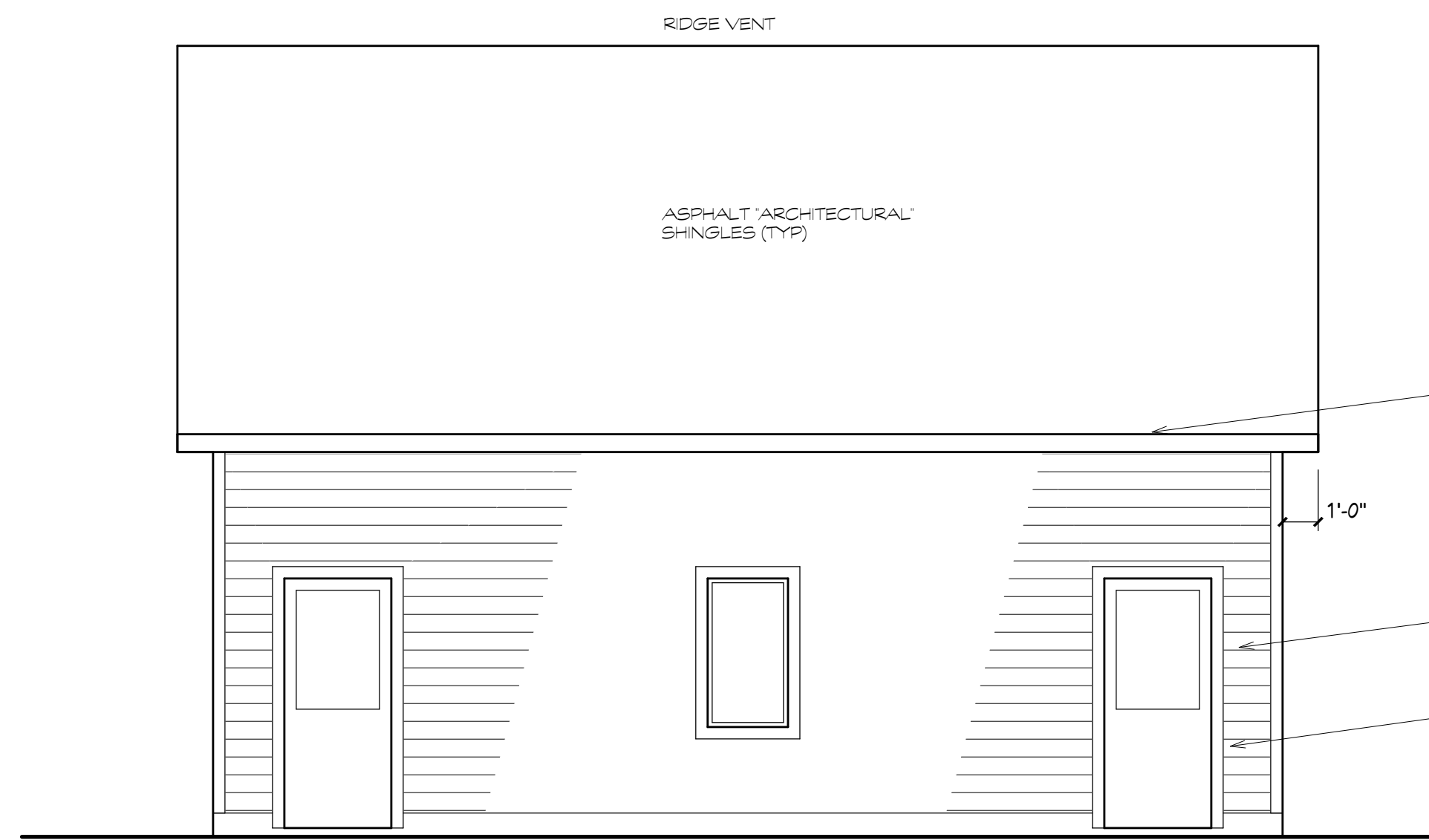
FOUNDATION PLAN at GARAGE
 SCALE: 1/4" = 1'-0" NORTH



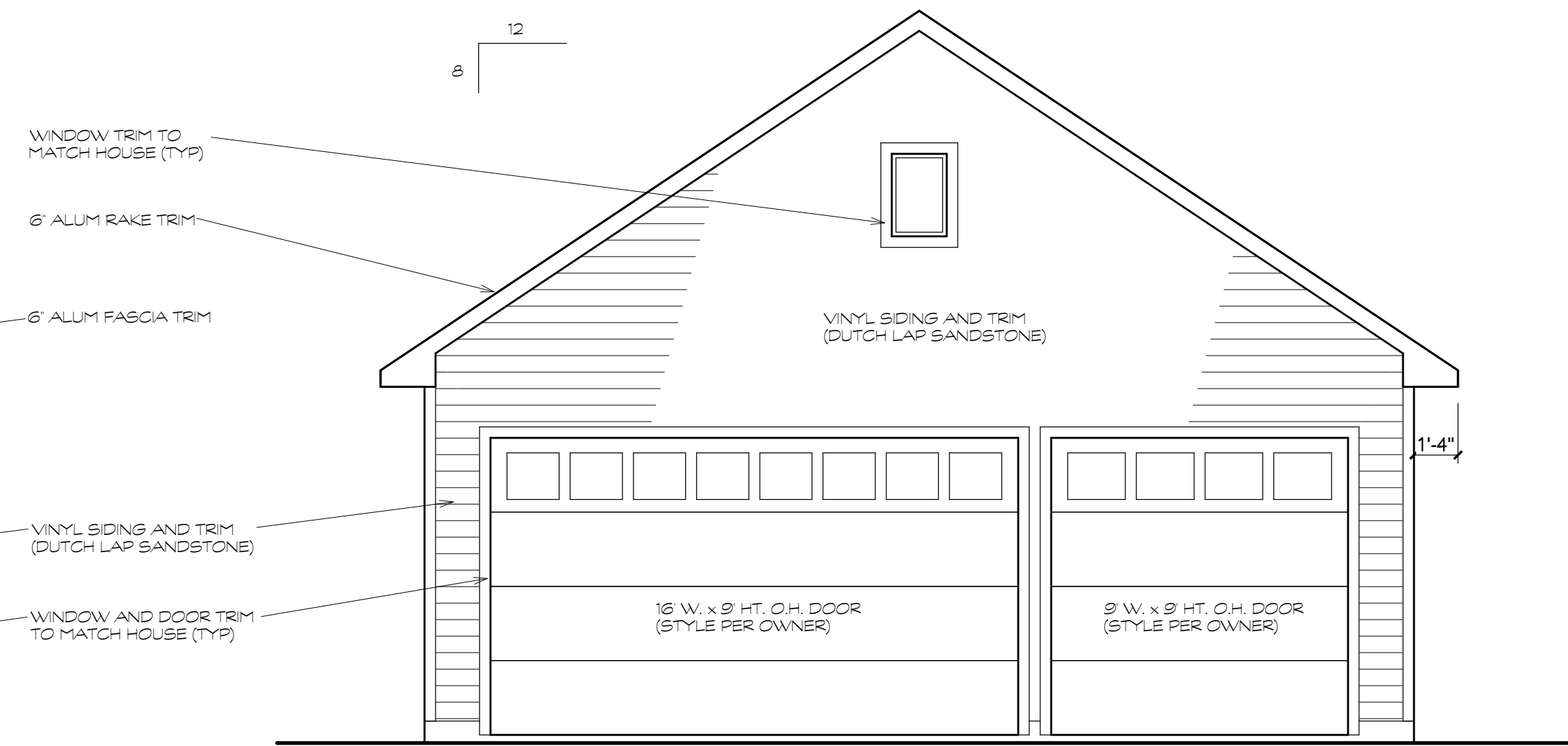
RIGHT SIDE ELEVATION (North)
 SCALE: 1/4" = 1'-0"



REAR ELEVATION (West)
 SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION (South)
 SCALE: 1/4" = 1'-0"



FRONT ELEVATION (East)
 SCALE: 1/4" = 1'-0"

To: Zoning Board of Novi, Mi.
Ref: Garage Height Variance at 22955 Beck Road.

To whom it may concern,

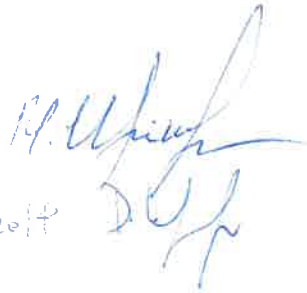
I Marina Ufimzeff live at 22975 Beck Rd, directly next door to Theresa & John Whalen, to the north. They have told my husband & I about the variance issue of 2'4" in the height of the garage they wish to construct. We have no issue with them doing so. All the homes in this area have roof lines that are much higher than the one they propose, and totally in style of our homes roof. There are no other homes in the area that would even see their garage, as we are their only direct neighbors. We have no windows on the south side of our home, so our only partial view of the garage would be from our back yard.

In summary, we have no issue, and agree that their decision to build the garage will be an improvement to the area.

Thank You

Marina Ufimzeff

Daniel Ufimzeff

Handwritten signatures of Marina Ufimzeff and Daniel Ufimzeff in blue ink. The signature of Marina Ufimzeff is written above the signature of Daniel Ufimzeff.