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**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**  
**(248) 347-0415**

**Case No. PZ13-0052**

**Location: 210 North Haven Dr.**

**Zoning District: R-4, One Family Residential District**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, 2400 to allow construction of a one-story addition extending 13.58 ft. into the required 35 ft. rear yard setback of an existing home, and Section 2907 to allow construction of an open deck extending 4.58 ft. into the required rear yard deck setback. The property is located east of West Park Drive and south of West Pontiac Trail.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 35 ft. rear yard setback in the R-4 Zoning District, and Section 2970 allows an open, unenclosed and uncovered wooden deck to project into a required rear yard setback for a distance not exceeding eighteen (18) feet.

**City of Novi Staff Comments:**

The applicant is proposing to add a new wood deck and a one-story addition to a one family detached home on an existing lot with an R-4 zoning designation. The Zoning Ordinance requires a 35 ft. rear yard setback. The existing home was built a number of years ago with a rear yard setback of 24.3 ft. The proposed addition would extend 13.58 ft. into the required setback. The proposed wood deck would extend 4.58 ft. into the required rear yard deck setback. While the existing home is unique in setbacks and currently adjoins a multifamily use, Staff supports the request provided the requested variance is found to not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning 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\_\_\_\_\_.
- 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 because\_\_\_\_\_.

- 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\_\_\_\_\_.
- 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\_\_\_\_\_.



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RECEIVED

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CITY OF NOVI
Community Development Department
(248) 347-0415

AUG 28 2013

CITY OF NOVI
COMMUNITY DEVELOPMENT

For Official Use Only

ZBA Case No: 2130052 ZBA Date: 10/8/13 Payment Received: \$ 200 (Cash)

Check # \_\_\_\_\_ Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name Gary Eichler Date 8/28/13

Company (if applicable) \_\_\_\_\_

Address\* 210 North Haven St. City Novi ST MI ZIP 48377
\*Where all case correspondence is to be mailed.

Applicant's E-mail Address: geichler@gmail.com

Phone Number (248) 924 7240 FAX Number ( ) \_\_\_\_\_

Request is for:

[X] Residential Construction (New/ Existing) [ ] Vacant Property [ ] Commercial [ ] Signage

1. Address of subject ZBA case: 210 North Haven St. ZIP 48377

2. Sidwell Number: 5022 - 03 126 011 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes [ ] No [X]

4. Zoning: [ ] RA [ ] R-1 [ ] R-2 [ ] R-3 [X] R-4 [X] RT [ ] RM-1 [ ] RM-2 [ ] MH [ ] OS-1 [ ] OS-2 [ ] OSC [ ] OST [ ] OTHER

5. Property Owner Name (if other than applicant) \_\_\_\_\_

6. Does your appeal result from a Notice of Violation or Citation Issued? [X] Yes [ ] No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 2400 Variance requested ADDITION 13.58'
2. Section 2907 Variance requested DECK 4.58'
3. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
4. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

8. 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.

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

The existing setback of the home to the back property line is abnormally small and different than the setback of adjoining residences thereby presenting a hardship condition w/ regard to improvements to the rear of the home or in the backyard.

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

Existing setback is abnormally small in the back yard.

**SIGN CASES ONLY:**

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten (10) days before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.

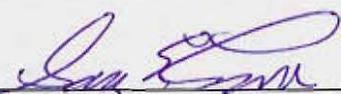
There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

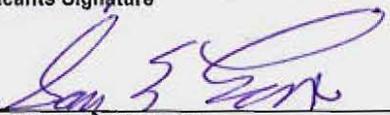
**PLEASE TAKE NOTICE:**

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

- Construct New Home/Building
- Addition to Existing Home/Building
- Accessory Building
- Use
- Signage
- Other

  
Applicants Signature

Date 8/28/13

  
Property Owners Signature

Date 8/28/13

**DECISION ON APPEAL**

\_\_\_\_\_ Granted \_\_\_\_\_ Denied \_\_\_\_\_ Postponed by Request of Applicant \_\_\_\_\_ Board \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date

GEORGE JEROME & CO.



# MORTGAGE REPORT for:

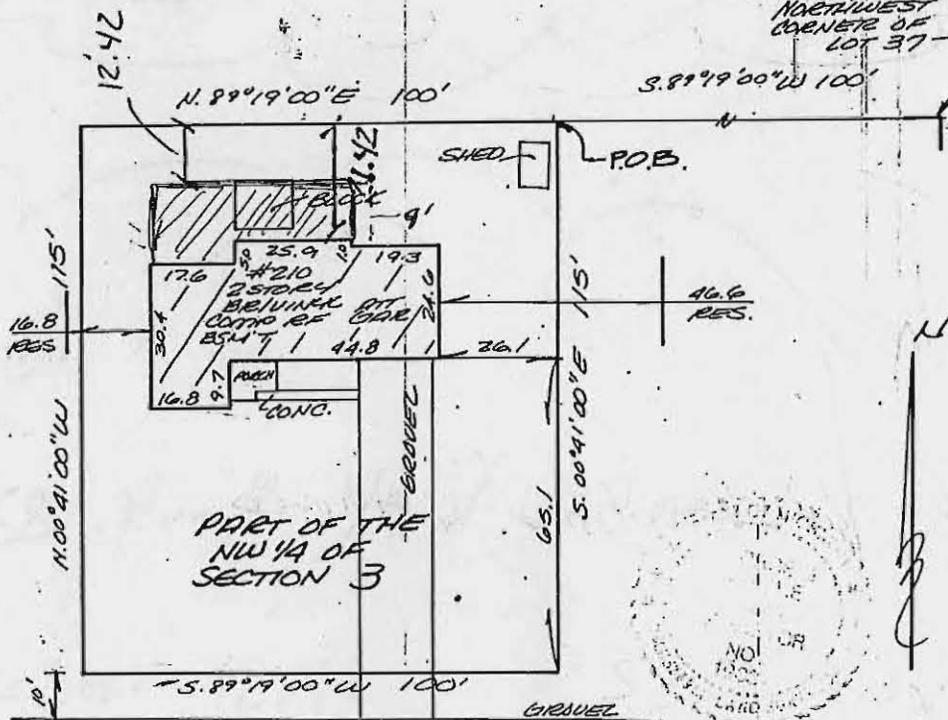
MICHIGAN MORTGAGE LENDERS CORPORATION

CONSULTING MUNICIPAL & CIVIL ENGINEERS - SURVEYORS. 28304 HAYES - ROSEVILLE, MI 48066 - (810) 774-3000

LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

DATE: 10-20-97

Land situated in the City of Novi, Oakland County, Michigan, described as: Part of the Northwest 1/4 of Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point distant South 89 degrees 19 minutes 00 seconds West 100 feet from the Northwest corner of Lot 37 of "LAKE WALL SUBDIVISION", thence South 00 degrees 41 minutes 00 seconds East 115 feet; thence South 88 degrees 19 minutes 00 seconds West 100 feet; thence North 00 degrees 41 minutes 00 seconds West 115 feet; thence North 89 degrees 19 minutes 00 seconds East 100 feet to the point of beginning.



NORTH HAVEN DR.

CERTIFICATE: We hereby certify to MICHIGAN MORTGAGE LENDERS CORPORATION that we have surveyed the above-described property in accordance with the description furnished by you for the purpose of a mortgage loan to be made by GARY AND DENISE EICHLER

mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes have been set at any of the boundary corners.

SCALE: 1" = 30'  
DR. BY: TL  
REV. BY:

Signature of George Jerome  
REGISTERED LAND SURVEYOR

GEORGE JEROME & CO.

JOB NO. 99218