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:** February 12, 2019

REGARDING: **47825 Casa Loma, Parcel # 50-22-32-201-006 (PZ19-0001)**
BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant
Great Oaks Landscaping

Variance Type
Dimensional

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Beck Road and South of Nine Mile Road
Parcel #:	50-22-32-201-006

Request
The applicant is requesting variance from the Novi Zoning Ordinance Section 5.1(A)ii for a fence and gate in the front yard. This property is zoned Residential Acreage (R-A).

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. **PZ19-0001**, 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 if 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. **PZ19-0001**, 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 Petitioners 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

CITY OF NOVI
cityofnovi.org

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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: _____

Meeting Date: _____

ZBA Case #: PZ_____

I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION: FAHIM RESIDENCE / CASA LOMA

ADDRESS: 47825 CASA LOMA CT. NORTHVILLE | LOT/SIUTE/SPACE #: LOT 6

SIDWELL #: 50-22-32-201-006 (May be obtain from Assessing Department (248) 347-0485)

CROSS ROADS OF PROPERTY: BECK Rd & 9 mile

IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? ☒ YES ☐ NO

REQUEST IS FOR: ☒ RESIDENTIAL ☐ COMMERCIAL ☐ VACANT PROPERTY ☐ SIGNAGE

DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? ☐ YES ☒ NO

II. APPLICANT INFORMATION

A. APPLICANT

EMAIL ADDRESS: gfornari@greatoaks landscape.com | CELL PHONE NO.: 508-726-5365

NAME: GREAT OAKS LANDSCAPE | TELEPHONE NO.: 248-349-8555

ORGANIZATION/COMPANY: " " | FAX NO.: 248-349-8556

ADDRESS: 28025 SAMUEL LINDON CT. | CITY: NOVI | STATE: MI | ZIP CODE: 48377

B. PROPERTY OWNER ☐ CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER

Identify the person or organization that owns the subject property: | EMAIL ADDRESS: danfahim@yahoo.com | CELL PHONE NO.: 248-962-5991

NAME: DANIEL FAHIM | TELEPHONE NO.:

ORGANIZATION/COMPANY: | FAX NO.:

ADDRESS: 47825 CASA LOMA CT. | CITY: NORTHVILLE | STATE: MI | ZIP CODE: 48167

III. ZONING INFORMATION

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 (S) AND VARIANCE REQUESTED:

1. Section 5.11-A-ii. Variance requested FENCE & GATE IN FRONT YARD
2. Section _____ Variance requested _____
3. Section _____ Variance requested _____
4. Section _____ Variance requested _____

IV. FEES AND DRAWNINGS

A. FEES

☐ Single Family Residential (Existing) $200 ☐ (With Violation) $250 ☒ Single Family Residential (New) $250

☐ Multiple/Commercial/Industrial $300 ☐ (With Violation) $400 ☐ Signs $300 ☐ (With Violation) $400

☐ House Moves $300 ☐ 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 on-site 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

☒ 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 — Date: 1/2/19

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.

X _____ Property Owner Signature — Date: 1/2/19

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
45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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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:

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:

THE GARAGES & DRIVEWAYS GO BEHIND THE HOUSE WHICH CAN CREATE A SAFETY ISSUE AT SOME POINT.

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:

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).

This is Not Self-Created. The ordinance states A Driveway gate & Columns Aren't permitted in front yard.

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 homeowner would like the GATE, Columns & PANELS erected to give A second level of Security. Because the driveway goes behind the house in (2) locations IT would Be easy for A criminal to enter the Subdivision gate behind A resident & then Hide Behind the FATHIM's House without Being Noticed.

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 LOCATION Requested WAS determined After Several Concept Studies on where this element should be located was done.

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 Proposed GATE, Columns & PANELS will Add Aesthetic Appeal to the Home. They will tie into the feel of the Community & Add VALUE TO The Home thus RAISING the VALUE of OTHER Homes in the Subdivision.

THIS Will IN No WAY CAUSE AN Adverse Impact.

OPEN SPACE AREA

N 00°01'08" W 228.28'

S 89°52'28" E 225.64'

S 89°52'52" E 188.44'

SEED

SEED

SEED

SOD

SOD

SOD

OPEN SPACE AREA

N 00°01'08" W 228.28'

S 89°52'28" E 225.64'

84.8'

50' REAR SETBACK

20' SIDE SETBACK

N 89°58'52" E 188.44'

S 41°40'16" W 108.22'

TREE TO BE REMOVED (TYP.) SEE TREE LIST ON PP2

47825 CASA LOMA CT.

PROPOSED HOUSE

FIN. FLOOR = 962.40
BSMT. FLOOR = 950.60

SEE ARCHITECTURAL PLANS FOR DIMENSIONS

6

47755 CASA LOMA CT. VACANT FUTURE FF:

47750 CASA LOMA CT. PROP FF: 954.30 PROP GF: 952.60

CASA LOMA COURT

(86 FT. WD. R.O.W. PRIVATE)

12' CONC. DRIVE

20' WD. ESMT. FOR W.M.

EX. 8" D.I.

EX. 6" STM LD.

EX. 1-1/2" WTR LD.

PR. 4" SCH 40 PVC STM LD.

PR. 1-1/2" TYPE K COPPER WTR LD.

PR. 6" SDR 23.5 SAN LD.

EX. SAN C.O. RIM 952.92

EX. STM C.O. RIM 953.27

6" THICK WALK @ DRIVE

4" CONC. WALK

FUTURE WALK

16' @ F/WALK MATCH EXISTING BACK/CURB

22' @ B/C

±38'

±33'-2"

±33'-2"

±38'

±91'-4"

±46'

±46'

±46'

±46'

±46'

±46'

2'-6" 16' 2'-6" 24' 2'-6" 8' 3' 10' 10' 3' 9' 2'-6" 24' 2'-6" 16' 2'-6" ±22'-4" 2'-6"

±77'

±12'-9"

10'-6"

±15'

To House ±105'

0 5 10 20

NORTH

GREAT OAKS LANDSCAPE

LANDSCAPE ARCHITECTURE
HORTICULTURAL SERVICES
CONTRACTORS
ALL SEASON MAINTENANCE
NURSERY

28025 SAMUEL LINDEN COURT NOVI, MICHIGAN 48377
PHONE 248.349.8555 ■ FAX 248.349.8556
greatoakslandscape.com

PROJECT: FAHIM RESIDENCE
CASA LOMA COURT - UNIT 6, NOVI, MI 48167

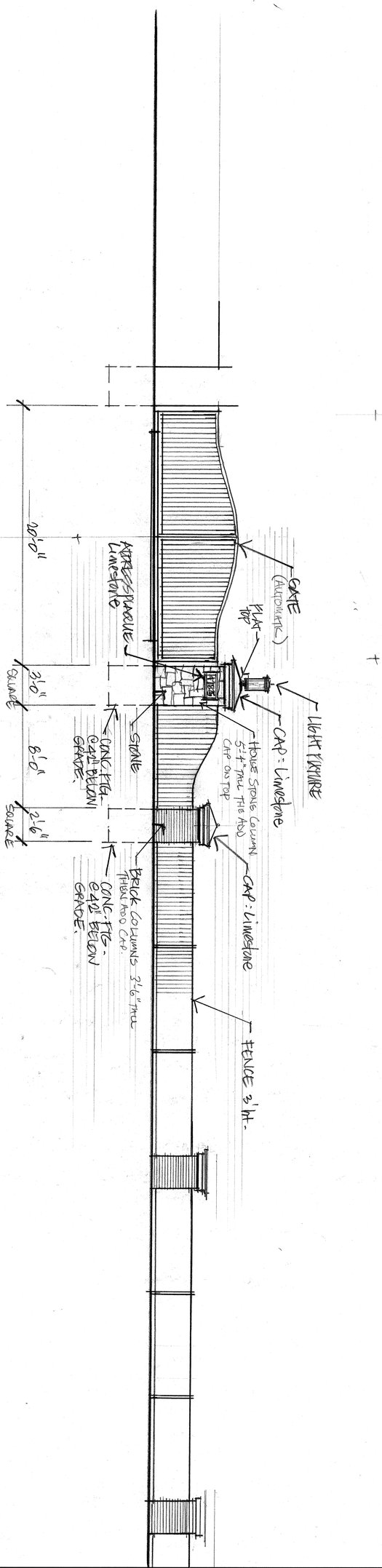
SUBJECT: LANDSCAPE PLAN

Client: DAN AND ABBY FAHIM

Project #: 4783001
Scale: 1" = 10'
Drawn by: PM
Checked by: GF

Date: APRIL 5, 2018
Revisions:

this plan is a landscape concept and it is intended that the designer be involved to consider on-site decisions. the plans and specifications herein remain the property of Great Oaks Landscape Associates, Inc. for its sole use. Unauthorized use of this plan is prohibited.



LANDSCAPE ARCHITECTURE
HORTICULTURAL SERVICES
CONTRACTORS
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NURSERY

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LANDSCAPE

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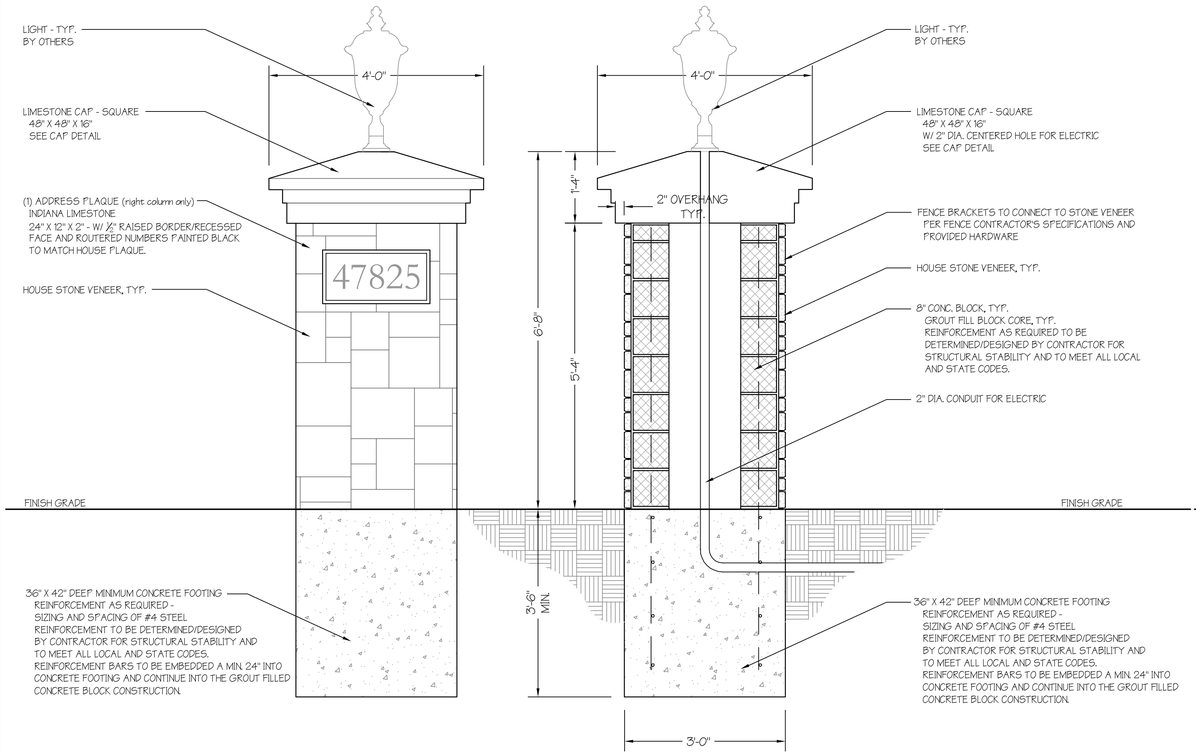
PROJECT: FAHIM RESIDENCE
47825 CASA LOMA CT. NOVI MI

SUBJECT: COLUMN & FENCE/GATE DETAIL

Client: DAN & ABBY FAHIM

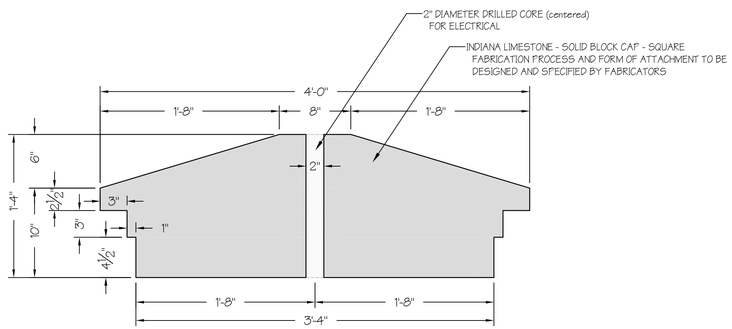
Project #: 4783 Date: _____
Scale: 1/4"=1'-0" Revisions: _____
Drawn by: PMC
Checked by: _____
Proposal #: _____

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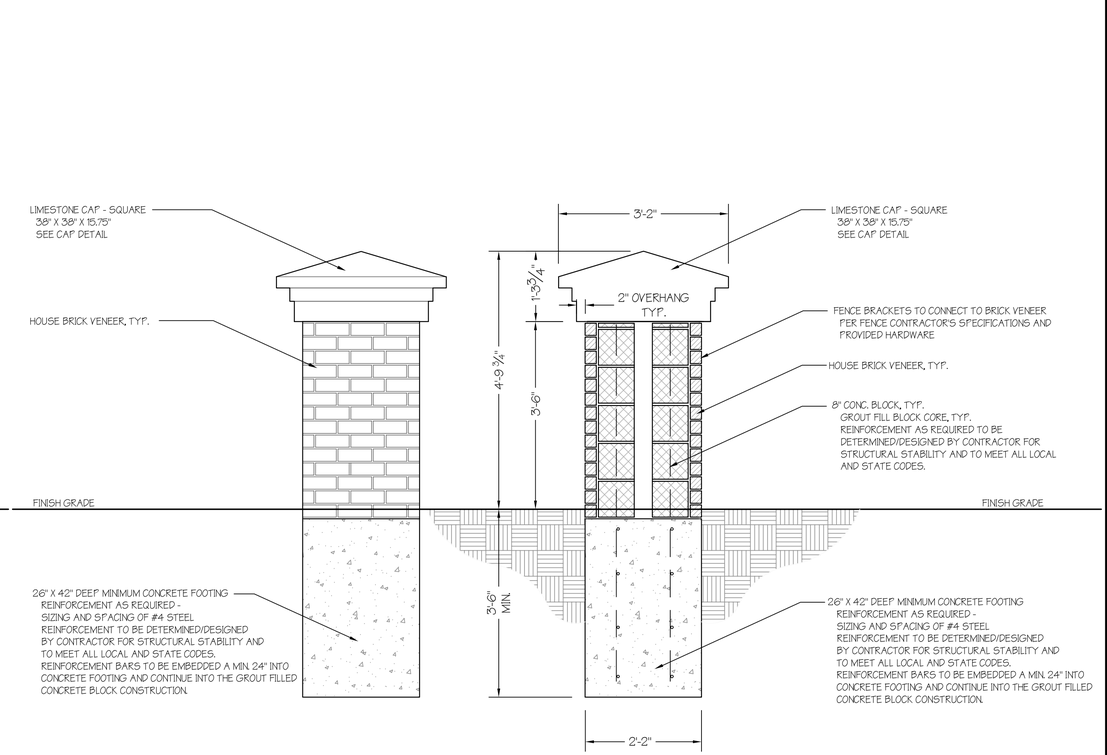
CENTRAL ENTRY COLUMNS - quantity (2)

SCALE: 3/4" = 1'-0"



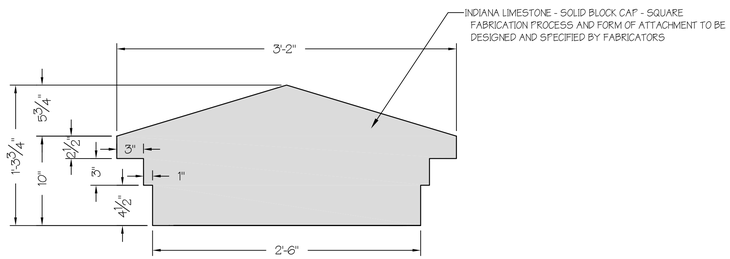
CENTRAL ENTRY COLUMN CAP SECTION DETAIL - quantity (2)

SCALE: 1 1/2" = 1'-0"



SECONDARY ENTRY COLUMNS - quantity (2)

SCALE: 3/4" = 1'-0"



SECONDARY ENTRY COLUMN CAP SECTION DETAIL - quantity (2)

SCALE: 1 1/2" = 1'-0"

LIMESTONE FABRICATOR TO VISIT SITE AFTER STEPS AND COLUMNS ARE CONSTRUCTED TO TAKE AS-BUILT MEASUREMENTS AND TEMPLATE FOR LIMESTONE FABRICATION.

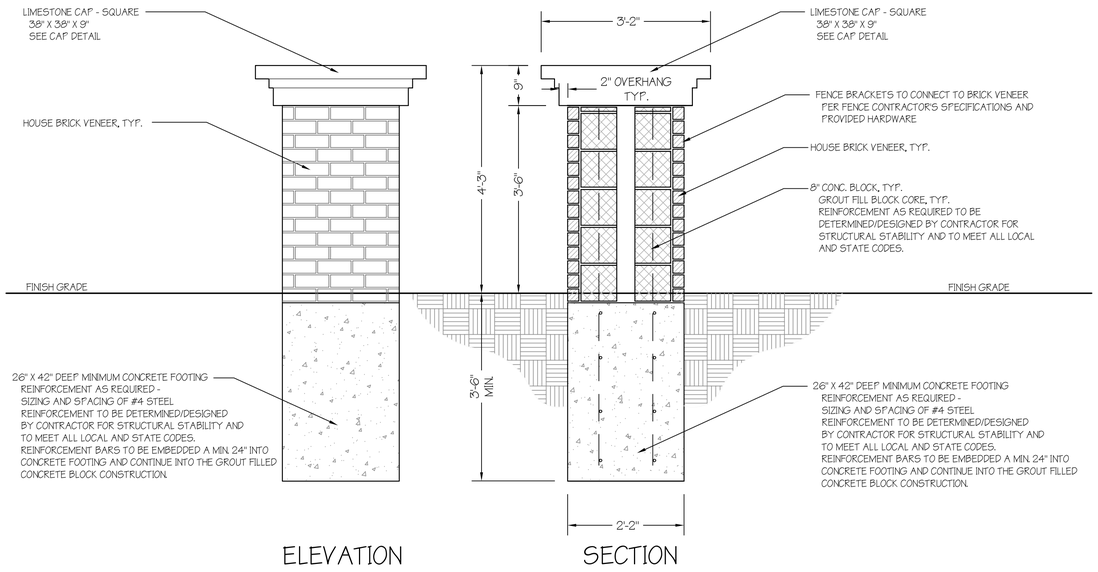
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Project #: 4769001
Scale: AS NOTED
Drawn by: SAA
Checked by: AP
Date: NOVEMBER 14, 2016
Revisions:

PROJECT: FAHIM RESIDENCE
SUBJECT: COLUMN AND CAP DETAILS AND SECTIONS
Client: DAN AND ABBY FAHIM

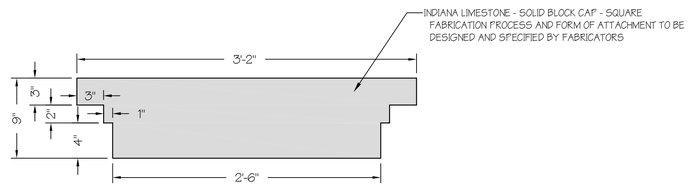
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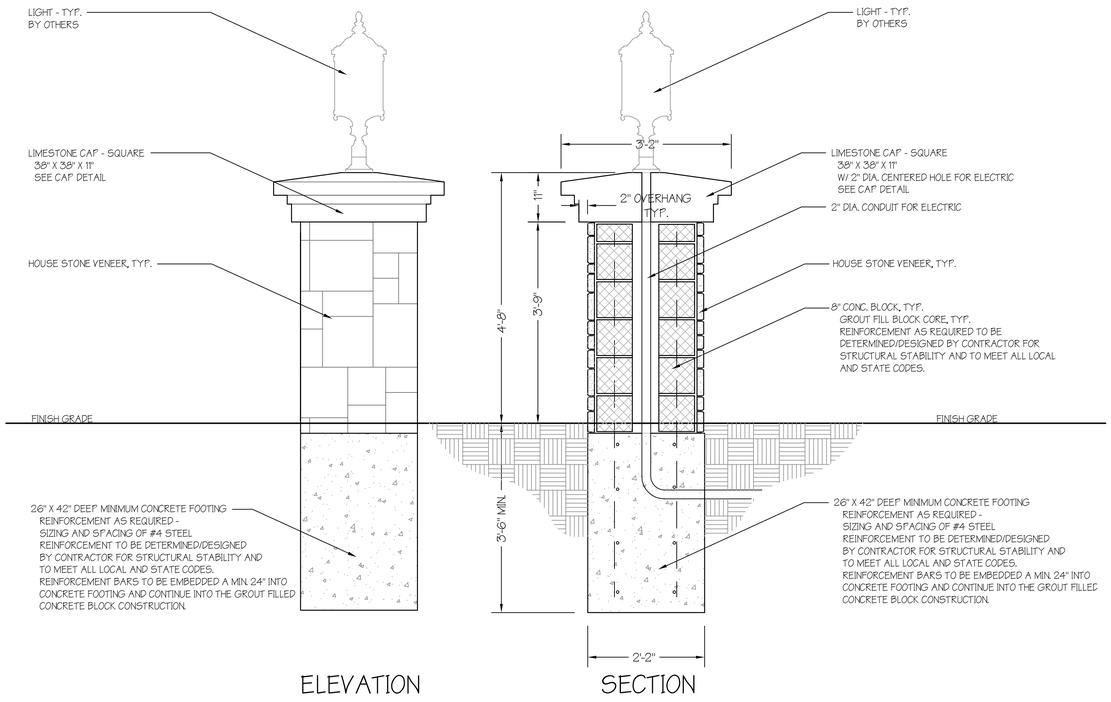
OUTER ENTRY COLUMNS - quantity (5)

SCALE: 3/4" = 1'-0"



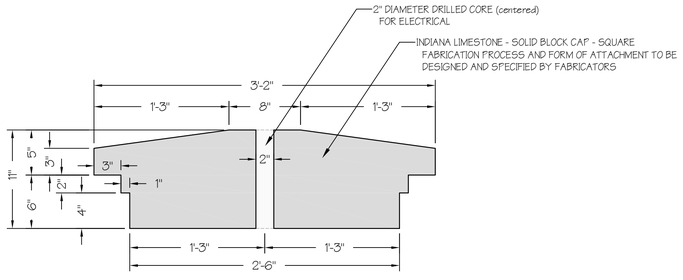
OUTER ENTRY COLUMN CAP SECTION DETAIL - quantity (5)

SCALE: 1 1/2" = 1'-0"



FRONT STEP COLUMNS - quantity (2)

SCALE: 3/4" = 1'-0"



FRONT STEP COLUMN CAP SECTION DETAIL - quantity (2)

SCALE: 1 1/2" = 1'-0"

LIMESTONE FABRICATOR TO VISIT SITE AFTER STEPS AND COLUMNS ARE CONSTRUCTED TO TAKE AS-BUILT MEASUREMENTS AND TEMPLATE FOR LIMESTONE FABRICATION.

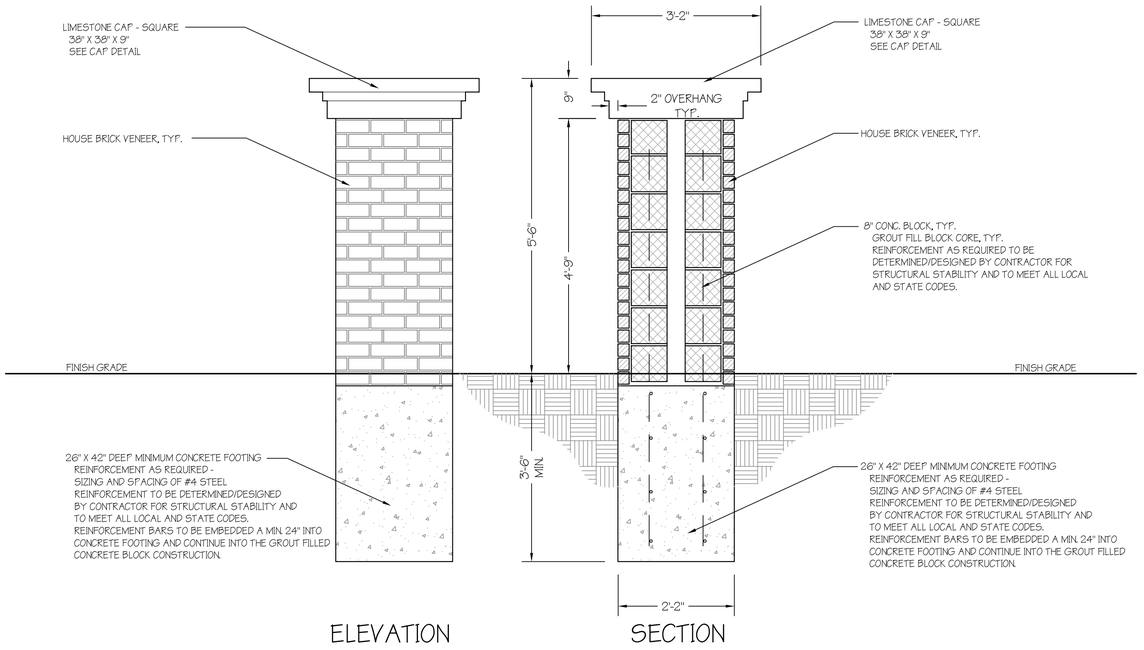
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Project #: 4769001
Scale: AS NOTED
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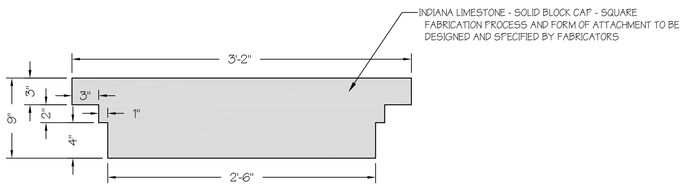
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ELEVATION SECTION

BACK STEP COLUMNS - quantity (2)

SCALE: 3/4" = 1'-0"



BACK STEP COLUMN CAP SECTION DETAIL - quantity (2)

SCALE: 1 1/2" = 1'-0"

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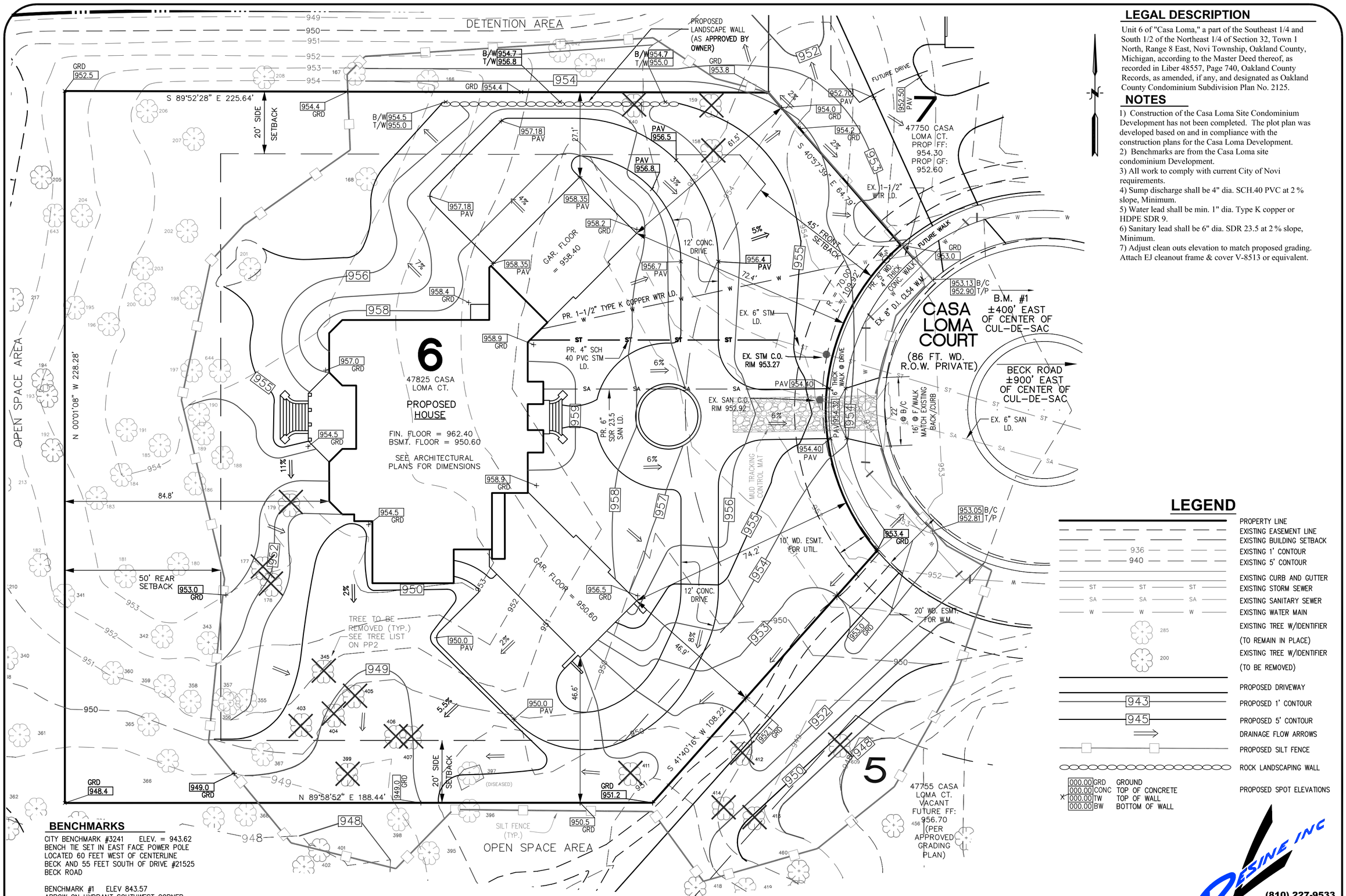
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LEGAL DESCRIPTION

Unit 6 of "Casa Loma," a part of the Southeast 1/4 and South 1/2 of the Northeast 1/4 of Section 32, Town 1 North, Range 8 East, Novi Township, Oakland County, Michigan, according to the Master Deed thereof, as recorded in Liber 48557, Page 740, Oakland County Records, as amended, if any, and designated as Oakland County Condominium Subdivision Plan No. 2125.

NOTES

1) Construction of the Casa Loma Site Condominium Development has not been completed. The plot plan was developed based on and in compliance with the construction plans for the Casa Loma Development.
2) Benchmarks are from the Casa Loma site condominium Development.
3) All work to comply with current City of Novi requirements.
4) Sump discharge shall be 4" dia. SCH.40 PVC at 2 % slope, Minimum.
5) Water lead shall be min. 1" dia. Type K copper or HDPE SDR 9.
6) Sanitary lead shall be 6" dia. SDR 23.5 at 2 % slope, Minimum.
7) Adjust clean outs elevation to match proposed grading. Attach EJ cleanout frame & cover V-8513 or equivalent.

LEGEND

- PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING BUILDING SETBACK
- EXISTING 1' CONTOUR (936)
- EXISTING 5' CONTOUR (940)
- EXISTING CURB AND GUTTER
- EXISTING STORM SEWER (ST)
- EXISTING SANITARY SEWER (SA)
- EXISTING WATER MAIN (W)
- EXISTING TREE W/IDENTIFIER (TO REMAIN IN PLACE) (285)
- EXISTING TREE W/IDENTIFIER (TO BE REMOVED) (200)
- PROPOSED DRIVEWAY
- PROPOSED 1' CONTOUR (943)
- PROPOSED 5' CONTOUR (945)
- DRAINAGE FLOW ARROWS
- PROPOSED SILT FENCE
- ROCK LANDSCAPING WALL
- PROPOSED SPOT ELEVATIONS
  - 000.00 GRD GROUND
  - 000.00 CONC TOP OF CONCRETE
  - X 000.00 TW TOP OF WALL
  - 000.00 BW BOTTOM OF WALL

BENCHMARKS

CITY BENCHMARK #3241 ELEV. = 943.62
BENCH TIE SET IN EAST FACE POWER POLE LOCATED 60 FEET WEST OF CENTERLINE BECK AND 55 FEET SOUTH OF DRIVE #21525 BECK ROAD

BENCHMARK #1 ELEV 843.57
ARROW ON HYDRANT SOUTHWEST CORNER LOT 9, NORTH SIDE OF CASA LOMA COURT.

(CITY OF NOVI BENCHMARKS #2341 & #3225 WERE USED TO DETERMINE THE BASIS OF THE PROJECT DATUM. SAID PROJECT DATUM IS 0.09' HIGHER THAN AFORE MENTIONED BENCHMARKS)

DESINE INC
(810) 227-9533
CIVIL ENGINEERS
LAND SURVEYORS
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

DESIGN: SVB
DRAFT: JHG
CHECK: JMB

DATE	REVISION-DESCRIPTION
04-24-17	REV. PER REVIEW LETTER FROM SDA DATED 04-20-17
05-03-17	REV. PER REVIEW LETTER FROM SDA DATED 05-01-17

PLOT PLAN
CASA LOMA 6

CLIENT:
COMPO BUILDING
42700 W. TEN MILE RD.
NOVI, MI 48375-3203

SCALE: 1"=20'
PROJECT No.: 163045
DWG NAME: 3045 PP
MAY 3, 2017

PP1