



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: January 12, 2021

REGARDING: 1254 E Lake Drive, Parcel # 50-22-02-151-017 (PZ20-0065)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Stephen & Catherine Beasley

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Fourteen Mile Road
Parcel #:	50-22-02-151-017

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 5.11 to allow hedge row shrubs in the area between the house and the lake. This property is zoned Single Family Residential (R-4).

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. **PZ20-0065**, 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. **PZ20-0065**, 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



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED
 DEC 01 2020
 CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$1250.00
 Meeting Date: Jan 12, 2021
 ZBA Case #: PZ 20-0065

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION 1254 E Lake Dr EORD20-0956			
ADDRESS 1254 E Lake Dr		LOT/SUITE/SPACE #	
SIDWELL # 50-22-02 .151 .017		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="radio"/> YES <input checked="" type="radio"/> 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 checked="" type="radio"/> YES <input type="radio"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS catherinebeasley@gmail.com	CELL PHONE NO. 2489796894
NAME Stephen & Catherine Beasley		TELEPHONE NO. 859 628 6497	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 1254 E Lake Dr		CITY Novi	STATE MI
			ZIP CODE 48377
B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS		CITY	STATE
			ZIP CODE
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>5.11</u> Variance requested <u>trees remain details enclosed...</u>			
2. Section _____ Variance requested _____			
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 checked="" 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			
<ul style="list-style-type: none"> • 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 		<ul style="list-style-type: none"> • 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 trees in back yard.

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Heasley
Applicant Signature

Shustly

11/30/2020
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.

Heasley
Property Owner Signature

Shustly

11/30/2020
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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**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:

PLEASE REFER TO LETTER ATTACHED.

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:

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).

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.

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.

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.

11/30/20

Subject Property : 1254 E Lake Drive
Sidwell No: 50-22-01-151-017
Ordinance Activity No : EORD20-0956
Zoning 5.11

After 2+ years of our landscaping being severely damaged by the construction of the house next door No 1256 (pictures enclosed) we have planted 7 very slim, slow growing arborvitaes trees to neaten the damaged area along the property line on our side. (Pictures 1 & 2,3)

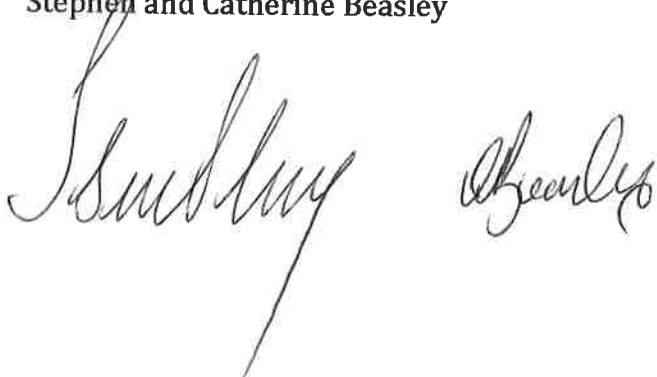
Also, after a 10' concrete block wall that has recently been constructed from the edge of nextdoors house, on her patio which is already on a raised level of landscaping compared to ours which significantly obscures our view, we therefore decided to plant the trees **not** to create a hedge and further obstruct our lake view, but to give us a nicer more natural softened outlook. The back view of this wall, which I believe is to house an outdoor grill is extremely unsightly from our back yard. (Pictures 4 & 5)

The trees in question are 20ft from our house back wall, each tree is 4+ ft apart and the last one is 8' from the Lake (see sketch enclosed). We feel any greenery around the lake enhances the natural view of the area and for the neighbors to enjoy. (pictures 6 & 7)

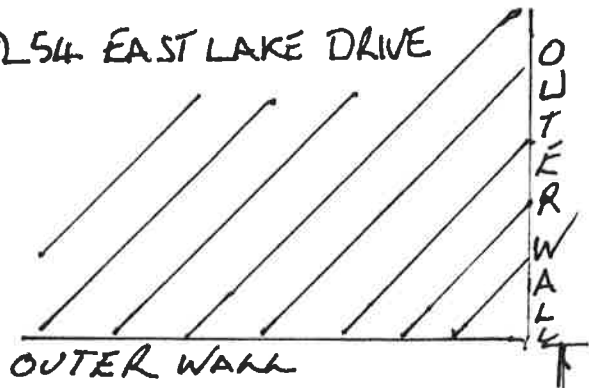
Prior to the construction of No 1256 E Lake Dr, the existing landscape had multiple hedges, large shrubs and tall tree along the very same area that we are attempted to plant along only on the property side of the neighbors. (pictures 8 & 9)

On observing the neighborhood and lakeside view we can see numerous similar planting designs the same as ours, many closer, taller, and nearer the lake side and therefore ask for a variance on the 'notice of violation' to allow these trees to remain. (pictures 10 & 11 of multiple pictures should you require any more).

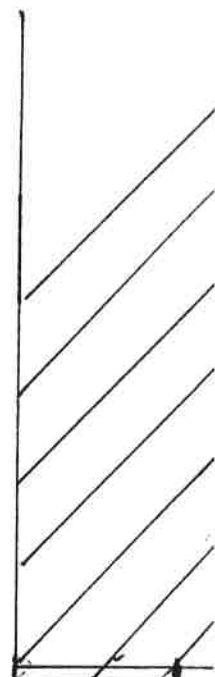
Stephen and Catherine Beasley

The image shows two handwritten signatures in cursive. The first signature is 'Stephen' and the second is 'Beasley'. They are written in black ink on a white background.

1254 EAST LAKE DRIVE



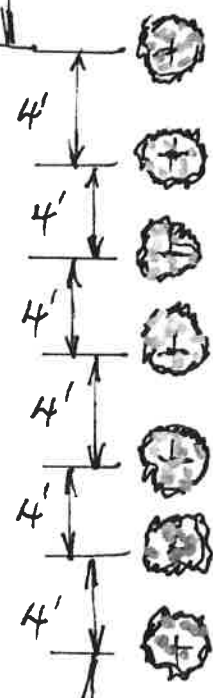
1256 EAST LAKE DRIVE



PROPERTY BOARDER

OUTER WALL

20'



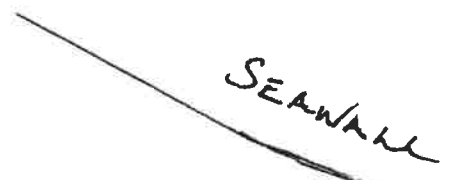
7 TREES x 4' APART

8'

10'

WALL
(VIEW FROM 1254)

(10' x 4 1/2')



LAKE.

Sunday Bealy 11/30/2020

Pictures 1, 2 and 3



How our house & landscaping was
left un-repaired by nextdoor neighbors
house construction!

Picture 4



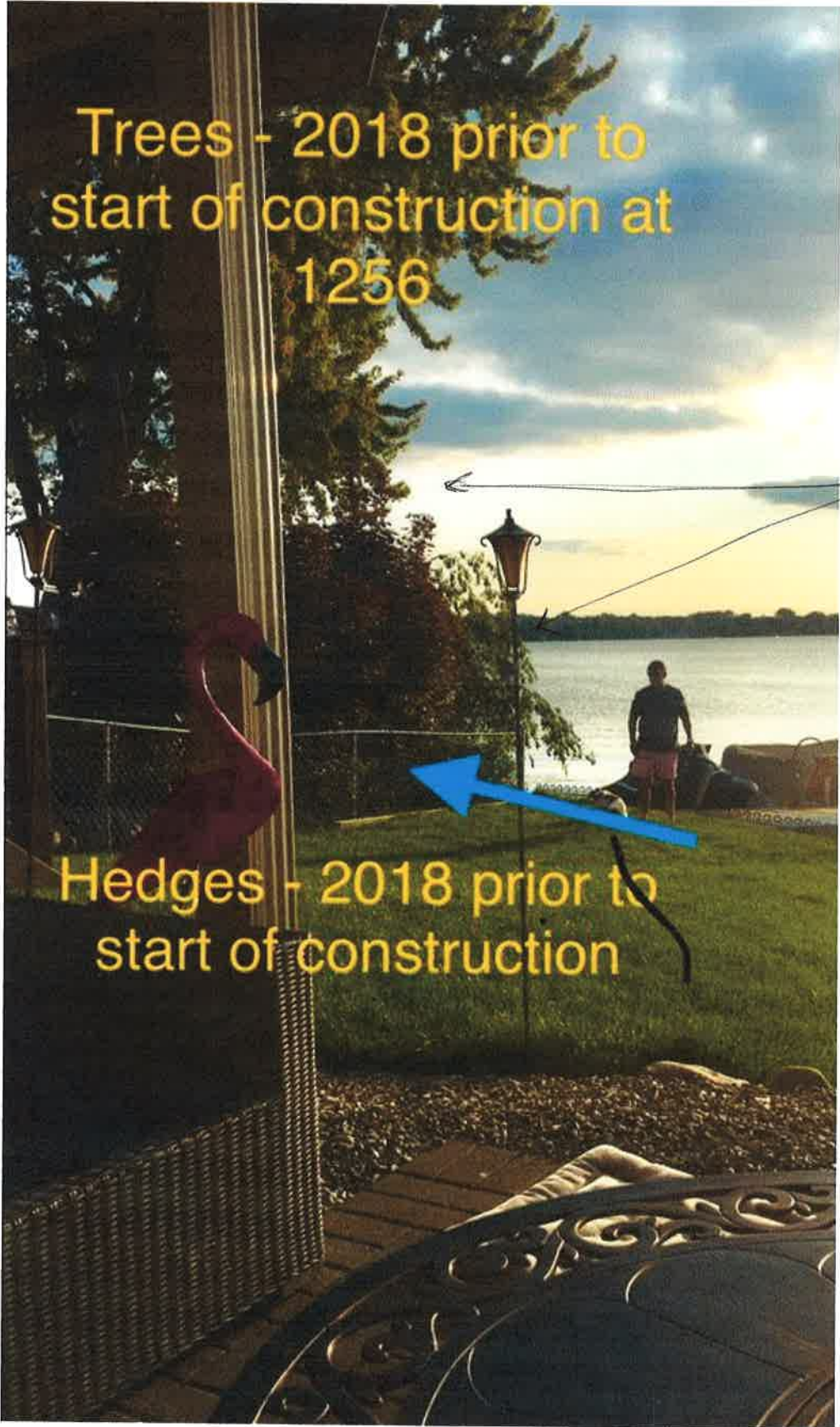
Picture 5



Picture 6 and 7



8ft from lake



Previous neighbors landscaping obscuring our lake view

Picture 9

Next door
previous
fall
trees &
bushes

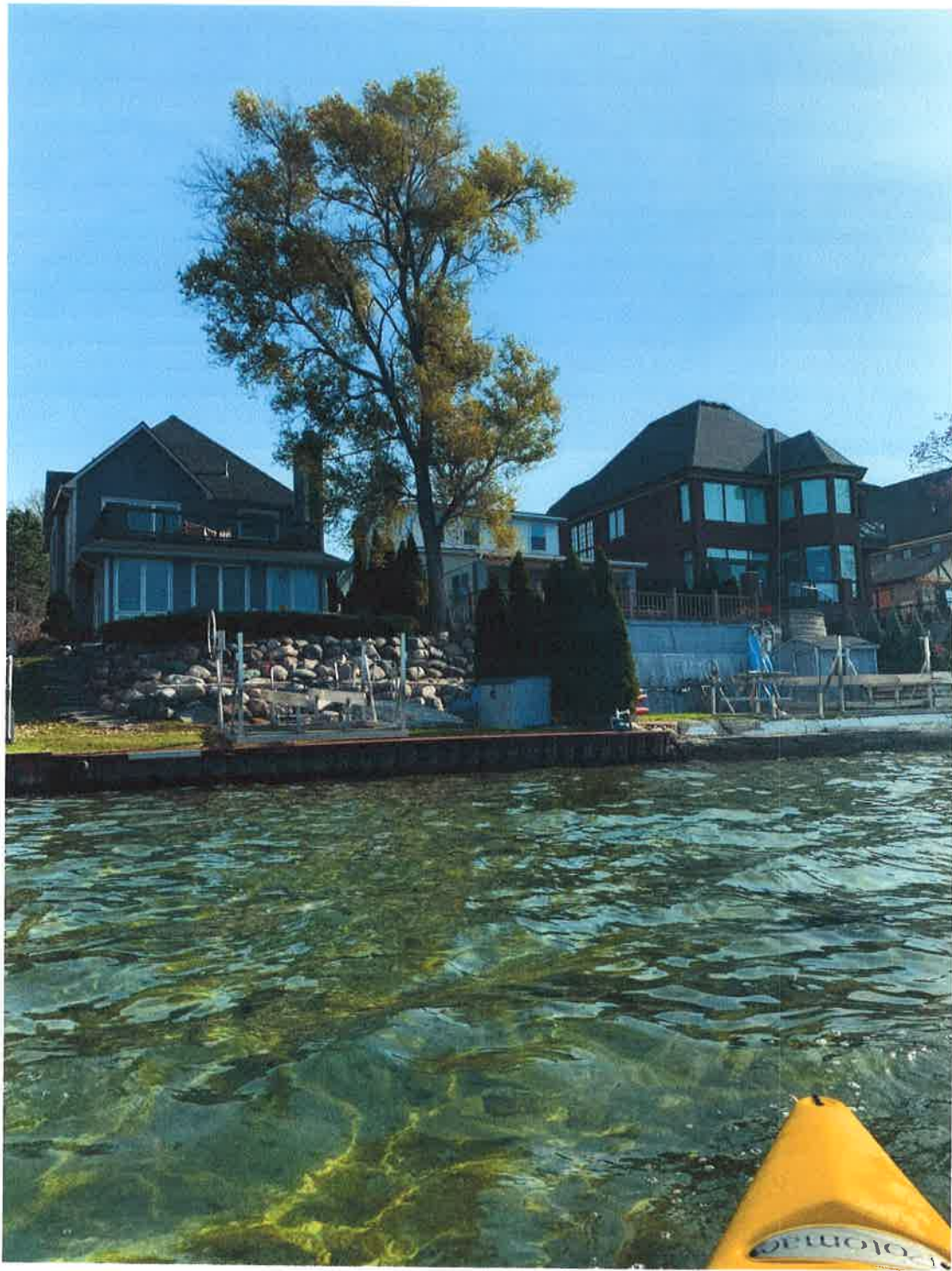


View of previous landscaping before
neighbors house construction

Picture 10, 11 and 12



Similar landscaping in area



Similar landscaping in area .



Similar landscaping.

Zoning Board of Appeals Meeting - Live Comment

Name: Jean McIntyre

Address: 1253 East Lake Drive

Feedback: concerning Parcel #50-22-02-151017 1254 East Lake Drive the request of a variances , I have to say NO , that's not zoned for shrubs and it should stay that way, it would block the view for many homeowners that live on the lake .

Email jeanm50@gmail.com

Date Submitted: 1/6/2021 3:26:13 PM