



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: June 8, 2021

REGARDING: 1401 E Lake Drive, Parcel # 50-22-02-329-027 (PZ21-0026)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Joseph Yono

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Fourteen Mile Road
Parcel #:	50-22-02-329-027

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a 20.25 foot front yard setback (30 feet required, variance of 9.75 feet); an 11.75 foot rear yard setback (35 feet required, variance of 23.25 feet); a side yard setback of 8 feet (10 feet required, variance of 2 feet); an exterior side yard setback of 11.08 feet (30 feet required, variance of 18.92 feet), an aggregate total side yard setback of 19.08 feet (40 feet required, variance of 20.92 feet); and a proposed lot coverage of 38.16% (25% maximum allowed, variance of 13.16%). These variances would accommodate the building a new home. This property is zoned Single Family Residential (R-4). *This applicant was previously denied on case PZ21-0015 during the Zoning Board of Appeals meeting April 13, 2021; they are now pursuing lesser variances.*

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. **PZ21-0026**, 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. **PZ21-0026**, 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 _____
_____.



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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: _____
PROJECT NAME / SUBDIVISION				Meeting Date: _____
ADDRESS		LOT/SIUTE/SPACE #		
SIDWELL # 50-22-_____-_____-_____		May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY				ZBA Case #: PZ _____
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO		REQUEST IS FOR: <input 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 type="checkbox"/> NO				
II. APPLICANT INFORMATION				
A. APPLICANT		EMAIL ADDRESS		CELL PHONE NO.
NAME				TELEPHONE NO.
ORGANIZATION/COMPANY				FAX NO.
ADDRESS		CITY	STATE	ZIP CODE
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		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 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 _____ Variance requested _____				
2. Section _____ Variance requested _____				
3. Section _____ Variance requested _____				
4. Section _____ Variance requested _____				
IV. FEES AND DRAWINGS				
A. FEES				
<input 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				
<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 • 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

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

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.

Describe below:

OR

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

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. **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.

THIS CIRCLE REPRESENTS WHERE A POTENTIAL HOUSE CORNER COULD BE LOCATED ON THIS PROPERTY WITHOUT NEEDED ANY VARIANCE REQUEST BASED ON THE MIN. SIDE YARD SETBACK OF 10'-0" AND THE MIN. REAR YARD SETBACK OF 35'-0" - THE HOUSE IS POSITIONED INSIDE OF THIS CORNER TO OBSTRUCT LESS LAKE VIEW TO THE REAR NEIGHBOR THAN WHAT WOULD OTHERWISE BE ALLOWED WITHOUT A VARIANCE REQUEST

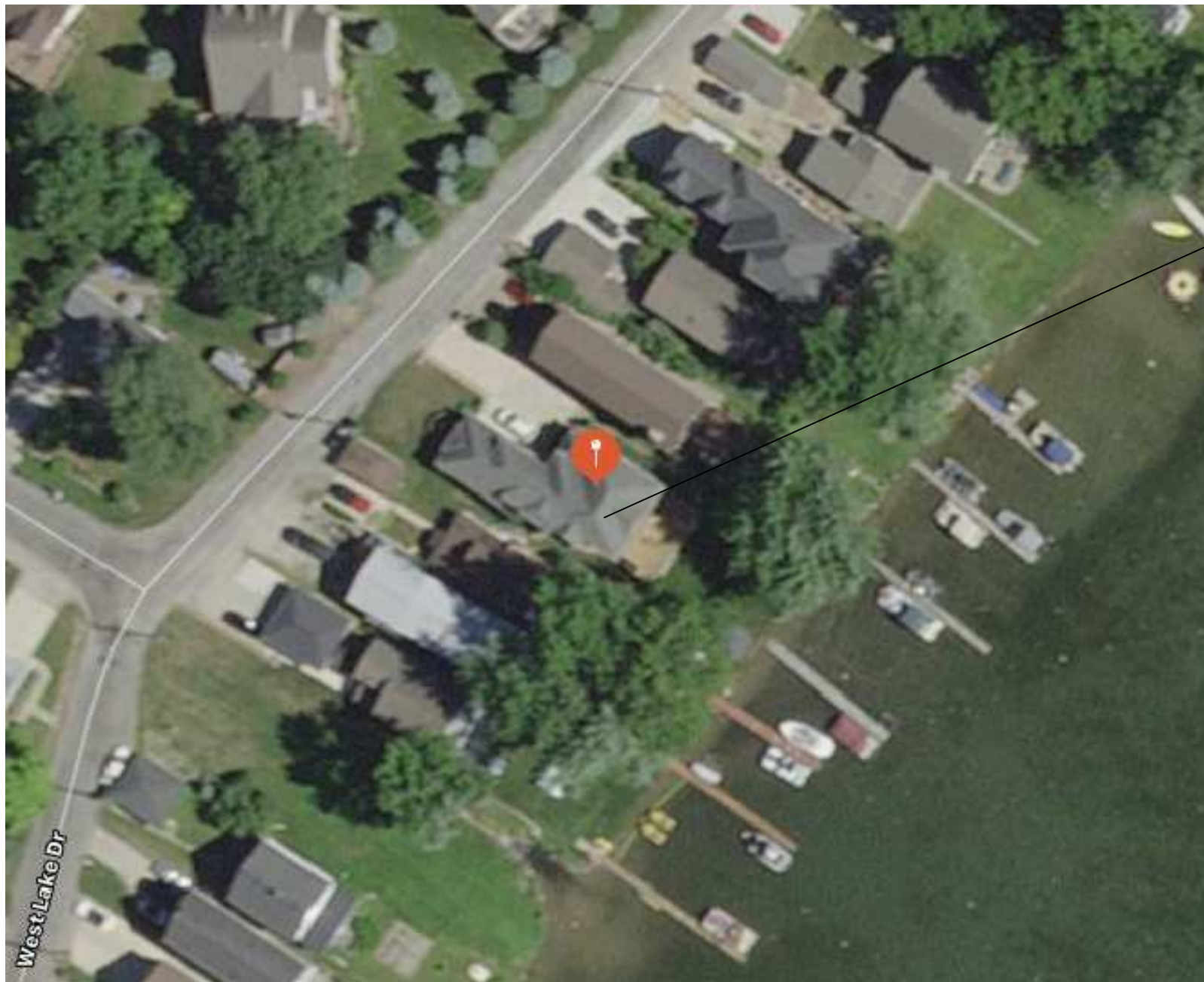


existing photos of 1401 east lake dr.

not to scale

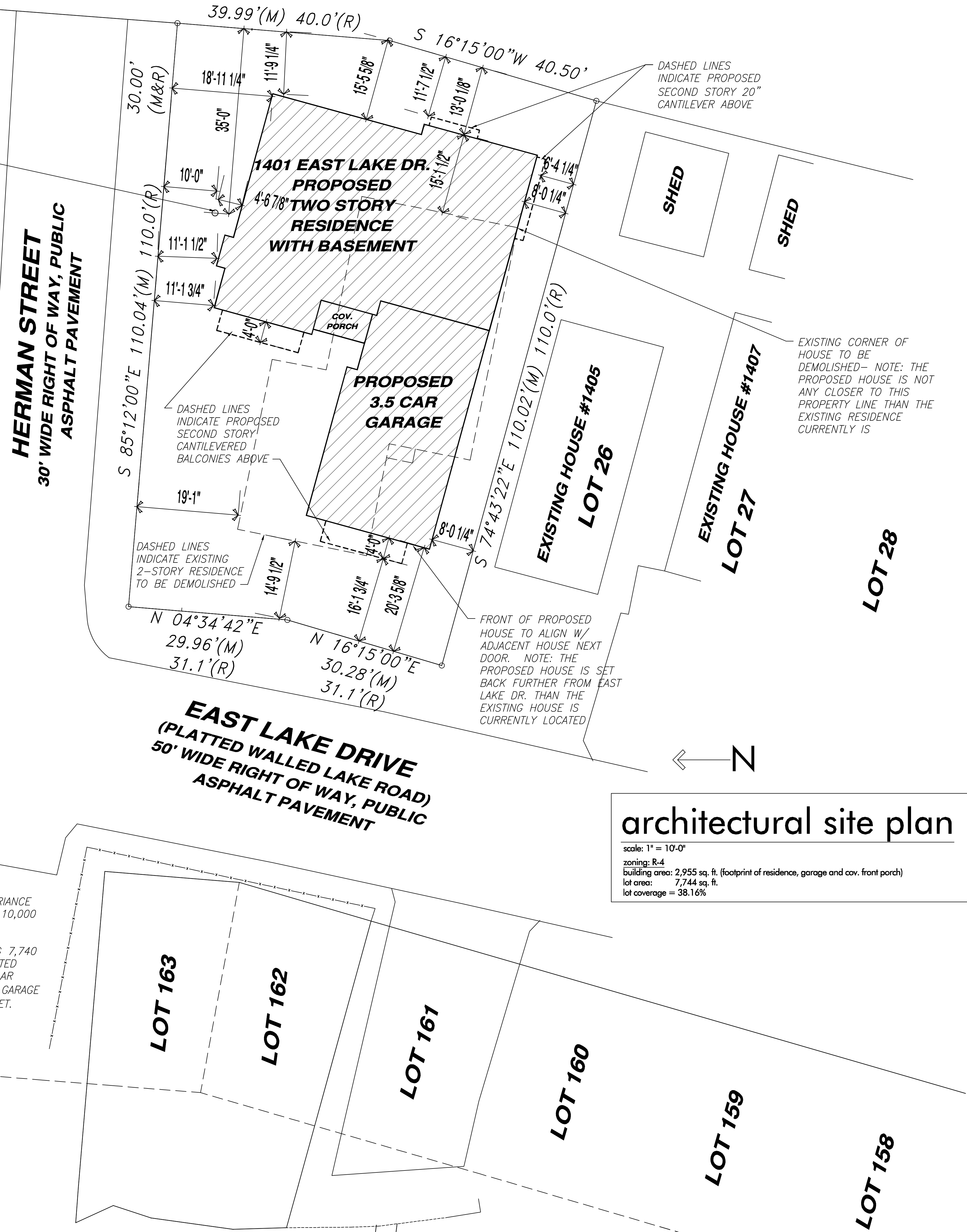


1947 WEST LAKE DRIVE: THIS HOUSE WAS GRANTED A VARIANCE IN 3 SIDES. THIS LOT IS ALSO 10,000 SQ. FT. WHICH IS THE MIN. LOT REQUIRED FOR R-4 ZONING. WITH 1401 EAST LAKE DR. BEING 7,740 SQ. FT., THE VARIANCES REQUESTED ARE LARGER TO ACHIEVE A SIMILAR SHAPED LAYOUT W/ COURTYARD GARAGE W/ ACCESS FROM HERMAN STREET.



example of nearby property

not to scale



architectural site plan

scale: 1" = 10'-0"

zoning: R-4

building area: 2,955 sq. ft. (footprint of residence, garage and cov. front porch)

lot area: 7,744 sq. ft.

lot coverage = 38.16%

DO NOT SCALE DRAWINGS - USE FIGURED DIMENSIONS ONLY

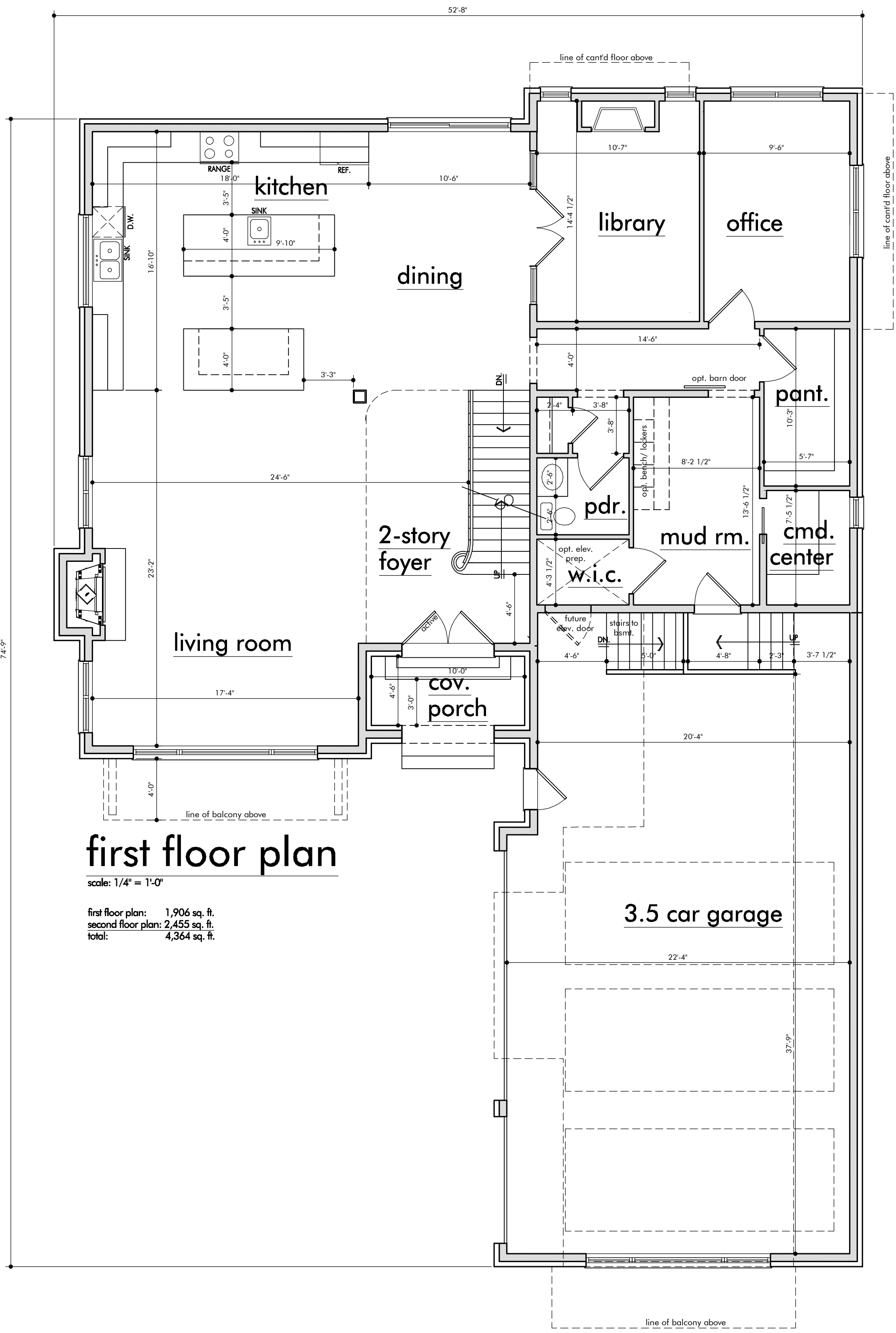
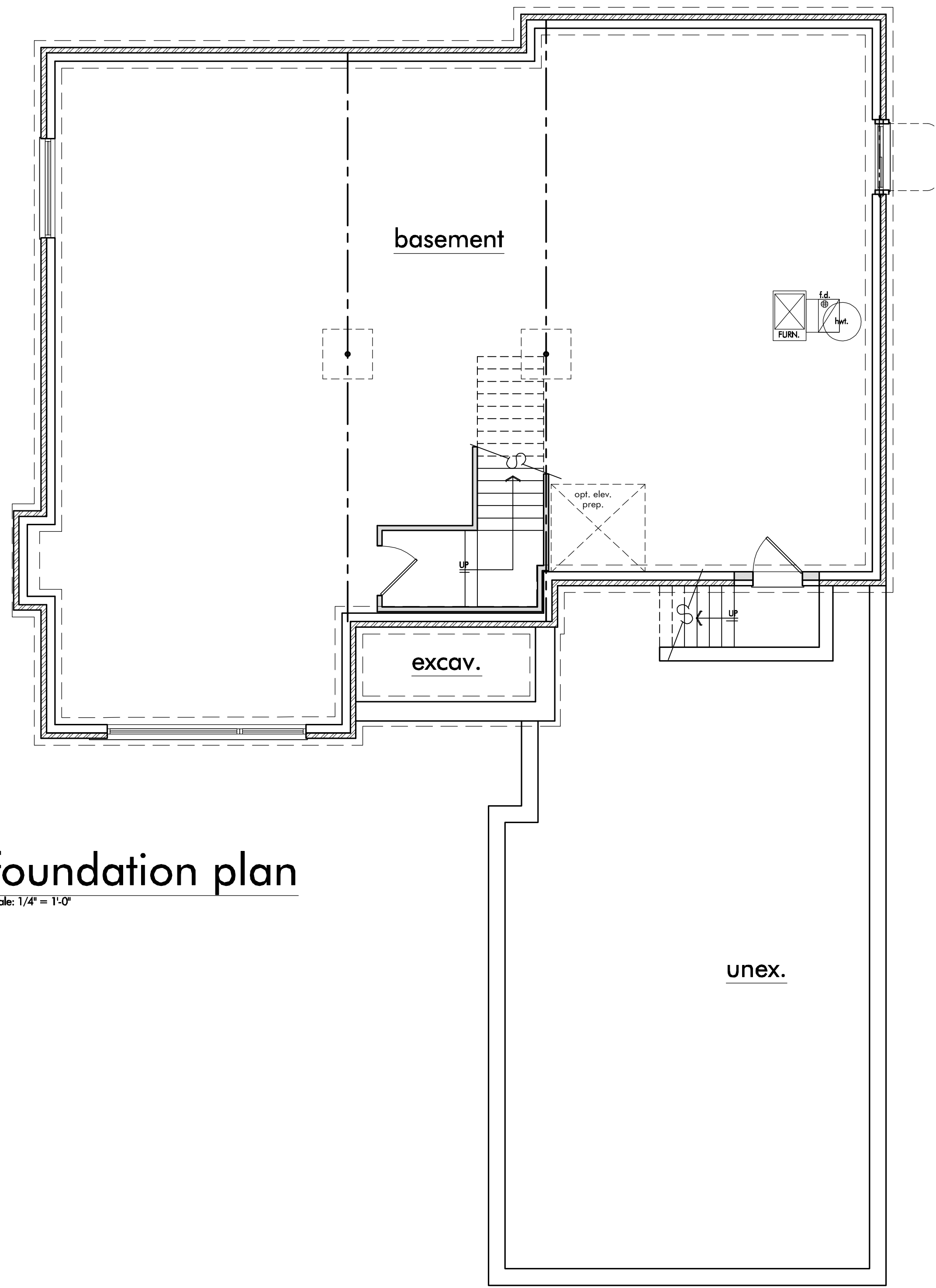
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pinnacle.designservices@gmail.com

PROJECT:
YONO CUSTOM RESIDENCE
1401 EAST LAKE DR.
NOVI, MI

ISSUED	DATE
CLIENT REVIEW	02.09.2021
CLIENT REVIEW	02.12.2021
CLIENT REVIEW	02.23.2021
CLIENT REVIEW	02.27.2021
ZBA	04.30.2021

21.101
SP



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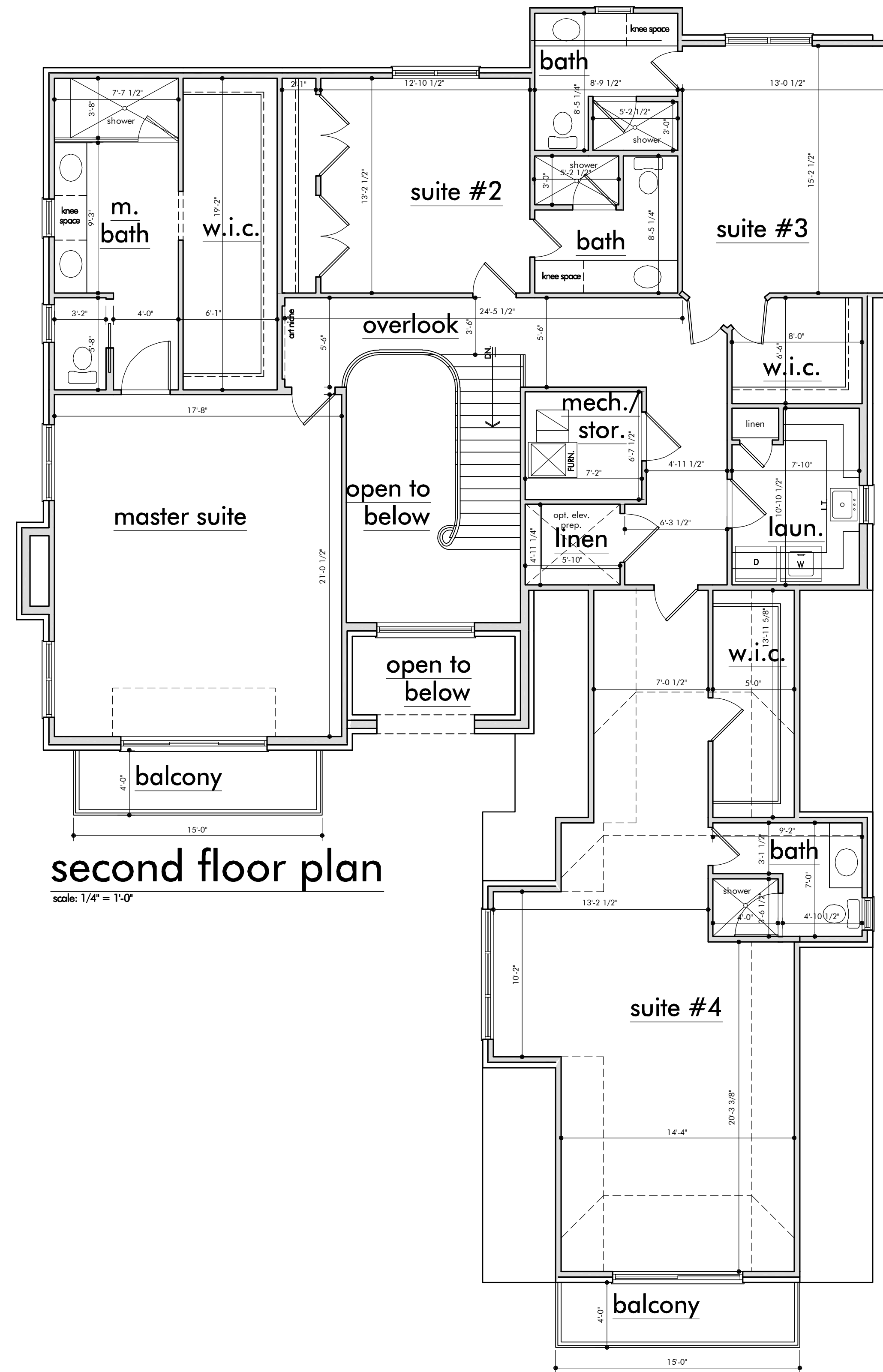
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second floor plan
 scale: 1/4" = 1'-0"

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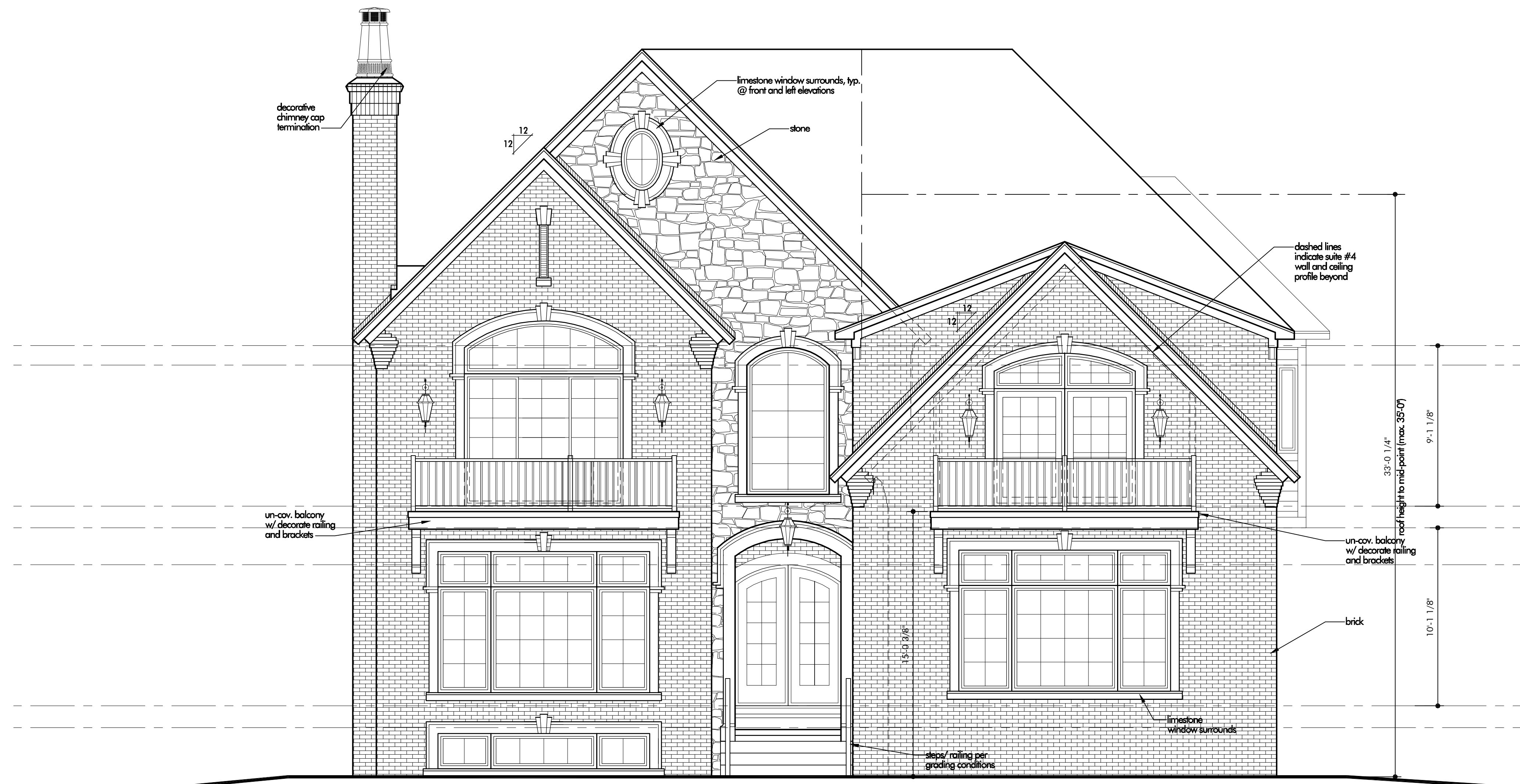
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lakeside elevation (east lake drive)

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

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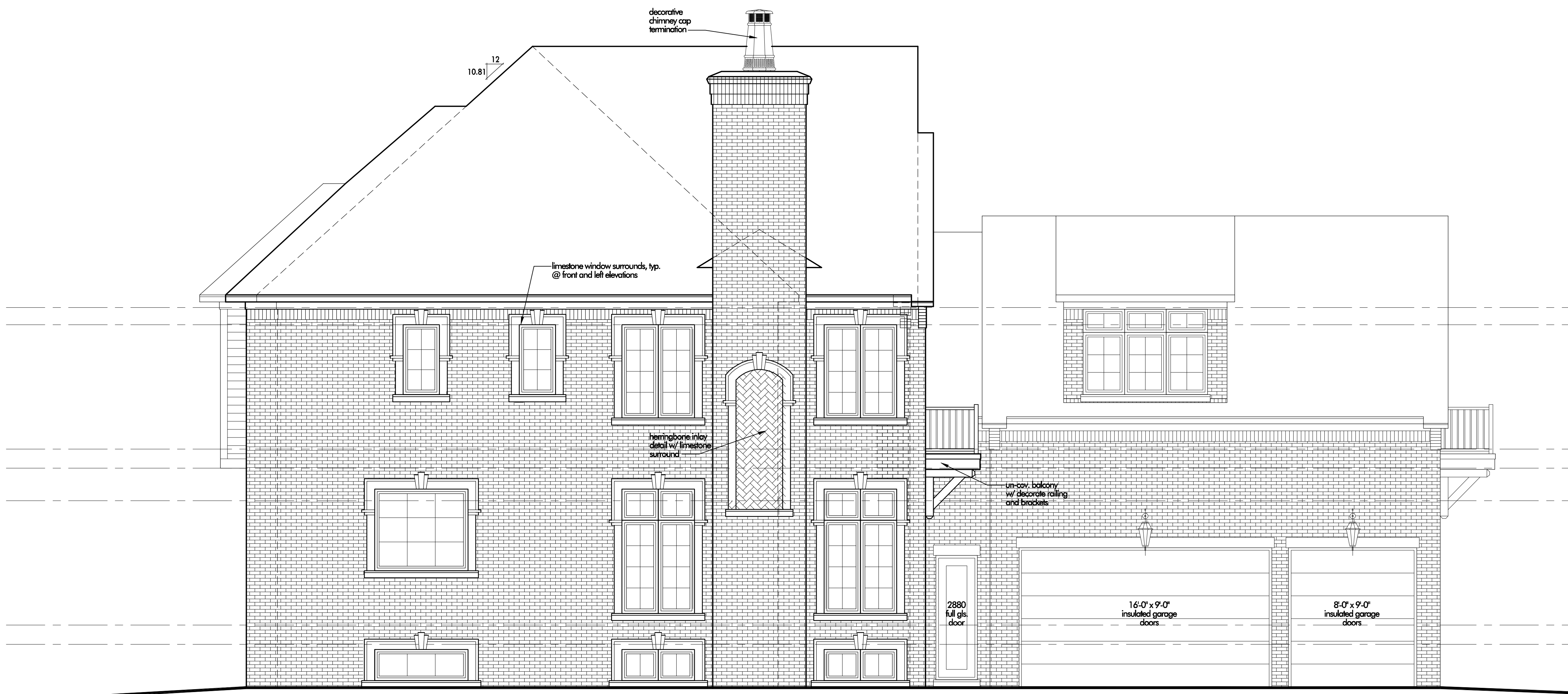
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left elevation (herman street)

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

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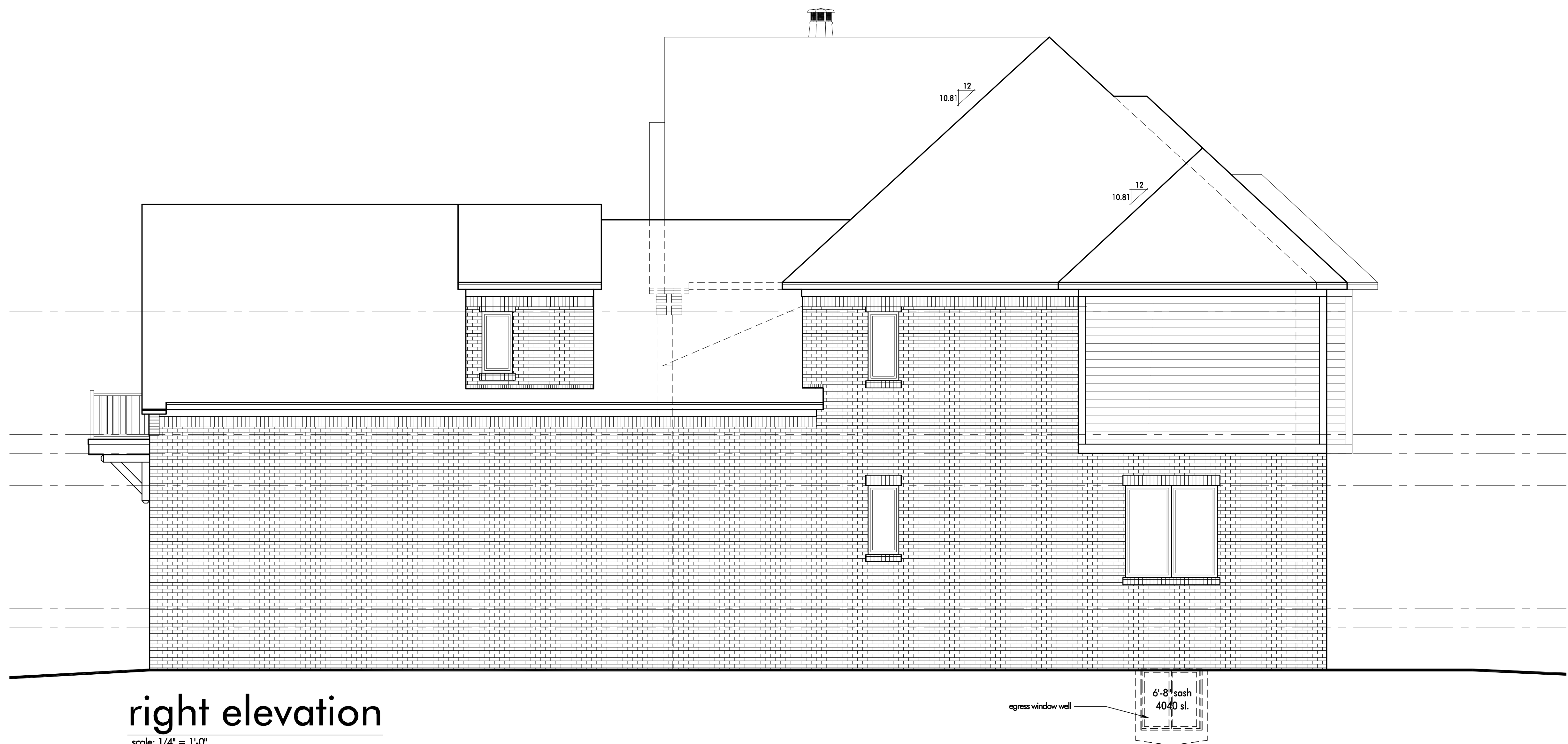
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right elevation

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

egress window well
6'-8" sash
40/40 sl.

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21.101

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rear elevation

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