



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: 1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Dan and Wendi Williams

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of West Park Drive and South of W Pontiac Trail
Parcel #:	50-22-03-204-021

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 5 feet (10 feet minimum required, variance of 5 feet); an aggregate total side yard setback of 17.75 feet (25 feet required, variance of 7.25 feet); and a proposed lot coverage of 32% (25% maximum allowed, variance of 7%). Section 3.32-7 for a proposed deck 13.5 feet from the rear yard property line (17 feet minimum required, variance of 3.5 feet). Section 4.19.1.E(i) for the construction of a 1,000 square foot garage (maximum of 850 square feet allowed by code, variance of 150 square feet). Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building a new home and deck. This property is zoned Single Family Residential (R-4). *This case was postponed from the May 11, 2021 meeting, they are now seeking additional variances.*

II. STAFF COMMENTS:

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

- I move that we **grant** the variance in Case No. **PZ21-0022**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.

- 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. **PZ21-0022**, 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_____.
- _____.



45175 Ten Mile Road
 Novi, MI 48375
 (248) 347-0415 Phone
 (248) 735-5600 Facsimile
 www.cityofnovi.org

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 Dan and Wendi Williams Residence / JW Hawthorne's Subdivision	
ADDRESS 1419 WEST LAKE DRIVE	LOT/SIUTE/SPACE #
SIDWELL # 50-22-03 - 2004 - 021	May be obtain from Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY **rexton and west park drive**

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 wendi@ez-groom.com	CELL PHONE NO. 313-682-8863
NAME DAN AND WENDI WILLIAMS			TELEPHONE NO. 248-421-3344
ORGANIZATION/COMPANY			FAX NO. 248-548-9727
ADDRESS 1419 WEST LAKE DRIVE	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	CELL PHONE NO.
NAME		TELEPHONE NO.
ORGANIZATION/COMPANY		FAX NO.
ADDRESS	CITY	STATE
		ZIP CODE

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 <u>3.1.5</u> Variance requested	LOT COVERAGE: 32% (standard 25%)
2. Section <u>3.1.5</u> Variance requested	SIDE YARD SET BACK: 5' on south/right (standard 10')
3. Section <u>3.1.5</u> Variance requested	SIDE SETBK AGGREGATE: 17' 9" (standard 25')
4. Section <u>Residential Deck</u> Variance requested	SIDE SETBK: 5' south/rt (std 10') REAR <u>13.5'</u> (std 17')

IV. FEES AND DRAWINGS

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

Samuel Williams
Applicant Signature

March 30, 2021
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

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

Signed Application Form

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

Response to Variance Review Standards – Dimensional, Use, or Sign

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)

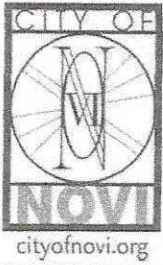
- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

Fee (make check payable to the City of Novi)

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

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

**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:

The property (lot) is only 44.65' on roadside.
Existing home is 2' -7" (2.6 feet) from lot line on south side.

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).

The property (lot) is only 44.65' on roadside.
Existing home is 2' -7" (2.6 feet) from lot line on south side.

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.

Strict adherence would result in an unusual house design, not consistent with contemporary floor plans.

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.

Variance will allow construction of comfortable contemporary home, in the likeness of other new homes being constructed in the community. Will be visually appealing and add value to the community.

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.

We have shown consideration for neighbors, including meeting with adjoining property owners. Build of (another) custom home in this neighborhood, on the lake, will add to enjoyment, use and values.

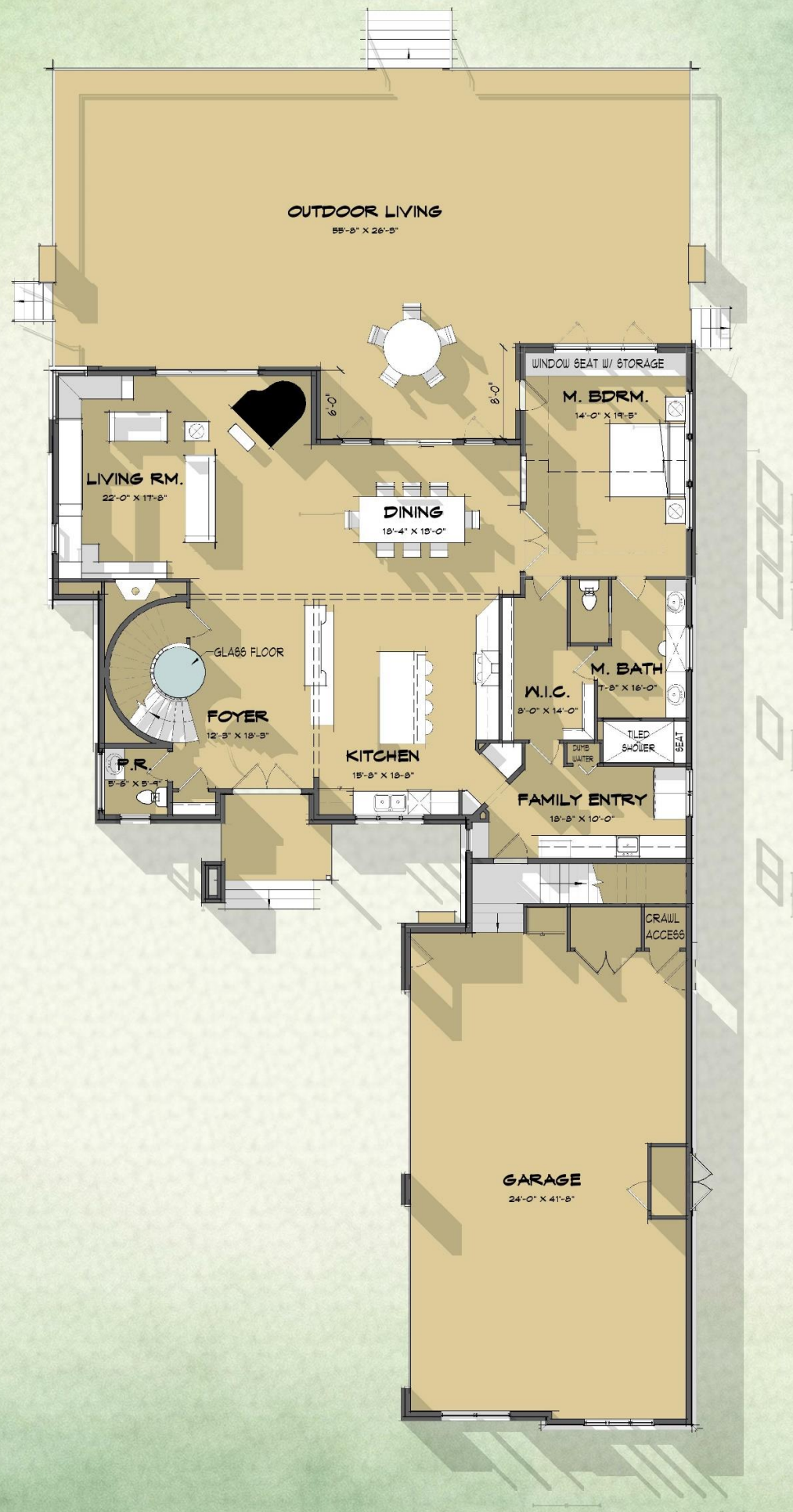
WILLIAMS RESIDENCE

PROPOSED 2,122 SQ.FT.

4-2-2021







FIRST FLOOR PLAN

2,150 SF + 1,527 OUTDOOR LIVING AREA

2X6 EXTERIOR WALL

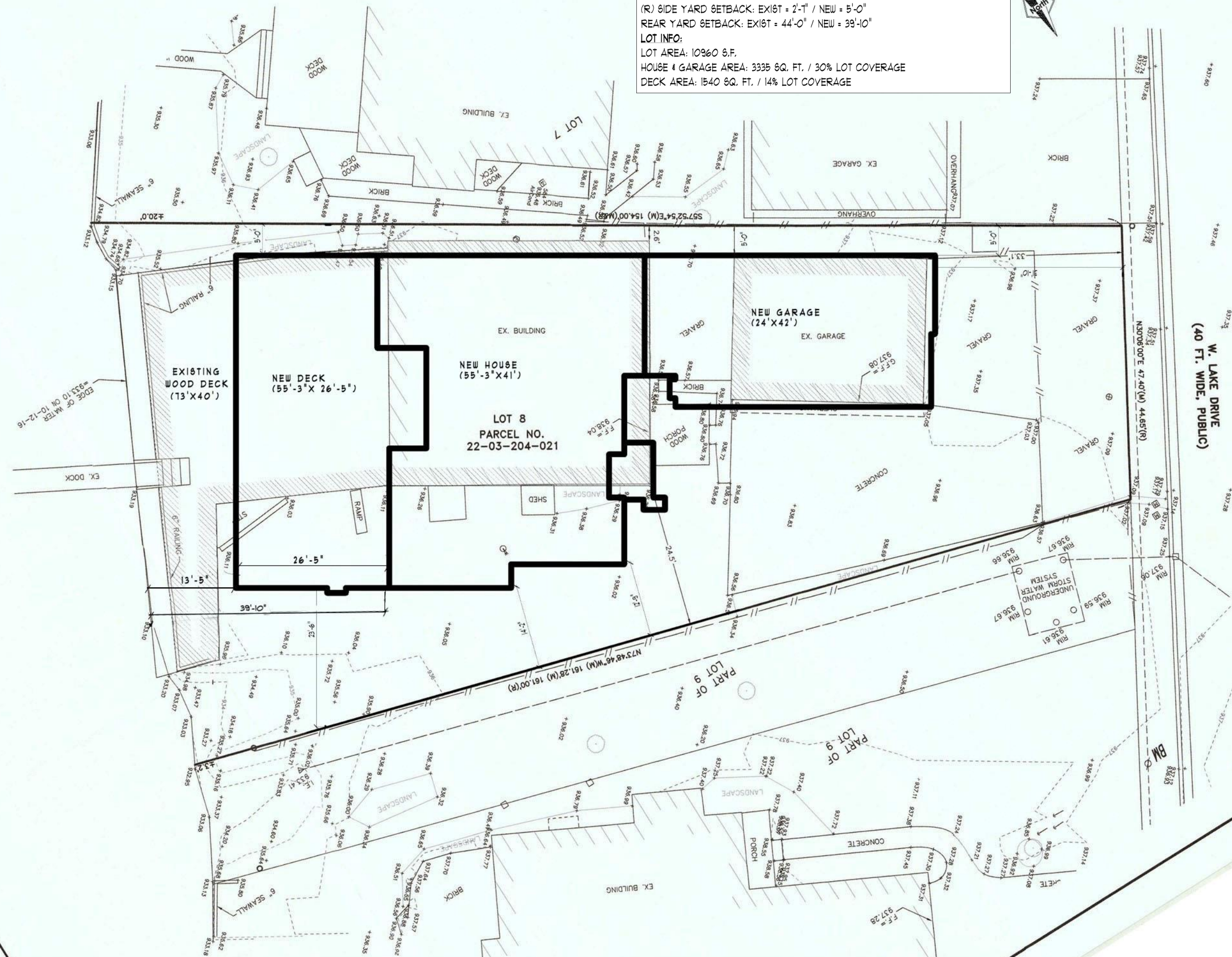
SECOND FLOOR PLAN



ATTIC FLOOR PLAN



SETBACKS:
 FRONT YARD SETBACK: EXIST = 33'-1" / NEW = 31'-10"
 (L) SIDE YARD SETBACK: EXIST = 24'-5" / NEW = 12'-9"
 (R) SIDE YARD SETBACK: EXIST = 2'-1" / NEW = 5'-0"
 REAR YARD SETBACK: EXIST = 44'-0" / NEW = 33'-10"
LOT INFO:
 LOT AREA: 10960 S.F.
 HOUSE & GARAGE AREA: 3335 SQ. FT. / 30% LOT COVERAGE
 DECK AREA: 1540 SQ. FT. / 14% LOT COVERAGE



SITE PLAN
 SCALE: 1" = 10'-0"



To highest point

To midpoint

33'-10 3/4"

31'-11"



FRONT ELEVATION

SCALE: 3/32" = 1'-0"



LEFT ELEVATION

SCALE: 3/32" = 1'-0"



RIGHT ELEVATION

SCALE: 3/32" = 1'-0"

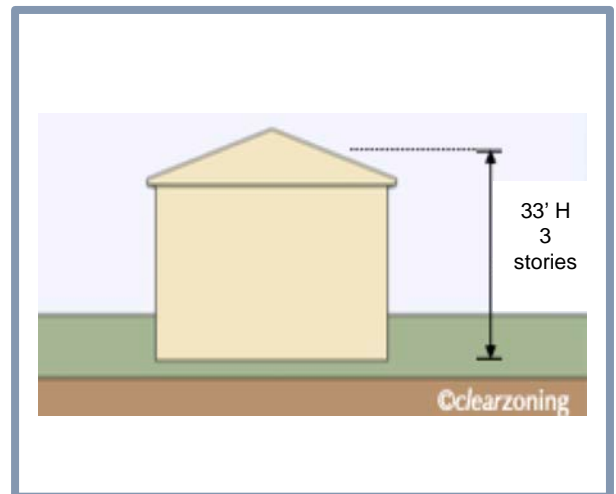
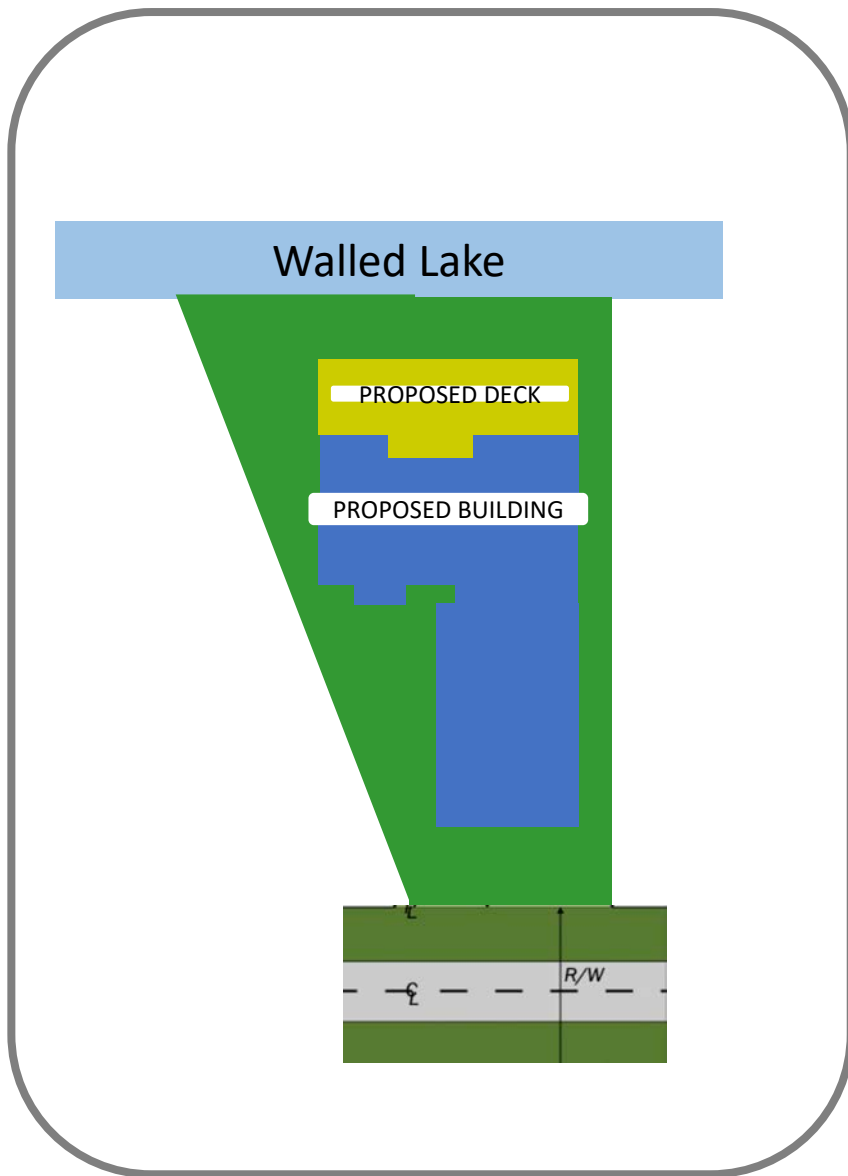


REAR ELEVATION

SCALE: 3/32" = 1'-0"

R-4 1419 West Lake Drive

Summary of Variance Details



		Plan	Ordinance	Variance Requested
Zoning - R4				
Lot Coverage		30%	25%	5%
Front Yard Setback		31'10"	30'	None
Back Yard Setback		39'10"	35'	None
Side Yard Setbacks	North	12'9"	10'	None
	South	5'	10'	5'
	Total	17'9"	25'	7'3"
Height		33'	35'	None
		2.5 stories	3 stories	0.5 stories
Deck Setback - Side		5'	10'	5'
Deck Setback - Rear		13'5"	17'	3'5"
Garage Size		1008 ft ²	1000 ft ²	8 ft ²

R-4 1419 West Lake Drive

Community Consideration 1 – Reduced house width based upon neighbor request

Neighbor views improved by 150% vs original plan

Original Plan

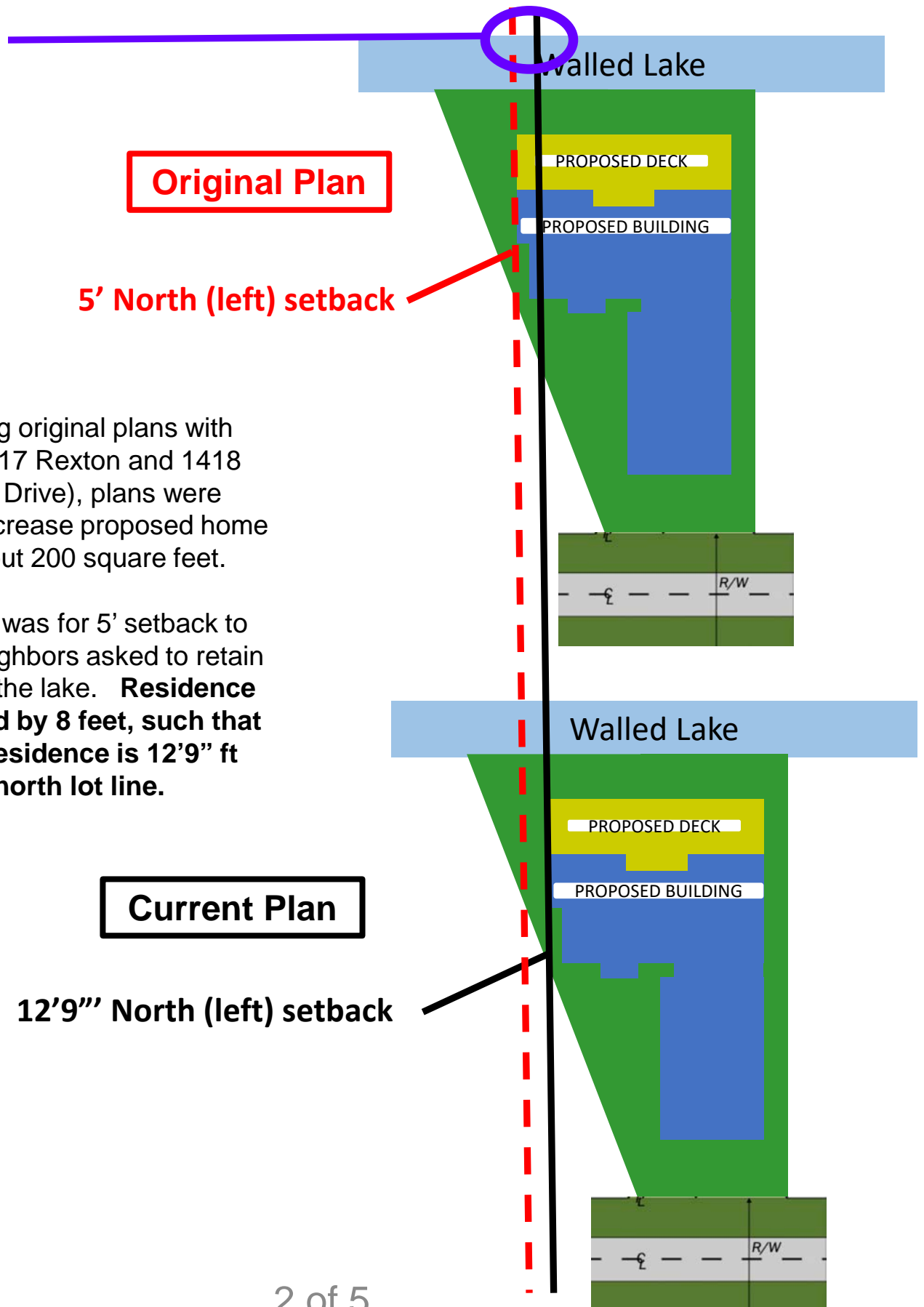
5' North (left) setback

After sharing original plans with neighbors (117 Rexton and 1418 West Lake Drive), plans were modified to decrease proposed home size by about 200 square feet.

Original plan was for 5' setback to the north. Neighbors asked to retain more view of the lake. **Residence was narrowed by 8 feet, such that proposed residence is 12'9" ft from north lot line.**

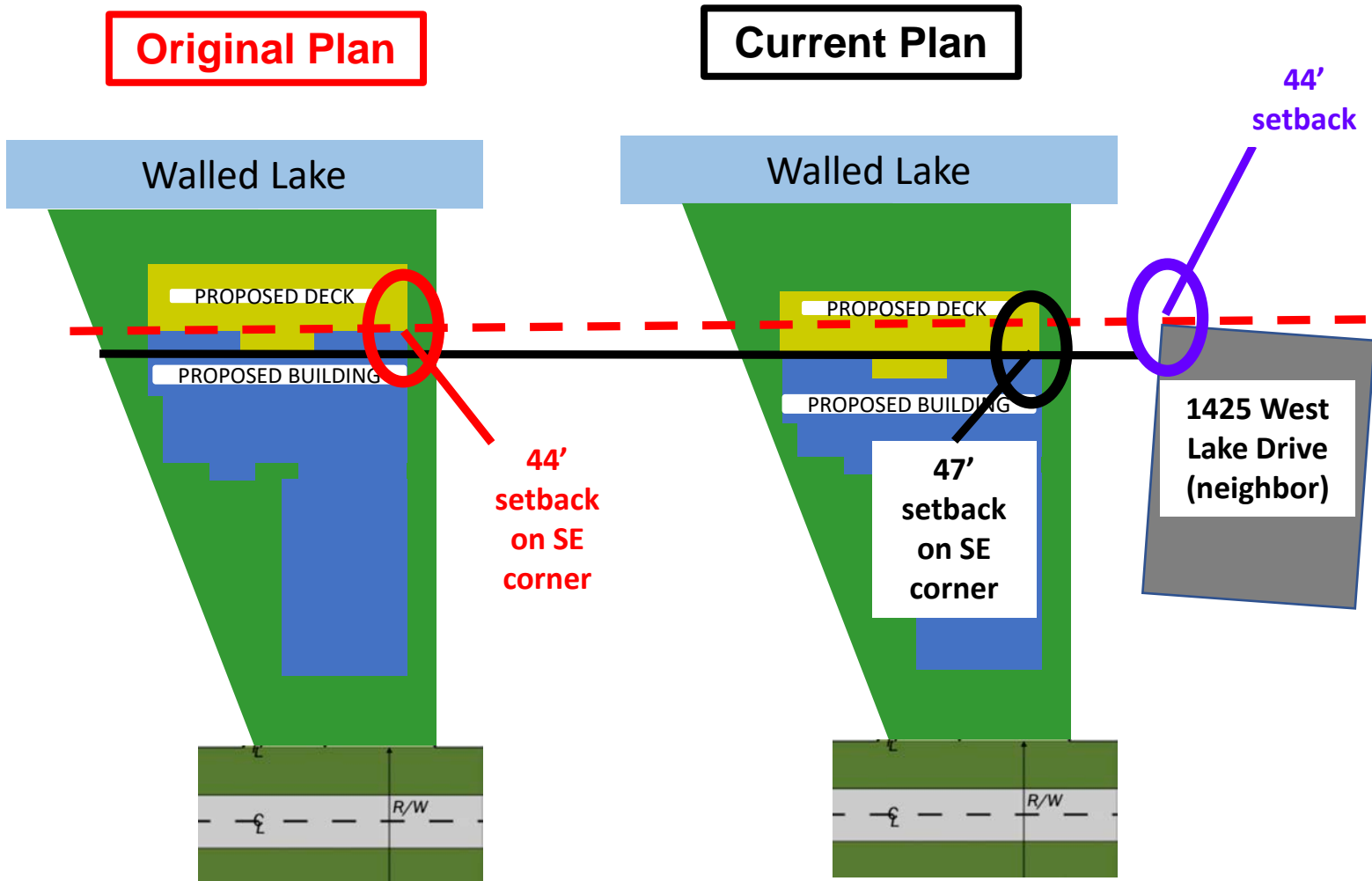
Current Plan

12'9" North (left) setback



R-4 1419 West Lake Drive

Community Consideration 2 – moved house further from lake upon neighbor request



After sharing original plans with neighbor at 1425 West Lake Drive, plans were modified to move proposed home farther from the lake.

Original plan was for 44' setback from lake on the southeast corner of the proposed home (same as 1425 West Lake Drive). **At neighbor's (1425 West Lake Drive) request, we modified the original plan from 44' setback to 47' setback.** Neighbor home is currently 5'10" closer to the lake than current residence. With proposed new residence, neighbor home will be 3' 10" closer to the lake than proposed residence. Our view will still be obstructed but we can accept this.

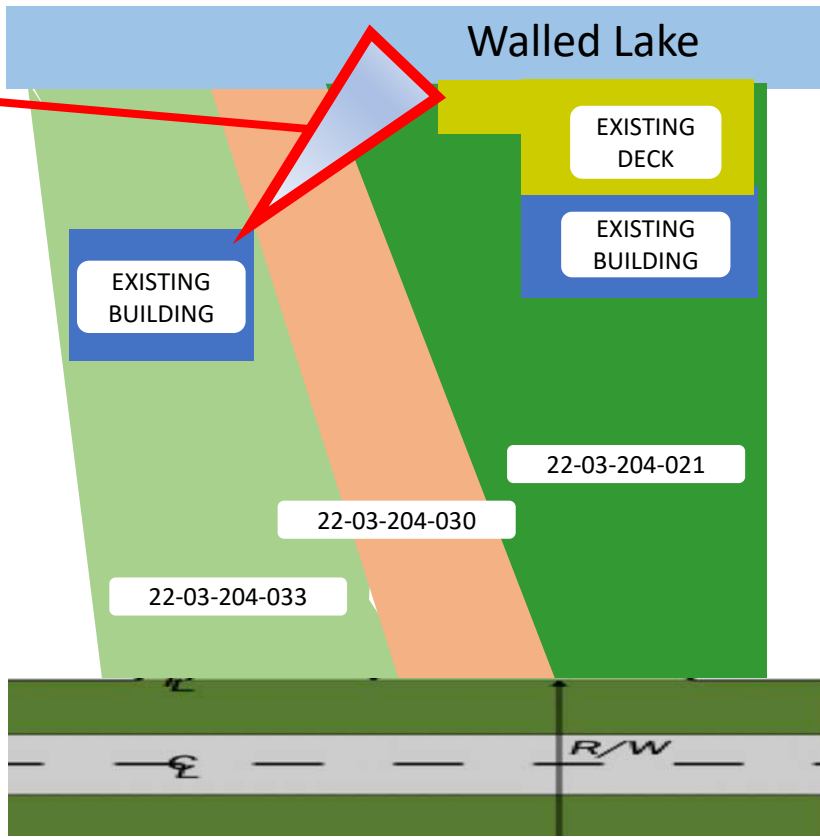
R-4 1419 West Lake Drive

Current Residence/Deck

Unobstructed View across our property 10 feet

Current Deck Facts

- Deck extends to water
- Deck north edge 10 feet from property line
- Deck has dense wood railing obstructing view

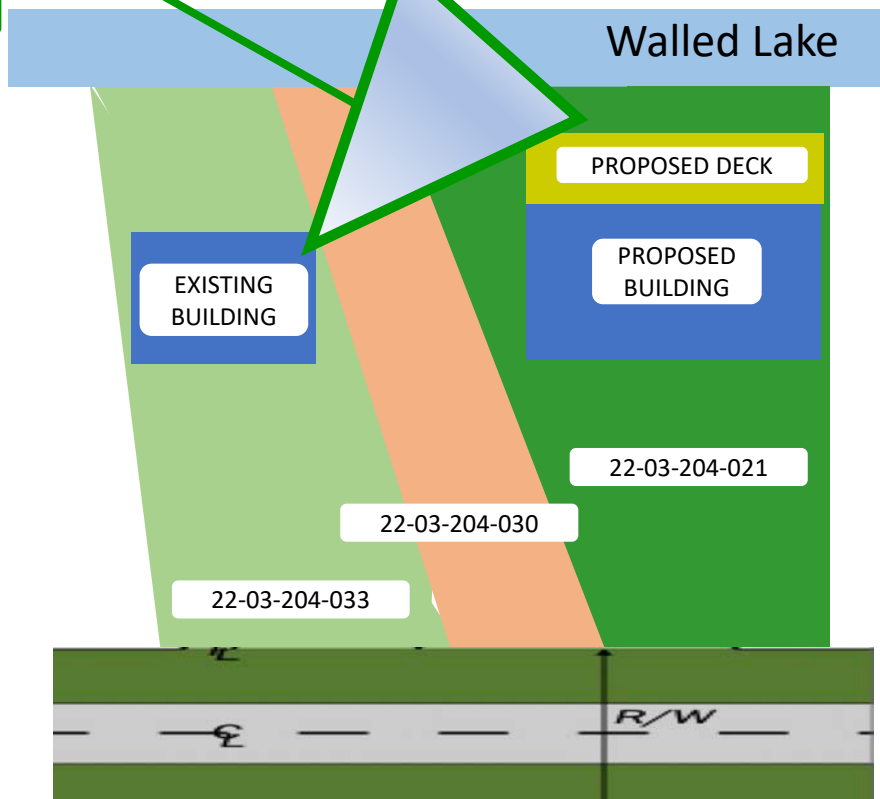


Unobstructed View across our property 30 feet

Proposed Deck Facts

- New Deck 13 feet from water
- New Deck north edge now 20 feet from property line
- Deck has pipe and cable railing (primarily see through)
- Reduced height of deck by 1'3" to accommodate neighbor request (1411 West Lake Drive)

Proposed Residence/Deck



R-4 1419 West Lake Drive

Additional Community Considerations

- Improves neighborhood safety with by increasing the south (right) setback from the existing 2'7" to 5'. While 5' requires a variance, it is nearly 100% improvement over the current condition.
- Improves neighborhood aesthetics with buried power lines (currently 100% overhead)
- Improves neighborhood value by replacing approx. \$200K value home with \$1.2M home
- Added tax revenue for the City of Novi
- Key design consideration for the proposed residence was to be respectful of the neighborhood and the zoning ordinances. Based on a review of the 16 lakefront property variances approved by the City of Novi ZBA from 2018 through present, the requested variances for 1419 West Lake Drive are conservative:

APPROVED CITY OF NOVI ZBA APPLICATIONS 2018 THROUGH 2021			
	Average approved variance	1419 Requested Variance	1419 requesting more or less than average approved variance
Lot Coverage	11%	5%	Less
Front Yard Setback	18 feet	None	Less
Rear Yard Setback	21 feet	None	Less
Side Yard 1	5.5 feet	5 feet	Less
Side Yard 2	5 feet	None	Less
Aggregate Side Yard	16 feet	7.25 feet	Less
Height - Stories	3 stories	3 stories	Same
Garage Size	NA	8 ft ²	More

From: Mike and Georgie Batalucco
To: Novi City ZoningBoard
1419 W Lake Drive, Parcel #. 50-22-03-204-021 (PZ21-0022)

We are the owners of 117 Rexton, Novi Mi which is a back lot situated behind the William's address and is afforded a view of the lake, due in a large part to the current size of the William's residence. Dan and Wendi Williams openness and communication about their planned new construction of a home needing multiple zoning variances has been much appreciated. We have personally voiced our concerns in regards to the variances the Williams seek that will obstruct our view of the lake as well as other backlot owners like us. Additionally, we often see neighbors walking down W. Lake Dr, enjoying the openness and occasional views of the lake. Although we do understand that the Williams's own the lake front property, the scope and scale of their proposed new home will further diminish an already dwindling lake atmosphere that the community offers. In addition, we believe we paid a premium for our home due to there being some views of the lake allowing us to sit on our patio in the backyard and enjoy both the already obstructed view of the lake and a lake-like atmosphere created by the lake views. Further obstruction of our limited lake view will most likely lead to a diminishment of our small homes value. Nor do we feel that denying the multiple variances requested by the Williams will present a hardship to them as all they have to do is scale down the size and scope of their planned new home and they will still have a beautiful home on the lake. Also, large homes crowded together on the lake sends a message of exclusion as opposed to inclusion to the surrounding neighbors whose homes are not situated right on the lake. The scale of the Williams proposed new home is of such a large size that they are not requesting one variance but several. Given that we did not receive a copy of the proposed home plans with zooming meeting as we did prior to the adjourned zoning board meeting in May, we do not know what additional variances the Williams seek. Our primary concern is the side set back on our side or what we believe to be the north side of the Williams lot. Thank your for your consideration.

June 7, 2021

Mike and Georgie Batalucco

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) Objection to the requested variance.

Comments:

PLEASE SEE ATTACHED LETTER

(PLEASE PRINT CLEARLY)

Name: RAYMOND C. OTT

Address: 1475 WEST LAKE DRIVE

Date: 05-11-21

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

May 11, 2021

To: Novi Zoning Board of Appeals

I am the Williams' neighbor that is located to the south/west of them at 1425 West Lake Drive.

I only have one concern with the Williams' plan (which is very nice) and that is the impact that it has on the views of the lake from my home.

In 2017 / 2018, the Williams' shared several versions of their house plans with me. One of the plans had their new house being built closer to the lake than the existing house, resulting in my views of the lake being blocked / reduced. I shared with them that I would like it if they could keep the same setback from the lake as the existing house e.g., build the lakeside wall of the new house in the same location as the old house. The Williams' seemed very understanding of my concerns and indicated that they would have the plans re-drawn.

On June 7, 2018, I received an email from the Williams' which referred to the new set of plans that they received and stated: "... as you requested, the front of the new house is in line with the face of the existing house ...".

On May 10, 2021, I obtained the latest version of the Williams' plans that were submitted to the Zoning Board of Appeals. I appreciate that the Williams' have increased the house setback from the lake from 44' in the original plan to 47'. However, this still results in the new home being 2' closer to the lake than the current house. (See the Site Plan) I know that 2' does not seem like a lot, but it is when looking out the window at the lake.

I understand that building new homes on lake lots is challenging. It requires compromises by the home builder and the surrounding neighbors. I know that the Williams' are trying to address everyone's concerns. In the Williams' ZBA package it states: "Original plan was for 5' setback to the north. Neighbors asked to retain more view of the lake. Residence was narrowed by 8', such that proposed residence is 12'9" from north lot line."

Let me be perfectly clear ... I am not requesting that the setbacks on the south lot line be changed to 12'9" to be the same as the north lot line. Although, it would definitely take care of my lake view problems, I also realize that it would have a significant impact on the Williams' house plans.

However, I am requesting that the Williams' would consider modifying their plans to move the southeast corner of their new home back to where the existing house is thus keeping the house setback and my views unchanged. (This is the same as my original request to the Williams' in 2017 / 2018.)

For now, I am going to have to object to the variances affecting my lake views.

I am not trying to prevent the Williams' from building the home they designed ... I am just requesting additional consideration in protecting my lake views.

If you would like to discuss this further, please feel free to call me on my cell phone 248-766-5657.

Thank you,

Raymond C. Ott
1425 West Lake Drive
Novi, MI 48377