



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:** December 13, 2022

REGARDING: 1607 East Lake Drive, Parcel # 50-22-02-357-020 (PZ22-0058)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Kevin Akey – AZD Associates

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned Single Family Residential (R-4)

Location: North of Thirteen Mile, West of Novi Road

Parcel #: 50-22-02-357-020

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a front yard setback of 9.17 feet (30 feet minimum required, variance of 20.83 feet); a rear yard setback of 10.3 feet (35 feet required, variance of 24.7 feet); a side yard setback of 3 feet (10 feet minimum required, variance of 7 feet); a side yard setback of 2.75 feet (15 feet minimum required, variance of 12.25 feet); an aggregate total side yard setback of 5.75 feet (25 feet required, variance of 19.25 feet); and a proposed lot coverage of 47.4% (25% maximum allowed, variance of 22.4%). These variances would accommodate the building of a new home. 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. **PZ22-0058**, 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. **PZ22-0058**, 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

OCT 27 2022

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>250-</u>	
PROJECT NAME / SUBDIVISION Virga Residence				Meeting Date: <u>DECEMBER 13</u>	
ADDRESS 1607 E. Lake Drive		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 22-0058</u>	
SIDWELL # 50-22- <u>02</u> - <u>357</u> - <u>020</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY E.Lake Drive and Montecello					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS kevin@azdarch.com		CELL PHONE NO.	
NAME Kevin Akey				TELEPHONE NO. 248.540.6009	
ORGANIZATION/COMPANY AZD Associates, Inc.				FAX NO.	
ADDRESS 6905 Telegraph rd, Suite 230		CITY Bloomfield Hills		STATE MI	ZIP CODE 48301
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 virgazonzoe@gmail.com		CELL PHONE NO. 248.207.7369	
NAME Anthony Virga				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 1607 E. Lake Drive		CITY Novi		STATE MI	ZIP CODE 48377
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 checked="" 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>Section 3.1.5</u> Variance requested <u>Front: 30' Req. 9.17' Proposed 20.83' Variance</u>					
2. Section <u>Section 3.1.5</u> Variance requested <u>10' Req 7.0' Prop 15' Req 12.25' Prop Agg Total 19.25'V</u>					
3. Section <u>Section 3.1.5</u> Variance requested <u>Rear: 35' Req 10.3' Proposed 24.7' Variance</u>					
4. Section <u>Section 3.1.5</u> Variance requested <u>Lot Cover: 25% Req 47.4% Proposed Variance 22.4%</u>					
IV. FEES AND DRAWINGS					
A. FEES					
<input 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 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

 Kevin Akey 10/26/2022
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.

 Anthony Virga 10/26/2022
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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Novi, MI 48375
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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:

Between the size of the lot (approx. 45'x110') and the disproportionately large setback requirements, the available building envelope is constrained to a size that is punitive and impracticable to the homeowner. These existing conditions leave the home owner disadvantaged compared to other homes in the neighborhood.

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 size as it exists, with the excessive setbacks create the practical difficulty. This is in no way “self-created” by the homeowner.

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.

Compliance with the ordinance would unfairly penalize the homeowner who would be left with the choice of: building home substandard to the character of the neighborhood doing disservice to the homeowner, or, abandon the project completely, as it would be unfeasible. The home owner wishes to remain and continue to raise their family in the area.

Standard #4. Minimum Variance Necessary.

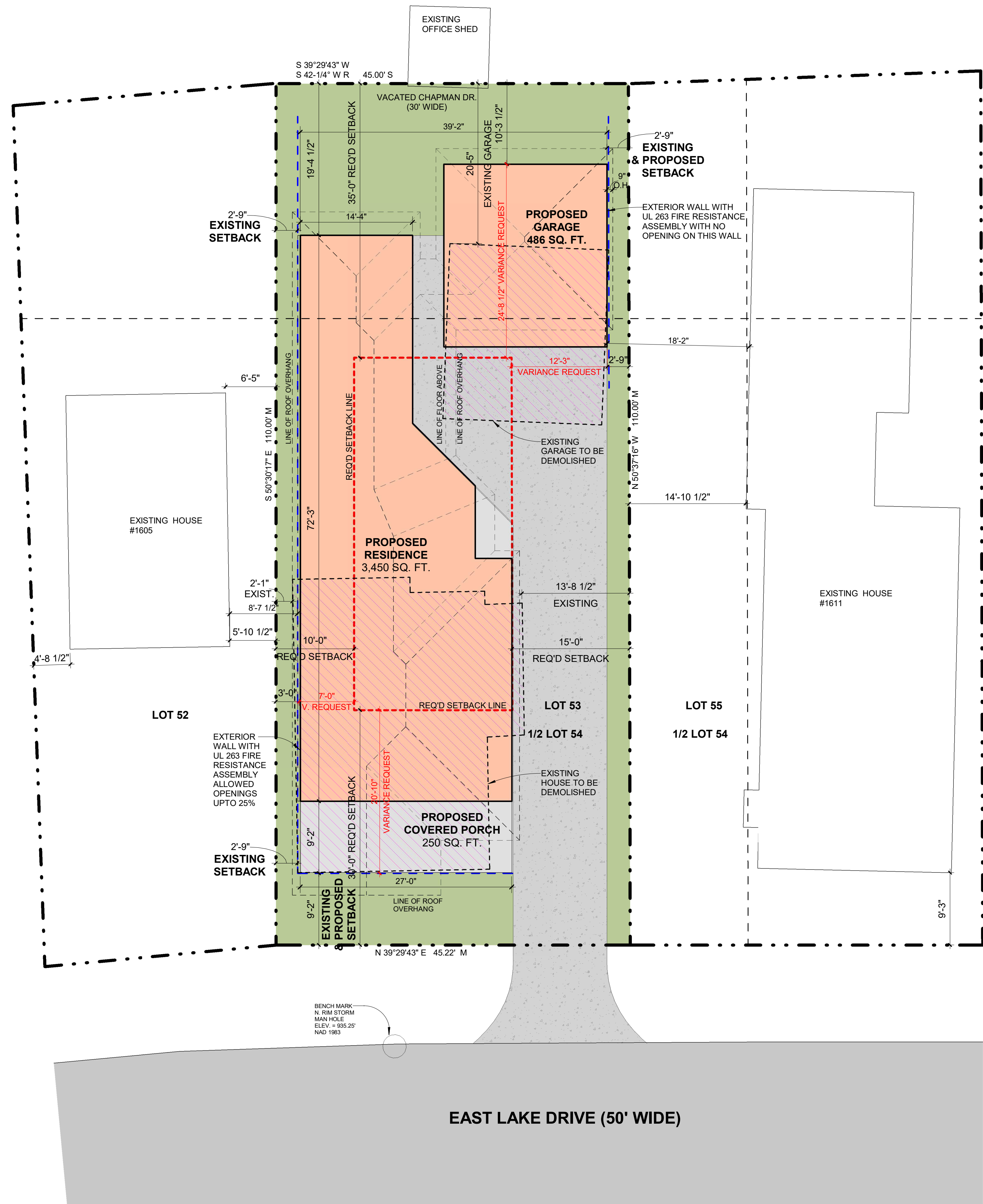
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

We are proposing to match the setbacks of the existing house and have worked to limit the overall square footage of the house and still fit the homeowners growing family needs. The scale of the proposed residence is consistent with other homes in the neighborhood, and is smaller than some of the homes in the immediate area.

Standard #5. Adverse Impact on Surrounding Area.

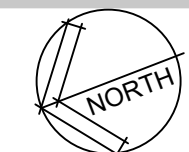
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The house as proposed has no negative impact to the neighborhood and has been designed to fit into the fabric and character of the street. We are proposing an improvement to the existing nonconforming front yard in an effort to improve and soften the street side look of the house, from what is currently there.



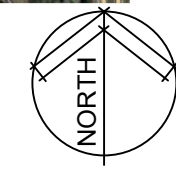
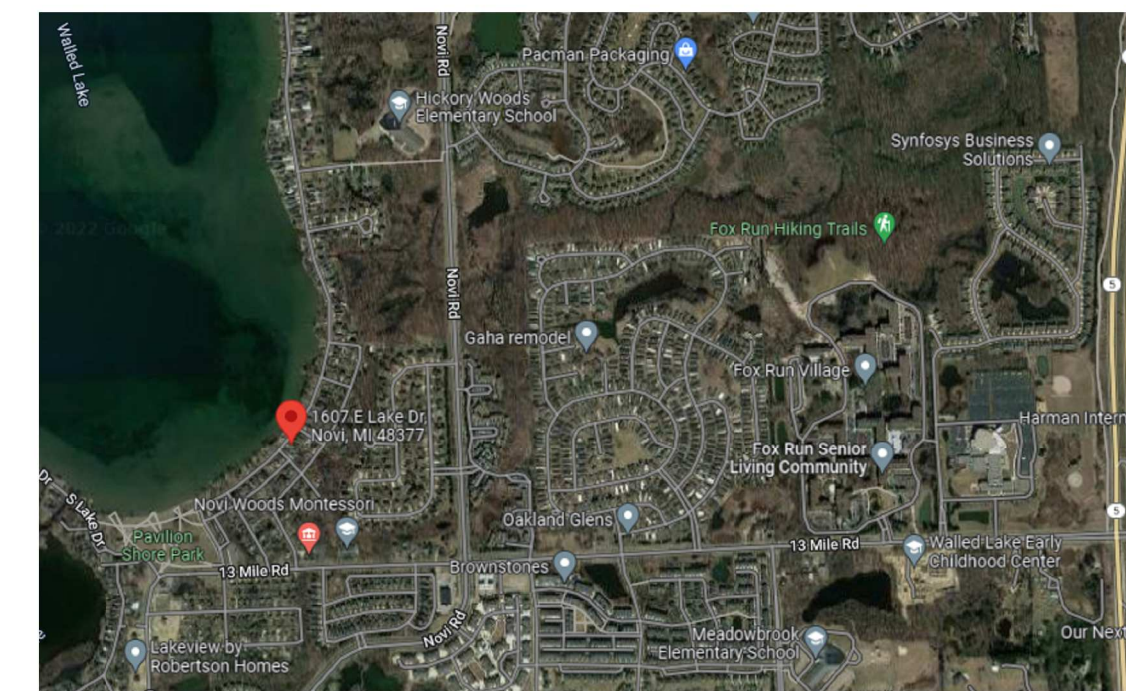
EAST LAKE DRIVE (50' WIDE)

BENCH MARK
N. RM. STORM
MAN HOLE
ELEV. = 855.25'
NAD 1983



01 ARCHITECTURAL SITE PLAN
SCALE: 1/8" = 1'-0"

LOCATION:



LAND DESCRIPTION:

AS TAKEN FROM WARRANTY DEED RECORDED IN LIBER 49995, PAGE 604 OAKLAND COUNTY RECORDS.

LOT(S) 53 AND THE NORTHEASTERLY 1/2 OF LOT 54, INCLUDING ALL OF VACATED CHAPMAN DRIVE ADJACENT TO SAME, "CHAPMAN WALLED LAKE SUBDIVISION", ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 9 OF PLATS, PAGE 13 OF OAKLAND COUNTY RECORDS.

ZONING SUMMARY :

ZONING:
R4 ONE-FAMILY RESIDENTIAL DISTRICT

MIN. LOT AREA REQUIRED : 10,000 S.F.
PROVIDED : +/- 4,962 S.F. (IRREGULAR SHAPE)

SETBACKS:	REQUIRED	PROPOSED	EXISTING	VARIANCE
FRONT:	30'-0"	9.17'	9.17'	20.83'
REAR:	35'-0"	10.3'	20.5'	24.7'
SIDES:	10'-0"	3.00'	2.8'	7.0'
	15'-0"	2.75'	16.5'	12.25'
	25'-0"	5.75'	19.3'	19.25'
TOTAL OF SIDEYARDS				
LOT COVERAGE:		47.4 %	28.8 %	22.4 %
MAX. LOT COVERAGE:	25%			
ALLOWED = 25%				
TOTAL = 4,962 S.F. (LOT SIZE) X 0.25 = 1,241 S.F.				

PROPOSED = 47.4 %
TOTAL = 2,352 S.F.

MAX. BUILDING HEIGHT:
ALLOWED = 35'
PROPOSED = 27'

LEGEND :

- EXISTING BLDG TO BE DEMOLISHED
- PROPOSED BUILDING
- REQUIRED SETBACK LINE
- EXISTING SETBACK LINE

AZD

associates
architects

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bloomfield hills, mi 48301

ph. 248-540-6009

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project

LA CASA SUL LAGO
-VIRGA RESIDENCE

1607 E LAKE DR
NOVI, MI 48377



sheet name

ARCHITECTURAL SITE
PLAN

sheet issue date

ZBA SUBMITTAL
10.27.2022

NO.	DESCRIPTION	DATE

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drawn by

DS

checked by

KA

project number

2211

sheet number

AS-1.0

DO NOT SCALE DRAWINGS
USE FIGURED DIMENSIONS ONLY



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RIGHT ELEVATION

N.T.S.



REAR ELEVATION

N.T.S.



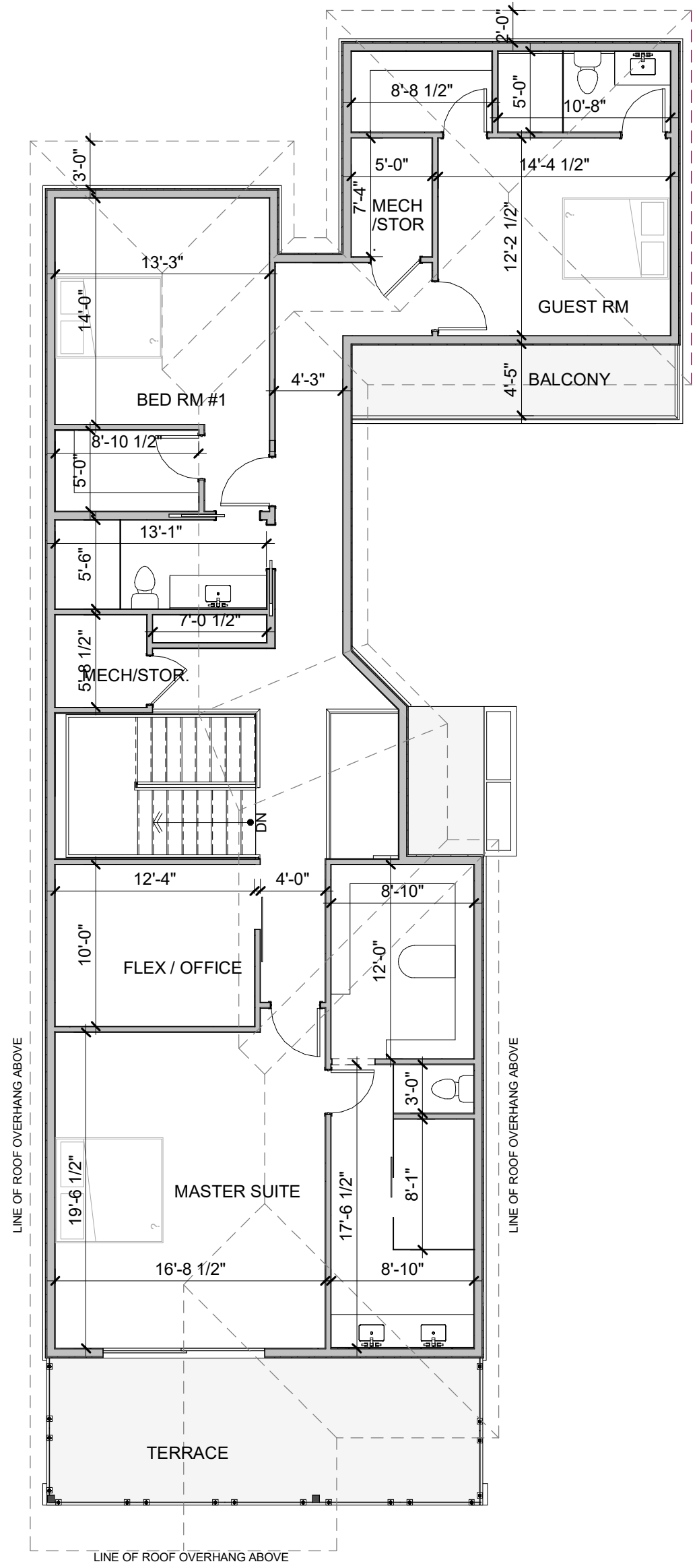
LEFT ELEVATION

N.T.S.

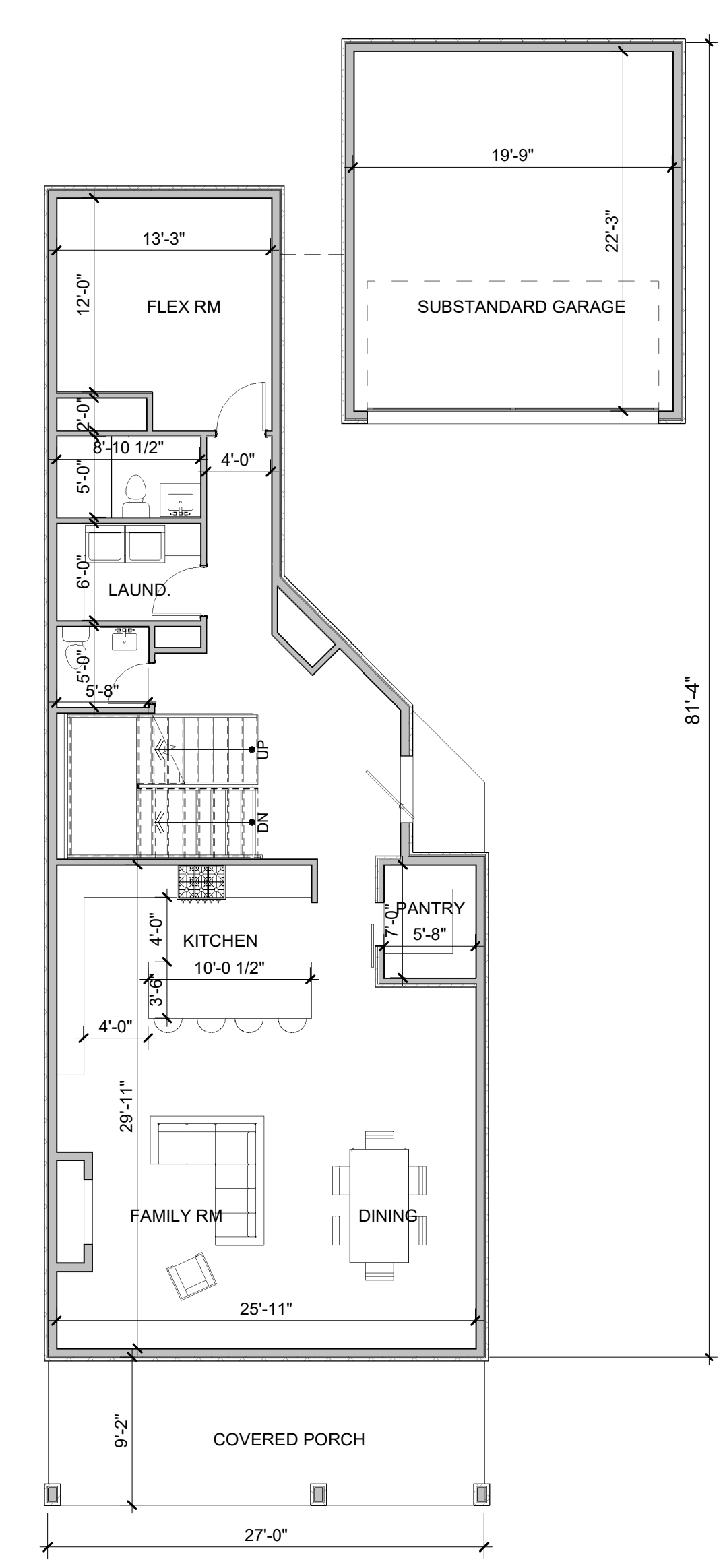


FRONT ELEVATION

N.T.S.



02 UPPER LEVEL FLOOR PLAN 1,854 SQ. FT.
SCALE: 1/8" = 1'-0"



01 MAIN LEVEL FLOOR PLAN 1,521 SQ. FT.
SCALE: 1/8" = 1'-0"