



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

MEETING DATE: May 14, 2023

REGARDING: 707 South Lake Drive # 50-22-03-451-021 (PZ24-0013)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Nancy Ghannam

Variance Type

Dimensional Variance

Property Characteristics

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

Location: on South Lake Drive, east of Thirteen Mile Road

Parcel #: 50-22-03-451-021

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.32.10.A for an interpretation of the ordinance regarding an unobstructed yard; Section 3.32.10.A.ii.a for a 192 sq. ft. gazebo (100 sq. ft. allowed, variance of 92 sq. ft.).

II. STAFF COMMENTS:

Note: ZBA Variance Approved on May 10, 2022; The motion to approve case PZ22-0013 for (3) variances, a front yard setback of 27.17', a rear yard setback of 15.25' and a 5% lot coverage increase.

Note: Construction Board Approved on July 12, 2022; Motion to grant approval for driveway to property line distance variance of 2'-6".

Note: ZBA Variance Approved on May 9, 2023; The motion approve case PZ23-0012 a 10' front yard setback variance for a patio.

The applicant is now seeking an interpretation of the zoning ordinance regarding the definition of "an unobstructed yard" ... "shall maintain the yard on the water side as an open unobscured yard,"

If determined if the structure is in the purview of the zoning ordinance, then the applicant is seeking variances for the Length, width, and height of the structure.

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. **PZ24-0013**, 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. **PZ24-0013**, 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 _____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Alan Hall – Deputy Director Community Development - City of Novi



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED

APR 01 2024

**CITY OF NOVI
 COMMUNITY DEVELOPMENT**

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$220.00</u>	
PROJECT NAME / SUBDIVISION Nancy M Ghannam Revocable Family Trust				Meeting Date: <u>5-14-24</u>	
ADDRESS 707 S. Lake Dr, Novi, MI 48377		LOT/SIUTE/SPACE #		ZBA Case #: PZ <u>24-0013</u>	
SIDWELL # 50-22-03 - 454 - U21		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY					
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 type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS nancy@ghannam.us		CELL PHONE NO. 3135756161	
NAME Nancy M Ghannam Revocable Family Trust		TELEPHONE NO. 313576161			
ORGANIZATION/COMPANY		FAX NO. 3139451199			
ADDRESS 707 W. 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 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>3.32-10.A</u> Variance requested <u>interpretation of ordinance re: unobstructed yard</u>					
2. Section <u>3.32-10.A.ii.a</u> Variance requested <u>12'x16' Gazebo with roof 9.5' high</u>					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$220 <input type="checkbox"/> (With Violation) \$275 <input type="checkbox"/> Single Family Residential (New) \$275 <input type="checkbox"/> Multiple/Commercial/Industrial \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> Signs \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> House Moves \$330 <input type="checkbox"/> Special Meetings (At discretion of Board) \$660					
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 _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Nancy M. Blanna

03/29/24

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.

Not Applicable Applicable If applicable, describe below:

This lot is the largest lot on the south side of the lake, and the installation of a Gazebo would fit nicely in this space and not obstruct anyone's view

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 Gazebo will sit below road level, so there should be no to extremely minimal impact on anyone's view of the lake

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 lot was existing when purchased, and has always been about 30' x 90' on the lake side. This large lot is very conducive to a Gazebo for the enjoyment during the nice seasons. A small 10' x 10' would not give enough room to place patio furniture under for shade during the nice seasons. The 12' x 16' Gazebo proposed is slightly larger than the ordinance requirements

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.

First, we do not believe the ordinance applies to this Gazebo since it does not obstruct the view of the lake. However, A small 10' x 10' would not give enough room to place patio furniture under for shade during the nice seasons. The 12' x 16' Gazebo proposed is slightly larger than the ordinance requirements. A 10' x 10' shed type structure that is allowed is not aesthetically pleasing and will not serve the function for which we would like.

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.

There are only several different sizes these Gazebos can be purchased, and some come larger. We selected a size that is conducive to lounging and placing patio furniture on for a reasonable amount of people.

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 next door at 717 S. Lake Drive has both a shed and Gazebo type structure, and this has never impacted our view. Similarly, our proposed Gazebo would not affect anyone's view. An enclosed 10' x 10' storage shed, which is allowed, would cause more of an eyesore and obstruction that what we propose, which is an open see through structure.

March 29, 2024

City of Novi
Zoning Board of Appeals

Re: 707 S. Lake Dr, Novi, MI 48377
Interpretation of 3.32-10.A or in the alternative,
dimensional variance under 3.32-10.A.ii.a

We are trying to install a Gazebo on the lake side of our property in order to shade us during use of the lake. We intend on placing patio type furniture under the Gazebo to use. There will be brick pavers installed on this side, and the Gazebo placed on top of the brick pavers, as seen in the attached site plan.

The structure itself will have no ability to block any person's views of the lake, and the roof will have minimal impact, if any. The next door neighbor's structure at 717 S. Lake Dr is much more undesirable and aesthetically displeasing. This neighbor has essentially a storage shed and Gazebo structure in 1 unit. We have never complained about this as it has very minimal impact on the general view of the lake, and our structure is very nice looking and will be purchased from Sam's Club or a Costco type company.

First, we ask for an interpretation 3.32-10.A or in the alternative, a dimensional variance under 3.32-10.A.ii.a. Novi Ordinance 3.32-10.A requires an unobscured yard on the lake side of our property, and we believe that the Gazebo does just that. It has no walls, only 4 posts and a small roof. We believe that you should interpretate this section as inapplicable to our present proposal.

In the alternative, if you believe Novi Ordinance 3.32-10.A is applicable to our proposed Gazebo, we believe that we are entitled to a variance as there is absolutely minimal "obstruction" with this proposed Gazebo. The posts do not obstruct anything, and the roof has only minimal impact. A 10' x 10' storage shed structure is not aesthetically pleasing, and is not what we want. A 10' x 10' Gazebo would be too small to place patio furniture and enjoy sitting on the lake side, and we propose a slightly larger unit of 12' x 16' Gazebo. We simply want to sit in a shaded area with patio furniture under the Gazebo, which will not impact any of the neighbors.

Thank you.

Nancy Ghannam



About this item

[Product details](#)

[Specifications](#)

[Return policy](#)

Member's Mark™ 12' x 16' Hardtop Wood-Look Gazebo offers a distinctive way to upgrade your backyard with an elegant design. Unlike a gazebo made of heavy solid wood with warp or crack issues—our posts are made of aluminum for a lightweight but sturdy construction. With a wood grain finish, this gazebo won't chip, fade or require maintenance painting. The unique design provides all the advantages of wood without the usual issues. The galvanized steel roof is powder-coated for protection from UV rays, making this hardtop, wood grain gazebo a practical, and affordable way to outsmart the weather. This stylish gazebo offers a great outdoor place for friends and family to gather outdoors.

Designed to Last

With clean, precise lines, Member's Mark gazebo is an ideal accessory for your outdoor space. Finished with a sleek modern frame and smooth water-resistant fabric, this gazebo not only offers a chic, minimalistic look but also provides incredible structure. The hardtop is designed to withstand all kinds of weather so you don't have to worry about a rainy day or strong UV rays. The aluminum posts are lightweight, easy to install and move, and the wood grain finish won't chip, crack or require the maintenance of painting. Easy to install, step-by-step instructions, assembly tools, and anchoring hardware are all included.

Questions or Comments?

We would love to hear about your Member's Mark experience! Visit us at:
samsclub.com/membersmarkhelp

If the item details above aren't accurate or complete, we want to know about it. [Report incorrect product info](#)

About this item

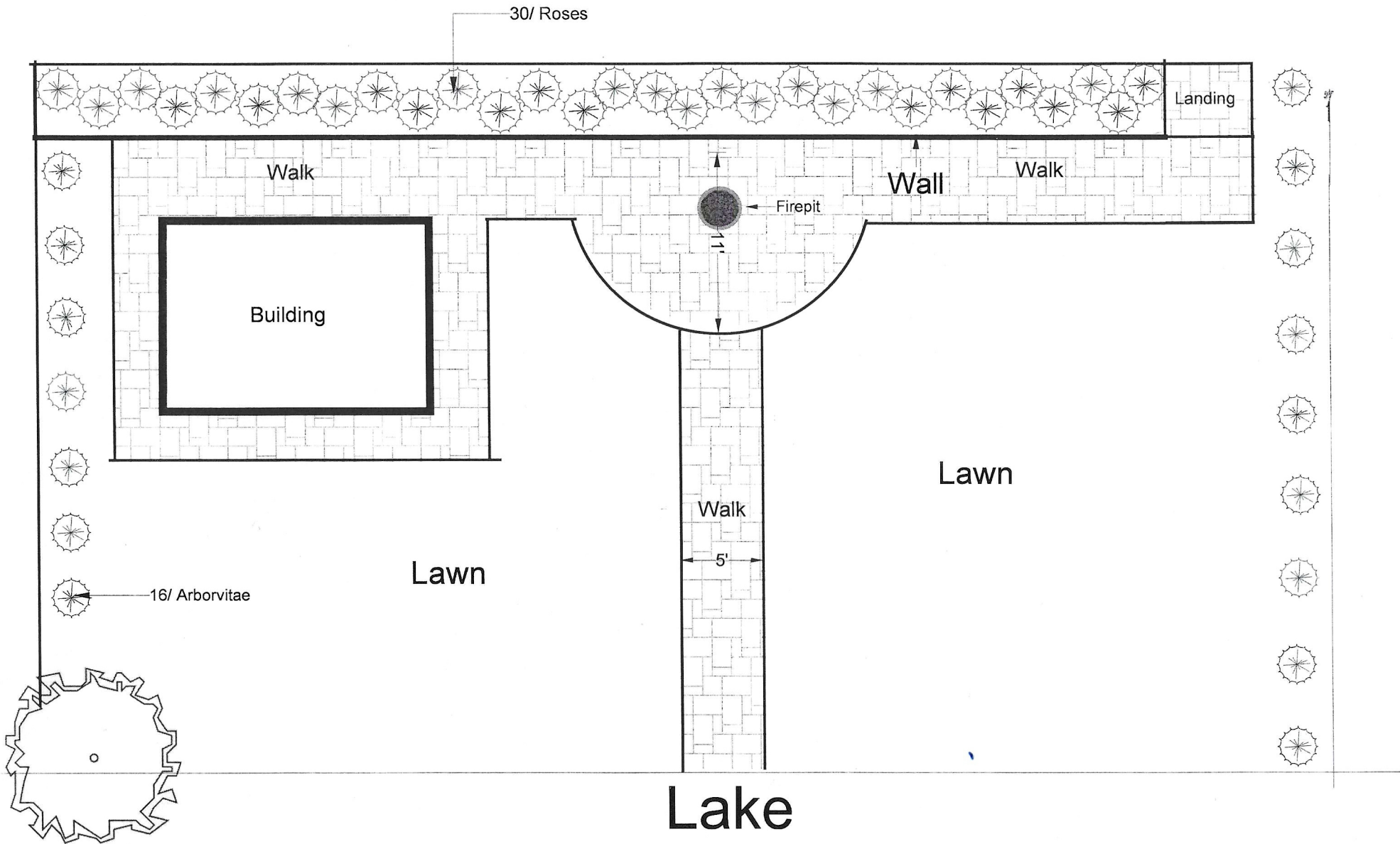
[Product details](#)

[Specifications](#)

[Return policy](#)

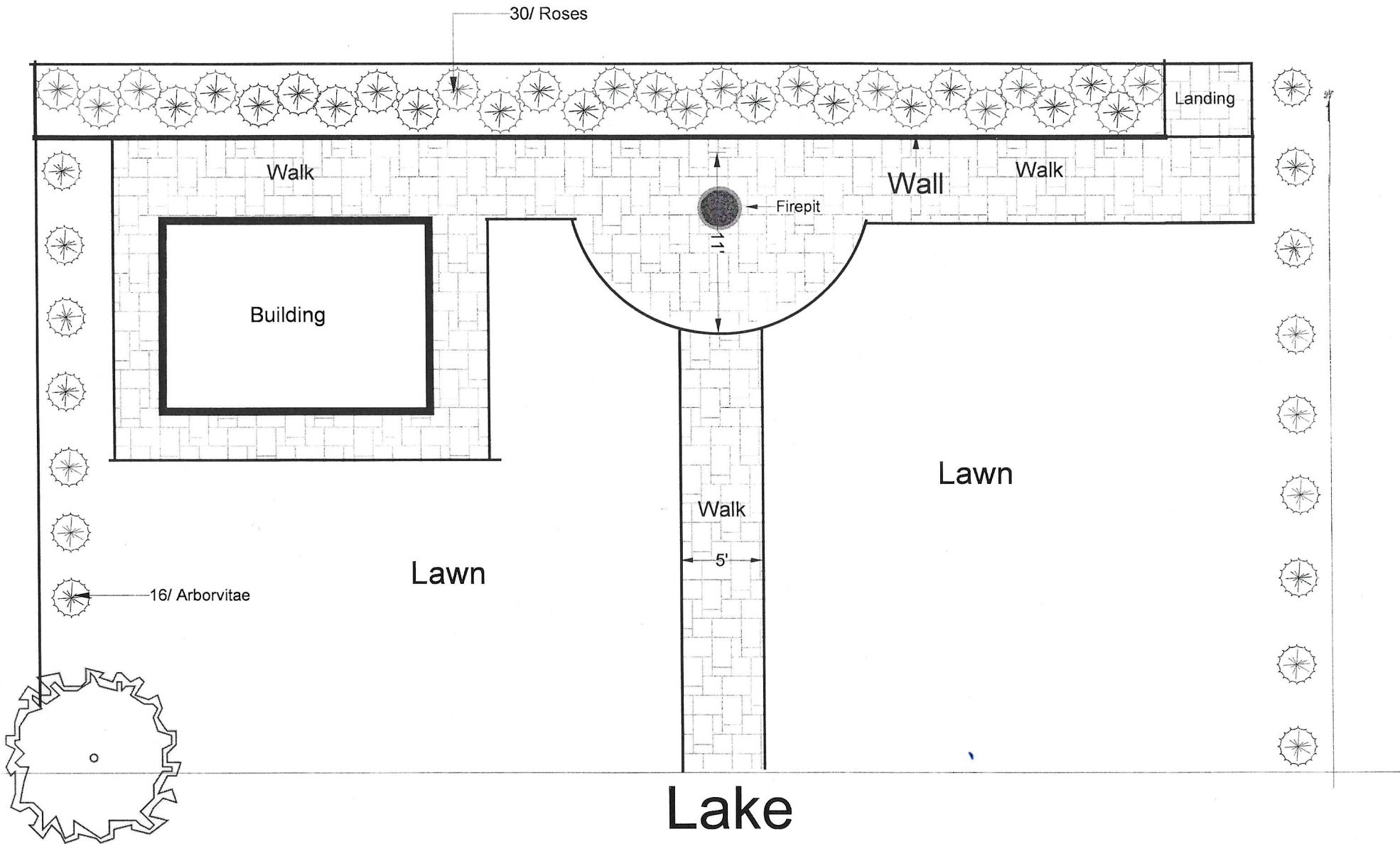
- Assembled size: 192''L x 144''W x 114''H
- Assembly tools and anchoring hardware included

Assembled Size	192''L x 144''W x 114''H
Shipping Info	<ul style="list-style-type: none">• Delivery service will call to set up appointment• Delivery is not available to AK, HI, or Puerto Rico
Warranty	This product is covered by the Sam's Club Member Satisfaction Guarantee.
Component country	Imported
Assembled country	China



Patio/Firepit Area

Ghannam Residence
 707 S Lake Dr
 Novi, MI



Patio/Firepit Area

Ghannam Residence
 707 S Lake Dr
 Novi, MI

717 S Lake Dr

