



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: April 13, 2021

REGARDING: 1141 E Lake Drive, Parcel # 50-22-02-126-008 (PZ21-0013)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Daniel Murphy

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Fourteen Mile Road
Parcel #:	50-22-02-126-008

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Sections 3.32-10.ii. a, for the building of a proposed 160 square foot shed on the waterfront (100 square feet allowed by code, variance of 60 square feet). 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. **PZ21-0013**, 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 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. **PZ21-0013**, 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 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

FEB 19 2021

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200.00
 Meeting Date: 4/13/21
 ZBA Case #: PZ 21-0013

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Murphy Lakeside Shed			
ADDRESS 1141 E Lake Drive		LOT/SUITE/SPACE # Lot 5 & 6	
SIDWELL # 50-22-02 - 126 - 008		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 checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS dmurphy8@flash.net	CELL PHONE NO. 248.270.1411
NAME Daniel P Murphy		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 1141 E Lake Drive		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>7.6</u> Variance requested <u>Approval to build/modify 8'x20' storage unit on Lot #6</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 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 _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Daniel P Murphy
Applicant Signature

02-19-2021
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
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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:

Narrow lot size restrictions (48.1' x 61.8' x 42.7' x 54.8')

Property limitations:

- Busy public road & traffic
- Narrow lot configuration
- Distance from main house to storage unit is approximately 200ft
- Exposure/accessible to sand bar crowds & boating activity

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:

Request to place the storage unit/shed 0.6' from adjacent lot #8 to allow/maximize visibility from street & main house.

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).

Property limitations:

- Busy public road & traffic
- Narrow lot configuration
- Distance from main house to storage unit is approximately 200ft
- Exposure/accessible to sand bar crowds & boating activity

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.

The dimensions of a 20-foot container are:

- Exterior Dimensions (in feet): 20' long x 8' wide x 8' 6" high
- Interior Dimensions (in feet): 19' 4" long x 7' 9" wide x 7' 10" high
- Usable Capacity: Approximately 160 sq ft

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.

Property limitations

- Busy public road & traffic
- Narrow lot configuration
- Distance from main house to storage unit is approximately 200ft

Exposure/accessible to sand bar crowds & boating activity

- Additional storage space to prevent further theft & damage to water equipment including kayaks, paddle boards, furniture, etc.

User-friendly accommodations to assist our live-in and/or visitation from our elderly parents

User-friendly accommodations for our children & pets

Sufficient shady areas to protect family members (with pre-existing skin conditions) from excessive sun exposure

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 storage unit/shed will be aesthetically pleasing utilizing the same exterior materials from the newly constructed home which will increase the value of the property.

Novi Zoning Board of Appeals – Request Variance

Project: Murphy Lakeside Shed

Applicant: Dan Murphy (Homeowner)

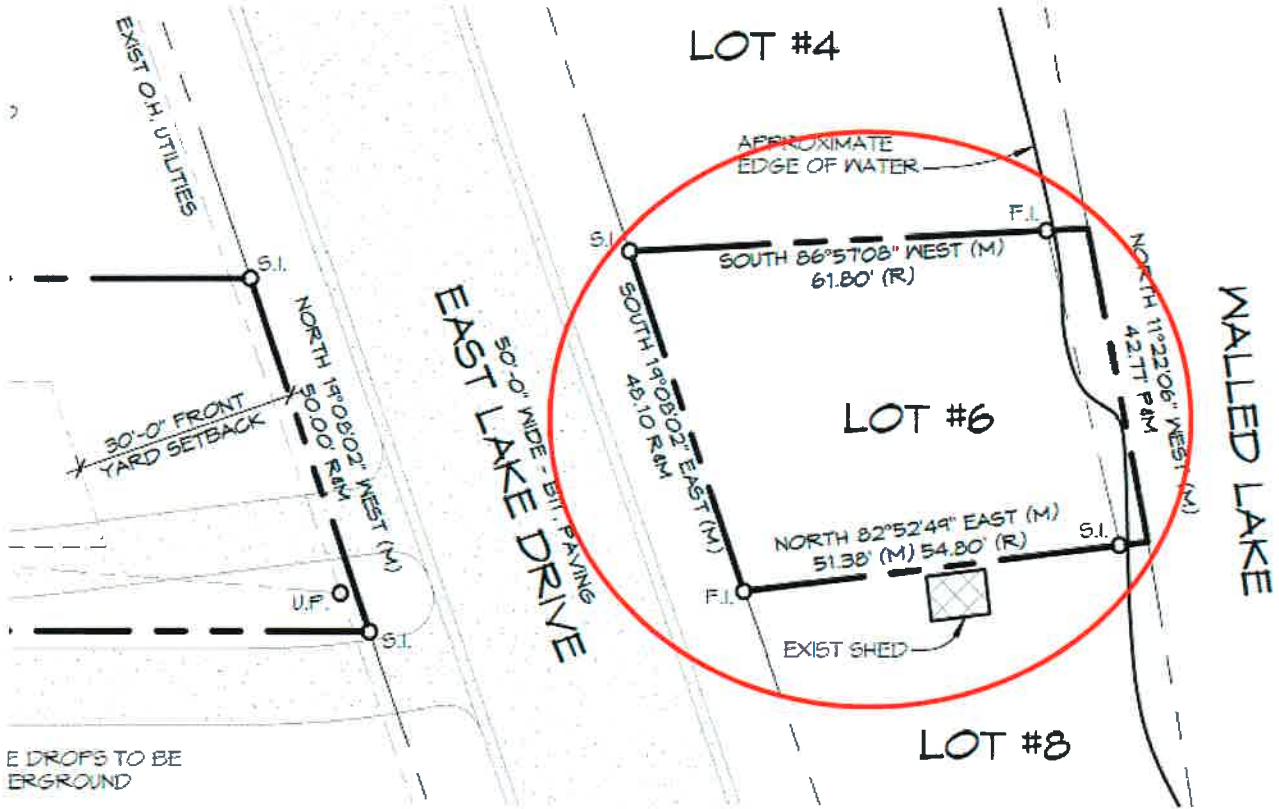
Property Address: 1141 E Lake Dr, Novi (Lot #6)

Sidewell No: 50-22-02-126-008

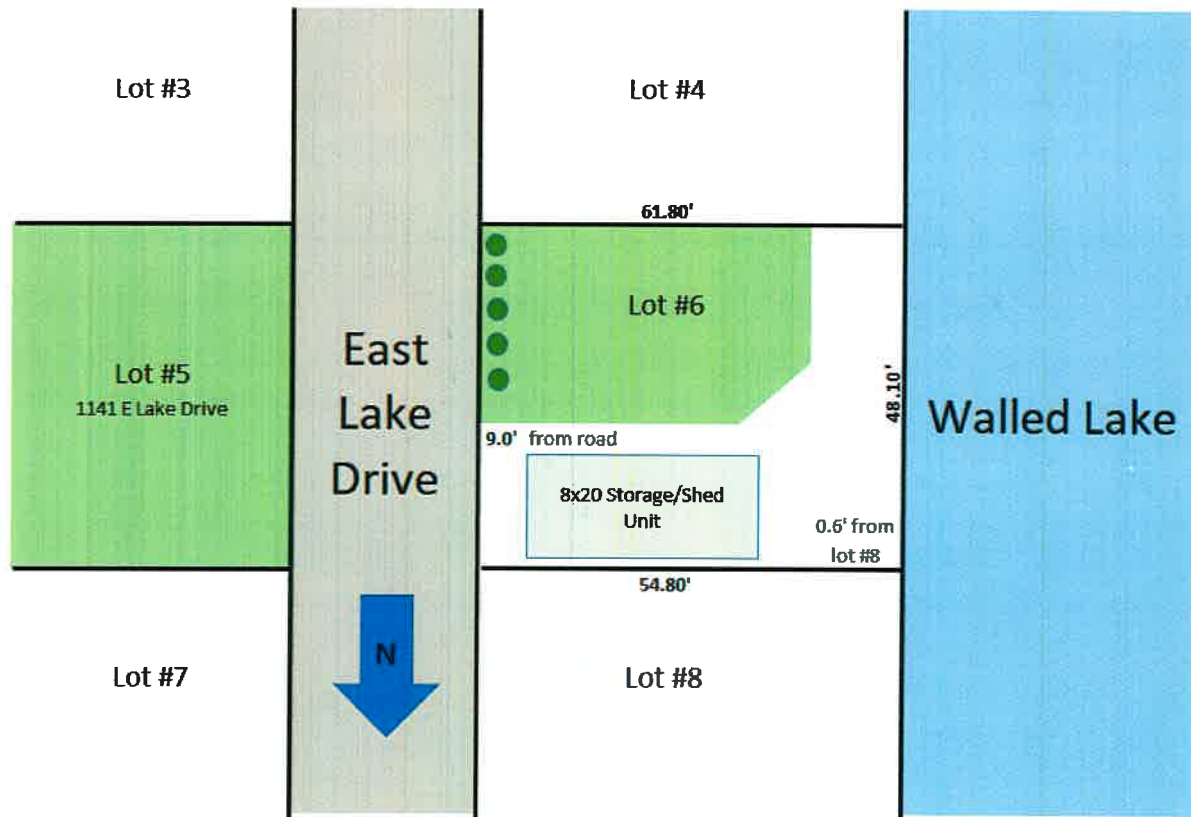
Violation: Local code section 7.6

Variance Request: Approval from the board to build/modify 8'x20' storage unit located on Lot #6

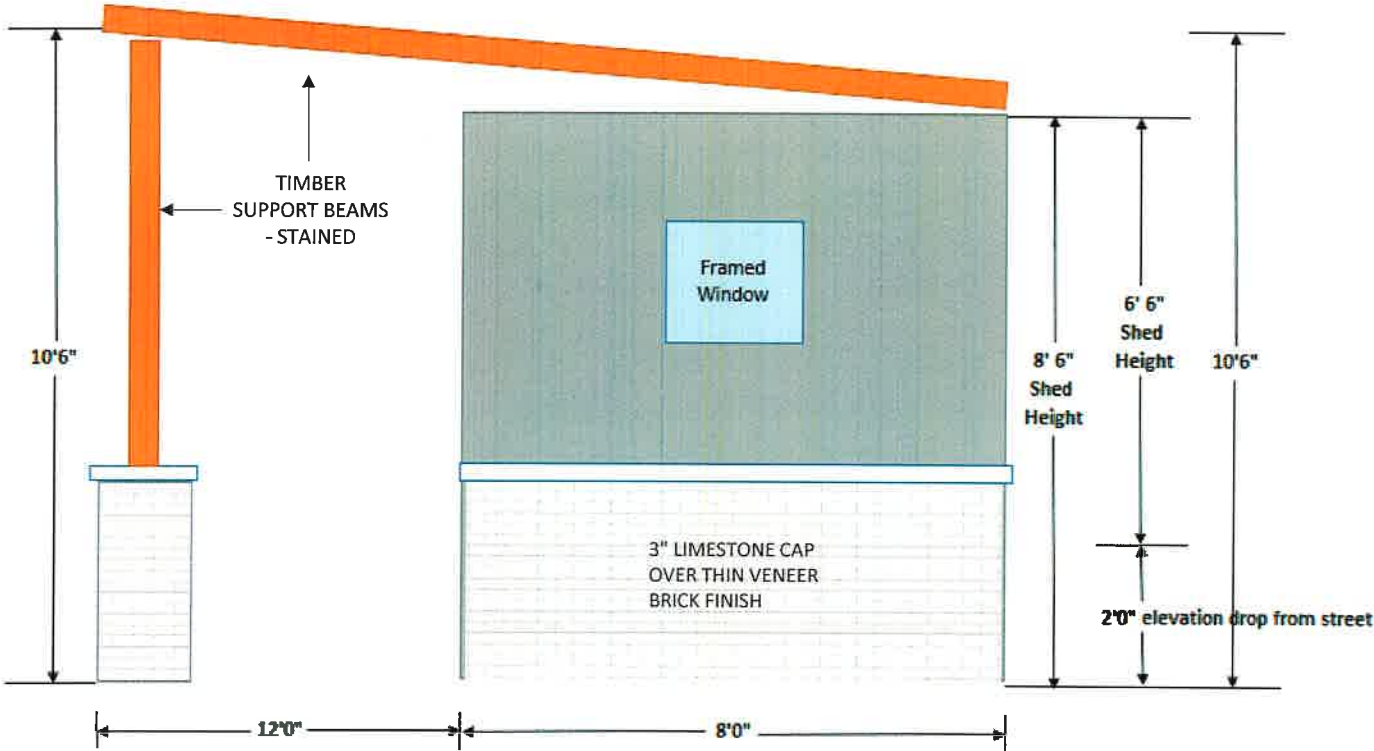
Site/Plot Plans



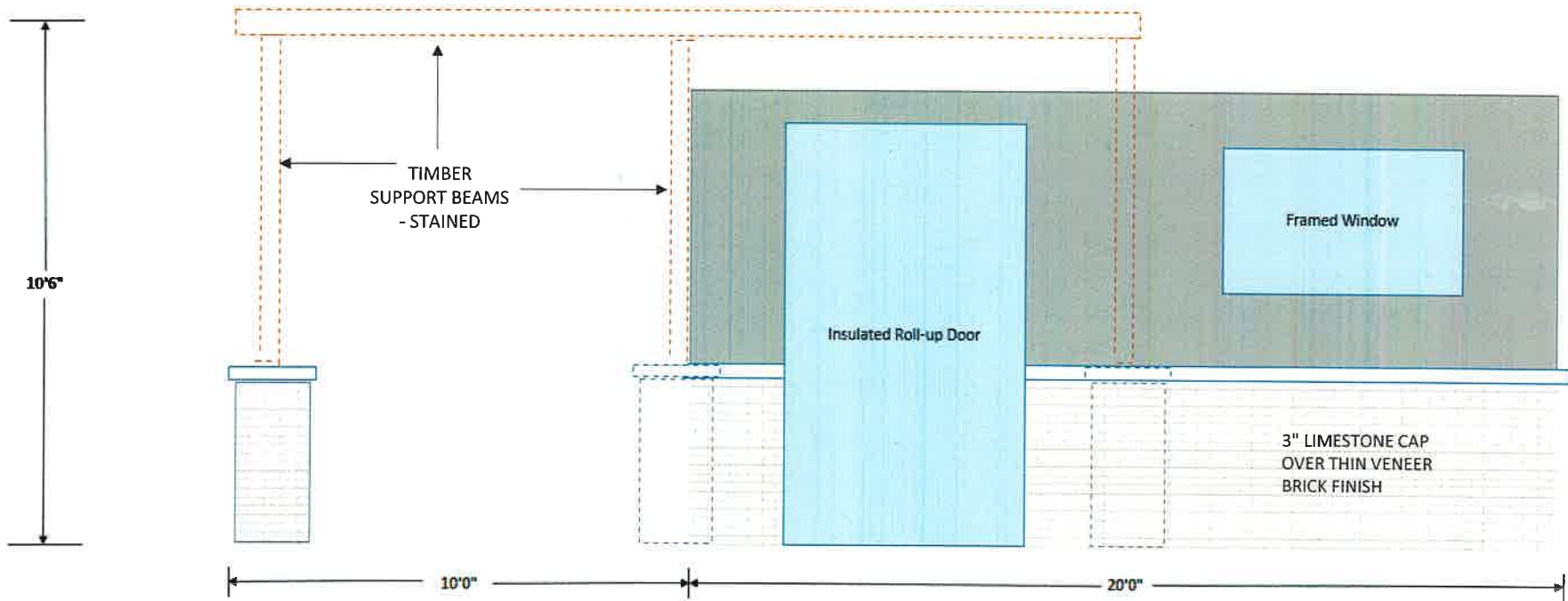
Proposed location of storage shed unit



Proposed Plan - West Elevation (Street View)



Proposed Plan - North Elevation



Elements of Hardship

- Property limitations
 - Busy public road & traffic
 - Narrow lot configuration
 - Distance from main house to storage unit is approximately 200ft
 - Exposure/accessible to sand bar crowds & boating activity
- Additional storage space to prevent further theft & damage to water equipment including kayaks, paddle boards, furniture, etc.
- User-friendly accommodations to assist our live-in and/or visitation from our elderly parents
- User-friendly accommodations for our children & pets
- Sufficient shady areas to protect family members (with pre-existing skin conditions) from excessive sun exposure

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

Please note my comments to:

1141 E Lake Drive, Parcel # 50-22-02-126-008 (PZ21-0013)

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

Comments:

I absolutely do not approve for locating a 160' shed on the waterfront. This structure obstructs the view of the water, which is a reason many property owners chose to pay a premium to live on Walled Lake. In addition, E Lake Drive is a popular walking, running, bicycling & other modes of transportation so that individuals, friends, families & other groups can take in the breathtaking lake scapes & sun sets for all members of the community.

(PLEASE PRINT CLEARLY)

Name: Doug Pascoe

Address: 1129 E Lake Drive

Date: 03-30-21

The property owner has approximately 100' behind the home for additional sheds that would not preclude the ~~the~~ beautiful views of this treasure located in both Novi & Walled Lake.

Property values are likely to decline as a result of this shed that is unattractive to look at that would take the place of a natural water feature.

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.