



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:** October 11, 2022

REGARDING: **1419 West Lake Drive, Parcel # 50-22-03-204-021 (PZ22-0050)**

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Dan & Wendi Williams

Variance Type

Dimensional Variance

Property Characteristics

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

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 1,008 square foot garage (maximum of 850 square feet allowed by code, variance of 158 square feet). Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building of a new home and deck. 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. **PZ22-0050**, 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. **PZ22-0050**, 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

SEP 15 2022

CITY OF NOVI
COMMUNITY DEVELOPMENT



cityofnovi.org

Community Development Department

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ZONING BOARD OF APPEALS
APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION
Dan and Wendi Williams / JW Hawthorne's Subdivision

ADDRESS
1419 West Lake Drive

LOT/SITE/SPACE #

SIDWELL #
50-22 03 204 021

May be obtained from the
Assessing Department
(248) 347-0485

Application Fee: 200-
Meeting Date: OCT 11, 2022
ZBA Case #: PZ 22-0050

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.

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 3.1.5 Variance requested Lot Cov: Code 25%. Request 32%, Avg ZBA Approval Novi Waterfronts 32%

2. Section 3.1.5 Variance requested Side Setback: Code 10', Request 5', Avg ZBA Approval Novi Waterfronts 4.5'

3. Section 3.1.5 Variance requested Total Side Setbacks: Code 25', Request 17'9", Avg ZBA Approval Novi Waterfronts 9'

4. Section 3.1.5 Variance requested Deck Setback: Code 10' side/17' rear, Request 5' side/13.5' rear, Existing structure 2.6' side/0 feet rear

IV.

5. Section 3.1.5 Stones: Code 2.5. Request 3 (need full 3rd story for elevator due to medical issues)

6 Section 3.1.5 Garage: Code 850 sq ft. Request 1008 sq ft (consistent w current home standards. Total lot coverage (incl garage) well within average approval standards)

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 scheduled ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be an 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 established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of 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

Wendi Williams

Applicant Signature

9/1/22

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 conditions:

Chairperson, Zoning Board of Appeals

Date



cityofnovi.org

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:

Subdivision was platted in the early 1920s – inconsistent with current standards. Property is pie-shaped, only 44' on roadside. Existing home (built 100 years ago) is only 2.5' from south property line. Proposed structure is 5' from property line (vs 2.5') to improve safety. Worked diligently to balance multiple requests from neighbors, which included: Keep house as far as possible from north lot line to preserve views, keep house current distance or more from lake to preserve views, etc

- 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).

Subdivision was platted in the early 1920s – inconsistent with current standards. Existing home (built 100 years ago) is only 2.5' from property line.

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 compliance would result in an unusual and inefficient house design. The home would be inconsistent with contemporary homes and would have poor/untenable resale value. In fact, we would likely not make the investment to improve the property if strict compliance were enforced.

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.

The requested variances will allow construction of comfortable contemporary home, in the likeliness 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 multiple meetings with adjoining property owners and have made a number of concessions based on their requests. We have come to the conclusion that “you can’t make everyone happy”. But we certainly tried!

At the end of the day, another custom home in this lakefront neighborhood will add to the everyone’s property values and enhance the prestige of this beautiful community which we have been a part for over 25 years.

RECEIVED

SEP 27 2022

CITY OF NOVI
COMMUNITY DEVELOPMENT

CITY OF NOVI ZONING BOARD OF APPEALS
Larry Butler
Deputy Community Development Director

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

Please note my comments to:

1419 West Lake Drive, Parcel # 50-22-03-204-021 (PZ22-0050)

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

Comments:

We feel that any improvement to the neighborhood
is great.

(PLEASE PRINT CLEARLY)

Name: Danille + Justin Weinger

Address: 1523 W Lake Dr

Date: 9-26-22

Unsigned or anonymous comments will not be considered.

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.

WILLIAMS RESIDENCE

PROPOSED HABITABLE 2,281 SQ.FT

9-24-21







FIRST FLOOR PLAN

SQAURE FOOTAGE BREAKDOWN:

HABITABLE SQ.FT.:

FIRST FLOOR- 1196 SQ.FT.
 SECOND FLOOR- 1085 SQ.FT.
 TOTAL: 2281 SQ.FT.

TOTAL SQ.FT.

FIRST FLOOR- 2330 SQ.FT.
 SECOND FLOOR- 1,768 SQ.FT.
 TOTAL: 4098 SQ.FT.

GARAGE SQ.FT.

1008 SQ.FT.

STORAGE SPACE:

STORAGE ABOVE GARAGE- 1,008 SQ.FT.
 STORAGE ABOVE HOUSE (ATTIC)- 1,948 SQ.FT.
 STORAGE BELOW HOUSE (CRAWL)- 2,330 SQ.FT.
 TOTAL: : 5286 SQ. FT.

SECOND FLOOR PLAN



ATTIC FLOOR PLAN

SQAURE FOOTAGE BREAKDOWN:

HABITABLE SQ.FT.:

FIRST FLOOR- 1196 SQ.FT.
 SECOND FLOOR- 1085 SQ.FT.
 TOTAL: 2281 SQ.FT.

TOTAL SQ.FT.

FIRST FLOOR- 2330 SQ.FT.
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 TOTAL: 4098 SQ.FT.

GARAGE SQ.FT.

1008 SQ.FT.

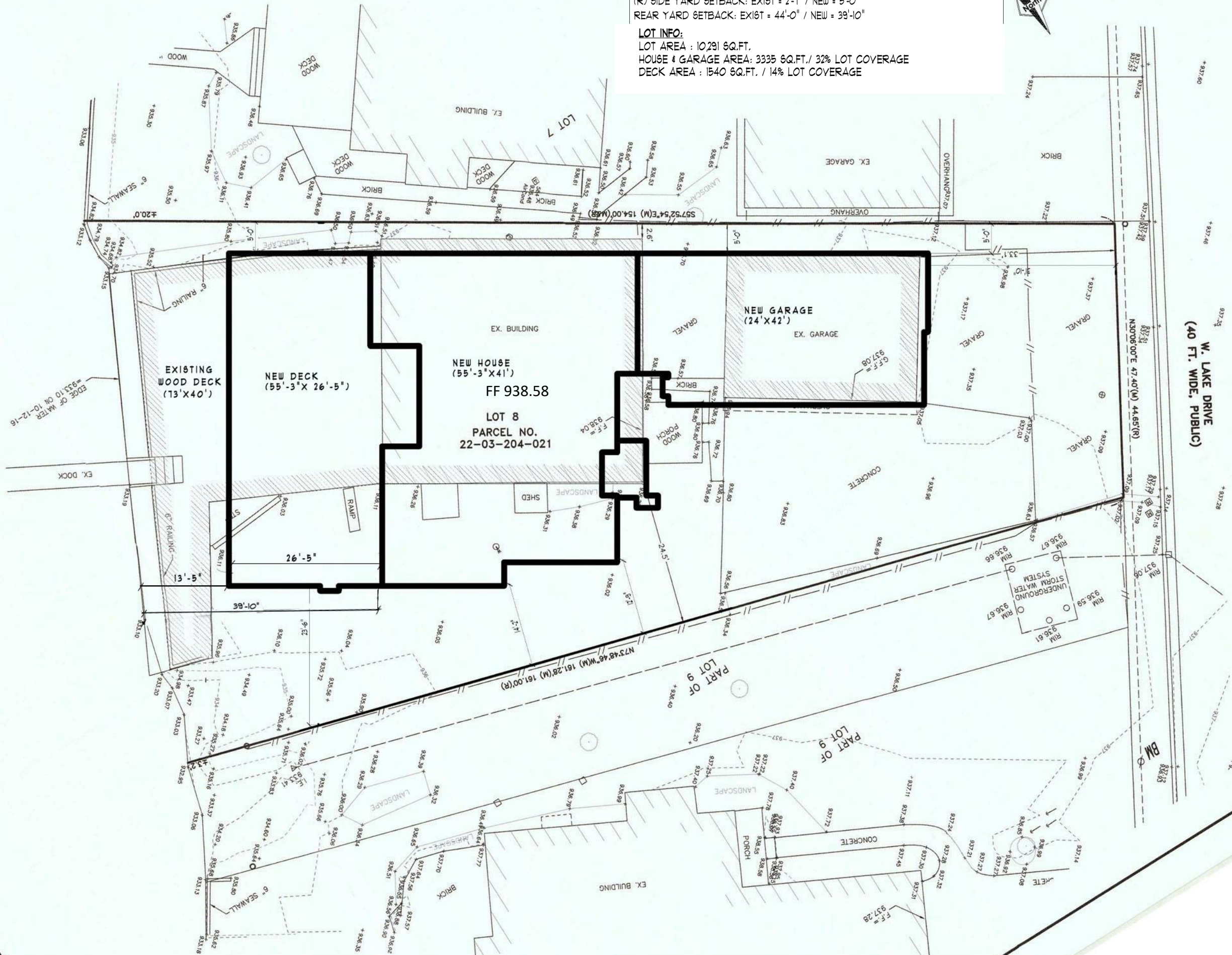
STORAGE SPACE:

STORAGE ABOVE GARAGE- 1,008 SQ.FT.
 STORAGE ABOVE HOUSE (ATTIC)- 1,948 SQ.FT.
 STORAGE BELOW HOUSE (CRAWL)- 2,330 SQ.FT.
 TOTAL: : 5286 SQ. FT.



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 = 39'-10"

LOT INFO:
 LOT AREA : 10,291 SQ.FT.
 HOUSE & GARAGE AREA: 3335 SQ.FT. / 32% LOT COVERAGE
 DECK AREA : 1540 SQ.FT. / 14% LOT COVERAGE



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



To highest point

To midpoint

32'-4"

36'-5"



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



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



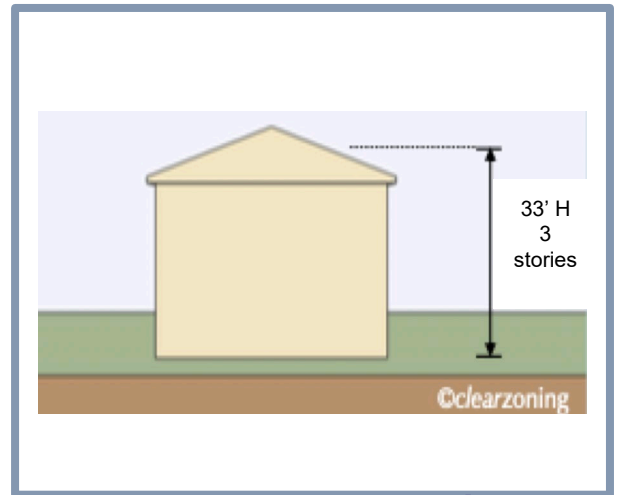
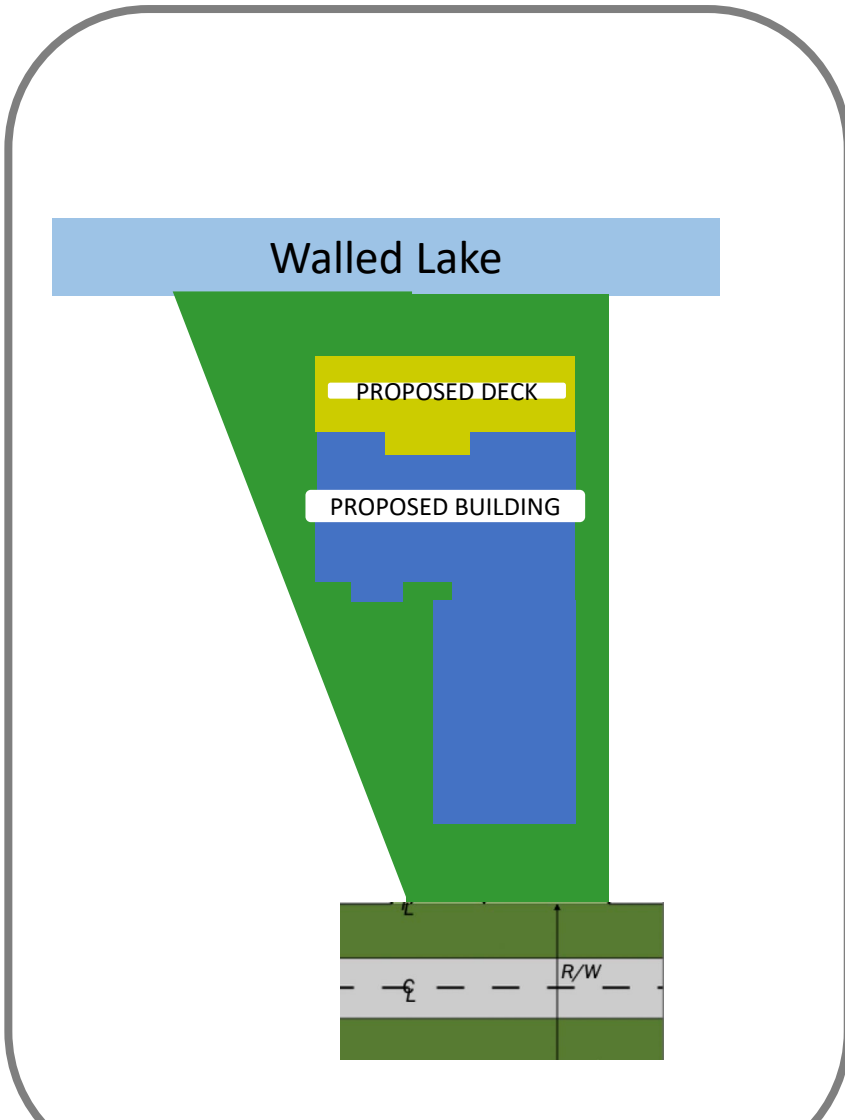
RIGHT ELEVATION
SCALE: 3/32" = 1'-0"



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

1419 West Lake Drive

Summary of Variance Details



Note: Height is below 35' ordinance maximum

1419 West Lake Drive Variances Approved by the ZBA on July 13, 2021			
	Ordinance	Approved Dimension	Approved Variance
Lot Coverage	25%	32%	7%
Front Yard Setback	16 feet	31 feet	None Needed
Rear Yard Setback	35 feet	40 feet	None Needed
Rear Deck Setback	17 feet	13.5 feet	3.5 feet
Side Yard 1	5 feet	5 feet	5 feet
Side Yard 2	10 feet	12.9 feet	None Needed
Aggregate Side Yard	25 feet	18.75 feet	6.25 feet
Garage Square Feet	850	1008	158
Height	2.5 stories	3 stories	3 stories

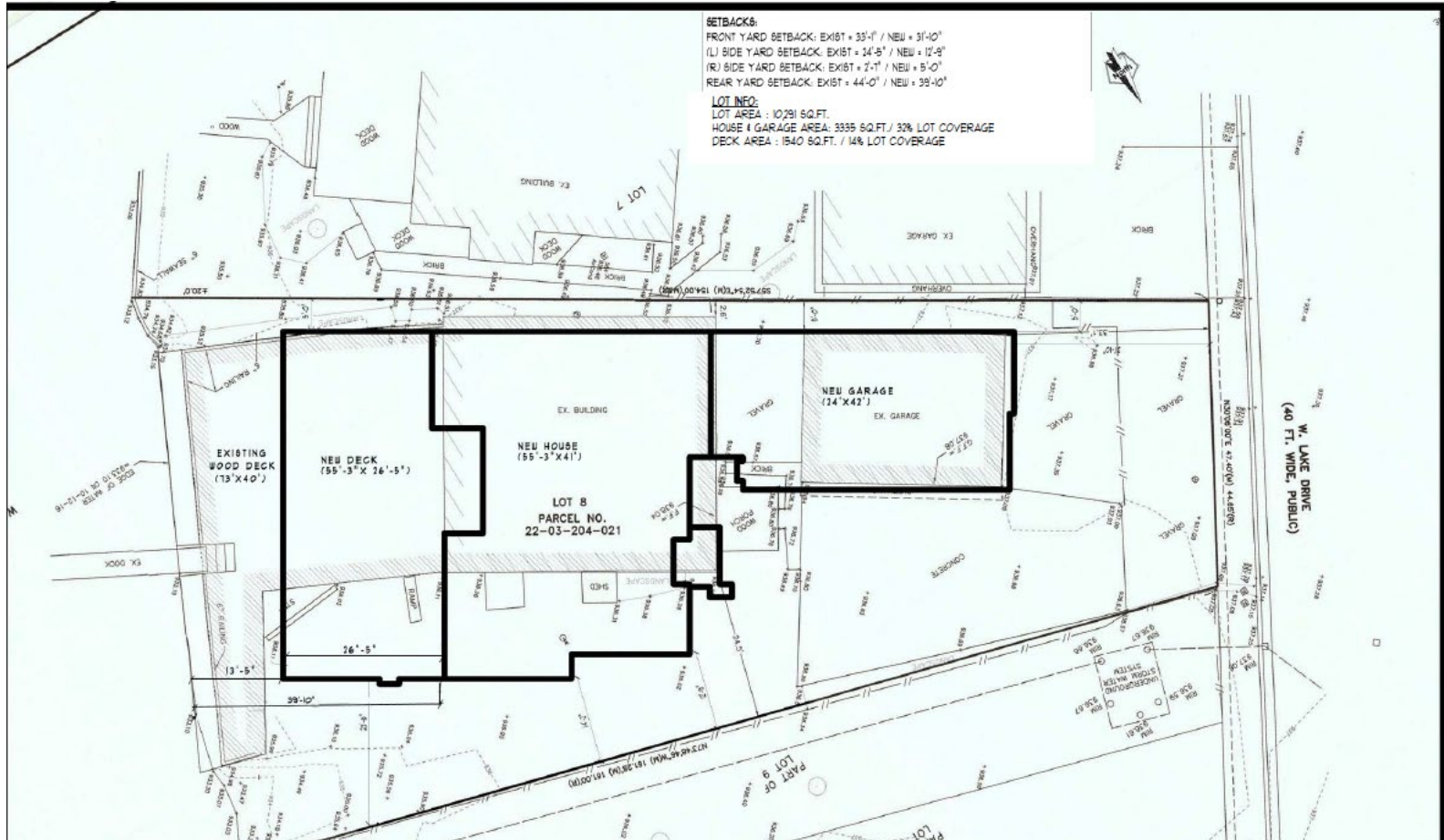
1419 West Lake Drive

Variations are Less than Average Approved Variations
 City of Novi Walled Lake Waterfront Homes

APPROVED CITY OF NOVI ZBA APPLICATIONS 2018 THROUGH 2021 ON WALLED LAKE					
	Largest approved variance	Average approved variance	1419 Approved Variance	1419 approved variance more or less than largest approved variance	1419 approved variance more or less than average approved variance
Lot Coverage	29%	11%	7%	Less	Less
Front Yard Setback	28 feet	16 feet	None	Less	Less
Rear Yard Setback	32 feet	21 feet	None	Less	Less
Side Yard 1	8.3 feet	5.5 feet	5 feet	Less	Less
Side Yard 2	6.3 feet	5 feet	None	Less	Less
Aggregate Side Yard	19.3 feet	16 feet	7.25 feet	Less	Less
Garage Square Feet	572	275*	158	Less	Less
Stories	3 stories	3 stories	3 stories	Same	Same
* Average approved garage sq feet variance in Novi (not just on Walled Lake) is 439 feet.					

R-4 1419 West Lake Drive

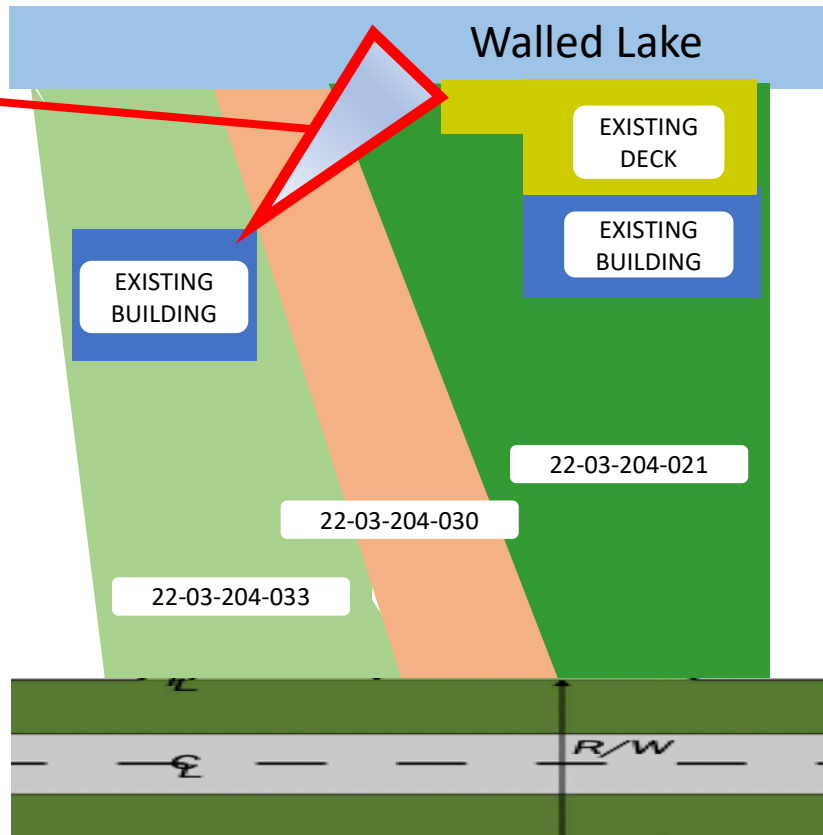
New House/Deck has smaller east/west footprint than current



Current Residence/Deck

Unobstructed View across our property 16 feet

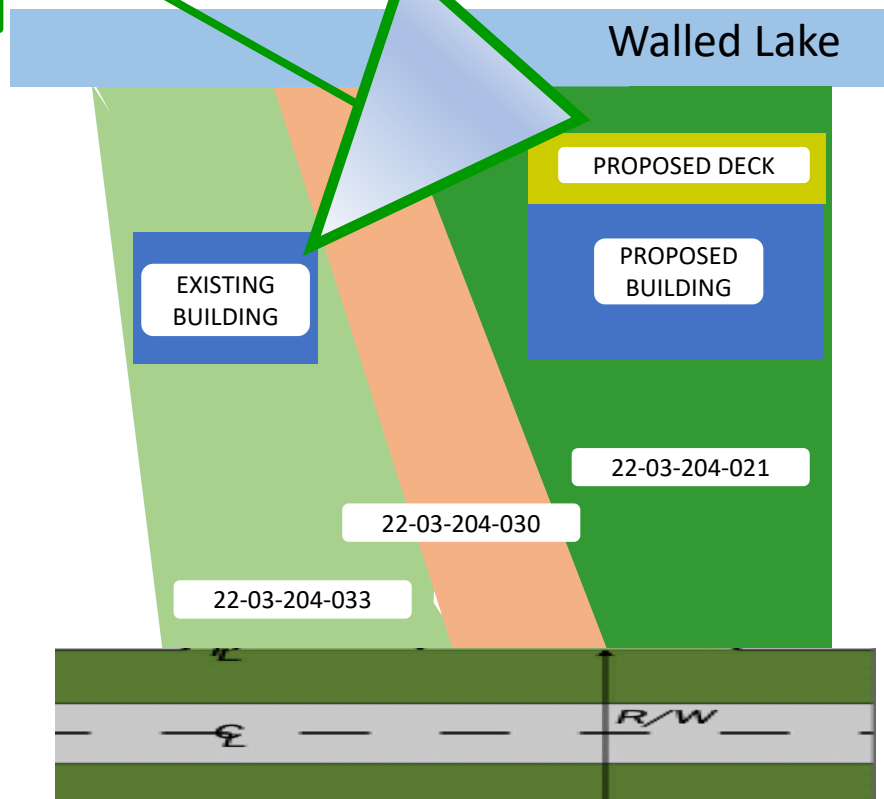
- Current Deck Facts**
- Deck extends to water (ZERO setback)
 - Deck NorthEast (NE) edge 10 feet from property line
 - Deck has dense wood railing obstructing view



Unobstructed View across our property 27 feet

- Proposed Deck Facts**
- New Deck 13.5 feet from water
 - New Deck NE edge now 26 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

Community Consideration 2 – Reduced house width based upon neighbor request

Neighbor views improved by 150% vs original plan

Original Plan

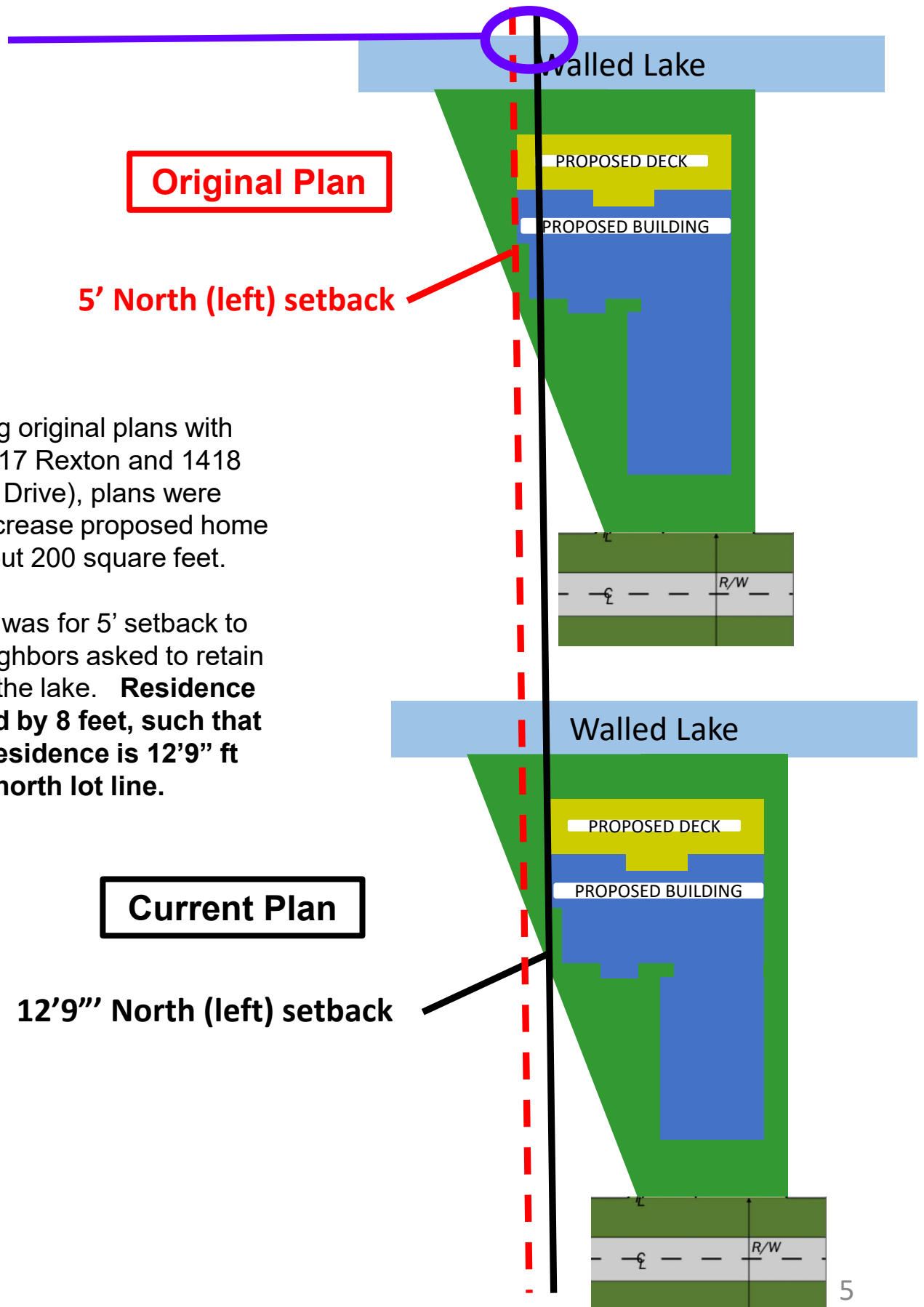
5' North (left) setback

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.**

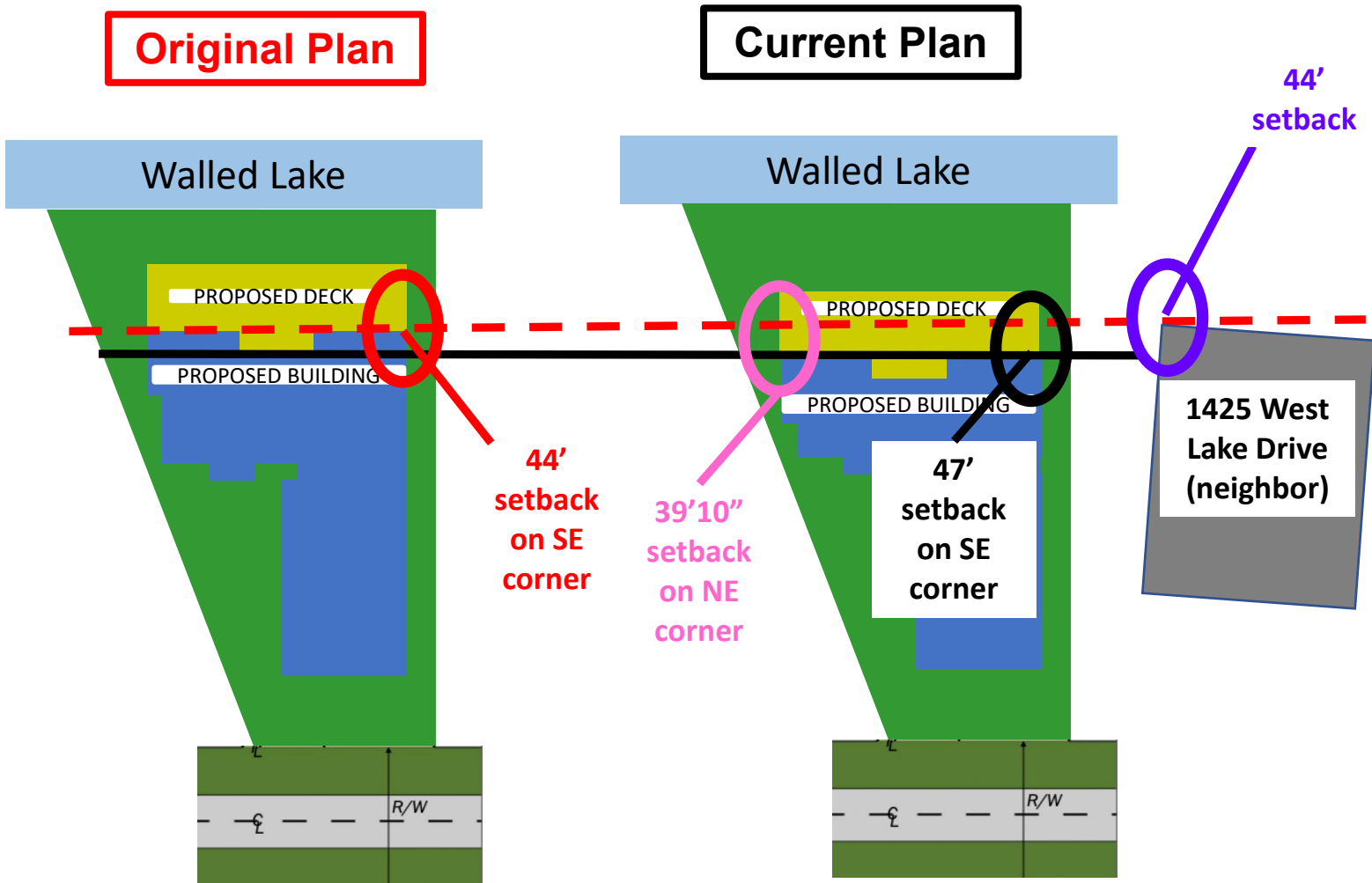
Current Plan

12'9" North (left) setback



R-4 1419 West Lake Drive

Community Consideration 3 – 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

Additional Community Considerations

- Code rear yard set back is 35 feet. Kept home 40 feet from the lake to not impact neighbor views.
- 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 19 lakefront property variances approved by the City of Novi ZBA from 2018 through present, the requested variances for 1419 West Lake Drive are conservative.

1419 West Lake Drive

Additional Design Input from Neighbors

Design Suggestion	Suggested By	Assessment	Comments
<p>"...a three car garage, instead of the 4 car garage requested....would allow the entire structure including the deck to slide back from the lake"</p>	<p>Neighbor Condon</p>	<p>Not Viable</p>	<p>This is not a viable option – it makes no sense. We would be placing the house in a “tunnel” between two other homes. This would reduce the home value by \$100,000 or more – we would not make this significant planned investment just to put the home in a tunnel.</p> <p>The new home design (39’10” setback) is compliant with the rear yard setback requirement of 35 feet – no variance is needed. We stayed further from the lake than the ordinance requirement to be considerate of the neighbors. The suggestion to push the home even further from the lake is disingenuous, at best.</p> <p>We are also compliant with the front yard setback of 30 feet. Pushing the house further toward the road would require an additional variance.</p> <p>Additionally, the ZBA has granted numerous garage square footage variances throughout the community and also on the lake. Garage variances granted on the lake were an average of 275 square feet and city-wide were an average of 439 square feet (see slide 6) (our approved variance is 158 feet). It is clear that homeowners and buyers are desirous of larger garages.</p> <p>Even with a larger garage, we are at a conservative 32% lot coverage (vs average granted of 36% and a maximum of 54%) and the proposed home/deck east/west footprint is smaller than the current home (see slide 7)</p> <p>The current home design/location on the lot was developed after hearing all neighbor concerns and addressing those concerns as best we could.</p>
<p>Have a smaller home</p>	<p>Neighbors Wood and Batalucco</p>	<p>Not Viable</p>	<p>First, there is no maximum square footage ordinance.</p> <p>Additionally, we are making a SIGNIFICANT investment in the community. While we intend to live in this home for many years, we do have to protect for resale value. When someone buys a modern, custom home, they expect modern spaces and features.</p>