

**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**

**Case No. 12-042 1929 West Lake Dr**

**Location: 1929 West Lake Dr**

**Zoning District: R-4, One-family Residential District**

The applicant is requesting variances from Table 2400 of the Novi Zoning Ordinance to allow a reduction the required south side yard setback of 10 ft. to 0.5 ft. a reduction in the required 25 ft. aggregate side setback to 23.5 ft, and a reduction of the 35' required rear setback to 30' for proposed addition to an existing nonconforming residence. The applicant is also requesting a variance to increase the height of a single story portion of the existing non-conforming residence. The property is located east of West Lake Drive and north of South Lake Drive.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum side yard setback of 10 ft., and 25 ft. aggregate for the two side yards. Section 2502(4) limits the improvements allowed to a nonconforming structure.

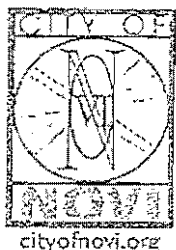
**City of Novi Staff Comments:**

The applicant is proposing construction of an addition to the waterfront side of an existing single family residence located on a narrow lakefront lot. The addition would match the existing side setback on the south side of the property with the exception of a fire place enclosure and would also provide less than the required aggregate total of side setbacks due to additional width beyond the existing structure on the north side. The proposed work includes additional of new second floor level space above an existing (1) story portion of the nonconforming building. Staff supports the consideration of the variances provided substantial justice can be served for adjacent property owner and that the fireplace structure be eliminated or relocated within the proposed building envelope.

**Standards for Granting a Dimensional Variance:**

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



cityofnovi.org

# ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department  
(248) 347-0415 (248) 735-5600 fax

For Official Use Only

ZBA Case No. 2BA12-042 ZBA meeting date 9/11/12

Payment received Cash Check # \_\_\_\_\_  
Include payment with cash or check written to "City of Novi"

### TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application, 13 copies of the application and 13 copies of all supporting documentation relevant to the appeal.

Applicant's Name Daniel Lessard Date 7-31-2012

Company (if applicable) LESSARD Construction

Address\* 25400 Milford RD City South Lyon

State MI Zip code 48178 \*Where all case correspondence is to be mailed

Applicant's E-mail address DLESSARD48178@YAHOO.COM

Phone number 248-431-8562 Fax number \_\_\_\_\_

Request is for:  
 Residential  Vacant property  Commercial  Signage

Address of subject ZBA case 1929 West Lake DR Zip code 48377

Cross roads of property West Park / Pontiac TR1

Sidwell number 50-22-03-131-027 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction?  Yes  No

Zoning (Please circle one)  
R-A R-1 R-2 R-3 R-4 RM-1 RM-2  
MH B-1 B-2 B-3 F-1 F-2 NCC OS-1  
OS-2 OSC OST RC TC TC-1 \_\_\_\_\_ Other

Property owner name (if other than applicant) \_\_\_\_\_

Does your appeal result from a Notice of Violation or Citation issued?  
 Yes  No

Indicate Ordinance section(s) and variances requested:

- 1. Section 2400 Variance requested
- 2. Section 2400 Variance requested
- 3. Section 2400 Variance requested
- 4. Section 2505 (4) Variance requested

9.5' Variance to allow 0.5' side set Back

1.5' Variance to allow 23.5' aggregate Side Set Back

~~2' off Rear setback~~

~~7' South side setback~~

~~9' chimney set Back~~

Variance to allow for existing No conforming structure

Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

Existing House Build close to lot line. want to remodel not R build.

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

Narrow lake lot.

There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

**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 the 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.

Variance expiration:

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.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City.

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
- Accessory building
- Use
- Signage
- Other

*D. J. Gassl.*

Applicant's Signature

7-31-2012

Date

*Robert W. Hill*

Property Owners Signature

7-31-2012

Date

DECISION ON APPEAL

           Granted

           Denied

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date

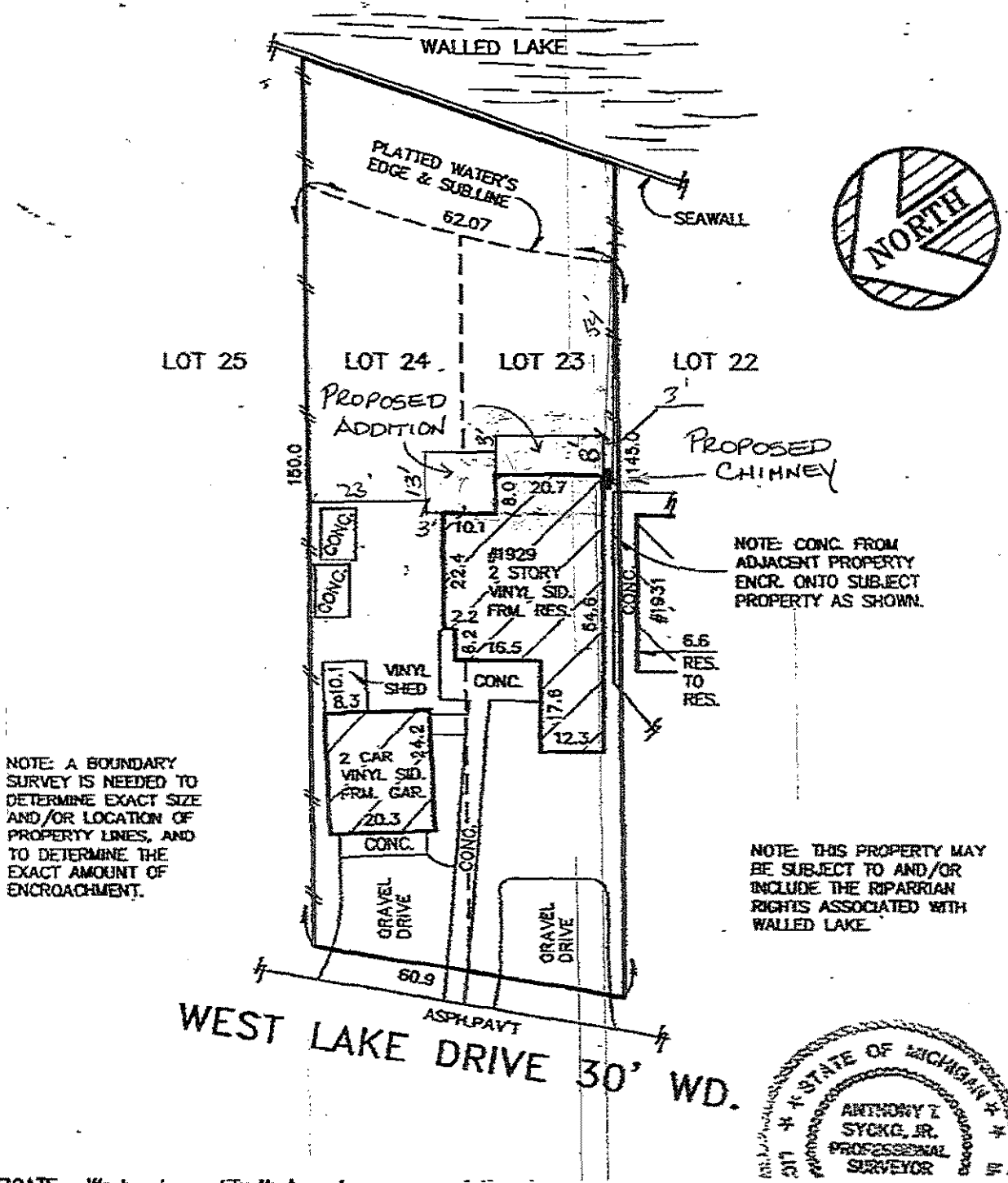
# MORTGAGE SURVEY

Certified to: SUCCESS MORTGAGE PARTNERS

Applicant: ROBERT M. AND BRENDA G. TOPP

Property Description:

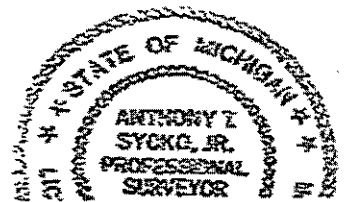
Lots 23 and 24; BENTLEY SUBDIVISION, located in the N.W. 1/4 of Section 3, T.1 N., R.8 E., Township of Novi (now City of Novi), Oakland County, Michigan, as recorded in Liber 10 of Plats, Page 3 of Oakland County Records.



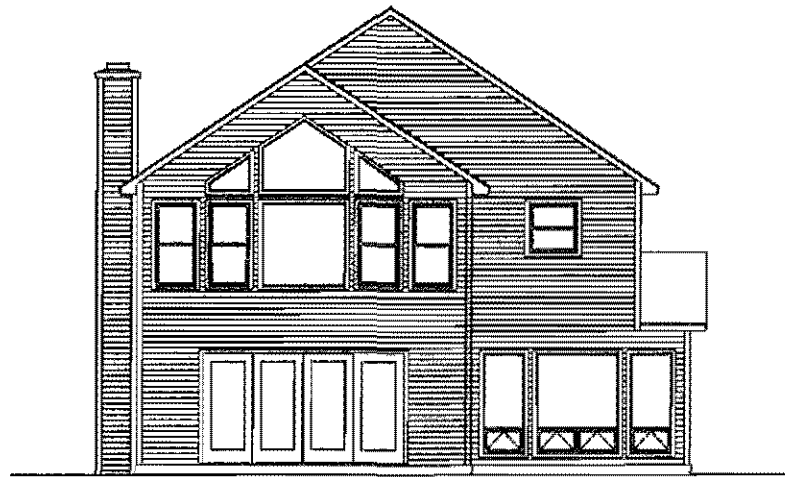
NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND TO DETERMINE THE EXACT AMOUNT OF ENCROACHMENT.

NOTE: CONC. FROM ADJACENT PROPERTY ENCR. ONTO SUBJECT PROPERTY AS SHOWN.

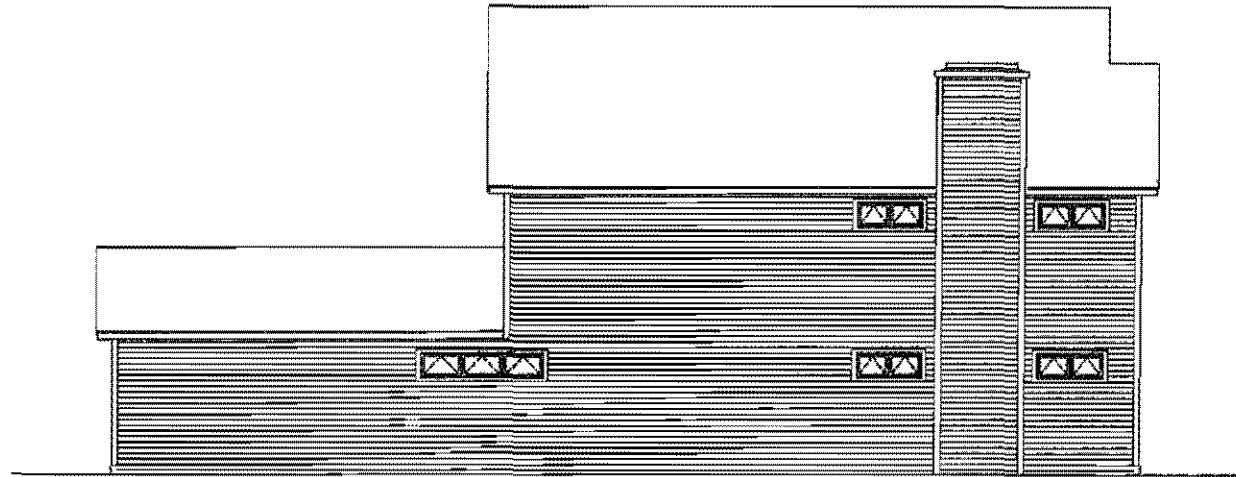
NOTE: THIS PROPERTY MAY BE SUBJECT TO AND/OR INCLUDE THE RIPARIAN RIGHTS ASSOCIATED WITH WALLED LAKE.



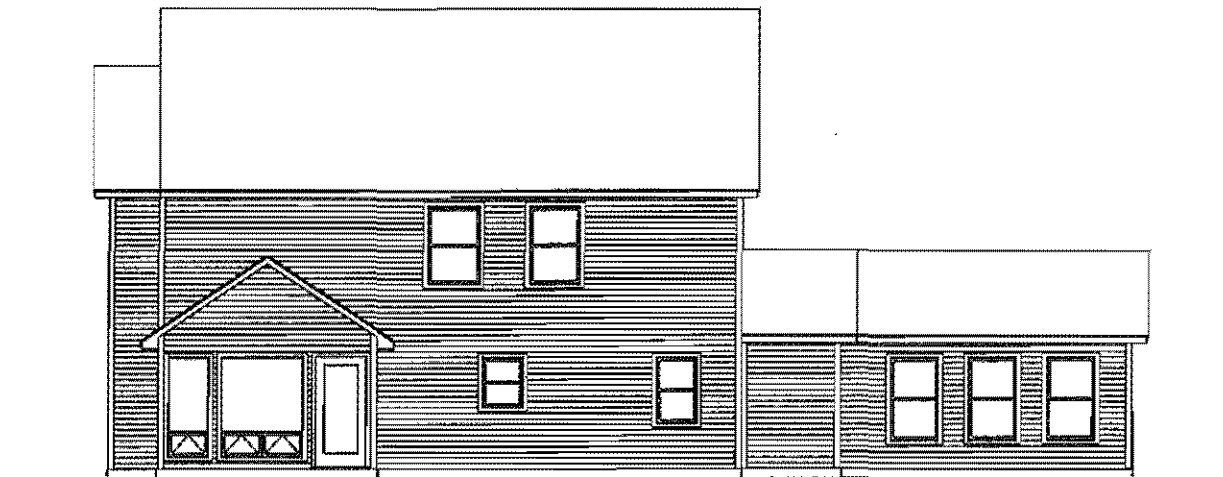




FRONT ELEVATION (LAKE SIDE)  
SCALE: 1/4" = 1'-0"



LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



REAR ELEVATION (STREET SIDE)  
SCALE: 1/4" = 1'-0"

MODIFY, LLC  
 1781 E. 10TH AVE  
 SUITE 107  
 BOZEMAN, MONTANA 59717  
 (406) 552-1111

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DESIGNED BY: BOB HILL and BRENDA TOPP  
 DRAWN BY: BOB HILL and BRENDA TOPP  
 CHECKED BY: BOB HILL and BRENDA TOPP  
 DATE: 10/20/2011

NO.	DATE	DESCRIPTION

