

cityofnovi.org

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

**Case No. PZ14-0027**

**Location: 1957 West Lake Drive**

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

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503 (1)(E)(3), to allow construction of an 528 square foot detached garage in the front of the property on an existing lakefront lot with a reduced south side yard setback of 4.0 ft, a reduced aggregate side setback of 7.0 ft., a reduce front yard setback of 19.0 ft., and maximum lot coverage of 29%. The property is located east of Beck Road and south of W. Pontiac Trail.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum and aggregate side yard setbacks of 10 ft. and 25 ft. respectively, a front yard setback of 30 ft. and maximum lot coverage of 25%.

**City of Novi Staff Comments:**

The applicant is proposing to remove existing nonconforming detached garage and construct a new detached garage within the minimum front and side setbacks of an existing lakefront lot. Staff supports the request provided the requested variance is found to not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

**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 because\_\_\_\_\_.
- The need is not self-created because\_\_\_\_\_.
- 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 because\_\_\_\_\_.
- 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 because\_\_\_\_\_.
- 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 because\_\_\_\_\_.



cityofnovi.org  
ZBA Case No.

# ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

## For Official Use Only

P2140027

ZBA meeting date

July

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

### TO BE COMPLETED BY APPLICANT - PLEASE PRINT

\*\*\*Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name Mark & Tina Miller Date June 2, 2014

Company (if applicable) \_\_\_\_\_

Address\* 1957 W. Lake Drive City Novi

State MI Zip code 48377-1343 \*Where all case correspondence is to be mailed

Applicant's E-mail address markmill4@aol.com and/or tmmu14@aol.com

Phone number 810-938-8911 and/or 810-938-3131 Fax number \_\_\_\_\_

Request is for:

- Residential
- Vacant property
- Commercial
- Signage

Address of subject ZBA case 1957 W. Lake Drive Novi, MI Zip code 48377-1343

Cross roads of property Penhill Rd & W. Lake Drive

Sidwell number 50-22- 03-155-003 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     I-1     I-2     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	<u>2400 south setback</u>	Variance requested	<u>Minimal-10', proposed-4.5', variance requested-5.5'</u>
2.	Section	<u>2400 north setback</u>	Variance requested	<u>Minimal-10', proposed -3', variance requested-7'</u>
3.	Section	<u>2400 front setback</u>	Variance requested	<u>Minimal-35', proposed-19', variance requested-16'</u>
4.	Section	<u>2400 Lot Coverage</u>	Variance requested	<u>25%, proposed - 29%, variance requested - 4%</u>

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

- All property lines and dimensions correlated with the legal description.
- The location and dimensions of all existing and proposed structures and uses on property.
- Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- 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):

Historical narrow lots in Bentley Subdivision  
Customary for the neighborhood

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:

Four foot elevation change from street/driveway level to residence/property lot. see photo  
Lakefront property: unable to build garage in side yard, unable to build garage in back yard (waterside).

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

**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.

**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.

**PLEASE TAKE NOTICE:**

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

- Construct new home/building
- Accessory building
- Use
- Addition to existing home/building
- Signage
- Other

Mark Miller  
Applicants Signature

JUNE 2, 2014  
Date

Mark Miller  
Property Owners Signature

JUNE 2, 2014  
Date

**DECISION ON APPEAL**

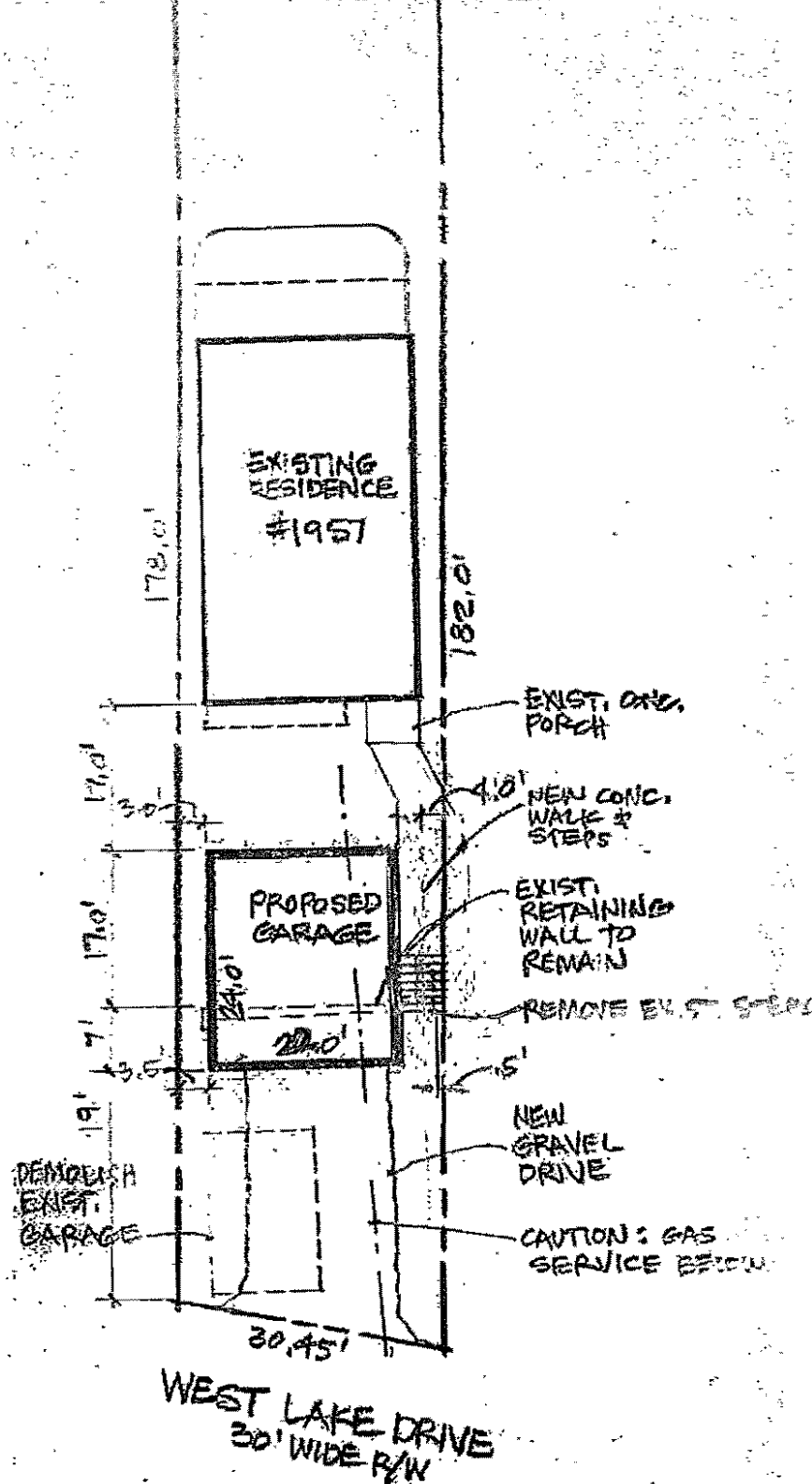
\_\_\_\_\_ Granted

\_\_\_\_\_ 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

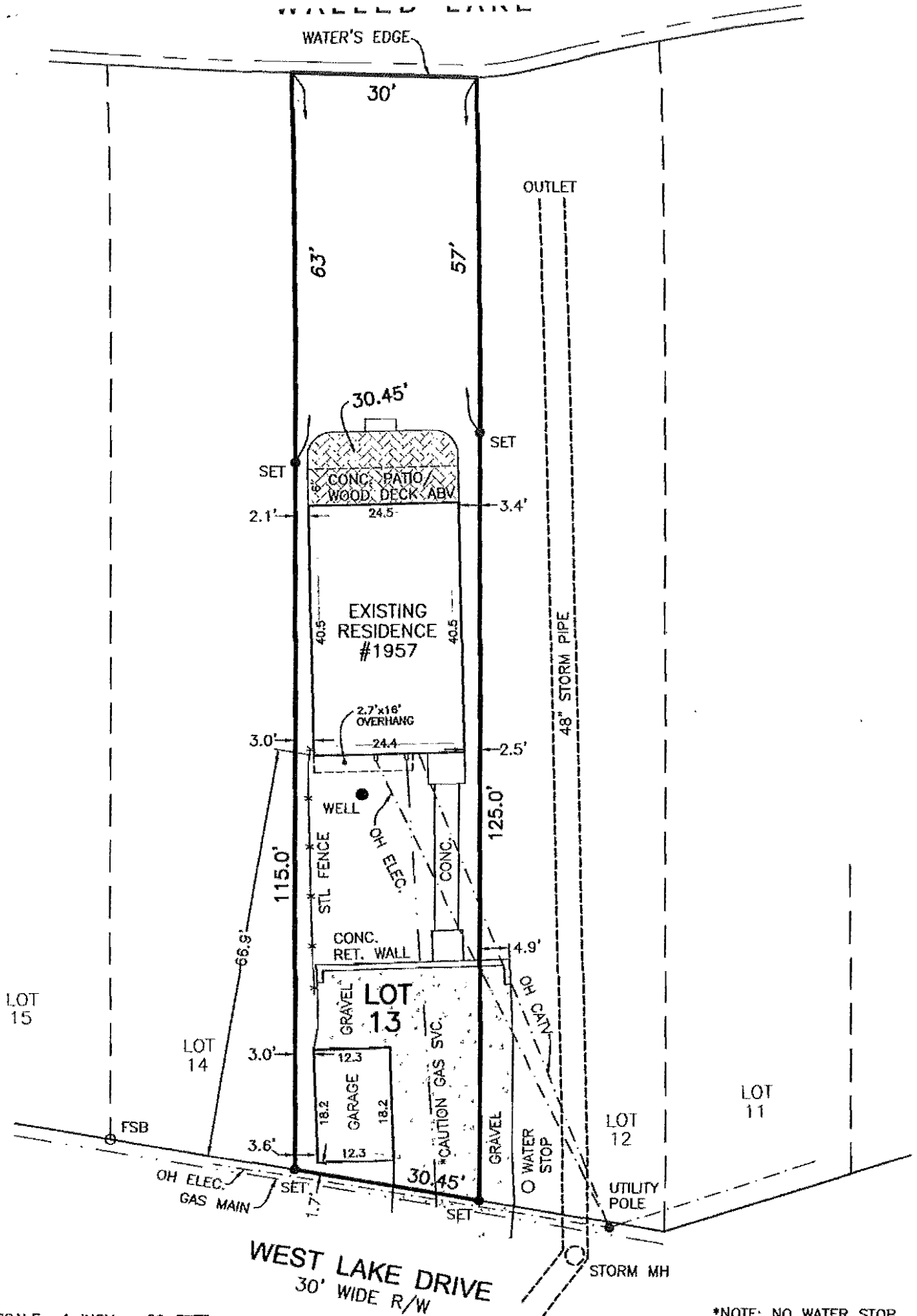
\_\_\_\_\_  
Date



NOT TO SCALE

 PROPOSED SITE PLAN

WATER'S EDGE

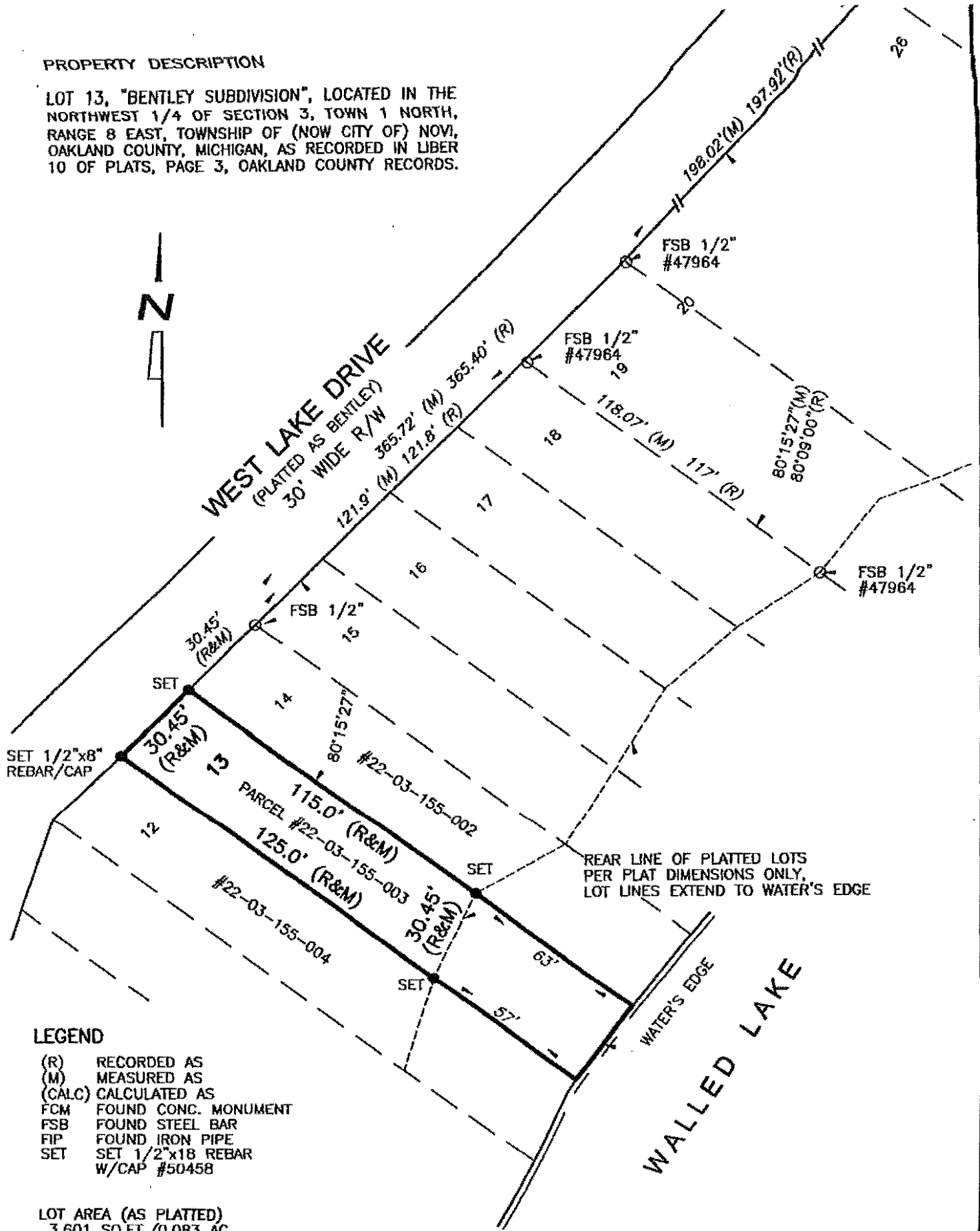


SCALE: 1 INCH = 20 FEET

\*NOTE: NO WATER STOP BOX FOUND ON LOT 13

**PROPERTY DESCRIPTION**

LOT 13, "BENTLEY SUBDIVISION", LOCATED IN THE NORTHWEST 1/4 OF SECTION 3, TOWN 1 NORTH, RANGE 8 EAST, TOWNSHIP OF (NOW CITY OF) NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 10 OF PLATS, PAGE 3, OAKLAND COUNTY RECORDS.



**LEGEND**

- (R) RECORDED AS
- (M) MEASURED AS
- (CALC) CALCULATED AS
- FCM FOUND CONC. MONUMENT
- FSB FOUND STEEL BAR
- FIP FOUND IRON PIPE
- SET SET 1/2"x18 REBAR
- W/CAP #50458

LOT AREA (AS PLATTED)  
3,601 SQ.FT./0.083 AC.

LOT AREA (AS SURVEYED)  
5,394 SQ.FT./0.124 AC.

SCALE: 1 INCH = 40 FEET