



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: South Lake Drive, Parcel # 50-22-03-476-006 (PZ22-0045)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Ryan Szostek

Variance Type

Dimensional Variance

Property Characteristics

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

Location: South Lake Drive, east of West Park Drive

Parcel #: 50-22-03-476-006

Request

The applicant is requesting a use variance from the City of Novi Zoning Ordinance Sections 3.1.5.B and 4.19 to allow construction of an accessory structure on a vacant parcel without a permitted primary use and a dimensional variance from Section 3.1.5.D and 4.19.2.A to allow the structure to be located within the required front setback. A variance of 20 feet is requested to allow the structure to be placed 10 feet from the front property line (30 feet required). The variance requested will accommodate a changing station. This property is zoned One-Family Residential (R-4)

II. STAFF COMMENTS:

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

I move that we **grant** the use variance in Case No. PZ__-__, sought by _____, for _____ to allow Petitioner to use the property for _____ because the Petitioner has established an unnecessary hardship:

(a) Petitioner can not use the property as permitted in the _____ zoning district because (either):

1. The unique circumstances of the property consisting of _____

- 2. _____ prevents _____, or,
The physical condition of the property consisting of _____ prevents _____,

And, the condition is not a personal or economic hardship.

- (b) Using the property for _____ in the _____ zoning district will not alter the essential character of the area because _____.

- (c) Petitioner and his predecessors did not create the need for this variance because _____.

(d) **The variance is granted subject to:**

- 1. _____
- 2. _____
- 3. _____
- 4. _____

I move that we **deny** the use variance in Case No. PZ__-____, sought by _____, for _____ because the Petitioner has **not** established an unnecessary hardship:

- (a) Petitioner has not established that a hardship regarding the current zoning designation of the property, as the property can be used as zoned because _____.
- (b) Petitioner has not established unique circumstances or unique physical conditions regarding the property because _____.
- (c) The variance requested is based on the Petitioner's personal or economic hardship because Petitioner stated _____.
- (d) The proposed use will alter the essential character of area by _____.
- (e) The Petitioner has created the need for the variance by _____.

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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**CITY OF NOVI
 COMMUNITY DEVELOPMENT**

**ZONING BOARD OF APPEALS
 APPLICATION**

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION			
ADDRESS Not Addressed Vacant Parcel		LOT/SIUTE/SPACE # N/A	
SIDWELL # 50-22-03 - 476 - 006		May be obtained from the Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY South Lake Drive & Old Novi Road			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS brakepedal@gmail.com	CELL PHONE NO. 989 - 493 - 9636
NAME Ryan Szostek		TELEPHONE NO. 989 - 493 - 9636	
ORGANIZATION/COMPANY		FAX NO. 313 392 6333	
ADDRESS 240 Shamrock Hill	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>7.5</u>	Variance requested	<u>Allowance of a small structure (Changing Room) on a vacant parcel</u>	
2. Section _____	Variance requested	_____	
3. Section _____	Variance requested	_____	
4. Section _____	Variance requested	_____	
IV. FEES AND DRAWINGS			
A. FEES			
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input checked="" 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			
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines	
• Site/Plot Plan		• Location of existing & proposed signs, if applicable	
• Existing or proposed buildings or addition on the property		• Floor plans & elevations	
• Number & location of all on-site parking, if applicable		• 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 schedule 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 Allowance of small Structure on Vacant Property. (misc violation EORD22-0475)

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

Date

8/17/2022

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

8/17/2022

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

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REVIEW STANDARDS USE VARIANCE

For Use Variances: A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards.

Standard #1. Cannot Be Reasonably Used.

Explain how the land, building or structure cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

Parcel 50-22-03-476-006 is a flag shaped lake front vacant property. This property is used for lake access and recreation on Walled Lake. The property currently has no structures for either storage, shelter, or privacy and thus makes the property less usable and henceforth less valuable. This is particularly important for privacy whereas without a safe place to change into beach clothes, change diapers, etc, the property becomes unusable for many of its practical purposes.

Standard #2. Circumstances or Physical Conditions.

Explain how the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.

The parcels dimensions are irregular and do not practically allow the construction of a residential home thereby fulfilling the stated requirement of the violation against Zoning ordinance 7.5 (No Porta Potty on Vacant Land). Lot 30 specifically is 21.75" wide and as such would not allow for permanent residence. This dimensional circumstance therefore does not (by stated ordinance) allow for a structure of any structure to be assembled/located on the property

Further to this, the "structure" in question is a 4'x4' changing and storage room which is contrary to the violation's statements and has not specific non-permitted language in the referenced zoning ordinance.

Standard #3. Character of the Neighborhood.

Explain how the proposed use will not alter the essential character of the neighborhood.

The structure in question (4'x4' Changing Room) does not detract from the character or aesthetic of the neighborhood. The structure is neither obtrusive in size nor does it impede any sight lines for any neighbors having been tucked into existing woodland. The structure is constructed of high quality materials which are significantly similar in quality and style to adjacent any newly constructed lake homes. This further does not detract from the safety of quality of life of neighbors and adds safety to the existing value of the neighborhood.

Standard #4. Not Self-Created.

Explain how 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 properties original plat lines are not deviated by the previous property owners or the current property owners. This as such was not a situation was not self created. No changes to the property have been executed.



Notice of Violation

Today's Date: 06/23/2022

Expiration Date: 07/03/2022

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
David Staudt

Laura Marie Casey

Hugh Crawford

Justin Fischer

Brian Smith

Ericka Thomas

City Manager
Peter E. Auger

Community Development Director
Charles Boulard

City Planner
Barbara E. McBeth

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

Ordinance Enforcement Division
248.735.5678
248.735.5600 fax

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

cityofnovi.org

SZOSTEK, RYAN & LINDSAY
240 SHAMROCK HL
NOVI MI 48377

Subject Property:

Sidwell No.: 50-22-03-476-006

Ordinance Activity No.: EORD22-0475

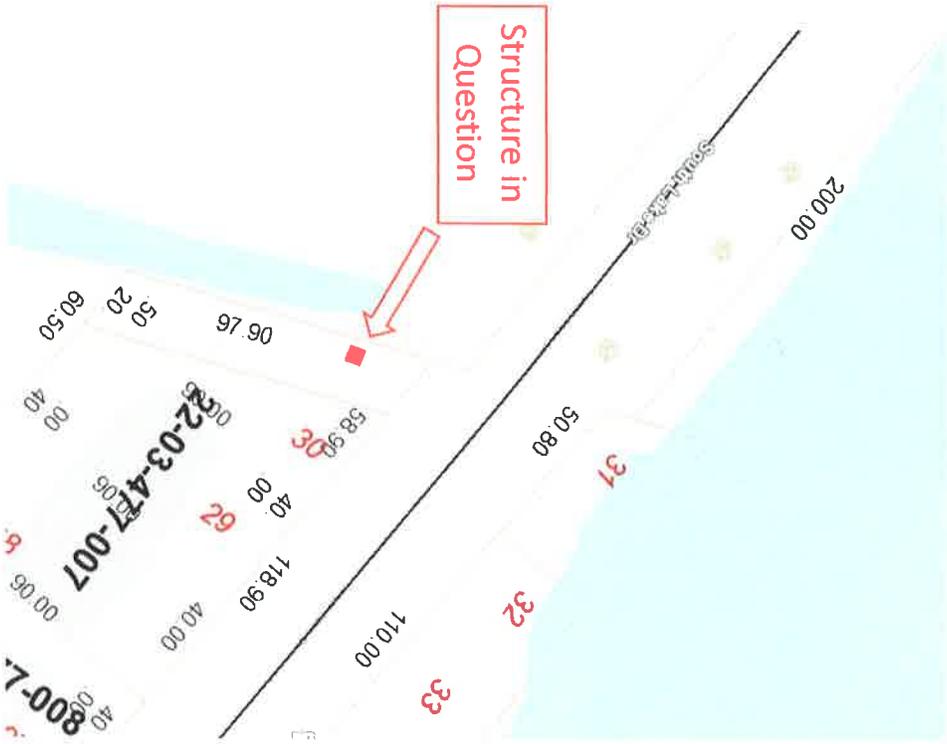
Your property is in violation of code Section: Zoning 7.5

Porta potty structure installed on this vacant parcel is prohibited. Remove the porta potty structure from this parcel within 10 days.

You will have 10 days from the date of this notice to comply with the violation cited above. Your immediate attention to this matter is requested and advised. A municipal civil infraction violation ticket will be issued for failure to comply with this matter within the time constraints stated above. Once a ticket is issued, a court appearance will be required. Please contact the Officer listed below should you have any questions with regards to this matter.

Maureen Underhill
Ordinance Enforcement Officer
(248) 735 5602
City of Novi

Site Layout



Structure Photos

Exterior



Interior



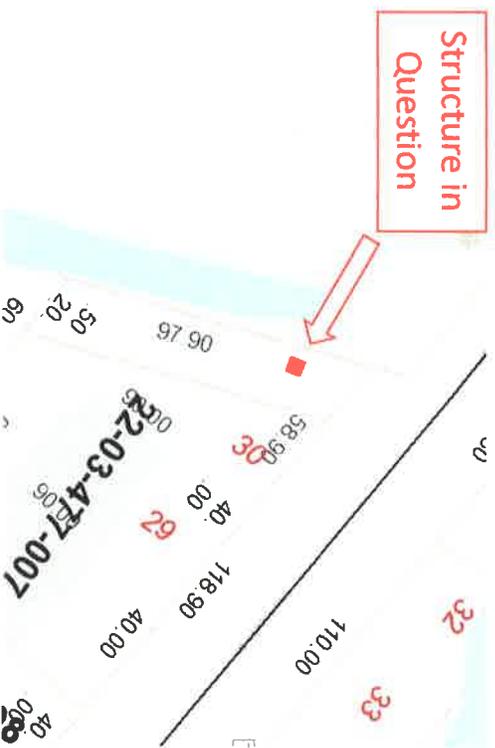
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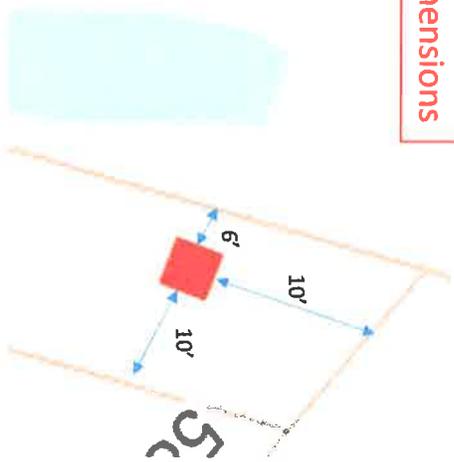
CITY OF NOVI
COMMUNITY DEVELOPMENT

Site Plan (SIDWELL 50-22-03-476-006)

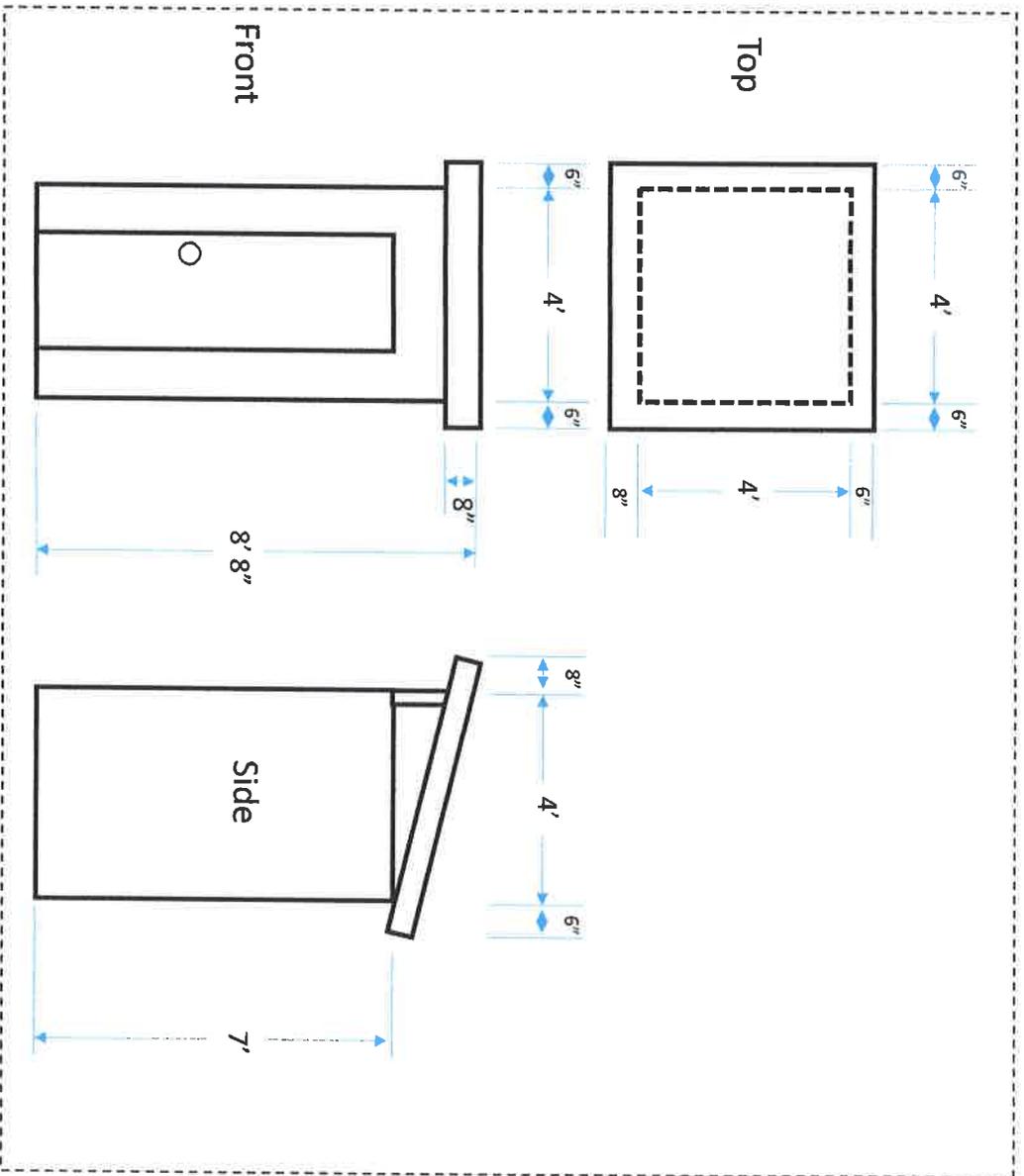
Structure in Question



Zoom with Dimensions



Dimensioned Drawings and Plans



Photos



Exterior



Interior

Vacant Property with Structures

Across the entirety of South Lake Drive and East Lake Drive there are dozens of non-riparian (ie separated by the road) lots with structures on the lake side portion of the lot.

In addition to this roughly half of the vacant properties have structures on them as well.

