

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. PZ13-0023

Location: 2012 West Lake Drive

Zoning District: R-4, One Family Residential

The applicant is requesting variances to allow reduced side yard setbacks of 5 ft., on each side respectively to allow construction of a deck on the rear of an existing home. The property is located east of West Lake Drive and north of South Lake Drive in the R-4 Zoning District.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum and aggregate side yard setbacks of 10 ft. and 25 ft. respectively.

City of Novi Staff Comments:

The applicant is proposing construction of a deck on a recently constructed single family home on an existing narrow lakefront lot. Variances were approved under ZBA 12-0014 for construction of the home, but the proposed deck will increase the nonconformity with regard to the side yard setbacks. The deck projection into the rear yard setback is allowed in the Zoning Ordinance. Staff supports the variances provided substantial justice can be provided for neighboring property owners.

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 _____



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For Official Use Only

ZBA Case No: P2130023 ZBA Date: 5/14/13 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 and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name GARY SZYMANSKI Date 4/8/13

Company (if applicable) _____

Address* 2012 WEST LAKE DR City NOVI ST MI ZIP 48377

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: _____

Phone Number (580) 344 8542 FAX Number () _____

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 2-12 WEST LAKE DR ZIP 48377

2. Sidwell Number: 5022 - 03 155 009 may be obtained from Assessing Department (248) 347-0485

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

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 OSC OST OTHER

5. Property Owner Name (if other than applicant) _____

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

- 1. Section _____ Variance requested: ENCROACH INTO SIDEYARD SETBACK FOR DECK
- 2. Section _____ Variance requested _____
- 3. Section _____ Variance requested _____
- 4. Section _____ Variance requested _____

8. 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.

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

THE PROPOSED DECK WOULD BE RENDERED NOT USABLE DUE TO
EXTREMELY NARROW WIDTH IF APPLICANT ATTEMPTED TO
CONFORM WITH THE EXISTING REQUIRED SIDE YARD SETBACK

10. 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:

DUE TO THE EXTREMELY NARROW LOT, THIS CAUSES AN
UNUSUAL BURDEN WHEN THE SETBACKS ARE APPLIED.

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 approval is void if permit not obtained within one hundred eighty (180) days of date of decision.


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.


PLEASE TAKE NOTICE:

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

- Construct New Home/Building
- Addition to Existing Home/Building
- Accessory Building
- Use
- Signage
- Other


Applicant's Signature

4/8/13
Date


Property Owners Signature

4/8/13
Date

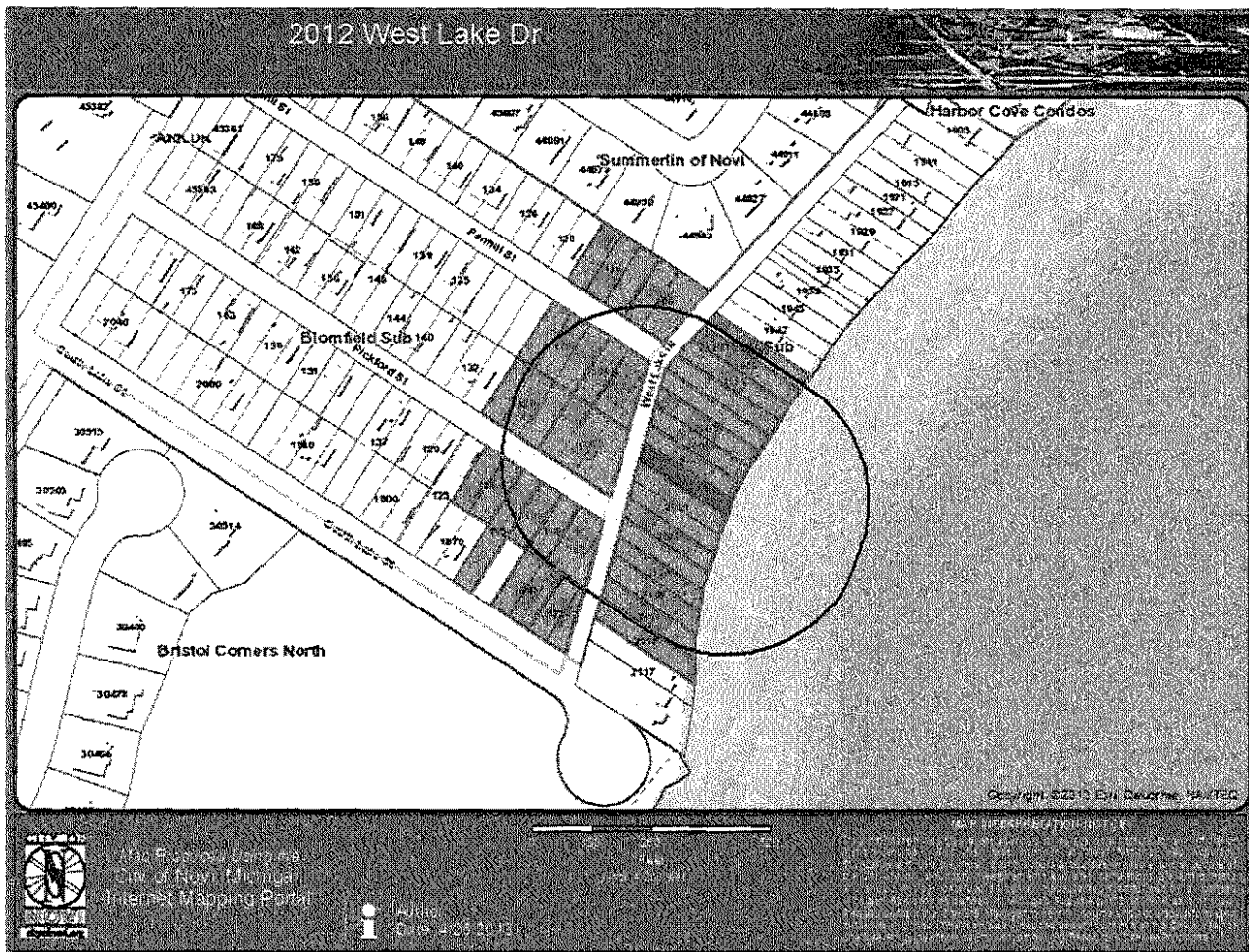
DECISION ON APPEAL

_____ Granted _____ Denied _____ Postponed by Request of Applicant _____ Board _____

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



NOTE: GRAC SWALES BE HOUSE AND

