



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: September 11, 2018

REGARDING: 1317 E Lake Dr, Parcel #50-22-02-177-005 (PZ18-0039)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

MGA Architects

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of E Lake Dr and South of Fourteen Mile Road
Parcel #:	50-22-02-177-005

Request

The applicant is requesting variances from the City of Novi Zoning Code of Ordinance Section 3.1.5 for a 4 foot proposed side yard setback, (10 feet minimum required), and an aggregate side yard setback of 16 feet, (25 feet combined aggregate required). This will allow for a second story addition to the existing non-conforming structure. This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

The existing structure on this 40 foot wide lot is existing non-conforming – the second floor addition matches the footprint of the first floor and adds a front balcony.

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. **PZ18-0039**, 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 is 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. **PZ18-0039**, 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 Petitioner's 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



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED

JUL 17 2018

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200.00
 Meeting Date: Sep. 11 2018
 ZBA Case #: PZ18-0039

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION			
ADDRESS 1317 E. LAKE DRIVE		LOT/SIUTE/SPACE #	
SIDWELL # 50-22-02-177-005		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY BETWEEN THIRTEEN & FOURTEEN MILE ROAD			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?		REQUEST IS FOR:	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS michael.g@mga-architects.net	
NAME MICHAEL J. GORDON		CELL PHONE NO. 248-318-2919	
ORGANIZATION/COMPANY MOISEWICZ/GORDON ASSOCIATES INC. ARCHITECTS		TELEPHONE NO. 248-549-4500	
ADDRESS 4351 DEVENUE COURT		FAX NO. 248-549-7300	
CITY ROYAL OAK		STATE MICH.	ZIP CODE 48073
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS markszetela	
NAME MARK & ISALY SZETELA		CELL PHONE NO. 248-345-1343	
ORGANIZATION/COMPANY		TELEPHONE NO. 248-355-2800	
ADDRESS 1317 E. LAKE DRIVE		FAX NO.	
CITY NOVI		STATE MI	ZIP CODE 48377
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>3.1.5</u> Variance requested <u>MIN. SIDE YARD SETBACK 4' PROP. 10' REQ'D.</u>			
2. Section <u>3.1.5</u> Variance requested <u>AGGREGATE SETBACK SIDE YARDS <u>16.5'</u> PROP 25' REQ'D</u>			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
<i>16.0'</i> <i>Van Mike Newsham</i> <i>8/16/18</i>			
IV. FEES AND DRAWINGS			
A. FEES			
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$200 <input 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 schedule 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 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 establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or 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



Applicant Signature

3 May 2018
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

3 May 2018
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 and conditions:

Chairperson, Zoning Board of Appeals

Date



Community Development Department

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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:

Lot is very narrow, leaving little room for addition.

and/or

- 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).

THE PRESENT OWNER DID NOT CAUSE THE NEED FOR THE VARIANCE.
THE EXISTING STRUCTURE ALREADY PREPARED THE ORDINANCE AND SITS IN
THE REQUIRED SETBACKS

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.

ANY NARROWER SECOND FLOOR WOULD NOT CREATE FUNCTIONAL ROOMS
EXPANDING INTO THE CONFORMING PART OF THE SITE WOULD IMPACT DRIVE ACCESS
TO THE GARAGE

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.

ADDING A SECOND FLOOR OVER THE EXISTING ONE STORY STRUCTURE IS
STRUCTURALLY EFFICIENT AND DOES NOT ADD TO THE NON-CONFORMITY
TWO STORY HOMES ARE COMMON IN THE DISTRICT

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.

SINCE THE SECOND FLOOR DOES NOT EXPLAIN THE NON-CONFORMITY IT
WILL HAVE NO IMPACT ON THE SURROUNDING DISTRICT AND WILL ENHANCE
PROPERTY VALUES AS THIS PROPERTY IS UPDATED AND EXPANDED ADDING
REAL VALUE.

Szetela Residence

Novi, Michigan



Moiseev/Gordon Associates, Inc.
4351 Delemere Court
Royal Oak, MI 48073
248.549.4500 voice
248.549.7300 facs.

www.mga-architects.net

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Use figured dimensions only.
Do not scale the drawings.

Client:

Mark & Isaly
Szetela

1317 E. Lake Drive,
Novi, MI 48377

Project Title:

Szetela
Residence
Renovation

1317 E. Lake Drive,
Novi, MI 48377

Sheet Title:

TITLE SHEET &
SITE PLAN

Project Number: 17229

Drawn By: MJN, RW

Checked By: AJM

Approved By: MJG

Date: 7/13/2017

Issued:

Owner Review	10-26-17
For Permit	4-24-18
For ZBA	7-16-18

Sheet Number:

SP1

PRELIMINARY NOT
FOR CONSTRUCTION

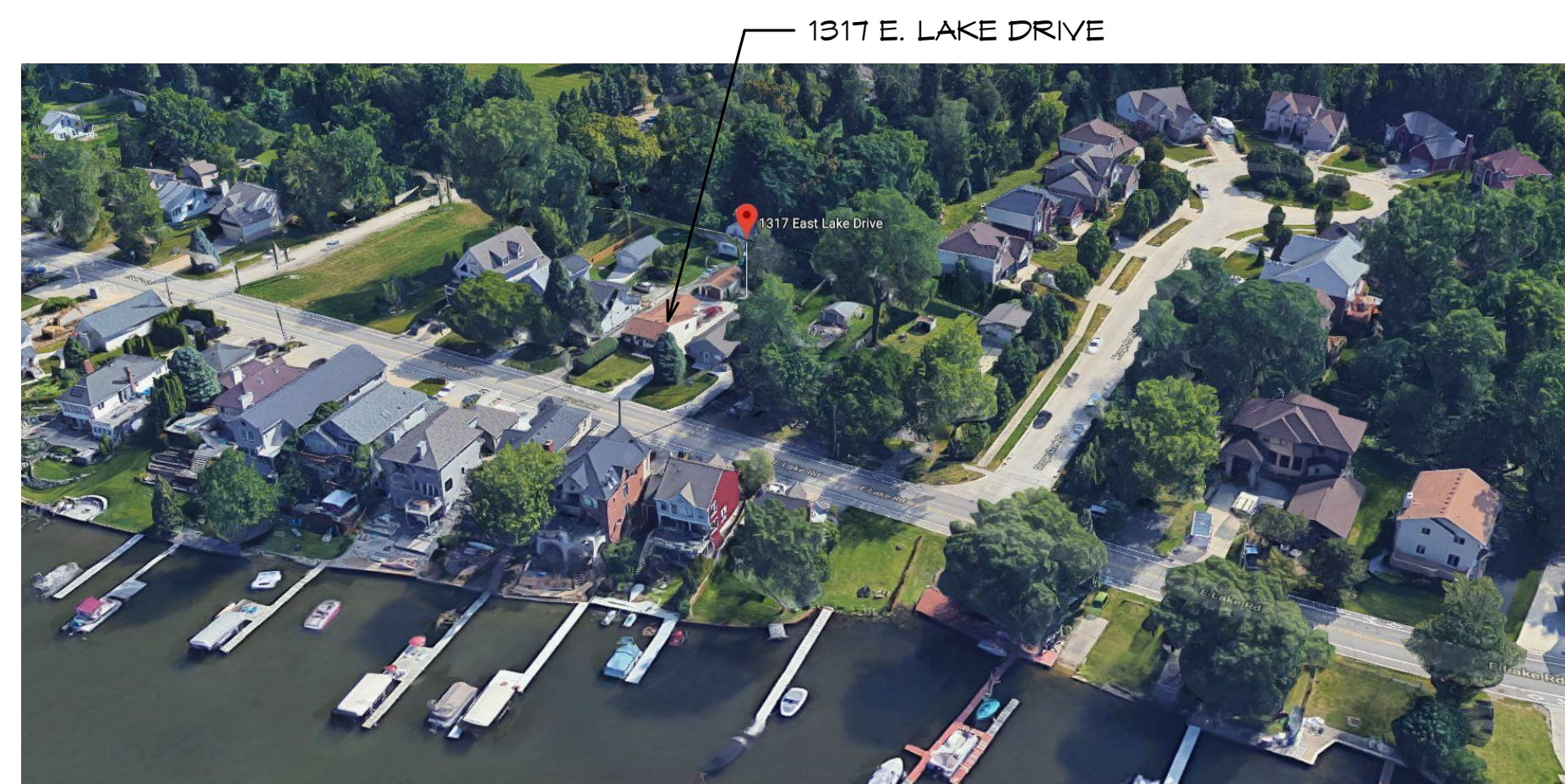
7/16/2018 10:54:15
AM

Drawing Schedule

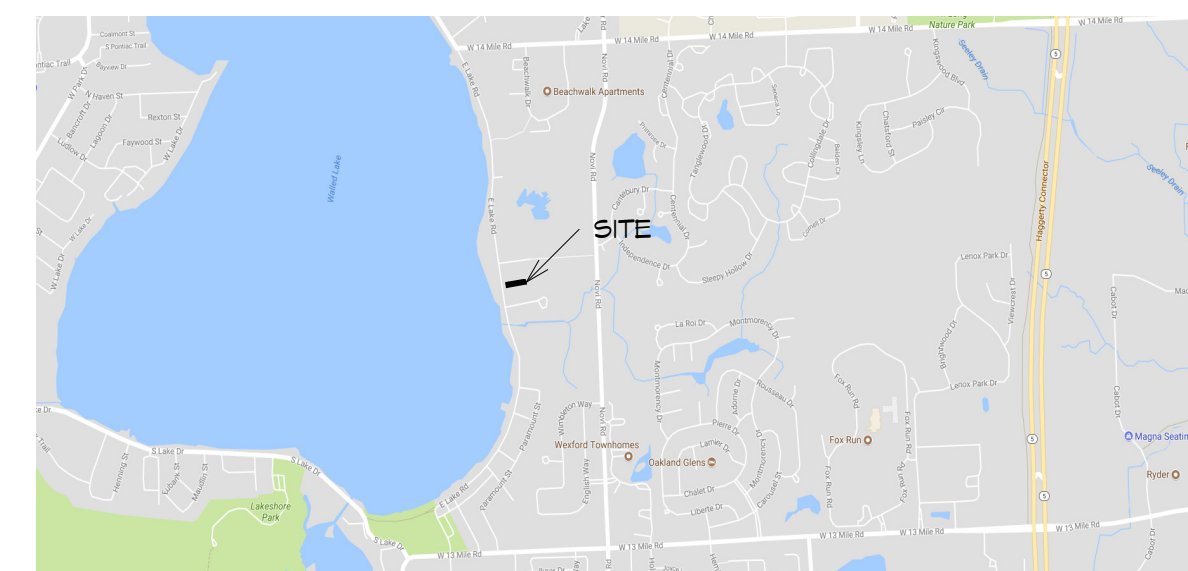
	Issued	Issued	Issued	Issued	Issued	Issued	Issued	Issued
	Owner Review	For Permit	For ZBA					
SP-1 SITE PLAN	7-20-16	4-24-18	7-16-18					
A-1 FLOOR PLAN	7-20-16	4-24-18	7-16-18					
A-2 ELEVATIONS	7-20-16	4-24-18	7-16-18					

ZONING R-4
MAXIMUM HEIGHT: 35' TO MIDPOINT OR 2.5 STORIES, WHICHEVER IS LESS
MAXIMUM LOT COVERAGE: 25%
EXISTING LOT COVERAGE: 19.5%
PROPOSED LOT COVERAGE: 19.5%

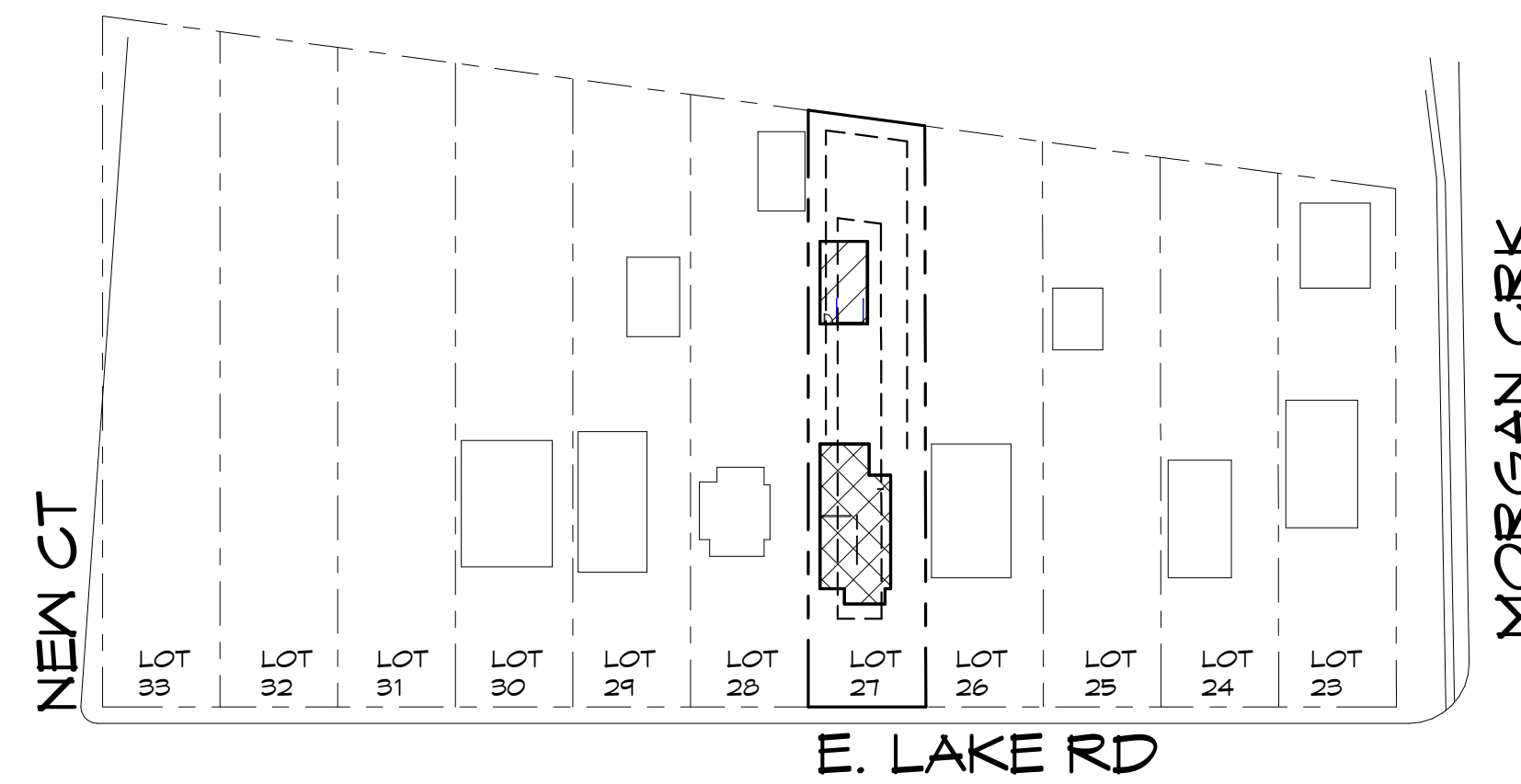
ACCESSORY BUILDING:
MAXIMUM REAR LOT COVERAGE: 25%
MAXIMUM SQUARE FOOTAGE: 350 SQFT
EXISTING REAR LOT COVERAGE: 10.4%
EXISTING SQUARE FOOTAGE: 455 SQFT



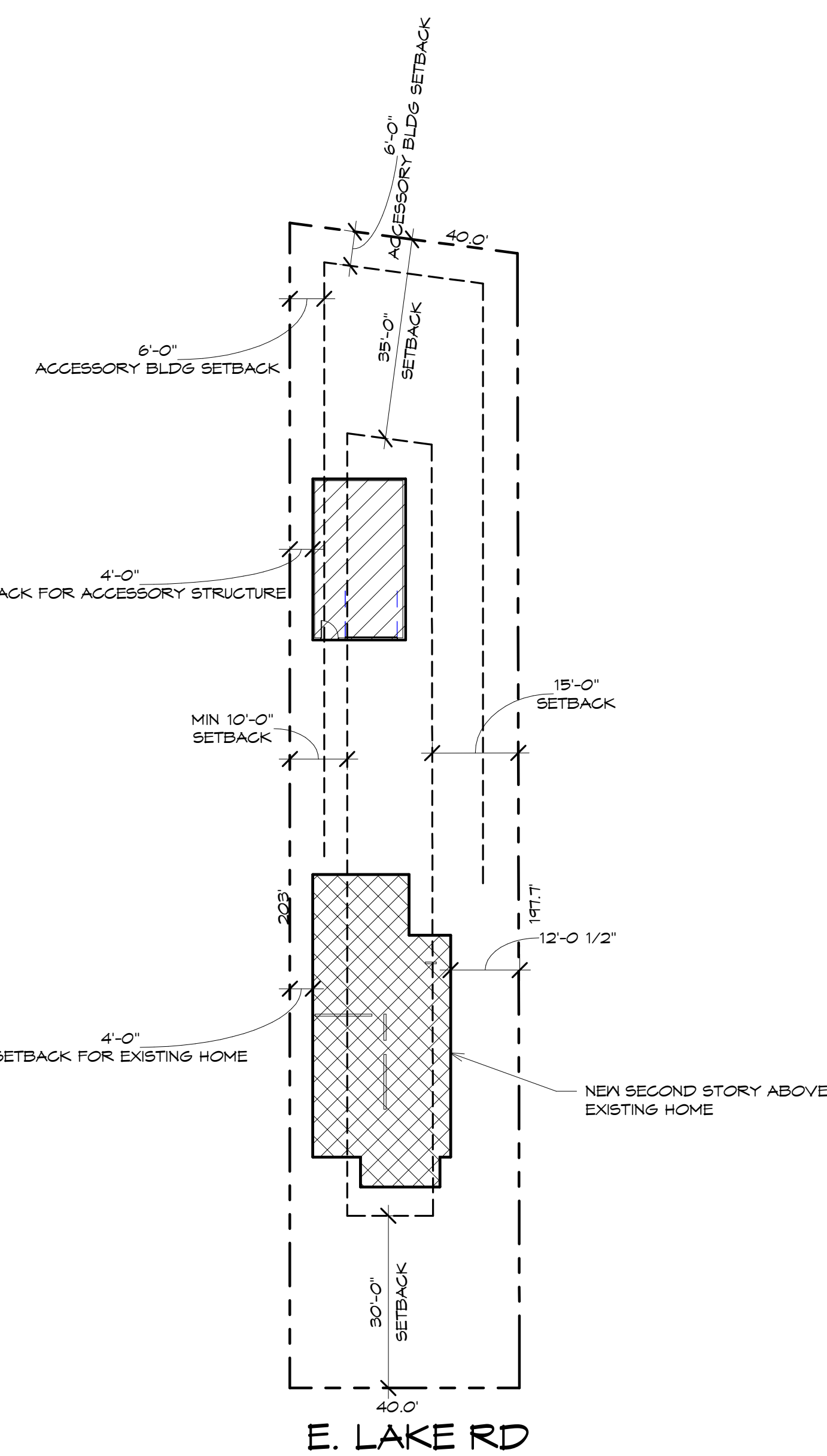
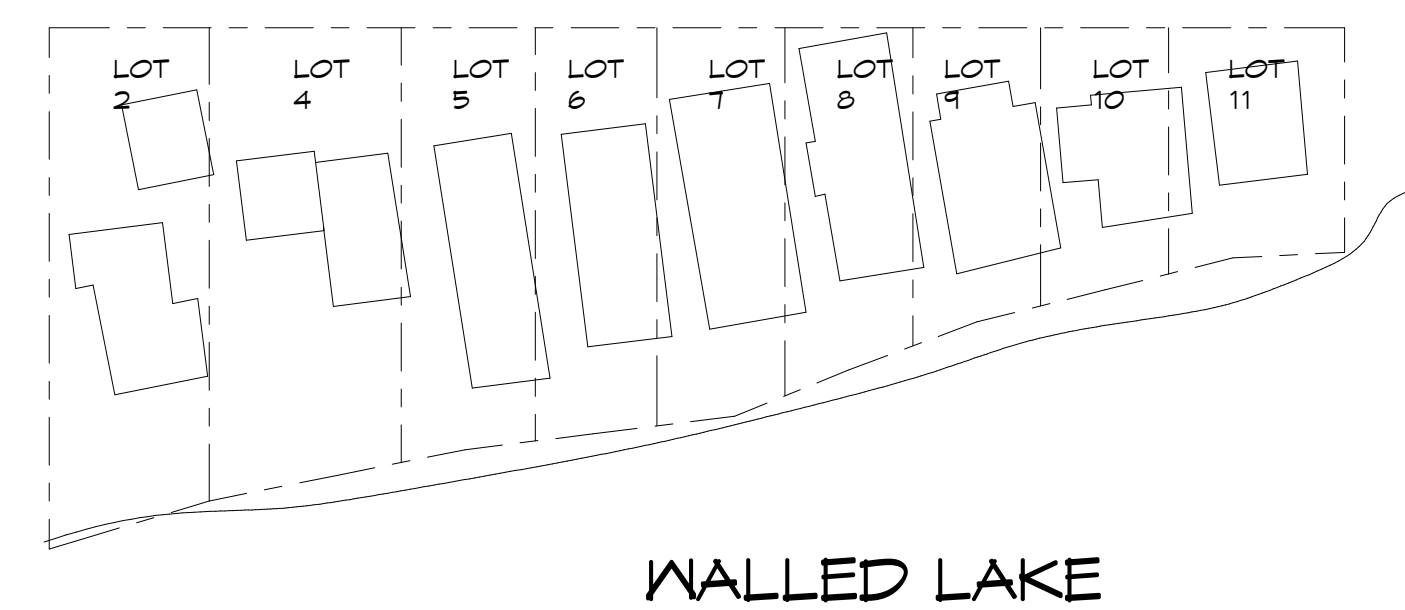
Aerial View



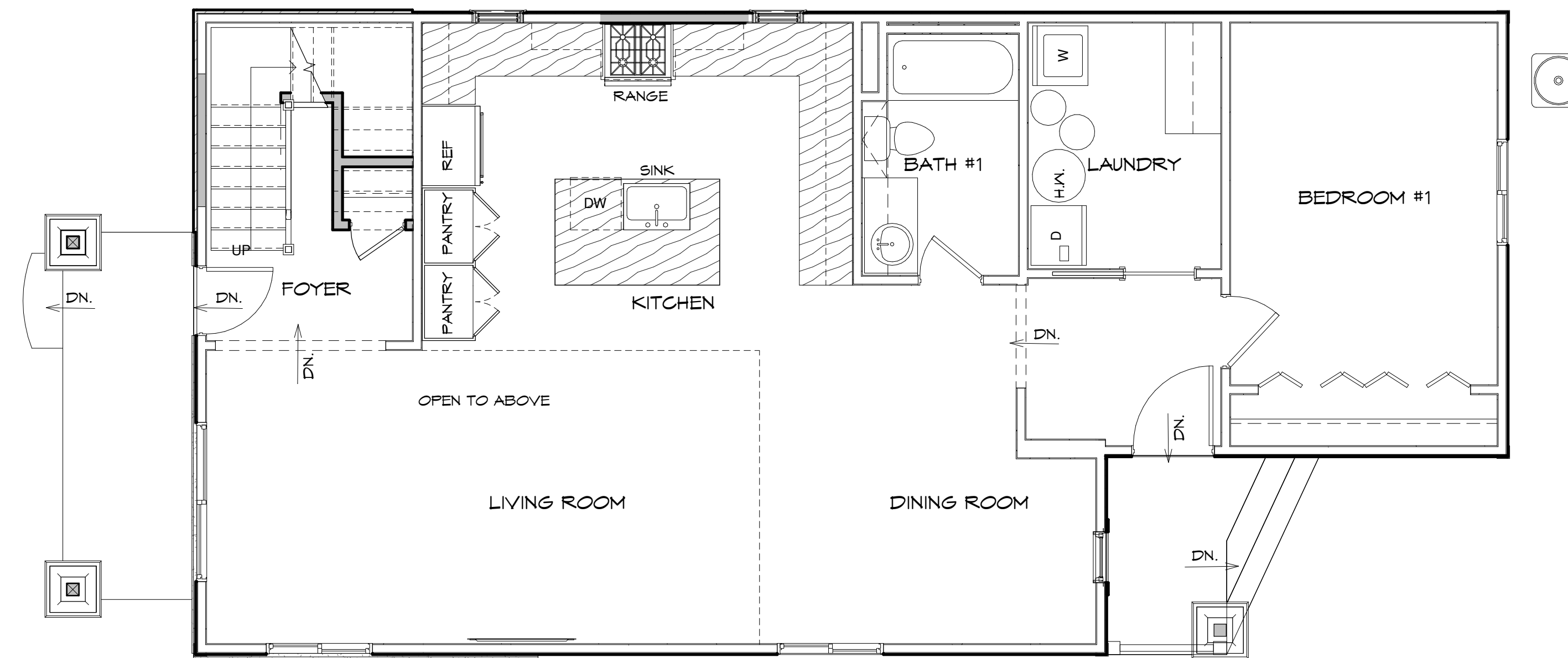
Location Map
SCALE: N.T.S.



Existing Neighborhood
Scale: 1" = 60'-0"

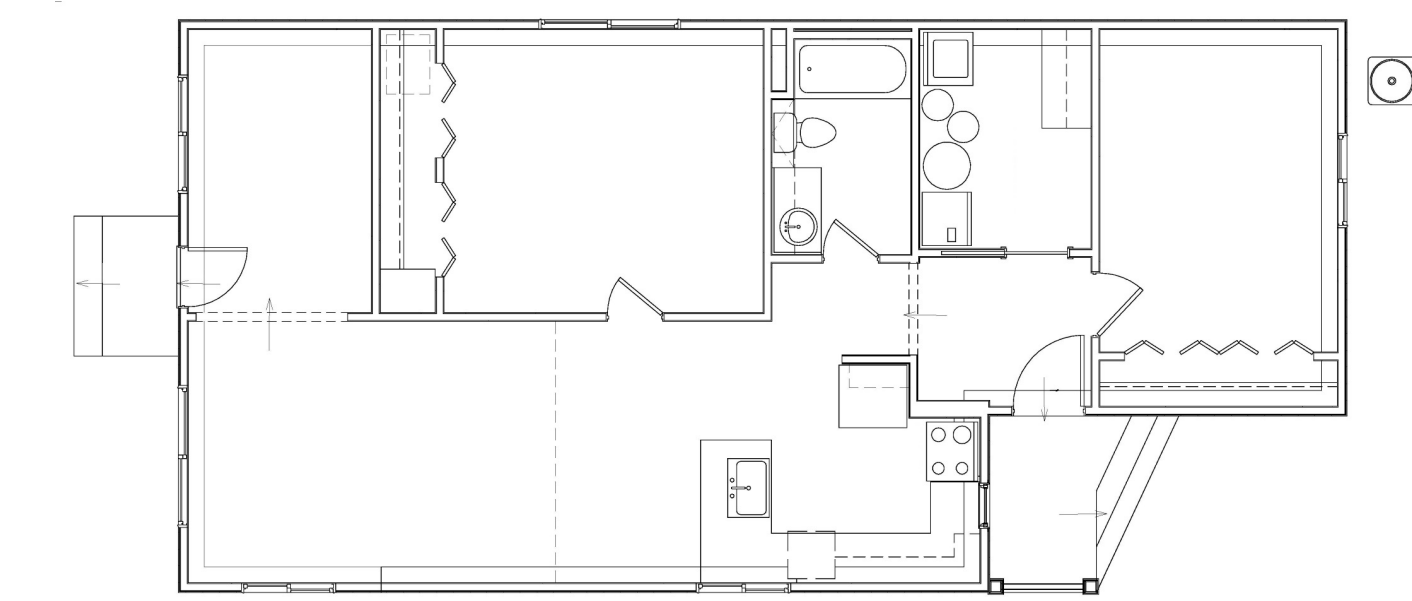


Site
Scale: 1" = 20'-0"



FIRST FLOOR

Scale: 1/4" = 1'-0"

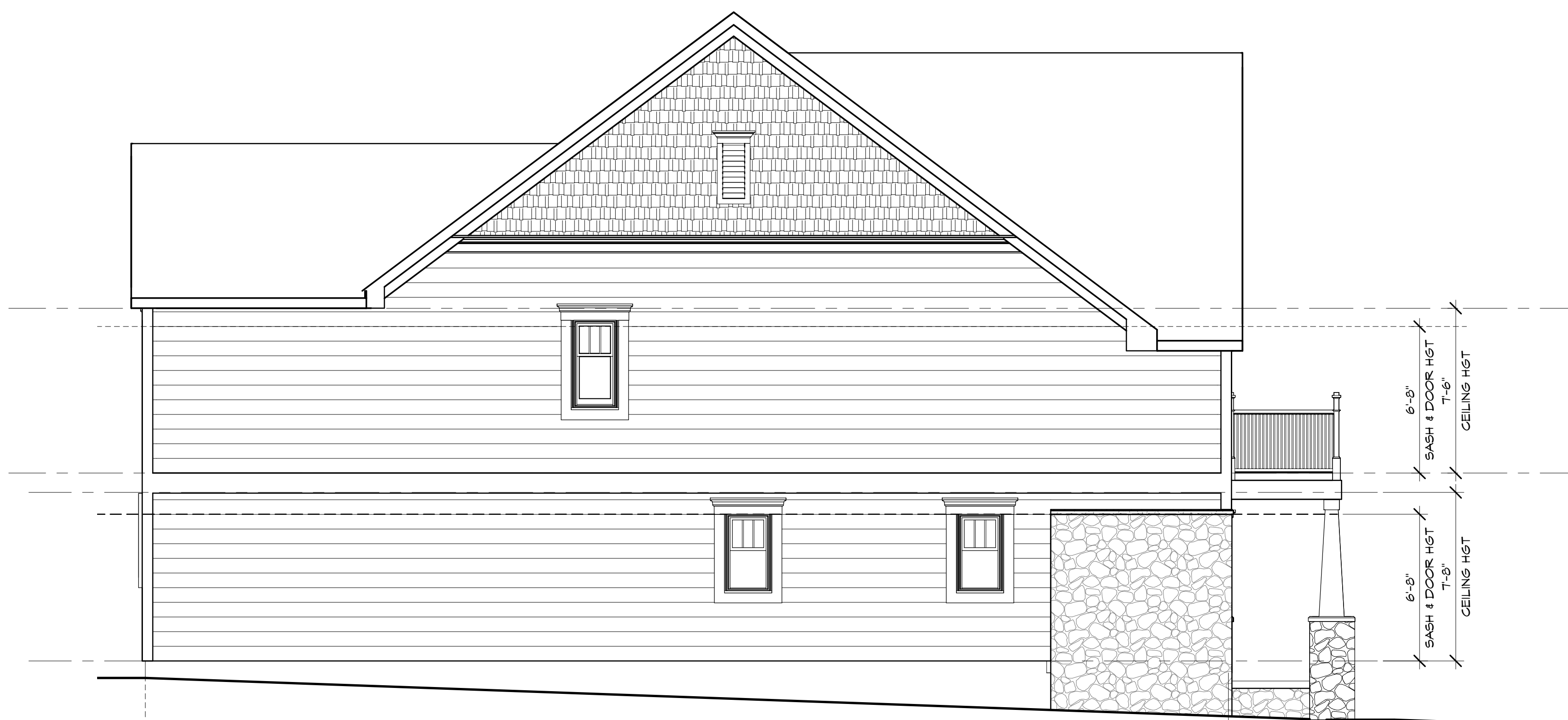


Existing Floor Plan



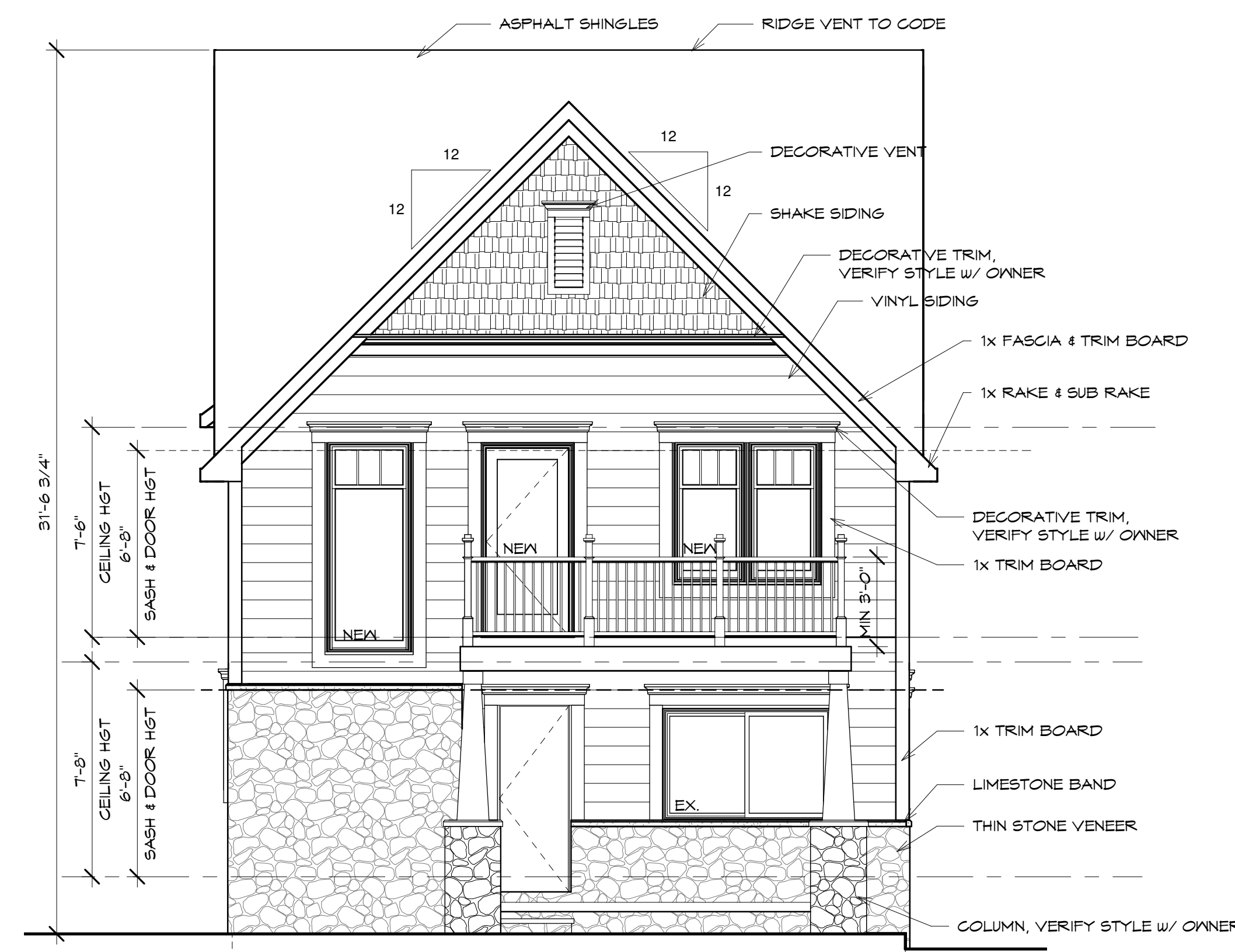
SECOND FLOOR

Scale: 1/4" = 1'-0"



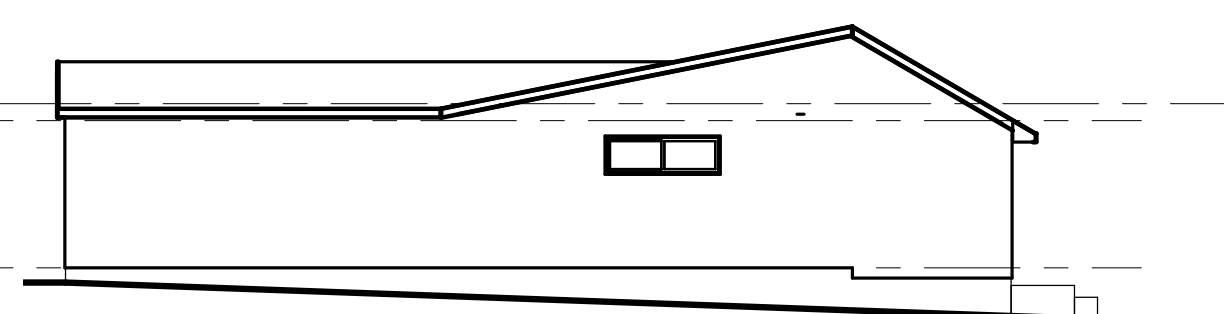
LEFT ELEVATION

Scale: 1/4" = 1'-0"

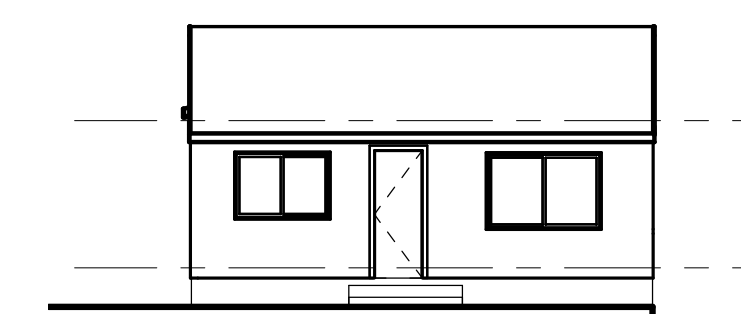


FRONT ELEVATION

Scale: 1/4" = 1'-0"



EX. LEFT ELEVATION

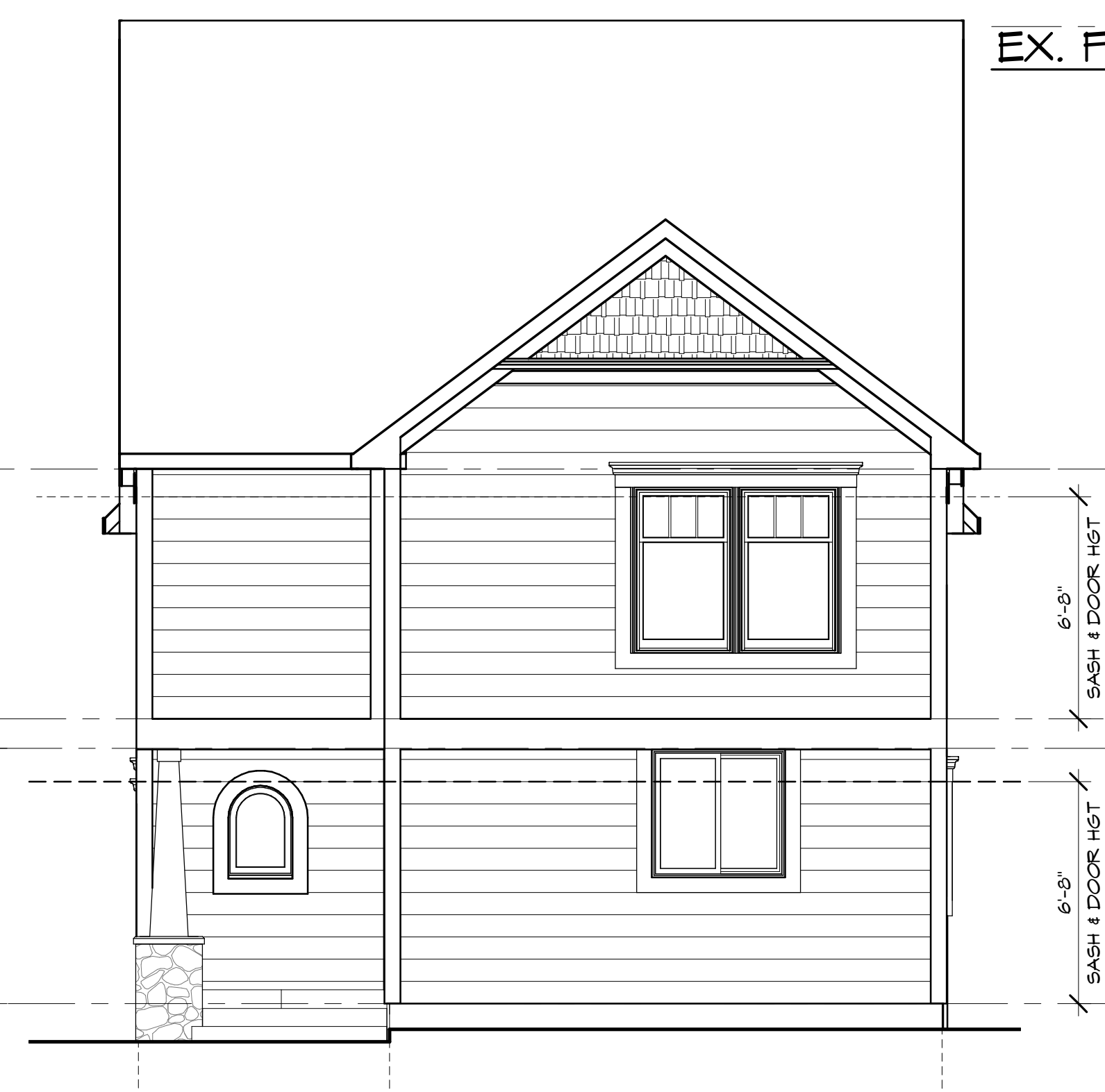


EX. FRONT ELEVATION



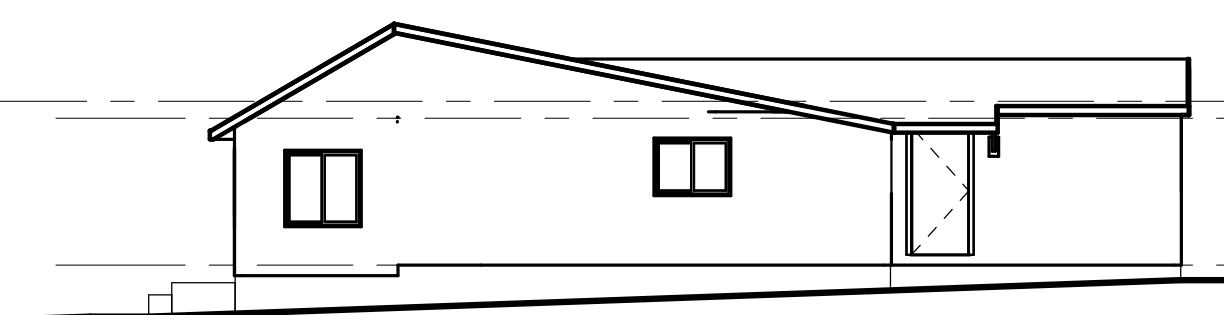
RIGHT ELEVATION

Scale: 1/4" = 1'-0"

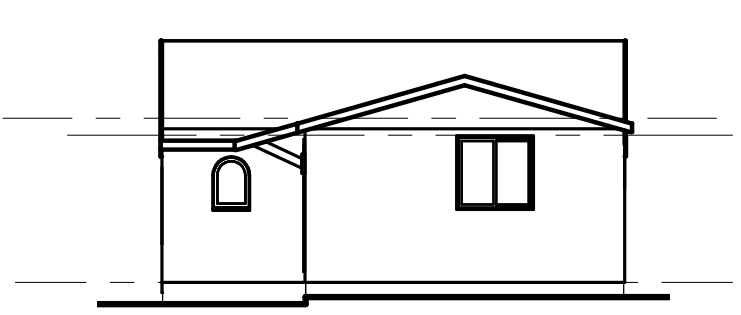


REAR ELEVATION

Scale: 1/4" = 1'-0"



EX. RIGHT ELEVATION



EX. REAR ELEVATION