



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: March 13, 2018

REGARDING: 1209 East Lake Drive, Parcel # 50-22-02-127-019 (PZ17-0055)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Adrienne Lenda

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Fourteen Mile
Parcel #:	50-22-02-127-019

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Sections 3.32-10.ii. a, for the building of a proposed 500 square foot shed on the waterfront, 100 square feet allowed by code, and 3.32-10.ii.b to allow a 10.5 foot height, 8 foot allowed by code. This property is zoned Single Family Residential (R-4).

This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

Existing shed structure to be removed.

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. **PZ17-0055**, 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. **PZ17-0055**, 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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 Novi, MI 48375
 (248) 347-0415 Phone
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**ZONING BOARD OF APPEALS
 APPLICATION**

RECEIVED

OCT 26 2017

NOVI

APPLICATION MUST BE FILLED OUT COMPLETELY CITY OF NOVI COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: \$250
PROJECT NAME / SUBDIVISION Lenda Shed				Meeting Date: Dec. 12 2017
ADDRESS 1209 East Lake De		LOT/SUITE/SPACE #		ZBA Case #: PZ17-0055
SIDWELL # 50-22- 02 127 019		May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY 14 Mile and East Lake				
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		REQUEST IS FOR: <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 adriennelenda@sbcglobal.net	CELL PHONE NO. 248 990-7522	
NAME Adrienne Lenda		TELEPHONE NO. 248 990-7522		
ORGANIZATION/COMPANY		FAX NO.		
ADDRESS 1209 East Lake Dr		CITY Novi	STATE MI	ZIP CODE 48375
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 Same		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 3,32,10	Variance requested	Shed Square footage variance of 400'		
2. Section 3,32,10	Variance requested	Height - Max height is 10.5		
3. Section _____	Variance requested _____	_____		
4. Section _____	Variance requested _____	_____		
IV. FEES AND DRAWINGS				
A. FEES				
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input checked="" 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				
<ul style="list-style-type: none"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • 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

Date

10/24/17

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

10/24/17

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

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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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:

Our lakefront property is across the street from the house and is 8' below the elevation of the road. The lot is 100' wide and 57' deep, it is very private and is barely even visible from the road when passing by. The ordinance requirements that allow a 10'x10' structure is implemented on 40' wide lots, our lot is 2.5 times wider than the minimum, so a larger shed seems like a reasonable request.

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:

Our lakefront property is across the street from the house and is 8' below the elevation of the road. The lot is 100' wide and 57' deep, it is very private and is barely even visible from the road when passing by.

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 lakefront land is across the road from the primary residence and is 8' below the road. The lake is not our backyard, it is our front yard across the street. The shed storage size allowed is small in comparison to modern water equipment. We would like to have a shed that will be able to house all of the equipment that we use in the lake, i.e. windsurfer, (the sail alone is 15' by 8', the board is 10'), paddleboards, wakeboards, surfboards, life jackets, skis, etc. All of these are big and heavy and dangerous to carry across the busy road, especially for a smaller woman like myself. Not to mention there are boat break-ins and thefts every year if you keep anything laying around. If the lake were in our backyard, the variance would not be needed.

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.

The shed that we are requesting is almost 8' below the elevation of East Lake Drive, the lot is 60' wider than many on the lots on Walled Lake, and an increase in the size of the shed seems to be a reasonable request based on the 100' lot width that we have on this property. The architecture of the shed also closely matches the house, and provides a nice continuation from the main house to the shed on the lake side of the road. The shed is barely visible when passing by on East Lake Drive, and will not obstruct the view of the lake for any of our neighbors.

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.

The reason we and others have chosen to live on the lake, is to enjoy all of its benefits. Boating, water sports, swimming, just sitting by the lake with friends and family and enjoying the beautiful view we now live on. My lakefront property is not attached to my home so it makes it more challenging to access all of the water toys if they are not near the water. The extra room in the shed would provide all the necessary space for storage, a traditional 10' by 10' will not. Also, another use for the extra space would be to provide shade and a sheltered area for two small children I take care of in the summer. They are my brother's children, two and four-year-olds. It would provide a covered space for them to nap and play and still be outside rather than inside the house. We live by the lake and want to enjoy every minute of the short summers we have.

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.

The proposed plan would only increase the property value and aesthetics of not only my property but the neighboring properties around me. The designs for the landscaping and shed were professionally designed by West Oaks Landscaping and AZD Architects. The neighbor to our north used the same landscaper so the view from the lake is beautifully fluent between the two properties. The shed would not be visible from the road or any sight lines from the houses because it sits below the road. It will not be obstructing the view of the lake to the neighbor on either side of me due to its placement on the land, it is 8' below the elevation of the existing road.

LEGAL DESCRIPTION

LOTS 58 AND 59, TOGETHER WITH A PARCEL OF LAND LYING BETWEEN THE SOUTH LINE OF LOT 58 AS EXTENDED WESTERLY TO THE WATERS OF WALLED LAKE AND NORTH LINE OF LOT 59 AS EXTENDED WESTERLY TO THE WATERS OF WALLED LAKE, LYING BETWEEN THE WATERS OF SAID LAKE AND THE PUBLIC HIGHWAY, OF PART OF "SHORE ACRES SUB-DIVISION", PART OF THE NORTHWEST 1/4 OF SECTION 2, T.1N., R.8E., TOWNSHIP OF NOVI (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 20 OF PLATS, ON PAGE 2, OAKLAND COUNTY RECORDS. CONTAINS 25,178 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

INGRESS-EGRESS EASEMENT

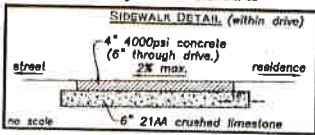
PART OF LOT 57 OF "SHORE ACRES SUB-DIVISION", PART OF THE NORTHWEST 1/4 OF SECTION 2, T.1N., R.8E., TOWNSHIP OF NOVI (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 20 OF PLATS, ON PAGE 2, OAKLAND COUNTY RECORDS, DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 57, THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOT 57, 119.87 FEET, THENCE SOUTHERLY ALONG A LINE PERPENDICULAR TO THE NORTHERLY LINE OF LOT 57, 18.00 FEET, THENCE WESTERLY ALONG A LINE PARALLEL TO THE NORTHERLY LINE OF LOT 57, 122.96 FEET, THENCE NORTHEASTERLY ALONG THE EAST LINE OF EAST LAKE DRIVE, 18.26 FEET, TO THE POINT OF BEGINNING.



Note: Sit fence along side & rear lot lines as necessary to protect existing lawn & landscaping on adjacent property.

Note: Install & maintain inlet filter & silt fence throughout construction

Note: Sidewalks must be constructed according to ADA Standards



Zoning: R-1 One-Family Residential	
Setbacks:	
Front	- 30'
Side	- 10'
Side total	- 25'
Rear	- 35'
Check title policy for subdivision deed restrictions that may affect setback requirements.	

Note: Proposed 8' asphalt walk/roadside path to be installed per Novi Master Plan (2% max. side slope)

Note: The Builder is responsible for resolving any drainage problems on adjacent properties that are the result of construction activities.

Legend

- 000.00 = Existing Elevation
- 000.00 = Proposed Elevation
- = Drainage Course
- = Silt Fence
- F.G. = Finish Grade
- = Existing Contour
- = Woodland Fence

Note: A "Right-of-Way Permit" is required from the City of Novi Engineering Department must be issued prior to issuance of Building Permit.



Know what's below.
Call before you dig.

Added Boot House 19 Sept. 2017
 Boot House Location 27 Sept. 2017
 Boot House Adjust 9 October 2017
 Per City 19 October 2017
 Revised Drive 19 October 2017

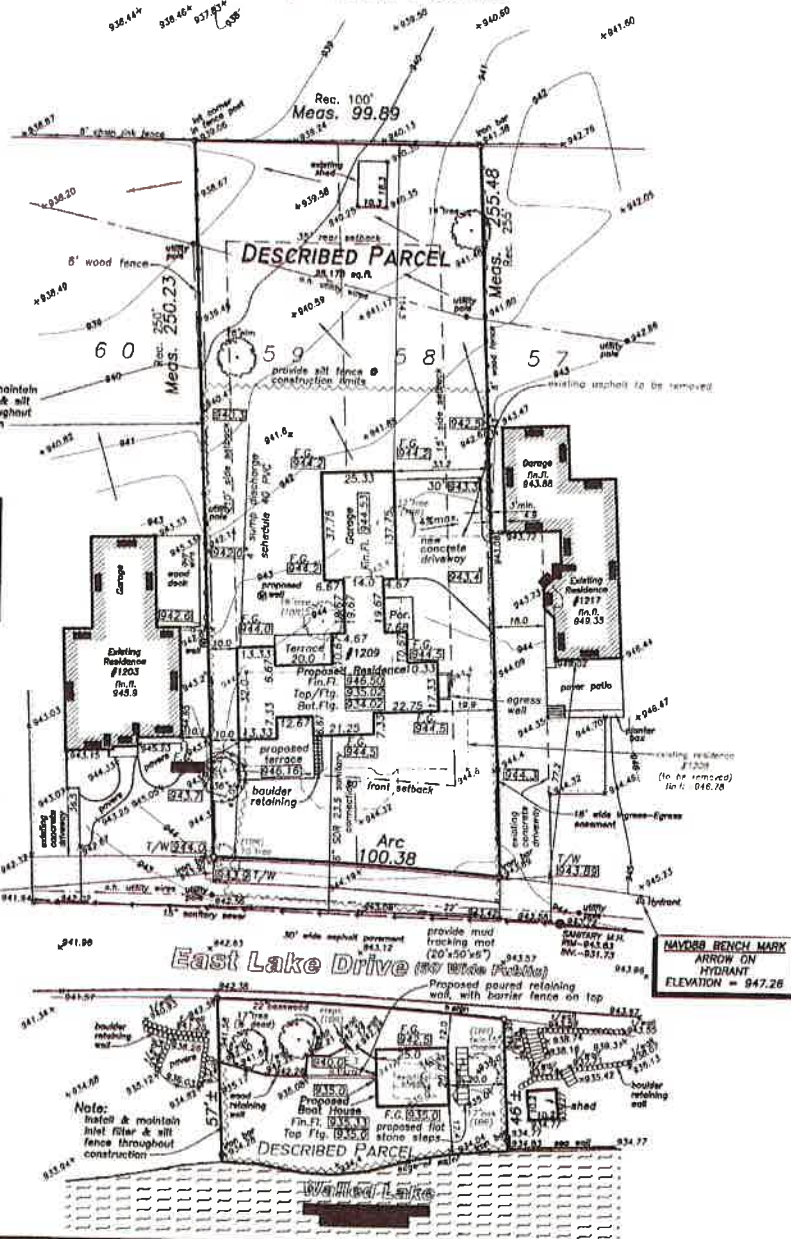
GRADING PLAN

prepared for: Mike Miller Building Co., LLC
 P.O. Box 574
 Northville, MI 48167
 (248) 797-7096

JEKABSON & ASSOCIATES, P.C.
 Professional Land Surveyors
 1320 Goldsmith, Plymouth, MI 48170
 (734) 414-7200 (734) 414-7272 fax
 by



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RECEIVED

OCT 26 2017

CITY OF NOVI
COMMUNITY DEVELOPMENT



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Handwritten signature or mark

REV

To whom it may concern,

Adrienne Lenda and Igor Shpilband the new homeowners at 1209 E. Lake Dr. have discussed and showed me their new plans for a shed/building parcel on their lakefront property. I am in agreement with all new structures and Landscaping. The New build is below the street level so it does not obstruct the view and it is a well thought out decorative landscape that will look beautiful with their new home. I believe it will only increase the value of everybody's property around them.

Sincerely,

Dennis and Mary Shrader
1185 East Lake Dr.

Mary M Shrader
D J S

Attn: City of Novi

Our name is Rob & Natalie Martell and we live at 1229 East Lake Dr.
ADRIENNE LENDA and Igor Shpilband have come to me with their proposed plans to build a larger than 10 x
10 shed/structure at their lake front property at 1209 E. Lake Dr.
I agree to all the new plans they have proposed and feel it will be a good addition to the neighborhood and to
their property as well.

Thank you,
Rob & Natalie Martell

N. Martell
Robert Martell 9/30/17

Attn: City of Novi

I live at 1225 E. Lake Dr. and also own 1260 & 1259 East Lake Dr. Adrienne Lenda and Igor Shpilband are my new neighbors. They have shown me their new plans for the lakefront property with the intentions of getting a variance for a shed on the waterfront. I have no problem with everything they are planning to build and Landscape. I agree for them to build a 20 x 25 shed or whatever size they want.

Their lakefront property runs below the road therefore it is not an obstruction of our site line to the water, or anyone else's for that matter.

They have my permission to go ahead with their plans.

Sincerely,
Mike & Patty Langan



February 28, 2018

Re: Igor Shpilband and Adrienne Lenda
In reference to property located at 1209 E. Lake Drive

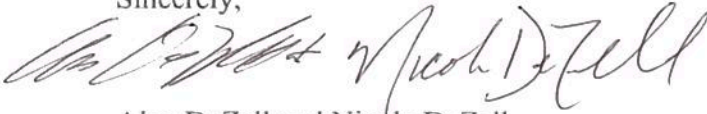
To whom it may concern,

We are writing to withdraw our objections to the proposed variance for the shed to be located at 1209 East Lake Drive.

Specifically, we no longer have concerns that the roofline of the proposed shed will block our water view or negatively impact the overall appearance of the lakeshore for other neighbors or the community. Additionally, we understand that they require additional space to store their water sports equipment. As all of us know, transporting water equipment across the street can be hazardous, it will be helpful for them to be able to safely store all of their equipment near the water.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan DeZell and Nicole DeZell". The signature is written in a cursive, flowing style.

Alan DeZell and Nicole DeZell
1217 East Lake Drive