

### 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: November 8, 2015

REGARDING: SZOSTEK (CASE NO. PZ15-0036)

**BY:** Charles Boulard, Building Official

### . GENERAL INFORMATION:

### **Applicant**

Ryan & Lindsay Szostek

### Variance Type

Dimensional Variance

### **Property Characteristics**

Zoning District: R-4, One Family Residential

Site Location: 1310 East Lake Drive, west of Novi Road and south of 14 Mile Road

Parcel #: 50-22-02-151-033

### **Request**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 3.1.5(d) to allow construction of a new third floor living area addition with an attic (living area) addition over the existing footing on an existing nonconforming lakefront parcel: 1) a variance of 4.83 feet in the required south side yard setback (10 feet required, 5.17 feet proposed); 2) a variance from Section 4.19.1G of 5.0 feet for the required separation distance from detached accessory building (10.0 feet required, 5.0 feet proposed) and 3) a variance from Section 3.1.5(d) for 0.5 stories of building height (2.5 stories permitted, 3 stories proposed).



### II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Future Land Use	
Subject Property	R-4, One Family Residential	Shore Acres Subdivision	Single Residential
North	R-4, One Family Residential	Shore Acres Subdivision	Single Residential
South	R-4, One Family Residential	Shore Acres Subdivision	Single Residential
East	RM-1, Low Rise Multiple-Family District	Shore Acres Subdivision	Single Residential
West ****		Walled Lake	****

### **III. STAFF COMMENTS:**

### **Existing Condition**

The subject property consists of two- (2) lots located on the west side of East Lake Drive within Shore Acres Subdivision. The parcel has approximately 60.0 feet of frontage on East Lake Drive and approximately 153.0 feet deep as measured along south side yard lot line. The total lot area of the parcel is approximately 6,600.0 square feet. The existing residence is located 36.4 feet from the front yard lot line, 5.17 feet from the south side yard lot line, 34.41 feet from the north side yard lot line, and 70.15 feet from the rear (lake side) yard lot line.

The existing detached garage is located 6.69 feet from the north side yard lot line, 5.0 feet from the existing house, and 38.67 feet from the front (street side) yard lot line.

### **Proposed Changes**

The applicant is proposing to construct a new third floor living area addition with an attic (living area) addition over the existing footing on an existing nonconforming lakefront parcel. As proposed, the second floor addition measure 20.45' x 46.5' for a total floor area of 951.0 square feet with an attic area of 426.0 square feet.

The addition would result in a setback of 5.17 feet from the south side yard lot line, 34.41 feet from the north side yard setback, 70.15 feet from the rear (lake side) yard lot line, and 36.4 feet from the front (street side) yard lot line. **This requires a variance of 4.83 feet in the required north side yard setback.** 

### IV. DEVELOPMENT STANDARDS:

The table below summarizes the zoning district development standards for the subject parcels.

Lot Size		Minimum Setback				
Area	Width	Front	Sides	Aggregate Side	Rear	
R-4 10,000 sq. ft.	80 ft.	30 ft.	10 ft. ( one side)	25 ft. (total of two side)	35 ft.	

Szostek Property Case # PZ15-0036

- 1. <u>Building Height (Section 3.1.5(d)</u>. The maximum height of the building is 35 feet/2.5 stories. The addition(s) is proposed to be 25.3 feet, three-story.
- 2. <u>Lot Coverage (Section 3.1.5(d).</u> The percentage of lot coverage including the existing residence and the proposed addition would result in 23.6 percent.

### V. USE STANDARDS:

Required Separation Distance (Section 4.19.1G). A detached accessory building shall not be located closer than ten (10) feet to any main building and shall not be located closer than six (6) feet to any interior side lot or rear lot line. As proposed the existing detached garage is located 5.0 feet from the existing house and the proposed addition. This requires a variance of 5.0 feet for the required separation distance from detached accessory building.

### VI. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following o
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. 0.0		e that we <u>grant</u> the variance(s) in <b>Case No.PZ15-0036</b> , sought by, for
		because the Petitioner has established that causes a practical difficulty
	relating	to the property, including some or all of the following criteria:
	(a)	Petitioner has established that the property is unique because, or that the physical
		condition of the property creates the need for a variance
	And, th	because e condition is not a personal or economic hardship.
	(b)	The need for the variance is not self-created, <b>because</b>
	(c)	Strict compliance with dimensional regulations of the Zoning Ordinance, including, will (either):
		unreasonably prevent Petitioner from using the property for the permitted purpose as a
		<ul><li>and/or,</li><li>will make it unnecessarily burdensome to comply with the regulation because</li></ul>
	(d)	Petitioner has established that variance is the minimum variance necessary because a lesser variance would not
	(e)	The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because
	(f)	The variance granted is subject to the conditions that:

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November 8, 2015
Page 4 of 4

	4.
2. Deny	I move that we <u>deny</u> the variance in <b>Case No.PZ15-0036</b> , sought by, for
	has <u>not</u> established a practical difficulty because:
	(a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by
	(b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated
	(c) The need for the variance is self-created because Petitioner
	(d) Conforming to the ordinance would not (either):
	1. be unnecessarily burdensome because, or,
	unreasonably prevent petitioner from using the property for
	(e) A lesser variance consisting ofwould do substantial justice to Petitioner and surrounding property owner's because
	(f) The proposed variance would have adverse impact on surrounding property

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0415.

Charles Boulard Building Official City of Novi

45175 Ten Mile Road

(248) 347-0415 Phone

www.cityofnovi.org

Novi, MI 48375

### ZONING BOARD OF APPEALS **APPLICATION** (248) 735-5600 Facsimile

SEP 0 8 2015

RECEIVED

CITY OF NOVI COMMUNITY DEVELOPMENT

### APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Co PROJECT NAME / SUBDIVISION	195)	Application Fee: \$200	IDK
SZOSTEK		Meeting Date: 10-13-	10
1310 EAST LAKE DR	LOT/SIUTE/SPACE #	ZBA Case #: PZ 15-00	34
50-22- 02 - 151 - 033 Departme	otain from Assessing ent (248) 347-0485	IDA Oddo II.	,
ROSS ROADS OF PROPERTY BOR.			
S THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?	REQUESTS FOR:		
□ YES ☑NO		COMMERCIAL VACANT PROPERTY S	SIGNA
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR C	STATION ISSUED?	YES NO	
II. APPLICANT INFORMATION  EMAIL ADDRESS		CEL BIJONE NO	
A ADDITO ANT	ZOSTEKO GINA	CELL PHONE NO. 231 740 53	317
LYAN 4 LINDSAY		TELEPHONE NO.	
DRGANIZATION/COMPANY		FAX NO.	
ADDRESS 12.0 FOLLOWS DE	NOUT	STATE ZIP CODE	, ~,
B. PROPERTY OWNER CHECK HERE IF APPLICANT IS ALSO		MI 4837	
B. PROPERTY OWNER CHECK HERE IF APPLICANT IS ALSO dentify the person or organization that EMAIL ADDRESS	THE PROPERTY OWNER	CELL PHONE NO.	
owns the subject property:		031 740 53	17
RYAN + CINDSAY STOSTER		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
DDRESS 1310 EAST LAKE DR	NOUI	STATE ZIP CODE 483	7つ
II. ZONING INFORMATION	1001	783	//
A. ZONING DISTRICT			
□ R-A □ R-1 □ R-2 □ R-3 □ R-4	□ RM-1 □ RM-2	□ MH	
	OTHER		
. VARIANCE REQUESTED	- Onick		
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Section Variance requested			
Section Variance requested			
3. Section Variance requested			
4. SectionVariance requested			
/. FEES AND DRAWNINGS			
FEES			
Single Family Residential (Existing) \$200 🗌 (With Violat	ion) \$250 🗆 Single F	amily Residential (New) \$250	
Multiple/Commercial/Industrial \$300 🔲 (With Violat	ion) \$400 🗆 Signs \$	300 (With Violation) \$400	
	etings (At discretion o	of Board) \$600	
DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED		•	
Dimensioned Drawings and Plans	<ul> <li>Existing &amp; propo</li> </ul>	osed distance to adjacent property li	ines
Site/Plot Plan		sting & proposed signs, if applicable	
Existing or proposed buildings or addition on the proper Number & location of all on-site parking, if applicable		evations mation relevant to the Variance appl	licati
		Handride value application	111
	CATTY OTHER HITTOT		
TULE HONES + DESIGN TO SESHULW (248) 766-4663 S MAJBHULUNG GMAIL COM	Copy of	n emails in	

### Community Development Department

45175 Ten Mile Road Novi. MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

### **REVIEW STANDARDS DIMENSIONAL VARIANCE**

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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:  SOUTH SIDE OF HOME IS S'OFFIGIETTY LINE.  RAISING ROOF G' WITH NEWE'SIDE WALLS ON ACC SIDES
	and/or
	Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.  Not Applicable
	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 of would involve significant practical difficulties.  Not Applicable Applicable If applicable, describe below:
	SEE 1 A

### 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).

HOME DWNER NEED MORE SPACE IN ATTIC CAN'T DO SO

### 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.

ONLY SI OFF PROPERTY LINE ON SOUTH SIDE OF

### 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.

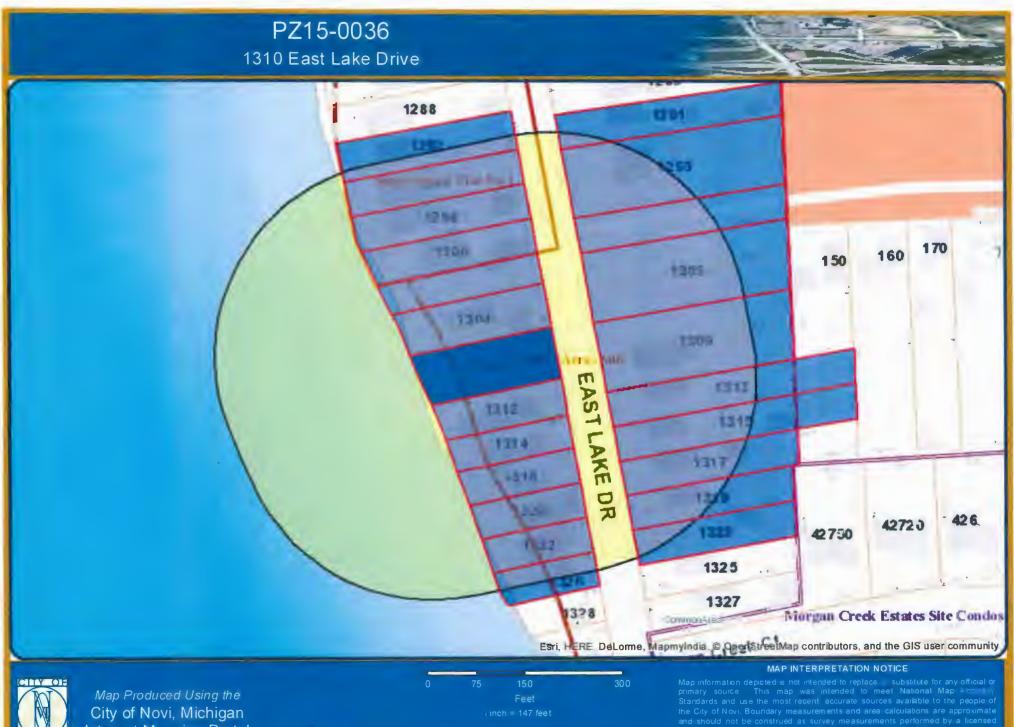
YES, USING EXISTING POOTPRINT

### 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.

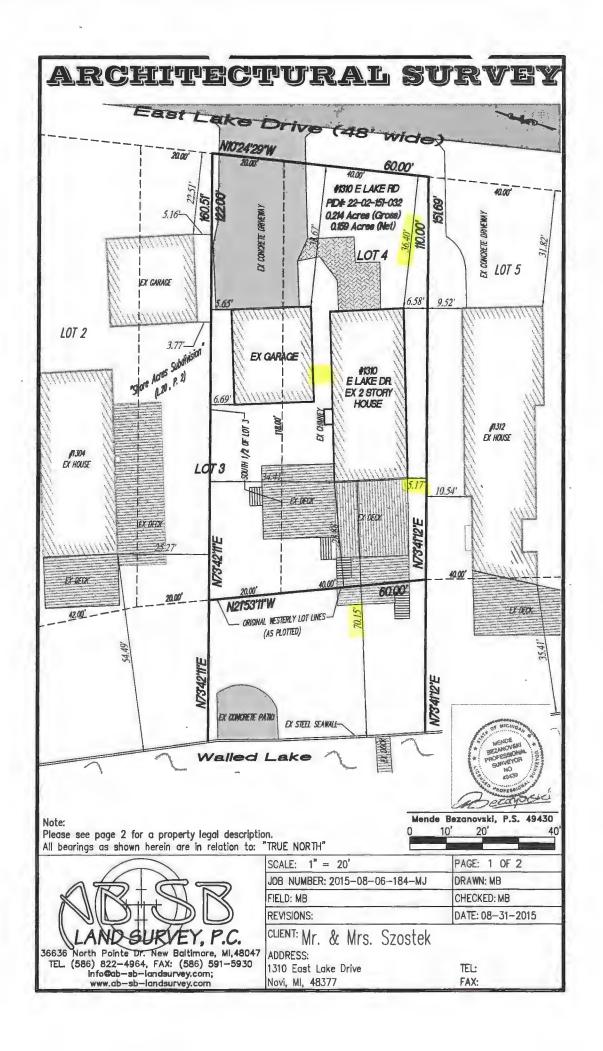
VACIANCE WILL NO INCLESSE FOOT PLINT OF

HOME. ADDITION WILL INCREASE HOME VALUE,
AND THEREFORE INCREASE SURRINDING PROPERTIES



Internet Mapping Portal

Author: Date: 9/16/2015





### **COMMUNITY DEVELOPMENT DEPARTMENT**

### PZ15-0036 - ACTION SUMMARY

### **PROJECT SUMMARY:**

NEW SECOND FLOOR LIVING AREA ADDITION WITH AN ATTIC ADDITION - OCTOBER 13, 2015 MEETING

POSTPONED UNTIL NOVEMBER 8, NEED TO READVERTISE FOR ADDITIONAL VARIANCE

### APPLICANT/OWNER INFORMATION:

<u>APPLICANT</u>

SZOSTEK, RYAN MICHAEL & LINDSAY 1310 EAST LAKE NOVI MI 48377 **OWNER** 

SZOSTEK, RYAN MICHAEL & LINDSAY 1310 EAST LAKE NOVI MI 48377

### **PROPERTY INFOMATION:**

LOCATION/ADDRESS: 1310 EAST LAKE DR

PARCEL NUMBER: 50-22-02-151-033 ZONING DISTRICT: R-4

**SUBDIVISION:** SHORE ACRES **LOT/UNIT #:** 1/2 OF LOT

### **ACTION SUMMARY:**

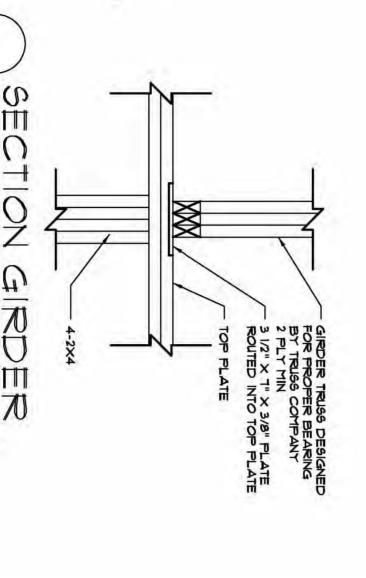
ZBA MEETING DATE: 10/13/2015

SZOSTEK (CASE NO. PZ15-0036), RYAN & LINDSAY SZOSTEK, 1310 EAST LAKE DRIVE, WEST OF NOVI ROAD AND SOUTH OF 14 MILE ROAD, PARCEL #: 50-22-02-151-033

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 3.1.5(d) to allow construction of a new second floor living area addition with an attic (living area) addition over the existing footing on an existing nonconforming lakefront parcel: 1) a variance of 4.83 feet in the required south side yard setback (10 feet required, 5.17 feet proposed); and 2) a variance from Section 4.19.1G of 5.0 feet for the required separation distance from detached accessory building (10.0 feet required, 5.0 feet proposed.

Moved by Chairperson Gronachan to postpone Case PZ15-0036 until the November 10, 2015 meeting to gather more information and clarify if a third variance is needed for a third story addition. If additional variances need to be added to the request, the meeting will be postponed until the December 8, 2015 meeting so the case can be re-advertised.

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COPYRIGHT, (C) 2015 THE PEGASUS GROUP, INC. DRAWINGS AND ELECTRONIC DATA, AS INSTUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROP. OF THE PEGASUS GROUP, INC. CONSTITUTES AN INFRINGEMENT OF THE COPYRIGHT AND IS SUBJECT TO LEGAL PENALTIES.

ONRY BELOW GRADE OR FLOOR LINE SHALL BE GROUTED SOLID.
ONRY BELOW GRADE OR FLOOR LINE SHALL BE GROUTED SOLID.
Y GROUT SHALL CONFORM TO ASTM C 416, WITH PEA GRAVEL
ATE, STRENGTH TO MATCH BLOCK, AND A MINIMUM STRENGTH OF

S BARS SHALL BE ASTM A615, GRADE 60. SPLICE LENGTH CODE CLASS C SPLICES, WITH MINIMUM 36 BAR DIAMETERS. IBERS BEARING ON MASONRY SHALL EXTEND A MINIMUM MIRSES HIGH BY 2'-8" WIDE OF GROUTED BLOCK MEMBER MINIMUM 1/2" X 6" X 0'-8" BEARING PLATE AND BE 1(2) 3/4" DIAM. ANCHOR BOLTS.

THERWISE SHOWN OR NOTED, PROVIDE (1) ANGLE 4X31/2 EACH 4" OF MASONRY FOR SPANS UP TO A 5'-0" SPAN. INTELS SHALL BE WELDED TOGETHER WITH A MINIMUM 2" N CENTER.

## SHOT SHOT DNINA HEIGHID

ASTM A512, GRADE 501 GRADE B.



HRED BY THE

## PROPOSED RENOVATION FOR:

# SZOSTEK RESIDE 1310 E. LAKE DRIVE NOVI, MICHIGAN RYAN SZOSTEK-OWNI

00-00-15

SITTATATION

MODUM QUIREMENTS

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FINAL

CHECK SET

WKG DWGS

DATE10-14-15

COVER

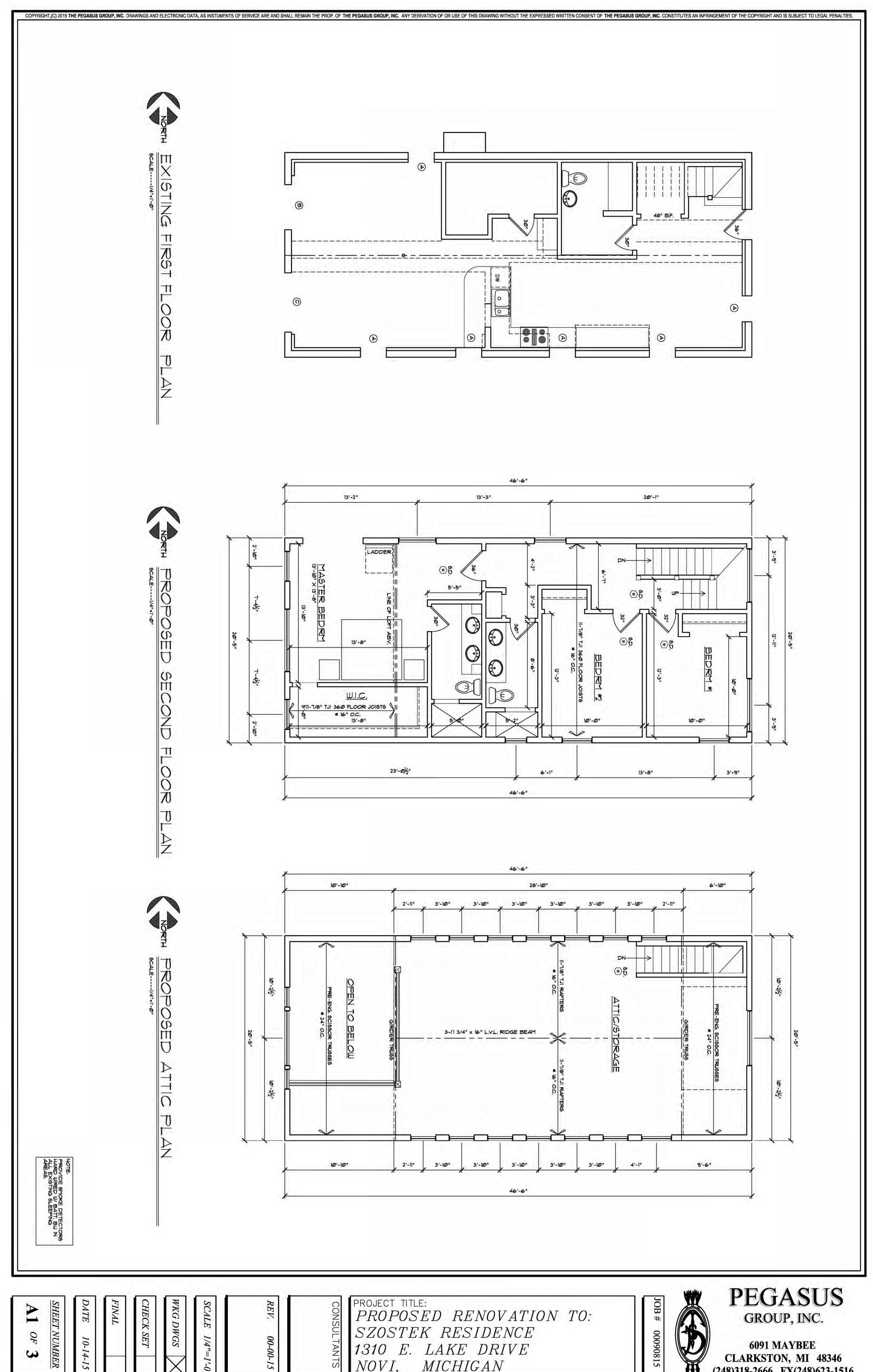
NOVI, **MICHIGAN** 

PROJECT TITLE: PROPOSED RENOVATION TO: SZOSTEK RESIDENCE 1310 E. LAKE DRIVE

### JOB# 00090815 CLARKSTON, MI 48346 (248)318-2666 FX(248)623-1516

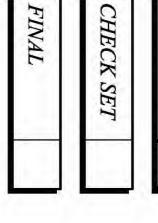
### **PEGASUS** GROUP, INC.

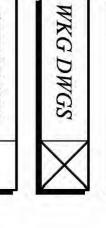
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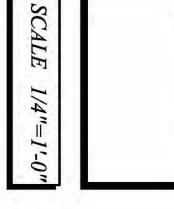


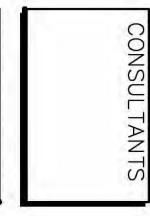
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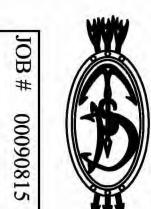




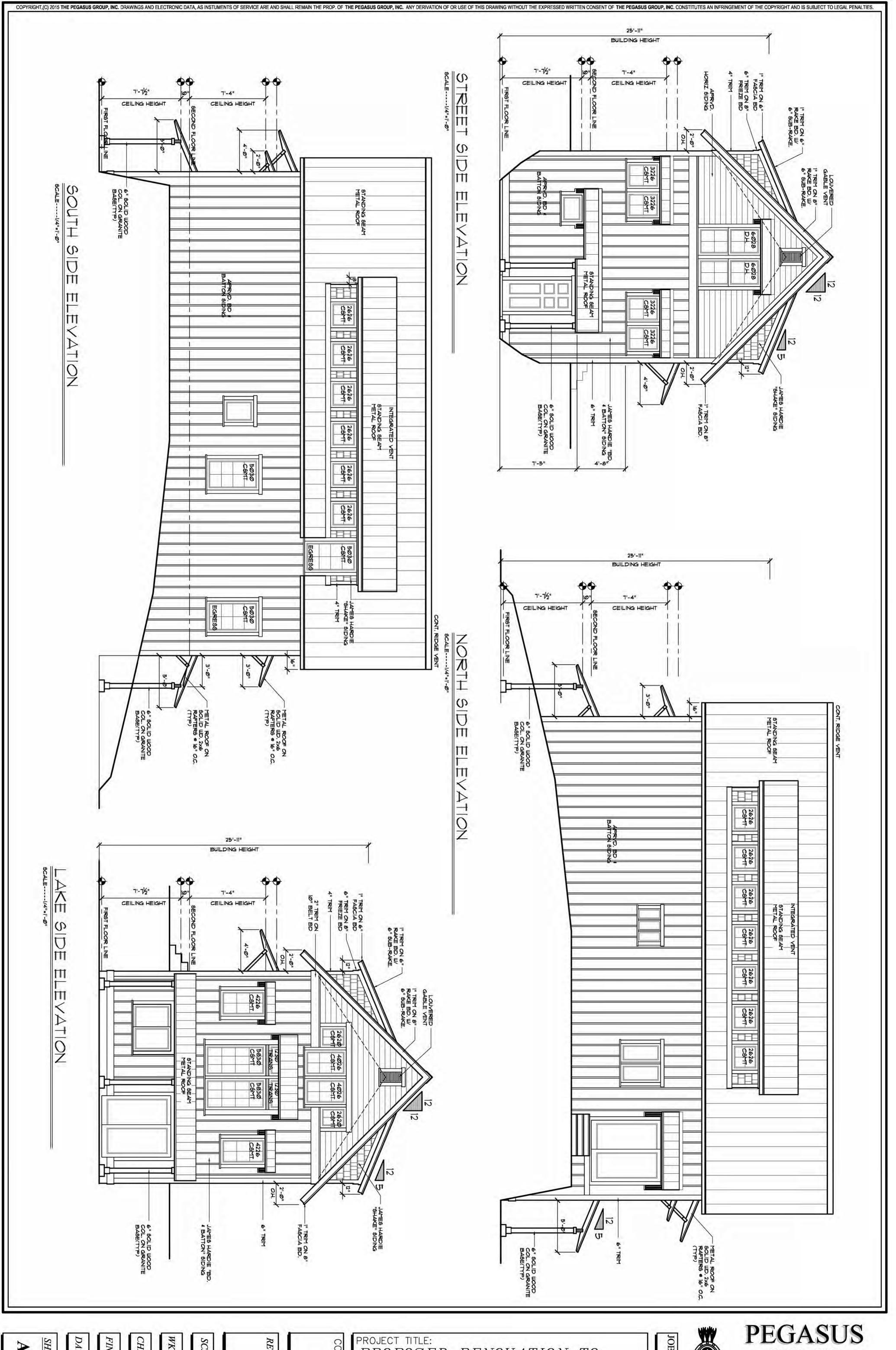


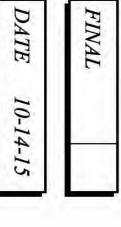


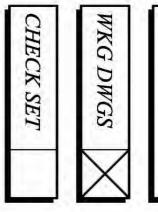
SZOSTEK RESIDENCE 1310 E. LAKE DRIVE NOVI, MICHIGAN



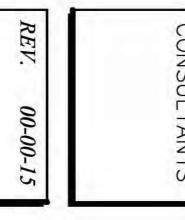
**6091 MAYBEE** CLARKSTON, MI 48346 (248)318-2666 FX(248)623-1516











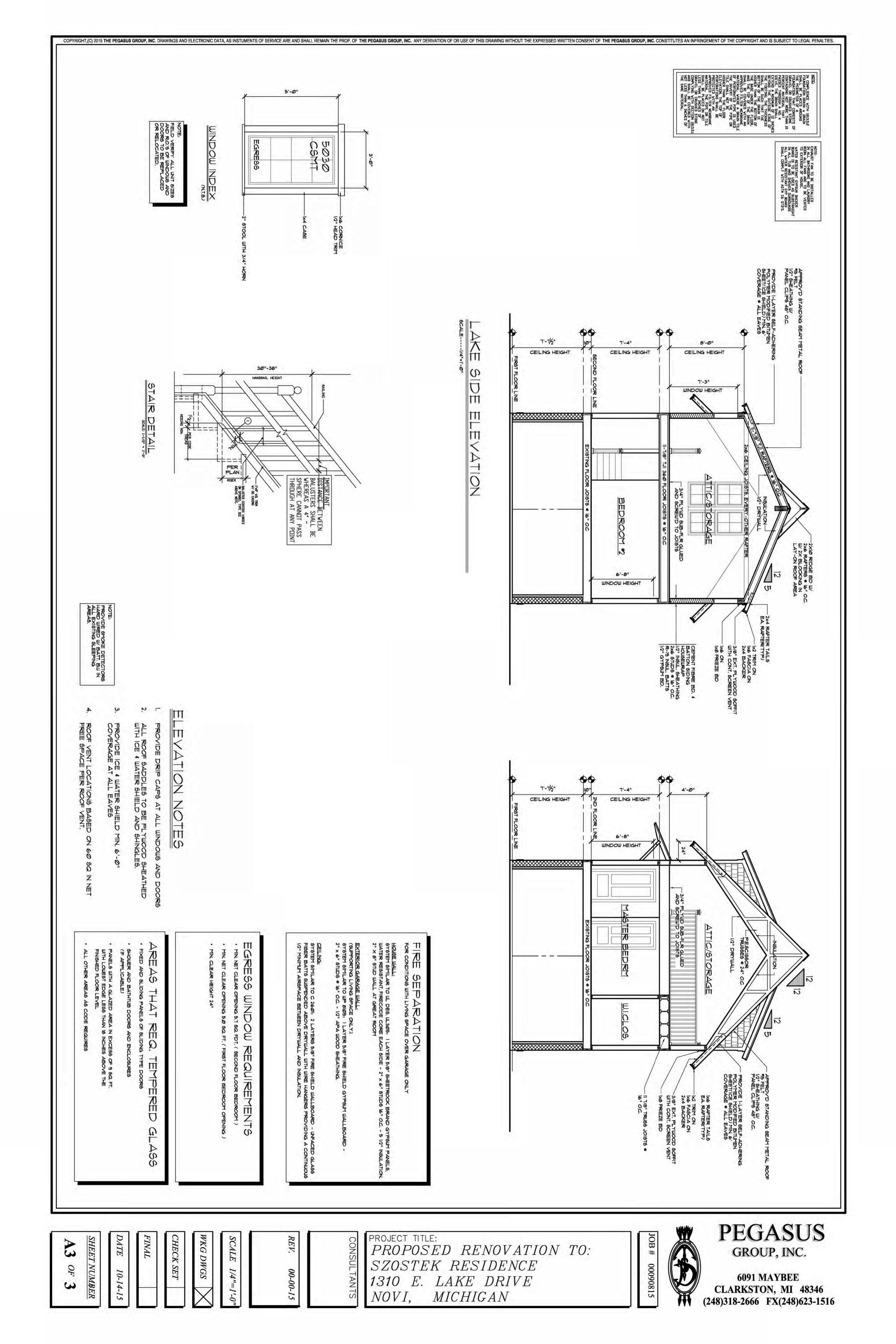
PROJECT TITLE: PROPOSED RENOVATION TO: SZOSTEK RESIDENCE 1310 E. LAKE DRIVE MICHIGAN*NOVI*,

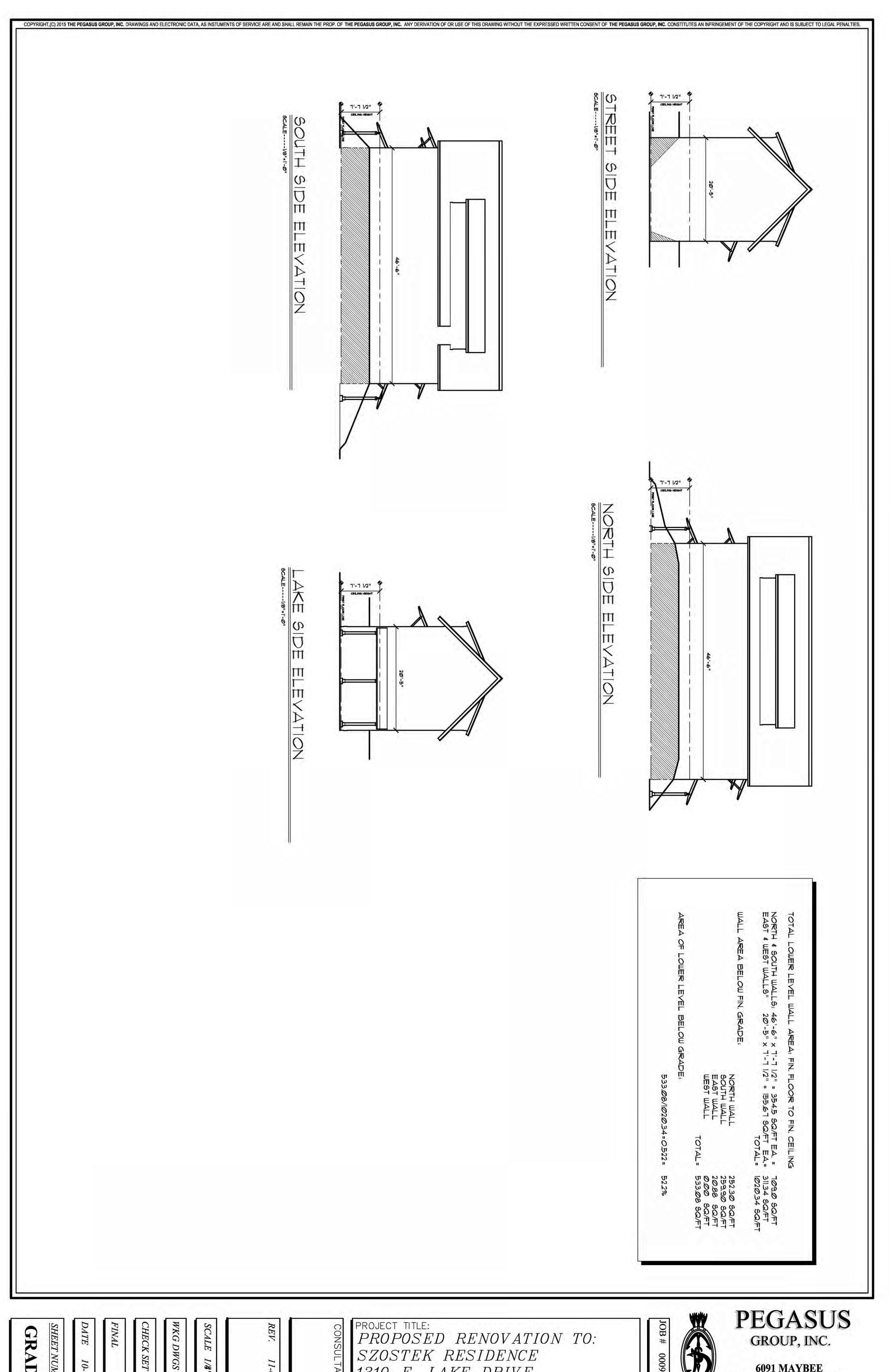


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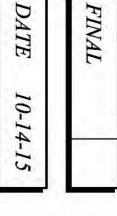
### GROUP, INC.

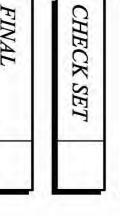
6091 MAYBEE CLARKSTON, MI 48346 (248)318-2666 FX(248)623-1516

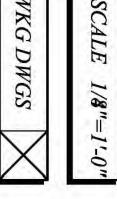




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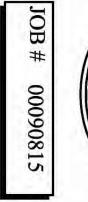






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1310 E. LAKE DRIVE NOVI, MICHIGAN





6091 MAYBEE CLARKSTON, MI 48346 (248)318-2666 FX(248)623-1516