



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: August 15, 2017

REGARDING: 1181 West Lake Drive, Parcel # 50-22-03-204-003 (PZ17-0034)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

David Dismondy

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of Beck Road and South of W. Pontiac Trail
Parcel #:	50-22-03-204-003

Request

The applicant is requesting a variance from the City of Novi Ordinance Section 3.1.5 for a 11 foot aggregate side yard setback, 25 feet required, 2 feet side yard setback, 10 feet required, 28 feet rear yard setback, 35 feet required and a proposed lot coverage of 37 percent, 25 percent maximum allowed.

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

II. STAFF COMMENTS:

The unique shape and location of the lot limits the ability for improvements.

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. **PZ17-0034**, 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 if 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. **PZ17-0034**, 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 Petitioners 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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION DISMONDY FAMILY ADDITION				Meeting Date: _____	
ADDRESS 1181 WEST LAKE DRIVE		LOT/SUITE/SPACE #		ZBA Case #: PZ	
SIDWELL # 50-22-03-204-003		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY WEST PARK/NORTH HAVEN/WESTERN SHORELINE OF WALLED 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 ddismondy@bernardfinancial.com		CELL PHONE NO. 734 578 4310	
NAME DAVID DISMONDY		TELEPHONE NO. 248 799 9200		FAX NO.	
ORGANIZATION/COMPANY HOMEOWNER		ADDRESS 1181 WEST LAKE DRIVE		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.		FAX NO.	
ORGANIZATION/COMPANY		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 SEE COVER LETTER					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED: ARTICLE 2400 SCHEDULE OF REGULATIONS					
1. Section _____		Variance requested		REAR YARD SETBACK: 7' VARIANCE	
2. Section _____		Variance requested		SIDE YARD SETBACK: 8' VARIANCE	
3. Section _____		Variance requested		AGGREGATE SIDE YARD SETBACK: 14' VARIANCE	
4. Section _____		Variance requested		LOT COVERAGE: 12% VARIANCE	
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					
<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 			<ul style="list-style-type: none"> • 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: [Signature] Date: 7-4-2017

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: [Signature] Date: 7-4-2017

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:

please see aerial photos enclosed. The lot is lakefront, small, and on a peninsula with an easement (driveway) needed for neighbor to the north's ingress/egress.

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).

Unique lakefront lot located on western shoreline of Walled Lake on a peninsula with easement running through it to allow ingress/egress for neighbor to north.

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.

Please see aerial photos enclosed. The location and size of the lot requires variances to be obtained for all improvements to be made. We've previously been to the ZBA three times for this property and neighboring property.

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.

There are many examples all around the shoreline of Walled Lake in the City of Novi where variances are needed for new, modern construction on the old, small lake lots. My lot happens to have further challenges due to the easement needed on

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 requested variances will not impair any supply of sunlight, air, or view to adjacent properties. If, the requested addition, will further improve property values in the neighborhood.



ADDITION

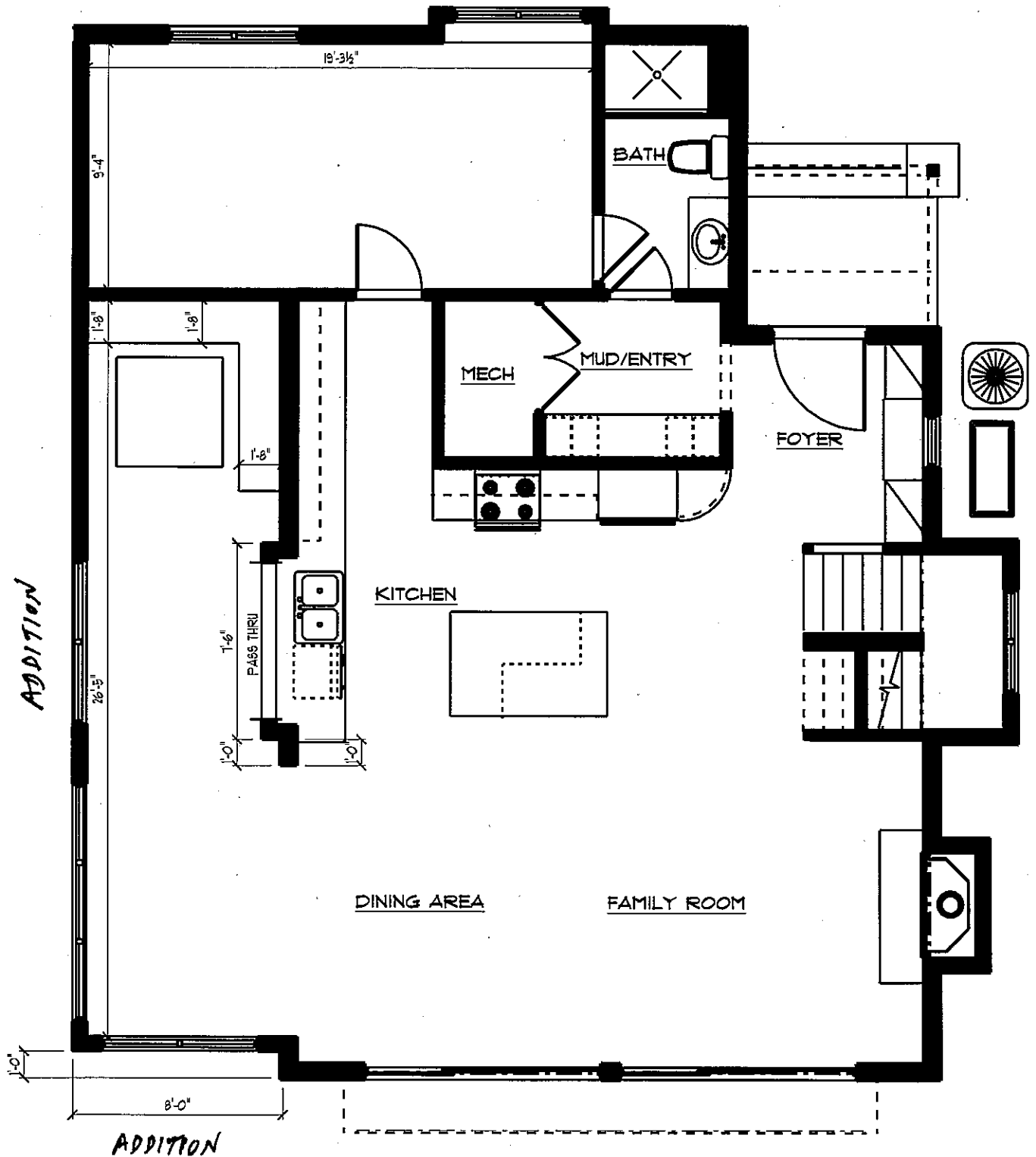
Main Lake Side



ROAD ELEVATION

*Bay Lake Side /
Street Side*





MAIN FLOOR PLAN

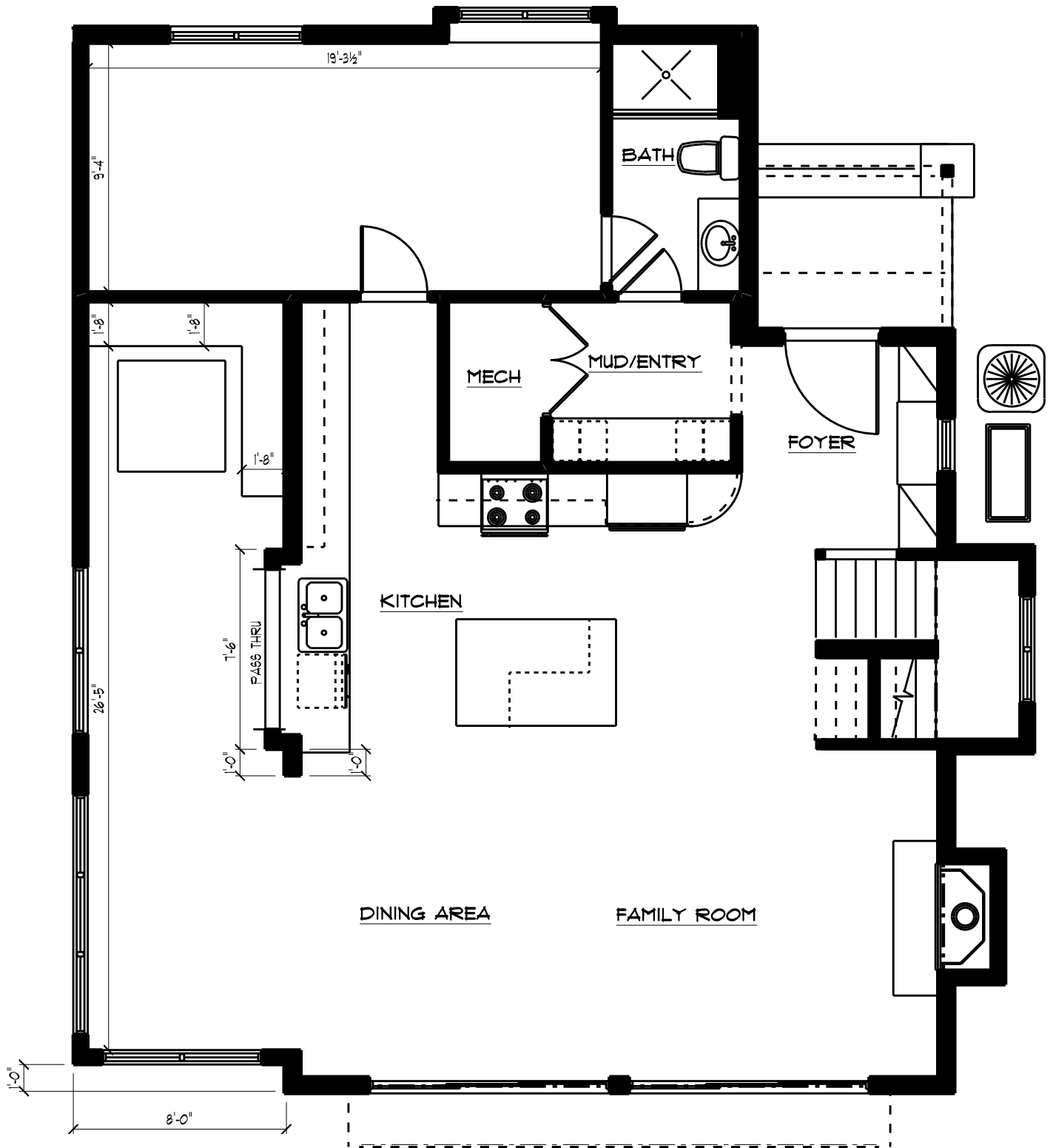
SCALE: 1/4" = 1'-0"



ROAD ELEVATION







MAIN FLOOR PLAN

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

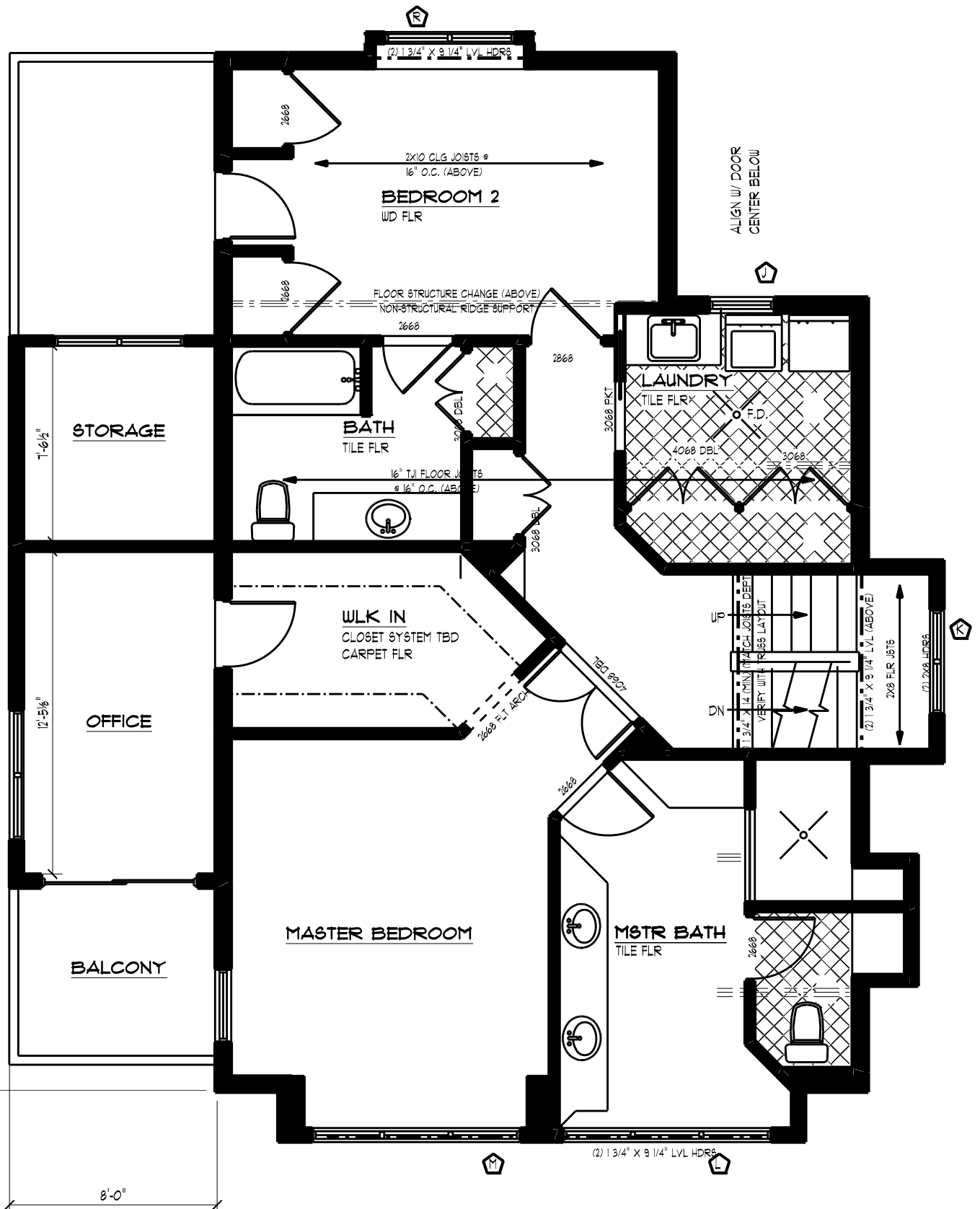


Exhibit A - LEGAL DESCRIPTION

Deal Number: 11-00789648

Title Number: 11-01932935 REV. NO.

Tax ID Number: **22-03-204-003**

Land situated in the **City of Novi**, in the County of **Oakland**, State of **Michigan** is described as follows:

Part of the North 1/2 of Section 3, Town 1 North, Range 8 East, described as: Beginning at a point which is North 89 degrees 19 minutes East 191.2 feet and North 29 degrees 20 minutes East 20.88 feet from the Point of Intersection of the North line of Lake Wall Subdivision with the Easterly line of West Lake Drive (platted East Boulevard) said Point of Intersection being by record South 30 degrees 48 minutes West 315.6 feet and North 89 degrees 19 minutes East 1634.2 feet from the Northwest corner of the Northeast 1/4 of Northwest 1/4 of said Section 3; thence from the Point of Beginning North 62 degrees 16 minutes West 207.8 feet; thence Due North 49.69 feet; thence South 62 degrees 16 minutes East 232.15 feet; thence South 29 degrees 20 minutes West 44.0 feet to the Point of Beginning, being bounded on the West by lands now or formerly owned by William C. Frue, subject to an easement for ingress and egress to the premises lying Northerly of above described premises over a 10 foot strip of land being 5 feet on either side of a line running Northeasterly across above Parcel from a point in the Southerly line which is 74.57 feet Westerly from the Southeasterly corner to a point in the Northerly line which is 70.57 feet Westerly from the Northeasterly corner thereof.

Commonly known as: 1181 Westlake Dr, Novi, MI 48377-1337













TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to 1181 West Lake Drive, Parcel # 50-22-03-204-003 (PZ17-0034)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

DAVE & MARIA HAVE DONE A GREAT JOB IMPROVING THE AREA.
THEIR EXISTING HOME AND GARAGE WILL GIVE YOU A IDEA OF THE
THOUGHT THEY HAVE PUT INTO THEIR HOME. THE ARCHITECTURAL
DESIGN AND FEATURES ARE EXCEPTIONAL! THEY HAVE SHARED THE
PLANS OF THE ADDITION WITH US AND WE GIVE THEM OUR FULL
SUPPORT. WE ASK THE BOARD TO GRANT THEM THE VARIANCES
NEEDED TO BUILD THE ADDITION.

(PLEASE PRINT CLEARLY)

Name: BRIAN & BECKY KOSAIAN

Address: 1251 WEST LAKE DRIVE

Date: 8/4/2017

Zoning Board of Appeals meetings are broadcast live on Bright House channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to **1181 West Lake Drive, Parcel # 50-22-03-204-003 (PZ17-0034)**

Please note my: (Approval) (Objection) to the requested variance.

Comments:

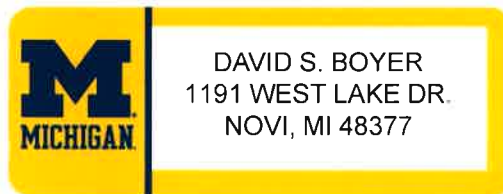
I HAVE REVIEWED THEIR PLANS AND HAVE NO ISSUES.

(PLEASE PRINT CLEARLY)

Name: DAVID S. BOYER

Address: 1191 WEST LAKE DR.

Date: 8-3-17



Zoning Board of Appeals meetings are broadcast live on Bright House channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to 1181 West Lake Drive, Parcel # 50-22-03-204-003 (PZ17-0034)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

Please Allow This zoning appeal. Thank You.

(PLEASE PRINT CLEARLY)

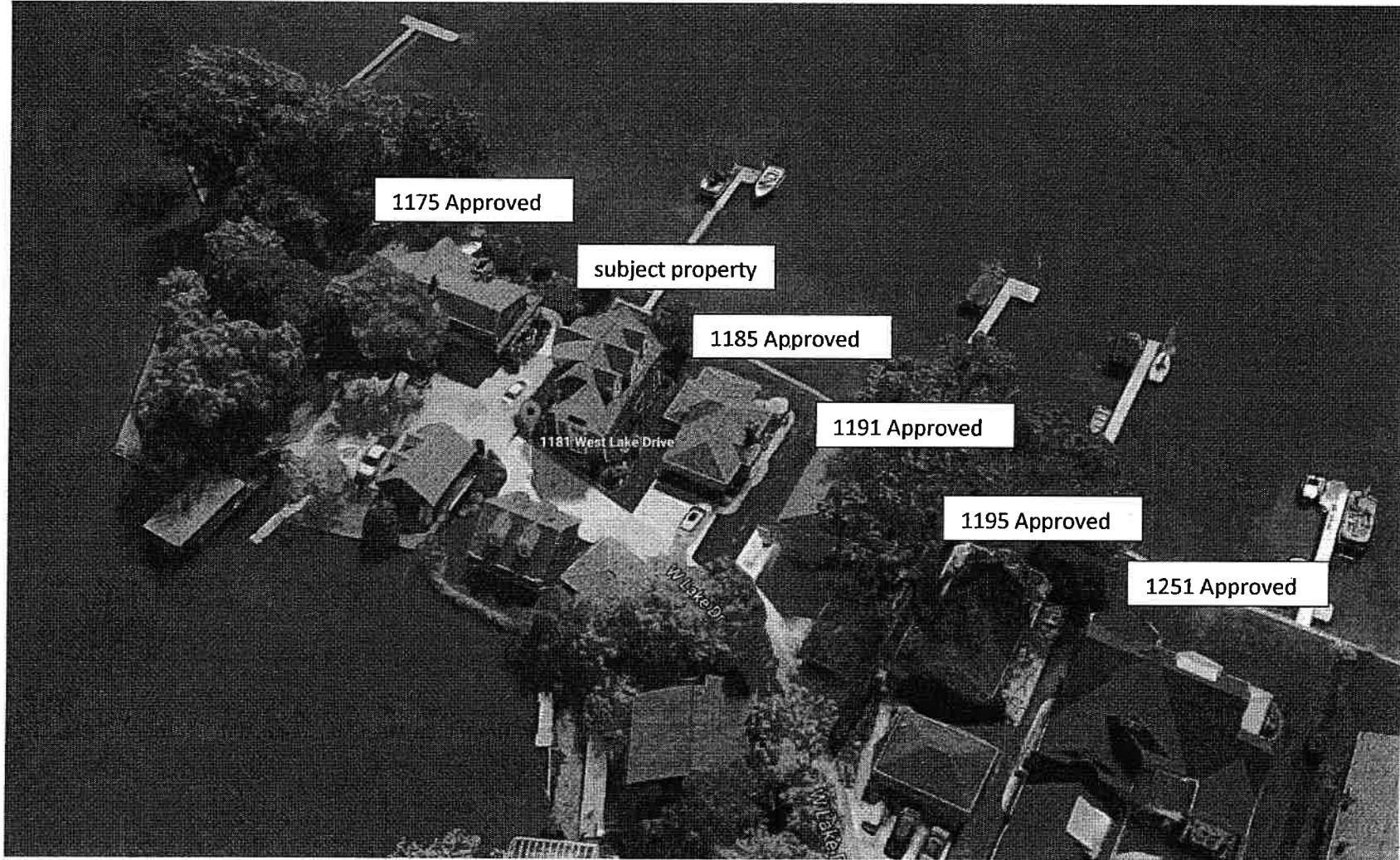
Name: Roger Curtis II

Address: 1192 West Lake Dr.

Date: 8-4-17.

Zoning Board of Appeals meetings are broadcast live on Bright House channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

August 2017: 1181 West Lake Drive Novi ZBA Request – Neighborhood Support



July 17th, 2017

To The City of Novi ZBA,

We have reviewed the plans for the proposed addition at 1181 West Lake Drive with Dave and Maria Dismondy and we approve.

Sincerely,



Hugh Howlett

1175 WEST LAKE DR
NOVI MI 48377



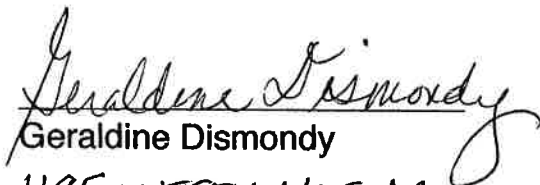
Lori Howlett

July 17th, 2017

To The City of Novi ZBA,

I have reviewed the plans for the proposed addition at 1181 West Lake Drive with Dave and Maria Dismondy and I approve.

Sincerely,


Geraldine Dismondy
1185 WEST LAKE DR
NOVI MI 48377

July 17th, 2017

To The City of Novi ZBA,

I have reviewed the plans for the proposed addition at 1181 West Lake Drive with Dave and Maria Dismondy and I approve.

Sincerely,

 7-19-17

Dave Boyer

1191 West Lake Dr.

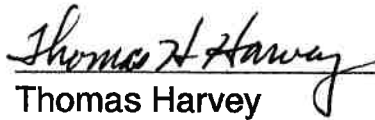
NOVI, MI 48377

July 17th, 2017

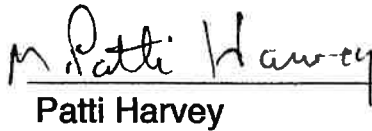
To The City of Novi ZBA,

We have reviewed the plans for the proposed addition at 1181 West Lake Drive with Dave and Maria Dismondy and we approve.

Sincerely,


Thomas Harvey

1195 WEST LAKE DR
NOVI MI 48377


Patti Harvey

July 17th, 2017

To The City of Novi ZBA,

We have reviewed the plans for the proposed addition at 1181 West Lake Drive with Dave and Maria Dismondy and we approve.

Sincerely,



Brian Kosaian

1251 WEST LAKE DR
NOVI MI 48377



Rebecca Kosaian

July 17th, 2017

To The City of Novi ZBA,

I have reviewed the plans for the proposed addition at 1181 West Lake Drive with Dave and Maria Dismundy and I approve.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger Curtis", written over a horizontal line.

Roger Curtis