



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: April 13, 2021

REGARDING: 1401 E Lake Drive, Parcel # 50-22-02-329-027 (PZ21-0015)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Joseph Yono

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Fourteen Mile Road
Parcel #:	50-22-02-329-027

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a 16.95 foot front yard setback (30 feet required, variance of 13.05 feet); an 8 foot rear yard setback (35 feet required, variance of 27 feet); a side yard setback of 5.08 feet (10 feet required, variance of 4.92 feet); an aggregate total side yard setback, with exterior side yard of 12.41 feet (40 feet required, variance of 27.59 feet); and a proposed lot coverage of 48% (25% maximum allowed, variance of 23%). Section 3.32-10.ii. a, for the building of a proposed 336 square foot shed on the waterfront (100 square feet allowed by code, variance of 236 square feet). These variances would accommodate the building a new home and a lakefront accessory structure. This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

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. **PZ21-0015**, 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. **PZ21-0015**, 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_____.

Zoning Board of Appeals

Joseph Yono
Case # PZ21-0015

April 13, 2021

Page 3 of 3

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

Application Fee: \$250.00
 Meeting Date: 4/13/21
 ZBA Case #: PZ 21 - 0015

I. PROPERTY INFORMATION (Address of subject ZBA Case)	
PROJECT NAME / SUBDIVISION <u>CHAPMAN WAUO LAKE SUBDIVISION</u>	
ADDRESS <u>1401 EAST LAKE DR.</u>	LOT/SIUTE/SPACE #
SIDWELL # <u>50-22-02-329-027</u>	May be obtain from Assessing Department (248) 347-0485
CROSS ROADS OF PROPERTY <u>13 MILE RD. & OLD NOVI RD.</u>	
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input 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 type="checkbox"/> NO	

II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS <u>JRYONO730@AOL.COM</u>	CELL PHONE NO. <u>586.996.9000</u>
NAME <u>JOSEPH YONO, JR.</u>		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS <u>5412 KINGSWAY CT.</u>	CITY <u>WEST BLOOMFIELD</u>	STATE <u>MI</u>	ZIP CODE <u>48322</u>
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	
NAME		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 <u>3.1.5</u> Variance requested	<u>LOT COVERAGE INCREASE 23% TO 48%</u>
2. Section <u>3.1.5</u> Variance requested	<u>REQUIRED REAR YARD SETBACK - 8'-0"</u>
3. Section <u>3.1.5</u> Variance requested	<u>REQUIRE MIN. SIDE YARD: 5.08' PROPOSED</u>
4. Section <u>3.11.5</u> Variance requested	<u>ACCESSORY STRUCTURE 7 10 X 10</u>

IV. FEES AND DRAWINGS	
A. FEES	
<input 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 Existing & proposed distance to adjacent property lines Location of existing & proposed signs, if applicable 	

→ 5. 3.1.5 : REQUIRE FRONT YARD SETBACK: 16.95' PROPOSED



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

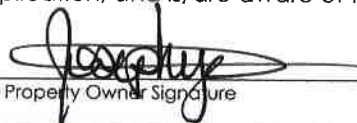

Applicant Signature

3-1-2021
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

3-1-2021
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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**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:

EXISTING LOTS ARE NON-CONFORMING AND THE SETBACKS
(IF FOLLOWED) WOULD NOT ALLOW FOR A SUITABLE HOUSE TO
and/or BE BUILT.

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 ZONING FOR THIS PROPERTY WAS ORIGINALLY INTENDED TO BE COTTAGES OR MUCH SMALLER HOMES.

IT WAS NOT PLOTTED W/ THE ANTICIPATION OF PEOPLE BUILDING 3-4 BEDRM.

Standard #3. Strict Compliance. HOMES W/ ATTACHED GARAGES.

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.

IF WE STRICTLY COMPLY WITH ALL REGULATIONS WE COULD ONLY HAVE A 2,000 SQ. FT. FIRST FLOOR +/- INCLUDING THE GARAGE.

THE NEW HOUSE WOULD END UP BEING SMALLER THAN THE EXISTING

Standard #4. Minimum Variance Necessary. THAT WE INTEND TO DEMOLISH.

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.

WE ARE NOT ASKING FOR SETBACKS THAT ARE LARGER THAN THE CURRENT HOUSE, EXCEPT FOR THE BACKYARD/REAR YARD SETBACK.

THE REQUESTED VARIANCE SETBACKS WOULD ALLOW FOR A MODESTLY SIZED HOME.

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 FOOTPRINT AND SETBACKS ARE INTENDED TO NOT HAVE AN ADVERSE IMPACT ON ANY NEIGHBORS, NOR DETRACT FROM ANY LAKE VIEW ANGLES THAT ARE NOT AFFECTED BY THE EXISTING HOUSE. THIS PROPOSED HOME WILL INCREASE THE CURB APPEAL OF BOTH HERMAN & EAST LAKE DR.

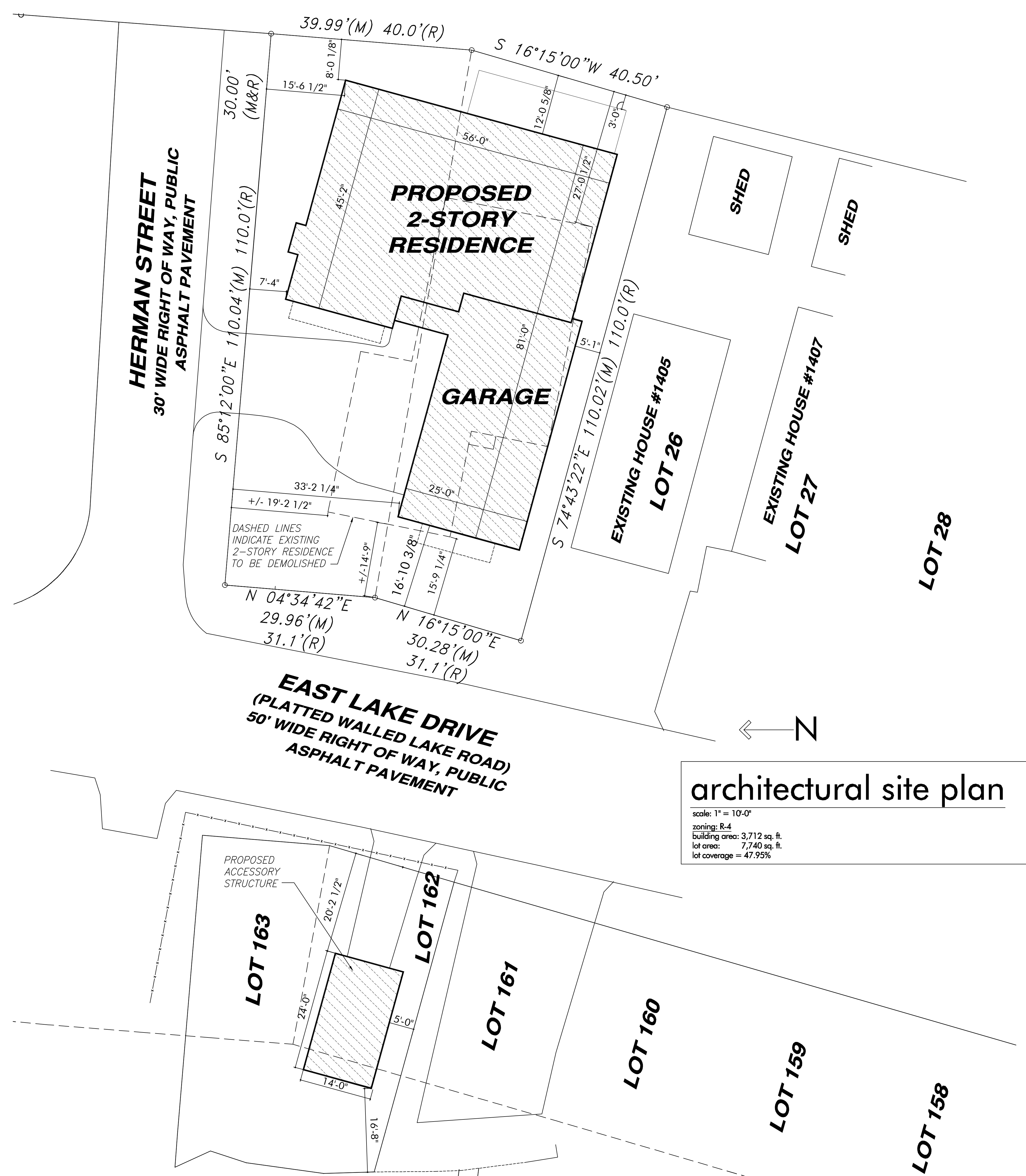


1345 EAST LAKE DR. - HOUSE IS OF SIMILAR SIZE AND SIDE/ REAR VARIANCE REQUESTS ARE OF SIMILAR NATURE TO WHAT WAS GRANTED HERE



example of nearby property

not to scale



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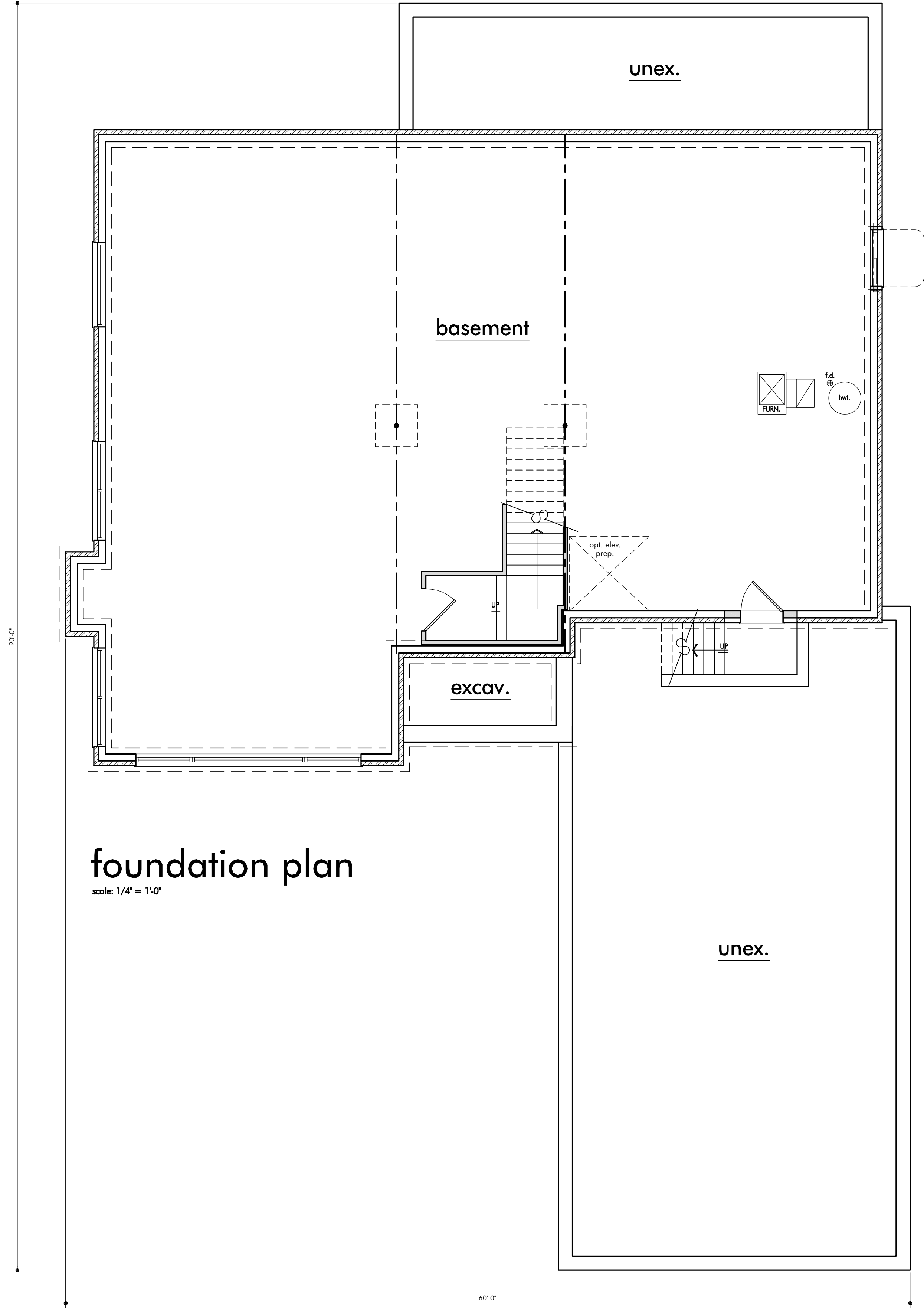
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pinnacle.designservices@gmail.com

PROJECT:
YONO CUSTOM RESIDENCE
1401 EAST LAKE DR.
NOVI, MI

ISSUED	DATE
CLIENT REVIEW	02.09.2021
CLIENT REVIEW	02.12.2021
CLIENT REVIEW	02.23.2021
CLIENT REVIEW	02.27.2021
ZBA	03.01.2021

21.101
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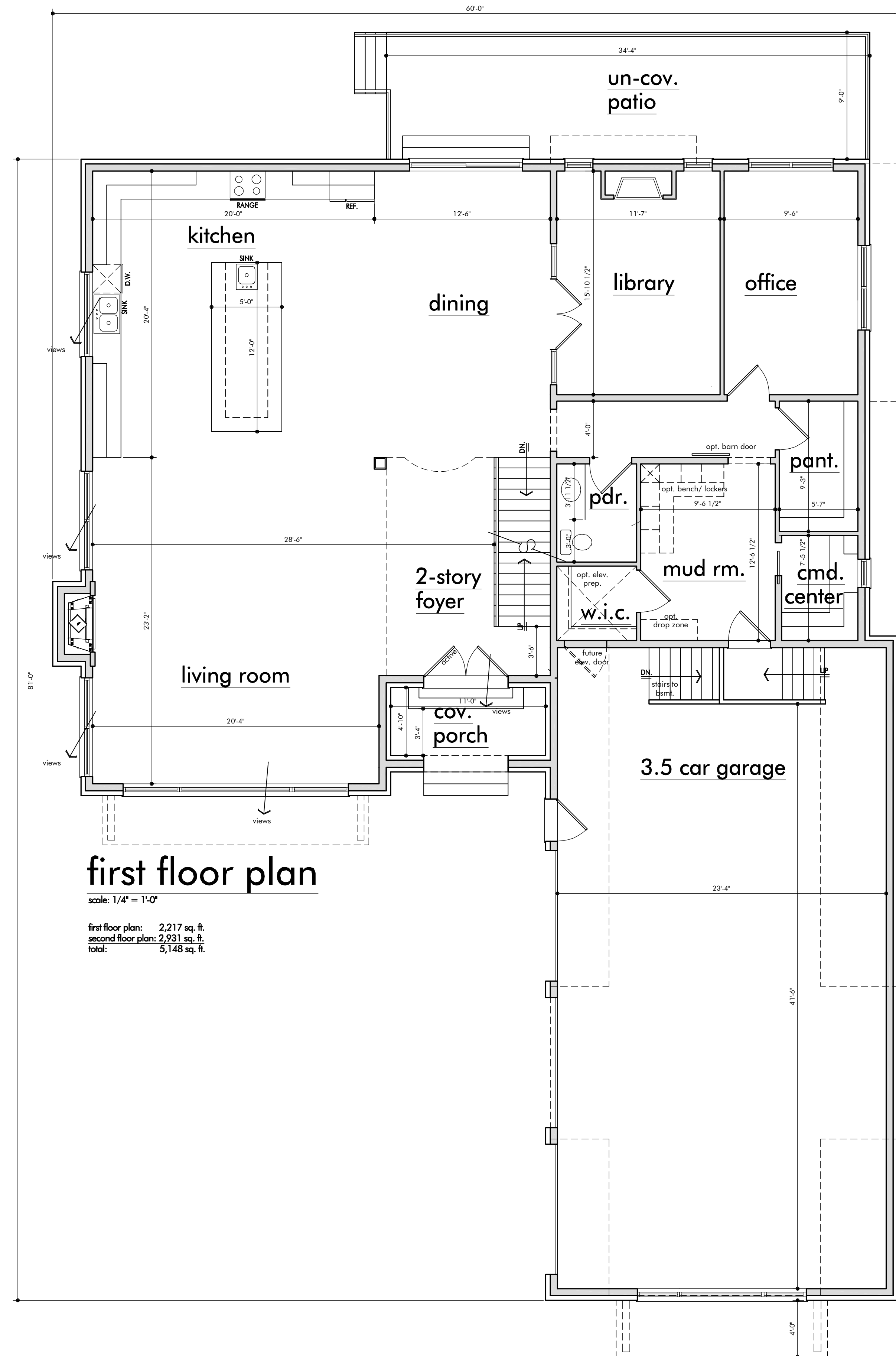
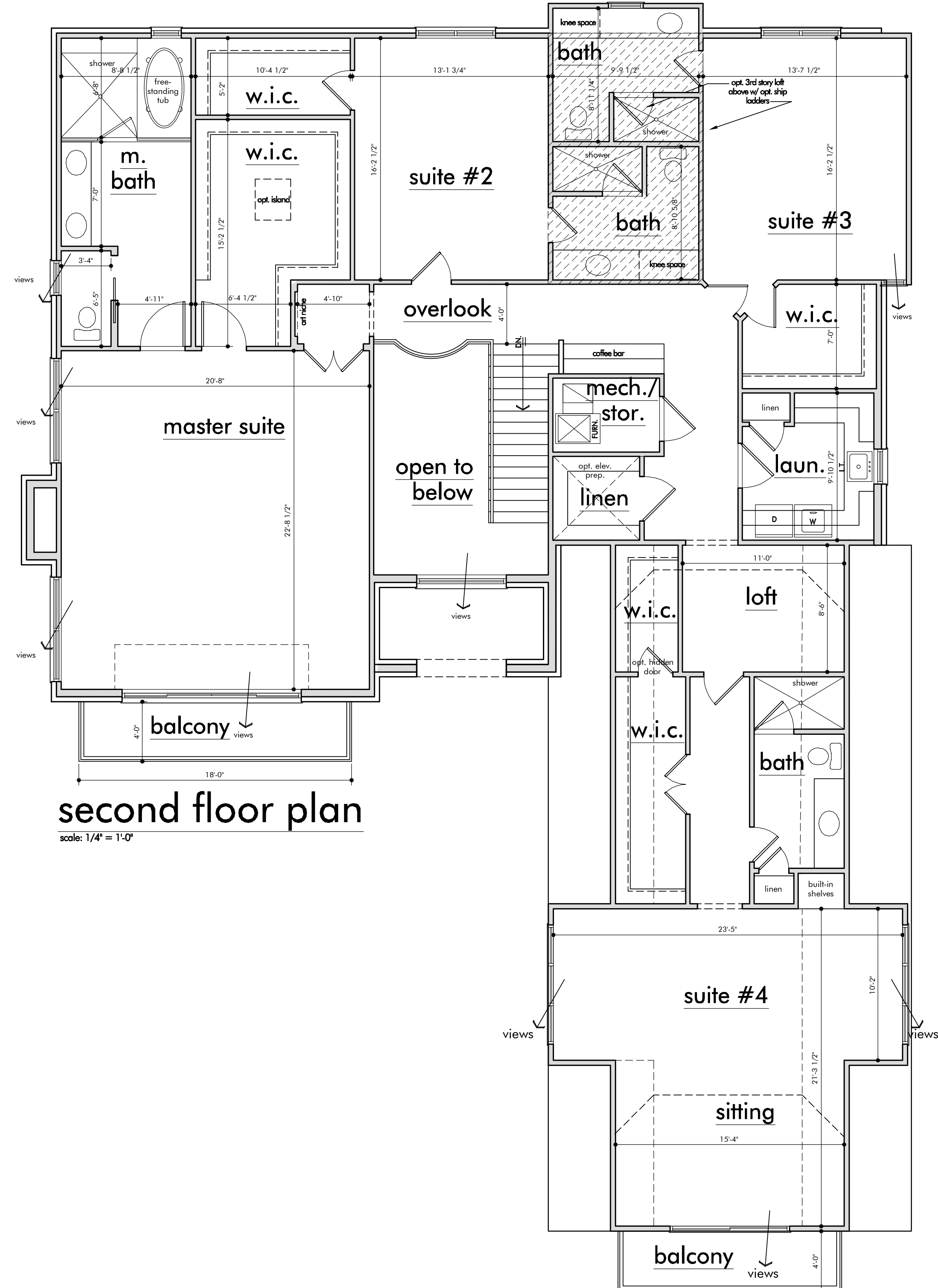
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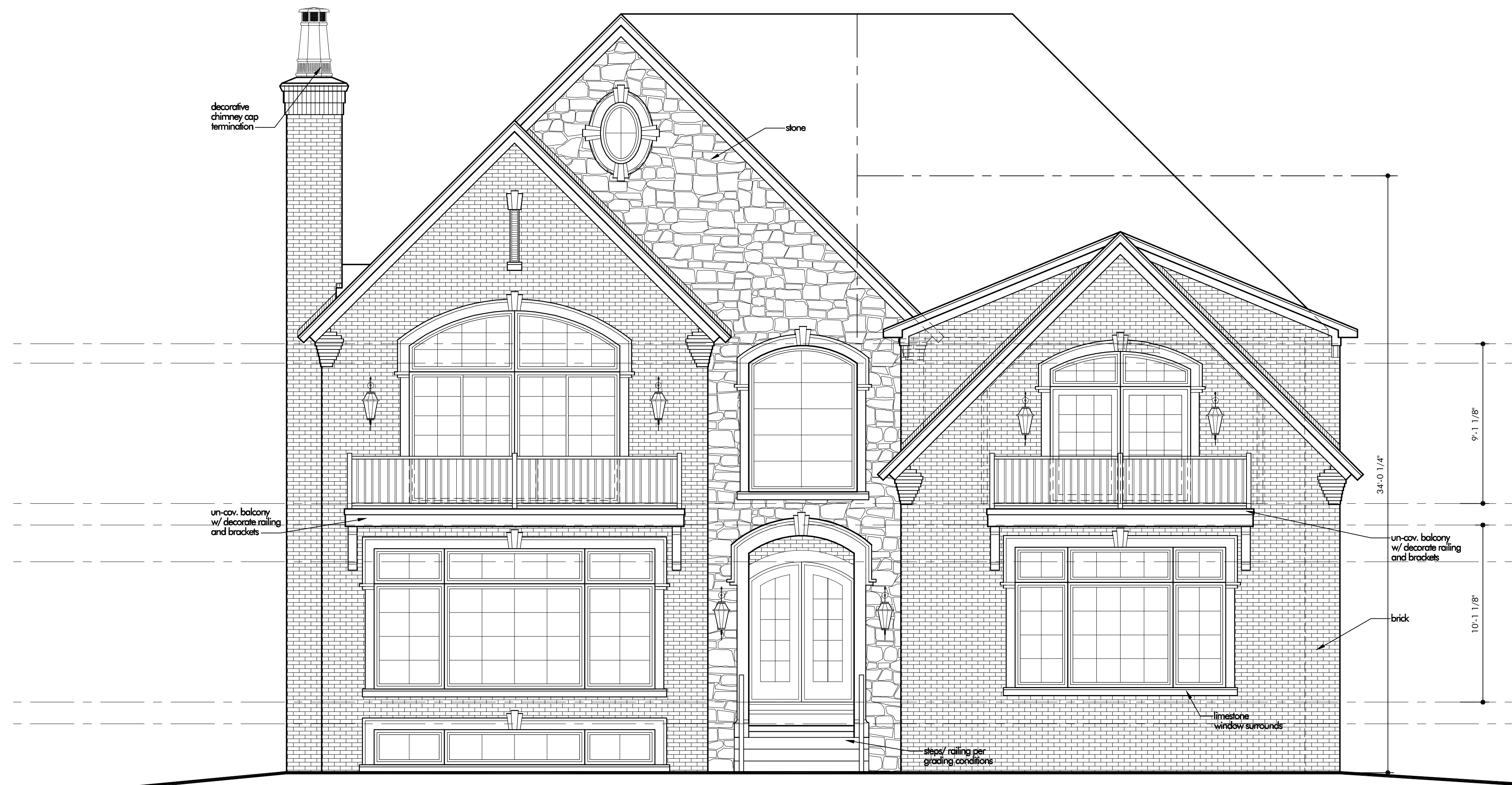
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lakeside elevation (east lake dr.)

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

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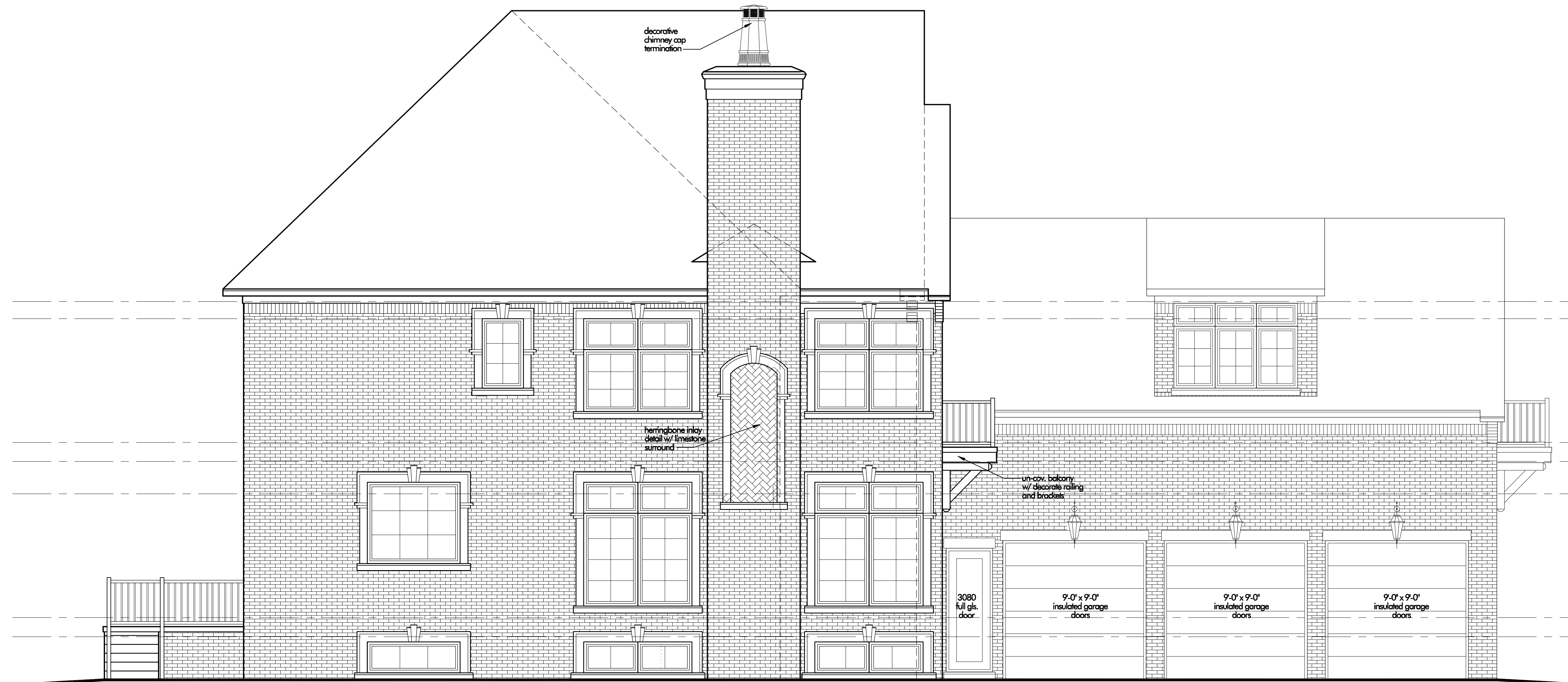
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left elevation (herman street)

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

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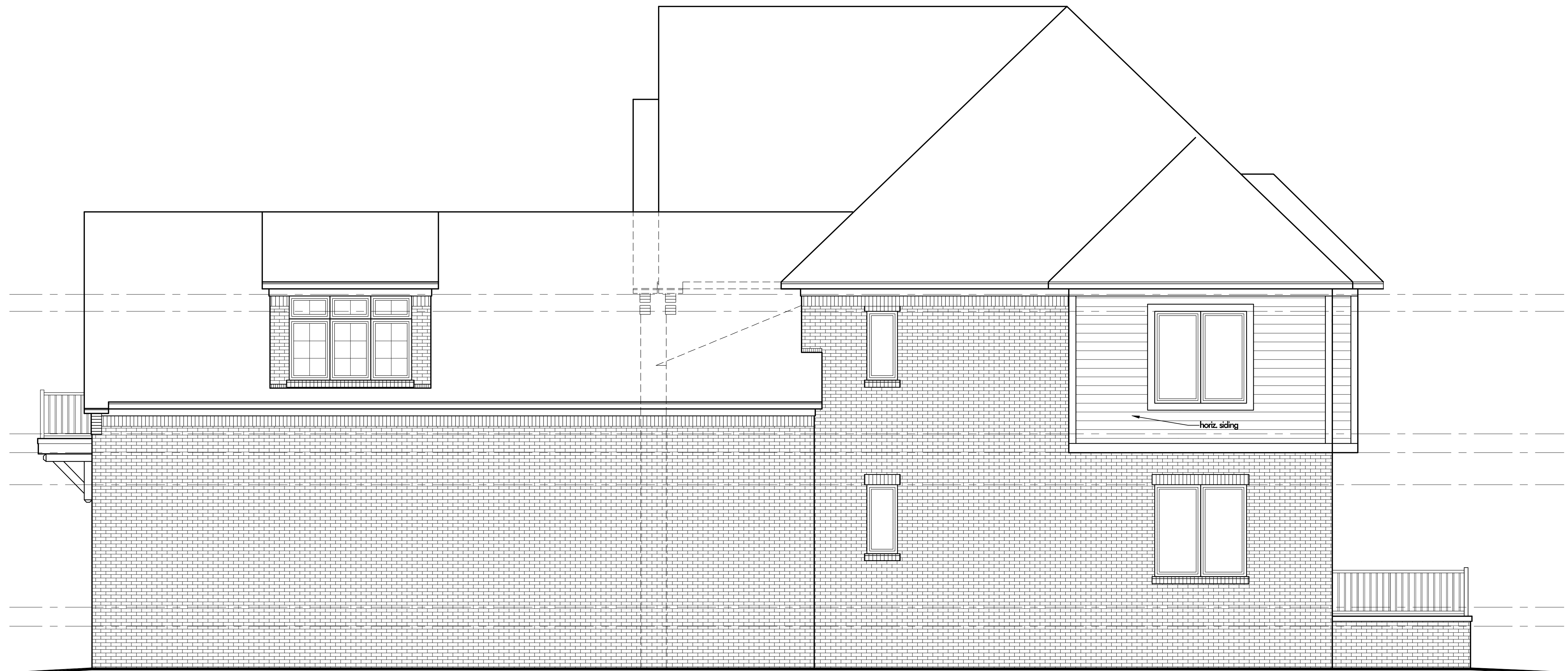
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right elevation

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

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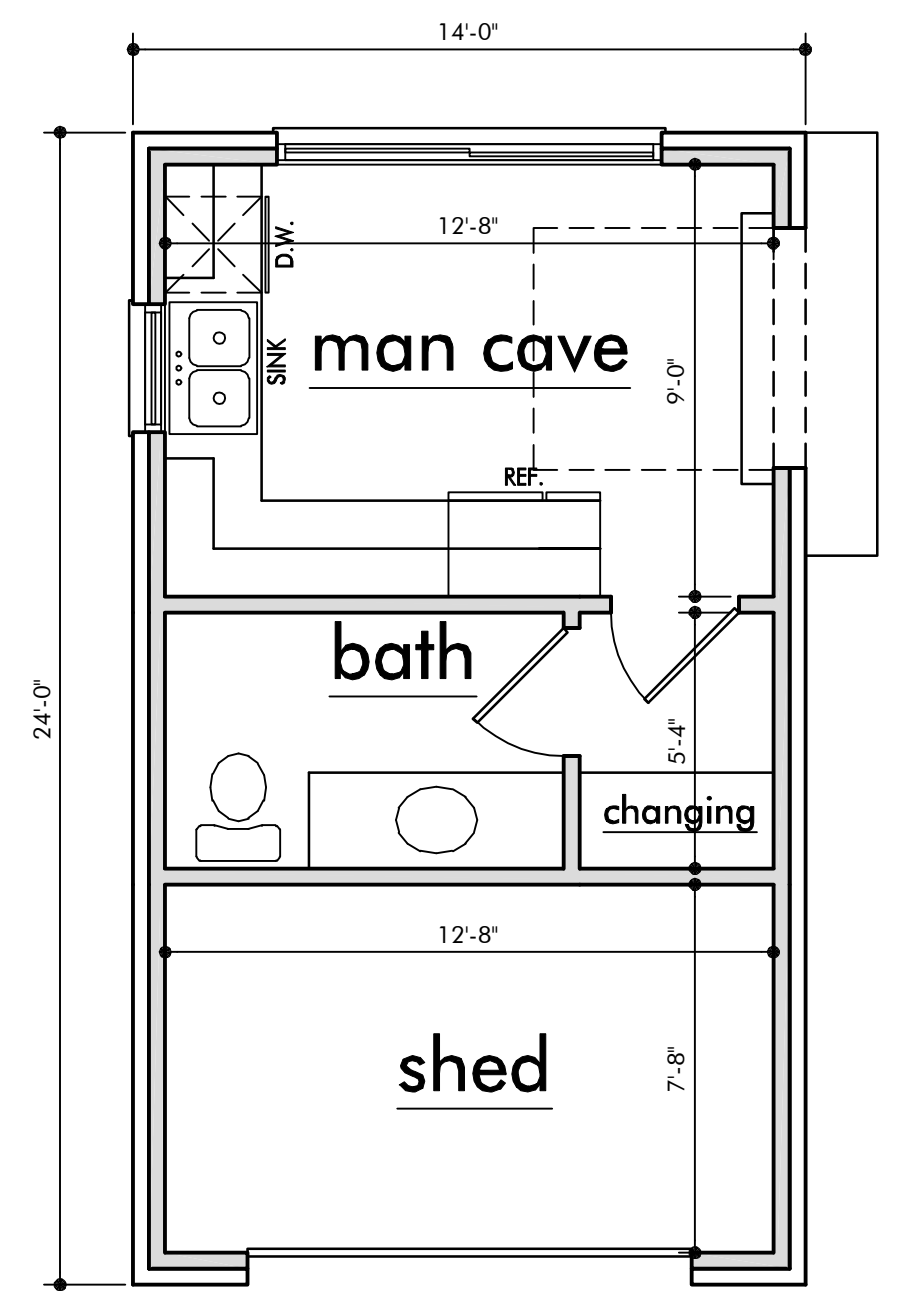
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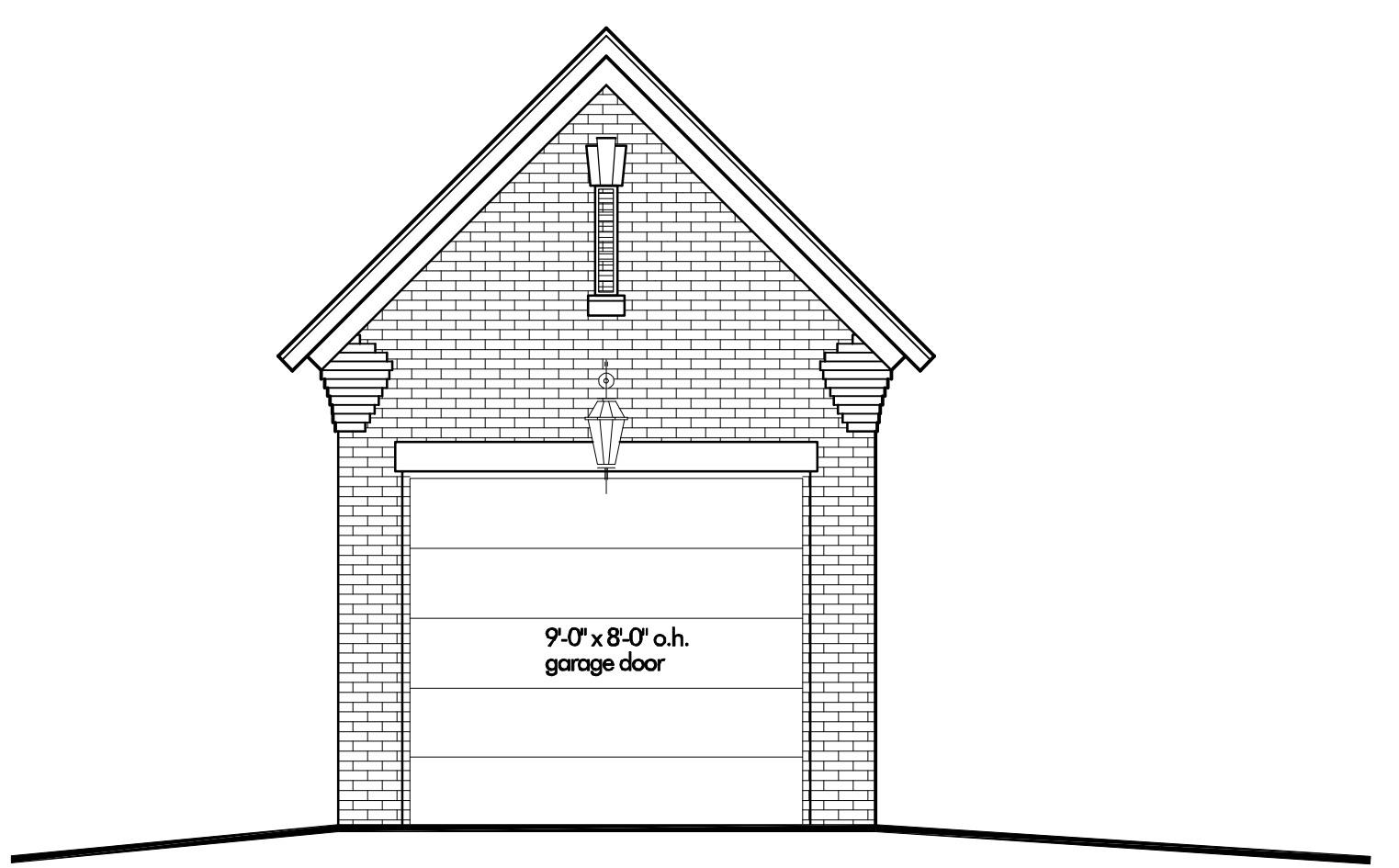
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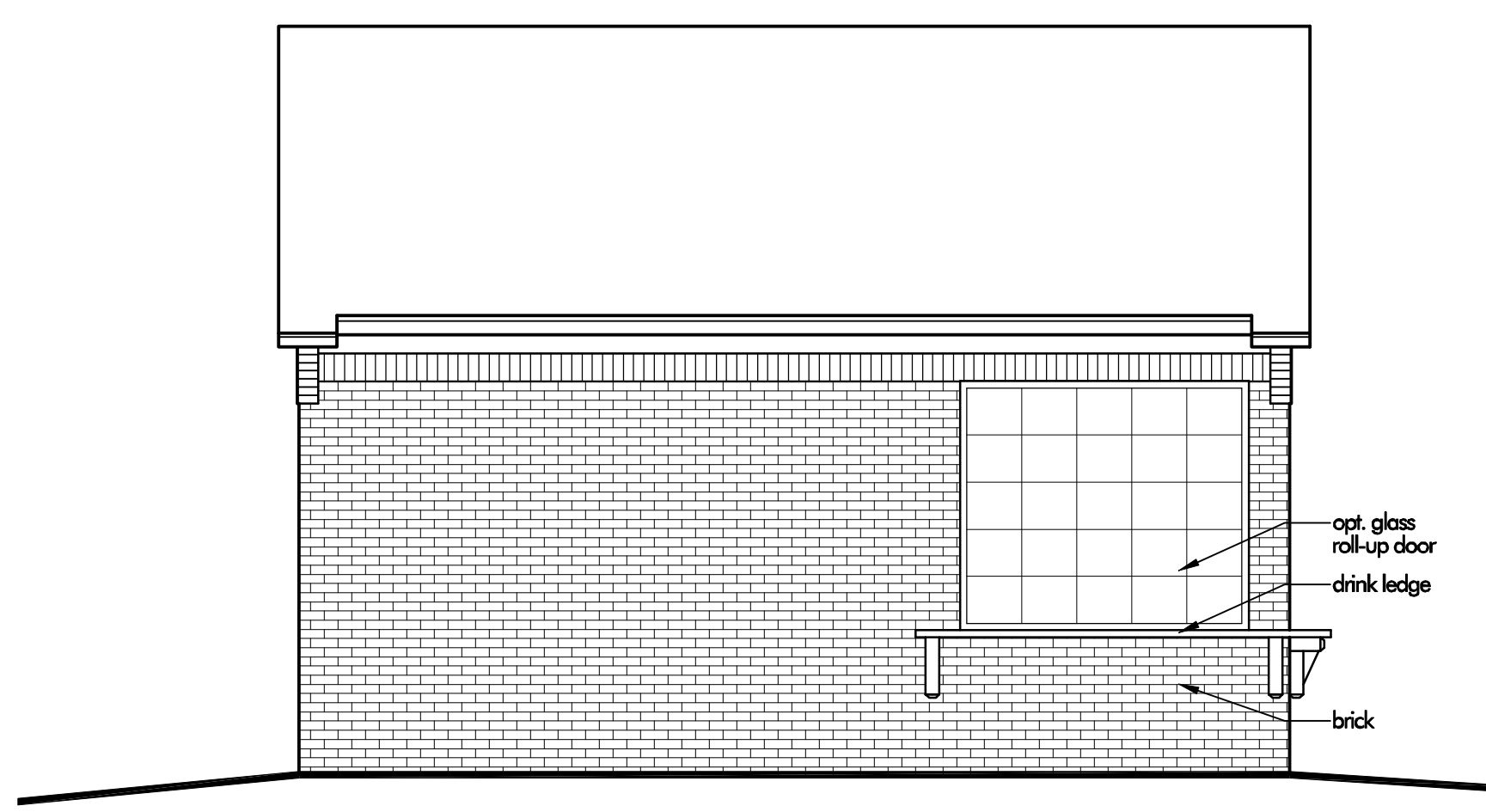
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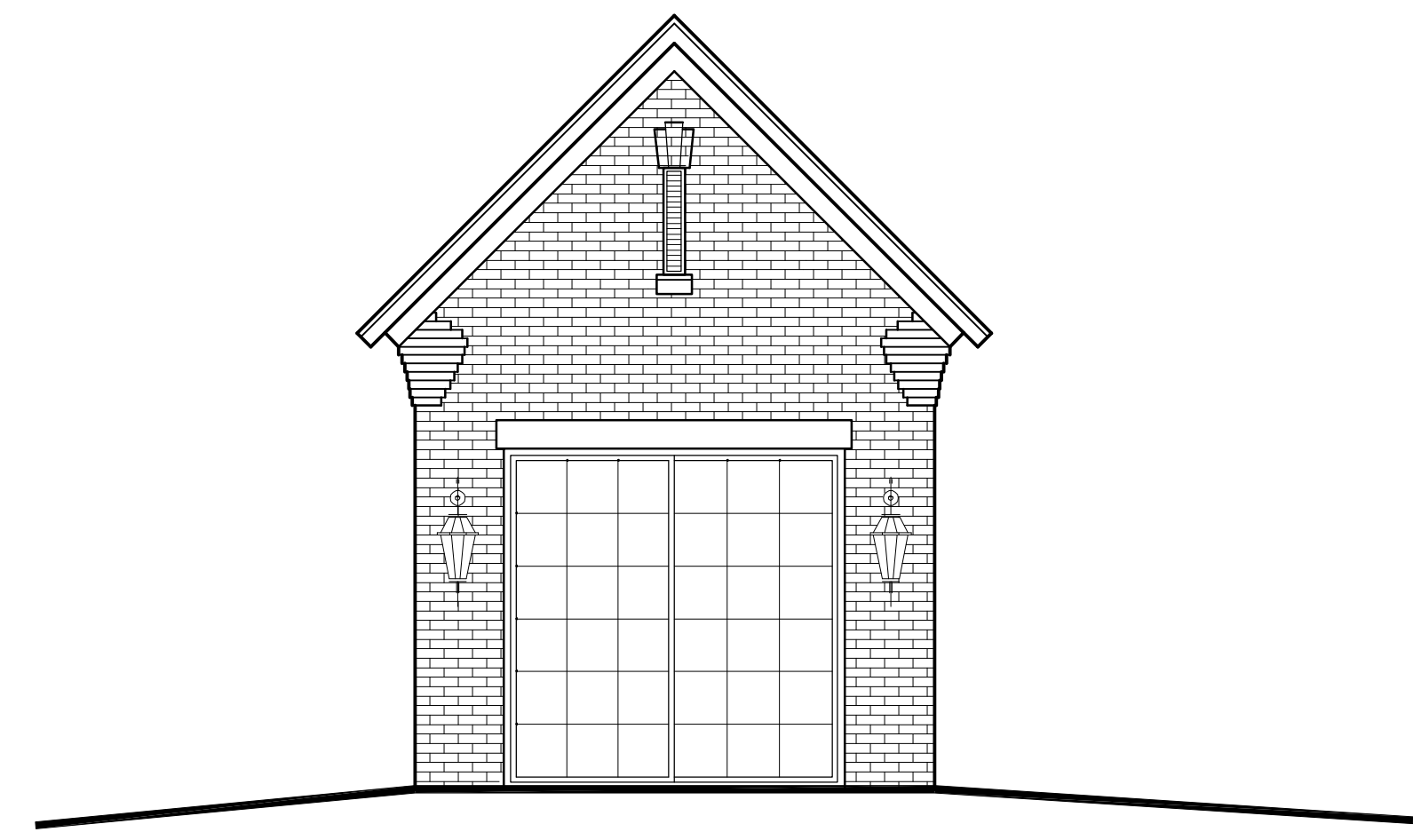
cabana floor plan
scale: 1/4" = 1'-0"



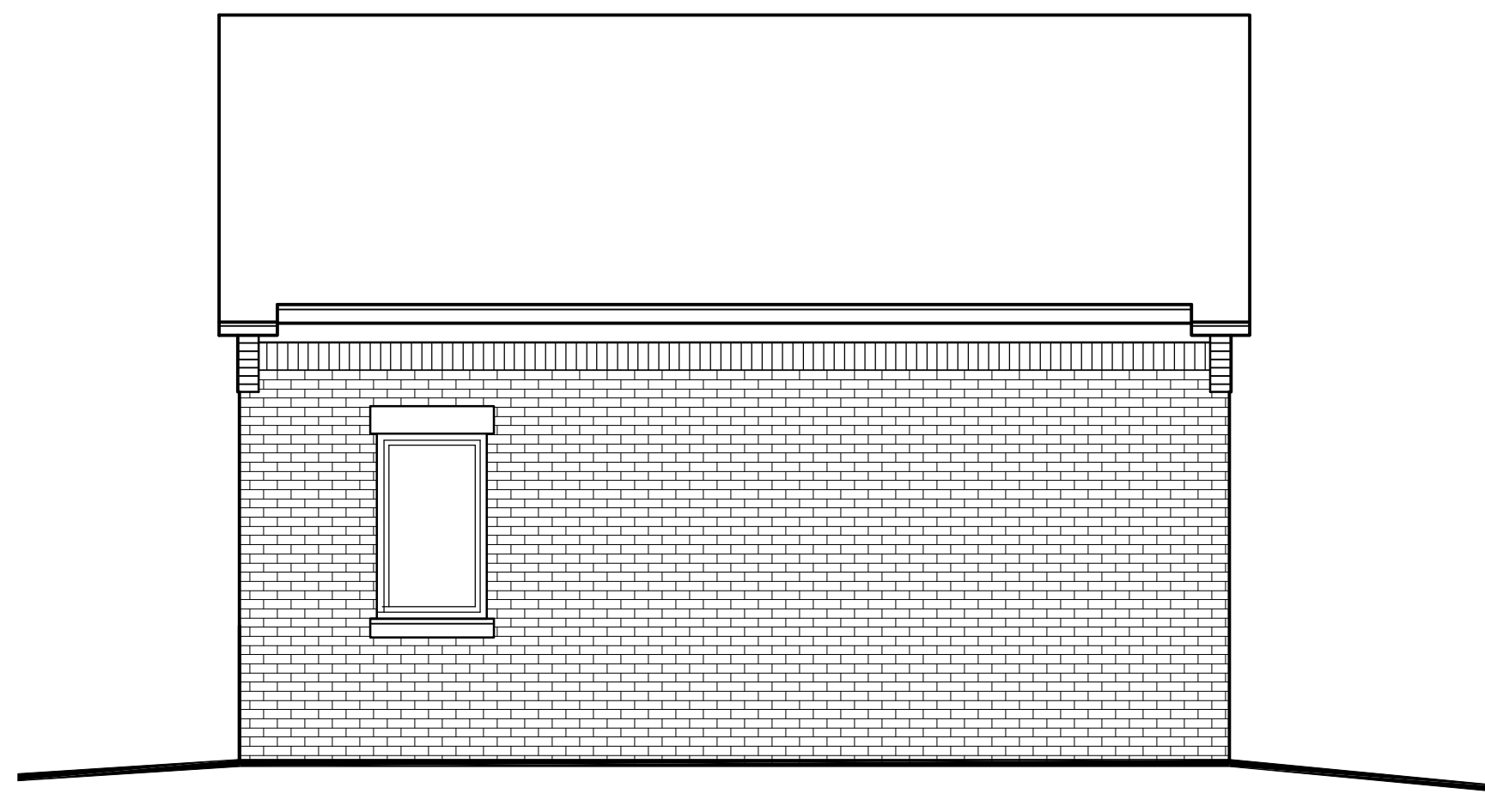
rear elevation (east lake dr.)
scale: 1/4" = 1'-0"



left elevation
scale: 1/4" = 1'-0"



waterside elevation
scale: 1/4" = 1'-0"



right elevation
scale: 1/4" = 1'-0"