



# COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
[www.cityofnovi.org](http://www.cityofnovi.org)

## ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: May 11, 2021

REGARDING: 1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### Applicant

Dan and Wendi Williams

#### Variance Type

Dimensional Variance

#### Property Characteristics

Zoning District:	Single Family Residential
Location:	East of West Park Drive and South of W Pontiac Trail
Parcel #:	50-22-03-204-021

#### Request

The applicant is requesting variance from the Novi Zoning Ordinance Section 3.1.5 for a rear yard setback of 9.67 feet (35 feet minimum required by code, variance of 25.33 feet). This variance would accommodate the building a new covered deck. 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. **PZ21-0022**, 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. **PZ21-0022**, 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

Application Fee: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

ZBA Case #: **PZ** \_\_\_\_\_

### I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION Dan and Wendi Williams Residence / JW Hawthorne's Subdivision	
ADDRESS 1419 WEST LAKE DRIVE	LOT/SIUTE/SPACE #
SIDWELL # 50-22-03 - 2004 - 021	May be obtain from Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY **rexton and west park drive**

IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?  YES  NO

REQUEST IS FOR:  RESIDENTIAL  COMMERCIAL  VACANT PROPERTY  SIGNAGE

DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED?  YES  NO

### II. APPLICANT INFORMATION

<b>A. APPLICANT</b>		EMAIL ADDRESS wendi@ez-groom.com	CELL PHONE NO. 313-682-8863
NAME DAN AND WENDI WILLIAMS			TELEPHONE NO. 248-421-3344
ORGANIZATION/COMPANY			FAX NO. 248-548-9727
ADDRESS 1419 WEST LAKE DRIVE	CITY NOVI	STATE MI	ZIP CODE 48377

**B. PROPERTY OWNER**  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.
ORGANIZATION/COMPANY		FAX NO.
ADDRESS	CITY	STATE
		ZIP CODE

### III. ZONING INFORMATION

**A. ZONING DISTRICT**

R-A  R-1  R-2  R-3  R-4  RM-1  RM-2  MH

I-1  I-2  RC  TC  TC-1  OTHER \_\_\_\_\_

**B. VARIANCE REQUESTED**

INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:

1. Section <u>3.1.5</u> Variance requested	LOT COVERAGE: 32% (standard 25%)
2. Section <u>3.1.5</u> Variance requested	SIDE YARD SET BACK: 5' on south/right (standard 10')
3. Section <u>3.1.5</u> Variance requested	SIDE SETBK AGGREGATE: 17' 9" (standard 25')
4. Section <u>Residential Deck</u> Variance requested	SIDE SETBK: 5' south/rt (std 10') REAR <u>13.5'</u> (std 17')

### IV. FEES AND DRAWINGS

**A. FEES**

Single Family Residential (Existing) \$200  (With Violation) \$250  Single Family Residential (New) \$250

Multiple/Commercial/Industrial \$300  (With Violation) \$400  Signs \$300  (With Violation) \$400

House Moves \$300  Special Meetings (At discretion of Board) \$600

**B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF**

- 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

*Samuel Williams*  
Applicant Signature

March 30, 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

\_\_\_\_\_  
Date

## VII. FOR OFFICIAL USE ONLY

### DECISION ON APPEAL:

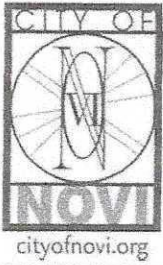
GRANTED

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



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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:

The property (lot) is only 44.65' on roadside.  
Existing home is 2' -7" (2.6 feet) from lot line on south side.

*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 property (lot) is only 44.65' on roadside.  
Existing home is 2' -7" (2.6 feet) from lot line on south side.

## **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.

Strict adherence would result in an unusual house design, not consistent with contemporary floor plans.

## **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.

Variance will allow construction of comfortable contemporary home, in the likeness of other new homes being constructed in the community. Will be visually appealing and add value to the community.

## **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.

We have shown consideration for neighbors, including meeting with adjoining property owners. Build of (another) custom home in this neighborhood, on the lake, will add to enjoyment, use and values.

WILLIAMS RESIDENCE

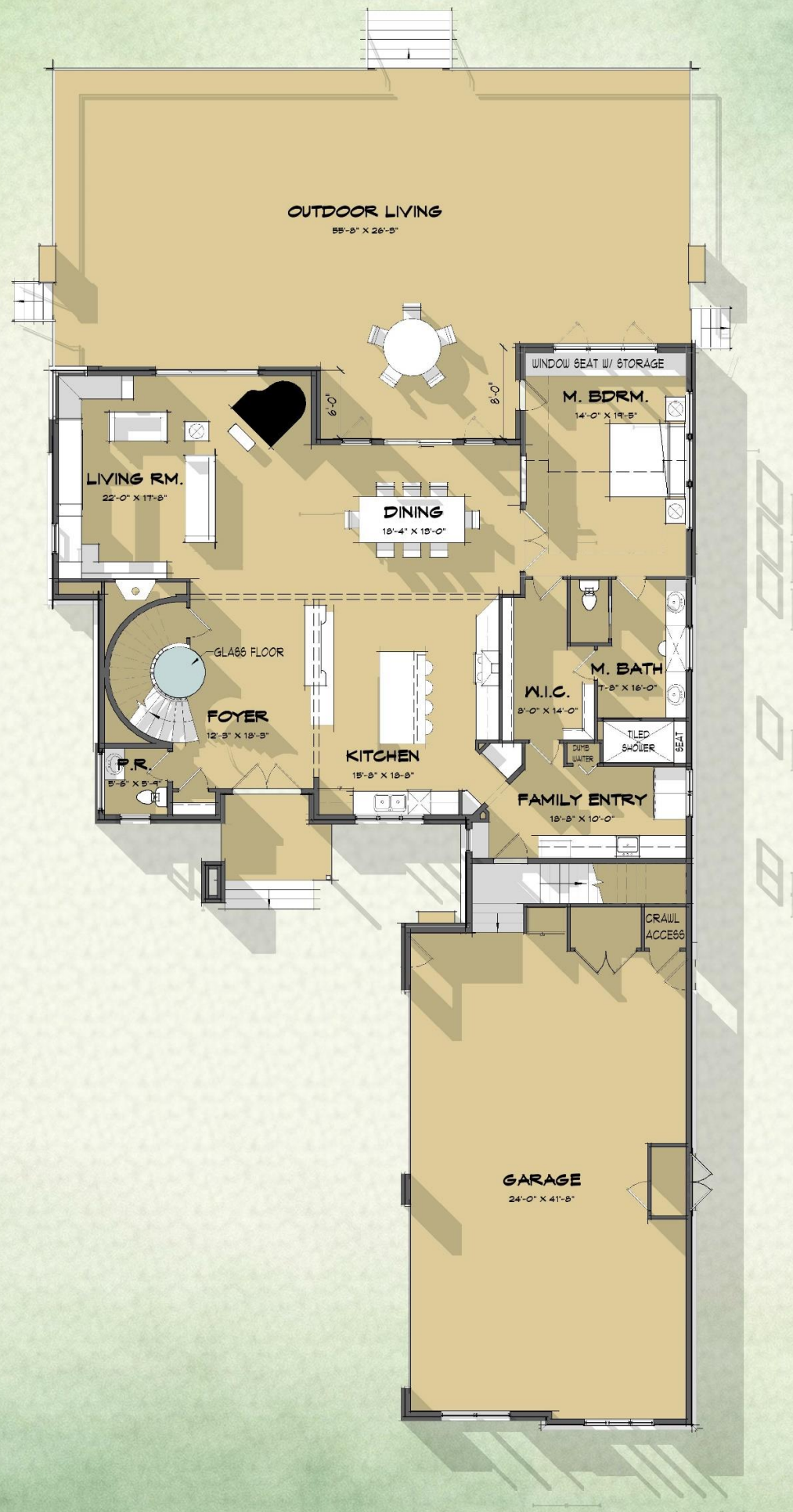
PROPOSED 2,122 SQ.FT.

4-2-2021









**FIRST FLOOR PLAN**

2,150 SF + 1,527 OUTDOOR LIVING AREA

2X6 EXTERIOR WALL



SECOND FLOOR PLAN

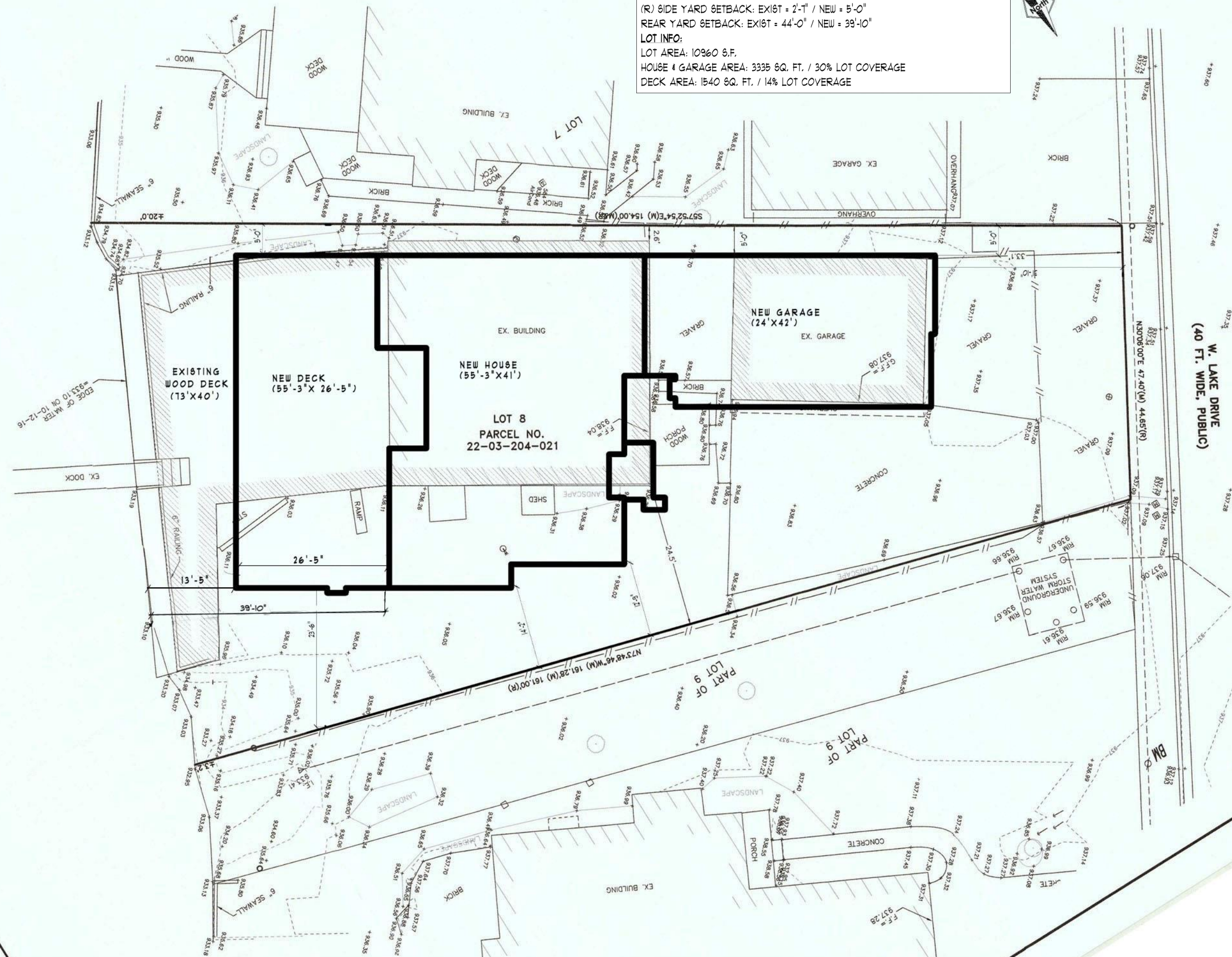


ATTIC FLOOR PLAN





**SETBACKS:**  
 FRONT YARD SETBACK: EXIST = 33'-1" / NEW = 31'-10"  
 (L) SIDE YARD SETBACK: EXIST = 24'-5" / NEW = 12'-9"  
 (R) SIDE YARD SETBACK: EXIST = 2'-1" / NEW = 5'-0"  
 REAR YARD SETBACK: EXIST = 44'-0" / NEW = 33'-10"  
**LOT INFO:**  
 LOT AREA: 10960 S.F.  
 HOUSE & GARAGE AREA: 3335 SQ. FT. / 30% LOT COVERAGE  
 DECK AREA: 1540 SQ. FT. / 14% LOT COVERAGE



**SITE PLAN**  
 SCALE: 1" = 10'-0"





To highest point

To midpoint

33'-10 3/4"

31'-11"



**FRONT ELEVATION**

SCALE: 3/32" = 1'-0"



**LEFT ELEVATION**

SCALE: 3/32" = 1'-0"



**RIGHT ELEVATION**

SCALE: 3/32" = 1'-0"

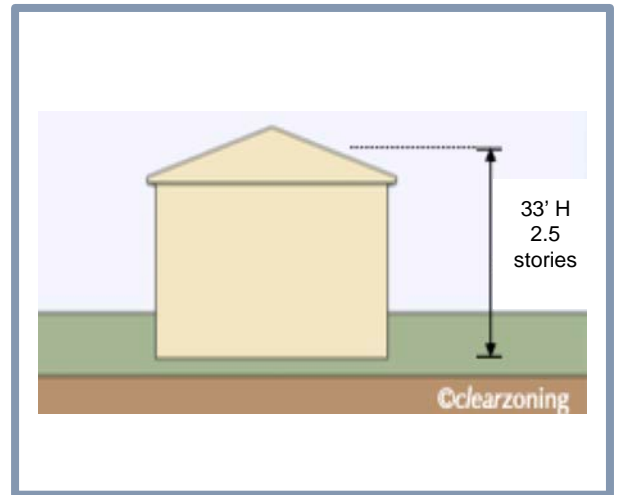
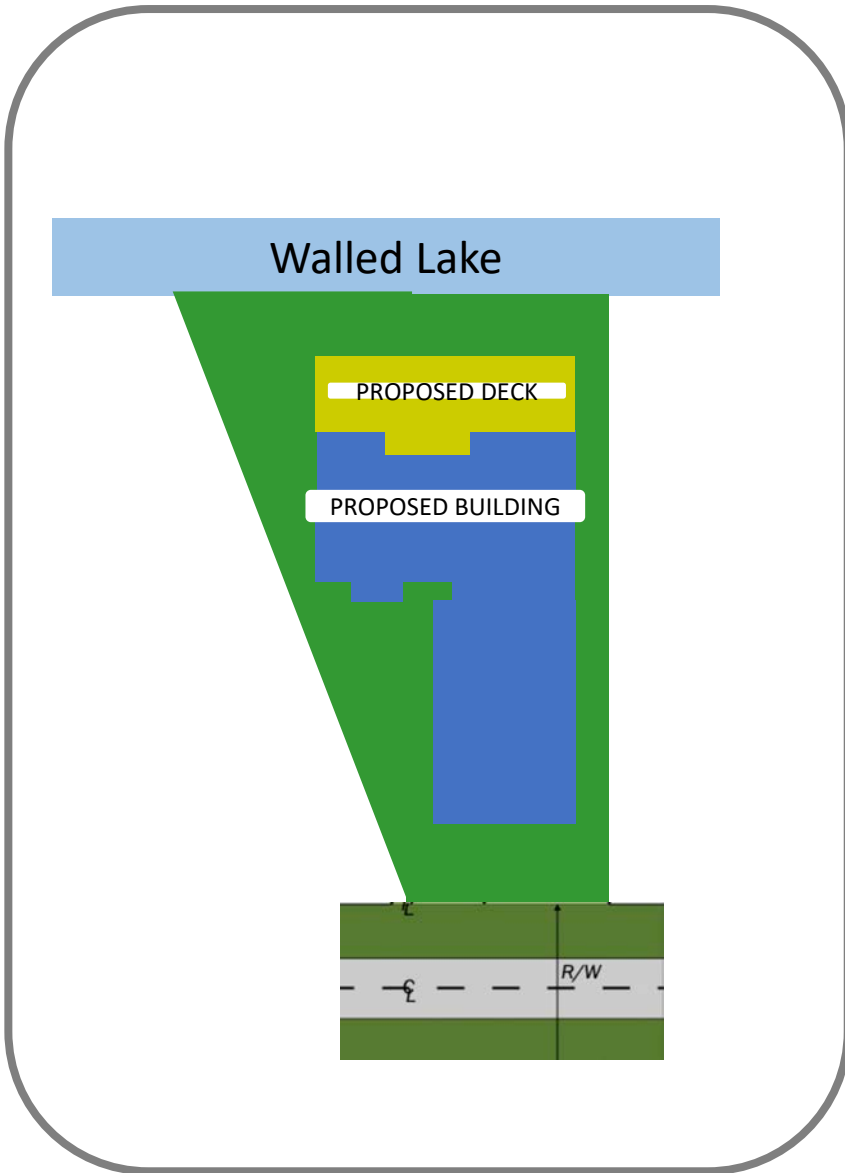


**REAR ELEVATION**

SCALE: 3/32" = 1'-0"

# R-4 1419 West Lake Drive

## Summary of Variance Details



		Plan	Ordinance	Variance Requested
Zoning - R4				
Lot Coverage		30%	25%	5%
Front Yard Setback		31'10"	30'	None
Back Yard Setback		39'10"	35'	None
Side Yard Setbacks	North	12'9"	10'	None
	South	5'	10'	5'
	Total	17'9"	25'	7'3"
Height		33' 2.5 stories	35' 2.5 stories	None
Deck Setback - Side		5'	10'	5'
Deck Setback - Rear		13'6"	17'	3'6"



# R-4 1419 West Lake Drive

Community Consideration 1 – Reduced house width based upon neighbor request

Neighbor views improved by 150% vs original plan

**Original Plan**

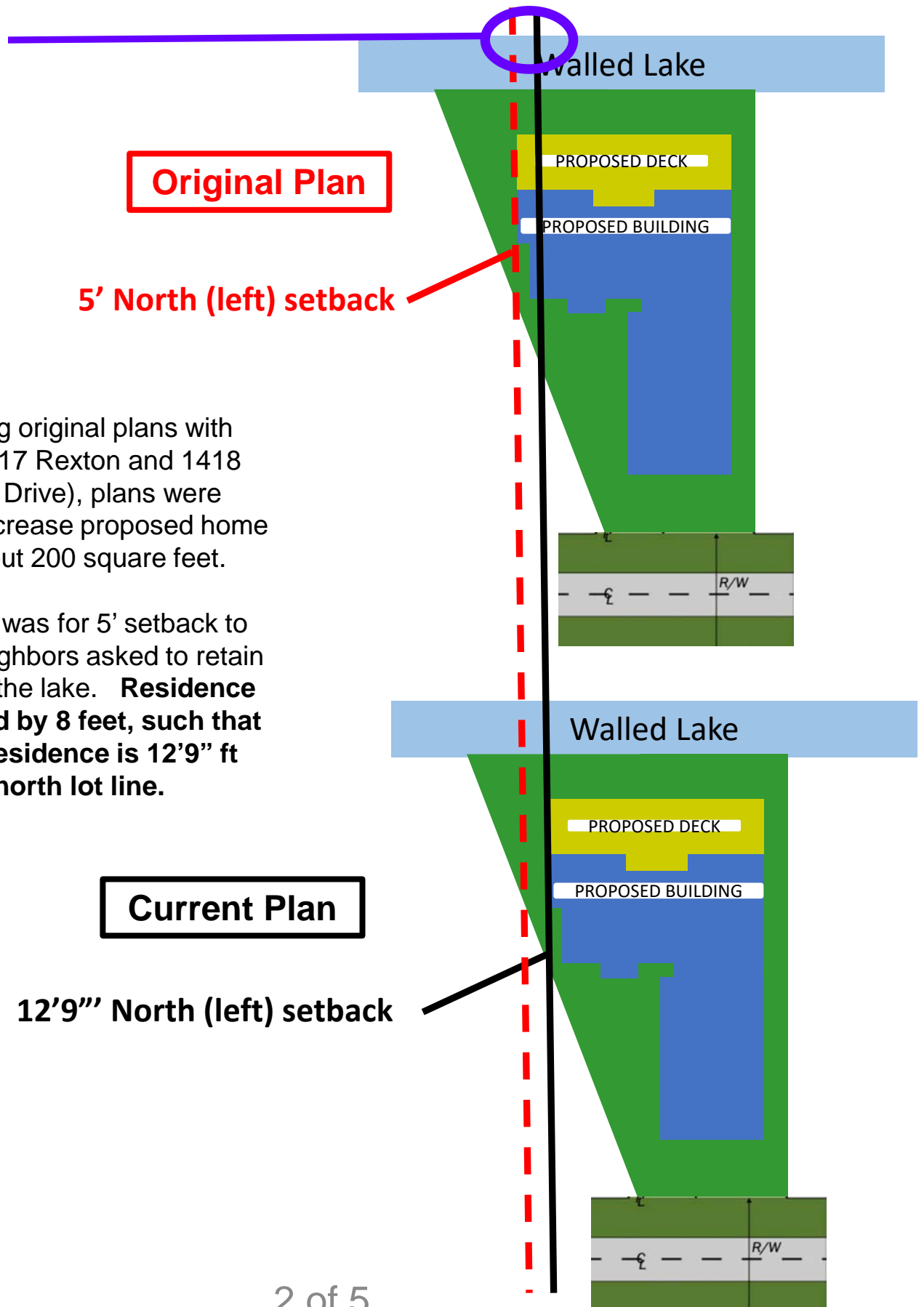
5' North (left) setback

After sharing original plans with neighbors (117 Rexton and 1418 West Lake Drive), plans were modified to decrease proposed home size by about 200 square feet.

Original plan was for 5' setback to the north. Neighbors asked to retain more view of the lake. **Residence was narrowed by 8 feet, such that proposed residence is 12'9" ft from north lot line.**

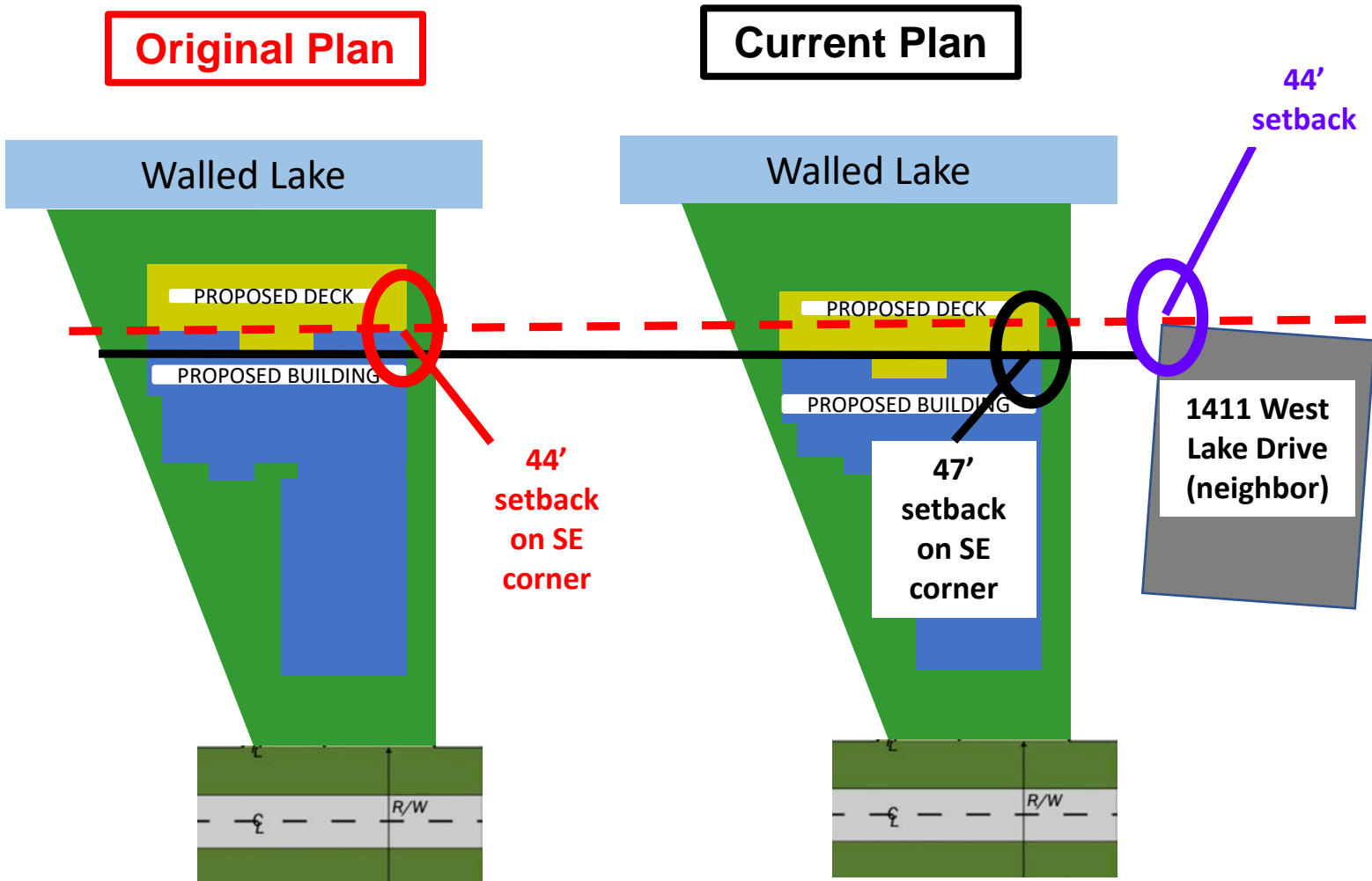
**Current Plan**

12'9" North (left) setback



# R-4 1419 West Lake Drive

Community Consideration 2 – moved house further from lake upon neighbor request



After sharing original plans with neighbor at 1411 West Lake Drive, plans were modified to move proposed home farther from the lake.

Original plan was for 44' setback from lake on the southeast corner of the proposed home (same as 1411 West Lake Drive). **At neighbor's (1411 West Lake Drive) request, we modified the original plan from 44' setback to 47' setback.** Neighbor home is currently 5'10" closer to the lake than current residence. With proposed new residence, neighbor home will be 3' 10" closer to the lake than proposed residence. Our view will still be obstructed but we can accept this.

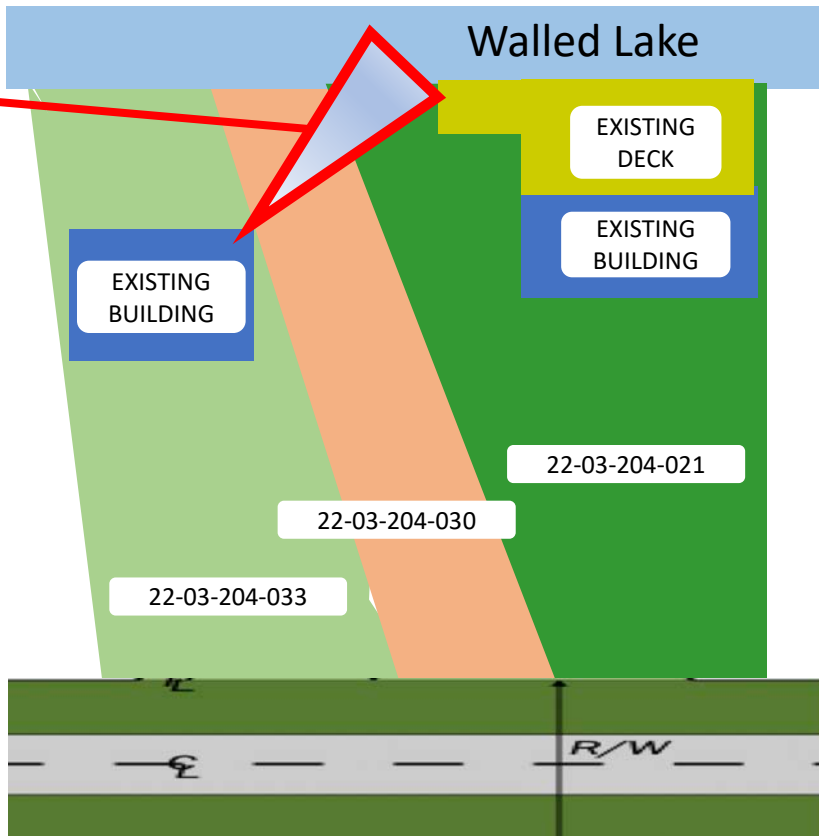
# R-4 1419 West Lake Drive

## Current Residence/Deck

**Unobstructed View across our property 10 feet**

**Current Deck Facts**

- Deck extends to water
- Deck north edge 10 feet from property line
- Deck has dense wood railing obstructing view

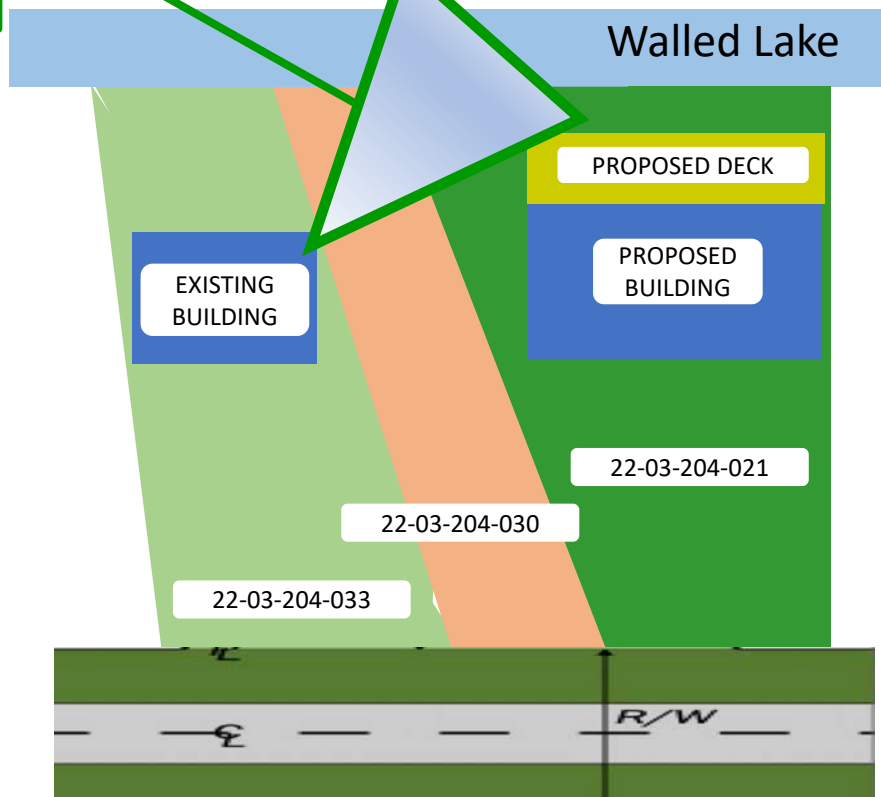


**Unobstructed View across our property 30 feet**

**Proposed Deck Facts**

- New Deck 13 feet from water
- New Deck north edge now 20 feet from property line
- Deck has pipe and cable railing (primarily see through)
- Reduced height of deck by 1'3" to accommodate neighbor request (1411 West Lake Drive)

## Proposed Residence/Deck





# R-4 1419 West Lake Drive

## Additional Community Considerations

- Improves neighborhood safety with by increasing the south (right) setback from the existing 2'7" to 5'. While 5' requires a variance, it is nearly 100% improvement over the current condition.
- Improves neighborhood aesthetics with buried power lines (currently 100% overhead)
- Improves neighborhood value by replacing approx. \$200K value home with \$1.2M home
- Added tax revenue for the City of Novi
- Key design consideration for the proposed residence was to be respectful of the neighborhood and the zoning ordinances. Based on a review of the 16 lakefront property variances approved by the City of Novi ZBA from 2018 through present, the requested variances for 1419 West Lake Drive are conservative:

APPROVED CITY OF NOVI ZBA APPLICATIONS 2018 THROUGH 2021			
	Average approved variance	1419 Requested Variance	1419 requesting more or less than average approved variance
Front Yard Setback	18 feet	None	Less
Rear Yard Setback	21 feet	None	Less
Side Yard 1	5.5 feet	5 feet	Less
Side Yard 2	5 feet	None	Less
Aggregate Side Yard	16 feet	7.25 feet	Less
Lot Coverage	11%	5%	Less