



# 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: March 15, 2016

REGARDING: Szymanski (PZ16-0001) 2012 West Lake Drive

BY: Charles Boulard, Building Official

### I. GENERAL INFORMATION:

**Applicant**

Gary and Sarah Szymanski

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District: R-4, One Family Residential District  
Parcel #: 50-22-13-155-009

**Request**

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 to allow construction of a second floor addition with reduced side yard setbacks (10 feet required, 5 feet proposed), reduced aggregate side setback (25 feet required, 10 feet proposed) and reduced front setback (30 feet required, 18 feet requested) for an existing residence constructed under a previous variance. The property is located east of West Lake Drive and north of South Lake Drive

### II. STAFF COMMENTS:

**Proposed Changes**

The applicant is requesting approval to extend the second floor of an existing residence over a one story garage portion of the structure. As the previous variance that allowed construction of both the home and attached garage was presented to and approved by the ZBA with specific plans, a new variance is required. The previously approved reduced setbacks would not change, but the volume and mass of the building within those variance areas would increase.

### III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

- I move that we **grant** the variance in Case No. **PZ16-0001**, 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. PZ16-0001, 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\_\_\_\_\_.

**Zoning Board Of Appeals**

Szymanski

Case # PZ16-0001

March 15, 2016

Page 3 of 3

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Charles Boulard

Building Official

City of Novi



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# ZONING BOARD OF APPEALS APPLICATION

RECEIVED

JAN 29 2016

CITY OF NOVI  
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200-

Meeting Date: 3-15-16

ZBA Case #: PZ 16-0001

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

PROJECT NAME / SUBDIVISION: CITY S2411A, G541

ADDRESS: 2512 West Lake Drive LOT/SUITE/SPACE #

SIDWELL #: 50-22-03-155-009 May be obtain from Assessing Department (248) 347-0485

CROSS ROADS OF PROPERTY: West Lake Drive & Pickford

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**

**A. APPLICANT**

NAME: COVA CONSULTING INC

ORGANIZATION/COMPANY: COVA CONSULTING INC

ADDRESS: 2512 West Lake Drive CITY: NOVI STATE: MI ZIP CODE: 48377

EMAIL ADDRESS: novi@covainc.com CELL PHONE NO.: 586-348-8742

TELEPHONE NO.:

FAX NO.:

**B. PROPERTY OWNER**  CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER

Identify the person or organization that owns the subject property:

NAME: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_ CELL PHONE NO.:

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 3.15 Variance requested increase setback within street front

2. Section 3.15 Variance requested side yard setback within 4.5 feet

3. Section 3.15 Variance requested overall lot depth setback 10 feet

4. Section \_\_\_\_\_ Variance requested \_\_\_\_\_ (25' required)

**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

[Signature]  
Applicant Signature

1/29/16  
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:

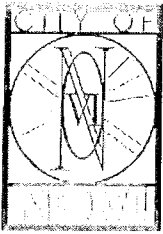
GRANTED

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



cityofnovi.org

**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**

**Case No. 12-014 2012 West Lake Dr**

**Location:** 2012 West Lake Drive

**Zoning District:** R-4, One Family Residential

The applicant is requesting variances to allow reduced side yard setbacks of 5 ft., on each side respectively, a front yard setback of 19.33 ft. and a maximum lot coverage of 34% for a new residence proposed to be constructed on an existing lot. The property is located east of West Lake Drive and north of South Lake Drive in the R-4 Zoning District.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires minimum and aggregate side yard setbacks of 10 ft. and 25 ft. respectively, a front yard setback of 30 ft. and maximum lot coverage of 25%.

**City of Novi Staff Comments:**

The applicant is proposing construction of a new modestly sized single family home on an existing narrow lakefront lot. The required aggregate side setbacks of 25 feet would allow a limited building width. The proposed home is closer to the required setbacks than the current structures on the site. Staff supports the variances provided substantial justice can be provided for neighboring property owners.

**Standards for Granting a Dimensional Variance:**

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- 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 requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

January 28, 2016

Carol Ames  
2011 West Lake Dr.  
Novi, MI 48377  
248-231-2563

Dear City of Novi Representatives,

I am the direct neighbor to the north of Sarah and Gary Szymanski at 2012 West Lake Dr., Novi, MI. The Szymanskis' are proposing to add an addition on top of their attached garage for purposes of a family room. I have a similar addition above my garage and I fully support the Szymanskis in being able to do the same.

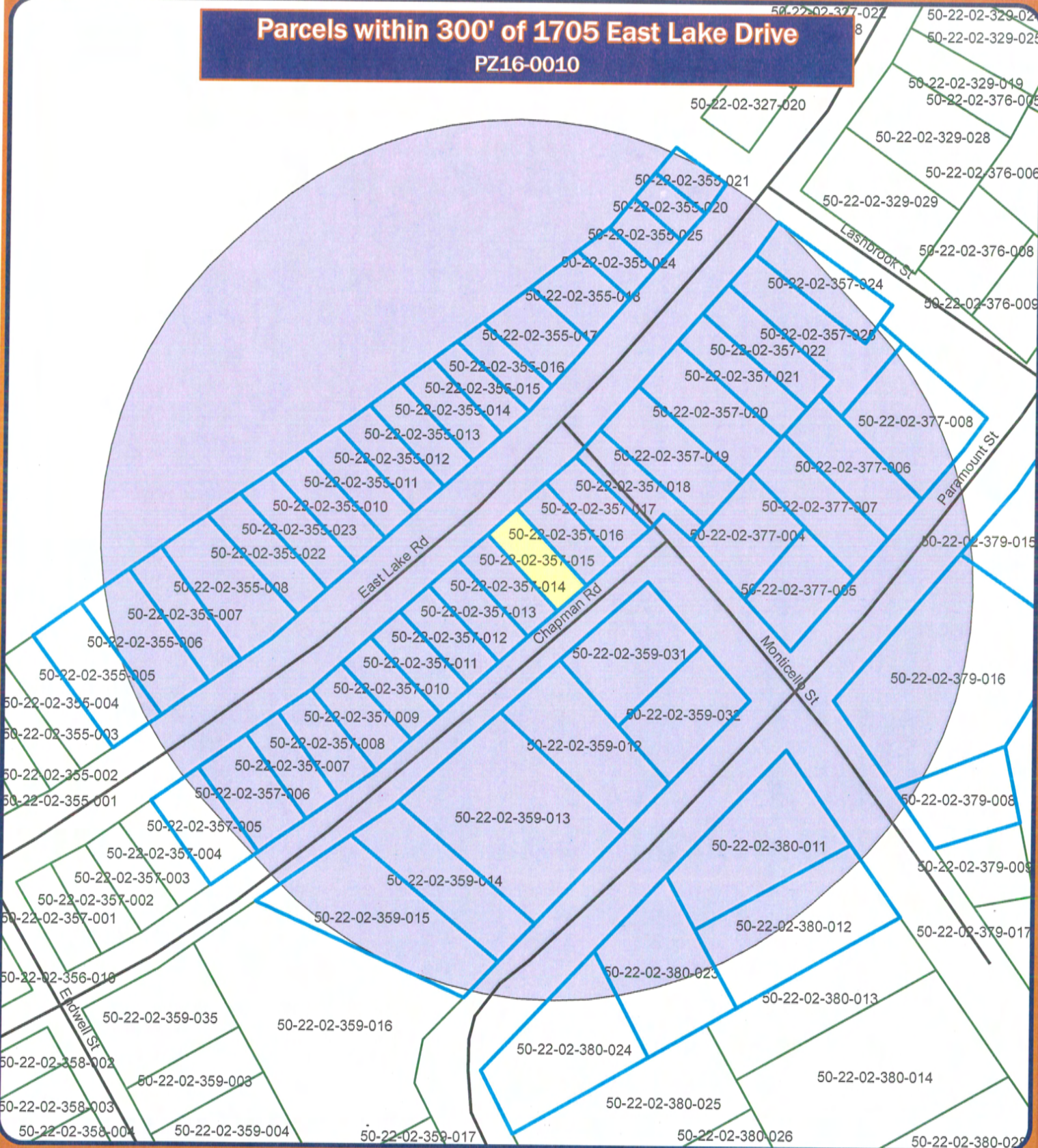
Sincerely,

A handwritten signature in cursive script that reads "Carol Ames".

Carol Ames  
Home Owner  
2011 West Lake Dr.  
Novi, MI 48377

# Parcels within 300' of 1705 East Lake Drive

## PZ16-0010



Map Author: Jon Gartha  
 Date: March 8, 2016  
 Project: Address List for 22-02-357-015  
 Version #: 1.0

Amended By:  
 Date:  
 Department:

**MAP INTERPRETATION NOTICE**  
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**Map Legend**

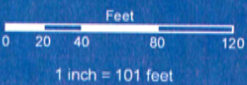
- 300' Buffer
- Subject Property
- Tax Parcel

**Municipality**

- Novi
- Novi Twp.



**City of Novi**  
 IT Department  
 GIS Division  
 45175 Ten Mile Rd  
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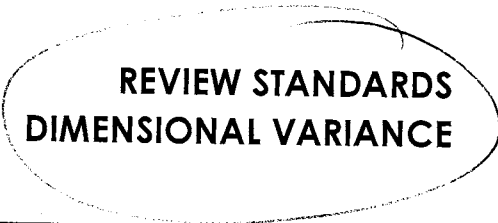






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The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project 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:

*narrow lot, variances requesting already approved for all of the house except the addition over the garage for which we and/or are requesting. Roof line of addition matches existing house*

- 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:

*addition matches existing house*

*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).

very narrow lot, but those dimensions were approved previously for the area of variance

## **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.

again, with very narrow lot, these variances were originally approved for the structure, we are only adding addition over existing garage, same height as rest of house, not affecting any lake view

## **Standard #4. Minimum Variance Necessary.**

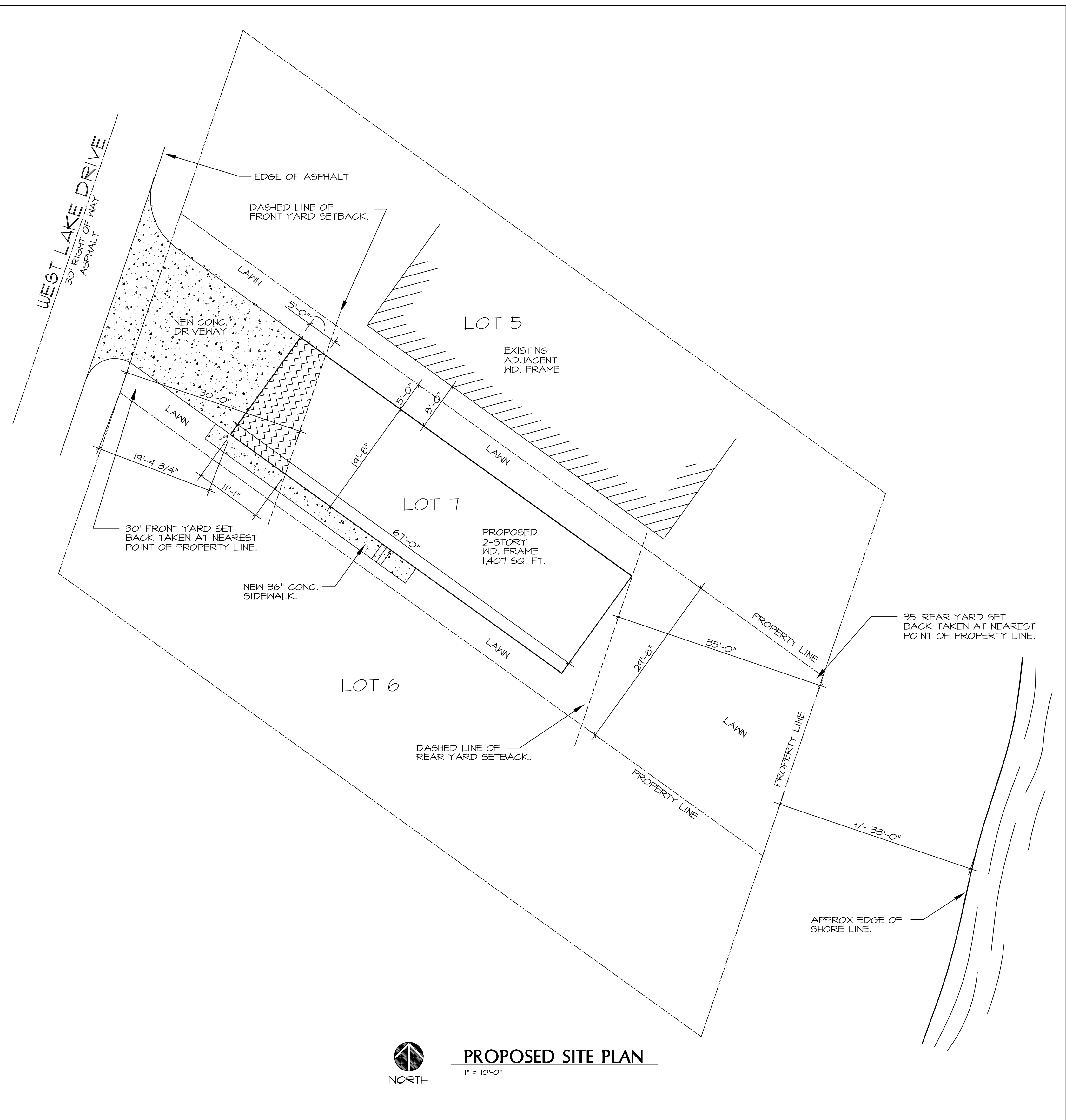
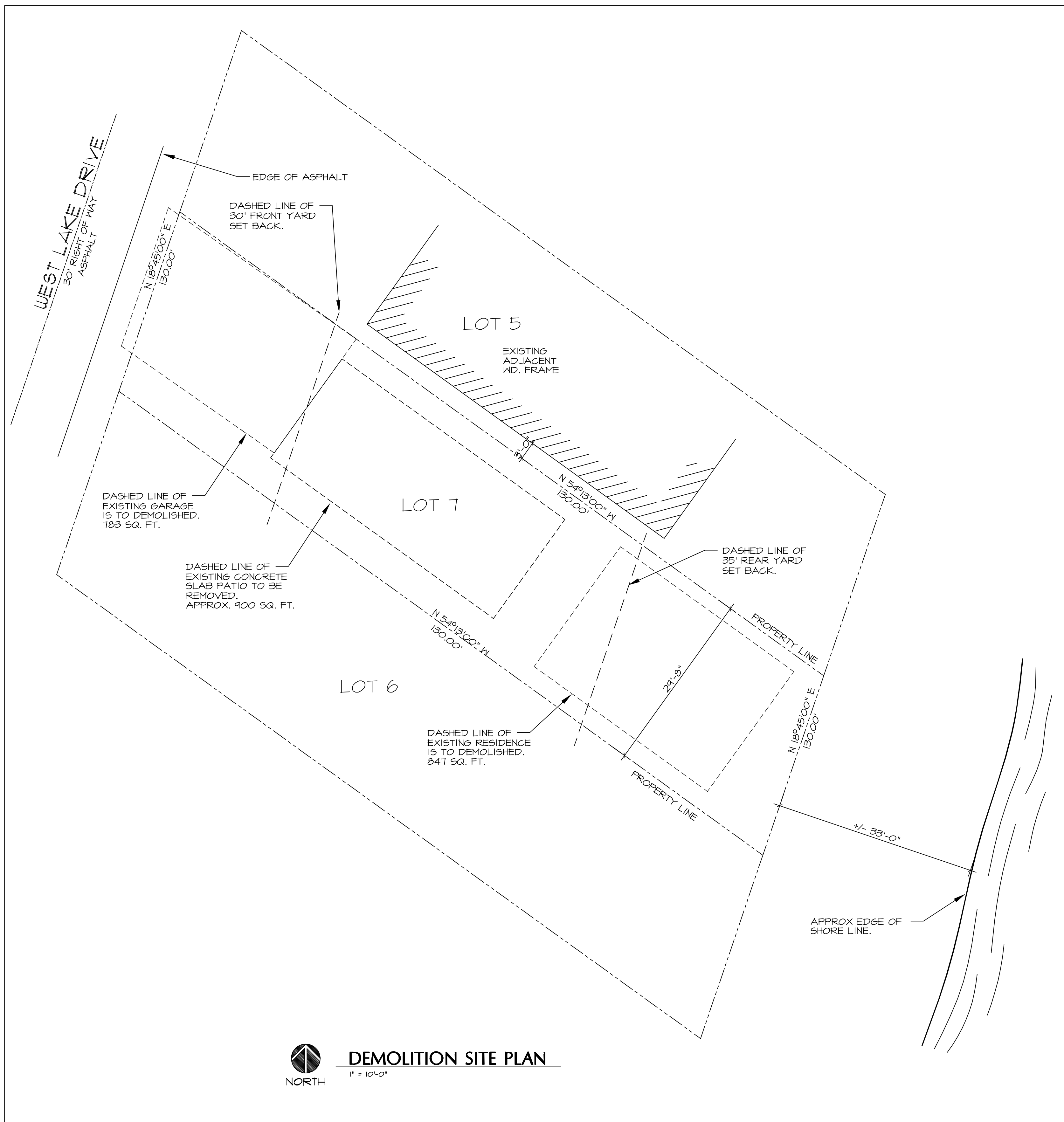
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

we have approval of neighbors on either side

## **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 structure will not significantly change only augmented and increased value our neighbors all support



**LEGAL DESCRIPTION :**  
LOT 7, BENTLEY SUBDIVISION, LOCATED IN THE NORTHWEST 1/4 OF SECTION 3, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 10 OF PLATS, PAGE 3 OAKLAND COUNTY RECORDS.

<b>PROJECT</b>	<b>CONTRACTOR</b>	<b>SHEET A0</b>
Dr. & Mrs. Gary Szymanski 2012 WEST LAKE DRIVE NOVI, MICHIGAN	<b>ATTO CONSTRUCTION</b> 2150-B FRANKLIN RD. BLOOMFIELD HILLS, MICHIGAN 48302	<b>DRAWING PAGE</b>
		<b>SITE PLAN</b>
		<b>DATE: 5-29-12</b>

**SITE DATA :**

<b>ZONING</b>	CURRENT ZONING: RESIDENTIAL PROPOSED ZONING: RESIDENTIAL
<b>TOTAL SITE AREA</b>	3,900 SQ. FT. (GROSS)
<b>TOTAL BUILDING AREA</b>	1,340 SQ. FT. (GROSS)
<b>BUILDING HEIGHT</b>	27'-0" FT. FROM GRADE
<b>LOT COVERAGE</b>	25% MAXIMUM
<b>MINIMUM SET REQUIREMENTS</b>	<b>PROPOSED</b>
FRONT: 30 FEET	FRONT: 19'-4" FEET
BACK: 35 FEET	BACK: 35 FEET
SIDE: 10 FEET MIN, 25 FEET TOTAL	SIDE: 5 FEET EACH SIDE 10 FEET TOTAL