



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: February 8, 2022

REGARDING: 1401 E Lake Drive, Parcel # 50-22-02-329-027 (PZ21-0081)

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 a variance from The City of Novi Zoning Ordinance Section 3.32-10.ii.a, for the building of a proposed 240 square foot shed on the waterfront (100 square feet allowed by code, variance of 140 square feet). The variance would accommodate the building of a new 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. **PZ21-0081**, 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. **PZ21-0081**, 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 _____
_____.

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

RECEIVED

DEC 17 2021

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$250.00</u> Meeting Date: <u>Feb 8, 2022</u> ZBA Case #: <u>PZ 21-0081</u>	
PROJECT NAME / SUBDIVISION Yono Residence					
ADDRESS 1401 East Lake Dr.			LOT/SIUTE/SPACE #		
SIDWELL # 50-22- 02 - 329 - 027		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY 13 Mile Rd & Novi Rd.					
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 pinnacledesignservices@gmail.com		CELL PHONE NO. 586-630-2763	
NAME Raymond Joseph Schauer III				TELEPHONE NO.	
ORGANIZATION/COMPANY Pinnacle Design Services, LLC				FAX NO.	
ADDRESS 48854 Rex St.		CITY Shelby Twp.		STATE Michigan	ZIP CODE 48317
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS jryono730@aol.com		CELL PHONE NO. 586-996-9000	
NAME Joseph Yono				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 5412 Kingsway Ct.		CITY West Bloomfield		STATE Michigan	ZIP CODE 48322
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>Max. accessory buidling size of 100 sq. ft.</u>					
2. Section _____ Variance requested <u>(140 sq. ft. requested increase).</u>					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
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 • 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

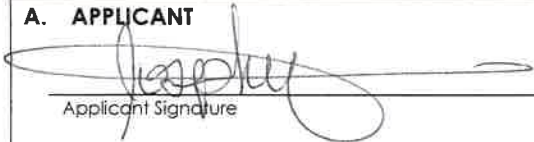
PLEASE TAKE NOTICE:

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

12-17-21
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



Community Development Department

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

Describe below:

The 100 sq. ft. max, allowed size for an accessory structure is applied to all R-4 properties in the city of Novi. The surrounding properties along East Lake Drive have had similar requests for larger accessory structure granted to enhance their lake front views and properties.

OR

- b. Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

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. **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).

Like many of our neighbors along East Lake Dr., the Yono family would like a lake-side structure to reduce the amount of times they (and their guests) need to cross East Lake Dr. in the summer for safety reasons with the increased traffic in the area. They would also like the ability to secure their property such as kayaks, paddle boards, etc.

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.

If the development standards were strictly met in this case, we would have an accessory structure that is 10'-0" x 10'-0". This is not an adequate amount of space to be able to provide a powder room, minimal storage and a cabana viewing deck to enjoy this lakefront property,

Standard #4. Minimum Variance Necessary.

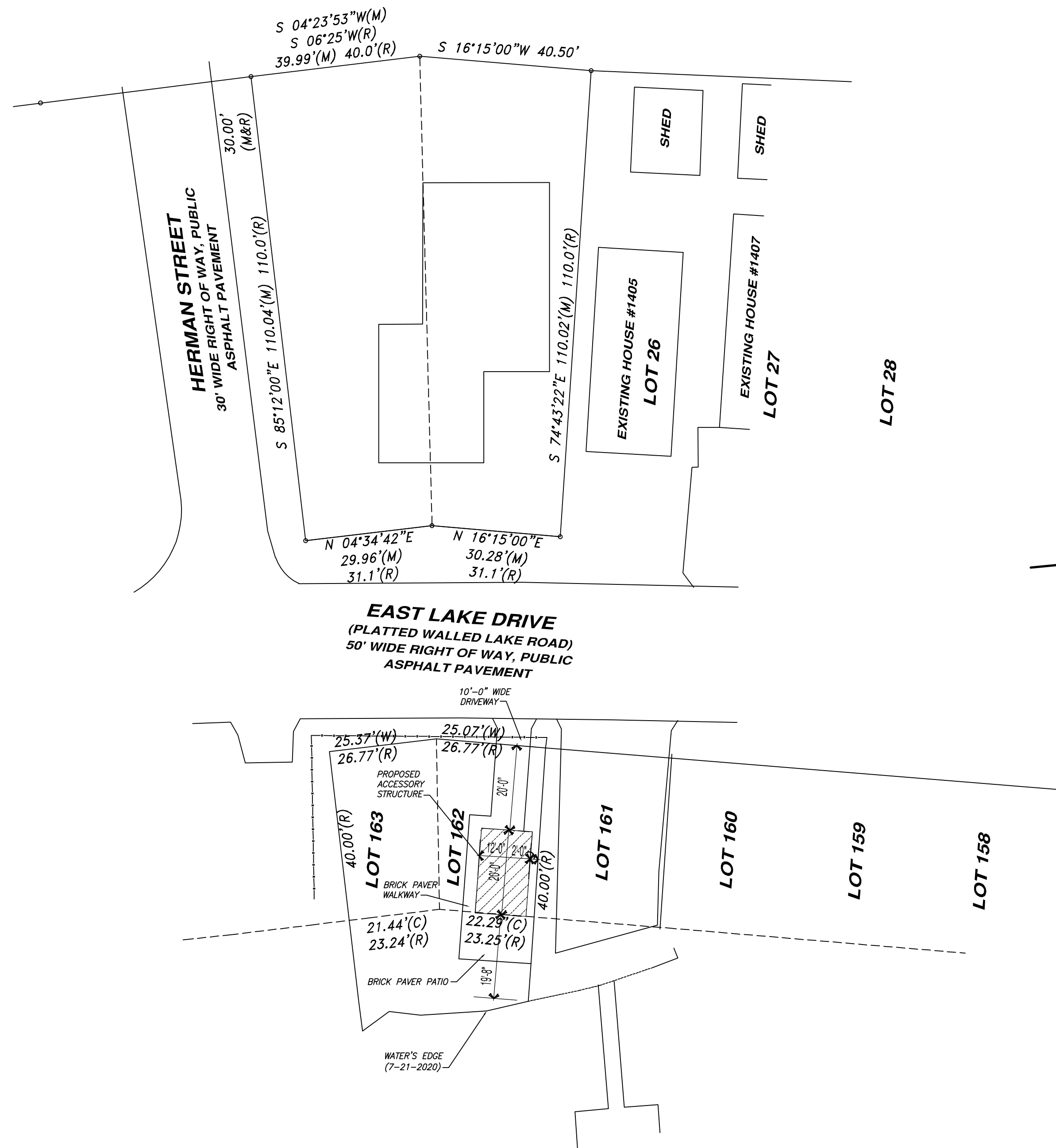
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

The variances requested are kept to absolute minimums on this property to allow for a moderately sized accessory structure when compared to the existing ones along the waters edge of East Lake Dr. Granting this variance requests will allow Mr. and Mrs. Yono to enjoy their lakefront property safely and conveniently. We would like to note that we have reduced the size of this cabana by 152 sq. ft. since our original ZBA submittal.

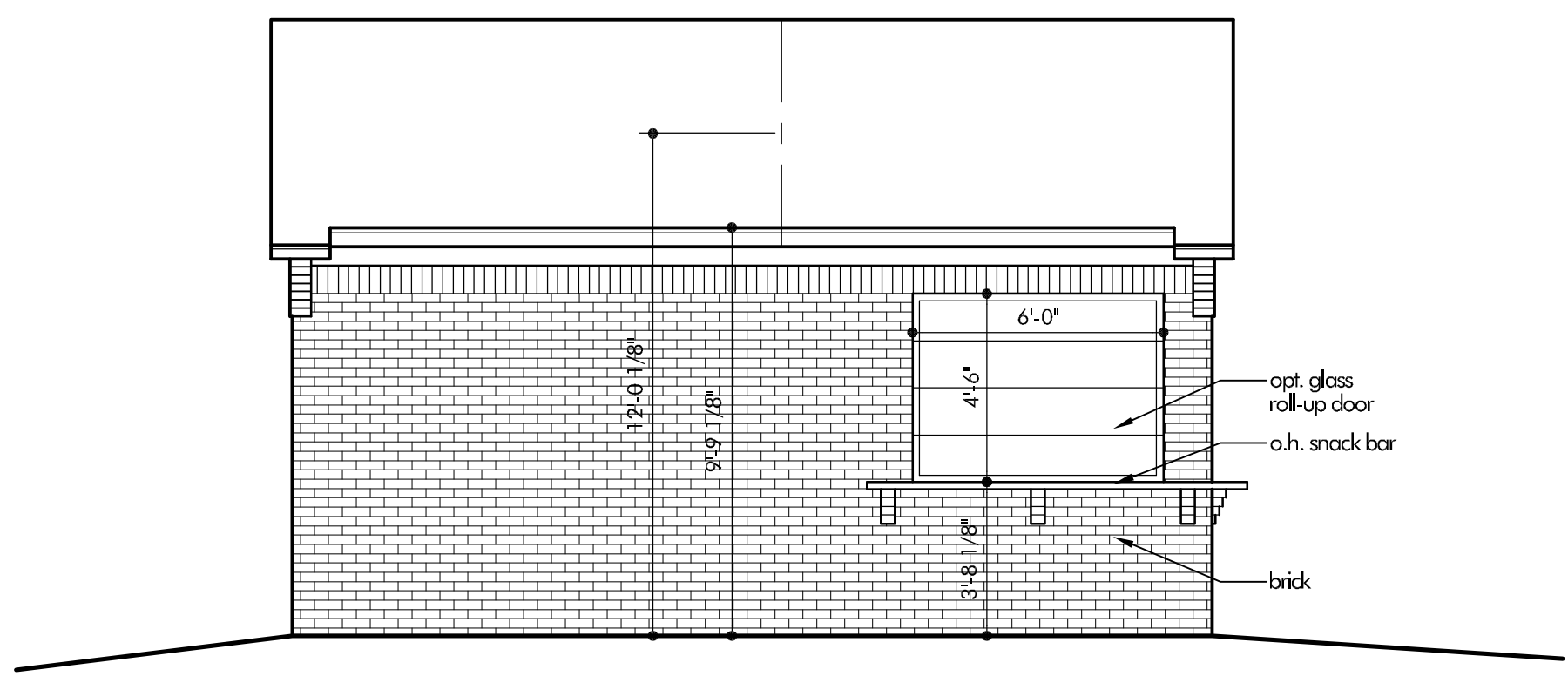
Standard #5. Adverse Impact on Surrounding Area.

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.

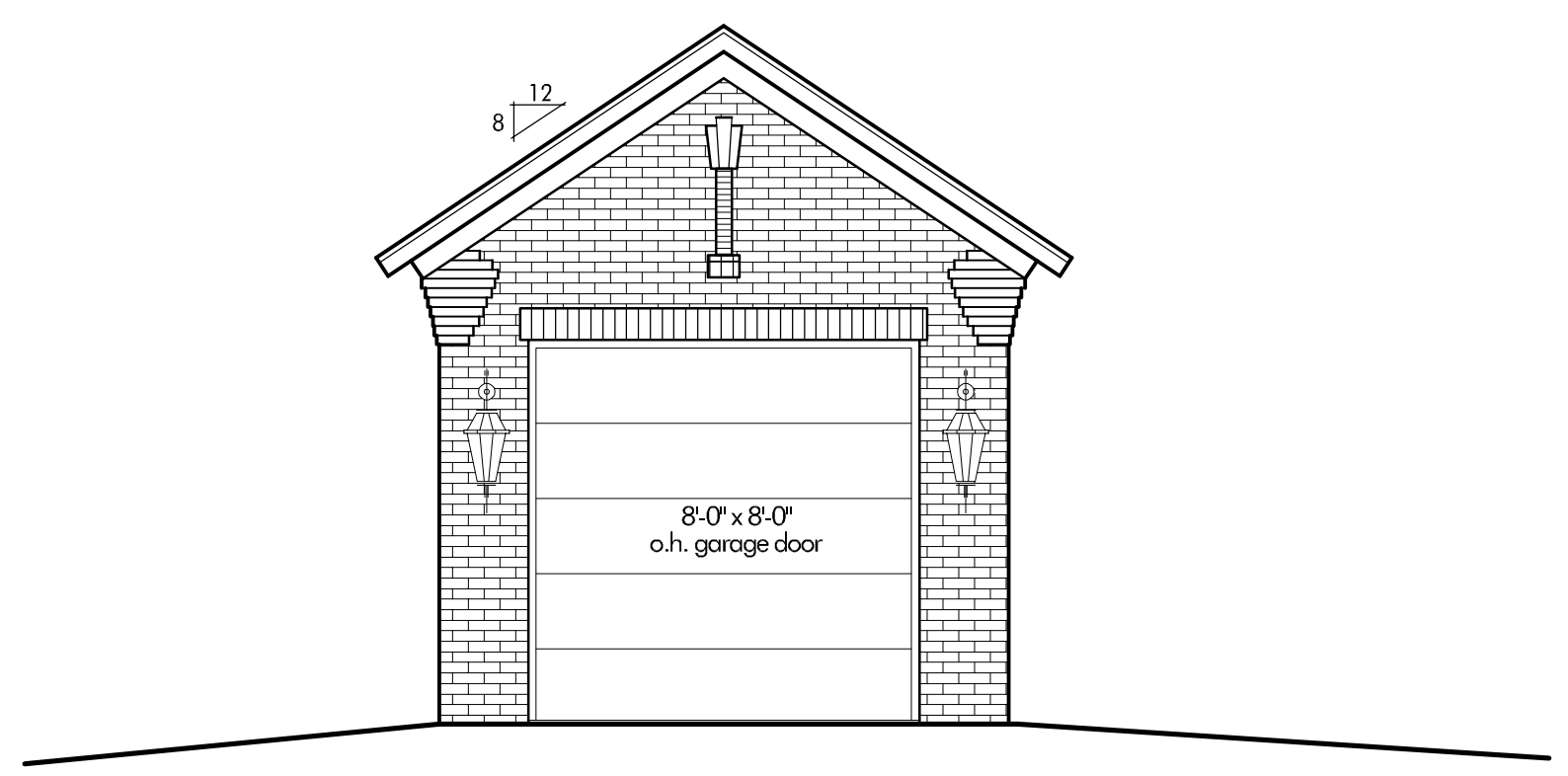
The proposed location of this accessory structure would not impact any existing lake views significantly aside from the Yono family's own lake view from their property. As it is close to the shared property line, it will not disturb any neighboring properties with lake views.



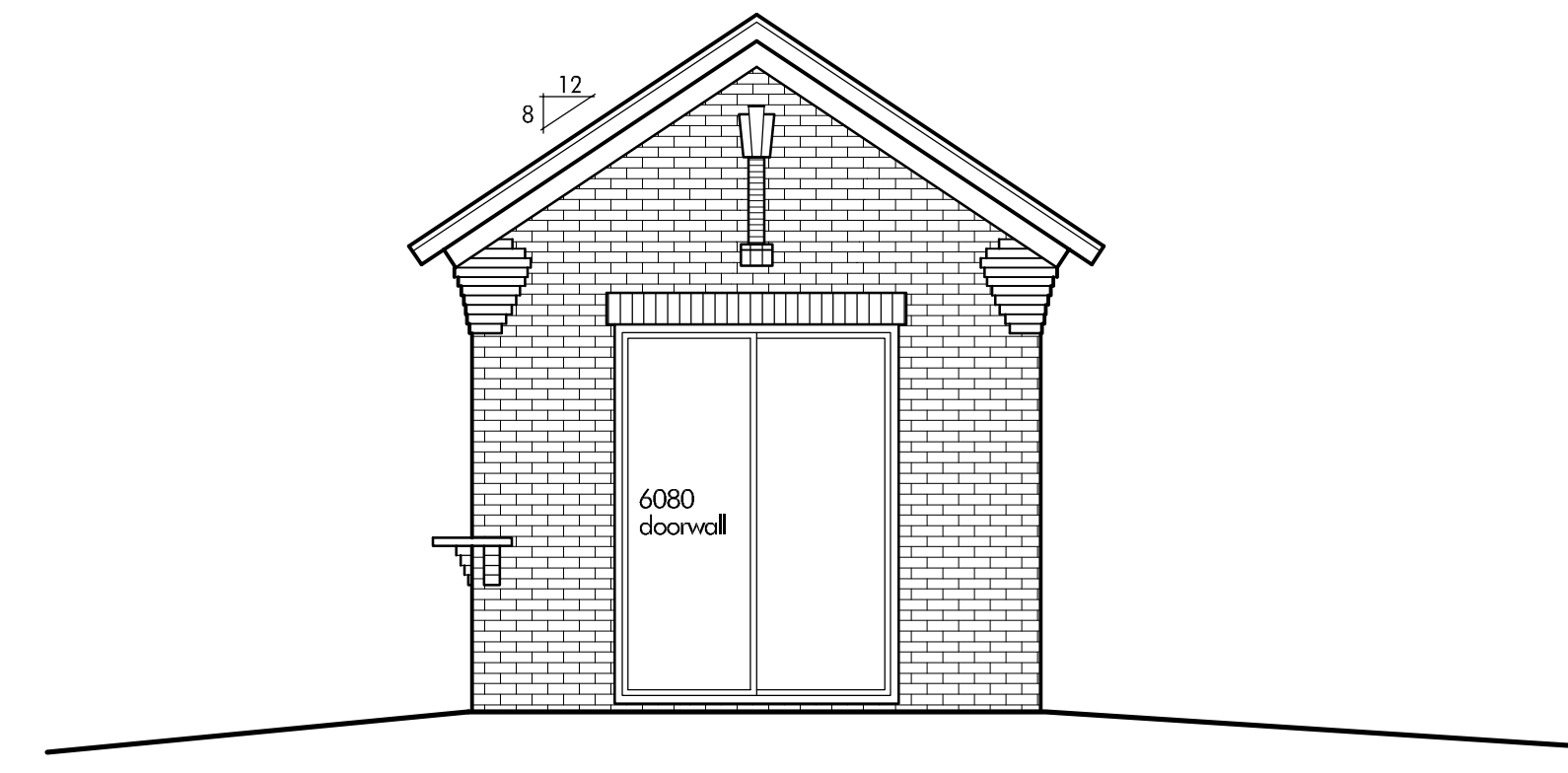
architectural site plan
 scale: 1" = 20'-0"
 zoning: R-4
 proposed cabana area: 240 sq. ft. (reduced from 392 previous submitted)
 existing lot area: 2,864 sq. ft.
 proposed lot coverage: 8.38 % (reduced from 13.69% previously submitted)



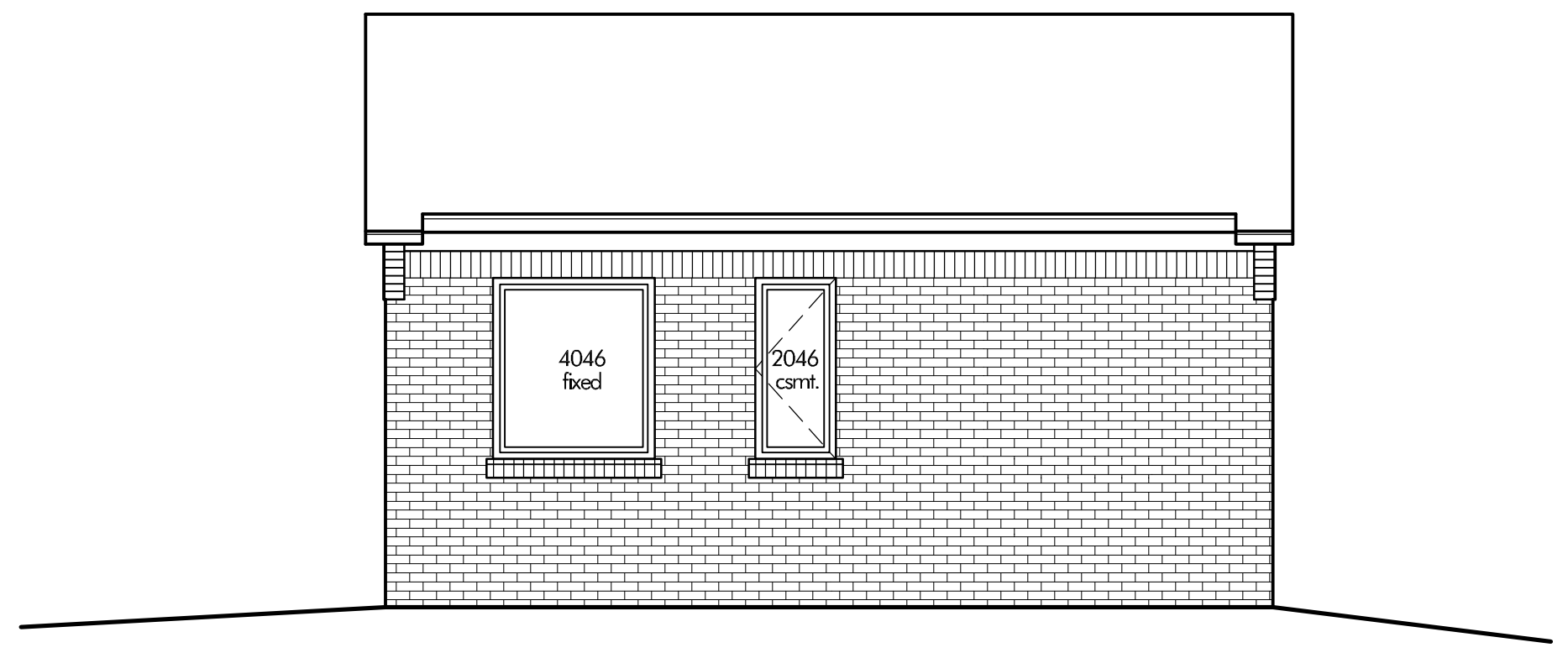
right elevation
 scale: 1/4" = 1'-0"



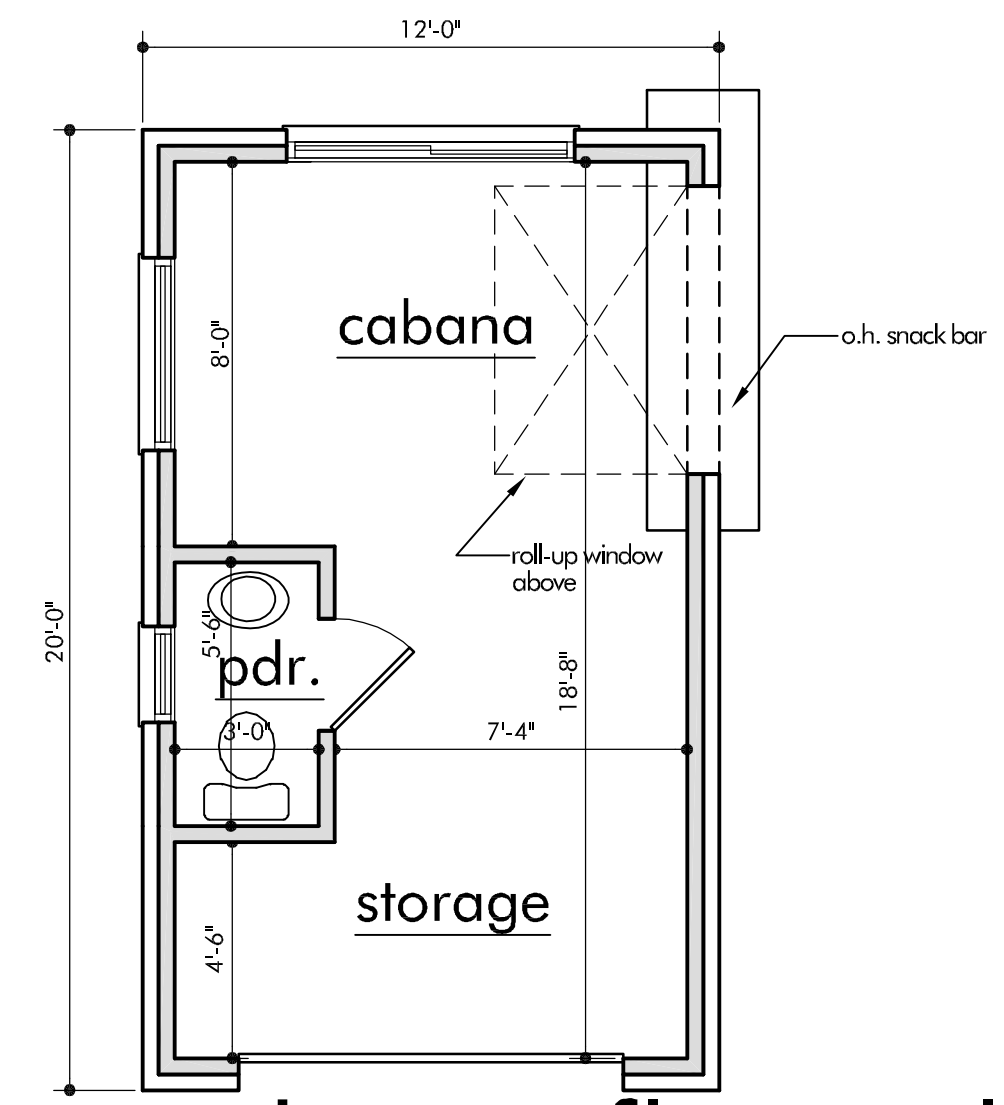
rear elevation (east lake dr.)
 scale: 1/4" = 1'-0"



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



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



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

DO NOT SCALE DRAWINGS - USE FIGURED DIMENSIONS ONLY

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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	12.16.2021

21.101

PC

Oppermann, Katherine

From: Lauren Pober <laurenpober@gmail.com>
Sent: Monday, January 31, 2022 2:42 PM
To: Oppermann, Katherine
Cc: jryono730
Subject: Approval of Variance Request 1401 E Lake Drive

Hi Katherine,

Just wanted to send a note to let you know I am ok with the proposed variance request for Mr. Yono. Please let me know if you have any questions.

Thank you
Lauren Pober
1405 E Lake Dr

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

Please note my comments to:

1401 E Lake Drive, Parcel # 50-22-02-329-027 (PZ21-0081)

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

Comments:

With the limited amount of lake frontage a shed of that size would be disproportional to the lot size.

(PLEASE PRINT CLEARLY)

Name: Brent Beshears

Address: 1395 East Lake Rd.

Date: 1-28-22

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