



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:** October 11, 2022

REGARDING: 1401 East Lake Drive, Parcel # 50-22-02-329-027 (PZ22-0048)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Joseph Yono

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned Single Family Residential (R-4)

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 roof height of 11'-6 7/8" (Maximum roof height 8' allowed by code, variance of 3' 6-7/8"). The applicant is also requesting a variance from Section 3.32.10.ii.b for lot coverage of a shed to be 7.54% (Maximum allowed 5%, variance of 2.54%). 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. **PZ22-0048**, 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. **PZ22-0048**, 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

AUG 31 2022

**CITY OF NOVI
 COMMUNITY DEVELOPMENT**

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>0</u>	
PROJECT NAME / SUBDIVISION Yono Residence				Meeting Date: _____	
ADDRESS 1401 East Lake Dr.		LOT/SIUTE/SPACE #		ZBA Case #: PZ <u>22-6048</u>	
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>3.32.10.ii.a</u>		Variance requested		<u>Max. roof height of 8'-0". Requesting roof height of 11'-6 7/8" to midpoint of roof.</u>	
2. Section _____		Variance requested		_____	
3. Section <u>3.32.10.ii.b</u>		Variance requested		<u>Lot coverage of shed greater than 5%. 7.54% lot coverage requested</u>	
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

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

8-31-22

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 property is relatively small as a parcel (2,864 sq. ft.) We are resubmitting to request a lot coverage of 7.54% in lieu of the 5% max. This request is reasonable given that the board already approved the size of the structure itself in February of 2022.

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. for safety reasons with the increased traffic in the area. The 8'-0" max. roof height would make this structure not suitable for the intended use described above. We would have ceilings under 6'-0" tall.

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.

We have reduced the roof height even further by decreasing the roof pitch to 6/12. Any lower of a pitch it will start to contrast with the style of the main residence that is about to start construction with a 12/12 roof pitch. The lot coverage request is supplemental to the request granted at the previous ZBA meeting in February 2022 where the request for the size of the structure itself was granted.

Standard #4. Minimum Variance Necessary.

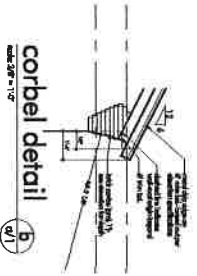
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

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. We have further reduced the height of the structure by +/- 7" and reduced the pitch from 8/12 to 6/12 since the ZBA meeting in February 2022 where this structure was approved.

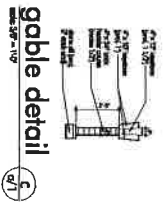
Standard #5. Adverse Impact on Surrounding Area.

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.

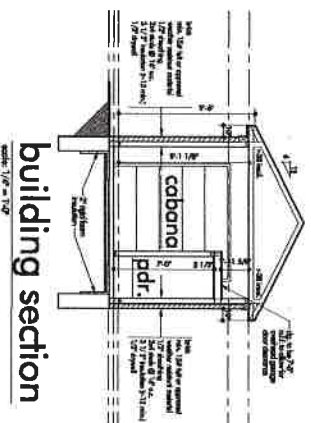
The proposed location of this accessory structure would not impact any existing lake views significantly aside from the Yono family's own lake view from their property. As it is close to the shared property line, it will not disturb any neighboring properties with lake views.



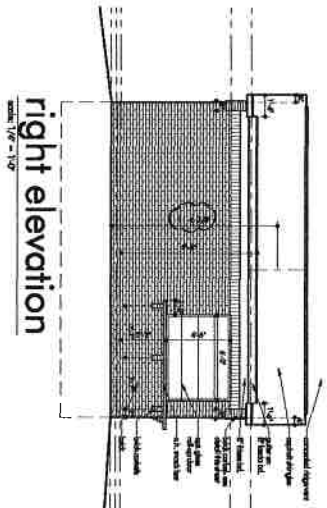
corbel detail
scale: 3/8" = 1'-0"
b



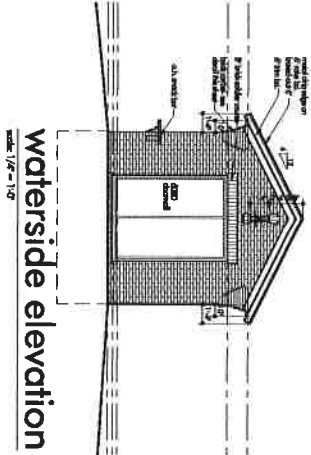
gable detail
scale: 3/8" = 1'-0"
c



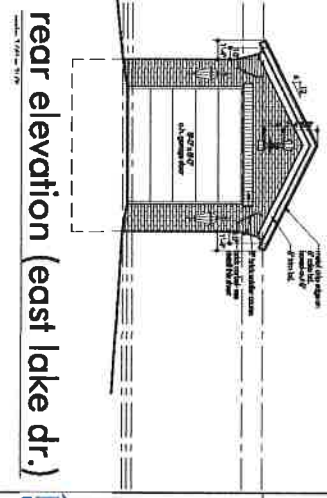
building section
scale: 1/8" = 1'-0"



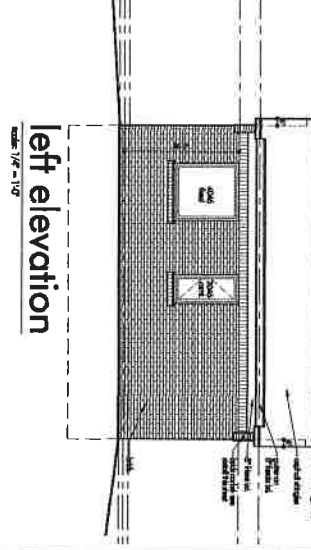
right elevation
scale: 1/8" = 1'-0"



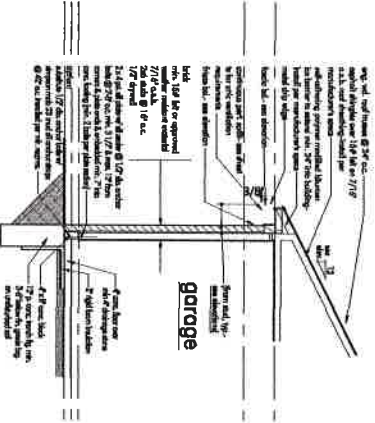
waterside elevation
scale: 1/8" = 1'-0"



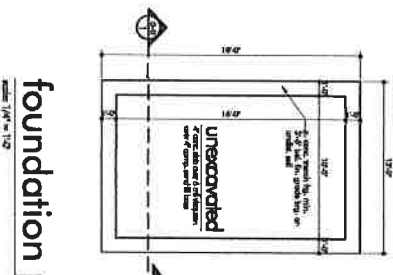
rear elevation (east lake dr.)
scale: 1/8" = 1'-0"



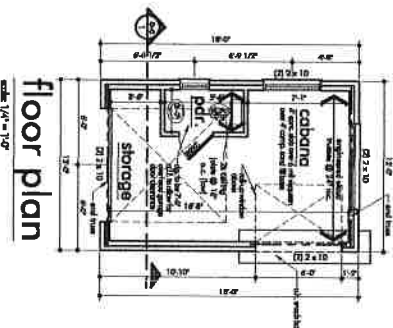
left elevation
scale: 1/8" = 1'-0"



garage wall section
scale: 3/8" = 1'-0"
d



foundation plan
scale: 1/8" = 1'-0"



floor plan
scale: 1/8" = 1'-0"

DO NOT SCALE
DIMENSIONS - USE
DIMENSIONS LISTED
ONLY

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Pinnacle
DESIGN SERVICES, LLC
P. 888.862.7678
PINNACLEDESIGNSERVICES.COM

PROJECT: **TRIO COUNTRY RESIDENCE
4011 EAST LAKE DR.
MONTANA**

ISSUED	DATE
CLIENT REVIEW	04.26.2021
CLIENT REVIEW	04.26.2021
CLIENT REVIEW	04.26.2021
CLIENT REVIEW	04.26.2021
ZNA	04.26.2022

21.101

cabana

DO NOT SCALE
DRAWINGS - USE
FIGURED DIMENSIONS
ONLY

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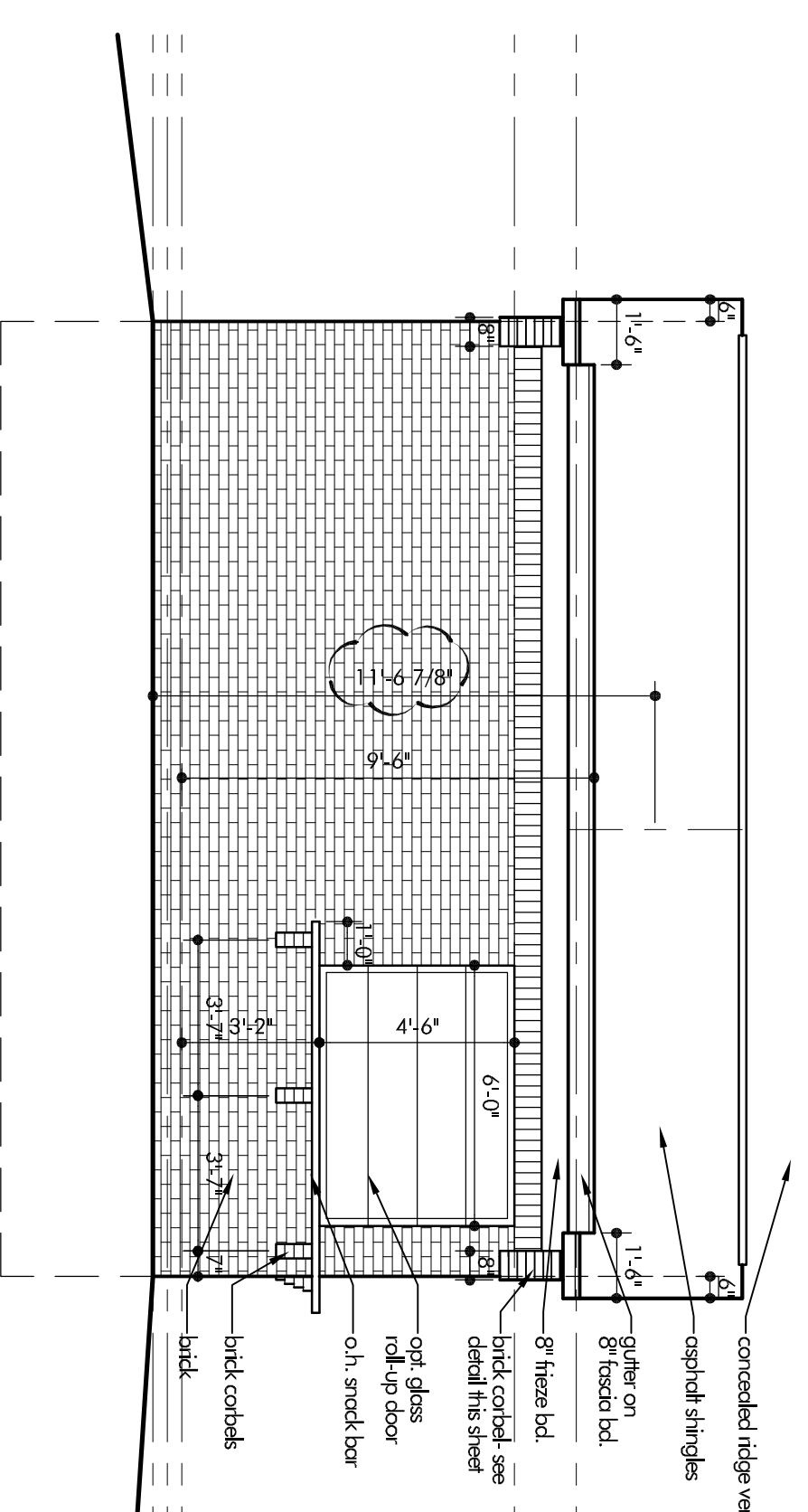
PROJECT:

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	08/29/2022

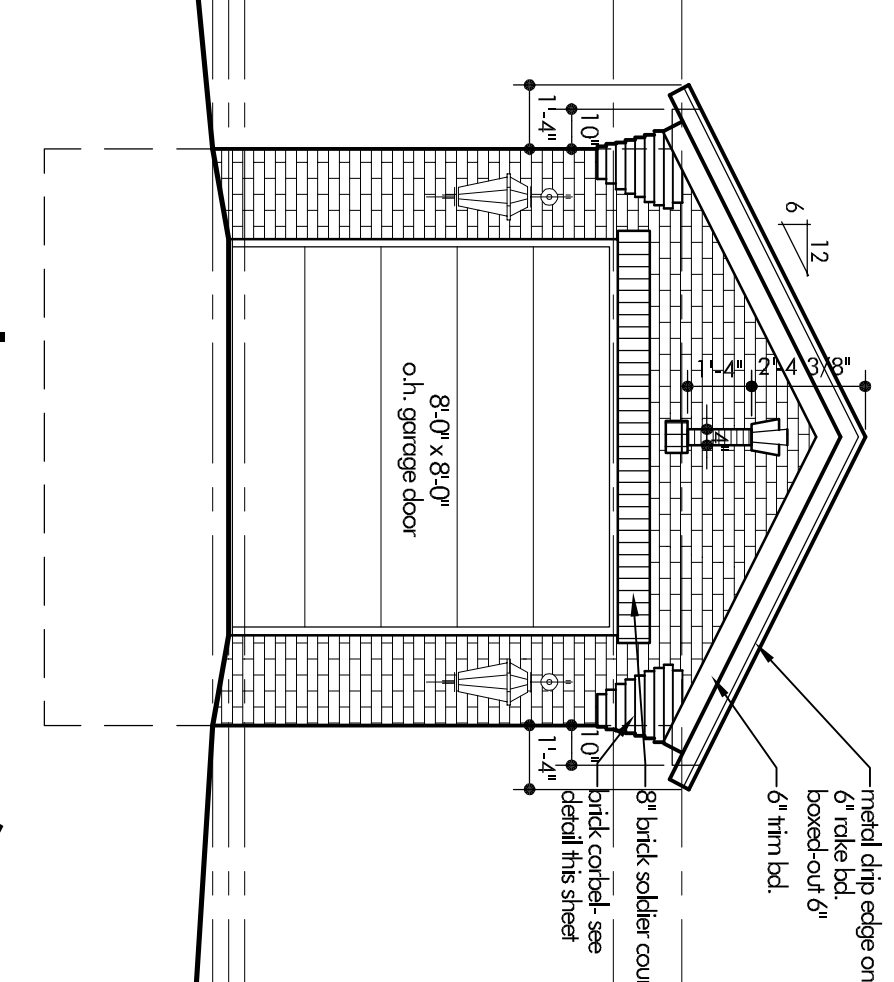
21.101

cabana



right elevation

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



rear elevation (east lake dr.)

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

corbel detail

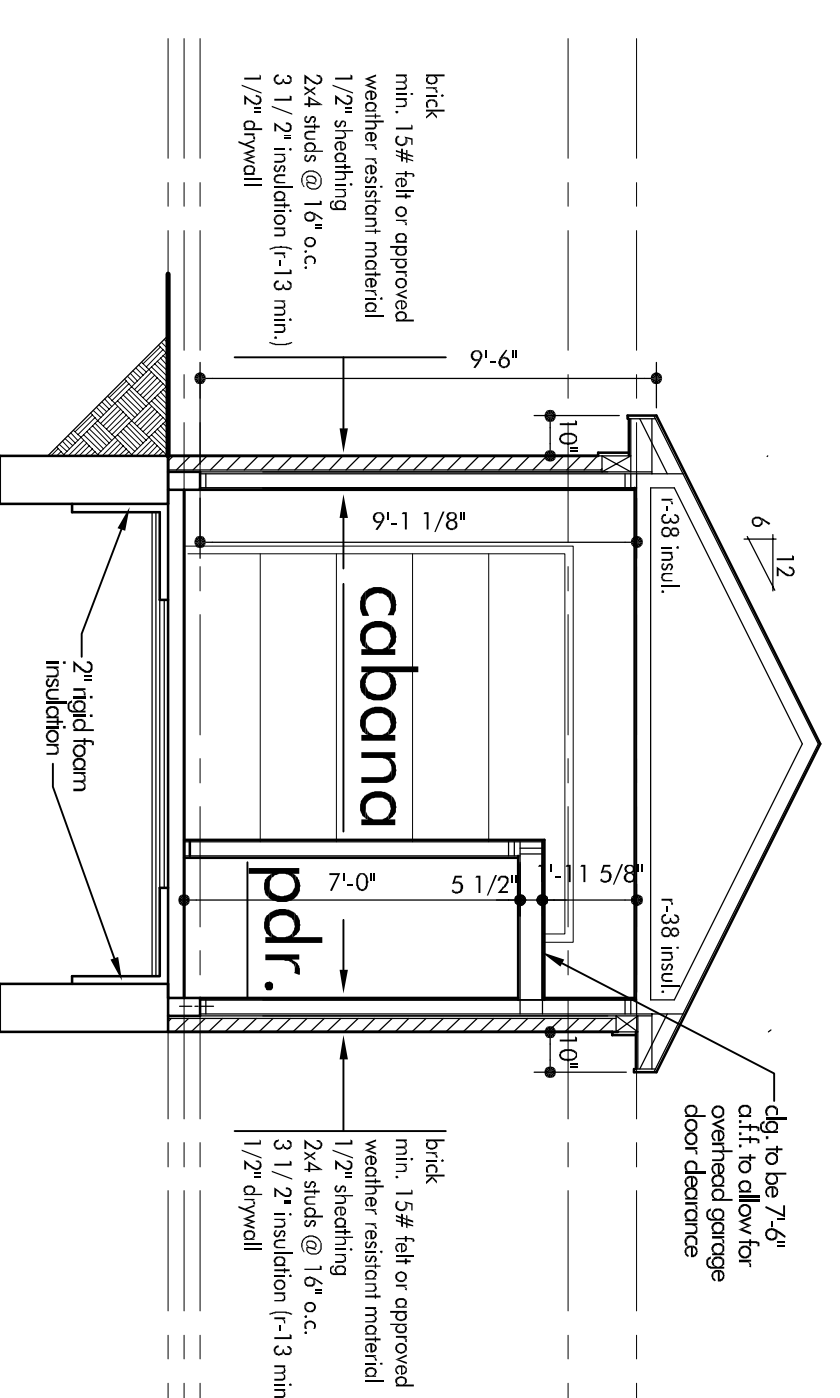
scale: 3/8" = 1'-0"

b

gable detail

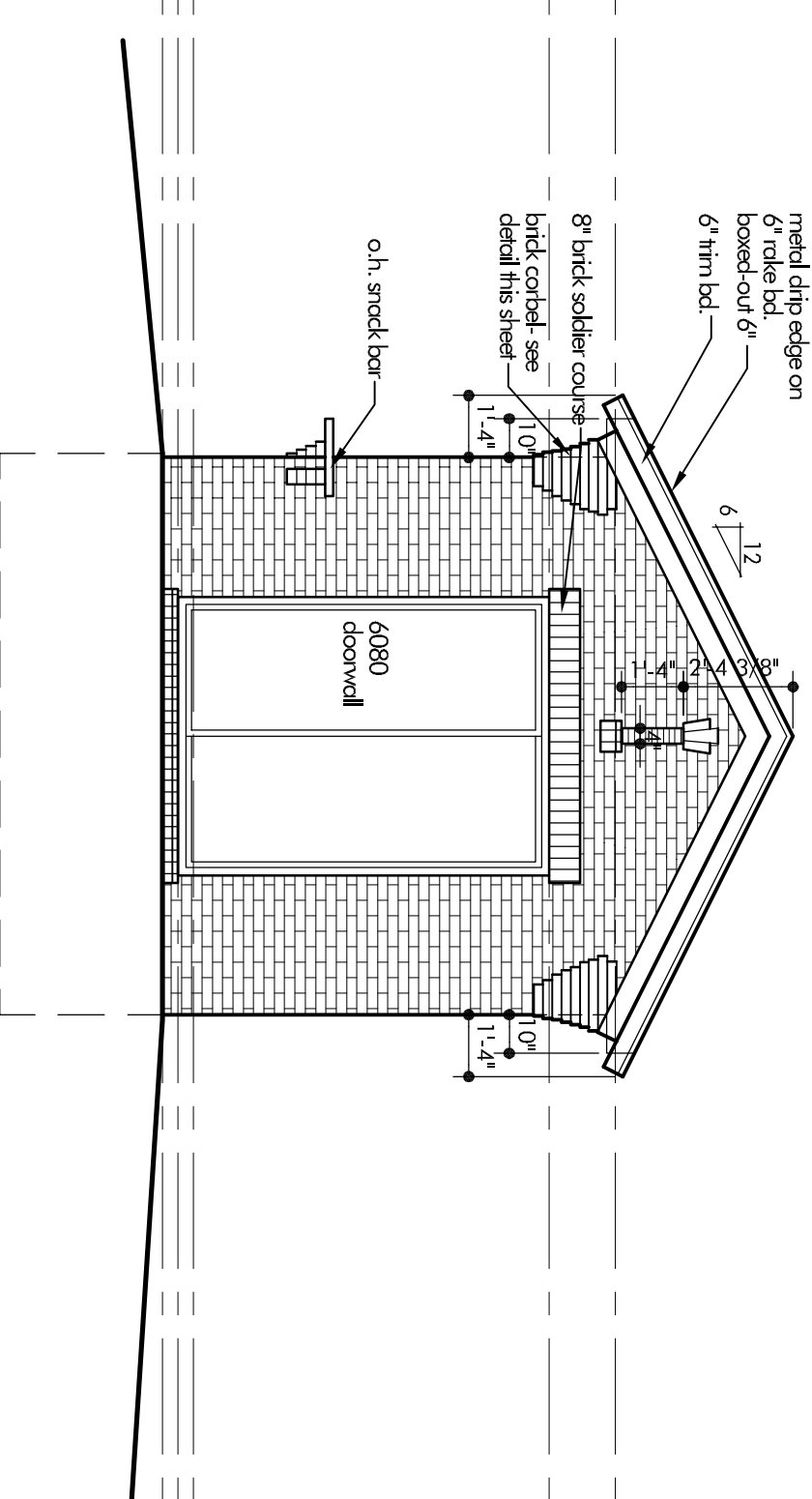
scale: 3/8" = 1'-0"

c



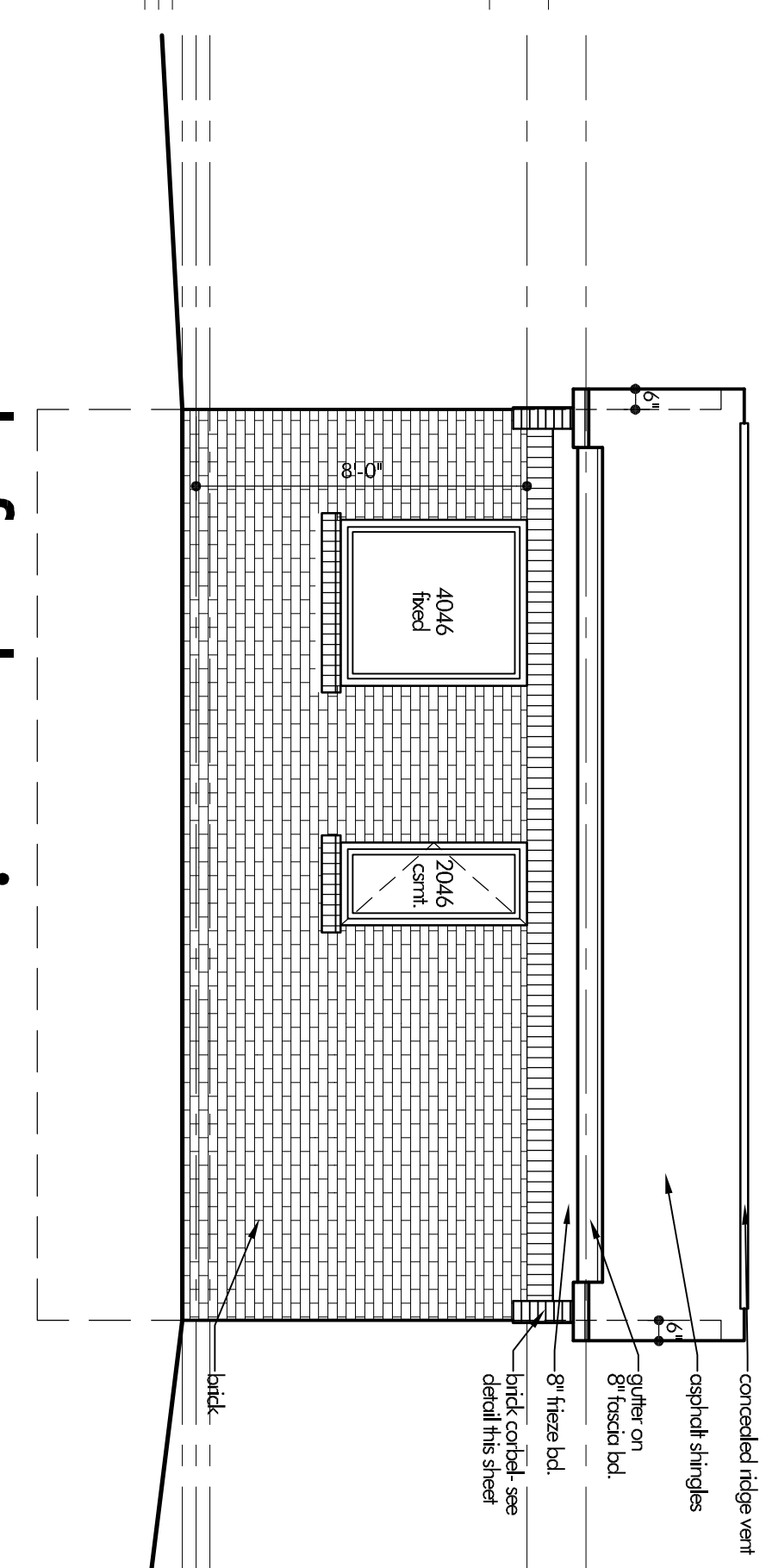
building section

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



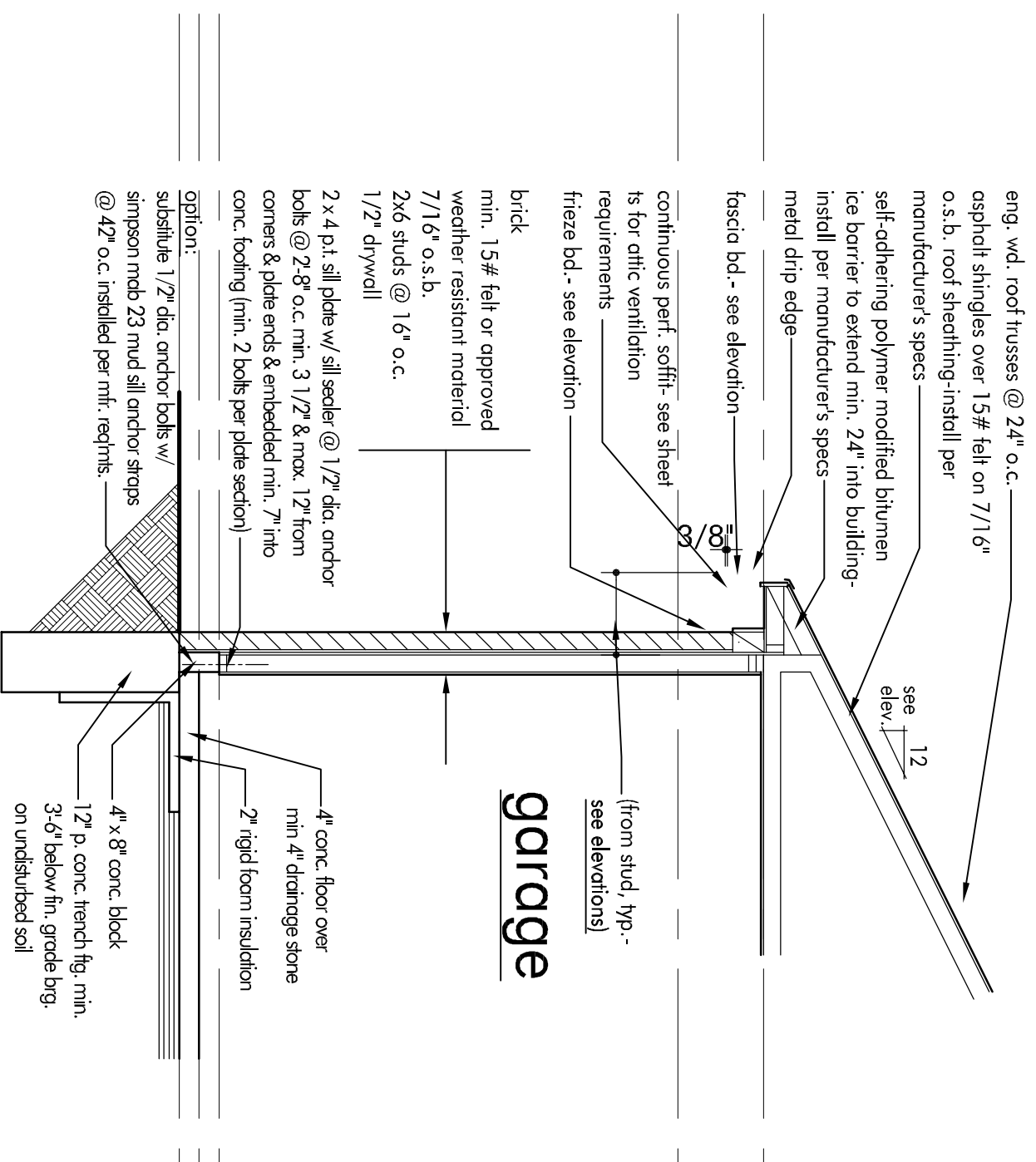
waterside elevation

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



left elevation

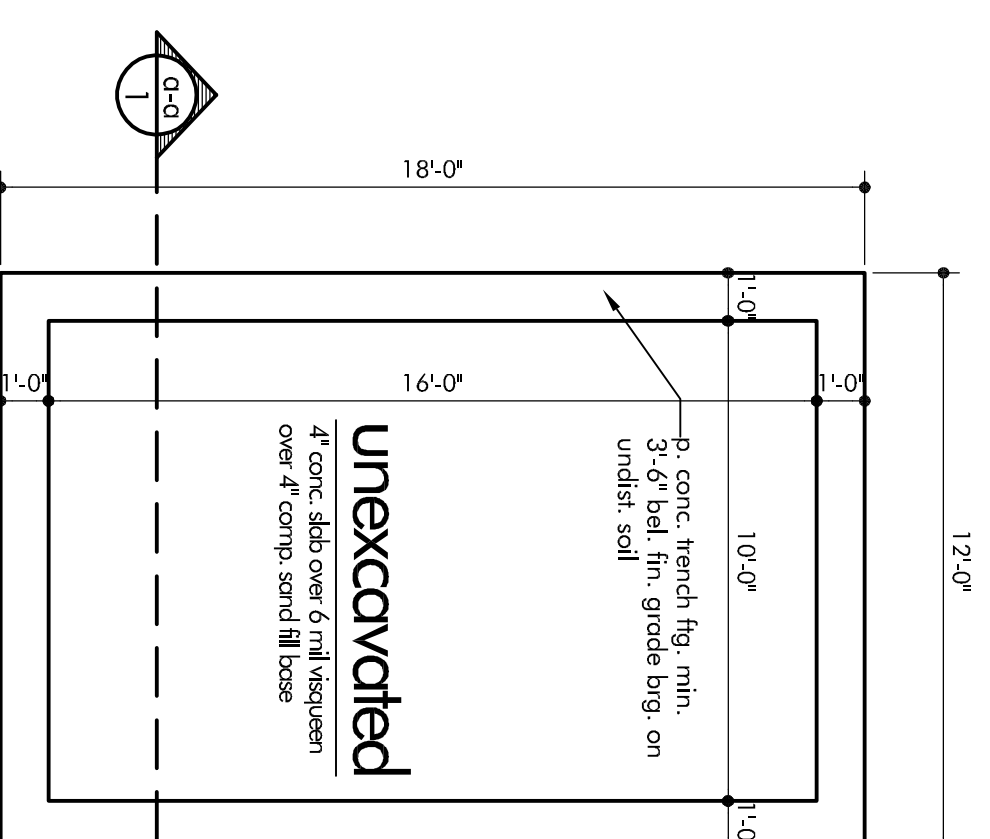
scale: 1/4" = 1'-0"



garage wall section

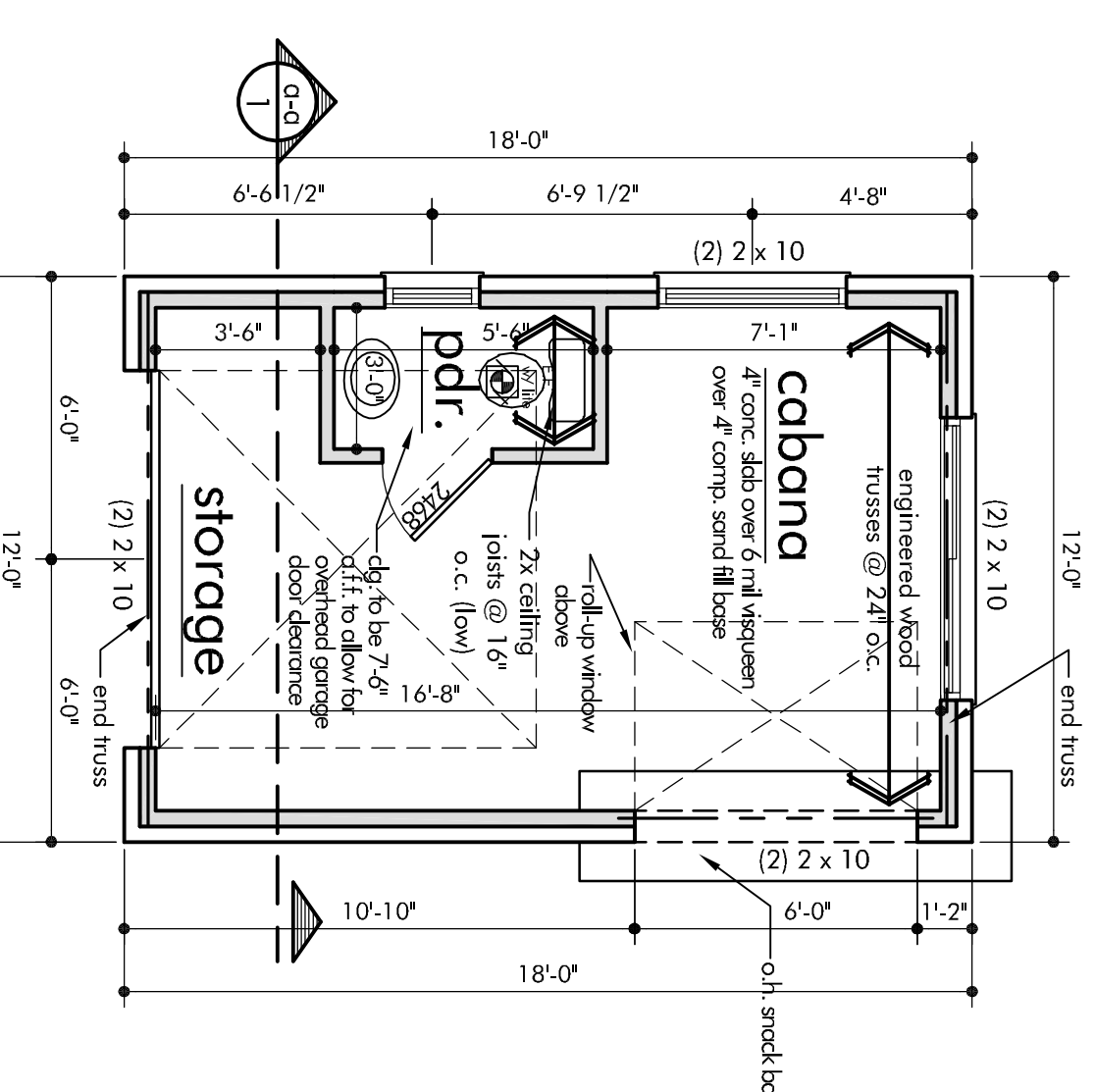
scale: 3/8" = 1'-0"

a



foundation plan

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



floor plan

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

GENERAL SURVEY NOTES:

- BEARINGS WERE ESTABLISHED FROM "CHAPMAN WALLED LAKE SUBDIVISION", AS RECORDED IN LIBER 9 OF PLATS, PAGE 13, LIVINGSTON COUNTY RECORDS.
- SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
- EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
- ELEVATIONS WERE ESTABLISHED BY GPS TO THE STATE PLANE, MICHIGAN SOUTH ZONE. (NAVD88 DATUM)
- CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
- ALL ELEVATIONS ARE SHOWN TO THE NEAREST 0.01 FOOT; HOWEVER SOFT-SURFACE ELEVATIONS CAN ONLY BE PRESUMED ACCURATE TO THE NEAREST 0.1 FOOT.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
- ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.

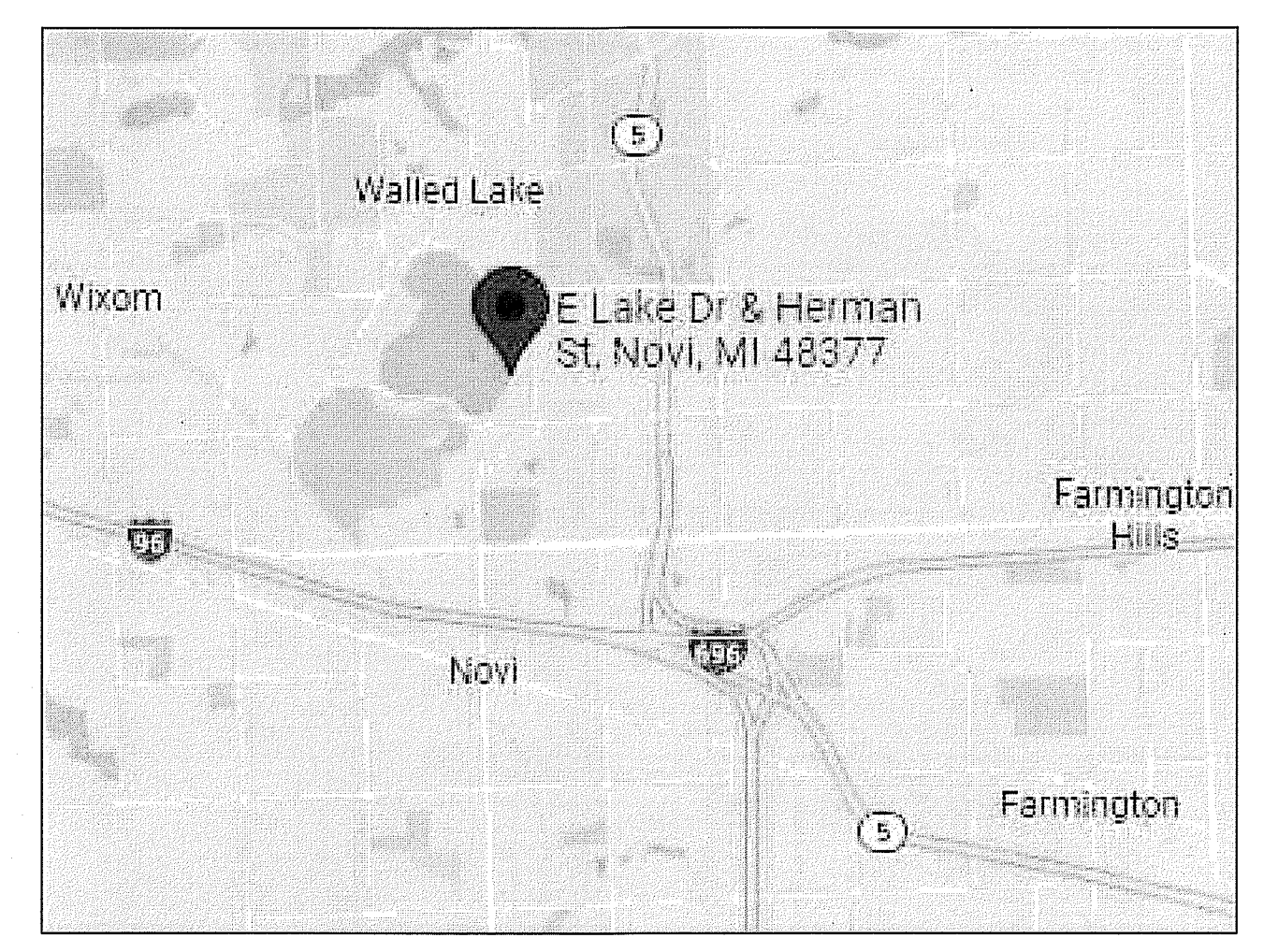
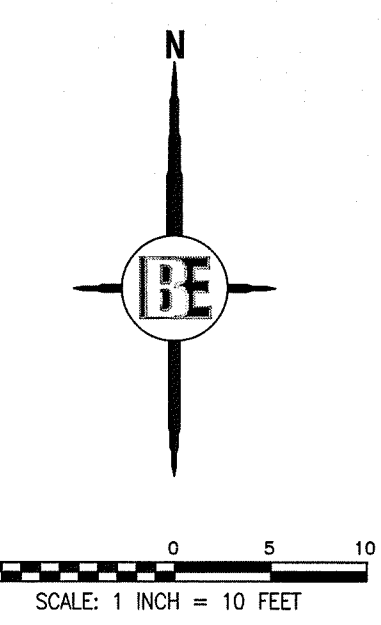
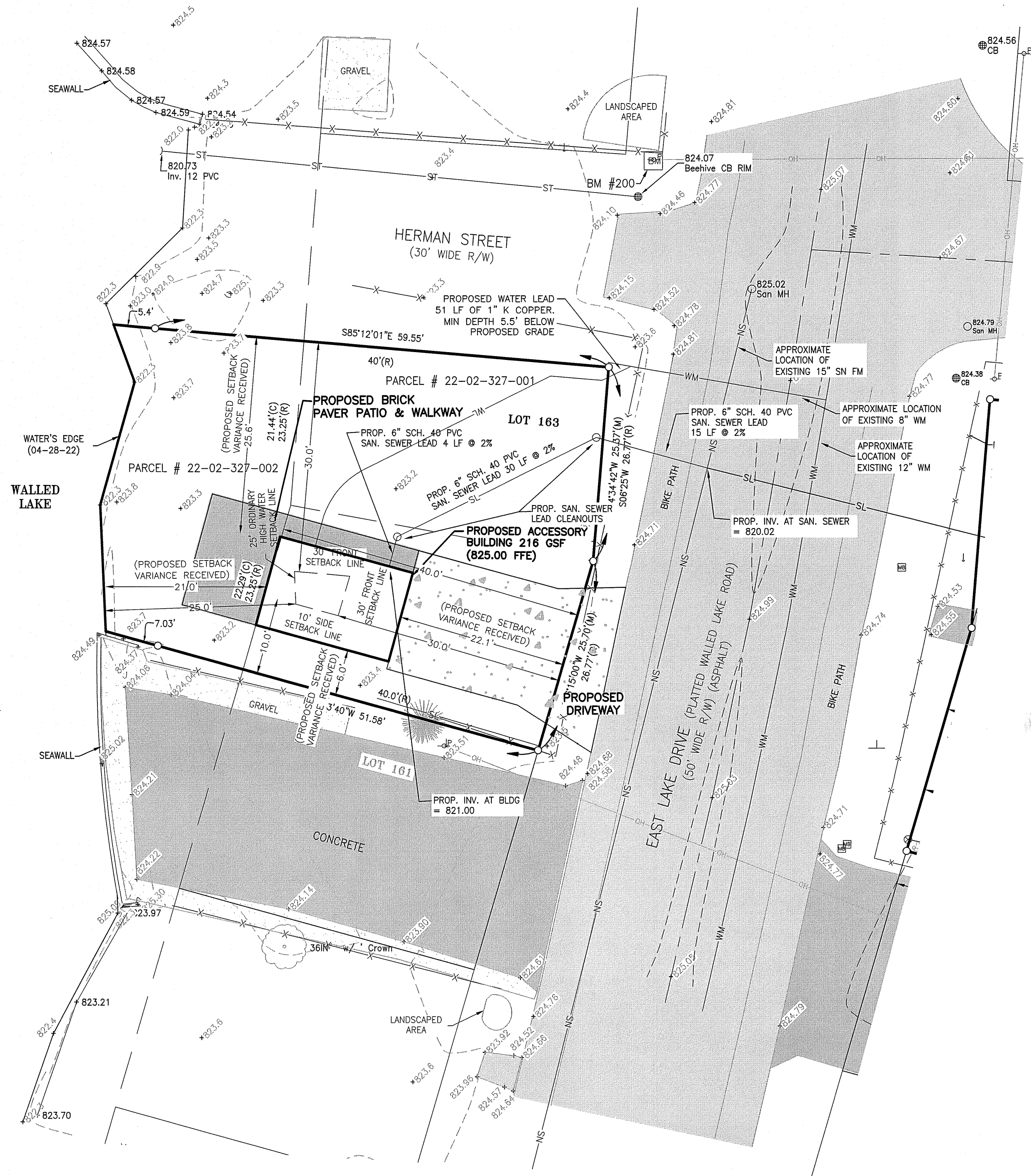
SITE BENCHMARKS (NAVD88 DATUM):

-BM #200 = NAIL/TAG SET IN E/S POWER POLE, NORTHWEST CORNER OF EAST LAKE DRIVE AND HERMAN STREET
ELEV.=824.63

CURRENT ZONING: R-4 (ONE-FAMILY RESIDENTIAL)

MINIMUM SETBACK REQUIREMENTS:
 FRONT = 30 FEET
 SIDES = 10 FEET
 REAR = 35 FEET
 ORDINARY HIGH WATER= 25 FEET
 MINIMUM LOT AREA = 10,000 SQ.FT.±
 MINIMUM LOT WIDTH = 80 FEET
 MAXIMUM LOT COVERAGE = 25%
 MAXIMUM BUILDING HT. = 35 FEET OR (2.5) STORIES
 MAXIMUM BUILDING HT. ACCESSORY BUILDINGS = 14 FEET OR (1) STORIES

PLOT PLAN



LOCATION MAP
NOT TO SCALE

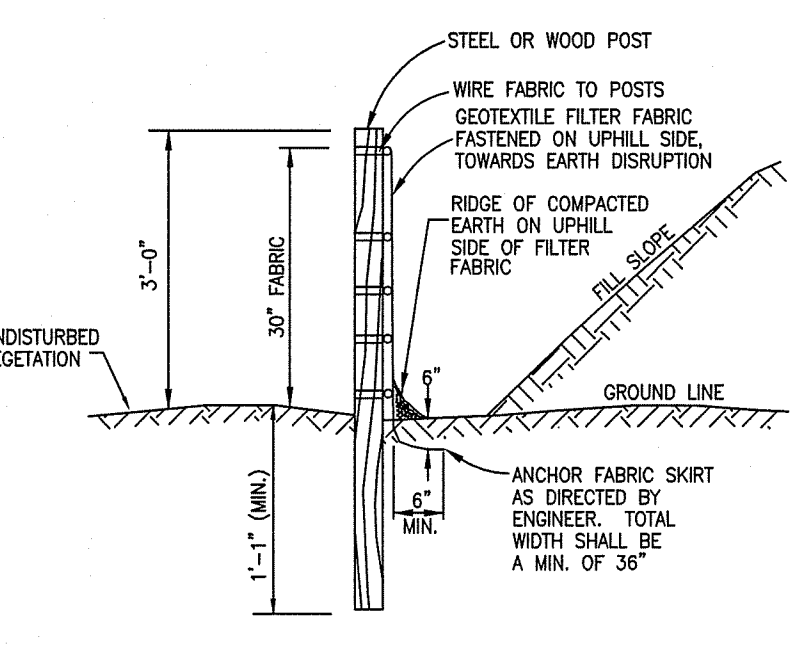
LEGEND

900	PROPOSED SPOT ELEVATION	○	STEEL ROD SET
900	EXISTING CONTOUR	●	STEEL ROD OR PIPE FOUND
900	EXISTING SPOT ELEVATION	○	MONUMENT FOUND
○	POWER POLE	—○—	OVERHEAD WIRES
—	GUY WIRE	—X—	FENCE
○	ELECTRICAL METER	○	SAN MH
○	WELL	CB	CATCH BASIN
○	WATER GATE VALVE	L	LIBER
○	WATER MANHOLE	P.	PAGE
○	MANHOLE	O.C.R.	OAKLAND COUNTY RECORDS
○	STORM CATCH BASIN (ROUND OR BEEHIVE)	(M&R)	MEASURED AND RECORD
○	GAS METER	FFE	FIRST FLOOR ELEVATION
○	MAILBOX	BFE	BASEMENT FLOOR ELEVATION
—	SIGN	GFE	GARAGE FLOOR ELEVATION

PROPERTY DESCRIPTION:

LOTS 162 & 163 OF "CHAPMAN WALLED LAKE SUBDIVISION", PART OF THE SOUTHWEST 1/4 OF SECTION 2, T1N-R8E, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 9 OF PLATS, PAGE 13, OAKLAND COUNTY RECORDS.

NOTE:
CONTRACTOR TO COORDINATE UTILITY LOCATION WITH APPROPRIATE UTILITY COMPANY.



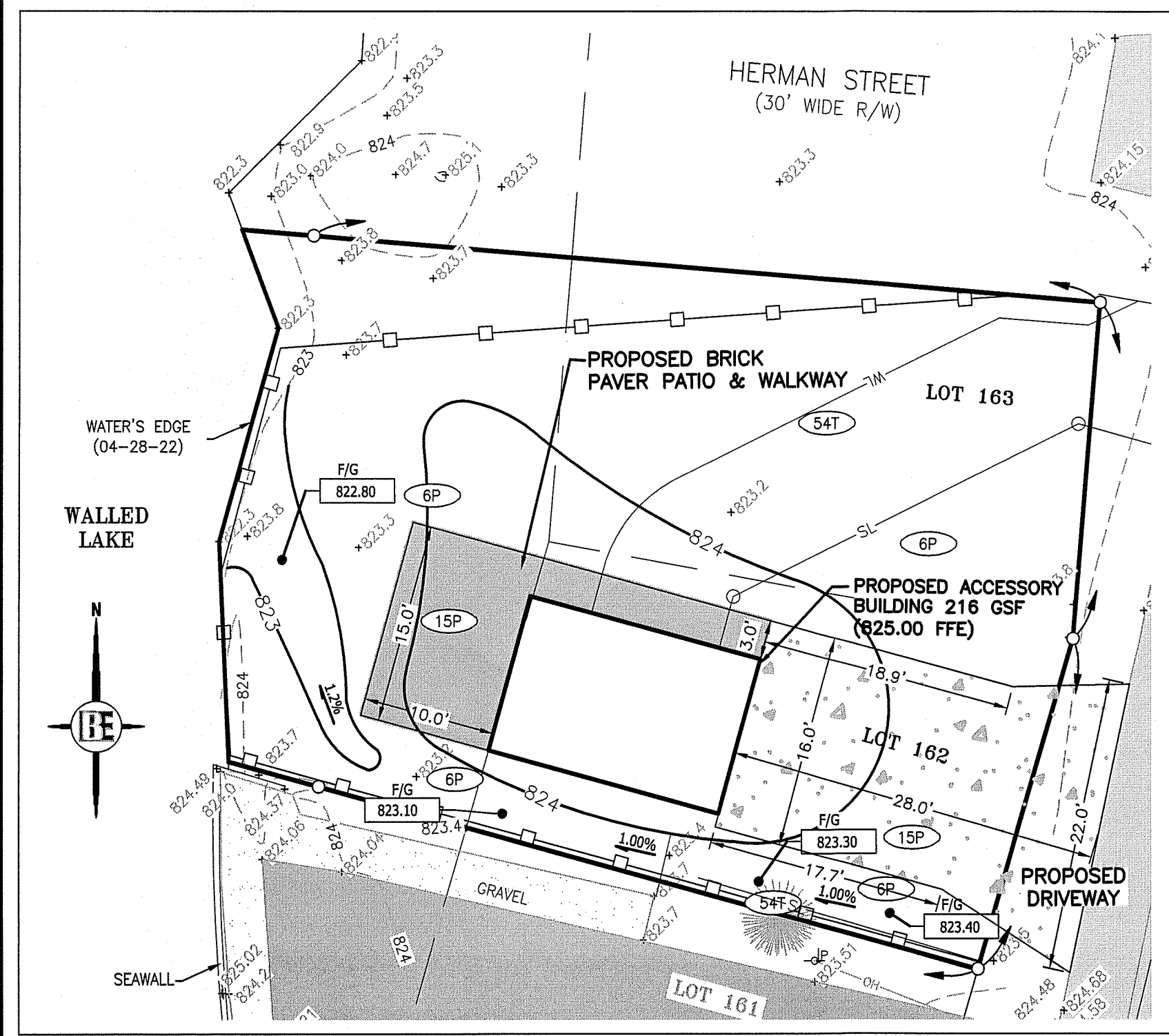
SILT FENCE DETAIL
NO SCALE

6	SEEDING WITH MACH AND/OR WATER	FACILITATES ESTABLISHMENT OF VEGETATIVE COVER EFFECTIVE FOR DRAINAGEWAYS WITH LOW VELOCITY. FACILITATES ESTABLISHMENT OF VEGETATIVE COVER. SHOULD INCLUDE PREPARED TOPSOIL SET.
15	PAVING	PROTECTS AREAS WHICH CANNOT OTHERWISE BE PROTECTED, BUT INCREASES "BANK" VELOCITY. IRREGULAR SURFACE WILL HELP SLOW VELOCITY.
54	GEOTEXTILE	USES GEOTEXTILE FABRIC AND POST OR POLES. EASY TO CONSTRUCT AND LOCATE AS NECESSARY. (SEE DETAIL THIS SHEET)

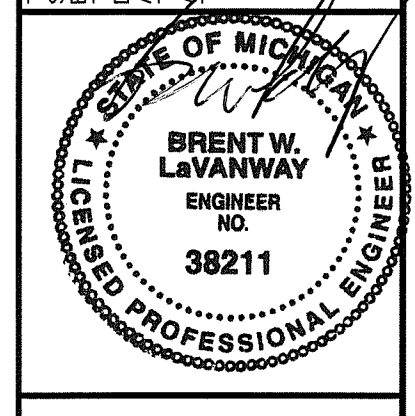
GRADING PLAN

SCALE 1" = 10'

(SEE ARCHITECTURAL DRAWINGS FOR MORE DETAIL)



THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS MADE AS TO THE ACCURACY OF THESE UTILITIES. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND DEPTH OF EXISTING UTILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONTACTS ARE FOUND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FOR THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.



BEBOSS Engineering
 Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 517.546.4836 FAX 517.548.1670

PROJECT	1401 EAST LAKE DRIVE
PREPARED FOR	JOE YONO 1401 EAST LAKE DRIVE NOVI, MICHIGAN 48377 586-996-9000
TITLE	PLOT PLAN
DESIGNED BY:	BL
DRAWN BY:	JA
CHECKED BY:	BL
SCALE:	1" = 10'
JOB NO.:	22-083
DATE:	05/11/2022
SHEET NO.	1 of 1