

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. PZ13-0034 1375 East Lake Drive

Location: 1375 East Lake Drive

Zoning District: R-4, One Family Residential District

The applicant is requesting an exception from Section 2910 of the Novi Zoning Ordinance to allow an outdoor kitchen and seating area as an accessory structure 141 square feet in area on a lot having water frontage. The applicant is also requesting a variance from Section 2515(2) to allow the fence like structure to obstruct the view of the lake

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2910 requires that property on the water side of a public thoroughfare maintain the yard as an open unobscured yard, except that the following may be permitted: a boat well or a single storage shed that is no larger than 10 feet by 10 feet in area, and the winter storage of boats and docks.

CITY OF NOVI, CODE OF ORDINANCES, Section 2515 shall not prohibit fences in the front of lots having water frontage where said fences are constructed of materials that will not obstruct the view of the lake.

City of Novi Staff Comments:

The applicant has constructed a 141 square foot outdoor kitchen on the water side of East Lake Drive that requires a variance for an accessory structure for lots having water frontage, and another variance for a fence on waterfront lots that potentially blocks the view of the lake. Section 2910 does not permit outdoor kitchens as part of the ordinance exceptions for allowable structures on lots having water frontage, however the outdoor kitchen could be viewed as similar in nature to a storage shed that would be permitted on the lot up to 100 square feet in area. The landscape seating wall creates a barrier that could be defined as a fence by ordinance. The fence-like structure is approximately 36" high and 29' long constructed of landscape block materials that could be determined as blocking the view of the lake. Staff supports the request as the outdoor kitchen and landscape wall create less of a barrier to the view of the lake than a 10'x10' shed would, which is permitted by the ordinance.

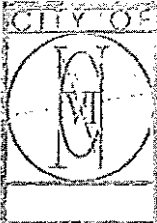
Standards for Granting a Non-Use or Dimensional Variance:

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 applicants

personal or economic difficulty
because_____.

- The need is not self-created
because_____.
- 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
because_____.
- 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
because_____.



cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
 Community Development Department
 (248) 347-0415

For Official Use Only

ZBA Case No: P2130034 ZBA Date: 7/9/13 Payment Received: \$ 200 (Cash)

Check # 20001 Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT.

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name Angela Maher Date 6/18/13

Company (if applicable) _____

Address* 1375 E. Lake Dr City NOVI ST MI ZIP 48377
*Where all case correspondence is to be mailed.

Applicant's E-mail Address: angie.maher@live.com

Phone Number (248) 9244630 FAX Number () _____

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 1375 E. Lake Dr, Novi ZIP 48377

2. Sidwell Number: 5022 - 02 - 326 - 010 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes No LAHA

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 JSC OST _____ OTHER _____

5. Property Owner Name (if other than applicant) Angela Maher

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

- 1. Section _____ Variance requested _____
- 2. Section _____ Variance requested _____
- 3. Section _____ Variance requested _____
- 4. Section _____ Variance requested _____

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

An ^{open} outdoor, brick paved seating area with a gas grill, gas fireplace, small refridge and 2 security cameras, and a ^{small} handwashing station

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

To be determined if grill/refridge area combined with open seating area exceeds 5% of property space. And if block view

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a Mock-Up Sign ten (10) days before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is NOT to be the 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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.

There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

- Construct New Home/Building
- Addition to Existing Home/Building
- Accessory Building
- Use
- Signage
- Other

[Signature]
Applicants Signature

6/18/13
Date

[Signature]
Property Owners Signature

6/18/13
Date

DECISION ON APPEAL

_____ Granted _____ Denied _____ Postponed by Request of Applicant _____ Board _____

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date

ANGIE MAHER 1375 East Lake Drive, Novi MI 48377

248-924-4630

angiemaher@live.com

June 18, 2013

Dear Zoning Board of Appeals Committee:

In an effort to continue the beautification process of residential homes in the City of Novi, I am writing today to ask you to consider approving an outdoor seating area that includes a gas grill, a gas fireplace, a locked refrigerator, a small hand washing station and 2 surveillance cameras.

I have been working diligently and honestly with the building Department in the City of Novi. There may have been some misunderstanding on my part about the exact ordinance guidelines that I am working very hard at staying in compliance with.

In November, 2012, a permit was pulled by Apex Sprinkler System to allow for directional boring to provide electricity to the pump. Due to bad weather conditions, the directional boring and sprinkler system project was put on hold and just began in May 2013. At that time, I was lead to believe that my contractor, Apex Sprinkler had pulled permits for mechanical and water, as they are the company that I purchased the outdoor gas grill and gas fireplace from, only to find out that this has not occurred yet as Apex Sprinkler system was waiting for the paving portion of the project to be completed by Walker Brother Landscaping.

On the first day of the project (June 4, 2013) a City of Novi employee/intern stopped in to check on the project/plans to make sure that the contractor was in compliance. The same employee/intern returned on 2 subsequent visits within a 2 week period to make sure that the project was going forward as planned and gave some helpful advice several times to stay in zoning compliance. In addition, the City of Novi Ordinance Department employee drove by several times per day but never stopped during the same 2 week period.

On the last day of the 2 week project, June 14, 2013 I was advised to cease work on the project as I may be in violation of a combined structure that may not be in compliance with zoning/ordinance. It was on this day that I learned that my seating area may be blocking the view of the lake and that I did not have an active permit for the mechanical and water. (mechanically and water oversight was totally my fault.)

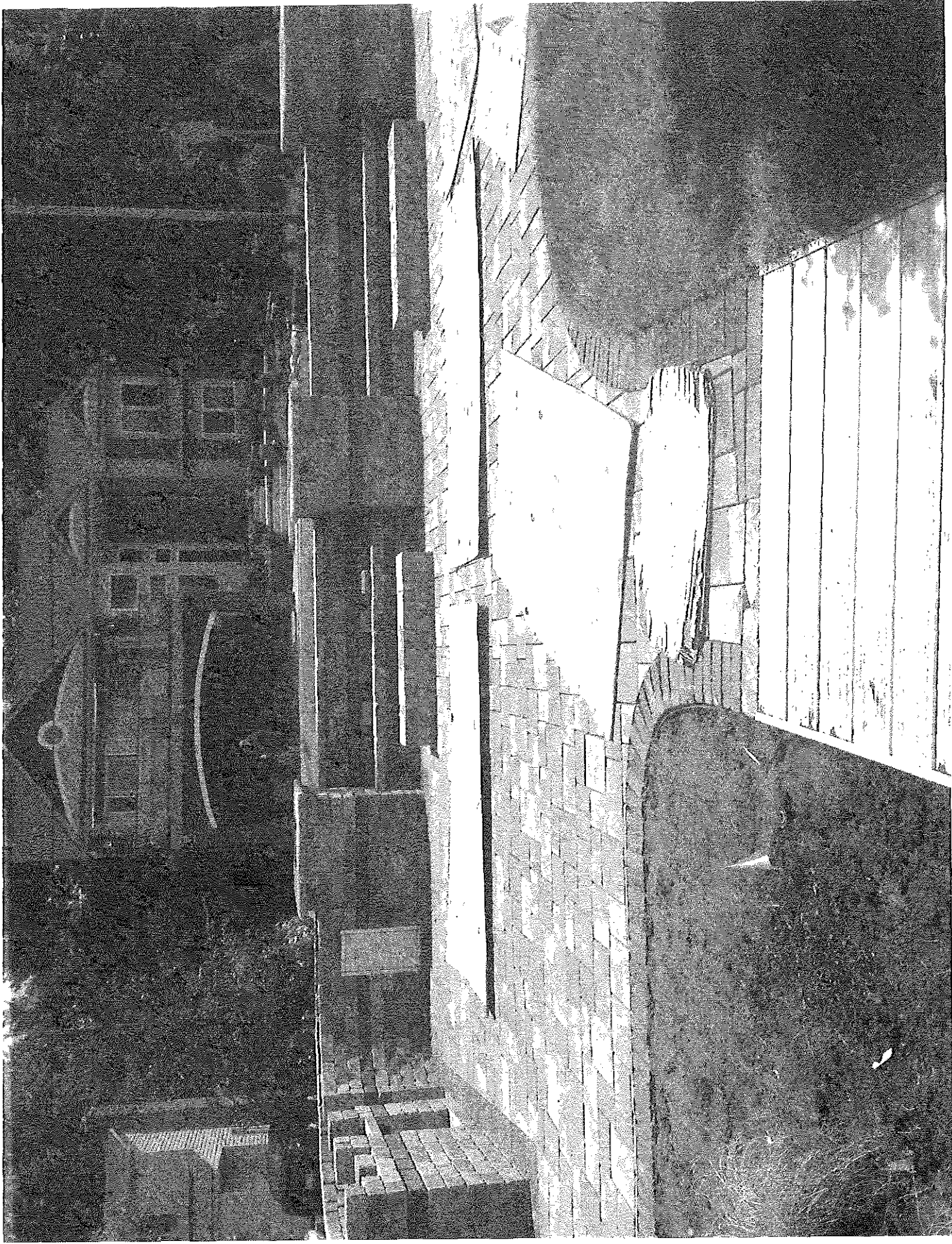
My intentions are good, and I would never do anything to put my home or the City of Novi at risk of anything unexpected. I am asking your permission to continue with my project to continue the beautification of my home which will add value to all of us that live in the City of Novi. All of the contractors that I hire are from large corporations and are legitimate and competent including the mechanical contractor that Apex Sprinkler system will be using for the gas line for the fire pit and gas grill (Quint Plumbing and Heating ~Wyandotte).

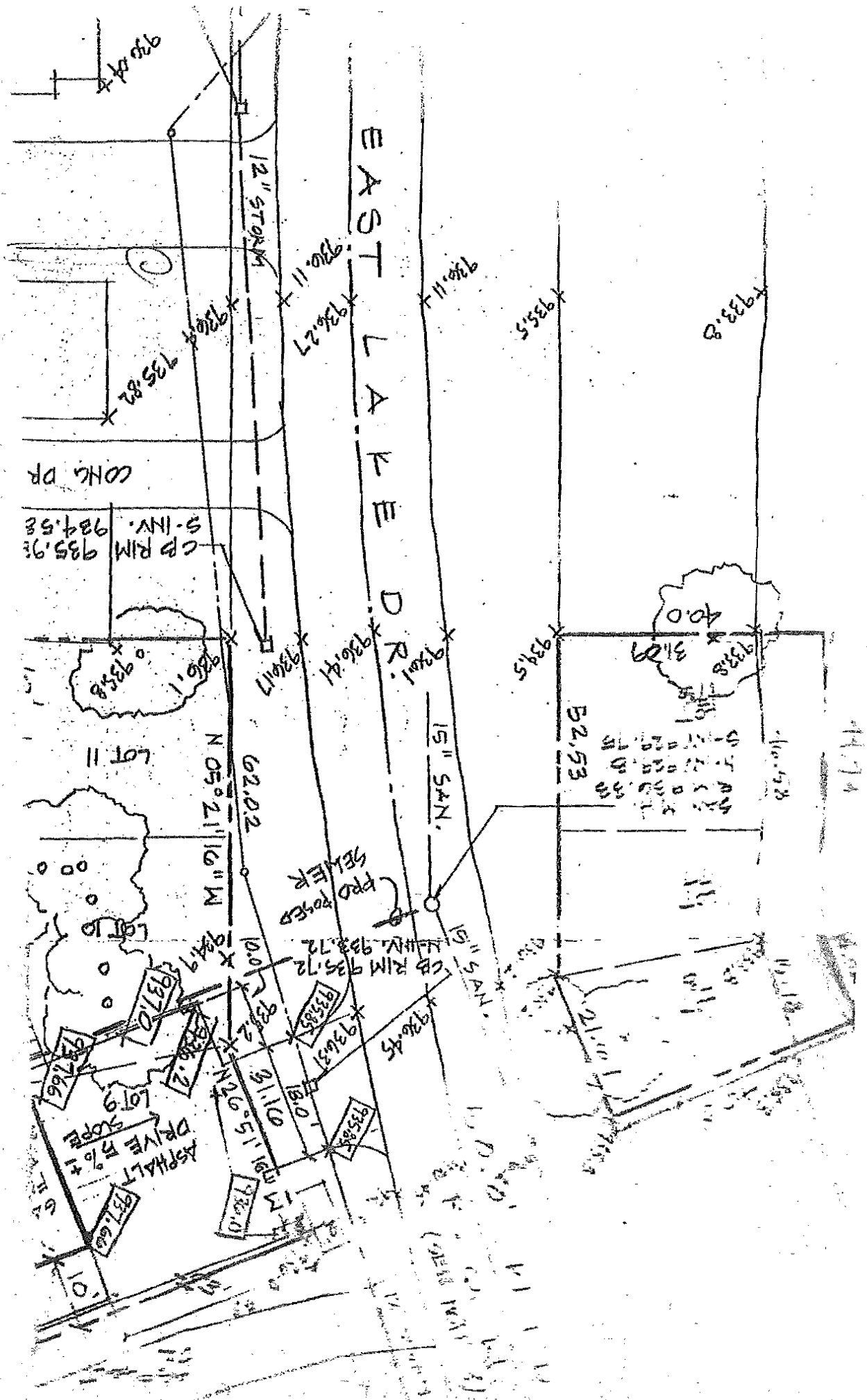
Please take into consideration the need for a private seating area to enjoy the lakefront. East Lake Drive has experienced so many break and entries lately and it was my security camera system that was turned over to the Detective 2 times to try to catch the predator. In addition, in the last 2 years, there has been an abundant amount of passer-bys that drive their car on my lawn (and surrounding neighbors) to watch the sunset. Some unwanted guests even bring a blanket and picnic basket as they believe that the lakefront is public property.

Thank you very much for considering the approval of my beautification project.

Sincerely,

Angela Maher





EAST LAKE DR.

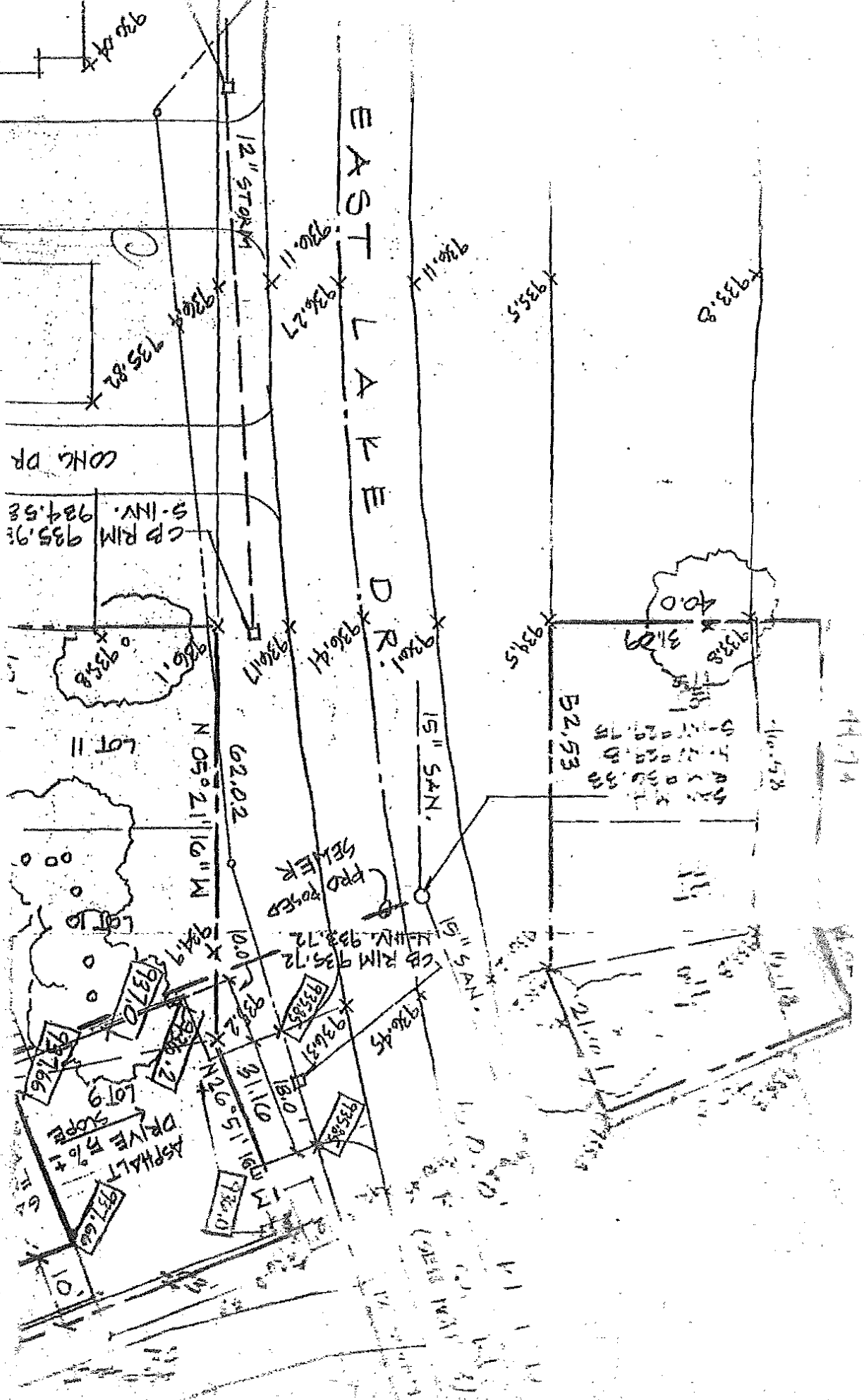
CONC. DR.

15" SAN.

N 05° 21' 16" W

ASPHALT DRIVE 5% ±

6' SLAB



EAST LAKE DR.

CONC. DR.

15" SAN.

N 05° 21' 16" W

ASPHALT DRIVE 5% ±

6' SLAB

