

Case No. 04-076 filed by Jeffrey Sobolewski for
1405 West Lake Drive located east of West Park Drive
and south of Pontiac Trail

Mr. Sobolewski is requesting a 15.57 foot lot frontage variance and a 1,654 square foot lot area variance for parcel "B" to allow a buildable lot adjacent to 1405 West Lake Drive. Property is zoned R-4 and located east of West Park Drive and south of Pontiac Trail.

NOVI CODE OF ORDINANCES: Article 24; Section 2400, "Schedule of Regulations" requires a minimum lot size of 10,000 square feet in area and minimum lot width of 80 feet in a R-4 Zoning District.

Required Lot Area (R-4) District	10,000 square feet
<u>Proposed Lot Area</u>	<u>8,346 square feet</u>
Variance Requested	1,654 square feet

Lot Frontage Required (R-4 District)	80 feet
<u>Lot Frontage Proposed</u>	<u>64.43 feet</u>
Variance Requested	15.57 feet



BOARD OF APPEALS

45175 West Ten Mile Road
Novi, Michigan 48375-3024

August 12, 2004

Mr. Jeffrey Sobolewski
1405 West Lake Drive
Novi, MI 48377

RE: Zoning Board of Appeals Case No.04-076 – 1405 West Lake Drive

Dear Mr. Sobolewski:

At the August 10, 2004 Regular Meeting of the Zoning Board of Appeals the following motion passed:

IN CASE NO. 04-076 MOTION THAT WE GRANT THE REQUEST AS STATED DUE TO THE CONFIGURATION AND THE SIZING OF THE LOT.

AMENDED THE MOTION TO INCLUDE THE MINUTES OF THE CITY COUNCIL MEETING OF NOVEMBER 18, 1996 THAT HELPED THIS BOARD TO REACH THAT DECISION.

Sincerely,

CITY OF NOVI

that his attorney might advise him to include language in an easement agreement that would allow for the abandonment of the easement in case of further development. She asked how can Council require something that someone else would be able to give up. Mr. Fried said if the easement is gone, then the petitioner would have to disconnect at that time and this is something they would have to maintain between themselves. Councilwoman Mutch asked if the two parties were reasonably assured that Mr. Scappaticci had no intention of developing his property until the sewer connection became possible at another tap-in site? Mr. Fried replied that was correct.

Councilman Mitzel asked if the motion included the condition that they could provide for additional taps? Mayor McLallen replied Councilman Schmid accepted the additional condition.

**Vote on CM-96-11-402: Yeas: McLallen, Crawford, Clark, Mitzel, Mutch, Schmid
Nay: None**

8. Proposed Property Transfer Lot 9 - JW Hawthorn Subdivision

Mayor McLallen reported Council asked for more clarification on this matter and that it be brought back in a proper form.

Mr. Fried advised this is an exchange of property that the City probably does not have an interest in, but the other owner agrees to exchange for whatever interest the City might have in it. Further, he stated there were some questions put to him tonight by Councilman Mitzel and that is to the size of the lots. Mr. Fried cannot tell him the exact size, but can get that information.

Joseph Bennett, Attorney advised that he represents Jeffrey Sobolewski who resides at 1405 West Lake Drive. Mr. Bennett reported the property is immediately northeast of Lot 9 in the JW Hawthorn Subdivision. Mr. Bennett reminded Council Mr. Sobolewski's position at their last meeting it was that by virtue of his purchase of the triangular piece of Lot 9 and the fact that a predecessor township in the City since 1914 never accepted the road dedication, he would be the owner of the entirety of Lot 9. Mr. Bennett advised there currently is no road and the entire lot is a grassy, wooded area. Further, residents use the

buildable lot on the lake. The current request is that the deed swap be effected and Council authorize the execution of the conveyance of the entirety of Lot 9 to Mr. Sobolewski. In return, Mr. Sobolewski would execute a deed conveying the 20' strip to the City to resolve the underlying dispute over title to that property. Further, Mr. Bennet would obtain a survey after the swap for the City assessor for a lot reconfiguration. Mr. Bennett also advised that Mr. Sobolewski understands that a drain would need to be relocated to the 20' strip and that the fencing would also need to be reconfigured.

Mr. Kriewall advised that the City may have been willing to relocate the drain and fencing at one time, but the feeling of the Department of Public Works is that the petitioner should do both. The City believes Mr. Sobolewski is benefiting significantly by the City's cooperation in terms of possibly acquiring a second buildable lot.

Mr. Bennett stated this exchange will provide a resolution of a very unusual property configuration. Further, they believe Mr. Sobolewski is entitled to the pie shaped piece having paid property taxes on an area that is unbuildable and to which he has no access. Mr. Bennett stated the City will also benefit because the second lot will add to its tax rolls.

Councilman Schmid asked how wide the current easement is? Mr. Bennett replied it is 33'.

Councilman Schmid asked how many front feet will the petitioner have because of his request? Mr. Bennett replied the size would be 71' for the reconfigured lot on the roadway and 51' on the lake. Mr. Sobolewski is actually obtaining some additional footage on the lake which would make his lot more uniform. Mr. Bennett stated once they execute the deeds, they will do a survey to make sure that the proposed configuration would conform with the setback requirements.

Councilman Schmid asked why has the City conceded 15' of property that serves as a lake access? Mr. Fried replied there is a question about the title of the property they are giving up and it is Mr. Bennett's position that the City has no title to that property. Mr. Fried explained the property was dedicated to the township in 1914 and under the law, the township should have indicated they accepted the dedication. The issue that could be litigated is whether the township or the city ever accepted that dedication. This exchange is really to clear up the question of title to the property. Mr. Fried said Councilman

Councilman Schmid asked if the petitioner is willing to relocate the drains and fencing?

Mr. Bennett asked for a cost estimation to relocate the drain. Mr. Kriewall estimated it would cost between \$2,500 to \$3,000. Mr. Bennett believes his client would be willing to relocate the drains.

Councilman Mitzel asked if the relocation of the City property allow for and accommodate all uses which that property is currently being used for? Mr. Kriewall replied there is some use by neighborhood residents in terms of pedestrian access and small boat access that this relocation could accommodate.

Councilman Mitzel said this request looks like a good way to clear up some legal and landownership issues, but his main concern is that they accommodate all the current uses.

CM-96-11-403: Moved by Mitzel, Seconded by Schmid, MOTION CARRIED UNANIMOUSLY: To accept the property exchange as outlined with the conditions that the petitioner will provide and pay for the relocation of the fencing and drains

**Vote on CM-96-11-403: Yeas: McLallen, Crawford, Clark, Mitzel, Mutch, Schmid
Nay: None**

Mr. Bennet asked if the motion gives the City Clerk the authority to execute the deed? Mr. Fried replied the motion is contingent on the conditions and does not require coming back before Council.

9. Approval of City of Novi Offer to Purchase Real Estate from Novi Twelve Associates/Elwood Simon - Parcel No. 50-22-10-300-006

Mayor McLallen advised this is the last parcel on the tree farm property.

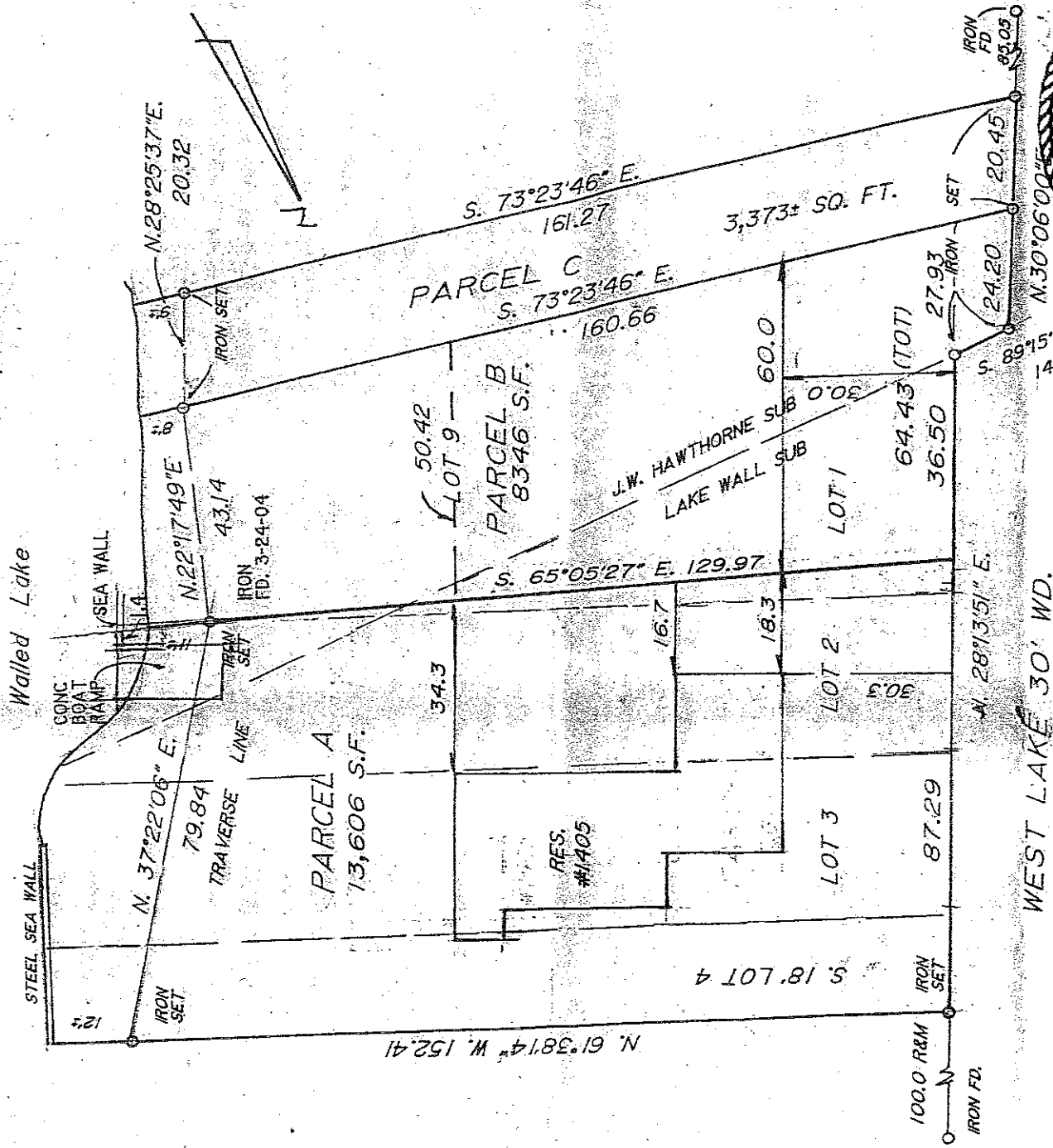
Mr. Kriewall is recommending that Council reapprove this revised agreement from a couple of months ago. Mr. Kriewall explained the seller would like to reserve the mineral rights for five years and there are further accrual of unpaid taxes. The only additional cost to this

Certificate of Land Survey

Division of Lots 1, 2, 3 & S. 18 ft. of Lot 4 of lake Wall Subdivision part of the N.W. 1/4 Section 3, Township of Novi, Oakland County, Michigan, T. 1 N., R. 8 E., recorded in Liber 20 of Plats, Page 15 of Oakland County Records and lot 9 of J.W. Hawthorn's Subdivision in E. 1/2 of N.W. 1/4 of Ft. Section 3, in Novi, T. 1 N., R. 8 E., Oakland Co., Mich. as recorded in Liber 6 of Plats, Page 23 of Oakland County Records.

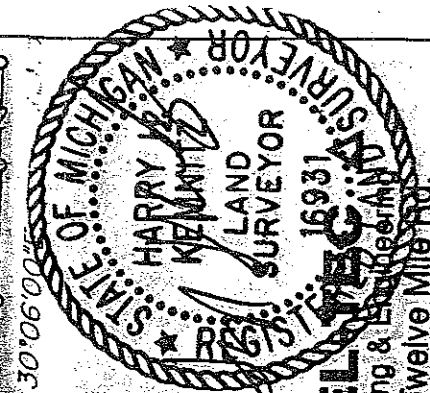
NOTE: ALL BEARINGS ARE IN RELATION TO J.W. HAWTHORNE SUB

Prepared for
JEFFREY SOBOLEWSKI
1405 WEST LAKE DR.
NOVI, MI. 48377



The error of closure is no greater than 1 in 5000, which is within the accuracy of survey as required in Act No. 288 of Public Acts of 1967. This survey complies with the requirements of Sec. 3, Public Act 132 of 1970.

[Signature]
HARRY H. KEMNITZ L.S. NO. 16991



DELTA
Surveying & Engineering
5800 Twelve Mile Rd.
Warren, MI 48092
(810) 573-8288

JOB NO. 5152 SCALE 1" = 30'

DATE 6-03-98 SURVEYED 5-16-97

REV. 4-09-98

REV. 12-25

REV. 3-24-04

REV. 5-03-04 HOUSE RE-LOCATED



FRONT ELEVATION
 CONDON RESIDENCE 1411 WEST LAKE DRIVE

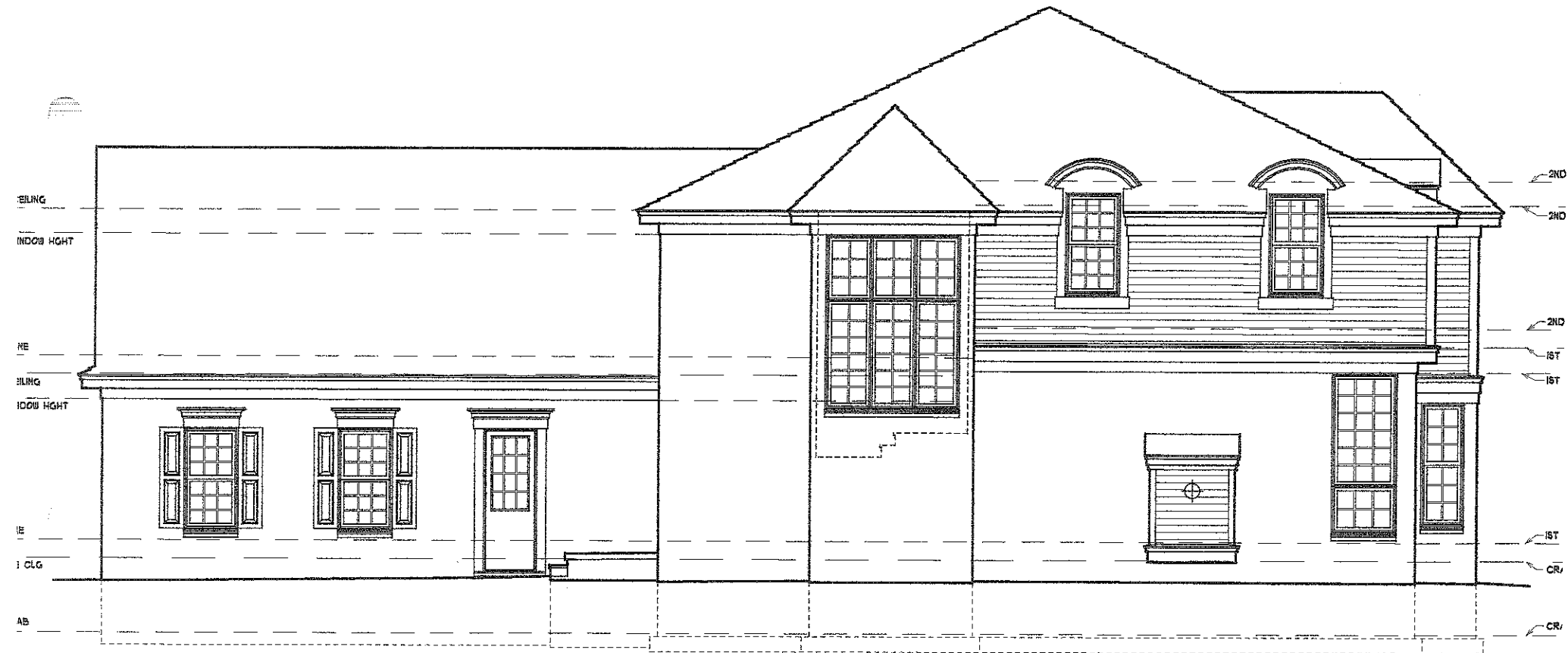
SCALE: 1/8" = 1'-0"

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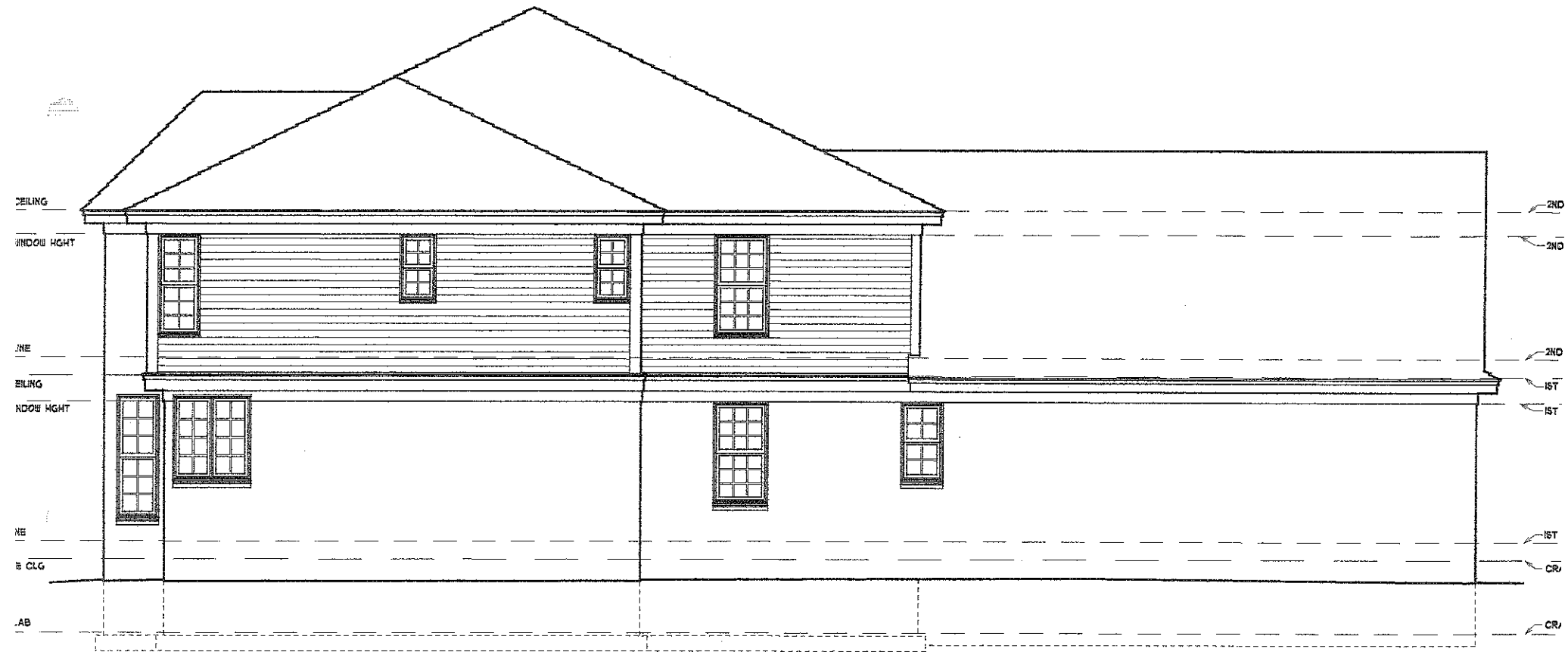
LAKE FRONT ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"