NOV cityofnovi.org

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 13, 2020

REGARDING: 1250 E Lake Drive, Parcel # 50-22-02-151-016 (PZ20-0039)

BY: Larry Butler, Deputy Director Community Development

Early Batter, Bepaty Breeter Community Bevelopment

. GENERAL INFORMATION:

Applicant

Brian Gabel

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential

Location: West of Novi Road and South of Fourteen Mile Road

Parcel #: 50-22-02-151-016

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a 2 foot front yard setback (30 feet required, variance of 28 feet); a 3 foot rear yard setback (35 feet required, variance of 32 feet); a side yard setback of 1.67 feet (10 feet required, variance of 8.33 feet); an aggregate total side yard setback of 6.4 feet (25 feet required, variance of 18.66 feet); and a proposed lot coverage of 34% (25% required, variance of 9%). These variances would accommodate the building a new home addition. 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.	PZ20-0039,	sought	by for
	dit	ficulty re	equiring								oner has sho	own prac	
		. ,					ier will be ui e		,	•	nted or limited	d with res	pect
		(b) The	e prope	erty is u	ınique b	ecaus	se				· ·		

ent or surrounding —
dinance because
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·
1039 , sought by
has not shown
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the property que because they
riance request are
lity to attain higher statements that
ounding properties
odriding properties

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

SEP 0 1 2020

RECEIVED

CITY OF NOVI COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Co	ase)	Application Fee:	\$200.00
PROJECT NAME / SUBDIVISION			ct 13, 2020
1250 E. LAKE DR.	LOT/SIUTE/SPACE #		
SIDWELL# May be o	DIGIT 110111 / (33C331119	ZBA Case #: PZ_2	20-0039
50-22- 02 - 151 - 016 Departme	ent (248) 347-0485		
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?	REQUEST IS FOR;		
☐ YES ☑ NO	RESIDENTIAL COM	imercial 🗆 vacant p	roperty 🗆 signage
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR C	CITATION ISSUED? Y	es 🗹 no	
II. APPLICANT INFORMATION			
A. APPLICANT EMAIL ADDRESS B.G.ABEL 2	& FORD. COM	(3) 3) 800	,-1951
NAME		TELEPHONE NO.	1131
ORGANIZATION/COMPANY		FAX NO.	
ADDRESO			
1250 E. LAKE DR.	NOVI	STATEMI	ZIP CODE 48377
B. PROPERTY OWNER CHECK HERE IF APPLICANT IS ALSO	THE PROPERTY OWNER		
Identify the person or organization that EMAIL ADDRESS owns the subject property:	· · · · · · · · · · · · · · · · · · ·	CELL PHONE NO.	
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX 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	Ш мн	
☐ I-1 ☐ I-2 ☐ RC ☐ TC ☐ TC-1 B. VARIANCE REQUESTED	OTHER	− 2:	
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section 3.1.5 Variance requested	b		
2. Section 3-15 Variance requested			
3. Section 3.1,5 Variance requested	The second secon		
4. SectionVariance requested			
IV. FEES AND DRAWNINGS			
A. FEES			Maria Inc.
🗹 Single Family Residential (Existing) \$200 🗌 (With Viola	ation) \$250 🗆 Single Fam	nily Residential (New)	\$250
\square Multiple/Commercial/Industrial \$300 \square (With Viola	ation) \$400 \square Signs \$300	\square (With Violation) :	\$400
☐ House Moves \$300 ☐ Special Me	eetings (At discretion of B	oard) \$600	
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED		al alfabana a a li a a alfa	ad inches a subject the second
Dimensioned Drawings and Plans Site/Plot Plan		d distance to adjacer g & proposed signs, if	
Existing or proposed buildings or addition on the prope	erty • Floor plans & eleve	ations	
 Number & location of all on-site parking, if applicable 	 Anv other information 	tion relevant to the Vo	ariance 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 ADDITIONE & DEODEDTY CICALATURE					
VI. APPLICANT & PROPERTY SIGNATURES					
VI. APPLICANT & PROPERTY SIGNATURES A. APPLICANT Applicant Signature O9/01/2020 Date					
A. APPLICANT 09/01/2020					
A. APPLICANT Applicant Signature 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					
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A. APPLICANT Applicant Signature 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					
A. APPLICANT Applicant Signature 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:					
A. APPLICANT Applicant Signature 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					



Community Development Department

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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:

Our property at 1250 E Lake drive is very narrow along the shore of Walled Lake, dropping to less than 68 ft on the North side. The house was originally built as a cottage in 1930 and the garage is of the same era. The garage sits as close as 2.2 ft on the North side to the abutting shared lake lot on the North and the house is 5.4 ft from the property on the South side. The current house on the West side, toward the lake is 13 ft. from the water's edge. See survey.

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).

Our house at 1250 E Lake Dr. was one of the first in the area (ca. 1930) and built prior to the existing zoning setbacks, hence it has been non-conforming when the setbacks were established. Any modifications to the existing structures would thereby be non-conforming to the current regulations.

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.

Since the current structures are non-conforming to the setback, frontage and lot coverage regulations, we would be unable to make any modifications, renovations, or additions without variances. See the recent survey provided, which shows that the allowed building envelope is much smaller and largely within the footprint of the existing house.

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 are necessary due to the position of the existing house and garage and their setbacks to the surrounding property and lake; therefore they are as minimal as possible. The distance from the current house and garage to the property lines are consistent with other houses along E. Lake Drive, and would remain consistent with the approval of the new addition to the house.

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.

Any changes to the house, garage and property would have a positive impact on surrounding homes and increase property values. Many homes along the East shore of Walled Lake (on E Lake Dr) have been extensively updated, renovated, add-on, or torn down and rebuilt from the ground up. All of them require variances to Novi regulations due to the small lake lot sizes that were developed a century ago. Our planned renovation is keeping with the current trend of property improvements, including larger size, professional design, upgraded materials, and modern standards of construction. We are not impeding on the site lines to the lake of our neighbor to the South in any way. There are no houses to our North, only lake lots, and we are not impeding on their view of the lake. We have worked hard with the architect to minimize any loss of view of our neighbors across E Lake Dr (to the East), and most of the new addition is added within the front elevation of the current house. Rather than connecting the current house to the garage with a large addition, we have elected to use a glass breezeway to maintain as much of the view as possible.



FRONT ELEVATION

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

HEINS & KWAPIS ARCHITECTS P.C.

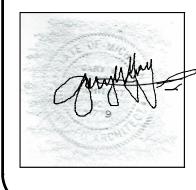
126 E. THIRD STREET
ROCHESTER, MICHIGAN
48307
PH: 248-651-6766
FAX: 248-651-8969
heinsandkwapis@sbcglobal.net

PROPOSED ADDITION AND RENOVATION FOR, GARIE RESIDENC

8-3|-2020 8-2|-2020

DRAWN BY:
CHECKED BY:

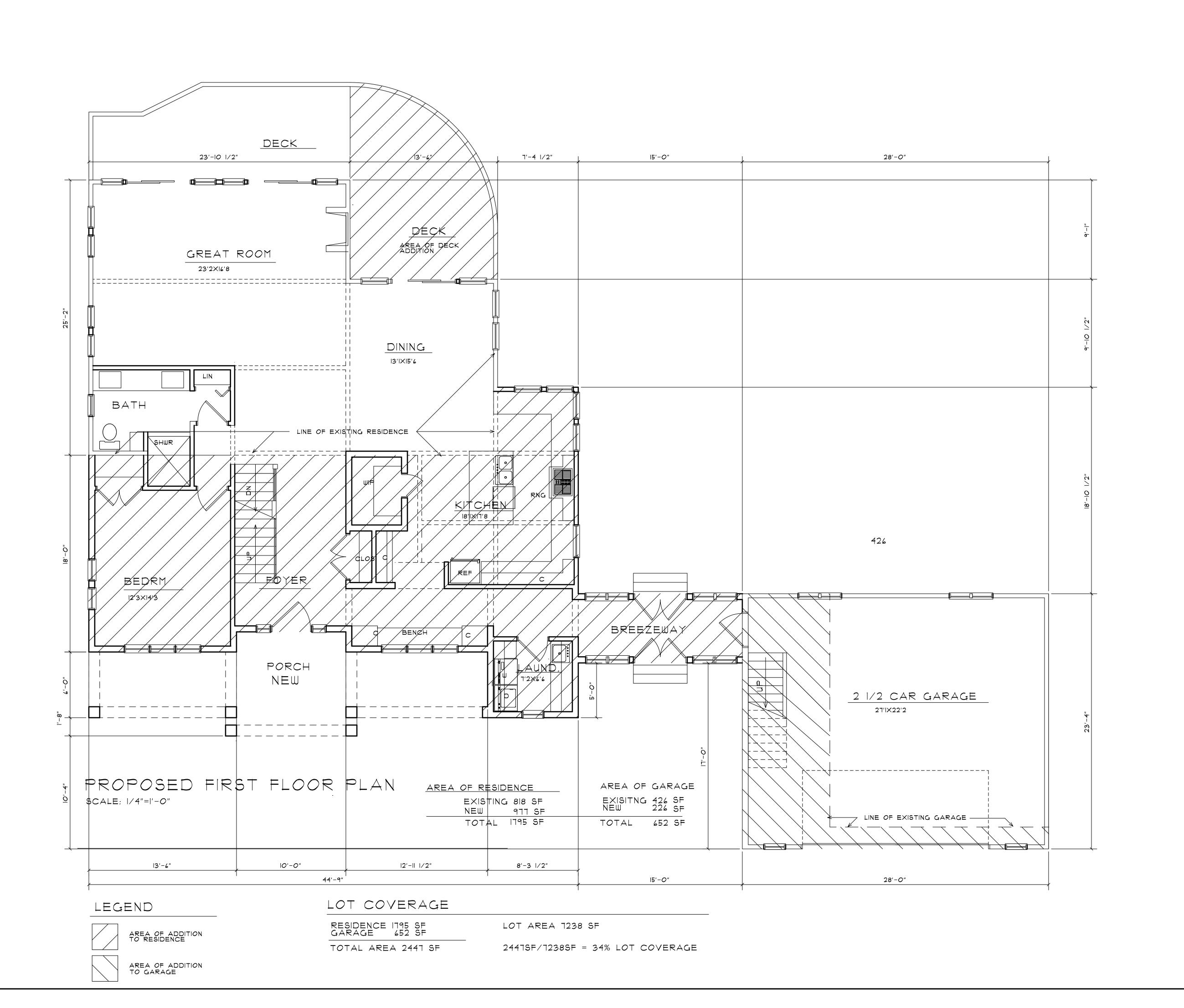
DATE: 6-25-2020



SHEET N

1 OF 3

JOB NUMBER 20-031-RA



HEINS & KWAPIS ARCHITECTS P.C.

126 E. THIRD STREET
ROCHESTER, MICHIGAN
48307
PH: 248-651-6766
FAX: 248-651-8969
heinsandkwapis@sbcglobal.net

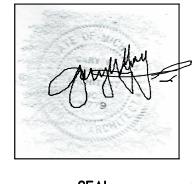
AND RENOVATION
FOR: GABLE RESIDENCE
1250 E. LAKE ROAD

8-3|-2020 8-28-2020 8-2|-2020 8-|0-2020 REVISION:

DRAWN BY:

CHECKED BY:

DATE: 6-25-2020

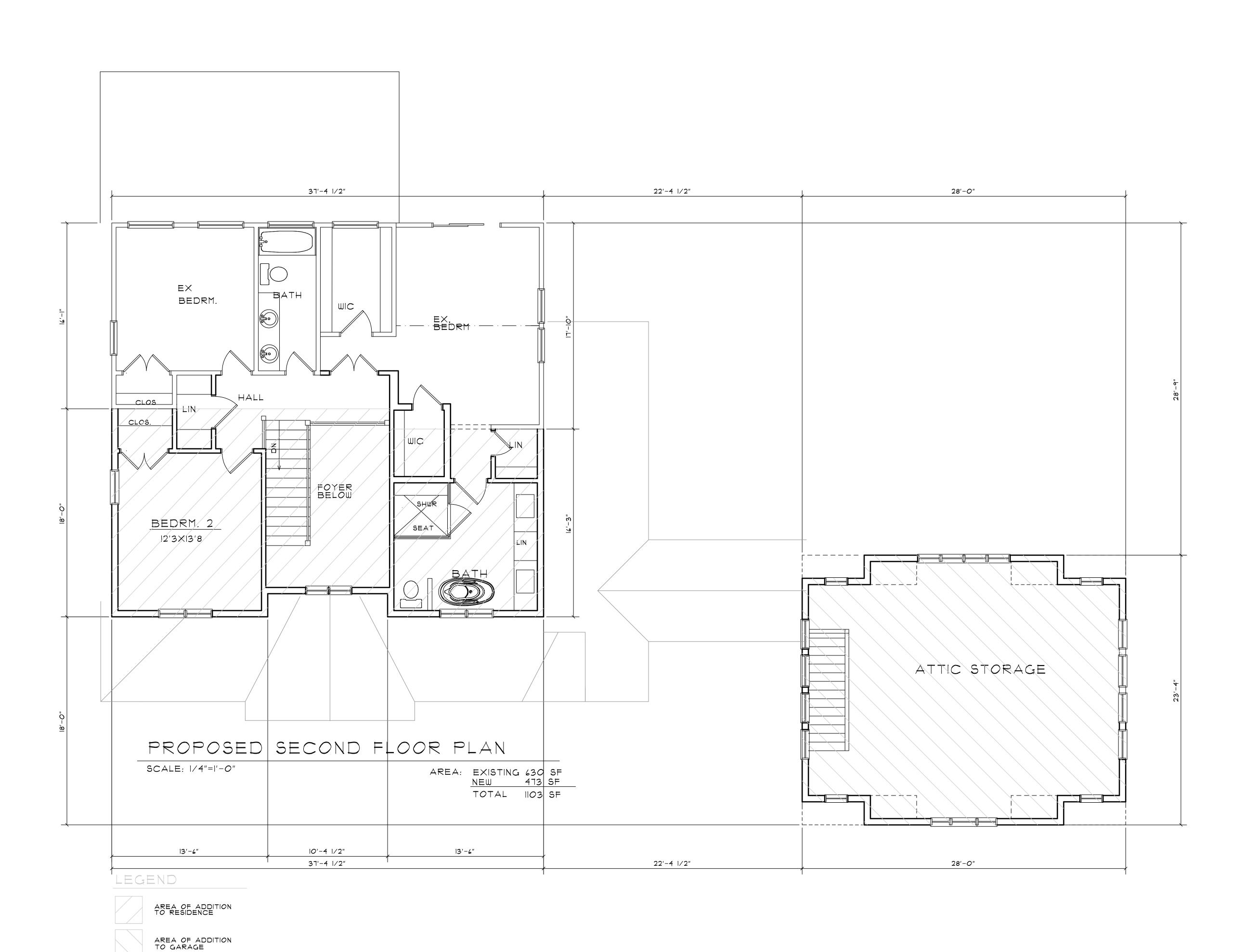


SEAL SHEET NO.

2 OF 3

JOB NUMBER

20-031-RA



HEINS & KWAPIS ARCHITECTS P.C.

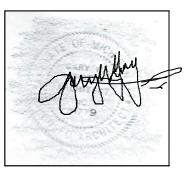
126 E. THIRD STREET
ROCHESTER, MICHIGAN
48307
PH: 248-651-6766
FAX: 248-651-8969
heinsandkwapis@sbcglobal.net

PROPOSED ADDITION AND RENOVATION FOR: GABLE RESIDENCE 1250 E. LAKE ROAD

8-31-2020 8-28-2020 8-21-2020 REVISION 8-10-2020

DRAWN BY:
CHECKED BY:

DATE: 6-25-2020

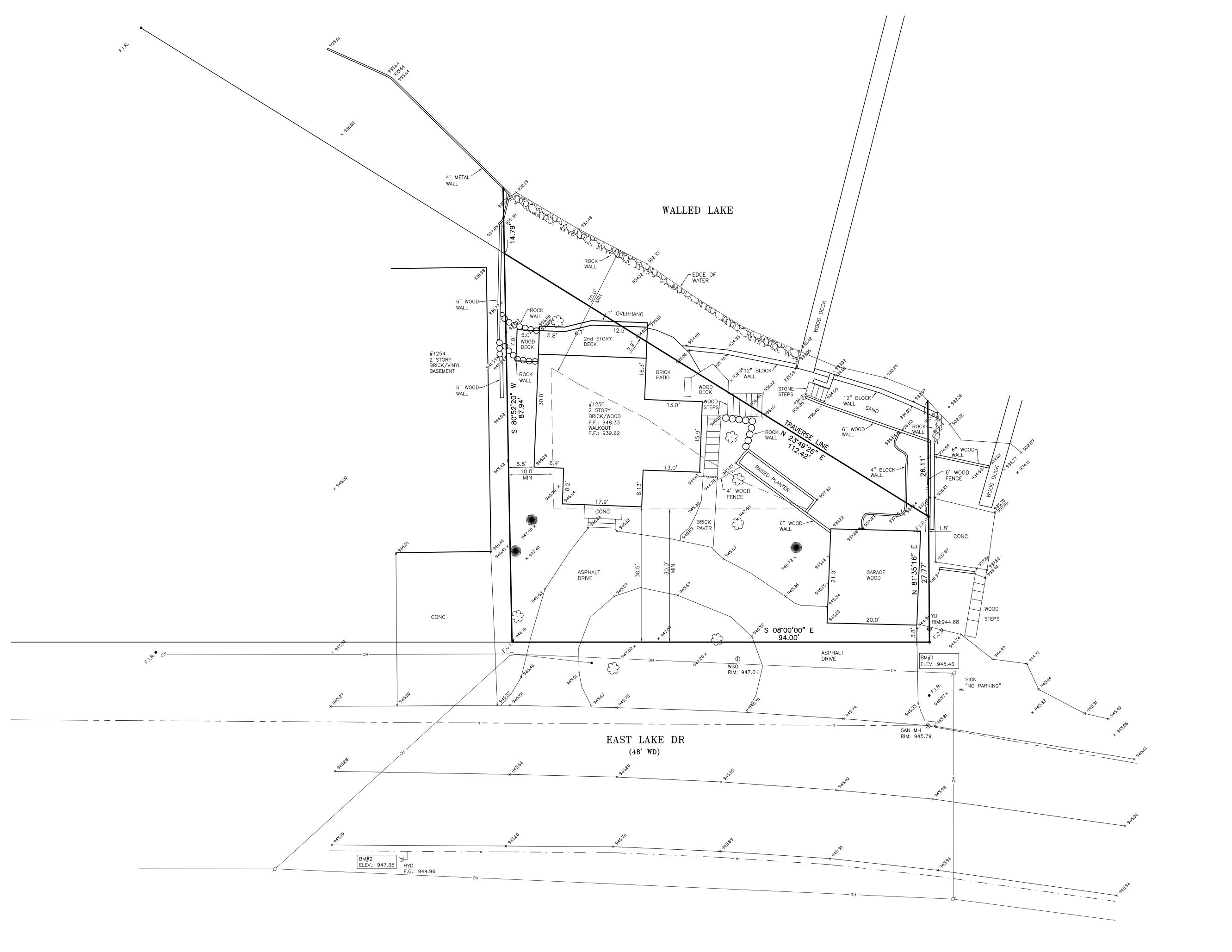


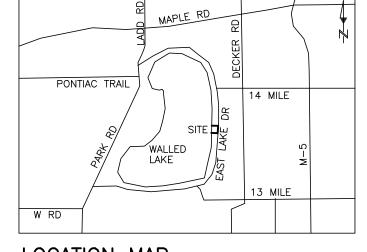
SEAL SHEET NO.

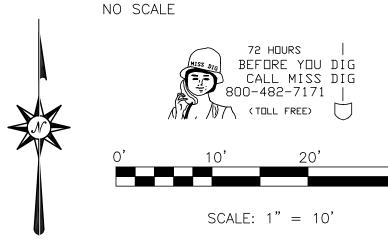
3 OF 3

JOB NUMBER

20-031-RA







LOT 1 OF SUPERVISOR'S PLAT NO. 1, A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 2, T.1N., R.8E., NOVI TOWNSHIP(NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 54 OF PLATS, PAGE 45 OAKLAND COUNTY RECORDS.

BM#1
RAIL ROAD SPIKE IN UTILITY POLE LOCATED BY THE
NORTHEAST CORNER OF PROPERTY #1250 WEST OF EAST LAKE

ELEV. 945.46 NAVD 88

ELEV. 947.35 NAVD 88

BM#2 ARROW ON HYDRANT LOCATED EAST OF EAST LAKE DRIVE SOUTH OF PROPERTY #1250

ZONED: R-4 ONE FAMILY RESIDENTIAL

SETBACK REQUIREMENTS:
FRONT: 30 FEET
REAR: 10 FEET ONE SIDE (25 FEET TOTAL)
SIDES: 35 FEET

FLOODPLAIN

LOT AREA

LOT AREA: 7237.73 SQUARE FEET 0.17 ACRES

LOT AREA IS MEASURED TO EDGE OF WATER PER PLAT.

UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ARE PER RECORDS MADE AVAILABLE BY UTILITY OR MUNICIPALITY, AND BY FIELD OBSERVATION WHERE POSSIBLE. ALL MUNICIPALITIES AND UTILITY COMPANIES SHOULD BE NOTIFIED BY CONTRACTOR FOR FIELD LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

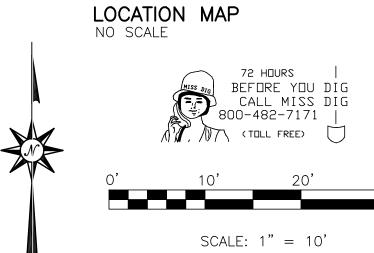
LEGEND			
BENCHMARK	В.М.	STORM MANHOLE	
FINISHED FLOOR	F.F.	STORM CATCH BASIN	<u></u>
FINISHED GRADE	F.G.	SANITARY MANHOLE	<u> </u>
EXISTING	EX.	GATE VALVE & WELL	W
FIELD MEASURE		DET. EDISON MANHOLE	©
NVERT ELEVATION	I.E.	WATER/GAS SHUT OFF	8
GAS MAIN	g	FIRE HYDRANT	Š
WATERMAIN	w	UTILITY POLE	\sim
STORM SEWER	r		C X
	s	SEPTIC TANK	4
OVERHEAD WIRES		WFLL	•
I" WATER SERVICE			
	— SL ———	MAILBOX	4
PROP. SUMP LEAD	—SUMP———	SIGN	٩
FENCE		LIGHT	
PROP. ELEVATION		DECIDUOUS TREE	3
EX. SPOT ELEVATION	*, %,	EVERGREEN TREE	**
RECORDED DISTANCE	R.	FLAGPOLE	P
MEASURED DISTANCE	М.	HANDICAPPED STALL	ڋ
SET IRON	S.I.	PAY PHONE	M
FOUND IRON	F.I.	GUYWIRE	_
FOUND CONC. MON.	F.C.M.	EX. GAS PUMP	\geq
POINT OF BEGINNING	P.O.B.	GAS MARKER	0
TOP OF PIPE	T/P	MONITORING WELL	
TOP OF CURB	T/C	SECTION CORNER	ě
GUTTER	G	UTILITY PEDESTAL	\blacksquare
CLEAN OUT	C.O.	CULVERT	
ENCROACHMENT	ENC.		
TO BE REMOVED	T.B.R.		

FILE NO.: 3981-001	DWG.	NO.: 3981-00
DESIGNED BY: XXX		SHEET No.
DRAWN BY: BGW		4.4

CHECKED BY: G.L.A.

SCALE: 1" = 10'





LEGAL DESCRIPTION

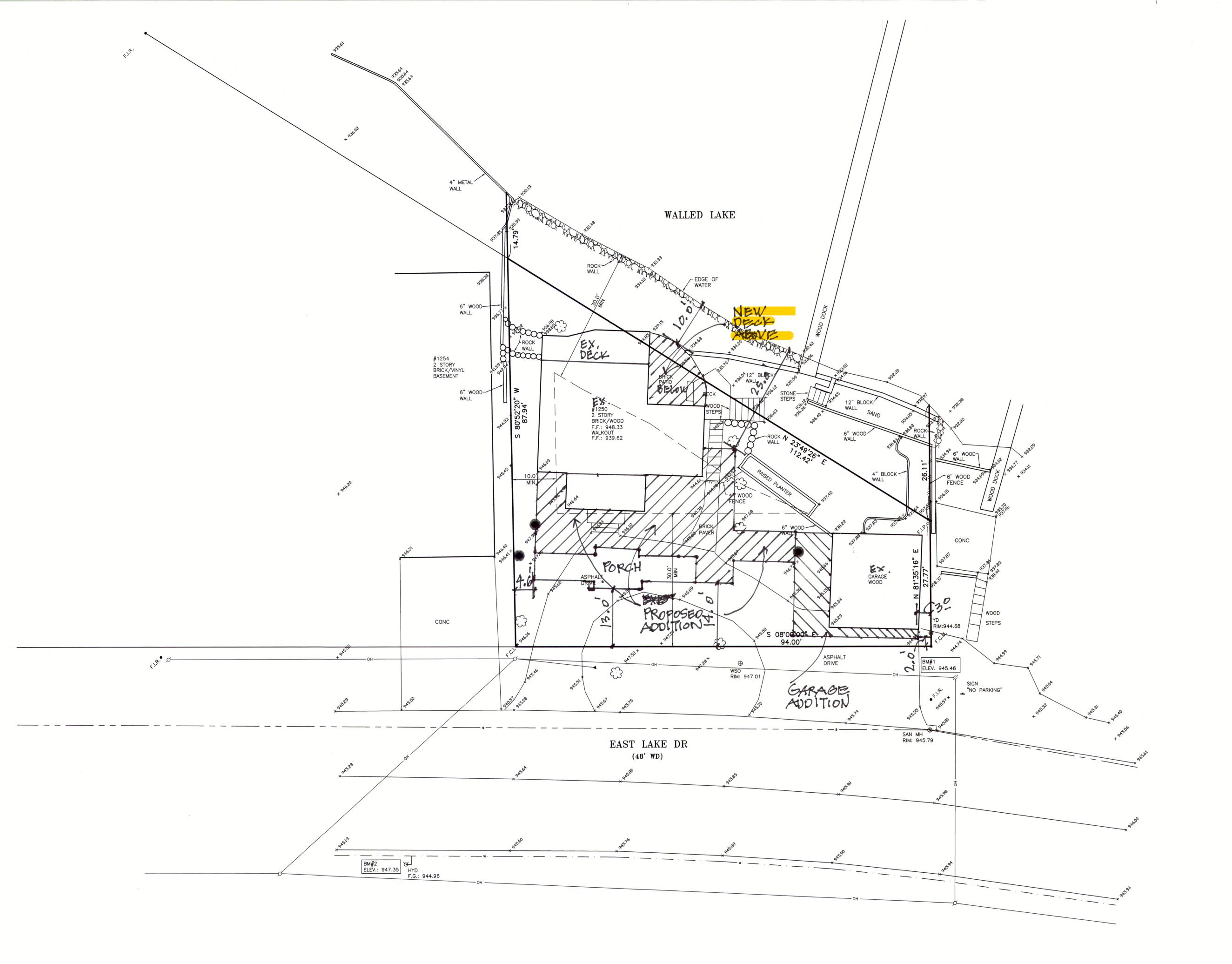
BENCHMARKS

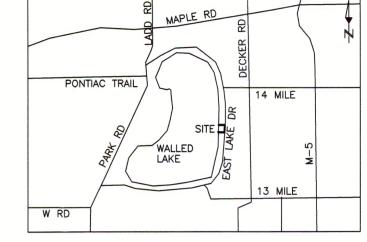
ZONING & SETBACKS

SUBJECT PROPERTY LIES IN FLOOD ZONE X WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN PER FEMA FLOOD MAP SERVICE CENTER FOR CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

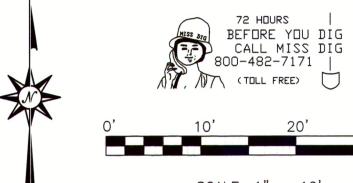
MAP NUMBER: 26125CO488F EFFECTIVE DATE: 9/29/2006

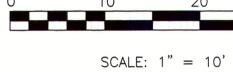
UTILITY NOTE





LOCATION MAP NO SCALE





LEGAL DESCRIPTION

LOT 1 OF SUPERVISOR'S PLAT NO. 1, A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 2, T.1N., R.8E., NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 54 OF PLATS, PAGE 45 OAKLAND COUNTY RECORDS.

BENCHMARKS

BM#1 RAIL ROAD SPIKE IN UTILITY POLE LOCATED BY THE NORTHEAST CORNER OF PROPERTY #1250 WEST OF EAST LAKE DRIVE.

ELEV. 945.46 NAVD 88

BM#2 ARROW ON HYDRANT LOCATED EAST OF EAST LAKE DRIVE SOUTH OF PROPERTY #1250 ELEV. 947.35 NAVD 88

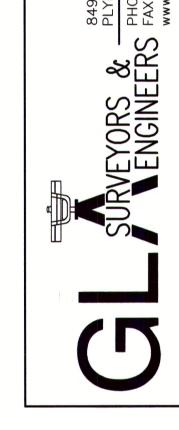
ZONING & SETBACKS

ZONED: R-4 ONE FAMILY RESIDENTIAL SETBACK REQUIREMENTS:
FRONT: 30 FEET
REAR: 10 FEET ONE SIDE (25 FEET TOTAL)
SIDES: 35 FEET

FLOODPLAIN

SUBJECT PROPERTY LIES IN FLOOD ZONE X WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN PER FEMA FLOOD MAP SERVICE CENTER FOR CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

MAP NUMBER: 26125CO488F EFFECTIVE DATE: 9/29/2006



GABEL EAST LAKE MI 48377

UTILITY NOTE

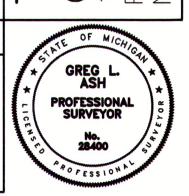
UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ARE PER RECORDS MADE AVAILABLE BY UTILITY OR MUNICIPALITY, AND BY FIELD OBSERVATION WHERE POSSIBLE. ALL MUNICIPALITIES AND UTILITY COMPANIES SHOULD BE NOTIFIED BY CONTRACTOR FOR FIELD LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

LECEND

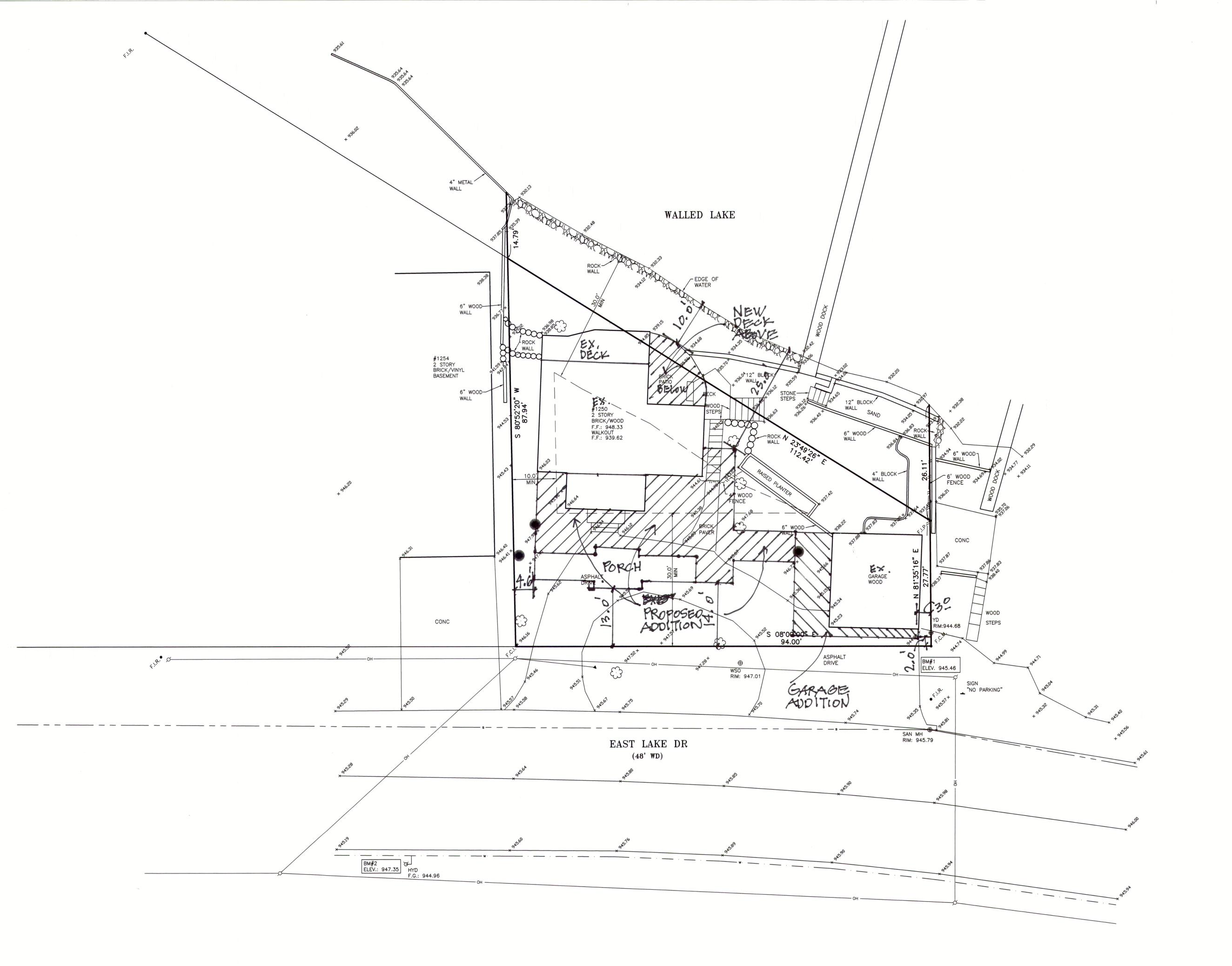
LEGEND		
BENCHMARK	B.M.	STORM MANHOLE
FINISHED FLOOR	F.F.	STORM CATCH BASIN
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GAS MAIN	g	FIRE HYDRANT
WATERMAIN	— w	UTILITY POLE
STORM SEWER	r	SOIL BORING
SANITARY SEWER	\$	SEPTIC TANK
OVERHEAD WIRES	— ОН ———	WELL
1" WATER SERVICE	— WS ———	POLE OR POST
6" SANITARY LEAD	— SL ———	MAILBOX
PROP. SUMP LEAD	-SUMP	SIGN
FENCE	-11-11-11-11-11-	LIGHT
PROP. ELEVATION	(P)	DECIDUOUS TREE
EX. SPOT ELEVATION	+0.	EVERGREEN TREE
RECORDED DISTANCE	R.	FLAGPOLE
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SET IRON	S.I.	PAY PHONE
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POINT OF BEGINNING	P.O.B.	GAS MARKER
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TO BE REMOVED	T.B.R.	

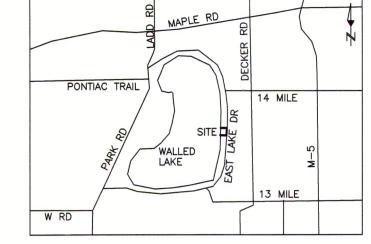
FILE NO.: 3981-001	DWG.	NO.: 3981-001
DESIGNED BY: XXX		SHEET No.
DRAWN BY: BGW		

CHECKED BY: G.L.A. SCALE: 1" = 10'

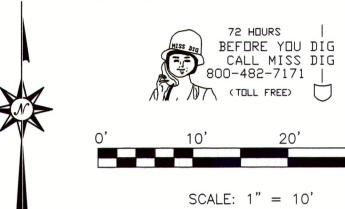


T.1N., R.8E.





LOCATION MAP NO SCALE



LEGAL DESCRIPTION

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ELEV. 945.46 NAVD 88

BM#2 arrow on hydrant located east of east lake drive south of property #1250 ELEV. 947.35 NAVD 88

ZONING & SETBACKS

ZONED: R-4 ONE FAMILY RESIDENTIAL SETBACK REQUIREMENTS:
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REAR: 10 FEET ONE SIDE (25 FEET TOTAL)
SIDES: 35 FEET

FLOODPLAIN

SUBJECT PROPERTY LIES IN FLOOD ZONE X WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN PER FEMA FLOOD MAP SERVICE CENTER FOR CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

MAP NUMBER: 26125CO488F EFFECTIVE DATE: 9/29/2006

GABEL EAST LAKE MI 48377

UTILITY NOTE

UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ARE PER RECORDS MADE AVAILABLE BY UTILITY OR MUNICIPALITY, AND BY FIELD OBSERVATION WHERE POSSIBLE. ALL MUNICIPALITIES AND UTILITY COMPANIES SHOULD BE NOTIFIED BY CONTRACTOR FOR FIELD LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

FILE NO.: 3981-001	DWG.	NO.: 3981-001
DESIGNED BY: XXX		SHEET No.
DRAWN BY: BGW		

CHECKED BY: G.L.A. SCALE: 1" = 10'



T.1N., R.8E.

Oppermann, Katherine

From:

postmaster@muniweb.com

Sent:

Monday, October 5, 2020 9:00 AM

To:

Oppermann, Katherine; Boulard, Charles

Subject:

Zoning Board of Appeals Meeting - Live Comment

Name:

Jean and Ralph McIntyre

Address:

1253 East Lake Drive

Feedback:

APPROVAL for 1250 E Lake Drive

Email

jeanm50@gmail.com

Date Submitted: 10/5/2020 8:59:28 AM