



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item J
February 11, 2013

SUBJECT: Approval of a modification to previously approved variances from the Lakefront Protection Ordinance for South Pointe Condominiums to permit a dock extension, not to exceed 170 feet (130 currently permitted) with no more than 13 boats docked at any time, for the use of condominium owners only.

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Boats}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

South Pointe Condominiums received Preliminary Site Plan approval from the Planning Commission on October 16, 1991. As part of the approval for this 72-unit, age restricted complex, the original developer proposed a boat dock area on Walled Lake, consisting of a dock with 13 areas for boat docking. Under the Lakefront Protection Ordinance (Chapter 36, Article IV of the City Code), the applicant was required to have 25 lineal feet of lake frontage and 150 square feet of area for each lot or dwelling unit served by the park. In both cases, the applicant fell short of the requirement and petitioned the City Council for a variance from these requirements. The City Council discussed the variance requests at their meeting of October 28, 1991 and granted variances from both provisions, with a specific condition that the dock length not exceed 120 feet and that the docks were seasonal in nature only. At the time, the applicant agreed to the condition.

The South Pointe Condominiums homeowner's association first petitioned the City for a dock extension (from 120 feet to 130 feet) in June of 2006. At the June 19, 2006 City Council meeting, the Council granted their request with the recommendation of staff.

The South Pointe Condominiums homeowner's association is now asking the City to permit an increase in the length of the dock to 170 feet.

This is due to a lower lake level. The lake level, particularly in late summer has made it extremely difficult under most conditions to utilize the docking areas closest to the shore, preventing some homeowners from using their watercraft. No additional boat docks are being requested. No more than 13 boats are permitted on the dock at any time.

Typically, the length of the dock is not directly regulated by the Zoning Ordinance or City Code, but the original approval by City Council included a condition that the dock length was not to exceed 120 feet in length. Code Section 36-62 regulates the total number of boat slips permitted and the size and width of the lakefront park. No modifications are proposed to the total number of boat slips or the size or width of the lakefront park. The Planning Division reviewed the request and the previous Planning Commission and City Council action on the request. At this time, it is Staff's opinion that the requested additional dock length is consistent with the original approval. Although the ordinance does not specifically address boat docks, there are provisions related to boat wells in Section 2910:

- (1) Erection of the boat well shall not unreasonably impair the view of the lake from adjacent lots or parcels.
- (2) The boat well shall not be located in such a way that it will create a potential safety hazard to boaters on the lake.
- (3) The appearance of the boat well shall be in harmony with the principal use of the lot or parcel.

For this request, the City Council can, in its discretion, modify the original condition of the variance approval to allow the length of the docks to reach 170 feet. If the City Council chooses to take this action, the Planning Department would recommend adding the condition that there shall be no more than 13 boats docked at any time.

The minutes from the original Planning Commission and City Council approval are attached, along with a letter from the South Pointe Condominium association, making the request for approval. The recommended action would mirror the original approval motion, with the modifications suggested by staff to allow the 170 feet and limitation on the 13 boat docks.

RECOMMENDED ACTION: Approval of a modification to previously approved variances from the Lakefront Protection Ordinance for South Pointe Condominiums to permit a dock extension, not to exceed 170 feet (130 currently permitted) with no more than 13 boats docked at any time, for the use of condominium owners only.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

South Pointe Condominium Dock Extension

JSP13-06



Map Author: Kristen Kapelanski
Date: 02/04/13
Project: South Pointe Dock Extension
Version #: 1.0



City of Novi

Planning Division
Community Development
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

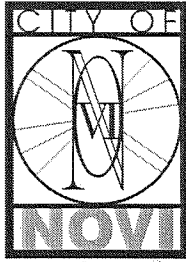
MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to the map.



1 inch = 83 feet

PLANNING REVIEW



cityofnovi.org

PLAN REVIEW CENTER REPORT

January 16, 2013

Planning Review

South Pointe Condo Dock Extension
JSP13-06

Petitioner

South Pointe Condominium Homeowner's Association

Review Type

Preliminary/Final Site Plan

Property Characteristics

- Site Location: 1127 South Lake Dr. (south of South Lake Dr. between Henning and Eubank)
- Site Zoning: R-4, One-Family District
- Adjoining Zoning: North: Walled Lake; South: RA, Residential Acreage; East and West: R-4
- Site Use(s): South Pointe Condos
- Adjoining Uses: North: Walled Lake; South: Public Park; East and West: Single-Family Residential
- Site Size: 10.38 acres
- Application Date: 01-08-13

Project Summary

South Pointe Condominiums received Preliminary Site Plan approval from the Planning Commission on October 16, 1991. As part of the approval for this 72-unit, age restricted complex, the original developer proposed a boat dock area on Walled Lake, consisting of a 110-foot long dock with 13 areas for boat docking. Under the Lakefront Protection Ordinance (Chapter 36, Article IV of the City Code), the applicant was required to have 25 lineal feet of lake frontage and 150 square feet of area for each lot or dwelling unit served by the park. In both cases, the applicant fell short of the requirement and petitioned the City Council for a variance from these requirements. The City Council discussed the variance requests at their meeting of October 28, 2001 and granted variances from both provisions, with a specific condition that the dock length not exceed 120 feet and that the docks were seasonal in nature only. At the time, the applicant agreed to the condition.

The South Pointe Condominiums homeowner's association first petitioned the City for a dock extension (from 120 feet to 130 feet) in June of 2006. At the June 19, 2006 City Council meeting, the Council granted their request with the recommendation of staff.

The South Pointe Condominiums homeowner's association is now asking the City to permit an increase in the length of the dock to 170 feet.

This is due to a lower lake level. The lake level, particularly in late summer has made it extremely difficult under most conditions to utilize the docking areas closest to the shore, preventing some homeowners from using their watercraft. No additional boat docks are being requested. No more than 13 boats are permitted on the dock at any time.

Review and Recommendation

Typically, the length of the dock is not directly regulated by the Zoning Ordinance or City Code, but the original approval by City Council included a condition that the dock length was not to exceed 120 feet in length.

At this time, it is Staff's opinion that the requested additional dock length is consistent with the original approval and the conditions of Section 2910 of the Zoning Ordinance:

- (1) Erection of the boat well shall not unreasonably impair the view of the lake from adjacent lots or parcels.
- (2) The boat well shall not be located in such a way that it will create a potential safety hazard to boaters on the lake.
- (3) The appearance of the boat well shall be in harmony with the principal use of the lot or parcel.

For this request, the City Council can, in its discretion, modify the original condition of the approval to allow the length of the dock to reach 170 feet. Staff will schedule this matter for an upcoming City Council meeting.

Please contact the Community Development Department with any questions about this review.



Planning Review by Kristen Kapelanski, Planner
248-347-0586 or kkapelanski@cityofnovi.org

MATERIALS PROVIDED BY APPLICANT

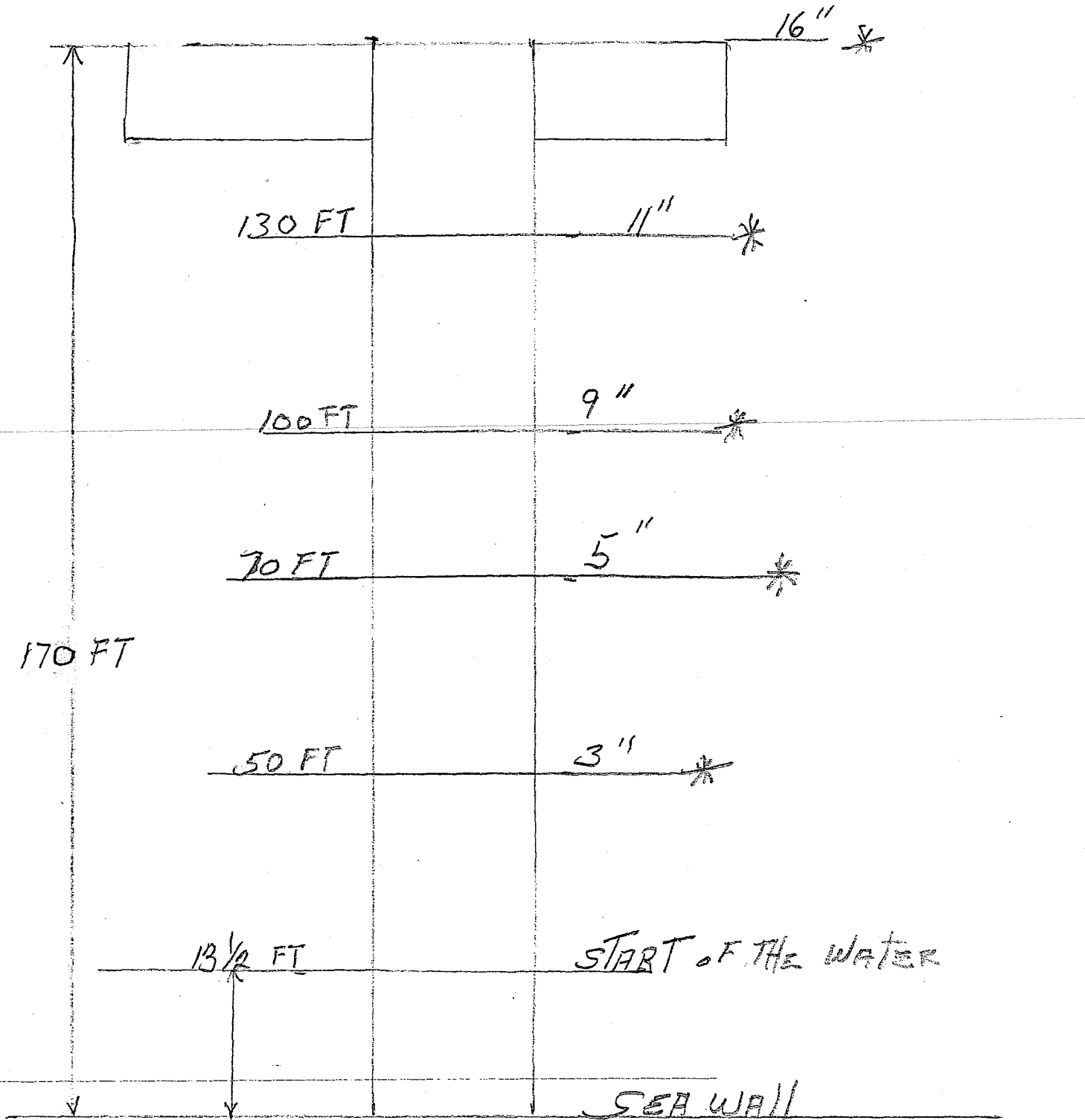
VARIANCES

Extending the dock to 170 ft. The dock is at 130 ft. now.

The lake is so shallow that in order to get to navigable water, we have to get the dock out that far.

Extending the dock will not cause a safety hazard to boaters.

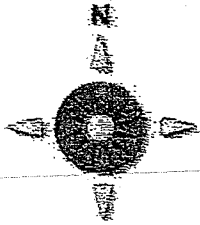
From Bottom to Top of the WATER *



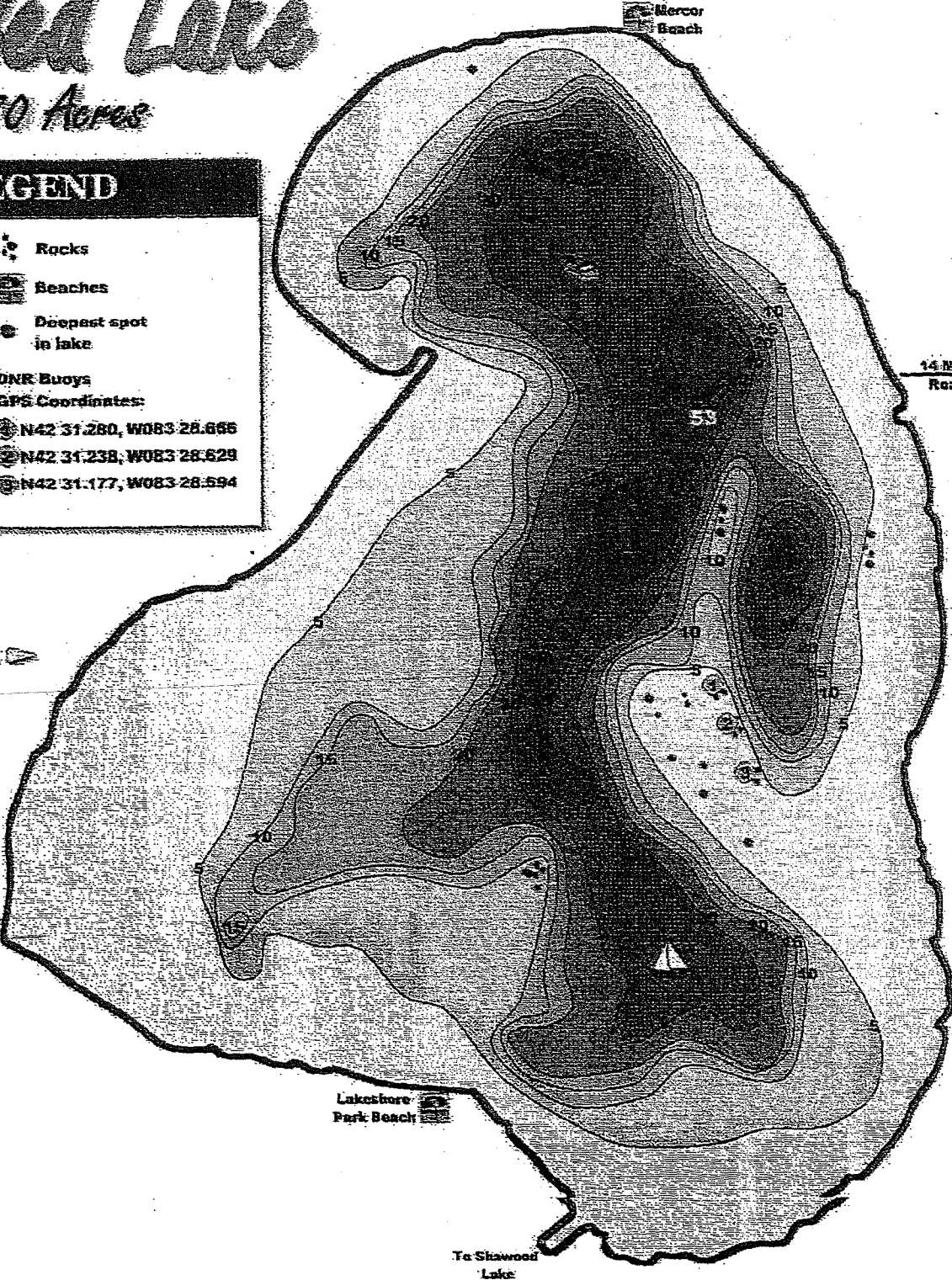
Walled Lake

670 Acres

LEGEND	
Depths:	Rocks
0-5'	Beaches
5-10'	Deepest spot in lake
10-15'	DNR Buoys
15-20'	GPS Coordinates:
20-30'	N42 31.280, W083 28.666
30-40'	N42 31.238, W083 28.629
40-50'	N42 31.177, W083 28.594
50'+	



South Pointe
Condo



This Walled Lake map courtesy of Lori Marshick...your neighbor, your realtor



www.lorimarshick.com

...your source for Lakes Area real estate and information

OAKLAND land County

COMING SUNDAY

Tax proposals

Commerce voters will see safety,
library, parks millages on ballot.

detnews
.com

The Detroit News
http://detnews.com
oakland

16. 2004

Walled Lake develops a leak

Novi shoreline residents fear they'll be left high and dry unless water flow is checked.

By Jennifer Brooks
The Detroit News

NOVI — Walled Lake has sprung a leak along the Novi shoreline, sending state, county and city officials scrambling for a solution before lake levels drop low enough to endanger boaters and local fish populations.

Water has been pouring steadily through grooves in the southwestern shore of Walled Lake — grooves local residents suspect may have been caused by winter

snowmobilers taking a shortcut over the protective banks.

For now, the water is only flowing into a nearby wetland, but local officials want to fix the problem before it gets any worse. "We're pretty worried. There's a pretty significant amount of water flowing over the banks," said Carol Woodruff, public works services coordinator for the city of Walled Lake.

Both Walled Lake and Novi have contacted the Michigan

Department of Environmental Quality and Oakland County Drain Commission about the shoreline breach.

Walled Lake resident Carol Smith said neighbors first noticed the problem last year, but it seems to have gotten worse this spring.

For the moment, lake levels are high — fed by winter snow and spring rains. But if the leak continues unchecked, she worries that she and other shoreline residents could be left high and dry.

"What we're concerned about is that basically we'll lose so much water by August, we'll

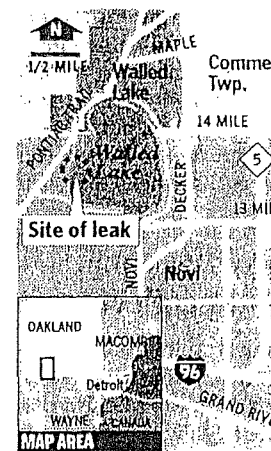
be in trouble," Smith said.

She and her husband, Asa Smith, president of the Lakes Area Homeowners Association, worry that the escaping water could endanger the lake's population of smaller fish.

A dam on the lake's shallow southwestern shore is supposed to keep water and fish alike inside the lake.

It is not yet clear who is responsible for repairing the shoreline, which sits on private land.

You can reach Jennifer Brooks at (313) 222-2548 or jbrooks@detnews.com.



The Detri

DETROIT NEWS - OAKLAND COUNTY SECTION
APRIL 16, 2004