



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 12, 2021

REGARDING: 1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Dan and Wendi Williams

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	East of West Park Drive and South of W Pontiac Trail
Parcel #:	50-22-03-204-021

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 5 feet (10 feet minimum required, variance of 5 feet); an aggregate total side yard setback of 17.75 feet (25 feet required, variance of 7.25 feet); and a proposed lot coverage of 32% (25% maximum allowed, variance of 7%). Section 3.32-7 for a proposed deck 13.5 feet from the rear yard property line (17 feet minimum required, variance of 3.5 feet). Section 4.19.1.E(i) for the construction of a 1,157 square foot garage (maximum of 850 square feet allowed by code, variance of 307 square feet). Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building of a new home and deck. This property is zoned Single Family Residential (R-4). ***This case is being re-considered based on the Zoning Board's decision to rehear the case at the August 10, 2021 meeting.***

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. **PZ21-0022**, 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. **PZ21-0022**, 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 _____
_____.



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION Dan and Wendi Williams Residence / JW Hawthorne's Subdivision				Meeting Date: _____	
ADDRESS 1419 WEST LAKE DRIVE		LOT/SUITE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22-03 - 2004 - 021		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY rexton and west park drive					
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"/> PROPERTY <input type="checkbox"/> SIGNAGE			
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED?					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS wendi@ez-groom.com		PHONE NO. 248-862-8863	
NAME DAN AND WENDI WILLIAMS		TELEPHONE NO. 248-421-3344		FAX NO. 248-548-9727	
ORGANIZATION/COMPANY		ADDRESS 1419 WEST LAKE DRIVE		CITY NOVI	
		STATE MI		ZIP CODE 48377	
B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS		CELL PHONE NO.	
NAME		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS		CITY		STATE	
				ZIP CODE	
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>3.1.5</u>		Variance requested		<u>LOT COVERAGE: 32% (standard 25%)</u>	
2. Section <u>3.1.5</u>		Variance requested		<u>SIDE YARD SET BACK: 5' on south/right (standard 10')</u>	
3. Section <u>3.1.5</u>		Variance requested		<u>SIDE SETBK AGGREGATE: 17' 9" (standard 25')</u>	
4. Section <u>Residential Deck</u>		Variance requested		<u>SIDE SETBK: 5' south/rt (std 10') REAR (3.5' (std 17'))</u>	
<u>5. 3.1.5</u>				<u>Three Stories</u>	
IV. FEES AND DRAWINGS					
A. FEES <u>6. 3.1.5</u>					
<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 		

**APPROVED
JULY 13, 2021**



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

Samuel Williams
Applicant Signature

March 30, 2021
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

Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

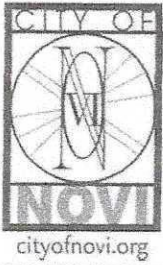
GRANTED

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

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Novi, MI 48375
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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.
 Not Applicable Applicable If applicable, describe below:

The property (lot) is only 44.65' on roadside.
Existing home is 2' -7" (2.6 feet) from lot line on south side.

and/or

- b. Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure.
 Not Applicable Applicable If applicable, describe below:

and/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.
 Not Applicable Applicable If applicable, 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).

The property (lot) is only 44.65' on roadside.
Existing home is 2' -7" (2.6 feet) from lot line on south side.

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.

Strict adherence would result in an unusual house design, not consistent with contemporary floor plans.

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.

Variance will allow construction of comfortable contemporary home, in the likeness of other new homes being constructed in the community. Will be visually appealing and add value to the community.

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.

We have shown consideration for neighbors, including meeting with adjoining property owners. Build of (another) custom home in this neighborhood, on the lake, will add to enjoyment, use and values.

WILLIAMS RESIDENCE

PROPOSED HABITABLE 2,281 SQ.FT

9-24-21







FIRST FLOOR PLAN

SQAURE FOOTAGE BREAKDOWN:

HABITABLE SQ.FT.:

FIRST FLOOR- 1196 SQ.FT.
 SECOND FLOOR- 1085 SQ.FT.
 TOTAL: 2281 SQ.FT.

TOTAL SQ.FT.

FIRST FLOOR- 2330 SQ.FT.
 SECOND FLOOR- 1,768 SQ.FT.
 TOTAL: 4098 SQ.FT.

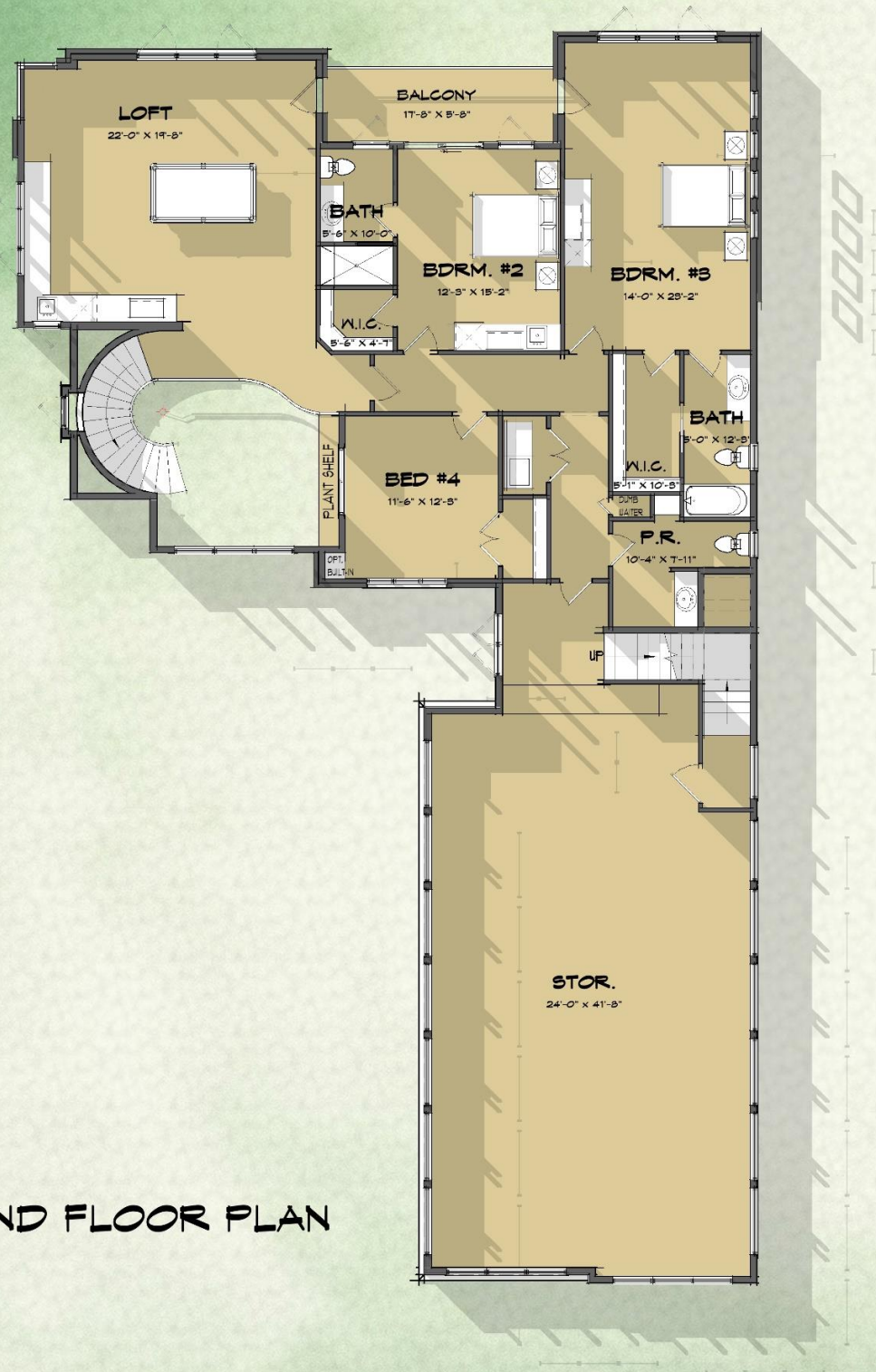
GARAGE SQ.FT.

1008 SQ.FT.

STORAGE SPACE:

STORAGE ABOVE GARAGE- 1,008 SQ.FT.
 STORAGE ABOVE HOUSE (ATTIC)- 1,948 SQ.FT.
 STORAGE BELOW HOUSE (CRAWL)- 2,330 SQ.FT.
 TOTAL: : 5286 SQ. FT.

SECOND FLOOR PLAN



ATTIC FLOOR PLAN

SQAURE FOOTAGE BREAKDOWN:

HABITABLE SQ.FT.
 FIRST FLOOR- 1196 SQ.FT.
 SECOND FLOOR- 1085 SQ.FT.
 TOTAL: 2281 SQ.FT.

TOTAL SQ.FT.
 FIRST FLOOR- 2330 SQ.FT.
 SECOND FLOOR- 1,768 SQ.FT.
 TOTAL: 4098 SQ.FT.

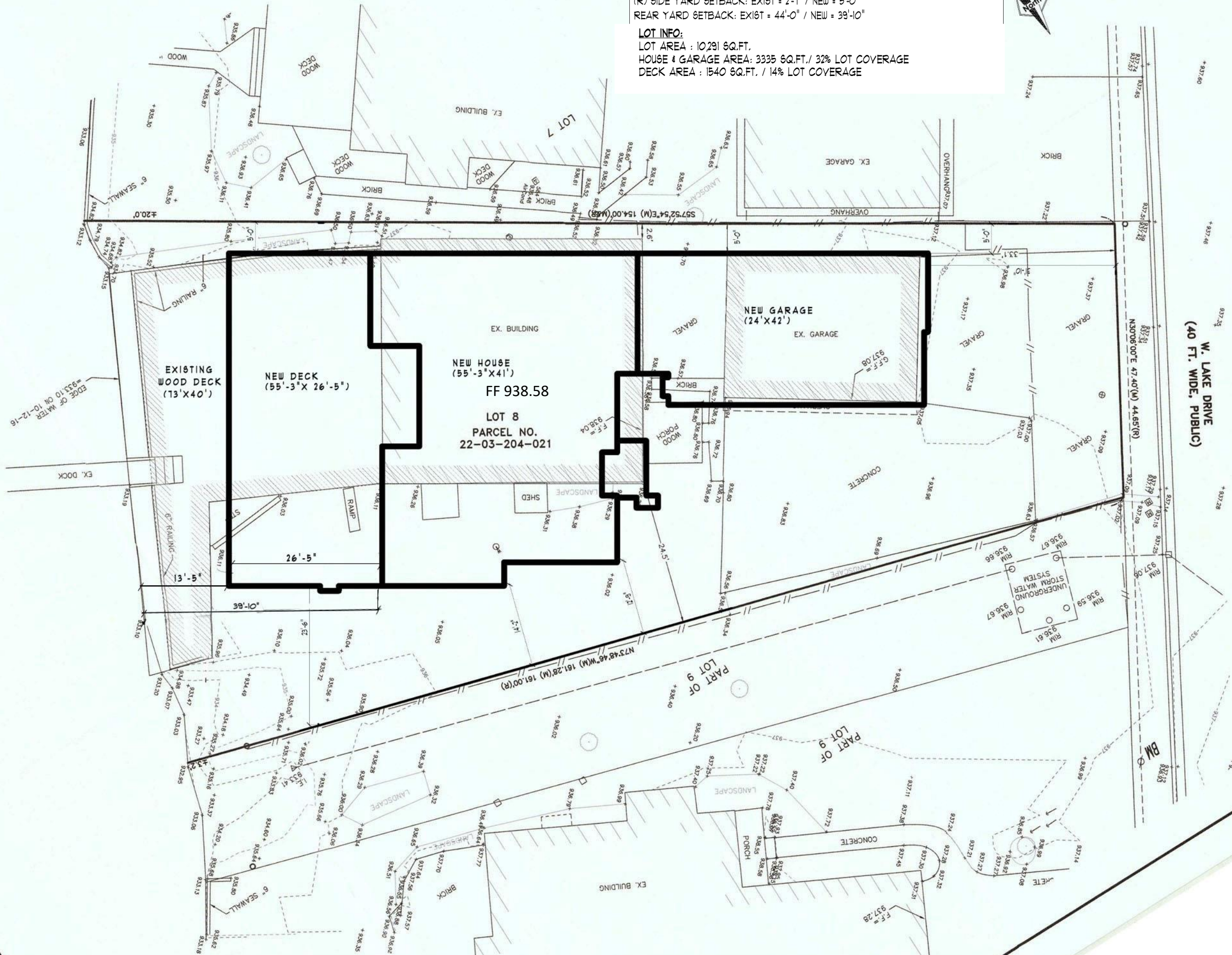
GARAGE SQ.FT.
 1008 SQ.FT.

STORAGE SPACE:
 STORAGE ABOVE GARAGE- 1,008 SQ.FT.
 STORAGE ABOVE HOUSE (ATTIC)- 1,948 SQ.FT.
 STORAGE BELOW HOUSE (CRAWL)- 2,330 SQ.FT.
 TOTAL: : 5286 SQ. FT.



SETBACKS:
 FRONT YARD SETBACK: EXIST = 33'-1" / NEW = 31'-10"
 (L) SIDE YARD SETBACK: EXIST = 24'-5" / NEW = 12'-9"
 (R) SIDE YARD SETBACK: EXIST = 2'-1" / NEW = 5'-0"
 REAR YARD SETBACK: EXIST = 44'-0" / NEW = 39'-10"

LOT INFO:
 LOT AREA : 10,291 SQ.FT.
 HOUSE & GARAGE AREA: 3335 SQ.FT. / 32% LOT COVERAGE
 DECK AREA : 1540 SQ.FT. / 14% LOT COVERAGE



SITE PLAN
 SCALE: 1" = 10'-0"



To highest point

To midpoint

32'-4"

36'-5"



FRONT ELEVATION
SCALE: 3/32" = 1'-0"



LEFT ELEVATION
SCALE: 3/32" = 1'-0"



RIGHT ELEVATION
SCALE: 3/32" = 1'-0"



REAR ELEVATION
SCALE: 3/32" = 1'-0"

1419 West Lake Drive

Background

September 24, 2021

Dear Friends and Neighbors,

This package is to support a "reconsideration" of an item which was already unanimously approved by the ZBA on the July 13. We would appreciate your letter of support for our project!

Only July 13 we went to the Board and requested several common variances (variances far less than what has been routinely approved by the Board on Walled Lake waterfront homes – see slide 6). We were just asking to be treated the same as all other applicants. Our variance requests were unanimously approved.

Virtually all of the neighbors who commented on the proposal (both supporters and objectors) and several board members were complimentary our ongoing involvement of the neighbors in the development process. It was noted that we worked with the neighbors throughout the design process to hear their concerns and then made a number of design changes to address those concerns (see slides 8 - 11).

Some further specific design changes have been suggested by neighbors. We did carefully consider these, but they are not viable. Please see slides 12 and 13, which speak to the feasibility of those options. Unfortunately, you just can't make everyone perfectly happy in this process. We tried. But it's a bit like "whack-a-mole"...you address one concern and three more pop up.

Importantly, after all of the neighbor input we placed the house 40 feet from the lake (the ordinances allow for 35 feet). We didn't have to do that – we could have placed the house 35 feet from the lake. But it was important to us to try to work constructively with the neighbors. If there is a change to our approvals and we therefore must go back to the drawing board, we will of course continue to be compliant with the rear setback ordinance with a house which is 35 feet or more from the lake.

You can see from the plans that we are proposing a beautiful home which enhances all of our property values.

There has never been a ZBA "reconsideration" hearing in the history of the City of Novi. There is only a "reconsideration" hearing now because one resident disagrees with the Board's July 13 approvals. That neighbor was present at the July 13 meeting and his concerns were heard at that time. After hearing his concerns, other neighbor concerns and substantial neighbor support for our request, the ZBA unanimously approved our variances. Again, these variances are less than the average variances which have been routinely approved for Novi Walled Lake waterfront homes - we are just asking to be treated the same as all other applicants. But this neighbor was not satisfied and found an obscure, never-before utilized clause in the ZBA Rules of Procedures and used this clause to request "reconsideration" of the matter at the August 10 ZBA. If you read the August 10 ZBA meeting minutes you will also see that legal action against the City was threatened. Please do read the minutes with caution, however - there were a number of incorrect/misleading statements made by the disgruntled neighbor regarding our project.

1419 West Lake Drive

Background

The City had been aware since July 23 that this neighbor would be approaching the board on August 10 but gave us no notice that a discussion regarding our property would be taking place. Therefore, we could not be present and correct misleading statements on the spot. Perhaps if we could have provided the correct information on August 10, the ZBA might not have agreed to a "reconsideration" hearing. We don't understand why we weren't given notice. In the August 10 ZBA meeting minutes, you will even see Board members questioning why the applicant was not present for the discussion. We only learned about the "reconsideration" hearing when the City called us on August 11 and stated that our July 13 unanimously approved variances would be re-considered – AFTER we had made significant financial commitments

The ZBA DOES have the ability to rehear an agenda item to consider "additional matters". **The issue here is, there are no "additional matters" to consider.** There have been NO CHANGES to the proposed house plans since July 13. The disgruntled neighbor was present on July 13 and elaborated on his concerns. The variances were unanimously approved. There is no new information. We have asked the City, repeatedly and in writing, to clarify the "additional matters". The City has not answered the question...because they can't. There are no "additional matters" to consider since there have been no changes to the design.

But the City refuses to cancel the "reconsideration" hearing. A dangerous precedent is being set here – if you disagree with a City decision, just threaten legal action and you can get the City to "reconsider". Something is wrong with this process – a "reconsideration" is intended to be utilized for changes which occur after the hearing takes place – not to give a single resident a "second bite at the apple" based on the same facts. It feels like "double jeopardy" – trying the same case twice.

Unfortunately, we, the homeowners, proceeded based on the City's July 14 statement that the variances would be "formally in effect" on July 20 (slide 4). We made **significant** financial investments based on the City's statement. Now, we sit here with major financial exposure and a three month delay because one neighbor is being given "a second bite at the apple".

We have tried to communicate with that neighbor directly, but he did not answer our last email. We are scratching our heads because that neighbor's views improve significantly vs the current house/deck (shown on slide 8) and we made specific design changes for that neighbor when he WAS talking to us. But this comes back to whack-a-mole – we have addressed issue after issue, only to have new issues take their place. We are chasing a moving target. **The current home design/location on the lot was developed after hearing all neighbor concerns and addressing those concerns as best we could with a compromise solution.**

We hope you share our outrage – it is not right that the ZBA approved the variances and the City communicated that the variances were formally in effect then yanked the rug out from under us. Please do send a letter of support for our proposal – it will really help.


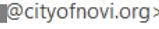
Thanks very much,

Dan and Wendi Williams
1419 West Lake Drive

1419 West Lake Drive

Variances are Approved and Formally In Effect on July 20

RE: Objections and approvals for 1419 W Lake Drive (PZ21-0022)

 <@cityofnovi.org>
To Wendi Williams; Dan Williams

 Reply  Reply All  Forward 

Wed 7/14/2021 3:02 PM

 You forwarded this message on 8/27/2021 9:08 AM.

 NewHousePacket.pdf
4 MB

Good Afternoon Wendi,

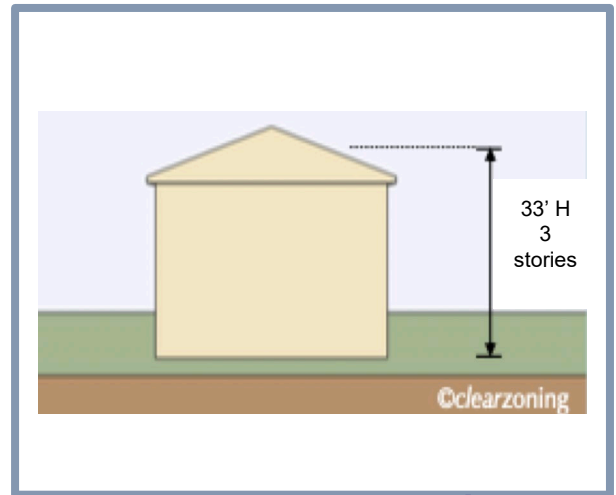
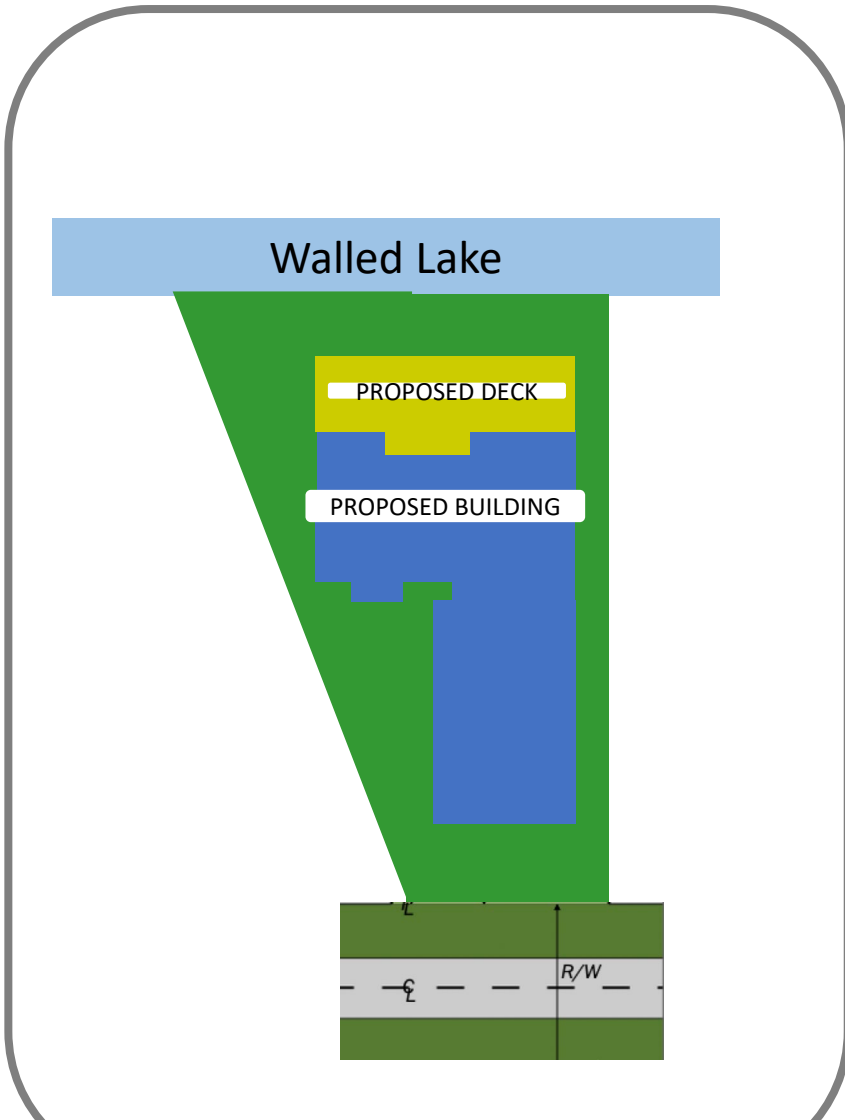
I'm pleased it turned out well for you, quite a long hearing for your case!

- 1) A ZBA approval is valid for one year, if construction is started within that year then it will exist for the life of your structure. If no construction starts by 7/20/2022 then you would have to return to the board to request an extension, a new submittal fee would be required.
- 2) You can turn in your formal building permit application as soon as next **Tuesday, 7/20/21, which is when the variance is considered formally in effect.**
 - a. A Building permit, once issued, is initially valid for 6 months. Any time work progresses and an inspection takes place that clock is also extended so provide work is proceeding it shouldn't expire on you. In the event a permit expires a \$50.00 fee is due for re-instatement. If the permit is approved but not issued it is typically still valid until a change of code occurs however as your building hangs on a ZBA variance I wouldn't recommend that.
 - b. I have attached the New House submittal packet for your and/or your builders convenience.

Feel free to contact me should you need anything further.

1419 West Lake Drive

Summary of Variance Details



1419 West Lake Drive Variances Approved by the ZBA on July 13, 2021			
	Ordinance	Approved Dimension	Approved Variance
Lot Coverage	25%	32%	7%
Front Yard Setback	16 feet	31 feet	None Needed
Rear Yard Setback	35 feet	40 feet	None Needed
Rear Deck Setback	17 feet	13.5 feet	3.5 feet
Side Yard 1	5 feet	5 feet	5 feet
Side Yard 2	10 feet	12.9 feet	None Needed
Aggregate Side Yard	25 feet	18.75 feet	6.25 feet
Garage Square Feet	850	1008	158
Height	2.5 stories	3 stories	3 stories

Note: Height is below 35' ordinance maximum

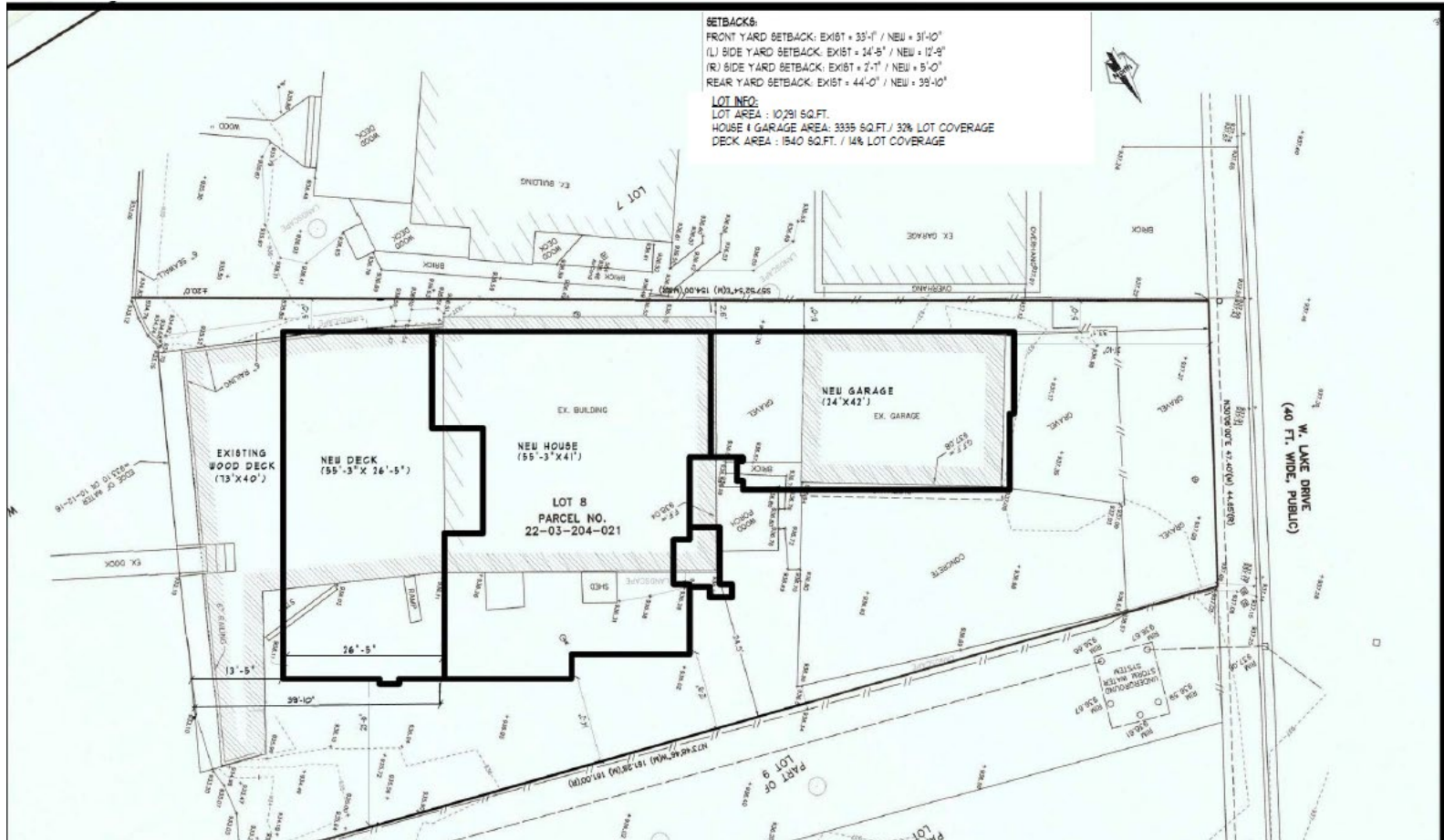
1419 West Lake Drive

Variations are Less than Average Approved Variations
City of Novi Walled Lake Waterfront Homes

APPROVED CITY OF NOVI ZBA APPLICATIONS 2018 THROUGH 2021 ON WALLED LAKE					
	Largest approved variance	Average approved variance	1419 Approved Variance	1419 approved variance more or less than largest approved variance	1419 approved variance more or less than average approved variance
Lot Coverage	29%	11%	7%	Less	Less
Front Yard Setback	28 feet	16 feet	None	Less	Less
Rear Yard Setback	32 feet	21 feet	None	Less	Less
Side Yard 1	8.3 feet	5.5 feet	5 feet	Less	Less
Side Yard 2	6.3 feet	5 feet	None	Less	Less
Aggregate Side Yard	19.3 feet	16 feet	7.25 feet	Less	Less
Garage Square Feet	572	275*	158	Less	Less
Stories	3 stories	3 stories	3 stories	Same	Same
* Average approved garage sq feet variance in Novi (not just on Walled Lake) is 439 feet.					

R-4 1419 West Lake Drive

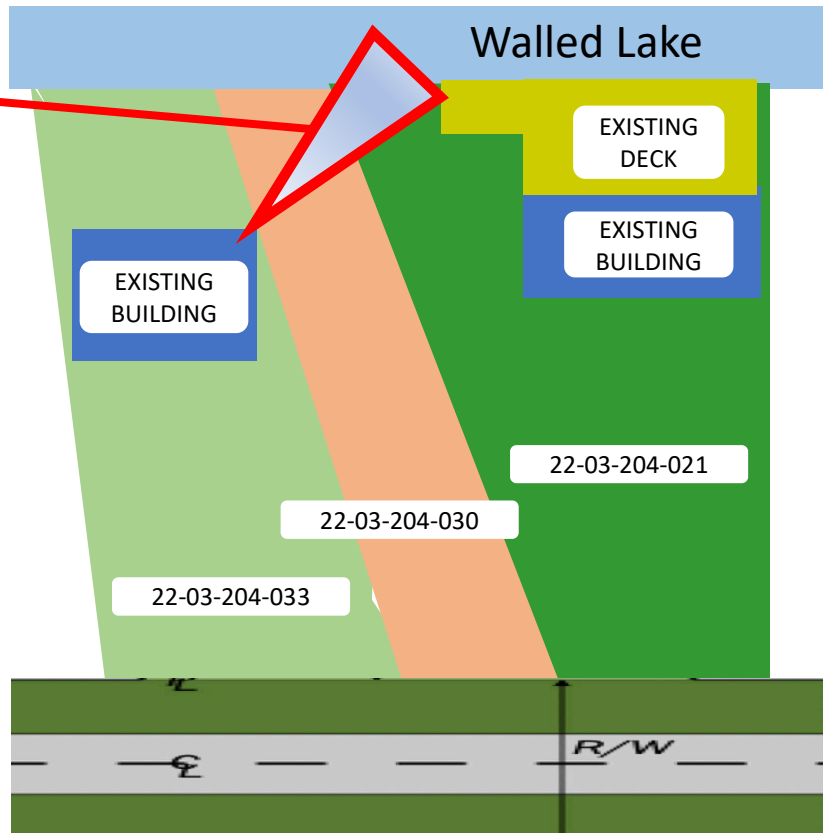
New House/Deck has smaller east/west footprint than current



Current Residence/Deck

Unobstructed View across our property 16 feet

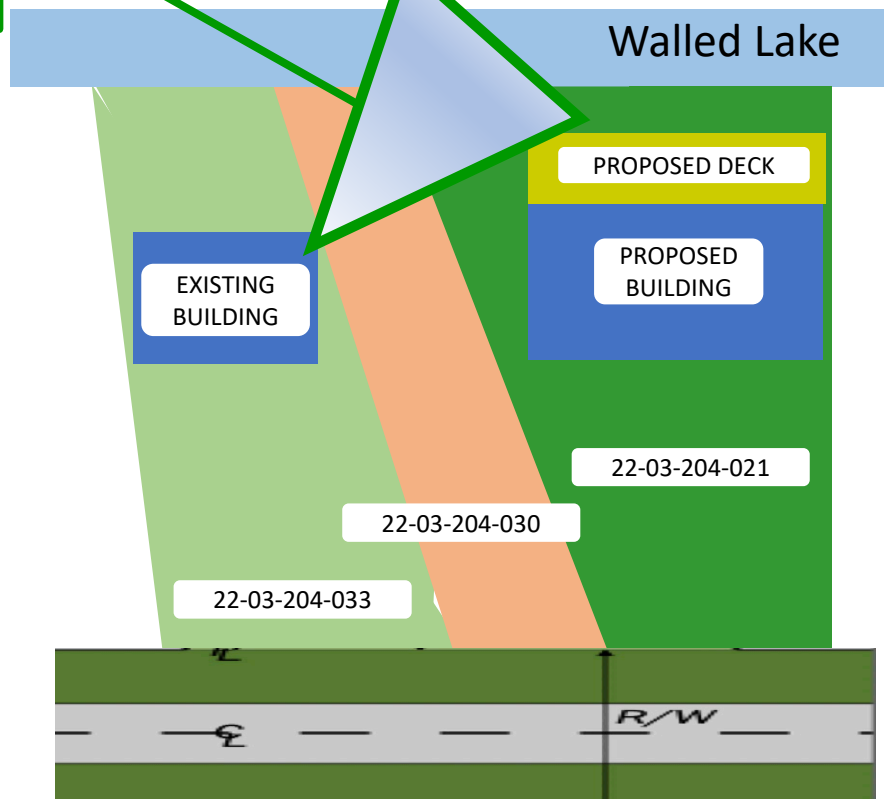
- Current Deck Facts**
- Deck extends to water (ZERO setback)
 - Deck NorthEast (NE) edge 10 feet from property line
 - Deck has dense wood railing obstructing view



Unobstructed View across our property 27 feet

- Proposed Deck Facts**
- New Deck 13.5 feet from water
 - New Deck NE edge now 26 feet from property line
 - Deck has pipe and cable railing (primarily see through)
 - Reduced height of deck by 1'3" to accommodate neighbor request (1411 West Lake Drive)

Proposed Residence/Deck



R-4 1419 West Lake Drive

Community Consideration 2 – Reduced house width based upon neighbor request

Neighbor views improved by 150% vs original plan

Original Plan

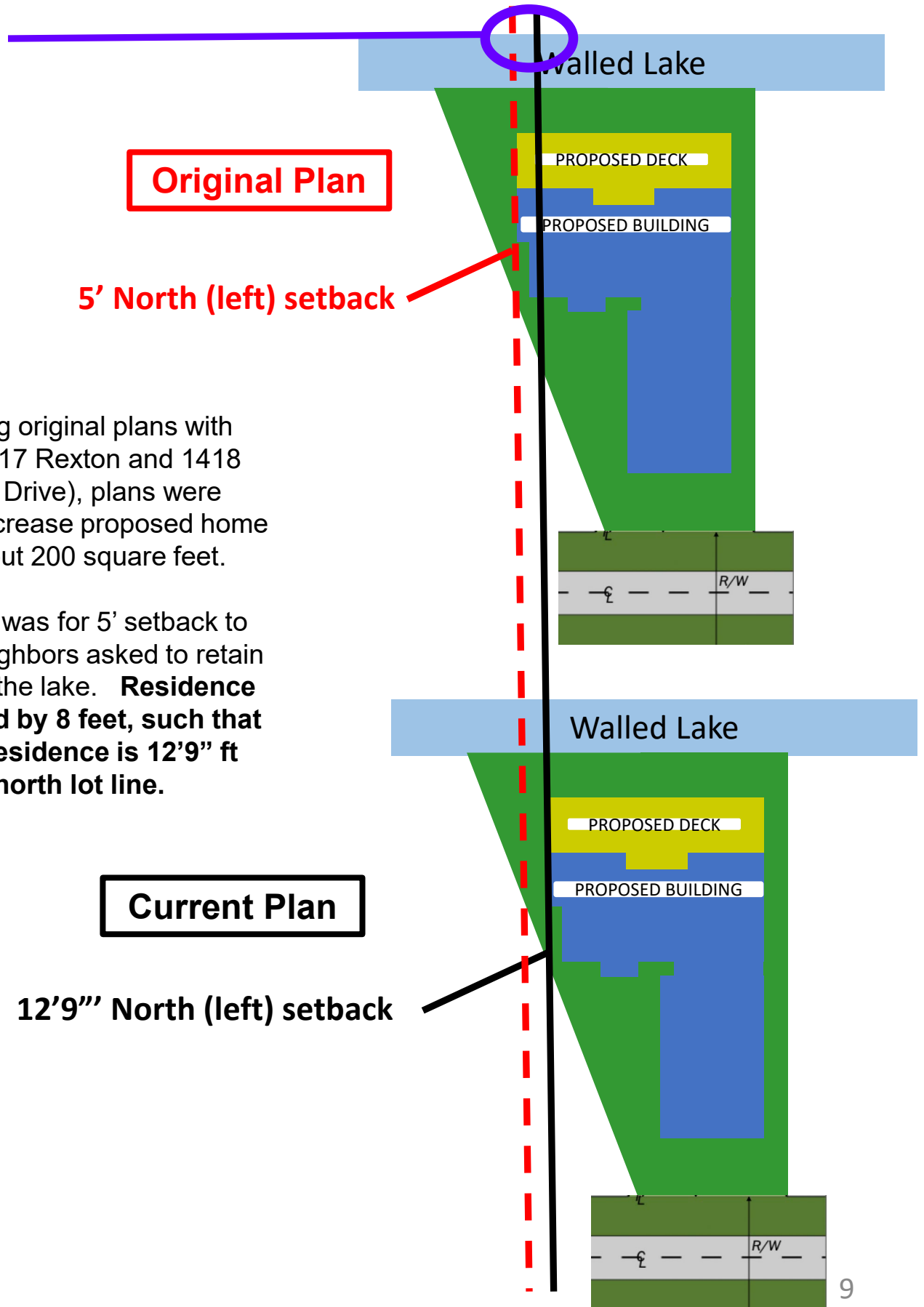
5' North (left) setback

After sharing original plans with neighbors (117 Rexton and 1418 West Lake Drive), plans were modified to decrease proposed home size by about 200 square feet.

Original plan was for 5' setback to the north. Neighbors asked to retain more view of the lake. **Residence was narrowed by 8 feet, such that proposed residence is 12'9" ft from north lot line.**

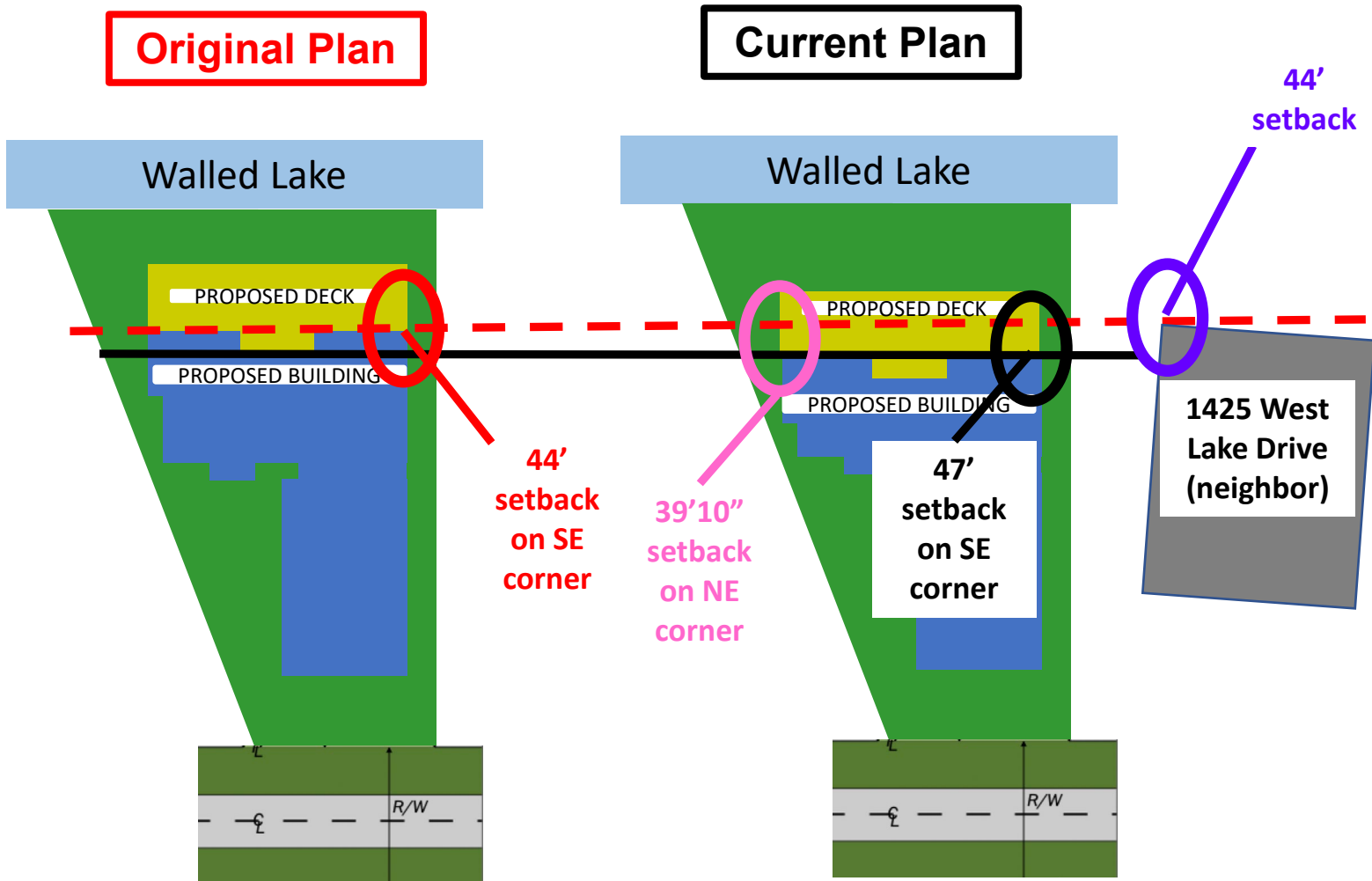
Current Plan

12'9" North (left) setback



R-4 1419 West Lake Drive

Community Consideration 3 – moved house further from lake upon neighbor request



After sharing original plans with neighbor at 1425 West Lake Drive, plans were modified to move proposed home farther from the lake.

Original plan was for 44' setback from lake on the southeast corner of the proposed home (same as 1425 West Lake Drive). **At neighbor's (1425 West Lake Drive) request, we modified the original plan from 44' setback to 47' setback.** Neighbor home is currently 5'10" closer to the lake than current residence. With proposed new residence, neighbor home will be 3' 10" closer to the lake than proposed residence. Our view will still be obstructed but we can accept this.

R-4 1419 West Lake Drive

Additional Community Considerations

- Code rear yard set back is 35 feet. Kept home 40 feet from the lake to not impact neighbor views.
- Improves neighborhood safety with by increasing the south (right) setback from the existing 2'7" to 5'. While 5' requires a variance, it is nearly 100% improvement over the current condition.
- Improves neighborhood aesthetics with buried power lines (currently 100% overhead)
- Improves neighborhood value by replacing approx. \$200K value home with \$1.2M home
- Added tax revenue for the City of Novi
- Key design consideration for the proposed residence was to be respectful of the neighborhood and the zoning ordinances. Based on a review of the 19 lakefront property variances approved by the City of Novi ZBA from 2018 through present, the requested variances for 1419 West Lake Drive are conservative.

1419 West Lake Drive

Additional Design Input from Neighbors

Design Suggestion	Suggested By	Assessment	Comments
<p>"...a three car garage, instead of the 4 car garage requested....would allow the entire structure including the deck to slide back from the lake"</p>	<p>Neighbor Condon</p>	<p>Not Viable</p>	<p>This is not a viable option – it makes no sense. We would be placing the house in a “tunnel” between two other homes. This would reduce the home value by \$100,000 or more – we would not make this significant planned investment just to put the home in a tunnel.</p> <p>The new home design (39’10” setback) is compliant with the rear yard setback requirement of 35 feet – no variance is needed. We stayed further from the lake than the ordinance requirement to be considerate of the neighbors. The suggestion to push the home even further from the lake is disingenuous, at best.</p> <p>We are also compliant with the front yard setback of 30 feet. Pushing the house further toward the road would require an additional variance.</p> <p>Additionally, the ZBA has granted numerous garage square footage variances throughout the community and also on the lake. Garage variances granted on the lake were an average of 275 square feet and city-wide were an average of 439 square feet (see slide 6) (our approved variance is 158 feet). It is clear that homeowners and buyers are desirous of larger garages.</p> <p>Even with a larger garage, we are at a conservative 32% lot coverage (vs average granted of 36% and a maximum of 54%) and the proposed home/deck east/west footprint is smaller than the current home (see slide 7)</p> <p>The current home design/location on the lot was developed after hearing all neighbor concerns and addressing those concerns as best we could.</p>
<p>Have a smaller home</p>	<p>Neighbors Wood and Batalucco</p>	<p>Not Viable</p>	<p>First, there is no maximum square footage ordinance.</p> <p>Additionally, we are making a SIGNIFICANT investment in the community. While we intend to live in this home for many years, we do have to protect for resale value. When someone buys a modern, custom home, they expect modern spaces and features.</p>

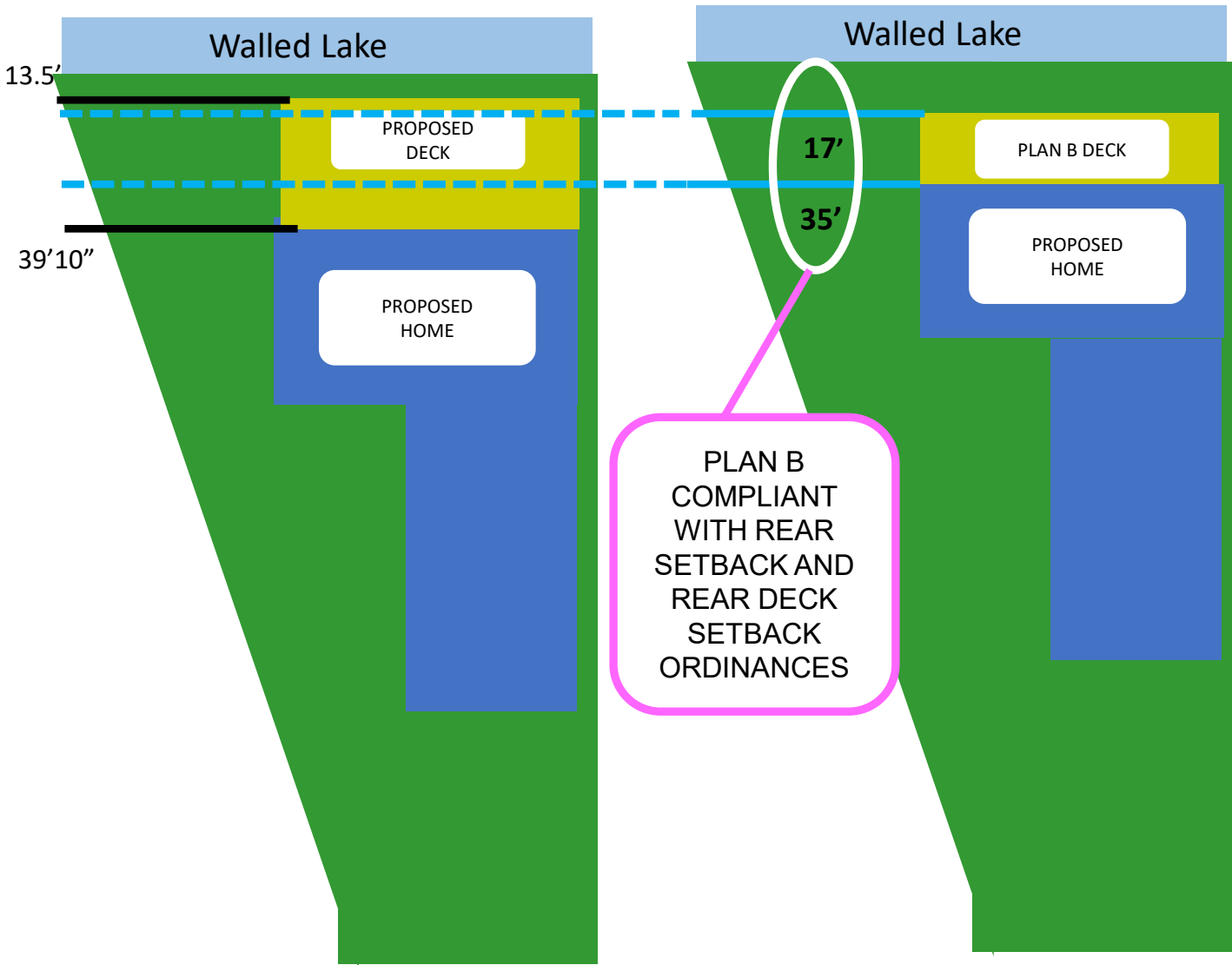
1419 West Lake Drive

Additional Design Input from Neighbors

Design Suggestion	Suggested By	Assessment	Comments
Move the house further north	Neighbor Ott	Not Viable	<p>If we push the home further north – it will be a problem with neighbors to the north (Wood, Batalucco and Condon).</p> <p>The current home design/location on the lot was developed after hearing all neighbor concerns and addressing those concerns as best we could.</p>
Move the house further south	Neighbors Wood And Batalucco	Not Viable	<p>If we push the home further south, it will be a problem with the neighbor to the south. We are already at five foot setback to the south.</p> <p>The current home design/location on the lot was developed after hearing all neighbor concerns and addressing those concerns as best we could.</p>
Have a paver patio instead of a deck – this would be a lower deck footprint.	Neighbor Condon	Not Viable	<p>This would require the removal of a massive 100 foot cottonwood tree on a neighboring property which is surrounded by the neighbor's deck. There are extensive roots of that tree are underneath the neighbor's property as well as under our proposed deck. Removing that tree to install a paver patio would be cost prohibitive.</p> <p>The proposed deck height is about the same as the existing deck.</p> <p>It should be noted that Mr. Condon expresses concern about the height of our proposed home/deck – his finished floor height is higher than ours! According to drawings he shared with us, his finished floor height of 939.9 is higher than our planned height of 939.54.</p>

Current Request

“Plan B”



Plan B Requires these variances
(already approved on July 13)

- Garage Size – 158'
- Side Yard Setback – 5'
- Aggregate Side Yard Setback – 7.25'
- Stories – 3
- Lot Coverage – 7%

October 1, 2021

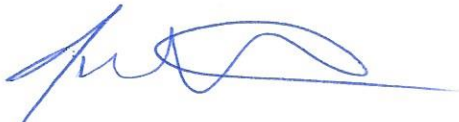
To: The City of Novi

To whom it may concern,

Hello! I support the Williams' plans for a new home at 1419 West Lake Drive. The plans are really beautiful – this will be an asset to the community!

Please do re-approve the variances which were already approved on July 13!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Bertera', with a long horizontal flourish extending to the right.

Joe Bertera

130 Rexton Street

Novi, MI 48377

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

43465 Ellesmere Circle, Parcel # 50-22-10-281-026 (PZ21-0058)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

This does not affect us in any way

(PLEASE PRINT CLEARLY)

Name: Cheong Choon Ng

Address: 43482 Ellesmere Cir Novi MI 48377

Date: 10/6/2021

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TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

I approve provided the immediate neighbors to the south approved the 5 ft. setback.

(PLEASE PRINT CLEARLY)

Name: Tim Richardson

Address: 1511 West Lake Dr.

Date: 10-2-21

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

(PZ21-0022) 1419 W Lake Drive, Parcel # 50-22-03-204-021

Hi Kate,

We live down the street from Dan and Wendi Williams on West Lake Drive. After reviewing the information packet posted on the October 11 meeting agenda, we support their plan. The variance requests listed appear to be reasonable given the circumstances created by our unique lake lots. From the looks of it, it also appears as though they worked with the surrounding neighbors and attempted to accommodate their concerns during the planning process. We welcome the investment in our neighborhood and wish them the best with their project. Please pass this along to the Board.

All the best,

Dave and Maria Dismondy
1181 West Lake Drive
Novi, MI 48377

David Dismondy
District Capital
42 Watson Suite D
Detroit, MI 48201
313-241-9200 (O)
734-578-4310 (M)
David@DcapDetroit.com



To: The City of Novi

September 22, 2021

To whom it may concern,

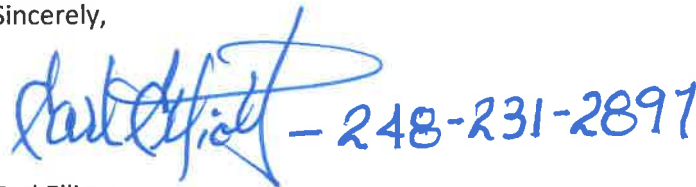
I am writing in support of the Williams' plans for a new home at 1419 West Lake Drive. The existing home is quite old and unattractive.

Having seen the plans for the new home, it is a beautiful home which will add a lot of value to our neighborhood. It is my understanding that the Williams expended a lot of effort working with the neighbors and made many modifications to accommodate the neighbors. But you just can't make everyone happy. The Williams should be able to proceed in accordance with what was originally approved at the previous ZBA meeting.

I support their proposal.

Feel free to contact me if you have any questions!

Sincerely,



Earl Elliott - 248-231-2897

Earl Elliott

1695 Harbor Cove

Novi, MI 48377

Oppermann, Katherine

From: jj1409 <jj1409@yahoo.com>
Sent: Thursday, September 23, 2021 8:45 AM
To: Oppermann, Katherine
Subject: William's project

Hi Katherine

My name is Ron Johnston and I am writing on behalf of Wendi and Dan Williams. I have had an opportunity to review their home plans and I think it would enhance the Hawthorn neighborhood. I hope they are successful in building their beautiful home.

Sincerely
Ron Johnston
1502 Lebenta

Sent from my Sprint Samsung Galaxy S8+.

Date: September 30, 2021

To: Novi Zoning Board of Appeals

From: Brian Kosaian

1251 West Lake Drive

Novi, MI 48377

Dear Zoning Board Members,

We are neighbors of Dan and Wendi Williams. Dan has shared his plans with us thru the design process from the very beginning. It is obvious when you see the home that a lot of thought has gone into the design. Having built 2 homes on West Lake Drive I am very familiar with the challenges that these narrow lots present. These lots of course were platted well before the current ordinances were adopted requiring almost all of us to go in front of the Zoning Board.

I was glad to hear that The Williams Case was approved back in July and was looking forward to another new build on our street. Having been in front of the Novi Zoning Board 3 times in the past I could not believe when I was made aware that the case was getting re-heard.

We give them our full support and would like to see the variances that were approved once already.....approved a second time with NO changes.

Thank you for your time and consideration.

Brian and Becky Kosaian

1251 West Lake Drive

Novi, MI 48377

Dear members of the Zoning Board,

We are writing on behalf of Novi residents Dan and Wendi Williams. They have applied for a modest variance to the zoning regulations so they can build a beautiful home on Walled Lake.

The home that will be raised so that this new home can be built is an unattractive frame home that is very old. The current home on this property brings down the values of the homes in the community.

The proposed home will greatly enhance the beauty of the lake. It will also increase the property values of all the houses on the lake and the adjoining neighborhoods. Most of the homes that have been built on Walled Lake in recent years have asked for and been granted this type of modest variance. These variances have been in the best interest of the community and granting the request of the Williams family will be also.

For the benefit of the City of Novi, Novi residents and property owners on the lake, please allow the Williams to go forward with their enhancement plan.

Thank you in advance for your consideration in this regard.

John and Mary Lou Montville
1697 Harbor Cove
Novi, MI

--

John Montville, CPP

NOTICE: This electronic mail transmission and any attachment is confidential and may constitute a communication that is privileged by law.

It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so our address record can be corrected.

Thank you.

October 4, 2021

To the City of Novi Zoning Board of Approvals,

Hello: Dan and Wendi Williams shared their new home plans with us, and we support this project.

We are new to the neighborhood but it's great to already see positive changes happening.

Let us know if you have any questions.

Sincerely,

Mike and Kim Norris

Mike and Kim Norris

mnorris@mi.rr.com

1327 West Lake Drive

Novi, MI 48377

248-982-1124

To Whom It May Concern:

I am writing to express my support for the Williams who are planning new construction at 1419 West Lake Drive.

The Williams family has lived on West Lake Drive for almost two decades and during that time have been responsible homeowners and great neighbors. I trust that they have provided full and accurate information to the ZBA regarding plans for their new home.

I understand the Williams had multiple conversations with their immediate neighbors during the planning process and even made modifications to their footprint based on neighbor feedback. After their plans were approved by the ZBA, they made a significant financial investment to move forward. It seems unreasonable – and unjust -- to reconsider the approvals at this time.

Please let the Williams proceed!

Sincerely,
Lonnie Ross
1701 West Lake Drive
Novi, MI 48377

28SE21

To: Madam/Sir of ZBA Board

From: Xuan Tran & Hommy Doan, 1623 West Lake Dr, Novi, MI 48377

Building your dream home is quite an emotional journey. It can really test your patience. We know, having spent the better part of ~17 years preparing, kicking off, and now finishing our own project. Dan and Wendi were some of our neighbors that had great advice and support through the kick off stage of our project.

When they started piecing together their own dream home, Dan and Wendi openly shared their home design evolution with us and asked for our input, which we gladly shared. It reminds me of homes I saw on lakes in Northern Italy, which is fantastic! Another neighbor of ours told us several times during our ZBA approval stage that, "Lake homes are all different... and they should be. That's what makes lake living special, because everybody should be able to bring their own unique flavors to the neighborhood. After many decades of use, all homes need either significant remodeling/repair or replacement, therefore, we gladly welcome not only your Vietnamese food recipes, but your home design recipe!"

The first step of such a project in Novi is obviously the ZBA Board approval. Having failed the first time around, we took the advice from the board and reached out to many of our neighbors. We got plenty of advice and input from them... all of which were constructive. Dan & Wendi were one couple that really helped and what we found was nothing more than common sense:

→ **If you act neighborly, your neighbors will return it in kind.** When we look back on the first rejection, we are happy, because it allowed us to not only redesign a better home, but one that our neighbors could accept, too.

When you live in a neighborhood, you are a part of a family of sorts and maintaining a good family requires respect, kindness, support, and sharing. **We are very happy to welcome Dan and Wendi's home "flavor" and know it will only improve the Walled Lake / Novi community in many ways... for many years to come. We hope the ZBA Board feels the same.**

Sincerely,

Xuan Tran & Hommy Doan



ZONING BOARD OF APPEALS PUBLIC HEARING NOTICE

The City of Novi Zoning Board of Appeals will conduct a remote public hearing at **7:00PM on Tuesday, October 12, 2021**, in the Council Chambers of the Novi Civic Center located at 45175 W. Ten Mile Road, Novi, MI, 48375 to consider the following matter:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Applicant

Dan and Wendi Williams

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:

Single Family Residential

Location:

East of West Park Drive and South of W Pontiac Trail

Parcel #:

50-22-03-204-021

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 5 feet (10 feet minimum required, variance of 5 feet); an aggregate total side yard setback of 17.75 feet (25 feet required, variance of 7.25 feet); and a proposed lot coverage of 32% (25% maximum allowed, variance of 7%). Section 3.32-7 for a proposed deck 13.5 feet from the rear yard property line (17 feet minimum required, variance of 3.5 feet). Section 4.19.1.E(i) for the construction of a 1,157 square foot garage (maximum of 850 square feet allowed by code, variance of 307 square feet). Section 3.1.5 for a third story, 2.5 stories allowed by code. These variances would accommodate the building of a new home and deck. This property is zoned Single Family Residential (R-4). ***This case is being re-considered based on the Zoning Board's decision to rehear the case at the August 10, 2021 meeting.***

*****IN ACCORDANCE WITH MCL 125.3103, THE MANAGER OR OWNER OF A SINGLE STRUCTURE CONTAINING MORE THAN 4 DWELLING UNITS OR OTHER DISTINCT SPATIAL AREAS OWNED OR LEASED BY DIFFERENT PERSONS, IS HEREBY REQUESTED TO POST THE NOTICE AT A PRIMARY ENTRANCE TO THE STRUCTURE (S). *****

The applicant's petition and all supporting materials will be available for your inspection at CityofNovi.org; you may also contact koppermann@cityofnovi.org to request a PDF copy of the case. Your comments may be directed to the Board during the Audience Participation section of the public hearing. Comments regarding this case (response form on back) may be mailed, sent by fax to (248) 735-5600 with a cover sheet to my attention or via email to koppermann@cityofnovi.org. Written comments must be submitted by **October 11, 2021, before 3:00 p.m.** All written comments may be read at the meeting and will become part of the record. Unsigned or anonymous comments will not be considered.

CITY OF NOVI ZONING BOARD OF APPEALS
Larry Butler
Deputy Community Development Director

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

My response is an unconditional "Objection".

The height and distance to the adjacent homes will block the sun to the north neighbor and is too close to the south neighbor blocking their view of the lake. These variances seem as though the owners are trying to break every rule, testing the limits of the ZBA and the neighbors.

(PLEASE PRINT CLEARLY)

Name: Bruce Barnard

Address: 1517 West Lake Dr

Date: 2021-10-11

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TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Neither the lot size or shape (the reason given for the request) justify the 7 variances requested. 7 variances....seems a bit much and indicates a problem. It's a nice size lot-quite deep and fairly wide at the lake albeit narrower at the street. Allowing construction of an elevated deck with railing (significantly higher than the current deck) closer to the lake than current zoning requirements interferes with neighbors' views and the "green belt" along the lake. If the variance is not granted the resulting deck will still be quite large. Placing such a "bigfoot home" blocks the view of the lake from the street and houses across the street. A 3 story home will further restrict light to the neighbor's homes to the North and South. The four car garage allows for an above garage space large enough for a small house! There are no four car garages in the immediate neighborhood. It does not fit with the houses around it. These are good neighbors and it looks like it will be a beautiful home. I just think the variances would interfere with neighbors' enjoyment of the lake, the house is too big for a lot that is not a hardship lot (bigfoot home), and proposed house does not fit the character of the local neighborhood. The standard setback allows for an adequate deck and home elevation. The variance for the side setbacks seem reasonable.. The proposed rear setback is not "the minimum variance necessary" for construction of the home and deck and would have an "adverse" impact on the neighbors and surroundings. I urge you to seriously consider these points and not just "rubber stamp" these variances.

Name: James Boltz
Address: 1405 West Lake Drive
Date: October 11, 2021

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TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

We love the improvements! No issues.

(PLEASE PRINT CLEARLY)

Name: LORITA HOWLETT

Address: 1175 West Lake Dr

Date: 10/28/21

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TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

We live on E. Lake Dr and formerly in North Haven Woods
Sub-division and we would very much like to see this house built!
The new house would be in direct view across the lake from
where we currently live and would be a pleasure to see in replacement
of the current old run down house that currently exists. This new house
would be yet another improvement to the neighborhood and help to
refresh and update the lake houses. We are very much in support to
build their new home.

(PLEASE PRINT CLEARLY)

Name: Adrienne Bend + Igor Sheilband

Address: 1209 East Lake Drive

Date: 10/27/21

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TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

Did not receive letter in mail until
10/27/21

(PLEASE PRINT CLEARLY)

Name: MATT + ANGIE HAWKINS

Address: 1507 W. LAKE DR. NOVI

Date: 10/27/21

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

(PLEASE PRINT CLEARLY)

Name: DAVID LOVE

Address: 1657 West LK Dr

Date: 10-21-21

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

Dear Mr. Butler,

With regards to the variance request for 1419 West Lake Drive Parcel #50-22-03-204-021(pz21-0022), please note my comments for your zoning board of appeals meeting dated October 12, 2021.

I am a lakefront owner and have lived lakefront on Walled Lake (Novi section) for over 25 years.

I believe that it is within the interest of all lakefront residents to conform to certain setbacks and not allow setback variances that would impair any lakefront owners' views of the lake. When we purchase or build a property on the lake front, it is only the view (and usage) of the lake that is of importance to us. The view of the lake is a cost that we accept both in immediate purchase, and further taxation that we are willing to accept. However, allowing anyone to impair that view, disrupts our enjoyment of the lake at the benefit of the obstructing party, and devalues our own property, again, at the benefit of the obstructing party.

If we allow setbacks that obstruct lakefront views, then we are creating a situation whereby all lakefront owner's property values will suffer in value as every new construction that requests similar setbacks are granted those setbacks. So, why have setback variances at all?

It has also been brought to my attention that this particular construction requires variances for a third story and a four-car garage. Is there a limit on the amount of variances that one house can request? Shouldn't there be a limit? Again, if a single person can request up to six variances, why are there variances at all? Why not just let everyone construct whatever they want on the lake and be done with variances? The question is obviously rhetorical, and the answer is because we do actually care about the quality of life of the neighbors that have to live with the consequences of these variance requests.

In summary, I am against allowing all of these variances on a single property.

Stephanie Spackman

October 11, 2021

Dear Mr. Butler,

With regards to the variance request for parcel number #50-22-03-204-021(pz21-0022) located at 1419 W. Lake Drive, please see my comments for consideration of the zoning board of appeals meeting scheduled for October 12, 2021.

I am a Novi resident who was a previous Walled Lake lakefront owner and hopefully a future Walled Lake property owner.

It is my belief that the City of Novi has standards they set for construction within the city and there are always individual differences with each piece of property. I will speak to my thoughts from a residential perspective having lived on Walled Lake as well as two other sub divisions within the city. Residential developers as well as individual homeowners all have varying pieces of property which can require unique to that property variances. I support those that are required to meet the minimum standards of building, but in this instance, SEVEN variances is excessive. I understand one wanting to build on a small lot but to want to build up multiple stories, excessive garage, a deck variance for which one will block the view is beyond my expectations.

If you allow multiple variances on a single lot then one must ask the question as to why we have any standards at all and this committee should let any and all, including developers, do as they wish within the city without regard to others they are potentially impacting. I say this all knowing that at some point I hope to by a property on this lake, tear it down and build. While you may be increasing the city's ability to tax this individual property you will be decreasing the value of the other properties around 1419 W. Lake Drive. If an individual requires this many variances maybe they should look to build their home in a community which will allow for what they want within that cities building codes.

In summary, I am for a continuing beautiful city of Novi within the Master Plan which would include abiding by the Building Codes of the city but I must state that I am against allowing six variances on a single property.

David Wenner

City of Novi Resident

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

1419 W Lake Drive, Parcel # 50-22-03-204-021 (PZ21-0022)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

The Plans look wonderful !!

(PLEASE PRINT CLEARLY)

Name: Lee Willer

Address: 121 Rexton

Date: 10-6-21