



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: November 14, 2017

REGARDING: 1607 East Lake Drive, Parcel # 50-22-02-355-018 (PZ17-0042)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Anthony M. Virga

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: Single Family Residential
Location: West of Novi Road and North of Thirteen Mile
Parcel #: 50-22-02-355-018

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.32.10, for the addition of a proposed 12 foot by 13 foot pergola to an existing 10 foot by 12 foot shed for a total of 260 square foot structure, 10 feet by 10 feet by 8 feet high allowed. 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. **PZ17-0042**, 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. **PZ17-0042**, 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_____.

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



45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)		Application Fee: <u>\$250.00</u>	
PROJECT NAME / SUBDIVISION		Meeting Date: <u>Oct 10th</u>	
ADDRESS <u>main address</u> <u>1607 East lake drive</u>		ZBA Case #: <u>PZ 17-0042</u>	
LOT/SUITE/SPACE #			
SIDWELL # 50-22- <u>02-355-0181</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY <u>Novi 13 mile</u>			
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"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS <u>Virga.zoe@att.net</u>	
NAME <u>Anthony Virga</u>		CELL PHONE NO. <u>248-207-7369</u>	
ORGANIZATION/COMPANY		TELEPHONE NO.	
ADDRESS <u>1607 East 1k drive</u>		FAX NO.	
CITY <u>Novi</u>		STATE <u>MI</u>	
		ZIP CODE <u>48377</u>	
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	
NAME		CELL PHONE NO.	
ORGANIZATION/COMPANY		TELEPHONE NO.	
ADDRESS		FAX NO.	
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>3.32.10</u> Variance requested <u>Solid landscape stone underf'</u>			
2. Section <u>3.32.11.a</u> Variance requested <u>Add pergola to existing shed</u>			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
IV. FEES AND DRAWINGS			
A. FEES			
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input checked="" type="checkbox"/> (With Violation) \$250 <input 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			
• 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			
• 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			



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 Landscape block

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

Date

8-21-17

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

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

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:

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:

Massive snow drifts
Heavy wind

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).

I wanted to create a safe area for my young nieces and nephews and also prevent long dangerous snow drifts

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.

I was misguided on needing a permit for a fence/landscape stone. I had 2 landscape companies tell me I did not need one and asked the city if it was OK but worded my question wrong.

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.

~~Small~~ Only asking for small variance that will have little or no impact on other property owners. Everything else falls within zoning regulations.

Standard #5. Adverse Impact on Surrounding Area.

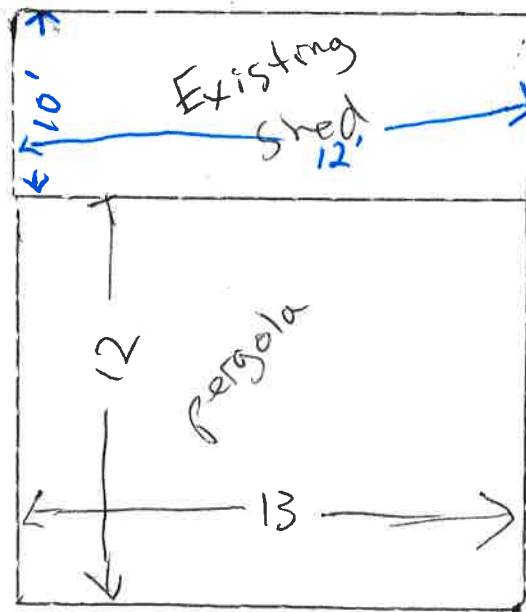
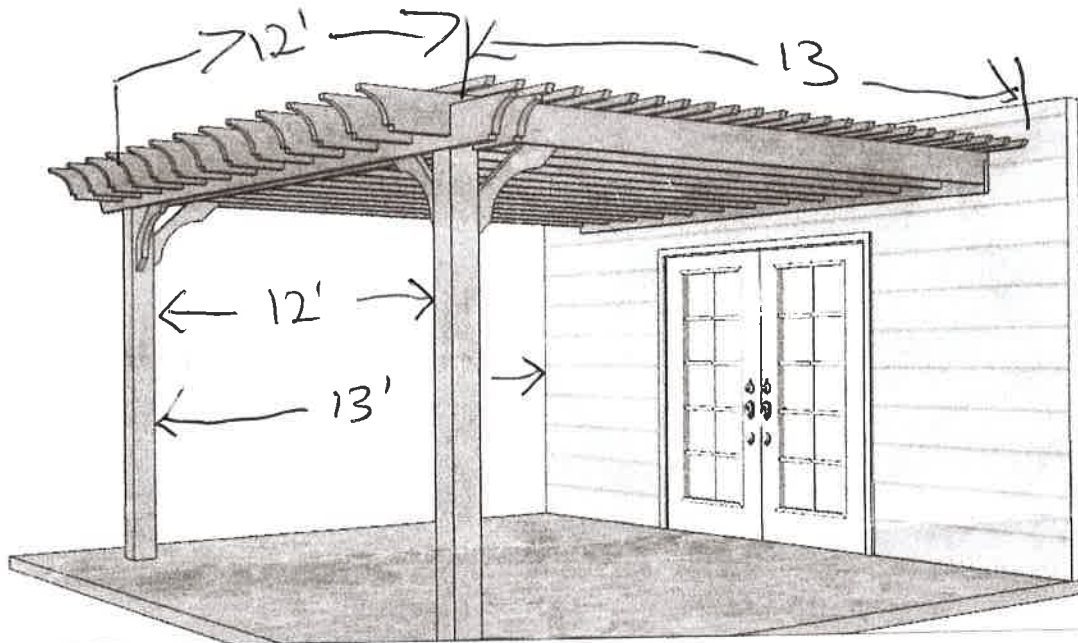
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Not going to negatively impact the surrounding ground/property
Will raise property values

Not going to adversely affect property enjoyment.



Assembly Instructions Big Kahuna – Attached Pergola Kit

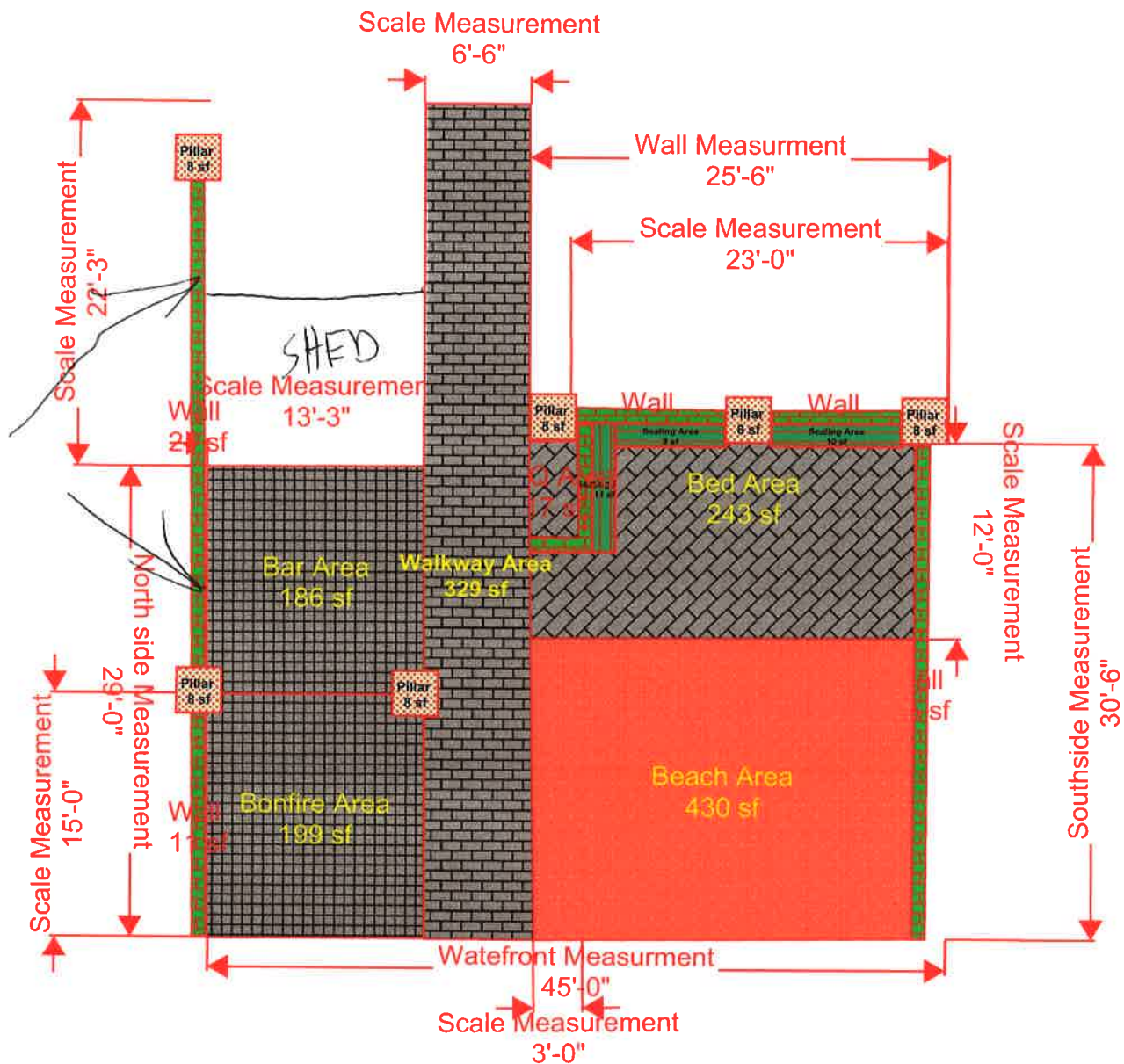


RECEIVED

NOV 30 2017

CITY OF NOVI
COMMUNITY DEVELOPMENT

Replace Fence





8/4/2017

Anthony Viega Property

1607 E. 1K. drive



Anthony Virga.

When I first purchased 1607 E. 11K.

I started improving the property.

My lake property had a very large

willow tree that was dead that I

removed. five foot bushes lined one

side of the property and on the

other was a chain link fence that

was so overgrown with weeds and

bushes you couldn't see through it.

Since I have lived here I have improved

the view of the lake from my property

and beautified the lot.

August 15, 2017

To Whom It May Concern :

Subject: Lake lot at 1607 East Lake Dr.

We live next door to Anthony
Virga, and have lived at

1611 East Lake Dr. for 39 years.

Anthony's lake lot is becoming
one of the nicest looking lots on
East Lake Dr.

It is not obstructing my view,
and looks the best it has ever
looked. I am in full support
of his upgrades.

Michael & Bonnie Jarvis

My neighbor Ramsey (1605 1/2 E. Walled Lake Dr)
is supportive of the changes made to
my waterfront. He loves the stone wall, some
of which border his own property, and thinks
the project came together beautifully.
He is more than willing to state this to
a City Official, but does not want to
submit any signed documentation.

L A W O F F I C E S
LANDRY, MAZZEO & DEMBINSKI, P.C.

D. B. LANDRY
dlandry@lmdlaw.com

37000 GRAND RIVER AVENUE, SUITE 200
FARMINGTON HILLS, MICHIGAN 48335
www.lmdlaw.com

TELEPHONE
(248) 476-6900

FACSIMILE
(248) 476-6564

November 1, 2017

City of Novi
Novi Zoning Board of Appeals
45175 10 Mile Road
Novi, MI 48375

RE: Variance Request Of Mr. Anthony Virga
 ZBA Case No. PZ17-0042

Dear Chairman Sanghvi and ZBA Members:

I represent Mr. Anthony Virga who is seeking a variance to complete the construction of improvements to that small portion of his property which is located between East Lake Drive and Walled Lake. Mr. Virga submitted a Variance Application on August 21, 2017 which he prepared himself. This letter will provide additional information to the ZBA regarding this request and will include a history of Mr. Virga's activity on the property, photographs of the improvements he has made and an analysis of the Novi Zoning Ordinance requirements along with a comparison of Mr. Virga's property to other properties along East Lake Drive abutting Walled Lake to provide the ZBA with context of this variance request.

Specifically, Mr. Virga is seeking a waiver to allow him to complete the construction of improvements to the small lakefront lot. This includes the construction of a wooden pergola frame off of the existing shed on his property and to complete the construction of a three and one-half foot stone wall on a portion of the lot and complete the paving of portions of his lot. Variances are requested with respect to the City of Novi Zoning Ordinance Section 3.32.10.A and 3.32.ii.a.

A. HISTORY OF THE LOT AND MR. VIRGA'S ACTIVITIES THEREON

Anthony Virga is 38 years old. He has been a resident of the City of Novi for 17 years. He has always wanted to purchase a home on Walled Lake in Novi. In November of 2016 he purchased a small home at 1607 East Lake Drive. This is one of the many typical lots along East Lake Drive with a small house situated on the lot east of East Lake Drive and a small lakefront lot on the west of East Lake Drive between the roadway and the lake. When he purchased this property, there was existing on the small lakefront lot a wooden shed, a wrought iron fence across the middle of the lot parallel to the road, an aluminum pergola with a canvas top, brick pavers on a portion of

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2017

Page 2

the lot including a brick walkway from the road pavement to the water's edge and a very large deciduous tree between the shed and the waterfront. Attached hereto as Exhibit B are photographs of what the waterfront lot looked like when Mr. Virga purchased it.

When Mr. Virga purchased the property he initially built a fence on the side of the house east of the roadway. Before building that fence he contacted the City of Novi and asked if he needed a permit. He was told that no permit was necessary as long as he has followed the fence guidelines. He successfully built that fence.

Mr. Virga next wanted to install a new seawall. Once again, he contacted the City and asked if he needed a permit. He was told he did need a permit from both the City and the MDEQ. He hired a contractor who obtained all necessary permits and constructed the new seawall.

Mr. Virga then wanted to upgrade the improvements on the small lot between the road and the lake. Existing on that lot was a wooden shed, a very large deciduous tree between the shed and the lake, a wrought iron fence in the middle of the lot parallel to the road, brick pavers on a portion of the lot, and large bushes on the south end of the lot along with the chain-linked fence on the north side running from the road to the shed which was covered with poison ivy and other growth. There was also an aluminum pergola in the middle of the lot with a canvas top which could be pulled down to either side to block the sun. He wanted to replace the brick pavers, remove the aluminum pergola and replace it with an open roof wooden pergola structure off the shed, redo the brick pavers and build a 3-foot .5-inch stone wall which would reduce in height as it got closer to the water. Because he was not building or enlarging the shed, because he was merely replacing the brick pavers he contacted the City and indicated to them that he was redoing the "landscaping" and inquired if he needed a permit. He told that as long as he was not changing the grade of the land no permit was required for "landscaping". He then obtained two estimates from contractors to perform this work. Both contractors informed him that no permit was required. Both estimates were for approximately \$75,000. The material would cost approximately \$25,000 so Mr. Virga decided to do the work himself. He proceeded to do the work.

Mr. Virga's choice of the word "landscaping" when he inquired of the City was unfortunate. One can imagine that redoing the existing brick pavers and installing a three and one-half foot stone wall could be considered as landscaping but, frankly, it is a little more than that. The important fact is that Mr. Virga inquired of the City regarding permits for everything he has ever done. He simply didn't describe the scope of this project correctly. He was also told by two landscaping contractors that no permit was

November 1, 2017

Page 3

required for this work. Clearly, the City is not bound by any representations by a “landscape” contractor. However, Mr. Virga did make an effort to inquire.

Mr. Virga set about performing the work. He removed the large deciduous tree, removed the two fences and began the remainder of the work. During construction several City workers driving by stopped and complimented him on how nice a job he was doing. (Of course, they would have had no idea whether he had a permit or not.) As he was nearing completion of the work he was informed that he did in fact need permits and a waiver from the ZBA. Mr. Virga promptly paid all fines and fees in full and he is now appealing before the ZBA seeking the necessary variances to complete the work which is now 90% finished.

B. VARIANCES REQUESTED

Novi Zoning Ordinance 3.32.10A provides as follows:

- A. Those residual lots or parcels having waterfrontage on a body of water ... shall maintain the yard on the waterside as an open unobscured yard, except that that the following may be permitted.

* * *

- ii. A single storage shed ... a. the shed shall be no larger than ten (10) feet by ten(10) feet in area and no taller than eight (8) feet in height.

Attached as Exhibit A are the letters Mr. Virga received from the City dated August 4, 2017 and August 22, 2017. The areas of concern appear to be the decorative stone wall and the pergola. To the extent that variances are required the Applicant hereby requests such variances. Zoning Ordinance 3.32.10A begins by setting a general standard that the yard on the waterside be maintained “as an open unobscured yard”. The issue is what is considered “unobscured” within the context of East Lake Drive and the numerous small lots between the roadway and the lake. These small yards are utilized almost universally for recreational purposes including the storage of boats, water activity equipment, firepits, pergolas, tent-type structures to create shade and outdoor furniture. We know the ordinance specifically allows a solid wooden shed and we know that in this area of Novi there are many existing mature trees and shrubs that in fact obscure, to some extent, views. Thus, given the fact that the lakeside

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2017

Page 4

recreational activities are the entire reason these lots exist, the question becomes what is required to maintain such a lot “as an open unobscured yard”. I suggest that this analysis begin by examining what existed before Mr. Virga made his changes and compare that to what exists now and also review what also exists on adjacent lots and what has existed on adjacent lots for years along East Lake Drive.

Attached as Exhibit B are photographs of what existed prior to Mr. Virga acquiring the property. This is best exemplified by the photo below.



LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2017

Page 5

Attached as Exhibit C are photographs of the current state of Mr. Virga's lot. The changes he has made are best exemplified by the photo below.



In examining the before and after I suggest that the current condition of the lot is less "obscured" than it was before Mr. Virga made the changes. Gone is the large deciduous tree that unquestionably "obscured" the view. The preexisting shed remains. Its frame or square footage has not been increased. All Mr. Virga did was move the preexisting aluminum pergola to a position adjacent to the shed and has replaced it with an open wooden roofed pergola with poles. It is respectfully suggested that this does not increase the size of the shed.

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2017

Page 6

The preexisting wrought iron fence has been removed. The preexisting brick paver walkway from the road to the shore has been replaced with new brick pavers. The preexisting brick paver patio has also been replaced with new brick pavers. Brick pavers have also been put down between the shed and the waterfront. None of these changes "obscures" any view.

This leaves the new decorative brick wall. Preexisting on the southside of the lot was a large bush/plant over six feet tall. This has been removed. On the north side, a chain-link fence with solid poison ivy and other growth has also been removed. A decorative stone wall has been built across the south and north portions of the lot and across the middle of the lot. This stone wall is three feet tall in the midsections and three feet five inches tall at the "pillars" portions. This wall decreases in height as it gets closer to the water. This wall is in fact lower than both the pre-existing bush on the south lot line and the chain-linked fence with solid poison ivy on the north lot line.

Attached as Exhibit D are several photographs of other small waterfront lots along East Lake Drive and the conditions which exist today and have existed for years. Clearly each of these lots are maintained in a condition which "obscures" a view more than Mr. Virga's lot. These lots include the following:

- Trees and shrubs.
- Wrought iron fence.
- Wooden split rail fence.
- White picket fence.
- Shed, garage, and other structures.
- Large wooden play structures.
- Large solid roofed pergolas adjacent to existing sheds.

Attached hereto as Exhibit E are several photographs of existing lakeside lots along East Lake Drive with the following:

- Decorative stone walls identical to Mr. Virga's.

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2017

Page 7

-Fencing and solid hedgerows, in some instances exceeding four and one-half feet tall.

-Pergolas with solid large bushes exceeding six feet tall creating a solid wall at the road's edge.

-White picket fence creating an almost solid barrier with numerous sheds inside the yard.

The photograph attached as Exhibit D and E are attached merely to illustrate that these small lakeside lots exist precisely to allow recreational use of the lake front. Most are very tastefully appointed. When reviewing Zoning Ordinance 3.32.10 as it applies to Mr. Virga's lot these other lots clearly "obscure" any view more than Mr. Virga's lot.

"Unobscured" is a relative word and indeed the ZBA exists specifically to ensure that it is applied fairly and consistently. Clearly, Mr. Virga should have sought a variance before beginning construction. For not doing so he apologizes. As the ZBA can see he consistently sought advice as to whether a permit was required and as a result of asking the wrong question, i.e., was a permit required for "landscaping", he proceeded without first seeking a variance. He now seeks the necessary variances to allow him to complete what is 90% finished and what has cost him an excess of \$30,000 for material not to mention his labor.

To our knowledge there have been no complaints from any adjacent property owners. Attached as Exhibit F is a letter from Mr. Virga's immediate neighbors, Michael and Bonnie Jarvis who reside at 1611 East Lake Drive. It is important to note that Mr. and Mrs. Jarvis have resided on East Lake Drive for 30 years and write to say that "Anthony's lake lot is becoming one of the nicest looking lots on East Lake Drive. It is not obstructing my view, and looks the best it has ever looked. I am in full support of his upgrades.

C. VARIANCES REQUESTED

Mr. Virga respectfully requests variances from Zoning Ordinance 3.32.10A to allow him to complete his improvements on the lakefront lot. He would like to keep the pergola and the decorative stone wall. He would like to finish the decorative wall by completing the middle section. (See Exhibit E). He would also like to finish this wall by installing the one-inch cap stones on top which he has already purchased. Please note even after the one-inch caps have been placed on the top this will still be a wall which

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2017

Page 8

averages approximately three and one-half feet and the entirety of which is less than four feet tall. Mr. Virga would like to install solar panels on top of the shed which are flush with the roof which would not increase the height in any significant way.

Regarding the north decorative wall, this was a concern expressed by the City regarding its proximity to the roadway. The decorative stone wall is 21 feet from the center of the roadway. This wall does not continue right up to the road pavement but is several feet to the west of the pavement. Moreover, the wall is to the west of an existing telephone pole. Therefore, if it was ever necessary for the City to do any road work within the road right-of-way the telephone pole would have to be removed before any portion of this small stone wall. Mr. Virga is prepared sign an indemnity and hold harmless agreement, agreeing to remove the wall or pay the cost of any such removal in the future should work be required in the right-of-way and he will agree to hold harmless the City.

In applying the variance standard of Zoning Ordinance Section 7.10.5A.ii.a it is suggested that the variance requested would ensure that the spirit of ordinance is observed, that public safety is secured, and that substantial justice is done. With respect to a practical difficulty, the need for the variance is due to the unique circumstances or physical condition of the property. Here, this is waterfront property. The entire purpose of the waterfront property is to make it useful for recreational activities. This was not a condition created by Mr. Virga. Moreover, this need was not self-created. The need is to utilize the lot for its intended purpose. Strict compliance with the ordinance would prevent Mr. Virga from using the property for a permitted purpose or render conformity burdensome. The requested variances are the minimum necessary to do substantial justice to the Applicant and the requested variances will not cause an adverse impact on the surrounding property values nor prevent the use and enjoyment by neighboring properties. Indeed, by reviewing Exhibits D and E you can see that Mr. Virga's property is more in comportment with the zoning ordinance requirements than most of the other properties along East Lake Drive.

On behalf of Mr. Virga, we respectfully request that the ZBA grant the necessary variances to allow him to complete the improvement to the lakefront lot which are being done in keeping with the spirit of the ordinance and the purpose of the property.

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2017

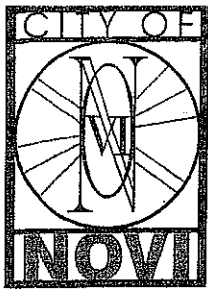
Page 9

Very truly yours,

LANDRY, MAZZEO & DEMBINSKI, P.C.

/s/David B. Landry

DBL/klm
Enclosures



Notice of Violation

Today's Date: 08/04/2017

Expiration Date: 08/14/2017

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marle Casey

Gwen Markham

Brian Burke

City Manager
Peter E. Auger

Community
Development
Director
Charles Boulard

City Planner
Barbara E. McBeth

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

Ordinance
Enforcement
Division
248.735.5678
248.735.5600 fax

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

cityofnovi.org

VIRGA, ANTHONY M
1607 EAST LAKE
NOVI, MI 48377

Subject Property: 1607 EAST LAKE DR

Sidwell No.: 50-22-02-357-020

Ordinance Activity No.: EORD17-0939

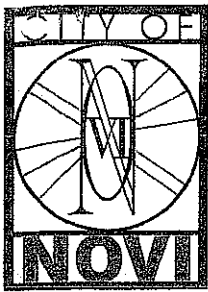
You are in violation of code Section Zoning **32-10a**

Those residential lots or parcels having water frontage on a body of water having an area of six-hundred (600) acres or more and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard.

Building of a wall on lake lot is not permitted. Remove wall by expiration date.

You will have **10 days** from the date of this notice to comply with the violation cited above. Your immediate attention to this matter is requested and advised. A municipal civil infraction violation ticket will be issued for failure to comply with this matter within the time constraints stated above. Once a ticket is issued, a court appearance will be required. Please contact the Officer listed below should you have any questions with regards to this matter.

Brian Riley
Ordinance Enforcement Officer
Briley@cityofnovi.org
(248) 347 0438
City of Novi



Notice of Violation

Today's Date: 08/22/2017

Expiration Date: 08/29/2017

VIRGA, ANTHONY M
1607 EAST LAKE
NOVI, MI 48377
Subject Property: 1607 EAST LAKE DR

Sidwell No.: 50-22-02-355-018
Ordinance Activity No.: EORD17-0939

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

Brian Burke

City Manager
Peter E. Auger

Community
Development
Director
Charles Boulard

City Planner
Barbara E. McBeth

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

Ordinance
Enforcement
Division
248.735.5678
248.735.5600 fax

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

cityofnovi.org

You are in violation of Novi Zoning Code 3.32.10A, Novi Zoning Code 3.32.ii.a
City of Novi Ordinance Code Section 31-1

Novi Zoning Code 3.32.10A

Those residential lots or parcels having water frontage on a body of water having an area of six-hundred (600) acres or more and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard.

Zoning Board of Appeals must approve any exceptions to the zoning code.

Novi Zoning Code 3.32.ii.a

The shed shall be no larger than ten (10) feet by ten (10) feet in area and no taller than eight (8) feet in height.

The pergola structure added to the existing shed renders the shed non-compliant.
Zoning Board of Appeals must approve any exceptions to the zoning code.

Sec. 31-1 - Construction within city street, highway, alley, parkway, sidewalk, bikepath, park, easement or other public place.

The wall is protruding into what appears to be the Right of Way.

City of Novi Engineering Dept. must approve any construction in the Right of Way.

Any and all construction must cease immediately. You can either remove the structure (wall) in the Right of Way or you must contact the City of Novi Engineering Dept. for approval of construction in the Right of Way prior to requesting an appeal from the Zoning Board of Appeals.

You will have **7 days** from the date of this notice to comply with the violation cited above. Your immediate attention to this matter is requested and advised. A municipal civil infraction violation ticket will be issued for failure to comply with this matter within the time constraints stated above. Once a ticket is issued, a court appearance will be required. Please contact the Officer listed below should you have any questions with regards to this matter.

Brian Riley
Ordinance Enforcement Officer
(248) 347 0438
City of Novi

Untitled Map

Write a description for your map.

Legend

- Walled Lake









E Lake Dr

E Lake Dr



































NO Trespassing
VIOLATORS
WILL BE
PROSECUTED















August 15, 2017

To Whom It May Concern:

Subject: Lake lot at 1607 East Lake Dr.

We live next door to Anthony
Virga, and have lived at

1611 East Lake Dr. for 39 years.

Anthony's lake lot is becoming
one of the nicest looking lots on
East Lake Dr.

It is not obstructing my view,
and looks the best it has ever
looked. I am in full support
of his upgrades.

Michael & Bonnie Jarvis