



# COMMUNITY DEVELOPMENT DEPARTMENT

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

## ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: September 14, 2021

REGARDING: 1291 E Lake Drive, Parcel # 50-22-02-176-016 (PZ21-0040)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### Applicant

Eric & Susan Colthurst

#### Variance Type

Dimensional Variance

#### Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and South of Fourteen Mile Road
Parcel #:	50-22-02-176-016

#### Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 3.85 feet (10 feet minimum required, variance of 6.15 feet) and an aggregate total side yard setback of 16.55 feet (25 feet required, variance of 8.45 feet). This variance would accommodate the building of a home addition. This property is zoned Single Family Residential (R-4).

### II. STAFF COMMENTS:

### III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. I move that we grant the variance in Case No. **PZ21-0040**, 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. **PZ21-0040**, 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 \_\_\_\_\_  
\_\_\_\_\_.

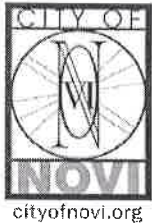
Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler  
Deputy Director Community Development  
City of Novi

RECEIVED

JUN 23 2021

CITY OF NOVI  
COMMUNITY DEVELOPMENT



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**ZONING BOARD OF APPEALS  
APPLICATION**

**APPLICATION MUST BE FILLED OUT COMPLETELY**

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION Addition E. Lake Dr.				Meeting Date: <u>August 10, 2021</u>	
ADDRESS 1291 E. Lake Dr.		LOT/SIUTE/SPACE # 37		ZBA Case #: <u>PZ 21-0040</u>	
SIDWELL # 50-22-02 -176 -016		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY North of New Court					
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					
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS ericcolthurst@gmail.com		CELL PHONE NO. 734 459 7000	
NAME Eric and Susan Colthurst				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 16345 White Haven Dr.		CITY Northville		STATE MI	ZIP CODE 48168
<b>B. PROPERTY OWNER</b> <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
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<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>B. VARIANCE REQUESTED</b>					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>3.1.5</u>		Variance requested		<u>6.15' sideyard</u>	
2. Section <u>3.1.5</u>		Variance requested		<u>8.45' sideyard aggregate</u>	
3. Section _____		Variance requested		_____	
4. Section _____		Variance requested		_____	
<b>IV. FEES AND DRAWINGS</b>					
<b>A. FEES</b>					
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$200 <input 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>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>					
• Dimensioned Drawings and Plans			• Existing & proposed distance to adjacent property lines		
• Site/Plot Plan			• Location of existing & proposed signs, if applicable		
• Existing or proposed buildings or addition on the property			• Floor plans & elevations		
• Number & location of all on-site parking, if applicable			• 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 \_\_\_\_\_

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

*Eric Colthurst*  
Applicant Signature

6/23/21  
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.

*Susan M. Colthurst*  
Property Owner Signature  
*Eric Colthurst*

6/23/21  
Date

## VII. FOR OFFICIAL USE ONLY

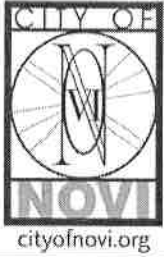
### DECISION ON APPEAL:

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



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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:

This lake lot was platted in the 1920's and is 40' wide and 249' deep. A review of the plat and similar subdivisions of that time indicate that these long, narrow lots were normal for lake subdivisions. Typically, one side of the lot had a legal sideyard setback of as little as 4' or less, with the adjoining lot the same. CONTINUE 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:

CONTINUED FROM 'a' ABOVE; The other side would have the 15' setback to allow for a driveway, making the house a maximum of 20 to 22'. The current setbacks would only allow for a 15' wide house. The applicant is proposing to extend the existing setback for the length of the addition in the front and the back. As described herein with the attached pictures and drawings there is no other way to add to this house.

*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 house is a legal non-conforming structure which dictates how any addition will have to be made. The northern house line and the location of the house, garage and driveway make it very hard to do any improvements in a way other than what the applicant has proposed.

## **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.

The front room addition is incorporating the existing 8' by 22' front room into a 16' by 22' front room by adding 8' over the existing deck. This results in a rectangular front room. If you adhered to the current setbacks the roadside and northside would have a 6' by 8' rectangle removed leaving a 6' by 8' virtually unusable space in the front room. The current setback in the back would result in an unusable 6' by 20' room (see pictures and drawings).

## **Standard #4. Minimum Variance Necessary.**

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

The dimensional variance is all on the north side of the house. The building line of the current house makes it unfeasible not to follow the house line. Less of a variance doesn't benefit the neighbor and makes the additions odd and unusable for the intended purpose. In the front you would still have the irregular, indented space. In the back the addition is long and narrow. Reducing the set back just makes it less narrow but results in no benefit to anyone. Unfortunately, you can't expand on the south side because of the driveway (see pictures and drawings).

## **Standard #5. Adverse Impact on Surrounding Area.**

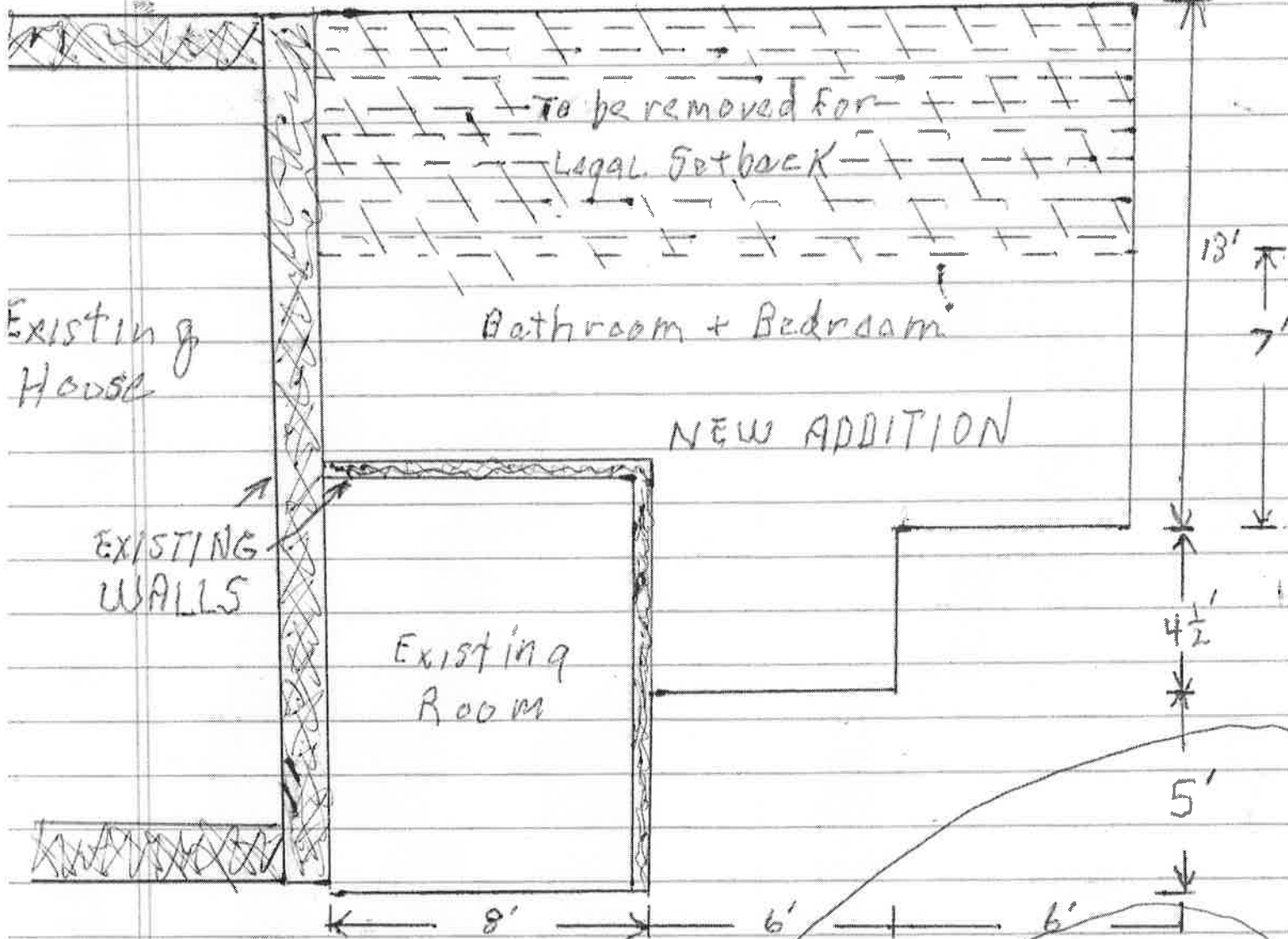
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The northern neighbor uses his lot the same as the applicant except in reverse, with the driveway on the north side and the non-conforming use on the applicant's side. The southern neighbor is virtually unaffected because in the back there is the required setback on the south side and in the front the applicant is only encroaching by approximately 1' for 8' of the additional front room.

The current front room of the applicant's house is an enclosed porch with no foundation. The addition will remove this mess and have a cement foundation with a legal crawl space and a nice facade. The applicant will upgrade the electrical, plumbing, mechanical, garage and driveway as part of the renovation.

1291 East Lake

20'



Existing House

Bathroom + Bedroom

NEW ADDITION

EXISTING WALLS

Existing Room

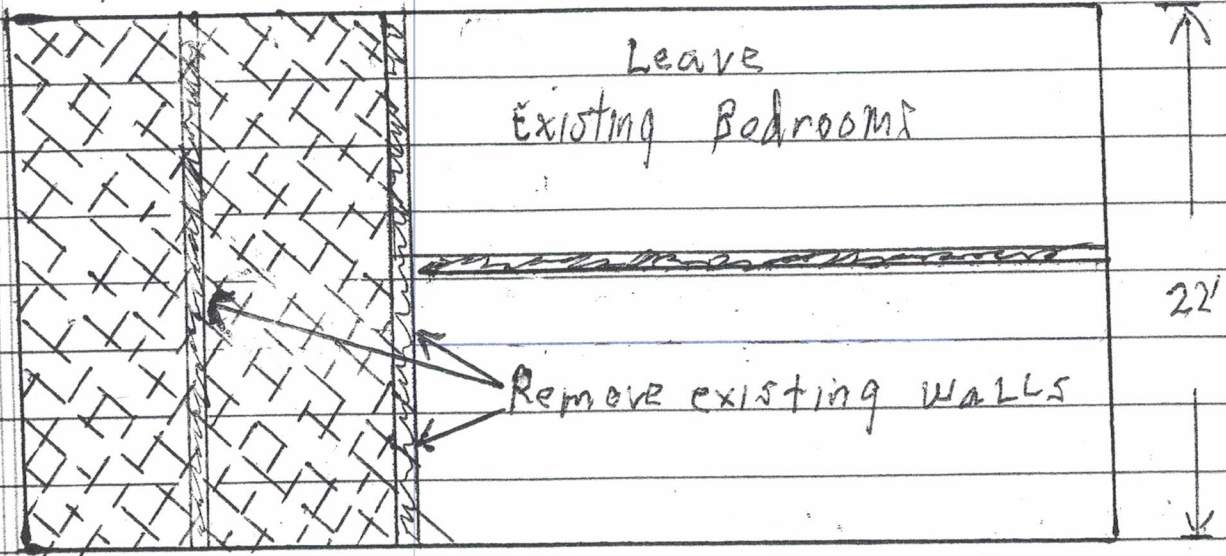
1291 ELAKE Drive  
Colthurst Addition  
Backyard Addition

TO Garage → 22'

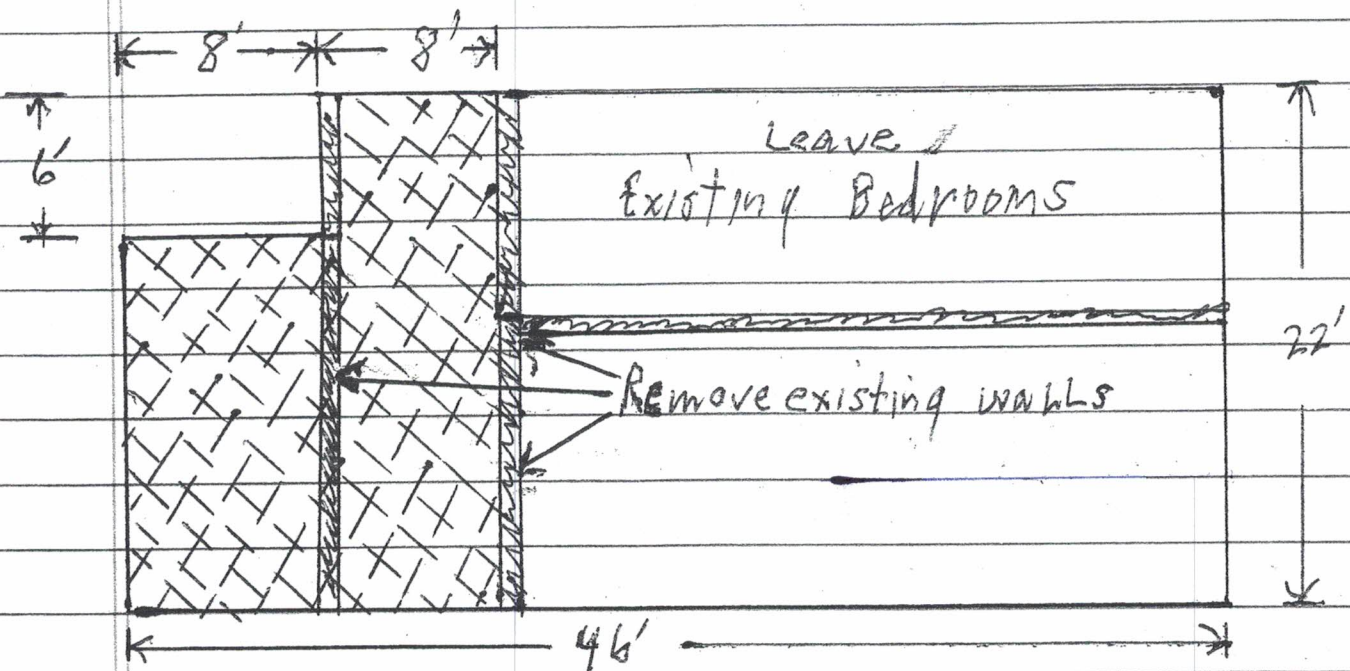
DRIVEWAY

ATTACHMENT to Variance Application  
1291 E. LAKE

North



Proposed

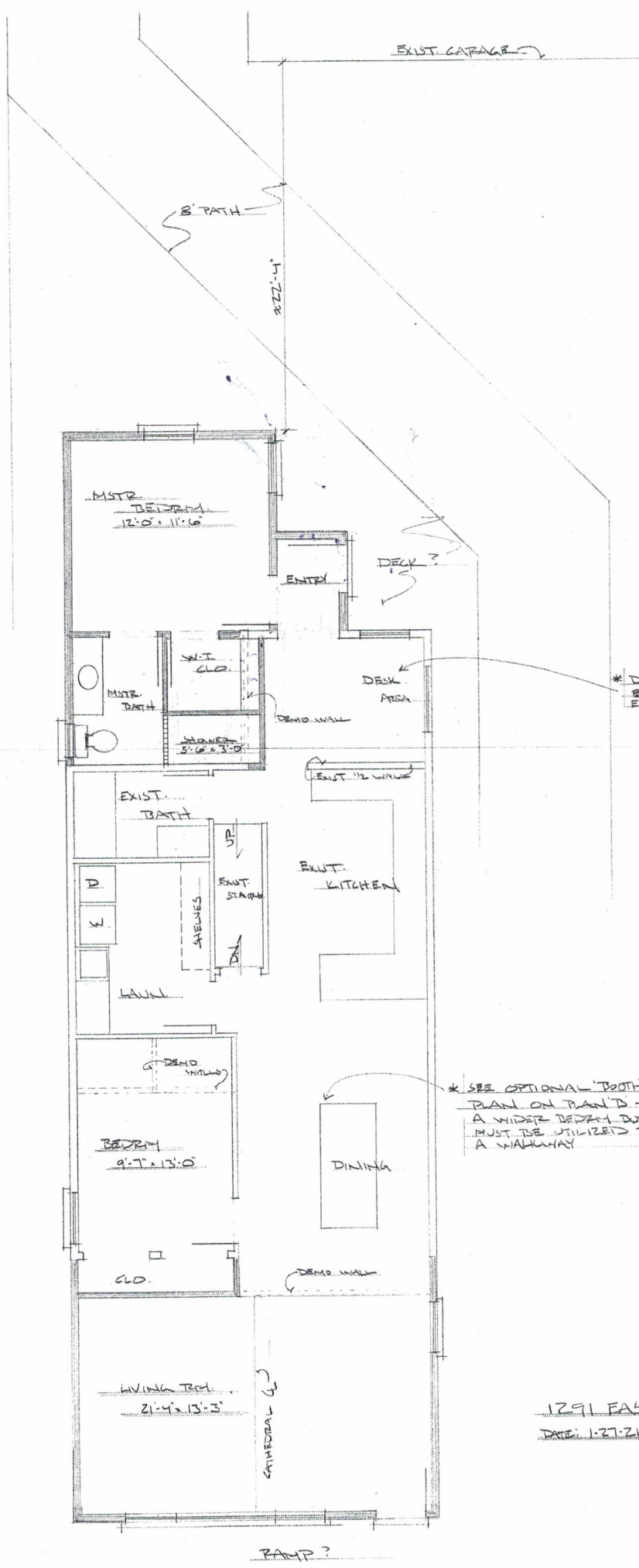


With Current Setbacks

- Remove existing walls
- New area after walls are removed

ALL MEASUREMENTS APPROXIMATE





EXIST. GARAGE

8' PATH

22'-4"

MSTR. BEDRM  
12'0" x 11'6"

ENTRY

DECK?

DESK AREA

\* DESK AREA COULD BECOME A LARGE ENTRY/MUD RM. ?

MSTR. BATH

W.I. CLO.

DEM. WALL

EXIST. 1/2 WINDOW

EXIST. BATH

EXIST. KITCHEN

D  
K

EXIST. STAIRS

LAUN.

DEM. WALL

\* SEE OPTIONAL 'BOOTH' PLAN ON PLAN 'D' - IT HAS A WIDER BEDRM BUT A BOOTH MUST BE UTILIZED TO KEEP A WALKWAY

BEDRM  
9'7" x 13'0"

DINING

CLO.

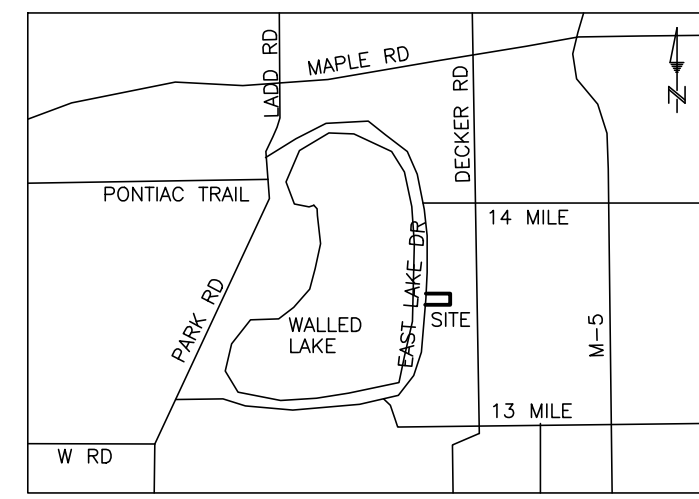
DEM. WALL

LIVING RM  
21'4" x 13'3"

CATHEDRAL CL

1291 EAST LAKE DR TRANA  
DATE: 1-27-21 SCALE: 1/4"=1'-0"

RAMP?



LOCATION MAP  
NO SCALE



SCALE: 1" = 20'

**LEGAL DESCRIPTION**

LOT 37 OF SHORE ACRES SUBDIVISION, PART OF THE N.W. 1/4 SECTION 2, T.1N., R.8E., TOWNSHIP OF NOVI (NOW CITY OF NOVI), OAKLAND CO., MICHIGAN AS RECORDED IN LIBER 20 OF PLATS, PAGE 2 OAKLAND COUNTY RECORDS.

**BENCHMARKS**

BM#1  
MAG NAIL SET IN SOUTH FACE OF UTILITY POLE LOCATED EAST OF EAST LAKE DRIVE IN FRONT OF PROPERTY #1291  
ELEV.: 947.39 NAVD88

BM#2  
MAG NAIL SET IN NORTH FACE OF UTILITY POLE LOCATED EAST OF EAST LAKE DRIVE BEHIND HOUSE PROPERTY #1291  
ELEV.: 947.64 NAVD88

**ZONING & SETBACKS**

ZONED: R-4 SINGLE FAMILY RESIDENTIAL

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

**FLOODPLAIN**

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

MAP NUMBER: 26125C0488F  
EFFECTIVE DATE: 09/29/2006

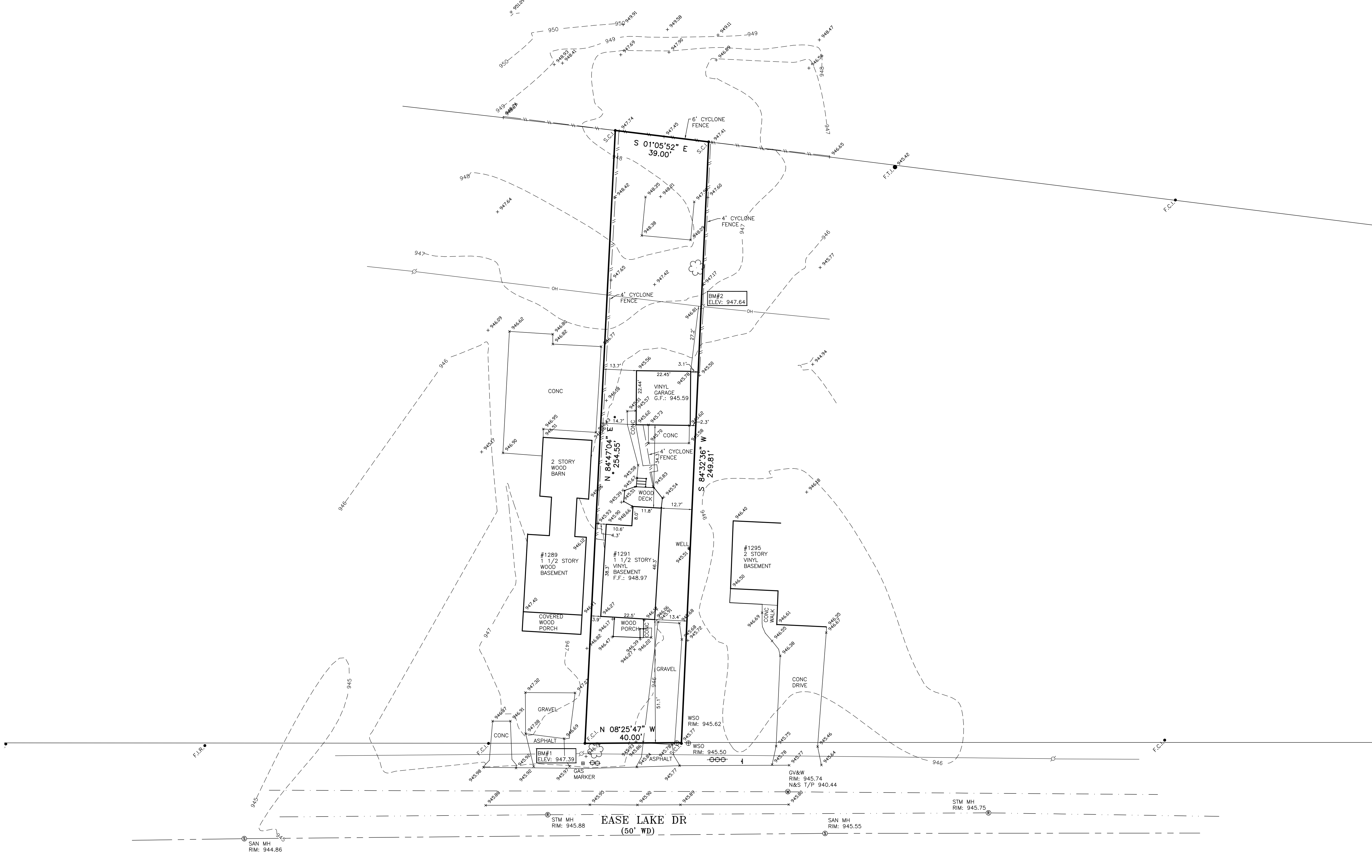
**UTILITY NOTE**

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

**LEGEND**

BENCHMARK	B.M.	STORM MANHOLE	⊕
FINISHED FLOOR	F.F.	STORM CATCH BASIN	⊞
FINISHED GRADE	F.G.	SANITARY MANHOLE	⊞
EXISTING	EX.	GATE VALVE & WELL	⊞
FIELD MEASURE	F.M.	DET. EDISON MANHOLE	⊞
INVERT ELEVATION	I.E.	WATER/GAS SHUT OFF	⊞
GAS MAIN	—	FIRE HYDRANT	⊞
WATERMAIN	—	UTILITY POLE	⊞
STORM SEWER	—	SOIL BORING	⊞
SANITARY SEWER	—	SEPTIC TANK	⊞
OVERHEAD WIRES	—	WELL	⊞
1" WATER SERVICE	—	POLE OR POST	⊞
6" SANITARY LEAD	—	MAILBOX	⊞
PROP. SUMP LEAD	—	PROP. SUMP LEAD	⊞
FENCE	—	LIGHT	⊞
PROP. ELEVATION	—	DECIDUOUS TREE	⊞
EX. SPOT ELEVATION	—	EVERGREEN TREE	⊞
RECORDED DISTANCE R.	—	FLAGPOLE	⊞
MEASURED DISTANCE M.	—	HANDICAPPED STALL	⊞
SET IRON	S.I.	PAY PHONE	⊞
FOUND IRON	F.I.	GUYWIRE	⊞
FOUND CONC. MON.	F.C.M.	EX. GAS PUMP	⊞
POINT OF BEGINNING	P.O.B.	GAS MARKER	⊞
TOP OF PIPE	T/P	MONITORING WELL	⊞
TOP OF CURB	T/C	SECTION CORNER	⊞
GUTTER	G	UTILITY PEDESTAL	⊞
		CULVERT	⊞

FILE NO.: 3404-037	DWG. NO.: 3404-037
DESIGNED BY: XXX	SHEET No.
DRAWN BY: BGW	1-1
CHECKED BY: G.L.A.	
SCALE: 1" = 20'	



CLIENT: 04/08/21  
ERIC COLTHURST  
ADDRESS  
TOWN

8495 N. TERRITORIAL RD.  
PLYMOUTH, MI 48170  
PHONE: (734) 416-9650  
FAX: (734) 416-9657  
www.glasurveyor.com

**GLA** SURVEYORS & ENGINEERS

**TOPOGRAPHIC SURVEY**  
COLTHURST PROPERTY  
1291 EAST LAKE DRIVE  
PART OF N.W. 1/4 SEC. 2, T.1N., R.8E.  
TOWNSHIP OF NOVI, OAKLAND CO., MICHIGAN







