



## 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:** May 12, 2015

**REGARDING: CURTIS (CASE NO. PZ15-0009)**

**BY:** Thomas M. Walsh, Building Official

### I. GENERAL INFORMATION:

#### Applicant

Richard Curtis

#### Variance Type

Dimensional Variance

#### Property Characteristics

Zoning District:	R-4, One Family Residential
Site Location:	1320 West Lake Drive, West Park Drive and south of Pontiac Trail
Parcel #:	50-22-03-202-006

#### Request

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 3.1.5(d) to allow construction of new one-story addition on an existing nonconforming parcel: 1) a variance of 10.5 feet in the required front yard setback (30 feet required, 19.5 feet proposed); and 2) a variance of 31.9 feet in the required rear yard setback (35 feet required, 3.1 proposed).



**II. ZONING AND LAND USE:**

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
<b>Subject Property</b>	R-4, One Family Residential	Lake Wall Subdivision	Single Family
<b>North</b>	R-4, One Family Residential	Lake Wall Subdivision	Single Family
<b>South</b>	R-4, One Family Residential	Lake Wall Subdivision	Single Family
<b>East</b>	R-4, One Family Residential	Lake Wall Subdivision	Single Family
<b>West</b>	R-4, One Family Residential	Lake Wall Subdivision	Single Family

**III. STAFF COMMENTS:**

**Existing Condition**

The subject property consists of one- (1) lot located on the northwest side of West Lake Drive within Lake Wall Subdivision. The parcel has approximately 131.2 feet of frontage on West Lake Drive and approximately 74.4 feet deep as measured along north side yard lot line. The total lot area of the parcel is approximately 5,000 square feet. The existing residence is located 19.5 feet from the front yard lot line, 5.44 feet from the north side yard lot line, 76.0 +/- feet from the south side yard lot line, and 3.1 feet from the rear yard lot line.

**Proposed Changes**

The applicant proposes to construct a one-story addition on an existing nonconforming parcel. According to the submitted plans, the overall dimensions measure 10' x 18' for a total area of approximately 180 square feet. The addition would result in a setback of 19.5 feet from the front yard lot line and 3.1 feet from the rear yard lot line. ***This requires a variance of 10.5 feet in the required front yard setback and a variance of 31.9 feet in the required rear yard setback.***

**IV. DEVELOPMENT STANDARDS:**

The table below summarizes the zoning district development standards for the subject parcels.

Lot Size		Minimum Setback			
Area	Width	Front	Sides	Aggregate Side	Rear
R-4 10,000 sq. ft.	80 ft.	30 ft.	10 ft. ( one side)	25 ft. (total of two side)	35 ft.

1. Building Height (Section 3.1.5(d)). The maximum height of the building is 35 feet. The addition is proposed to be 16.0 feet, one-story.

- 2. Lot Coverage/Impervious Surface Coverage (Section 3.1.5(d)). The percentage of lot coverage including the existing structures and the proposed addition would result in 22.1 percent.
- 3. Existing and Proposed right-of-way. The setback shall be measured from the abutting existing or proposed right-of-way line, whichever is greater. Existing right-of-way 33.0 feet, proposed addition would result in a setback of 25.0 feet from the traveled portion of West Lake Drive.

**V. RECOMMENDATION:**

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

- 1. Grant I move that we **grant** the variance(s) in Case No. **PZ15-0009**, sought by \_\_\_\_\_, for \_\_\_\_\_ because the Petitioner has established that \_\_\_\_\_ causes a practical difficulty relating to the property, including some or all of the following criteria:

- (a) Petitioner has established that the property is unique because \_\_\_\_\_, or that the physical condition of the property creates the need for a variance because \_\_\_\_\_.

And, the condition is not a personal or economic hardship.

- (b) The need for the variance is not self-created, **because** \_\_\_\_\_.

- (c) Strict compliance with dimensional regulations of the Zoning Ordinance, including \_\_\_\_\_, will (either):

- 1. unreasonably prevent Petitioner from using the property for the permitted purpose as a \_\_\_\_\_, because \_\_\_\_\_, and/or,
    - 2. will make it unnecessarily burdensome to comply with the regulation because \_\_\_\_\_.

- (d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not \_\_\_\_\_.

- (e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because \_\_\_\_\_.

- (f) The variance granted is subject to the conditions that:

- 1. \_\_\_\_\_,
    - 2. \_\_\_\_\_,
    - 3. \_\_\_\_\_,
    - 4. \_\_\_\_\_.

2. Deny I move that we **deny** the variance in Case No. **PZ15-0009**, sought by \_\_\_\_\_, for \_\_\_\_\_ because the Petitioner has **not** established a practical difficulty because:

(a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by \_\_\_\_\_.

(b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated \_\_\_\_\_.

(c) The need for the variance is self-created because Petitioner \_\_\_\_\_.

(d) Conforming to the ordinance would not (either):

1. be unnecessarily burdensome because \_\_\_\_\_, or,

2. unreasonably prevent petitioner from using the property for \_\_\_\_\_, because \_\_\_\_\_.

(e) A lesser variance consisting of \_\_\_\_\_ would do substantial justice to Petitioner and surrounding property owner's because \_\_\_\_\_.

(f) The proposed variance would have adverse impact on surrounding property because \_\_\_\_\_.

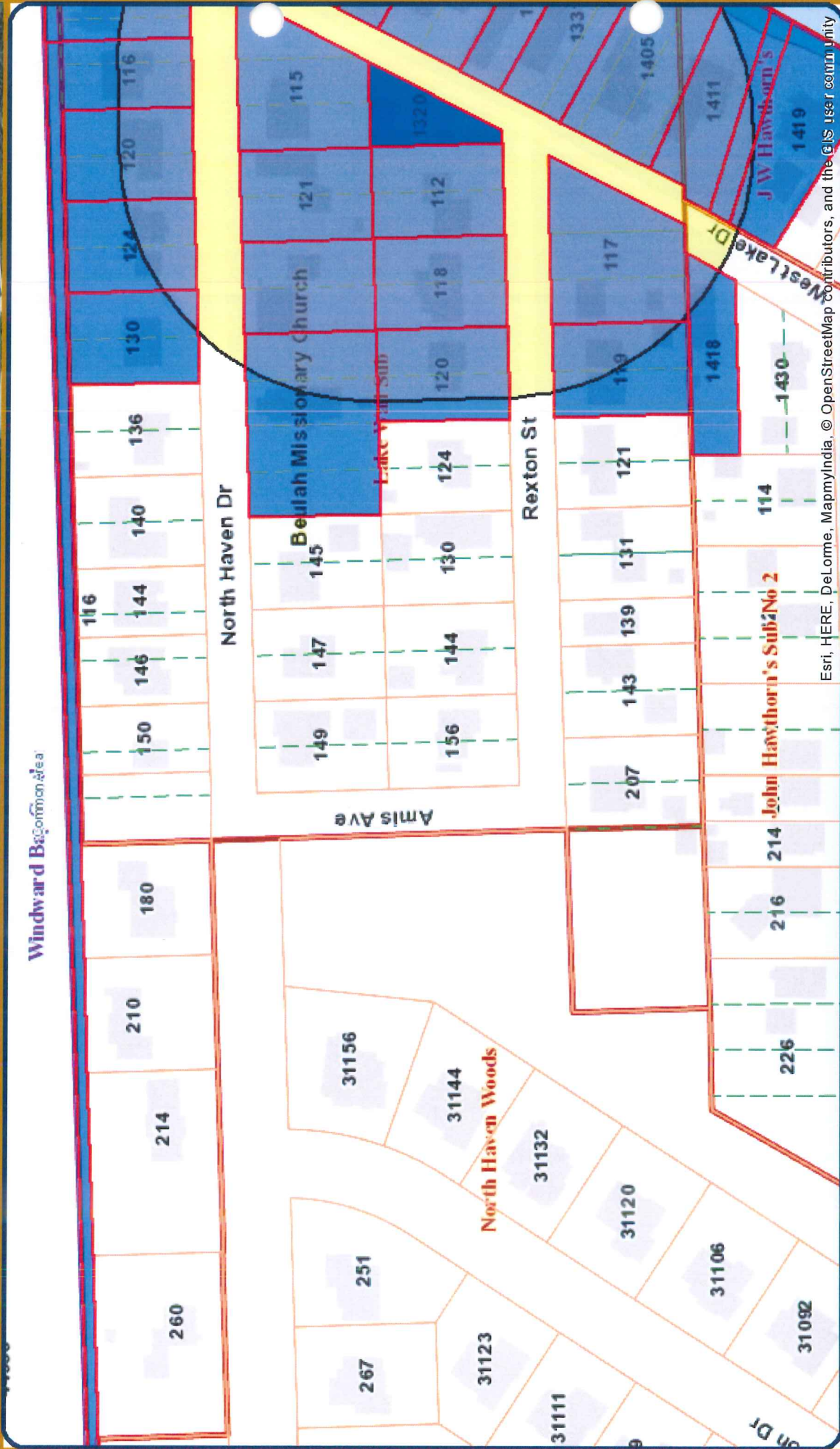
Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417



Thomas M. Walsh  
Building Official  
City of Novi

# 1320 West Lake Drive PZ15-0009

Windward BagCommonArea



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### MAP INTERPRETATION NOTICE

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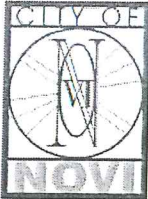
Map Produced Using the  
City of Novi, Michigan  
Internet Mapping Portal



Author:

Date: 4/17/2015





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

## ZONING BOARD OF APPEALS APPLICATION

**RECEIVED**

**MAR 18 2015**

**CITY OF NOVI  
COMMUNITY DEVELOPMENT**

**APPLICATION MUST BE FILLED OUT COMPLETELY**

cityofnovi.org

Application Fee: \$ 200 -  
 Meeting Date: 5/12/15  
 ZBA Case #: PZ 15-0009

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>	
PROJECT NAME / SUBDIVISION <u>CURTIS RESIDENCE</u>	
ADDRESS <u>1320 W. LAKE DR NOVI MI 48377</u>	LOT/SIUTE/SPACE # <u>55</u>
SIDWELL # <u>50-22-03-202-006</u>	May be obtain from Assessing Department (248) 347-0485
CROSS ROADS OF PROPERTY <u>W. LAKE DR &amp; REXTON ST</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 checked="" type="checkbox"/> NO	

<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS <u>RCURTIS@SITE LAYOUT INC.COM</u>	CELL PHONE NO. <u>(248) 252-4315</u>
NAME <u>RICHARD CURTIS</u>		TELEPHONE NO. <u>(248) 859-4197</u>	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS <u>1320 W. LAKE DR</u>	CITY <u>NOVI</u>	STATE <u>MI</u>	ZIP CODE <u>48377</u>
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS <u>RCURTIS@SITE LAYOUT INC.COM</u>	CELL PHONE NO. <u>(248) 252-4315</u>
NAME <u>RICHARD CURTIS</u>		TELEPHONE NO. <u>(248) 859-4197</u>	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS <u>1320 W. LAKE DR</u>	CITY <u>NOVI</u>	STATE <u>MI</u>	ZIP CODE <u>48377</u>

<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>REAR YARD SETBACK</u>	Variance requested	<u>13.1</u>	_____
2. Section <u>FRONT YARD SETBACK</u>	Variance requested	<u>19.5</u>	_____
3. Section _____	Variance requested	_____	_____
4. Section _____	Variance requested	_____	_____

<b>IV. FEES AND DRAWINGS</b>	
<b>A. FEES</b>	
<input 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>	
<ul style="list-style-type: none"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>



# 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

Richard D Carter  
 Applicant Signature

3/18/15  
 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

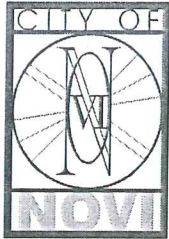
### DECISION ON APPEAL:

- 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



cityofnovi.org

**REVIEW STANDARDS**  
**DIMENSIONAL VARIANCE**  
 CITY OF NOVI  
 Community Development Department  
 (248) 347-0415

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 how the circumstances or physical conditions applying to the property that do not apply generally to other properties in the same Zone 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:

RESIDENTIAL HOME WAS BUILT 19.5' FROM PROPERTY LINE (FRONT)  
 RESIDENTIAL HOME WAS BUILT 30' FROM PROPERTY LINE (REAR)

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).

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**Standard #3. Strict Compliance.**

Explain how the Dimensional Variance is 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.

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**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.

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**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

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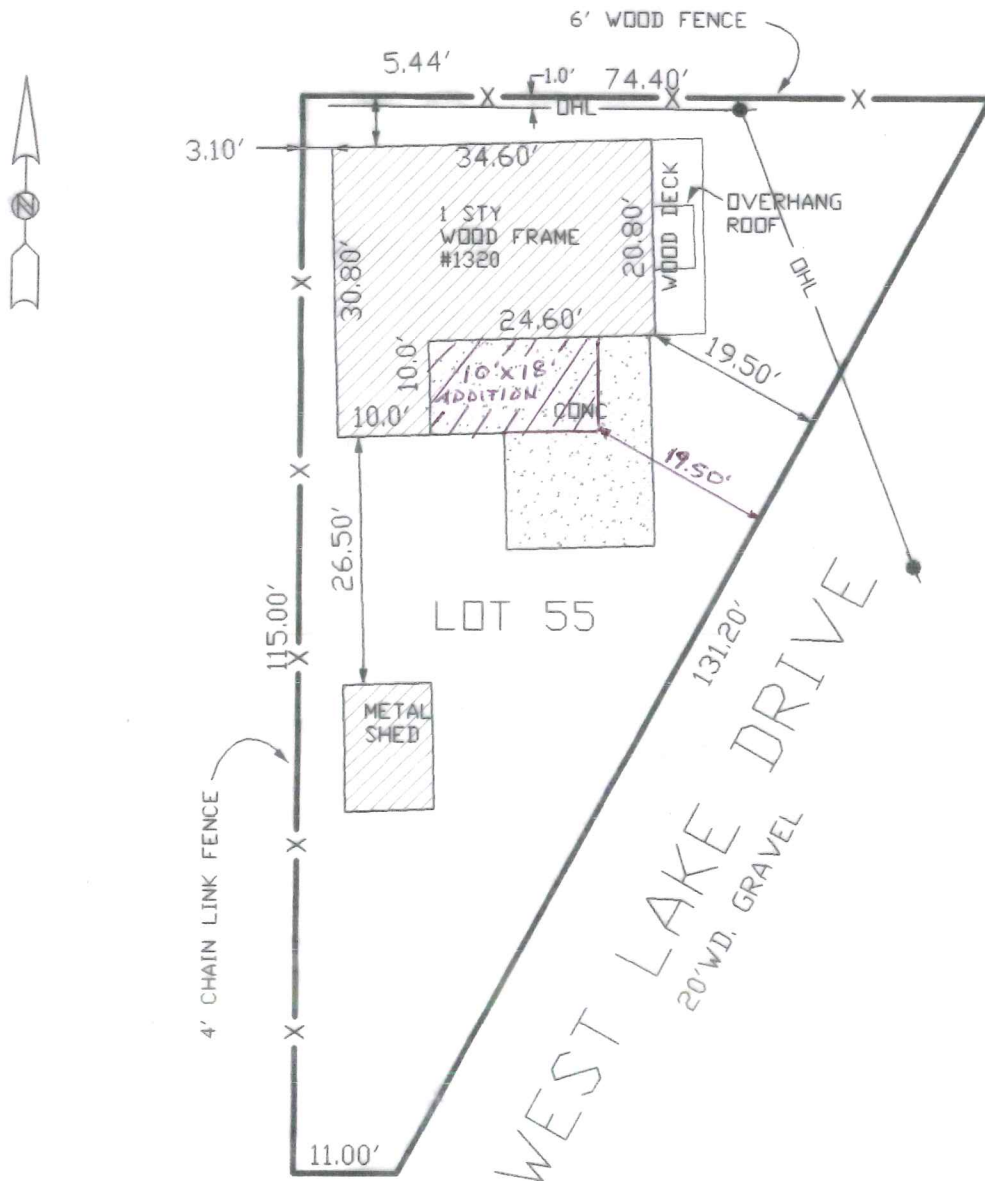
# MORTGAGE REPORT FOR

MORTGAGOR: RICHARD S. CURTIS

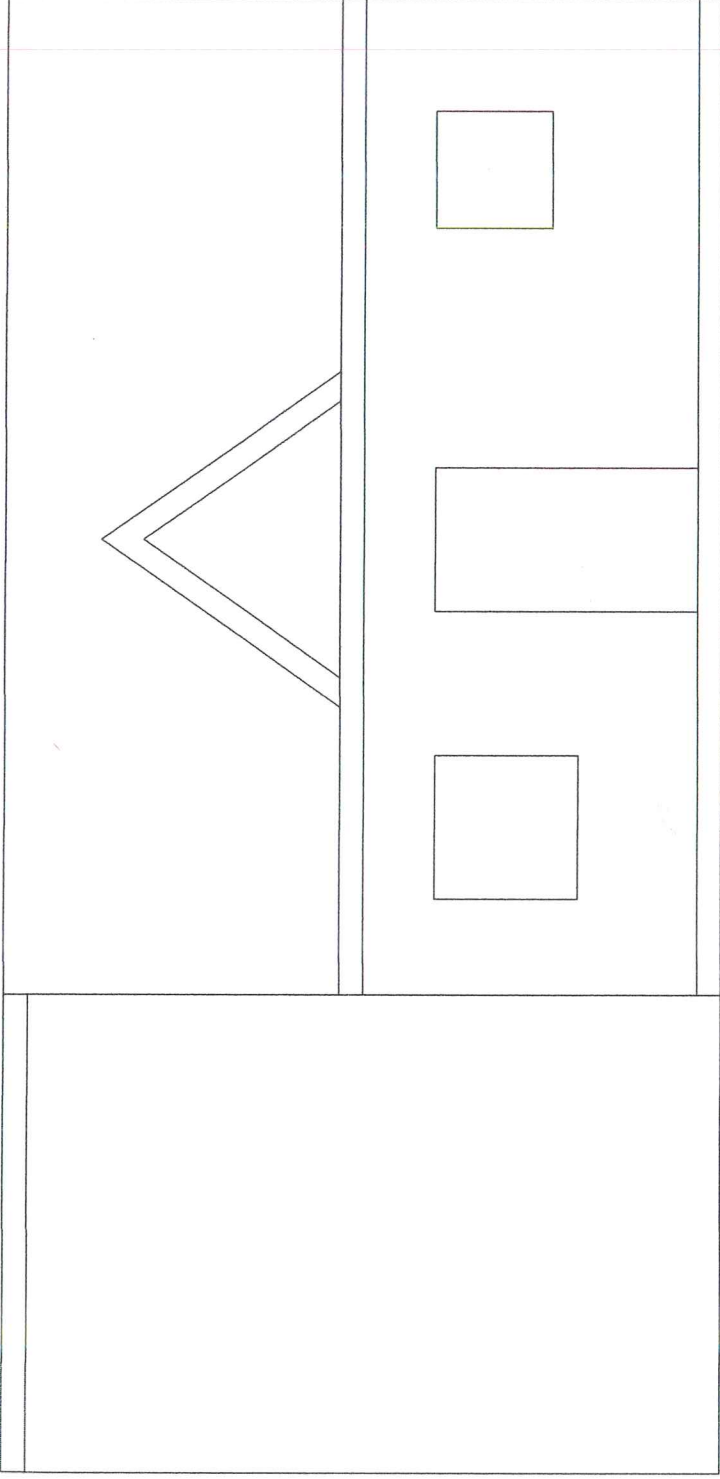
## DESCRIPTION OF PROPERTY

### LEGAL:

LOT 55 OF "LAKE WALL SUB-DIVISION" PART OF THE NW 1/4 SECTION 3, TOWNSHIP OF NOVI, OAKLAND COUNTY, MICHIGAN, T.1N-R.8E, AS RECORDED IN LIBER 20 OF PLATS, PAGE 15 OF OAKLAND COUNTY RECORDS.

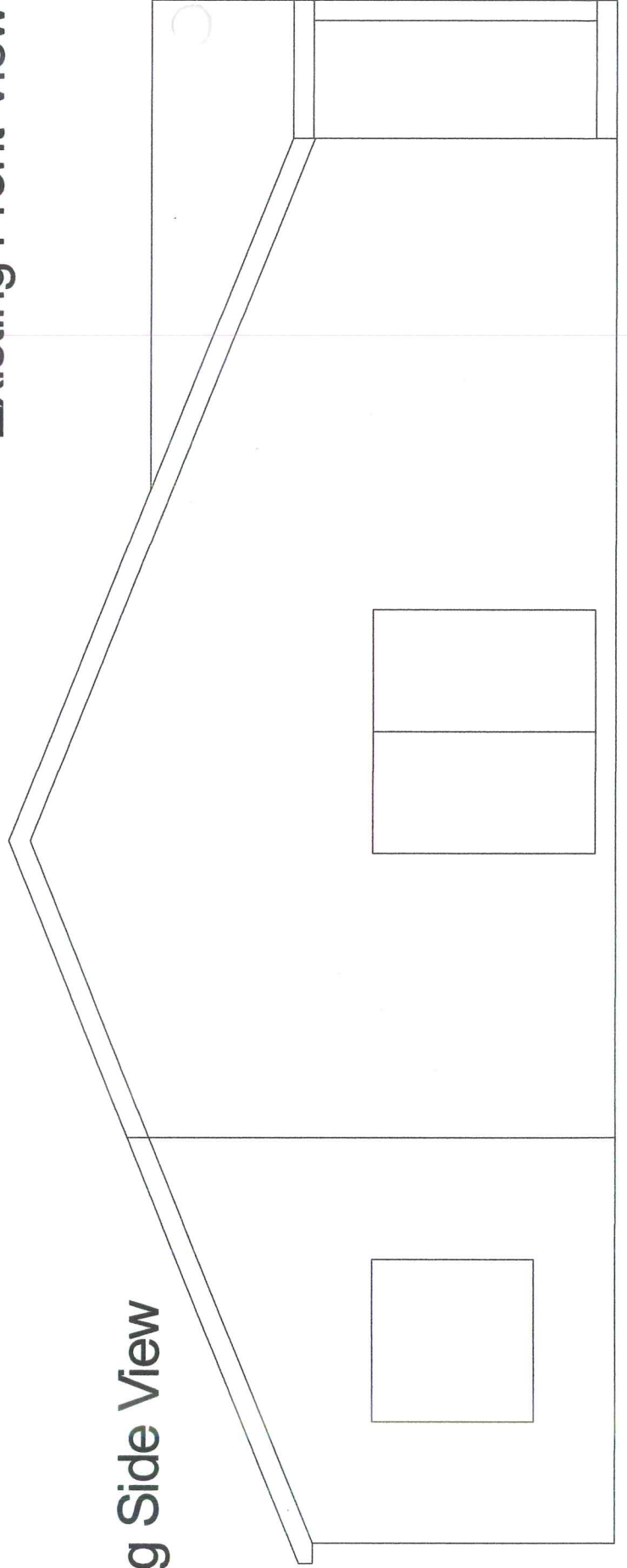


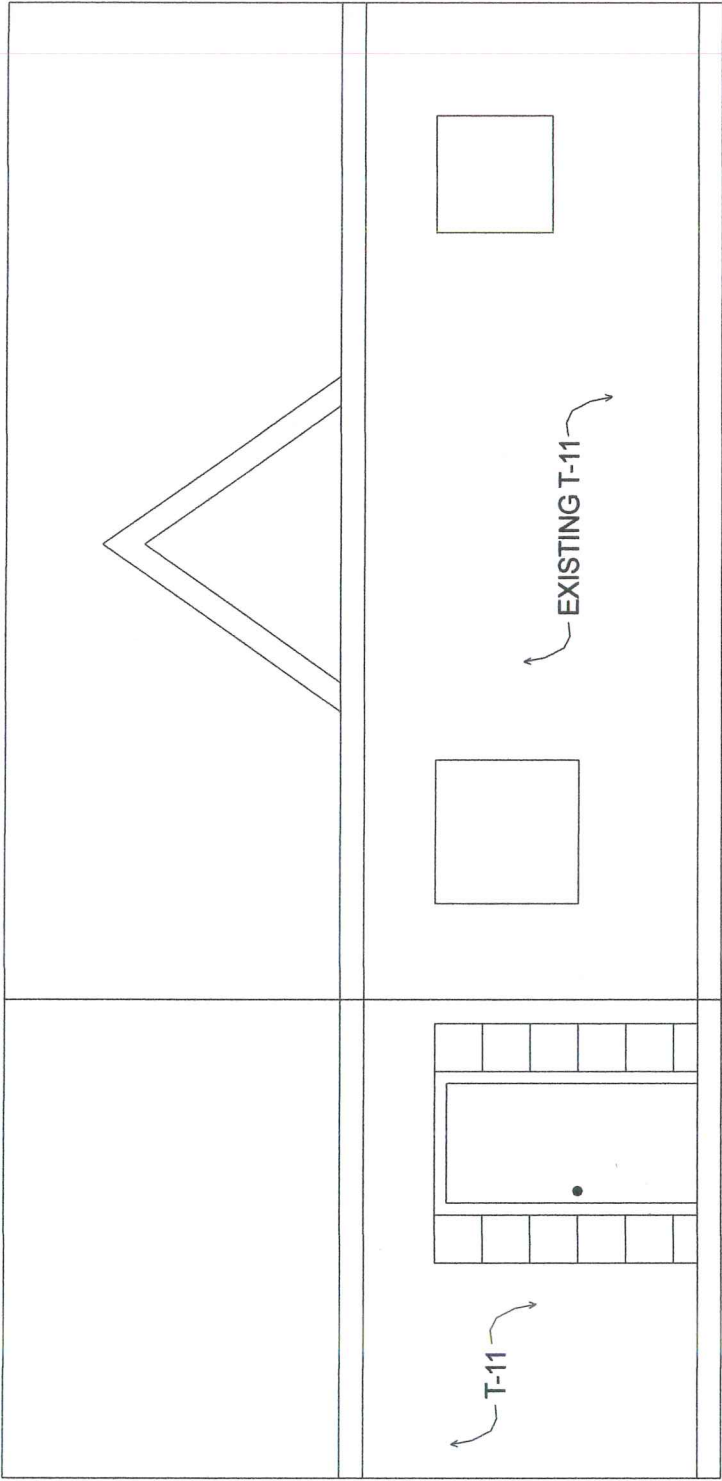
Curtis Residence  
1320 W. Lake Dr Novi, MI  
SCALE 1/4" = 1'



Existing Front View

Existing Side View





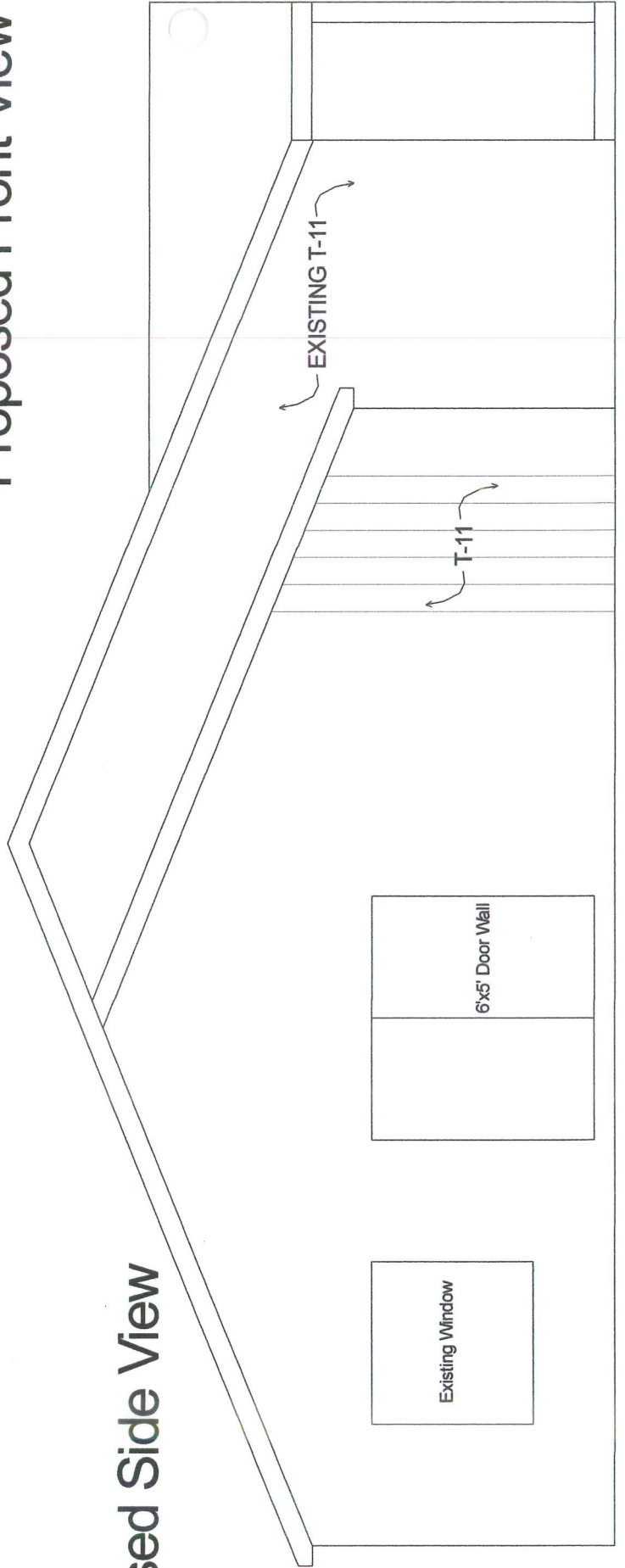
Curtis Residence  
 1320 W. Lake Dr Novi, MI  
 SCALE 1/4" = 1'

10' 0.00"



# Proposed Front View

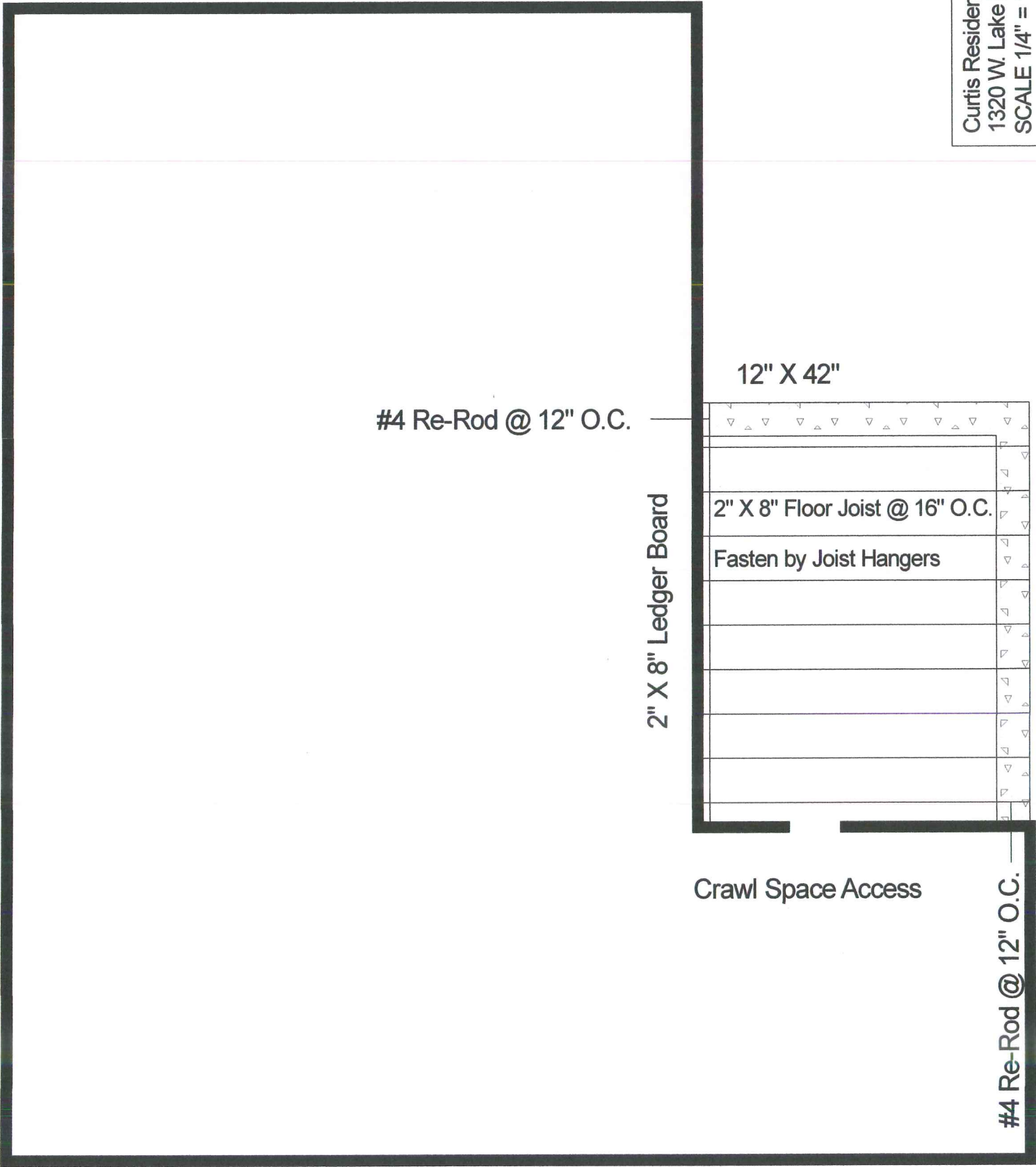
# Proposed Side View



Curtis Residence  
1320 W. Lake Dr Novi, Mi  
SCALE 1/4" = 1'



Curtis Residence  
1320 W. Lake Dr Novi, Mi  
SCALE 1/4" = 1'



#4 Re-Rod @ 12" O.C.

12" X 42"

2" X 8" Ledger Board

2" X 8" Floor Joist @ 16" O.C.

Fasten by Joist Hangers

Crawl Space Access

#4 Re-Rod @ 12" O.C.

