



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: August 11, 2015

REGARDING: CURTIS (CASE NO. PZ15-0020)

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 variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 3.1.5(d) a variance of 15.5 feet in the required front yard setback (30 feet required, 14.5 feet proposed); in order to allow construction of new covered porch addition on an existing nonconforming parcel.



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
Subject Property	R-4, One Family Residential	Lake Wall Subdivision	Single Family
North	R-4, One Family Residential	Lake Wall Subdivision	Single Family
South	R-4, One Family Residential	Lake Wall Subdivision	Single Family
East	R-4, One Family Residential	Lake Wall Subdivision	Single Family
West	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 (porch) is located 14.5 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 new covered porch addition on an existing nonconforming parcel. According to the submitted plans, the overall dimensions measure 6.6' x 10' for a total area of approximately 16.6 square feet. The addition would result in a setback of 14.5 feet from the front yard lot line. ***This requires a variance of 15.5 feet in the required front 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 10.0 feet, one-story.

- 2. 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 20.0 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. **PZ15-0020**, 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. **PZ15-0020**, sought by _____, for _____ because the Petitioner has **not** established a practical difficulty because:

Zoning Board Of Appeals

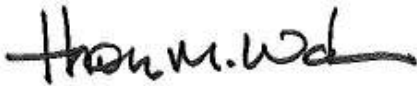
Curtis Property
Case # PZ15-0020

August 11, 2015

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- (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



COMMUNITY DEVELOPMENT DEPARTMENT

PZ15-0009 - ACTION SUMMARY

PROJECT SUMMARY:

setback variance for addition- May 2015 meeting

APPLICANT/OWNER INFORMATION:

APPLICANT

CURTIS, RICHARD & GLAZEL
1320 WEST LAKE
NOVI MI 48377

OWNER

CURTIS, RICHARD & GLAZEL
1320 WEST LAKE
NOVI MI 48377

PROPERTY INFORMATION:

LOCATION/ADDRESS: 1320 WEST LAKE DR

PARCEL NUMBER: 50-22-03-202-006 **ZONING DISTRICT:** R-4

SUBDIVISION: LAKE WALL

LOT/UNIT #: 55

ACTION SUMMARY:

ZBA MEETING DATE: 05/12/2015

Motion by Montville, supported by Bywra to APPROVE Case PZ15-0009, Petitioners request for 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).

Motion carried 6-0.



45175 Ten Mile Road
 Novi, MI 48375
 (248) 347-0415 Phone
 (248) 735-5600 Facsimile
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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$200-
 Meeting Date: 8-11-15
 ZBA Case #: PZ 15-0020

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION <u>CURTIS RESIDENCE</u>			
ADDRESS <u>1320 W. LAKE DR</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 & NORTH HAVEN 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			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS <u>RCURTIS@RCHOMEREMEDIES.COM</u>	CELL PHONE NO. <u>248-252-4315</u>
NAME <u>RICHARD S 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. 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 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 _____ Variance requested _____			
2. Section _____ Variance requested _____			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
IV. FEES AND DRAWINGS			
A. FEES			
<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. 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 	



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. Cuth

Applicant Signature

6/30/15

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



**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:

POSITION OF THE EXISTING IS NOT WITHIN ORDINANCE

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).

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.

THE HOUSE IS SITING LESS THAN FRONT SET BACK

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.

TO HAVE A PORCH WITH THE APPROVED ADDITION I WILL NEED A VARIANCE. THE EXISTING HOUSE IS 19.5' FROM FRONT PROPERTY LOT LINE THE PORCH WOULD BE 14.5' FROM SAID LINE.

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 VARIANCE WOULD NOT IMPOSE AN IMPACT. IT WILL NOT BE OBSTACULATION TO ANY VIEWS FOR TRAFFIC.

RECEIVED

JUL 31 2015

CITY OF NOVI
COMMUNITY DEVELOPMENT

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

Please note my comments to **CURTIS (CASE NO. PZ15-0020)**

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

Comments:

I APPROVE MR CURTIS REQUESTS. HE IS DOING A
GREAT JOB IMPROVING HIS PROPERTY !!

(PLEASE PRINT CLEARLY)

Name: BRIAN KOFAIAN

Address: 1251 WEST LAKE DRIVE

Date: 7-28-2015

Zoning Board of Appeals meetings are broadcast live on Novi's Bright House Cable on Channel 13.

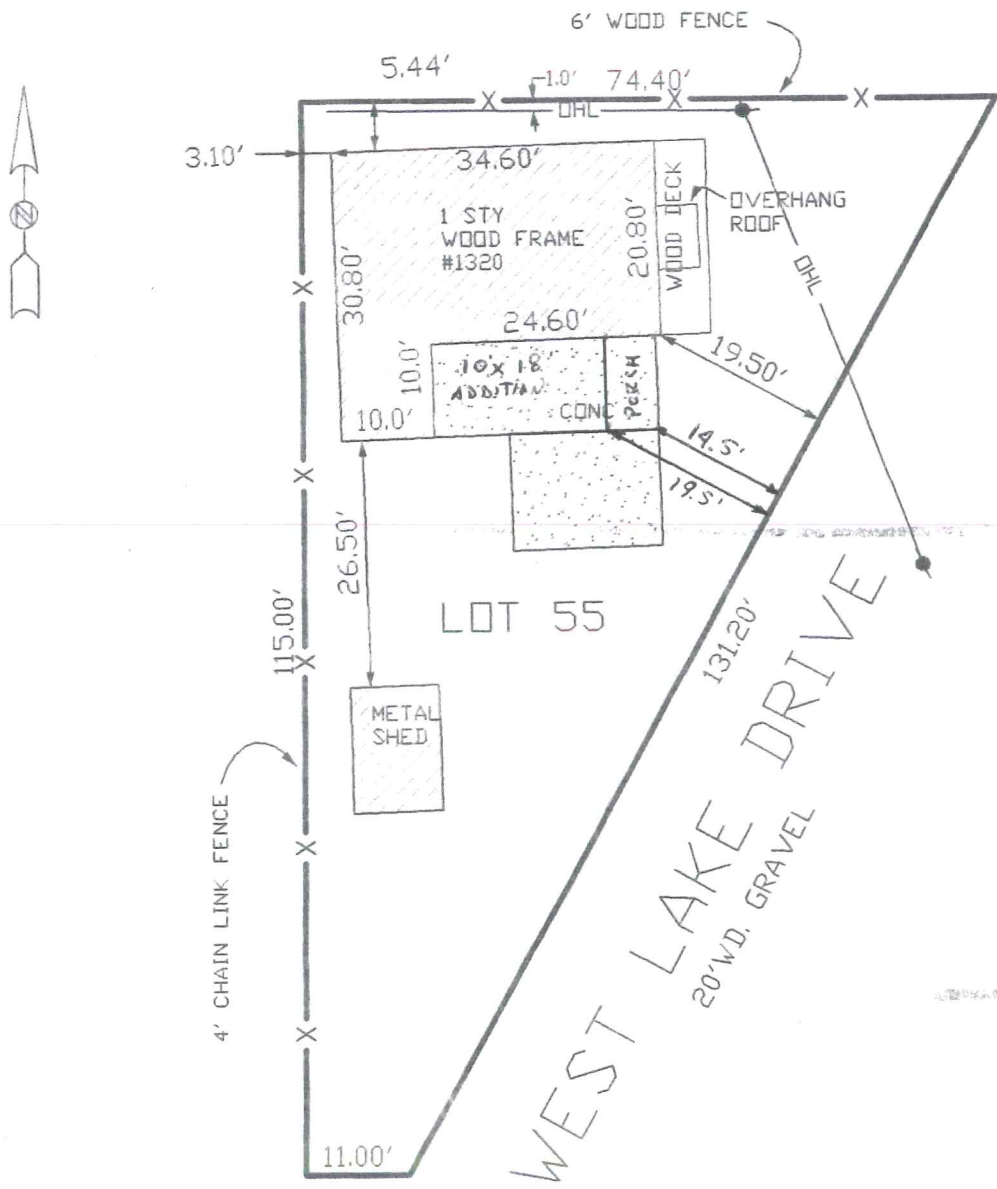
MORTGAGE REPORT FOR

MORTGAGOR: RICHARD S. CURTIS

DESCRIPTION OF PROPERTY

LEGAL:

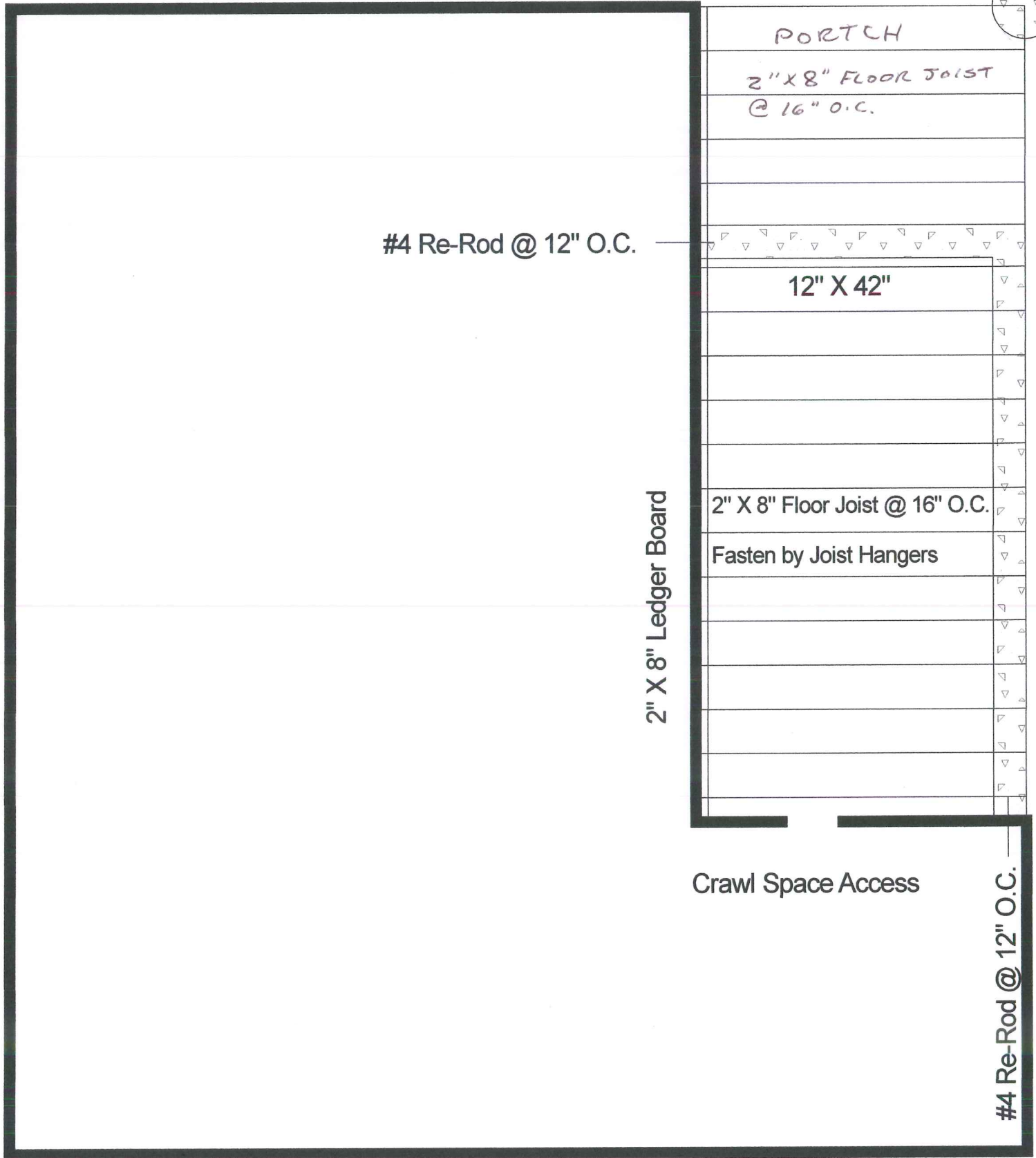
LOT 55 OF "LAKE WALL SUB-DIVISION" PART OF THE NW 1/4 SECTION 3, TOWNSHIP OF NOVI, OAKLAND COUNTY, MICHIGAN, T.1N-R.8E, AS RECORDED IN LIBER 20 OF PLATS, PAGE 15 OF OAKLAND COUNTY RECORDS.



WE CERTIFY TO: NATIONAL CITY BANK, 2850 ORCHARD LK. RD. FARMINGTON HILLS, MI

and/or All Title Companies that there is located on the property described the buildings as shown and that there are no encroachments on said property except as noted. This report is for mortgage purposes only, no stakes were set, and is not to be used for the erection of fences or any type of construction.

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



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

PORTCH

2" X 8" FLOOR JOIST
@ 16" O.C.

12" X 42"

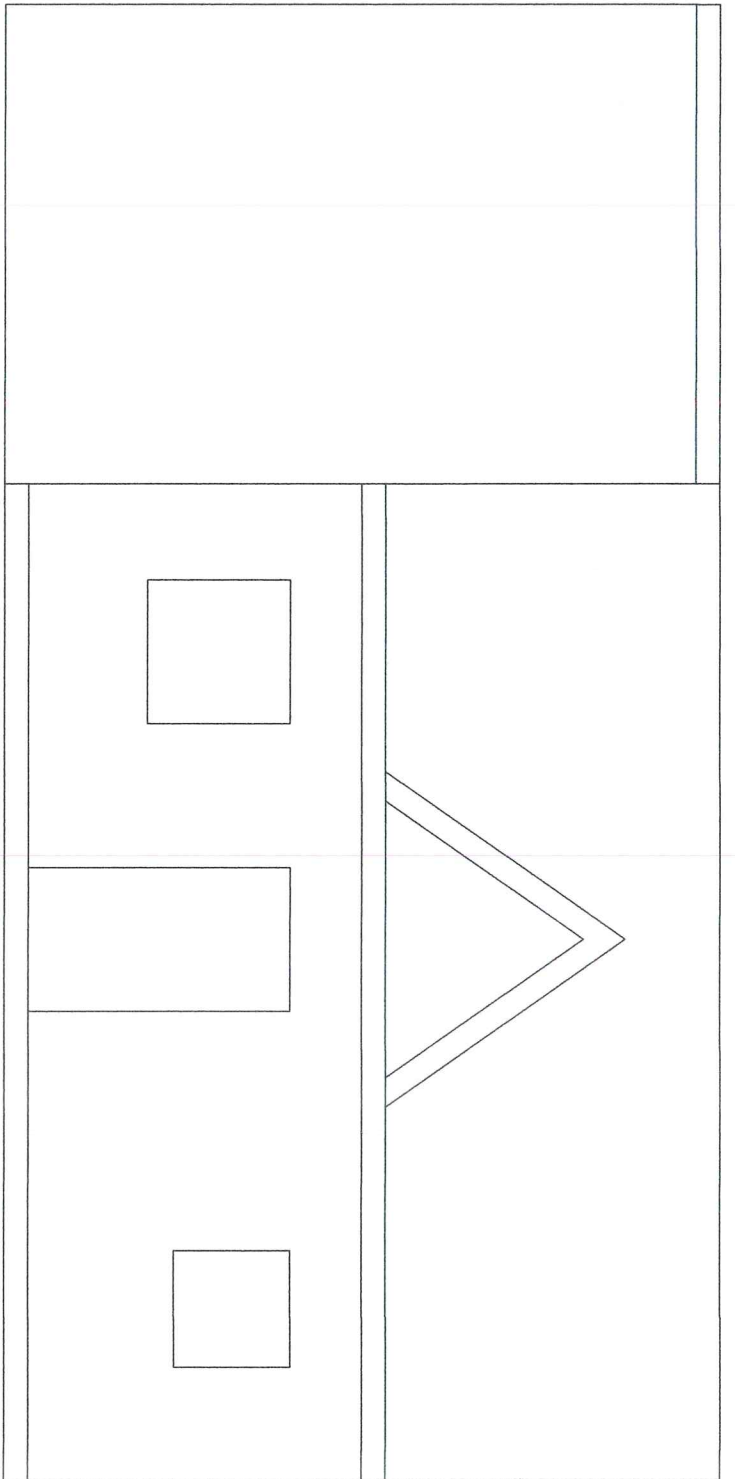
2" X 8" Ledger Board

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

Fasten by Joist Hangers

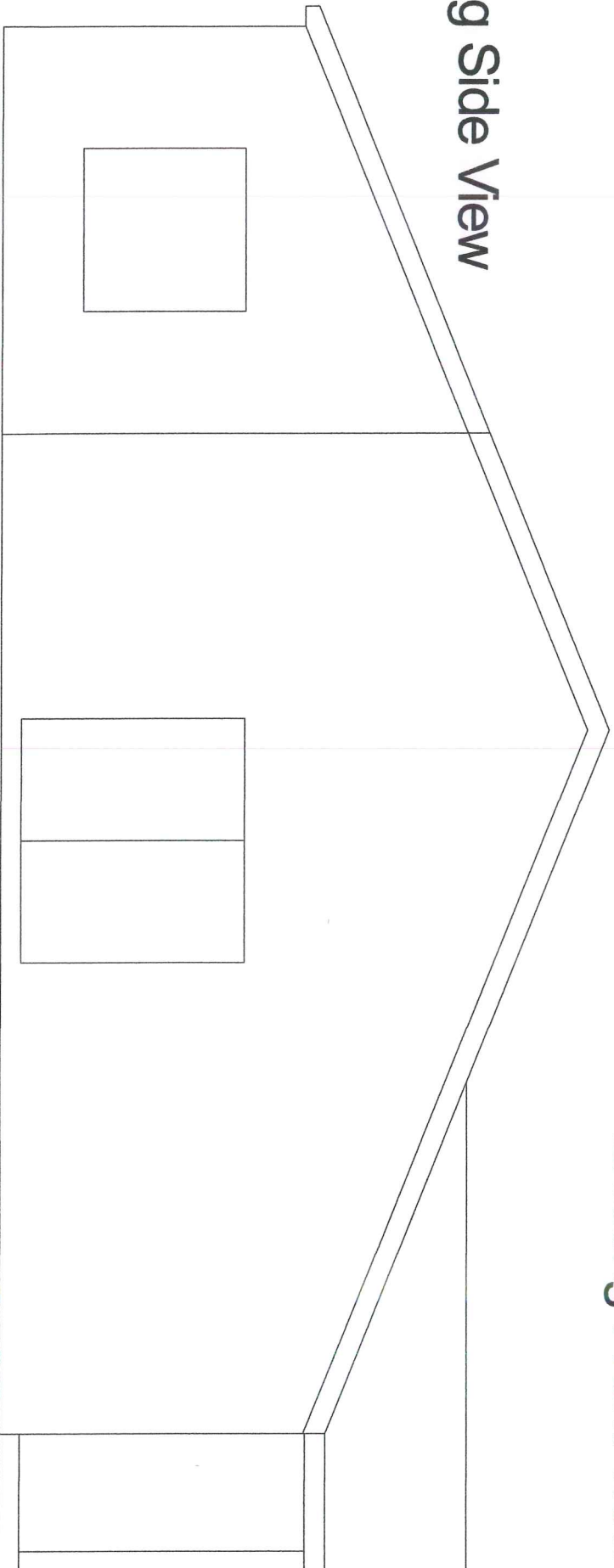
Crawl Space Access

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



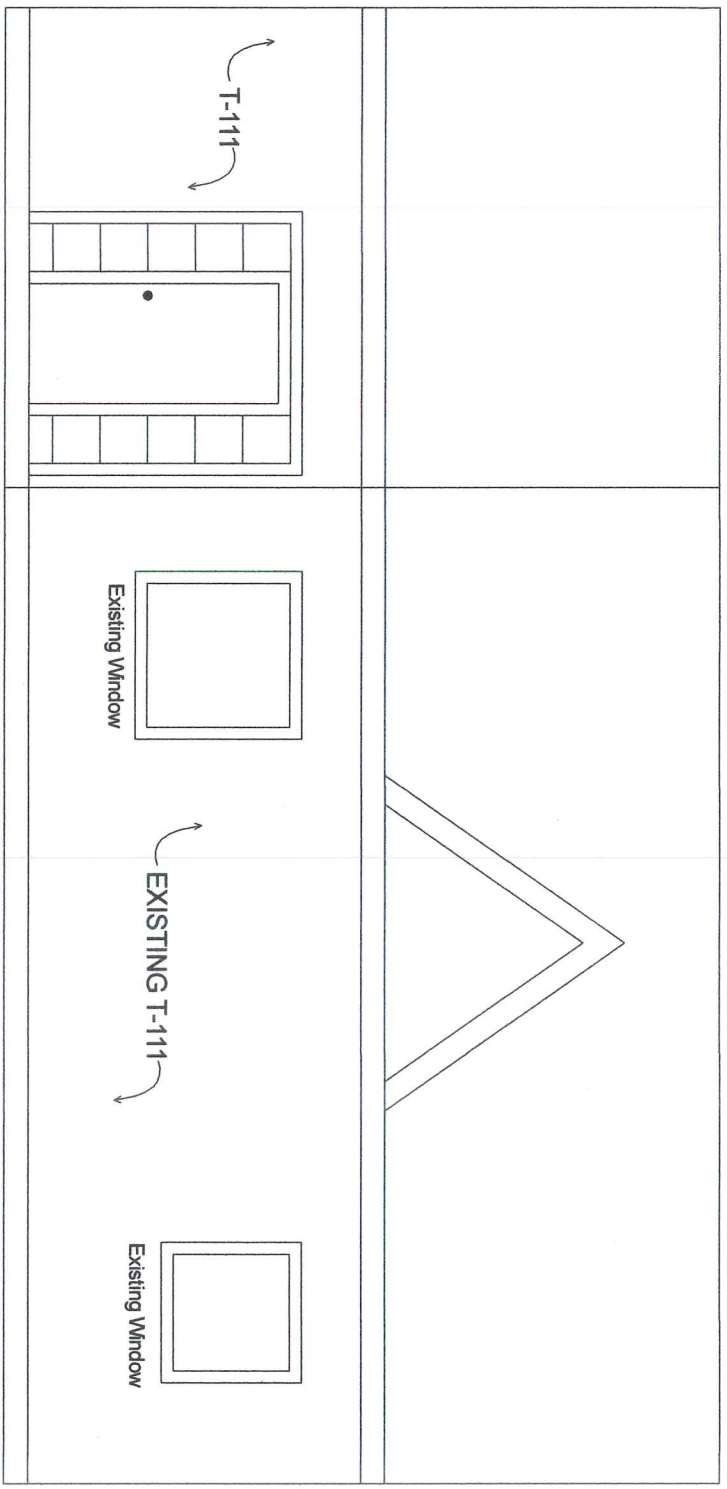
Existing Front View

Existing Side View



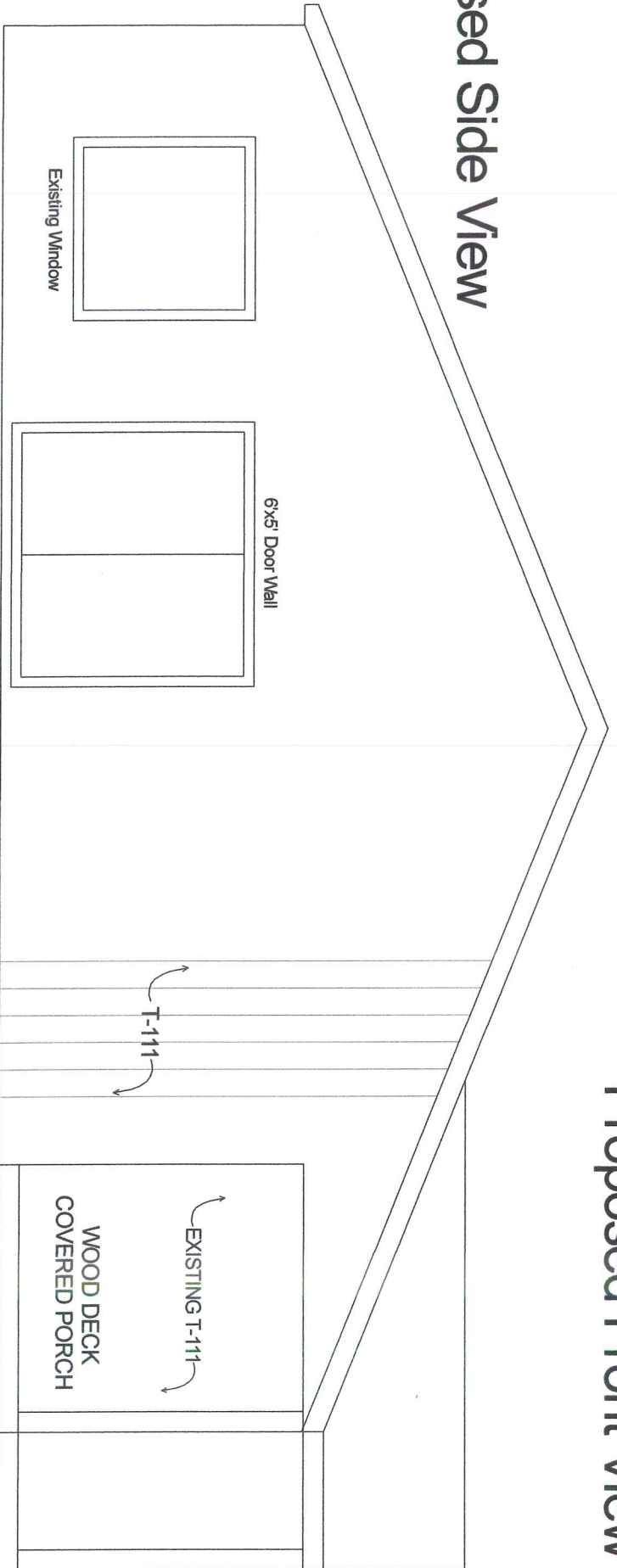
Curtis Residence
1320 W. Lake Dr Novi, Mi
SCALE 1/4" = 1'

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



Proposed Front View

Proposed Side View



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

10' 0.00"



PORCH

Foyer

Bedroom

18'

PATIO DOOR

