

cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department

Case No. PZ13-0004 41197 Park Forest Ct.

Location: north of 9 Mile, east of Meadowbrook

Zoning District: R4, One Family Residential District

The applicant is requesting a variance of 30 feet from the requirements of the CITY OF NOVI, CODE OF ORDINANCES, Section 2515.1.a(2) to allow a fence within an exterior side yard setback on a corner lot. The fence is adjacent to the property line. The property is located north of Nine Mile Road and east of Meadowbrook Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2515.1.a(2) stipulates that fences shall not extend toward the front of a lot nearer than the minimum front yard setback distance and Section 2400(c) that exterior side yard abutting a street shall be provided with a setback equal to the front yard setback in the R4 district. In this case a setback of 30 feet would be required.

City of Novi Staff Comments:

The applicant purchased a home on a corner lot and installed fencing to enclose the rear yard. As the lot faces 2 streets the front yard setback applies to the yard facing the street on which the property is addressed (in this case the north). The west property line also adjoins a street creating an exterior side yard on this side. The Zoning Ordinance specifies that exterior side yards are to be treated as front yards with respect to required dimensions and allowable uses including installation of fences. While the Michigan Building Code exempts fences 6 feet in height or less from the building permit and inspection requirement, such installation still must comply with the Zoning Ordinance. The existing exterior side yard setback appears to be equal to or just exceed the required 30 feet. The request is to place the fence adjacent to the property line.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty
because_____.
- The need is not self-created
because_____.
- 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
because_____.
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district
because_____.

- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because_____.



ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

For Official Use Only

ZBA Case No: P2130004 ZBA Date: 2/12/13 Payment Received: \$ 250 (Cash)
 Check # 1008 Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name Christopher and Amy Darnell Date 11/29/12

Company (if applicable) _____

Address* 41197 Park Forest Ct City Novi ST MI ZIP 48375
*Where all case correspondence is to be mailed.

Applicant's E-mail Address: amycardyn1@hotmail.com

Phone Number (248) 939-2814 FAX Number () _____

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 41197 Park Forest Ct. ZIP 48375

2. Sidwell Number: 5022 - 25-354-001 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes No

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 JSC OST _____ OTHER _____

5. Property Owner Name (if other than applicant) _____

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 701 Variance requested _____
- 2. Section 2400 Variance requested _____
- 3. Section _____ Variance requested _____
- 4. Section _____ Variance requested _____

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

Please see attached.

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

Please see attached.

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a **Mock-Up Sign ten (10) days** before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.

There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

- Construct New Home/Building
 Addition to Existing Home/Building
 Accessory Building
 Use
 Signage
 Other

Christy A. Zoh
Applicants Signature

12/27/12
Date

Amey C. Darnell
Property Owners Signature

12/17/12
Date

DECISION ON APPEAL

_____ Granted _____ Denied Postponed by Request of Applicant _____ Board _____

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date

Christopher A. & Amy C. Darnell
41197 Park Forest Court
Novi MI 48375
248.939.2814

December 18, 2012

City of Novi – Ordinance Enforcement Division
ATTN: MAUREEN UNDERHILL
45175 W. Ten Mile Road
Novi MI 48375

RE: Notice of Violation 11-6-2012
Subject Property: 41197 Park Forest Ct
Sidwell No: 50-22-25-354-001
Ordinance Activity No: EORD 12-2042

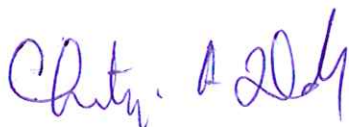
Dear Ms. Underhill:

Per your request, enclosed are the following:

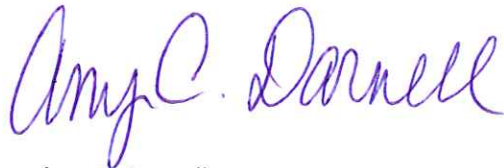
1. Zoning Board Application with processing fee
 - a. Check # 1008 in the amount of \$250.00
 - b. (2) documents showing the property, property lines and fence location
2. Original letter, addressed to City of Novi, dated November 7, 2012, in response to violation
3. (13) additional copies of the enclosed information

Thank you for your time and consideration in this matter. We look forward to hearing from you. If you have any questions or concerns, please feel free to contact us.

Sincerely,



Christopher A. Darnell



Amy C. Darnell



cityofnovi.org

November 19, 2012

Christopher and Amy Darnell
41197 Park Forest Ct.
Novi MI 48375

Re: Fence installation at 41197 Park Ridge - Zoning 2515 and 2400

Dear Mr. and Mrs. Darnell:

Thank you for your response to the notice issued on November 6th regarding a fence installed in the front yard setback of your residential lot.

Enclosed is a Zoning Board application that can be completed and submitted to the Community Development Department along with the processing fee and 13 copies of the plan which depicts the fence as desired. The application will be reviewed by the Building Official and then forwarded to the Zoning Board Clerk for scheduling.

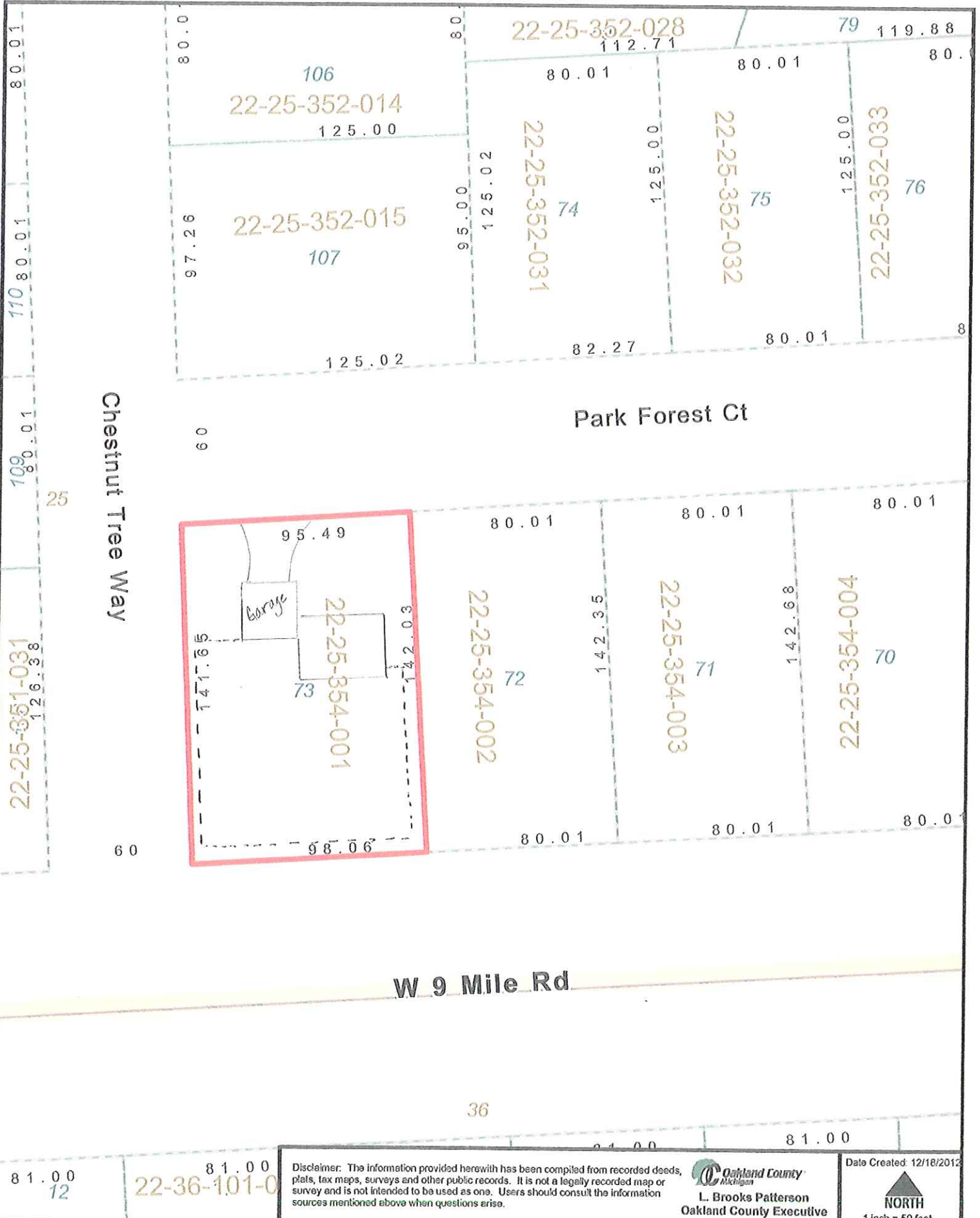
A notice will then be sent to you regarding the hearing date which may not be until February depending on when you submit the application. You will be required to appear before the Zoning Board to present your case.

Please feel free to call me if you have any questions or call the Zoning Board Clerk, Angie Pawlowski at 248-347-0415 if you have any questions regarding your submittal.

Thank you very much for your attention to this matter. Please either remove the fence or submit your application to the Zoning Board by December 30th.

Maureen Underhill
Ordinance Enforcement Officer
City of Novi
248-735-5602

44197 PARK FOREST CT

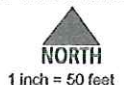


Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.



L. Brooks Patterson
Oakland County Executive

Date Created: 12/18/2012



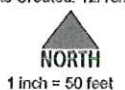
41197 PARK FOREST CT



Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Oakland County
 Michigan
L. Brooks Patterson
 Oakland County Executive

Date Created: 12/18/2012





Notice of Violation

Today's Date: 11/06/2012

Expiration Date: 11/16/2012

DARNELL, CHRISTOPHER A & AMY C
41197 PARKFOREST
NOVI MI 48375

Subject Property: 41197 PARK FOREST CT

Sidwell No.: 50-22-25-354-001

Ordinance Activity No.: EORD 12-2042

You are in violation of code Section 401; 2400

Fence installed is not in compliance with Novi Zoning Code. Fence is not permitted in the front yard of a residential lot. Corner lot has two front yards. Remove newly installed 6 foot fence or apply to the Novi Zoning Board for a variance by expiration date.

Thank You

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.

Maureen Underhill

Maureen Underhill
Ordinance Enforcement Officer
(248) 735 5602
City of Novi

Christopher A. & Amy C. Darnell

41197 Park Forest Court

Novi MI 48375

248.939.2814

November 7, 2012

City of Novi – Ordinance Enforcement Division

ATTN: MAUREEN UNDERHILL

45175 W. Ten Mile Road

Novi MI 48375

RE: Notice of Violation 11-6-2012
Subject Property: 41197 Park Forest Ct
Sidwell No: 50-22-25-354-001
Ordinance Activity No: EORD 12-2042

Dear Ms. Underhill:

We are writing in response to the abovementioned.

The fence was constructed in August 2012 by NOVI FENCE, LLC, 29330 WALL STREET, WIXOM MI 48393 (248.344.9595).

Before we closed on the home, in June of 2012, I visited the City of Novi and was told we would not need a permit to build the fence, as long as our Homeowners Association permitted fences. Village Oaks does permit fences. At this time, we drove around Village Oaks, to determine the other type of fencing used. We based our fencing design on the existing fences, in Village Oaks (addresses and pictures listed below).

The purpose of this fence is for the safety of our children, as our home is located on 9 Mile Road. Vehicles travel this road at speeds of 35 to 40 miles-per-hour. Also, with the reports of Coyotes in our neighborhood and surrounding areas, the fence provides additional security when our family is outside. We have also experienced issues with citizens using the sidewalk. On several occasions, they would stop and either stare at our children or try to engage them in conversation. Although Novi is a safe-community, behavior such as this, is unacceptable when minor children are on private property.

22812 BROOKFOREST, NOVI MI 48375



22514 WINFIELD, NOVI MI 48375



22511 SHERIDAN, NOVI MI 48375



23166 HEATHERWOODE, NOVI MI 48375



23690 LONDONDERRY, NOVI MI 48375



22797 SHADOW PINE, NOVI MI 48375



22741 CHESTNUT TREE, NOVI MI 48375



At this time, we are requesting a variance from the Novi Zoning Board.

Thank you for your time and consideration.

Sincerely,

Christopher A. Darnell

Amy C. Darnell