



# 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: June 8, 2021

REGARDING: 51285 Nine Mile Road, Parcel # 50-22-31-100-001 (PZ21-0027)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### Applicant

Francisco Briceno

#### Variance Type

Dimensional Variance

#### Property Characteristics

Zoning District:	Residential Acreage
Location:	East of Napier Road and South of Nine Mile Road
Parcel #:	50-22-31-100-001

#### Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.11 to install a four-foot front yard fence and driveway gate. By code a fence shall not extend toward the front of the lot nearer than the minimum front yard setback. This property is zoned Residential Acreage (RA).

### 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. **PZ21-0027**, 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 if 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. **PZ21-0027**, 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 Petitioners 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



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# ZONING BOARD OF APPEALS APPLICATION

**RECEIVED**

**MAY 03 2021**

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION 51285 9 Mile Rd - Front Yard Fence			
ADDRESS 51285 9 Mile Rd Northville, MI 48167		LOT/SIUTE/SPACE #	
SIDWELL # 50-22-31 - 100 - 001		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Napier Rd			
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 fcojavbriceo@gmail.com	CELL PHONE NO. 248-303-648
NAME Francisco Briceno		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 51285 9 Mile Rd	CITY Northville	STATE MI	ZIP CODE 48167
<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 checked="" 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>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>5.11</u>	Variance requested	<u>Installation of front yard 4' fence with a driveway gate</u>	
2. Section <u>5.11</u>	Variance requested	<u>Installation of side yard 4' fence up to the front fence</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>			
<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

Francisco Briseno  
Applicant Signature

05/03/2021  
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



**Community Development Department**

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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:

Lot is small and property becomes a narrow rectangle after sidewalk. Sidewalk very close to front door.

*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).

The property is the only house on the south sidewalk of 9 Mile Rd in this block. Driveway is constantly used as a turn-around by multiple drivers, typically more than once a day. Friday 4/30/21 a driver pulled in all the way to the end of driveway, parked and walked towards back door, he was caught on camera, covered his face and left. Police report was posted. Pedestrians constantly walk over grass and towards front door. These are security issues.

## **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.

Unable to allow children to freely play in backyard out of fear of constant trespassers.

## **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.

Gate in driveway is needed to stop vehicle trespassers. Front fence is needed to stop constant pedestrian trespassers.

## **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.

Neighboring houses face the inside of subdivision, would be out of their way and mostly out of their sight.



photo courtesy of - Paramount Fence - www.paramountfenceco.com

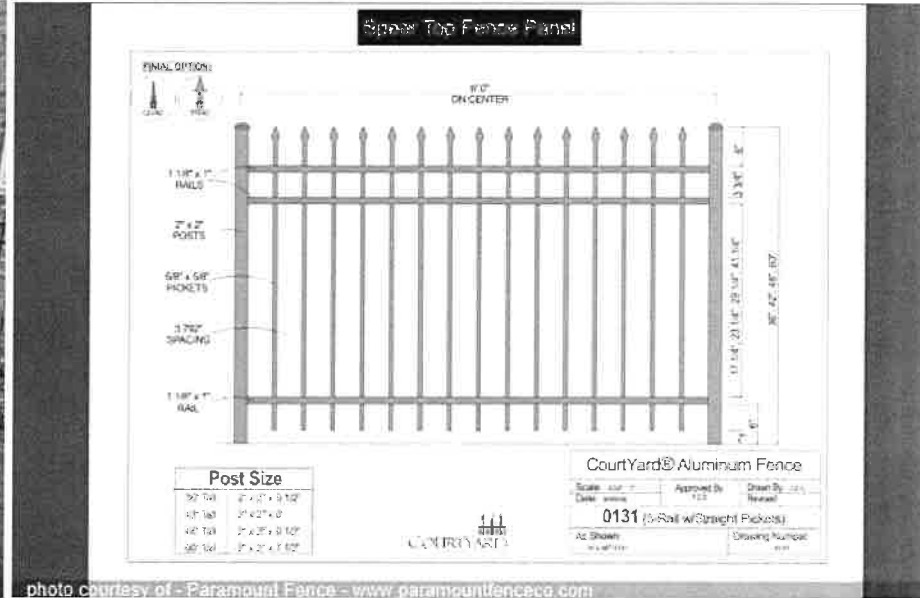


photo courtesy of - Paramount Fence - www.paramountfenceco.com



photo courtesy of - Paramount Fence - www.paramountfenceco.com



photo courtesy of - Paramount Fence - www.paramountfenceco.com

# PLOT PLAN

ZONING: RA ONE FAMILY RESIDENTIAL  
LEGAL DESCRIPTION:

PARCEL IDENTIFICATION NUMBER: 22-31-100-001  
LAND IS SITUATED IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS THE EAST 115.5 FEET OF THE WEST 379.5 FEET OF THE NORTH 115.5 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST QUARTER CORNER OF SECTION 31, T.1N, R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.  
TOGETHER WITH ALL AND SINGULAR TENEMENTS, HEREDITAMENTS AND APPURTENANCES THEREUNTO BELONGING OR IN ANYWAY APPERTAINING THERETO  
SUBJECT TO ALL EASEMENTS, RESERVATIONS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.  
COMMONLY KNOWN AS: 51285 NINE MILE ROAD.

### BENCH MARK-U.S.G.S. DATUM

THE BENCHMARK DESCRIPTIONS, ELEVATIONS, AND LABELS CONTAINED ON THIS LIST IS SUBJECT TO CHANGE, WITHOUT PRIOR NOTICE AT ANY TIME DUE TO ONGOING CONSTRUCTION AND MAINTENANCE PROJECTS THROUGHOUT THE CITY OF NOVI. IT IS STRONGLY ADVISED TO FIELD MEASURE THE ELEVATION DIFFERENCE BETWEEN A MINIMUM OF TWO BENCHMARKS TO VERIFY A BENCHMARK ELEVATION BEFORE USE ON THIS PROJECT.

BM (3114)-SITE BM#1  
"X" ON NORTH RIM OF SANITARY MANHOLE  
LOCATED WITHIN INTERSECTION OF  
9 MILE RD & TORINO DR.  
ELEV.=978.24  
BM (3031)-SITE BM#2  
BENCH TIE IN WEST FACE OF POWER POLE  
LOCATED IN SOUTHWEST QUAD OF  
INTERSECTION OF 9 MILE RD & HAPNER RD.  
ELEV.=891.88

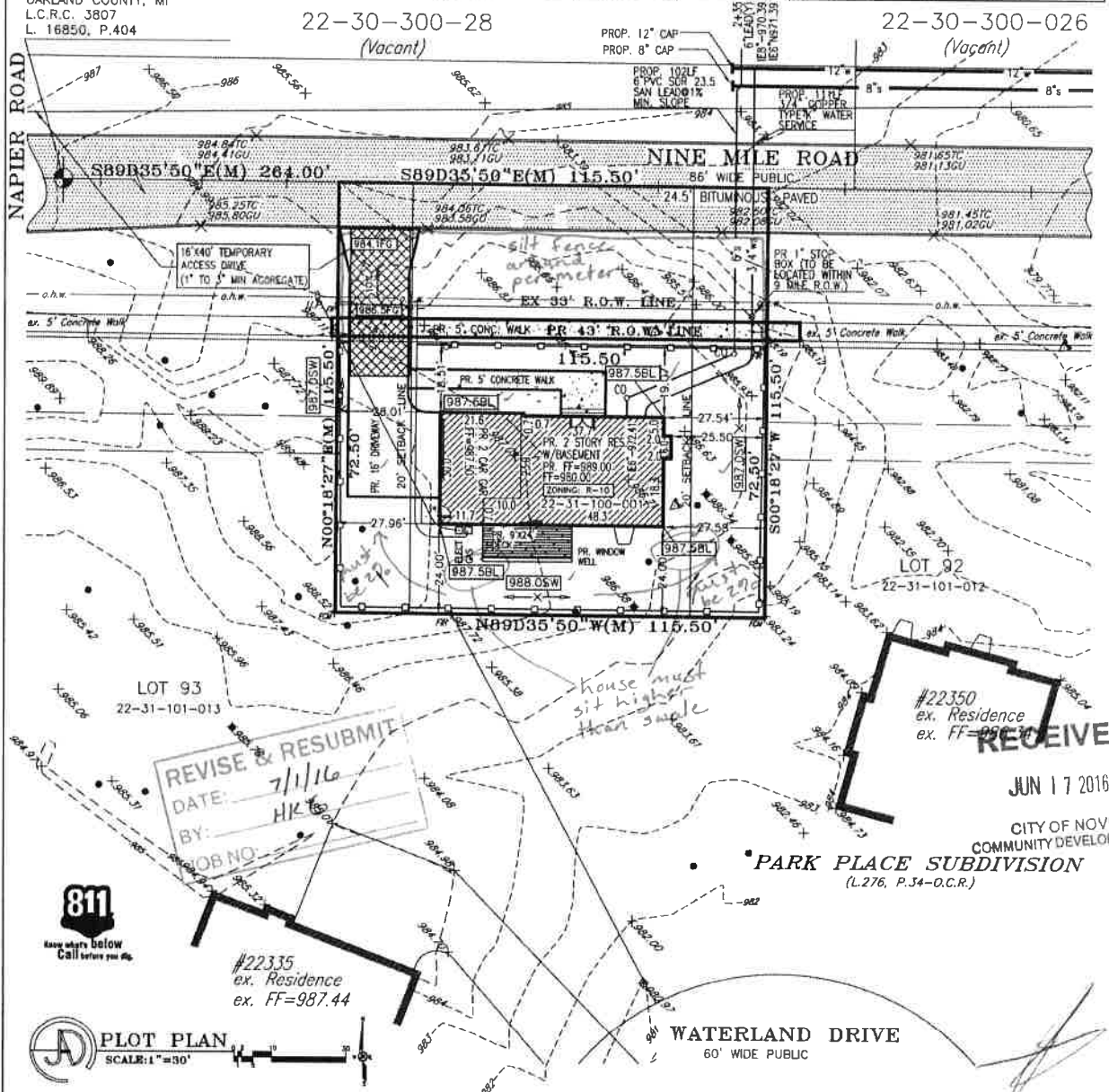
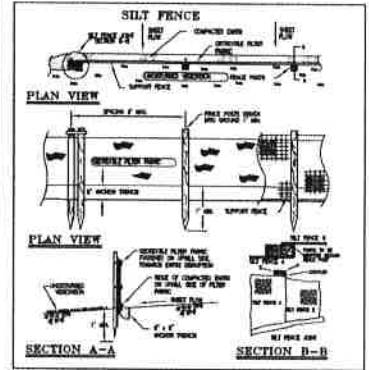
NORTHWEST CORNER  
OF SECTION 31, T1N, R8E  
CITY OF NOVI  
OAKLAND COUNTY, MI  
L.C.R.C. 3807  
L. 16850, P.404

*Must be  
within 100'  
of site and  
based on  
NAVD88*

LEGEND	
DESCRIPTION	EXISTING / PROPOSED
STORM/SEWER	12" 12" / 12" 12"
SANITARY/COMBINED/SEWER	12" 12" / 12" 12"
WATER LINE	12" 12" / 12" 12"
UTILITY POLE/POWER LINE	12" 12" / 12" 12"
UTILITY POLE W/GUY WIRE	12" 12" / 12" 12"
GAS LINE	12" 12" / 12" 12"
CONCRETE PAVEMENT	12" 12" / 12" 12"
SILT FENCE	12" 12" / 12" 12"
FENCE	12" 12" / 12" 12"
LOT IDENTIFICATION NO.	LOT 178
PARCEL IDENTIFICATION NO.	11-30-277-018 / 11-30-277-018
FINISHED FLOOR ELEVATION	FF=987.7 / PROP. FF=987.7
BASEMENT FLOOR ELEV.	BF=987.7 / PROP. BF=987.7
SPOT ELEVATION	SPOT ELEV.
CONTOUR LINE	CONTOUR LINE
FINISHED GRADE ELEV.	887.70 / 887.70
TOP OF WALK ELEV.	887.70 / 887.70
GUTTER ELEVATION	887.50 / 887.50
TOP OF CURB ELEVATION	887.70 / 887.70
BRICK LEDGE ELEVATION	887.20 / 887.20
SURFACE DRAINAGE FLOW	SURFACE DRAINAGE FLOW
LIGHT POLE	LIGHT POLE
TREE	TREE
HEDGE	HEDGE
IRON FOUND	IRON FOUND
MONUMENT FOUND	MONUMENT FOUND
RECORDED	REC.
MEASURED	MEAS.



LOCATION MAP 1"=220'



REVISE & RESUBMIT  
DATE: 7/1/16  
BY: HK  
JOB NO:

RECEIVED  
JUN 17 2016  
CITY OF NOVI  
COMMUNITY DEVELOPMENT



**PLOT PLAN**  
SCALE: 1"=30'

J.A.D. Services 5119 Highland Road-#201 Waterford, MI 48327 Tel: (248) 739-9955	CLIENT: MR. PEJTER STANAJ 1771 LONG LAKE SHORE DRIVE BLOOMFIELD, MICHIGAN 48302 TELEPHONE: 248-640-6777	PROJECT NO.: 1602 PROPOSED NEW HOUSE 51285 NINE MILE ROAD. PART OF SEC. 14, AND PART OF THE NE 1/4 OF THE SE 1/4, SEC. 15, T.29N., R.10E. CITY OF NOVI, OAKLAND COUNTY, MICHIGAN	DRAWN: JAD 10-15-2015 REVISED: JAD 06-08-2016 APPROVED: JAD 06-08-2016 SCALE: 1" = 30'
	PBR16-0303		