



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:** July 11, 2023 (postponed)

REGARDING: 24451 Christina Lane, Parcel # 50-22-22-378-008 (PZ23-0021) August 8, 2023

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Brian Wilson

Variance Type

Use Variance

Property Characteristics

Zoning District: This property is zoned Single Family Residential (R-4)

Location: East of Taft Road, North of Ten Mile

Parcel #: 50-22-22-378-008

Request

The applicant is requesting a use variance from the City of Novi Zoning Ordinance Section 5.1.9 to allow parking of a commercial vehicle in a residentially zoned property. This property is zoned One Family Residential (R-4).

II. STAFF COMMENTS:

The request is for a Use Variance that requires undue hardship meeting a significantly higher threshold than the more common Dimensional Variance. A Use Variance also requires a two thirds (2/3) majority vote of the membership of the ZBA for approval. Staff does not support the request as the single-family home can be reasonably used for its intended purpose as a residence without the variance. (Postponed to allow the petitioner to be able to weigh the vehicle and bring results to the next meeting.)

III. RECOMMENDATION:

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

I move that we **grant** the use variance in Case No. PZ__-___, sought by _____, for _____ to allow Petitioner to use the property for _____ because the Petitioner has established an unnecessary hardship:

- (a) Petitioner can not reasonably use the property as permitted in the

_____ zoning district because (either):

1. The unique circumstances of the property consisting of _____
_____ prevents _____, or,
2. The physical condition of the property consisting of _____
prevents _____,

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

(b) Using the property for _____ in the _____ zoning district will not alter the essential character of the area because _____.

(c) Petitioner and his predecessors did not create the need for this variance because _____.

(d) **The variance is granted subject to:**

1. _____
2. _____
3. _____
4. _____

I move that we **deny** the use variance in Case No. PZ__-____, sought by _____, for _____ because the Petitioner has **not** established an unnecessary hardship:

(a) Petitioner has not established that a hardship regarding the current zoning designation of the property, as the property can be reasonably used as zoned because _____.

(b) Petitioner has not established unique circumstances or unique physical conditions regarding the property because _____.

(c) The variance requested is based on the Petitioner's personal or economic hardship because Petitioner stated _____.

(d) The proposed use will alter the essential character of area by _____.

(e) The Petitioner has created the need for the variance by _____.

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

Alan Hall - Deputy Director Community Development - City of Novi



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ZONING BOARD OF APPEALS APPLICATION

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JUN 01 2023

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)		Application Fee: <u>250.00</u>	
PROJECT NAME / SUBDIVISION <u>Cedar Springs Estates</u>		Meeting Date: <u>July 11 2023</u>	
ADDRESS <u>24451 Christina Lane</u>	LOT/SUITE/SPACE #	ZBA Case #: <u>PZ 23-0021</u>	
SIDWELL # <u>50-22-22-378-008</u>	May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY <u>10 mile and Christinalane</u>			
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS <u>bjwilson122@yahoo.com</u>	CELL PHONE NO. <u>248-513-5810</u>
NAME <u>Brian Wilson</u>		TELEPHONE NO.	
ORGANIZATION/COMPANY <u>Spectrum</u>		FAX NO.	
ADDRESS <u>24451 Christina Lane</u>	CITY <u>Novi</u>	STATE <u>MI</u>	ZIP CODE <u>48375</u>
B. PROPERTY OWNER <input 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. <u>248-212-6095</u>
NAME <u>Spectrum Matt Takahashi</u>		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS <u>2728 Bay Dr.</u>	CITY <u>West Bloomfield</u>	STATE <u>MI</u>	ZIP CODE <u>48302</u>
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 <u>5.1</u> Variance requested <u>Use</u>			
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 checked="" 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			
• 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	



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**REVIEW STANDARDS
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USE VARIANCE**

For Use Variances: A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards.

Standard #1. Cannot Be Reasonably Used.

Explain how the land, building or structure cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

Standard #2. Circumstances or Physical Conditions.

Explain how the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.

Standard #3. Character of the Neighborhood.

Explain how the proposed use will not alter the essential character of the neighborhood.

Standard #4. Not Self-Created.

Explain how 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 #1. Cannot Be Reasonably Used.

The truck is parked in our driveway, which is a two-car width driveway and it does not interfere with our ability to park our personal vehicle there also, instead of in the street. Also, given that is an F-350 Class 2, it falls under the 8,000 lb. weight limit that is set for our concrete driveway.

Standard #2. Circumstances or Physical Conditions

My employer, Spectrum, runs a home-garage program that allows me to park their company vehicle that I use while I am working at my home rather than at their Livonia office. The purpose of this is that I am frequently on call and have a required response time when on call. 40% of my income comes from being on call and not parking my vehicle at my place of residency means I would lose my eligibility to be on call, which is a requirement of the position.

Standard #3. Character of the Neighborhood

Due to the socio-economic makeup of the residents of Cedarsprings Estates and the other commercial vehicles seen parked in the neighborhood by its' residents, this truck does not alter or blemish the character of the neighborhood.

Standard #4. Not Self-Created.

Our landlord, who is the property owner, Matt Takahashi, is very supportive of our choice to appeal this violation. This violation was issued by the City of Novi.



Spectrum
SPECTRUM.COM
800-45-SPECTRUM

Atec



7-7-23

Case# PZ23-0021
Novi Zoning Appeal
24451 Christina Lane

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JUL 07 2023

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“Objection”

-No Variance should be granted for the Renter(s) of this Property.

Sarah Fletcher with the City of Novi states in her email that this variance will Quote “ The variance will stay with the Property for the life of the Property”

-Since this is a Rental Property and the Commercial Vehicle already is not in accordance with City of Novi Zoning Ordinance 5.1.9 this should absolutely not be granted for ever and for every Rental Tenant that lives there in the future.

-This Vehicle already has been parked there for over a year or more.

-I have lived across the street in my house for 15 years and no other large Commercial Vehicle with a Man Lift and Large Tool Side Boxes on it and large ‘Spectrum’ lettering is Parked in Cedar Springs.

-If this is allowed other people will reference this case and asked to be allowed to park Campers, Boats and other large Commercial Vehicles in their driveways.

#1 The Renter admits in his Response that it is a F350 and that it is a class 2 Commercial Vehicle. Absolutely it is In Violation of the City Ordinance. The weight limit is not part of the Commercial Truck Violation.

#2 This question states in part "...and is "not due" to the applicant's personal or economic hardship"

The renter answers the question in that "it is" in due part to part of an economic issue. This issue is unfortunate and irrelevant to the City Ordinance as to where the Renter is employed.

(For the Record this is not a personnel issue with the Renter but it is an objection to changing the City Ordinance already in place and again having this be a permanent Variance forever at this property)

#3 I disagree with the Renters answer. I am not aware of any other Large Commercial Vehicle parked in Cedar Springs.

The truck "does alter" the the character of the(my) neighborhood and again they are renting and not even the

Homeowner as I have been for 15 years and will continue to live in my home for many years to come.

#4 The fact that the Landlord that does not reside there or lives in Cedar Springs opinion is irrelevant to the subject.

This Issue per the City of Novi is a Violation and this Variance should "NOT BE AWARDED FOR THE LIFE OF THE PROPERTY"

Don Taylor
24470 Christina Lane
Novi, MI 48375

Fletcher, Sarah

From: Bob Crump <crump1963@sbcglobal.net>
Sent: Monday, June 26, 2023 6:41 PM
To: Fletcher, Sarah
Subject: Zoning Variance, Brian Wilson, Parcel 50-22-22378008

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JUN 27 2023

**CITY OF NOVI
COMMUNITY DEVELOPMENT**

Dear S. Fletcher

I live a few doors down from Brian and have rarely spoken to him. I'm assuming someone has complained about his work truck being parked in his driveway. There are many work vehicles in people's driveways in this neighborhood, his is just the most obvious one.

It seems to me that this variance should be granted if for no other reason than that of environmental protection. If his company does not have an issue with him taking the truck home, why should we? As our planet warms because of all the fossil fuels we are burning, and the traffic in our City, right now, is a total mess; does it make sense for him to drive one vehicle to his workplace and then drive the truck (potentially right past where he just came from) to complete his work? Then drive the truck back to the shop and drive his car back home? That makes no sense if he has the option given him by his company.

P.S. I don't get the reference to MCL 125.3103 in the notice: His house isn't a single structure containing more than 4 dwelling units.

Regards,

Bob Crump
24555 Christina Ln.
248.305.7177

Wag more, bark less.

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

Please note my comments to:

24451 Christina Lane, Parcel # 50-22-22-378-008 (PZ23-0021)

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

Comments:

The truck parked at the house is a large work truck with a cherry picker bucket on the back (not visible in the picture submitted in the application) there used to be a van (Spectrum) parked there. That is fine. The heavy equipment is not acceptable. Ordinances are written as they are for a reason. We should not make an exception

(PLEASE PRINT CLEARLY)

Name: Kim + Mark Wagner

Address: 24529 Christina Ln

Date: 7/9/23

Anonymous comments will not be considered.

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.

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

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JUL 13 2023

CITY OF NOVI
COMMUNITY DEVELOPMENT

Please note my comments to:

24451 Christina Lane, Parcel # 50-22-22-378-008 (PZ23-0021)

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

Comments:

The truck does not cause any issues
for the neighborhood.

(PLEASE PRINT CLEARLY)

Name: Kristen Forsyth

Address: 24425 Christina Lane

Date: 7/10/23

Anonymous comments will not be considered.

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