



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: November 19, 2019

REGARDING: 44840 North Hills Drive, Parcel # 50-22-34-127-003 (PZ19-0032)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

North Hills Village Apartments

Variance Type

Dimensional Variance

Property Characteristics

| | |
|------------------|---|
| Zoning District: | Low-Density Multiple-Family |
| Location: | West of Novi Road and South Of Nine Mile Road |
| Parcel #: | 50-22-34-127-003 |

Request

The applicant is requesting variances from the City of Novi Zoning Ordinances Section 5.11.C for a fence with horizontal support boards facing neighboring properties. The code requires that where a fence has finished and an unfinished side, the finished or more decorative side shall face outward the adjoining property or street. This property is zoned Low-Density Multiple-Family (RM-1).

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. **PZ19-0032**, 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. **PZ19-0032**, 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

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

[Handwritten signature]

CITY OF NOVI
 COMMUNITY DEVELOPMENT

| | | | |
|--|--|--|--|
| I. PROPERTY INFORMATION (Address of subject ZBA Case) | | Application Fee: <u>\$400.00</u> | |
| PROJECT NAME / SUBDIVISION <u>Northhills Village Apts.</u> | | Meeting Date: <u>Nov. 19, 2019</u> | |
| ADDRESS <u>44840 Northhills Drive</u> | | ZBA Case #: <u>PZ 19-0032</u> | |
| SIDWELL # <u>50-22-</u> | May be obtain from Assessing Department (248) 347-0485 | | |
| GROSS ROADS OF PROPERTY <u>9-mile</u> | | | |
| IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input checked="" 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 type="checkbox"/> NO | | | |
| II. APPLICANT INFORMATION | | | |
| A. APPLICANT | | EMAIL ADDRESS <u>ATLASRN3@AOL.COM</u> | |
| NAME <u>Richard NOEL</u> | | CELL PHONE NO. <u>734-358-7600</u> | |
| ORGANIZATION/COMPANY | | TELEPHONE NO. <u>248-442-7600</u> | |
| ADDRESS <u>39935 GRAND RIVER</u> | | FAX NO. <u>248-442-7608</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 <u>ATLASRN3@AOL.COM</u> | |
| NAME <u>Richard NOEL</u> | | CELL PHONE NO. <u>734-358-7600</u> | |
| ORGANIZATION/COMPANY <u>Northhills Village APT.</u> | | TELEPHONE NO. | |
| ADDRESS <u>44840 Northhills Dr</u> | | FAX NO. | |
| CITY <u>Novi</u> | | STATE <u>MI</u> | |
| | | 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 checked="" 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>5.11.C</u> Variance requested <u>Added additional boards - HOME OWNERS Side</u> | | | |
| 2. Section _____ Variance requested _____ | | | |
| 3. Section _____ Variance requested _____ | | | |
| 4. Section _____ Variance requested _____ | | | |
| IV. FEES AND DRAWINGS | | | |
| A. FEES | | | |
| <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 checked="" 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 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 Neel
Applicant Signature

10-25-19
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:

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:

Due to homeowners landscaping and debris on their side of property damaging fence and/or knocking it down additional horizontal boards were added to reinforce and support fence.

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 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.

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.

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.

REVIEW STANDARDS / DIMENSIONAL VARIANCE

Standard #1

- a. Shape of Lot
Not applicable
- b. Environmental Conditions
Not applicable
- c. Abutting Property
Applicable

The removal and rebuilding of the boundary fence was necessitated by the adjacent home owners' use of their property. Trees, landscaping, wood and debris piled along the property line caused the fence boards to buckle, break and/or fall over onto the apartment property. These obstructions, not only damaged the fence, but also made it extremely difficult to access the fence to remove and rebuild the fence on the homeowner's side of the fence as the contractors were required to navigate some very tight and impassible areas. To prevent future damage to the fence from the homeowners' trees, landscape and debris, the applicant added additional horizontal boards to strengthen the fence. However, due to the obstructions described above which imposed significant practical difficulties to comply with the zoning ordinance, the applicant finished the adjacent side of the fence with spacing between the vertical boards, which more closely resembled the design of the original fence.

Standard #2 & #3

The re-design and rebuilding of the boundary fence with a dimensional variance was not caused by the applicant or prior owners of the property. Rather, the practical difficulty of strictly complying with the ordinance was caused by many of the adjacent homeowners and their failure in keeping the area next to the fence free from overgrown trees, landscaping and debris making it unnecessarily burdensome to access this area to rebuild the fence with additional vertical boards on the homeowners' side of the fence.

Standard #4

The way the fence was rebuilt with four (4) horizontal boards exceeds the standards of the prior fence. It is attractive from both sides and is at least the minimum construction to do substantial justice to the applicant and the homeowners as a more sturdy and well built fence has replaced the existing fence and the conditions to build and access the fence from the homeowners' side were limited and obstructed.

Standard #5

The fence as rebuilt will not cause an adverse impact on the surrounding property, property values or use and enjoyment of the property in the neighborhood. In fact, the "more finished side" of the fence does face outward toward the streets, and is visible from both 9 Mile Road and on Center Street. There is actually more of the "finished side" of the fence exposed and visible on these thoroughfares the way the fence is rebuilt rather than if the "more finished side" was on the adjacent homeowners' side. This is so because on the homeowners' side, the view of the fence from the street is blocked by homes, trees, landscaping and debris and is not as visible as it is on the apartment side of the fence.