



## 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

**MEETING DATE:** August 13, 2024

**REGARDING:** 22537 Montebello Court # 50-22-24-453-010 (PZ24-0037)

**BY:** Alan Hall, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### **Applicant**

Simon Bach

#### **Variance Type**

Dimensional Variance

#### **Property Characteristics**

Zoning District: This property is zoned One-Family Residential (R-1)

Location: north of Nine Mile Road, west of Novi Road

Parcel #: 50-22-24-453-010

#### **Request**

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 5.11.1.A.i to allow an 8 ft. privacy fence (6 ft. allowed, variance of 2 ft.); Section 5.11.1.C to omit the requirement that the fence be constructed of comparable materials on both front and back sides (wooden fence to be attached to existing steel posts); Section 5.11.3.C to omit to requirement of uniformity along property line (existing steel fence with a couple wood panels). This variance would accommodate some privacy at the rear of the property.

### II. STAFF COMMENTS:

*The applicant is seeking (3) different variances pertaining to a privacy fence for an existing home.*

*1) 8' high fence along 30-ft of the property line at the corner area (6' high fence on either side)*

*2) Attach wood fence to existing chain-link fence and mixing fence composite materials.*

*(nice wood panels facing home and structural attachments with chain-link facing neighbor)*

*3) Only have a wood fence for a portion of the total length and existing chain-link as the remaining*

***The intent of the ordinance is to provide for a consistent and uniform fence (height and materials).***

***Per 5.11.3.C..."The more decorative side shall face outward toward the adjoining property..."***

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. **PZ24-0037**, 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 is 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. **PZ24-0037**, 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.

Alan Hall – Deputy Director Community Development - City of Novi



45175 Ten Mile Road  
 Novi, MI 48375  
 (248) 347-0415 Phone  
 (248) 735-5600 Facsimile  
 www.cityofnovi.org

## ZONING BOARD OF APPEALS APPLICATION

RECEIVED

JUL 01 2024

CITY OF NOVI  
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>		Application Fee: <span style="font-size: 24px; color: blue;">\$220.00</span> Meeting Date: <span style="font-size: 24px; color: blue;">8-13-24</span> ZBA Case #: <span style="font-size: 24px; color: blue;">PZ 24-0037</span>
PROJECT NAME / SUBDIVISION Short Privacy Fence for Back Yard		
ADDRESS 22537 Montebello Ct	LOT/SIUTE/SPACE # 10	
SIDWELL # 50-22-27 -453 -010	May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY N of 9 Mile Rd. and W of Novi Rd.		
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 type="checkbox"/> YES <input type="checkbox"/> NO		
<b>II. APPLICANT INFORMATION</b>		
<b>A. APPLICANT</b>	EMAIL ADDRESS sjb19596@gmail.com	CELL PHONE NO. 248-946-7380
NAME Mr. Simon J. Bach	TELEPHONE NO. n/a	
ORGANIZATION/COMPANY n/a	FAX NO. n/a	
ADDRESS 22537 Montebello Ct.	CITY Novi	STATE MI
		ZIP CODE 48375
<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 type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" 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>5.11-1-A-i</u>	Variance requested	<u>Request that part of privacy fence be 8 ft high</u>
2. Section <u>5.11-1-C</u>	Variance requested	<u>Wood fence pickets be attached to existing steel posts</u>
3. Section <u>5.11-3-C</u>	Variance requested	<u>60ft wood privacy fence, Rest of fence existing chainlink</u>
4. Section _____	Variance requested	_____
<b>IV. FEES AND DRAWINGS</b>		
<b>A. FEES</b>		
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$220 <input type="checkbox"/> (With Violation) \$275 <input type="checkbox"/> Single Family Residential (New) \$275 <input type="checkbox"/> Multiple/Commercial/Industrial \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> Signs \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> House Moves \$330 <input type="checkbox"/> Special Meetings (At discretion of Board) \$660		
<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> <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

*S. J. Beck*

*7/1/24*

Applicant Signature

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**

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
www.cityofnovi.org

**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:

Significant practical difficulty: We would like to use the (relatively small) back yard of our new home for leisure, social and family activity. However, within neighboring lots, to our north and west, there are two old, poorly maintained sheds, together with large areas of weeds and debris. We need to add a privacy fence (60 ft total) to this area of our yard in order to obscure the unacceptable view of the sheds, weeds and debris. Part of the privacy fence needs to be 8 ft high in order to hide the large old sheds which are adjacent to our property. We propose to attach the privacy fence to the existing steel chain-link fence posts which are sturdy and with good foundations +

## **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 issue is not self-created. Rather, the problem is that the neighboring yards have long been used for keeping sheds, dumping debris and allowing weed growth. The sheds are both poorly maintained (as shown in photographs).

## **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.

Strict compliance may well require removal of the existing chain link fence (which is in good and solid condition) and replacing it with a new wooden privacy fence, with wooden posts, which would span the full length of the back and sides of our property. This would be an unnecessary and unreasonable expense because the existing chain link fence is in good condition, and we only need a privacy fence to cover the 60 ft 'problem areas' of the neighboring sheds etc. We need part of the privacy fence to be 8ft high in order to adequately obscure the sheds.

## **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.

As mentioned above, the privacy fence would only cover the 'problem area' which is 60 ft in length. The 8ft high section of the privacy fence would only span 30 ft, which is the minimum to hide the sheds.

## **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 view of the privacy fence, from neighbor's properties, to the north and west, would be substantially hidden by their own sheds and (to the north) their own wooden fence.

The privacy fence would not be noticeable from the street because it will be hidden by our house.

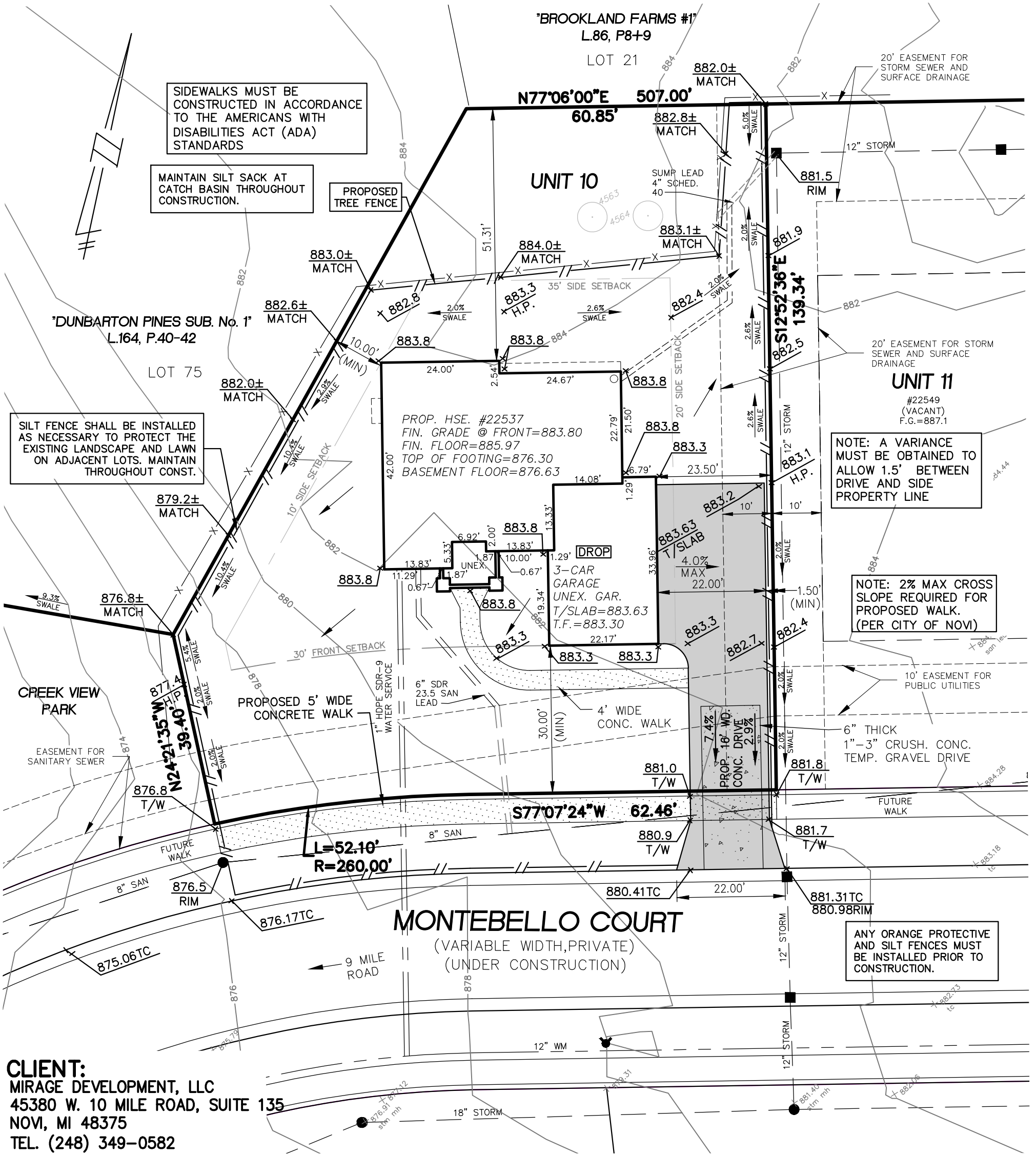
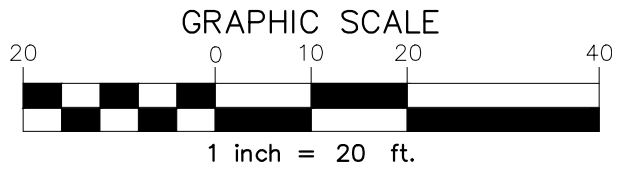
TOPO PROVIDED BY:



Consulting Engineers • Land Surveyors  
8615 Richardson Rd., Commerce Twp, MI 48390  
Phone (248) 363-2550 Fax (248) 363-1646

# UNIT 10 MONTEBELLO ESTATES

SECTION 27, TOWN 1 NORTH, RANGE 8 EAST,  
CITY OF NOVI OAKLAND COUNTY, MICHIGAN



**CLIENT:**  
MIRAGE DEVELOPMENT, LLC  
45380 W. 10 MILE ROAD, SUITE 135  
NOVI, MI 48375  
TEL. (248) 349-0582

**UTILITY WARNING**  
72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)

UNDERGROUND UTILITY LOCATIONS AS SHOWN ON THE PLAN, WERE OBTAINED FROM UTILITY OWNER AND NOT FIELD LOCATED.  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF AND/OR RELOCATION OF ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION.

**BENCHMARK:**  
TOP OF HYDRANT AT NORTHEAST CORNER OF UNIT 6  
ELEVATION: 879.62 N.A.V.D. 88

**DESCRIPTION:**  
UNIT 10, MONTEBELLO ESTATES, OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 2172, BEING PART OF SECTION 27, T1N, R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS AMENDED.

**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
		DRIVEWAY (CONCRETE)
		SIDE WALK (CONCRETE)
		STORM SEWER
		SANITARY SEWER
		WATER MAIN
		MANHOLE
		CATCH BASIN
		END SECTION
		GATE VALVE
		HYDRANT
		WETLANDS
		WETLAND BUFFER
		CONTOURS
		SPOT ELEVATION
		SURFACE DRAINAGE
		SILT FENCE
		TREE FENCE
		x1000.0 = EXISTING GRADE
		1000.0 = AS-BUILT GRADE
		EX. PEDESTAL
		EX. TRANSFORMER
		EX. TREE TO BE SAVED

**REVISIONS**

NO.	ITEM	DATE
1.	PLOT PLAN	05-10-21

DRAWING NAME: 15-012UNIT-10  
DRAWN BY: JJB CHECKED BY: JE

**PLOT PLAN**

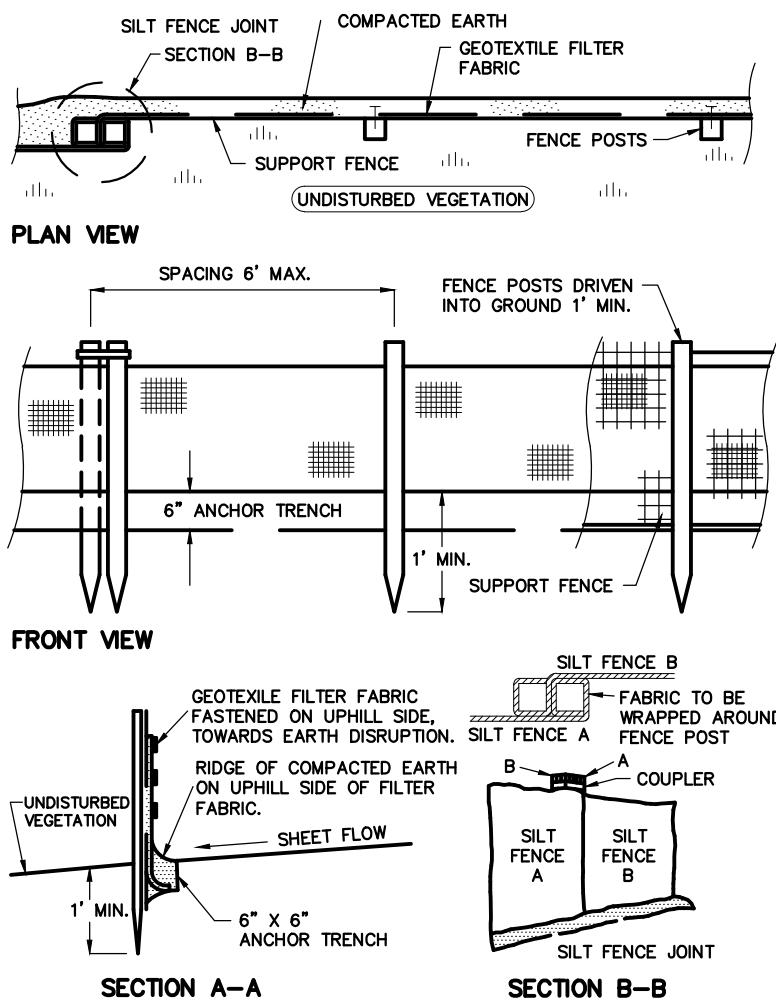
**SEIBER, KEAST ENGINEERING, L.L.C.**  
CONSULTING ENGINEERS  
100 MAINCENTRE • SUITE 10 • NORTHVILLE, MI • 48167  
PHONE: 248.308.3331 EMAIL: info@seiberkeast.com

**ENGINEER'S SEAL**

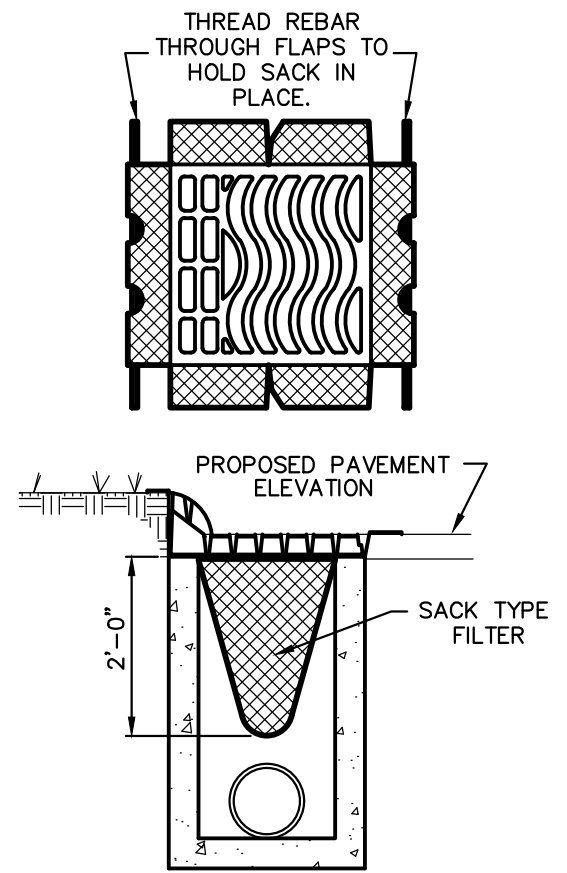
STATE OF MICHIGAN  
JASON M. EMERINE  
NO. 6201054218  
LICENSED PROFESSIONAL ENGINEER

JOB NUMBER: 15-012





**FABRIC SILT FENCE**



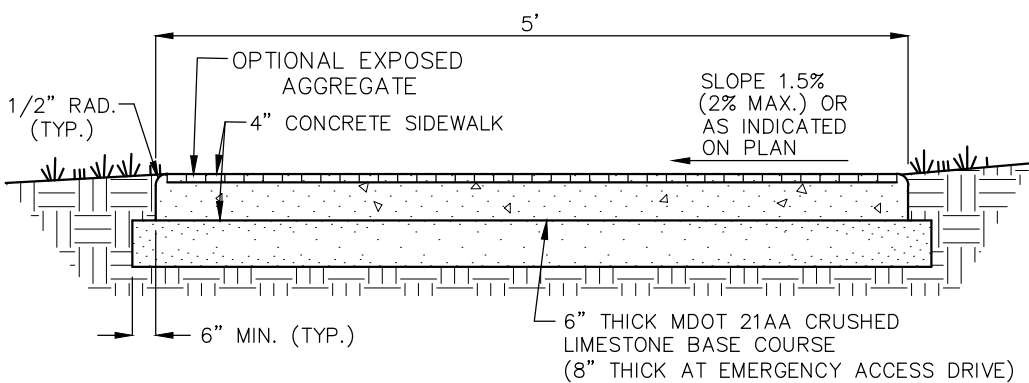
**SILT SACK DETAIL**

**NOTES:**

1. WOODLAND SNOW FENCES MUST BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION
2. LOCATION OF WATER SERVICE IS APPROXIMATE. BUILDER SHALL DETERMINE FINAL LOCATION.
3. BUILDER SHOULD VERIFY DEPTH & LOCATION OF EX. SANITARY LEAD PRIOR TO START OF CONSTRUCTION.
4. LOCATION OF HOUSE IS PER BUILDERS REQUEST.
5. THIS SITE SHALL ADHERE TO ALL CONDITIONS OF THE CITY OF NOVI SOIL EROSION AND SEDIMENTATION CONTROL PERMIT.
6. ALL ROADS SHALL BE KEPT CLEAN AT ALL TIMES.

**SURVEYOR NOTE:**

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.



**ON-SITE CONCRETE SIDEWALK DETAIL**

REVISIONS			ENGINEER'S SEAL
NO.	ITEM	DATE	
1.	PLOT PLAN	05-10-21	
DRAWING NAME: 15-012UNIT-10			
DRAWN BY: JJB		CHECKED BY:	JOB NUMBER: 15-030

**NOTE AND DETAILS**



**SEIBER, KEAST  
ENGINEERING, L.L.C.**

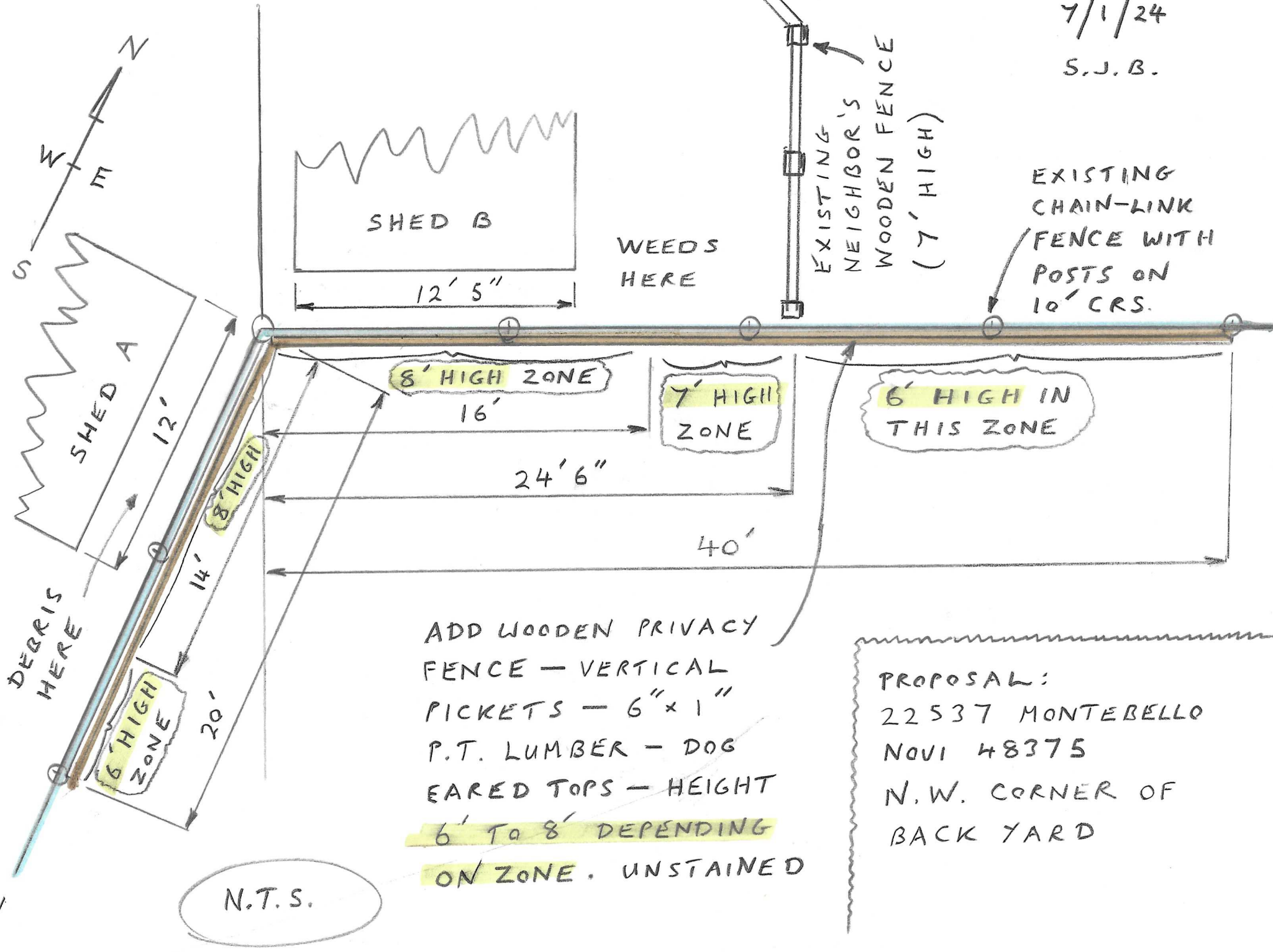
CONSULTING ENGINEERS

100 MAINCENTRE • SUITE 10 • NORTHVILLE, MI • 48167  
PHONE: 248.308.3331 EMAIL: info@seiberkeast.com

SHEET  
**2**  
OF  
**2**

7/1/24

S.J.B.



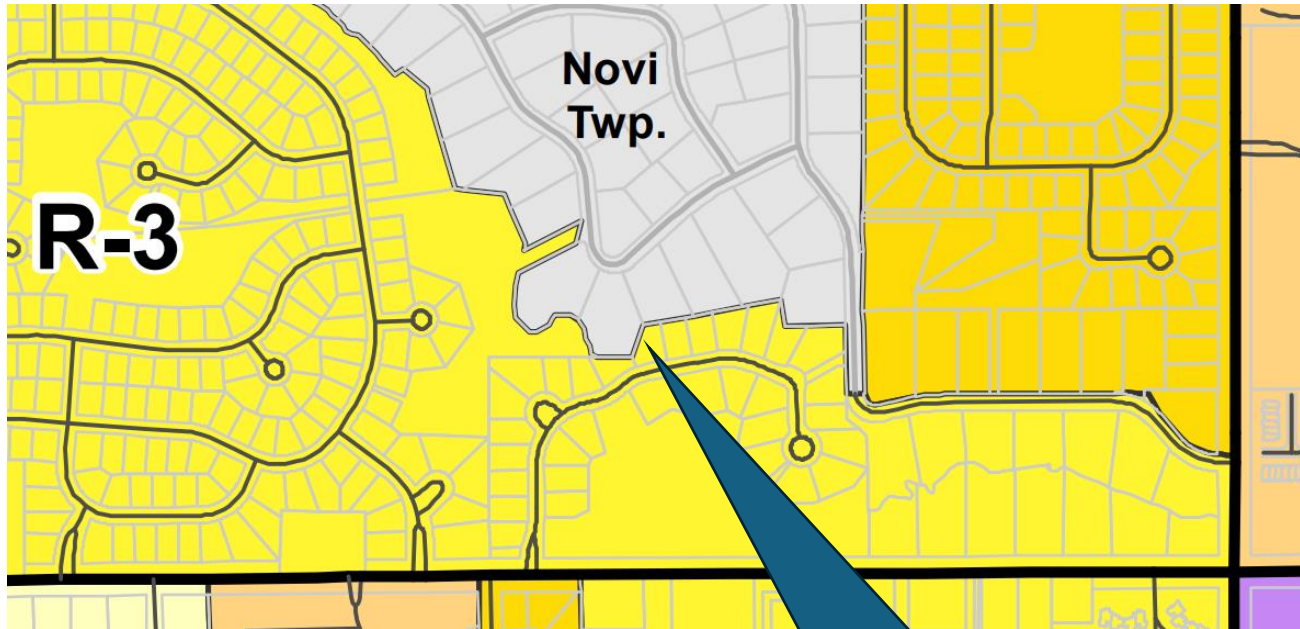
ADD WOODEN PRIVACY FENCE — VERTICAL PICKETS — 6" x 1" P.T. LUMBER — DOG EARED TOPS — HEIGHT 6' TO 8' DEPENDING ON ZONE. UNSTAINED

PROPOSAL:  
 22537 MONTEBELLO  
 NOVI 48375  
 N.W. CORNER OF  
 BACK YARD

N.T.S.

Zoning Board of Appeals – Application  
22537 Montebello – Privacy Fence (Partial)  
Other Helpful Information

1) Zoning



22537 MontebelloCt.  
(N of 9 Mile Rd and W of Novi Rd.)

2) Photo of Shed A in Neighbor's Yard



3) Close Up of Shed A



4) Shed B



5) View of Shed A and Shed B



Wooden fence in neighbors yard

Shed A

Shed B

Weeds in neighbors yard

6) Mock Up of Wooden Cross Beams and Brackets – To Attach Vertical Wooden Pickets



5/16 UNC hot dip galv coach bolts and brackets – attaching wooden cross members to steel

Spacers to allow fence pickets to be staggered – for improved appearance

4 x 2 in PT lumber cross members. Two at top and one at bottom. These will support the fence pickets





4 x 2 in PT lumber cross members. Two at top and one at bottom. These will support the fence pickets

4 x 2 in PT lumber cross support for base of pickets

**7) Mock Up of 8ft Vertical Wooden Pickets – Temporarily Installed on Trial Basis**

