



CITY OF NOVI CITY COUNCIL
SEPTEMBER 30, 2024

SUBJECT: Approval of the request from the property owner at 22168 Beck Road (parcel no. 50-22-33-100-023) for a variance from the Design and Construction Standards in Section 11-256 (b) to dismiss the sidewalk requirement along Beck Road, and pay into the City Sidewalk Fund.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

KEY HIGHLIGHTS:

- Variance requested to pay into sidewalk fund due to obstacles/constructability

BACKGROUND INFORMATION:

A property owner is completing new home construction at 22168 Beck Road (parcel no. 50-22-33-100-023). Section 11-256 (b) of the Code of Ordinances outlines the requirement to construct a sidewalk along the east side of Beck Road. The ordinance states that the property owner may request an administrative variance from this requirement. The petitioner is requesting this variance due to there being no contiguous sidewalk on the east side of Beck Road and difficulty in constructing the sidewalk due to trees along the road. The property owner shall pay \$3,762,72 into the City Sidewalk Fund in lieu of constructing the sidewalk, and has been asked to provide a sidewalk easement to the City in case of future sidewalk construction.

RECOMMENDED ACTION: Approval of the request from the property owner at 22168 Beck Road for a variance from the Design and Construction Standards in Section 11-256 (b) to dismiss the sidewalk requirement along Beck Road.

22168 Beck Rd.

Sidewalk Variance Map

Variance requested to eliminate need for this sidewalk segment.

22168 Beck Rd.

Beck Rd

Map Author: Jeff Van Curler
Date: 8/15/2024
Project: 22168 Beck Rd.
Version: 1.0

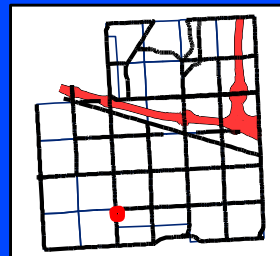
Amended By:
Date:
Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

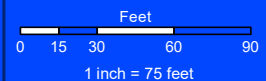
Legend

- Major Roads
- Minor Roads
- Sidewalk Location
- Development Location



City of Novi

Engineering Division
Department of Public Works
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org





cityofnovi.org

CITY OF NOVI
Engineering Division
MEMORANDUM

To: Charles Boulard, Community Development Department
 Ben Croy, PE; Department of Public Works

From: Jeff Van Curler; Department of Public Works

Date: May 9, 2024

Re: Variance from Design & Construction Standards
 22168 Beck Road Sidewalk Variance Request

Attached is a request for a Variance from the Design and Construction Standards. Please review for a future City Council Agenda. In accordance with Section 11-10 of the Ordinance, the following three conditions **must be met** for a variance to be granted by Council:

- 1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant.
- 2) The alternative proposed by the applicant would be adequate for the intended use and would not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and,
- 3) The granting of the variance would not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

Following review of the variance, check the appropriate box below and provide your signature. If you have no basis for recommending either approval or denial, please check the "No Exceptions Taken" box. If you are recommending approval or denial of the request, **please also complete the matrix on the reverse of this form.** Please return to my attention by **May 16, 2024.**

ROUTING

Delivered To	Returned On	RECOMMENDED ACTION			Signature
		Approval*	Denial*	No Exceptions Taken	
Ben Croy (Public Works)					
Charles Boulard (Comm. Development)				X *	<i>Unusual</i>

*** SEE REVERSE**

** PROVIDED SIDEWALK EASEMENT
 ‡ PAYMENT ARE PROVIDED*



CITY OF NOVI
Engineering Division

MEMORANDUM

To: Charles Boulard, Community Development Department
 Ben Croy, PE; Department of Public Works

From: Jeff Van Curler; Department of Public Works

Date: May 9, 2024

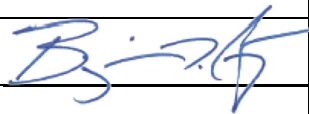
Re: Variance from Design & Construction Standards
 22168 Beck Road Sidewalk Variance Request

Attached is a request for a Variance from the Design and Construction Standards. Please review for a future City Council Agenda. In accordance with Section 11-10 of the Ordinance, the following three conditions **must be met** for a variance to be granted by Council:

- 1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant.
- 2) The alternative proposed by the applicant would be adequate for the intended use and would not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and,
- 3) The granting of the variance would not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

Following review of the variance, check the appropriate box below and provide your signature. If you have no basis for recommending either approval or denial, please check the "No Exceptions Taken" box. If you are recommending approval or denial of the request, **please also complete the matrix on the reverse of this form.** Please return to my attention by **May 16, 2024.**

ROUTING

Delivered To	Returned On	RECOMMENDED ACTION			Signature
		Approval*	Denial*	No Exceptions Taken	
Ben Croy (Public Works)	6/13/2024	X			
Charles Boulard (Comm. Development)					

*** SEE REVERSE**

If recommending approval or denial, please complete the following:

1. Would a literal application of the substantive requirement of the ordinance result in an exceptional, practical difficulty to the application? Yes No

Explain:

Yes, because there is not a contiguous pathway on the east side of Beck Rd in this area.

2. Would the alternative proposed by the applicant be adequate for the intended use and not deviate from the performance that would be obtained by strict enforcement of the standards? Yes No

Explain:

It would make more sense to collect funds now, and establish an easement now, then construct this segment in the future when the pathway network is expanded to this area.

3. Would granting the variance not be detrimental to public health, safety, or welfare, and not injurious to adjoining or neighboring property? Yes No

Explain:

Since there isn't a pathway in this area, it would not be creating a gap in the pathway network.



Request for Variance Design and Construction Standards

Applicant Information

Name: Jonathan Smalbergher

Address: 8506 Jack pine cir
Ypsilanti Mi 48197

Phone No: 734-320-9048

Engineer Information

Name: _____

Address: _____

Phone No: _____

Applicant Status (please check one):

- Property Owner Developer Developer / Owner Representative
 Other _____

Project Name _____

Project Address/Location 22168 Beck Rd, Northville Mi 48167

Variance Request No side walk

Justification (attach additional pages if necessary)

There is no side walk on either side of my property, then on the S side there is a fence ... how can a side walk go into a fence?

And then I have full of trees there by the road where "supposedly " will come a side walk ...

And also ... who is getting the price quote for the sidewalk job and material for the value of the sidewalk? And what will be the cost ? If we do the variance?

INTERNAL USE

Date Submitted: _____

Code Section from which variance is sought: _____

Submittal Checklist: One (1) copy of plan on 8.5 x 11 size paper
 \$100 Filing Fee (No fee for driveway width variance requests)

Request Status: APPROVED DENIED

Authorized By: _____

Authorization Date: _____

