



# 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:** July 11, 2023

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

**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.*

### 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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APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>		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			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		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>B. PROPERTY OWNER</b> <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>
<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 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>5.1</u> Variance requested <u>Use</u>			
2. Section _____ Variance requested _____			
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 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>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>			



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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.

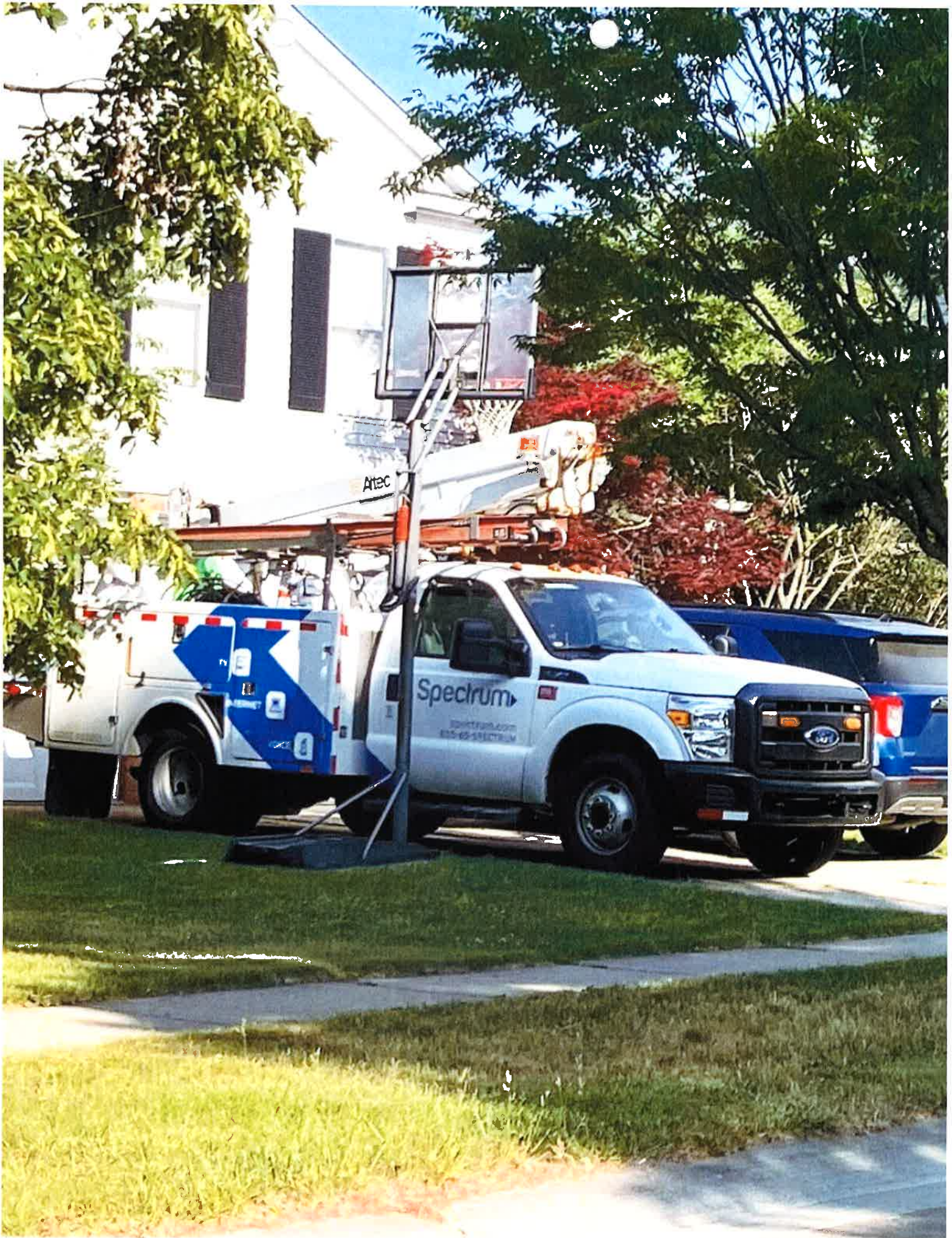
**Standard #3. Character of the Neighborhood**

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



