



**SUBJECT:** Approval of the Appeal of a Land Division Fee by Lisa and Scott Hoag.

**SUBMITTING DEPARTMENT:** City Clerk

**BACKGROUND INFORMATION:** Lisa and Scott Hoag submitted an Appeal of a Land Division Fee to the City Clerk's Office under the General Appeal provision of the Code of Ordinances. The history of their application process was outlined in an Administrative Packet and is included for reference. Due to the unique circumstances of the Hoag's Land Division application process, the Assessing Department has no objection to this one-time fee waiver.

**RECOMMENDED ACTION:** Approval of the Appeal of a Land Division Fee by Lisa and Scott Hoag.

# MEMORANDUM



**TO:** MAYOR GATT AND CITY COUNCIL  
**FROM:** CORTNEY HANSON, CITY CLERK  
**SUBJECT:** HOAG APPEAL OF LAND DIVISION FEE  
**DATE:** JANUARY 27, 2022

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The purpose of this memorandum is to introduce a request by Lisa and Scott Hoag for the appeal of a Land Division application fee. The Subdivision of Land Ordinance does not have a provision allowing for the waiver of fees; therefore, they applied for a fee waiver under the General Appeal provision of the Code of Ordinances. The Assessing Department had no objection to the fee waiver. This will be on the February 7<sup>th</sup> City Council agenda.

The Assessing Department has provided a timeline of events for your reference.

**APRIL 2021** – The Hoag's applied for a Land Division (**\$300 fee**) to divide their one parcel into three parcels.

**APRIL 2021** – Land division was denied by the Assessing Department on the basis that it would have created two flag-lots and two of the three parcels did not have enough road frontage – both are violations of City of Novi Ordinance.

**JULY 2021** – The Hoag's, along with their attorney Roger Myers, applied for an appeal to ZBA (**\$200 fee**) to get variances for the above stated denial reasons.

**SEPTEMBER 2021** – Lisa Hoag and Roger Myers appeared before ZBA. ZBA approved the variances in a vote of 6 to 1.

**OCTOBER 2021** – The Hoag's came back to Assessing with ZBA approved variances to proceed with splitting their one parcel into three.

**NOVEMBER 2021** – Second denial was issued by the Assessing Department. This denial was issued due to the discovery, during our due diligence, that the Surveyor's letter – stating that the parcel was not in violation of the Land Division Act, P.A 288 as amended by P.A. 591 of 1996 and P.A. of 1997 – was incorrect and the land division was

in violation of the Land Division Act. The parcel was not eligible for three divisions, but instead only eligible for two divisions.

**JANUARY 2022** – The Hoag's reapplied for Land Division (**\$300 fee**) to create two parcels (as granted by the Land Division Act), one of which will create a flag-lot without enough road frontage but is permissible due to the variances granted by the ZBA in September of 2021.

As detailed in the attached correspondence from Lisa Hoag, they are specifically requesting the second \$300 Land Division Application fee be waived.

January 11, 2022

To: Novi City Council Members

Subject: 21850 Garfield Rd, Land division

I am writing to seek your consent to resubmit a Land Division application fee without incurring the \$300 processing fee.

Over the past several months, we have worked with the City of Novi planning, zoning and assessing offices to divide our 5.96 residential acreage lot. After new data discovered in November 5, 2021 a new, slightly revised, Land Division application was submitted to the City in December. After some internal research, the Assessing Office requested we make another \$300 processing fee payment and then work with the City Clerk to seek a refund. This payment was completed today, January 11, 2022.

We are not appealing the decisions made by the City Assessor department. We are simply processing an updated application based on learnings and feedback gathered along the way and, as a result, believe another \$300 processing fee is unwarranted.

Additional information detailing our journey to date is attached for your reference. I look forward to your approval and subsequent refund.

Thank you for your prompt attention to this matter.



Lisa G. Hoag

Background:

In December 2020, I initiated work with Novi City Planners to understand the land division requirements as it relates to our parcel. With their guidance, on April 1, 2021, I submitted a land division application with city of Novi Assessing Department to split the 5.6 acre Residential Acreage property into 3 parcels.

On April 14, 2021, the City Assessor's office denied the application on the ground that requested change would create child parcels that to not conform to current zoning ordinance for RA zoning. We appealed this decision on May 3, 2021.

On June 30, 2021 we submitted a zoning board of appeals for approval of 2 variances at the August ZBA agenda. On August 10, 2021, this item was tabled to the next meeting when more members could participate in the discussion/decision. At the September 14, 2022 ZBA meeting, the requested variances were approved.

On October 14, 2021 the Land Division application was resubmitted to the City Assessor and approved. The application was then sent to the Oakland County Property Description department.

On November 4, 2021, we received a letter from the City stating the land division was denied by Oakland County stating the land split violated the Land Division Act, Public Act 288 of 1967, as amended by Public Act 591 of 1996 and Public Act of 1997 as 3 child parcels would create more parcels than allowed.

On December 17, 2021, another land division application was submitted the Tax assessor office with a request to divide the parcel into 2 parcels as permitted under the Land Act. I have been working with the City Tax Assessor department to determine if another \$300 processing fee was required.

On January 6, 2022, we were requested to pay the processing fee and then solicit the Novi City Council for a refund. The fee was paid on January 11, 2022 (receipt attached).



cityofnovi.org

**City of Novi**  
45175 W. Ten Mile Rd.  
Novi, MI 48375-3024

(248) 347-0440  
www.cityofnovi.org

Receipt: 450766

01/11/22

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**LAND DIVISION/COMBNATION**  
50-22-32-100-017

The sum of: **\$300.00**

**HOAG, SCOTT & LISA**

**21850 GARFIELD RD**  
**NORTHVILLE MI 48167**

LAND	LAND DIVISION			300.00
		101-000.00-665.000		
			300.00	
			<b>Total</b>	<b>300.00</b>

TENDERED:                      CHECKS                      1305                      300.00

**RECEIVED**

**JAN 11 2022**

**ASSESSING DEPT**  
**CITY OF NOVI**

Signed: \_\_\_\_\_

## Sec. 1-12. - General appeal.

- (a) Where any chapter or article of this Code does not provide procedures for appeals from determinations made in the administration of such chapter or article, the appeal procedures provided herein shall apply.
- (b) An appeal may be taken to the city council by any person adversely affected by, and claiming error in, any order, requirement, permit, decision or refusal of an administrative official carrying out or enforcing the provisions of this Code. Such an appeal shall be filed with the city clerk within ten (10) days of the determination from which the appeal is made.
- (c) A variance may be granted by the city council from regulatory provisions of this Code when all of the following conditions are satisfied:
  - (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
  - (2) The alternative proposed by the applicant will be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
  - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article containing the regulation in question.
- (d) This section is not intended to replace appeal procedures otherwise provided in this Code, and shall have no application to those Code chapters and articles which contain specific appeal procedures.

(Ord. No. 88-137, Pt. I, 7-11-88)