



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: August 11, 2020

REGARDING: 123 Charlotte St, Parcel # 50-22-03-483-005 (PZ20-0027)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Jodi Middleton

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Old Novi Road and South of South Lake Drive
Parcel #:	50-22-03-483-005

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 5.11 to allow the installation of a fence in the front yard setback of a corner lot. Fence shall not extend toward the front of the property nearer than the minimum front yard setback distance by code. This property is zoned Single Family Residential (R-4).

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. **PZ20-0027**, 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. **PZ20-0027**, 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

RECEIVED

JUN 31 2020

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION				Meeting Date: <u>August 11th</u>	
ADDRESS <u>123 Charlotte Dr Novi, Mi 48377</u>		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ 20-0027</u>	
SIDWELL # <u>50-22-03-483-005</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>South Lake Dr / 13 mile</u>					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" 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					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <u>jodalcan15@yahoo.com</u>		CELL PHONE NO. <u>734-740-3493</u>	
NAME <u>Jodi Middleton</u>				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS <u>123 Charlotte Dr.</u>		CITY <u>Novi</u>		STATE <u>Mi</u>	ZIP CODE <u>48377</u>
B. PROPERTY OWNER <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
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input checked="" 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. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>S11</u>		Variance requested <u>Fence in front yard</u>			
2. Section _____		Variance requested _____			
3. Section _____		Variance requested _____			
4. Section _____		Variance requested _____			
IV. FEES AND DRAWINGS					
A. FEES					
<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. 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 			<ul style="list-style-type: none"> • 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 		



RECEIVED

ZONING BOARD OF APPEALS APPLICATION

cityofnovi.org

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 updated existing fence

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

[Signature]
Applicant Signature

6-30-2020
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:

Corner lot w/ 2 front yards

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:

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).

when purchased home there was an existing fence. used same poles and upgraded fence

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.

please ref. letter

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.

please ref. letter

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.

please ref. letter

Jodi Middleton
123 Charlotte Dr.
Novi, MI 48377

6/30/2020

Dear Members of the Zoning Board of Appeals

I am writing to seek a variance for a replacement privacy fence I have installed at my single-family home at 123 Charlotte Dr. Novi, MI 48377.

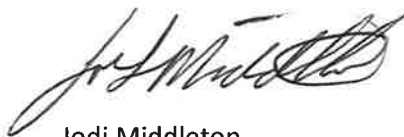
It is my understanding that the City's zoning ordinance prohibits fences in "front yard setbacks" without a variance. Prior to recently being notified of my error, I assumed that my front yard was only on Charlotte. However, my property is on the corner of Charlotte and Austin. Thus, the entire side of my lot abutting Austin from the front of the home all the way to the rear property line is also considered a "front yard" requiring a "front" yard setback.

Please be informed that when I purchased my home in October of 2011 it already had a non-conforming" fence installed in the exact same spot as my new privacy fence. When I purchased my home, the rear yard was enclosed by a white picket fence. (Please see attached photos). There were no changes made to the location of the fence. My "new" privacy fence utilizes the same fence posts as the old fence. The old fence posts were hollow PVC and cemented into the ground. Longer fence posts were merely inserted inside the existing hollow posts. Additionally, my nearest neighbors (both across Austin and down Austin) both have non-conforming fences that encroach on these "front yard" setback requirements. Regardless there is ample clearance on both sides of Austin for the existing road and to my knowledge there has never been a traffic or accident issue with any of the fences (mine or the neighbors).

My need for a privacy fence has recently developed over the past two years -- with the improvements to Pavilion Shore Park, its resulting popularity (especially with Lakeshore Park's temporary closure) and the lack of parking spots on South Lake Drive. Weekends have become constant traffic of both people and cars -- in fact, Charlotte and Austin are routinely used as a parking lot. This increase in people and traffic has destroyed the minimal sense of privacy that I once had. I could not even barbeque in the rear of my home without people consistently staring. Finally, I believe that the upgraded fence is an enhancement to the neighborhood in that it hides my back yard and protects passersby (I recently got a dog and he likes to bark at passersby).

Due to the lack of privacy and the need to upgrade the existing fence. I humbly request your approval for a variance from the front yard setback requirements for my new privacy fence.

Respectfully,



Jodi Middleton

SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: JODI MIDDLETON	File No.: 627045
Property Address: 123 CHARLOTTE DRIVE	Case No.: 264-0986499-703
City: NOVI	State: MI
Lender: JOHN ADAMS MORTGAGE	Zip: 48377-1920

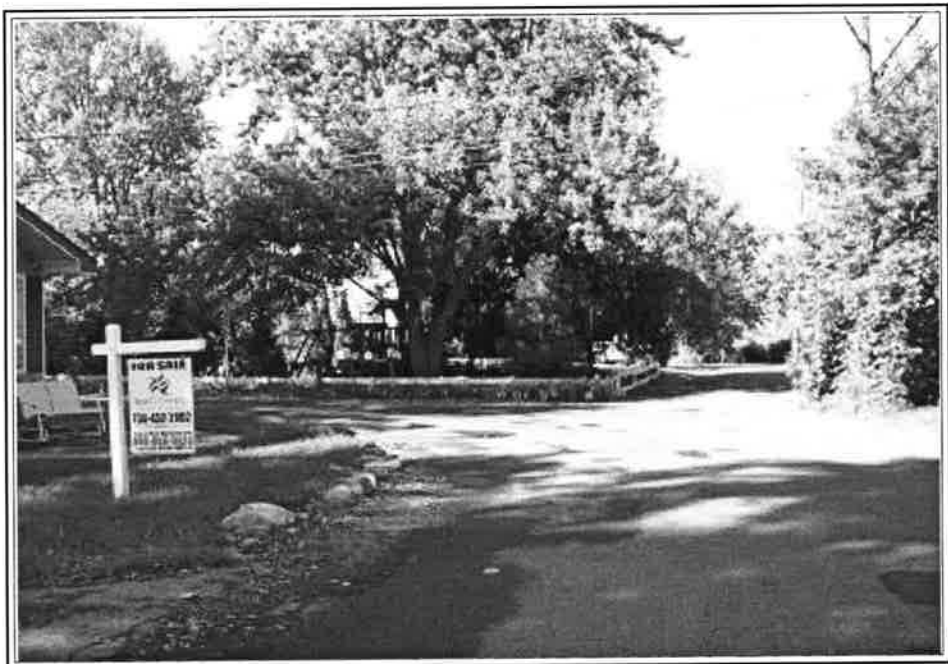


**FRONT VIEW OF
SUBJECT PROPERTY**

Appraised Date: October 3, 2011
Appraised Value: \$ 60,000



**REAR VIEW OF
SUBJECT PROPERTY**



STREET SCENE



