



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: December 12, 2023

**Postponed to:
February 13, 2024**

REGARDING: 48120 Eight Mile Road, Parcel # 50-22-32-400-022 (PZ23-0061)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

The Antiques Barn

Variance Type

Use Variance

Property Characteristics

Zoning District: This property is zoned Residential Acreage (R-4)

Location: north of Eight Mile Road, west of Beck Road

Parcel #: 50-22-32-400-022

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.1 previously authorized in case PZ94-005 and later in case number PZ98-0070 to be transferred from the petitioner to the property. This variance was granted for the petitioner at that time to utilize the existing barn as an antique shop in a R-A zoned district, and was specifically intended for the previous petitioner only, and only for the use described at that time.

II. STAFF COMMENTS:

*The applicant is seeking a use variance for the selling of antiques within an existing barn-type structure. The use was granted in the past to the petitioner rather than the property itself with strict conditions for the selling of items only with no provisions for expanded activities beyond this provision. The applicant is seeking a similar variance, which seems applicable if the same provisions are adhered to that which was approved previously. **(Postponed allowing the petitioner to be able to define the terms of sale, bring all concerned parties, and further explain all use activities at the next meeting.)***

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

RECEIVED

NOV 01 2023

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION The Barn in Northville			
ADDRESS 48120 Eight Mile Rd		LOT/SIUTE/SPACE #	
SIDWELL # 50-22-32 - 400 - U32		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY 8 and Beck			
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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS deni@pejanovic.com	CELL PHONE NO. 248-378-8905
NAME Deni Pejanovic		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS 20860 Maybury Park Dr	CITY Northville	STATE MI	ZIP CODE 48167
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:	EMAIL ADDRESS douglasteubert@gmail.com	CELL PHONE NO. 248-921-0509	
NAME Doug Teubert	TELEPHONE NO.		
ORGANIZATION/COMPANY	FAX NO.		
ADDRESS 48120 Eight Mile Rd	CITY Northville	STATE MI	ZIP CODE 48167
III. ZONING INFORMATION			
A. ZONING DISTRICT			
<input checked="" 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. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>4</u>	Variance requested	<u>Use</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) \$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. 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 	



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

D Pejanovic
Applicant Signature

Oct 31, 2023
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.

[Signature]
Property Owner Signature

10/31/2023
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



cityofnovi.org

Community Development Department

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REVIEW STANDARDS 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.

The existing "The Barn in Northville" located on the premises of 48120 Eight Mile Road has been used as an antique shop in the RA Zoning district for many decades due to the uniqueness of the situation and the piece of property. The original farm it served is long gone, and it is not suitable for use as intended when it was built in the 1850s.

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.

The barn is located on a busy stretch of eight mile road west of Beck Rd. It is a unique structure that remains as one of the few standing barns in Novi.

Standard #3. Character of the Neighborhood.

Explain how the proposed use will not alter the essential character of the neighborhood.

The Barn has been a part of the Novi and Northville communities' history for decades. There is no request for the change in use that would affect the 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).

In February of 1994, the variance was transferred to the then new owner containing a stipulation of "For this petitioner only" (case 94-005). In September 1998, the property was transferred and the use variance granted containing "This will be limited to this petitioner only". The request to the ZBA is that this clause be removed so the use variance transfers with the property.