



**CITY OF NOVI CITY COUNCIL**  
**AUGUST 8, 2022**

**SUBJECT:** Approval of the request from Amar Saraiya at 2245 Old Novi Road (parcel no. 50-22-11-105-012) for a variance from the Design and Construction Standards in Section 11-256 (b) to dismiss the sidewalk requirement along Old Novi Road, and pay into the City Sidewalk Fund.

**SUBMITTING DEPARTMENT:** Department of Public Works, Engineering Division

**BACKGROUND INFORMATION:**

A property owner is building a new home at 2245 Old Novi Road (parcel no. 50-22-11-105-012). Section 11-256 (b) of the Code of Ordinances, outlines the requirement to construct a sidewalk along the Old Novi Road side of the property. The ordinance states that the property owner may request an administrative variance from this requirement. The petitioner is requesting this variance due to a lack of sidewalk south of the parcel for greater than 300-feet and difficulty in constructing the sidewalk due to the location of power poles. There is no existing sidewalk on the south property (owned by the City), so the property owner shall pay \$4,087.14 into the City Sidewalk Fund in lieu of constructing the sidewalk.

**RECOMMENDED ACTION:** Approval of the request from Amar Saraiya for a variance from the Design Construction Standards in Section 11-256 (b) to dismiss the sidewalk requirement along Old Novi Road.



Map Author: Tia Jokic  
 Date: 07/21/2022  
 Project: Sidewalk Variance  
 Version #:

Amended By:  
 Date:  
 Department:

**MAP INTERPRETATION NOTICE**

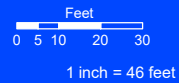
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 432 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**Map Legend**

- Freeway
- Tax Parcels
- Major Streets
- Minor Streets
- Lot Lines



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







cityofnovi.org

**CITY OF NOVI**  
**Engineering Department**

**DCS VARIANCE**  
**DISTRIBUTION MEMORANDUM**

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

**From:** Rebecca Runkel, Department of Public Works

**Date:** July 20, 2022

**Re:** Variance from Design & Construction Standards  
 2245 Old Novi 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 **July 27, 2022.**

**ROUTING**

Delivered To	Returned On	RECOMMENDED ACTION			Signature
		Approval*	Denial*	No Exceptions Taken	
Ben Croy (Engineering)					
Charles Boulard (Comm Dev.)				x	

**\* SEE REVERSE**



cityofnovi.org

**CITY OF NOVI**  
**Engineering Department**

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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 **July 27, 2022.**

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		Approval*	Denial*	No Exceptions Taken	
Ben Croy (Engineering)	7/21/22	✓			
Charles Boulard (Comm Dev.)					

**\* 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:

GIVEN THAT THE REQUIREMENT FOR A SIDEWALK WAS MISSED DURING THE APPROVAL PROCESS, REQUIRING THE SIDEWALK NOW MAY PUT UNDUE BURDEN ON THE HOMEOWNER SINCE ALL OTHER CONCRETE WORK HAS BEEN COMPLETED, AND THEY ARE NEARING TCO FOR THE HOUSE.

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:

SINCE NO PATH TO THE SOUTH EXISTS, THIS WILL NOT BE CREATING A GAP. THIS SEGMENT CAN BE COMPLETED IN THE FUTURE WHEN THE PROJECT TO THE SOUTH IS CONSTRUCTED.

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:

THIS IS NOT AN AREA WHERE PEDESTRIAN TRAFFIC IS ANTICIPATED, WHETHER A SIDEWALK IS CONSTRUCTED OR NOT.



## Request for Variance Design and Construction Standards

### Applicant Information

Name: Amar Saraiya

Address: 2245 Old Novi Rd  
Novi, MI 48377

Phone No: 248-767-8008

### Engineer Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

### Applicant Status (please check one):

- Property Owner       Developer       Developer / Owner Representative  
 Other \_\_\_\_\_

Project Name Single Family Home @ 2245 Old Novi Road

Project Address/Location 2245 Old Novi Rd

Variance Request Waive sidewalk requirement on Old Novi Rd

### Justification (attach additional pages if necessary)

Administrative waiver request per Sec. 11-256(b) of the Code of Ordinances.

- No sidewalk exists on the east side of Old Novi Road south of the property for approximately 1500 feet. This segment to the south of the property is not a priority segment in the non-motorized master plan (currently ranked #63).

- Connection to sidewalk north of Linhart St would be difficult due to location of power poles.

- The sidewalk requirement was missed during consultant plot plan review.

### INTERNAL USE

Date Submitted: 7/20/22

Code Section from which variance is sought: 11-256(b)

- 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: Ben Croy Esq. J.G.

Authorization Date: 7/21/22



**LEGAL DESCRIPTION PIN 50-22-11-105-012**

LOTS 151 THRU 156 INCLUSIVE ALSO 1/2 OF THE VACATED ALLEY ADJACENT OF "HOWELL'S WALLED LAKE SUBDIVISION", OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 42, ON PAGE 36, OAKLAND COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. PARCEL CONTAINS 13,420 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



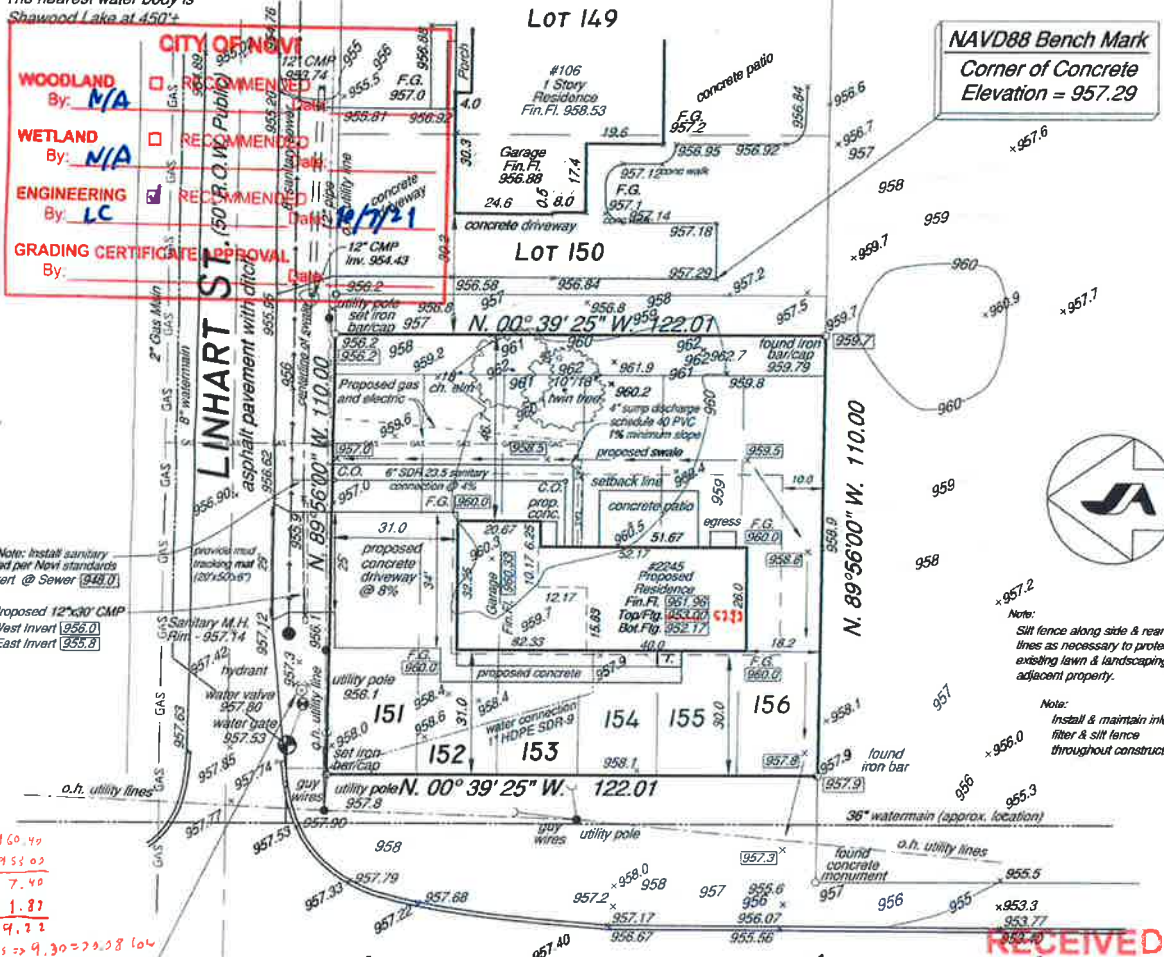
Know what's below.  
Call before you dig.

**LEGEND**

- 000.00 = Existing elevation
- 000.00 = Proposed elevation
- = Drainage course
- = Silt fence
- F.G. = Brick ledge
- = Existing contour
- = To Be Removed

Note:  
The Builder is responsible for resolving any drainage problems on adjacent properties that are the result of construction activities.

Note:  
The nearest water body is Shawood Lake at 450'



Note: install sanitary lead per Novi standards invert @ Sewer (948.0)

Proposed 12" x 20" CMP  
West Invert (956.0)  
East Invert (955.8)

960.40  
- 958.02  
7.40  
+ 1.82  
9.22  
Was => 9.30 => 9.28 lot

NAVD88 Bench Mark  
Top Bolt on Hydrant  
Elevation = 960.40

**OLD NOVI ROAD** (120' R.O.W. Public)  
asphalt pavement with concrete curb

RECEIVED  
SEP 28 2021

Zoning:  
R-4 One-Family Residential

Setbacks:  
Front - 30'  
Side - 10'  
Side total - 25'  
Rear - 35'

\*Check title policy for subdivision deed restrictions that may affect setback requirements.\*

Revised House Size -- 14 Sept. 2021  
Revised Per City -- 30 Sept. 2021



**GRADING PLAN**

Prepared For: Amar Saraiya  
22275 Antler Dr.  
Novi, MI 48375  
(248) 767-8008

Jekabson & Associates, P.C.  
Professional Land Surveyors  
1320 Goldsmith, Plymouth, MI 48170  
(734) 414-7200 (734) 414-7272 fax  
by: *John Jakobson*

Date	26 July 2021
Job No.	21-04-017
Scale	1" = 30'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1

PBR21-0522