



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: November 9, 2021

REGARDING: 1201 S Lake Drive, Parcel # 50-22-03-332-003 (PZ21-0065)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Marc & Katherine Kennedy

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Old Novi Road and South of South Lake Drive
Parcel #:	50-22-03-332-003

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.11 to install a fence in the front yard of a corner lot. By code, a fence shall not extend toward the front of the lot nearer than the minimum front yard setback. The proposed new fence would be replacing an existing chain link fence in the same location. 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. **PZ21-0065**, 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 is 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. **PZ21-0065**, 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 Petitioner's 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

PZ21-0065

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>200.00</u>	
PROJECT NAME / SUBDIVISION Fence Updgrade back yard -1201 South Lake Dr				Meeting Date: <u>11-9-2021</u>	
ADDRESS 1201 South Lake Dr		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 21-0065</u>	
SIDWELL # <u>50-22-03 -332 -003</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY South Lake Dr and Hennina					
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 type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS marc.kennedy45@yahoo.com		CELL PHONE NO. 810-955-5659	
NAME Marc Kennedy				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 1201 South Lake Dr		CITY Novi		STATE MI	ZIP CODE 48377
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>5.11</u>		Variance requested <u>fence in back 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 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 		



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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 - narrow sub lake dr lot

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).

Existing fence has been in place for 40+ years. Want to upgrade to a privacy fence in the same location as ~~the~~ current 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.

See 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.

See 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.

See letter

Marc Kennedy
1201 South Lake Dr.
Novi, MI 48377

9/28/2021

Dear Members of the Zoning Board of Appeals,

I am writing to seek a variance for an upgrade from my current chain-link fence to a 6' tall PVC privacy fence in the backyard of my home at 1201 South Lake Dr, Novi, MI 48377.

It is my understanding that section 5.11 of the city's zoning ordinance prohibits fences in "front yard setbacks" without a variance. My property is a corner lot on the corner of South Lake Dr. and Henning street in Novi. Thus the side of my house on Henning St. is considered a "Front Yard" requiring a "front" yard setback.



The current fence that is in place around the property has been there since before I purchased the home. I understand from neighbors it has been in place for over 40+ years.

I am looking to put the privacy fence up only in the back yard of the property. My need for a privacy fence has been developing over the last several years with an increase in traffic on South Lake dr. due to the upgrade of Lakeshore park and the proposed change to add a new subdivision at the end of Henning street adding an additional 30 units to the neighborhood. People park along the side of my house frequently and we get a lot of foot traffic due to the lake across the street. I am looking to have some privacy in my back yard.

The fence will an improvement over the current chain link fence. It will be an Adobe colored PVC fence that will match the house. It will hide my backyard from public view.

Due to my lack of privacy and my wish to upgrade the existing fence I am humbly requesting your approval for a variance from the front yard setback requirements for my proposed new privacy fence. This request is identical to a recent ZBA approval for a privacy fence for 123 Charlotte, Dr, Novi, MI 48377.

Respectfully,

Marc Kennedy



↑ current + chain link



Current Fence



Current fence



View from Henning St – rear of house



View from Henning St along NE side of house.



future ↑ Only Back Yard - 6 feet vinyl
Privacy fence

EVOLUTIONS FENCE: A PRODUCT BUILT TO LAST.

Safe & Durable

- * Constructed of rigid polyvinyl chloride (PVC) "vinyl" material with UV inhibitors - Strong enough to guard against the sun's harmful rays, yet flexible enough to resist cracking
- * Free from nails, sharp edges, and splinters

Beauty Without Maintenance

- * No rotting, rusting, peeling, chipping, or cracking
- * No more painting, termites, or rust
- * Backed by lifetime warranty protection
- * Built to last - Enhances property value

Proposed fence type →



Privacy

Available in 3', 4', 5', & 6' Heights. Tongue & Groove Panels with Lattice Option.

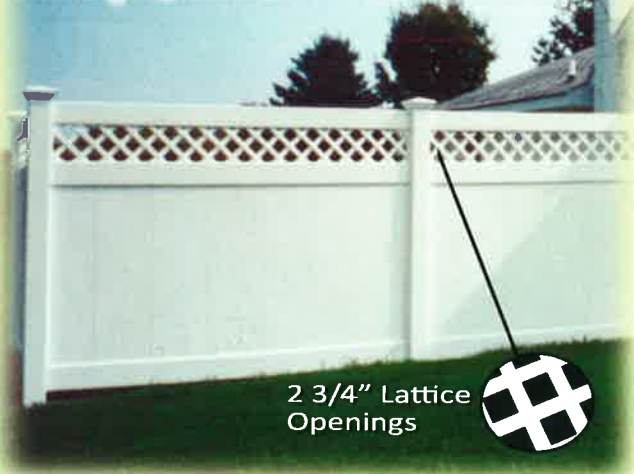
Privacy and Privacy with Lattice Fences have 1 1/2" x 5 1/2" Rails

Semi-Privacy

Available in 3', 4', 5', & 6' Heights. Approx. 3/4" Spacing. 1 1/2" & 3" Pickets.



Privacy w/Lattice



2 3/4" Lattice Openings



Pool

3' High & 4' High Semi Privacy and Pool fences have two rails; 5' High & 6' High have the third rail as shown above.

Available in 3', 4', 5', & 6' Heights. Approx. 3 3/4" Spacing. 1 1/2" Pickets.



POST CAP OPTIONS



Square Ball New England Gothic Classic

Lighted cap options are also available.