



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: July 9, 2019

REGARDING: Endwell St, Parcel #50-22-02-359-035 (PZ19-0023)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Bagley & Langan PLLC

Variance Type

Dimensional

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Novi Road and North of Thirteen Mile Road
Parcel #:	50-22-02-359-035

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.11(1) A (ii) for a proposed 25 foot front yard setback for each front yard to allow for a new fence installation. By code fences shall not extend toward the front of the lot nearer than the minimum front yard setback, unless an existing house is already extending into the front yard. 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. **PZ19-0023**, 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. **PZ19-0023**, 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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION				Meeting Date: _____	
ADDRESS V/L Endwell Street, Novi, MI 48377		LOT/SIUTE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 2202 _____ -359 _____ -035 _____		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY Endwell Street/Chapman Drive					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input checked="" 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 blangan@bagleylangan.com		CELL PHONE NO. N/A	
NAME J. Robert Langan				TELEPHONE NO. 248-344-1880	
ORGANIZATION/COMPANY Bagley & Langan PLLC				FAX NO. 248-344-0995	
ADDRESS 128 N. Center Street		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 kalefordHong@gmail.com		CELL PHONE NO. (734) 216-1995	
NAME Kaleford and Janet Hong				TELEPHONE NO. (916) 333-4886	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 2921 Lacy Lane		CITY Sacramento	STATE CA	ZIP CODE 95821	
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" 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 5.11(1)(A)(ii) _____ Variance requested <u>25' in each front yard setback</u>					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
X 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					
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines			
• Site/Plot Plan		• Location of existing & proposed signs, if applicable			
• Existing or proposed buildings or addition on the property		• Floor plans & elevations			
• Number & location of all on-site parking, if applicable		• Any other information relevant to the Variance application			

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SAGINAW, MI 48604
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NORTHERN MICHIGAN

4085 N. RED OAK RD., LEWISTON, MI 49756
Telephone: (800) 519-1408

WWW.BAGLEYLANGAN.COM

June 3, 2019

**KALEFORD AND JANET HONG'S
ZONING BOARD OF APPEALS APPLICATION**

Standard #1. Cannot Be Reasonably Used.

The Property is vacant land and is located within the R-4 Zoning District. As such, the Ordinance requires a 30' front yard setback. The Hong's wish to install a perimeter fence around this vacant land to keep trespassers off of the Property. During the summer months the Hong's have experienced numerous trespassers because of the Property's proximity to Walled Lake. Without the approval of this application any fence installed by the Hong's would only cover a scant portion of the Property.

Standard #2. Circumstances or Physical Conditions.

The lot size of the Property and the fact that it abuts Endwell Street and Chapman Drive, thus requiring two 30' front yard setbacks prohibits the Hong's from constructing an effective perimeter fence on the property and is a practical difficulty. Placing the fence in the permissible envelope of the Property makes any conforming fence impractical as shown in **Exhibit A**. Any permissible fence would cover approximately one-third of the Property.

Standard #3. Character of the Neighborhood.

Granting the requested variances would not alter the essential character of the neighborhood. Attached hereto for the Board's review are representative photos of existing fences within the neighborhood which are similar to what is proposed, see **Exhibit B**. Certainly, a fence on the Property would be in conformance with the adjacent properties and would not alter the character of the neighborhood in any deleterious manner whatsoever. Additionally, the proposed fence will enhance the public safety and welfare, as there have been numerous trespassers on the property. In the past some of these trespassers have parked cars, had bonfires, and used the Property as a dumping site for couches and other trash all to the detriment of the peaceful enjoyment of the neighborhood **Exhibit C**.

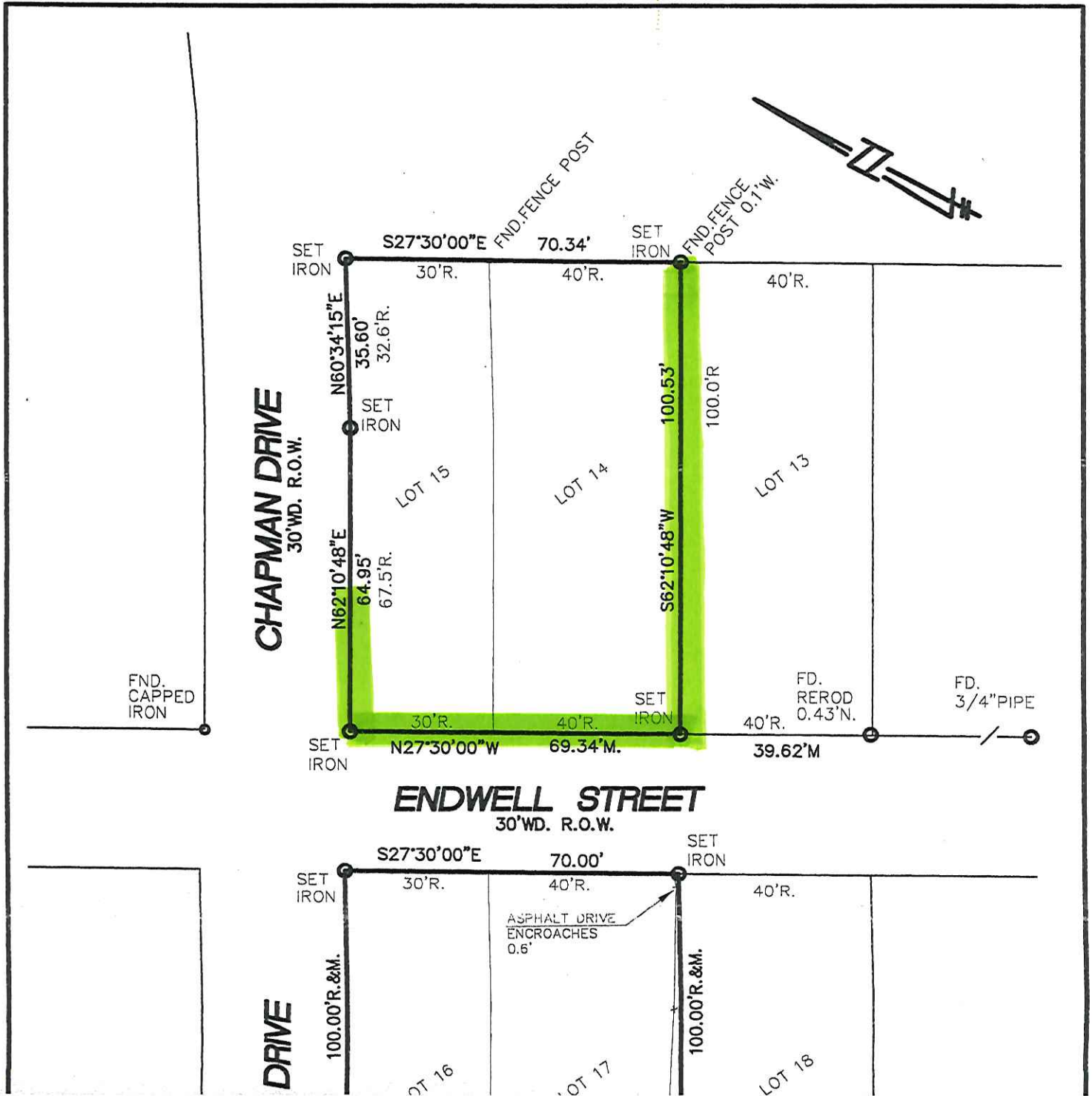
Standard #4. Not Self-Created

The conditions resulting in this variance request are not of the Hongs' creation. The Hongs purchased the property in 2007 and did not create the Property's unique configuration abutting two roads. Nor did they invite the trespassers to the vacant land.

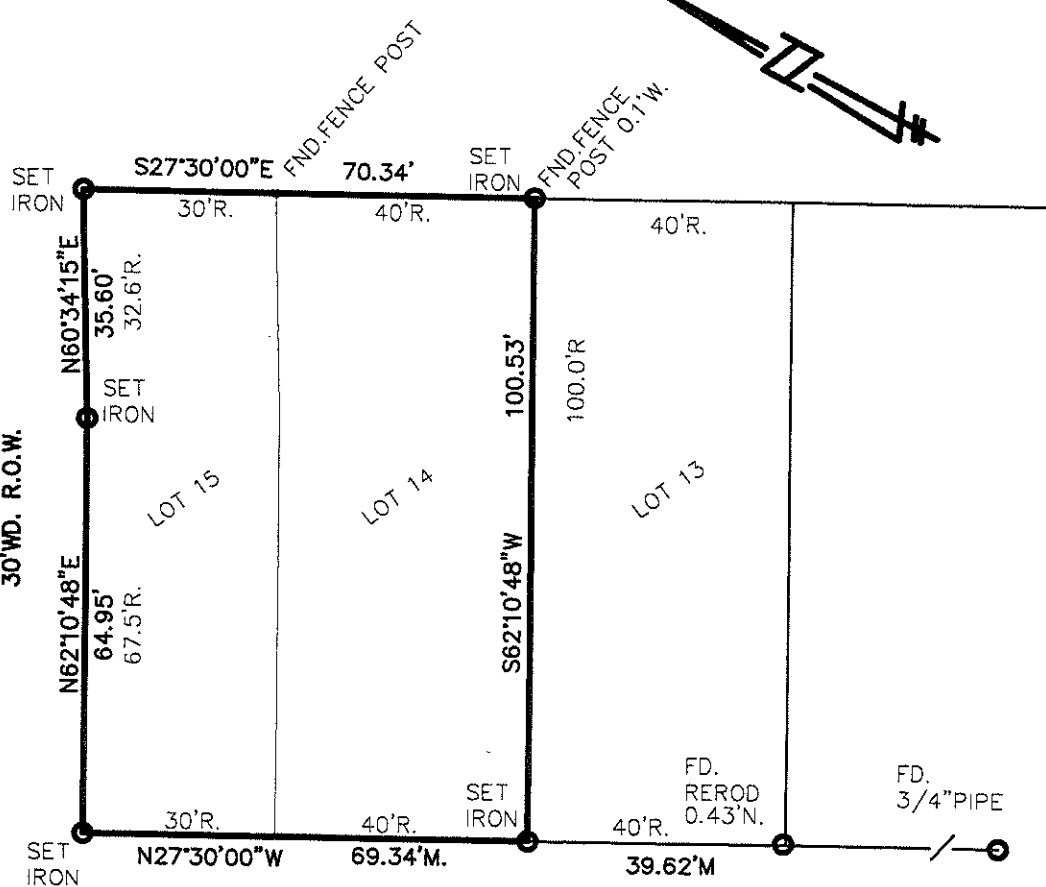
Respectfully submitted,

J. ROBERT LANGAN

Exhibit A

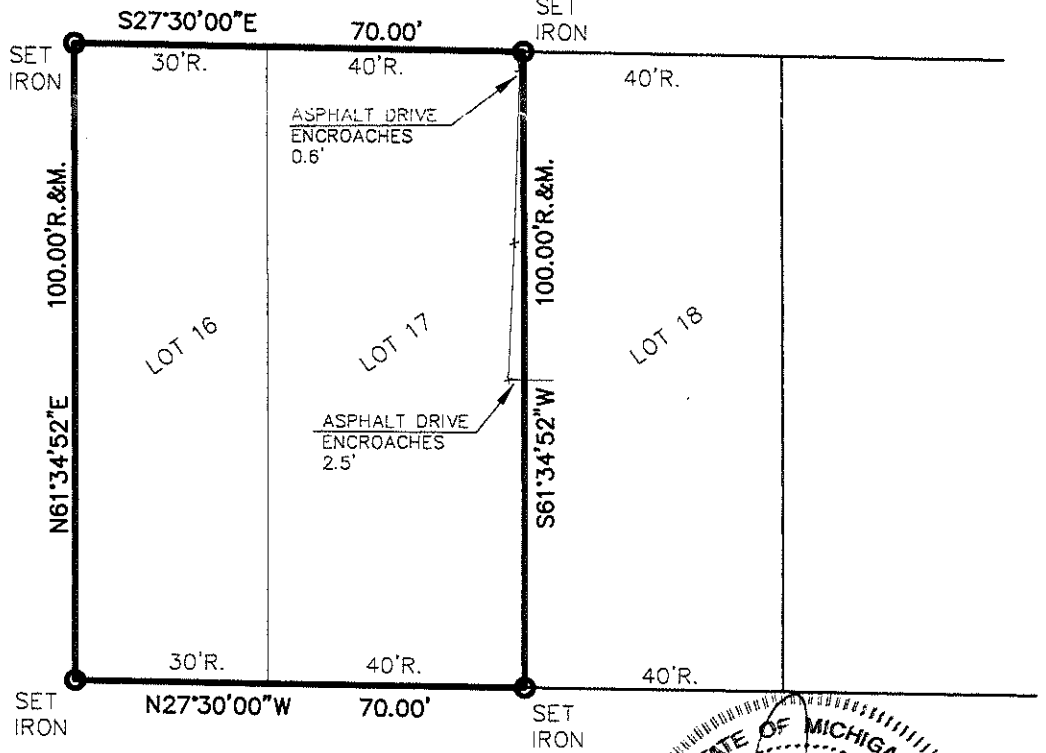


CHAPMAN DRIVE
30'WD. R.O.W.



ENDWELL STREET
30'WD. R.O.W.

CHAPMAN DRIVE
30'WD. R.O.W.



BOUNDARY SURVEY

SEC. 2, T.1N., R.8E.
CITY OF NOVI
OAKLAND COUNTY, MI

"CZENKUSCH'S ADDITION"
LOTS 14 AND 15 AND LOTS 16 AND 17

REVISIONS		
NO.	ITEM	DATE

SCALE: 1" = 30'
DATE: MAY 25, 2007
JOB NO.: 07-007
DWG FILE: 07-007
DRAWN BY: DSW
CHECK: MLM
SHEET: 1 OF 1

MILLETICS AND ASSOCIATES, L.L.C.
LAND SURVEYORS
40000 GRAND RIVER AVENUE • SUITE 206 • NOVI, MI • 48375-2110
248.473.7880

Exhibit B

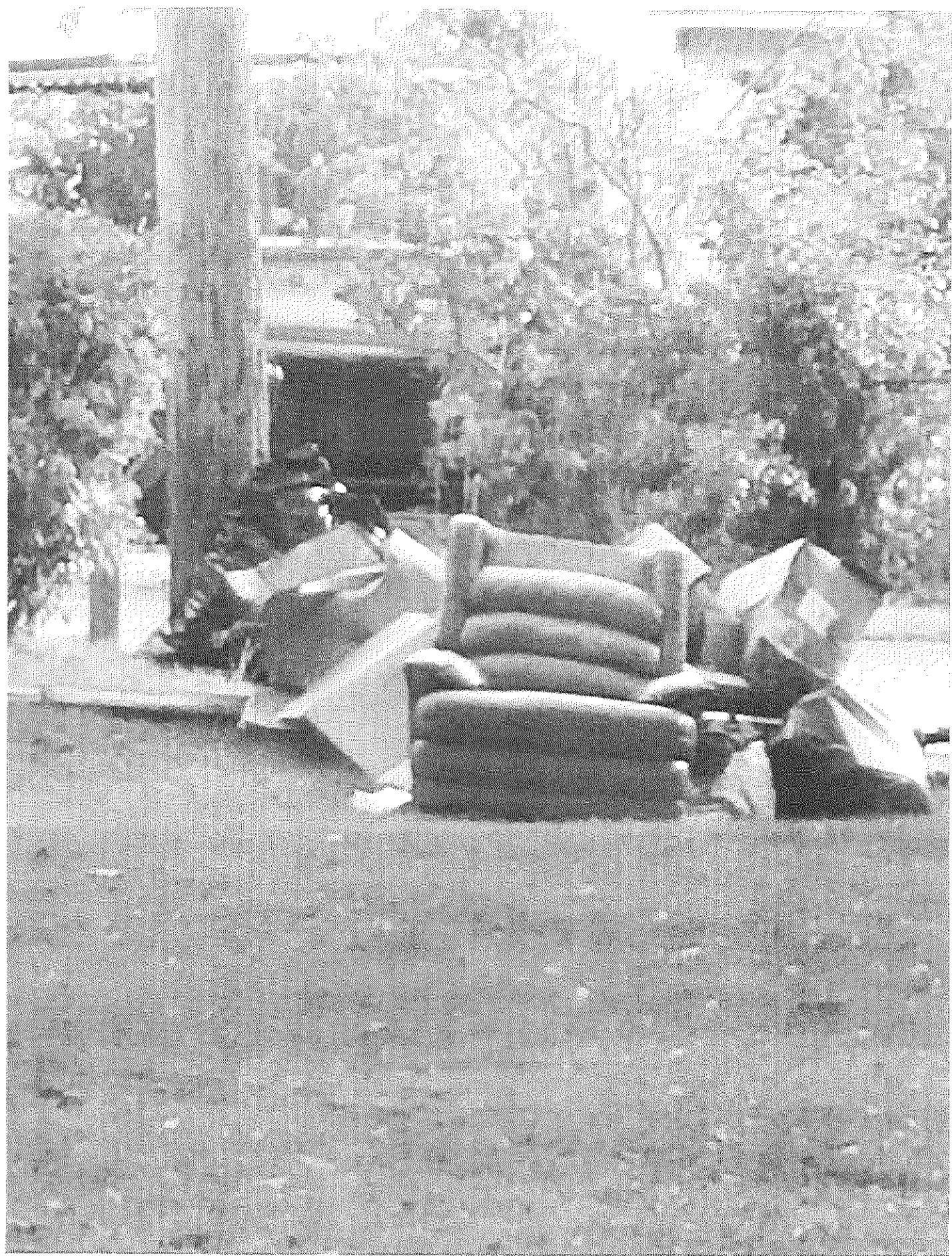


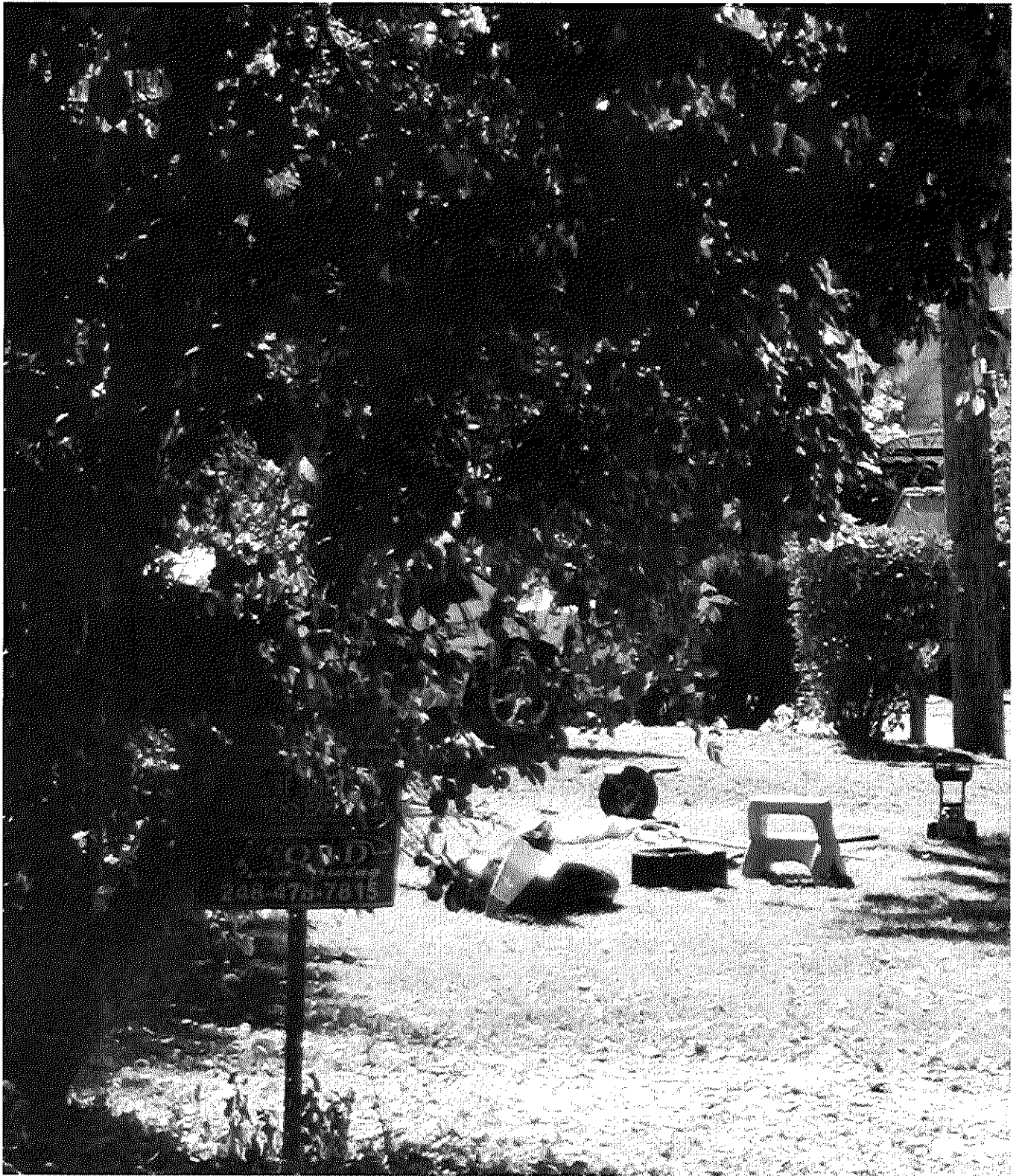






Exhibit C





















UNAUTHORIZED VEHICLES
WILL BE TOWED AT
OWNERS EXPENSE
TOW-D
Noel's Towing
248-478-7815