



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: June 9, 2020

REGARDING: 45605 Nine Mile Road, Parcel # 50-22-33-200-034 (PZ20-0020)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Defrim & Elvira Cizmja

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:	Single Family Residential
Location:	West of Taft Road and South of Ten Mile Road
Parcel #:	50-22-33-200-034

Request

The applicant is requesting a variance from the City of Novi Zoning Code Section 5.11 to install a fence with driveway gate. By code a fence shall not extend toward the front of the lot nearer than the minimum front yard setback. This property is zoned Single Family Residential (R-1).

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. **PZ20-0020**, 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. **PZ20-0020**, 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 _____.

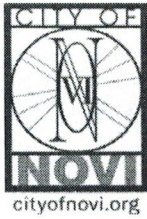
(c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that _____.

(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

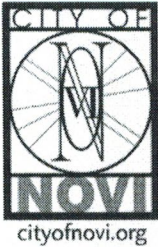


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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION Cizmja Residence Lift Gate				Meeting Date: _____	
ADDRESS 45605 Nine Mile Rd.		LOT/SIUTE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22-33 - 200 - 034		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY 9 Mile & Taft Rd.					
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 elicizmja@gmail.com		CELL PHONE NO. 2487563736	
NAME Elvira Cizmja				TELEPHONE NO. 2487563736	
ORGANIZATION/COMPANY na				FAX NO. 2487738395	
ADDRESS 45605 Nine Mile Rd.		CITY Novi		STATE MI	ZIP CODE 48374
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 elicizmja@gmail.com		CELL PHONE NO. 2487563736	
NAME Elvira Cizmja				TELEPHONE NO. 2487563736	
ORGANIZATION/COMPANY na				FAX NO.	
ADDRESS 45605 Nine Mile Rd.		CITY Novi		STATE MI	ZIP CODE 48374
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>zoning 5.1 fence violation</u> Variance requested <u>Magnetic access ProH lift gate in front of the house</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					
• 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			



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:

The lot is exceptionally wide and many cars use our driveway to turn around when they have lost their way. This is an inconvenience and an invasion of our privacy. Also, the heavy flow of traffic overtime has damaged the bricks on the driveway. As a result, we had to repair them last year.

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:

This type of commercial gate is a better choice because it will not rust and will not need to be repaired frequently.

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).

The difficulty we experience is damage to our brick paved driveway and front terrace by numerous drivers. There is visible damage by heavy delivery trucks, as well as rubber tracks by cars that perform sharp turns. In addition, we have entered our drive to find strangers parked there to check their phones for navigation instructions as well as take photos.

Besides these actions being an inconvenience in terms of repairs (especially by heavier delivery vehicles), we also feel that they impede on our privacy as residents who live there.

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.

Heavy delivery trucks cause damage to our brick pavers. They move and sink, and cause ponding. We are concerned that in fall and winter, the freeze/thaw cycles will cause costly and unsightly cracks that would take thousands of dollars to repair.

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.

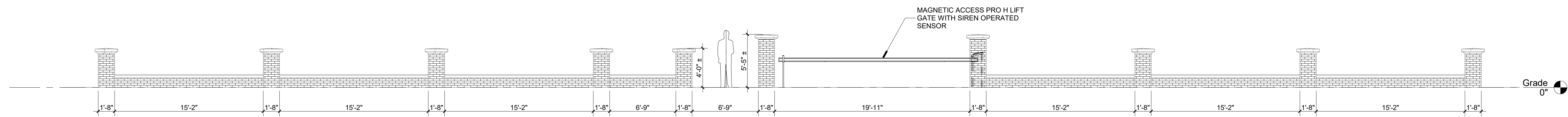
The lift gate that we have selected is as minimal as possible. It becomes noticeable when you pull up close to it, but does not disturb views to the house from the street. In addition, it is equipped with a SOS Siren Operated Sensor, which opens it automatically (and very quickly) at the sound of any siren. In the case of an emergency, First Responders will have unimpeded access.

Standard #5. Adverse Impact on Surrounding Area.

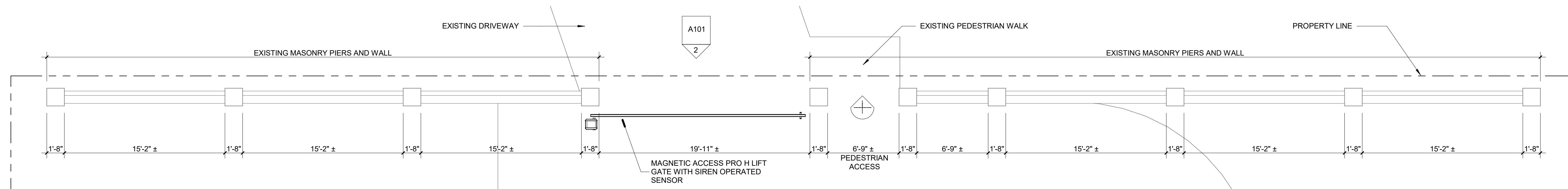
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The lift gate is visually minimal and does not block views of our property or any surrounding property. It will increase the value of our property by adding a security element, and therefore the values of surrounding properties. People who drive or walk by will still be able to enjoy clear views of our property. The gate is magnetic, and therefore operates quietly. It opens and closes very quickly, so as not to cause visual distraction. The gate does not block pedestrian access.

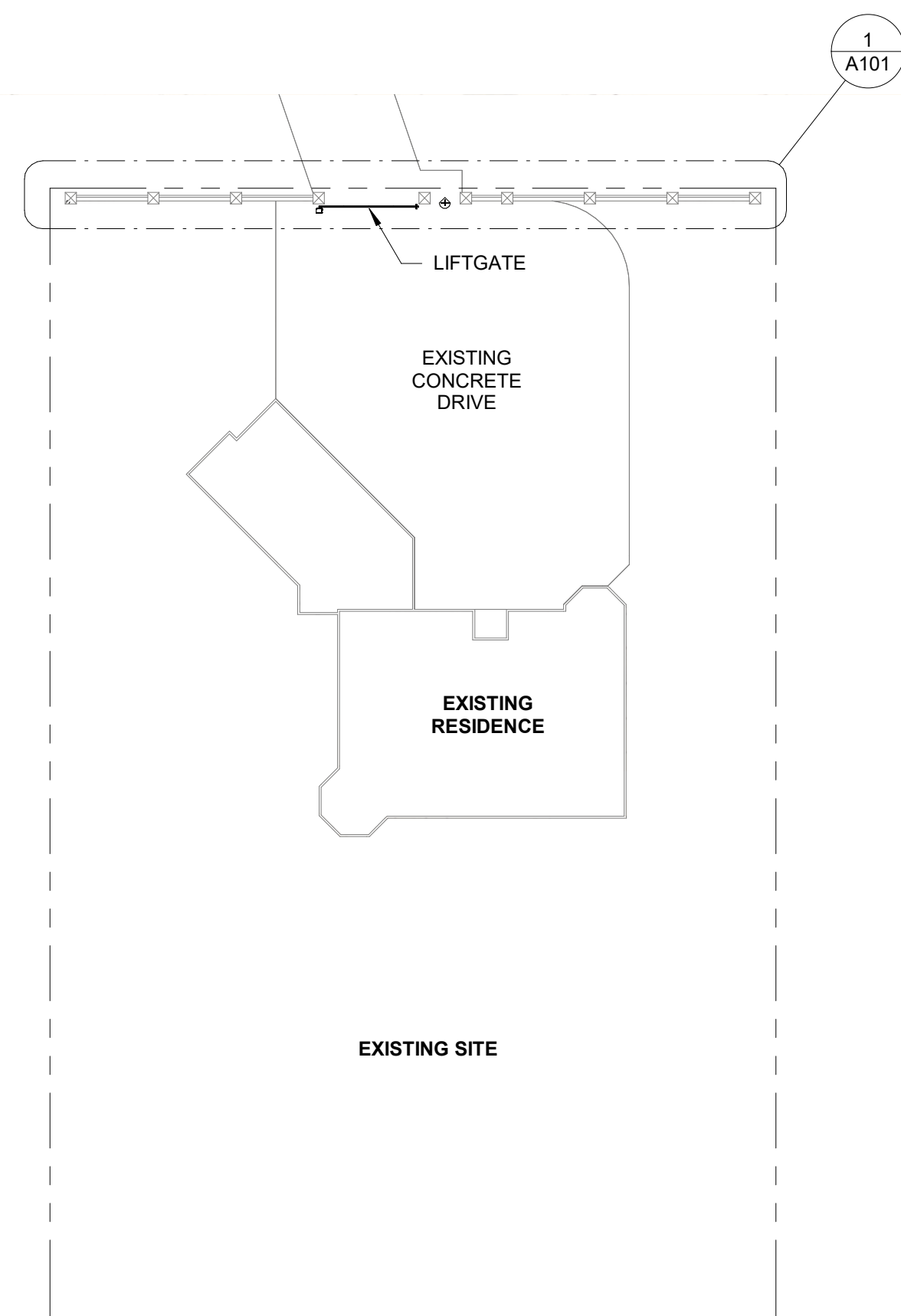
Approval of this gate will increase our quality of life as citizens of Novi. We appreciate and thank you for your time to take our concerns into consideration.



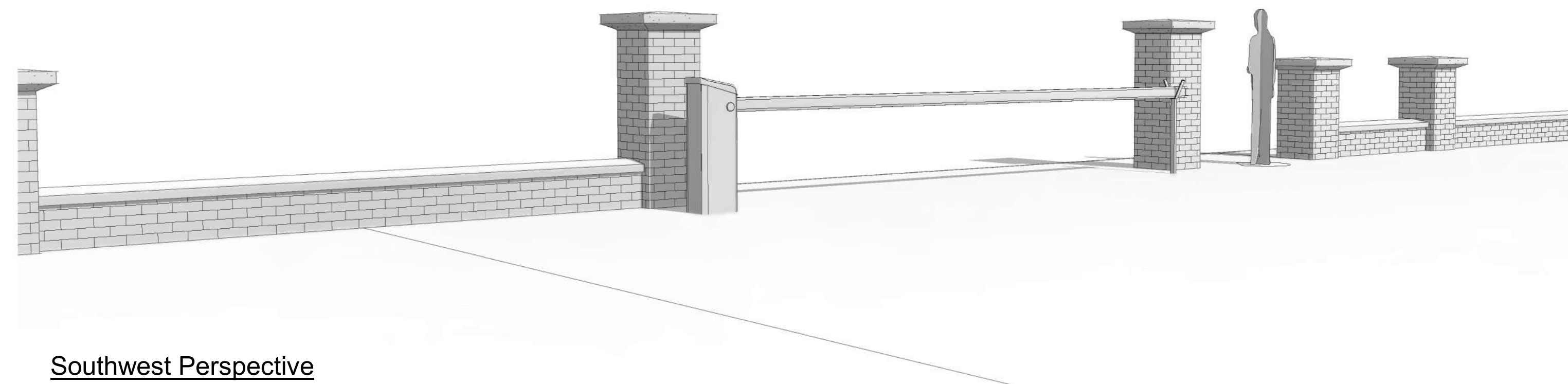
2 North Fence Elevation
 A101 3/16" = 1'-0"



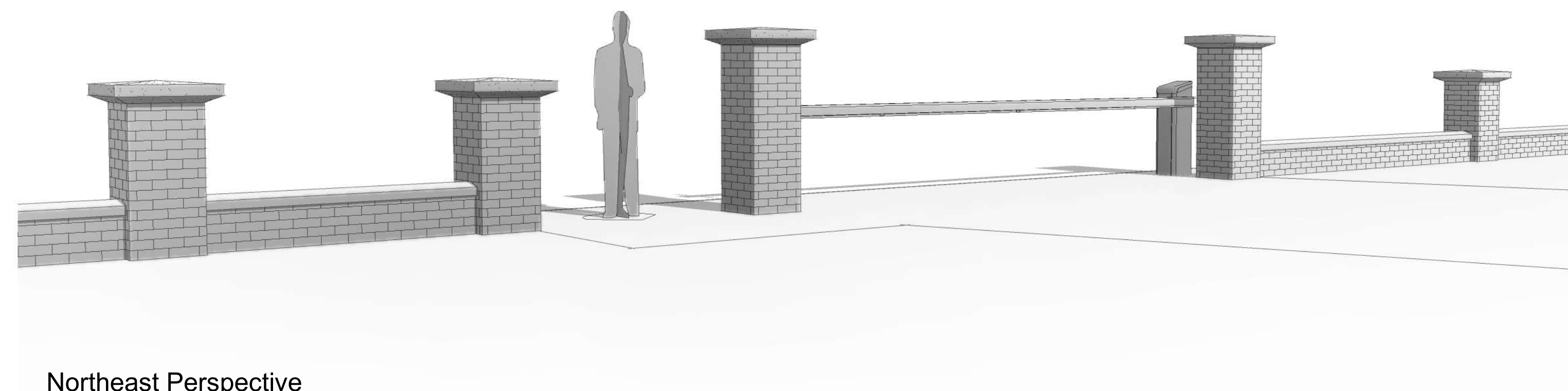
North Fence Plan
 3/16" = 1'-0"



Site Plan
 1" = 30'-0"



Southwest Perspective



Northeast Perspective

A ZBA 2020-04-28
 Nr. Submission Date

RIStudio LLC
 T: 248.729.3185
 roan@ri-studio.com

Cizmja Residence Front Lift Gate
 45605 W 9 Mile Road
 Novi, MI 48374

Sheet Name

Plan, Elevation, Perspectives

A101

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

45605 Nine Mile Road, Parcel # 50-22-33-200-034 (PZ20-0020)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

ITS GOING TO LOOK BEAUTIFUL

(PLEASE PRINT CLEARLY)

Name: EUGENE BONADEO

Address: 22339 ANNA MARIA CT

Date: 6-2-20

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.