



# COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
[www.cityofnovi.org](http://www.cityofnovi.org)

## ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: July 14, 2020

REGARDING: 330 Ludlow Drive, Parcel # 50-22-03-129-027 (PZ20-0024)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### Applicant

Curtis Massoll

#### Variance Type

Dimensional Variance

#### Property Characteristics

Zoning District: Single Family Residential  
Location: East of West Park Drive and South of West Pontiac Trail  
Parcel #: 50-22-03-129-027

#### Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 5.11.1A ii to allow the installation of a fence to the property line. Fence shall not extend toward the front of the property nearer than the minimum front yard setback distance by code. 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. **PZ20-0024**, 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. **PZ20-0024**, 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**

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: _____	
PROJECT NAME / SUBDIVISION				Meeting Date: _____	
ADDRESS		LOT/SIUTE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22-_____-_____-_____		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?			REQUEST IS FOR:		
<input type="checkbox"/> YES <input type="checkbox"/> NO			<input 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	
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS		CELL PHONE NO.	
NAME				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS		CITY		STATE	ZIP CODE
<b>B. PROPERTY OWNER</b> <input 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
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<input 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>B. VARIANCE REQUESTED</b>					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section _____ Variance requested _____					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
<b>IV. FEES AND DRAWINGS</b>					
<b>A. FEES</b>					
<input 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>B. DRAWINGS    1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>					
<ul style="list-style-type: none"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> </ul>			<ul style="list-style-type: none"> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>		



# 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

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
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.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
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



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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:

*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).

## **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.

## **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.

## **Standard #5. Adverse Impact on Surrounding Area.**

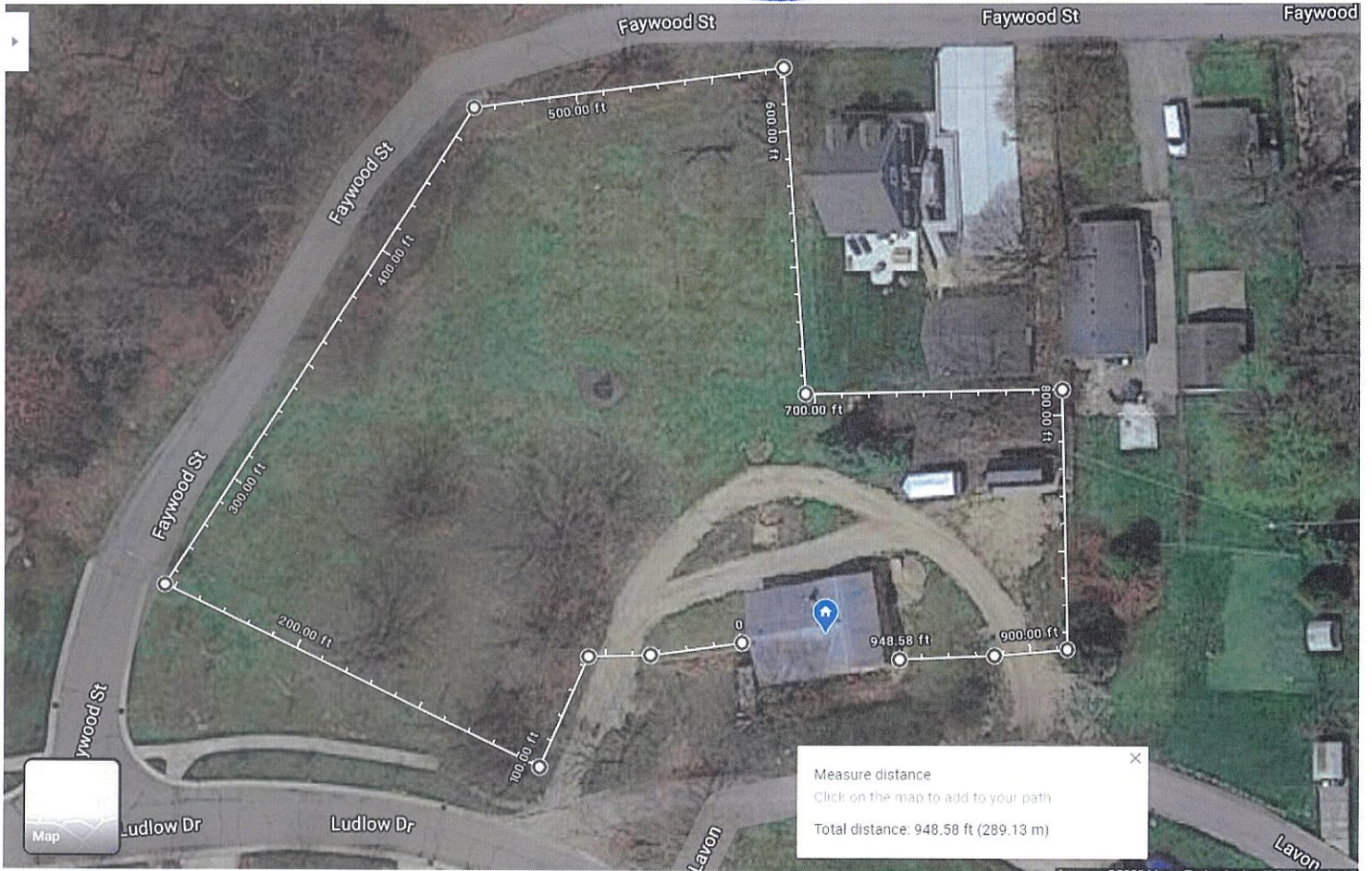
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.















# City of Novi

## Residential Fence Requirements

Per Ordinance No 18.248 of Article 25, Section 2515 from the  
Novi Zoning Ordinance

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Guidelines for installation of fences on Residential property in the City of Novi:

- **Height:** Fences may up to a maximum height of 6 feet.
- **Location:** Fences on residential lots are allowed at the rear yard and extending along side yards toward the front of the house up to the minimum front yard setback. If an existing home extends into the required front setback, fences may extend to the front of the home.
- Fences on lots in excess of 2 acres or lots with a frontage of at least 200' within a recorded plat, must comply with the 6' maximum height requirement but may also be installed in the front yard.
- Fences must be installed on your own property. It is the homeowner's responsibility to determine the location of property lines and to verify that the fence being installed is within those property lines. The City of Novi does not intervene in property line disputes between adjacent homeowners or provide survey services.
- Fences must be approved by the Subdivision Homeowner's Association (HOA) if applicable. Many HOA's have more restrictive requirements than the City of Novi, it is important that you verify the covenants and deed restrictions of your association prior to constructing any fence.
- **Materials and Uniformity** – Fences must be constructed of uniform materials, finish and color along a property line of any parcel totaling less than 150' in length. Where a fence has a finished and unfinished side, the more decorative side shall face outward toward the adjoining property or street.
- **Prohibited materials** – Materials such as scrap tires, canvas, cardboard, asphalt style shingles, chicken wire or similar fine wire mesh, corrugated metal or sheet metal are not acceptable for use in fencing. Fences cannot contain barbed wire, or electric current.
- **Swimming Pools:** All pools must be enclosed by a fence complying with Appendix G of the 2009 Michigan Residential Code and as found in the Swimming Pool permit handout available on the City website at [www.cityofnovi.org](http://www.cityofnovi.org) or from the Community Development Department.
- **Lots Having Water Frontage** – Fences are allowed within the front yard of waterfront lots provided that the fence is not higher than 4' and that the fence materials will not obstruct the view of the lake. Hedge row fences shall not be permitted on lots having water frontage from the front of the house to the lake.
- **Maintenance** – All fences shall be maintained in good condition, free of significant corrosion, peeling paint or finish and other damage.

For additional information or questions please contact the Community Development Department at (248)347-0415 or see the City Website [www.cityofnovi.org](http://www.cityofnovi.org)

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

Please note my comments to:

**330 Ludlow Drive, Parcel # 50-22-03-129-027 (PZ20-0024)**

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

Comments:

You can not see when going around the corner on Faywood because of the fence. There was almost a head on crash on Faywood. Also people almost got hit by cars because there was no place to go and nobody can see people walking. The fence must be taken down or moved in a few feet. Does not look good takes away from the beauty of to neighborhood.

(PLEASE PRINT CLEARLY)

Name: Martin + Danielle Meyer  
Address: 216 Faywood St  
Date: 7-6-20

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](http://cityofnovi.org).