



**CITY OF NOVI CITY COUNCIL
JANUARY 22, 2024**

SUBJECT: Consideration to approve variance relief from the depth-to-width ratio required in Chapter 38 of the City Code, Subdivision of Land, in order to allow a land division related to parcel 50-22-33-100-009, located at 47133 Nine Mile Road, that would result in two separate parcels, one of which would exceed the permitted ratio of the Code of Ordinances.

SUBMITTING DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

The City Council is being asked to grant a variance from certain requirements of the City's Code of Ordinances that results in the denial of a lot split by the City Assessor's Office. The applicant requested to subdivide his parcel so he can prevent the demolition of his existing home by dividing his parcel into two parcels and building a new home on the newly created parcel. The applicant purchased the historic Lincoln Place home in 2010 with the intent to restore and preserve it.

The Assessing Department reviewed the proposed division and determined both parcels would meet the requirements of the City's R-1 Zoning District and the parcel has available divisions per the Land Division Act, however, the request was denied because it does not conform to section Appendix C, Article IV, Section 4.02(A)(6) of the current (May 16, 2023) Code of Ordinances City of Novi, Michigan:

Section 4.02 - Lots.

A. Sizes and Shapes.

6. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall normally be considered a maximum.

Proposed Parcel B would exceed the 3 to 1 depth-to-width, as set by the City. The new parcel would be L-shaped; the width along the ROW (north line) would be 137-ft, while the depth of the west line would be 733-ft. The City's Ordinances don't address averaging out width/depth when dealing with an irregular-shaped parcel, there is only a section that discusses what to use as the width when the parcel is on a curve (i.e. cul-de-sac, etc.).

Because the width-to-depth standard is in the Code of Ordinances (not the Zoning Ordinance), the City Council is the body to determine whether to grant relief. The standard of review for Council is found in the Code under Chapter 32, Subdivision of Land:

Sec. 32-38. Variances.

- a) The city council may, upon appeal, authorize a variance from the strict application of the provisions of this chapter where such strict application would result in practical difficulties or undue hardship to the applicant. Relief from the strict application of this chapter may be granted in cases where the result is not a substantial detriment to the public good and does not impair the intent and purpose of the chapter. In granting a variance, the city council may attach conditions deemed reasonable to the purpose of this chapter. The relief granted shall, in no instance, be greater than necessary to relieve the practical difficulty or undue hardship to the applicant.

When discussed at the time of application, Assessing and Planning had no objections to the proposed division.

RECOMMENDED ACTION: Approval of variance relief from the depth-to-width ratio required in Chapter 38 of the City Code, Subdivision of Land, in order to allow a land division related to parcel 50-22-33-100-009, located at 47133 Nine Mile Road, that would result in two separate parcels, one of which would exceed the permitted 3 to 1 ratio, because the applicant has established a practical difficulty that would prohibit use of a significant portion of the parcel without destruction of a historic structure, because preservation of that structure is a benefit to the City and valuable public good, and because the relief does not impair the intent and purpose of the Subdivision of Land requirements as both parcels are of appropriate size and configuration for the area.

December 18, 2023

City of Novi | 45175 Ten Mile Rd | Novi, MI 48375
t: +1 248.347.0491 | cityofnovi.org

RE: Denial of Division of Parcel 50-22-33-100-009 Appeal

My request to subdivide the 5 acre parcel in question was denied because it does not conform to the width the depth ratio guidelines in Article C in the code of ordinances.

The important thing to know is that my reason for requesting the parcel split is because I would like to prevent the demolition of my existing home on the property in order to allow for the new home. My current home was built in 1838. And even though it is not a registered historic home, it has stood as a landmark in our city for 185 years. I have spent years preserving this home and already saved it from demolition once in 2010. All of my neighbors, and myself, would see it a tragedy if this home had to be torn down.

Since the rule is, one parcel one home, the only way that I can save this home is to be allowed to split it off onto its own parcel. Both parcels, if the split were to be allowed, would have over the 120 feet minimum requirement on 9 Mile Rd. Only the new parcel would extend deeper than the 3:1 rule would allow, but would not impede or interfere with any neighboring property. And a parcel split approval would allow for the beautiful timeless home to remain in our city.

I would like to request an in person, or zoom, meeting with the city council to make this plea.

Respectfully,

Amar Abro



CITY OF NOVI – 45175 Ten Mile Road, Novi, MI 48375
APPLICATION FOR LAND DIVISION/COMBINATION

RECEIVED
NOV 15 2023

ASSESSING DEPT
 CITY OF NOVI

TO THE CITY ASSESSOR OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN:
 I (We), the undersigned, do hereby make application to the City Assessor to divide, combine, or otherwise reconfigure the parcel(s) herein described. In support of this application, the following facts are shown:

FILL OUT SECTION #1 FOR PLATTED (SUBDIVISION) PARCELS or SECTION #2 FOR ACREAGE PARCELS

1. The property to be reconfigured is part of a recorded plat located in _____ Sub:

PARCEL NUMBER(S)	PRE % (0 – 100)	Y/N – TAXES PAID?	SCHOOL DISTRICT

2. The property to be reconfigured is an acreage parcel, and is not part of a recorded plat:

PARCEL NUMBER(S)	PRE % (0 – 100)	Y/N – TAXES PAID?	SCHOOL DISTRICT
50-55-33-100-009	100%	YES	Northville

3. It is requested that the above referenced parcel(s) be divided / combined (circle appropriate) into 2 new parcel(s).

4. Will a transfer(s) of ownership occur in conjunction with this division? Yes No
 If yes, complete and attach Michigan Department of Treasury [Form 2766](#).

5. If the parent parcel(s) has any unallocated divisions – under the authority of the Land Division Act – complete and attach Michigan Department of Treasury [Form 3278](#) to indicate which child parcel(s) these divisions will transfer to.

6. Is there a Principal Residence Exemption (PRE) currently in place? Yes No^{AA}
 If yes, complete and attach Michigan Department of Treasury [Form 2602](#).

7. Will any of the proposed child parcels be your principal residence? Yes No^{AA}
 If yes, complete and attach Michigan Department of Treasury [Form 2368](#). Leave box one (1) of the form blank; this will be entered once Oakland County has assigned the new parcel number.

8. Tax billing information. Please indicate the name and mailing address for each new parcel:

Name (print): Amar Abro
Street Address: 47133 W 9 Mile Rd
City, ST, Zip: Novi, MI 48374

List Parcels: (ex: "Parcel A", "Parcel 1", etc.)
Parcel B

Name (print): Amar Abro
Street Address: assign new address
City, ST, Zip: _____

List Parcels: (ex: "Parcel B", "Parcel 2", etc.)
Parcel A

9. List all owner names as they appear on the title.

*** MUST BE SIGNED BY ALL OWNERS. MUST BE SIGNED IN FRONT OF A NOTARY.**

Name (print): Amar Abro
Street Address: 47133 W 9 Mile Rd
City, ST, Zip: Novi, MI 48374
Phone: () _____
Signature*: [Signature]
Date: 11/14/2023

Name (print): _____
Street Address: _____
City, ST, Zip: _____
Phone: () _____
Signature*: _____
Date: _____

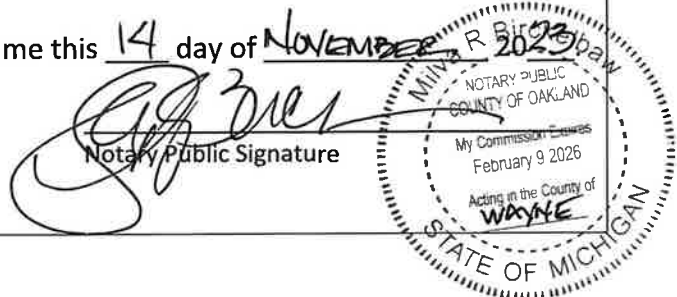
I (We), the above signed, am (are) the legal owner(s) of the above referenced property, and do hereby swear that the statements, descriptions, and signatures appearing on this petition and/or attachments hereto, are in all respects true and accurate to the best of my (our) knowledge.

10. Petitioner information (if different from the owner). Attach document(s) granting legal authority to request reconfiguration.

Name (print): _____
Street Address: _____
Phone: () _____

Signature*: _____
City, ST, Zip: _____
Date: _____

STATE OF MICHIGAN
COUNTY OF OAKLAND
The foregoing instrument was acknowledged before me this 14 day of NOVEMBER, 2023
My Commission Expires FEBRUARY 9 2026
Acting in the County of WAYNE



APPLICATIONS MUST INCLUDE THE FOLLOWING INFORMATION:

(Appeals to City Council shall also include this information.)

For Divisions: attach all items A through D

For Combinations: attach only items C through D

- A.** Signed and sealed survey prepared by a Registered Civil Engineer or Licensed Land Surveyor of the existing parcel(s) and proposed parcel(s). The surveys shall:
1. Be at least 8 ½" x 14" (legal size) and at a scale of not less than 1"=100' and show all property irons and monuments found or placed on the parcel(s).
 2. Include accurate legal descriptions of the existing and proposed parcel(s). Gross/Net parcel areas shall be shown to the nearest hundredth of an acre. For parcels less than one (1) acre, parcel area shall be shown to the nearest square foot.
 3. Be dated, including the dates of any revisions.
 4. Note the existing zoning as well as the front, rear, and side-yard setbacks of each parcel.
 5. Show all existing structures, roadways, bodies of water, floodplains, and easements within fifty (50) feet of the parcel(s) to be divided. Distances from existing structures to proposed parcel lines shall be shown, as well as the location of any wells and/or septic fields.
 6. Show the means of access from each resultant parcel to an existing public road right of way.
- B.** A letter from the Registered Civil Engineer or Licensed Land Surveyor indicating that the land division, as requested, does not violate the Land Division Act, P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997.
- C.** A copy of any/all restrictions and/or covenants, existing or proposed, which apply to or run with the land, whether recorded or not.
- D.** Proof of fee ownership (i.e.: deed, land contract, etc.) and a current commitment for title.

FOR OFFICE USE ONLY:

Assessor Signature: _____ Date: _____ Approval Denial

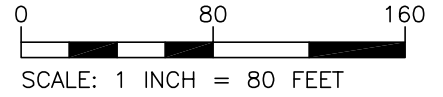
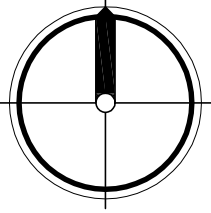
Reason(s) for Denial: _____

Routing for Appeal(s): _____

N

PRELIMINARY SPLIT DRAWING

22-33-100-009 / 47133 W. 9 MILE RD.



WEST NINE MILE ROAD VAR. WIDTH PUBLIC R/W

S89°28'30"E 297.00' (R)

PT OF BEGINNING
RECORD DESCRIPTION
& PARCEL B

S89°28'30"E 396.00' (R)

533.00' PT OF BEG., PARCEL A

N. LINE SEC. 33 & Q 9 MILE RD

137.00'

160.00'

NW CORNER
SECTION 33
T1N, R8E

33' R/W LINE

22-33-100-031

PROPOSED
PARCEL A
39998 SQ.FT.
0.918 AC.
(GROSS)

60' R/W LINE

LOT 64



SOUTH 250.00'

NORTH 250.00'

SOUTH 250.00'

EXISTING
RESIDENCE
#47133

17'

LOT 63

N89°28'30"W 160.00'
S89°28'30"E 160.00'

EXISTING PARCEL
22-33-100-009
217798 SQ.FT.
5.000 AC. (GROSS)
PER RECORD DESCRIPTION

22-33-100-032

NORTH 733.36' (R)

SOUTH 733.36' (R)

LOT 62

BARCLAY ESTATES SUB NO. 2

22-33-100-033

SOUTH 483.36'

LOT 61

PROPOSED
PARCEL B
177800 SQ.FT.
4.082 AC.
(GROSS)

LOT 60

22-33-100-023

LOT 59

N89°28'30"W 297.00' (R)

22-33-100-024

LOT 55

LOT 56

LOT 58

BARCLAY ESTATES SUB NO. 2

PREPARED FOR:
AMAR ABRO



David White Land Surveying, PLLC
Boundary · Topographic · Construction · ALTA
44 DENNISON STREET, OXFORD, MI 48371
734.353.0135 dwsurveying@gmail.com
Professional Land Surveyor

JOB NO.: 231104
DATE: 11/16/23
FIELD:
DRAWN: DPW
SHEET: 1 OF 2

CERTIFIED SURVEY

DESCRIPTIONS

PROPERTY DESCRIPTIONS:

Existing Parcel #22-33-100-009

(adapted from tax record)

Part of the Northwest 1/4 of Section 33, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Beginning at a point distant S 89°28'30" E 396 feet from the Northwest section corner;
thence S 89°28'30" E 297 feet; thence South 733.36 feet; thence N 89°28'30" W 297 feet;
thence North 733.36 to the **Point of Beginning**.

Proposed Parcel "A"

(part of 22-33-100-009)

Part of the Northwest 1/4 of Section 33, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the Northwest corner of Section 33, thence S 89°28'30" E, along the North line of Section 33 and the centerline of West Nine Mile Road (width varies), 533.00 feet to the **Point of Beginning**;
thence continuing along said line, S 89°28'30" East 160.00 feet; thence South 250.00 feet;
thence N 89°28'30" W 160.00 feet; thence North 250.00 feet to the **Point of Beginning**.

Proposed Parcel "B"

(part of 22-33-100-009)

Part of the Northwest 1/4 of Section 33, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the Northwest corner of Section 33, thence S 89°28'30" E, along the North line of Section 33 and the centerline of West Nine Mile Road (width varies), 396.00 feet to the **Point of Beginning**;
thence continuing along said line, S 89°28'30" E 137.00 feet; thence South 250.00 feet;
thence S 89°28'30" E 160.00 feet; thence South 483.36 feet; thence N 89°28'30" W 297.00 feet; thence North 733.36 feet to the **Point of Beginning**.

PREPARED FOR:
AMAR ABRO



David White Land Surveying, PLLC
Boundary · Topographic · Construction · ALTA
44 DENNISON STREET, OXFORD, MI 48371
734.353.0135 dwsurveying@gmail.com
Professional Land Surveyor

JOB NO.: 231104
DATE: 11/16/23
FIELD:
DRAWN: DPW
SHEET: 2 OF 2

David White Land Surveying, PLLC

Boundary • Topographic • Construction • ALTA

City of Novi
Assessing Department

Date 11/14/2023

RE: Split Application
47133 W. 9 Mile Rd.

Assessing Official:

The property division proposed for the above referenced parcel does not, to the best of my knowledge and belief, violate the Land Division Act, PA 288 of 1967, as amended by PA 591 of 1996 and PA 87 of 1997.

Respectfully,



David P. White, PS #4001050458

205085
LIBER 42558 PAGE 417
\$16.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$2,064.00 TRANSFER TX COMBINED
11/17/2010 11:38:14 A.M. RECEIPT# 89556

PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

NOV 12 2010

1.00 *Po* ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 209, 1893 as amended

015356

Covenant Deed

KNOW ALL MEN BY THESE PRESENTS: Bank of America, NA successor by merger to Countrywide Bank, FSB, ("Grantor") whose address is: 400 Countrywide Way #SV35, Simi Valley, CA, 93065-6298

Convey(s) to: Amar Abro, A SINGLE MAN ("Grantee") whose address is: 48816 Stoneridge Dr., Northville, MI, 48167.

The following described premises situated in the City of Novi, County of Oakland; and State of Michigan, to-wit:

SEE EXHIBIT A

Commonly Known as: 47133 W 9 Mile Rd., Novi, 48374
Parcel ID: Tax ID: 50-22-33-100-009

For the full consideration of Two Hundred Forty Thousand and 00/100 Dollars (\$240,000.00) Subject to zoning ordinances and to restrictions and easements of record, if any, existing reservations, or leases of oil, gas, or mineral rights, zoning limitations, and apparent and beneficial easements. The Grantor covenants and agrees that the grantor has not previously done or committed or willingly suffered to be done or committed any act, matter, or thing that would cause the premises or any part of them to be charged or encumbered in title, estate, or otherwise. These premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The grantor grants to the grantee the right to make (100%) division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967.

#



RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2010 NOV 16 AM 10:43

STATE OF MICHIGAN
OAKLAND
11/17/2010
89556



REAL ESTATE
TRANSFER TAX
\$264.00 CO
\$1,800.00 ST
630596

O.K. - A.N.

3P
R
CS
TT

63-10598569-LSF

20 + 2064 = 2084

LIBERAL 2558 pg 18

Dated: 11/05/2010

*Print name below signature in black ink only.

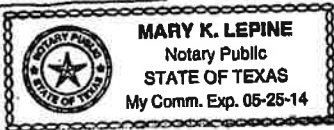
State of: Texas)
County of Collin) SS

Bank of America, NA successor by merger to
Countrywide Bank, FSB

By: Phyllis Gilliard
Its: Phyllis Gilliard Vice President
And: Walid M Mounime
Its: Asst Secretary

The foregoing instrument was acknowledged before me on this 5 day of November, 2010 by
Phyllis Gilliard Its Vice President And Walid M Mounime of Bank of America, NA successor by
merger to Countrywide Bank, FSB

* Walid M. Mounime Its: Asst. Secretary



Mary K. Lepine
Notary Public: _____
Notary County: Collin, State: TX
Commission Expires: _____
Acting In: _____

Instrument Drafted by: Phyllis Gilliard
Bank of America, NA successor by merger to Countrywide
Bank, FSB
Assisted by Attorneys Title Agency, LLC
c/o Mike Clapsadle
31440 Northwestern Hwy, Suite 150
Farmington Hills, MI, 48334
File No.: 63-10098569-LSF

Send subsequent tax bills and recorded deed to:
Amar Abro
47133 W 9 Mile Rd.
Novi, MI, 48374

LIBER 2558 PCL 19

EXHIBIT "A"

Land situated in the City of Novi, County of Oakland, State of Michigan

Part of the Northwest $\frac{1}{4}$ of Section 33, Town 1, North, Range 8 East, City of Novi, Oakland County, Michigan described as: Commencing at the Northwest corner of said Section 33; thence South 89 degrees 28 minutes 30 seconds East, 396.00 feet along the North line of said Section to the point of beginning thence continuing South 89 degrees 28 minutes 30 seconds East, 297.00 feet; thence South 733.36 feet parallel to the West, line of said Section; thence North 89 degrees 28 minutes 30 seconds West 297.00 feet; thence North 733.36 feet parallel to the West line of the Section to the point of beginning.

Commonly Known as: 47133 W 9 Mile Rd., Novi, 48374



December 18, 2023

Amar Abro
47133 Nine Mile Road
Novi, MI 48374

Re: Division of Parcel 50-22-33-100-009
47133 Nine Mile Road
Novi, MI 48374

CITY COUNCIL

Mayor
Justin Fischer

Mayor Pro Tem
Laura Marie Casey

Council Members
Matt Heintz

Hugh Crawford

Dave Staudt

Brian Smith

Ericka Thomas

City Manager
Victor Cardenas

City Clerk
Cortney Hanson

Dear Mr. Abro,

Please be advised that your requested land division has been denied. The requested division does not conform to section Appendix C, Article IV, Section 4.02(A)(6) of the current (May 16, 2023) Code of Ordinances City of Novi, Michigan:

Section 4.02 - Lots.

A. Sizes and Shapes.

- 6. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall normally be considered a maximum.

If you are interested in appealing the Assessor's denial to the City Council, you can submit an appeal to the Clerk's Office (248-347-0456) **within 20 days** of the date of this denial. I have attached to this letter, information from the Clerk's Office regarding: Land Division Appeals to City Council. After the City Council makes their decision, if a variance is granted, you would return to Assessing and we would continue processing the land division with Oakland County.

If you have any questions, I can be reached at 248-347-0491.

Sincerely,

Kristin Corbett, MAAO, MCPPE
Commercial and Industrial Appraiser
City of Novi

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375
cityofnovi.org

248.347.0485 – Assessing Dept

cc:
Assessing – Jan Ziozios
Clerk's Office – Cortney Hanson
Community Development – Barbara McBeth
Lindsay Bell