



cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department

Case No. 12-040 45605 Nine Mile

Location: 45605 Nine Mile Road

Zoning District: R-1, One-family Residential District

The applicant is requesting a variance to install a 5 ft. -8 in. tall pier and baluster perimeter fence and approximately 6 ft. -5 in. high decorative aluminum gate in the front yard of a residence. The property is located south of Nine Mile Road and east of Beck Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2515 of the Zoning Ordinance limits residential fences to 6 ft. in height and indicates that fences shall not extend toward the front of the lot nearer than the minimum front yard setback distance.

City of Novi Staff Comments:

The Novi Zoning Ordinance allows residential fences up to 6 ft. in. height along the rear lot line and portions of the side property lines. Only very limited decorative fences are allowed in the front yard. The applicant is proposing to construct a continuous masonry post and baluster fence with a metal swinging gate. Staff does not support the request as strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will not unreasonably prevent the property owner from using the property for a permitted purpose.

Standards for Granting a Dimensional Variance:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- 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.
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



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(248) 347-0415

For Official Use Only

ZBA Case No: _____ ZBA Date: _____ Payment Received: \$ _____ (Cash)

Check # _____ Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name DEFRIM CIZMJA Date 7/30/2012

Company (if applicable) _____

Address* 45605 NINE MILE ROAD City NOVI ST MI ZIP 48374

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: elcizmja@gmail.com

Phone Number (248) 773-8345 FAX Number (248) 773-8395

ATTORNEY: JEFFREY M. LEIB PHONE: 248/851-7800 email: jeffleib@
 Request is for: 30445 NORTHWESTERN HWY #230 FAX: 248/851-7801 miel.com
FARMINGTON HILLS, MI 48334

Residential Construction (New/Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 45605 NINE MILE, NOVI, MI ZIP 48374

2. Sidwell Number: 5022-33-200-034 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes No

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 JSC OST OTHER

5. Property Owner Name (if other than applicant) _____

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

1. Section 2515 Variance requested FRONT YARD, FENCING AND GATE
 2. Section _____ Variance requested _____
 3. Section _____ Variance requested _____
 4. Section _____ Variance requested _____

LIMESTONE ORNAMENTAL

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

SEE ATTACHED

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

SEE ATTACHED

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a **Mock-Up Sign ten (10) days** before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the 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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.


There is a five (5) day hold period before work/action can be taken on variance approvals.


All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building Addition to Existing Home/Building Accessory Building
 Use Signage Other


Applicants Signature

 ATTORNEY
JEFFREY M. LEIB

7-30-12
Date


Property Owners Signature

7-30-12
Date

DECISION ON APPEAL

Granted Denied Postponed by Request of Applicant Board

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

Chairperson, Zoning Board of Appeals

Date

LAW OFFICES OF JEFFREY M. LEIB

**Attorneys and Counselors at Law
30445 Northwestern Hwy., Ste 230
Farmington Hills, Michigan 48334
Phone (248) 851-7800
FAX (248) 851-7801**

Jeffrey M. Leib

jeffleib@mich.com

July 31, 2012

City of Novi
Zoning Board of Appeals
45175 West Ten Mile Road
Novi, Michigan 48375-3024

Re: ZBA Application of Defrim Cizmja
Property 45605 Nine Mile Road

Gentlemen,

Please accept the following as supplemental answers to ZBA Application Numbers 9 and 10.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements.

The Applicant's property is located on a major thoroughfare and is one acre in size. It is directly opposite Nine Mile from a wetland, unbuildable commons area and is separated from Anna Maria Court by dense vegetation. The owner is inundated with trespassers and solicitors who intrude upon owner's privacy and security. When Applicant is not home, his wife and 11 year old daughter have become frightened by unwelcome intruders. The residence to the rear of Applicant has been the victim of trespassing, breaking and entering and larceny/theft.

The Applicant's business, which is operated from his home office involves the expedited dispatching and transportation of domestic automotive parts across the 48 contiguous states, Canada and Mexico. He possesses computers in his home that can duplicate bar codes, special seals for security at border crossings and information on loads being transported. Thus, Applicant (both he and his wife are Naturalized United States citizens) and his business possess the highest security clearances in the industry thereby making the security of his office and computers a major consideration. In addition to the requested gated and fenced security, Applicant's home has installed electronic surveillance cameras and other sensitive equipment.

The security of America's borders cannot be overstated and, therefore, the security associated with the ease by which Applicant can navigate his tractors and trailers to, from and across our national borders is a concern that ought to be appreciated by the Members of the Zoning Board of Appeals.

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance.

As indicated in question 9, the Applicant's property is located on a major thoroughfare and is one acre in size. It is directly opposite Nine Mile from a wetland, unbuildable commons area and is separated from Anna Maria Court by dense vegetation.

The Applicant has received the support of his bordering neighbors and is shielded from the subdivision across Nine Mile by a wetland common area that is now unbuildable. Similarly, he is separated from residents of Anna Maria Court by a vacant parcel immediately to his East and a dense wooded common area.

There are few, if any, parcels in the City of Novi that resemble the features of the Applicants circumstances.

Finally, it should be noted that the proposed front yard fencing is comprised of decorative lime stone bases, caps and insets. It is not masonry material. The fencing is proposed to be 5' 7 1/2" in height to the top of the lime stone cap; and the gate from the ground to the top of the curved center is proposed to be 6' 4 1/8"

Very truly yours,

LAW OFFICES OF JEFFREY M. LEIB

A handwritten signature in cursive script, appearing to read "Jeffrey M. Leib", is written over a large, faint circular stamp or watermark.

Jeffrey M. Leib

JML/bl