



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: January 12, 2016

REGARDING: VOJTIKOFSKY (CASE NO. PZ15-0045)

BY: Charles Boulard, Building Official

I. GENERAL INFORMATION:

Applicant

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A.ii to allow installation of a fence in the exterior side yard of an existing residence.

Variance Type

Dimensional Variances

Property Characteristics

Zoning District: R-1, One Family Residential
Site Location: 25687 Cody Lane, east of Beck Road and south of 11 Mile Road
Parcel #: 50-22-21-179-011

Request

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A. to allow construction of fencing within the exterior side yard of an existing home located on a corner lot.

II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
Subject Property	R-1 One Family Residential	Single Family Residential	Single Residential
North	R-1 One Family Residential	Single Family Residential	Single Residential
South	R-1 One Family Residential	Single Family Residential	Single Residential
East	R-1 One Family Residential	Single Family Residential	Single Residential
West	R-1 One Family Residential	Single Family Residential	Single Residential

III. STAFF COMMENTS:

Site Conditions

The subject property consists of a single lot located on a corner in an existing residential development. The applicant is requesting approval to extend the yard fencing into the exterior side yard setback. It is important to note that the fence will extend adjacent to a curving portion of the street and vehicle visibility will be important.

IV. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. Grant I move that we **grant** the variance(s) in **Case No.PZ15-0045**, sought by _____, for _____ because the Petitioner has established that _____ causes a practical difficulty relating to the property, including some or all of the following criteria:

(a) Petitioner has established that the property is unique because _____, or that the physical condition of the property creates the need for a variance because _____.

And, the condition is not a personal or economic hardship.

(b) The need for the variance is not self-created, **because** _____.

(c) Strict compliance with dimensional regulations of the Zoning Ordinance, including _____, will (either):

- 1. unreasonably prevent Petitioner from using the property for the permitted purpose as a _____, because _____, and/or,
- 2. will make it unnecessarily burdensome to comply with the regulation because _____.

(d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not _____.

(e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because _____.

(f) The variance granted is subject to the conditions that:

- 1. _____,
- 2. _____,
- 3. _____,
- 4. _____.

2. Deny I move that we **deny** the variance in **Case No.PZ15-0045**, sought by _____, for _____ because the Petitioner has **not** established a practical difficulty because:

Zoning Board Of Appeals

Nafso Property
Case # PZ15-0041

December 8, 2015

Page 3 of 3

- (a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by_____.
- (b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated _____.
- (c) The need for the variance is self-created because Petitioner _____.
- (d) Conforming to the ordinance would not (either):
 - 1. be unnecessarily burdensome because _____, or,
 - 2. unreasonably prevent petitioner from using the property for _____, because_____.
- (e) A lesser variance consisting of _____would do substantial justice to Petitioner and surrounding property owner's because_____.
- (f) The proposed variance would have adverse impact on surrounding property because_____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0415.

Charles Boulard
Building Official
City of Novi



45175 Ten Mile Road
 Novi, MI 48375
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 www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

RECEIVED
NOV 23 2015
CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$200.00</u>	
PROJECT NAME / SUBDIVISION Walden Woods II				Meeting Date: <u>1-12-16</u>	
ADDRESS 25687 Cody Lane		LOT/SUITE/SPACE # 21		ZBA Case #: <u>PZ 15-0045</u>	
SIDWELL # 50-22- 21 - 179 - 011		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY Cody Lane and Laramie Drive, southwest of 11 mile and Taft					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input checked="" type="checkbox"/> YES <input 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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS Ryan.Vojtkofsky@gmail.com		CELL PHONE NO. 734-679-6943	
NAME Ryan Vojtkofsky		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS 25687 Cody Lane		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		CELL PHONE NO.	
NAME		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS		CITY	STATE	ZIP CODE	
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>2515 5.11 A</u>		Variance requested		<u>Allow fence to extend towards front of the lot beyond minimum front yard set back distance</u>	
2. Section <u>2515 3.1.2</u>		Variance requested		<u>reduce minimum side yard setback</u>	
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					
<ul style="list-style-type: none"> Dimensioned Drawings and Plans Site/Plot Plan Existing or proposed buildings or addition on the property Number & location of all on-site parking, if applicable 			<ul style="list-style-type: none"> Existing & proposed distance to adjacent property lines Location of existing & proposed signs, if applicable Floor plans & elevations Any other information relevant to the Variance application 		



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

11/20/2015
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



Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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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:

Our lot is a corner lot where much of the usable area of the rear yard is considered as the second front yard which falls under the front set back restrictions.

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:

There is a protected wetland area nearby (50ft) from the house and around our subdivision. This causes wild animals to enter into the subdivision and allows for wild life traffic through our yard. Considering that wild animal excrement can be hazardous to our family and house pets, a fence would provide protection from these Dangers. Our older Husky has already suffered from these hazards a few years back and almost lost her life. We would prefer to protect as much space as possible from these intrusions.

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 shape of and location of our lot is such that a large portion of space falls along the side frontage of the house. The fence is requested to contain our pets and to provide them with adequate space for use as well as to keep out wildlife from the surrounding wetlands. Our dogs are medium to large breed dogs which require a larger area for use. On top of that, the subdivision does not provide any street lighting so walking the dogs at night poses risks for both the home owner, the dogs, and the surrounding neighborhood. Many of the neighborhood animals are generally left unattended in their yards behind an electric fence or no fence at all. While we all trust our animals there is always a risk from any animal if they are frightened.

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.

The yard directly behind the house is a small percentage of the total property with most of our usable property slated along the south side and front of the house. To follow strict conformance with the zoning ordinance would mean that we would give up a large percentage of our property to a side yard which would be not be usable by of family because of vehicle traffic on the side street, human and pet foot traffic that already has the tendency for pets to use the yard as a rest stop, and the wildlife intrusion from the neighboring wetlands.

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.

Visually a fence reaching to the sidewalk is more appealing than putting a fence through the middle of the rear yard. If the fence is placed at the minimum front set back per the ordinance, it will cause us to remove the existing rear structures and foliage to allow access to the fenced in portion of the yard. Extending further into the front set back would allow us to keep the existing area intact and allow access from the rear of the house to the yard.

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.

Considering that we currently have a pool fence installed, we are asking to extend the fence to encompass the entire rear and side yard up to 1 foot from the side walk. This does not add an additional visual impact to the community as our pool fence is currently visible from the road. The fence will be decorative and the appearance will be softened using foliage to ensure minimal visual affect. There is currently a existing defined tree line along the side yard and the rear of the property which forms a rough perimeter from the road side view. The fence will not restrict the view of road traffic at the corner intersection, therefore the fence would pose no traffic flow issues of safety. The Homeowners Association has already provided signed approval of the proposed fence which are attached. Many of the neighbors have expressed their support for the fence.

HOA Signed Approvals

WALDEN WOODS II HOMEOWNERS ASSOCIATION

**Re: 25687 Cody Lane, Novi, MI
Modification of Existing Wrought Iron Fence**

In compliance with the Bylaws of Article VI, Sections 11 and 14, I hereby approve the modification of the existing wrought iron fence (which currently encompasses the existing pool and pool area only) to be expanded to encompass the entire rear yard of the home and not to exceed said property line. The newly added fence must be the same material and color as the existing wrought iron fence.

Cynthia Ann Kolis
Board of Director Cynthia Ann Kolis

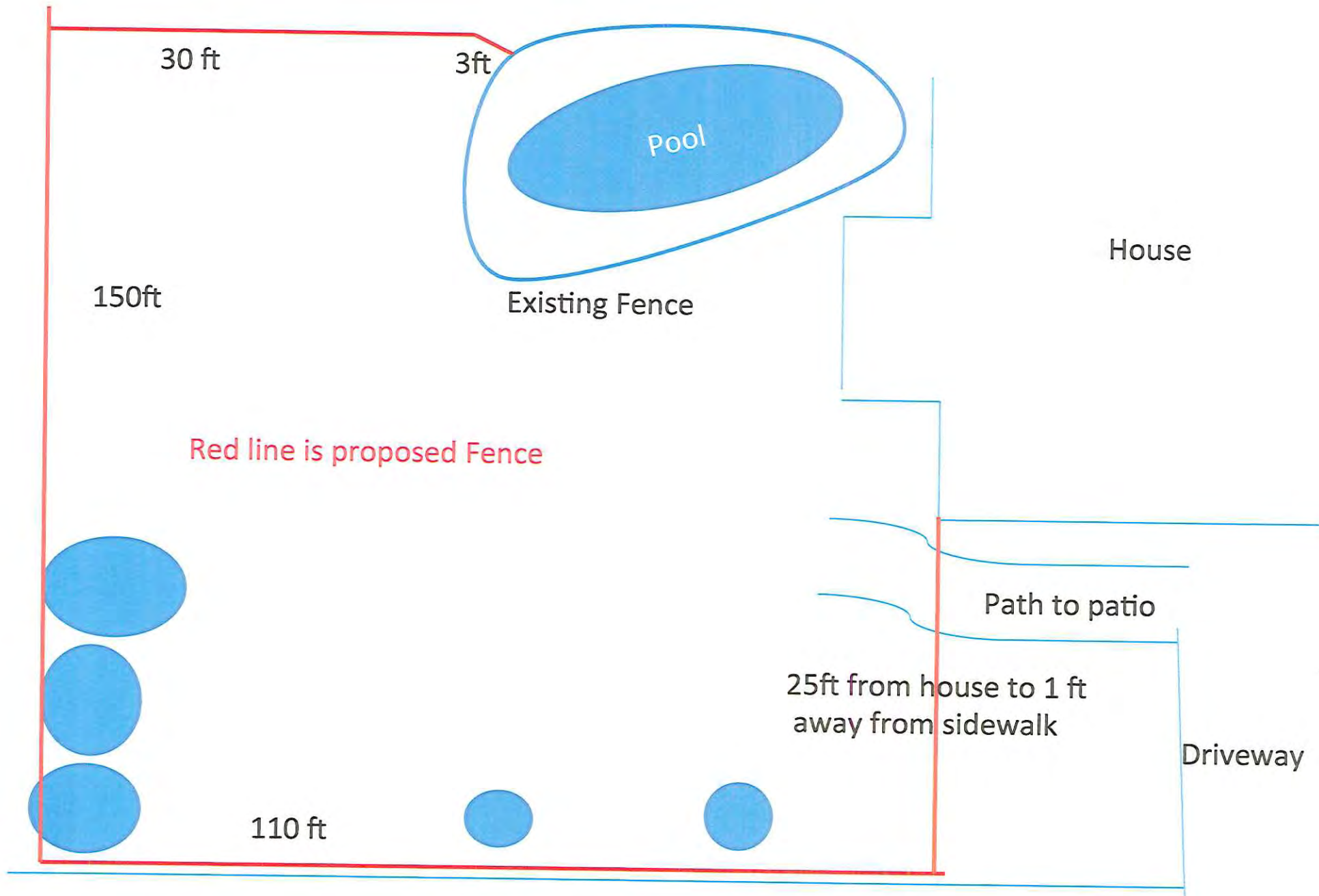
9.15.15
Date

Laurie Wujczyk
Board of Director
Laurie Wujczyk

9-29-15
Date

Gloria A. Webber
TREASURER
GLORIA A. WEBBER

10-31-15
DATE



Laurie Wujczyk Pres.
Alvina G. Webber TREASURER

SKETCH OF SURVEY

PART OF THE NORTHWEST 1/4 SECTION 21, T. 1N, R. 8E.,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

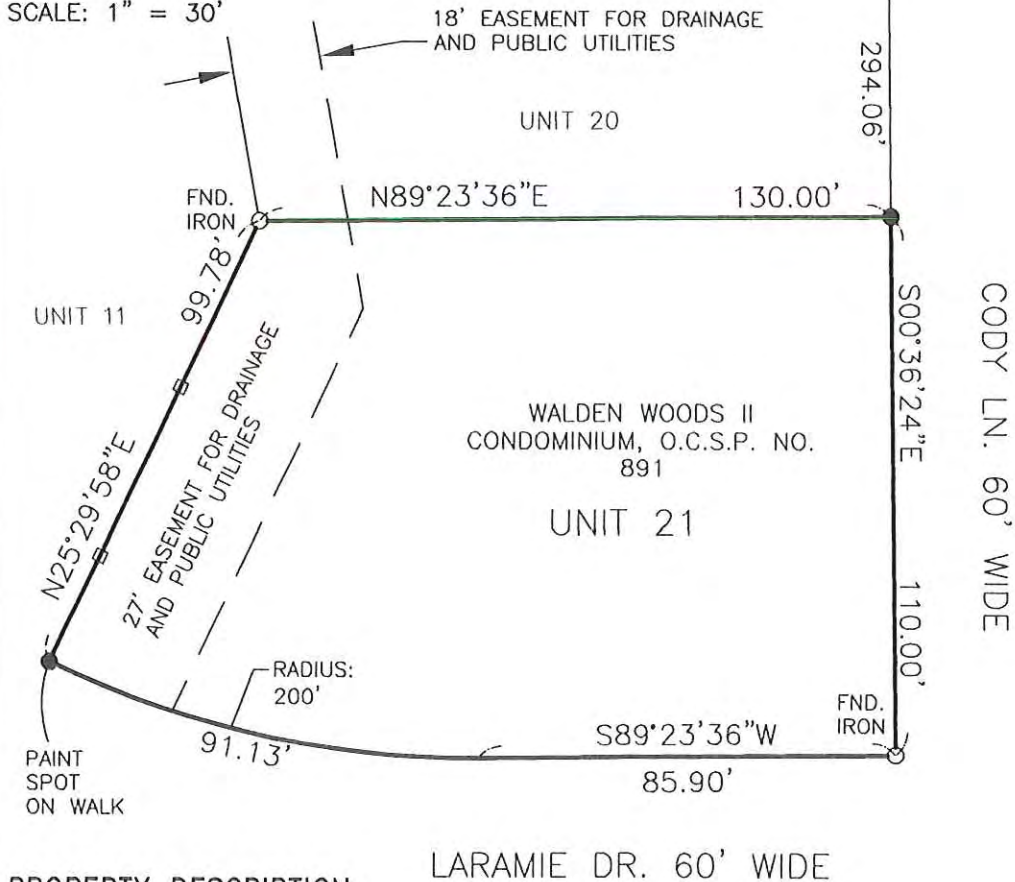


LEGEND

- (M) MEASURED
- (R) RECORDED
- SET IRON
- FOUND IRON
- PROPERTY LINE STAKE

FND.
IRON
(NE COR
UNIT 18)

SCALE: 1" = 30'



PROPERTY DESCRIPTION:

PARCEL NO. 22-21-179-011
#25687 CODY LN.

UNIT 21 WALDEN WOODS II CONDOMINIUM, OAKLAND COUNTY SUBDIVISION PLAN NO. 891, AS RECORDED IN LIBER 15097, PAGE 317, PART OF THE NORTHWEST 1/4 OF SECTION 21, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

NOTES:

1. NO TITLE POLICY SUPPLIED BY THE CLIENT.
2. BEARINGS ARE BASED ON WALDEN WOODS II CONDOMINIUM, LIBER 15097, PAGE 317, OAKLAND COUNTY RECORDS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON 11/13/2015 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS LESS THAN 1/5000.

Paul W. Kinnunen
PAUL W. KINNUNEN, P.S. #48781



**METROPOLITAN
LAND
CONSULTANTS INC.**

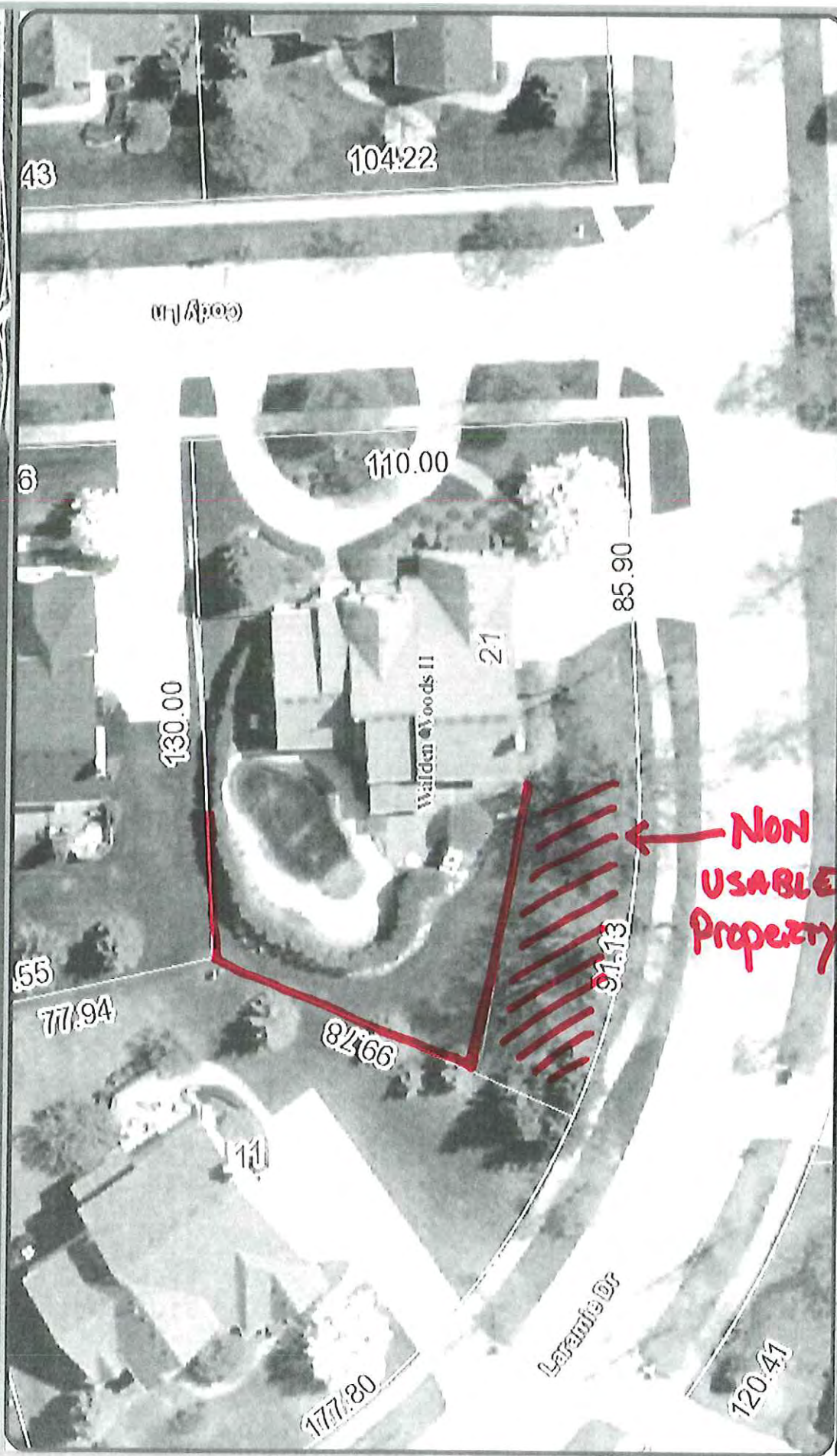
37537 SCHOOLCRAFT
LIVONIA, MI 48150
TEL#: 734-464-0822
FAX#: 734-464-0875

DRAWN BY: JDS	SCALE: 1" = 30'
JOB#: 15-103	DATE: 11/16/15
CLIENT: RYAN VOJTKOFSKY	

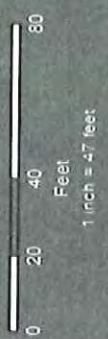
DWG. NO.
1 OF 1

PE - ORDINANCE

25687 Cody fence placement



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Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/StdUsePolicy.asp>



Author: [i]
Date: 10/30/2015

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City of Novi, Michigan
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P12 ORDINANCE

25687 Cody fence placement



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i Author:
Date: 10/30/2015

NOVI CITY OF
NOVI cityofnovi.org

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City of Novi, Michigan
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REQUESTED VARIANCE

25687 Cody fence placement



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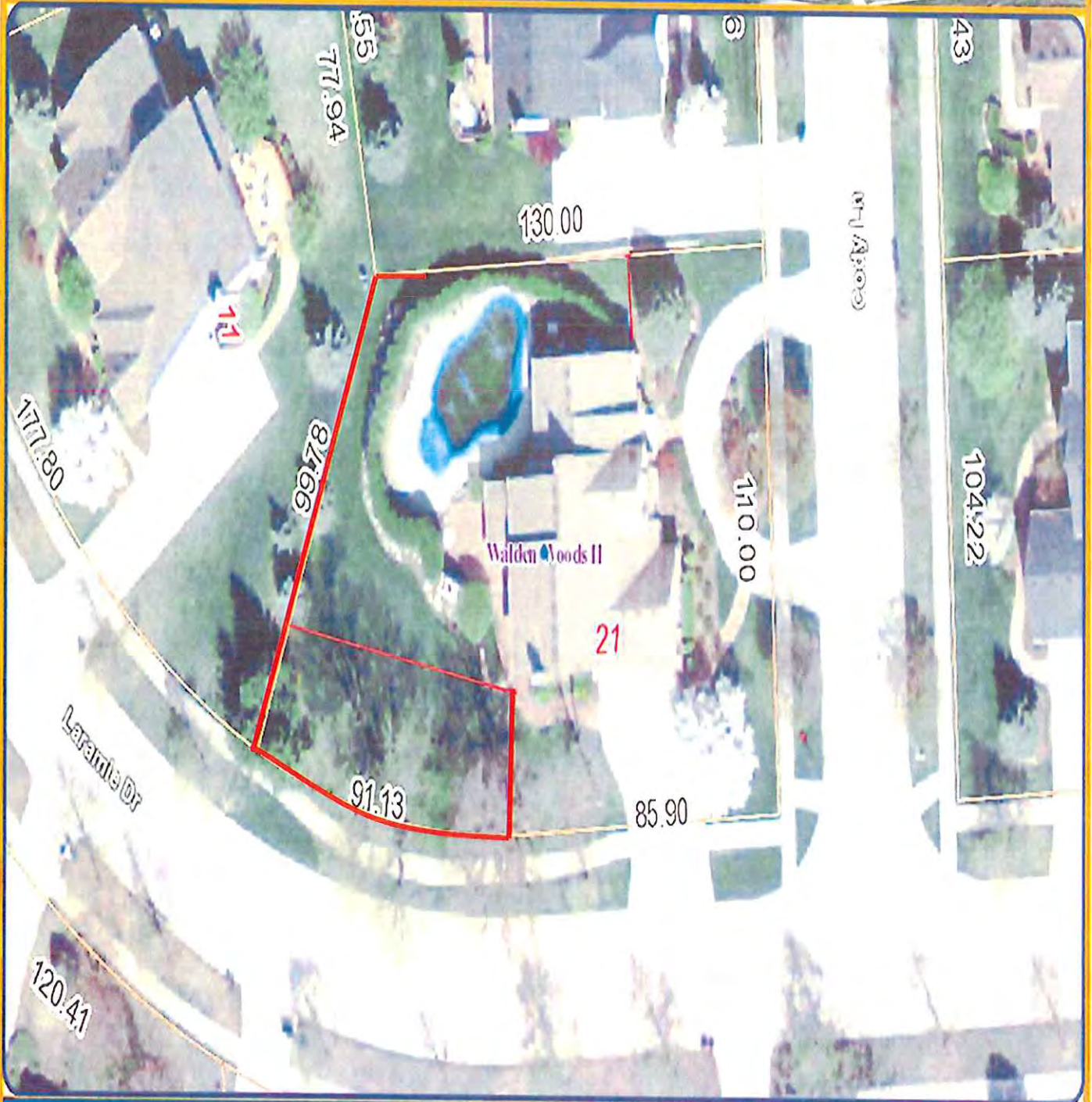
Author: 
Date: 10/30/2015

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Requested VARIANCE

25687 Cody fence placement



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Internet Mapping Portal

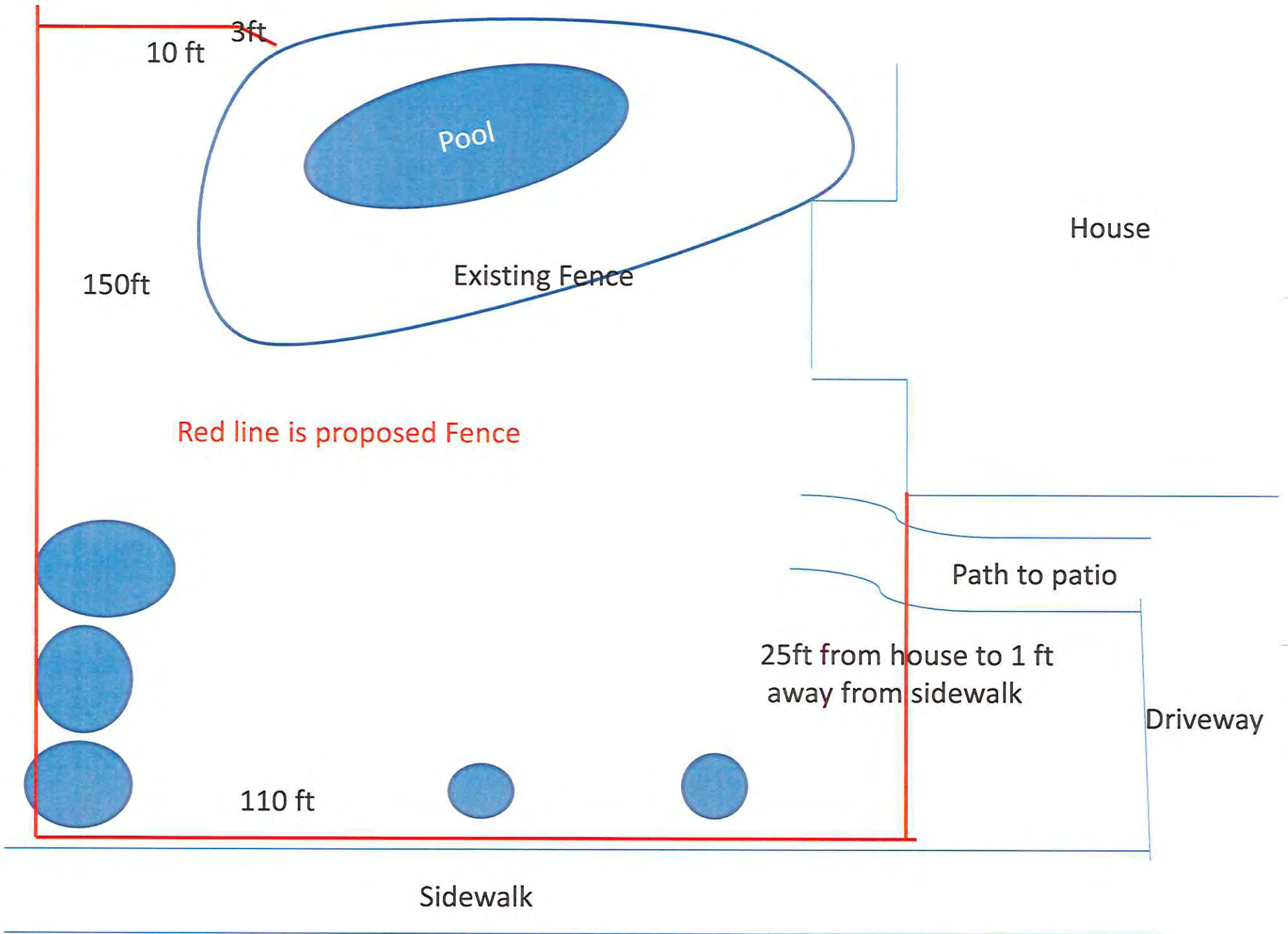


Author:
Date 10/30/2015



MAP INTERPRETATION NOTICE

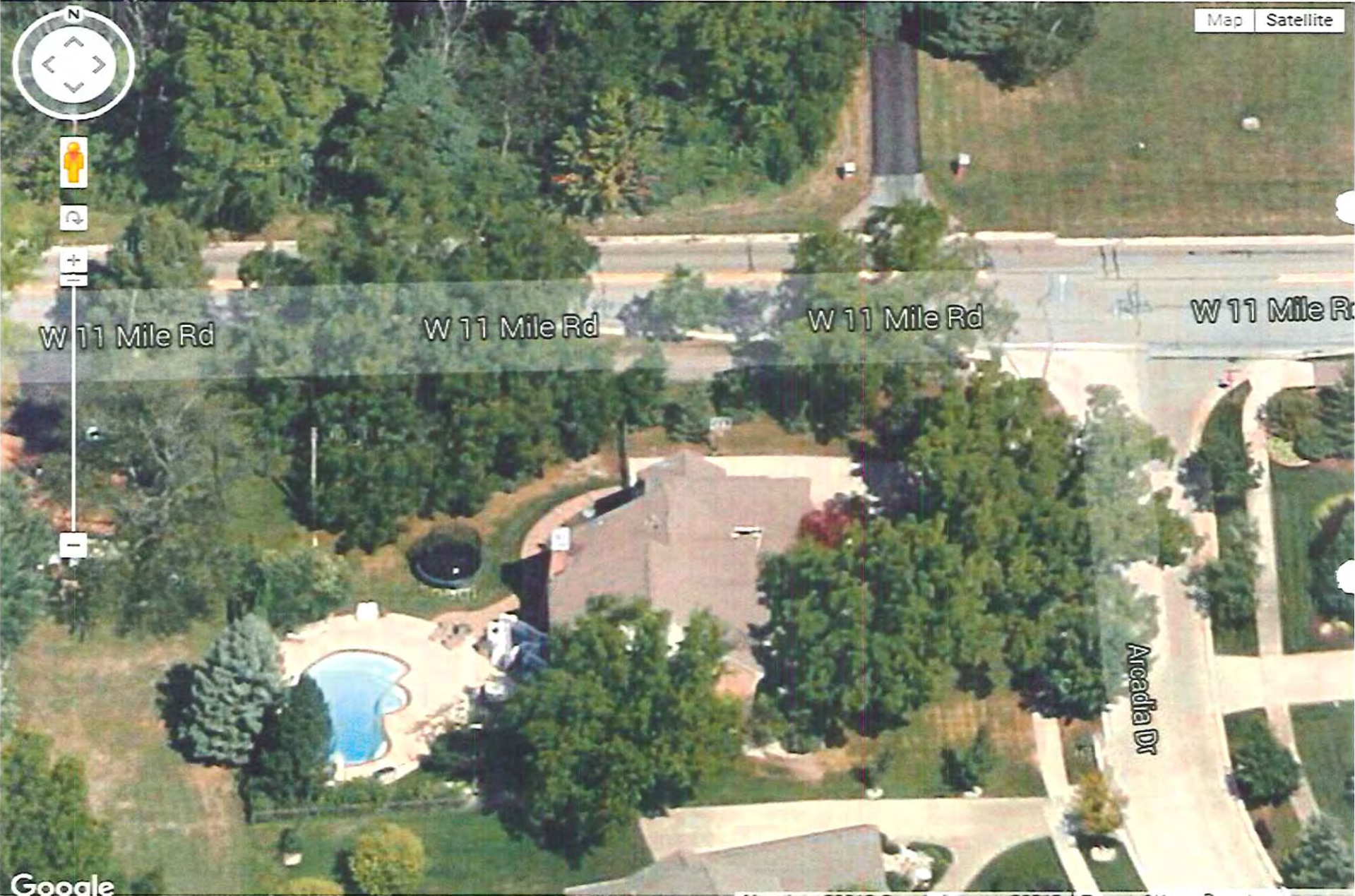
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Nearby Corner Lots

With fence in front yard set back

Walden Woods Subdivision Entrance



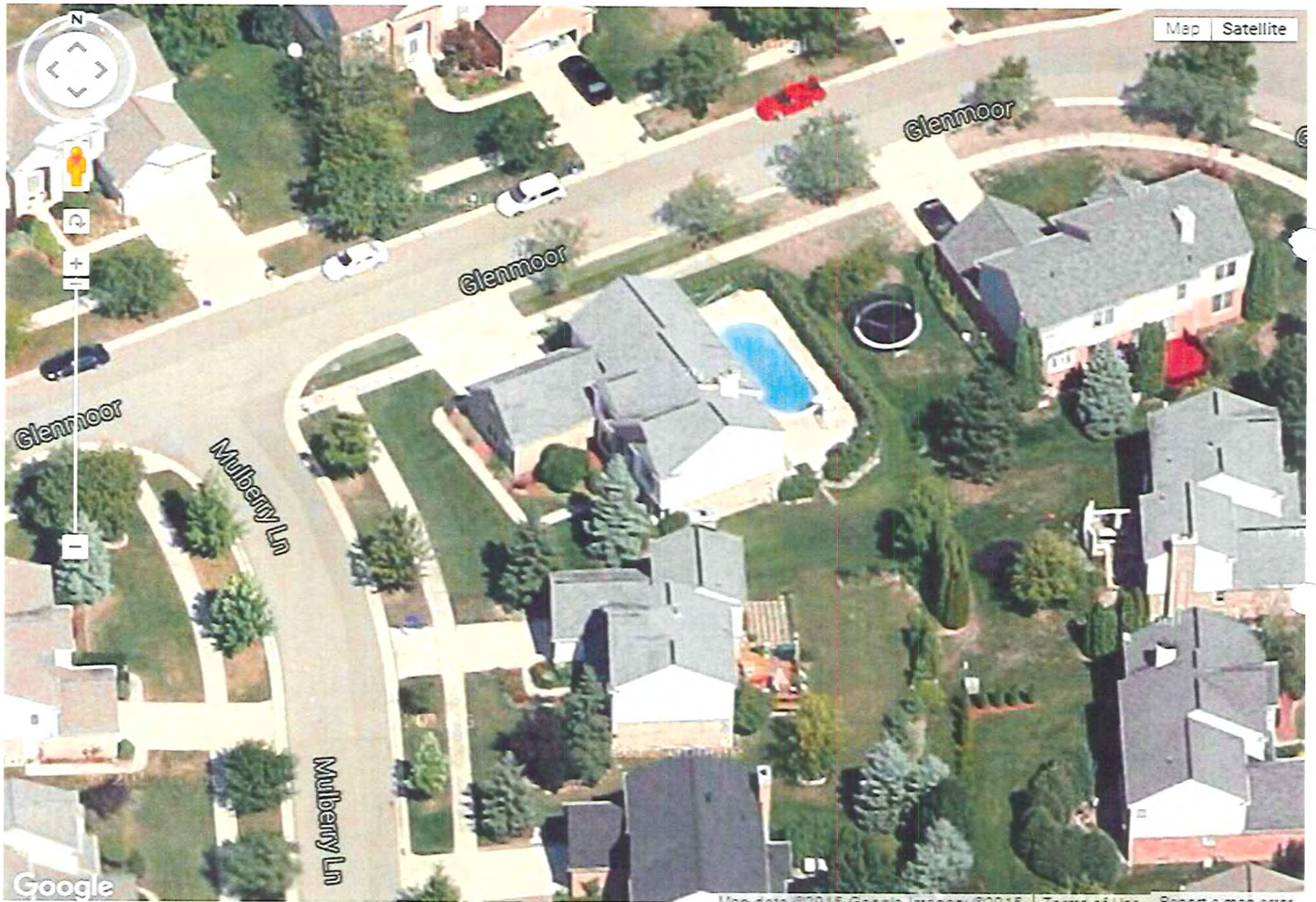
View for entrance to Walden Woods from 11 mile



Lochmoor (Connecting Subdivision)



Lochmoor (Connecting Subdivision)



Current lot photos
25687 Cody Lane

Current view from side street





View from rear corner of lot





Lost space per ordinance

Lot view from driveway





Existing structure and foliage blocking access to ordinance area



**City of Novi
Public Hearing Notice**

NOTICE IS HEREBY GIVEN THAT the Zoning Board of Appeals for the City of Novi will hold a public hearing on Tuesday, January 12, 2016 at 7:00 p.m. in the Council Chambers of the Novi Civic Center, 45175 Ten Mile Road, Novi, MI to consider:

CITYGATE MARKETPLACE (CASE PZ15-0032), DORAID MARKUS ON BEHALF OF CITYGATE MARKETPLACE, 27200 BECK ROAD, NORTH OF GRAND RIVER AVENUE AND EAST OF BECK ROAD, PARCEL # 50-22-16-176-033. The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, to allow construction of a 5,908 sq. ft. building with a retail space and two fast food restaurant spaces: 1) a variance from Section 3.1.23.D to reduce the required north yard building setback by 34 feet (50 feet required, 16 feet proposed); and 2) a variance from Section 5.3.11.A, B to reduce the required north yard parking setback (20.0 feet required, 0.0 feet proposed) to allow construction of a drive-through lane.

VOJTIKOFSKY (CASE NO. PZ15-0045), RYAN VOJTIKOFSKY, PARCEL #: 50-22-21-179-011, 25687 CODY LANE, EAST OF BECK ROAD AND SOUTH OF 11 MILE ROAD. The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A.ii to allow installation of a fence in the exterior side yard of an existing residence.

AIRTIME (CASE NO. PZ15-0046), NEW GENERATION SIGNS FOR AIRTIME, 44255 TWELVE MILE ROAD, UNIT A, WEST OF DONELSON DRIVE AND SOUTH OF 12 MILE ROAD, PARCEL#: 50-22-15-200-112. The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; 28-5 (3)f and 28-5(2)b 1(a)(i)d to allow installation of (3) additional wall signs (1 sign allowed) with a total additional area of 281 square feet.

Published: December 24, 2015

LO-0000266975 3x3.5



ZONING BOARD OF APPEALS MEETING NOTIFICATION

45175 Ten Mile Road
Novi, Michigan 48375-3024
(248) 347-0415

December 23, 2015

Ryan Vojkofsky
25687 Cody Lane
Novi, MI 48374

Zoning Board of Appeals Case No. PZ15-0045, 25687 Cody Lane

Enclosed herewith please find the Notice of Public Hearing for your case. The City of Novi Zoning Board of Appeals will conduct a public hearing on **Tuesday, January 12, 2016 at 7:00 p.m.** to consider your variance request. **It is mandatory** that you or your representative be present at this meeting.

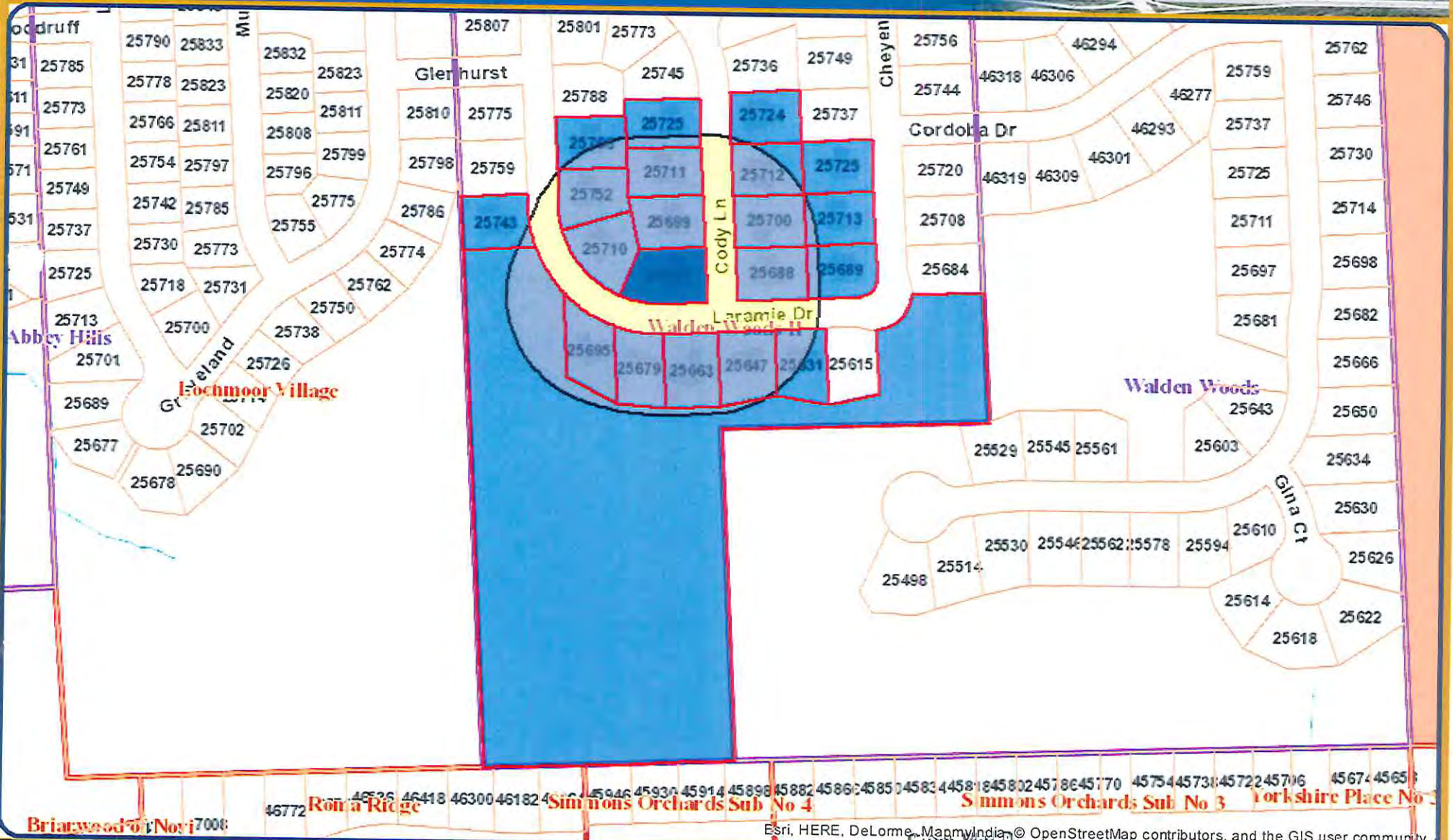
The agenda will be available on the website at www.cityofnovi.org one week before the meeting.

If you have any questions, please contact me at (248) 735-5638.

Respectfully,

Stephanie Ramsay
Customer Service Representative

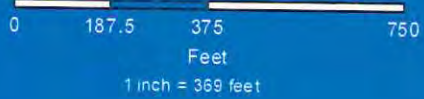
PZ15-0045
25687 Code Lane



Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal



Author:
Date: 11/30/2015



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