

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

MEETING DATE: July 14, 2026

REGARDING: 48120 Eight Mile Road #50-22-32-400-022 (PZ26-0026)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

The Antiques Barn

Variance Type

Use Variance

Property Characteristics

Zoning District: this property is zoned Residential Acreage (R-A)

Location: north of Eight Mile Road, west of Beck Road

Parcel #: 50-22-32-400-022

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance to permit commercial antique retail use within an existing barn on a property zoned Residential Acreage (R-A).

II. STAFF COMMENTS:

The applicant is seeking a USE Variance (The Antiques Barn) 48120 Eight Mile Road.

The selling and displaying of goods in a R-A zoning district is forbidden but, in this case, it is grandfathered with the owner of the house to use this feature, in the barn, as a historical use.

This case was previously heard on December 12, 2023 (case number PZ23-0061) Resulting in postponement, waiting for further information regarding a future tenant - PZ23-0061 is now closed.

A "Use" variance requires a strict 2/3 supermajority vote of the entire ZBA membership to be approved - at least 5 affirmative votes are required to pass (even if only 5 are present).

The petitioner would like to remove the "homeowner" stipulation in the grandfathered arrangement and use the barn to sell items which would then conflict with the R-A zoning district.

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. **PZ26-0026**, 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 is 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. **PZ26-0026** 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.

Alan Hall – Deputy Director Community Development - City of Novi



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

ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

JUN 03 2020

CITY OF NOVI
COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$220.00</u>	
PROJECT NAME / SUBDIVISION The Barn in Northville				Meeting Date: <u>7/14/20</u>	
ADDRESS 48120 Eight Mile Rd		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ 26-0026</u>	
SIDWELL # 50-22-32 - 400 - 032		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY 8 and Beck					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? ☐ YES ☒ NO			REQUEST IS FOR: ☒ RESIDENTIAL ☐ COMMERCIAL ☐ VACANT PROPERTY ☐ SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? ☐ YES ☒ NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL		CELL PHONE N	
NAME Deni Pejjanovic					
ORGANIZATION/COMPANY				FAX NO. STATE CELL PHON	
ADDRESS 20860 Maybury Park Dr		CITY Northville		MI ZIP CODE 48167	
B. PROPERTY OWNER ☐ CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property: Doug Teubert		EMAIL ADDRESS			
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 48120 Eight Mile Rd		CITY Northville		STATE MI ZIP CODE 48167	
III. ZONING INFORMATION					
A. ZONING DISTRICT					
☒ R-A ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ RM-1 ☐ RM-2 ☐ MH ☐ I-1 ☐ I-2 ☐ RC ☐ TC ☐ TC-1 ☐ OTHER _____					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>4</u> Variance requested <u>Use</u>					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
☒ Single Family Residential (Existing) \$220 ☐ (With Violation) \$275 ☐ Single Family Residential (New) \$275 ☐ Multiple/Commercial/Industrial \$330 ☐ (With Violation) \$440 ☐ Signs \$330 ☐ (With Violation) \$440 ☐ House Moves \$330 ☐ Special Meetings (At discretion of Board) \$660					
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
• 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 • 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

D. Pejanovic
Applicant Signature

June 2, 2026
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.

Den Pejanovic - owner as of 8/3/26 June 2, 2026
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
www.cityofnovi.org

REVIEW STANDARDS USE VARIANCE

For Use Variances: A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards.

Standard #1. Cannot Be Reasonably Used.

Explain how the land, building or structure cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

The existing "The Barn in Northville" located on the premises of 48120 Eight Mile Road has been used as an antique shop in the RA Zoning district for many decades due to the uniqueness of the situation and the piece of property. The original farm it served is long gone, and it is not suitable for use as intended when it was built in the 1850s.

Standard #2. Circumstances or Physical Conditions.

Explain how the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.

The barn is located on a busy stretch of eight mile road west of Beck Rd. It is a unique structure that remains as one of the few standing barns in Novi.

Standard #3. Character of the Neighborhood.

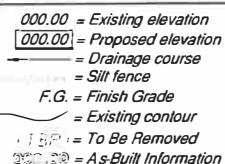
Explain how the proposed use will not alter the essential character of the neighborhood.

The Barn has been a part of the Novi and Northville communities' history for decades. There is no request for the change in use that would affect the character of the neighborhood.

Standard #4. Not Self-Created.

Explain how 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).

In February of 1994, the variance was transferred to the then new owner containing a stipulation of "For this petitioner only" (case 94-005). In September 1998, the property was transferred and the use variance granted containing "This will be limited to this petitioner only". The request to the ZBA is that this clause be removed so the use variance transfers with the property.



NAVD88 BENCHMARK
ARROW ON HYDRANT
ELEVATION = 950.32

PART OF SOUTHEAST ¼ OF SECTION 32, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: THE NORTH 250.00 FEET OF THE SOUTH 310.00 FEET OF THE WEST 350.00 FEET OF THE EAST 45.5 ACRES OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32, EXCLUDING 60.00 FEET FOR ROAD RIGHT OF WAY. CONTAINS 87,649 SQUARE FEET OR 2.012 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Prepared For: Deni Pejvanovic
20860 Maybury Dr.
Northville, MI 481678

Jekabson & Associates, P.C.
Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 455-8000

by:

Date	17 June 2025
Job No.	25-05-009
Scale	1" = 30'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1

ELIZABETH KUDLA SAARELA
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

December 8, 2023

***Privileged and Confidential Correspondence
From City Attorney***

Charles Boulard, Director
CITY OF NOVI
Community Development
45175 Ten Mile Road
Novi, MI 48375

**RE: 48120 Eight Mile Road, Parcel # 50-22-32-400-022 (PZ23-0061)
Use Variance Request - To Use Existing Barn as an Antique Shop in the R-A
Residential District**

Dear Mr. Boulard:

The applicant is requesting a use variance from the City of Novi Zoning Ordinance Section 3.1.1, to allow use the existing barn as an antique shop in a R-A zoned district on a permanent basis. Prior variances related to each particular applicant residing at this address during their time at the address and were not attached to the land. The proposed is to allow the variance to "run with the land." This property is zoned RA- Residential Acreage. Section 3.1.1 provides for permitted uses and special land uses in the RA District (see attached). An antique shop is not permitted or a special land use within the RA District.

The purpose of this letter is primarily as a reminder of the higher standard that the applicant must meet for a **use variance**. A use variance is required in this case because selling antiques is a commercial use and is not a permitted use in a Residential Zoning District.

Unlike for a non-use or area variance, where the standard of review is the usual "practical difficulty standard," a zoning board of appeals can grant a use variance only upon a finding that an unnecessary hardship exists. This tends to be a more difficult test to meet. Here's the standard for a use variance under the City of Novi Zoning Ordinance, Section 7.10.5.A.iii.b:

Section 7.10 Zoning Board of Appeals (ZBA)

* * *

- b. For Use Variances: A use variance may be granted by the ZBA only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

- (1) The property cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.
- (2) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, topography, or similar physical conditions and is not due to the applicant's personal or economic hardship.
- (3) That the proposed use will not alter the essential character of the neighborhood.
- (4) 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).

In granting a variance, the ZBA may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.

In recognition of the fact that a use variance is intended to be much more difficult to get than a non-use/area variance, under both your ordinance and state law, a two-thirds vote of the membership of the Board is required for a use variance. That means the applicant in this case will need five votes in order to get the variance. As stated in the Michigan Zoning Guidebook for Citizens and Local Officials, prepared by the MSU Extension Service: "A use variance should only be granted by the ZBA under those **exceptional circumstances** where the current zoning district is clearly unreasonable as applied to the specific parcel, because it does not permit the property owner any reasonable use of the land." The question before the Board, then, really comes down to whether the applicant ***has made use of the property in the past and can continue to make use of the property in the future without the variance requested.*** The Applicant has been granted the same variance as it pertains to the applicant's antique shop use and could continue this use with the variance that they currently have.

If the Board determines to grant a use variance under these circumstances, it must clearly identify the basis for the approval by making findings of fact related to each of the standards listed above. There are many other properties with similar circumstances that might be affected by the Board's decision, and in order to make sure there is a clear basis for relief under the particular facts and circumstances of this case, careful findings will be needed.

Based on the application package provided only, the applicant has provided no factual information regarding the inability to use the site for a permitted use or with the variance as it currently stands.

The applicant must also demonstrate that the physical characteristics of the property are preventing the applicant from using the property for a permitted use (or with the current variance).

If the applicant is able to show that he or she cannot reasonably use the property for *any* permitted use (or with the limited variance), he or she will also be required to show that this is not a self-created condition – i.e., that he or she did not make a choice with respect to the operation, use, or maintenance of the property that created the need for the variance.

Finally, with respect the proposed use variance, the applicant must also show that the using the property in accordance with the proposed variance would not change the essential character of the neighborhood. The applicant has used the property for the purpose permitted in the current variance up to this point and has not indicated why that is inadequate.

Based on the information provided in the application, the use variance standards do not appear to have been met. **In the event that you do not wish to grant a new permanent variance that runs with the land**, we recommend using the following proposed motion if the Board is inclined to deny the use variance:

I move to deny the use variance requested in this matter because the applicant has not shown that she cannot reasonably make any other use of this property than for an antique shop or that the current limited variance for an antique shop does not alleviate the hardship. The applicant has not provided any facts showing that the property cannot be used as a residence or any other of the uses permitted in the RA Zoning District of for applicant's current needs as an antique shop. Furthermore, the applicant has not shown that the physical characteristics of the property are preventing her from using the property as a residence, or alternatively from using the site for another permitted use, or pursuant to the current variance. A personal reason does not relate to maintaining a use on the property. The applicant has not shown that the inability to use the property for a residential purpose or for an antique shop limited to applicant. Finally, the applicant has not provided information showing that the essential character of the area will not be changed on a permanent basis.

It should be noted that if the applicant is requesting to use the property for any use other than an antique shop, the applicant first must request a permit or decision from Planning Commission or the Building Official and be denied in order to appeal. This applicant has not applied or a different use other than an antique shop, no other use has been considered by the City, and the ZBA can not consider any other use that was not rejected and or public noticed for appeal.

Please feel free to contact me with any questions or concerns in regard to this matter.

Charles Boulard, Community Development Director
City of Novi
December 8, 2023
Page 4

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

C: Cortney Hanson, Clerk
Alan Hall, Deputy Director Community Development
Sarah Fletcher, Account Clerk
Thomas R. Schultz, Esquire