



## 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 Appeal      **MEETING DATE:** March 10, 2026

**REGARDING:** 49805 Nine Mile Road #50-22-30-476-004 (PZ26-0005)

**BY:** Alan Hall, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### **Applicant**

William Moore

#### **Variance Type**

Dimensional Variance

#### **Property Characteristics**

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

Location:                                on Nine Mile Road, west of Garfield Road

Parcel #:                                 50-22-30-476-004

#### **Request**

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.1 for a side yard setback of 6 ft. (20 ft. required, variance of 14 ft); and an aggregate side yard setback of 29 ft. (50 ft. required, variance of 21 ft.)

### II. STAFF COMMENTS:

*The applicant is seeking (2) dimensional variances:*

- 1) A variance to allow a 14' side yard setback reduction (the resultant setback would be 6')*
- 2) A variance to allow a 21' reduction to the aggregate side yard setback.*

*The existing structure on the property will be demolished and a new home, having the same house width as the existing house, is planned to be built.*

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. **PZ26-0005**, 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. **PZ26-0005** 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



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# ZONING BOARD OF APPEALS APPLICATION

RECEIVED

FEB 02 2026

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>				Application Fee: <u>\$275.00</u>	
PROJECT NAME / SUBDIVISION 49805 9 Mile Road				Meeting Date: <u>3/10/26</u>	
ADDRESS 49805 9 Mile Road		LOT/SIUTE/SPACE #		ZBA Case #: <u>PZ 26-0005</u>	
SIDWELL # 50-22-304 - 476 - 004		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY South of 9 Mile & West of Garfield Road					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" 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					
<b>II. APPLICANT INFORMATION</b>					
<b>A. APPLICANT</b>		EMAIL ADDRESS		CELL PHONE NO.	
NAME William Moore				TELEPHONE NO.	
ORGANIZATION/COMPANY J Michael Homes				FAX NO.	
ADDRESS 50280 W. 9 Mile Road		CITY Novi	STATE MI	ZIP CODE 48374	
<b>B. PROPERTY OWNER</b> <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 William Moore				TELEPHONE NO.	
ORGANIZATION/COMPANY Realgistics Corporation				FAX NO.	
ADDRESS 50280 W. 9 Mile Road		CITY Novi	STATE MI	ZIP CODE 48374	
<b>III. ZONING INFORMATION</b>					
<b>A. ZONING DISTRICT</b>					
<input checked="" 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 <u>3.1.1</u>		Variance requested		<u>6' min side yard setback (20' required, variance of 14')</u>	
2. Section <u>3.1.1</u>		Variance requested		<u>29' side yard agg total (50' required, variance of 21')</u>	
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) \$220 <input type="checkbox"/> (With Violation) \$275 <input checked="" type="checkbox"/> Single Family Residential (New) \$275					
<input type="checkbox"/> Multiple/Commercial/Industrial \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> Signs \$330 <input type="checkbox"/> (With Violation) \$440					
<input type="checkbox"/> House Moves \$330 <input type="checkbox"/> Special Meetings (At discretion of Board) \$660					
<b>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>					
• Dimensioned Drawings and Plans			• Existing & proposed distance to adjacent property lines		
• Site/Plot Plan			• Location of existing & proposed signs, if applicable		
• Existing or proposed buildings or addition on the property			• Floor plans & elevations		
• Number & location of all on-site parking, if applicable			• 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

William P. M...  
Applicant Signature

January 30, 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.

William P. M...  
Property Owner Signature

January 30, 2026  
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**

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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:  
The lot is exceptional narrow for RA zoning. RA standards call for a minimum width of 150'. The subject lot is 85.10' wide. However, the land surveyor stated that the side lot lines are not parallel so we should have our totals equal 84' not 85.10'.

*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:

FYI: Eastside of property is City of Novi land. Backside is ITC land. We just complete a new build on the adjacent lot to the west.

## **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 lot is exceptional narrow for RA zoning. RA standards call for a minimum width of 150'. The subject lot is 85.10' wide. However, the land surveyor stated that the side lot lines are not parallel so we should have our totals equal 84' not 85.10'. The current property owner did not cause the nonconforming situation. Had the subject property met the minimum lot size requirements, a variance would not be needed.

## **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 land is unusable if a dimensional variance is strictly enforced. RA zoning calls for a minimum lot with of 150'. Subject lot is 85.10'.

## **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.

The requested variance is the minimal necessary in order to build the size and value of neighboring homes. The current structure, on the property has a 55' width footprint, from side to side. The home we are planning to build has the same exact footprint width of 55'.

## **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.

The dimensional variance will not cause an adverse impact on surrounding properties as we would exceed the the minimum side yard setback, by 3' for the lot on the westside. The eastside of the lot is City of Novi woodlands and wetlands and backs to ITC property/trail. Were we would like to place the home is near the wetland section of the city land, which section is not buildable anyway. Furthermore, the building inspector said Novi never sells their land. For these reasons the variance will not adversely impact the surrounding areas now or in the future. Many neighbors and City of Novi code enforcement are ready to see the current structure replaced. This proposal is the best solution and will improve the neighborhood appearance and value. Also, It is adjacent, to the west, of a home we just built. 49825 9 Mile Road.

**LEGAL DESCRIPTION**

ID#: 50-22-30-476-004

LAND SITUATED IN THE CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS:  
 PART OF THE SOUTHEAST ¼ OF SECTION 30, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEGINNING AT A POINT DISTANT WEST 924.00 FEET FROM THE SOUTHEAST ¼ OF SAID SECTION 30; THENCE CONTINUING WEST 85.10 FEET; THENCE NORTH 00°51'00" EAST, 514.70 FEET; THENCE NORTH 58°31'00" EAST, 83.00 FEET AND NORTH 62°35'00" EAST, 14.60 FEET ALONG THE CENTER OF NINE MILE ROAD, THENCE SOUTH 00°51'00" WEST, 564.10 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 1.05 ACRES. (FURNISHED LEGAL DESCRIPTION DOES NOT CLOSE).

**PRELIMINARY**



**TREE LIST**

- #001 10" Pine
- #002 12" Spruce
- #003 24" Oak
- #004 8" Twin Cherry
- #005 32" Silver Maple
- #006 6"9"9"14" Maple
- #007 9" Oak
- #008 8" Cherry
- #009 20" Twin Oak
- #010 13" Oak
- #011 10" Oak
- #012 22" Silver Maple
- #013 16" Silver Maple
- #014 12" Silver Maple
- #015 22" Silver Maple
- #016 18" Silver Maple
- #017 13" Silver Maple
- #018 15" Silver Maple

confirm minimum setbacks with municipality

<b>Zoning:</b>	
RA Residential Acreage	
<b>Setbacks:</b>	
Front	- 45'
Side	- 20'
Side total	- 50'
Rear	- 50'
*Check title policy for subdivision deed restrictions that may affect setback requirements.*	

Note: Requires zoning variance to build.

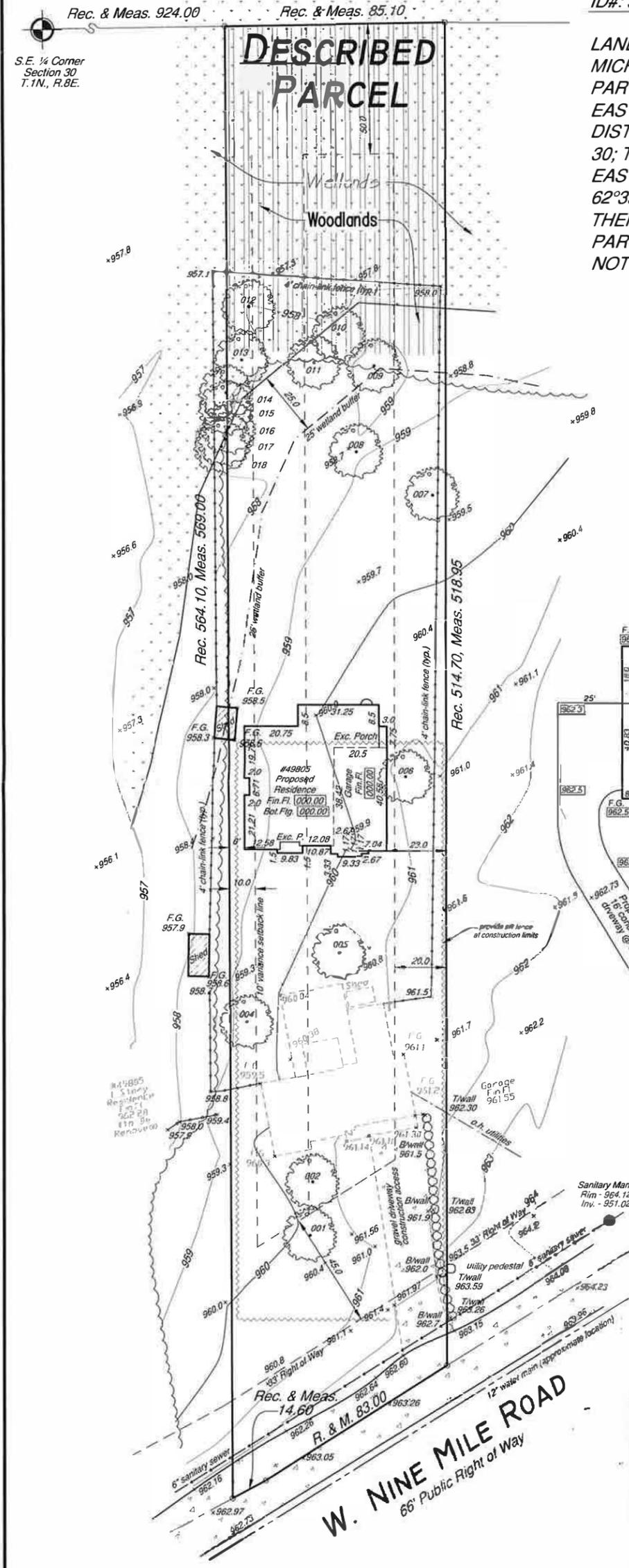
Novi Datum Benchmark  
 Arrow on Hydrant  
 Elevation = 968.84

**LEGEND**

- 000.00 = Existing elevation
- 000.00 = Proposed elevation
- = Drainage course
- ~~~~~ = Silt fence
- F.G. = Finish Grade
- = Existing contour
- (TBR) = To Be Removed
- 000.00 = As-Built Information



Know what's below.  
 Call before you dig.



<b>GRADING PLAN</b>		Date
Prepared For: J. Michael Homes 50280 W. Nine Mile Road Novi, MI 48374 (248) 345-4870		Job No. 25-03-006
Jekabson & Associates, P.C. Professional Land Surveyors 1320 Goldsmith, Plymouth, MI 48170 (734) 414-7200 (734) 455-8000		Scale 1" = 30'
by:		Drawn AAH
		Checked JGE
		Sheet 1 OF 1

RECEIVED

JAN 30 2026

REVISED  
 1-30-26

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

PBR25-0166

# 49805 9 Mile Road - Neighboring - City of Novi Wetlands



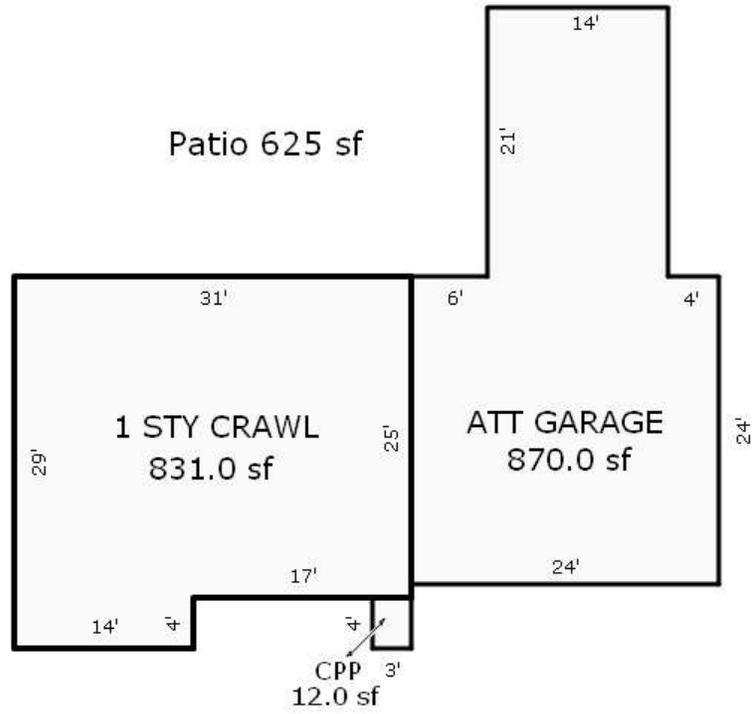




# 49805 9 Mile Road - Neighboring Wetlands - City of Novi Wetlands.



**Image/Sketch for Parcel: 50-22-30-476-004**



Sketch by Apex Medina™

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Jason P. Jarria

Home address: 49825 9 Mile Rd, Northville, MI 48167

Phone: 734-306-6475

Email: [jsingh828@gmail.com](mailto:jsingh828@gmail.com)

**Regarding: proposed zoning change of 49805 9 Mile Rd (Parcel # 55-22-30-476-004)**

To the Members of the City of Novi Zoning Board of Appeals,

I am writing as the neighbor currently residing at 49825 9 Mile Rd, Northville, MI 48167, located immediately adjacent to the property currently under consideration for a side yard setback variance. The applicant is requesting a dramatic reduction from the standard 20-foot setback to a 6-foot setback. I am formally submitting my concerns regarding this request, as it poses a significant threat to the physical integrity of my property and my planned investments.

My concerns are centered on the following three critical areas:

1. Stormwater Drainage and Structural Integrity

The proposed 6-foot setback creates a dangerously narrow corridor for managing the substantial roof runoff and ground drainage associated with a new build. By moving the structure 14 feet closer to my property line than the current code allows, the concentration of water in that strip will increase exponentially.

- I have plans to install a perimeter fence along the property line which will incur significant financial investment. I am deeply concerned that the concentrated runoff from the applicant's roof and the likely steepening of the site's grading will lead to saturated soil, erosion, and rot, which will undermine the footings and structural integrity of my fence.
- A 20-foot setback provides an expansive natural absorption buffer; a 6-foot setback risks turning my property line into a drainage trough for their runoff.

2. Risk of Damage During Construction

Building a primary structure within 6 feet of a property line—when the code expects 20 feet of clearance—requires the use of heavy machinery, scaffolding, and material staging in an extremely confined space.

- It is a near-certainty that construction activity will encroach upon my land. I am concerned that my planned fence and landscaping will be physically damaged by equipment or falling debris during the building process.
- I request that if any variance is considered, the city require a construction bond or a formal protection plan to ensure my property is restored should damage occur.

### 3. Future Maintenance and Trespass

A 6-foot setback is insufficient for the long-term maintenance of a residential structure. Painting, siding repairs, and gutter cleaning on the side of the new home will inevitably require ladders or scaffolding that would need to be placed on my property or directly against my fence.

- I do not consent to the regular use of my property for the maintenance of a structure that could have been built within the legal 20-foot envelope.
- The applicant has not demonstrated a unique hardship that prevents them from building within the standard setback; rather, this appears to be a self-created hardship intended to maximize building scale at the expense of the neighboring property's utility and the established character of our street.

### Conclusion and Proposed Compromise

While I am genuinely supportive of the construction of a high-quality, high-value home on this lot—which I believe will be a beautiful addition to our community—the requested 6-foot setback is an extreme departure from the established 20-foot standard.

I respectfully request that the Board consider a **compromise of a 12-foot side yard setback**. This distance would allow the applicant the necessary width to build a substantial, high-value home while still providing a functional buffer to protect the structural integrity of my property from drainage issues and construction-related damage.

Furthermore, I ask that any approved variance be strictly contingent upon:

1. **A professionally certified grading and drainage plan** that ensures zero net runoff onto my property or against my future fence.
2. **A formal construction protection plan** to ensure no encroachment or damage occurs to my property during the build process.

I am eager to see this project move forward in a way that respects the integrity and utility of both properties. Thank you for your time and consideration of this reasonable middle ground.

Sincerely,

*Jason Jarria*

Jason P. Jarria