



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: September 9, 2025

REGARDING: 41811 Quince Drive #50-22-26-228-029 (PZ25-0047)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Michelle Lim

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned One-Family Residential (R-4)

Location: south of 10 Mile Road, west of Meadowbrook Road

Parcel #: 50-22-26-228-029

Request

The applicant is requesting a variance from the City of Novi Ordinance Section 5.11.1.A.ii to allow a 6 ft fence to encroach into the front and exterior side yard setbacks. This property is zoned One-Family Residential (R-4).

II. STAFF COMMENTS:

The applicant is seeking a dimensional variance to construct a new 6-feet high fence in Front Yard and the Exterior Side Yard setbacks to enclose an area on the site. The property is located on a corner lot.

This fence has already been constructed, and Code Enforcement has provided a notice of violation.

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. **PZ25-0047**, 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 if 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. **PZ25-0047** 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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$275.00</u>	
PROJECT NAME/ SUBDIVISION Orchard Hills				Meeting Date: <u>9/9/25</u>	
ADDRESS 41811 Quince Dr.		LOT/SITE/SPACE #		ZBA Case #: <u>PZ 25-0047</u>	
SIDWELL # <u>50-22-26-228-029</u>		May be obtained from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY 10 mile rd and meadowbrook rd					
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 type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS michelle.lim531@gmail.com		CELL PHONE NO. 2487567691	
NAME Michelle Lim				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 41811 Quince Dr.		CITY Novi		STATE MI	ZIP CODE 48375
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS klim31666@gmail.com		CELL PHONE NO. 2488809512	
NAME Kimberly Lim				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 41811 Quince Dr.		CITY Novi		STATE MI	ZIP CODE 48375
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" 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>5.11.1.A.ii</u> Variance requested <u>6' fence in the exterior side yard along property line</u>					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$220 <input checked="" type="checkbox"/> (With Violation) \$275 <input 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. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF					
• 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 established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of 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 Fence

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

[Signature]
Applicant Signature

7/30/2025
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.

[Signature]
Property Owner Signature

7/30/2025
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



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ZONING BOARD OF APPEALS VARIANCE APPLICATION

Purpose of a Variance

The Variance process is meant to provide limited relief from the requirements of the Zoning Ordinance and to address extraordinary, exceptional, or unique conditions and/or circumstances that were not created by the property owner. Variances are not granted to remove inconveniences or financial burdens.

Zoning Board of Appeals (ZBA)

The application process includes public notice in the printed media and postcard notification to neighbors located within 300 ft of your property boundaries, and a public hearing before the Zoning Board of Appeals. The Zoning Board of Appeals is a group of appointed Novi residents who evaluate Variance requests and determine whether they meet specific Review Standards spelled out in the Zoning Ordinance. Conditions of approval may be attached to a decision.

Types of Variances

Because each type of Variance has its own Review Standards, it is important to know what kind of Variance is being requested. (In some cases, you may need more than one type of Variance!) Please consult with Community Development Staff (248.347.0415) before completing an application.

Dimensional Variance. A Dimensional Variance is one that permits a structure to be placed on a lot or built in a way on site that would not otherwise be allowed. These are generally related to zoning requirements for setbacks, lot area or width, building height, and design standards. The applicant must demonstrate that there are practical difficulties to compliance due to conditions unique to the property.

Use Variance. A Use Variance permits a lot or structure to be used in a way that would not otherwise be allowed in a particular Zoning District. The applicant must show an unnecessary hardship exists due to circumstances unique to the property. In some cases, a property rezoning or a text amendment to the Zoning Ordinance is more appropriate than a Use Variance.

Sign Variance. A Sign Variance is one that permits a sign that would not otherwise be allowed. Sign Variances are usually requested for the type of sign, location, and number of signs or size. The applicant must demonstrate that there are practical difficulties to compliance with the Zoning Ordinance due to conditions unique to the property.



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REVIEW STANDARDS
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DIMENSIONAL VARIANCE
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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:

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:

The house is bordered by a perimeter of trees and bushes that experience a lot of falling leaves and small branches in the winter which can be hard to keep from the busy sidewalk. There is also a lack of privacy during the winter as these trees and bushes become barren.

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).

House is located on a busy street and the front entrance of the neighborhood. There is a busy sidewalk that borders the side of the fence that we are requesting a variance for. The variance would allow for a barrier between the yard and sidewalk to prevent fallen branches or leaves to escape on to the sidewalk in the way of pedestrians walking by during the colder months. It will also prevent pedestrians and neighbors with dogs from entering the yard as they walk by and protect the yard from litter left on the sidewalks.

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.

When we bought the house in 2005, there was already a fence in place in the section we are requesting a variance for. When we initially received a notice to update and repair the fence to have uniformity, we were unaware that that section of the fence had been in violation due to it extending past the front of the house until after we had started the repairs. Hence, the section was initially repaired with the rest of the fence. Having to conform to the current regulations, will produce some financial burden as we have already put in costs into the start of the fence repair.

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 fence extends just enough to cover the trees and bushes along the side of the property so that the property looks more well kept in the fall and winter seasons as the leaves fall and the trees become barren in appearance. It will improve the look of the property and the neighborhood since it is the house at the entrance of the neighborhood. It does not block the entrance of the neighborhood

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 inhibit the use or enjoyment of property in the neighborhood or zoning district. It will provide a barrier to the pedestrians on the sidewalk from trees and bushes in the yard. The variance will also not impede on neighbors properties as it is for the side of the property facing the main road of 10 mile.

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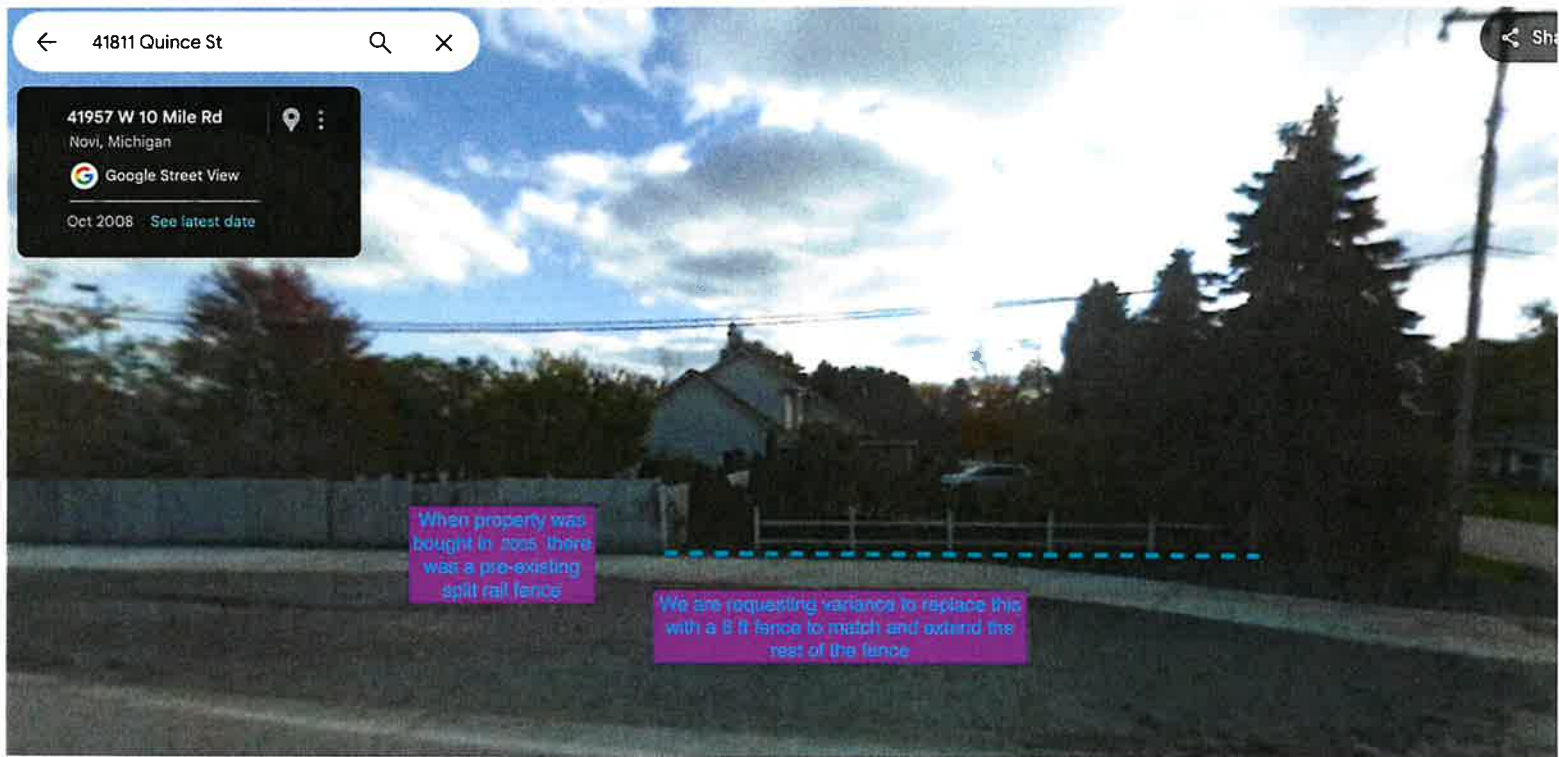
JUL 31 2025

CITY OF NOVI
COMMUNITY DEVELOPMENT

Dimensioned Plan



Ten Mile Street View of Fence in 2008



House was bought in 2005 with pre-existing split rail fence extending past the front of the house. This Google image street view shows that this fencing has been place since at least 2008, unfortunately Google street view did not have images prior to 2008.

When we received a violation notice to comply with uniformity in style, material, and color to the fence, we started replacing the split rail fence in hopes to match the rest of the fence.

Current Ten Mile Street View of Fence Under Repair



This is the current state of the fence repair. We had started replacing the split rail fencing to conform with the rest of fence. Upon further discussion with the Code Compliance Officer after starting the replacement/repair, we were made aware that we could not have a fence that extended past the front of our house and that this violated current ordinance codes. We are requesting for a variance for a 6ft fence to be allowed where we previously had the split rail fencing. We have currently put repairs on hold since then but will ensure that fence style, material, and color will be uniform upon completion.

As seen, there are many trees bordering the house and the variance would allow for the branches and leaves to be kept away from the neighboring sidewalk.

Apr 23, 2025 at 10:57:08 AM
41811 Quince Dr
Novi MI 48375
United States

Gate and front fence prior to repairs





Current state of front
fence/gate with
unfinished repair

Corner View of House/Fence and Entrance of Neighborhood (Ten Mile Rd and Quince Dr)

