



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, 2021

REGARDING: 23437 W Le Bost Drive, Parcel # 50-22-25-153-012 (PZ20-0064)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Erik Laird

Variance Type

Dimensional Variance

Property Characteristics

Zoning District:

Single Family Residential

Location:

East of Meadowbrook Road and South of Ten Mile Road

Parcel #:

50-22-25-153-012

Request

The applicant is requesting variances from The City of Novi Zoning Ordinance Section 5.11 to allow the installation of a fence in the front yard setback of a corner lot. Fence shall not extend toward the front of the property nearer than the minimum front yard setback distance by code. This property is zoned Single Family Residential (R-4).

II. STAFF COMMENTS:

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. **PZ20-0064**, 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. **PZ20-0064**, 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 Petitioner's 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.

Larry Butler
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

RECEIVED

NOV 23 2020

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$250.00</u>	
PROJECT NAME / SUBDIVISION <u>Willowbrook Estates #2</u>				Meeting Date: <u>Jan. 17th 2021</u>	
ADDRESS <u>23437 W. Le Bost Dr.</u>		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ20-0064</u>	
SIDWELL # <u>50-22-25-153-012</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>Ten Mile + Meadowbrook (Malott Dr. + W. Le Bost)</u>					
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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS <u>Grums1sc@gmail.com</u>		CELL PHONE NO. <u>(248) 330-9057</u>	
NAME <u>Erik Laird</u>				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS <u>23437 W. Le Bost Dr.</u>		CITY <u>Novi</u>		STATE <u>MI</u>	ZIP CODE <u>48375</u>
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 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>Zoning 5.11</u> Variance requested <u>Dimensional</u>					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input checked="" 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 Fence

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Erik Jais
Applicant Signature

11/22/2020
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
www.cityofnovi.org

**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:

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:

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).

Current Fence replaced existing fence when property was purchased. See Attached Photos.

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 purpose is to provide safety and security for my family, especially living so close to a main road and entrance to the subdivision
* i.e. ^{corner house} 41414 Broquet Drive off of meadowbrooke - same

Standard #4. Minimum Variance Necessary. Fence layout

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.

A 30ft setback would significantly decrease the size of our yard that we are trying to secure.

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 fence greatly increases the property value. All neighbors approved and were for the fence replacement. (see letters attached). My family can now enjoy our backyard while feeling safe and secure.

10/06/2020

Willowbrook Community Association

We, Erik & Stephani Laird, are installing a 6ft wood privacy fence around our property starting 10/06/2020. Attached is a blue print of where the fence will be located. This is for the property at 23437 W. Le Bost Dr. Novi, MI 48375.

Regards,

Erik Laird
Stephani Laird

Erik and Stephani Laird

Willowbrook Community
Association

Date: 10/07/2020

Approval: YES NO

Reason: Privacy Fence

By: Ryan Gabrielli
Ryan Gabrielli

Neighbor

91'

54'

72'

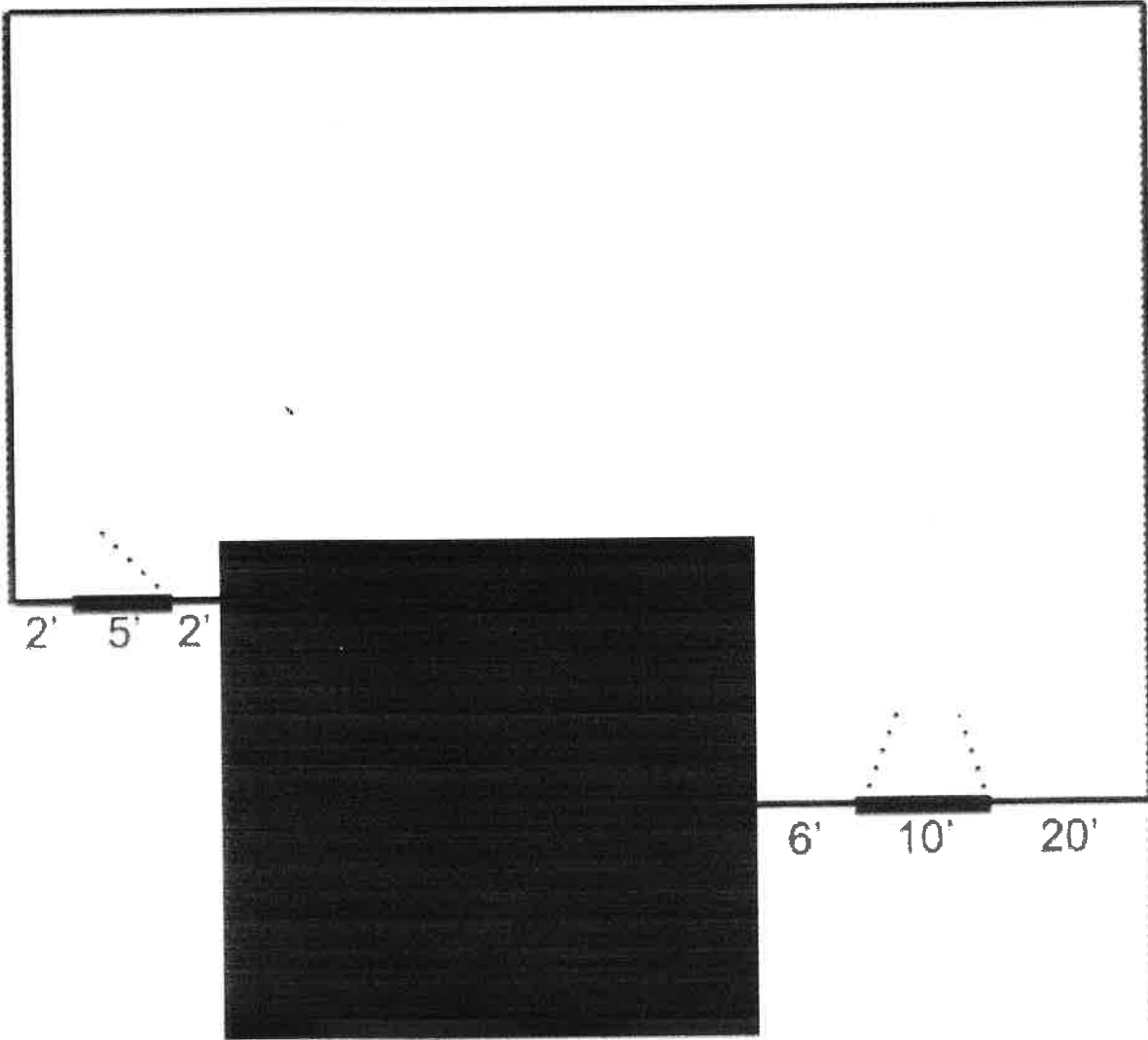
2' 5' 2'

6' 10' 20'

Neighbor

PROP LINE

W. Lebost





City of Novi

Residential Fence Requirements

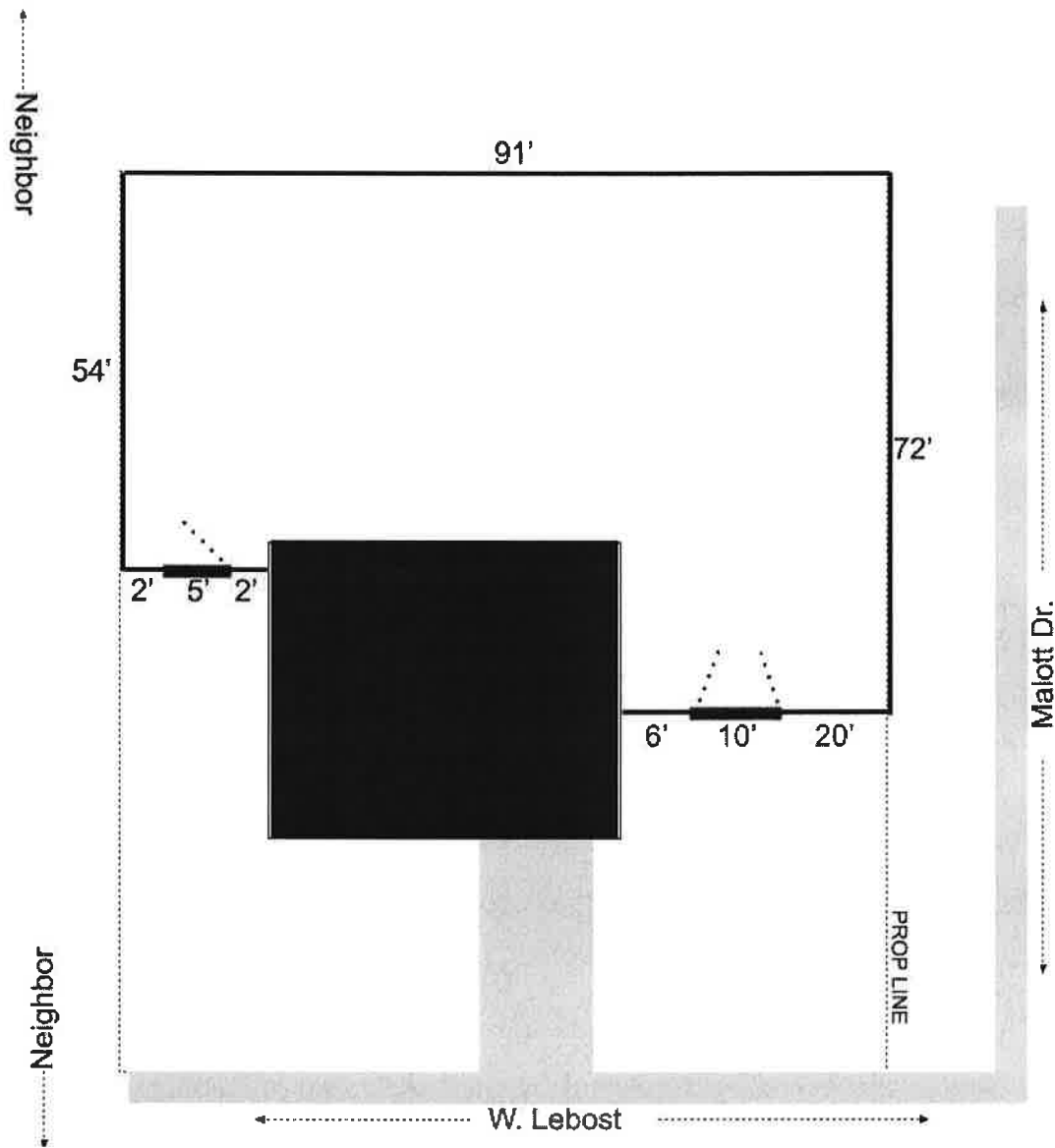
Per Ordinance No 18.248 of Article 25, Section 2515 from the
Novi Zoning Ordinance

Guidelines for installation of fences on Residential property in the City of Novi:

- **Height:** Fences may up to a maximum height of 6 feet.
- **Location:** Fences on residential lots are allowed at the rear yard and extending along side yards toward the front of the house up to the minimum front yard setback. If an existing home extends into the required front setback, fences may extend to the front of the home.
- Fences on lots in excess of 2 acres or lots with a frontage of at least 200' within a recorded plat, must comply with the 6' maximum height requirement but may also be installed in the front yard.
- Fences must be installed on your own property. It is the homeowner's responsibility to determine the location of property lines and to verify that the fence being installed is within those property lines. The City of Novi does not intervene in property line disputes between adjacent homeowners or provide survey services.
- Fences must be approved by the Subdivision Homeowner's Association (HOA) if applicable. Many HOA's have more restrictive requirements than the City of Novi, it is important that you verify the covenants and deed restrictions of your association prior to constructing any fence.
- **Materials and Uniformity** – Fences must be constructed of uniform materials, finish and color along a property line of any parcel totaling less than 150' in length. Where a fence has a finished and unfinished side, the more decorative side shall face outward toward the adjoining property or street.
- **Prohibited materials** – Materials such as scrap tires, canvas, cardboard, asphalt style shingles, chicken wire or similar fine wire mesh, corrugated metal or sheet metal are not acceptable for use in fencing. Fences cannot contain barbed wire, or electric current.
- **Swimming Pools:** All pools must be enclosed by a fence complying with Appendix G of the 2009 Michigan Residential Code and as found in the Swimming Pool permit handout available on the City website at www.cityofnovi.org or from the Community Development Department.
- **Lots Having Water Frontage** – Fences are allowed within the front yard of waterfront lots provided that the fence is not higher than 4' and that the fence materials will not obstruct the view of the lake. Hedge row fences shall not be permitted on lots having water frontage from the front of the house to the lake.
- **Maintenance** – All fences shall be maintained in good condition, free of significant corrosion, peeling paint or finish and other damage.

For additional information or questions please contact the Community Development Department at (248)347-0415 or see the City Website www.cityofnovi.org

* No where does it say there is a 30ft⁹⁻²⁻¹¹ setback for corner lots.



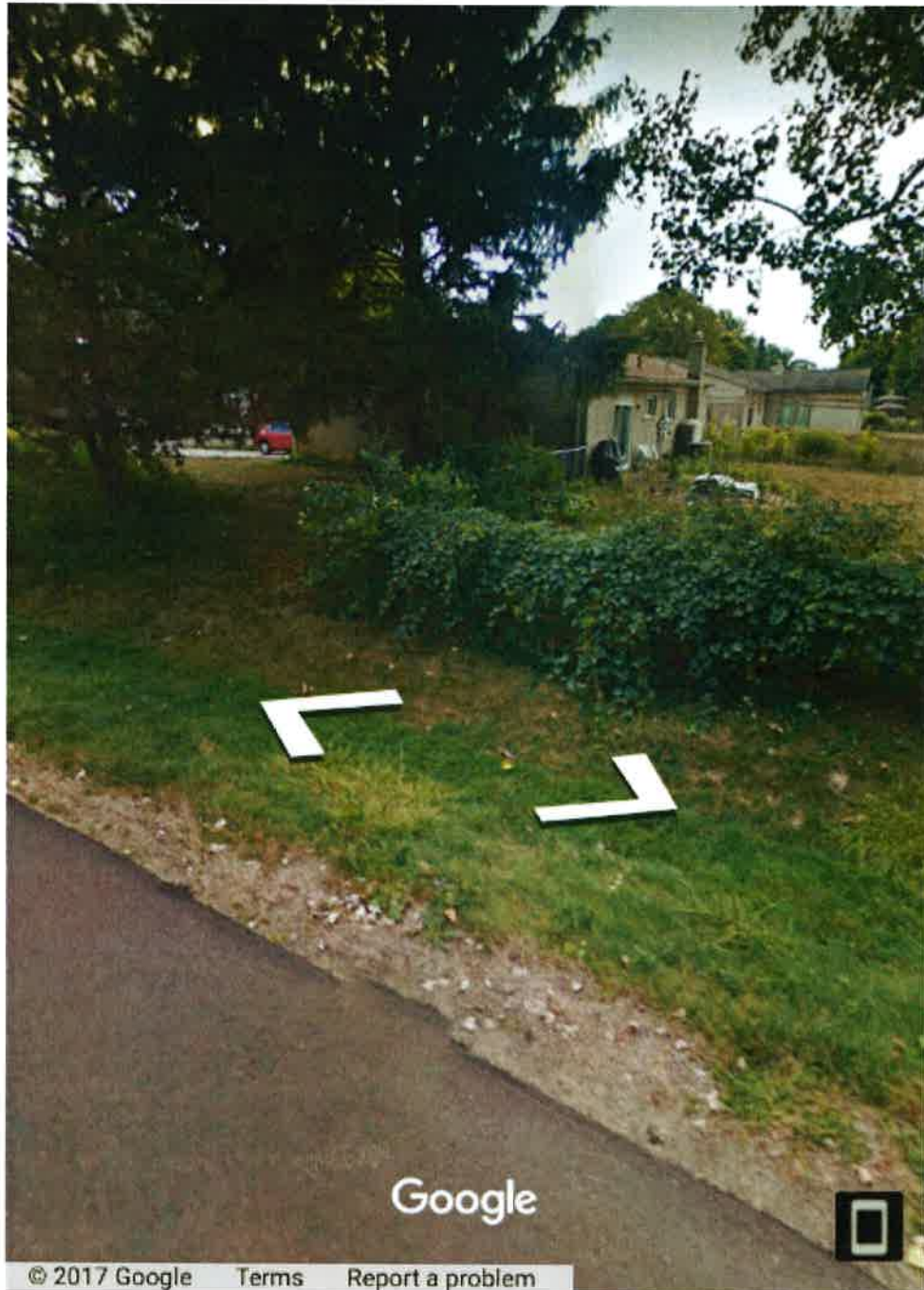
* fence layout

This is to advise that I Bernard L Humphrey Sr do not object to my adjacent neighbor Erik + Stephani Laird
(Your Name) (Neighbors Name)
of 23437 W. Le Bost Str. removing the chain link fence and installing a privacy fence
(Neighbors Address)
adjacent to my property line but within their property boundaries.

Bernard L Humphrey Sr
Signature

Bernard L Humphrey Sr
Print Name

23421 West LeBost NW MS 48375
Print Your Address



* Current Fence replaced existing fence in the above photo. The photo shows the existing fence when property was purchased.



Original Fencing that existed
When we purchased the
home in 2017.





Notice of Violation

Today's Date: 11/13/2020

Expiration Date: 11/25/2020

** Application, Fee, and
Evidence Attached*

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
David Staudt

Kelly Breen

Laura Marie Casey

Hugh Crawford

Justin Fischer

Andrew Mutch

City Manager
Peter E. Auger

**Community
Development
Director**
Charles Boulard

City Planner
Barbara E. McBeth

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

**Ordinance
Enforcement
Division**
248.735.5678
248.735.5600 fax

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

cityofnovi.org

LAIRD, ERIK
23437 W LE BOST DR
NOVI MI 48375

Subject Property: 23437 W LE BOST DR

Sidwell No.: 50-22-25-153-012

Ordinance Activity No.: EORD20-0998

Your property is in violation of local Code Section: Zoning 5.11

Fence installed in the front yard of corner lot is prohibited. Fence setback on this lot is 30 feet. Remove/relocate fence OR apply to the Novi Zoning Board of Appeals for a variance by expiration date.

Thank You

You will have 12 days from the date of this notice to comply with the violation cited above. Your immediate attention to this matter is requested and advised. A municipal civil infraction violation ticket will be issued for failure to comply with this matter within the time constraints stated above. Once a ticket is issued, a court appearance will be required. Please contact the Officer listed below should you have any questions with regards to this matter.

Maureen Underhill
Ordinance Enforcement Officer
(248) 735 5602
City of Novi

Please feel free to call if you have any questions.

10/06/2020

Willowbrook Community Association

We, Erik & Stephani Laird, are installing a 6ft wood privacy fence around our property starting 10/06/2020. Attached is a blue print of where the fence will be located. This is for the property at 23437 W. Le Bost Dr. Novi, MI 48375.

Regards,



Erik and Stephani Laird

Willowbrook Community Association

Date: 10/07/2020

Approval: YES NO

Reason: Privacy Fence

By: Ryan Gabrielli



Neighbor

91'

54'

72'

2' 5' 2'

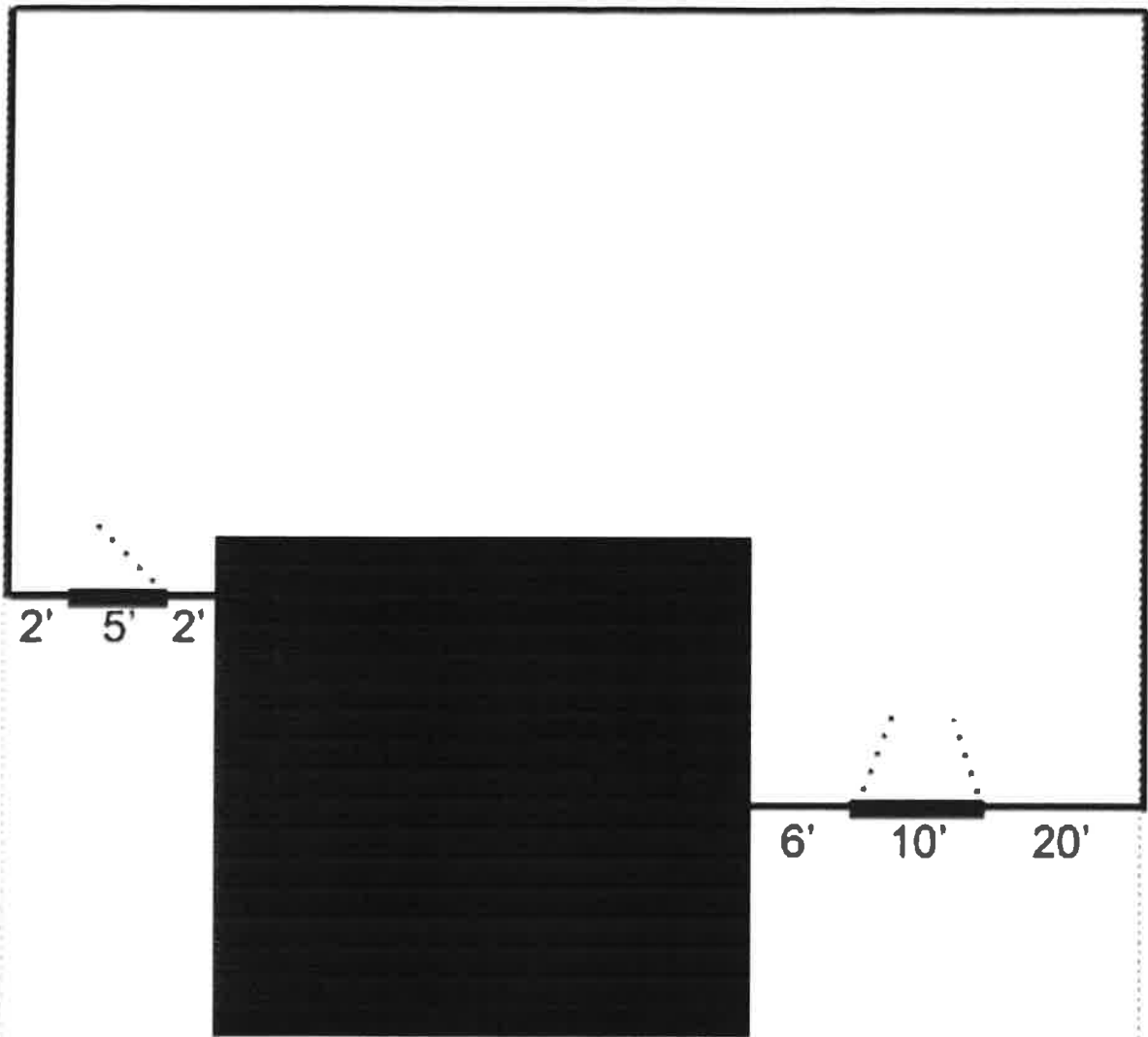
6' 10' 20'

Malott Dr

Neighbor

PROP LINE

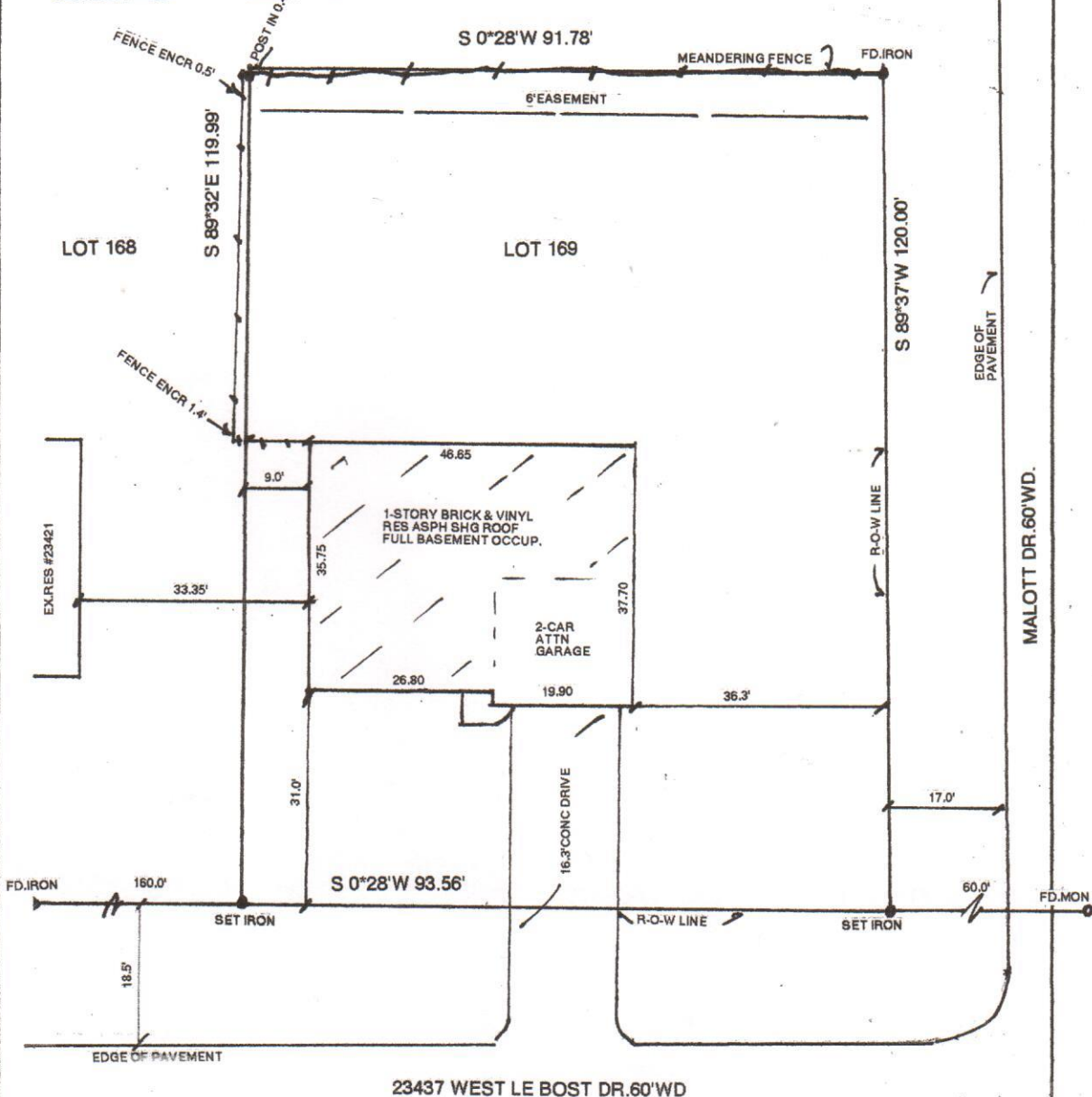
W. Lebost



BOUNDARY SURVEY



SCALE 1"=20'



LEGAL DESCRIPTION:

LOT 169- WILLOWBROOK ESTATES NO. 2, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 77, PAGES 4 OF PLATS, OAKLAND COUNTY RECORDS
 PARCEL: 22-25-153-012

CLIENT:STEPHANIE GRUMSKI
 SURVEY# 40-72
 DATE 7/17/20

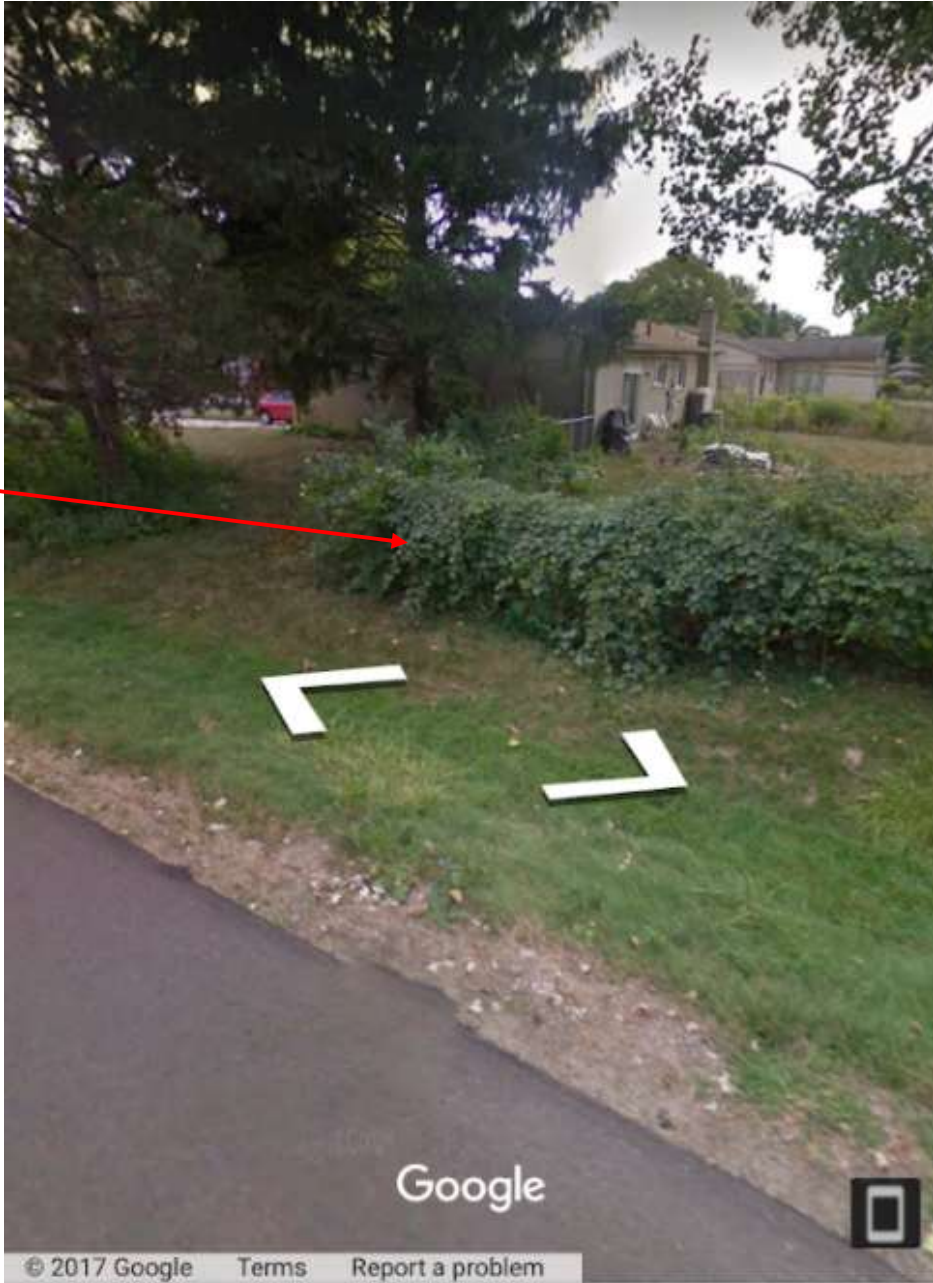
We hereby certify that we have surveyed the parcel hereon delineated in accordance with the legal description as furnished by you and the boundaries and corners of said parcel are as indicated herein and that there exists no encroachments upon said parcel except as otherwise noted.



MARK A CANTOR PS # 53493

LOUIS CANTOR COMPANY
 17600 NORTHLAND PK.CT.STE 201
 SOUTHFIELD,MI.48075
 248 559-7840
 louis Kantor2@cs.com

Existing Fence
at the time of
purchase.



Google

© 2017 Google Terms Report a problem



****Existing Fence at the time of purchase. The current Fence replaced the fence shown in the photos above and below. ****



Examples of other Novi Corner Lot Houses with Fences



41507 Woodland Creek Dr. Novi, MI 48375



41414 Broquet Dr. Northville, MI 48167



City of Novi

Residential Fence Requirements

Per Ordinance No 18.248 of Article 25, Section 2515 from the
Novi Zoning Ordinance

Guidelines for installation of fences on Residential property in the City of Novi:

- **Height:** Fences may up to a maximum height of 6 feet.
- **Location:** Fences on residential lots are allowed at the rear yard and extending along side yards toward the front of the house up to the minimum front yard setback. If an existing home extends into the required front setback, fences may extend to the front of the home.
- Fences on lots in excess of 2 acres or lots with a frontage of at least 200' within a recorded plat, must comply with the 6' maximum height requirement but may also be installed in the front yard.
- Fences must be installed on your own property. It is the homeowner's responsibility to determine the location of property lines and to verify that the fence being installed is within those property lines. The City of Novi does not intervene in property line disputes between adjacent homeowners or provide survey services.
- Fences must be approved by the Subdivision Homeowner's Association (HOA) if applicable. Many HOA's have more restrictive requirements than the City of Novi, it is important that you verify the covenants and deed restrictions of your association prior to constructing any fence.
- **Materials and Uniformity** – Fences must be constructed of uniform materials, finish and color along a property line of any parcel totaling less than 150' in length. Where a fence has a finished and unfinished side, the more decorative side shall face outward toward the adjoining property or street.
- **Prohibited materials** – Materials such as scrap tires, canvas, cardboard, asphalt style shingles, chicken wire or similar fine wire mesh, corrugated metal or sheet metal are not acceptable for use in fencing. Fences cannot contain barbed wire, or electric current.
- **Swimming Pools:** All pools must be enclosed by a fence complying with Appendix G of the 2009 Michigan Residential Code and as found in the Swimming Pool permit handout available on the City website at www.cityofnovi.org or from the Community Development Department.
- **Lots Having Water Frontage** – Fences are allowed within the front yard of waterfront lots provided that the fence is not higher than 4' and that the fence materials will not obstruct the view of the lake. Hedge row fences shall not be permitted on lots having water frontage from the front of the house to the lake.
- **Maintenance** – All fences shall be maintained in good condition, free of significant corrosion, peeling paint or finish and other damage.

For additional information or questions please contact the Community Development Department at (248)347-0415 or see the City Website www.cityofnovi.org

****Nowhere does it specify that corner lots have a different fence zoning ordinance than other lots. Also, nowhere does it state the Fence must be 30ft in from the roadside property line. Nor is this information found on the City of Novi Zoning Ordinance 5.11, 5-49****

TO: CITY OF NOVI
ZONING BOARD OF APPEALS
45175 TEN MILE ROAD
NOVI, MI 48375

Please note my comments to:

23437 W Le Bost Drive, Parcel # 50-22-25-153-012 (PZ20-0064)

Please note my: (Approval) (Objection) to the requested variance.

Comments:

We live directly across the street from Erik & Stephanie Laird. They are constantly working to maintain the appearance of their home and are a welcomed change considering what the home looked like before being purchased by them. All improvements have been advantageous to the neighborhood. We do not object to the location of the fence. No additional fees should be charged.

(PLEASE PRINT CLEARLY)

Name: Robert & Susan Redmond - *S. Redmond*

Address: 23424 W LeBost

Date: 1-5-2021

Zoning Board of Appeals meetings are broadcast live on Spectrum channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at cityofnovi.org.