



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: August 12, 2025

REGARDING: 45358 White Pines Drive #50-22-27-304-001 (PZ25-0041)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Shelly Wagon

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned One-Family Residential (R-3)

Location: north of Nine Mile Road, east of Taft Road

Parcel #: 50-22-27-304-001

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.11.1.A.ii. to allow a fence in the exterior side yard setback (not permitted for this property).

II. STAFF COMMENTS:

The applicant is seeking a dimensional variance to construct a new fence in the exterior side yard setback to enclose a larger area. The property is located on a corner lot.

Allowing a fence (opaque or designed with transparency) is not common in this subdivision to be allowed in either the front yard or exterior side yard setbacks.

The H.O.A. has communicated strong concerns of this becoming an approvable precedence.

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. **PZ25-0041**, 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. **PZ25-0041**, 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

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$275.00</u> Meeting Date: <u>8/12/25</u> ZBA Case #: <u>PZ 25-0041</u>	
PROJECT NAME / SUBDIVISION Wagnon/Dunbarton Pines					
ADDRESS 45358 White Pines Dr.				LOT/SIUTE/SPACE #	
SIDWELL # 50-22-27 -304 -001		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY Taft Rd. between 9 and 10 mile					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?			REQUEST IS FOR:		
☒ YES ☐ NO			☒ 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 ADDRESS shelley.wagnon@gmail.com		CELL PHONE NO. 586.945.8890	
NAME Shelley and Blake Wagnon		TELEPHONE NO. 586.350.7055			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS 45358 White Pines Dr.		CITY Novi		STATE MI	ZIP CODE 48375
B. PROPERTY OWNER ☒ 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					
☐ 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>5.11.1.A.ii.</u> Variance requested <u>Dimensional Variance - Fence</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

Shelley Wagner
Applicant Signature

6/27/25
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
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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.

Describe below:

Applicable - See additional document.

OR

- b. **Environmental Conditions.** Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

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. **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).

See additional document.

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.

See additional document.

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.

See additional document.

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.

See additional document.

Dimensional Variance Appeal Letter

Shelley and Timothy Blake Wagon
45358 White Pines Dr.
Novi, MI 48375

June 27, 2025

City of Novi Zoning Board of Appeals
45175 Ten Mile Road
Novi, MI 48375

Subject: Dimensional Variance Appeal

Dear Members of the Zoning Board of Appeals:

We respectfully submit this appeal for a dimensional variance related to a fence recently installed in the exterior side yard of our corner-lot property. Due to unique physical constraints and safety concerns for our young children, ages 2, 6, and 8, we extended the fence modestly into the side yard based on guidance from a city ordinance officer relayed by our hired Contractor. This narrative outlines the justification for our request and explains why the variance is necessary, reasonable, and consistent with the public interest.

Standard #1: Circumstances or Physical Conditions – Shape of Lot

Our family resides on a corner lot at the entrance of Dunbarton Pines subdivision on White Pines Drive. The irregular shape of the lot, combined with its corner orientation, creates significant limitations for useable outdoor space. Our in-ground pool and concrete patio occupy virtually the entire existing backyard, leaving no safe or accessible area for our children to play. This condition was present when we purchased the home and has presented increasing challenges as our family has grown.

In addition, the lot borders two heavily trafficked roads and lacks sidewalks, resulting in constant safety risks. This side yard area, located behind the rear exterior of the home, offers the only opportunity to create a functional outdoor space for our children. The fence has been placed far from the street and does not visually or physically encroach upon any front yard or public thoroughfare.

Our situation differs substantially from most homes in our zoning district. Few properties combine a corner lot, a full-lot pool installation, an irregular lot shape, and the absence of sidewalks. These overlapping conditions make it difficult to use our property in a manner consistent with neighboring families and limit our ability to provide a safe outdoor environment for our children.

We have included a diagram of the fence layout and photographs in Appendix A to illustrate these conditions. Additionally, Appendix B highlights similar properties in Novi where fences extend into side yards adjacent to streets. These examples show that our issue is not unique and help to contextualize our efforts to address both safety and practicality.

What further distinguishes our situation is our home's placement directly at the subdivision entrance, which results in higher-than-normal traffic and greater exposure. In this context, the fence serves as a

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critical safety measure, not merely a boundary. It creates a necessary buffer between our home and busy roads, while preserving neighborhood visibility and aesthetics.

Standard #2: Not Self-Created:

The physical conditions that prompted this variance request were not created by us as the current homeowners. The in-ground pool and lack of usable backyard space existed when we purchased the home. These constraints were inherited, not chosen.

Before constructing the fence, we took steps to ensure compliance with city regulations. Our contractor contacted the City of Novi and spoke with an ordinance officer, who reportedly reviewed our lot via Google Maps. According to the contractor, the officer stated that a fence extending three panels (24 feet) into the side yard would be permissible without a permit, as long as it remained behind the rear line of the house and at least 15 feet from the street. Relying on this information, we proceeded with the project in good faith. To reduce costs while meeting our family's needs, we chose to install the fence ourselves.

In our due diligence, we reviewed several city documents, including the Residential Fence Requirements, which made no mention of corner-lot or double-frontage setbacks. We also reviewed the [City of Novi Zoning Ordinance Effective January 8, 2019](#) and referred to visual materials such as Diagram 5.11 (Appendix C), which appeared to support our interpretation. These resources did not contradict the verbal guidance we had received.

Only after the fence was installed did we learn from the City of Novi Code Compliance Officer III that our property is classified as a "double frontage" lot. This designation came as a surprise and conflicted with the prior information we had received. Moreover, the classification is not clearly presented in any of the fence-related guidance we initially consulted. In fact, the only reference to corner lots requiring two front yard setbacks appeared in the *Residential Deck Requirements*, a document we did not review because it pertains to decks, not fences.

Eventually, we located the relevant regulation in Section 3.6.2.C of the *City of Novi Zoning Ordinance*, but the language was technical and difficult to interpret. We had to intentionally search for it, underscoring the lack of accessible and clearly presented information for homeowners. If the double frontage rule had been clearly stated in the *Residential Fence Requirements* or fence section of *City of Novi Zoning Ordinance*, we would not have proceeded with the fence construction.

We believe this situation resulted from a misunderstanding between the contractor and city personnel, rather than any intent to ignore regulations. We respectfully ask the Board to consider that this issue arose from an honest mistake and a genuine effort to comply, not from any intent to disregard city regulations or bypass proper procedures.

Standard #3: Strict Compliance

Strict compliance with the current setback regulations would unreasonably prevent us from using our property for one of the most fundamental and permitted residential purposes: providing a safe, enclosed yard where children can play. Due to the in-ground pool and surrounding patio occupying our entire backyard, and the corner-lot layout limiting other options, we have no alternative space to accommodate a fenced yard without this variance.

If we were required to fully comply with the dimensional setback requirements, we would be unable to create a secure outdoor area. The result would be a property that meets all technical dimensional requirements but fails to support the practical use and enjoyment of the home by a growing family.

The variance we are requesting restores basic functionality to our lot by allowing us to use the only remaining space for a permitted residential use. It enables us to create a secure area for our children without undermining the intent of the zoning ordinance or negatively impacting the surrounding neighborhood.

Standard #4: Minimum Variance Required for Relief

This request represents the most modest and carefully considered adjustment possible to meet the essential safety needs of our family. Our goal is to provide our three young children with a secure and functional outdoor space where they can play safely. Given the layout of our lot and the presence of an in-ground pool, the side yard is the only available area for such a space.

The fence extends only three panels, totaling 24 feet, into the side yard and is located entirely behind the rear façade of the home. It does not project beyond the front of the house, does not interfere with neighboring properties, and visually fits within the character of our neighborhood. It is an extension of our existing fence, constructed with the same materials to maintain continuity.

To minimize any impact, we maintained a 22-foot buffer from the street and a 6-foot setback from our property line. This preserves open space, maintains clear sightlines for drivers and pedestrians, and ensures that the fence does not create a visual or safety hazard. This request reflects the smallest possible adjustment needed to provide a safe outdoor area for our children. It is not intended to expand or alter the property for aesthetic or recreational purposes, but to address a specific and necessary family need.

Standard #5: No Impact on Surrounding Area

The newly fenced-in area does not negatively affect neighboring properties or diminish the character of the neighborhood. The fence remains fully within our property lines, preserves clear sightlines for traffic, and does not impact public safety or aesthetics. The fence does not encroach upon the front yard, public right-of-way, or any neighboring property. In addition to adding safety for our children to play, the fence assists our family's privacy, particularly when using the pool, and serves as an important security measure to prevent unauthorized access to the pool area. These are essential considerations for responsible pool ownership and do not detract from the appearance or safety of the neighborhood.

We are actively restoring the lawn in the surrounding area, as some grass was disturbed during the project. This is typical of large-scale yard work and is being addressed. We also reduced the depth of our in-ground pool from nine feet to five feet to improve safety for our children. Although we had planned to paint the fence and add landscaping, we paused those improvements once the violation notice was issued. These enhancements remain part of our intention to further improve the property's appearance and compatibility with the neighborhood.

Overall, the fence serves a clear functional and safety purpose without disrupting the aesthetics, value, or enjoyment of nearby properties.

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Homeowners Association (HOA) Statement

Per the governing documents of our homeowner's association, the installation of fences is not subject to HOA review or approval. The Association does not retain authority over external property modifications such as fences, pools, or other design-related changes.

The governing documents do, however, stipulate that all property improvements must comply with applicable local ordinances. Based on the information provided to us regarding a conversation between our contractor and the local ordinance office, we believed we were in full compliance with those regulations.

Accordingly, we proceeded with the fence installation under the honest belief that we were acting in accordance with both local laws and the HOA's stated guidelines.

Part of the statement is below:

"The Association documents (Covenants, Agreements, and Restrictions and associated Bylaws) are silent on the authority of the Association to review or approve many of the home improvements typically undertaken by our homeowners. These improvements include: deck addition, fence installation, pool installation, or other exterior design changes such as home color, siding, or roofing selections. As a result, the Association does not have formal authority to approve or disapprove such plans." (Appendix D).

Neighbor Support

Prior to building the fence, we spoke with many of the neighbors directly surrounding our property. All expressed support for our decision to extend the fence. They understood the burden that the lack of usable yard space places on our family, especially with young children, and shared our concerns about safety.

We have attached letters of support from some of our neighbors as part of this appeal (Appendix E).

Additional Considerations

We have already made a significant financial investment in this fence based on the sincere belief that we had fulfilled our due diligence and were fully complying with the requirements of both the City of Novi and our homeowner's association. At no point did we intend to bypass regulations or disregard proper procedures. Our only goal has been to provide a secure and functional space for our children to play, especially considering the constraints of our unique lot and the increased safety risks associated with our busy corner location.

We respectfully ask the Board to consider our appeal to grant a variance allowing the fence to remain in our exterior side yard 6 feet from the property line with an understanding that our intentions are rooted in safety and fairness, not simply aesthetics or expansion.

Thank you,

The Wagnon's

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Appendix A

Drawing of Fence Plan



Photos of the fence: Due to the scope of a significant landscaping project in our yard, which included reducing the depth of our pool, leveling the yard, and installing the fence, the lawn is currently in the process of being restored. We are actively working to reinvigorate the grass and anticipate having a healthy, full lawn within the next few months. Additionally, we plan to paint the full fence and had been considering the installation of new landscaping outside of the fence to enhance curb appeal. However, those plans are currently on hold pending the outcome of this appeal.







Map & Photos Showing Proximity to Neighborhood Entrance



Photos while standing in our front yard:





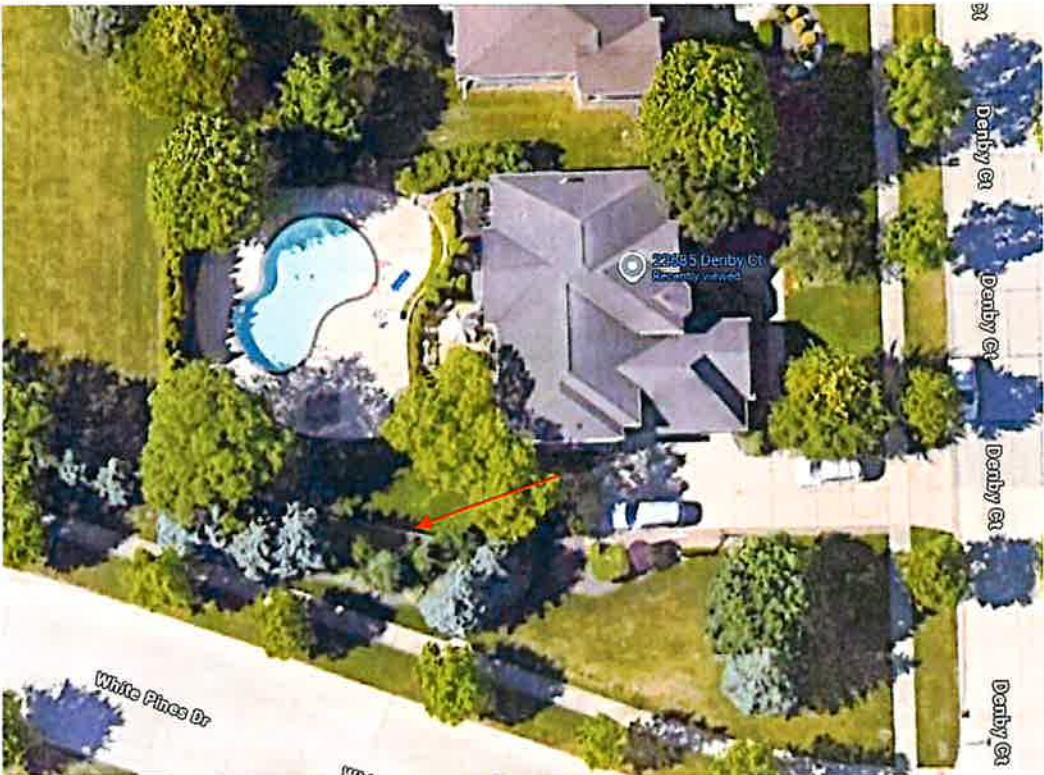
Appendix B - Similar Fences in Novi

Homes in Novi with a Corner Lot and Fence Extending into side yard

Dunbarton Pines: 44949 Huntingcross Dr – fence covered by landscaping, but extends into side yard.



22685 Denby Ct – large trees and landscaping covering black metal fence.



41953 Ridge Rd W



39953 Sandpoint Way – landscaping covering the part of the fence that is farthest out part.



APPENDIX C

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

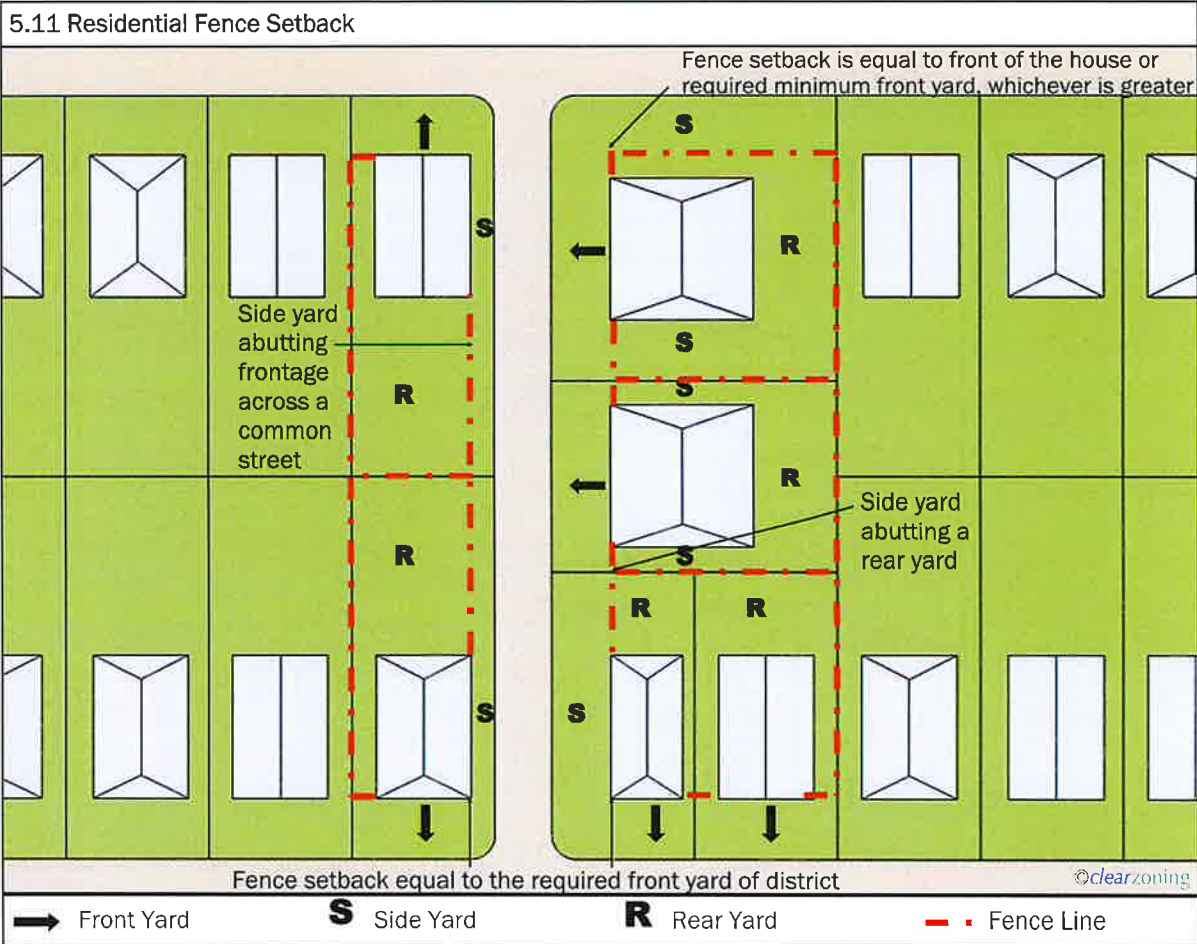
4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

- C. Uniformity. All fences shall be of uniform material(s), finish, and color along a property line of any parcel totaling less than one-hundred fifty (150) feet in length. Where a fence has a finished and an unfinished side, the finished or more decorative side shall face outward toward the adjoining property or street. Except for those materials identified as permitted, materials attached to the inward facing side of a fence shall not be visible from any adjoining property or street.
- D. Exemptions from standards. Those fences required as a safety barrier at a swimming pool or constructed to identify the entryway of a neighborhood or development, and fences two (2) feet or less in height around gardens are exempt from this subsection 3.



5.12 FRONTAGE ON A PUBLIC STREET

No lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this Ordinance.

5.13 ACCESS TO MAJOR THOROUGHFARE

For uses making reference to this Section, vehicular access shall be provided only to an existing or planned major thoroughfare or freeway service drive. Provided, however, that access driveways may be permitted to other than a major

thoroughfare or freeway service drive, where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the City, will be used for other than single-family purposes in the future. This exception shall apply only if the City finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.



APPENDIX D

The Association documents (Covenants, Agreements, and Restrictions and associated Bylaws) are silent on the authority of the Association to review or approve many of the home improvements typically undertaken by our homeowners. These improvements include: deck addition, fence installation, pool installation, or other exterior design changes such as home color, siding, or roofing selections. As a result, the Association does not have formal authority to approve or disapprove such plans.

Contractors, and in some cases, the City of Novi, often require documentation of Association review for drawings, blueprints, or plans for such home improvements. While we do not have authority under the Association agreements to either approve or disapprove such plans, we are willing to sign architectural renderings or builder's drawings which depict the planned improvements, with a disclaimer that our signature does not indicate formal approval.

Please be aware that any construction or improvement you undertake is subject to local ordinances, building codes, rules, regulations and laws governing such construction or improvements. Your contractor should coordinate and required reviews, approvals and inspections from the appropriate governmental agencies as it relates to your home improvement initiative.

Appendix E

Tom Bender
45380 Roundview Dr.
Novi, MI 48375

June 19, 2025

City of Novi Zoning Board of Appeals
45175 Ten Mile Road
Novi, MI 48375

Re: Support for Dimensional Variance Appeal – 45358 White Pines Dr.

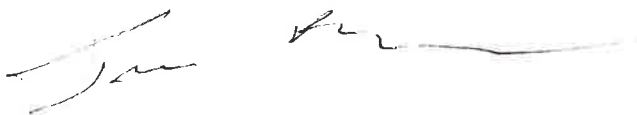
Dear Members of the Zoning Board,

I am writing in support of my neighbors, Shelley and Timothy Blake Wagnon, and their appeal for a dimensional variance related to the fence installed at their home at 45358 White Pines Drive. I live directly across the street from their property and have full visibility of the fence from my residence.

The fence does not impact my property in any negative way. It does not obstruct light, air flow, visibility, or access, nor does it detract from the appearance or character of our neighborhood. In fact, it is thoughtfully placed and blends in well with the surrounding area.

I understand the fence was installed to provide a safe space for their young children to play, due to the unique layout of their corner-lot property. I fully support their request for a variance and believe their improvement is reasonable and responsible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Bender', with a long horizontal stroke extending to the right.

Tom Bender



Shelley Wagnon <shelley.wagnon@gmail.com>

Email

Peter Anthony <peteanthony22@gmail.com>
To: shelley.wagnon@gmail.com

Mon, Jun 30, 2025 at 7:42 PM

Subject: Support for Fence Installation at 45358 White Pines Dr.

Dear Members of the Zoning Board,

I am writing to express my support for the proposed fence installation at 45358 White Pines Dr. I believe the fence will not negatively impact the aesthetics of the neighborhood, nor do I foresee any significant reduction in property value as a result of its construction.

I respectfully encourage the Board to consider approving this request, as I believe it aligns with community standards and does not present any detriment to neighboring properties.

Thank you for your time and attention to this matter.

Warm regards,

Peter Anthony

44465 Midway Dr

peteanthony22@gmail.com

Sent from Gmail Mobile



Dunbarton Pines Homeowners' Association – P.O. Box 470 – Novi, MI 48376

Zoning Board of Appeals
c/o Mr. Alan Hall
Deputy Director of Community Development
45175 Ten Mile Rd., Novi MI 48375

June 19, 2025

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To: Zoning Board of Appeals

The Dunbarton Pines Board of Directors would like to enter our opinion concerning the homeowner's appeal for a variance to allow their fence installation at 45358 White Pines Drive. The Board does NOT support the granting of a variance for the following reasons.

- Dunbarton Pines is a large Novi subdivision with 341 homes. It is in a very desirable location in Novi. Homes sell here within days. Much of that is the historical investments made by our Association in keeping our commons areas and entryways pristine, as well as with the homeowners who maintain their properties.
- Our Association is over 46 years old, and our covenants are similarly old. We do not have any provisions in our documents regarding fence restrictions or power to review or approve fence plans. This, frankly, is one of the attractions of our subdivision to potential buyers.
- For us to change our Association documents to include fence restrictions would require canvassing our 341 homeowners to obtain 75% affirmative votes "in person and with signature", or 256 homeowners. A steep requirement.
- As a result, we rely on the City of Novi ordinances to assist us in managing our homeowners, from garbage can locations to commercial trucks in driveways. We also rely on fence ordinances to assist in regulating homeowner fence construction.
- In our history, we have only had one other fence violation – which involved a homeowner constructing a fence that intruded in our commons area. We litigated to have the owner move the fence back onto the homeowner's property.
- The current property seeking a variance was previously owned by a homeowner who had a fence constructed in the correct placement when they installed an in-ground pool. The new homeowners apparently did not ask, nor did they seek to investigate why the fence did not extend beyond the corner of the property. If they had, they would have been advised of the fencing ordinance to which the original owners complied.
- The fencing regulations for the City of Novi are clear. If a homeowner has a corner lot, they must treat it as a "two front" home and cannot have a fence which extends beyond the house line. We see no reason to approve a variance, particularly where the home sits, near one of our four entryways.
- The companies that install fencing within the City of Novi should also be aware of the regulations and provide homeowners with accurate information to prevent these unfortunate situations, avoiding the effort and cost associated with Zoning Board Appeals or HOA litigation.



Dunbarton Pines Homeowners' Association – P.O. Box 470 – Novi, MI 48376

- Finally, there are some 47 homes in our subdivision that are subject to this corner restriction if they elect to install a similar fence (see attached map). Giving an exception to one homeowner sets a precedent for the other 47 homes to obtain a variance as well. This would severely impact the “look and feel” of our subdivision.

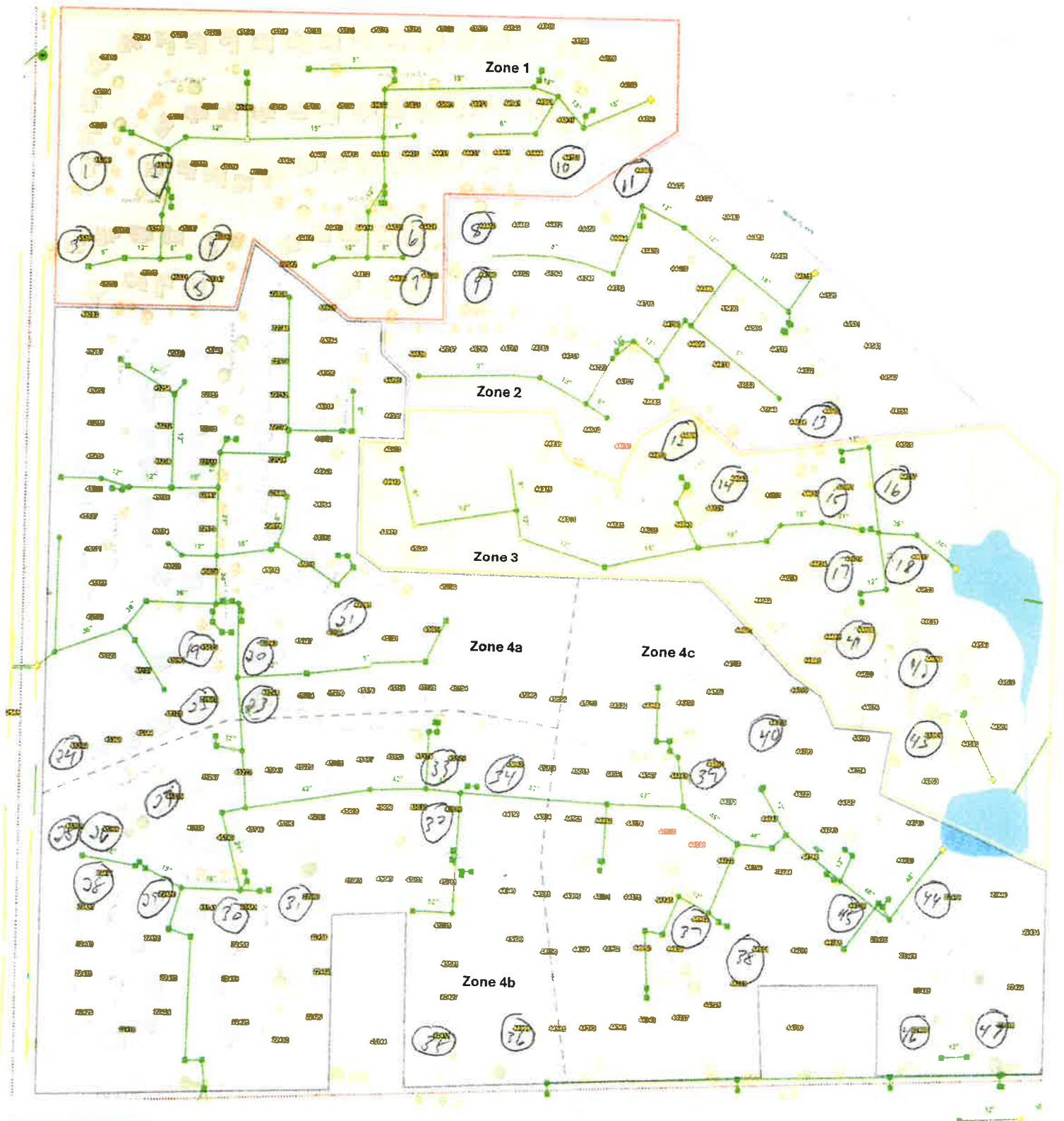
The Homeowner's Association Board of Directors has been active in conscientiously providing oversight for over 46 years to ensure the vision of the original developer and the City of Novi is maintained. We believe approval of this variance would create a bad precedent that would negatively impact both the design of our sub and the property values. We respectfully request that you do NOT grant a variance for this fence.

Sincerely,

On behalf of the Dunbarton Pines Board of Directors

Alan Lach, President

Dunbarton Pines Subdivision Storm Water Drainage Map and Maintenance Zones



Zone 1 Inlets: 19
Manholes: 19

Zone 2 Inlets: 11
Manholes: 15

Zone 3 Inlets: 17
Manholes: 9

Zone 4 Inlets: 85
Manholes: 29

Maintenance Schedule

Year: 2024
Status: Completed

Year: 2025
Status: Planned

Year: 2026
Status: Planned

Year: 2024-2027
Status: Planned