



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, 2016

REGARDING: VOJTIKOFSKY (CASE NO. PZ15-0045)

BY: Charles Boulard, Building Official

I. GENERAL INFORMATION:

Applicant

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A.ii to allow installation of a fence in the exterior side yard of an existing residence.

Variance Type

Dimensional Variances

Property Characteristics

Zoning District: R-1, One Family Residential
Site Location: 25687 Cody Lane, east of Beck Road and south of 11 Mile Road
Parcel #: 50-22-21-179-011

Request

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A. to allow construction of fencing within the exterior side yard of an existing home located on a corner lot.

II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
Subject Property	R-1 One Family Residential	Single Family Residential	Single Residential
North	R-1 One Family Residential	Single Family Residential	Single Residential
South	R-1 One Family Residential	Single Family Residential	Single Residential
East	R-1 One Family Residential	Single Family Residential	Single Residential
West	R-1 One Family Residential	Single Family Residential	Single Residential

III. STAFF COMMENTS:

Site Conditions

The subject property consists of a single lot located on a corner in an existing residential development. The applicant is requesting approval to extend the yard fencing into the exterior side yard setback. It is important to note that the fence will extend adjacent to a curving portion of the street and vehicle visibility will be important.

IV.RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. Grant I move that we **grant** the variance(s) in **Case No.PZ15-0045**, sought by _____,for _____ because the Petitioner has established that _____ causes a practical difficulty relating to the property, including some or all of the following criteria:

(a) Petitioner has established that the property is unique because _____, or that the physical condition of the property creates the need for a variance because_____.

And, the condition is not a personal or economic hardship.

(b) The need for the variance is not self-created, **because**_____.

(c) Strict compliance with dimensional regulations of the Zoning Ordinance, including _____, will (either):

- 1. unreasonably prevent Petitioner from using the property for the permitted purpose as a _____, because _____, and/or,
- 2. will make it unnecessarily burdensome to comply with the regulation because_____.

(d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not_____.

(e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because _____.

(f) The variance granted is subject to the conditions that:

- 1. _____,
- 2. _____,
- 3. _____,
- 4. _____.

2. Deny I move that we **deny** the variance in **Case No.PZ15-0045**, sought by _____, for _____ because the Petitioner has **not** established a practical difficulty because:

- (a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by_____.
- (b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated _____.
- (c) The need for the variance is self-created because Petitioner _____.
- (d) Conforming to the ordinance would not (either):
 - 1. be unnecessarily burdensome because _____, or,
 - 2. unreasonably prevent petitioner from using the property for _____, because_____.
- (e) A lesser variance consisting of _____would do substantial justice to Petitioner and surrounding property owner's because_____.
- (f) The proposed variance would have adverse impact on surrounding property because_____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0415.

Charles Boulard
Building Official
City of Novi



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

ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION				Meeting Date: _____	
ADDRESS		LOT/SIUTE/SPACE #		ZBA Case #: PZ _____	
SIDWELL # 50-22-_____-_____-_____		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?			REQUEST IS FOR:		
<input type="checkbox"/> YES <input type="checkbox"/> NO			<input 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		CELL PHONE NO.	
NAME				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS		CITY		STATE	ZIP CODE
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		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 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 _____ Variance requested _____					
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 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 _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Applicant Signature

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

ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

Signed Application Form

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

Response to Variance Review Standards – Dimensional, Use, or Sign

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

Fee (make check payable to the City of Novi)

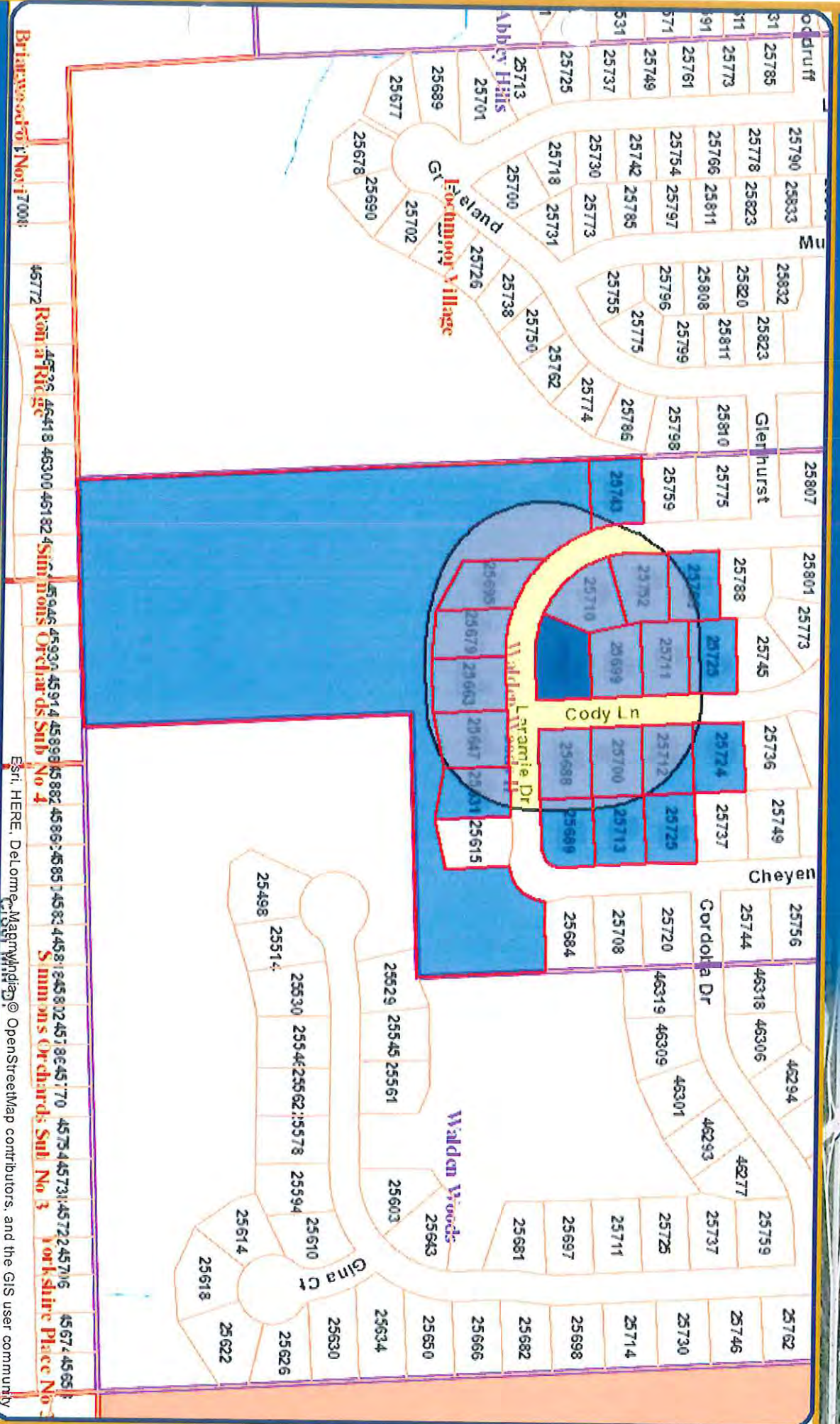
Single Family Residential (Existing) \$200 (With Violation) \$250
Single Family Residential (New) \$250
Multiple/Commercial/Industrial \$300 (With Violation) \$400
Signs \$300 (With Violation) \$400
House Moves \$300
Special Meetings (At discretion of Board) \$600

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.

PZ15-0045

25687 Code Lane



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970, as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy, available at <http://cityofnovi.org/Resources/InternetSiteUsePolicy.asp>.

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



i Author:
Date: 11/30/2015

Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal



25687 cody

22-21-257.12(C)

22-21-257.09(L)

22-21-179-001
257.52 LARAMIE DR

3

108.53

71.94

102.06

102.43

22-21-179-010
258.99 CODY LN

130.00

22-21-179-001
257.10 LARAMIE DR

99.78

Cody Ln

22-21-179-011
258.87 CODY LN
Walden Woods II

100.00

22-21-203-011
258.68 CODY LN

104.22

25687
Cody

91.73
9.7 Feet

85.90

Laramie Dr

98.84

6.32

102.68

113

178-027
LARAMIE DR

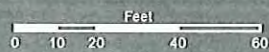
22-21-179-028
256.79 LARAMIE DR

22-21-179-020
256.63 LARAMIE DR

22-21-251-017
256.47 LARAMIE DR

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1 inch = 47 feet



Map Print Date:
2/23/2016



City of Novi
Department of Public Services
26300 Lee BeGo's Drive
Novi, MI 48375
cityofnovi.org

Gary Grove

Needs ROW Permit

P2 15-0045



PZ 15-0045

42.476 -83.507 Degrees



RECEIVED
DEC 28 2015
CITY OF NOVI
COMMUNITY DEVELOPMENT

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

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

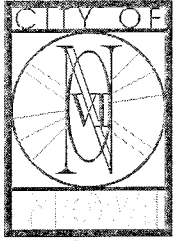
(PLEASE PRINT CLEARLY)

Name: ED SANTOS (Ed Santos)

Address: 25699 CODY LN., NOVI, MI 48374

Date: 12/24/15

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cityofnovi.org

ZONING BOARD OF APPEALS PUBLIC HEARING NOTICE

The City of Novi Zoning Board of Appeals will conduct a public hearing at **7:00 p.m. on Tuesday, January 12, 2016** in the Council Chambers of the Novi Civic Center located at 45175 W. Ten Mile Road, Novi, MI, 48375 to consider the following matter:

VOJKOFSKY (CASE PZ15-0045)

Applicant

Ryan Vojkofsky

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: R-1, One-Family Residential District
Site Location: 25687 Cody Lane, south of Eleven Mile Road and west of Taft Road.
Parcel #: 50-22-21-179-011

Request

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 5.11.A.ii to allow installation of a fence in the exterior side yard of an existing residence.

*****IN ACCORDANCE WITH MCL 125.3103, THE MANAGER OR OWNER OF A SINGLE STRUCTURE CONTAINING MORE THAN 4 DWELLING UNITS OR OTHER DISTINCT SPATIAL AREAS OWNED OR LEASED BY DIFFERENT PERSONS, IS HEREBY REQUESTED TO POST THE NOTICE AT A PRIMARY ENTRANCE TO THE STRUCTURE (S). *****

The applicant's petition and all supporting materials are available for your inspection in the Community Development Department. Your comments may be directed to the Board during the Audience Participation section of the public hearing. Comments regarding this case (response form on back) may be mailed, sent by fax to (248) 735-5600 with a cover sheet to my attention or via email to sramsay@cityofnovi.org. Written comments must be submitted by **January 12, 2016 before 3:00 p.m.** All written comments may be read at the meeting and will become part of the record. Unsigned or anonymous comments will not be considered.

CITY OF NOVI ZONING BOARD OF APPEALS

Stephanie Ramsay
Customer Service Representative

Ramsay, Stephanie

From: Matthew Macek <mmacek37@gmail.com>
Sent: Monday, January 11, 2016 8:03 PM
To: Ramsay, Stephanie
Cc: lwujczyk@yahoo.com
Subject: Vojkofsky (Case PZ15-0045) Public Comments

Dear Stephanie,

I am unable to be in person at the zoning board of appeals for the referenced case and wish to provide my comments.

Please note my approval of the requested variance.

The request being made is very reasonable and I can see no reason why a simple dimensional variance would cause any detriment to the condition of the subdivision. There are many fences that are already in place in this subdivision and rejecting this request would seem contradictory since they have been allowed in the past. There are two homes directly behind my house that have fences similar to what is described. These are not objectionable to me in any way since they have been landscaped nicely and they blend into the rest of the properties. I assume the dimensional request is needed due to the nature of this parcel of property and its position on a corner. Since a fence is required for pools and the current fence could be moved out to a distance that is within the allowed setbacks in the pool ordinance the homeowner will likely still install a fence. I cannot see how few extra feet that is being requested would make much difference in the resulting presentation to the neighbors. It does however cause some hardship for the homeowner and it sends a very unwelcoming message to the new homeowners.

Sincerely,
Matt and Dana Macek
25784 Cody Lane, Novi

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

RECEIVED
JAN 11 2016
CITY OF NOVI
ZONING BOARD OF APPEALS

Please note my comments to **VOJKOFSKY (CASE PZ15-0045)**

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

Comments:

City ordinances are very clear on fence rules. This information was easily attainable prior to purchase of the home. In addition, a side yard fence on this lot would be very prominent and visible to its neighbors. Owners can contain dogs by installing an invisible fence like other residents in our subdivision.

(PLEASE PRINT CLEARLY)

Name: John + Laura Davis

Address: 25712 Cody Ln.

Date: 1/10/16

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APPEALS BOARD
JAN 12 2016
CITY OF NOVI
COMMUNITY DEVELOPMENT

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

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

I STRONGLY OBJECT TO THE PROPOSED FENCE.
HAVING A FENCE THAT IS 2-FOOT FROM THE
SIDEWALK ALONG THE PERIMETER OF THE PROPOSED LOT
WILL SEVERELY IMPACT THE AESTHETICS. WE HAVE
ZONING RULES TO PROTECT OTHER HOMEOWNERS LIKE
MYSELF FROM ~~UNDESIRABLE~~ CHANGES THAT WILL IMPACT
THE BEAUTY, SAFETY AND VALUE OF NEIGHBORHOOD.
THIS SITUATION IS EXACTLY WHY WE HAVE THESE RULES.
(PLEASE PRINT CLEARLY) DO NOT ALLOW THE VARIANCE.

Name: JOHN GUMPA

Address: 25647 LARAMIE DR.

Date: 1/9/2016

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

NOVI, MI 48375
ZONING BOARD OF APPEALS
45175 W. TEN MILE ROAD
NOVI, MI 48375

Please note my comments to VOJKOVSKY (CASE PZ15-0045)

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

Comments:

Having fences is very unusual. This is one of the reasons why we chose Novi. We've lived here for 17+ years and there has never been an issue w/ lack of fences anyone has adapted and they should continue. It is very well known this is the ordinance before purchasing and why should these people think they can change things now. I am very much against it and inserted someone feels they can now change it

(PLEASE PRINT CLEARLY)

Name: FABRICK M. FIGURSKI

Address: 25788 LARAMIE DR.

Date: JAN 10, 2016

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

NOVI, MI 48375
CITY OF NOVI
ZONING BOARD OF APPEALS
45175 W. TEN MILE ROAD
NOVI, MI 48375

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

Our HOA does not approve of fences for the purpose of housing pets. It does approve of them for pools. The property does have a fence for the pool. Other homeowners use electronic fences. The proposed fence does not meet the setback requirements of the city. Our subdivision has an open field and is part of the attractiveness. Changes to HOA by laws require a vote of the homeowners, which was not done. This is a concern with high visibility for the proposed fence.

(PLEASE PRINT CLEARLY)

Name: Robert Turner (Robert Turner)

Address: 25655 Cody Ln.

Date: 1-10-16

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

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

The bylaws were put in place to create
consistency. I believe we should continue to
abide by them.

(PLEASE PRINT CLEARLY)

Name: Kevin Bueland

Address: 35797 Cheyenne Dr. NW

Date: 1/10/16 (cheyenne)

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

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

not fully in support of the request, but we need
to try by the time

(PLEASE PRINT CLEARLY)

Name: JOY SHARMA

Address: 2568 Laramie Dr Novi MI 48374

Date: 4/10/16

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

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

I am opposed to any variance that would allow the
neighborhood to have a variance. It is my opinion that
the proposed variance may be to allow the
neighborhood to have a variance that would be
to allow the neighborhood to have a variance.

(PLEASE PRINT CLEARLY)

Name: Richard L. Landon

Address: 2745 Landon Way

Date: 1/15/15

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

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

Comments:

(PLEASE PRINT CLEARLY)

Name: Yoni Z...

Address: 45175 W. Ten Mile Road

Date: 11/11/15

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157 34001
ZONING BOARD OF APPEALS
1575 WATERLOO ROAD
NOVI, MI 48245

NOV 11 2016
NOV 11 2016
NOV 11 2016
NOV 11 2016

Please note my comments to YOUR OFFICIAL USE ONLY

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

Comments:

I am against the fence.

(PLEASE PRINT CLEARLY)

Name: Brian A. Boron
Address: 25759 Laramie Dr
Date: 1/11/16

Brian A. Boron

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

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

(PLEASE PRINT CLEARLY)

Name: Seungjin Woo
~~25695 Laramie Dr.~~

Address: 25695 Laramie Dr. Novi MI 48374

Date: 1/10/2016

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RECEIVED

JAN 12 2016

CITY OF NOVI
COMMUNITY DEVELOPMENT

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

Please note my comments to VOJKOVSKY (CASE PZ15-0045)

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

Comments:

WE DO NOT WANT THIS VARIANCE
APPROVED

(PLEASE PRINT CLEARLY)

Name: JOHN & SUSAN SLATEK

Address: 25711 CODY LANE NOVI

Date: 1/9/16

Zoning Board of Appeals meetings are broadcast live on Novi's Bright House Cable on Channel 13.

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

NOVI
ZONING BOARD OF APPEALS
45175 W. TEN MILE ROAD
NOVI, MI 48375

Please note my comments to VOJKOFSKY (CASE PZ15-0045)

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

Comments:

I AM DEFINITELY AGAINST THE PROPOSED FENCE.
NOT ONLY IS THIS A VIOLATION OF THE CITY
ORDINANCE, IT IS ALSO NOT IN COMPLIANCE WITH
OUR SUBDIVISION BYLAWS (SEE ATTACHED). PLEASE
DON'T APPROVE THIS VARIANCE.

(PLEASE PRINT CLEARLY)

Name: GARY GROVE
Address: 25679 LARAMIE DR.
Date: 1-10-16

Zoning Board of Appeals meetings are broadcast live on Novi's Bright House Cable on Channel 13.

WALDEN WOODS II BYLAWS

Section 10. Driveways and Garages. All driveways shall be paved with asphalt or concrete, and shall be completed prior to occupancy. All garages shall be attached to the main dwelling and shall provide for entry from the side or rear so that no garage openings shall face the street in front of the dwelling.

Section 11. Swimming Pools. No above ground swimming pool shall be erected or maintained upon any Unit. In-ground swimming pools may be installed in the rear yards only upon written approval of the Developer based upon plans and specifications thereof. The size, configuration and exterior appearance of any such in-ground swimming pool and its adjacent fence shall be subject to the approval of the Developer. No "cyclone" type fences around swimming pools shall be approved under any circumstances.

Section 12. Transmission Devices. No outside radio, television aerial, antenna, satellite dish or other reception or transmission device shall be placed, constructed, altered or maintained on any Unit without the prior written consent of the Developer except for rooftop television antennae.

Section 13. Dog Runs. Dog runs or other enclosed shelters for permitted animals must be an integral part of the approved dwelling and must be approved by the Developer and the City of Novi relative to the location, design, screening and fencing of such structure(s). Any such structure or dog run must be located in a rear yard area and kept in a clean and sanitary condition at all times.

Section 14. Walls and Fences. No fence or wall of any type shall be permitted for the purpose of enclosing any Unit or portion thereof except to enclose swimming pool areas or dog runs. Wrought iron fencing (but not fencing of the wire type commonly known as "cyclone fencing") may be used on any Unit in locations approved by the Developer for the purpose of enclosing a permitted swimming pool. The side yards and rear yard (but not the front yard) of any Unit may be enclosed by landscaping treatments pursuant to a plan approved by the Developer, provided that the street side of a corner Unit shall be considered a second front yard for purposes of the foregoing limitations.

Section 15. Trees. No Co-owner shall cut down or trim any tree located on any Unit which has a diameter of 6 inches or more measured 4 feet above ground level without the prior written approval of the Association and, during the Development and Sales Period, the Developer. The Developer and the Association shall permit only such tree cutting as may be reasonably necessary for construction of dwellings and as may be necessary to provide adequate stormwater drainage. No Co-owner may cut or trim any tree or other vegetation located on the Common Elements without approval of the Developer and the Association. Each tree removed or trimmed in violation of this provision shall constitute a separate violation and shall subject the offending Co-owner to fines as set forth in Articles XIX and XX of these Bylaws. This provision shall apply to any tree located within the Condominium Premises, whether within any Unit or upon the General Common Elements. Co-owners shall also comply with any ordinances of the City of Novi, which are applicable from time to time to the Condominium Premises.



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

WALDEN WOODS II HOMEOWNERS ASSOCIATION

**Re: 25687 Cody Lane, Novi, MI
Modification of Existing Wrought Iron Fence**

In compliance with the Bylaws of Article VI, Sections 11 and 14, I hereby approve the modification of the existing wrought iron fence (which currently encompasses the existing pool and pool area only) to be expanded to encompass the entire rear yard of the home and not to exceed said property line. The newly added fence must be the same material and color as the existing wrought iron fence.

Cynthia Ann Kolis
Board of Director Cynthia Ann Kolis

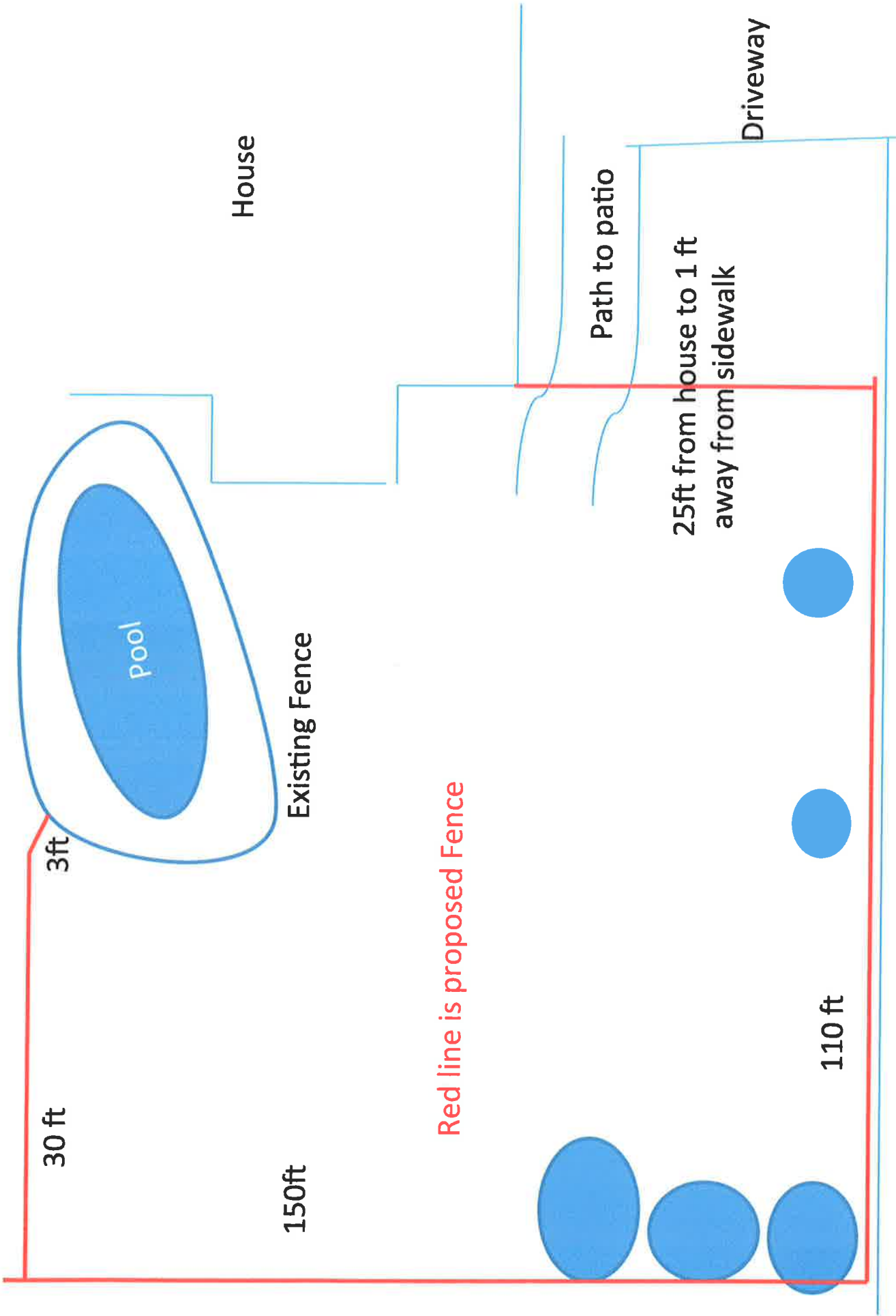
9.15.15
Date

Laurie Wujczyk
Board of Director
Laurie Wujczyk

9-29-15
Date

Gloria A. Webber
TREASURER
GLORIA A. WEBBER

10-31-15
DATE



Sidewalk

Laurie Wyczyk Pres
Alma G. Webber TREASURER



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).

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.

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.

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.

SKETCH OF SURVEY

PART OF THE NORTHWEST 1/4 SECTION 21, T. 1N, R. 8E.,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

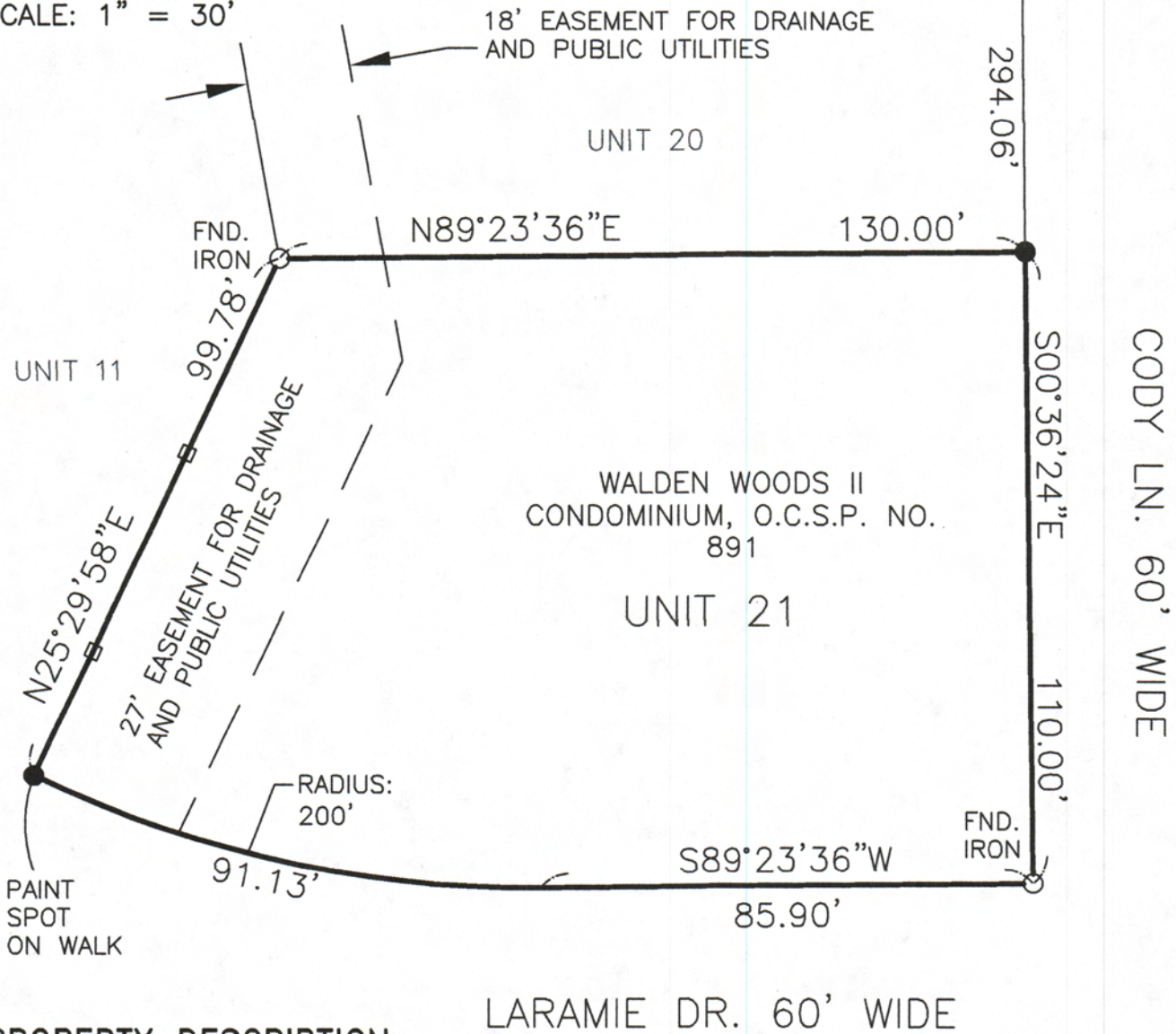


LEGEND

- (M) MEASURED
- (R) RECORDED
- SET IRON
- FOUND IRON
- PROPERTY LINE STAKE

FND.
IRON
(NE COR
UNIT 18)

SCALE: 1" = 30'



PROPERTY DESCRIPTION:

PARCEL NO. 22-21-179-011
#25687 CODY LN.

UNIT 21 WALDEN WOODS II CONDOMINIUM, OAKLAND COUNTY SUBDIVISION PLAN NO. 891, AS RECORDED IN LIBER 15097, PAGE 317, PART OF THE NORTHWEST 1/4 OF SECTION 21, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

NOTES:

1. NO TITLE POLICY SUPPLIED BY THE CLIENT.
2. BEARINGS ARE BASED ON WALDEN WOODS II CONDOMINIUM, LIBER 15097, PAGE 317, OAKLAND COUNTY RECORDS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON 11/13/2015 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS LESS THAN 1/5000.

Paul W. Kinnunen
PAUL W. KINNUNEN, P.S. #48781



**METROPOLITAN
LAND
CONSULTANTS INC.**

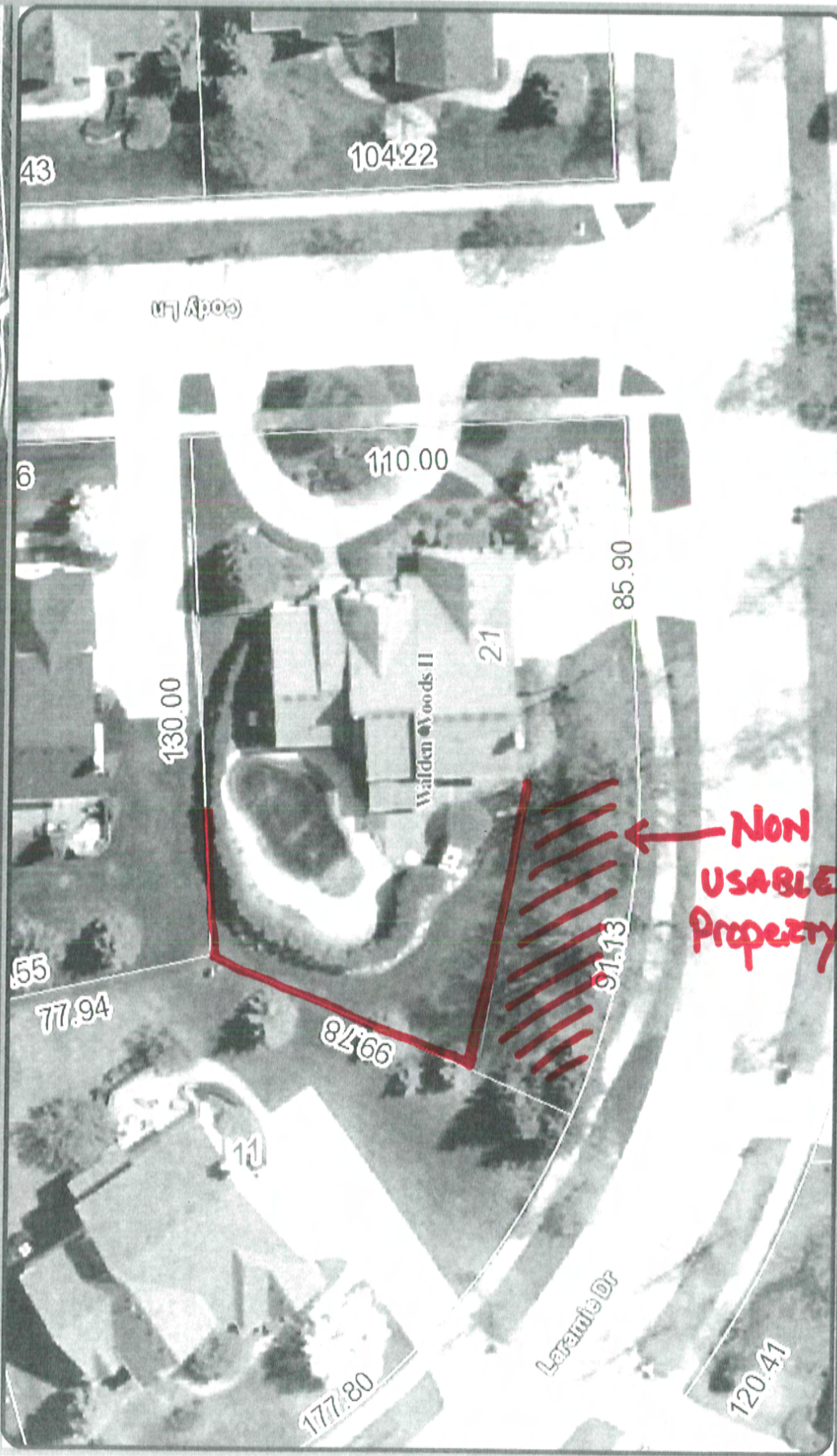
37537 SCHOOLCRAFT
LIVONIA, MI 48150
TEL#: 734-464-0822
FAX#: 734-464-0875

DRAWN BY: JDS	SCALE: 1" = 30'
JOB#: 15-103	DATE: 11/16/15
CLIENT: RYAN VOJTKOFSKY	

DWG. NO.
1 OF 1

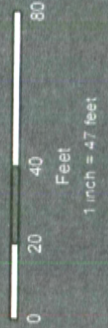
PE - ORDINANCE

25687 Cody fence placement



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/InternetUsePolicy.asp>.



Author:
Date: 10/30/2015

Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal

cityofnovi.org

P12 ORDINANCE

25687 Cody fence placement



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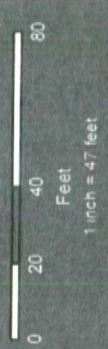


REQUESTED VARIANCE

25687 Cody fence placement



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i Author: [redacted]
Date: 10/30/2015

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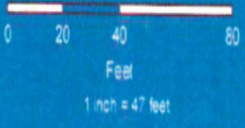
REQUESTED VARIANCE

25687 Cody fence placement



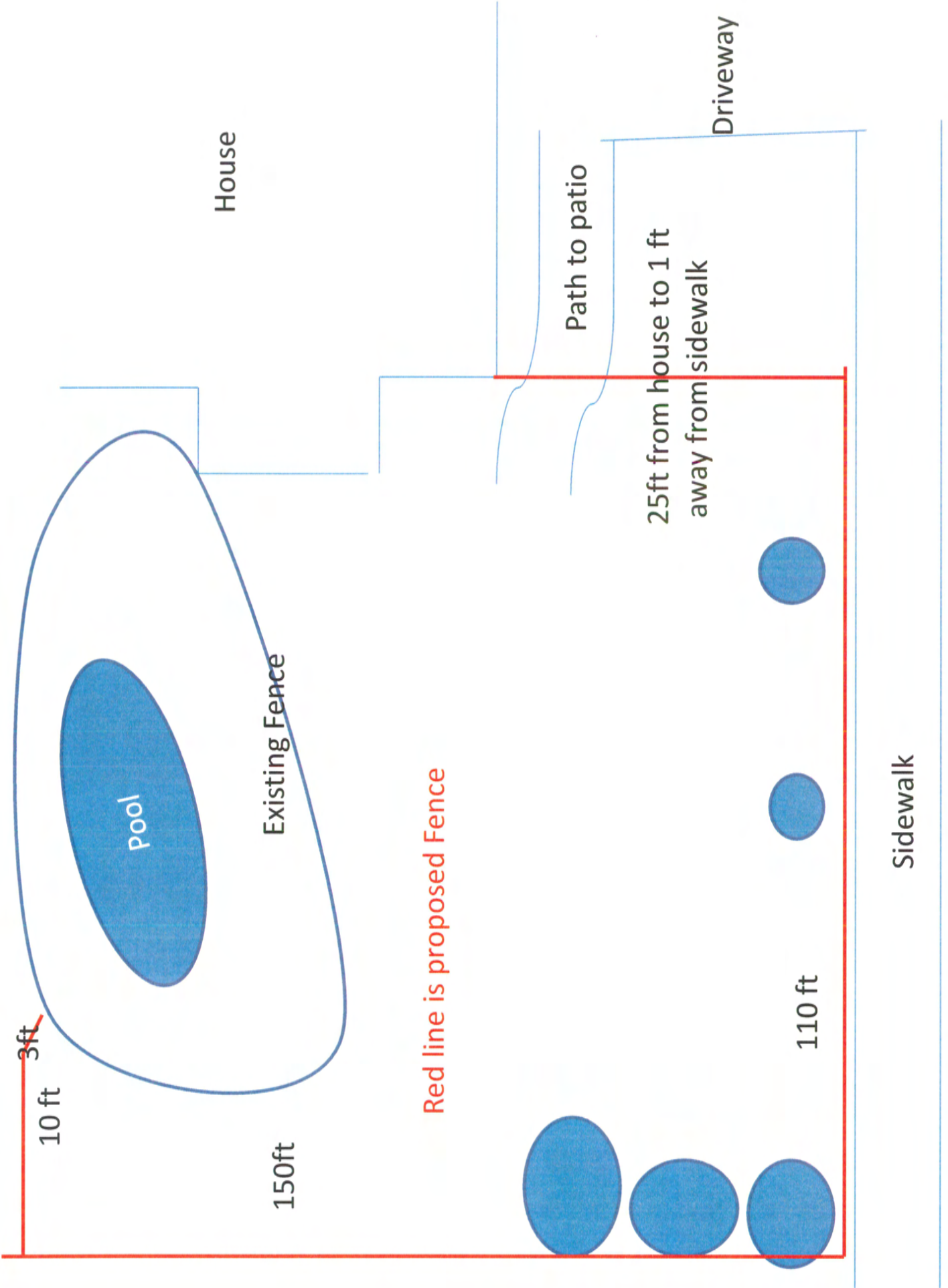
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Nearby Corner Lots

With fence in front yard set back

Walden Woods Subdivision Entrance



Lochmoor (Connecting Subdivision)



Lochmoor (Connecting Subdivision)



Map Satellite

Glenmoor

Glenmoor

Mulberry Ln

Mulberry Ln

Glenmoor

Google

Current lot photos
25687 Cody Lane

Current view from side street





View from rear corner of lot





Lost space per ordinance

Lot view from driveway





Existing structure and foliage blocking access to ordinance area

