



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: March 11, 2025

REGARDING: 130 Buffington Drive #50-22-03-331-007 (PZ25-0005)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Ori Halpert

Variance Type

Dimensional Variance

Property Characteristics

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

Location: south of South Lake Drive, east of West Park Drive

Parcel #: 50-22-03-331-007

Request

The applicant is requesting variances from City of Novi Zoning Ordinance Section 3.1.5 for a side yard setback of 5 ft (10 ft required, variance of 5 ft); for a side yard aggregate total of 15 ft (25 ft required, variance of 10 ft); for a front yard setback of 24 ft (30 ft required, variance of 6 ft) This variance would accommodate the building of a new home. This property is zoned One-Family Residential (R-4).

II. STAFF COMMENTS:

The applicant is seeking (3) variances to construct a 24' wide home on a vacant piece of property. (Previously there was a home demolished on this site in 2021)

- 1) 6' front yard setback variance
- 2) 5' side yard setback variance (Any measurement less than 5' requires 1-hr fire protection)
- 3) 10' aggregate total variance

Note: No variances are requested for the accessory structure at the rear of the property. It should be noted that the position of the structure needs to be relocated to have at least 6' minimum setbacks from all property lines. Consideration should be given that only 10' is allowed from the side of the home to the property line for access to the accessory structure. If pavement is proposed, then 3' minimum is required from the property line to pavement, leaving only 7' of width to work with.

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. **PZ25-0005**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.

(a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.

(b) The property is unique because _____.

(c) Petitioner did not create the condition because _____.

(d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because _____.

(e) The relief is consistent with the spirit and intent of the ordinance because _____.

(f) The variance granted is subject to:

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

2. I move that we **deny** the variance in Case No. **PZ25-0005**, sought by _____, for _____ because Petitioner has not shown practical difficulty requiring _____.

(a) The circumstances and features of the property including _____ are not unique because they exist generally throughout the City.

(b) The circumstances and features of the property relating to the variance request are self-created because _____.

(c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that _____.

(d) The variance would result in interference with the adjacent and surrounding properties by _____.

(e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to _____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Alan Hall – Deputy Director Community Development - City of Novi

RECEIVED

FEB 03 2025

CITY OF NOVI
COMMUNITY DEVELOPMENT



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ZONING BOARD OF APPEALS
APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)		Application Fee: <u>\$275.00</u>	
PROJECTNAME/ SUBDIVISION		Meeting Date: <u>3-11-25</u>	
ADDRESS 130 Buffington St Novi, MI 48377		ZBA Case #: <u>PZ 25-0005</u>	
LOT/SUITE/SPACE#			
SDWELL# 50-22-03 -331 -007		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Lilley Trail and s lake dr			
IS THE PROPERTY WITHIN A HOMEOWNER SA ASSOCIATION JURISDICTION?		REQUEST IS FOR:	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE	
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS	
		ori@otrinvestments.com	
NAME ori halpert		CELL PHONO NO. 3135399695	
ORGANIZATION/COMPANY ons investments llc		TELEPHONO NO.	
ADDRESS 24739 middlebelt		FAX NO.	
CITY farmington hills		STATE mi	
		ZIP CODE 48336	
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	
NAME		CELL PHONO NO.	
		TELEPHONO 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>3.1.5</u>		Variance requested <u>5 ft side yard setback (10 ft required, variance of 5 ft)</u>	
2. Section <u>3.1.5</u>		Variance requested <u>15ft side yard agg total (25 ft required, variance of 10 ft)</u>	
3. Section <u>3.1.5</u>		Variance requested <u>24 front yard setback (30 ft required, variance of 6 ft)</u>	
4. Section _____		Variance requested _____	
IV. FEES AND DRAWINGS			
A. FEES			
<input type="checkbox"/> Sngle Family Residential (Existing) \$220 <input type="checkbox"/> (With Violation) \$275 <input checked="" type="checkbox"/> Sngle Family Residential (New) \$275			
<input type="checkbox"/> Multiple/Commercial/Industrial \$330 <input type="checkbox"/> (With Violation) \$440 <input type="checkbox"/> Signs \$330 <input type="checkbox"/> (With Violation) \$440			
<input type="checkbox"/> House Moves \$330 <input type="checkbox"/> Special Meetings (At discretion of Board) \$660			
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED ASA PDF			
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines	
• Site/Plot Plan		• Location of existing & proposed signs, if applicable	
• Existing or proposed buildings or addition on the property		• Floor plans & elevations	
• Number & location of all on-site parking, if applicable		• Any other information relevant to the Variance application	



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE(S) REQUESTED
 DIMENSIONAL USE SIGN
 There is a five-(5) hold period before work/action can be taken on variance approvals.

B. SIGN CASES (ONLY)
 Your signature on this application indicates that you agree to install a Mock-Up Sign ten-(10) days before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is NOT to be actual sign. Upon approval, the mock-up sign must be removed within five-(5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five-(5) days of the meeting.

C. ORDINANCE
 City of Novi Ordinance, Section 3107 – Miscellaneous
 No order of the Board permitting the erection of a building shall be valid for a period longer than one-(1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL
 PLEASE TAKE NOTICE:
 The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made
 CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING SIGNAGE
 ACCESSORY BUILDING USE OTHER _____

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

Feb 3 2025

 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



cityofnovi.org

Community Development Department

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**REVIEW STANDARDS
DIMENSIONAL VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

- a. **Shape of Lot.** Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment.
 Not Applicable Applicable If applicable, describe below:

The property is only 40' wide and the R-4 zoning requires a property to be 80'. The narrowness of the property makes it impossible to the construct a house. The R-4 zoning setbacks would create an unbuildable footprint.

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).

The existing property width of 40', instead of 80' min. lot width in the R-4 zoning setback requirements is not self-created. A dimensional variance is necessary to make this a buildable lot.

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.

We believe the strict compliance with regulations for the front (30' required) and side setbacks (25' required and 10' required) would unreasonably prevent the property owner from using the property.

Standard #4. Minimum Variance Necessary.

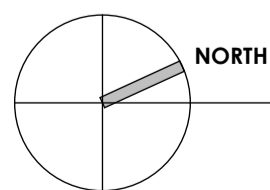
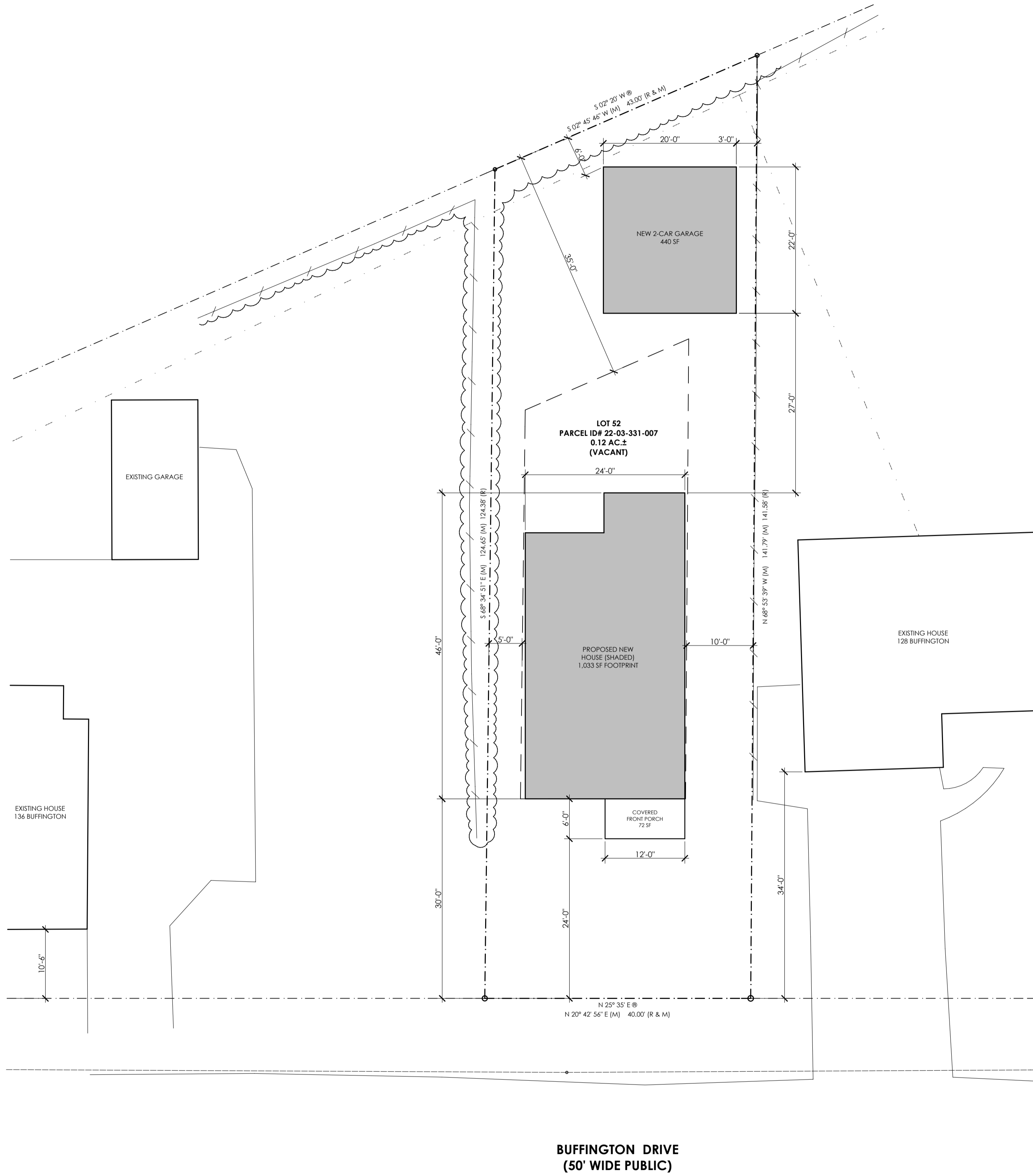
Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

We believe the reduced setback requirements, front from 30' to 24', one side from 25' to 10' and 10' to 5', is the minimum necessary to build a 24' wide house. We are not asking for rear yard variance.

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 existing houses to the south and north of our property have front and side setbacks that vary in dimension. The southern house has an existing front setback of 10.5' and the northern house has a front setback of 34.0'. If we take the average of both that is 22.25' and we are asking for a 24' front setback. the current side setback of the northern house to the south property line is 6.7'. We are asking for a 10' side setback (our driveway) adjacent to this house.



ARCHITECTURAL SITE PLAN

SCALE: 1" = 10'-0"

HF:architecture
HARMONY | FORM

512 NORTH MAIN STREET | SUITE 100
ROYAL OAK | MICHIGAN 48067
248 | 388 | 8563 | www.hfarchitecture.com



B.E.H.
EXP. DATE
09/10/26

ISSUE DATE
02.01.25

ISSUE FOR
ZONING BOARD OF APPEALS SUBMITTAL

PROJECT
HALPERT: NEW HOUSE
VACANT LOT ON BUFFINGTON DRIVE,
NOVI, MICHIGAN

AS00