



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: 210 Buffington Drive #50-22-03-378-008 (PZ25-0036)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Scenic Pines Estates

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 #: 50-22-03-378-008

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.28.6.C.iv.a to omit the requirement for a landscape berm along the east, west and south property lines.

II. STAFF COMMENTS:

History:

On November 19, 2019 – This same variance was approved and then expired.

On June 11, 2024 – This same variance was approved and then expired.

The applicant is seeking a dimensional variance to omit the requirement for a landscape berm along the east, west and south property lines. The site has an irregular shape with regulated woodlands and wetlands on it.

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. **PZ25-0036**, 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. **PZ25-0036** 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

RECEIVED

JUN 20 2025

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)

PROJECT NAME / SUBDIVISION

SCENIC PINES ESTATES

ADDRESS

1207 Pembine, Novi (JSP18-76)

LOT/SUITE/SPACE #

SIDWELL #

50-22-03 -378 -009

May be obtain from Assessing
Department (248) 347-0485

Application Fee: \$275.00

Meeting Date: 8/12/25

ZBA Case #: PZ 25-0036

CROSS ROADS OF PROPERTY

Pembine Road between Buffington Road and Henning Road

IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?

☐ YES

☒ NO

REQUEST IS FOR:

☒ 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

matt.delapp@singhmail.com

CELL PHONE NO.

248-864-2940

NAME

Matt DeLapp

TELEPHONE NO.

248-865-1027

ORGANIZATION/COMPANY

Singh Development

FAX NO.

248-865-1630

ADDRESS

7125 Orchard Lake Road

CITY

West Bloomfield

STATE

MI

ZIP CODE

48322

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 3.28.6.C.iv.a Variance requested Delete the requirement for landscape berm along the east, west, and south property lines

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

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

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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:
See attached.

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:
See attached.

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).

See attached.

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 attached.

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 attached.

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 attached.

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.

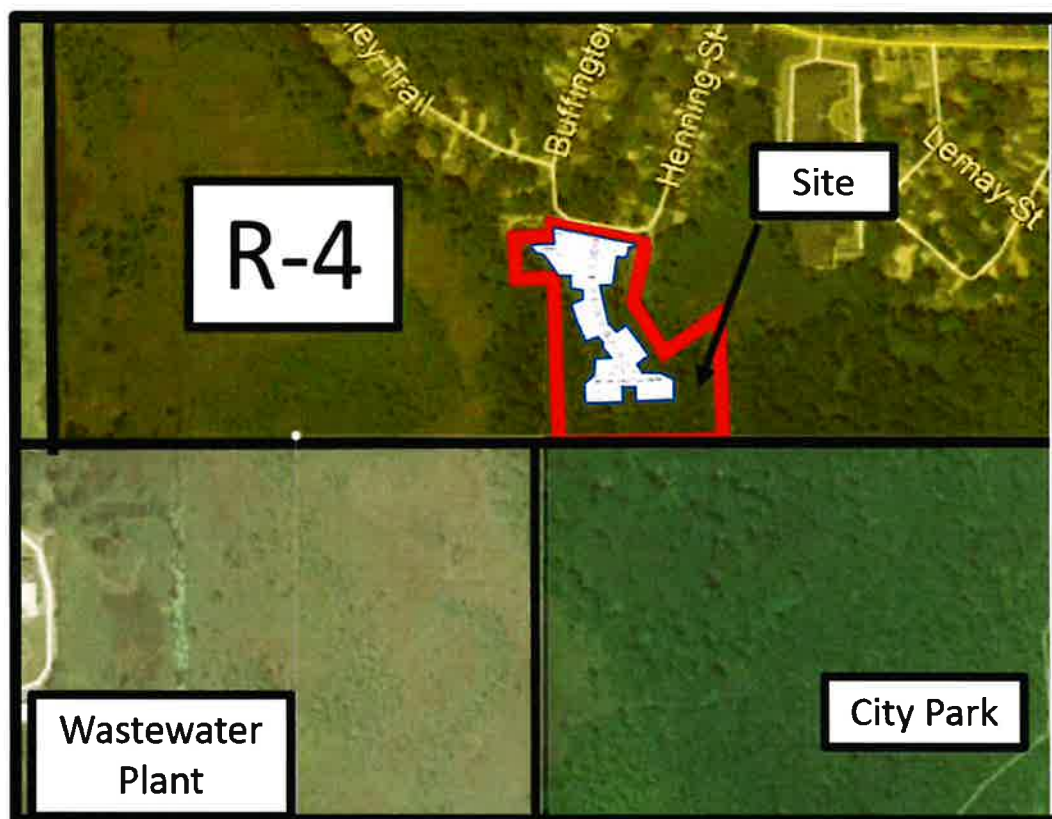
Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity.

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. **Applicable.** described below:

The need for a variance is due to unique circumstances peculiar to this property. These conditions create an unnecessary hardship that requires relief. The property is irregularly shaped. The unusual shape of the property is a polygon with uneven lengths and 11 unique bearings. Berm construction would be irregular and haphazard if were to follow the East, South and West property lines. Additionally, the geometry of the property lines would have the berm changing direction several times creating an unusual and impractical configuration winding through the existing woodlands that won't serve the purpose intended. A berm is provided at the north property line parallel with the existing street and situated in a standard configuration to provide intended screening between residential properties. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit the elimination of the berm requirement prescribed in the Zoning Ordinance because the property line configuration clearly demonstrates that the Shape of the Property is so unique that the circumstances are not generally applicable to other rectilinear properties. This property meets the required legal standard.

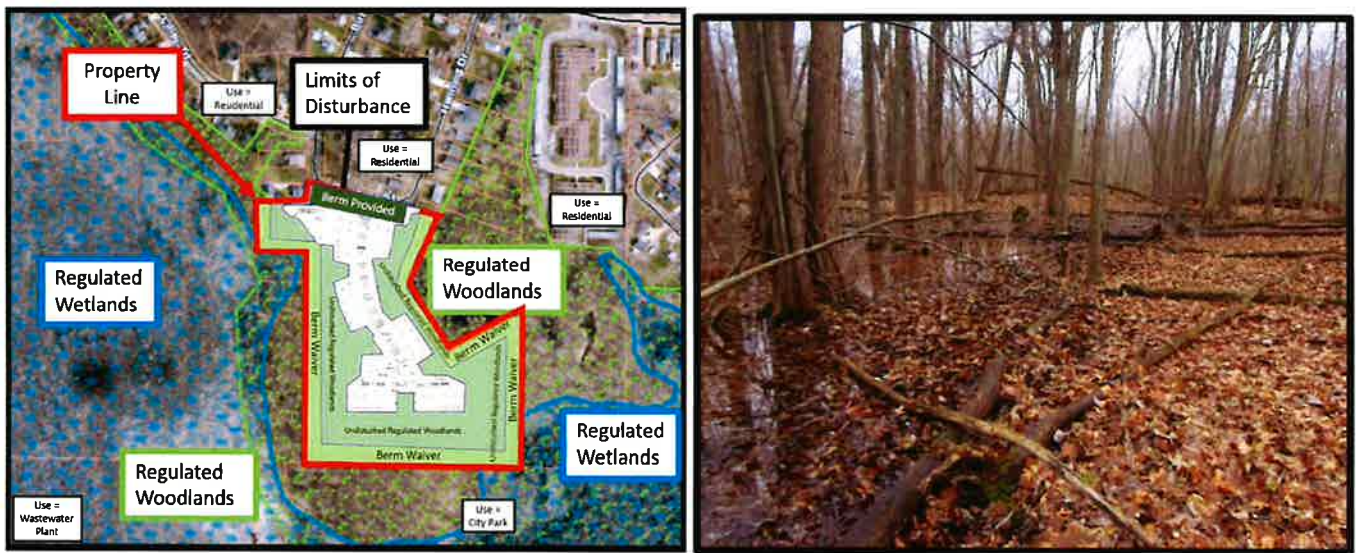
Exhibit 1: Shape of Property



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

The need for a variance is due to unique circumstances peculiar to this property. These conditions create an unnecessary hardship that requires relief. The Site Area is 9.44 AC gross and includes 1.7 Ac of regulated wetlands and 7.45 Ac of regulated woodland that constitute 80% of the net acreage. These natural features are an important element for the property and surrounding community. The site plan strives to preserve the natural features to maximum affect by utilizing the City of Novi Cluster option which permits clustering of the units on the interior of the site to leave large sections undisturbed. The undisturbed area acts as a natural buffer between properties. The requirement to cut down trees and impact wetlands to construct a screening berm in the middle of the existing woods is impractical and undesirable. The existence of the abundant natural features on the site is the environmental condition that creates and extraordinary situation requiring relief. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit the elimination of the screening berm requirement prescribed in the Zoning Ordinance because the large quantity of natural feature demonstrate that Environmental Conditions exist on the property that do not apply generally to other properties. This site clearly meets the legal standard.

Exhibit 2: Environmental Conditions



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/Not Required.**

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 applicant's problem is not self-created. The problem is an unnecessary hardship on the property owner requiring relief. Per City of Novi Zoning section 3.28.6.C the Planning Commission can and on 9/25/2019 did approve a reduction to building setbacks to preserve the natural features of the site. Commission approved a reduction of front building setbacks from the streets from 30 feet from the edge of pavement to 25 feet in order to protect regulated woodlands in the back yards. The approval was conditioned on a ZBA variance for elimination of the berms in question. The reason the Planning Commission could not waive the berm requirement themselves is because Section

3.28.6.C.iv.a wording says single family residential “districts” rather than single family residential “use.” The wording of the ordinance inadvertently moves the jurisdiction out of Planning Commission purview regarding berm construction and places it into the jurisdiction of the ZBA as a zoning matter. This applicant did not write the ordinance and had no part in choice of words. The intent of the ordinance was to create berms between uses to protect adjacent neighbors from viewing non-standard configurations. The actual situation is there are no residential uses in proximity to the east, south, and west property lines and never will be. Those adjacent properties are zoned for residential uses but can never be developed as such. There is a city park to the east and south and a wastewater plant to the west. All the adjacent property is burdened with a 300 Ac wetland that is un-buildable. If the planners who wrote the ordinance has considered the possibility of a cluster development adjacent to permanent non-residential uses in a residential district, they may have had the foresight to include the phrase “residential use” rather than “residential district.” Unfortunately, not every possible situation can be anticipated when the ordinances are being written and they did use the word “district” which make this a ZBA matter. The City planner is in full support of the variance, and as stated previously, the City Planning Commission has already approved it, subject to the ZBA granting the required variance to eliminate the required berm so a 75’ natural buffer can remain. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit the elimination of the berm requirement prescribed in the Zoning Ordinance because the narrative demonstrates that the elimination of the berm was not Self-Created. The legal standard has been met.

Exhibit 3: Condition created by Ordinance word selection

- C. Reduced setbacks subject to the Planning Commission making the following findings:**
 - i. The proposed changes will not adversely affect neighboring properties;
 - ii. Density will not exceed that permitted in the district;
 - iii. Safe access is provided to the development; and
 - iv. The following conditions are met:
 - a. A landscape berm meeting the requirements of Section 5.5.3.A.I - II is provided adjacent to other single family residential districts;

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 property cannot be reasonably used for the purposes permitted which creates an unnecessary hardship. On 9/25/2019 the Planning commission unanimously approved the Scenic Pines Estates JSP 18-76 Special Land Use Permit, Preliminary Site Plan with One-Family clustering option and site condominium, Wetland Permit, Woodland Permit, and Stormwater Management Plan. Without ZBA approval of elimination of the berm, supported by planning staff and Planning Commission, the property owner will be unreasonably prevented from using the property for the approved and permitted purpose. Strict compliance with the berm requirement would render the City of Novi cluster option unavailable without cutting down the natural features it aims to protect. The clustered development area has

prescribed dimensional constraints, separations and requirements that limit the amount of development area. If berms were required within the development area, the area to build homes and infrastructure would be unavailable and the cluster option unobtainable. The spirit and intent of the cluster ordinance could not be achieved WITHOUT the variance. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit the elimination of the berm requirement prescribed in the Zoning Ordinance because strict compliance with the berm requirement will unreasonably prevent use of the property in the permitted manner and the legal standard has been met.

Standard #4. Minimum Variance Necessary.

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

The variance requested is the minimum variance necessary. The 75' setback required by the City of Novi Cluster Option Ordinance along the three property lines in question will remain in full force and affect and will protect and preserve regulated woodland and wetlands along those property lines. The North property line is not included in this request because a berm can be built at that location without clearing abundant natural features to make way for the berm. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit the elimination of the berm requirement prescribed in the Zoning Ordinance for three of the four property lines because the facts above demonstrate that the elimination of the requirement is limited to the east, west and south property lines, but EXCLUDES the north property line and is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district by preserving and protecting natural features rather than building a berm. The proposal meets the legal standard.

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 variance will not alter the essential character of the area but will actually enhance the character. Clearing the regulated woodlands creates an unnecessary hardship on both the property owner and the adjacent neighboring properties due to the loss of significant natural features. The spirit of the Zoning Ordinance is observed because the proposed 75' wide undisturbed regulated woodlands and wetlands on the eastern, southern, and western property lines create a natural buffer between the property and the adjacent districts so no adverse impacts will be introduced. These natural features provide a superior buffer than the alternative required by the zoning ordinance, from which we seek relief. Removal of these wonderful resources to build a less effective screening berm in their stead would be a disservice to the community and at the same time render the Cluster Option virtually pointless. Property values will not be diminished or impaired but instead will be enhanced through the preservation of the natural features for the property owner and adjacent parcels. The supply of light and air will remain exactly as they are in the existing condition by preserving the woodlands. Public safety is unaffected by the elimination of the berm because the berm requirement is not a public safety provision. Preserving the existing woodlands will not unreasonably increase the threat of fire danger because the woods currently exist naturally and is intermixed with 300 acres of wetland. The variance will not in any other respect impact the public health, safety, comfort, or morals or general welfare of residents. By granting this variance, substantial justice will be provided to the petitioner and surrounding property owners. The City of Novi Ordinance Section 3104 allows the Zoning board of Appeals to permit the elimination of the berm requirement prescribed in the Zoning Ordinance because the facts presented above demonstrate that the elimination of the berm requirement does not create an Adverse Impact on Surrounding Area and the proposed alternative meets the required legal standard.

Petitioner has met all requirements set forth to grant the variance.

All the Elements of Practical Difficulty exist. We respectfully request your support.

RECEIVED

JUL 28 2025

CITY OF NOVI
COMMUNITY DEVELOPMENT

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

Please note my comments to:

439471 Twelve Mile Road # 50-22-13-200-016 (PZ24-0060)

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

Comments:

I vote for full approval. I wish this project would have been approved years ago instead of being stuck in endless red tape and complaints.

Simply put, it's a benefit to have new construction in the neighborhood. It's the only way to create change and improve the community.

(PLEASE PRINT CLEARLY)

Name: Nick Keesee

Address: 148 Henning

Date: 7/28/25

Anonymous comments will not be considered.

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.