



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 13, 2024

REGARDING: 401 Duana Street # 50-22-03-478-013 (PZ24-0036)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Fred Scott

Variance Type

Dimensional Variance

Property Characteristics

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

Location: on South Lake Drive, west of Thirteen Mile Road

Parcel #: 50-22-03-478-013

Request

The applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.1.5 for a front yard setback of 24.2 ft. (30 ft. required, variance of 5.8 ft.); Section 3.1.5 for an exterior side yard setback of 15 ft. (30 ft. required, variance of 15 ft.); Section 3.1.5 for an aggregate side yard total of 32.4 ft. (40 ft. required, variance of 7.6 ft.) and Section 3.1.5 for a rear yard setback of 17.4 ft. (35 ft. required, variance of 17.6 ft.); Section 3.1.5 for an increase in lot coverage to 31% (25% allowed, variance of 6%). This variance would accommodate a new single-family residence.

II. STAFF COMMENTS:

The applicant is seeking (5) dimensional variances for a new home. (4) setback variances and (1) lot coverage variance. There is currently an existing house on the site that will be demolished before the new home is constructed. The lot is uniquely configured with street frontage on two sides of the property.

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. **PZ24-0036**, 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 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. **PZ24-0036**, 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

JUL 01 2024

CITY OF NOVI
 COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: \$ 275.00	
PROJECT NAME / SUBDIVISION 401 Duana New Home Project/Walled Lake Shores				Meeting Date: 8-13-24	
ADDRESS 401 Duana St. Novi, MI		LOT/SIUTE/SPACE # 19,21,22		ZBA Case #: PZ 24-0036	
SIDWELL # 50-22-03 - 478 - 013		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY Duana st. and Elm Ct.					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
II. APPLICANT INFORMATION					
A. APPLICANT		EMAIL ADDRESS fnscott.iv@gmail.com		CELL PHONE NO. 517-599-5658	
NAME Fred Scott		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS 302 South Lake Dr.		CITY Novi		STATE MI	ZIP CODE 48377
B. PROPERTY OWNER <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER					
Identify the person or organization that owns the subject property:		EMAIL ADDRESS		CELL PHONE NO.	
NAME		TELEPHONE NO.			
ORGANIZATION/COMPANY		FAX NO.			
ADDRESS		CITY		STATE	ZIP CODE
III. ZONING INFORMATION					
A. ZONING DISTRICT					
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input checked="" type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input type="checkbox"/> OTHER _____					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section	3.1.5	Variance requested	24.2' front yard setback (30' required, 5.8' variance)		
2. Section	3.1.5	Variance requested	15' exterior side yard setback (30' required, 15' variance)		
3. Section	3.1.5	Variance requested	32.4' agg. side yard total (40' required, 7.6' variance)		
4. Section	3.1.5	Variance requested	17.4' rear yard setback (35' required, 17.6' variance)		
IV. FEES AND DRAWINGS					
A. FEES					
<input type="checkbox"/> Single Family Residential (Existing) \$220 <input type="checkbox"/> (With Violation) \$275 <input checked="" type="checkbox"/> Single 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 AS A PDF					
<input type="checkbox"/> Dimensioned Drawings and Plans <input type="checkbox"/> Site/Plot Plan <input type="checkbox"/> Existing or proposed buildings or addition on the property <input type="checkbox"/> Number & location of all on-site parking, if applicable			<input type="checkbox"/> Existing & proposed distance to adjacent property lines <input type="checkbox"/> Location of existing & proposed signs, if applicable <input type="checkbox"/> Floor plans & elevations <input type="checkbox"/> 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: 6/28/24

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:
Property has a unique shape. Please see the attached aerial picture and plot plan of the property for reference.

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 property shape and location next to South Lake Drive, Duana st, and Elm Ct creates a unique lot shape. The three sides of the lot that are adjacent to the three streets each require a 30' "Front yard" offset. The rear yard line is also not straight and requires a 35' offset. The unique lot shape creates the cause for the dimensional variance request.

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.

Due to the unique lot shape, the build-able space on the property is greatly limited for the property owner when maintaining compliance with the current offset requirements.

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.

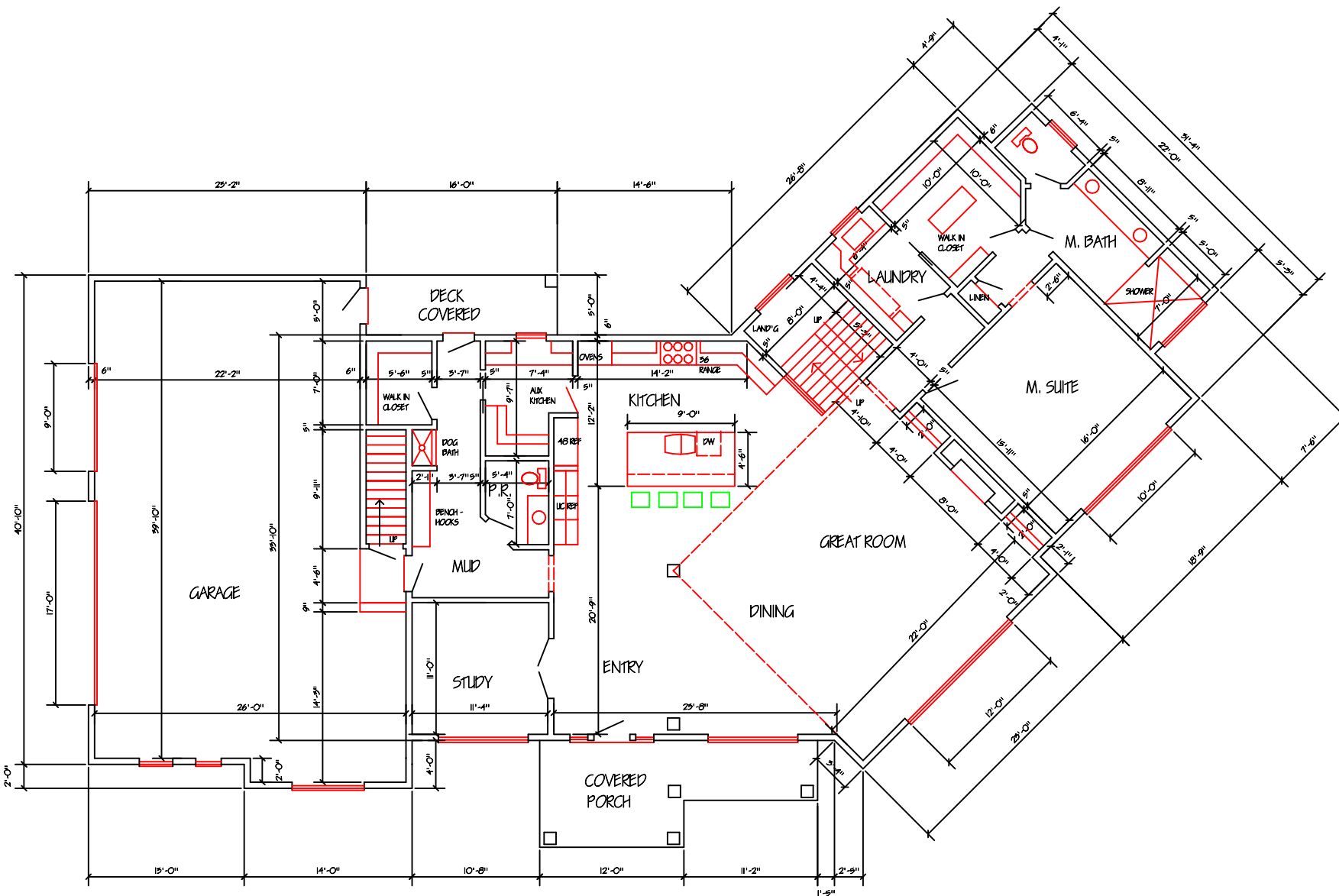
The new home as drawn does not come within 15' of a property line at any location. This was considered during the design process in order to limit how closely this house will come to neighboring properties. The house design itself has a unique shape in order to maintain its distance from the property lines, which will increase the cost of construction, but was done so in order to meet the minimum variances necessary.

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 property at 401 Duana rd. currently has an old home and garage on the lot that would require variances if built today. The new home will replace this existing home which should positively impact property values in the area. The location of this home in comparison to the existing home will be similar along Elm ct., however the new home will move further from the property lines than the current home and garage. The use and enjoyment of the property in the neighborhood should not be impacted by the building of this new home since it will replace an existing home.





FIRST FLOOR PLAN C

SCALE: 1/4" = 1'-0"

2560 SQ. FT.

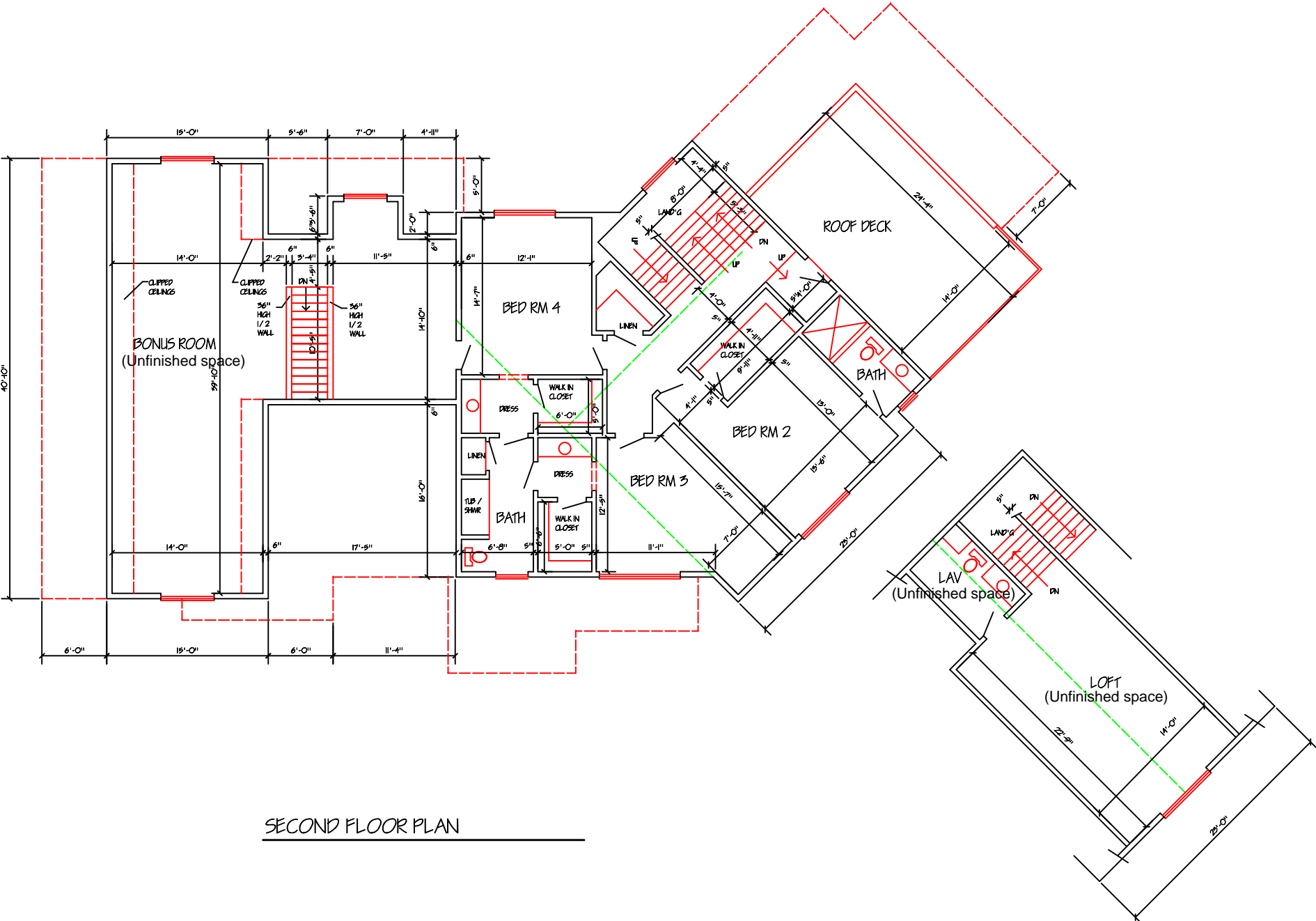
DATE:	REV'S:
10-21-2022	
11-3-2022	

CLIENT:
FRED & BRITTANY SCOTT
 401 DUANA ST. NOVI, MI 48377

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PROFESSIONAL HOME DESIGNERS 970-471-6089
ROBERT KOZLOSKI & ASSOCIATES
 5406 SEA VIEW
 WATERFORD, MI 48327

PLAN NO.	C-2037-3
SHEET NO.:	3



SECOND FLOOR PLAN

FINISHED ATTIC PLAN

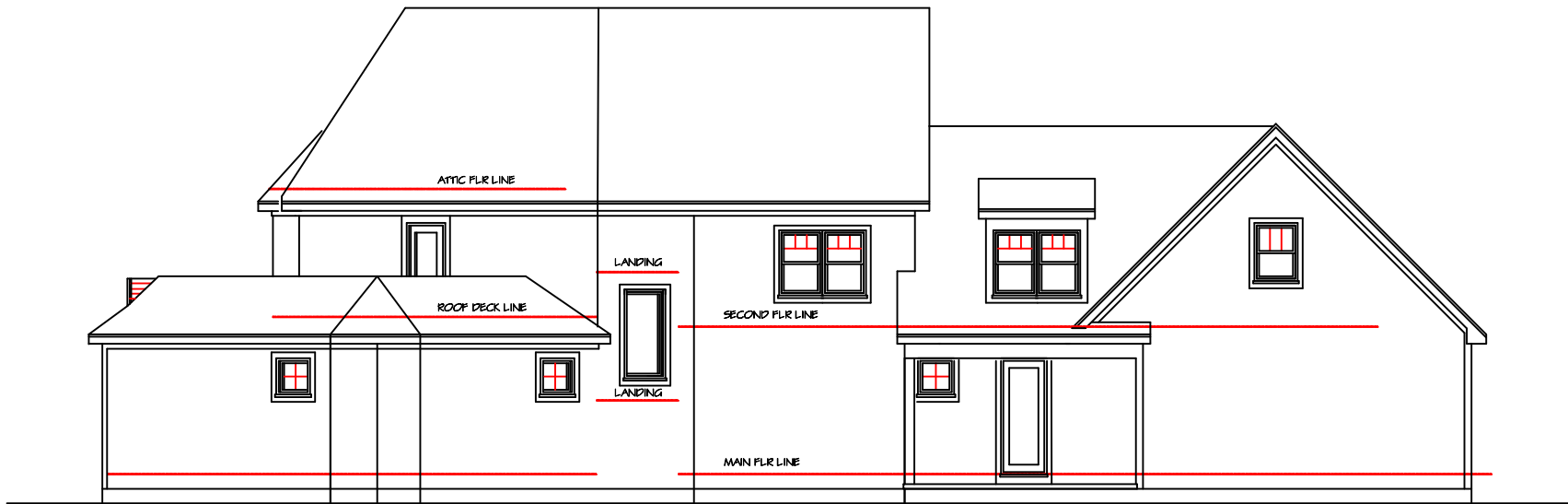
11-3-2022

CLIENT:
FRED & BRITTANY SCOTT
 401 DUANA ST. NOVI, MI 48377

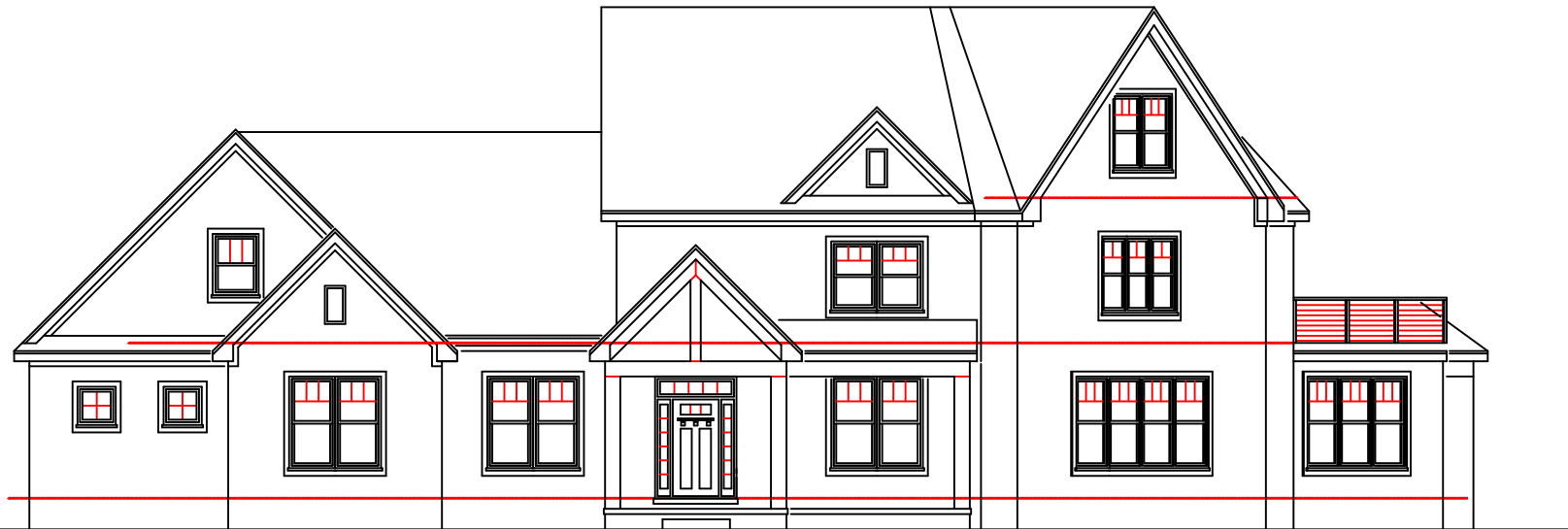
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 5405 SEA VIEW
 WATERFORD, MI 48327

PLAN NO.
 C-2037-3
 SHEET NO.: 2
 OF: 3



PROPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION

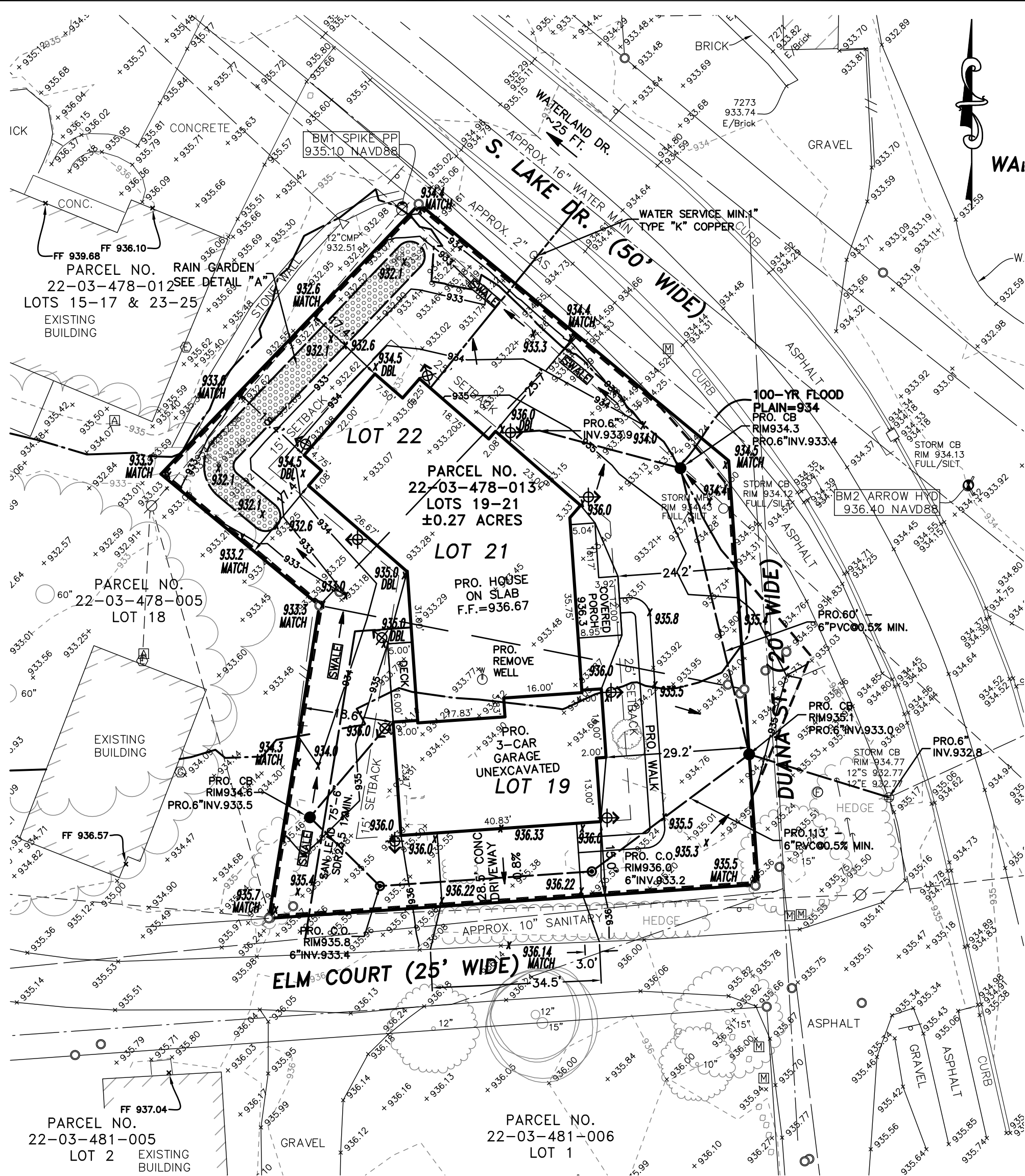
DATE:	REV'S:
11-3-2022	
12-18-2022	

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PLAN NO.	C-2037-3
SHEET NO.:	3
OF:	3



LEGEND

- | | |
|-----------------------|-------------------------|
| □ EX. CATCH BASIN | ■ EX. SOIL BORING |
| ○ EX. MANHOLE | ● FOUND IRON |
| — EX. END SECTION | ○ SET IRON |
| ○ EX. CLEANOUT | ○ EX. TREE |
| ○ EX. HYDRANT | — EX. TREE LINE |
| ○ EX. WATER SHUTOFF | — EX. FENCE |
| ○ EX. WATER WELL | — EX. SANITARY SEWER |
| ○ EX. LIGHTPOLE | — EX. STORM SEWER |
| ○ EX. UTILITY POLE | — EX. WATER MAIN |
| ○ EX. GUY ANCHOR | — EX. GAS LINE |
| ○ EX. PEDESTAL | — EX. OVERHEAD LINE |
| ○ EX. TRANSFORMER | — PRO. SANITARY |
| ○ EX. GAS METER | — PRO. STORM SEWER |
| ○ EX. ELECTRIC METER | — PRO. WATER MAIN |
| ○ EX. AIR CONDITIONER | — PRO. SILT FENCE |
| ○ EX. SIGN | — PRO. DRAINAGE ARROW |
| ○ EX. POST/BOLLARD | — PRO. SPOT ELEVATION |
| ○ EX. FLAGPOLE | — PRO. DROP-BRICK LEDGE |
| ○ EX. MAILBOX | — PRO. DOWN SPOUT |

NOTE:

BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, NAD83, MICHIGAN SOUTH ZONE

BENCHMARKS:

BM #1 - SPIKE NORTH FACE POWER POLE
ELEV: 935.10 NAVD88
BM #2 - ARROW ON HYDRANT
ELEV: 936.40 NAVD88

DESCRIPTION:

LOTS 19, 21, AND 22 OF "WALLED LAKE SHORES", A SUBDIVISION AS RECORDED IN LIBER 28 OF PLATS, PAGE 20, OAKLAND COUNTY RECORDS, SECTION 3, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

ELEVATION DATA TABLE:

HOUSE FINISHED FLOOR=	936.67
FINISHED GRADE=	936.0

GARAGE TOP/SLAB @ DOOR= 936.33

PROPOSED CUT/FILL IN FLOOD PLAIN

PROPOSED CUT - 18 CU.YDS.
PROPOSED FILL - 124 CU.YDS.

NET - ±106 CU.YDS. FILL

REVISED

ALPINE ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

RESIDENTIAL: SUBDIVISIONS, SITE CONDOMINIUM, MULTI-FAMILY, PLOT PLANS, CONSTRUCTION LAYOUT

SURVEYING: ALTA SURVEYS, BOUNDARY SURVEYS, TOPOGRAPHIC SURVEYS, PARCEL SPLITS

COMMERCIAL: SITE PLANNING, SITE ENGINEERING, INDUSTRIAL & MULTI-UNIT, LAND SURVEYING, CONSTRUCTION LAYOUT

46892 WEST ROAD SUITE 109 NOVI, MICHIGAN 48377

(248) 926-3701 (BUS)
(248) 926-3765 (FAX)
WWW.ALPINE-INC.NET

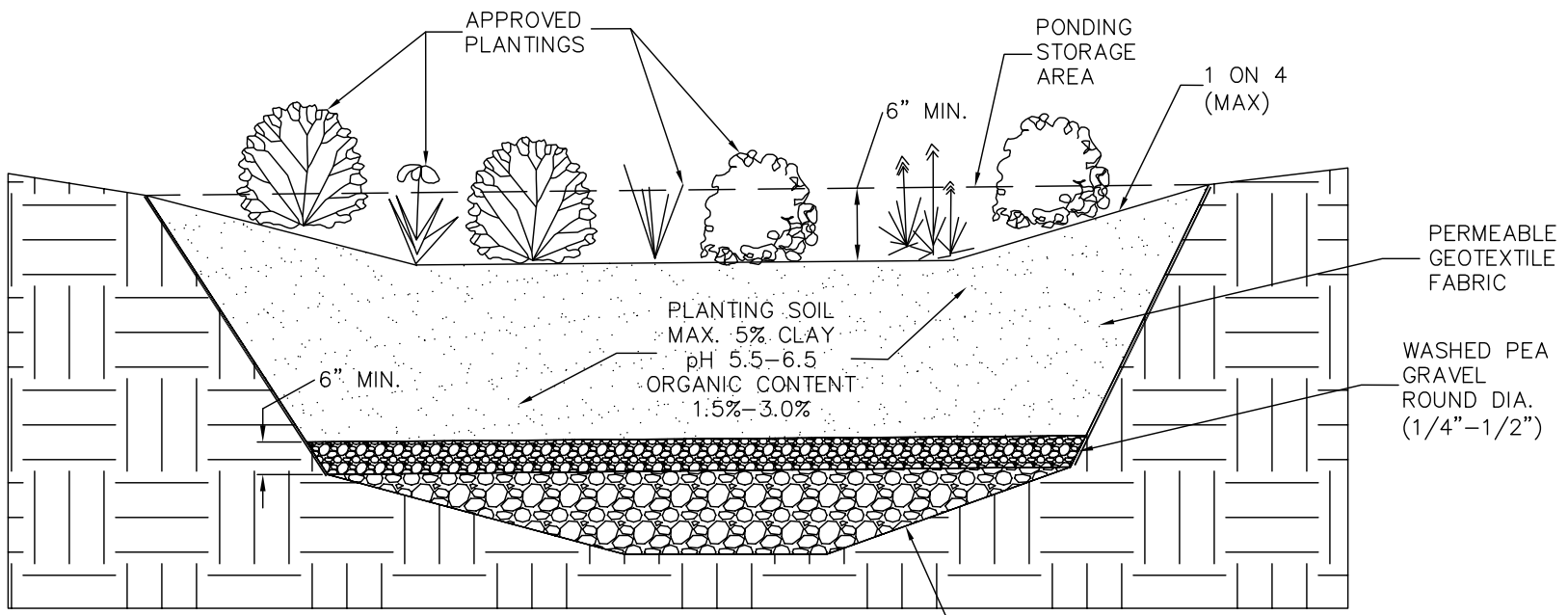
CLIENT: **FRED & BRITTANY SCOTT**

PRELIMINARY PLOT PLAN

SECTION: 3 401 DUANA STREET TOWNSHIP: 1N RANGE: 8E
CITY OF NOVI OAKLAND COUNTY MICHIGAN

DATE: 1/31/2024
DRAWN BY: TTP
CHECKED BY: KEH

FBK: 417
CHF: GS
SCALE: HOR 1" = 20 FT. 1/2
VER 1" = 10 FT. 19-352



NOTES:

- 1) LOCATION OF HOUSE IS PER BUILDERS REQUEST.
- 2) BUILDER SHOULD VERIFY DEPTH & LOCATION OF EXISTING SANITARY LEAD PRIOR TO START OF CONSTRUCTION. SANITARY SEWER LEAD SHALL BE 6" PVC SDR 23.5 AT 1% MINIMUM SLOPE.
- 3) LOCATION OF WATER SERVICE IS APPROXIMATE. BUILDER SHALL DETERMINE FINAL LOCATION. WATER SERVICE SHALL BE TYPE-K COPPER OR HDPE SDR-9.
- 4) SUMP DISCHARGE LINE SHALL BE MINIMUM 4" PVC SCH 40.
- 5) WOODLAND PROTECTION FENCES MUST BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION. (WHERE APPLICABLE)
- 6) ALL PROPOSED UTILITY LEADS AS LOCATED UNDER OR WITHIN A 1 ON 1 INFLUENCE OF THE DRIVEWAY SHALL BE BACKFILLED IN 6" LIFTS & COMPACTED TO 95% MAX. DENSITY.
- 7) SILT FENCE & INLET FILTERS TO BE MAINTAINED THROUGHOUT CONSTRUCTION.
- 8) A RIGHT-OF-WAY PERMIT IS REQUIRED FROM THE CITY OF NOVI ENGINEERING DEPARTMENT FOR WORK WITHIN THE DISNER ROAD RIGHT-OF-WAY.

RAIN GARDEN DETAIL "A"
NOT TO SCALE

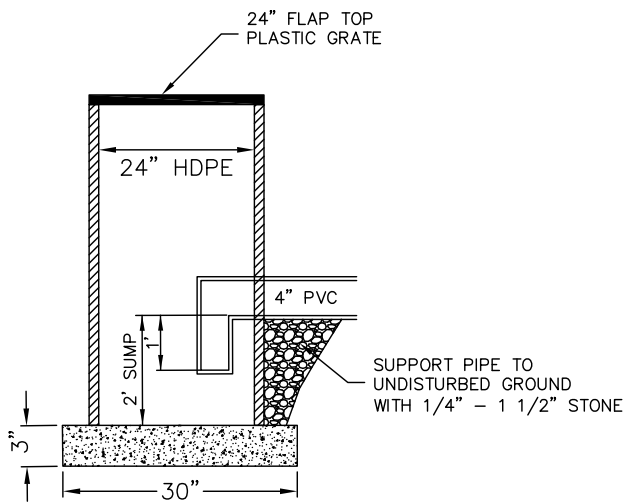
DOUBLE WASHED
1"-1.5" MDOT
GLASS 1 GRAVEL
BLANKET

NOTICE:

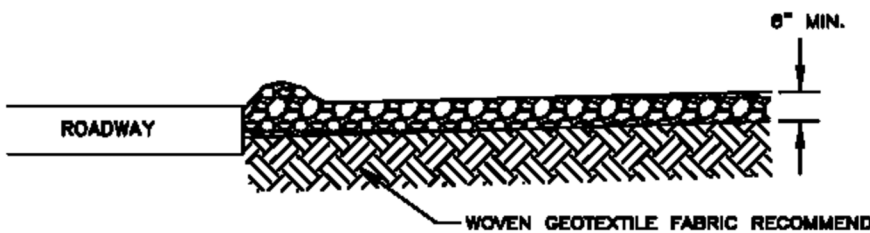
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

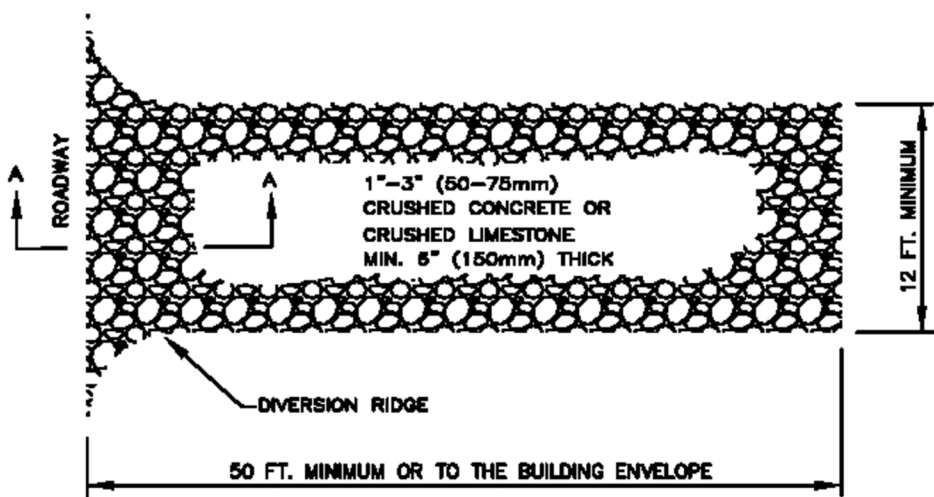
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.



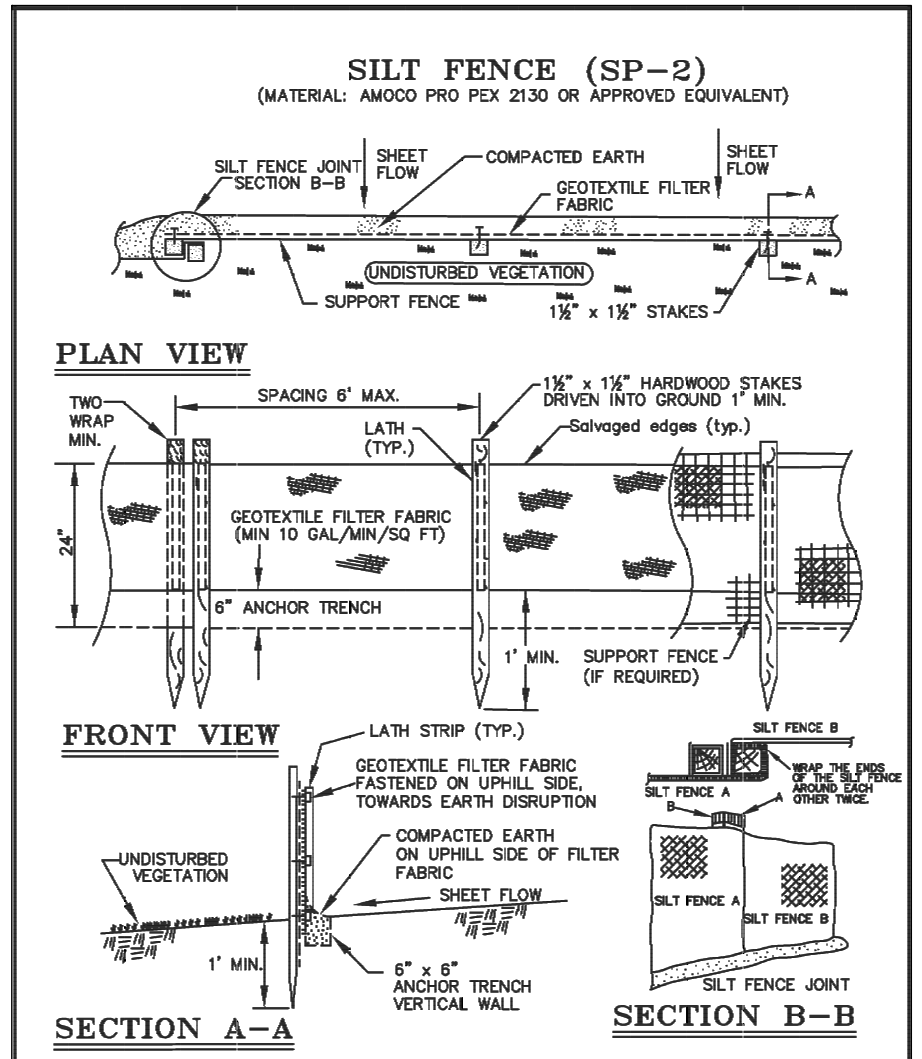
TEMPORARY STONE ACCESS DRIVE (SP-9)



CROSS SECTION A-A



PLAN VIEW



SILT FENCE (SP-2)

(MATERIAL: AMOCO PRO PEX 2130 OR APPROVED EQUIVALENT)

PLAN VIEW

FRONT VIEW

SECTION A-A

SECTION B-B

REVISED

RESIDENTIAL
SUBDIVISIONS
SITE CONDOMINIUM
MULTI-FAMILY
PLOT PLANS
CONSTRUCTION LAYOUT

SURVEYING
ALTA SURVEYS
BOUNDARY SURVEYS
TOPOGRAPHIC SURVEYS
PARCEL SPLITS

COMMERCIAL
SITE PLANNING
SITE ENGINEERING
INDUSTRIAL & MULTI-UNIT
LAND SURVEYING
CONSTRUCTION LAYOUT

CLIENT:

FRED & BRITTANY SCOTT

PRELIMINARY PLOT PLAN

401 DUANA STREET

SECTION: 3

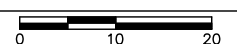
TOWNSHIP: 1N
CITY OF NOVI
OAKLAND COUNTY
MICHIGAN

RANGE: 8E

DATE: 1/31/2024

DRAWN BY: TTP

CHECKED BY: KEH



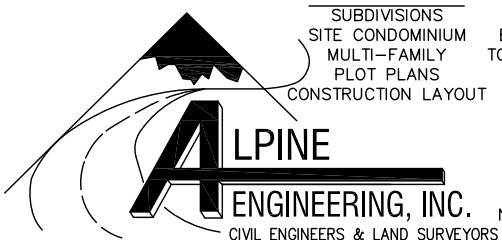
FBK: 417

CHF: GS

SCALE HOR 1"=20 FT.
VER 1"=

2/2

19-352



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WWW.ALPINE-INC.NET

6/18/2024

Zoning Board of Appeals
Community Development Department
45175 Ten Mile Road
Novi, MI 48375

RE: 401 Duana New Home Project

To whom it may concern,

I am the owner of 312 Elm St. Novi, MI 48377 and 313 South Lake Dr. Novi, MI 48377. Both properties neighbor 401 Duana St. Novi, MI 48377. On June 17th, I met with Fred Scott to review their plans to build a new home at 401 Duana St. I was provided a plot plan and a description/walkthrough of the house location and what variances will be required. I do not take exception to the plans and am providing this as a letter of support.

Thank you,



Irene Borden



















