



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
Postponed from July 8, 2025

REGARDING: 24190 Trafalgar Court #50-22-28-101-024 (PZ25-0032)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Brian Sears

Variance Type

Dimensional Variance

Property Characteristics

Zoning District: This property is zoned One-Family Residential (R-1)

Location: south of Ten Mile Road, east of Beck Road

Parcel #: 50-22-28-101-024

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.11.1.A.ii. to allow a 6 ft. fence in the interior side yard setback on the north and west property lines (not permitted for this property).

II. STAFF COMMENTS:

The applicant is seeking a dimensional variance to provide 333 LF of 6'-High fence along two major roads, 10 Mile Rd. and Beck Rd. on an existing corner lot. The fence seeks to be placed along the property lines in both the Front Yard and Exterior Side Yard Setbacks.

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. **PZ25-0032**, 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. **PZ25-0032** 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

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

JUN 9 2 2025

CITY OF NOVI
COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$220.00</u>	
PROJECT NAME / SUBDIVISION Personal Property Fence Installation				Meeting Date: <u>7-8-25</u>	
ADDRESS 24190 Trafalgar, Novi, MI 48374		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ-25-0032</u>	
SIDWELL # 50-22- 28 - 101 - 024		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY Beck and 10 Mile					
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 Briansears@outlook.com		CELL PHONE NO. 734-536-8127	
NAME Brian Sears				TELEPHONE NO.	
ORGANIZATION/COMPANY				FAX NO.	
ADDRESS 24190 Trafalgar		CITY Novi		STATE MI	
				ZIP CODE 48374	
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 checked="" 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 <u>5.11.1.A.ii.</u> Variance requested <u>To allow 333 linear ft. fence along N & W property lines</u>					
2. Section _____ Variance requested _____					
3. Section _____ Variance requested _____					
4. Section _____ Variance requested _____					
IV. FEES AND DRAWINGS					
A. FEES					
<input checked="" type="checkbox"/> Single Family Residential (Existing) \$220 <input type="checkbox"/> (With Violation) \$275 <input 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					
• 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 Fence

VI. APPLICANT & PROPERTY SIGNATURES

A. APPLICANT

[Signature]
Applicant Signature

6-2-25
Date

B. PROPERTY OWNER

If the applicant is not the owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

Property Owner Signature

Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

☐ GRANTED

☐ DENIED

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

Chairperson, Zoning Board of Appeals

Date

P225-0032



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:

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:

Our lot is protected woodlands, and we're working with the city to ensure compliance. However, we face conflicting requirements: we're told not to disturb the woodlands, yet expected to plant and maintain grass. The area is overgrown with invasive species and offers little privacy—especially in winter, when people stopped at the Beck Road light can see into our yard and home.

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:

There are no abutting properties where the proposed fence would be installed. Instead, the fence would border the main roads—Beck Road and 10 Mile Road—which currently impact the usability of our property. As a corner lot, our understanding is that we are considered to have three front yards, which significantly limits our ability to install a fence on three of the four sides of our home.

P225-0032

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 supplemental document

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

See supplemental document

Standard #4. Minimum Variance Necessary.

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

See supplemental document

Standard #5. Adverse Impact on Surrounding Area.

Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

See supplemental document

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 issue originated during the construction of our home, a process in which we, as the original homeowners, were not involved and had no influence over the site selection or construction decisions. At the time of purchase, we were unaware that installing a fence would not be permitted. This was unexpected, as we have observed many properties in while living in Novi over the past 10 years with vinyl, wood, or brick barriers separating homes from main roads.

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 are concerned about safety, privacy, security, and aesthetics due to the current situation.

Safety:

Our lot does not provide a safe area for our children to play outside without the risk of road hazards. Despite having a half-acre lot, this was an unexpected issue. We have experienced vehicles mistakenly turning into our driveway, believing it leads to 10 Mile Road, and then pulling around to the side of our house where the garage is located. The side of our house is almost entirely driveway, leaving our children less than 30 feet from busy 10 Mile Road with no barrier to prevent toys—or children—from entering traffic.

Privacy:

With three sides of our property exposed as front yards and only a narrow strip of land remaining, our activities are visible to everyone. Our two daughters enjoy spending time outside, but any traffic stopped at the light on 10 Mile Road has a clear view of our yard. There have been instances of pedestrians stopping to talk to our seven-year-old daughter. While these encounters have been harmless so far, they raise concerns about safety and privacy. We need to feel safe letting our children play outside, without strangers constantly approaching them. While Novi is generally safe, it is not immune to the dangers of crime and kidnappings.

Security:

Our garage faces 10 Mile Road and is only about 50 feet from the city sidewalk. We cannot leave the garage open, even when we are home, due to concerns about theft. Whenever the garage is open, our possessions are exposed to anyone passing by.

Aesthetics:

The current situation is unsightly for both us and those passing by. As homeowners, our primary view is of constant traffic and roadway, while drivers and pedestrians have an unobstructed view of our yard and garage.

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.

A fence would provide immediate and effective results, unlike privacy trees such as Arborvitae, which take years to mature and may not thrive due to various environmental factors. Arborvitae also fail to address the concerns outlined in Standard 3. Even when invasive plants were present between our home and 10 Mile, pedestrians and drivers still engaged with us—some even shouting from their cars. Shrubs can be easily bypassed, and planting hundreds of feet of Arborvitae is neither practical nor aesthetically appealing.

For these reasons, we are requesting approval to install a standard 6-foot-high white vinyl fence along the property lines adjacent to 10 Mile and Beck Road.

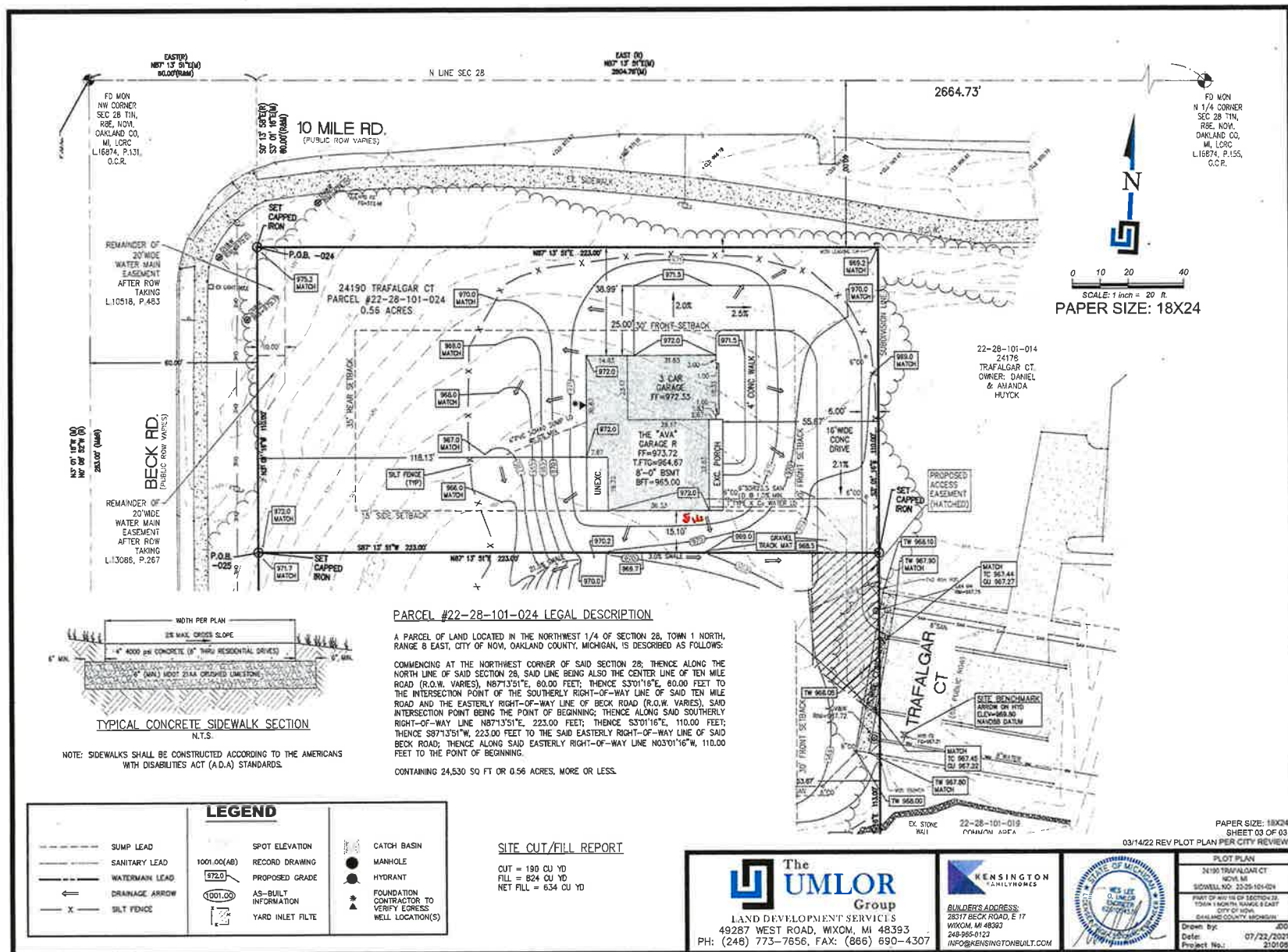
Standard #5. Adverse Impact on Surrounding Area.

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.

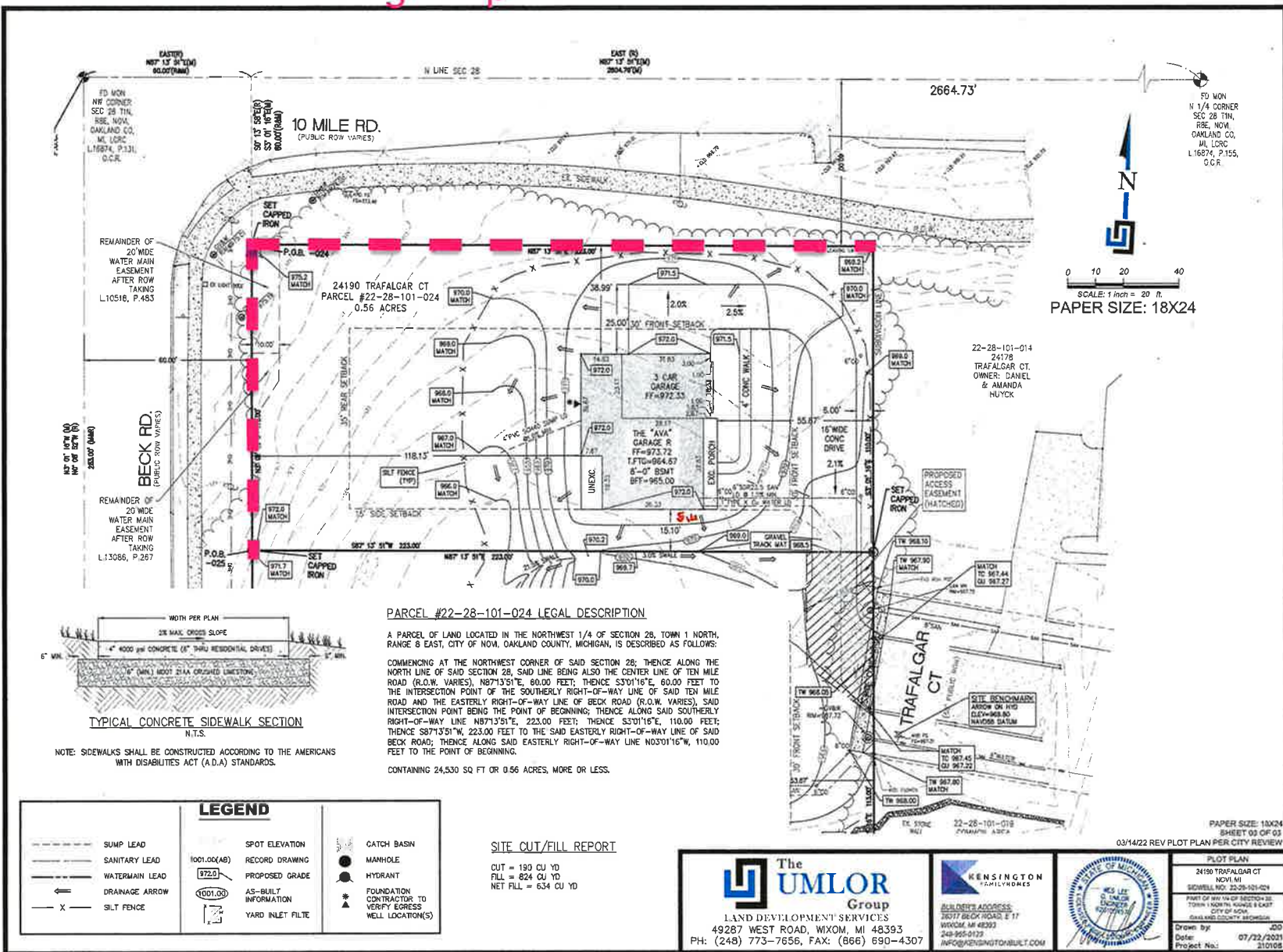
The proposed fence would be installed only along the property lines facing the main roads and would not interfere with the use or enjoyment of the neighborhood. In fact, the current lack of a privacy fence is negatively impacting both our enjoyment of our property and that of our neighbors. After discussing with our immediate neighbors, we have found they support the installation of the fence for many of the same reasons outlined in this document.

The only concern raised relates to the potential impact on the line of sight at the Beck and 10 Mile intersection. We are fully willing to work with the city to address this. If it is determined that our proposed design affects visibility, we are happy to adjust the fence by chamfering the corner at a 45-degree angle rather than a hard 90-degree turn. This solution would maintain a clear line of sight while still providing a continuous fence.

For installation, we have selected Cornerstone Fence, a highly rated company in Southeast Michigan, to ensure quality workmanship. We share the city's interest in making sure the fence is both functional and aesthetically pleasing, and we are committed to maintaining the value of our home and the surrounding properties in Novi. We have invested significantly in our first home here and have already begun investing in our new home as well.



0725-0032



PZ-25-0032



11/1/2020 P 1 1

2020

20

North Yard



02-26-0032

Google Maps

46860 W 10 Mile Rd

6 Foot wood fence along side property. On 10 Mile Rd. between Beck and Taft.



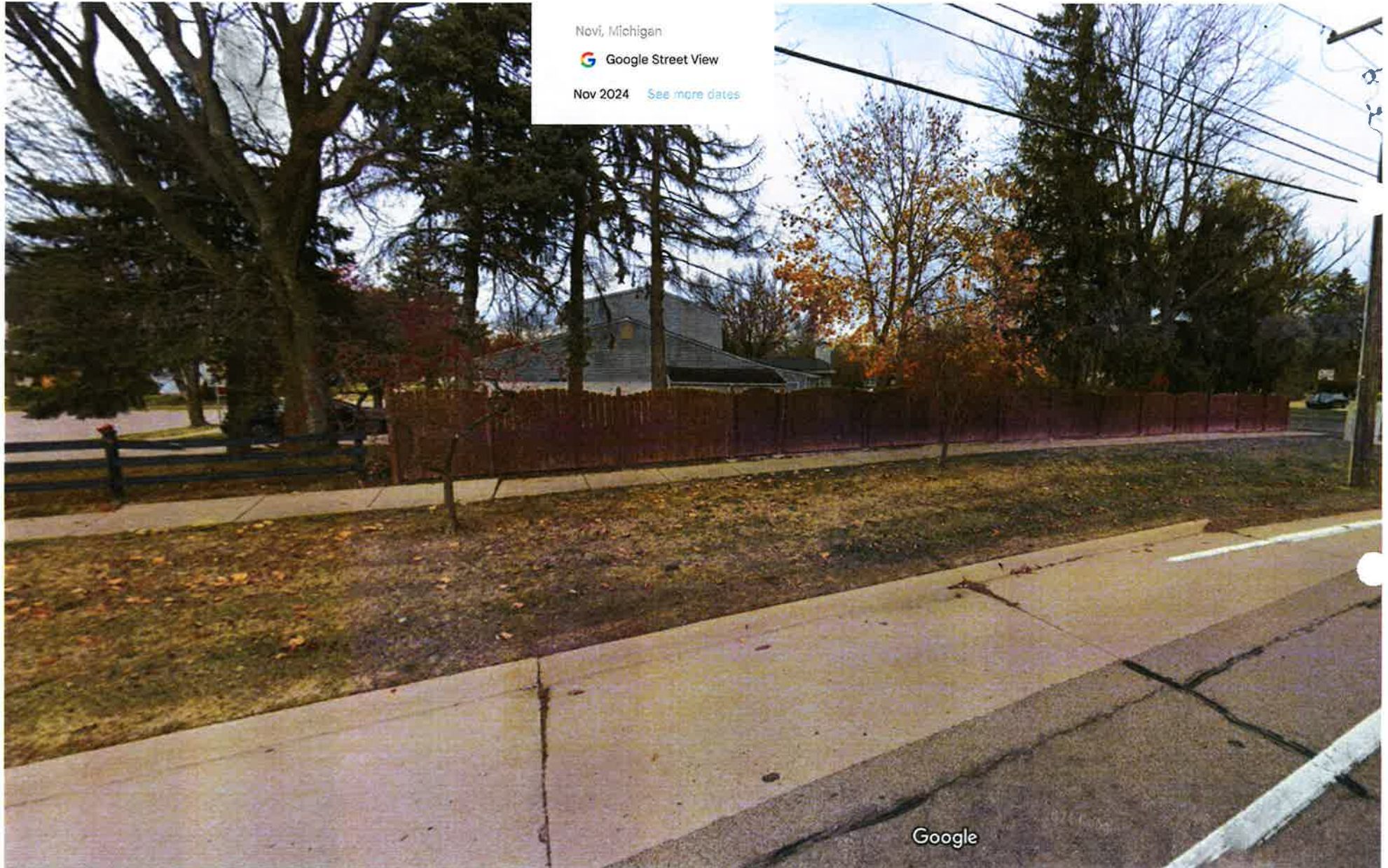
Image capture: Sep 2016 © 2025 Google

P225-0032

46298 W 10 Mile Rd

Google Maps

Fence along side of property. Located on 10 Mile Rd. between Beck and Taft



Novi, Michigan

Google Street View

Nov 2024 [See more dates](#)

Image capture: Nov 2024 © 2025 Google

PZ 25-0032

properties with fences
along ~~Novi~~ 10 mile rd.

Google Maps

42283 W 10 Mile Rd

Vinyl and Wood Fence facing 10 Mile Rd between Novi Rd. and
Meadowbrook Rd.

Novi, Michigan

 Google Street View

Nov 2024

[See more dates](#)

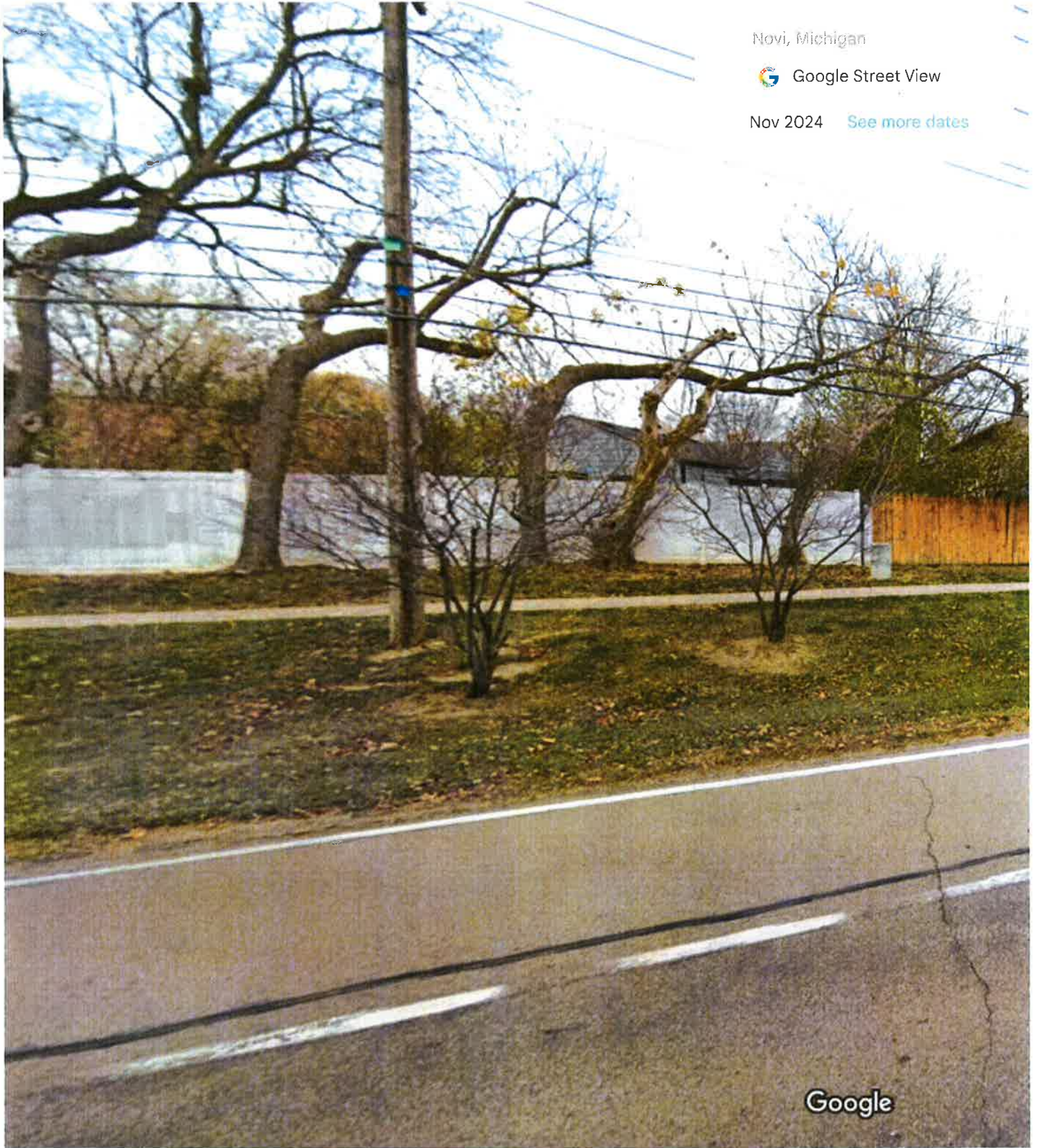


Image capture: Nov 2024 © 2025 Google

D225-0032

Google Maps

25681 Beck Rd

Brick wall on Beck Rd. between 10 and 11 Mile Rds.

Properties with fences
along Beck rd.

Novi, Michigan

 Google Street View

Aug 2024 [See more dates](#)



Image capture: Aug 2024 © 2025 Google

Q225-0032