



CITY OF NOVI CITY COUNCIL
JANUARY 22, 2024

SUBJECT: Consideration to approve variance relief from the depth-to-width ratio required in Chapter 38 of the City Code, Subdivision of Land, in order to allow a land division related to parcel 50-22-33-100-009, located at 47133 Nine Mile Road, that would result in two separate parcels, one of which would exceed the permitted ratio of the Code of Ordinances.

SUBMITTING DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

The City Council is being asked to grant a variance from certain requirements of the City's Code of Ordinances that results in the denial of a lot split by the City Assessor's Office. The applicant requested to subdivide his parcel so he can prevent the demolition of his existing home by dividing his parcel into two parcels and building a new home on the newly created parcel. The applicant purchased the historic Lincoln Place home in 2010 with the intent to restore and preserve it.

The Assessing Department reviewed the proposed division and determined both parcels would meet the requirements of the City's R-1 Zoning District and the parcel has available divisions per the Land Division Act, however, the request was denied because it does not conform to section Appendix C, Article IV, Section 4.02(A)(6) of the current (May 16, 2023) Code of Ordinances City of Novi, Michigan:

Section 4.02 - Lots.

A. Sizes and Shapes.

6. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall normally be considered a maximum.

Proposed Parcel B would exceed the 3 to 1 depth-to-width, as set by the City. The new parcel would be L-shaped; the width along the ROW (north line) would be 137-ft, while the depth of the west line would be 733-ft. The City's Ordinances don't address averaging out width/depth when dealing with an irregular-shaped parcel, there is only a section that discusses what to use as the width when the parcel is on a curve (i.e. cul-de-sac, etc.).

Because the width-to-depth standard is in the Code of Ordinances (not the Zoning Ordinance), the City Council is the body to determine whether to grant relief. The standard of review for Council is found in the Code under Chapter 32, Subdivision of Land:

Sec. 32-38. Variances.

- a) The city council may, upon appeal, authorize a variance from the strict application of the provisions of this chapter where such strict application would result in practical difficulties or undue hardship to the applicant. Relief from the strict application of this chapter may be granted in cases where the result is not a substantial detriment to the public good and does not impair the intent and purpose of the chapter. In granting a variance, the city council may attach conditions deemed reasonable to the purpose of this chapter. The relief granted shall, in no instance, be greater than necessary to relieve the practical difficulty or undue hardship to the applicant.

When discussed at the time of application, Assessing and Planning had no objections to the proposed division.

RECOMMENDED ACTION: Approval of variance relief from the depth-to-width ratio required in Chapter 38 of the City Code, Subdivision of Land, in order to allow a land division related to parcel 50-22-33-100-009, located at 47133 Nine Mile Road, that would result in two separate parcels, one of which would exceed the permitted 3 to 1 ratio, because the applicant has established a practical difficulty that would prohibit use of a significant portion of the parcel without destruction of a historic structure, because preservation of that structure is a benefit to the City and valuable public good, and because the relief does not impair the intent and purpose of the Subdivision of Land requirements as both parcels are of appropriate size and configuration for the area.