



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: September 10, 2024

REGARDING: 43339 Crescent Boulevard # 50-22-14-351-063 (PZ24-0044)

BY: Alan Hall, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Houston Hot Chicken

Variance Type

Sign Variance

Property Characteristics

Zoning District: This property is zoned Town Center (TC)

Location: north of Grand River Avenue, east of Novi Road

Parcel #: 50-22-14-351-063

Request

The applicant is requesting a variance from the City of Novi Sign Ordinance Section 28-5(a) to allow an additional wall sign (1 wall sign allowed, variance of 1 additional wall sign).

II. STAFF COMMENTS:

The applicant, Houston TX Hot Chicken, is seeking a variance for an additional sign on the West side of the building to complement their sign on the East side of the building. Currently, adjacent tenants have signs on both the East and West Facades. The size of the sign is within the regulations of the sign ordinance.

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

I move that we **grant** the variance in Case No. **PZ24-0044**, sought by _____, for _____ because Petitioner has shown practical difficulty including _____ requiring _____ on the basis of any of the following:

- a. That the request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the city or that are self-created including _____
_____.
- b. That the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return because _____
_____.
- c. That the grant of relief would be offset by other improvements or actions, such as increased setbacks or increased landscaping, such that the net effect will result in an improvement of the property or the project _____
_____.
- d. That construction of a conforming sign would require the removal or significant alteration of natural features on the property because _____
_____.
- e. The grant of relief will not result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter because _____
_____.

The variance granted is subject to:

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

I move that we **deny** the variance in Case No. **PZ24-0044**, sought by _____, for _____ because Petitioner has not shown practical difficulty because: _____

a. That the request is based upon circumstances or features that are not exceptional and/or unique to the property and/or that result from conditions that exist generally in the city or that are self-created including _____

b. That the failure to grant relief will not unreasonably prevent or limit the use of the property and/or will not result in substantially more than mere inconvenience or inability to attain a higher economic or financial return because _____

c. That the grant of relief would not be offset by other improvements or actions, such as increased setbacks or increased landscaping, such that the net effect will not result in an improvement of the property or the project because _____

d. That construction of a conforming sign would not require the removal or significant alteration of natural features on the property because _____

e. The grant of relief will result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will not result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is inconsistent with the spirit and intent of this chapter because _____

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Alan Hall – Deputy Director Community Development - City of Novi



45175 Ten Mile Road
 Novi, MI 48375
 (248) 347-0415 Phone
 (248) 735-5600 Facsimile
 www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

RECEIVED

AUG 01 2024

**CITY OF NOVI
 COMMUNITY DEVELOPMENT**

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: \$330.00	
PROJECT NAME / SUBDIVISION <u>Novi Town Center</u>				Meeting Date: 9-10-24	
ADDRESS <u>43339 Crescent Blvd</u>		LOT/SUITE/SPACE #		ZBA Case #: PZ 24-0044	
SIDWELL # <u>50-22-14 . 351 . 063</u>		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>Novi Road a Crescent Blvd</u>					
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input checked="" 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 <u>brandenyono@yahoo.com</u>		CELL PHONE NO. <u>248-761-7588</u>	
NAME <u>Branden Yono</u>				TELEPHONE NO.	
ORGANIZATION/COMPANY <u>MB Novi, LLC dba Houston Tx Hot chicken</u>				FAX NO.	
ADDRESS <u>29324 Parkside Street</u>		CITY <u>Farmington Hills</u>		STATE <u>MI</u>	ZIP CODE <u>48331</u>
B. PROPERTY OWNER <input 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. <u>409-651-4486</u>	
NAME <u>Scott Arena</u>				TELEPHONE NO. <u>409-554-4831</u>	
ORGANIZATION/COMPANY <u>ACS Novi Town Center, LLC</u>				FAX NO.	
ADDRESS <u>350 Pine Street, Suite 600</u>		CITY <u>Becumont</u>		STATE <u>Texas</u>	ZIP CODE <u>77701</u>
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 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 checked="" type="checkbox"/> TC <input type="checkbox"/> TC-1 <input checked="" type="checkbox"/> OTHER <u>OSI</u>					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>28-5(A)</u>		Variance requested <u>one additional wall sign (1 wall sign allowed variance of 1)</u>			
2. Section _____		Variance requested _____			
3. Section _____		Variance requested _____			
4. Section _____		Variance requested _____			
IV. FEES AND DRAWINGS					
A. FEES					
<input 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 checked="" 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 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


Applicant Signature

7/31/24
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

8-1-24
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

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
www.cityofnovi.org

**REVIEW STANDARDS
SIGN VARIANCE**

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Sign 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 Sign Variance.)

Standard #1. Extraordinary Circumstances or Conditions.

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

- a. **Shape of Lot.** A sign could not be placed in the location required by the Zoning Ordinance due to the shape, topography or other physical conditions of the lot or due to the location of an existing structure.

Not Applicable Applicable If applicable, describe below:

and/or

- b. **Environmental Conditions.** A sign could not be placed in the location required by the Zoning Ordinance without removing or severely altering natural features, such as trees, topography, drainage courses or encroaching upon stormwater facilities.

Not Applicable Applicable If applicable, describe below:

and/or

- c. **Abutting Property.** A sign could not be reasonably seen by passing motorists due to the configuration of existing buildings, trees, signs or other obstructions on an abutting property.

Not Applicable Applicable If applicable, describe below:

- d. **Scale of Building or Lot Frontage.** A sign that exceeds permitted dimensions for area and/or height could be considered appropriate in scale due to the length of the building frontage (wall sign only) or length of the lot frontage (ground sign only).

Not Applicable Applicable

If applicable, describe below:

See Attached Response

- e. **Not Self-Created.** Describe the immediate practical difficulty causing the need for the Variance was not created by the applicant or any person having an interest in the sign, sign structure, or property.

Not Applicable Applicable

If applicable, describe below:

See Attached Response

Standard #2. Limit Use of Property.

Explain how the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return.

See Attached Response

Standard #3. Adverse Impact on Surrounding Area.

Explain how the Sign Variance will not result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter.

See Attached Response

MB Novi, LLC dba Houston Tx Hot Chicken
Review Standards – Sign Variance

Standard #1d. Scale of Building or Lot Frontage:

Due to the current length of the Building's frontage on Crescent Blvd and it being multipurposed into a three tenant building (Chipotle, Houston Tx Hot Chicken & Shake Shack) from a previous two Tenant building (Chipotle & Primanti Bros.), placing a third sign displaying the Houston Tx Hot Chicken is being requested. The brand sign for Houston Tx Hot Chicken is a "stacked" sign (see enclosed picture) as opposed to a linear sign. Being a new restaurant in the market, brand image is essential to the success of the restaurant. In order to achieve visibility of a stacked sign, the requested size of 40 square feet will achieve such visibility from Crescent Road.

Standard 1e. Not Self-Created:

The previous Tenant to the property was Primanti Bros., which had signage on both the West and East sides of the building. The Primanti Bros space is now being converted to two restaurants (Shake Shack and Houston Tx Hot Chicken) making three restaurants in this property (Chipotle, Houston Tx Hot Chicken and Shake Shack. Chipotle and Shake Shack have East and West building signage. Houston Tx Hot Chicken was granted East signage and is requesting to have the same entitlements as its co-tenants with West signage.

It is also important to note that in anticipation of leasing this location, Houston Tx Hot Chicken contacted the City of Novi on December 12, 2023 inquiring about the allowability of the West sign, which according to the email it was conveyed would be allowable. (See attached email)

Standard #2 Limit Use of Property:

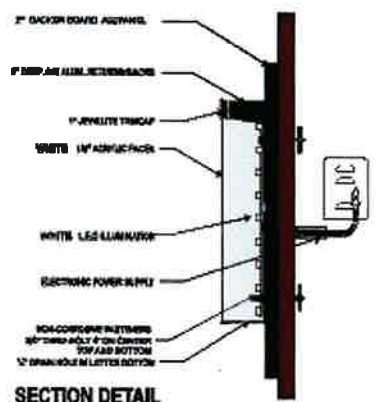
Failure to grant the requested West signage will have a major financial impact to Houston Tx Hot Chicken. The main entrance to the property giving the visibility to customers is on Crescent Blvd coming from Novi Road. It is important to note that the BACK OF THE BUILDING IS REALLY THE FRONT OF THE BUILDING. Without such West signage, the customer will not be able to locate the restaurant. Without West signage, customers driving from Novi Road/Crescent Blvd will see the other two restaurant signs on the property (Chipotle & Shake Shack) further strengthening the argument that Houston Tx Hot Chicken will be unseen and an unknown restaurant/location. The financial impact without the West sign will be devastating.

Standard #3 Adverse Impact on Surrounding Area:

Houston Tx Hot Chicken will not be causing an adverse impact on the surrounding areas. In fact, it would be conforming and sharing the same rights to the surrounding area since its two co-tenants Chipotle and Shake Shack have East and West signs. Having two signs facing East and West on the property is consistent with the spirit and intent of this particular property and surrounding area. Houston Tx Hot Chicken is simply requesting to tag along with its co-tenants.



proposed 40 square feet



SECTION DETAIL
CHANNEL LETTERS ON A BACKER PANEL
 This sign is intended to be installed in accordance with the requirements of Article 605 of the National Electrical Code and for other applicable local codes

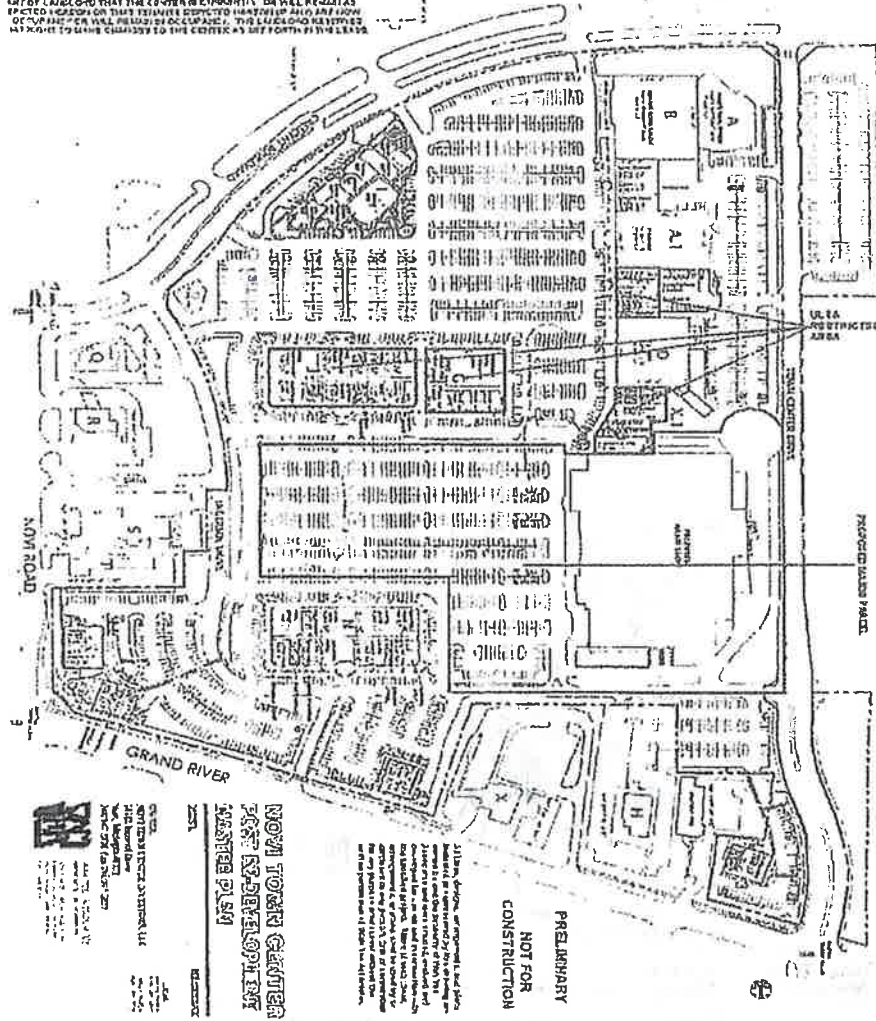

Paul Weinstock
 FABRICATORS AND MAINTENANCE
 LICENSED & BONDED SIGN ERectors
 313-835-1400 1490 SCHOOLCRAFT
 FAX 313-835-1112 DETROIT MI 48227
 CELL 248-888-2998 rdksign@yahoo.com



**EXHIBIT "A"
NOMI TOWN CENTER - SITE PLAN**

INTERSTATE I-96

THIS PLAN OF THE CENTER IS DRAWN TO SHOW THE APPROXIMATE LAYOUT AND LOCATION OF THE CONCRETE AND THE BUILDINGS AND RELATED UTILITIES IN THE CENTER. NORTH'S CENTER'S FINISH FLOOR SHALL BE LEASE TO BE A 10-10-1000. FOR INFORMATION THE LEASES SHALL BE MADE BY OR THROUGH THE CENTER'S PROPERTY. ALL WALLS SHALL BE EXPECTED TO BE ON THE INSIDE OF THE BUILDING. THE LEASES SHALL BE MADE BY OR THROUGH THE CENTER'S PROPERTY TO THE CENTER'S LEASEE.



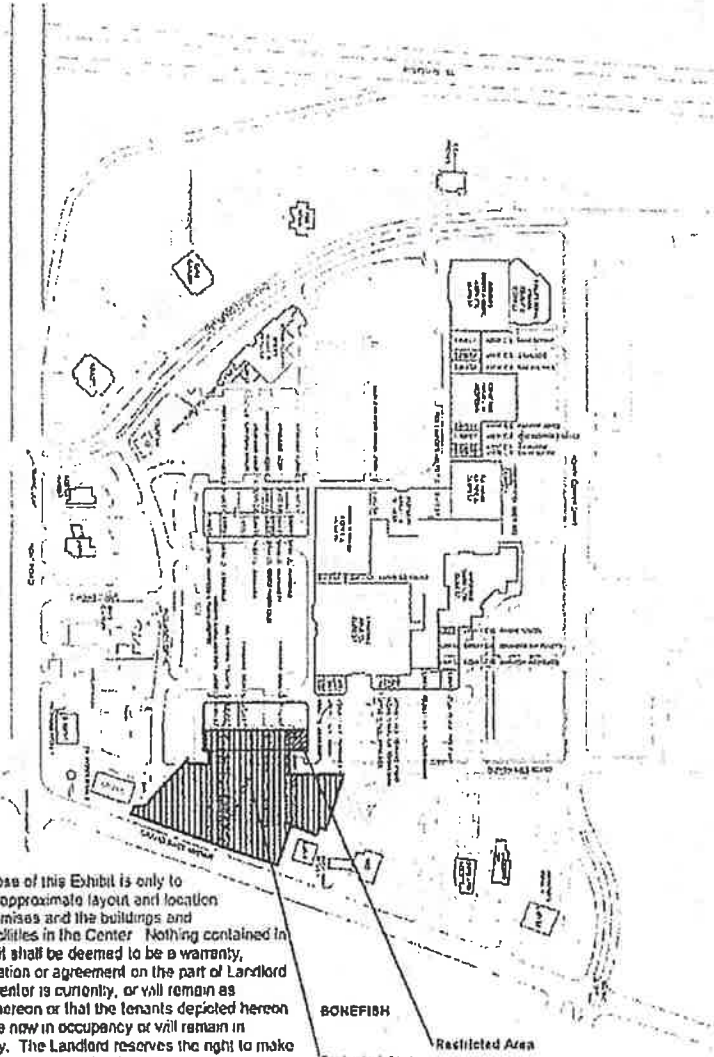
PREPARED BY
ALBANESE CORNLIOR
ARCHITECTS
1000 GRAND RIVER
NOMI, OHIO 43062
TEL: 614-235-1234
FAX: 614-235-1235

**NOMI TOWN CENTER
FOR DEVELOPMENT
MASTER PLAN**

11/15/04
This plan, drawings, specifications and other documents are prepared by or for the use of the client and are not to be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this plan, drawings, specifications and other documents or for any consequences arising therefrom, whether or not such errors or omissions are caused in whole or in part by negligence of the architect. The architect's liability shall be limited to the amount of the fee paid by the client for the preparation of this plan, drawings, specifications and other documents.

**PRELIMINARY
NOT FOR
CONSTRUCTION**

OTHER: sale of Korean cuisine, retail sale of motorcycle parts, accessories, motorcycle clothing, tire mounting services;



The purpose of this Exhibit is only to show the approximate layout and location of the Premises and the buildings and related facilities in the Center. Nothing contained in this Exhibit shall be deemed to be a warranty, representation or agreement on the part of Landlord that the Center is currently, or will remain as depicted hereon or that the tenants depicted hereon (if any) are now in occupancy or will remain in occupancy. The Landlord reserves the right to make changes as set forth in the Lease

BONEFISH
Protected Area
Restricted Area



Tenants Initials BY



Community Development | Code Compliance Division
City of Novi | 45175 Ten Mile Rd | Novi, MI 48375
t: +1 248.735.5671 | c: 248.255.6002 | cityofnovi.org



To receive monthly e-news and more social media options, [click here](#).

From: Eric Unatin <EUnatin@midamericagrp.com>
Sent: Tuesday, December 12, 2023 9:40 AM
To: Martinez, Deborah <dmartinez@cityofnovi.org>
Cc: Brad Rosenberg <brosenberg@midamericagrp.com>
Subject: Former Primanti Brother's - 43335 Crescent Blvd, Novi, MI

Good morning Deborah,

As a follow up to yesterday's conversation, we discussed Houston TX Hot Chicken's interest in occupying inline space, adjacent to Chipotle at the Novi Town Center. I took a look at the various retail buildings located on the "TC" district and noticed that a number of inline (non-end cap) tenants have dual signage on the front and rear of their buildings. By way of example, Mattress Firm is inline and they have signage on both sides of their building along with Kura Sushi, Vision Works, Beyond Juicery (Blayze Pizza, who has vacated their space was also inline and had dual signage). Given the subject space falls within the TC District, it would appear dual signage is permitted.

Provided Houston TX Hot Chicken's future signage meets municipal code, can you confirm they'll be permitted signage on both the front and back of their proposed space?

I look forward to hearing from you soon.

Thanks,



Eric Unatin | Principal
Mid-America Real Estate - Michigan, Inc.
38500 Woodward Avenue, Suite 100
Bloomfield Hills, MI 48304
Direct: 248-385-5023 | Cell: 248-410-7056
Email | [Website](#) | [LinkedIn](#) | [Marketplace](#) | [Instagram](#)

From: Martinez, Deborah dmartinez@cityofnovi.org
Subject: Re: Former Primanti Brother's - 43335 Crescent
Blvd, Novi, MI
Date: Dec 12, 2023 at 11:33:43 AM
To: Eric Unatin EUnatin@midamericagr.com
Cc: Brad Rosenberg
brosenberg@midamericagr.com

You don't often get email from dmartinez@cityofnovi.org. [Learn why this is important](#)

[EXTERNAL SENDER]

Good Morning, Eric.

Thank you for your inquiry regarding the proposed signage at the Novi Town Center.

Per Code Section 28-5(a) the "front" wall sign - which is oriented towards Crescent Blvd on the north-west elevation - would be allowed 1.25 sq. ft. of signage for each lineal ft. of frontage of the tenant space in the TC zoning district.

The City of Novi Sign Code provisions **will also allow for a second wall sign** for a single tenant in a multi-tenant space in this zoning district. Per Code Section 28-5(d)(2), an additional wall sign would be allowed on the east elevation (the parking lot side of the building) such that: one square foot of wall signage for every two lineal feet of the tenant space wall which has the entrance way, with a maximum of 24 sq. ft. of signage on this elevation (in this particular case this is the east elevation).

I wanted to inform you that the City of Novi Planning Dept. should be contacted regarding allowable uses, parking and landscaping requirements and/or use restrictions in this zoning district. Please call [\(248\) 347-0587](tel:(248)347-0587), the City of Novi City Planner for additional information. Also, a Certificate of Occupancy is required for any new tenants proposing to occupy this tenant space; please contact the City of Novi Building Dept. at [\(248\)347-0415](tel:(248)347-0415) for more information.

I anticipate this information answers your questions. Please reach out to me if you have any other questions or require additional information. Thank you.

Regards,