

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 ZONING BOARD APPEALS DATE: May 10, 2022

REGARDING: 43620 West Oaks Drive, Parcel # 50-22-15-200-061 (PZ22-0015)

BY: Larry Butler, Deputy Director Community Development

GENERAL INFORMATION:

Applicant Metro Detroit Signs

Variance Type Sign Variance

Property Characteristics	
Zoning District:	This property is zoned Regional Center (RC)
Location:	West of Novi Road and South of 12 Mile Road
Parcel #:	50-22-15-200-061

Request

The applicant is requesting a variance from the Novi Ordinance Code Section 28-5(a) for the installation of a third wall sign measuring 30.07 sq ft on the East Elevation of Ashley Homestore. Two wall signs are permitted. This property is zoned Regional Center (RC).

II. STAFF COMMENTS:

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. PZ22-0015, 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 <u>deny</u> the variance in Case No. PZ22-0015 , sought by
for, because Petitioner has not showr
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 highe economic or financial return based on Petitioners statements tha
(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 a (248) 347-0417.
Larry Butler

Deputy Director Community Development - City of Novi



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Ad	dress of subject ZBA Co	ase)	Application Fee:	
Ashley Homestore - "Hom	e Accents" wall si	an		
ADDRESS 43620 West Oaks I		TOT/SIUTE/SPACE #		
sidwell # 50-22-15200_0		Department	ZBA Case #: PZ	
CROSS ROADS OF PROPERTY Wes	t Oaks Dr and	d Donelson Dr		
IS THE PROPERTY WITHIN A HOMEOWNER'S A	SSOCIATION JURISDICTION?	REQUEST IS FOR:		
A			the second se	
DOES YOUR APPEAL RESULT FROM A NO	DIICE OF VIOLATION OR C		es 🕅 no	
A. APPLICANT	kdeters@m	netrosal.com		-557-4189
Kevin Deters at	Metro Detroi	t Signs	TELEPHONE NO. 586	-759-2700
ORGANIZATION/COMPANY	Detroit Signs		FAX NO. 586-75	9-2703
ADDRESS 11444 Kaltz		Warren	STATE MI	ZIP CODE 48089
	HERE IF APPLICANT IS ALSO	THE PROPERTY OWNER		
Identify the person or organization that owns the subject property:	mark.ungar@s	pgroup.com	CELL PHONE NO.	
Mark Ungar			TELEPHONE NO. 614-449-4414	
ORGANIZATION/COMPANY West Oaks Drive Novi MI	LLC		FAX NO.	
ADDRESS 4300 E. Fifth Avenue		слу Columbus	STAIL Ohio	ZIP CODE 43219
III. ZONING INFORMATION			1	
A. ZONING DISTRICT				
□ R-A □ R-1 □ R-2	□R-3 □R-4	<u> </u>	ПМН	
			2	
INDICATE ORDINANCE SECTION (S) AND	VARIANCE REQUESTED:			
1. Section 28-5(a)		To allow more than one	wall sign on the eas	t elevation
2. Section				
3. Section				
4. Section				
W. FEES AND DRAWNINGS				~
A. FEES				
Single Family Residential (Existin	g) \$200 🗌 (With Violat	lion) \$250 🗌 Single Fam	ily Residential (New) \$3	250
Multiple/Commercial/Industrial		ion) \$400 🔀 Signs \$300		
House Moves \$300	Special Me	etings (At discretion of Bo	pard) \$600	
	ITAL COPY SUBMITTED	AS A PDF		
 Dimensioned Drawings and Plans Site/Plot Plan Existing or proposed buildings or 	addition on the proper	 Location of existing ty = Floor plans & eleval 		pplicable
 Number & location of all on-site p 	barking, if applicable	Any other informat	ion relevant to the Var	iance application

Building 102 ZBA Application Revised 06/15

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ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE

A. VARIANCE (S) REQUESTED DIMENSIONAL USE **K** 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 scheduled 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 an 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 established 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:
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The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

APPLICANT & PROPERTY SIGNATURES	~	4-1-22
Applicant Signature		Date Date
PROPERTY OWNER		
lles and the title state of the		
he applicant is not the owner, the pro	perty owner must read and sign belo	W:
e undersigned affirms and acknowledges	that he, she or they are the owner(s) of t	he property described in this
e undersigned affirms and acknowledges plication, and is/are aware of the conten	that he, she or they are the owner(s) of fi ts of this application and related enclosu On behalf of West Oaks Drive	he property described in this ires.
e undersigned affirms and acknowledges	that he, she or they are the owner(s) of the solution and related enclosure	he property described in this
e undersigned affirms and acknowledges oplication, and is/are aware of the conten Poperty Owner Signature	that he, she or they are the owner(s) of fi ts of this application and related enclosu On behalf of West Oaks Drive	the property described in this pres. $\frac{\frac{1}{22}}{22}$
e undersigned affirms and acknowledges oplication, and is/are aware of the conten Poperty Owner Signature	that he, she or they are the owner(s) of fi ts of this application and related enclosu On behalf of West Oaks Drive	the property described in this pres. $\frac{\frac{1}{22}}{22}$
e undersigned affirms and acknowledges oplication, and is/are aware of the conten Poperty Owner Signature	that he, she or they are the owner(s) of the two of this application and related enclose. On behalf of West Oaks Drive Novi MI LLC	the property described in this ares. $\frac{\frac{\omega}{22}}{2}$



Community Development Department 45175 Ten Mile Road

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ZONING BOARD OF APPEALS VARIANCE APPLICATION

Purpose of a Variance

The Variance process is meant to provide limited relief from the requirements of the Zoning Ordinance and to address extraordinary, exceptional, or unique conditions and or circumstances that were not created by the property owner. Variances are not granted to remove inconveniences or financial burdens.

Zoning Board of Appeals (ZBA)

The application process includes public notice in the printed media and postcard notification to neighbors located within 300 ft of your property boundaries, and a public hearing before the Zoning Board of Appeals. The Zoning Board of Appeals is a group of appointed Novi residents who evaluate Variance requests and determine whether they meet specific Review Standards spelled out in the Zoning Ordinance. Conditions of approval may be attached to a decision.

Types of Variances

Because each type of Variance has its own Review Standards, it is important to know what kind of Variance is being requested. (In some cases, you may need more than one type of Variance!) *Please consult with Community Development Staff (248.347.0415) before completing an application.*

Dimensional Variance. A Dimensional Variance is one that permits a structure to be placed on a lot or built in a way on site that would not otherwise be allowed. These are generally related to zoning requirements for setbacks, lot area or width, building height, and design standards. The applicant must demonstrate that there are practical difficulties to compliance due to conditions unique to the property.

Use Variance. A Use Variance permits a lot or structure to be used in a way that would not otherwise be allowed in a particular Zoning District. The applicant must show an *unnecessary hardship* exists due to circumstances unique to the property. In some cases, a property rezoning or a text amendment to the Zoning Ordinance is more appropriate than a Use Variance.

Sign Variance. A Sign Variance is one that permits a sign that would not otherwise be allowed. Sign Variances are usually requested for the type of sign, location, and number of signs or size. The applicant must demonstrate that there are practical difficulties to compliance with the Zoning Ordinance due to conditions unique to the property.



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ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

X Signed Application Form

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

X Response to Variance Review Standards – Dimensional, Use, or Sign

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

\sum Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

X Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

Fee (make check payable to the City of Novi)

Single Family Residential (Existing) \$200 (With Violation) \$250 Single Family Residential (New) \$250 Multiple/Commercial/Industrial \$300 (With Violation) \$400 Signs \$300 (With Violation) \$400 House Moves \$300 Special Meetings (At discretion of Board) \$600

Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



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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.

X 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:

We are requesting a variance for a 30.07 sq foot "Home Accents" wall sign on the front elevation in addition to the 196 sq foot "Ashley" wall sign and the 25.46 sq foot "Mattresses" wall signs that have permit approval. This sign is warranted because it would look more aesthetically pleasing to have this sign flank the main "Ashle"y wall sign along with "Mattresses" on the other side. Furthermore, this sign is warranted due to the site's large amount of frontage (206.5 feet). The sign is relatively small (30.07 sq feet), so it is not excessive.

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 X Applicable

If applicable, describe below:

The need for additional wall signage at this site was not created by the owner or by Ashley Homestore. This site is unique in that it has a wide storefront (206.5 feet). Additional wall signage is also warranted due to the building's setback from the road.

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.

The proposed "Home Accents" wall sign is not intended for financial gain. It is intended to flank the main "Ashley" wall sign on the side along with the "Mattresses" wall sign. The proposed sign is warranted due to the site's large building frontage and the building's setback from the road.

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.

This variance, if granted, would not have a negative impact on surrounding businesses. The "Home Accents" wall sign is relatively small, and it looks aesthetically pleasing on the facade with the "Ashley" wall sign in the middle and the "Mattresses" wall sign on the other side. The proposed signage is proportionate due to the building's large amount of frontage. Furthermore, other nearby businesses like Gardner White and Bob's Discount Furniture have similar additional wall signs due to their large storefronts and also the building's setback from the road.

City of Novi

Requirements / Instructions / Criteria

Please be advised that any items that you wish the board to consider when hearing your request must be submitted by the cut-off date (see Meeting Schedule). The Board will not consider any items that are presented the night of the meeting.

Once variance(s) are granted please contact the Building Department 248-347-0415 for necessary permits before proceeding with any work.

Multiple/Commercial/Industrial Application Requirements:

- PLAN must be denied.
- ZONING BOARD OF APPEALS APPLICATION must be submitted with the filing fee, which is \$300.00. If violations exist or if a Citation has been issued, the filing fee is \$400.00. Make checks payable to the City of Novi.
- (1) digital and (1) physical copy of the SITE PLAN (folded) are needed with recommendation of the Novi Planning Commission.
- Be prepared to explain the nature of the practical difficulty or hardship at the Board of Appeals meeting. (<u>Please refer to the elements of practical difficulty or unnecessary hardship and additional</u> <u>ordinance standards</u>).

Residential Application Requirements:

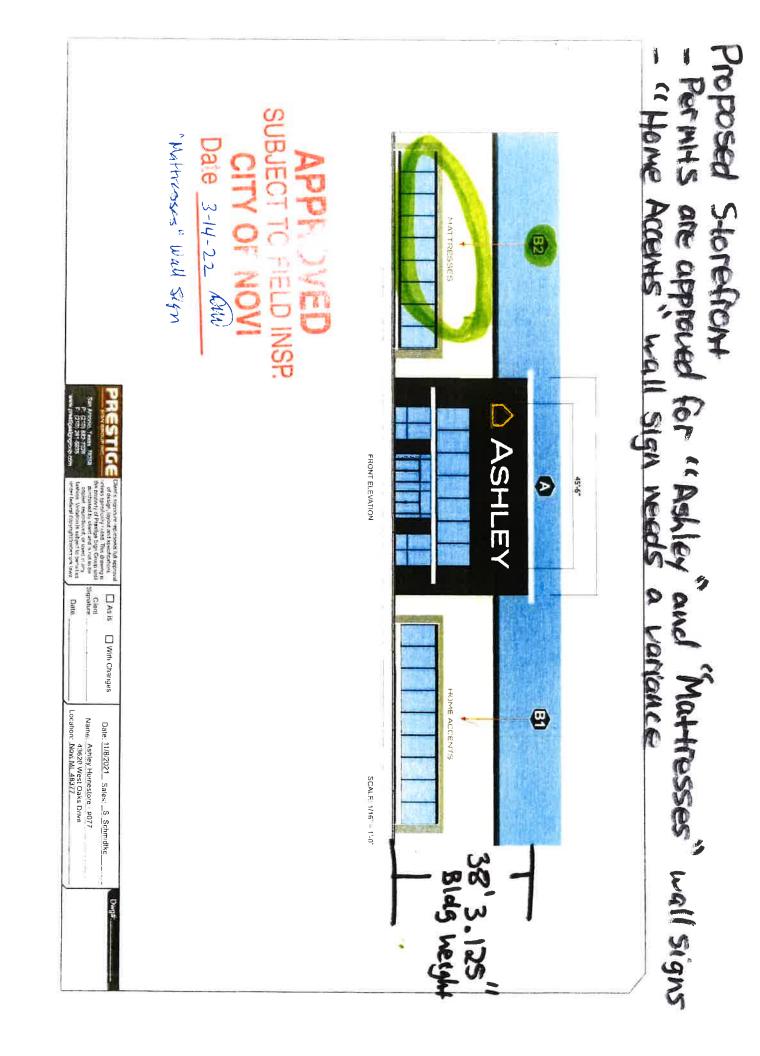
- BUILDING PERMIT APPLICATION must be denied.
- ZONING BOARD OF APPEALS APPLICATION must be completed. A fee of \$200.00 is required for existing Single Family Residential and \$250.00 for new Single Family Residential. If a Notice of Violation exists or if a Citation has been issued, the filing fee will be an additional \$50.00. Make checks payable to the City of Novi.
- (1) digital and (1) physical copy of a Plot Plan showing the dimensions of the house, addition and/or accessory structure to include the exact setbacks on the front yard, both side yards and the rear yard.
- Approved Plans or a Letter of Approval from the Homeowners Association Architectural Control Committee is required if located in a platted subdivision or site condominium.
- Be prepared to explain the nature of the practical difficulty or hardship at the Board of Appeals meeting. (Please refer to the elements of practical difficulty or unnecessary hardship and additional ordinance standards).
- A BUILDING PERMIT is required within 180 days after the variance is granted and before construction of the building or addition. After 180 days, the variance is void.

Sign Criteria:

- SIGN PERMIT APPLICATION must be denied.
- ZONING BOARD OF APPEALS APPLICATION must be completed and include a \$300.00 filing fee. If a Notice of Violation exists or if a Citation has been issued, the filing fee will be \$400.00. Make checks payable to the City of Novi.
- (1) digital and (1) physical copy of a SCALED DRAWING indicating location, overall dimension and sign verbiage.
- Be prepared to explain the nature of the practical difficulty at the Board of Appeals meeting. (<u>Please</u> refer to the elements of practical difficulty or unnecessary hardship and additional ordinance standards).
- A SIGN PERMIT must be obtained within 180 days after a sign variance is granted and before erecting the sign. After 180 days, the variance is void.
- A "mock up" sign must be erected at least one week prior to the meeting.
- Where a Variance related to the size of a sign is requested, a rendering, specimen, or "mock up" of the proposed sign shall be available for inspection by the Board prior to consideration of the Variance.
- Should a "mock up" sign be denied at the ZBA meeting, it must be removed within five working days from the date of the meeting unless otherwise agreed by the board at that meeting.







	I'-6" I'-6"	30.1 SQ.FT
SECONDARY CHANNEL LETTERS SCALE: 1/2"=1-0" MFG & INSTALL (2) TWO (ONE EACH) ILLUMINATED CHANNEL LETTERS Sign Type: Internally illuminated channel letters individually mounted to building's face LEDs: Energy-efficient, low voltage white LED to match 7000K 160° viewing angle Power: Self-contained or remote-mount transformers, typically 120-277 volt Interior: Painted white Sec::177" #2447 White Acrylic SG w/ 3M Dark Grey/Night #3635-0171 vinyl applied first surface Trimcap: Duranodic Bronze #3130 1" (25mm) Gemi" Trim Returns: 5" (125mm) deep aluminum (min .050) painted white Backs: Routed aluminum (min .040) Offers, Suphylar Experiments full approval Offers, Suphylar Experiments full Offers, Suphylar Experiments full ap	VIE ACCEN	20-0 5/8°°
ace Image: Index of the sector of the sec	JTS - Vallance S - Permit is Approved	

Sign BI - "Have Access" wall Sign CITY OF NOVI - COMMUNITY DEVELOPMENT 45175 Ten Mile Rd., Novi, MI 48375 (248) 735-5678 SIGN PERMIT APPLICATION Permit Required per City of Novi Code of Ordinances, Chapter 28, Section 28 CITY OF NOVI All Sign Permit applications must be accompanied by one fully dimensional the sign schematics with measurements, proposed location of the sign, a re to nearby suites/buildings/structures and property lines, site plan with distance	B-3 EVIAL Sign Permit # PS ^r (for office use only) Zoning District: R-C
CITY OF NOVI - COMMUNITY DEVELOPMENT 45175 Ten Mile Rd., Novi, MI 48375 (248) 735-5678 SIGN PERMIT APPLICATION Permit Required per City of Novi Code of Ordinances, Chapter 28, Section 28 CITY OF NOVI - COMMUNITY DEVELOPMENT 45175 Ten Mile Rd., Novi, MI 48375 (248) 735-5678 SIGN PERMIT APPLICATION Permit Required per City of Novi Code of Ordinances, Chapter 28, Section 28 CITY OF NOVI - COMMUNITY DEVELOPMENT 45175 Ten Mile Rd., Novi, MI 48375 (248) 735-5678 SIGN PERMIT APPLICATION Permit Required per City of Novi Code of Ordinances, Chapter 28, Section 28 CITY OF NOVI	(for office use only)
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All Sign Permit applications must be accompanied by one fully dimensional the sign schematics with measurements, proposed location of the sign, a re	
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All Ground Signs require a separate Sign Foundation Building Permit. Please	Project Item
application for a ground sign foundation, along with two (2) signed/sealed the Novi Building Department.	12 4 P
Address of Installation	of R
all the l	NIED
	me Accents"
Sign Erector's Address City City	State Zip
	i Area Sq. Ft.
Height from Grade to Top of Sign? <u>13</u> ft. Copy/Wording to be on Sign: <u>Home Acc</u>	
SIGN PERMIT FEE DOES NOT INCLUDE ANY FEES FOR BUILDING, ELECTRICAL OR RIGHT-	OF-WAY PERMITS THAT MAY
BE REQUIRED. Pail B. Wielt 2-23-22	
	E MEASURESURED ON THE
Paul Deters at Metro Detroit Signs GROUND PRIOR TO	DINSTALLATION.
- In the second s	IGNS SHALL HAVE AN
kdeters@metrodetroitsigns.com 586-759-2700 ELECTRICAL SIDEW	ALK INSPECTION.
Applicant's Email Address Applicant's Telephone Number	
For Office Use Only	
Reviewed by: Date: Date:	8-22
- pproved - Par Code Section 9	8
Not Approved - Reason for Denial: per Sec. 28-5 (a) chart, under "RC" zo	oning district, only one
Wall sign shall be allowed. Also, sign exceeds the allowable nu	imber of signs on the cast eleva
ZONING BOARD OF APPEALS (If applic	
Denied ZBA Case No Denied ZBA Meeting Date:	