

cityofnovi.org

**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**

**Case No. PZ13-0003**

**Location: 47960 Grand River (Menchie's Frozen Yogurt)**

**Zoning District: B2, Community Business District**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)b.1.(a)i.a. to allow an oversize wall sign of 40 square feet (32.3 square feet allowed) located on the south face of a new retail tenant suite. The property is located north of Grand River and west of Beck Road.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(2)b.1.(a)i.a. permits a single wall sign for each business storefront in the B2 district, with a size not to exceed 1.25 feet for every linear foot of business frontage.

**City of Novi Staff Comments:**

The applicant will be occupying a retail suite in the West Market Square shopping center development. The frontage of the suite is such that the tenant is entitled to the maximum 32.3 square foot wall sign allowed under the Ordinance. The request is for a larger wall sign of 40 square feet. Staff cannot support the request as the failure to grant relief will not 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. In addition, the location and siting conditions of the retail suite are not unique compared with many other areas and businesses within the development.

**Standards for Granting a Sign Variance**

CITY OF NOVI, CODE OF ORDINANCES, Section 28-16 addresses Sign Variance Appeals:

- 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, specifically\_\_\_\_\_.
- 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 \_\_\_\_\_.
- The grant of relief will not result in a use of 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 of the ordinance because\_\_\_\_\_.



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ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

For Official Use Only

ZBA Case No: P2130003 ZBA Date: 2/12/13 Payment Received: \$ 300 (Cash)
Check # 3419 Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT
Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal.

Applicant's Name Daniel Samson Date 12-21-12
Company (if applicable) Frozen Ventures LLC
Address\* 333 West Fort Street, Suite 1200 City Detroit ST MI ZIP 48228
\*Where all case correspondence is to be mailed.
Applicant's E-mail Address: DannyS@SGDetroit.com
Phone Number (313) 394-1115 FAX Number (313) 394-1116

Request is for:
Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 47960 Grand River Ave. Novi, MI (Westmarket Square) ZIP 48374

2. Sidwell Number: 5022 - 17-226-020 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association Jurisdiction? Yes No X

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 OSC OST X OTHER B-2

5. Property Owner Name (if other than applicant) Westmarket Square LLC

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No X

7. Indicate ordinance section(s) and variances requested:

- 1. Section 28-5(2)b.1.(a)(i)a. Variance requested Size of Sign
2. Section Variance requested
3. Section Variance requested
4. Section Variance requested

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

Due to the unique "stair-step" frontage of the building, a hardship is created when utilizing the corporate logo for Menchie's Frozen Yogurt and does not allow for a logical or attractive installation. The variance, if granted, will allow for a reasonable and appropriate presentation that is consistent with surrounding retailer signage. The unique circumstances that are present are not self-created, and there is no increase with regard to danger or public safety concern. Additionally, the spirit of the Zoning Ordinance is observed with this request.

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

The unique circumstance with regard to this property is the shape of the building facade. The unique "stair-step" that is present is not common to other locations within the property and does not allow for strict compliance with the Zoning Ordinance. The requested variance does not impair the aesthetic that is created consistently throughout the plaza with regard to signage and ensures that the spirit of the Zoning Ordinance is observed, public safety is secured, and substantial justice is done.

**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 scheduled ZBA meeting, or cancelled. A mock-up sign is NOT to be the 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.

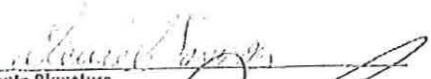
Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision. There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

**PLEASE TAKE NOTICE:**

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

- Construct New Home/Building
- Addition to Existing Home/Building
- Accessory Building
- Use
- Signage
- Other

  
Applicant's Signature

12-21-12  
Date

  
Property Owners' Signature

12-19-12  
Date

**DECISION ON APPEAL**

Granted       Denied      Postponed by Request of Applicant  Board

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

# WESTMARKET SQUARE, L.L.C

39533 Woodward Avenue  
Suite 150  
Bloomfield Hills, MI 48304  
Telephone: 248-352-1550  
Fax: 248-352-8764

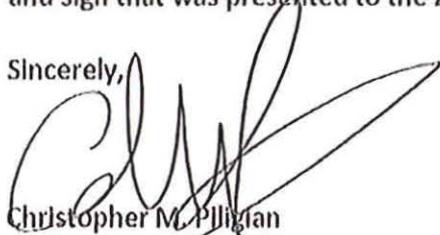
December 18, 2012

City of Novi  
Zoning Board of Appeals  
45175 West 10 Mile Road  
Novi, MI 48375

RE: Menchie's – Zoning Board of Appeals

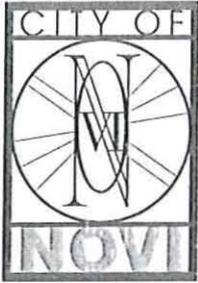
Please be advised that the Landlord, Westmarket Square L.L.C, supports the requested variance and sign that was presented to the ZBA for the future Menchie's location in Novi.

Sincerely,



Christopher M. Pilibian  
Vice President, Jonna Realty Ventures, Inc.  
Property Manager for Westmarket Square

CMP:cep



cityofnovi.org

January 8, 2013

Danny Samson  
Sterling Group  
Fort Washington Plaza  
333 W. Fort Street.  
Suite 1200  
Detroit, Michigan 48226

RE: Menchie's FrozenYogurt – 47960 Grand River

The sign permit application for the above location has been reviewed and denied.

Sign Code Section 28-5(2)b.1.(a)(i)(a) permits 1/1-4 square foot of sign for each lineal foot of frontage of the business. Based on 25'-10" of lineal frontage the maximum sign permitted for this location is 32.29 square feet. The proposed sign is 39.43 square feet.

Your application for the Zoning Board of Appeals has been received.

If you have any questions please feel free to contact me at 248-347-0438.

Sincerely,

CITY OF NOVI

Jeannie Niland  
Ordinance Enforcement Officer



12819 South Main Street  
 Los Angeles, Ca 90061  
 Phone: 310-327-6757  
 Fax: 310-327-5707  
 Toll Free: 800-371-0705

Project:  
 MENCHIES  
 FROZEN YOGURT

Address:  
 West Market Square,  
 Novi, MI

Dates / Revisions:  
 Completed on 12-03-12  
 ▲ OPT. 8 JA 12-18-12

- ▲
- ▲
- ▲
- ▲
- ▲
- ▲

Scale: AS NOTED, ELSE N.T.S.

Designer: JESSE ABELLANEDA

Salesperson: MIKE BLAKELY

Approvals:  
 Client: \_\_\_\_\_  
 X \_\_\_\_\_  
 Architect: \_\_\_\_\_  
 X \_\_\_\_\_  
 Landlord: \_\_\_\_\_  
 X \_\_\_\_\_  
 Project Manager: \_\_\_\_\_  
 X \_\_\_\_\_

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Page Title: \_\_\_\_\_

Drawing Tolerance: .25"      Page Number: 2 of 6

Design file name:  
 MENCHIES - NOVI, MI

A ELEVATION - MENCHIE'S DUAL ILLUMINATED CHANNEL LETTERS

QTY: (1)  
 SCALE: 1/4" = 1'



12819 South Main Street  
Los Angeles, Ca 90061  
Phone: 310-327-6757  
Fax: 310-327-5707  
Toll Free: 800-371-0705

Project:  
MENCHIES  
FROZEN YOGURT

Address:  
West Market Square,  
Novi, MI

Dates / Revisions:  
Completed on 12-03-12  
△ OPT. 8 JA 12-18-12  
△ OPT. 9 JA 12-120-12

Scale: AS NOTED, ELSE N.T.S.

Designer: JESSE ABELLANEDA

Salesperson: MIKE BLAKELY

Approvals:

Client: \_\_\_\_\_  
X \_\_\_\_\_  
Architect: \_\_\_\_\_  
X \_\_\_\_\_  
Landlord: \_\_\_\_\_  
X \_\_\_\_\_  
Project Manager: \_\_\_\_\_  
X \_\_\_\_\_

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Page Title: \_\_\_\_\_

Drawing Tolerance: .25" Page Number: 3 of 6

Design file name:  
MENCHIES - NOVI, MI

**ELECTRICAL SPECIFICATIONS**

**SECONDARY**  
WHITE LED LIGHTING SYSTEM  
3M VHB ATTACH LED'S TO BACK OF LETTER.  
MECHANICAL FASTENERS AS REQUIRED  
CLASS II SHIELDED CABLE (18 AWG SUPPLY WIRE)  
IN 1/2" ALUMINUM FLEX IF REQ'D BY LOCAL JURISDICTION  
BUSHING/PASS THRU AS REQ'D BY LOCAL JURISDICTION  
WIRE NUT/CRIMP CONNECTORS  
EQUAL AND CONSISTENT ILLUMINATION OF THE LETTER IS REQUIRED  
**PRIMARY**  
120 VOLT / 20 AMP CIRCUIT REQ'D  
(BY OTHERS)

**MENCHIE'S SPECIFICATIONS**

**RETURNS**  
.040 BRUSHED ALUMINUM RETURNS  
**BACKS**  
3/16" CLEAR LEXAN BACKS  
**FACES**  
3/16" 7328 WHITE FORMED ACRYLIC FACES / WITH 1ST. SURFACE APPLIED TRANSLUCENT VINYL FILMS.  
**TRIMCAP**  
1" JEWELITE BRUSHED ALUMINUM TRIMCAP

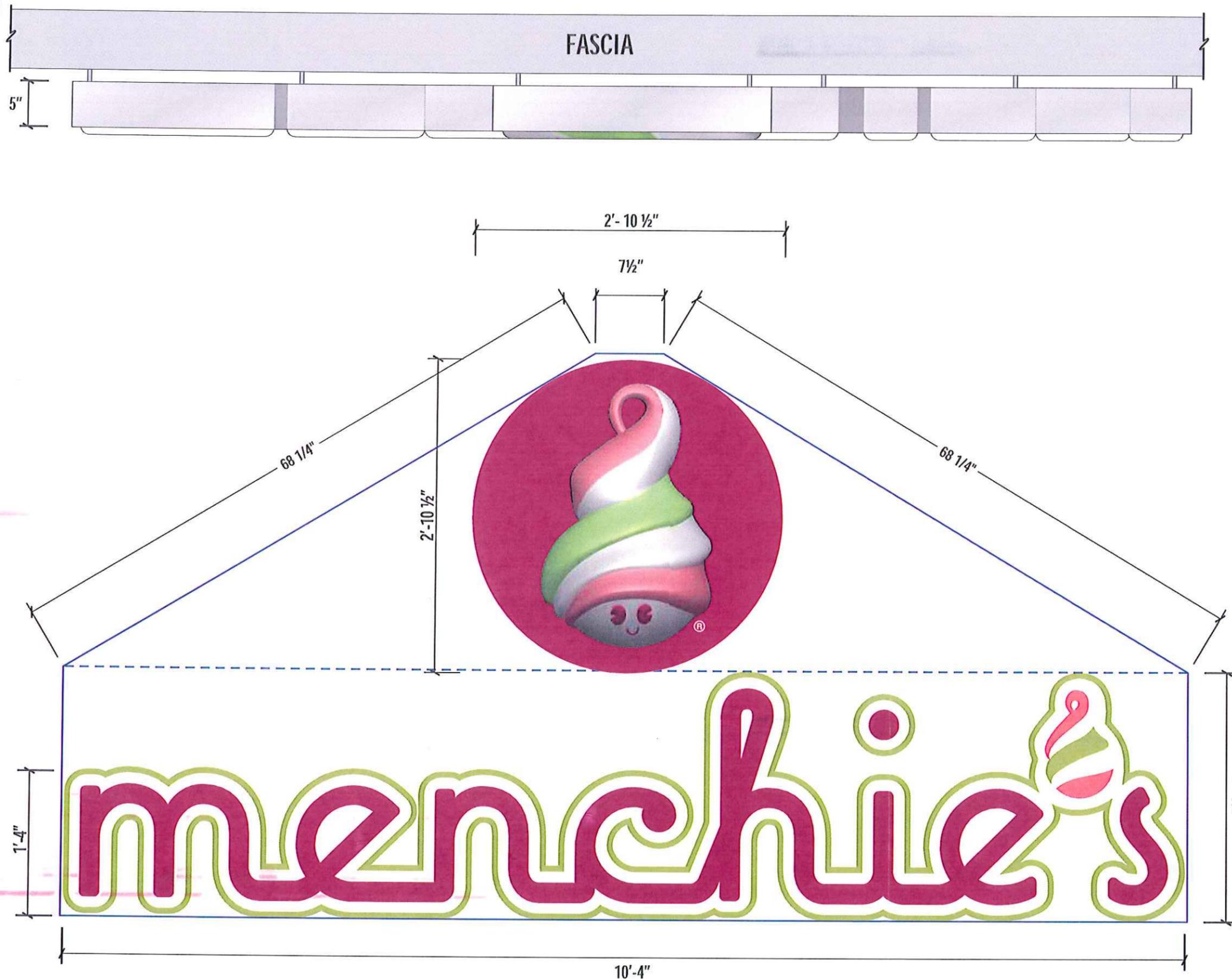
**COLOR SPECIFICATIONS**

-  GERBER 230-133 RASPBERRY TRANSLUCENT VINYL FILM
-  3M 3630-68 ROSE MAUVE TRANSLUCENT VINYL FILM
-  3M VT-3630-5062 menchie's GREEN TRANSLUCENT VINYL FILM
-  7325 WHITE ACRYLIC

**Electrical Note:** 120V / 20 AMPS. CIRCUIT  Sign Voltage

This Sign is Intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.  
All way penetrations to be sealed with UL listed silicone sealant.

**NOTE:**  
Manufacture / U.L. Labels On Top Of The Letters, May Not Be Visible



**A** MENCHIE'S DUAL-ILLUMINATED CHANNEL LETTERS  
TOTAL AREA: 28.93 SQ. FT.

QTY: (1)  
SCALE: 1" = 1'-0"



12819 South Main Street  
 Los Angeles, Ca 90061  
 Phone: 310-327-6757  
 Fax: 310-327-5707  
 Toll Free: 800-371-0705

Project:  
**MENCHIES**  
**FROZEN YOGURT**

Address:  
**West Market Square,**  
**Novi, MI**

Dates / Revisions:  
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Scale: AS NOTED, ELSE N.T.S.

Designer: JESSE ABELLANEDA

Salesperson: MIKE BLAKELY

Approvals:

Client:

X \_\_\_\_\_

Architect:

X \_\_\_\_\_

Landlord:

X \_\_\_\_\_

Project Manager:

X \_\_\_\_\_

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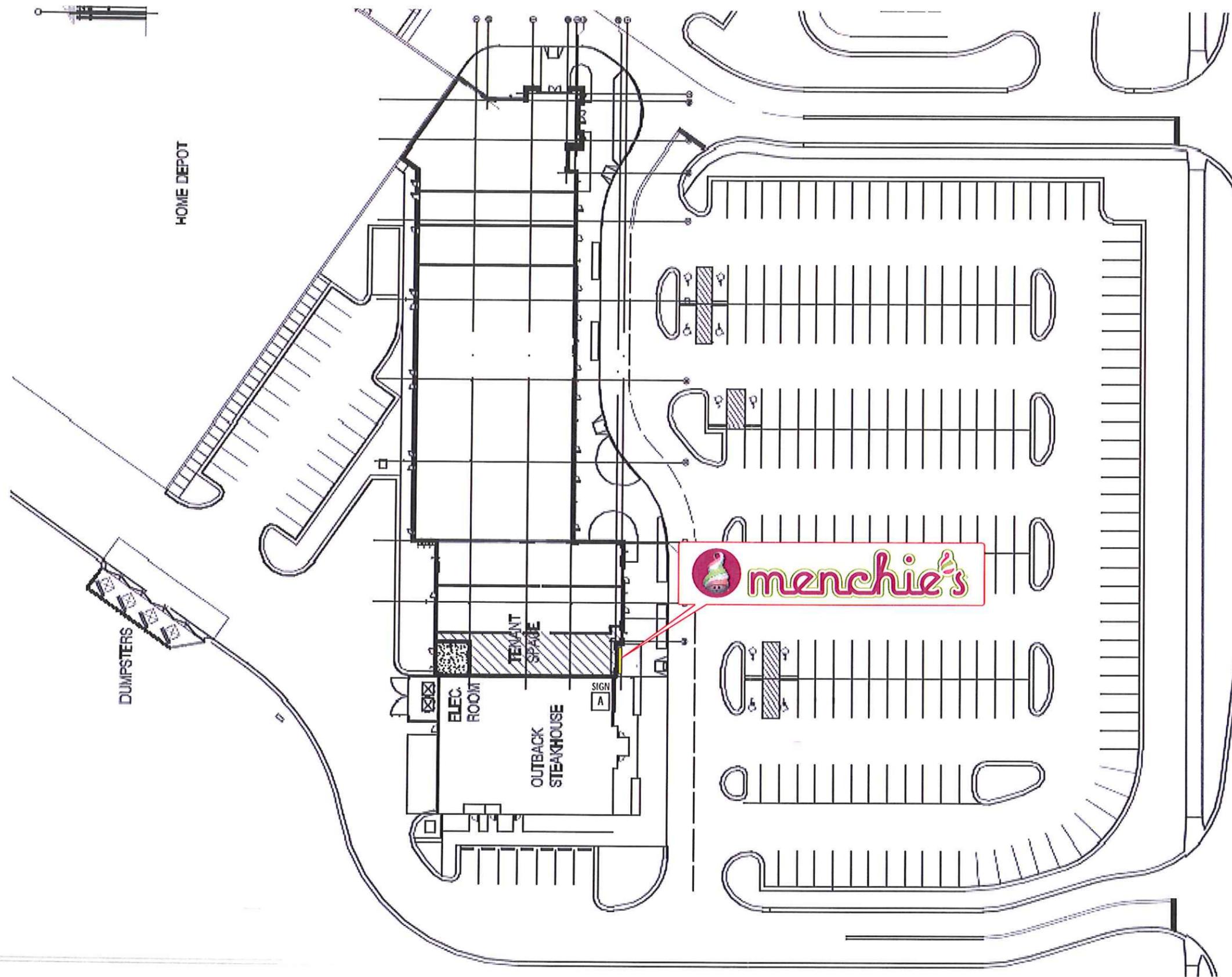
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Page Title:

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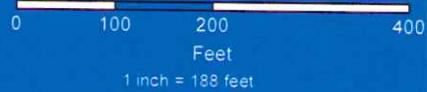
Design file name:  
**MENCHIES - NOVI, MI**



City of Novi  
47960 Grand River Ave Menchies



Map Produced Using the  
City of Novi, Michigan  
Internet Mapping Portal



Date: 1/22/2013

**MAP INTERPRETATION NOTICE**

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