



cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department

Case No. PZ13-0064 - Eyeglass World

Location: 27793 Novi Road

Zoning District: RC, Regional Center

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow an second wall sign of 21.5 square feet located on the north side of a retail tenant suite. The property is located south of Twelve Mile Road and west of Novi Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits a single wall sign for each business storefront in the RC, Regional Center District.

City of Novi Staff Comments:

The applicant is requesting approval for installation of a second wall sign for an existing retail business. The applicant is entitled to a single wall sign under the Novi Sign Ordinance. The applicant is requesting to install a second 21.5 square foot wall sign on the north side facing West Oaks II Shopping Plaza. 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.

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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(248) 347-0415

For Official Use Only

ZBA Case No: P2130064 ZBA Date: Dec Payment Received: \$ 300 (Cash)
Check # 33605 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 Nicholas J. McCurley Date 10-28-2013

Company (if applicable) Site Enhancement Services

Address* 6001 Nimitz Parkway City South Bend ST IN ZIP 46628

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: njm@siteenhancementservices.com

Phone Number (574) 232-4690 FAX Number (574) 237-6166

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 27703 Novi Road ZIP 48377

2. Sidwell Number: 5022 - 16-200-058 059 may be obtained from Assessing Department (248) 347-0485

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

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

5. Property Owner Name (if other than applicant) Ramco West Oaks II LLC

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

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

- 1. Section Sec. 28.5 Variance requested To have second wall sign on North Elevation.
2. Section Variance requested
3. Section Variance requested
4. Section Variance requested

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
b. The location and dimensions of all existing and proposed structures and uses on property.
c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
d. Dimensions necessary to show compliance with the regulations of this Ordinance.

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

The practical difficulties which prevent conformance with the zoning ordinance
are the fact that a wall sign is allowed on a facade that doesn't have an entrance
but not allowed on a facade that does. The request is to move the code allowed
wall sign from the south facade to the north facade.

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:

Within the attached document you will see that there are unique circumstances
as this is the only single-tenant out parcel within the shopping center. Also,
it is the only tenant who is not allowed a wall sign over their entrance.

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

Orinda Mays
Applicants Signature

10-29-13
Date

[Signature]
Property Owners Signature As Agent For KANG & FATHANE LLC

10-29-13
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:

Chairperson, Zoning Board of Appeals

Date



October 29, 2013

Eyeglass World
West Oaks II
27793 Nov Road
Novi, MI 48377

Attachment A

A variance may be granted if:

1. Setback, frontage, height, bulk and density requirements unreasonably prevent the use of the property for a permitted purpose.

The placement of a sign along the south façade will not do the property, nor the public any good as it would not serve its purpose of wayfinding. With the proposed sign on the north façade instead of the south façade, it will help guide more motorists to the site safely. Since there are more parking spaces to the north of the property, the sign will be better utilized on that façade. Also, the north façade is where the only customer entrance to the building is located. If a wall sign is on the south façade instead, confusion will ensue due to there being no identification over the entrance.

2. Will variance provide substantial justice to petitioner and surrounding property owners in zoning district?

Yes, a variance will provide substantial justice to the petitioner and surrounding property owners because it will give Eyeglass World similar signage to what others within the shopping center have. The other tenants within the shopping center have wall signs over their entrance and Eyeglass World is not allowed one by code. The request to move the wall sign from the south elevation, where no entrance is, to the north elevation where there is an entrance will keep Eyeglass World in conformity with others within the shopping center.

3. Are there unique circumstances of the property?

There are some unique circumstances with this property as it is the only single tenant building located within the parking lot of the shopping center. Due to this unique circumstance, the variance for the re-placement of the wall sign is necessary. In order to

have proper identification for Eyeglass World, a wall sign will be necessary over the entrance on the north façade instead of the south façade.

4. Is the problem self-created?

The problem is not self-created and is taken from interpretation of designated parking spaces within the shopping center. Due to the designated parking spaces, a wall sign is allowed on the south façade and not the north façade, where the entrance is located. This problem was existing and is not created by the applicant.

5. Adequate light and air is provided to adjacent properties.

The proposed sign placement will not affect the light or air flow to the adjacent properties.

6. No increase of fire danger or public safety.

Having the sign placed on the north façade in lieu of the south façade will not create or increase any fire danger or increase a risk to public safety. On the contrary it will increase public safety by helping direct the flow of traffic within the shopping center as there will be more patrons traveling north of the site compared to south of the site.

7. Property values will not be diminished within surrounding area.

The proposed relief will not diminish the property values of the surrounding area in any way. In fact it has the possibility to enrich the surrounding area by increasing the value of the parcel itself as well as those within the shopping center and the surrounding commercial businesses. By allowing the permitted second sign placement to be moved from the south elevation to the north, the sites primary business entrance will be highlighted for ease of use to the public. By allowing the sign to be placed on the north elevation, the site will be identifiable to the shopping centers interior and increase the awareness of the general public as to the sites location and business nature. This added awareness will add to the overall diversity of the shopping center and general public knowledge of the businesses within.

8. The spirit of the Zoning Ordinance is observed

The spirit of the Zoning Ordinance will be observed with the granting of this variance request for relief. The request is the minimum request needed in order to provide motorists within the shopping center with the signage that will properly identify the building and thus alleviate any confusion that may cause any unsafe traffic maneuvers within the shopping center. The request is in line with the ordinance due to the proposed signage being permitted by code and under the total allowable area. This site also has multiple ingress/egress points from all directions surrounding this property and the proposed location is on the north elevation is the primary entrance to the building. This makes the need for signage on this elevation even more important to identify this business to motorists traveling within the shopping center.



October 29, 2013

Araneae Inc.
28785 Haas Road
Wixom, Michigan 48393

RE: EYEGLOSS WORLD – 27793 NOVI ROAD – NORTH ELEVATION

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

A sign permit for the east elevation has already been approved for this location. Based on the layout of the building being changed which shows the main entrance on the north elevation, no other signs are permitted for this location.

Sign Code Section 28-5 (3) allows one sign per building.

Please feel free to contact me at 248-347-0438 if you have any questions.

Sincerely,

CITY OF NOVI

A handwritten signature in cursive script, appearing to read 'Jeannie Niland', is written over the typed name.

Jeannie Niland
Ordinance Enforcement Officer