



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

Case No. 11-039 Highline Club Apartments

Location: 22123 Solomon Blvd.

Zoning District: RM-1, Residential Multiple Family

The applicant is requesting variances from Section 28-5(2)d of the Novi Sign Ordinance to allow installation of a 32 square foot oversize and 6 foot high over height entranceway sign for an existing apartment complex. The applicant is also requesting variances from 28-5(2)d.3 to allow placement of the sign within a proposed public right of way and from the definition of an Entranceway Sign 28-1(7) to allow other than a ground sign.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Sign Ordinance Section 28-5(2)d which limits entranceway signs to 24 square feet and 5 feet in height, 28-5(2)d.3 which requires entranceway signs be located at least 10 feet from any street right of way and 28-1(7) which defines an entranceway sign as a ground sign.

City of Novi Staff Comments:

The applicant is proposing to install a new entranceway sign for an existing apartment community. Limited by Ordinance to 24 square feet of area and a height of 5 feet the proposed sign would require variances of 8 square feet for a total of 32 square feet in area and 1 foot of additional height for a total of 6 feet. In addition, the Sign Ordinance requires that Entranceway Signs be placed at least 10 feet from any street right of way. In this situation, the proposed sign location is actually within a proposed right of way. Staff is concerned that installation of the sign within the proposed right of way would commit the City and/or Road Commission to future liability for relocation and reconstruction of the sign at the point in time that the acquisition of the Right of Way is completed and the additional width is utilized,

Staff does not support either the additional sign area and height nor the placement of the sign in the proposed future right of way. As failure to grant the variances will not unreasonably prevent or limit the use of the property and will not result in substantially more than mere inconvenience or inability to attain a higher economic or financial return.

Standards for Granting a Sign Variance

- 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.
- 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 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.

* Highline Club Apts



cityofnovi.org

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(248) 347-0415

For Official Use Only

ZBA Case No: 11-039 ZBA Date: NOV1 Payment Received: \$ 300 (Cash)

Check # _____ 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 GARY ROBERTS Date SEPT 20, 2011

Company (if applicable) GREAT CAKES LANDSCAPE ASSOCIATES

Address* 28025 SAMUEL LINDEN COURT City NOVI ST. MI ZIP 48377

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: groberts @ greatcakeslandscape.com (no space)

Phone Number (248) 349-8555 FAX Number (248) 349-8556

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 22123 SOLOMON BLVD, NOVI, MI ZIP 48375

2. Sidwell Number: 5022-36-200-023 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 OTHER

5. Property Owner Name (if other than applicant) THE HEIGHTS OF NOVI 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 28-5.2d.3 Variance requested PLACEMENT - 12' FROM EX R.O.W (FRONT 10' FROM EX. R.O.W)
- 2. Section 28-5.2d.1 Variance requested AREA - 32 SQUARE FEET (4'-0" x 8'-0")
- 3. Section 28-5.2d.2 Variance requested HEIGHT - 6'-0"
- 4. Section _____ Variance requested 6" OF EXPOSED POSTS

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):

SEE ATTACHED

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:

SEE ATTACHED

SIGN CASES ONLY:

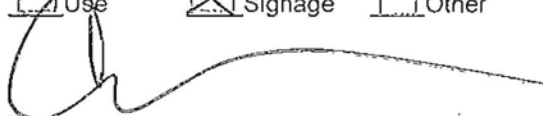
Your signature on this application indicates that you agree to install a Mock-Up Sign ten (10) days before the scheduled ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is NOT 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


Applicants Signature

9/21/11
Date


Property Owners Signature

9/20/11
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

Responses to Difficulties and Unique Circumstances

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements.

Location: The current sign is located approximately 5'-6" from the proposed sixty (60) foot right-of-way. The proposed location for the new sign is 12'-0" from the existing right-of-way. It should be noted that within the building department two differing interpretation of the ordinance have been declared for this proposed entrance sign. The building official and traffic engineer concluded initially that the sign would be allowed to be placed behind the existing right-of-way. Later the ordinance enforcement officer ruled that the sign must be placed behind the proposed right-of-way creating the following difficulties and hardships.

The current location of the sign greatly limits its visibility. Requiring, per the ordinance interpretation, the sign to be located 10'-0" behind the proposed right of way would decrease the signs visibility to an even greater extent. In addition, the current ordinance interpretation would create the necessity to further elongate the existing curbed boulevard to accommodate the sign and planter.

Regardless of which interpretation of the ordinance is correct, the current location of the sign (as well as its size) greatly limits the visibility of the sign and therefore the proper identification of the property. It is our understanding and belief that this has created a significant safety issue for traffic in the area. Nine Mile Road is a major road with a traffic driving at 45 miles per hour. It is very difficult even to see the entrance to the community let alone the signage itself. This causes traffic to have to slow down to find the entrance and read the signage, obviously creating a greater safety hazard. We have had a significant amount of experience with this problem. Many of the individuals involved in the recent acquisition of the property reported that they both missed the entrance and didn't see the signage until they made a u-turn and proceeded back towards the property at a slow rate of speed. Other people who are familiar with the area have told us that they didn't even realize there was an apartment community in that location. While it is understandable that the sign should be set back if Nine Mile Road was a wider road, under the current facts and from what we understand the foreseeable future to be, it is not reasonable or safe to require the setback be calculated based on the proposed right-of-way.

We would also note that the proposed setback location of the sign is consistent with many other apartment communities in the area that do not have a proposed right-of-way designation on their properties.

Size: Requested is an allowance to install the proposed sign at a dimension of 4'-0" x 8'-0" and thirty-two (32) square feet. The size of the sign must be increased beyond the allowed twenty-four (24) square feet of the ordinance to again allow better visibility. If smaller than the

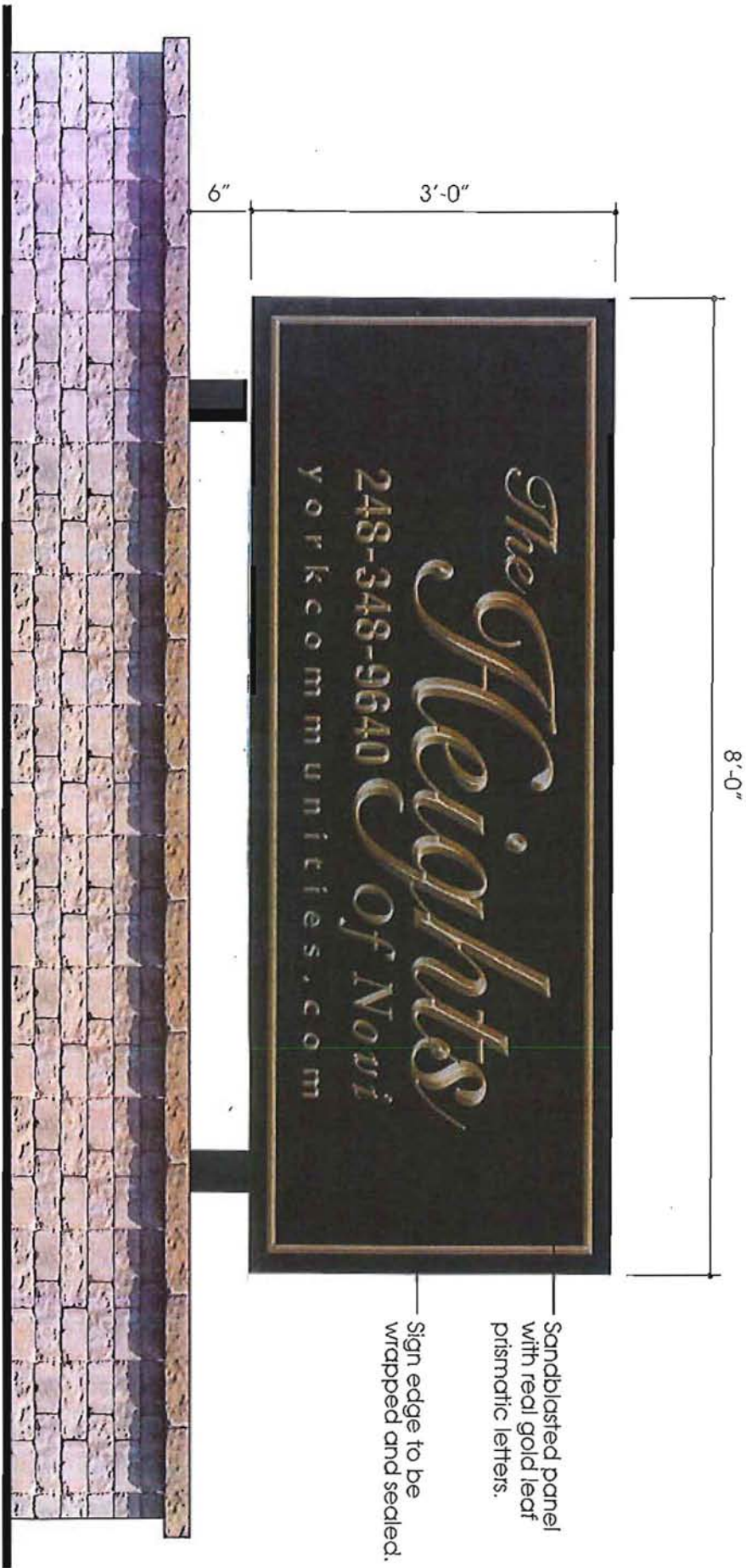
requested thirty-two (32) square feet the necessary font becomes too small and not easily legible when approaching the site creating a safety hazard for motorists trying to read the sign.

Height: Requested is an allowance to install the proposed sign at a height of 6'-0" from grade. This increased height results from the necessary square footage requirement, as stated above. In addition, the location of existing fencing off of the property to the east, as well as existing road signs and utility poles creates the necessity to raise the sign to a height that can be seen over and around the visual obstructions.

Posts: Requested is an allowance to install the sign with six (6) inches of structural posts above the grade of the planter. These posts will be covered by vegetation in the planter and not be visible to those passing by. Allowing the posts would allow irrigation to more easily and readily spray from one side of the planter to the other. The sign will still maintain the feel of a monument sign as directed in the ordinance with the inclusion of the eighteen (18) inch tall planter wall that surrounds the four sides of the sign.

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.

Many of the unique circumstances with the property have been mentioned above. The most limiting of these circumstances is the existence of a proposed right-of-way in addition to the typical existing right-of-way. This creates the need to request variances in location, size and height. Secondly; the existing fencing to the east, traffic signs and utility poles would all obstruct the proposed sign again creating the necessity to request the three variances listed above.



NOT PROPOSED
 SIGN SIZED TO CITY ORDINANCE

Permanent ID Sign

Scale: 3/4" = 1'-0"

Double-sided

Green Scheme

Sign edge to be wrapped and sealed.
 Sandblasted panel with real gold leaf prismatic letters.



September 20, 2011

Jacobs Signs
4182 Dillon Road
Flushing, Michigan 48433

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Bob Gatt

Terry K. Margolis

Andrew Mutch

Dave Staudt

Justin Fischer

Wayne M. Wrobel

City Manager
Clay J. Pearson

City Clerk
Maryanne Cornelius

RE: HIGHLAND CLUB APARTMENTS – 22123 SOLOMON

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

City of Novi Ordinance Section 31-51.5 requires that all name changes to developments be subject to the approval of the street name review committee to prevent the use of names that conflict with or unduly similar sounding to established names. Please contact Richelle Leskun in the Community Development Department at 248-735-5631 to schedule a meeting of the Street Naming Committee to request approval of this name change.

City of Novi Sign Code Section 28-5 (2)d. permits entranceway signs to be 24 square feet and 5 feet in height. The proposed sign is 32 square feet and 6 feet in height. The drawing does not indicate the overall sign height.

Sign Code Section 28-5 (2)d.3. requires placement of the entranceway sign not less than ten (10) from any right-of-way. The proposed sign is located within the proposed right-of-way of Nine Mile Road.

Sign Code Section 28-1 allows a two faced sign to be calculated as one face if the faces placed back to back are at no point more than two feet from one another. The drawing does not show the distance between the faces.

Should you wish to request consideration of a variance from the Zoning Board of Appeals to allow the 32 square foot, 6 foot high sign, you may do so by contacting the board secretary, Angie Pawlowski, at 248-347-0459.

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

Sincerely,

CITY OF NOVI

Jeannie Niland
Ordinance Enforcement Officer

City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

City of Novi Highline Club Apartments



MAP INTERPRETATION NOTICE
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Date: 10/14/2011

