



# COMMUNITY DEVELOPMENT DEPARTMENT

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

## ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: December 12, 2017

REGARDING: 39711 Grand River Avenue, Parcel # 50-22-24-476-025 (PZ17-0057)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Image 360

**Variance Type**

Sign Variance

**Property Characteristics**

Zoning District:	General Business
Location:	West of Haggerty Road and South of Grand River Avenue
Parcel #:	50-22-24-476-025

**Request**

The applicant is requesting a variance from the City of Novi Code of Ordinances Section 28-5.g.1, for the proposed modification of an existing ground sign with the installation of a new changeable copy sign. Base will remain for reuse.

This property is zoned General Business (B-3).

### II. STAFF COMMENTS:

*City Staff cannot support this sign because Business Center are not permitted to utilize electronic illuminated changeable copy signs per Novi Code of Ordinances section 28-5(g))(1).*

### 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. **PZ17-0057**, 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 **deny** the variance in Case No. **PZ17-0057**, sought by \_\_\_\_\_, for \_\_\_\_\_ because Petitioner has not shown 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 higher economic or financial return based on Petitioners statements that \_\_\_\_\_.

(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 at (248) 347-0417.

Larry Butler  
Deputy Director Community Development  
City of Novi



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## ZONING BOARD OF APPEALS APPLICATION

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NOV 01 2017

APPLICATION MUST BE FILLED OUT COMPLETELY

CITY OF NOVI  
COMMUNITY DEVELOPMENT

Application Fee: \$300  
 Meeting Date: Dec. 12, 2017  
 ZBA Case #: PZ 17-0057

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION <u>Pheasant Run Shopping Plaza</u>			
ADDRESS <u>39711 Grand River Ave</u>		LOT/SUITE/SPACE #	
SIDWELL # <u>50-22- 24 - 476 - 025</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY <u>Haggerty &amp; Grand River</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 checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input 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>Nathan.Bertan@Image360.com</u>	CELL PHONE NO. <u>248-990-0446</u>
NAME <u>Nathan Bertan</u>		TELEPHONE NO.	
ORGANIZATION/COMPANY <u>Image 360 - Brighton</u>		FAX NO.	
ADDRESS <u>2150 Pless Dr.</u>		CITY <u>Brighton</u>	STATE <u>MI</u>
		ZIP CODE <u>48114</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 <u>Allie.fayz@fayzproperties.com</u>	CELL PHONE NO.
NAME <u>Allie Fayz</u>		TELEPHONE NO. <u>313-562-6661</u>	
ORGANIZATION/COMPANY <u>Fayz Properties</u>		FAX NO.	
ADDRESS <u>P.O. Box 1178</u>		CITY <u>Dearborn Hts.</u>	STATE <u>MI</u>
		ZIP CODE <u>48127</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 type="checkbox"/> TC <input type="checkbox"/> TC-1 <input checked="" type="checkbox"/> OTHER <u>B-3</u>			
B. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>28-5(g)(1)</u> Variance requested <u>Changeable Copy Sign (EMC)</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) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input checked="" type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600			
B. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF			
<ul style="list-style-type: none"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> </ul>		<ul style="list-style-type: none"> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>	



# 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 or 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

10-31-17

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

10-31-17

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



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**REVIEW STANDARDS  
SIGN VARIANCE**

**CITY OF NOVI  
COMMUNITY DEVELOPMENT**

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:

*Trees in adjacent lot block view from Haggerty Rd.*

*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:

*Due to building orientation, half the businesses cannot be seen, the sign will help this*

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:

## Standard #2. Limit Use of Property.

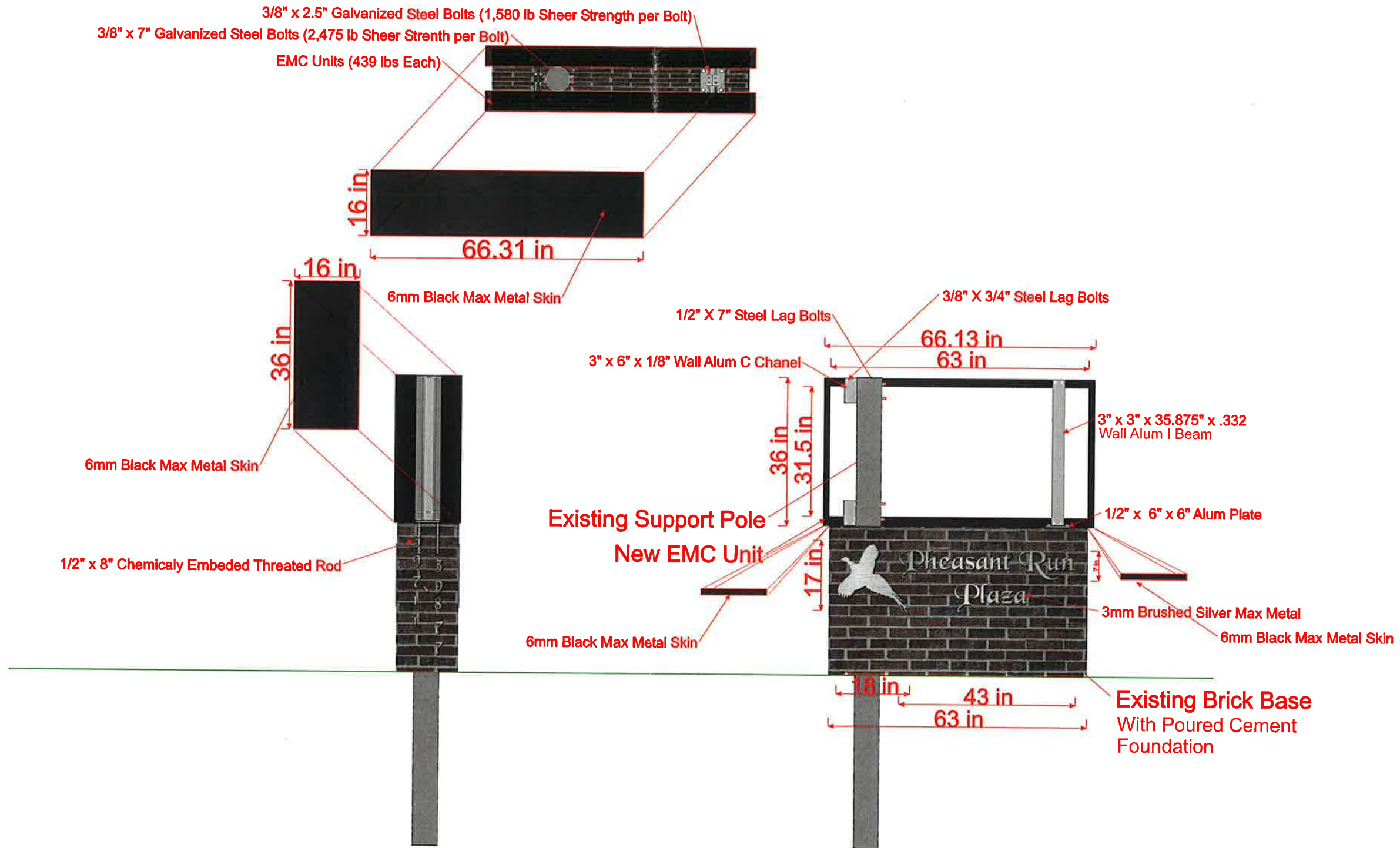
Explain how the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return.

*This would limit the types of businesses willing to lease spaces on this property*

## 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.

*Due to the signs smaller size, there should be little impact on surrounding properties*



Customer: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State/ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

**image360**<sup>TM</sup>  
 Graphics > Signage > Displays

Formerly Brighton Signs by Tomorrow  
 2150 Pless Rd. Ste. 3A Brighton, Michigan 48114  
 810-225-7446  
 signsbytomorrow.com/brighton

Scale	Date:
0.016	10/19/2017
Folder Location	
T:\JOBS BY CUSTOMER\Pheasant Run Plaza	
File Name:	
Pheasant Run Sign.fs	
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*Pheasant  
Run  
Plaza*



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NOV 30 2017

CITY OF NOVI  
COMMUNITY DEVELOPMENT

TO: CITY OF NOVI  
ZONING BOARD OF APPEALS  
45175 TEN MILE ROAD  
NOVI, MI 48375

Please note my comments to:  
**39711 Grand River Avenue, Parcel #50-22-24-476-025 (PZ17-0057)**

Please note my: (Approval) (Objection) to the requested variance.

Comments: Mr. Butler,

The request for better signage with message board is to get the attention of the heavy traffic on Grand River. The businesses need customers after the lunch hour, and as of now have limited exposure. It is difficult to see what businesses are located within the Plaza especially being on the edge of the city limit with Farmington Hills.

Please consider approval of the new sign.

Thank you.

(PLEASE PRINT CLEARLY)

Name: Pheasant Run

Address: 39711 Grand River

Date: 11/30/17

Zoning Board of Appeals meetings are broadcast live on Bright House channel 13-1 and AT&T U-verse channel 99. They are also streamed live on the City's website at [cityofnovi.org](http://cityofnovi.org).

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COMMUNITY DEVELOPMENT

TO: CITY OF NOVI  
ZONING BOARD OF APPEALS  
45175 TEN MILE ROAD  
NOVI, MI 48375

Please note my comments to:  
**39711 Grand River Avenue, Parcel #50-22-24-476-025 (PZ17-0057)**

Please note my: (Approval) (Objection) to the requested variance.

Comments:

Gentlemen:

Would appreciate your consideration to this request that is badly needed.

Restaurants especially need to show their names and services to increase evening business, especially being set so far back from the road. This will help the operations a great deal.

(PLEASE PRINT CLEARLY)

Name: Burger King

Address: 39711 Grand River

Date: 11/30/17

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