



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: December 8, 2020

REGARDING: 43043 Grand River Avenue, Parcel # 50-22-23-104-010 (PZ20-0057)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

LaVanway Sign Company

Variance Type

Sign Variance

Property Characteristics

Zoning District:	Town Center-1
Location:	East of Novi Road and South of Grand River Avenue
Parcel #:	50-22-23-104-010

Request

The applicant is requesting variance from the City of Novi Code of Ordinances Section 28-5(b)(1)a for a proposed 39.5 square foot wall sign, based on the setback from the centerline of Grand River Avenue the sign is oversized by 2 square feet. This property is zoned Town Center-1 (TC-1).

II. STAFF COMMENTS:

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

- I move that we **grant** the variance in Case No. **PZ20-0057**, sought by _____, for _____ because Petitioner has shown practical difficulty requiring _____.
 - Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because _____.
 - The property is unique because _____.
 - 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. **PZ20-0057**, 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

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: _____	
PROJECT NAME / SUBDIVISION <u>Phone Clinic Sign</u>				Meeting Date: _____	
ADDRESS <u>43043 GRAND RIVER AVE</u>		LOT/SUITE/SPACE #		ZBA Case #: <u>PZ</u>	
SIDWELL # <u>NOVI MI 48375</u> 50-22-_____		May be obtain from Assessing Department (248) 347-0485			
CROSS ROADS OF PROPERTY <u>GRAND RIVER & NOVI ROAD</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 type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input checked="" 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>wike@lavanwaysigns.com</u>		CELL PHONE NO. <u>248-470-8932</u>	
NAME <u>Michael Kean</u>				TELEPHONE NO. <u>248-356-1600</u>	
ORGANIZATION/COMPANY <u>Lavanway Sign Co., Inc.</u>				FAX NO. <u>248-356-1694</u>	
ADDRESS <u>22124 Telegraph Rd</u>		CITY <u>Southfield</u>		STATE <u>MI</u> ZIP CODE <u>48067</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>DILLON@myphoneclinic.com</u>		CELL PHONE NO. <u>248-496-0624</u>	
NAME <u>DILLON DENHA</u>				TELEPHONE NO. <u>248-496-0624</u>	
ORGANIZATION/COMPANY <u>Phone Clinic</u>				FAX NO. <u>N/A</u>	
ADDRESS <u>43043 GRAND RIVER AVE</u>		CITY <u>NOV</u>		STATE <u>MI</u> ZIP CODE <u>48375</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>OSC</u>					
B. VARIANCE REQUESTED					
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:					
1. Section <u>28-5(b)(4)</u> Variance requested <u>additional sign area</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 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"> • Dimensioned Drawings and Plans • Site/Plot Plan • Existing or proposed buildings or addition on the property • Number & location of all on-site parking, if applicable • Existing & proposed distance to adjacent property lines • Location of existing & proposed signs, if applicable • Floor plans & elevations • Any other information relevant to the Variance application 					



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 established 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

Michael J. Keane
Applicant Signature

10/30/2020
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.

Silvan Verba
Property Owner Signature

11/2/2020
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



Community Development Department

45175 Ten Mile Road
Novi, MI 48375
(248) 347-0415 Phone
(248) 735-5600 Facsimile
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REVIEW STANDARDS SIGN VARIANCE

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. **Describe below:**

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 storm water facilities. **Describe below:**

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. **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). **Describe below:**
- 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. **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.

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.

LAVANWAY
SIGN COMPANY, INC.
www.lavanwaysigns.com

22124 TELEGRAPH RD.
SOUTHFIELD, MI 48033
PH. (248) 356-1600 FAX (248) 356-1694

November 2, 2020

City of Novi
Community Development Department
45175 Ten Mile Rd.
Novi, MI 48375

Re: 43043 Grand River Ave - Zoning Board of Appeals Application

Dear Board of Appeals,

Our client, Phone Clinic, having experienced significant economic hardship already from the current COVID-19 crisis and desiring to sustain the struggling business, sought to re-employ a currently existing sign that was owned and utilized at the business's previous location in order to mitigate further financial stress on the business at their new location in Novi.

The existing sign (39.5 sf) exceeds the ordinance area allowance of 37.5 sf by only 2 sf – that is an excess of less than 6% of what is allowed. This amount is negligible and as one can see from the attached renderings, the existing sign size would be appropriate in scale for the length and height of the building; especially when considered in conjunction with the other business signs located at this development. The allowed re-use of the existing sign would neither interfere or negatively impact any of the adjacent businesses.

Granting this variance would maintain the spirit and intent of Novi Sign Ordinance as well as grant relief, justice, and compassion to this struggling business owner.

Thank you for your time.

Sincerely,

Michael Kean
Project Manager

Subject: 43043 Grand River Ave.-Phone Clinic wall sign
From: "Martinez, Deborah" <dmartinez@cityofnovi.org>
Date: 11/2/2020, 9:46 AM
To: "don@lavanwaysigns.com" <don@lavanwaysigns.com>
CC: "DILLION@MYPHONECLINIC.COM" <DILLION@MYPHONECLINIC.COM>

Good Morning, Don and Dillon.

Don, as per our phone conversation on 10/13/20, the 39.5 sq. ft. illuminated wall sign, for the "*Phone Clinic*" business located at **43043 Grand River Avenue has been DENIED**, as it is oversized. According to the City of Novi Sign Code, Chapter 28, Section 28-5 (b)(1)a.:

(b) Area regulations, all zoning districts except TC-1 and GE.

(1) Wall signs—single or multi-story.

a. Multiple businesses: A business having a first floor pedestrian entrance shall be allowed one and one-fourth (1.25) square feet of signage per linear foot of contiguous public or private street frontage (including utility right-of-way frontage contiguous with a street) up to a maximum of sixty-five (65) square feet.

You have two options at this time:

1. Submit a revised sign project for a smaller-sized sign (the maximum allowable size, based upon the 30 ft. lineal frontage of this tenant space, is 37.5 sq. ft.), or
2. Seek a variance from the City of Novi Zoning Board of Appeals

If you elect to seek a ZBA variance, please note that there is a deadline for submittal of your ZBA application. The next ZBA meeting that is available will be held on December 8, 2020, and the deadline to submit an application is **November 2, 2020 (today)**. If you elect to seek a variance, please contact **Kate Oppermann** in the Building Dept. at **(248) 347-0459**. Please contact me if you have any questions regarding this denial. Thank you.



Deborah Martinez | Code Compliance Officer
City of Novi | 45175 Ten Mile Road | Novi, MI 48375 USA
t: 248.735.5671 | c: 248.255.6002 | cityofnovi.org

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Grand River Ave.

30 ft

43043 Grand River Ave

Google



Before



After

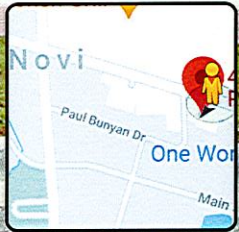


43043 Grand River Ave
Novi, Michigan

Google

Street View

Proposed



Before



After

