



# 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:** AUGUST 9, 2016

**REGARDING:** 43443 GRAND RIVER AVE, Parcel # 50-22-22-227-029  
**BY:** Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

B-B SIGN & LIGHTING, INC.

**Variance Type**

SIGN VARIANCE

**Property Characteristics**

Zoning District: TC-1 (Town Center One)  
Location: SOUTH OF GRAND RIVER AVENUE AND WEST OF NOVI ROAD  
Parcel #: 50-22-22-227-029

**Request**

The applicant is requesting a variance from the CITY OF NOVI Code of Ordinance; Section 28-5(3) to allow installation an additional rear wall sign of 30 square feet for increased visibility. The property is zoned TC-1 (Town Center One).

### II. STAFF COMMENTS:

**Proposed Changes**

The applicant is requesting permission to install an additional 30 square feet rear wall sign for increased visibility to the public. The proposed business is a carry out restaurant in a multi-tenant center.

### 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. **PZ16-0029**, 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 is 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. **PZ16-0029**, 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 Petitioner's 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

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION City Center Plaza Phase III			
ADDRESS 43443 Grand River		LOT/SIUTE/SPACE # 220	
SIDWELL # 50-22-		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Grand River and Novi Road			
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 type="checkbox"/> NO			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS bbsigns@ameritech.mne	CELL PHONE NO. 248.249.3941
NAME Robert J. Bongirone		TELEPHONE NO. 548.548.4170	
ORGANIZATION/COMPANY B-B Sign & Lighting, Inc.		FAX NO. 248.548.2825	
ADDRESS 1528 E. Eleven Mile Road	CITY Madison Heights	STATE MI	ZIP CODE 48071
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY City Center Plaza		FAX NO.	
ADDRESS 200 Renaissance Center, Suite 3145	CITY Detroit	STATE MI	ZIP CODE 48243
<b>III. ZONING INFORMATION</b>			
<b>A. ZONING DISTRICT</b>			
<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 type="checkbox"/> OTHER _____			
<b>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>28-5 (3)</u> Variance requested <u>Sign Variance</u>			
2. Section _____ Variance requested _____			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
<b>IV. FEES AND DRAWINGS</b>			
<b>A. FEES</b>			
<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>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>			
<input type="checkbox"/> Dimensioned Drawings and Plans <input type="checkbox"/> Site/Plot Plan <input type="checkbox"/> Existing or proposed buildings or addition on the property <input type="checkbox"/> Number & location of all on-site parking, if applicable		<input type="checkbox"/> Existing & proposed distance to adjacent property lines <input type="checkbox"/> Location of existing & proposed signs, if applicable <input type="checkbox"/> Floor plans & elevations <input type="checkbox"/> Any other information relevant to the Variance application	

Application Fee: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

ZBA Case #: PZ \_\_\_\_\_



# 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 of 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<sup>3</sup> or Ordinance made

CONSTRUCT NEW HOME/BUILDING    ADDITION TO EXISTING HOME/BUILDING    SIGNAGE  
 ACCESSORY BUILDING    USE    OTHER \_\_\_\_\_

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

Robert J. Bongiorno  
Applicant Signature

6/27/16  
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.

ges Kern  
Property Owner Signature

6/22/16  
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**

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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.

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:

*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:

**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:

**The proposed monument sign is within all ordinance restrictions for area, height, and set-back in the OST Office district, but the only issue being this is a smaller multi-tenant complex that will hold three (3) tenants instead of four (4) as required to install a business center sign. Under section 28-5, part 1-b the OST district is allowed on premises advertising signs as follows:**

- 1. Business sign: Ground sign, wall sign, or canopy sign;**
  - 2. Business Center Sign: Ground sign only;**
  - 3. Entranceway sign;**
- etc...**

**According to the zoning definitions a "business sign means a sign that directs attention to a business or profession conducted, or to a product, service, or activity sold or offered upon, the premises where such a sign is located and that reference only the name of the business at the premises, the profession conducted, and the product, service, or activity sold or provided at the premises." A "business center sign means a sign that identifies the name and/or logo of a group of four (4) or more contiguous stores or contiguous industrial businesses or an industrial subdivision developed as a planned complex, or of a multi-tenant, multi-story office or industrial building, and that does not contain any additional information regarding individual stores, services, businesses, institutions, organizations, or industries located within the planned complex or contiguous stores.**

## **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.

**Section 28-1.5, in summary states that it is the intent of the zoning ordinance, among other intentions, to encourage good design in the overall context and visual image of signs and to allow signs that overall enhance the overall appearance of the business community with signs that are adequate but not excessive.**

**The proposed sign upholds all intentions of the zoning ordinance, and provides the ability for each business within this business center to advertise in a way that is safe, and avoids confusion or sign clutter/overload to drivers passing by thus minimizing the adverse effects of signs on nearby public and private property.**

**Part (l) of section 28-1.5 notes the ordinance does "recognize that advertising signs are a legitimate advertising medium in the locations which neither lessen the visual attributes of the city through the placement of such signs, nor cause confusion, safety problems, or lessen the ability to identify local businesses through visual clutter."**

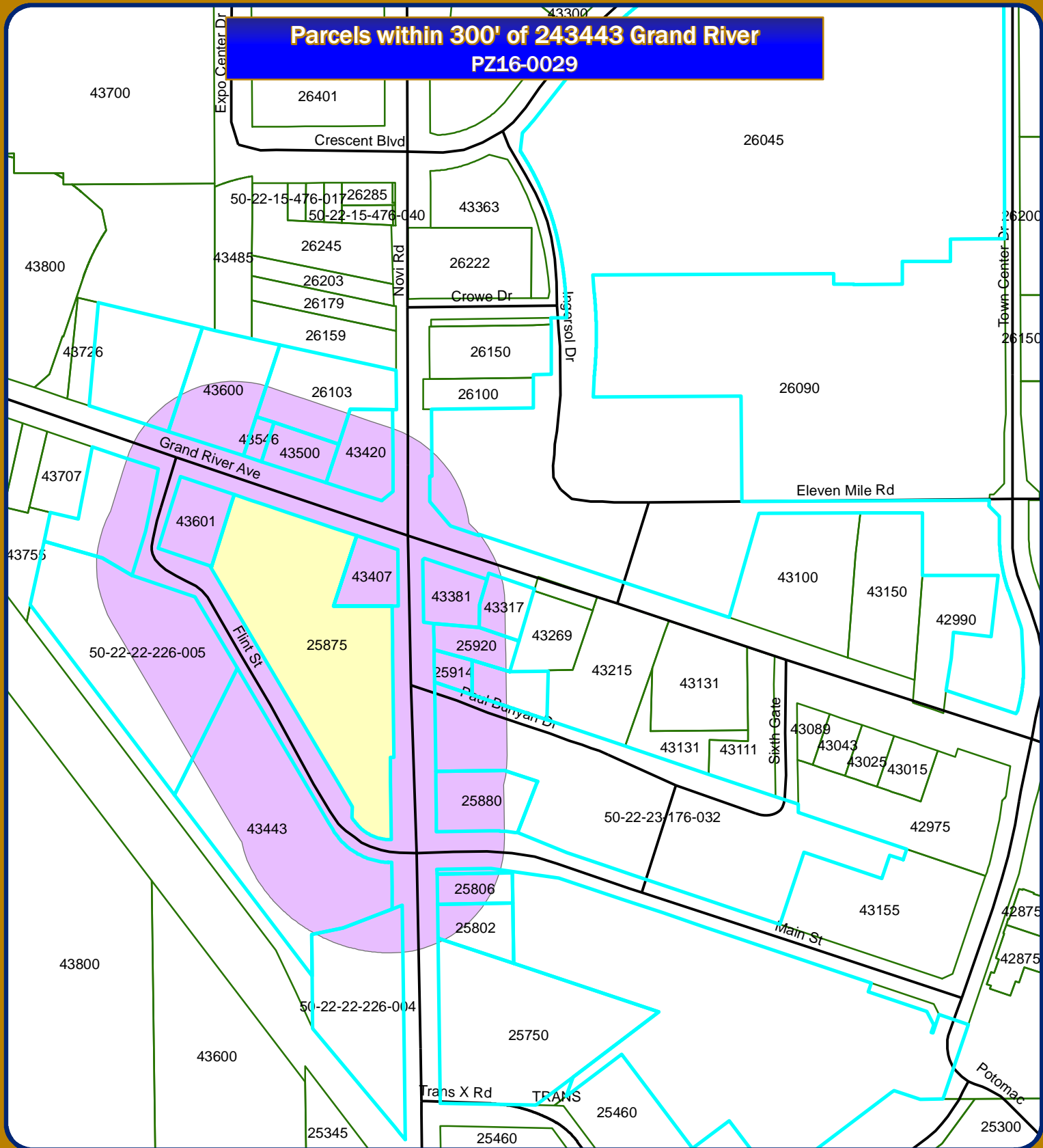
**Again the proposed business center sign will cause less confusion and essentially reduce any safety problems that may arise by not allowing a sign at the road to identify the businesses to drivers. Failure to grant relief will limit the use of the property against surrounding businesses and would be more than just a simple inconvenience.**

### **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.

**Granting variance of a three (3) tenant business center sign will in no way interfere with adjacent or surrounding properties in that the sign is designed to fall within all zoning restrictions for a business sign in the way of height, area, and set-back keeping the sign consistent with the intent and spirit of this chapter. Substantial justice would be granted to the applicant and surrounding properties as it would keep public confusion minimized and allow the advertising of each tenant consistent with that allowed by nearby businesses while reducing any clutter.**

# Parcels within 300' of 243443 Grand River PZ16-0029



Map Author: Jon Gartha  
 Date: July 5, 2016  
 Address List for 22-22-227-029  
 Version #: 1.0

Amended By:  
 Date:  
 Department:

**MAP INTERPRETATION NOTICE**  
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi.  
 Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**Map Legend**

- 300' Buffer
- Subject Property
- Tax Parcel

**Municipality**

- Novi
- Novi Twp.



**City of Novi**  
 IT Department  
 GIS Division  
 45175 Ten Mile Rd  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)

Feet  
 0 70 140 280 420  
 1 inch = 348 feet





# B-B Sign & Lighting, Inc.

1528 E. Eleven Mile Road  
Madison Heights, MI 48071

June 22, 2016

RE: Sign Variance Request  
For: Pizza Hut  
43443 Grand River, Suite 220

To Whom It May Concern:

This letter is being submitted, requesting a variance for a second (30 sq. ft.) wall sign, to be installed on the north elevation (back of building), at the above referenced address.

Pizza Hut will lease this unit only if a variance, from the ZBA, will be granted for the second wall sign. Pizza Hut is concerned with little to no visibility of the store's front wall sign (south side) due to a building located directly to the south that blocks the wall sign from the traffic on Novi Road. This unit is set back in the plaza and not a front corner unit making the identification and visibility poor or non-existent for potential customers.

If the variance for the second 30 sq. ft. wall sign for the back wall (north elevation) were to be granted, this will give the needed visibility to our potential customers traveling at the intersection of Novi and Grand River Roads. Giving more visibility to the south bound traffic on Novi Road and the east and west bound traffic on Grand River Road. The back wall sign will provide identification to potential customers at the businesses at the intersection, providing a greater chance to achieve success. Having only the front wall sign limits our visibility to potential customers.

Thank you on behalf of the Redberry Investment Group,

Robert J Bongiorno  
Vice President  
B-B Sign & Lighting, Inc.

PIZZA HUT  
PROPOASED WALL SIGNS

REAR ELEVATION



128"

LED CHANNEL LETTERS WITH LOGO



1528 E. ELEVEN MILE RD.  
MADISON HEIGHTS, MI 48071  
PH: 248-548-4170  
FAX: 248-548-2825

SITE LOCATION:  
PIZZA HUT  
43443 GRAND RIVER, SUITE 220  
NOVI, MI  
JOB # 61620-1

SQ. FT. 30  
SCALE:  
U/L#

APPROVED BY:  
DATE:  
DRAWN BY: RJB

DATE: 6/20/16  
PAGE: 2  
REVISED:

PIZZA HUT  
PROPOSED WALL SIGNS

FRONT ELEVATION



LED CHANNEL LETTERS WITH LOGO

156"



1528 E. ELEVEN MILE RD.  
MADISON HEIGHTS, MI 48071  
PH: 248-548-4170  
FAX: 248-548-2825

SITE LOCATION:  
PIZZA HUT  
43443 GRAND RIVER, SUITE 220  
NOVI, MI  
JOB # 61620-1

SQ. FT. 30  
SCALE: \_\_\_\_\_  
U/L# \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
DRAWN BY: RJB

DATE: 6/20/16  
PAGE: 1  
REVISED: \_\_\_\_\_



CITY CENTER  
PLAZA

2009 5 8



STOP

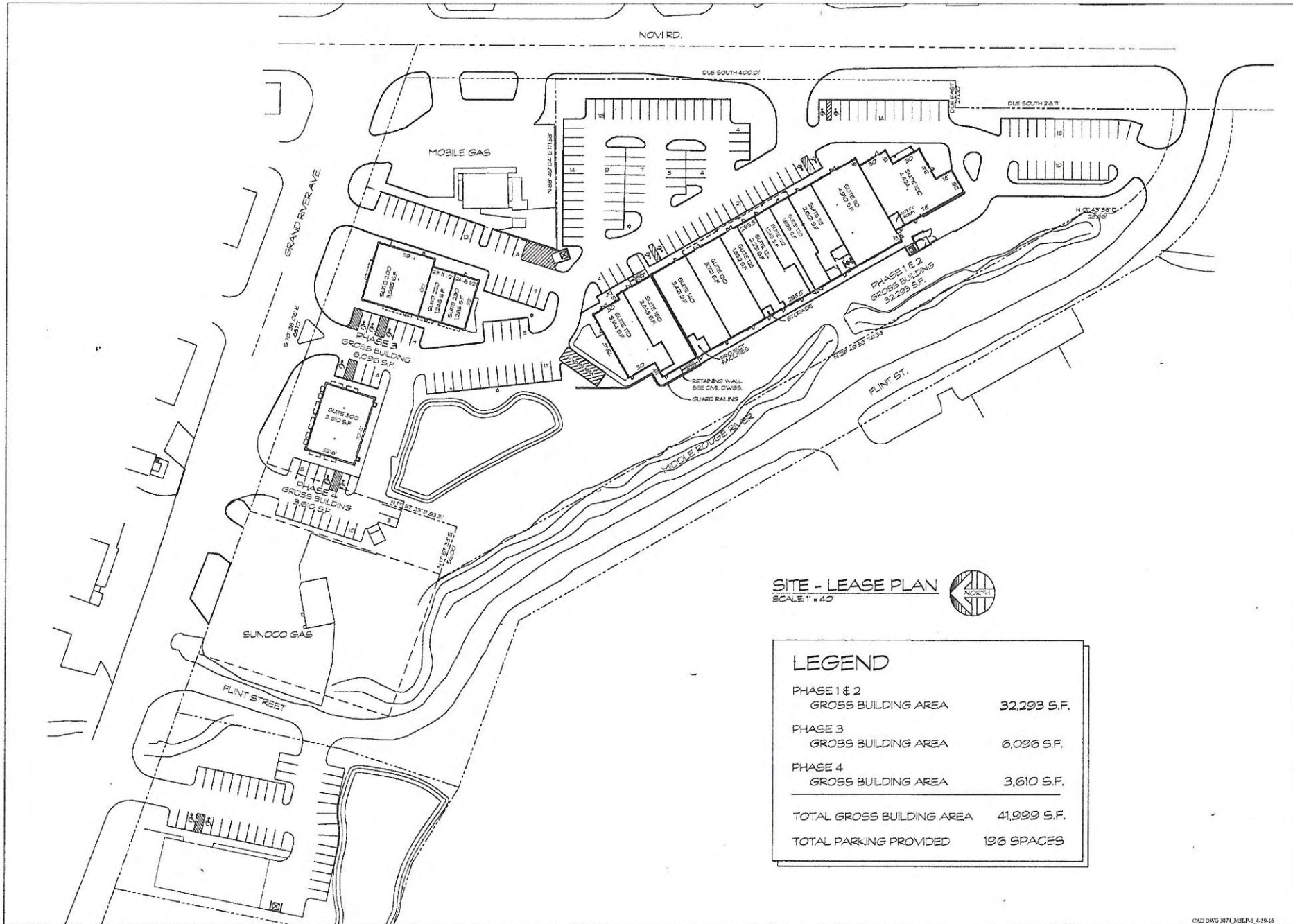
TURN RIGHT ONLY

COACHING SC ON  
ATHLETIC  
PHYSICAL THERAPY  
K... ..

P... ..

COONEY





**SITE - LEASE PLAN**  
SCALE: 1" = 40'

LEGEND	
PHASE 1 & 2 GROSS BUILDING AREA	32,293 S.F.
PHASE 3 GROSS BUILDING AREA	6,096 S.F.
PHASE 4 GROSS BUILDING AREA	3,610 S.F.
<b>TOTAL GROSS BUILDING AREA</b>	<b>41,999 S.F.</b>
<b>TOTAL PARKING PROVIDED</b>	<b>196 SPACES</b>

**Dates:**  
 01/15/03  
 02/10/03  
 03/10/03  
 04/10/03  
 05/10/03  
 06/10/03  
 07/10/03  
 08/10/03  
 09/10/03  
 10/10/03  
 11/10/03  
 12/10/03

**Project**  
 CITY CENTER PLAZA  
 NOV.

**Subject**  
 SITE PLAN  
 MICHIGAN

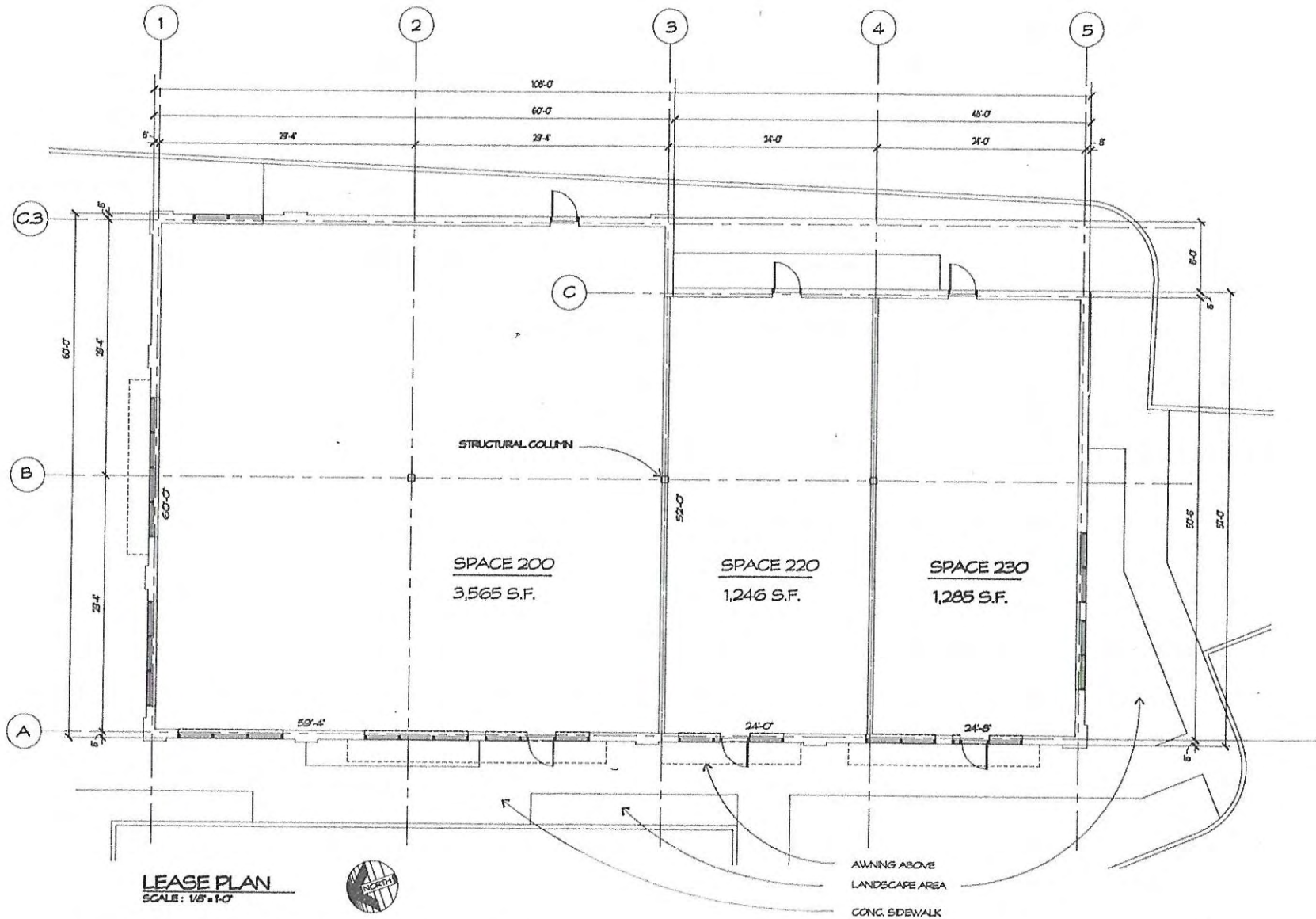
**Wah Yee Associates**  
 2071 WESTINGHOUSE BLVD  
 FARMINGTON HILLS, MICHIGAN 48331  
 PHONE 248.607.1150 FAX 248.671.3135



Do not  
 scale drawings  
 for dimensions  
 dimension  
 WAH YEE  
 Assoc. 2002

Job Number  
 3074

Sheet Number  
 MSLP-1



## CITY CENTER PLAZA PHASE III

NOVI, MICHIGAN



WAH YEE ASSOCIATES  
ARCHITECTS & PLANNERS

3791 WEST TWELVE MILE ROAD  
FARMINGTON HILLS, MICHIGAN 48334  
PHONE 248.489.9160 FAX 489.0133

All floor, section, elevation, and plan  
drawings are prepared by the drawing and  
revision department of Wah Yee Associates  
Architects & Planners. The drawings are  
designed for the use of the contractor and  
shall not be used for any other purpose  
without the written consent of Wah Yee  
Associates. If you require further  
information or have any questions, please  
contact the architect at the address above  
or by phone at the number above.

PRELIMINARY  
NOT FOR CONSTRUCTION

ISSUED 5/03  
REVIEW  
AUGUST 28, 2008  
SEPT. 30, 2008  
OCT. 16, 2008

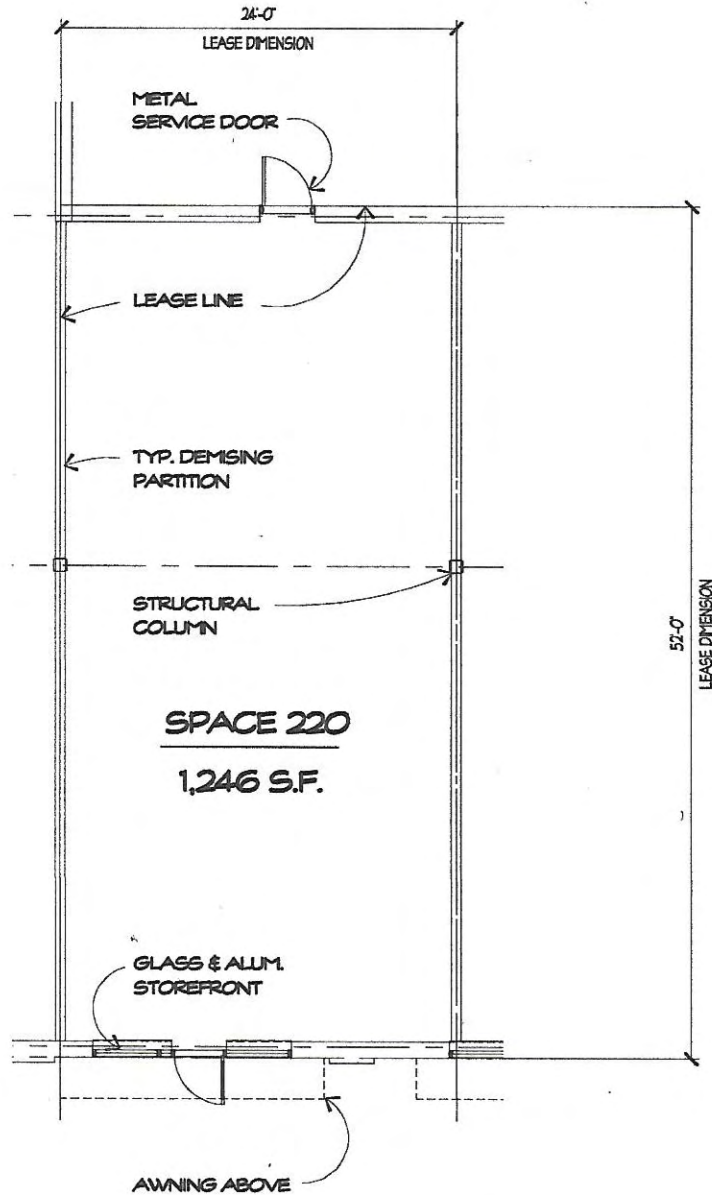
### DEVELOPMENT DATA

GROSS BUILDING AREA	6,096 S.F.
GROSS LEASABLE AREA	6,096 S.F.

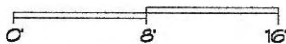
LEASE PLAN L-5

CAD DWG 369915\_9-30-08





**LEASE PLAN**  
SCALE: 1/8" = 1'-0"



LOD 220

# CITY CENTER PLAZA PHASE III

NOVI, MICHIGAN



**WAH YEE ASSOCIATES**  
ARCHITECTS & PLANNERS

37911 WEST TWELVE MILE ROAD  
FARMINGTON HILLS, MICHIGAN 48331  
PHONE 248.489.9160 FAX 489.0133

CAD DWG 3699\_L-5\_LOD\_220\_9-30-08

All ideas, designs, arrangements, and plans indicated or represented by this drawing are owned by and the property of Wah Yee Associates and shall remain confidential and developed for use on and in connection with the specified project. None of such ideas, arrangements, or plans shall be used by or disclosed to any person, firm or corporation for any purpose whatsoever without the written permission of Wah Yee Associates.

DATE:  
SEPT. 30, 2008  
OCT., 16, 2008

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**