



# 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: November 19, 2019

REGARDING: 45685 Timberlane Court, Parcel # 50-22-04-200-009 (PZ19-0041)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

#### Applicant

Waterview Farms Apartments

#### Variance Type

Sign Variance

#### Property Characteristics

Zoning District:	Low-Density Multiple-Family
Location:	East of Beck Road and South of West Pontiac Trail
Parcel #:	50-22-04-200-009

#### Request

The applicant is requesting variances from the City of Novi Code of Ordinances Section 28-5(a) for two proposed ground signs (one ground sign allowed by code) and 28-5(f)(3) for a proposed 0 feet setback from the right-of-way (not less than 10 feet back from the right-of-way allowed by code). This property is zoned Low-Density Multiple-Family (RM-1).

### II. STAFF COMMENTS:

### 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. **PZ19-0041**, 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. **PZ19-0041**, 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



cityofnovi.org

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# ZONING BOARD OF APPEALS VARIANCE APPLICATION CHECKLIST

The following items are required for a complete Variance application. Incomplete applications will be returned.

### Signed Application Form

Complete the Zoning Board of Appeals application form. Application must be signed by the applicant and the property owner (if different).

### Response to Variance Review Standards – Dimensional, Use, or Sign

Select the applicable Review Standards for the requested Variance and complete in full. Use additional paper if needed. If you don't know which Review Standards to complete, call the Community Development Department at 248.347.0415 for guidance.

### Dimensioned Site Plan (1 copy & 1 digital copy submitted as a PDF)

- Existing or proposed buildings or additions on the property.
- Number and location of all on-site parking spaces.
- Existing and proposed distances to adjacent property lines.
- Location of existing and proposed signs, if applicable.
- Any other information relevant to the Variance application.

### Dimensioned Drawings and Plans (1 copy & 1 digital copy submitted as a PDF)

- Floor plans and elevations with all proposed buildings and additions.
- All existing and proposed signs on the property (photographs may be used).
- For use variances, include floor plan showing the existing and proposed layout and functions of each area.
- For multi-family residential structures or projects, a summary showing the existing and proposed number of dwelling units by type (efficiency, one-bedroom, two-bedroom, etc.)

### Other Helpful Information – Optional (1 copy & 1 digital copy submitted as a PDF)

- Photographs of the lot or structure that shows the special conditions or circumstances described in the application.
- Photographs or maps that show how other properties in the area enjoy the same type of property rights related to the Variance.
- Letters of support from the neighbors who would be most affected by your request.

### Fee (make check payable to the City of Novi)

Single Family Residential (Existing) \$200 (With Violation) \$250  
Single Family Residential (New) \$250  
Multiple/Commercial/Industrial \$300 (With Violation) \$400  
Signs \$300 (With Violation) \$400  
House Moves \$300  
Special Meetings (At discretion of Board) \$600

### Additional Information

In the course of reviewing the application, the Planning Department staff may request additional information from the applicant.



# 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

*John Imbrice*

Applicant Signature

9.27.19

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.

*Maahew Resler*

Property Owner Signature

9.27.2019

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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## ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

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

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

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

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Waterview Farms			
ADDRESS 45685 Timberlane Court		LOT/SIUTE/SPACE # N/A	
SIDWELL # 50-22-04 - 200 - 009		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Pontiac Trail			
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 dave.embree@comcast.net	CELL PHONE NO. 313-300-3896
NAME David Embree		TELEPHONE NO. 586-777-2252	
ORGANIZATION/COMPANY Embree Sign Co., Inc.		FAX NO. N/A	
ADDRESS 26520 Harper Ave	CITY St. Clair Shores	STATE MI	ZIP CODE 48081
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 m.dreer@prinmgmt.com / d.jullette@pmapts.com	CELL PHONE NO. 248-866-2821 Danielle
NAME Waterview Farms Apartments (CAP) LLC		TELEPHONE NO. 248-624-0004	
ORGANIZATION/COMPANY Princeton Management		FAX NO. 248-624-4612	
ADDRESS 2550 Telegraph Road, Suite 200	CITY Bloomfield Hills	STATE MI	ZIP CODE 48302
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 checked="" 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. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>28-5 (a)</u> Variance requested <u>2 Ground Signs Requested, 1 Allowed</u>			
2. Section <u>28-5 (f)(3)</u> Variance requested <u>0 feet back from ROW, 10' Required</u>			
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			
<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	



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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:**

The existing Waterview Farms Apartments sign is located in the center of our property, between the two entrances. The sign has fallen into disrepair and must be replaced. However, we cannot keep the same location because it is too close to the new sidewalk the City of Novi installed along Pontiac Trail in front of Waterview Farms. If the sign is moved further back onto our property it will not be visible from the road. We are the only apartment community on this stretch of Pontiac Trail with two main entrances on the same road - neither entrance has a center boulevard in which to place a sign. If we move the sign to one entrance, it will not be visible from the other entrance. The only way our sign will be visible to passing traffic is to keep it, or allow for new signs to be placed at each entrance.

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:**

N/A

- 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:**

Prior to the City of Novi installing a sidewalk along Pontiac Trail in front of Waterview Farms Apartments, our property sign was located in the center of our property, between the two main entrances. With the installation of the new sidewalk, our existing sign location is now too close to the newly installed sidewalk and must be relocated. If the sign is moved further back onto our property it will not be visible from the road. The only way our signage will be visible to passing motorists is to allow for new signs to be placed at each entrance of the property, one at Wedgewood Drive and one at Timberlane Court.

## 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.

Without adequate and visible signage the property will suffer on multiple fronts. The property is in a highly congested multi-family location - there are 4 adjacent apartment communities on this stretch of Pontiac Trail, and prospective visitors will pass by unable to locate our community without the sign being in a highly visible location. Additionally, without adequate and visible signage, guests of our current residents will have difficulty finding the property, causing a negative impact on our business and our resident's living experience.

## 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.

An approved Sign Variance will not negatively impact or interfere with adjacent or surrounding properties. The requested locations do not present a hazard to drivers along Pontiac Trail and do not detract from our neighboring property's signage. We are only requesting a variance due to the need to replace our signage, and the inability to re-use the existing location due to the new sidewalk the City of Novi installed as part of the Walkable Novi project. Failure to grant the sign variance will result in loss of business for Waterview Farms due to residents and guests inability to locate the community. Additionally, the new signage is significantly more attractive than the old signage, and accordingly will improve the overall appearance and value of every property and business nearby.









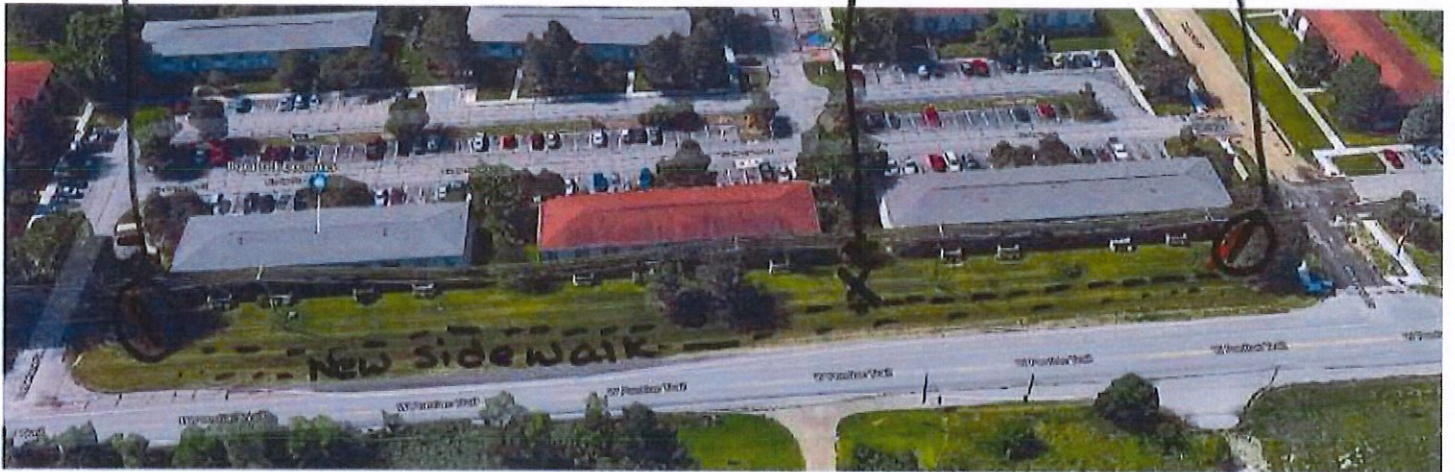




new sign placement

old sign

new sign placement



\* Sign on angle  
\* Trees are gone

45685 Timberlane  
Novi, MI 48377

8/29/2019

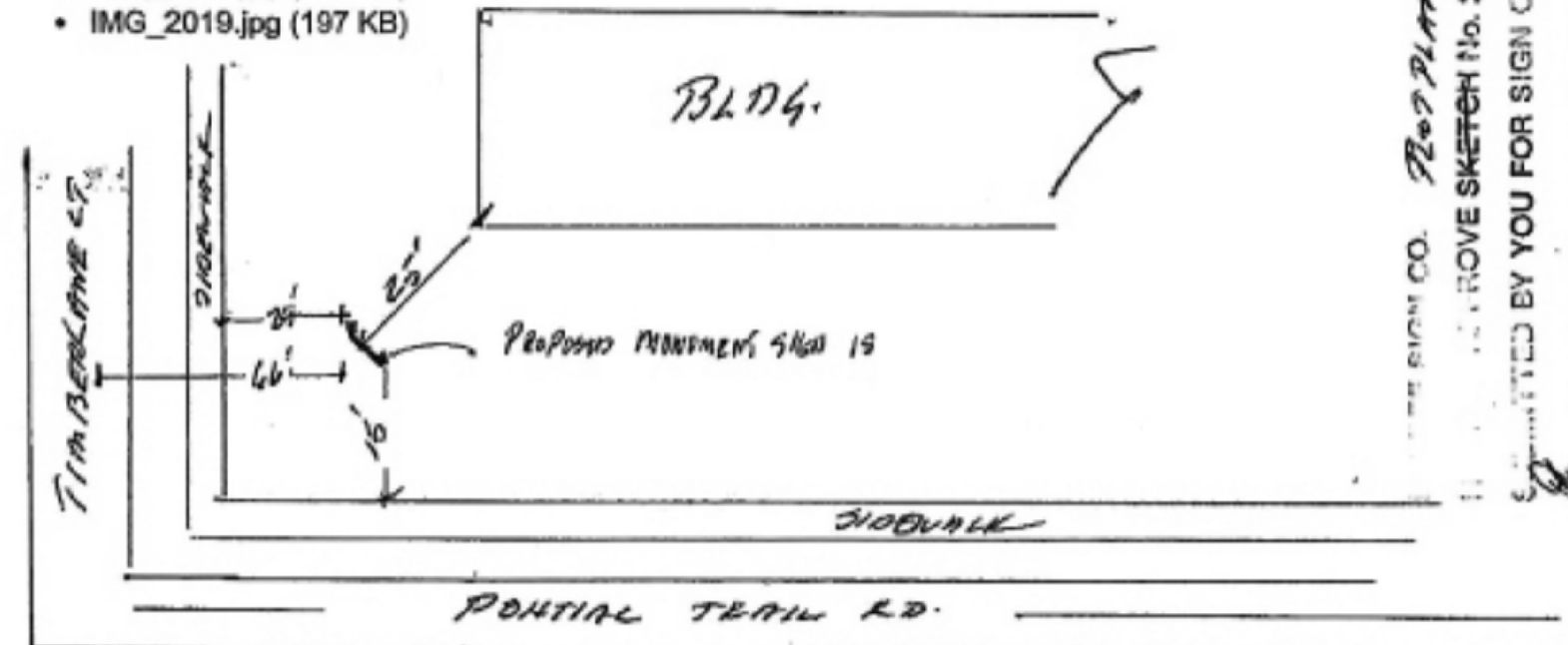
Xlinity Connect Picas Printout

45645 TIMBERLANE RD. NOVI, MI. WATERVIEW FARMS



PROPOSED SIGN w/ ORANGE STRAKES (WEST ENTRANCE)

- IMG\_2018.jpg (261 KB)
- IMG\_2019.jpg (197 KB)



**B** ENLARGED SIGN LOCATION DETAIL  
SCALE: NOT TO SCALE

019

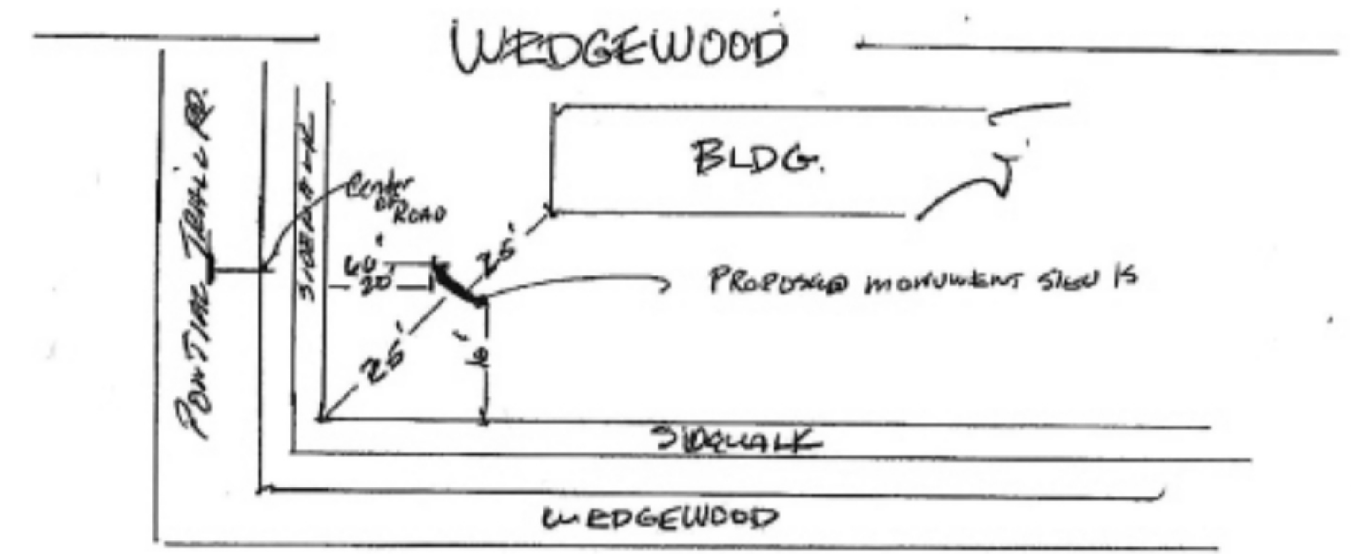
Xlinity Connect Picas Printout

WEST ENTRANCE

dave.embreesignco@comcast.net  
Pics  
To dave.embreesignco@comcast.net

PROPOSED SIGN w/ ORANGE STRAKES  
45645 TIMBERLANE RD., NOVI, MI.  
WATERVIEW FARMS

Sent from my iPhone



**A** ENLARGED SIGN LOCATION DETAIL  
SCALE: NOT TO SCALE

### 1-Sided Monument Sign



**C** SIGN DETAIL CUT SHEET  
SCALE: NOT TO SCALE

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

WATERVIEW FARMS APARTMENTS

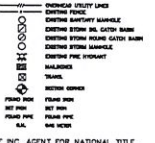
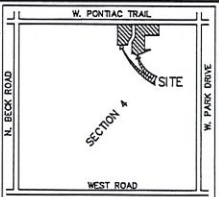
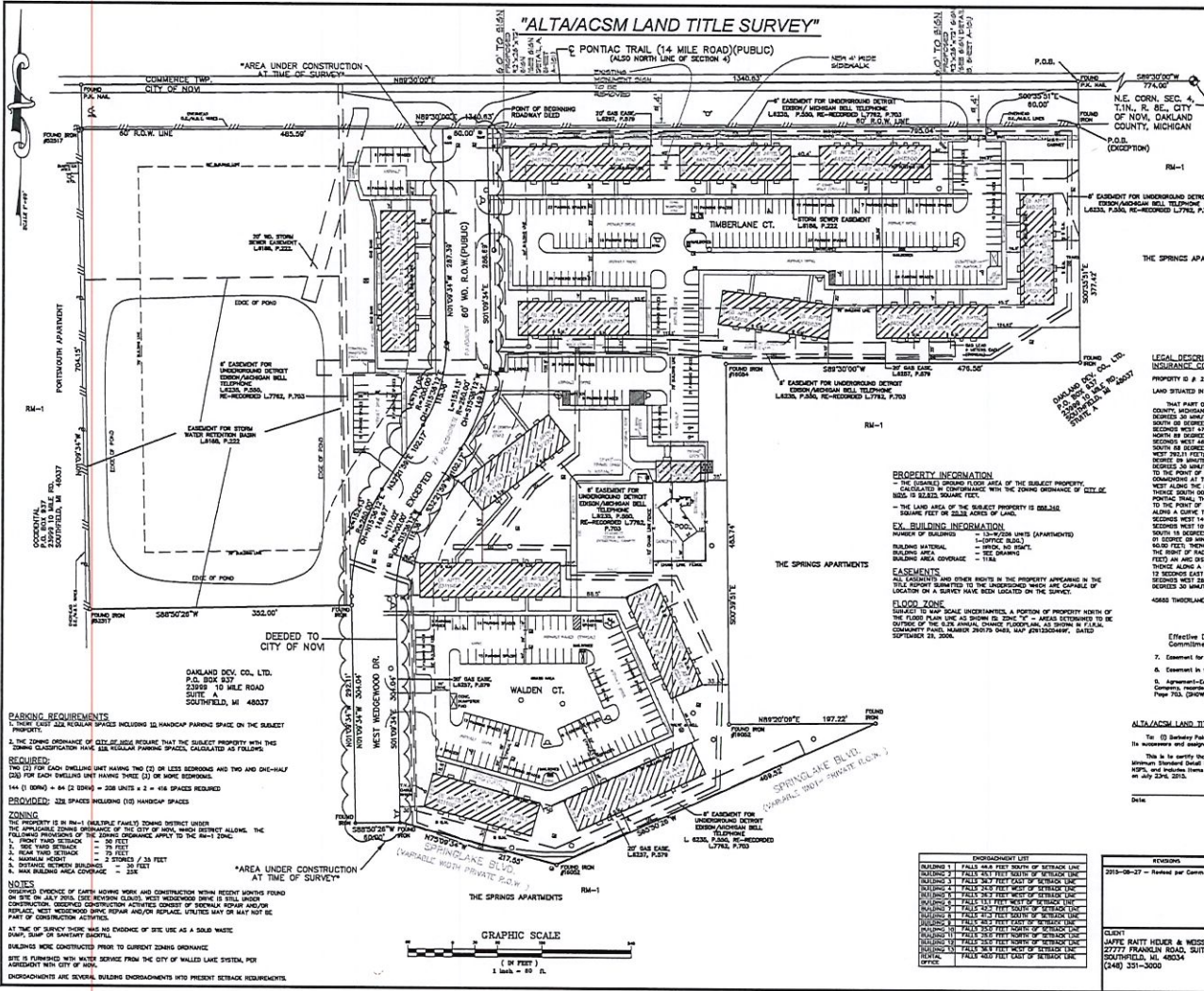
45685 TIMBERLANE COURT  
NOVI, MICHIGAN 48377

ZACK M OSTROFF & ASSOCIATES  
RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER  
MEMBER AIA BID  
web: www.zoarchitecture.com  
email: zack@zoarchitecture.com  
PH: 248.425.4190

THIS DRAWING AS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

SHEET TITLE	SIGN DETAIL CUT SHEET
ENLARGED SIGN DETAIL	
SHEET SCALE	AS NOTED
PROJECT NO.	19-124
DATE	09.18.19
SHEET NUMBER	A-101



LEGAL DESCRIPTION AS PROVIDED BY TITLE SOURCE INC. AGENT FOR NATIONAL TITLE INSURANCE COMPANY, LAC-SUBJECT TO, BY LICENSE, AND ACCORDANCE WITH:

PROPERTY INFORMATION  
EX-BUILDING INFORMATION  
EASEMENTS  
FLOOD ZONE  
EXCEPTIONS  
Effective Date: July 1, 2015  
Commencement: No. 50494310  
1. Consent for Survey in favor of the City of Novi, recorded March 12, 1973 in Liber 818B, Page 222 (3-DRAWN)  
2. Consent in favor of Consumers Power Company, recorded March 12, 1974 in Liber 821E, Page 278 (2-DRAWN)  
3. Agreement-Consent-Recordations in favor of the Detroit Edison Company and Michigan Bell Telephone Company, recorded January 22, 1971 in Liber 825B, Page 350 and re-recorded on April 4, 1980 in Liber 779E, Page 732 (3-DRAWN)

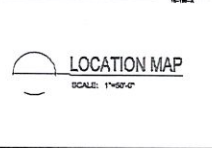
ALTA/ACSM LAND TITLE SURVEY CERTIFICATE  
This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, partly established and updated by ALTA and ASPS, and conforms to the ALTA/ACSM Land Title Survey Manual, 10th Edition, as published by the International Association of Certified Land Surveyors, Inc. on July 23rd, 2011.

REVISIONS

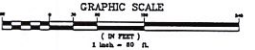
NO.	DATE	DESCRIPTION
01	2015-09-27	Revised per Comments

**LEHER ASSOCIATES, INC.**  
PROFESSIONAL ENGINEERS & SURVEYORS  
17000 NICHOLEE MALE ROAD, SUITE 3  
CLINTON TOWNSHIP, MICHIGAN 48030-1033  
CLINTON, MI 48030  
PHONE: (588) 412-7000  
FAX: (588) 412-7114

**WATERVIEW FARMS APARTMENTS**  
ALTA/ACSM LAND TITLE SURVEY  
PART OF THE NORTH 1/2 OF SECTION 4, T14, R8E, N07W TOWNSHIP, DAQUAN COUNTY, MICHIGAN



**PARKING REQUIREMENTS**  
1. THERE SHALL BE 322 REGULAR SPACES INCLUDING 32 HANDICAP PARKING SPACES ON THE SUBJECT PROPERTY.  
2. THE ZONING ORDINANCE OF THE CITY OF NOVI REQUIRE THAT THE SUBJECT PROPERTY WITH THIS ZONING CLASSIFICATION HAVE 322 REGULAR PARKING SPACES, CALCULATED AS FOLLOWS:  
**REQUIRED:**  
780 (2) FOR EACH BUILDING UNIT HAVING TWO (2) OR LESS BEDROOMS AND TWO AND ONE-HALF (2 1/2) FOR EACH BUILDING UNIT HAVING THREE (3) OR MORE BEDROOMS.  
144 (1) 800SQ + 44 (2) 200SQ = 308 UNITS x 2 = 616 SPACES REQUIRED  
**PROVIDED:** 322 SPACES INCLUDING (16) HANDICAP SPACES  
**ZONING**  
NO PROPERTY IS IN RM-1 (MULTIPLE FAMILY) ZONE WITHIN THE APPLICABLE ZONING ORDINANCE OF THE CITY OF NOVI, WHICH DISTRICT ALLOWS THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE APPLY TO THE PARTY ZONE:  
1. MINIMUM SETBACK = 25 FEET  
2. MAXIMUM SETBACK = 35 FEET  
3. MAXIMUM HEIGHT = 2 STOREYS / 33 FEET  
4. DISTANCE BETWEEN BUILDINGS = 30 FEET  
5. MAX BUILDING AREA COVERAGE = 25%



ENDORSEMENTS ARE SEVERAL BUILDING ENDORSEMENTS INTO PRESENT SETBACK REQUIREMENTS

REVISIONS

NO.	DATE	ADDRESS/REVISION
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WATERVIEW FARMS APARTMENTS  
45658 TIMBERLANE COURT  
NOVI, MICHIGAN 48037

ZACK MASTROFF & ASSOCIATES  
RESIDENTIAL COMMERCIAL DESIGNER/PLANNER  
ALTA/ACSM  
MEMBER IALD  
No. 1120  
ALTA/ACSM  
No. 1120  
FLEX 24/8. 625.5150

THIS DRAWING IS AN INSTRUMENT OF SERVICE OF THE PROFESSION OF ENGINEER OR SURVEYOR. IT IS THE PROPERTY OF THE DESIGNER AND SHALL NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE PERMISSION OF THE DESIGNER.

SHEET TITLE: LOCATION MAP  
SHEET SCALE: AS NOTED  
PROJECT NO: 19-124  
DATE: 09.18.19  
SHEET NUMBER: A-100