

#7

Section 28-5 of Ordinance 09-100.38

To grant a variance to allow a two sided business identification sign, that will exceed the height limits allowed in an I-1 zoning district, at a sufficient height above the newly constructed CSX overpass bridge to allow motor vehicle operators traveling northbound and southbound on Novi Road, to clearly see and identify the location of Stricker Paint Products. The two sided sign will be backlit, and will contain the name of the business entity "STRICKER PAINT PRODUCTS" as well as the option to include "Home of" as part of the signage. Allowing this variance for the subject property will provide identification of the building, and its functionality to both actual and potential customers, traveling both northbound and southbound on Novi Road, at or near the CSX bridge overpass location.

To allow flexibility to the owner of the property as to the specific location to erect the pole, upon which the two sided sign is to be erected, the applicant is seeking approval to allow the variance to be on a line approximately 3 ft. to 6 ft. on a line west of the new right of way line for Novi Road, so that the owner can determine the best possible location to maximize visibility to passing motorists traveling both northbound and southbound on Novi Road. The anticipated height will well exceed the limitations contained in ordinance number 09-100.38, Section 28-5. In addition, the applicant is seeking a variance to allow a location sign to be erected, to identify the manner of ingress and egress to and from Stricker Paint Products, Inc., along Gen Mar Road. Inasmuch as Gen Mar Road is to be relocated and will become the primary access for ingress and egress once Novi Road is completed at this location. It is believed by the applicant that this will assist the owner in providing the required information to actual and potential customers as to the manner of ingress and egress, by allowing a locational sign to be at a height in excess of the limits contained in Section 28-5, of Ordinance number 09-100.38 for Stricker Paint Products, Inc.

**#9**

The RCOC has previously explained in connection with its submission for site specific setback variances for this parcel, given its proximity to the construction of the CSX bridge overpass, the subject property has practical difficulty of limited visibility. The signage which ordinarily would be sufficient can no longer be at grade. The Novi Road bridge overpass, creates a visibility problem for customers of the owner. In order to provide reasonable visibility to the owner, all signage needs to be of a sufficient height, to be visible from both northbound and southbound Novi Road motor vehicle traffic. The only way to accomplish this is to allow a variance from the normal height restrictions in the I-1 zoning district. A two sided business owner identification sign which will be backlit at the owner's discretion, and to be located on a line approximately 3 ft. to 6 ft., on a line west and parallel to Novi Road, should provide sufficient visibility to the owner.

Similarly, providing a location sign of a sufficient height in excess of the normal height restrictions will assist customers of Stricker Paint Products, Inc. to be able to identify the manner of ingress and egress along relocated Gen Mar Road. Relocated Gen Mar Road will become the principal means of ingress and egress to and from the subject property from newly aligned Novi Road. This is a practical difficulty which is not of the owner's making. It is a direct result of the partial taking from the owner's property in connection with the Novi Road midsection project.

Under MCL 213.54(2), the RCOC is authorized to seek variances from the local zoning board of appeals where a partial taking has occurred. Here a partial taking has occurred from the subject property which allows the RCOC to seek the requested variances from the City of Novi ZBA.

At this location, the additional road right of way or highway easements are required in order to have sufficient width to widen the road grade of Novi Road. Thus, the request for this variance is necessary and is being done in an effort to be in accordance with the spirit of the City of Novi zoning ordinance requirements, while recognizing the practical difficulty of the owner.

**#10**

Each of the property owners whose property is located within the alignment affected by the Novi Road Midsection Project, consisting of the construction of the CSX bridge overpass, are in the unique circumstance, whereby a partial taking by way of acquisition from their property has had to occur, so that the CSX bridge overpass can be constructed. This partial acquisition is due to circumstances beyond the control of the property owners. It is authorized by law, and the Michigan Constitution. In order to undertake this acquisition, the RCOC was required to deposit in escrow a sum estimated to be the just compensation for the partial acquisition of the subject property; leaving the property owner with the ability to contest the amount of the compensation as to whether it is adequate or inadequate in court. These are unique circumstances which are beyond the control of the property owner. The property owner neither caused nor created these circumstances, and the RCOC should not be penalized by seeking the requested variances. The variance, if granted, should include as part of the resolution adopted by the Zoning Board of Appeals, the language contained in Section 4(2) of the UCPA, which corresponds to MCL 213.54(2). The specific language requested is as follows:

“The property shall be considered by the City of Novi to be in conformity with the zoning ordinance for all future uses with respect to the nonconformity for which each variance was granted. Moreover, if the subject property was also nonconforming for other reasons, by granting the requested variances, the City of Novi ZBA has not taken any position on the effect on the status of the other preexisting nonconformities. The owner of the subject property may not increase the nonconformity for which each zoning variance was granted, without the consent of the City of Novi.”

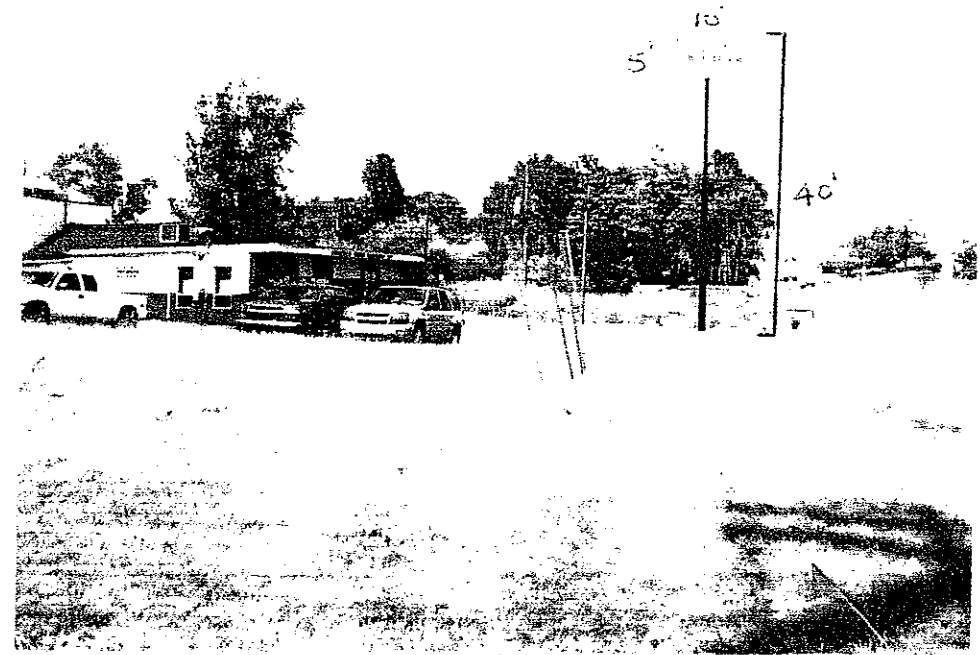
The RCOC stands ready, willing and able to provide further explanation, detail, drawings, or supporting documentation as may be requested or needed by the ZBA.

**Proposed Sign**

Stricker Paint Products, Inc.  
25345 Novi Road  
Parcel NV14  
Novi, Michigan

Revised effective: 10/30/09

Appendix Exhibit: 4



Mock photograph of proposed sign

**Photographs**

Stricker Paint Products, Inc.  
25345 Novi Road  
Parcel NV 14  
Novi, Michigan

pendix Exhibit: 3

Revised effective: 10/30/09



Item #1 - road sign



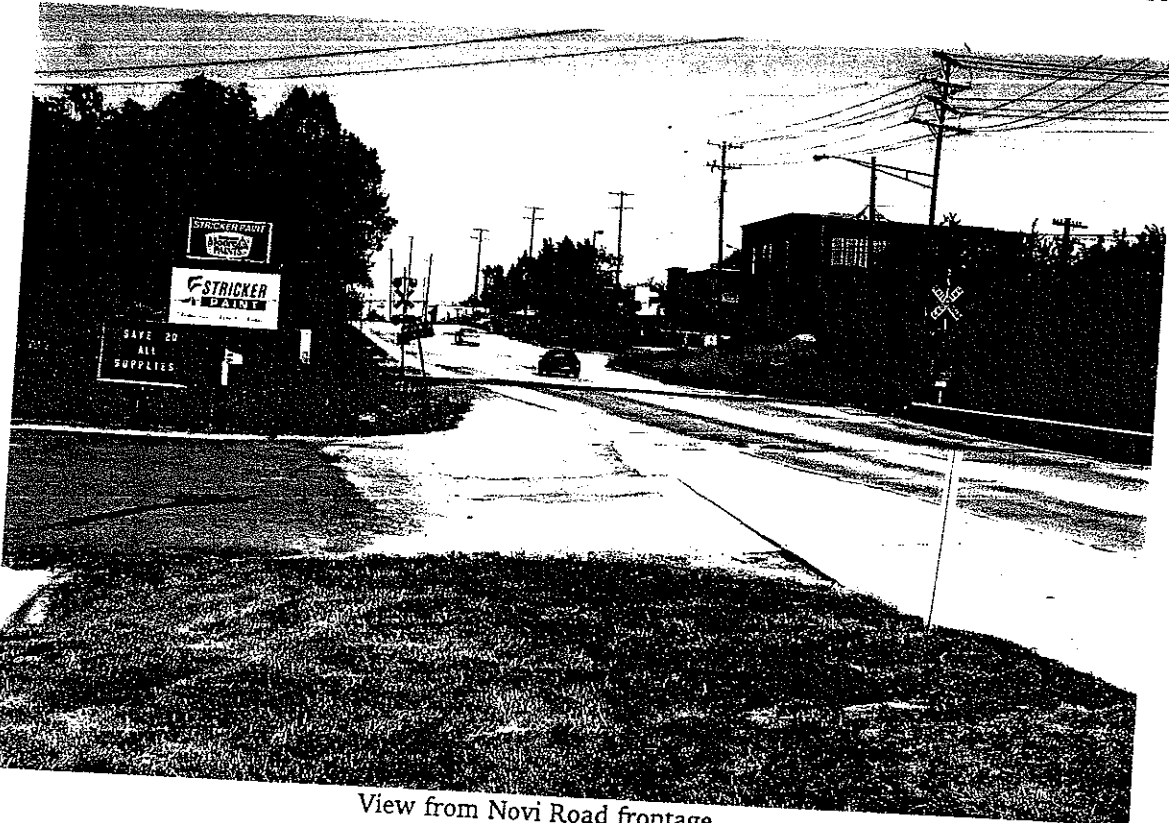
View from Novi Road frontage  
(looking northwest)

**Photographs**

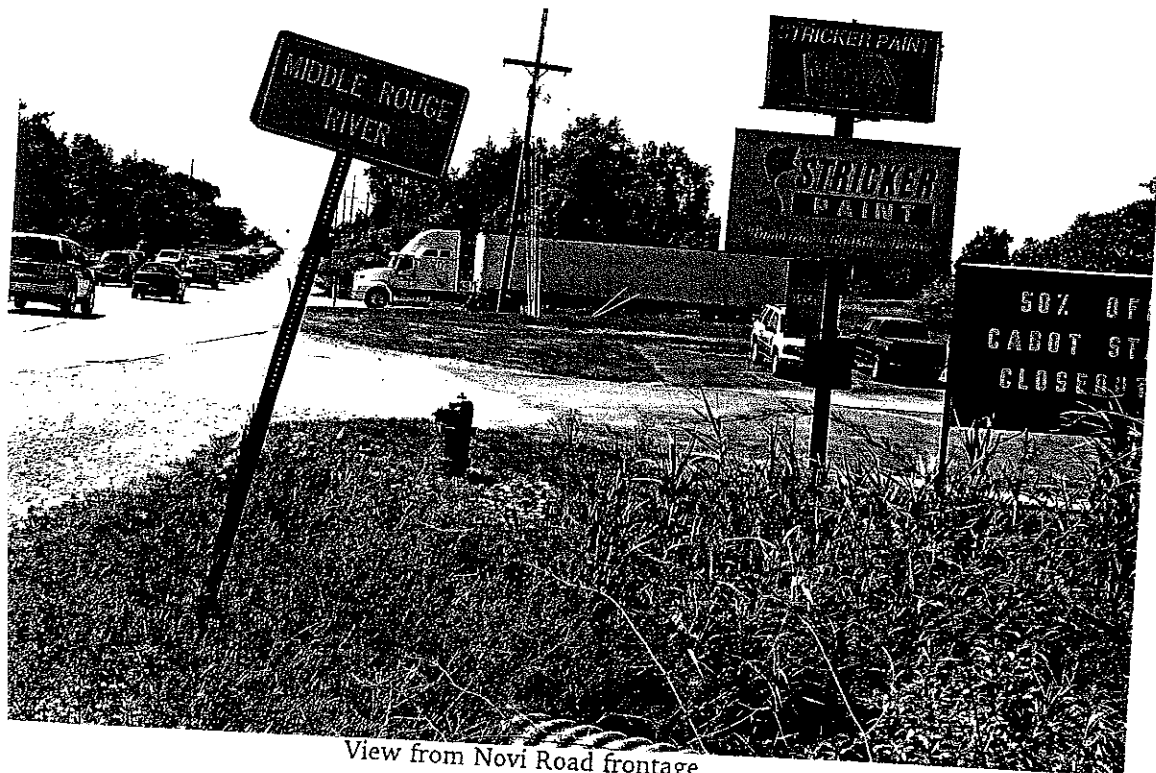
Stricker Paint Products, Inc.  
25345 Novi Road  
Parcel NV 14  
Novi, Michigan

Appendix Exhibit: 3

Revised effective: 10/30/09



View from Novi Road frontage  
(looking north)



View from Novi Road frontage  
(looking south)

