



**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**  
**(248) 347-0415**

**Case No. 11-040 Diamond Jim Brady's**

**Location: 43271 Crescent Blvd.**

**Zoning District: TC, Town Center District**

The applicant is requesting a variance from Section 28-5(e)(1) of the Novi Sign Ordinance to allow installation of a 3<sup>rd</sup> wall sign of 21 square feet for a new restaurant in an existing building. (The 2<sup>nd</sup> sign was allowed under a previous variance). The applicant is also requesting a variance from Section 2524 of the Novi Zoning Ordinance to allow unlimited use of a partially protected outdoor seating and dining area otherwise limited to use April 15 through November 30<sup>th</sup> of each year.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(e)(1) of the Novi Sign Ordinance which allows a single wall sign for a business in the TC zoning district, and

CITY OF NOVI, CODE OF ORDINANCES, Section 2524 of the Novi Zoning Ordinance which limits use of outdoor seating/dining to a period from April 15<sup>th</sup> to November 30<sup>th</sup> of each year.

**City of Novi Staff Comments:**

The applicant is relocating an existing restaurant to a new location in the Novi Town Center. The suite was previously occupied by a restaurant and is allowed (1) sign by right as well as (1) sign that was approved under a previous variance as the building had multiple frontages. The applicant is requesting a 3<sup>rd</sup> wall sign. The applicant is also proposing to construct a unique (3) season enclosure that would extend the "outdoor" seating use to much of the year. As the Zoning Ordinance typically limits "outdoor seating" to a period beginning April 15<sup>th</sup> through November 30 of each year, an exception would be required for extended use. Staff does not support the request for the 3<sup>rd</sup> wall sign while acknowledging that that the building location is somewhat unique. Staff supports the extension of the outdoor dining season to the full year as the proposed facility is unique and outside of what would typically be considered and used as "outdoor seating"

### **Standards for Granting a Sign Variance**

- The request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the City or that are self-created.
- 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.
- The grant of relief will not result in a use of 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 of the ordinance.

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### **Standards for Granting a Non-use Variance:**

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.
- The need is not self-created.
- Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.



cityofnovi.org

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 (248) 347-0415

For Official Use Only

ZBA Case No: 11-040 ZBA Date: NOV 1st Payment Received: \$ 300 (Cash)

Check # 5258 Include payment with cash or check written to "City of Novi."

**TO BE COMPLETED BY APPLICANT - PLEASE PRINT**

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name MARY BRADY Date 9/27/11

Company (if applicable) DIAMOND JUM BRADY'S.

Address\* 2775 SHAGBARK LANE City MILFORD ST MI ZIP 48380  
\*Where all case correspondence is to be mailed.

Applicant's E-mail Address: DJ BISTRO @ AOL.COM.

Phone Number 248 945 0962 FAX Number ( ) -

Request is for:

Residential Construction (New/ Existing)  Vacant Property  Commercial  Signage

1. Address of subject ZBA case: 43271 CRESCENT BLVD ZIP 48375

2. Sidwell Number: 5022 - \_\_\_\_\_ may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes  No

4. Zoning:  RA  R-1  R-2  R-3  R-4  RT  RM-1  RM-2  MH  OS-1  OS-2  OSC  OST  OTHER TC

5. Property Owner Name (if other than applicant) NOVI TOWN CENTER (CDB).

6. Does your appeal result from a Notice of Violation or Citation Issued?  Yes  No

7. Indicate ordinance section(s) and variances requested:

- 1. Section 2824 Variance requested POTENTIAL YEAR ROUND OPERATION
- 2. Section 28-5 Variance requested REQUESTING 3RD SIGN.
- 3. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
- 4. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

**SIGNS: CONFIGURATION & ORIENTATION OF BUILDING REQUIRES 3RD SIGN WHICH NOW WILL ADDRESS THE 3 DIRECTIONS OF VEHICULAR TRAFFIC APPROACHING THIS BLDG & RESTAURANT. REQUESTING WESTERN FACING SIGN. SEE ATTACHED SHEET FOR SECTION 2524 VARIANCE.**

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

**THE PROPERTY IS UNIQUELY CONFIGURED WITH 3 FACES ORIENTED TO 3 DIFFERENT DIRECTIONS - ONE FACING ROAD TO NORTH, ONE FACING WEST TO ENTRY DRIVE & 1 FACING SOUTH TO THE PARKING LOT. INCOMING TRAFFIC FROM HOVI ROAD WILL PASS THE PARKING LOT ENTRY BEFORE NOTICING NORTH FACING SIGN.**

SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a Mock-Up Sign ten (10) days before the scheduled ZBA meeting.

Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is NOT to be the 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.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision.

There is a five (5) day hold period before work/action can be taken on variance approvals.

All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

Construct New Home/Building     Addition to Existing Home/Building     Accessory Building  
 Use     Signage     Other

Applicants Signature \_\_\_\_\_

Date \_\_\_\_\_

Property Owners Signature \_\_\_\_\_

Date \_\_\_\_\_

**DECISION ON APPEAL**

Granted     Denied     Postponed by Request of Applicant     Board

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

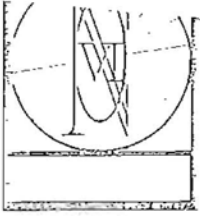
\_\_\_\_\_  
Date

R O N A N D R O M A N

9) continued -

*We are proposing an extended period of operation from November 30 - April 15th. Our intent is to capture weather permitting opportunities to capitalize on outdoor seating in an Isenglass enclosed cafe with electric heat on Town Center property, which does not interfere with pedestrians and maintenance, and which is supported by adequate on-site parking and facility toileting. This cafe location is on leased space and can be considered a four season room. Primary seating is still interior, attempting to get an additional 60-90 useable days at the exterior.*

*Practical difficulties include the economy and limited primary seating opportunities in an existing newer restaurant space, which is being primarily reworked cosmetically*



CITY COUNCIL

Mayor  
David B. Landry

Mayor Pro Tem  
Bob Gatt

Terry K. Margolis

Andrew Mutch

Dave Staudt

Justin Fischer

Wayne M. Wrobel

City Manager  
Clay J. Pearson

City Clerk  
Maryanne Cornelius

August 22, 2011

Classic Canopy & Signs  
P.O. Box 530565  
Livonia, Michigan 48153

RE: DIAMOND JIM BRADY'S – 43271 CRESCENT BLVD

The sign permit applications for the above location have been reviewed and denied.

The sign permit application dimensions do not match the drawing dimensions. Submit new applications or drawings showing the correct sign sizes.

This location is permitted one wall sign of 50 square feet based on 40 feet of lineal building frontage. A second wall sign of 23.5 square feet was approved under a Zoning Board of Appeals variance. A third hanging sign of 6.8 square feet was approved to be placed under the canopy above the entrance.

Please submit new drawings that comply with the above allowances or you may make application to the Zoning Board of Appeals to request consideration of a variance by contacting the secretary, Angie Pawlowski at 248-347-0459.

If you have any questions please contact me at 248-347-0438.

Sincerely,

CITY OF NOVI

Jeannie Niland  
Ordinance Enforcement Officer

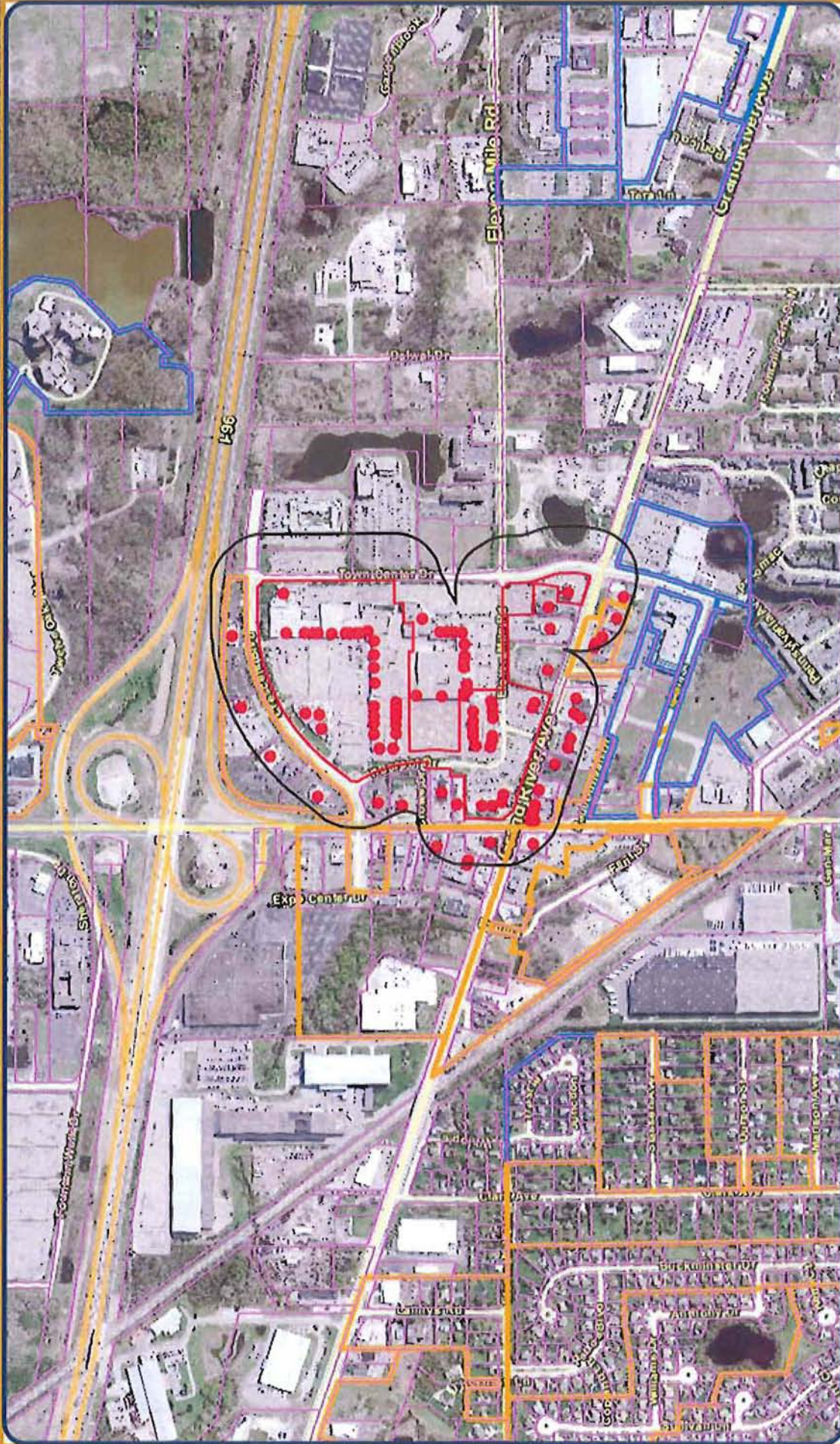
City of Novi  
45175 W. Ten Mile Road  
Novi, Michigan 48375  
248.347.0460  
248.347.0577 fax

cityofnovi.org

*8/23/11  
Apoke w/also @ Classic  
He will resubmit  
applications  
for allowable  
signs*



# City of Novi 43271 Crescent Blvd



**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. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/InternetSiteUsePolicy.asp>



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Date: 10/14/2011

