



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:** April 12, 2016

REGARDING: Riverbridge Homeowners Association (PZ16-0009) 43336 Riverbridge Court

BY: Charles Boulard, Building Official

I. GENERAL INFORMATION:

Applicant

Riverbridge Homeowners Association

Variance Type

Sign Variance

Property Characteristics

Zoning District: R-4, One Family Residential District
Parcel #: 50-22-35-304-001

Request

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES; 28-5(d).3 to allow installation of a (2) new neighborhood signs in and within 10 feet of the City Right of Way.

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting approval for placement of (2) neighborhood signs. The signs would be within the allowable area and heights, but are proposed to be placed within the within and within 10 feet of the public right of way line where a 10ft setback is required.

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. **PZ16-0009**, 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. **PZ16-0009**, 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) 347-0423.

Charles Boulard
Building Official
City of Novi



45175 Ten Mile Road
 Novi, MI 48375
 (248) 347-0415 Phone
 (248) 735-5600 Facsimile
www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

RECEIVED

FEB 25 2016

CITY OF NOVI
COMMUNITY DEVELOPMENT

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)				Application Fee: <u>\$300.00</u>
PROJECT NAME / SUBDIVISION NEW REPLACEMENT SIGN / RIVERBRIDGE CONDOMINIUM				Meeting Date: <u>4-12-16</u>
ADDRESS 43336 RIVERBRIDGE COURT		LOT/SUITE/SPACE # LOT # 43		ZBA Case #: <u>PZ 16-0009</u>
SIDWELL # 50-22-_____		May be obtain from Assessing Department (248) 347-0485		
CROSS ROADS OF PROPERTY NORTH OF 8 MILE ROAD & CHASE DRIVE in NOVI				
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input checked="" type="checkbox"/> YES <input 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 rmccure@aol.com		CELL PHONE NO. 734-709-8997
NAME RANDALL P. MCCURE, PRESIDENT RIVERBRIDGE HOME OWNER ASSOCIATION		TELEPHONE NO. 734-709-8997		
ORGANIZATION/COMPANY RIVERBRIDGE HOME OWNERS ASSOCIATION		FAX NO. N/A		
ADDRESS 43336 RIVERBRIDGE COURT		CITY NOVI	STATE MI	ZIP CODE 48375
B. PROPERTY OWNER <input checked="" 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		FAX NO.		
ADDRESS		CITY	STATE	ZIP CODE
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 checked="" 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. VARIANCE REQUESTED				
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:				
1. Section <u>28-5.d.3</u> Variance requested <u>Sign on city property, within 10 feet of ROW, north entrance.</u>				
2. Section <u>28-5.d.3</u> Variance requested <u>Sign on city property, south entrance, clear of ROW.</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				
<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 establish 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

Randall P. McCune, PRESIDENT
Applicant Signature
RIVERBRIDGE HOA

FEB 23, 2016
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.

Property Owner Signature

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
www.cityofnovi.org

**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:

Riverbridge does not have a true "entrance way", either at the north end or south end. Ashbury Drive merely passes through the development. The road curves severely at the north end. The lots and common areas are awkwardly placed in regard to any possible signage. The common areas are steeply pitched and are not amenable to any graceful sign appearance. Please see attached photos.

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:

[Redacted area]

- 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:

[Redacted area]

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.

Riverbridge wishes to have simple, graceful, and beautiful signs near the boundaries of our development. It is not practicable nor feasible to achieve this aesthetic goal by usage of our own lots or common areas. As previously mentioned, this is due mainly to lack of a true and distinct entrance way. The variance approval would allow us to overcome this obstacle.

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.

Approval of the variance would have no adverse impact on surrounding properties. Riverbridge is bounded on the north and south end by wide areas of unplatted city property. The signs will be difficult or impossible to be viewed by anyone except those entering our development. Please see attached photos and sketches.



Novi Bowl Family Fun Center

Novi Rd

Novi Motive Goodyear

Subway

Galway Dr

Border Cantina

Guernsey Farms Dairy

Novi Rd

Allen Dr

RIVERBRIDGE

NORTH END SIGN LOCATION

NORTH

CHASE FARMS

SOUTH END SIGN LOCATION

RIVERBRIDGE SIGN PROJECT
R MCCURE, RIVERBRIDGE HOA PRESIDENT
rmccure@aol.com, 734-709-8997
JANUARY 04, 2016

8 Mile Rd

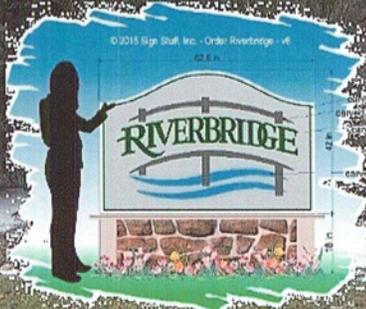
Baseline Rd

Google

THIS AREA IS NOT PRACTICABLE FOR SIGNAGE.



APPROX PROPERTY LINE



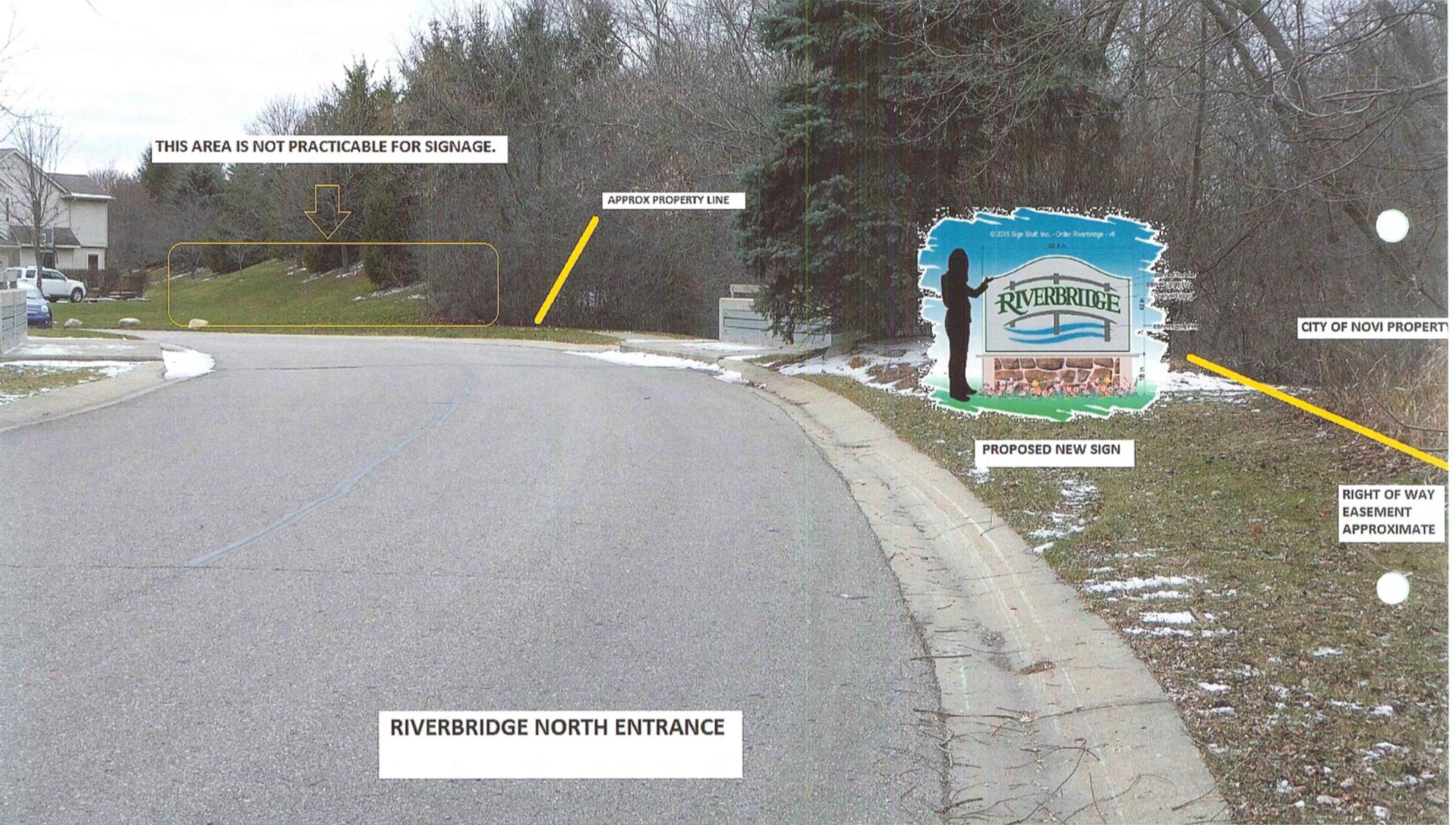
PROPOSED NEW SIGN

CITY OF NOVI PROPERTY



RIGHT OF WAY
EASEMENT
APPROXIMATE

RIVERBRIDGE NORTH ENTRANCE

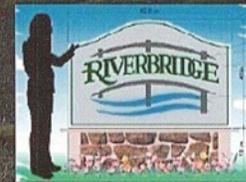


THIS AREA IS NOT PRACTICABLE FOR SIGNAGE



RIVERBRIDGE PROPERTY

NOVI CITY PROPERTY



PROPOSED NEW SIGN

RIVERBRIDGE SOUTH ENTRANCE

RIVERBRIDGE SOUTH END DETAIL

LOT # 55

43235 ASHBURY DR

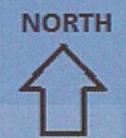
301 RD

Ashbury Dr

ASHBURY DR

Common Area

LOT # 1



CITY OF NOVI LAND

Parcel Number: 50-22-35-176-019
Acreage: 48.61
Owner: CITY OF NOVI
Property Address:
Section: 35
Description: ROTARY PARK

RIVERBRIDGE

RIVERBRIDGE

BRIDGE

SIGN LOCATION
DETAIL SOUTH END

CHASE FARMS

CHASE FARMS

22-35-352-014
43201 ASHBURY DR

22-35-353-001
43152 WESTCHESTER CT

22-35-353-002
43146 WESTCHESTER CT

22-35-353-003
43132 WESTCHESTER CT

22-35-353-004
43116 WESTCHESTER CT

22-35-353
43100 WESTCH

