

cityofnovi.org

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

Case No. PZ13-0025 43700 Expo Center Drive

Location: 43700 Expo Center Drive

Zoning District: EXPO, Exposition District

The applicant is requesting a variances from Section 28-6(4) of the Novi Sign Ordinance to allow installation of (2) oversize marketing signs of 64 and 20 square feet for a property intended for development and one off premises sign proposed for location within the public right of way. The 64 square foot sign is also exceeds the allowable height of 8 feet with a total height of 12 feet. The property is located west of Novi Road, and north of Grand River Avenue.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCE, Section 28-6(4) permits a single sign of maximum 16 sq. ft. to be installed at this restaurant location for marketing purposes.

City of Novi Staff Comments:

The applicant is requesting approval for installation of signage for a future development proposed this existing site on the southwest corner of the I-96 and Novi Road interchange. The property is allowed a single sign by right with a maximum area of 16 sf. and height of 8 ft. located on the site. The proposed signage is as follows:

- Sign #1: 64 sq. ft., 12 ft. high located on the property
- Sign #2: 20 sq. ft., 8 ft. high located on the property
- Sign #3: 12 sq. ft. 4.5 ft. high located off the premises in the public right of way

Staff recognizes the unique nature, size and location of the site and is not opposed to the approval of signage located on the property if the Board finds them appropriate. The Off premises sign is a different matter as the City cannot reasonably be expected to extend to extend the courtesy to other developers. Sign #3 would also require Right of Way and licensing permits through the City of Novi Engineering Division and has the potential to cause detrimental effects on traffic visibility and safety. Staff requested the mock sign not be installed in the right of way for the same reasons.

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 because_____.
- 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 because_____.
- 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 because_____.



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For Official Use Only

ZBA Case No: P2130025 ZBA Date: 6/11/13 Payment Received: \$ (Cash)
Check # 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 Burton-Katzman, L.L.C. Date

Company (if applicable) Same as Applicant

Address* 30100 Telegraph Road, Suite 366 City Bingham Farms ST MI ZIP 48236

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: cdimagglo@burton-katzman.com

Phone Number (248) 433.0575 FAX Number (248) 647.8811

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 43700 Expo Center Drive ZIP 48075

2. Sidwell Number: 5022 - 15-476-045 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 EX OTHER

5. Property Owner Name (if other than applicant) Adell Brothers Children Trust

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 28.6(4) Variance requested - Permit 3 marketing signs in lieu of 1
2. Section Variance requested - Permit an increase in the size & height of 1 sign; 64 sf in lieu of 16 sf
3. Section Variance requested and 12 ft high in lieu of 10 ft
4. Section Variance requested - Permit 1 off premise sign within a public right-of way

8. Please submit an accurate, scaled drawing of the property showing: See EXHIBIT 1

- 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):

See attached Exhibit A

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:

See Attached Exhibit A

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

[Handwritten Signature]
Applicants Signature

MAY 3, 2013
Date

[Handwritten Signature]
Property Owners Signature

S/1/11
Date

DECISION ON APPEAL

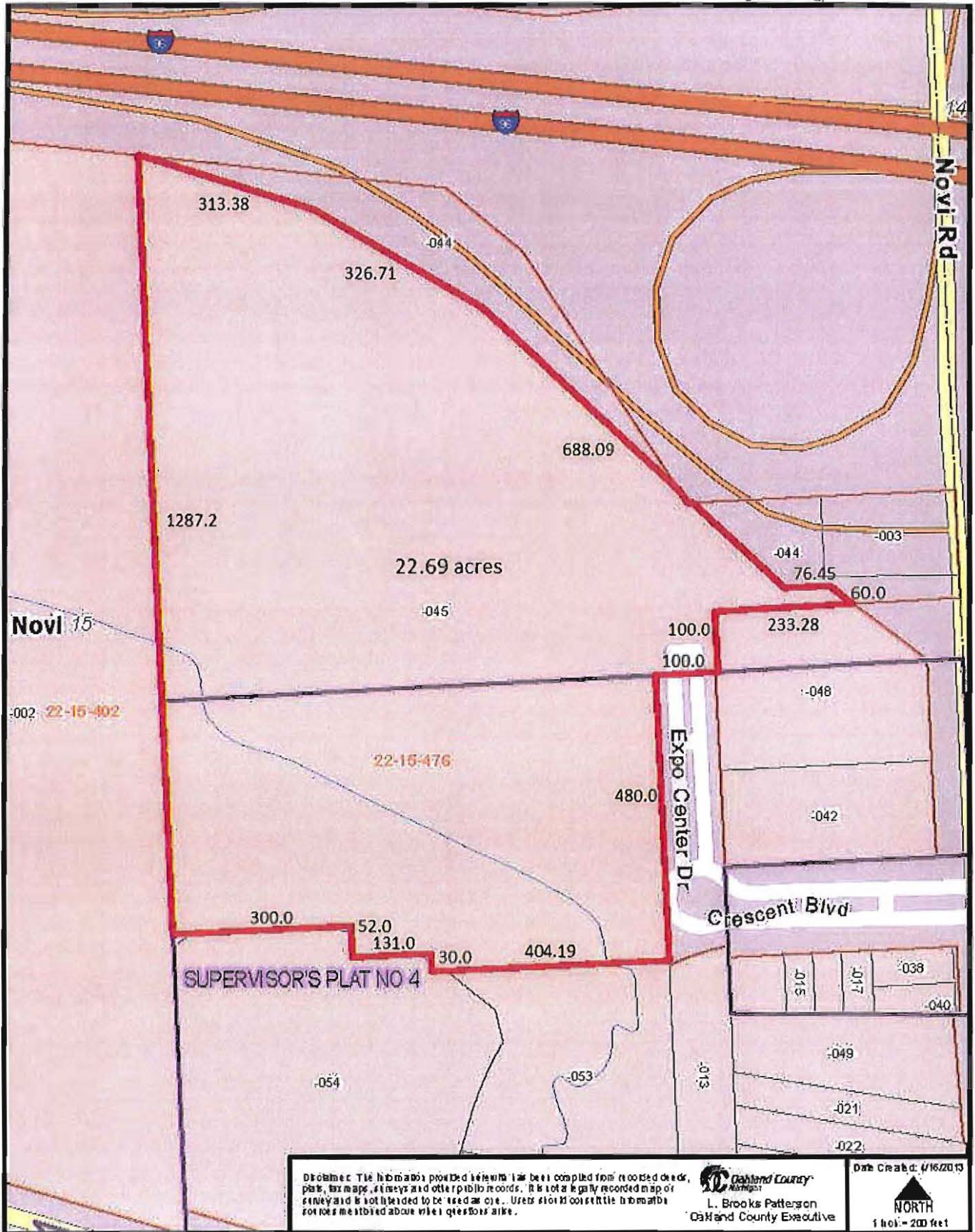
_____ Granted _____ Denied _____ Postponed by Request of Applicant _____ Board _____

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

Adell Brothers Childrens Trust Property



**EXHIBIT 1
LEGAL DESCRIPTION**

T1N, R8E, SEC 15 PART OF NE 1/4 OF SE 1/4 BEG AT PT DIST S 00-00-42 E 1179.04 FT FROM E 1/4 COR, TH N 87-44-26 W 220.04 FT, TH N 00-04-09 W 131.04 FT, TH S 89-55-51 W 224.83 FT, TH N 31-30-20 W 499.91 FT, TH N 48-20-51 W 166.65 FT, TH N 81-21-39 W 524.04 FT, TH S 00-16-56 E 895.81 FT, TH N 89-59-36 E 937.39 FT, TH N 00-16-10 W 100 FT, TH N 89-35-39 E 407.41 FT, TH N 00-00-42 W 37.67 FT TO BEG EXC THAT PART LYING NLY OF A LINE DESC AS BEG AT PT DIST N 02-07-02 W 1321.42 FT & S 87-15-42 W 60.00 FT FROM SE SEC COR, TH N 51-28-13 W 200.14 FT, TH S 88-10-42 W 76.45 FT, TH N 47-20-28 W 688.09 FT, TH N 59-47-08 W 326.71 FT, TH N 72-46-18 W 313.38 FT TO PT OF ENDING, ALSO PART OF LOT 11 OF 'SUPERVISOR'S PLAT NO 4' BEG AT NW LOT COR, TH N 89-48-00 E 837.48 FT, TH S 00-02-00 W 448.20 FT, TH S 00-13-40 W 25.00 FT, TH S 89-48-00 W 404.19 FT, TH N 00-14-00 W 30.00 FT, TH S 89-48-00 W 131.00 FT, TH N 00-14-00 W 52.00 FT, TH S 89-48-00 W 300.00 FT, TH N 00-14-00 W 391.20 FT TO BEG EXC THAT PART TAKEN FOR EXPO CENTER DR DESC AS BEG AT PT DIST N 89-48-00 E 837.48 FT & S 00-02-00 W 298.85 FT FROM NW LOT COR OF SD 'SUB', TH S 00-02-00 W 149.35 FT, TH S 00-13-40 W 25 FT, TH S 89-48-00 W 25 FT, TH N 00-13-40 E 25.14 FT, TH N 00-02-00 E 149.31 FT, TH S 89-58-00 E 25 FT TO BEG 6-24-93 CORR

EXHIBIT A

Statement of Practical Difficulties and Unique Circumstances

On April 25, 2013, Chuck Moore's Commercial Sign Service on behalf of Burton-Katzman, authorized agent for the Property Owner the Adell Brothers Children Trust, submitted an application to the City of Novi to permit the installation of 3 marketing signs on a 22.7 acre vacant, parcel of land ("Property") near the southwest corner of Novi Road and the I-96 Interstate Freeway. The three proposed signs consist of the following:

- **Sign 1** is an 8 ft. x 8 ft., 64 square foot, sign proposed to be located in the northwest portion of the Property facing an exit ramp for the adjacent I-96 Freeway.
- **Sign 2** is a 4 ft. x 4 ft., 16 square foot sign proposed to be located in the southeast corner of the Property at the westerly terminus of Crescent Boulevard.
- **Sign 3** is a 2 ft. x 3 ft., 6 square foot sign proposed to be located within the Crescent Boulevard right-of-way west of Novi Road.

Drawings of the three signs and the proposed locations are shown on attached **Exhibit B**.

On April 30, 2013 Chuck Moore's Commercial Sign Service received a letter, attached as **Exhibit C**, from Jeannie Niland, Novi Code Enforcement Officer, allowing the installation of Sign 2 and denying the permitting of Signs 1 and 3. **Accordingly this application is filed requesting variances be granted to permit the installation of Signs 1 and 3.**

As background information the Property is the former home of what is now known as the "Suburban Collection Showcase", a 214,000 square foot exhibit center. After the exhibit center vacated of the Property the exhibit building was razed leaving the Property in its current vacant state. The Property owner plans to redevelop the Property with a significant mixed use project consisting of approximately 350,000 square feet of office, hotel and retail space. (See images attached as Exhibit D). An important component of the overall promotion and implementation of the project is the placement of marketing signs on the Property. Accordingly the 3 signs discussed above are proposed. As only one of the three signs is permitted by the City of Novi variances are being requested to allow Signs 1 and 3 based upon the following unique circumstances of the Property and the practical difficulties evident:

While consisting of nearly 23 acres of commercial land, the Property is without frontage on a Major Public Street, as classified by the City. Its only public street frontage consists of approximately 1,400 feet on the I-96 Freeway exit ramp and a mere 30 feet on Crescent Boulevard, which is classified by the City as a Minor Public Street and which further dead ends at the Property. As discussed below, these conditions present unique circumstances for the Property and practical difficulties in complying with the City's signage regulations.

As noted above Crescent Boulevard presently dead ends at the Property and as such serves only the Property and four commercial uses along its north and south sides. (It is understood that the City has plans to extend Crescent Boulevard at some future time.) As a result Crescent Boulevard is without through traffic and volumes are predictably low resulting in very minimal exposure for signage on the Property. Additionally the nearest Major Public Street, Novi Road, is located approximately 378 feet east of the Property. There also exist 2 intervening commercial developments between the Property and Novi Road. As a result viewing a 16 square foot sign from this distance (i.e. the one sign approved for the Property) would be virtually impossible. To help mitigating these unique circumstances and the practical difficulties presented, it is proposed that a small 6 square foot sign; i.e. Sign 3, be place in the Crescent Boulevard median at its intersection with Novi Road. This minimally sized sign will only note the existence of the proposed development and provide contact information, unlike the other marketing signs which provide more development specifics.

To further assist in mitigating the unique circumstances of the Property and the practical difficulties presented it is proposed that a larger 8 ft. x 8 ft., 64 square foot marketing sign; i.e. Sign 1, be placed approximately as shown on Exhibit B adjacent to the I-96 Freeway exit ramp. This sign provides the most complete development information, including a project rendering, adjacent to the road believed to provide the greatest exposure to passing traffic. Because this traffic will predictably be traveling at a high rate of speed, Sign 1 has been sized to allow for ease of recognition and comprehension on the part of the viewer.

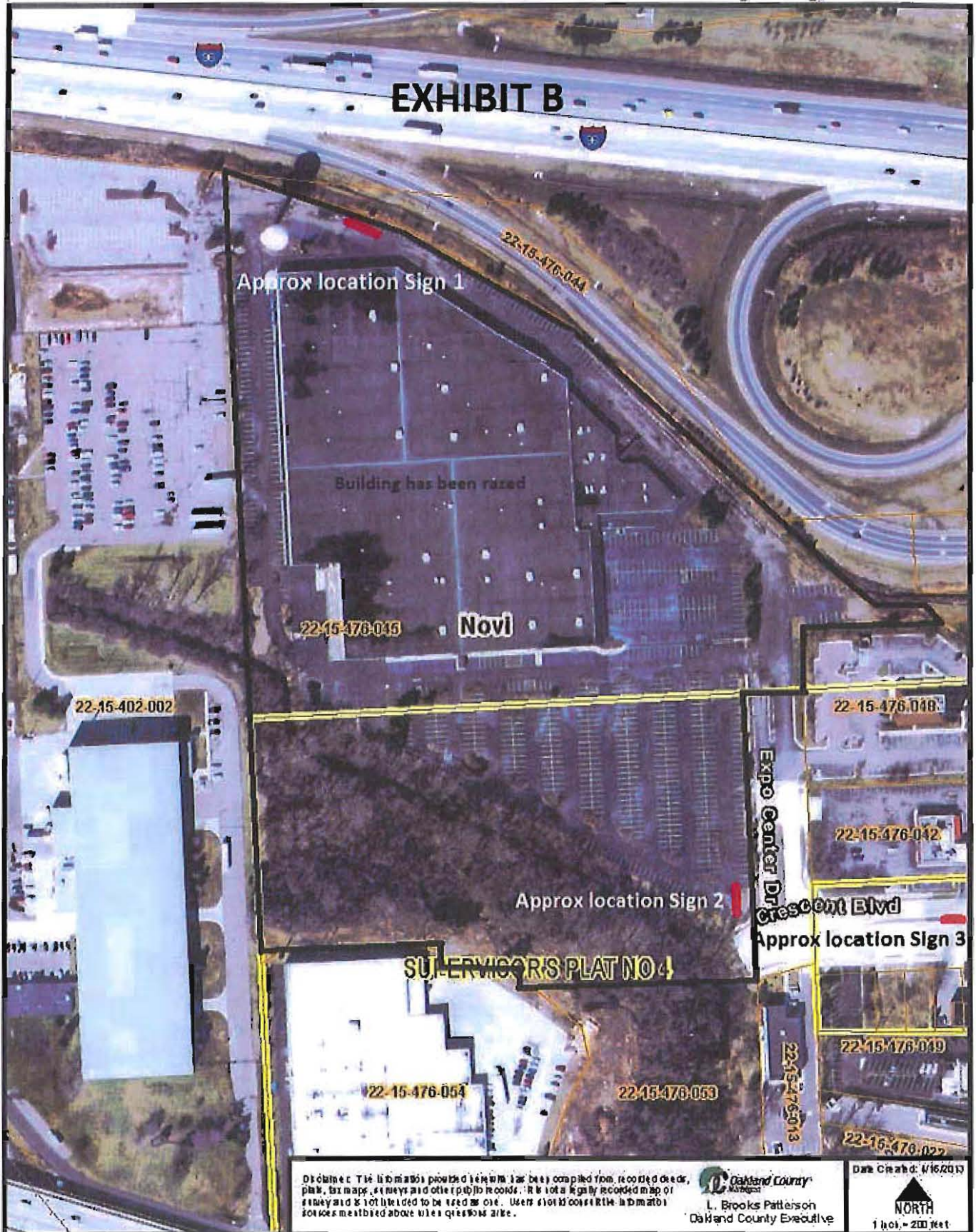
Additionally, it is believed granting the requested variances will provide substantial justice to the Property owner when considering marketing signage permitted other properties. For example, the owner of a 1 acre parcel along a Major Public Street would be permitted one 16 square foot marketing sign yet the Property, with 23 acres and virtually no Major Public Street frontage, is given no additional consideration, but restricted to the same signage as the much smaller and more visible parcel. Granting the requested variances would therefore provide substantial justice to the Property owner by providing signage opportunities on a scale more consistent with those afforded other property owners.

Lastly it is believed that compliance with the sign ordinance would be unnecessarily burdensome upon the Property. The requested relief would not detrimentally affect any adjacent properties, but in fact provides the potential to positively impact these properties, as well as the broader neighborhood, through its marketing and promotion of a significant redevelopment of the Property.


In summary, 1) the requested variances are a product of the unique circumstances of the Property; 2) granting of the variances would provide relief to the Owner consistent with that given other property owners and 3) strict conformance with the requirements of the Ordinance would be unnecessarily burdensome.

Adell Brothers Childrens Trust Property

EXHIBIT B



Disclaimer: The information provided herein has been compiled from recorded deeds, plat, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.


L. Brooks Patterson
Oakland County Executive

Date Created: 4/16/2013

1 inch = 200 feet

Chuck Moore's Commercial Sign Service

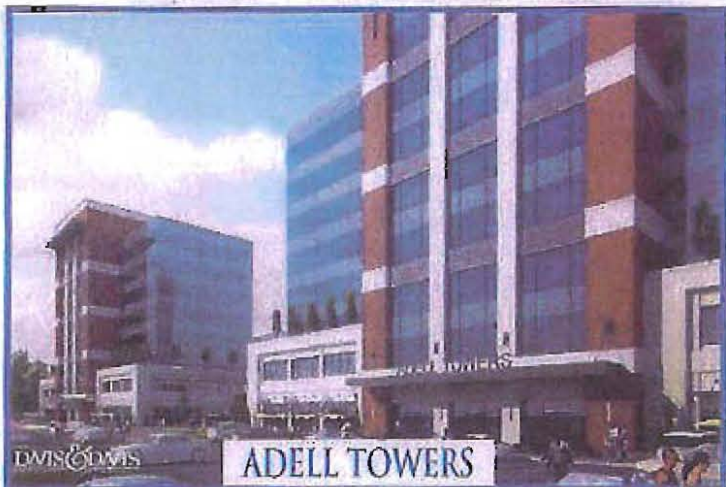
EXHIBIT B

Sign 1

PANEL IS 8' X 8'

AVAILABLE

OFFICE / HOTEL / RETAIL



FOR INQUIRIES CONTACT:



DEVELOPED BY:



248.399.9999
www.corepartners.net

8' x 8'

4'

Please sign and fax back drawing for approval or email approval with drawing job number reference.

Approved By: _____

Date: _____



Chuck Moore's Commercial Sign Service
2801D Groesbeck Highway, Roseville, MI 48066
Ph: (586) 771-0200 Fax: (586) 771-0203
email: dan@cmoorecss.com

JOB NAME: CORE 8' x 4' Commercial Options
JOB NUMBER: Sketch 2A

DATE: 3-29-13

DESCRIPTION: CORE 8' x 4' Custom Development Sign

Chuck Moore's Commercial Sign Service
EXHIBIT B

Sign 2 - Approved

AVAILABLE

OFFICE • HOTEL • RETAIL

BUILD TO SUIT

UP TO

350,000 SQ. FT.



CORE
PARTNERS

248.399.9999

www.corepartners.net

Panel Is
4' x 4'

DEVELOPED BY:
BURTON KATZMAN



30"

Please sign and fax back drawing for approval
or email approval with drawing job number reference.

Approved By: _____

Date: _____



Chuck Moore's Commercial Sign Service
28010 Groesbeck Highway, Roseville, MI 48066
Ph: (586) 771-0200 Fax: (586) 771-0203
email: dan@cmoorecss.com

JOB NAME: CORE 4' x 4' Commercial
JOB NUMBER: Sketch 1A

DATE: 4-25-13

DESCRIPTION: CORE 4' x 4' COMMERCIAL SIGN w/ Custom Posts

Chuck Moore's Commercial Sign Service
EXHIBIT B

Sign 3



30"

2' x 3'

Please sign and fax back drawing for approval
or email approval with drawing job number reference.

Approved By: _____ Date: _____



Chuck Moore's Commercial Sign Service
28010 Groesbeck Highway, Rosaville, MI 48066
Ph: (586) 771-0200 Fax: (586) 771-0203
email: dan@cmoorescs.com

JOB NAME: CORE 2' x 3' Commercial
JOB NUMBER: Sketch 1A

DATE: 11-13-12

DESCRIPTION: CORE 2' x 3' Commercial Sign w/ Custom Posts



EXHIBIT C

April 30, 2013

Chuck Moore's Commercial Sign Service
28010 Groesbeck Highway
Roseville, Michigan 48066

RE: ADELL PROPERTY – 43700 EXPO CENTER DRIVE

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

Signs #1 and #3 are denied.

Sign Code Section 28-6(4) permits one (1) sale/lease sign of no more than 16 square feet, 8 feet in height, located on the property

Sign #1 is proposed at 64 square feet and 12 feet in height.

Sign #3 is located within the right-of-way of Crescent Boulevard.

Sign #2 is in compliance with the City of Novi's sign code and does not require a permit, as long as it is placed within the property lines of the site.

Should you wish to request consideration of a variance for Signs #1 and #3 from the Zoning Board of Appeals, you may do so by contacting the board secretary, Angie Pawlowski, at 248-347-0459.

Please feel free to contact me at 248-347-0438 if you have any questions.

Sincerely,

CITY OF NOVI

Jeannie Niland
Ordinance Enforcement Officer



EXHIBIT D

DAVIS & DAVIS
INTERIOR DESIGN
WWW.DAVISINTERIORDSIGN.COM
248.855.7040

ADELL TOWERS

NOVI, MICHIGAN

EXHIBIT D

DMIS & DMIS
INTERIOR DESIGN
WWW.DMIS-INT.COM
248.855.7540

ADELL TOWERS

NOVI, MICHIGAN



