



# 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:** May 9, 2023

**REGARDING:** 39550 Orchard Hill Place, Parcel # 50-22-36-400-017 (PZ23-0015)

**BY:** Alan Hall, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Magna lighting – Philip Raubinger

**Variance Type**

Sign Variance

**Property Characteristics**

Zoning District: This property is zoned Office Service Commercial (OSC)

Location: west of Haggerty Road, north of 8 Mile

Parcel #: 50-22-36-400-017

**Request**

The applicant is requesting variances from the City of Novi Sign Ordinance Section 28-5 (f)(1) to allow a monument sign within Road Right of Way; Section 28-7 (b)(2) for a directional sign of 8 feet (3 square feet permitted, variance of 5 feet)

### II. STAFF COMMENTS:

### III. RECOMMENDATION:

**The Zoning Board of Appeals may take one of the following actions:**

I move that we **grant** the variance in Case No. **PZ23-0015**, sought by **Magna Lighting**, for \_\_\_\_\_ because Petitioner has shown practical difficulty including \_\_\_\_\_ requiring \_\_\_\_\_ on the basis of any of the following:

- a. That 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 including

\_\_\_\_\_  
\_\_\_\_\_.

b. That 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

\_\_\_\_\_  
\_\_\_\_\_.

c. That the grant of relief would be offset by other improvements or actions, such as increased setbacks or increased landscaping, such that the net effect will result in an improvement of the property or the project

\_\_\_\_\_  
\_\_\_\_\_.

d. That construction of a conforming sign would require the removal or significant alteration of natural features on the property because

\_\_\_\_\_  
\_\_\_\_\_.

e. the grant of relief 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 because

\_\_\_\_\_  
\_\_\_\_\_.

The variance granted is subject to:

1. \_\_\_\_\_.
2. \_\_\_\_\_.
3. \_\_\_\_\_.
4. \_\_\_\_\_.

I move that we deny the variance in Case No. PZ23-0015, sought by **Magna Lighting**, for \_\_\_\_\_ because Petitioner has not shown practical difficulty because: \_\_\_\_\_

\_\_\_\_\_.

- a. That the request is based upon circumstances or features that are not exceptional and/or unique to the property and/or that result from conditions that exist generally in the city or that are self-created including  
\_\_\_\_\_  
\_\_\_\_\_.
- b. That the failure to grant relief will not unreasonably prevent or limit the use of the property and/or will not result in substantially more than mere inconvenience or inability to attain a higher economic or financial return because  
\_\_\_\_\_  
\_\_\_\_\_.
- c. That the grant of relief would not be offset by other improvements or actions, such as increased setbacks or increased landscaping, such that the net effect will not result in an improvement of the property or the project  
\_\_\_\_\_  
\_\_\_\_\_.
- d. That construction of a conforming sign would not require the removal or significant alteration of natural features on the property because \_\_\_\_\_  
\_\_\_\_\_.
- e. the grant of relief will result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will not result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is inconsistent with the spirit and intent of this chapter because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Alan Hall – Deputy Director Community Development - City of Novi



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## ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

APR 05 2023

CITY OF NOVI  
COMMUNITY DEVELOPMENT

<b>I. PROPERTY INFORMATION (Address of subject ZBA Case)</b>			
PROJECT NAME / SUBDIVISION <b>MAGNA Lighting</b>		Application Fee: <u>300-</u>	
ADDRESS <b>39550 Orchard Hill Place</b>		Meeting Date: <u>May 9, 2023</u>	
SIDWELL # <u>50-22-36-400-017</u>		ZBA Case #: <u>PZ23-0015</u>	
CROSS ROADS OF PROPERTY <b>Haggerty &amp; 8 mile Roads</b>			
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			
<b>II. APPLICANT INFORMATION</b>			
<b>A. APPLICANT</b>		EMAIL ADDRESS <b>philip.raubinger@magna.com</b>	
NAME <b>Philip Raubinger</b>		CELL PHONE NO. <b>810-730-3662</b>	
ORGANIZATION/COMPANY <b>MAGNA Lighting</b>		TELEPHONE NO.	
ADDRESS <b>39550 Orchard Hill Place</b>		CITY <b>Novi</b>	STATE <b>MI</b> ZIP CODE <b>48375</b>
<b>B. PROPERTY OWNER</b> <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS <b>unha.murray@freg.com</b>	
NAME <b>Unha Murray</b>		CELL PHONE NO. <b>248-848-3519</b>	
ORGANIZATION/COMPANY <b>Orchard Hill Place LLC</b>		TELEPHONE NO.	
ADDRESS <b>34975 W. 12 Mile Rd</b>		CITY <b>Farmington Hills</b>	STATE <b>MI</b> ZIP CODE <b>48331</b>
<b>III. ZONING INFORMATION</b>			
<b>A. ZONING DISTRICT</b>			
<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 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 checked="" type="checkbox"/> OTHER <u>OSC</u>			
<b>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>28-5 (f) (1)</u>	Variance requested	<u>Allow monument sign within Road Right of Way</u>	
2. Section <u>28-7 (b) (2)</u>	Variance requested	<u>Allow over sized directional sign to prop. for directions</u>	
3. Section _____	Variance requested	<u>8 sq ft requested - 3 square feet permitted</u>	
4. Section _____	Variance requested	_____	
<b>IV. FEES AND DRAWINGS</b>			
<b>A. FEES</b>			
<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>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>			
<ul style="list-style-type: none"> <li>• Dimensioned Drawings and Plans</li> <li>• Site/Plot Plan</li> <li>• Existing or proposed buildings or addition on the property</li> <li>• Number &amp; location of all on-site parking, if applicable</li> <li>• Existing &amp; proposed distance to adjacent property lines</li> <li>• Location of existing &amp; proposed signs, if applicable</li> <li>• Floor plans &amp; elevations</li> <li>• Any other information relevant to the Variance application</li> </ul>			

✓



# 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 of 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

Philip DeRuyter  
Applicant Signature

04/03/2023

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.

Unha Murray as Agent for Orchard Hill Place LLC

4/3/2023

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  
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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.

Not Applicable     Applicable    If applicable, describe below:

NON-ILLUMINATED GROUND SIGN 78" x 53" (28.7 SQ.FT.) SETBACK 28.6 FEET FROM CENTERLINE OF ROADWAY - 7 FEET IN HEIGHT. Existing variance  
Sign Height and Area square footage previously approved by ZBA case # 07-042  
Height allowed is 7 feet MAX (code only allows 6 feet height)  
Sign Area allowed is 56 sq. ft.                      **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:

Pond directly behind monument sign cement pad, limits the options and or location for signage location.

**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:

**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:

The current cement pad for the monument sign was created by the owner and or previous owners as to where these type of signs are to be placed.

We also have a request for an additional "Ground Sign" that is simply directions for delivery vehicles & guests. ( See attached Photos)

### **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.

### **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.

There will be no impact to the surrounding area or properties by placing both of these signs. The signs explain who occupies the property and the directional sign simply points delivery traffic and guests where to go.

**COLOR SPECS**



FABRICATE & INSTALL (1) D/F NON-ILLUMINATED MONUMENT SIGN W/  
84" X 85" ALUMINUM SIGN CABINET  
(2) 40.5 X 78" ALUMINUM PAN /2" RETURNS  
(2) SETS OF ACRYLIC RAISED LETTERS (LOGO) GLUED & STUD MOUNTED TO PAN FACES  
3M BLACK & WHITE VINYL COPY  
ILLUMINATED W/EXISTING FLOOD LIGHTING

**28.7 SQFT TOTAL**



2249 Lansing Ave. Jackson, MI 49202  
2400 Alpine Access, St. Lansing, MI 48906  
663 S Mainfield St. Grandville, MI 49401  
3965 Pine Creek Rd. Marquette, MI 49855  
317-244-3720 www.johnsonsign.com

JOB NAME:  
MAGNA

LOCATION:  
39550 ORCHARD HILL PLACE  
NOVI 48375

ACCOUNT REP: JA

DESIGNER: LE

REVISION: 1

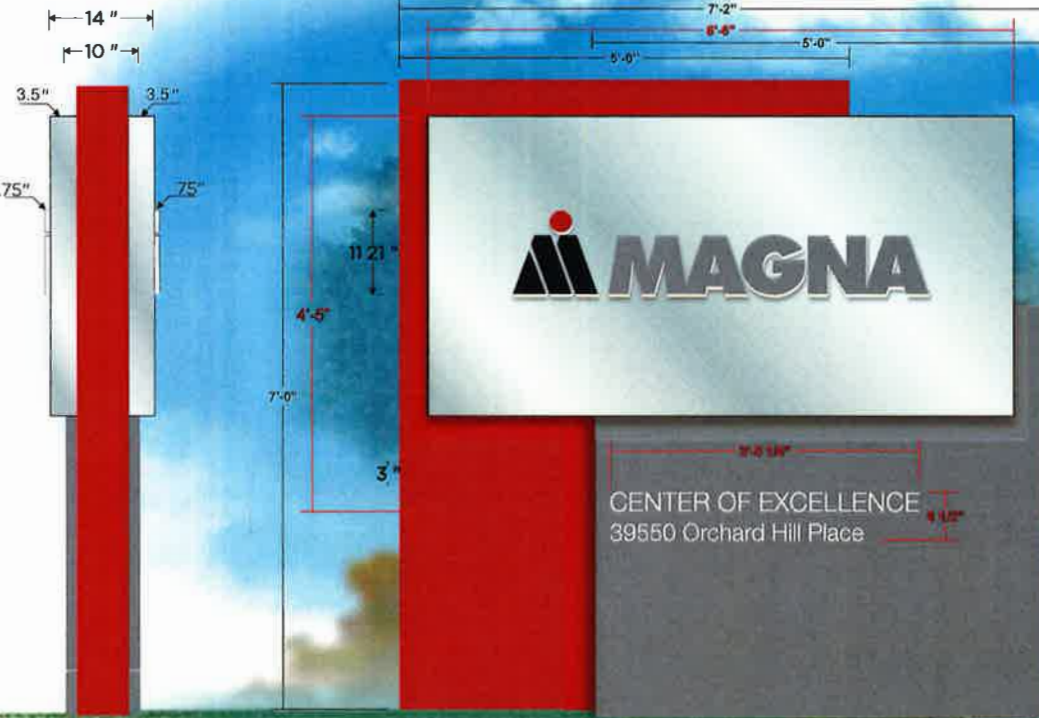
NOTES:  
(1) MONUMENT SIGN

FILE NAME:  
220453-04

SCALE:  
3/4"=1'

This design and all material appearing hereon constitute the original unpublished work of Johnson Sign Co. may not be duplicated, used or disclosed without written consent.

**BUILDING VIEW**



**STREET VIEW**



THIS SIGN IS INTENDED TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAR UL LABELS.

JOHNSON SIGN CO. DOES NOT PROVIDE PRIMARY ELECTRIC TO SIGN LOCATION RESPONSIBILITY OF OTHER

CUSTOMER APPROVAL: \_\_\_\_\_

DATE: \_\_\_\_\_



INTERNATIONAL SIGN ASSOCIATION



SCALE 3/4"=1'

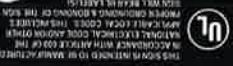
DESIGNER S WILKIE  
 DATE 03/02/23  
 JOB NO. 220453  
 ADDRESS: 39550 Orchard Hills Place | Novi, MI 48375

APPROVED BY:

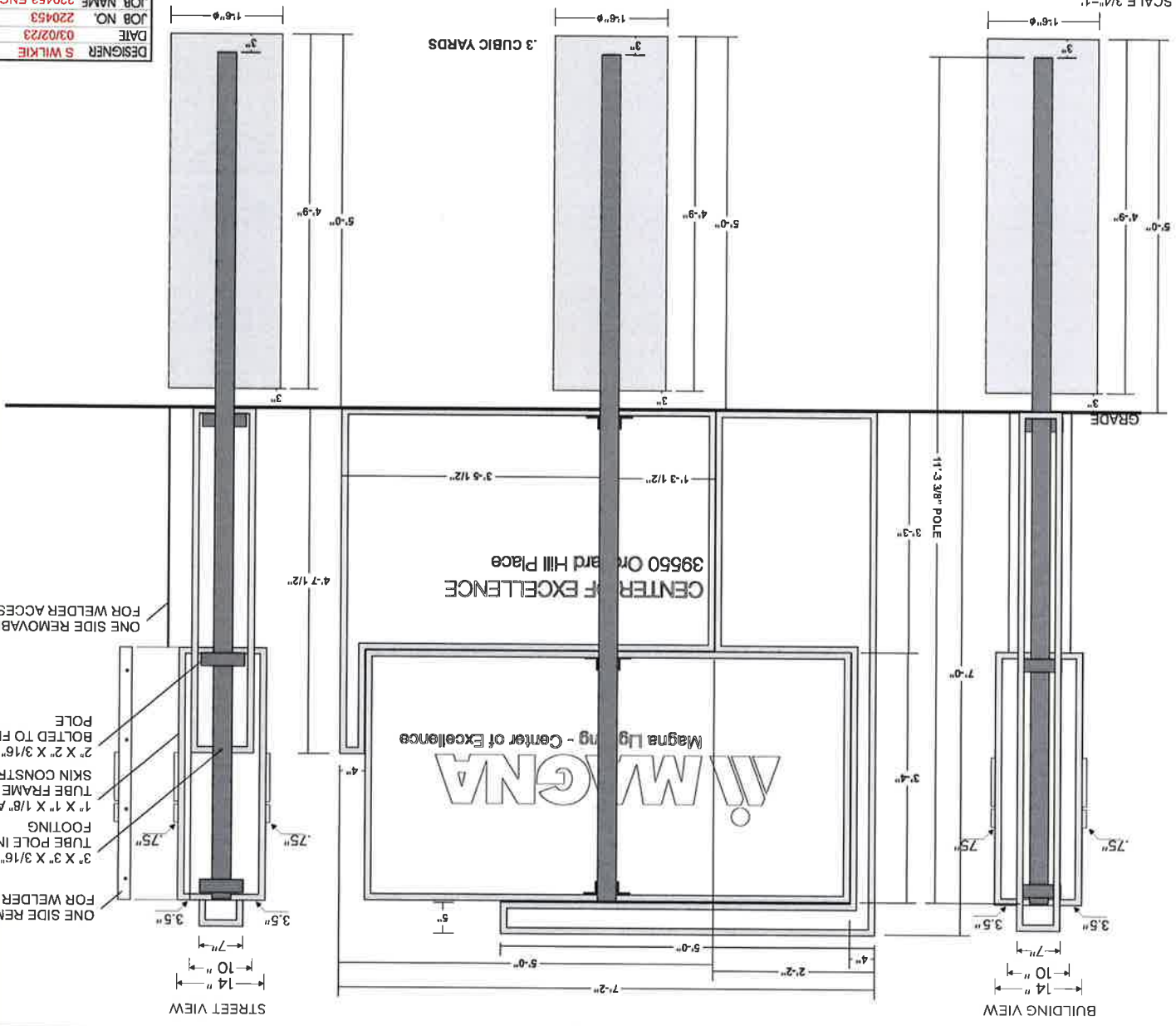
DATE:



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2240 Lansing Ave. Jackson, MI 49202  
 2908 Alpha Access St. Lansing, MI 48910  
 665 S. Mansfield, Ypsilanti, MI 48198  
 1965 Pine Creek Rd. Manistee, MI 49661  
 517 784 5720 | www.johnsonsign.com



- ONE SIDE REMOVABLE FACE
- FOR WELDER ACCESS
- 3" X 3" X 3/16" STEEL SQUARE
- TUBE POLE IN CONCRETE
- FOOTING
- 1" X 1" X 1/8" ALUMINUM SQUARE
- TUBE FRAME WITH 1/8" ALUMINUM
- SKIN CONSTRUCTION
- 2" X 2" X 3/16" ANGLE IRON SADDLES
- BOLTED TO FRAME / WELDED TO
- POLE

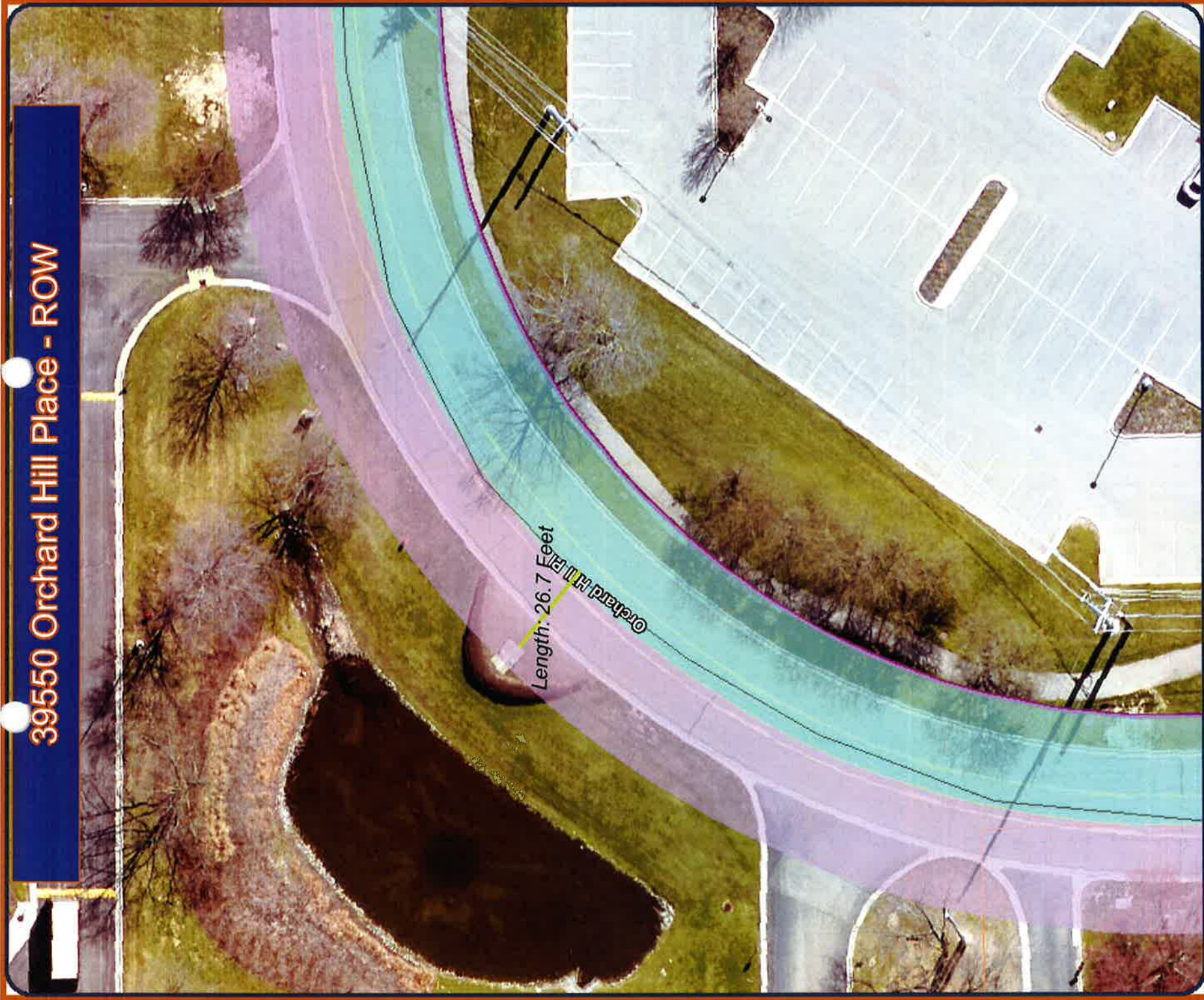
STREET VIEW

BUILDING VIEW

3.3 CUBIC YARDS



# 39550 Orchard Hill Place - ROW



#### MAP DISCLAIMER NOTICE

No 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 is the most recent. Boundaries and measurements are not guaranteed. All measurements are approximate and should not be construed as survey measurements. Not to be used 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.



1 inch = 47 feet



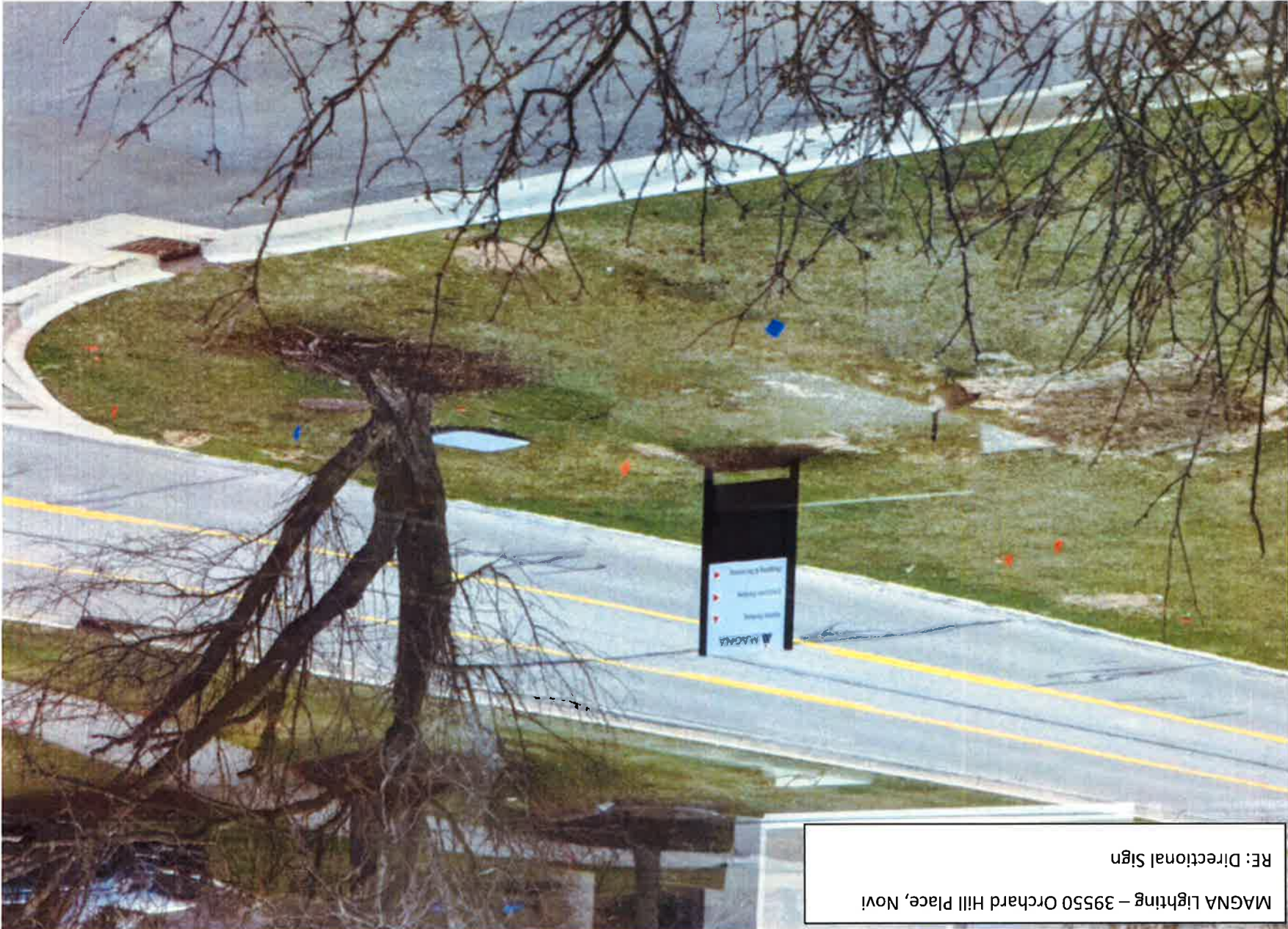
Map Print Date:  
4/3/2023



**City of Novi**

45175 Ten Mile Rd  
Novi, MI 48375  
cityofnovi.org





MAGNA Lighting – 39550 Orchard Hill Place, Novi  
RE: Directional Sign

8 Agwane best directional sign



## Community Development Department

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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.





Previously Existing sign until 2019