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

Case No. 11-037 Lenox Park

Location: 40812 Thirteen Mile Road

**Zoning District:** RA, Residential Acreage

The applicant is requesting a variance from 28-6(3) of the Sign Ordinance to allow continued placement of an oversize and over height real estate marketing sign (57 square feet in area and 12.5 feet in height) located on the west side of M-5.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 28-6(3) Temporary real estate signs shall not exceed 6 square feet in area and 5 feet in height.

**City of Novi Staff Comments:**

The applicant is requesting further extension of previous variances for a 57 square foot 12.5 foot high real estate marketing sign approved under ZBA 09-035 and ZBA 07-030. The Sign Ordinance allows a maximum of 6 square feet, 5 feet in height. The development site has little frontage and is somewhat uniquely situated with regard to the adjacent roadways. Location aside, the temporary sign has been in place for a number of years. In addition, the sign has had additional area added at various times. If the board is inclined to grant the variance, staff suggests a limited period of time and removal of any sign area/panels beyond that previously approved.

**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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For Official Use Only

ZBA Case No: 11-037 ZBA Date: NOV 1 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 12 copies of all supporting documentation relevant to the appeal,

Applicant's Name Sam Madorsky Date 9-19-2011

Company (if applicable) PT Commerce, LLC

Address\* 31550 Northwestern Highway, Suite 220 City Farmington Hills ST MI ZIP 48334

\*Where all case correspondence is to be mailed.

Applicant's E-mail Address: smadorsky@mshapirorealestate.com

Phone Number (248) 865-0066 FAX Number (248) 865-1166

Request is for:

Residential Construction (New/ Existing)  Vacant Property  Commercial  Signage

1. Address of subject ZBA case: 40812 W. 13 Mile Rd, Novi, MI ZIP 48337

2. Sidwell Number: 5022 - 01-326-001 through 190 \_\_\_\_\_ 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  JSC  OST \_\_\_\_\_ OTHER \_\_\_\_\_

5. Property Owner Name (if other than applicant) \_\_\_\_\_

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 Variance requested for time extension for use of existing marketing sign located along M-5
2. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
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):

Due to lack of visibility and frontage of Lenox Park on 13 Mile Road, where it shares an entry drive with Brightmoor Christian Church, it is  
necessary to have a temporary marketing sign along M-5 on Lenox Park property to drive traffic and spur sales. The sign on M-5 is the main  
source of driving traffic to the site. Please see the attached letter for further explanation.

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:

Lenox Park is located on the west side of M-5 and north of 13 Mile Road. The entrance to Lenox Park is shared with the southerly adjacent  
property, Brightmoor Christian Church. Lenox Park does not have any frontage visibility on 13 Mile Road.

**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

Sam Madorsky  
Applicants Signature Authorized Agent

9-19-11  
Date

Sam Madorsky  
Property Owners Signature Authorized Agent

9-19-11  
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

PT COMMERCE, LLC  
31550 NORTHWESTERN HIGHWAY, SUITE 220  
FARMINGTON HILLS, MI 48334  
248-865-0066 P  
248-865-1166 F

September 19, 2011

City of Novi  
Zoning Board of Appeals  
45175 W 10 Mile Rd  
Novi, MI 48375

RE: Request for additional time for directional/marketing sign along M-5 for Lenox Park Condominiums

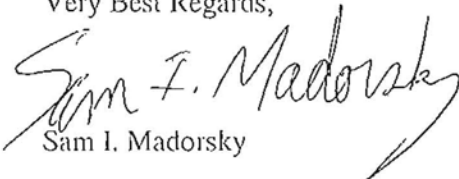
To Whom It May Concern:

Lenox Park, herein referred to as the "Subject Property," is a Duplex Condominium Development located north of Thirteen Mile Road and west of M-5 in the City of Novi. The Subject Property has one shared point of access at Thirteen Mile Road, as depicted on the attached aerial attached herein as Exhibit A. The entranceway at Thirteen Mile Road is shared with the southerly adjacent property, Brightmoor Christian Church. The Subject Property has no frontage or visibility along Thirteen Mile Road; however it has approximately 1/3 mile of frontage along M-5.

During the initial marketing of the Subject Property between 2005 and 2007 we learned that many potential customers were under the impression that Lenox Park was an extension of Erickson's Fox Run Development (located directly west of Lenox Park). In order to generate prospective purchaser traffic and eventual sales we found it important to distinguish the Subject Property from Erickson's Development, as Lenox Park is a "for sale" Condominium Development and not a "Retirement Community." The Zoning Board of Appeals had previously approved the extension of the marketing sign along M-5 for two additional years in September of 2009. During that time the majority of interested customers stated that they took notice of the Subject Property via the sign along M-5. Due to the severe decline in the real estate market beginning in 2007 and continuing today, absorption within Lenox Park has been drastically slower than anticipated. We believe the sales that have occurred were spawned from drive-by traffic on M-5. We are requesting consideration for the continued placement of the sign along M-5 for an additional two (2) years. Please note that the sign is located on the Lenox Park property, as detailed on the aerial attached herein as Exhibit B. A graphic of the sign with dimensions is attached herein as Exhibit C.

I thank you for your time and consideration. If you need any additional information, please call me at the number above.

Very Best Regards,

  
Sam I. Madorsky

SIM/am  
Enclosures

# EXHIBIT A

# Lenox Park



Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, 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: 9/16/2011



# **EXHIBIT B**

MIC

**LENOX**  
*At Home*

NEW FINANCING  
FHA APPROVED!

**3 1/2% DOWN**  
MOVES YOU IN

**MODELS OPEN**

OVER  
**50% SOLD**  
OFF

09.12.2011



# EXHIBIT C

6'-0"

5'-10"

MJC

LENOX  
*Park*

**Ranch  
Condos**

\$  
FROM  
THE  
**250's**

**248-624-0520**

[www.mjccompanies.com](http://www.mjccompanies.com)

