



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: July 13, 2021

REGARDING: 39601 Grand River Avenue Suites A and B, Parcel # 50-22-24-476-017 (PZ21-0032)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Metro General Contractors

Variance Type

Sign Variance

Property Characteristics

Zoning District:	General Business
Location:	West of Haggerty Road and South of Grand River Avenue
Parcel #:	50-22-24-476-017

Request

The applicant is requesting variance from The City of Novi Code of Ordinances Section 28-5(b)(1)a. For a 46.67 sq ft wall sign on the north (17.50 sq ft maximum area is allowed, based upon 14 feet lineal frontage) and a 41.42 sq ft wall sign on the north elevation (22.50 sq ft maximum area is allowed, based upon 18 feet lineal frontage). Section 28-5(d)(2) for a 46.67 sq ft wall sign on the west elevation (24 sq ft maximum area is allowed on the wall at the side entrance per Code). Section 28-5(b)(2)a and 28-5(a) for an oversize and over-height Ground Sign (32.17 sq ft maximum area is allowed, based upon the 64'4" setback from the center line of Grand River and 6 ft is the maximum allowable height from grade). Section 28-7(b)(2) for three 4.22 sq ft directional ground pole signs at the west and north entryway driveways and northeast landscape island (3 sq ft maximum area is allowed, the third sign is also over the maximum allowable number of signs on a parcel. These variances are to accommodate the signage for the new 11:11 Burgers and Jimmy Johns Restaurants. This property is zoned General Business (B-3).

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. **PZ21-0032**, 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. **PZ21-0032**, 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 _____
_____.



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ZONING BOARD OF APPEALS APPLICATION

RECEIVED

JUN 01 2021

APPLICATION MUST BE FILLED OUT COMPLETELY

CITY OF NOVI
 COMMUNITY DEVELOPMENT

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION 11/11 Burgers & Fries / Jimmy Johns			
ADDRESS 39601 Grand River Novi 48375		LOT/SUITE/SPACE #	
SIDWELL # 50-22-		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY Grand River and haggerty			
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 checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input 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 eve@metrogeneralcontractorsinc.com	CELL PHONE NO. 248-660-3322
NAME Luk Dedvukaj		TELEPHONE NO. 248-615-1111	
ORGANIZATION/COMPANY 11/11 Burgers & Fries		FAX NO.	
ADDRESS 39601 Grand River	CITY Wixom	STATE MI	ZIP CODE 48393
B. PROPERTY OWNER <input type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS michael@fayzproperties.com	CELL PHONE NO. 313-574-9936
NAME Michael Makki		TELEPHONE NO.	
ORGANIZATION/COMPANY Pheasant Run Plaza		FAX NO.	
ADDRESS P. O. Box 1178	CITY Dearborn Hieghts	STATE MI	ZIP CODE 48127
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 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 <u>B3</u>			
B. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>28-5</u>	Variance requested	<u>Additional ground sign oversized</u>	
2. Section _____	Variance requested	<u>Current size from previous owner (Burger King)</u>	
3. Section _____	Variance requested	<u>was 30 square feet. We are requesting 42 sq ft</u>	
4. Section _____	Variance requested	<u>and 2 feet additional height</u>	
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 checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input 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 		<ul style="list-style-type: none"> 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 established 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

Applicant Signature

6/1/21
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

6-1-21
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

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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. **Describe below:**

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 storm water facilities. **Describe below:**

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. **Describe below:**

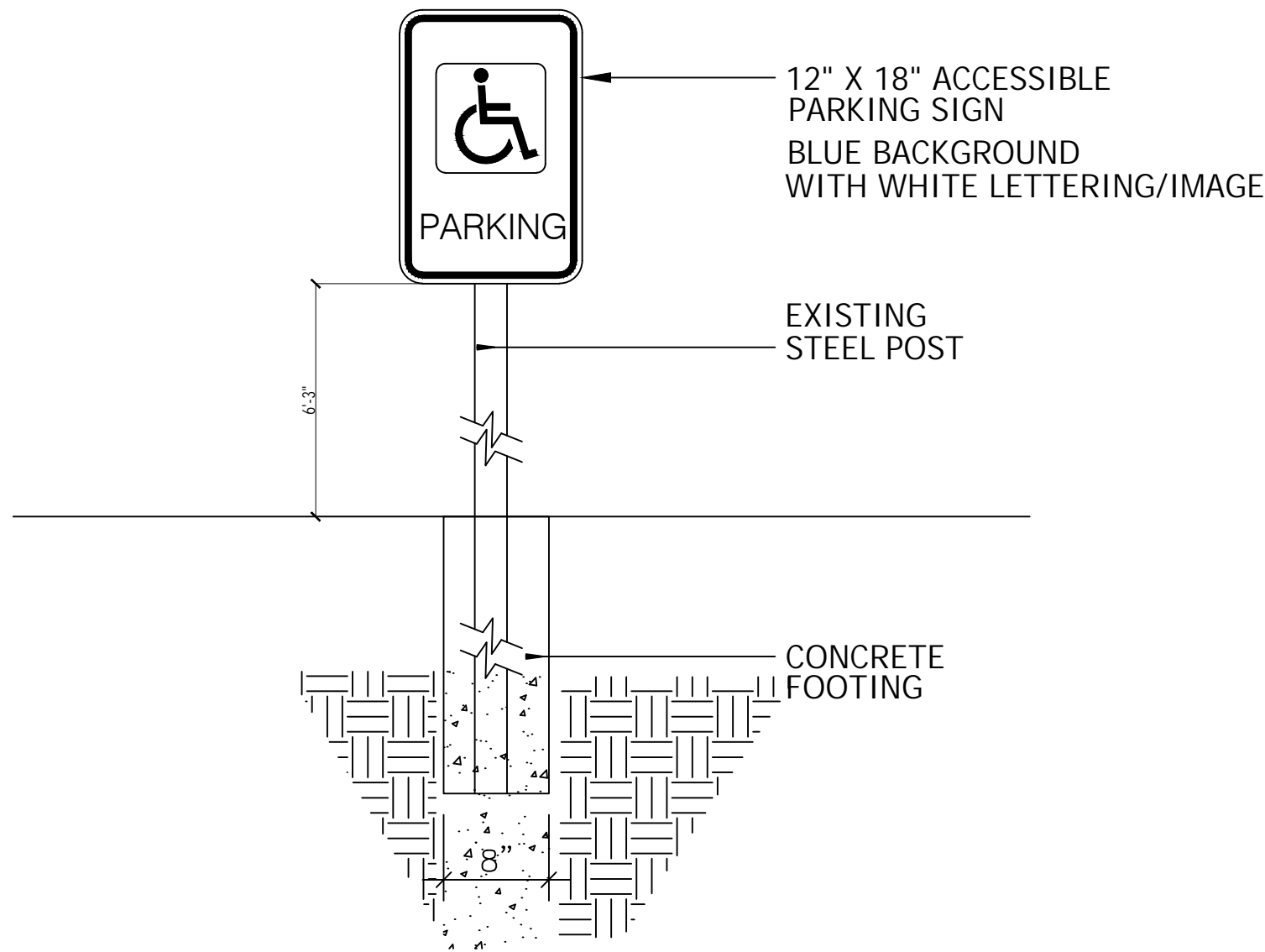
- d. Scale of Building or Lot Frontage.** A sign that exceeds permitted dimensions for area and/or height could be considered appropriate in scale due to the length of the building frontage (wall sign only) or length of the lot frontage (ground sign only). **Describe below:**
- e. Not Self-Created.** 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. **Describe below:**

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.



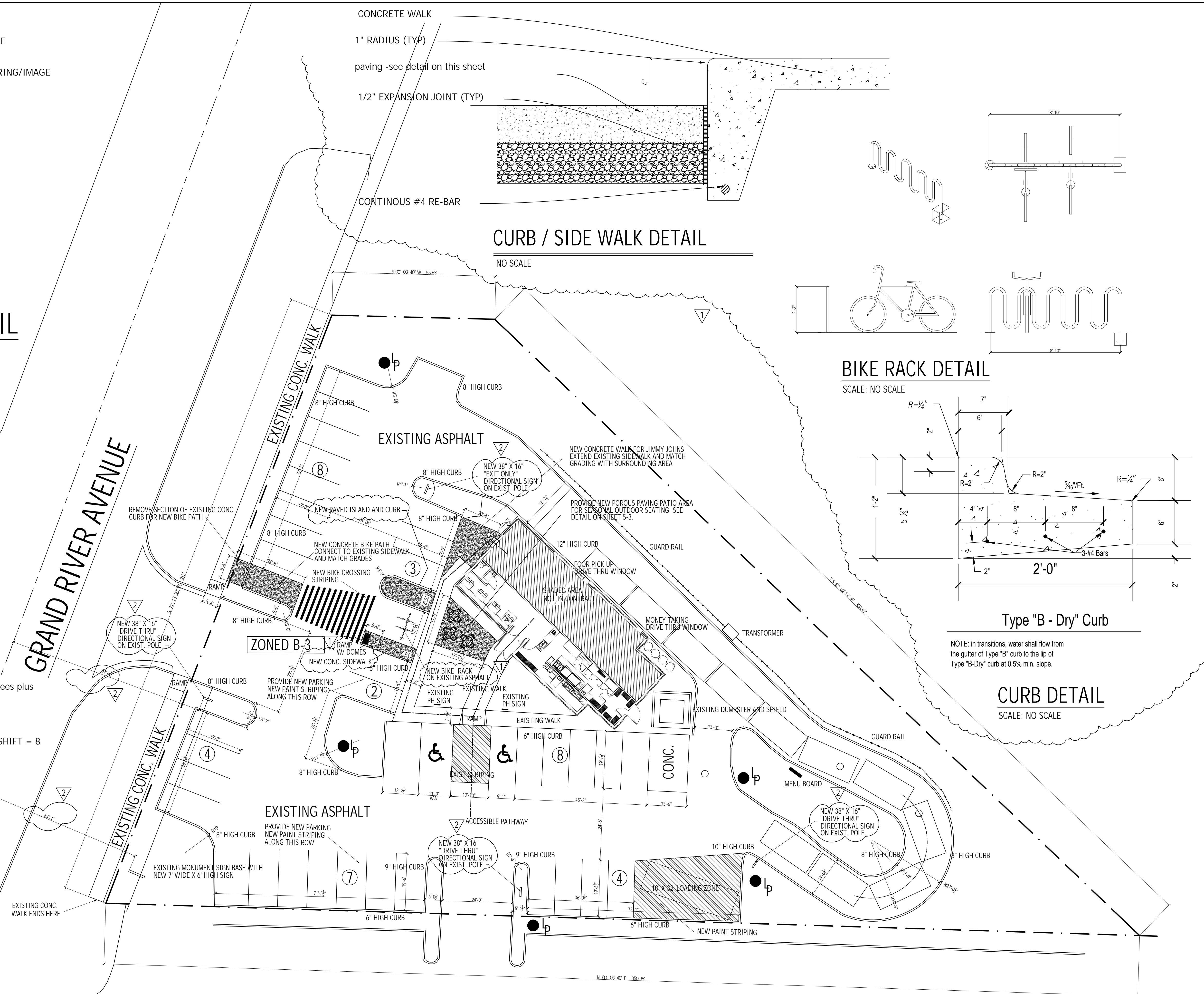
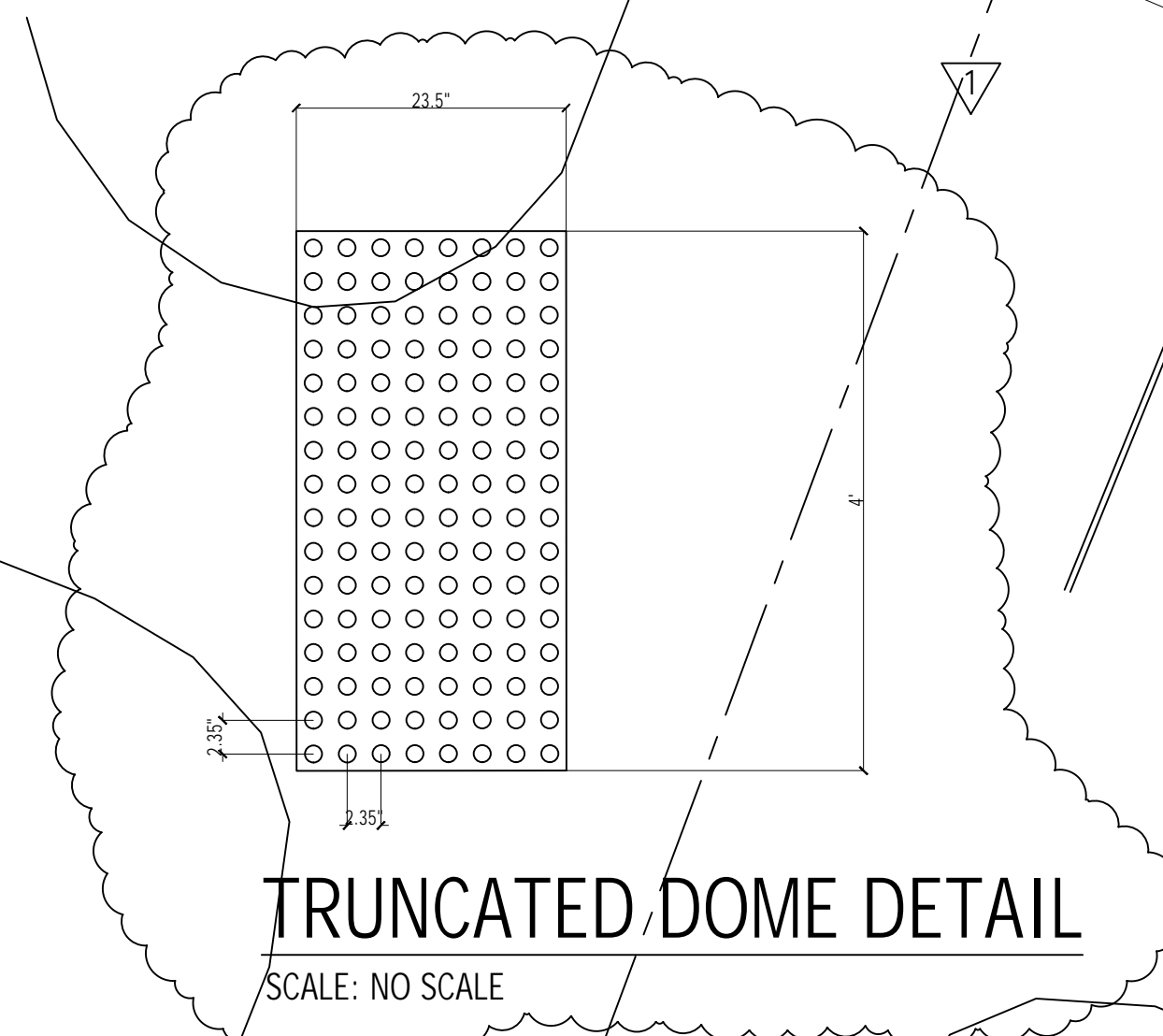
EXISTING PH SIGN DETAIL

SCALE: NO SCALE

T1N, R8E, SEC 24 PART OF SE 1/4 BEG AT PT DIST S 88-26-40W 60.02 FT & N 00-03-40 E 1091.27 FT & N 89-56-20 W 368.93 FT & N 71-13-30 W 35.70 FT & N 00-03-40 E 8.46 FT FROM SE SEC COR, TH N 00-03-40 E 350.96 FT, TH S 71-13-30 E 215 FT, TH S 00-03-40 W 55.63 FT, TH S 42-02-14 W 304.47 FT TO BEG 0.95-A 6-8-89 FR 011

PARKING REQUIREMENTS:

RESTAURANT (drive in/fast food): (1) space for each (2) employees plus (1) for each (2) customers.
 1 S.F. FOR EACH 15 NET S.F.
 TOTAL NET AREA FOR BOTH RESTAURANTS = 650 S.F.
 650 s.f. / 15 = 43.33 CUSTOMERS
 NUMBER OF EMPLOYEES (BOTH RESTAURANTS) AT MAXIMUM SHIFT = 8
 TOTAL OCCUPANCY OF BOTH RESTAURANTS = 52
 52 / 2 = 26 PARKING SPACES REQUIRED
 36 PARKING SPACES PROVIDED.



CURB / SIDE WALK DETAIL

NO SCALE

BIKE RACK DETAIL

SCALE: NO SCALE

Type "B - Dry" Curb

CURB DETAIL

SCALE: NO SCALE

NOTE: in transitions, water shall flow from the gutter of Type "B" curb to the lip of Type "B-Dry" curb at 0.5% min. slope.



ISSUED FOR	DATE
APPROVALS	10.23.20
REISSUE	11.23.20
REVISION 2	5.19.21

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ARCHITECT SIGNATURE:

PROJECT DESCRIPTION:
RENOVATION FOR 1111 BURGERS AND FRIES
 ADDRESS:
 39601 GRAND RIVER AVENUE
 NOVI, MICHIGAN

DRAWN BY:
 DJM
 CHECKED BY:
 DJM
 SCALE:
 1/16" = 1'-0"
 DATE:
 11.23.20
 JOB NUMBER:
 20200030
 TITLE:
 SITE PLAN
 SHEET NUMBER



42SF



46.6SF



62' ft

ENTRANCE FROM PLAZA



ENTRANCE FROM GRAND RIVER



41.4SF

46.6SF

