

September 30, 2024

City of Lathrup Village
Zoning Board of Appeals
27400 Southfield Road
Lathrup Village, MI 48076

Commercial Sign Application -ZBA Review

Site: 27651 Southfield Road
Applicant: Oakland Development Company, LLC
Plan Date: September 12, 2024
Zoning: VC Village Center
Parcel ID: 24-14-432-010

Dear Zoning Board of Appeals,

We have completed a review of the Sign Ordinance for a proposed ground sign modification at the Lathrup Village Center Building, currently under renovation along the west side of Southfield Road, north of W. Goldengate Drive. A summary of our findings is provided below. Comments are provided in **bold**.

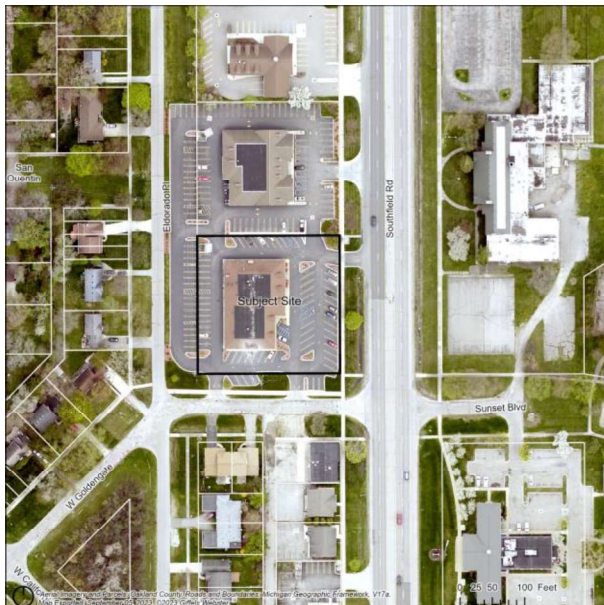
PROPOSED IMPROVEMENTS REQUIRING ZBA APPROVAL:

The following 6 variance items apply to an existing monument sign which is not permitted in the VC-Village Center zoning district. If left as-is, the existing monument sign would be recognized as a nonconforming sign, under Section 52-29, and would not require requests for the following variances:

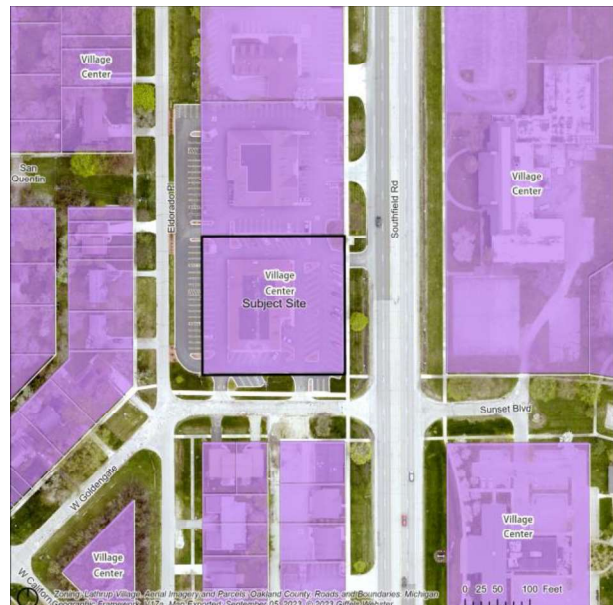
1. Request for a dimensional variance to allow an additional sign on top of the existing monument sign, at a setback of 1' from the east property line, in lieu of the ordinance-required 10' setback.
2. Request for a dimensional variance to allow 53 square feet of signage surface display for each side of the sign in lieu of the ordinance-allowed 40 square feet per side.
3. Request for a dimensional variance to allow a 7'-1" maximum height of the sign structure in lieu of the maximum ordinance-allowed 5'-0".
4. Request for a dimensional variance to allow for a total maximum sign area of 159 square feet in lieu of the maximum ordinance-allowed 120 square feet.
5. Request for a dimensional variance to allow an additional 3" sign base on top of the existing monument sign.
6. Request for a dimensional variance to allow no street number to be placed on either side of the existing monument sign.

PROJECT SUMMARY

In September 2023, the existing site received site plan approval by the Planning Commission for an exterior renovation of existing buildings. The 1.1-acre site is zoned VC – Village Center District and is located along the west side of Southfield Road, between Sunset Drive to the north and Goldengate Drive to the south. The existing building consists of 11,000 square feet, one floor, and six tenant lease spaces (5 retail tenants and 1 restaurant tenant). One driveway along Southfield Road provides vehicular access to the site and the adjacent parcel to the north, under common ownership, provides shared access to one additional driveway along Southfield Road. Two access points to-and-from Goldengate Drive are provided along the south property line. The abutting properties on all sides are zoned VC – Village Center, however, the lots west of the site exist as single-family residential. No additional square footage is proposed to be added to the existing 11,000 square foot building; however, a new restaurant tenant is proposing an additional display area to the existing monument ground sign at the front of the site. Monument signs are not permitted in the Village Center district, resulting in the monument sign being classified as an existing nonconforming structure. The review of the proposed sign modification continues as outlined in the remainder of this letter.



AERIAL MAP



AERIAL ZONING MAP

SUMMARY OF SIGN REVIEW

Monument signs are not permitted in the Village Center District and, therefore, the ground-mounted monument sign is considered an existing nonconforming sign structure.

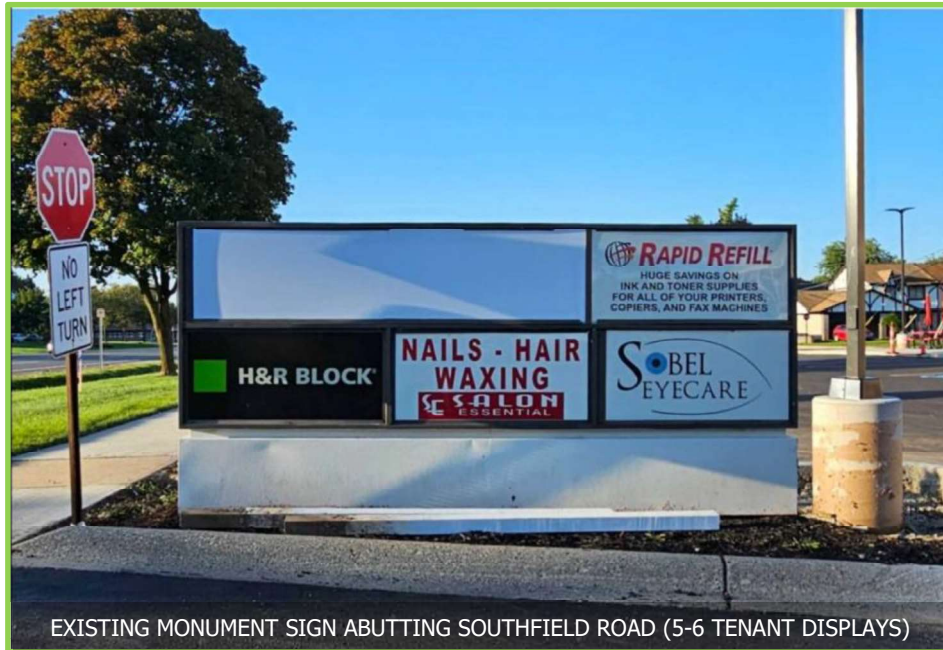
As defined, *Monument Sign means a sign extending upward from grade which is attached to a permanent foundation for a distance of not less than 50 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed within the sign structure.*

The dimensional standards for monument signs, as applied to the subject sign, are identified in the Dimensional Standards Table beginning on page 3 below.

Existing Conditions Summary

In addition to its presence in the Village Center district, the following existing characteristics of the monument sign are found to be out of compliance with the current sign ordinance (existing nonconforming):

1. Encroaches the required 10' setback along Southfield Road by 9'; a 1' setback from the property line.
2. Has a 48 square foot surface display area which exceeds the maximum 40 square feet of surface display area allowed.
3. Has a height of 5'-5" which exceeds the maximum 5'-0" height allowed by 5 inches.
4. Has a maximum total area of 144 square feet which exceeds the maximum total area of 120 square feet allowed by the ordinance, by 24 square feet.
5. Has a metal base height of 17" which exceeds the maximum 12" masonry required by the ordinance by 5 inches.



| Dimensional Standards | | | | |
|-------------------------------|-------------------|--|---|--|
| Development Standard | Zoning Ord. Sect. | Required | Provided | Comments |
| MONUMENT SIGN (GROUND) | | | | |
| Location / Setbacks | 52-24.D. | 10'-0" from street right-of-way line MX District only | Approx. 1' from Southfield Rd. ROW line. VC District | Existing Nonconforming, Not Compliant₁ |
| | | | 50' from north property line | Compliant |
| | 52-23.B. | No signs in a clear vision zone | Not within a Clear Vision Zone | Not Applicable |

| Max Surface Display Area | | | | |
|--|------------|--|-------------------------------|---|
| Existing | 52-24.D. | 40 sq. ft. per side | 48 sf. | Existing Nonconforming₂ |
| Proposed | | | Approx. 53 sf. | Not Compliant₂ |
| Max Height | | | | |
| Existing | 52-24.D. | 5 ft. from ground to top of sign | 5'-5" | Existing Nonconforming₃ |
| Proposed | | | 7'-1" | Not Compliant₃ |
| Number | | | | |
| | 52-24.D. | 1 sign per parcel | 1 sign | Not Permitted in the VC District |
| Max Total Area | | | | |
| Existing | 52-25.A.1. | 120 sf (No more than 3x the surface display area) | 144 sf. (48 sf x 3) | Existing Nonconforming₄ |
| Proposed | | | 159 sf. (53 sf x 3) | Not Compliant₄ |
| Min Base Size & Material | | | | |
| Existing | 52-25.A.2. | 12" high min. Masonry | 17" | Existing Nonconforming₅ |
| Proposed | | | 3" (atop existing) | Not Compliant₅ |
| Street Number | | | | |
| Existing | 52-25.A.3. | On sign face or supporting structure | None existing | Existing Nonconforming₆ |
| Proposed | | | None proposed | Not Compliant₆ |
| Min Height of All Letters/Numbers | | | | |
| Existing | 52-25.A.4. | 6" at 45 m.p.h. or greater | Not verified | Appears Compliant |
| Proposed | | | 11" | Compliant |

1. **Setbacks.** The existence of the sign in the Village Center district, as well as the 9-foot encroachment into the 10-foot minimum setback along Southfield Road, characterizes the structure as an existing nonconforming sign.

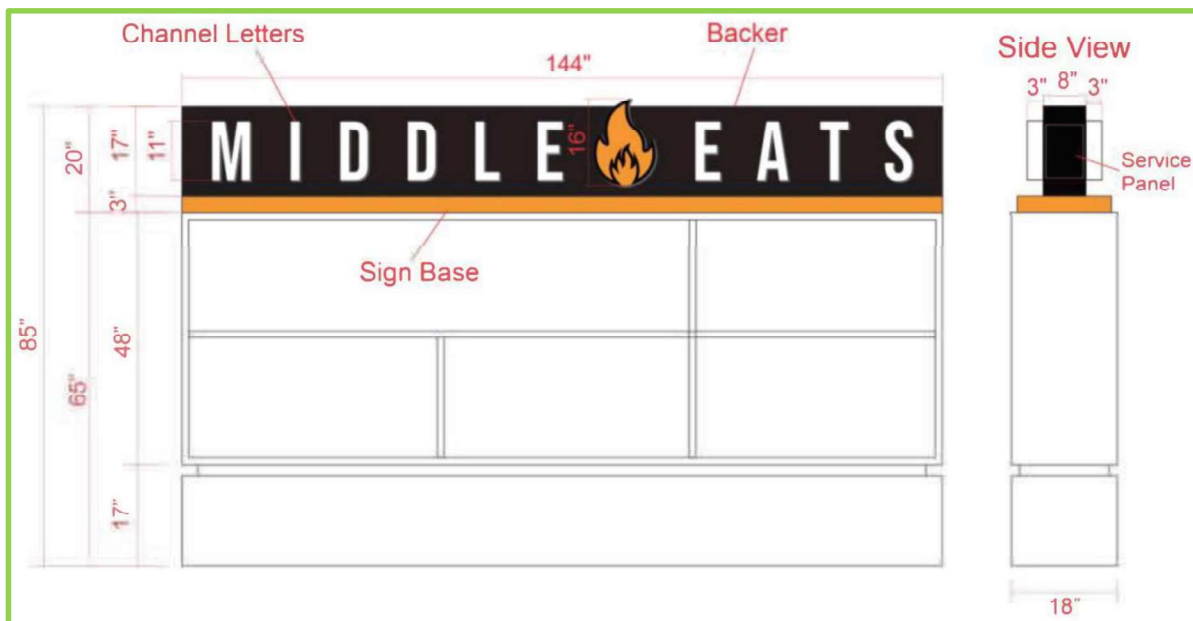
For the proposed sign addition to comply with the 10' ordinance setback standard, it would be required to be placed on top of the existing sign not less than 10' from the property line. The applicant is seeking a variance to allow for an additional sign face, on top of the existing sign, to be setback 1' from the Southfield Road property line.
2. **Surface Display Area.** The 48 square foot existing sign area exceeds the maximum square footage allowed by the ordinance and is therefore an existing nonconformity. The proposed sign face adds 17 square feet to each side of the sign (17" x 12'), which is about a 42.5% increase to the 40 square feet of sign area allowed.
3. **Maximum Sign Height.** The height of the existing monument sign exceeds the maximum height allowed by 5". Proposing an additional 20" sign structure on top of the existing sign would result in a total sign height of 85" or 7'-1". This results in an increase in height of approximately 33%.
4. **Maximum Total Display Area.** The maximum surface display area of a monument sign in Section 52-24.D. is 40 square feet. Therefore, the maximum total area of the sign shall not exceed 120 square feet (40 x 3). With an existing surface display area of 48 square feet, the

overall sign area currently exceeds the 120 square feet allowed by 24 square feet (144 sf. – 120 sf.).

With a proposed surface display area of 53 square feet, the overall sign area exceeds the 120 square feet allowed by 39 square feet (159 sf. – 120 sf.).

5. **Minimum Base Size & Material.** The height of the base of the existing monument sign structure is shown to be 17", which exceeds the maximum allowed by 5". The proposed additional sign on top of the existing structure is shown to include a base element and is dimensioned to be 3" in height. The additional sign's base element is not permitted. See "Sign Base" label in the image below.
6. **Street Number.** The existing monument sign does not consist of a street number, nor do the proposed sign modifications include adding one. The applicant may consider adding street numbers to each side of the monument sign in order to satisfy the requirements of this section.

Proposed Modifications to the Existing Ground-Mounted Monument Sign



Section 52-29. – Nonconforming Signs

- (a) A nonconforming sign may remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare, except as provided in subsection (f), Amortization, below.
- (b) If the property upon which the sign is located is vacant and the previous use is abandoned, the entire sign (including above-ground base, height, poles, size, wires, panels and any other element) shall be removed within 30 days of the property becoming abandoned. **N/A**
- (c) A nonconforming sign shall not:
 - i. Be relocated, expanded or changed, except as to periodic message changes.
 - ii. Be structurally altered so as to prolong the life of the sign or to change the shape, size, type, placement or design of the sign.
 - iii. Be altered or repaired after being damaged if the repair or the re-erection of the sign would cost more than 50 percent of the cost of a similar sign. **N/A**

- (d) For the purpose of this section of the article, the terms "altered," "repaired," "changed" and "expanded" shall not include normal maintenance, reducing the copy area, changing copy, changing ornamental molding, frames or other such features or landscaping below the copy area, installing or changing electrical wiring.
- (e) If a property line, easement or right-of-way line is altered that affects the setbacks required by this article, the owner of the sign, building or property shall either (1) remove the nonconforming sign, (2) conform with this article, or (3) apply for a variance.
- (f) Amortization. Any existing sign that does not comply with all of the provisions of this article II, sign ordinance, on the effective date of the ordinance:
- (1) Shall not be changed to another type of sign which is not in compliance with this chapter.
 - (2) Shall not be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign.
 - (3) Shall not have its face or faces changed unless the sign is brought into conformance with the requirements of this chapter, or unless the sign is an off-premises sign or billboard constructed to permit a change of face.
 - (4) Shall not be re-established or otherwise used, after the activity, business, or usage to which it relates has been discontinued for a period of 90 days or longer. *N/A*
 - (5) Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official. *N/A*
 - (6) Shall not ever be placed, maintained, or displayed by someone other than the person who owned the premises on the date of adoption of the ordinance from which this chapter is derived.
 - (7) Shall not be placed, maintained, or displayed by any person or entity on or after December 31, 2020.

Standards for Considering Variance Requests. Section 7.7.14. provides the criteria for the applicant to present and the ZBA to consider when considering variance requests:

- A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship will result to the applicant if the strict letter of the regulations are carried out. Mere inconveniences or increased development costs shall not be deemed hardships under the terms of this provision.
- B. The factual circumstances upon which an application for a deviation is based are unique to the property for which the deviation is sought, and are not applicable to the city generally, or to other property within the same zoning classification.
- C. Any alleged practical difficulty or unnecessary hardship caused by this ordinance has not been created by any persons presently or previously having an interest in the property.
- D. The proposed deviation will not adversely affect the purpose or objectives of this ordinance, nor impair the adequate supply of light and air to adjacent property, nor increase the hazard from fire, flood, and other dangers of said property, nor diminish the marketable value of adjacent lands and buildings, nor increase the congestion in public streets.
- E. The proposed deviation will not otherwise impair the public health, safety, comfort, and general welfare.

- F. The benefit to the applicant will be real and substantial and any detriment to the neighboring property owners and occupants or the community at large is not substantial or is illusory. Benefits and detriments shall be determined in relation to the factors which impair the value and use of properties as related in D & E, above.
- G. The applicant is both willing and able to provide additional amenities beyond those minimally required by this ordinance and/or restrict the use of the property beyond those limitations placed on the property by this ordinance so that the fair market value of neighboring properties will be enhanced beyond the values which would accrue to them if the property were developed and used in strict conformity with the ordinance.
- H. The same or a substantially similar request shall not have been presented to the council in the form of a petition for a zoning amendment and been expressly denied and rejected after a public hearing. **No similar variances had been requested at this site.**
- I. Any special criteria listed for specific deviations in Sections 3.2.2, 4.1.4, and 5.13.15.
This does not appear to apply for this situation.

The application for zoning appeal includes responses to some of the above items for ZBA consideration.

Staff will be available to discuss this review at the next ZBA meeting.

Respectfully,
Giffels Webster



Jill Bahm, AICP
Partner



Eric Pietsch
Senior Planner