



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: May 12, 2015

REGARDING: AQUA TOTS (CASE NO. PZ15-0008)

BY: Thomas M. Walsh, Building Official

I. GENERAL INFORMATION:

Applicant

Kal Mansour with Sign Emporium on the behalf of Aqua Tots

Variance Type

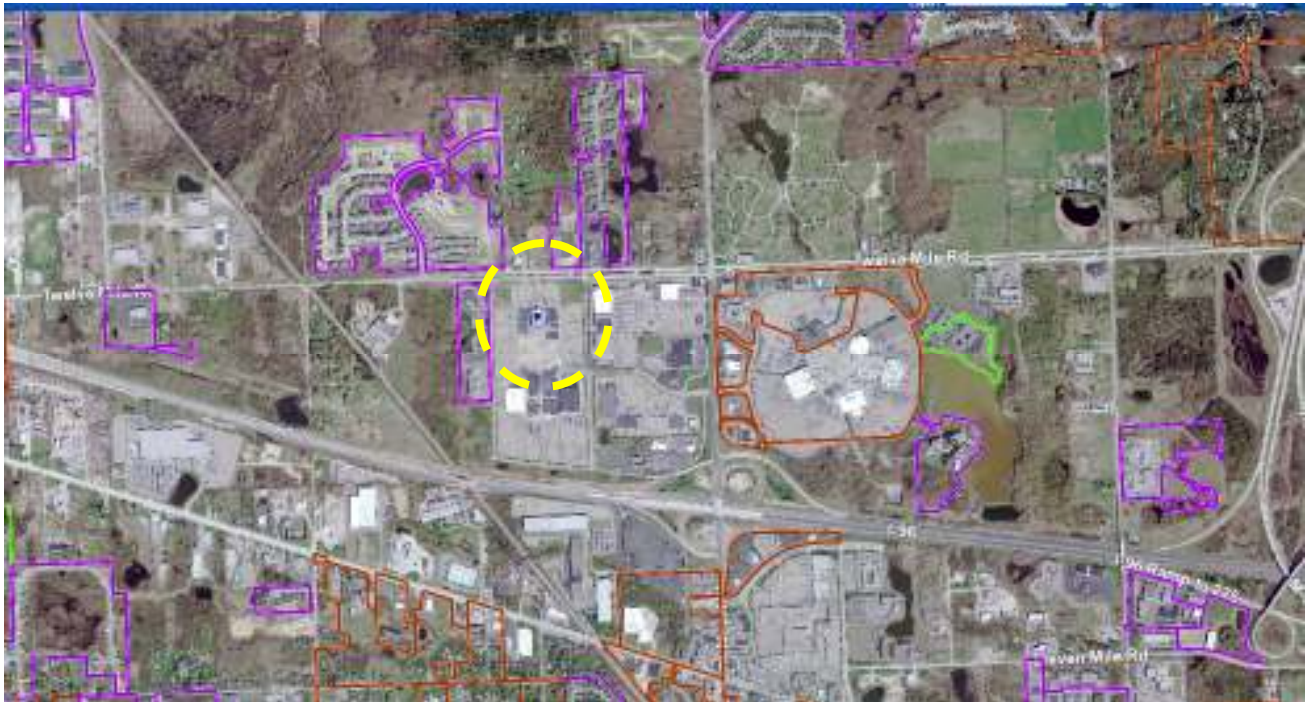
Sign Variance

Property Characteristics

Zoning District: RC, Regional Center
Site Location: 44225 Twelve Mile Road, west of Novi Road and south of 12 Mile Road
Parcel #: 50-22-15-200-110

Request

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow a second (single wall sign allowed in a RC, Regional Center District) wall sign (awning/canopy sign with logo).



II. ZONING AND LAND USE:

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
Subject Property	RC, Regional Center	12 Mile Crossing @ Fountain Walk	Regional Commercial
North	OS-1, Office Service	Stoneridge Office Park	Community Office
South	RC, Regional Center	12 Mile Crossing @ Fountain Walk	Regional Commercial
East	RC, Regional Center	West Oaks II	Regional Commercial
West	OST, Office Service Technology	Timber Creek Office Park	Office Research Development & Technology

III. STAFF COMMENTS:

Proposed Changes

The applicant is requesting approval for installation of a second wall sign for an existing retail business. The applicant is entitled to a single wall sign under the Novi Sign Ordinance. The applicant is requesting to install a wall sign (awning/canopy sign with logo). See attached drawings. Staff cannot support the request as the failure to grant relief will not 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.

IV. RECOMMENDATION:

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

1. I move that we **grant** the variance in Case No. **PZ15-0008**, 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 _____.

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(e) The relief is 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. **PZ15-0008**, 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 Petitioner's 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 _____.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417



Thomas M. Walsh
Building Official
City of Novi



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ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

Application Fee: \$400
 Meeting Date: 5/12/15
 ZBA Case #: PZ 15-0008

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION <u>Aqua Tots</u>			
ADDRESS <u>44225 Twelve Mile C105</u>		LOT/SIUTE/SPACE #	
SIDWELL # <u>50-22-15-200-110</u>		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY <u>W12 Mile Rd and Cabaret Dr.</u>			
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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS	CELL PHONE NO.
		<u>Signsbykal@gmail.com</u>	<u>248-941-8215</u>
NAME <u>Kal Mansour</u>		TELEPHONE NO. <u>248-499-6166</u>	
ORGANIZATION/COMPANY <u>Sign Emporium</u>		FAX NO. <u>866-881-8182</u>	
ADDRESS <u>4577 S. Lapeer Rd, Ste A</u>	CITY <u>Orion Twp</u>	STATE <u>MI</u>	ZIP CODE <u>48359</u>
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	CELL PHONE NO.
NAME <u>Jason Ibrahim</u>		TELEPHONE NO. <u>248-404-7847</u>	
ORGANIZATION/COMPANY <u>Aqua Tots</u>		FAX NO.	
ADDRESS <u>44225 Twelve Mile C105</u>	CITY <u>Novi</u>	STATE <u>MI</u>	ZIP CODE <u>48377</u>
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 _____			
B. VARIANCE REQUESTED			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section _____ Variance requested _____			
2. Section _____ Variance requested _____			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
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 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. DRAWINGS 1-COPY & 1 DIGITAL COPY SUBMITTED AS A PDF - <u>will email pdfs</u>			
<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 canceled. 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 establish 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

Applicant Signature

2-4-15

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

2/4/15

Date

VII. FOR OFFICIAL USE ONLY

DECISION ON APPEAL:

- GRANTED
- DENIED

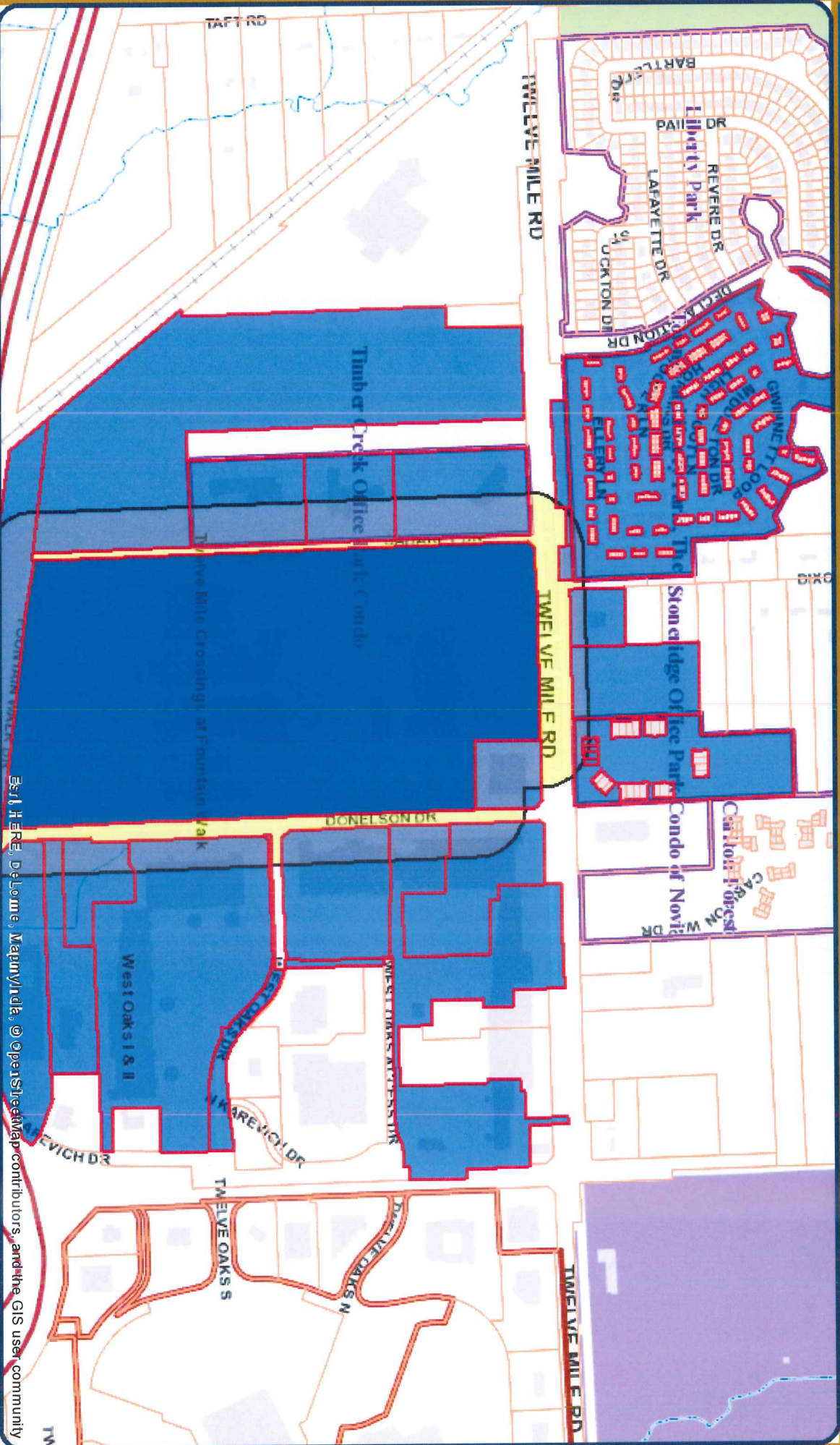
The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

Chairperson, Zoning Board of Appeals

Date

44225 Twelve Mile Road, C105

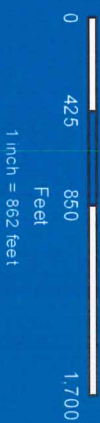
PZ15-0008



Map Produced Using the
City of Novi, Michigan
Internet Mapping Portal



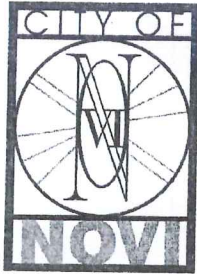
Author:
Date: 4/17/2015



MAP INTERPRETATION NOTICE

Map 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 use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed 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. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/StdUsePolicy.asp>





Notice of Violation

Today's Date: 01/22/2015
Expiration Date: 02/01/2015

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

Doreen Poupard

City Manager
Peter E. Auger

Community
Development
Director
Charles Boulard

Deputy Director of
Community
Development
Barbara E. McBeth

Building Official
Thomas Walsh

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

Ordinance
Enforcement
Division
248.735.5678
248.735.5600 fax

City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

cityofnovi.org

AQUA TOTS
44225 TWELVE MILE SUITE C105
Novi, MI 48377

Subject Property: 44225 TWELVE MILE C105

Sidwell No.: 50-22-15-200-110

Ordinance Activity No.: EORD15-0055

You are in violation of code Section 28-5 (3)

THE INSTALLATION OF THE LIFE PRESERVER LOGO ON THE AWNING IS NOT PERMITTED UNDER THE CITY OF NOVI'S SIGN ORDINANCE. REMOVE THE LOGO OR MAKE APPLICATION FOR CONSIDERATION OF A VARIANCE TO THE ZONING BOARD OF APPEALS WITHIN THE STIPULATED TIME PERIOD.

You will have 10 days from the date of this notice to comply with the violation cited above. Your immediate attention to this matter is requested and advised. A municipal civil infraction violation ticket will be issued for failure to comply with this matter within the time constraints stated above. Once a ticket is issued, a court appearance will be required. Please contact the Officer listed below should you have any questions with regards to this matter.

Jeannie Niland
Ordinance Enforcement Officer
(248) 347 0438
City of Novi

Aluminum Awning with Digital Graphic



Mounting Detail

After

Sign Description

Aqua Tots

Date:

2-4-15

Site Address: **44225 W 12 Mile**

Novi, MI 48377

Contact Info:

Landlord Info:

Photo of Suite:

Meas. of Suite:

Site Plan:

.Eps Artwork:

Check Sign Ordinance:

Wall Color SW#:

Landlord Approval:

Permits Needed:

ACCEPTANCE OF ARTWORK The drawing above is an artistic representation ONLY. Elements may vary based on field measurements. This color proof is intended for verification of spelling, layout, color and composition. (PLEASE HELP AVOID UNNECESSARY COSTS BY CHECKING THIS PROOF CAREFULLY.) Signature constitutes authorization to proceed with specifications and conditions of this document as specified. All artwork and designs are property of Sign Emporium and may not be used without expressed written permission of Sign Emporium.

Approval: _____

Date: _____

SIGN EMPORIUM

phone - 248.941.8215
 fax - 866-881-8182
 3773 Nutcracker
 Suite 200
 Oxford, MI 48370
 email - mysignemporium@aol.com

Aluminum Awning with Digital Graphic



Mounting Detail

Before

Sign Description

Aqua Tots

Date:

2-4-15

Site Address:

44225 W 12 Mile
Novi, MI 48377

Contact Info:

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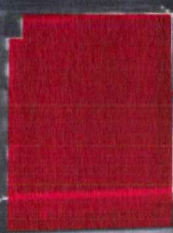
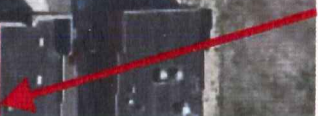
Approval: _____

Date: _____

SIGN
EMPORIUM

phone - 248,941,8215
fax - 866-881-8182
3773 Nutcracker
Suite 200
Oxford, MI 48370
email - mysignemporium@aol.com

44225 W 12 Mile
Novi, MI 48377



W Twelve Mile Rd



W Twelve Mile Rd

Cabaret Dr

Cabaret Dr

Cabaret Dr

Donelson Dr

Ellen