



# 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: March 15, 2016

REGARDING: C.A.R.S. (PZ16-0006), 24400 Novi Road,  
BY: Charles Boulard, Building Official

### I. GENERAL INFORMATION:

**Applicant**

David Smith, Novi Muffler Company dba C.A.R.S.

**Variance Type**

Sign Variance

**Property Characteristics**

Zoning District: I-1, Light Industrial District  
Parcel #: 50-22-23-351-044

**Request**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 28-1(2) for a name change on the existing multi-tenant pylon sign. The property is located east of Novi Road and north of Ten Mile Road.

### II. STAFF COMMENTS:

**Proposed Changes**

The applicant is requesting approval to change the name on an existing multi-tenant pylon sign due to an expiring franchise agreement. The pylon sign was allowed with supplementary verbiage under ZBA94-125 and the tenant names were specifically allowed as presented in cases 96-004 and 14-0021 allowed. If the board is inclined to approve the request staff suggests consideration of language that would allow the supplementary signage on the pylon sign on a one per tenant basis with areas limitation per previous approvals to allow for future business/tenant/changes without requiring a return trip to the ZBA.

### III. RECOMMENDATION:

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

- I move that we **grant** the variance in Case No. **PZ16-0006**, 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. PZ16-0006, 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\_\_\_\_\_.

**Zoning Board Of Appeals**

C.A.R.S.

Case # PZ16-0006

March 15, 2016

Page 3 of 3

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

Charles Boulard  
Building Official  
City of Novi



45175 Ten Mile Road  
 Novi, MI 48375  
 (248) 347-0415 Phone  
 (248) 735-5600 Facsimile  
 www.cityofnovi.org

# ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

RECEIVED

FEB 03 2016

CITY OF NOVI  
 COMMUNITY DEVELOPMENT

Application Fee: \$300.00  
 Meeting Date: 3-15-16  
 ZBA Case #: PZ 16-0006

|  |  |
|--|--|
| PROJECT NAME / SUBDIVISION   |  |
| ADDRESS  | LOT/SUITE/SPACE #  |
| SIDWELL #<br>50-22-  | May be obtain from Assessing Department (248) 347-0485   |
| CROSS ROADS OF PROPERTY  |  |
| IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO      | REQUEST IS FOR:<br><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>III. APPLICANT INFORMATION</b>  |  |                                     |                          |
| <b>A. APPLICANT</b>  | EMAIL ADDRESS<br><u>CATSNOVI@AOL.COM</u> | CELL PHONE NO.<br><u>5174043225</u> |                          |
| NAME<br><u>David Smith</u>   |  | TELEPHONE NO.<br><u>2483471080</u>  |                          |
| ORGANIZATION/COMPANY<br><u>Novi Muffler Company Inc dba CAR'S</u>                                    |  | FAX NO.<br><u>2483474883</u>        |                          |
| ADDRESS<br><u>24400 Novi Rd. Ste 102</u>   | CITY<br><u>Novi</u>                      | STATE<br><u>MI</u>                  | ZIP CODE<br><u>48375</u> |
| <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                            | CELL PHONE NO.                      |                          |
| NAME<br><u>OMNI COMMERCIAL CENTER LLC</u>  |  | TELEPHONE NO.<br><u>2489489000</u>  |                          |
| ORGANIZATION/COMPANY<br><u>OMNI COMMERCIAL CENTER LLC</u>  |  | FAX NO.<br><u>2483590648</u>        |                          |
| ADDRESS  | CITY                                     | STATE<br><u>MI</u>                  | ZIP CODE                 |

|   |  |
|---|--|
| <b>IV. 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<br><input checked="" 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>B. VARIANCE REQUESTED</b>  |  |
| INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:  |  |
| 1. Section <u>28-1 (2)</u>  | Variance requested <u>Change name on tenant pylon sign</u> |
| 2. Section _____  | Variance requested _____                                   |
| 3. Section _____  | Variance requested _____                                   |
| 4. Section _____  | Variance requested _____                                   |

|  |   |
|--|---|
| <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<br><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<br><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> </ul>  | <ul style="list-style-type: none"> <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

## 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 \_\_\_\_\_

## A. APPLICANT

*D. Smith*  
Applicant Signature

7.7.16  
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.

*[Signature]*  
Property Owner Signature

7-8-2016  
Date

## 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



# City of Novi

BOARD OF APPEALS  
45175 W. Ten Mile Road  
Novi, Michigan 48375-3024  
347-0415

February 7, 1996

Lee Mamola, representing  
Omni Commerce Center  
44700 W. Nine Mile Rd.  
Novi, Michigan 48375

RE: Zoning Board of Appeals Case No. 96-004


Dear Mr. Mamola:

At the February 6, 1996 Regular Meeting of the Zoning Board of Appeals the following motion passed.

THAT IN CASE NO. 96-004 TO GRANT THE VARIANCE REQUEST TO ALTER THE EXISTING GROUND SIGN AT 24400 NOVI ROAD FOR THREE (3) INDIVIDUAL TENANTS, DUE TO BUSINESS FRONTAGE LOCATION. THIS VARIANCE WILL BE FOR THESE TENANTS ONLY.

Sincerely,

CITY OF NOVI

  
Terrance Morrone  
Deputy Building Official

TM:nm

cc: J. Antosiak

Variances approval void if permit not obtained  
within 90 days of date of decision

**Motion carried: 6-0**

**Motion maker: Ibe**

**2. CASE NO. PZ14-0012 44050 TWELVE MILE RD - STONERIDGE OFFICE PARK**

The applicant is requesting an exception from Section 28-6(4) of the Novi Sign Ordinance to allow a 70 sq. ft. real estate sign where 16 sq. ft. is allowed for an ongoing commercial development. The property is located north of Twelve Mile Road and west of Novi Road. CITY OF NOVI, CODE OF ORDINANCES, Section 28-6(4) allows a maximum of a 16 sq. ft. real estate marketing sign for commercial properties.

**Tabled to the August 12<sup>th</sup> meeting**

**3. CASE NO. PZ14-0014 42990 GRAND RIVER - DISCOUNT TIRE**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) to allow two (2) additional wall signs of 72.5 square feet each located on the north and south sides. The property is located on Grand River Ave. east of Novi Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 28-5(3) permits one sign per building or parcel within the TC, Town Center District.

**In CASE No. PZ14-0014 Motion to approve the variance as requested for two wall signs totally 75 square feet. 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, specifically the location of the building and the rear of the building being viewed by the parking lot. 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 customers stated they could not locate them. 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 based on testimony given by the petitioner.**

**Motion carried: 6-0**

**Motion maker: Gronachan**

**4. CASE NO. PZ14-0021 24400 NOVI RD - HERTZ**

The applicant is requesting a variance from CITY OF NOVI, CODE OF ORDINANCES, Section 28-1(2) to allow an individual businesses sign of 3 square feet located on an existing business center sign. The property is located south of Grand River and north of Ten Mile Road. Previous variance 96-004 was granted specifically for the existing tenants. CITY OF NOVI, CODE OF ORDINANCES, Section 28-1(2) prohibits information regarding individual businesses on a business center sign.

**In CASE No. PZ14-0021 Motion to approve the variance as requested. 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, specifically these**

three businesses are further away from Novi Rd. 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 of the visibility issues. 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. Approval is specific to this tenant only.

Motion carried: 6-0

Motion maker: Kreiger

**5. CASE NO. PZ14-0022 1367 EAST LAKE DR**

The applicant is requesting an exception from Section 2910 of the Novi Zoning Ordinance to allow an accessory structure of 180 square feet in area and a maximum height of 12 feet on a lot having water frontage. The property is located west of Novi Road and south of 14 Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2910 requires that property on the water side of a public thoroughfare maintain the yard as an open unobscured yard, except that the following may be permitted: a boat well or a single storage shed that is no larger than 10 feet by 10 feet in area and no taller than eight (8) feet in height, and the winter storage of boats and docks.

In CASE No. PZ14-0022 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, proximity to the lake, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicants personal or economic difficulty. The need is not self-created. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

Motion carried: 6-0

Motion maker: Ghannam

**6. CASE NO. PZ14-0023 23363 MYSTIC FOREST DR**

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES, 2400 to allow construction of a new screen-in-porch extending 3.46 ft. into the required 35 ft. rear setback of an existing home and maximum lot coverage of 26.3% . The property is located west of Novi Road and south of Ten Mile Road.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires a minimum 35 ft. rear yard setback in the R-4 Zoning District and maximum 25% lot coverage.

In CASE No. PZ14-0023 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape,





**Community Development Department**

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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:

*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:

*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:

Franchise is expiring forcing rename

## 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.

without the new name there would be no sign visible to public from road s.b. for me to continue doing business

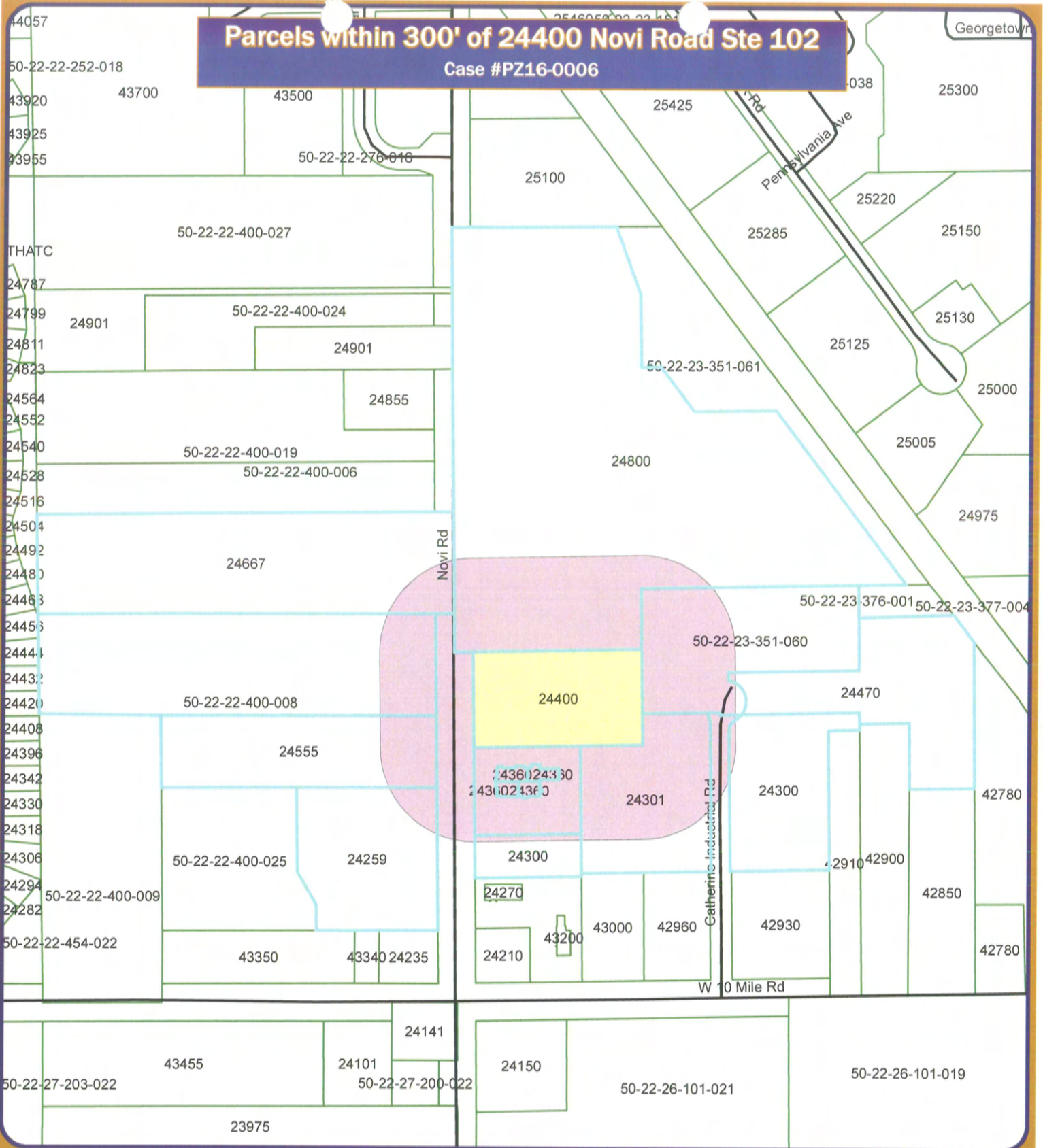
## Standard #3. Adverse Impact on Surrounding Area.

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.

Sign is already in existence and has been since 1990 simply a name change which is actually smaller than existing

# Parcels within 300' of 24400 Novi Road Ste 102

Case #PZ16-0006



Map Author: Jon Gartha  
 Date: February 5, 2016  
 Project: Address List for 22-23-351-044  
 Version #: 1.0

Amended By:  
 Date:  
 Department:

**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.

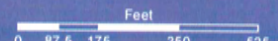
**Map Legend**

- 300' Buffer
  - Subject Property
  - Tax Parcel
- Municipality**
- Novi
  - Novi Twp.



**City of Novi**

IT Department  
 GIS Division  
 45175 Ten Mile Rd  
 Novi, MI 48375  
 cityofnovi.org



1 inch = 417 feet



58'-0"

Proposed Signage

8'-0"

12'-0"



Project: C.A.R.S.

Location:

Allied WO #

Date: 01/13/16 R2

# ALLIED SIGNS INC.

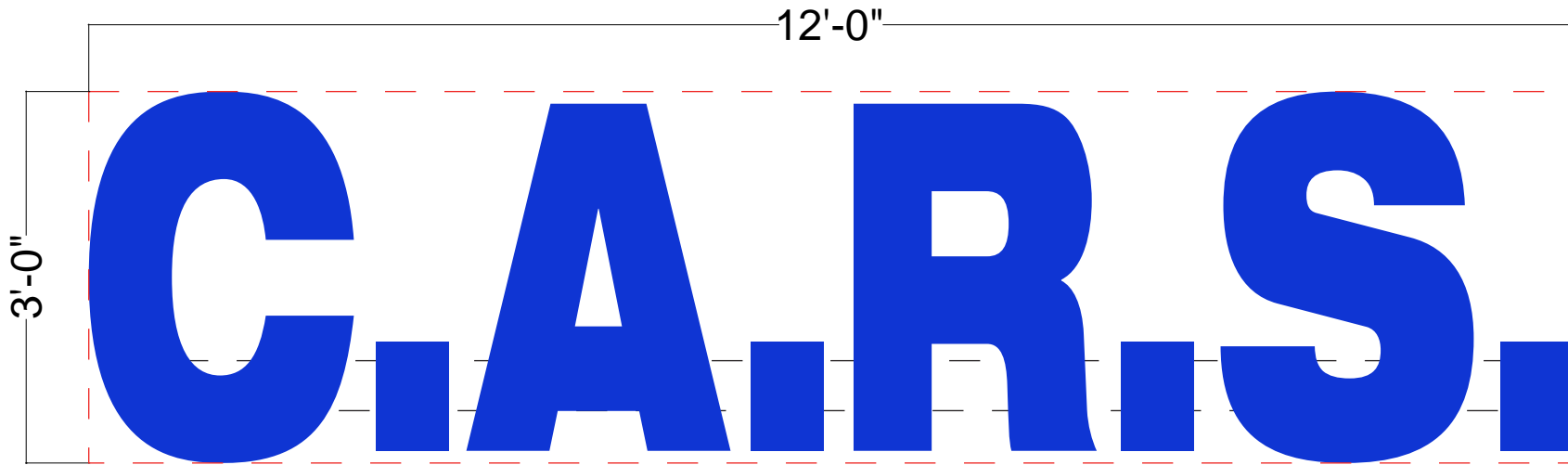
33650 Giftos Dr.  
Clinton Twp., MI 48035

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

Ph: 586.791.7900  
Fax: 586.791.7788

Email: [AlliedSigns@AlliedSignsInc.com](mailto:AlliedSigns@AlliedSignsInc.com)

Qty: 1 - LED Illuminated Raceway Mounted Channel Letters  
- Black Returns  
- Raceway Painted to match existing building color  
36.00 SQFT



Project: C.A.R.S.

Location:

Allied WO #

Date: 01/13/16 R2

**ALLIED SIGNS INC.**

33650 Giftos Dr.  
Clinton Twp., MI 48035

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

Ph: 586.791.7900  
Fax: 586.791.7788

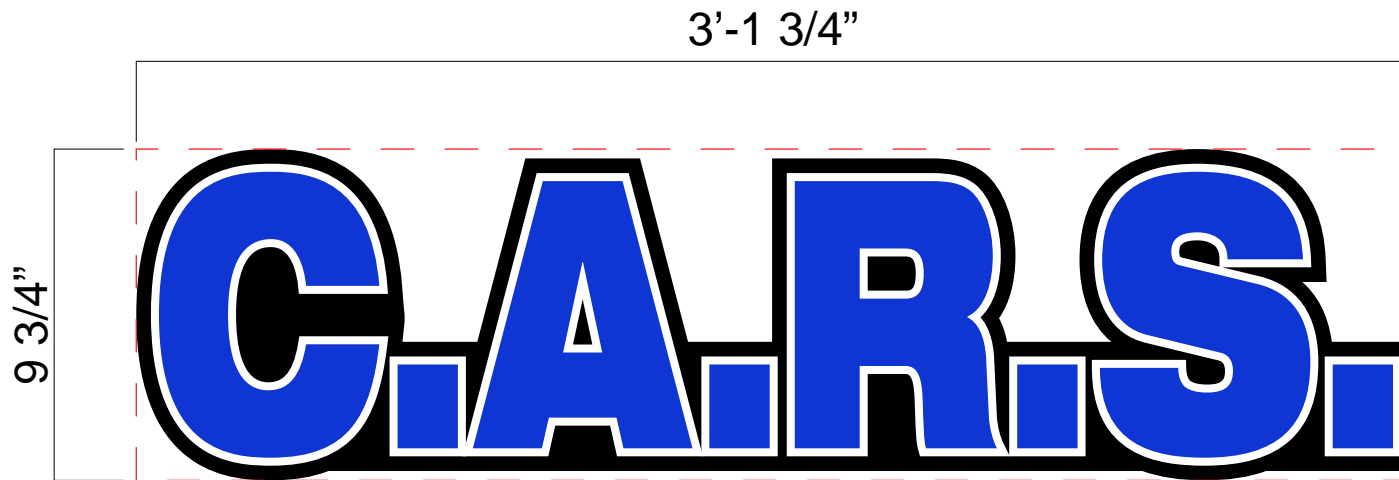
Email: [AlliedSigns@AlliedSignsInc.com](mailto:AlliedSigns@AlliedSignsInc.com)

Qty: 2 - LED Illuminated Raceway Mounted Cloud Sign

- Black Returns

- Raceway Painted to match existing Brick Structure

2.56 SQFT



Project: C.A.R.S.

Location:

Allied WO #

Date: 01/13/16 R2

**ALLIED SIGNS INC.**

33650 Giftos Dr.  
Clinton Twp., MI 48035

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

Ph: 586.791.7900  
Fax: 586.791.7788

Email: [AlliedSigns@AlliedSignsInc.com](mailto:AlliedSigns@AlliedSignsInc.com)