



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: October 10, 2017

REGARDING: 44425 Twelve Mile, Parcel # 50-22-15-200-112 (PZ17-0046)

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

Michael A. Southen/DisplayMax

Variance Type

Sign Variance

Property Characteristics

Zoning District: Regional Center
Location: West of Novi Road and North of Grand River
Parcel #: 50-22-15-200-112

Request

The applicant is requesting a variance from the City of Novi Code of Ordinances Section 28-5 for a variance of 150 square feet to increase the existing 104 square foot wall sign to 254 square feet, 250 square feet maximum allowed.
This property is zoned Regional Center (RC).

II. STAFF COMMENTS:

III. RECOMMENDATION:

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

1. I move that we grant the variance in Case No. **PZ17-0046**, 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. **PZ17-0046**, 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_____.

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

Larry Butler
Deputy Director Community Development
City of Novi

RECEIVED

Aug 30 2017

CITY OF NOVI
COMMUNITY DEVELOPMENT



45175 Ten Mile Road
Novi, MI 48375
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ZONING BOARD OF APPEALS
APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Address of subject ZBA Case)	
PROJECT NAME / SUBDIVISION Imagine Novi	
ADDRESS 44126 Twelve Mile Road.	LOT/SITE/SPACE #
SIDWELL # 50-22- 15 -200 -100	May be obtain from Assessing Department (248) 347-0485
CROSS ROADS OF PROPERTY Twelve Mile Rd. & Novi Road, located in Fountain Walk Shopping Center	

Application Fee: \$300.00
Meeting Date: October 10th 2017
ZBA Case #: PZ17-0046

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 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			

II. APPLICANT INFORMATION			
A. APPLICANT		EMAIL ADDRESS msouthen@signatureassociates.com	CELL PHONE NO. 248-496-7820
NAME Michael A. Southen as agent for CH Novi LLC		TELEPHONE NO. 248-799-3176	
ORGANIZATION/COMPANY Signature Associates		FAX NO.	
ADDRESS One Towne Square, Suite 1200	CITY Southfield	STATE MI	ZIP CODE 48076
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 stanley@spigelproperties.com	CELL PHONE NO. 210 349 3636
NAME Stanley Spigel		TELEPHONE NO.	
ORGANIZATION/COMPANY Spigel Properties, Inc. general partner of Sun Valley Ltd. owner		FAX NO.	
ADDRESS 70 NE Loop 410 Suite 185, San Antonio, TX 78216	CITY San Antonio	STATE TX	ZIP CODE 78216

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 checked="" 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 <u>28-5</u>	Variance requested	<u>Increase existing north wall sign variance by 180 s.f. to a total of 264 s.f.</u>	
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			
• Dimensioned Drawings and Plans		• Existing & proposed distance to adjacent property lines	
• Site/Plot Plan		• Location of existing & proposed signs, if applicable	
• Existing or proposed buildings or addition on the property		• Floor plans & elevations	
• Number & location of all on-site parking, if applicable		• 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 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

Michael Southern
Applicant Signature

8-29-17
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

5-18-17
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

RECEIVED

MAY 19 2017

CITY OF NOVI
COMMUNITY DEVELOPMENT
REVIEW STANDARDS
SIGN VARIANCE



Community Development Department
45175 Ten Mile Road
Novi, MI 48375
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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:

The north side of the Emagine building is located approximately 1,429 feet from the center of 12 mile rd. and the existing sign is not easily seen from 12 mile rd. and will, in any case, be removed to construct the EMAX addition. The new proposed sign will be larger and can be mounted much higher on the 53' addition than the existing 33' foot tall wall and will be much easier to see by visitors looking for the theatre. It should also be noted that the address of the Emagine Theatre is 44424 Twelve Mile Rd., yet the existing signage facing 12 mile is greater than a quarter of a mile and for all practical purposes is not visible to visitors trying to find the theatre.

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:

The existing north wall of the Emagine Theatre is approximately 1429 feet from the center of 12 mile rd. The existing sign on the north wall is 100 s.f. in size and is not readily visible from 12 mile which causes confusion to visitors trying to find the theatre. That existing sign will be removed if the variance is granted. Emagine has no signage visible to visitors approaching from the west as the marquee of the building is entirely blocked by adjacent buildings. The signage on the south wall is primarily visible to the expressway or visitors who have entered Twelve Mile Crossing from Twelve Oaks or the slip ramp designed to provide more direct access to Twelve Mile Crossing to motorists exiting from 6-96 at Novi Rd.

- 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:

The existing Emagine structure is approximately 72,255 square feet and will increase to 78,255 s.f. with the EMAX addition and has an average height of 33 feet. Neighboring buildings are also of similar height and scale. The Great Indoors is of greater floor area and comparable height. The north wall of the new EMAX addition is 53' in height and 98' in length, for a total wall area of 5,194 s.f.. The requested new sign is 245 s.f., 5% of the total new wall area. Since Emagine already has a variance for the existing 100 s.f. sign that will be removed, the net increase in s.f. area is only 150 s.f..

- 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:

Standard #2. Limit Use of Property.

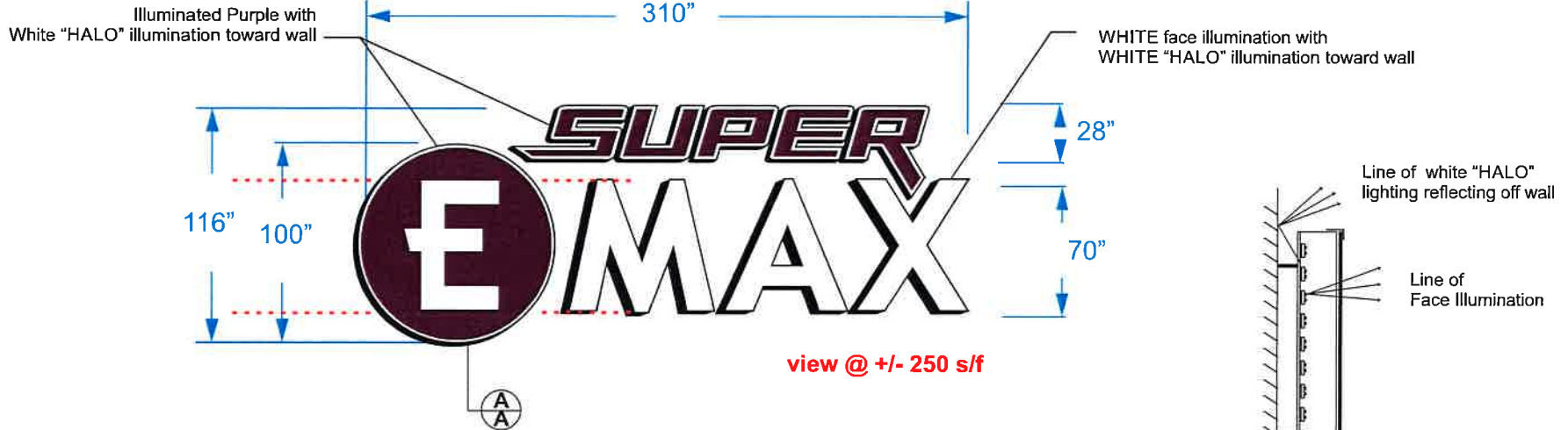
Explain how the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return.

Emagine Theatre north wall is 1429 feet from 12 mile rd. The address of the theatre is 44425 Twelve Mile Rd, so visitors unfamiliar with the location will most likely be approaching Twelve Mile Crossing from 12 mile rd. The EMAX auditorium is likely to attract patrons who may not have previously been to Emagine Novi and, without the proposed new signage, are more likely to be confused as to where to enter the center and will be turning around and may be distracted by the process of trying to spot the theatre and figure out where to enter the center. Moreover, in light of the fact that the frontage of Emagine Novi is over a 1/4 of a mile from 12 mile, and the requested increase in the square feet of the previous variance to 245 s.f. is proportionally less (5%) than the minimum signage permitted by code for any other retail business based upon storefront square foot area to the main road on which it is facing and addressed, granting the variance request places Emagine on a par with other retail businesses in this regard..

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.

Many other large scale buildings in Twelve Mile Crossing have large scale signage in keeping with the size of those structures. The request by Emagine for approval of the EMAX sign on the new 53 foot high addition is entirely consistent with the practice of allowing signage proportionate to the scale of the structures and the square feet of building facade fronting on the street to which the address of the building is assigned. Furthermore, there are no buildings within Twelve Mile Crossing or neighboring land to Emagine that could potentially be adversely impacted by granting the Emagine variance.



Novi Expansion / wall sign

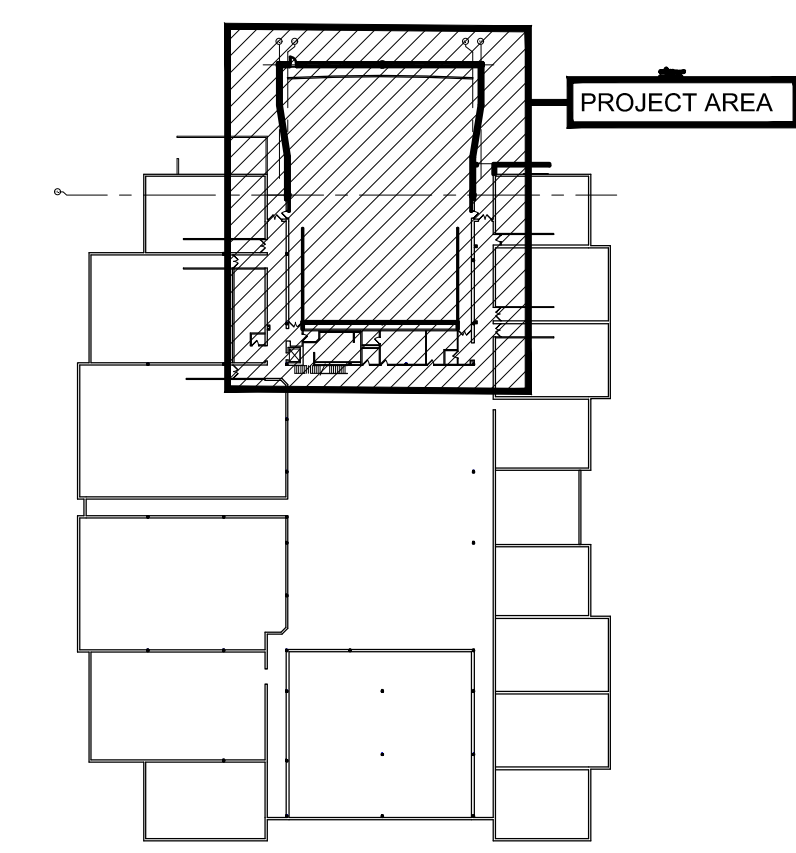
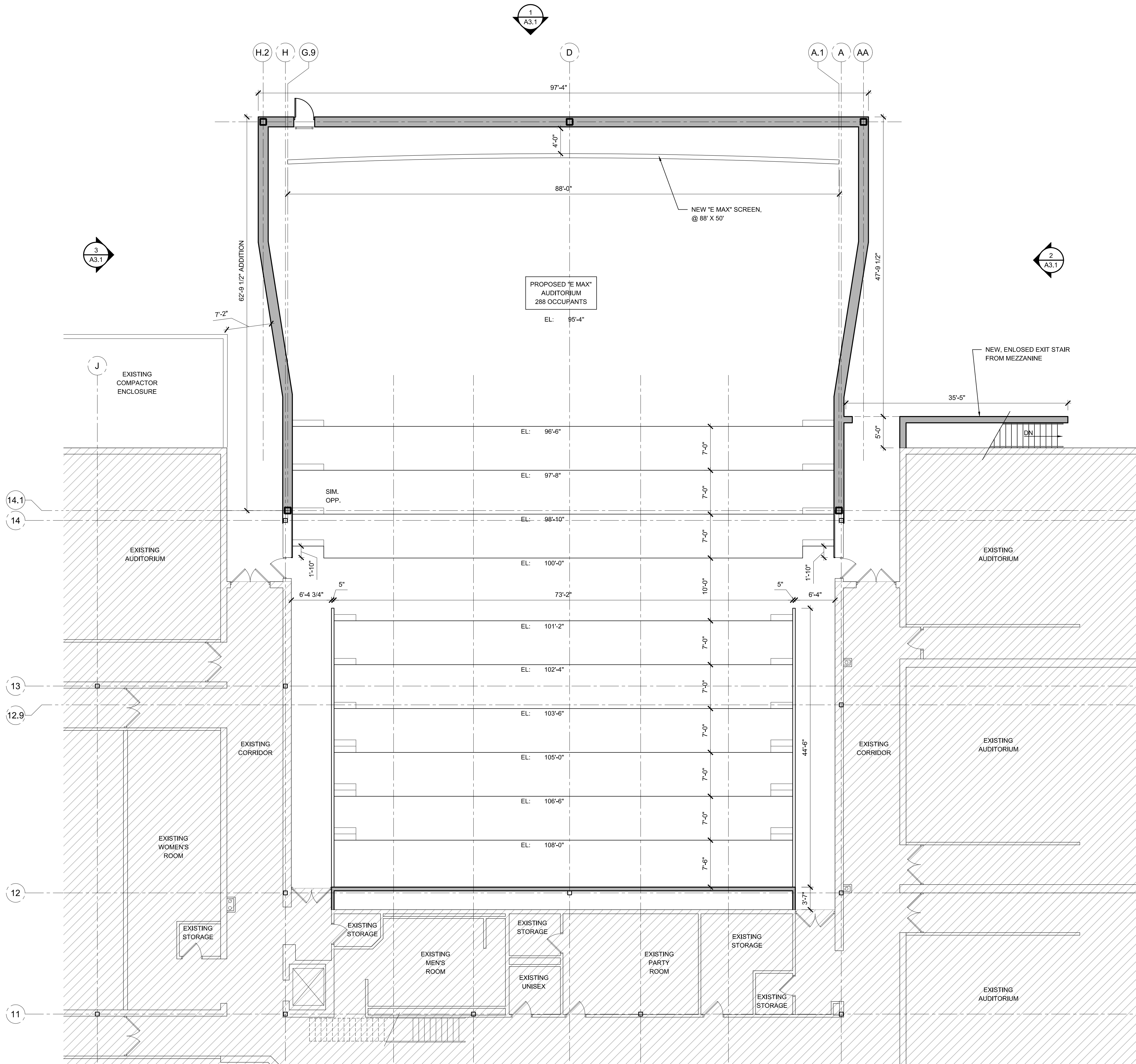
Revised 9-7-17

DisplayMix
 Identity Solutions
 877-799-4448
 sales@displaymix.com



STUCKY VITALE ARCHITECTS
 27172 WOODWARD AVENUE
 ROYAL OAK, MI 48067-0925
 P. 248.546.6700
 F. 248.546.8454
 WWW.STUCKYVITALE.COM

NOTE: MINIMUM (5) WHEELCHAIR SPACES MUST BE PROVIDED INCLUDING MINIMUM (1) COMPANION SEAT FOR EACH SPACE.
 PROPOSED SEATS: 288
 WHEELCHAIR SPACES REQUIRED: 5



Project :
 EMAGINE ENTERTAINMENT
 NOVI EXPANSION
 44425 W. 12 MILE ROAD
 NOVI, MI

Issued for :
 CONCEPT MTG 02.06.17
 OWNER REVIEW 02.21.17
 PRE-APP MTG 02.24.17
 PRE/FINAL SPA 03.20.17
 STAMPING SET 04.28.17

Drawn by :
 DRC
Checked by :
 MJB
Sheet Title :
 FLOOR PLAN

Project No. :
 2017.001

Sheet No. :
 A1.1

1 ARCHITECTURAL FLOOR PLAN
 A1.1 SCALE: 1/8" = 1'-0"

LOCATOR PLAN
 SCALE: N.T.S.

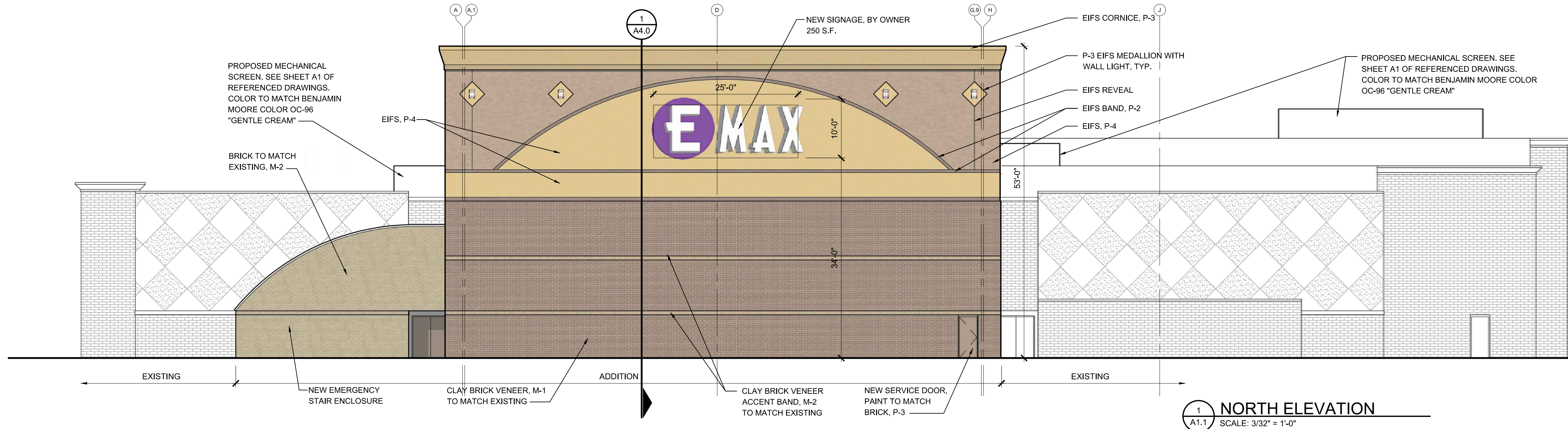
DO NOT SCALE DRAWINGS
 ©2017 Stucky Vitale Architects



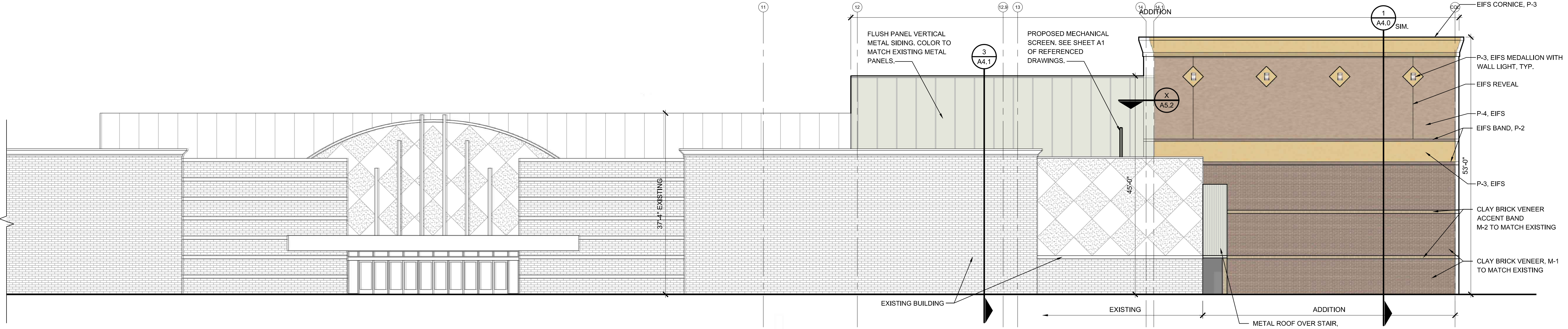
STUCKY VITALE ARCHITECTS
 27172 WOODWARD AVENUE
 ROYAL OAK, MI 48067-0925
 P. 248.546.6700
 F. 248.546.8454
 WWW.STUCKYVITALE.COM

EXTERIOR FINISH SCHEDULE			
	PROPOSED ADDITION S.F.	ALLOWED PER CITY % S.F.	PROPOSED S.F.
NORTH	5,695 S.F.	100%: 5,695 S.F.	3,201 S.F.
BRICK		25%: 1,424 S.F.	0 S.F.
METAL PANEL		25%: 1,424 S.F.	2,494 S.F.
WEST	4,330 S.F.	100%: 4,330 S.F.	1,671 S.F.
BRICK		25%: 1,083 S.F.	1,039 S.F.
METAL PANEL		25%: 1,083 S.F.	1,620 S.F.
EAST	4,330 S.F.	100%: 4,330 S.F.	1,671 S.F.
BRICK		25%: 1,083 S.F.	1,039 S.F.
METAL PANEL		25%: 1,083 S.F.	1,620 S.F.

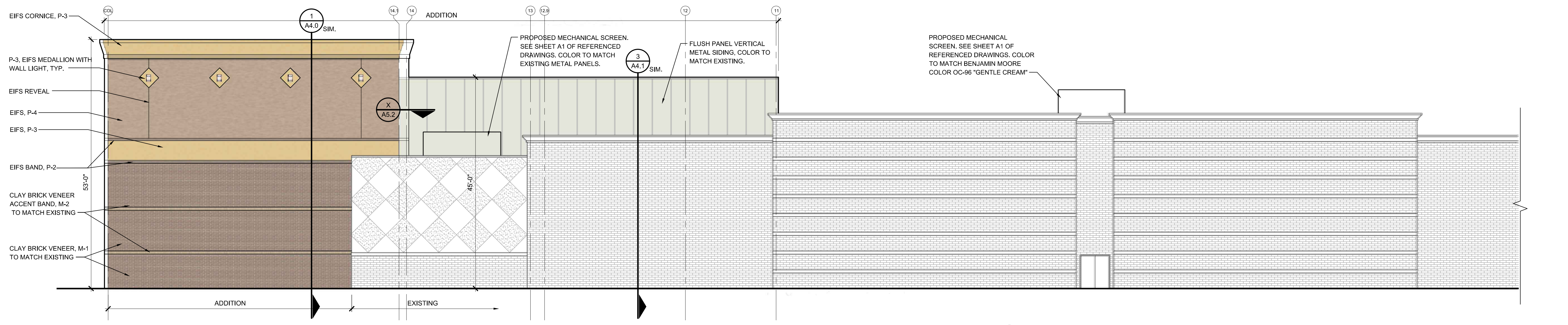
SEE SHEET A3.2 FOR COLOR AND MATERIAL SELECTIONS



1 NORTH ELEVATION
 SCALE: 3/32" = 1'-0"



2 PARTIAL EAST ELEVATION
 SCALE: 3/32" = 1'-0"



3 PARTIAL WEST ELEVATION
 SCALE: 3/32" = 1'-0"

Project :
 EMAGINE ENTERTAINMENT
 NOVI EXPANSION
 44425 W. 12 MILE ROAD
 NOVI, MI

Issued for :
 CONCEPT MTG 02.06.17
 REVISED 02.07.17
 REVISED 02.09.17
 REVISED 02.14.17
 OWNER REVIEW 02.21.17
 PRE-APP MTG 02.28.17
 PRE/FINAL SPA 03.20.17
 STAMPING SET 04.28.17

Drawn by :
 DRC
Checked by :
 MJB

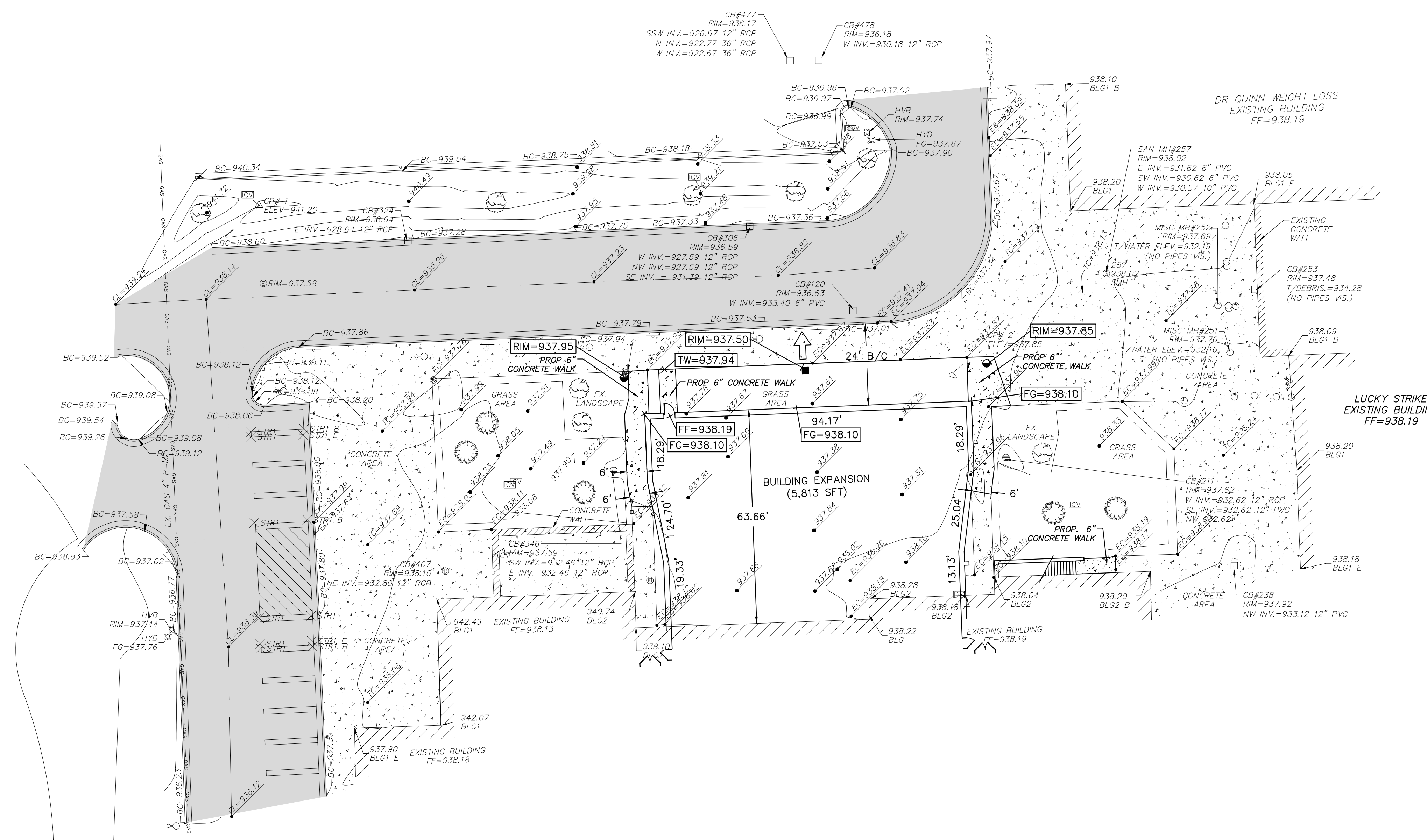
Sheet Title :
 EXTERIOR
 ELEVATIONS

Project No. :
 2017.001

Sheet No. :
A3.1

DO NOT SCALE DRAWINGS
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P:\PROJECTS\2017-0004.EMAGINE_NOVI_EXPANSION\PLANS\AUTOCAD\ENGINEERING PLANS\2017-0004_LAYOUT AND GRADING PLANS.DWG

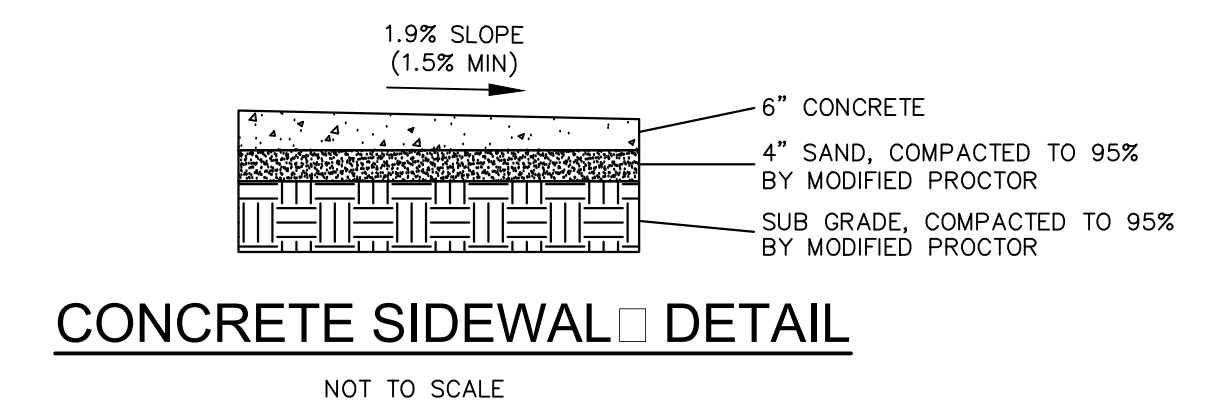


LEGEND

- EC=100.00 EDGE OF CONCRETE
- FG=100.00 PR FINISH GRADE
- TP=100.00 PR TOP OF PAVEMENT
- TW=100.00 PR TOP OF WALK
- BC=100.00 PR BACK OF CURB
- FF=100.00 PR FINISHED FLOOR
- GU=100.00 PR GUTTER
- PR CONCRETE
- PR CATCH BASIN
- PR STORM MANHOLE
- 100 YR. OVERFLOW ROUTE

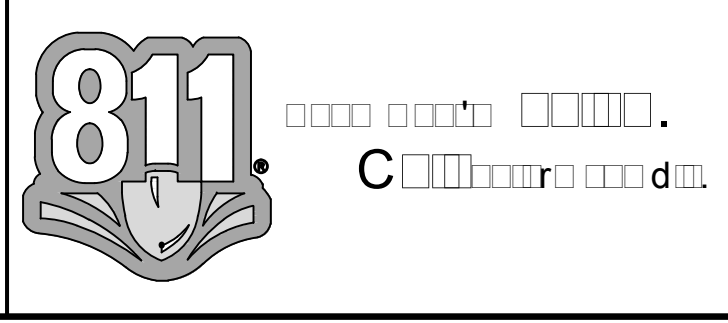
MAINLINE QUANTITIES - THIS SHEET ONLY		
PAY ITEM	QTY	UNIT
PR 6" CONC WALK	659	SQ FT

NOTE :
ALL WORK SHALL CONFORM TO THE CITY OF NOVI STANDARDS AND SPECIFICATIONS.



CES
CIVIL ENGINEERING SOLUTIONS, Inc.

1150 CORPORATE OFFICE DR.
SUITE 210
MILFORD, MI 48381
PH: (248)264-6906
FAX: (810)448-5903
lzawada@civilengineeringsolutions.us



**CITY OF NOVI
EMAGINE THEATER
LAYOUT AND GRADING PLAN**

NO.	DATE	SUBMITTAL	NO.	DATE	REVISION	PROJECT NO.: 2017-0004	SCALE: 1"=20'
1	2/28/17	SITE PLAN SUBMITTAL	8	-	-	DRAWING NO.:-	
2	3/22/17	REV. PER CITY COMMENTS	9	-	-	DRAWN BY: J CULP	DATE: -
3	04-28-2017	REV. PER CITY COMMENTS	10	-	-	CHECKED BY: L ZAWADA	DATE: -
4	-	-	11	-	-	SECTION 15	TOWN 1 NORTH RANGE 8 EAST
5	-	-	12	-	-	CITY/TOWN: CITY OF NOVI	OAKLAND COUNTY, MI
6	-	-	13	-	-		
7	-	-	14	-	-		

SHEET NO.
C2

P:\PROJECTS\2017-0004-EMAGINE\NOVI_EXPANSION\PLANS\AUTOCAD\ENGINEERING PLANS\2017-0004-STORM_WATER_MANAGEMENT_PLAN.DWG

FOREBAY BASIN #1
 10 YEAR HIGH WATER = 926.14
 PERM. WATER ELEV. = 922.0
 BOTTOM ELEV. = 918.0

DETENTION BASIN #1
 100 YEAR HIGH WATER = 928.0
 287,527 CFT OF STORAGE
 3:1 SIDE SLOPES (FENCED)
 OVERFLOW ELEV. = 929.0
 EMERGENCY BERMING = 930.0
 CENTER OF SECTION 15
 T-I-N, R-B-E,
 CITY OF NOVI
 OAKLAND COUNTY

FOREBAY BASIN #2
 10 YEAR HIGH WATER = 926.6
 PERM. WATER ELEV. = 922.0
 BOTTOM ELEV. = 918.0

DETENTION BASIN #2
 100 YEAR HIGH WATER = 928.0
 286,329 CFT OF STORAGE
 3:1 SIDE SLOPES (FENCED)
 OVERFLOW ELEV. = 929.0
 EMERGENCY BERMING = 930.0

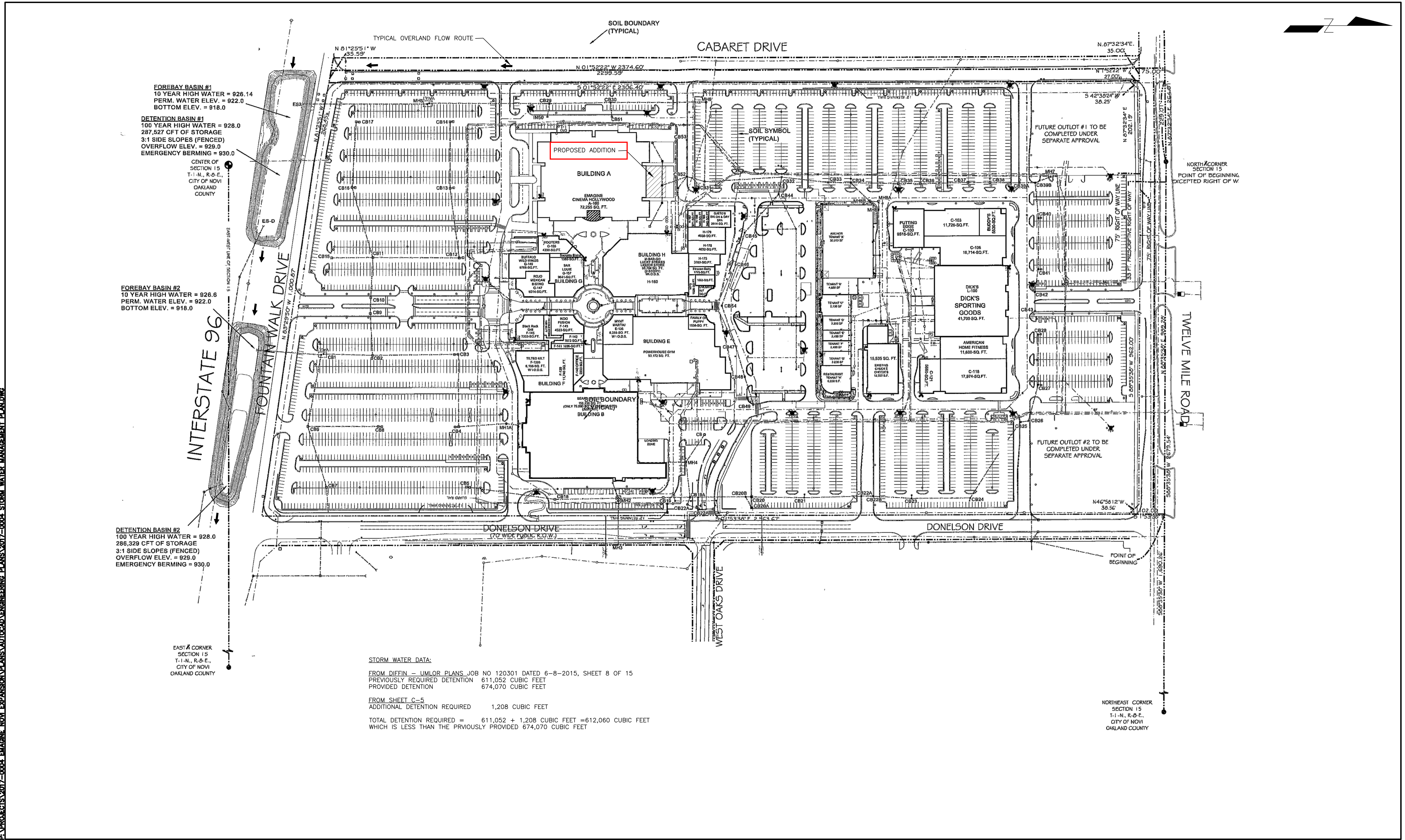
EAST CORNER
 SECTION 15
 T-I-N, R-B-E,
 CITY OF NOVI
 OAKLAND COUNTY

STORM WATER DATA:

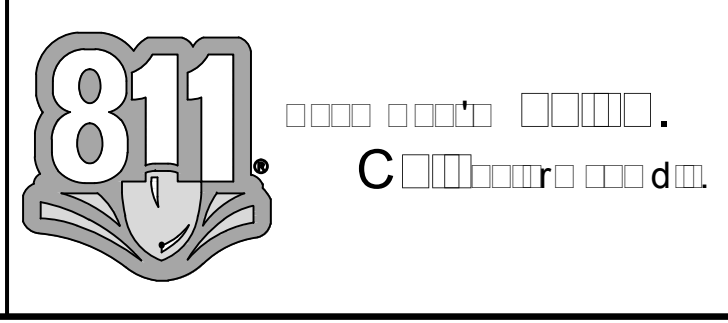
FROM DIFFIN - UMLOR PLANS JOB NO 120301 DATED 6-8-2015, SHEET 8 OF 15
 PREVIOUSLY REQUIRED DETENTION 611,052 CUBIC FEET
 PROVIDED DETENTION 674,070 CUBIC FEET

FROM SHEET C-5
 ADDITIONAL DETENTION REQUIRED 1,208 CUBIC FEET

TOTAL DETENTION REQUIRED = 611,052 + 1,208 CUBIC FEET = 612,060 CUBIC FEET
 WHICH IS LESS THAN THE PREVIOUSLY PROVIDED 674,070 CUBIC FEET



CES
 CIVIL ENGINEERING SOLUTIONS, Inc.
 1150 CORPORATE OFFICE DR. SUITE 210
 MILFORD, MI 48381
 PH: (248)264-6906
 FAX: (810)448-5903
 lzawada@civilengineeringsolutions.us



**CITY OF NOVI
 EMAGINE THEATER**

NO.	DATE	SUBMITTAL	NO.	DATE	REVISION
1	2/28/17	SITE PLAN SUBMITTAL	8	-	-
2	3/22/17	REV PER CITY COMMENTS	9	-	-
3	04-28-2017	REV. PER CITY COMMENTS	10	-	-
4	-	-	11	-	-
5	-	-	12	-	-
6	-	-	13	-	-
7	-	-	14	-	-

PROJECT NO.: 2017-0004	SCALE: NTS
DRAWING NO.: -	DATE: -
DRAWN BY: J CULP	DATE: -
CHECKED BY: L ZAWADA	DATE: -
SECTION 15 TOWN 1 NORTH RANGE 8 EAST	
CITY/TOWN: CITY OF NOVI	OAKLAND COUNTY, MI

SHEET NO.
C6