



# 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: April 9, 2019

REGARDING: 40020 Twelve Mile Rd, Parcel # 50-22-12-400-063 (PZ19-0011)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

Mark Zawaiden

**Variance Type**

Sign

**Property Characteristics**

Zoning District:	Office Service Technology
Location:	West of Haggerty Road and North of Twelve Mile Road
Parcel #:	50-22-12-400-063

**Request**

The applicant is requesting variance from the City of Novi Code of Ordinances Section 28-5(d)(7) for a second 72 square foot south facing wall sign, one wall sign facing each thoroughfare permitted by code. This property is zoned Office Service Technology (OST).

### 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. **PZ19-0011**, 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. **PZ19-0011**, 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



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## ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

RECEIVED

FEB 28 2019

CITY OF NOVI  
COMMUNITY DEVELOPMENT

Application Fee: \$300.00  
 Meeting Date: April 9, 2019  
 ZBA Case #: PZ 19-0011

I. PROPERTY INFORMATION (Address of subject ZBA Case)			
PROJECT NAME / SUBDIVISION Mark Z Real Estate Experts			
ADDRESS 40020 W 12 Mile Rd		LOT/SUITE/SPACE #	
SIDWELL # 50-22-12      -400      -063		May be obtain from Assessing Department (248) 347-0485	
CROSS ROADS OF PROPERTY w 12 Mile and M-5			
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 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			
<b>A. APPLICANT</b>		EMAIL ADDRESS markz@soldbymarkz.com	CELL PHONE NO. 248-937-1337
NAME Mark Zawaiden		TELEPHONE NO. 248-937-1337	
ORGANIZATION/COMPANY Mark Z Real Estate Experts		FAX NO. 248-686-3386	
ADDRESS 40020 W 12 Mile Rd		CITY Novi	STATE MI
ZIP CODE 48377			
<b>B. PROPERTY OWNER</b> <input checked="" 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		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS		CITY	STATE
ZIP CODE			
III. ZONING INFORMATION			
<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 <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input checked="" type="checkbox"/> OTHER <u>OSP</u>			
<b>B. VARIANCE REQUESTED</b>			
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:			
1. Section <u>28-5 (d)(7)</u> Variance requested <u>2nd Sign Centered on Dome</u>			
2. Section _____ Variance requested _____			
3. Section _____ Variance requested _____			
4. Section _____ Variance requested _____			
IV. FEES AND DRAWINGS			
<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 <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>B. DRAWINGS</b> <b>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

## 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 establish 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

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

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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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:

The sign could not be placed in the location required due to the topography of the land and placement of the existing structure. Please refer to site plan and photos of location.

*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:

A sign could not be placed on the West view of building due to the fact that the West view is almost entirely invisible from the road. Also, the West view is from an on ramp to M-5, which could only be seen from one direction and the view is covered with trees. Please refer to photos of West view.

*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:

A sign on the West view of the building could not be reasonably seen by passing motorists due to several trees blocking view of building from both 12 Mile and M-5 view. Please refer to photos of 12 Mile and M-5 view.

**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:

Sign is within city ordinance for size.

**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:

Hardship was not created by applicant. The surrounding trees were not planted by applicant, therefore a Variance is needed.

## **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.

Failure to grant relief will unreasonably limit the use of the property and result in substantially more than mere inconvenience or inability to attain a higher economic or financial return. Applicant's building is very hard to see from roadways, therefore signage is needed to allow for more visibility to potential customers.

## **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 Variance will not result in a use or structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done to both applicant and surrounding properties and is not inconsistent with the spirit and intent of this chapter. The sign size is within the ordinance and is tastefully designed. The placement in the center of the dome allows for an aesthetically pleasing look on the building.



Kal Mansour &lt;signsbykal@gmail.com&gt;

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**wall / tower sign - 40020 W Twelve Mile**

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**Underhill, Maureen** <munderhill@cityofnovi.org>

Tue, Feb 26, 2019 at 2:23 PM

To: "MARK Z. \"The Real Estate Guy\" (markz@soldbymarkz.com)" &lt;markz@soldbymarkz.com&gt;

Cc: Kal Mansour &lt;signsbykal@gmail.com&gt;

Hi Mark – thank you for meeting with me yesterday. Please consider this email as a formal denial of the requested sign permit based on the reasons below:

ILLUMINATED WALL SIGN 228" X 36" (72 SQ. FT.) SITUATED ON THE TOWER OF THE BUILDING FACING SOUTH / SOUTHWEST. \*\*\*\* PERMIT DENIED \*\*\*\* BASED ON 28-5 (d)(7)

Except in the TC-1 and GE districts or within the boundaries of a planned suburban low-rise overlay (PSLR) concept plan approved by the city, for a lot or parcel situated on two (2) or more thoroughfares, wall signs may be permitted on each thoroughfare in accord with this chapter. At those locations where projecting signs are permitted, no more than one (1) projecting sign shall be permitted at a corner lot or parcel. Each wall sign permitted under this subpart shall be reduced by the area of the projecting sign.

One south facing wall sign currently exists. The proposed sign on the tower will be facing the south as much as the west. Permit denied because the code says 'wall signs may be permitted on each thoroughfare'. If this permit is approved there will be 2 signs facing 1 thoroughfare.

Note: here is the link to the Zoning Board application for a sign variance.

<https://cityofnovi.org/Reference/Forms-and-Permits.aspx#ZBA>

**Maureen Underhill** / Ordinance Enforcement Officer

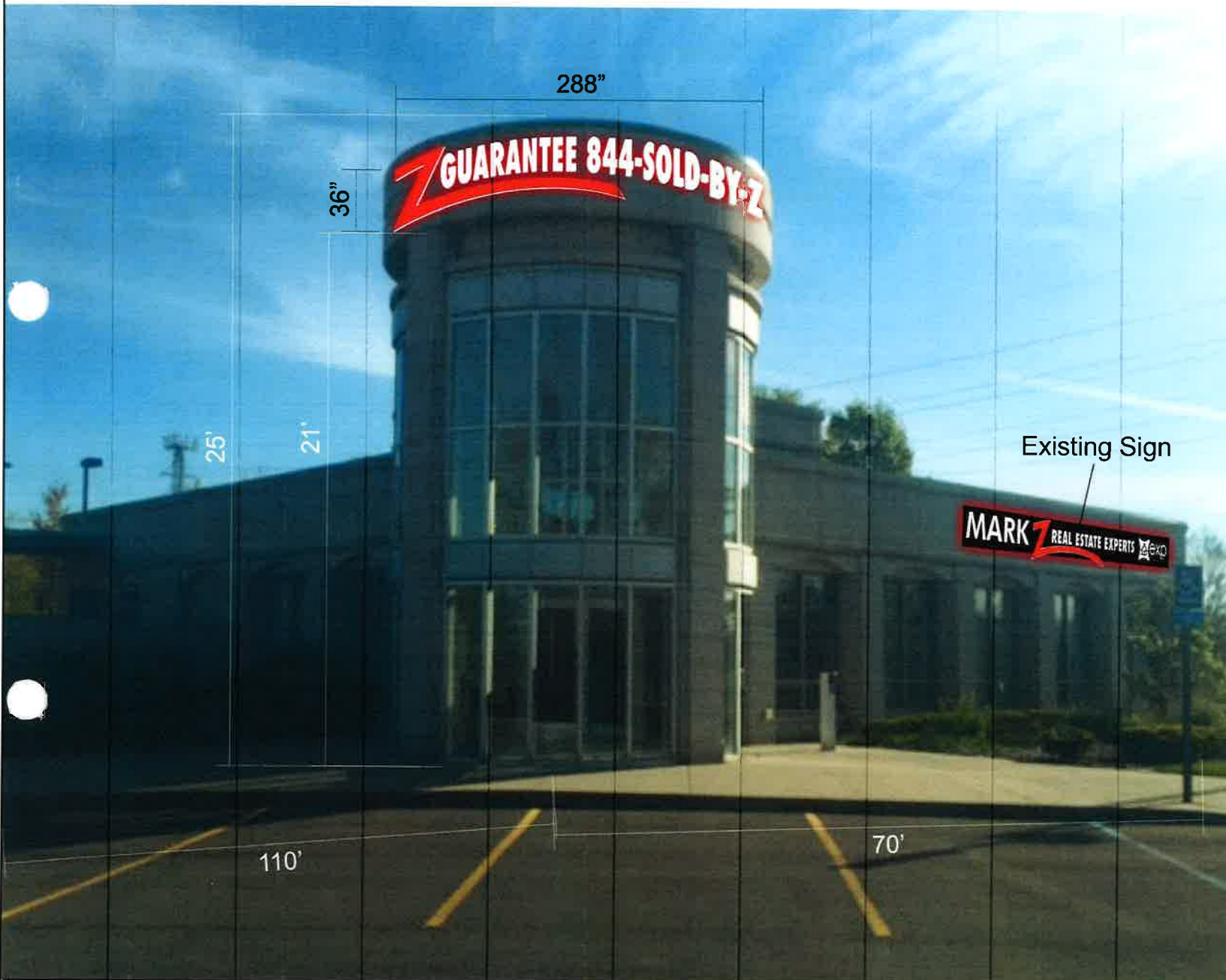
City of Novi | 45175 Ten Mile Road | Novi, MI 48375 USA

tel: 248.735.5602 | fax: 248-735-5602 [cityofnovi.org](http://cityofnovi.org)

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**2 attachments****image001.jpg**  
27K

# Pinned-off Channel Letter - Front and Back-lit



Mounting Detail

After  
Front View

**RECEIVED**

FEB 28 2019

CITY OF NOVI  
COMMUNITY DEVELOPMENT

Sign Description

**Mark Z**

Date:

2-28-19

Site Address: 40020 W 12 Mile Rd  
Novi, MI

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](mailto:mysignemporium@aol.com)





Mounting Detail

# Before Front View

Sign Description  
**Mark Z**

Date: **2-28-19**

Site Address: 40020 W 12 Mile Rd  
Novi, MI

Contact Info:

Landlord Info:

Photo of Suite:

Meas. of Suite:

Site Plan:

.Eps Artwork:

Check Sign Ordinance:

Wall Color SW#:

Landlord Approval:

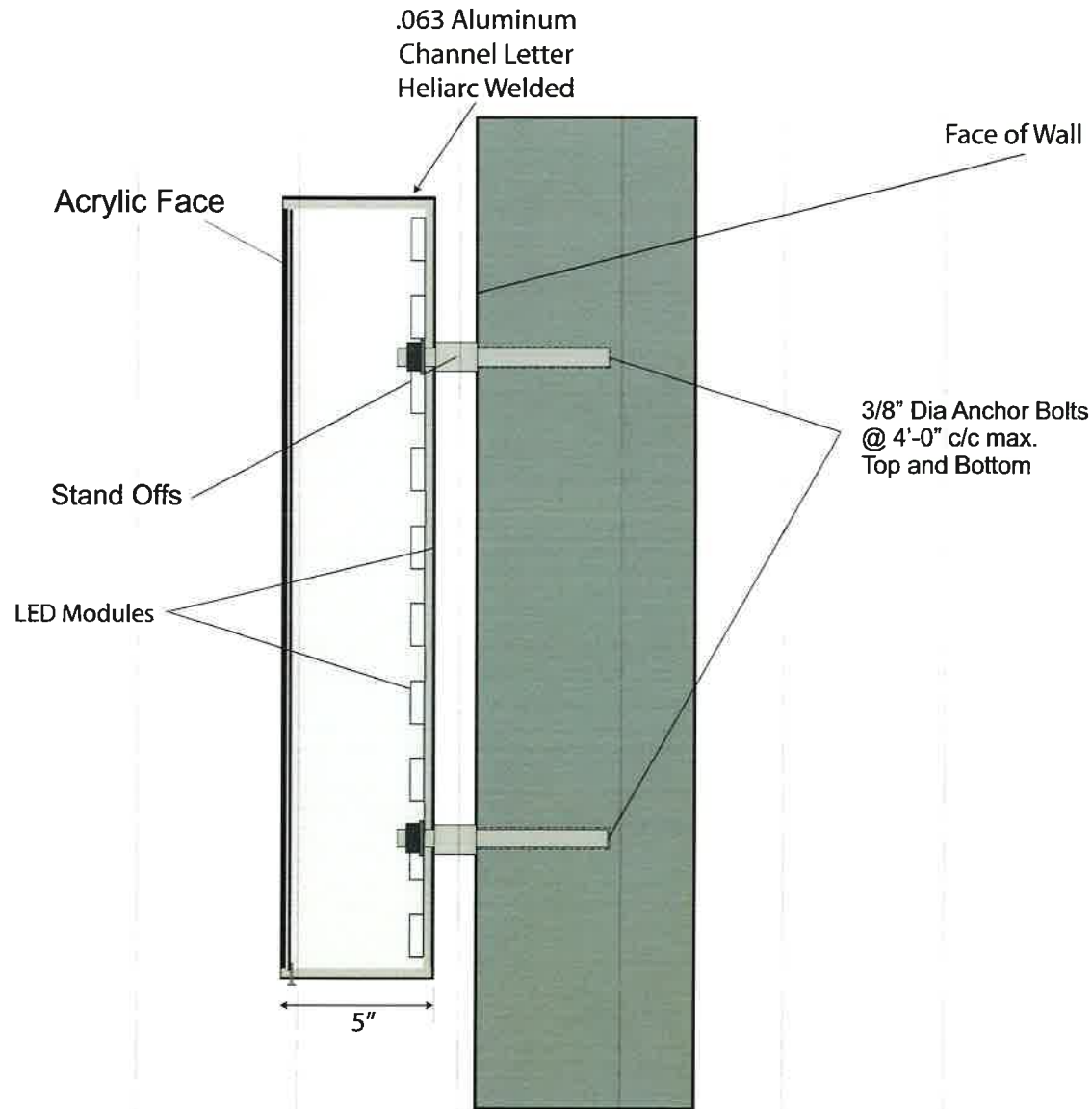
Permits Needed:

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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](mailto:mysignemporium@aol.com)

# Sign Mounting Details



Mounting Detail

Sign Description

**Mark Z**

Date:

2-8-19

Site Address: 40020 W 12 Mile Rd  
Novi, MI

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: \_\_\_\_\_

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

**40020 W 12 Mile Rd  
Novi, MI 48377**

Freescale Semiconductor

CTI & Associates

40020 Twelve Mile Road

Starbucks

Haggerty Connector

Twelve Mile Rd

Twelve Mile Rd

ITC

Twelve Mile Rd

Twelve Mile Rd

Twelve Mile Rd

Holiday Inn  
& Suites Det

Google

215'

210'

Cabot Dr



## West Side - M-5 View



## South Side - 12 Mile View

