



## CITY of NOVI CITY COUNCIL

**Agenda Item N**  
**March 18, 2019**

**SUBJECT:** Approve amendment to Consent Judgment in the case of *Poota d/b/a Novi Party Store v Novi ZBA*, Oakland County Circuit Court Case No. 02-046233-AA to allow a wall sign instead of a monument sign.

**SUBMITTING DEPARTMENT:** City Manager

**CITY MANAGER APPROVAL:** PA

**BACKGROUND INFORMATION:**

The original consent judgment in this case dates back to 2004. The party store had an existing monument sign on Grand River and wanted two additional wall signs. The ZBA denied that request, there was an appeal to the circuit court, and the City settled the case by allowing the store one additional wall sign to go with the existing monument sign.

The store underwent a parking realignment (approved by the Planning Commission in 2009) that affected the grassy area where the monument sign was previously located. As a result of that, it would be difficult to find a place for a monument sign along Grand River now. The wall sign is being proposed in place of the approved monument sign. The second wall sign would be the same size as the one authorized in the original consent judgment and would otherwise meet the size requirements of the ordinance.

**RECOMMENDED ACTION:** Approve amendment to Consent Judgment in the case of *Poota d/b/a Novi Party Store v Novi ZBA*, Oakland County Circuit Court Case No. 02-046233-AA to allow a wall sign instead of a monument sign.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SAMI POOTA d/b/a NOVI PARTY STORE,

Case No. 02-046233-AA

Plaintiff/Appellant,

Hon. Nanci J. Grant

v.

THE CITY OF NOVI ZONING BOARD OF APPEALS,

Defendant/Appellee.

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**CONSENT JUDGMENT**

At a session of said court held in  
the City of Pontiac, County of Oakland,  
State of Michigan on \_\_\_\_\_

PRESENT: HON. \_\_\_\_\_  
CIRCUIT COURT JUDGE

This matter having come before the Court on stipulated agreement of the parties as set forth herein and below, and the Court being otherwise fully informed in the premises;

RECITALS:

A. Sami Poota d/b/a Novi Party Store ("Poota") filed an appeal from the decision of the City of Novi Zoning Board of Appeals (ZBA) denying his request to place two additional wall signs on his existing building located at 43025 Grand River,

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Tax Parcel ID No. 50-22-23-104-009 (formerly 50-22-23-104-005, --006, and -007), and described in the attached Exhibit A;

B. The parties reached an agreement, which was set forth in a certain Consent Judgment entered by this Court on February 17, 2004, whereby Poota was permitted to retain a then existing ground/monument sign on the property and, in addition, erect a single wall sign on the east wall of the existing building in accordance with certain specifications set forth in the Consent Judgment entered by this Court on February 17, 2004;

C. Since the entry of the Consent Judgment on February 17, 2004 there have been physical changes to Grand River Avenue, which is adjacent and to the north of Poota's party store, and to the parking area in front of the store. Such changes have resulted in the removal of the ground/monument sign and there is limited area left for placement of a replacement ground/monument sign;

D. The City of Novi sign ordinance, Ordinance No. 17-188 § 28-4, provides that Poota's business is allowed to erect and maintain one wall sign and, in addition, one ground/monument sign;

E. As a result of the limited space to erect and maintain a ground/monument sign, the parties agree to the entry of this Amended Consent Judgment to supersede the Consent Judgment entered on February 17, 2004 to allow Poota to erect and maintain a second wall sign on the north wall of the existing building pursuant to certain specifications further described below.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Poota may continue to have and maintain, on the east wall of the existing building located on the subject property, the existing single wall sign as described in

the original Consent Judgment as shown on the attached and incorporated Exhibit B. As required under the original Consent Judgment, the sign shall not be blinking, flashing, or intermittent, and shall comply with all City ordinances and regulations except as set forth herein. The sign shall be properly maintained at all times.

2. Poota may also install and maintain, on the north wall of the existing building located on the subject property, an additional single wall sign no greater than 40 square feet in area with the text as described in the attached and incorporated Exhibit C, a drawing of the proposed sign, as well as the color scheme, mounting design, text, and lighting as represented and depicted thereon. The sign shall not be blinking, flashing, or intermittent, and shall comply with all City ordinances and regulations except as set forth herein. The sign shall be properly maintained at all times.

3. Poota shall be entitled to no further signage on the property except as expressly permitted by amendment of this Amended Consent Judgment.

4. This Amended Consent Judgment is declared to be in recordable form, and the covenants and agreements contained herein are declared to be covenants running with the property and all portions or divisions thereof, and the Oakland County Register of Deeds shall be, and hereby is, ordered to record a true copy of this Amended Consent Judgment in the records of Oakland County.

5. This Amended Consent Judgment may be further amended, changed, and modified, including with respect to the proposed wall signage size, shape, and text, only by written agreement executed by the parties and approved and ordered by the Court.

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6. This Amended Consent Judgment shall in perpetuity be binding upon and inure to the benefit of both Plaintiff and Defendants and their' respective heirs, successors, and assigns, including, without limitation, successors in interest of the property and subsequent purchasers of the property.

7. To the extent that this Amended Consent Judgment conflicts with any City ordinance requirements, the terms of this Amended Consent Judgment shall control. To the extent that this Amended Consent Judgment is silent on issues regulated by City ordinances, then the City ordinances shall control.

8. This Court retains jurisdiction to insure compliance with the terms of the Amended Consent Judgment.

This Order resolves the last issue in the case and resolves the case.

**IT IS SO ORDERED.**

\_\_\_\_\_  
CIRCUIT COURT JUDGE

Approved as to form and content:

\_\_\_\_\_  
DAVID B. LANDRY (P32055)  
Attorney for Plaintiff

\_\_\_\_\_  
THOMAS R. SCHULTZ (P42111)  
Attorneys for Defendant

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**EXHIBIT A - PROPERTY DESCRIPTION**

In the City of City of Novi, Oakland County, Michigan, to wit: Lots 6, 7 and 8, "Novi Gardens Sub.", of part of the Northwest 1/4 of Section 23, Town 1 North, Range 8 East; City of Novi, Oakland County, Michigan, as recorded in Liber 60, Page 18 of Plats, Oakland County Records.

SIDWELL NO.: 50-22-23-104-009

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