



MEMORANDUM

Report Date: July 28th, 2023
To: City of Madison Heights Zoning Board of Appeals
Meeting Date: August 3rd, 2023
From: Matt Lonnerstater, AICP – City Planner
Subject: Signage Variances
PZBA 23-08; 1485 W. 14 Mile Road

REQUEST

The applicant, *Spectrum Neon on behalf of Matthew Shouneyia (property owner)*, requests three (3) variances from the City's Zoning Ordinance relating to signage. The subject property is located at 1485 W. 14 Mile Road (tax parcels # 44-25-02-102-003) and is zoned B-1, Local Business. The property is located at the southeast corner of 14 Mile Road and Campbell Road and is improved with a 102,000-square-foot shopping center anchored by Value Center Marketplace.

The applicant requests variances from the following sections of the Zoning Ordinance pertaining to ground signage:

Variance #1: Section 10.511(IV)(C)(2)(a): One ground sign for each business development; and

Variance #2: Section 10.511(IV)(C)(2)(a)1: Not over eight feet in height above the adjacent grade; and

Variance #3: Section 10.511(IV)(C)(2)(a)4: A ground sign under this section shall not exceed 0.5 square feet per each lineal foot of lot frontage to a maximum of 60 square feet in area.

The shopping center currently has two (2) multi-tenant ground signs. The applicant proposes to replace both existing ground signs with new signs, as follows:

1. Corner of 14 Mile/Campbell: 14-ft. tall and 125 sq. ft. (6 ft. height variance and 65 sq. ft. area variance)
2. 14 Mile Entrance: 12-ft. tall and 105 sq. ft. (4 ft. height variance and 45 sq. ft. area variance)

These variances are detailed individually below.

Number of Ground Signs Variance

Per Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance, B-1-zoned properties are afforded one (1) ground sign. The existing shopping center property has two (2) ground signs, one located at the corner of 14 Mile Road and Campbell Road, and one located at the drive entrance along 14 Mile Road. The existing signs are approximately 465 feet apart, as depicted in the image on the following page. The new ground signs are proposed in the same locations as the existing signage.

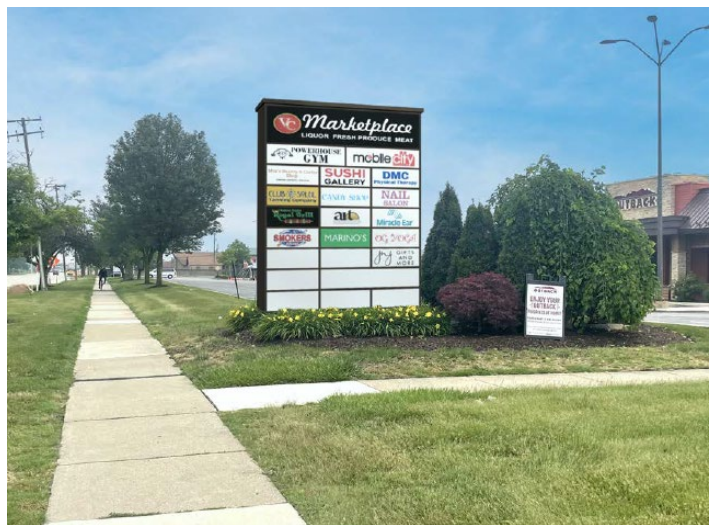
Existing/Proposed Ground Sign Locations



Sign 1 (Corner of 14/Campbell): Height and Area Variances

Per Section Per Section 10.511(IV)(C)(2)(a)1, ground signs in B-1 zoned districts are afforded a maximum height of eight (8) feet and a maximum area of sixty (60) square feet. The existing sign, shown below on the left, is approximately six (6) feet tall and sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, is proposed at fourteen (14) feet tall and 125 square feet, requiring a six (6) foot height variance and 65 square foot area variance. The proposed sign features an aluminum cabinet and cap feature and internal illumination.

14/Campbell – Existing (Left) vs. Proposed (Right)



Sign 2 (14 Mile Entrance): Height and Area Variances

Per Section 10.511(IV)(C)(2)(a)1, ground signs in B-1 zoned districts are afforded a maximum height of eight (8) feet and a maximum area of sixty (60) square feet. The existing sign, shown below on the left, is approximately six (6) feet tall and sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, is proposed at twelve (12) feet tall and 105 square feet, requiring a four (4) foot height variance and 45 square foot area variance. The proposed sign features an aluminum cabinet and cap feature and internal illumination.

14 Mile Entrance – Existing (Left) vs. Proposed (Right)



STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 10.804(2) of the Zoning Ordinance. Per their application, the applicant requests variances primarily due to the following characteristics of the subject property:

Large Building Footprint: At approximately 102,000 square feet, the shopping center is larger than many other commercial buildings within Madison Heights and contains many tenants, including tenants with small unit spaces.

Deep Building Setback and Visibility Challenges: The building is configured in an “L” shape and the primary façade is set back a considerable distance from the Campbell Road and 14 Mile Road rights-of-way, making it difficult for people in vehicles to see the wall signs.

Corner Lot and Lot Frontage: The subject property is located at the corner of two arterial roads with a combined frontage of over 1,200 feet.

VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests, summarized below:

- ***Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.***

- ***The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.***

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- *The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.*
- *The special conditions and/or circumstances are not a result of the applicant.*
- *The variance is the minimum variance necessary to provide relief to the applicant.*
- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

Additional variance review criteria are contained in Section 10.805, listed at the end of this report.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance request at their July 26th, 2023 meeting. The SPRC had no objections to the variance requests.

ZBA ACTION

Any ZBA motion, including approval and denial, should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. Template approval and denial motions are provided below for the ZBA's consideration. The ZBA should act on each variance request separately.

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed use(s) as it may deem reasonable in furthering the purpose of the Zoning Ordinance. **If the ZBA moves to approve the requested variances, staff suggests the following conditions of approval:**

1. Landscaping shall be planted around the foundation of each new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
2. The new ground signs shall not obstruct clear vision corners.
3. Each sign shall feature a decorative cap feature, as presented in the variance application.

TEMPLATE MOTIONS

Variance #1 – Number of Ground Signs

Approval

Move to APPROVE the variance application to allow two (2) ground signs at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits one ground sign for each business development in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional

undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.

- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

DENIAL

Move to DENY the variance application to allow two (2) ground signs at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits one ground sign for each business development in the B-1 Zoning District.
- 2) Based on the absence of exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property.
- 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are a result of the applicant.
- 5) The variance is not the minimum variance necessary to provide relief to the applicant.

Variance #2 – Ground Sign Height

APPROVAL

Move to APPROVE the variance application to allow new ground signs measuring twelve (12) feet and fourteen (14) feet in height at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)1 of the Zoning Ordinance permits ground signs not over eight feet in height above the adjacent grade in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

This variance is granted with the following conditions:

- 1) Landscaping shall be planted around the foundation of each new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
- 2) The new ground signs shall not obstruct clear vision corners.
- 3) Each sign shall feature a decorative cap feature, as presented in the variance application.

DENIAL

Move to DENY the variance application to allow new ground signs measuring twelve (12) feet and fourteen (14) feet in height at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)1 of the Zoning Ordinance permits ground signs not over eight feet in height above the adjacent grade in the B-1 Zoning District.
- 2) Based on the absence of exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property.
- 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are a result of the applicant.
- 5) The variance is not the minimum variance necessary to provide relief to the applicant.

Variance #3 – Ground Sign Area

APPROVAL

Move to APPROVE the variance application to allow new ground signs measuring 125 and 105 square feet in area at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)4 of the Zoning Ordinance permits ground signs not over sixty (60) square feet in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

DENIAL

Move to DENY the variance application to allow new ground signs measuring 125 and 105 square feet in area at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)4 of the Zoning Ordinance permits ground signs not over sixty (60) square feet in the B-1 Zoning District.
 - 2) Based on the absence of exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property.
 - 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
 - 4) The special conditions and/or circumstances are a result of the applicant.
 - 5) The variance is not the minimum variance necessary to provide relief to the applicant.
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CODE REFERENCES

Sec. 10.804. - Power of zoning board of appeals.

(2) Variance. *To authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.*

Sec. 10.805. - Standards.

Each case before the city council, zoning board of appeals or plan commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

- 1) *The location and size of the use.*
- 2) *The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) *Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.*

- 4) *The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- 5) *Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.*
- 6) *Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.*
- 7) *The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*
- 8) *The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.*
- 9) *The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.*

Sec. 10.511(IV)(C)(2) –Signs in B-1 Zoning District

Each business development (that is, one or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:

(a) Ground Signs: One ground sign for each business development

1. *Not over eight feet in height above the adjacent grade nor more than ten feet above the adjacent roadway.*

Note: Ground signs may not obstruct visibility at driveways or intersections. The building official may require that the sign base or the height of the bottom of the sign be adjusted to protect the public safety:

2. *No sign shall be located closer than 90 feet to any property line of an adjacent residential district.*
3. *The base of the sign be not less than 20 feet from a side lot line.*
4. *A ground sign under this section shall not exceed 0.5 square foot per each lineal foot of lot frontage to a maximum 60 square feet in area.*
5. *Individual ground signs for each business tenant within a development shall not be permitted.*