



# MEMORANDUM

Report Date: November 9<sup>th</sup>, 2023  
To: City of Madison Heights Zoning Board of Appeals  
Meeting Date: November 16<sup>th</sup>, 2023  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Signage Variances  
PZBA 23-14 – 25005 Dequindre Road (tax parcel # 44-25-24-476-043)

## REQUEST

The applicant, *Aver Sign Company on behalf of 25005 Dequindre, LLC (property owner)*, requests two (2) variances from the City's Zoning Ordinance relating to signage. The subject property is located at the northwest corner of the E. 10 Mile Road/Dequindre Road intersection and is zoned B-1, Local Business. The property has been approved for the development of a 9,000 square foot retail building featuring a gas station and drive-through restaurant and is currently under construction.

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)3: The base of the sign shall not be less than 20 feet from a side lot line.

The applicant proposes to construct two (2) ground signs, as follows:

Sign 1: Dequindre Road (northeast corner of site): 8 ft. tall; 57 sq. ft.; illuminated with LED price displays.

Sign 2: E. 10 Mile Road (southwest corner of site): 8 ft. tall; 57 sq. ft.; illuminated with LED price displays.

These variances are detailed individually below.

### Number of Ground Signs Variance

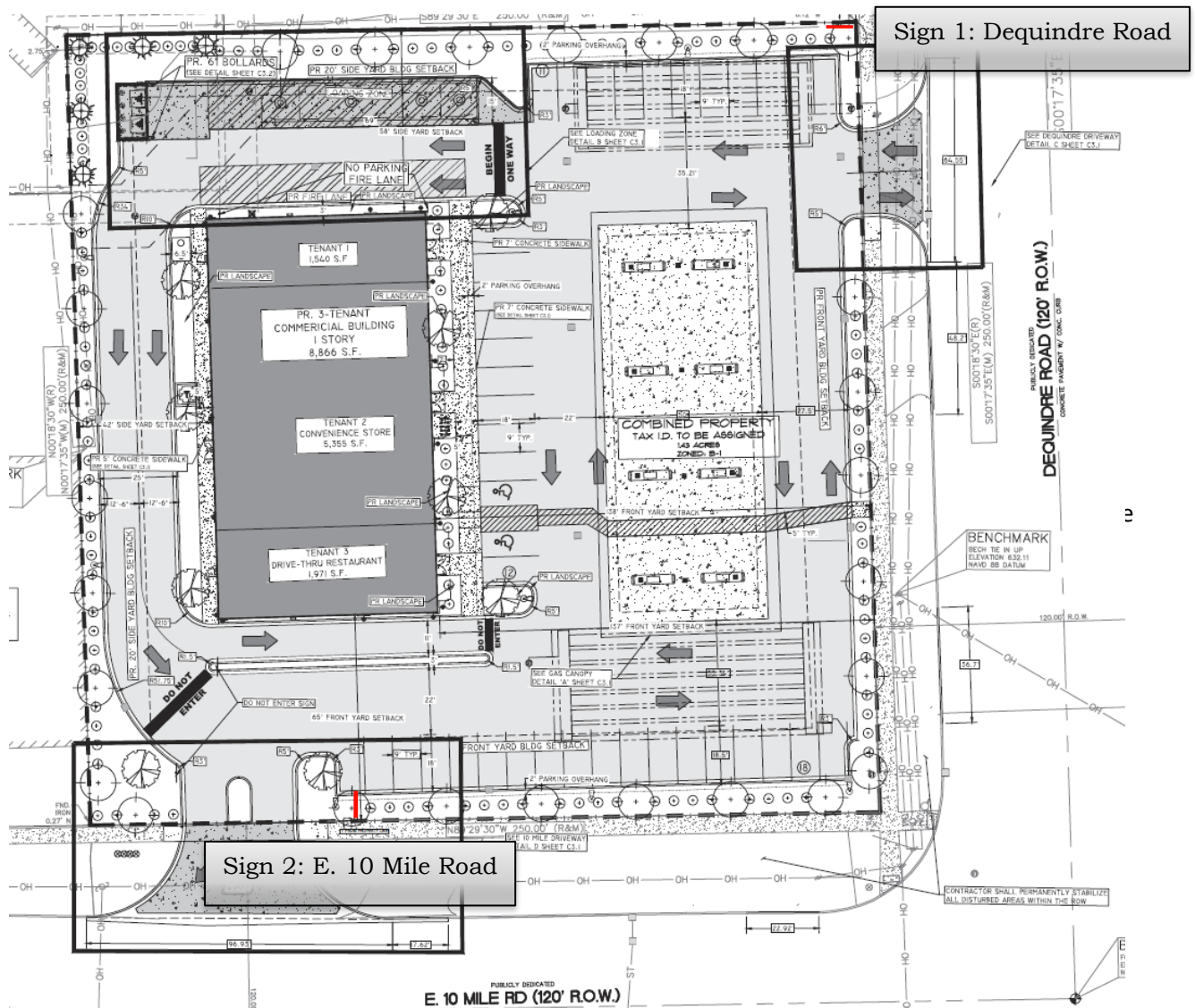
Per Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance, B-1-zoned properties are afforded a total of one (1) ground sign. The property is a corner lot and has two frontages. The applicant proposes two (2) ground signs, one on each property frontage (E. 10 Mile Road and Dequindre Road). Both proposed signs are set back approximately one (1) foot from the right-of-way line.

### Sign Setback Variance

Per Section Per Section 10.511(IV)(C)(2)(a)3, ground signs in B-1 zoned districts are required to be set back a minimum of twenty (20) feet from a side lot line. The proposed ground sign along Dequindre Road is set back approximately one (1) foot from the northern side property line, requiring a nineteen (19) foot setback variance.

The images below depict the approximate locations (in red) and details of the proposed ground signs:

**Proposed Ground Sign Locations**



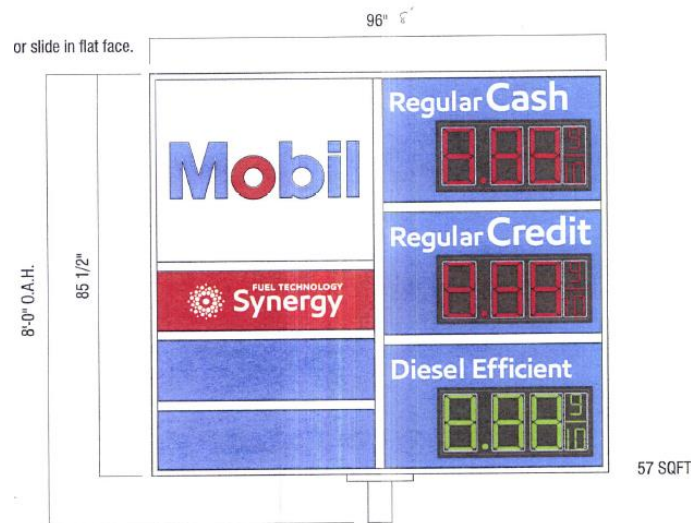
**Sign 1. – Dequindre Road (northeast corner of site)**



**Sign 2 – E. 10 Mile Road (southwest corner of site)**



**Proposed Sign Dimensions**



**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 the variances primarily due to the following characteristics of the subject property:

Extraordinary Conditions of Property: Per the applicant, a single freestanding ground sign was originally proposed at the corner of E. 10 Mile Road and Dequindre Road (southeast corner of property). However, placement options at this corner were limited due to the required corner clearance zone and a drainage basin which did not allow for the sign foundation/footing.

Strict Application Results in Practical Difficulty/Corner Lot: Per the applicant, the inability to locate a sign at the corner intersection presents a practical difficulty to the property owner/business owners as they would not be able to advertise and reach potential customers on both fronting streets.

The applicant has not provided a response or justification for the requested side yard setback variance.



While staff understands the desire for two (2) ground signs in lieu of a single corner ground sign, staff has concerns about the proposed locations. The proposed placement of both ground signs appears to require the removal or relocation of required greenbelt landscaping along Dequindre and E. 10 Mile Road. The landscaping plan in the approved site plan set meets the minimum planting requirements. However, any further plant removal would potentially create a non-conforming landscape plan. Prior to administrative approval of the proposed signs, a revised landscape plan should be provided showing how landscaping will be impacted given the proposed sign locations. Further, staff recommends that both signs be constructed with a masonry base, as opposed to the exposed pole as proposed.

Staff further notes that a thinner sign, such as that pictured below, could open up more potential locations for one or both of the proposed signs, potentially eliminating the need for the side setback variance. The sign pictured below is located near the corner of 11 Mile and John R Road and is approximately 5.5 feet tall and 3.5 feet wide (compared to the proposed 8 foot tall, 8 foot wide signs).

**Exxon Sign – 11 Mile/John R**



## **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 November 8<sup>th</sup>, 2023 meeting. The SPRC did not object to allowing two (2) ground signs on the property, but expressed concern regarding the potential impacts to landscaping as well as allowing a sign so close to the side property line.

#### **ZBA ACTION**

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed signs 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. If the proposed sign locations require the relocation of greenbelt landscaping, prior to administrative approval of the sign permits, the applicant and/or property owner shall provide a revised landscape plan to the City Planner for review and approval. The revised landscape plan shall meet the minimum planting requirements of the Zoning Ordinance.
2. Provide a decorative masonry base for each ground sign, with details provided to the City Planner for review and approval as part of the administrative sign permit applications.
3. The ground signs shall not obstruct required clear vision corners.

**Any ZBA motion, including approval and denial, shall 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.**

## 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 25005 Dequindre Road, Tax Map # 44-25-24-476-043, 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 condition of the property as a corner property, and due to the location of underground utilities, the strict application of the regulation 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.

The variance is granted with the following conditions:

1. If the proposed sign locations require the relocation of greenbelt landscaping, prior to administrative approval of the sign permits, the applicant and/or property owner shall provide a revised landscape plan to the City Planner for review and approval. The revised landscape plan shall meet the minimum planting requirements of the Zoning Ordinance.
2. Provide a decorative masonry base for each ground sign, with details provided to the City Planner for review and approval as part of the administrative sign permit applications.
3. The ground signs shall not obstruct required clear vision corners.

#### DENIAL

Move to DENY the variance application to allow two (2) ground signs at the subject property located at 25005 Dequindre Road, Tax Map # 44-25-24-476-043, 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 Setback**

### APPROVAL

Move to APPROVE the variance application to allow one (1) new ground sign approximately one (1) foot from the northern side property line 25005 Dequindre Road, Tax Map # 44-25-24-476-043, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)3 of the Zoning Ordinance requires a 20-foot side yard setback for ground signs in the B-1 Zoning District.
- 1) Based on exceptional shape or area of the specific piece of property, the strict application of the regulation 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.
- 2) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 3) The special conditions and/or circumstances are not a result of the applicant.
- 4) The variance is the minimum variance necessary to provide relief to the applicant.

### DENIAL

Move to DENY the variance application to allow one (1) new ground sign approximately one (1) foot from the northern side property line 25005 Dequindre Road, Tax Map # 44-25-24-476-043, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)3 of the Zoning Ordinance requires a 20-foot side yard setback for ground signs in the B-1 Zoning District.
  - 1) 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.
  - 2) 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.
  - 3) The special conditions and/or circumstances are a result of the applicant.
  - 4) 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.*