

Zoning Board of Appeals Meeting  
Madison Heights, Michigan  
April 04, 2024

A Regular Meeting of the Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, April 04, 2024, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Road, Madison Heights, MI 48071

Present: Chair Kimble and members: Aaron, Covert, Fleming, Loranger, Oglesby, and Sagar

Absent: Corbett, Holder, and Marentette

**ZBA 01-24. Minutes**

Motion made by Mr. Oglesby, Seconded by Ms. Aaron, to approve the November 16, 2023, Meeting Minutes as presented.

Voting Yea: Aaron, Kimble, Loranger, Oglesby, Sagar, Fleming, Covert  
Motion Carried.

**ZBA 02-24. Excuse member(s)**

Motion made by Mr. Oglesby, Seconded by Ms. Aaron, to excuse Ms. Linda Corbett, Ms. Cindy Holder, and Ms. Margaret Marentette from tonight's meeting.

Voting Yea: Aaron, Kimble, Loranger, Oglesby, Sagar, Fleming, Covert  
Motion Carried.

**ZBA 03-24. Case # PZBA 24-01: 32751 Concord Drive**

City Planner Lonnerstater reviewed the staff report provided in the meeting packet, incorporated herein:

**REQUEST**

The applicant, Aver Sign Company, on behalf of Antoun Property Group LLC (property owner), requests two (2) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum height of a ground sign; and one (1) variance pertaining to the maximum area of a ground sign. The subject property is located at 32751 Concord Drive (tax parcel #44-25-02-201-026) and is zoned B-3, General Business. The property is located on the east side of Concord Drive, south of W. 14 Mile Road. A new gas station/convenience store is currently under construction on the property.

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)1: Not over eight feet in height above the adjacent grade; and

Variance #2: 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 applicant proposes to demolish the existing monument sign on the property (formerly for “Steak ‘n Shake”) and construct one new monument sign with the following dimensions:

9.52-ft. tall (1.52-ft. variance)

63.2 sq. ft. area (3.2-sq. ft. variance)

These variances are detailed individually below.

### **Height Variance**

Per Section Per Section 10.511(IV)(C)(2)(a), ground signs in B-3 zoned districts are afforded a maximum height of eight (8) feet. The proposed sign measures 9.52 feet tall, requiring a 1.52-foot variance. The existing ground sign, to be demolished, is approximately 8 feet tall and meets Ordinance requirements.

The proposed sign features an aluminum cabinet, a 16 sq. ft. digital message board, and a 1.6-foot-tall faux brick base monument.

### **Area Variances**

Per Section Per Section 10.511(IV)(C)(2)(a), ground signs in B-1 zoned districts are afforded a maximum a maximum area of sixty (60) square feet. The existing sign is approximately sixty (60) square feet, meeting Ordinance requirements. The new sign is proposed at 63.2 square feet, requiring a 3.2 square foot area variance. Note that the applicant has included the sign base in the area measurement; however, per the City’s zoning definitions, the sign base does not count towards sign area calculations.

### **SITE PLAN REVIEW COMMITTEE (SPRC) ACTION**

The SPRC discussed the variance request at their November 8th, 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**

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. 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 suggest 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 sign shall not obstruct clear vision corners. 3. The ground sign shall feature a decorative brick base, as presented in the variance application.

Applicant Avis Antoun of Antoun Property Group, LLC was present to answer any questions.

Petitioner Brian Stakley, Permit Agent at Aver Sign Company, representing BP at 32751 Concord Drive is requesting the board to approve two sign variances. The height variance of 9.52 feet and the area variance square footage of 76.17. The following are Mr. Stakely's answers to questions from the board: The variances are required to ensure optimal visibility without encroaching on adjacent properties. The flow of traffic from key vantage points, including 14 Mile Road, is distinctive to this property. To effectively and safely capture the attention of vehicular and pedestrian traffic a variance is essential to ensure visibility within the unique traffic patterns. This decision stems from a commitment to promote their brand and business growth. BP franchise requires the monument sign to advertise all grades of gasoline.

Chair Kimble opened the public hearing at 7:52 p.m. to hear comments on application #24-01.

There being no comments on application #24-01, Chair Kimble closed the public hearing at 7:53 p.m.

Motion made by Ms. Aaron, Seconded by Mr. Oglesby, to approve the variance application to allow one (1) new ground sign measuring 9.52 feet in height and 63.2 feet in area at the subject property located at 32751 Concord Drive after the required public hearing, based upon the following findings:

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- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits ground signs not over eight (8) feet in height above the adjacent grade and not over sixty (60) square feet in the B-3 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property in relation to its redevelopment, 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 the new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
2. The new ground sign shall not obstruct clear vision corners.
3. The ground sign shall feature a decorative brick base, as presented in the variance application.

Voting Yea: Aaron, Kimble, Oglesby, Sagar, Fleming, Covert

Voting Nay: Loranger

Motion Carried.

**ZBA 04-24. Public Comment: For items not listed on the agenda.**

Seeing no one wished to comment, Chair Kimble opened public comment at 7:52 p.m. and closed the public comment at 7:53 p.m.

**ZBA 05-24. Officer Elections: Chair and Vice Chair**

Chair Kimble called for nominations for the position of Chairperson and Vice Chairperson of the Board.

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Councilman Fleming nominates Mark Kimble as Chair and Toya Aaron as Vice-Chair.

Mark Kimble accepts the nomination for the Chair position and Toya Aaron accepts the nomination for the Vice-Chair position.

Motion made by Councilman Fleming, Seconded by Mr. Oglesby, to approve Mark Kimble as Chair and Toya Aaron as Vice-Chair.

Voting Yea: Aaron, Kimble, Loranger, Oglesby, Sagar, Fleming, Covert  
Motion Carried.

**ZBA 06-24. City Planner updates**

City Planner Lonnerstater gave an update that Ordinance 2198 of the new Zoning Ordinance and Zoning Map, First Reading which will come before City Council for approval at the April 8, 2024, Regular Council Meeting. He announced that Ms. Christina Rodgers resigned effective immediately due to health issues.

**ZBA 06-24. Adjournment.**

Motion made by Ms. Aaron, Seconded by Mr. Oglesby.

Voting Yea: Aaron, Kimble, Loranger, Oglesby, Sagar, Fleming, Covert  
Motion Carried.

There being no further business, Chair Kimble adjourned the meeting at 8:08 p.m.