



CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

Date Filed:

(This application must be typed)
SUBMIT TWO ORIGINAL COPIES

1. Petitioner: Name: A1 Signs & Graphics
Address: 8909 Hubbell Pl
City: Debit State: MI Zip: 48228
Telephone: [REDACTED] Fax: [REDACTED]
Email: [REDACTED]
2. Petitioner's Interest in Property:
3. Property Owner: (Attach list if more than one owner)
Name: MARTIN ZESSU
Address (Street): 36652 Thomas Dr
City: STERLING HTS State: MI Zip: 48312
Telephone: [REDACTED]
Email: [REDACTED]
4. Property Description:
Address: 29011 Stephenson hwy
Tax Parcel #: 44 - - - - -
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: _____
Subdivision name: _____
Lot size: _____
Size of proposed building or addition: _____
5. Present Zoning of Property: _____ Present Use: _____
6. Action Requested: (Check the appropriate section and attach response on separate sheets)
☐ **APPEAL OF AN ADMINISTRATIVE DECISION (Administrative Review)**
The applicant requests the Board of Appeals to reverse/modify the _____
decision/interpretation of Article _____, Section _____. The decision should be
reversed/modified because: (On a separate sheet describe in detail the nature of the problem, the
reason for the request and the desired remedy)

Rev. 12/10/2011

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6. **Action Requested:** (Continued) (Check the appropriate section and attach response on separate sheets)

☒ **VARIANCE**

Request is hereby made for permission to erect ☒ alter ☐ convert ☐ or use ☐ a

EMC as part of marketing and communication

Contrary to the requirements of Section(s) _____ of the Zoning Ordinance

_____ of the Zoning Ordinance

_____ of the Zoning Ordinance

The following questions must be answered fully on a separate sheet of paper:

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. (Note: Your district includes all areas of the City sharing a zoning designation with your property. If your zoning classification were B-1 (Local Business) your district would include all City lands zoned B-1.)
- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.
- D. Did the special conditions and/or circumstances result from your actions?
- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?
- F. Will granting the variance change the essential character of the area?

☐ **TEMPORARY PERMIT**

Applicant is requesting a Temporary Use ☐ and/or a Temporary Structure ☐

Describe in detail the proposed use or structure and the length of time requested.

☐ **INTERPRETATION OF ORDINANCE LANGUAGE IN SECTION** _____

Describe in detail the nature of the requested interpretation.

☐ **PUBLIC UTILITY BUILDING**

Describe in detail the proposed use or structure.

☐ **OTHER ACTION**

Describe in detail action requested.

7. **CASE HISTORY**

Have you been denied a permit for a building, sign or use on this property? Yes ☐ No ☐

Has there been any previous appeal involving these premises? Yes ☐ No ☐

(If yes, provide character and disposition of previous appeals.)

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Application No. _____

Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

FOR THE OWNER:

Signature _____

Printed Name Maryten EssaDate 5-1-25

FOR THE APPLICANT IF NOT THE OWNER:

Signature _____

Printed Name _____

Date _____

Note: A notarized letter of authority or a power of attorney may be substituted for the original signature of the owner.

Notices are to be sent to the Applicant ☐ Owner ☐

ATTACHED HERETO, AND MADE PART OF THIS APPLICATION, ARE THE FOLLOWING: (All required items must be submitted with this application)

- ☐ 1. Two copies of drawings of Site Plan (no larger than 11"x 17") drawn to scale and containing all necessary dimensions and all features involved in this appeal, including measurements showing open space on abutting properties, PDI
- ☐ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☐ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☐ 6. Applicable fees:

A. Variance Review (Single Family)	\$300.00
B. Variance Review (Dimensional)	\$400.00 plus \$300 per variance
C. Use Variance Review	\$1,000.00
D. Appeal of Administrative Decision	\$400.00

OFFICE USE ONLY

APPROVALS

Approved for hearing by City Attorney _____

Approved for hearing by C.D.D. _____

Reviewed by Site Plan Committee _____

INTER-DEPARTMENTAL NOTIFICATION

Community Development Department _____

Fire Department _____

Department of Public Services _____

ZONING BOARD OF APPEALS

APPROVED: _____

DENIED: _____

FEE: \$ _____

PAID: _____

RECEIPT NO. _____

b6: 12-10-2023

A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.

I am requesting a variance to install and operate an **Electronic Message Center (EMC) sign** on my gas station property to display real-time fuel prices, promotions, and public service announcements. The proposed EMC would be integrated into the existing freestanding sign and would comply with brightness, timing, and message duration standards. However, the current Zoning Ordinance prohibits or restricts EMC signs in this zoning district, making the proposed use non-compliant without a variance.

B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

The gas station is located on a heavily trafficked roadway where rapid and clear communication with motorists is essential for business operations. Unlike other properties in the same zoning district, a gas station relies on the ability to update pricing and safety information in real time. The EMC sign would allow safe, remote updates while preserving the visual footprint of the existing sign.

C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.

The ordinance's strict prohibition on EMC signs deprives this business of modern, industry-standard marketing and informational tools commonly used by other businesses both inside and outside this district. Several competitors within nearby zoning designations have EMC signs, giving them a clear advantage in visibility and customer communication. Literal interpretation of the ordinance prevents me from offering similar services and flexibility, placing an undue burden on my business.

D. Did the special conditions and/or circumstances result from your actions?

No, the special circumstances did not result from any actions on my part. The conditions are a result of the zoning code's broad application without recognizing the unique operational needs of service-based businesses such as gas stations, which require frequent price changes and public communication.

E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?

While I can continue operating as a gas station, doing so without an EMC sign significantly hinders my ability to communicate with customers in a timely and effective manner. It affects pricing visibility and marketing competitiveness. This is the **minimum variance needed**, as the EMC sign will be integrated into the existing structure, adhere to time, brightness, and animation restrictions, and not increase the physical dimensions of current signage.

F. Will granting the variance change the essential character of the area?

No, granting the variance will **not** change the essential character of the area. The sign will be compatible with surrounding commercial uses, and its design will be professional and respectful of community standards. EMC signs are now a common feature in commercial corridors, and the sign will comply with all operational limits to prevent light pollution or visual clutter. It will serve a practical and informative role without disrupting the aesthetics or functionality of the neighborhood.

We feel that ^{granting} ~~property~~ of this Variance will not affect the ~~Spirit~~ of the ordinance.
Spirit