



# MEMORANDUM

Report Date: March 27<sup>th</sup>, 2024  
To: City of Madison Heights Zoning Board of Appeals  
Meeting Date: April 4<sup>th</sup>, 2024  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Signage Variance  
PZBA 24-01; 32751 Concord Dr.

**NOTE:** The applicant has included the sign base in the sign area measurement; however, per the City’s zoning definitions, the sign base does not count towards sign area calculations.

## REQUEST

The applicant, Aver Sign Company on behalf of Antoun Property Group LLC (property owner), requests two (2) variances from the City’s Zoning Ordinance standards relating to signage. 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.

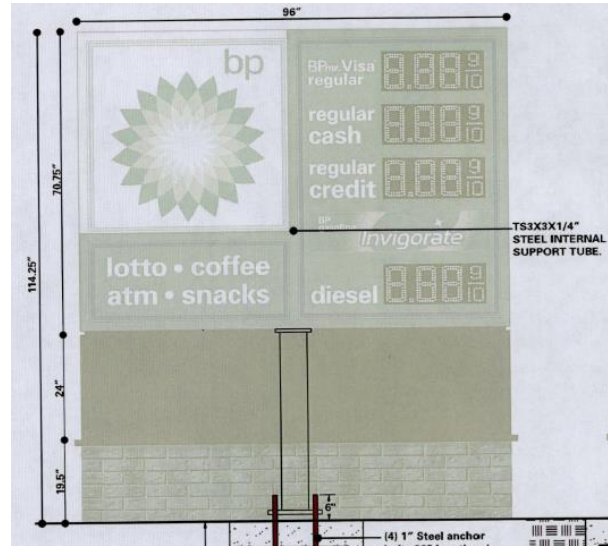
## Height Variance

Per Section 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, shown on the following page, 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.

Existing Sign (8 ft. tall)



Proposed Sign (9.52 ft. tall)



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, shown above on the left, is approximately sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, 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.

### VARIANCE FINDINGS AND CRITERIA

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.

## 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 primarily cites visibility from 14 Mile Road and the ability to attract more customers to the new gas station as justifications for the requested variances. The applicant also references existing nearby ground signs that exceed height and area limits.

Practical difficulties relating to a dimensional variance request should generally relate to unique physical constraints on the property, including but not limited to natural features (e.g. wetlands, topography, soil situations) or extraordinary parcel shape. Where physical constraints severely limit the ability to place a legal ground on the property, variances may be warranted.

Staff finds that the subject parcel is of a somewhat regular shape with adequate road frontage to accommodate a ground sign meeting ordinance requirements. In staff's opinion, the distance from 14 Mile Road, the argument that a larger sign will attract more customers, and comparison to other non-conforming signs are not adequate justifications for dimensional variances as they do not relate to extraordinary physical conditions on the property. The ground sign height and area regulations do not deprive the property owner of rights commonly enjoyed by others in the B-3 zoning district. Further, simple modifications to the sign could bring the sign into conformance with the Zoning Ordinance, including the elimination of the digital message board.

## 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.**

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

## TEMPLATE MOTIONS

### Variance– Ground Sign Height and Area

#### DENIAL

Move to DENY 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:

- 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 the absence of exceptional shape or area, or physical constraints 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.

#### APPROVAL

Move 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:

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

## 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-3 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.*