

Zoning Board of Appeals Meeting
Madison Heights, Michigan
November 16, 2023

A Regular Meeting of the Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, November 16, 2023 at 7:30 PM at Executive Conference Room – City Hall, 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson, and members: Corbett, Holder, Marentette, and Oglesby

Absent: Barragan

23-46. Minutes

Motion by Ms. Holder, seconded by Mr. Oglesby, to approve the Zoning Board of Appeals Regular Meeting Minutes of October 5, 2023.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson

Motion carried.

23-47. Case # PZBA 23-14: 25005 Dequindre Road

Petitioner Jennifer Glover, Permit Agent at Aver Sign Company, representing Mobil at 25005 Dequindre Road is requesting the board to approve a second ground sign along Dequindre Road. Her client Mobil is unable to dig at the corner of 10 Mile Road and Dequindre to set a sign safely. They have a sign permit and begun installation for a sign on 10 Mile Road. The sign meets the City's ordinances for the overall height and square footage. It's a static LED display for product and pricing for that particular gas station. Most gas stations located at two major thoroughfares install their signs at the corner to get the attention of all the traffic in that area. She is also requesting the board to approve a sign setback of less than a foot off of the sidewalk. The current sign location would be blocked by shrubbery and a building.

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

REQUEST

The applicant, Aver Sign Company on behalf of 25005 Dequindre, 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 number of ground signs per property; and one (1) variance pertaining to the minimum ground sign setback. The subject property is located at 25005 Dequindre Road (tax parcel #44-25-24-476-043) and is zoned B-1, Local Business District.

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

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.

Chair Kimble opened the public hearing at 7:37 p.m. to hear comments on application #23-14.

There being no further comments on application #23-14, Chair Kimble closed the public hearing at 7:38 p.m.

Petitioner Jennifer Glover, Permit Agent at Aver Sign Company, answered a question from Ms. Holder that there had been no discussions about the four conditions prior to the meeting. They are willing to negotiate with the City to provide a foot base to hide the pole. And accommodate the City's request regarding the landscape. Ms. Glover answered a question from Chairman Kimble and expressed her concern with the dimensions of a thinner manufactured sign. Michigan Law requires a sign with LED lights to be a certain size, it reduces the size of the image, and may cause a traffic hazard. She answered a question from Vice-Chair Thompson that it's not feasible to change a bigger sign to a smaller sign. The Michigan Department of Motor Vehicles did a study on the hazards of small signs on major roads with higher driving speeds.

Assistant City Attorney Burns advised the board they are allowed to have conditions placed upon the applications as long as there are rational correlation between the variance request, not creating a bigger

problem with the variance, and try to be compliant with the actual zoning. We did not address the size of the sign and the conditions but it is at the discretion of the board.

Property owner Steven Haddad answered the question from Mr. Loranger that his property is a new development and it was designed by a previous civil engineer who made several mistakes.

City Planner Lonnerstater has concerns of the proposal being close to the north property line, they will likely go onto the adjacent property to install the sign, and trespass on the other property to maintain the sign. If the one sign was thinner or narrow it would meet the setback requirement of twenty (20) feet and have more possible location that it can be placed at; the sign dimension is 5 ½ feet tall and 3 ½ feet wide.

Mr. Oglesby spoke about small signs creating a hazard on major roads like 10 Mile Road and Dequindre Road.

VARIANCE #1 – NUMBER OF GROUND SIGNS

Motion made by Corbett, Seconded by Oglesby, 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.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson

Motion carried.

VARIANCE #2 – GROUND SIGN SETBACK

Motion made by Holder, Seconded by Oglesby, 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.
- 2) 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.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson

Motion carried

23-48. Public Comment: For items not listed on the agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 7:53 p.m. and closed the public comment at 7:54 p.m.

23-49. Adoption of 2024 ZBA Meeting Calendar

Motion made by Oglesby, Seconded by Marentette, to approve and adopt the 2024 ZBA Meeting Calendar.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson

Motion carried.

23-50. Adjournment.

Motion by Ms. Holder, seconded by Mr. Oglesby, to adjourn the meeting.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson
Motion carried.

There being no further business, Chair Kimble, adjourned the meeting at 7:55 p.m.