

53 E 10 Mile Road

Document Path: Z:\notifications\2023\53 E 10 Mile Rd\Site Map.mxd

53 E 10 Mile Road

Site Address: 53 E 10 Mile Road



[Click for map](#)

Aerial



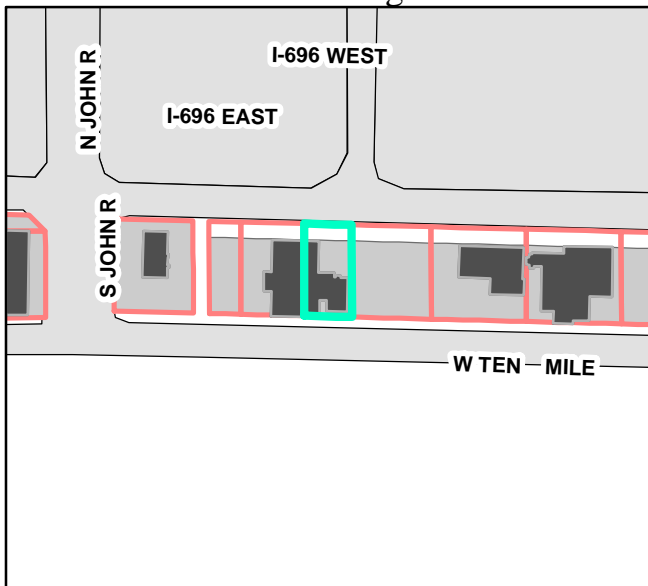
- 53 E 10 Mile Road
- Parcels

Existing Land Use



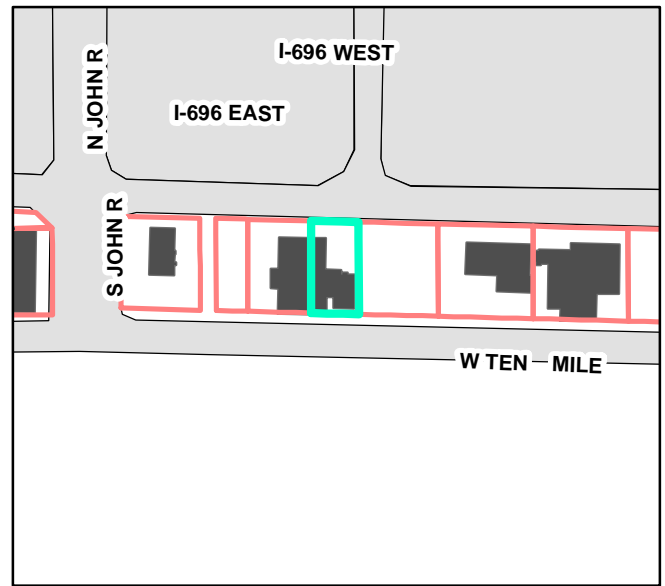
- 53 E 10 Mile Road
- Commercial
- Buildings
- Industrial
- Parcels

Zoning



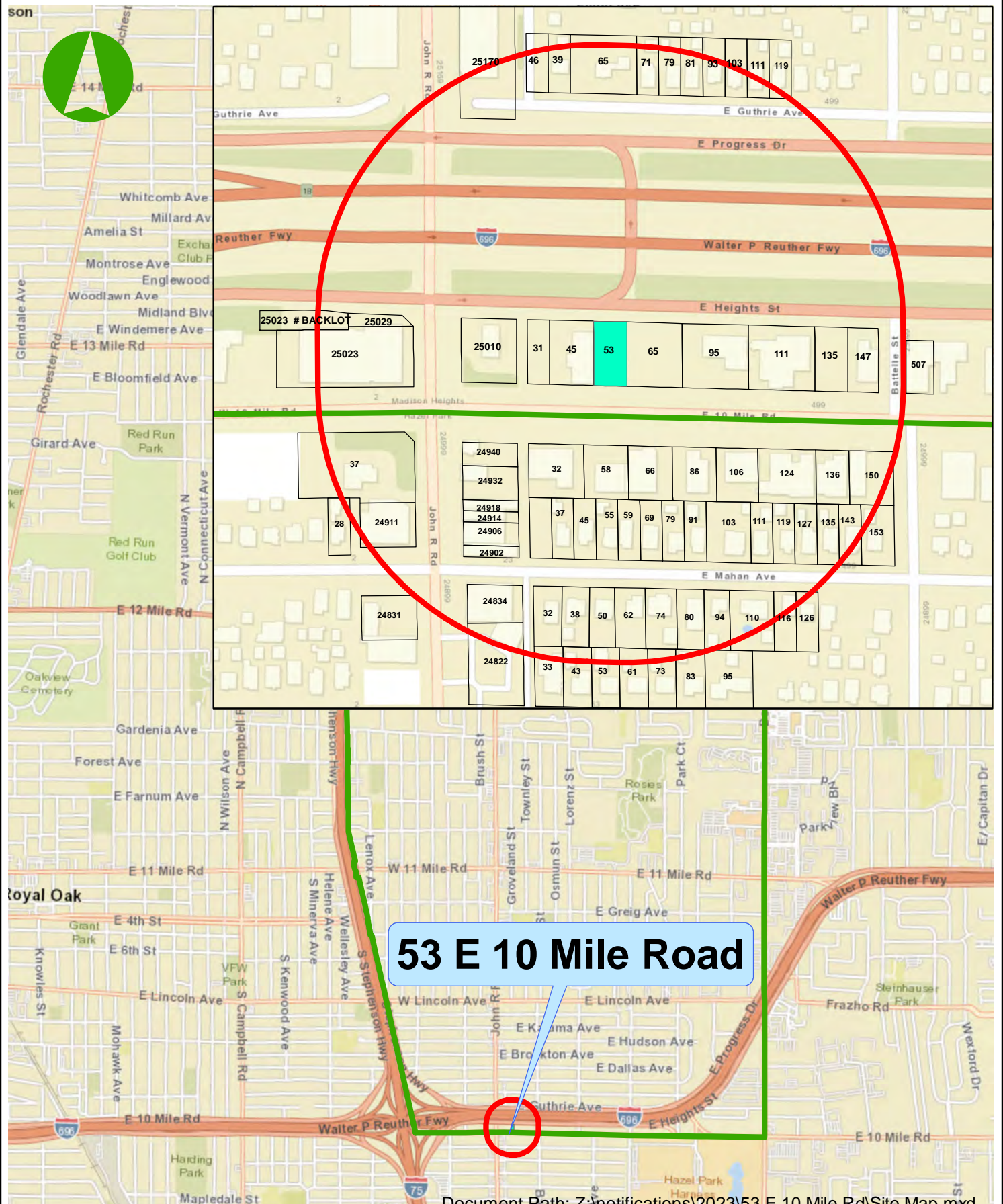
- 53 E 10 Mile Road
- M-1 Light Industrial
- Buildings
- Parcels

Future Land Use



- 53 E 10 Mile Rd
- Parcels
- Industrial

ZBA CASE: 23 - 04
BUFFER 500 FT



Document Path: Z:\notifications\2023\53 E 10 Mile Rd\Site Map.mxd

NOTICE OF PUBLIC HEARING

Notice is hereby a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **City Council Chambers of the Municipal Building at 300 W. 13 Mile Road**, Madison Heights, Oakland County, Michigan 48071 on **Thursday, April 6th, 2023 at 7:30 p.m.** to consider the following requests:

(A) Case # PZBA 23-02: 25780 Commerce Drive

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 25780 Commerce Drive (tax parcel # 44-25-24-426-038) and is zoned M-1, Light Industrial.

(B) Case # PZBA 23-03: 615 E. Ten Mile Road

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 615 E. Ten Mile Road (tax parcel # 44-25-24-355-030) and is zoned M-1, Light Industrial.

(C) Case # PZBA 23-04: 53 E. Ten Mile Road

REQUEST: The petitioner, International Outdoor, Inc., requests four (4) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests two (2) variances from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 53 E. Ten Mile Road (tax parcel # 44-25-24-360-026) and is zoned M-1, Light Industrial.

(D) Case # PZBA 23-05: 1275 & 1301 W. Fourteen Mile Road

REQUEST: The petitioner, Samantha Burgner on behalf of ALRIG USA, requests three (3) variances from the city Zoning Ordinance. The applicant requests two (2) variances from Section 10.326(8), *use-specific standards for auto wash uses*, pertaining to hours of operation and vacuum locations; and one (1) variance from

Section 10.511(IV)(A), *Prohibited Signs*, pertaining to roof signs. The subject property is located at 1275 W. Fourteen Mile Road (tax parcel # 44-25-02-101-046) and 1301 W. Fourteen Mile Road (tax parcel # 44-25-02-101-045) and is zoned B-3, General Business.

The applications and any supporting documents can be viewed during regular business hours at the Community & Economic Development Department. In addition, the agenda items can be viewed online at www.madison-heights.org in the Agenda Center after 4:00 p.m. on the Friday before the meeting.

If you are unable to attend the meeting, you can send your comments via email to: MattLonnerstater@madison-heights.org and your comment will be read into the record at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the meeting.

CITY CLERK'S OFFICE
(248) 583-0826

City of Madison Heights

Sign Application



53 E 10 Mile Rd,
Madison Heights, MI

Parcel Number:

44-25-24-355-030

Owner:

TIM MCGINNIS

Zoned: M-1 LT

Proposed Sign will be:

- ☐ On the south side of I-696 east of John R Rd.
- ☐ 2-sided Static, 14' x 48' surface area per side = 672 square feet
- ☐ Front Flag, 60' tall

The sign will be built with a zero rear yard setback and will be 10' from the side yard to the east and 10' from the building to the west and 10' from the structure to the south





CITY OF MADISON HEIGHTS
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
300 W. 13 MILE ROAD, MADISON HEIGHTS, MI 48071
(248) 583-0831

FOR OFFICE USE ONLY

PERMIT #: _____
DATE ISSUED: _____
BY: _____

PERMANENT SIGN PERMIT APPLICATION

JOB ADDRESS: 53 E 10 Mile Rd, Madison Heights, MI

OWNER'S NAME: Tim McGinnis PHONE: 586-524-2646 FAX: _____

OWNER'S ADDRESS: 45 E 10 Mile Rd CITY: Madison Heights ZIP: 48071

APPLICANT: International Outdoor, Inc. PHONE: 248-489-8989 FAX: 248-489-8990

APPLICANT'S ADDRESS: 28423 Orchard Lake Rd, Ste 200 CITY: Farmington Hills ZIP: 48334

Check here to receive Notices of Repair by facsimile or e-mail . E-mail address: h@IOBillboard.com

FEES:

GrogM@IOBillboard.com

No of Signs	Type of Sign	Fee	Cost (No x Fee)
REQUIRED	Administrative Fee	\$30.00	\$30.00
	New Permanent Signs:		
	Ground Sign to 60 Sq. Ft.	\$200.00	X
	Wall Sign up to 100 Sq. Ft.	\$200.00	
	Wall Sign over 100 Sq. Ft.	\$280.00	
	Refacing:		
	Ground Sign up to 60 Sq. Ft.	\$185.00	
	Ground Sign over 100 Sq. Ft.	\$265.00	
	Wall Sign up to 100 Sq. Ft.	\$185.00	
	Wall Sign over 100 Sq. Ft.	\$265.00	
	Other		
	TOTAL FEES:		<u>230.00</u>

FOR OFFICE USE ONLY

	FEES	PAID
Permit:	_____	_____
Registration:	_____	_____
Investigative Fee:	_____	_____
Other:	_____	_____
TOTAL:	_____	_____

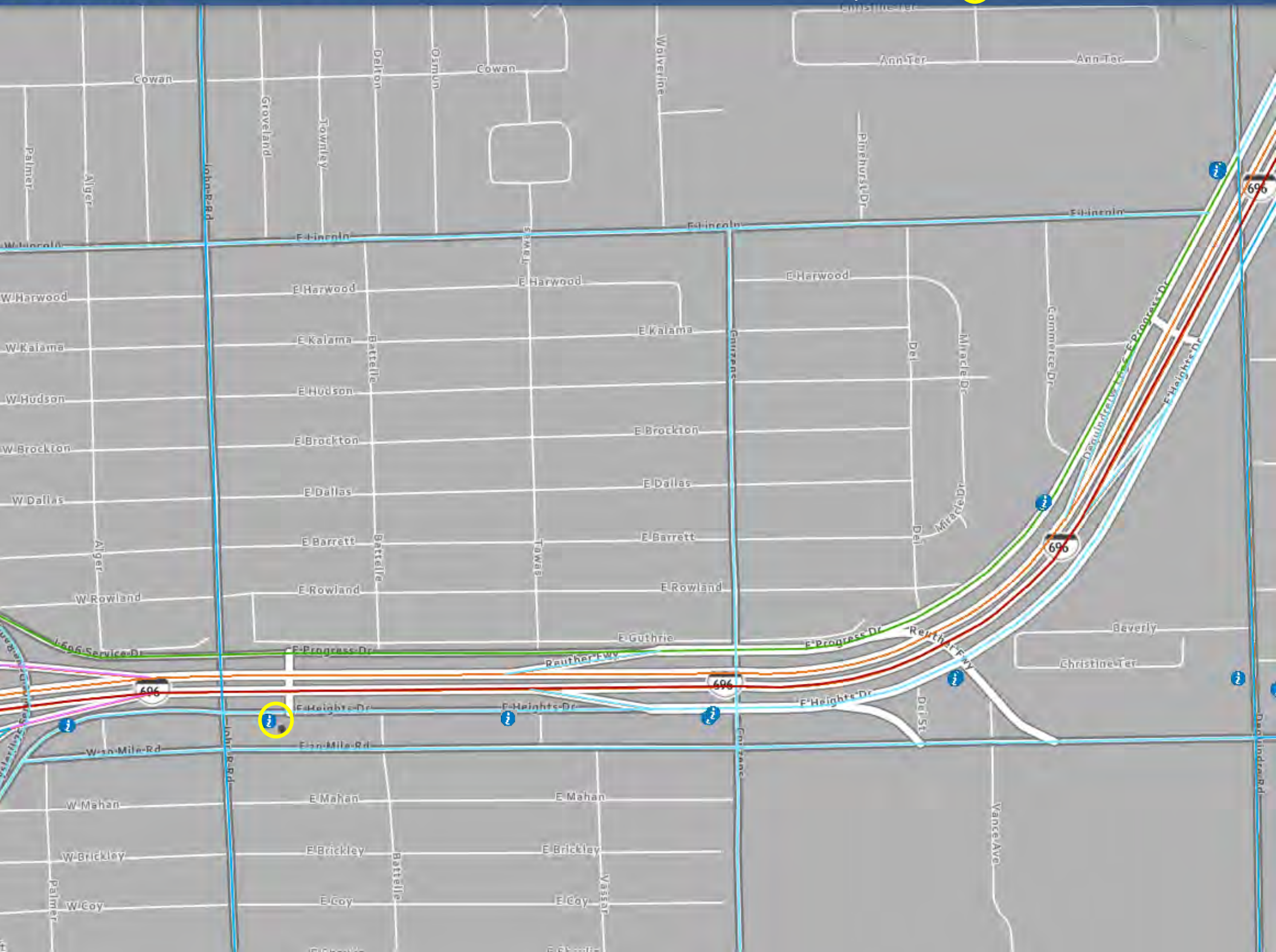
Code Official Approval: _____
Date approved for issue: _____

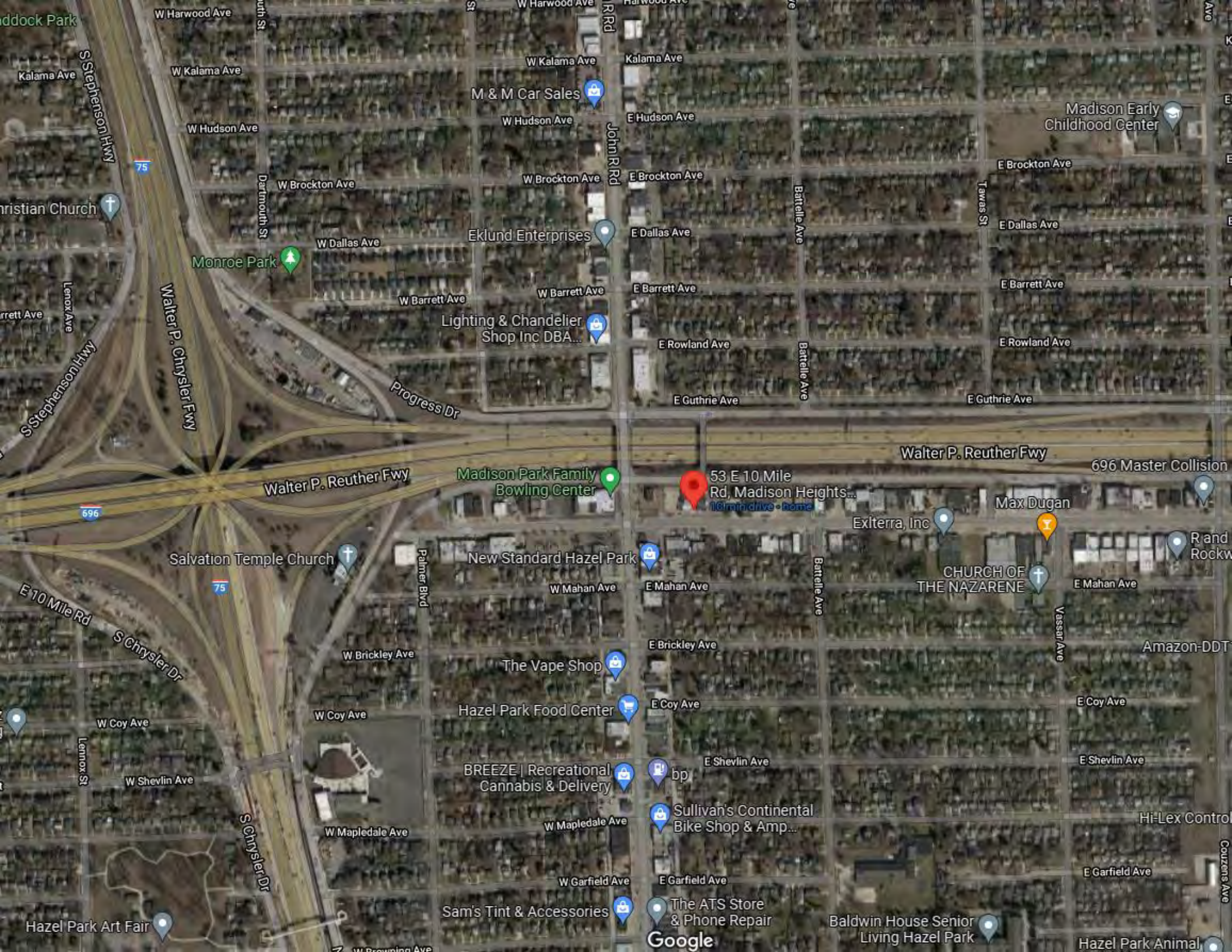
PLANS: TWO COPIES of a plan showing the overall length, width and thickness of the sign, and the complete message, as well as the dimensions of the lot and/or front of the building must be attached. In addition a plot plan is required for all ground signs and shall be fully dimensioned and show the location of the sign, all site improvements, the height of the sign above grade and above the adjacent roadway, and the uses on adjacent properties.

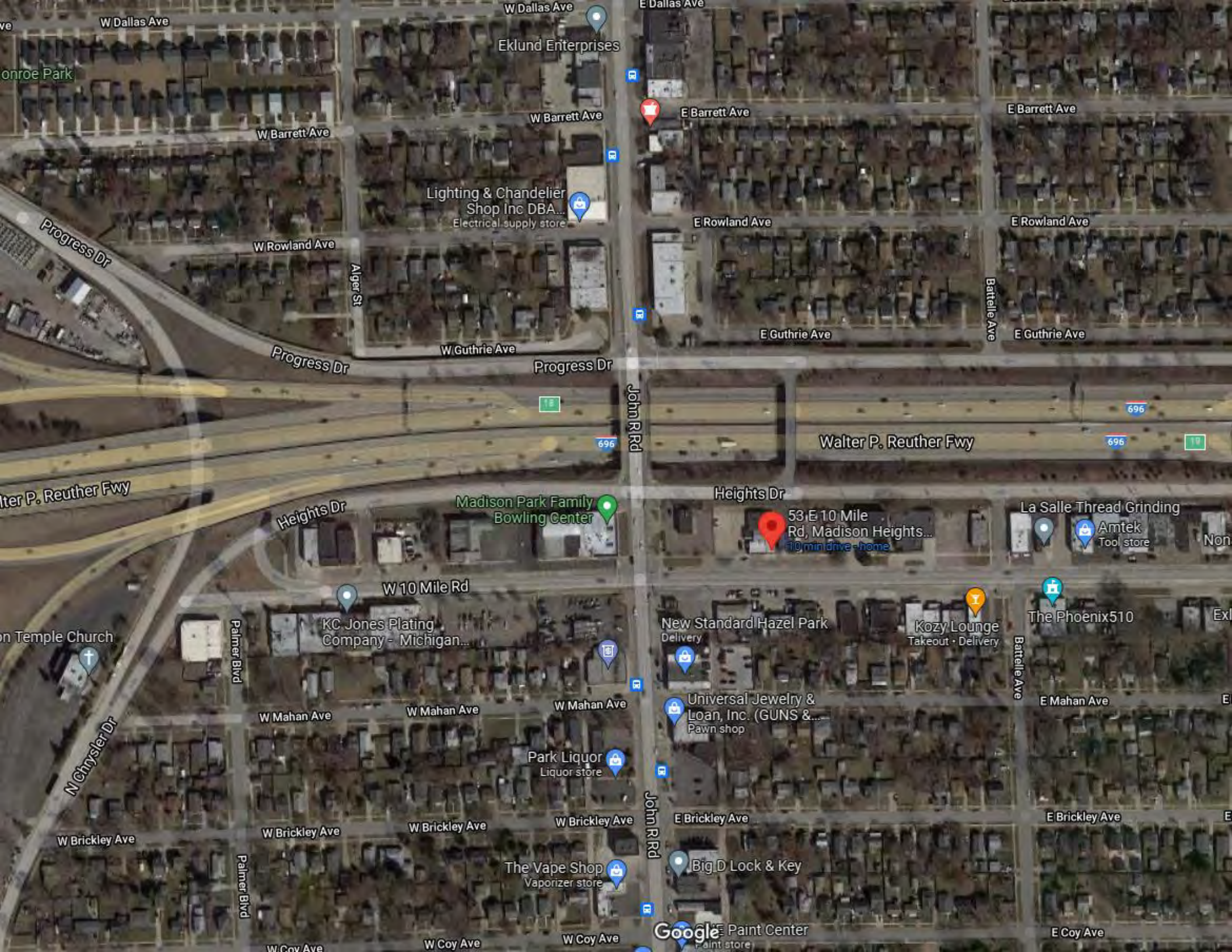
HAVE PLANS BEEN SUBMITTED WITH THIS APPLICATION? ☒ YES ☐ NO

I HAVE READ AND UNDERSTAND THE ABOVE PROVISIONS:

Timothy Q. McLean 12-3-22 0-650-488-982-559 07-15-62
APPLICANT'S SIGNATURE DATE DRIVER'S LICENSE NUMBER DATE OF BIRTH
Timothy Q. McLean 12-3-22







W Dallas Ave

W Barrett Ave

W Rowland Ave

W Guthrie Ave

W Mahan Ave

W Brickley Ave

W Coy Ave

Progress Dr

Alger St

John Rd

Battelle Ave

Walter P. Reuther Fwy

Eklund Enterprises

Lighting & Chandelier Shop Inc DBA...
Electrical supply store

Madison Park Family Bowling Center

KC Jones Plating Company - Michigan...

Park Liquor Liquor store

The Vape Shop Vaporizer store

Big D Lock & Key

Paint Center

Universal Jewelry & Loan, Inc. (GUNS & Pawn shop)

New Standard Hazel Park Delivery

Kozy Lounge Takeout - Delivery

The Phoenix510

La Salle Thread Grinding

Amtek Tool store

53 E 10 Mile Rd, Madison Heights...
10 min drive - home

Heights Dr

W 10 Mile Rd

Palmer Blvd

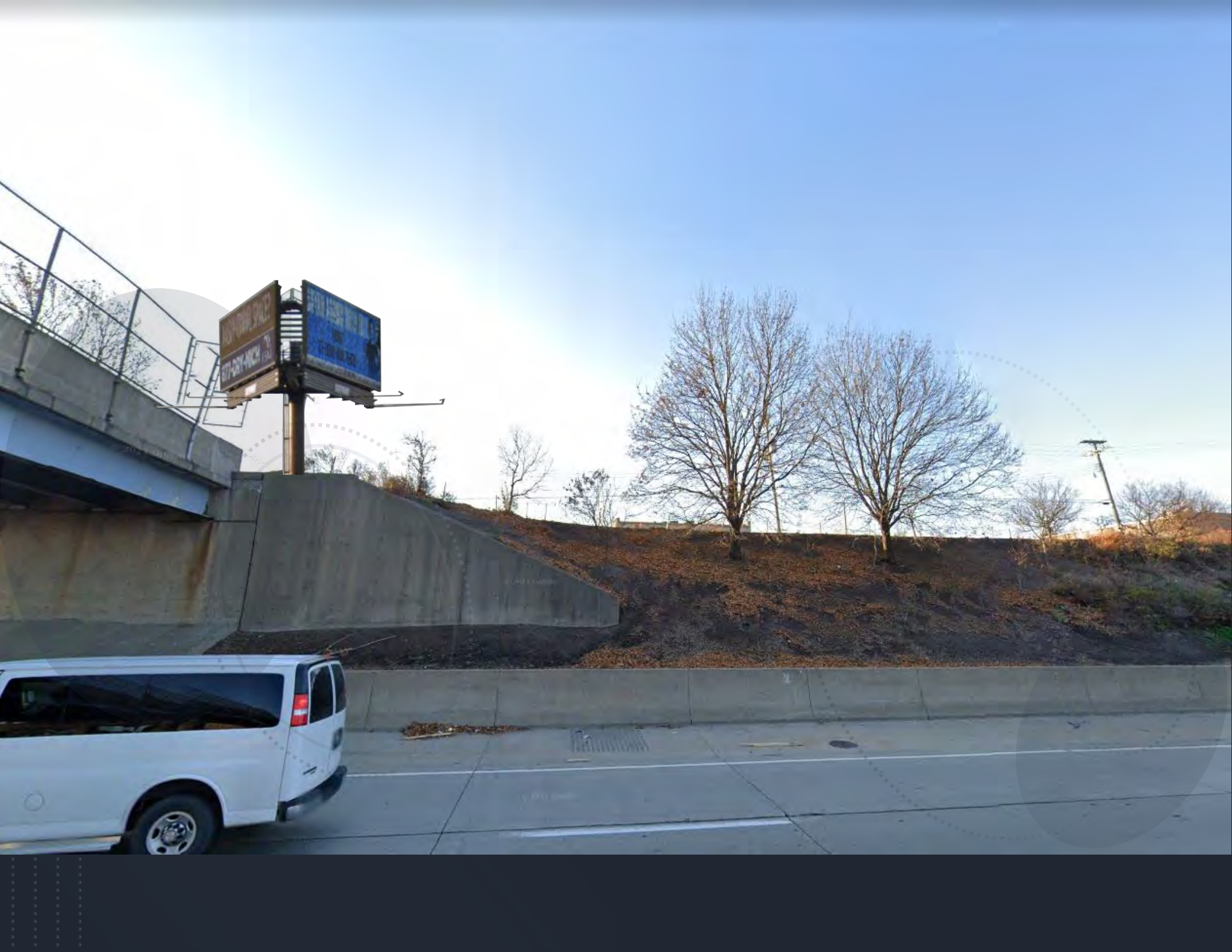
N Chrysler Dr

on Temple Church

onroe Park

ve

Google





Buildings, Safety Engineering & Environmental Department
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 402, Detroit, MI 48226
(313) 224-3168

Issued to: VISION PROPERTIES OF MICHIGAN INC
28423 ORCHARD LAKE RD. STE 200
FARMINGTON HILLS MI, 48334

Sign Erectors License

License Number: LIC2001-01483

Date Issued: 1/5/2023

Expiration Date: 12/31/2023

Fee Amount: \$143.00



Buildings, Safety Engineering & Environmental Department
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 402, Detroit, MI 48226
(313) 224-3168

\$143.00

Sign Erectors License

LIC2001-01483

This is to certify that VISION PROPERTIES OF MICHIGAN INC is qualified to perform the functions of the license(s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.

No Results

Expires: 12/31/2023

**David Bell,
Director**



Buildings, Safety Engineering & Environmental Department
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 402, Detroit, MI 48226
(313) 224-3168

Fee Amount: \$143.00

This is to certify that VISION PROPERTIES OF MICHIGAN INC is qualified to perform the functions of the license (s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.

Sign Erectors License

License Number: LIC2001-01483

Issued: 1/5/2023

Expires: 12/31/2023

**28423 ORCHARD LAKE RD. STE 200
FARMINGTON HILLS MI, 48334**

David Bell, Director

No Results

License may be revoked upon violation of any provisions of the ordinance or other rules and regulations covering this particular activity.

Please submit bond via: bid.ly/codbondapplication or mail/deliver to:
Buildings, Safety Engineering & Environmental Department, Licensing & Permits
402 Coleman A. Young Municipal Center, Detroit, Michigan 48226.
Office Hours: 8:30 A.M. to 4:30 P.M.

UNIFORM SURETY BOND

24829685
(SURETY BOND NUMBER)

NOTE: Unless Instructions on the attached sheet are followed, this bond will be invalid.

KNOWN ALL MEN BY THESE PRESENTS, THAT (1)
Vision Properties of Michigan, Inc.

as principal.

Business Address (2) 28423 Orchard Lake Road, Ste. 200, Farmington Hills, MI 48334

and (3) WESTERN SURETY COMPANY

as surety

are held and firmly bound unto the City of Detroit, County of Wayne, State of Michigan, in the penal sum of

(4) Five Thousand and 00/100

\$5,000.00

Dollars,

lawful money of the United States of America, to be paid to the City of Detroit, or to its certain Attorney, to which payment well and truly to be made, we and each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally, and every one of them firmly by these presents.

In consideration of this surety, the principal may perform the lawful services by permit or license that are inherent in the occupation of (5) Erector of Signs

provided that the principal meets all of the requirements as stated in said resolution or code of the City of Detroit Ordinances, or Building Codes (6) CHAPTER 8, 2019 DETROIT CITY CODE

as well as any other conditions that may be required under any present or future ordinances or codes that may be enacted by the City of Detroit.

NOW, THEREFORE, The condition of this obligation is such that the said principal shall save harmless and indemnify the City of Detroit from all claims, damages, expenses, suits and proceedings of every kind and nature which may arise by reason of the issuance of said permit and/or license, and shall observe the faithful performance of the terms of said ordinance, code, or permit, then this obligation to be null and void, otherwise to remain in full force and effect. Coverage hereunder shall be for the term starting as of (7) December 31st

2021

, and expiring on (8) December 31st

2022

(SEE INSTRUCTIONS)

Signed, sealed and dated this (8a) 13th day of January 2022

Sealed and delivered in presence of:

WITNESS TO PRINCIPAL

(12) Stephanie Kunst

(Signature of Witness)

(13) Stephanie Kunst

(Print or type name of Witness)

(14) 28030 Middlebelt Rd. Farmington Hills, MI

(Address of Witness)

(9) Latif Z. Oram

(Signature of Principal) (Seal, if a Corporation)

(10) Latif Z. Oram

(Print or type name of Principal)

(11) President

(Print or type title of Principal)

WITNESS TO SURETY

(18) C. Langdon

(Signature of Witness)

(19) C. Langdon

(Print or type name of Witness)

(20) Sioux Falls, South Dakota

(Address of Witness)

(15) WESTERN SURETY COMPANY

(Name of Surety Company)

(16) [Signature]

(Signature of Attorney-in-Fact)

(17) [Signature]

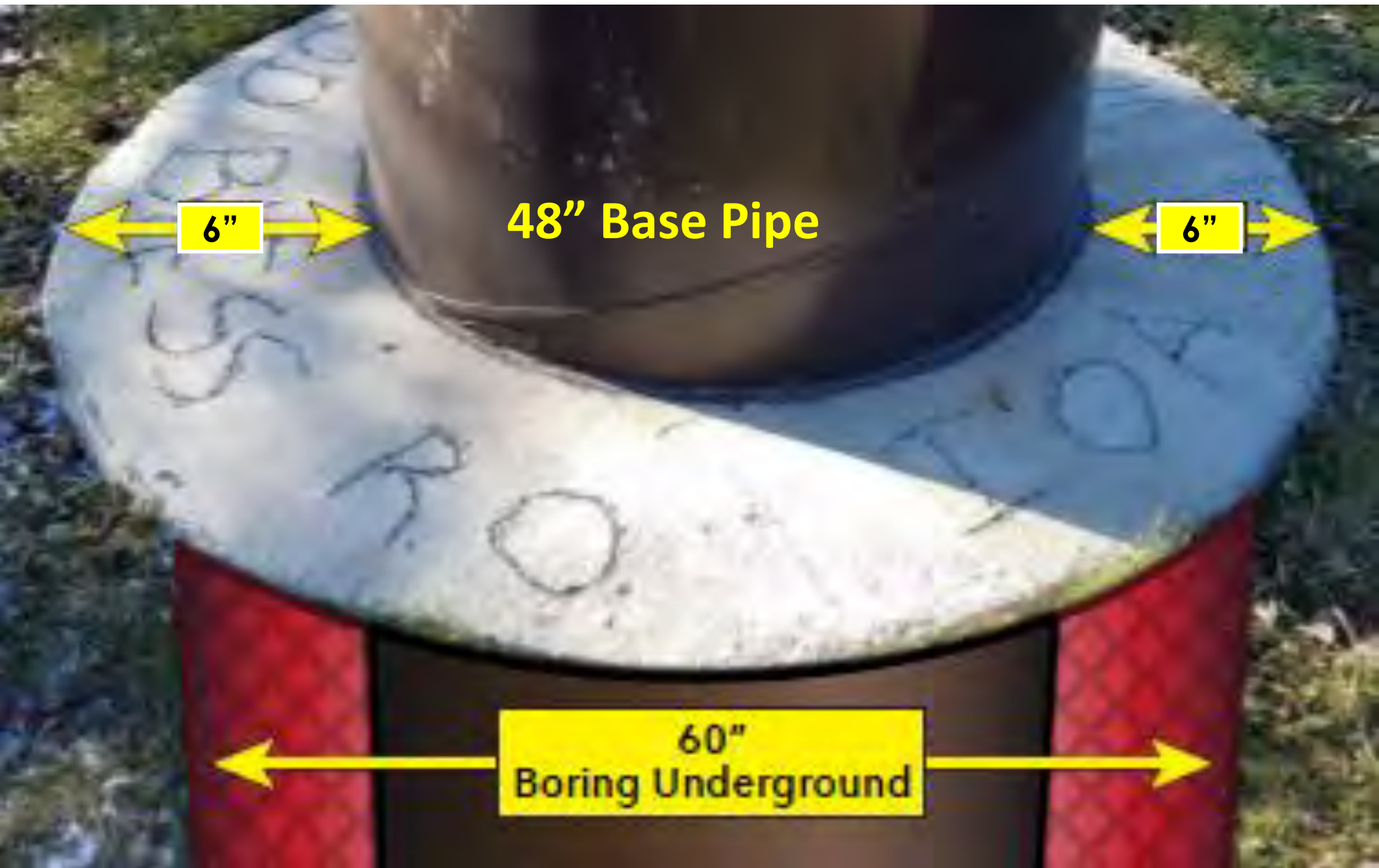
(Print or type name of Attorney-in-Fact)

APPROVED AS TO FORM AND EXECUTION

Date 01/18/2022

Reg. No. B97305

Jonathan Demers
Assistant Corporation Counsel





City of Madison Heights

ZBA Application



53 E 10 Mile Rd,
Madison Heights, MI

Parcel Number:
44-25-24-355-030

Owner:
TIM MCGINNIS

Zoned: M-1 LT

- ☐ Requesting dimensional variances of 1,500 feet from the nearest billboard to the west.
- ☐ Requesting dimensional variances to allow a billboard on a parcel with an existing principal use.
- ☐ Requesting dimensional variance to allow a billboard less than 100 feet from a building.



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: International Outdoor, Inc.
Address: 28423 Orchard Lake Rd, Ste 200
City: Farmington Hills State: MI Zip: 48334
Telephone: 248-489-8989 Fax: 248-489-8990
Email: gregm@IObillboard.com
2. **Petitioner's Interest in Property:** Lease
3. **Property Owner:** (Attach list if more than one owner)
Name: Tim McGinnis
Address (Street): 45 E 10 Mile Rd
City: Madison Heights State: MI Zip: 48071
Telephone: 586-524-2646
Email: mcginnisconstruct@yahoo.com
4. **Property Description:** Address: 53 E 10 Mile Rd
Tax Parcel #: 44 - 25 - 24 - 355 - 030
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: _____
Subdivision name: John R Park
Lot size: 0.32 acres
Size of proposed building or addition: _____
5. **Present Zoning of Property:** M-1 **Present Use:** Contractors Yard
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)

ZONING BOARD OF APPEALS APPLICATION

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
14' x 48', 60' High, 2-sided Static billboard

Contrary to the requirements of Section 57 J m 10.511.IV.E.1 of the Zoning Ordinance
T J m 10.511.IV.E.2 of the Zoning Ordinance
T J m 10.511.IV.E.7 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.)

ZONING BOARD OF APPEALS APPLICATION

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 Timothy J McGinnisPrinted Name TIMOTHY J MCGINNISDate 2-9-23**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. PDF
- ☐ 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. _____



Make a positive impact **BUY LOCAL**

If everyone bought **Michigan** products and services, there would be **more** jobs, **more** businesses, **more** people living here, and a **better** quality of life.



We are proud to be...

- A Michigan Company, Locally Owned and Operated.
- Certified as a Women's Business Enterprise (WBE)
- Certified as a Detroit-Based Business (DBB)
- Certified as a Wayne County Based Business (WCBB)



INTERNATIONAL OUTDOOR

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989

MADISON HEIGHTS SPONSORSHIP BREAKDOWN

2021-2022

- \$1,000 Youth Basketball: January- March logo is hung on a banner displayed at John Page Middle School Gym. Name is on the back of 60 jerseys.
- \$500 Coffee Concerts: Presents sponsor of the coffee concert series. A thank you banner will be displayed at the Active Adult Center for February and will be behind the performer for the four concerts.
- \$700 5K April: Logo is on the shirt of every running participant. Opportunity to come to the race and hand out information about your company while talking to residents.
- \$1,000 Girls Softball May-July: Logo on the back of 35 girl's softball jerseys.
- \$500 Youth T-Ball June-July: Logo on the back of 45 T-ball jerseys.
- \$1,050 Summer Camp: June-August Logo on the back of 400 t-shirts that are worn throughout the week and on every field trip around the Metro-Detroit area.
- \$1,000 Golf Outing July 30th: Cart Sponsor and Water Bottle Sponsor. Logo on every water bottle in golfers goodie bag. A special thank you on every cart in front of score card. 4 free golfers to event.
- \$1,000 Tree Lighting: Name and logo displayed on the center stage of the event. Reindeer Sponsor, name, and logo displayed next to our reindeer at the event.
- \$1,250 Active Adults Special Needs Luncheon
- \$2,000 Fitness Court - Logo will be an anti-graffiti laminate decal on the Fitness Court, Front wall full-color co-Recognition with Sponsors, included in NFC Local media press and promotions,



INTERNATIONAL OUTDOOR

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989

MADISON HEIGHTS SPONSORSHIPS

2021 - 2022



INTERNATIONAL OUTDOOR has partnered with Madison Heights to sponsor various events over the last year. We are proud to be able to give back to the community and look forward to doing so in the future.

Below is a list of these great events from the past year.

- Youth Basketball
- Coffee Concerts
- April 5K
- Girls Softball
- Youth T-Ball
- Summer Camp
- Golf Outing
- Tree Lighting
- Active Adults Special Needs Luncheon
- Fitness Court

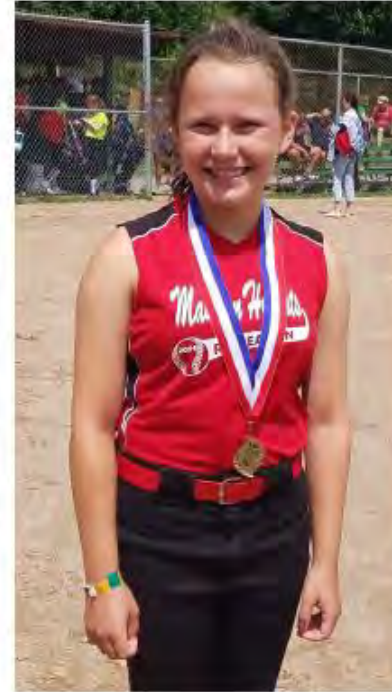


INTERNATIONAL OUTDOOR

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989

MADISON HEIGHTS: YOUTH T-BALL



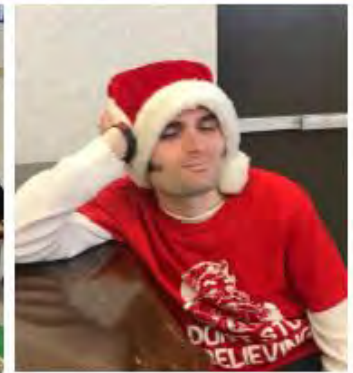
INTERNATIONAL OUTDOOR

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989

MADISON HEIGHTS: ANNUAL SPECIAL NEEDS LUNCHEON

12 years +



INTERNATIONAL OUTDOOR

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989

MADISON HEIGHTS: RUN FOR THE HEALTH OF IT



INTERNATIONAL OUTDOOR

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



In Memoriam

Founding President
Raymond B. Bauer, MD

Board of Directors

Chairman
Jeff Laethem

President
Paul A. Cullis, MD

Vice-Chair
Brian True

Secretary
Richard Merson, PhD, CCC-SLP

Treasurer
Lawrence Millman, CPA

Jeffrey Appel, Esq.
Tyronne Baharozian, Esq.
David J. Bartczak
Carole Briggs, RN
David Floore
Edwin B. George, MD, PhD
Linda Grap

Deanna Hatmaker
Suzanne Holguin, RN
Jeff Laethem
Peter A. LeWitt, MD
Maxine Meach
Joanne Merchant
Merry O'Connell, RN
Sara Schimke, JD
Janet Whitaker, B.S., M.Ed., Ed.S.

Professional Advisory Board
Peter A. LeWitt, MD
Chairman

Brian Berryhill, Pharm.D.
Stuart Blatt, PhD, PT
Patrick Brundin, MD, PhD
Chris Cahill, MA
Kelvin L. Chou, MD
Timothy Collier, PhD
Brian Cooper, OTR
Paul A. Cullis, MD
Doree-Ann Espiritu, MD
Karen Freshwater, PA-C
Edwin B. George, MD, PhD
John L. Goutreau, DO, PhD
Shana Krstevska, MD
Richard Merson, PhD, CCC-SLP
Neepa Patel, MD
Parag Patel, MD, PhD
Barbara Pickut, MD, MPH
Jason Schwalli, MD
Christos Sidiropoulos, MD
Ashok Srinam, MD
Dannette Taylor, DO
Denise Van Etten, RN
Kara J. Wyant, MD
Glenn Yaroach, MBA, PT
Laura Zeitlin, LMSW

Chief Executive Officer
Mary Sue Lanigan

Founding Chairman
Thomas A. Cracchiolo

May 25, 2018

Joe Cimino
International Outdoor, Inc.
28423 Orchard Lake Rd, Suite 200
Farmington Hills, MI 48334

Dear Joe,

ON BEHALF OF THE MICHIGAN PARKINSON FOUNDATION, we thank you for supporting the 15th Annual "I Gave My Sale for Parkinson's" Metro Detroit Walk with your donation of Digital Billboards throughout the Metro Detroit Area. This event was held on Saturday, May 19, 2018 at Seaholm High School in Birmingham. We extend our sincere appreciation and gratitude for your support, and helping raise awareness about our event.

The event was absolutely amazing, despite a little rain in the morning. There were over 1,000 participants that attended in honor or memory of a loved one with Parkinson's disease. They walked along a route that was lined with 80 Hero Signs. Our goal for the Metro Detroit Walk was \$154,000. As of today \$192,412 has been raised!

Together, we are raising awareness of the daily struggles people diagnosed with Parkinson's disease are faced with, as well as their caregivers and family members.

The monies raised will help Michigan Parkinson Foundation continue our valuable programs and services to help countless individuals throughout ALL of Michigan, including:

Living with Parkinson's 5-week Series being conducted throughout Michigan (currently happening in Birmingham and Beaverton).

Treating, Managing and Living with Parkinson's Disease Symposium on June 8 in Troy. This one day event will offer 3 different tracks (one for health care professionals, one for people with Parkinson's disease and their families, and one for Young Onset Parkinson's disease).

Annual Facilitator Training for the dedicated Facilitators that tirelessly lead Michigan Parkinson Foundation's 71 Support Groups.

(continued)

Dedicated to People Living with Parkinson's

30400 Telegraph Road • Suite 150 • Bingham Farms, MI 48025
248.433.1011 • Fax: 248.433.1150 • 800.852.9781 • www.parkinsonsmi.org

In Memoriam

Founding President
Raymond B. Bauer, MD

Board of Directors

Chairman
Jeff Laethem

President
Paul A. Cullis, MD

Vice-Chair
Brian True

Secretary
Richard Merson, PhD, CCC-SLP

Treasurer
Lawrence Millman, CPA

Jeffrey Appel, Esq.
Tyronne Baharozian, Esq.
David J. Bartczak
Carole Briggs, RN
David Floore
Edwin B. George, MD, PhD
Linda Grap

Deanna Hatmaker
Suzanne Holguin, RN
Jeff Laethem
Peter A. LeWitt, MD
Maxine Meach
Joanne Merchant
Merry O'Connell, RN
Sara Schimke, JD
Janet Whitaker, B.S., M.Ed., Ed.S.

Professional Advisory Board
Peter A. LeWitt, MD
Chairman

Brian Berryhill, Pharm.D.
Stuart Blatt, PhD, PT
Patrick Brundin, MD, PhD
Chris Cahill, MA
Kelvin L. Chou, MD
Timothy Collier, PhD
Brian Cooper, OTR
Paul A. Cullis, MD
Doree-Ann Espiritu, MD
Karen Freshwater, PA-C
Edwin B. George, MD, PhD
John L. Goutreau, DO, PhD
Shana Krstevska, MD
Richard Merson, PhD, CCC-SLP
Neepa Patel, MD
Parag Patel, MD, PhD
Barbara Pickut, MD, MPH
Jason Schwalli, MD
Christos Sidiropoulos, MD
Ashok Srinam, MD
Dannette Taylor, DO
Denise Van Etten, RN
Kara J. Wyant, MD
Glenn Yaroach, MBA, PT
Laura Zeitlin, LMSW

Chief Executive Officer
Mary Sue Lanigan

Founding Chairman
Thomas A. Cracchiolo

In addition, Michigan Parkinson Foundation also offers **PD Self Efficacy Program** for those newly diagnosed, **Care Partner Forums; Orientation to Parkinson's** 2-hour program for those newly diagnosed, **Financial Assistance for Respite Care Services** (both in home and at Day Care Centers), **Financial Assistance for Parkinson Medications** (\$500 per year per person), **Information and Referral Services** (including a toll-free help line, website, newsletter, educational brochures, referrals to neurologists and community resources).

Our motto is. EVERY PERSON WITH PD WILL HAVE COMPASSIONATE, COMPETENT CARE AND SUPPORT

Please visit our website at www.parkinsonsmi.org to view photos (which we hope to have posted by the end of June) and more information about this event, as well as other information concerning Parkinson's disease. We have two additional Walk Events this year: September 15 in East Lansing, and September 22 at Binder Park Zoo in Battle Creek.

Again, thank you for your continued support and we look forward to seeing you in 2019, if not at one of our other events still to come in 2018.

Most sincerely,

Mary Sue Lanigan
Chief Executive Officer

Diane Kraft
Program Manager



innovative by nature

Bryan K. Barnett
Mayor

November 1, 2021

City Council

Charter Township of Plymouth
Planning Commission

Stephanie Morita
District 1

9955 N. Haggerty Rd.
Plymouth, MI 48170

David J. Blair
District 2

RE: Letter of Support for International Outdoor

Susan M. Bowyer, Ph.D.
District 2

To Whom It May Concern:

Ryan J. Deel
District 4

In the Spring of 2019, the City of Rochester Hills and International Outdoor, Inc. agreed on the placement of two digital display signs with four digital faces (two on each sign structure) along M-59 East and West of Crooks Road, about a half-mile apart from each other on the same side of the road. I believe this is very similar to International Outdoor's application with Plymouth Township. While there was some initial trepidation about approving digital signs along M-59 in our community, International Outdoor balanced those concerns with its local community focus and involvement, first-class operation, and customer service approach. Since the digital display signs have been built and in operation, our offices have received several compliments from the community and ZERO complaints.

Dale Hetrick
At-Large

Theresa Mungoli
At-Large

David Walker
At-Large

Both sign locations are visible to commuters traveling along M-59 and local businesses dominate the advertising messaging on all the billboards. International Outdoor has been tremendous to work with, going above and beyond with respect to donating advertising space to the City for our own messaging, which we used for our Innovation Hills Park Playground, Summer of Fun, and Census Counts campaigns and for messages supporting our local school district. The digital signs were also made available to us to provide residents critical updates during the COVID-19 crisis.

The City and its constituents have benefitted from International Outdoor's presence, and I believe that any of International Outdoor's other municipal partner would confirm the same. I confidently recommend International Outdoor as a municipal partner for Plymouth Township and hope you consider their applications for digital signage. I welcome the opportunity to answer any questions or concerns the township may have. Please feel free to contact me at my office anytime (248-656-4664).

Sincerely,

Bryan K. Barnett, Mayor
City of Rochester Hills

Co: Kurt Heise, Supervisor



AHS News & Notes— continued

THANK YOU CITY OF ROCHESTER HILLS



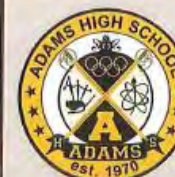
Thank you Mayor Barnett and the City of Rochester Hills for helping us celebrate our Rochester Community Schools Class of 2020 with these fabulous billboards. We appreciate you helping us make our seniors feel special during this time.

The billboards are visible to cars from M-59 in the Crooks Road area. If you would like to spend a little more time looking at the billboards, they are at the end of StarBatt closest to M-59.

NEWS FROM THE COUNSELING DEPARTMENT

IMPORTANT AP TESTING INFORMATION

The RCS High School Counselors have developed an Advanced Placement Program information page to provide AP students and their families with resources, updates, important test day information and more (click [here](#) to access). Should you have further questions please reach out to Adams AP Coordinator Janice King at JKing@Rochester.k12.mi.us



As our students head into AP exams
in the upcoming days, AHS wanted
you to know that we...

are proud of you!

Believe in you!

know you are prepared for this!

know you got this!

Name: Jerry Frederick
Company: City of Romulus BZA
Email Address: jfrederick460@yahoo.com
Phone Number: 7349421012

Best Time to Call: "Anytime"
Area of Interest: General

Message:

Hello, My name is Jerry Frederick and I serve on the City of Romulus BZA. Every once and while during the course of serving on the BZA and the Planning Commission I get the opportunity to interact with great people and companies.

Last night 3/3/2021 your company made a presentation to the BZA concerning new billboard construction and the need for waivers from local zoning requirements.

Your presentation and explanation of hardship were some of the best that I have had the pleasure of deciding on.

Professional does not even begin to describe how nice your company presented itself to the board.

When I heard your background and how community involved your company is at a personal level I felt that myself as a BZA member had an opportunity to with my decision enhance and improve my community's responsibilities to the traveling public and to my own home town's citizenry. The billboards that were formally at the I-275 / Pennsylvania location were actually eyesores and completely wrong in their presentation. It is my absolute pleasure to have decided favorably and in total agreement with your presentation.

There was even one local property owner that wanted to express concern via telephone during the meeting, over the northern location for Billboard (B) that had their concerns completely erased after hearing your presentation. That persons situation will actually improve due to International Outdoor's commitment to fair, honest concern in the way you conduct business and your concern for neighboring properties.

Thank you for being a member of our community and for the great job you do.

I did not have a chance to express my feelings concerning last night's meeting during the meeting itself.

Please have a nice night and good luck in your project(s).

Jerry Frederick

City of Romulus BZA



2800 Waukegan Street
Auburn Hills, MI 48326-3255
248-537-6100

Sharon Hyde, Principal
Jamie Brooks, Assistant Principal
Douglas Wilson, Assistant Principal

May 26, 2020

Dear Randy Oram,

I wanted to sincerely express my appreciation on the behalf of the entire Avondale School District for recognizing our Class of 2020 on the billboard at M-59 and Crooks Road.

As you know, we are making every effort to recognize and celebrate our Class of 2020 during Governor Whitmer's Executive Orders. We are extremely grateful for your support in recognizing our seniors.

Please know that I will be recognizing you in my weekly updates to our Avondale High School Community to recognize you for your generosity.

Educationally,

Sharon Hyde Ed.S
Principal
Avondale High School

HISTORICAL CONTEXT OF APPLICANT'S VARIANCE REQUEST

- ❖ On April 7, 2016, the ZBA held a public hearing on Lamar Advertising's Application #16-01 seeking SIX **(6) variances** to a non-conforming billboard located at 1031 E. 10 Mile Rd. In its application, Lamar sought variances:
 - **(1)** to allow an existing non-conforming billboard be replaced by a new non-conforming billboard
 - **(2)** to allow an existing non-conforming billboard to be rebuilt after it's been removed
 - **(3)** to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure
 - **(4) to allow a billboard to be constructed within 2,500 feet of another billboard**
 - **(5) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted)*, and (6) to allow a billboard on the same parcel as a principal use.**
- ❖ With respect to the dimensional spacing variance request, Lamar sought a **1,209-foot variance**, which is a variance of almost 50% of the spacing requirement under the Ordinance. Additionally, the property's principal use was an existing car body shop and not the billboard as per the ordinance.
- ❖ Ultimately, the ZBA granted **ALL** but the 10-foot height variance request. (See *Appendix A* for an excerpt of the April 7, 2016 ZBA Meeting Minutes).
- ❖ In its application to the ZBA, International Outdoor is **ONLY** seeking comparatively minimal dimensional variances and permission to allow its proposed billboard on the same parcel as an existing principal use.

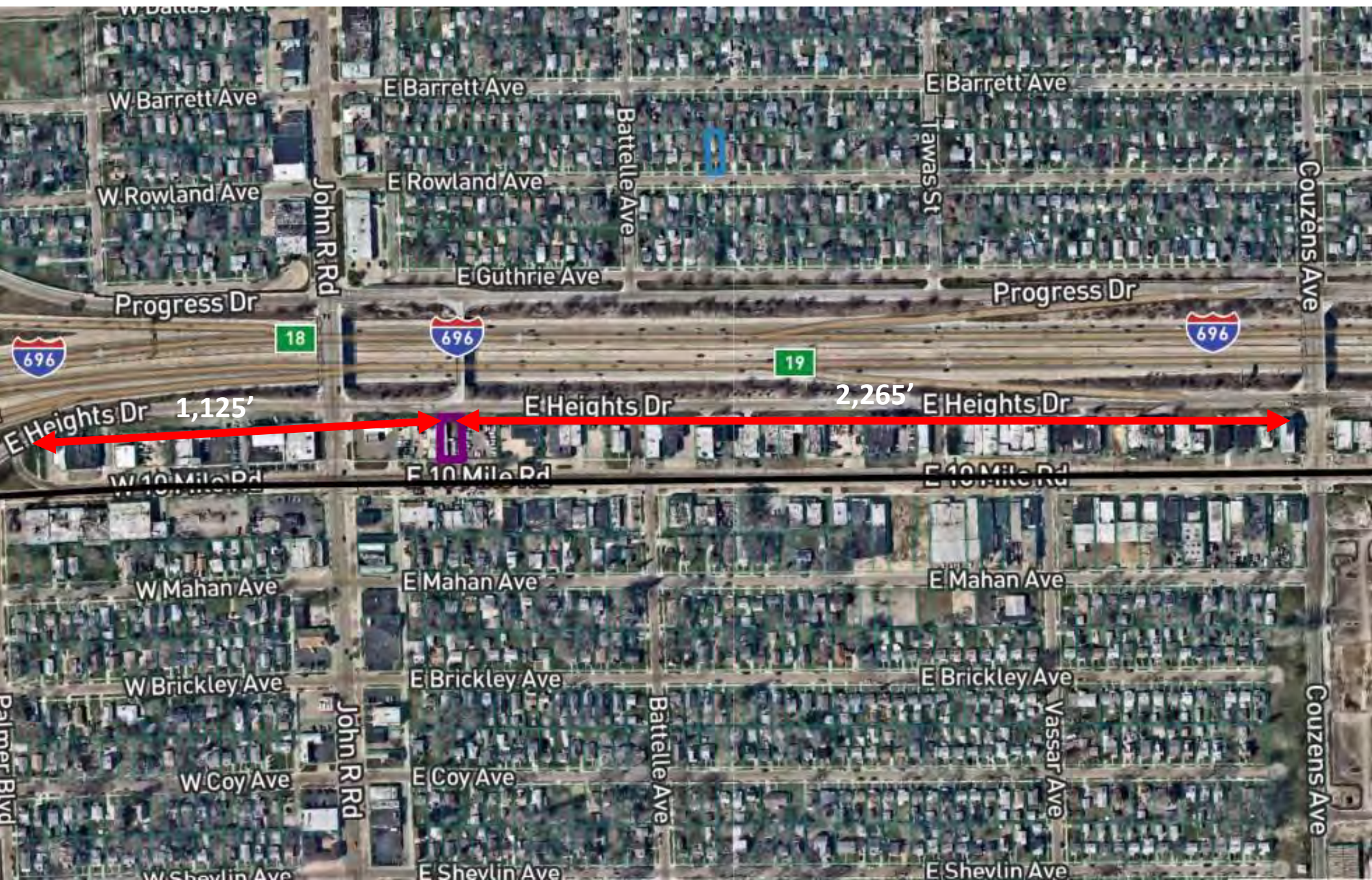
ZBA APPLICATION 53 E 10 MILE RD

VARIANCE REQUEST

The Michigan Department of Transportation has issued a state permit for the proposed sign at the proposed height, type, size and spacing between other billboards which is 1,000 feet between static billboards. The proposed sign will static and conform to the city's ordinance.

RELIEF REQUEST:

- ❖ International Outdoor requests dimensional spacing variances to construct and operate an outdoor advertising sign at 53 E 10 Mile Rd. The proposed sign location will be less than twenty-five hundred (2,500) feet from another billboard **(1,125 feet from the nearest billboard to the west and 2,265 feet from the nearest billboard to the east)**. (see page 28)
- ❖ International Outdoor requests a variance to allow a billboard on the same parcel as a principal use.
- ❖ International Outdoor requests a variance to allow a billboard to be built in the “Second” frontage setback of a “double frontage” lot.
- ❖ International Outdoor requests a variance to allow a billboard less than 100 feet from a structure on the same parcel **(The structure is 23 feet away) (see page 34)**
- **There are eight (8) ordinance requirements and International Outdoor seeks a variance from 2.5.**



ZBA APPLICATION 53 E 10 MILE RD

SIGN ORDINANCE REGARDING BILLBOARDS:

Section 10.511. Sign regulations-(IV) Regulations for Permitted Signs-(E) Billboards:

- ✓ Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts (Applicant shall meet this requirement) provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such parcel. **The applicant is requesting a variance from this ordinance requirement as such requirement was more extensive yet granted to Lamar previously (this would be a 77-foot variance from the structure) within one hundred feet requirement (see page 34-36 & 39) and a variance from the double frontage lot setback requirement determined to be 19.8 feet by city staff.**
- ✓ A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable. **Applicant shall meet this requirement.**
- ✓ The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel. **Applicant shall meet this requirement.**
- ✓ Billboards shall not exceed sixty (60) feet in height from the adjacent grade. **Applicant shall meet this requirement.**
- ✓ Billboards shall not be erected on the roof of any building. **Applicant shall meet this requirement.**
- ✓ Billboards with any form of changeable messages, including but not limited to mechanical or electronic means, shall conform to the timing requirements contained in Section 10.511(III)(A)(7). **Applicant shall meet this requirement.**

ZBA APPLICATION

53 E 10 MILE RD

VARIANCE REQUEST

Applicant Seeks a Variance From:

- **Sec. 10.511(E)(1).** Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard. **We propose a billboard that will be 23 feet from a structure on the property. We also propose a billboard that will be within the “second” frontage road setback of a double frontage lot (see pages 28, 34-36 & 39).** In 2016, the Zoning Board of Appeals granted a variance permitting a billboard at 1031 E 10 Mile Rd not only less than 100 feet from a building but over the roof of a structure and within the setback (See page 45 & Appendix A).
- **Sec. 10.511(E)(2).** Billboards shall not be less than twenty-five hundred (2,500) feet apart. **We propose a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east.** (see pages 28). In 2016, the Zoning Board of Appeals granted a 1,209-foot variance at 1031 E 10 Mile Rd (an almost 50% variance from the spacing requirement) to one of Applicant’s competitors in Application #16-01 (See page 45 & Appendix A).
- **Sec. 10.511(E)(7).** Billboards are deemed to constitute a principal use of a lot. In 2016, the Zoning Board of Appeals granted this exact variance at 1031 E 10 Mile Rd to one of Applicant’s competitors in Application #16-01 (See page 45 & Appendix A).

****IMPORTANT NOTE:** Applicant **IS NOT** required to seek a *use variance* under an undue hardship standard. Meeting 5.5 of the 8 requirements under Sec. 10.511, Applicant only seeks two minor *dimensional spacing variances* under a practical difficulty standard.**

ZBA APPLICATION

53 E 10 MILE RD

VALIDATION FOR SIGN VARIANCE

The Following ZBA Questions Must be Answered Fully:

- ❖ **Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.**
 - a) Sec. 10.511(E)(1). Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such a parcel.
 - 1. The parcel abuts I-696 and is zoned M-1 (Light Industrial).
 - 2. **The billboard will be located within the “SECOND” Frontage road setback of a double frontage lot. Applicant seeks a 19.8-foot variance to permit the billboard with a zero setback (see page 34 - 36 & 39).**
 - 3. **Applicant seeks to place a billboard on a parcel within 23 feet from another structure on the parcel. A variance of 77 feet (see page 34).**
 - b) Sec. 10.511(E)(2). Billboards shall not be less than twenty-five hundred (2,500) feet apart.
Applicant seeks a variance to place a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east. (See page 28).
 - c) Sec. 10.511(E)(7). Billboards are deemed to constitute a principal use of a lot.
Applicant seeks a variance to allow a billboard on a lot with an existing principal use.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

January 10, 2023

Outdoor Media, LLC
Attention: Greg Miller
28423 Orchard Lake Road, Suite 200
Farmington Hills, MI 48334

Permit Applications: 4191/4192
EB I-696, 308 feet East of John R. Road, Oakland County
Location Approval – Interim Permits 139 and 1061

Dear Greg Miller:

The Michigan Department of Transportation (MDOT) has reviewed your applications and completed a site inspection of the proposed location, pursuant to the Highway Advertising Act of 1972 (HAA), MCL 252.301, *et seq.* Your application to erect, use, and maintain a commercial sign adjacent to EB I-696 has been approved. (MCL 252.306 and 252.307a(4)).

You have one year from the date of MDOT's location approval (January 10, 2023) to construct your sign. Please inform me once construction is complete and provide pictures of the sign as proof. Pursuant to Section 252.307a(9), after construction of a sign structure under an interim permit is complete, the department shall issue an annual renewable permit.

If the sign is not erected within one year, the location approvals are deemed expired. Should you still wish to pursue constructing a sign after the location approvals expire, you must submit new applications, meeting all requirements at the time of application.

Should you have any questions, please contact me at 517-335-4402 or by email at greenes2@michigan.gov.

Sincerely,

E-SIGNED by Scott Greene
on 2023-01-10 13:18:21 EST

Scott Greene
Utility Coordination, Permits & Agreements Section
Development Services Division

Enclosures

MDOT APPROVAL

HIGHWAY ADVERTISING ACT OF 1972 (EXCERPT)
Act 106 of 1972

252.317 Distances between signs; sign utilizing digital billboard; distance from interchange, intersection, or rest area.

Sec. 17. (1) Except as otherwise provided in subsections (10) and (11), along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected or maintained closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways, a sign structure shall not be erected or maintained closer than 500 feet to another sign structure.

(3) Except as otherwise provided in subsection (4), a sign utilizing a digital billboard permit shall not be closer than 1,750 feet to another sign utilizing a digital billboard permit on either side of the highway facing the same direction of oncoming traffic.

(4) Beginning on the effective date of the amendatory act that added this subsection and ending 1 year after the effective date of the amendatory act that added this subsection, for the first 8 nonstandard signs for which the owner applies for a digital billboard permit under section 6(6)(a) without having to surrender 3 interim permits as provided under section 6(6)(b), each sign shall not be closer than 1,000 feet to another sign using a digital billboard permit on either side of the highway facing the same direction of traffic. This subsection only applies to signs located in a county having a population of not less than 750,000.

(5) This section does not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time, provided that the building or other visual obstruction has not been created for the purpose of visually obstructing either of the signs at issue.

(6) Along interstate highways and freeways located outside of incorporated municipalities, a sign structure shall not be permitted adjacent to or within 500 feet of an interchange, an intersection at grade, or a safety roadside rest area. The 500 feet shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.

(7) Official signs as described in section 13(1)(a) and on-premises signs shall not be counted and measurements shall not be made from them for purposes of determining compliance with the spacing requirements in this section.

(8) Except as provided in subsection (3), the spacing requirements in this section apply separately to each side of the highway.

(9) The spacing requirements in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

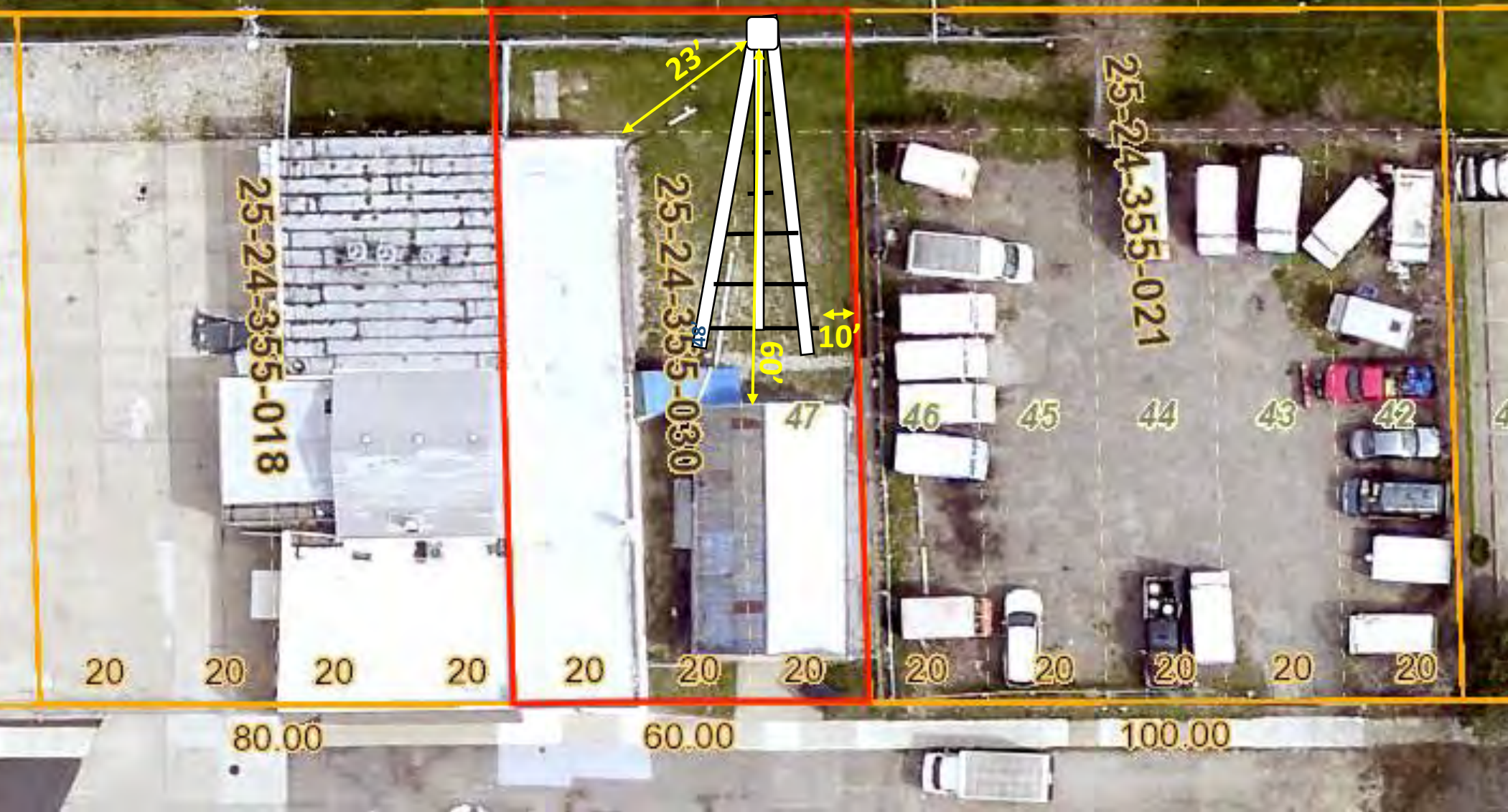
(10) A sign that was erected in compliance with the spacing requirements of this section that were in effect at the time when the sign was erected, but that does not comply with the spacing requirements of this section after March 23, 1999, is not unlawful under section 22.

(11) Along an interstate highway that is designated by 1 letter and 3 numbers and located in a county with a population of less than 211,000 but more than 175,000, an existing sign structure that was erected prior to March 24, 2011 shall not be closer than 900 feet to another sign structure on the same side of the highway.

(12) Nothing in this section shall be construed to cause a sign that was legally erected prior to March 23, 1999 to be defined as a nonconforming sign.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, ILL. Mar. 23, 1999;—Am. 2006, Act 448, ILL. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009;—Am. 2011, Act 13, Imd. Eff. Mar. 24, 2011;—Am. 2014, Act 2, Imd. Eff. Jan. 30, 2014.

The sign will be built with a zero rear yard setback and will be 10' from the side yard to the east and 23' from the building to the west and 60' from the structure to the south



STAFF FINDINGS:

Regulations for Permitted Signs - Billboards:

- ✓ **Section 10.511(IV)(E)(1):** Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within 100 feet of the billboard, and no other structure shall be placed on the parcel within 100 feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in subsection (2) following. **A billboard shall not be located within any required setback of such parcel.**
- ✓ **Staff Finding:** The subject parcel is a double-frontage lot. Per Section 10.200(42), a double-frontage lot, “is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.”
- ✓ Note that the yard setback variance is not required for PZBA 23-03, 615 E Ten Mile Road, due to the following: Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. *However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” Staff notes ten (10) structures along Heights Street between Battelle Street and Tawas Street and calculates the average front yard setback from E. Heights Street to be zero (0) feet. The proposed zero-foot front yard setback satisfies Ordinance standards.*

ZBA SUPPLEMENT

53 E 10 MILE RD

STAFF FINDINGS:

Continued:

- ✓ Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” *Staff notes five (5) structures along Heights Street between John R. Road and Battelle Street and calculates the average front yard setback from E. Heights Street to be **19.8 feet**. With a zero-foot front yard setback, the proposed billboard fails to meet the minimum yard setback requirement.*

ZBA APPLICATION

53 E 10 MILE RD

VALIDATION FOR SIGN VARIANCE

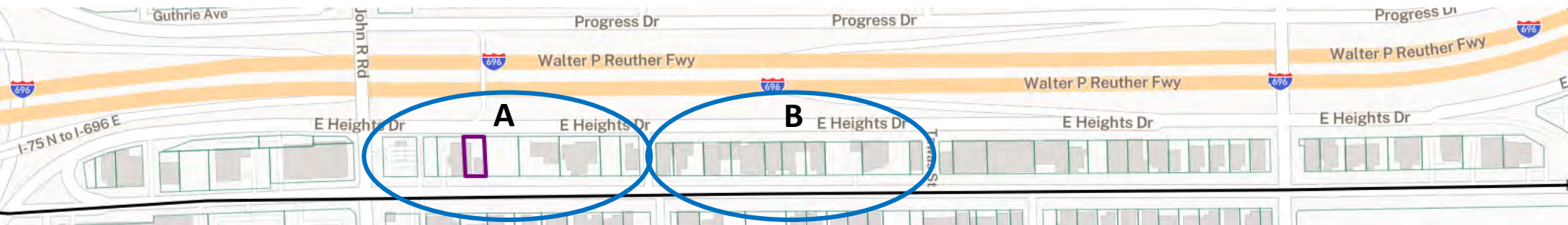
❖ **Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.**

- a) **This site's unique location meets 5.5 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings.**
- b) The ordinance restricts property owners from utilizing their property "for highest and best use" practices over that which the State of Michigan imposes on others. The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. We propose a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east. (see page 28). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights unless you were fortunate enough to get chosen early on and or prior to the ordinance going into effect.
- c) Applicant's variance application is exceptionally narrow with only two and a half variances. International's request for a variance is a reasonable request that will not be a substantial detriment to the public or impair the purpose of the ordinance. The site is an industrial area surrounded by industrial zoned parcels. This would have no impact on neighbors.
- d) Applicant received approval from MDOT for a 2-sided static billboard at this location (See page 32). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. We have exceeded the state requirements (see page 33).
- e) There will be no substantial detriment to any neighboring property, The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.

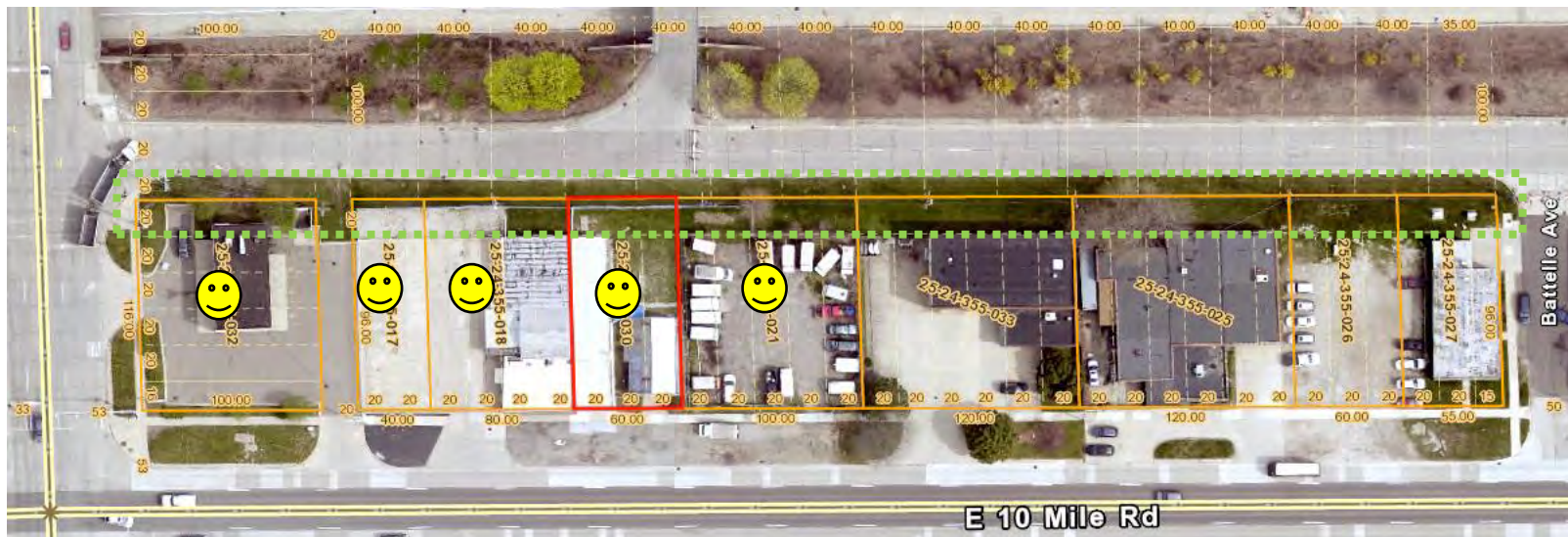
ZBA APPLICATION 53 E 10 MILE RD VALIDATION FOR SIGN VARIANCE

❖ Continued.

- f) Note that the yard setback variance is not required for the blocks to the east, due to the following: Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” Staff notes ten (10) structures along Heights Street between Battelle Street and Tawas Street and calculates the average front yard setback from E. Heights Street to be zero (0) feet. The proposed zero-foot front yard setback satisfies Ordinance standards. Thus: because the lots in the neighboring blocks were not platted as far back as those in the subject block, they don’t have to deal with this issue regardless of whether they improve the land outside their property line with curb cuts, parking, etc. (See page 39) All the structures in the block of John R Rd and Battelle Street are at the same distance from E. Heights Street as those on the blocks to the east. They have just been targeted by an unjust and unfair ordinance.

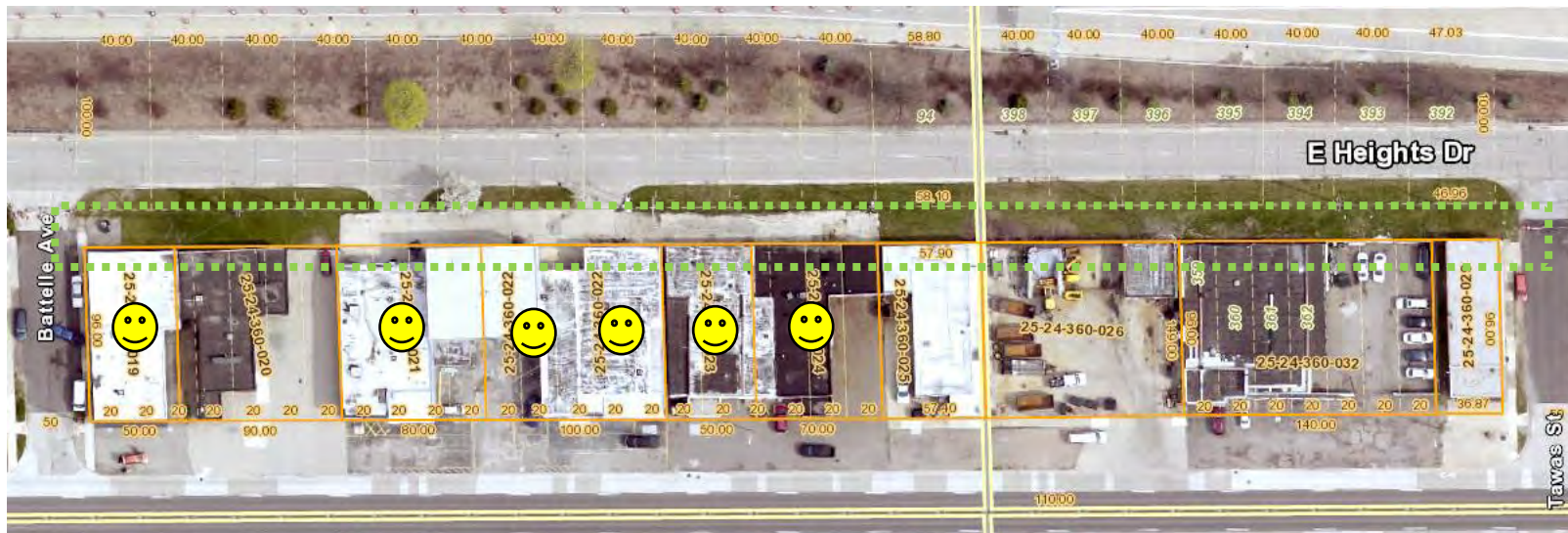


A



Note: the lots in the neighboring blocks don't go back as far as the subjects, but many of the property owners utilize that land. They have curb cuts, and improved parking fields.

B



ZBA APPLICATION

53 E 10 MILE RD

VALIDATION FOR SIGN VARIANCE

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

a) **This site's unique location meets 5.5 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings. This site meets:**

1. Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts.
2. A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.
3. The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel.
4. Billboards shall not exceed sixty (60) feet in height from the adjacent grade.
5. Billboards shall not be erected on the roof of any building.
6. Billboards with any form of changeable messages, including but not limited to mechanical or electronic means, shall conform to the timing requirements contained in Section 10.511(III)(A)(7).

b) The ordinance restricts property owners from utilizing their property "for highest and best use" practices over that which the State of Michigan imposes on others. The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. Seven (7) of the thirteen (13) billboards in Madison Heights (more than half) do not meet this requirement (**see pages 50 - 65**). We propose a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east. (see page 28). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights *unless you were fortunate enough to get chosen early on*. The current ordinance is unfair, unjust and prejudice to new applicant not chosen earlier.

ZBA APPLICATION 53 E 10 MILE RD VALIDATION FOR SIGN VARIANCE

❖ Continued:

- c) Applicant received approval from MDOT for a 2-sided static billboard at this location (see page 32). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. Not all properties meet this requirement. We have exceeded the state requirements (see page 33).
- d) Many other owners of property zoned M-1 were allowed to erect billboards (with or without variances) even though they were all non-confirming to the ordinance. All thirteen (13) billboard in Madison Heights are non-confirming in one way or another. Denying the applicant would deprive them of rights given to others in M-1.
- e) Off-Premises Signs/Billboards are common on major thoroughfares. There are 10 **permitted** off premises in signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 50 - 65). All of these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
- f) Significantly larger variances were granted in the past to applicants in the same zoning district for billboards.
 - 1. The billboard located at 1300 Bellaire Avenue was built as a 2-sided static sign within 660 feet of another billboard, but despite being non-conforming with spacing requirements it was permitted to be upgraded and rebuilt to a 2-sided digital sign in 2014 (see page 43).
 - 2. The billboard located at 30550 Stephenson Hwy was built as a 2-sided static sign not as the principal use of the property and later upgraded to a 2-sided digital sign despite being a non-conforming use (see page 44).
 - 3. The billboard located at 1031 E 10 Mile Rd was built as a 2-sided static sign, not as the principal use of the property, and over a building, which was taken down in between Aug. 2015-2017. Then later a totally new structure was built to have 1 side upgraded to digital despite its being non-conforming in many ways (see page 45).

ZBA APPLICATION 53 E 10 MILE RD VALIDATION FOR SIGN VARIANCE

❖ Continued:

- g) Note that the yard setback variance is not required for the blocks to the east, due to the following: Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” Staff notes ten (10) structures along Heights Street between Battelle Street and Tawas Street and calculates the average front yard setback from E. Heights Street to be zero (0) feet. The proposed zero-foot front yard setback satisfies Ordinance standards. Thus: because the lots in the neighboring blocks were not platted as far back as those in the subject block, they don’t have to deal with this issue regardless of whether they improve the land outside their property line with curb cuts, parking, etc. (See page 39) All the structures in the block of John R Rd and Battelle Street are at the same distance from E. Heights Street as those on the blocks to the east. They have just been targeted by an unjust and unfair ordinance.

1300 Bellaire Ave



Oct 2009



July 2011

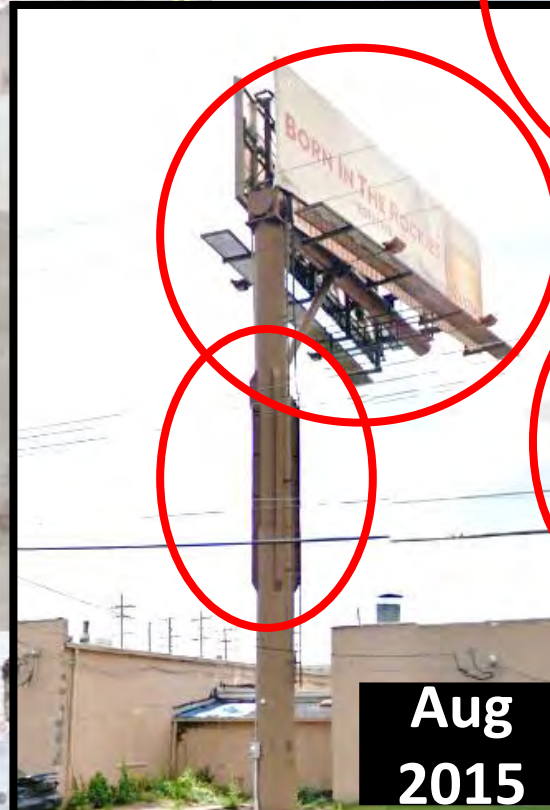
2013 this was a 2 – sided Static Sign and now a 2-sided Digital Sign. This sign has always been 660 feet from another billboard to the north. The structure was rebuilt to support the additional weight of the two digital billboards. Photos from Google Maps

30550 Stephenson Hwy



This billboard was built without the requirement that it be the principal use of the property. It was also upgraded to digital despite being a non-conforming billboard. The photos are from Google Maps (left) and Oakland County Parcel Map (right)

1031 E 10 Mile Rd



Aug
2015



Aug 2017

- ❖ This billboard was granted 5 of 6 variances requested: (i) to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after its been removed (iii) to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure (iv) **to allow a billboard to be constructed within 2,500 feet of another billboard** (v) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted)*, and (vi) **to allow a billboard on the same parcel as a principle use.**

ZBA APPLICATION

53 E 10 MILE RD

VALIDATION FOR SIGN VARIANCE

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

- **NO.** The property has not been altered in any way. The property has existed, as is, for years. The property meets 5.5 of 8 billboard ordinance requirements and is also allowed under State law.

❖ 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?

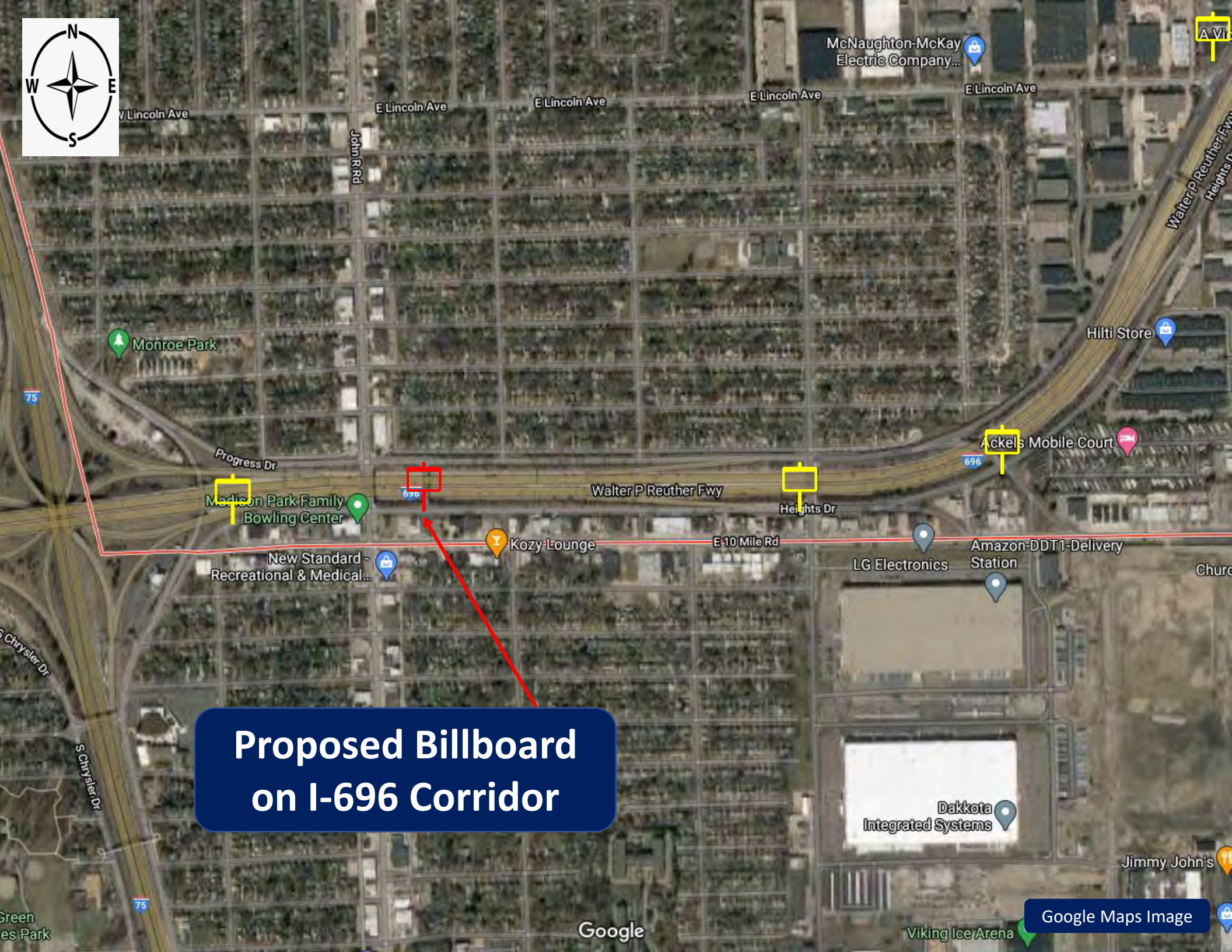
- a) The variance in the spacing requirements is requested to allow this property to be used as others have enjoyed the use of their property for such purpose. We ask for equal treatment. **This will be the minimum variances needed and is much less than others granted by the ZBA or otherwise allowed.**

❖ Will granting the variance change the essential character of the area?

- a) No. Granting the variance will not change the essential character of the area. The property is industrial and along a major freeway (I-696) which meets the zoning requirements, with industrial property across the freeway from the site (see zoning map 49). The property meets 5.5 of 8 zoning requirements and a dimensional variance would be the least variance granted.
- b) Granting the variance will not affect any of the neighboring properties in anyway.
- c) The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.
- d) Billboards are common on major thoroughfares especially in the industrial zoning district. The section in which the billboard is proposed is primarily Industrial with all kinds of industrial uses from Cannabis to Automotive. A sign of this size will not impact the use of the property or properties around it and meets FIVE and a HALF of EIGHT requirements for a matter of right. The Variances requested are NOT a USE variance and only two slight dimensional variances that are within the spirit of the zoning ordinance.

ZBA APPLICATION 53 E 10 MILE RD VALIDATION FOR SIGN VARIANCE

- e) Billboards compliment the area and provide an additional revenue source to the city via person property taxes.
- f) Off-Premises Signs/Billboards are common on major thoroughfares. There are 13 permitted off premises signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 50 - 65). All these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
- g) Static billboards have lights that shines on the surface of the board, not projecting out or down (See pages 66 and 67). These type of billboards will not harm or effect the neighbors or environment. The area has billboards presently. The addition of another will not impact the area



**Proposed Billboard
on I-696 Corridor**

Madison Heights Zoning

53 E 10 Mile Rd, Madison Height, MI

Parcel ID:
44-25-24-355-030

Owner:
Tim McGinnis

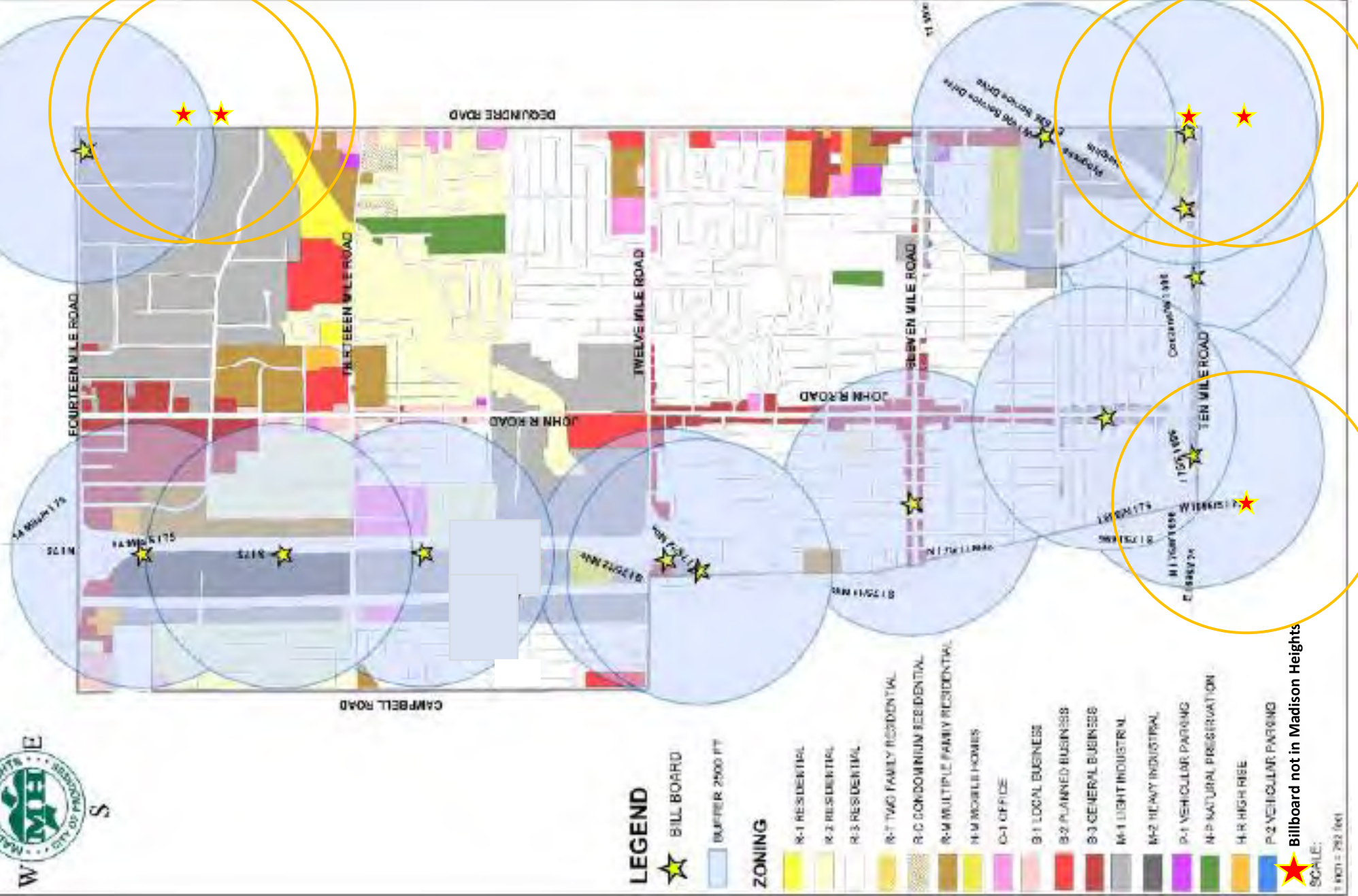
Zoned:

	O-1 OFFICE
	B-1 LOCAL BUSINESS
	B-2 PLANNED BUSINESS
	B-3 GENERAL BUSINESS
	M-1 LIGHT INDUSTRIAL
	M-2 HEAVY INDUSTRIAL
	P-1 VEHICULAR PARKING
	P-2 VEHICULAR PARKING
	H-R HIGH RISE
	N-P NATURAL PRESERVATION





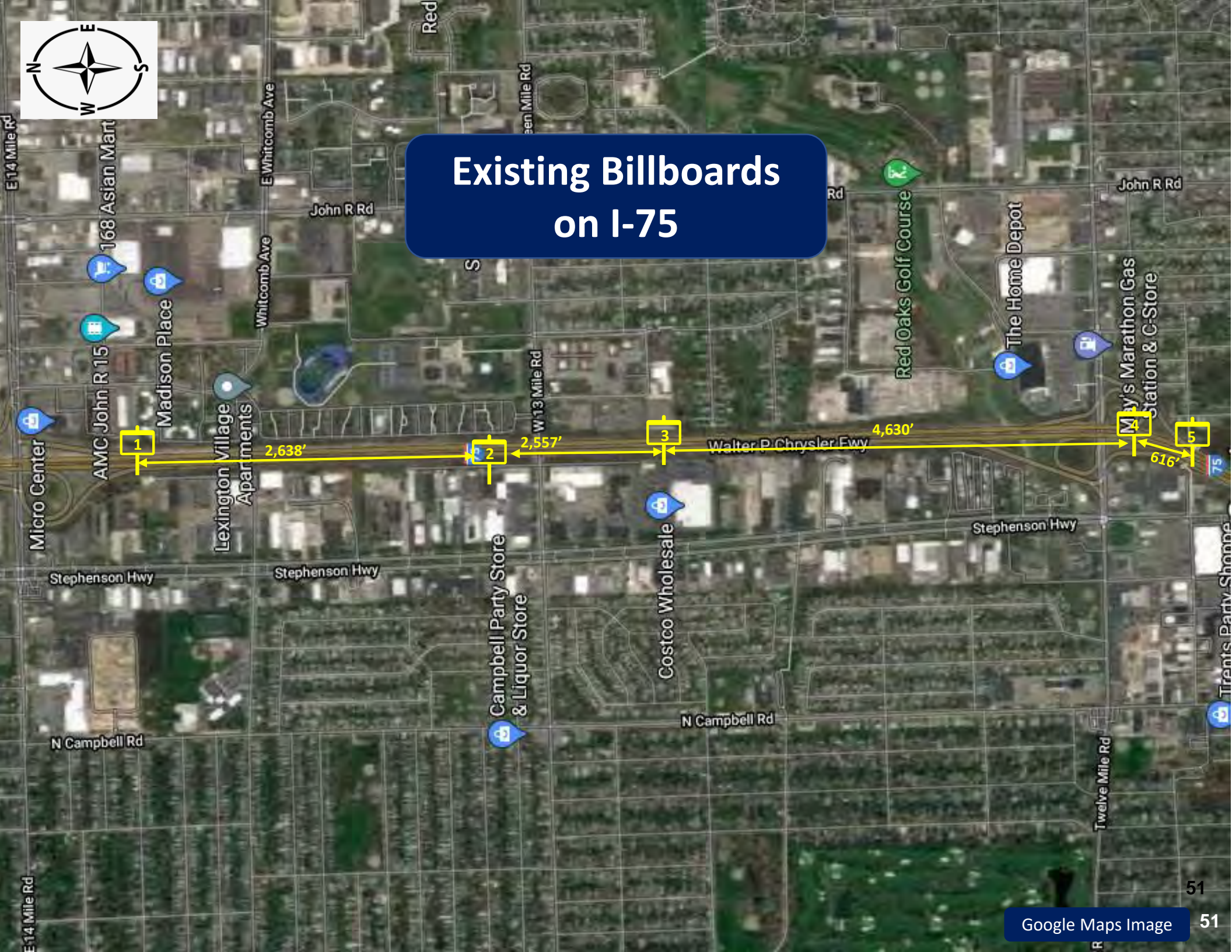
BILL BOARDS LOCATIONS



★ Billboard not in Madison Heights



Existing Billboards on I-75





Existing Billboards on I-696

→ = 1,000 feet

3,405 feet

1,263 feet

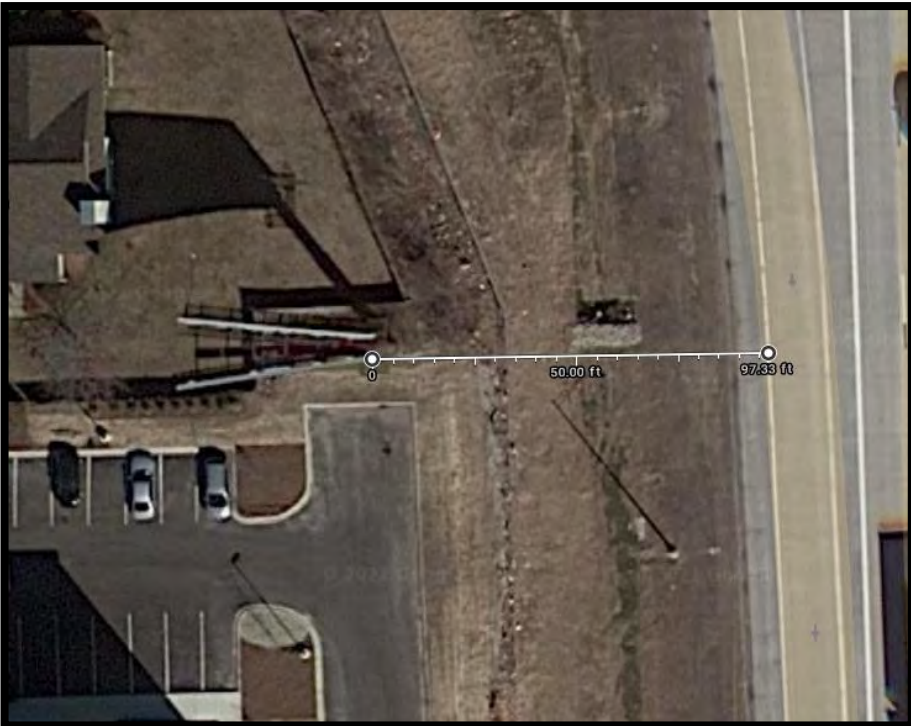
2,970 feet





Sign #1 - 32401 Mally Dr

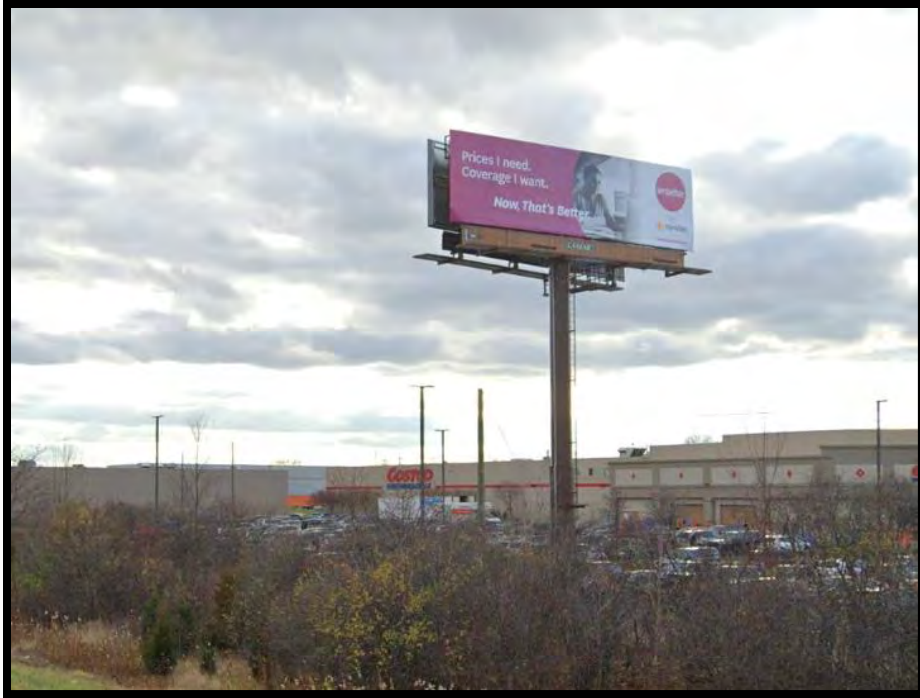
- The west side of I-75 approx. 1,175 feet south of 14 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- Distance from Traveled Edge of Road: 97 feet
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google





Sign #2 - 31445 Mally Dr

- The west side of I-75 approx. 1,280 feet north of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- **Distance from Traveled Edge of Road: 135 feet**
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google



Sign #3 - 30550 Stephenson Hwy

- The west side of I-75 approx. 1,250 feet south of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 124 feet**
- **Non-conforming – not on a separate parcel, above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google





Sign #4 - 1031 W 12 Mile Rd

- The west side of I-75 approx. 300 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- 2-sided Static
- 70' tall
- Owner: Lamar
- Distance from Traveled Edge of Road: 190 feet
- **Non-conforming – 660 feet from another billboard. Built above the allowable height. Not on a separate lot and only 38 feet from a building. Rebuilt despite being non-conforming**

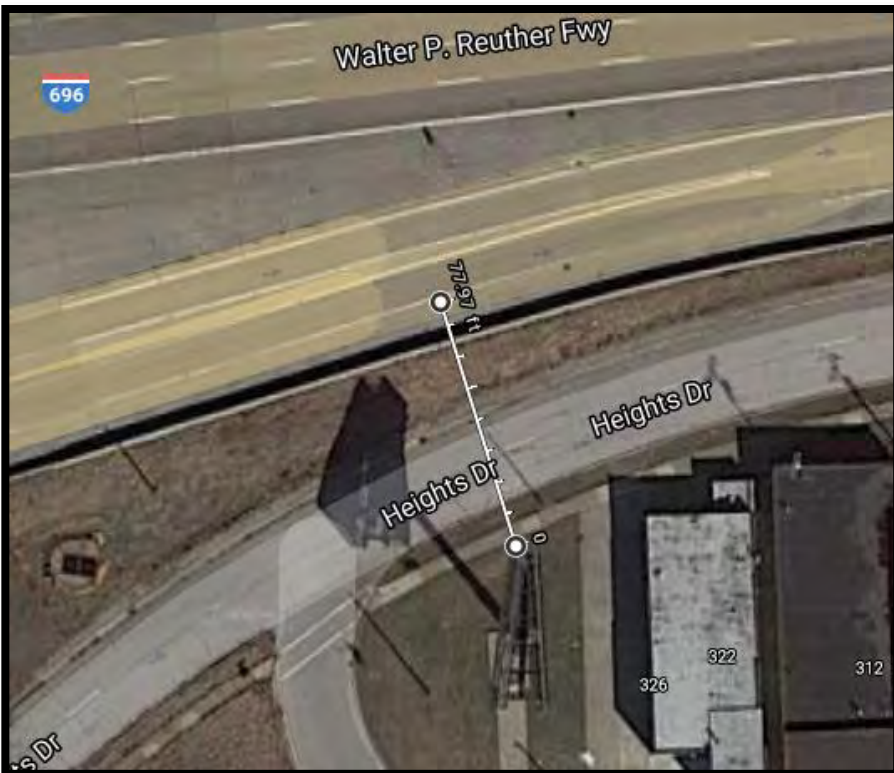
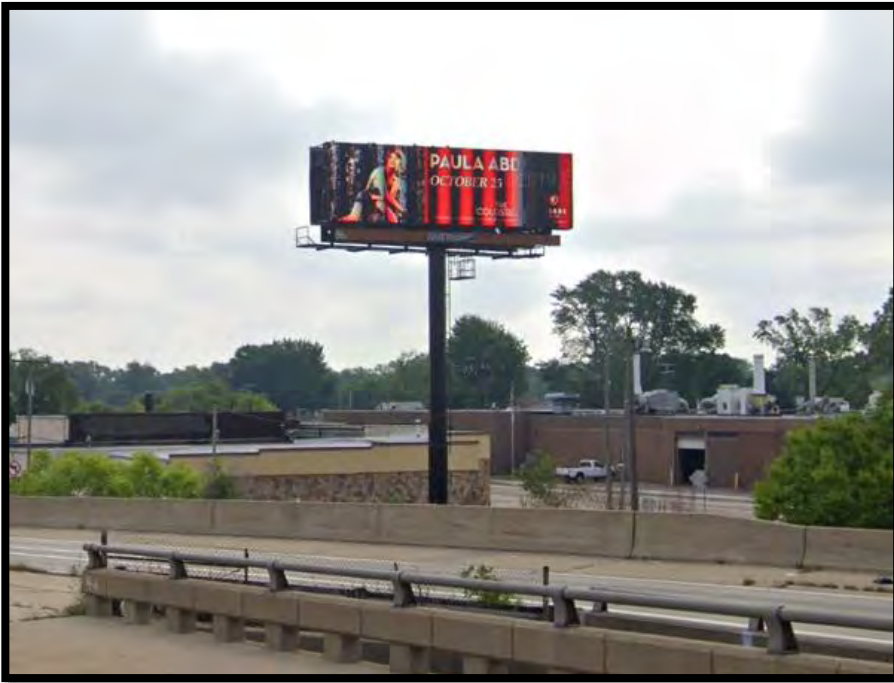
○ All measurements are estimates from MDOT & Google



Sign #5 - 1300 Bellaire Ave

- The west side of I-75 approx. 925 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 77 feet
- **Non-conforming – 660' from another sign and built above the allowable height. Rebuilt and converted to digital despite being non-conforming.**
- All measurements are estimates from MDOT & Google





Sign #6 - 326 W 10 Mile Rd

- The south side of I-696 approx. 790 feet west of John R Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 79 feet
- **Non-conforming - built above the height allowable. 1,770 feet from another billboard in the city. Upgraded and rebuilt digital despite being non-conforming. Only 860 feet from a billboard not in the city.**

○ All measurements are estimates from MDOT & Google



Sign #7 - 1031 E 10 Mile Rd

- The south side of I-696 approx. 74 feet west of Couzens Ave.
- 14' x 48' = 672 square feet
- **1-side Digital**, 1-side Static
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 150 feet**



- All measurements are estimates from MDOT & Google

❖ This billboard is Non-conforming and was granted 5 of 6 variances requested:

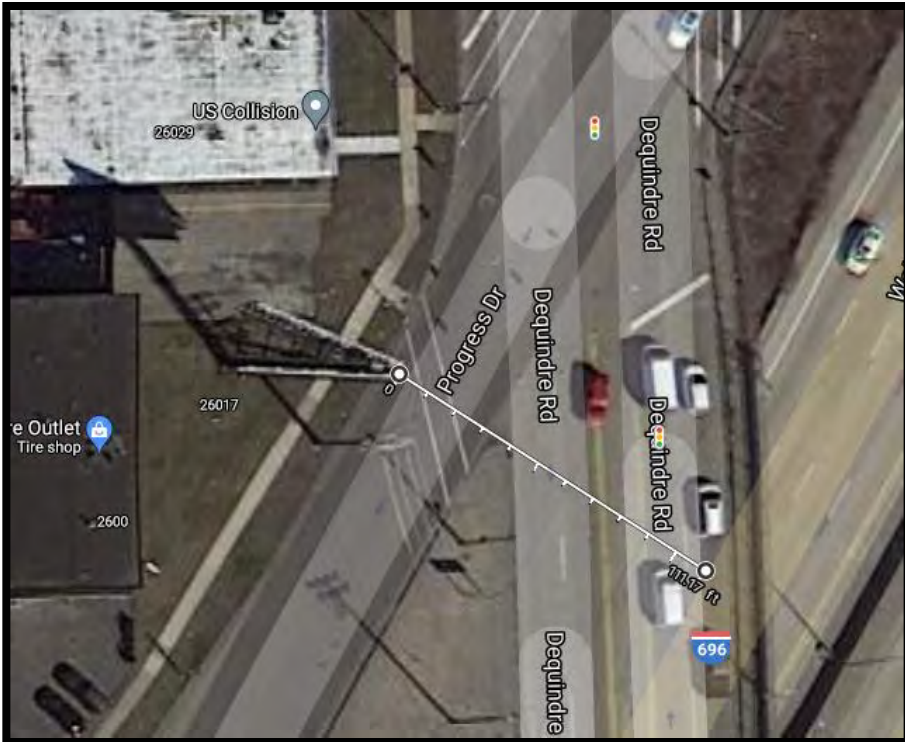
- i. to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after it's been removed
- ii. to allow a billboard on the same parcel as another (existing) structure within 100 feet
- iii. to allow a billboard to be constructed within 2,500 feet of another billboard. 1,260 feet from a billboard to the east.
- iv. to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted), and
- v. to allow a billboard on the same parcel as a principal use.



Sign #8 - 1430 E Heights St

- The south side of I-696 approx. 50 feet east of I-696 Service Dr.
- 14' x 48' = 672 square feet
- 2-sided Static
- 60' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 140 feet**
- **Non-conforming – only 1,260 feet from a billboard to the west and 1,410 feet from another billboard to the east in the city.**
- All measurements are estimates from MDOT & Google





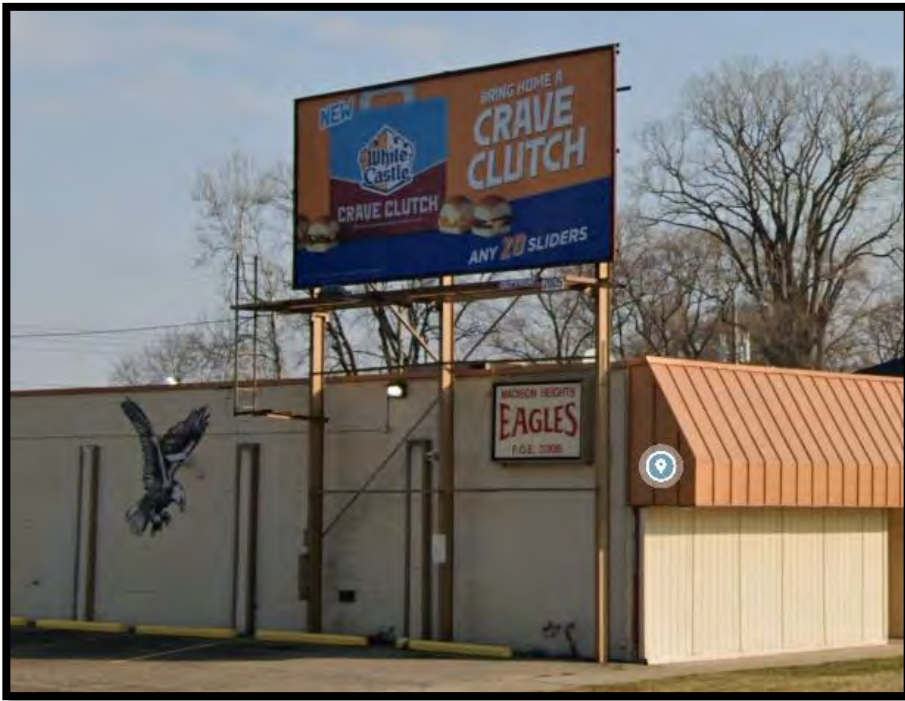
Sign #9 - 26017 Dequindre Rd

- The north side of I-696 approx. 1 foot west of Progressive Dr and 30 feet west of Dequindre.
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- **Distance from Traveled Edge of Road: 150 feet**
- **Non-conforming – Built above the allowable height. Upgraded and rebuilt digital despite being non-conforming.** Only 2,032 feet from a billboard not in the city.



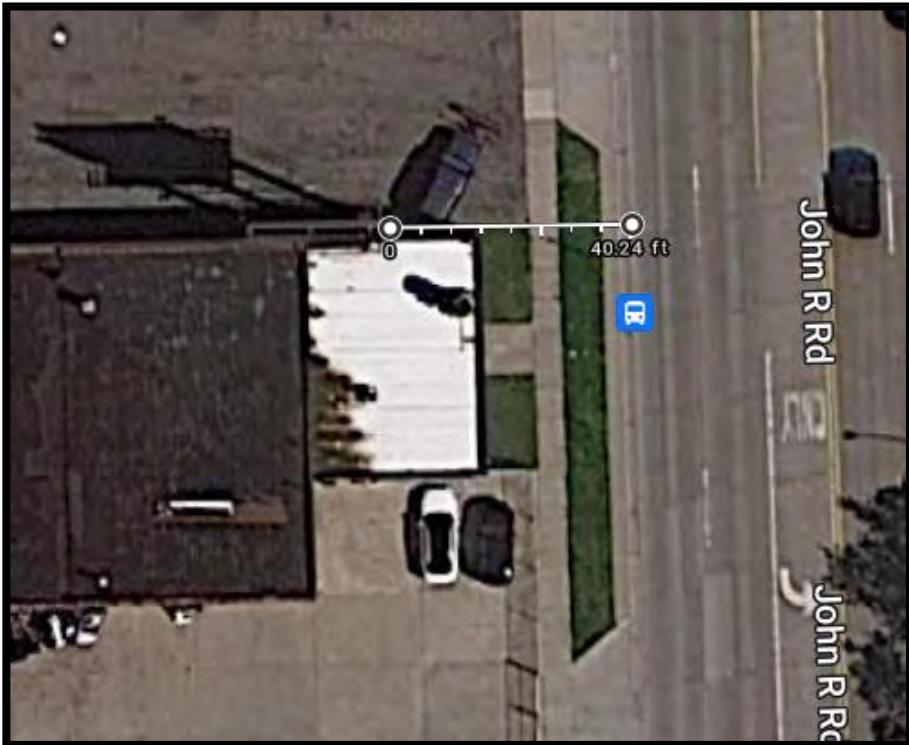
Sign #10 - 1900 E 14 Mile Rd

- The south side of 14 Mile Rd approx. 390-foot west of Dequindre.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 90 feet**
- **Non-conforming - Not on a separate parcel and only 33 feet from a building. No MDOT Permit.** Only 2,115 feet from a billboard outside city limits
- All measurements are estimates from MDOT & Google



Sign #11 – 604 W Eleven Mile Rd

- The south side of Eleven Mile Rd approx. 65-foot west of Dartmouth St.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 30' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 25 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. No MDOT Permit.**
- All measurements are estimates from MDOT & Google



Sign #12 – 25601 John R Rd

- The west side of John R Rd approx. 98-feet south of W Hudson Ave.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 40 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,770 feet from another billboard in the city. No MDOT Permit.**
- All measurements are estimates from MDOT & Google

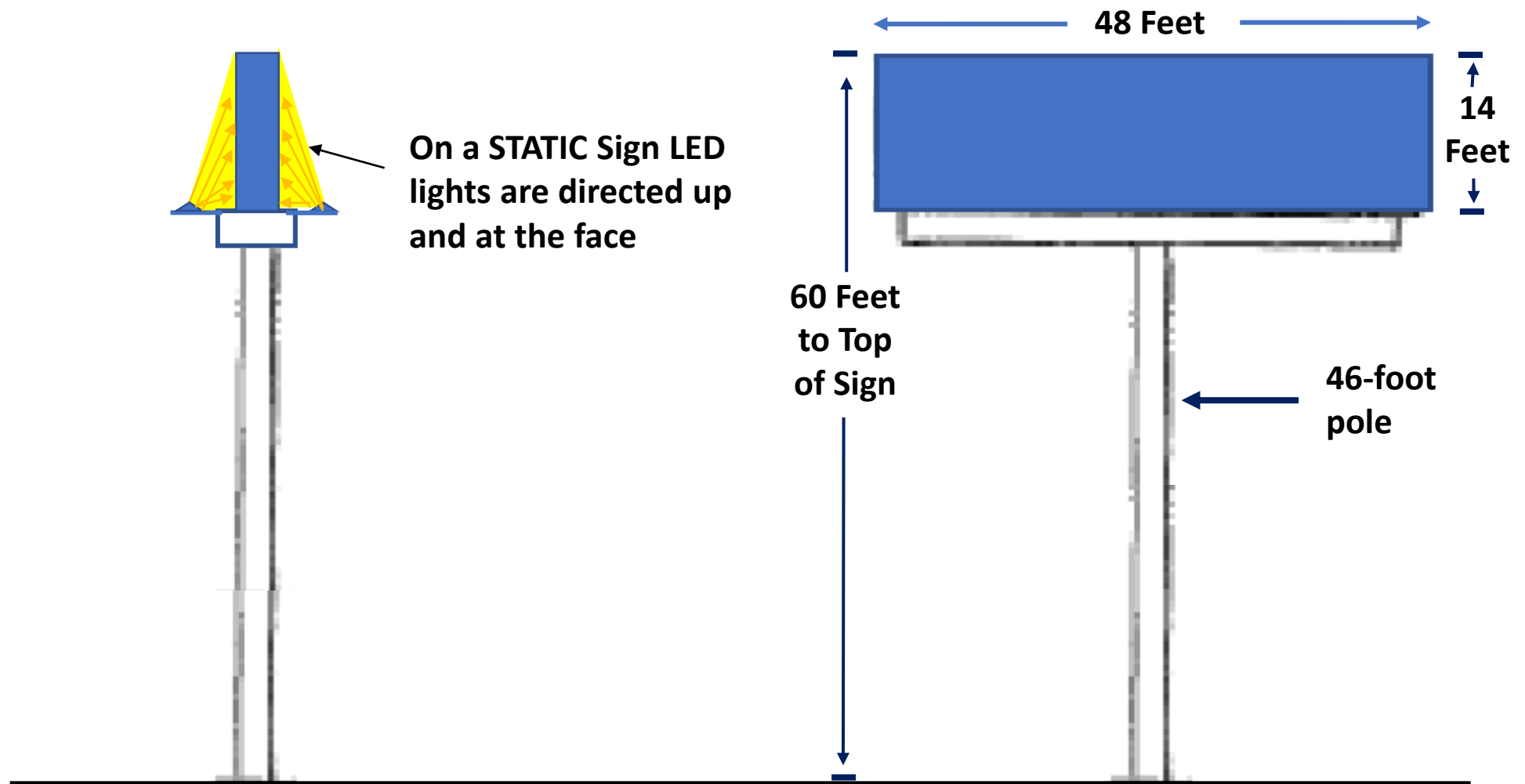


Sign #13 – 25107 Dequindre Rd

- The west side of Dequindre Rd approx. 285-feet north of Eleven Mile Rd.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 55 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,410 feet from another billboard in the city. Only 220 feet from a billboard outside the city.**
- All measurements are estimates from MDOT & Google



Lighting is often a concern not always addressed. We want you to know that we will be using the most current LED lighting available for our Static sign face.



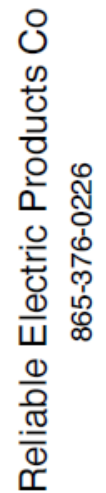
This industry-leading technology will light only the sign face and prevent light from projecting outside of the sign face.

A 6x16 grid of numbers. A cyan path is drawn through the grid, starting at (1,1) and ending at (6,16). The path consists of the following cells: (1,1), (1,2), (1,3), (1,4), (1,5), (1,6), (1,7), (1,8), (1,9), (1,10), (1,11), (1,12), (1,13), (1,14), (1,15), (1,16), (2,16), (2,15), (2,14), (2,13), (2,12), (2,11), (2,10), (2,9), (2,8), (2,7), (2,6), (2,5), (2,4), (2,3), (2,2), (2,1), (3,1), (3,2), (3,3), (3,4), (3,5), (3,6), (3,7), (3,8), (3,9), (3,10), (3,11), (3,12), (3,13), (3,14), (3,15), (3,16), (4,16), (4,15), (4,14), (4,13), (4,12), (4,11), (4,10), (4,9), (4,8), (4,7), (4,6), (4,5), (4,4), (4,3), (4,2), (4,1), (5,1), (5,2), (5,3), (5,4), (5,5), (5,6), (5,7), (5,8), (5,9), (5,10), (5,11), (5,12), (5,13), (5,14), (5,15), (5,16), (6,16), (6,15), (6,14), (6,13), (6,12), (6,11), (6,10), (6,9), (6,8), (6,7), (6,6), (6,5), (6,4), (6,3), (6,2), (6,1).

Green highlights are present on the following cells: (1,1), (1,2), (1,3), (1,4), (1,5), (1,6), (1,7), (1,8), (1,9), (1,10), (1,11), (1,12), (1,13), (1,14), (1,15), (1,16), (2,16), (2,15), (2,14), (2,13), (2,12), (2,11), (2,10), (2,9), (2,8), (2,7), (2,6), (2,5), (2,4), (2,3), (2,2), (2,1), (3,1), (3,2), (3,3), (3,4), (3,5), (3,6), (3,7), (3,8), (3,9), (3,10), (3,11), (3,12), (3,13), (3,14), (3,15), (3,16), (4,16), (4,15), (4,14), (4,13), (4,12), (4,11), (4,10), (4,9), (4,8), (4,7), (4,6), (4,5), (4,4), (4,3), (4,2), (4,1), (5,1), (5,2), (5,3), (5,4), (5,5), (5,6), (5,7), (5,8), (5,9), (5,10), (5,11), (5,12), (5,13), (5,14), (5,15), (5,16), (6,16), (6,15), (6,14), (6,13), (6,12), (6,11), (6,10), (6,9), (6,8), (6,7), (6,6), (6,5), (6,4), (6,3), (6,2), (6,1).

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	23.0 fc	31.0 fc	12.3 fc	2.5:1	1.9:1

No.	Label	Location		
		X	Y	Z
1	A	7.5	-7.5	-3.0
2	A	24.0	-7.5	-3.0
3	A	40.5	-7.5	-3.0



1 of 1

ZBA APPLICATION

53 E 10 MILE RD

SUMMARY

Applicant believes the practical difficulties described in its application demonstrate that its request for variances are warranted and the ZBA should grant them in their entirety. The unique circumstances of the property have created a practical hardship that would prejudice Applicant if not granted.

The proposed billboard:

- ✓ The billboard will be on a parcel abutting an interstate highway or freeway in an M-1 zoning district.
 - ✓ The V-type structure will have an interior angle which does not exceed twenty (20) degrees.
 - ✓ The total surface area, facing in the same direction, will not exceed seven hundred (700) square feet and shall be contained on a single panel.
 - ✓ The billboard will not exceed sixty (60) feet in height from the adjacent grade.
 - ✓ The billboard will not be erected on or over the roof of any building.
-
- ❖ We have clearly explained the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
 - ❖ We have explained 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.
 - ❖ We have explained why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.

ZBA APPLICATION

53 E 10 MILE RD

SUMMARY CONTINUED

- ❖ The applicant acknowledges that no special conditions and/or circumstances resulted from actions of the applicant or property owner.
- ❖ Although the property is used in a manner permitted by the Ordinance it is not being given the same rights as others in the same zoning district. The variances requested are minimal.
- ❖ Granting the variance will not change the essential character of the area?

Applicant has established that it is entitled to preliminary and final site plan approval based on competent, factual, and expert engineering and planning testimony and exhibits for a double-sided digital billboard.

- The Applicant reserves the right to provide additional factual and legal arguments at its hearing.

Appendix A

There being no further nominations, the vote was called.

Yeas: Hohner, Kehoe, Kimble, Tecker, R. Corbett, Holder, Oglesby
Nays: None
Absent: L. Corbett, Kirchoff, Yemac
Motion Carried

16-08. Election of Vice-Chair.

Vice Chairman Oglesby called for nominations for the position of the Vice Chairperson of the Board.

Motion by Ms. Kehoe, seconded by Councilman Corbett, to nominate Clifford Oglesby as the Vice Chairman of the board.

There being no further nominations, the vote was called.

Yeas: Kehoe, Kimble, Tecker, R. Corbett, Holder, Hohner, Oglesby
Nays: None
Absent: L. Corbett, Kirchoff, Yemac
Motion Carried

16-09. Variance of non-conforming billboard 1031 E. 10 Mile Road

Application #16-01

Vice Chairman Oglesby opened the public hearing at 7:42 p.m. to hear comments, if any, on application #16-01.

The Petitioner, Joseph Shopshear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, and Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present. Mr. Behrendt stated the billboard was erected to be a digital sign face on one side and the second side is a vinyl static board. Lamar is requesting to replace the static vinyl side, to make it digital and in doing so, must replace the entire billboard structure. At this time they would like to update the static side to be digital along with additional safety requirements. Mr. Behrendt stated that digital billboards are what customers want. They also provide the opportunity to run public service announcements, AMBER alerts, weather warnings, as well as civic activities and local business activity announcements.

Gary Sayers, 945 E. 10 Mile Road, stated that he owns four buildings approximately 300 ft. from this billboard and he is opposed to granting any variances. He stated that he does not want a blinking sign near his

building. He also commented that he believes these billboards are distracting to drivers.

There being no further comments, the public hearing was closed 8:00 p.m.

Mr. Kimble commented that he was concerned with the brightness of the lights that come from the digital signs noting this can be very distracting while driving at night. He also expressed concern that granting these variances will set precedence for other billboard companies.

Ms. Holder asked for clarification regarding the request, stating that if the petitioner only changed the sign face, no variance would be required.

Mr. Schafer indicated that the petitioner can change the sign face of a non-conforming sign without having to request a variance; however, if the structure requires modification, then approval from the Zoning Board of Appeals would be required.

Mr. Shopshear, indicated that the current sign was built for the 2009 building codes; however in order to comply with the 2012 building codes a variance is required for safety reasons.

Councilman Corbett stated that any changes to the sign should be to reduce as much of the non-conformity as possible, including reducing the entire structure to the permitted 60' maximum height permitted.

Motion by Mr. Corbett, Seconded by Ms. Holder,

WHEREAS, an application has been filed by Joseph Shopshear the Petitioner for Angela Investments, 1031 E. 10 Mile Road requesting a variance; and

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.+511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property).

WHEREAS, a notice of public hearing was published in the Madison Park News on March 23, 2016 and 82 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department stating that:

RELEVANT INFORMATION

1. The applicant is a representative of the owner of a billboard located on the subject property.
2. The billboard is a non-conforming structure as follows:
 - a. The billboard is not the principal use of the property.
 - b. The billboard is within 100 feet of the building on the property (in fact it overhangs the building).
 - c. The billboard is within 2500 feet of another billboard (actual distance is 1291 feet).
 - d. The billboard is 10' higher than permitted (70' where 60' is allowed).
3. In 2011 the applicant applied for a permit to install a digital face on the existing billboard. The City permits face changes on non-conforming billboards provided that the structure can handle the new loads. In that case the applicant proposed to add additional structural steel supports and other modifications to the structure to handle the additional loads imposed by changing the type of sign to a digital face. The ZBA granted a variance to allow the owner to change one face and that was done by the owner shortly thereafter and remains so today.

PREVIOUS ACTIONS

ZBA Application #11-02 – Variance granted to allow structural modifications to nonconforming billboard for placement of a digital face on the existing billboard.

SITE PLAN COMMITTEE ACTION

The Site Plan Committee has reviewed this request. The Committee notes that the sign is currently non-conforming, but enjoys a variance that allowed its structural modification to accommodate a digital face change in 2011. The applicant now seeks to completely remove the existing billboard and replace it with a new billboard with two digital faces. Under the Zoning Ordinance, removal of the billboard eliminates any nonconformity, in addition to eliminating the conditions under which the previous ZBA variance was granted. As a result, they are required to seek the requested variances per the Zoning Ordinance.

The Committee also notes that the existing nonconforming billboard is currently in use and may continue to function for the foreseeable future without any modification or variance.

The Committee also notes that there are currently ten non-conforming billboards in the City. It is the intent of the Zoning Ordinance that these structures can be continued until they fail due to deterioration or damage and that they be removed at that point. By removing the existing nonconforming billboard as proposed, applicant is achieving the intent of the Zoning Ordinance – removal of the nonconformity in its entirety. To permit this applicant to remove and replace the billboard in its exact location would be contrary to the intent of the ordinance and convey to the applicant a right not enjoyed by other billboard owners in the City. Accordingly, the Committee recommends denial of the request.

Should the ZBA decide to grant the variances necessary to accommodate the request, the Committee recommends that the height of the billboard be reduced to the 60' maximum, thus reducing the nonconformity of the billboard while still accommodating its continuation in a nonconforming location.

WHEREAS, a public hearing was held this April 7, 2016, and the Petitioner, Josphe Shopsyhear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, along with Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Zoning Board of Appeals approves the requested variances as follows:

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property); and

BE IT FURTHER RESOLVED, that the Madison Heights Zoning Board of Appeals DENIES the requested variance as follows:

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

As it is not the minimum variance necessary and will reduce the existing non-conformity.

Yeas: Tecker, R. Corbett, Hohner, Holder, Kehoe, Oglesby
Nays: Kimble
Absent: L. Corbett, Kirchoff, Yemac
Motion Carried

XX. Adjournment.

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

Yeas: R. Corbett, Hohner, Holder, Kehoe, Kimble, Tecker, Oglesby
Nays: None
Absent: L. Corbett, Kirchoff, Yemac
Motion Carried

There being no further business, Vice Chairman Oglesby, adjourned the meeting at 8:15 p.m.

Romona Sanchez
Clerk of the Board