

Zoning Board of Appeals
Madison Heights, Michigan
August 07, 2025

A Zoning Board of Appeals was held on Thursday, August 07, 2025, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

Chair Kimble opened the meeting at 7:30 p.m.

PRESENT: Chair Kimble and members: Covert, Fleming, Holder, Loranger, Marentette, Sagar, and Thompson

ABSENT: Aaron, Corbett, and Oglesby

ZBA 22-25. Minutes.

Motion made by Ms. Holder, Seconded by Ms. Thompson, to approve the June 5, 2025, Meeting Minutes as presented.

Voting Yea: Covert, Fleming, Holder, Kimble, Loranger, Marentette, Sagar, and Thompson

Absent: Aaron, Corbett, and Oglesby

Motion carried.

ZBA 23-25. Case # PZBA 25-06: 29011 Stephenson Highway

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

REQUEST

The applicant, A1 Signs & Graphics on behalf of property owner Martin Essa, requests a variance from Section 12.09 of the Madison Heights Zoning Ordinance to permit the installation of a 30.5 square foot electronic message board on a legally non-conforming pylon sign. The property is located at 29011 Stephenson Highway (tax parcel # 44-25-02-101-036) and is zoned M-1, Light Industrial. The property is located at the northwest corner of Stephenson Highway and 12 Mile Road and is improved with a gas station.

The property features an existing 22-foot-tall pylon sign at the corner, pictured on the following page. The existing sign is non-conforming (failing to meet Zoning Ordinance standards) for several reasons:

- 1) Sign Type: Per Section 12.04, pylon signs are listed as a “prohibited sign” type. A pylon sign is defined as a freestanding outdoor sign with either one or two poles for support.

2) Sign Height: Per Section 12.07.4, the maximum sign height for a ground sign in the M-1 zoning district is 8 feet. The existing sign is 22 feet tall.

3) Sign Area: Per Section 12.07.4, the maximum sign area for a ground sign in the M-1 zoning district is 60 square feet. The existing sign has an area of approximately 75 square feet.

Per Section 12.09.3 of the Zoning Ordinance (Nonconforming Signs), a nonconforming sign shall not be, “structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face change is permitted on a non-conforming sign if there are no other structural modifications. However, a static panel on a nonconforming sign shall not be replaced with an electronic message board.” While the applicant does not technically propose to replace an existing static panel with the electronic message board, the addition of the electronic message board constitutes a structural modification to the sign and increases the extent of the already non-conforming sign area; sign height would not be impacted.

Regulations for Permitted Signs

To comply with Zoning Ordinance standards, the applicant would be required to remove the nonconforming pylon sign and replace it with a shorter monument sign with a smaller sign area. As opposed to a pylon sign (not permitted in the City), a monument sign is defined as a, “freestanding sign mounted to the ground that does not have any exposed poles or pylons.” Per Section 12.07, the maximum permitted height for a monument sign in the M-1 district is eight (8) feet and the maximum permitted sign area is 60 square feet; an electronic message board would be permitted to take up 50% of the allowable sign area (30 square feet).

Proposed Electronic Message Board

The proposed electronic message board is approximately 30.5 square feet in area and would be placed below the existing panels on the pylon sign. Electronic Message Board regulations are contained in Section 12.05.11 of the Zoning Ordinance. Electronic message boards shall come equipped with an automatic dimming control that automatically adjusts the display brightness based on ambient lighting conditions, and messages shall change no more than once every 30 seconds. If a variance is approved, the electronic message board will be required to meet these standards.

VARIANCE FINDINGS AND CRITERIA

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize variances from sign regulations, provided that such variances will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Boards of Appeals shall make findings that the petitioner has adequately proven the existence of a practical difficulty, explicitly with regard to the following criteria:

- A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- C. That the plight of the owner is due to unique circumstances of the property , such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with the Ordinance, provided that said conditions are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public. Such conditions shall be necessary to meet the intent and purpose of the Ordinance, be related to the standards established in the section for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 15.06.2 of the Zoning Ordinance, attached within the packet. As justification for their variance request, the applicant primarily cites the benefits that electronic message boards provide for customer communication. The applicant states that the electronic message board would allow the gas station to update pricing information in real time; however, staff notes that the proposed electronic message board does not replace the existing LED pricing signage, which is presumed to remain.

The Madison Heights Zoning Ordinance expressly allows for the installation of electronic message boards on conforming freestanding ground signs subject to

modest standards on size, brightness, and message duration. The applicant would be permitted an electronic message board by-right by replacing the nonconforming pylon sign with a freestanding ground sign that meets Zoning Ordinance standards. In this case, the applicant not only proposes to make a structural alteration to a non-conforming sign but also increase the extent of the non-conformity by adding sign area.

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

ZBA ACTION

Any ZBA motion, including approval and denial, shall include findings of fact relating to the variance criteria listed in Sections 15.06.2 of the Zoning Ordinance. Template approval and denial motions are provided below for the ZBA's consideration, which may be modified at the discretion of the board.

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed use(s) as it may deem reasonable in furthering the purpose of the Zoning Ordinance,

Attachments

- Maps
- ZBA Application
- Section 12.07.4 – Regulations for Permitted Signs (M-1, Light Industrial District)
- Section 12.09 – Nonconforming Signs
- Section 15.06 – Variances and Appeals • Public Hearing Notice

Mr. Michael Zachs from Sign Productions, representing applicant Martin Z. Essa shared that his client has owned 29011 Stephenson for five (5) years. They are asking for approval for an LED sign that's approximately 30 square feet. The sign will allow the applicant to compete with other gas stations in the area. The applicant will abide by the city ordinance regarding frequency of message and the light produced by the unit. The applicant would like to help by posting community messages for the city. Mr. Zachs replied to Ms. Covert's inquiry; the sign has an eight (8) to nine (9) feet under clearance. He replied to Mr. Sagar's inquiry; there is no other feasible place to put the sign. Mr. Zach's replied to Councilman Fleming's inquiry; the advertisement will be strictly devoted to the business. He replied to Ms. Covert's inquiry; they are offering to advertise amber alerts and community events. Mr. Zach's replied to Ms. Marentette's inquiry; the

hours of operations are Monday – Thursday is 6 a.m. – midnight, Friday – Saturday is 6 a.m. – 2 p.m., and Sunday is 7 a.m. – 11 p.m. The sign will not be luminating 24 hours a day. The property owner would consider orienting the sign differently if the board made it part of the approval.

City Planner Lonnerstater replied to Ms. Thompson's inquiry; the city ordinance does not have an hour of operation limitation, but it includes ambient lighting standards and must have an automatic dimming feature at night.

Ms. Holder expressed her concerns with additions to an already nonconforming sign and readjusting the sign.

Assistant City Attorney Burns advised that Planning and Zoning had focused on ground signs; by allowing variances like this we need to consider the impact as a public policy position of enforcing it citywide.

Chair Kimble shared he is against electronic light signs especially at night and suggests the applicant consider ground signs.

Chair Kimble opened the public hearing at 7:45 p.m. to hear comments on application #25-06.

There being no comments on application #25-06, Chair Kimble closed the public hearing at 7:46 p.m.

Motion made by Ms. Holder, and Seconded by Ms. Thompson, to move that the Zoning Board of Appeals DENY the variance request for the structural alteration of a legally nonconforming pylon sign at the subject property located at 29011 Stephenson Highway. This motion, being made after the required public hearing, based upon the following findings:

- 1) Per Section 12.09.3 of the Zoning Ordinance, a nonconforming sign shall not be, "structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face change is permitted on a non-conforming sign if there are no other structural modifications. However, a static panel on a nonconforming sign shall not be replaced with an electronic message board."

2) The existing 22-foot-tall pylon sign located on the subject property is nonconforming in that the City of Madison Heights does not allow pylon signs as a permitted ground sign; it is further nonconforming in that it exceeds the maximum permitted ground sign height of 8 feet and sign area of 60 square feet in the M-1 district. The applicant proposes to add an electronic message board to this existing pylon sign against Ordinance standards, further increasing the extent of the non-conforming sign area.

3) The requested variance does not satisfy the variance criteria set forth in Section 15.06.2 of the Zoning Ordinance. In particular, the Zoning Board of Appeals finds that:

a. Strict compliance with the sign standards would not unreasonably prevent the owner from using the property for a permitted purpose, would not render the conformity unnecessarily burdensome for other than financial reasons, and would not restrict the ability for the applicant to install a conforming ground sign. The applicant has the ability to install an 8-foot-tall monument sign with an electronic message board in accordance with the Zoning Ordinance; and

b. The plight of the owner is not due to unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and

c. The requested variance is not the minimum amount necessary to permit reasonable use of the land, building or structure in that a conforming monument sign could be installed on site without the need for a variance; and

d. The authorization of such variance will materially impair the intent and purpose of Section 12.09 of the Zoning Ordinance.

Voting Yea: Covert, Fleming, Holder, Kimble, Loranger, Marentette, Sagar, and Thompson

Absent: Aaron, Corbett, and Oglesby

Motion carried.

ZBA 24-25. Public Comment: For items not listed on agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 7:51 p.m. and closed the public comment at 7:52 p.m.

ZBA 25-25. Member updates.

Chair Kimble wishes Clifford Oglesby well.

ZBA 26-25. Adjournment.

Motion made by Ms. Holder, Seconded by Ms. Thompson.

Voting Yea: Covert, Fleming, Holder, Kimble, Loranger, Marentette, Sagar, and Thompson

Absent: Aaron, Corbett, and Oglesby

Motion carried.

There being no further business, Chair Kimble adjourned the meeting at 7:52 p.m.