

Zoning Board of Appeals
Regular Meeting
Madison Heights, Michigan
June 2, 2022

A Regular Meeting of the Madison Heights Zoning Board of Appeals was called to order by Chairman Kimble on June 2, 2022 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson and members: Aaron, L. Corbett, Holder, Kehoe, Marentette, Oglesby and Ott

Also Present: Assistant City Attorney Burns, Assistant City Attorney J. Sherman, City Planner Lonnerstater, and Clerk of the Board Boucher.

22-18. Minutes

Motion by Mr. Oglesby, seconded by Ms. Kehoe, to adopt the minutes of the Regular Meeting held on May 5, 2022 as printed.

Yeas: Aaron, L. Corbett, Holder, Kehoe, Marentette, Oglesby, Ott, Thompson and Kimble

Nays: None

Motion Carried.

22-19. Case PZBA # 22-06: 30031 Dequindre Road

The applicant, Hudson Madison, LLC d/b/a The Reserve at Red Run, requests a variance from the minimum ground sign setback requirement of Section 10.511(IV)(C)(3) of the Zoning Ordinance. The subject property is located at 30031 Dequindre Road and is zoned O-1, Office district.

Chair Kimble opened the public hearing at 7:31 p.m. to hear comments on application #22-06.

There being no comments on application #22-06, Chair Kimble closed the public hearing at 7:31 p.m.

Jeff Buck, Project Manager at Cypress Partners and representing Hudson Madison, LLC at 280 W. Maple Road, Ste. 230, Birmingham, MI 48009, talked about constructing a monument ground sign in the Office District with a 10 foot setback requirement. The setback will cause the location of the sign to be in their access drive. There is green space between the property line and start of the parking lot, they are asking for a variance to construct a monument sign within that space. It will match other properties and align with their signs along Dequindre north of their property. The sign is centered on the building; the 8 x 5 foot sign made of brick and stone displays the Reserve at Red Run.

City Planner Lonnerstater clarified that the O-1 zone setback requirement for ground sign is half the building setback. Instead of a 10 foot setback it would be a 31.5 foot setback requirement because the building setback is 63 feet; 31.5 foot would be in the middle of the parking lot. The applicants claim a practical difficulty on the site due to

the arrangement of the building, the standards and the greenbelt. The sign does meet the dimensions of height and area of the Office District. The Site Plan Committee reviewed this case on May 25th and found no objections. City Planner Lonnerstater responded to Chair Kimble's inquiry, the previous variance request was for a temporary sign along the metal fence surrounding the property.

Chair Kimble asked if this variance request is for a permanent sign.

Ms. Holder questioned if the company was aware of the location of the permanent sign during the planning process.

Project Manager Jeff Buck answered that it was an oversight on the site plan and they were not fully aware of the setback requirement.

Assistant City Attorney Burns advised the approved motion includes Sections 10-804, 10.511 and 10-805.

REQUEST

The applicant, *Hudson Madison LLC d/b/a The Reserve at Red Run*, requests a variance from the minimum ground sign setback requirement of **Section 10.511(IV)(C)(3)**. The subject property is located at 30031 Dequindre Road and is zoned O-1, Office district.

A senior living facility known as 'The Reserve at Red Run' is currently under construction on the subject site. Per Section 10.511(IV)(C)(3) of the Zoning Ordinance, ground signs within the O-1 district shall be set back from the front property line a minimum of one-half the setback of the building. Based on the approved site plan for the facility, the principal building is set back approximately 63 feet from the front property line, requiring a minimum ground sign setback of 31.5 feet. Due to the location of the parking lot in front of the building and the narrow width of the approved front yard greenbelt, the applicant proposes a ground sign setback of 1 foot from the front property line, resulting in a variance request of **30.5 feet**.

The ground sign is proposed within a ten-foot wide landscape strip located between the front property line and the parking lot. The proposed sign is 5 feet tall and 8 feet wide (40 square feet) and satisfies the dimensional standards of the O-1 district. The sign is not proposed within any required sight-distance triangles. As proposed, the sign will be designed to contain a brick veneer and decorative limestone caps.

VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests, summarized below with staff comments:

- ***Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.***

Staff Finding: Staff finds that legal sign placement on the property is limited due to the combination of a fairly large building setback, shallow front landscape strip, and

restrictive sign setback standards. Based on the sign setback standard and 63-foot building setback, a ground sign could not be placed within the front landscape strip adjacent to Dequindre Road under existing zoning ordinance regulations. Staff finds that the required 31.5 foot ground sign setback standard would likely be impractical for the property owner.

• *The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.*

Staff Finding: Staff finds that approval of the requested sign setback dimensional variance would grant the property owner a property right similar to that possessed by other commercial properties along Dequindre Road and would not result in a substantial detriment to the public good. Further, staff finds that the requested variance, if granted, would not impair the intent and purposes of the Zoning Ordinance.

Additional standards for reviewing variance cases are contained in Section 10.805, listed at the end of this report.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC considered the variance request at their May 25th, 2022 meeting and stated no objections.

Motion by Ms. Holder, seconded by Mr. Oglesby, to approve the variance request due to the following findings: unique shallowness of the parcel's front landscape strip adjacent to Dequindre in accordance with Section 10-804(2); the requested variance resolves a practical difficulty for the landowner; that other than the requested variance the applicant's proposed sign otherwise is compliant with Section 10.511(IV)(C)(3) sign regulations for the parcel as zoned O-1 Office District; and that per Section 10-805 such variance would not disrupt the harmony or development of neighboring properties of adjacent districts as the proposed signage is similar to surrounding commercial properties along Dequindre Road and does not create a detriment to the public good.

Yeas: Aaron, L. Corbett, Kehoe, Marentette, Oglesby, Ott, Thompson and Kimble

Nays: Holder

Motion Carried.

22-20. Consideration and adoption of ZBA Bylaws

City Planner Lonnerstater addressed the following changes to the draft bylaws based on the discussion at the last meeting: City Council can remove a board member who has had 3 unexcused absences in a row or unexcused absences for 5 meetings in a fiscal year as reflected in the City Charter, duties of officers, meeting schedules, meeting procedures and holding a public meeting. The bylaws are recommended by the Michigan Zoning Enabling Act and our City Charter. The Zoning Board of Appeals (ZBA) has relied on the City Charter as a rules and procedure. City Planner

Lonnerstater clarified that the City Charter includes Section 5.2 Vacancies in Elective Office and Removal from Office. He responded to Ms. Kehoe's inquiry, the members of the ZBA are appointed by City Council.

Chair Kimble asked about any previous adopted ZBA Bylaws.

Ms. Holder expressed her concerns of the removal of board members by the City Council.

Mr. Oglesby inquired about the process of overturning a ZBA decision.

Assistant City Attorney J. Sherman responded that the City Council is the Legislative Branch of Local Government in regards to removal of board members. He advised that the Circuit Court is the only authority to overturn any ZBA decisions.

Assistant City Attorney Burns reminded everyone that the approved minutes records any absences for each meeting by the Clerk of the Board.

Ms. Kehoe questioned if the Mayor appoints the members of the ZBA.

Motion by Ms. L. Corbett, seconded by Mr. Oglesby, to adopt the revised Bylaws of the City of Madison Heights Zoning Board of Appeals as presented to this Board by the City Planner, which shall be approved and enacted as of the date of this meeting.

Yeas: Aaron, L. Corbett, Holder, Kehoe, Marentette, Oglesby, Ott, Thompson and Kimble
Nays: None
Motion Carried.

22-21. Adjournment

Motion by Ms. Holder, seconded by Vice-Chair Thompson, to adjourn the meeting.

Yeas: Aaron, L. Corbett, Holder, Kehoe, Marentette, Oglesby, Ott, Thompson and Kimble
Nays: None
Motion Carried.

There being no further business, Chair Kimble, adjourned the meeting at 7:58 p.m.

Phommady A. Boucher
Clerk of the Board