



MEMORANDUM

Report Date: November 26th, 2025

To: City of Madison Heights Zoning Board of Appeals

Meeting Date: December 4th, 2025

From: Matt Lonnerstater, AICP – City Planner

Subject: PZBA 25-10; 32500 John R Road

Variances to allow the installation of a non-permitted sign type (pylon sign) exceeding the maximum permitted sign height.

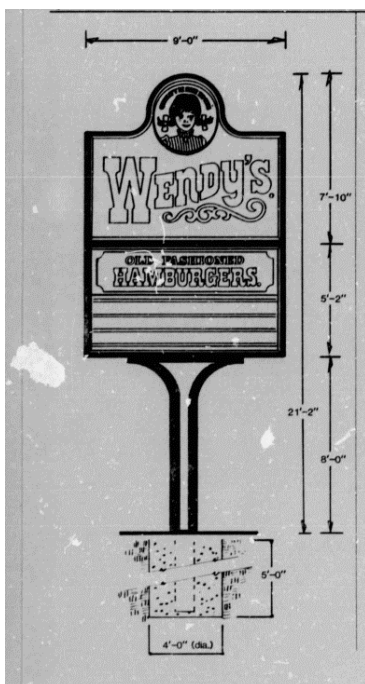
REQUEST

The applicant, Marija Dedvukaj on behalf of property owner VDG John R, LLC, requests variances from Section 12.04 (Prohibited Signs) and Section 12.07 (Regulations for Permitted Signs) to permit the installation of a pylon sign that exceeds that maximum permitted height for ground signs. The property is located at 32500 John R Road (tax parcel #44-25-01-151-063) and is zoned B-3, Regional Business. The property is located on the east side of John R Road, south of Mandoline, and is improved with a drive-through fast-food restaurant which is in the process of being converted into a Coney Island restaurant.

SITE AND SIGN HISTORY

The subject property and building were most recently occupied by Wendy's, which was constructed in the mid 1980's. Wendy's received ZBA approval to construct a 21-foot-tall pylon sign, depicted below, in 1983.

Wendy's Sign Plans (1983) and Recent Conditions (2020)



Since purchasing the property earlier in 2025, the property owner has removed the old Wendy's sign cabinet and cut down the height of the supporting pylon (shown below):

April, 2025 Conditions



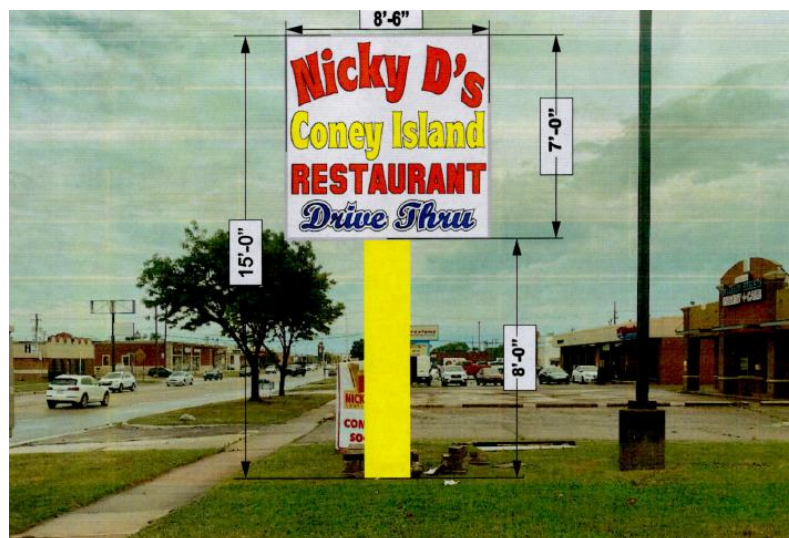
REQUESTED VARIANCES

The applicant now requests to utilize the existing sign foundation and the remaining support pole to construct a 15- foot-tall pylon sign (shown below). The proposed sign requires two (2) variances from the city's sign regulations

- 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 12.07.2, the maximum sign height for a ground sign in the B-3 zoning district is 8 feet. The proposed pylon sign is 15 feet tall.

These specific variances are discussed further below.

Proposed Pylon Sign



Pylon Signs

Pylon signs are prohibited per Section 12.04 of the Zoning Ordinance. While legally non-conforming signs, such as pylon signs, are permitted to remain with routine maintenance and even cabinet face-changes, non-conforming status is eliminated once significant structural modifications or removals are made (Section 12.09). As the property owner has voluntarily removed the sign cabinet and a majority of the supporting pole, the remaining portion of the sign can no longer be considered legally non-conforming.

To comply with Zoning Ordinance sign standards, the applicant would be required to remove the former pylon sign elements and replace it with a conforming freestanding sign with a monument-style design. As opposed to a pylon sign, a monument sign is defined as a, *“freestanding sign mounted to the ground that does not have any exposed poles or pylons.”*

Sign Height

Permitted ground sign types (monument signs or decorative post signs) within the B-3 zoning district are limited in height to eight (8) feet (Section 12.07.2). At a height of fifteen (15) feet, the proposed pylon sign would require a height variance of seven (7) feet.

Sign Design

Per the submitted sign application, the proposed sign features a non-illuminated aluminum cabinet placed atop a wood pole.

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. As justification for their variance requests, the applicant primarily cites concerns over the lack of visibility of a shorter sign. The applicant also references the fact that the previous Wendy's sign was of a similar height and design and alludes to the existence of other tall freestanding signs in the area.

Staff offers the following comments pertaining to each variance 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.*

Staff Comment: Staff finds that compliance with the city's sign regulations, in this case allowing for a monument style ground sign with a height up to 8 feet, would not unreasonably prevent the owner from using the property for the proposed restaurant use.

- 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.*

Staff Comment: The applicant is bound to the same sign regulations as adjacent properties. While there are existing non-conforming signs along John R Road, these signs predate current zoning regulations and their existence in and of themselves are not a basis for granting new variances.

- 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;*

Staff Comment: The subject property is of a typical rectangular shape and is 0.61 acres in size. Staff finds that there is adequate frontage and building setbacks to erect a sign satisfying zoning requirements, and that the typical characteristics of the parcel do not constitute a practical difficulty.

- D. *That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure;*

Staff Comment: Staff finds that a monument sign meeting maximum height standards would allow for reasonable use of the building and property as a restaurant. Denial of a variance in this case has no bearing on land use or permitted land uses on the property.

- 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;*

Staff Comment: While the requested variances may not cause a substantial detriment to adjacent property, staff finds that issuing the variances would impair the intent and purposes of the City's sign regulations pertaining to sign style and height.

- F. *That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).*

Staff Comment: Staff finds that the requested variances are the result of the property owner/tenant's desire to construct a taller sign type rather than the existence of a true practical difficulty or difficulties. While a shorter sign, in theory, would be less visible, staff struggles to find the existence of a true practical difficulty on the property which would restrict the use of the parcel as a restaurant.

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 place a legal 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 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 and Drawings
- Section 12.07.2 – Regulations for Permitted Signs (B-3, Regional Business)
- Section 15.06 – Variances and Appeals
- Public Hearing Notice

TEMPLATE MOTIONS

DENIAL (NOTE: ONLY ONE NON-COMPLIANT STANDARD NEEDS TO BE LISTED TO MOVE FOR DENIAL)

Move that the Zoning Board of Appeals DENY the variance requests to permit the installation of a non-permitted pylon sign type that exceeds that maximum permitted height for ground signs at the subject property located at 32500 John R Road. This motion, being made after the required public hearing, based upon the following findings:

- 1) 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) Per Section 12.07.2, the maximum sign height for a ground sign in the B-3 zoning district is 8 feet.
- 3) The applicant proposes a 15-foot-tall pylon sign on the subject property and is requesting variances from Section 12.04 (Prohibited Signs) and Section 12.07 (Regulations for Permitted Signs). In the case of sign height, the applicant is requesting a seven (7) foot variance.
- 4) 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) Compliance with the city’s sign regulations, in this case allowing for a monument style ground sign with a height up to 8 feet, would not unreasonably prevent the owner from using the property for the proposed restaurant use.
 - b) The applicant is bound to the same sign regulations as adjacent properties. While there are existing non-conforming signs along John R Road, these signs predate current zoning regulations and their existence in and of themselves is not a basis for granting new variances.
 - c) The subject property is of a typical rectangular shape and is 0.61 acres in size. There is adequate frontage and building setbacks to erect a sign satisfying zoning requirements, and the typical characteristics of the parcel do not constitute a practical difficulty.
 - d) A monument sign meeting maximum height standards would continue to allow for reasonable use of the building and property as a restaurant. Denial of a variance in this case has no bearing on land use or permitted land uses on the property.
 - e) While the requested variances may not cause a substantial detriment to adjacent property, issuance of the variances would impair the intent and purposes of the City’s sign regulations pertaining to sign style and height.
 - f) The requested variances are the result of the property owner/tenant’s desire to construct a taller sign type rather than the existence of a true practical difficulty or difficulties. While a shorter sign, in theory, would be less visible, there is little evidence of a true practical difficulty on the property which would restrict the use of the parcel as a restaurant.

APPROVAL (NOTE: ALL STANDARDS NEEDS TO BE LISTED TO MOVE FOR DENIAL)

Move that the Zoning Board of Appeals APPROVE the variance requests to permit the installation of a non-permitted sign type (pylon sign) that exceeds that maximum permitted height for ground signs at the subject property located at 32500 John R Road. This motion, being made after the required public hearing, based upon the following findings:

- 1) 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) Per Section 12.07.2, the maximum sign height for a ground sign in the B-3 zoning district is 8 feet.
- 3) The applicant proposes a 15-foot-tall pylon sign on the subject property and is requesting variances from Section 12.04 (Prohibited Signs) and Section 12.07 (Regulations for Permitted Signs). In the case of sign height, the applicant is requesting a seven (7) foot variance.
- 4) The requested variance satisfies 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 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) 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) 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) The requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
 - e) 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) The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).