



# MEMORANDUM

Report Date: February 27<sup>th</sup>, 2025  
 To: City of Madison Heights Zoning Board of Appeals  
 Meeting Date: March 6<sup>th</sup>, 2025  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Dimensional Wall Sign Variance  
 PZBA 25-02; 29305/29411 John R Road

NOTE: The main address for the parcel is listed as 29305 John R. Road. The address for the tenant space is 29411 John R Road. Both are listed on the variance request.

## REQUEST

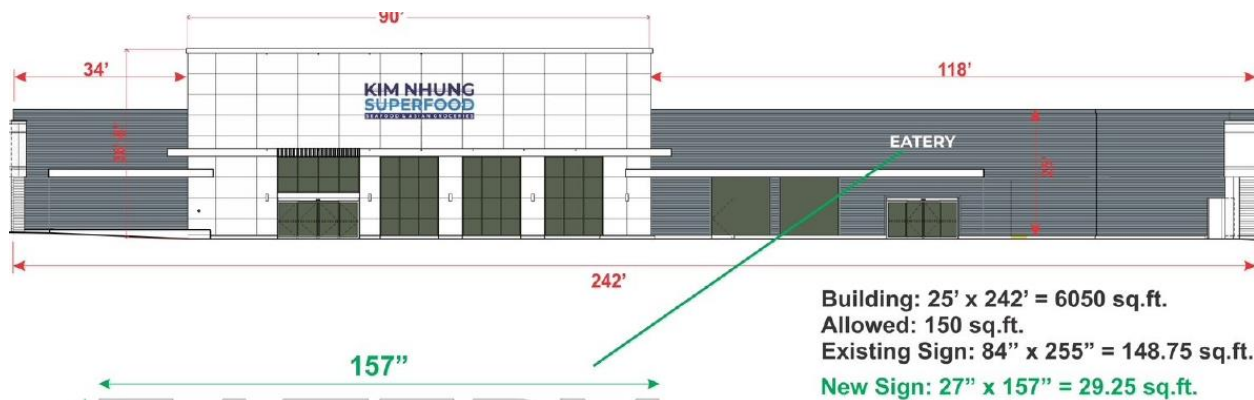
The applicant, Kim Nhung Superfood, Inc., requests one (1) dimensional variance from the Madison Heights Zoning Ordinance pertaining to wall signage. The subject property is located at 29305/29411 John R Road (tax parcel # 44-25-11-476-022) and is zoned B-2, Community Business. The property is located on the west side of John R Road north of 12 Mile Road, and is improved with a 42,000 square foot grocery store, currently undergoing interior renovations.

The applicant requests a variance from Section 12.07.2 of the Zoning Ordinance which sets a maximum total wall sign area of 150 square feet for the tenant space’s primary front facade. The tenant has already been approved for a 148.75 square foot wall sign, approaching the maximum allowance. The applicant requests to install one (1) additional 29.5 square foot wall sign on the same façade for the grocery store’s food court, requiring a 28 square foot dimensional variance.

## Proposed Wall Sign

The 29.5 square foot wall sign is proposed above the store’s northern entrance, with the words “EATERY” to denote the food court entrance. The proposed sign features illuminated channel letters on a raceway. Based on the tenant space’s frontage along the street and its large setback from the road, the tenant is afforded a total wall area allowance of 150 square feet along the front facade. The Zoning Ordinance does not cap the total number of wall signs on a single façade; however, the existing 148.75 square foot wall sign uses up almost all of the total wall sign allowance, leading to this variance request.

### Proposed “Eatery” Wall Sign– Dimensions and Renderings



## VARIANCE FINDINGS AND CRITERIA

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize dimensional 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. Per their application, the applicant primarily cites visibility from John R Road due to building setbacks and the ability to advertise the eatery portion of the business as justifications for the wall sign variance.

Practical difficulties relating to a dimensional 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 wall 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,

## TEMPLATE MOTIONS

### Variance– Ground Sign Height and Area

#### APPROVE (NOTE: ALL STANDARDS NEED TO BE LISTED TO MOVE FOR APPROVAL)

Move that the Zoning Board of Appeals APPROVE the dimensional variance application to allow one (1) wall sign measuring 29.25 square feet at the subject property located at 29305/29411 John R Road. This motion being made after the required public hearing based upon the following findings:

- 1) That Section 12.07.2 of the Zoning Ordinance sets a maximum area of one-hundred fifty (150) square feet for the tenant space's primary front façade, and the applicant is requesting a 28 square foot variance.
- 2) That strict compliance with dimensional sign regulations 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
- 3) 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
- 4) That the plight of the owner is due to unique circumstances of the property, including large setbacks from the adjacent public street; and
- 5) That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- 6) 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
- 7) That the need for the requested variance is not the result of actions of the property owner or previous property owners.

Approval is granted with the following conditions designed to ensure compliance with the intent and purpose of the sign regulations: INSERT AS NEEDED.

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

Move that the Zoning Board of Appeals DENY the dimensional variance application to allow one (1) wall sign measuring 29.25 square feet at the subject property located at 29305/29411 John R Road. This motion being made after the required public hearing based upon the following findings:

- 1) That Section 12.07.2 of the Zoning Ordinance sets a maximum area of one-hundred fifty (150) square feet for the tenant space's primary front façade, and the applicant is requesting a 28 square foot variance.
- 1) That strict compliance with dimensional sign regulations would not unreasonably prevent the owner from using the property for a permitted purpose, and would not thereby render the conformity unnecessarily burdensome for other than financial reasons;
- 2) That a variance will not 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;
- 3) That the plight of the owner is not due to unique circumstances of the property;
- 4) That the requested variance is not the minimum amount necessary to permit reasonable use of the land, building or structure;
- 5) That the authorization of such variance will be of substantial detriment to adjacent properties and/or will materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community;
- 6) That the need for the requested variance is the result of actions of the property owner or previous property owners.

**Attachments**

- Maps
- ZBA Application
- Email Correspondence w/ Applicant
- Section 15.06 – Variances and Appeals
- Section 12.07.2 – Regulations for Permitted Signs (B-2, Community Business District)
- Public Hearing Notice