



MEMORANDUM

Report Date: February 27th, 2025
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: March 6th, 2025
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Dimensional Temporary Sign Variance
 PZBA 25-01; 27351 Dequindre Road

REQUEST

The applicant, Image 360 Brighton on behalf of Henry Ford Health, requests one (1) dimensional variance from the Madison Heights Zoning Ordinance pertaining to temporary signage. The subject property is located at 27351 Dequindre Road (tax parcel # 44-25-13-426-031) and is zoned O-1, Office. The property is located on the west side of Dequindre Road, north of 11 Mile Road, and is improved with the Henry Ford Madison Heights Hospital (formerly Ascension Macomb-Oakland Hospital).

The applicant requests a variance from Section 12.07.3 of the Zoning Ordinance which sets a maximum area of sixteen (16) square feet for temporary signs in the O-1 district. The applicant requests to install one (1) 15 ft. by 45 ft. temporary banner (675 sq. ft.) along the side of the hospital tower, requiring a 659 square foot dimensional variance.

Proposed Banner

The 675 square foot banner is proposed on the east façade of the hospital tower adjacent to the main access drive; the hospital tower is set back approximately four-hundred feet (400 ft.) from the Dequindre Road right-of-way. The banner is proposed to be attached to the building face with concrete anchors. While the applicant has not formally indicated a maximum length of time for hanging the banner, an email dated November 13th, 2024 suggested a length of six (6) months .

Proposed Banner – Dimensions and Renderings



Side View



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 Dequindre Road due to building setbacks and the ability to inform patients/visitors of the ownership/name change of the hospital as justifications for the requested 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 temporary 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. **If the ZBA moves to approve the requested variances, staff suggests the following conditions of approval:**

1. A maximum of one (1) temporary banner shall be placed on the hospital building in the location presented within the variance application.
2. The temporary banner shall be removed from the building no later than one (1) year from the date of ZBA approval. Any extension of this time limit shall require a new application and public hearing in front of the ZBA.

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) temporary banner measuring 675 square feet at the subject property located at 27351 Dequindre Road. This motion being made after the required public hearing based upon the following findings:

- 1) That Section 12.07.3 of the Zoning Ordinance sets a maximum area of sixteen (16) square feet for temporary signs in the O-1 district, and the applicant is requesting a 659 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:

- 1) A maximum of one (1) temporary banner shall be placed on the hospital building in the location presented within the variance application.
3. The temporary banner shall be removed from the building no later than one (1) year from the date of ZBA approval. Any extension of this time limit shall require a new application and public hearing in front of the ZBA.

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 requesting one (1) temporary banner measuring 675 square feet at the subject property located at 27351 Dequindre Road. This motion being made after the required public hearing based upon the following findings:

- 1) That Section 12.07.3 of the Zoning Ordinance sets a maximum area of sixteen (16) square feet for temporary signs in the O-1 district, and the applicant is requesting a 659 square foot variance.
- 2) 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;
- 3) 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;
- 4) That the plight of the owner is not due to unique circumstances of the property;
- 5) That the requested variance is not the minimum amount necessary to permit reasonable use of the land, building or structure;
- 6) 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;
- 7) 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 12.03 – Signs Not Requiring Permits
- Section 12.07.3 – Regulations for Permitted Signs (O-1, Office District)
- Public Hearing Notice