



# MEMORANDUM

Date: October 19<sup>th</sup>, 2022  
To: City of Madison Heights Zoning Board of Appeals  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Sign Height Variance (Ground Sign)  
PZBA 22-09; 26040 Pinehurst Drive

## REQUEST

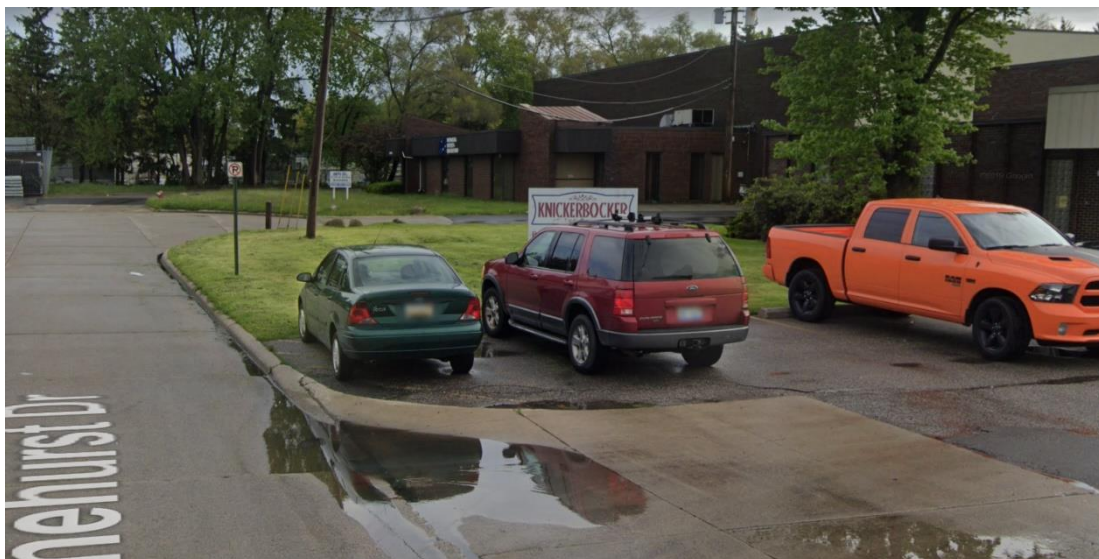
The applicant, *Firas Hanna, LLC*, requests a variance from the maximum ground sign height requirement of Section 10.511(IV)(C)(4). The subject property is located at 26040 Pinehurst Drive and is zoned M-1, Light Industrial.

Per Section 10.511(IV)(C)(4), M-1-zoned properties are permitted a maximum ground sign height of six (6) feet, measured from the ground to the highest point of the sign. The applicant proposes to remove an existing ground sign and utilize the footings for a new eight (8) foot-tall ground sign. As such, the applicant requests a sign height variance of two (2) feet.

## STAFF ANALYSIS

The applicant did not provide responses to the variance criteria or justification(s) for the requested variance within their application. However, based upon street view images of the subject property, staff believes the applicant requests additional sign height due to the presence of parking spaces in the front yard, as shown below.

***Parking Spaces in front of Existing Sign***



Additional sign height would allow for the sign to stick up above parked cars and increase visibility of the sign from Pinehurst Drive. Staff notes that the green car in the image above is parked within the Pinehurst Drive right-of-way and not within a designated parking space on the subject property.

## VARIANCE FINDINGS

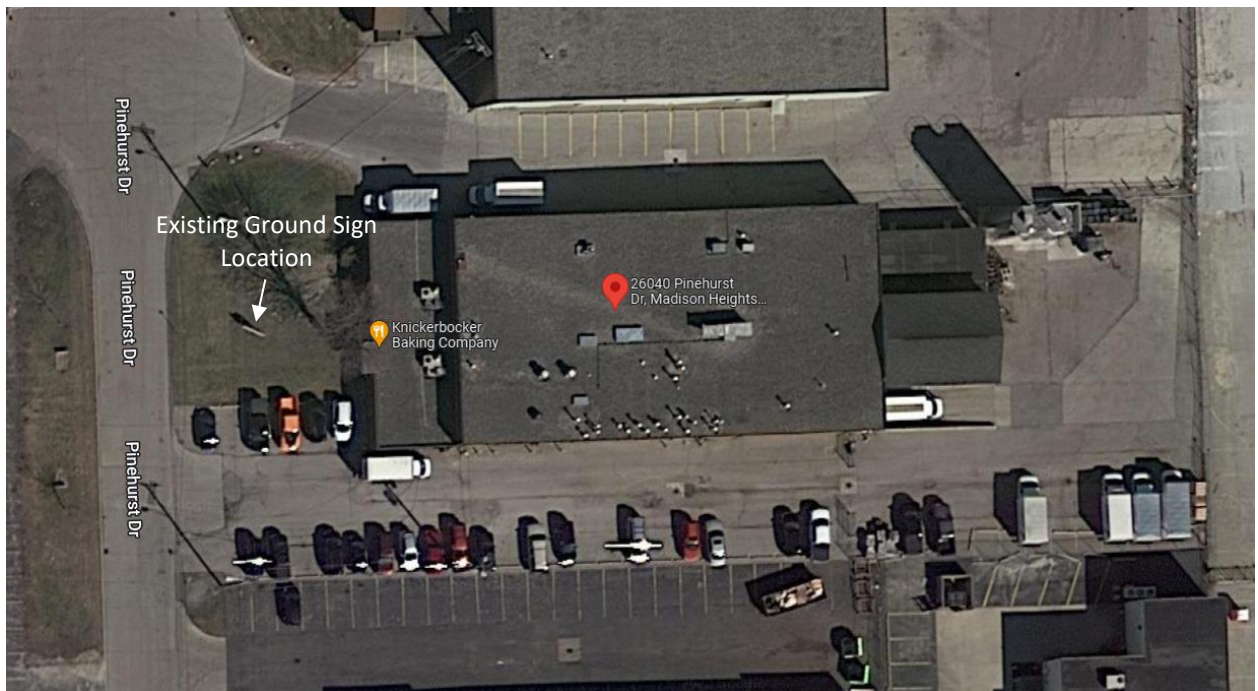
Section 10.804(2) outlines criteria for reviewing variance requests, summarized below with staff comments:

- ***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:

The subject parcel itself does not appear to contain exceptional features as it is a conforming M-1 parcel with a typical rectangular shape, and frontage along an industrial cul-de-sac. However, the site layout is legally non-conforming because there are existing parking spaces within the front yard setback; current Zoning Ordinance regulations prohibit parking within the front yard setback in industrial districts. As shown in the images above and below, cars parked in front of the building block the visibility of the ground sign.

***Aerial Image of Subject Property***



- ***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 the property could continue to be used for industrial purposes in the absence of the requested variance. Further, alternative sign placement or elimination of the

front yard parking would likely resolve the sign visibility issues. However, staff finds that the requested variance could be granted without causing substantial detriment to the public good and without changing the industrial character of the surrounding area.

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 discussed the variance request at their October 12<sup>th</sup>, 2022 meeting. The SPRC did not find practical difficulties related to site conditions and found that alternative sign placement or modification of the parking area could eliminate the need for this variance.

#### **ZBA ACTION**

**Any ZBA motion should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805.** 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.

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#### **CODE REFERENCES**

##### ***Sec. 10.804. - Power of zoning board of appeals.***

**(2) Variance.** *To authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, 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. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.*

##### ***Sec. 10.805. - Standards.***

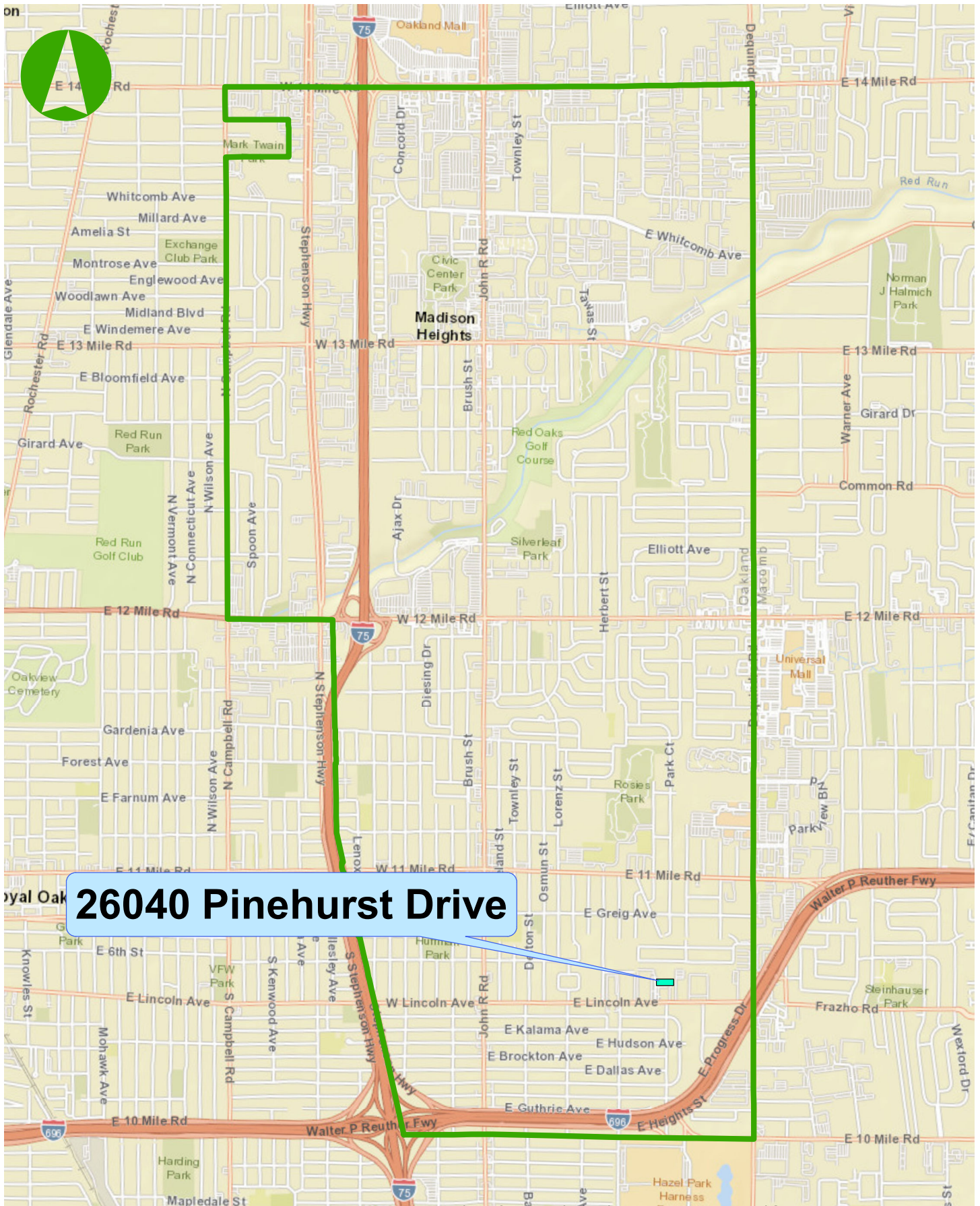
*Each case before the city council, zoning board of appeals or plan commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:*

- 1) The location and size of the use.*

- 2) *The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) *Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.*
- 4) *The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- 5) *Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.*
- 6) *Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.*
- 7) *The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*
- 8) *The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.*
- 9) *The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.*



# ZBA CASE: 22 - 09



# Site Address: 26040 Pinehurst Drive



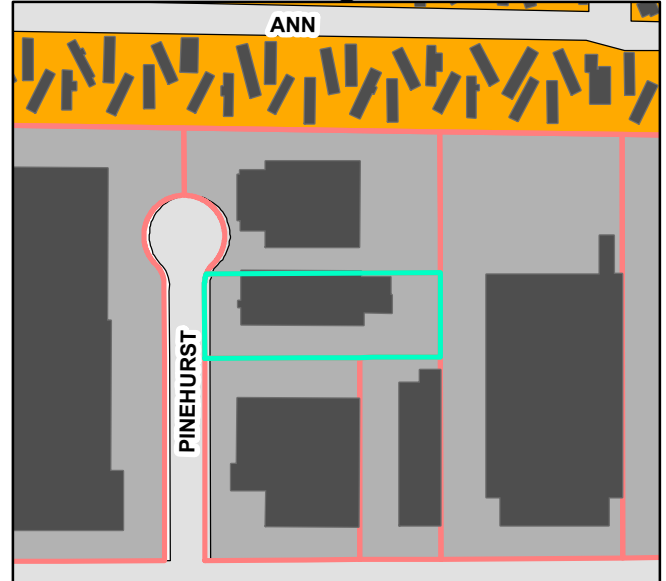
Click for map

Aerial



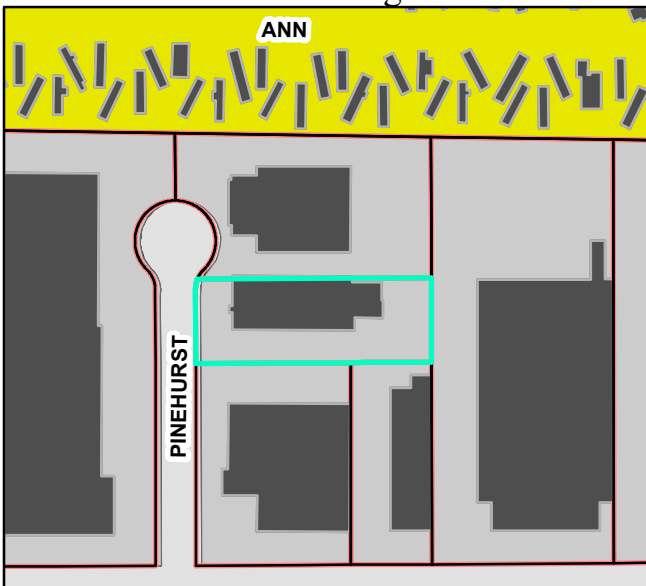
- 26040 Pinehurst Drive
- Parcels

Existing Land Use



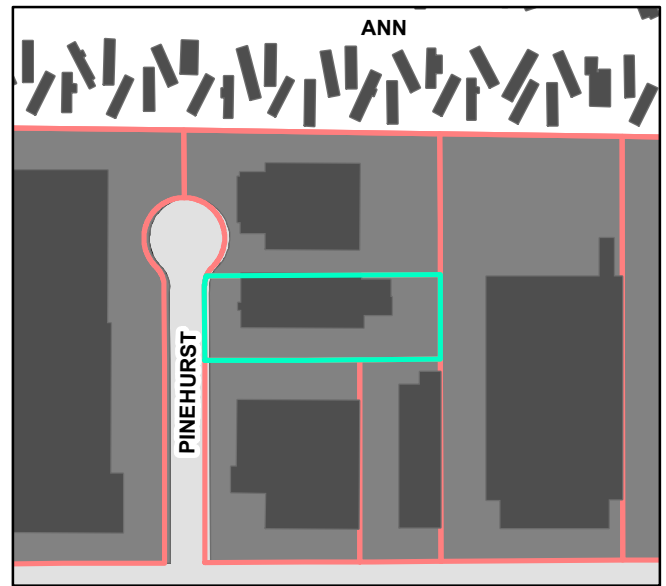
- 26040 Pinehurst Drive
- Buildings
- Parcels
- Mobile Home Park
- Industrial
- Public

Zoning



- 26040 Pinehurst Drive
- Buildings
- Parcels
- M-1 Light Industrial
- H-M Mobile Homes

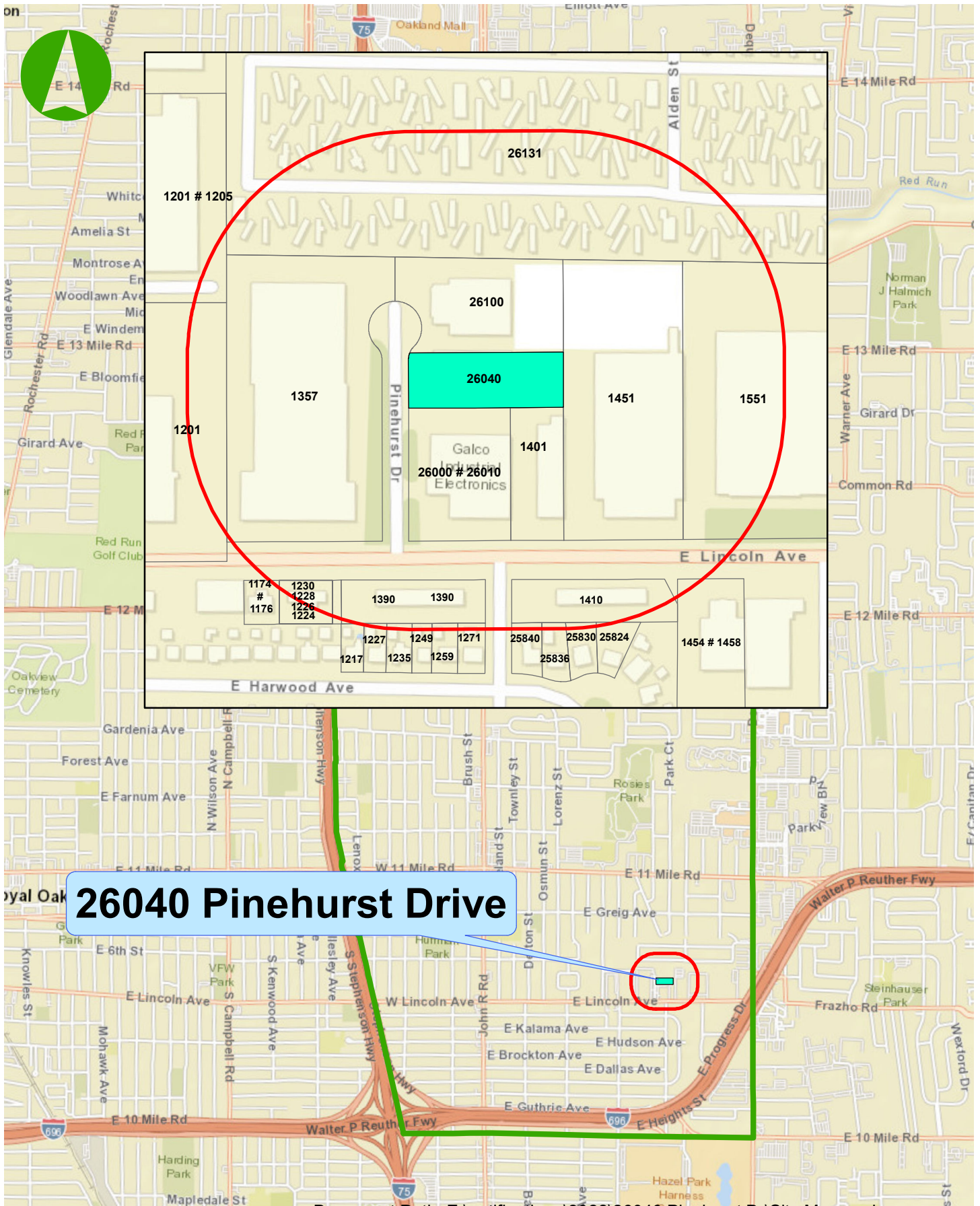
Future Land Use



- 26040 Pinehurst Drive
- Buildings
- Industrial
- Single Family



**ZBA CASE: 22 - 09**  
**500 Ft Buffer**



## **NOTICE OF PUBLIC HEARING**

Notice is hereby a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **Break Room of the Department of Public Services (DPS) Offices** at **801 Ajax Drive**, Madison Heights, Oakland County, Michigan 48071 on **Thursday, November 3<sup>rd</sup>, 2022 at 7:30 p.m.** to consider the following requests:

### **(A) Case # PZBA 22-08: 901 W. Whitcomb Avenue**

REQUEST: The petitioner, Kevin Lawrence, requests a variance from city sign regulations, Section 10.511(IV)(C)(4) of the Zoning Ordinance, pertaining to maximum wall sign area. The subject property is located at 901 W. Whitcomb Avenue (tax parcel # 44-25-02-328-011) and is zoned M-2, Heavy Industrial.

### **(B) Case # PZBA 22-09: 26040 Pinehurst Drive**

REQUEST: The petitioner, Firas Hanna, requests a variance from city sign regulations, Section 10.511(IV)(C)(4) of the Zoning Ordinance, pertaining to maximum ground sign height. The subject property is located at 26050 Pinehurst Drive (tax parcel # 44-25-24-251-019) and is zoned M-1, Light Industrial.

The applications and any supporting documents can be viewed during regular business hours at the Community & Economic Development Department. In addition, the agenda items can be viewed online at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center after 4:00 p.m. on the Friday before the meeting.

If you are unable to attend the meeting, you can send your comments via email to: [MattLonnerstater@madison-heights.org](mailto:MattLonnerstater@madison-heights.org) and your comment will be read into the record at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the meeting.

CITY CLERK'S OFFICE  
(248) 583-0826





## CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

P213A 22-09

Date Filed:

10.4-22

(This application must be typed)  
SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Firas Hanna  
Address: 26040 Pinehurst Dr  
City: Madison Heights State: MI Zip: 48071  
Telephone: 2486336372 Fax: \_\_\_\_\_  
Email: firashanna24@yahoo.com
2. **Petitioner's Interest in Property:** Owner
3. **Property Owner:** (Attach list if more than one owner)  
Name: Firas Hanna  
Address (Street): 26040 Pinehurst Dr  
City: Madison Heights State: MI Zip: 48071  
Telephone: \_\_\_\_\_  
Email: firashanna24@yahoo.com
4. **Property Description:**  
Address: 26040 Pinehurst Dr  
Tax Parcel #: 44-25-24-251-019  
Legal Description - Attach if metes and bounds description.  
If in a subdivision: Lot #: \_\_\_\_\_  
Subdivision name: \_\_\_\_\_  
Lot size: \_\_\_\_\_  
Size of proposed building or addition: \_\_\_\_\_
5. **Present Zoning of Property:** M-1 LT **Present Use:** Bakery
6. **Action Requested:** (Check the appropriate section and attach response on separate sheets)

☐ **APPEAL OF AN ADMINISTRATIVE DECISION (Administrative Review)**

The applicant requests the Board of Appeals to reverse/modify the \_\_\_\_\_  
decision/interpretation of Article \_\_\_\_\_, Section \_\_\_\_\_. The decision should be  
reversed/modified because: (On a separate sheet describe in detail the nature of the problem, the  
reason for the request and the desired remedy)



## ZONING BOARD OF APPEALS APPLICATION

6. **Action Requested:** (Continued) (Check the appropriate section and attach response on separate sheets)

☒ **VARIANCE**

Request is hereby made for permission to erect ☐ alter ☐ convert ☐ or use ☐ a  
ground sign for advertisement Proposed 18 ft. tall etched 6 ft. maximum

Contrary to the requirements of Section(s) 10.511 (IV) of the Zoning Ordinance

\_\_\_\_\_ of the Zoning Ordinance

\_\_\_\_\_ of the Zoning Ordinance

The following questions must be answered fully on a separate sheet of paper:

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. (Note: Your district includes all areas of the City sharing a zoning designation with your property. If your zoning classification were B-1 (Local Business) your district would include all City lands zoned B-1.)
- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.
- D. Did the special conditions and/or circumstances result from your actions?
- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?
- F. Will granting the variance change the essential character of the area?

☐ **TEMPORARY PERMIT**

Applicant is requesting a Temporary Use ☐ and/or a Temporary Structure ☐

Describe in detail the proposed use or structure and the length of time requested.

☐ **INTERPRETATION OF ORDINANCE LANGUAGE IN SECTION \_\_\_\_\_**

Describe in detail the nature of the requested interpretation.

☐ **PUBLIC UTILITY BUILDING**

Describe in detail the proposed use or structure.

☐ **OTHER ACTION**

Describe in detail action requested.

7. **CASE HISTORY**

Have you been denied a permit for a building, sign or use on this property? Yes ☐ No ☒

Has there been any previous appeal involving these premises? Yes ☐ No ☒

(If yes, provide character and disposition of previous appeals.)

# ZONING BOARD OF APPEALS APPLICATION

Application No.: \_\_\_\_\_

Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

**FOR THE OWNER:**

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date 09-10-22 \_\_\_\_\_

**FOR THE APPLICANT IF NOT THE OWNER:**

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Note: A notarized letter of authority or a power of attorney may be substituted for the original signature of the owner.

Notices are to be sent to the Applicant ☐ Owner ☐

**ATTACHED HERETO, AND MADE PART OF THIS APPLICATION, ARE THE FOLLOWING:** (All required items must be submitted with this application)

- ☐ 1. Two copies of drawings of Site Plan (no larger than 11"x 17") drawn to scale and containing all necessary dimensions and all features involved in this appeal, including measurements showing open space on abutting properties.
- ☐ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☐ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☐ 6. Applicable fees:
  - A. Variance Review (Single Family) \$300.00
  - B. Variance Review (Dimensional) \$400.00 plus \$300 per variance
  - C. Use Variance Review \$1,000.00

**OFFICE USE ONLY****APPROVALS**

Approved for hearing by City Attorney \_\_\_\_\_

Approved for hearing by C.D.D. \_\_\_\_\_

Reviewed by Site Plan Committee \_\_\_\_\_

**INTER-DEPARTMENTAL NOTIFICATION**

Community Development Department \_\_\_\_\_

Fire Department \_\_\_\_\_

Department of Public Services \_\_\_\_\_

**ZONING BOARD OF APPEALS**

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

FEE: \$ \_\_\_\_\_

PAID: \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_





**Total Signage 40' Sq Ft**





26040 Pinehurst Dr

25'

Ground  
Sign