

Zoning Board of Appeals Meeting
Madison Heights, Michigan
December 04, 2025

A Zoning Board of Appeals Meeting was held on Thursday, December 04, 2025, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

PRESENT: Chair Kimble and members: Aaron, Corbett, Covert, Fleming, Marentette, Sagar, and Thompson

ABSENT: Holder, Loranger, and Oglesby

ZBA 33-25. Excuse member(s).

Motion made by Ms. Marentette, Seconded by Mr. Sagar., to excuse Ms. Cindy Holder, Mr. Del Loranger, and Mr. Clifford Oglesby from tonight's meeting.

Voting Yea: Corbett, Kimble, Marentette, Sagar, Councilwoman Aaron, Covert, Thompson

Absent: Holder, Loranger, Oglesby

Motion carries.

ZBA 34-25. Minutes.

Motion made by Ms. Covert, Seconded by Ms. Marentette, to approve the September 4, 2025, Meeting Minutes as presented.

Voting Yea: Kimble, Marentette, Sagar, Councilwoman Aaron, Covert, and Thompson

Voting Abstaining: Corbett

Absent: Holder, Loranger, Oglesby

Motion carries.

ZBA 35-25. Case # PZBA 25-10: 32500 John R Road

City Planner Lonnerstater reviewed the staff report provided in the meeting packet, incorporated herein:

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.

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.

---- [end of staff report] ---

Chair Kimble opened the public hearing at 7:42 p.m. to hear comments on application PZBA #25-10.

There being no comments on application #25-10, Chair Kimble closed the public hearing at 7:43 p.m.

Mr. Elton Topalli, Signs & Engraving, Inc., on behalf of applicant Marija Dedvukaj stated that the request is for a variance to keep the existing pole sign at its current height. A shorter sign would not be visible due to nearby buildings and the property's setback. The 15 feet height restores visibility and makes use of the existing base. The variance allows for fair visibility consistent with other nearby businesses and the prior sign at this location. The property sits farther back than neighboring buildings, reducing visibility. A taller sign is needed for drivers to see it safely. The 15 feet height is the minimum needed for visibility; it's not excessive and fits the scale of the site. The taller sign matches nearby commercial signs and our other business locations, maintaining a consistent, professional look. The need comes from the property's location and existing base. Mr. Topalli replied to Councilwoman Aaron's inquiry that the Wendy's sign was removed before the property was sold.

City Planner Lonnerstater replied to Ms. Marentette's inquiry that a monument sign is a ground-level, freestanding sign, often built with brick, stone, or concrete, that permanently identifies the business. He responded to Ms. Covert's comment that although 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.

Assistant City Attorney advised the board that the type of sign preferences is illegal to recommend if the applicant meets criteria.

Motion made by Mr. Sagar, and Seconded by Ms. Thompson, to **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.

Voting Yea: Sagar, Kimble, Thompson

Voting Nay: Aaron, Corbett, Marentette, Covert

Motion fails.

Motion made by Ms. Corbett, and Seconded by Ms. Thompson, to **POSTPONE** the variance request to permit the installation of a nonpermitted pylon sign type that exceeds that maximum permitted height for ground signs at the subject property located at 32500 John R Road to the next meeting on **Thursday, January 8, 2026**. This motion, being made after the required public hearing, to give the applicant time to submit revised plans, including a reduced height and a modified pylon sign design.

Voting Yea: Corbett, Kimble, Marentette, Sagar, Councilwoman Aaron, Covert, Thompson

Absent: Holder, Loranger, Oglesby

Motion carries.

ZBA 36-25. Public Comment: For items not listed on agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 8:04 p.m. and closed the public comment at 8:05 p.m.

ZBA 37-25. New Business

City Planner Lonnerstater reviewed the 2026 ZBA Meeting Calendar.

ZBA 38-25. Adjournment.

Motion to adjourn made by Ms. Corbett, Seconded by Ms. Thompson.

Voting Yea: Corbett, Kimble, Marentette, Sagar, Councilwoman Aaron, Covert, Thompson

Absent: Holder, Loranger, Oglesby

Motion carries.

There being no further business, Chair Kimble adjourned the meeting at 8:06 p.m.