

Zoning Board of Appeals Meeting
Madison Heights, Michigan
January 08, 2026

A Zoning Board of Appeals Meeting was held on Thursday, January 08, 2026, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

PRESENT: Chair Kimble and members: Corbett, Covert, Holder, Loranger, Oglesby, Sagar, and Thompson

ABSENT: Councilwoman Aaron and Marentette

ZBA 01-26. Excuse member(s).

Motion made by Ms. Holder, Seconded by Mr. Oglesby, to excuse Councilwoman Aaron and member Marentette from tonight's meeting.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Ms. Marentette

Motion carried.

ZBA 02-26. Minutes.

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

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

ZBA 03-26 PZBA #25-11: 31075 John R Road

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

REQUEST

The applicant, Matthew Abro, is appealing an administrative decision made by the City Planner, acting in the capacity of the Planning and Zoning Administrator, to deny a Certificate of Occupancy application for a tobacco/smoke shop at 31075 John R Road.

STAFF COMMENT AND ZBA ACTION

The City Planner, Matt Lonnerstater, summarized the staff report: The applicant has appealed the Planning and Zoning Administrator's decision to deny a Certificate of Occupancy (CofO) for his business. The facts presented in this staff report and the included attachments provide the reasoning for the Planning and Zoning Administrator's decision. This is not a variance request, and the criteria for reviewing an appeal differ from that of a variance request. In this case, the Zoning Board of Appeals is tasked with determining whether the Planning and Zoning Administrator (City Planner) made an error in their decision to deny the CofO. The onus is on the applicant/petitioner to prove that an error was made.

Based on general zoning practice, a reversal or modification of the Planning and Zoning Administrator's decision may be made if the ZBA finds one of the following to be true:

- (1) The decision was arbitrary or capricious; or
- (2) The decision was based on erroneous findings of fact; or
- (3) The decision was a clear abuse of discretion; or
- (4) The decision was based on an erroneous interpretation of the Zoning Ordinance.

The ZBA should not treat the appeal as a new decision. Rather, review of the decision should be limited to the information that was available to the Planning and Zoning Administrator when the decision to deny the Certificate of Occupancy application was made.

Following the consideration of all testimony, documentary evidence, and matters of record, and following the public hearing, the ZBA shall make a determination on the appeal unless an extension of time is agreed to by the applicant and the ZBA. Any ZBA motion, including a decision to either uphold or overturn the decision of the Planning and Zoning Administrator, shall include clear and concise findings of fact relating to the appeal.

Chair Kimble opened the public hearing at 7:37 p.m. to hear comments on application #25-11.

Appellant, Matthew Abro, explained the appeal: He sought to open a "Smokin Bear Tobacco" retail shop in a suite zoned B-1, Neighborhood Business. The appellant argued that significant investment was made in the build-out, including interior modifications, plumbing, and a new facade, and that city inspectors were aware of the intended use throughout the process. He further noted that a tobacco shop had previously operated in the same plaza.

City Planner Lonnerstater clarified that while building permits were issued for construction, issuance of a permit does not guarantee compliance with zoning codes. Upon review of the Certificate of Occupancy (CofO) application, it was determined that a "tobacco and smoke shop" was not a permitted use in the B-1 district under the current Zoning Ordinance adopted in 2024. The Zoning Ordinance defines such shops as stores primarily selling tobacco products, which are excluded from the B-1 use table.

Assistant City Attorney Burns advised the Board to determine if the City Planner was the appropriate authority and if the regulation was properly enforced.

There being no comments on application #25-11, Chair Kimble closed the public hearing at 8:13 p.m.

Motion made by Ms. Holder, Seconded by Mr. Oglesby, **MOVE** that the Zoning Board of Appeals hereby affirms and upholds the administrative decision of the City Planner, acting in the capacity of the Planning and Zoning Administrator, to deny a Certificate of Occupancy for a tobacco/smoke shop at 31075 John R Road, zoned B-1, Neighborhood Business. This decision is based upon the finding that the Planning and Zoning Administrator acted on the submitted Certificate of Occupancy application in accordance with the Madison Heights Zoning Ordinance.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

ZBA 04-26. Public Comment: For items not listed on agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 8:14 p.m. and closed the public comment at 8:15 p.m.

ZBA 05-26. 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 drivethrough fast-food restaurant which is in the process of being converted into a Coney Island restaurant. At their December 4th, 2025 the Zoning Board of Appeals postponed action on the variance requests to allow time for the applicant to explore alternative sign heights and designs.

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.

Chair Kimble opened the public hearing at 8:17 p.m. to hear comments on application #25-10.

City Planner Lonnerstater advised this case was a continuation from December 4, 2025, meeting regarding a variance for a pylon sign. The applicant returned with revised plans after the board previously requested a shorter height. The revised "Option A" proposed a 12-foot-tall pylon sign (a 4-foot variance from the 8-foot limit) featuring a decorative masonry base. The applicant cited visibility issues due to the building's setback and neighboring structures as a practical difficulty. City Planner Lonnerstater noted that the previous sign on the site was 21 feet tall, and the new proposal represented a 9-foot reduction in the existing non-conformity. It was also noted that the pole base was already existing on the property.

There being no comments on application #25-10, Chair Kimble closed the public hearing at 8:26 p.m.

Motion made by Mr. Oglesby, Seconded by Ms. Corbett, 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. 5) The applicant proposes a 12 or 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 either a four (4) or seven (7) foot variance.
- 3) 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).

Approval is granted with the following conditions:

- (1) The maximum pylon sign height shall be twelve (12) feet from grade as presented in “Option A”, resulting in a four (4) foot variance.
- (2) The pylon sign shall feature a decorative masonry base as presented in “Option A”.
- (3) The pylon sign shall not be located within any required clear vision corner as contained in Section 8.06 of the Zoning Ordinance.

Voting Yea: Corbett, Holder, Loranger, Oglesby, Covert

Voting Nay: Kimble, Sagar, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

ZBA 06-26. Officer Elections: Chair

Chair Kimble called for nominations for the position of Chairperson of the Board.

Ms. Thompson nominates Mark Kimble as Chair.

Mark Kimble accepts the nomination for the Chair position.

Motion made by Ms. Thompson, Seconded by Mr. Oglesby, to approve Mark Kimble as Chair.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

ZBA 07-26. Officer Elections: Vice Chair

Chair Kimble called for nominations for the position of Vice Chairperson of the Board.

Chair Kimble nominates Gloria Thompson as Vice Chair.

Ms. Thompson accepts the nomination for the Vice Chair position.

Motion made by Ms. Holder, Seconded by Ms. Covert, to postpone the appointment of Vice Chair Gloria Thompson until such time that she is formally appointed as a regular member of the ZBA by City Council.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

ZBA 08-26. Adjournment.

Motion made by Ms. Holder, Seconded by Ms. Covert.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

There being no further business, Chair Kimble adjourned the meeting at 8:32 p.m.