



**CITY OF MADISON HEIGHTS  
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.  
ZONING BOARD OF APPEALS AGENDA  
APRIL 03, 2025 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**ADDITIONS/DELETIONS**

**APPROVAL OF MINUTES**

1. March 6th, 2025 Meeting Minutes

**PUBLIC HEARING**

2. **Case # PZBA 25-04: 32275 Stephenson Hwy. - Alteration of Legally Nonconforming Pylon Sign**

REQUEST: The applicant and property owner, Ahmad Nassar d/b/a Detroit 75 Kitchen, requests a variance from Section 12.09 of the Zoning Ordinance to permit the structural alteration of a legally non-conforming pylon sign. The property is located at 32275 Stephenson Highway (PIN 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1.

**MEETING OPEN TO THE PUBLIC: Items not listed on agenda**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**MEMBER UPDATES**

**PLANNER UPDATES**

**ADJOURNMENT**

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: [clerks@madison-heights.org](mailto:clerks@madison-heights.org) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Zoning Board of Appeals  
Madison Heights, Michigan  
March 06, 2025

A Zoning Board of Appeals was held on Thursday, March 06, 2025 at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

PRESENT: Chair Kimble and members: Aaron, Corbett, Fleming, Holder (arrived @ 8:10 p.m.), Loranger, Marentette, and Thompson

ABSENT: Oglesby and Sagar

**ZBA 01-25. Minutes**

Motion made by Ms. Aaron, Seconded by Ms. Marentette, to approve the December 5, 2024, Meeting Minutes as presented.

Voting Yea: Aaron, Corbett, Kimble, Loranger, Marentette, Fleming, and Thompson

**ZBA 02-25. Excuse member(s)**

Motion made by Ms. Marentette, Seconded by Ms. Aaron, to excuse Mr. Clifford Oglesby from tonight’s meeting.

Voting Yea: Aaron, Corbett, Kimble, Loranger, Marentette, Fleming, and Thompson

**ZBA 03-25. Case # PZBA 25-01: 27351 Dequindre Road**

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

**REQUEST**

The applicant, Image 360 Brighton, on behalf of property owner Henry Ford Health, requests a dimensional sign variance from Section 12.03 and 12.07 of the Zoning Ordinance pertaining to the maximum size of a temporary sign, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 27351 Dequindre Road (PIN 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.

### **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.

Robert Dempster, Image 360 Brighton, representing Henry Ford Health System at 27351 Dequindre Road. Henry Ford Health System acquired 9 hospitals and rebranded them. The banner will remain up for one year and the monument and directional signs will go through the sign permit review process.

Chair Kimble opened the public hearing at 7:42 p.m. to hear comments on application #25-01.

There being no comments on application #25-01, Chair Kimble closed the public hearing at 7:43 p.m.

Motion made by Ms. Aaron, Seconded by Ms. Corbett, to 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.

Voting Yea: Aaron, Corbett, Kimble, Loranger, Marentette, Fleming, and Thompson

**ZBA 04-25. Case # PZBA 25-02: 29305/29411 John R Road**

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

**REQUEST**

The applicant, Hang Phonrath d/b/a Kim Nhung Superfood, Inc., on behalf of property owner William Gershenson, requests a dimensional sign variance from Section 12.07 of the Zoning Ordinance pertaining to maximum wall sign area allowances, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 29305/29411 John R Road (PIN 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.

### **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.

Applicant Hang Phonrath, Kim Nhung Superfood, Inc., there will be a grocery store and a food court with seven (7) additional units for restaurants. The units are 600 square feet each for seven (7) different food styles and a common area to eat. They're in the middle of signing a lease agreement with a Thai street food, a Korean, a bakery from Ann Arbor, a Filipino, a sushi, a Vietnamese, and a noodle restaurant.

Chair Kimble opened the public hearing at 7:56 p.m. to hear comments on application #25-02.

There being no comments on application #25-02, Chair Kimble closed the public hearing at 7:57 p.m.

Motion made by Councilman Fleming, Seconded by Ms. Thompson, to 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.

Voting Yea: Aaron, Corbett, Kimble, Loranger, Marentette, Fleming, and Thompson

**ZBA 05-25. Case # PZBA 25-03: 32275 Stephenson Highway**

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

**REQUEST**

The applicant and property owner, Ahmad Nassar, requests a variance from Section 8.05.5 of the Zoning Ordinance pertaining to fence materials, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 32275 Stephenson Highway (PIN 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1. The property is located on the west side of Stephenson Highway north of Whitcomb Ave. and is improved with a 3,200 square foot building. The applicant currently operates a food truck on the site

and is in the process of renovating building to accommodate their new brick and mortar restaurant.

The applicant requests a variance from Section 8.05.5.F of the Zoning Ordinance which states that, “materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.” The applicant intends to hang a decorative fabric covering over a fence adjacent to the western (rear) property line, and over a new chain link fence surrounding an outdoor storage area at the rear of the building.

### **Proposed Fence Covering**

Per the application, the proposed fence coverings will consist of 100% UV-resistant, high-quality fabric and feature a decorative design which may be updated seasonally. The fabric is fade-proof and will be professionally maintained. The images below depict examples of the designs which may be used on site

### **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 regulation that prohibits materials from being hung over or placed within chain link fences was carried over from the previous Zoning Ordinance, and was likely put in place to prevent this material from becoming torn, ripped or damaged over time which can present unsightly conditions. 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 limited impact to adjacent properties, high quality materials, and attractive design as justification for the 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 traditional screening on the property, variances may be warranted.

If a motion to approve the variance is presented, staff recommends several conditions of approval to further limit adverse impacts on adjacent property, ensure compatibility with the Zoning Ordinance's screening standards, and ensure the long-term durability and maintenance of the fabric material:

#### **Suggested conditions:**

1. The location of the fabric material shall be limited to those areas depicted within the application.

2. The fabric material shall be kept in good condition, maintained regularly, and shall be properly secured to the fencing at all times.
3. The design of the fabric cover may be permitted to be changed from time to time, with notification provided to the Planning and Zoning Administrator. However, text shall not be permitted on the fabric at any time.
4. On the fence adjacent to the rear property line, the exterior western-facing side of the fabric cover shall feature a solid color so as to not present a distracting design towards the adjacent school property.
5. After a public hearing, and at the recommendation of the Planning and Zoning Administrator, the Zoning Board of Appeals may revoke this variance upon a finding that the applicant or property owner has failed to comply with any of the above conditions.

### **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.

Applicant Ahmad Massar, Detroit 75 Kitchen, shared that the family business has been operating for 11 years starting in Detroit. The rear screen wall material is a UV-resistant fabric that will be professionally maintained and have seasonal updates. The fence covering material is a UV-resistant fabric that will be decorative and durable, with seasonal rotation and maintenance to align with brand standards. Temporary fencing will be removed once brick and mortar opens. The rear of the building will be converted to storage with screening and they are proposing a patio area in the front of the building with proper barrier for cars to be submitted to the Building Department.

Chair Kimble opened the public hearing at 8:11 p.m. to hear comments on application #25-03.

There being no comments on application #25-03, Chair Kimble closed the public hearing at 8:12 p.m.

Motion made by Ms. Thompson, Seconded by Mr. Loranger, to approve the variance to allow fabric fence coverings at the property located at 32275

Stephenson Highway. This motion, being made after the required public hearing, is based upon the following findings:

- 1) That 8.05.5.F of the Zoning Ordinance states that, “materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.”
- 2) That strict compliance with fence materials 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 unique site layout and orientation; 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. The location of the fabric material shall be limited to those areas depicted within the application.
2. The fabric material shall be kept in good condition, maintained regularly, and shall be properly secured to the fencing at all times.
3. The design of the fabric cover may be permitted to be changed from time to time, with notification provided to the Planning and Zoning Administrator. However, text shall not be permitted on the fabric at any time.
4. On the fence adjacent to the rear property line, the exterior western-facing side of the fabric cover shall feature a solid color so as to not present a distracting design towards the adjacent school property.
5. After a public hearing, and at the recommendation of the Planning and Zoning Administrator, the Zoning Board of Appeals may revoke this variance upon a

finding that the applicant or property owner has failed to comply with any of the above conditions.

Voting Yea: Aaron, Corbett, Holder, Kimble, Loranger, Marentette, Fleming, and Thompson

**ZBA 06-25. Public Comment: For items not listed on the agenda.**

Seeing no one wished to comment, Chair Kimble opened public comment at 8:16 p.m. and closed the public comment at 8:17 p.m.

**ZBA 07-25. Officer Elections: Chair and Vice Chair**

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

Ms. Holder nominates Mark Kimble as Chair and Toya Aaron as Vice-Chair.

Mark Kimble accepts the nomination for the Chair position and Toya Aaron accepts the nomination for the Vice-Chair position.

Motion made by Ms. Holder, Seconded by Ms. Corbett, to approve Mark Kimble as Chair and Toya Aaron as Vice-Chair.

Voting Yea: Aaron, Corbett, Holder, Kimble, Loranger, Marentette, Fleming, and Thompson

**ZBA 08-25. Member updates**

Chair Kimble wished Mr. Oglesby the best with his recovery.

Ms. Marentette provided Mr. Oglesby’s home address to send him get well cards.

**ZBA 09-25. City Planner updates**

City Planner Lonnerstater shared that him and his wife welcomed a new baby girl in January.

**ZBA 10-25. Adjournment**

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

Voting Yea: Aaron, Corbett, Holder, Kimble, Loranger, Marentette, Fleming, and Thompson

Motion Carried.

There being no further business, Chair Kimble adjourned the meeting at 8:20 p.m.



# MEMORANDUM

Report Date: March 28<sup>th</sup>, 2025  
 To: City of Madison Heights Zoning Board of Appeals  
 Meeting Date: April 3<sup>rd</sup>, 2025  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Structural Alteration of Nonconforming Pylon Sign  
 PZBA 25-04; 32275 Stephenson Hwy.

## REQUEST

The applicant, Ahmad Nassar d/b/a Detroit 75 kitchen, requests a variance from **Section 12.09** of the Madison Heights Zoning Ordinance to permit the **structural alteration of a legally non-conforming pylon sign**. The property is located at 32275 Stephenson Highway (tax parcel # 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1. The property is located on the west side of Stephenson Highway north of Whitcomb Ave. and is improved with a 3,200 square foot building. The applicant currently operates a food truck on the site and is in the process of renovating building to accommodate their new brick and mortar restaurant.

The property features an existing 24-foot-tall pylon sign adjacent to Stephenson Highway, pictured on the following page. The applicant proposes to remove the existing side-mounted sign cabinet (approximately 50 sq. ft.) and replace it with a new top-mounted sign cabinet (approximately 54 sq. ft.). The applicant proposes to reutilize the existing pole and ultimately maintain the 24-foot total sign height (officially 23 ft. 9 in.). The Zoning Ordinance does not permit new pylon signs, defined as a *“freestanding outdoor sign with either one or two poles for support.”* As such, the existing pylon sign is considered a legally non-conforming sign.

Per Section 12.09.3 of the Zoning Ordinance (Nonconforming Signs), a nonconforming sign shall not be, *“structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face is permitted on a non-conforming sign if there are no other structural modifications.”* While the applicant proposes to utilize the existing sign pole and maintain the 24-foot-tall sign height, the applicant proposes a new sign cabinet, which is considered a structural alteration. Therefore, the applicant requests a variance from Section 12.09 to permit a new cabinet on the nonconforming pole sign.

## Regulations for Permitted Signs

To comply with Zoning Ordinance standards, the applicant would be required to remove the nonconforming pylon sign and replace it with a shorter monument sign. As opposed to a pylon sign (not permitted in the City), a monument sign is defined as a, *“freestanding sign mounted to the ground that does not have any exposed poles or pylons.”* Per Section 12.07, the maximum permitted height for a monument sign in the MUI-1 district is eight (8) feet.



**Proposed Pole Sign Cabinet (Left) and Existing Pole Sign Cabinet (Right)**



**Proposed Pole Sign Cabinet**

The proposed cabinet is approximately 54 square feet in area and features an aluminum face with push-through acrylic and a faux neon L.E.D. border. Internal illumination is proposed. The cabinet is proposed to sit atop the existing pole as opposed to the existing cabinet which is mounted to the side.

**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 request, the applicant primarily cites the historic precedent of pole signs along this stretch of Stephenson Highway, the potential for enhancement and modernization of an outdate pylon sign, and the fact that the new cabinet will not result in an increase in sign height, thus creating minimal impact or departure from existing conditions.

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 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,

### Attachments

- Maps
- ZBA Application
- Section 12.07.2 – Regulations for Permitted Signs (MUI-1, Mixed-Use Innovation 1 District)
- Section 12.09 – Nonconforming Signs
- Section 15.06 – Variances and Appeals
- Public Hearing Notice

**TEMPLATE MOTIONS**

**Variance – Structural Alteration to Legally Nonconforming Pylon Sign**

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

Move that the Zoning Board of Appeals **APPROVE** the variance request for the structural alteration of a legally nonconforming pylon sign on the subject property located at 32275 Stephenson Highway. This motion, being made after the required public hearing, is based upon the following findings:

- 1) Per Section 12.09.3 of the Zoning Ordinance, a nonconforming sign shall not be, *“structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face is permitted on a non-conforming sign if there are no other structural modifications.”*
- 1) The existing 24-foot-tall pylon sign located on the subject property is nonconforming in that the City of Madison Heights does not allow pylon signs as a permitted ground sign; it is further nonconforming in that it exceeds the maximum ground sign height of 8 feet permitted in the MUI-1 district. The applicant proposes to remove and replace the sign cabinet on this existing pylon sign against Ordinance standards.
- 2) The proposed cabinet will not increase the height of the existing pylon sign and will be of a similar area to the existing cabinet.
- 3) The requested variance generally 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. The requested variance is the minimum amount necessary to permit reasonable use of the existing nonconforming pylon sign; and
  - b. The authorization of the variance will not be of substantial detriment to adjacent properties and will not materially impair the health, safety, and general welfare of the community; and
  - c. 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 and will result in a modernized sign that will enhance the aesthetics of the Stephenson Highway corridor.

Approval is granted with the **following conditions** designed to ensure compliance with the intent and purpose of the sign regulations:

- 1) The total height of the pylon sign shall not exceed twenty-four (24) feet from grade;
- 2) The total area of the sign cabinet shall not exceed 55 square feet, consistent with that presented within the variance application.
- 3) Future face changes of the cabinet shall be permitted administratively in accordance with Section 12.09 of the Zoning Ordinance.

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

Move that the Zoning Board of Appeals **DENY** the variance request for the structural alteration of a legally nonconforming pylon sign at the subject property located at 32275 Stephenson Highway. This motion, being made after the required public hearing, based upon the following findings:

- 1) Per Section 12.09.3 of the Zoning Ordinance, a nonconforming sign shall not be, *“structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face is permitted on a non-conforming sign if there are no other structural modifications.”*
- 2) The existing 24-foot-tall pylon sign located on the subject property is nonconforming in that the City of Madison Heights does not allow pylon signs as a permitted ground sign; it is further nonconforming in that it exceeds the maximum ground sign height of 8 feet in the MUI-1 district. The applicant proposes to remove and replace the sign cabinet on this existing pylon sign against Ordinance standards.
- 3) 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. Strict compliance with the sign standards 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. The applicant has the ability to install an 8-foot-tall monument sign in accordance with the Zoning Ordinance; and
  - b. That the plight of the owner is not 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
  - c. The requested variance is not the minimum amount necessary to permit reasonable use of the land, building or structure in that a reduced sign height could be achieved; and
  - d. The authorization of such variance will materially impair the intent and purpose of Section 12.09 of the Zoning Ordinance

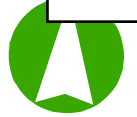


# PZBA Case 25-04: 32275 Stephenson Hwy

Item 2.

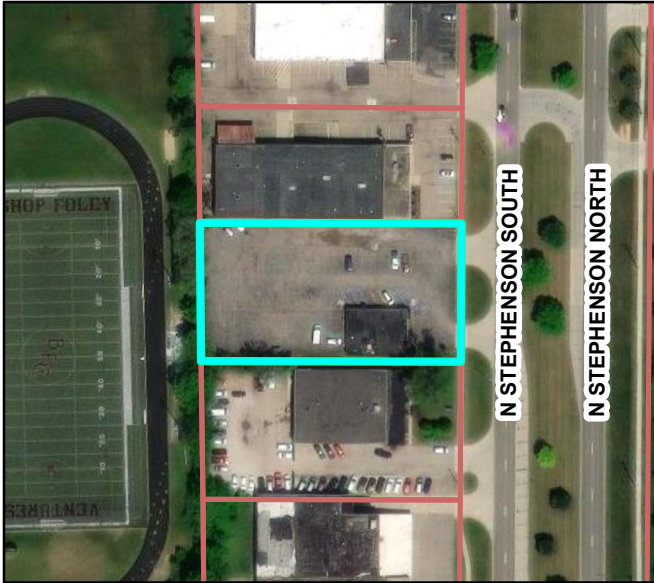




# Site Address: 32275 Stephenson Hwy



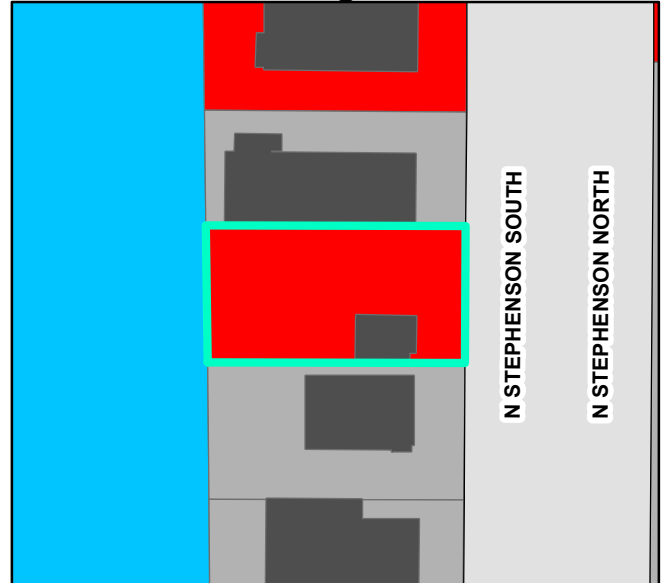
[Click for maps](#)






Aerial



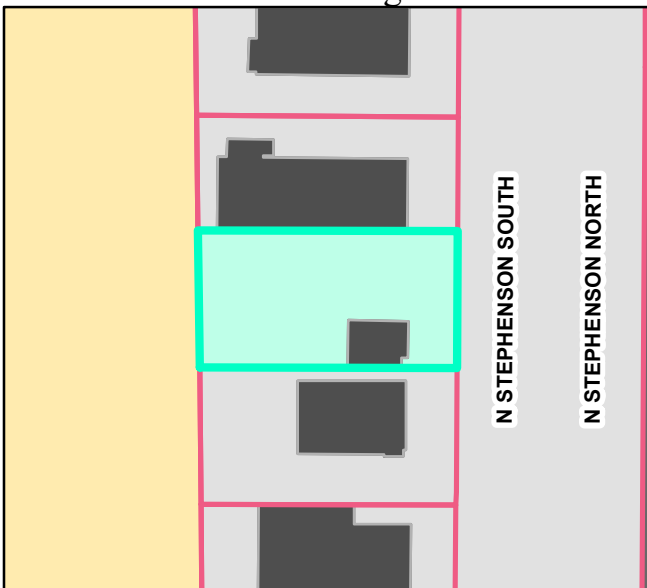
 32275 Stephenson Hwy  Parcels






Existing Land Use



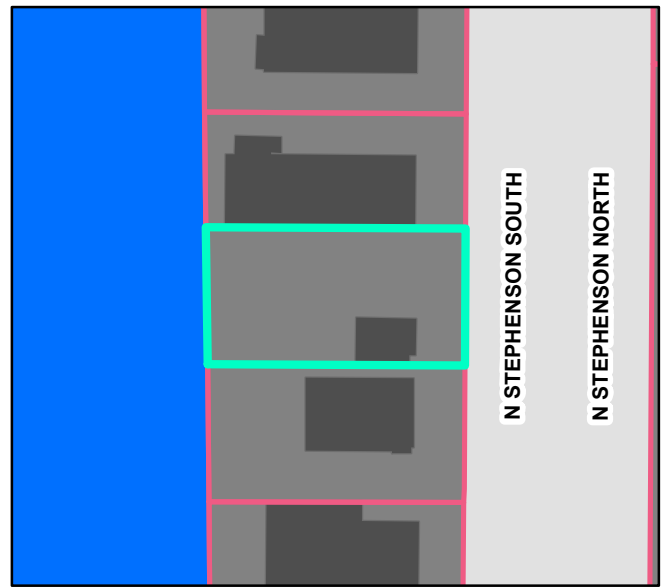
 32275 Stephenson Hwy  Commercial  
 Buildings  Industrial  
 Quasi-public





Zoning



 32275 Stephenson Hwy  MUI  
 Parcels  R-2  
 M-1

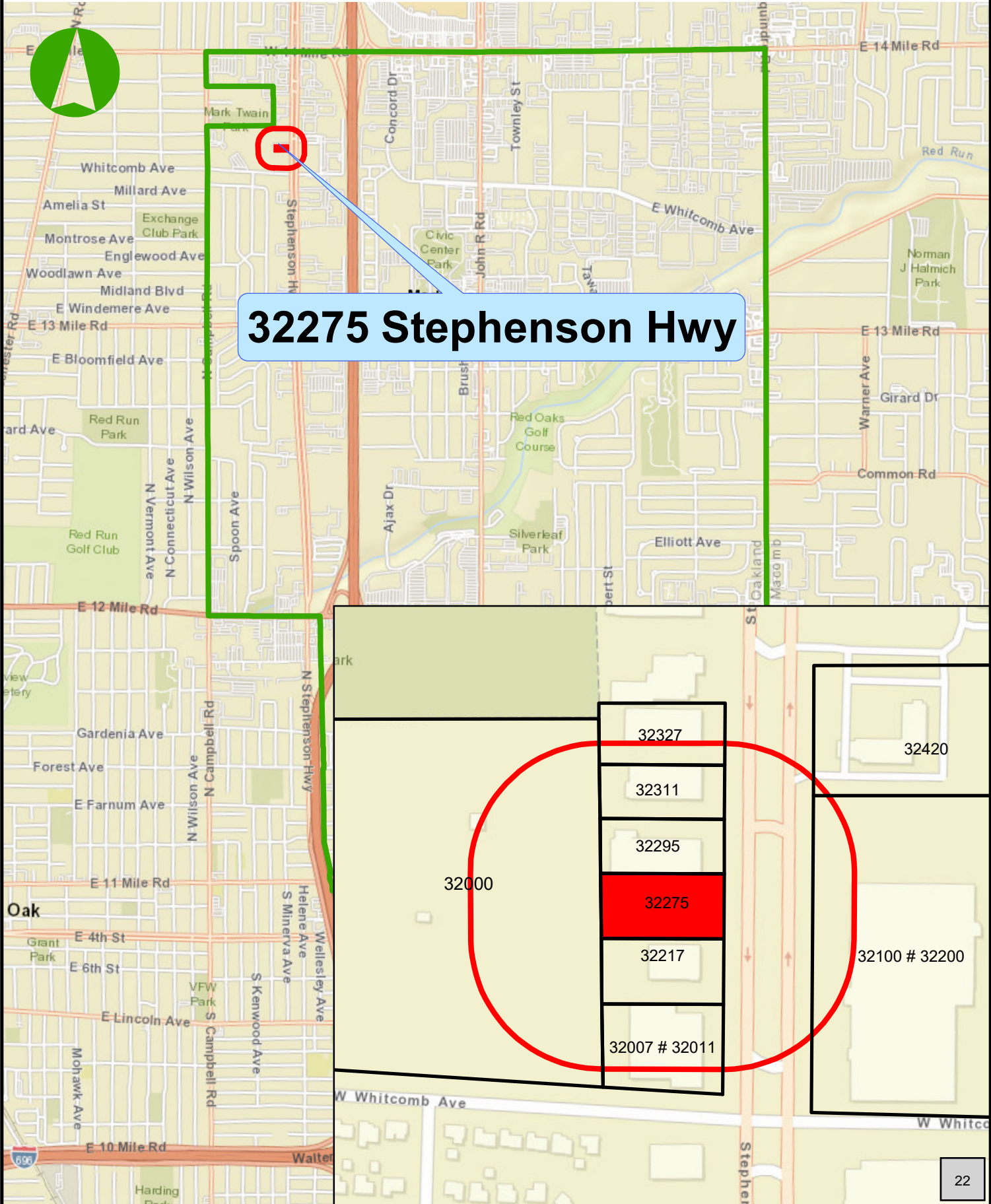
Future Land Use



 32275 Stephenson Hwy  Industrial  
 Public and Schools  Parcels



# PZBA Case 25-04: 32275 Stephenson Hwy Buffer 300 Ft







CITY OF MADISON HEIGHTS  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
ZONING BOARD OF APPEALS (ZBA) APPLICATION

**I. APPLICANT INFORMATION**

Applicant Ahmad Nassar  
Applicant Address 4800 West Fort Street  
City Detroit State MI ZIP 48209  
Interest in Property (owner, tenant, option, etc.) Owner  
Contact Person Ahmad Nassar  
Telephone Number 313-587-1862 Email Address ahmad@detroit75.com

**II. PROPERTY INFORMATION (IF APPLICABLE)**

Property Address 32275 Stephenson Hwy  
Tax ID 25-02-101-036 Zoning District MUI-2  
Owner Name (if different than applicant) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Email Address \_\_\_\_\_

**III. CONSULTANT INFORMATION (IF APPLICABLE)**

Name Paul Deters Company Metro Signs & Lighting  
Address 11444 Kaltz Ave  
City Warren State MI Zip 48089  
Telephone Number 586-759-2700 Email Address kdeters@metrosal.com

ZBA APPLICATION

IV. NATURE OF REQUEST

- Dimensional (Non-Use) Variance
- Appeal of Administrative Decision
- Zoning Text or Map Interpretation
- Alteration of Non-Conforming Use

Brief Description of Request

Responses on Seperate Sheet

Required Attachments: Refer to ZBA Review Standards Response Form and Checklist (attached).

V. APPLICANT CERTIFICATION

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Zoning Board of Appeals application. Applicant(s) and the property owner(s) do hereby consent to city staff to assess the property for purposes of evaluating the site for requested action(s). I hereby affirm that all of the information submitted with and including this application are correct and truthful to the best of my knowledge.

Printed Name Ahmad Nassar Signature Ahmad Nassar Date 3-6-25

VI. PROPERTY OWNER CERTIFICATION

By signing below, I (property owner) understand that the application to the City of Madison Heights has been made for land use matters to be considered and decision made by the Zoning Board of Appeals that will affect use of my property. I hereby affirm that all of the information submitted with and including this application are correct and truthful to the best of my knowledge.

IF YOU ARE NOT THE PROPERTY OWNER, YOU MUST HAVE THE PROPERTY OWNER PROVIDE A NOTARIZED SIGNATURE, BELOW, OR PROVIDE A NOTARIZED LETTER OF AUTHORIZATION OR NOTARIZED POWER OF ATTORNEY AUTHORIZING YOU TO ACT ON THEIR BEHALF.

Printed Name Ahmad Nassar Signature Ahmad Nassar Date 3-6-25

Notary for Property Owner:

Subscribed and sworn before me, this 6th day of March, 2025  
A Notary Public in and for MACOMB County, Michigan.  
Notary Name (Print): THERESA ANN LICAVOLI  
Notary Signature: [Signature]  
My Commission Expires: 6/2/27

Notary Stamp  
THERESA ANN LICAVOLI  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires 06-02-2027  
Acting in the County of \_\_\_\_\_

STAFF USE ONLY [DO NOT ACCEPT INCOMPLETE APPLICATIONS]

FILING FEE: _____	ZBA NO.: PZBA # _____
➤ DIMENSIONAL VARIANCE/NON-CONFORMING USE:	DATE APPLICATION RECEIVED: _____
○ Single-Family: \$300	RECEIVED BY: _____
○ Multi-Family/Non-Residential: \$400 + \$300 per additional variance	
➤ Appeal/Interpretation: \$400	

**SECTION D: DIMENSIONAL (NON-USE) VARIANCE**

Check here for a Dimensional (Non-Use) Variance (Section 15.06 of Zoning Ordinance)

1. List Section number(s) from which a variance is requested:

Section 12.07	Sign Height
---------------	-------------

2. Provide a description of the proposed work and why the anticipated variances are needed.

Responses on Seperate Sheet

3. Explain how strict compliance with area, setbacks, frontage, height, bulk, density, or other dimensional standards would unreasonably prevent the owner from using the property for a permitted purpose, thereby rendering the conformity unnecessarily burdensome for other than financial reasons.

Responses on Seperate Sheet

4. Explain how a variance would 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 is not of itself deemed sufficient to warrant a variance.

Responses on Seperate Sheet

5. Explain how the plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic environmental conditions, or other physical situation(s) on the land, building, or structure.

Responses on Seperate Sheet

ZBA APPLICATION

- 6. Explain how the requested variance(s) is/are the minimum amount necessary to permit reasonable use of the land, building, or structure.

Responses on Seperate Sheet

- 7. Describe how the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purposes of the Zoning Ordinance or the public health, safety, and general welfare of the community.

Responses on Seperate Sheet

- 8. Describe how the need for the variance(s) is not the result of actions of the property owner or previous property owners.

Responses on Seperate Sheet

- 9. Provide conceptual site plan or plot plan, properly scaled, showing: dimensions from street/property lines, sidewalks, building on site and on adjoining properties, easements, and other facilities, structures, and site conditions pertaining to the variance or alteration request. (Refer to Checklist included in this application).

## Brief Description of Request / Summary

### 1. Pole Sign Replacement (24' vs. 8')

- Replacing existing sign box with same dimensions
- Maintains existing height matching neighboring businesses
- Critical for visibility and customer navigation
- Preserves historical precedent and area standards
- No impact on streetscape or safety
- Full replacement would have a material adverse effect on our development budget

### Key Justifications

- Historical Precedent: variance maintains established property features
- Minimum Impact: Requests represent most conservative solutions possible
- Area Consistency: Aligns with neighboring property standards and rights
- Public Benefit: Enhances streetscape while preserving safety and aesthetics
- Ordinance Intent: Upholds spirit of regulations while enabling reasonable use

### 2. Provide a description of the proposed work and why the anticipated variances are needed

#### Proposed Work:

- **Pole Sign Replacement:**
  - Replacing existing 24-foot pole sign
  - New sign: same height and square footage, modern design, improved aesthetics

#### Why the Variances Are Needed:

- **Sign Height:**
  - Our 24-foot sign height aligns perfectly with established area standards, matching neighboring businesses including McDonald's, Hampton Bay Hotel, Rodeway Inn, and Baymont Inn
  - Maintaining our historical 24-foot sign height ensures continued optimal visibility and seamless customer navigation, preserving decades of way-finding

3. Explain how strict compliance with area, setbacks, frontage, height, bulk, density, or other dimensional standards would unreasonably prevent the owner from using the property for a permitted purpose, thereby rendering the conformity unnecessarily burdensome for other than financial reasons.

### Pole Sign Height Variance (24' vs 8')

#### Business Impact

- Current 24-foot sign serves as a landmark for customer navigation
- Reduction to 8 feet would severely impair visibility in an area where all neighboring businesses maintain signs at or above 24 feet
- Essential for maintaining competitive parity in our Mixed-Use Innovation (MUI-1) zoning district

#### Area Consistency

- Maintaining 24-foot height preserves established streetscape patterns
- Aligns with existing corridor standards and neighboring business signs
- Supports the diverse, mobile customer base characteristic of MUI-1 districts

4. Explain how a variance would 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 is not of itself deemed sufficient to warrant a variance.

#### Pole Sign Height (24 feet instead of 8 feet):

- **Established Area Standard:** Our 24-foot sign height matches the existing commercial corridor standard, as demonstrated by neighboring businesses:
  - Hampton Bay Hotel (directly across the street)
  - McDonald's
  - Rodeway Inn
  - Baymont Inn
- **Historical Precedent:** Our sign has stood at 24 feet, establishing a clear historical property right that predates current regulations
- **Zoning District Consistency:** This height maintains parity with other MUI-1 zoned businesses, ensuring equal visibility and competitive fairness
- **Ordinance Alignment:** Rather than introducing new standards, this variance preserves an established pattern that has successfully served the corridor for decades

**5. Explain how the plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic environmental conditions, or other physical situation(s) on the land, building, or structure.**

#### **Pole Sign Height: Site-Specific Conditions**

##### **Commercial Corridor Context**

- Property situated in established business district with standardized 24-foot signage
- Historical presence creates critical customer way-finding landmark
- Existing trees along Stephenson Highway impact visibility requirements

##### **Visibility Challenges**

- Complex roadway conditions require enhanced sign visibility
- Surrounding building heights affect sight lines
- Traffic patterns demand clear business identification

##### **Competitive Environment**

- Neighboring businesses maintain 24-foot (or higher) signage:
  - Adjacent hotels
  - Nearby fast-food establishments
  - Other corridor businesses
- 8-foot restriction would create significant competitive disadvantage

**6. Explain how the requested variance(s) is/are the minimum amount necessary to permit reasonable use of the land, building, or structure.**

#### **Pole Sign Height (24 feet instead of 8 feet):**

##### **Current Standard Maintenance**

- 24-foot height matches established area norm (McDonald's, Hampton Bay Hotel, Rodeway Inn, Baymont Inn)
- Preserves existing height precedent
- Represents no increase from historical dimensions

##### **Visibility Requirements**

- Essential for customer navigation, especially while driving
- Maintains parity with surrounding business signage



- Ensures practical business identification from typical viewing distances

### **Visual Integration**

- Modern design aligns with area aesthetic standards
- Professional maintenance program
- Eliminates potential for visual clutter

**7. Describe how the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purposes of the Zoning Ordinance or the public health, safety, and general welfare of the community.**

## **Pole Sign Variance (24' vs 8')**

### **Impact Analysis**

#### **Community Integration**

- Maintains existing height precedent
- Matches neighboring business signs (McDonald's, Hampton Bay Hotel, Rodeway Inn, Baymont Inn)
- Enhances area aesthetics through modern design and professional maintenance

#### **Ordinance Alignment**

- Preserves established streetscape patterns
- Creates no new visual obstructions
- Maintains proven safe sight lines

#### **Safety & Welfare**

- Modern structural engineering
- Professional installation
- Full regulatory compliance

#### **Non-Self-Created Circumstances**

- Sign predates current height restrictions by decades
- Area developed with 24-foot signs as standard
- Variance needs stem from ordinance change, not owner actions



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**IN THE EVENT OF A DISPUTE**  
 THIS PLAN IS A PROFESSIONAL SERVICE AND SHALL BE GOVERNED BY THE PROFESSIONAL SERVICE CONTRACT BETWEEN THE ARCHITECT AND THE CLIENT. THE CLIENT'S OBLIGATION TO PAY FEES SHALL BE UNCONDITIONAL AND SHALL NOT BE DEPENDENT UPON THE COMPLETION OF THE PROJECT OR THE OBTAINING OF ANY PERMITS OR APPROVALS. THE CLIENT'S OBLIGATION TO PAY FEES SHALL BE UNCONDITIONAL AND SHALL NOT BE DEPENDENT UPON THE COMPLETION OF THE PROJECT OR THE OBTAINING OF ANY PERMITS OR APPROVALS.

**ALL MEASUREMENTS**  
 ALL MEASUREMENTS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

**OWNER:**  
 AHMAD NASSAR

**PROJECT NAME:**  
 DETROIT 76

**REVISIONS**

NO.	DATE	DESCRIPTION
1	04-11-21	ISSUED FOR PERMITS
2	04-11-21	ISSUED FOR PERMITS
3	04-11-21	ISSUED FOR PERMITS
4	04-11-21	ISSUED FOR PERMITS
5	04-11-21	ISSUED FOR PERMITS
6	04-11-21	ISSUED FOR PERMITS
7	04-11-21	ISSUED FOR PERMITS
8	04-11-21	ISSUED FOR PERMITS
9	04-11-21	ISSUED FOR PERMITS
10	04-11-21	ISSUED FOR PERMITS

**DATE:** 04-11-21

**PROPOSED CONDITIONS SITE PLAN**

**SCALE:** AS SHOWN

**DATE:** 04-11-21

**PROJECT:** DETROIT 76

**DATE:** 04-11-21

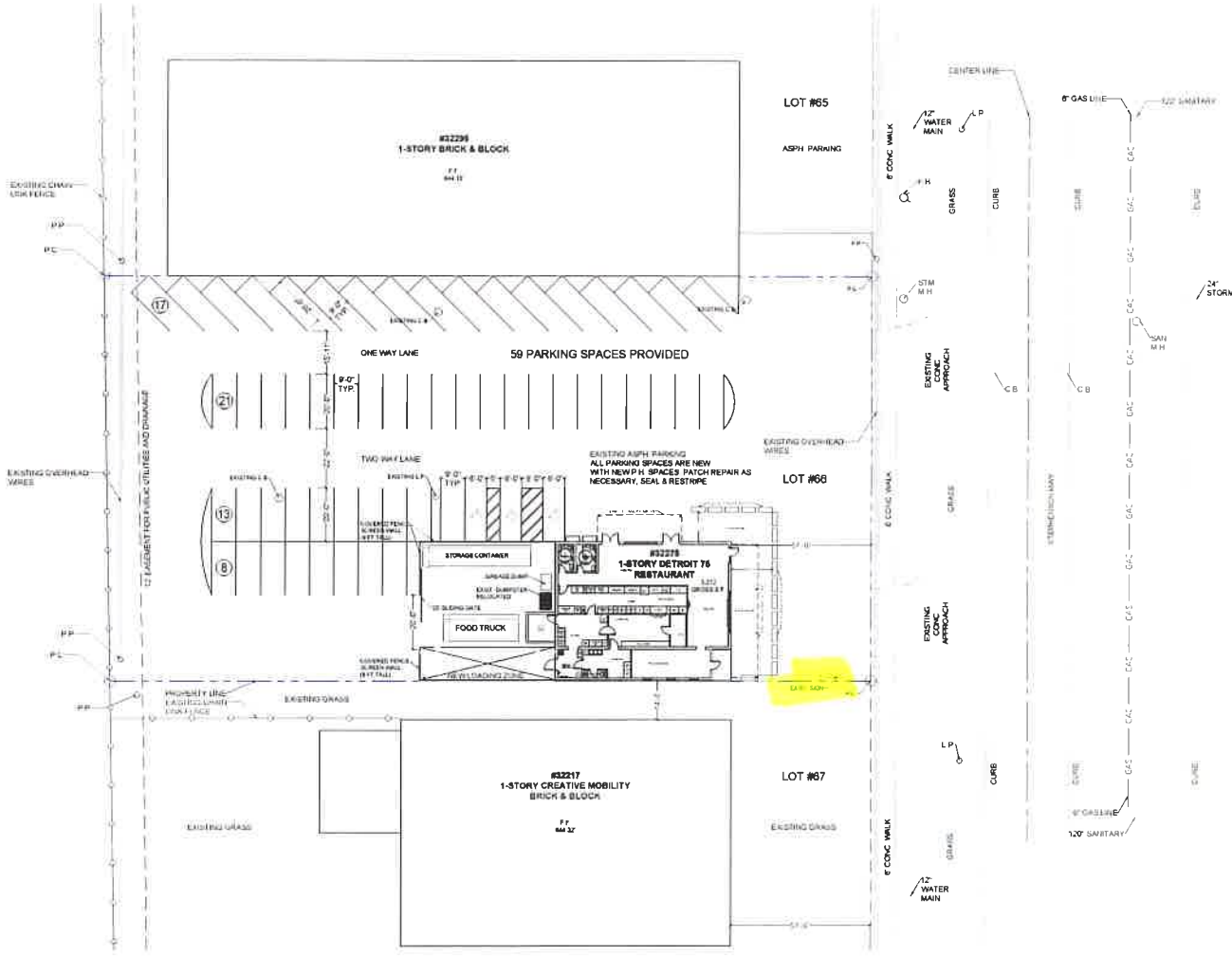
**PROJECT:** DETROIT 76

**DATE:** 04-11-21

**PROJECT:** DETROIT 76

**DATE:** 04-11-21

- PARKING REQUIREMENTS ON SITE**
- MINIMUM PARKING SPACE SIZE: 9' x 20' OFF-STREET PARKING SPACE
  - EXISTING SPACES ON SITE NOT COMPLIANT. PROVIDED NEW LAYOUT OF SPACES THAT ARE CODE COMPLIANT
  - PARKING SPACE REQUIREMENTS: 1 SPACE PER 100 S.F. OF USABLE FLOOR AREA (EXCLUDING KITCHEN AREAS)
  - USABLE FLOOR AREA OF RESTAURANT (DINING AREAS): 2,591 S.F.
  - 2,591 S.F. / 100 = 26 PARKING SPACES REQUIRED
  - 56 PARKING SPACES PROVIDED
  - 33 PARKING SPACE SURPLUS
  - (3) BARRIER FREE PARKING SPACES REQUIRED
  - (3) BARRIER FREE PARKING SPACES PROVIDED
  - ONE LOADING ZONE REQUIRED
  - ONE LOADING ZONE PROVIDED



**PROPOSED CONDITIONS SITE PLAN**  
 SCALE: 1/20

Item 2.



# METRO SIGNS & LIGHTING

METRO DETROIT OFFICE:

11444 Kaltz Avenue, Warren, MI 48089

GRAND RAPIDS OFFICE:

6490 E. Fulton, Ada, MI 49301

Phone: 586-759-2700

www.metro-sal.com

SIDE: B



## FOR PRESENTATION ONLY

Project Number

**250278**

Total Square Feet

**53.92**

**QUANTITY: 1**

PROJECT: DETROIT 75 KITCHEN

FILE: 250278\_D75K\_A-1\_ILLUMINATED POLE SIGN

ADDRESS: 32275 STEPHENSON HWY., MADISON HEIGHTS, MI 48071

SALES: SARAH SCOLLIN

DESIGNER: BRIAN

DATE: 3/06/25

**REV-00**

REVISION DATE: \_\_

REVISED BY: \_\_

**1** DOUBLE SIDED ILLUMINATED POLE SIGN:

- ALUMINUM CABINET AND FACE
- 1/2" PUSH-THRU ACRYLIC WITH VINYL GRAPHICS APPLIED 1ST SURFACE
- FAUX NEON L.E.D. BORDER

**2** TRIMLESS CHANNEL CAPSULE:

- INSET VINYL GRAPHICS APPLIED 1ST SURFACE

11 ft 7/8 in

10 ft 8 7/8 in

8 ft 2 5/8 in

7 1/2 in

5 1/2 in

52 7/8 in

SIDE: A

58 in

51 1/2 in

50 5/8 in



34 3/8 in

23 ft 9 in

19 ft 1/2 in



6' Person

CUSTOMER SIGNATURE:

ADDITIONAL NOTES:

DATE:

INSTALLATION ADDRESS

32275 STEPHENSON HWY.,  
MADISON HEIGHTS, MI  
48071

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**SIMULATED ELEVATION VIEW**



Item 2.

**METRO SIGNS**  
B LIGHTING

**METRO DETROIT OFFICE:**  
11444 Kaltz Avenue, Warren, MI 48089

**GRAND RAPIDS OFFICE:**  
6490 E. Fulton, Ada, MI 49301

Phone: 586-759-2700  
www.metroisal.com

**FOR PRESENTATION ONLY**

Project Number	Total Square Feet
<b>250278</b>	<b>53.92</b>
<b>QUANTITY: 1</b>	

PROJECT: DETROIT 75 KITCHEN

FILE: 250278\_D75K\_A-1\_ILLUMINATED POLE SIGN

ADDRESS: 32275 STEPHENSON HWY., MADISON HEIGHTS, MI 48071

SALES: SARAH SCOLLIN

DESIGNER: BRIAN

DATE: 3/08/25

**REV-00** REVISION DATE: \_\_\_  
REVISED BY: \_\_\_

**CUSTOMER SIGNATURE:**

**DATE:**

**INSTALLATION ADDRESS**

**ADDITIONAL NOTES:**

32275 STEPHENSON HWY.,  
MADISON HEIGHTS, MI  
48071

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**SIMULATED NIGHT VIEW**



Item 2.

**METRO SIGNS & LIGHTING**

**METRO DETROIT OFFICE:**  
11444 Kaltz Avenue, Warren, MI 48089  
**GRAND RAPIDS OFFICE:**  
6490 E. Fulton, Ada, MI 49301  
Phone: 586-759-2700  
www.metroal.com

**FOR PRESENTATION ONLY**

Project Number	Total Square Feet
<b>250278</b>	<b>53.92</b>
<b>QUANTITY: 1</b>	

PROJECT: DETROIT 75 KITCHEN  
FILE: 250278\_D75K\_A-1\_ILLUMINATED POLE SIGN  
ADDRESS: 32275 STEPHENSON HWY., MADISON HEIGHTS, MI 48071  
SALES: SARAH SCOLLIN  
DESIGNER: BRIAN

DATE: 3/08/25  
**REV-00** REVISION DATE: \_\_\_  
REVISED BY: \_\_\_

CUSTOMER SIGNATURE:

DATE:

**INSTALLATION ADDRESS**

ADDITIONAL NOTES:

**32275 STEPHENSON HWY.,  
MADISON HEIGHTS, MI  
48071**

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Photo of existing sign

Item 2.



2. **B-1 Neighborhood Business District; B-2 Community Business District; B-3 Regional Business Districts; CC City Center District; and MUI Mixed Use Innovation Districts.**

Sign Type	B-1, B-2, B-3, CC, and MUI Districts
<b>Awning/ Canopy Signs</b>	<p><b>Maximum Number:</b> One (1) sign per awning/canopy.</p> <p><b>Maximum Area:</b> 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.</p>
<b>Ground Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage per parcel. If a parcel has frontage that exceeds 300 linear feet on any given street, a total of one (1) additional ground sign may be permitted. Ground signs on a single parcel shall be separated by a minimum of 100 feet.</p> <p><b>Minimum Setback:</b> 3 feet from right of way. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 8 feet). No sign shall be located closer than 30 feet to any property line of an adjacent residential district.</p>
<ul style="list-style-type: none"> <li><b>Monument Signs</b></li> </ul>	<p><b>Maximum Height:</b> 8 feet</p> <p><b>Maximum Area:</b> 0.5 square foot per each lineal foot of lot frontage to a maximum of 60 square feet in area, whichever is less</p>
<ul style="list-style-type: none"> <li><b>Decorative Post Signs</b></li> </ul>	<p><b>Maximum Height:</b> 5 feet</p> <p><b>Maximum Area:</b> 24 square feet</p>
<b>Projecting Signs</b>	<p><b>Maximum Number:</b> One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade.</p> <p><b>Maximum Area:</b> 10 square feet per individual sign.</p>
<b>Wall Signs</b>	<p><b>Maximum Total Sign Area per Façade:</b></p> <p><b>Street Frontage/Primary Façade:</b> 1.5 square feet of total sign area per lineal feet of building street frontage or primary façade length, not to exceed a total of 100 square feet per street facing façade or primary façade.</p> <p>Buildings/tenants with an individual street frontage or primary façade length in excess of 200 feet or whose primary façade is set back more than 150 feet from the right-of-way line of the adjacent street shall be permitted a total wall area bonus of 25% along such frontage/façade, not to exceed 150 square feet of total sign area per façade</p> <p><b>Secondary Façade:</b> 1.5 square feet of sign area per lineal feet of secondary frontage length, not to exceed 100 square feet.</p> <p><b>Painted Wall Signs:</b> Refer to <a href="#">Section 12.05(7)</a></p>
<b>Window Signs</b>	<p><b>Maximum Area:</b> 25% of the window area. In an enclosed building where the public is not allowed in the building and where food is offered to the public through a window for immediate consumption the maximum coverage shall be 50 percent.</p>
<b>Temporary Signs</b>	<p><b>Maximum Number:</b> One (1) per street frontage. One (1) per parcel with no street frontage.</p> <p><b>Maximum Height:</b> 4 feet</p> <p><b>Maximum Area:</b> 16 square feet</p> <p><b>Minimum Setback:</b> 2 feet from right of way or any lot line.</p>



4. Billboards shall not exceed 60 feet in height from the adjacent grade.
5. Billboards shall not be erected on the roof of any building.
6. Billboards with any form of changeable messages, including but not limited to mechanical or electronic means, shall conform to the timing requirements contained in [Section 12.05\(11\)](#).
7. Billboards may be considered a principal or secondary use of a parcel. While billboards may be permitted on the same parcel as an existing principal structure or principal use, in all cases, billboards shall be subject to the minimum principal building yard setbacks and maximum lot coverage standards of the zoning district in which the parcel is located, per [Article 4](#).
8. Nonconforming billboards shall be subject to the standards of [Section 12.09](#).

## Section 12.09 Nonconforming Signs

1. **Intention.** It is the intention of this section to encourage eventual elimination of signs that, as a result of the adoption of this section, become nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this section. It is the intention, therefore, to administer this section to realize the removal of illegal, nonconforming signs and to avoid any unreasonable invasion of established private property rights by providing for removal of nonconforming signs.
2. **Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided.
3. **Continuance.** A nonconforming sign may be continued but shall be maintained in good condition, and shall not be:
  - A. Replaced by another nonconforming sign.
  - B. Rebuilt or re-erected after it has been removed or destroyed for any reason.
  - C. Structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face change is permitted on a non-conforming sign if there are no other structural modifications. However, a static panel on a nonconforming sign shall not be replaced with an electronic message board.
  - D. Expanded or substantially added to, changed, or reconstructed after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the estimated replacement cost.
4. **Alteration.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction follows the provisions of this Article. For the purpose of this Article only, the term “altered” or “reconstructed” shall not include normal maintenance; ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments. Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the use to which they are accessory.
5. **Removal of Nonconforming Signs.** Nonconforming signs shall be removed if the site or building on the same parcel as the sign is demolished, redeveloped, or reconstructed in a manner that requires major site plan approval, per [Section 15.04](#).

mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

## Section 15.06 Variances and Appeals

1. **Administrative Appeals.** The Zoning Board of Appeals shall have the power to hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or interpretation made by the Planning and Zoning Administrator, zoning enforcement officer, or any other administrative official, board or commission in carrying out or enforcing any provision of this Ordinance, except where this Ordinance prohibits Zoning Board of Appeal Action (e.g. direct appeal to Circuit Court).
  - A. An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the building inspector aggrieved by the decision, order, requirement, or determination made by the Planning and Zoning Administrator, Technical Review Committee, Planning Commission, zoning enforcement officer, or other administrative official or board or commission tasked with administering or enforcing the provisions of this Ordinance. Such appeal shall be taken by filing a notice of appeal with the Planning and Zoning Administrator on appropriate forms provided by the Community and Economic Development Department. The Planning and Zoning Administrator shall transmit all papers constituting the records of such appeal to the board. The board may require the applicant to furnish such surveys, plans or other information as may be required for the proper consideration of the matter. Upon a hearing before the board, any person or party may appear in person, or by agent, or by attorney.
  - B. **Time for Appeal.** An appeal shall be filed to the Planning and Zoning Administrator within thirty (30) days from the date listed on the Notice of Action referring to the order, requirement, decision, or determination which is the subject of the appeal.
  - C. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and [Section 15.01](#).
  - D. The board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring decision of a majority of the members of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative officer or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Zoning Board of appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificates a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice of the building inspector and on due cause shown.
2. **Variances.** The ZBA shall have the power to authorize, upon application, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all of the following requirements have been met by the applicant's petition:
  - 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 plight of the owner is due to the 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 Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

- (1) Are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public; and
  - (2) Are necessary to meet the intent and purpose of this Ordinance, are related to the standards established in the section for the land use or activity under consideration and are necessary to ensure compliance with those standards.
3. **Use Variances Prohibited.** The Zoning Board of Appeals shall not have the authority to grant a use variance to permit a use that is not permitted in a zoning district. However, the Zoning Board of Appeals may consider expansions or alterations of non-conforming uses in accordance with [Section 13.01](#).
  4. **Approval Period.**
    - A. No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
    - B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.
  5. **Appeals of Decisions to Circuit Court.** The decision of the ZBA shall be final. An appeal of a decision of the Zoning Board of Appeals shall be taken to the Oakland County Circuit Court within a time period specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and by such persons permitted by State statute and common law. Upon appeal, the court shall review the record and decision of the ZBA to ensure that the decision complies with the constitution and laws of the state, is based upon proper procedure, is supported by competent, material, and substantial evidence on the record and represents the reasonable exercise of discretion granted by law to the ZBA. As a result of this review required by this Section, the court may affirm or modify the decision of the ZBA.
  6. **Resubmittal.** No application for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be re-submitted for a period of three hundred sixty five (365) days from such denial, except on the ground of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

## Section 15.07 Zoning Ordinance Amendments (Map and Text)

The City Council may amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Changes in the text or zoning district boundaries of this Ordinance may be proposed by the Planning Commission, Planning and Zoning Administrator, other City Staff, or any interested person or organization.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **City Council Chambers** of the Municipal Building at **300 W. 13 Mile Road**, Madison Heights, Oakland County, Michigan 48071 on **Thursday, April 3<sup>rd</sup>, 2025, at 7:30 p.m.** to consider the following requests:

### 1. **Case # PZBA 25-04: 32275 Stephenson Highway**

REQUEST: The applicant and property owner, Ahmad Nassar, requests a variance from Section 12.07 of the Zoning Ordinance pertaining to the maximum height of a ground sign and a variance from Section 12.09 to permit the structural alteration of a nonconforming pylon sign. The subject property is located at 32275 Stephenson Highway (PIN 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1.

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

MADISON HEIGHTS COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
(248) 583-0831

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