



**CITY OF MADISON HEIGHTS**  
**COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.**  
**ZONING BOARD OF APPEALS AGENDA**  
**AUGUST 07, 2025 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**ADDITIONS/DELETIONS**

**APPROVAL OF MINUTES**

- [1.](#) June 5th, 2025 Meeting Minutes

**PUBLIC HEARING**

- [2.](#) **Case # PZBA 25-06: 29011 Stephenson Highway**

REQUEST: The applicant, A1 Signs & Graphics, on behalf of property owner Marten Z. Essa, requests a variance from Section 12.09 of the Madison Heights Zoning Ordinance to permit the installation of a new electronic message board on a nonconforming pylon sign. The subject property is located at 29011 Stephenson Highway (PIN 44-25-11-376-014) and is zoned M-1, Light Industrial.

**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 Meeting  
Madison Heights, Michigan  
June 05, 2025

A Zoning Board of Appeals Meeting was held on Thursday, June 05, 2025, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

Chair Kimble opened the meeting of the Zoning Board of Appeals at 7:30 p.m.

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

ABSENT: Loranger, Marentette, and Oglesby

**ZBA 16-25. Excuse member(s).**

Motion made by Ms. Corbett, Seconded by Ms. Thompson, to excuse Ms. Margaret Marentette and Mr. Clifford Oglesby.

Voting Yea: Aaron, Corbett, Covert, Fleming, Holder, Kimble, Sagar, and Thompson

Absent: Loranger, Marentette, and Oglesby

Motion carried.

**ZBA 17-25. Minutes.**

Motion made by Ms. Aaron, Seconded by Ms. Covert, to approve the April 3, 2025, Meeting Minutes as presented.

Voting Yea: Aaron, Corbett, Covert, Fleming, Holder, Kimble, Sagar, and Thompson

Absent: Loranger, Marentette, and Oglesby

Motion carried.

**ZBA 18-25. Case # PZBA 25-05: 241 & 245 E. 11 Mile Rd. Residential Setback Variance Request for Veterinary Clinic.**

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

## REQUEST

The applicant, Gabe Konieczski, requests a variance from the Madison Heights Zoning Ordinance pertaining to the use-specific standards for veterinary clinics. The property is located at 241/245 E. 11 Mile Road (tax parcel #44-25-13-357-027) and is zoned CC, City Center. The property is located at the northwest corner of E. 11 Mile and Townley Street and is improved with a 4,900 square foot commercial building. The applicant intends to purchase the property and operate a veterinary clinic from the building. Vet clinics are permitted by right in the City Center district subject to use-specific standards of Section 7.03.46.

The applicant requests a variance from Section 7.03.46.A (Veterinary Clinics and Animal Grooming) which states, "Buildings wherein animals are kept, treated, or serviced shall be set back a minimum of fifty (50) feet from any residentially-zoned or used property." The subject parcel directly abuts single-family residential properties to the north and a multi-family residential building to the west. While the applicant does not propose any modifications to the building footprint, the existing building does not meet minimum residential setback requirements as it is only set back approximately fifteen feet (15') from the northern property line and is built directly to the western property line.

## 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 building setback requirements, 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**

Per historic aerial photographs and city records, the existing building was expanded to its current footprint in 1988. As shown in the images on the previous page, there is an existing eight foot (8') tall masonry wall on the northern property line which separates the subject site from the single-family residential properties to the north. The masonry wall extends to portions of the western property line between the subject site and the apartment building to the west (note that the existing building is built directly to the western property line).

The intent behind the fifty (50) foot residential setback requirement for veterinary clinics is to protect adjacent residential properties from potential adverse impacts of the use, including but not limited to animal noises and odors. The applicant has provided written responses addressing the variance criteria of Section 15.06.2 of the Zoning Ordinance. The applicant primarily cites the fact that the building is preexisting as justification for the variance request. As the Zoning Ordinance requires a 50-foot separation between any portion of the veterinary building and a residential property line, strict compliance with the standards would require the applicant to demolish portions of the existing building or seek an alternate location. Staff notes that the existing masonry walls could reduce the severity of adverse impacts on adjacent properties. However, additional conditions could be placed on the variance request to further protect these residential properties in accordance with Section 15.06.2.

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), existing structures, or extraordinary parcel shape. Where physical constraints severely limit the ability to operate a use 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 properties and meet the spirit of the use-specific standards for veterinary clinics:

Suggested conditions:

1. Hours of operation shall be limited to between 7 a.m. and 10 p.m.
2. Overnight boarding shall not be permitted.

## **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.**

City Planner Lonnerstater replied to Chair Kimble's inquiry; the wall in the rear is on the property line, the building is fifteen (15) feet from the wall, and the alley is vacated. He replied to Councilman Fleming's inquiry; if the variance is granted it would apply to any future veterinary uses because it is a use specific criteria. City Planner Lonnerstater replied to Ms. Corbett's inquiry; the current use is an administrative office and it's possible there has been a veterinary clinic in the past. He replied to Ms. Holder's inquiry; we are working with the applicant through our Streetscaping Project because it impacts parking up front. City Planner Lonnerstater replied to Mr. Sagar's inquiry; when the Animal Welfare Society came in it was under the previous zoning ordinance which did not have a fifty (50) foot separation requirement. Part of the reason we have a fifty (50) foot separation requirement is because we have received some code enforcement complaints regarding the closeness of it to residential and a safeguard to properly analysis it. He replied to Councilman Fleming's inquiry; confirmed that the property has two (2) addresses on one (1) parcel. He replied to Councilman Fleming's inquiry; we have exterior lighting standards in the ordinance and defer to the applicant.

Iden Kalabat, Kalabat Engineering at 31333 Southfield Road, Suite 250, Beverly Hills, representing applicant Gabe Koniowski, the applicant is looking to purchase the existing building and bring in a new veterinary clinic. The hours of operation will be within the conditions, with no overnight boarding, and outpatient care. The boarding during the day will be contained within the building and they're implementing potty areas for the animals. If an animal needs a little more assistance, has anxiety, or needs fresh air, they will use the alley way to walk them since it is screened in. Roadway improvements include restriping of the front lot, the approach will be closed from 11 Mile Road, and

parallel street parking. Proposed improvements for the project are all interior, no exterior site renovations or building additions. The two (2) office suites will be combined into 1 (one) singular use and there is plenty of square footage to accommodate the boarding and facilities to supplement the outdoor space. He replied to Councilman Fleming's inquiry; operational hours are during daylight time.

Applicant Gabe Konieczski replied to Ms. Covert and Ms. Aaron's inquiry; if the situation gets critical and there are concerns of recovery, the animal will be sent to an emergency room. He replied to Councilman Fleming's inquiry; the sign will state the name of the practice.

Chair Kimble opened the public hearing at 7:48 p.m. to hear comments on application #25-05.

There being no comments on application #25-05, Chair Kimble closed the public hearing at 7:49 p.m.

Motion made by Ms. Holder, and Seconded by Ms. Thompson, that the Zoning Board of Appeals approves a building setback variance from Section 7.03.46.A of the Zoning Ordinance to permit a veterinary clinic to operate from the existing building at 241/245 E. 11 Mile Road, located within fifty feet (50)' of adjacent residentially zoned and used parcels. This motion, being made after the required public hearing, is based upon the following findings:

- 1) That 7.03.46.a of the Zoning Ordinance states that, "Buildings wherein animals are kept, treated, or serviced shall be set back a minimum of fifty (50) feet from any residentially-zoned or used property."
- 2) That strict compliance with the building setback requirement would unreasonably prevent the owner from using the property as a veterinary clinic 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 pre-existing building and site conditions; and
- 5) That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and

6) That, with conditions, 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, due to the fact that the existing building footprint was established over 30 years prior to the date of this application, the need for the requested variance is not the result of actions of the property owner.

Approval is granted with the following conditions designed to ensure compliance with the intent and purpose of the use-specific regulations:

1. Hours of operation shall be limited to between 7 a.m. and 10 p.m.
2. Overnight boarding shall not be permitted.

Voting Yea: Aaron, Corbett, Covert, Fleming, Holder, Kimble, Sagar, and Thompson

Absent: Loranger, Marentette, and Oglesby

Motion carried.

**ZBA 19-25. Public Comment: For items not listed on agenda.**

Seeing no one wished to comment, Chair Kimble opened public comment at 7:56 p.m. and closed the public comment at 7:57 p.m.

**ZBA 20-25. Member updates.**

Ms. Corbett updated that Clifford Oglesby is living at his aunt's house while in recovery.

**ZBA 21-25. Adjournment.**

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

Voting Yea: Aaron, Corbett, Covert, Fleming, Holder, Kimble, Sagar, and Thompson

Absent: Loranger, Marentette, and Oglesby

Motion carried.

There being no further business, Chair Kimble adjourned the meeting at 7:56 p.m.



# MEMORANDUM

Report Date: July 31<sup>st</sup>, 2025  
 To: City of Madison Heights Zoning Board of Appeals  
 Meeting Date: August 7<sup>th</sup>, 2025  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: PZBA 25-06; 29011 Stephenson Hwy - Variance request to permit an electronic message board on a nonconforming pylon sign

## REQUEST

The applicant, A1 Signs & Graphics on behalf of property owner Martin Essa, requests a variance from Section 12.09 of the Madison Heights Zoning Ordinance to permit the **installation of a 30.5 square foot electronic message board on a legally non-conforming pylon sign**. The property is located at 29011 Stephenson Highway (tax parcel # 44-25-02-101-036) and is zoned M-1, Light Industrial. The property is located at the northwest corner of Stephenson Highway and 12 Mile Road and is improved with a gas station.

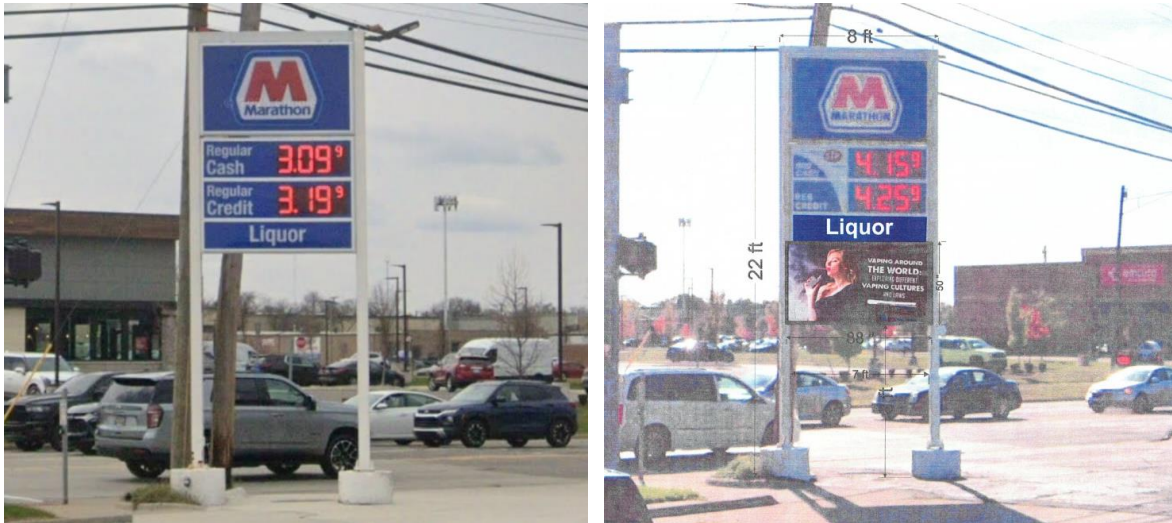
The property features an existing 22-foot-tall pylon sign at the corner, pictured on the following page. The existing sign is non-conforming (failing to meet Zoning Ordinance standards) for several reasons:

- 1) **Sign Type:** 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) **Sign Height:** Per Section 12.07.4, the maximum sign height for a ground sign in the M-1 zoning district is 8 feet. The existing sign is 22 feet tall.
- 3) **Sign Area:** Per Section 12.07.4, the maximum sign area for a ground sign in the M-1 zoning district is 60 square feet. The existing sign has an area of approximately 75 square feet.

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 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.”* While the applicant does not technically propose to replace an existing static panel with the electronic message board, the addition of the electronic message board constitutes a structural modification to the sign and increases the extent of the already non-conforming sign area; sign height would not be impacted.

## 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 with a smaller sign area. 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 M-1 district is eight (8) feet and the maximum permitted sign area is 60 square feet; an electronic message board would be permitted to take up 50% of the allowable sign area (30 square feet).

**Existing Pylon Sign (Left) and Pylon Sign with Proposed Electronic Message Board (Right)****Proposed Electronic Message Board**

The proposed electronic message board is approximately 30.5 square feet in area and would be placed below the existing panels on the pylon sign. Electronic Message Board regulations are contained in Section 12.05.11 of the Zoning Ordinance. Electronic message boards shall come equipped with an automatic dimming control that automatically adjusts the display brightness based on ambient lighting conditions, and messages shall change no more than once every 30 seconds. If a variance is approved, the electronic message board will be required to meet these standards.

**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, attached within the packet. As justification for their variance request, the applicant primarily cites the benefits that electronic message boards provide for customer communication. The applicant states that the electronic message board would allow the gas station to update pricing information in real time; however, staff notes that the proposed electronic message board does not replace the existing LED pricing signage, which is presumed to remain.

The Madison Heights Zoning Ordinance expressly allows for the installation of electronic message boards on conforming freestanding ground signs subject to modest standards on size, brightness, and message duration. The applicant would be permitted an electronic message board by-right by replacing the non-conforming pylon sign with a freestanding ground sign that meets Zoning Ordinance standards. In this case, the applicant not only proposes to make a structural alteration to a non-conforming sign but also increase the extent of the non-conformity by adding sign area.

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 replace the non-conforming pylon sign with a conforming 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 12.07.4 – Regulations for Permitted Signs (M-1, Light Industrial 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****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 29011 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 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.”*
- 2) The existing 22-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 permitted ground sign height of 8 feet and sign area of 60 square feet in the M-1 district. The applicant proposes to add an electronic message board to this existing pylon sign against Ordinance standards, further increasing the extent of the non-conforming sign area.
- 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, would not render the conformity unnecessarily burdensome for other than financial reasons, and would not restrict the ability for the applicant to install a conforming ground sign. The applicant has the ability to install an 8-foot-tall monument sign with an electronic message board in accordance with the Zoning Ordinance; and
  - b. 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 conforming monument sign could be installed on site without the need for a variance; and
  - d. The authorization of such variance will materially impair the intent and purpose of Section 12.09 of the Zoning Ordinance

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 at the subject property located at 29011 Stephenson Highway. This motion, being made after the required public hearing, based upon the following findings:

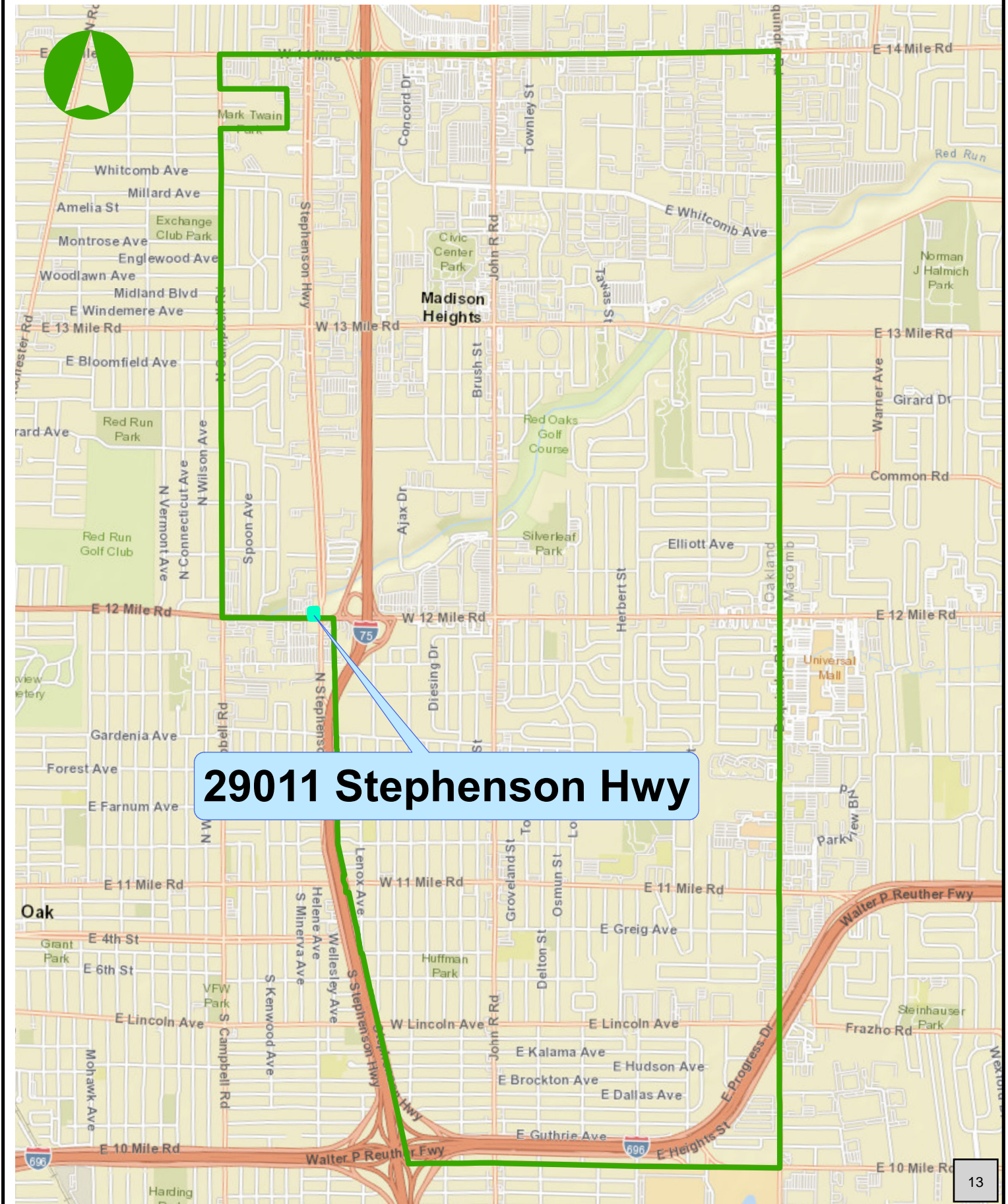
- 1) Per Section 12.09.3 of the Zoning Ordinance, a nonconforming sign shall not be, *“structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face change is permitted on a non-conforming sign if there are no other structural modifications. However, a static panel on a nonconforming sign shall not be replaced with an electronic message board.”*
- 4) The existing 22-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 and sign area of 60 square feet in the M-1 district. The applicant proposes to add an electronic message board to this existing pylon sign against Ordinance standards, further increasing the extent of the nonconforming sign area.
- 2) The proposed electronic message board will not increase the height of the existing pylon sign but will increase the extent of the nonconforming sign area.
- 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 provide improved communication techniques to the property owner.

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

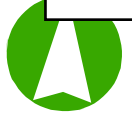
- 1) The total height of the pylon sign shall not be increased above the existing 22-foot height.
- 2) The total area of the electronic message board shall not exceed 30.5 square feet.
- 3) The electronic message board shall satisfy all standards pertaining to message timing and brightness control as contained in Section 12.05.11 of the Zoning Ordinance.
- 4) All future face changes of the nonconforming pylon sign shall comply with Section 12.09 of the Zoning Ordinance. Additional electronic message boards, increased electronic message board size, or any other proposed expansion of existing non-conforming sign elements shall require reconsideration by the Zoning Board of Appeals.
- 5) This variance shall cease upon removal of the nonconforming pylon sign for any reason.

# PZBA 25-06: 29011 STEPHENSON HWY

Item 2.

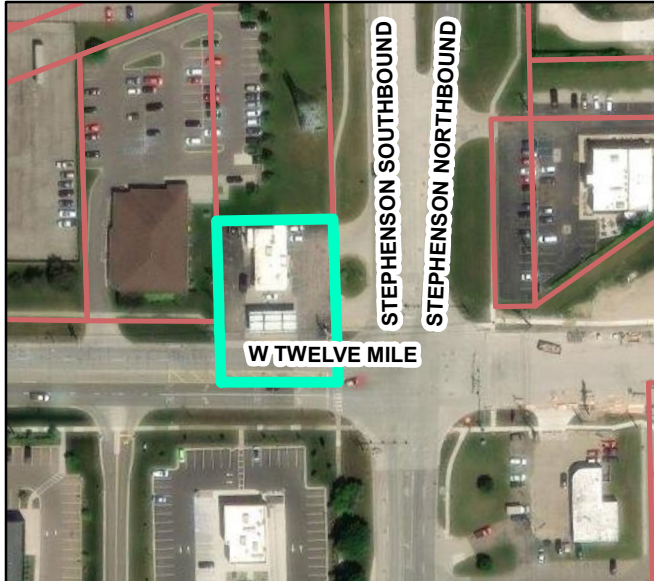


# Site Address: 29011 Stephenson Hwy



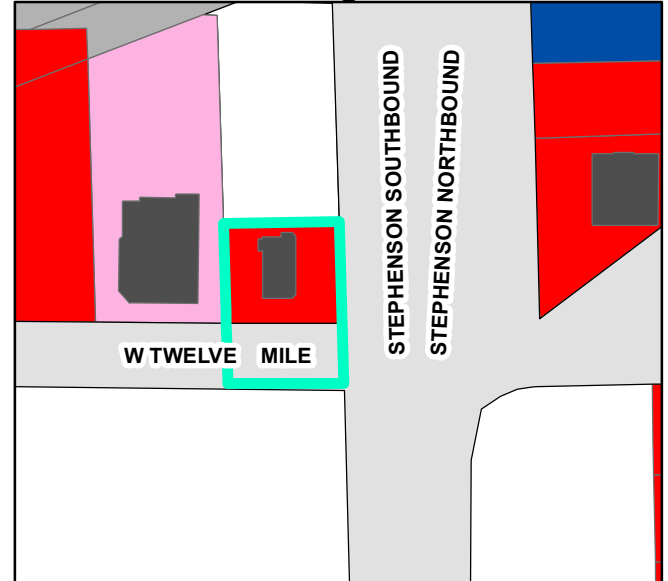
Click for maps







Aerial



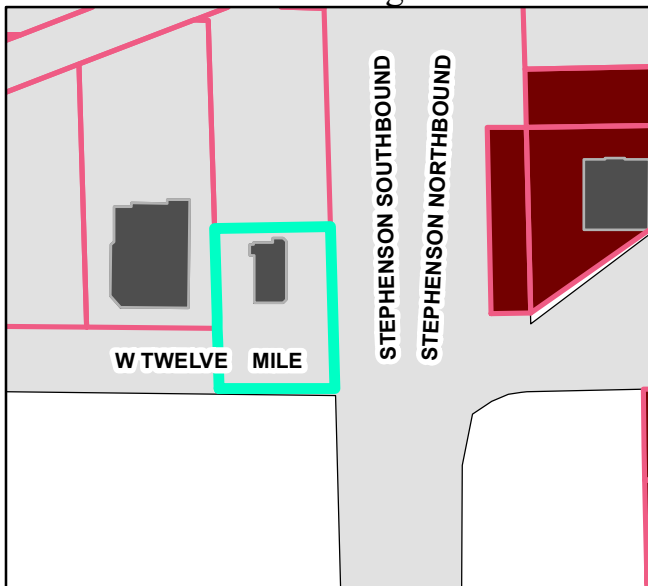
 29011 Stephenson Hwy  Parcels





Existing Land Use



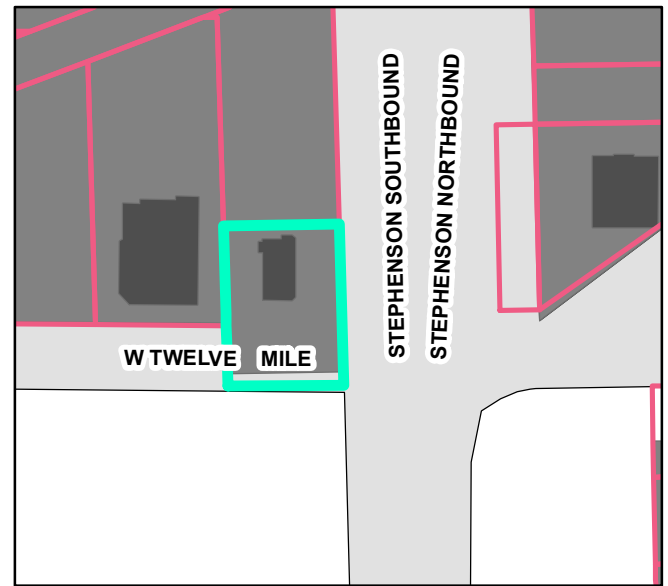
 29011 Stephenson Hwy  Commercial  
 Buildings  Office  
 Public  Industrial




Zoning



 29011 Stephenson Hwy  B-3  
 Parcels  M-1

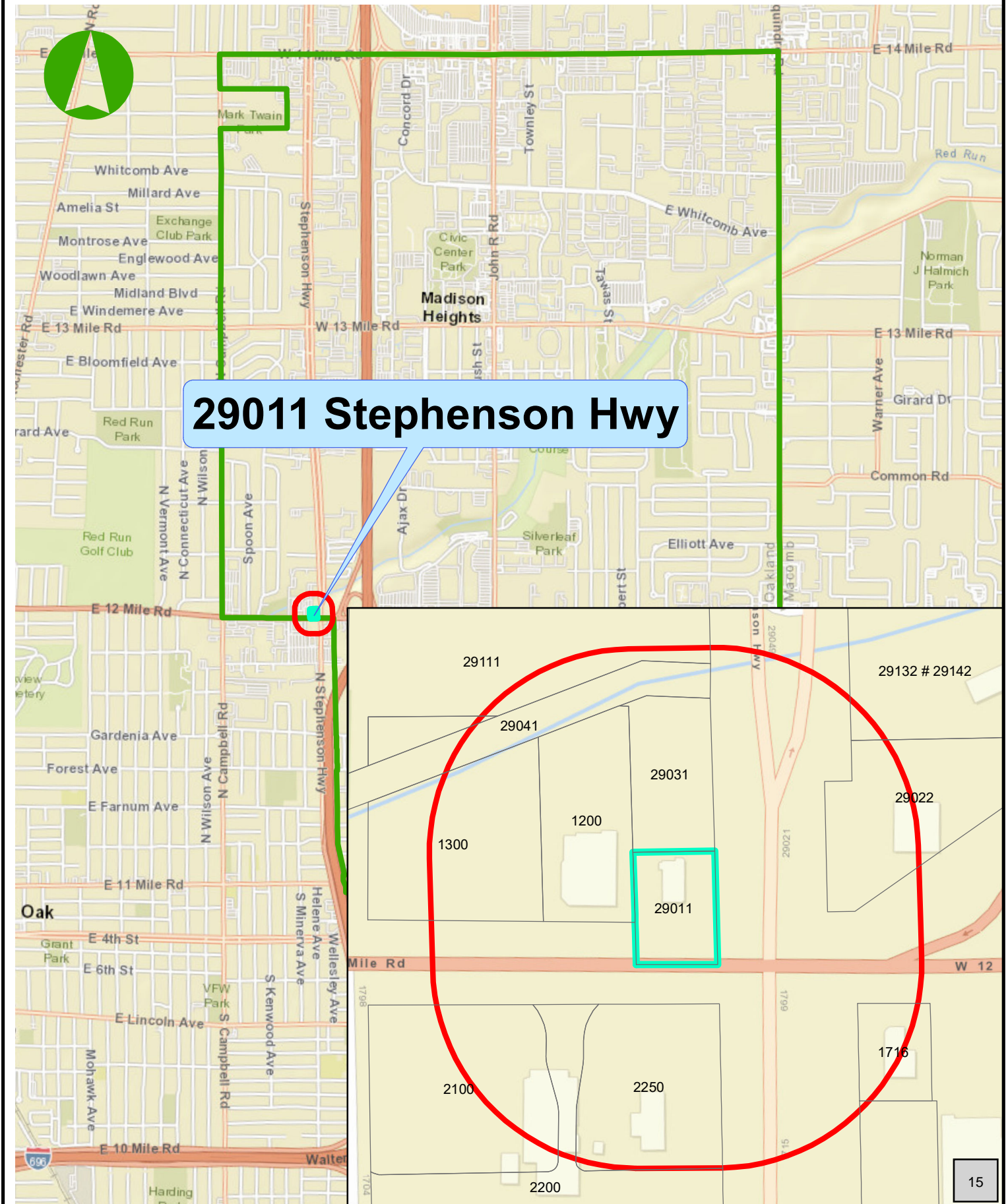
Future Land Use



 29011 Stephenson Hwy  Industrial  
 Parcels

# PZBA 25-06: 29011 STEPHENSON HWY BUFFER 300 FT

Item 2.





# CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

Date Filed:

(This application must be typed)  
SUBMIT TWO ORIGINAL COPIES

1. Petitioner: Name: A1 Signs & Graphics  
Address: 8909 Hubbell Pl  
City: Detroit State: MI Zip: 48228  
Telephone: [REDACTED] Fax: [REDACTED]  
Email: [REDACTED]
2. Petitioner's Interest in Property:
3. Property Owner: (Attach list if more than one owner)  
Name: MARTIN ZESSU  
Address (Street): 36652 Thomas Dr  
City: Sterling Hts State: MI Zip: 48312  
Telephone: [REDACTED]  
Email: [REDACTED]
4. Property Description:  
Address: 29011 Stephenson Hwy  
Tax Parcel #: 44 - - - - -  
Legal Description - Attach if metes and bounds description.  
If in a subdivision: Lot #: \_\_\_\_\_  
Subdivision name: \_\_\_\_\_  
Lot size: \_\_\_\_\_  
Size of proposed building or addition: \_\_\_\_\_
5. Present Zoning of Property: \_\_\_\_\_ Present Use: \_\_\_\_\_
6. Action Requested: (Check the appropriate section and attach response on separate sheets)  
☐ **APPEAL OF AN ADMINISTRATIVE DECISION (Administrative Review)**  
The applicant requests the Board of Appeals to reverse/modify the \_\_\_\_\_  
decision/interpretation of Article \_\_\_\_\_, Section \_\_\_\_\_. The decision should be  
reversed/modified because: (On a separate sheet describe in detail the nature of the problem, the  
reason for the request and the desired remedy)

Rev. 12/10/2011

# ZONING BOARD OF APPEALS APPLICATION

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

☒ **VARIANCE**

Request is hereby made for permission to erect ☒ alter ☐ convert ☐ or use ☐ a

EMC a part of marketing and communication

Contrary to the requirements of Section(s) \_\_\_\_\_ of the Zoning Ordinance

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

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

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

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

☐ **TEMPORARY PERMIT**

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

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

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

Describe in detail the nature of the requested interpretation.

☐ **PUBLIC UTILITY BUILDING**

Describe in detail the proposed use or structure.

☐ **OTHER ACTION**

Describe in detail action requested.

7. **CASE HISTORY**

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

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

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

PAGE 3

# ZONING BOARD OF APPEALS APPLICATION

Application No.

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

FOR THE OWNER:

FOR THE APPLICANT IF NOT THE OWNER:

Signature

Signature

Printed Name

Printed Name

Date 5-1-25

Date

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

Notices are to be sent to the Applicant ☐ Owner ☐

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

- ☐ 1. Two copies of drawings of Site Plan (no larger than 11"x 17") drawn to scale and containing all necessary dimensions and all features involved in this appeal, including measurements showing open space on abutting properties, PDI
- ☐ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☐ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☐ 6. Applicable fees:
 

A. Variance Review (Single Family)	\$300.00
B. Variance Review (Dimensional)	\$400.00 plus \$300 per variance
C. Use Variance Review	\$1,000.00
D. Appeal of Administrative Decision	\$400.00

## OFFICE USE ONLY

### APPROVALS

Approved for hearing by City Attorney

Approved for hearing by C.D.D.

Reviewed by Site Plan Committee

### INTER-DEPARTMENTAL NOTIFICATION

Community Development Department

Fire Department

Department of Public Services

### ZONING BOARD OF APPEALS

FEE: \$

APPROVED:

PAID:

DENIED

RECEIPT NO.

b6: 12-10-2023

**A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.**

I am requesting a variance to install and operate an **Electronic Message Center (EMC) sign** on my gas station property to display real-time fuel prices, promotions, and public service announcements. The proposed EMC would be integrated into the existing freestanding sign and would comply with brightness, timing, and message duration standards. However, the current Zoning Ordinance prohibits or restricts EMC signs in this zoning district, making the proposed use non-compliant without a variance.

**B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.**

The gas station is located on a heavily trafficked roadway where rapid and clear communication with motorists is essential for business operations. Unlike other properties in the same zoning district, a gas station relies on the ability to update pricing and safety information in real time. The EMC sign would allow safe, remote updates while preserving the visual footprint of the existing sign.

**C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.**

The ordinance's strict prohibition on EMC signs deprives this business of modern, industry-standard marketing and informational tools commonly used by other businesses both inside and outside this district. Several competitors within nearby zoning designations have EMC signs, giving them a clear advantage in visibility and customer communication. Literal interpretation of the ordinance prevents me from offering similar services and flexibility, placing an undue burden on my business.

**D. Did the special conditions and/or circumstances result from your actions?**

No, the special circumstances did not result from any actions on my part. The conditions are a result of the zoning code's broad application without recognizing the unique operational needs of service-based businesses such as gas stations, which require frequent price changes and public communication.

**E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?**

While I can continue operating as a gas station, doing so without an EMC sign significantly hinders my ability to communicate with customers in a timely and effective manner. It affects pricing visibility and marketing competitiveness. This is the **minimum variance needed**, as the EMC sign will be integrated into the existing structure, adhere to time, brightness, and animation restrictions, and not increase the physical dimensions of current signage.

**F. Will granting the variance change the essential character of the area?**

No, granting the variance will **not** change the essential character of the area. The sign will be compatible with surrounding commercial uses, and its design will be professional and respectful of community standards. EMC signs are now a common feature in commercial corridors, and the sign will comply with all operational limits to prevent light pollution or visual clutter. It will serve a practical and informative role without disrupting the aesthetics or functionality of the neighborhood.

We feel that <sup>granting</sup> ~~property~~ of this Variance will not affect the ~~Spirit~~ of the ordinance.  
Spirit


SIGN DIMENSION

TOTAL SQFT = 30.5



Company Name	Project Name	Project Address	Project Details	Complete By	Customer Approval
MARATHON	EMC Sign	29011 Stephenson Hwy, Madison Heights, MI 48071	Install EMC Sign on existing Pole sign.	Drawn By: Eddie Sales Rep: Mike Date: 4 / 22 / 2025	Signature: _____ Date:    /    / 2025

DISCLAIMER - This drawing is conceptual and was prepared to show approximate location, arrangement, size and color of signage. It is subject to change and not intended to replace the use of construction documents and/or actual field dimensions.



SIGN(S) TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 500 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND LABELING OF THE SIGN(S). SIGN WILL BEAR UL LABEL(S).

21



Company Name	Project Name	Project Address	Project Details	Complete By	Customer Approval
MARATHON	EMC Sign	29011 Stephenson Hwy, Madison Heights, MI 48071	Install EMC Sign on existing Pole sign.	Drawn By: Eddie Sales Rep: Mike Date: 4 / 22 / 2025	Signature:  Date:     /     / 2025

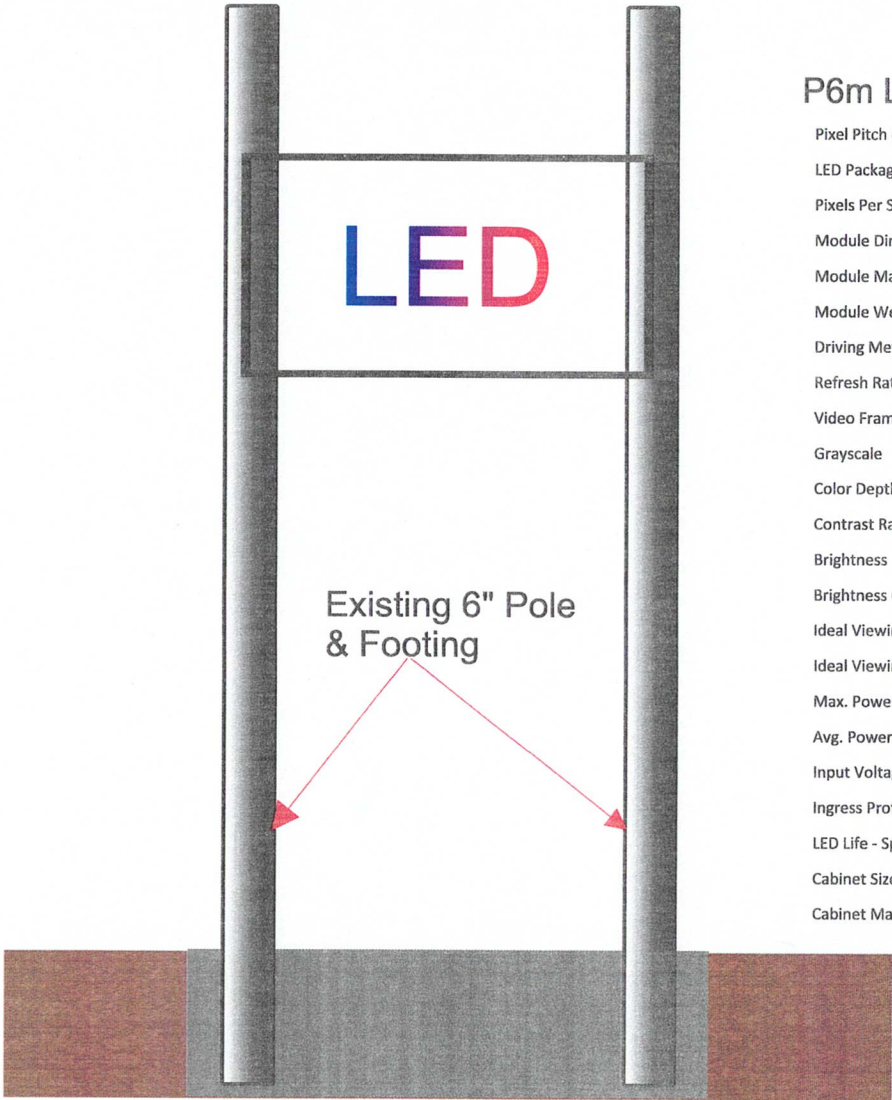
DISCLAIMER - This drawing is conceptual and was prepared to show approximate location, arrangement, size and color of signage. It is subject to change and not intended to replace the use of construction documents and/or actual field dimensions.



STGN(S) TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN(S). STGN WILL BEAR UL LABEL(S).

SIGN SPECIFICATIONS

Item 2.



P6m LED Sign Specification

Pixel Pitch (Resolution)	6 mm
LED Package Type	SMD
Pixels Per Sq. Foot (Density)	2,090
Module Dimensions	12.6"x12.6" (320mm x 320mm)
Module Matrix	48x48
Module Weight	3 LB(1.4 KG)
Driving Method	1/6 constant current
Refresh Rate	≥3,840 Hz
Video Frame Rate	60 frames/second
Grayscale	65,536/(281 trillion colors)
Color Depth	16 bit
Contrast Ratio	3,000 : 1
Brightness	≥10,000 NITS
Brightness Control	256 levels
Ideal Viewing Range	18' or greater
Ideal Viewing Angle	160°(H) / 120°(V)
Max. Power Consumption	70W/f2 (750W/m2)
Avg. Power consumption	23W/f2 (250W/m2)
Input Voltage	88 ~ 264VAC
Ingress Protection	IP67 front / IP55 rear
LED Life - Span	100,000 hours
Cabinet Size	Custom
Cabinet Material	Aluminum



10,000 Nits

Max. brightness

281 Trillion

Colors

3,840 Hz

Refresh rate

6mm

Highest Resolution

Company Name	Project Name	Project Address	Project Details	Complete By	Customer Approval
MARATHON	EMC Sign	29011 Stephenson Hwy, Madison Heights, MI 48071	Install EMC Sign on existing Pole sign.	Drawn By: Eddie Sales Rep: Mike Date: 4 / 22 / 2025	Signature:  Date: / / 2025

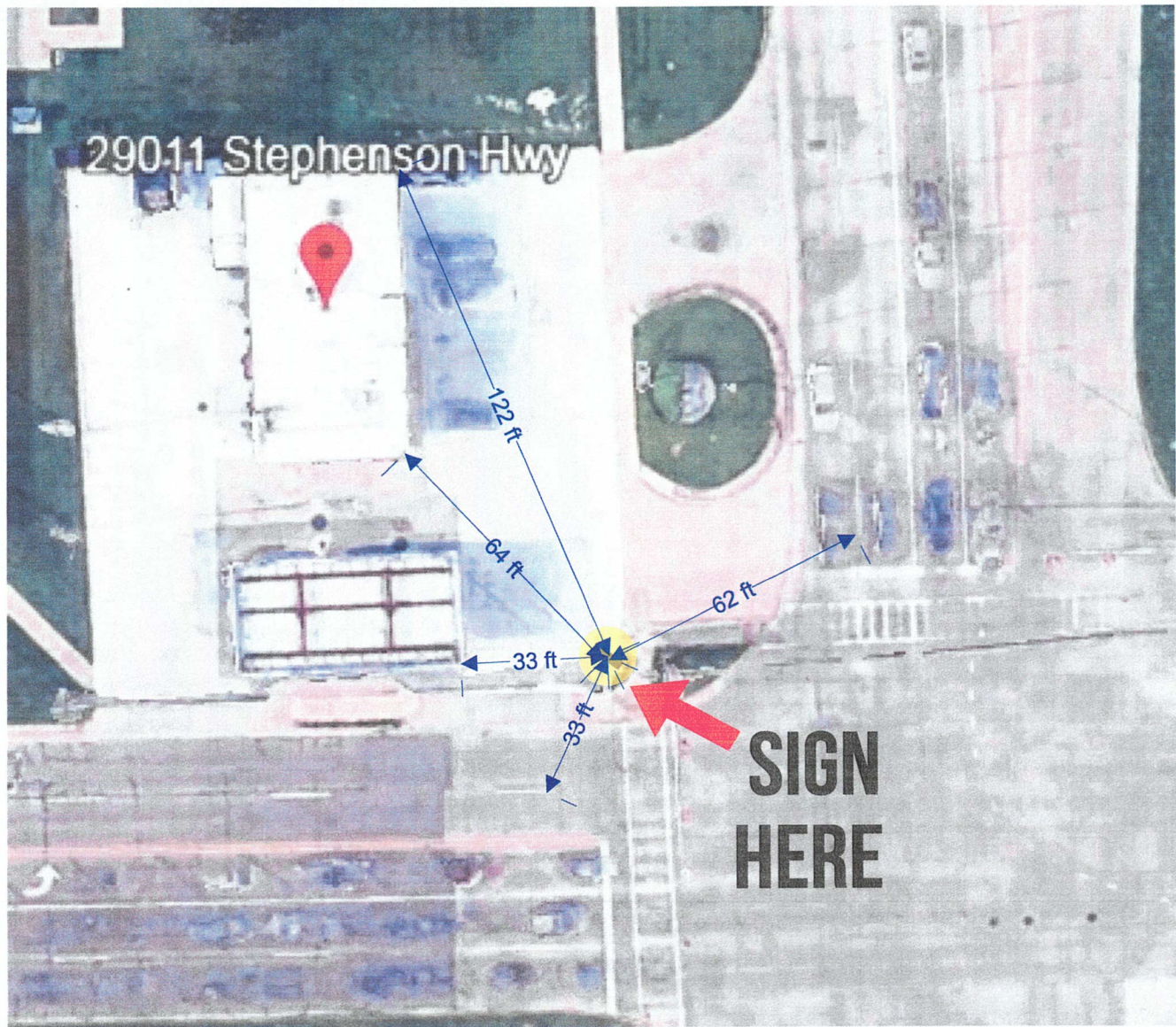
DISCLAIMER - This drawing is conceptual and was prepared to show approximate location, arrangement, size and color of signage. It is subject to change and not intended to replace the use of construction documents and/or actual field dimensions.



SIGN(S) TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN(S). SIGN WILL BEAR UL LABEL(S)

# SIGN LOCATION MAP

Item 2.



Company Name	Project Name	Project Address	Project Details	Complete By	Customer Approval
<b>MARATHON</b>	EMC Sign	29011 Stephenson Hwy, Madison Heights, MI 48071	Install EMC Sign on existing Pole sign.	Drawn By: Eddie Sales Rep: Mike Date: 4 / 22 / 2025	Signature: _____ Date:     /     / 2025

DISCLAIMER - This drawing is conceptual and was prepared to show approximate location, arrangement, size and color of signage. It is subject to change and not intended to replace the use of construction documents and/or actual field dimensions.

SIGN(S) TO BE MANUFACTURED  
 WITH ARTICLE 600 OF THE  
 CODE AND/OR OTHER APPLICABLE  
 THIS INCLUDES PROPER GROUNDING AND BONDING  
 OF THE SIGN(S)  
 SIGN WILL BEAR UL LABEL(S)

24

ORDNANCE  
ELECTRICAL  
CODES

#### 4. M-1 Light Industrial District; and M-2 Heavy Industrial Districts:

Sign Type	M-1 and M-2 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. No sign shall be located closer than 30 feet to any property line of an adjacent residential district.</p> <p><b>Minimum Setback:</b> 5 feet</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.</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 frontage:</b> 1.5 square feet of sign area per lineal feet of building street frontage or primary façade length, not to exceed a total of 150 square feet per tenant per street-facing façade or primary façade.</p> <p>Buildings/tenants with an individual building 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 of the adjacent street shall be permitted a total wall area bonus of 25% along such frontage/façade, not to exceed 175 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 façade 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>	<b>Maximum Area:</b> 25% of the window area.
<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>

## Section 12.08 Billboards

- Billboards shall be permitted only on parcels abutting interstate highways or freeways in the MUI-1, MUI-2, M-1, and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within 100 feet of the billboard, and no other structure shall be placed on the parcel within 100 feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in this section following. A billboard shall not be located within any required setback of such parcel.
- Billboards shall not be less than 2,500 feet apart, including billboards on the opposite side of the interstate. A double face (back to back) or a V-type structure shall be considered a single billboard provided the two faces are not separated by more than ten feet, or the interior angle does not exceed 20 degrees, whichever is applicable.
- The total surface area, facing in the same direction, of any billboard, shall not exceed 700 square feet and shall be contained on a single panel.

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.