



**CITY OF MADISON HEIGHTS**  
**COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE ROAD**  
**ZONING BOARD OF APPEALS MEETING AGENDA**  
**APRIL 04, 2024 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**ADDITIONS/DELETIONS**

**APPROVAL OF MINUTES**

- [1.](#) November 16th, 2023 Meeting Minutes

**PUBLIC HEARING**

- [2.](#) **Case # PZBA 24-01: 32751 Concord Drive**

REQUEST: The applicant, Aver Sign Company, on behalf of Antoun Property Group LLC (property owner), requests two (2) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum height of a ground sign; and one (1) variance pertaining to the maximum area of a ground sign. The subject property is located at 32751 Concord Drive (tax parcel #44-25-02-201-026) and is zoned B-3, General Business

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

3. Election of Officers: Chair and Vice Chair

**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  
November 16, 2023

A Regular Meeting of the Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, November 16, 2023 at 7:30 PM at Executive Conference Room – City Hall, 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson, and members: Corbett, Holder, Marentette, and Oglesby

Absent: Barragan

**23-46. Minutes**

Motion by Ms. Holder, seconded by Mr. Oglesby, to approve the Zoning Board of Appeals Regular Meeting Minutes of October 5, 2023.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson

Motion carried.

**23-47. Case # PZBA 23-14: 25005 Dequindre Road**

Petitioner Jennifer Glover, Permit Agent at Aver Sign Company, representing Mobil at 25005 Dequindre Road is requesting the board to approve a second ground sign along Dequindre Road. Her client Mobil is unable to dig at the corner of 10 Mile Road and Dequindre to set a sign safely. They have a sign permit and begun installation for a sign on 10 Mile Road. The sign meets the City’s ordinances for the overall height and square footage. It’s a static LED display for product and pricing for that particular gas station. Most gas stations located at two major thoroughfares install their signs at the corner to get the attention of all the traffic in that area. She is also requesting the board to approve a sign setback of less than a foot off of the sidewalk. The current sign location would be blocked by shrubbery and a building.

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

**REQUEST**

The applicant, Aver Sign Company on behalf of 25005 Dequindre, LLC (property owner), requests two (2) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum number of ground signs per property; and one (1) variance pertaining to the minimum ground sign setback. The subject property is located at 25005 Dequindre Road (tax parcel #44-25-24-476-043) and is zoned B-1, Local Business District.

## **SITE PLAN REVIEW COMMITTEE (SPRC) ACTION**

The SPRC discussed the variance request at their November 8th, 2023 meeting. The SPRC did not object to allowing two (2) ground signs on the property, but expressed concern regarding the potential impacts to landscaping as well as allowing a sign so close to the side property line.

## **ZBA ACTION**

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed signs 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. If the proposed sign locations require the relocation of greenbelt landscaping, prior to administrative approval of the sign permits, the applicant and/or property owner shall provide a revised landscape plan to the City Planner for review and approval. The revised landscape plan shall meet the minimum planting requirements of the Zoning Ordinance.
2. Provide a decorative masonry base for each ground sign, with details provided to the City Planner for review and approval as part of the administrative sign permit applications.
3. The ground signs shall not obstruct required clear vision corners.

**Any ZBA motion, including approval and denial, shall include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. Template approval and denial motions are provided below for the ZBA's consideration. The ZBA should act on each variance request separately.**

Chair Kimble opened the public hearing at 7:37 p.m. to hear comments on application #23-14.

There being no further comments on application #23-14, Chair Kimble closed the public hearing at 7:38 p.m.

Petitioner Jennifer Glover, Permit Agent at Aver Sign Company, answered a question from Ms. Holder that there had been no discussions about the four conditions prior to the meeting. They are willing to negotiate with the City to provide a foot base to hide the pole. And accommodate the City's request regarding the landscape. Ms. Glover answered a question from Chairman Kimble and expressed her concern with the dimensions of a thinner manufactured sign. Michigan Law requires a sign with LED lights to be a certain size, it reduces the size of the image, and may cause a traffic hazard. She answered a question from Vice-Chair Thompson that it's not feasible to change a bigger sign to a smaller sign. The Michigan Department of Motor Vehicles did a study on the hazards of small signs on major roads with higher driving speeds.

Assistant City Attorney Burns advised the board they are allowed to have conditions placed upon the applications as long as there are rational correlation between the variance request, not creating a bigger

problem with the variance, and try to be compliant with the actual zoning. We did not address the size of the sign and the conditions but it is at the discretion of the board.

Property owner Steven Haddad answered the question from Mr. Loranger that his property is a new development and it was designed by a previous civil engineer who made several mistakes.

City Planner Lonnerstater has concerns of the proposal being close to the north property line, they will likely go onto the adjacent property to install the sign, and trespass on the other property to maintain the sign. If the one sign was thinner or narrow it would meet the setback requirement of twenty (20) feet and have more possible location that it can be placed at; the sign dimension is 5 ½ feet tall and 3 ½ feet wide.

Mr. Oglesby spoke about small signs creating a hazard on major roads like 10 Mile Road and Dequindre Road.

### **VARIANCE #1 – NUMBER OF GROUND SIGNS**

Motion made by Corbett, Seconded by Oglesby, to approve the variance application to allow two (2) ground signs at the subject property located at 25005 Dequindre Road, Tax Map # 44-25-24-476-043, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits one ground sign for each business development in the B-1 Zoning District.
- 2) Based on exceptional condition of the property as a corner property, and due to the location of underground utilities, the strict application of the regulation would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

The variance is granted with the following conditions:

- 1) If the proposed sign locations require the relocation of greenbelt landscaping, prior to administrative approval of the sign permits, the applicant and/or property owner shall provide a revised landscape plan to the City Planner for review and approval. The revised landscape plan shall meet the minimum planting requirements of the Zoning Ordinance.
- 2) Provide a decorative masonry base for each ground sign, with details provided to the City Planner for review and approval as part of the administrative sign permit applications.

3) The ground signs shall not obstruct required clear vision corners.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson  
Motion carried.

**VARIANCE #2 – GROUND SIGN SETBACK**

Motion made by Holder, Seconded by Oglesby, to approve the variance application to allow one (1) new ground sign approximately one (1) foot from the northern side property line 25005 Dequindre Road, Tax Map # 44-25-24-476-043, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)3 of the Zoning Ordinance requires a 20-foot side yard setback for ground signs in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulation would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson  
Motion carried

**23-48. Public Comment: For items not listed on the agenda.**

Seeing no one wished to comment, Chair Kimble opened public comment at 7:53 p.m. and closed the public comment at 7:54 p.m.

**23-49. Adoption of 2024 ZBA Meeting Calendar**

Motion made by Oglesby, Seconded by Marentette, to approve and adopt the 2024 ZBA Meeting Calendar.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson  
Motion carried.

**23-50. Adjournment.**

Motion by Ms. Holder, seconded by Mr. Oglesby, to adjourn the meeting.

Voting Yea: Corbett, Holder, Kimble, Loranger, Marentette, Oglesby, Thompson  
Motion carried.

There being no further business, Chair Kimble, adjourned the meeting at 7:55 p.m.



# MEMORANDUM

Report Date: March 27<sup>th</sup>, 2024  
 To: City of Madison Heights Zoning Board of Appeals  
 Meeting Date: April 4<sup>th</sup>, 2024  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Signage Variance  
 PZBA 24-01; 32751 Concord Dr.

**NOTE:** The applicant has included the sign base in the sign area measurement; however, per the City’s zoning definitions, the sign base does not count towards sign area calculations.

## REQUEST

The applicant, Aver Sign Company on behalf of Antoun Property Group LLC (property owner), requests two (2) variances from the City’s Zoning Ordinance standards relating to signage. The subject property is located at 32751 Concord Drive (tax parcel # 44-25-02-201-026) and is zoned B-3, General Business. The property is located on the east side of Concord Drive, south of W. 14 Mile Road. A new gas station/convenience store is currently under construction on the property.

The applicant requests variances from the following sections of the Zoning Ordinance pertaining to ground signage:

*Variance #1: Section 10.511(IV)(C)(2)(a)1: Not over eight feet in height above the adjacent grade; and*

*Variance #2: Section 10.511(IV)(C)(2)(a)4: A ground sign under this section shall not exceed 0.5 square feet per each lined foot of lot frontage to a maximum of 60 square feet in area.*

The applicant proposes to demolish the existing monument sign on the property (formerly for “Steak ‘n Shake”) and construct one new monument sign with the following dimensions:

- 9.52-ft. tall (1.52-ft. variance)
- 63.2 sq. ft. area (3.2-sq. ft. variance)

These variances are detailed individually below.

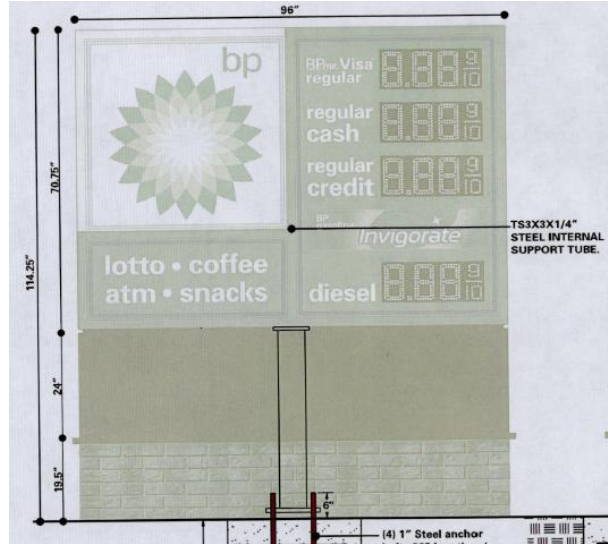
### Height Variance

Per Section Per Section 10.511(IV)(C)(2)(a), ground signs in B-3 zoned districts are afforded a maximum height of eight (8) feet. The proposed sign, shown on the following page, measures 9.52 feet tall, requiring a 1.52 foot variance. The existing ground sign, to be demolished, is approximately 8 feet tall and meets Ordinance requirements.

Existing Sign (8 ft. tall)



Proposed Sign (9.52 ft. tall)



The proposed sign features an aluminum cabinet, a 16 sq. ft. digital message board, and a 1.6-foot-tall faux brick base monument.

**Area Variances**

Per Section Per Section 10.511(IV)(C)(2)(a), ground signs in B-1 zoned districts are afforded a maximum a maximum area of sixty (60) square feet. The existing sign, shown above on the left, is approximately sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, is proposed at 63.2 square feet, requiring a 3.2 square foot area variance. Note that the applicant has included the sign base in the area measurement; however, per the City’s zoning definitions, the sign base does not count towards sign area calculations.

**VARIANCE FINDINGS AND CRITERIA**

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

- ***Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.***
- ***The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.***

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- *The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.*
- *The special conditions and/or circumstances are not a result of the applicant.*
- *The variance is the minimum variance necessary to provide relief to the applicant.*
- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*



Additional variance review criteria are contained in Section 10.805, listed at the end of this report.

### STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 10.804(2) of the Zoning Ordinance. Per their application, the applicant primarily cites visibility from 14 Mile Road and the ability to attract more customers to the new gas station as justifications for the requested variances. The applicant also references existing nearby ground signs that exceed height and area limits.

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 ground on the property, variances may be warranted.

Staff finds that the subject parcel is of a somewhat regular shape with adequate road frontage to accommodate a ground sign meeting ordinance requirements. In staff's opinion, the distance from 14 Mile Road, the argument that a larger sign will attract more customers, and comparison to other non-conforming signs are not adequate justifications for dimensional variances as they do not relate to extraordinary physical conditions on the property. The ground sign height and area regulations do not deprive the property owner of rights commonly enjoyed by others in the B-3 zoning district. Further, simple modifications to the sign could bring the sign into conformance with the Zoning Ordinance, including the elimination of the digital message board.

### ZBA ACTION

**Any ZBA motion, including approval and denial, should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. Template approval and denial motions are provided below for the ZBA's consideration.**

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. Landscaping shall be planted around the foundation of each new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
2. The new ground sign shall not obstruct clear vision corners.
3. The ground sign shall feature a decorative brick base, as presented in the variance application.

## TEMPLATE MOTIONS

### Variance– Ground Sign Height and Area

#### DENIAL

Move to DENY the variance application to allow one (1) new ground sign measuring 9.52 feet in height and 63.2 feet in area at the subject property located at 32751 Concord Drive after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits ground signs not over eight (8) feet in height above the adjacent grade and not over sixty (60) square feet in the B-3 Zoning District.
- 2) Based on the absence of exceptional shape or area, or physical constraints of the specific piece of property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property.
- 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are a result of the applicant.
- 5) The variance is not the minimum variance necessary to provide relief to the applicant.

#### APPROVAL

Move to APPROVE the variance application to allow one (1) new ground sign measuring 9.52 feet in height and 63.2 feet in area at the subject property located at 32751 Concord Drive after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits ground signs not over eight (8) feet in height above the adjacent grade and not over sixty (60) square feet in the B-3 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

This variance is granted with the following conditions:

1. Landscaping shall be planted around the foundation of each new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
2. The new ground sign shall not obstruct clear vision corners.
3. The ground sign shall feature a decorative brick base, as presented in the variance application.

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**CODE REFERENCES****Sec. 10.804. - Power of zoning board of appeals.**

**(2) Variance.** *To authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.*

**Sec. 10.805. - Standards.**

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

- 1) The location and size of the use.*
- 2) The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.*
- 4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- 5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.*
- 6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.*
- 7) The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*
- 8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.*

- 9) *The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.*

**Sec. 10.511(IV)(C)(2) –Signs in B-3 Zoning District**

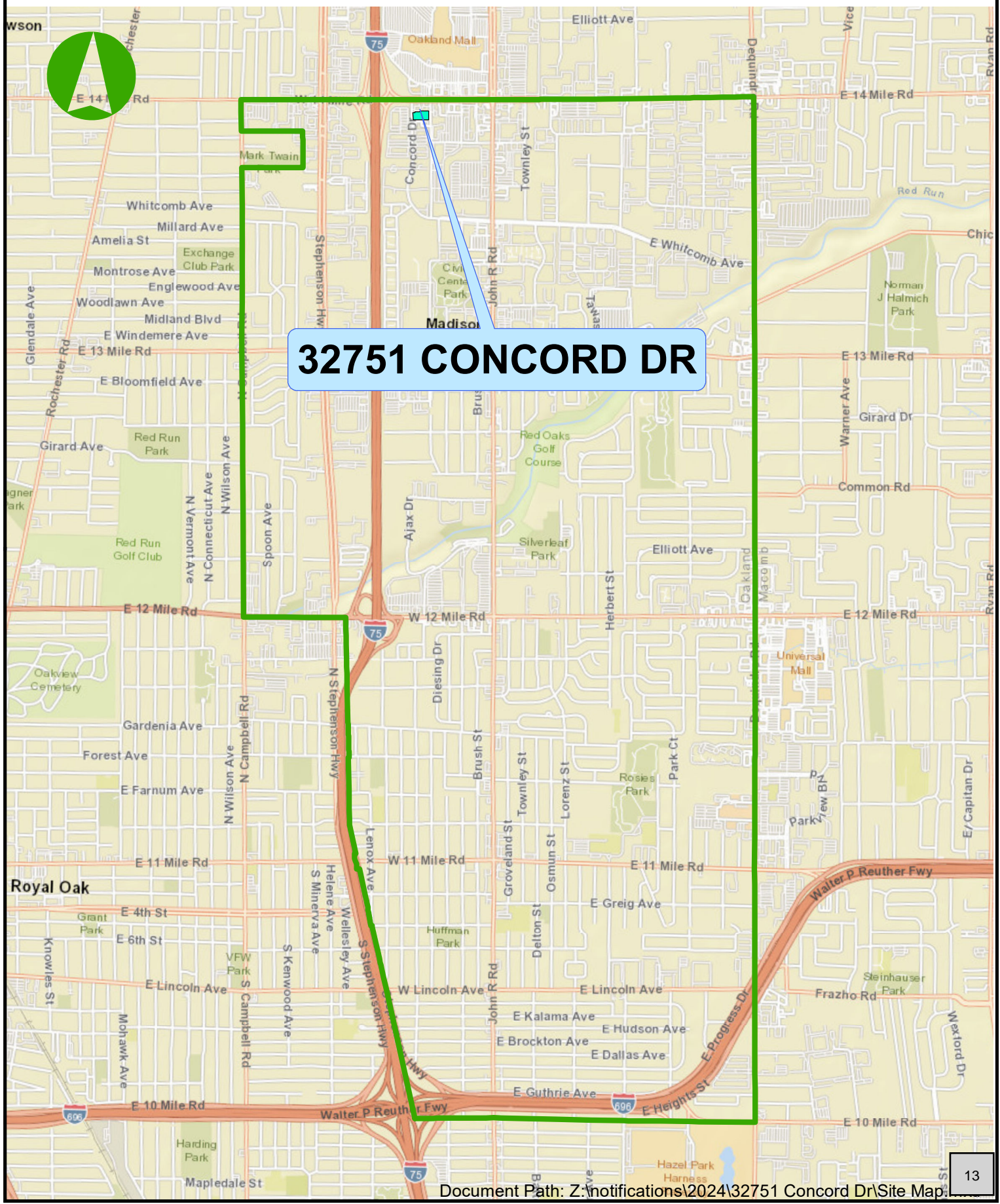
*Each business development (that is, one or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:*

*(a) Ground Signs: One ground sign for each business development*

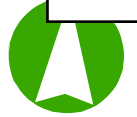
- 1. *Not over eight feet in height above the adjacent grade nor more than ten feet above the adjacent roadway.*

*Note: Ground signs may not obstruct visibility at driveways or intersections. The building official may require that the sign base or the height of the bottom of the sign be adjusted to protect the public safety:*

- 2. *No sign shall be located closer than 90 feet to any property line of an adjacent residential district.*
- 3. *The base of the sign be not less than 20 feet from a side lot line.*
- 4. *A ground sign under this section shall not exceed 0.5 square foot per each lineal foot of lot frontage to a maximum 60 square feet in area.*
- 5. *Individual ground signs for each business tenant within a development shall not be permitted.*

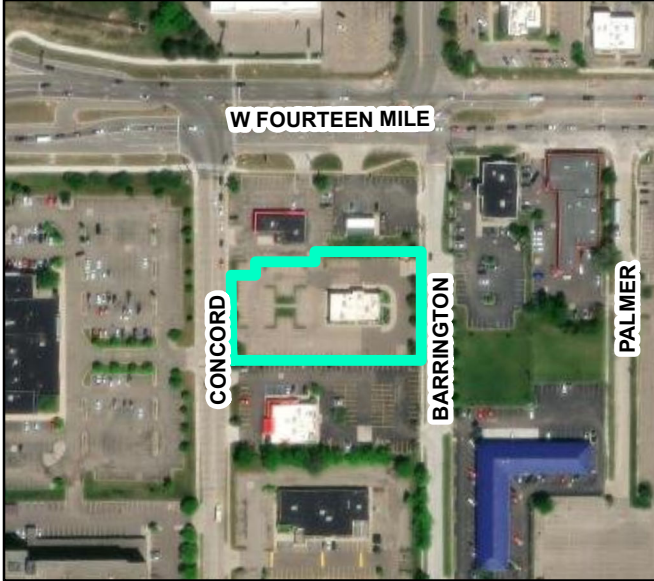



# Site Address: 32751 Concord Dr



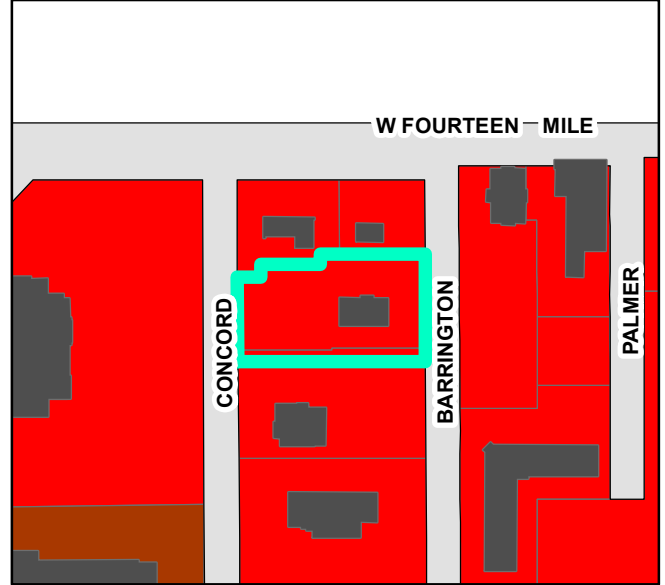
[Click for maps](#)

Aerial



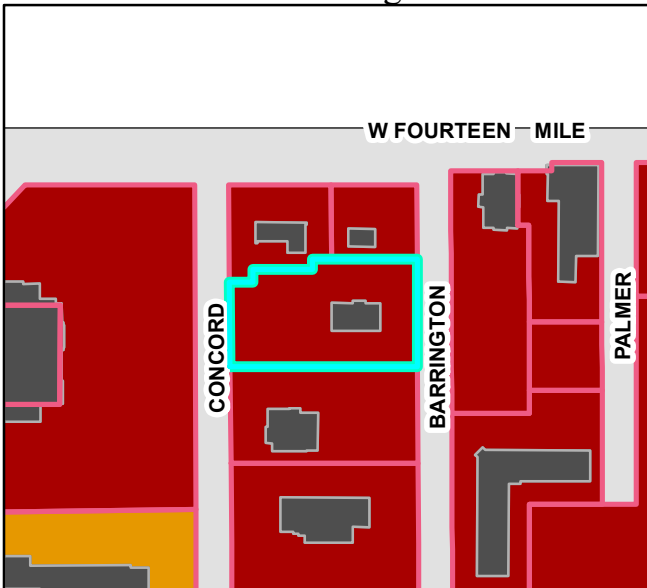
 32751 Concord Dr






Existing Land Use



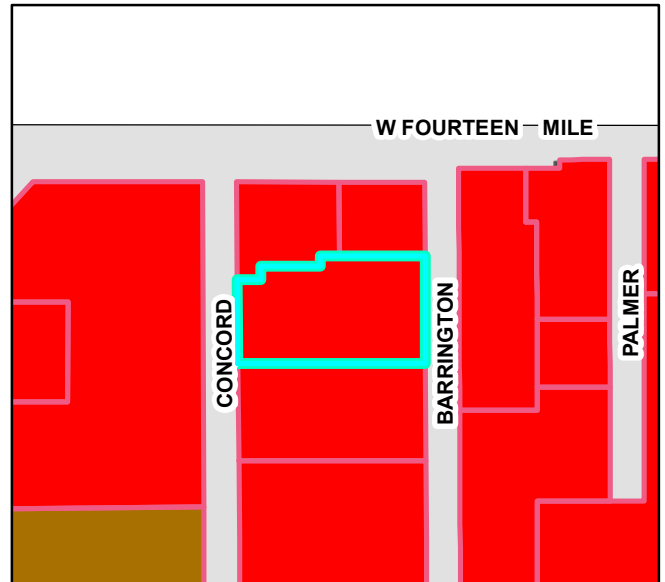
 32751 Concord Dr  Multiple Family  
 Buildings  Commercial

Zoning



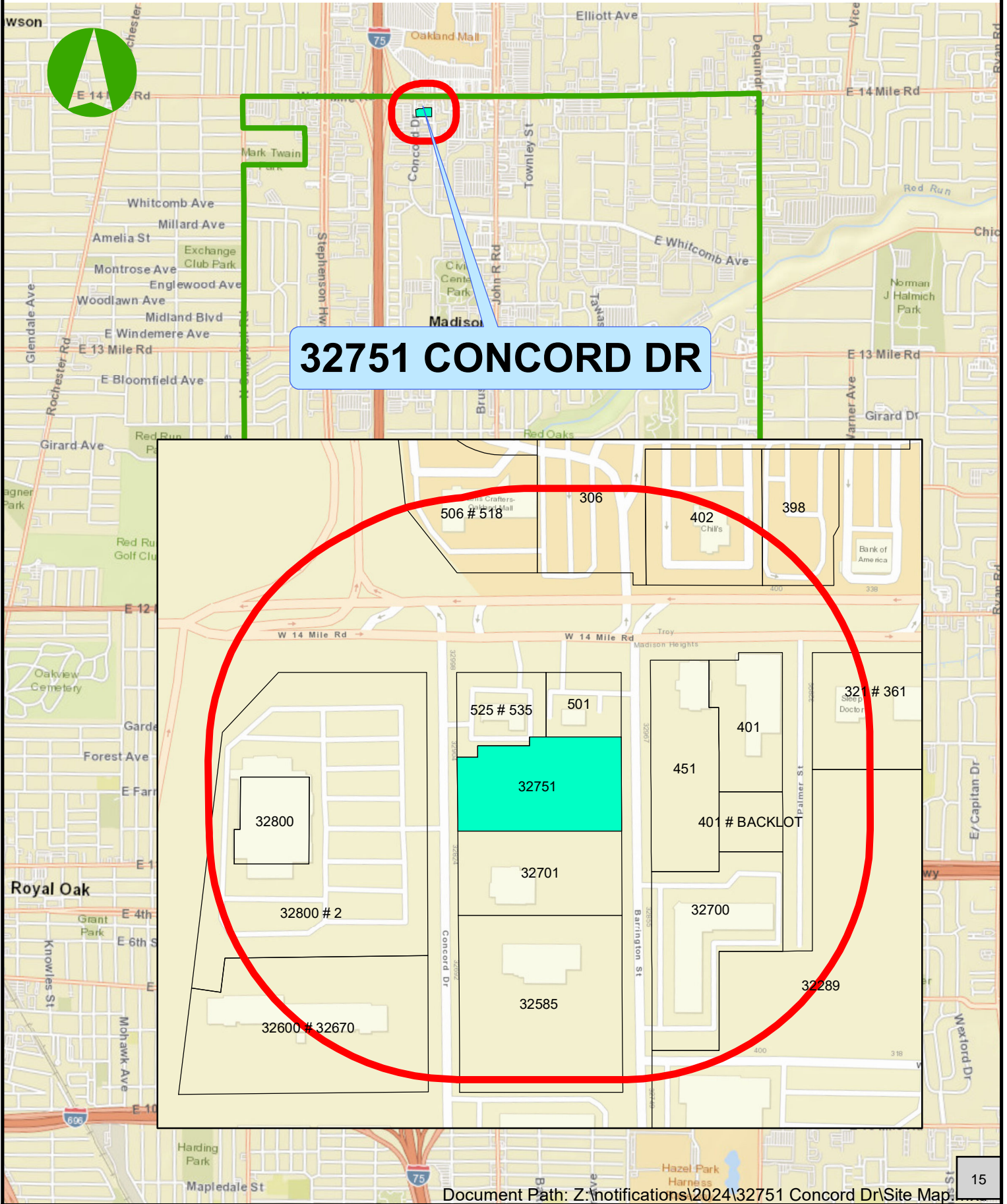
 32751 Concord Dr  Buildings  
 B-3 General Business  Parcels  
 H-R High Rise

Future Land Use



 32751 Concord Dr  Commercial  
 Parcels  Multiple Family

# PZBA: 24 - 01 BUFFER: 500FT





# CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Item 2.

Application No.: <u>PZBA 24-0001</u>
Date Filed:

(This application must be typed)  
SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Aver Sign Co  
 Address: 1285 Wordsworth  
 City: Ferndale State: MI Zip: 48220  
 Telephone: 248-542-0678 Fax: \_\_\_\_\_  
 Email: averpermit@aversign.com

2. **Petitioner's Interest in Property:** contractor

3. **Property Owner:** (Attach list if more than one owner)  
 Name: Antoun Property Group LLC  
 Address (Street): 32680 Concord Drive  
 City: Madison Heights State: MI Zip: 48071  
 Telephone: 586-864-8516  
 Email: avisantoun@gmail.com

4. **Property Description:**  
 Address: 32751 Concord Madison Heights, MI 48071  
 Tax Parcel #: 44 - 25 - 02 201 - 026  
 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:** B3 **Present Use:** commercial

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

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

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



ZONING BOARD OF APPEALS APPLICATION

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

VARIANCE

Request is hereby made for permission to erect [X] alter [ ] convert [ ] or use [ ] a Digital ground/monument sign

Contrary to the requirements of Section(s) 10.511 of the Zoning Ordinance 252

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.
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 [X]

Has there been any previous appeal involving these premises? Yes [ ] No [X]

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

ZONING BOARD OF APPEALS APPLICATION

Application No.: PZBA 240001

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

FOR THE OWNER:

Signature [Signature]
Printed Name Avic Antoun
Date 2/16/24

FOR THE APPLICANT IF NOT THE OWNER:

Signature [Signature]
Printed Name Brian K Stakley
Date 1/29/24

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 [X] Owner [X]

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. PDF
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

APPROVED: PAID: FEE: \$

DENIED: RECEIPT NO.



February 12, 2024

Corrigan BP

32751 Concord Drive

Madison Heights, MI 48071

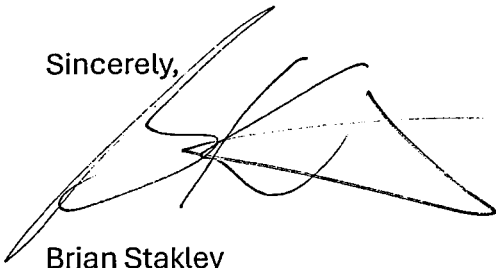
RE: Hardship answers for 32751 Concord Drive

1. We are seeking to erect a BP monument sign east of Concord Drive with an OAH of 9.52 ft and max square footage of 76.17. Ordinance 10.511 allows a max OAH of 8 ft and max area of 60 sqft. We are asking the city to forgive 1.52ft in OAH and 16.17 sqft of maximum sign area.
2. The existing topography presents unique challenges that impact the ability to advertise with standard sized signage. This property is setback further than surrounding properties and is obstructed from view by both T-Mobile and Verizon. The size and configuration of this property differs from surrounding plots. These constraints limit options for sign placement. A variance is required to ensure optimal visibility without encroaching on adjacent properties. Finally, the flow of traffic from key vantage points, including 14 Mile road, is distinctive to this property. To effectively and safely capture the attention of vehicular and pedestrian traffic a variance is essential to ensure visibility within the unique traffic patterns.
3. A comprehensive analysis of signage within the shared zoning district reveals that others, similarly situated, have been granted signs exceeding 8 ft in height.

The literal interpretation of the ordinance, restricting OAH to 8 ft would place an undue restriction on the rights of owners of this property when compared to their neighbors.

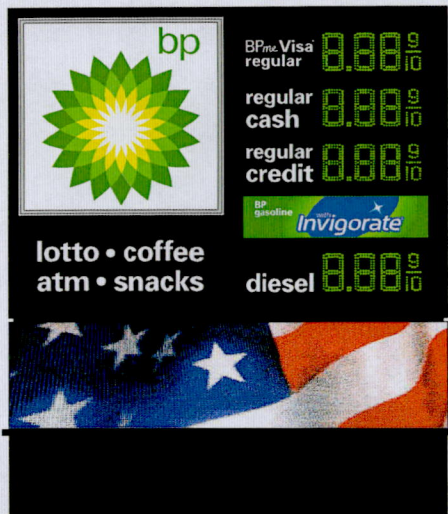
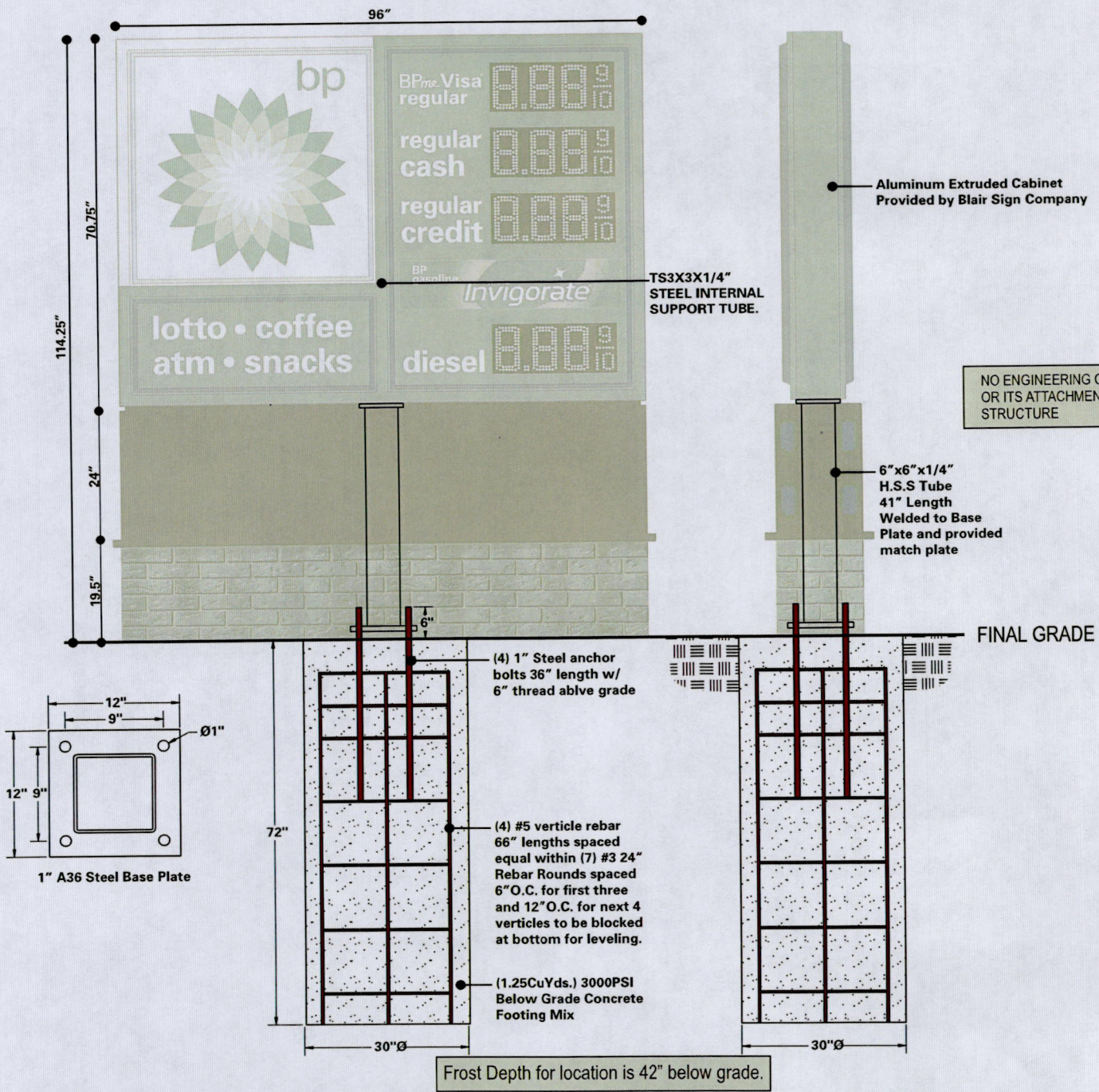
4. These special conditions and/ or circumstances were not the result of any action by the owner of said property. The property has had significant improvements and renovations over the past 2 years. The need for a more prominent and impactful signage solution is due to the limitations unique to the property as mentioned in #3 above. This decision stems from a commitment to promote our brand and business growth.
5. Without the requested variance, we would be limited in utilizing the property in a manner consistent with the current zoning ordinance. Strict adherence to the ordinance would greatly impede the ability to advertise the business through outdoor signage. Without a variance visibility within the community and the overall effect on Business Operations would be disparate. This would restrict the ability to attract customers and compete effectively with others in the district. The variance requested is the minimum necessary to operate the property in a matter consistent with other businesses in the district.
6. The requested variance strikes a fair balance between the business needs of the property and the broader community interests. If granted there would not be any adverse impact on the essential character of the area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Stakley', written over a horizontal dashed line.

Brian Stakley

Permit Agent



\*EMC and footing by others\*

**Aver**  
SIGN COMPANY

1285 Wordsworth St. Ferndale MI. 48220  
Tel: 248-542-0675 Web: [aversign.com](http://aversign.com)

Customer:

Site Address:

WC#:  Rev Date:

**SPECIAL APPROVAL REQUEST PSP #22-10, GRANTED ON DECEMBER 12, 2022, WITH FOLLOWING CONDITIONS:**

- TO REDUCE EXCESS IMPERVIOUS SURFACE ON THE SITE, A MINIMUM OF TWENTY-FIVE (25) OUT OF THE EXISTING EIGHTY-THREE (83) PARKING SPACES SHALL BE REMOVED AND REPLACED WITH GREENBELT AND INTERIOR LANDSCAPING.
- A MINIMUM OF FOUR (4) ELECTRIC VEHICLE (EV) CHARGING STATIONS LEVEL 2 (OR LEVEL 3) SHALL BE PROVIDED. THE FINAL LOCATION OF WHICH SHALL BE DETERMINED DURING FINAL SITE PLAN REVIEW.
- A MINIMUM OF SIX (6) FUELING PUMPS (12 FUELING STATIONS) SHALL BE PROVIDED.
- THE PEDESTRIAN CONNECTION TO CONCORD DRIVE AND BARRINGTON STREET SHALL BE IMPROVED WITH AN ALTERNATE PAVING MATERIAL (E.G. STAMPED CONCRETE/ASPHALT) WHERE THEY CROSS VEHICULAR ACCESS DRIVE AISLES. THE MATERIAL SHALL BE DIFFERENT FROM THE REMAINDER OF THE DRIVE AISLE AND SHALL NOT SIMPLY CONSIST OF A PAINTED SURFACE. BUILDING ELEVATIONS SUBMITTED FOR FINAL SITE PLAN REVIEW SHALL BE SUBSTANTIALLY CONSISTENT WITH THE RECORDS WITH THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT TO DEVELOP ALTERNATE PAVING MATERIALS THAT MEET THE QUALITY OF THE RECORDS.
- THE GAS STATION, CONVENIENCE STORE, AND RESTAURANT SHALL NOT OPERATE PAST 12 AM MIDNIGHT.
- THE GAS STATION SHALL COMPLY WITH ALL USE-SPECIFIC REQUIREMENTS OF SECTION 10.31923, EXCLUSIVE OF ITEM (C).
- ANY FUTURE MODIFICATION OF THE GAS STATION SITE THAT RESULTS IN AN INCREASE IN THE NUMBER OF FUEL PUMPS OR PUMPING STATIONS SHALL REQUIRE SPECIAL APPROVAL IN ACCORDANCE WITH THE ZONING ORDINANCE.
- A TOTAL OF EIGHT (8) BICYCLE PARKING SPACES WILL BE PROVIDED.

**LEGEND**

- CFIP FOUND IRON PIPE
- CFIB FOUND IRON BAR
- CFIC FOUND CAPPED PIPE
- CFIM FOUND GAS MAIN
- (M) RECORD
- (R) RECORD
- EX. CONDUIT
- EX. GAS MAIN
- EX. GUARD RAIL
- EX. OVERHEAD LINES
- EX. SANITARY SEWER
- EX. STORM SEWER
- EX. WATER MAIN
- EX. FENCE
- EX. AIR CONDITIONER
- EX. BOLLARD
- EX. CATCH BASIN
- EX. OVERHEAD LINES
- EX. ELECTRIC METER
- EX. GAS METER
- EX. GATE VALVE
- EX. GUY ANCHOR
- EX. HYDRANT
- EX. SANITARY MANHOLE
- EX. SIGN
- EX. STORM MANHOLE
- EX. TRANSFORMER
- EX. WATER SHUT OFF
- EX. LIGHT POLE
- EX. UTILITY POLE
- EX. DECIDUOUS TREE
- EX. CONIFEROUS TREE
- PROG. PARKING SPACES COUNT
- PROG. SIGN
- PROG. AIR COMPRESSOR

**HATCH LEGEND**

- PROPOSED ASPHALT
- PROPOSED CONCRETE
- PROPOSED STAMPED CONCRETE

**GENERAL NOTES:**

- THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.
- ALL DIMENSIONS SHOW ARE TO FACE OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF MADISON HEIGHTS AND OHIO STATE ENGINEERING AND SURVEYING REGULATIONS.
  - THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER AND/OR THE AUTHORITY HAVING JURISDICTION 3 BUSINESS DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION.
  - ANY WORK WITHIN THE STREET OR HIGHWAY RIGHT-OF-WAYS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE AGENCIES HAVING JURISDICTION AND SHALL NOT BEGIN UNTIL ALL NECESSARY PERMITS HAVE BEEN ISSUED FOR THE WORK.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ADJUST THE TOP OF ALL EXISTING AND PROPOSED STRUCTURES (MANHOLES, CATCH BASINS, PILETS, GATE WELLS ETC) WITHIN GRAZED AND/OR PAVED AREAS TO FINAL GRADE SHOWN ON THE PLANS. ALL ADJUSTMENTS SHALL BE INCIDENTAL TO THE JOB AND WILL NOT BE PAID FOR SEPARATELY.
  - CONTRACTOR TO PROVIDE ALL REQUIRED TRAFFIC CONTROL DEVICES AND PERSONNEL TO MAINTAIN A SAFE WORK ENVIRONMENT.

**LEGAL DESCRIPTION (BY OTHERS):**

PART OF LOT 1 OF "PLAZA SUBDIVISION", PART OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 1 NORTH, RANGE 11 EAST, CITY OF MADISON HEIGHTS, OHIO COUNTY, MICHIGAN, AS RECORDED IN DEED 101 OF PLATS, PAGE 12 OF OHIO COUNTY RECORDS, ALSO PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 1 NORTH, RANGE 11 EAST, CITY OF MADISON HEIGHTS, OHIO COUNTY, MICHIGAN, DESCRIBED AS:

BEINGING: RANGE 11 EAST, CITY OF MADISON HEIGHTS, OHIO COUNTY DRIVE, SAID POINT LOCATED 1800'00" ALONG THE NORTH LINE OF SAID SECTION 2 A DISTANCE OF 964.03 FEET AND 5007'04" ALONG SAID EAST LINE AND ITS EXTENSION 271.00 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 2, THENCE CONTAINING 5002'04" 146.00 FEET; THENCE 1800'00" 29.23 FEET TO THE WEST LINE OF 60 FEET WIDE BARRINGTON ROAD, THENCE 1800'00" W ALONG SAID WEST LINE 189.00 FEET; THENCE 1800'00" W 183.00 FEET; THENCE 5007'04" N 18.00 FEET; THENCE 1800'00" N 104.53 FEET; THENCE 5000'00" N 23.00 FEET; THENCE 1800'00" N 42.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 1.347 ACRES 58,671 sq. SUBJECT TO ANY PART USED, IDEED OR TAKEN FOR ROADWAY PURPOSES NO OF RECORD.

**NOTICE:**  
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE ENGINEER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

**NOTE:**  
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

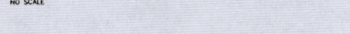
**ZONING:**

B-3, GENERAL BUSINESS DISTRICT

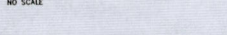
**SETBACKS:**

FRONT: 5 FEET  
SIDE: 5 FEET  
REAR: 20 FEET  
\*ARCHITECT OR DESIGN INDIVIDUAL TO VERIFY SETBACKS WITH THE CITY OF MADISON HEIGHTS PRIOR TO DESIGN.

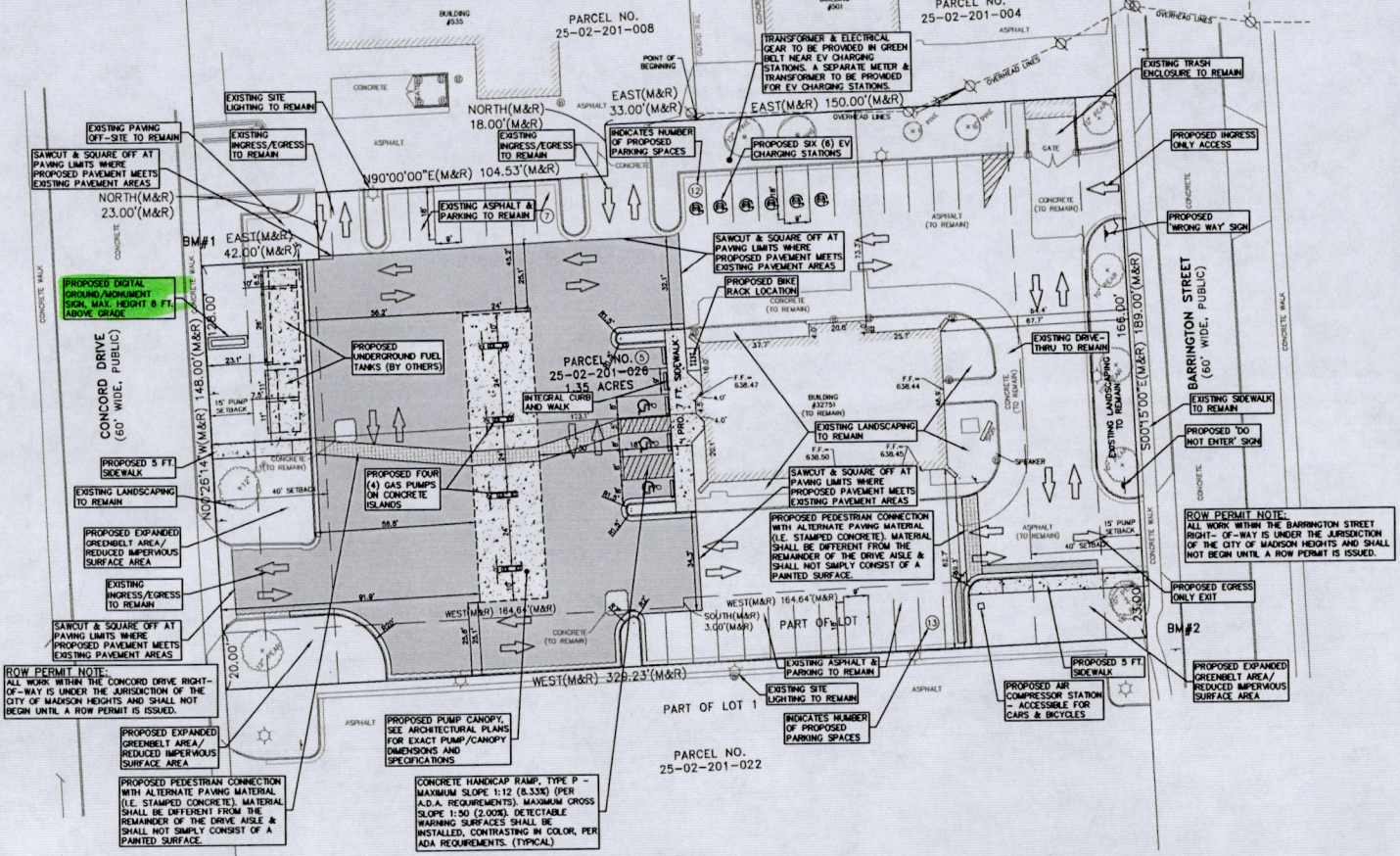
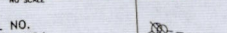
**PROPOSED BIKE CONCRETE PAD CROSS-SECTION**



**PROPOSED BIKE RACK DETAIL**



**PROPOSED BIKE RACK DETAIL**



**USE STATEMENT:**

EXISTING BUILDING TO BE CONVERTED TO A PROPOSED GAS STATION WITH RETAIL & CARRY OUT FOOD SERVICE. FOUR PUMP ISLANDS ARE ALSO PROPOSED FOR FUELING STATIONS. THE GAS STATION, CONVENIENCE STORE, AND RESTAURANT SHALL NOT OPERATE PAST 12 AM MIDNIGHT.

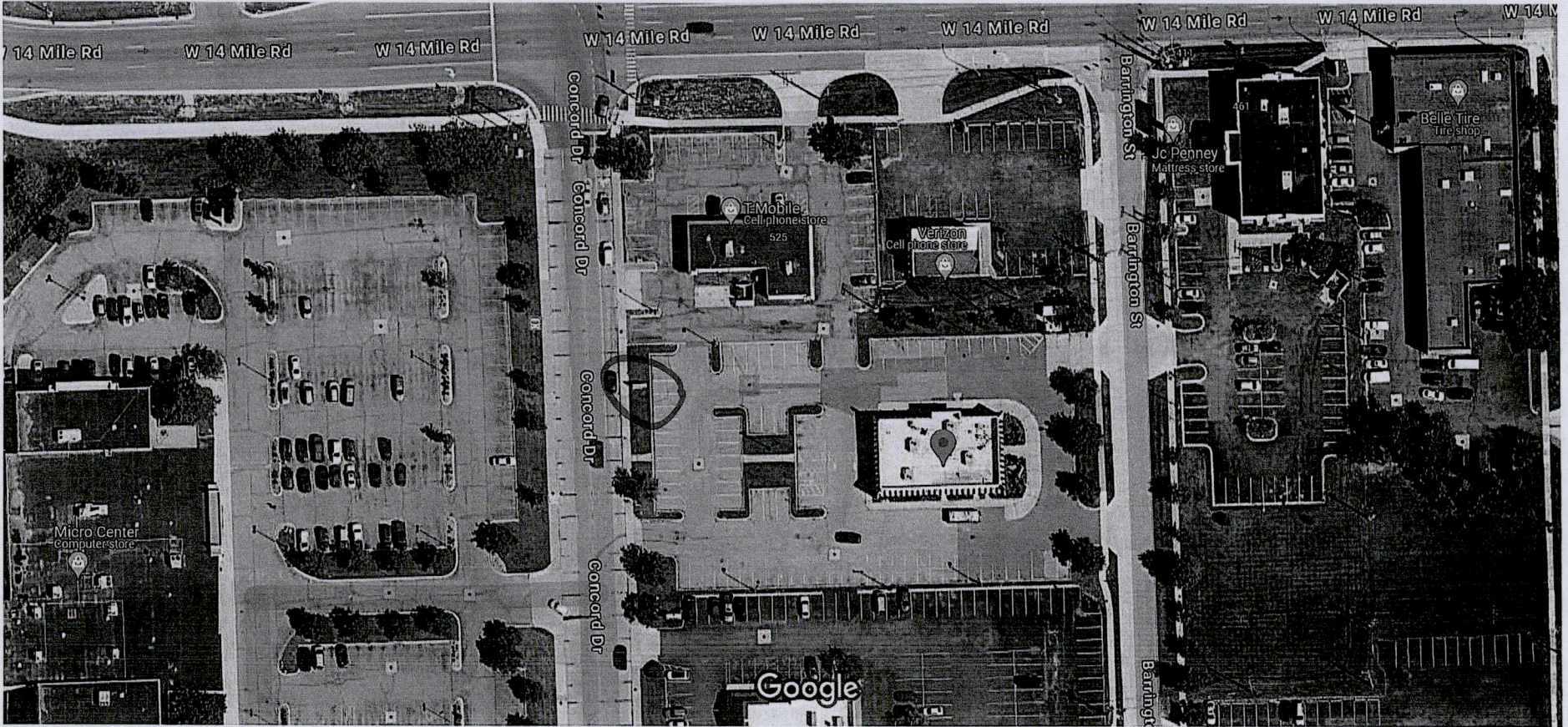
**SITE PARKING:**

EXISTING PARKING SPACES: 81 SPACES (78 REGULAR SPACES, 3 BARRIER-FREE SPACES)  
PARKING SPACES TO BE REMOVED: 44 SPACES  
PROPOSED PARKING SPACES: 37 SPACES (34 REGULAR SPACES, 3 BARRIER-FREE SPACES)

MHER # N683/2023  
PENG 23-0003/2023

Item 2.

# Google Maps 32751 Concord Dr



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N

*proposed sign*

Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2024 50 ft

# 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 4th, 2024 at 7:30 p.m.** to consider the following requests:

*Item 2.*

**1. Case # PZBA 24-01: 32751 Concord Drive**

REQUEST: The applicant, Aver Sign Company, on behalf of Antoun Property Group LLC (property owner), requests two (2) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum height of a ground sign; and one (1) variance pertaining to the maximum area of a ground sign.

The subject property is located at 32751 Concord Drive (tax parcel #44-25-02-201-026) and is zoned B-3, General Business

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.

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