



**CITY OF MADISON HEIGHTS**  
**COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE ROAD**  
**ZONING BOARD OF APPEALS AGENDA**  
**APRIL 06, 2023 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**ADDITIONS/DELETIONS**

**APPROVAL OF MINUTES**

1. March 2nd, 2023 Minutes

**PUBLIC HEARING**

2. **PZBA 23-02: 25780 Commerce Drive**

The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 25780 Commerce Drive (tax parcel # 44-25-24-426-038) and is zoned M-1, Light Industrial.

3. **PZBA 23-03: 615 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 615 E. Ten Mile Road (tax parcel # 44-25-24-360-026) and is zoned M-1, Light Industrial.

4. **PZBA 23-04: 53 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests four (4) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests two (2) variances from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 53 E. Ten Mile Road (tax parcel # 44-25-24-355-030) and is zoned M-1, Light Industrial.

5. **PZBA 23-05: 1275 & 1301 W. Fourteen Mile Road**

The petitioner, Samantha Burgner on behalf of ALRIG USA, requests three (3) variances from the city Zoning Ordinance. The applicant requests two (2) variances from Section 10.326(8), *use-specific standards for auto wash uses*, pertaining to hours of operation and vacuum locations; and one (1) variance from Section 10.511(IV)(A), *Prohibited Signs*, pertaining to roof signs. The subject property is located at 1275 W. Fourteen Mile Road (tax parcel # 44-25-02-101-046) and

1301 W. Fourteen Mile Road (tax parcel # 44-25-02-101-045) and is zoned B-3, General Business.

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**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  
 Regular Meeting  
 Madison Heights, Michigan  
 March 2, 2023

A Regular Meeting of the Madison Heights Zoning Board of Appeals was called to order by Chairman Kimble on March 2, 2023 at 7:30 p.m. at City Hall - Council Chambers, 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson and members: Aaron, Holder, Kehoe, Loranger, Marentette, and Rodgers

Absent: Corbett

Also Present: Assistant City Attorney Burns, City Planner Lonnerstater, and Clerk of the Board Boucher.

**23-07. Excuse Member(s)**

Motion by Ms. Kehoe, seconded by Mr. Oglesby, to excuse Ms. Corbett from tonight's meeting.

Yeas: Aaron, Holder, Kehoe, Loranger, Marentette, Oglesby, Rodgers, Thompson, and Kimble

Nays: None

Absent: Corbett

Motion Carried.

**23-08. Minutes**

Motion by Ms. Marentette, seconded by Vice-Chair Thompson, to approve the Zoning Board of Appeals Meeting Minutes of January 5, 2023, as printed.

Yeas: Aaron, Holder, Kehoe, Loranger, Marentette, Oglesby, Rodgers, Thompson, and Kimble

Nays: None

Absent: Corbett

Motion Carried.

**23-09. Public Comment: For items not listed on the agenda**

Seeing no one wished to comment, Acting Chair Oglesby opened public comment at 7:37 p.m. and closed the public comment at 7:38 p.m.

**23-10. PZBA 23-01: 900 E. Mandoline Ave.**

The applicant, Troy Polymers, Inc., requests a variance from Section 10.504(2) of the Zoning Ordinance to permit the installation of a gas generator in a required side yard. The subject property is located at 900 E. Mandoline Avenue (tax parcel # 44-25-01-127-008) and is zoned M-1, Light Industrial.

Chair Kimble opened the public hearing at 7:38 p.m. to hear comments on application #23-01.

There being no comments on application #23-01, Chair Kimble closed the public hearing at 7:39 p.m.

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

### REQUEST

The applicant, *Troy Polymers, Inc.*, requests a variance from Section 10.504(2) of the Zoning Ordinance to permit the installation of a gas generator in a required side yard. The subject property is located at 900 E. Mandoline Ave. and is zoned M-1, Light Industrial. Per Section 10.504(2), ground-mounted equipment such as transformers, generators, and mechanical equipment are only permitted in the rear-yard. The applicant requests a variance from this section to place a gas-powered generator within an asphalt drive area abutting the east side of the building.

### VARIANCE FINDINGS

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

- ***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.***

#### Staff Finding:

The subject parcel itself does not appear to contain exceptional features as it is a conforming M-1 parcel with a typical rectangular shape, with frontage along a local road within an industrial park. However, the building's gas meter is located adjacent to the proposed generator pad; therefore, the proposed generator location is ideal for the applicant as it reduces the necessity to extend gas/electric lines and could improve the efficiency of the generator.

- ***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.***

#### Staff Finding:

Staff finds that the property could continue to be used for industrial purposes in the absence of the requested variance. However, with appropriate screening and vehicular protection measures, staff finds that the requested variance could be granted without causing substantial detriment to the public good, impairing the intent of the Zoning Ordinance, or changing the industrial character of the surrounding area.

Additional standards for reviewing variance cases are contained in Section 10.805, listed at the end of this report. **If the ZBA moves to approve the requested variance, staff suggests the following conditions of approval:**

1. *The generator shall be screened from the adjacent street by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened; alternative screening plans, including landscaping, may be approved by the Site Plan Review Committee.*



*2. A solid wall or bollards shall be installed between the generator and the adjacent drive aisle for protection from vehicle impacts.*

*3. The applicant shall submit a building permit for the proposed generator, generator pad, and screening system, which shall be reviewed and acted upon by the Site Plan Review Committee. Additional trade permits, including electrical and/or mechanical permits, may be required.*

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

The SPRC discussed the variance request at their February 15th, 2023 meeting. The SPRC did not oppose the requested variance, but encouraged screening and bollard placement consistent with the recommended conditions of approval, listed above.

Emina Alic, owner of Troy Polymers, Inc. at 900 E. Mandoline Ave., explained that the company wants to install a generator because they've had several power outages in the last year. They would like to install the generator on the side of the building close to the utility, less expensive, and safety issues with vehicles. All the freight trucks drive through the back of the building making the location not secure.

Johannes Borchert, Maintenance for Troy Polymers, Inc. at 900 E. Mandoline Ave., added that the trucks make U-turns in the back of the building. If the generator is installed in the back of the building where the cars are parked it would be in the middle of the parking lot. Whenever the delivery trucks come through it would require the parked cars to be moved. The generator cannot be installed on the roof because it's too heavy and requires an additional \$20,000 expense. The office building has a 6-foot depth on the side of the building and the trucks do not enter or exit in that area. They don't think the ordinance allows them to install the generator on the inside of the building.

The members further discussed screening options, easement concerns, conditions to the variance, dimensions of the generator, landscaping ideas, and safety issues.

Motion by Ms. Holder, seconded by Ms. Kehoe, to approve the applicant's request for a variance from Section 10.504(2) of the Zoning Ordinance to permit the installation of a ground-mounted gas generator in a side yard at 900 E. Mandoline Avenue (Tax Parcel #44-25-01-127-008) in accordance with Section 10.804(2) that the parcel features unique placement of utility poles and other utility infrastructure in close proximity to the building whereby denying the variance would create an undue hardship. Granting the variance does not create a substantial detriment to the public good nor impair the intent and purpose of the ordinance. Additionally, this variance is granted in accordance with Section 10.805 in that it does not disrupt the harmony of the district where the property is located and is not detrimental to surrounding parcels or adjacent districts.

The variance is granted with the following conditions:

- 1) The generator shall be screened from the adjacent street by a wall constructed of the same exterior materials as the building not less than the height of the equipment to be screened. Alternative screening plans, including landscaping, may be approved by the Site Plan Review Committee.
- 2) A solid wall or bollards shall be installed between the generator and the adjacent drive aisle for protection from vehicle impacts.
- 3) The applicant shall submit a building permit for the proposed generator, generator pad, and screening system which shall be reviewed and acted upon by the Site Plan Review Committee.

Additional trade permits, including electrical/and or mechanical permits may be required. Installation and construction are contingent upon obtaining any such approvals as required by local ordinance or State law.

4) The placement of the generator may not interfere with or infringe upon any present utility easements.

Yeas: Aaron, Holder, Kehoe, Loranger, Marentette, Oglesby, Rodgers, Thompson, and Kimble

Nays: None

Absent: Corbett

Motion Carried.

**23-11. Adjournment**

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

Yeas: Aaron, Holder, Kehoe, Loranger, Marentette, Oglesby, Rodgers, Thompson, and Kimble

Nays: None

Absent: Corbett

Motion Carried.

There being no further business, Acting Chair Oglesby, adjourned the meeting at 7:52 p.m.

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Phommady A. Boucher  
Clerk of the Board



# MEMORANDUM

Date: March 31<sup>st</sup>, 2023  
 To: City of Madison Heights Zoning Board of Appeals  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Billboard Variances  
 PZBA 23-02 – 25780 Commerce Drive

## REQUEST

The applicant, *International Outdoors, Inc.*, requests three (3) variances from the city's billboard regulations, Section 10.511(IV)(E). The subject property is located at 25780 Commerce Drive (tax parcel #44-25-24-426-038) and is zoned M-1, Light Industrial.

The applicant proposes to install one (1) two-sided static billboard adjacent to the west side of I-696, and requests variances from the following sections of the Zoning Ordinance:

- *Section 10.511(IV)(E)(1): A billboard shall not be located within any required setback of such parcel; and*
- *Section 10.511(IV)(E)(2): Billboards shall not be less than 2,500 feet apart; and*
- *Section 10.511(IV)(E)(7): Billboards are deemed to constitute a principal use of a lot.*

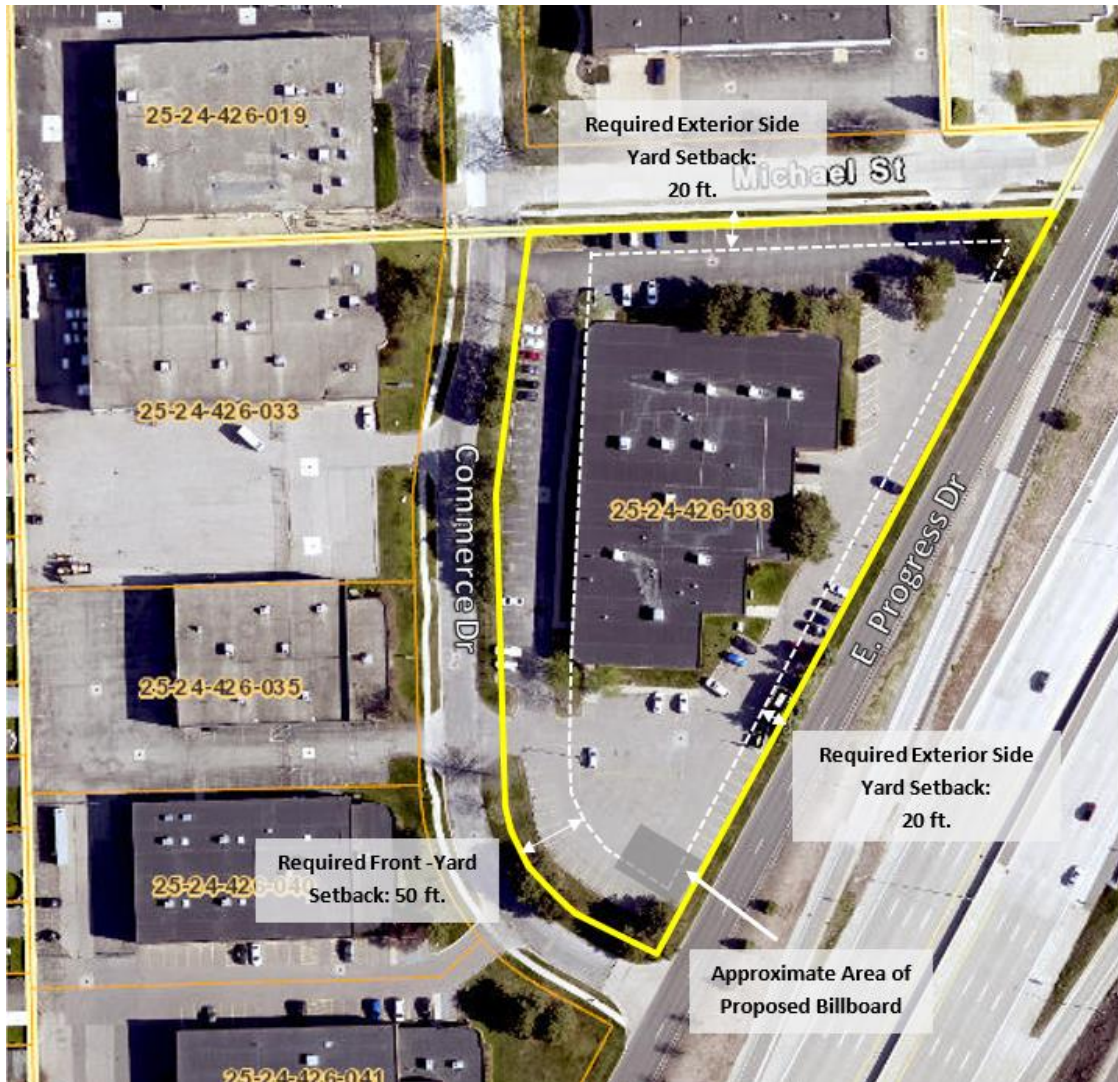
The applicant is not the current property owner. However, the current property owner has signed the ZBA application, as required.

## Setback Variance

Per Section 10.511(IV)(E)(1) of the Madison Heights Zoning Ordinance, a billboard shall not be located within any required setback of such parcel. The subject property is a triple-frontage lot, meaning that it has frontage on three streets: Commerce Drive, Michael Street, and E. Progress Drive. The subject site is also designated as a corner lot. Per the Zoning Ordinance definition, the property line abutting Commerce Drive is designated as the front lot line, while the property lines abutting Michael Street and E. Progress Drive are considered exterior, or side street, lot lines. Required setbacks are denoted in the table, below, and illustrated in the graphic on the following page:

	Minimum Setback M-1 District
Minimum Front Yard Setback	50 ft.
Minimum Exterior Side Yard Setback	20 ft.

### 25780 Commerce Drive – Required Setbacks and Proposed Billboard



*Note: Setback lines are approximate*

*Source: Oakland County Property Gateway*

Per the application, the proposed billboard will be set back zero (0) feet from the exterior side property line adjacent to E. Progress Dr. **Therefore, the applicant requests a variance of twenty (20) feet from the exterior side yard setback requirement.** The application does not denote the proposed front yard setback. However, the applicant has not requested a variance from the front yard setback requirement. All portions of the billboard will be required to meet the minimum 50 ft. front yard setback from Commerce Drive.

#### Separation Variance

Per Section 10.511(IV)(E)(2) of the Madison Heights Zoning Ordinance, billboards shall not be less than 2,500 feet apart. The Billboards Map at the end of this report illustrates the 2,500-foot separation radii from each existing billboard. The proposed billboard is within 2,500 feet of three (3) existing billboards, per the chart below:

Existing Billboard Location	Distance from Proposed Billboard	Required Variance
SE Corner of Heights Dr/696 Service Drive	1,355 ft.	1,145 ft.
NW Corner of Dequindre Rd./E. 10 Mile	1,512 ft.	988 ft.
NW Corner of E. Lincoln Ave/Progress Dr.	1,605 ft.	895 ft.

The applicant has formally requested the variances of 1,145 feet and 895 feet from the 2,500 requirement. However, an additional variance of 988 feet will be required to erect the proposed billboard, as the applicant has not addressed the existing billboard at Dequindre and E. 10 Mile Rd.

### Principal Use Variance

Per Section 10.511(IV)(E)(7) of the Zoning Ordinance, billboards shall be considered the principal use of a lot. Because the property at 25780 Commerce Drive is already improved with a principal building, a new billboard would be considered an accessory use of the property. The Zoning Ordinance requires the applicant to divide the parcel and create a stand-alone parcel for the billboard. The applicant requests a variance from this section to allow for the proposed billboard to be constructed on the same parcel as the existing building.

### STAFF ANALYSIS

Within their application, the applicant states that they have obtained a permit from the State of Michigan for the proposed billboard. Note that the state requires 1,000 feet of separation between static billboards, whereas Madison Heights requires 2,500 feet. Per the Highway Advertising Act of 1972 (PA 106 of 1927), *“a county, city, village, township or charter township may enact ordinances to regulate and control the operation, size, lighting, and spacing of signs and sign structures [...] [...] An ordinance or code adopted by a county, city village, township, or charter township that regulates the operation, size, lighting, or spacing of signs and sign structures and that is more stringent than the laws of this state is not made void by this act.”*

Madison Height’s stringent billboard spacing requirements were put in place to prevent the proliferation of billboards and are in compliance with the Highway Advertising Act.

The applicant has not indicated why or how the application of the required 20 ft. exterior side yard setback would result in a practical difficulty. Further, the applicant has formally written that they, *“are willing to split the lot to create a lot in which the billboard would be the primary use,”* which would remove the need for this variance.

### VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests. The applicant has provided responses to the variance criteria within their application. Staff findings are provided below:

- *Whereby 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.*

**Staff Finding: Staff finds that the property is unique regarding its triple frontage, but fails to find how the triple frontage directly results in a practical difficulty or inhibits the ability to erect a billboard. The triple frontage, in and of itself, does not prohibitively restrict use of the property.**

The subject property is unique in that it has three (3) frontages and constitutes its own block. However, the applicant has not indicated how this triple-frontage or the 20-foot side yard setback requirement impacts the ability to erect a billboard, nor how they result in a practical difficulty.

The property is currently utilized for an industrial/office use, and can continue to be utilized, expanded, or redeveloped for permitted M-1 industrial and office uses. The subject parcel is relatively large at approximately 2.9 acres.

While staff acknowledges that the City's billboard separation requirement may restrict the erection of new billboards within city limits unless existing billboards are removed, this is a restriction that applies equally to all properties within Madison Heights. New billboards may be erected upon the removal of existing billboards. Staff finds that the applicant's inability to legally meet the billboard spacing requirement is not due to an exceptional condition tied to the subject property, but rather due to the general condition that there are a limited number of available billboard locations left within the City.

The applicant requests a variance from the 'principal use' requirement based upon their claim that the land division process would be, "*administratively burdensome.*" Staff finds that the applicant's variance request stems from a preference to avoid the city's general administrative land division and recording processes; within their application, the applicant states that they are amicable to creating a separate billboard parcel. The variance request from the 'principal use' standard does not relate to a unique condition of the property. Further, the applicant seeks relief from an administrative process that is applied equally to all properties. As such, staff does not find the existence of a valid practical difficulty.

- *Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.*

**Staff Finding: Staff finds that the granting of the requested variances could substantially impair the intent and effectiveness of the Zoning Ordinance.**

Staff believes that granting variances to the billboard setback, spacing and principal use requirements could substantially impair the intent and effectiveness of the Zoning Ordinance. The City's billboard setback, spacing, and principal use requirement were put in place to regulate the siting of large billboards within Madison Heights. If the City of Madison Heights is interested in permitting additional billboards within city limits and/or reducing billboard spacing and principal use requirements, staff believes that the appropriate mechanism is to amend the Zoning Ordinance standards via the zoning text amendment process.

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.*

**Staff Finding: Staff finds that the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by others in the same zoning district.**

Each property owner within Madison Heights is subject to the same billboard setback, spacing and principal use requirements. The property owner has the ability to develop and redevelop the property per M-1, Light Industrial standards.

Staff acknowledges that prior Zoning Boards of Appeals have granted billboard separation and principal use variances in the past. However, these prior cases (as denoted within the applicant's application packet) can be differentiated from this case in that they all involved upgrading *existing* non-conforming billboards that were originally constructed prior to the adoption of the city's billboard ordinance. Alternatively, the ZBA case at hand involves the construction of a brand new billboard where none had previously-existed. Further, per Section 10.805, "*each case before the Zoning Board of Appeals 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.*" Staff recommends that the Zoning Board of Appeals base their decision on facts and findings only pertaining to this unique case.

- *The special conditions and/or circumstances are not a result of the applicant.*

**Staff Finding: As previously discussed, while the parcel has unique conditions, the applicant has not adequately argued how such conditions directly restrict the ability to erect a billboard on the property.**

- *The variance is the minimum variance necessary to provide relief to the applicant.*

**Staff Finding: Staff finds that the variance request is not warranted due to the absence of a valid practical difficulty.**

- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

**Staff Finding: Staff finds that, in the absence of a variance, the property could continue to be utilized for, and redeveloped with, permitted M-1 industrial uses.**

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

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

City staff presented the variance application to the Site Plan Review Committee at their March 8<sup>th</sup>, 2023, meeting. The SPRC had no additional comments regarding the proposed billboard location.



## ZBA ACTION

**Any ZBA motion should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805, as outlined in the 'Variance Findings' section of this report.** 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 all requested variances, an additional 988 ft billboard spacing requirement should be incorporated into the motion.

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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.*

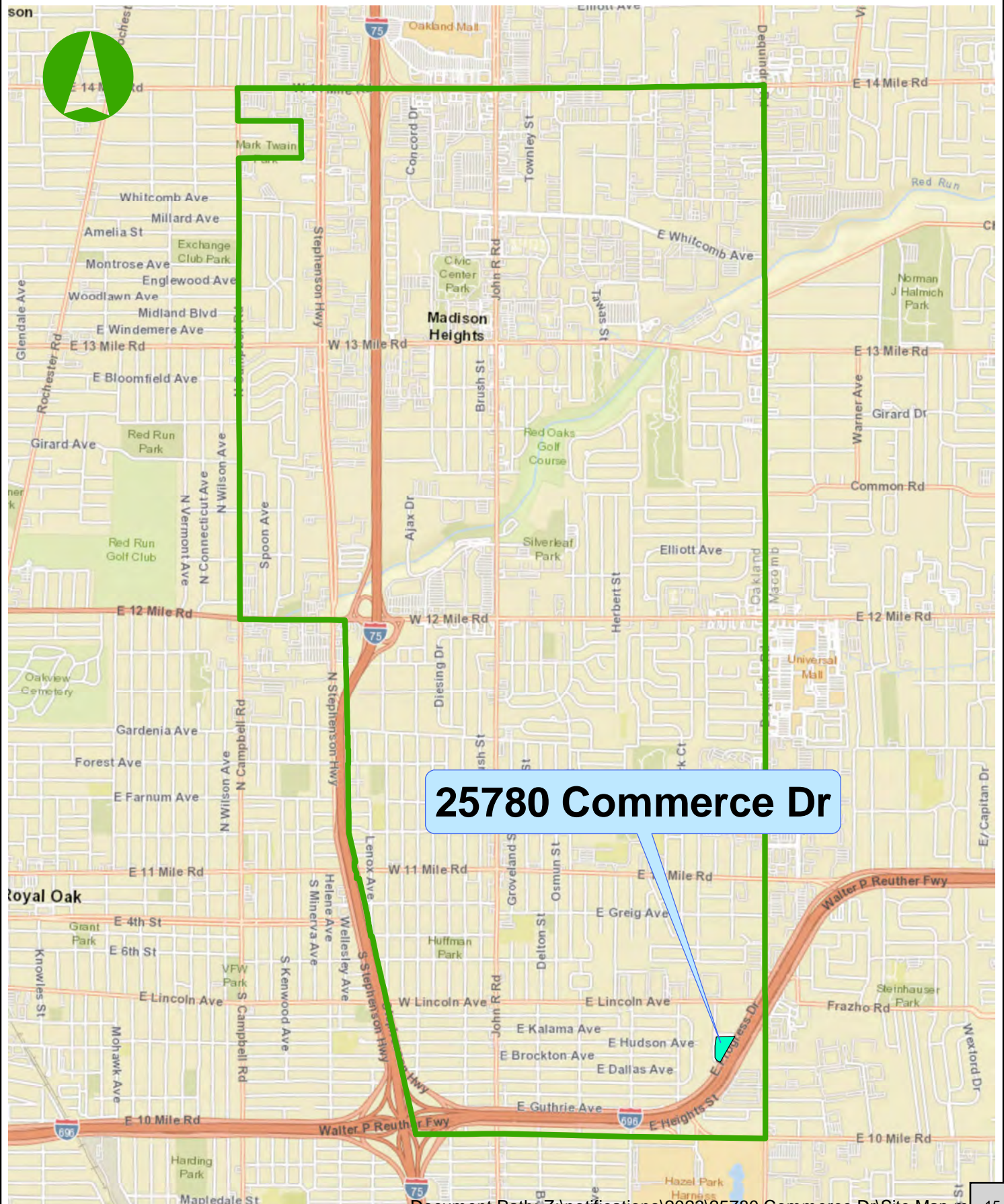
#### **Section 10.511(IV)E – Billboards**

##### **(E) Billboards:**

- (1) *Billboards shall be permitted only on parcels abutting interstate highways or freeways in the 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 subsection (2) following. A billboard shall not be located within any required setback of such parcel.*
- (2) *Billboards shall not be less than 2,500 feet apart. 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.*
- (3) *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 10.511(III)(A)(7).*
- (7) *Billboards are deemed to constitute a principal use of a lot.*

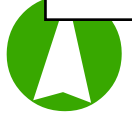






# Site Address: 25780 Commerce Drive

[Click for map](#)

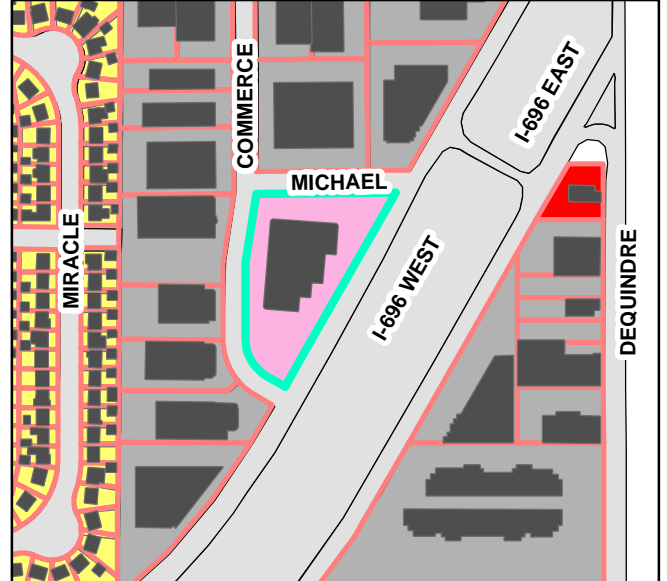


Aerial



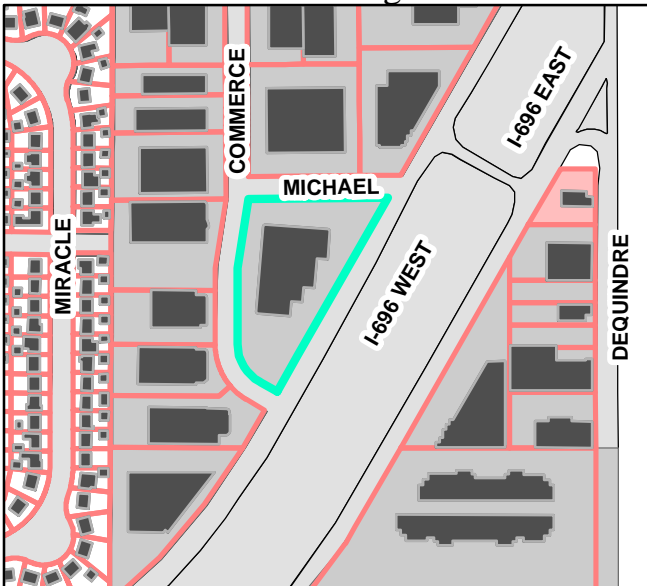
- 25780 Commerce Dr
- Parcels

Existing Land Use



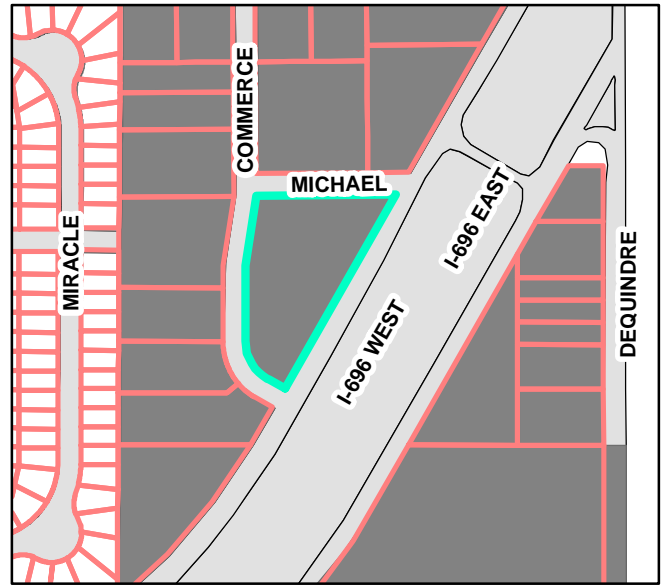
- 25780 Commerce Dr
- Buildings
- Parcels
- Single And Two Family
- Office
- Commercial
- Industrial

Zoning



- 25780 Commerce Dr
- Buildings
- Parcels
- M-1 Light Industrial
- R-3 Residential

Future Land Use



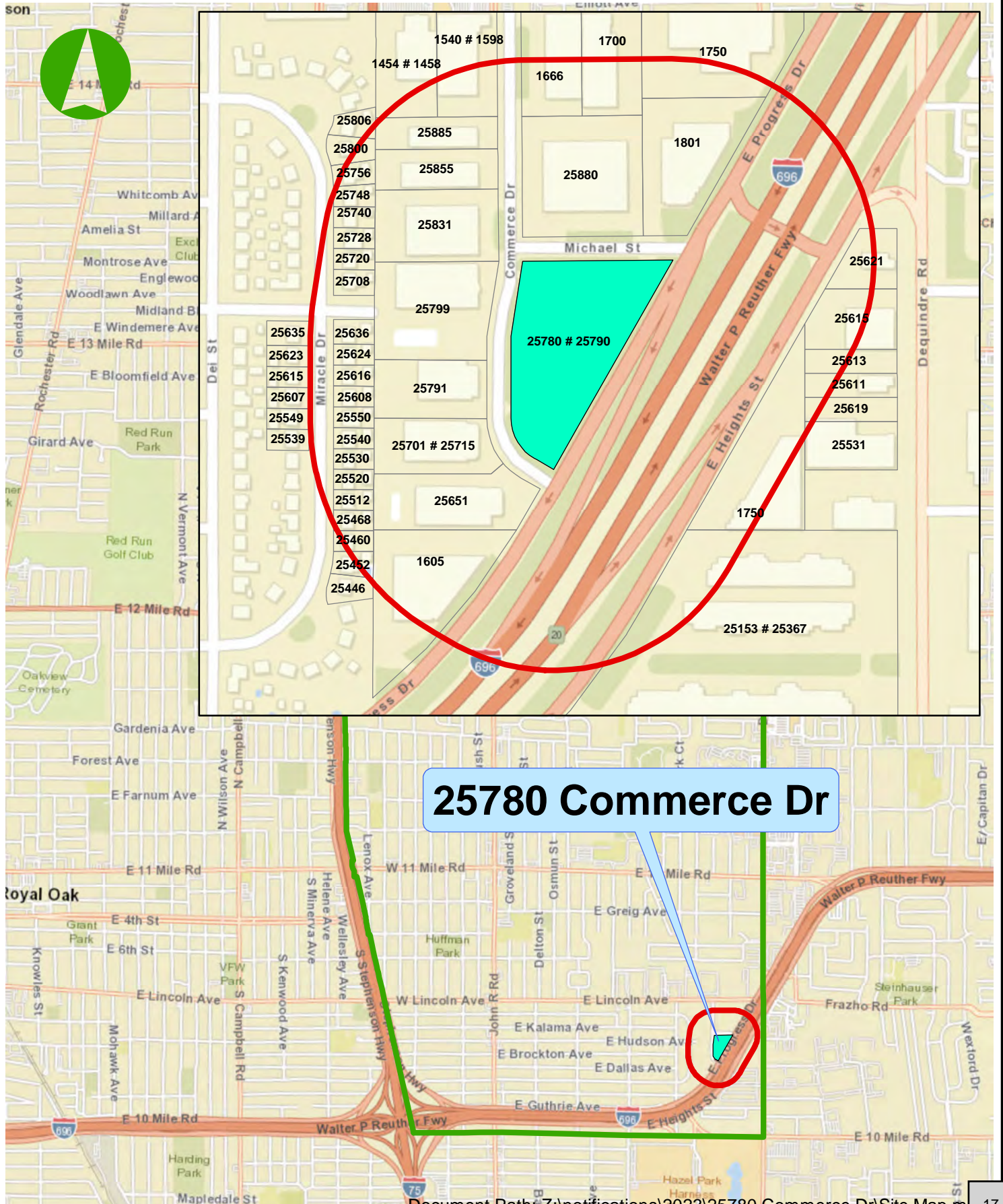
- 25780 Commerce Dr
- Single Family
- Parcels
- Industrial



# ZBA CASE: 23 - 02

## BUFFER 500 FT

Item 2.



## NOTICE OF PUBLIC HEARING

Notice is hereby 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 6<sup>th</sup>, 2023 at 7:30 p.m.** to consider the following requests:

**(A) Case # PZBA 23-02: 25780 Commerce Drive**

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 25780 Commerce Drive (tax parcel # 44-25-24-426-038) and is zoned M-1, Light Industrial.

**(B) Case # PZBA 23-03: 615 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 615 E. Ten Mile Road (tax parcel # 44-25-24-355-030) and is zoned M-1, Light Industrial.

**(C) Case # PZBA 23-04: 53 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests four (4) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests two (2) variances from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 53 E. Ten Mile Road (tax parcel # 44-25-24-360-026) and is zoned M-1, Light Industrial.

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

CITY CLERK'S OFFICE  
(248) 583-082



# City of Madison Heights

## Sign Application



25780 Commerce Dr,  
Madison Heights, MI

Item 2.

Parcel Number:  
44-25-24-426-038

Owner:  
25780 COMMERCE LLC

Zoned: M-1 LT

- ☐ On the north side of I-696 west of Dequindre Rd.
- ☐ 2-sided Static, 14' x 48' surface area per side = 672 square feet
- ☐ Front Flag, 60' tall



*Item 2.*







**CITY OF MADISON HEIGHTS**  
**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**  
 300 W. 13 MILE ROAD, MADISON HEIGHTS, MI 48071  
 (248) 583-0831

**FOR OFFICE USE ONLY**

PERMIT #: \_\_\_\_\_  
 DATE ISSUED: \_\_\_\_\_  
 BY: \_\_\_\_\_

**PERMANENT SIGN PERMIT APPLICATION**

JOB ADDRESS: 25780 Commerce Dr #25790, Madison Heights, MI

OWNER'S NAME: 25780 Commerce LLC PHONE: 248-647-9050 FAX: \_\_\_\_\_

OWNER'S ADDRESS: 300 Park St, Ste 104 CITY: Birmingham ZIP: 48009

APPLICANT: International Outdoor, Inc. PHONE: 248-489-8989 FAX: 248-489-8990

APPLICANT'S ADDRESS: 28423 Orchard Lake Rd, Ste 200 CITY: Farmington Hills ZIP: 48334

Check here to receive Notices of Repair by facsimile ☐ or e-mail ☐ E-mail address: h@IOBillboard.com

Greg M@IOBillboard.com

**FEES:**

No of Signs	Type of Sign	Fee	Cost (No x Fee)
REQUIRED	Administrative Fee	\$30.00	\$30.00
	New Permanent Signs:		
	Ground Sign to 60 Sq. Ft.	\$200.00	X
	Wall Sign up to 100 Sq. Ft.	\$200.00	
	Wall Sign over 100 Sq. Ft.	\$280.00	
	Refacing:		
	Ground Sign up to 60 Sq. Ft.	\$185.00	
	Ground Sign over 100 Sq. Ft.	\$265.00	
	Wall Sign up to 100 Sq. Ft.	\$185.00	
	Wall Sign over 100 Sq. Ft.	\$265.00	
	Other		
	<b>TOTAL FEES:</b>		<u>2,300</u>

**FOR OFFICE USE ONLY**

**FEES PAID**

Permit: \_\_\_\_\_

Registration: \_\_\_\_\_

Investigative Fee: \_\_\_\_\_

Other: \_\_\_\_\_

**TOTAL:** \_\_\_\_\_

Code Official Approval: \_\_\_\_\_

Date approved for issue: \_\_\_\_\_

**PLANS:** **TWO COPIES** of a plan showing the overall length, width and thickness of the sign, and the complete message, as well as the dimensions of the lot and/or front of the building must be attached. In addition a plot plan is required for all ground signs and shall be fully dimensioned and show the location of the sign, all site improvements, the height of the sign above grade and above the adjacent roadway, and the uses on adjacent properties.

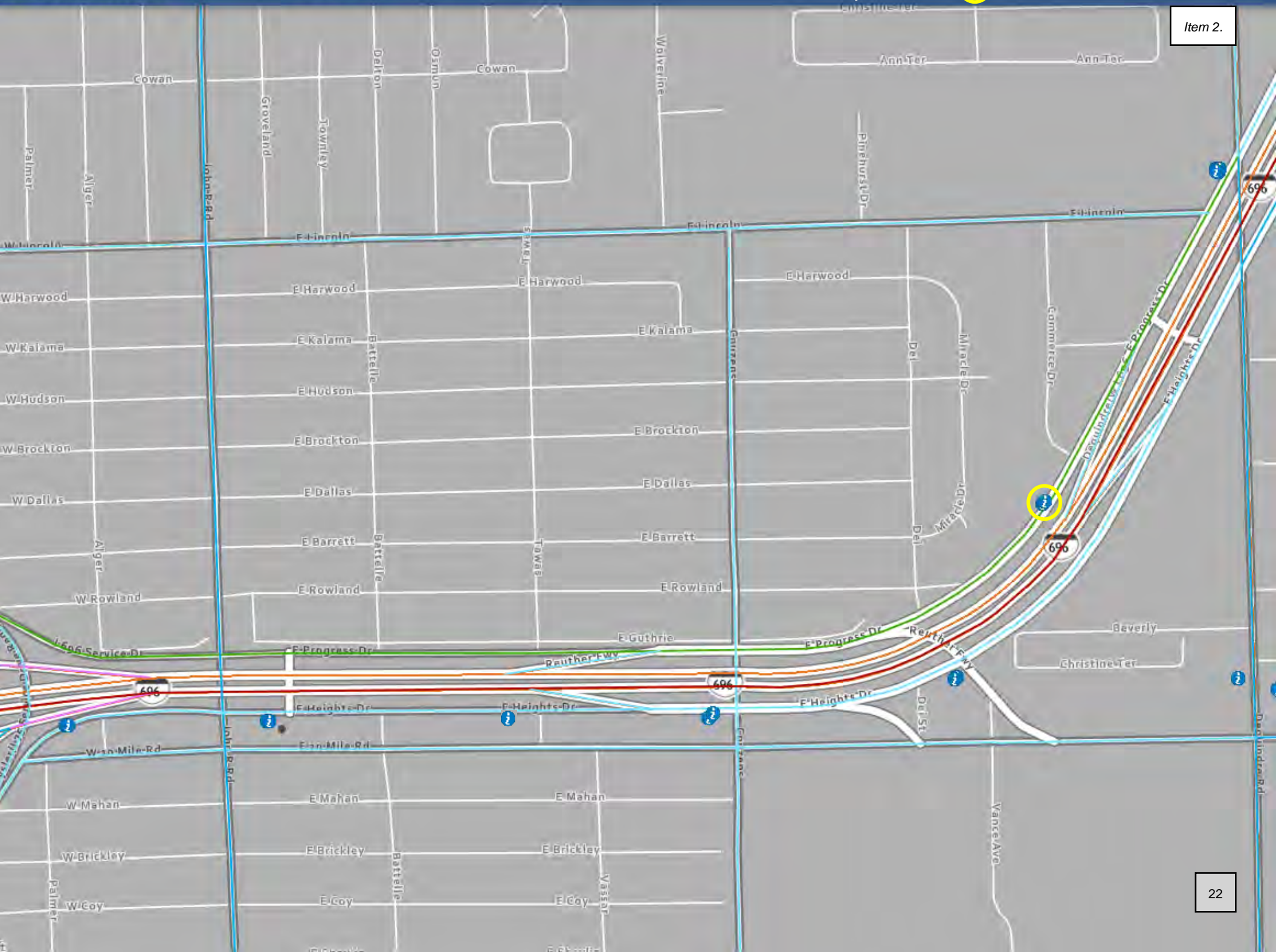
**HAVE PLANS BEEN SUBMITTED WITH THIS APPLICATION?** ☒ YES ☐ NO

I HAVE READ AND UNDERSTAND THE ABOVE PROVISIONS:

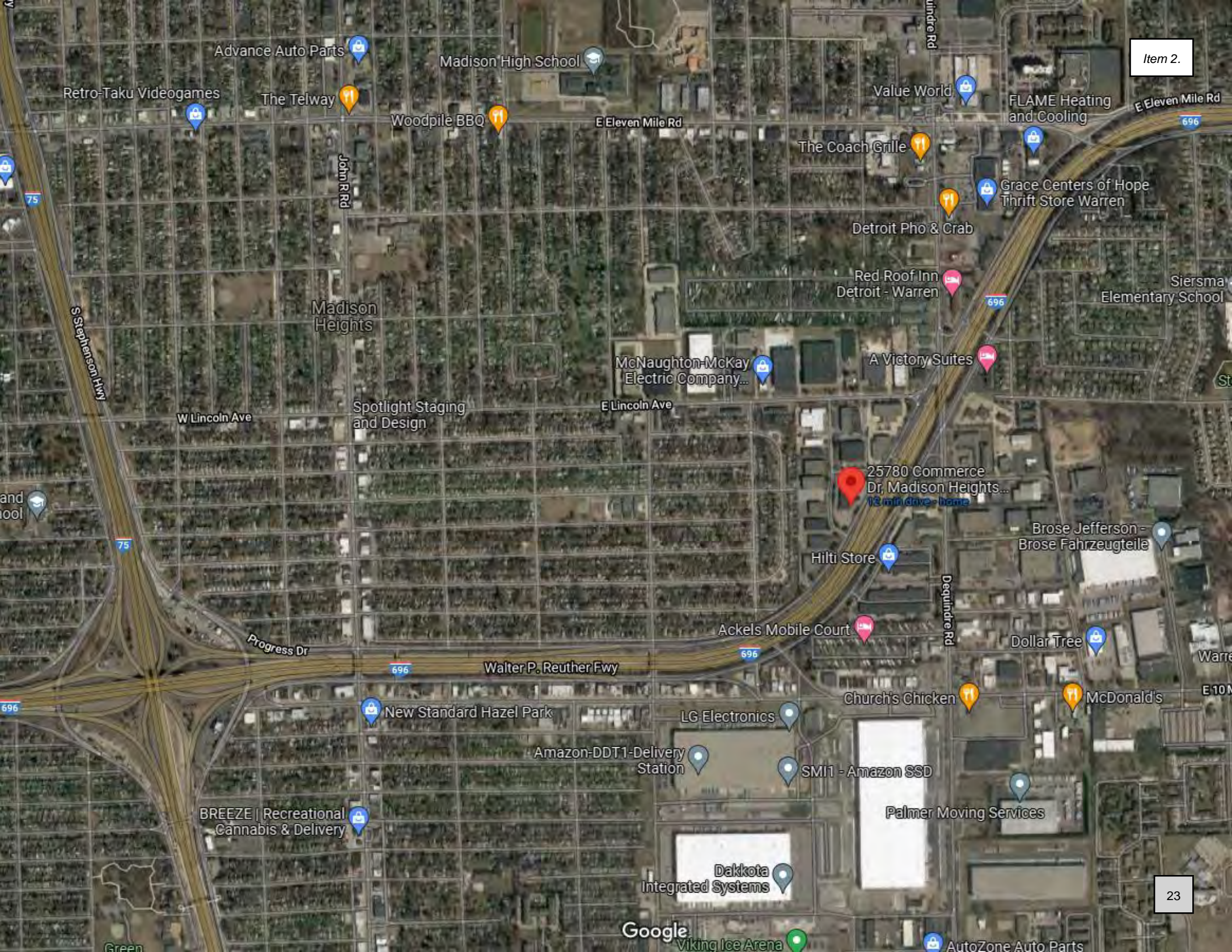
Karen L. [Signature] 12-2-2022 G612465549502 6/27/1981  
 APPLICANT'S SIGNATURE DATE DRIVER'S LICENSE NUMBER DATE OF BIRTH

Rev 02/2021

Larry J. "Zano" [Signature] 12/3/22 0-650-488-982-559 07-15-62

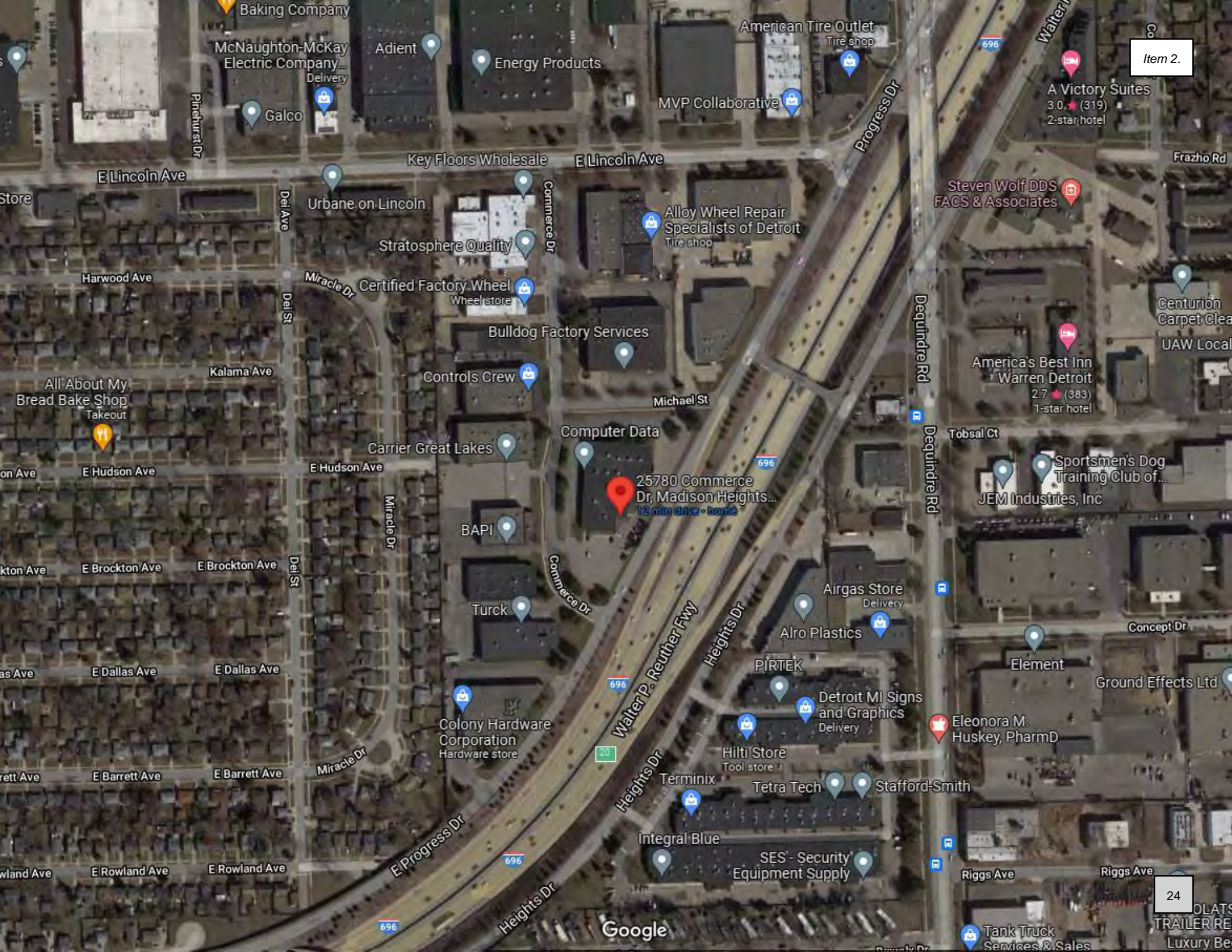






Item 2.





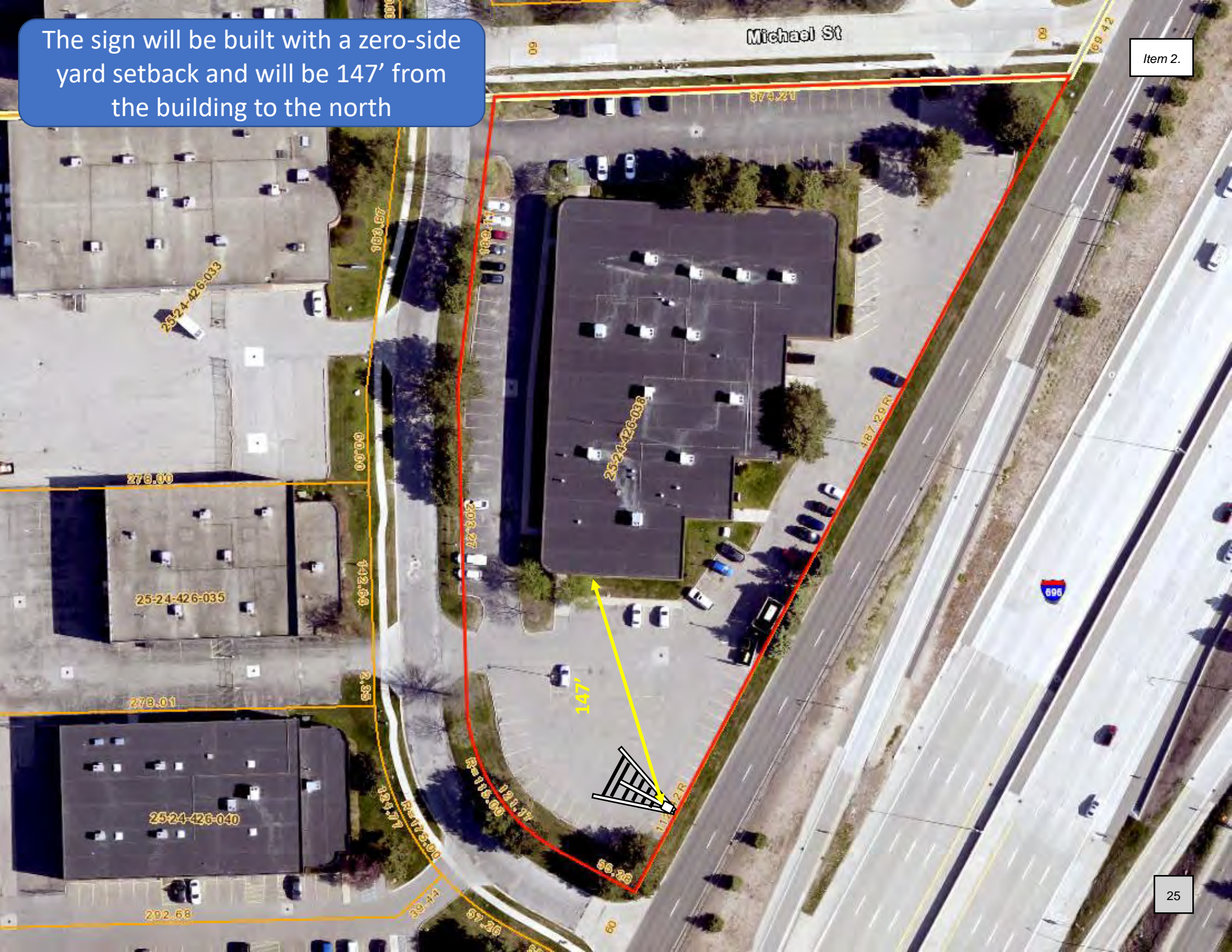
Item 2.

24



The sign will be built with a zero-side yard setback and will be 147' from the building to the north

Item 2.









Buildings, Safety Engineering & Environmental Department  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 402, Detroit, MI 48226  
(313) 224-3168

**Issued to: VISION PROPERTIES OF MICHIGAN INC**  
28423 ORCHARD LAKE RD. STE 200  
FARMINGTON HILLS MI, 48334


**Sign Erectors License**

**License Number: LIC2001-01483**

**Date Issued: 1/5/2023**

**Expiration Date: 12/31/2023**

**Fee Amount: \$143.00**

 <p><small>Buildings, Safety Engineering &amp; Environmental Department Coleman A. Young Municipal Center 2 Woodward Avenue, Suite 402, Detroit, MI 48226 (313) 224-3168</small></p>	<b>\$143.00</b>
<b>Sign Erectors License</b>	<b>LIC2001-01483</b>
<p><i>This is to certify that <u>VISION PROPERTIES OF MICHIGAN INC</u> is qualified to perform the functions of the license(s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.</i></p>	
<b>No Results</b>	
<b>Expires: 12/31/2023</b>	<b>David Bell,</b> Director

 <p><small>Buildings, Safety Engineering &amp; Environmental Department Coleman A. Young Municipal Center 2 Woodward Avenue, Suite 402, Detroit, MI 48226 (313) 224-3168</small></p>	<b>Fee Amount: \$143.00</b>
<p><i>This is to certify that <u>VISION PROPERTIES OF MICHIGAN INC</u> is qualified to perform the functions of the license (s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.</i></p>	
<b>Sign Erectors License</b>	<b>License Number: LIC2001-01483</b>
<b>Issued: 1/5/2023</b>	<b>Expires: 12/31/2023</b>
<b>28423 ORCHARD LAKE RD. STE 200</b>	
<b>FARMINGTON HILLS MI, 48334</b>	<b>David Bell, Director</b>
<b>No Results</b>	
<p><i>License may be revoked upon violation of any provisions of the ordinance or other rules and regulations covering this particular activity.</i></p>	



## UNIFORM SURETY BOND

24829685  
(SURETY BOND NUMBER)

NOTE: Unless Instructions on the attached sheet are followed, this bond will be invalid.

KNOWN ALL MEN BY THESE PRESENTS, THAT (1)  
Vision Properties of Michigan, Inc.

as principal.

Business Address (2) 28423 Orchard Lake Road, Ste. 200, Farmington Hills, MI 48334

and (3) WESTERN SURETY COMPANY

as surety

are held and firmly bound unto the City of Detroit, County of Wayne, State of Michigan, in the penal sum of

(4) Five Thousand and 00/100

\$5,000.00

Dollars,

lawful money of the United States of America, to be paid to the City of Detroit, or to its certain Attorney, to which payment well and truly to be made, we and each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally, and every one of them firmly by these presents.

In consideration of this surety, the principal may perform the lawful services by permit or license that are inherent in the occupation of (5) Erector of Signs

provided that the principal meets all of the requirements as stated in said resolution or code of the City of Detroit Ordinances, or Building Codes (6) CHAPTER 8, 2019 DETROIT CITY CODE

as well as any other conditions that may be required under any present or future ordinances or codes that may be enacted by the City of Detroit.

NOW, THEREFORE, The condition of this obligation is such that the said principal shall save harmless and indemnify the City of Detroit from all claims, damages, expenses, suits and proceedings of every kind and nature which may arise by reason of the issuance of said permit and/or license, and shall observe the faithful performance of the terms of said ordinance, code, or permit, then this obligation to be null and void, otherwise to remain in full force and effect. Coverage hereunder shall be for the term starting as of (7)

December 31st

2021

, and expiring on (8) December 31st

2022

(SEE INSTRUCTIONS)

Signed, sealed and dated this (8a) 13th day of January 2022

Sealed and delivered in presence of:

WITNESS TO PRINCIPAL

(12)

Stephanie Kunst  
(Signature of Witness)

(9)

Latif Z. Oram  
(Signature of Principal) (Seal, if a Corporation)

(13)

Stephanie Kunst  
(Print or type name of Witness)

(10)

Latif Z. Oram  
(Print or type name of Principal)

(14)

28030 Middlebelt Rd. Farmington Hills, MI  
(Address of Witness)

(11)

President  
(Print or type title of Principal)

WITNESS TO SURETY

(18)

C. Langdon  
(Signature of Witness)

(15)

WESTERN SURETY COMPANY

(Name of Surety Company)

(19)

C. Langdon

(Print or type name of Witness)

(16)

Chris

(Signature of Attorney-in-Fact)

(20)

Sioux Falls, South Dakota

(Address of Witness)

(17)

M. Bondi, Asst. Sec.

(Print or type name of Attorney-in-Fact)

APPROVED AS TO FORM AND EXECUTION

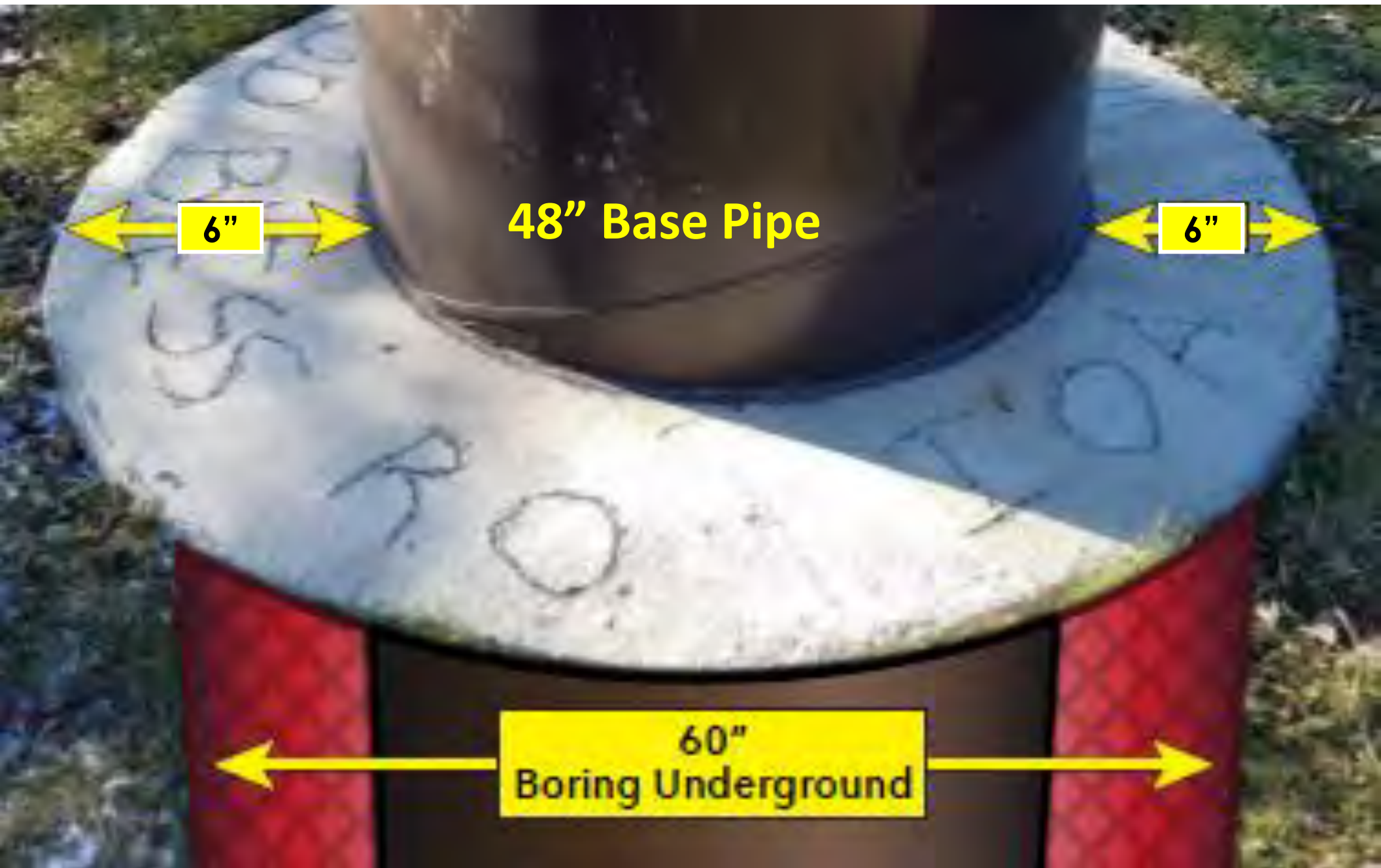
Date 01/18/2022

Reg. No. B97305

Jonathan Demers  
Assistant Corporation Counsel







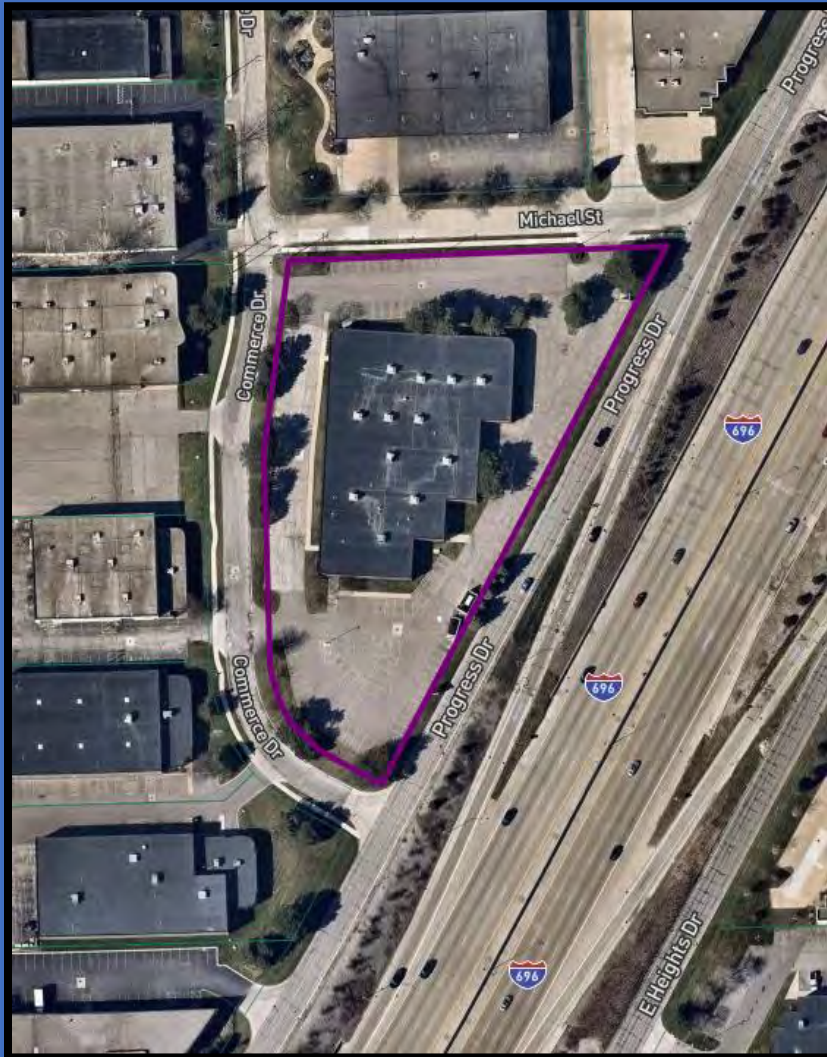






# City of Madison Heights

## ZBA Application



25780 Commerce Dr,  
Madison Heights, MI

Item 2.

Parcel Number:  
44-25-24-426-038

Owner:  
25780 COMMERCE LLC

Zoned: M-1 LT

- ☐ Requesting dimensional variances of 875 feet from the nearest billboard to the east.
- ☐ Requesting dimensional variances to allow a billboard on a parcel with an existing principal use.



## CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application #	Item 2.
Date Filed:	

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: International Outdoor, Inc.  
Address: 28423 Orchard Lake Rd, Ste 200  
City: Farmington Hills State: MI Zip: 48334  
Telephone: 248-489-8989 Fax: 248-489-8990  
Email: gregm@IObillboard.com
2. **Petitioner's Interest in Property:** Lease
3. **Property Owner:** (Attach list if more than one owner)  
Name: 25780 Commerce LLC  
Address (Street): 300 Park St, Ste 104  
City: Birmingham State: MI Zip: 48009  
Telephone: 248-647-9050  
Email: \_\_\_\_\_
4. **Property Description:** Address: 25780 Commerce Drive  
Tax Parcel #: 44 - 25 - 24 - 426 - 038  
Legal Description - Attach if metes and bounds description.  
If in a subdivision: Lot #: \_\_\_\_\_  
Subdivision name: \_\_\_\_\_  
Lot size: 6.84 acres  
Size of proposed building or addition: \_\_\_\_\_
5. **Present Zoning of Property:** M-1 LT **Present Use:** Research & Development
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)



PAGE 2

## 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  
**14' X 48', 60' high, 2-Sided Static Billboard Sign**

Contrary to the requirements of Section(s) 10.511.IV.E.2 of the Zoning Ordinance  
10.511.IV.E.7 of the Zoning Ordinance  
10.511.IV.E.1 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:**Signature Kevin GerackPrinted Name KEVIN GERACKDate 2-9-2023**FOR THE APPLICANT IF NOT THE OWNER:**

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

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. 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**

FEE: \$ \_\_\_\_\_

APPROVED: \_\_\_\_\_ PAID: \_\_\_\_\_

DENIED: \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_





Make a positive impact

Item 2.

# BUY LOCAL

If everyone bought **Michigan** products and services, there would be **more** jobs, **more** businesses, **more** people living here, and a **better** quality of life.



**We are proud to be...**

- A Michigan Company, Locally Owned and Operated.
- Certified as a Women's Business Enterprise (WBE)
- Certified as a Detroit-Based Business (DBB)
- Certified as a Wayne County Based Business (WCBB)



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS SPONSORSHIP BREAKDOWN

2021-2022

Item 2.

- \$1,000 Youth Basketball: January- March logo is hung on a banner displayed at John Page Middle School Gym. Name is on the back of 60 jerseys.
- \$500 Coffee Concerts: Presents sponsor of the coffee concert series. A thank you banner will be displayed at the Active Adult Center for February and will be behind the performer for the four concerts.
- \$700 5K April: Logo is on the shirt of every running participant. Opportunity to come to the race and hand out information about your company while talking to residents.
- \$1,000 Girls Softball May-July: Logo on the back of 35 girl's softball jerseys.
- \$500 Youth T-Ball June-July: Logo on the back of 45 T-ball jerseys.
- \$1,050 Summer Camp: June-August Logo on the back of 400 t-shirts that are worn throughout the week and on every field trip around the Metro-Detroit area.
- \$1,000 Golf Outing July 30th: Cart Sponsor and Water Bottle Sponsor. Logo on every water bottle in golfers goodie bag. A special thank you on every cart in front of score card. 4 free golfers to event.
- \$1,000 Tree Lighting: Name and logo displayed on the center stage of the event. Reindeer Sponsor, name, and logo displayed next to our reindeer at the event.
- \$1,250 Active Adults Special Needs Luncheon
- \$2,000 Fitness Court - Logo will be an anti-graffiti laminate decal on the Fitness Court, Front wall full-color co-Recognition with Sponsors, included in NFC Local media press and promotions,



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS SPONSORSHIPS

## 2021 - 2022

Item 2.



**INTERNATIONAL OUTDOOR** has partnered with Madison Heights to sponsor various events over the last year. We are proud to be able to give back to the community and look forward to doing so in the future.

Below is a list of these great events from the past year.

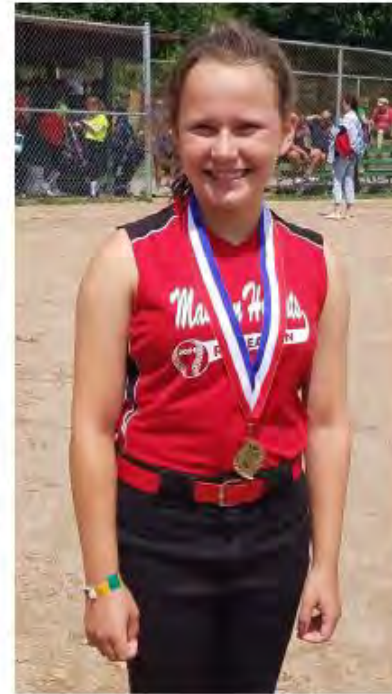
- Youth Basketball
- Coffee Concerts
- April 5K
- Girls Softball
- Youth T-Ball
- Summer Camp
- Golf Outing
- Tree Lighting
- Active Adults Special Needs Luncheon
- Fitness Court





# MADISON HEIGHTS: YOUTH T-BALL

Item 2.



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

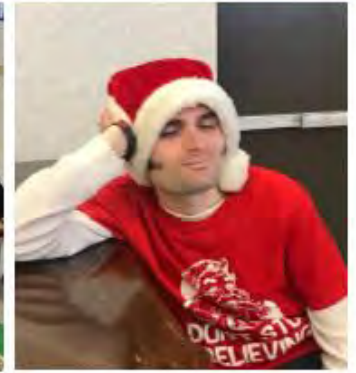
248.489.8989



# MADISON HEIGHTS: ANNUAL SPECIAL NEEDS LUNCHEON

12 years +

Item 2.



12 years +



## INTERNATIONAL OUTDOOR

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS: RUN FOR THE HEALTH OF IT

Item 2.







# In Memoriam

**Founding President**  
Raymond B. Bauer, MD

## Board of Directors

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Jeff Laethem

**President**  
Paul A. Cullis, MD

**Vice-Chair**  
Brian True

**Secretary**  
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David Floore  
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Linda Grap

Deanna Hatmaker  
Suzanne Holguin, RN  
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Glenn Yaroch, MBA, PT  
Laura Zeitlin, LMSW

**Chief Executive Officer**  
Mary Sue Lanigan

**Founding Chairman**  
Thomas A. Cracchiolo

May 25, 2018

Joe Cimino  
International Outdoor, Inc.  
28423 Orchard Lake Rd, Suite 200  
Farmington Hills, MI 48334

Dear Joe,

ON BEHALF OF THE MICHIGAN PARKINSON FOUNDATION, we thank you for supporting the 15<sup>th</sup> Annual "I Gave My Sale for Parkinson's" Metro Detroit Walk with your donation of Digital Billboards throughout the Metro Detroit Area. This event was held on Saturday, May 19, 2018 at Seaholm High School in Birmingham. We extend our sincere appreciation and gratitude for your support, and helping raise awareness about our event.

The event was absolutely amazing, despite a little rain in the morning. There were over 1,000 participants that attended in honor or memory of a loved one with Parkinson's disease. They walked along a route that was lined with 80 Hero Signs. Our goal for the Metro Detroit Walk was \$154,000. As of today \$192,412 has been raised!

Together, we are raising awareness of the daily struggles people diagnosed with Parkinson's disease are faced with, as well as their caregivers and family members.

The monies raised will help Michigan Parkinson Foundation continue our valuable programs and services to help countless individuals throughout ALL of Michigan, including:

**Living with Parkinson's 5-week Series** being conducted throughout Michigan (currently happening in Birmingham and Beaverton).

**Treating, Managing and Living with Parkinson's Disease Symposium** on June 8 in Troy. This one day event will offer 3 different tracks (one for health care professionals, one for people with Parkinson's disease and their families, and one for Young Onset Parkinson's disease).

**Annual Facilitator Training** for the dedicated Facilitators that tirelessly lead Michigan Parkinson Foundation's 71 Support Groups.

(continued)

*Dedicated to People Living with Parkinson's*  
30400 Telegraph Road • Suite 150 • Bingham Farms, MI 48025  
248.433.1011 • Fax: 248.433.1150 • 800.852.9781 • [www.parkinsonsmi.org](http://www.parkinsonsmi.org)

# In Memoriam

**Founding President**  
Raymond B. Bauer, MD

## Board of Directors

**Chairman**  
Jeff Laethem

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Glenn Yaroch, MBA, PT  
Laura Zeitlin, LMSW

**Chief Executive Officer**  
Mary Sue Lanigan

**Founding Chairman**  
Thomas A. Cracchiolo

In addition, Michigan Parkinson Foundation also offers **PD Self Efficacy Program** for those newly diagnosed, **Care Partner Forums; Orientation to Parkinson's** 2-hour program for those newly diagnosed, **Financial Assistance for Respite Care Services** (both in home and at Day Care Centers), **Financial Assistance for Parkinson Medications** (\$500 per year per person), **Information and Referral Services** (including a toll-free help line, website, newsletter, educational brochures, referrals to neurologists and community resources).

Our motto is. EVERY PERSON WITH PD WILL HAVE COMPASSIONATE, COMPETENT CARE AND SUPPORT

Please visit our website at [www.parkinsonsmi.org](http://www.parkinsonsmi.org) to view photos (which we hope to have posted by the end of June) and more information about this event, as well as other information concerning Parkinson's disease. We have two additional Walk Events this year: September 15 in East Lansing, and September 22 at Binder Park Zoo in Battle Creek.

Again, thank you for your continued support and we look forward to seeing you in 2019, if not at one of our other events still to come in 2018.

Most sincerely,

Mary Sue Lanigan  
Chief Executive Officer

Diane Kraft  
Program Manager





innovative by nature

Bryan K. Barnett  
Mayor

November 1, 2021

City Council

Charter Township of Plymouth  
Planning Commission

Stephanie Morita  
District 1

9955 N. Haggerty Rd.  
Plymouth, MI 48170

David J. Blair  
District 2

RE: Letter of Support for International Outdoor

Susan M. Bowyer, Ph.D.  
District 2

To Whom It May Concern:

Ryan J. Deel  
District 4

In the Spring of 2019, the City of Rochester Hills and International Outdoor, Inc. agreed on the placement of two digital display signs with four digital faces (two on each sign structure) along M-59 East and West of Crooks Road, about a half-mile apart from each other on the same side of the road. I believe this is very similar to International Outdoor's application with Plymouth Township. While there was some initial trepidation about approving digital signs along M-59 in our community, International Outdoor balanced those concerns with its local community focus and involvement, first-class operation, and customer service approach. Since the digital display signs have been built and in operation, our offices have received several compliments from the community and ZERO complaints.

Dale Hetrick  
At-Large

Theresa Mungoli  
At-Large

David Walker  
At-Large

Both sign locations are visible to commuters traveling along M-59 and local businesses dominate the advertising messaging on all the billboards. International Outdoor has been tremendous to work with, going above and beyond with respect to donating advertising space to the City for our own messaging, which we used for our Innovation Hills Park Playground, Summer of Fun, and Census Counts campaigns and for messages supporting our local school district. The digital signs were also made available to us to provide residents critical updates during the COVID-19 crisis.

The City and its constituents have benefitted from International Outdoor's presence, and I believe that any of International Outdoor's other municipal partner would confirm the same. I confidently recommend International Outdoor as a municipal partner for Plymouth Township and hope you consider their applications for digital signage. I welcome the opportunity to answer any questions or concerns the township may have. Please feel free to contact me at my office anytime (248-656-4664).

Sincerely,

Bryan K. Barnett, Mayor  
City of Rochester Hills

Co: Kurt Heise, Supervisor



## AHS News & Notes— continued

### THANK YOU CITY OF ROCHESTER HILLS



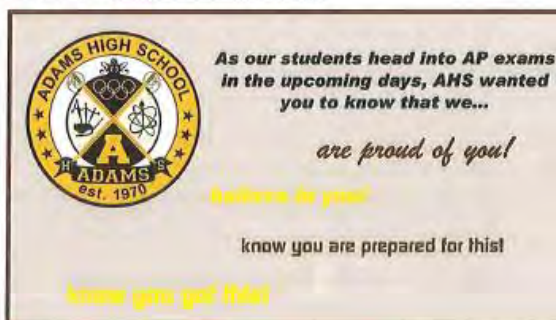
Thank you Mayor Barnett and the City of Rochester Hills for helping us celebrate our Rochester Community Schools Class of 2020 with these fabulous billboards. We appreciate you helping us make our seniors feel special during this time.

The billboards are visible to cars from M-59 in the Crooks Road area. If you would like to spend a little more time looking at the billboards, they are at the end of StarBatt closest to M-59.

### NEWS FROM THE COUNSELING DEPARTMENT

#### IMPORTANT AP TESTING INFORMATION

The RCS High School Counselors have developed an Advanced Placement Program information page to provide AP students and their families with resources, updates, important test day information and more (click [here](#) to access). Should you have further questions please reach out to Adams AP Coordinator Janice King at [JKing@Rochester.k12.mi.us](mailto:JKing@Rochester.k12.mi.us)



Name: Jerry Frederick  
 Company: City of Romulus BZA  
 Email Address: [jfrederick460@yahoo.com](mailto:jfrederick460@yahoo.com)  
 Phone Number: 7349421012

Best Time to Call: "Anytime"  
 Area of Interest: General

Message:

Hello, My name is Jerry Frederick and I serve on the City of Romulus BZA. Every once and while during the course of serving on the BZA and the Planning Commission I get the opportunity to interact with great people and companies.

Last night 3/3/2021 your company made a presentation to the BZA concerning new billboard construction and the need for waivers from local zoning requirements.

Your presentation and explanation of hardship were some of the best that I have had the pleasure of deciding on.

Professional does not even begin to describe how nice your company presented itself to the board.

When I heard your background and how community involved your company is at a personal level I felt that myself as a BZA member had an opportunity to with my decision enhance and improve my community's responsibilities to the traveling public and to my own home town's citizenry. The billboards that were formally at the I-275 / Pennsylvania location were actually eyesores and completely wrong in their presentation. It is my absolute pleasure to have decided favorably and in total agreement with your presentation.

There was even one local property owner that wanted to express concern via telephone during the meeting, over the northern location for Billboard (B) that had their concerns completely erased after hearing your presentation. That persons situation will actually improve due to International Outdoor's commitment to fair, honest concern in the way you conduct business and your concern for neighboring properties.

Thank you for being a member of our community and for the great job you do.

I did not have a chance to express my feelings concerning last night's meeting during the meeting itself.

Please have a nice night and good luck in your project(s).

Jerry Frederick  
 City of Romulus BZA



2800 Waukegan Street  
 Auburn Hills, MI 48326-3255  
 248-537-6100

Sharon Hyde, Principal  
 Jamie Brooks, Assistant Principal  
 Douglas Wilson, Assistant Principal

May 26, 2020

Dear Randy Oram,

I wanted to sincerely express my appreciation on the behalf of the entire Avondale School District for recognizing our Class of 2020 on the billboard at M-59 and Crooks Road.

As you know, we are making every effort to recognize and celebrate our Class of 2020 during Governor Whitmer's Executive Orders. We are extremely grateful for your support in recognizing our seniors.

Please know that I will be recognizing you in my weekly updates to our Avondale High School Community to recognize you for your generosity.

Educationally,

Sharon Hyde Ed.S  
 Principal  
 Avondale High School



# HISTORICAL CONTEXT OF APPLICANT'S VARIANCE REQUEST

- ❖ On April 7, 2016, the ZBA held a public hearing on Lamar Advertising's Application #16-01 seeking **SIX (6) variances** to a non-conforming billboard located at 1031 E. 10 Mile Rd. In its application, Lamar sought variances:
  - (1) to allow an existing non-conforming billboard be replaced by a new non-conforming billboard
  - (2) to allow an existing non-conforming billboard to be rebuilt after it's been removed
  - (3) to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure
  - (4) to allow a billboard to be constructed within 2,500 feet of another billboard
  - (5) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted), and (6) to allow a billboard on the same parcel as a principal use.*
- ❖ With respect to the dimensional spacing variance request, Lamar sought a **1,209-foot variance**, which is a variance of almost 50% of the spacing requirement under the Ordinance. Additionally, the property's principal use was an existing car body shop and not the billboard as per the ordinance.
- ❖ Ultimately, the ZBA granted **ALL** but the 10-foot height variance request. (See *Appendix A* for an excerpt of the April 7, 2016 ZBA Meeting Minutes).
- ❖ In its application to the ZBA, International Outdoor is **ONLY** seeking comparatively minimal dimensional variances and permission to allow its proposed billboard on the same parcel as an existing principal use.

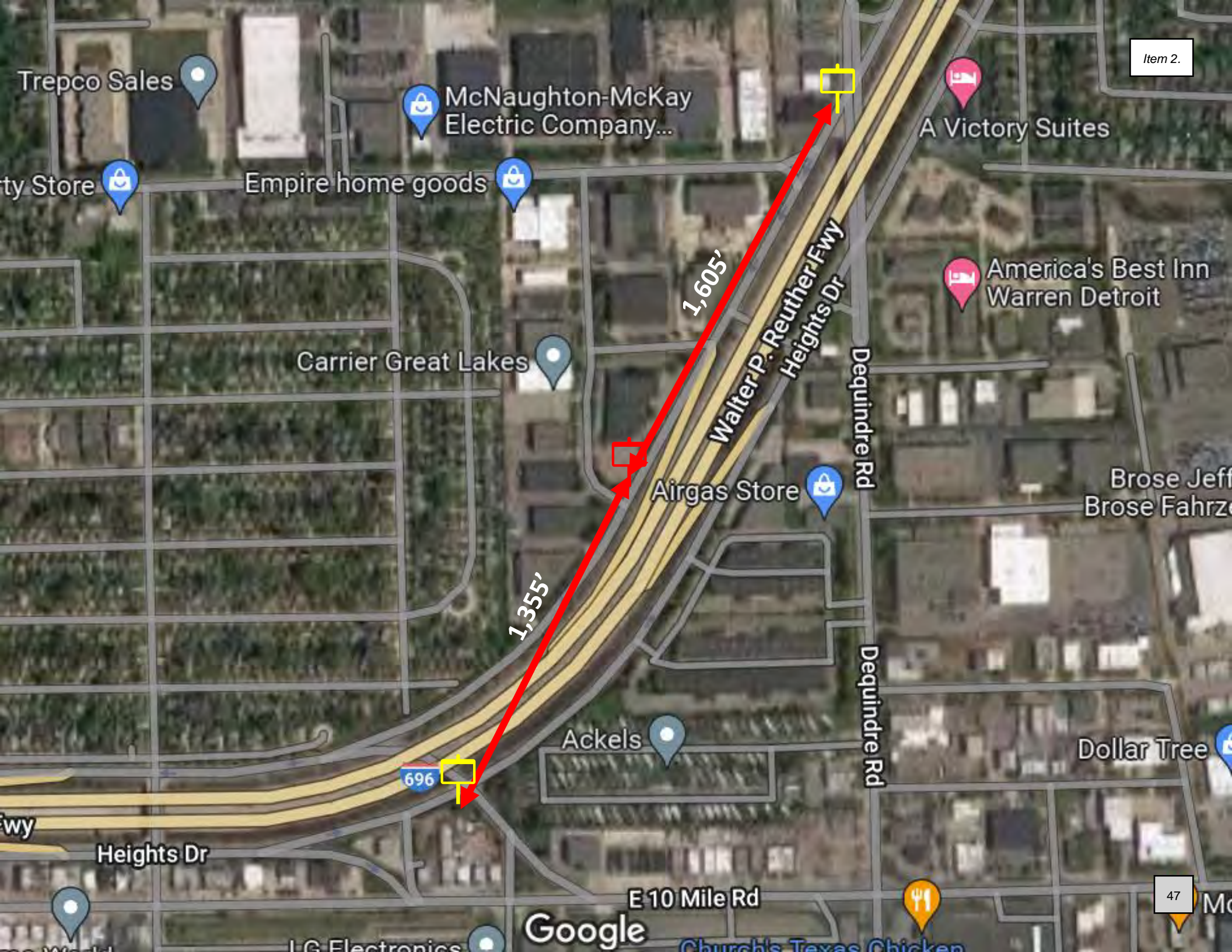
# VARIANCE REQUEST

The Michigan Department of Transportation has issued a state permit for the proposed sign at the proposed height, type, size and spacing between other billboards which is 1,000 feet between static billboards. The proposed sign will static and conform to the city's ordinance.

## RELIEF REQUEST:

- ❖ International Outdoor requests dimensional spacing variances to construct and operate an outdoor advertising sign at 53 E 10 Mile Rd. The proposed sign location will be less than twenty-five hundred (2,500) feet from another billboard **(1,605 feet from the nearest billboard to the east (a variance of 895 feet) and 1,355 feet from the nearest billboard to the west (a variance of 1,145 feet)** (see page 29).
- ❖ International Outdoor requests a variance to allow a billboard to be built in the exterior side lot line setback of a triple-frontage corner lot. (see page 30)
- ❖ International Outdoor requests a variance to allow a billboard on the same parcel as a principal use.
- **There are eight (8) ordinance requirements and International Outdoor seeks a variance from 2.5.**





Item 2.

Trepcos Sales

McNaughton-McKay  
Electric Company...

A Victory Suites

ty Store

Empire home goods

Carrier Great Lakes

1,605'

Walter P. Reuther Fwy  
Heights Dr

America's Best Inn  
Warren Detroit

Airgas Store

Dequindre Rd

Brose Jeff  
Brose Fahrze

1,355'

696

Ackels

Dequindre Rd

Dollar Tree

Heights Dr

E 10 Mile Rd

Google

47

LG Electronics

Church's Texas Chicken



## TRIPLE-FRONTAGE and FULL BLOCK PARCELS

After searching the entire city of Madison Heights, I was able to locate only **two parcels in the City** that fall within the city's definition of triple-frontages and or full block parcels.

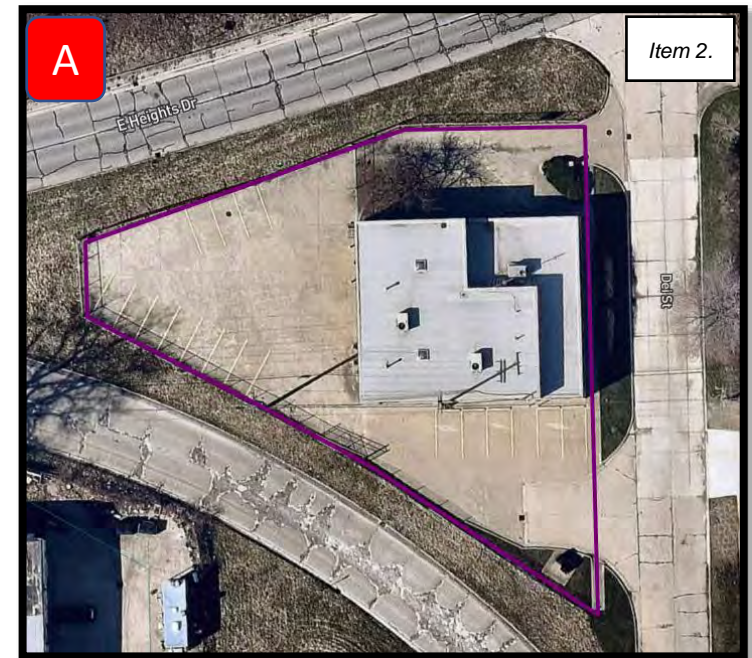
Per Section 10.200(39), in the case of a corner lot, the front lot line is considered, “that line separating said lot from that street which is designated as the front in the plat or in an application for a building permit or zoning approval.”

Per Section 10.400 and 10.401, M-1 district lots are allowed a 50-foot front yard setback and a zero-side yard setback when abutting M-1 or M-2 parcels. (j) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when said property line abuts any residential district. (l) No building shall be closer to the outer perimeter (property line) than the herein required side yard, except that along the interior side lot line when said property line is adjacent to the M-1 or M-2 districts, the side yard may be reduced to the minimum permitted by the adopted building code.

**Staff has interpreted the ordinance to reflect that triple-frontage and full block parcels, because they do not “abut” other M-1 or M-2 parcels should not be entitled to this benefit even though there are only two said parcels in the city.**

In Site “A”, **25025 Dei Street**, Dei Street is considered the front yard and E. Heights Drive is considered an exterior side lot line. The subject parcel constitutes its own block; therefore, per the Schedule of Regulations Sections 10.400 and 10.401, the minimum required front yard building setback from Commerce Drive is fifty (50) feet and the minimum required side yard setback from E. Heights Drive is twenty (20) feet. Please note that the building is built with a ZERO front yard setback.

In Site “B” Per Staff Findings, “the subject property is also considered to have triple-frontage and is a considered corner lot. **25780 Commerce Drive**, Commerce Drive is considered the front yard while East Progress Drive is considered an exterior side lot line. The subject parcel constitutes its own block; therefore, per the Schedule of Regulations Sections 10.400 and 10.401, the minimum required front yard building setback from Commerce Drive is fifty (50) feet and the minimum required side yard setback from East Progress Drive is twenty (20) feet. The proposed billboard features front/side setbacks of zero (0) feet, failing to meet minimum yard setback requirements”. Please note that 25780 Commerce has two brick enclosed trash receptacle areas on the property line along Progress Drive. NO curb cut exists for this site on Progress Drive.



# SIGN ORDINANCE REGARDING BILLBOARDS:

## Section 10.511. Sign regulations-(IV) Regulations for Permitted Signs-(E) Billboards:

- ✓ Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following.  
**(Applicant shall meet this requirement)** A billboard shall not be located within any required setback of such parcel.  
**The applicant is requesting a variance from this ordinance requirement as the applicant considers the ordinance to be a practical difficulty imposed on this parcel alone that can not be overcome. (this would be a 20-foot variance) (see page 29 & 30)**
- ✓ A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable. **Applicant shall meet this requirement.**
- ✓ The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel. **Applicant shall meet this requirement.**
- ✓ Billboards shall not exceed sixty (60) feet in height from the adjacent grade. **Applicant shall meet this requirement.**
- ✓ Billboards shall not be erected on the roof of any building. **Applicant shall meet this requirement.**
- ✓ 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 10.511(III)(A)(7). **Applicant shall meet this requirement.**



## VARIANCE REQUEST

**Applicant Seeks a Variance From:**

- **Sec. 10.511(E)(1).** Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard. **We propose a billboard that will be zero feet from the exterior side property line (a variance of 20 feet).** In 2016, the Zoning Board of Appeals granted a variance permitting a billboard at 1031 E 10 Mile Rd not only less than 100 feet from a building but over the roof of a structure and within the setback (See page 44 & Appendix A).
- **Sec. 10.511(E)(2).** Billboards shall not be less than twenty-five hundred (2,500) feet apart. **We propose a billboard that will be 1,605 feet from the nearest billboard to the east (a variance of 895 feet) and 1,355 feet from the nearest billboard to the west (a variance of 1,145 feet) (see pages 30).** In 2016, the Zoning Board of Appeals granted a 1,209-foot variance (an almost 50% variance from the spacing requirement) to one of Applicant's competitors in Application #16-01 (See page 44 & Appendix A).
- **Sec. 10.511(E)(7).** Billboards are deemed to constitute a principal use of a lot. Although the Applicant can create a new parcel for the billboard and meet this requirement, it seems administratively burdensome for all parties (the city, landowner, and Applicant) to create a separate parcel for Applicant's billboard. **Applicant is willing to split the lot to create a lot in which the billboard would be the primary use (see page 33).** In 2016, the Zoning Board of Appeals granted this exact variance to one of Applicant's competitors in Application #16-01 (See page 44 & Appendix A).

**\*\*IMPORTANT NOTE:** Applicant IS NOT required to seek a **use variance** under an undue hardship standard. Meeting 6 of the 8 requirements under Sec. 10.511, Applicant only seeks two minor dimensional spacing variances under a practical difficulty standard.\*\*



The owner is amicable to splitting the parcel so that the billboard could be the primary use of the parcel

Item 2.

Potential  
separate  
parcel



# VALIDATION FOR SIGN VARIANCE

### The Following ZBA Questions Must be Answered Fully:

- ❖ **Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.**
  - a) Sec. 10.511(E)(1). Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such a parcel.
    - 1. The parcel abuts I-696 and is zoned M-1 (Light Industrial) and the billboard will be over 100 feet from a building on the same parcel.
    - 2. **The billboard will be located within the exterior side lot line setback of a triple frontage corner lot. Applicant seeks a 20-foot variance to permit the billboard with a zero setback. (see page 29 & 30)**
  - b) Sec. 10.511(E)(2). Billboards shall not be less than twenty-five hundred (2,500) feet apart.  
**Applicant seeks a variance to place a billboard that will be 1,605 feet from the nearest billboard to the west (a variance of 895 feet) and 1,355 feet (a variance of 1,145 feet) from the nearest billboard to the east. (See page 29).**
  - c) Sec. 10.511(E)(7). Billboards are deemed to constitute a principal use of a lot.  
**Applicant seeks a variance, although it is conceivable for the Applicant to create a new parcel for the billboard, it seems administratively burdensome for all parties (the city, landowner, and Applicant) to create a separate parcel for Applicant's billboard). Applicant seeks to allow a billboard on a lot with an existing principal use. Applicant is willing to split the lot to create a parcel in which the billboard would be the principal use should the zoning board find it necessary (see page 33)**

ZBA APPLICATION

615 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

Item 2.

**International Outdoor, Inc. uses the best steel and latest technology for its new billboard structures. This structure will be a 2-sided static billboard.**

- i. It will be built to withstand winds up to 115 miles per hour, 10% above the state requirement.
- ii. It will have the latest in safety features.
- iii. It will have the latest in LED lighting technology. This industry-leading technology will light only the sign face and prevent light from projecting outside of the sign face. (See pages 65 & 66).
- iv. The display will not flash, move or scroll. It will have little to no effect on the surroundings.



# ZBA APPLICATION 25780 COMMERCE DR VALIDATION FOR SIGN VARIANCE

Item 2.

❖ **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.**

- a) **This site's unique location meets 6 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings.**
- b) The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. We propose a billboard that will be we propose a billboard that will be 1,605 feet from the nearest billboard to the northeast (a variance of 895 feet) and 1,355 feet from the nearest billboard to the southwest (a variance of 1,145 feet). (see page 29). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights unless you were fortunate enough to get chosen early on and or prior to the ordinance going into effect.
- c) Applicant's variance application is exceptionally narrow with only two variances. International's request for a variance is a reasonable request that will not be a substantial detriment to the public or impair the purpose of the ordinance. The site is an industrial area surrounded by industrial zoned parcels. This would have no impact on neighbors.
- d) Applicant received approval from MDOT for a 2-sided static billboard at this location (See page 37). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. We have exceeded the state requirements (see page 38).
- e) There will be no substantial detriment to any neighboring property, The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
LANSING

PAUL C. AJEGBA  
DIRECTOR

January 10, 2023

Outdoor Media, LLC  
Attention: Greg Miller  
28423 Orchard Lake Road, Suite 200  
Farmington Hills, MI 48334

Permit Applications: 4193 and 4194  
WB I-696, 1,631 feet west of Dequindre, Oakland County  
Location Approval – Interim Permits 1194 and 1195

Dear Greg Miller:

The Michigan Department of Transportation (MDOT) has reviewed your applications and completed a site inspection of the proposed location, pursuant to the Highway Advertising Act of 1972 (HAA), MCL 252.301, *et seq.* Your application to erect, use, and maintain a commercial sign adjacent to WB I-696 has been approved. (MCL 252.306 and 252.307a(4)).

You have one year from the date of MDOT's location approval (January 10, 2023) to construct your sign. Please inform me once construction is complete and provide pictures of the sign as proof. Pursuant to Section 252.307a(9), after construction of a sign structure under an interim permit is complete, the department shall issue an annual renewable permit.

If the sign is not erected within one year, the location approvals are deemed expired. Should you still wish to pursue constructing a sign after the location approvals expire, you must submit new applications, meeting all requirements at the time of application.

Should you have any questions, please contact me at 517-335-4402 or by email at [greenes2@michigan.gov](mailto:greenes2@michigan.gov).

Sincerely,

E-SIGNED by Scott Greene  
on 2023-01-10 15:15:44 EST

Scott Greene  
Utility Coordination, Permits & Agreements Section  
Development Services Division

Enclosures

MDOT APPROVAL



**HIGHWAY ADVERTISING ACT OF 1972 (EXCERPT)**  
**Act 106 of 1972**

Item 2.

**252.317 Distances between signs; sign utilizing digital billboard; distance from interchange, intersection, or rest area.**

Sec. 17. (1) Except as otherwise provided in subsections (10) and (11), along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected or maintained closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways, a sign structure shall not be erected or maintained closer than 500 feet to another sign structure.

(3) Except as otherwise provided in subsection (4), a sign utilizing a digital billboard permit shall not be closer than 1,750 feet to another sign utilizing a digital billboard permit on either side of the highway facing the same direction of oncoming traffic.

(4) Beginning on the effective date of the amendatory act that added this subsection and ending 1 year after the effective date of the amendatory act that added this subsection, for the first 8 nonstandard signs for which the owner applies for a digital billboard permit under section 6(6)(a) without having to surrender 3 interim permits as provided under section 6(6)(b), each sign shall not be closer than 1,000 feet to another sign using a digital billboard permit on either side of the highway facing the same direction of traffic. This subsection only applies to signs located in a county having a population of not less than 750,000.

(5) This section does not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time, provided that the building or other visual obstruction has not been created for the purpose of visually obstructing either of the signs at issue.

(6) Along interstate highways and freeways located outside of incorporated municipalities, a sign structure shall not be permitted adjacent to or within 500 feet of an interchange, an intersection at grade, or a safety roadside rest area. The 500 feet shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.

(7) Official signs as described in section 13(1)(a) and on-premises signs shall not be counted and measurements shall not be made from them for purposes of determining compliance with the spacing requirements in this section.

(8) Except as provided in subsection (3), the spacing requirements in this section apply separately to each side of the highway.

(9) The spacing requirements in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

(10) A sign that was erected in compliance with the spacing requirements of this section that were in effect at the time when the sign was erected, but that does not comply with the spacing requirements of this section after March 23, 1999, is not unlawful under section 22.

(11) Along an interstate highway that is designated by 1 letter and 3 numbers and located in a county with a population of less than 211,000 but more than 175,000, an existing sign structure that was erected prior to March 24, 2011 shall not be closer than 900 feet to another sign structure on the same side of the highway.

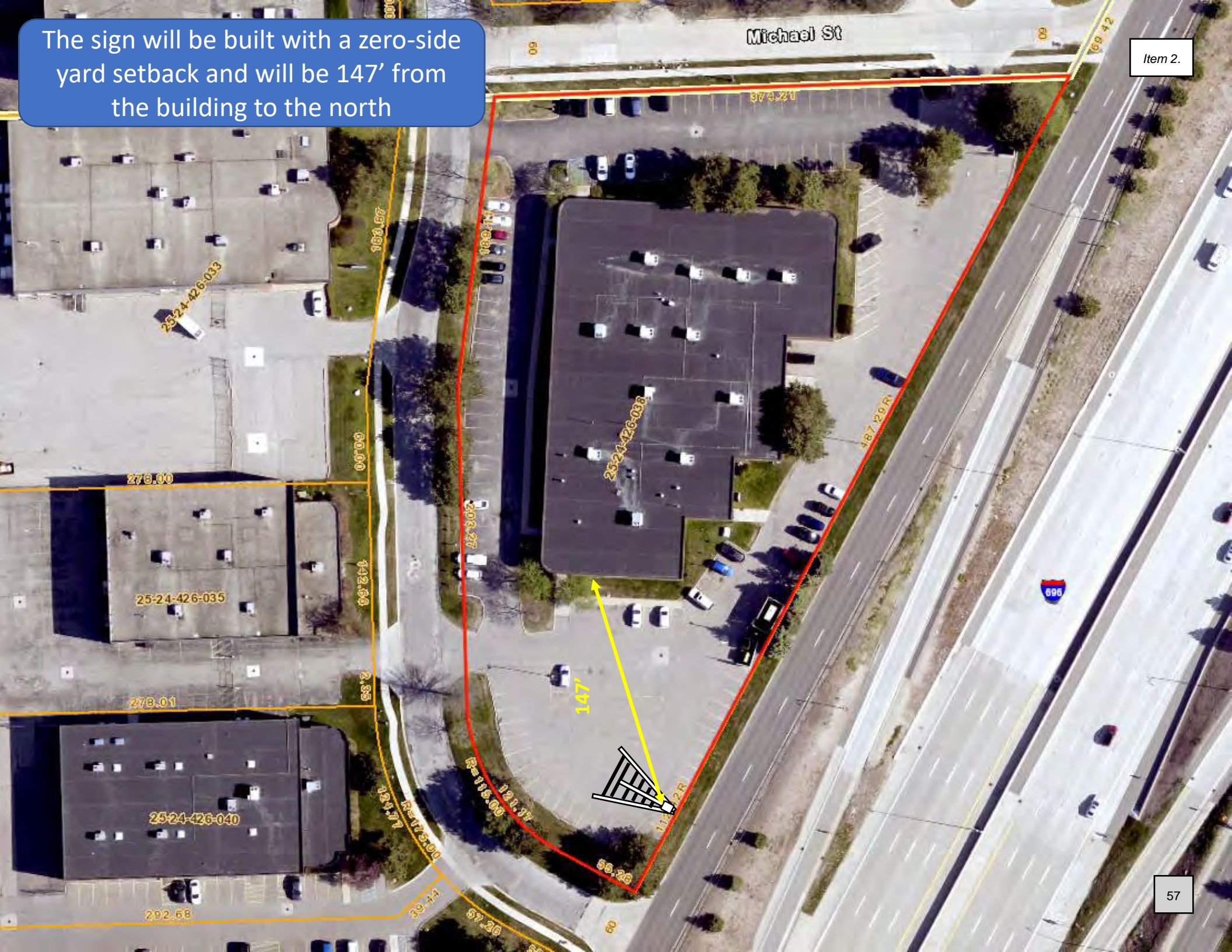
(12) Nothing in this section shall be construed to cause a sign that was legally erected prior to March 23, 1999 to be defined as a nonconforming sign.

**History:** 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, ILL. Mar. 23, 1999;—Am. 2006, Act 448, ILL. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009;—Am. 2011, Act 13, Imd. Eff. Mar. 24, 2011;—Am. 2014, Act 2, Imd. Eff. Jan. 30, 2014.



The sign will be built with a zero-side yard setback and will be 147' from the building to the north

Item 2.





# ZBA APPLICATION 25780 COMMERCE DR VALIDATION FOR SIGN VARIANCE

Item 2.

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

a) **This site's unique location meets nearly 6 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings. This site meets:**

1. Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following.
2. A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.
3. The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel.
4. Billboards shall not exceed sixty (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 10.511(III)(A)(7).

b) The ordinance restricts property owners from utilizing their property "for highest and best use" practices over that which the State of Michigan imposes on others. The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. Seven (7) of the thirteen (13) billboards in Madison Heights (more than half) do not meet this requirement (**see pages 49 - 64**). We propose a billboard that will be 1,605 feet from the

# ZBA APPLICATION 25780 COMMERCE DR VALIDATION FOR SIGN VARIANCE

Item 2.

- ❖ **Continued:** nearest billboard to the northeast (a variance of 895 feet) and 1,355 feet from the nearest billboard to the southwest (a variance of 1,145 feet). (see page 29). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights unless you were fortunate enough to get chosen early on. The current ordinance is unfair, unjust and prejudice to new applicant not chosen earlier.
- b) Applicant received approval from MDOT for a 2-sided static billboard at this location (see page 37). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. Not all properties meet this requirement. We have exceeded the state requirements (see page 38).
  - c) Many other owners of property zoned M-1 were allowed to erect billboards (with or without variances) even though they were all non-confirming to the ordinance. All thirteen (13) billboard in Madison Heights are non-conforming in one way or another. Denying the applicant would deprive them of rights given to others in M-1.
  - d) Off-Premises Signs/Billboards are common on major thoroughfares. There are 10 **permitted** off premises signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 49 - 64). All of these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
  - e) Significantly larger variances were granted in the past to applicants in the same zoning district for billboards.
    - 1. The billboard located at 1300 Bellaire Avenue was built as a 2-sided static sign within 660 feet of another billboard, but despite being non-conforming with spacing requirements it was permitted to be upgraded and rebuilt to a 2-sided digital sign in 2014 (see page 40).
    - 2. The billboard located at 30550 Stephenson Hwy was built as a 2-sided static sign not as the principal use of the property and later upgraded to a 2-sided digital sign despite being a non-conforming use (see page 41).
    - 3. The billboard located at 1031 E 10 Mile Rd was built as a 2-sided static sign, not as the principal use of the property, and over a building, which was taken down in between Aug. 2015-2017. Then later a totally new structure was built to have 1 side upgraded to digital despite its being non-conforming in many ways (see page 42).



## 1300 Bellaire Ave

Item 2.



**Oct 2009**



**July 2011**

2013 this was a 2 – sided Static Sign and now a 2-sided Digital Sign. This sign has always been 660 feet from another billboard to the north. The structure was rebuilt to support the additional weight of the two digital billboards. Photos from Google Maps



# 30550 Stephenson Hwy

Item 2.

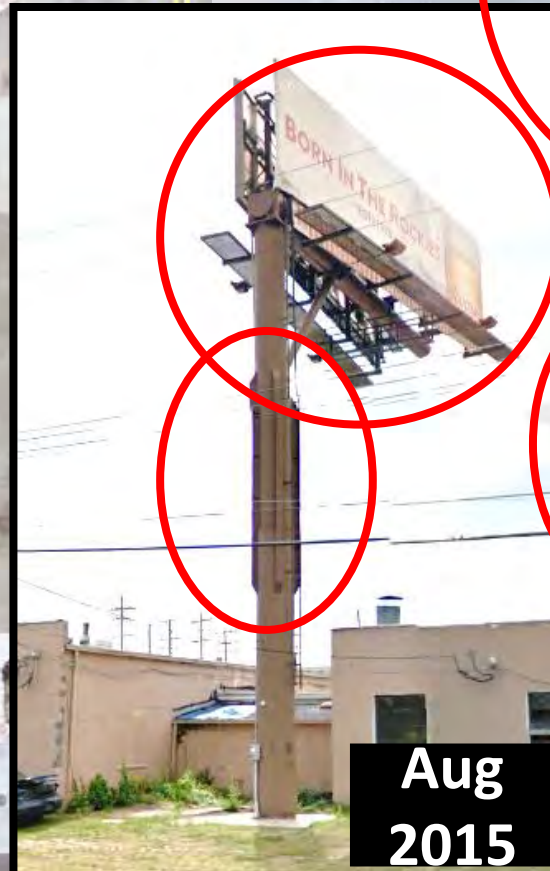


This billboard was built without the requirement that it be the principal use of the property. It was also upgraded to digital despite being a non-conforming billboard. The photos are from Google Maps (left) and Oakland County Parcel Map (right)



# 1031 E 10 Mile Rd

Item 2.



- ❖ This billboard was granted 5 of 6 variances requested: (i) to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after its been removed (iii) to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure (iv) **to allow a billboard to be constructed within 2,500 feet of another billboard** (v) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted)*, and (vi) **to allow a billboard on the same parcel as a principle use.**

# ZBA APPLICATION 25780 COMMERCE DR VALIDATION FOR SIGN VARIANCE

Item 2.

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

- **NO.** The property has not been altered in any way. The property has existed, as is, for years. The property meets nearly 6 of 8 billboard ordinance requirements and is also allowed under State law.

❖ **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?**

- a) The variance in the spacing requirements is requested to allow this property to be used as others have enjoyed the use of their property for such purpose. **This will be the minimum variances needed and is much less than others granted by the ZBA or otherwise allowed.**

❖ **Will granting the variance change the essential character of the area?**

- a) No. Granting the variance will not change the essential character of the area. The property is industrial and along a major freeway (I-696) which meets the zoning requirements, with industrial property across the freeway from the site (see zoning map 47). The property **meets nearly 6 of 8** zoning requirements and a dimensional variance would be the least variance granted.
- b) Granting the variance will not affect any of the neighboring properties in anyway.
- c) The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.
- d) Billboards are common on major thoroughfares especially in the industrial zoning district. The section in which the billboard is proposed is primarily Industrial with all kinds of industrial uses from Cannabis to Automotive. A sign of this size will not impact the use of the property or properties around it and meets FIVE of EIGHT requirements for a matter of right. The Variances requested are NOT a USE variance and only two slight dimensional variances that are within the spirit of the zoning ordinance.



# ZBA APPLICATION 25780 COMMERCE DR VALIDATION FOR SIGN VARIANCE

Item 2.

- e) Billboards compliment the area and provide an additional revenue source to the city via personal property taxes.
- f) Off-Premises Signs/Billboards are common on major thoroughfares. There are 10 permitted off premises signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 49 - 64). All these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
- g) Static billboards have lights that shines on the surface of the board, not projecting out or down (See pages 65 and 66). These type of billboards will not harm or effect the neighbors or environment. The area has billboards presently. The addition of another will not impact the area.

# Madison Heights Zoning

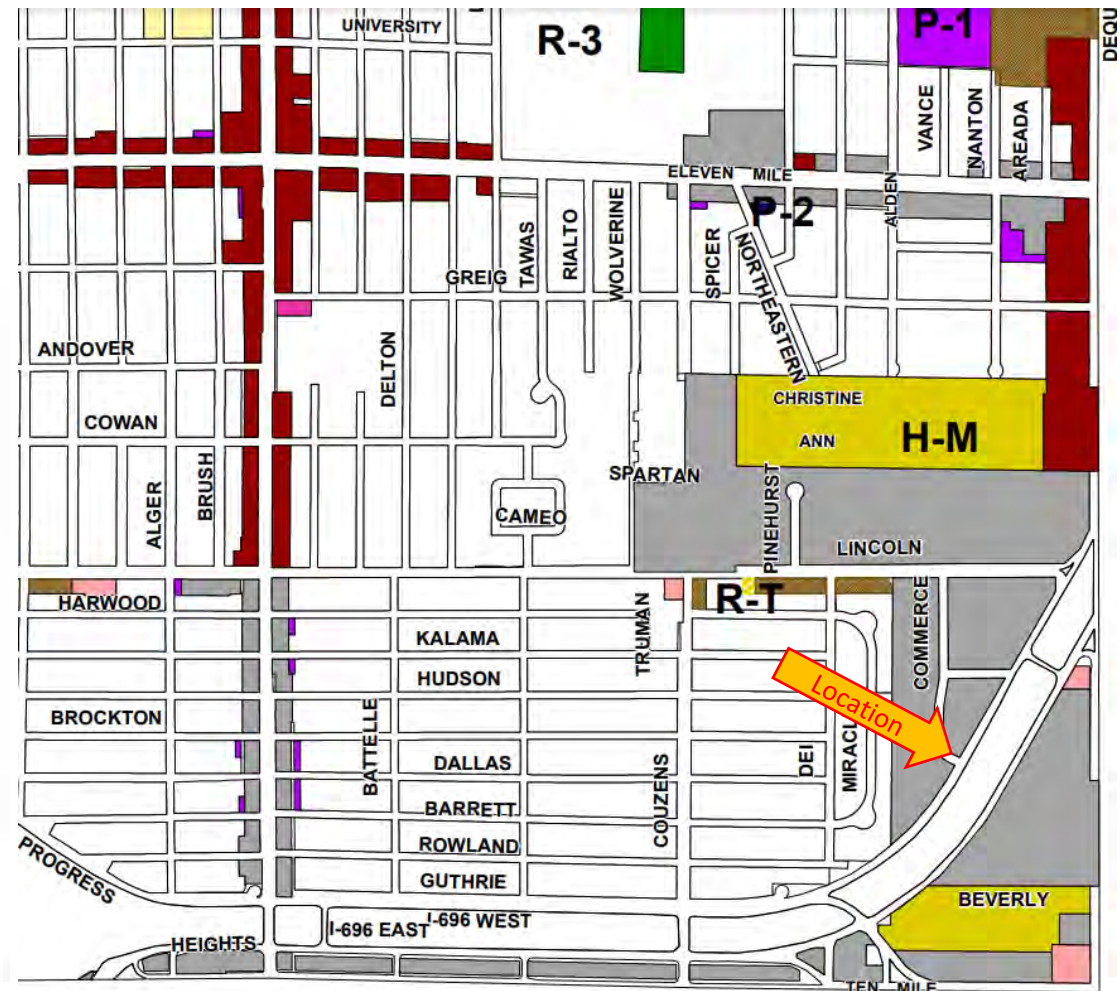
Item 2.

25780 Commerce Dr, Madison Height, MI

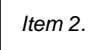
Parcel ID:  
44-25-24-426-038

Owner:  
25780 COMMERCE LLC

Zoned:







Walter P. Reuther Fwy  
Heights



**Hilti Store**

**Ackels Mobile Court**

Madison Park Family Bowling Center

**New Standard -  
Recreational & Medical...**


**Kozy Lounge**

**E-10 Mile Rd**

**LG Electronics**

Amazon-DDT1-Delivery  
Station

**BREEZE |**  
**Recreational Cannabis**

**Dakota Integrated Systems** 

Jimmy John's





# BILL BOARDS LOCATIONS

Item 2.

## LEGEND



BILL BOARD



BUFFER 2500 FT

## ZONING

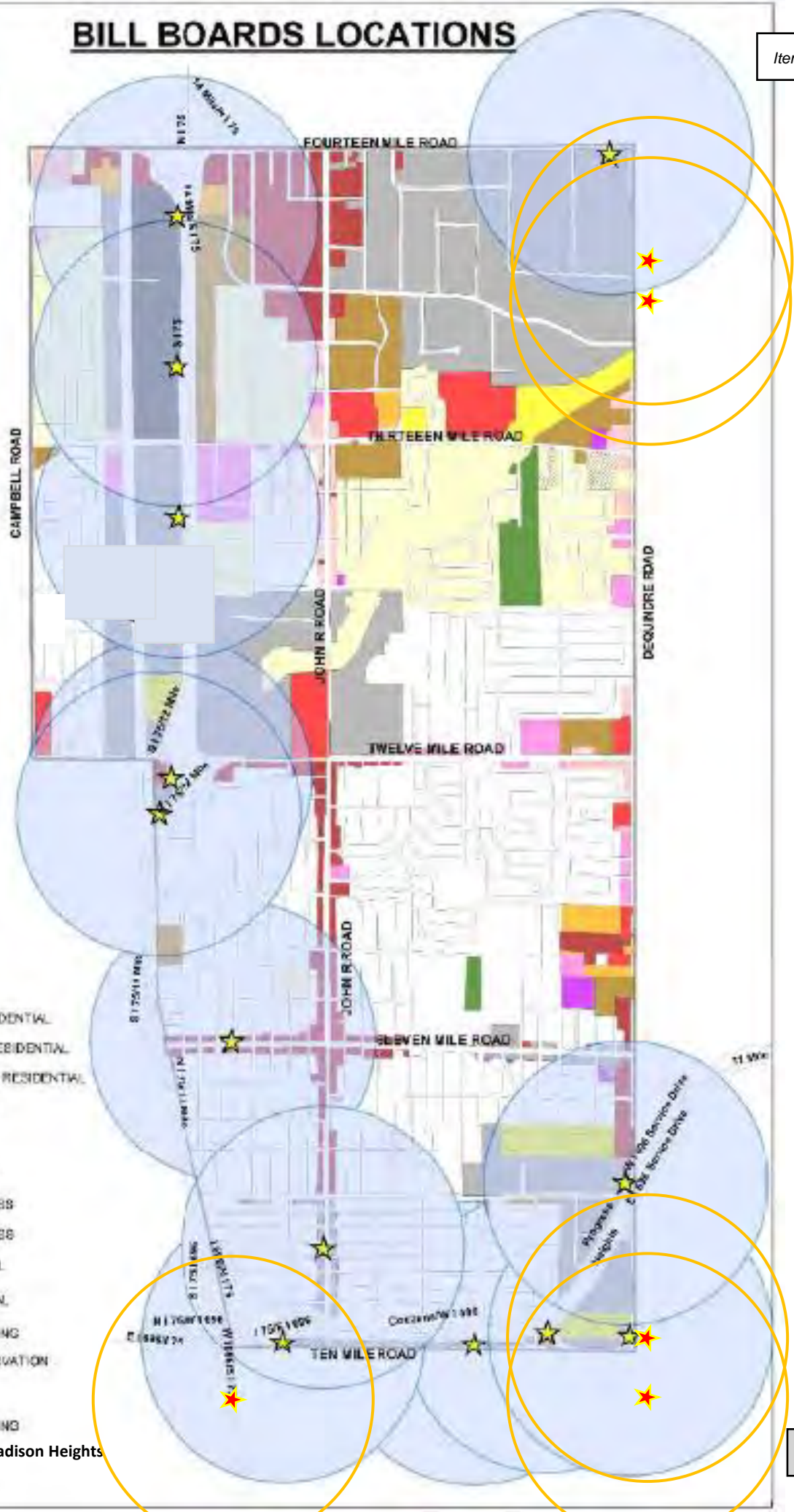
- R-1 RESIDENTIAL
- R-2 RESIDENTIAL
- R-3 RESIDENTIAL
- R-T TWO FAMILY RESIDENTIAL
- R-C CONDOMINIUM RESIDENTIAL
- R-M MULTIPLE FAMILY RESIDENTIAL
- H-M MOBILE HOMES
- O-1 OFFICE
- B-1 LOCAL BUSINESS
- B-2 PLANNED BUSINESS
- B-3 GENERAL BUSINESS
- M-1 LIGHT INDUSTRIAL
- M-2 HEAVY INDUSTRIAL
- P-1 VEHICULAR PARKING
- N-P NATURAL PRESERVATION
- H-R HIGH RISE
- P-2 VEHICULAR PARKING



Billboard not in Madison Heights

SCALE:

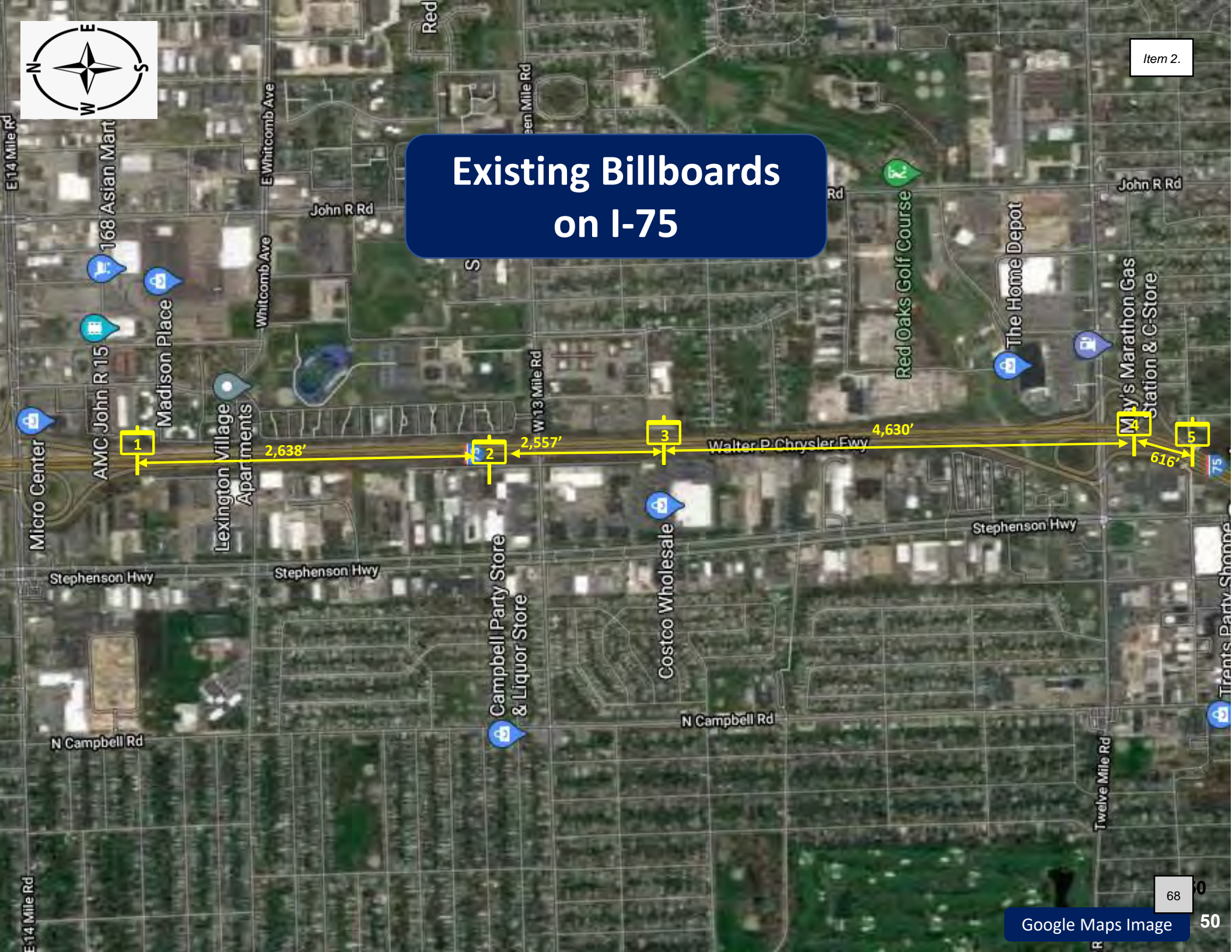
1 INCH = 250 FEET







# Existing Billboards on I-75







## Existing Billboards on I-696

→ = 1,000 feet

3,405 feet

1,263 feet

2,970 feet

Item 2.

ASV

Walter P. Reuther Fwy  
Heights Dr

Hilti Store

Acbel's Mobile Court

Walter P Reuther Fwy

Heights Dr

E 10 Mile Rd

Amazon-DDT1-Delivery  
Station

LG Electronics

Dakota  
Integrated Systems

Jimmy John's

Google Maps Image

69

51

Google

Viking Ice Arena

Monroe Park Family  
Bowling Center

New Standard -  
Recreational & Medical...

BREEZE |  
Recreational Cannabis

Monroe Park

McNaughton-McKay  
Electric Company...

V Lincoln Ave

E Lincoln Ave

E Lincoln Ave

E Lincoln Ave

E Lincoln Ave

John R Rd

Progress Dr

S Chrysler Dr

S Chrysler Dr

John R Rd

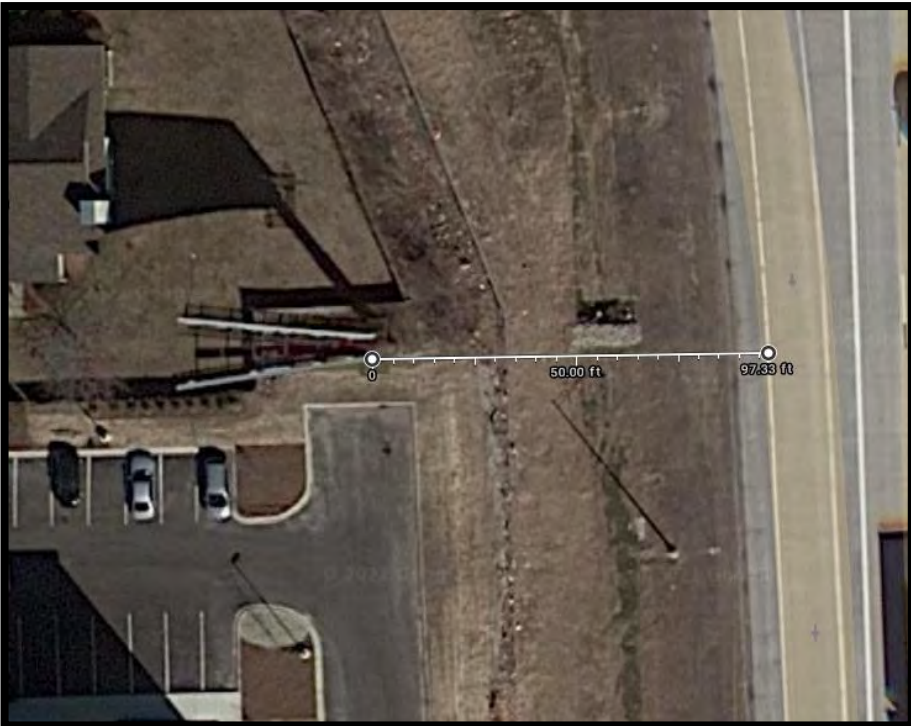
Green  
es Park





## Sign #1 - 32401 Mally Dr

- The west side of I-75 approx. 1,175 feet south of 14 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 97 feet**
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google

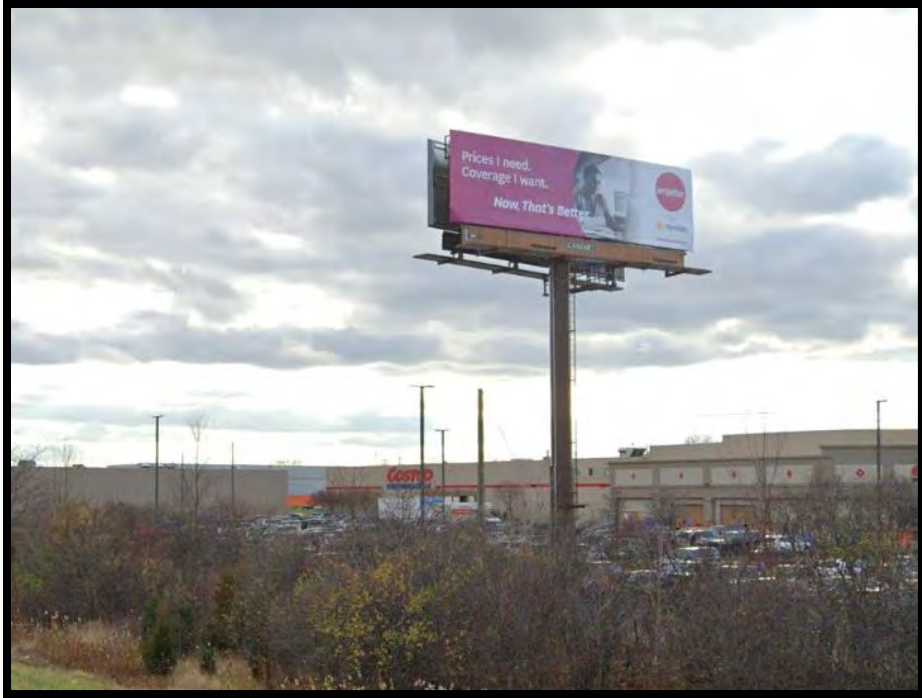




## Sign #2 - 31445 Mally Dr

- The west side of I-75 approx. 1,280 feet north of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- Distance from Traveled Edge of Road: 135 feet
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google





## Sign #3 - 30550 Stephenson Hwy

- The west side of I-75 approx. 1,250 feet south of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 124 feet**
- **Non-conforming – not on a separate parcel, above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google



## Sign #4 - 1031 W 12 Mile Rd

- The west side of I-75 approx. 300 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- 2-sided Static
- 70' tall
- Owner: Lamar
- Distance from Traveled Edge of Road: 190 feet
- **Non-conforming – 660 feet from another billboard. Built above the allowable height. Not on a separate lot and only 38 feet from a building. Rebuilt despite being non-conforming**

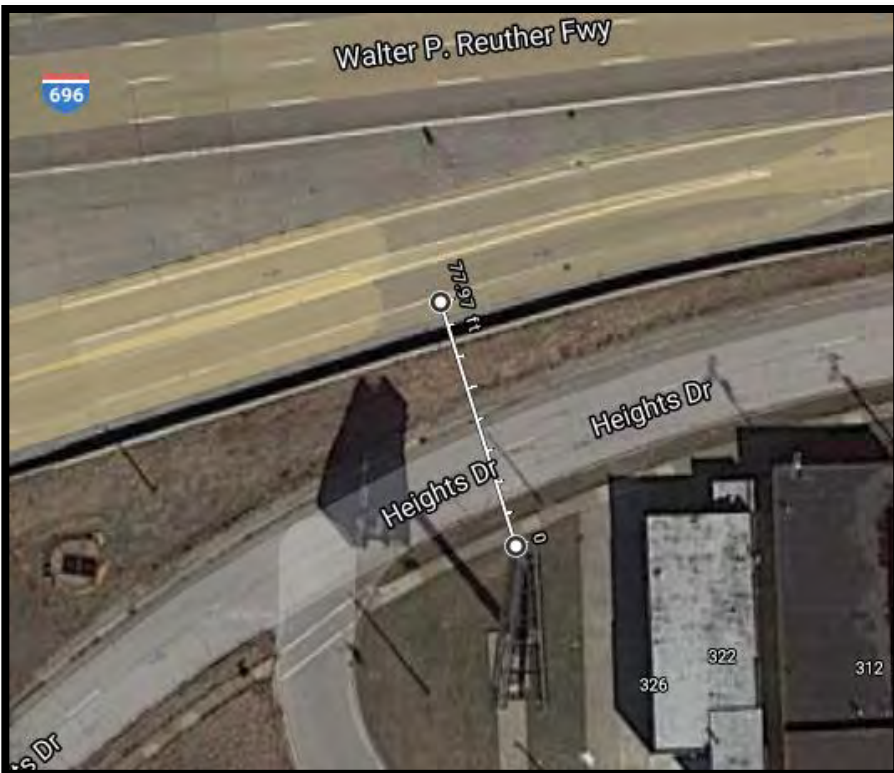
- All measurements are estimates from MDOT & Google





## Sign #5 - 1300 Bellaire Ave

- The west side of I-75 approx. 925 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 77 feet
- **Non-conforming – 660' from another sign and built above the allowable height. Rebuilt and converted to digital despite being non-conforming.**
- All measurements are estimates from MDOT & Google



## Sign #6 - 326 W 10 Mile Rd

- The south side of I-696 approx. 790 feet west of John R Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 79 feet
- **Non-conforming - built above the height allowable. 1,770 feet from another billboard in the city. Upgraded and rebuilt digital despite being non-conforming.** Only 860 feet from a billboard not in the city.





## Sign #7 - 1031 E 10 Mile Rd

Item 2.

- The south side of I-696 approx. 74 feet west of Couzens Ave.
- 14' x 48' = 672 square feet
- **1-side Digital**, 1-side Static
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 150 feet**



- All measurements are estimates from MDOT & Google

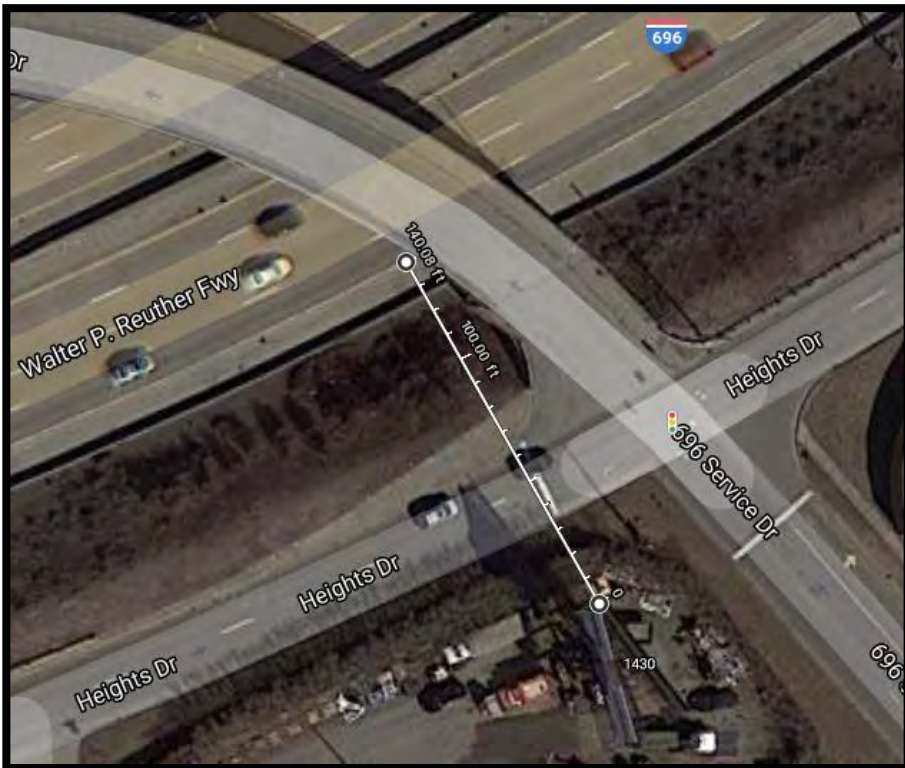
### ❖ This billboard is Non-conforming and was granted 5 of 6 variances requested:

- i. to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after it's been removed
- ii. to allow a billboard on the same parcel as another (existing) structure within 100 feet
- iii. to allow a billboard to be constructed within 2,500 feet of another billboard. 1,260 feet from a billboard to the east.
- iv. to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted), and
- v. to allow a billboard on the same parcel as a principal use.

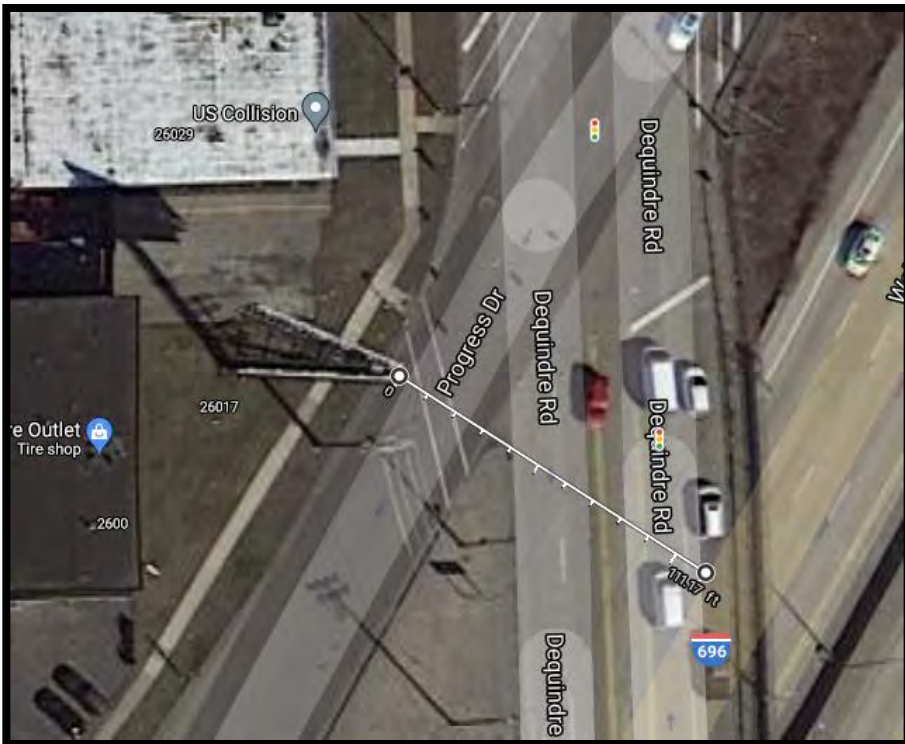
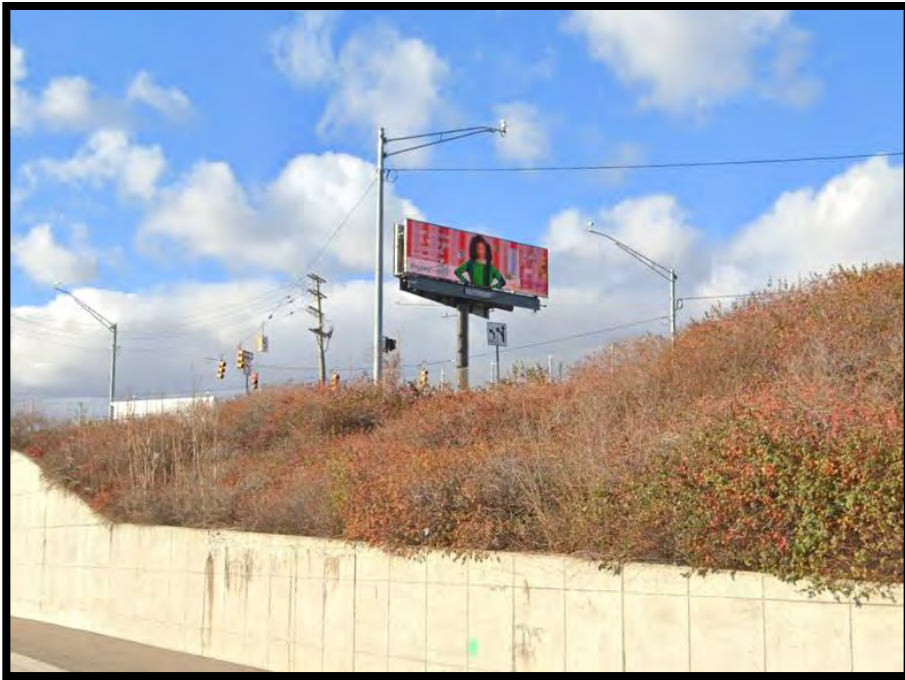


## Sign #8 - 1430 E Heights St

- The south side of I-696 approx. 50 feet east of I-696 Service Dr.
- 14' x 48' = 672 square feet
- 2-sided Static
- 60' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 140 feet**
- **Non-conforming – only 1,260 feet from a billboard to the west and 1,410 feet from another billboard to the east in the city.**
- All measurements are estimates from MDOT & Google







## Sign #9 - 26017 Dequindre Rd

Item 2.

- The north side of I-696 approx. 1 foot west of Progressive Dr and 30 feet west of Dequindre.
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- **Distance from Traveled Edge of Road: 150 feet**
- **Non-conforming – Built above the allowable height. Upgraded and rebuilt digital despite being non-conforming.** Only 2,032 feet from a billboard not in the city.



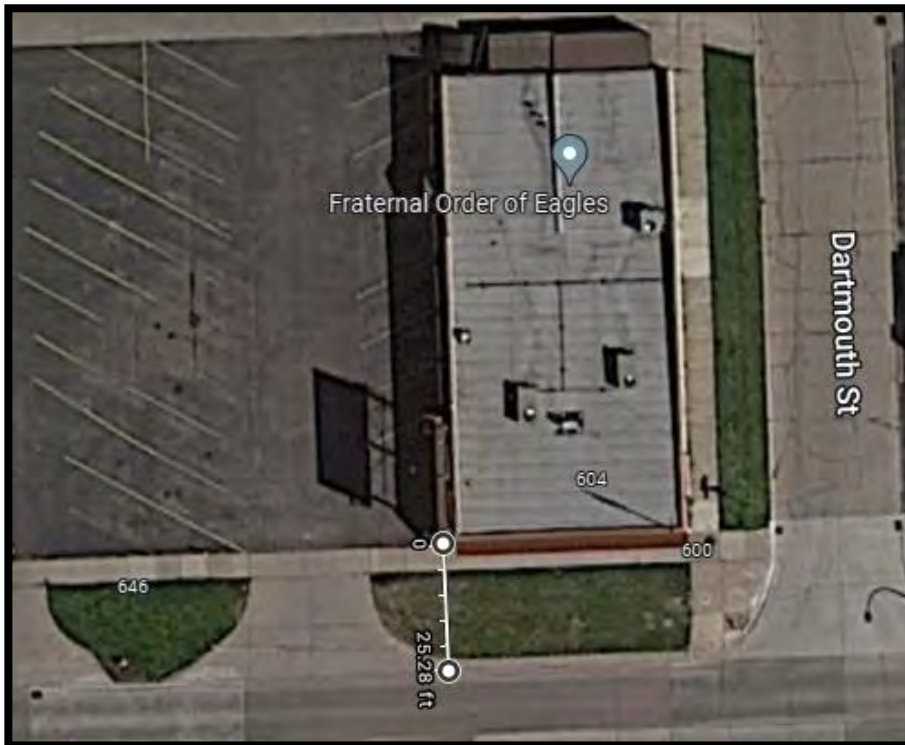
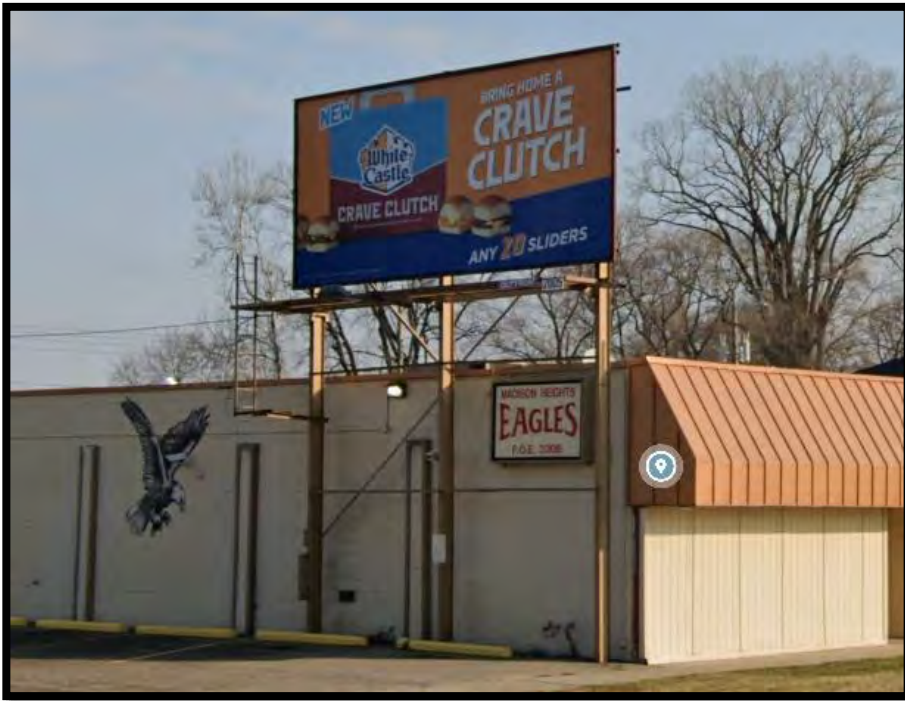
## Sign #10 - 1900 E 14 Mile Rd

- The south side of 14 Mile Rd approx. 390-foot west of Dequindre.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 90 feet**
- **Non-conforming - Not on a separate parcel and only 33 feet from a building. No MDOT Permit. Only 2,115 feet from a billboard outside city limits**



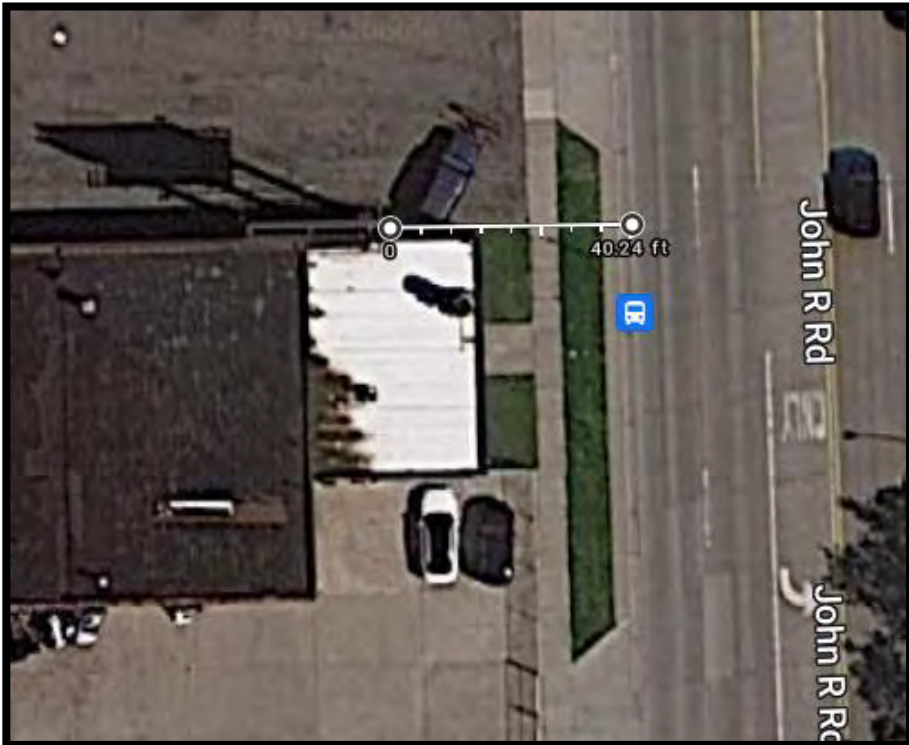
- All measurements are estimates from MDOT & Google





## Sign #11 – 604 W Eleven Mile Rd

- The south side of Eleven Mile Rd approx. 65-foot west of Dartmouth St.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 30' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 25 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. No MDOT Permit.**
- All measurements are estimates from MDOT & Google



## Sign #12 – 25601 John R Rd

- The west side of John R Rd approx. 98-feet south of W Hudson Ave.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 40 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,770 feet from another billboard in the city. No MDOT Permit.**
- All measurements are estimates from MDOT & Google

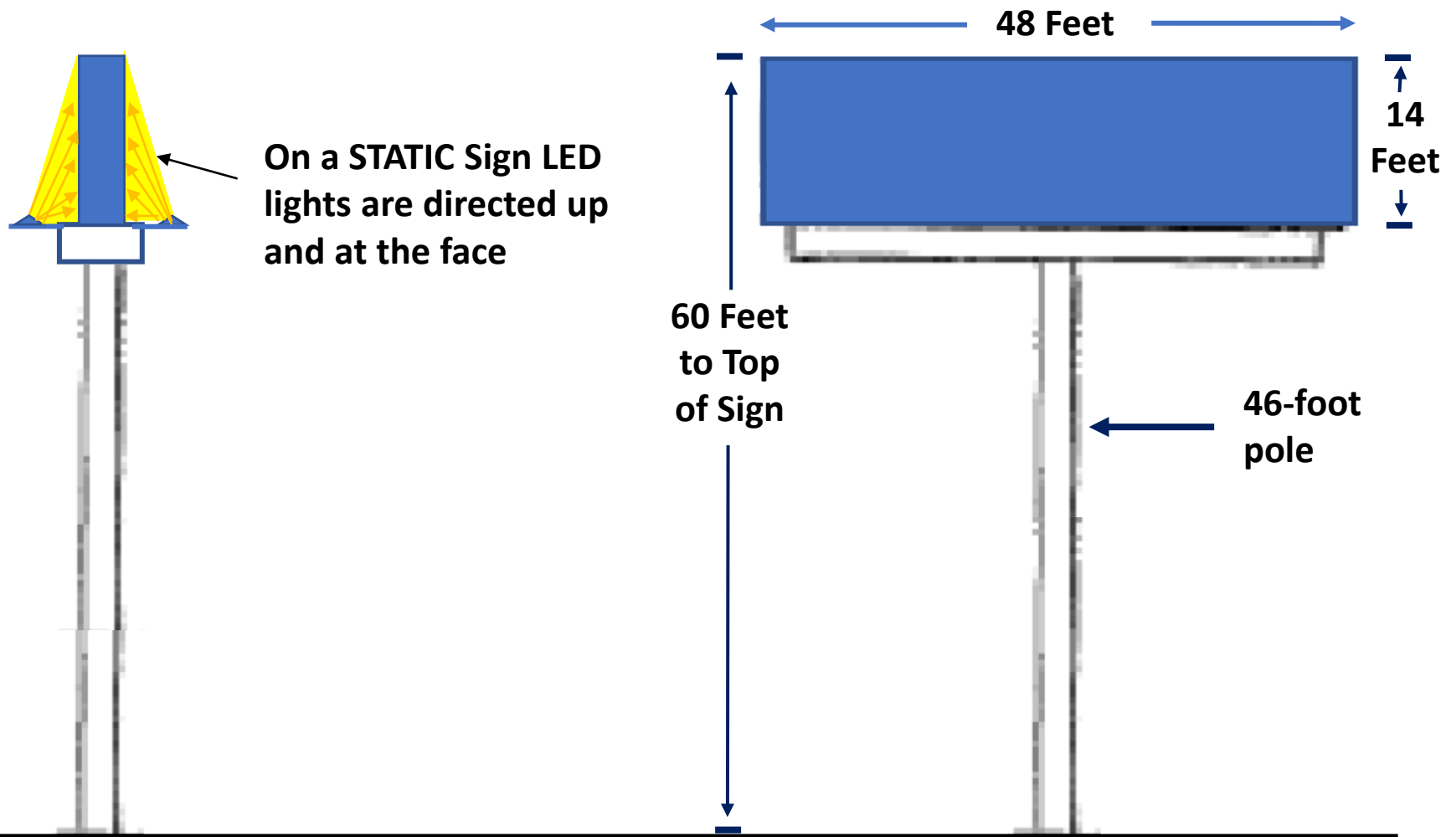




## Sign #13 – 25107 Dequindre Rd

- The west side of Dequindre Rd approx. 285-feet north of Eleven Mile Rd.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 55 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,410 feet from another billboard in the city. Only 220 feet from a billboard outside the city.**
- All measurements are estimates from MDOT & Google

**Lighting** is often a concern not always addressed. We want you to know that we will be using the most current LED lighting available for our Static sign face.



This industry-leading technology will light only the sign face and prevent light from projecting outside of the sign face.





Reliable Electric Products Co  
865-376-0226

**Designer**  
Brian Kline

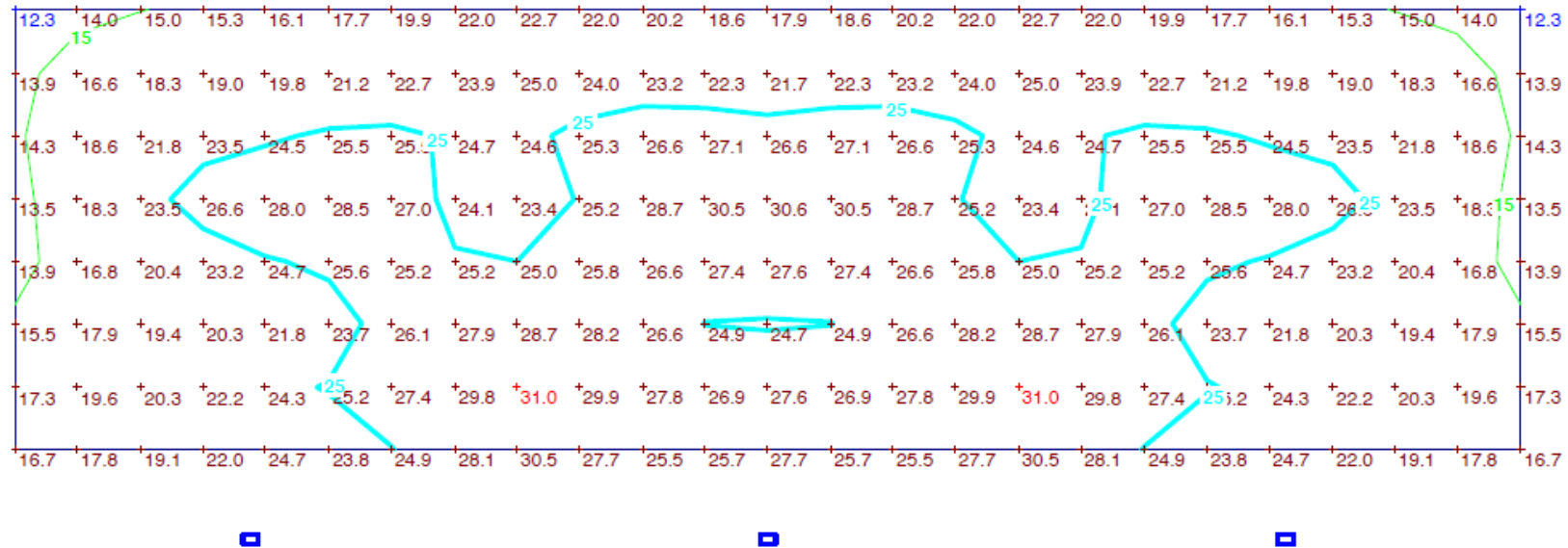
**Date**  
April 21 2017

**Scale**  
14 x 48

**Drawing No.**  
SVLED 2

1 of 1

International Outdoor  
Holophane Sign Vue 2 LED



### STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	23.0 fc	31.0 fc	12.3 fc	2.5:1	1.9:1

### LUMINAIRE LOCATIONS

No.	Label	X	Location Y	Z
1	A	7.5	-7.5	-3.0
2	A	24.0	-7.5	-3.0
3	A	40.5	-7.5	-3.0

# ZBA APPLICATION 25780 COMMERCE DR SUMMARY

Item 2.

Applicant believes the practical difficulties described in its application demonstrate that its request for variances are warranted and the ZBA should grant them in their entirety. The unique circumstances of the property have created a practical hardship that would prejudice Applicant if not granted.

## **The proposed billboard:**

- ✓ The billboard will be on a parcel abutting an interstate highways (I-696) in the M-1 zoning district on a parcel having another structure over one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard.
  - ✓ The V-type structure will have an interior angle which does not exceed twenty (20) degrees.
  - ✓ The total surface area, facing in the same direction, will not exceed seven hundred (700) square feet and shall be contained on a single panel.
  - ✓ The billboard will not exceed sixty (60) feet in height from the adjacent grade.
  - ✓ The billboard will not be erected on or over the roof of any building.
- 
- ❖ We have clearly explained the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
  - ❖ We have explained 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.
  - ❖ We have explained why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.



# ZBA APPLICATION 25780 COMMERCE DR SUMMARY CONTINUED

Item 2.

- ❖ The applicant acknowledges that no special conditions and/or circumstances resulted from actions of the applicant or property owner.
- ❖ Although the property is used in a manner permitted by the Ordinance it is not being given the same rights as others in the same zoning district. The variances requested are minimal.
- ❖ Granting the variance will not change the essential character of the area?

Applicant has established that it is entitled to preliminary and final site plan approval based on competent, factual, and expert engineering and planning testimony and exhibits for a double-sided digital billboard.

- The Applicant reserves the right to provide additional factual and legal arguments at its hearing.

There being no further nominations, the vote was called.

Yeas: Hohner, Kehoe, Kimble, Tecker, R. Corbett, Holder, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **16-08. Election of Vice-Chair.**

Vice Chairman Oglesby called for nominations for the position of the Vice Chairperson of the Board.

Motion by Ms. Kehoe, seconded by Councilman Corbett, to nominate Clifford Oglesby as the Vice Chairman of the board.

There being no further nominations, the vote was called.

Yeas: Kehoe, Kimble, Tecker, R. Corbett, Holder, Hohner, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **16-09. Variance of non-conforming billboard 1031 E. 10 Mile Road**

Application #16-01

Vice Chairman Oglesby opened the public hearing at 7:42 p.m. to hear comments, if any, on application #16-01.

The Petitioner, Joseph Shopshear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, and Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present. Mr. Behrendt stated the billboard was erected to be a digital sign face on one side and the second side is a vinyl static board. Lamar is requesting to replace the static vinyl side, to make it digital and in doing so, must replace the entire billboard structure. At this time they would like to update the static side to be digital along with additional safety requirements. Mr. Behrendt stated that digital billboards are what customers want. They also provide the opportunity to run public service announcements, AMBER alerts, weather warnings, as well as civic activities and local business activity announcements.

Gary Sayers, 945 E. 10 Mile Road, stated that he owns four buildings approximately 300 ft. from this billboard and he is opposed to granting any variances. He stated that he does not want a blinking sign near his



building. He also commented that he believes these billboards are distracting to drivers.

There being no further comments, the public hearing was closed 8:00 p.m.

Mr. Kimble commented that he was concerned with the brightness of the lights that come from the digital signs noting this can be very distracting while driving at night. He also expressed concern that granting these variances will set precedence for other billboard companies.

Ms. Holder asked for clarification regarding the request, stating that if the petitioner only changed the sign face, no variance would be required.

Mr. Schafer indicated that the petitioner can change the sign face of a non-conforming sign without having to request a variance; however, if the structure requires modification, then approval from the Zoning Board of Appeals would be required.

Mr. Shopshear, indicated that the current sign was built for the 2009 building codes; however in order to comply with the 2012 building codes a variance is required for safety reasons.

Councilman Corbett stated that any changes to the sign should be to reduce as much of the non-conformity as possible, including reducing the entire structure to the permitted 60' maximum height permitted.

Motion by Mr. Corbett, Seconded by Ms. Holder,

WHEREAS, an application has been filed by Joseph Shopshear the Petitioner for Angela Investments, 1031 E. 10 Mile Road requesting a variance; and

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.+511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property).

WHEREAS, a notice of public hearing was published in the Madison Park News on March 23, 2016 and 82 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department stating that:

#### **RELEVANT INFORMATION**

1. The applicant is a representative of the owner of a billboard located on the subject property.
2. The billboard is a non-conforming structure as follows:
  - a. The billboard is not the principal use of the property.
  - b. The billboard is within 100 feet of the building on the property (in fact it overhangs the building).
  - c. The billboard is within 2500 feet of another billboard (actual distance is 1291 feet).
  - d. The billboard is 10' higher than permitted (70' where 60' is allowed).
3. In 2011 the applicant applied for a permit to install a digital face on the existing billboard. The City permits face changes on non-conforming billboards provided that the structure can handle the new loads. In that case the applicant proposed to add additional structural steel supports and other modifications to the structure to handle the additional loads imposed by changing the type of sign to a digital face. The ZBA granted a variance to allow the owner to change one face and that was done by the owner shortly thereafter and remains so today.

#### **PREVIOUS ACTIONS**

ZBA Application #11-02 – Variance granted to allow structural modifications to nonconforming billboard for placement of a digital face on the existing billboard.



### **SITE PLAN COMMITTEE ACTION**

The Site Plan Committee has reviewed this request. The Committee notes that the sign is currently non-conforming, but enjoys a variance that allowed its structural modification to accommodate a digital face change in 2011. The applicant now seeks to completely remove the existing billboard and replace it with a new billboard with two digital faces. Under the Zoning Ordinance, removal of the billboard eliminates any nonconformity, in addition to eliminating the conditions under which the previous ZBA variance was granted. As a result, they are required to seek the requested variances per the Zoning Ordinance.

The Committee also notes that the existing nonconforming billboard is currently in use and may continue to function for the foreseeable future without any modification or variance.

The Committee also notes that there are currently ten non-conforming billboards in the City. It is the intent of the Zoning Ordinance that these structures can be continued until they fail due to deterioration or damage and that they be removed at that point. By removing the existing nonconforming billboard as proposed, applicant is achieving the intent of the Zoning Ordinance – removal of the nonconformity in its entirety. To permit this applicant to remove and replace the billboard in its exact location would be contrary to the intent of the ordinance and convey to the applicant a right not enjoyed by other billboard owners in the City. Accordingly, the Committee recommends denial of the request.

Should the ZBA decide to grant the variances necessary to accommodate the request, the Committee recommends that the height of the billboard be reduced to the 60' maximum, thus reducing the nonconformity of the billboard while still accommodating its continuation in a nonconforming location.

WHEREAS, a public hearing was held this April 7, 2016, and the Petitioner, Joseph Shopshear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, along with Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Zoning Board of Appeals approves the requested variances as follows:

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property); and

BE IT FURTHER RESOLVED, that the Madison Heights Zoning Board of Appeals DENIES the requested variance as follows:

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

As it is not the minimum variance necessary and will reduce the existing non-conformity.

Yeas: Tecker, R. Corbett, Hohner, Holder, Kehoe, Oglesby  
Nays: Kimble  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **XX. Adjournment.**

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

Yeas: R. Corbett, Hohner, Holder, Kehoe, Kimble, Tecker, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

There being no further business, Vice Chairman Oglesby, adjourned the meeting at 8:15 p.m.

---

Romona Sanchez  
Clerk of the Board





## MEMORANDUM

Date: March 31<sup>st</sup>, 2023  
 To: City of Madison Heights Zoning Board of Appeals  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Billboard Variances  
 PZBA 23-03 – 615 E. Ten Mile Road

### REQUEST

The applicant, *International Outdoors, Inc.*, requests three (3) variances from the city's billboard regulations, Section 10.511(IV)(E). The subject property is located at 615 E. Ten Mile Road (tax parcel #44-25-24-360-026) and is zoned M-1, Light Industrial.

The applicant proposes to install one (1) two-sided static billboard adjacent to the south side of I-696, and requests variances from the following sections of the Zoning Ordinance:

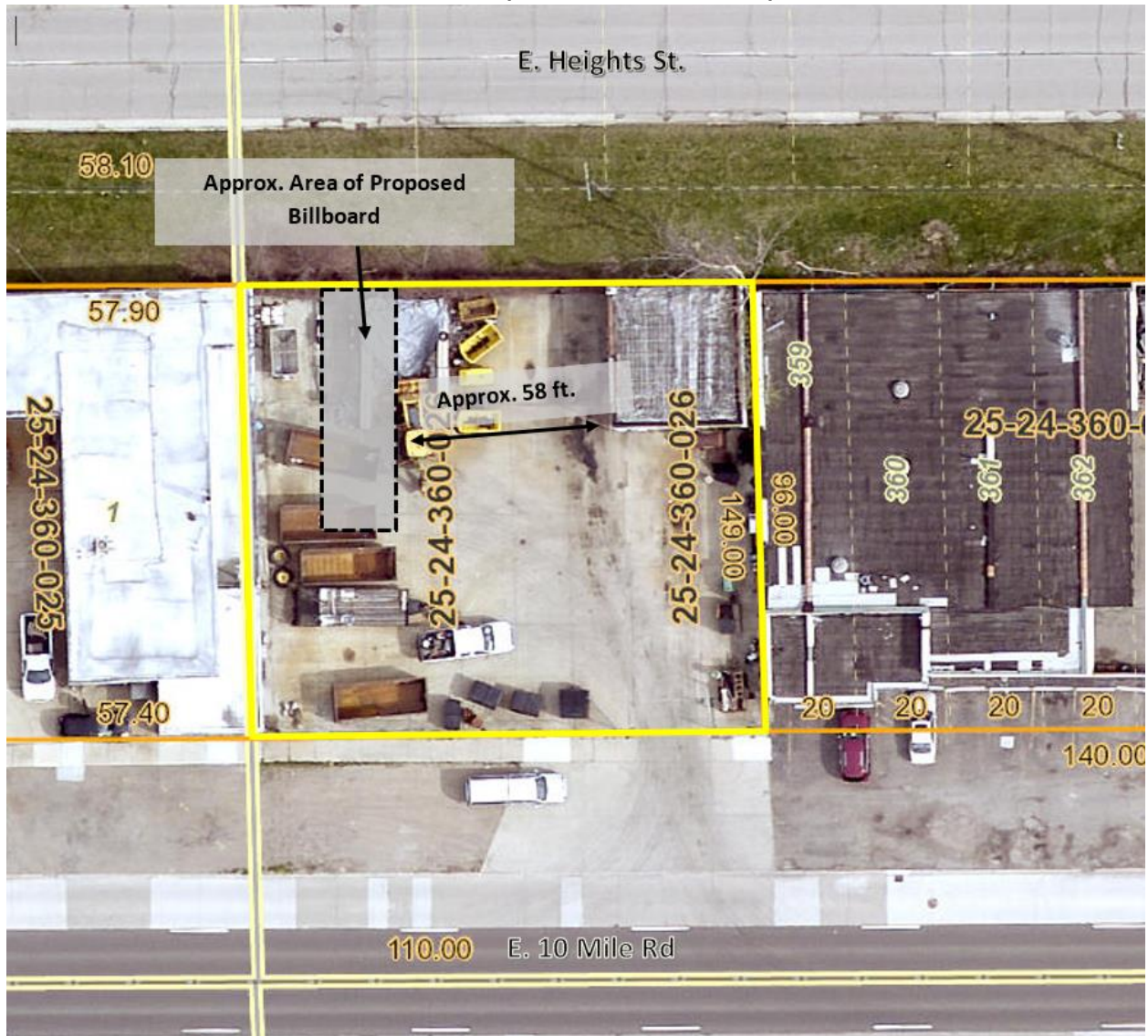
- *Section 10.511(IV)(E)(1): [...] such billboard shall not be placed on a parcel having any other structure within 100 feet of the billboard; and*
- *Section 10.511(IV)(E)(2): Billboards shall not be less than 2,500 feet apart; and*
- *Section 10.511(IV)(E)(7): Billboards are deemed to constitute a principal use of a lot.*

The applicant is not the current property owner. However, the current property owner has signed the ZBA application, as required.

### Structure Setback Variance

Per Section 10.511(IV)(E)(1) of the Madison Heights Zoning Ordinance, a billboard shall not be placed within 100 feet of an existing structure on the parcel. The subject property is improved with an existing industrial building. The billboard is proposed to be placed 58 feet from the existing building, failing to meet Ordinance requirements. Therefore, the applicant requests a variance of 42 feet from the structure setback requirement. Required setbacks are illustrated in the graphic on the following page.

Note that the proposed billboard satisfies the minimum front, side and rear yard setback requirements. A zero-foot rear yard setback is permitted adjacent to E. Heights Street based on the averaging setback provision.

**615 E. Ten Mile Road – Required Setbacks and Proposed Billboard**

*Note: Setback lines are approximate  
Source: Oakland County Property Gateway*

**Separation Variance**

Per Section 10.511(IV)(E)(2) of the Madison Heights Zoning Ordinance, billboards shall not be less than 2,500 feet apart. The Billboards Map at the end of this report illustrates the 2,500-foot separation radii from each existing billboard. The proposed billboard is within 2,500 feet of three (3) existing billboards, per the chart below:



Existing Billboard Location	Distance from Proposed Billboard	Required Variance
Couzens/E. Heights Dr.	1,210 ft.	1,290 ft.
E. Heights Dr./W 10 Mile Rd.	2,165 ft.	335 ft.
John R/W. Hudson Ave	2,200 ft.	300 ft.

The applicant has formally requested the variances of 1,290 feet and 335 feet from the 2,500 ft. requirement. However, an additional variance of 300 feet will be required to erect the proposed billboard, as the applicant has not addressed the existing billboard at John R and W. Hudson Ave.

### Principal Use Variance

Per Section 10.511(IV)(E)(7) of the Zoning Ordinance, billboards shall be considered the principal use of a lot. Because the property at 615 E. Ten Mile Road is already improved with a principal building, a new billboard would be considered an accessory use of the property. The Zoning Ordinance requires the applicant to divide the parcel and create a stand-alone parcel for the billboard. The applicant requests a variance from this section to allow for the proposed billboard to be constructed on the same parcel as the existing building.

### STAFF ANALYSIS

Within their application, the applicant states that they have obtained a permit from the State of Michigan for the proposed billboard. Note that the state requires 1,000 feet of separation between static billboards, whereas Madison Heights requires 2,500 feet. Per the Highway Advertising Act of 1972 (PA 106 of 1972), *“a county, city, village, township or charter township may enact ordinances to regulate and control the operation, size, lighting, and spacing of signs and sign structures [...] [...] An ordinance or code adopted by a county, city village, township, or charter township that regulates the operation, size, lighting, or spacing of signs and sign structures and that is more stringent than the laws of this state is not made void by this act.”*

Madison Height’s stringent billboard spacing requirements were put in place to prevent the proliferation of billboards and are in compliance with the Highway Advertising Act.

The applicant has formally written that they, *“are willing to split the lot to create a lot”* to create a parcel in which the billboard would be the principal use, eliminating the need for the principal use variance request.

### VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests. The applicant has provided responses to the variance criteria within their application. Staff findings are provided below:

- *Whereby 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.*

**Staff Finding:** Staff does not find the subject property itself to contain exceptional conditions that would unreasonably restrict the use of the property. Staff finds that the conditions of the property would not result in a practical difficulty for the property owner.

The property is currently utilized for an industrial use, and can continue to be utilized, expanded, or redeveloped for permitted M-1 industrial uses. The subject parcel is approximately 0.24 acres in area, is of a regular rectangular shape, and has a width of approximately 110 feet. Staff finds these property characteristics to be fairly standard within the M-1 District, especially along E. 10 Mile Road.

While staff acknowledges that the City's billboard separation requirement may restrict the erection of new billboards within city limits unless existing billboards are removed, this is a restriction that applies equally to all properties within Madison Heights. Staff finds that the applicant's inability to legally meet the billboard spacing requirement is not due to an exceptional condition tied to the subject property, but rather due to the general condition that there are a limited number of available billboard locations left within the City.

The applicant requests a variance from the principal use requirement based upon their claim that the land division process would be, "*administratively burdensome.*" Staff finds that the applicant's variance request stems from a preference to avoid the city's general administrative land division and recording processes; within their application, the applicant states that International Outdoor is amenable to creating a billboard parcel subject to approval of the dimensional spacing variance. The variance request from the principal use standard does not relate to a unique condition of the property. Further, the applicant seeks relief from an administrative process that is applied equally to all properties. As such, staff does not find the existence of a valid practical difficulty.

- *Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.*

**Staff Finding: Staff finds that the granting of the requested variances could substantially impair the intent and effectiveness of the Zoning Ordinance.**

Staff believes that granting variances to the billboard structure setback, spacing and principal use requirements could substantially impair the intent and effectiveness of the Zoning Ordinance. The City's billboard setback, spacing, and principal use requirement were put in place to regulate the siting of large billboards within Madison Heights. If the City of Madison Heights is interested in permitting additional billboards within city limits and/or reducing billboard spacing, setback and principal use requirements, staff believes that the appropriate mechanism is to amend the Zoning Ordinance standards via the zoning text amendment process.

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.*

**Staff Finding: Staff finds that the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by others in the same zoning district.**

Each property owner within Madison Heights is subject to the same billboard setback, spacing and principal use requirements. The property owner has the ability to develop and redevelop the property per M-1, Light Industrial standards.



Staff acknowledges that prior Zoning Boards of Appeals have granted billboard separation and principal use variances in the past. However, these prior cases (as denoted within the applicant's application packet) can be differentiated from this case in that they all involved upgrading *existing* non-conforming billboards that were originally constructed prior to the adoption of the city's billboard ordinance. Alternatively, the ZBA case at hand involves the construction of a brand new billboard where none had previously-existed. Further, per Section 10.805, "*each case before the Zoning Board of Appeals 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.*" Staff recommends that the Zoning Board of Appeals base their decision on facts and findings only pertaining to this unique case.

- *The special conditions and/or circumstances are not a result of the applicant.*

**Staff Finding:** As previously discussed, staff does not find special conditions or circumstances pertaining to the property itself. Unique circumstances relating to the property, if found by the ZBA, are the result of the applicant's desire to construct a billboard use on the property rather than a use permitted by right or by special approval within the M-1 zoning district.

- *The variance is the minimum variance necessary to provide relief to the applicant.*

**Staff Finding:** Staff finds that the variance request is not warranted due to the absence of a valid practical difficulty.

- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

**Staff Finding:** Staff finds that, in the absence of a variance, the property could continue to be utilized for, and redeveloped with, permitted M-1 industrial uses.

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

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

City staff presented the variance application to the Site Plan Review Committee at their March 8<sup>th</sup>, 2023, meeting. The SPRC had no additional comments regarding the proposed billboard location.

#### **ZBA ACTION**

**Any ZBA motion should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805, as outlined in the 'Variance Findings' section of this report.** 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 all requested variances, an additional 300 ft billboard spacing requirement should be incorporated into the motion.

**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.*

#### **Section 10.511(IV)E – Billboards**

**(E) Billboards:**

- (1) Billboards shall be permitted only on parcels abutting interstate highways or freeways in the 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 subsection (2) following. A billboard shall not be located within any required setback of such parcel.*
- (2) Billboards shall not be less than 2,500 feet apart. 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.*
- (3) 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 10.511(III)(A)(7).*
- (7) Billboards are deemed to constitute a principal use of a lot.*

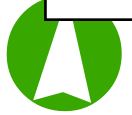




*Item 3.*

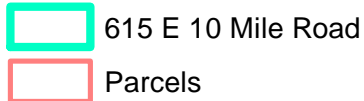


# Site Address: 615 E 10 Mile Road

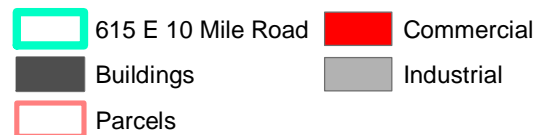
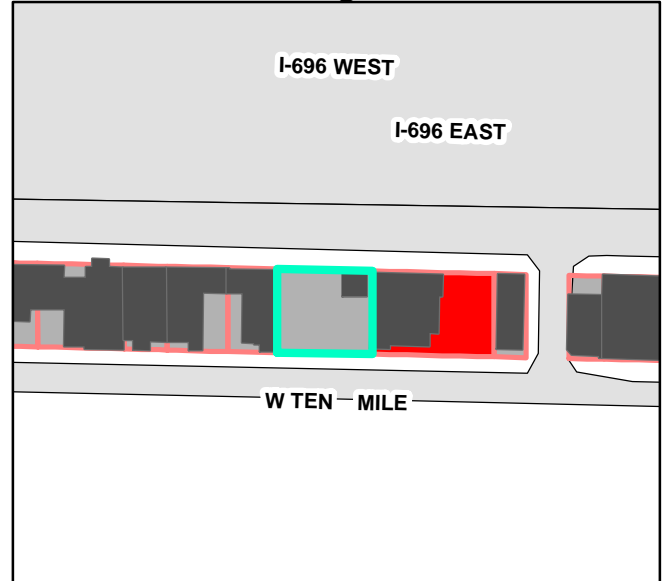


[Click for map](#)

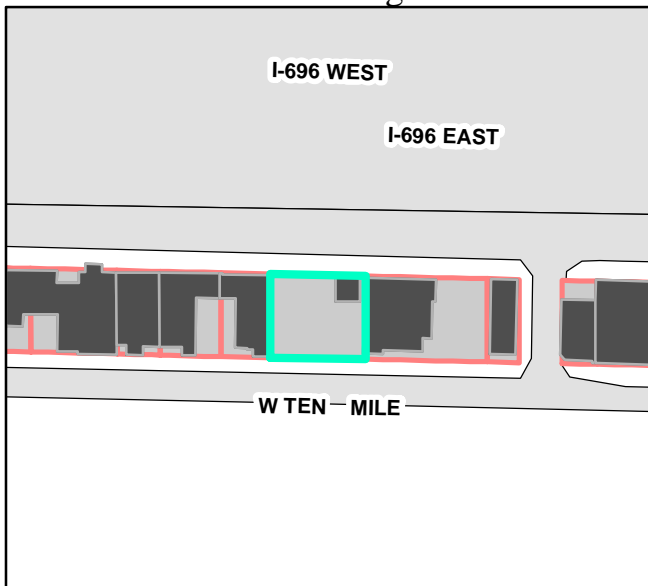
Aerial



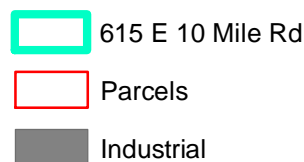
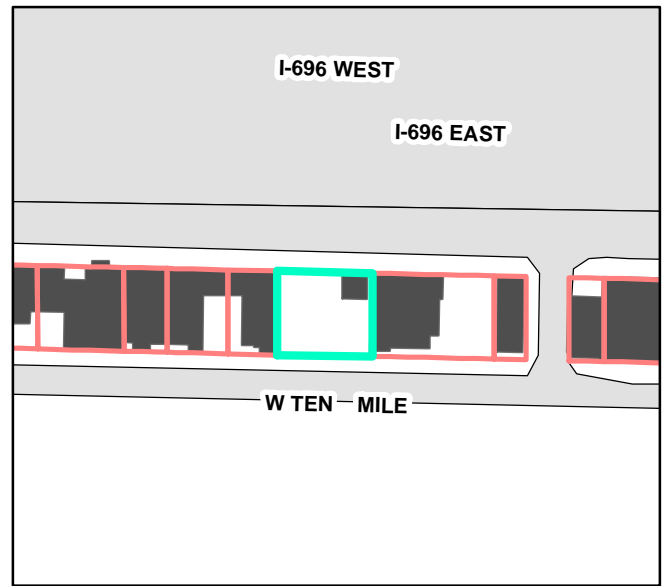
Existing Land Use



Zoning



Future Land Use

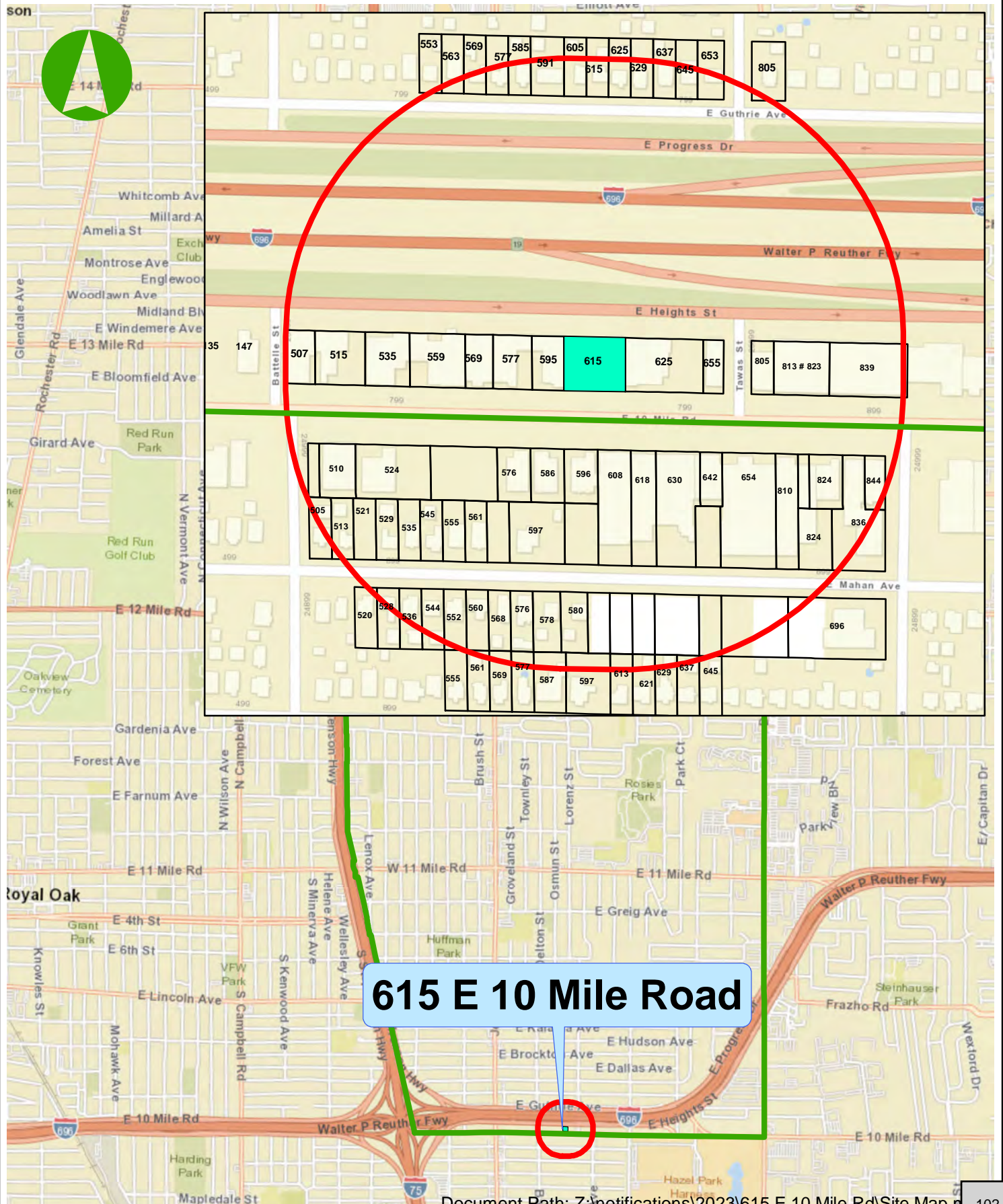




# ZBA CASE: 23 - 03

## BUFFER 500FT

Item 3.



## NOTICE OF PUBLIC HEARING

Notice is hereby 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 6<sup>th</sup>, 2023 at 7:30 p.m.** to consider the following requests:

### **(A) Case # PZBA 23-02: 25780 Commerce Drive**

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 25780 Commerce Drive (tax parcel # 44-25-24-426-038) and is zoned M-1, Light Industrial.

### **(B) Case # PZBA 23-03: 615 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 615 E. Ten Mile Road (tax parcel # 44-25-24-355-030) and is zoned M-1, Light Industrial.

### **(C) Case # PZBA 23-04: 53 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests four (4) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests two (2) variances from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 53 E. Ten Mile Road (tax parcel # 44-25-24-360-026) and is zoned M-1, Light Industrial.

### **(D) Case # PZBA 23-05: 1275 & 1301 W. Fourteen Mile Road**

REQUEST: The petitioner, Samantha Burgner on behalf of ALRIG USA, requests three (3) variances from the city Zoning Ordinance. The applicant requests two (2) variances from Section 10.326(8), *use-specific standards for auto wash uses*, pertaining to hours of operation and vacuum locations; and one (1) variance from



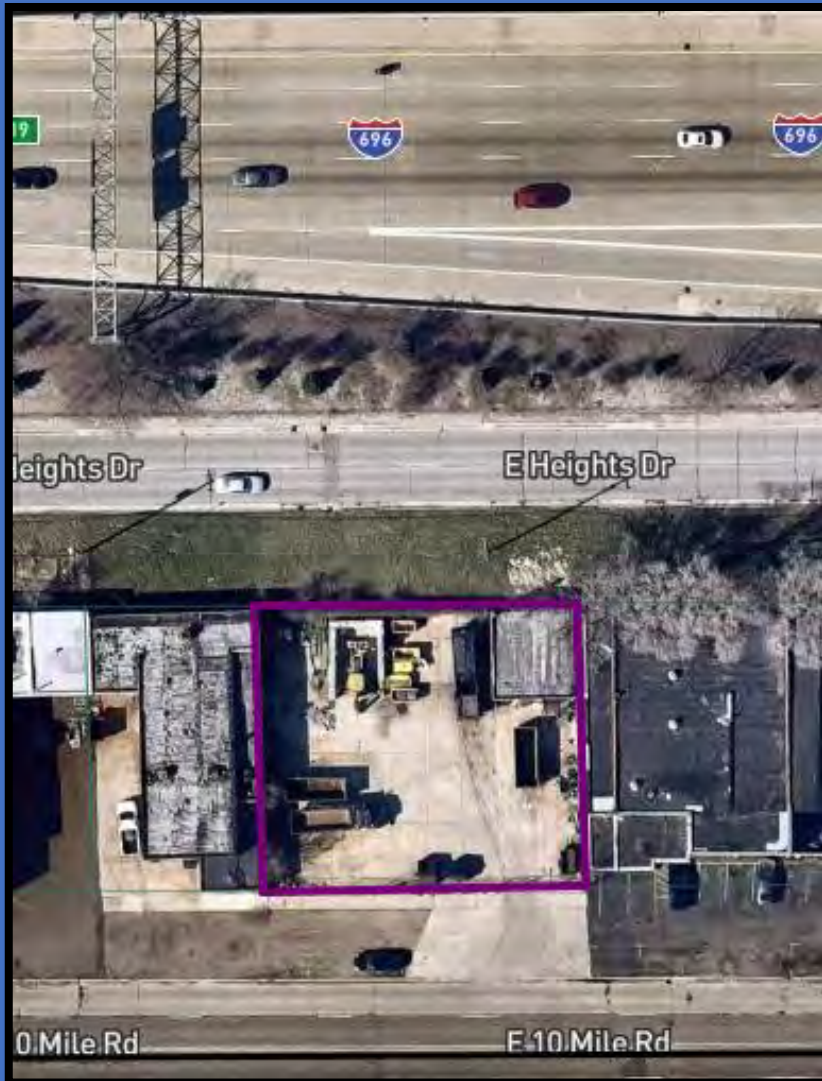
Section 10.511(IV)(A), *Prohibited Signs*, pertaining to roof signs. The subject property is located at 1275 W. Fourteen Mile Road (tax parcel # 44-25-02-101-046) and 1301 W. Fourteen Mile Road (tax parcel # 44-25-02-101-045) and is zoned B-3, General Business.

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

CITY CLERK'S OFFICE  
(248) 583-0826

# City of Madison Heights Sign Application



Item 3.

615 E 10 Mile Rd,  
Madison Heights, MI

Parcel Number:  
44-25-24-360-026

Owner:  
615 EAST TEN MILE LLC

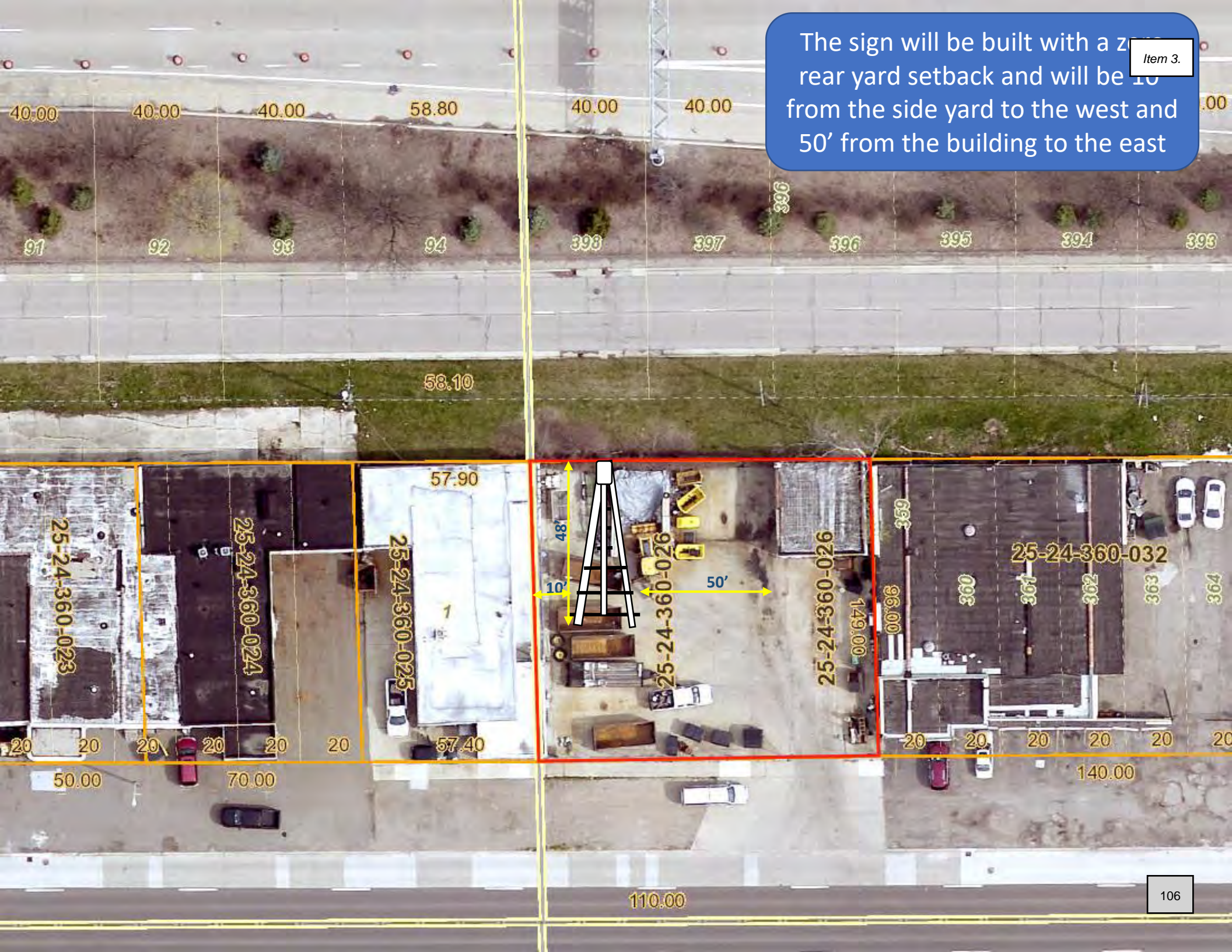
Zoned: M-1 LT

- ☐ On the south side of I-696 west of Couzens Ave.
- ☐ 2-sided Static, 14' x 48' surface area per side = 672 square feet
- ☐ Front Flag, 60' tall



The sign will be built with a zero rear yard setback and will be 10' from the side yard to the west and 50' from the building to the east

Item 3.







**CITY OF MADISON HEIGHTS**  
**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**  
**300 W. 13 MILE ROAD, MADISON HEIGHTS, MI 48071**  
**(248) 583-0831**

**FOR OFFICE USE ONLY**

PERMIT #: \_\_\_\_\_  
 DATE ISSUED: \_\_\_\_\_  
 BY: \_\_\_\_\_

**PERMANENT SIGN PERMIT APPLICATION**

JOB ADDRESS: 615 E 10 Mile Rd, Madison Heights, MI

OWNER'S NAME: 615 East Ten Mile LLC PHONE: 248-914-3131 FAX: \_\_\_\_\_

OWNER'S ADDRESS: 2021 Charnwood Drive CITY: Troy ZIP: 48098

APPLICANT: International Outdoor, Inc. PHONE: 248-489-8989 FAX: 248-489-8990

APPLICANT'S ADDRESS: 28423 Orchard Lake Rd, Ste 200 CITY: Farmington Hills ZIP: 48334

Check here to receive Noticas of Repair by facsimile ☐ or e-mail ☐ E-mail address: h@IOBillboard.com

GregM@IOBillboard.com

**FEES:**

No of Signs	Type of Sign	Fee	Cost ( No x Fee)
<b>REQUIRED</b>	Administrative Fee	\$30.00	\$30.00
	New Permanent Signs:		
	Ground Sign to 60 Sq. Ft.	\$200.00	X
	Wall Sign up to 100 Sq. Ft.	\$200.00	
	Wall Sign over 100 Sq. Ft.	\$280.00	
	Refacing:		
	Ground Sign up to 60 Sq.Ft.	\$185.00	
	Ground Sign over 100 Sq. Ft.	\$265.00	
	Wall Sign up to 100 Sq. Ft.	\$185.00	
	Wall Sign over 100 Sq. Ft.	\$265.00	
	Other		
	<b>TOTAL FEES:</b>		<u>230.00</u>

**FOR OFFICE USE ONLY**

	FEES	PAID
Permit:	_____	_____
Registration:	_____	_____
Investigative Fee:	_____	_____
Other:	_____	_____
<b>TOTAL:</b>	_____	_____

Code Official Approval: \_\_\_\_\_

Date approved for issue: \_\_\_\_\_

**PLANS:** **TWO COPIES** of a plan showing the overall length, width and thickness of the sign, and the complete message, as well as the dimensions of the lot and/or front of the building must be attached. In addition a plot plan is required for all ground signs and shall be fully dimensioned and show the location of the sign, all site improvements, the height of the sign above grade and above the adjacent roadway, and the uses on adjacent properties.

**HAVE PLANS BEEN SUBMITTED WITH THIS APPLICATION?**

☒ **YES**

☐ **NO**

I HAVE READ AND UNDERSTAND THE ABOVE PROVISIONS:

Greg Lindholm 12/2/02 L-534-197-012-177 3/8/53  
 APPLICANT'S SIGNATURE DATE DRIVER'S LICENSE NUMBER DATE OF BIRTH

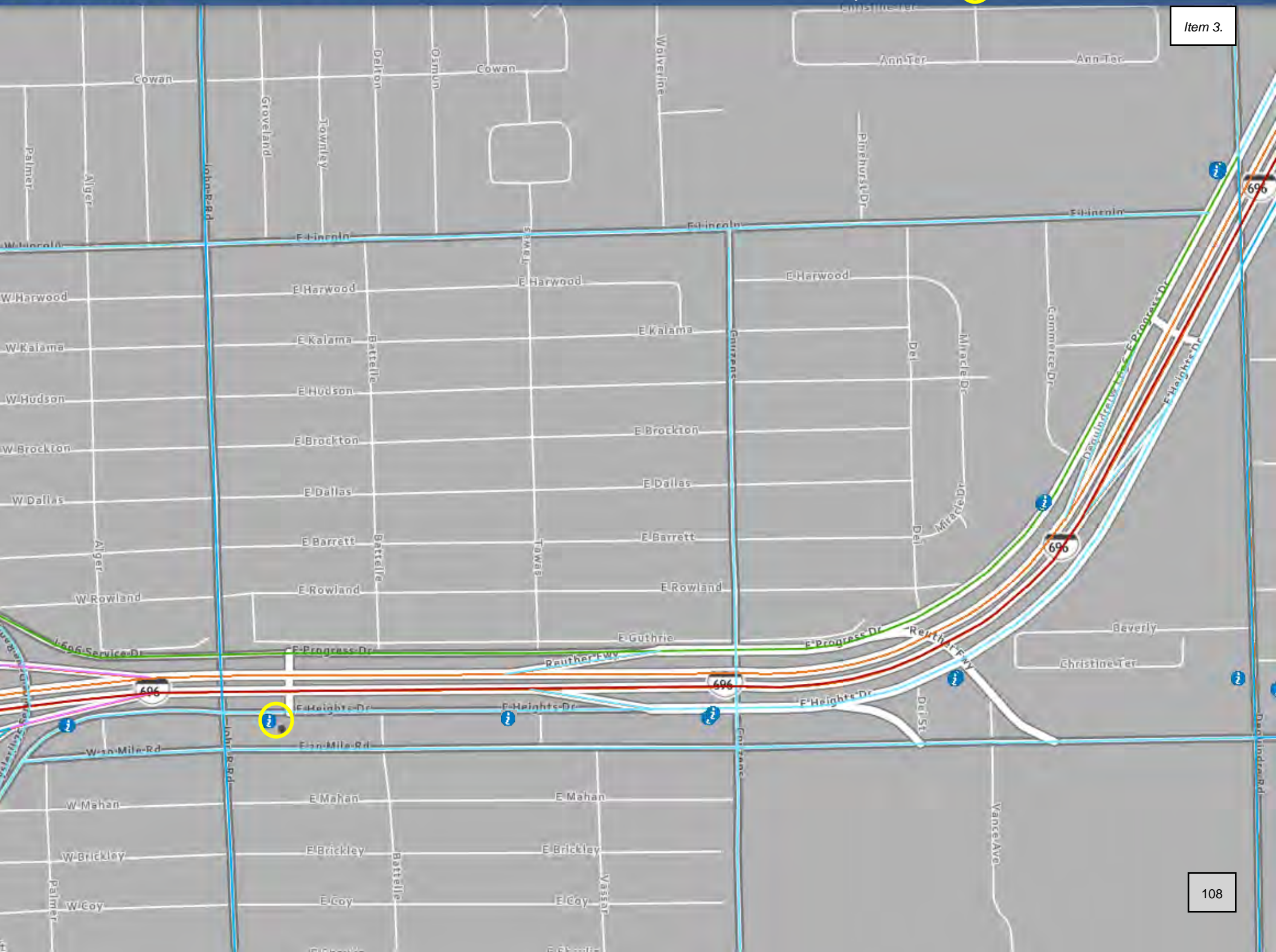
Larry J "Larry" Dean 12/3/02 0-650-488-982-559 07-15-62  
 APPLICANT'S SIGNATURE DATE DRIVER'S LICENSE NUMBER DATE OF BIRTH

Rev 02/2021

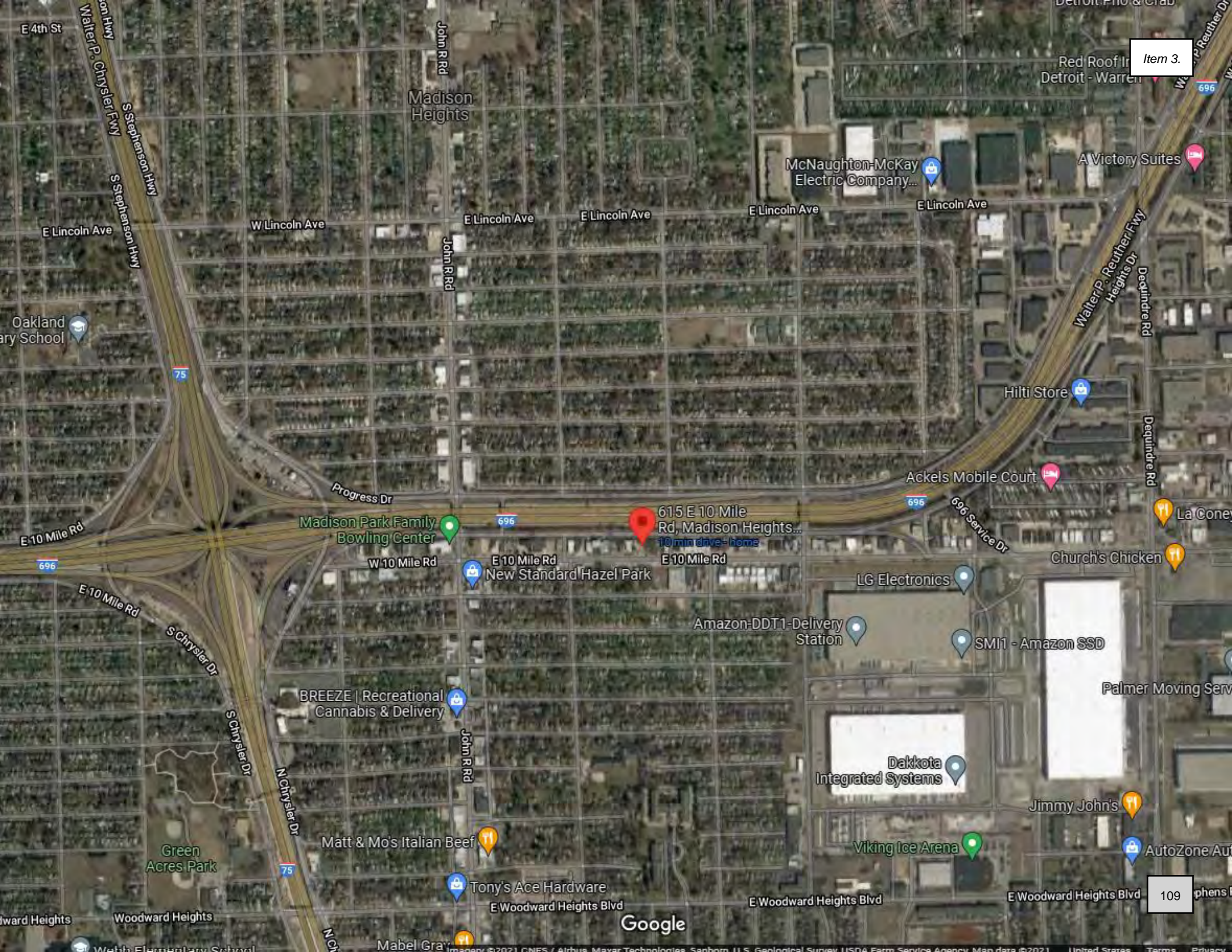
INTERNATIONAL OUTDOOR, INC.  
PROPOSAL



Item 3.







Item 3.



615 E 10 Mile Rd, Madison Heights...  
10 min drive home  
E 10 Mile Rd



La Coney



Church's Chicken



Palmer Moving Serv



Jimmy John's



AutoZone Aut



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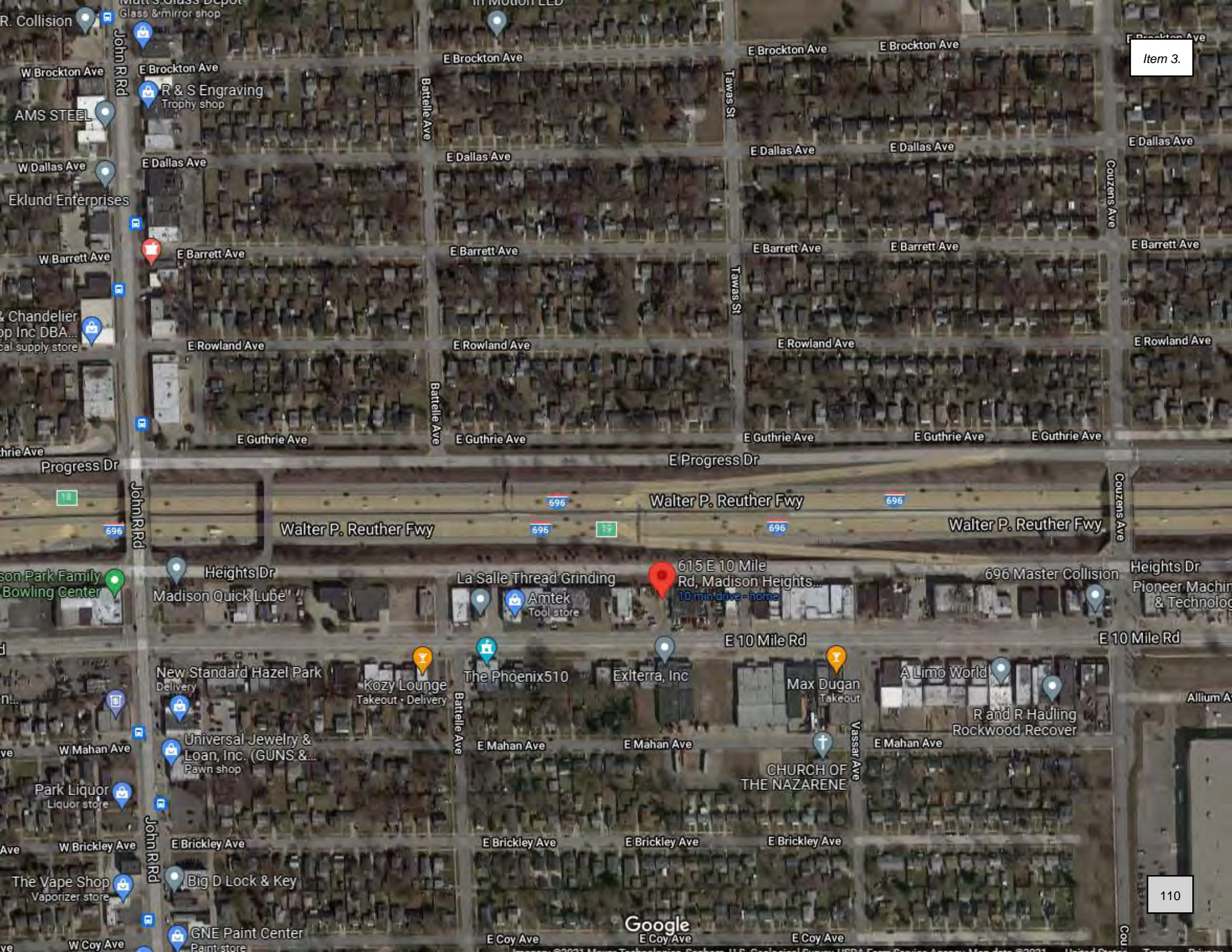


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Item 3.









Buildings, Safety Engineering & Environmental Department  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 402, Detroit, MI 48226  
(313) 224-3168

**Issued to: VISION PROPERTIES OF MICHIGAN INC**  
28423 ORCHARD LAKE RD. STE 200  
FARMINGTON HILLS MI, 48334


**Sign Erectors License**

**License Number: LIC2001-01483**

**Date Issued: 1/5/2023**

**Expiration Date: 12/31/2023**

**Fee Amount: \$143.00**

 <p><small>Buildings, Safety Engineering &amp; Environmental Department Coleman A. Young Municipal Center 2 Woodward Avenue, Suite 402, Detroit, MI 48226 (313) 224-3168</small></p>	<b>\$143.00</b>
<b>Sign Erectors License</b>	<b>LIC2001-01483</b>
<p><i>This is to certify that <u>VISION PROPERTIES OF MICHIGAN INC</u> is qualified to perform the functions of the licensee(s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.</i></p>	
<b>No Results</b>	
<b>Expires: 12/31/2023</b>	<b>David Bell,</b> Director

 <p><small>Buildings, Safety Engineering &amp; Environmental Department Coleman A. Young Municipal Center 2 Woodward Avenue, Suite 402, Detroit, MI 48226 (313) 224-3168</small></p>	<b>Fee Amount: \$143.00</b>
<p><i>This is to certify that <u>VISION PROPERTIES OF MICHIGAN INC</u> is qualified to perform the functions of the license (s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.</i></p>	
<b>Sign Erectors License</b>	<b>License Number: LIC2001-01483</b>
<b>Issued: 1/5/2023</b>	<b>Expires: 12/31/2023</b>
<b>28423 ORCHARD LAKE RD. STE 200</b>	
<b>FARMINGTON HILLS MI, 48334</b>	<b>David Bell, Director</b>
<b>No Results</b>	
<p><i>License may be revoked upon violation of any provisions of the ordinance or other rules and regulations covering this particular activity.</i></p>	

## UNIFORM SURETY BOND

24829685  
(SURETY BOND NUMBER)

NOTE: Unless Instructions on the attached sheet are followed, this bond will be invalid.

KNOWN ALL MEN BY THESE PRESENTS, THAT (1)  
Vision Properties of Michigan, Inc.

as principal.

Business Address (2) 28423 Orchard Lake Road, Ste. 200, Farmington Hills, MI 48334

and (3) WESTERN SURETY COMPANY

as surety

are held and firmly bound unto the City of Detroit, County of Wayne, State of Michigan, in the penal sum of

(4) Five Thousand and 00/100

\$5,000.00

Dollars,

lawful money of the United States of America, to be paid to the City of Detroit, or to its certain Attorney, to which payment well and truly to be made, we and each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally, and every one of them firmly by these presents.

In consideration of this surety, the principal may perform the lawful services by permit or license that are inherent in the occupation of (5) Erector of Signs

provided that the principal meets all of the requirements as stated in said resolution or code of the City of Detroit Ordinances, or Building Codes (6) CHAPTER 8, 2019 DETROIT CITY CODE

as well as any other conditions that may be required under any present or future ordinances or codes that may be enacted by the City of Detroit.

NOW, THEREFORE, The condition of this obligation is such that the said principal shall save harmless and indemnify the City of Detroit from all claims, damages, expenses, suits and proceedings of every kind and nature which may arise by reason of the issuance of said permit and/or license, and shall observe the faithful performance of the terms of said ordinance, code, or permit, then this obligation to be null and void, otherwise to remain in full force and effect. Coverage hereunder shall be for the term starting as of (7)

December 31st

2021

, and expiring on (8) December 31st

2022

(SEE INSTRUCTIONS)

Signed, sealed and dated this (8a) 13th day of January 2022

Sealed and delivered in presence of:

WITNESS TO PRINCIPAL

(12)

Stephanie Kunst  
(Signature of Witness)

(9)

Latif Z. Oram  
(Signature of Principal) (Seal, if a Corporation)

(13)

Stephanie Kunst  
(Print or type name of Witness)

(10)

Latif Z. Oram  
(Print or type name of Principal)

(14)

28423 Middlebelt Rd. Farmington Hills, MI  
(Address of Witness)

(11)

President  
(Print or type title of Principal)

WITNESS TO SURETY

(18)

C. Langdon  
(Signature of Witness)

(15)

WESTERN SURETY COMPANY  
(Name of Surety Company)

(19)

C. Langdon  
(Print or type name of Witness)

(16)

[Signature]  
(Signature of Attorney-in-Fact)

(20)

Sioux Falls, South Dakota  
(Address of Witness)

(17)

[Signature]  
(Print or type name of Attorney-in-Fact)

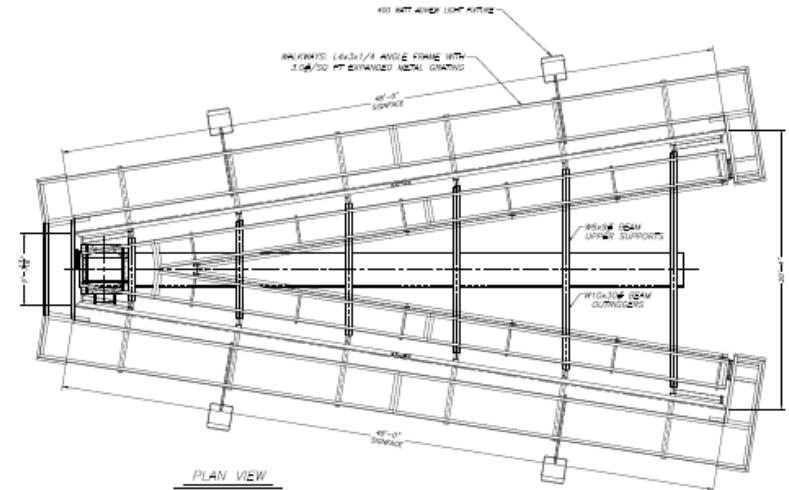
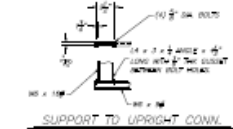
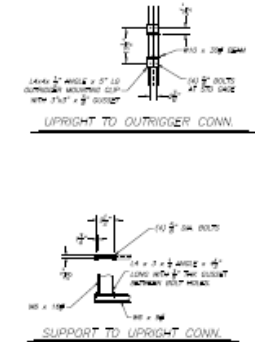
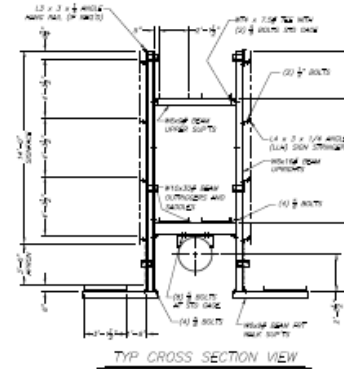
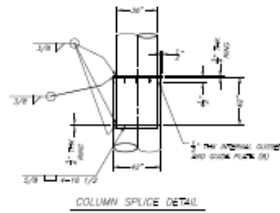
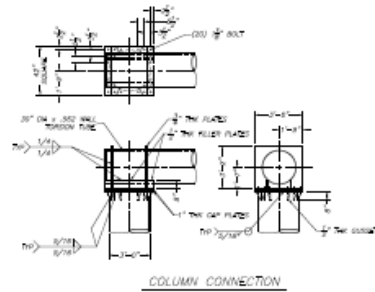
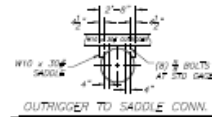
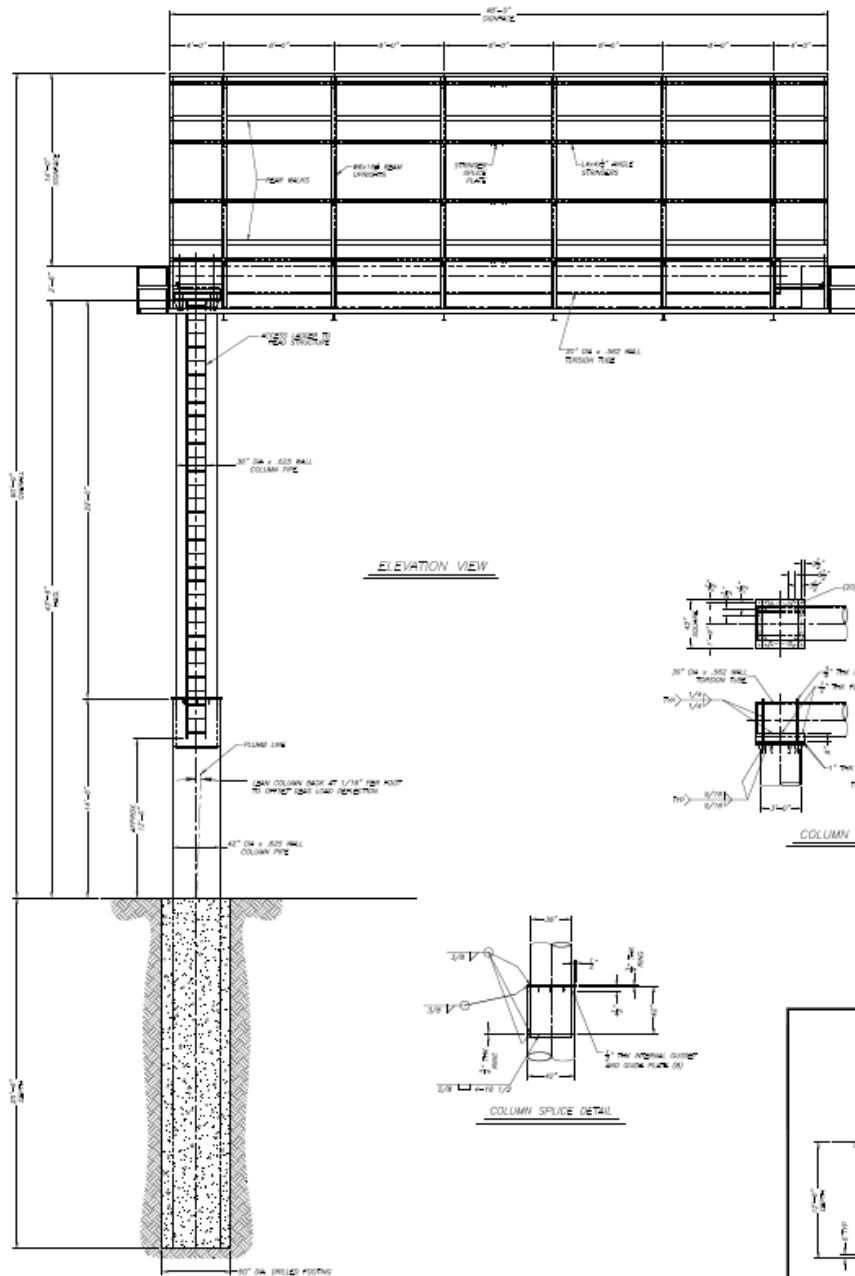
APPROVED AS TO FORM AND EXECUTION

Date 01/18/2022

Reg. No. B97305

Jonathan Demers  
Assistant Corporation Counsel





#### ALTERNATE BACKSHOE FOUNTAIN

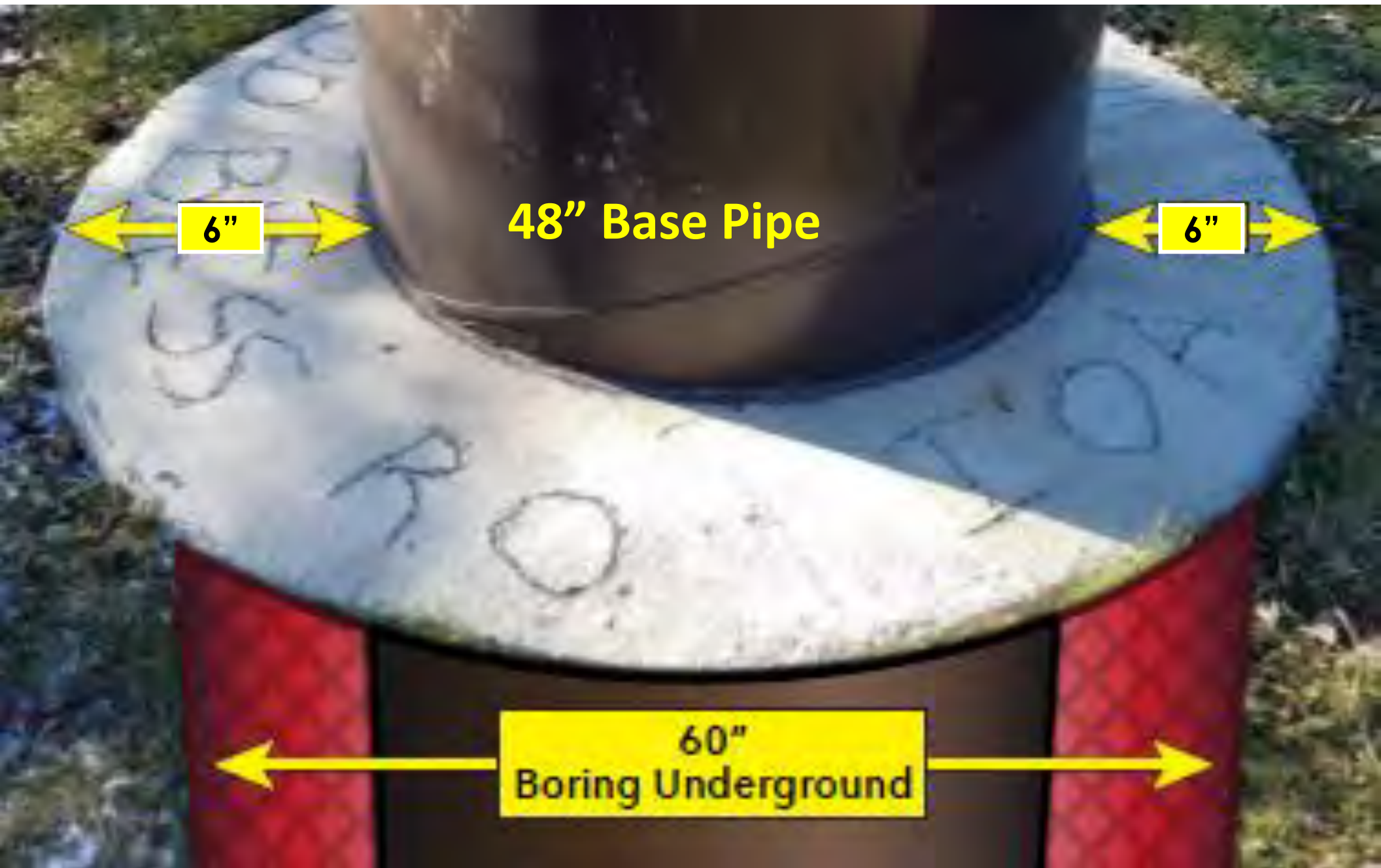


#### SPECIFICATIONS:

1. STEEL ROLLED "I" BEAM SECTIONS: ASTM A992
2. ALL OTHER STEEL ROLLED SECTIONS: ASTM A36
3. PIPE SECTIONS: 4" O.D. SL. STD.
4. BOLTS: MINIMUM 1/2" DIAMETER (INC. ALL BOLTS GRADE 3125 A308 UNLESS OTHERWISE SPECIFIED)
5. CONCRETE: 3000 P.S.I. @ 28 DAYS
6. HORIZONTAL SOIL PRESSURE: 300#/FT<sup>2</sup>
7. THIS DESIGN MEETS THE REQUIREMENTS OF THE 2018 INTERNATIONAL BUILDING CODE FOR 115 M.P.H. (3 SEC GUST) WIND SPEEDS, RISK CATEGORY II, AND EXPOSURE "C".
8. ALL BEAMS SHALL BE IN ACCORDANCE WITH AISC STANDARDS USING E-70 ELECTRODES
9. ALL WALKWAYS TO HAVE SAFETY CABLES
10. REINFORCING BAR: ASTM A-615 GRADE 60 (REBAR IS NOT REQUIRED IF FIBER REINFORCED CONCRETE IS USED.)
11. WIND LOADING EXCEEDS SEISMIC LOADING.
12. DESIGNED FOR HEIGHT OF (2) DIGITAL UNITS @ 7,000#/SQ.

#### PRODUCTIVITY FABRICATORS

DATE: 01/17/23	DESIGNER: P. PLATT	DRAWN BY: P. PLATT
14' x 48' FLAG, 20' V, 60'-0" OVERALL		
INTERNATIONAL OUTDOOR		66-9973



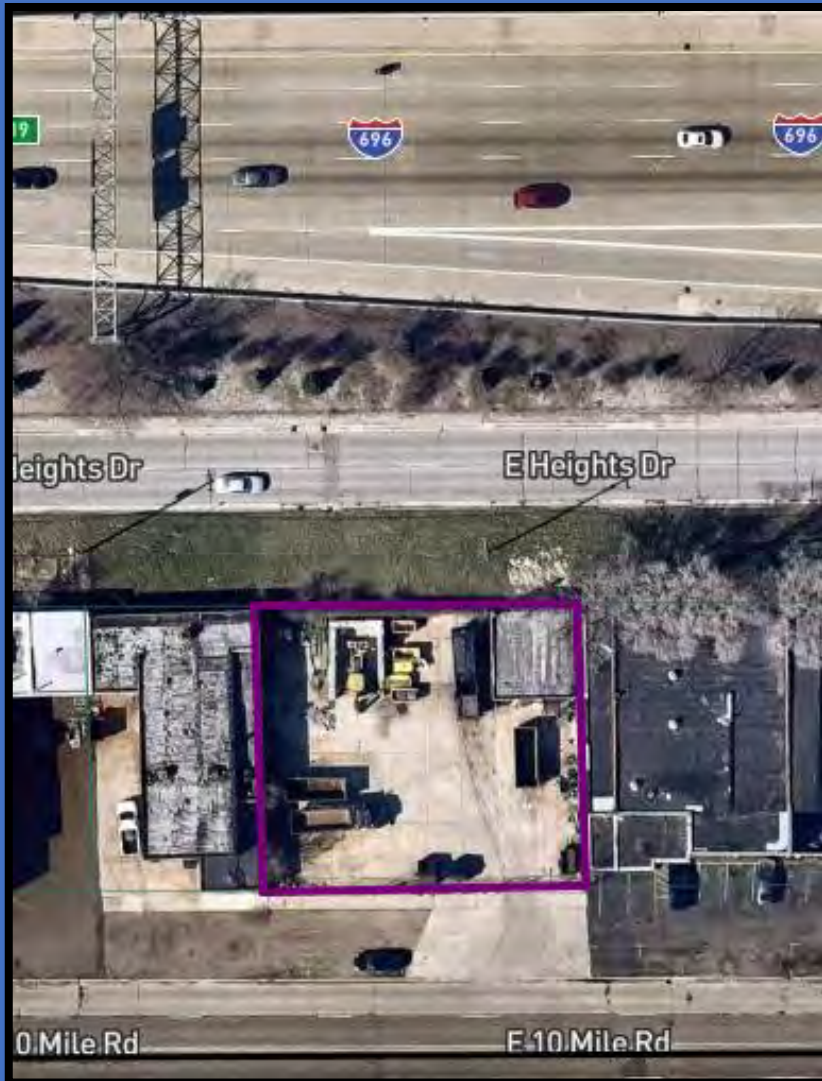






# City of Madison Heights

## ZBA Application



Item 3.

615 E 10 Mile Rd,  
Madison Heights, MI

Parcel Number:  
44-25-24-360-026

Owner:  
615 EAST TEN MILE LLC

Zoned: M-1 LT

- ☐ Requesting dimensional variances of 1,500 feet from the nearest billboard to the west.
- ☐ Requesting dimensional variances to allow a billboard on a parcel with an existing principal use.
- ☐ Requesting dimensional variance to allow a billboard less than 100 feet from a building.





## CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application \_\_\_\_\_

Item 3.

Date Filed: \_\_\_\_\_

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: International Outdoor, Inc.  
Address: 28423 Orchard Lake Rd, Ste 200  
City: Farmington Hills State: MI Zip: 48334  
Telephone: 248-489-8989 Fax: 248-489-8990  
Email: gregm@IObillboard.com
2. **Petitioner's Interest in Property:** Easement
3. **Property Owner:** (Attach list if more than one owner)  
Name: 615 E 10 Mile LLC  
Address (Street): 2021 Charmwood Drive  
City: Troy State: MI Zip: 48098  
Telephone: 248-914-3131  
Email: \_\_\_\_\_
4. **Property Description:** Address: 615 E 10 Mile Rd  
Tax Parcel #: 44 - 25 - 24 - 360 - 026  
Legal Description - Attach if metes and bounds description  
If in a subdivision: Lot #: \_\_\_\_\_  
Subdivision name: \_\_\_\_\_  
Lot size: 0.482 acres  
Size of proposed building or addition: \_\_\_\_\_
5. **Present Zoning of Property:** M-1 **Present Use:** Contractors Yard
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)

PAGE 2

## 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  
14' x 48', 60' High, 2-sided Static billboard

Contrary to the requirements of Section(s) 10.511.IV.E.1 of the Zoning Ordinance  
10.511.IV.E.2 of the Zoning Ordinance  
10.511.IV.E.7 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:**

Signature Eileen Lindholm  
 Printed Name Eileen Lindholm  
 Date 1/11/23

**FOR THE APPLICANT IF NOT THE OWNER:**

Signature \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 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. 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**

FEE: \$ \_\_\_\_\_

APPROVED: \_\_\_\_\_ PAID: \_\_\_\_\_

DENIED: \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_



# Make a positive impact

# BUY LOCAL

Item 3.

If everyone bought **Michigan** products and services, there would be **more** jobs, **more** businesses, **more** people living here, and a **better** quality of life.



## We are proud to be...

- A Michigan Company, Locally Owned and Operated.
- Certified as a Women's Business Enterprise (WBE)
- Certified as a Detroit-Based Business (DBB)
- Certified as a Wayne County Based Business (WCBB)



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS SPONSORSHIP BREAKDOWN

2021-2022

Item 3.

- \$1,000 Youth Basketball: January- March logo is hung on a banner displayed at John Page Middle School Gym. Name is on the back of 60 jerseys.
- \$500 Coffee Concerts: Presents sponsor of the coffee concert series. A thank you banner will be displayed at the Active Adult Center for February and will be behind the performer for the four concerts.
- \$700 5K April: Logo is on the shirt of every running participant. Opportunity to come to the race and hand out information about your company while talking to residents.
- \$1,000 Girls Softball May-July: Logo on the back of 35 girl's softball jerseys.
- \$500 Youth T-Ball June-July: Logo on the back of 45 T-ball jerseys.
- \$1,050 Summer Camp: June-August Logo on the back of 400 t-shirts that are worn throughout the week and on every field trip around the Metro-Detroit area.
- \$1,000 Golf Outing July 30th: Cart Sponsor and Water Bottle Sponsor. Logo on every water bottle in golfers goodie bag. A special thank you on every cart in front of score card. 4 free golfers to event.
- \$1,000 Tree Lighting: Name and logo displayed on the center stage of the event. Reindeer Sponsor, name, and logo displayed next to our reindeer at the event.
- \$1,250 Active Adults Special Needs Luncheon
- \$2,000 Fitness Court - Logo will be an anti-graffiti laminate decal on the Fitness Court, Front wall full-color co-Recognition with Sponsors, included in NFC Local media press and promotions,



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS SPONSORSHIPS

## 2021 - 2022

Item 3.



**INTERNATIONAL OUTDOOR** has partnered with Madison Heights to sponsor various events over the last year. We are proud to be able to give back to the community and look forward to doing so in the future.

Below is a list of these great events from the past year.

- Youth Basketball
- Coffee Concerts
- April 5K
- Girls Softball
- Youth T-Ball
- Summer Camp
- Golf Outing
- Tree Lighting
- Active Adults Special Needs Luncheon
- Fitness Court



**INTERNATIONAL OUTDOOR**

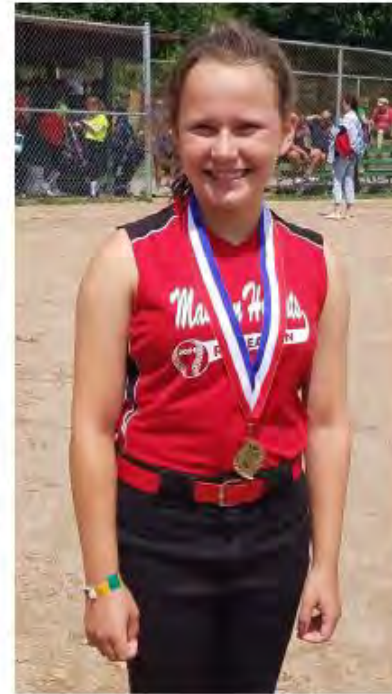
Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS: YOUTH T-BALL

Item 3.





# MADISON HEIGHTS: ANNUAL SPECIAL NEEDS LUNCHEON

12 years +

Item 3.



12 years +



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS: RUN FOR THE HEALTH OF IT

Item 3.



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989





# In Memoriam

Founding President  
Raymond B. Bauer, MD

## Board of Directors

Chairman  
Jeff Laethem

President  
Paul A. Cullis, MD

Vice-Chair  
Brian True

Secretary  
Richard Merson, PhD, CCC-SLP

Treasurer  
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Jeffrey Appel, Esq.  
Tyrone Baharozian, Esq.  
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Edwin B. George, MD, PhD  
Linda Grap  
Deanna Hatmaker  
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Sara Schimke, JD  
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Dannette Taylor, DO  
Denise Van Etten, RN  
Kara J. Wyant, MD  
Glenn Yaroch, MBA, PT  
Laura Zeitlin, LMSW

Chief Executive Officer  
Mary Sue Lanigan

Founding Chairman  
Thomas A. Cracchiolo

May 25, 2018

Joe Cimino  
International Outdoor, Inc.  
28423 Orchard Lake Rd, Suite 200  
Farmington Hills, MI 48334

Dear Joe,

ON BEHALF OF THE MICHIGAN PARKINSON FOUNDATION, we thank you for supporting the 15<sup>th</sup> Annual "I Gave My Sale for Parkinson's" Metro Detroit Walk with your donation of Digital Billboards throughout the Metro Detroit Area. This event was held on Saturday, May 19, 2018 at Seaholm High School in Birmingham. We extend our sincere appreciation and gratitude for your support, and helping raise awareness about our event.

The event was absolutely amazing, despite a little rain in the morning. There were over 1,000 participants that attended in honor or memory of a loved one with Parkinson's disease. They walked along a route that was lined with 80 Hero Signs. Our goal for the Metro Detroit Walk was \$154,000. As of today \$192,412 has been raised!

Together, we are raising awareness of the daily struggles people diagnosed with Parkinson's disease are faced with, as well as their caregivers and family members.

The monies raised will help Michigan Parkinson Foundation continue our valuable programs and services to help countless individuals throughout ALL of Michigan, including:

**Living with Parkinson's 5-week Series** being conducted throughout Michigan (currently happening in Birmingham and Beaverton).

**Treating, Managing and Living with Parkinson's Disease Symposium** on June 8 in Troy. This one day event will offer 3 different tracks (one for health care professionals, one for people with Parkinson's disease and their families, and one for Young Onset Parkinson's disease).

**Annual Facilitator Training** for the dedicated Facilitators that tirelessly lead Michigan Parkinson Foundation's 71 Support Groups.

(continued)

*Dedicated to People Living with Parkinson's*  
30400 Telegraph Road • Suite 150 • Bingham Farms, MI 48025  
248.433.1011 • Fax: 248.433.1150 • 800.852.9781 • [www.parkinsonsmi.org](http://www.parkinsonsmi.org)

# In Memoriam

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Raymond B. Bauer, MD

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Kara J. Wyant, MD  
Glenn Yaroch, MBA, PT  
Laura Zeitlin, LMSW

Chief Executive Officer  
Mary Sue Lanigan

Founding Chairman  
Thomas A. Cracchiolo

In addition, Michigan Parkinson Foundation also offers **PD Self Efficacy Program** for those newly diagnosed, **Care Partner Forums; Orientation to Parkinson's** 2-hour program for those newly diagnosed, **Financial Assistance for Respite Care Services** (both in home and at Day Care Centers), **Financial Assistance for Parkinson Medications** (\$500 per year per person), **Information and Referral Services** (including a toll-free help line, website, newsletter, educational brochures, referrals to neurologists and community resources).

Our motto is. EVERY PERSON WITH PD WILL HAVE COMPASSIONATE, COMPETENT CARE AND SUPPORT

Please visit our website at [www.parkinsonsmi.org](http://www.parkinsonsmi.org) to view photos (which we hope to have posted by the end of June) and more information about this event, as well as other information concerning Parkinson's disease. We have two additional Walk Events this year: September 15 in East Lansing, and September 22 at Binder Park Zoo in Battle Creek.

Again, thank you for your continued support and we look forward to seeing you in 2019, if not at one of our other events still to come in 2018.

Most sincerely,

Mary Sue Lanigan  
Chief Executive Officer

Diane Kraft  
Program Manager





innovative by nature

Bryan K. Barnett  
Mayor

November 1, 2021

City Council

Charter Township of Plymouth  
Planning Commission  
9955 N. Haggerty Rd.  
Plymouth, MI 48170

Stephanie Morita  
District 1

David J. Blatz  
District 2

RE: Letter of Support for International Outdoor

Susan M. Bowyer, Ph.D.  
District 2

To Whom It May Concern:

Ryan J. Deel  
District 4

In the Spring of 2019, the City of Rochester Hills and International Outdoor, Inc. agreed on the placement of two digital display signs with four digital faces (two on each sign structure) along M-59 East and West of Crooks Road, about a half-mile apart from each other on the same side of the road. I believe this is very similar to International Outdoor's application with Plymouth Township. While there was some initial trepidation about approving digital signs along M-59 in our community, International Outdoor balanced those concerns with its local community focus and involvement, first-class operation, and customer service approach. Since the digital display signs have been built and in operation, our offices have received several compliments from the community and ZERO complaints.

Dale Hetrick  
At-Large

Theresa Mungoli  
At-Large

David Walker  
At-Large

Both sign locations are visible to commuters traveling along M-59 and local businesses dominate the advertising messaging on all the billboards. International Outdoor has been tremendous to work with, going above and beyond with respect to donating advertising space to the City for our own messaging, which we used for our Innovation Hills Park Playground, Summer of Fun, and Census Counts campaigns and for messages supporting our local school district. The digital signs were also made available to us to provide residents critical updates during the COVID-19 crisis.

The City and its constituents have benefitted from International Outdoor's presence, and I believe that any of International Outdoor's other municipal partner would confirm the same. I confidently recommend International Outdoor as a municipal partner for Plymouth Township and hope you consider their applications for digital signage. I welcome the opportunity to answer any questions or concerns the township may have. Please feel free to contact me at my office anytime (248-656-4664).

Sincerely,

Bryan K. Barnett, Mayor  
City of Rochester Hills

Co: Kurt Heise, Supervisor



## AHS News & Notes— continued

### THANK YOU CITY OF ROCHESTER HILLS



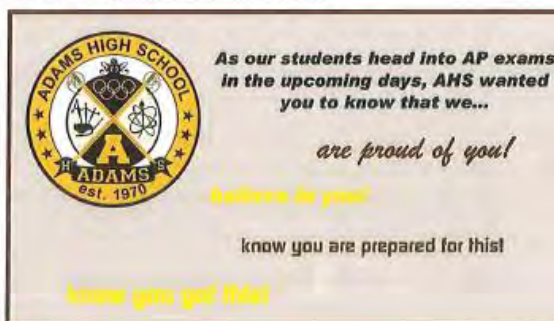
Thank you Mayor Barnett and the City of Rochester Hills for helping us celebrate our Rochester Community Schools Class of 2020 with these fabulous billboards. We appreciate you helping us make our seniors feel special during this time.

The billboards are visible to cars from M-59 in the Crooks Road area. If you would like to spend a little more time looking at the billboards, they are at the end of StarBatt closest to M-59.

### NEWS FROM THE COUNSELING DEPARTMENT

#### IMPORTANT AP TESTING INFORMATION

The RCS High School Counselors have developed an Advanced Placement Program information page to provide AP students and their families with resources, updates, important test day information and more (click [here](#) to access). Should you have further questions please reach out to Adams AP Coordinator Janice King at [JKing@Rochester.k12.mi.us](mailto:JKing@Rochester.k12.mi.us)



Name: Jerry Frederick  
 Company: City of Romulus BZA  
 Email Address: [jfrederick460@yahoo.com](mailto:jfrederick460@yahoo.com)  
 Phone Number: 7349421012

Best Time to Call: "Anytime"  
 Area of Interest: General

Message:

Hello, My name is Jerry Frederick and I serve on the City of Romulus BZA. Every once and while during the course of serving on the BZA and the Planning Commission I get the opportunity to interact with great people and companies.

Last night 3/3/2021 your company made a presentation to the BZA concerning new billboard construction and the need for waivers from local zoning requirements.

Your presentation and explanation of hardship were some of the best that I have had the pleasure of deciding on.

Professional does not even begin to describe how nice your company presented itself to the board.

When I heard your background and how community involved your company is at a personal level I felt that myself as a BZA member had an opportunity to with my decision enhance and improve my community's responsibilities to the traveling public and to my own home town's citizenry. The billboards that were formally at the I-275 / Pennsylvania location were actually eyesores and completely wrong in their presentation. It is my absolute pleasure to have decided favorably and in total agreement with your presentation.

There was even one local property owner that wanted to express concern via telephone during the meeting, over the northern location for Billboard (B) that had their concerns completely erased after hearing your presentation. That persons situation will actually improve due to International Outdoor's commitment to fair, honest concern in the way you conduct business and your concern for neighboring properties.

Thank you for being a member of our community and for the great job you do.

I did not have a chance to express my feelings concerning last night's meeting during the meeting itself.

Please have a nice night and good luck in your project(s).

Jerry Frederick

City of Romulus BZA



2800 Waukegan Street  
 Auburn Hills, MI 48326-3255  
 248-537-6100

Sharon Hyde, Principal  
 Jamie Brooks, Assistant Principal  
 Douglas Wilson, Assistant Principal

May 26, 2020

Dear Randy Oram,

I wanted to sincerely express my appreciation on the behalf of the entire Avondale School District for recognizing our Class of 2020 on the billboard at M-59 and Crooks Road.

As you know, we are making every effort to recognize and celebrate our Class of 2020 during Governor Whitmer's Executive Orders. We are extremely grateful for your support in recognizing our seniors.

Please know that I will be recognizing you in my weekly updates to our Avondale High School Community to recognize you for your generosity.

Educationally,

Sharon Hyde Ed.S  
 Principal  
 Avondale High School



# HISTORICAL CONTEXT OF APPLICANT'S VARIANCE REQUEST

- ❖ On April 7, 2016, the ZBA held a public hearing on Lamar Advertising's Application #16-01 seeking SIX **(6) variances** to a non-conforming billboard located at 1031 E. 10 Mile Rd. In its application, Lamar sought variances:
  - **(1)** to allow an existing non-conforming billboard be replaced by a new non-conforming billboard
  - **(2)** to allow an existing non-conforming billboard to be rebuilt after it's been removed
  - **(3)** to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure
  - **(4) to allow a billboard to be constructed within 2,500 feet of another billboard**
  - **(5) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted), and (6) to allow a billboard on the same parcel as a principal use.***
- ❖ With respect to the dimensional spacing variance request, Lamar sought a **1,209-foot variance**, which is a variance of almost 50% of the spacing requirement under the Ordinance. Additionally, the property's principal use was an existing car body shop and not the billboard as per the ordinance.
- ❖ Ultimately, the ZBA granted **ALL** but the 10-foot height variance request. (See *Appendix A* for an excerpt of the April 7, 2016 ZBA Meeting Minutes).
- ❖ In its application to the ZBA, International Outdoor is **ONLY** seeking comparatively minimal dimensional variances and permission to allow its proposed billboard on the same parcel as an existing principal use.

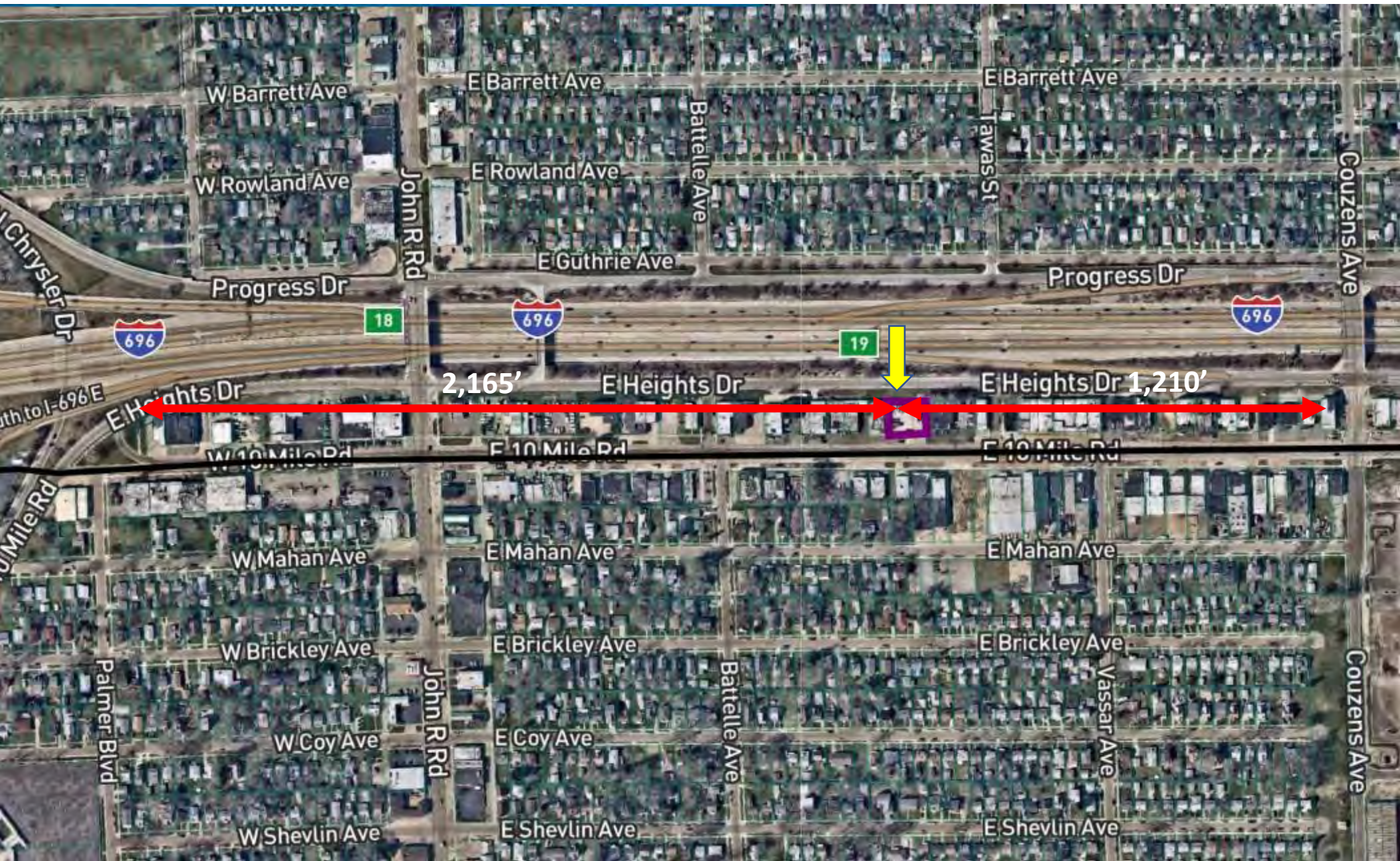
# VARIANCE REQUEST

The Michigan Department of Transportation has issued a state permit for the proposed sign at the proposed height, type, size and spacing between other billboards which is 1,000 feet between static billboards (see page 39). The proposed sign will static and conform to the city's ordinance.

## RELIEF REQUEST:

- ❖ International Outdoor requests dimensional spacing variances to construct and operate an outdoor advertising sign at 53 E 10 Mile Rd. The proposed sign location will be less than twenty-five hundred (2,500) feet from another billboard (**2,170 feet from the nearest billboard to the west and 1,210 feet from the nearest billboard to the east**) (see page 28)
- ❖ International Outdoor requests a variance to allow a billboard on the same parcel as a principal use.
- ❖ International Outdoor requests a variance to allow a billboard less than 100 feet from a structure on the same parcel (**The structure is 58 feet away**) (see page 35)
- **There are eight (8) ordinance requirements and International Outdoor seeks a variance from 2.5.**







# SIGN ORDINANCE REGARDING BILLBOARDS:

## Section 10.511. Sign regulations-(IV) Regulations for Permitted Signs-(E) Billboards:

- ✓ Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts (Applicant shall meet this requirement) provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such parcel. The applicant is requesting a 42-foot variance from the structure within one hundred feet requirement.
- ✓ A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable. Applicant shall meet this requirement.
- ✓ The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel. Applicant shall meet this requirement.
- ✓ Billboards shall not exceed sixty (60) feet in height from the adjacent grade. Applicant shall meet this requirement.
- ✓ Billboards shall not be erected on the roof of any building. Applicant shall meet this requirement.
- ✓ 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 10.511(III)(A)(7). Applicant shall meet this requirement.



# ZBA APPLICATION

## 615 E 10 MILE RD

Item 3.

# VARIANCE REQUEST

## Applicant Seeks a Variance From:

- **Sec. 10.511(E)(1).** Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard. **We propose a billboard that will be 58 feet from a structure on the property (a variance of 42 feet) (see page 35).** In 2016, the Zoning Board of Appeals granted a variance permitting a billboard over the roof of a structure at 1031 E. 10 Mile Rd. (See page 42 & Appendix A).
- **Sec. 10.511(E)(2).** Billboards shall not be less than twenty-five hundred (2,500) feet apart. **We propose a billboard that will be 2,165 feet from the nearest billboard to the west (a variance of 335 feet) and 1,210 feet (a variance of 1,290 feet) from the nearest billboard to the east (see pages 28).** In 2016, the Zoning Board of Appeals granted a 1,209-foot variance (an almost 50% variance from the spacing requirement) to one of Applicant's competitors in Application #16-01 (See page 42 & Appendix A).
- **Sec. 10.511(E)(7).** Billboards are deemed to constitute a principal use of a lot. Although the Applicant can create a new parcel for the billboard and meet this requirement, it seems administratively burdensome for all parties (the city, landowner, and Applicant) to create a separate parcel for Applicant's billboard. **Applicant is willing to split the lot to create a lot 40 foot by 149 feet should the zoning board find it necessary (see page 37).** In 2016, the Zoning Board of Appeals granted this exact variance to one of Applicant's competitors in Application #16-01 (See page 42 & Appendix A).

**\*\*IMPORTANT NOTE:** Applicant IS NOT required to seek a use variance under an undue hardship standard. Meeting 5.5 of the 8 requirements under Sec. 10.511, Applicant only seeks two and a half minor dimensional spacing variances under a practical difficulty standard.\*\*

# VALIDATION FOR SIGN VARIANCE

## The Following ZBA Questions Must be Answered Fully:

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

- a) Sec. 10.511(E)(1). Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such a parcel.

1. The parcel abuts I-696 and is zoned M-1 (Light Industrial).
2. The parcel has a structure that will be within 58 feet of the proposed billboard structure.
3. The billboard will not be located within any required setback.

**Applicant seeks a 42-foot variance from the requirement that the billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard (see page 35).**

- b) Sec. 10.511(E)(2). Billboards shall not be less than twenty-five hundred (2,500) feet apart.

**Applicant seeks a variance to place a billboard that will be 2,165 feet from the nearest billboard to the west (a variance of 335 feet) and 1,210 feet (a variance of 1,290 feet) from the nearest billboard to the east. (see pages 28).**

- c) Sec. 10.511(E)(7). Billboards are deemed to constitute a principal use of a lot.

**Applicant seeks a variance, although it is conceivable for the Applicant to create a new parcel for the billboard, it seems administratively burdensome for all parties (the city, landowner, and Applicant) to create a separate parcel for Applicant's billboard). Applicant seeks to allow a billboard on a lot with an existing principal use. Applicant is willing to split the lot to create a lot 40 foot by 149 feet should the zoning board find it necessary (see page 37)**



ZBA APPLICATION

615 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

Item 3.

**International Outdoor, Inc. uses the best steel and latest technology for its new billboard structures. This structure will be a 2-sided static billboard.**

- i. It will be built to withstand winds up to 115 miles per hour, 10% above the state requirement.
- ii. It will have the latest in safety features.
- iii. It will have the latest in LED lighting technology. This industry-leading technology will light only the sign face and prevent light from projecting outside of the sign face. (See pages 63 & 64).
- iv. The display will not flash, move or scroll. It will have little to no effect on the surroundings.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
LANSING

PAUL C. AJEGBA  
DIRECTOR

January 10, 2023

International Outdoor, Inc.  
Attention: Greg Miller  
28423 Orchard Lake Road, Suite 200  
Farmington Hills, MI 48334

Permit Applications: 4196/4197  
EB I-696, 1,302 feet West of Couzens Avenue, Oakland County  
Location Approval – Interim Permits 1723 and 1724

Dear Greg Miller:

The Michigan Department of Transportation (MDOT) has reviewed your applications and completed a site inspection of the proposed location, pursuant to the Highway Advertising Act of 1972 (HAA), MCL 252.301, *et seq.* Your application to erect, use, and maintain a commercial sign adjacent to EB I-696 has been approved. (MCL 252.306 and 252.307a(4)).

You have one year from the date of MDOT's location approval (January 10, 2023) to construct your sign. Please inform me once construction is complete and provide pictures of the sign as proof. Pursuant to Section 252.307a(9), after construction of a sign structure under an interim permit is complete, the department shall issue an annual renewable permit.

If the sign is not erected within one year, the location approvals are deemed expired. Should you still wish to pursue constructing a sign after the location approvals expire, you must submit new applications, meeting all requirements at the time of application.

Should you have any questions, please contact me at 517-335-4402 or by email at [greenes2@michigan.gov](mailto:greenes2@michigan.gov).

Sincerely,

E-SIGNED by Scott Greene  
on 2023-01-10 13:24:13 EST

Scott Greene  
Utility Coordination, Permits & Agreements Section  
Development Services Division

Enclosures

MDOT APPROVAL



**252.317 Distances between signs; sign utilizing digital billboard; distance from interchange, intersection, or rest area.**

Sec. 17. (1) Except as otherwise provided in subsections (10) and (11), along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected or maintained closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways, a sign structure shall not be erected or maintained closer than 500 feet to another sign structure.

(3) Except as otherwise provided in subsection (4), a sign utilizing a digital billboard permit shall not be closer than 1,750 feet to another sign utilizing a digital billboard permit on either side of the highway facing the same direction of oncoming traffic.

(4) Beginning on the effective date of the amendatory act that added this subsection and ending 1 year after the effective date of the amendatory act that added this subsection, for the first 8 nonstandard signs for which the owner applies for a digital billboard permit under section 6(6)(a) without having to surrender 3 interim permits as provided under section 6(6)(b), each sign shall not be closer than 1,000 feet to another sign using a digital billboard permit on either side of the highway facing the same direction of traffic. This subsection only applies to signs located in a county having a population of not less than 750,000.

(5) This section does not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time, provided that the building or other visual obstruction has not been created for the purpose of visually obstructing either of the signs at issue.

(6) Along interstate highways and freeways located outside of incorporated municipalities, a sign structure shall not be permitted adjacent to or within 500 feet of an interchange, an intersection at grade, or a safety roadside rest area. The 500 feet shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.

(7) Official signs as described in section 13(1)(a) and on-premises signs shall not be counted and measurements shall not be made from them for purposes of determining compliance with the spacing requirements in this section.

(8) Except as provided in subsection (3), the spacing requirements in this section apply separately to each side of the highway.

(9) The spacing requirements in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

(10) A sign that was erected in compliance with the spacing requirements of this section that were in effect at the time when the sign was erected, but that does not comply with the spacing requirements of this section after March 23, 1999, is not unlawful under section 22.

(11) Along an interstate highway that is designated by 1 letter and 3 numbers and located in a county with a population of less than 211,000 but more than 175,000, an existing sign structure that was erected prior to March 24, 2011 shall not be closer than 900 feet to another sign structure on the same side of the highway.

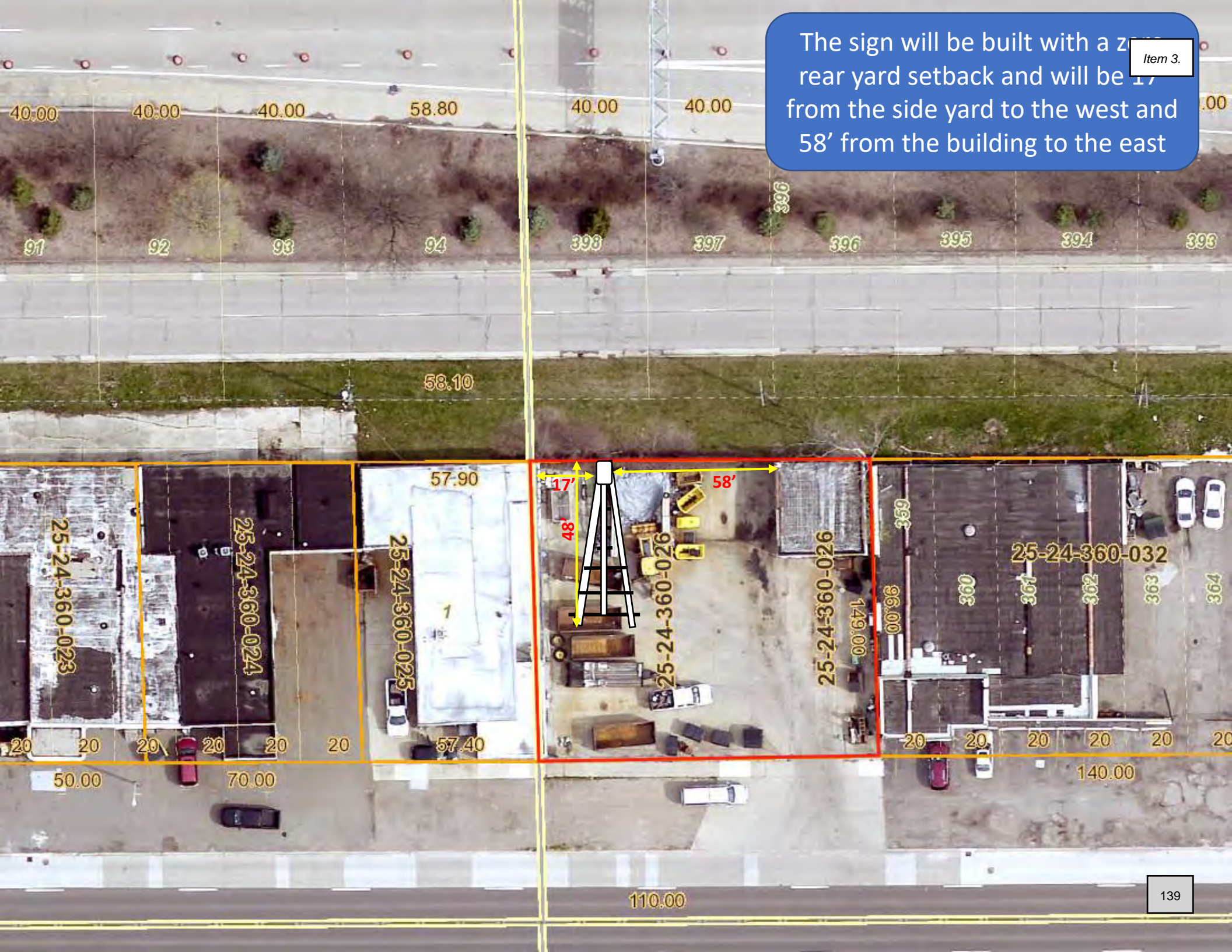
(12) Nothing in this section shall be construed to cause a sign that was legally erected prior to March 23, 1999 to be defined as a nonconforming sign.

**History:** 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, ILL. Mar. 23, 1999;—Am. 2006, Act 448, ILL. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009;—Am. 2011, Act 13, Imd. Eff. Mar. 24, 2011;—Am. 2014, Act 2, Imd. Eff. Jan. 30, 2014.



The sign will be built with a zero rear yard setback and will be 17' from the side yard to the west and 58' from the building to the east

Item 3.





# ZBA APPLICATION

615 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

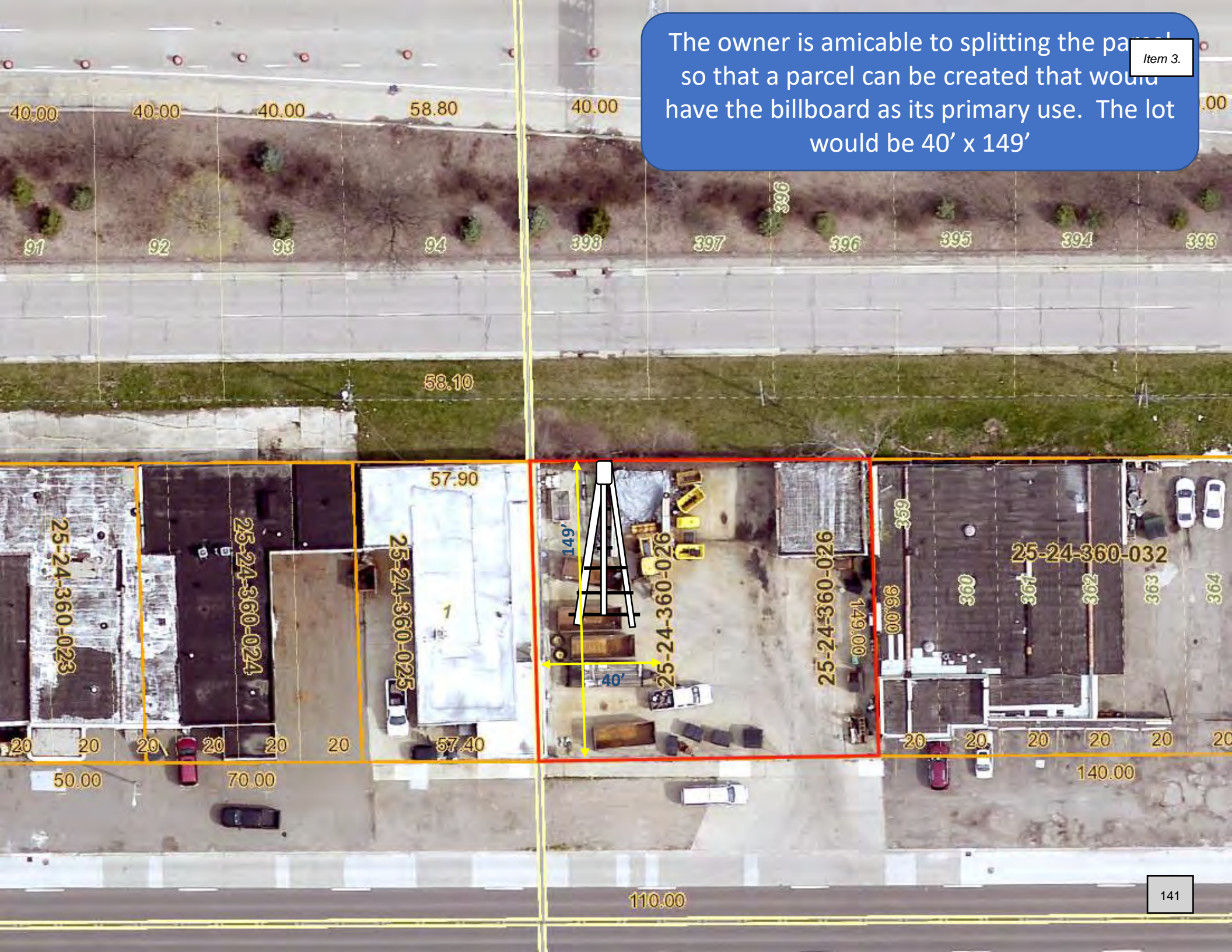
Item 3.

❖ **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.**

- a) **This site's unique location meets 5.5 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings.**
- b) The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. We propose a billboard that will be 2,165 feet from the nearest billboard to the west (a variance of 335 feet) and 1,210 feet (a variance of 1,290 feet) from the nearest billboard to the east. (see pages 28). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights unless you were fortunate enough to get chosen early on and or prior to the ordinance going into effect.
- c) Applicant's variance application is exceptionally narrow with only two and a half variances. International's request for a variance is a reasonable request that will not be a substantial detriment to the public or impair the purpose of the ordinance. The site is an industrial area surrounded by industrial zoned parcels. This would have no impact on neighbors.
- d) Applicant received approval from MDOT for a 2-sided static billboard at this location (See page 33). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. We have exceeded the state requirements (see page 34).
- e) There will be no substantial detriment to any neighboring property, The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.
- f) The owner is amicable to splitting the parcel so that a parcel can be created that would have the billboard as its primary use (see page 37).

The owner is amicable to splitting the parcel so that a parcel can be created that would have the billboard as its primary use. The lot would be 40' x 149'

Item 3.





# ZBA APPLICATION

615 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

Item 3.

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

a) **This site's unique location meets 5.5 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings. This site meets:**

1. Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts.
2. A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.
3. The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel.
4. Billboards shall not exceed sixty (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 10.511(III)(A)(7).

b) The ordinance restricts property owners from utilizing their property "for highest and best use" practices over that which the State of Michigan imposes on others. The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. Seven (7) of the thirteen (13) billboards in Madison Heights (more than half) do not meet this requirement (**see pages 47 - 62**). We propose a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east. (see page 28). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights *unless you were fortunate enough to get chosen early on.* current ordinance is unfair, unjust and prejudice to new applicant not chosen earlier.

### ❖ Continued:

- c) Applicant received approval from MDOT for a 2-sided static billboard at this location (see page 33). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. Not all properties meet this requirement. We have exceeded the state requirements (see page 34).
- d) Many other owners of property zoned M-1 were allowed to erect billboards (with or without variances) even though they were all non-confirming to the ordinance. All thirteen (13) billboard in Madison Heights are non-confirming in one way or another. Denying the applicant would deprive them of rights given to others in M-1.
- e) Off-Premises Signs/Billboards are common on major thoroughfares. There are 10 **permitted** off premises signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 47 - 62). All of these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
- f) Significantly larger variances were granted in the past to applicants in the same zoning district for billboards.
  - 1. The billboard located at 1300 Bellaire Avenue was built as a 2-sided static sign within 660 feet of another billboard, but despite being non-conforming with spacing requirements it was permitted to be upgraded and rebuilt to a 2-sided digital sign in 2014 (see page 40).
  - 2. The billboard located at 30550 Stephenson Hwy was built as a 2-sided static sign not as the principal use of the property and later upgraded to a 2-sided digital sign despite being a non-conforming use (see page 41).
  - 3. The billboard located at 1031 E 10 Mile Rd was built as a 2-sided static sign, not as the principal use of the property, and over a building, which was taken down in between Aug. 2015-2017. Then later a <sup>tally</sup> new structure was built to have 1 side upgraded to digital despite its being non-conforming in many w (see page 42).



## 1300 Bellaire Ave

Item 3.

**Oct 2009**

**July 2011**

2013 this was a 2 – sided Static Sign and now a 2-sided Digital Sign. This sign has always been 660 feet from another billboard to the north. The structure was rebuilt to support the additional weight of the two digital billboards. Photos from Google Maps



# 30550 Stephenson Hwy

Item 3.

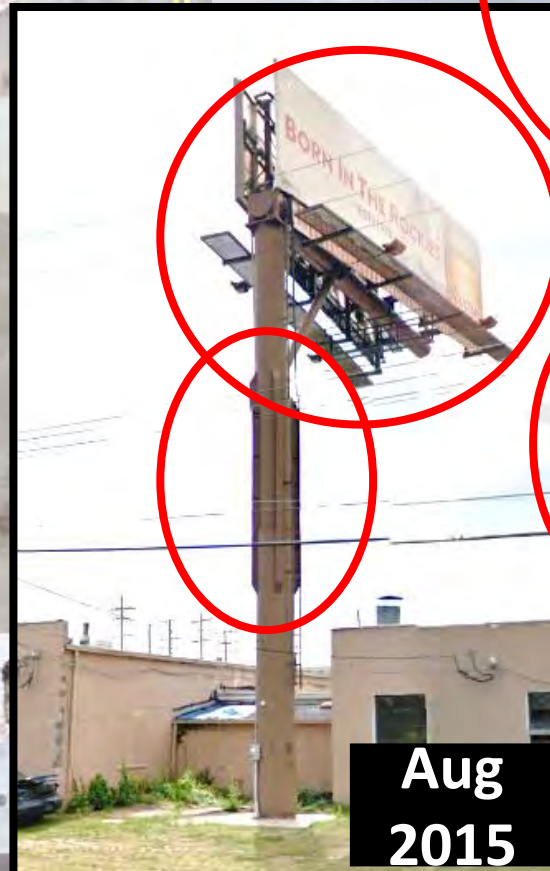


This billboard was built without the requirement that it be the principal use of the property. It was also upgraded to digital despite being a non-conforming billboard. The photos are from Google Maps (left) and Oakland County Parcel Map (right)



# 1031 E 10 Mile Rd

Item 3.



- ❖ This billboard was granted 5 of 6 variances requested: (i) to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after its been removed (iii) to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure (iv) **to allow a billboard to be constructed within 2,500 feet of another billboard** (v) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted)*, and (vi) **to allow a billboard on the same parcel as a principle use.**

# ZBA APPLICATION

615 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

Item 3.

## ❖ Did the special conditions and/or circumstances result from your actions?

- **NO.** The property has not been altered in any way. The property has existed, as is, for years. The property meets 5.5 of 8 billboard ordinance requirements and is also allowed under State law.

## ❖ 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?

- a) The variances requested including the spacing requirement is requested to allow this property to be used as others have enjoyed the use of their property for such purpose. **This will be the minimum variances needed and is much less than others granted by the ZBA or otherwise allowed.**

## ❖ Will granting the variance change the essential character of the area?

- a) No. Granting the variance will not change the essential character of the area. The property is industrial and along a major freeway (I-696) which meets the zoning requirements, with industrial property all around the site and the freeway exposure from the site (see zoning map 46). The property meets 5.5 of 8 zoning requirements and a dimensional variance would be the least variance granted.
- b) Granting the variance will not affect any of the neighboring properties in anyway.
- c) The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.
- d) Billboards are common on major thoroughfares especially in the industrial zoning district. The section in which the billboard is proposed is primarily Industrial with all kinds of industrial uses from Cannabis to Automotive. A sign of this size will not impact the use of the property or properties around it and meets FIVE & a HALF of EIGHT requirements for a matter of right. The Variances requested are NOT a USE variance and only two slight dimensional variances that are within the spirit of the zoning ordinance.



# ZBA APPLICATION

615 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

Item 3.

- e) Billboards compliment the area and provide an additional revenue source to the city via personal property taxes.
- f) Off-Premises Signs/Billboards are common on major thoroughfares. There are 10 permitted off premises signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 47 - 62). All these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
- g) Static billboards have lights that shines on the surface of the board, not projecting out or down (See pages 63 and 64). These type of billboards will not harm or effect the neighbors or environment. The area has billboards presently. The addition of another will not impact the area



Item 3.

**Proposed Billboard  
on I-696 Corridor**



# Madison Heights Zoning

Item 3.

61 E 10 Mile Rd, Madison Height, MI

Parcel ID:  
44-25-24-360-026

Owner:  
615 EAST TEN MILE LLC

Zoned:

	O-1 OFFICE
	B-1 LOCAL BUSINESS
	B-2 PLANNED BUSINESS
	B-3 GENERAL BUSINESS
	M-1 LIGHT INDUSTRIAL
	M-2 HEAVY INDUSTRIAL
	P-1 VEHICULAR PARKING
	P-2 VEHICULAR PARKING
	H-R HIGH RISE
	N-P NATURAL PRESERVATION





# BILL BOARDS LOCATIONS

Item 3.

## LEGEND



BILL BOARD



BUFFER 2500 FT

## ZONING

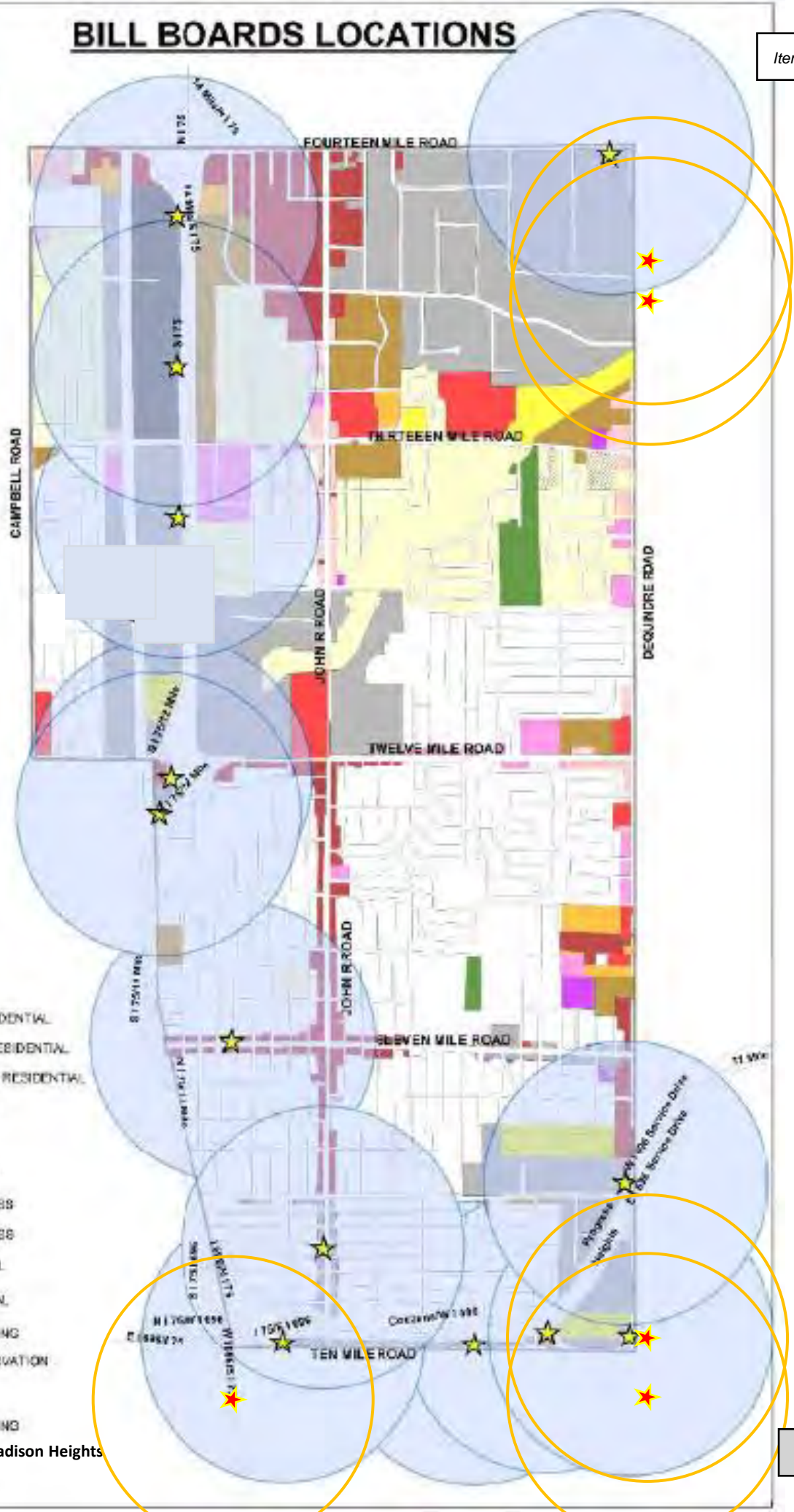
- R-1 RESIDENTIAL
- R-2 RESIDENTIAL
- R-3 RESIDENTIAL
- R-T TWO FAMILY RESIDENTIAL
- R-C CONDOMINIUM RESIDENTIAL
- R-M MULTIPLE FAMILY RESIDENTIAL
- HM MOBILE HOMES
- O-1 OFFICE
- B-1 LOCAL BUSINESS
- B-2 PLANNED BUSINESS
- B-3 GENERAL BUSINESS
- M-1 LIGHT INDUSTRIAL
- M-2 HEAVY INDUSTRIAL
- P-1 VEHICULAR PARKING
- N-P NATURAL PRESERVATION
- HR HIGH RISE
- P-2 VEHICULAR PARKING



Billboard not in Madison Heights

SCALE:

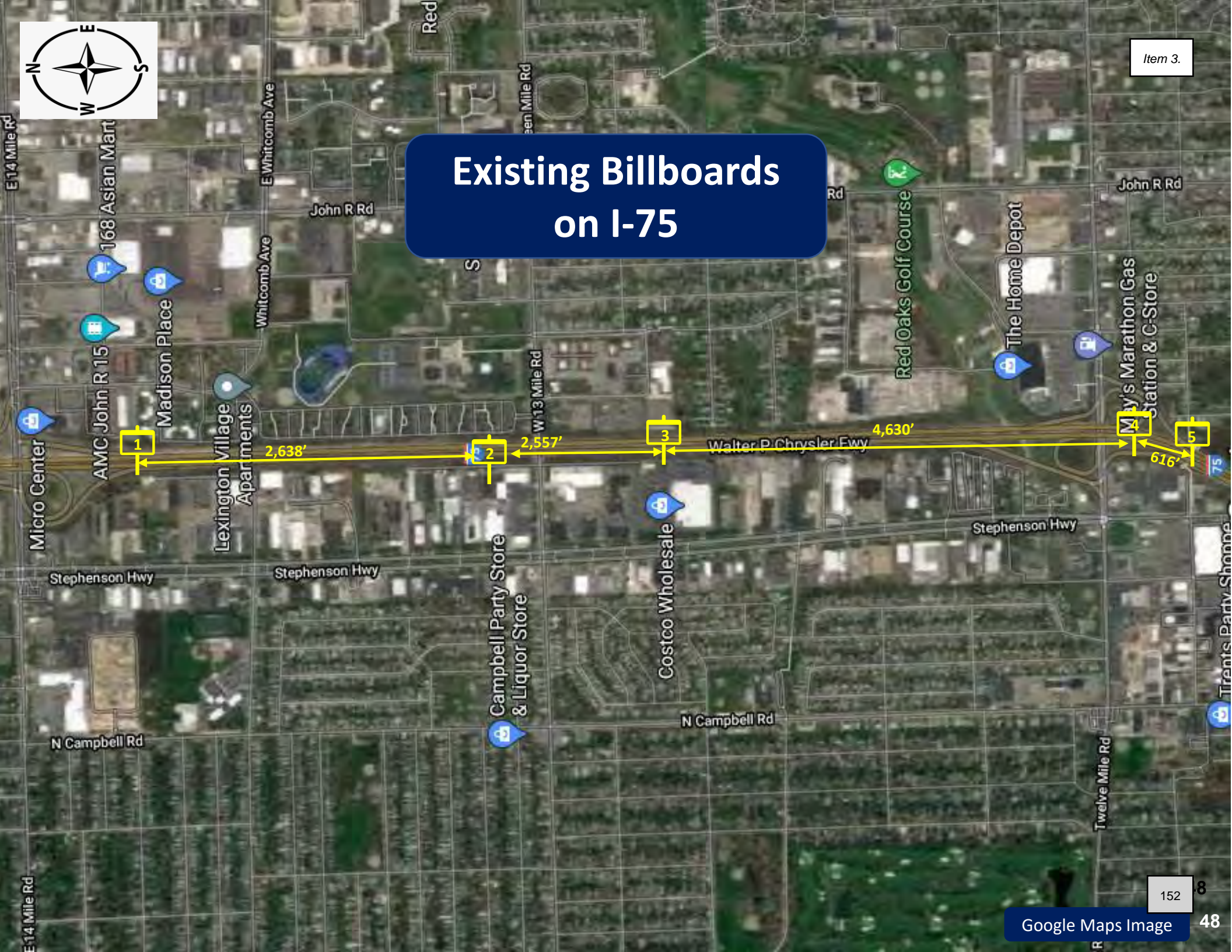
1 INCH = 250 FEET







# Existing Billboards on I-75







## Existing Billboards on I-696

→ = 1,000 feet

3,405 feet

1,263 feet

2,970 feet

Item 3.

ASV

Walter P. Reuther Fwy  
Heights Dr

Hilti Store

Accel's Mobile Court

Walter P. Reuther Fwy

Heights Dr

E 10 Mile Rd

Amazon-DDT1-Delivery  
Station

LG Electronics

Church

Dakota  
Integrated Systems

Jimmy John's

Google Maps Image

153

49

Google

Viking Ice Arena

Monroe Park Family  
Bowling Center

New Standard -  
Recreational & Medical...

BREEZE |  
Recreational Cannabis

Kozy Lounge



75

696

696

V Lincoln Ave

E Lincoln Ave

E Lincoln Ave

E Lincoln Ave

E Lincoln Ave

McNaughton-McKay  
Electric Company...

John R Rd

Progress Dr

S Chrysler Dr

S Chrysler Dr

John R Rd

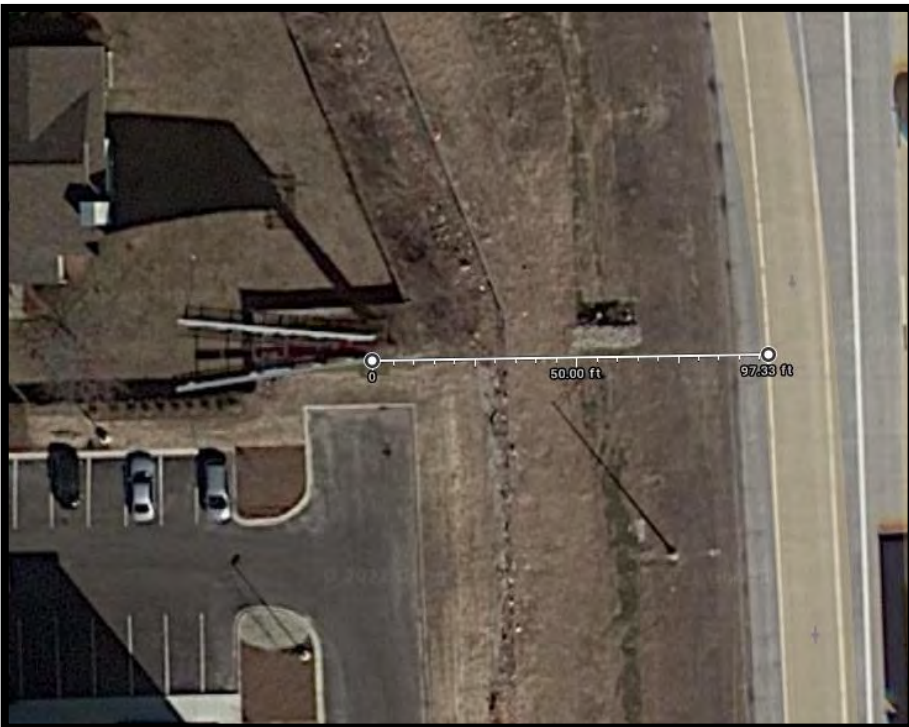
Green  
es Park





## Sign #1 - 32401 Mally Dr

- The west side of I-75 approx. 1,175 feet south of 14 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- Distance from Traveled Edge of Road: 97 feet
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google

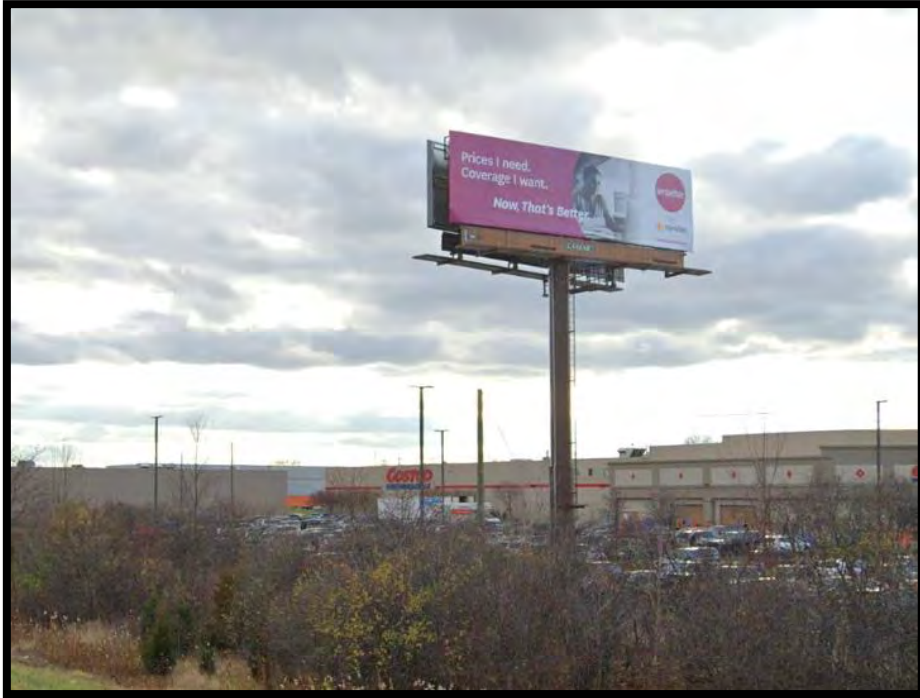




## Sign #2 - 31445 Mally Dr

- The west side of I-75 approx. 1,280 feet north of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- Distance from Traveled Edge of Road: 135 feet
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google





## Sign #3 - 30550 Stephenson Hwy

- The west side of I-75 approx. 1,250 feet south of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 124 feet**
- **Non-conforming – not on a separate parcel, above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google



## Sign #4 - 1031 W 12 Mile Rd

- The west side of I-75 approx. 300 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- 2-sided Static
- 70' tall
- Owner: Lamar
- Distance from Traveled Edge of Road: 190 feet
- **Non-conforming – 660 feet from another billboard. Built above the allowable height. Not on a separate lot and only 38 feet from a building. Rebuilt despite being non-conforming**





## Sign #5 - 1300 Bellaire Ave

- The west side of I-75 approx. 925 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 77 feet
- **Non-conforming – 660' from another sign and built above the allowable height. Rebuilt and converted to digital despite being non-conforming.**
- All measurements are estimates from MDOT & Google



## Sign #6 - 326 W 10 Mile Rd

- The south side of I-696 approx. 790 feet west of John R Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 79 feet
- **Non-conforming - built above the height allowable. 1,770 feet from another billboard in the city. Upgraded and rebuilt digital despite being non-conforming. Only 860 feet from a billboard not in the city.**





## Sign #7 - 1031 E 10 Mile Rd

Item 3.

- The south side of I-696 approx. 74 feet west of Couzens Ave.
- 14' x 48' = 672 square feet
- **1-side Digital**, 1-side Static
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 150 feet**



- All measurements are estimates from MDOT & Google

### ❖ This billboard is Non-conforming and was granted 5 of 6 variances requested:

- i. to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after it's been removed
- ii. to allow a billboard on the same parcel as another (existing) structure within 100 feet
- iii. to allow a billboard to be constructed within 2,500 feet of another billboard. 1,260 feet from a billboard to the east.
- iv. to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted), and
- v. to allow a billboard on the same parcel as a principal use.

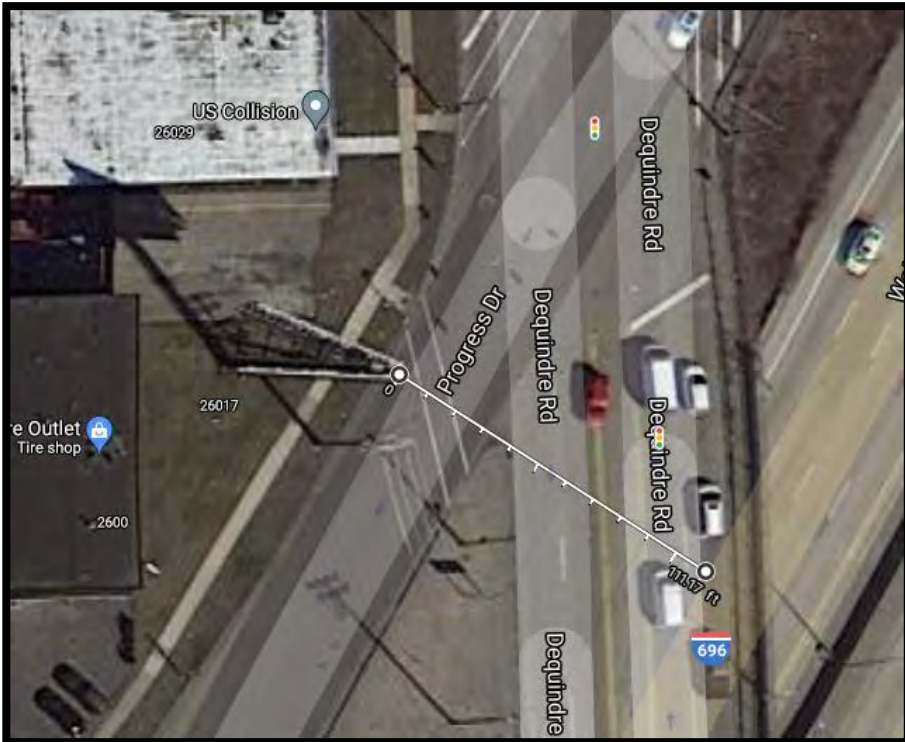
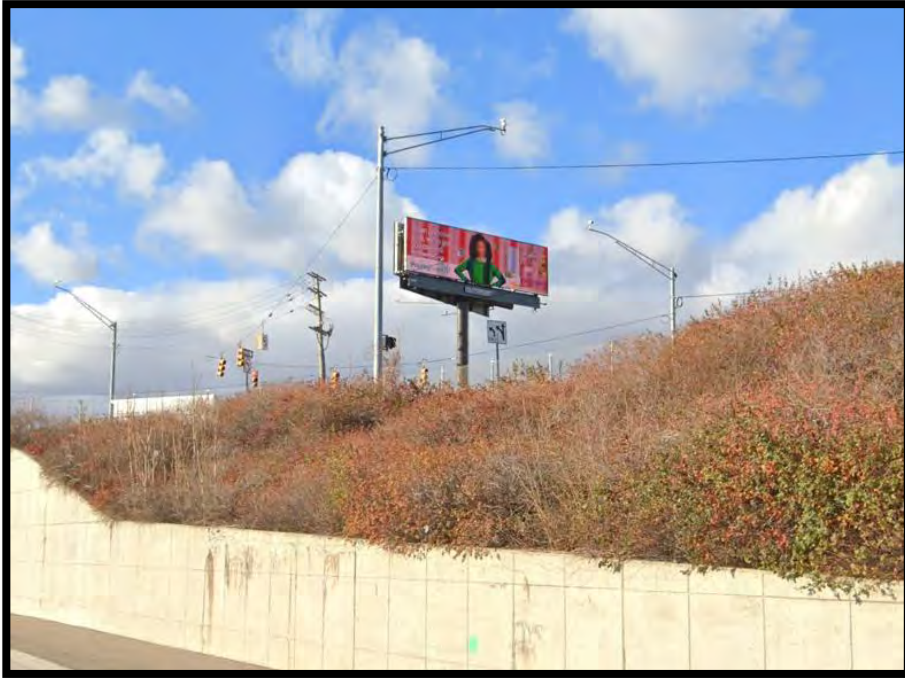


## Sign #8 - 1430 E Heights St

- The south side of I-696 approx. 50 feet east of I-696 Service Dr.
- 14' x 48' = 672 square feet
- 2-sided Static
- 60' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 140 feet**
- **Non-conforming – only 1,260 feet from a billboard to the west and 1,410 feet from another billboard to the east in the city.**
- All measurements are estimates from MDOT & Google







## Sign #9 - 26017 Dequindre Rd

Item 3.

- The north side of I-696 approx. 1 foot west of Progressive Dr and 30 feet west of Dequindre.
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- **Distance from Traveled Edge of Road: 150 feet**
- **Non-conforming – Built above the allowable height. Upgraded and rebuilt digital despite being non-conforming.** Only 2,032 feet from a billboard not in the city.



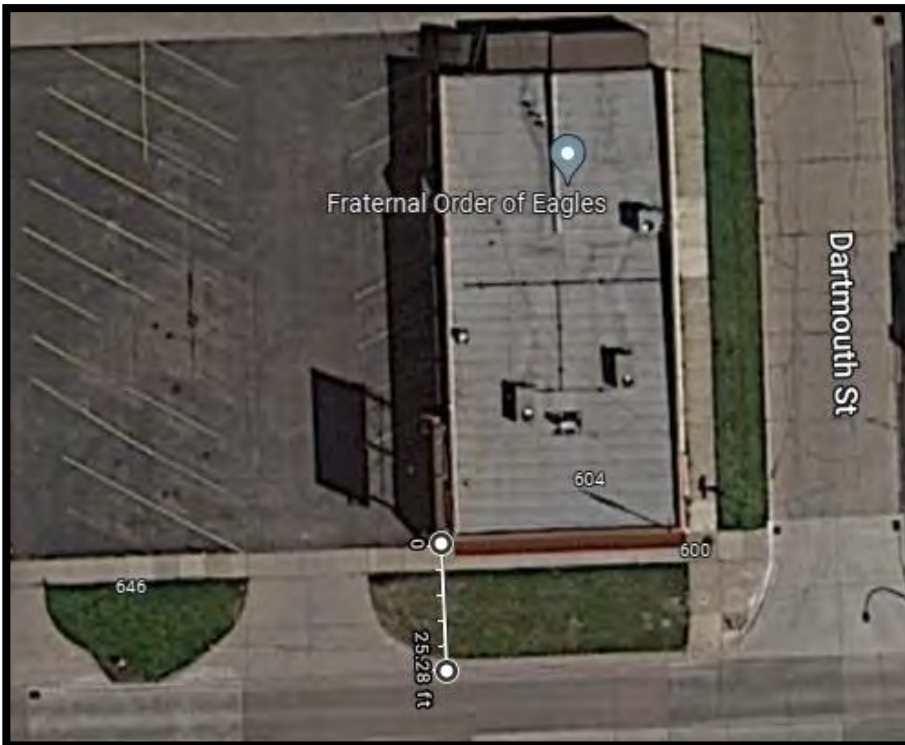
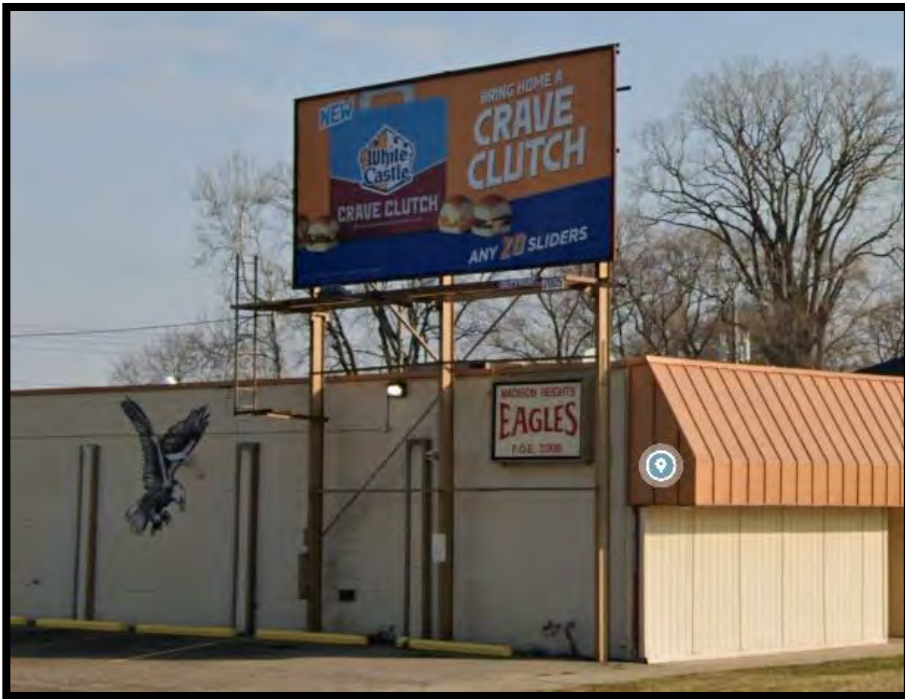
## Sign #10 - 1900 E 14 Mile Rd

- The south side of 14 Mile Rd approx. 390-foot west of Dequindre.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 90 feet**
- **Non-conforming - Not on a separate parcel and only 33 feet from a building. No MDOT Permit. Only 2,115 feet from a billboard outside city limits**



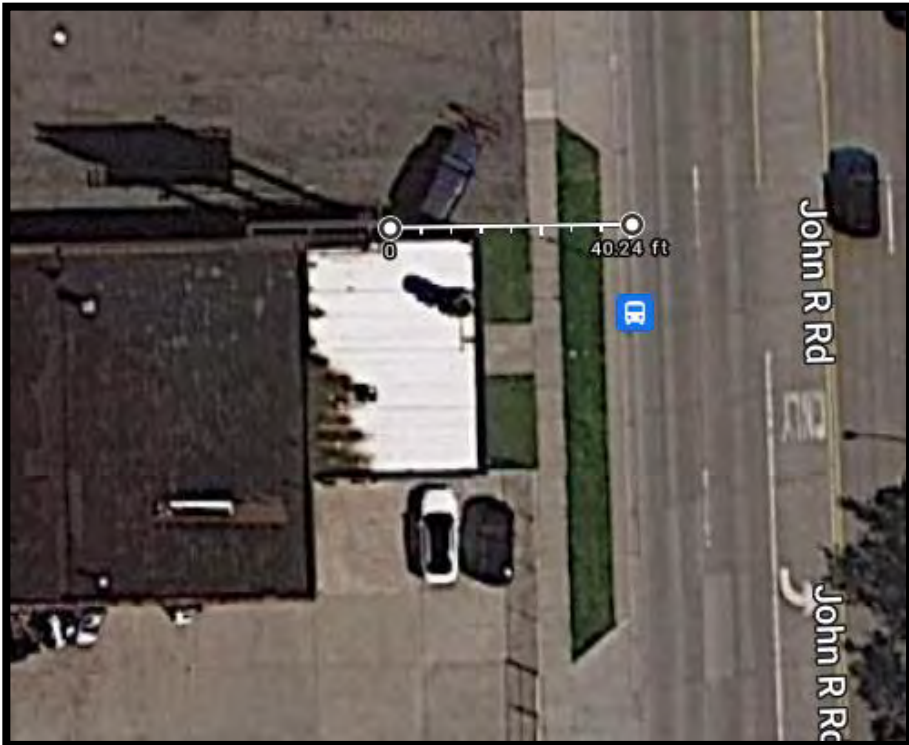
- All measurements are estimates from MDOT & Google





## Sign #11 – 604 W Eleven Mile Rd

- The south side of Eleven Mile Rd approx. 65-foot west of Dartmouth St.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 30' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 25 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. No MDOT Permit.**
- All measurements are estimates from MDOT & Google



## Sign #12 – 25601 John R Rd

- The west side of John R Rd approx. 98-feet south of W Hudson Ave.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 40 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,770 feet from another billboard in the city. No MDOT Permit.**
- All measurements are estimates from MDOT & Google



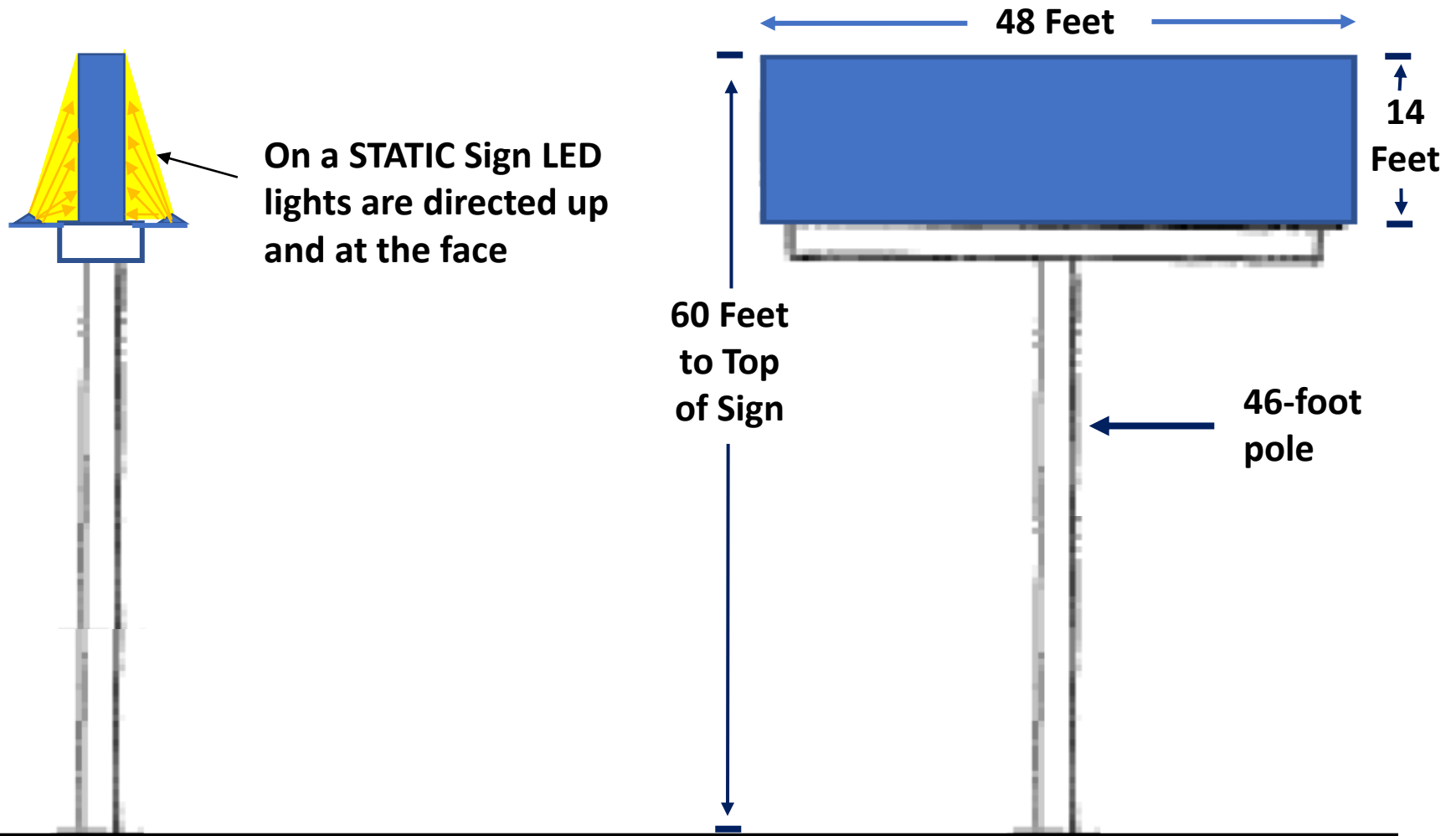


## Sign #13 – 25107 Dequindre Rd

- The west side of Dequindre Rd approx. 285-feet north of Eleven Mile Rd.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 55 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,410 feet from another billboard in the city. Only 220 feet from a billboard outside the city.**
- All measurements are estimates from MDOT & Google



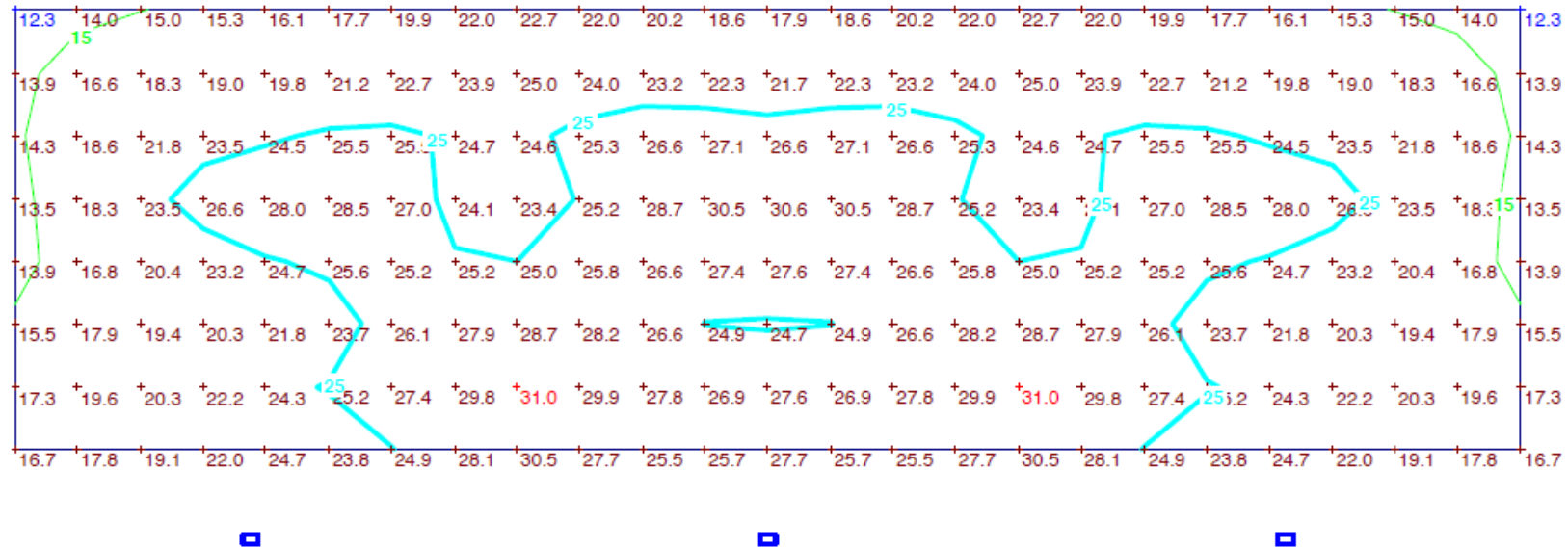
**Lighting** is often a concern not always addressed. We want you to know that we will be using the most current LED lighting available for our Static sign face.



This industry-leading technology will light only the sign face and prevent light from projecting outside of the sign face.



International Outdoor  
Holophane Sign Vue 2 LED



### STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	23.0 fc	31.0 fc	12.3 fc	2.5:1	1.9:1

### LUMINAIRE LOCATIONS

No.	Label	X	Location Y	Z
1	A	7.5	-7.5	-3.0
2	A	24.0	-7.5	-3.0
3	A	40.5	-7.5	-3.0



Reliable Electric Products Co  
865-376-0226

**Designer**  
Brian Kline

**Date**  
April 21 2017

**Scale**  
14 x 48

**Drawing No.**  
SVLED 2

1 of 1

# ZBA APPLICATION 615 E 10 MILE RD

Item 3.

## SUMMARY

Applicant believes the practical difficulties described in its application demonstrate that its request for variances are warranted and the ZBA should grant them in their entirety. The unique circumstances of the property have created a practical hardship that would prejudice Applicant if not granted.

### **The proposed billboard:**

- ✓ The billboard will be on a parcel abutting an interstate highway or freeway in an M-1 zoning district and not located within any required setback of such parcel.
  - ✓ The V-type structure will have an interior angle which does not exceed twenty (20) degrees.
  - ✓ The total surface area, facing in the same direction, will not exceed seven hundred (700) square feet and shall be contained on a single panel.
  - ✓ The billboard will not exceed sixty (60) feet in height from the adjacent grade.
  - ✓ The billboard will not be erected on or over the roof of any building.
- 
- ❖ We have clearly explained the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
  - ❖ We have explained 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.
  - ❖ We have explained why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.



# ZBA APPLICATION 615 E 10 MILE RD

Item 3.

## SUMMARY CONTINUED

- ❖ The applicant acknowledges that no special conditions and/or circumstances resulted from actions of the applicant or property owner.
- ❖ Although the property is used in a manner permitted by the Ordinance it is not being given the same rights as others in the same zoning district. The variances requested are minimal.
- ❖ Granting the variance will not change the essential character of the area?

Applicant has established that it is entitled to preliminary and final site plan approval based on competent, factual, and expert engineering and planning testimony and exhibits for a double-sided digital billboard.

- The Applicant reserves the right to provide additional factual and legal arguments at its hearing.

There being no further nominations, the vote was called.

Yeas: Hohner, Kehoe, Kimble, Tecker, R. Corbett, Holder, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **16-08. Election of Vice-Chair.**

Vice Chairman Oglesby called for nominations for the position of the Vice Chairperson of the Board.

Motion by Ms. Kehoe, seconded by Councilman Corbett, to nominate Clifford Oglesby as the Vice Chairman of the board.

There being no further nominations, the vote was called.

Yeas: Kehoe, Kimble, Tecker, R. Corbett, Holder, Hohner, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **16-09. Variance of non-conforming billboard 1031 E. 10 Mile Road**

Application #16-01

Vice Chairman Oglesby opened the public hearing at 7:42 p.m. to hear comments, if any, on application #16-01.

The Petitioner, Joseph Shopshear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, and Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present. Mr. Behrendt stated the billboard was erected to be a digital sign face on one side and the second side is a vinyl static board. Lamar is requesting to replace the static vinyl side, to make it digital and in doing so, must replace the entire billboard structure. At this time they would like to update the static side to be digital along with additional safety requirements. Mr. Behrendt stated that digital billboards are what customers want. They also provide the opportunity to run public service announcements, AMBER alerts, weather warnings, as well as civic activities and local business activity announcements.

Gary Sayers, 945 E. 10 Mile Road, stated that he owns four buildings approximately 300 ft. from this billboard and he is opposed to granting any variances. He stated that he does not want a blinking sign near his



building. He also commented that he believes these billboards are distracting to drivers.

There being no further comments, the public hearing was closed 8:00 p.m.

Mr. Kimble commented that he was concerned with the brightness of the lights that come from the digital signs noting this can be very distracting while driving at night. He also expressed concern that granting these variances will set precedence for other billboard companies.

Ms. Holder asked for clarification regarding the request, stating that if the petitioner only changed the sign face, no variance would be required.

Mr. Schafer indicated that the petitioner can change the sign face of a non-conforming sign without having to request a variance; however, if the structure requires modification, then approval from the Zoning Board of Appeals would be required.

Mr. Shopshear, indicated that the current sign was built for the 2009 building codes; however in order to comply with the 2012 building codes a variance is required for safety reasons.

Councilman Corbett stated that any changes to the sign should be to reduce as much of the non-conformity as possible, including reducing the entire structure to the permitted 60' maximum height permitted.

Motion by Mr. Corbett, Seconded by Ms. Holder,

WHEREAS, an application has been filed by Joseph Shopshear the Petitioner for Angela Investments, 1031 E. 10 Mile Road requesting a variance; and

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.+511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property).

WHEREAS, a notice of public hearing was published in the Madison Park News on March 23, 2016 and 82 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department stating that:

#### **RELEVANT INFORMATION**

1. The applicant is a representative of the owner of a billboard located on the subject property.
2. The billboard is a non-conforming structure as follows:
  - a. The billboard is not the principal use of the property.
  - b. The billboard is within 100 feet of the building on the property (in fact it overhangs the building).
  - c. The billboard is within 2500 feet of another billboard (actual distance is 1291 feet).
  - d. The billboard is 10' higher than permitted (70' where 60' is allowed).
3. In 2011 the applicant applied for a permit to install a digital face on the existing billboard. The City permits face changes on non-conforming billboards provided that the structure can handle the new loads. In that case the applicant proposed to add additional structural steel supports and other modifications to the structure to handle the additional loads imposed by changing the type of sign to a digital face. The ZBA granted a variance to allow the owner to change one face and that was done by the owner shortly thereafter and remains so today.

#### **PREVIOUS ACTIONS**

ZBA Application #11-02 – Variance granted to allow structural modifications to nonconforming billboard for placement of a digital face on the existing billboard.



### **SITE PLAN COMMITTEE ACTION**

The Site Plan Committee has reviewed this request. The Committee notes that the sign is currently non-conforming, but enjoys a variance that allowed its structural modification to accommodate a digital face change in 2011. The applicant now seeks to completely remove the existing billboard and replace it with a new billboard with two digital faces. Under the Zoning Ordinance, removal of the billboard eliminates any nonconformity, in addition to eliminating the conditions under which the previous ZBA variance was granted. As a result, they are required to seek the requested variances per the Zoning Ordinance.

The Committee also notes that the existing nonconforming billboard is currently in use and may continue to function for the foreseeable future without any modification or variance.

The Committee also notes that there are currently ten non-conforming billboards in the City. It is the intent of the Zoning Ordinance that these structures can be continued until they fail due to deterioration or damage and that they be removed at that point. By removing the existing nonconforming billboard as proposed, applicant is achieving the intent of the Zoning Ordinance – removal of the nonconformity in its entirety. To permit this applicant to remove and replace the billboard in its exact location would be contrary to the intent of the ordinance and convey to the applicant a right not enjoyed by other billboard owners in the City. Accordingly, the Committee recommends denial of the request.

Should the ZBA decide to grant the variances necessary to accommodate the request, the Committee recommends that the height of the billboard be reduced to the 60' maximum, thus reducing the nonconformity of the billboard while still accommodating its continuation in a nonconforming location.

WHEREAS, a public hearing was held this April 7, 2016, and the Petitioner, Joseph Shopshear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, along with Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Zoning Board of Appeals approves the requested variances as follows:

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property); and

BE IT FURTHER RESOLVED, that the Madison Heights Zoning Board of Appeals DENIES the requested variance as follows:

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

As it is not the minimum variance necessary and will reduce the existing non-conformity.

Yeas: Tecker, R. Corbett, Hohner, Holder, Kehoe, Oglesby  
 Nays: Kimble  
 Absent: L. Corbett, Kirchoff, Yemac  
 Motion Carried

## **XX. Adjournment.**

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

Yeas: R. Corbett, Hohner, Holder, Kehoe, Kimble, Tecker, Oglesby  
 Nays: None  
 Absent: L. Corbett, Kirchoff, Yemac  
 Motion Carried

There being no further business, Vice Chairman Oglesby, adjourned the meeting at 8:15 p.m.

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Romona Sanchez  
 Clerk of the Board





## MEMORANDUM

Date: March 31<sup>st</sup> 2023  
 To: City of Madison Heights Zoning Board of Appeals  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Billboard Variances  
 PZBA 23-04 – 53 E. Ten Mile Rd.

### REQUEST

The applicant, *International Outdoors, Inc.*, requests four (4) variances from the city's billboard regulations, Section 10.511(IV)(E). The subject property is located at 53 E. Ten Mile Road (tax parcel #44-25-24-355-030) and is zoned M-1, Light Industrial.

The applicant proposes to install one (1) two-sided static billboard adjacent to the south side of I-696, and requests variances from the following sections of the Zoning Ordinance:

- *Section 10.511(IV)(E)(1): A billboard shall not be located within any required setback of such parcel; and*
- *Section 10.511(IV)(E)(1): [...] such billboard shall not be placed on a parcel having any other structure within 100 feet of the billboard; and*
- *Section 10.511(IV)(E)(2): Billboards shall not be less than 2,500 feet apart; and*
- *Section 10.511(IV)(E)(7): Billboards are deemed to constitute a principal use of a lot.*

The applicant is not the current property owner. However, the current property owner has signed the ZBA application, as required.

### Setback Variance

Per Section 10.511(IV)(E)(1) of the Madison Heights Zoning Ordinance, a billboard shall not be located within any required setback of such parcel. The subject property is a double-frontage lot, which is defined as, *“any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.”*

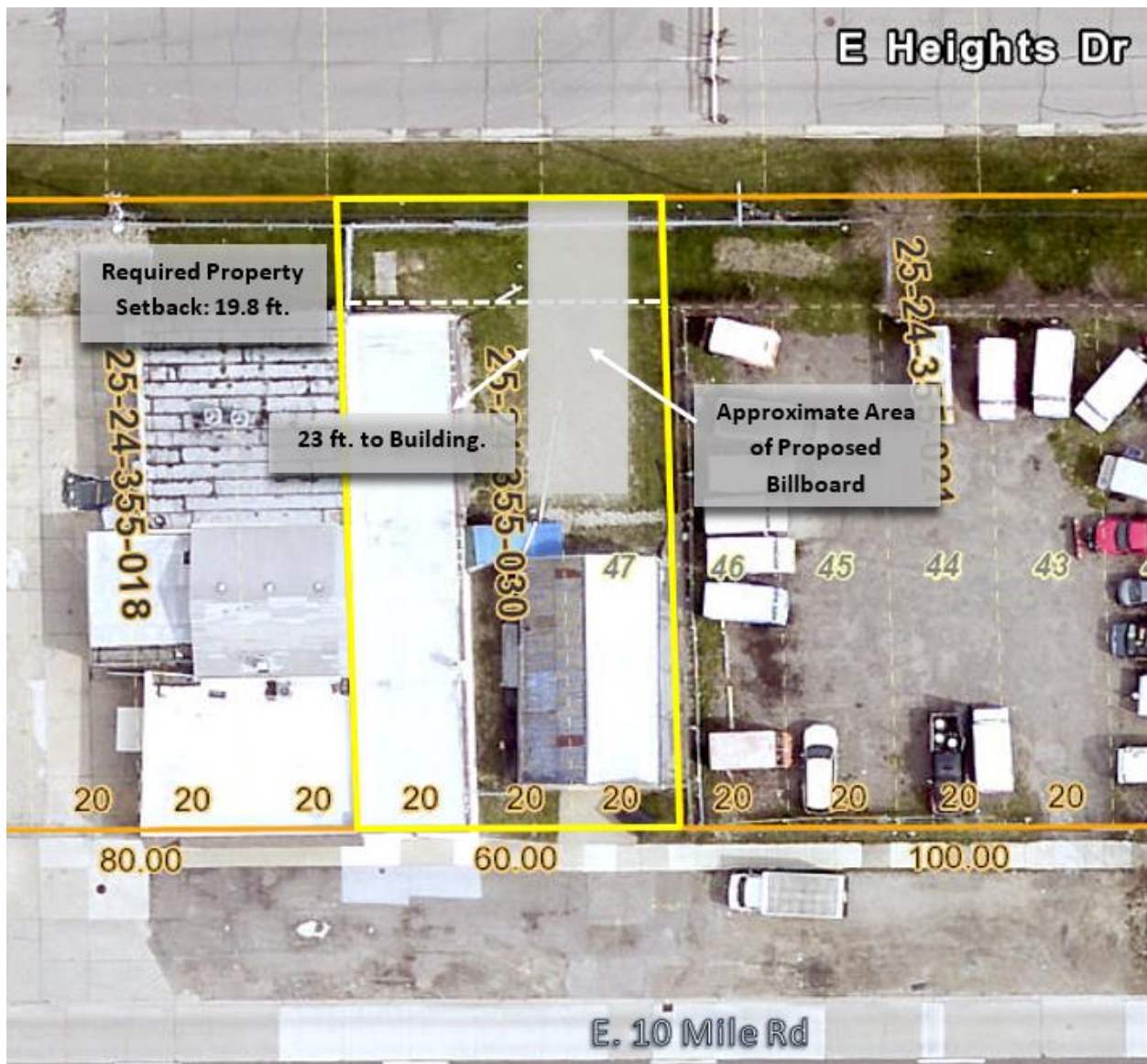
Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. However, footnote (e) states, *“where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.”* Staff notes five (5) structures along E. Heights Drive

between John R. Road and Battelle Street and calculates the average front yard setback from E. Heights Street to be 19.8 feet. With a zero-foot front yard setback, the proposed billboard fails to meet the setback requirement. Therefore, the applicant requests a front yard setback variance of 19.8 feet.

### Structure Setback Variance

Per Section 10.511(IV)(E)(1) of the Madison Heights Zoning Ordinance, a billboard shall not be placed within 100 feet of an existing structure on the parcel. The subject property is improved with an existing principal industrial building and detached accessory building. The billboard is proposed to be placed 23 feet from the existing principal building, failing to meet Ordinance requirements. Therefore, the applicant requests a variance of 77 feet from the structure setback requirement. Required setbacks are illustrated in the graphic below:

**53 E. Ten Mile Road – Required Setbacks and Proposed Billboard**



*Note: Setback lines are approximate  
Source: Oakland County Property Gateway*



### Separation Variance

Per Section 10.511(IV)(E)(2) of the Madison Heights Zoning Ordinance, billboards shall not be less than 2,500 feet apart. The Billboards Map at the end of this report illustrates the 2,500-foot separation radii from each existing billboard. The proposed billboard is within 2,500 feet of three (3) existing billboards, per the chart below:

Existing Billboard Location	Distance from Proposed Billboard	Required Variance
E. Heights Dr./W. 10 Mile	1,125 ft.	1,375 ft.
John R/W. Hudson Ave	1,165 ft.	1,335 ft.
John R/Couzens Ave.	2,265 ft.	235 ft.

The applicant has formally requested the variances of 1,375 feet and 235 feet from the 2,500 ft. requirement. However, an additional variance of 1,335 feet will be required to erect the proposed billboard, as the applicant has not addressed the existing billboard at John R and W. Hudson Ave.

### Principal Use Variance

Per Section 10.511(IV)(E)(7) of the Zoning Ordinance, billboards shall be considered the principal use of a lot. Because the property at 53 E. Ten Mile Road is already improved with a principal building and detached accessory structure, a new billboard would be considered an accessory use of the property. The Zoning Ordinance requires the applicant to divide the parcel and create a stand-alone parcel for the billboard. The applicant requests a variance from this section to allow for the proposed billboard to be constructed on the same parcel as the existing buildings.

### STAFF ANALYSIS

Within their application, the applicant states that they have obtained a permit from the State of Michigan for the proposed billboard. Note that the state requires 1,000 feet of separation between static billboards, whereas Madison Heights requires 2,500 feet. Per the Highway Advertising Act of 1972 (PA 106 of 1972), *“a county, city, village, township or charter township may enact ordinances to regulate and control the operation, size, lighting, and spacing of signs and sign structures [...] [...] An ordinance or code adopted by a county, city village, township, or charter township that regulates the operation, size, lighting, or spacing of signs and sign structures and that is more stringent than the laws of this state is not made void by this act.”*

Madison Height’s stringent billboard spacing requirements were put in place to prevent the proliferation of billboards and are in compliance with the Highway Advertising Act.

The applicant has not addressed the principal use variance or structure setback variances, nor provided a justification for such variances.

On the block where the subject parcel is located, the average building setback from E. Heights Drive is 19.8 feet. With a setback of 0 feet, the proposed billboard would be placed closer E. Heights Drive than any existing building on the block. Staff finds that this would grant a special privilege to the property owner not granted to other property owners.

## VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests. The applicant has provided responses to the variance criteria within their application. Staff findings are provided below:

- *Whereby 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.*

**Staff Finding:** Staff does not find the subject property itself to contain exceptional conditions that would unreasonably restrict the use of the property. Staff finds that the conditions of the property would not result in a practical difficulty for the property owner.

The property is currently utilized for an industrial use, and can continue to be utilized, expanded, or redeveloped for permitted M-1 industrial uses. The subject parcel is approximately 0.16 acres in area, is of a regular rectangular shape, and has a width of approximately 60 feet. Staff finds these property characteristics to be fairly standard within the M-1 District, especially along E. 10 Mile Road.

While staff acknowledges that the City's billboard separation requirement may restrict the erection of new billboards within city limits unless existing billboards are removed, this is a restriction that applies equally to all properties within Madison Heights. Staff finds that the applicant's inability to legally meet the billboard spacing requirement is not due to an exceptional condition tied to the subject property, but rather due to the general condition that there are a limited number of available billboard locations left within the City.

The applicant requests a variance from the principal use requirement, but has not provided justification in favor of the variance request. The variance request from the principal use standard does not appear to relate to a unique condition of the property. Further, the applicant seeks relief from an administrative process that is applied equally to all properties. As such, staff does not find the existence of a valid practical difficulty.

- *Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.*

**Staff Finding:** Staff finds that the granting of the requested variances could substantially impair the intent and effectiveness of the Zoning Ordinance.

Staff believes that granting variances to the billboard setback, spacing and principal use requirements could substantially impair the intent and effectiveness of the Zoning Ordinance. The City's billboard setback, spacing, and principal use requirement were put in place to regulate the siting of large billboards within Madison Heights. If the City of Madison Heights is interested in permitting additional billboards within city limits and/or reducing billboard spacing, setback and principal use requirements, staff believes that the appropriate mechanism is to amend the Zoning Ordinance standards via the zoning text amendment process.



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.*

**Staff Finding: Staff finds that the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by others in the same zoning district.**

Each property owner within Madison Heights is subject to the same billboard setback, spacing and principal use requirements. The property owner has the ability to develop and redevelop the property per M-1, Light Industrial standards.

With a setback of 0 feet, the proposed billboard would be placed closer E. Heights Drive than any existing building on the block. Contrary to this standard, staff finds that a property setback variance would actually grant a special privilege to the property owner not afforded to other property owners.

Staff acknowledges that prior Zoning Boards of Appeals have granted billboard separation and principal use variances in the past. However, these prior cases (as denoted within the applicant's application packet) can be differentiated from this case in that they all involved upgrading *existing* non-conforming billboards that were originally constructed prior to the adoption of the city's billboard ordinance. Alternatively, the ZBA case at hand involves the construction of a brand new billboard where none had previously-existed. Further, per Section 10.805, "*each case before the Zoning Board of Appeals 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.*" Staff recommends that the Zoning Board of Appeals base their decision on facts and findings only pertaining to this unique case.

- *The special conditions and/or circumstances are not a result of the applicant.*

**Staff Finding: As previously discussed, staff does not find special conditions or circumstances pertaining to the property itself. Unique circumstances relating to the property, if found by the ZBA, are the result of the applicant's desire to construct a billboard use on the property rather than a use permitted by right or by special approval within the M-1 zoning district.**

- *The variance is the minimum variance necessary to provide relief to the applicant.*

**Staff Finding: Staff finds that the variance request is not warranted due to the absence of a valid practical difficulty.**

- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

**Staff Finding: Staff finds that, in the absence of a variance, the property could continue to be utilized for, and redeveloped with, permitted M-1 industrial uses.**

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

## SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

City staff presented the variance application to the Site Plan Review Committee at their March 8<sup>th</sup>, 2023, meeting. The SPRC had no additional comments regarding the proposed billboard location.

## ZBA ACTION

**Any ZBA motion should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805, as outlined in the ‘Variance Findings’ section of this report.** 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 all requested variances, an additional 1,335 ft billboard spacing requirement should be incorporated into the motion.

## 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.*

#### **Section 10.511(IV)E – Billboards**

##### **(E) Billboards:**

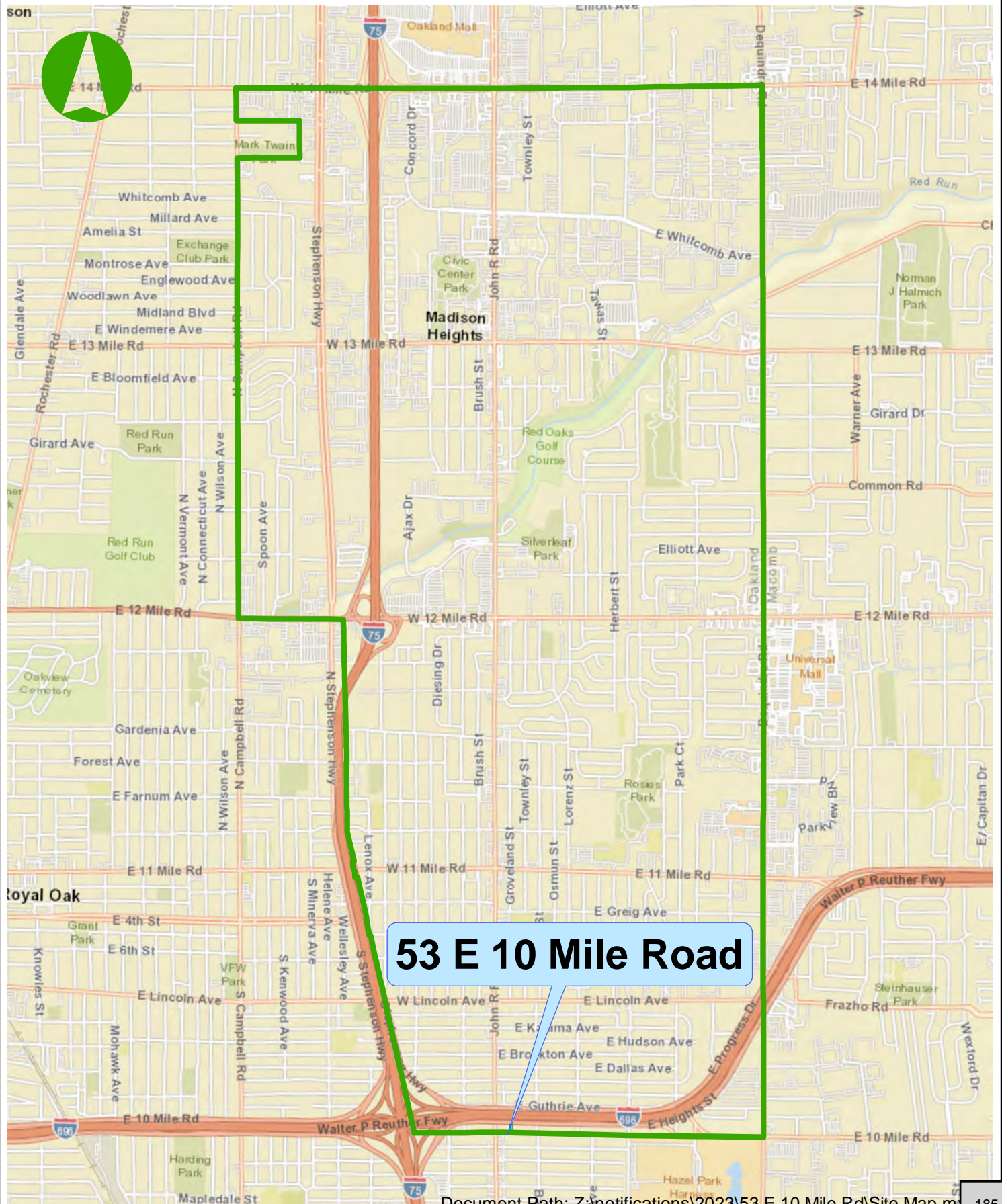
- (1) *Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within 100 feet of the billboard, and no other structure shall be placed on the parcel within 100 feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in subsection (2) following. A billboard shall not be located within any required setback of such parcel.*
- (2) *Billboards shall not be less than 2,500 feet apart. 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.*
- (3) *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 10.511(III)(A)(7).*
- (7) *Billboards are deemed to constitute a principal use of a lot.*











# Site Address: 53 E 10 Mile Road



[Click for map](#)

## Aerial



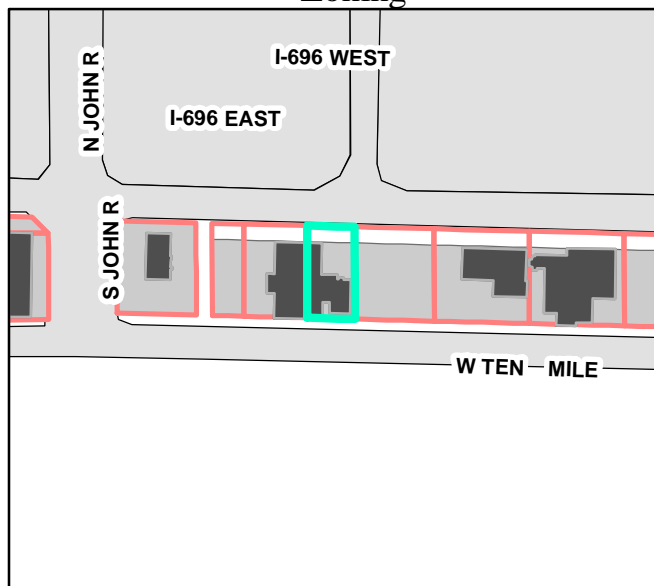
- 53 E 10 Mile Road
- Parcels

## Existing Land Use



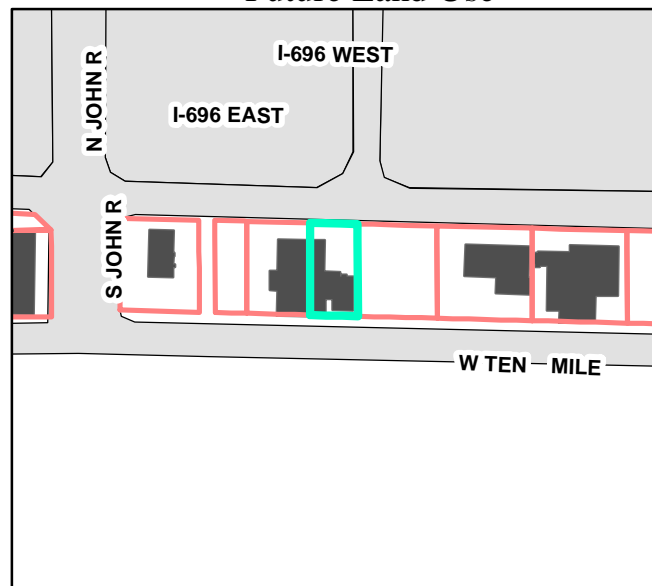
- 53 E 10 Mile Road
- Commercial
- Buildings
- Industrial
- Parcels

## Zoning



- 53 E 10 Mile Road
- M-1 Light Industrial
- Buildings
- Parcels

## Future Land Use

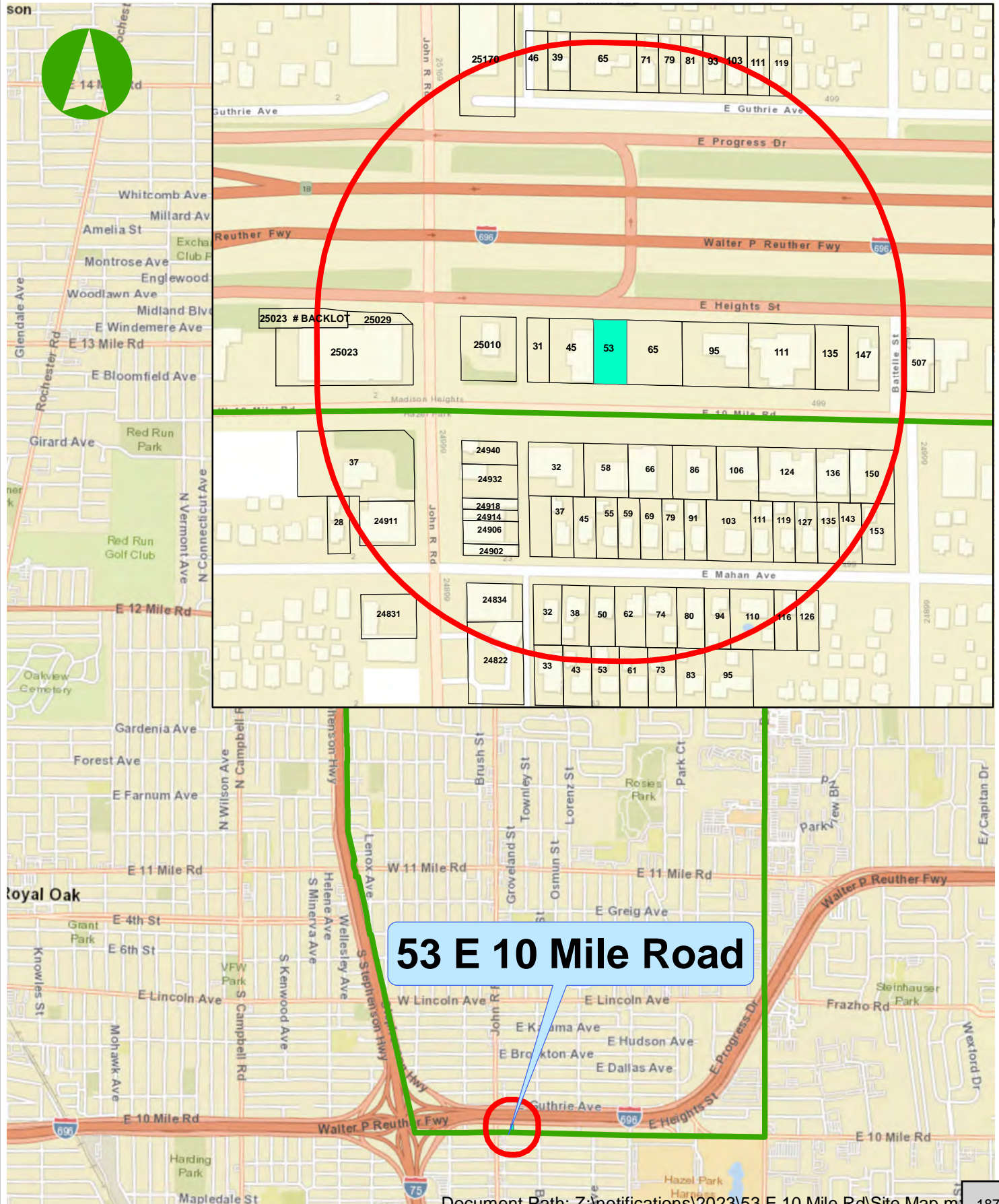


- 53 E 10 Mile Rd
- Parcels
- Industrial

# ZBA CASE: 23 - 04

## BUFFER 500 FT

Item 4.





## NOTICE OF PUBLIC HEARING

Notice is hereby 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 6<sup>th</sup>, 2023 at 7:30 p.m.** to consider the following requests:

**(A) Case # PZBA 23-02: 25780 Commerce Drive**

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 25780 Commerce Drive (tax parcel # 44-25-24-426-038) and is zoned M-1, Light Industrial.

**(B) Case # PZBA 23-03: 615 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 615 E. Ten Mile Road (tax parcel # 44-25-24-355-030) and is zoned M-1, Light Industrial.

**(C) Case # PZBA 23-04: 53 E. Ten Mile Road**

REQUEST: The petitioner, International Outdoor, Inc., requests four (4) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests two (2) variances from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 53 E. Ten Mile Road (tax parcel # 44-25-24-360-026) and is zoned M-1, Light Industrial.

**(D) Case # PZBA 23-05: 1275 & 1301 W. Fourteen Mile Road**

REQUEST: The petitioner, Samantha Burgner on behalf of ALRIG USA, requests three (3) variances from the city Zoning Ordinance. The applicant requests two (2) variances from Section 10.326(8), *use-specific standards for auto wash uses*, pertaining to hours of operation and vacuum locations; and one (1) variance from

Section 10.511(IV)(A), *Prohibited Signs*, pertaining to roof signs. The subject property is located at 1275 W. Fourteen Mile Road (tax parcel # 44-25-02-101-046) and 1301 W. Fourteen Mile Road (tax parcel # 44-25-02-101-045) 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 items can be viewed online at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center after 4:00 p.m. on the 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.

CITY CLERK'S OFFICE  
(248) 583-0826



# City of Madison Heights Sign Application



53 E 10 Mile Rd,  
Madison Heights, MI

Item 4.

Parcel Number:  
44-25-24-355-030

Owner:  
TIM MCGINNIS

Zoned: M-1 LT

Proposed Sign will be:

- ☐ On the south side of I-696 east of John R Rd.
- ☐ 2-sided Static, 14' x 48' surface area per side = 672 square feet
- ☐ Front Flag, 60' tall



The sign will be built with a zero rear yard setback and will be 10' from side yard to the east and 10' from the building to the west and 10' from the structure to the south

Item 4.







CITY OF MADISON HEIGHTS  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
300 W. 13 MILE ROAD, MADISON HEIGHTS, MI 48071  
(248) 583-0831

Item 4.

**FOR OFFICE USE ONLY**

PERMIT #: \_\_\_\_\_  
DATE ISSUED: \_\_\_\_\_  
BY: \_\_\_\_\_

**PERMANENT SIGN PERMIT APPLICATION**

JOB ADDRESS: 53 E 10 Mile Rd, Madison Heights, MI

OWNER'S NAME: Tim McGinnis PHONE: 586-524-2646 FAX: \_\_\_\_\_

OWNER'S ADDRESS: 45 E 10 Mile Rd CITY: Madison Heights ZIP: 48071

APPLICANT: International Outdoor, Inc. PHONE: 248-489-8989 FAX: 248-489-8990

APPLICANT'S ADDRESS: 28423 Orchard Lake Rd, Ste 200 CITY: Farmington Hills ZIP: 48334

Check here to receive Notices of Repair by facsimile or e-mail . E-mail address: h@IOBillboard.com

**FEES:**

GrogM@IOBillboard.com

No of Signs	Type of Sign	Fee	Cost ( No x Fee)
<b>REQUIRED</b>	Administrative Fee	\$30.00	\$30.00
	New Permanent Signs:		
	Ground Sign to 60 Sq. Ft.	\$200.00	X
	Wall Sign up to 100 Sq. Ft.	\$200.00	
	Wall Sign over 100 Sq. Ft.	\$280.00	
	Refacing:		
	Ground Sign up to 60 Sq.Ft.	\$185.00	
	Ground Sign over 100 Sq. Ft.	\$265.00	
	Wall Sign up to 100 Sq. Ft.	\$185.00	
	Wall Sign over 100 Sq. Ft.	\$265.00	
	Other		
	<b>TOTAL FEES:</b>		<u>230.00</u>

**FOR OFFICE USE ONLY**

**FEES PAID**

Permit: \_\_\_\_\_

Registration: \_\_\_\_\_

Investigative Fee: \_\_\_\_\_

Other: \_\_\_\_\_

**TOTAL:** \_\_\_\_\_

Code Official Approval: \_\_\_\_\_

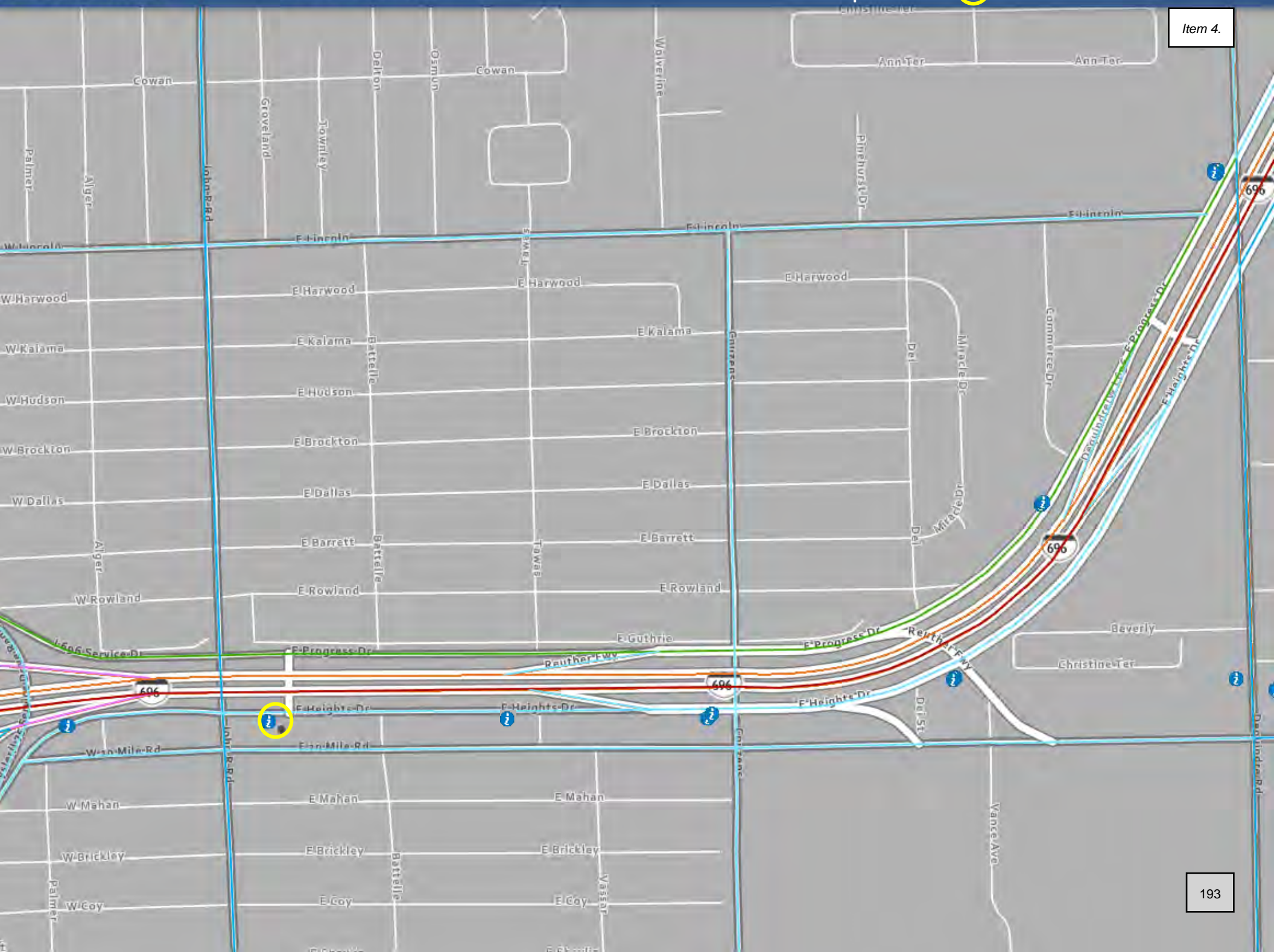
Date approved for issue: \_\_\_\_\_

**PLANS:** **TWO COPIES** of a plan showing the overall length, width and thickness of the sign, and the complete message, as well as the dimensions of the lot and/or front of the building must be attached. In addition a plot plan is required for all ground signs and shall be fully dimensioned and show the location of the sign, all site improvements, the height of the sign above grade and above the adjacent roadway, and the uses on adjacent properties.

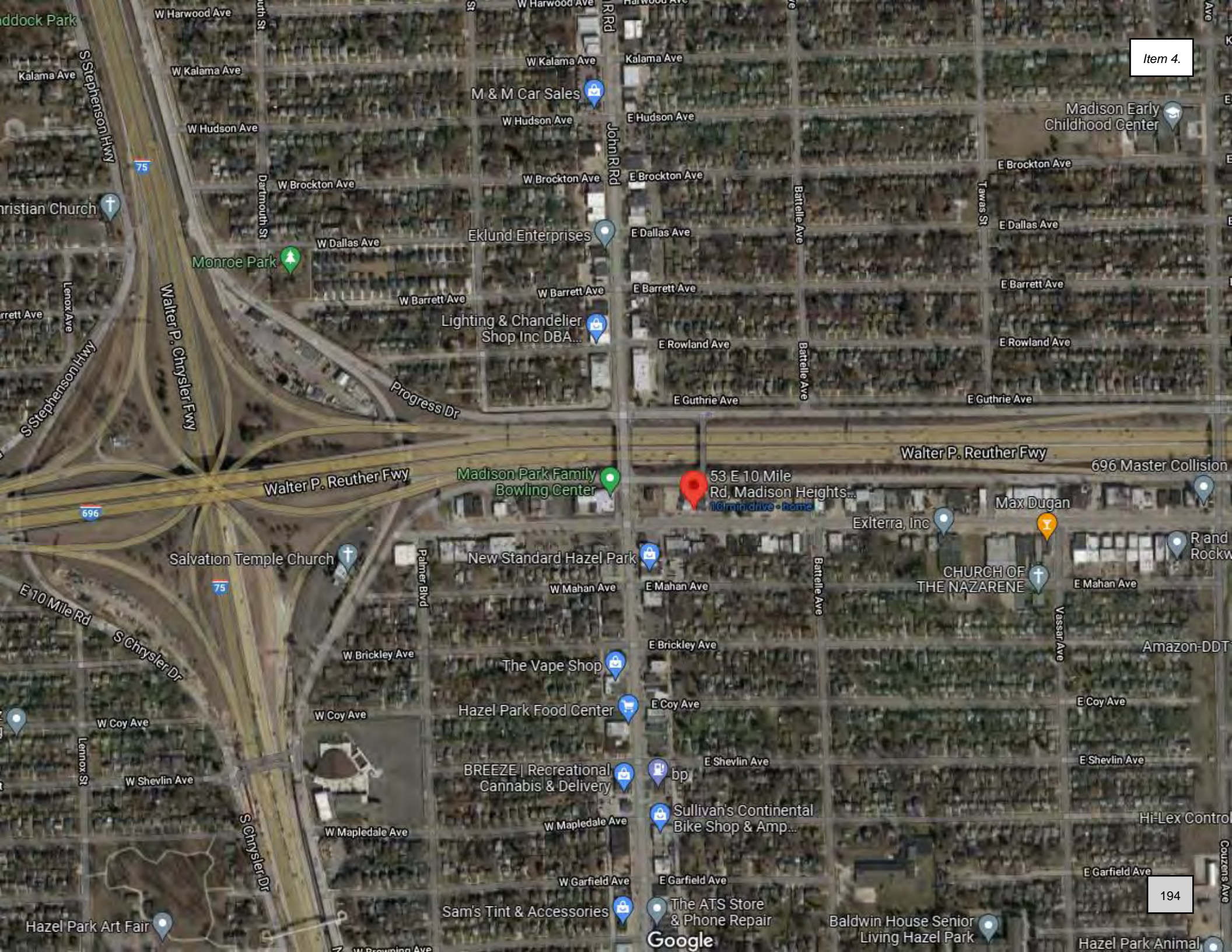
**HAVE PLANS BEEN SUBMITTED WITH THIS APPLICATION?** ☒ **YES** ☐ **NO**

I HAVE READ AND UNDERSTAND THE ABOVE PROVISIONS:

Timothy Q. McLean 12-3-22 0-650-488-982-559 07-15-62  
APPLICANT'S SIGNATURE DATE DRIVER'S LICENSE NUMBER DATE OF BIRTH  
Timothy Q. McLean 12-3-22



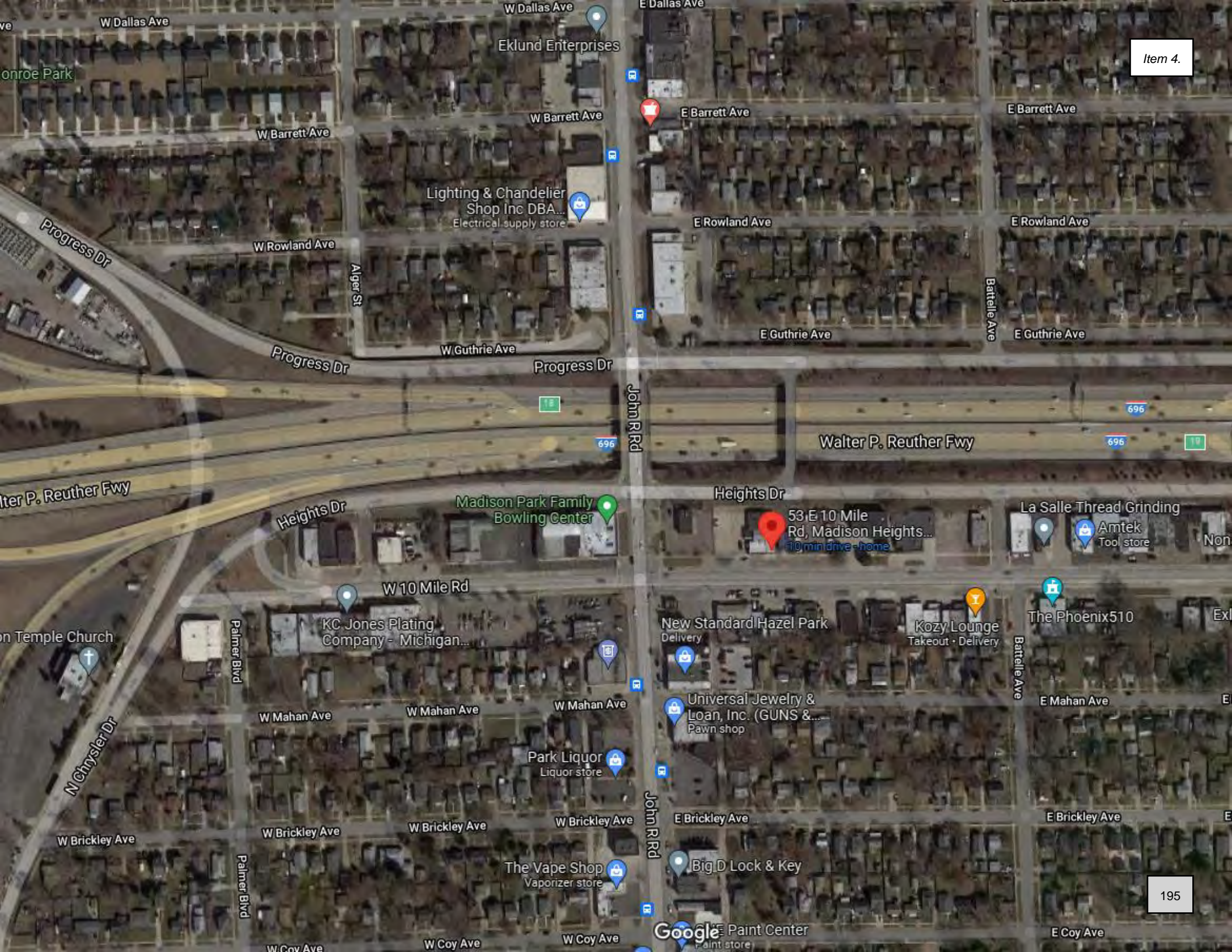




Item 4.

194





Item 4.







Buildings, Safety Engineering & Environmental Department  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 402, Detroit, MI 48226  
(313) 224-3168

**Issued to: : VISION PROPERTIES OF MICHIGAN INC**  
28423 ORCHARD LAKE RD. STE 200  
FARMINGTON HILLS MI, 48334


**Sign Erectors License**

**License Number: LIC2001-01483**

**Date Issued: 1/5/2023**

**Expiration Date: 12/31/2023**

**Fee Amount: \$143.00**

 <p><small>Buildings, Safety Engineering &amp; Environmental Department Coleman A. Young Municipal Center 2 Woodward Avenue, Suite 402, Detroit, MI 48226 (313) 224-3168</small></p>	<b>\$143.00</b>
<b>Sign Erectors License</b>	<b>LIC2001-01483</b>
<p><i>This is to certify that <u>VISION PROPERTIES OF MICHIGAN INC</u> is qualified to perform the functions of the licensee(s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.</i></p>	
<b>No Results</b>	
<b>Expires: 12/31/2023</b>	<b>David Bell,</b> Director

 <p><small>Buildings, Safety Engineering &amp; Environmental Department Coleman A. Young Municipal Center 2 Woodward Avenue, Suite 402, Detroit, MI 48226 (313) 224-3168</small></p>	<b>Fee Amount: \$143.00</b>
<p><i>This is to certify that <u>VISION PROPERTIES OF MICHIGAN INC</u> is qualified to perform the functions of the license (s) listed above, and is duly licensed as indicated hereon in accordance with the applicable city ordinances.</i></p>	
<b>Sign Erectors License</b>	<b>License Number: LIC2001-01483</b>
<b>Issued: 1/5/2023</b>	<b>Expires: 12/31/2023</b>
<b>28423 ORCHARD LAKE RD. STE 200</b>	
<b>FARMINGTON HILLS MI, 48334</b>	<b>David Bell, Director</b>
<b>No Results</b>	
<p><i>License may be revoked upon violation of any provisions of the ordinance or other rules and regulations covering this particular activity.</i></p>	



## UNIFORM SURETY BOND

24829685  
(SURETY BOND NUMBER)

NOTE: Unless Instructions on the attached sheet are followed, this bond will be invalid.

KNOWN ALL MEN BY THESE PRESENTS, THAT (1)  
Vision Properties of Michigan, Inc.

as principal.

Business Address (2) 28423 Orchard Lake Road, Ste. 200, Farmington Hills, MI 48334

and (3) WESTERN SURETY COMPANY

as surety

are held and firmly bound unto the City of Detroit, County of Wayne, State of Michigan, in the penal sum of

(4) Five Thousand and 00/100

\$5,000.00

Dollars,

lawful money of the United States of America, to be paid to the City of Detroit, or to its certain Attorney, to which payment well and truly to be made, we and each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally, and every one of them firmly by these presents.

In consideration of this surety, the principal may perform the lawful services by permit or license that are inherent in the occupation of (5) Erector of Signs

provided that the principal meets all of the requirements as stated in said resolution or code of the City of Detroit Ordinances, or Building Codes (6) CHAPTER 8, 2019 DETROIT CITY CODE

as well as any other conditions that may be required under any present or future ordinances or codes that may be enacted by the City of Detroit.

NOW, THEREFORE, The condition of this obligation is such that the said principal shall save harmless and indemnify the City of Detroit from all claims, damages, expenses, suits and proceedings of every kind and nature which may arise by reason of the issuance of said permit and/or license, and shall observe the faithful performance of the terms of said ordinance, code, or permit, then this obligation to be null and void, otherwise to remain in full force and effect. Coverage hereunder shall be for the term starting as of (7)

December 31st

2021

, and expiring on (8) December 31st

2022

(SEE INSTRUCTIONS)

Signed, sealed and dated this (8a) 13th day of January 2022

Sealed and delivered in presence of:

WITNESS TO PRINCIPAL

(12)

Stephanie Kunst

(Signature of Witness)

(13)

Stephanie Kunst

(Print or type name of Witness)

(14)

24030 Middlebelt Rd. Farmington Hills, MI

(Address of Witness)

(9)

Latif Z. Oram

(Signature of Principal) (Seal, if a Corporation)

(10)

Latif Z. Oram

(Print or type name of Principal)

(11)

President

(Print or type title of Principal)

WITNESS TO SURETY

(18)

C. Langdon

(Signature of Witness)

(19)

C. Langdon

(Print or type name of Witness)

(20)

Sioux Falls, South Dakota

(Address of Witness)

(15)

WESTERN SURETY COMPANY

(Name of Surety Company)

(16)

Chris

(Signature of Attorney-in-Fact)

(17)

M. Bondi, Asst. Sec.

(Print or type name of Attorney-in-Fact)

APPROVED AS TO FORM AND EXECUTION

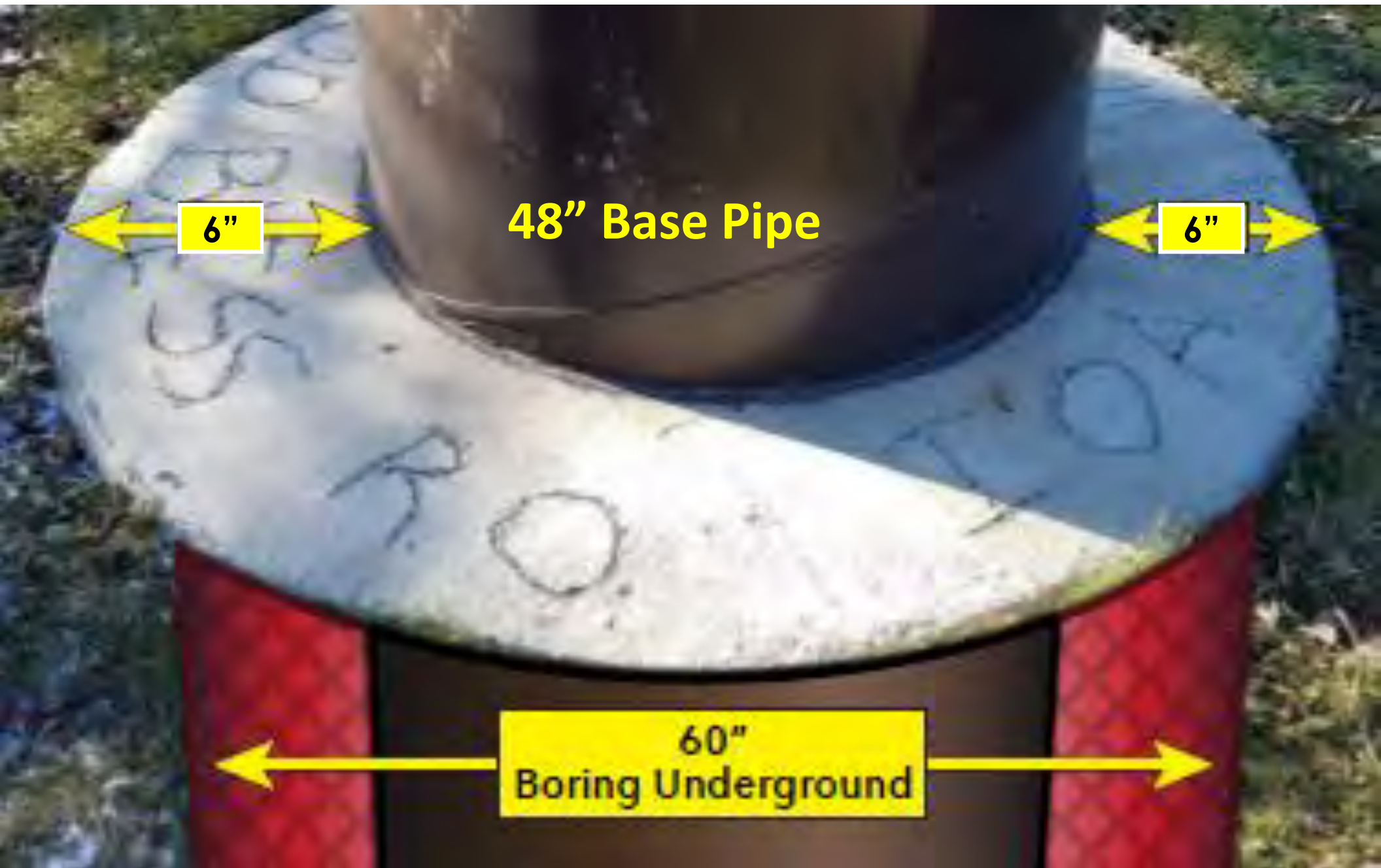
Date 01/18/2022

Reg. No. B97305

Jonathan Demers  
Assistant Corporation Counsel













# City of Madison Heights

## ZBA Application



53 E 10 Mile Rd,  
Madison Heights, MI

Item 4.

Parcel Number:  
44-25-24-355-030

Owner:  
TIM MCGINNIS

Zoned: M-1 LT

- ☐ Requesting dimensional variances of 1,500 feet from the nearest billboard to the west.
- ☐ Requesting dimensional variances to allow a billboard on a parcel with an existing principal use.
- ☐ Requesting dimensional variance to allow a billboard less than 100 feet from a building.



## CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

Date Filed:

Item 4.

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: International Outdoor, Inc.  
Address: 28423 Orchard Lake Rd, Ste 200  
City: Farmington Hills State: MI Zip: 48334  
Telephone: 248-489-8989 Fax: 248-489-8990  
Email: gregm@IObillboard.com
2. **Petitioner's Interest in Property:** Lease
3. **Property Owner:** (Attach list if more than one owner)  
Name: Tim McGinnis  
Address (Street): 45 E 10 Mile Rd  
City: Madison Heights State: MI Zip: 48071  
Telephone: 586-524-2646  
Email: mcginnisconstruct@yahoo.com
4. **Property Description:** Address: 53 E 10 Mile Rd  
Tax Parcel #: 44 - 25 - 24 - 355 - 030  
Legal Description - Attach if metes and bounds description.  
If in a subdivision: Lot #: \_\_\_\_\_  
Subdivision name: John R Park  
Lot size: 0.32 acres  
Size of proposed building or addition: \_\_\_\_\_
5. **Present Zoning of Property:** M-1 **Present Use:** Contractors Yard
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 ☒ alter ☐ convert ☐ or use ☐ a  
14' x 48', 60' High, 2-sided Static billboard

Contrary to the requirements of Section § 10.511.IV.E.1 of the Zoning Ordinance  
§ 10.511.IV.E.2 of the Zoning Ordinance  
§ 10.511.IV.E.7 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:**

Signature

*Timothy J McGinnis*

Printed Name

*TIMOTHY J MCGINNIS*

Date

*2-9-23***FOR THE APPLICANT IF NOT THE OWNER:**

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

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. 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: \_\_\_\_\_

DENIED: \_\_\_\_\_

FEE: \$ \_\_\_\_\_

PAID: \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_





# Make a positive impact

# BUY LOCAL

Item 4.

If everyone bought **Michigan** products and services, there would be **more** jobs, **more** businesses, **more** people living here, and a **better** quality of life.



## We are proud to be...

- A Michigan Company, Locally Owned and Operated.
- Certified as a Women's Business Enterprise (WBE)
- Certified as a Detroit-Based Business (DBB)
- Certified as a Wayne County Based Business (WCBB)



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS SPONSORSHIP BREAKDOWN

2021-2022

Item 4.

- \$1,000 Youth Basketball: January- March logo is hung on a banner displayed at John Page Middle School Gym. Name is on the back of 60 jerseys.
- \$500 Coffee Concerts: Presents sponsor of the coffee concert series. A thank you banner will be displayed at the Active Adult Center for February and will be behind the performer for the four concerts.
- \$700 5K April: Logo is on the shirt of every running participant. Opportunity to come to the race and hand out information about your company while talking to residents.
- \$1,000 Girls Softball May-July: Logo on the back of 35 girl's softball jerseys.
- \$500 Youth T-Ball June-July: Logo on the back of 45 T-ball jerseys.
- \$1,050 Summer Camp: June-August Logo on the back of 400 t-shirts that are worn throughout the week and on every field trip around the Metro-Detroit area.
- \$1,000 Golf Outing July 30th: Cart Sponsor and Water Bottle Sponsor. Logo on every water bottle in golfers goodie bag. A special thank you on every cart in front of score card. 4 free golfers to event.
- \$1,000 Tree Lighting: Name and logo displayed on the center stage of the event. Reindeer Sponsor, name, and logo displayed next to our reindeer at the event.
- \$1,250 Active Adults Special Needs Luncheon
- \$2,000 Fitness Court - Logo will be an anti-graffiti laminate decal on the Fitness Court, Front wall full-color co-Recognition with Sponsors, included in NFC Local media press and promotions,



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989



# MADISON HEIGHTS SPONSORSHIPS

## 2021 - 2022

Item 4.



**INTERNATIONAL OUTDOOR** has partnered with Madison Heights to sponsor various events over the last year. We are proud to be able to give back to the community and look forward to doing so in the future.

Below is a list of these great events from the past year.

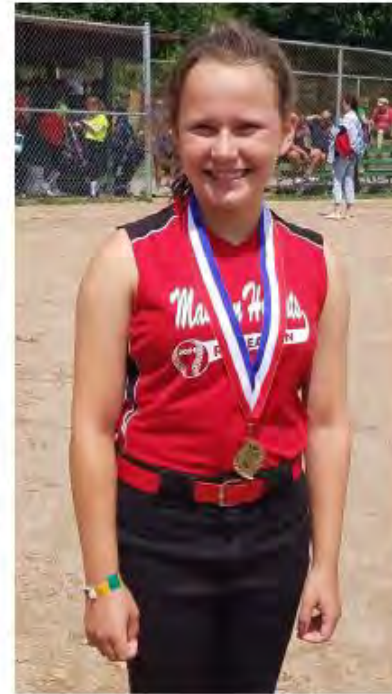
- **Youth Basketball**
- **Coffee Concerts**
- **April 5K**
- **Girls Softball**
- **Youth T-Ball**
- **Summer Camp**
- **Golf Outing**
- **Tree Lighting**
- **Active Adults Special Needs Luncheon**
- **Fitness Court**





# MADISON HEIGHTS: YOUTH T-BALL

Item 4.



**INTERNATIONAL OUTDOOR**

Main Office: 28423 Orchard Lake Rd. Suite 200, Farmington Hills, MI 48334

248.489.8989

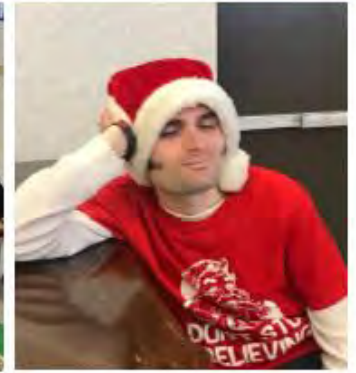
209



# MADISON HEIGHTS: ANNUAL SPECIAL NEEDS LUNCHEON

12 years +

Item 4.



12 years +



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# MADISON HEIGHTS: RUN FOR THE HEALTH OF IT

Item 4.



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#### In Memoriam

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Raymond B. Bauer, MD

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Mary Sue Lanigan

**Founding Chairman**  
Thomas A. Cracchiolo

May 25, 2018

Joe Cimino  
International Outdoor, Inc.  
28423 Orchard Lake Rd, Suite 200  
Farmington Hills, MI 48334

Dear Joe,

ON BEHALF OF THE MICHIGAN PARKINSON FOUNDATION, we thank you for supporting the 15<sup>th</sup> Annual "I Gave My Sale for Parkinson's" Metro Detroit Walk with your donation of Digital Billboards throughout the Metro Detroit Area. This event was held on Saturday, May 19, 2018 at Seaholm High School in Birmingham. We extend our sincere appreciation and gratitude for your support, and helping raise awareness about our event.

The event was absolutely amazing, despite a little rain in the morning. There were over 1,000 participants that attended in honor or memory of a loved one with Parkinson's disease. They walked along a route that was lined with 80 Hero Signs. Our goal for the Metro Detroit Walk was \$154,000. **As of today \$192,412 has been raised!**

Together, we are raising awareness of the daily struggles people diagnosed with Parkinson's disease are faced with, as well as their caregivers and family members.

The monies raised will help Michigan Parkinson Foundation continue our valuable programs and services to help countless individuals throughout ALL of Michigan, including:

**Living with Parkinson's 5-week Series** being conducted throughout Michigan (currently happening in Birmingham and Beaverton).

**Treating, Managing and Living with Parkinson's Disease Symposium** on June 8 in Troy. This one day event will offer 3 different tracks (one for health care professionals, one for people with Parkinson's disease and their families, and one for Young Onset Parkinson's disease).

**Annual Facilitator Training** for the dedicated Facilitators that tirelessly lead Michigan Parkinson Foundation's 71 Support Groups.

(continued)

*Dedicated to People Living with Parkinson's*

30400 Telegraph Road • Suite 150 • Bingham Farms, MI 48025  
248.433.1011 • Fax: 248.433.1150 • 800.852.9781 • [www.parkinsonsmi.org](http://www.parkinsonsmi.org)

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Thomas A. Cracchiolo

In addition, Michigan Parkinson Foundation also offers **PD Self Efficacy Program** for those newly diagnosed, **Care Partner Forums; Orientation to Parkinson's** 2-hour program for those newly diagnosed, **Financial Assistance for Respite Care Services** (both in home and at Day Care Centers), **Financial Assistance for Parkinson Medications** (\$500 per year per person), **Information and Referral Services** (including a toll-free help line, website, newsletter, educational brochures, referrals to neurologists and community resources).

Our motto is. EVERY PERSON WITH PD WILL HAVE COMPASSIONATE, COMPETENT CARE AND SUPPORT

Please visit our website at [www.parkinsonsmi.org](http://www.parkinsonsmi.org) to view photos (which we hope to have posted by the end of June) and more information about this event, as well as other information concerning Parkinson's disease. We have two additional Walk Events this year: September 15 in East Lansing, and September 22 at Binder Park Zoo in Battle Creek.

Again, thank you for your continued support and we look forward to seeing you in 2019, if not at one of our other events still to come in 2018.

Most sincerely,

Mary Sue Lanigan  
Chief Executive Officer

Diane Kraft  
Program Manager





innovative by nature

Bryan K. Barnett  
Mayor

November 1, 2021

City Council

Charter Township of Plymouth  
Planning Commission

Stephanie Morita  
District 1

9955 N. Haggerty Rd.  
Plymouth, MI 48170

David J. Blair  
District 2

RE: Letter of Support for International Outdoor

Susan M. Bowyer, Ph.D.  
District 2

To Whom It May Concern:

Ryan J. Deel  
District 4

In the Spring of 2019, the City of Rochester Hills and International Outdoor, Inc. agreed on the placement of two digital display signs with four digital faces (two on each sign structure) along M-59 East and West of Crooks Road, about a half-mile apart from each other on the same side of the road. I believe this is very similar to International Outdoor's application with Plymouth Township. While there was some initial trepidation about approving digital signs along M-59 in our community, International Outdoor balanced those concerns with its local community focus and involvement, first-class operation, and customer service approach. Since the digital display signs have been built and in operation, our offices have received several compliments from the community and ZERO complaints.

Dale Hetrick  
At-Large

Theresa Mungoli  
At-Large

David Walker  
At-Large

Both sign locations are visible to commuters traveling along M-59 and local businesses dominate the advertising messaging on all the billboards. International Outdoor has been tremendous to work with, going above and beyond with respect to donating advertising space to the City for our own messaging, which we used for our Innovation Hills Park Playground, Summer of Fun, and Census Counts campaigns and for messages supporting our local school district. The digital signs were also made available to us to provide residents critical updates during the COVID-19 crisis.

The City and its constituents have benefitted from International Outdoor's presence, and I believe that any of International Outdoor's other municipal partner would confirm the same. I confidently recommend International Outdoor as a municipal partner for Plymouth Township and hope you consider their applications for digital signage. I welcome the opportunity to answer any questions or concerns the township may have. Please feel free to contact me at my office anytime (248-656-4664).

Sincerely,

Bryan K. Barnett, Mayor  
City of Rochester Hills

Co: Kurt Heise, Supervisor



## AHS News & Notes— continued

### THANK YOU CITY OF ROCHESTER HILLS



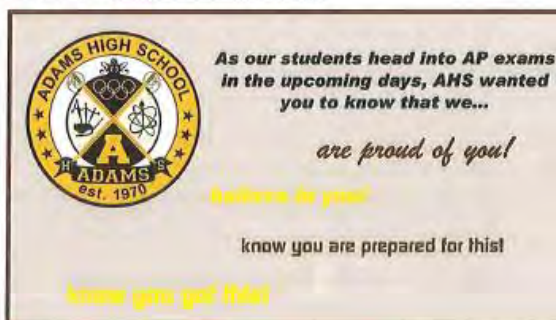
Thank you Mayor Barnett and the City of Rochester Hills for helping us celebrate our Rochester Community Schools Class of 2020 with these fabulous billboards. We appreciate you helping us make our seniors feel special during this time.

The billboards are visible to cars from M-59 in the Crooks Road area. If you would like to spend a little more time looking at the billboards, they are at the end of StarBatt closest to M-59.

### NEWS FROM THE COUNSELING DEPARTMENT

#### IMPORTANT AP TESTING INFORMATION

The RCS High School Counselors have developed an Advanced Placement Program information page to provide AP students and their families with resources, updates, important test day information and more (click [here](#) to access). Should you have further questions please reach out to Adams AP Coordinator Janice King at [JKing@Rochester.k12.mi.us](mailto:JKing@Rochester.k12.mi.us)





Name: Jerry Frederick  
 Company: City of Romulus BZA  
 Email Address: [jfrederick460@yahoo.com](mailto:jfrederick460@yahoo.com)  
 Phone Number: 7349421012

Best Time to Call: "Anytime"  
 Area of Interest: General

Message:

Hello, My name is Jerry Frederick and I serve on the City of Romulus BZA. Every once and while during the course of serving on the BZA and the Planning Commission I get the opportunity to interact with great people and companies.

Last night 3/3/2021 your company made a presentation to the BZA concerning new billboard construction and the need for waivers from local zoning requirements.

Your presentation and explanation of hardship were some of the best that I have had the pleasure of deciding on.

Professional does not even begin to describe how nice your company presented itself to the board.

When I heard your background and how community involved your company is at a personal level I felt that myself as a BZA member had an opportunity to with my decision enhance and improve my community's responsibilities to the traveling public and to my own home town's citizenry. The billboards that were formally at the I-275 / Pennsylvania location were actually eyesores and completely wrong in their presentation. It is my absolute pleasure to have decided favorably and in total agreement with your presentation.

There was even one local property owner that wanted to express concern via telephone during the meeting, over the northern location for Billboard (B) that had their concerns completely erased after hearing your presentation. That persons situation will actually improve due to International Outdoor's commitment to fair, honest concern in the way you conduct business and your concern for neighboring properties.

Thank you for being a member of our community and for the great job you do.

I did not have a chance to express my feelings concerning last night's meeting during the meeting itself.

Please have a nice night and good luck in your project(s).

Jerry Frederick  
 City of Romulus BZA



2800 Waukegan Street  
 Auburn Hills, MI 48326-3255  
 248-537-6100

Sharon Hyde, Principal  
 Jamie Brooks, Assistant Principal  
 Douglas Wilson, Assistant Principal

May 26, 2020

Dear Randy Oram,

I wanted to sincerely express my appreciation on the behalf of the entire Avondale School District for recognizing our Class of 2020 on the billboard at M-59 and Crooks Road.

As you know, we are making every effort to recognize and celebrate our Class of 2020 during Governor Whitmer's Executive Orders. We are extremely grateful for your support in recognizing our seniors.

Please know that I will be recognizing you in my weekly updates to our Avondale High School Community to recognize you for your generosity.

Educationally,

Sharon Hyde Ed.S  
 Principal  
 Avondale High School

# HISTORICAL CONTEXT OF APPLICANT'S VARIANCE REQUEST

- ❖ On April 7, 2016, the ZBA held a public hearing on Lamar Advertising's Application #16-01 seeking SIX **(6) variances** to a non-conforming billboard located at 1031 E. 10 Mile Rd. In its application, Lamar sought variances:
  - **(1)** to allow an existing non-conforming billboard be replaced by a new non-conforming billboard
  - **(2)** to allow an existing non-conforming billboard to be rebuilt after it's been removed
  - **(3)** to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure
  - **(4) to allow a billboard to be constructed within 2,500 feet of another billboard**
  - **(5) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted)*, and (6) to allow a billboard on the same parcel as a principal use.**
- ❖ With respect to the dimensional spacing variance request, Lamar sought a **1,209-foot variance**, which is a variance of almost 50% of the spacing requirement under the Ordinance. Additionally, the property's principal use was an existing car body shop and not the billboard as per the ordinance.
- ❖ Ultimately, the ZBA granted **ALL** but the 10-foot height variance request. (See *Appendix A* for an excerpt of the April 7, 2016 ZBA Meeting Minutes).
- ❖ In its application to the ZBA, International Outdoor is **ONLY** seeking comparatively minimal dimensional variances and permission to allow its proposed billboard on the same parcel as an existing principal use.



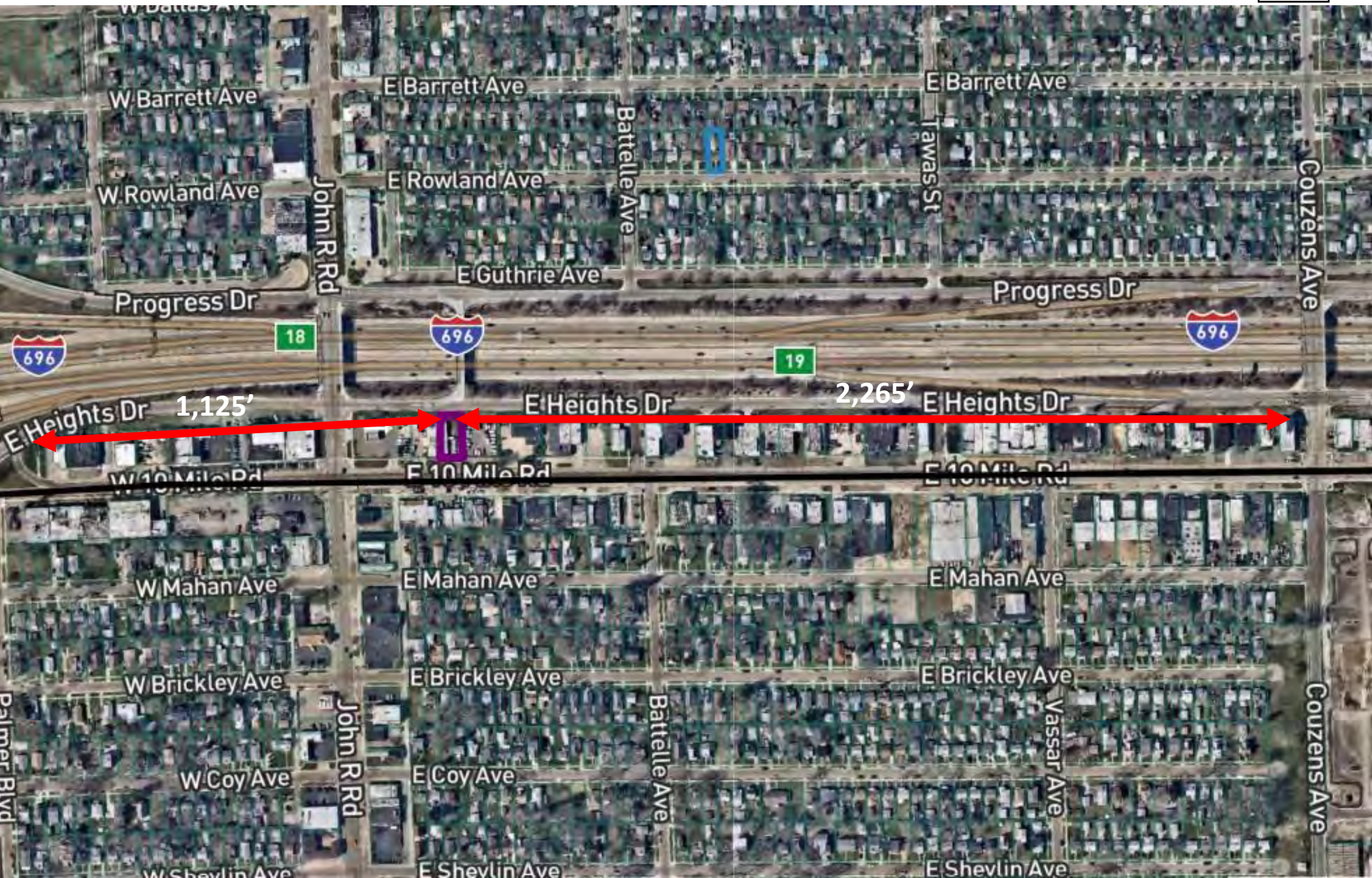
# VARIANCE REQUEST

The Michigan Department of Transportation has issued a state permit for the proposed sign at the proposed height, type, size and spacing between other billboards which is 1,000 feet between static billboards. The proposed sign will static and conform to the city's ordinance.

## RELIEF REQUEST:

- ❖ International Outdoor requests dimensional spacing variances to construct and operate an outdoor advertising sign at 53 E 10 Mile Rd. The proposed sign location will be less than twenty-five hundred (2,500) feet from another billboard **(1,125 feet from the nearest billboard to the west and 2,265 feet from the nearest billboard to the east)**. (see page 28)
- ❖ International Outdoor requests a variance to allow a billboard on the same parcel as a principal use.
- ❖ International Outdoor requests a variance to allow a billboard to be built in the "Second" frontage setback of a "double frontage" lot.
- ❖ International Outdoor requests a variance to allow a billboard less than 100 feet from a structure on the same parcel **(The structure is 23 feet away) (see page 34)**
- **There are eight (8) ordinance requirements and International Outdoor seeks a variance from 2.5.**







# SIGN ORDINANCE REGARDING BILLBOARDS:

## Section 10.511. Sign regulations-(IV) Regulations for Permitted Signs-(E) Billboards:

- ✓ Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts (Applicant shall meet this requirement) provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such parcel. **The applicant is requesting a variance from this ordinance requirement as such requirement was more extensive yet granted to Lamar previously (this would be a 77-foot variance from the structure) within one hundred feet requirement (see page 34-36 & 39) and a variance from the double frontage lot setback requirement determined to be 19.8 feet by city staff.**
- ✓ A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable. **Applicant shall meet this requirement.**
- ✓ The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel. **Applicant shall meet this requirement.**
- ✓ Billboards shall not exceed sixty (60) feet in height from the adjacent grade. **Applicant shall meet this requirement.**
- ✓ Billboards shall not be erected on the roof of any building. **Applicant shall meet this requirement.**
- ✓ 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 10.511(III)(A)(7). **Applicant shall meet this requirement.**

# VARIANCE REQUEST

## Applicant Seeks a Variance From:

- **Sec. 10.511(E)(1).** Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard. **We propose a billboard that will be 23 feet from a structure on the property. We also propose a billboard that will be within the “second” frontage road setback of a double frontage lot (see pages 28, 34-36 & 39).** In 2016, the Zoning Board of Appeals granted a variance permitting a billboard at 1031 E 10 Mile Rd not only less than 100 feet from a building but over the roof of a structure and within the setback (See page 45 & Appendix A).
- **Sec. 10.511(E)(2).** Billboards shall not be less than twenty-five hundred (2,500) feet apart. **We propose a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east.** (see pages 28). In 2016, the Zoning Board of Appeals granted a 1,209-foot variance at 1031 E 10 Mile Rd (an almost 50% variance from the spacing requirement) to one of Applicant’s competitors in Application #16-01 (See page 45 & Appendix A).
- **Sec. 10.511(E)(7).** Billboards are deemed to constitute a principal use of a lot. In 2016, the Zoning Board of Appeals granted this exact variance at 1031 E 10 Mile Rd to one of Applicant’s competitors in Application #16-01 (See page 45 & Appendix A).

**\*\*IMPORTANT NOTE:** Applicant IS NOT required to seek a *use variance* under an undue hardship standard. Meeting 5.5 of the 8 requirements under Sec. 10.511, Applicant only seeks two minor *dimensional spacing variances* under a practical difficulty standard.\*\*



# VALIDATION FOR SIGN VARIANCE

### The Following ZBA Questions Must be Answered Fully:

- ❖ **Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.**
  - a) Sec. 10.511(E)(1). Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within one hundred (100) feet of the billboard, and no other structure shall be placed on the parcel within one hundred (100) feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in Section 2 following. A billboard shall not be located within any required setback of such a parcel.
    - 1. The parcel abuts I-696 and is zoned M-1 (Light Industrial).
    - 2. **The billboard will be located within the “SECOND” Frontage road setback of a double frontage lot. Applicant seeks a 19.8-foot variance to permit the billboard with a zero setback (see page 34 - 36 & 39).**
    - 3. **Applicant seeks to place a billboard on a parcel within 23 feet from another structure on the parcel. A variance of 77 feet (see page 34).**
  - b) Sec. 10.511(E)(2). Billboards shall not be less than twenty-five hundred (2,500) feet apart.  
**Applicant seeks a variance to place a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east. (See page 28).**
  - c) Sec. 10.511(E)(7). Billboards are deemed to constitute a principal use of a lot.  
**Applicant seeks a variance to allow a billboard on a lot with an existing principal use.**



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
LANSING

PAUL C. AJEGBA  
DIRECTOR

January 10, 2023

Outdoor Media, LLC  
Attention: Greg Miller  
28423 Orchard Lake Road, Suite 200  
Farmington Hills, MI 48334

Permit Applications: 4191/4192  
EB I-696, 308 feet East of John R. Road, Oakland County  
Location Approval – Interim Permits 139 and 1061

Dear Greg Miller:

The Michigan Department of Transportation (MDOT) has reviewed your applications and completed a site inspection of the proposed location, pursuant to the Highway Advertising Act of 1972 (HAA), MCL 252.301, *et seq.* Your application to erect, use, and maintain a commercial sign adjacent to EB I-696 has been approved. (MCL 252.306 and 252.307a(4)).

You have one year from the date of MDOT's location approval (January 10, 2023) to construct your sign. Please inform me once construction is complete and provide pictures of the sign as proof. Pursuant to Section 252.307a(9), after construction of a sign structure under an interim permit is complete, the department shall issue an annual renewable permit.

If the sign is not erected within one year, the location approvals are deemed expired. Should you still wish to pursue constructing a sign after the location approvals expire, you must submit new applications, meeting all requirements at the time of application.

Should you have any questions, please contact me at 517-335-4402 or by email at [greenes2@michigan.gov](mailto:greenes2@michigan.gov).

Sincerely,

E-SIGNED by Scott Greene  
on 2023-01-10 13:18:21 EST

Scott Greene  
Utility Coordination, Permits & Agreements Section  
Development Services Division

Enclosures

MDOT APPROVAL



**HIGHWAY ADVERTISING ACT OF 1972 (EXCERPT)**  
**Act 106 of 1972**

Item 4.

**252.317 Distances between signs; sign utilizing digital billboard; distance from interchange, intersection, or rest area.**

Sec. 17. (1) Except as otherwise provided in subsections (10) and (11), along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected or maintained closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways, a sign structure shall not be erected or maintained closer than 500 feet to another sign structure.

(3) Except as otherwise provided in subsection (4), a sign utilizing a digital billboard permit shall not be closer than 1,750 feet to another sign utilizing a digital billboard permit on either side of the highway facing the same direction of oncoming traffic.

(4) Beginning on the effective date of the amendatory act that added this subsection and ending 1 year after the effective date of the amendatory act that added this subsection, for the first 8 nonstandard signs for which the owner applies for a digital billboard permit under section 6(6)(a) without having to surrender 3 interim permits as provided under section 6(6)(b), each sign shall not be closer than 1,000 feet to another sign using a digital billboard permit on either side of the highway facing the same direction of traffic. This subsection only applies to signs located in a county having a population of not less than 750,000.

(5) This section does not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time, provided that the building or other visual obstruction has not been created for the purpose of visually obstructing either of the signs at issue.

(6) Along interstate highways and freeways located outside of incorporated municipalities, a sign structure shall not be permitted adjacent to or within 500 feet of an interchange, an intersection at grade, or a safety roadside rest area. The 500 feet shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.

(7) Official signs as described in section 13(1)(a) and on-premises signs shall not be counted and measurements shall not be made from them for purposes of determining compliance with the spacing requirements in this section.

(8) Except as provided in subsection (3), the spacing requirements in this section apply separately to each side of the highway.

(9) The spacing requirements in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

(10) A sign that was erected in compliance with the spacing requirements of this section that were in effect at the time when the sign was erected, but that does not comply with the spacing requirements of this section after March 23, 1999, is not unlawful under section 22.

(11) Along an interstate highway that is designated by 1 letter and 3 numbers and located in a county with a population of less than 211,000 but more than 175,000, an existing sign structure that was erected prior to March 24, 2011 shall not be closer than 900 feet to another sign structure on the same side of the highway.

(12) Nothing in this section shall be construed to cause a sign that was legally erected prior to March 23, 1999 to be defined as a nonconforming sign.

**History:** 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, ILL. Mar. 23, 1999;—Am. 2006, Act 448, ILL. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009;—Am. 2011, Act 13, Imd. Eff. Mar. 24, 2011;—Am. 2014, Act 2, Imd. Eff. Jan. 30, 2014.



The sign will be built with a zero rear yard setback and will be 10' from the side yard to the east and 23' from the building to the west and 60' from the structure to the south

Item 4.





## STAFF FINDINGS:

### Regulations for Permitted Signs - Billboards:

- ✓ **Section 10.511(IV)(E)(1):** Billboards shall be permitted only on parcels abutting interstate highways or freeways in the 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 subsection (2) following. **A billboard shall not be located within any required setback of such parcel.**
- ✓ **Staff Finding:** The subject parcel is a double-frontage lot. Per Section 10.200(42), a double-frontage lot, “is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.”
- ✓ Note that the yard setback variance is not required for PZBA 23-03, 615 E Ten Mile Road, due to the following: Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. *However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” Staff notes ten (10) structures along Heights Street between Battelle Street and Tawas Street and calculates the average front yard setback from E. Heights Street to be zero (0) feet. The proposed zero-foot front yard setback satisfies Ordinance standards.*

## STAFF FINDINGS:

### Continued:

- ✓ Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” *Staff notes five (5) structures along Heights Street between John R. Road and Battelle Street and calculates the average front yard setback from E. Heights Street to be **19.8 feet**. With a zero-foot front yard setback, the proposed billboard fails to meet the minimum yard setback requirement.*



# ZBA APPLICATION

53 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

Item 4.

❖ **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.**

- a) **This site's unique location meets 5.5 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings.**
- b) The ordinance restricts property owners from utilizing their property "for highest and best use" practices over that which the State of Michigan imposes on others. The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. We propose a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east. (see page 28). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights unless you were fortunate enough to get chosen early on and or prior to the ordinance going into effect.
- c) Applicant's variance application is exceptionally narrow with only two and a half variances. International's request for a variance is a reasonable request that will not be a substantial detriment to the public or impair the purpose of the ordinance. The site is an industrial area surrounded by industrial zoned parcels. This would have no impact on neighbors.
- d) Applicant received approval from MDOT for a 2-sided static billboard at this location (See page 32). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. We have exceeded the state requirements (see page 33).
- e) There will be no substantial detriment to any neighboring property, The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.

# ZBA APPLICATION

53 E 10 MILE RD

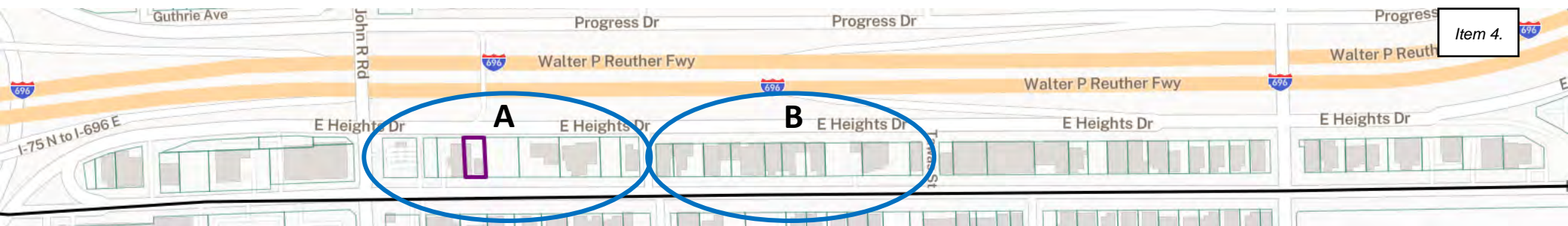
## VALIDATION FOR SIGN VARIANCE

Item 4.

### ❖ Continued.

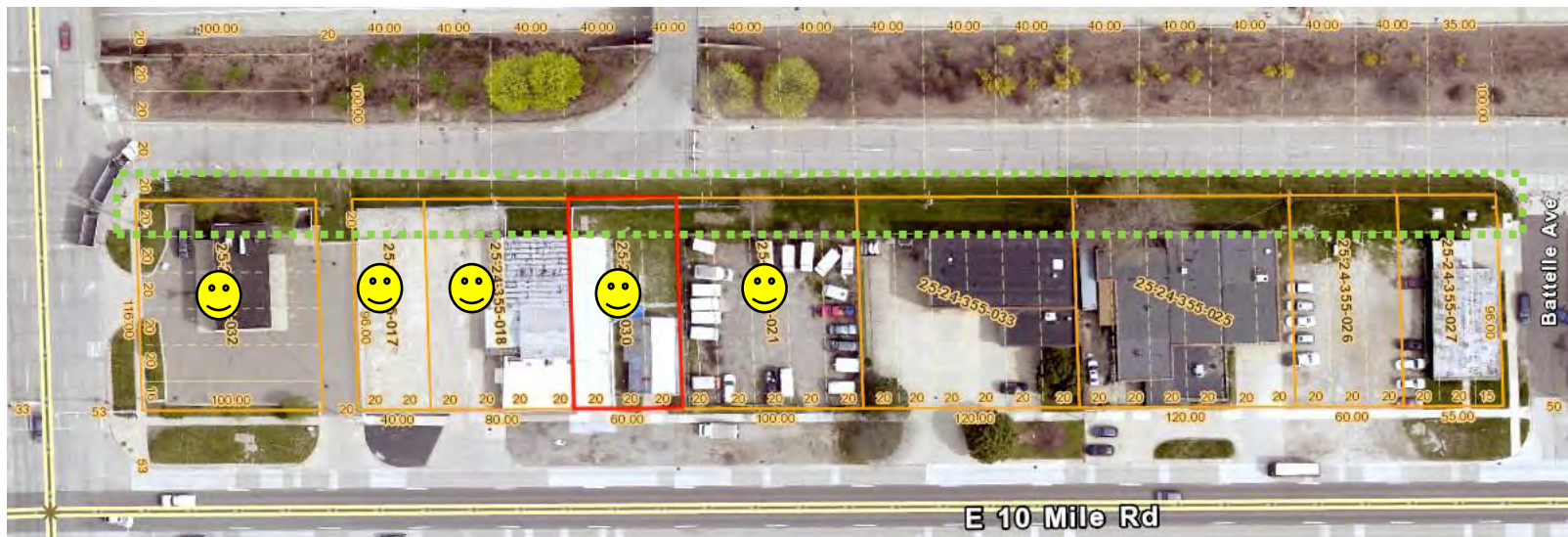
- f) Note that the yard setback variance is not required for the blocks to the east, due to the following: Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” Staff notes ten (10) structures along Heights Street between Battelle Street and Tawas Street and calculates the average front yard setback from E. Heights Street to be zero (0) feet. The proposed zero-foot front yard setback satisfies Ordinance standards. Thus: because the lots in the neighboring blocks were not platted as far back as those in the subject block, they don’t have to deal with this issue regardless of whether they improve the land outside their property line with curb cuts, parking, etc. (See page 39) All the structures in the block of John R Rd and Battelle Street are at the same distance from E. Heights Street as those on the blocks to the east. They have just been targeted by an unjust and unfair ordinance.





Item 4.

A



Note: the lots in the neighboring blocks don't go back as far as the subjects, but many of the property owners utilize that land. They have curb cuts, and improved parking fields.

B



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

a) **This site's unique location meets 5.5 of 8 billboard requirements; except spacing and principal use, making it exclusive and unique that does not apply to other lands, structures or buildings. This site meets:**

1. Billboards shall be permitted only on parcels abutting interstate highways or freeways in the M-1 and M-2 zoning districts.
2. A double face (back-to-back) or a V-type structure shall be considered a single billboard provided the two (2) faces are not separated by more than ten (10) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.
3. The total surface area, facing in the same direction, of any billboard, shall not exceed seven hundred (700) square feet and shall be contained on a single panel.
4. Billboards shall not exceed sixty (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 10.511(III)(A)(7).

b) The ordinance restricts property owners from utilizing their property "for highest and best use" practices over that which the State of Michigan imposes on others. The ordinance requires billboards shall not be less than twenty-five hundred (2,500) feet apart. Seven (7) of the thirteen (13) billboards in Madison Heights (more than half) do not meet this requirement (**see pages 50 - 65**). We propose a billboard that will be 1,125 feet from the nearest billboard to the west (a variance of 1,375 feet) and 2,265 feet (a variance of 235 feet) from the nearest billboard to the east. (see page 28). It is our belief that Madison Heights practice is excessive and literally creates a BAN on billboards in Madison Heights *unless you were fortunate enough to get chosen early on*. The current ordinance is unfair, unjust and prejudice to new applicant not chosen earlier.



# VALIDATION FOR SIGN VARIANCE

### ❖ Continued:

- c) Applicant received approval from MDOT for a 2-sided static billboard at this location (see page 32). State law mandates that a billboard sign located in a business or industrial area shall not be erected closer than 1,000 feet to another sign on the same side of the highway facing the same direction of traffic. Not all properties meet this requirement. We have exceeded the state requirements (see page 33).
- d) Many other owners of property zoned M-1 were allowed to erect billboards (with or without variances) even though they were all non-confirming to the ordinance. All thirteen (13) billboard in Madison Heights are non-confirming in one way or another. Denying the applicant would deprive them of rights given to others in M-1.
- e) Off-Premises Signs/Billboards are common on major thoroughfares. There are 10 **permitted** off premises in signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 50 - 65). All of these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
- f) Significantly larger variances were granted in the past to applicants in the same zoning district for billboards.
  - 1. The billboard located at 1300 Bellaire Avenue was built as a 2-sided static sign within 660 feet of another billboard, but despite being non-conforming with spacing requirements it was permitted to be upgraded and rebuilt to a 2-sided digital sign in 2014 (see page 43).
  - 2. The billboard located at 30550 Stephenson Hwy was built as a 2-sided static sign not as the principal use of the property and later upgraded to a 2-sided digital sign despite being a non-conforming use (see page 44).
  - 3. The billboard located at 1031 E 10 Mile Rd was built as a 2-sided static sign, not as the principal use of the property, and over a building, which was taken down in between Aug. 2015-2017. Then later a totally new structure was built to have 1 side upgraded to digital despite its being non-conforming in many ways (see page 45).

# ZBA APPLICATION

53 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

Item 4.

## ❖ Continued:

- g) Note that the yard setback variance is not required for the blocks to the east, due to the following: Per the Schedule of Regulations, Section 10.400 and 10.401, the minimum front yard setback for the M-1 district is 50 feet. However, footnote (e) states, “where the front yards of 50 percent or more of the principal structures in any block in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said structure.” Staff notes ten (10) structures along Heights Street between Battelle Street and Tawas Street and calculates the average front yard setback from E. Heights Street to be zero (0) feet. The proposed zero-foot front yard setback satisfies Ordinance standards. Thus: because the lots in the neighboring blocks were not platted as far back as those in the subject block, they don’t have to deal with this issue regardless of whether they improve the land outside their property line with curb cuts, parking, etc. (See page 39) All the structures in the block of John R Rd and Battelle Street are at the same distance from E. Heights Street as those on the blocks to the east. They have just been targeted by an unjust and unfair ordinance.



## 1300 Bellaire Ave

Item 4.



**Oct 2009**



**July 2011**

2013 this was a 2 – sided Static Sign and now a 2-sided Digital Sign. This sign has always been 660 feet from another billboard to the north. The structure was rebuilt to support the additional weight of the two digital billboards. Photos from Google Maps



# 30550 Stephenson Hwy

Item 4.

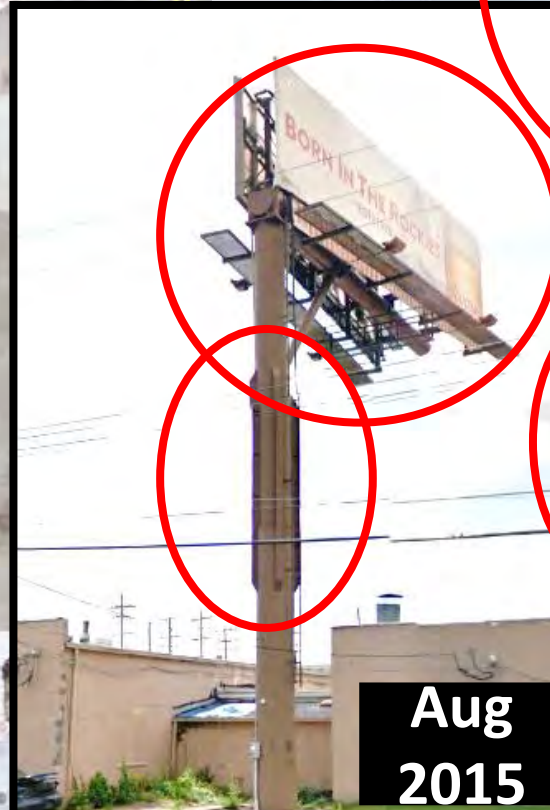


This billboard was built without the requirement that it be the principal use of the property. It was also upgraded to digital despite being a non-conforming billboard. The photos are from Google Maps (left) and Oakland County Parcel Map (right)



# 1031 E 10 Mile Rd

Item 4.



- ❖ This billboard was granted 5 of 6 variances requested: (i) to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after its been removed (iii) to allow a billboard on the same parcel as another (existing) structure within 100 feet of the other structure (iv) **to allow a billboard to be constructed within 2,500 feet of another billboard** (v) *to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted)*, and (vi) **to allow a billboard on the same parcel as a principle use.**

# ZBA APPLICATION

53 E 10 MILE RD

Item 4.

## VALIDATION FOR SIGN VARIANCE

### ❖ Did the special conditions and/or circumstances result from your actions?

- **NO.** The property has not been altered in any way. The property has existed, as is, for years. The property meets 5.5 of 8 billboard ordinance requirements and is also allowed under State law.

### ❖ 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?

- a) The variance in the spacing requirements is requested to allow this property to be used as others have enjoyed the use of their property for such purpose. We ask for equal treatment. **This will be the minimum variances needed and is much less than others granted by the ZBA or otherwise allowed.**

### ❖ Will granting the variance change the essential character of the area?

- a) No. Granting the variance will not change the essential character of the area. The property is industrial and along a major freeway (I-696) which meets the zoning requirements, with industrial property across the freeway from the site (see zoning map 49). The property meets 5.5 of 8 zoning requirements and a dimensional variance would be the least variance granted.
- b) Granting the variance will not affect any of the neighboring properties in anyway.
- c) The proposed sign is oriented towards the traveled roadway and visible primarily to traffic on I-696. In addition, the proposed sign is well buffered by the roadway and other commercial uses in the area.
- d) Billboards are common on major thoroughfares especially in the industrial zoning district. The section in which the billboard is proposed is primarily Industrial with all kinds of industrial uses from Cannabis to Automotive. A sign of this size will not impact the use of the property or properties around it and meets FIVE and a HALF of EIGHT requirements for a matter of right. The Variances requested are NOT a USE variance and only two slight dimensional variances that are within the spirit of the zoning ordinance.



# ZBA APPLICATION

## 53 E 10 MILE RD

# VALIDATION FOR SIGN VARIANCE

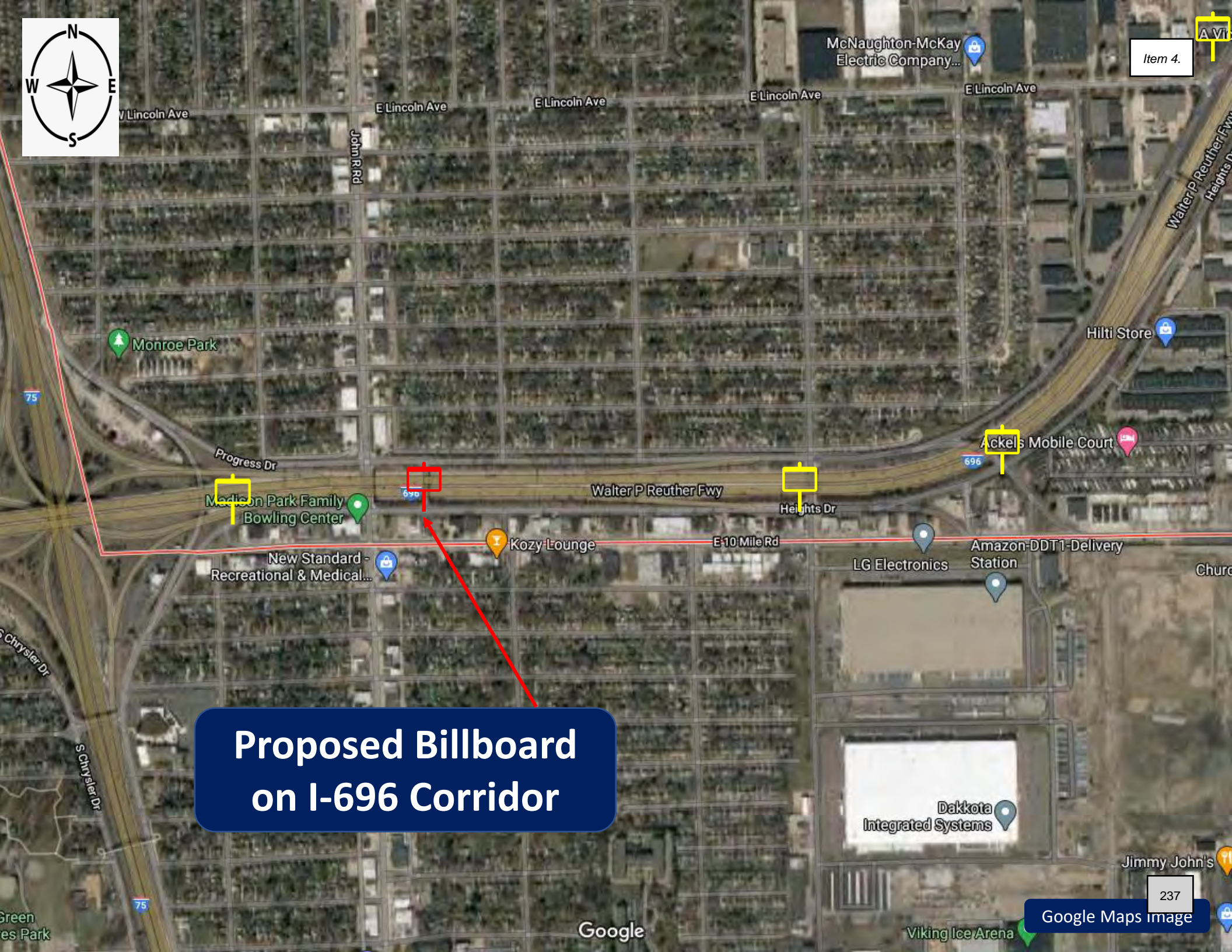
Item 4.

- e) Billboards compliment the area and provide an additional revenue source to the city via person property taxes.
- f) Off-Premises Signs/Billboards are common on major thoroughfares. There are 13 permitted off premises signs on I-75, Dequindre and I-696 in Madison Height according to MDOT (see pages 50 - 65). All these property owners enjoy the benefit of a billboard on their property. The applicant and property owner seek the same right.
- g) Static billboards have lights that shines on the surface of the board, not projecting out or down (See pages 66 and 67). These type of billboards will not harm or effect the neighbors or environment. The area has billboards presently. The addition of another will not impact the area



Item 4.

**Proposed Billboard  
on I-696 Corridor**





# Madison Heights Zoning

Item 4.

53 E 10 Mile Rd, Madison Height, MI

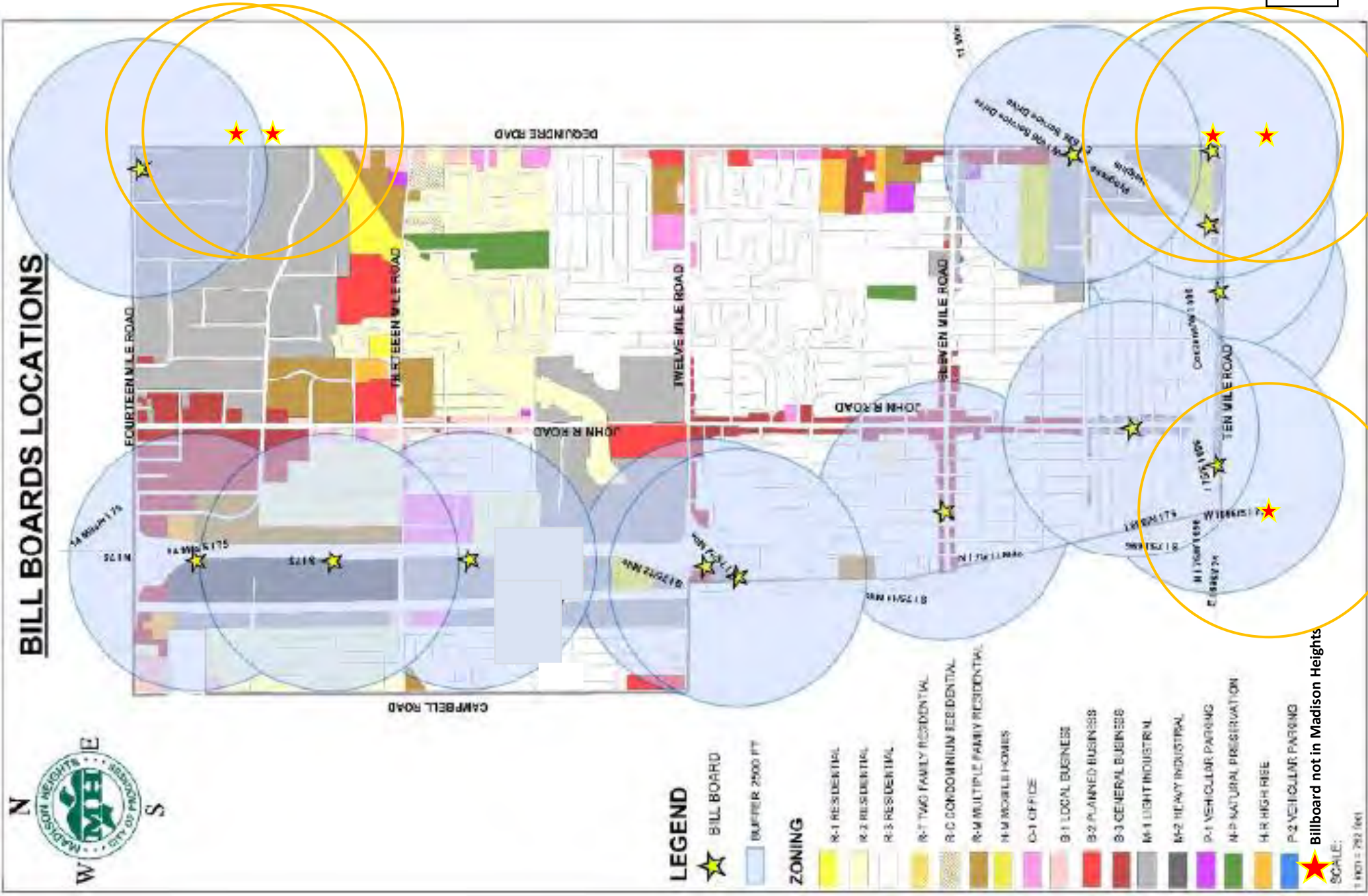
Parcel ID:  
44-25-24-355-030

Owner:  
Tim McGinnis

Zoned:

	O-1 OFFICE
	B-1 LOCAL BUSINESS
	B-2 PLANNED BUSINESS
	B-3 GENERAL BUSINESS
	M-1 LIGHT INDUSTRIAL
	M-2 HEAVY INDUSTRIAL
	P-1 VEHICULAR PARKING
	P-2 VEHICULAR PARKING
	H-R HIGH RISE
	N-P NATURAL PRESERVATION

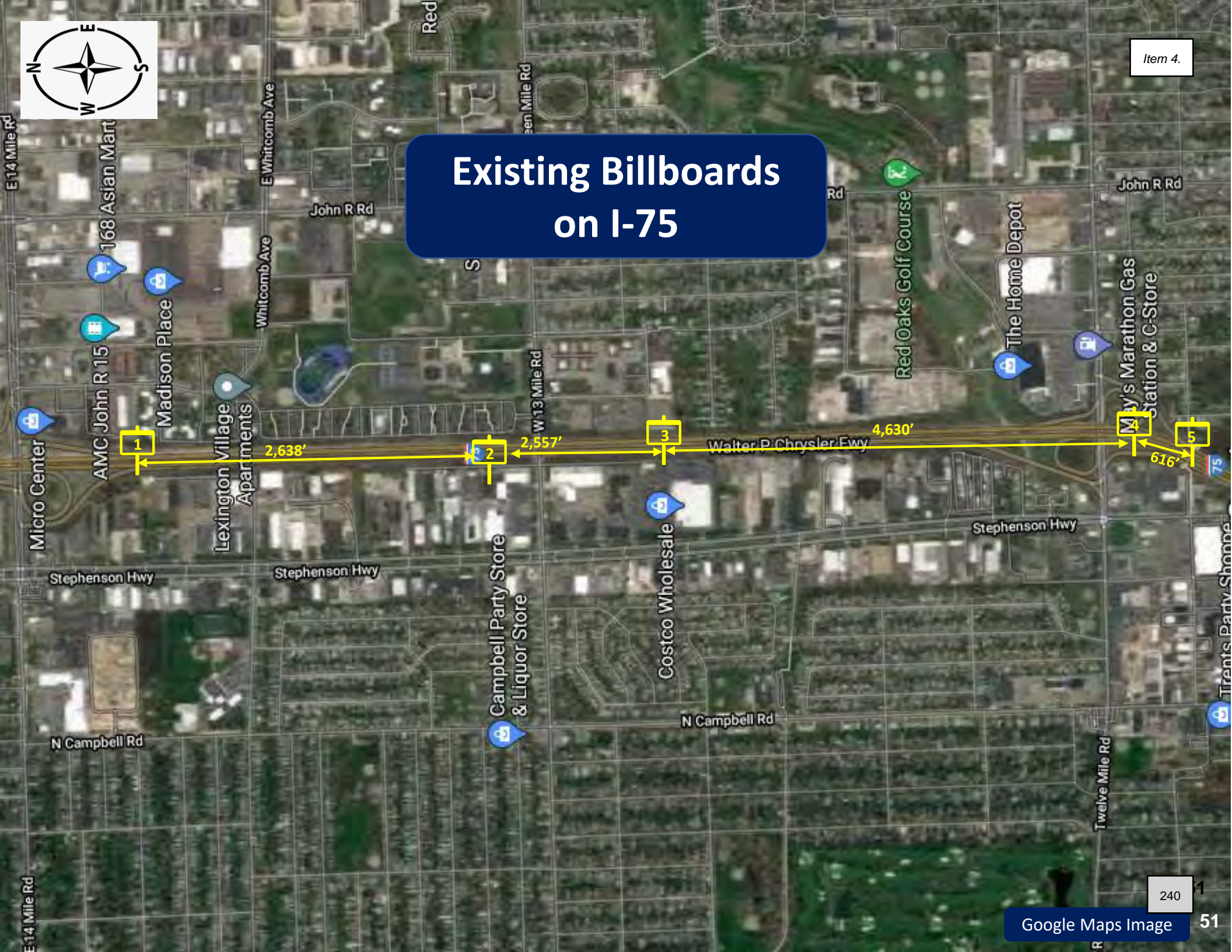








# Existing Billboards on I-75







## Existing Billboards on I-696

→ = 1,000 feet

3,405 feet

1,263 feet

2,970 feet

Item 4.

ASV

Walter P Reuther Fwy  
Heights Dr

Hilti Store

Acbel's Mobile Court

Walter P Reuther Fwy

Heights Dr

E 10 Mile Rd

Amazon-DDT1-Delivery  
Station

LG Electronics

Dakota  
Integrated Systems

Jimmy John's

Google Maps Image

241

52

Google

Viking Ice Arena

Monroe Park Family  
Bowling Center

New Standard -  
Recreational & Medical...

BREEZE |  
Recreational Cannabis

Monroe Park

McNaughton-McKay  
Electric Company...

E Lincoln Ave

E Lincoln Ave

E Lincoln Ave

E Lincoln Ave

Progress Dr

John R Rd

John R Rd

S Chrysler Dr

S Chrysler Dr

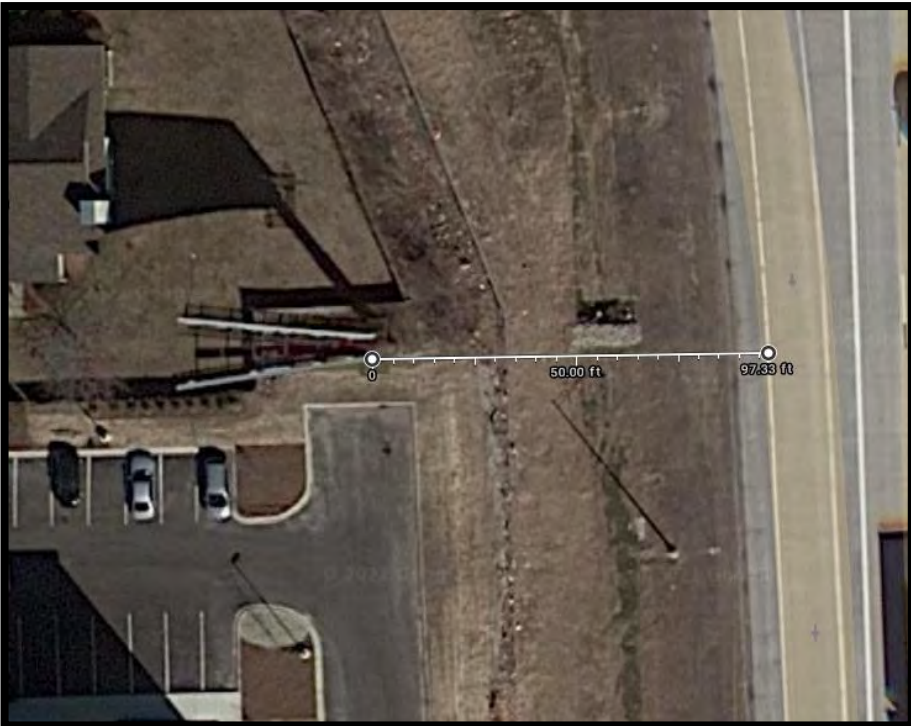
Green  
es Park





## Sign #1 - 32401 Mally Dr

- The west side of I-75 approx. 1,175 feet south of 14 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- Distance from Traveled Edge of Road: 97 feet
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google

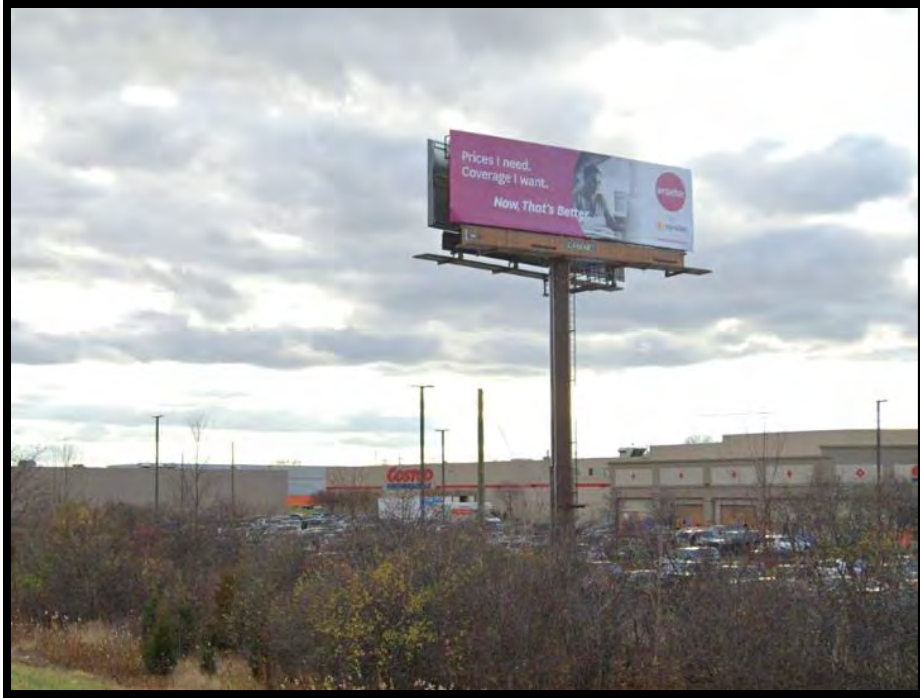




## Sign #2 - 31445 Mally Dr

- The west side of I-75 approx. 1,280 feet north of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- **Distance from Traveled Edge of Road: 135 feet**
- **Non-conforming – above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google





## Sign #3 - 30550 Stephenson Hwy

- The west side of I-75 approx. 1,250 feet south of 13 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 124 feet**
- **Non-conforming – not on a separate parcel, above height allowable, upgraded and rebuilt**
- All measurements are estimates from MDOT & Google



## Sign #4 - 1031 W 12 Mile Rd

- The west side of I-75 approx. 300 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- 2-sided Static
- 70' tall
- Owner: Lamar
- Distance from Traveled Edge of Road: 190 feet
- Non-conforming – 660 feet from another billboard. Built above the allowable height. Not on a separate lot and only 38 feet from a building. Rebuilt despite being non-conforming





## Sign #5 - 1300 Bellaire Ave

- The west side of I-75 approx. 925 feet south of 12 Mile Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 77 feet
- **Non-conforming – 660' from another sign and built above the allowable height. Rebuilt and converted to digital despite being non-conforming.**
- All measurements are estimates from MDOT & Google



## Sign #6 - 326 W 10 Mile Rd

- The south side of I-696 approx. 790 feet west of John R Rd
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: Outfront
- Distance from Traveled Edge of Road: 79 feet
- **Non-conforming - built above the height allowable. 1,770 feet from another billboard in the city. Upgraded and rebuilt digital despite being non-conforming. Only 860 feet from a billboard not in the city.**





## Sign #7 - 1031 E 10 Mile Rd

Item 4.

- The south side of I-696 approx. 74 feet west of Couzens Ave.
- 14' x 48' = 672 square feet
- **1-side Digital**, 1-side Static
- 70' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 150 feet**



- All measurements are estimates from MDOT & Google

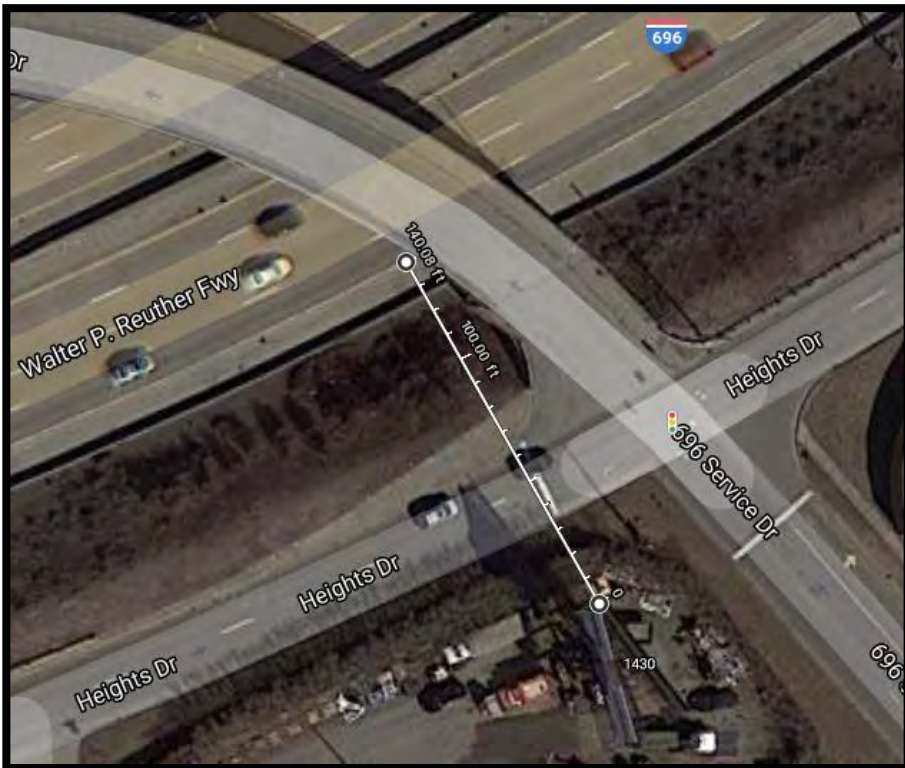
### ❖ This billboard is Non-conforming and was granted 5 of 6 variances requested:

- i. to allow an existing non-conforming billboard be replaced by a new non-conforming billboard rebuilt after it's been removed
- ii. to allow a billboard on the same parcel as another (existing) structure within 100 feet
- iii. to allow a billboard to be constructed within 2,500 feet of another billboard. 1,260 feet from a billboard to the east.
- iv. to allow the proposed billboard be at 70 feet high (10 feet higher than allowed per ordinance which was not granted), and
- v. to allow a billboard on the same parcel as a principal use.

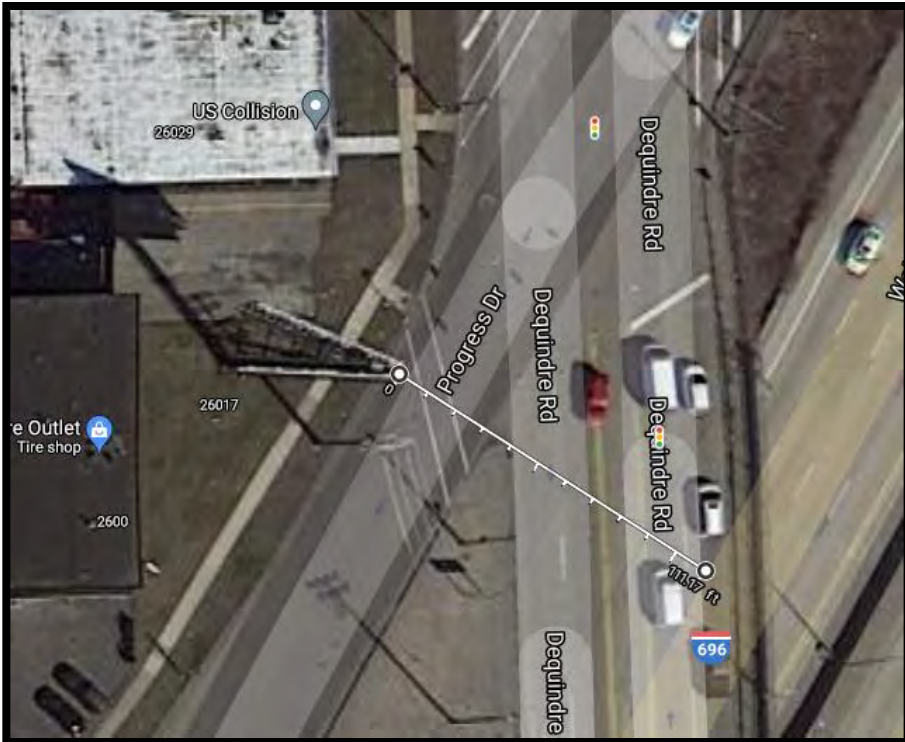


## Sign #8 - 1430 E Heights St

- The south side of I-696 approx. 50 feet east of I-696 Service Dr.
- 14' x 48' = 672 square feet
- 2-sided Static
- 60' tall
- Owner: Lamar
- **Distance from Traveled Edge of Road: 140 feet**
- **Non-conforming – only 1,260 feet from a billboard to the west and 1,410 feet from another billboard to the east in the city.**
- All measurements are estimates from MDOT & Google







## Sign #9 - 26017 Dequindre Rd

Item 4.

- The north side of I-696 approx. 1 foot west of Progressive Dr and 30 feet west of Dequindre.
- 14' x 48' = 672 square feet
- **2-sided Digital**
- 70' tall
- Owner: International Outdoor
- **Distance from Traveled Edge of Road: 150 feet**
- **Non-conforming – Built above the allowable height. Upgraded and rebuilt digital despite being non-conforming.** Only 2,032 feet from a billboard not in the city.



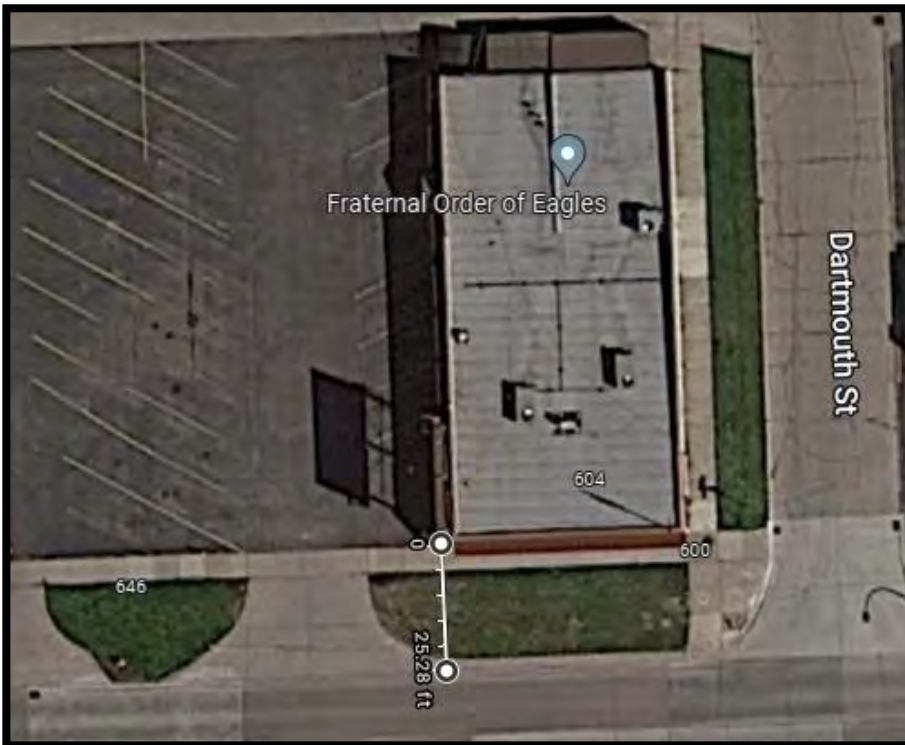
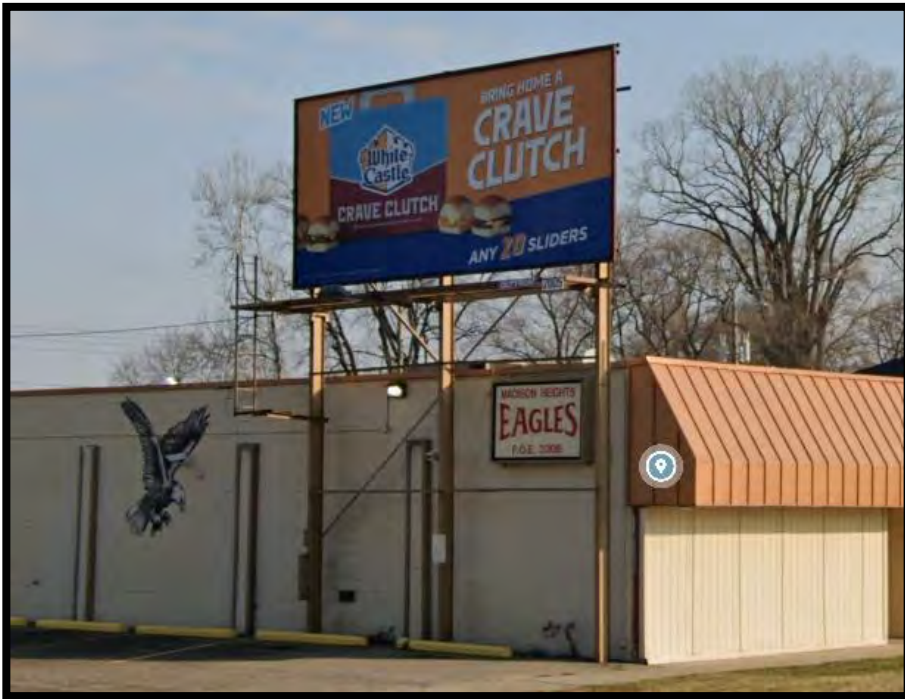
## Sign #10 - 1900 E 14 Mile Rd

- The south side of 14 Mile Rd approx. 390-foot west of Dequindre.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 90 feet**
- **Non-conforming - Not on a separate parcel and only 33 feet from a building. No MDOT Permit. Only 2,115 feet from a billboard outside city limits**



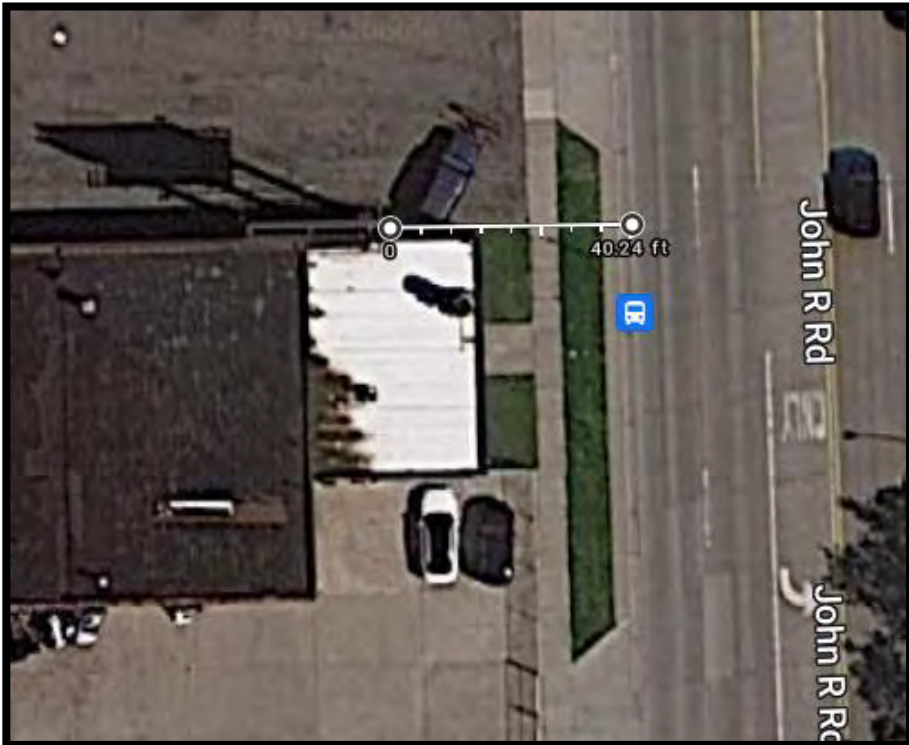
- All measurements are estimates from MDOT & Google





## Sign #11 – 604 W Eleven Mile Rd

- The south side of Eleven Mile Rd approx. 65-foot west of Dartmouth St.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 30' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 25 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. No MDOT Permit.**
- All measurements are estimates from MDOT & Google



## Sign #12 – 25601 John R Rd

- The west side of John R Rd approx. 98-feet south of W Hudson Ave.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 40 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,770 feet from another billboard in the city. No MDOT Permit.**
- All measurements are estimates from MDOT & Google

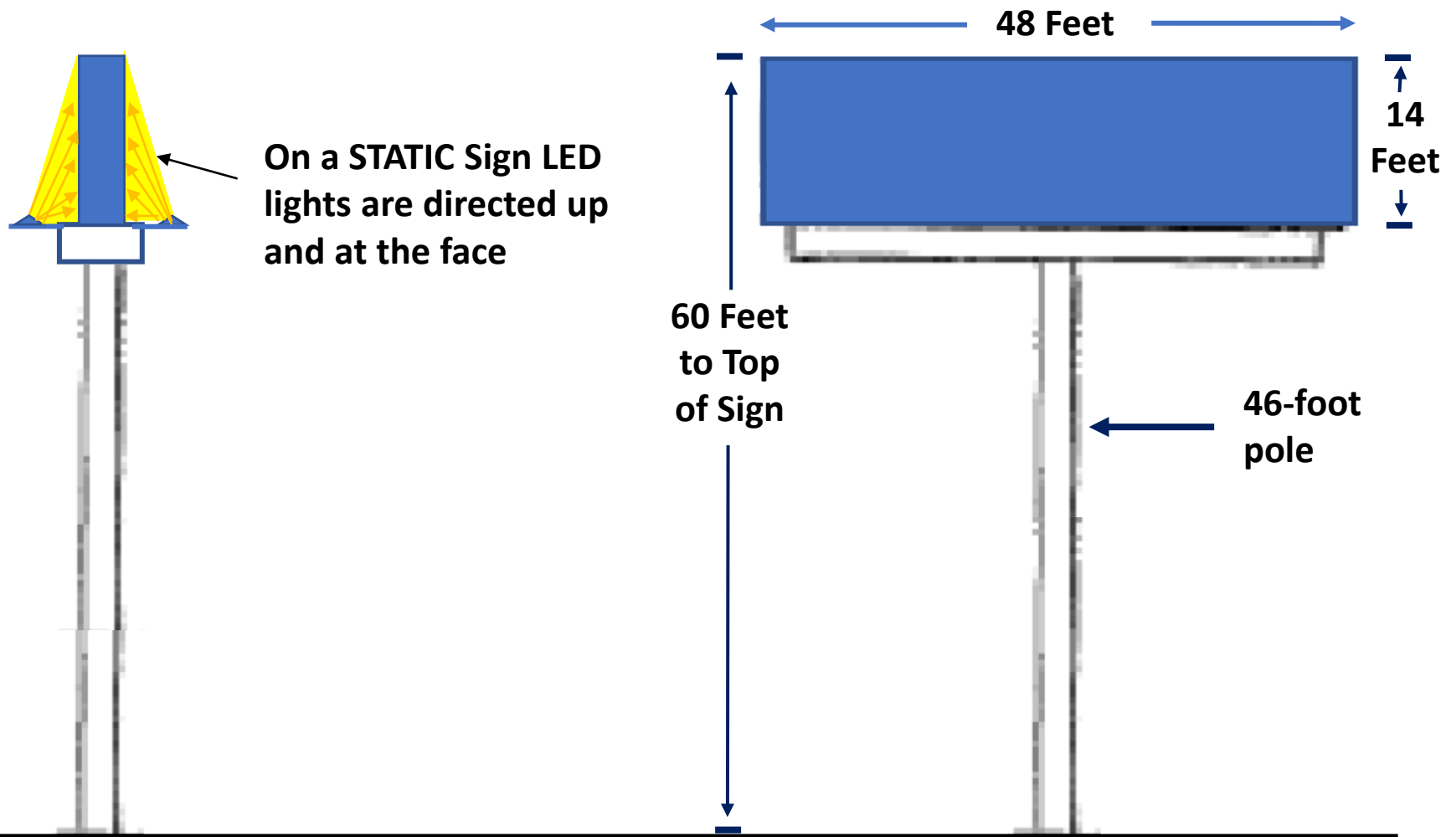




## Sign #13 – 25107 Dequindre Rd

- The west side of Dequindre Rd approx. 285-feet north of Eleven Mile Rd.
- 10' x 30' = 300 square feet
- **2-sided Static**
- 40' tall
- Owner: Outfront
- **Distance from Traveled Edge of Road: 55 feet**
- **Non-conforming - Not on a separate lot and 6 inches from a building. 1,410 feet from another billboard in the city. Only 220 feet from a billboard outside the city.**
- All measurements are estimates from MDOT & Google

**Lighting** is often a concern not always addressed. We want you to know that we will be using the most current LED lighting available for our Static sign face.



This industry-leading technology will light only the sign face and prevent light from projecting outside of the sign face.





Reliable Electric Products Co  
865-376-0226

**Designer**  
Brian Kline

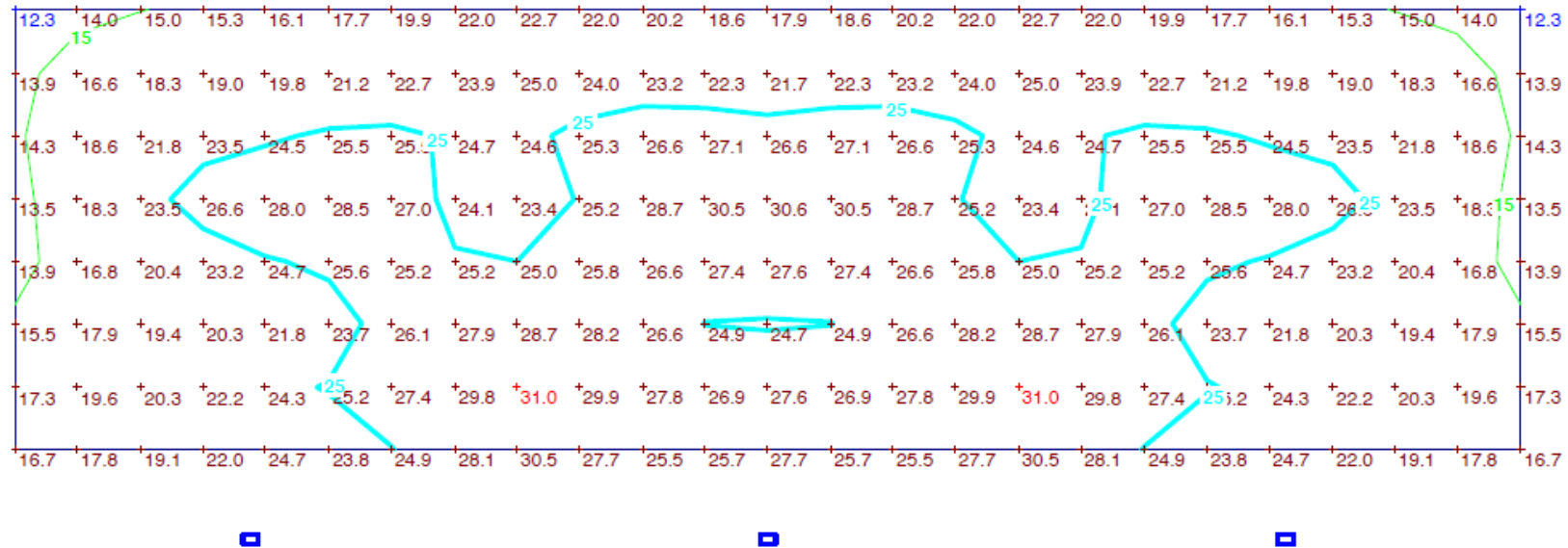
**Date**  
April 21 2017

**Scale**  
14 x 48

**Drawing No.**  
SVLED 2

1 of 1

International Outdoor  
Holophane Sign Vue 2 LED



### STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	23.0 fc	31.0 fc	12.3 fc	2.5:1	1.9:1

### LUMINAIRE LOCATIONS

No.	Label	X	Location Y	Z
1	A	7.5	-7.5	-3.0
2	A	24.0	-7.5	-3.0
3	A	40.5	-7.5	-3.0

# ZBA APPLICATION

## 53 E 10 MILE RD

Item 4.

# SUMMARY

Applicant believes the practical difficulties described in its application demonstrate that its request for variances are warranted and the ZBA should grant them in their entirety. The unique circumstances of the property have created a practical hardship that would prejudice Applicant if not granted.

### **The proposed billboard:**

- ✓ The billboard will be on a parcel abutting an interstate highway or freeway in an M-1 zoning district.
  - ✓ The V-type structure will have an interior angle which does not exceed twenty (20) degrees.
  - ✓ The total surface area, facing in the same direction, will not exceed seven hundred (700) square feet and shall be contained on a single panel.
  - ✓ The billboard will not exceed sixty (60) feet in height from the adjacent grade.
  - ✓ The billboard will not be erected on or over the roof of any building.
- 
- ❖ We have clearly explained the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
  - ❖ We have explained 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.
  - ❖ We have explained why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.



# ZBA APPLICATION

53 E 10 MILE RD

## SUMMARY CONTINUED

Item 4.

- ❖ The applicant acknowledges that no special conditions and/or circumstances resulted from actions of the applicant or property owner.
- ❖ Although the property is used in a manner permitted by the Ordinance it is not being given the same rights as others in the same zoning district. The variances requested are minimal.
- ❖ Granting the variance will not change the essential character of the area?

Applicant has established that it is entitled to preliminary and final site plan approval based on competent, factual, and expert engineering and planning testimony and exhibits for a double-sided digital billboard.

- The Applicant reserves the right to provide additional factual and legal arguments at its hearing.

There being no further nominations, the vote was called.

Yeas: Hohner, Kehoe, Kimble, Tecker, R. Corbett, Holder, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **16-08. Election of Vice-Chair.**

Vice Chairman Oglesby called for nominations for the position of the Vice Chairperson of the Board.

Motion by Ms. Kehoe, seconded by Councilman Corbett, to nominate Clifford Oglesby as the Vice Chairman of the board.

There being no further nominations, the vote was called.

Yeas: Kehoe, Kimble, Tecker, R. Corbett, Holder, Hohner, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **16-09. Variance of non-conforming billboard 1031 E. 10 Mile Road**

Application #16-01

Vice Chairman Oglesby opened the public hearing at 7:42 p.m. to hear comments, if any, on application #16-01.

The Petitioner, Joseph Shopshear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, and Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present. Mr. Behrendt stated the billboard was erected to be a digital sign face on one side and the second side is a vinyl static board. Lamar is requesting to replace the static vinyl side, to make it digital and in doing so, must replace the entire billboard structure. At this time they would like to update the static side to be digital along with additional safety requirements. Mr. Behrendt stated that digital billboards are what customers want. They also provide the opportunity to run public service announcements, AMBER alerts, weather warnings, as well as civic activities and local business activity announcements.

Gary Sayers, 945 E. 10 Mile Road, stated that he owns four buildings approximately 300 ft. from this billboard and he is opposed to granting any variances. He stated that he does not want a blinking sign near his



building. He also commented that he believes these billboards are distracting to drivers.

There being no further comments, the public hearing was closed 8:00 p.m.

Mr. Kimble commented that he was concerned with the brightness of the lights that come from the digital signs noting this can be very distracting while driving at night. He also expressed concern that granting these variances will set precedence for other billboard companies.

Ms. Holder asked for clarification regarding the request, stating that if the petitioner only changed the sign face, no variance would be required.

Mr. Schafer indicated that the petitioner can change the sign face of a non-conforming sign without having to request a variance; however, if the structure requires modification, then approval from the Zoning Board of Appeals would be required.

Mr. Shopshear, indicated that the current sign was built for the 2009 building codes; however in order to comply with the 2012 building codes a variance is required for safety reasons.

Councilman Corbett stated that any changes to the sign should be to reduce as much of the non-conformity as possible, including reducing the entire structure to the permitted 60' maximum height permitted.

Motion by Mr. Corbett, Seconded by Ms. Holder,

WHEREAS, an application has been filed by Joseph Shopshear the Petitioner for Angela Investments, 1031 E. 10 Mile Road requesting a variance; and

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.+511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property).

WHEREAS, a notice of public hearing was published in the Madison Park News on March 23, 2016 and 82 notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community Development Department stating that:

#### **RELEVANT INFORMATION**

1. The applicant is a representative of the owner of a billboard located on the subject property.
2. The billboard is a non-conforming structure as follows:
  - a. The billboard is not the principal use of the property.
  - b. The billboard is within 100 feet of the building on the property (in fact it overhangs the building).
  - c. The billboard is within 2500 feet of another billboard (actual distance is 1291 feet).
  - d. The billboard is 10' higher than permitted (70' where 60' is allowed).
3. In 2011 the applicant applied for a permit to install a digital face on the existing billboard. The City permits face changes on non-conforming billboards provided that the structure can handle the new loads. In that case the applicant proposed to add additional structural steel supports and other modifications to the structure to handle the additional loads imposed by changing the type of sign to a digital face. The ZBA granted a variance to allow the owner to change one face and that was done by the owner shortly thereafter and remains so today.

#### **PREVIOUS ACTIONS**

ZBA Application #11-02 – Variance granted to allow structural modifications to nonconforming billboard for placement of a digital face on the existing billboard.



### **SITE PLAN COMMITTEE ACTION**

The Site Plan Committee has reviewed this request. The Committee notes that the sign is currently non-conforming, but enjoys a variance that allowed its structural modification to accommodate a digital face change in 2011. The applicant now seeks to completely remove the existing billboard and replace it with a new billboard with two digital faces. Under the Zoning Ordinance, removal of the billboard eliminates any nonconformity, in addition to eliminating the conditions under which the previous ZBA variance was granted. As a result, they are required to seek the requested variances per the Zoning Ordinance.

The Committee also notes that the existing nonconforming billboard is currently in use and may continue to function for the foreseeable future without any modification or variance.

The Committee also notes that there are currently ten non-conforming billboards in the City. It is the intent of the Zoning Ordinance that these structures can be continued until they fail due to deterioration or damage and that they be removed at that point. By removing the existing nonconforming billboard as proposed, applicant is achieving the intent of the Zoning Ordinance – removal of the nonconformity in its entirety. To permit this applicant to remove and replace the billboard in its exact location would be contrary to the intent of the ordinance and convey to the applicant a right not enjoyed by other billboard owners in the City. Accordingly, the Committee recommends denial of the request.

Should the ZBA decide to grant the variances necessary to accommodate the request, the Committee recommends that the height of the billboard be reduced to the 60' maximum, thus reducing the nonconformity of the billboard while still accommodating its continuation in a nonconforming location.

WHEREAS, a public hearing was held this April 7, 2016, and the Petitioner, Joseph Shopshear, Representative for Lamar Advertising, 6405 N. Hix Road, Westland, MI, along with Adam Behrendt, Attorney for Lamar Advertising, 201 W. Big Beaver Road, Suite 500, Troy, MI 48084 were present.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Zoning Board of Appeals approves the requested variances as follows:

Section 10.511(V)(B)(1)). A variance is requested to allow an existing nonconforming billboard to be replaced by a new nonconforming sign.

Section 10.511(V)(B)(2)). A variance is requested to allow an existing nonconforming billboard to be rebuilt after it has been removed.

Section 10.511(E)(1). A variance is requested to allow a billboard to be on the same parcel as another (existing) structure and within 100' of another structure.

Section 10.511(E)(2). A variance is requested to allow a billboard to be constructed within 2500' of another billboard (proposed to be within 1291')

Section 10.511(E)(7). A variance is requested to allow a billboard on the same parcel as a principle use (existing body shop is principle use of the property); and

BE IT FURTHER RESOLVED, that the Madison Heights Zoning Board of Appeals DENIES the requested variance as follows:

Section 10.511(E)(4). A 10' height variance is requested to allow the proposed billboard to be 70' high, where 60' is the maximum height permitted.

As it is not the minimum variance necessary and will reduce the existing non-conformity.

Yeas: Tecker, R. Corbett, Hohner, Holder, Kehoe, Oglesby  
Nays: Kimble  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

## **XX. Adjournment.**

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

Yeas: R. Corbett, Hohner, Holder, Kehoe, Kimble, Tecker, Oglesby  
Nays: None  
Absent: L. Corbett, Kirchoff, Yemac  
Motion Carried

There being no further business, Vice Chairman Oglesby, adjourned the meeting at 8:15 p.m.

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Romona Sanchez  
Clerk of the Board



**Matt Lonnerstater**

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**From:** Tim McGinnis <mcginnisconstruct@yahoo.com>  
**Sent:** Friday, March 31, 2023 1:30 PM  
**To:** Matt Lonnerstater

Fri, Mar 31 at 1:05 PM

Matt

Good afternoon sir I am emailing you in regards to the public hearing that we are having on April 6 in regards to international sign company, putting an advertisement sign on my Property (53 East 10 Mile Rd).

I understand there are 2 other cases in regards to signs that are in need of variances also that are coming up at the same hearing.

Based on the other properties, I feel my property is best Apical for a sign being that I won't be using the lot for any other use.

I am asking for you and counsel to give careful consideration to the variance as needed to erect the sign on my property.

Being that, I'm not going to use the vacant lot for any usage, It would be tremendously a finical help for me to have additional income that the sign company is willing to offer for usage of the property.

I understand the city is not too keen on the idea of any more signs being put up in their city, but I feel this is on the service drive, and would not be a burden to the city. Thanks for your time, and please consider possibly allowing some variances so this could possible get approved.

Sincerely,

Tim McGinnis



## MEMORANDUM

Report Date: March 31<sup>st</sup>, 2023  
 To: City of Madison Heights Zoning Board of Appeals  
 Meeting Date: April 6<sup>th</sup>, 2023  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: “El Car Wash” Variances  
 PZBA 23-05; 1275 & 1301 W. 14 Mile Rd.

### REQUEST

The applicant, *Samantha Burgner on behalf of ALRIG USA.*, requests three (3) variances from the City’s Zoning Ordinance relating to a proposed car wash use. The subject property is located at 1275 and 1301 W. 14 Mile Road (tax parcels # 44-25-02-101-046 and 44-25-02-101-045) and is zoned B-3, General Business. An existing restaurant building is proposed to be demolished to accommodate the new car wash.

The applicant requests variances from the following sections of the Zoning Ordinance:

- *Section 10.326(8)(c) [Auto Washes]: The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.; and*
- *Section 10.326(8)(q) [Auto Washes]: All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying; and*
- *Section 10.511(IV)(A)(1) [Prohibited Signs]: Roof signs, marquee signs and projecting signs are prohibited.*

City Council approved the special land use request for the car wash at their February 13<sup>th</sup>, 2023 meeting, with the following conditions:

- Modify the hours of operation to satisfy the use-specific condition of Section 10.326(8)(c) or seek a variance from the ZBA; and
- Obtain a variance from the ZBA for outdoor vacuuming stations, which are prohibited per Section 10.326(8)(q); and
- Revise the location of the proposed roof sign to comply with sign regulations, Section 10.511, or seek a variance from the ZBA.

The applicant is not the current property owner. However, the current property owner has signed the ZBA application, as required.



### Hours of Operation Variance

Per Section 10.326(8)(c) of the Zoning Ordinance, auto wash uses shall only operate between 8:00 a.m. and 10:00 p.m. The applicant requests a variance of one hour to begin operating at 7:00 a.m. Proposed hours of operation would be from 7:00 a.m. to 10:00 p.m., daily.

### Outdoor Vacuuming Variance

Per Section 10.326(8)(q) of the Zoning Ordinance, vacuuming areas related to auto wash uses are required to be placed within a building. The applicant requests a variance from this standard to allow approximately nineteen (19) outdoor vacuum stations adjacent to the auto wash. Per the site plan and renderings (shown below), the vacuuming stations will be screened from 14 Mile Road by the car wash building and will be covered by canopy structures. The motors and mechanical equipment powering the vacuums are proposed to be enclosed within the building.

#### *Renderings – “El Car Wash” Auto Wash*



## Roof Sign Variance

Per Section 10.511(IV)(A)1 of the sign regulations, “roof signs” are prohibited within the City. The Zoning Ordinance defines a roof sign as, “a sign which is erected, constructed, painted, placed or maintained on any portion or surface of the roof of a structure.” The applicant proposes to erect an illuminated channel-letter sign on the roof of the building, as shown in the renderings above. The sign measures approximately 104 sq. ft. in area and states “Welcome to Madison Heights.”

## STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 10.804(2) of the Zoning Ordinance. The applicant requests variances to the hours of operation and vacuuming standards in order to align with the operating models of other modern car washes in the area. Per the response letter, the applicant states that the cost of enclosing the vacuuming area would be cost prohibitive and potentially create air quality, health, and safety concerns. The applicant correctly states that the Zoning Ordinance does not require coin-operated car washes to enclose their associated vacuums.

Staff believes that the intent behind both the hours of operation and vacuuming standards is to protect adjacent properties from the adverse impacts of a car wash, such as aesthetics, lighting and noise. However, in this case, staff finds that many of the associated adverse impacts are mitigated based on the site location and proposed site design. The property is surrounded by other regional commercial uses, such as retail, drive-through restaurants, and hotels, and does not directly abut residential property or residential uses. Further, the site is designed in a way which screens the vacuuming stations from 14 Mile Road and allows for the vacuum machinery to be enclosed within a building.

Per the application, the roof sign is proposed as a wayfinding sign to serve as a welcome sign to the City of Madison Heights. While the sign is placed atop the “bridge” component of the car wash building, the sign does not protrude above the highest point of the building. However, in comparison to the other variances, the sign variance request does not directly relate to the operation of the auto wash facility. The building design or sign placement could be modified to allow for the sign to satisfy zoning requirements without negatively impacting the auto wash use. If the sign variance is approved, the roof sign will be subject to the maximum wall sign area allowances per the Zoning Ordinance.

## VARIANCE FINDINGS

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

- ***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.***

### Staff Finding:

The subject parcel itself does not appear to contain exceptional features as it currently is composed of two conforming B-3 parcels with typical rectangular shapes, both with frontage along an arterial road. The applicant proposes to combine the two parcels into one to accommodate the auto wash use. However, as opposed to many other commercially-zoned properties in the city, the subject property does not directly abut residentially-zoned or used 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.***

Staff Finding:

Staff finds that the outdoor vacuuming requirement could present an undue hardship upon the owner of the property as it would require the construction of an additional large, properly-ventilated structure on site. Further, staff finds that potential adverse impacts of the auto wash use, such as aesthetics, lighting, and noise, are mitigated by proper site design and the site's distance from residential uses. As such, staff finds that the hours of operation and vacuum variance could be granted without creating substantial detriment to the public good and without substantially impairing the intent of the ordinance.

While the proposed sign is unique, staff finds that it accurately falls under the Zoning Ordinance definition of a "roof sign", which is prohibited in the City. While staff finds the sign could be erected without creating a substantial detriment to the public good, permitting a roof sign could be deemed as impairing the intent and purpose of the sign regulations.

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.

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

The SPRC discussed the variance request at their February 15<sup>th</sup>, 2023 meeting. The SPRC had no objections to the variance requests.

#### **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.** The ZBA may act on each variance request separately. 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. *Vacuuming Variance: Vacuums shall be turned off no later than 10 p.m., consistent with the closure of the auto wash tunnel.*

2. *Sign Variance: The roof sign shall be restricted to a non-commercial message and shall be subject to, and included in the calculations for, maximum wall signage allowances per the Zoning Ordinance.*

## 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. 10.326 - B-3 Uses Permissible on Special Approval**

- (8) Auto washes:
  - (a) When completely enclosed in a building.
  - (b) An attendant must be on duty and on the premises at all times that such auto wash is in operation. All other times, the building must be locked and safely secured.
  - (c) The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.
  - (d) All buildings to be used in connection with the auto wash shall be located at least 20 feet away from any right-of-way line.
  - (e) Where multiple wash stalls are proposed all auto stacking lanes must be channeled with curbs to each wash stall so as to prevent cross traffic and the minimum stacking space shall be six cars per stall. The minimum amount of stacking space to be provided in all car wash developments shall be equivalent to 20 minutes of full and continuous operation.
  - (f) Buildings must be constructed so as to be enclosed on two sides plus doors on the front and rear of each stall, capable of being locked.
  - (g) All lights used in connection with auto washes shall be shaded so as not to project upon or become a nuisance to adjacent properties.
  - (h) All land used in connection with auto washes is to be paved and drainage provided in accordance with existing ordinances pertaining to parking lots.
  - (i) A chainlink-type fence must be constructed so as to enclose the entire property except drives and areas where screen walls are required, two feet along any street, four feet side and back.
  - (j) Access points are limited to not more than two 20-foot drives. Such drives are to be a minimum of 50 feet apart and ten feet from the exterior lot lines and 35 feet from any intersection right-of-way lines and shall not be constructed so that ingress and egress shall be through residentially zoned areas. Such access points must have the approval of the Madison Heights Police Department to effect that they will not interfere with vehicular traffic nor will they create a safety hazard.

- (k) No steam hose for public use shall be located upon the premises in connection with such auto wash.
- (l) All blowers shall be turned off when not in use in connection with the operation of the car wash.
- (m) It shall be unlawful for any person, firm or corporation or any agent, servant or employee thereof, who while operating an auto wash, to permit or cause to be permitted upon the premises in which the said business is located, a nuisance, by allowing the health, safety or welfare of the community to be impaired.
- (n) It shall be the duty of the licensee, manager, or person in charge of any auto wash, to keep the premises whereon said auto wash is located, together with the parking area and any adjacent area, free from rubbish, waste products and debris.
- (o) It shall be unlawful for any patron of an auto wash or for any other person while parking on or adjacent to the premises to race the motor of any vehicle, to suddenly start or stop any unseemly noise, nuisance or disturbance which shall impair the peace, health or safety of the community.
- (p) Construction of auto wash buildings shall not be permitted if said construction shall require standing or parking on public rights-of-way in connection with the operation of the auto wash.
- (q) All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.

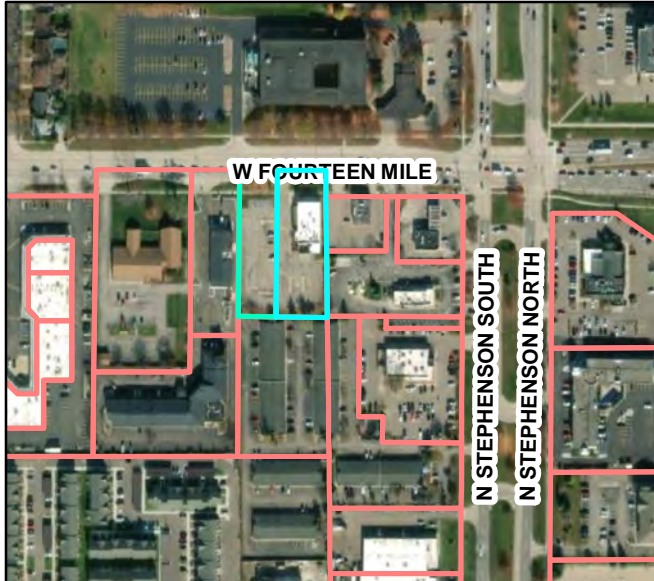


# Site Address: 1275 and 1301 W. 14 Mile Rd



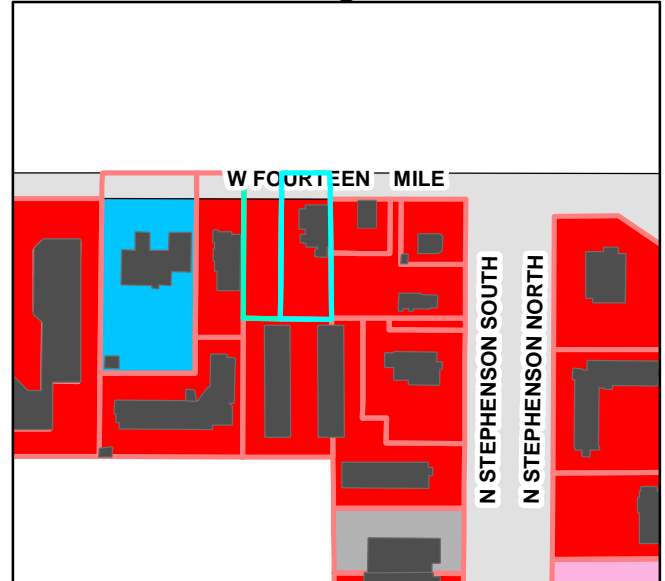
[Click for maps](#)

## Aerial



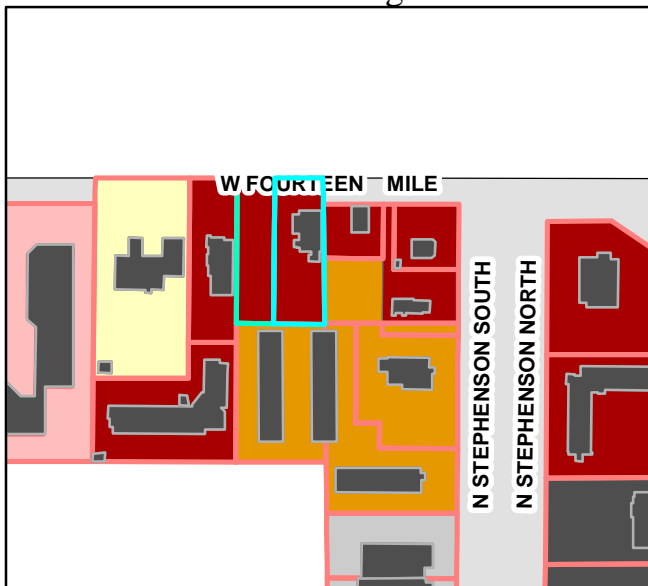
- 1301 W. 14 Mile Road
- 1275 W 14 Mile Road
- Parcels

## Existing Land Use



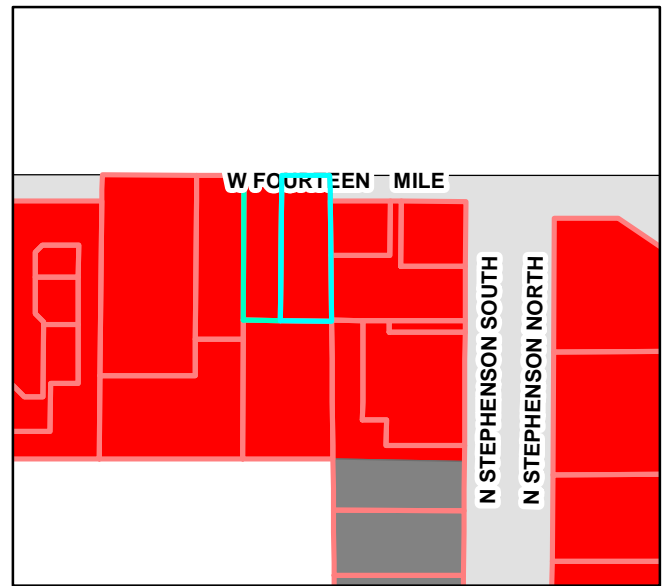
- 1301 W. 14 Mile Road
- 1275 W 14 Mile Road
- Buildings
- Parcels
- Office
- Commercial
- Industrial
- Quasi-public

## Zoning

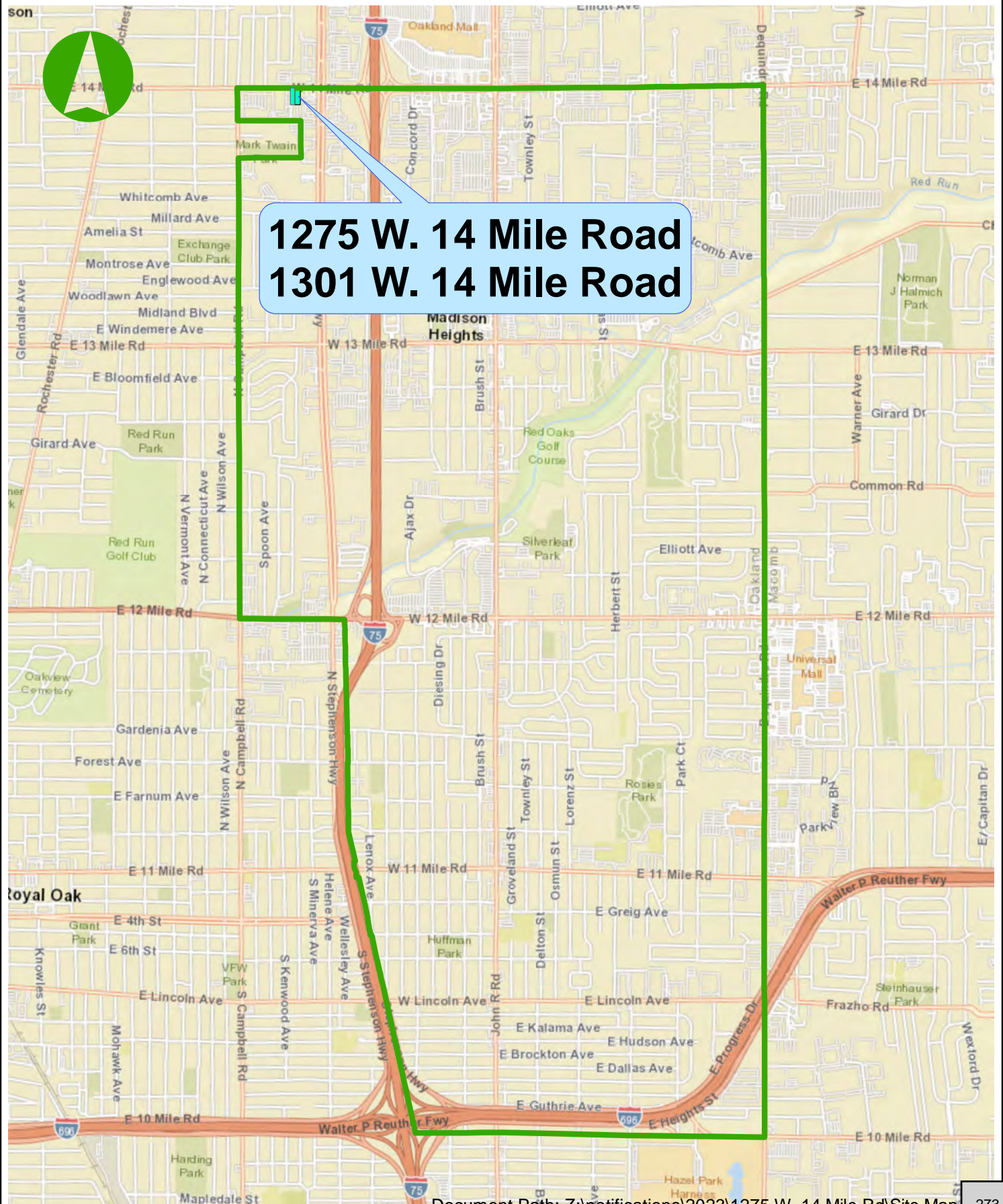


- 1275 & 1301 W. 14 Mile Rd
- R-2 Residential
- H-R High Rise
- Parcels
- M-2 Light Industrial
- M-1 Light Industrial
- B-1 Local Business
- Buildings
- B-3 General Business

## Future Land Use



- 1275 W. 14 Mile Rd
- 1301 W. 14 Mile Rd
- Parcels
- Commercial





*Item 5.*



## NOTICE OF PUBLIC HEARING

Notice is hereby 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 6<sup>th</sup>, 2023 at 7:30 p.m.** to consider the following requests:

**(A) Case # PZBA 23-05: 1275 & 1301 W. Fourteen Mile Road**

REQUEST: The petitioner, Samantha Burgner on behalf of ALRIG USA, requests three (3) variances from the city Zoning Ordinance. The applicant requests two (2) variances from Section 10.326(8), *use-specific standards for auto wash uses*, pertaining to hours of operation and vacuum locations; and one (1) variance from Section 10.511(IV)(A), *Prohibited Signs*, pertaining to roof signs. The subject property is located at 1275 W. Fourteen Mile Road (tax parcel # 44-25-02-101-046) and 1301 W. Fourteen Mile Road (tax parcel # 44-25-02-101-045) 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 items can be viewed online at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center after 4:00 p.m. on the 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.

CITY CLERK'S OFFICE  
(248) 583-0826



March 28, 2023

Zoning Board of Appeals  
City of Madison Heights  
300 W. 13 Mile Road  
Madison Heights, MI 48071

Re: Address: 1275 and 1301 W. 14 Mile Road  
Applicant: El Car Wash  
Case No.: PZBA 23-05

Dear Chairperson Kimble and Zoning Board Members:

On behalf of El Car Wash, we are providing this letter in support of its request for three variances. The Applicant is proposing a new El Car Wash and Mojo's Donuts (or similar restaurant) at the project site. The existing restaurant building, a former Applebee's, will be demolished and replaced by two new businesses. El Car Wash was very pleased to receive special use approval (unanimous) for its proposed uses and operations from the Madison Heights City Council on February 13, 2023.

El Car Wash carefully laid out its site plan and is not seeking any major variances with respect to building heights, setbacks, parking or stacking space requirements. Two of the requested variances are operational with respect to allowing outdoor vacuuming stations and starting operations at 7:00 a.m. The other variance is for a "Welcome to Madison Heights" sign to be placed on the building. The rationale for the variance requests are as follows:

**Variance to Allow Outdoor Vacuuming Stations (Sec. 10.326(8)(g))**

Consistent with many other car wash operations in Madison Heights and surrounding cities, outdoor vacuuming stations are proposed. The motors to the vacuuming stations are encased in concrete, which greatly reduces typical noise. El Car Wash would be unable to use the property if this variance is not granted. First, to bring in all vehicles indoors for vacuuming would require air quality control and other safety measures within an enclosed building. Such costs would be prohibitive. Second, and most importantly, El Car Wash believes a number of customers would feel unsafe in an enclosed building and would not utilize El Car Wash. Outdoor placement of vacuums will allow enhanced transparency of vehicles and persons on the property, as well as employee oversight of operations.

The vacuuming stations will have canopies, which will provide a measure of protection from the elements. Radiant heat is also being considered for an additional measure of customer comfort.

From 14 Mile Road, the vacuuming stations would be shielded by the building on the north and east sides. The vacuuming stations would only be visible to the driving public from eastbound 14 Mile.

In addition, there are no residential neighbors adjacent to the subject property. The El Car Wash will be surrounded by commercial buildings. Further, the hours of operation will be limited to 7:00 a.m. to 10:00 p.m. In the off hours, the vacuums will not be operational.

**Variance to Modify Time of Operations (Sec. 10.326(8)(c))**

El Car Wash is seeking a variance from the Ordinance restriction that only allows operations from 8:00 a.m. to 10:00 p.m. El Car Wash is seeking a variance of one-hour to open at 7:00 a.m., which is a similar starting time for many car washes.

El Car Wash is in a B-3 (General Business) Zoning District. Other businesses in the District do not have restrictions on their hours of operations and El Car Wash would be treated differently. By way of example, the Mojo Donuts, which is proposed to be part of the El Car Wash development, would have no similar restrictions on its hours of operations. Finally, coin-operated car washes in the B-3 Zoning District are open 24 hours a day and have no restrictions on their hours of operation.

**Variance to Sign Regulations (Sec. 10.511)**

El Car Wash is proposing a wall-mounted sign on the “bridge” connecting the two towers at the car wash entrance, which would state, “Welcome to Madison Heights.” The sign will require a variance as it exceeds permitted wall sign square footage and other regulations.

El Car Wash believes this sign can be treated differently as it is not a commercial sign or advertising the business. Instead, it is letting visitors know they are in the City of Madison Heights and is more of a “way-finding” sign. There is no special benefit to El Car Wash for placing this sign, but there is a benefit to the community.

El Car Wash’s variance request is consistent with Section 10.511(A) in in that the sign will “avoid excess visual competition and clutter.” Further, the sign will not visually block any other sign or create a distraction for motorist or pedestrians. The sign is proportionate to the development and does not compromise health or safety. Finally, that section encourages the “Welcome” sign in stating “nothing in this ordinance shall be construed to prevent the substitution or display of a non-commercial message”.

The proposed sign will help identify the neighborhood and provide a unique element within the community. El Car Wash intends to pursue a wall mural by local artist Jennifer Ramirez which will complement this element.



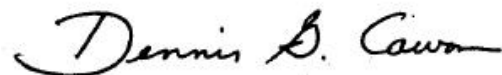
For each variance requested above, El Car Wash asserts that it meets the standards for the granting of variances under Section 10.804(2), including:

- Strict application of the Zoning Ordinance would result, in peculiar, exceptional practical difficulties or exceptional undue hardship upon El Car Wash as it would be placed in a competitive disadvantage by not being allowed outdoor vacuuming stations or opening at 7:00 a.m. Granting the operational variances will treat El Car Wash in a similar manner as other car wash facilities in Madison Heights.
- The relief may be granted to El Car Wash without any substantial detriment to the public good. The variances that El Car Wash are requesting will not in any way adversely impact the public or the immediate surrounding neighbors. The "Welcome to Madison Heights" sign will provide a benefit to the community.
- The relief requested by El Car Wash can be granted without substantially impairing the intent and purposes of the Ordinance. The El Car Wash project is overwhelmingly in compliance with the Zoning Ordinance and is only asking for three variances for a very complex site. Granting these variances will not create any harmful precedent.

El Car Wash is very pleased to be able to propose its new upscale and environmentally sustainable car wash in Madison Heights. We believe the variances being requested will enhance both the experience for the customer and be beneficial to the community at large.

We look forward to the opportunity to attend your April 13<sup>th</sup> meeting and will have the El Car Wash team in attendance to answer your questions and further discuss the business operations and benefits. We respectfully request your approval of the requested variances.

Sincerely,



Dennis G. Cowan  
Direct Dial: (248) 901-4029  
Cell: (248) 321-2820  
Email: [dcowan@plunkettcooney.com](mailto:dcowan@plunkettcooney.com)

DGC/cmw

cc: Matt Lonnestater  
Justin Landau  
Gabe Schuchman  
Samantha Burgner

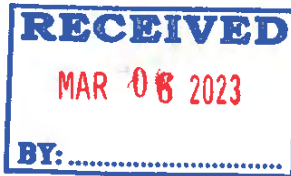
Zoning Board of Appeals  
City of Madison Heights  
March 28, 2023  
Page 4

*Item 5.*

Mitchell Harvey

Open.29459.30843.30798100-1





## CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

PZBA 23-05

Date Filed:

3/6/23

April 6th ZBA

(This application must be typed)  
SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Samantha Burgner  
Address: 30200 Telegraph Road, Suite 205  
City: Bingham Farms State: MI Zip: 48025  
Telephone: 413-464-2267 Fax: \_\_\_\_\_  
Email: sburgner@alrigusa.com
2. **Petitioner's Interest in Property:** \_\_\_\_\_
3. **Property Owner:** (Attach list if more than one owner)  
Name: Ross Prop LLC  
Address (Street): 31390 Northwestern Hwy Suite A  
City: Farmington Hills State: MI Zip: 48334  
Telephone: 248-737-0000  
Email: dfield@rossfinancialgroup.com
4. **Property Description:**  
Address: 1275 & 1301 West 14 Mile Road  
Tax Parcel #: 44 - 25 - 02 - 101 - 045 & 44-25-02-101-046  
Legal Description - Attach if metes and bounds description.  
If in a subdivision: Lot #: \_\_\_\_\_  
Subdivision name: \_\_\_\_\_  
Lot size: 1.5AC  
Size of proposed building or addition: 4,347
5. **Present Zoning of Property:** B-3 **Present Use:** Restaurant
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)

PAGE 2

## 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  
New car wash structure requiring variances for signage, vacuum enclosures, and hours of operation

Contrary to the requirements of Section(s) 10.511 of the Zoning Ordinance  
10.326 (8)(q) of the Zoning Ordinance  
10.326 (8)(c) 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:

Signature

Printed Name DAVID FIELD, AUTHORIZED SIGNERDate 3-6-23

FOR THE APPLICANT IF NOT THE OWNER:

Signature

Printed Name Samantha BurgnerDate 3/3/2023

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. 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

FEE: \$ \_\_\_\_\_

APPROVED: \_\_\_\_\_

PAID: \_\_\_\_\_

DENIED: \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_

**Madison Heights Zoning Board of Appeals**  
**Variance to Allow Outdoor Vacuuming Stations (Section 10.326(8)(q))**

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

El Car Wash has received special use approval for its proposed operations from the City Council on February 13, 2023. Like many other car wash operations, outdoor vacuuming stations are proposed. Section 10.326(8)(q) is among a list of use standards only applicable to car washes that prohibits outdoor vacuuming stations.

- 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 zoning classification for the subject property is B-3 (General Business). There are numerous other activities in the district that are not required to be indoors or within an enclosure. For example, coin-operated car washes in the same zoning district are not required to have vacuuming stations placed indoors.

- 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.**

As mentioned above in the response Paragraph B, there are many other outdoor activities of businesses that are not required to be indoors or within an enclosure. In addition, with respect to the proposed use of outdoor vacuum stations, to the best of our knowledge, all other vacuuming stations associated with car washes in Madison Heights are outdoors. In order to reduce noise, the motors for the vacuuming stations at the El Car Wash are encased in concrete.

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

El Car Wash has not taken any action with respect to the property or constructing the outdoor vacuuming stations. The outdoor vacuuming stations are identified on the proposed on the Site Plan presented by the Planning Commission.

- 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?**

No, El Car Wash could not use its property if the variance is not granted. The cost of enclosing the vacuuming stations or creating an enclosure would be prohibitive. Also, the car wash would be the only one in Madison Heights with vacuuming stations



indoors or enclosed, which customers are not used to and would place El Car Wash at a competitive disadvantage. In addition, to bring vehicles indoors would require air quality control and other health and safety requirements. This is not merely a situation where the operation could easily be enclosed. Finally, El Car Wash believes a number of customers would feel unsafe in an enclosed building and would not utilize El Car Wash.

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

Granting the variance will not change the essential character of the area.

Open.29459.30018.30617727-1

**Madison Heights Zoning Board of Appeals  
Variance to Sign Regulations (Section 10.511)**

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

El Car Wash has received special approval for its proposed operations from the City Council on February 13, 2023. El Car Wash is proposing a wall mounted sign on a "bridge" connecting the two towers at the entrance that says, "Welcome to Madison Heights." The sign will require a variance as it exceeds permitted wall sign square footage and other regulations.

- 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 El Car Wash property is uniquely positioned near the borders of Clawson and Royal Oak, which provides an excellent opportunity for a "Welcome to Madison Heights" 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 "Welcome to Madison Heights" sign is not being proposed to provide a special benefit for El Car Wash, but to benefit the community.

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

El Car Wash has not taken any action with respect to the property nor has El Car Wash installed the sign. The sign is proposed on the Site Plan presented to the Planning Commission.

- 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?**

The "Welcome to Madison Heights" sign is proposed as a "way finding" sign to inform drivers of their municipal location.

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

Granting the variance will not change the essential character of the area.

Open.29459.30018.30617804-1



**Madison Heights Zoning Board of Appeals**  
**Variance to Modify Time of Operations (Section 10.326(8)(c))**

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

El Car Wash is seeking a variance from Section 10.326(8)(c), which restricts the time of operations from 8:00 a.m. to 10:00 p.m. El Car Wash is seeking a one-hour variance to be allowed to open at 7:00 a.m. El Car Wash has received special use approval from the City Council on February 13, 2023.

- 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.**

El Car Wash is in a B-3 (General Business) zoning district. Other businesses in the district do not have restrictions on the hours of operations and El would be treated differently and unfairly. For example, the Mojo Donuts, which is proposed to be part of the El Car Wash development, has no similar restrictions on its hours of operation. Finally, coin operated car washes in the B-3 zoning district are open 24 hours a day and have no hours of operation restrictions.

- 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.**

As mentioned above in Paragraph B, El would be treated differently than other property owners in the B-3 zoning district. In addition, with respect to the car wash use, a review of websites for other car washes in Madison Heights indicate many open earlier than the restricted time of 8:00 a.m.

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

El Car Wash has not taken any action with respect to hours of operation. The hours of operation are proposed, and the car wash is yet to be constructed.

- 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?**

El Car Wash is asking for the minimum variance of one-hour to be open at 7:00 a.m., consistent with other businesses in the area. The Ordinance does allow car washes to be permitted in the B-3 zoning district, but El Car Wash would not be allowed to operate during the one restricted hour unless granted the variance.

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

Granting the variance will not change the essential character of the area.

Open.29459.30018.30617759-1

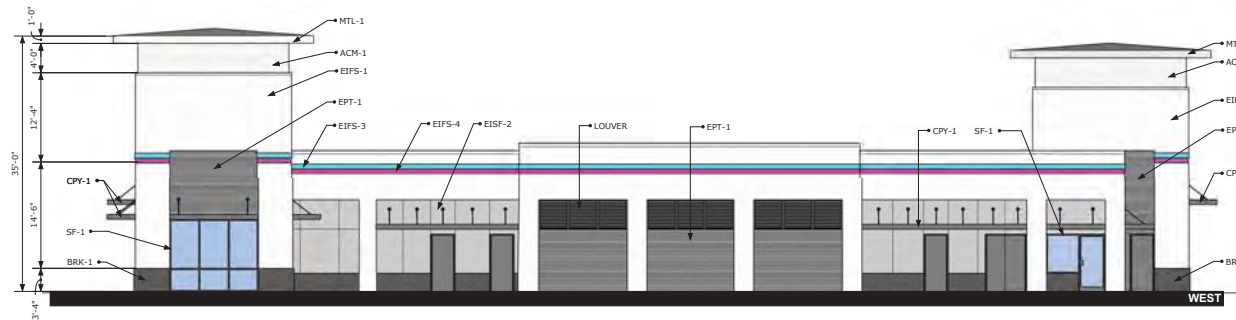
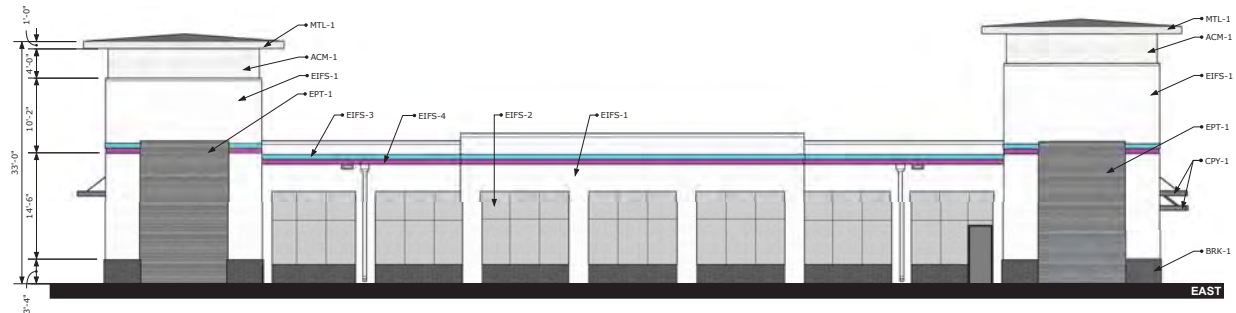
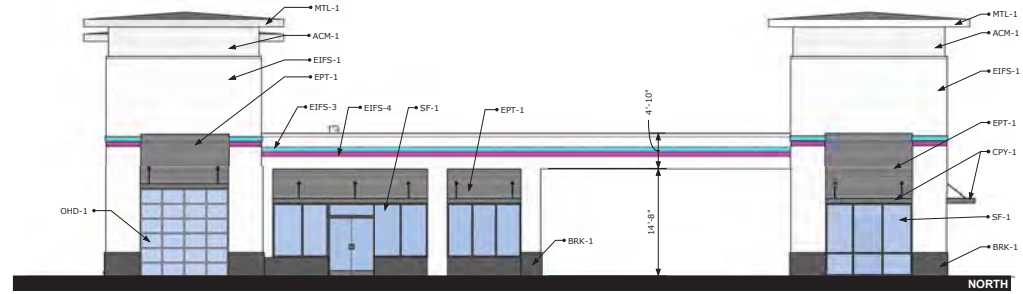
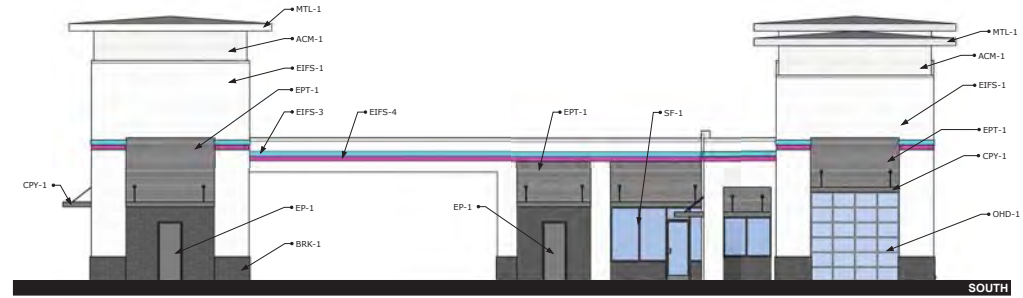








EXTERIOR FINISH SELECTIONS		
Masonry	BRK-1	STRUCTURAL BRICK, DARK GREY
EIFS	EIFS-1	2" DRYVIT SYSTEM, HIGH REFLECTIVE WHITE SW 7757 (WHITE)
	EIFS-2	2" DRYVIT SYSTEM, EVENING SHADOW SW 7662 (MEDIUM GREY)
	EIFS-3	3" DRYVIT SYSTEM, PANTONE 3252 (CYAN)
	EIFS-4	1.5" DRYVIT SYSTEM, PAINTED LOGO COLOR (MAGENTA)
METAL	MTL-1	PAC CLAD SILVER
	ACM-1	ALUCOBOND WHITE
PORCELAIN TILE	EPT-1	DALTILE RESEMBLANCE RB12 MEDIUM GREY
EXTERIOR PAINT	EP-1	SW 7019 GAUNTLET GREY
CANOPY	CPY-1	METAL CANOPY
STOREFRONT SYSTEM	SF-1	ALUMINUM STOREFRONT SYSTEM, CLEAR ANODIZED FINISH
OVERHEAD DOOR	OHD-1	AIRLIFT DOOR OR SIMILAR



EL CAR WASH

A NEW FACILITY  
FOR:

MADISON HEIGHTS, MI.

Project No. 23-0220  
Date 03/01/2023

ELEVATIONS

































**LETTER SIZES:**

CAR WASH - 19.25"

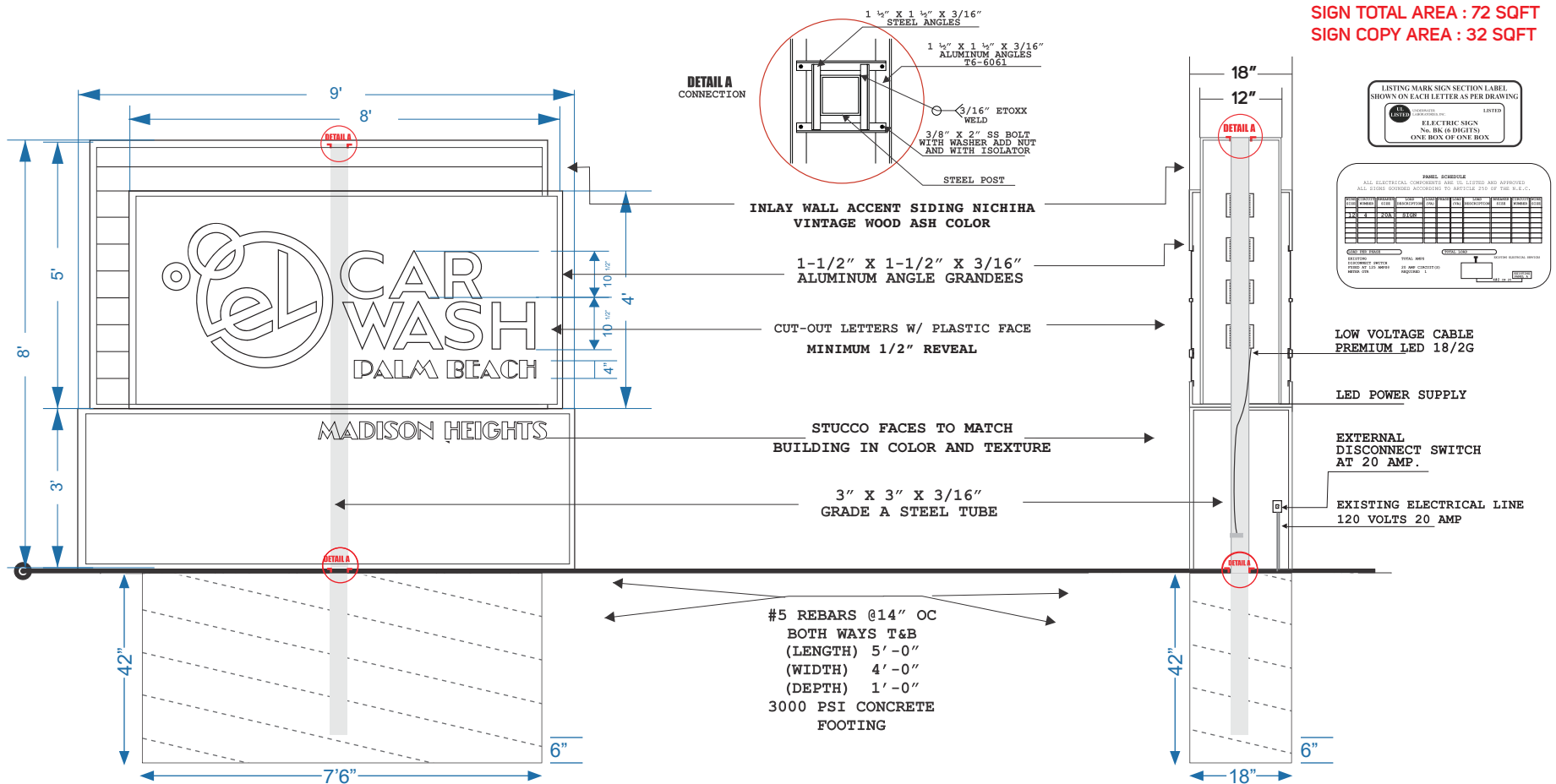
MADISON HEIGHTS - 9.667"

**El Car Wash - Madison Heights      scale - 1/2" = 1'**

This drawing is the sole property of RWL, and can not be reproduced, copied, or exhibited in any fashion without the permission of RWL

Drawn By  
**AC**Date  
**3/10/23**Please sign and date this  
fax upon approval of order \_\_\_\_\_ Date \_\_\_\_\_**RWL SIGN COMPANY**6185 West KL Ave. Kalamazoo, MI 49009  
Phone: 269-372-3629 Fax: 269-372-9690

# MONUMENT SIGN



**El Car Wash - Madison Heights** scale - 1/3" = 1'

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Drawn By  
**AC**

Date  
**3/10/23**

Please sign and date this  
fax upon approval of order \_\_\_\_\_

Date \_\_\_\_\_

**RWL SIGN COMPANY**  
6185 West KL Ave. Kalamazoo, MI 49009  
Phone: 269-372-3629 Fax: 269-372-9690



# MONUMENT SIGN



- WHITE
- "EVENING SHADOW" SW 7662
- INLAY WALL ACCENT SIDING  
NICHHA VINTAGE WOOD  
ASH COLOR
- LOGO ACCENT COLOR 1  
BRONZE
- LOGO ACCENT COLOR 2  
PANTONE 3252  
HEX#10CFC9

**El Car Wash - Madison Heights**      scale - 1/2" = 1'

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Drawn By  
**AC**

Date  
**3/10/23**

Please sign and date this  
fax upon approval of order \_\_\_\_\_ Date \_\_\_\_\_

**RWL SIGN COMPANY**

6185 West KL Ave. Kalamazoo, MI 49009  
Phone: 269-372-3629 Fax: 269-372-9690

16'

20" **WELCOME TO**

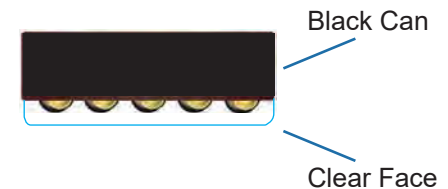
Black channel letters (black day white @ night)

31'

30" **MADISON HEIGHTS**

Gold backed channel letters with individual lamps

Example of  
Top view



El Car Wash - Madison Heights scale - 1/4" = 1'

This drawing is the sole property of RWL, and can not be reproduced, copied, or exhibited in any fashion without the permission of RWL

Drawn By  
**AC**

Date  
**3/10/23**

Please sign and date this  
fax upon approval of order \_\_\_\_\_ Date \_\_\_\_\_

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