



CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
ZONING BOARD OF APPEALS AGENDA
MARCH 06, 2025 AT 7:30 PM

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

1. December 5th, 2024 Meeting Minutes

PUBLIC HEARING

2. **Case # PZBA 25-01: 27351 Dequindre Road - Temporary Signage Variance**

REQUEST: The applicant, Image 360 Brighton, on behalf of property owner Henry Ford Health, requests a dimensional sign variance from Section 12.03 and 12.07 of the Zoning Ordinance pertaining to the maximum size of a temporary sign, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 27351 Dequindre Road (PIN 44-25-13-426-031) and is zoned O-1, Office.

3. **Case # PZBA 25-02: 29305/29411 John R Road - Wall Sign Variance**

REQUEST: The applicant, Hang Phonrath d/b/a Kim Nhung Superfood, Inc., on behalf of property owner William Gershenson, requests a dimensional sign variance from Section 12.07 of the Zoning Ordinance pertaining to maximum wall sign area allowances, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 29305/29411 John R Road (PIN 44-25-11-476-022) and is zoned B-2, Community Business.

4. **Case # PZBA 25-03: 32275 Stephenson Highway - Fence Material Variance**

REQUEST: The applicant and property owner, Ahmad Nassar, requests a variance from Section 8.05.5 of the Zoning Ordinance pertaining to fence materials, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 32275 Stephenson Highway (PIN 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

NEW BUSINESS

5. Election of Officers - Chair and Vice Chair

MEMBER UPDATES

PLANNER UPDATES

ADJOURNMENT

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

Zoning Board of Appeals Meeting
Madison Heights, Michigan
December 05, 2024

A Zoning Board of Appeals Meeting was held on Thursday, December 05, 2024, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

PRESENT

Toya Aaron
Cindy Holder
Mark Kimble
Margarette Marentette
Clifford Oglesby
Councilman Sean Fleming

ABSENT

Linda Corbett
Del Loranger
Rahul Sagar

ZBA 16-24. Excuse member(s)

Motion made by Councilman Fleming, Seconded by Mr. Oglesby, to excuse Mr. Sagar from tonight's meeting.

Voting Yea: Aaron, Holder, Kimble, Marentette, Oglesby, and Councilman Fleming
Motion carried.

ZBA 17-24. Minutes

Motion made by Ms. Holder, Seconded by Ms. Marentette, to approve the July 11, 2024, Meeting Minutes as presented.

Voting Yea: Aaron, Holder, Kimble, Marentette, Oglesby, and Councilman Fleming
Motion carried.

ZBA 18-24. Adoption of 2025 ZBA Meeting Calendar

Motion made by Mr. Oglesby, Seconded by Ms. Aaron, to adopt the 2025 ZBA Meeting Calendar as presented.

Voting Yea: Aaron, Holder, Kimble, Marentette, Oglesby, and Councilman Fleming
Motion carried.

ZBA 19-24. Public Comment: For items not listed on the agenda.

Seeing there were no additional comments, Chair Kimble opened public comments at 7:33 p.m. and closed the public comment at 7:34 p.m.

ZBA 20-24. Adjournment

Motion made by Ms. Holder, Seconded by Ms. Oglesby, to adjourn the regular meeting.

Voting Yea: Aaron, Holder, Kimble, Marentette, Oglesby, and Councilman Fleming

Motion carried.

There being no further business, Chair Kimble adjourned the meeting at 7:35 p.m.

DRAFT



MEMORANDUM

Report Date: February 27th, 2025
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: March 6th, 2025
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Dimensional Temporary Sign Variance
 PZBA 25-01; 27351 Dequindre Road

REQUEST

The applicant, Image 360 Brighton on behalf of Henry Ford Health, requests one (1) dimensional variance from the Madison Heights Zoning Ordinance pertaining to temporary signage. The subject property is located at 27351 Dequindre Road (tax parcel # 44-25-13-426-031) and is zoned O-1, Office. The property is located on the west side of Dequindre Road, north of 11 Mile Road, and is improved with the Henry Ford Madison Heights Hospital (formerly Ascension Macomb-Oakland Hospital).

The applicant requests a variance from Section 12.07.3 of the Zoning Ordinance which sets a maximum area of sixteen (16) square feet for temporary signs in the O-1 district. The applicant requests to install one (1) 15 ft. by 45 ft. temporary banner (675 sq. ft.) along the side of the hospital tower, requiring a 659 square foot dimensional variance.

Proposed Banner

The 675 square foot banner is proposed on the east façade of the hospital tower adjacent to the main access drive; the hospital tower is set back approximately four-hundred feet (400 ft.) from the Dequindre Road right-of-way. The banner is proposed to be attached to the building face with concrete anchors. While the applicant has not formally indicated a maximum length of time for hanging the banner, an email dated November 13th, 2024 suggested a length of six (6) months .

Proposed Banner – Dimensions and Renderings



VARIANCE FINDINGS AND CRITERIA

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize dimensional variances from sign regulations, provided that such variances will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Boards of Appeals shall make findings that the petitioner has adequately proven the existence of a practical difficulty, explicitly with regard to the following criteria:

- A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- C. That the plight of the owner is due to unique circumstances of the property , such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with the Ordinance, provided that said conditions are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public. Such conditions shall be necessary to meet the intent and purpose of the Ordinance, be related to the standards established in the section for the land use or activity under consideration and be necessary to ensure compliance with those standards.

STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 15.06.2 of the Zoning Ordinance. Per their application, the applicant primarily cites visibility from Dequindre Road due to building setbacks and the ability to inform patients/visitors of the ownership/name change of the hospital as justifications for the requested variance.

Practical difficulties relating to a dimensional variance request should generally relate to unique physical constraints on the property, including but not limited to natural features (e.g. wetlands, topography, soil situations) or extraordinary parcel shape. Where physical constraints severely limit the ability to place a legal temporary sign on the property, variances may be warranted.

ZBA ACTION

Any ZBA motion, including approval and denial, shall include findings of fact relating to the variance criteria listed in Sections 15.06.2 of the Zoning Ordinance. Template approval and denial motions are provided below for the ZBA’s consideration, which may be modified at the discretion of the board.

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed use(s) as it may deem reasonable in furthering the purpose of the Zoning Ordinance. **If the ZBA moves to approve the requested variances, staff suggests the following conditions of approval:**

1. A maximum of one (1) temporary banner shall be placed on the hospital building in the location presented within the variance application.
2. The temporary banner shall be removed from the building no later than one (1) year from the date of ZBA approval. Any extension of this time limit shall require a new application and public hearing in front of the ZBA.

TEMPLATE MOTIONS

Variance– Ground Sign Height and Area

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

Move that the Zoning Board of Appeals APPROVE the dimensional variance application to allow one (1) temporary banner measuring 675 square feet at the subject property located at 27351 Dequindre Road. This motion being made after the required public hearing based upon the following findings:

- 1) That Section 12.07.3 of the Zoning Ordinance sets a maximum area of sixteen (16) square feet for temporary signs in the O-1 district, and the applicant is requesting a 659 square foot variance.
- 2) That strict compliance with dimensional sign regulations would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- 3) That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- 4) That the plight of the owner is due to unique circumstances of the property, including large setbacks from the adjacent public street; and
- 5) That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- 6) That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- 7) That the need for the requested variance is not the result of actions of the property owner or previous property owners.

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

- 1) A maximum of one (1) temporary banner shall be placed on the hospital building in the location presented within the variance application.
3. The temporary banner shall be removed from the building no later than one (1) year from the date of ZBA approval. Any extension of this time limit shall require a new application and public hearing in front of the ZBA.

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

Move that the Zoning Board of Appeals DENY the dimensional variance application requesting one (1) temporary banner measuring 675 square feet at the subject property located at 27351 Dequindre Road. This motion being made after the required public hearing based upon the following findings:

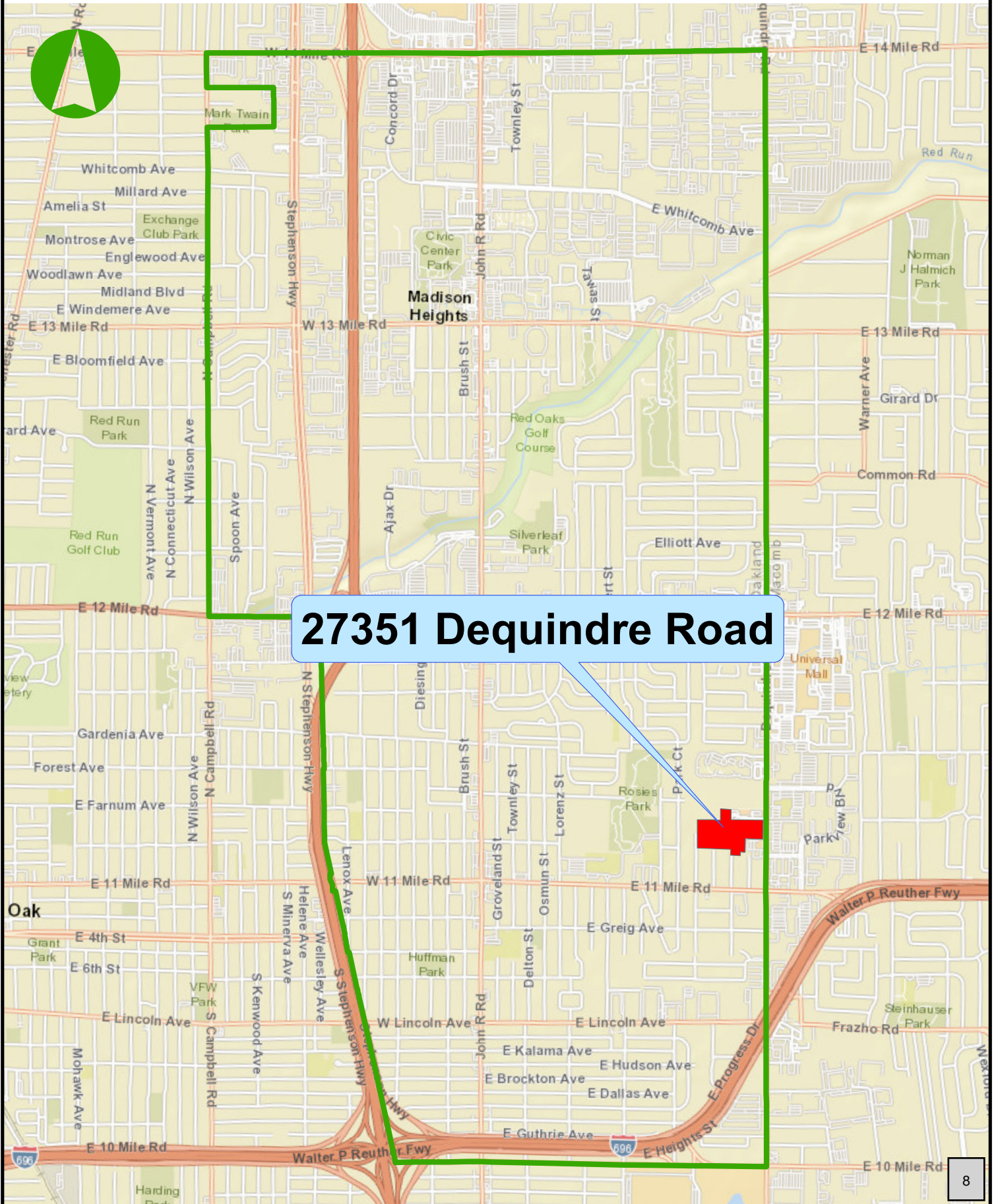
- 1) That Section 12.07.3 of the Zoning Ordinance sets a maximum area of sixteen (16) square feet for temporary signs in the O-1 district, and the applicant is requesting a 659 square foot variance.
- 2) That strict compliance with dimensional sign regulations would not unreasonably prevent the owner from using the property for a permitted purpose, and would not thereby render the conformity unnecessarily burdensome for other than financial reasons;
- 3) That a variance will not provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance;
- 4) That the plight of the owner is not due to unique circumstances of the property;
- 5) That the requested variance is not the minimum amount necessary to permit reasonable use of the land, building or structure;
- 6) That the authorization of such variance will be of substantial detriment to adjacent properties and/or will materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community;
- 7) That the need for the requested variance is the result of actions of the property owner or previous property owners.

Attachments

- Maps
- ZBA Application
- Email Correspondence w/ Applicant
- Section 15.06 – Variances and Appeals
- Section 12.03 – Signs Not Requiring Permits
- Section 12.07.3 – Regulations for Permitted Signs (O-1, Office District)
- Public Hearing Notice

PZBA Case 25-01: 27351 Dequindre Road

Item 2.

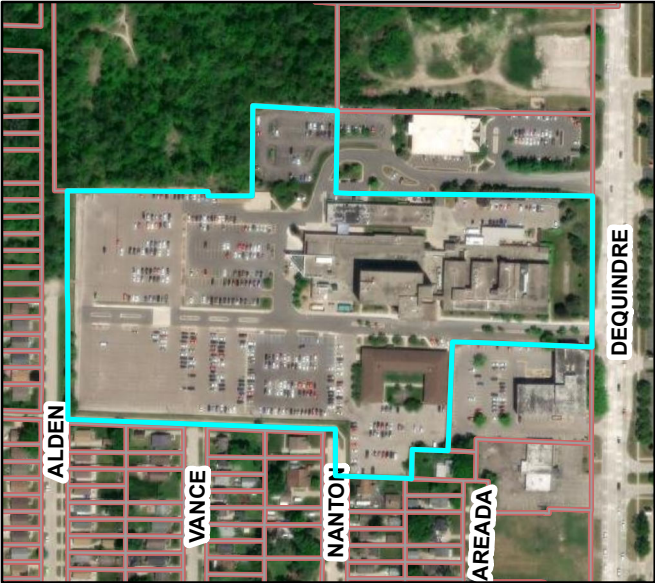


Site Address: 27351 Dequindre Road

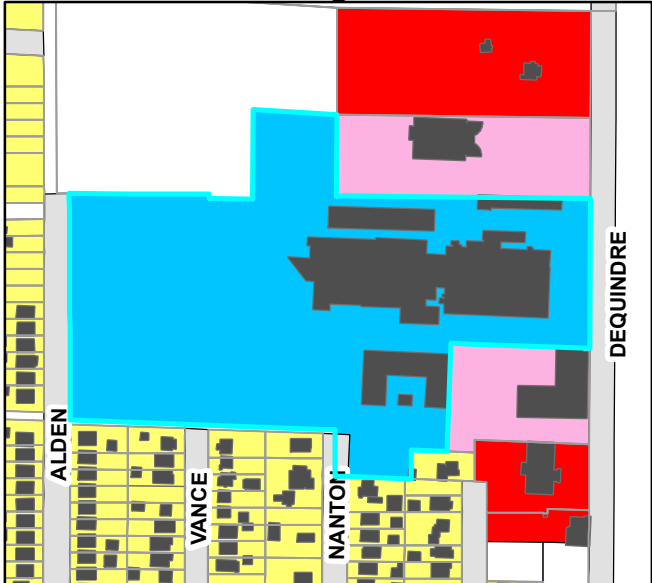


[Click for maps](#)

Aerial



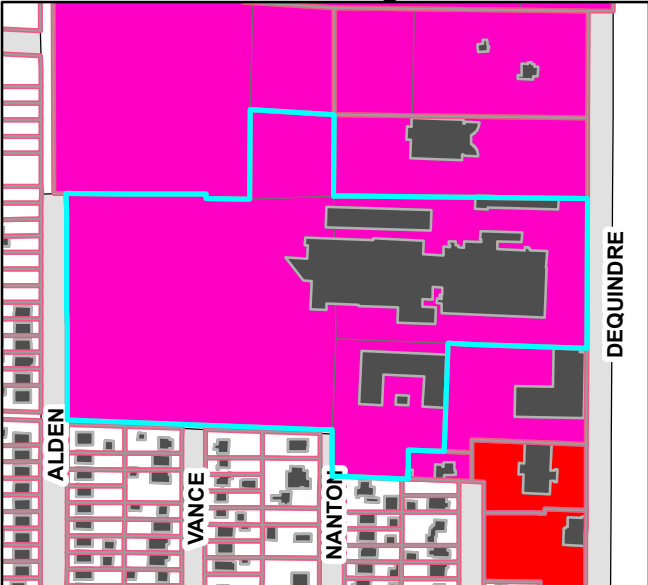
Existing Land Use



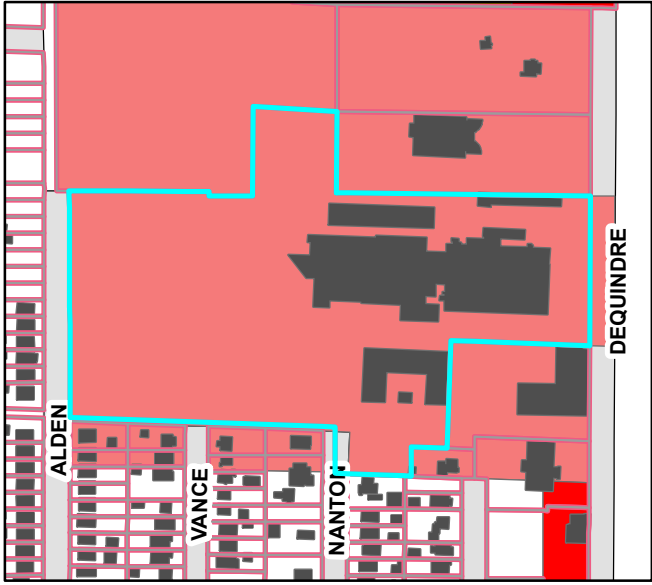
- 27351 # 27371 Dequindre Rd
- Parcels

- 27351#27371 Dequindre Rd
- Commercial
- Buildings
- Single and Two Family
- Quasi -Public
- Office

Zoning



Future Land Use

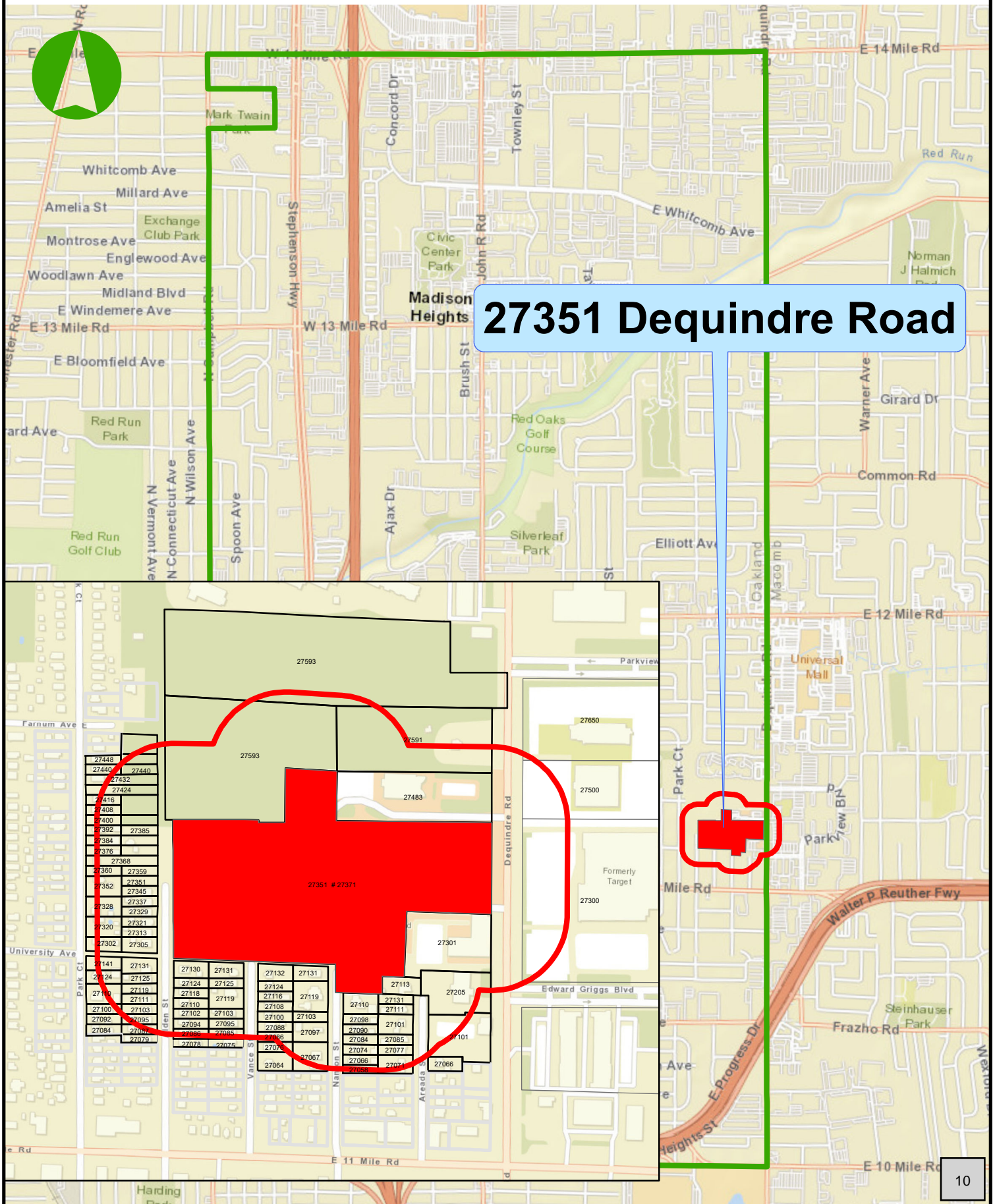


- 27351#27371 Dequindre Rd
- Parcels
- R-3 Residential
- Buildings
- O-1 Office
- B-2 Planned Business

- 27351#27371 Dequindre Rd
- Parcels
- Single Family
- Industrial
- Office
- Commercial

PZBA Case 25-01: 27351 Dequindre Road

Buffer : 300 FT





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

I. APPLICANT INFORMATION

Applicant Image 360 Brighton
Applicant Address 2150 Pless Drive Suite 3A
City Brighton State MI ZIP 48114
Interest in Property (owner, tenant, option, etc.) on behalf of Henry Ford Health
Contact Person Robert Dempster
Telephone Number 810-225-7446 Email Address brighton@image360brighton.com

II. PROPERTY INFORMATION (IF APPLICABLE)

Property Address 27351 Dequindre Rd
Tax ID _____ Zoning District 0-1 Office District
Owner Name (if different than applicant) Henry Ford Health - Ara Telbelian (Director of Marketing)
Address 1 Ford Place
City Detroit State MI Zip 48202
Telephone Number 313-874-5165 Email Address atelbel1@hfhs.org

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name _____ Company _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ Email Address _____

ZBA APPLICATION

IV. NATURE OF REQUEST

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

Brief Description of Request

Placing Henry Ford Burners at Henry Ford Madison Heights Hospital

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

V. APPLICANT CERTIFICATION

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

Printed Name Ara Telbelim Signature [Signature] Date 1-15-25

VI. PROPERTY OWNER CERTIFICATION

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

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

Printed Name Ara Telbelim Signature [Signature] Date 1-15-25

Notary for Property Owner:

Subscribed and sworn before me, this 15 day of January 2025

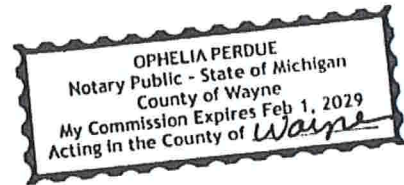
A Notary Public in and for Wayne County, Michigan.

Notary Name (Print): Opheia Perdue

Notary Signature: [Signature]

My Commission Expires: 2-01-29

Notary Stamp



STAFF USE ONLY [DO NOT ACCEPT INCOMPLETE APPLICATIONS]

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

ZONING BOARD OF APPEALS (ZBA): REVIEW STANDARDS RESPONSE FORM

Section 15.06 of the Zoning Ordinance contains review standards and criteria for variances and appeals. Please provide responses to the following review standards for consideration by staff and the Zoning Board of Appeals. (Provide additional separate sheets, if necessary)

Please fill out ONLY the section below that applies to your request.

SECTION A: APPEAL OF ADMINISTRATIVE DECISION

Check here for an Appeal of Administrative Decision (Section 15.06 of Zoning Ordinance)

1. Date of Decision Being Appealed: 11-14-2024

2. Decision Making Entity:

Planning and Zoning Administrator Planning Commission Code Enforcement Other: _____

3. Applicant's Reason for Appeal. Describe the decision being appealed and how the decision was made contrary to the proper requirements and standards of the Zoning Ordinance.

We are requesting a Variance for oversized temporary banner and to be put up for extended time.

4. Provide copy of the Notice of Action, notice of violation, and/or meeting minutes for the zoning decision being appealed.

SECTION B: ZONING TEXT OR MAP INTERPRETATION

Check here for a Zoning Text or Map Interpretation (Section 15.06 of Zoning Ordinance)

1. If requesting a text interpretation, provide Section numbers of Zoning Ordinance to be interpreted:

2. Please describe the request and what needs to be clarified or interpreted by the ZBA.

ZBA APPLICATION

SECTION C: ALTERATION OF NONCONFORMING USE

Check here for an Alteration of a Nonconforming Use (Section 13.01 of Zoning Ordinance)

1. Describe the existing nonconforming use and the plans for alteration/expansion.

2. Describe how the alterations will not further reduce the value or otherwise limit the lawful use of adjacent properties.

3. Describe how the alterations will retain the character and environment of abutting premises.

4. Describe how the alterations will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses.

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

ZBA APPLICATION

SECTION D: DIMENSIONAL (NON-USE) VARIANCE

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

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

12.03.1	

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

Due to the size of the complex and the distance from the major roads, we feel the need for a larger banner for visibility for the thousands of patients that visit the hospital every week. We are trying to update all current signage as quick as possible but this takes time and resources. We feel there is a significant need to make all aware of the name change to avoid confusion for patients and visitors.

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

Due to the size of the complex, 1 or 2 signs at 16 sq ft is not adequate coverage to direct new and old patients to the facility. Many patients are elderly and need as much assistance as possible.

4. Explain how a variance would provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return is not of itself deemed sufficient to warrant a variance.

New ownership and/or name changes are common and require additional signage for proper service to customers and patients.

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

Due to the size of the complex, 1 or 2 signs at 16 sq ft is not adequate coverage to direct new and old patients to the facility.

ZBA APPLICATION

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

We are only asking for 1 banner for the entire complex and it will not be a permanent structure.

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

The banners design is to improve the safety of the patients and visitors to the hospital.

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

It was not created by the current or previous owner. New ownership or name changes are common and require additional signage for proper service to customers and patients.

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

Teri Nagel

From: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Sent: Thursday, November 14, 2024 4:03 PM
To: Teri Nagel
Subject: Re: Temporary Banner for 27351 Dequindre

Good afternoon. Yes, a non-residential dimensional variance has an application fee of \$400. However, the next regularly-scheduled ZBA meeting is not until early February.

Best,



Matt Lonnerstater, AICP
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649

<https://www.madison-heights.org/209/Planning-Services>

From: Teri Nagel <teri@image360brighton.com>
Sent: Thursday, November 14, 2024 3:55 PM
To: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Subject: RE: Temporary Banner for 27351 Dequindre

Hi Matt,

Is there a cost for going through this process?

Teri Nagel
Image360 Brighton
2150 Pless Drive | Suite 3A | Brighton, MI 48114
Phone: (810) 225-7446 | teri@image360brighton.com



➡ [GET A QUOTE](#) ➡ [VISIT OUR WEBSITE](#)

From: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Sent: Thursday, November 14, 2024 11:19 AM
To: Madhu Rakshit <madhurakshit@madison-heights.org>; Teri Nagel <teri@image360brighton.com>
Subject: Re: Temporary Banner for 27351 Dequindre

Teri:

The Zoning Board of Appeals (ZBA) information packet and application can be accessed here:
<https://www.madison-heights.org/DocumentCenter/View/8174/Zoning-Board-of-Appeals-ZBA-Application>

Best,



Matt Lonnerstater, AICP
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649

<https://www.madison-heights.org/209/Planning-Services>

From: Madhu Rakshit <madhurakshit@madison-heights.org>
Sent: Thursday, November 14, 2024 11:17 AM
To: Teri Nagel <teri@image360brighton.com>
Cc: Matt Lonnerstater <MattLonnerstater@madison-heights.org>
Subject: RE: Temporary Banner for 27351 Dequindre

Teri,
Regarding the VARIANCE procedure you can reach the city planner Matt Lonnerstater at 248-837-2649.
Please find the planners email address: MattLonnerstater@Madison-Heights.org

Thanks,
Madhu Rakshit
GIS/CDD TECHNICIAN
City of Madison Heights
248-583-0831 Office
248-837-2660 Direct

From: Teri Nagel <teri@image360brighton.com>
Sent: Thursday, November 14, 2024 11:11 AM
To: Madhu Rakshit <madhurakshit@madison-heights.org>
Subject: RE: Temporary Banner for 27351 Dequindre

Madhu,
Thank you for this. How do I go about getting a variance? Is there someone at your office I can contact to get information on how to do it?

Teri Nagel
Image360 Brighton
2150 Pless Drive | Suite 3A | Brighton, MI 48114
Phone: (810) 225-7446 | teri@image360brighton.com



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From: Madhu Rakshit <madhurakshit@madison-heights.org>
Sent: Thursday, November 14, 2024 10:27 AM
To: Teri Nagel <teri@image360brighton.com>
Subject: RE: Temporary Banner for 27351 Dequindre

Hi,
 Regarding the Temporary banner sign question, I had a discussion with the planner.
 The address location falls in the Office District O-1.
 Per our new Zoning Ordinances please find the snapshot of the new zoning ordinance.
 Highlighted in yellow...

3. O-1 Office District:

Sign Type	O-1 Districts
Awning/ Canopy Signs	<p>Maximum Number: One (1) sign per awning/canopy.</p> <p>Maximum Area: 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.</p>
Ground Signs	<p>Maximum Number: One (1) per street frontage of a lot or development.</p> <p>Maximum Height: 8 feet</p> <p>Maximum Area: 0.5 square foot per each lineal foot of lot frontage to a maximum of 48 square feet in area.</p> <p>Minimum Setback: 3 feet from all lot lines. No sign shall be located closer than 30 feet to any property line of an adjacent residential district. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 8 feet).</p>
• Monument Signs	<p>Maximum Height: 8 feet</p> <p>Maximum Area: 48 square feet</p>
• Decorative Post Signs	<p>Maximum Height: 5 feet</p> <p>Maximum Area: 24 square feet</p>
Projecting Signs	<p>Maximum Number: One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade.</p> <p>Maximum Area: 10 square feet per individual sign.</p>
Wall Signs	<p>Maximum Height: 20 feet</p> <p>Maximum Area per Individual Sign: 50 square feet. Individual tenants with lineal building frontage in excess of 200 feet along a public roadway shall be permitted a maximum individual sign area allowance of 75 square feet along such street facing facades.</p> <p>Maximum Total Sign Area per Façade:</p> <p>Street-Facing façades: 1.5 square feet of total sign area per lineal feet of building frontage, not to exceed a total of 75 square feet per tenant per street-facing façade. Individual tenants with lineal building frontage in excess of 200 feet along a public street shall be permitted a total wall area allowance of 100 square feet along such street-facing facades.</p> <p>Non-street-facing façades: 75 square feet per façade per tenant.</p> <p>Painted Wall Signs: Refer to <u>Section 12.05(7)</u></p>
Window Signs	<p>Maximum Area: 25% of the window area.</p>
Temporary Signs	<p>Maximum Number: One (1) per lot.</p> <p>Maximum Height: 4 feet</p> <p>Maximum Area: 16 square feet</p> <p>Minimum Setback: 2 feet from right of way or any lot line.</p>

Madison-Heights-Zoning-Ordinance---Adopted-May-13-2024-Revised

Because the mentioned banner area (45 ft X 15 ft) is too large the temporary sign is not allowed. You may have to go through variance process through the planning department ..

Thanks,
Madhu Rakshit
GIS/CDD TECHNICIAN
City of Madison Heights
248-583-0831 Office
248-837-2660 Direct

From: Teri Nagel <teri@image360brighton.com>
Sent: Wednesday, November 13, 2024 3:49 PM
To: Madhu Rakshit <madhurakshit@madison-heights.org>
Subject: Temporary Banner for 27351 Dequindre

Hi Madhu,

Thank you for returning my call. Attached is a rendering of the Temporary Banner that Henry Ford Health would like to put on the side of the hospital. They would like to keep this up for 6 months.

I look forward to hearing from you tomorrow.

Teri Nagel
Image360 Brighton
2150 Pless Drive | Suite 3A | Brighton, MI 48114
Phone: (810) 225-7446 | teri@image360brighton.com



Henry Ford Health
27351 Dequindre - Temporary Banner - East Elevation



P: 810.225.7446
2150 Pless Dr. Ste 3A Brighton, MI 48114
Brighton@image360.com

APPROVAL PROCESS:

Please Respond
with Approval or
Not Approved to Continue

Give us a Call with 50% Deposit

Once both are received,
your order will be released to
PRODUCTION

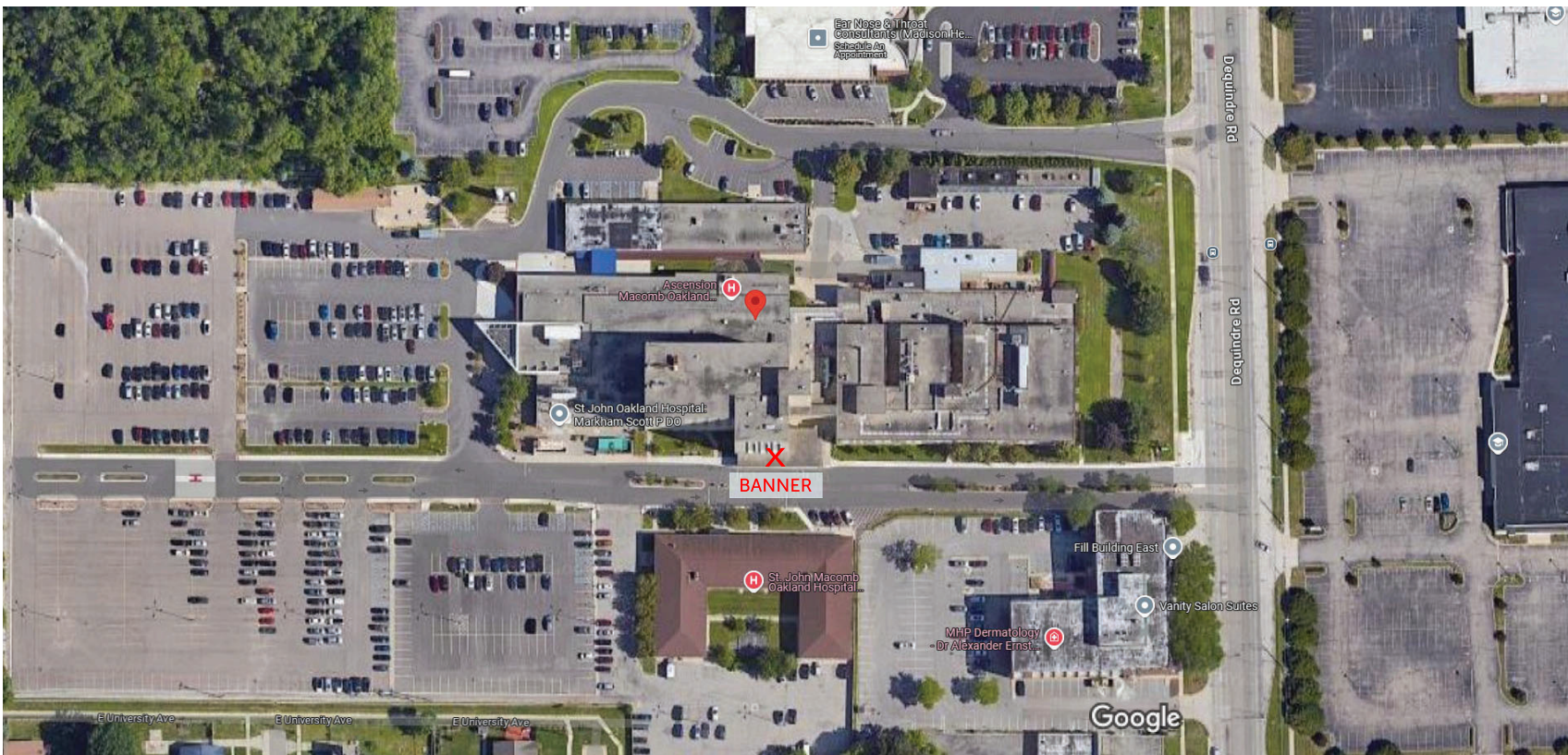
• **APPROVED**

_____ if everything looks
good and you have reviewed all
details carefully

• **NOT APPROVED**

_____ if you have
any revisions/edits OR if you
have any questions

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T:\JOBS BY CUSTOMER\Designs by Dempster\Henry Ford Health

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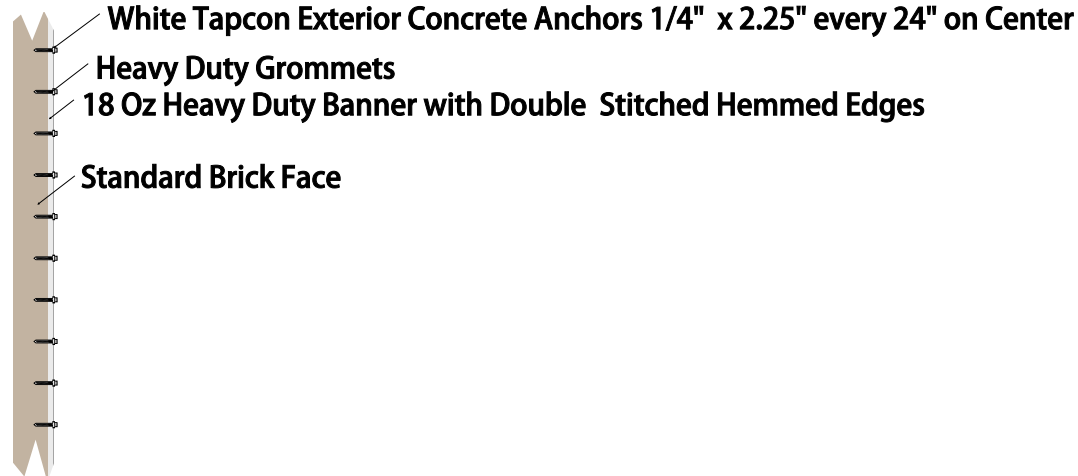
Henry Ford Health
27351 Dequindre Madison Heights, MI

15 FT

WE
GO
FOR
IT.

WE ARE
HENRY
FORD
HEALTH®

Side View



Madison Heights.fs

T:\JOBS BY CUSTOMER\Designs by Dempster\Henry Ford Health\Banners

It is the client's responsibility to ensure that the proof is correct in all areas. Please be sure to double-check spelling, grammar, layout, color, sizes, quantities and design before APPROVING the proof. We are happy to fix any errors before approval or answer any questions. The final product will be produced as shown on this proof with the exception of some logos/art may appear blurry because the proof is low resolution. We can email a screen shot of any areas you are concerned about at 100% size to show how it will print. If a proof containing errors is approved by the client, it is the client's responsibility for payment of all original costs of printing, including corrections and reprints.

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Section 12.03 Signs Not Requiring Permits

No permit shall be required for signs enumerated as follows by this Section. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance, nor relieve the owner from the responsibility of meeting the pertinent regulations of this article:

1. **Temporary Signs.** Temporary signage includes yard signs, sandwich board signs, banners, etc. in compliance with the dimensional standards of [Section 12.07](#). The following additional regulations shall be applicable to all exterior temporary signs:
 - A. **Generally.** Temporary sign(s) may be located only on private property with the owner's permission.
 - B. **Illumination.** Temporary signs shall not be illuminated or feature electronic message boards.
 - C. **Placement in Public Right-of-Way Prohibited.** Signs shall not be placed in the public right-of-way or between the public sidewalk and the road. Signs located in the public right-of-way will be removed and discarded.
 - D. **Method of Display.** Signs shall not be attached to any utility pole, street sign, traffic signal pole, street light, hydrant, or tree. Signs shall not block visibility at intersections, sidewalks, or driveways.
 - E. **Prompt Removal of Damaged Signs.** Damaged temporary signs shall be removed promptly.
2. **Interior Building Signs.** Signs located on the interior of buildings which are not visible from the exterior of the building.
3. Window signs, wall signs, and painted wall signs not exceeding 4 square feet, in compliance with the dimensional standards of [Section 12.07](#).
4. Any ground sign up to 4 sq. ft. in size and 3 ft. in height adjacent to drive aisles
5. Decorations commemorating a holiday that are not displayed in a manner that promotes commercial activity.
6. Signs erected on a City, County, State, or Federal building or land by the authorized public agency.
7. Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to, street signs and address signs.
8. Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
9. Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six (6) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings.

Section 12.04 Prohibited Signs

1. **Roof Signs.**
2. **Bench Signs.**
3. **Pylon Signs.**
4. **Revolving Signs.**
5. **Advertising Vehicles.** Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device (including electronic message boards) displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision. Fleet vehicles' used in day-to-day operations/transportation of the company do not count as advertising vehicles.
6. **Searchlights.** Except as may be specifically permitted elsewhere in this Ordinance, searchlights are prohibited.

3. O-1 Office District:

Sign Type	O-1 Districts
Awning/ Canopy Signs	<p>Maximum Number: One (1) sign per awning/canopy.</p> <p>Maximum Area: 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.</p>
Ground Signs	<p>Maximum Number: One (1) per street frontage of a lot or development.</p> <p>Maximum Height: 8 feet</p> <p>Maximum Area: 0.5 square foot per each lineal foot of lot frontage to a maximum of 48 square feet in area.</p> <p>Minimum Setback: 3 feet from all lot lines. No sign shall be located closer than 30 feet to any property line of an adjacent residential district. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 8 feet).</p>
<ul style="list-style-type: none"> Monument Signs 	<p>Maximum Height: 8 feet</p> <p>Maximum Area: 48 square feet</p>
<ul style="list-style-type: none"> Decorative Post Signs 	<p>Maximum Height: 5 feet</p> <p>Maximum Area: 24 square feet</p>
Projecting Signs	<p>Maximum Number: One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade.</p> <p>Maximum Area: 10 square feet per individual sign.</p>
Wall Signs	<p>Maximum Total Sign Area per Façade:</p> <p>Street Frontage/Primary Façade: 1.5 square feet of total sign area per lineal feet of building street frontage or primary façade length, not to exceed a total of 75 square feet per tenant per street-fronting façade or primary façade.</p> <p>Buildings/tenants with an individual building street frontage or primary façade length in excess of 200 feet or whose primary façade is set back more than 150 feet from the right-of-way line of the adjacent street shall be permitted a total wall area bonus of 25% along such frontage/façade, not to exceed 125 square feet of total sign area per façade.</p> <p>Secondary Façade: 1.5 square feet of sign area per lineal feet of secondary façade length, not to exceed 75 square feet.</p> <p>Painted Wall Signs: Refer to Section 12.05(7)</p>
Window Signs	<p>Maximum Area: 25% of the window area.</p>
Temporary Signs	<p>Maximum Number: One (1) per street frontage. One (1) per parcel with no street frontage.</p> <p>Maximum Height: 4 feet</p> <p>Maximum Area: 16 square feet</p> <p>Minimum Setback: 2 feet from right of way or any lot line.</p>

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

Section 15.06 Variances and Appeals

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

- C. That plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

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

Section 15.07 Zoning Ordinance Amendments (Map and Text)

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the City Council Chambers of the Municipal Building at **300 W. 13 Mile Road**, Madison Heights, Oakland County 48071 on **Thursday, March 6th, 2025 at 7:30 p.m.** to consider the following requests:

Item 2.

1. Case # PZBA 25-01: 27351 Dequindre Road

REQUEST: The applicant, Image 360 Brighton, on behalf of property owner Henry Ford Health, requests a dimensional sign variance from Section 12.03 and 12.07 of the Zoning Ordinance pertaining to the maximum size of a temporary sign, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 27351 Dequindre Road (PIN 44-25-13-426-031) and is zoned O-1, Office.

2. Case # PZBA 25-02: 29305 John R Road

REQUEST: The applicant, Hang Phonrath d/b/a Kim Nhung Superfood, Inc., on behalf of property owner William Gershenson, requests a dimensional sign variance from Section 12.07 of the Zoning Ordinance pertaining to maximum wall sign area allowances, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 29305 John R Road (PIN 44-25-11-476-022) and is zoned B-2, Community Business.

3. Case # PZBA 25-03: 32275 Stephenson Highway

REQUEST: The applicant and property owner, Ahmad Nassar, requests a variance from Section 8.05.5 of the Zoning Ordinance pertaining to fence materials, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 32275 Stephenson Highway (PIN 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1.

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

If you are unable to attend the meeting, you can send your comments via email to: MattLonnerstater@madisonheights.org and your comment will be read into the record at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the meeting.

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



MEMORANDUM

Report Date: February 27th, 2025
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: March 6th, 2025
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Dimensional Wall Sign Variance
 PZBA 25-02; 29305/29411 John R Road

NOTE: The main address for the parcel is listed as 29305 John R. Road. The address for the tenant space is 29411 John R Road. Both are listed on the variance request.

REQUEST

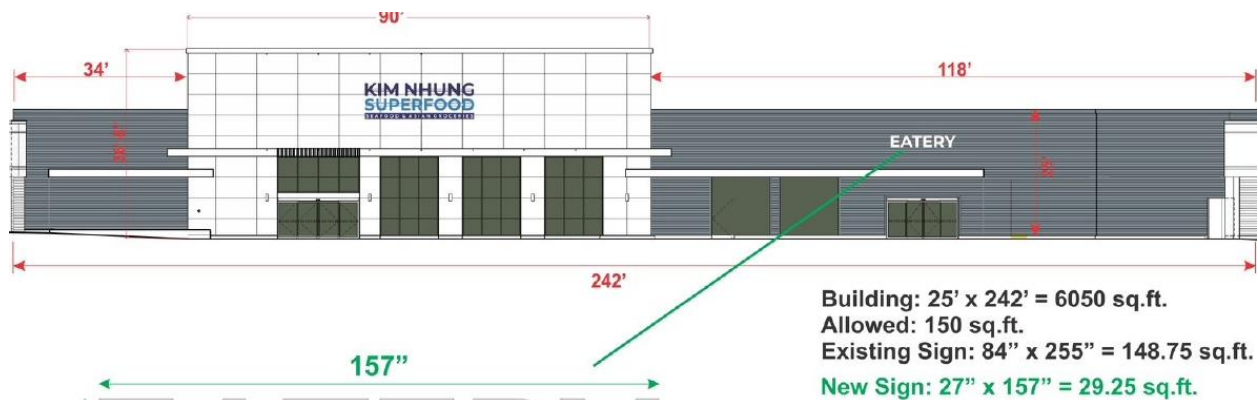
The applicant, Kim Nhung Superfood, Inc., requests one (1) dimensional variance from the Madison Heights Zoning Ordinance pertaining to wall signage. The subject property is located at 29305/29411 John R Road (tax parcel # 44-25-11-476-022) and is zoned B-2, Community Business. The property is located on the west side of John R Road north of 12 Mile Road, and is improved with a 42,000 square foot grocery store, currently undergoing interior renovations.

The applicant requests a variance from Section 12.07.2 of the Zoning Ordinance which sets a maximum total wall sign area of 150 square feet for the tenant space’s primary front facade. The tenant has already been approved for a 148.75 square foot wall sign, approaching the maximum allowance. The applicant requests to install one (1) additional 29.5 square foot wall sign on the same façade for the grocery store’s food court, requiring a 28 square foot dimensional variance.

Proposed Wall Sign

The 29.5 square foot wall sign is proposed above the store’s northern entrance, with the words “EATERY” to denote the food court entrance. The proposed sign features illuminated channel letters on a raceway. Based on the tenant space’s frontage along the street and its large setback from the road, the tenant is afforded a total wall area allowance of 150 square feet along the front facade. The Zoning Ordinance does not cap the total number of wall signs on a single façade; however, the existing 148.75 square foot wall sign uses up almost all of the total wall sign allowance, leading to this variance request.

Proposed “Eatery” Wall Sign– Dimensions and Renderings



VARIANCE FINDINGS AND CRITERIA

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize dimensional variances from sign regulations, provided that such variances will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Boards of Appeals shall make findings that the petitioner has adequately proven the existence of a practical difficulty, explicitly with regard to the following criteria:

- A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- C. That the plight of the owner is due to unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with the Ordinance, provided that said conditions are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public. Such conditions shall be necessary to meet the intent and purpose of the Ordinance, be related to the standards established in the section for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 15.06.2 of the Zoning Ordinance. Per their application, the applicant primarily cites visibility from John R Road due to building setbacks and the ability to advertise the eatery portion of the business as justifications for the wall sign variance.

Practical difficulties relating to a dimensional variance request should generally relate to unique physical constraints on the property, including but not limited to natural features (e.g. wetlands, topography, soil situations) or extraordinary parcel shape. Where physical constraints severely limit the ability to place a legal wall sign on the property, variances may be warranted.

ZBA ACTION

Any ZBA motion, including approval and denial, shall include findings of fact relating to the variance criteria listed in Sections 15.06.2 of the Zoning Ordinance. Template approval and denial motions are provided below for the ZBA's consideration, which may be modified at the discretion of the board.

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed use(s) as it may deem reasonable in furthering the purpose of the Zoning Ordinance,

TEMPLATE MOTIONS

Variance– Ground Sign Height and Area

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

Move that the Zoning Board of Appeals APPROVE the dimensional variance application to allow one (1) wall sign measuring 29.25 square feet at the subject property located at 29305/29411 John R Road. This motion being made after the required public hearing based upon the following findings:

- 1) That Section 12.07.2 of the Zoning Ordinance sets a maximum area of one-hundred fifty (150) square feet for the tenant space’s primary front façade, and the applicant is requesting a 28 square foot variance.
- 2) That strict compliance with dimensional sign regulations would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- 3) That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- 4) That the plight of the owner is due to unique circumstances of the property, including large setbacks from the adjacent public street; and
- 5) That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- 6) That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- 7) That the need for the requested variance is not the result of actions of the property owner or previous property owners.

Approval is granted with the following conditions designed to ensure compliance with the intent and purpose of the sign regulations: INSERT AS NEEDED.

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

Move that the Zoning Board of Appeals DENY the dimensional variance application to allow one (1) wall sign measuring 29.25 square feet at the subject property located at 29305/29411 John R Road. This motion being made after the required public hearing based upon the following findings:

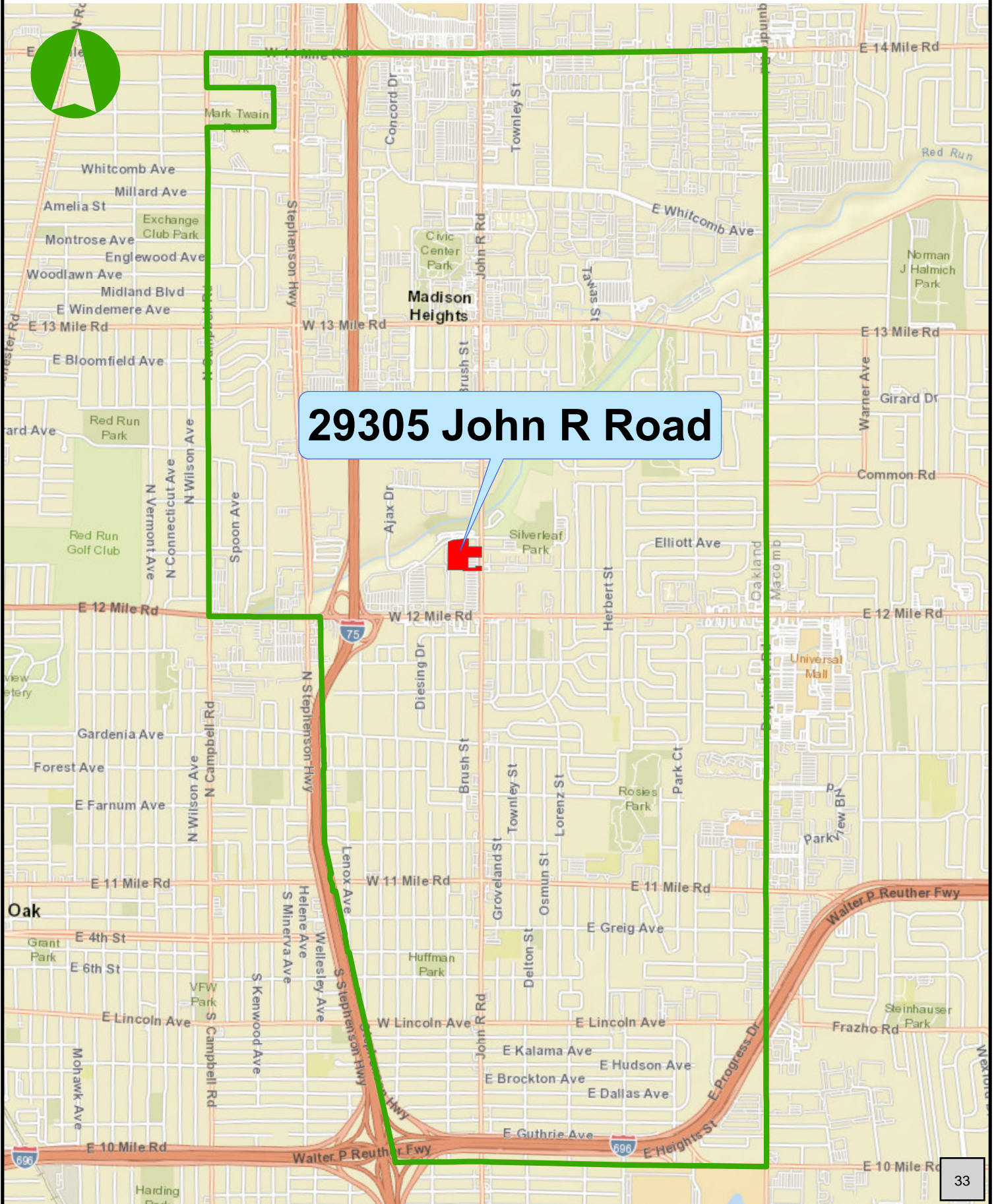
- 1) That Section 12.07.2 of the Zoning Ordinance sets a maximum area of one-hundred fifty (150) square feet for the tenant space’s primary front façade, and the applicant is requesting a 28 square foot variance.
- 1) That strict compliance with dimensional sign regulations would not unreasonably prevent the owner from using the property for a permitted purpose, and would not thereby render the conformity unnecessarily burdensome for other than financial reasons;
- 2) That a variance will not provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance;
- 3) That the plight of the owner is not due to unique circumstances of the property;
- 4) That the requested variance is not the minimum amount necessary to permit reasonable use of the land, building or structure;
- 5) That the authorization of such variance will be of substantial detriment to adjacent properties and/or will materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community;
- 6) That the need for the requested variance is the result of actions of the property owner or previous property owners.

Attachments

- Maps
- ZBA Application
- Email Correspondence w/ Applicant
- Section 15.06 – Variances and Appeals
- Section 12.07.2 – Regulations for Permitted Signs (B-2, Community Business District)
- Public Hearing Notice

PZBA Case 25-02: 29305 John R Road

Item 3.

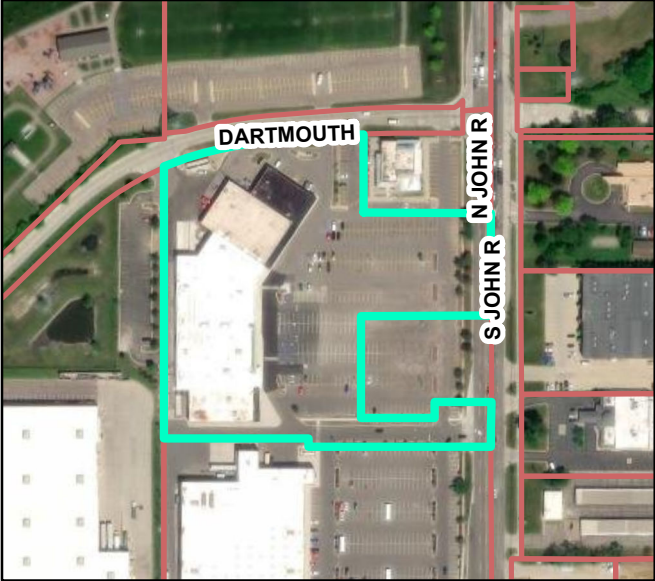


Site Address: 29305 John R Road

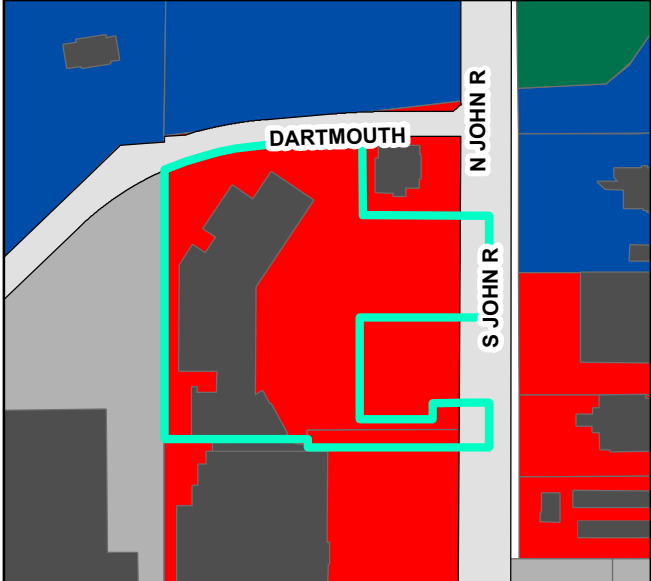


[Click for maps](#)

Aerial



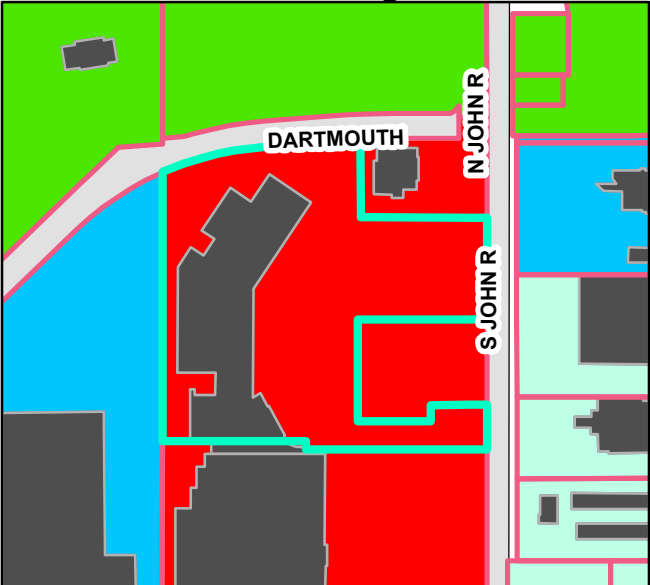
Existing Land Use



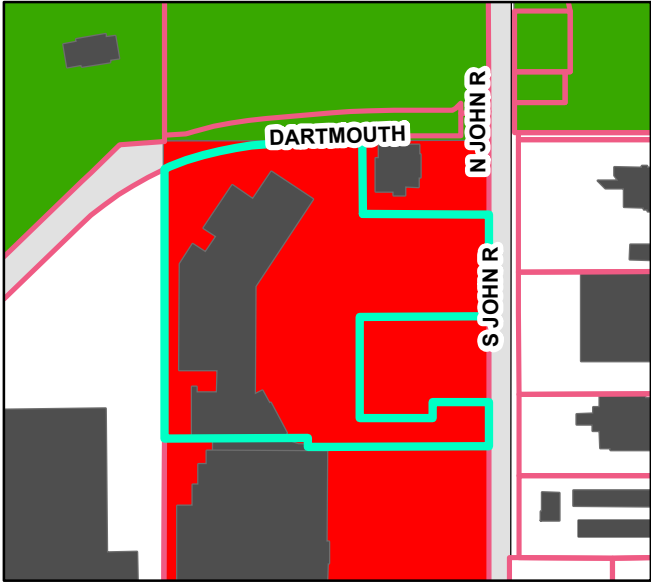
29305 John R Road Parcels

29305 John R Road Commercial
 Buildings Recreation
 Public Industrial

Zoning



Future Land Use

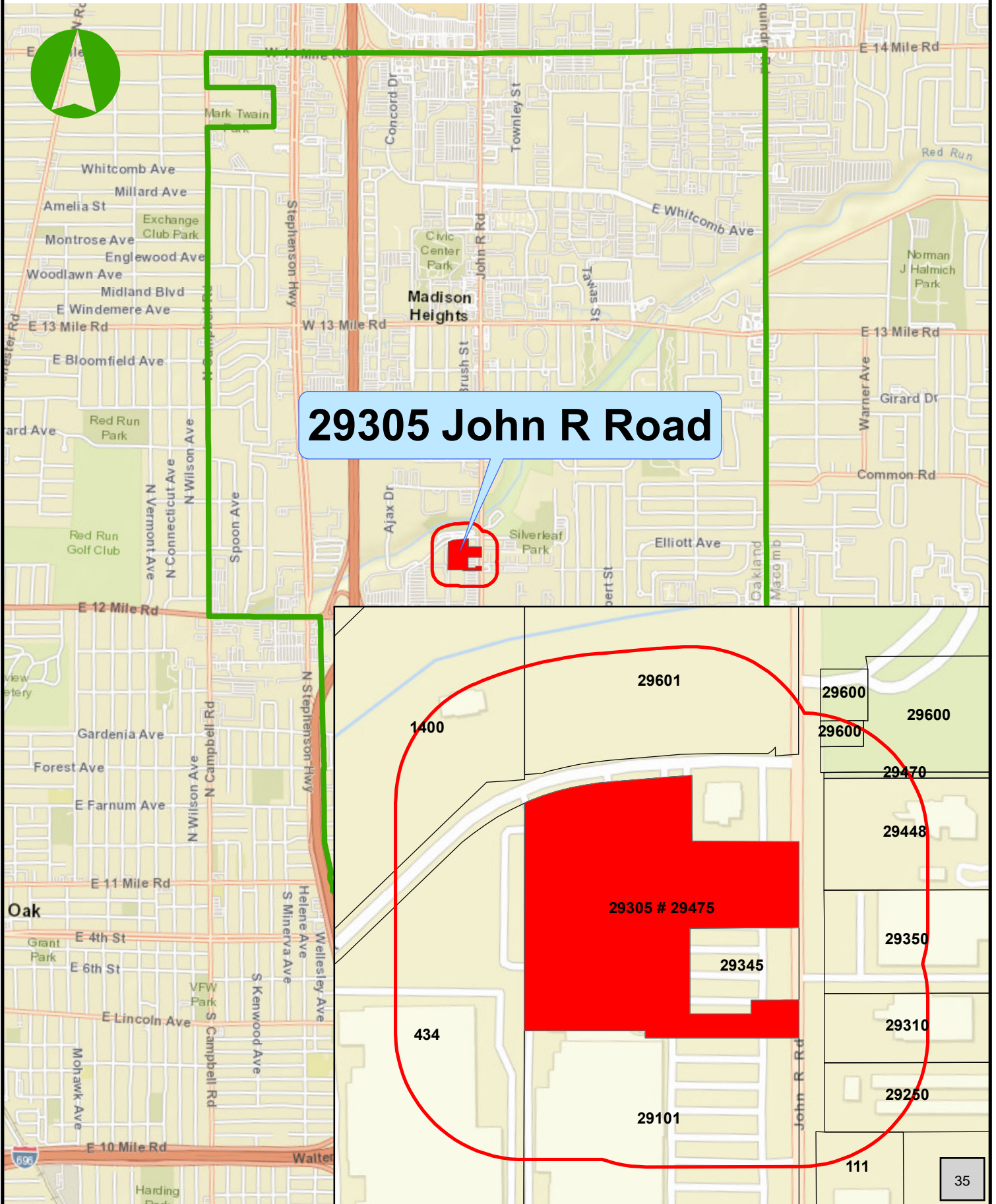


29305 John R Road B-2
 Parcels N-P
 MUI2 MUI

29305 John R Road Industrial
 Parcels Recreation
 Single Family Commercial

PZBA Case 25-02: 29305 John R Road Buffer 300 Ft

Item 3.





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

WHAT IS THE ROLE OF THE ZONING BOARD OF APPEALS (ZBA)?

Refer to **Section 14.05 (Zoning Board of Appeals)** of the Zoning Ordinance for the full administrative function, organization and processes associated with the Zoning Board of appeals.

The Michigan Zoning Enabling Act (Act 110 of 2206, as amended) clearly specifies the duties and responsibilities of the ZBA. In Madison Heights, the ZBA has the following primary functions:

1. To hear and decide requests for non-use (dimensional) **variances** from the strict application of the Zoning Ordinance.
2. To hear and decide **appeals** of administrative decisions made in implementing the Zoning Ordinance.
3. To **interpret** the provisions of the Zoning Ordinance.
4. To allow alteration of certain **non-conforming** uses, sites, and buildings.

NON-USE (DIMENSIONAL) VARIANCES

Refer to **Section 15.06** for full Zoning Ordinance standards pertaining to dimensional variances. The variance process is meant to provide limited relief from the requirements of the Zoning Ordinance in order to address extraordinary, exceptional, or unique conditions or circumstances that were not created by the property owner. A non-use, or dimensional, variance is one that permits a building, structure, or site element to be placed on a parcel in a way that does not satisfy minimum Zoning Ordinance requirements. Generally, dimensional variances relate to setbacks, lot area or width, building height, parking or landscaping standards, or design standards. The Madison Heights Zoning Ordinance does **not** permit use variances (or variances that permits a parcel or building to be used in a way that would not otherwise be allowed in the zoning district).

In order for a dimensional variance to be approved, the applicant must prove, and the ZBA must find, that there is a practical difficulty relating the property. In granting a variance, the ZBA shall find that all of the following requirements have been met by the applicant's petition:

- A. Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and

- B. A variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring areas, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- C. The plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary; and
- D. The requested variance is the minimum amount necessary to permit reasonable use of the land, building, or structure; and
- E. The authorization of such variances will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of the Zoning Ordinance or the public health, safety, and general welfare of the community; and
- F. The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

ADMINISTRATIVE APPEALS

Refer to **Section 15.06** for full Zoning Ordinance standards pertaining to administrative appeals. The ZBA has the power to hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or interpretation made by the Planning and Zoning Administrator, zoning enforcement officer, or any other administrative official, board or commission in carrying out or enforcing any provision of the Zoning Ordinance, except where the Zoning Ordinance prohibits ZBA action (e.g. direct appeal to Circuit Court).

An appeal shall be filed with the Planning and Zoning Administrator within **thirty (30) days** from the date listed on the Notice of Action referring to the order, requirement, decision, or determination which is the subject of the appeal.

ZONING INTERPRETATION

Refer to **14.05** for full Zoning Ordinance standards pertaining to interpretations. The ZBA has the power to interpret the regulations of the Zoning Ordinance or zoning map where it is alleged that certain regulations or are not clear or could have more than one meaning, or where there is a question as to the location of any boundary line between zoning districts.

NON-CONFORMING USES.

Refer to **Section 13.01** for full Zoning Ordinance standards pertaining to alterations of nonconforming uses. The ZBA may allow an expansion or enlargement of a nonconforming use, or the conversion to another use which is less intensive than the existing use, provided that it is conclusively shown that such extension, enlargement, or conversion: 1) will not further reduce the value or otherwise limit the lawful use of adjacent properties; 2) will retain the character and environment of abutting premises; 3) will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses; and 4) will satisfy remaining requirements of Section 15.06 of the Zoning Ordinance.

PRE-APPLICATION CONFERENCE (OPTIONAL)

At the option of the applicant, prior to the submittal of a formal ZBA application, the applicant may submit a conceptual plan to the Community & Economic Development Department to be reviewed by the Planning and Zoning Administrator. The purpose of the pre-application conference is to discuss the review procedures, design elements, and ordinance requirements. At this conference, the Planning and Zoning Administrator may provide the applicant with an advisory opinion as to whether the application meets the substantive requirements for ZBA submittal. The City's comments during a pre-application conference shall be advisory in nature only and shall not constitute a recommendation of approval regarding the application. An applicant may request that a pre-application conference take place at a meeting of the Technical Review Committee, upon payment of a fee established by City Council.

COMPLETE APPLICATION REQUIRED

The ZBA Application will not be processed by staff until it has been verified that all required information has been provided with the application. Incomplete applications may be returned. Please carefully review the Checklist included within this application to see those items that must be included with a complete application submittal.

NOTICE OF PUBLIC HEARING AND ZONING BOARD OF APPEALS MEETING

Public hearing notices are required for all Zoning Board of Appeals applications. Staff will prepare the public hearing notice for publication in a local newspaper and mailers for surrounding property owners (if applicable), in accordance with the Zoning Ordinance and the Michigan Zoning Enabling Act.

The Zoning Board of Appeals will hold a public hearing at a regularly-scheduled meeting, unless a Special Meeting is scheduled. The ZBA Meeting Schedule and Submittal Calendar is attached to this application packet.

The applicant, or a designated representative **MUST BE PRESENT** at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

APPROVAL PERIOD AND RESUBMITTAL

No order of the ZBA permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such project is obtained within such period and is commenced and proceeds to completion accordance with the terms of the permit. No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period.

No application for a variance which has been denied in whole or in part by the ZBA shall be re-submitted for a period of one year from such denial, except on the ground of new evidence or proof of changed conditions.

APPEALS

An appeal of a ZBA decision shall be taken to Circuit Court within a time period specified in the Michigan Zoning Enabling Act. No decision or condition related to a Special Land Use application may be appealed to the Zoning Board of Appeals

ZBA REVIEW PROCESS

REFER TO SECTIONS 14.05 AND 15.05 OF THE ZONING ORDINANCE FOR FULL PROCESS, STANDARDS, AND REQUIREMENTS FOR ZONING BOARD OF APPEALS APPLICATIONS.

SUBMITTAL REQUIREMENTS

- (a) One (1) copy of the completed Zoning Board of Appeals Application, including the ZBA Review Standards Response Form, and all additional required attachments.
- (b) **For dimensional variances or alterations of non-conforming uses**, two (2) 8.5" x 11" copies and a digital (PDF) copy of the conceptual site plan or plot plan, properly scaled, showing: dimensions from street/property lines, sidewalks, building on site and on adjoining properties, easements, and other facilities, structures, and site conditions pertaining to the variance or alteration request. (Refer to Checklist included in this application).
- (c) **For appeals**, a copy of the Notice of Action, meeting minutes, and/or notice of violation for the zoning decision being appealed.
- (d) All applicable fees as established by City Council
- (e) **OPTIONAL:** Additional helpful information pertaining to the request, including but not limited to, photographs of the property or structure, letters of support, etc.

**Submit complete application to Community and Economic Development Department:
300 W. Thirteen Mile Road, Madison Heights, MI 48071**



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

I. APPLICANT INFORMATION

Applicant Hang Phonrath (Kim Nhung Superfood Inc)
Applicant Address ~~29411 John R Road~~ 29305 John R Road
City Madison Heights State MI ZIP 48071
Interest in Property (owner, tenant, option, etc.) Business Owner
Contact Person Han Phonrath
Telephone Number 720-234-0505 Email Address hang@knsuperfood.com

II. PROPERTY INFORMATION (IF APPLICABLE)

Property Address ~~30925 Dequindre Rd.~~ 29305 John R Road
Tax ID ~~44-99-12-008-025~~ 44-25-11-476-022 Zoning District B2
Owner Name (if different than applicant) William Gershenson
Address 876 Horace Brown Dr.
City Madison Heights State MI Zip 48071
Telephone Number 248-417-3913 Email Address wgershenson@mmdco.com

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name _____ Company _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ Email Address _____

IV. NATURE OF REQUEST

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

Brief Description of Request

Variance to allow additional 29.25 sq.ft. sign for "EATERY"

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

V. APPLICANT CERTIFICATION

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

Printed Name Hang Phonrath Signature _____ Date _____

VI. PROPERTY OWNER CERTIFICATION

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

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

Printed Name William Gershenson Signature *WJ* Date 2/7/25

Notary for Property Owner:

Subscribed and sworn before me, this 7th day of February, 2025.

A Notary Public in and for Macomb County, Michigan.

Notary Name (Print): Kenisha Lee

Notary Signature: *K Lee*

My Commission Expires: 08/24/2028

Notary Stamp



STAFF USE ONLY [DO NOT ACCEPT INCOMPLETE APPLICATIONS]

<p>FILING FEE: _____</p> <ul style="list-style-type: none"> ➤ DIMENSIONAL VARIANCE/NON-CONFORMING USE: <ul style="list-style-type: none"> ○ Single-Family: \$300 ○ Multi-Family/Non-Residential: \$400 + \$300 per additional variance ➤ Appeal/Interpretation: \$400 	<p>ZBA NO.: PZBA # _____</p> <p>DATE APPLICATION RECEIVED: _____</p> <p>RECEIVED BY: _____</p>
--	--

ZONING BOARD OF APPEALS (ZBA): REVIEW STANDARDS RESPONSE FORM

Section 15.06 of the Zoning Ordinance contains review standards and criteria for variances and appeals. Please provide responses to the following review standards for consideration by staff and the Zoning Board of Appeals. (Provide additional separate sheets, if necessary).

Please fill out ONLY the section below that applies to your request.

SECTION A: APPEAL OF ADMINISTRATIVE DECISION

Check here for an Appeal of Administrative Decision (Section 15.06 of Zoning Ordinance)

1. Date of Decision Being Appealed: _____

2. Decision Making Entity:

Planning and Zoning Administrator Planning Commission Code Enforcement Other: _____

3. Applicant's Reason for Appeal: Describe the decision being appealed and how the decision was made contrary to the proper requirements and standards of the Zoning Ordinance.

4. Provide copy of the Notice of Action, notice of violation, and/or meeting minutes for the zoning decision being appealed.

SECTION B: ZONING TEXT OR MAP INTERPRETATION

Check here for a Zoning Text or Map Interpretation (Section 15.06 of Zoning Ordinance)

1. If requesting a text interpretation, provide Section numbers of Zoning Ordinance to be interpreted:

2. Please describe the request and what needs to be clarified or interpreted by the ZBA.

SECTION C: ALTERATION OF NONCONFORMING USE

Check here for an Alteration of a Nonconforming Use (Section 13.01 of Zoning Ordinance)

1. Describe the existing nonconforming use and the plans for alteration/expansion.

2. Describe how the alterations will not further reduce the value or otherwise limit the lawful use of adjacent properties.

3. Describe how the alterations will retain the character and environment of abutting premises.

4. Describe how the alterations will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses.

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

SECTION D: DIMENSIONAL (NON-USE) VARIANCE

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

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

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

Installation of a wall sign (29.25 sq.ft.) "EATERY" over the second entrance at 29411 John R. The Kim Nhung Superfood already used the allowed 150 sq.ft. before we knew the EATERY sign was needed.

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

Compliance would not allow the other tenant (Eatery) any signage for their business.

4. Explain how a variance would provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return is not of itself deemed sufficient to warrant a variance.

Allowing the variance would give the Eatery representation on the exterior of the building allowing customers to know where to enter the building.

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

The setback from John R is 437 feet and a sign in the window will not be visible.

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

The size of the sign proposed will hopefully allow visibility of Eatery from the street or at least the back of the parking lot. It is 437 feet from John R and the building.

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

Approval of the variance will not be a detriment to adjacent properties. It is a smaller sign and will not interfere with the activity of other businesses in the complex.

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

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

ZBA: SUBMITTAL CHECKLIST

The following items are required for a complete Zoning Board of Appeals application. Incomplete applications will not be processed.

- Completed Zoning Board of Appeals application and submittal of required fee.
- Completed ZBA Review Standards Response Form.
- For dimensional variances or alterations of non-conforming uses:** two (2) 8.5" x 11" copies and a digital (PDF) copy of the conceptual site plan or plot plan, properly scaled, showing:
 - Boundary lines and setback dimensions.
 - Existing building location.
 - Proposed buildings and site improvement/changes.
 - Proposed easements, utilities, or other facilities.
 - Additional site conditions pertaining to the variance or alteration request.
- For appeals:** a copy of the Notice of Action, meeting minutes, and/or notice of violation for the zoning decision being appealed.
- OPTIONAL:** Additional information pertinent to the request, including photographs of the property or structure, letters of support, etc.

The Planning and Zoning Administrator may waive particular ZBA application submittal items upon a determination that such items are not necessary to or pertinent to the requested action.

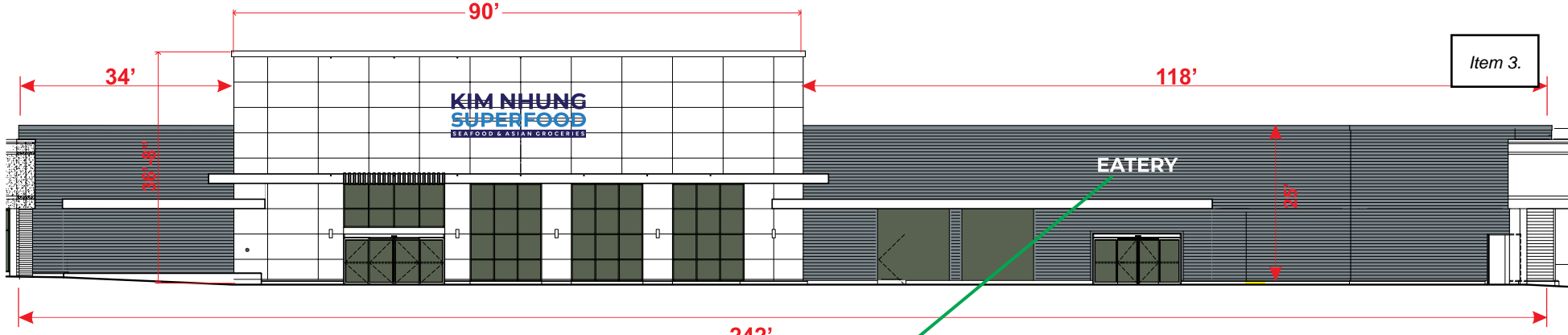
**MADISON HEIGHTS ZONING BOARD OF APPEALS
2025 MEETING SCHEDULE**

First Thursday of each month at 7:30 p.m. (unless otherwise noted or canceled)

Council Chambers – 300 W. 13 Mile Road (unless otherwise noted)
Madison Heights, MI 48071

MEETING DATE	APPLICATION DEADLINE (By close of business)	NOTICES PUBLISHED
JANUARY – NO MEETING	--	--
February 6th	January 13 th	January 22 nd
March 6th	February 10 th	February 19 th
April 3rd	March 10 th	March 19 th
May 1st	April 7 th	April 16 th
June 5th	May 5 th	May 14 th
JULY - NO MEETING	--	--
August 7th	July 14 th	July 23 rd
September 4th	August 11 th	August 20 th
October 2nd	September 8 th	September 17 th
November 6th	October 6 th	October 15 th
December 4th	November 3 rd	November 12 th

Adopted: December 5th, 2024



Illuminated Channel Lettering on Raceway
 White internal LEDs
 White Faces

Building: 25' x 242' = 6050 sq.ft.
 Allowed: 150 sq.ft.
 Existing Sign: 84" x 255" = 148.75 sq.ft.
 New Sign: 27" x 157" = 29.25 sq.ft.



EXISTING Illuminated Channel Lettering



**29411 John R
 Madison Heights**

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

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

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

Section 15.06 Variances and Appeals

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

- C. That plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

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

Section 15.07 Zoning Ordinance Amendments (Map and Text)

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the City Council Chambers of the Municipal Building at **300 W. 13 Mile Road**, Madison Heights, Oakland County 48071 on **Thursday, March 6th, 2025 at 7:30 p.m.** to consider the following requests:

Item 3.

1. Case # PZBA 25-01: 27351 Dequindre Road

REQUEST: The applicant, Image 360 Brighton, on behalf of property owner Henry Ford Health, requests a dimensional sign variance from Section 12.03 and 12.07 of the Zoning Ordinance pertaining to the maximum size of a temporary sign, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 27351 Dequindre Road (PIN 44-25-13-426-031) and is zoned O-1, Office.

2. Case # PZBA 25-02: 29305 John R Road

REQUEST: The applicant, Hang Phonrath d/b/a Kim Nhung Superfood, Inc., on behalf of property owner William Gershenson, requests a dimensional sign variance from Section 12.07 of the Zoning Ordinance pertaining to maximum wall sign area allowances, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 29305 John R Road (PIN 44-25-11-476-022) and is zoned B-2, Community Business.

3. Case # PZBA 25-03: 32275 Stephenson Highway

REQUEST: The applicant and property owner, Ahmad Nassar, requests a variance from Section 8.05.5 of the Zoning Ordinance pertaining to fence materials, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 32275 Stephenson Highway (PIN 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1.

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

If you are unable to attend the meeting, you can send your comments via email to: MattLonnerstater@madisonheights.org and your comment will be read into the record at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the meeting.

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



MEMORANDUM

Report Date: February 27th, 2025
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: March 6th, 2025
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Fence Material Variance
 PZBA 25-03; 32275 Stephenson Hwy.

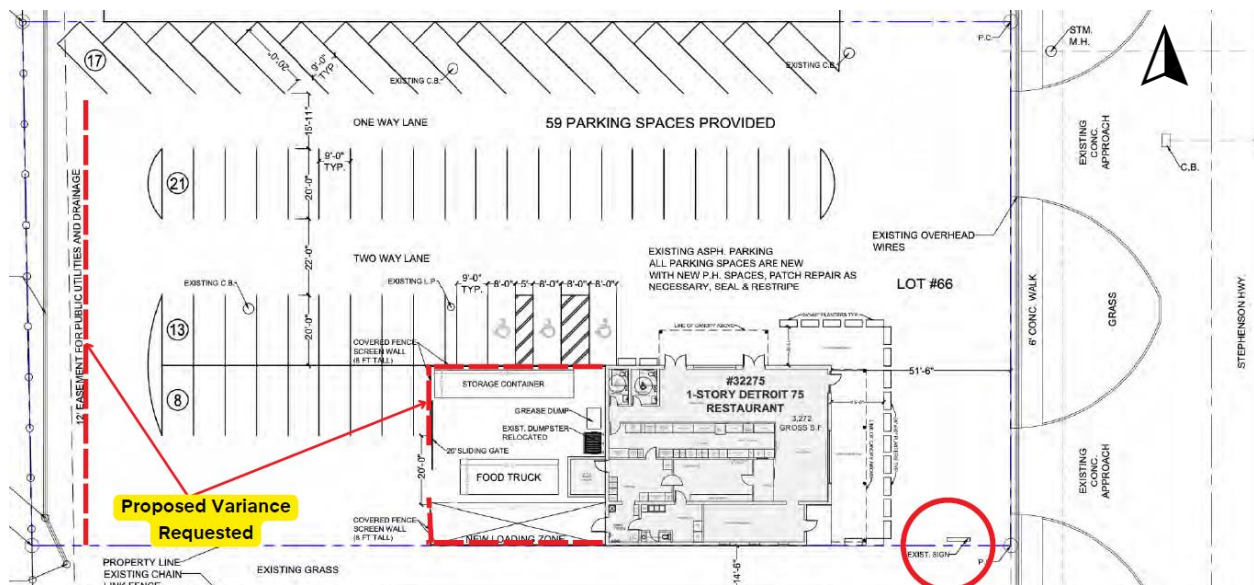
REQUEST

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

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

The site plan below denotes the proposed locations of the decorative fabric covers on the site.

Proposed Fabric Fence Covering Locations



Proposed Fence Covering

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

Potential Designs for Fabric Fence Covering



VARIANCE FINDINGS AND CRITERIA

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize dimensional variances from sign regulations, provided that such variances will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Boards of Appeals shall make findings that the petitioner has adequately proven the existence of a practical difficulty, explicitly with regard to the following criteria:

- A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- C. That the plight of the owner is due to unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with the Ordinance, provided that said conditions are designed to protect natural resources, the health, safety,

and welfare and social and economic well-being of the public. Such conditions shall be necessary to meet the intent and purpose of the Ordinance, be related to the standards established in the section for the land use or activity under consideration and be necessary to ensure compliance with those standards.

STAFF ANALYSIS

The regulation that prohibits materials from being hung over or placed within chain link fences was carried over from the previous Zoning Ordinance, and was likely put in place to prevent this material from becoming torn, ripped or damaged over time which can present unsightly conditions. The applicant has provided written responses addressing the variance criteria of Section 15.06.2 of the Zoning Ordinance. Per their application, the applicant primarily cites limited impact to adjacent properties, high quality materials, and attractive design as justification for the variance.

Practical difficulties relating to a dimensional variance request should generally relate to unique physical constraints on the property, including but not limited to natural features (e.g. wetlands, topography, soil situations) or extraordinary parcel shape. Where physical constraints severely limit the ability to place traditional screening on the property, variances may be warranted.

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

Suggested conditions:

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

ZBA ACTION

Any ZBA motion, including approval and denial, shall include findings of fact relating to the variance criteria listed in Sections 15.06.2 of the Zoning Ordinance. Template approval and denial motions are provided below for the ZBA's consideration, which may be modified at the discretion of the board.

TEMPLATE MOTIONS

Variance– Fabric Fence Covering

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

Move that the Zoning Board of Appeals APPROVE the variance to allow fabric fence coverings at the property located at 32275 Stephenson Highway. This motion, being made after the required public hearing, is based upon the following findings:

- 1) That 8.05.5.F of the Zoning Ordinance states that, *“materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.”*
- 2) That strict compliance with fence materials regulations would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- 3) That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- 4) That the plight of the owner is due to unique circumstances of the property, including unique site layout and orientation; and
- 5) That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- 6) That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- 7) That the need for the requested variance is not the result of actions of the property owner or previous property owners.

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

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

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

Move that the Zoning Board of Appeals DENY the variance relating to fabric fence coverings at the property located at 32275 Stephenson Highway. This motion being made after the required public hearing based upon the following findings:

- 1) That 8.05.5.F of the Zoning Ordinance states that, *“materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.”*
- 2) That strict compliance with fence materials regulations would not unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- 1) That a variance will not provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance;
- 2) That the plight of the owner is not due to unique circumstances of the property;
- 3) That the requested variance is not the minimum amount necessary to permit reasonable use of the land, building or structure;
- 4) That the authorization of such variance will be of substantial detriment to adjacent properties and/or will materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community;
- 5) That the need for the requested variance is the result of actions of the property owner or previous property owners.

Attachments

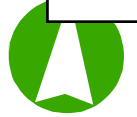
- Maps
- ZBA Application
- Section 8.05 - Fences
- Section 15.06 – Variances and Appeals
- Public Hearing Notice

PZBA Case 25-03: 32275 Stephenson Hwy

Item 4.

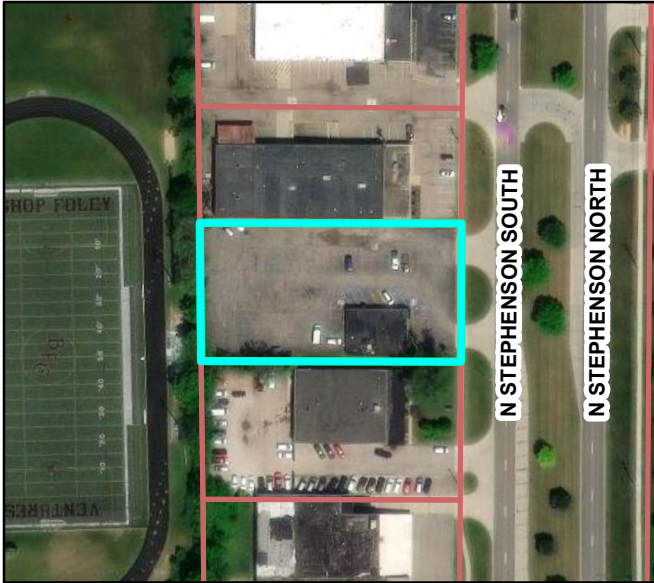




Site Address: 32275 Stephenson Hwy



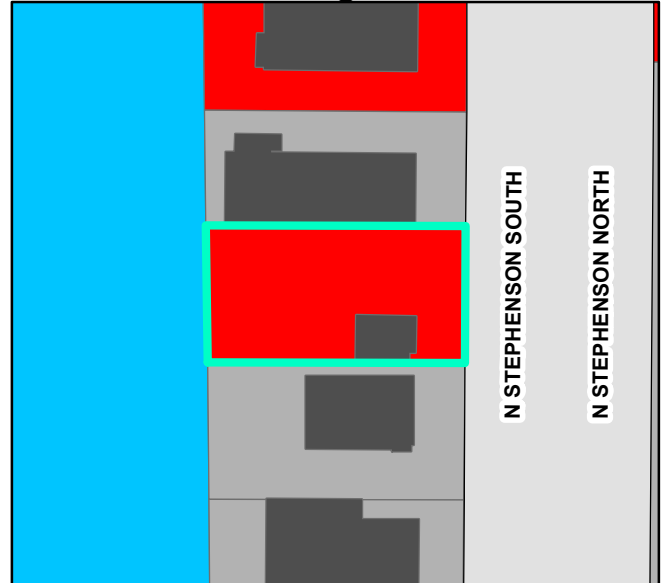
[Click for maps](#)






Aerial



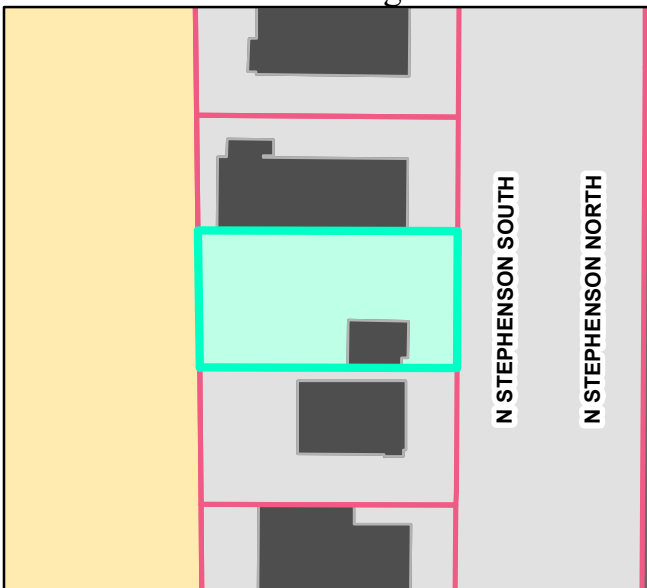
 32275 Stephenson Hwy  Parcels






Existing Land Use



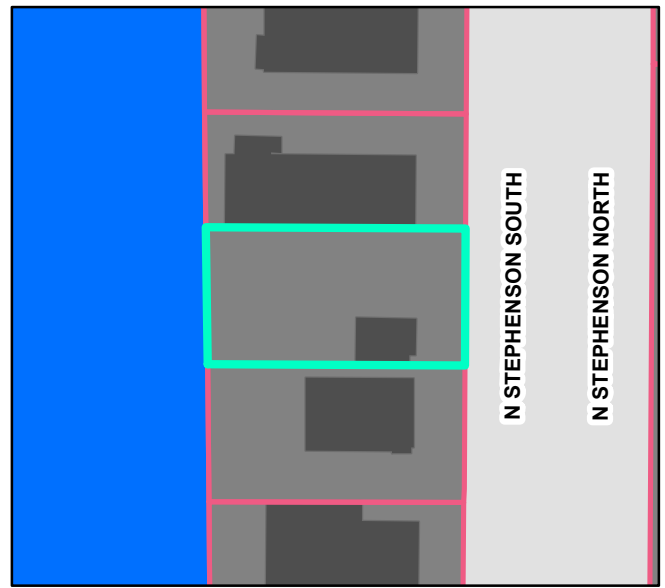
 32275 Stephenson Hwy  Commercial
 Buildings  Industrial
 Quasi-public





Zoning



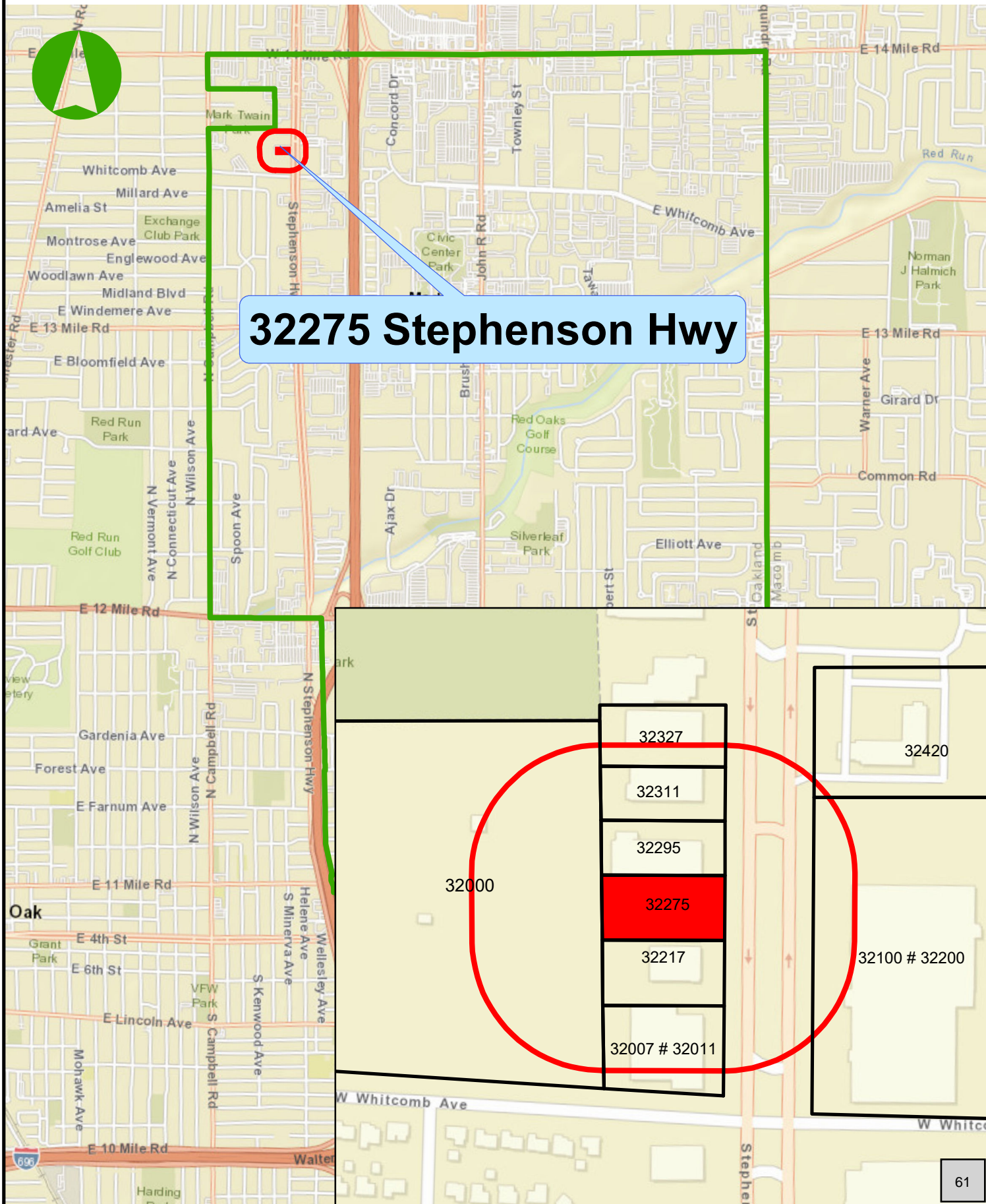
 32275 Stephenson Hwy  MUI
 Parcels  R-2
 M-1

Future Land Use



 32275 Stephenson Hwy  Industrial
 Public and Schools  Parcels

PZBA Case 25-03: 32275 Stephenson Hwy Buffer 300 Ft





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

I. APPLICANT INFORMATION

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

II. PROPERTY INFORMATION (IF APPLICABLE)

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

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name _____ Company _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ Email Address _____

IV. NATURE OF REQUEST

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

Brief Description of Request

Responses on Seperate Sheet

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

V. APPLICANT CERTIFICATION

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

Printed Name Ahmad Nassar Signature Ahmad Nassar Date 2/10/25

VI. PROPERTY OWNER CERTIFICATION

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

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

Printed Name Ahmad Nassar Signature Ahmad Nassar Date 2/10/25

Notary for Property Owner:

Subscribed and sworn before me, this ___ day of _____, 20__.

Notary Stamp

A Notary Public in and for _____ County, Michigan.

Notary Name (Print): _____

Notary Signature: _____

My Commission Expires: _____

STAFF USE ONLY [DO NOT ACCEPT INCOMPLETE APPLICATIONS]

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

SECTION D: DIMENSIONAL (NON-USE) VARIANCE

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

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

Section 8.05.5	F. Materials
Section 12.07	Sign Height

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

Responses on Seperate Sheet

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

Responses on Seperate Sheet

4. Explain how a variance would provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return is not of itself deemed sufficient to warrant a variance.

Responses on Seperate Sheet

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

Responses on Seperate Sheet

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

Responses on Seperate Sheet

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

Responses on Seperate Sheet

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

Responses on Seperate Sheet

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

Brief Description of Request / Summary

1. Monument Sign Replacement (24' vs. 8')

- Replacing 80-year-old deteriorating sign
- Maintains existing height matching neighboring businesses
- Critical for visibility and customer navigation
- Preserves historical precedent and area standards
- No impact on streetscape or safety

2. Rear Screen Wall Material

- UV-resistant fabric on non-public facing wall
- Professional maintenance and seasonal updates
- Matches successful implementations at other locations
- No visibility from public right-of-way
- Exceeds durability and quality standards

Key Justifications

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

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

Proposed Work:

- **Monument Sign Replacement:**
 - Replacing deteriorating 24-foot monument sign (80-year fixture)
 - New sign: same height, modern design, improved aesthetics
- **Fence Covering Material:**
 - Installing UV-resistant fabric covering on rear screen wall (not visible to public)
 - This material will be decorative and durable, with seasonal rotation and maintenance to align with our brand standards.

Why the Variances Are Needed:

- **Sign Height:**
 - Our 24-foot sign height aligns perfectly with established area standards, matching neighboring businesses including McDonald's, Hampton Bay Hotel, Rodeway Inn, and Baymont Inn
 - Maintaining our historical 24-foot sign height ensures continued optimal visibility and seamless customer navigation, preserving decades of wayfinding
- **Fence Covering Material:**
 - The ordinance prohibits attaching materials to fences visible from public rights-of-way. However, our request only applies to a private, rear-facing screen wall.
 - The material is not temporary or low-quality—it is UV-resistant, durable, and professionally maintained, ensuring compliance with the ordinance's intent to prevent deterioration.

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

Monument Sign Height Variance (24' vs 8')

Business Impact

- Current 24-foot sign serves as an 80-year landmark for customer navigation
- Reduction to 8 feet would severely impair visibility in an area where all neighboring businesses maintain signs at or above 24 feet
- Essential for maintaining competitive parity in our Mixed-Use Innovation (MUI-1) zoning district

Area Consistency

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

Screen Wall Material Variance

Strategic Enhancement

- Premium UV-resistant, fade-proof material selected for longevity
- Professional seasonal design updates ensure continued aesthetic appeal
- Transforms basic chain-link into functionally enhanced screening element

Zero Public Impact

- Installation limited to rear, non-public-facing wall
- No visibility from public right-of-way or adjacent properties
- Exceeds ordinance's intent for preventing unsightly materials

Quality Assurance

- Material specifically chosen for durability and weather resistance
- Regular maintenance program ensures lasting aesthetic value
- Professional installation and updates maintain high standards

4. Explain how a variance would provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return is not of itself deemed sufficient to warrant a variance.

Monument Sign Height (24 feet instead of 8 feet):

- **Established Area Standard:** Our 24-foot sign height matches the existing commercial corridor standard, as demonstrated by neighboring businesses:
 - Hampton Bay Hotel (directly across the street)
 - McDonald's
 - Rodeway Inn
 - Baymont Inn
- **Historical Precedent:** Our sign has stood at 24 feet for 80 years, establishing a clear historical property right that predates current regulations
- **Zoning District Consistency:** This height maintains parity with other MUI-1 zoned businesses, ensuring equal visibility and competitive fairness
- **Ordinance Alignment:** Rather than introducing new standards, this variance preserves an established pattern that has successfully served the corridor for decades

Fence Covering Material (Rear, Nonpublic-Facing Screen Wall):

- **Brand Consistency:** This variance preserves our established property right to maintain consistent branding across locations, following successful implementations in Detroit and Troy
- **Zero Public Impact:** The screen wall's rear location ensures complete privacy, making it exempt from the ordinance's primary focus on regulating public-facing fences
- **Premium Materials:** Our chosen materials exceed quality standards through:
 - UV-resistant composition
 - Professional seasonal maintenance
 - Long-term durability
 - Enhanced aesthetic appeal

- **Equal Treatment:** Multiple businesses in the area utilize similar decorative elements not explicitly covered by the ordinance, making this request consistent with established property rights

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

Monument Sign Height: Site-Specific Conditions

Commercial Corridor Context

- Property situated in established business district with standardized 24-foot signage
- Historical 80-year presence creates critical customer wayfinding landmark
- Existing trees along Stephenson Highway impact visibility requirements

Visibility Challenges

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

Competitive Environment

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

Screen Wall Material: Property-Specific Factors

Strategic Location

- Rear wall placement eliminates public visibility
- Site orientation naturally shields from right-of-way
- Property layout creates private, contained installation area

Material Requirements

- 100% UV-resistant composition essential for durability
- Long-term outdoor exposure demands premium materials
- Alignment with Detroit and Troy location standards

Functional Considerations

- Enhanced aesthetic value for non-public areas
- Brand continuity across multiple locations
- Zero impact on public-facing elements

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

Monument Sign Height (24 feet instead of 8 feet):

Current Standard Maintenance

- 24-foot height matches established area norm (McDonald's, Hampton Bay Hotel, Rodeway Inn, Baymont Inn)
- Preserves existing 80-year height precedent
- Represents no increase from historical dimensions

Visibility Requirements

- Essential for customer navigation, especially while driving
- Maintains parity with surrounding business signage
- Ensures practical business identification from typical viewing distances

Visual Integration

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

Screen Wall: Minimum Material Requirements

Limited Scope

- Applies exclusively to rear, non-public facing wall
- Preserves ordinance compliance for all street-facing elements
- Maintains existing fence structural integrity

Material Specifications

- Premium UV-resistant composition
- Professional-grade durability standards
- Engineered for long-term performance

Quality Assurance

- Regular seasonal design updates
- Ongoing professional maintenance
- Exceeds city standards for property aesthetics

Brand Alignment

- Matches successful implementations at other locations
- Enhances overall property appearance
- Prevents deterioration of guest experience

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

Monument Sign Variance (24' vs 8')

Impact Analysis

Community Integration

- Maintains existing 80-year height precedent
- Matches neighboring business signs (McDonald's, Hampton Bay Hotel, Rodeway Inn, Baymont Inn)
- Enhances area aesthetics through modern design and professional maintenance

Ordinance Alignment

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

Safety & Welfare

- Modern structural engineering
- Professional installation
- Full regulatory compliance

Non-Self-Created Circumstances

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

Screen Wall Variance

Impact Analysis

Location Benefits

- Rear wall installation only
- Zero visibility from public areas
- No impact on neighboring properties

Quality Standards

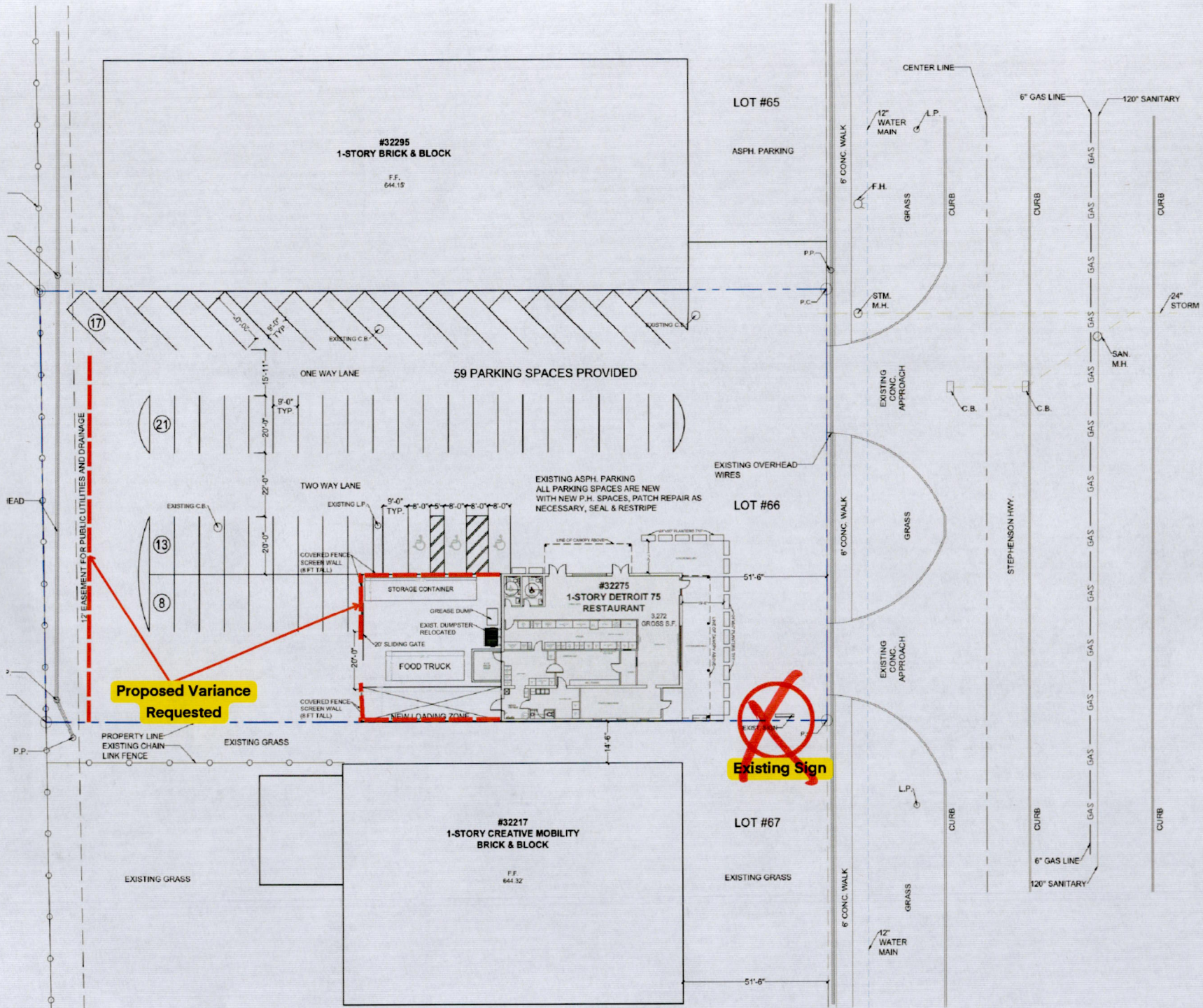
- Premium UV-resistant materials
- Professional installation
- Regular maintenance program

Safety & Compliance

- Meets all safety requirements
- Exceeds durability standards
- Enhanced property aesthetics

Non-Self-Created Circumstances

- Ordinance focuses on public-facing elements
- Material quality exceeds requirements
- Enhancement aligns with property rights
- Maintains ordinance intent while meeting business needs



Examples of our Fene Material In Use + How the design changes from season to season



Proposed Screen Wall Position and Appearance

- Non Street Facing or adjacent property visibility**
- 100% UV Resistant (No fading or tearing)**
- Decorative in nature, compliments ordinance**
- Gives creative flexibility to change design from season to season keeping the design fresh**



Fence Cover Spec Sheet

- **Gone through 20,000 hours of laboratory UV testing and it is proven to be 90% more durable than recycled HDPE under sun exposure, fabric has been treated with UV stabilized compound, preventing fence screen from drying out, tearing and fading, significantly extending lifespan to 15-20 years**
- **520 GSM -- compared to 200 GSM other fence covers will be**
- **Commercial Product**
- **Highest Level of UV Inhibitors**

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OWNER
AHMAD NASSAR

PROJECT NAME
DETROIT 75

ADDRESS:
32275 STEPHENSON HWY.
MADISON HEIGHTS, MI 48071

PROJECT # 24 - 127

ISSUE DATE # 12/02/2024

REVISION HISTORY

EXISTING CONDITIONS	12/02/2024
DEMO PLAN	12/06/2024
OWNER REVIEW	12/16/2024
OWNER REVIEW	12/19/2024
OWNER REVIEW	01/16/2025
OWNER REVIEW	01/24/2025

DRAWN BY: SJ + DC + JH

CHECKED BY: JM

SHEET CONTENTS

**PROPOSED CONDITIONS
SITE PLAN**

SEAL

SHEET #
ST-2

00/00/2024

PARKING REQUIREMENTS ON SITE:

MINIMUM PARKING SPACE SIZE
9' x 20' OFF-STREET PARKING SPACE
8' x 20' BARRIER FREE SPACE

EXISTING SPACES ON SITE NOT COMPLIANT, PROVIDED NEW LAYOUT OF SPACES THAT ARE CODE COMPLIANT

PARKING SPACE REQUIREMENTS
1 SPACE PER 100 S.F. OF USABLE FLOOR AREA (EXCLUDING KITCHEN AREAS)

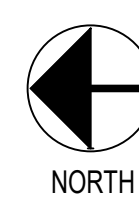
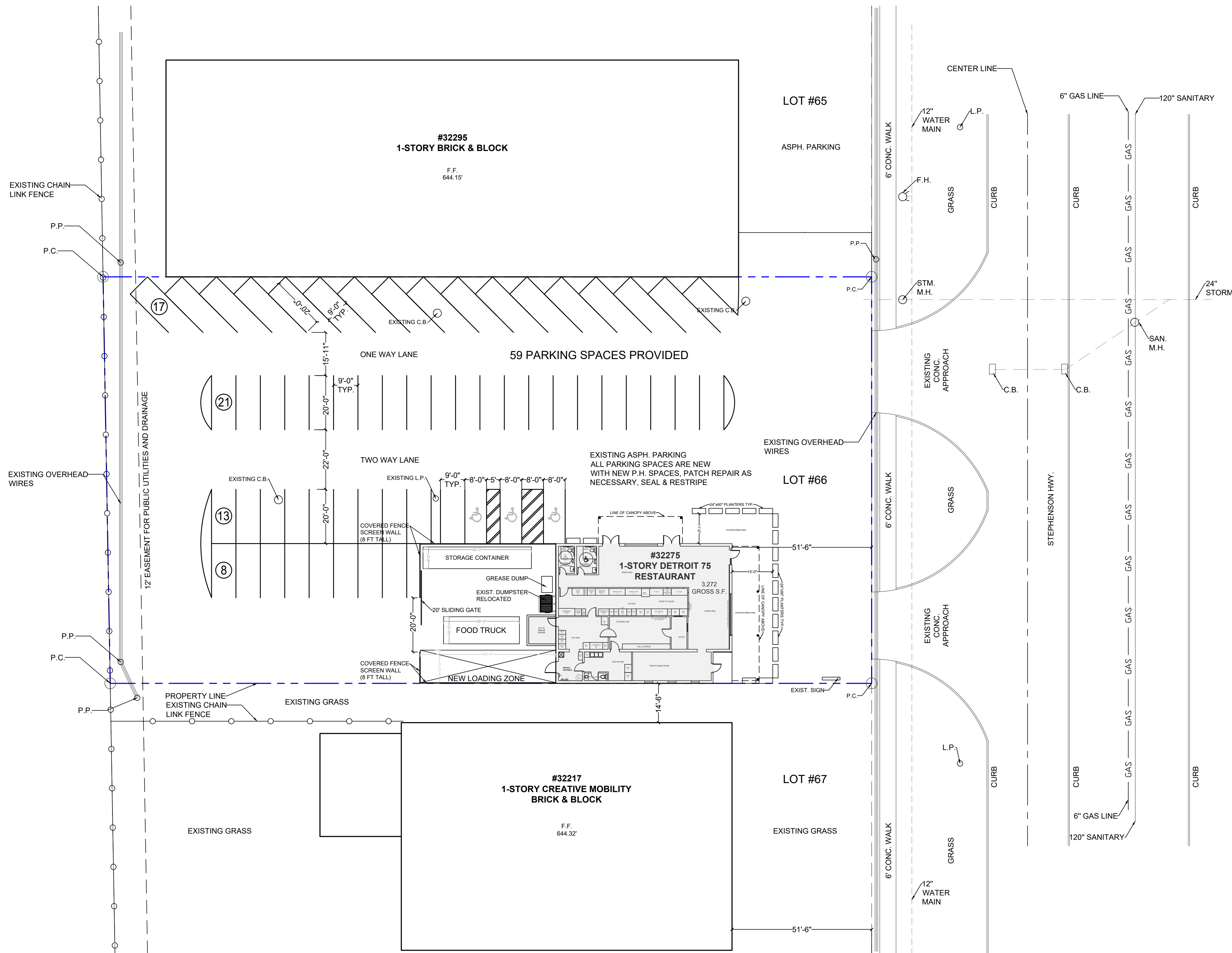
USABLE FLOOR AREA OF RESTAURANT (DINING AREAS): 2,591 S.F.

2,591 S.F. / 100 = 26 PARKING SPACES REQUIRED
59 PARKING SPACES PROVIDED

33 PARKING SPACE SURPLUS

(3) BARRIER FREE PARKING SPACES REQUIRED
(3) BARRIER FREE PARKING SPACES PROVIDED

ONE LOADING ZONE REQUIRED
ONE LOADING ZONE PROVIDED



PROPOSED CONDITIONS SITE PLAN

SCALE: 1:20

OWNER / OWNER'S AGENT APPROVED & ACCEPTED

DATE: ___/___/2024

SHEET #

ST-2

- C. Flashing or moving lights.
- D. Rope lights, string lights, neon, or similar accent lighting attached to, surrounding, or otherwise drawing attention to a window sign.

8. **Exempt Lighting.** The following lighting types are exempt from the standards of this section:

- A. Street lighting and emergency lighting installed and maintained by a public road authority.
- B. Holiday decorations.
- C. Lighting that was legally installed prior to the adoption of this section.
- D. Sports fields.
- E. Shielded pedestrian walkways.
- F. Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.

Section 8.05 Fences

All fences, walls and other protective barriers shall conform to the following regulations:

1. **Location.** All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners. The City shall not be responsible for determination of the location of any fence to be erected on lot lines. No fence or wall shall be erected, established, or maintained within the clear vision triangle area of any lot except in compliance with [Section 8.06](#). Fences shall be set back a minimum of one foot from public rights-of-way, unless modified below.
2. **Shared Property Line.** Only one fence may be installed along a shared property line. Where a new fence is proposed adjacent to an existing fence, a minimum separation distance of two feet shall be provided between such fences. Sufficient access shall be provided to the area between the fences to facilitate maintenance.
3. **Height and Opacity.** The following height and opacity requirements shall apply to fences constructed in the city of Madison Heights. The height of a fence shall be measured from the average grade of the fence line. The maximum fence height shall not apply to intensive commercial or industrial uses that may generate significant off-site noise, dust, glare, or other nuisances. Fences for such uses shall be high enough to adequately protect neighboring properties from adverse effects.

Location	Commercial/ Industrial/Mixed-Use	Residential	All
	Maximum Height	Maximum Height	Maximum Opacity
Rear Yard	8 feet	6 feet	100%
Side Yard	8 feet	6 feet	100%
Front Yard	6 feet	4 feet	50%

4. **Corner Lots/ Street Side Yards.** Within street side yards, fences shall be subject to the same standards for fences in front yards. However, fences located behind the front setback of the principal structure are permitted a maximum height of six (6) feet and 100% opacity, but shall be set back a minimum of one (1) foot from the right-of-way line.
5. **Fence Materials.**
 - A. Fences shall be constructed of materials designed for decorative, landscape effect such as: split-rail, wood, wrought iron, metal, and extruded plastic. Chain link fences shall not be permitted in the front yard.
 - B. Razor edge fence, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge in a said fence, shall be prohibited.
 - C. Barbed wire fences shall only permitted in M-1, M-2 and MUI-1 zoning districts, when adjacent to other M-1, M-2, and MUI-1 zoning districts, or public or private utility installations which require security. Barbed wire shall be at least ten (10) feet above grade.

- D. Fences located within a required front yard shall be primarily ornamental and decorative in nature, featuring elements such as wrought iron and split-rail.
 - E. Whenever a fence will be visible from public rights-of-way or adjacent properties, it shall be installed so that the more finished side (i.e., the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.
 - F. Materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.
6. **Temporary Fences.** Temporary fences such as construction fences or any other type of temporary fencing may be permitted in conjunction with an approved development permit.
 7. **Maintenance of Fences.** Walls and fences shall be maintained in good condition and shall not constitute an unreasonable hazard. Rotten, crumbled, or broken compounds shall be replaced, repaired, or removed. Any fence which, through lack of repair, type, or construction, or which otherwise endangers life or property, shall be deemed a nuisance per se. If an unsafe condition exists in regard to a fence, the Building Official or their appointed designee shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall describe repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a 30-day limit for such repairs, modifications, or removal.
 8. **Alterations.** Any person, firm or corporation being an owner, lessee, occupant, or agent of the same, of any property containing a fence which violates provisions of this ordinance, shall not alter, change, repair or rebuild the fence without first having obtained a permit.
 9. **Swimming Pool Fences.** Swimming Pool fences are subject to the standards of [Section 8.03\(4\)](#).
 10. **Walls, Parking Lot Screening, Dumpster Enclosure Screening.** Walls, parking lot screening, and dumpster enclosure screening are subject to the standards of [Article 11](#).
 11. **Nonconforming Fences.** Nonconforming fences are subject to the requirements of [Article 13](#).

Section 8.06 Clear Vision Triangles

No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained, or planted on any lot or front yard thereof which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

1. **Clear Vision Triangle Area.** The clear vision triangle area is described as follows.
 - A. **Where One of Both of the Intersecting Roads are Collector or Arterial Roads.** Where one or both of the intersecting roads are collector or arterial roads, as defined by the Master Plan, the clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty (20) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.
 - B. **Where Both of the Intersecting Roads are Local Roads.** Where both of the intersecting roads are local roads, as defined by the Master Plan. The clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being fifteen (15) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.
 - C. **Driveway Intersection.** The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.
2. **Trees.** Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level.

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

Section 15.06 Variances and Appeals

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

- C. That plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

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

Section 15.07 Zoning Ordinance Amendments (Map and Text)

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the City Council Chambers of the Municipal Building at **300 W. 13 Mile Road**, Madison Heights, Oakland County 48071 on **Thursday, March 6th, 2025 at 7:30 p.m.** to consider the following requests:

Item 4.

1. Case # PZBA 25-01: 27351 Dequindre Road

REQUEST: The applicant, Image 360 Brighton, on behalf of property owner Henry Ford Health, requests a dimensional sign variance from Section 12.03 and 12.07 of the Zoning Ordinance pertaining to the maximum size of a temporary sign, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 27351 Dequindre Road (PIN 44-25-13-426-031) and is zoned O-1, Office.

2. Case # PZBA 25-02: 29305 John R Road

REQUEST: The applicant, Hang Phonrath d/b/a Kim Nhung Superfood, Inc., on behalf of property owner William Gershenson, requests a dimensional sign variance from Section 12.07 of the Zoning Ordinance pertaining to maximum wall sign area allowances, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 29305 John R Road (PIN 44-25-11-476-022) and is zoned B-2, Community Business.

3. Case # PZBA 25-03: 32275 Stephenson Highway

REQUEST: The applicant and property owner, Ahmad Nassar, requests a variance from Section 8.05.5 of the Zoning Ordinance pertaining to fence materials, per the procedures set forth in Section 15.06 of the Zoning Ordinance. The subject property is located at 32275 Stephenson Highway (PIN 44-25-02-101-036) and is zoned MUI-1, Mixed-Use Innovation 1.

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

If you are unable to attend the meeting, you can send your comments via email to: MattLonnerstater@madisonheights.org and your comment will be read into the record at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the meeting.

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