

Zoning Board of Appeals
Regular Meeting
Madison Heights, Michigan
March 2, 2023

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

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

Absent: Corbett

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

23-07. Excuse Member(s)

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

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

Nays: None

Absent: Corbett

Motion Carried.

23-08. Minutes

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

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

Nays: None

Absent: Corbett

Motion Carried.

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

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

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

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

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

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

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

REQUEST

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

VARIANCE FINDINGS

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

- ***Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.***

Staff Finding:

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

- ***The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.***

Staff Finding:

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

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

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

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

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

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

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

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

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

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

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

The variance is granted with the following conditions:

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

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

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

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

Nays: None

Absent: Corbett

Motion Carried.

23-11. Adjournment

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

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

Nays: None

Absent: Corbett

Motion Carried.

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

Phommady A. Boucher
Clerk of the Board