

Zoning Board of Appeals Meeting
Madison Heights, Michigan
June 05, 2025

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

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

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

ABSENT: Loranger, Marentette, and Oglesby

ZBA 16-25. Excuse member(s).

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

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

Absent: Loranger, Marentette, and Oglesby

Motion carried.

ZBA 17-25. Minutes.

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

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

Absent: Loranger, Marentette, and Oglesby

Motion carried.

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

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

REQUEST

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

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

VARIANCE FINDINGS AND CRITERIA

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

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

E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and

F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

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

STAFF ANALYSIS

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

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

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

If a motion to approve the variance is presented, staff recommends several conditions of approval to further limit adverse impacts on adjacent properties and meet the spirit of the use-specific standards for veterinary clinics:

Suggested conditions:

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

ZBA ACTION

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

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

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

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

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

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

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

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

- 1) That 7.03.46.a of the Zoning Ordinance states that, "Buildings wherein animals are kept, treated, or serviced shall be set back a minimum of fifty (50) feet from any residentially-zoned or used property."
- 2) That strict compliance with the building setback requirement would unreasonably prevent the owner from using the property as a veterinary clinic and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- 3) That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- 4) That the plight of the owner is due to unique circumstances of the property, including pre-existing building and site conditions; and
- 5) That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and

6) That, with conditions, the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and

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

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

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

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

Absent: Loranger, Marentette, and Oglesby

Motion carried.

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

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

ZBA 20-25. Member updates.

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

ZBA 21-25. Adjournment.

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

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

Absent: Loranger, Marentette, and Oglesby

Motion carried.

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