

**CITY OF MADISON HEIGHTS****COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.****PLANNING COMMISSION MEETING (SPECIAL MEETING)
AGENDA****AUGUST 25, 2026 AT 5:30 PM**

CALL TO ORDER**ROLL CALL****APPROVAL OF AGENDA**

1. Additions/Deletions

APPROVAL OF MINUTES

2. July 20, 2026 Meeting Minutes

PUBLIC HEARING

3. Special Land Use PSP 26-05 - 30159 Brush St. - Major Home Occupation (Dog Boarding)
4. Special Land Use PSP 26-06 - 26126 Groveland St. - Major Home Occupation (Licensed Massage Therapy)

MEETING OPEN TO THE PUBLIC: Items not listed on agenda**UNFINISHED BUSINESS****NEW BUSINESS****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.

Planning Commission Meeting **(DRAFT)**
Madison Heights, Michigan
July 20, 2026

A Planning Commission Meeting was held on Monday, July 20, 2026 at 5:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

PRESENT

Chair Josh Champagne
Mayor Corey Haines
Commissioner Ryan Fox
Commissioner Eric Graettinger
Commissioner Melissa Marsh
Commissioner Matthew Olson

ABSENT

Commissioner Sean Fleming
Commissioner Clifford Oglesby

OTHERS PRESENT

City Planner Matt Lonnerstater
Business Services Coordinator Mary Daley
City Attorney Tim Burns

EXCUSE ABSENT MEMBERS

PC 26-24. Excuse Absent Members

Motion made by Commissioner Marsh, Seconded by Commissioner Haines to excuse Commissioner Fleming.

Voting Yea: Chair Champagne, Mayor Haines, Commissioner Fox, Commissioner Graettinger, Commissioner Marsh, Commissioner Olson

APPROVAL OF MINUTES - June 15th, 2026 Meeting Minutes

PC 26-25. June 15, 2026 Meeting Minutes

Motion made by Commissioner Fox, Seconded by Mayor Haines to approve the Planning Commission minutes of June 15, 2026.

Voting Yea: Chair Champagne, Mayor Haines, Commissioner Fox, Commissioner Graettinger, Commissioner Marsh, Commissioner Olson

Motion carried.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

Chair Champagne opened the meeting to the public for items not listed on the agenda at 5:31 pm. Seeing no one wishing to speak, public comment was closed at 5:31 pm.

NEW BUSINESS

A. Master Plan Update - Modified Goals and Objectives

Staff and the Master Plan subcommittee have been working for several months to update and strengthen the Goals and Objective chapter for the Master plan update. Planner Lonnerstater presented the subcommittees recommended modifications to this chapter. These modifications are detailed in the packet.

1. **Community Character** - Updated to include an emphasis on local placemaking, the city center, and the public tree canopy.
2. **Transportation** - Strengthened to focus on multimodal connectivity, income levels, and safety, specifically referencing the "Safe Streets for All" plan. Discussion ensued regarding the classification of e-bikes and their impact on sidewalks and parks.
3. **Housing** - Focused on a diversified range of housing (duplexes, townhomes, etc.) to allow for aging in place and varied income levels.
4. **Commercial and Industrial Development** - Emphasis placed on adaptive reuse, repurposing warehouse buildings, and utilizing underutilized parking areas.
5. **Public Services and Infrastructure** - The subcommittee felt like this was a very broad category, so this section was split into two distinct goals. *Public Services* focuses on recreational facility accessibility, public services that meet the needs and are accessible to all residents, and community spaces used for leisure. The new goal called *Infrastructure and Sustainability* prioritizes well maintained and modern infrastructure for residents and businesses, renewable energy, and long-term resilience and promotes industrial practices that minimize all forms of pollution.

Planner Lonnerstater reviewed the revised project schedule for the Master Plan update. He is hoping to bring the modifications back to the Planning Commission sometime in October or November.

B. Zoning Text Amendment - Initial Discussion - Residential Impervious Surface Maximums

Zoning Text Amendment Initial Discussion: Residential Impervious Surface Maximum Planner Lonnerstater introduced discussion on a potential zoning text amendment to regulate impervious surfaces (pavement and concrete) on residential lots to mitigate stormwater runoff issues. The proposed standards utilize a sliding scale based on lot size, ranging from a 75% maximum for small lots to 55% for larger lots. Planner Lonnerstater analyzed the zoning standards of several different communities to see how they regulate impervious surface coverage in residential areas. The commission discussed the environmental benefits, such as reducing heat island effects, and considered the potential for incentivizing permeable pavers and would like to move forward with setting a public hearing for a public meeting to discuss this zoning text amendment.

PLANNER UPDATES

Development Update - July 2026

Planner Lonnerstater provided a development overview on special use and site plan submittals from December 2025 - July 2026. A detailed list was included in the packet.

Michigan Planner - Data Centers and AI

Planner Lonnerstater presented information and an educational article on the unique zoning challenges posed by data centers, including high energy and water consumption and noise. Overall, Commissioners expressed concerns regarding industrial pollution and quality of life reduction. Discussion occurred regarding a potential moratorium to allow time for the city to draft specific zoning standards. City Attorney Burns is currently working on some language to present at a future meeting.

Chair Champagne opened this item agenda up for public comment at 6:20 pm.

Speaker - Adam Adam Awdish, Madison Heights Resident

Spoke in opposition to data centers and encouraged Commissioners to consider a potential moratorium. He feels that many residents would agree with him. He expressed gratitude for seeing the Commissioners promote green space in the Master Plan.

Zoning Practice - Zoning for Drones

Planner Lonnerstater noted that while the City is preempted by state law regarding drones in flight, it can regulate landing and launch facilities. Commissioners noted privacy and noise complaints from residents regarding commercial delivery drones and showed concern for the potential for additional businesses or organizations utilizing drones as well.

Chair Champagne opened up public comment on this item on the agenda at 6:29 pm.

Speaker Adam Awdish, resident of Madison Heights

Spoke about his dislike of drones. He says they fly directly over his yard between 2 and 3 times per day and it is very off putting. He encouraged the Commissioners to protect its citizens with whatever limitations they can create pertaining to drones.

ADJOURNMENT

Chair Champagne adjourned the meeting at 6:40 p.m.



MEMORANDUM

Date: August 19th, 2026
To: City of Madison Heights Planning Commission (August 25th, 2026 Special Meeting)
From: Matt Lonnerstater, AICP – City Planner
Subject: Special Land Use Request PSP 26-05 – 30159 Brush Street – Major Home Occupation [Dog Boarding]

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 6

Introduction

The applicant, property owner, and resident, Hali Fortuna, requests Special Land Use approval from the Planning Commission and City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (dog boarding business) out of her home at 30159 Brush Street, zoned R-3, One-Family Residential; tax parcel #44-25-11-279-042. The property, consisting of a single-family house and an attached garage, is located on the west side of Brush Street, north of Girard Avenue.

Project Details

The applicant has provided a project narrative and scope of work for the proposed dog boarding business, summarized below:

- Dog boarding service.
- One employee (applicant), with services provided on a one-on-one, appointment-only basis.
- Boarding activities to take place inside the house and within a fenced backyard.
- The dogs of only one client will be accepted at a time.
- Clients will be instructed to park in the driveway for drop-off and pick-up.

30159 Brush Street



Home Occupation Details

Home occupations are defined in the Zoning Ordinance (Section 2.01) as, *“a business, business activity, profession, occupation, or trade activity operating within a dwelling unit by the resident(s), subject to the conditions and limitations of the Zoning Ordinance.”*

Home occupations are further divided into “minor” and “major” classifications. A Major Home Occupation is defined as, *“a home occupation that may be evident to the surrounding area and/or involve the resident utilizing an accessory building or outdoor areas for operations and/or being the type of occupation which involves routine client or non-resident visits to the home.”*

As the proposed dog boarding business involves routine client visits to the home and involves pets using the backyard, staff has classified the proposed use as a Major Home Occupation. Major Home Occupations require Special Land Use approval and are subject to use-specific standards.

Use-Specific Standards for Major Home Occupations.

Home occupations are subject to the use-specific zoning standards set forth in **Section 7.03.18** of the Zoning Ordinance, listed below:

- (1) The operation of the Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.*
- (2) The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection of equipment or materials necessary for their work at another site, or documents relating to their employment.*
- (3) One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted toward required parking spaces.*
- (4) The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matters at any time. No mechanical, electrical, or similar machinery equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.*
- (5) The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.*
- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.*
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.*
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.*
- (9) No signage shall be permitted, except where specifically required by law.*
- (10) No display of any kind shall be visible from the exterior of the premises.*

(11) *Major Home Occupations shall not include the sales and/or service of weapons, guns, ammunition, fireworks, or any components thereof, nor a regulated use as regulated in Section 5.03.*

(12) *In addition to Special Land Use approval in accordance with Section 15.05, a Certificate of Occupancy shall be required for Major Home Occupations in accordance with Section 15.03.*

The proposed dog boarding business appears to satisfy these use-specific standards. However, should the Planning Commission move to recommend approval of the Special Land Use, staff advises that all of the use-specific standards of Section 7.03.18 be incorporated and referenced as a condition of approval.

Site Analysis

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Single-Family Residential	R-3, One-Family Residential
North	Single-Family Residential	R-3, One-Family Residential
South	Single-Family Residential	R-3, One-Family Residential
East	Single-Family Residential	R-3, One-Family Residential
West	Single-Family Residential	R-3, One-Family Residential

The residential property is 0.12 acres (5,400 sq. ft.) in size and is located mid-block within a single-family residential neighborhood. The property is improved with a single-family house and an attached garage which is accessed via a driveway. Per the Madison Heights Zoning Ordinance, the R-3 zoning district is “designed to provide for one-family dwelling sites and residentially-related uses in keeping with the Master Plan of residential development in the City of Madison Heights.”

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Single-Family Residential
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

The future land use designation of the subject site is *Single-Family Residential*.

The Planning Commission should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this Special Land Use request:

Housing

- *Ensure that infill and redeveloped residential properties are compatible with the surrounding area and adjacent parcels.*
- *Support neighborhoods by improving walkability and access goods and services.*

Special Land Use Criteria

Requests for Special Land Use approval are subject to processes and review standards contained in Section 15.05. A public hearing is required in front of the Planning Commission, after which the Planning Commission may make a recommendation to City Council. After receiving a recommendation from the Planning Commission, City Council has the authority to take final action on Special Land Use requests.

In making a recommendation to City Council, the Planning Commission shall consider the Special Land Use review standards contained in Section 15.05.3 and incorporate them into any motion of approval or denial:

- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
- B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
- C. The Special Land Use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
 - (1) Location of use(s) on site;
 - (2) Height of all improvements and structures;
 - (3) Adjacent conforming land uses;
 - (4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - (1) Reduction in the number of ingress/egress points through elimination, minimization, and/or consolidation of drives and/or curb cuts;
 - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - (4) Adequacy of sight distances;
 - (5) Location and access of off-street parking;
 - (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
- F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.

In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of

accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Staff Analysis

In deliberating the proposed dog boarding business, staff recommends that the Planning Commission focus on the impacts to the residential neighborhood and the applicant's ability to meet the use-specific standards for Major Home Occupations (Section 7.03.18). Potential nuisances that could impact neighbors include excess sound from the dogs and additional traffic in the early and late hours of the day. To remedy or mitigate these potential nuisances, staff recommends the following conditions:

- 1) The dog boarding business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.
- 2) The dogs of only one client shall be boarded at a time; at no point shall more than three (3) dogs be boarded at any given time.
- 3) Client pick-up and drop-off of dogs shall be limited to one at a time and shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- 4) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.

Next Step

After the public hearing and discussion, the Planning Commission may take action on the requested Special Land Use in the form of a recommendation to City Council. Any motion shall include concise findings based upon the Special Land Use review standards and criteria, Section 15.03.3. Per Section 15.05, the Planning Commission alternatively may postpone action on a Special Land Use request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.

Template motions are provided on the following page.

Attachments

- **Special Land Use Application - PSP #26-05**
- **Associated Maps**
- **Section 3.07 – R1 One-Family Residential District**
- **Section 7.03.18 – Use-Specific Standards for Major Home Occupations**
- **Section 15.05 – Special Land Use Review**

Template Motion, Findings and Conditions

Staff offers the following motions as a suggested template and guide for the Planning Commission's consideration. The Planning Commission may provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

APPROVAL

MOTION BY _____, SECONDED BY _____, THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL **APPROVE** SPECIAL LAND USE REQUEST NUMBER PSP 26-05 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A DOG BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a dog boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting.
3. The proposed dog boarding Major Home Occupation use is consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is designed, located, and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The use will not involve activities that will be detrimental to adjacent residential land uses.
 - c. The use is designed and located so that it is compatible with the principal uses permitted in the R-3, One-Family Residential district
 - d. The use is designed and located so that it is compatible with the Madison Heights Master Plan and the Single-Family Residential future land use classification.
4. The use satisfies the use-specific standards for Major Home Occupations as contained in Section 7.03.18 – Use-Specific Standards for Major Home Occupations - as contained in Section 7.03.3 of the Madison Heights Zoning Ordinance.

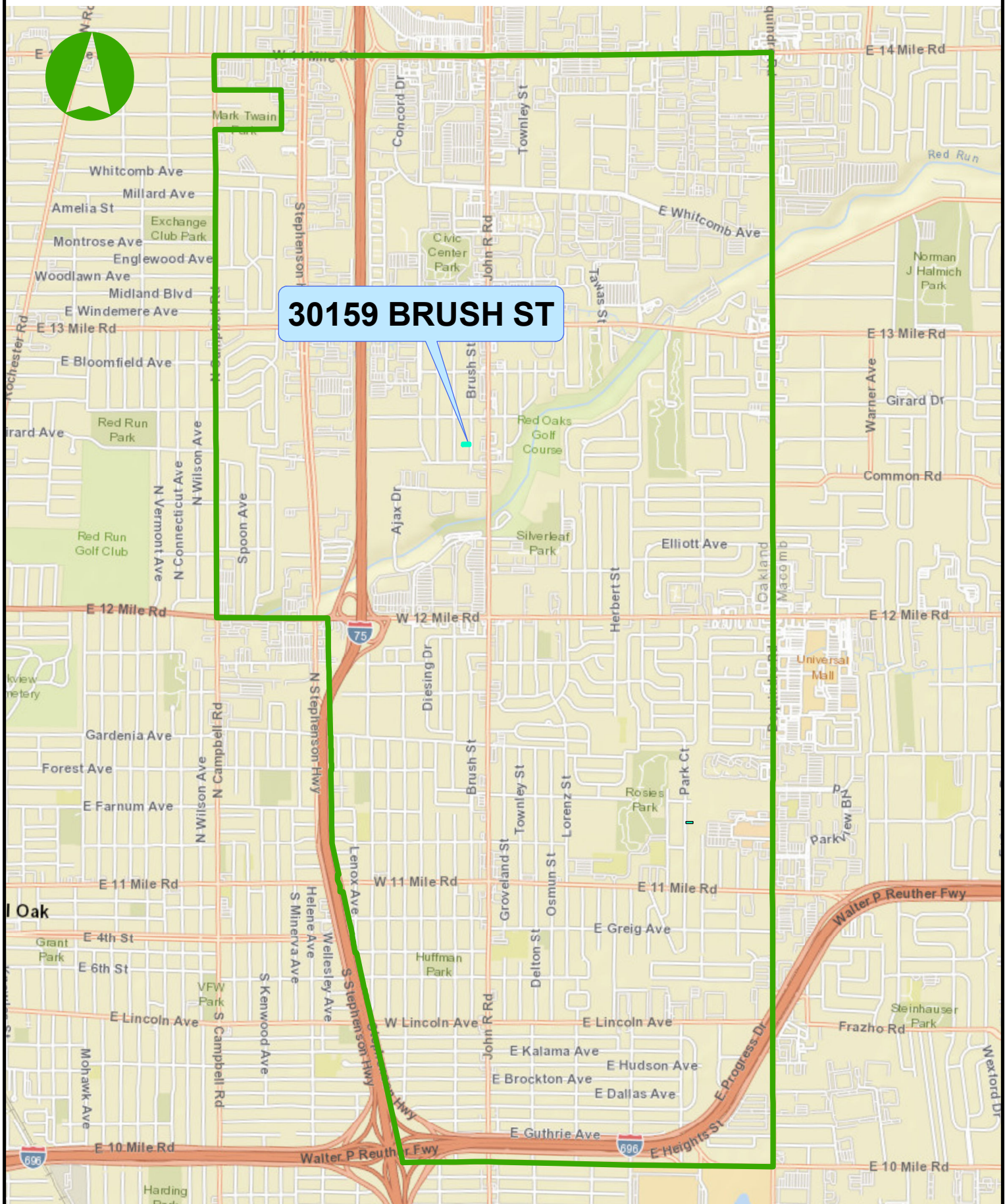
APPROVAL IS GRANTED WITH THE **FOLLOWING CONDITIONS**

- 1) The dog boarding business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.
- 2) The dogs of only one client shall be boarded at a time; at no point shall more than three (3) dogs be boarded at any given time.
- 3) Client pick-up and drop-off of dogs shall be limited to one at a time and shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- 4) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.

DENIAL

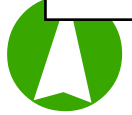
MOTION BY _____, SECONDED BY _____, THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL **DENY** SPECIAL LAND USE REQUEST NUMBER PSP 26-05 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A DOG BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a dog boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting.
3. The proposed dog boarding Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - c. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners: [LIST ANY THAT APPLY]
 - i. Location of use(s) on site;
 - ii. Height of all improvements and structures;
 - iii. Adjacent conforming land uses;
 - iv. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - v. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
4. Ingress/egress to the use is not controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses.
5. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
6. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance [LIST ANY THAT APPLY].

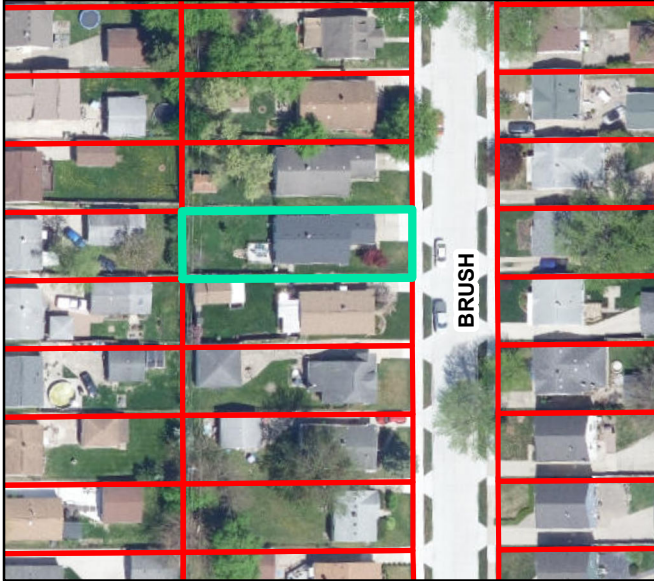


Site Address: 30159 Brush St

[Click for maps](#)

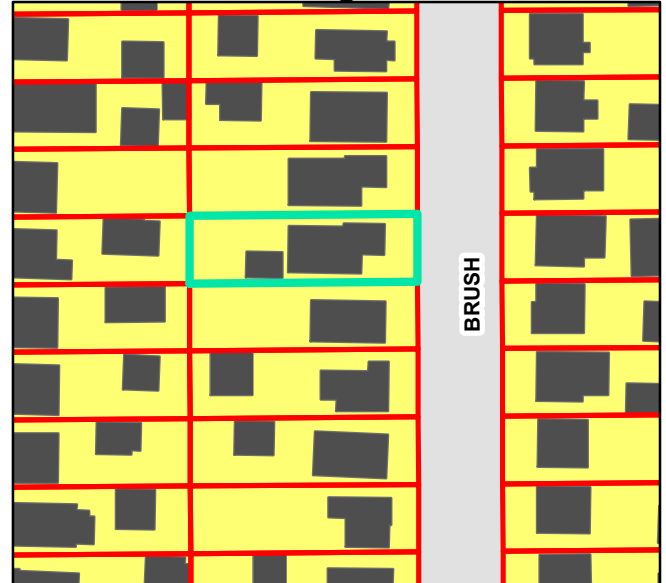


Aerial



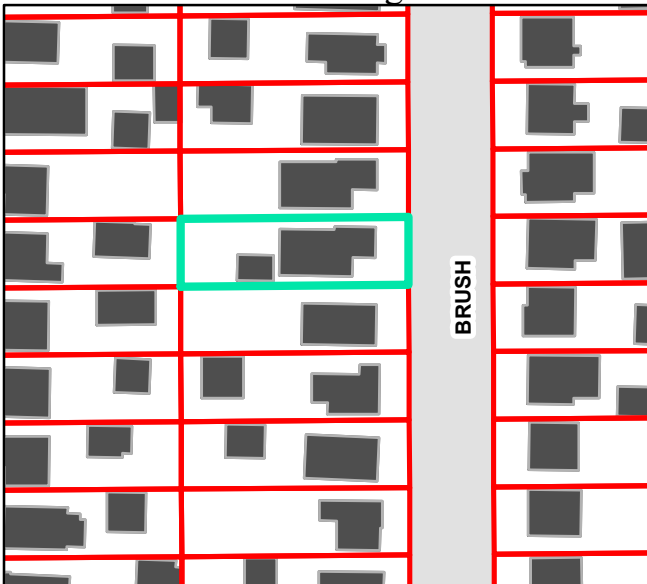
- 30159 Brush St
- Parcels

Existing Land Use



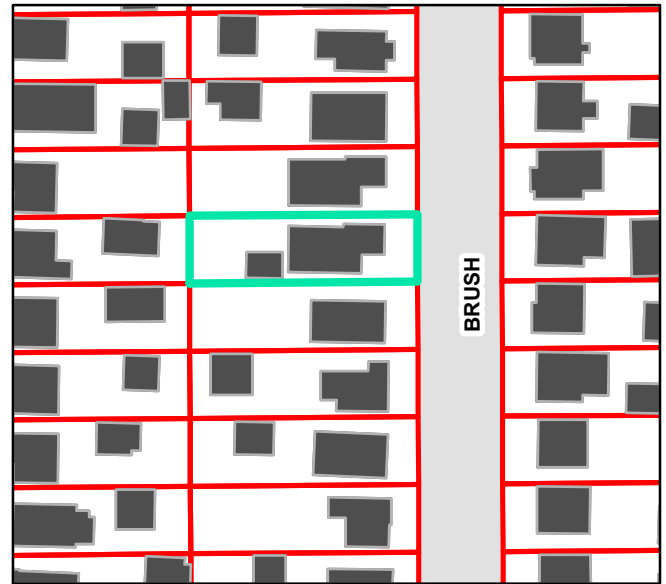
- Parcels
- 30159 Brush St
- Single And Two Family
- Buildings

Zoning

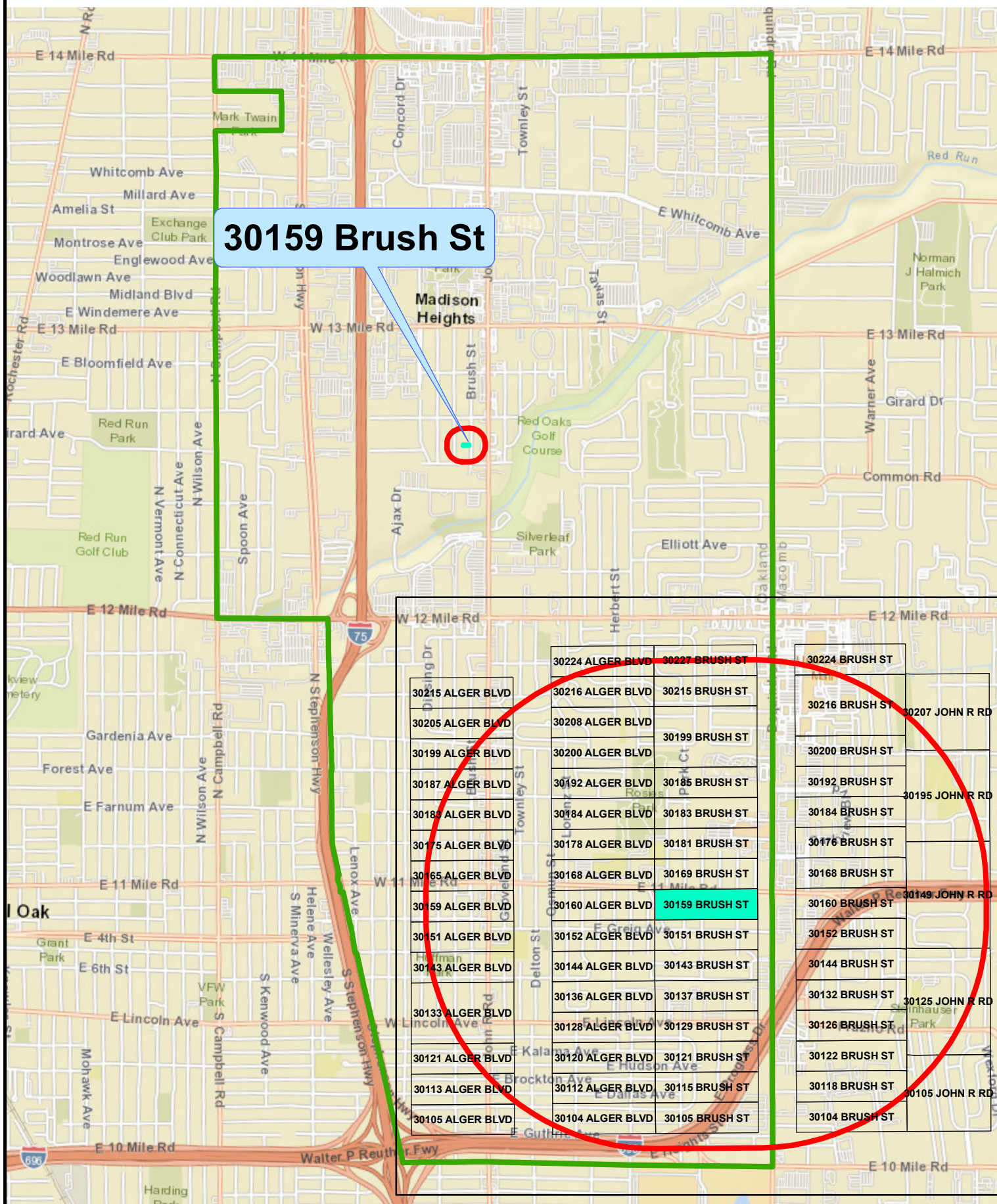


- 30159 Brush St
- Parcels
- Buildings
- R-3

Future Land Use



- 30159 Brush St
- Parcels
- Single Family
- Buildings





CITY OF MADISON HEIGHTS
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
SPECIAL LAND USE APPLICATION

I. APPLICANT INFORMATION

Applicant Hali Fortuna
Applicant Address 30159 Brush St.
City Madison Heights State MI ZIP 48071
Interest in Property (owner, tenant, option, etc.) owner
Contact Person Hali Fortuna
Telephone Number [REDACTED] Email Address [REDACTED]

II. PROPERTY INFORMATION

Property Address 30159 Brush St. Madison Heights, MI 48071
Tax ID ~~44-25-11-279~~ 44-25-11-279-042 Zoning District R-3
Owner Name (if different than applicant) _____
Address 30159 Brush St.
City Madison Heights State MI Zip 48071
Telephone Number [REDACTED] Email Address [REDACTED]

III. CONSULTANT INFORMATION (IF APPLICABLE)

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

SPECIAL LAND USE APPLICATION

IV. PROJECT NAME

Elu & Friends Pet Care (In Home Boarding)

V. PROJECT DESCRIPTION AND SCOPE OF WORK

Brief Description of Proposed Special Land Use:

A low impact home pet boarding service with one client at a time. with years of pet care and behavior experience, this ensures a quiet environment, including a fenced yard.

Required Attachments:

- ☐ **Project Narrative:** Written description of the nature of the proposed use(s), including: products or services to be provided; activities to be conducted inside and outside the building; types of equipment to be used; hours of operation; number of employees; expected levels/ types of vehicular traffic coming to and from the site; other information.
- ☐ **Conceptual Site Plan and Floor Plan:** Conceptual plans containing minimum information listed in **Section 15.05** of Zoning Ordinance (refer to checklist, attached)
- ☐ **Review Standards Response Form** (attached)

VI. APPLICANT CERTIFICATION

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Special Land Use 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).

Printed Name Hali Fortuna Signature Hali Fortuna Date 7/14/2026

VII. PROPERTY OWNER CERTIFICATION

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 _____ Signature _____ Date _____

Notary for Property Owner:

Notary Stamp

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

A Notary Public for _____ County

Acting in _____ County

Notary Name (Print): _____

Notary Signature: _____

My Commission Expires: _____

STAFF USE ONLY

[DO NOT ACCEPT INCOMPLETE APPLICATIONS]

FILING FEE (\$750): 750

SPECIAL LAND USE NO.: PSP # 26-05

DATE APPLICATION RECEIVED: 7/14/26

RECEIVED BY: MOL

SPECIAL LAND USE: REVIEW STANDARDS RESPONSE FORM

Section 15.05(3) of the Zoning Ordinance contains Special Land Use review standards and criteria. Please provide responses to the following review standards for consideration by staff, the Planning Commission, and City Council. (Provide additional separate sheets, if necessary).

- A. Describe how the proposed use will be designed, located, and operated in a way that protects the public health, safety and welfare.

I'll be operating indoors with outdoor pet exercise in a fenced yard. It uses my existing home without any structure changes. Hosting only one client at a time by appointment avoids traffic and parking issues while ensuring a clean, quiet and disruptive free space.

- B. Describe how the use will be designed in a way that considers the natural environment and helps conserve natural resources and energy.

I'm utilizing my home, an existing home so it does not require any construction or changes, so it preserves the natural environment. I will ensure resources and energy remain consistent and a standard household use.

- C. Will the Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. If so, describe in detail.

No, it will not be detrimental. Because of one client at a time, it will not generate issues as my business doesn't produce traffic, noise, smoke, fumes, glares or odors.

- D. Describe how the proposed land use will be designed and located so that it is compatible with surrounding properties, neighborhood, and vicinity. At a minimum, this shall include: 1) Location of use(s) on site; 2) Height of all improvements and structures; 3) Adjacent conforming land uses; 4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission; and 5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.

It's located in an existing home and fenced yard, and produces no commercial noise. There are no new structures or changes to my home.

SPECIAL LAND USE APPLICATION

E. Describe how ingress/egress to the use will be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:

1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
4. Adequacy of sight distances;
5. Location and access of off-street parking; and
6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

Will utilize existing residential driveway, there will not be any new curbs or modifications. I have 3 spaces so it eliminates street parking.

F. Describe how the proposed use will be consistent with the intent and purpose of the zoning district in which it is proposed



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission for the City of Madison Heights will hold a special meeting and public hearing on Tuesday, August 25, 2026, at 5:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071 to consider the following Special Land Use requests:

Case # PSP 26-05 – 30159 Brush St.

The applicant, Hali Fortuna, requests Special Land Use approval per the procedures set forth in Section 7.03 and Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (Dog Boarding) at her residence at 30159 Brush Street (tax map # 44-25-11-279-042). The property is 0.14 acres in size and is zoned R-3, One-Family Residential.

Case # PSP 26-06 – 26126 Groveland St.

The applicant, Tonya Cole, requests Special Land Use approval per the procedures set forth in Section 7.03 and Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (Massage Therapy) at her residence at 26126 Groveland Street (tax map # 44-25-24-152-003). The property is 0.14 acres in size and is zoned R-3, One Family Residential.

The applications and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed online after 4:00 p.m. on the Friday prior to the meeting at www.madisonheightsmi.gov in the Agenda Center.

If you are unable to attend the meeting, you can send your comments via email to: MLonnerstater@madisonheightsmi.gov 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.

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

Advertiser Name / ID: CITY OF MADISON HEIGHTS / 261707 - Ad ID: 115951-428357 - PO: - Affidavit ID: 39407

- (3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
- D. **Canopy Setbacks.** Fuel station pumps, recharging stations, and canopies shall be subject to the minimum principal building setback requirements for the district, with the exception of those abutting residential properties which shall be setback in accordance with the residential separation buffer requirement, above.
- E. **Canopy Height.** Fuel station canopies shall not exceed a height of 20 feet, measured to the highest point of the canopy.
- F. **Canopy Architecture.** Fuel station canopies shall be architecturally compatible with the design of the principal structure regarding roof pitch, architectural detailing, materials and color schemes.
- G. **Canopy Lighting.** Canopy lighting shall comply with the standards of Section 8.04 (Exterior Lighting). With the exception of illuminated signage, the exterior of canopies shall not be illuminated.
- H. **Vehicle Storage.** Disabled vehicles shall not be stored on the property. Rental or storage of trucks, trailers, and other vehicles is prohibited.
- I. **Outdoor Display and Sales.** Outdoor ancillary sales display areas (including display of windshield solvent, motor oil, propane, and ice) shall be denoted on the site plan and shall not restrict pedestrian movement on the site. Outdoor display and sales are subject to the use-specific requirements for outdoor display and sales, [Section 7.03\(33\)](#).
17. **HOME IMPROVEMENT CENTER, GARDEN CENTERS, AND LUMBER YARDS.** Building material sales, garden centers, lumber yards, and similar uses which may include outdoor storage and sales, unless otherwise specified herein, shall be subject to the standards set forth in this section.
- A. Outdoor sales and displays of equipment, materials, and products shall be subject to the standards set forth in [Section 7.03\(33\)](#), Outdoor Sales and Display.
- B. Outdoor storage of equipment and materials separate from outdoor sales and display areas shall be subject to [Section 8.03\(6\)](#), Accessory outdoor storage.
18. **HOME OCCUPATION (MINOR AND MAJOR)**
- A. Unless otherwise noted, the standards of this section shall not apply to live-work units, which are regulated separately under [Section 7.03\(23\)](#)
- B. **Home Occupation, Minor**
- (1) The operation of a Minor Home Occupation shall be conducted solely within the dwelling unit and not within any detached accessory structure, except for incidental storage of equipment or materials related to the residential use.
 - (2) The Minor Home Occupation shall be conducted solely by the person or persons occupying the lot and a maximum of one (1) non-resident employee.
 - (3) The dwelling unit shall have no exterior evidence to indicate the dwelling unit is being utilized for a Minor Home Occupation.
 - (4) Only one (1) guest or client of the Minor Home Occupation shall be permitted at a time.
 - (5) The floor area used for the Minor Home Occupation shall not exceed 10% of the gross floor area of the dwelling unit.
 - (6) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.
 - (7) No signage shall be permitted, except where specifically required by law.
 - (8) No display of any kind shall be visible from the exterior of the premises.

- (9) No outside storage of equipment or materials related to the Minor Home Occupation is permitted on the property.
- (10) The Minor Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Minor Home Occupation.
- (11) Minor Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in [Section 5.03](#).
- (12) Minor Home Occupations in accordance with these standards do not require the approval of a Certificate of Occupancy or zoning-related permit.

C. Home Occupation, Major

- (1) The operation of a Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.
- (2) The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection equipment or materials necessary for their work at another site, or documents relating to their employment.
- (3) One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted towards required parking spaces.
- (4) The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.
- (5) The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.
- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.
- (9) No signage shall be permitted, except where specifically required by law.
- (10) No display of any kind shall be visible from the exterior of the premises.
- (11) Major Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in [Section 5.03](#).
- (12) In addition to Special Land Use approval in accordance with [Section 15.05](#), a Certificate of Occupancy shall be required for Major Home Occupations, in accordance with [Section 15.03](#).

19. HOSPITAL

- A. Hospital sites shall contain a minimum area of two (2) acres.
- B. Hospital sites shall have at least one property line abutting a road classified as an arterial road, per the Madison Heights Master Plan. The principal ingress and egress to the site shall be directly from said thoroughfare.
- C. Emergency rooms, ambulance bays, and helipads shall be set back at least 150 feet from residential use or a residential zoning district.

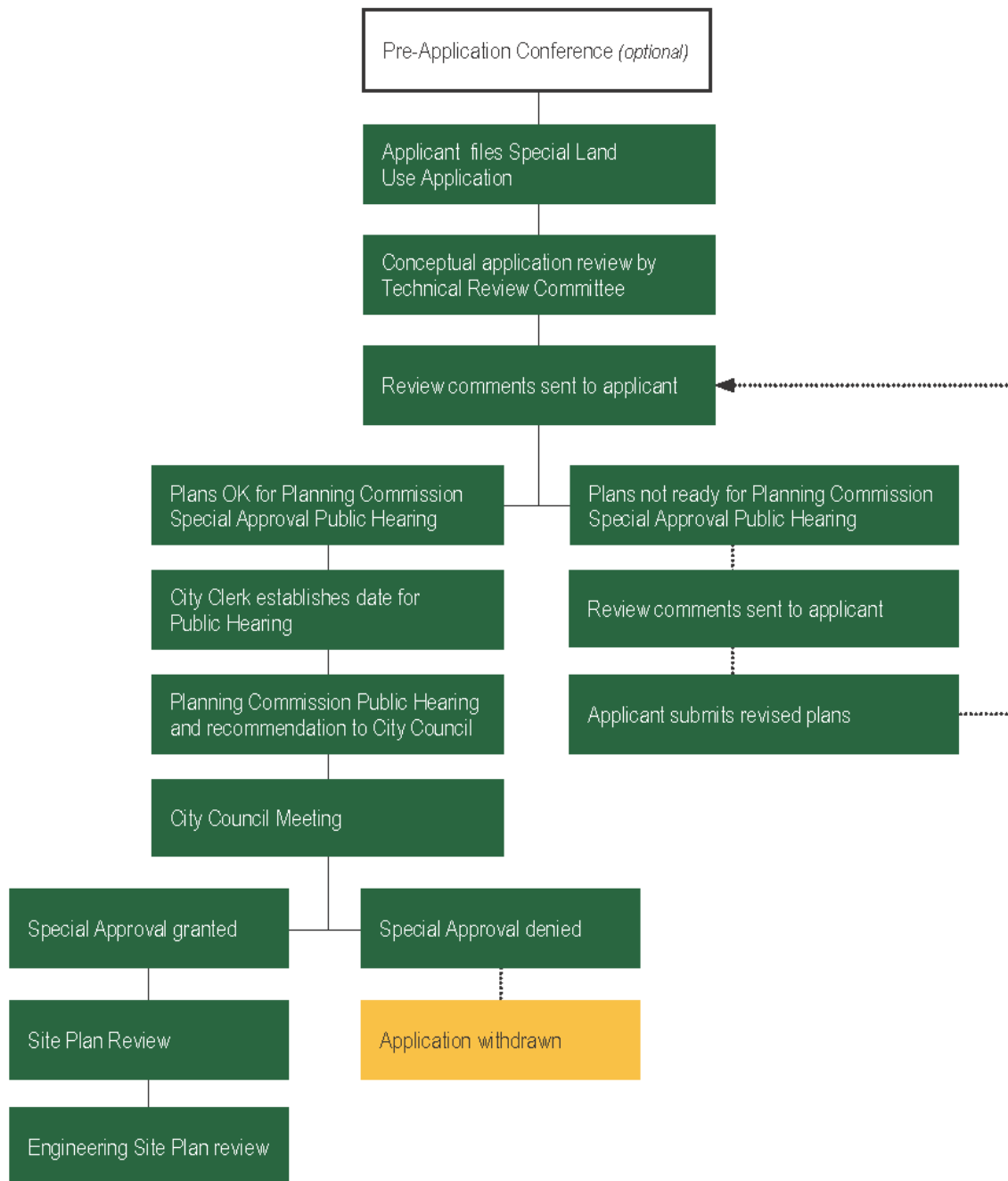
- E. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable city standards and specifications. Portions of the guarantee may be released, in not more than three installments, provided:
- (1) The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
 - (2) The guarantee shall not be reduced below the minimum amount required above.
- F. **Types of Completion Guarantees.** The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the city. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last Certificate of Occupancy for the entire project and, if required, shall be renewed by the applicant not less than 30 days prior to expiration.

Section 15.05 Special Land Use Review

1. **Purpose.** The purpose of this section shall be to:
 - A. Require Special Land Use approval for certain uses in all zoning districts that are listed as Special Land Uses.
 - B. Establish review procedures for all Special Land Uses.
 - C. Establish review standards for all Special Land Uses.
 - D. Establish the Planning Commission as the advisory board and City Council as the final review and approval authority for Special Land Uses.
 - E. Establish authority to impose conditions upon Special Land Uses.
2. **Submission and Review Process.** All Special Land Uses in all zoning districts shall be reviewed in accordance with the following procedures:
 - A. Applicant may request a preliminary meeting with Community and Economic Development Department staff to discuss the proposal, design elements, ordinance requirements, etc. The applicant may further request a preliminary discussion at the Planning Commission for informal input. The city's comments during a pre-application conference shall be advisory in nature only.
 - B. Applicant submits application, fee, two (2) copies of the proposed conceptual site plan, and a digital version of the conceptual site plan, to the Community and Economic Development Department (site plan must be reduced to 11" x 17"). A separate site plan application is not required at the time of special land use review. A conceptual site plan shall include at a minimum:
 - (1) Location map showing the proposed site location, zoning classifications and major roads.
 - (2) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - (3) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
 - (4) The percentage of land area devoted to building, paved, and open space.
 - (5) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths.
 - (6) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.
 - (7) Location and height of all walls, fences, and landscaping, including a conceptual landscaping plan.
 - (8) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.

- (9) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.
 - (10) All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
 - (11) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - (12) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's consulting engineer.
- C. The Planning and Zoning Administrator may waive particular submittal items, as listed above, upon a determination that such items are not necessary for making a determination on the requested Special Land Use.
 - D. The Technical Review Committee reviews the Special Land Use application for general conformance with Ordinance requirements and transmits review comments to the applicant for revision, if necessary. Applicant submits revised materials to Planning and Zoning Administrator, if necessary, for re-consideration by Technical Review Committee. Comments made by the Technical Review Committee shall be forwarded onto Planning Commission for consideration.
 - E. The Planning and Zoning Administrator notifies the City Clerk when Special Land Use applications are adequate for consideration by The Planning Commission. The Planning and Zoning Administrator and City Clerk establish a public hearing date and post/send public notices in accordance with [Section 15.01](#).
 - F. The Planning Commission shall hold a public hearing. Following the public hearing, the Planning Commission shall review the request and make a recommendation to the City Council in the form of a motion. The recommendation may be subject to certain conditions or changes being made.

If the Planning Commission requires additional information, the application may be postponed to a date certain until such information has been received.
 - G. Following the review and recommendation of the Planning Commission, the application shall be forwarded to the City Council at its next scheduled meeting. The City Council shall consider the request, along with the Planning Commission recommendation, and approve, approve with conditions, or deny the application for special use approval. If City Council requires additional information, the application may be postponed to a date certain until such information has been received.
 - H. Each action taken with reference to special land use approval shall be duly recorded in the minutes of the Planning Commission and City Council and shall state the grounds for the action taken upon each special use submitted for its approval.
 - I. Special land use approval shall be obtained from the City Council before issuance of a Certificate of Occupancy for any special land use, and prior to the submittal and approval of a site plan, engineering plan, and building permit, if required.
 - J. The Planning and Zoning Administrator, in coordination with the City Clerk, sends the applicant a Notice of Action and a copy of the City Council minutes from the meeting in which the case was acted upon. If Site Plan approval is required for the project, the applicant may apply for Site Plan review in accordance with [Section 15.04](#)



3. **Review Standards and Criteria.** In approving a special land use, the Planning Commission and City Council shall make a finding that the proposed Special Land Use is in compliance with all of the following standards:
- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
 - C. The special land use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
 - (1) Location of use(s) on site;
 - (2) Height of all improvements and structures;
 - (3) Adjacent conforming land uses;
 - (4) Conformance with the Master Plan and future land use map for the area as adopted by the planning commission; and
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
 - E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - (1) Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
 - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - (4) Adequacy of sight distances;
 - (5) Location and access of off-street parking;
 - (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
 - F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.
 - G. In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
4. **General Stipulations.**
- A. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the Special Land Use Approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
 - B. The discontinuance of a special land use after a specified time may be a condition to the issuance of the permit. Renewal of a special land use permit may be granted after a review and determination by the city council that

continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

- C. Application for Special Land Use Approval shall be made with the full consent of all persons having an ownership interest in the land on which the Special Land Use is requested. All persons having ownership interest in the property shall sign the application prior to its acceptance by the city.
 - D. Special Land Use Approval is valid for a period of one year. When required, site plan approval and commencement of construction of approved improvements must occur within one year of the city council's Special Land Use Approval or the Special Land Use Approval shall be automatically null and void. The City Council may grant an extension for good cause for a period not to exceed six months from the date of expiration of the original approval provided for extension is made during the period of effectiveness.
 - E. When an established use approved under the special land use approval procedure ceases to function or is abandoned for a period of six months, the special use approval shall lapse and shall no longer be in effect.
 - F. The record of the city council shall be the approved minutes for Special Land Use cases. Said record shall be made available to the applicant whether the Special Land Use Approval request is approved, approved with conditions, or denied and shall constitute notice of the city council's decision regarding the Special Land Use Approval request.
 - G. The Planning Commission shall give notice of the time and place of the required public hearing as required by state law.
 - H. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Land Use Approval, any conditions imposed by the city council and the approved site plan.
 - I. A special land use permit may be terminated by subsequent rezoning of the affected site as a part of an appropriate zoning district, subject to any vested nonconforming use rights. Such termination may be initiated only after determination by the city council that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed. There shall be no waiver of standards or procedures, including publication, hearings, planning commission and city council action, in regard to the rezoning of a site which is occupied or used under a special use permit.
 - J. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the city council shall be resubmitted until the expiration of one year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the city council. Each reapplication will be treated as a new application.
 - K. Appeals: No decision or condition related to a special land use application shall be appealed to the Zoning Board of Appeals. An appeal of a special land use decision or condition may be taken to Circuit Court.
5. **Amendments, Expansions or Change of Special Land Use.** The following provisions apply when there is an amendment or a proposed expansion to an approved special land use, an amendment or proposed modification to a condition previously applied to a special land use, or when there is a proposed change from one special land use to another.
- A. **Amendments.** Any applicant who has been granted special land use approval shall notify the Planning and Zoning Administrator of any proposed amendment to the approved Special Land Use. The Planning and Zoning Administrator shall determine whether a proposed amendment requires new special land use approval. New special land use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display. Any alteration of previously approved conditions pertaining to a special land use approval shall require resubmittal and new Special Land Use consideration by Planning Commission and City Council in the manner described in this Section.
 - B. **Expansions.** An expansion of any use requiring a special use approval that results in an increase of 10% or more of the building, parking, paved areas, or site area shall require resubmittal and new Special Land Use consideration in the manner described in this Section.
 - C. **Change in Use.** The applicant shall be responsible for informing the Planning and Zoning Administrator of any significant change in an approved special land use, operations, or activities prior to any such change. The Planning and Zoning Administrator shall determine if a new special land use approval is required. A significant change shall

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



MEMORANDUM

Date: August 19th, 2026
To: City of Madison Heights Planning Commission (August 25th 2026 Meeting)
From: Matt Lonnerstater, AICP – City Planner
Subject: Special Land Use Request PSP 26-06– 26126 Groveland Street – Major Home Occupation [Massage Therapy]

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 8

Introduction

The applicant, property owner, and resident of the property, Tonya Cole, requests Special Land Use approval from the Planning Commission and City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (licensed massage therapy business) out of a detached accessory structure at 26126 Groveland Street, zoned R-3, One-Family Residential; tax parcel # 44-25-24-152-003. The property contains a single-family house, detached garage, and a 144 sq. ft. accessory shed (with a deck) and is located on the east side of Groveland Street, south of East Cowan Avenue.

Note: This is an “after-the-fact” request, as code enforcement records indicate that the home occupation has been operating from the detached shed on-and-off since at least 2022 without proper city approvals.

Project Details

The applicant has provided a project narrative and scope of work for the proposed massage therapy business, summarized below:

- Massage therapy services rendered entirely within the accessory shed located in the rear yard.
- One employee (applicant), with services provided on a one-on-one, appointment-only basis.
- Appointments will take place between 8am and 8pm.
- Anticipated service of 4-8 clients per day.
- Clients will be instructed to park in the driveway and proceed to the shed in the rear yard.

26126 Groveland Street



Aerial view of 26126 Groveland. Circled in yellow is the shed where the massage therapy will take place.



Images of detached shed proposed for Major Home Occupation (licensed massage therapy)



Inspection and Violation History

Since 2022, a number of violations have been recorded at the subject property relating to the operation of a commercial home occupation out of the shed, as well as failures to obtain proper permits for the shed itself. A brief violations and inspection history is provided below:

August, 2022: Violation reported for the operation of a commercial business out of the shed. Warning issued. Upon re-inspection in September, 2022, operation of the business was noted to have ceased. Violation closed.

May, 2023: Violation reported that commercial operation had started back up. Warning issued. Continued operation noted upon re-inspection. Ticket issued.

February, 2026: Repeat violation reported about continued operation of the home occupation. Ticket issued. Court appearance held. Instructed applicant to apply for Special Land Use approval for Major Home Occupation under new Zoning Ordinance. Special Land Use application submitted July, 2026

As of the date of this memo, there are several open building and trade permits related to the shed awaiting final approval:

- Electrical and Mechanical Permits for generator.
- Electrical and Mechanical Permits for mini-split.
- After-the-fact rat wall inspection for the shed.

Home Occupation Details

Home occupations are defined in the Zoning Ordinance (Section 2.01) as, *“a business, business activity, profession, occupation, or trade activity operating within a dwelling unit by the resident(s), subject to the conditions and limitations of the Zoning Ordinance.”*

Home occupations are further divided into “minor” and “major” classifications. A Major Home Occupation is defined as, *“a home occupation that may be evident to the surrounding area and/or involve the resident utilizing an accessory building or outdoor areas for operations and/or being the type of occupation which involves routine client or non-resident visits to the home.”*

As the proposed massage therapy business involves routine client visits to the home, staff has classified the proposed use as a Major Home Occupation. Major Home Occupations require Special Land Use approval and are subject to use-specific standards.

Use-Specific Standards for Major Home Occupations

Home occupations are subject to the use-specific zoning standards set forth in **Section 7.03.18** of the Zoning Ordinance, listed below:

- (1) *The operation of the Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.*
- (2) *The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection of equipment or materials necessary for their work at another site, or documents relating to their employment.*
- (3) *One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted toward required parking spaces.*
- (4) *The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matters at any time. No mechanical, electrical, or similar machinery equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.*
- (5) *The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.*

- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.
- (9) No signage shall be permitted, except where specifically required by law.
- (10) No display of any kind shall be visible from the exterior of the premises.
- (11) Major Home Occupations shall not include the sales and/or service of weapons, guns, ammunition, fireworks, or any components thereof, nor a regulated use as regulated in Section 5.03.
- (12) In addition to Special Land Use approval in accordance with Section 15.05, a Certificate of Occupancy shall be required for Major Home Occupations in accordance with Section 15.03.

The applicant has provided a project narrative responding to the criteria for Major Home Occupations. The proposed massage therapy business appears to satisfy a majority of these use-specific standards. However, detailed consideration should be given to #4 pertaining to the “negative impacts” to neighbors. Should the Planning Commission move to recommend approval of the Special Land Use, staff advises that all of the use-specific standards of Section 7.03.18 be incorporated and referenced as a condition of approval; stricter conditions may be warranted to further address nuisances to neighbors.

Massage Therapy Standards

Massage therapy uses are subject to definitions and use specific standards within the Zoning Ordinance. Important definitions from the Zoning Ordinance are listed below:

- 1) **Massage Therapist, Licensed:** *An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.*
- 2) **Massage Therapy:** *A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer’s body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tabbing, pounding or vibrating. Massage therapy also includes complementary methods, including the external application of Asian bodywork approaches, acupressure, water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.*
- 3) **Massage Therapy Facility, Licensed:** *A place of business having a source of income or compensation derived from the practice of massage therapy, as defined herein, where licensed massage therapists administer or teach massage therapy. Licensed massage therapy facilities shall be included in the definition of Personal Service Establishments, as defined herein. Licensed massage therapy facilities are further subject to the business licensing regulations of Article XII of the Code of Ordinances.*

The massage therapy business would qualify as a Licensed Massage Therapy Facility as the applicant possesses both a state license and membership with the American Bodywork and Massage Professionals Association (AMBP). Due to qualifying as a Licensed Massage Therapy Facility, the Zoning Ordinance classifies the proposed business as a Personal Service Establishment, defined as:

- 1) **Personal Service Establishment:** *An establishment or a place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature. Typical uses include, but are not limited to, barber shops, beauty salons, beauty shops, tattoo/body art shops, licensed massage therapy facilities, photograph studios, dry cleaning and laundry pickup, laundromats, shoe repair, bicycle and small appliance repair, millinery, and tailor and dressmaker shops.*

Personal Service Establishments are permitted as Major Home Occupations. Therefore, there are no use specific standards on the basis of it being a massage therapy business. However, the use-specific standards for Major Home Occupations still apply.

Site Analysis

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Single-Family Residential	R-3, One-Family Residential
North	Single-Family Residential	R-3, One-Family Residential
South	Single-Family Residential	R-3, One-Family Residential
East	Single-Family Residential	R-3, One-Family Residential
West	Single-Family Residential	R-MN, Mixed Neighborhood

The residential property is 0.14 acres (6,250 sq. ft.) in size and is located mid-block within a single-family residential neighborhood. The property is improved with a single-family house, a detached garage which is accessed via a driveway, and a detached 144 sq. ft. shed in the rear yard. Massage therapy services are proposed within the shed. Per the Madison Heights Zoning Ordinance, the R-3 zoning district is “*designed to provide for one-family dwelling sites and residentially-related uses in keeping with the Master Plan of residential development in the City of Madison Heights.*”

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Single-Family Residential
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

The future land use designation of the subject site is *Single-Family Residential*.

The Planning Commission should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this Special Land Use request:

Housing

- *Ensure that infill and redeveloped residential properties are compatible with the surrounding area and adjacent parcels.*
- *Support neighborhoods by improving walkability and access goods and services.*

Special Land Use Criteria

Requests for Special Land Use approval are subject to processes and review standards contained in Section 15.05. A public hearing is required in front of the Planning Commission, after which the Planning Commission may make a recommendation to City Council. After receiving a recommendation from the Planning Commission, City Council has the authority to take final action on Special Land Use requests.

In making a recommendation to City Council, the Planning Commission shall consider the Special Land Use review standards contained in Section 15.05.3 and incorporate them into any motion of approval or denial:

- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
- B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
- C. The Special Land Use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
 - (1) Location of use(s) on site;
 - (2) Height of all improvements and structures;
 - (3) Adjacent conforming land uses;
 - (4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - (1) Reduction in the number of ingress/egress points through elimination, minimization, and/or consolidation of drives and/or curb cuts;
 - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - (4) Adequacy of sight distances;
 - (5) Location and access of off-street parking;

- (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.

In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Staff Analysis

In deliberating the proposed massage therapy business, staff recommends that the Planning Commission focus on the impacts to the character of the residential neighborhood, direct impacts on neighbors, and the applicant's ability to meet the use-specific standards for Major Home Occupations (Section 7.03.18). Potential issues relating to this Major Home Occupation include routine client visits, parking, noise and lighting.

The shed is located in the rear yard. The rear yard is surrounded by a privacy fence, and there is an existing vinyl gate at the edge of the driveway which limits views of the rear yard from the street. Additional discussion on screening may be warranted as directed by the Planning Commission.

To mitigate these potential nuisances, staff recommends the following conditions:

- 1) Except as further restricted below, the massage therapy business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.
- 2) To reduce direct impacts to neighbors, client appointments shall be limited to one at a time and shall occur between the hours of 9:00 a.m. and 6:00 p.m.
- 3) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.
- 4) No outdoor activity related to the business shall be permitted.
- 5) In addition to the Certificate of Occupancy, the applicant shall be required to obtain a business license from the Clerk's office and renew annually; upon annual renewal, the applicant shall provide up-to-date state certification and professional massage therapy association membership information.

Next Step

After the public hearing and discussion, the Planning Commission may take action on the requested Special Land Use in the form of a recommendation to City Council. Any motion shall include concise findings based upon the Special Land Use review standards and criteria, Section 15.03.3. Per Section 15.05, the Planning Commission alternatively may postpone action on a Special Land Use request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.

Template motions are provided on the following page.

Attachments

- **Special Land Use Application - PSP #26-06**
- **Associated Maps**
- **Images of Shed**
- **Section 3.07 – R3 One-Family Residential District**
- **Section 7.03.18 – Use-Specific Standards for Major Home Occupations**
- **Section 15.05 – Special Land Use Review**
- **Public Hearing Notice**
- **Written Public Comments**

Template Motion, Findings and Conditions

Staff offers the following motions as a suggested template and guide for the Planning Commission's consideration. The Planning Commission may provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

APPROVAL

MOTION BY _____, SECONDED BY _____, THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL **APPROVE** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a licensed massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. With proper conditions, the use is designed, located, and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. With proper conditions, the use will not involve activities that will be detrimental to adjacent residential land uses.
 - c. With proper conditions, the use is designed and located so that it is compatible with the principal uses permitted in the R-3, One-Family Residential district
 - d. With proper conditions, the use is designed and located so that it is compatible with the Madison Heights Master Plan and the Single-Family Residential future land use classification.
4. The use satisfies the use-specific standards for Major Home Occupations as contained in Section 7.03.18 – Use-Specific Standards for Major Home Occupations - as contained in Section 7.03.3 of the Madison Heights Zoning Ordinance.

APPROVAL IS GRANTED WITH THE FOLLOWING CONDITIONS:

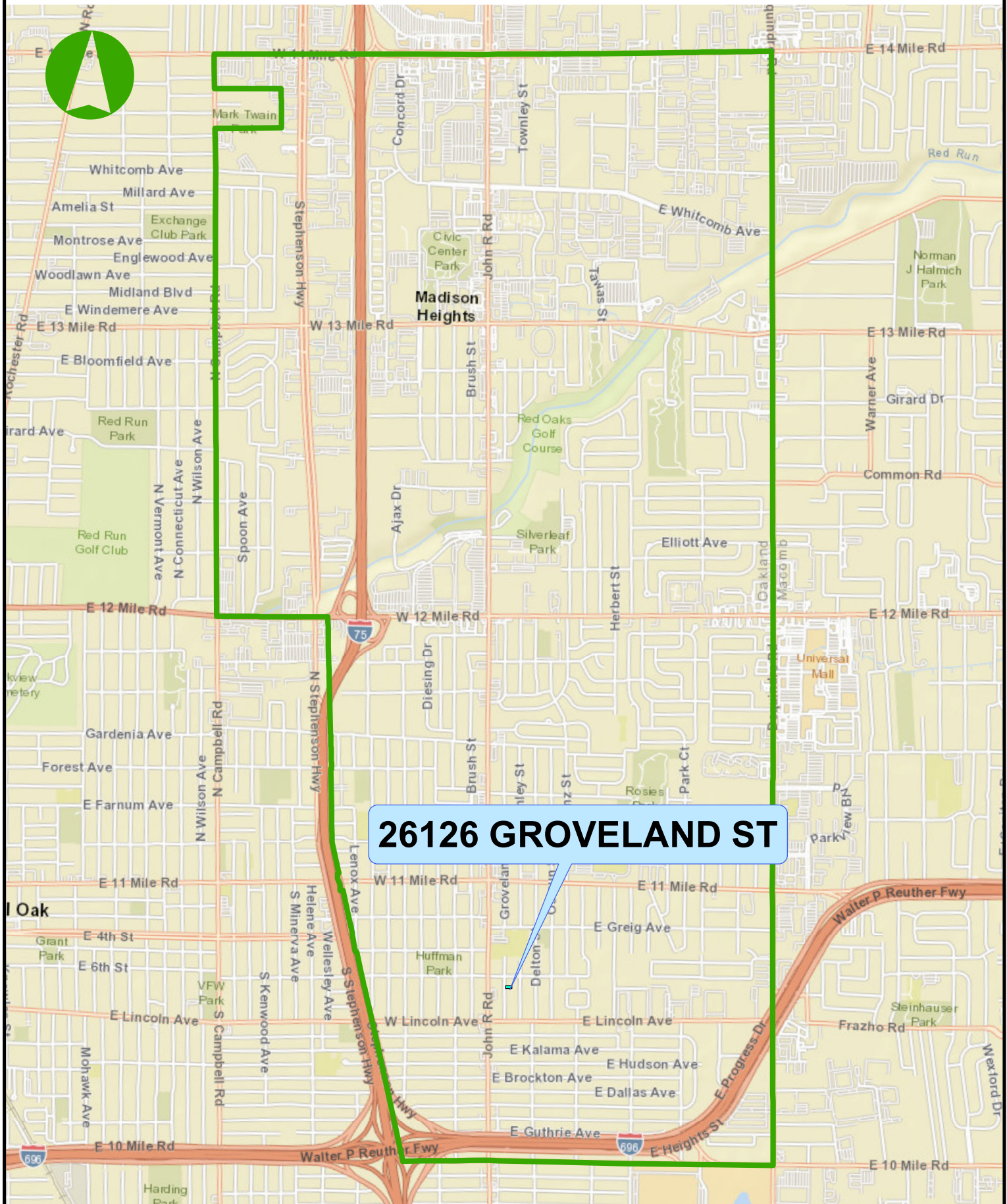
- 1) Except as further restricted below, the massage therapy business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.

- 2) To reduce direct impacts to neighbors, client appointments shall be limited to one at a time and shall occur between the hours of 9:00 a.m. and 6:00 p.m.
- 3) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.
- 4) No outdoor activity related to the business shall be permitted.
- 5) In addition to the Certificate of Occupancy, the applicant shall be required to obtain a business license from the Clerk's office and renew annually; upon annual renewal, the applicant shall provide up-to-date state certification and professional massage therapy association membership information.

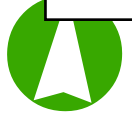
DENIAL

MOTION BY _____, SECONDED BY _____, THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL **DENY** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular [LIST ANY THAT APPLY, WITH EXPLANATION]:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - c. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners:
 - i. Location of use(s) on site;
 - ii. Height of all improvements and structures;
 - iii. Adjacent conforming land uses;
 - iv. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - v. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
4. Ingress/egress to the use is not controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses.
5. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
6. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance [LIST ANY THAT APPLY, WITH EXPLANATION].

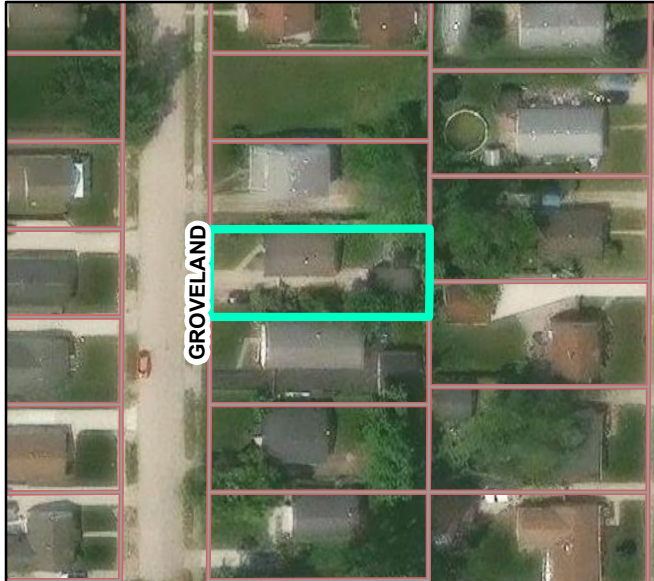


Site Address: 26126 Groveland St



Click for maps

Aerial



26126 Groveland St



Parcels

Existing Land Use



26126 Groveland St



Single and Two Family

Zoning

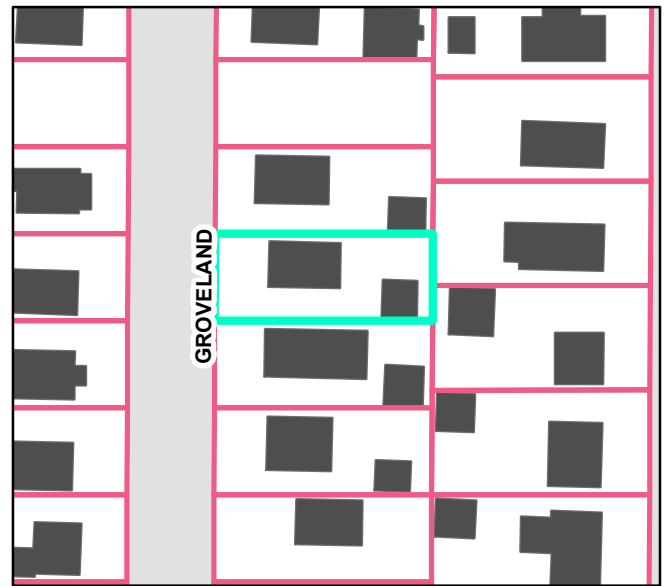


26126 Groveland St



R-3 Residential

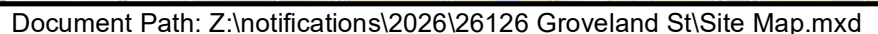
Future Land Use



26126 Groveland St



Single Family





CITY OF MADISON HEIGHTS
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
SPECIAL LAND USE APPLICATION

I. APPLICANT INFORMATION

Applicant Tonya Cole
Applicant Address 26126 Groveland St
City Madison Heights State MI ZIP 48071
Interest in Property (owner, tenant, option, etc.) owner
Contact Person Tonya Cole
Telephone Number [REDACTED] Email Address [REDACTED]

II. PROPERTY INFORMATION

Property Address 26126 Groveland St
Tax ID 2524152003 Zoning District R-3
Owner Name (if different than applicant) Tonya Cole
Address 26126 Groveland St
City Madison Heights State MI Zip 48083
Telephone Number [REDACTED] Email Address [REDACTED]

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name Martino Thomas Company Summit Union Real Estate
Address 850 Stephenson Hwy Suite 603
City Troy State MI Zip 48083
Telephone Number [REDACTED] Email Address [REDACTED]

IV. PROJECT NAME

Full Body Treat

V. PROJECT DESCRIPTION AND SCOPE OF WORK

Brief Description of Proposed Special Land Use:

Major Home Occupation - Licensed Massage Therapy (Section 7.03(18))

Required Attachments:

- ☐ **Project Narrative:** Written description of the nature of the proposed use(s), including: products or services to be provided; activities to be conducted inside and outside the building; types of equipment to be used; hours of operation; number of employees; expected levels/ types of vehicular traffic coming to and from the site; other information.
- ☐ **Conceptual Site Plan and Floor Plan:** Conceptual plans containing minimum information listed in **Section 15.05** of Zoning Ordinance (refer to checklist, attached)
- ☐ **Review Standards Response Form** (attached)

VI. APPLICANT CERTIFICATION

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Special Land Use 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).

Printed Name Tonya Cole Signature Tonya Cole Date 7/16/26

VII. PROPERTY OWNER CERTIFICATION

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 Tonya Cole Signature Tonya Cole Date 7/16/26

Notary for Property Owner:

Notary Stamp

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

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 (\$750): \$750SPECIAL LAND USE NO.: PSP # 26-06DATE APPLICATION RECEIVED: 7/16/26RECEIVED BY: MDL

Aug. 17 PC

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
P.O. BOX 30670
LANSING, MI 48909

STATE OF MICHIGAN - DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF MASSAGE THERAPY
MASSAGE THERAPIST LICENSE

TONYA LYNN COLE

TONYA LYNN COLE
26126 GROVELAND ST
MADISON HEIGHTS, MI 48071

LICENSE NO.	EXPIRATION DATE
7501010351	06/19/2028 25223190843

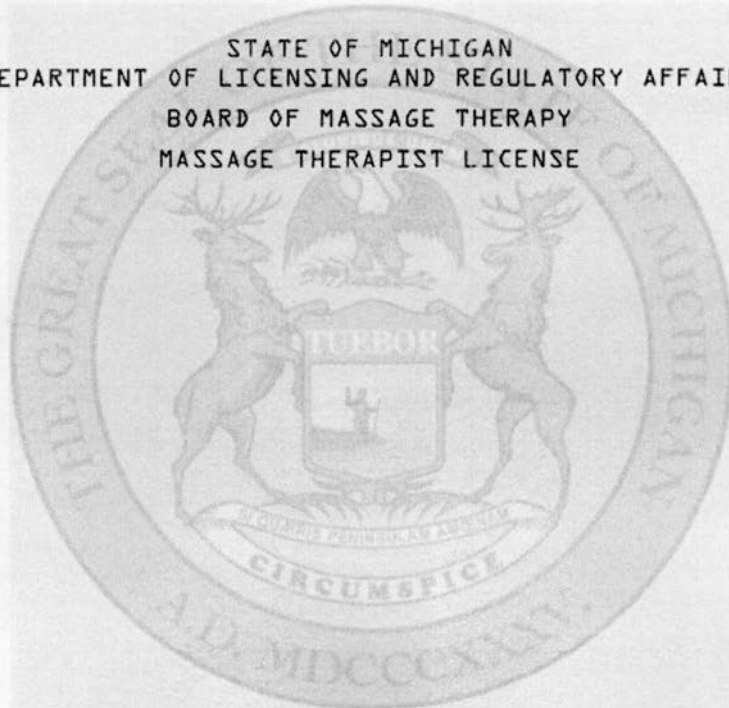
COMPLAINT INFORMATION:
THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED
AS A WAIVER, DISMISSAL OR ACQUIESCENCE TO ANY
COMPLAINTS OR VIOLATIONS PENDING AGAINST THE LICENSEE,
ITS AGENTS OR EMPLOYEES.

FUTURE CONTACTS:
YOU SHOULD DIRECT INQUIRIES REGARDING THIS LICENSE OR
ADDRESS CHANGES TO THE DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS BY EMAILING BPLHELP@MICHIGAN.GOV
OR CALL (517) 241-0199

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BOARD OF MASSAGE THERAPY
MASSAGE THERAPIST LICENSE



TONYA LYNN COLE

LICENSE NO.
7501010351

EXPIRATION DATE
06/19/2028

25223190843

THIS DOCUMENT IS DULY
ISSUED UNDER THE LAWS OF
THE STATE OF MICHIGAN

BODYWORK INSURANCE POLICY

ACTIVE - RENEWAL

Bodywork Insurance Policy

S0220GL000000300-BBI616274

09/14/2025 - 09/14/2026 (12 months)

Policy expires at 12:01 a.m. local time,
at the address stated in the
application.

Retroactive date: 09/14/2020



[Home](#)

Member Home

Member
Benefit[Complete Your Profile](#)

Get Found. Get Booked. Get Growing.

Your profile on the **ABMPmembers.com** referral directory puts you in front of clients actively searching for a massage therapist.

Welcome, Tonya!

Member ID #1116238

Thank you for recently renewing your ABMP membership!

Here you will find a variety of tools to support you in a fulfilling career. Check out the menus, and if you have any questions, please [contact us](#)! **Your Professional membership is valid through 07/13/2027.**

Confirmation needed! Looks like we don't have your state license expiration date on file. [Update it now, or confirm you are exempt from licensing](#), to ensure your membership and liability insurance are valid.

ABMP supports the Interstate Massage Compact (IMpact) and feels it is a positive and progressive step towards supporting massage therapists in both their lives and practices. Learn more about the IMpact [here](#).

[abmp.com](#)

Project Narrative and Review Standards Response Form

Full Body Treat - Special Land Use application

PROJECT NARRATIVE

Major Home Occupation – Licensed Massage Therapy

Business Name: Full Body Treat

Property Address: 26126 Groveland Street, Madison Heights, MI 48071

Zoning District: R-3 (One-Family Residential)

Applicant / Property Owner: Tonya Cole (State of Michigan Licensed Massage Therapist)

Prepared by: Martino Thomas, Summit Union Real Estate (Consultant)

Date: July 15, 2026

Introduction and Purpose

Tonya Cole, a fully licensed and insured massage therapist under the State of Michigan (P.A. 471 of 2008), proposes to operate her professional massage therapy business, **Full Body Treat**, as a **Major Home Occupation** within an existing detached accessory structure (shed) located in the rear yard of her single-family residence.

This request is made pursuant to **Section 7.03(18)** of the Madison Heights Zoning Ordinance, which expressly permits Major Home Occupations in the R-3 district as accessory uses subject to Special Land Use approval. The use is low-impact, entirely indoor, appointment-only, and designed to maintain the residential character of the property and surrounding neighborhood while allowing the applicant to conduct her licensed profession from home.

Description of the Proposed Use and Location

The business will provide therapeutic massage services exclusively within the **existing rear-yard shed**. No new construction, building additions, exterior modifications, or site alterations are proposed. The shed will serve as a private, professional treatment space.

Clients will access the shed via the existing residential driveway and a side/rear yard path. The use will be completely screened from the public street and primary views of neighboring properties. The property will continue to function and appear as a single-family residence at all times.

Services and Products Provided

Full Body Treat offers professional, therapeutic full-body massage services, including a variety of massage techniques for relaxation, pain relief, and wellness. All services are provided by the licensed owner only.

Retail sales will be strictly incidental and accessory to the massage services (e.g., small quantities of massage oils or lotions used during sessions). No general retail, product sales, or unrelated merchandise will be offered.

Activities Inside and Outside the Building

- **Inside the shed:** All massage therapy sessions will be conducted indoors in a clean, private, and professional setting. The space will be furnished with a professional massage table, linens, and standard supplies. Sessions are one-on-one and client-focused.
- **Outside the building:** There will be **no outdoor massage services**, no outdoor storage of equipment or supplies, and no outdoor activities related to the business. Clients will simply walk from their vehicle on the driveway to the shed entrance. The rear yard will remain a typical residential space.

Types of Equipment to Be Used

Equipment will be limited to standard professional massage therapy items:

- Professional portable or stationary massage table
- Linens, towels, and bolsters
- Massage oils, lotions, and creams (used during sessions only)
- Small, quiet electromechanical devices that mimic hand techniques (as permitted under the City's definition of massage therapy)

- Basic sanitation and hygiene supplies

No industrial machinery, high-noise equipment, generators, or equipment producing smoke, fumes, glare, vibration, or odors will be used. All equipment complies with the “no non-residential machinery” requirement of Section 7.03(18).

Hours of Operation and Appointment System

- **Hours:** Business-related visits, client arrivals/departures, and any deliveries will occur only between **8:00 a.m. and 8:00 p.m.**, seven days a week (per Section 7.03(18)(C)(8)).
- **Appointment-only model:** All services are strictly by appointment. There will be no walk-in clients. The owner schedules clients to ensure a maximum of **one client at a time** on the property.
- Typical daily volume is low (estimated 4–8 clients per day at peak), resulting in minimal activity.

Number of Employees

The business will be operated solely by the property owner, Tonya Cole. There will be **zero non-resident employees**. This is well within the allowance of up to two non-resident employees under Section 7.03(18).

Vehicular Traffic and Parking

Traffic impact will be minimal and fully accommodated on-site:

- Clients will park on the **existing residential driveway** (sufficient space for 1–2 client vehicles in addition to the owner’s vehicle).
- No on-street parking will be used or relied upon.
- No commercial vehicles or frequent deliveries are expected.
- The appointment-only system and one-client-at-a-time policy ensure traffic generation remains very low and does not create congestion or safety issues on Groveland Street or adjacent roads.
- Ingress/egress will use the single existing driveway with no new curb cuts or access points.

Compliance with Zoning Standards and Mitigation Measures

This proposal fully complies with all Major Home Occupation standards in **Section 7.03(18)**, including:

- Operations limited to the existing detached accessory building
- No nuisances (noise, odors, glare, etc.)
- No visible exterior evidence of the business (no signage, no displays)
- Floor area of the use is well under the 35% limit of the dwelling's gross floor area
- Hours restricted to 8:00 a.m.–8:00 p.m.
- Parking provided on-site

The use is also consistent with the review standards in **Section 15.05** (public health/safety/welfare, compatibility with neighborhood and Master Plan, minimal traffic impact, and consistency with R-3 district intent). The R-3 district is designed for one-family dwellings and compatible residentially related accessory uses. This low-impact professional service supports that purpose without altering the residential character of the property or neighborhood.

Conclusion

Full Body Treat represents a classic, low-impact Major Home Occupation that allows a licensed local professional to serve clients from her own property while fully protecting the residential quality of the surrounding R-3 neighborhood. The business will operate quietly, professionally, and invisibly from the street, with all activity contained indoors in an existing structure and all impacts minimized through appointment-only scheduling and on-site parking. We respectfully request approval of this Special Land Use application. The applicant is prepared to accept reasonable conditions of approval, including incorporation of the Section 7.03(18) standards and any site-specific conditions the Planning Commission and City Council deem appropriate.

REVIEW STANDARDS RESPONSE FORM

A. Describe how the proposed use will be designed, located, and operated in a way that protects the public health, safety and welfare.

The proposed Major Home Occupation – Licensed Massage Therapy will be designed, located, and operated to fully protect public health, safety, and welfare. The use will be conducted exclusively indoors by the property owner, a State of Michigan licensed and insured massage therapist, within the existing detached accessory structure (shed) located in the rear yard of the single-family residence. All client sessions will be by appointment only, with a maximum of one client at a time to ensure privacy, controlled access, and minimal activity on site.

The therapist will maintain strict adherence to Michigan licensing requirements (including hygiene, sanitation, client consent, and professional standards under P.A. 471 of 2008), with no hazardous materials, chemicals, or equipment that could pose health or safety risks. No outdoor activities, storage, or displays are proposed. Operations will be limited to standard daytime/evening hours (8:00 a.m.–8:00 p.m.), consistent with Section 7.03(18). The property will retain its full residential character with no exterior alterations, ensuring the use poses no risk to neighboring properties or the general public.

B. Describe how the use will be designed in a way that considers the natural environment and helps conserve natural resources and energy.

The proposed use is designed to minimize any impact on the natural environment and to conserve natural resources and energy. All operations will occur within the **existing accessory structure** with no new construction, expansion, site grading, tree removal, or alteration of landscaping or natural features. The use relies entirely on the property's existing utilities, infrastructure, and building envelope, avoiding any additional demand on resources.

Energy consumption will be limited to standard residential-level heating, lighting, and equipment within the enclosed space—comparable to or less than typical household use—and no high-energy or outdoor operations are proposed. The appointment-only model further reduces vehicle trips and associated emissions. This approach fully conserves natural resources and energy while maintaining the residential character of the site.

C. Will the Special Land Use involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any

person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. If so, describe in detail.

No. The Special Land Use will **not** involve any uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odors.

All massage therapy sessions will be conducted quietly and privately indoors within the existing rear-yard accessory structure. There will be no machinery or equipment producing noise, vibration, smoke, fumes, glare, or odors beyond normal residential levels. Client traffic will be minimal and strictly by appointment only (estimated low volume with one client at a time), with all parking accommodated on the existing residential driveway. No outdoor storage, displays, or activities are proposed. The use fully complies with Section 7.03(18) standards, which prohibit nuisances and non-residential machinery. The operation will be virtually undetectable from adjacent properties or the street.

D. Describe how the proposed land use will be designed and located so that it is compatible with surrounding properties, neighborhood, and vicinity. At a minimum, this shall include: 1) Location of use(s) on site; 2) Height of all improvements and structures; 3) Adjacent conforming land uses; 4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission; and 5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.

The proposed use is designed and located to be highly compatible with surrounding properties, the neighborhood, and vicinity:

1. **Location of use(s) on site:** All operations will be fully contained within the existing detached accessory structure (shed) in the rear yard, screened from the street and primary views of adjacent homes.
2. **Height of all improvements and structures:** No modifications to any structures are proposed. The accessory building will retain its existing height and residential scale, consistent with typical R-3 accessory structures.
3. **Adjacent conforming land uses:** The surrounding properties are single-family residences in the R-3 One-Family Residential District. The low-impact, indoor home occupation is fully compatible with these residential uses and will not alter neighborhood character.

4. **Conformance with the Master Plan and future land use map:** The property lies in an area designated for single-family residential use on the City's Master Plan and future land use map. The proposed accessory home occupation supports and maintains the residential character of the area.
5. **Compatibility with permitted principal uses and district intent:** The R-3 district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan. Major Home Occupations are expressly permitted in R-3 as accessory uses (Section 3.06 and Section 7.03(18)) subject to Special Land Use approval. The use preserves the primary residential function of the property, involves no exterior changes or nuisances, and is consistent with the district's intent.

E. Describe how ingress/egress to the use will be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to: 1. Reduction in the number of ingress/egress points... [etc.]

Ingress and egress will be controlled through the property's **existing single-family residential driveway**, with **no new curb cuts, drives, or modifications** proposed. This ensures:

1. **Reduction in ingress/egress points:** The site utilizes its single existing driveway access point; no additional points are needed or proposed.
2. **Proximity and relation to intersections:** The existing driveway is located on a standard residential street with appropriate distance from intersections, consistent with neighborhood development patterns.
3. **Reduction/elimination of pedestrian/vehicular traffic conflicts:** Clients will park on the existing driveway and access the rear structure via the side/rear yard; no conflicts with street traffic or pedestrians are anticipated.
4. **Adequacy of sight distances:** The existing residential driveway provides clear, adequate sight lines typical of the R-3 neighborhood.
5. **Location and access of off-street parking:** Sufficient off-street parking exists on the existing driveway to accommodate client vehicles (typically 1–2 spaces) in addition to residential needs, with no reliance on on-street parking.
6. **Location and/or potential use of service drives:** Not applicable or needed, as this is a single-parcel residential property with no requirement for shared access.

The appointment-only model results in very low additional traffic volume with negligible impact on adjacent roads or uses.

F. Describe how the proposed use will be consistent with the intent and purpose of the zoning district in which it is proposed.

The proposed use is fully consistent with the intent and purpose of the **R-3 One-Family Residential District**, which is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.

The Major Home Occupation for licensed massage therapy is expressly permitted in the R-3 district as an accessory use under Section 3.06 and Section 7.03(18) of the Zoning Ordinance, subject to Special Land Use approval. By operating entirely within an existing structure, by appointment only, during permitted hours (8:00 a.m.–8:00 p.m.), with no exterior modifications, signage, displays, or nuisances, and in full compliance with all use-specific standards (including parking, impact mitigation, and floor-area limits), the use maintains the primary residential character and function of the property. It supports the district's purpose by allowing residents to conduct compatible professional services from home in a controlled, low-impact manner that does not detract from the surrounding residential neighborhood.

Private 4 car DrivewayPropertyShed







NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission for the City of Madison Heights will hold a special meeting and public hearing on Tuesday, August 25, 2026, at 5:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071 to consider the following Special Land Use requests:

Case # PSP 26-05 – 30159 Brush St.

The applicant, Hali Fortuna, requests Special Land Use approval per the procedures set forth in Section 7.03 and Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (Dog Boarding) at her residence at 30159 Brush Street (tax map # 44-25-11-279-042). The property is 0.14 acres in size and is zoned R-3, One-Family Residential.

Case # PSP 26-06 – 26126 Groveland St.

The applicant, Tonya Cole, requests Special Land Use approval per the procedures set forth in Section 7.03 and Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (Massage Therapy) at her residence at 26126 Groveland Street (tax map # 44-25-24-152-003). The property is 0.14 acres in size and is zoned R-3, One Family Residential.

The applications and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed online after 4:00 p.m. on the Friday prior to the meeting at www.madisonheightsmi.gov in the Agenda Center.

If you are unable to attend the meeting, you can send your comments via email to:

MLonnerstater@madisonheightsmi.gov 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.

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

Advertiser Name / ID: CITY OF MADISON HEIGHTS / 261707 - Ad ID: 115951-428357 - PO: - Affidavit ID: 39407



Outlook

Fwd: regarding case #PSP 26-06- 26126 Groveland st (Tonya Cole)

From SHARI MACLEOD <[REDACTED]>
Date Wed 8/12/2026 7:13 PM
To Matt Lonnerstater <MLonnerstater@madisonheightsmi.gov>

From: SHARI MACLEOD <[REDACTED]>
To: MLonnerstater <MLonnerstater@madisonheightsmi.gov>
Date: Wednesday, 12 August 2026 7:10 PM EDT
Subject: regarding case #PSP 26-06- 26126 Groveland st (Tonya Cole)

Good evening City council members

I'm forwarding this email to make my comment regarding a business license for the address of 26126 Groveland St

I have lived at my address 26105 Groveland St for 23 years, . I love my neighbor hood but

I DO NOT WANT THIS KIND OF BUSINESS ON MY STREET THAT IS LIKE HAVING A POT PLACE BY A SCHOOL.

There has already been a lot of traffic at the address of 26126 home owner Tonya Cole , does not matter if it is morning afternoon evening and late night evenings, and when I say late I mean really late hours some times this has been going on for months now. And one of her clients showed up the wrong house on our street. Now we have to worry about strange people showing up at our doors for a service she offers this is unacceptable!!!!!!

I don't think it would be a good idea to have this kind of business in our neighborhood, A business like this should not be in a residential neighborhood were we have seniors and young kids on this street.

A business like this needs to be in commercial building not a residential neighborhood.

-



Outlook

Public Comment Regarding Tonya Cole's Special Land Use Permit Request

From [REDACTED]

Date Thu 8/20/2026 11:18 PM

To Matt Lonnerstater <MattLonnerstater@madison-heights.org>; Corey K. Haines <CKHaines@madison-heights.org>

Dear Members of the Planning Commission:

My name is Kim DeRocher, and I am a neighboring resident directly affected by the proposed special land use request for Tonya Cole's property.

I am unable to attend the meeting in person, but I respectfully request that this letter be **read aloud during the public hearing and entered into the official meeting record**. My husband, Zack DeRocher, will be attending the meeting on our behalf.

I am asking the Planning Commission to carefully consider the history and circumstances surrounding this property before making any decision to approve a special land use permit.

Our concerns are not based on a disagreement between neighbors or on speculation. They arise from the ongoing activity associated with the property, the documented involvement of city departments and law enforcement, and the impact that this activity has had on our residential neighborhood and our family.

The property is located in a residential area where neighboring residents should reasonably expect a safe, peaceful, and private environment. Over time, we have observed activity at the property that has raised significant concerns regarding the nature and intensity of the proposed use, including recurring customer traffic, activity occurring during evening and nighttime hours, and individuals arriving at the property for advertised services.

We have also previously brought concerns to the attention of the City regarding business activity, construction and permitting issues, and other activity occurring at the property. Code enforcement has been involved, including the posting of a stop-work notice related to construction activity. There have also been circumstances requiring law-enforcement involvement.

Another significant concern is privacy. Multiple exterior cameras have been installed at the property, including cameras that have appeared to be directed toward areas of our property and our home. This has caused our family to take additional steps simply to maintain privacy in our own backyard and home.

Our family has also experienced situations in which individuals associated with activity at the property have come to or near our residence. These incidents have required us to contact law enforcement. Regardless of the ultimate determination regarding the nature of the business, I believe these circumstances are relevant when evaluating whether the proposed use is compatible with the surrounding residential neighborhood.

I respectfully ask the Planning Commission to consider whether granting a special land use permit would increase or legitimize an intensity of commercial activity that is incompatible with the character of this residential area.

I also ask that the Commission consider not only the proposed use as described in the application, but the **actual history and circumstances of the property**, including prior code-enforcement matters, construction activity, customer traffic, privacy concerns, and the documented impact on neighboring residents.

A special land use approval is not simply a benefit to the property owner. It has the potential to affect every surrounding property owner for years to come. Once granted, the consequences of that approval will be experienced by the neighboring residents who live immediately adjacent to the property.

Our family should not have to continually monitor activity, document customer visits, contact city officials, involve law enforcement, or take measures to protect the privacy of our home simply because a commercial operation is being conducted next door.

I respectfully request that the Planning Commission **deny the special land use request**, or, at a minimum, thoroughly evaluate all of the documented history and potential impacts on the surrounding residential neighborhood before granting any approval.

I further respectfully request that this letter, along with the concerns expressed within it, be preserved as part of the official public record for this matter.

Thank you for your time and consideration.

Respectfully,

Kim DeRocher

Neighboring Resident

Madison Heights, Michigan

- (3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.
- D. **Canopy Setbacks.** Fuel station pumps, recharging stations, and canopies shall be subject to the minimum principal building setback requirements for the district, with the exception of those abutting residential properties which shall be setback in accordance with the residential separation buffer requirement, above.
- E. **Canopy Height.** Fuel station canopies shall not exceed a height of 20 feet, measured to the highest point of the canopy.
- F. **Canopy Architecture.** Fuel station canopies shall be architecturally compatible with the design of the principal structure regarding roof pitch, architectural detailing, materials and color schemes.
- G. **Canopy Lighting.** Canopy lighting shall comply with the standards of Section 8.04 (Exterior Lighting). With the exception of illuminated signage, the exterior of canopies shall not be illuminated.
- H. **Vehicle Storage.** Disabled vehicles shall not be stored on the property. Rental or storage of trucks, trailers, and other vehicles is prohibited.
- I. **Outdoor Display and Sales.** Outdoor ancillary sales display areas (including display of windshield solvent, motor oil, propane, and ice) shall be denoted on the site plan and shall not restrict pedestrian movement on the site. Outdoor display and sales are subject to the use-specific requirements for outdoor display and sales, [Section 7.03\(33\)](#).
17. **HOME IMPROVEMENT CENTER, GARDEN CENTERS, AND LUMBER YARDS.** Building material sales, garden centers, lumber yards, and similar uses which may include outdoor storage and sales, unless otherwise specified herein, shall be subject to the standards set forth in this section.
- A. Outdoor sales and displays of equipment, materials, and products shall be subject to the standards set forth in [Section 7.03\(33\)](#), Outdoor Sales and Display.
- B. Outdoor storage of equipment and materials separate from outdoor sales and display areas shall be subject to [Section 8.03\(6\)](#), Accessory outdoor storage.
18. **HOME OCCUPATION (MINOR AND MAJOR)**
- A. Unless otherwise noted, the standards of this section shall not apply to live-work units, which are regulated separately under [Section 7.03\(23\)](#)
- B. **Home Occupation, Minor**
- (1) The operation of a Minor Home Occupation shall be conducted solely within the dwelling unit and not within any detached accessory structure, except for incidental storage of equipment or materials related to the residential use.
 - (2) The Minor Home Occupation shall be conducted solely by the person or persons occupying the lot and a maximum of one (1) non-resident employee.
 - (3) The dwelling unit shall have no exterior evidence to indicate the dwelling unit is being utilized for a Minor Home Occupation.
 - (4) Only one (1) guest or client of the Minor Home Occupation shall be permitted at a time.
 - (5) The floor area used for the Minor Home Occupation shall not exceed 10% of the gross floor area of the dwelling unit.
 - (6) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.
 - (7) No signage shall be permitted, except where specifically required by law.
 - (8) No display of any kind shall be visible from the exterior of the premises.

- (9) No outside storage of equipment or materials related to the Minor Home Occupation is permitted on the property.
- (10) The Minor Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Minor Home Occupation.
- (11) Minor Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in [Section 5.03](#).
- (12) Minor Home Occupations in accordance with these standards do not require the approval of a Certificate of Occupancy or zoning-related permit.

C. Home Occupation, Major

- (1) The operation of a Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.
- (2) The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection equipment or materials necessary for their work at another site, or documents relating to their employment.
- (3) One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted towards required parking spaces.
- (4) The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.
- (5) The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.
- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.
- (9) No signage shall be permitted, except where specifically required by law.
- (10) No display of any kind shall be visible from the exterior of the premises.
- (11) Major Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in [Section 5.03](#).
- (12) In addition to Special Land Use approval in accordance with [Section 15.05](#), a Certificate of Occupancy shall be required for Major Home Occupations, in accordance with [Section 15.03](#).

19. HOSPITAL

- A. Hospital sites shall contain a minimum area of two (2) acres.
- B. Hospital sites shall have at least one property line abutting a road classified as an arterial road, per the Madison Heights Master Plan. The principal ingress and egress to the site shall be directly from said thoroughfare.
- C. Emergency rooms, ambulance bays, and helipads shall be set back at least 150 feet from residential use or a residential zoning district.

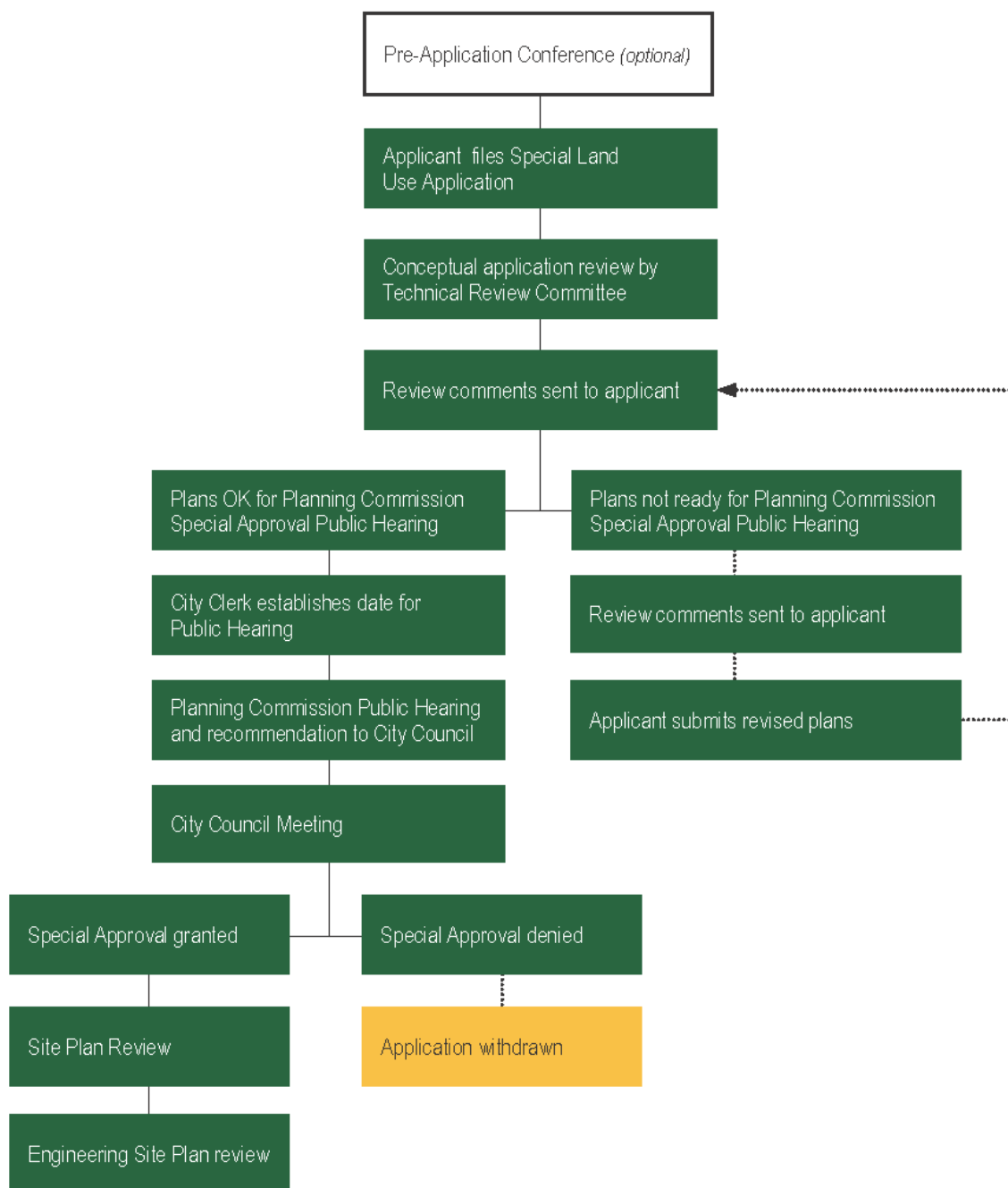
- E. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable city standards and specifications. Portions of the guarantee may be released, in not more than three installments, provided:
- (1) The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
 - (2) The guarantee shall not be reduced below the minimum amount required above.
- F. **Types of Completion Guarantees.** The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the city. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last Certificate of Occupancy for the entire project and, if required, shall be renewed by the applicant not less than 30 days prior to expiration.

Section 15.05 Special Land Use Review

1. **Purpose.** The purpose of this section shall be to:
 - A. Require Special Land Use approval for certain uses in all zoning districts that are listed as Special Land Uses.
 - B. Establish review procedures for all Special Land Uses.
 - C. Establish review standards for all Special Land Uses.
 - D. Establish the Planning Commission as the advisory board and City Council as the final review and approval authority for Special Land Uses.
 - E. Establish authority to impose conditions upon Special Land Uses.
2. **Submission and Review Process.** All Special Land Uses in all zoning districts shall be reviewed in accordance with the following procedures:
 - A. Applicant may request a preliminary meeting with Community and Economic Development Department staff to discuss the proposal, design elements, ordinance requirements, etc. The applicant may further request a preliminary discussion at the Planning Commission for informal input. The city's comments during a pre-application conference shall be advisory in nature only.
 - B. Applicant submits application, fee, two (2) copies of the proposed conceptual site plan, and a digital version of the conceptual site plan, to the Community and Economic Development Department (site plan must be reduced to 11" x 17"). A separate site plan application is not required at the time of special land use review. A conceptual site plan shall include at a minimum:
 - (1) Location map showing the proposed site location, zoning classifications and major roads.
 - (2) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - (3) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
 - (4) The percentage of land area devoted to building, paved, and open space.
 - (5) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths.
 - (6) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.
 - (7) Location and height of all walls, fences, and landscaping, including a conceptual landscaping plan.
 - (8) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.

- (9) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.
 - (10) All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
 - (11) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - (12) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's consulting engineer.
- C. The Planning and Zoning Administrator may waive particular submittal items, as listed above, upon a determination that such items are not necessary for making a determination on the requested Special Land Use.
 - D. The Technical Review Committee reviews the Special Land Use application for general conformance with Ordinance requirements and transmits review comments to the applicant for revision, if necessary. Applicant submits revised materials to Planning and Zoning Administrator, if necessary, for re-consideration by Technical Review Committee. Comments made by the Technical Review Committee shall be forwarded onto Planning Commission for consideration.
 - E. The Planning and Zoning Administrator notifies the City Clerk when Special Land Use applications are adequate for consideration by The Planning Commission. The Planning and Zoning Administrator and City Clerk establish a public hearing date and post/send public notices in accordance with [Section 15.01](#).
 - F. The Planning Commission shall hold a public hearing. Following the public hearing, the Planning Commission shall review the request and make a recommendation to the City Council in the form of a motion. The recommendation may be subject to certain conditions or changes being made.

If the Planning Commission requires additional information, the application may be postponed to a date certain until such information has been received.
 - G. Following the review and recommendation of the Planning Commission, the application shall be forwarded to the City Council at its next scheduled meeting. The City Council shall consider the request, along with the Planning Commission recommendation, and approve, approve with conditions, or deny the application for special use approval. If City Council requires additional information, the application may be postponed to a date certain until such information has been received.
 - H. Each action taken with reference to special land use approval shall be duly recorded in the minutes of the Planning Commission and City Council and shall state the grounds for the action taken upon each special use submitted for its approval.
 - I. Special land use approval shall be obtained from the City Council before issuance of a Certificate of Occupancy for any special land use, and prior to the submittal and approval of a site plan, engineering plan, and building permit, if required.
 - J. The Planning and Zoning Administrator, in coordination with the City Clerk, sends the applicant a Notice of Action and a copy of the City Council minutes from the meeting in which the case was acted upon. If Site Plan approval is required for the project, the applicant may apply for Site Plan review in accordance with [Section 15.04](#)



3. **Review Standards and Criteria.** In approving a special land use, the Planning Commission and City Council shall make a finding that the proposed Special Land Use is in compliance with all of the following standards:
- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
 - C. The special land use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
 - (1) Location of use(s) on site;
 - (2) Height of all improvements and structures;
 - (3) Adjacent conforming land uses;
 - (4) Conformance with the Master Plan and future land use map for the area as adopted by the planning commission; and
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
 - E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - (1) Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
 - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - (4) Adequacy of sight distances;
 - (5) Location and access of off-street parking;
 - (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
 - F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.
 - G. In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
4. **General Stipulations.**
- A. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the Special Land Use Approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
 - B. The discontinuance of a special land use after a specified time may be a condition to the issuance of the permit. Renewal of a special land use permit may be granted after a review and determination by the city council that

continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

- C. Application for Special Land Use Approval shall be made with the full consent of all persons having an ownership interest in the land on which the Special Land Use is requested. All persons having ownership interest in the property shall sign the application prior to its acceptance by the city.
 - D. Special Land Use Approval is valid for a period of one year. When required, site plan approval and commencement of construction of approved improvements must occur within one year of the city council's Special Land Use Approval or the Special Land Use Approval shall be automatically null and void. The City Council may grant an extension for good cause for a period not to exceed six months from the date of expiration of the original approval provided for extension is made during the period of effectiveness.
 - E. When an established use approved under the special land use approval procedure ceases to function or is abandoned for a period of six months, the special use approval shall lapse and shall no longer be in effect.
 - F. The record of the city council shall be the approved minutes for Special Land Use cases. Said record shall be made available to the applicant whether the Special Land Use Approval request is approved, approved with conditions, or denied and shall constitute notice of the city council's decision regarding the Special Land Use Approval request.
 - G. The Planning Commission shall give notice of the time and place of the required public hearing as required by state law.
 - H. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Land Use Approval, any conditions imposed by the city council and the approved site plan.
 - I. A special land use permit may be terminated by subsequent rezoning of the affected site as a part of an appropriate zoning district, subject to any vested nonconforming use rights. Such termination may be initiated only after determination by the city council that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed. There shall be no waiver of standards or procedures, including publication, hearings, planning commission and city council action, in regard to the rezoning of a site which is occupied or used under a special use permit.
 - J. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the city council shall be resubmitted until the expiration of one year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the city council. Each reapplication will be treated as a new application.
 - K. Appeals: No decision or condition related to a special land use application shall be appealed to the Zoning Board of Appeals. An appeal of a special land use decision or condition may be taken to Circuit Court.
5. **Amendments, Expansions or Change of Special Land Use.** The following provisions apply when there is an amendment or a proposed expansion to an approved special land use, an amendment or proposed modification to a condition previously applied to a special land use, or when there is a proposed change from one special land use to another.
- A. **Amendments.** Any applicant who has been granted special land use approval shall notify the Planning and Zoning Administrator of any proposed amendment to the approved Special Land Use. The Planning and Zoning Administrator shall determine whether a proposed amendment requires new special land use approval. New special land use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display. Any alteration of previously approved conditions pertaining to a special land use approval shall require resubmittal and new Special Land Use consideration by Planning Commission and City Council in the manner described in this Section.
 - B. **Expansions.** An expansion of any use requiring a special use approval that results in an increase of 10% or more of the building, parking, paved areas, or site area shall require resubmittal and new Special Land Use consideration in the manner described in this Section.
 - C. **Change in Use.** The applicant shall be responsible for informing the Planning and Zoning Administrator of any significant change in an approved special land use, operations, or activities prior to any such change. The Planning and Zoning Administrator shall determine if a new special land use approval is required. A significant change shall

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