



CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE ROAD
ZONING BOARD OF APPEALS AGENDA
AUGUST 03, 2023 AT 7:30 PM

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

1. June 1st, 2023 Minutes

PUBLIC HEARING

2. **PZBA 23-08: 1485 W. 14 Mile Road**

REQUEST: The applicant, Spectrum Neon on behalf of Matthew Shouneyia (property owner), requests three (3) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum number of ground signs per property; and two (2) variances pertaining to ground sign dimensions. The subject property is located at 1485 W. 14 Mile Road (tax parcels #44-25-02-101-062; 44-25-02-102-004) and is zoned B-1, Local Business District.

3. **PZBA 23-09: 31010 John R Road**

REQUEST: The applicant, Goodwill Industries of Greater Detroit on behalf of NADG NNN CPHARM MH_MI LP (property owner), requests a variance from Section 10.502[A]3 of the Zoning Ordinance, *Regulated Uses*, pertaining to the minimum residential separation requirement. The subject property is located at 31010 John R Road (tax parcel # 44-25-01-351-017) and is zoned B-2, Planned Business District.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

NEW BUSINESS

4. Special Meeting called for Thursday, August 17th at 7:30 p.m. in Council Chambers.

ADJOURNMENT

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

Zoning Board of Appeals
 Regular Meeting
 Madison Heights, Michigan
 June 1, 2023

A Regular Meeting of the Madison Heights Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, June 1, 2023, at 7:30 PM at Council Chambers – City Hall, 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson, and members: Aaron, Corbett, Holder, and Marentette

Absent: Kehoe, Loranger, and Oglesby

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

23-21. Excuse Member(s)

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

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe, Loranger, and Oglesby

Motion Carried.

23-22. Minutes

Motion by Ms. Holder, seconded by Ms. Marentette, to approve the Zoning Board of Appeals Meeting Minutes of April 6, 2023.

Yeas: Aaron, Holder, Marentette, Thompson, and Kimble

Abstain: Corbett

Nays: None

Absent: Kehoe, Loranger, and Oglesby

Motion Carried.

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

Seeing no one wished to comment, Chair Kimble opened public comment at 7:34 p.m. and closed the public comment at 7:35 p.m.

23-24. PZBA # 23-06: 29235 Stephenson Highway

Applicant Kirk Neal, 343 Cove View Drive, Waterford, is requesting a setback variance of twenty (20) feet from the minimum set back of fifty (50) feet. 2SP Sports Performance opened their business in their former building beginning in 2008 and moved to their current building in 2016.

Chair Kimble opened the public hearing at 7:37 p.m. to hear comments on application #23-06.

There being no comments on application #23-06, Chair Kimble closed the public hearing at 7:38 p.m.

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

REQUEST

The applicant, Kirk Neal on behalf of 2SP Sports Performance, requests a dimensional variance from Section 10.401(j) of the Zoning Ordinance pertaining to industrial building setback requirements adjacent to residential districts. The subject property is located at 29235 Stephenson Highway and is zoned M-1, Light Industrial district.

The subject site is improved with a 25,596 square foot industrial building currently occupied by 2SP Sports Performance, an indoor sports training facility. 2SP Sports proposes a 9,100 square foot addition to the rear of the existing building. Per the applicant, the expanded building will house indoor turf area for sports training and practices, such as baseball, soccer, and lacrosse. Per Section 10.401(j) of the Zoning Ordinance, new buildings and additions within the M-1 zoning district shall be set back a minimum of fifty (50) feet from the property line of any adjacent residential zoning district. The subject property is located directly to the east of residentially zoned (R-3) and used property. The proposed building addition is set back thirty (30) feet from the adjacent residential property line; **therefore, the applicant requests a setback variance of twenty (20) feet.**

VARIANCE FINDINGS

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

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

Staff Finding: Staff finds that the subject property's shape, size, width and topographic characteristics are fairly consistent with adjacent industrial properties and other properties located along the Stephenson Highway industrial corridor. The property is approximately 125 feet in width along Stephenson Highway and 510 feet in depth (63,750 square feet in area). The site has parking along the front (east) and north sides of the building and shares an access drive with the property to the north. The existing building is set back approximately 130 feet from the rear (residential) property line; this residential property line is improved with a masonry screen wall.

- **The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment**

to the public good and without substantially impairing the intent and purposes of this ordinance.

Staff Finding: Using aerial photographs, staff analyzed existing building setbacks along the west side of Stephenson Highway. Between 12 Mile Road and Girard Avenue, staff did not locate any existing industrial buildings that encroach into the required 50-foot setback. Between Girard Avenue and 13 Mile Road, staff located two (2) industrial buildings that encroach into the 50-foot setback: 30545 and 30549 Stephenson. There are approximately twenty-eight (28) total properties along the west side of Stephenson Highway between 12 and 13 Mile Roads.

If the ZBA moves to approve the building setback variance, staff recommends the following conditions to mitigate potential detrimental impacts to the residential neighbors and to meet the intent and purpose of the Zoning Ordinance's residential setback requirements:

- 1) A minimum five (5) foot wide greenbelt shall be installed along the rear (western) property line adjacent to the existing masonry wall, planted with a continuous row of evergreen trees. Tree type, spacing, and height may be determined at the time of site plan review.
- 2) The rear (western) building façade shall not feature any overhead doors or windows.
- 3) Industrial soundproofing paneling shall be installed within the building addition, to be approved at the time of site plan and building permit review.
- 4) Any exterior lighting on the rear (western) façade shall be shielded downward.

Additional standards for reviewing variance cases are contained in Section 10.805, listed at the end of this report.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

Staff summarized the variance request to the Site Plan Review Committee (SPRC) at their May 3 rd, 2023 meeting. The SPRC recommends the following conditions to mitigate the impacts of a reduced building setback:

- 1) A minimum five (5) foot wide greenbelt shall be installed along the rear (western) property line adjacent to the existing masonry wall, planted with a continuous row of evergreen trees. Tree type, spacing, and height may be determined at the time of site plan review.
- 2) The rear (western) building façade shall not feature any overhead doors or windows.

3) Industrial soundproofing paneling shall be installed within the building addition, to be approved at the time of site plan and building permit review. 4) Any exterior lighting on the rear (western) façade shall be shielded downward.

Ms. Holder wanted to confirm that the applicant agreed to the conditions in the motion.

Motion by Ms. Corbett, seconded by Vice Chair Thompson, to approve the Applicant's request for a setback variance of twenty (20) feet contingent upon the conditions recommended to the Board in the Staff Report presented to it on this matter which are:

- 1) A minimum five (5) foot wide greenbelt shall be installed along the rear (western) property line adjacent to the existing masonry wall, planted with a continuous row of evergreen trees. Tree type, spacing, and height must be approved by the City and may be determined at the time of site plan review.
- 2) The rear (western) building façade shall not feature any overhead doors or window.
- 3) Industrial soundproofing paneling shall be installed within the building addition, to be approved by the City at the time of site plan and building permit review.
- 4) Any exterior lighting on the rear (western) façade shall be shielded downward.

Approval of the variance is based upon the pre-existing condition and topography of the parcel which creates a practical difficulty of which such hardship has not been self-created by the Applicant in accordance with Section 10.804(2). The Board finds that strict application of the ordinance would provide an undue hardship upon the Applicant and granting the requested variance would not be a substantial detriment to the public good or substantially impair the intent and purpose of the ordinance. Additionally, in accordance with Section 10.805 the Board finds that granting of the variance does not harm the harmony of the district in which the parcel is located or detrimental to the orderly development of adjacent districts.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe, Loranger, and Oglesby

Motion Carried.

23-25. PZBA # 23-07: 1100 E. Mandoline Avenue

Applicant Tom Paglia, 18301 Eight Mile, Ste 100, Eastpointe, has owned the 1100 E. Mandoline Avenue property for six (6) years.. The proposed tenant, a school bus fleet company, will require the outdoor storage of school buses. The applicant proposes to store the bus fleet in the southwest corner of the existing parking lot. Mr. Paglia is requesting a variance from the fleet vehicle screening requirements and requests to deem the existing chain-link fence as an adequate form of screening. Additionally, Mr. Paglia requests a variance to permit the installation of a new screening fence within the required five (5) foot right-of-way setback along Milton Avenue. Mr. Paglia claimed that the ordinance is not applicable to the school bus because it is not considered a fleet vehicle. Further, Mr. Paglia stated that the current chain-link fence is adequate screening for the storage of school buses. And that plastic or cloth mesh is sufficient screening because the ordinance prohibits mesh screening only in residential districts not industrial districts.

Chair Kimble opened the public hearing at 8:13 p.m. to hear comments on application #23-07.

There being no comments on application #23-07, Chair Kimble closed the public hearing at 8:14 p.m.

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

REQUEST

The applicant, Tom Paglia on behalf of the Ford Building, Inc., requests two variances from the Zoning Ordinance: (1) a variance from Section 10.505(C)(3) pertaining to fleet vehicle storage screening; and (2) a variance from Section 10.516(j)(2) pertaining to fence setback requirements. The subject property is located at 1100 E. Mandoline Avenue and is zoned M-1, Light Industrial district.

The subject site is approximately eight (8) acres in area and is improved with a large industrial building split into multiple suites. The site has frontage on three (3) streets: Milton Avenue to the west, Mandoline Avenue to the north, and Avis Drive to the east. Per the ZBA application, the applicant intends to enter into a lease agreement with a school bus fleet company which will require the outdoor storage of school buses. The applicant proposes to store the bus fleet in the southwest corner of the existing parking lot, outlined in the image below.

Section 10.516(j)(2) of the Zoning Ordinance – Parking Requirements – states that fleet and company vehicles, including rental passenger vehicles, shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the vehicles; fence or alternative screening options such as landscaping may be permitted by the approving body. The southwest corner of the site features an existing chain link fence, as shown in the images below. The fence is legally non-conforming in that it is installed directly on the Milton Avenue right-of-way property line, whereas the Ordinance requires a five (5) foot setback. The fence also straddles the southern property line.

Staff informed the applicant that the existing transparent chain link fence did not meet the intent of the ordinance to visually screen the proposed storage area from the right-of-way and adjacent properties, but that a new opaque fence (e.g. vinyl or wood), landscaping, or both, could be installed to achieve the intent.

However, new fencing, if installed, would need to be set back a minimum of five (5) feet from the Milton Avenue right-of-way line to meet Section 10.516(j)(2).

Therefore, the applicant requests the following variances:

(1) A blanket variance from Section 10.505(C)(3) to waive the fleet vehicle screening requirements and deem the existing chain-link fence as an adequate form of screening; and

(2) In the case that the screening variance is denied, a variance from Section 10.516(j)(2) to permit the installation of a new screening fence within the required five (5) foot right-of-way setback along Milton Avenue.

Note that Section 10.516(f) of the fence regulations prohibits materials such as metal, plastic, wood or fabric from being inserted into, attached to, or hung over chain link fences.

VARIANCE FINDINGS

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

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

Staff Finding: Staff finds that the subject property is unique in that it has frontage along three (3) public roads: Milton Avenue, E. Mandoline Avenue, and N. Avis Drive. For all intents and purposes, the property has three (3) front yards; this precludes the property owner from placing parking and fleet storage in the rear or interior side yard, as encouraged by the Zoning Ordinance. The Zoning Ordinance accounts for this in Section 10.505(C)(3)(b) by stating,

In case of a corner lot or lots with no available space to park in rear or interior side yard, the approving body may permit parking in alternate locations. The approving body shall have the right to impose other restrictions such as, but not limited to landscape buffer or screen wall as it may deem advisable for welfare of the surrounding area.

Staff believes that the southwest corner of the parking lot is an appropriate alternate location for bus fleet storage given the unique triple-frontage condition. However, per the Ordinance, staff finds that adequate screening methods shall still be provided to offset visual impacts from Milton Avenue and the adjacent property to the south.

Staff does not find a valid relationship between the triple frontage and the ability to install an appropriate screening system. Staff does find a unique condition on the property in that the existing non-conforming chain link fence is installed at the Milton Avenue right-of-way/property line; the existing parking lot is also built directly to the property line, potentially precluding the installation of a fence with a greater setback.

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

Staff Finding: Staff finds that the strict application of the fleet vehicle screening requirements would not result in a practical difficulty for the property owner, and that relief from the screening requirements, in this case, could substantially impair the intent and purpose of the Zoning Ordinance. Staff finds that the primary intent of Section 10.505(C)(3) is to reduce the visual impact of fleet vehicle storage from public roads and adjacent properties. Where a new use is proposed for a site with non-conforming conditions, the Zoning Ordinance encourages the elimination of non-conformities to the greatest extent possible.

However, staff finds that relief from the fence setback requirement could be provided in a manner that maintains the spirit, intent, and purpose of the Ordinance.

Additional standards for reviewing variance cases are contained in Section 10.805, listed at the end of this report.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

Staff summarized the variance request to the Site Plan Review Committee (SPRC) at their May 10th, 2023 meeting. The SPRC did not oppose the proposed fleet vehicle storage location or the requested fencing setback variance but was not supportive of a blanket screening variance.

Ms. Corbett wanted to know what the plastic and cloth mesh looks like.

Applicant Tom Paglia responded that the cloth mesh looks clean and is not see through. He answered Councilwoman Aaron's inquiry that his business is property management, and his building can accommodate up to 40,000 square feet depending on the need of the occupant(s). Mr. Paglia answered Vice Chair Thompson's inquiry that the school buses do morning pick-ups, the buses will be parked overnight and on weekends, and the bus routes starts from 14 Mile Road and Dequindre. He answered Ms. Marentette's inquiry that the fence is not as high as the school bus. Mr. Paglia answered Councilwoman Aaron's inquiry that the fence is six (6) feet high, and the school bus is ten (10) feet high. He answered Ms. Holder's inquiry that the cost of the screening material for the existing fence will cost substantially less than a new opaque fence. Mr. Paglia stated fleet vehicles are commonly used by utility companies and rental cars. He mentioned that the existing fence is sufficient for screening and noted that he came to the board for approval first.

Councilwoman Aaron asked what the purpose of the applicant's business and how many tenants can occupy the building. She inquired about the height of the chain-link fence and the height of the school bus. Councilwoman Aaron question if the fence isn't as high as the school bus than the property owner can make the fence higher.

Vice Chair Thompson questioned if the school buses are expected to leave in and out of the parking lot throughout the day, if the buses are parking overnight, and if their route is in the residential areas.

Ms. Holder inquired about the fencing options available. She asked about the cost of the screening material for the chain-link fence. Ms. Holder responded to Mr. Paglia's comment that every business without a screening on their fence for fleet vehicles will need one because of the ordinance. The boards' goal is to reinvest and rebuild in the community by being helpful and preserve the ordinance. She commented that a barrier of some sort for the chain-link fence is acceptable to suffice the ordinance.

City Planner Lonnerstater answered Ms. Holder's inquiry that a new opaque fence (e.g. vinyl or wood), landscaping, or both, could be installed. He clarified that in accordance with our ordinance fleet vehicles must be enclosed by walls. Fleet vehicles can be either housed in a building or outside on a rear lot. City Planner Lonnerstater answered Chair Kimble's inquiry that he would need to investigate the Allstate building case.

Chair Kimble asked if the former Allstate building at Gardenia and John R was granted a variance.

Ms. Marentette questioned if the height of the fence is as high as the school bus. She asked if school buses were considered commercial vehicles.

Assistant City Attorney Burns informed that fleet vehicles are rental passenger vehicles including school buses. He answered Ms. Marentette's inquiry confirming school buses are commercial vehicles that transport passengers. Assistant City Attorney Burns added that the screening requirement is not just for security.

Motion by Ms. Holder, seconded by Vice Chair Thompson, to approve the Applicant's request for variances (1) a waiver of fleet vehicle storage screening requirements [Section 10.5-5(C)(3)] and (2) waiver of fence setback requirements [Section 10.516(j)(2)]

The variances are granted based upon the unique location of the parcel having triple frontage and the pre-existing infrastructure on the property created prior to the Applicant's ownership, which creates a practical difficulty of which such hardship has not been self-created by the Applicant in accordance with Section 10.804(2). The Board finds that strict application of the ordinance would provide an undue hardship upon the Applicant and that granting the requested variance would not be a substantial detriment to the public good or substantially impair the intent and purpose of the ordinance. Additionally, in accordance with Section 10.805 the Board finds that granting of the variance does not harm the harmony of the district which the parcel is located or detrimental to the orderly development of adjacent districts.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None
Absent: Kehoe, Loranger, and Oglesby
Motion Carried.

23-26. Adjournment

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

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble
Nays: None
Absent: Kehoe, Loranger, and Oglesby
Motion Carried.

There being no further business, Chair Kimble, adjourned the meeting at 8:28 p.m.

Phommady A. Boucher
Clerk of the Board



MEMORANDUM

Report Date: July 28th, 2023
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: August 3rd, 2023
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Signage Variances
 PZBA 23-08; 1485 W. 14 Mile Road

REQUEST

The applicant, *Spectrum Neon on behalf of Matthew Shouneyia (property owner)*, requests three (3) variances from the City's Zoning Ordinance relating to signage. The subject property is located at 1485 W. 14 Mile Road (tax parcels # 44-25-02-102-003) and is zoned B-1, Local Business. The property is located at the southeast corner of 14 Mile Road and Campbell Road and is improved with a 102,000-square-foot shopping center anchored by Value Center Marketplace.

The applicant requests variances from the following sections of the Zoning Ordinance pertaining to ground signage:

Variance #1: Section 10.511(IV)(C)(2)(a): One ground sign for each business development; and

Variance #2: Section 10.511(IV)(C)(2)(a)1: Not over eight feet in height above the adjacent grade; and

Variance #3: Section 10.511(IV)(C)(2)(a)4: A ground sign under this section shall not exceed 0.5 square feet per each lineal foot of lot frontage to a maximum of 60 square feet in area.

The shopping center currently has two (2) multi-tenant ground signs. The applicant proposes to replace both existing ground signs with new signs, as follows:

1. Corner of 14 Mile/Campbell: 14-ft. tall and 125 sq. ft. (6 ft. height variance and 65 sq. ft. area variance)
2. 14 Mile Entrance: 12-ft. tall and 105 sq. ft. (4 ft. height variance and 45 sq. ft. area variance)

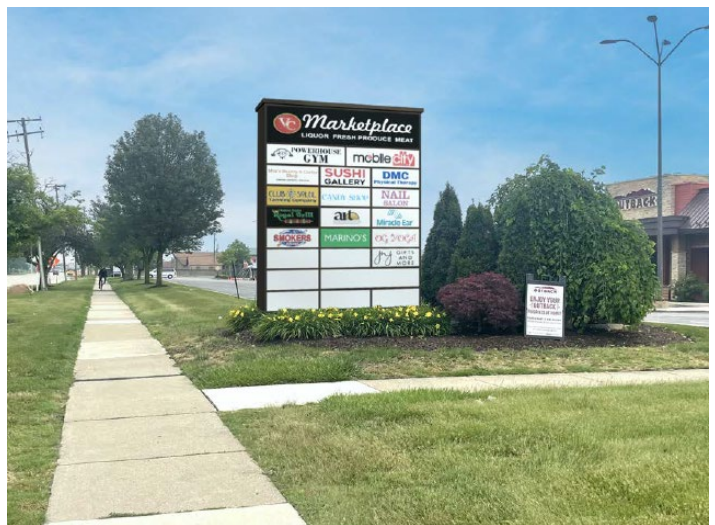
These variances are detailed individually below.

Number of Ground Signs Variance

Per Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance, B-1-zoned properties are afforded one (1) ground sign. The existing shopping center property has two (2) ground signs, one located at the corner of 14 Mile Road and Campbell Road, and one located at the drive entrance along 14 Mile Road. The existing signs are approximately 465 feet apart, as depicted in the image on the following page. The new ground signs are proposed in the same locations as the existing signage.

Existing/Proposed Ground Sign Locations**Sign 1 (Corner of 14/Campbell): Height and Area Variances**

Per Section 10.511(IV)(C)(2)(a)1, ground signs in B-1 zoned districts are afforded a maximum height of eight (8) feet and a maximum area of sixty (60) square feet. The existing sign, shown below on the left, is approximately six (6) feet tall and sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, is proposed at fourteen (14) feet tall and 125 square feet, requiring a six (6) foot height variance and 65 square foot area variance. The proposed sign features an aluminum cabinet and cap feature and internal illumination.

14/Campbell – Existing (Left) vs. Proposed (Right)

Sign 2 (14 Mile Entrance): Height and Area Variances

Per Section 10.511(IV)(C)(2)(a)1, ground signs in B-1 zoned districts are afforded a maximum height of eight (8) feet and a maximum area of sixty (60) square feet. The existing sign, shown below on the left, is approximately six (6) feet tall and sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, is proposed at twelve (12) feet tall and 105 square feet, requiring a four (4) foot height variance and 45 square foot area variance. The proposed sign features an aluminum cabinet and cap feature and internal illumination.

14 Mile Entrance – Existing (Left) vs. Proposed (Right)**STAFF ANALYSIS**

The applicant has provided written responses addressing the variance criteria of Section 10.804(2) of the Zoning Ordinance. Per their application, the applicant requests variances primarily due to the following characteristics of the subject property:

Large Building Footprint: At approximately 102,000 square feet, the shopping center is larger than many other commercial buildings within Madison Heights and contains many tenants, including tenants with small unit spaces.

Deep Building Setback and Visibility Challenges: The building is configured in an “L” shape and the primary façade is set back a considerable distance from the Campbell Road and 14 Mile Road rights-of-way, making it difficult for people in vehicles to see the wall signs.

Corner Lot and Lot Frontage: The subject property is located at the corner of two arterial roads with a combined frontage of over 1,200 feet.

VARIANCE FINDINGS

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

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

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

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- *The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.*
- *The special conditions and/or circumstances are not a result of the applicant.*
- *The variance is the minimum variance necessary to provide relief to the applicant.*
- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

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

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance request at their July 26th, 2023 meeting. The SPRC had no objections to the variance requests.

ZBA ACTION

Any ZBA motion, including approval and denial, should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. Template approval and denial motions are provided below for the ZBA's consideration. The ZBA should act on each variance request separately.

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

1. Landscaping shall be planted around the foundation of each new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
2. The new ground signs shall not obstruct clear vision corners.
3. Each sign shall feature a decorative cap feature, as presented in the variance application.

TEMPLATE MOTIONS

Variance #1 – Number of Ground Signs

Approval

Move to APPROVE the variance application to allow two (2) ground signs at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits one ground sign for each business development in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional

undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.

- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

DENIAL

Move to DENY the variance application to allow two (2) ground signs at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits one ground sign for each business development in the B-1 Zoning District.
- 2) Based on the absence of exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property.
- 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are a result of the applicant.
- 5) The variance is not the minimum variance necessary to provide relief to the applicant.

Variance #2 – Ground Sign Height

APPROVAL

Move to APPROVE the variance application to allow new ground signs measuring twelve (12) feet and fourteen (14) feet in height at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)1 of the Zoning Ordinance permits ground signs not over eight feet in height above the adjacent grade in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

This variance is granted with the following conditions:

- 1) Landscaping shall be planted around the foundation of each new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
- 2) The new ground signs shall not obstruct clear vision corners.
- 3) Each sign shall feature a decorative cap feature, as presented in the variance application.

DENIAL

Move to DENY the variance application to allow new ground signs measuring twelve (12) feet and fourteen (14) feet in height at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)1 of the Zoning Ordinance permits ground signs not over eight feet in height above the adjacent grade in the B-1 Zoning District.
- 2) Based on the absence of exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property.
- 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are a result of the applicant.
- 5) The variance is not the minimum variance necessary to provide relief to the applicant.

Variance #3 – Ground Sign Area

APPROVAL

Move to APPROVE the variance application to allow new ground signs measuring 125 and 105 square feet in area at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)4 of the Zoning Ordinance permits ground signs not over sixty (60) square feet in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

DENIAL

Move to DENY the variance application to allow new ground signs measuring 125 and 105 square feet in area at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)4 of the Zoning Ordinance permits ground signs not over sixty (60) square feet in the B-1 Zoning District.
- 2) Based on the absence of exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property.
- 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are a result of the applicant.
- 5) The variance is not the minimum variance necessary to provide relief to the applicant.

CODE REFERENCES**Sec. 10.804. - Power of zoning board of appeals.**

(2) Variance. *To authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.*

Sec. 10.805. - Standards.

Each case before the city council, zoning board of appeals or plan commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

- 1) *The location and size of the use.*
- 2) *The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) *Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.*

- 4) *The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- 5) *Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.*
- 6) *Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.*
- 7) *The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*
- 8) *The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.*
- 9) *The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.*

Sec. 10.511(IV)(C)(2) –Signs in B-1 Zoning District

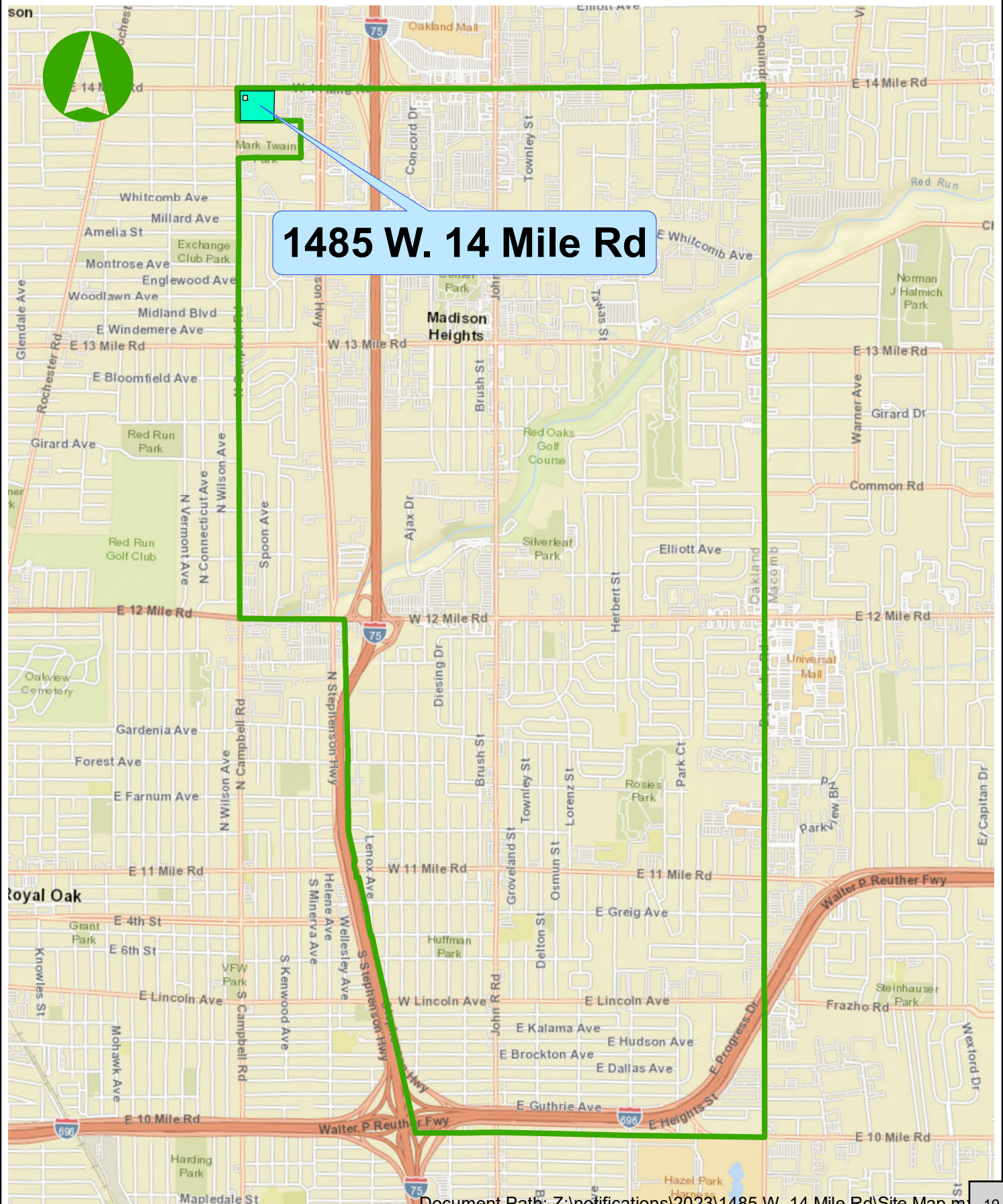
Each business development (that is, one or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:

(a) Ground Signs: One ground sign for each business development

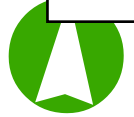
1. *Not over eight feet in height above the adjacent grade nor more than ten feet above the adjacent roadway.*

Note: Ground signs may not obstruct visibility at driveways or intersections. The building official may require that the sign base or the height of the bottom of the sign be adjusted to protect the public safety:

2. *No sign shall be located closer than 90 feet to any property line of an adjacent residential district.*
3. *The base of the sign be not less than 20 feet from a side lot line.*
4. *A ground sign under this section shall not exceed 0.5 square foot per each lineal foot of lot frontage to a maximum 60 square feet in area.*
5. *Individual ground signs for each business tenant within a development shall not be permitted.*

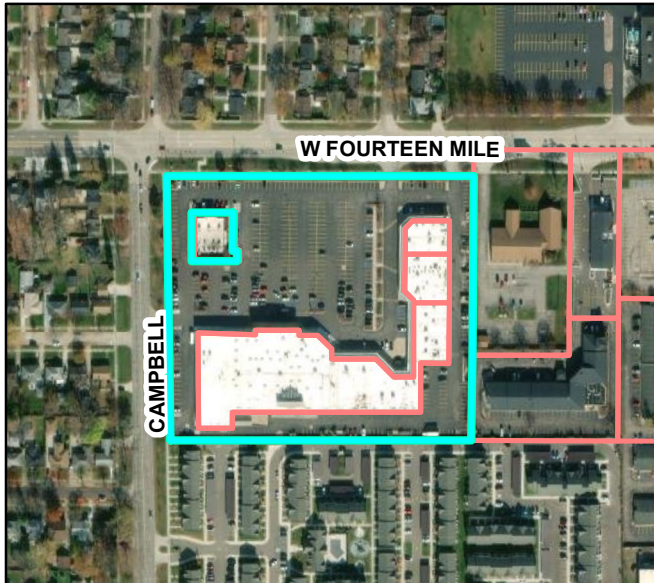


Site Address: 1485 W. 14 Mile Road



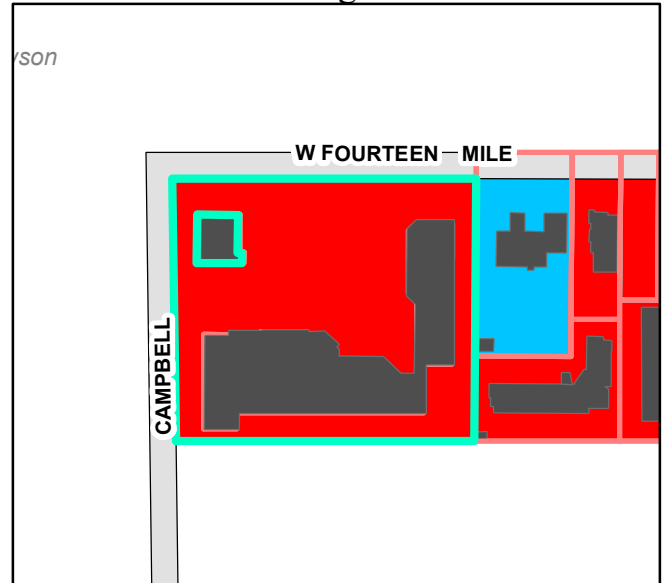
[Click for maps](#)

Aerial



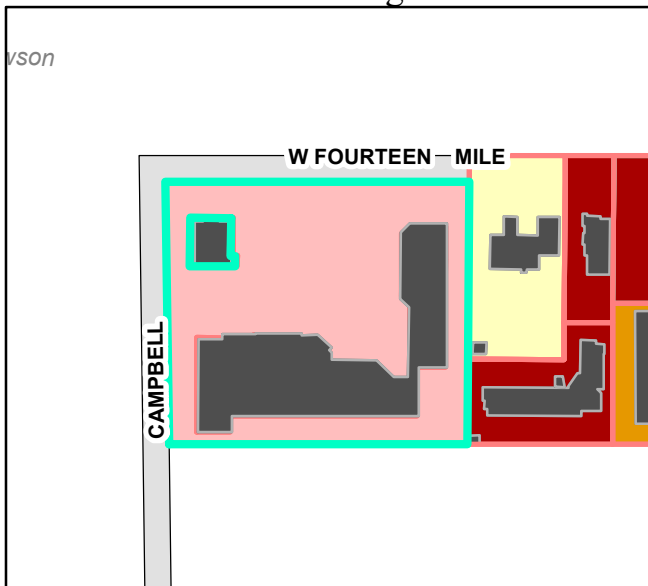
- 1485 W. 14 Mile Rd
- Parcels

Existing Land Use



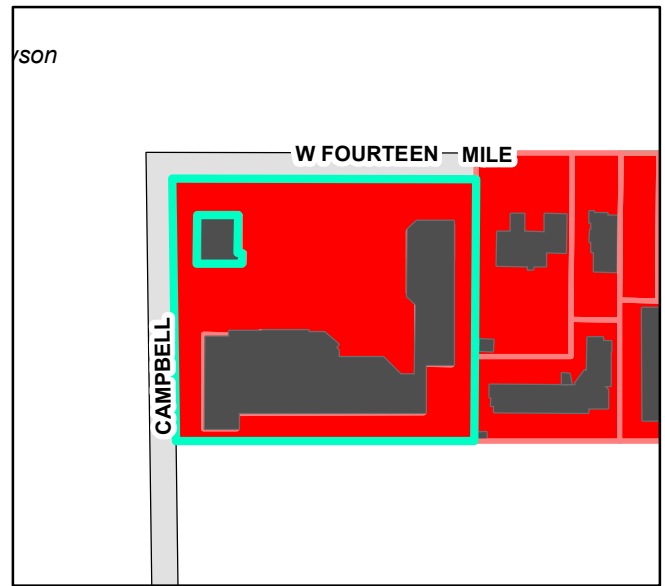
- 1485 W. 14 Mile Rd
- Buildings
- Commercial
- Parcels

Zoning



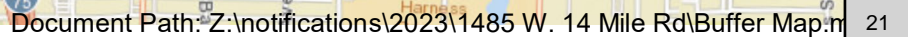
- 1485 W. 14 Mile Rd
- Buildings
- B-2 Planned Business
- B-1 Local Business
- Parcels

Future Land Use



- 1485 W. 14 Mile Rd
- Buildings
- Commercial
- Office

Item 2.





CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Item 2.

Application No.:

P2BA 23-0008

Date Filed:

6/30/2023

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Spectrum Neon | John Haddad
Address: 1280 Kempar
City: Madison Heights State: MI Zip: 48071
Telephone: 313-366-7333 Fax: 373-366-8328
Email: jhaddad@spectrumneon.com
2. **Petitioner's Interest in Property:** 1485 W 14 Mile Rd
3. **Property Owner:** (Attach list if more than one owner)
Name: Matthew Shouneyia
Address (Street): 1485 W 14 Mile Rd
City: Madison Heights State: MI Zip: 48071
Telephone: 248-227-2219
Email: mshouneyia@gmail.com
4. **Property Description:**
Address: 1485 W 14 Mile Rd
Tax Parcel #: 44 -25 - 02 - 102 - 003
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: _____
Subdivision name: _____
Lot size: _____
Size of proposed building or addition: _____
5. **Present Zoning of Property:** B1 **Present Use:** Strip Mall
6. **Action Requested:** (Check the appropriate section and attach response on separate sheets)
☐ **APPEAL OF AN ADMINISTRATIVE DECISION (Administrative Review)**
The applicant requests the Board of Appeals to reverse/modify the _____
decision/interpretation of Article _____, Section _____. The decision should be
reversed/modified because: (On a separate sheet describe in detail the nature of the problem, the
reason for the request and the desired remedy)

PAGE 2

ZONING BOARD OF APPEALS APPLICATION

6. **Action Requested:** (Continued) (Check the appropriate section and attach response on separate sheets)

☒ **VARIANCE**

Request is hereby made for permission to erect ☒ alter ☐ convert ☐ or use ☐ a
Monument Sign 120 sq ft

Contrary to the requirements of Section(s) see attachment of the Zoning Ordinance
_____ of the Zoning Ordinance
_____ of the Zoning Ordinance

The following questions must be answered fully on a separate sheet of paper:

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. (Note: Your district includes all areas of the City sharing a zoning designation with your property. If your zoning classification were B-1 (Local Business) your district would include all City lands zoned B-1.)
- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.
- D. Did the special conditions and/or circumstances result from your actions?
- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?
- F. Will granting the variance change the essential character of the area?

☐ **TEMPORARY PERMIT**

Applicant is requesting a Temporary Use ☐ and/or a Temporary Structure ☐

Describe in detail the proposed use or structure and the length of time requested.

☐ **INTERPRETATION OF ORDINANCE LANGUAGE IN SECTION** _____

Describe in detail the nature of the requested interpretation.

☐ **PUBLIC UTILITY BUILDING**

Describe in detail the proposed use or structure.

☐ **OTHER ACTION**

Describe in detail action requested.

7. **CASE HISTORY**

Have you been denied a permit for a building, sign or use on this property? Yes ☐ No ☐

Has there been any previous appeal involving these premises? Yes ☐ No ☐

(If yes, provide character and disposition of previous appeals.)

PAGE 3

ZONING BOARD OF APPEALS APPLICATION

Application No. _____

Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

FOR THE OWNER:

Signature _____

Printed Name Matthew ShouneyiaDate 6/26/2023**FOR THE APPLICANT IF NOT THE OWNER:**

Signature _____

Printed Name John HaddadDate 6/26/2023

Note: A notarized letter of authority or a power of attorney may be substituted for the original signature of the owner.

Notices are to be sent to the Applicant ☒ Owner ☐

ATTACHED HERETO, AND MADE PART OF THIS APPLICATION, ARE THE FOLLOWING: (All required items must be submitted with this application)

- ☒ 1. Two copies of drawings of Site Plan (no larger than 11"x 17") drawn to scale and containing all necessary dimensions and all features involved in this appeal, including measurements showing open space on abutting properties. PDF
- ☒ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☒ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☒ 6. Applicable fees:

| | |
|--------------------------------------|----------------------------------|
| A. Variance Review (Single Family) | \$300.00 |
| B. Variance Review (Dimensional) | \$400.00 plus \$300 per variance |
| C. Use Variance Review | \$1,000.00 |
| D. Appeal of Administrative Decision | \$400.00 |

OFFICE USE ONLY

APPROVALS

Approved for hearing by City Attorney _____

Approved for hearing by C.D.D. _____

Reviewed by Site Plan Committee _____

INTER-DEPARTMENTAL NOTIFICATION

Community Development Department _____

Fire Department _____

Department of Public Services _____

ZONING BOARD OF APPEALS

FEE: \$ _____

APPROVED: _____ PAID: _____

DENIED: _____ RECEIPT NO. _____

(2) *Use district:*

B-1 Local Business District;

B-2 Planned Business District; and

B-3 General Business District.

Each business development (that is, one or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:

(a) *Ground sign:* One ground sign for each business development.

1. Not over eight feet in height above the adjacent grade nor more than ten feet above the adjacent roadway.

Note: Ground signs may not obstruct visibility at driveways or intersections. The building official may require that the sign base or the height of the bottom of the sign be adjusted to protect the public safety.

2. No sign shall be located closer than 90 feet to any property line of an adjacent residential district.
3. The base of the sign be not less than 20 feet from a side lot line.
4. A ground sign under this section shall not exceed 0.5 square foot per each lineal foot of lot frontage to a maximum of 60 square feet in area.
5. Individual ground signs for each business tenant within a development shall not be permitted.

June 26, 2023

To: City Of Madison Heights ZBA Board

From: 14 And Campbell Center LLC

RE: New Monument Signs for Property

Section A of your ZBA Application

Dear Board,

My Partners and I are proposing Two (2) new signs for the property. We purchased the Property in Dec-2022 and are owners & operators of Value Center Marketplace for several years as well. We are requesting the proposed sign that will be at the corner of 14/Campbell. The Variance will be close to Eighty (80) SQ FT which includes six additional feet in height.

The Second proposed sign which is currently on site along 14 Mile Rd will be a brand new sign.

This new proposed sing to replace the existing one will be Sixty (60) SQ FT over compared to the existing sign. Moreover, the new ordinance does not allow 2-signs for properties. We currently have 2-signs that sit on this property today.

I appreciate your consideration

Thank you ,



Kevin Denha

CC Johnny Shouneyia

Matthew Shouneyia

June 26, 2023

To: City Of Madison Heights ZBA Board

From: 14 And Campbell Center LLC

RE: New Monument Signs for Property

Section B of your ZBA Application

Dear Board,

The Property is 102,000 Square Foot Shopping Center that is L-shaped center where visibility for most tenants is not good . All Tenants existing or potential need monument signage as a component to succeed. The deep nature of this center worked when it was constructed decades ago where larger footprints of many retailers were the norm. Today, small Tenants such as Yoga, Coffee, Carry out food is where Tenant expansion is happening. Since buying the center 6-Months ago, we have signed 3-new Tenants like this and expanded an existing coffee shop. All need and requested signage on both streets. Additionally, there is current vacancy in the center. Having our proposed new signs will be critical to fill these vacant spaces up.

Lastly , the long term success of this center has many vital components. One of the top tier ones is signage. Given the frontage of this center, the large footprint, visibility challenges , I would hope the ZBA board would see our hardship on this matter.

I appreciate your consideration.

Thank you



Kevin Denha

CC Johnny Shouneyia

Matthew Shouneyia

June 26, 2023

To: City Of Madison Heights ZBA Board

From: 14 And Campbell Center LLC

RE: New Monument Signs for Property

Section C of your ZBA Application

Dear Board,

The Current Sign Ordinance works well for most centers in Madison Heights. However, there are nuances and various exceptions that need to be considered. This center at 102,000 SQ FT, built in this fashion is a lot different than a 10-15 SQ Ft Center with one sign. 14/Campbell with the current roster list and future tenants will have little to no signage under a current Zoning and status quo.

This Property with multiple entrances on a hard corner should be viewed differently because of its unique design, Future Tenant mix, location and square footage.

Thank you

A handwritten signature in blue ink, appearing to read 'Kevin Denha', written over the printed name.

Kevin Denha

CC Johnny Shouneyia

Matthew Shouneyia

June 26, 2023

To: City Of Madison Heights ZBA Board

From: 14 And Campbell Center LLC

RE: New Monument Signs for Property

Section D, E, & F of your ZBA Application

Dear Board,

With Respect to Sections D, E & F, our response to these questions would be no on all three sections.

However, with respect to the second question in Section E. The variances I am requesting are the minimum I need to ensure these proposed signs are successful to all of our tenants

Thank you

A handwritten signature in blue ink, appearing to be 'Kevin Denha', written over the printed name.

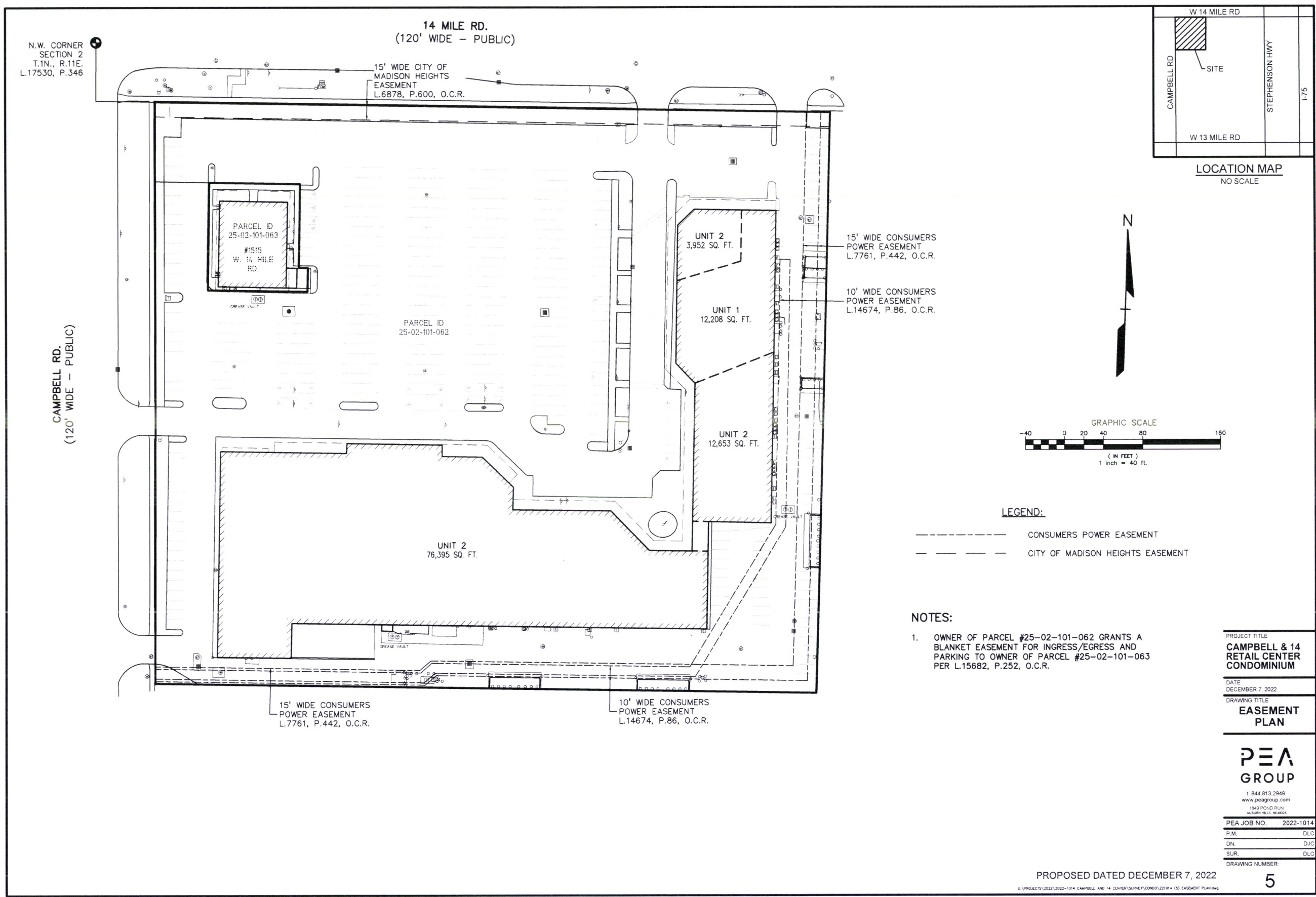
Kevin Denha

CC Johnny Shouneyia

Matthew Shouneyia









1486 WEST 14 MILE
MADISON HEIGHTS, MI

March 8, 2022
Draft 1



ONE (1) DOUBLE-SIDED PYLON

105.0 SQ FT
SCALE: 3/8"=1'-0"

- EXTRUDED ALUMINUM CABINET
- INTERNAL LED ILLUMINATION
- FLAT, WHITE, LEXAN FACES
- TRANSLUCENT HP VINYL GRAPHICS
- FABRICATED ALUMINUM CAP
- FABRICATED ALUMINUM BASE
- INTERNAL STEEL SUPPORTS PER ENGINEER'S SPECIFICATIONS

File Name: 9714_1

Date: 6.29.23

Customer: VC MARKETPLACE

Drawn by: BSS

Location: 1486 WEST 14 MILE. MADISON HEIGHTS, MI / PLAZA

Checked by:

This drawing is the property of **SPECTRUM NEON CO.** Detroit, MI and is submitted inconnection with the transaction to which it pertains and is not to be traced or copied. It must not be used in any manner detrimental to our interests and must be returned upon request.

www.spectrumneon.com



NIGHT



EXISTING SIGN



PROPOSED NEW SIGN
14 MILE ROAD

| | | | |
|------------|--|-------------|---------|
| File Name: | 9714_1A | Date: | 6.29.23 |
| Customer: | VC MARKETPLACE | Drawn by: | BSS |
| Location: | 1486 WEST 14 MILE. MADISON HEIGHTS, MI / PLAZA | Checked by: | |

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www.spectrumneon.com



NIGHT



EXISTING SIGN

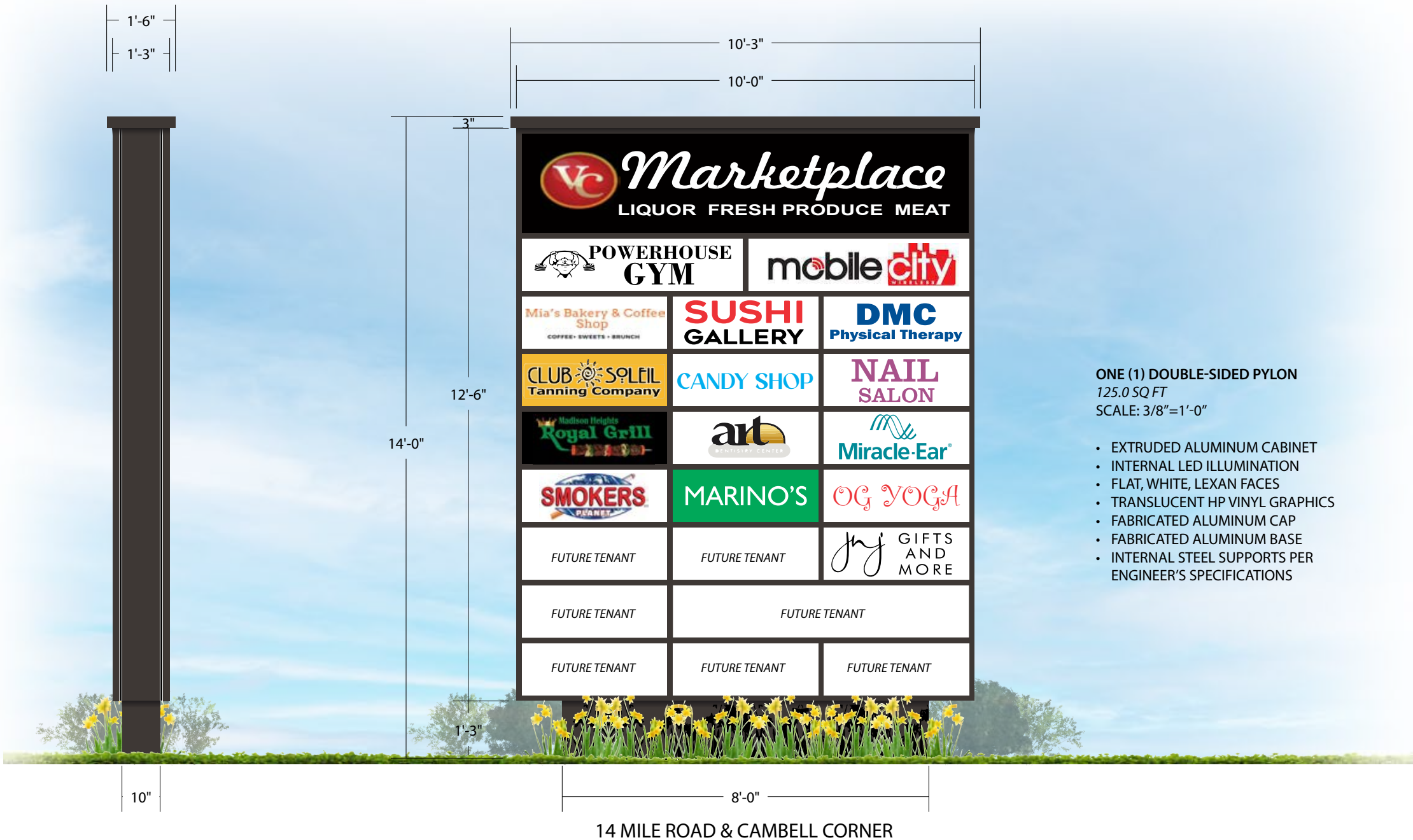


PROPOSED NEW SIGN
14 MILE ROAD

| | | | |
|------------|--|-------------|---------|
| File Name: | 9714_1B | Date: | 6.29.23 |
| Customer: | VC MARKETPLACE | Drawn by: | BSS |
| Location: | 1486 WEST 14 MILE. MADISON HEIGHTS, MI / PLAZA | Checked by: | |

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| | | | |
|-------------------|--|--------------------|---------|
| File Name: | 9714_2 | Date: | 6.29.23 |
| Customer: | VC MARKETPLACE | Drawn by: | BSS |
| Location: | 1486 WEST 14 MILE, MADISON HEIGHTS, MI / PLAZA | Checked by: | |

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NIGHT



EXISTING SIGN



PROPOSED NEW SIGN
14 MILE ROAD & CAMBELL CORNER

| | | | |
|------------|--|-------------|---------|
| File Name: | 9714_2A | Date: | 6.29.23 |
| Customer: | VC MARKETPLACE | Drawn by: | BSS |
| Location: | 1486 WEST 14 MILE. MADISON HEIGHTS, MI / PLAZA | Checked by: | |

This drawing is the property of SPECTRUM NEON CO. Detroit, MI and is submitted inconnection with the transaction to which it pertains and is not to be traced or copied. It must not be used in any manner detrimental to our interests and must be returned upon request.

www.spectrumneon.com



NIGHT



EXISTING SIGN



PROPOSED NEW SIGN
14 MILE ROAD & CAMBELL CORNER

| | | | |
|------------|--|-------------|---------|
| File Name: | 9714_2B | Date: | 6.29.23 |
| Customer: | VC MARKETPLACE | Drawn by: | BSS |
| Location: | 1486 WEST 14 MILE. MADISON HEIGHTS, MI / PLAZA | Checked by: | |

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www.spectrumneon.com



FACING EAST



FACING SOUTH / EAST END OF PLAZA



FACING SOUTH FROM 14 MILE



FACING EAST ELEVATION



FACING EAST TYPICAL HEIGHT



FACING SOUTH

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **City Council Chambers** of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Oakland County 48071 on **Thursday, August 3rd, 2023 at 7:30 p.m.** to consider the following requests:

Item 2.

1. Case # PZBA 23-08: 1485 W. 14 Mile Road

REQUEST: The applicant, Spectrum Neon on behalf of Matthew Shouneyia (property owner), requests three (3) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum number of ground signs per property; and two (2) variances pertaining to ground sign dimensions.

The subject property is located at 1485 W. 14 Mile Road (tax parcels #44-25-02-101-062; 44-25-02-102-004) and is zoned B-1, Local Business District.

2. Case # PZBA 23-09: 31010 John R Road

REQUEST: The applicant, Goodwill Industries of Greater Detroit on behalf of NADG NNN CPHARM MH_MI LP (property owner), requests a variance from Section 10.502[A]3 of the Zoning Ordinance, Regulated Uses, pertaining to the minimum residential separation requirement.

The subject property is located at 31010 John R Road (tax parcel # 44-25-01-351-017) and is zoned B-2, Planned Business District.

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

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

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CITY CLERK'S OFFICE
(248) 583-0826



MEMORANDUM

Report Date: July 28th, 2023
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: August 3rd, 2023
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Regulated Use – Residential Separation Variance
 PZBA 23-09; 31010 John R Road

REQUEST AND BACKGROUND

The applicant, *Goodwill Industries of Greater Detroit on behalf of NADG NNN CPHARM MH_MI LP (property owner)*, requests a variance from Section 10.502[A]3 of the Zoning Ordinance, Regulated Uses, pertaining to the minimum residential separation requirement. The subject property is located at 31010 John R Road (tax parcel # 44-25-01-351-017) and is zoned B-2, Planned Business. The property is located at the northeast corner of John R Road and 13 Mile Road and is improved with a stand-alone commercial structure most recently occupied by CVS Pharmacy.

At the July 10th, 2023 City Council meeting, the applicant received Special Approval, with conditions, to open a Goodwill retail store at the subject property. Per the Zoning Ordinance, the Goodwill retail store is classified as a “used good use” which is subsequently considered a Regulated Use per Section 10.502[A]. Regulated Uses are subject to strict separation requirements, one of which is that they shall not be located within 300 feet of the property line of a lot in residential use or the boundary of a residential zoning district.

The subject property is located directly across 13 Mile Road from the Dover Glen Condominiums, zoned multi-family residential. The distance between the subject property and the residential property, measured from property line to property line, is approximately 120 feet, deficient from Regulated Use standards by 180 feet. **Therefore, the applicant requests a 180-foot variance from the Regulated Use residential separation requirement.** As noted in the approved City Council minutes, one of the conditions of Special Approval is that the applicant apply for and obtain the necessary residential separation variance.

The image on the following page depicts the subject property and the Dover Glen condominiums located across 13 Mile Road.

Residential Separation – 31010 John R Road and Dover Glen Condominiums**Regulated Uses**

Because Goodwill sells used and secondhand products, the store is classified as a “used good use” per the Madison Heights Zoning Ordinance. Per **Section 10.502[A]** of the Zoning Ordinance, used good uses are considered a regulated use, which requires Special Approval through City Council. In addition to used good uses, regulated uses include others that have, “*serious objectionable operational characteristics [...]*,” including, but not limited to, tattoo parlors, pawnbrokers, billiard halls, massage parlors, adult theaters, cabarets, and sexually-oriented businesses. Regulated uses are subject to strict siting standards, as follows:

- Shall not be located within 1,000 feet of another regulated use; and
- Shall only be permitted in the B-2 and B-3 zoning districts after Special Approval by City Council; and
- Shall not be located within 300 feet of a church, a school, a residential zoning district or residential use, a public park, or a childcare facility.

City Council granted Special Approval for the Goodwill used good use at their July 10th, 2023 meeting, with conditions. One of the conditions is that Goodwill apply for and obtain the necessary residential separation variance.

STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 10.804(2) of the Zoning Ordinance. Per their application, the applicant requests the separation variance primarily due to the following characteristics of the subject property:

Commercial Character: While the property is located across 13 Mile Road from a condominium development, it is immediately adjacent to Sam's Club to the east and other commercial properties at the remaining corners of 13 Mile/John R Road. The corner of 13 Mile and John R Roads is primarily commercial in nature.

Business Location Requirements: Per the applicant, Goodwill's business model has specific requirements for store locations. For example, Goodwill requires a 10-15,000 square foot space that is either a stand-alone building or an end-cap unit on a street that has a minimum daily traffic count of 20,000 vehicles. The applicant has exhausted other opportunities in Madison Heights that meet both Goodwill's business requirements and the City's Regulated Use standards.

Use of Property and Minimum Variance: The applicant cannot use the property without approval of the variance, as the residential separation requirement prevents any used goods use from operating at the site. The 180-foot variance is the minimum necessary to meet the 300 foot residential separation requirement.

VARIANCE FINDINGS

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

- ***Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.***
- ***The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.***

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- *The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.*
- *The special conditions and/or circumstances are not a result of the applicant.*
- *The variance is the minimum variance necessary to provide relief to the applicant.*
- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

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

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance request at their July 26th, 2023 meeting. The SPRC had no objections to the variance requests.

ZBA ACTION

Any ZBA motion, including approval and denial, should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. Template approval and denial motions are provided below for the ZBA's consideration.

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

TEMPLATE MOTIONS

Approval

Move to APPROVE the variance application to permit a used good use, classified as a Regulated Use per Section 10.502[A] of the Zoning Ordinance, at 31010 John R Road within 300 feet of a residentially-zoned and used property, based upon the following findings:

- 1) Used Good Uses are classified as a Regulated Use per Section 10.502[A] of the Zoning Ordinance. Per the Ordinance, Regulated Uses shall not be located within 300 feet of the boundary of a residential zoning district or the property line of a lot in residential use. The subject property is located 120 feet from residential condominiums located across 13 Mile Road.
- 2) Based on extraordinary or exceptional conditions of the subject property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

DENIAL

Move to DENY the variance application to permit a used good use, classified as a Regulated Use per Section 10.502[A] of the Zoning Ordinance, at 31010 John R Road within 300 feet of a residentially-zoned and used property, based upon the following findings:

- 1) Used Good Uses are classified as a Regulated Use per Section 10.502[A] of the Zoning Ordinance. Per the Ordinance, Regulated Uses shall not be located within 300 feet of the boundary of a residential zoning district or the property line of a lot in residential use. The subject property is located 120 feet from residential condominiums located across 13 Mile Road.
- 2) Based on the absence of extraordinary or exceptional conditions of the subject property, the strict application of the regulations enacted would not result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.
- 3) The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are a result of the applicant.
- 5) The variance is not the minimum variance necessary to provide relief to the applicant.

CODE REFERENCES**Sec. 10.804. - Power of zoning board of appeals.**

(2) Variance. *To authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.*

Sec. 10.805. - Standards.

Each case before the city council, zoning board of appeals or plan commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

- 1) The location and size of the use.*
- 2) The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.*
- 4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- 5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.*
- 6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.*
- 7) The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*
- 8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.*

- 9) *The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.*

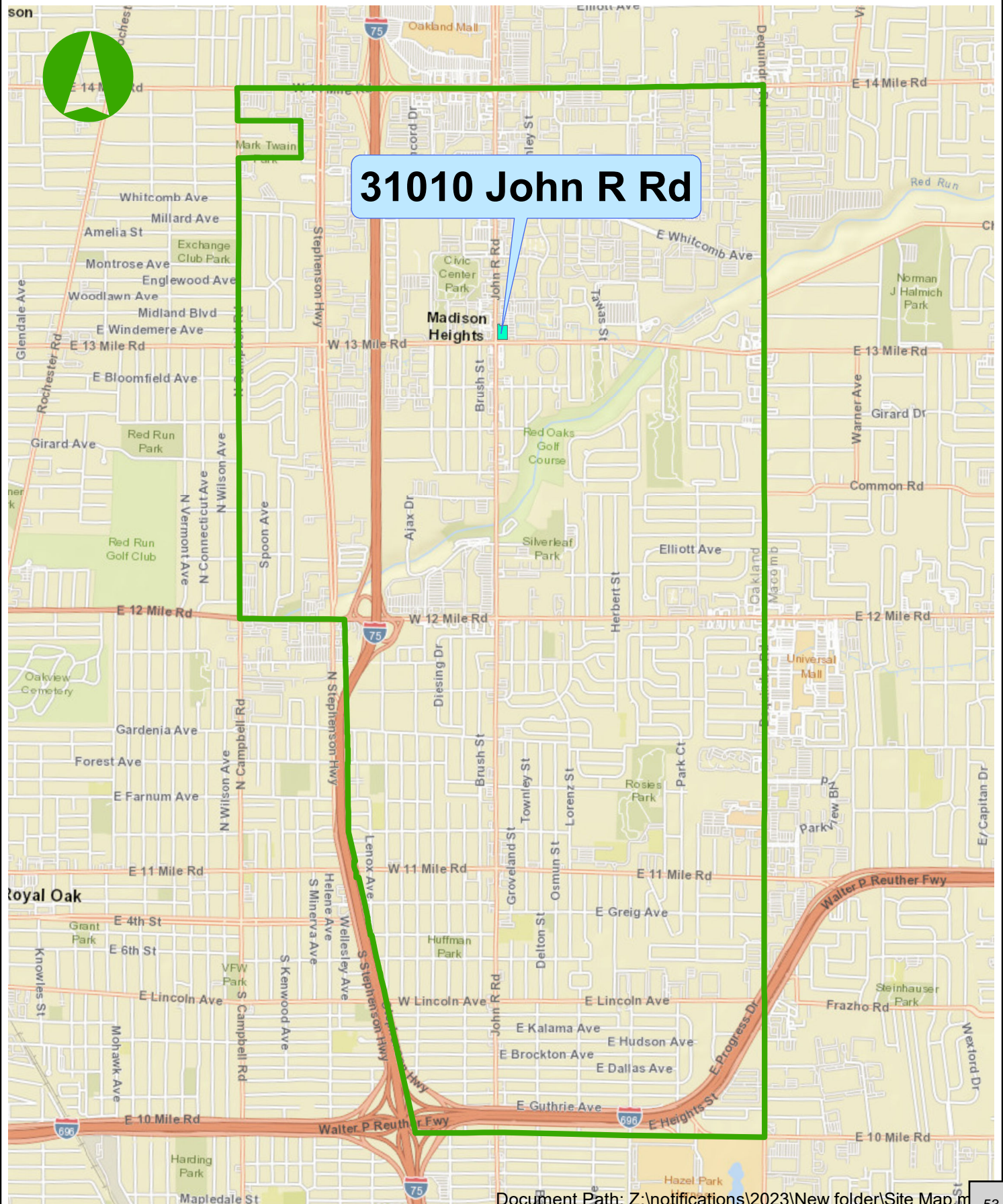
Sec. 10.502[A] – Regulated Uses

[...]

3. Location of Regulated Uses:

- (a) *The establishment of a regulated use as defined under this section within 1,000 feet of another regulated use, measured from property line to property line, is prohibited.*
- (b) *Regulated uses shall be permitted in B-2 and B-3 Districts after special approval by city council, site plan review, if applicable, and obtaining a business license under Chapter 7, if and only if, it is determined that the regulated use meets all other criteria of B-2 and B-3 Districts under the Code of Ordinances and will not be located within 300 feet of the following:*
 - (1) *A church;*
 - (2) *A public or private elementary or secondary school;*
 - (3) *The boundary of a residential zoning district;*
 - (4) *A public park;*
 - (5) *The property line of a lot in residential use;*
 - (6) *A child care facility.*

[...]

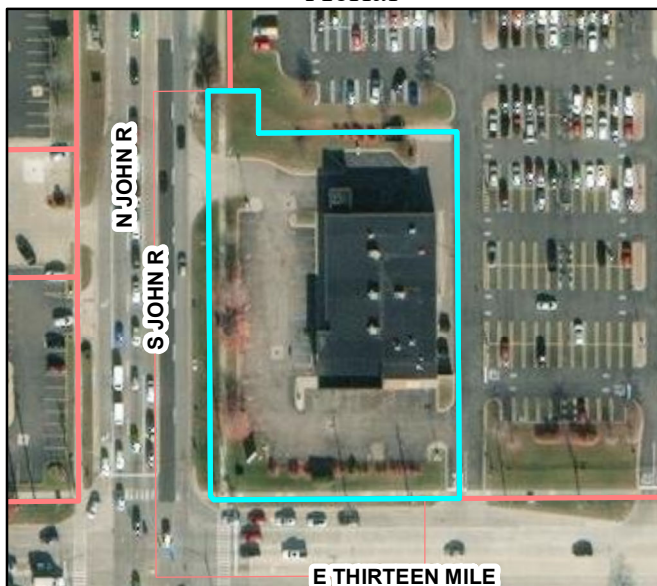


Site Address: 31010 John R Road

[Click for maps](#)

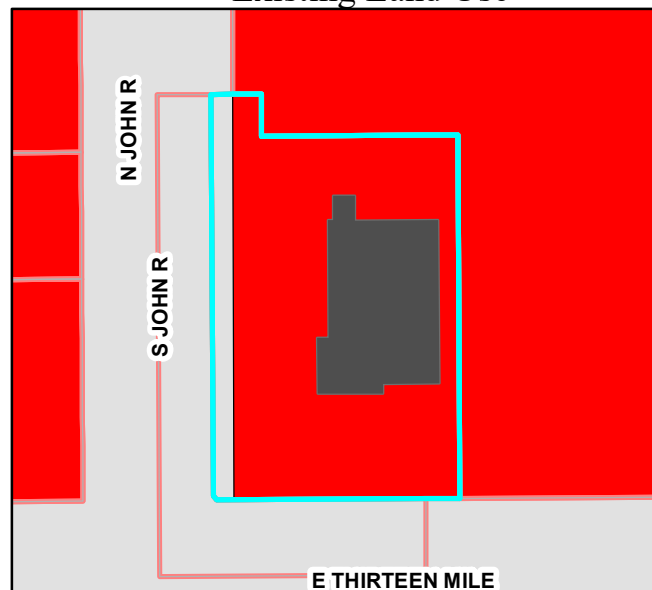


Aerial



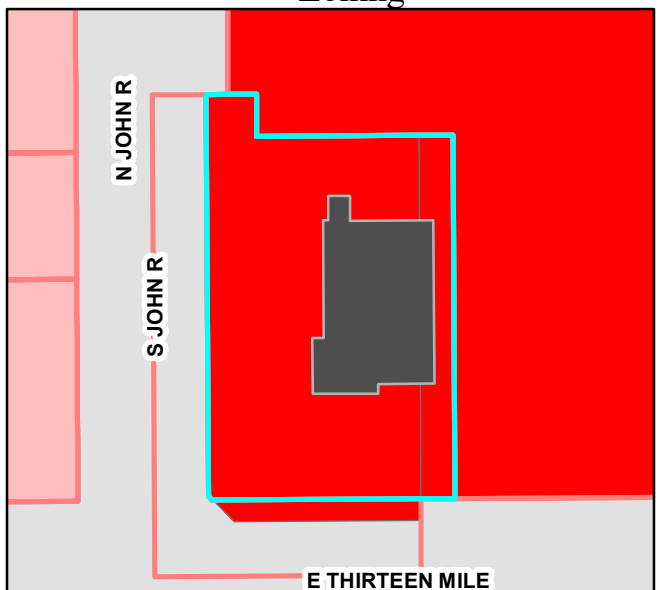
- 31010 John R Rd
- Parcels

Existing Land Use



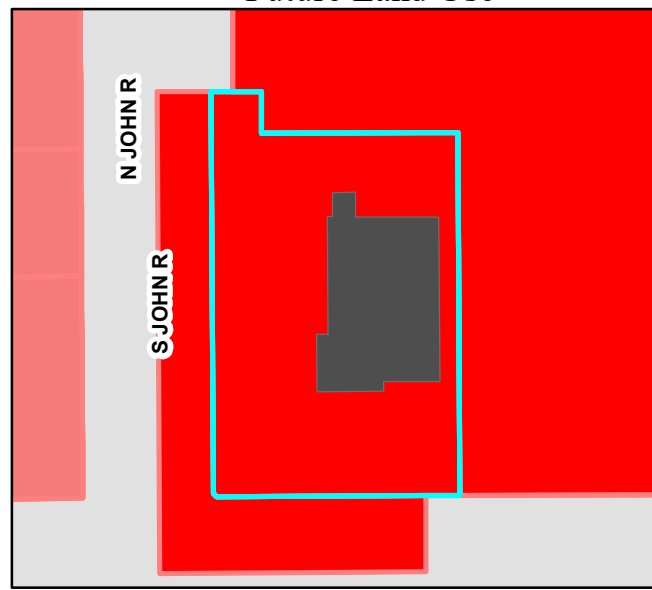
- 31010 John R Rd
- Commercial
- Buildings
- Parcels

Zoning



- 31010 John R Rd
- B-2 Planned Business
- Buildings
- B-1 Local Business
- Parcels

Future Land Use

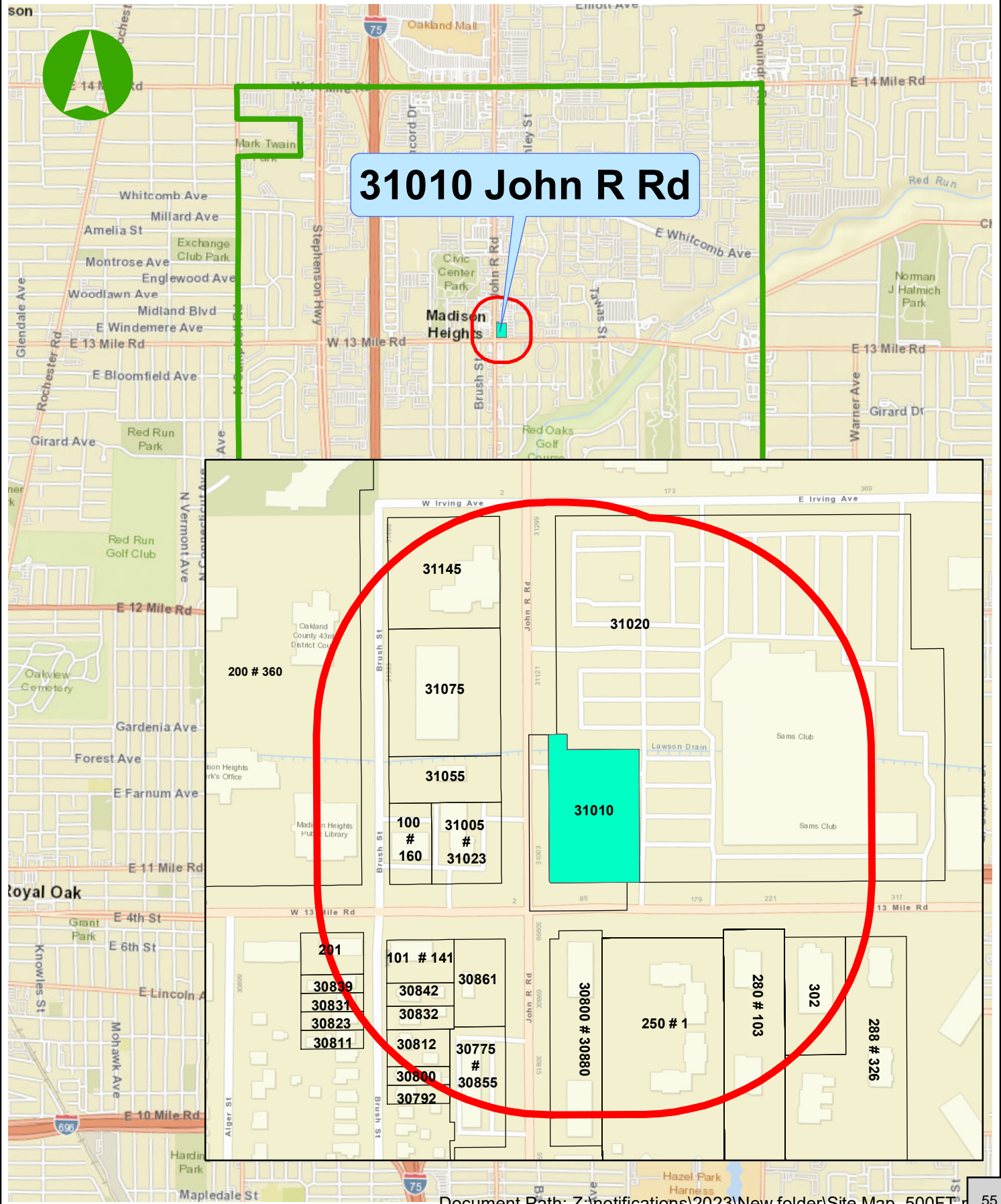


- 31010 John R Rd
- Commercial
- Office
- Buildings

ZBA CASE: 23 - 09

BUFFER 500 FT

Item 3.





CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Item 3.

Application No.:

PLBA23-0009

Date Filed:

6/30/23

(This application must be typed)
SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Jeff Ukraineec / Goodwill Industries of Greater Detroit, Inc.
Address: 3111 Grand River Ave
City: Detroit State: MI Zip: 48208
Telephone: 313-557-8773 Fax: 313-557-8577
Email: Jeff.Ukraineec@goodwilldetroit.org
2. **Petitioner's Interest in Property:** Lessee
3. **Property Owner:** (Attach list if more than one owner)
Name: NADG NNN CPHARM MH-MI LP c/o Rob Shelton
Address (Street): 3131 McKinney Avenue, Ste. L10
City: Dallas State: TX Zip: 75204
Telephone: 469-906-7300
Email: rshelton@nadg.com
4. **Property Description:** Address: 31010 John R Road
Tax Parcel #: 44 25-01-351-017
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: See attached
Subdivision name: See attached
Lot size: 1.31 Acres
Size of proposed building or addition: 10,880 square feet
5. **Present Zoning of Property:** B-1 **Present Use:** Commercial
6. **Action Requested:** (Check the appropriate section and attach response on separate sheets)
☐ **APPEAL OF AN ADMINISTRATIVE DECISION (Administrative Review)**

The applicant requests the Board of Appeals to reverse/modify the _____
decision/interpretation of Article _____, Section _____. The decision should be
reversed/modified because: (On a separate sheet describe in detail the nature of the problem, the
reason for the request and the desired remedy)

PAGE 2

ZONING BOARD OF APPEALS APPLICATION

6. **Action Requested:** (Continued) (Check the appropriate section and attach response on separate sheets)

☒ **VARIANCE**

Request is hereby made for permission to erect ☐ alter ☐ convert ☒ or use ☐ a former CVS drug store into a Goodwill retail store encroaching the 300 ft. buffer to the boundary of a residential zoning district.

Contrary to the requirements of Section(s) 10.502[A](3) of the Zoning Ordinance
 _____ of the Zoning Ordinance
 _____ of the Zoning Ordinance

The following questions must be answered fully on a separate sheet of paper:

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. (Note: Your district includes all areas of the City sharing a zoning designation with your property. If your zoning classification were B-1 (Local Business) your district would include all City lands zoned B-1.)
- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.
- D. Did the special conditions and/or circumstances result from your actions?
- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?
- F. Will granting the variance change the essential character of the area?

☒ **TEMPORARY PERMIT**

Applicant is requesting a Temporary Use ☐ and/or a Temporary Structure ☐

~~Describe in detail the proposed use or structure and the length of time requested.~~

☒ **INTERPRETATION OF ORDINANCE LANGUAGE IN SECTION _____**

~~Describe in detail the nature of the requested interpretation.~~

☒ **PUBLIC UTILITY BUILDING**

~~Describe in detail the proposed use or structure.~~

☒ **OTHER ACTION**

~~Describe in detail action requested.~~

7. **CASE HISTORY**

Have you been denied a permit for a building, sign or use on this property? Yes ☐ No ☒

Has there been any previous appeal involving these premises? Yes ☐ No ☒

(If yes, provide character and disposition of previous appeals.)

Application No.: _____

PAGE 3

**ZONING BOARD OF APPEALS
APPLICATION**

Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

FOR THE OWNER:

Signature _____

Printed Name Stephen PrestonDate June 26, 2023**FOR THE APPLICANT IF NOT THE
OWNER:**

Signature _____

Printed Name Daniel S. VarnerDate 06/29/2023

Note: A notarized letter of authority or a power of attorney may be substituted for the original signature of the owner.

Notices are to be sent to the Applicant ☒ Owner ☐

**ATTACHED HERETO, AND MADE PART OF THIS APPLICATION, ARE THE
FOLLOWING:** (All required items must be submitted with this application)

- ☐ 1. Two copies of drawings of Site Plan (no larger than 11"x 17") drawn to scale and containing all necessary dimensions and all features involved in this appeal, including measurements showing open space on abutting properties. PDF
- ☐ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☐ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☐ 6. Applicable fees:

| | |
|--------------------------------------|----------------------------------|
| A. Variance Review (Single Family) | \$300.00 |
| B. Variance Review (Dimensional) | \$400.00 plus \$300 per variance |
| C. Use Variance Review | \$1,000.00 |
| D. Appeal of Administrative Decision | \$400.00 |

OFFICE USE ONLY**APPROVALS**

Approved for hearing by City Attorney _____

Approved for hearing by C.D.D. _____

Reviewed by Site Plan Committee _____

INTER-DEPARTMENTAL NOTIFICATION

Community Development Department _____

Fire Department _____

Department of Public Services _____

ZONING BOARD OF APPEALS

FEE: \$ _____

APPROVED: _____

PAID: _____

DENIED: _____

RECEIPT NO. _____

Section 6 / Variance

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
- a. The variance desired is a reduction to the Regulated Uses buffer so we can operate a traditional Goodwill retail store, which is considered a “used goods store” and a Regulated Use per the Zoning Ordinance. We’re specifically requesting a reduction to the 300 ft. buffer to the boundary of a residential zoning district. There are parcels of land zoned R-M on the south side of 13 Mile Rd, east of John R Rd. that are occupied by condominiums.
- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. (Note: Your district includes all areas of the City sharing a zoning designation with your property. If your zoning classification were B-1 (Local Business) your district would include all City lands zoned B-1.)
- a. The Petitioner, Goodwill Industries of Greater Detroit, Inc., is seeking to open a traditional Goodwill retail store that sells new & used donated goods and collects donations. Goodwill has specific physical and demographic requirements. For example, Goodwill requires a 10,000sf – 15,000sf building that’s either free standing or an end-cap to a shopping center in order to create it’s attended, and covered donation drop off area and on a street with a minimum of 20,000 cars per day.
 - b. Goodwill seeks co-tenancy with big box retailers, grocery stores and other daily needs business’ which make it convenient for customers to make donations and shop. Often times, Goodwill is prevented from entering a shopping center because of restrictions by existing tenants against the sale of new or used donated goods, sale of clothing, furniture or any other potential competing use.
 - c. The special conditions and circumstances peculiar to this property include the following:
 - i. 10,880sf free standing building
 - ii. In front of Sam’s Club, west of Meijer, south of Target and north of BJ’s.
 - iii. Traffic counts on both John R and 13 Mile exceed 20,000 cars per day.
 - d. We’ve exhausted opportunities in other B-2 zoned properties and shopping centers including the northwest corner of 12 Mile & John Rd and the northwest corner of 12 Mile & Dequindre.
- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.
- a. The Petitioner, Goodwill Industries of Greater Detroit, Inc., is seeking to open a traditional Goodwill retail store that sells new & used donated goods and

collects donations. Goodwill is considered a "used goods store" and a Regulated Use per the Zoning Ordinance.

- D. Did the special conditions and/or circumstances result from your actions?
- a. No. This is due to the location of the building's proximity to the boundary of a residential zoning district. This is the only building that's available in the B-2 zoning district that meets Goodwill's criteria.
- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?
- a. No, Goodwill can't use the property as permitted by the Ordinance if the variance is not granted. Goodwill's business model and mission requires them to sell and receive donations of used goods.
 - b. Yes, this is the minimum variance we need to use the property for a Goodwill retail store.
- F. Will granting the variance change the essential character of the area?
- a. No. The property is currently vacant and a new business occupying the building will activate the corner, create jobs and bring more traffic to the surrounding businesses. The exterior of the building and the parking lot are in need of attention. Goodwill is going to paint and repair exterior areas of the building that need attention as well as repair, seal and stripe the parking lot. Sam's Club is east of the property and the other 3 corners of 13 Mile & John R Rd's are all commercial.

25-01-351-017

Commercial and Industrial Property Profile

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : NADG NNN CPHARM (MH-MI) LP
 Mailing Address : 3131 MCKINNEY AVE STE L10 DALLAS TX 75204-2430

Location Information

Site Address : 31010 JOHN R RD MADISON HEIGHTS MI 48071-1908
 PIN : 25-01-351-017 Neighborhood Code : CVL
 Municipality : City of Madison Heights
 School District : 63280 LAMPHERE PUBLIC SCHOOLS
 Use : 201 Commercial - Improved
 Water Indicator : N Sewer Indicator : N
 Well Indicator : N Septic Indicator : N

Property Description

T1N, R11E, SEC 1 PART OF SW 1/4 BEG AT PT DIST N 379.50 FT & N 89-53-00 E 43 FT FROM SW SEC COR,
 TH N 89-53-00 E 39.50 FT, TH S 33 FT, TH N 89-53-00 E 154.98 FT, TH S 286.64 FT, TH S 89-54-00 W 191.44 FT,
 TH N 45-00-00 W 4.30 FT, TH N 316.50 FT TO BEG 1.31 A 2-11-04 FR 012 & 015

Split/Combination Information

Added Status : Added Parcel
 Added Date : 02/11/2004 Added To : FR 012 & 015

Most Recent Sale Since 1994

Date : 12/05/2019
 Amount : \$1 Liber : 53618:083
 Grantor : LRT PROPERTIES Grantee : NADG NNN CPHARM
 MH-MI

Tax Information

Taxable Value : \$159,880 State Equalized Value : \$237,960
 Current Assessed Value : \$237,960 Capped Value : \$159,880
 Effective Date For Taxes : 12/01/2022 Principal Residence Exemption : 0%

2021 Taxes

Summer : \$8,047.27
 Winter : \$1,924.43
 Village :

2022 Taxes

Summer : \$8,262.07
 Winter : \$1,978.72
 Village :

Lot Information

Description : Acres : 1.31

CM-23-176. Special Approval PSP 23-03 – Used Good Use/Regulated Use – 31010 John R Road.

City Manager Marsh reviewed Special Approval request PSP 23-03 a Used Good Use/Regulated Use at 31010 John R Road.

Mayor Grafstein opened the public hearing at 8:02 p.m.

Dan Varner, President & CEO of Goodwill Industries of Greater Detroit, shared that Goodwill of Greater Detroit is a 100-year-old non-profit organization serving the five-county region for 102 years. Their mission is to build pathways to independence through personal development and the power of work. There are 155 locations in North America, and they are focused on Workforce Development for folks who are living with barriers to employment. They are particularly well known for serving folks living with intellectual and developmental disabilities. All Goodwill's are social enterprises that run businesses and integrate their mission into those businesses. Their largest business is Goodwill Integrated Solutions that is a tier one automotive supplier assembly and 70% of the workforce are folks who live with intellectual and developmental disabilities. They produce parts in cars as tier one supplier to Atlantis Ford and General Motors. Their second business is Goodwill's Greenworks a subsidiary of Goodwill of Greater Detroit. They are an asset recovery and industrial recycling business located in Detroit and Dearborn. Greenworks in Detroit does industrial recycling and asset recovery for DTE Energy. Whenever a transformer comes down, powerline comes down or a powerplant closes the materials are sent to Greenworks to be broken into component parts and sold on the commodities market; proceeds are split with DTE Energy and local companies. Over 70% of the workforce at Goodwill Greenworks are folks who have been or are justice involved and trying to get their lives on track looking for a second chance. The third business are donated goods retail thrift stores. They produce a positive environmental impact to keep toxic materials out of landfills and help recycle textiles. The stores work with local community or based organizations who are serving folks with intellectual or developmental disabilities and students with special needs looking for jobs. There will be 7 Goodwill stores in metro Detroit to include Madison Heights, Canton, Dearborn, Ypsilanti, Woodhaven, Livonia, and Commerce Township. They serve 12,000 people with barriers and live independently through all their programs each year. About 1,500 placements yearly, starting wage is almost \$18 hourly, 94% replacement retain their job over the first 3 months and 91% replacement retain their job over the first 6 months. It is not Goodwill's practice to put permanent donation bins out because it clutters the landscape. Mr. Varner introduced Gayle Joseph the Vice President of Communications, Marketing, and Government Affairs. He answered Crime Commission member Martha Covert's questions with the following information: the second chance program is called Flip the Script; the folks are medium and high risk reoffending felons; recidivism rates for their graduates are between 8-12% verses the state as a whole is over 30%; graduates are invited to work at the Goodwill's Greenworks; and the sole exception are folks that have been adjudicated locally and the courts require them to engage in public service so they are offered to do public service at the retail stores.

City Planner Lonnerstater addressed Planning Commissioner Eric Graettinger's question by stating based on the site plan and survey, the 13 Mile Road entrance appears to be owned by Sam's Club so it would be difficult to tie a condition to it.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 8:15 p.m.

Mayor Pro Tem Bliss stated the location was a retail store before and will continue to be a form of retail that is great for our environment and fixed income residents.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilwoman Aaron, to approve the special use request PSP 23-03 for a Used Good Use/Regulated Use at 31010 John R Road, with the following conditions of approval:

1. A site plan shall be submitted for Site Plan Review Committee (SPRC) review and approval which brings the site into greater conformity with Zoning Ordinance standards. The site plan shall depict, at minimum: a. Modifications to the drive-through canopy, including new overhead doors and queuing information; and b. Sidewalk connection(s) to one or both of the adjacent public sidewalks along John R Road and/or W. 13 Mile Road, in compliance with Section 10.506(H); and c. Enclosures for any exterior dumpsters or permanent donation drop-off containers, in compliance with Section 10.510(B)(8); and d. Additional right-of-way greenbelt landscaping, in compliance with Section 10.510(A).
2. The applicant shall apply for and obtain from the Zoning Board of Appeals (ZBA) a residential separation variance from the regulated use standards of Section 10.502[A].
3. Rollaway donation bins and donation items shall not be stored outside after business hours. All rollaway bins and items shall be stored and sorted inside the building.
4. Permanent donation drop-off containers, if proposed, shall be enclosed and screened in accordance with Section 10.510(B)(8) and shall be denoted on the submitted site plan.
5. The applicant shall obtain a business license for a regulated use in accordance with Article VII of the Business Regulations and Licenses Ordinance.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Nay: Councilman Fleming

Motion carried 6-1.

MEETING OPEN TO THE PUBLIC:

Deborah Vansyke, resident, expressed her concerns with the I-75 Construction impacting her home, the bumper-to-bumper traffic on her street, and the cars speeding through her neighborhood.

Martha Covert, Crime Commission member, expressed her concern with the cars speeding on Edward through her neighborhood.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **City Council Chambers** of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Oakland County 48071 on **Thursday, August 3rd, 2023 at 7:30 p.m.** to consider the following requests:

Item 3.

1. Case # PZBA 23-08: 1485 W. 14 Mile Road

REQUEST: The applicant, Spectrum Neon on behalf of Matthew Shouneyia (property owner), requests three (3) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum number of ground signs per property; and two (2) variances pertaining to ground sign dimensions.

The subject property is located at 1485 W. 14 Mile Road (tax parcels #44-25-02-101-062; 44-25-02-102-004) and is zoned B-1, Local Business District.

2. Case # PZBA 23-09: 31010 John R Road

REQUEST: The applicant, Goodwill Industries of Greater Detroit on behalf of NADG NNN CPHARM MH_MI LP (property owner), requests a variance from Section 10.502[A]3 of the Zoning Ordinance, Regulated Uses, pertaining to the minimum residential separation requirement.

The subject property is located at 31010 John R Road (tax parcel # 44-25-01-351-017) and is zoned B-2, Planned Business District.

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

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

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CITY CLERK'S OFFICE
(248) 583-0826

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Special Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **City Council Chambers of the Municipal Building at 300 W. 13 Mile Road**, Madison Heights, Oakland County, Michigan 48071 on **Thursday, August 17th, 2023 at 7:30 p.m.** to consider the following requests:

Item 4.

(A) Case # PZBA 23-10: 29022 Stephenson Highway

REQUEST: The petitioner, Todd Gesund – BMW Kar Wash d/b/a Jax Kar Wash, requests four (4) variances from Section 10.326(8) of the Zoning Ordinance, use-specific standards for auto wash uses, pertaining to hours of operation, auto wash building setbacks, fencing, and outdoor vacuuming stations. The subject property is located at 29022 Stephenson Highway (tax parcels # 44-25-11-377-015; 44-25-11-377-016; and 44-25-11-377-019), zoned B-3, General Business.

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

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

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CITY CLERK'S OFFICE

(248) 583-0826