

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 to meet 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 is granted 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 is based upon pre-existing condition and topography of the parcel 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 and has lost business due to the Covid pandemic. 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 to waive the fleet vehicle screening requirements and deem the existing chain-link fence as an adequate form of screening. And to permit the installation of a new screening fence within the required five (5) foot right-of-way setback along Milton Avenue. Mr. Paglia stated the ordinance is not applicable to the school bus because it is not considered a fleet vehicle. The current chain-link fence is adequate screening for the storage of school buses. 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 answered Ms. Corbett's inquiry 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)] are granted.

The variances are granted based upon the unique topography of the parcel having triple frontage and the pre-existing infrastructure on the property created prior to the Applicant's ownership 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 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

Zoning Board of Appeals
 Regular Meeting
 Madison Heights, Michigan
 April 6, 2023

A Regular Meeting of the Madison Heights Zoning Board of Appeals was called to order by Chairman Kimble on April 6, 2023, at 7:30 p.m. at City Hall - Council Chambers, 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson, and members: Holder, Loranger, and Oglesby

Absent: Aaron, Corbett, Kehoe, and Marentette

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

23-12. Excuse Member(s)

Motion by Mr. Oglesby, seconded by Mr. Loranger, to excuse Councilwoman Aaron, Ms. Corbett, Ms. Kehoe, and Ms. Marentette from tonight's meeting.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette
 Motion Carried.

23-13. Minutes

Motion by Ms. Holder, seconded by Mr. Loranger, to approve the Zoning Board of Appeals Meeting Minutes of January 5, 2023, with an amendment to add Mr. Oglesby as present.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette
 Motion Carried.

23-14. Public Comment: For items not listed on the agenda

Chair Kimble opened public comment at 7:33 p.m. and requested that this agenda item be used to hear public comments for any of the three billboard applications.

Doreen Cavill at 544 E. Mahan Avenue, Hazel Park, spoke in opposition to the three billboards that will be located half a mile from her home. She expressed her concerns that the billboard lighting could disrupt migrating birds, animal, and human welfare, and affect the sleeping, mating, and hibernation patterns of the animals. There is already a billboard at the intersection of Couzens and Heights Drive and another one at Dequindre and Progress. Ms. Cavill ask, "If they don't have people to advertise on the Dequindre and Progress billboard, how are they going to get people to advertise on the two billboards they are putting up?" There are subdivisions on both sides of the service drive that will be constantly interrupted with all the billboards, lights and room darkening shades doesn't work. There will be two huge billboards within three tenths of a mile from a subdivision and we don't want 11 Mile to be like 8 Mile. Why do the billboards need to be on the southern end of Madison Heights?

Tim McGinnis at 53 E. 10 Mile Road, Madison Heights, spoke in favor of his application. Mr. McGinnis stated that he is the third-generation owner of the current property. He has a vacant area on his lot that is not in use and is located at the I-75 and I-696 traffic which is highly visible and suitable for billboard advertisements.

City Planner Lonnerstater presented three letters from the public: an opposition letter from Mr. Anthony Rea at 24001 Telegraph Road in Southfield, an opposition letter from Ms. Christine Plumb at 33 E. Brickley Avenue in Hazel Park, and a letter of support from Mr. Tim McGinnis at 53 E. 10 Mile Road in Madison Heights.

Seeing no one wished to comment, Chair Kimble closed the public comment at 7:40 p.m.

23-15. PZBA 23-02: 25780 Commerce Drive

Greg Miller, Real Estate Director of International Outdoor, Stated that International Outdoor has an office in Farmington Hills and they like to be involved in the surrounding communities. Mr. Miller summarized International Outdoor's requests, and stated that they are requesting variances pertaining to minimum setbacks, minimum billboard spacing requirements and requirements that billboards be considered the principal use of a lot. Mr. Miller stated that there is not a billboard in the city that meets the existing billboard ordinance and that, per the ordinance amendment in 2011, there is no location where you can place a billboard that meets all the criteria, so variances are needed. Mr. Miller mentioned that Commerce Drive is a unique parcel that is a triple frontage lot and creates additional setbacks unlike other M-1 and M-2 industrial districts and it has an existing trash enclosure. He stated that the site meets many of the requirements for billboards; it's located on an expressway, zoned properly, it will be over 100 feet from a structure, it meets the size requirement, it will be 60 foot in height, and it won't exceed the roof of the building. Mr. Miller stated that the packet includes an approval from MDOT and a lighting study; there will be three LED lights shining directly onto the billboard and upward into the sky.

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

REQUEST

The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 25780 Commerce Drive (tax parcel # 44-25-24-426-038) and is zoned M-1, Light Industrial.

VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests. The applicant has provided responses to the variance criteria within their application. Staff findings are provided below:

- *Whereby 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.*

Staff Finding: Staff finds that the property is unique regarding its triple frontage, but fails to find how the triple frontage directly results in a practical difficulty or inhibits the ability to erect a billboard. The triple frontage, in and of itself, does not prohibitively restrict use of the property.

The subject property is unique in that it has three (3) frontages and constitutes its own block. However, the applicant has not indicated how this triple-frontage or the 20-foot side yard setback requirement impacts the ability to erect a billboard, nor how they result in a practical difficulty.

The property is currently utilized for an industrial/office use, and can continue to be utilized, expanded, or redeveloped for permitted M-1 industrial and office uses. The subject parcel is relatively large at approximately 2.9 acres.

While staff acknowledges that the City's billboard separation requirement may restrict the erection of new billboards within city limits unless existing billboards are removed, this is a restriction that applies equally to all properties within Madison Heights. New billboards may be erected upon the removal of existing billboards. Staff finds that the applicant's inability to legally meet the billboard spacing requirement is not due to an exceptional condition tied to the subject property, but rather due to the general condition that there are a limited number of available billboard locations left within the City.

The applicant requests a variance from the 'principal use' requirement based upon their claim that the land division process would be, "administratively burdensome." Staff finds that the applicant's variance request stems from a preference to avoid the city's general administrative land division and recording processes; within their application, the applicant states that they are amicable to creating a separate billboard parcel. The variance request from the 'principal use' standard does not relate to a unique condition of the property. Further, the applicant seeks relief from an administrative process that is applied equally to all properties. As such, staff does not find the existence of a valid practical difficulty.

- *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 granting of the requested variances could substantially impair the intent and effectiveness of the Zoning Ordinance.

Staff believes that granting variances to the billboard setback, spacing and principal use requirements could substantially impair the intent and effectiveness of the Zoning Ordinance. The City's billboard setback, spacing, and principal use requirement were put in place to regulate the siting of large billboards within Madison Heights. If the City of Madison Heights is interested in permitting additional billboards within city limits and/or reducing billboard spacing and principal use requirements, staff believes that the appropriate mechanism is to amend the Zoning Ordinance standards via the zoning text amendment process.

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.*

Staff Finding: Staff finds that the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by others in the same zoning district.

Each property owner within Madison Heights is subject to the same billboard setback, spacing and principal use requirements. The property owner has the ability to develop and redevelop the property per M-1, Light Industrial standards.

Staff acknowledges that prior Zoning Boards of Appeals have granted billboard separation and principal use variances in the past. However, these prior cases (as denoted within the applicant's application packet) can be differentiated from this case in that they all involved upgrading existing non-conforming billboards that were originally constructed prior to the adoption of the city's billboard ordinance. Alternatively, the ZBA case at hand involves the construction of a brand new billboard where none had previously-existed. Further, per Section 10.805, "each case before the Zoning Board of Appeals 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." Staff recommends that the Zoning Board of Appeals base their decision on facts and findings only pertaining to this unique case.

- *The special conditions and/or circumstances are not a result of the applicant.*

Staff Finding: As previously discussed, while the parcel has unique conditions, the applicant has not adequately argued how such conditions directly restrict the ability to erect a billboard on the property.

- *The variance is the minimum variance necessary to provide relief to the applicant.*

Staff Finding: Staff finds that the variance request is not warranted due to the absence of a valid practical difficulty.

- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

Staff Finding: Staff finds that, in the absence of a variance, the property could continue to be utilized for, and redeveloped with, permitted M-1 industrial uses.

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

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

City staff presented the variance application to the Site Plan Review Committee at their March 8th, 2023, meeting. The SPRC had no additional comments regarding the proposed billboard location.

Chair Kimble opened the public hearing at 7:56 p.m. to hear additional comments on application #23-02.

Doreen Cavill at 544 E. Mahan Avenue, Hazel Park, thanked Mr. Greg Miller for explaining in detail the installation of the billboards. She is currently looking at a big, beautiful sky and will be looking at the back of a billboard if this variance is approved.

Greg Miller, Real Estate Director of International Outdoor, corrected that the billboard will be facing the subdivision.

There being no further comments on application #23-02, Chair Kimble closed the public hearing at 7:59 p.m.

Mr. Oglesby commented that there have been a few billboard requests coming before the board recently and there has become a concern about too much signage in the City of Madison Heights. Mr. Oglesby stated that there is a need to eliminate signage pollution. We need to look out for our residents and maintain the beauty of the city.

Motion by Mr. Loranger, seconded Ms. Holder, considering the purpose of the City's sign ordinance is to protect the health, safety, general welfare, property values, aesthetics, and character of the various neighborhoods of Madison Heights, the applicant's variance requests for 25780 Commerce Drive are DENIED. Per Section 10.804 this Board finds denial does not create an exceptional undue hardship upon the applicant and granting the requested variances would substantially impair the intent and purpose of the community's ordinances. Specifically, Section 10.511(iv)(e)(7) prevents the proliferation of billboards within the City which granting the requested variances would countermand. Per Section 10.805, this Board finds in the interest of traffic safety and community aesthetics to uphold billboard restrictions created by local ordinance thereby denying the variance requests for this parcel. The Board concurs with staff findings presented by the City Planner in the March 30, 2023 memorandum related to these variance requests as additional factual basis for the denial. As the applicant is required to obtain all of the requested variances to install a billboard at 25780 Commerce Drive, all were considered concurrently with the same factual basis. The Board also finds that denial does not deprive the applicant of rights enjoyed by others within the same zoning district and that the City's billboard spacing restrictions, while more stringent, are not prohibited by the State's Highway Advertising Act.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette

Motion Carried.

23-16. PZBA 23-03: 615 E. Ten Mile Road

Chair Kimble opened the public hearing at 8:03 p.m. to hear comments on application #23-03.

Mr. Louis Lindholm, property owner at 615 E. Ten Mile Road, stated that she has owned his property for at least 30 years. Ms. Lindholm stated that the property is ideal for a billboard because it is located off the freeway, near the 696 Service Drive, it's surrounded by industrial buildings, and is close to 10 Mile Road with four lanes. The nearby properties are industrial and not zoned residential; it's not a wildlife rescue refuge.

Doreen Cavill at 544 E. Mahan Avenue, Hazel Park, shared her experience living in Royal Oak near a billboard that had constant advertisement and light changes. She expressed her concerns about the billboards affecting rodents and migrating birds of prey. The neighbors on East Mahan collectively work together to combat rodent problems.

Greg Miller, Real Estate Director of International Outdoor, confirmed that all the billboards are static and not digital with multiple advertisements.

There being no further comments on application #23-03, Chair Kimble closed the public hearing at 8:09 p.m.

Greg Miller, Real Estate Director of International Outdoor, summarized their variance requests. Mr. Miller stated that they are requesting variances pertaining to minimum setbacks, minimum billboard spacing requirements and requirements that billboards be considered the principal use of a lot. He reiterated that the current billboard ordinance goes as far as prohibits billboards. Regarding removal of nonconforming signs, Mr. Miller mentioned that there are references in the packet of billboards in past few years that have come before the board. He stated that they have been removed entirely and put back from the ground up; they do not conform with the ordinance for spacing, height, and size. Mr. Miller stated that billboards are allowed by MDOT and are permitted on US Highways, and said that the 615 E. Ten Mile Road does not require a setback, it's in an industrial area, the billboard will not shine light into the neighborhood, and the back of the billboard will face the Hazel Park direction.

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

REQUEST

The petitioner, International Outdoor, Inc., requests three (3) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests a variance from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 615 E. Ten Mile Road (tax parcel # 44- 25-24-360-026) and is zoned M-1, Light Industrial.

VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests. The applicant has provided responses to the variance criteria within their application. Staff findings are provided below:

- *Whereby 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.*

Staff Finding: Staff does not find the subject property itself to contain exceptional conditions that would unreasonably restrict the use of the property. Staff finds that the conditions of the property would not result in a practical difficulty for the property owner.

The property is currently utilized for an industrial use, and can continue to be utilized, expanded, or redeveloped for permitted M-1 industrial uses. The subject parcel is approximately 0.24 acres in area, is of a regular rectangular shape, and has a width of approximately 110 feet. Staff finds these property characteristics to be fairly standard within the M-1 District, especially along E. 10 Mile Road.

While staff acknowledges that the City's billboard separation requirement may restrict the erection of new billboards within city limits unless existing billboards are removed, this is a restriction that applies equally to all properties within Madison Heights. Staff finds that the applicant's inability to legally meet the billboard spacing requirement is not due to an exceptional condition tied to the subject property, but rather due to the general condition that there are a limited number of available billboard locations left within the City.

The applicant requests a variance from the principal use requirement based upon their claim that the land division process would be, "administratively burdensome." Staff finds that the applicant's

variance request stems from a preference to avoid the city's general administrative land division and recording processes; within their application, the applicant states that International Outdoor is amenable to creating a billboard parcel subject to approval of the dimensional spacing variance. The variance request from the principal use standard does not relate to a unique condition of the property. Further, the applicant seeks relief from an administrative process that is applied equally to all properties. As such, staff does not find the existence of a valid practical difficulty.

- *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 granting of the requested variances could substantially impair the intent and effectiveness of the Zoning Ordinance.

Staff believes that granting variances to the billboard structure setback, spacing and principal use requirements could substantially impair the intent and effectiveness of the Zoning Ordinance. The City's billboard setback, spacing, and principal use requirement were put in place to regulate the siting of large billboards within Madison Heights. If the City of Madison Heights is interested in permitting additional billboards within city limits and/or reducing billboard spacing, setback and principal use requirements, staff believes that the appropriate mechanism is to amend the Zoning Ordinance standards via the zoning text amendment process.

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.*

Staff Finding: Staff finds that the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by others in the same zoning district.

Each property owner within Madison Heights is subject to the same billboard setback, spacing and principal use requirements. The property owner has the ability to develop and redevelop the property per M-1, Light Industrial standards.

Staff acknowledges that prior Zoning Boards of Appeals have granted billboard separation and principal use variances in the past. However, these prior cases (as denoted within the applicant's application packet) can be differentiated from this case in that they all involved upgrading existing non-conforming billboards that were originally constructed prior to the adoption of the city's billboard ordinance. Alternatively, the ZBA case at hand involves the construction of a brand new billboard where none had previously-existed. Further, per Section 10.805, "each case before the Zoning Board of Appeals 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." Staff recommends that the Zoning Board of Appeals base their decision on facts and findings only pertaining to this unique case.

- *The special conditions and/or circumstances are not a result of the applicant.*

Staff Finding: As previously discussed, staff does not find special conditions or circumstances pertaining to the property itself. Unique circumstances relating to the property, if found by

the ZBA, are the result of the applicant's desire to construct a billboard use on the property rather than a use permitted by right or by special approval within the M-1 zoning district.

- *The variance is the minimum variance necessary to provide relief to the applicant.*

Staff Finding: Staff finds that the variance request is not warranted due to the absence of a valid practical difficulty.

- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

Staff Finding: Staff finds that, in the absence of a variance, the property could continue to be utilized for, and redeveloped with, permitted M-1 industrial uses.

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

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

City staff presented the variance application to the Site Plan Review Committee at their March 8th, 2023, meeting. The SPRC had no additional comments regarding the proposed billboard location.

Mr. Oglesby commented that the ordinance changes were due to the concerns with signs and put in place for specific reasons. He is reluctant to go beyond a reasonable doubt, set a precedence and approve of a hardship.

Motion by Ms. Holder, seconded by Mr. Loranger, considering the purpose of the City's sign ordinance is to protect the health, safety, general welfare, property values, aesthetics, and character of the various neighborhoods of Madison Heights, the applicant's variance requests for 615 E. Ten Mile Road are DENIED. Per Section 10.804 this Board finds denial does not create an exceptional undue hardship upon the applicant and granting the requested variances would substantially impair the intent and purpose of the community's ordinances. Specifically, Section 10.511(iv)(e)(7) prevents the proliferation of billboards within the City which granting the requested variances would countermand. Per Section 10.805, this Board finds in the interest of traffic safety and community aesthetics to uphold billboard restrictions created by local ordinance thereby denying the variance requests for this parcel. The Board concurs with staff findings presented by the City Planner in the March 30, 2023 memorandum related to these variance requests as additional factual basis for the denial. As the applicant is required to obtain all of the requested variances to install a billboard at 615 E. Ten Mile Road, all were considered concurrently with the same factual basis. The Board also finds that denial does not deprive the applicant of rights enjoyed by others within the same zoning district and that the City's billboard spacing restrictions, while more stringent, are not prohibited by the State's Highway Advertising Act. The Board finds that billboards should be required to be a principal use of a parcel as required by the City's zoning ordinance to protect community aesthetics and property values as well as promote public safety. The absence of the requested variances does not impair ability to utilize the property or redevelop it in accordance with the City's M-1 zoning requirements and there are no exceptional topographic or extraordinary conditions that justify granting the applicant's requested variances.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette

Motion Carried.

23-17. PZBA 23-04: 53 E. Ten Mile Road

Chair Kimble opened the public hearing at 8:24 p.m. to hear comments on application #23-04.

Tim McGinnis at 53 E. 10 Mile Road, Madison Heights, inquired about the most recent ordinance change in 2010. He stated that billboards are for businesses to advertise their business to promote business and he would like to have a billboard on his property to generate income. Mr. McGinness referenced existing billboards in support of the applicants variance request.

There being no further comments on application #23-04, Chair Kimble closed the public hearing at 8:28 p.m.

Greg Miller, Real Estate Director of International Outdoor, summarized their variance requests. Mr. Miller stated that International Outdoor is requesting variances pertaining to minimum setbacks, minimum billboard spacing requirements and requirements that billboards be considered the principal use of a lot. Mr. Miller stated that billboards are a form of advertisement for the businesses in the community. Static billboards have the same advertisement consistently and digital billboards have multiple advertisements. He mentioned that this parcel is unique because it has an MDOT approval, and it abuts an expressway, and that the billboards are built above the state requirements for wind, stability, structure, and appearance.

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

REQUEST

The petitioner, International Outdoor, Inc., requests four (4) variances from city sign regulations, Section 10.511(IV)(E), pertaining to billboards. The applicant requests two (2) variances from Section 10.511(IV)(E)(1) pertaining to minimum setbacks; a variance from Section 10.511(IV)(E)(2) pertaining to minimum billboard spacing requirements; and a variance from Section 10.511(IV)(E)(7) pertaining to the requirement that billboards be considered the principal use of a lot. The subject property is located at 53 E. Ten Mile Road (tax parcel # 44- 25-24-355-030) and is zoned M-1, Light Industrial.

VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests. The applicant has provided responses to the variance criteria within their application. Staff findings are provided below:

- *Whereby 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.*

Staff Finding: Staff does not find the subject property itself to contain exceptional conditions that would unreasonably restrict the use of the property. Staff finds that the conditions of the property would not result in a practical difficulty for the property owner.

The property is currently utilized for an industrial use, and can continue to be utilized, expanded, or redeveloped for permitted M-1 industrial uses. The subject parcel is approximately 0.16 acres in area, is of a regular rectangular shape, and has a width of approximately 60 feet. Staff finds these property characteristics to be fairly standard within the M-1 District, especially along E. 10 Mile Road.

While staff acknowledges that the City's billboard separation requirement may restrict the erection of new billboards within city limits unless existing billboards are removed, this is a restriction that applies equally to all properties within Madison Heights. Staff finds that the applicant's inability to legally meet the billboard spacing requirement is not due to an exceptional condition tied to the subject property, but rather due to the general condition that there are a limited number of available billboard locations left within the City.

The applicant requests a variance from the principal use requirement, but has not provided justification in favor of the variance request. The variance request from the principal use standard does not appear to relate to a unique condition of the property. Further, the applicant seeks relief from an administrative process that is applied equally to all properties. As such, staff does not find the existence of a valid practical difficulty.

- *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 granting of the requested variances could substantially impair the intent and effectiveness of the Zoning Ordinance.

Staff believes that granting variances to the billboard setback, spacing and principal use requirements could substantially impair the intent and effectiveness of the Zoning Ordinance. The City's billboard setback, spacing, and principal use requirement were put in place to regulate the siting of large billboards within Madison Heights. If the City of Madison Heights is interested in permitting additional billboards within city limits and/or reducing billboard spacing, setback and principal use requirements, staff believes that the appropriate mechanism is to amend the Zoning Ordinance standards via the zoning text amendment process.

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.*

Staff Finding: Staff finds that the provisions of the Zoning Ordinance would not deprive the applicant of rights commonly enjoyed by others in the same zoning district.

Each property owner within Madison Heights is subject to the same billboard setback, spacing and principal use requirements. The property owner has the ability to develop and redevelop the property per M-1, Light Industrial standards.

With a setback of 0 feet, the proposed billboard would be placed closer E. Heights Drive than any existing building on the block. Contrary to this standard, staff finds that a property setback variance would actually grant a special privilege to the property owner not afforded to other property owners.

Staff acknowledges that prior Zoning Boards of Appeals have granted billboard separation and principal use variances in the past. However, these prior cases (as denoted within the applicant's application packet) can be differentiated from this case in that they all involved upgrading existing non-conforming billboards that were originally constructed prior to the adoption of the city's billboard ordinance. Alternatively, the ZBA case at hand involves the construction of a brand new billboard where none had previously-existed. Further, per Section 10.805, "each case before the

Zoning Board of Appeals 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.” Staff recommends that the Zoning Board of Appeals base their decision on facts and findings only pertaining to this unique case.

- *The special conditions and/or circumstances are not a result of the applicant.*

Staff Finding: As previously discussed, staff does not find special conditions or circumstances pertaining to the property itself. Unique circumstances relating to the property, if found by the ZBA, are the result of the applicant’s desire to construct a billboard use on the property rather than a use permitted by right or by special approval within the M-1 zoning district.

- *The variance is the minimum variance necessary to provide relief to the applicant.*

Staff Finding: Staff finds that the variance request is not warranted due to the absence of a valid practical difficulty.

- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

Staff Finding: Staff finds that, in the absence of a variance, the property could continue to be utilized for, and redeveloped with, permitted M-1 industrial uses.

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

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

City staff presented the variance application to the Site Plan Review Committee at their March 8th, 2023, meeting. The SPRC had no additional comments regarding the proposed billboard location.

Ms. Holder explained that Madison Heights is in a unique situation because there are two highways with seven entrance and exit ramps. She stated that the board is pro-business, but public safety is our first priority, and this area is too busy of a location.

Mr. Loranger commented regarding advertisement that people choose not to be advertised to in their phones and emails. It’s likely if the decision on billboards were left up to the residents, they would vote to remove all of them.

Mr. Oglesby added that the congestion in this general area is ridiculous; comments from residents have been tremendous and he’s voicing the concerns of the individuals who’ve spoken with him. He stated that , Once you’ve set a precedent there has to be a very good reason or hardship to go beyond what’s allowed in the ordinance.

Motion by Ms. Holder, seconded by Mr. Loranger, considering the purpose of the City’s sign ordinance is to protect the health, safety, general welfare, property values, aesthetics, and character of the various neighborhoods of Madison Heights, the applicant's variance requests for 53 E. Ten Mile Road are DENIED. Per Section 10.804 this Board finds denial does not create an exceptional undue hardship upon the applicant and granting the requested variances would substantially impair the intent and purpose of the community’s ordinances. Specifically, Section 10.511(iv)(e)(7) prevents the proliferation of billboards within the City which granting the requested variances would countermand. Per Section 10.805, this Board finds in the interest of traffic safety and community aesthetics to uphold billboard restrictions created by local ordinance thereby denying the variance

requests for this parcel. The Board concurs with staff findings presented by the City Planner in the March 30, 2023 memorandum related to these variance requests as additional factual basis for the denial. As the applicant is required to obtain all of the requested variances to install a billboard at 53 E. Ten Mile Road, all were considered concurrently with the same factual basis. The Board also finds that denial does not deprive the applicant of rights enjoyed by others within the same zoning district and that the City's billboard spacing restrictions, while more stringent, are not prohibited by the State's Highway Advertising Act. The Board finds billboards should be required to be a principal use of a parcel as required by the City's zoning ordinance to protect community aesthetics and property values as well as promote public safety. The absence of the requested variances does not impair ability to utilize the property or redevelop it in accordance with the City's M-1 zoning requirements or unreasonably restrict the use of the property and there are no exceptional topographic or extraordinary conditions that justify granting the applicant's requested variances.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette

Motion Carried.

23-18. PZBA 23-05: 1275 & 1301 W. Fourteen Mile Road

Chair Kimble opened the public hearing at 8:46 p.m. to hear comments on application #23-05.

There being no comments on application #23-05, Chair Kimble closed the public hearing at 8:47 p.m.

Attorney Dennis Cowan, Plunkett Cooney Law Office, introduced Ms. Samantha Burgner, the Project Manager at ALRIG USA. Mr Cowan explained that the applicant is requesting variances pertaining to hours of operation, vacuum locations, and roof signs., and state that the strict application of the Ordinance would create a practical difficulty for operations. Attorney Cowan highlighted that the hours of operation start time requested at 7 a.m. although nearby businesses like Tim Hortons, Dunkin' Donuts, McDonald's open earlier; other car washes in the city open at various times including 7 a.m. same as the variance request. He stated that the mixed-use business of El Car Wash and Mojo Donuts are from the State of Florida. Mr. Cowan discussed the ordinance requirement for outdoor vacuums, and that this would require air quality control measures and other expensive items. Mr. Cowan stated that every car wash has outdoor vacuuming stations, and the ordinance gives some discretion particularly near the residential area. This business is in a commercial district and located on Fourteen Mile Road. El Car Wash vacuum station motors are encased in concrete to diminish the noise. The sign request is for letters at 30 inches high to advertise the city and displays "Welcome to Madison Heights." Mr. Cowan closed by stating that El Car Wash is a community orientated business and will have special days where profits go to community organizations, schools, non-profits, youth, and athletic organizations.

Assistant City Attorney Burns recommends that separate motions be made for each variance.

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

REQUEST

The petitioner, Samantha Burgner on behalf of ALRIG USA, requests three (3) variances from the city Zoning Ordinance. The applicant requests two (2) variances from Section 10.326(8), use specific standards for auto wash uses, pertaining to hours of operation and vacuum locations; and one (1)

variance from Section 10.511(IV)(A), Prohibited Signs, pertaining to roof signs. The subject property is located at 1275 W. Fourteen Mile Road (tax parcel # 44-25-02-101-046) and 1 1301 W. Fourteen Mile Road (tax parcel # 44-25-02-101-045) and is zoned B-3, General Business.

VARIANCE FINDINGS

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

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

Staff Finding: The subject parcel itself does not appear to contain exceptional features as it currently is composed of two conforming B-3 parcels with typical rectangular shapes, both with frontage along an arterial road. The applicant proposes to combine the two parcels into one to accommodate the auto wash use. However, as opposed to many other commercially-zoned properties in the city, the subject property does not directly abut residentially-zoned or used 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.*

Staff Finding: Staff finds that the outdoor vacuuming requirement could present an undue hardship upon the owner of the property as it would require the construction of an additional large, properly ventilated structure on site. Further, staff finds that potential adverse impacts of the auto wash use, such as aesthetics, lighting, and noise, are mitigated by proper site design and the site's distance from residential uses. As such, staff finds that the hours of operation and vacuum variance could be granted without creating substantial detriment to the public good and without substantially impairing the intent of the ordinance.

While the proposed sign is unique, staff finds that it accurately falls under the Zoning Ordinance definition of a "roof sign", which is prohibited in the City. While staff finds the sign could be erected without creating a substantial detriment to the public good, permitting a roof sign could be deemed as impairing the intent and purpose of the sign regulations.

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 February 15th, 2023 meeting. The SPRC had no objections to the variance requests.

Mr. Oglesby questioned the applicant if they would accept the roof sign conditions, do what they want to accomplish but not beyond the ordinance and acceptable by both sides.

Ms. Samantha Burgner, Project Manager at ALRIG USA, answered Mr. Oglesby's question that the company would want to understand the look before any approvals or agreements. She answered Ms. Holder's question that the building does propose elements outside of their standards along with the special use approval does add additional cost to the property. Ms. Burgner answered Mr. Loranger's question that there would be no music allowed on site and it would be fully staffed with 5-6 employees. This is a touchless car wash, no one will touch the cars, it's solely for customer service and management of the property. She answered Vice Chair Thompson's question that according to the dimension it's about four feet of the height, the letters itself would fit, and the only element to understand is to safely attach the letters to the building as it's currently expected to sit on top of the structure.

Ms. Holder inquired if the typical plan needs to be changed and increasing the cost be considered a potential hardship.

Mr. Loranger asked if there will be music played at the business.

City Planner Lonnerstater proposed lowering the structural elements of the sign to the existing bridge and removing the need for the roof sign variance.

Vice Chair Thompson suggested moving the sign from above the building and putting in front of the bridge.

Motion by Ms. Holder, second by Mr. Oglesby, the Board approves granting a variance from Section 10.326(8)(c) of the City's Zoning Ordinance to allow for operations of the applicant's car wash from 7:00 am to 10:00 pm. The variance is conditional upon there being no law enforcement actions or resident complaints related to the extended hours of operation and can be revoked upon a determination by Police Chief that this variance creates a nuisance. The City Planner's March 30, 2023 memorandum on the variance request provides a factual basis for the conditional of approval of the applicant's request. The Board finds that, based upon an undue hardship to the applicant and no foreseen detriment to residential or other surrounding districts, the approval meets the standards of 10.804(2) and 10.805.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette

Motion Carried.

Motion Ms, Holder, seconded by Mr. Loranger, the Board approves granting a variance from Section 10.326(8)(q) of the Zoning Ordinance to allow outdoor vacuuming stations on the exterior of a car wash building upon Site Plan approval of such layout. The area for outdoor vacuuming must be screened from 14 Mile Road visibility. The City Planner's March 30, 2023 memorandum on the variance request provides a factual basis for approval of the applicant's request. The Board finds that,

based upon an undue hardship to the applicant and no foreseen detriment to residential or other surrounding districts, the approval meets the standards of 10.804(2) and 10.805.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette

Motion Carried.

Motion by Ms. Holder, seconded by Vice Chair Thompson, the Board approves granting a variance from Section 10.511(IV)(A)(1) of the Zoning Ordinance allowing a roof sign to be erected on the applicant's proposed car wash. Approval is conditional upon applicant stipulating that the sign wording shall only be a community "gateway" message stating explicitly "Welcome to Madison Heights," and that the signage shall be approved by the City's Sign Permit review process prior to installation. Additionally, the variance is conditional in that any alterations to the sign including size, spacing or content after its installation extinguish this variance and the parcel would once again be regulated by the roof sign prohibition of 10.511(iV)(A)(1) or any equivalent zoning ordinances in effect at the time of the violation. The City Planner's March 30, 2023 memorandum on the variance request provides a factual basis for approval of the applicant's request. The Board finds that, based upon the community benefit of the signage and undue hardship on applicant as it utilizes a standardized architectural design for its car wash buildings located across the country as well as there being no foreseen detriment to neighboring parcels or surrounding districts, the approval meets the standards of 10.804(2) and 10.805.

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette

Motion Carried.

23-19. New Business

City Planner Lonnerstater mentioned that the Zoning Ordinance Rewrite Committee is in the process of reviewing drafts of the new proposed Zoning Ordinance.

23-20. Adjournment

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

Yeas: Holder, Loranger, Oglesby, Thompson, and Kimble

Nays: None

Absent: Aaron, Corbett, Kehoe, and Marentette

Motion Carried.

There being no further business, Chair Kimble, adjourned the meeting at 9:13 p.m.

Phommady A. Boucher
Clerk of the Board



MEMORANDUM

Date: May 25th, 2023
 To: City of Madison Heights Zoning Board of Appeals
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Building Setback Variance
 PZBA 23-06: 29235 Stephenson Hwy.

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.**

Subject Property: 29235 Stephenson Hwy (outlined in red)



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 3rd, 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.

ZBA ACTION

Any ZBA motion should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. 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.

CODE REFERENCES**Sec. 10.401 – Limiting Height, Bulk, Density and Area by Land Use**

Zoning District	Maximum Yard Setback (per lot in ft.)
	Rear
M-1, Light Industrial	(j)

Footnote (j): No building shall be closer than 50 feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

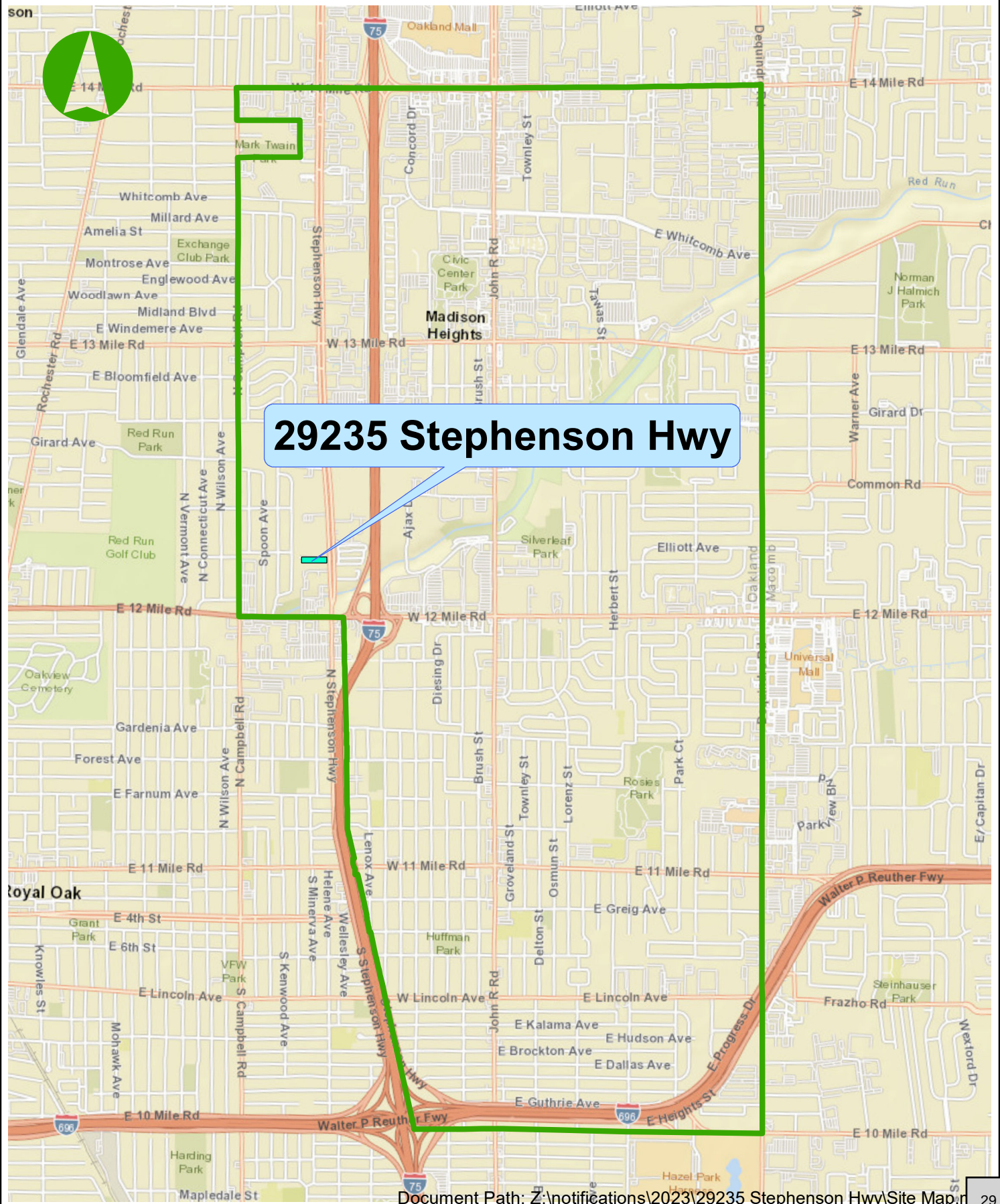
Sec. 10.804. - Power of zoning board of appeals.

(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.

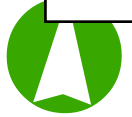
Sec. 10.805. - Standards.

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.*

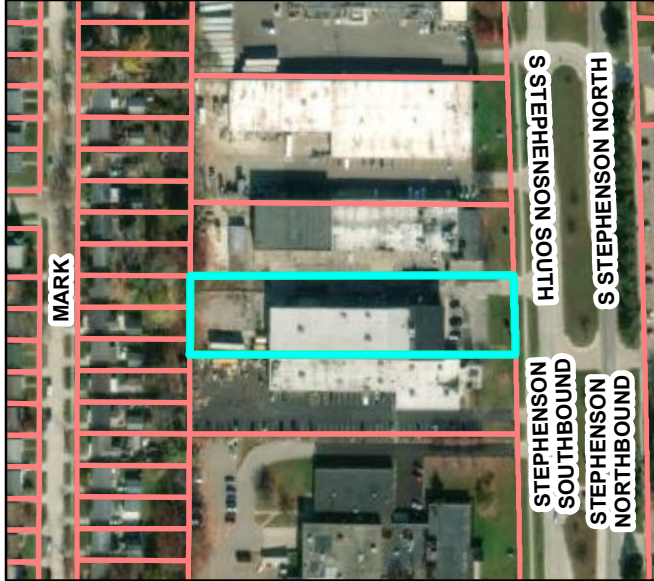


Site Address: 29235 Stephenson Hwy



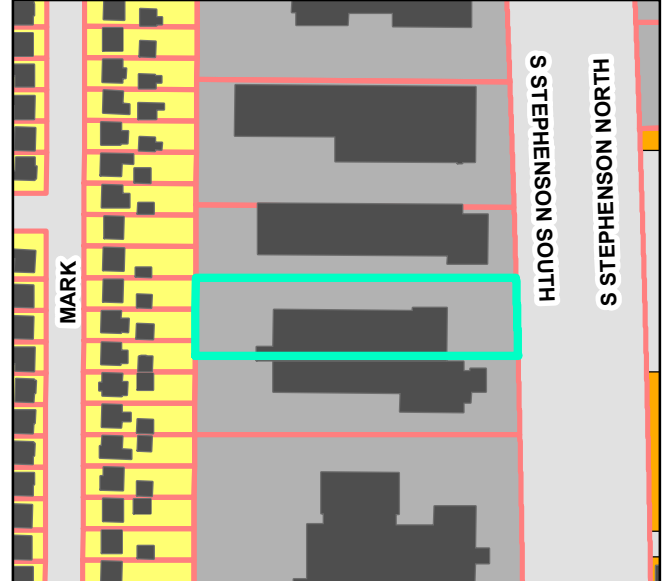
Click for maps

Aerial



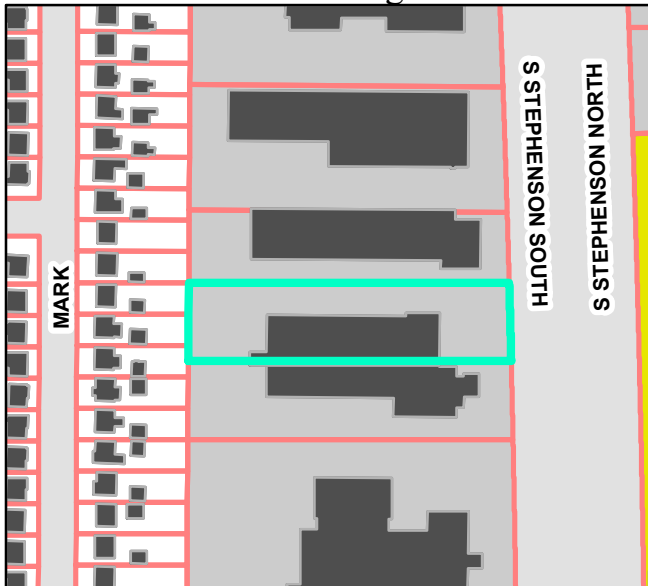
- 29235 Stephenson Hwy
- Parcels

Existing Land Use



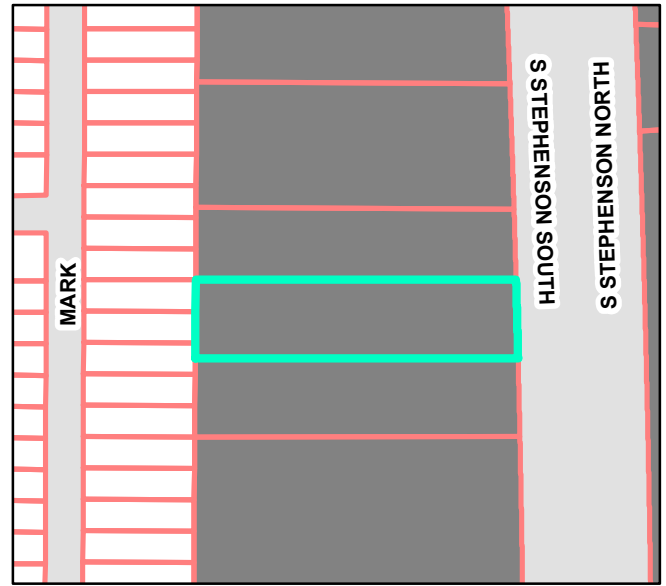
- 29235 Stephenson Hwy
- Parcels
- Single And Two Family
- Buildings
- Mobile Home Park
- Industrial

Zoning



- 29235 Stephenson Hwy
- Parcels
- M-1 Light Industrial
- Buildings
- R-3 Residential

Future Land Use



- 29235 Stephenson Hwy
- Parcels
- Single Family
- Industrial

Item 2.





CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Item 2.

Application No.:

PZBA 23-0001

Date Filed:

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Kirk Neal
Address: 343 Cove View Dr
City: Waterford Twp State: Mi Zip: 48327
Telephone: (248) 842-4096 Fax: _____
Email: kirk@2spsports.com
2. **Petitioner's Interest in Property:** Company General Manager
3. **Property Owner:** (Attach list if more than one owner)
Name: TJ Property Management LLC (Joseph Neal Owner)
Address (Street): 29235 Stephenson Hwy
City: Madison Heights State: _____ Zip: _____
Telephone: (248) 842-4096 (248) 397-8945
Email: kirk@2spsports.com
4. **Property Description:**
Address: 29235 Stephenson Hwy
Tax Parcel #: 44 -25 - 11 - 376 -022
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: _____
Subdivision name: _____
Lot size: 1.72 acres
Size of proposed building or addition: 100ft deep x 80ft wide
5. **Present Zoning of Property:** M1 **Present Use:** Athletic Training Center
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
addition to existing building with a 20ft setback Variance

Contrary to the requirements of Section(s) sec 10.401 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 ☒ not by us

(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 Kirk NealPrinted Name Kirk NealDate April 28, 2023**FOR THE APPLICANT IF NOT THE OWNER:**Signature Joseph NealPrinted Name Joseph NealDate April 28, 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. _____

TJ PROPERTY MANAGEMENT LLC

A STRICTLY 2SP LLC COMPANY

29235 STEPHENSON HWY

MADISON HEIGHTS, MI 48071-2300

(248) 397-8945

ZONING BOARD

CITY OF MADISON HEIGHTS

300 13 MILE RD


MADISON HEIGHTS, MI 48071

TO THE BOARD:

THE FOLLOWING ARE ANSWERS TO THE QUESTIONS FOR OUR ZONING BOARD OF APPLICATION

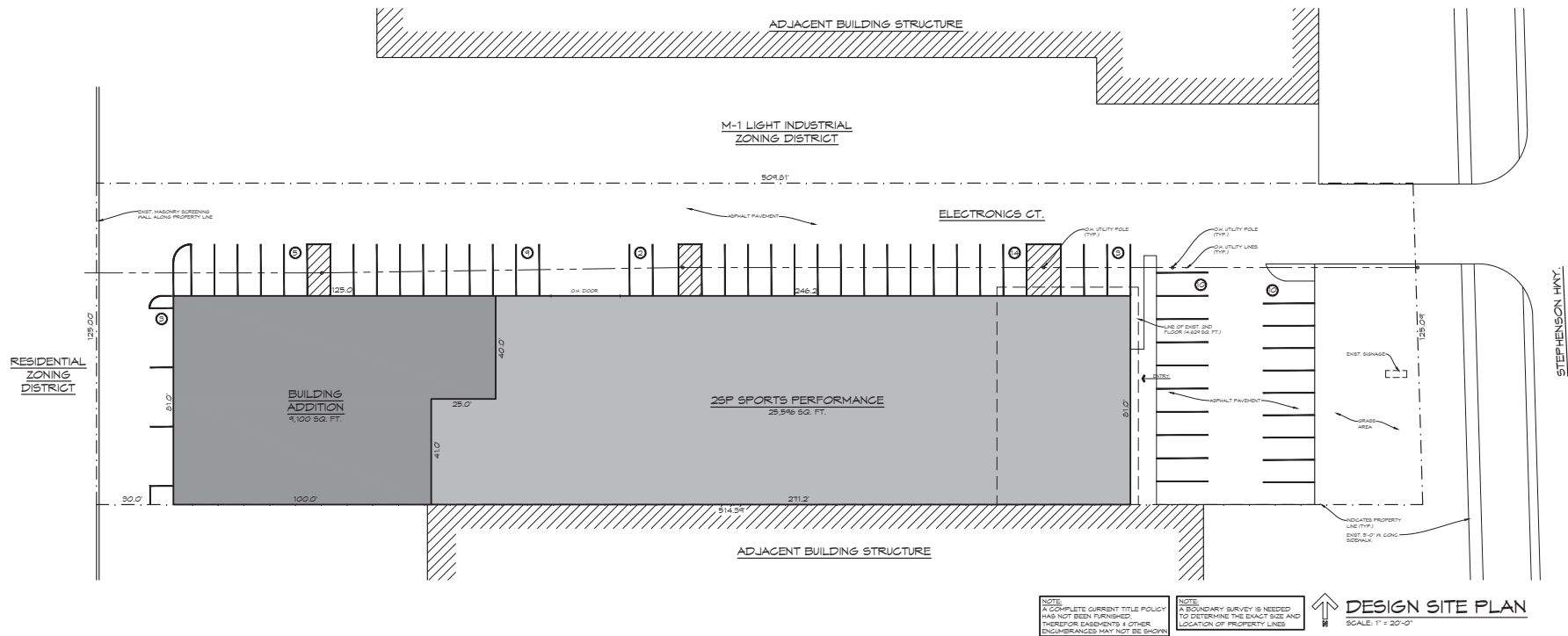
- A. WE ARE ASKING FOR A VARIANCE OF 20 FEET OF THE 50 FOOT SETBACK RULE FOR M1 TO RESIDENTIAL AREAS (SEC 10.401) OF THE ZONING ORDINANCE
- B. ALTHOUGH OUR BUILDING IS NOT SPECIAL COMPARED TO OTHERS ALONG OUR STRETCH OF STEPHENSON HWY (WEST SIDE BETWEEN 12 MILE RD & WHITCOMB) THERE ARE SEVERAL BUILDINGS WHICH CURRENTLY ARE SETBACK FUTHER THAN THE ORDINANCE ALLOWS. INCLUDING: 29787 (M1), 30545 (M1), 30671 (B1), 30775 30781 30785 (B1), 31051 (M1), 31465 (M1)
- C. TJ AND 2SP DO NOT FEEL DEPRIVED OF RIGHTS, BECAUSE IT IS OUR RIGHT TO ASK FOR THIS VARIANCE AS IT IS WITH OTHERS.
- D. OUR ACTIONS HAVE MADE IT NECESSARY TO EXPAND OUR FACILITY TO MEET THE NEEDS OF OUR BUSINESS. ALSO, OURS IS A SINGLE SPAN BUILDING WHICH IS RARE IN MADISON HEIGHTS. THE ADDITION WILL BE SINGLE-SPAN AS WELL AS THE CURRENT BUILDING.
- E. WE WILL CONTINUE TO RUN OUR BUSINESS HERE. HOWEVER, WITHOUT THIS VARIANCE THE BUILDABLE SPACE WOULD NOT MEET OUR SIZE REQUIREMENTS NOR WOULD IT BE ECONOMICALLY FESABILE TO BUILD HERE. WE HAVE EXPLORED LOOKING IN MADISON HEIGHTS FOR AN ADDITIONAL BUILDING THAT MEETS OUR SINGLE-SPAN REQUIREMENTS TO NO AVAIL.
- F. YES, GRANTING THE VARIANCE WOULD CHANGE THE CARACTER OF THE AREA, FOR THE BETTER. DIRECTLY BEHIND THE BUILDING WILL BE IMPROVED TO LOOK FINISHED AND CLEAN.

NOTE: TJ AND 2SP HAVE BEEN IN MADISON HEIGHTS SINCE 2008. WILL MEET ALL BUILDING CODE REQUIREMENTS AND WILL BE OFFERING LANDSCAPING AS DESIRED BY THE CITY AND OUR IMMEDIATE RESIDENTIAL NEIGHBORS. (29214,29224, & 29234 MARK AVE)

AERIAL MAP: NO SCALE 		PROJECT DATA: PROJECT NAME: 25P SPORTS PERFORMANCE APPLICANT INFO: 25P SPORTS PERFORMANCE, LLC 29295 STEPHENSON HWY. MADISON HEIGHTS, MI 48071 APPLICANT REPRESENTATIVE: KIRK NEAL 248-342-4258 SITE ZONING: M-1 LIGHT INDUSTRIAL SPACE USE: SPORTS TRAINING FACILITY SITE AREA: 63,940 SQ. FT. (1.47 ACRES) BUILDING SIZE: 29,596 SQ. FT. PROPOSED BUILDING ADDITION: 9,100 SQ. FT. TOTAL PROPOSED BUILDING AREA: 54,696 SQ. FT. MAXIMUM BUILDING HEIGHT: 40'-0" FRONT SETBACK: 50'-0" REAR SETBACK: 30'-0" (AS/VS RESIDENTIAL) SIDE YARD SETBACK: 20'-0" (ONE MINIMUM)
		PROPERTY DESCRIPTION: PRM: 44-29-11-378-022 LAND IN THE CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 11 EAST, DESCRIBED AS: THE SOUTH 128 FEET OF THE NORTH 480 FEET OF THE FOLLOWING DESCRIBED PARCEL, BEGINNING AT A POINT DISTANT SOUTH 63 DEGREES 55 MINUTES 10 SECONDS WEST 126.11 FEET AND NORTH 00 DEGREES 49 MINUTES 00 SECONDS WEST 224.42 FEET FROM THE SOUTH 1/4 CORNER, THENCE NORTH 00 DEGREES 49 MINUTES 00 SECONDS WEST 193.09 FEET, THENCE NORTH 34 DEGREES 18 MINUTES 00 SECONDS EAST 498.30 FEET TO THE WEST RIGHT-OF-WAY LINE OF STEPHENSON HWY., THENCE ALONG A CURVE TO THE RIGHT, RADIUS 360.98 FEET, CHORD BEARS SOUTH 02 DEGREES 58 MINUTES 00 SECONDS EAST 791.10 FEET, DISTANCE OF 791.14 FEET, THENCE SOUTH 02 DEGREES, THENCE SOUTH 02 DEGREES 19 MINUTES 10 SECONDS EAST 340.24 FEET, THENCE SOUTH 04 MINUTES 00 SECONDS WEST 114.49 FEET, THENCE SOUTH 81 DEGREES 30 MINUTES 30 SECONDS WEST 491.79 FEET TO THE POINT OF BEGINNING.
		PARKING CALCULATIONS: INDOOR RECREATIONAL FACILITY: 55 SPACES PROPOSED/PROVIDED TO BE DETERMINED BY THE SITE PLAN REVIEW COMMITTEE BASED ON PARKING DEMAND DATA PROVIDED BY THE APPLICANT.

- ☒ PRELIMINARY
☐ CLIENT APPROVAL
☐ BIDDING
☐ PERMIT
☐ CONSTRUCTION
☐ REVISIONS

04/19/2025



PROJECT LOCATION
25P SPORTS PERFORMANCE, LLC BUILDING ADDITION
 29295 STEPHENSON HWY.
 MADISON HEIGHTS, MI 48071

DRAWING TITLE:
 DESIGN SITE PLAN

VARIANCE REQUESTED:
 30' REAR YARD SETBACK - 20' VARIANCE

DRAWN: RZ
 CHECKED: SCD/JNM
 APPROVED: SCD/JNM

DO NOT SCALE THIS PRINT
USE FIGURED DIMENSIONS ONLY

PROJECT NUMBER: D10240323
 SHEET NUMBER: DD-1

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, June 1st, 2023 at 7:30 p.m.** to consider the following requests:

Item 2.

1. Case # PZBA 23-06: 29235 Stephenson Highway

REQUEST: The applicant, Kirk Neal on behalf of 2SP Sports Performance, requests a dimensional variance from Section 10.401 of the Zoning Ordinance to permit a building expansion within fifty (50) feet of a residential zoning district.

The subject property is located at 29235 Stephenson Highway (tax parcel # 44-25-11-376-022) and is zoned M-1, Light Industrial.

2. Case # PZBA 23-07: 1100 E. Mandoline Avenue

REQUEST: The applicant, Tom Paglia on behalf of The Ford Building, Inc., requests two (2) dimensional 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 pertaining to fencing in an industrial district. The variances pertain to a proposed transportation fleet vehicle storage area.

The subject property is located at 1100 E. Mandoline Avenue (tax parcel # 44-25-01-251-022) and is zoned M-1, Light Industrial.

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

Date: May 25th, 2023
 To: City of Madison Heights Zoning Board of Appeals
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Fleet Vehicle Storage Screening Variance and Fence Setback Variance
 PZBA 23-07: 1100 E. Mandoline Avenue

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.

1100 E. Mandoline Ave.: Proposed School Bus Storage Area (white dashed line)



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.

Proposed Fleet Vehicle Storage Area (looking north along Milton Avenue)



Proposed Fleet Vehicle Storage Area (looking south along Milton Avenue)



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 hug 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.

ZBA ACTION

Any ZBA motion should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. 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.

CODE REFERENCES

Sec. 10.505(C)(3) – Parking Requirements - Fleet and Company Vehicles

For the purposes of this section, fleet and company vehicles shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors and may also include taxicabs and other rental passenger vehicles.

- a. Such vehicles which are over eight feet in width and/or 19 feet in length shall not be located in the front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. Such vehicles shall be parked or stored in areas designated for such purpose on an approved site plan to the rear or interior side of the principal building when not in use or during non-business hours.*
- b. 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 the welfare of the surrounding area.*
- c. Parking or storage areas for such vehicles shall be hard surfaced, paved with asphalt or concrete. Such areas shall comply with all applicable standards for regular parking areas, unless otherwise approved by the approving body.*
- d. Such parking shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in section 10.510,*

landscape and screening, may be permitted if the subject property is surrounded by similar non-residential uses.

Sec. 10.516(j)(2) – Fences – Industrial or business zoned property.

(2) Location:

- a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not occupy any required front setback and must be five feet setback from any right-of-way property line.*

Sec. 10.804. - Power of zoning board of appeals.

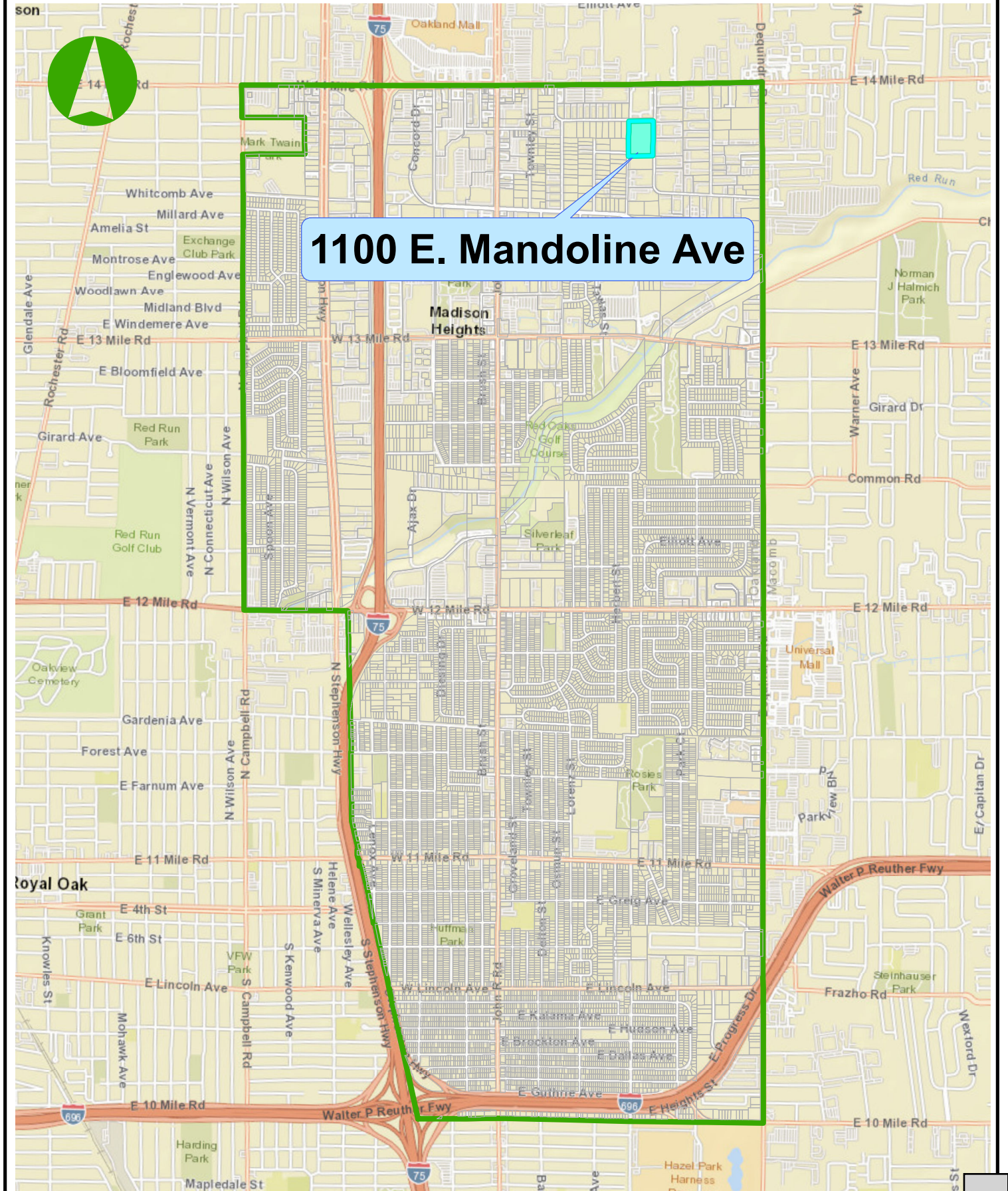
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Sec. 10.805. - Standards.

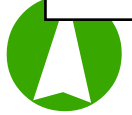
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- 1) The location and size of the use.*
- 2) The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) Its size, layout and its relation to pedestrian and vehicular traffic to and from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

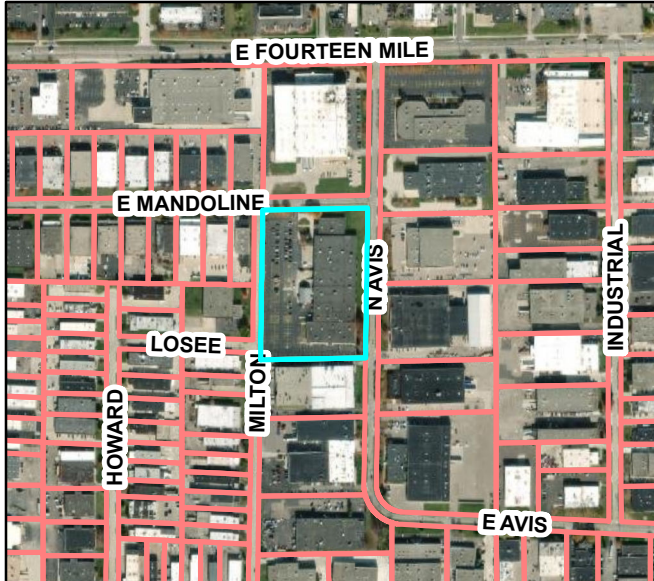


Site Address: 1100 E Mandoline Avenue



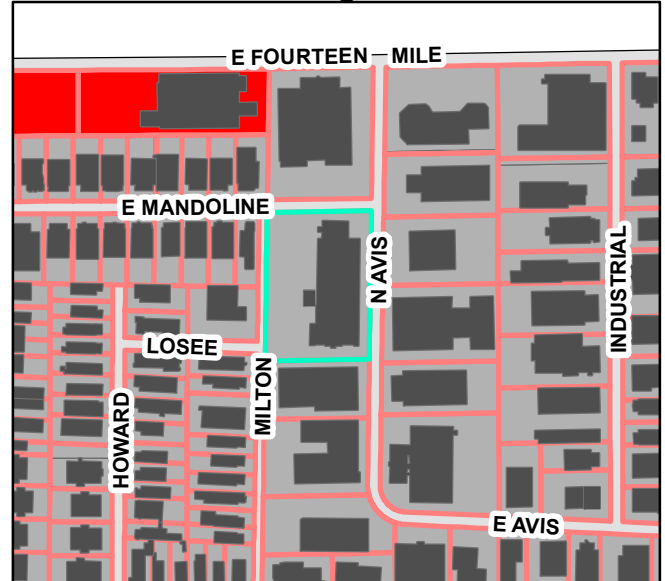
Click for maps

Aerial



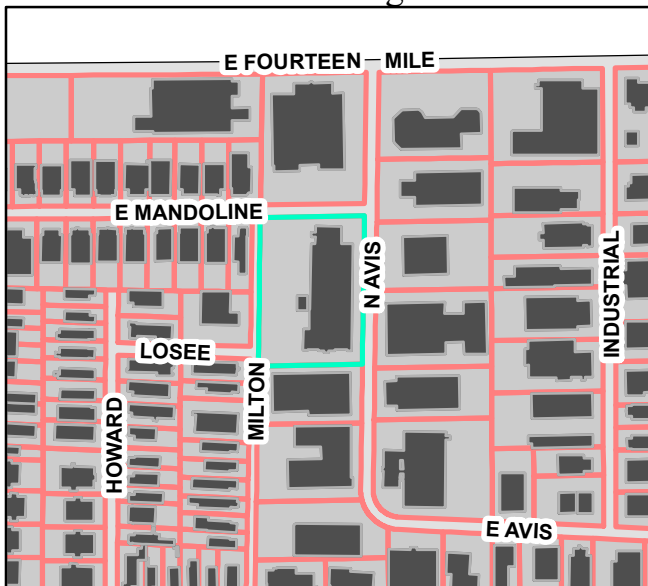
- 1100 E. Mandoline Avenue
- Parcels

Existing Land Use



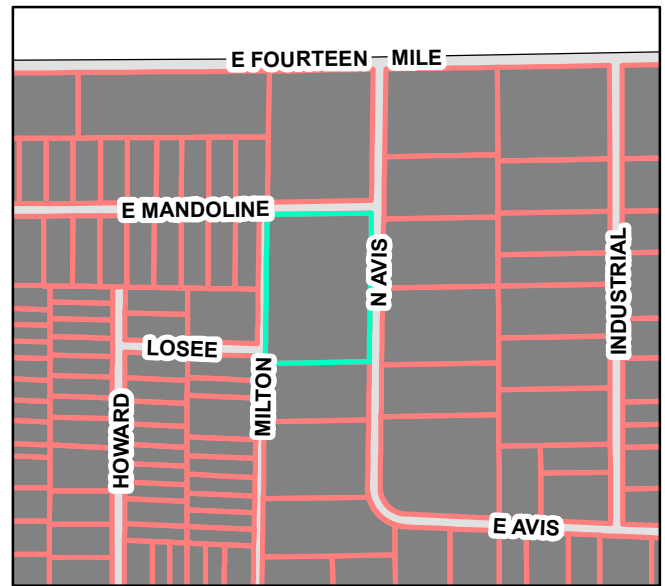
- 1100 E. Mandoline Avenue
- Commercial
- Buildings
- Industrial
- Parcels

Zoning



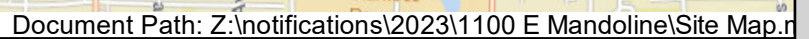
- 1100 E. Mandoline Ave
- M-1 Light Industrial
- Buildings
- Parcels

Future Land Use



- 1100 E. Mandoline Ave
- Industrial
- Parcels

Item 3.





CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

PZBA23-0007

Date Filed:

5-1-23

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Tom Paglia, The Ford Building, Inc. (Owner)
Address: 18301 Eight Mile, Ste 100
City: Eastpointe State: MI Zip: 48021
Telephone: 313-318-0502 Fax: 586-879-0716
Email: atpaglia@gmail.com
2. **Petitioner's Interest in Property:** Owner
3. **Property Owner:** (Attach list if more than one owner)
Name: The Ford Building, Inc.
Address (Street): 18301 Eight Mile, Ste 100
City: Eastpointe State: MI Zip: 48021
Telephone: 313-318-0502
Email: atpaglia@gmail.com
4. **Property Description:**
Address: 1100 E Mandoline, Madison Heights, MI 48
Tax Parcel #: 44-25-01-251022
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: 150-156
Subdivision name: Sec 1 Leho Industrial Acres No 6 L
Lot size: 16.396 acres
Size of proposed building or addition: none
5. **Present Zoning of Property:** M-1 LT **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
an existing fence to be used without a 5' setback and without a screen for bus storage *gc*

Contrary to the requirements of Section(s) 10.516(j)(2) of the Zoning Ordinance
10.505(c)(3) 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

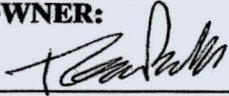
Application No.:

P2BA23-0007

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 Tom Paglia, The Ford BuildiDate 4/30/23**FOR THE APPLICANT IF NOT THE OWNER:**

Signature

Printed Name

Date

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:

\$

700

APPROVED:

PAID:

5-1-23

DENIED:

RECEIPT NO.

115912 & 115913

THE FORD BUILDING, INC.

18301 EIGHT MILE, SUITE 100
EASTPOINTE, MI 48021
PHONE: (586) 756-1100 · FAX: (586) 879-0716

April 30, 2023

Zoning Board of Appeals
Community Development Department
City of Madison Heights
300 W. Thirteen Mile Road
Madison Heights, MI 48170

RE: 1100 E Mandoline, Madison Heights – Zoning Board of Appeals – Variance Request – Variance of Fence Setback and Screening

Dear Zoning Board of Appeals:

This letter is written in support of our application to the Board of Zoning Appeals for a Variance.

Variance Request of 10.516(j)(2):

A. Explain the Variance:

Since COVID-19, the occupancy at 1100 Mandoline has fallen over 20% due to decreased demand for office space and for renting space in general.

Section 10.516(j)(2) requires that fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, must be five (5) feet setback from the property line.

We have an existing fence at 1100 E Mandoline, Madison Heights on the south property line separating our property from our neighbor to the south. We also have a fence on the west property line which is adjacent to Milton Avenue. The property along the fencing is presently and historically has been used for parking without any property set back, as shown on the attached drawing and photos.

We have an opportunity to enter into a lease with a new tenant, which would increase our occupancy by 10%. The new tenant would continue to use the property adjacent to the fencing for parking of its commercial vehicles. Specifically the new tenant would park school buses along the property's southwest fence line.

We respectfully request a variance from the five foot setback requirement so that we can continue to use the property for parking with fencing located on the property line consistent with our present and historic use. The strict enforcement of the ordinance creates numerous practical difficulties given the property's current fence and asphalt installations. (The permitted use of this area of the

property, as parking, is unreasonably prevented by the implementation of this ordinance to the existing fence and fence line.) By permitting the variance and a relaxation of the ordinance standard to this property, it would provide substantial justice to the landowner and neighbors by allowing the parking lot and the vacant space in the building to be utilized rather than remain vacant and become a strain on an otherwise good area of Madison Heights.

Granting the variance would not deprive adjacent properties of adequate light and air or cause any additional danger of fire or to public safety.

Granting the variance would actually increase the property values in the area because the vacant space at the property would be occupied

The current installation of the fence on the property line is unique to the block that it is situated on and there are other properties that have parking lots installed right to the street without any setback.

The variance should be granted so that any required fencing can be permitted to remain in its present location on the property line without the five (5) foot setback.

B. Explain the Special Circumstances:

The property is a large parcel with a large parking lot in an industrial area, entirely surrounded by industrial facilities at which there are numerous large trucks constantly moving in and out of. Some of the parcels/other businesses in the area, including UPS, WOW!, Cintas, ADT Security, Air Center, Aero Filter, and the nearby Carpet Guys store trucks or vehicles on site as well.

Other properties in the neighborhood have existing parking lots that abut streets without the five foot setback (see attached photo of neighbor south on Milton St).

C. Explain Why Literal Interpretation of Provisions Deprive You of Rights:

The five (5) foot setback requirement would deprive the owner of the use of five feet along the entire length of the property line without compensation. In essence it would be tantamount to an unlawful taking without a condemnation proceeding.

D. Did the special circumstances result from your actions?

We have not created any conditions which necessitates our need for this variance. We desire to maintain an occupied, safe property that can attract so that we can continue to be a good corporate citizen and pay our bills.

The building's occupancy has suffered since COVID and this minor variance to waive the five (5) foot setback, would help secure a new tenant and business for the city.

E. Can the Property Be Used in a Matter Permitted if the Variance is Not Granted?

If the variance is not granted, a large portion of the property consisting of a five foot section along its border cannot be used.

F. Will Granting the Variance Change the Character of the Area?

The area is an industrial subdivision with large warehouses and factories and large parking lots including commercial vehicles and plenty of chain link fences on property lines. Granting the variance, to waive the required five (5) foot setback would not change the character of the area in any way.

Variance Request of 10.505(c)(3):

A. Explain the Variance:

Section 10.505(c)(3) requires that parking for fleet and company vehicles shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. A fence or alternative screening options shall comply with related standards in section 10.510.

We request that the existing fence be deemed appropriate screening and any other requirements of the Ordinance be waived.

B. Explain the Special Circumstances:

The property is a large parcel with a large parking lot in an industrial area, entirely surrounded by industrial facilities at which there are numerous large trucks constantly moving in and out of. Nearly all of these other properties have chain link fences as barriers along property lines of both city streets and other properties. Some of these parcels/other businesses, including UPS, WOW!, Cintas, ADT Security, Air Center, Aero Filter, and the nearby Carpet Guys store trucks or vehicles on site as well. None of these businesses were noted to have screening of their company or fleet vehicle parking as shown in the attached photos.

We request a variance so that the existing chain link fence be deemed a sufficient "screened" barrier under the terms of the ordinance.

C. Explain Why Literal Interpretation of Provisions Deprive You of Rights:

The property is located in an industrial subdivision with many different types of businesses that store company vehicles. A majority of those businesses and properties are separated by unscreened chain link fences. Our existing chain link fence should be viewed as a sufficient "screened" barrier between the property and the neighboring properties and city street.

The current chain link fence is used generally throughout the industrial neighborhood and has been deemed as a sufficient "screen" for many years. If the ordinance is strictly enforced, the cost of installing "screening" may be excessive to the point that it will prohibit us from entering into a new lease.

D. Did the special circumstances result from your actions?

We did not create any special circumstances which would create the need for the variance requested. The special circumstances of this request, namely the owner's desire for a determination that the existing chain link fence at the property be deemed a sufficient "screened" barrier under the terms of the ordinance for company vehicle

parking, are a result of the city's requirements for the proposed new tenant's use at the property.

We wish to maintain an occupied, safe property that can attract tenants and continue to pay its bills. The building's occupancy has suffered since COVID and this minor variance request, namely a determination that the existing chain link fence at the property be deemed a sufficient "screened" barrier under the terms of the ordinance for company vehicle parking, would help secure a new tenant and business for the area rather than the building space remaining vacant.

E. Can the Property Be Used in a Matter Permitted if the Variance is Not Granted?

If strict adherence to the ordinance is required, the cost to comply would likely exceed \$30,000 and would most likely squash any proposed lease with the proposed tenant. If the variance is not granted, it is likely that the tenant will not lease at the Property and the Property would remain vacant.

F. Will Granting the Variance Change the Character of the Area?

The area is an industrial subdivision with large warehouses and factories where large vehicles are stored with unscreened chain link fences like ours (as shown on the attached photos). For example UPS, WOW!, Cintas, ADT Security, Air Center, Aero Filter that park company vehicles without any screening other than a chain link fence.


Granting the variance for an existing chain link fence to remain and be deemed sufficient as screening would not change the character of the area in any way.

In the event the Board does not grant our request to waive the screening, in the minimum we request that we may be permitted to install fiberglass or plastic suitable material on the exterior of the existing fence as permissible screening.

Thank you and please feel free to contact me with any questions at 313 318 0502 or atpaglia@gmail.com ,

Sincerely,

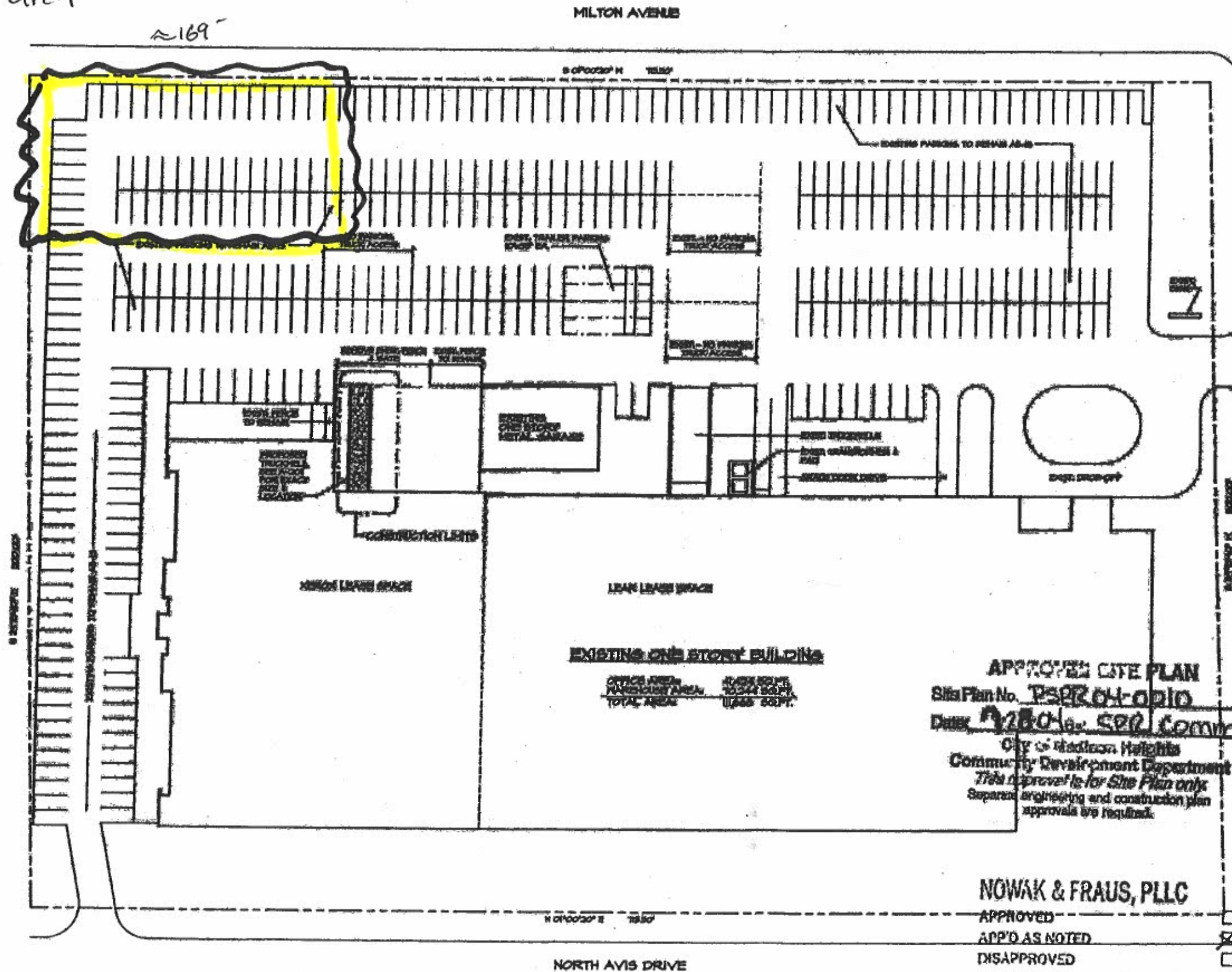
The Ford Building, Inc.

By: 
Tom Paglia, Vice President

- 1100 E. Mandoline

Proposed company vehicle parking area

≈ 169'
≈ 93'

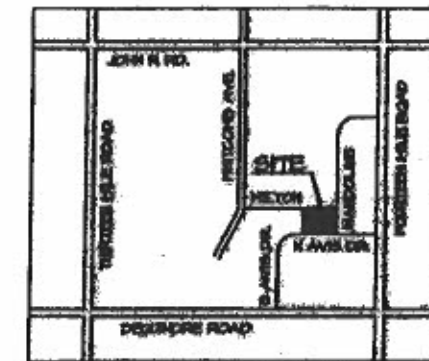


APPROVED SITE PLAN
Site Plan No. PSR-04-010
DATE 7/28/04
City of Madison Heights
Community Development Department
This approval is for Site Plan only.
Separate engineering and construction plan
approvals are required.

NOWAK & FRAUS, PLLC

APPROVED
APP'D AS NOTED
DISAPPROVED
RESUBMIT
CK'D BY [Signature]
DATE 09/14/04

ARCHITECTURAL SITE PLAN
SCALE 1" = 30'-0"



LOCATION MAP

LEGAL DESCRIPTION

LOT 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 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Tom Paglia <atpaglia@gmail.com>

Photos of SW Corner of 1100 Mandoline

Tom Paglia <atpaglia@gmail.com>
To: "A. Paglia III" <atpaglia@gmail.com>

Mon, May 1, 2023 at 10:20 AM

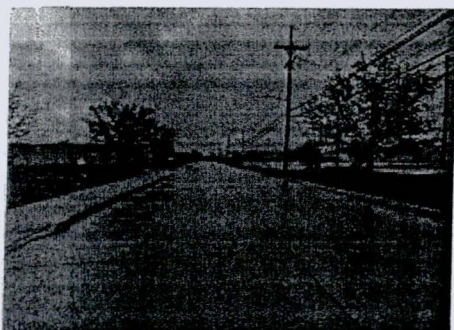
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6 attachments

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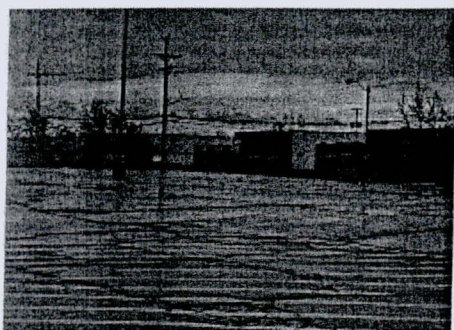
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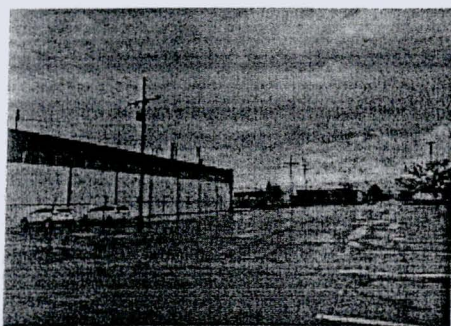
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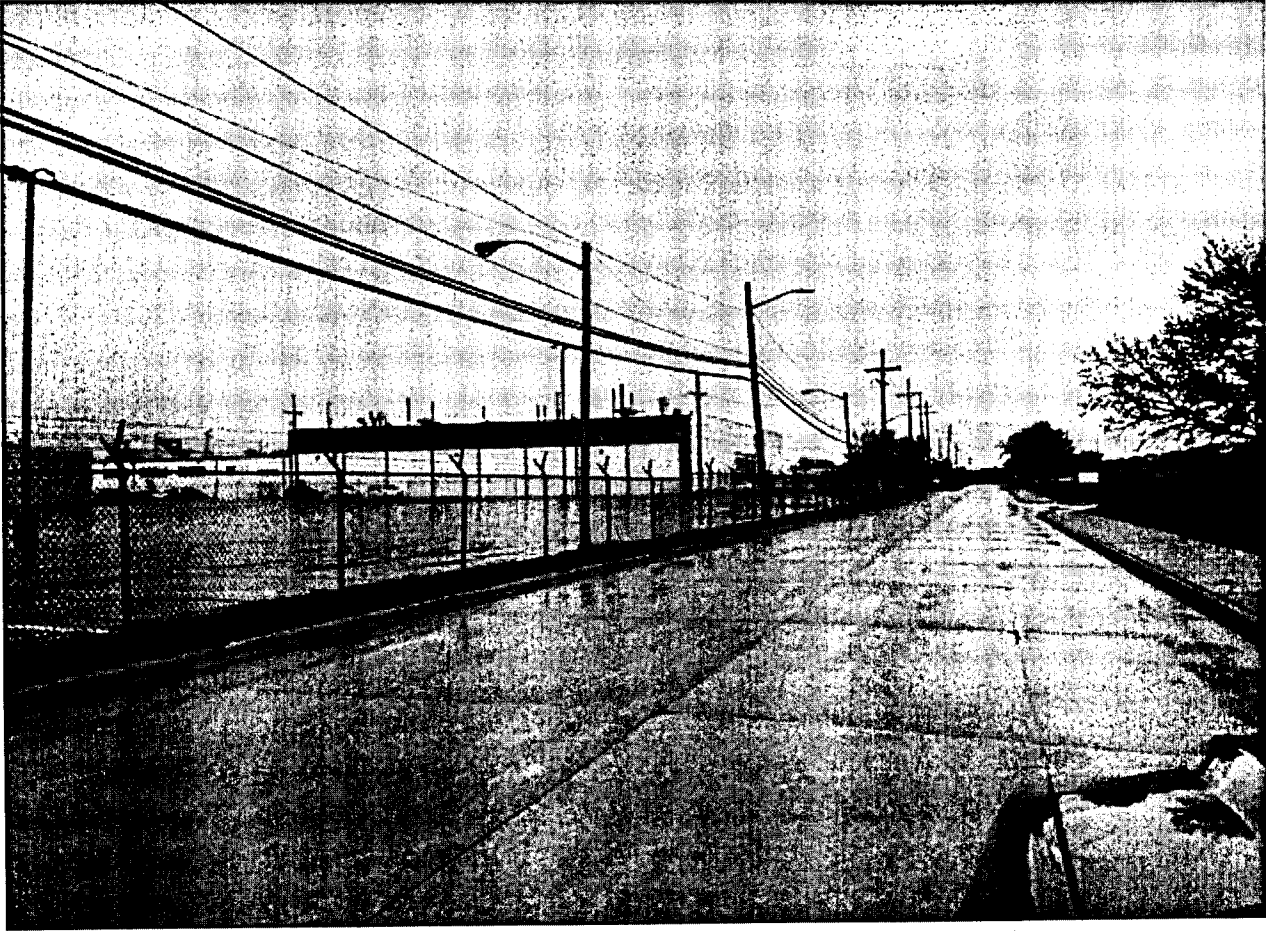
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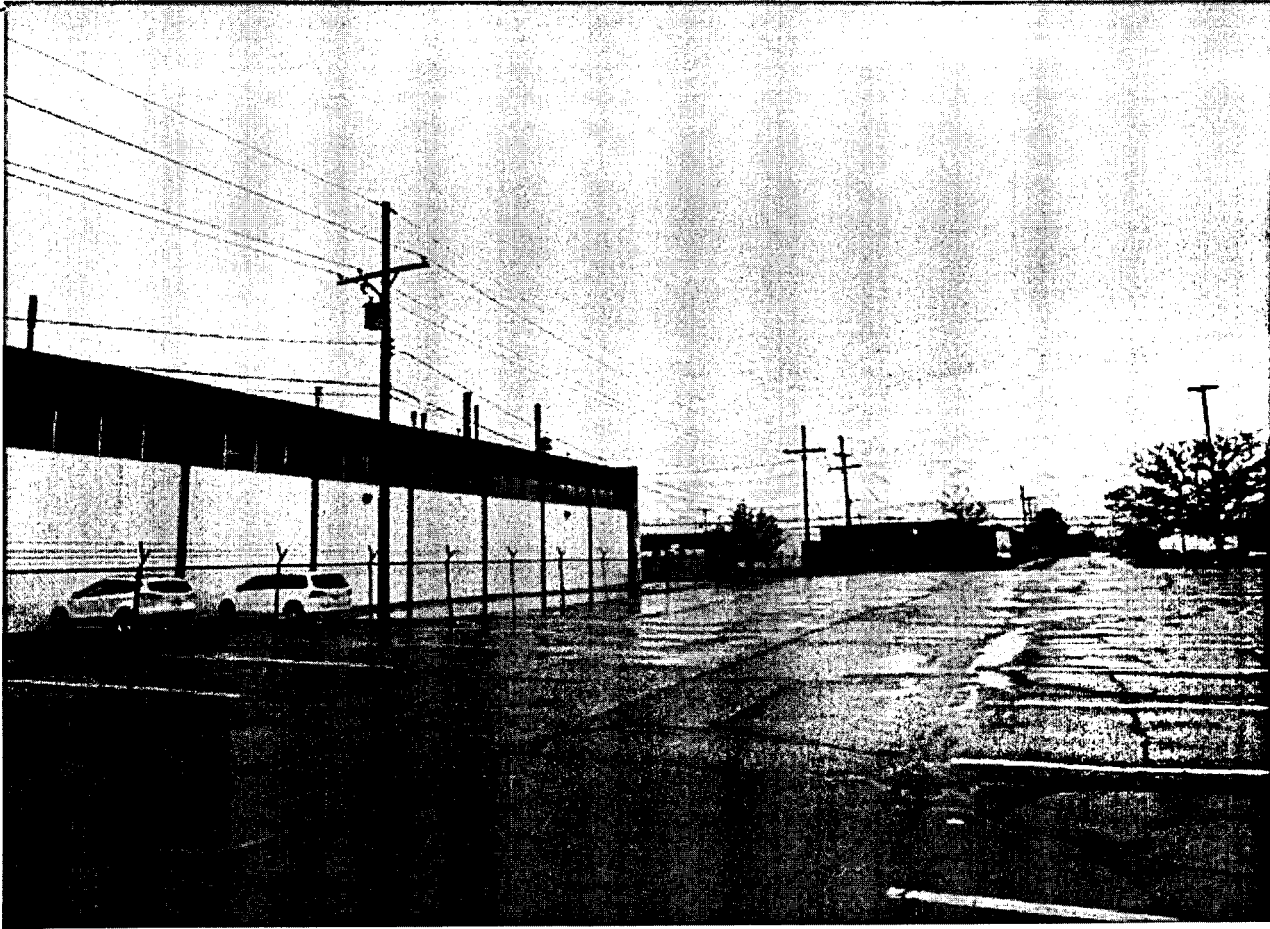


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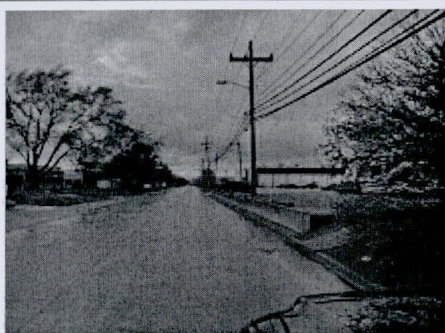
Tom Paglia <atpaglia@gmail.com>

Milton St Looking North Towards 1100 Mandoline

Tom Paglia <atpaglia@gmail.com>
To: "A. Paglia III" <atpaglia@gmail.com>

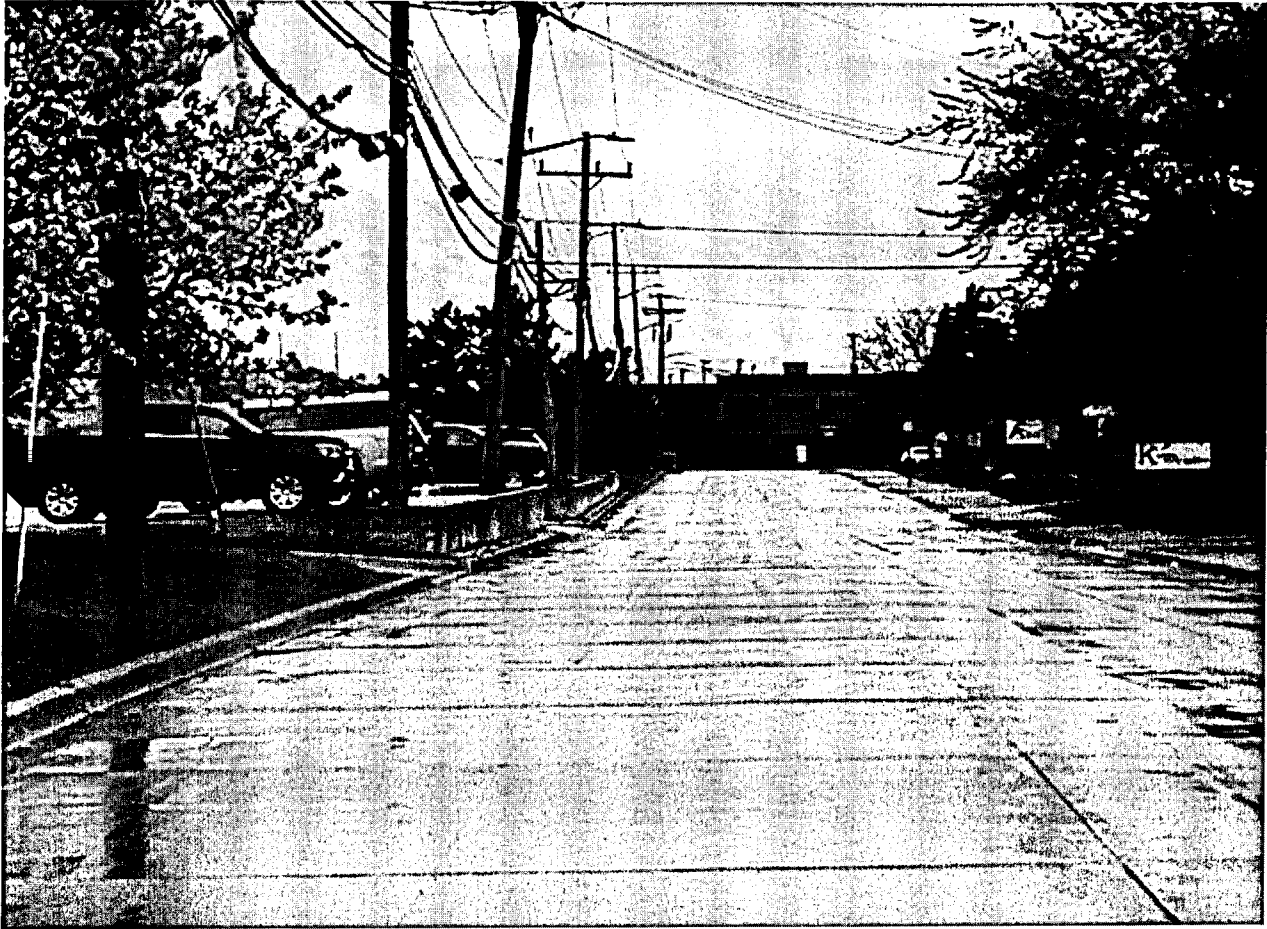
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Tom Paglia <atpaglia@gmail.com>

Company Vehicle Parking

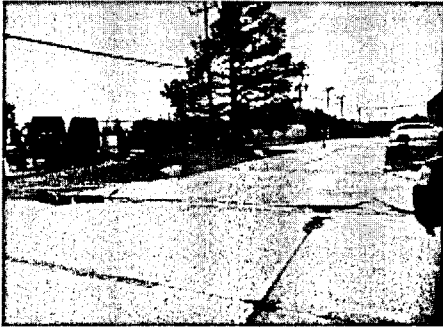
In Area

Tom Paglia <atpaglia@gmail.com>

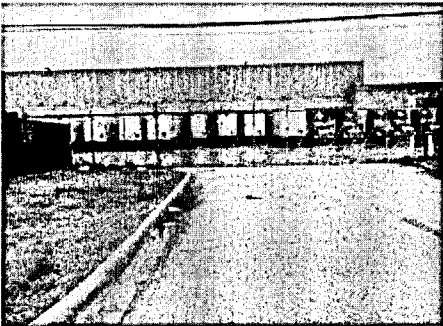
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To: "A. Paglia III" <atpaglia@gmail.com>

12 attachments



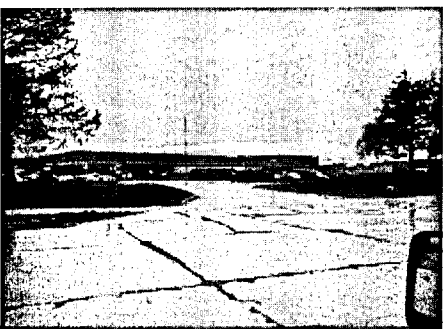
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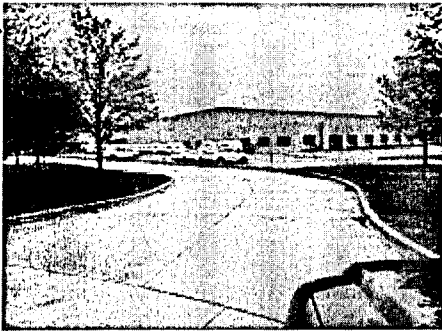
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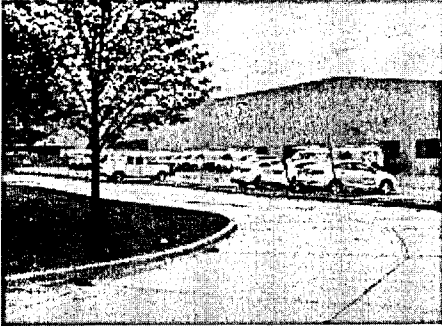
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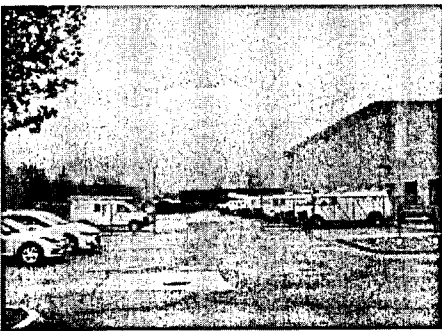
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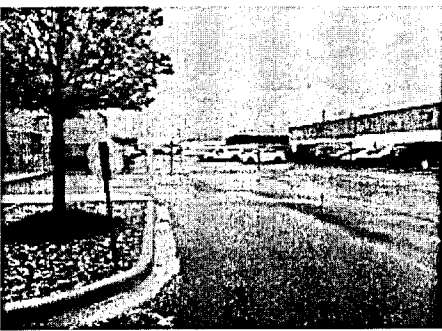
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121K



IMG_8723.jpg
86K



IMG_8724.jpg
158K



UPS



WPS



Wow!



Wow!



Aero Filter



ADT Security

Estimated Budget**Property Information:**

1100 1st Mandoline Avenue
Madison Heights, MI 48071

Contact Information:

Tom Pylia
atpagk@gmail.com
313-3100502

Quote Summary

1 262 LFT

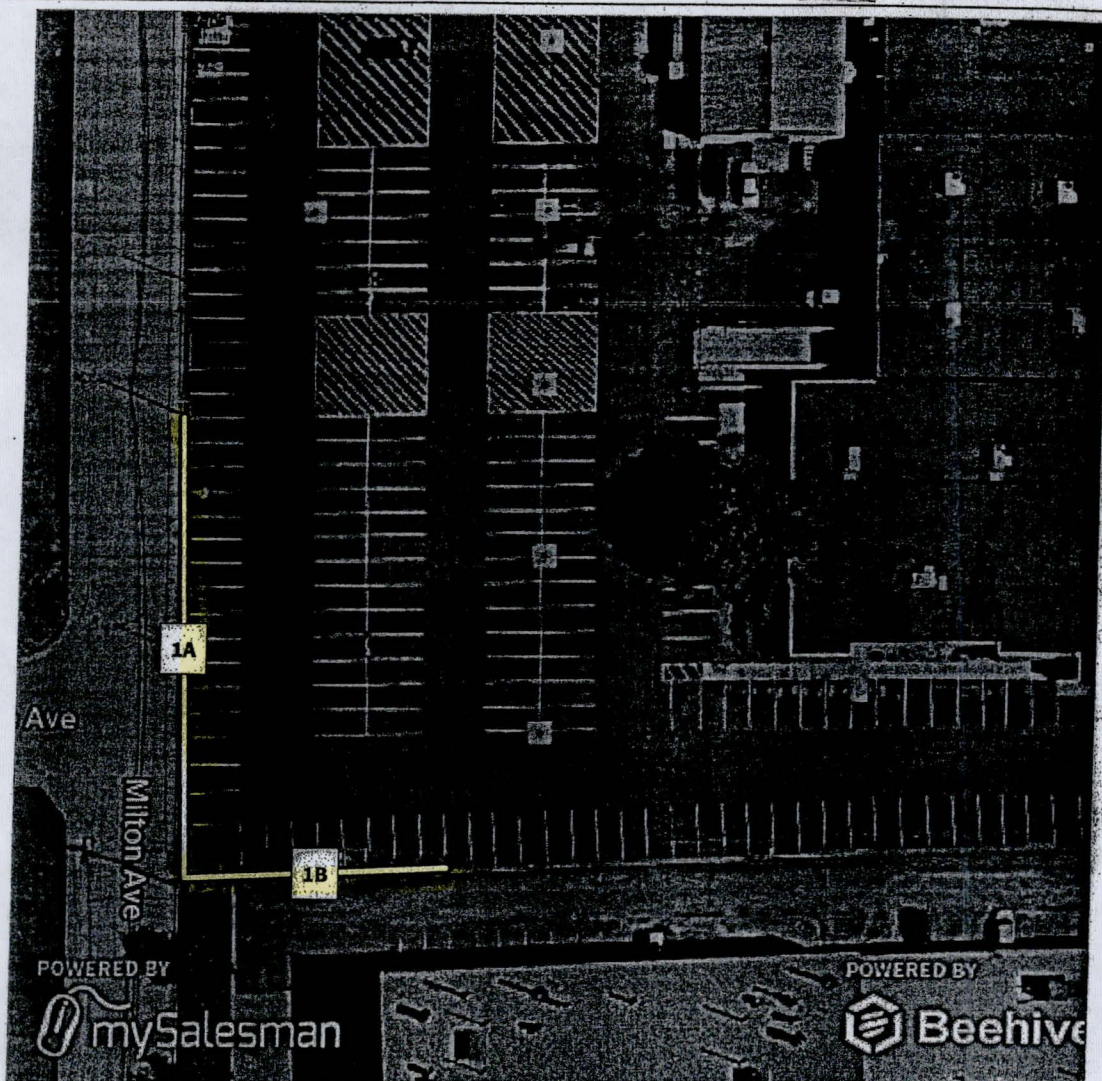
No gates added

Buffed Molded & Extruded PVC,
Chesefield, White (PVC), 6ft

Segment A: 169 LFT

Segment B: 93 LFT

Total Estimate:



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, June 1st, 2023 at 7:30 p.m.** to consider the following requests:

Item 3.

1. Case # PZBA 23-06: 29235 Stephenson Highway

REQUEST: The applicant, Kirk Neal on behalf of 2SP Sports Performance, requests a dimensional variance from Section 10.401 of the Zoning Ordinance to permit a building expansion within fifty (50) feet of a residential zoning district.

The subject property is located at 29235 Stephenson Highway (tax parcel # 44-25-11-376-022) and is zoned M-1, Light Industrial.

2. Case # PZBA 23-07: 1100 E. Mandoline Avenue

REQUEST: The applicant, Tom Paglia on behalf of The Ford Building, Inc., requests two (2) dimensional 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 pertaining to fencing in an industrial district. The variances pertain to a proposed transportation fleet vehicle storage area.

The subject property is located at 1100 E. Mandoline Avenue (tax parcel # 44-25-01-251-022) and is zoned M-1, Light Industrial.

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
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