



CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE ROAD
ZONING BOARD OF APPEALS AGENDA
SEPTEMBER 07, 2023 AT 7:30 PM

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

1. August 3rd, 2023 - Regular Meeting Minutes
2. August 17th, 2023 - Special Meeting Minutes

PUBLIC HEARING

3. **PZBA 23-11: 876 Horace Brown Drive**

REQUEST: The petitioner, 876 Horace Brown LLC, requests approval under Section 10.503(6)(c) of the Zoning Ordinance to modify an existing non-conforming use. The petitioner intends to repurpose an existing nonconforming event space into a banquet facility. The subject property is located at 876 Horace Brown Drive (tax parcel # 44-25-11-201-032) and is zoned O-1, Office.

4. **PZBA 23-12: 1044 E. 11 Mile Road**

REQUEST: The petitioner, John Joannidis, requests two (2) dimensional variances from the Zoning Ordinance: (1) A variance from Section 10.504(1)(c) pertaining to required detached accessory building location; and (2) a variance from Section 10.504(1)(h) pertaining to required detached accessory building setbacks. The subject property is located at 1044 E. 11 Mile Road (tax parcel # 44-25-24-129-036) and is zoned M-1, Light Industrial.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

NEW BUSINESS

ADJOURNMENT

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

Zoning Board of Appeals
Madison Heights, Michigan
August 03, 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, Loranger, Marentette, and Oglesby

Absent: Kehoe

23-27 Minutes.

Motion by Mr. Oglesby, seconded by Ms. Marentette, to approve the Zoning Board of Appeals Meeting Minutes of June 1, 2023.

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

Nays: None

Absent: Kehoe

Motion Carried.

23-28 PZBA 23-08: 1485 W. 14 Mile Road.

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

John Haddad, President of Spectrum Neon, introduced Mr. Kevin Denha who is one of the co-owners of 1485 W. 14 Mile Road.

Kevin Denha, co-owner of 1485 W. 14 Mile Road, is requesting sign variances for the corner sign at 14 Mile Road and Campbell and the entrance sign on 14 Mile Road. The corner sign at 14 Mile Road and Campbell will be 14-ft. in height and 125 sq. ft. in width. The entrance sign on 14 Mile Road will be 12-ft. in height and 105 sq. ft. in width. The new signs will have 20 or more panels each and the digital sign on 14 Mile Road will be removed.

Chair Kimble opened the public hearing at 7:35 p.m. to hear comments on application #23-08.

There being no comments on application #23-08, Chair Kimble closed the public hearing at 7:36 p.m.

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

REQUEST

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

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

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

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

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

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

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

Number of Ground Signs Variance

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

in the image on the following page. The new ground signs are proposed in the same locations as the existing signage.

Sign 1 (Corner of 14/Campbell): Height and Area Variances

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

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

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

VARIANCE FINDINGS

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

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

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

- The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- The special conditions and/or circumstances are not a result of the applicant.

- The variance is the minimum variance necessary to provide relief to the applicant.
- In the absence of a variance, the property could not be used in a manner permitted by the Ordinance. Additional variance review criteria are contained in Section 10.805, listed at the end of this report.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

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

Kevin Denha, co-owner of 1485 W. 14 Mile Road, answered the questions from the board members that 17 businesses have committed in which 15 businesses have opened and 2 businesses are pending. There is potential for up to 23 businesses in the Value Center Marketplace.

Variance #1 – Number of Ground Signs

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

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

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

Nays: None

Absent: Kehoe

Motion Carried.

Variance #2 – Ground Sign Height

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

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

This variance is granted with the following conditions:

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

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

Nays: None

Absent: Kehoe

Motion Carried.

Variance #3 – Ground Sign Area

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

1) Section 10.511(IV)(C)(2)(a)4 of the Zoning Ordinance permits ground signs not over sixty (60) square feet in the B-1 Zoning District.

2) Based on exceptional shape or area of the specific piece of property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.

3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.

4) The special conditions and/or circumstances are not a result of the applicant.

5) The variance is the minimum variance necessary to provide relief to the applicant.

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

Nays: None

Absent: Kehoe

Motion Carried.

23-29 PZBA 23-09: 31010 John R Road.

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

Jeff Ukraineec, Vice President of Goodwill Industries of Greater Detroit, is requesting for a 180-foot variance from the Regulated Use residential separation requirement. The Goodwill retail store is classified as a “used good use.”

Chair Kimble opened the public hearing at 8:02 p.m. to hear comments on application #23-09.

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

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

REQUEST

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

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

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

Regulated Uses

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

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

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

VARIANCE FINDINGS

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

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

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

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

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

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

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

Motion by Ms. Holder, seconded by Vice-Chair Thompson, to approve the variance application to permit a used good use, classified as a Regulated Use per Section 10.502[A] of the Zoning Ordinance, at 31010 John R Road within 300 feet of a residentially-zoned and used property, based upon the following findings:

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

4) The special conditions and/or circumstances are not a result of the applicant.

5) The variance is the minimum variance necessary to provide relief to the applicant.

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

Nays: None

Absent: Kehoe

Motion Carried.

23-30 Public Comment: For items not listed on the agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 8:09 p.m. and closed the public comment at 8:10 p.m.

23-31 Special Meeting called for Thursday, August 17th at 7:30 p.m. in Council Chambers.

City Planner Lonnerstater informed the board that the agenda item is the future Jax Kar Wash at 29022 Stephenson Highway.

23-26. Adjournment.

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

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

Nays: None

Absent: Kehoe

Motion Carried.

There being no further business, Chair Kimble, adjourned the meeting at 8:12 p.m.

Phommady A. Boucher
Clerk of the Board

Zoning Board of Appeals Meeting - Special Meeting
Madison Heights, Michigan
August 17, 2023

A Special Meeting of the Madison Heights Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, August 17, 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: Corbett, Holder, and Marentette

Absent: Aaron, Kehoe, Loranger, and Oglesby

23-33 PZBA 23-10: 29022 Stephenson Hwy.

John Gaber, Applicant's attorney, introduced John Zimmerman from Jax Kar Wash and reviewed the requested variances. Jax Kar Wash requests to begin operating at 7:00 a.m. and the proposed hours of operation would be from 7:00 a.m. to 10:00 p.m., daily. His client requests to allow approximately nineteen (19) outdoor vacuum stations adjacent to the auto wash and allow for outdoor hand towel drying. The vacuuming stations will be screened from Stephenson Highway by the auto wash building and screened from Stephenson Highway by a landscape buffer. The motors and mechanical equipment powering the vacuums are proposed to be enclosed within the building. Jax Kar Wash proposes a 10-foot building setback from the southern property line facing W. 12 Mile Road and landscaping between the southern property line and the building. His client intends to install landscape buffers around the edge of the property. All the variances proposed are done so due to practical difficulty and have no adverse impact or detriment to the community or surrounding areas.

Mr. Zimmerman answered the questions from Ms. Marentette that employees will be in the building during hours of operation and when exiting onto Stephenson Hwy. it will be a right turn only.

Chair Kimble opened the public hearing at 7:50 p.m. to hear comments on application #23-10.

There being no comments on application #23-10, Chair Kimble closed the public hearing at 7:51 p.m.

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

REQUEST

The applicant, Todd Gesund on behalf of BMW Kar Wash/Jax Kar Wash, requests four (4) variances from the City's Zoning Ordinance relating to a proposed car wash use. The subject property is located at 29022 Stephenson Highway (tax parcels # 44-25-11-377-015; -016; and -

017) and is zoned B-3, General Business. An existing restaurant building is proposed to be demolished to accommodate the new car wash.

The applicant requests variances from the following sections of the Zoning Ordinance:

- *Section 10.326(8)(c) [Auto Washes]: The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.; and*
- *Section 10.326(8)(d) [Auto Washes]: All buildings to be used in connection with the auto wash shall be located at least 20 feet away from any right-of-way line; and*
- *Section 10.326(8)(i) [Auto Washes]: A chainlink-type fence must be constructed so as to enclose the entire property except drives and areas where screen walls are required, two feet along any street, four feet side and back; and*
- *Section 10.326(8)(q) [Auto Washes]: All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying; and*

City Council approved the special land use request for the car wash at their July 10th, 2023 meeting, with the following condition relating to the ZBA:

- *Resolve site plan deficiencies relating to building setback, hours of operation, chain link fence, and outdoor self-service vacuum bays or seek the appropriate variances from the Zoning Board of Appeals.*

The applicant is not the current property owner. However, the current property owner has signed the ZBA application, as required.

Hours of Operation Variance

Per Section 10.326(8)(c) of the Zoning Ordinance, auto wash uses shall only operate between 8:00 a.m. and 10:00 p.m. The applicant requests a variance of one hour to begin operating at 7:00 a.m. Proposed hours of operation would be from 7:00 a.m. to 10:00 p.m., daily.

Outdoor Vacuuming and Towel-Drying Variance

Per Section 10.326(8)(q) of the Zoning Ordinance, vacuuming areas related to auto wash uses are required to be placed within a building. The applicant requests a variance from this standard to allow approximately nineteen (19) outdoor vacuum stations adjacent to the auto wash and allow for outdoor hand towel drying. Per the site plan and renderings, the vacuuming stations will be screened from Stephenson Highway by the auto wash building and screened from Stephenson Highway by a landscape buffer. The motors and mechanical equipment powering the vacuums are proposed to be enclosed within the building.

Setback Variance

Per Section 10.326(8)(d) of the Zoning Ordinance, all buildings to be used in connection with the auto wash shall be located at least 20 feet away from any right-of-way line. Due to the triangular shape of the property and the width of the I-75/MDOT right-of-way adjacent to the site, the applicant proposes a 10-foot building setback from the southern property line facing W. 12 Mile Road. The large grass lawn adjacent to the property is MDOT right-of-way and is not included within the boundaries of the subject property. The image depicts an existing aerial image of the site and shows the large right-of-way lawn area adjacent to the site. At its shallowest measurement, the property line of the subject site is approximately 32 feet from the edge of the sidewalk adjacent

to W. 12 Mile Road. The applicant proposes landscaping between the southern property line and the building.

Chain Link Fence Variance

Per Section 10.326(8)(i) of the Zoning Ordinance, a chainlink-type fence must be constructed to enclose the entire auto wash property, except drives and areas where screen walls are required, two feet along any street, four feet side and back. In lieu of the chain link fence, the applicant intends to install landscape buffers around the edge of the property.

VARIANCE FINDINGS

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

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

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

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

The complete list of variance review criteria is contained in Section 10.805.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

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

Variance #1 – Hours of Operation

Motion by Ms. Holder, seconded by Ms. Corbett, to approve the variance application for auto wash hours of operation between 7 a.m. and 10 p.m. at the subject property, 29022 Stephenson Highway, after the required public hearing, based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

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

Nays: None

Absent: Aaron, Kehoe, Loranger, and Oglesby

Motion Carried.

Variance #2 – Property Setback

Motion by Ms. Holder, seconded by Vice-Chair Thompson, to approve the variance application for a 10-foot setback from the property line adjacent to W. 12 Mile Road as shown on the conceptual site plan at the subject property, 29022 Stephenson Highway, after the required public hearing, based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The variance request arises from the presence of a unique shape and condition of the subject property; and
 - b. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

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

Nays: None

Absent: Aaron, Kehoe, Loranger, and Oglesby

Motion Carried.

Variance #3 – Chain Link Fence

Motion by Vice-Chair Thompson, seconded by Ms. Marentette, to approve the variance application for landscaping in lieu of the required chain link fence at the subject property, 29022 Stephenson Highway, after the required public hearing, based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - b. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance; and
 - c. The special conditions are not the result of the applicant.

The variance is granted with the following conditions:

- 1) The Landscape Plan submitted with the site plan shall be substantially consistent with the preliminary plans submitted with the Special Approval and ZBA Variance applications, except for any required modifications placed as conditions of approval.

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

Nays: None

Absent: Aaron, Kehoe, Loranger, and Oglesby

Motion Carried.

Variance #4 – Outdoor Vacuuming and Drying

Motion by Ms. Holder, seconded by Ms. Corbett, to approve the variance application for outdoor vacuuming and hand dowl drying at the subject property, 29022 Stephenson Highway, after the required public hearing, based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance. This variance is granted with the following conditions: Vacuums shall be turned off no later than 10 p.m., consistent with the closure of the auto wash tunnel.

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

Nays: None

Absent: Aaron, Kehoe, Loranger, and Oglesby

Motion Carried.

23-34 Adjournment.

Ms. Holder is saddened to hear that Ms. Kehoe has submitted her resignation for the ZBA. She wishes her well and Ms. Kehoe will be missed.

Motion by Ms. Holder, seconded by Vice-Chair Thompson, to adjourn the meeting.

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

Nays: None

Absent: Aaron, Kehoe, Loranger, and Oglesby

Motion Carried.

There being no further business, Chair Kimble, adjourned the meeting at 7:58 p.m.

Phommady A. Boucher
Clerk of the Board



MEMORANDUM

Report Date: September 1st, 2023
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: September 7th, 2023
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Modification of Nonconforming Use – Banquet Hall
 PZBA 23-11; 876 Horace Brown Drive

REQUEST AND BACKGROUND

The applicant, *876 Horace Brown LLC (property owner)*, requests action from the Zoning Board of Appeals under Section 10.503(6)(c) of the Zoning Ordinance to permit the modification of an existing non-conforming event/banquet hall. The subject property is located at 876 Horace Brown Drive (tax parcel # 44-25-11-201-032) and is zoned O-1, Office.

The subject property is located on the south side of Horace Brown Drive, west of Barrington Street, and is improved with a 40,000 square foot office building which includes a 12,000 square foot banquet hall. The property was previously occupied by the United Food and Commercial Workers Union who used the banquet hall for union meetings. Per the applicant, additional events such as Chamber of Commerce meetings and various civic functions have historically been held at the banquet hall.

Despite the historic use of the banquet hall, assembly halls and similar places of assembly are not permitted uses in the O-1, Office district. Therefore, per Section 10.503 of the Zoning Ordinance, the assembly hall is considered a non-conforming use. The applicant recently purchased the property and would like to offer the banquet hall for private functions (e.g. wedding receptions), including catering and alcohol service.

While non-conforming uses typically run with the land (meaning that additional review/approval is not needed solely for change of ownership), staff believes that offering the banquet hall for private events in addition to civic/community-oriented events represents a change in operation and warrants public review and approval through the Zoning Board of Appeals. Per Section 10.503(6)(c) of the Zoning Ordinance:

If no structural expansion is made, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use provided that the board of appeals, by making findings in the specific case, shall find that the proposed use is a legal nonconforming use, reduces the level of nonconformity on the site, and is more appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.

EXISTING SITE CONDITIONS

The subject property is approximately 4 acres in area and is improved with a 40,000 square foot building with an associated parking lot. The property abuts office uses to the east and north, I-75 to the west, and one-family residential properties to the south (rear). The images on the following page depict aerial and Streetview images of the property.

Aerial and Streetview Images



VOLUNTARY APPLICANT CONDITIONS

Within their project narrative, the applicant recognizes the proximity of the existing banquet hall to adjacent residential properties to the south. To mitigate negative impacts to these neighbors, the applicant voluntarily offers to place a time restriction on events, ending no later than 11 p.m.

STAFF ANALYSIS

Generally, concerns relating to banquet and event halls revolve around external impacts to adjacent properties, such as noise and light. Staff reached out to the Madison Heights Police Department to inquire if there had been any citizen complaints relating to the existing banquet hall over the past twenty years; the Police Department reported that no such complaints had been made. With the transition to hosting private events, staff recommends that the applicant's voluntary condition relating to an 11 p.m. event cut-off be incorporated into any motion for approval.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the nonconforming use request at their August 23rd, 2023 meeting. The SPRC did not state any comments or concerns relating to the request.

ACTION FINDINGS

Section 10.503(6)(c) and Section 10.805 include criteria and standards for reviewing a proposed modification of an existing non-conforming use. Pertinent criteria/standards are summarized below:

- *The proposed use is a legal nonconforming use, reduces the level of nonconformity on the site, and is more appropriate to the district than the existing nonconforming use.*
- *The assembly of persons in connection with the use will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- *The nature, location, size and site layout of the uses 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.*

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

ZBA ACTION

Any ZBA motion, including motions for approval and denial, should include findings of fact relating to the criteria listed in Sections 10.503(6)(c) and Section 10.805. Template approval and denial motions are attached to this memorandum for the ZBA's consideration.

In granting approval of the action, the ZBA may attach conditions regarding the location, character and other features of the proposed use(s) as it may deem reasonable in furthering the purpose of the Zoning Ordinance. If the ZBA moves to approve the modification of the non-conforming use, staff suggests the following condition of approval:

- 1) *Events held at the banquet hall shall end no later than 11 p.m. in order to reduce impacts to adjacent residential properties.*

CODE REFERENCES**Sec. 10.503 – Nonconforming Lots, Uses and Structures**

[...]

- (6) *Nonconforming uses of structures and land. If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:*
- (a) *No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a change in the use of the structure to a use permitted in the district in which it is located.*
 - (b) *Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.*
 - (c) *If no structural expansion is made, any nonconforming use of a structure or structures and premises, may be changed to another nonconforming use provided that the board of appeals, by making findings in the specific case, shall find that the proposed use is a legal nonconforming use, reduces the level of nonconformity on the site, and is more appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.*
 - (d) *Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use for any period of time, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.*
 - (e) *When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.*
 - (f) *Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.*

[...]

Sec. 10.801. – Creation and Membership (Board of Appeals)

[...]

- (3) *The board of appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of an ordinance adopted pursuant to this Ordinance. The board of appeals shall also hear and decide matters referred to it or upon which it is required to pass under an ordinance of the legislative body adopted pursuant to this Ordinance.*

[...]

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.*

TEMPLATE MOTIONS
PZBA 23-11 – 876 HORACE BROWN DRIVE

Item 3.

Approval

Move to APPROVE the modification of an existing non-conforming banquet hall at 876 Horace Brown Drive to allow for private events, after the required public hearing, based upon the following findings:

- 1) The request meets the criteria for changing the operations of a non-conforming use contained in Section 10.503(5)(c) of the Zoning Ordinance in that the proposed use reduces the level of nonconformity on site; and
- 2) The request meets the Zoning Board of Appeals standards of Section 10.805 of the Zoning Ordinance. In particular.
 - a. The assembly of persons in connection with the use will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood; and
 - b. The nature, location, size and site layout of the use will 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, will not interfere with an adequate supply of light and air, and will not increase the danger of fire or otherwise endanger the public safety.

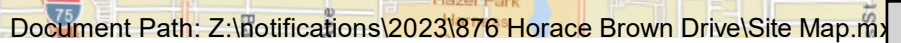
Approval is granted with the condition that events at the banquet hall shall end no later than 11 p.m. in order to reduce impacts to adjacent residential properties.

Denial

Move to DENY the modification of an existing non-conforming banquet hall at 876 Horace Brown Drive to allow for private events, after the required public hearing, based upon the following findings:

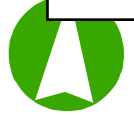
- 1) The request does not meet the criteria for changing the operations of a non-conforming use contained in Section 10.503(5)(c) of the Zoning Ordinance in that it does not reduce the level of nonconformity on site; and
- 2) The request does not meet the Zoning Board of Appeals standards of Section 10.805 of the Zoning Ordinance. In particular.
 - a. The assembly of persons in connection with the use will be hazardous to the neighborhood and will be incongruous therewith or conflict with normal traffic of the neighborhood; and
 - b. The nature, location, size and site layout of the uses will be such that its operations will 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.

Item 3.



Site Address: 876 Horace Brown Drive

[Click for maps](#)

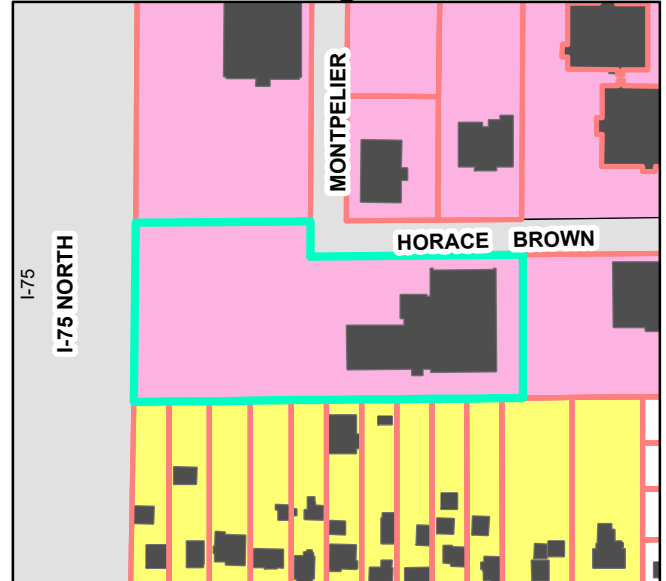


Aerial



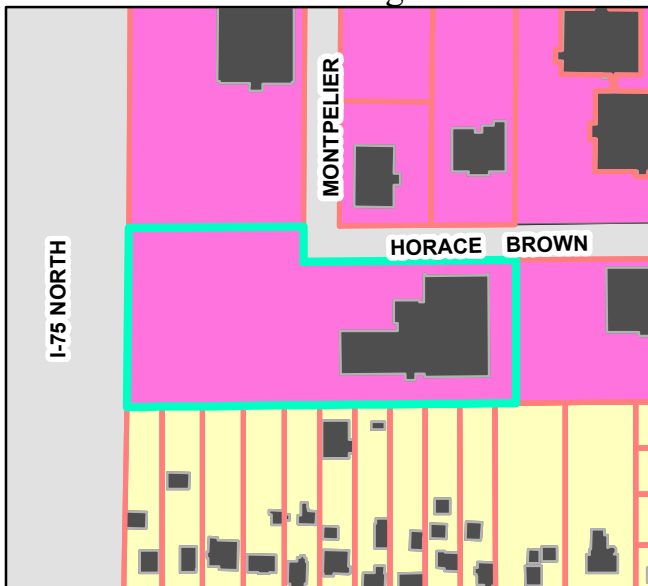
- 876 Horace Brown Dr
- Parcels

Existing Land Use



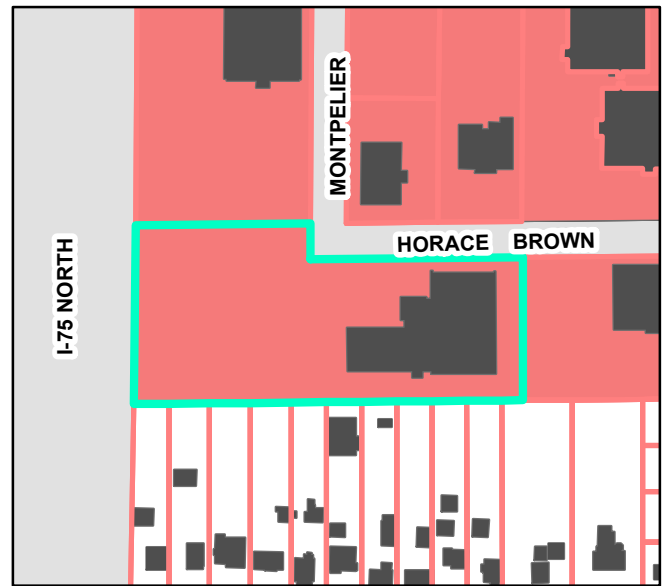
- 876 Horace Brown Dr
- Office
- Single and Two Family
- Buildings
- Parcels

Zoning



- 876 Horace Brown Dr
- O-1 Office
- R-2 Residential
- Buildings
- Parcels

Future Land Use

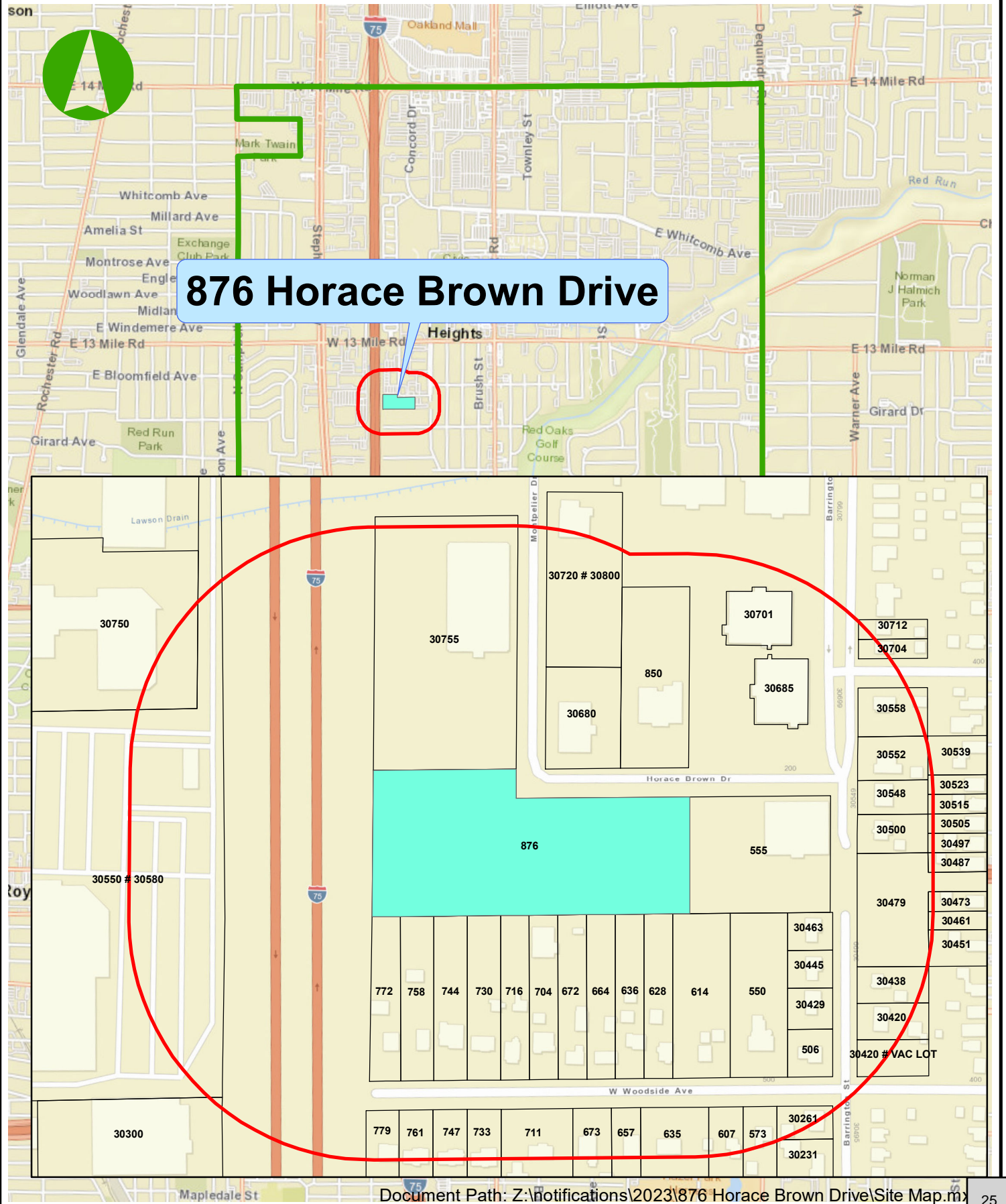


- 876 Horace Brown Dr
- Office
- Single Family
- Buildings

ZBA CASE: 23-11

500 FT BUFFER

Item 3.





CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Item 3.

Application No.:

12BA23-0011

Date Filed:

8-7-23

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: 876 Horace Brown LLC
Address: 876 Horace Brown Drive
City: Madison Heights State: MI Zip: 48071
Telephone: 313-580-2261 Fax: _____
Email: niko@mmdco.com
2. **Petitioner's Interest in Property:** Owner
3. **Property Owner:** (Attach list if more than one owner)
Name: 876 Horace Brown LLC
Address (Street): 876 Horace Brown Drive
City: Madison Heights State: MI Zip: 48071
Telephone: 313-580-2261
Email: niko@mmdco.com
4. **Property Description:**
Address: 876 Horace Brown Drive, Madison Heights MI 48071
Tax Parcel #: 44 - 25- - 11- -201- -032
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: N/A
Subdivision name: N/A
Lot size: 4.01 acres
Size of proposed building or addition: N/A
5. **Present Zoning of Property:** O1 Office **Present Use:** Office
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

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

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

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

☐ **TEMPORARY PERMIT**

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

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

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

Describe in detail the nature of the requested interpretation.

☐ **PUBLIC UTILITY BUILDING**

Describe in detail the proposed use or structure.

☒ **OTHER ACTION**

Describe in detail action requested.

7. **CASE HISTORY**

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

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

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

PAGE 3

ZONING BOARD OF APPEALS APPLICATION

Application No.:

ZBA23-0011

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 876 Horace Brown LLCDate 8/7/2023**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 APPEALSFEE: \$ 1000

APPROVED: _____

PAID: 8-7-23

DENIED: _____

RECEIPT NO. _____

Dear Zoning Appeals Committee,

I hope this email finds you well. I am writing to formally request permission to continue the existing usage of the event space at 876 Horace Brown Drive, which we purchased on April 1, 2022.

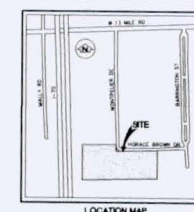
It has come to our attention that the event space at this address is considered a non-conforming use according to Section 10.503 6c of the Code of Ordinances. However, the building has a historical precedent of being utilized for such purposes. The former owner, United Food and Commercial Workers, operated this space not only as union hall offices but also extensively used the large adjoining area for union meetings. Furthermore, this space has served as a venue for numerous events, including Chamber of Commerce meetings and similar community functions.

Building on this legacy, we are keen to continue employing the area as an event space, catering to City events, private functions, and more. We also aim to offer catering services and alcohol availability during these events, ensuring a comprehensive experience for our attendees.

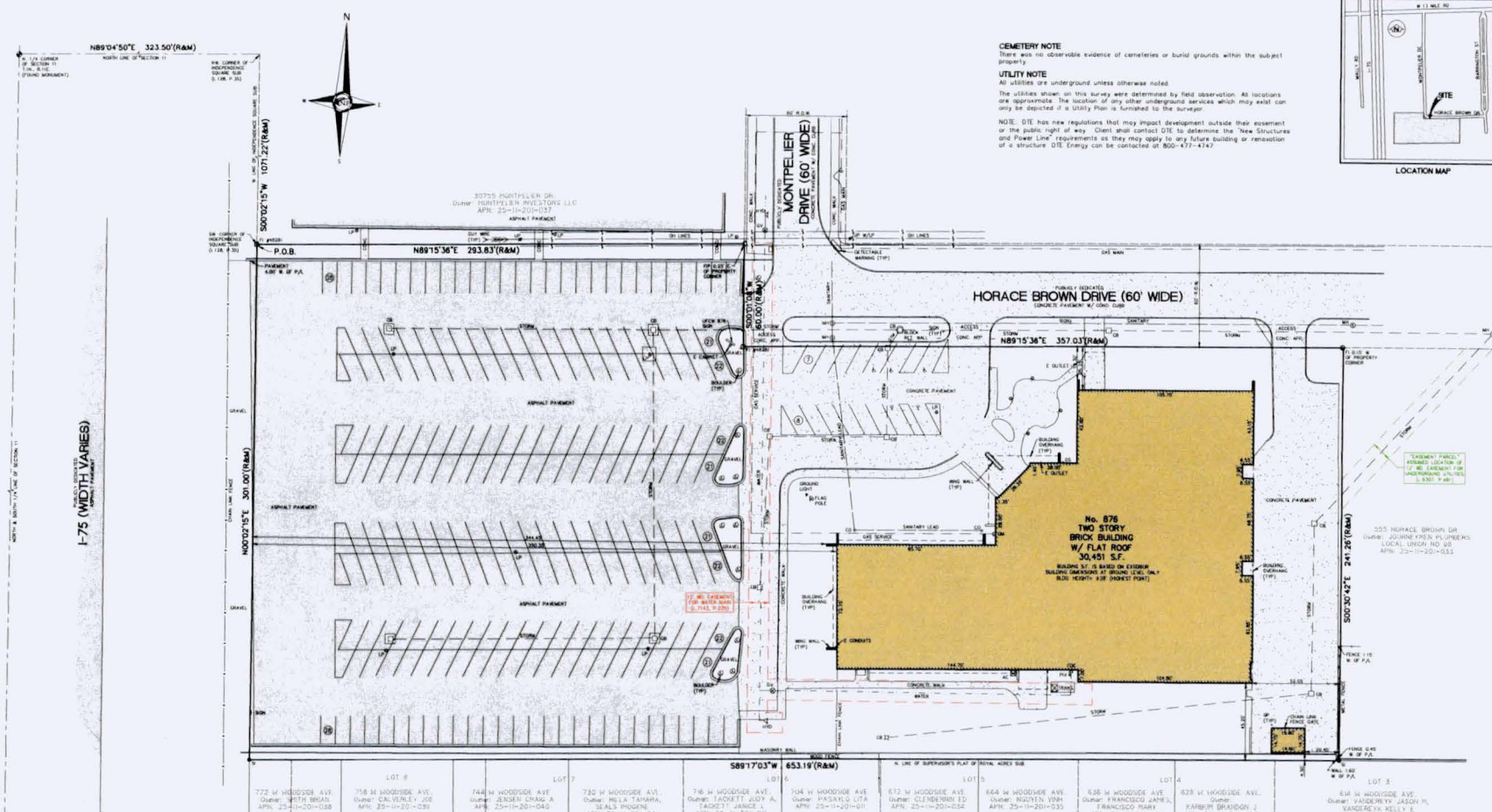
Understanding and respecting community norms and standards, we are committed to exercising prudence in our operations. We pledge to adhere to a reasonable time restriction with events concluding by 11pm. Additionally, we will ensure that any outdoor activities or noise is maintained at levels that do not disturb our neighbors or violate any existing regulations.

We sincerely hope that our request aligns with the community's vision for the development and utilization of spaces within our beautiful city. We are more than willing to discuss any concerns or suggestions you may have and work towards a mutually beneficial arrangement.

Thank you for considering our request, and we look forward to hearing from you soon.



LOCATION MAP



LEGEND

AC	Air Conditioner
AS	Asphalt
CE	Concrete
CL	Clearance
CO	Concrete
CS	Concrete
CU	Concrete
EW	Electric Water
EC	Electric Conduit/Power
EP	Electric Power
FP	Fire Protection
GP	Gas Piping
GS	Gas Service/Gas Main
IS	Iron
LS	Lead
MS	Manhole
NS	Natural
OS	Other
PS	Paving
RS	Reinforced
SS	Steel
TS	Timber
US	Unimproved
VS	Vegetation
WS	Water
YS	Yard
ZS	Zoning
AS	Asphalt
CS	Concrete
EW	Electric Water
EC	Electric Conduit/Power
EP	Electric Power
FP	Fire Protection
GP	Gas Piping
GS	Gas Service/Gas Main
IS	Iron
LS	Lead
MS	Manhole
NS	Natural
OS	Other
PS	Paving
RS	Reinforced
SS	Steel
TS	Timber
US	Unimproved
VS	Vegetation
WS	Water
YS	Yard
ZS	Zoning

GRAPHIC SCALE 1"=30'

PROJECT
"Lifted Food & Commercial Workers"

PROJECT LOCATION
No. 876
Horace Brown Drive
Part of the E. 1/2 of
Section 11, T.1N., R.11E.,
City of Madison Heights,
Oakland County, MI

SHEET
ALTA/NSPS
Land Title Survey

SITE DATA
Gross Land Area: 174,848 Square Feet or 4.014 Acres.
Zoned: D-1 (Office District)
Building Setbacks:
Front: 20'
Sides: No side yards are required along the interior side lot lines, except as otherwise specified in the building code.
Rear: 20'

Max Building Height permitted: 2 stories/30'
Total Parking: 243 spaces including 3 handicap/barrier free spaces.
The above zoning and zoning requirements were obtained from the City of Madison Heights Zoning Map and Zoning Ordinance.

NOTE: The setbacks & height restrictions noted above are for reference purposes only and should not be used for design or construction and should not be used to determine compliance. A surveyor cannot make a certification on the basis of an interpretation or opinion of another party. A zoning endorsement letter should be obtained from the City of Madison Heights to make conformity with more a final determination of the required building setback & height requirements.

FLOOD HAZARD NOTE
The property described on this survey is not located in a Special Flood Hazard Area as defined by the Federal Emergency Management Agency. The property lies within Map No. 28125C0609P. According to the current outside map index for Oakland County Michigan, dated 01-16-2009, Map No. 28125C0609P is not printed and is indicated as being a No Special Flood Hazard Area.

TITLE NOTES
1. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by making inquiry of persons in possession of the Land.
2. Easements, encumbrances, or claims thereof, not shown by the Public Records.
3. Rights of the public and any governmental unit in any part of the land taken, dedicated or used for street, road or highway purposes.
4. Any provisions contained in any instruments of record which provisions pertain to the transfer of divisions under Section 108(2) of the Subdivision Control Act of 1967, as amended.
5. Interest of others in oil, gas and mineral rights, if any, whether or not recorded in the Public Records.
6. Interest, if any, of the United States, State of Michigan, or any political subdivision thereof, in the oil, gas and minerals in and under and that may be produced from the captioned land.
7. Rights of tenants under any unrecorded leases.
8. Rights of others over that portion of the land used as ingress and egress to other lands.

17. Terms, conditions and provisions contained in Easement Agreement recorded in Liber 7143, page 235. [EASEMENTS ARE WITHIN THE SURVEYED LAND AND THEIR LOCATION IS SHOWN].
18. Terms, conditions and provisions contained in Access Easement Agreement recorded in Liber 9179, page 583. [REFERENCED AREAS "OUTLINED IN RED ON EXHIBIT C" ARE NOT SHOWN ON SA EXHIBIT, NOT PLOTTED HEREON].
19. Terms, conditions and provisions contained in Easement Agreement recorded in Liber 9302, page 481. [EASEMENT IS ADJACENT TO THE SURVEYED LAND, DUE TO THE FACT THAT THE LEGAL DESCRIPTION OF SAID EASEMENT IS AMBIGUOUS THE ASSUMED LOCATION IS SHOWN].

ALL EXCEPTIONS SHOWN OR NOTED ON THIS SURVEY WERE OBTAINED FROM TITLE COMMITMENT NO TC13-101077, WITH A COMMITMENT DATE OF 10-04-2021, ISSUED BY TITLE CONNECT.

LEGAL DESCRIPTION
Land situated in the City of Madison Heights, County of Oakland, State of Michigan, described as follows:
Part of the East 1/2 of Section 11, Town 1 North, Range 11 East, City of Madison Heights, Oakland County, Michigan, described as: Commencing at the North 1/4 corner of said Section 11, thence North 89 degrees 04 minutes 50 seconds East 323.50 feet along the North line of said Section 11 to the Northwest corner of Independence Square Subdivision, according to the plat thereof, as recorded in Liber 128 of Plats, page 20, Oakland County Records; thence South 00 degrees 02 minutes 15 seconds West 102.22 feet along the West line of said Independence Square Subdivision to the Southwest corner of said Independence Square Subdivision and the point of beginning; thence North 89 degrees 15 minutes 36 seconds East 263.83 feet; thence South 02 degrees 02 minutes 08 seconds West 60.00 feet; thence North 89 degrees 15 minutes 36 seconds East 357.03 feet along the South line of Horace Brown Road (60' wide) to the point of beginning; thence South 02 degrees 30 minutes 42 seconds East 241.28 feet to a point on the North line of Superior's Plat of Royal Acres Subdivision, according to the plat thereof, as recorded in Liber 55 of Plats, page 38, Oakland County Records; thence South 89 degrees 17 minutes 03 seconds West 533.19 feet; thence North 00 degrees 03 minutes 15 seconds East 301.00 feet to the point of beginning.

876 Horace Brown Drive
Tax ID: 25-11-201-032

BASE OF BEARING NOTE
The basis of bearing for this survey was established by the record description as shown in the Title Commitment referenced herein.

TABLE NOTES
16. There was no observable evidence of current earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
17. There are no known proposed changes in street right-of-way lines available from the controlling jurisdiction.
18. There was no observable evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
19. Improvements within official easements or servitudes as provided by the Title Company are shown within 25 feet of the subject land only.

SURVEYOR'S CERTIFICATION
To:
MMD Acquisitions, LLC
876 Horace, LLC, a Michigan limited liability company
Title Connect
First American Title Insurance Company

This is to certify that this map or plat and the survey in which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 11(a), 13, 14, 16, 17, 18, 19 of Table A thereof.
The field work was completed on 01-03-2022

Kevin Christopher Nevaldi, P.E.
No. 400035503
Dated: 01-11-2022



DRAWN BY:
A.G.
APPROVED BY:
K.N.R. FRAUS

EMAIL:
rfr@nowakfraus.com

DATE ISSUED:
01-11-2022

SCALE:
1"=30'

SHEET NO.
M773


1 of 1

Untitled Map

876 Horace Brown Drive

Legend

Item 3.

 876 Horace Brown Dr



Google Earth

© 2023 Google

6.32 ft

31

Untitled Map

876 Horace Brown Drive

Legend

Item 3.

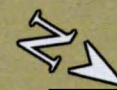
876 Horace Brown Dr



Google Earth

© 2023 Google

6.52 ft



32

Erin Bourdic

From: Erin Bourdic <erin.bourdic650@gmail.com>
Sent: Monday, August 7, 2023 10:48 AM
To: Erin Bourdic



Sent from my iPhone

Erin Bourdic

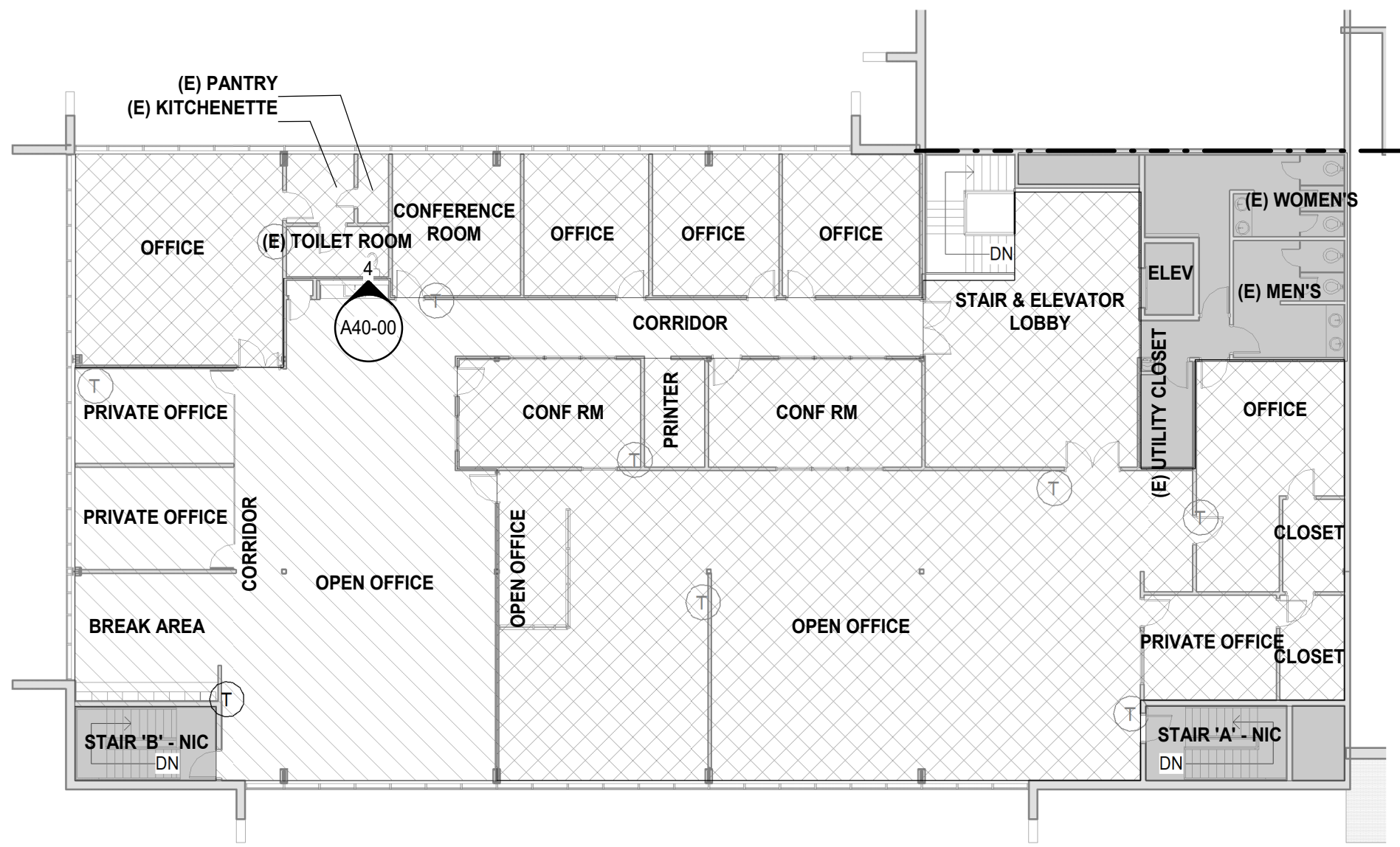
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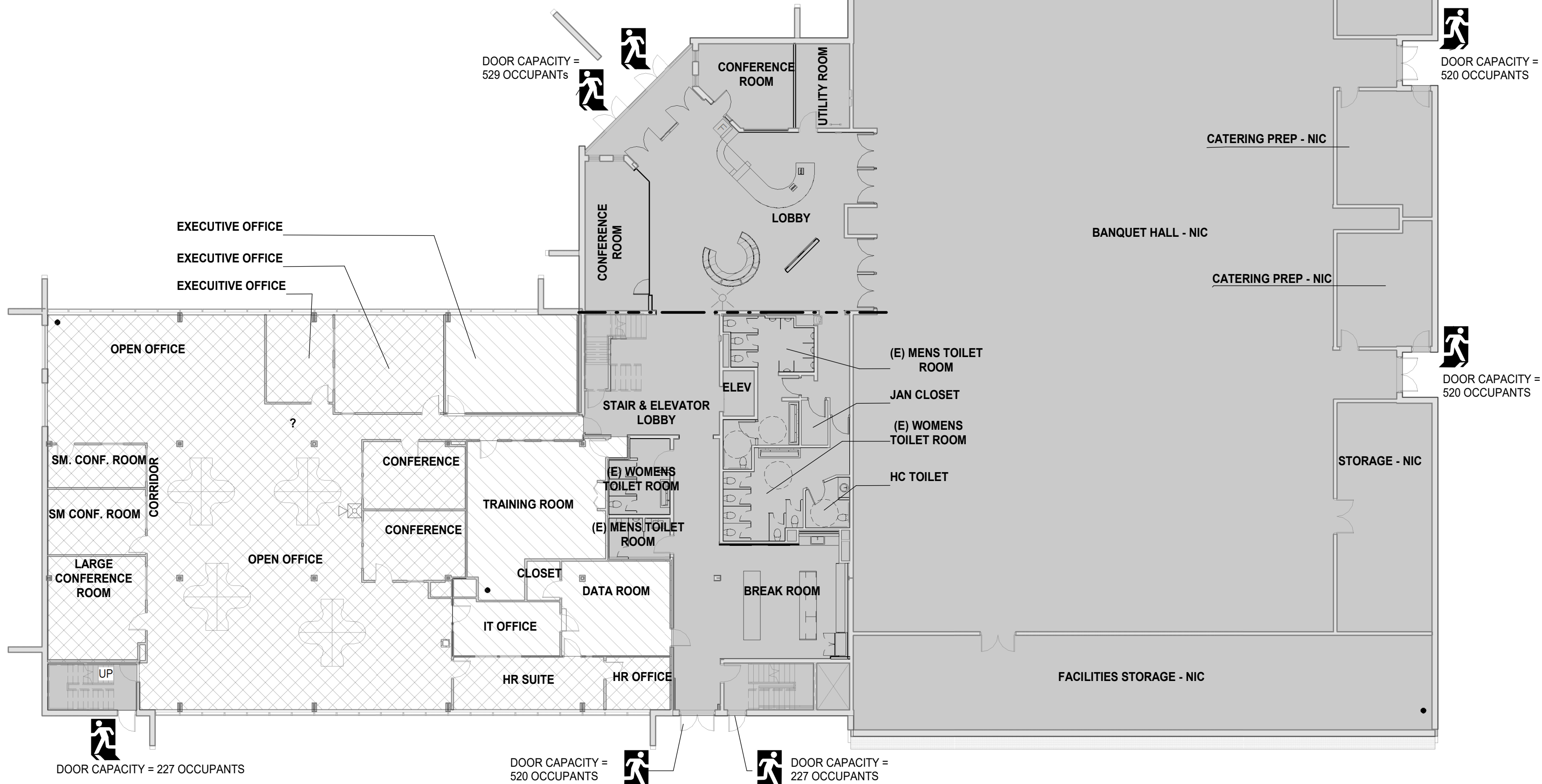
Sent from my iPhone

Scale	As indicated
Project No.	JC-DT22-0006
Drawing No.	A91-02

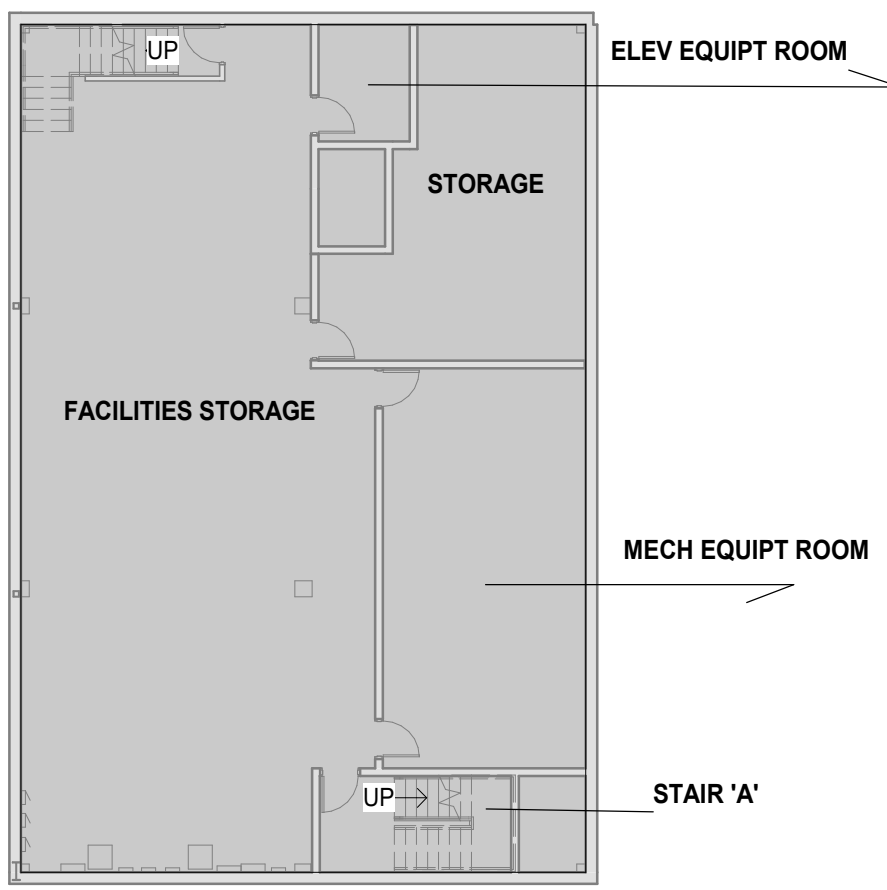
1 SECOND FLOOR FINISH PLAN
NPI-02 SCALE: 3/16" = 1'-0"



2 SECOND FLOOR LIFE SAFETY PLAN
SCALE: 1/16" = 1'-0"



1 FIRST FLOOR LIFE SAFETY PLAN
SCALE: 1/16" = 1'-0"



4 BASEMENT LIFE SAFETY PLAN
SCALE: 1/16" = 1'-0"

125'-0"

MAXIMUM TRAVEL DISTANCE FROM FARTHEST POINT

ILLUMINATED EXIT SIGN ABOVE THE DOOR WITH TACTILE EXIT SIGNS WITHIN 12" OF LATCHSIDE JAMB AT DOOR @ LOCATION OF SYMBOL

TACTILE EXIT SIGNAGE WITH 18"x18" CLEAR SPACE CENTERED ON TACTILE CHARACTERS. SEE DETAIL THIS SHEET, FOR MOUNTING LOCATIONS

PROVIDE LISTED AND LABELED DRY-CHEMICAL UL-RATED FIRE EXTINGUISHER - SURFACE MOUNTED ON RATED AND AT NEW LOCATIONS ON EXISTING WALLS. SEMI-RECESSED OTHERWISE. SEE DETAIL THIS SHEET FOR MOUNTING HEIGHTS.

10 OCCUPANT COUNT OF SPACE

EXITING OCCUPANT COUNT

SMOKE PARTITION (SP) - 0 HOUR FIRE SEPARATION RATING

FIRE RATED PARTITION (1HR) - 1 HOUR FIRE RESISTANCE RATING

ADA TURNING RADIUS & CLEARANCES

AREAS OF WORK

N.I.C.

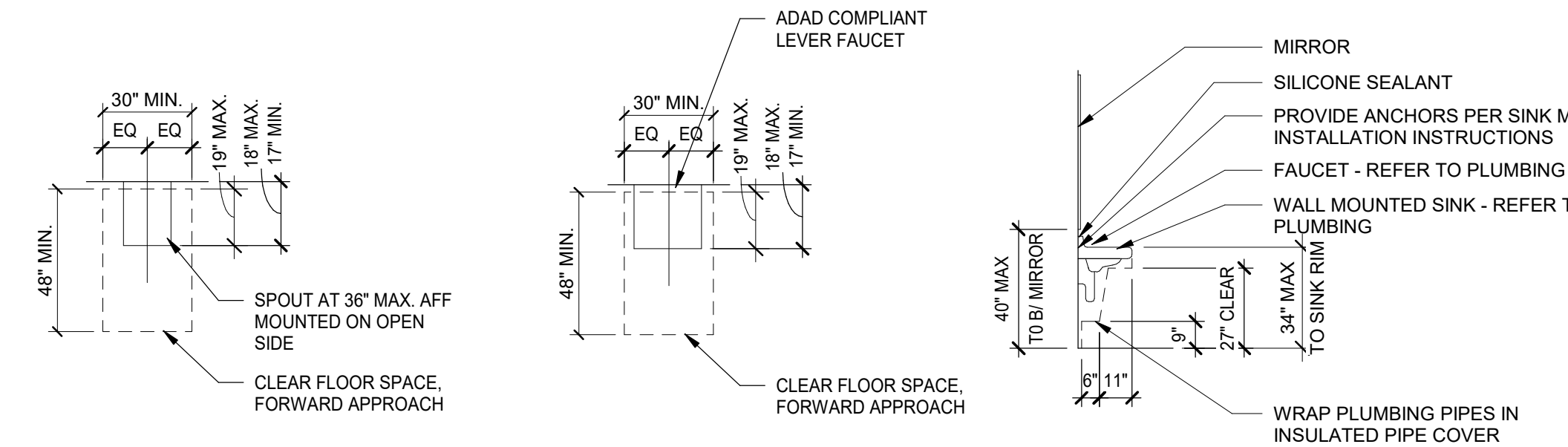
INDICATES AREA NOT IN SCOPE OF WORK (21,333SF)

INDICATES AREA OF ALTERATION LEVEL 1 (11,891 SF)

INDICATES AREA OF ALTERATION LEVEL 2 (4,227 SF)

BUILDING CODE REVIEW									
BUILDING REQUIREMENTS									
CODES	2015 Michigan Rehabilitation Code for Existing Buildings 2012 NFPA 101 (Life Safety Code) MBC 2015 (Michigan Building Code, 2015, as referenced by MRCEB 2015 above) MPC 2015 (Michigan Plumbing Code, 2015) MMC 2015 (Michigan Mechanical Code, 2015) MEC 2017 (State of Michigan Electrical Code) IFC 2015 (International Fire Code, 2015, as referenced by MBC 2015 above) MEC 2015 (Michigan Energy Code, 2015, Ch. 4 & Part 10a.) ICC A117.1-2009 (Accessible and Usable Buildings & Facilities)								
	APPROACH: 301-1.2 Work Area Compliance Method (Chapters 5-13)								
	CLASSIFICATION OF WORK (per section 504 of MRCEB 2015): • Alteration Level 1 for defined Work Area • Alteration Level 2 for defined Work Area								
	Existing Building Area = B BUSINESS Use Group (No change in occupancy) A2 ASSEMBLY Use Group (No change in occupancy) S1 STORAGE Use Group (No change in occupancy)								
	Existing - II-B (Fully Sprinkled)								
USE CLASSIFICATION									
TYPE OF CONSTRUCTION	Existing - II-B (Fully Sprinkled)								
BUILDING FLOORS	TOTAL BUILDING FLOORS: 2 PROJECT AREA FLOORS: 2								
BUILDING HEIGHT	Existing Building 28'-0" TOTAL HEIGHT (high point)								
FIRE RATING	Per MBC Table 601, "Fire-Resistance Rating Requirements for Building Elements (Hours)": Construction Type II-B FIRE RATING								

TYPICAL ACCESSIBLE DOOR CLEAR FLOOR SPACE

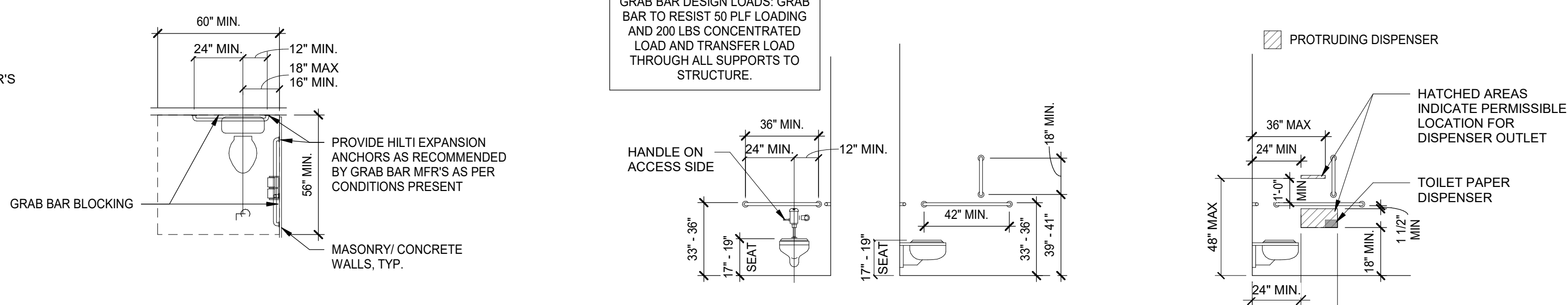


DRINKING FOUNTAIN PLAN

LAVATORY PLAN

LAVATORY ELEVATION

ACCESSIBLE WATER CLOSET -PLAN AND ELEVATIONS

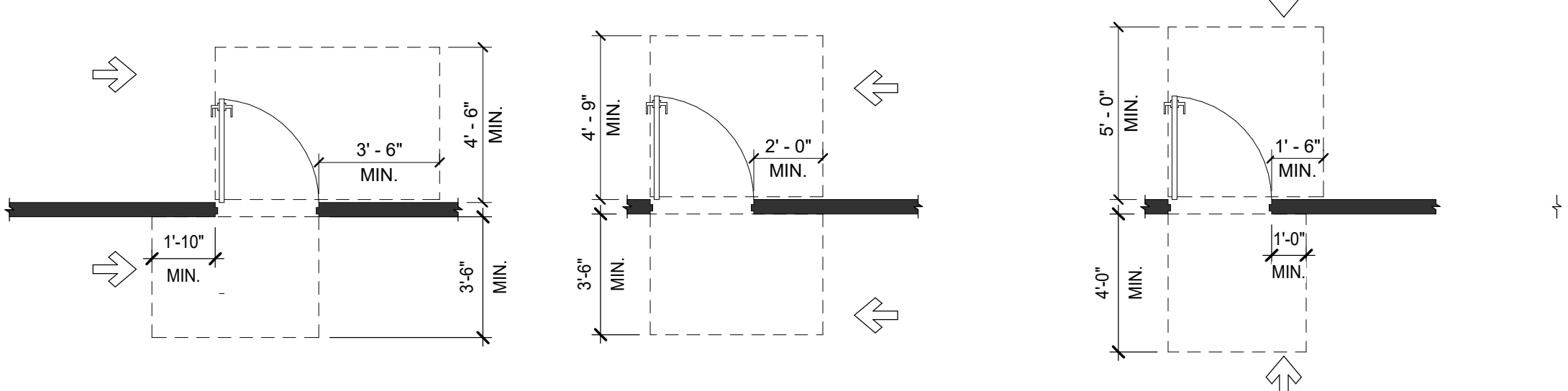


WATER CLOSET PLAN

WATER CLOSET / GRAB BARS ELEVATION

TOILET PAPER DISPENSER

ACCESSIBLE LAVATORY AND DRINKING FOUNTAIN -PLAN AND ELEVATION

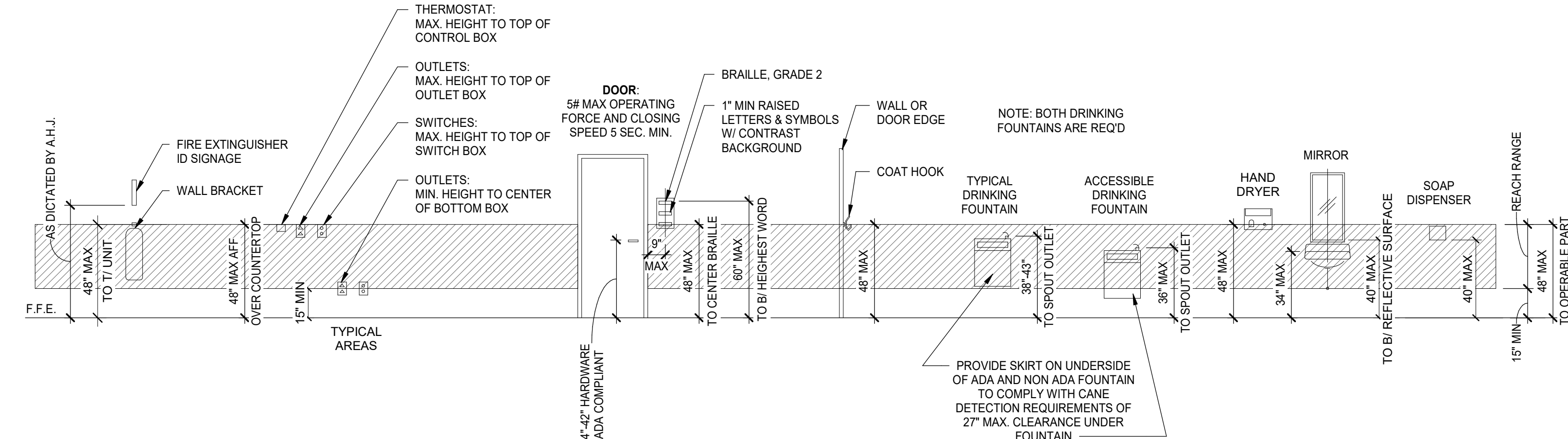


HINGE SIDE APPROACHES SWINGING DOORS

LATCH SIDE APPROACHES SWINGING DOORS

FRONT APPROACHES SWINGING DOORS

TYPICAL ACCESSIBLE MOUNTING HEIGHTS



GENERAL NOTE:
FIXTURE AND ACCESSORY MOUNTING DIMENSIONS SHALL COMPLY WITH BOTH ADA AND ANSI-A117.1 STANDARDS FOR ACCESSIBILITY.
CONTACT ARCHITECT, AS REQUIRED, IF FIELD CONDITIONS PROHIBIT ANY PARTICULAR ITEM BEING MOUNTED PER DIMENSIONS SHOWN.

DATE	ISSUED FOR	Item
08/09/2022	OWNER REVIEW	1
09/16/2022	BID REVIEW	2
09/29/2022	BID REVIEW 2	3

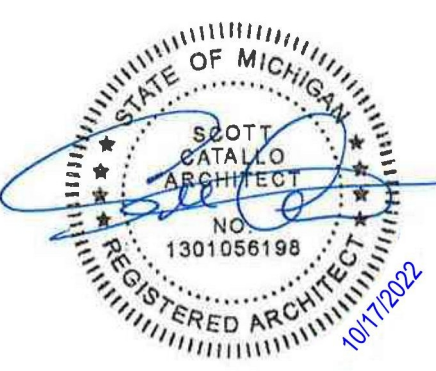
This drawing shall not be used for construction purposes until the seal appearing hereon is signed and dated by the Architect or Engineer.

Project Component

Key Plan

Consultants
Civil: N/A
Landscape: N/A
Architecture: NORR, LLC
Structural: N/A
Mechanical: OSBORN ENGINEERING
Electrical: OSBORN ENGINEERING

Seal(s)



NORR

150 W. Jefferson Avenue, Suite 1300
Detroit, MI 48226
norr.com

Project Manager
B. COLBURN
Design Lead
S. GIGNAC
Project Leader
N. GEROU

BIM Lead
R. FRABOTTA
Drawn
N. GEROU / S. GIGNAC
Checked
L. Kowalski

Project
INTERIOR OFFICE RENOVATIONS
876 Horace Brown Dr
Madison Heights, MI 48071

Drawing Title
BUILDING CODE REVIEW & LIFE SAFETY PLAN

Scale
As indicated

Project No.
JCDT22-0006

Drawing No.
A01-01

NOTICE OF PUBLIC HEARING

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

(A) Case # PZBA 23-11: 876 Horace Brown Drive

REQUEST: The petitioner, 876 Horace Brown LLC, requests approval under Section 10.503(6)(c) of the Zoning Ordinance to modify an existing non-conforming use. The petitioner intends to repurpose an existing nonconforming event space into a banquet facility. The subject property is located at 876 Horace Brown Drive (tax parcel # 44-25-11-201-032) and is zoned O-1, Office.

(B) Case # PZBA 23-12: 1044 E. 11 Mile Road

REQUEST: The petitioner, John Joannidis, requests two (2) dimensional variances from the Zoning Ordinance: (1) A variance from Section 10.504(1)(c) pertaining to required detached accessory building location; and (2) a variance from Section 10.504(1)(h) pertaining to required detached accessory building setbacks. The subject property is located at 1044 E. 11 Mile Road (tax parcel # 44-25-24-129-036) 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 items can be viewed online at www.madison-heights.org in the Agenda Center after 4:00 p.m. on the Friday before the meeting.

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

CITY CLERK'S OFFICE
(248) 583-0826



MEMORANDUM

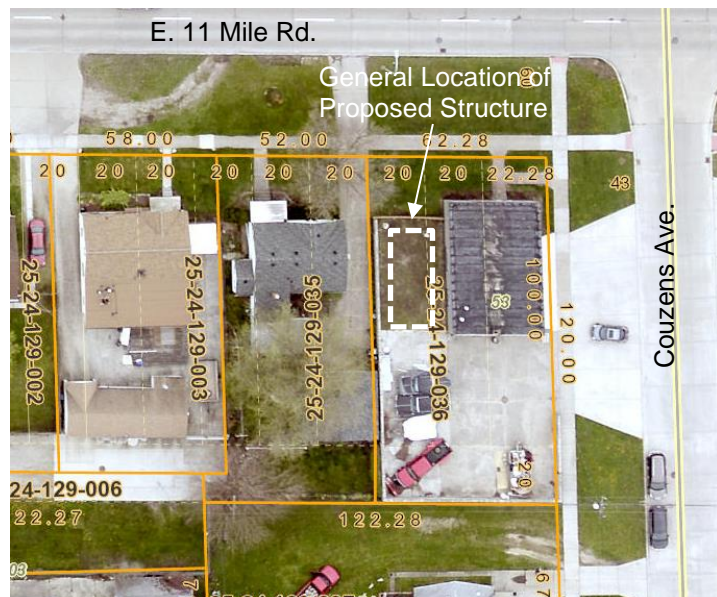
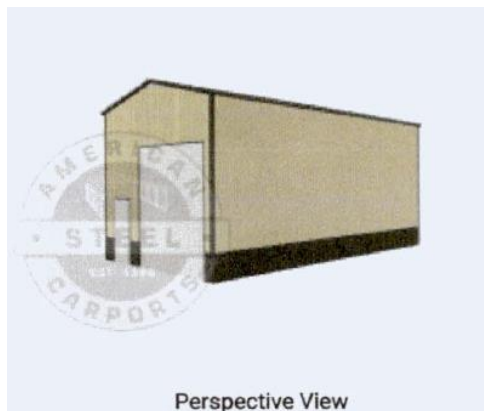
Report Date: September 1st, 2023
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: September 7th, 2023
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Accessory Structure Variances – Residential Separation Variance
 PZBA 23-12; 1044 E. 11 Mile Road

REQUEST AND BACKGROUND

The applicant, *John Joannidis (property owner and business owner)*, requests variances from Section 10.504 of the Zoning Ordinance, Accessory Structures. The subject property is located at 1044 E. 11 Mile Road (tax parcel # 44-25-24-129-036) and is zoned M-1, Light Industrial. The property is located at the southwest corner of E. 11 Mile Road and Couzens Avenue and is improved with a 1,412 square foot light industrial building. The property owner currently operates an auto repair business, Rolling Cars Auto Repair, at the property.

The applicant proposes to construct a detached accessory storage structure on the property to store yard equipment, extra parts, and tools that are not used on a daily basis. The images below depict conceptual structure renderings and the general proposed location of the structure.

Proposed Storage Structure Location and Conceptual Rendering



The accessory structure is proposed in the interior side yard of the property and is set back approximately three (3) feet from the principal building and three (3) feet from the side property line. A concrete pad was recently poured in the side lawn area. The proposed structure measures 18 feet by 35 feet (630 square feet), with a side leg height of 16 feet.

As proposed, the accessory structure fails to meet the following Zoning Ordinance standards:

1. **Section 10.504(1)(c) – Location:** All detached accessory buildings are only permitted in the rear yard subject to the setbacks listed in this section.
2. **Section 10.504(1)(d) – Height:** All detached accessory buildings in all districts with a pitched roof shall not exceed one story or fifteen (15) feet with a maximum ceiling height of ten (10) feet.
3. **Section 10.504(1)(h)2 – Setbacks:** No detached accessory building shall be located closer than ten (10) feet to any building nor shall it be located closer than six (6) feet to any side or rear lot line with eaves no closer than four feet to any lot line.

The applicant has formally applied for the location and setback variances, but an additional height variance will be required based upon the proposed building height. While the building leg height is proposed at 16 ft, the Zoning Ordinance definition of building height is measured from grade to the average height between the eaves and ridge for sloped roofs.

EXISTING SITE CONDITIONS

The subject property is a corner lot that abuts both 11 Mile Road and Couzens Avenue. The property abuts one-family residential properties to the side and rear. As shown in the Streetview images below, the grass lawn area (recently improved with a concrete pad) where the accessory structure is proposed is currently screened by a six foot (6') tall wood fence at the front and an approximately eight foot (8') tall masonry wall at the side.

Streetview Images (from E. 11 Mile Road)



STAFF ANALYSIS

The applicant has provided a written narrative addressing the formally requested variances. As previously noted, an additional height variance will be required for the structure, as proposed. The applicant states that the side yard area is the best option for the accessory structure based on the small size of the lot and existing parking and drive aisle arrangement.

Staff notes that, with the exception of building height, the proposed storage structure could be permitted in the existing rear parking area by-right, subject to yard and building setback standards. Additionally, based upon the manufacturer's website (American Steel Carports, Inc.), a variety of smaller and shorter storage structures are available, which could reduce the number and/or intensity of the requested variances.

If approved, the reduced principal building setback (10 feet required; 3 feet proposed) does not exempt the applicant from meeting minimum building code and/or fire code requirements.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance requests at their August 23rd, 2023 meeting. The SPRC stated concerns regarding the proximity of the proposed storage structure to the adjacent residence on 11 Mile Road, the visibility of the structure from the 11 Mile Road right-of-way, and the excessive height of the structure. Additionally, the SPRC stated a concern that the side yard location variance, if approved, could impair the intent and purpose of the accessory structure standards.

VARIANCE FINDINGS

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

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

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

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

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

ZBA ACTION

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

The ZBA should act on each variance separately.

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

- 1) *Additional landscaping in the form of deciduous trees shall be planted within the front yard adjacent to 11 Mile Road to further screen the accessory structure from the road. Details of such plantings may be coordinated with the City Planner.*
- 2) *The building setback variances do not relieve the applicant from minimum building and fire code requirements.*

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

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

Sec. 10.805. - Standards.

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

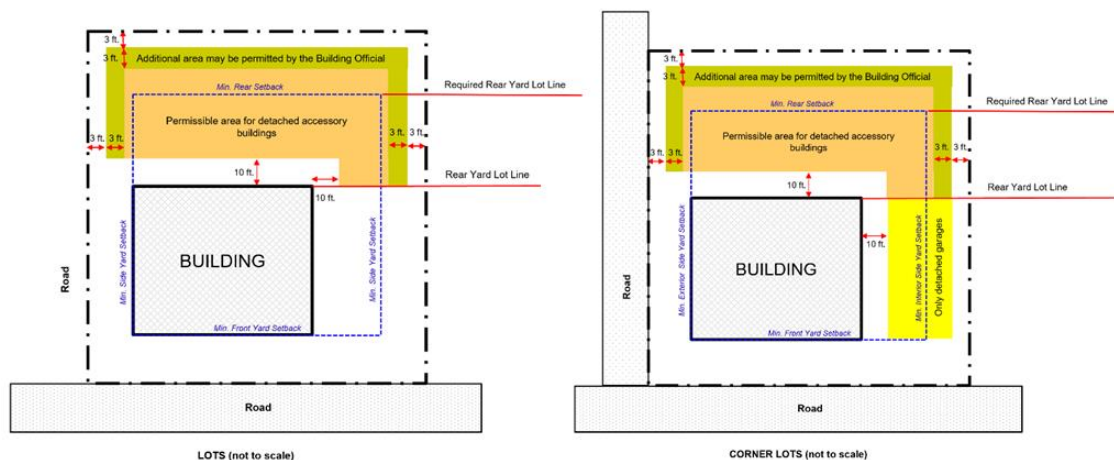
- 1) *The location and size of the use.*
- 2) *The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*

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

Sec. 10.504. Accessory buildings, structures, and uses.

- (1) *Accessory buildings and structures. Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:*
 - (a) *Use. Accessory buildings and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. A detached accessory building can be used for parking or storage of motor vehicles, but not for commercial servicing or repair.*
 - (b) *Permit. Any accessory building greater than 200 square feet in residential zoned districts and 120 square feet in commercial zoned districts shall require a building permit. All accessory buildings in non-residential districts also require a site plan, unless otherwise determined by the building official.*
 - (c) *Location. All detached accessory buildings are only permitted in rear yard subject to setbacks listed in this section. In case of corner lots, the building official may permit detached garages for parking cars in the side yard in single family residential districts.*
 - (d) *Height. All detached accessory building in all districts with a pitched roof shall not exceed one story or 15 feet with a maximum ceiling height of ten feet.*
 - (e) *All detached accessory building in all districts with a flat roof shall not exceed one story or ten feet.*
 - (f) *All detached accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts subject to approval of the site plan review committee. The applicant shall submit supporting document justifying the reason for additional heights. Such structures shall also comply with building material requirements that apply to a principal structure in such districts.*

- (g) *Lot coverage. The combined floor area of all accessory buildings on a lot or parcel shall not exceed 40 percent of the required rear yard. All attached accessory buildings shall be in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage for principal buildings.*
- (h) *Setbacks. All accessory buildings are subject to the following setbacks listed below:*
1. *Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.*
 2. *No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than six feet to any side or rear lot line with eaves no closer than four feet to any lot line.*
 3. *Detached accessory buildings or private garages may be located up to three feet to the rear lot line or side lot line subject to the building official determination that reduced setbacks would not negatively impact the surrounding uses or access to public or private streets.*
 4. *In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.*
 5. *When an accessory building is located on a corner lot, the said lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line on the lot in the rear of such corner lot, and in no case shall the entrance to a garage be less than ten feet from a lot line.*



- (i) *Design. When a permit is required, all attached and detached accessory buildings shall be designed and constructed of materials and design including roof style compatible with the principal structure and other buildings in the vicinity, as determined by the building official. The building official may allow modifications to the roof design if the alternate design is compatible with surrounding architecture.*
- (j) *Pavement. All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine feet wide unless otherwise approved by the community development department. The community development department shall base its determination upon such factors as the narrowness, shallowness, shape or area of a specific piece of property, topographical conditions, or extraordinary or exceptional conditions of the property by which the strict application of this Ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner.*
- (k) *Drainage. All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the city engineer.*

VARIANCE #1 – ACCESSORY STRUCTURE LOCATION

Approval

Move to APPROVE the variance application for a detached accessory structure within an interior side yard at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

The variance is granted with the following conditions:

- 1) Additional landscaping in the form of deciduous trees shall be planted within the front yard adjacent to 11 Mile Road to further screen the accessory structure from the road. Details of such plantings may be coordinated with the City Planner.
- 2) The building setback variances do not relieve the applicant from minimum building and fire code requirements.

Denial

Move to DENY the variance application for a detached accessory structure within an interior side yard at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
 - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
 - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
 - d. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.

VARIANCE #2 – SETBACKS

Approval

Move to APPROVE the variance application for a 3-foot principal building setback and a 3-foot side yard building setback for a detached accessory structure at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

Denial

Move to DENY the variance application for a 3-foot principal building setback and a 3-foot side yard building setback for a detached accessory structure at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
 - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
 - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
 - d. The requested variance is not the minimum variance necessary; and
 - e. The requested variance results from the applicant's chosen structure model, where alternative smaller models are available; and
 - f. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.

VARIANCE # 3 – HEIGHT

Approval

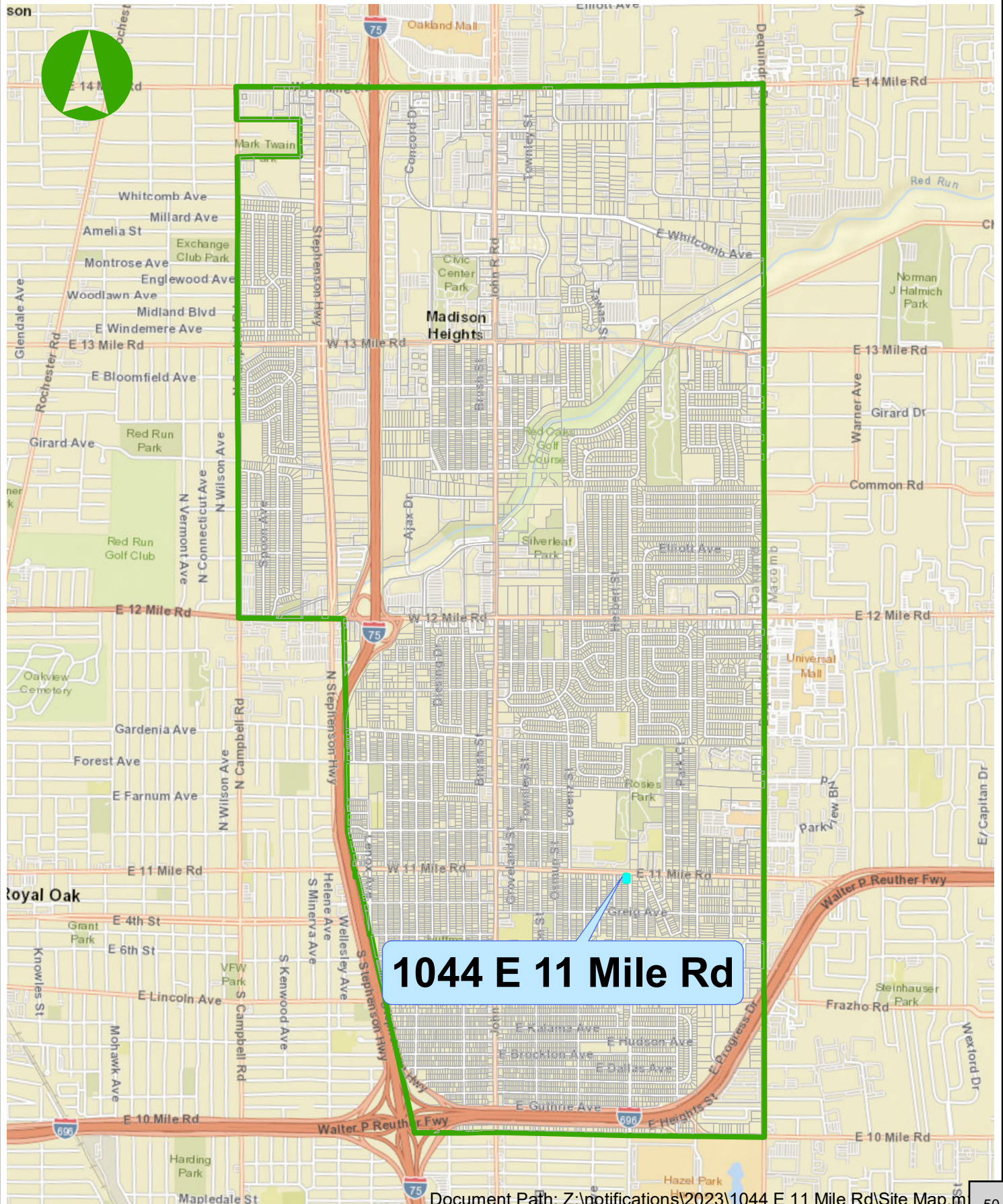
Move to APPROVE the variance application for a detached accessory structure exceeding 15 feet in height, not to exceed a 16-foot leg height, at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
 - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
 - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

Denial

Move to DENY the variance application for a detached accessory structure exceeding 15 feet in height at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
 - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
 - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
 - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
 - d. The requested variance is not the minimum variance necessary; and
 - e. The requested variance results from the applicant's chosen structure model, where alternative shorter models are available; and
 - f. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.



Site Address: 1044 E 11 Mile Road

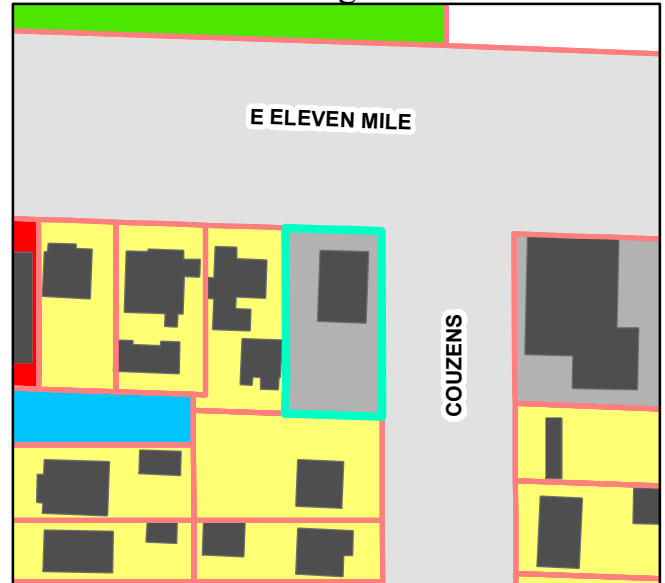
[Click for maps](#)

Aerial



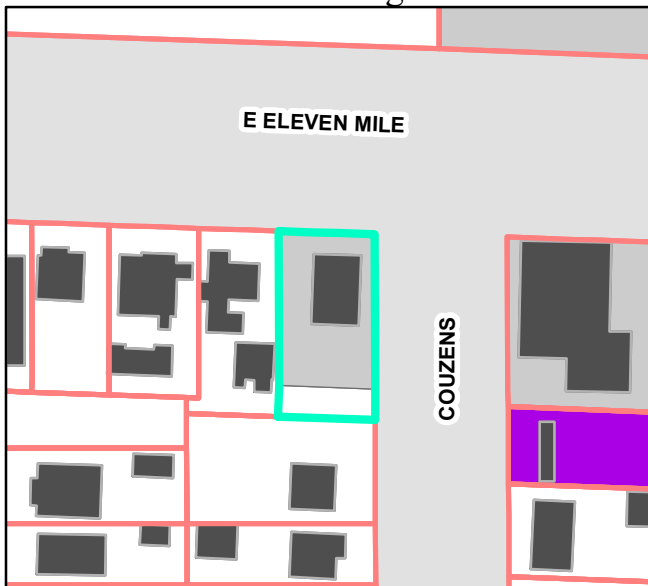
- 1044 E 11 Mile Road
- Parcels

Existing Land Use



- 1044 E 11 Mile Road
- Buildings
- Commercial
- School
- Single and Two Family
- Parcels
- Quasi-Public

Zoning



- 1044 E 11 Mile Road
- Buildings
- Parcels
- R-3 Residential
- M-1 Light Industrial
- P-1 Vehicular Parking

Future Land Use

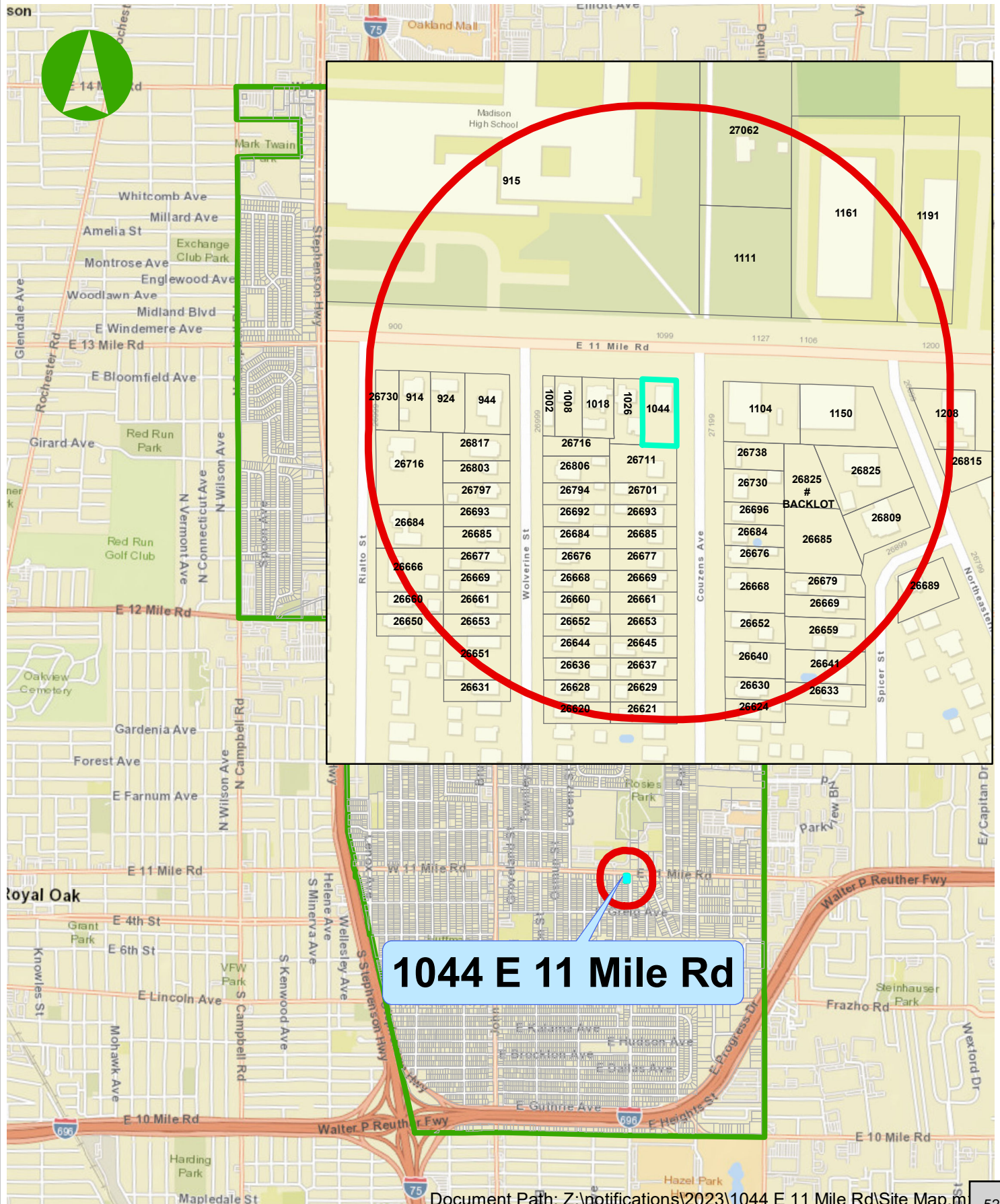


- 1044 E 11 Mile Road
- Single Family
- Mixed Use Innovation
- Public and Schools
- Office
- Buildings
- Multiple Family
- Industrial

ZBA CASE: 23-12

500 FT BUFFER

Item 4.





CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Item 4.
Application No.: <u>12BA23-0012</u>
Date Filed: <u>8-7-23</u>

(This application must be typed)
SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: John Joannidis
Address: 1044 E. 11 Mile Rd.
City: Madison Hts State: MI Zip: 4807
Telephone: 248-521-7043 Fax: _____
Email: rollingcars1044@gmail.com
2. **Petitioner's Interest in Property:** Adding storage structure to property
3. **Property Owner:** (Attach list if more than one owner)
Name: John Joannidis
Address (Street): 4120 Coolidge Hwy
City: Royal Oak State: MI Zip: 48073
Telephone: 248-521-7043
Email: rollingcars1044@gmail.com
4. **Property Description:**
Address: 1044 E. 11 Mile Rd, Madison Hts 48071
Tax Parcel #: 44 - 25 - 24 - 129 - 036.
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: _____
Subdivision name: _____
Lot size: _____
Size of proposed building or addition: 18ft x 36ft x 16ft
5. **Present Zoning of Property:** _____ **Present Use:** _____
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)

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

Add a Storage structure (shed) steel

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

_____ of the Zoning Ordinance

_____ of the Zoning Ordinance

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

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

☐ **TEMPORARY PERMIT**

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

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

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

Describe in detail the nature of the requested interpretation.

☐ **PUBLIC UTILITY BUILDING**

Describe in detail the proposed use or structure.

☐ **OTHER ACTION**

Describe in detail action requested.

7. **CASE HISTORY**

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

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

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

PAGE 3

ZONING BOARD OF APPEALS APPLICATION

Application No.:

Feb 23-1015

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 John Ioannidis
 Printed Name John Ioannidis
 Date 7-27-2023

FOR THE APPLICANT IF NOT THE OWNER:

Signature Erica Ferguson
 Printed Name Erica Ferguson
 Date 7-27-2023

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

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

APPROVED: _____

DENIED: _____

FEE: \$ 700


PAID: 8-7-23

RECEIPT NO. _____

To the zoning board of Madison Heights,

08/04/2023

I, John Joannidis, owner of Rolling Cars Auto Repair located @ 1044 E. 11 Mile Road, am requesting variance approval. I have a small auto repair in the city and am requesting a variance to add a 36x18x16 steel storage shed to the side yard Sec.10.504. The new structure will be detached, made of steel and the same color and material as my existing shop. The structure will be placed 3 feet from the side of the shop, 2 1/2 feet from the brick wall and 3 feet from the front fence. The front of the new structure will be aligned with the back of the shop. With the new structure being placed on the side yard, not only am I requesting the variance to add a structure to the side yard, I will also need a variance of a 10 foot separation requirement from the main building to have this structure 3 feet from the main building which is a 7 foot difference. The reason I'm asking for the variances is so I can utilize a space in my yard that does not hold any other purpose and both structures will be clean and uniformed. If you look at my sight plan attached you can see that it's a perfect location for a new storage shed. I have weighed out all of my options and this would be the best option for the small space I am working with in my lot. In the sight plan you can see I have my lot mapped out for parking spaces and room to only turn cars around. One month ago I poured new concrete in this area with all intentions of adding a storage shed to help eliminate clutter from the shop. For example yard equipment, extra parts and tools that are not used on a daily basis. Thank you for your time.



John Joannidis

1044 E. 11 Mile Rd.
Madison Hts. MI. 48071
O:248-629-4004
C:248-521-7043



AMERICAN STEEL CARPORTS, INC.

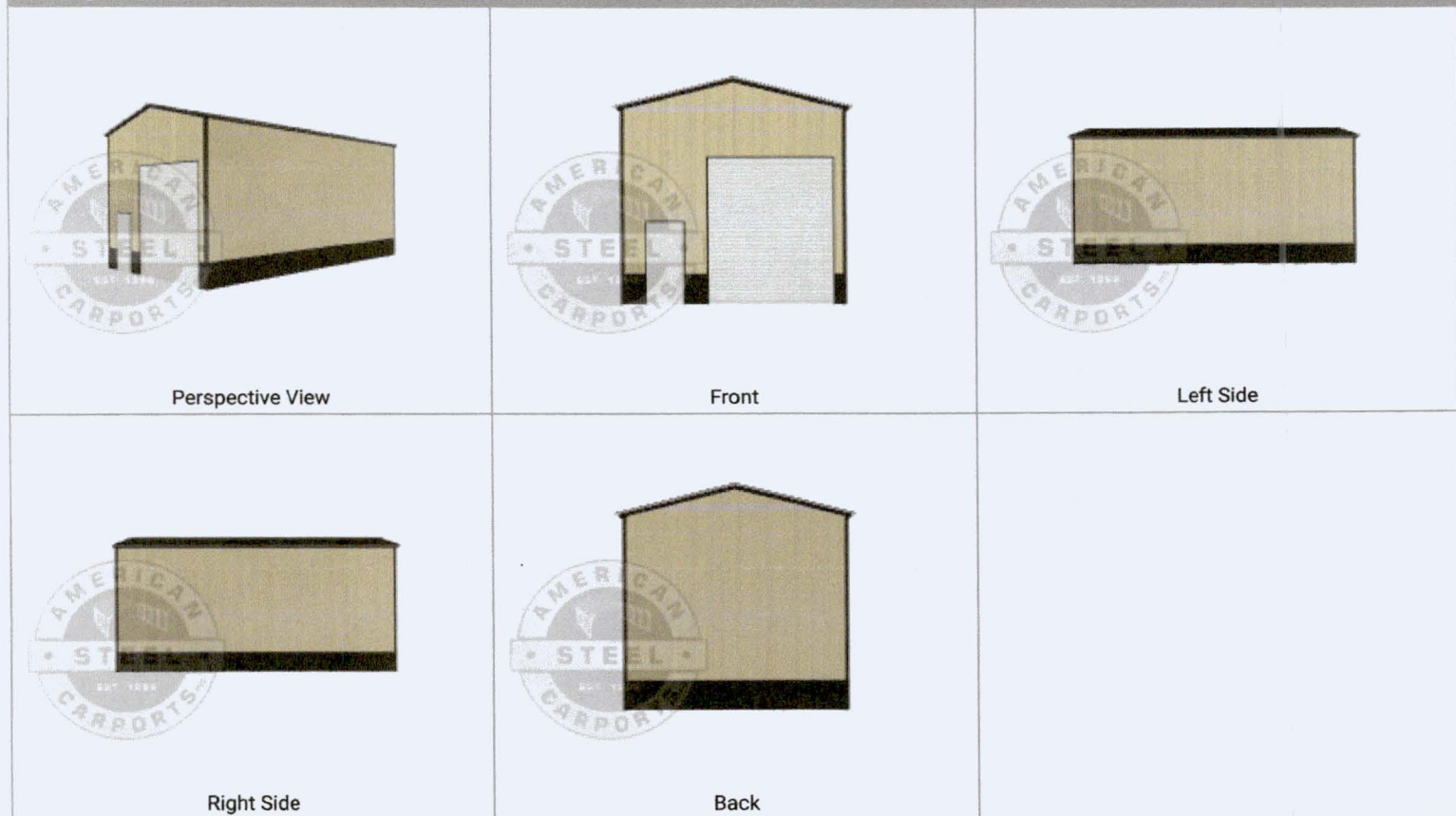
Item 4.
American Steel
457 North Broadway St.
Joshua, TX 76058
866-471-8761

Customer Order - Jul 28, 2023

Ship To		Dealer
Name	Order #	rfrias@americansteelinc.com
Install Address		
City	State	Zip Code
Email	Phone #	Mobile #

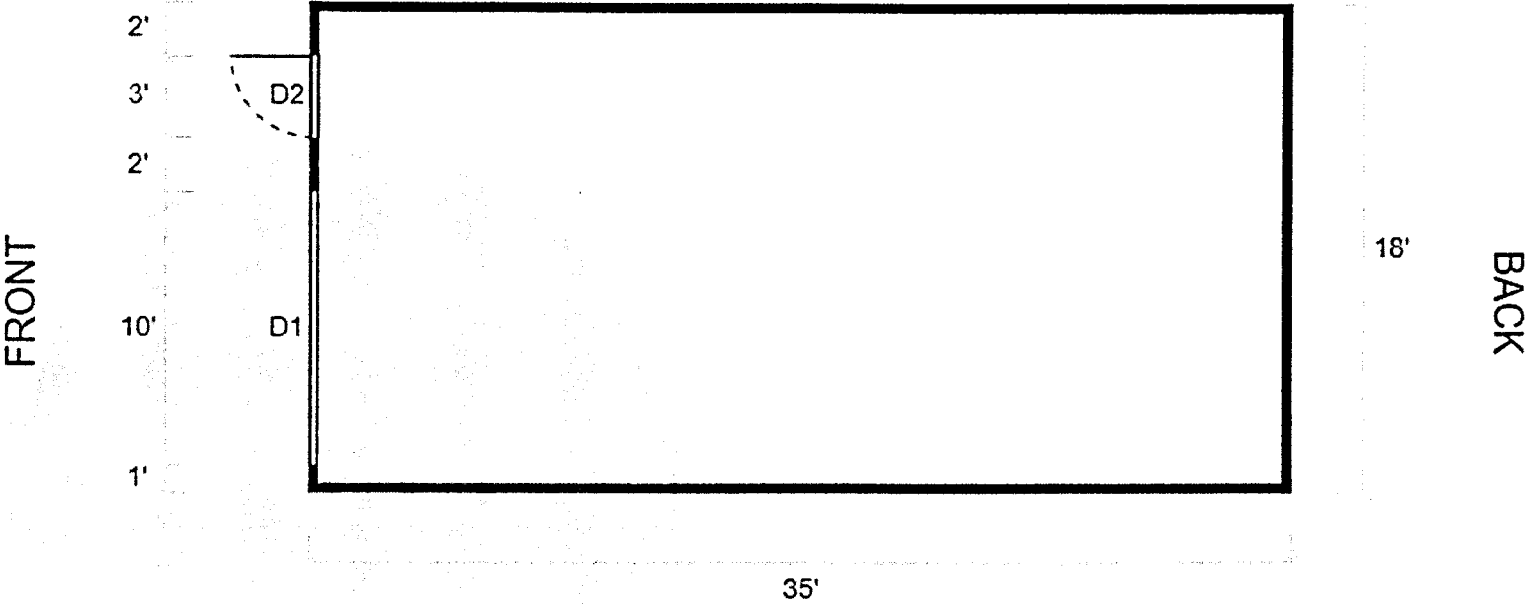
Building Info	Size	Color	Anchoring & Site Preparation
Style: Garage	18' Width x 35' Frame Length x 16' Leg Height	Roof: Black	Installation Surface: Concrete
Roof Overhang: 6"		Trim: Black	Installation Surface (Provided by Customer)
Roof Style: A-Frame Vertical		Siding: Pebble Beige	Snow Load <input type="checkbox"/>
Gauge: 14-Gauge Framing		Wainscot: Black	Wind Warranty: 100mph Wind Warranty Package (Concrete)
Brace: Standard Brace			

Building Images



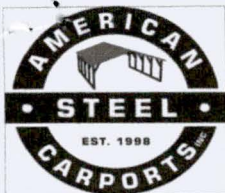
LEFT SIDE

Item 4.



RIGHT SIDE

SYMBOL LEGEND			
D1	10' x 12' Roll-Up Door	D2	Walk-In Door (36 x 80)
Closed Wall			



WWW.AMERICANSTEELINC.COM
457 North Broadway Street
Joshua, TX 76058
Phone: (866) 471-8761
Fax: (817) 484-2182
Email: orders@americansteelinc.com

Date: 12/7/2009

Item 4.

QUOTE

CUSTOMER NAME				INFO:			
Erica Ferguson eferguson5@gmail.com STATE: MI ZIP CODE:				DIRECT SALES: Rafael Frias 682-970-6069			
QUOTE DATE		SHIP VIA		QUOTED BY		SITE	
		American Steel Carports		Rafael			
Description						Unit Price	
Garage	Width	Roof Length	Base Rail Length	Height	Gauge	Base TOTAL	
	18	36	35	16	14g		\$ 8,485.00
OPTIONS/QTY	<input type="checkbox"/> Standard Style <input checked="" type="checkbox"/> A-Frame Style H <input type="checkbox"/> V <input checked="" type="checkbox"/>						\$ 915.00
2	Vertical Sides						\$ 4,930.00
2	Vertical Ends						\$ 4,290.00
1	10x12 Roll Up Door						\$ 1,470.00
1	36x80 Walk In Door						\$ 375.00
	Insulation						\$ 4,020.00
	Wainscott						\$ 1,375.00
10% Company & 10% Commision Discount							\$ (5,170.00)
Delivered and Installed							
Color	Top:	Sides/ Ends:	Trim:	Ridge Cap:			
NOTE:	Building May Not Be Rated For County Required Loads Labor/Equipment/Plans and/or Calcs CANNOT be included on total sales						Plans: _____ Calcs: _____ Labor: _____ Frieght: _____ Equipment: \$2,000
Sales Total							\$22,690
Tax total 8.25%							\$1,532
Total							\$ 24,222.03
Down Pymt 10%							\$ 2,011.00
Bal Due.							

Access to Electricity: ☐ Yes ☐ No Install On: ☐ Concrete ☐ Ground ☐ Other

Please Inform Contractors Of Any Underground Cables, Gas lines, Or Any Other Utility Lines

AMERICAN STEEL CARPORTS WILL NOT BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES

This quote will be good for 24 hours.

If there is a price discrepancy of \$50.00, American Steel Carports has the right to reject the quote.

CUSTOMER SIGNATURE: _____ DATE: _____

QUOTE EXCLUDES ANY AND ALL ITEMS NOT SPECIFIED
CUSTOMER IS RESPONSIBLE FOR PERMITS

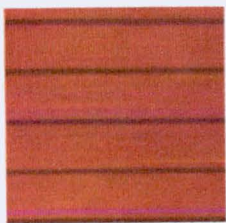


AMERICAN STEEL CARPORTS, INC.

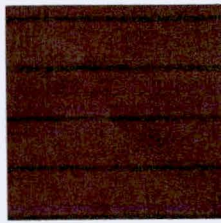
Item 4.

(866) 730-9865 | www.americansteelinc.com

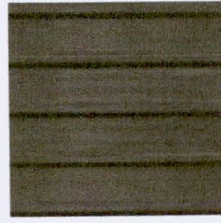
Roof, Side, & Trims colors



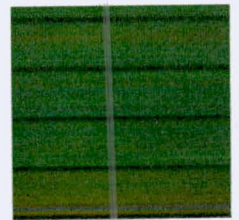
Barn Red



Burgundy



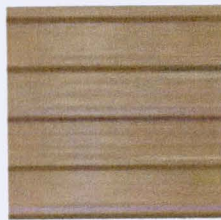
Quaker Gray



Evergreen



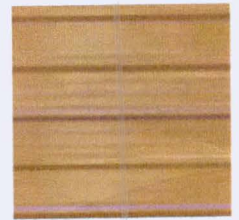
Black



Clay



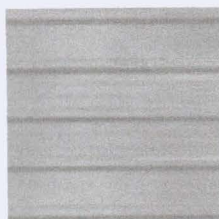
Earth Brown



Rawhide



Pebble Beige



White



Pewter Gray



Slate Blue



Galvalume

*Pro
tube
Siding
Ash gray*

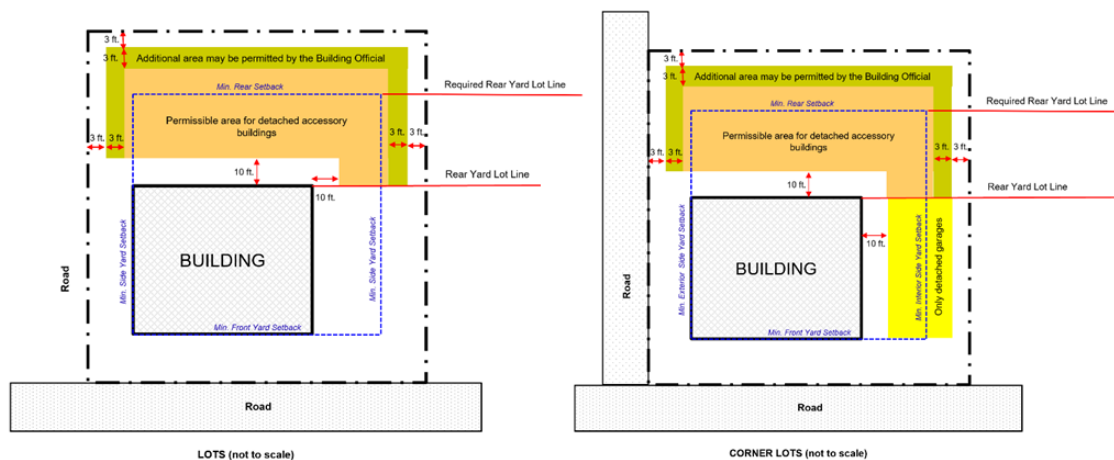
Sec. 10.504. - Accessory buildings, structures, and uses.

Item 4.

- (1) *Accessory buildings and structures.* Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:
- (a) *Use.* Accessory buildings and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. A detached accessory building can be used for parking or storage of motor vehicles, but not for commercial servicing or repair.
 - (b) *Permit.* Any accessory building greater than 200 square feet in residential zoned districts and 120 square feet in commercial zoned districts shall require a building permit. All accessory buildings in non-residential districts also require a site plan, unless otherwise determined by the building official.
 - (c) *Location.* All detached accessory buildings are only permitted in rear yard subject to setbacks listed in this section. In case of corner lots, the building official may permit detached garages for parking cars in the side yard in single family residential districts.
 - (d) *Height.* All detached accessory building in all districts with a pitched roof shall not exceed one story or 15 feet with a maximum ceiling height of ten feet.
 - (e) All detached accessory building in all districts with a flat roof shall not exceed one story or ten feet.
 - (f) All detached accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts subject to approval of the site plan review committee. The applicant shall submit supporting document justifying the reason for additional heights. Such structures shall also comply with building material requirements that apply to a principal structure in such districts.
 - (g) *Lot coverage.* The combined floor area of all accessory buildings on a lot or parcel shall not exceed 40 percent of the required rear yard. All attached accessory buildings shall be in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage for principal buildings.
 - (h) *Setbacks.* All accessory buildings are subject to the following setbacks listed below:
 - 1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.
 - 2. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than six feet to any side or rear lot line with eaves no closer than four feet to any lot line.

Item 4.

3. Detached accessory buildings or private garages may be located up to three feet to the rear lot line or side lot line subject to the building official determination that reduced setbacks would not negatively impact the surrounding uses or access to public or private streets.
4. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.
5. When an accessory building is located on a corner lot, the said lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line on the lot in the rear of such corner lot, and in no case shall the entrance to a garage be less than ten feet from a lot line.



- (i) Design. When a permit is required, all attached and detached accessory buildings shall be designed and constructed of materials and design including roof style compatible with the principal structure and other buildings in the vicinity, as determined by the building official. The building official may allow modifications to the roof design if the alternate design is compatible with surrounding architecture.
- (j) Pavement. All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine feet wide unless otherwise approved by the community development department. The community development department shall base its determination upon such factors as the narrowness, shallowness, shape or area of a specific piece of property, topographical conditions, or

extraordinary or exceptional conditions of the property by which the strict application of this Ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner.

- (k) Drainage. All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the city engineer.
- (2) *Utility structures.* All ground-mounted transformers, generators, mechanical equipment, and similar equipment shall be subject to the following regulations.
 - (a) They shall be permitted only in the rear yard
 - (b) In case of double frontage lots, the site plan review committee may permit such structures in the interior side yard, provided it is screened completely with an enclosure. Such enclosure shall be constructed of masonry materials similar/compatible to the buildings to which they are accessory and shall obscure all units within.
 - (c) They shall be subject to screening requirements listed in section 10.510(B)(8)b., landscaping and screening, unless otherwise as noted above.
- (3) *Swimming pools.* All zoning districts allow for swimming pools shall be subject to the regulations below.
 - (a) Any artificially constructed portable or nonportable pool or container capable of being used for swimming, wading or bathing or any combination thereof, wholly outside a permanently enclosed and roofed building and designed to hold 2,500 gallons or more of water or a depth of two feet or more at any point. A swimming pool shall not be considered an accessory structure for purposes of computing lot coverage.
 - (b) For the protection of the general public, outdoor swimming pools shall be enclosed by a wall, fence or other type of enclosure which may consist in part of the residence to which the swimming pool is appurtenant. Such wall or fence shall be not less than four feet or more than six feet above the ground line of the abutting level. Such wall, fence or enclosure shall not be required for all or such part of the pool that is four feet or more above the abutting ground level; provided, that a suitable barrier is furnished to deter entrance to the pool by persons not having the permission of the pool owner to enter therein when pool is not in use. Any wall shall be of wood, brick or masonry and any fence may be solid or designed so as to permit circulation of air; provided, that any wall or fence shall not be designed of such a nature as to permit any child to pass over, under or through any such fence except at a gate or door when such gate or door shall be opened. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked.
 - (c) Swimming pools, spas, hot tubs and similar devices are only permitted in the rear yard. No such structures shall be located closer than six feet to any lot line. The minimum setback may be reduced up to three feet subject to the building official determination that reduced

setbacks would not negatively impact the surrounding uses or access to public or private streets.

(d) Construction shall be in accordance with the State Building Code.

(4) *Flag poles.* All zoning districts allow for flags shall be subject to the regulations below.

- (a) Flagpoles shall be located within the property boundaries. The property owner shall determine the location of property lines and verify that the flagpole being installed is within those property lines.
- (b) Flagpoles shall be located in an area where they do not conflict with parking drives or pedestrian circulation areas.
- (c) The maximum height of the flagpoles including foundation, cannot exceed the maximum permitted height for principal structures of the respective zoning district. In any case, the height of any flagpole shall not be greater than the distance to the nearest property line.
- (d) There shall be no more than two flagpoles.
- (e) Flags bearing information that meet the definitions of a 'sign' as listed in section 10.511(l)(B)(10) cannot exceed 24 square feet and are limited to one such flag, subject to other conditions listed in this section. In instances, when such flag exceeds 24 square feet, they are considered as a sign for review and permitting purposes and shall comply with the sign ordinance requirements.
- (f) The limits in item (d), (e) above does not apply to single-family residences or any apartment dwelling when the flags are located within an area leased by the resident and not within any common area.
- (g) A maximum of one flagpole may be permitted in residential districts with a maximum height of 20 feet. The building official may permit an additional 30 feet based on his determination that the additional height would not negatively impact the surrounding uses or access to public or private streets. The maximum square footage of all flags on the flagpole shall not exceed a total of 30 square feet.
- (h) The maximum square footage of any number of flags per pole shall not exceed the recommended square footage listed below. Minor modifications to square footage requirements may be permitted by the building official if the appropriate structural analysis is provided.

Maximum Pole Height in Feet	Maximum Flag Area in Square Feet
60 and above as permitted in the zoning district	135

50—59	96	Item 4.
40—49	72	
30—39	50	
20—29	30	
Under 20	15	

- (i) All flagpoles shall be maintained in good condition, free of significant corrosion, tears, fraying, peeling paint or finish and other damage or deterioration.
- (j) Prohibited. Banners, pennants, spinners and streamers are not allowed.
- (k) When illuminated, the lighting shall be directed away from roadways, traffic areas and adjacent residential properties.
- (l) A building permit is required for any new flagpole. A sign permit may be required if the flag meets the requirements of subsection e listed above.

(5) *Accessory outdoor storage.* All types of outdoor storage in industrial districts are subject to following conditions.

- (a) Outdoor storage shall be accessory to the principal use of the property only and shall not be related to any off-site commercial business or activity.
- (b) All storage shall be limited to the open storage areas on the approved site plan.
- (c) All shall be located in the rear yard or an interior side yard. Storage yards shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.
- (d) All storage areas shall be setback a minimum of 20 feet from residential districts and ten feet from all other non-industrial districts.
- (e) Lumber, including wood pallets or other combustible material, shall not be stored less than 20 feet from any interior lot line.
- (f) In M-1 districts, the designated area may not exceed 50 percent of the gross floor area of the primary structure on the site.
- (g) The approving body may permit such storage a lot which immediately adjoins the subject property and complies with all applicable standard listed in this section. Easements or other acceptable form of agreements shall be required for outdoor storage located on separate parcels.

- (h) The open storage is of new materials used for operations taking place inside a building on same lot, or of new finished product prior to shipment.
 - (i) Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan.
 - (j) In no case shall open storage areas to be used to store waste, used or secondhand materials, or obsolete machinery or materials no longer used or intended to be used in the industrial operation.
 - (k) Openly stored materials shall be protected from damage due to weather precipitation as necessary. No racks for the holding of materials are permitted, except that pallets or low blocks may be used to keep materials from immediate contact with the ground.
 - (l) Any stockpiles of soils, fertilizer or similar loosely packaged materials is prohibited, unless they are sufficiently covered or contained to prevent dust or blowing of materials.
 - (m) Adequate fire protection and access for fire vehicles shall be provided at all times.
 - (n) All outdoor sales and display areas shall have an approved paved aggregate surface and a stormwater drainage system.
 - (o) Storage yards 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 industrial uses.
- (6) *Contractors equipment storage.* In M-1 and M-2 districts, the use of any outside space for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials is subject to follows:
- (a) Such storage is subject to all applicable standards related general outdoor storage in industrial districts as noted in the above section 10.504(3).
 - (b) Outdoor storage yards shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage, with an exception as noted in section 10.504(3)g.
 - (c) Site plans shall specify if the facility will allow the storage of any vehicle over 30 feet in length. All construction vehicles and equipment shall be stored at their lowest height possible.
 - (d) The loading and unloading of equipment and construction materials shall be conducted entirely within the site and shall not be permitted within a public right-of-way.
 - (e)

Such storage shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.

- (7) *Above ground storage tanks.* In M-1 and M-2 districts, outdoor placement of above-ground storage tanks as follows:
- (a) It shall be accessory to an otherwise permitted use.
 - (b) It shall be located in a non-required rear or interior side yard.
 - (c) It shall be in compliance with the city's adopted Fire Prevention Code and any applicable State of Michigan and federal regulations related to such use.
 - (d) When abutting a residential district, it shall be enclosed and screened from public view with a greenbelt buffer or a screen wall that comply with related standards in section 10.510, landscape and screening. The approving body shall determine the minimum height for the required screening.
- (8) *General exceptions.* The site plan review committee or any approving body may modify the minimum standards of this subsections (5), (6) and (7) related to outside storage, if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site.

(Ord. No. 861, § 1, 4-9-90; Ord. No. 872, § 1, 11-13-90; Ord. No. 928, § 1, 11-13-95; Ord. No. 1026, § 1, 4-14-03; Ord. No. 2167, § 1, 7-26-21; Ord. No. 2168, § 4, 9-13-21)

NOTICE OF PUBLIC HEARING

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

(A) Case # PZBA 23-11: 876 Horace Brown Drive

REQUEST: The petitioner, 876 Horace Brown LLC, requests approval under Section 10.503(6)(c) of the Zoning Ordinance to modify an existing non-conforming use. The petitioner intends to repurpose an existing nonconforming event space into a banquet facility. The subject property is located at 876 Horace Brown Drive (tax parcel # 44-25-11-201-032) and is zoned O-1, Office.

(B) Case # PZBA 23-12: 1044 E. 11 Mile Road

REQUEST: The petitioner, John Joannidis, requests two (2) dimensional variances from the Zoning Ordinance: (1) A variance from Section 10.504(1)(c) pertaining to required detached accessory building location; and (2) a variance from Section 10.504(1)(h) pertaining to required detached accessory building setbacks. The subject property is located at 1044 E. 11 Mile Road (tax parcel # 44-25-24-129-036) 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 items can be viewed online at www.madison-heights.org in the Agenda Center after 4:00 p.m. on the Friday before the meeting.

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

CITY CLERK'S OFFICE
(248) 583-0826