



**CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
ZONING BOARD OF APPEALS MEETING AGENDA
JUNE 05, 2025 AT 7:30 PM**

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

1. April 3rd, 2025 Meeting Minutes

PUBLIC HEARING

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

REQUEST: The applicant, Gabe Konieczski, requests a dimensional variance from Section 7.03.46 of the Zoning Ordinance pertaining to the minimum setback of a veterinary clinic from a residentially-zoned or used property. The subject property is located at 241 & 245 E. 11 Mile Road (PIN 44-25-13-357-027) and is zoned CC, City Center.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

NEW BUSINESS

MEMBER UPDATES

PLANNER UPDATES

ADJOURNMENT

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

Zoning Board of Appeals
Madison Heights, Michigan
April 03, 2025

A Zoning Board of Appeals was held on Thursday, April 03, 2025, at 7:30 PM
at Council Chambers - City Hall, 300 W. 13 Mile Rd.

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

ABSENT: Corbett, Loranger, and Oglesby

ZBA 11-25. Excuse member(s).

Motion made by Ms. Holder, Seconded by Ms. Aaron, to excuse Ms. Linda
Corbett, Mr. Del Loranger, and Mr. Clifford Oglesby.

Voting Yea: Aaron, Holder, Kimble, Marentette, Sagar, Fleming, and Covert

Absent: Corbett, Loranger, and Oglesby

ZBA 12-25. Minutes.

Motion made by Ms. Aaron, Seconded by Ms. Covert, to approve the March 6,
2025, Meeting Minutes as presented.

Voting Yea: Aaron, Holder, Kimble, Marentette, Sagar, Fleming, and Covert

Absent: Corbett, Loranger, and Oglesby

ZBA 13-25. Case # PZBA 25-04: 32275 Stephenson Hwy.

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

REQUEST

The applicant, Ahmad Nassar d/b/a Detroit 75 kitchen, requests a variance from
Section 12.09 of the Madison Heights Zoning Ordinance to permit the structural
alteration of a legally non-conforming pylon sign. The property is located at
32275 Stephenson Highway (tax parcel # 44-25-02-101-036) and is zoned MUI-
1, Mixed-Use Innovation 1. The property is located on the west side of
Stephenson Highway north of Whitcomb Ave. and is improved with a 3,200
square foot building. The applicant currently operates a food truck on the site

and is in the process of renovating building to accommodate their new brick and mortar restaurant.

The property features an existing 24-foot-tall pylon sign adjacent to Stephenson Highway, pictured on the following page. The applicant proposes to remove the existing side-mounted sign cabinet (approximately 50 sq. ft.) and replace it with a new top-mounted sign cabinet (approximately 54 sq. ft.). The applicant proposes to reutilize the existing pole and ultimately maintain the 24-foot total sign height (officially 23 ft. 9 in.). The Zoning Ordinance does not permit new pylon signs, defined as a “freestanding outdoor sign with either one or two poles for support.” As such, the existing pylon sign is considered a legally nonconforming sign.

Per Section 12.09.3 of the Zoning Ordinance (Nonconforming Signs), a nonconforming sign shall not be, “structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face is permitted on a non-conforming sign if there are no other structural modifications.” While the applicant proposes to utilize the existing sign pole and maintain the 24-foot-tall sign height, the applicant proposes a new sign cabinet, which is considered a structural alteration. Therefore, the applicant requests a variance from Section 12.09 to permit a new cabinet on the nonconforming pole sign.

Regulations for Permitted Signs

To comply with Zoning Ordinance standards, the applicant would be required to remove the nonconforming pylon sign and replace it with a shorter monument sign. As opposed to a pylon sign (not permitted in the City), a monument sign is defined as a, “freestanding sign mounted to the ground that does not have any exposed poles or pylons.” Per Section 12.07, the maximum permitted height for a monument sign in the MUI-1 district is eight (8) feet.

Proposed Pole Sign Cabinet

The proposed cabinet is approximately 54 square feet in area and features an aluminum face with pushthrough acrylic and a faux neon L.E.D. border. Internal illumination is proposed. The cabinet is proposed to sit atop the existing pole as opposed to the existing cabinet which is mounted to the side.

VARIANCE FINDINGS AND CRITERIA

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

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

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

STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 15.06.2 of the Zoning Ordinance. As justification for their variance request, the applicant primarily cites the historic precedent of pole signs along this stretch of Stephenson Highway, the potential for enhancement and modernization of an outdate pylon sign, and the fact that the new cabinet will not result in an increase in sign height, thus creating minimal impact or departure from existing conditions.

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

ZBA ACTION

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

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.

Paul Deters, Metro Signs & Lighting and consultant for Detroit 75 Kitchen, advised that the sign pole was inspected. It has been found structurally sound and well suited to support the proposed sign. The LED sign is lighter weight, and it will be center balanced.

Chair Kimble opened the public hearing at 7:47 p.m. to hear comments on application #25-04.

There being no comments on application #25-04, Chair Kimble closed the public hearing at 7:48 p.m.

Motion made by Ms. Aaron, Seconded by Ms. Covert, to approve the variance request for the structural alteration of a legally nonconforming pylon sign on the subject property located at 32275 Stephenson Highway. This motion, being made after the required public hearing, is based upon the following findings:

1) Per Section 12.09.3 of the Zoning Ordinance, a nonconforming sign shall not be, "structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face is permitted on a non-conforming sign if there are no other structural modifications."

1) The existing 24-foot-tall pylon sign located on the subject property is nonconforming in that the City of Madison Heights does not allow pylon signs as a permitted ground sign; it is further nonconforming in that it exceeds the maximum ground sign height of 8 feet permitted in the MUI1 district. The applicant proposes to remove and replace the sign cabinet on this existing pylon sign against Ordinance standards.

2) The proposed cabinet will not increase the height of the existing pylon sign and will be of a similar area to the existing cabinet.

3) The requested variance generally satisfies the variance criteria set forth in Section 15.06.2 of the Zoning Ordinance. In particular, the Zoning Board of Appeals finds that:

- a. The requested variance is the minimum amount necessary to permit reasonable use of the existing nonconforming pylon sign; and
- b. The authorization of the variance will not be of substantial detriment to adjacent properties and will not materially impair the health, safety, and general welfare of the community; and
- c. A variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area and will result in a modernized sign that will enhance the aesthetics of the Stephenson Highway corridor.

Approval is granted with the **following conditions** designed to ensure compliance with the intent and purpose of the sign regulations:

- 1) The total height of the pylon sign shall not exceed twenty-four (24) feet from grade; and
- 2) The total area of the sign cabinet shall not exceed 55 square feet, consistent with that presented within the variance application; and
- 3) Future face changes of the cabinet shall be permitted administratively in accordance with Section 12.09 of the Zoning Ordinance; and
- 4) The background of the sign cabinet shall remain opaque.

Voting Yea: Aaron, Holder, Kimble, Marentette, Sagar, Fleming, and Covert

Absent: Corbett, Loranger, and Oglesby

Motion carried.

ZBA 14-25. Public Comment: For items not listed on the agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 7:55 p.m. and closed the public comment at 7:56 p.m.

ZBA 15-25. Adjournment.

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

Voting Yea: Aaron, Holder, Kimble, Marentette, Sagar, Fleming, and Covert

Absent: Corbett, Loranger, and Oglesby

Motion carried.

There being no further business, Chair Kimble adjourned the meeting at 7:57 p.m.



MEMORANDUM

Report Date: May 29th, 2025
 To: City of Madison Heights Zoning Board of Appeals
 Meeting Date: June 5th, 2025
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Veterinary Clinic – Residential Setback Variance Request
 PZBA 25-05; 241/245 E. 11 Mile Road

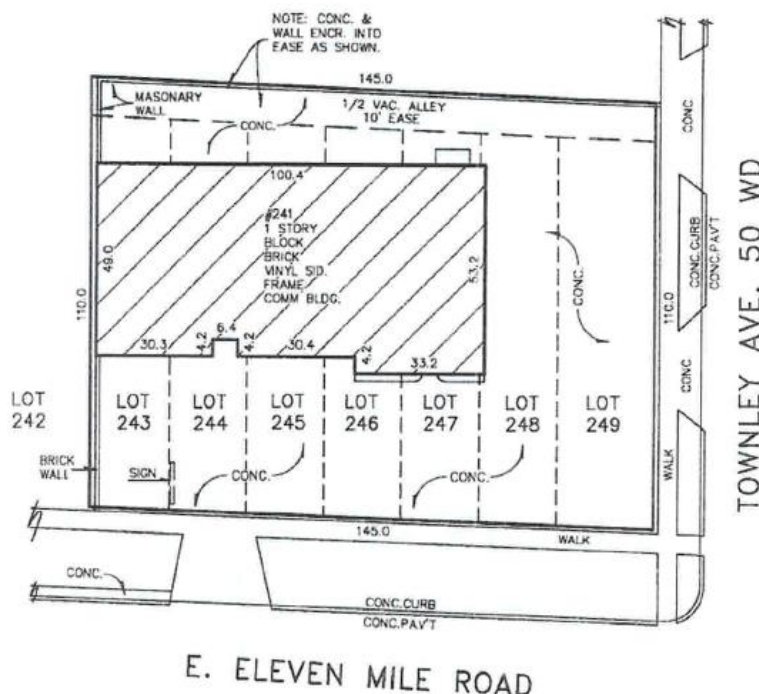
REQUEST

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

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

The image below is taken from a mortgage survey of the property and illustrates the proximity of the building to the property lines. Aerial/streetview images are provided on the next page.

Mortgage Survey: 241 E. 11 Mile Road



Aerial Image of Subject Property



Streetview from Townley St.



Streetview from E. 11 Mile Rd.



VARIANCE FINDINGS AND CRITERIA

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

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

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

STAFF ANALYSIS

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

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

adjacent properties. However, additional conditions could be placed on the variance request to further protect these residential properties in accordance with Section 15.06.2.

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

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

Suggested conditions:

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

ZBA ACTION

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

TEMPLATE MOTIONS

Variance— Residential Setback Requirement

APPROVE (NOTE: ALL STANDARDS NEED TO BE LISTED TO MOVE FOR APPROVAL)

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

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

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

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

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

DENIAL (NOTE: ONLY ONE NON-COMPLIANT STANDARD NEEDS TO BE LISTED TO MOVE FOR DENIAL)

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

- 1) That 7.03.46.a of the Zoning Ordinance states that, *"Buildings wherein animals are kept, treated, or serviced shall be set back a minimum of fifty (50) feet from any residentially-zoned or used property."*
- 2) That strict compliance with the building setback requirement would not unreasonably prevent the owner from using the property for a permitted purpose other than a veterinary clinic, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- 3) That the authorization of such variance would be a substantial detriment to adjacent properties and will materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- 4) That the need for the requested variance is a result of actions of previous property owners.

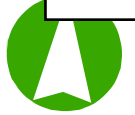
Attachments

- Maps
- ZBA Application and Documents
- Section 7.03.46 – [Use Specific Standards] Veterinary Clinics and Animal Grooming
- Section 15.06 – Variances and Appeals
- Public Hearing Notice

Item 2.



Site Address: 241 E. 11 Mile Road



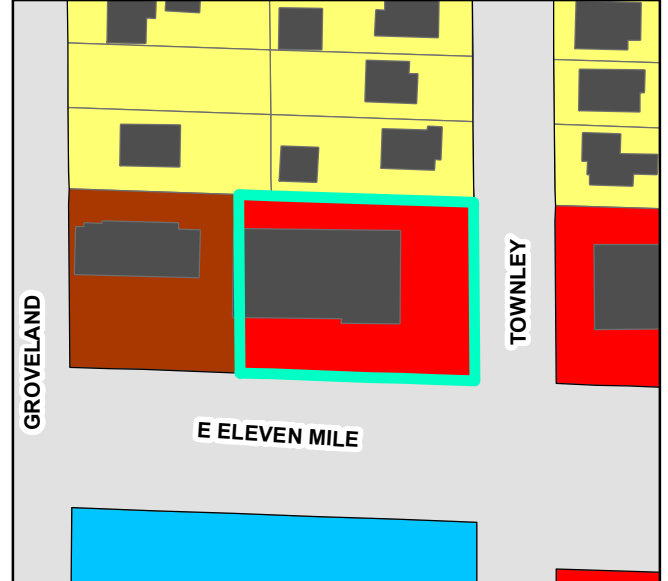
Click for maps

Aerial



241 E. 11 Mile Rd Parcels

Existing Land Use



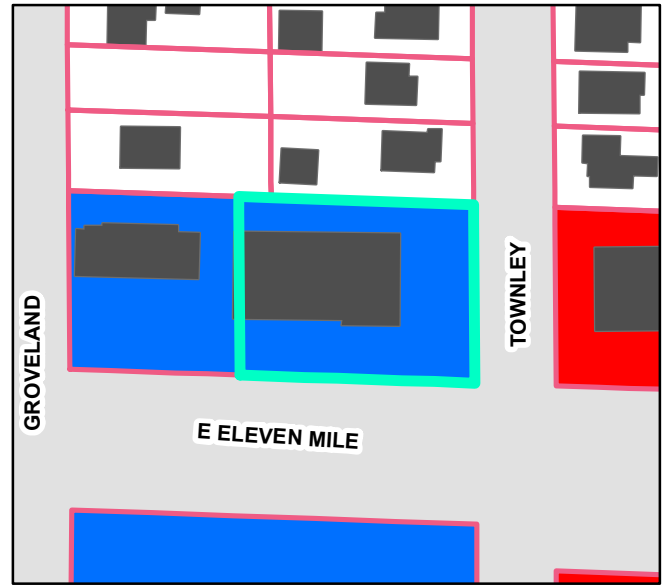
241 E. 11 Mile Rd Commercial
 Single and Two Family Multiple Family

Zoning



241 E. 11 Mile Rd R-3 Residential
 Parcels CC City Center District

Future Land Use

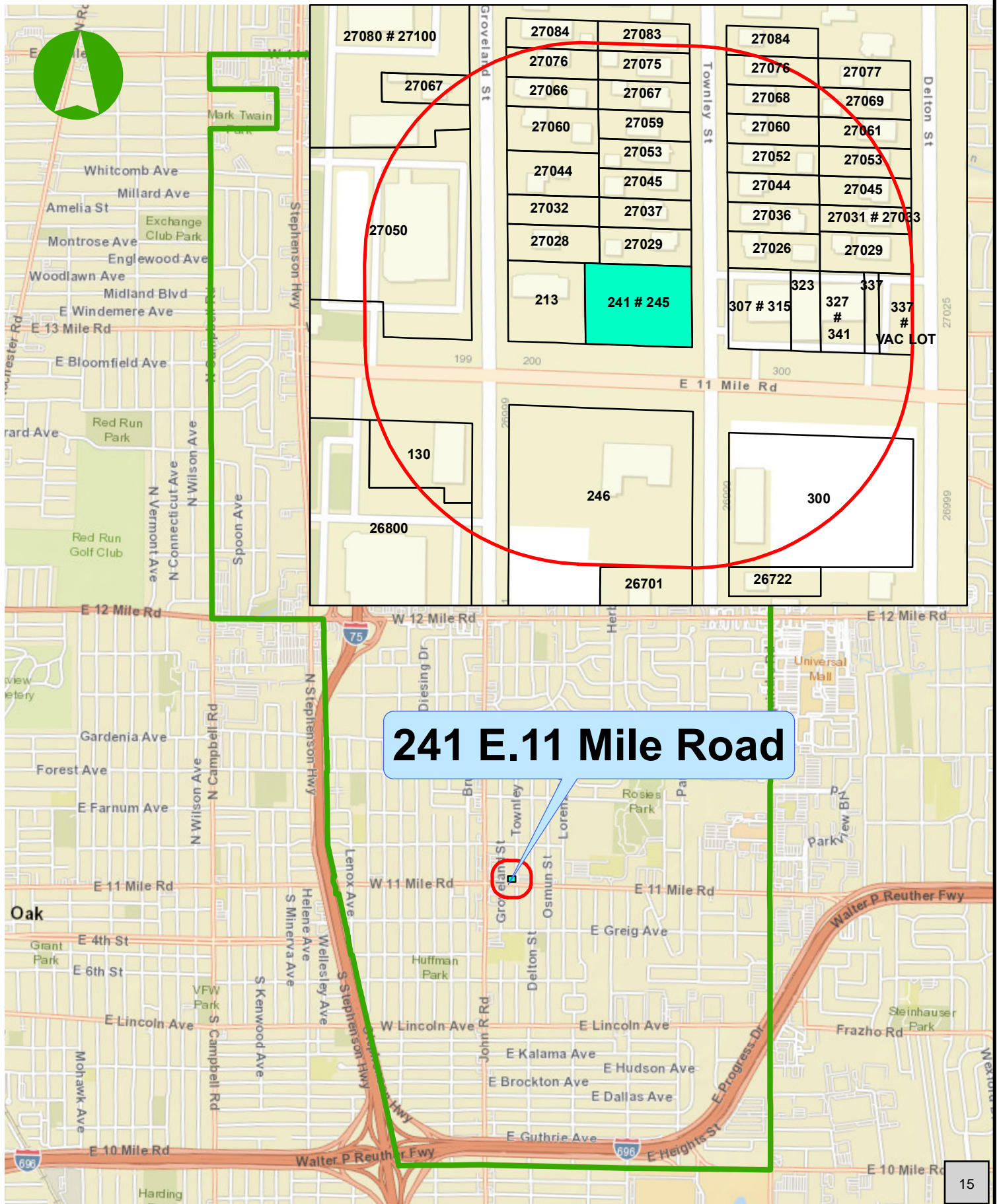


241 E. 11 Mile Rd Commercial
 Public and Schools Parcels

PZBA 25-05: 241 E. 11 MILE ROAD

BUFFER: 300 FT

Item 2.





CITY OF MADISON HEIGHTS
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
ZONING BOARD OF APPEALS (ZBA) APPLICATION

I. APPLICANT INFORMATION

Applicant Gabe Konieczski

Applicant Address [REDACTED]

City [REDACTED] State [REDACTED] ZIP [REDACTED]

Interest in Property (owner, tenant, option, etc.) Purchaser

Contact Person Iden Kalabat

Telephone Number [REDACTED] Email Address [REDACTED]

II. PROPERTY INFORMATION (IF APPLICABLE)

Property Address 241-245 E. 11 Mile Rd

Tax ID 25-13-357-027 Zoning District

Owner Name (if different than applicant) John Glon

Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Telephone Number [REDACTED] Email Address [REDACTED]

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name Company

Address

City State Zip

Telephone Number Email Address

IV. NATURE OF REQUEST

- ☒ Dimensional (Non-Use) Variance
 ☐ Appeal of Administrative Decision
 ☐ Zoning Text or Map Interpretation
 ☐ Alteration of Non-Conforming Use

Brief Description of Request

The applicant is purchasing an existing building with the intent of opening a veterinary clinic that does not meet the strict compliance of 50ft setback from a residential property. The request is to grant a variance to open a veterinary clinic

Required Attachments: Refer to ZBA Review Standards Response Form and Checklist (attached).

V. APPLICANT CERTIFICATION

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Zoning Board of Appeals application. Applicant(s) and the property owner(s) do hereby consent to city staff to assess the property for purposes of evaluating the site for requested action(s). I hereby affirm that all of the information submitted with and including this application are correct and truthful to the best of my knowledge.

Printed Name Iden Kalabat Signature  Date May 1, 2025

VI. PROPERTY OWNER CERTIFICATION

By signing below, I (property owner) understand that the application to the City of Madison Heights has been made for land use matters to be considered and decision made by the Zoning Board of Appeals that will affect use of my property. I hereby affirm that all of the information submitted with and including this application are correct and truthful to the best of my knowledge.

IF YOU ARE NOT THE PROPERTY OWNER, YOU MUST HAVE THE PROPERTY OWNER PROVIDE A NOTARIZED SIGNATURE, BELOW, OR PROVIDE A NOTARIZED LETTER OF AUTHORIZATION OR NOTARIZED POWER OF ATTORNEY AUTHORIZING YOU TO ACT ON THEIR BEHALF.

Printed Name Gabe Konieczski Signature  Date May 1, 2025

Notary for Property Owner:

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

Notary Stamp

A Notary Public in and for _____ County, Michigan.

Notary Name (Print): _____

Notary Signature: _____

My Commission Expires: _____

STAFF USE ONLY [DO NOT ACCEPT INCOMPLETE APPLICATIONS]

FILING FEE: 400

- DIMENSIONAL VARIANCE/NON-CONFORMING USE:
 - Single-Family: \$300
 - Multi-Family/Non-Residential: \$400 + \$300 per additional variance
- Appeal/Interpretation: \$400

ZBA NO.: PZBA # 25-0005

DATE APPLICATION RECEIVED: 5/2/25

RECEIVED BY: 

SECTION D: DIMENSIONAL (NON-USE) VARIANCE

☒ Check here for a Dimensional (Non-Use) Variance (Section 15.06 of Zoning Ordinance)

1. List Section number(s) from which a variance is requested:

7.03(46)	

2. Provide a description of the proposed work and why the anticipated variances are needed.

The applicant is purchasing an existing building with the intent of opening a veterinary clinic. No site or exterior improvements are proposed at this time.

3. Explain how strict compliance with area, setbacks, frontage, height, bulk, density, or other dimensional standards would unreasonably prevent the owner from using the property for a permitted purpose, thereby rendering the conformity unnecessarily burdensome for other than financial reasons.

Strict compliance with the 50 ft setback from a residential property will render this property unusable for a veterinary clinic.

4. Explain how a variance would provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return is not of itself deemed sufficient to warrant a variance.

Granting of this variance would allow the applicant to occupy and operate a veterinary clinic at the subject property.

5. Explain how the plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic environmental conditions, or other physical situation(s) on the land, building, or structure.

The applicant is purchasing the property in its current condition and configuration. If it was a vacant lot, the building could potentially be placed in a position that complies with the ordinance.

6. Explain how the requested variance(s) is/are the minimum amount necessary to permit reasonable use of the land, building, or structure.

Only the requested variance is needed to permit intended use of the property as a Veterinary Clinic.

7. Describe how the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purposes of the Zoning Ordinance or the public health, safety, and general welfare of the community.

The intent of the ordinance is to prevent the use from becoming a nuisance to adjacent residential properties. The applicants intended use will not create such nuisance and therefore, does not impair the intent of of the ordinance.

8. Describe how the need for the variance(s) is not the result of actions of the property owner or previous property owners.

The need for the variance is not the result of actions of the applicant.

9. Provide conceptual site plan or plot plan, properly scaled, showing: dimensions from street/property lines, sidewalks, building on site and on adjoining properties, easements, and other facilities, structures, and site conditions pertaining to the variance or alteration request. (Refer to Checklist included in this application).

Mortgage survey is attached.

MORTGAGE SURVEY

Certified to: FIRST AMERICAN TITLE INSURANCE COMPANY

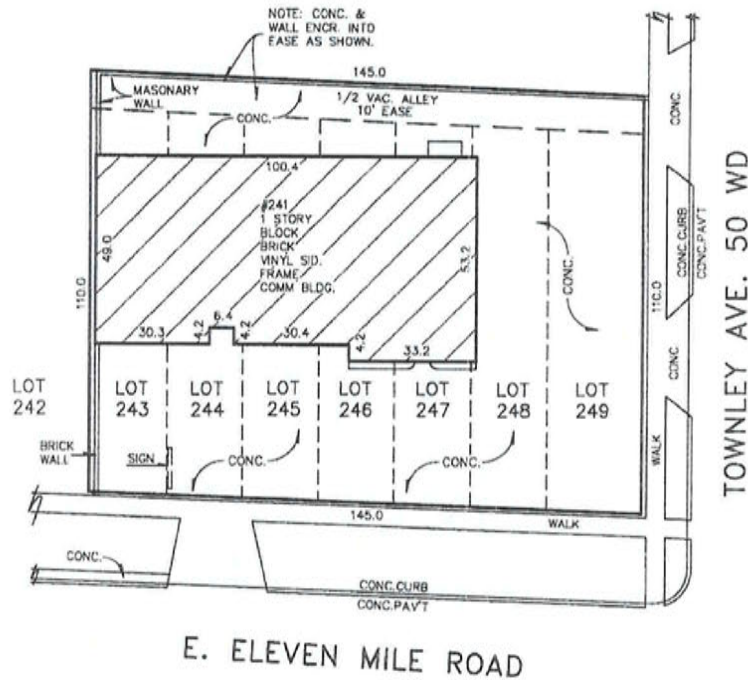
Applicant: CGB HOLDINGS, LLC

Property Description:

Lots 243 through 249, inclusive, including 1/2 of the vacated alley at the rear thereof; TUXEDO PARK SUBD'N., of part of the S.W. 1/4 of Sec. 13, T.1 N., R.11 E., Royal Oak Twp. (now City of Madison Heights), Oakland County, Michigan, as recorded in Liber 32 of Plots, Page 37 of Oakland County Records.

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND TO DETERMINE THE EXACT AMOUNT OF ENCROACHMENT.

NOTE: A COMPLETE CURRENT TITLE POLICY HAS NOT BEEN FURNISHED, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY NOT BE SHOWN AT THIS TIME.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

JOB NO: 18-01828 SCALE: 1"=30'
DATE: 05/23/18 DR BY: LAO

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May 9, 2025

City of Madison Heights

Attn: Matt Lonnerstater, AICP

City Planner

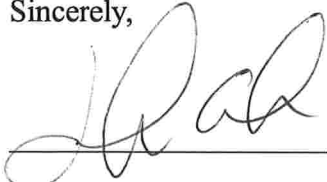
Re: 241 E. 11 Mile Road - PZBA 25-05

Mr. Lonnerstater:

By signing below, CGB Holdings LLC, understand that the application to the City of Madison Heights has been made for land use matters to be considered and a decision made by the Zoning Board of Appeals that will affect use of my property.

If you have any questions or need to discuss further, please contact me at:

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Glon', is written over a horizontal line.

Name: John Glon

Its: Managing Partner

STATE OF MICHIGAN)

) ss.

COUNTY OF Wayne)

On May 9th, 2025, before me, Jamie Jones, Notary Public, personally appeared John Glon, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Michigan that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.




NOTARY PUBLIC

[SEAL]

05/09/2025

<p>JAMIE L. JONES Notary Public, State of Michigan County of Wayne My Commission Expires Jan. 25, 2030 Acting in the County of <u>Wayne</u></p>



NOTICE OF PUBLIC HEARING

Notice is hereby given that a Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **City Council Chambers** of the Municipal Building at **300 W. 13 Mile Road**, Madison Heights, Oakland County 48071 on **Thursday, June 5th, 2025 at 7:30 p.m.** to consider the following requests:

Item 2.

1. Case # PZBA 25-05: 241 & 245 E. 11 Mile Road

REQUEST: The applicant, Gabe Konieczski, requests a dimensional variance from Section 7.03.46 of the Zoning Ordinance pertaining to the minimum setback of a veterinary clinic from a residentially-zoned or used property. The subject property is located at 241 & 245 E. 11 Mile Road (PIN 44-25-13-357-027) and is zoned CC, City Center.

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

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

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MADISON HEIGHTS COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

(248) 583-0831

- F. Townhomes shall feature design elements which create visual distinctions for each unit, such as, but not limited to, varying roof forms, massing, projections and recesses, modulations, or change of materials, colors or textures.
- G. Townhome structures that are proposed on a parcel adjoining a parcel that is zoned single-family residential or improved with a single-family detached structure shall be “stepped-down” to a maximum height of twenty-five (25) feet along the adjoining property line. The “stepped-down” portion of the building shall be a minimum of ten feet in width. Alternatively, the minimum required end unit side yard setback adjacent to the adjoining parcel may be increased by one (1) foot for each one (1) foot of building height in excess of twenty-five (25) feet. For example, a townhome unit with a building height of thirty-two (32) feet shall be set back twelve (12) feet from the adjoining single-family property line (5-foot end unit setback + 7 foot setback for additional height).
- H. **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete. The Planning and Zoning Administrator may consider alternative accent materials.
- I. **Garage Doors.** Front-loaded attached garages are prohibited. Attached garages shall be accessed from the side or rear of the structure.
- J. **Site Plan Review.** Townhome developments/structures containing 4 or less units are subject to Minor Site Plan review, per [Section 15.04](#). Townhome developments/structures exceeding 4 units are subject to Major Site Plan review, per [Section 15.04](#).
- K. **Planning Commission Review and Action.** Major site plans for multi-family developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per [Section 15.04](#).

46. **VETERINARY CLINICS AND ANIMAL GROOMING.**

- A. Buildings wherein animals are kept, treated, or serviced shall be set back a minimum of fifty (50) feet from any residentially-zoned or used property
- B. Overnight boarding, outdoor runs, kennels, and storage areas are not permitted. However, veterinary clinics and animal grooming facilities may include commercial kennels, boarding facilities, and outdoor facilities if permitted in the district where the facility is located, subject to special use approval, if required, and the requirements of [Section 7.03\(8\)](#), Commercial Kennels and Boarding Facilities.

47. **WIRELESS COMMUNICATION FACILITIES.**

- A. **Purpose and Intent.** The regulations of this section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the city of Madison Heights:
 - (1) It is the city's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the city.
 - (2) It is the policy of the city that all users should collocate attached wireless communication facilities and wireless communication towers, where practicable. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.
 - (3) In recognition of the city's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
 - (4) These regulations do not apply to accessory antennas addressed in [Section 8.01. Zoning Districts and Approval Process for Wireless Communication Facilities](#). Wireless communication facilities may be located within the city as follows:

mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

Section 15.06 Variances and Appeals

1. **Administrative Appeals.** The Zoning Board of Appeals shall have the power to hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or interpretation made by the Planning and Zoning Administrator, zoning enforcement officer, or any other administrative official, board or commission in carrying out or enforcing any provision of this Ordinance, except where this Ordinance prohibits Zoning Board of Appeal Action (e.g. direct appeal to Circuit Court).
 - A. An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the building inspector aggrieved by the decision, order, requirement, or determination made by the Planning and Zoning Administrator, Technical Review Committee, Planning Commission, zoning enforcement officer, or other administrative official or board or commission tasked with administering or enforcing the provisions of this Ordinance. Such appeal shall be taken by filing a notice of appeal with the Planning and Zoning Administrator on appropriate forms provided by the Community and Economic Development Department. The Planning and Zoning Administrator shall transmit all papers constituting the records of such appeal to the board. The board may require the applicant to furnish such surveys, plans or other information as may be required for the proper consideration of the matter. Upon a hearing before the board, any person or party may appear in person, or by agent, or by attorney.
 - B. **Time for Appeal.** An appeal shall be filed to the Planning and Zoning Administrator within thirty (30) days from the date listed on the Notice of Action referring to the order, requirement, decision, or determination which is the subject of the appeal.
 - C. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and Section 15.01.
 - D. The board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring decision of a majority of the members of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative officer or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Zoning Board of appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificates a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice of the building inspector and on due cause shown.
2. **Variances.** The ZBA shall have the power to authorize, upon application, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all of the following requirements have been met by the applicant's petition:
 - A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
 - B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and

- C. That plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

- (1) Are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public; and
 - (2) Are necessary to meet the intent and purpose of this Ordinance, are related to the standards established in the section for the land use or activity under consideration and are necessary to ensure compliance with those standards.
3. **Use Variances Prohibited.** The Zoning Board of Appeals shall not have the authority to grant a use variance to permit a use that is not permitted in a zoning district. However, the Zoning Board of Appeals may consider expansions or alterations of non-conforming uses in accordance with [Section 13.01](#).
 4. **Approval Period.**
 - A. No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
 - B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.
 5. **Appeals of Decisions to Circuit Court.** The decision of the ZBA shall be final. An appeal of a decision of the Zoning Board of Appeals shall be taken to the Oakland County Circuit Court within a time period specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and by such persons permitted by State statute and common law. Upon appeal, the court shall review the record and decision of the ZBA to ensure that the decision complies with the constitution and laws of the state, is based upon proper procedure, is supported by competent, material, and substantial evidence on the record and represents the reasonable exercise of discretion granted by law to the ZBA. As a result of this review required by this Section, the court may affirm or modify the decision of the ZBA.
 6. **Resubmittal.** No application for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be re-submitted for a period of three hundred sixty five (365) days from such denial, except on the ground of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 15.07 Zoning Ordinance Amendments (Map and Text)

The City Council may amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Changes in the text or zoning district boundaries of this Ordinance may be proposed by the Planning Commission, Planning and Zoning Administrator, other City Staff, or any interested person or organization.