



MEMORANDUM

Report Date: October 30th, 2026
To: City of Madison Heights Zoning Board of Appeals
Meeting Date: November 5th, 2026
From: Matt Lonnerstater, AICP – City Planner
Subject: Variances for Building Setback, Parking in a Front Yard, and Landscaping
PZBA 26-04 – 29235 Stephenson Highway

REQUEST

The applicant and property owner, Kirk Neal c/o TJ Property Management, LLC, requests the following variances related to proposed building and site improvements at the subject property:

- (1) Dimensional variance from Section 4.02 of the Zoning Ordinance pertaining to side-yard building setback requirements; and
- (2) Dimensional variance from Section 10.01(2) pertaining to front-yard parking setback requirements; and
- (3) Variance from Section 11.06 pertaining to minimum parking lot landscaping requirements.

The subject property is located at 29235 Stephenson Highway and is zoned M-1, Light Industrial. The property is improved with a 25,596 square foot industrial building currently occupied by 2SP Sports Performance, an indoor sports training facility. 2SP Sports proposes a 9,000 square foot addition to the rear (west) of the existing building and additional site improvements, including replacement of the asphalt parking lot and striping of additional parking spaces.

Subject Property: 29235 Stephenson Hwy (outlined in red)



PROJECT HISTORY

The property owner received a rear-yard building setback variance under the previous Zoning Ordinance in 2023 (PZBA 23-06) for the proposed building addition. However, as no site plan or building permit applications were submitted and one year has passed since ZBA approval, the variance has lapsed. Since that time, Madison Heights has adopted a new Zoning Ordinance. The applicant wishes to restart the project and is now applying for dimensional variances under the new zoning regulations.

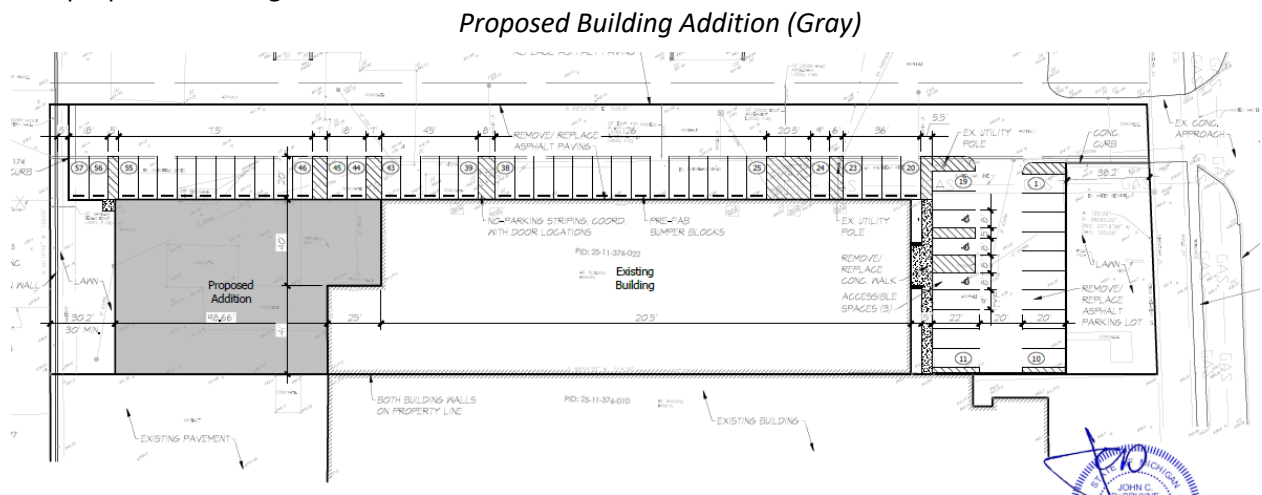
ZONING ORDINANCE STANDARDS

Building Setback

Per the Schedule of Regulations, **Section 4.02**, buildings and additions within the M-1 zoning district shall be set back a minimum of twenty (20) feet from side property lines. The 9,000 square foot building addition is proposed directly on the southern property line, resulting in a zero (0) foot side yard setback and requiring a twenty (20) foot side yard setback variance. The proposed building addition lines up with, and is an extension of, the existing building which also maintains a zero (0) foot side yard setback.

The proposed building addition is set back approximately thirty (30) feet from the rear property line, which satisfies the minimum rear setback requirement of the M-1 district (25 feet).

The applicant has included a letter signed by a representative of the property owner to the south agreeing to the proposed building location.



Front-Yard Parking

Section 10.01.2(B) prohibits off-street parking within the front-yard setback in the M-1 zoning district. The minimum required front yard setback in the M-1 district is fifty (50) feet. The applicant intends to remove, repave and restripe the existing front parking area, which is thirty-eight (38) feet from the front property line, requiring a twelve (12) foot setback variance. The footprint of the front parking area is not proposed to be increased.

Parking Lot Landscaping

Section 11.06.1.A states, "landscaping islands shall be used to subdivide parking areas into parking bays with not more than forty (40) spaces, provided that no more than fifteen (15) spaces shall be in an uninterrupted row." The applicant proposes to remove, repave and restripe existing parking spaces along the north side of the existing building and stripe new parking spaces along the north side of the building addition, but does not propose landscape islands or landscaping. Thirty-eight (38) uninterrupted parking spaces are proposed along the north side of the building, with fifty-seven (57) parking spaces total on site.

The Zoning Ordinance requires two (2) landscape islands within the northern row of parking spaces. The applicant is seeking a variance from the interior parking lot landscaping requirement.

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

Building Setback Variance

Whereas the previous zoning ordinance allowed a 0-foot side yard setback where industrial buildings adjoined other industrial zoning districts, the new Zoning Ordinance does not offer this flexibility. The existing building is placed directly on the shared south property line. The applicant requests a twenty (20) foot side-yard setback variance to extend the existing building to the rear, maintaining the zero-foot side yard setback. The applicant has included a letter signed by a representative of the property owner to the south agreeing to the proposed building location. The proposed building addition maintains a thirty (30) foot rear-yard setback. While the 30-foot rear yard building setback satisfies minimum Zoning Ordinance requirements, new landscaping should be considered in the new rear lawn area to provide greater buffering to the residential neighborhood behind.

Front Yard Parking

The existing front yard parking area encroaches into the required 50-foot front yard setback by 12 feet. While the applicant does not propose to increase the footprint of the existing parking area, frontage landscaping should be added to the berm between the parking lot and Stephenson Highway in accordance with Zoning Ordinance standards to further screen the parking lot and improve the streetscape.

Parking Lot Landscaping

The intent of the interior parking lot landscaping requirement is to break up large expanses of impervious pavement for stormwater and aesthetic purposes. The applicant does not propose landscape islands along the north side of the building and seeks a variance from this requirement. An underground stormwater system will likely be required as part of the site plan requirements, which will offset any increase in stormwater runoff.

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.

The Zoning Board of Appeals may act on all three (3) variances in one motion or act on them separately. If motions to approve the variances are presented, staff recommends several conditions of approval to further limit adverse visual impacts on adjacent properties and the streetscape and meet the spirit of the Zoning Ordinance

Suggested conditions:

1. The Major Site Plan, when submitted, shall be substantially consistent with the conceptual site plan provided within this variance application, with the exception of the following required modifications:
 - (a) Rear yard greenbelt landscaping shall be installed within the new lawn area in accordance with Screen Wall Greenbelt standards of the Zoning Ordinance (Section 11.04.C). However, shrubs shall not be required.
 - (b) Frontage landscaping shall be provided within the front berm area in accordance with the Frontage Landscaping standards of the Zoning Ordinance (Section 11.05). However, waivers may be considered in accordance with Section 11.11 to account for overhead power lines and visibility of signage.

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.

Attachments

- Maps
- ZBA Application and Documents
- Section 4.02 – Schedule of Regulations
- Section 10.01.2.B – Parking, Loading and Access Management] Parking Location Standards
- Section 11.-6 – Parking Lot Landscaping standards
- Section 15.06 – Variances and Appeals
- Public Hearing Notice

TEMPLATE MOTIONS

APPROVAL (Combined):

Move that the Zoning Board of Appeals APPROVE the following variances:

- 1) A twenty (20) foot variance from Section 4.02 of the Zoning Ordinance pertaining to side-yard building setback requirements, allowing for a zero (0) foot side yard setback along the southern property line; and
- 2) A twelve (12) foot variance from Section 10.01(2) pertaining to front-yard parking setback requirements, allowing for a thirty-eight (38) foot front yard parking setback; and
- 3) A variance from Section 11.06 pertaining to minimum parking lot landscaping requirements, eliminating the interior parking lot landscaping requirement within the row of parking to the north of the building.

This motion, being made after the required public hearing, is based upon the following findings:

- 1) Strict compliance with the side yard setback, parking lot setback, and parking lot landscaping requirements would unreasonably prevent the owner from expanding the existing building and improving on-site parking; and
- 2) The requested variances 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
- 3) The plight of the owner is due to unique circumstances of the property; and
- 4) The requested variances are the minimum amount necessary to permit reasonable development of the land, building or structure; and
- 5) With conditions, the authorization of such variances 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.

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

1. The Major Site Plan, when submitted, shall be substantially consistent with the conceptual site plan provided within this variance application, with the exception of the following required modifications:
 - (a) Rear yard greenbelt landscaping shall be installed within the new lawn area in accordance with Screen Wall Greenbelt standards of the Zoning Ordinance (Section 11.04.C). However, shrubs shall not be required.
 - (b) Frontage landscaping shall be provided within the front berm area in accordance with the Frontage Landscaping standards of the Zoning Ordinance (Section 11.05). However, waivers may be considered in accordance with Section 11.11 to account for overhead power lines and visibility of signage.
2. Additional building expansions and site improvements that fail to meet Zoning Ordinance requirements beyond those referenced within this motion shall require new application in front of the Zoning Board of Appeals.

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

Move that the Zoning Board of Appeals DENY the requested variances pertaining to the side yard building setback, front-yard parking setback, and minimum parking lot landscaping requirements at 32420 Stephenson Highway. This motion, being made after the required public hearing, is based upon the following findings:

- 1) Section 4.02 of the Zoning Ordinance contains standards pertaining to side-yard building setback requirements; and
- 2) Section 10.01(2) contains standards pertaining to front-yard parking setback requirements; and
- 3) Section 11.06 contains standards pertaining to minimum parking lot landscaping requirements; and
- 4) Strict compliance with the aforementioned standards would not unreasonably prevent the owner from continuing to utilize the existing site as an indoor recreational use; and
- 5) The authorization of such variances will materially impair the intent and purpose of this Ordinance to properly regulate building placement, parking lot placement, and landscaping; and
- 6) The plight of the owner is not due to unique or extraordinary physical or natural circumstances on the property; and
- 7) The need for the requested variances is a result of actions of the property owner to expand the existing building.