



MEMORANDUM

Date: September 8th, 2026
To: City of Madison Heights City Council (September 14th, 2026 Meeting)
From: Matt Lonnerstater, AICP – City Planner
Subject: Special Land Use Request PSP 26-06– 26126 Groveland Street – Major Home Occupation [Massage Therapy]

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 9

Introduction

The applicant, property owner, and resident of the property, Tonya Cole, requests Special Land Use approval from the Planning Commission and City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (licensed massage therapy business) out of a detached accessory structure at 26126 Groveland Street, zoned R-3, One-Family Residential; tax parcel # 44-25-24-152-003. The property contains a single-family house, detached garage, and a 144 sq. ft. accessory shed (with a deck) and is located on the east side of Groveland Street, south of East Cowan Avenue.

Note: This is an “after-the-fact” request, as code enforcement records indicate that the home occupation has been operating from the detached shed on-and-off since at least 2022 without proper city approvals.

Planning Commission Action and Findings.

Per the Zoning Ordinance adopted in 2024, Special Land Use requests begin at the Planning Commission for a public hearing, with a recommendation made to City Council for final action. A public hearing was held at the August 25th, 2026 special Planning Commission meeting. Several letters of opposition were read into the record, and several members of the public spoke in opposition. Following the public hearing, the Planning Commission approved the following motion pertaining to the proposed Special Land Use request:

MOTION MADE BY MAYOR HAINES, SECONDED BY COMMISSIONER FOX THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY **RECOMMENDS THAT CITY COUNCIL DENY** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:

- a. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that are inconsistent with the ordinances.
- b. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners:
 - i. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - ii. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
5. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance
 - a. It is not located within the principal dwelling.
 - b. There would be a negative impact on surrounding residential properties.

Voting Yea: Chair Champagne, Mayor Haines, Commissioner Fleming, Commissioner Fox, Commissioner Marsh, Commissioner Olson

Abstaining: Commissioner Oglesby

Motion carries 6-0.

Project Details

The applicant has provided a project narrative and scope of work for the proposed massage therapy business, summarized below:

- Massage therapy services rendered entirely within the accessory shed located in the rear yard.
- One employee (applicant), with services provided on a one-on-one, appointment-only basis.
- Appointments will take place between 8am and 8pm.
- Anticipated service of 4-8 clients per day.
- Clients will be instructed to park in the driveway and proceed to the shed in the rear yard.

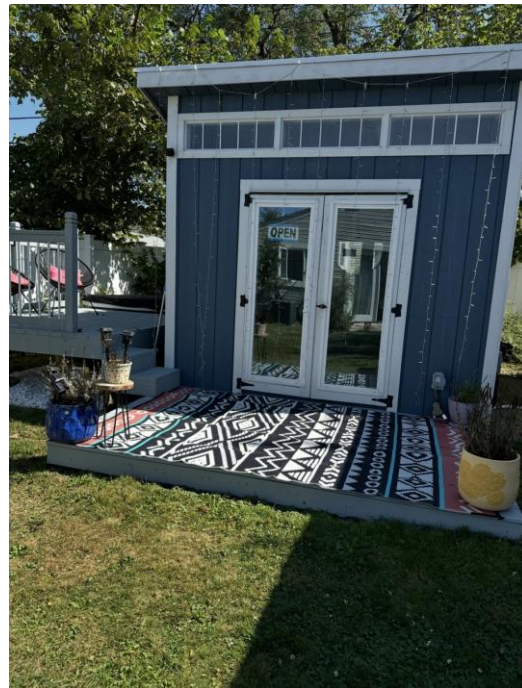
26126 Groveland Street



Aerial view of 26126 Groveland. Circled in yellow is the shed where the massage therapy will take place.



Images of detached shed proposed for Major Home Occupation (licensed massage therapy)



Inspection and Violation History

Since 2022, a number of violations have been recorded at the subject property relating to the operation of a commercial home occupation out of the shed, as well as failures to obtain proper permits for the shed itself. A brief violations and inspection history is provided below:

August, 2022: Violation reported for the operation of a commercial business out of the shed. Warning issued. Upon re-inspection in September, 2022, operation of the business was noted to have ceased. Violation closed.

May, 2023: Violation reported that commercial operation had started back up. Warning issued. Continued operation noted upon re-inspection. Ticket issued.

February, 2026: Repeat violation reported about continued operation of the home occupation. Ticket issued. Court appearance held. Instructed applicant to apply for Special Land Use approval for Major Home Occupation under new Zoning Ordinance. Special Land Use application submitted July, 2026

As of the date of this memo, there are several open building and trade permits related to the shed awaiting final approval:

- Electrical and Mechanical Permits for generator.
- Electrical and Mechanical Permits for mini-split.
- After-the-fact rat wall inspection for the shed.

Home Occupation Details

Home occupations are defined in the Zoning Ordinance (Section 2.01) as, *“a business, business activity, profession, occupation, or trade activity operating within a dwelling unit by the resident(s), subject to the conditions and limitations of the Zoning Ordinance.”*

Home occupations are further divided into “minor” and “major” classifications. A Major Home Occupation is defined as, *“a home occupation that may be evident to the surrounding area and/or involve the resident utilizing an accessory building or outdoor areas for operations and/or being the type of occupation which involves routine client or non-resident visits to the home.”*

As the proposed massage therapy business involves routine client visits to the home, staff has classified the proposed use as a Major Home Occupation. Major Home Occupations require Special Land Use approval and are subject to use-specific standards.

Use-Specific Standards for Major Home Occupations

Home occupations are subject to the use-specific zoning standards set forth in **Section 7.03.18** of the Zoning Ordinance, listed below:

- (1) *The operation of the Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.*
- (2) *The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection of equipment or materials necessary for their work at another site, or documents relating to their employment.*
- (3) *One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted toward required parking spaces.*
- (4) *The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matters at any time. No mechanical, electrical, or similar machinery equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.*
- (5) *The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.*

- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.*
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.*
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.*
- (9) No signage shall be permitted, except where specifically required by law.*
- (10) No display of any kind shall be visible from the exterior of the premises.*
- (11) Major Home Occupations shall not include the sales and/or service of weapons, guns, ammunition, fireworks, or any components thereof, nor a regulated use as regulated in Section 5.03.*
- (12) In addition to Special Land Use approval in accordance with Section 15.05, a Certificate of Occupancy shall be required for Major Home Occupations in accordance with Section 15.03.*

The applicant has provided a project narrative responding to the criteria for Major Home Occupations. The proposed massage therapy business appears to satisfy a majority of these use-specific standards. However, detailed consideration should be given to #4 pertaining to the “negative impacts” to neighbors. Should City Council move to approve the Special Land Use, staff advises that all of the use-specific standards of Section 7.03.18 be incorporated and referenced as a condition of approval; stricter conditions may be warranted to further address nuisances to neighbors.

Massage Therapy Standards

Massage therapy uses are subject to definitions and use specific standards within the Zoning Ordinance. Important definitions from the Zoning Ordinance are listed below:

- 1) *Massage Therapist, Licensed:*** *An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.*
- 2) *Massage Therapy:*** *A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer’s body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tabbing, pounding or vibrating. Massage therapy also includes complementary methods, including the external application of Asian bodywork approaches, acupuncture, water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.*
- 3) *Massage Therapy Facility, Licensed:*** *A place of business having a source of income or compensation derived from the practice of massage therapy, as defined herein, where licensed massage therapists administer or teach massage therapy. Licensed massage therapy facilities shall be included in the definition of Personal Service Establishments, as defined herein. Licensed massage therapy facilities are further subject to the business licensing regulations of Article XII of the Code of Ordinances.*

The massage therapy business would qualify as a Licensed Massage Therapy Facility as the applicant possesses both a state license and membership with the American Bodywork and Massage Professionals Association (AMBP). Due to qualifying as a Licensed Massage Therapy Facility, the Zoning Ordinance classifies the proposed business as a Personal Service Establishment, defined as:

- 1) **Personal Service Establishment:** *An establishment or a place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature. Typical uses include, but are not limited to, barber shops, beauty salons, beauty shops, tattoo/body art shops, licensed massage therapy facilities, photograph studios, dry cleaning and laundry pickup, laundromats, shoe repair, bicycle and small appliance repair, millinery, and tailor and dressmaker shops.*

Personal Service Establishments are permitted as Major Home Occupations. Therefore, there are no use specific standards on the basis of it being a massage therapy business. However, the use-specific standards for Major Home Occupations still apply.

Site Analysis

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Single-Family Residential	R-3, One-Family Residential
North	Single-Family Residential	R-3, One-Family Residential
South	Single-Family Residential	R-3, One-Family Residential
East	Single-Family Residential	R-3, One-Family Residential
West	Single-Family Residential	R-MN, Mixed Neighborhood

The residential property is 0.14 acres (6,250 sq. ft.) in size and is located mid-block within a single-family residential neighborhood. The property is improved with a single-family house, a detached garage which is accessed via a driveway, and a detached 144 sq. ft. shed in the rear yard. Massage therapy services are proposed within the shed. Per the Madison Heights Zoning Ordinance, the R-3 zoning district is “*designed to provide for one-family dwelling sites and residentially-related uses in keeping with the Master Plan of residential development in the City of Madison Heights.*”

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Single-Family Residential
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

The future land use designation of the subject site is *Single-Family Residential*.

City Council should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this Special Land Use request:

Housing

- *Ensure that infill and redeveloped residential properties are compatible with the surrounding area and adjacent parcels.*
- *Support neighborhoods by improving walkability and access goods and services.*

Special Land Use Criteria

Requests for Special Land Use approval are subject to processes and review standards contained in Section 15.05. A public hearing is required in front of the Planning Commission, after which the Planning Commission may make a recommendation to City Council. After receiving a recommendation from the Planning Commission, City Council has the authority to take final action on Special Land Use requests.

City Council shall consider the Special Land Use review standards contained in Section 15.05.3 and incorporate them into any motion of approval or denial:

- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
- B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
- C. The Special Land Use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
 - (1) Location of use(s) on site;
 - (2) Height of all improvements and structures;
 - (3) Adjacent conforming land uses;
 - (4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - (1) Reduction in the number of ingress/egress points through elimination, minimization, and/or consolidation of drives and/or curb cuts;
 - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - (4) Adequacy of sight distances;
 - (5) Location and access of off-street parking;
 - (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.

In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Staff Analysis

In deliberating the proposed massage therapy business, staff recommends that City Council focus on the impacts to the character of the residential neighborhood, direct impacts on neighbors, and the applicant's ability to meet the use-specific standards for Major Home Occupations (Section 7.03.18). Potential issues relating to this Major Home Occupation include routine client visits, parking, noise and lighting.

The shed is located in the rear yard. The rear yard is surrounded by a privacy fence, and there is an existing vinyl gate at the edge of the driveway which limits views of the rear yard from the street. Additional discussion on screening may be warranted as directed by City Council.

To mitigate these potential nuisances, staff recommends the following conditions:

- 1) Except as further restricted below, the massage therapy business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.
- 2) To reduce direct impacts to neighbors, client appointments shall be limited to one at a time and shall occur between the hours of 9:00 a.m. and 6:00 p.m.
- 3) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.
- 4) No outdoor activity related to the business shall be permitted.
- 5) No signage related to the business shall be permitted.
- 6) In addition to the Certificate of Occupancy, the applicant shall be required to obtain a business license from the Clerk's office and renew annually; upon annual renewal, the applicant shall provide up-to-date state certification and professional massage therapy association membership information.

Next Step

After discussion, City Council may take action on the requested Special Land Use. Any motion shall include concise findings based upon the Special Land Use review standards and criteria, Section 15.03.3. Per Section 15.05, City Council alternatively may postpone action on a Special Land Use request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues, or remand the case back to the Planning Commission for reconsideration.

Template motions are provided on the following page.

Attachments

- **Special Land Use Application - PSP #26-06**
- **Draft Planning Commission Minutes – August 25th, 2026**
- **Associated Maps**

- **Images of Shed**
- **Section 3.07 – R3 One-Family Residential District**
- **Section 7.03.18 – Use-Specific Standards for Major Home Occupations**
- **Section 15.05 – Special Land Use Review**
- **Public Hearing Notice**
- **Written Public Comments and Character Letters**

Template Motion, Findings and Conditions

Staff offers the following motions as a suggested template and guide for City Council consideration. City Council may provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

APPROVAL

MOTION BY _____, SECONDED BY _____, THAT CITY COUNCIL **APPROVE** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a licensed massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. With proper conditions, the use is designed, located, and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. With proper conditions, the use will not involve activities that will be detrimental to adjacent residential land uses.
 - c. With proper conditions, the use is designed and located so that it is compatible with the principal uses permitted in the R-3, One-Family Residential district
 - d. With proper conditions, the use is designed and located so that it is compatible with the Madison Heights Master Plan and the Single-Family Residential future land use classification.
4. The use satisfies the use-specific standards for Major Home Occupations as contained in Section 7.03.18 – Use-Specific Standards for Major Home Occupations - as contained in Section 7.03.3 of the Madison Heights Zoning Ordinance.

APPROVAL IS GRANTED WITH THE FOLLOWING CONDITIONS:

- 1) Except as further restricted below, the massage therapy business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.
- 2) To reduce direct impacts to neighbors, client appointments shall be limited to one at a time and shall occur between the hours of 9:00 a.m. and 6:00 p.m.
- 3) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.

- 4) No outdoor activity related to the business shall be permitted.
- 5) No signage related to the business shall be permitted.
- 6) In addition to the Certificate of Occupancy, the applicant shall be required to obtain a business license from the Clerk's office and renew annually; upon annual renewal, the applicant shall provide up-to-date state certification and professional massage therapy association membership information.

DENIAL

MOTION BY _____, SECONDED BY _____, THAT, BASED UPON THE PLANNING COMMISSION'S RECOMMENDATION, CITY COUNCIL HEREBY **DENIES** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular [LIST ANY THAT APPLY, WITH EXPLANATION]:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - c. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners:
 - i. Location of use(s) on site;
 - ii. Height of all improvements and structures;
 - iii. Adjacent conforming land uses;
 - iv. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - v. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
4. Ingress/egress to the use is not controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses.
5. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
6. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance [LIST ANY THAT APPLY, WITH EXPLANATION].