



**CITY OF MADISON HEIGHTS
ZONING BOARD OF APPEALS
APPLICATION**

Application No.:

PLBA23-0009

Date Filed:

6/30/23

(This application must be typed)
SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Jeff Ukraineec / Goodwill Industries of Greater Detroit, Inc.
Address: 3111 Grand River Ave
City: Detroit State: MI Zip: 48208
Telephone: 313-557-8773 Fax: 313-557-8577
Email: Jeff.Ukraineec@goodwilldetroit.org
2. **Petitioner's Interest in Property:** Lessee
3. **Property Owner:** (Attach list if more than one owner)
Name: NADG NNN CPHARM MH-MI LP c/o Rob Shelton
Address (Street): 3131 McKinney Avenue, Ste. L10
City: Dallas State: TX Zip: 75204
Telephone: 469-906-7300
Email: rshelton@nadg.com
4. **Property Description:** Address: 31010 John R Road
Tax Parcel #: 44 25-01-351-017
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: See attached
Subdivision name: See attached
Lot size: 1.31 Acres
Size of proposed building or addition: 10,880 square feet
5. **Present Zoning of Property:** B-1 **Present Use:** Commercial
6. **Action Requested:** (Check the appropriate section and attach response on separate sheets)
☐ **APPEAL OF AN ADMINISTRATIVE DECISION (Administrative Review)**

The applicant requests the Board of Appeals to reverse/modify the _____
decision/interpretation of Article _____, Section _____. The decision should be
reversed/modified because: (On a separate sheet describe in detail the nature of the problem, the
reason for the request and the desired remedy)

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 former CVS drug store into a Goodwill retail store encroaching the 300 ft. buffer to the boundary of a residential zoning district.

Contrary to the requirements of Section(s) 10.502[A](3) 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.)

ZONING BOARD OF APPEALS APPLICATION

Application No.: _____

Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

FOR THE OWNER:

Signature _____

Printed Name Stephen PrestonDate June 26, 2023**FOR THE APPLICANT IF NOT THE OWNER:**

Signature _____

Printed Name Daniel S. VarnerDate 06/29/2023

Note: A notarized letter of authority or a power of attorney may be substituted for the original signature of the owner.

Notices are to be sent to the Applicant ☒ Owner ☐

ATTACHED HERETO, AND MADE PART OF THIS APPLICATION, ARE THE FOLLOWING: (All required items must be submitted with this application)

- ☐ 1. Two copies of drawings of Site Plan (no larger than 11"x 17") drawn to scale and containing all necessary dimensions and all features involved in this appeal, including measurements showing open space on abutting properties. PDF
- ☐ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☐ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☐ 6. Applicable fees:

A. Variance Review (Single Family)	\$300.00
B. Variance Review (Dimensional)	\$400.00 plus \$300 per variance
C. Use Variance Review	\$1,000.00
D. Appeal of Administrative Decision	\$400.00

OFFICE USE ONLY

APPROVALS

Approved for hearing by City Attorney _____

Approved for hearing by C.D.D. _____

Reviewed by Site Plan Committee _____

INTER-DEPARTMENTAL NOTIFICATION

Community Development Department _____

Fire Department _____

Department of Public Services _____

ZONING BOARD OF APPEALS

FEE: \$ _____

APPROVED: _____

PAID: _____

DENIED: _____

RECEIPT NO. _____

Section 6 / Variance

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
- a. The variance desired is a reduction to the Regulated Uses buffer so we can operate a traditional Goodwill retail store, which is considered a “used goods store” and a Regulated Use per the Zoning Ordinance. We’re specifically requesting a reduction to the 300 ft. buffer to the boundary of a residential zoning district. There are parcels of land zoned R-M on the south side of 13 Mile Rd, east of John R Rd. that are occupied by condominiums.
- 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.)
- a. The Petitioner, Goodwill Industries of Greater Detroit, Inc., is seeking to open a traditional Goodwill retail store that sells new & used donated goods and collects donations. Goodwill has specific physical and demographic requirements. For example, Goodwill requires a 10,000sf – 15,000sf building that’s either free standing or an end-cap to a shopping center in order to create it’s attended, and covered donation drop off area and on a street with a minimum of 20,000 cars per day.
 - b. Goodwill seeks co-tenancy with big box retailers, grocery stores and other daily needs business’ which make it convenient for customers to make donations and shop. Often times, Goodwill is prevented from entering a shopping center because of restrictions by existing tenants against the sale of new or used donated goods, sale of clothing, furniture or any other potential competing use.
 - c. The special conditions and circumstances peculiar to this property include the following:
 - i. 10,880sf free standing building
 - ii. In front of Sam’s Club, west of Meijer, south of Target and north of BJ’s.
 - iii. Traffic counts on both John R and 13 Mile exceed 20,000 cars per day.
 - d. We’ve exhausted opportunities in other B-2 zoned properties and shopping centers including the northwest corner of 12 Mile & John Rd and the northwest corner of 12 Mile & Dequindre.
- 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.
- a. The Petitioner, Goodwill Industries of Greater Detroit, Inc., is seeking to open a traditional Goodwill retail store that sells new & used donated goods and

collects donations. Goodwill is considered a "used goods store" and a Regulated Use per the Zoning Ordinance.

- D. Did the special conditions and/or circumstances result from your actions?
 - a. No. This is due to the location of the building's proximity to the boundary of a residential zoning district. This is the only building that's available in the B-2 zoning district that meets Goodwill's criteria.

- 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?
 - a. No, Goodwill can't use the property as permitted by the Ordinance if the variance is not granted. Goodwill's business model and mission requires them to sell and receive donations of used goods.
 - b. Yes, this is the minimum variance we need to use the property for a Goodwill retail store.

- F. Will granting the variance change the essential character of the area?
 - a. No. The property is currently vacant and a new business occupying the building will activate the corner, create jobs and bring more traffic to the surrounding businesses. The exterior of the building and the parking lot are in need of attention. Goodwill is going to paint and repair exterior areas of the building that need attention as well as repair, seal and stripe the parking lot. Sam's Club is east of the property and the other 3 corners of 13 Mile & John R Rd's are all commercial.

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : NADG NNN CPHARM (MH-MI) LP
 Mailing Address : 3131 MCKINNEY AVE STE L10 DALLAS TX 75204-2430

Location Information

Site Address : 31010 JOHN R RD MADISON HEIGHTS MI 48071-1908
 PIN : 25-01-351-017 Neighborhood Code : CVL
 Municipality : City of Madison Heights
 School District : 63280 LAMPHERE PUBLIC SCHOOLS
 Use : 201 Commercial - Improved
 Water Indicator : N Sewer Indicator : N
 Well Indicator : N Septic Indicator : N

Property Description

T1N, R11E, SEC 1 PART OF SW 1/4 BEG AT PT DIST N 379.50 FT & N 89-53-00 E 43 FT FROM SW SEC COR, TH N 89-53-00 E 39.50 FT, TH S 33 FT, TH N 89-53-00 E 154.98 FT, TH S 286.64 FT, TH S 89-54-00 W 191.44 FT, TH N 45-00-00 W 4.30 FT, TH N 316.50 FT TO BEG 1.31 A 2-11-04 FR 012 & 015

Split/Combination Information

Added Status : Added Parcel
 Added Date : 02/11/2004 Added To : FR 012 & 015

Most Recent Sale Since 1994

Date : 12/05/2019
 Amount : \$1 Liber : 53618:083
 Grantor : LRT PROPERTIES Grantee : NADG NNN CPHARM
 MH-MI

Tax Information

Taxable Value : \$159,880 State Equalized Value : \$237,960
 Current Assessed Value : \$237,960 Capped Value : \$159,880
 Effective Date For Taxes : 12/01/2022 Principal Residence Exemption : 0%

2021 Taxes

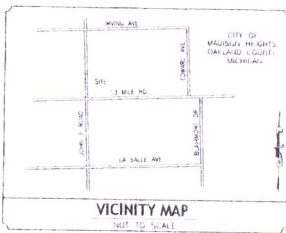
Summer : \$8,047.27
 Winter : \$1,924.43
 Village :

2022 Taxes

Summer : \$8,262.07
 Winter : \$1,978.72
 Village :

Lot Information

Description : Acres : 1.31



SCHEDULE B-2 EASEMENT NOTES

15. Right of Way in favor of the Drainage Board for the Henry-Graham Drain recorded in Liber 3351, Page 633, Oakland County Records, this does cross or touch this parcel and is shown herein.

16. Right of Way in favor of Michigan Bell Telephone Company as recorded in Liber 1985, Page 537, Oakland County Records, this does cross or touch this parcel and is shown herein.

17. Easement for the right to lay, construct and maintain gas mains, with the usual services, connections and accessories, for the purpose of transmitting and distributing gas owned by Consumers Power Company, a Michigan corporation as recorded in Liber 7225, Page 435, Oakland County Records and further subject to the terms and provisions contained therein, this does not include this parcel and is not shown herein.

18. Sanitary sewers, storm sewers and water mains as disclosed in diagram attached to instrument recorded in Liber 7325, Page 435, Oakland County Records, this does not include this parcel and is not shown herein.

19. Terms and provisions of a Declaration of Easement executed by Madison Heights Associates, a Michigan limited partnership and others recorded in Liber 7500, Page 284 and Liber 7575, Page 216, respectively, Oakland County Records, this is included in nature and does include this parcel.

20. Easement for the right to lay, construct and maintain gas mains, with the usual services, connections and accessories, for the purpose of transmitting and distributing gas owned by Consumers Power Company, a Michigan corporation as recorded in Liber 7960, Page 792, Oakland County Records and further subject to the terms and provisions contained therein, this does not include this parcel and is not shown herein.

21. Declaration of Easement and the terms and conditions contained therein as recorded in Liber 8773, Page 987, Oakland County Records, this is included in nature and does include this parcel.

22. Terms and conditions of an Easement Agreement between Madison Square United Partnership and Karpan Associates as recorded in Liber 8484, Page 762, Oakland County Records, this is included in nature and does include this parcel.

23. Underground Easement (Right of Way) in favor of the Detroit Edison Company and Michigan Bell Telephone & Cable as recorded in Liber 14570, Page 64, Oakland County Records, this does not cross or touch this parcel and is shown herein.

24. Easement Agreement between Madison Square Partners, L.L.C., a Michigan limited liability company and LRI Properties, L.L.C., a Michigan limited liability company dated January 1, 2004 and recorded February 10, 2004 in Liber 31178, Page 316, Oakland County Records, this is included in nature and does include this parcel.

25. Easement granted to Detroit Edison Company recorded in Liber 33340, Page 340, Oakland County Records, this does cross or touch this parcel and is shown herein.

General Survey Notes

- This survey was made in accordance with laws and/or Minimum Standards of the State of Michigan.
- The basis of bearing for this survey is due North on the West side of Section 1, as shown herein.
- The property described herein is the same as the property described in Old Republic National Title Insurance Company Commitment No. 43-1962449-SCA with an effective date of June 12, 2019 and that all elements, covenants and restrictions referred to said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted herein or otherwise noted as to their effect on the subject property.
- Said described property is located within an area having a Zone Designation X by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 24-26262A-01, with a date of identification of 9/26/2004, for Community No. 28517A, in Oakland County, State of Michigan, which is the current Flood Insurance Rate Map for this community in which said premises is situated.
- The Property has direct access to John R Road, a dedicated public street and indirect access to I-96 road, a dedicated public street or highway, by way of the Access Easement recorded in Book 8484 Page 286.
- The total number of striped parking spaces on the subject property is 63, including 3 designated handicap spaces.
- There is no observed evidence of current earth moving work, building construction or building addition.
- There are no proposed changes in street right of way lines, according to City of Madison Heights. There is no observed evidence of recent street or sidewalk construction or repairs.
- Utility Note: Observed evidence of utilities has been shown pursuant to Section 5 Paragraph f (iv) of the ALTA/NSPS Minimum Standard Detail Requirements.
- There was no visible wetland flagging on the parcel at the time of survey. A wetland delineation map was not provided therefore no wetland areas are shown herein (Item 1A, Table A).
- The building height, shown herein, was measured between the highest point of the building and the finished floor elevation in the approximate location as depicted on the drawing.
- Easements and encroachments shown herein were provided by the title insurance company, no research has been conducted by Geoside Designs Inc. to identify any additional easements that may affect this parcel.

ZONING INFORMATION

ZONING WAS NOT PROVIDED BY THE CLIENT, AND THEREFORE IS NOT SHOWN HEREIN.

LIST OF POSSIBLE ENCROACHMENTS

The following list of encroachments is only the opinion of this surveyor and should not be interpreted as complete listing.

NONE APPARENT

ABBREVIATIONS:

N = NORTH
S = SOUTH
E = EAST
W = WEST
AVE = AVENUE
BLVD = BOULEVARD
CT = COURT
RD = ROAD
ST = STREET
PCE = PARCEL AND
LINE = IDENTIFICATION

LEGEND OF SYMBOLS:

- | | | |
|-----------------------|-------------------------------|--------------------|
| Power Pole | Flag Pole | Storm Manhole |
| Power Pole Right | Sign (As Noted) | Storm Catchment |
| Light Pole | Well Head | Deciduous Tree |
| Telephone Pole | Satellite Dish | Coniferous Tree |
| Gray Wire | Tower | Sanitary Manhole |
| Transformer | Water Valve | Sanitary Clean Out |
| Electric Manhole | Fire Hydrant | Gas Valve |
| Telephone Manhole | Water Manhole | Gas Meter |
| Telephone Pedestal | Water Meter Pit | Gas Marker |
| Electric Meter | Water Meter | Section Corner |
| Cable Box | Indicates Handicapped Parking | Set 5/8" Bar & Cap |
| Air Conditioner Unit | Found Corner Monument | Monitoring Well |
| Easement Identifier | Platting Count | |
| Distance not to scale | | |

SURVEYOR'S CERTIFICATE

To: (1) NADG NNN Acquisition Inc., a Texas corporation, its successors and assigns, (2) Old Republic National Title Insurance Company, (3) Wick Phillips Gould & Martin LLP, and (4) PNC Bank, National Association, a national banking association; NADG NNN CFIARMA (PH-NE) LP.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Survey, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b, 7c, 8, 9, 13, 14, 16, 17, and 20 of Table A thereof.

The field work was completed on: July 2, 2019

Date of Plat or Map: July 2, 2019



RECORD LEGAL DESCRIPTION (from commitment)

The land referred to in this commitment is described as follows: City of Madison Heights, County of Oakland, State of Michigan.

Part of the Southeast 1/4 Section 1, Town 1 North, Range 11 East, City of Madison Heights, Oakland County, Michigan, beginning at point distant North 39° 30' West and North 89 degrees 53 minutes 00 seconds East 43 feet from Southwest Section corner; thence North 89 degrees 53 minutes 00 seconds East 39 30 feet; thence South 33 feet; thence North 89 degrees 53 minutes 00 seconds East 154.98 feet; thence South 88 degrees 53 minutes 00 seconds West 154.98 feet; thence North 43 degrees 00 minutes 00 seconds West 43 feet; thence North 39° 30' West to beginning.

PG: 25-01-351-017

LAND AREA:

5703.65 S.F., 1.3093 ACRES

No.	REVISIONS	Date
1	REVISED BLD 90 FT	10/2018
2	SURVEYOR'S CERTIFICATE	10/2018



ALTA/NSPS LAND TITLE SURVEY
CVS - Madison Heights, Michigan
11010 John R Road
Madison Heights, Oakland County, Michigan

PREPARED BY:
GEORGE TIC DESIGNS, INC.
2300 N. GRAND RIVER AVE
LANSING, MI 48206
PHONE: (313) 908-0000
FAX: (313) 908-0000
WWW.GEORGETICDESIGNS.COM
5/11/2019



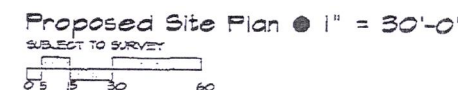
Sheet No. 1 of 1

FRONT - 5'-0"
SIDE - 0'
REAR - 20'-0"

PARKING REQUIREMENTS
ONE SPACE PER 190 S.F. GROSS BUILDING AREA - 115,017 SF / 190 SF =
606 SPACES REQUIRED
701± SPACES PROVIDED

PARCEL 2: Part of the Southwest ¼ of Section 1, Town 1 North, Range 11 East, City of Madison Heights, Oakland County, Michigan, commencing at the Southeast corner of Section 1, T.1N., R.11E., thence due North 379.50 feet along the west line of said Section 1 and the centerline of John R. Road; thence N.89°53'00"E., 60.00 feet to a point on the East line of John R. Road; thence N.89°53'00"E., 22.50 feet to a point on the East line of John R. Road; thence N.89°53'00"E., 127.98 feet to the point of beginning; thence due South 286.61 feet; thence S.85°54'00"W., 27.00 feet; thence due North 286.63 feet to the point of beginning. Containing 7.739 square feet of 0.16 acres.

NO SIGNAGE IS APPROVED AS A PART OF THIS PLAN



PERMITS

DO NOT SCALE DRAWINGS