



MEMORANDUM

Report Date: February 24th, 2023
To: City of Madison Heights Zoning Board of Appeals
Meeting Date: March 2nd, 2023
From: Matt Lonnerstater, AICP – City Planner
Subject: Ground-Mounted Generator Variance
PZBA 23-01; 900 E. Mandoline Ave.

REQUEST

The applicant, *Troy Polymers, Inc.*, requests a variance from Section 10.504(2) of the Zoning Ordinance to permit the installation of a gas generator in a required side yard. The subject property is located at 900 E. Mandoline Ave. and is zoned M-1, Light Industrial.

Per Section 10.504(2), ground-mounted equipment such as transformers, generators, and mechanical equipment are only permitted in the rear-yard. The applicant requests a variance from this section to place a gas-powered generator within an asphalt drive area abutting the east side of the building.

STAFF ANALYSIS

The applicant has provided written responses to the variance criteria of Section 10.804(2) of the Zoning Ordinance. Per the applicant's narrative, the generator is proposed on the side of the building due to the proximity to existing gas and electric infrastructure. To meet Zoning Ordinance requirements, additional costs would need to be incurred to extend the gas/electric infrastructure to the rear of the parcel.

Proposed Generator Location



Proposed Generator Location



The Zoning Ordinance requires ground-mounted generators to be screened by a wall or landscaping at least the height of the equipment (Section 10.510(B)(8)b). While staff is not necessarily opposed to the proposed side yard location, the generator should be screened from view from Mandoline Avenue and should be surrounded by a solid wall or bollards adjacent to the driveway to protect it from potential vehicle impacts.

VARIANCE FINDINGS

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

- ***Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.***

Staff Finding:

The subject parcel itself does not appear to contain exceptional features as it is a conforming M-1 parcel with a typical rectangular shape, with frontage along a local road within an industrial park. However, the building's gas meter is located adjacent to the proposed generator pad; therefore, the proposed generator location is ideal for the applicant as it reduces the necessity to extend gas/electric lines and could improve the efficiency of the generator.

- ***The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.***

Staff Finding:

Staff finds that the property could continue to be used for industrial purposes in the absence of the requested variance. However, with appropriate screening and vehicular protection measures, staff finds that the requested variance could be granted without causing substantial detriment to the public good, impairing the intent of the Zoning Ordinance, or changing the industrial character of the surrounding area.

Additional standards for reviewing variance cases are contained in Section 10.805, listed at the end of this report. **If the ZBA moves to approve the requested variance, staff suggests the following conditions of approval:**

- 1. The generator shall be screened from the adjacent street by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened; alternative screening plans, including landscaping, may be approved by the Site Plan Review Committee.*
- 2. A solid wall or bollards shall be installed between the generator and the adjacent drive aisle for protection from vehicle impacts.*
- 3. The applicant shall submit a building permit for the proposed generator, generator pad, and screening system, which shall be reviewed and acted upon by the Site Plan Review Committee. Additional trade permits, including electrical and/or mechanical permits, may be required.*

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance request at their February 15th, 2023 meeting. The SPRC did not oppose the requested variance, but encouraged screening and bollard placement consistent with the recommended conditions of approval, listed above.

POTENTIAL UTILITY EASEMENT

Staff notes that there is an existing DTE pole and overhead electrical wire adjacent to the proposed generator location. The applicant should be aware of any potential utility easements on the property and the ability for the grantees of such easement(s) to access electric infrastructure.

ZBA ACTION

Any ZBA motion should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. 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.

CODE REFERENCES

Sec. 10.804. - Power of zoning board of appeals.

(2) Variance. To authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations

enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.

Sec. 10.805. - Standards.

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

- 1) The location and size of the use.*
- 2) The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.*
- 4) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- 5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.*
- 6) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.*
- 7) The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*
- 8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.*
- 9) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.*

ZBA CASE: 23 - 01



Site Address: 900 E. Mandoline Avenue



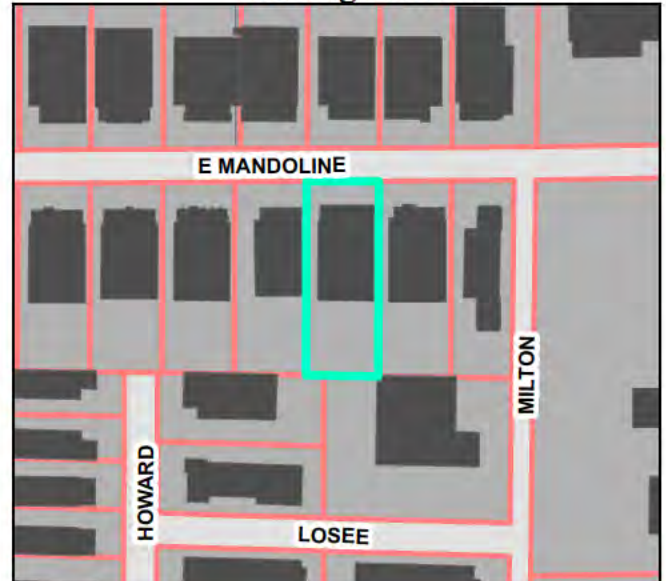
[Click for Maps](#)

Aerial



- 900 E. Mandoline Avenue
- Parcels

Existing Land Use



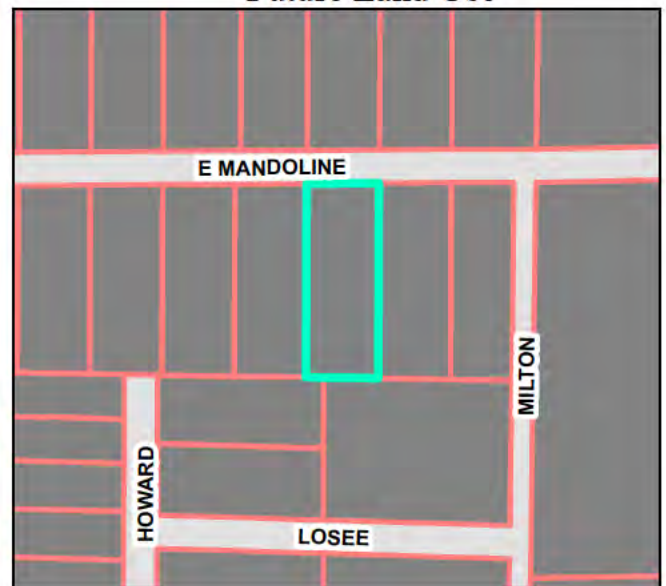
- 900 E. Mandoline Avenue
- Industrial
- Buildings
- Parcels

Zoning



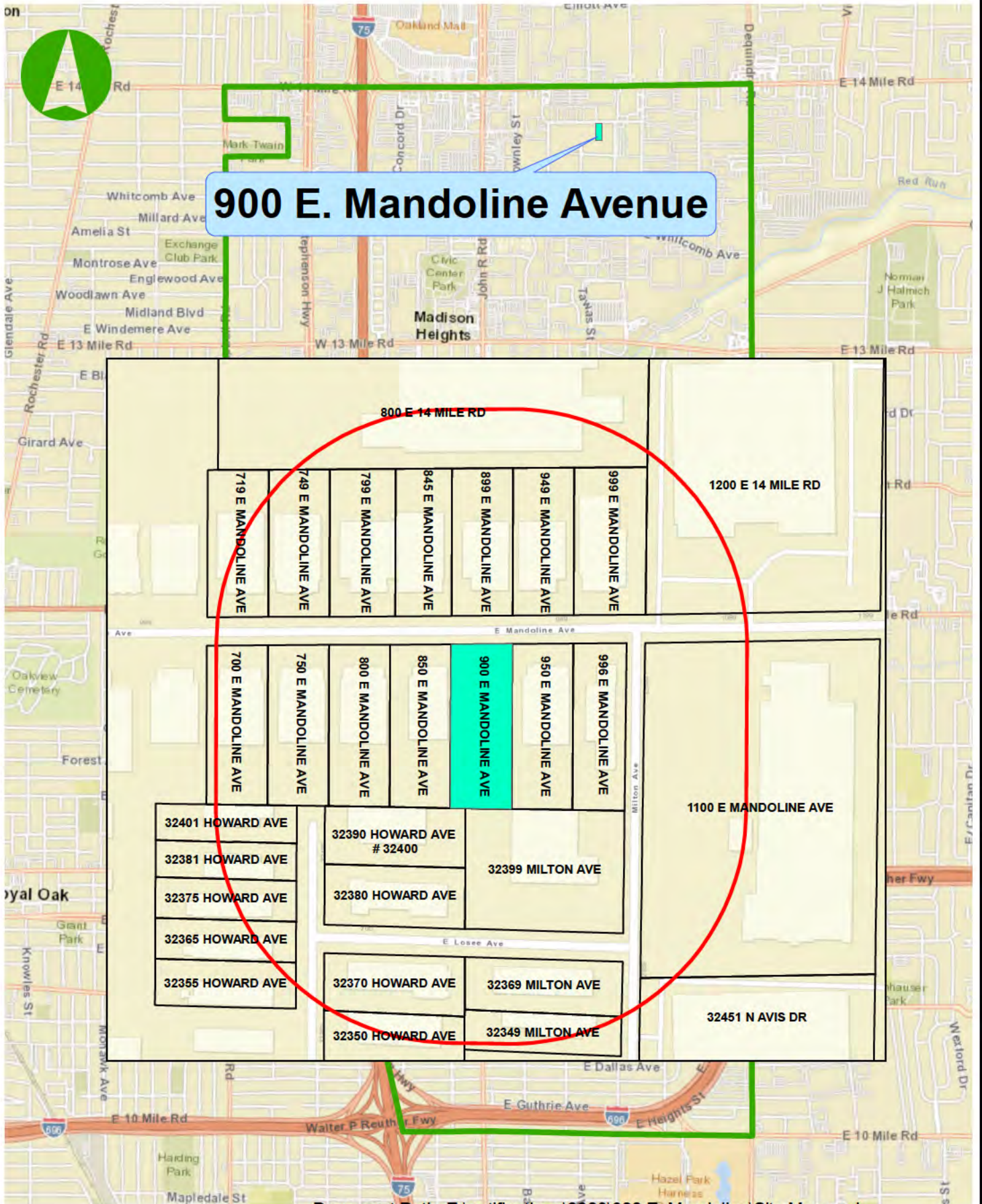
- 900 E. Mandoline Avenue
- M-1 Light Industrial
- Buildings
- Parcels

Future Land Use



- 900 E. Mandoline Avenue
- Parcels
- Industrial

BUFFER 500 FT



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, Michigan 48071 on **Thursday, March 2nd, 2023 at 7:30 p.m.** to consider the following requests:

1. Case # PZBA 23-01: 900 E. Mandoline Ave.

REQUEST: The applicant, Troy Polymers, Inc., requests a variance from Section 10.504(2) of the Zoning Ordinance to permit the installation of a gas generator in a required side yard.

The subject property is located at 900 E. Mandoline Avenue (tax parcel # 44-25-01-127-008) and is zoned M-1, Light Industrial.

The application 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.

CITY CLERK'S OFFICE
(248) 583-0826



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

Application No.:

P2BA13-0001

Date Filed:

2-2-23

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: TROY POLYMERS INC
Address: 900 E. Mandoline Ave
City: Madison Heights State: MI Zip: 48071
Telephone: 248-733-1030 Fax: _____
Email: emina@troypolymers.com
2. **Petitioner's Interest in Property:** lessee/owner (SBA 504)
3. **Property Owner:** (Attach list if more than one owner)
Name: SAVA Investments LLC
Address (Street): 900 E. mandoline Ave.
City: Madison Heights State: MI Zip: 48071
Telephone: 248-733-1030
Email: emina@troypolymers.com
4. **Property Description:**
Address: 900 E. mandoline Ave
Tax Parcel #: 44-99-00-019-038
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: _____
Subdivision name: _____
Lot size: 1.05 acres
Size of proposed building or addition: Not addition, general
5. **Present Zoning of Property:** M-1 **Present Use:** Light Industrial-R3D
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
generator on the side of the building
 Contrary to the requirements of Section(s) 10.504(2) 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.:

P2BA23-0001

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 [Signature]
 Printed Name Emina Alic, manager
 Date 2-2-2023

FOR THE APPLICANT IF NOT THE OWNER:

Signature [Signature]
 Printed Name Emina Alic, general manager
 Date 2-2-2023

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.
- ☐ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☐ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☐ 6. Applicable fees:
 - A. Variance Review (Single Family) \$300.00
 - B. Variance Review (Dimensional) \$400.00 plus \$300 per variance
 - C. Use Variance Review \$1,000.00

OFFICE USE ONLY**APPROVALS**

Approved for hearing by City Attorney _____

Approved for hearing by C.D.D. _____

Reviewed by Site Plan Committee _____

INTER-DEPARTMENTAL NOTIFICATION

Community Development Department _____

Fire Department _____

Department of Public Services _____

ZONING BOARD OF APPEALS

APPROVED: _____

DENIED: _____

FEE: \$ 400

PAID: 2-2-23

RECEIPT NO. 114680

Variance Request for

Troy Polymers, Inc.
900 E Mandoline Ave.
Madison Heights, MI 48071

6. VARIANCE

- (A) Troy Polymers would like to install a generator on the side of the building instead of the back of the building or on the roof per current zoning requirements of Sec. 10.504(2).
- (B) The location of electrical and gas make it easier and significantly less costly to install the generator on the side of the building without it impacting the view from the street or our neighbors.
- (C) Other companies/buildings also have their generators on the side of the building and because we can install screens to shield from front view we can remedy any concerns. Without the variance, we would be required to spend significantly more money and install further from gas & electric required whereas other companies were able to install where it was more efficient and less costly and in line with their buildings utilities.
- (D) No, the need for a variance did not result from our actions.
- (E) Yes, we could use the property without the issuance of the variance, but at a much greater cost. As stated above, granting the variance will not negatively affect the general character of our area or our neighbors. This is the minimum variance we need to be able to use the property in the way we want.
- (F) No, the variance will not change the essential character of our industrial area. We can install a screen in front of the generator so it is not visible from the road.

TROY POLYMERS, INC.
900 E. MANDOLINE AVE.
MADISON HEIGHTS.MI

CONCRET
DRIVE

ASPHALT

WAREHOUSE

LAP

8.0 FT

STANDBY
GAS GENERATOR
240 V 3PH 48KVA

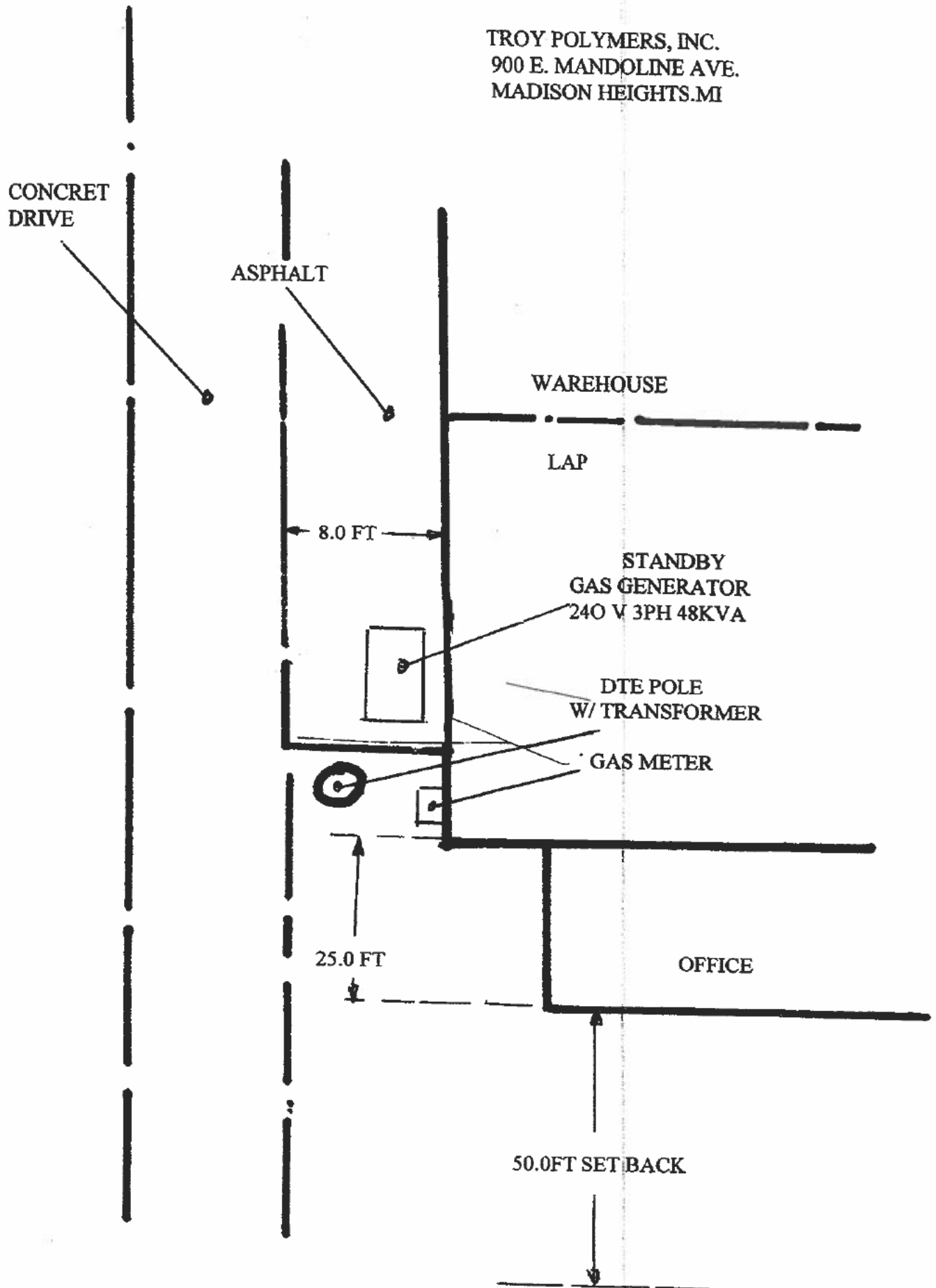
DTE POLE
W/ TRANSFORMER

GAS METER

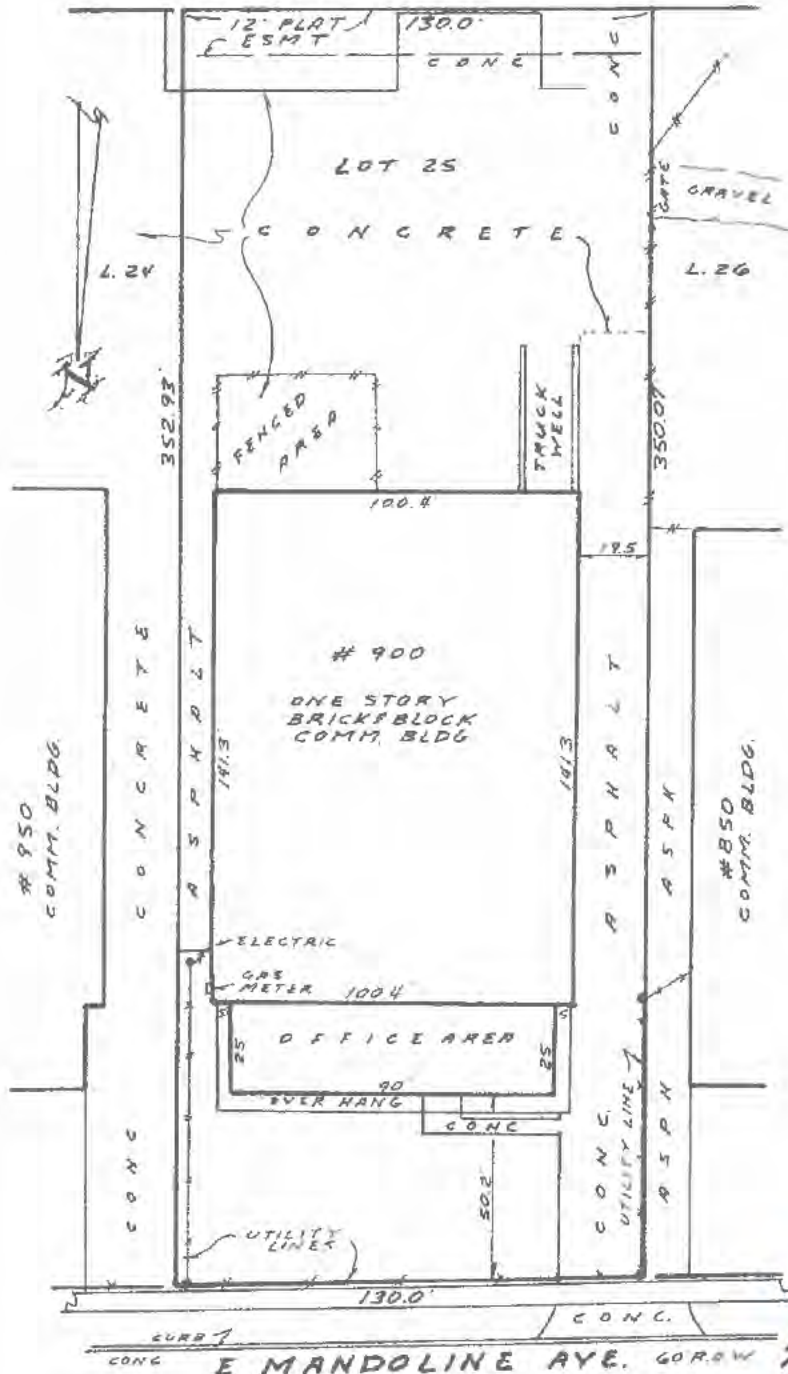
25.0 FT

OFFICE

50.0FT SET BACK



WE CERTIFY TO FIDELITY NATIONAL TITLE INSURANCE COMPANY, CHASE BANK, OAKLAND COUNTY BUSINESS FINANCE CORPORATION, U.S. SMALL BUSINESS ADMINISTRATION AND SAVA INVESTMENTS LLC, THAT WE HAVE INSPECTED THE PROPERTY AS SHOWN (THE PROPERTY) FOR PURPOSES OF A PURCHASE OF THE PROPERTY BY SAVA INVESTMENTS, LLC AND FURTHER CERTIFY THAT: (1) BUILDINGS, IMPROVEMENTS AND PARKING AREAS ARE LOCATED ON THE PROPERTY AS SHOWN; (2) LOCATIONS OF ALL EXISTING BUILDINGS, IMPROVEMENTS, AND PARKING AREAS ARE WITHIN THE BOUNDARIES OF THE PROPERTY AND DO NOT ENCROACH ON ANY ADJOINING PROPERTY, NOR DO THE BUILDINGS, IMPROVEMENTS AND PARKING AREAS ON ANY ADJOINING PROPERTY ENCROACH UPON THE PROPERTY; (3) ALL EASEMENTS, RIGHTS-OF-WAY, AND OTHER SIMILAR ENCUMBRANCES CREATING RIGHTS IN, ON, OVER, UNDER, ACROSS, OR THROUGH THE PROPERTY, OR BY BENEFITING OR BURDENING THE PROPERTY, ARE NOTED AND LOCATED ON THE SURVEY AND ARE IDENTIFIED BY LIBER AND PAGE OF RECORDING OF THE INSTRUMENTS CREATING THEM AS TAKEN FROM THE FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT A0717052 - MICHAEL J. YAMBOR AND ASSOCIATES, INC. MAKES NO GUARANTEE OF ANY NON-RECORDED EASEMENTS, RIGHTS-OF-WAY OR ENCUMBRANCES WHICH WOULD NOT BE SHOWN ON A TITLE SEARCH.

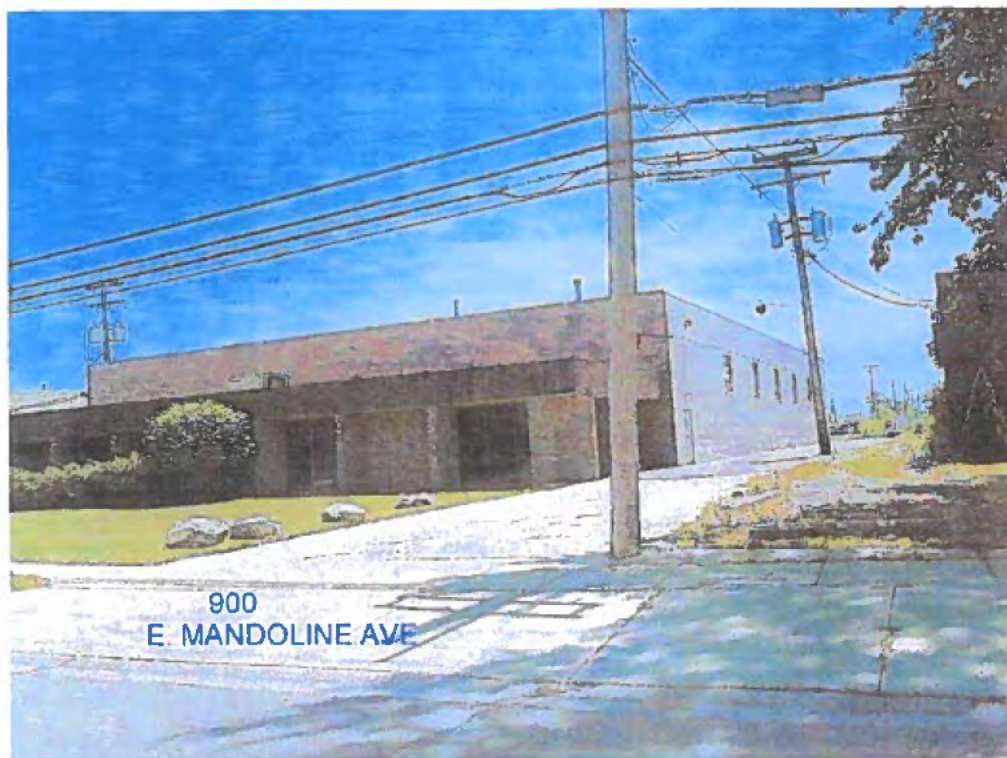


LEGAL DESCRIPTION: LOT 25, SHERMAN'S INDUSTRIAL VILLAGE, TOWN 1 NORTH, RANGE 11 EAST, SECTION 1, AS RECORDED IN CLIBER 124 OF PLATS, PAGES 35 AND 36, OAKLAND COUNTY RECORDS.



JOB NO. 17-T4349 SCALE 1"=30'
DATE 7-12-2017 DR. BY M.J.Y.

MICHAEL J. YAMBOR & ASSOCIATES, INC.
LICENSED LAND SURVEYORS
(248) 442-2707 / (248) 442-2708 FAX
WWW.YAMBORLANDSURVEYORS.COM





48KVA

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Generac's Protector Series generators are ideal for larger homes and small-to-medium-size businesses such as convenience stores, restaurants and offices.

- Continuous fuel choices in LP and natural gas offer cleaner-burning fuel solutions than traditional diesel engines
- True Power Technology delivers best-in-class power quality with less than 5% total harmonic distortion for clean, smooth operation of sensitive electronics and appliances

PROTECTOR SERIES QUIETSOURCE (QS) – 22, 27, 32 AND 38 kW

These units are powered by a low-speed engine for quieter operation, compared to their higher-speed Protector unit counterparts. QuietSource generators include all the same features of the Protector Series 25-60kW.

- The low-speed, liquid-cooled engine is engineered to run at only 1800 RPM for a quieter generator, consuming less fuel, and giving both the engine and the alternator a longer life

IDEAL INDUSTRIES/APPLICATIONS:

- Convenience Stores & Gas Stations
- Small Outpatient & Dental Clinics
- School Offices & District Buildings
- Banks & Financial Institutions
- Manufacturing Industry & Distribution
- Restaurants & Bars
- Offices with Small Server Rooms
- Larger Homes or Homes with Guest Houses
- Green Houses