



CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

PZBA23-0007

Date Filed:

5-1-23

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Tom Paglia, The Ford Building, Inc. (Owner)
Address: 18301 Eight Mile, Ste 100
City: Eastpointe State: MI Zip: 48021
Telephone: 313-318-0502 Fax: 586-879-0716
Email: atpaglia@gmail.com
2. **Petitioner's Interest in Property:** Owner
3. **Property Owner:** (Attach list if more than one owner)
Name: The Ford Building, Inc.
Address (Street): 18301 Eight Mile, Ste 100
City: Eastpointe State: MI Zip: 48021
Telephone: 313-318-0502
Email: atpaglia@gmail.com
4. **Property Description:**
Address: 1100 E Mandoline, Madison Heights, MI 48
Tax Parcel #: 44-25-01-251022
Legal Description - Attach if metes and bounds description.
If in a subdivision: Lot #: 150-156
Subdivision name: Sec 1 Leho Industrial Acres No 6 L
Lot size: 16.396 acres
Size of proposed building or addition: none
5. **Present Zoning of Property:** M-1 LT **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
an existing fence to be used without a 5' setback and without a screen for bus storage *gc*

Contrary to the requirements of Section(s) 10.516(j)(2) of the Zoning Ordinance
10.505(c)(3) 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

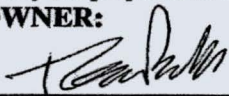
Application No.:

P2BA23-0007

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 Tom Paglia, The Ford BuildiDate 4/30/23**FOR THE APPLICANT IF NOT THE OWNER:**

Signature

Printed Name

Date

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:

\$

700

APPROVED:

PAID:

5-1-23

DENIED:

RECEIPT NO.

115912 & 115913

THE FORD BUILDING, INC.

18301 EIGHT MILE, SUITE 100
EASTPOINTE, MI 48021
PHONE: (586) 756-1100 · FAX: (586) 879-0716

April 30, 2023

Zoning Board of Appeals
Community Development Department
City of Madison Heights
300 W. Thirteen Mile Road
Madison Heights, MI 48170

RE: 1100 E Mandoline, Madison Heights – Zoning Board of Appeals – Variance Request – Variance of Fence Setback and Screening

Dear Zoning Board of Appeals:

This letter is written in support of our application to the Board of Zoning Appeals for a Variance.

Variance Request of 10.516(j)(2):

A. Explain the Variance:

Since COVID-19, the occupancy at 1100 Mandoline has fallen over 20% due to decreased demand for office space and for renting space in general.

Section 10.516(j)(2) requires that fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, must be five (5) feet setback from the property line.

We have an existing fence at 1100 E Mandoline, Madison Heights on the south property line separating our property from our neighbor to the south. We also have a fence on the west property line which is adjacent to Milton Avenue. The property along the fencing is presently and historically has been used for parking without any property set back, as shown on the attached drawing and photos.

We have an opportunity to enter into a lease with a new tenant, which would increase our occupancy by 10%. The new tenant would continue to use the property adjacent to the fencing for parking of its commercial vehicles. Specifically the new tenant would park school buses along the property's southwest fence line.

We respectfully request a variance from the five foot setback requirement so that we can continue to use the property for parking with fencing located on the property line consistent with our present and historic use. The strict enforcement of the ordinance creates numerous practical difficulties given the property's current fence and asphalt installations. (The permitted use of this area of the

property, as parking, is unreasonably prevented by the implementation of this ordinance to the existing fence and fence line.) By permitting the variance and a relaxation of the ordinance standard to this property, it would provide substantial justice to the landowner and neighbors by allowing the parking lot and the vacant space in the building to be utilized rather than remain vacant and become a strain on an otherwise good area of Madison Heights.

Granting the variance would not deprive adjacent properties of adequate light and air or cause any additional danger of fire or to public safety.

Granting the variance would actually increase the property values in the area because the vacant space at the property would be occupied

The current installation of the fence on the property line is unique to the block that it is situated on and there are other properties that have parking lots installed right to the street without any setback.

The variance should be granted so that any required fencing can be permitted to remain in its present location on the property line without the five (5) foot setback.

B. Explain the Special Circumstances:

The property is a large parcel with a large parking lot in an industrial area, entirely surrounded by industrial facilities at which there are numerous large trucks constantly moving in and out of. Some of the parcels/other businesses in the area, including UPS, WOW!, Cintas, ADT Security, Air Center, Aero Filter, and the nearby Carpet Guys store trucks or vehicles on site as well.

Other properties in the neighborhood have existing parking lots that abut streets without the five foot setback (see attached photo of neighbor south on Milton St).

C. Explain Why Literal Interpretation of Provisions Deprive You of Rights:

The five (5) foot setback requirement would deprive the owner of the use of five feet along the entire length of the property line without compensation. In essence it would be tantamount to an unlawful taking without a condemnation proceeding.

D. Did the special circumstances result from your actions?

We have not created any conditions which necessitates our need for this variance. We desire to maintain an occupied, safe property that can attract so that we can continue to be a good corporate citizen and pay our bills.

The building's occupancy has suffered since COVID and this minor variance to waive the five (5) foot setback, would help secure a new tenant and business for the city.

E. Can the Property Be Used in a Matter Permitted if the Variance is Not Granted?

If the variance is not granted, a large portion of the property consisting of a five foot section along its border cannot be used.

F. Will Granting the Variance Change the Character of the Area?

The area is an industrial subdivision with large warehouses and factories and large parking lots including commercial vehicles and plenty of chain link fences on property lines. Granting the variance, to waive the required five (5) foot setback would not change the character of the area in any way.

Variance Request of 10.505(c)(3):

A. Explain the Variance:

Section 10.505(c)(3) requires that parking for fleet and company vehicles shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. A fence or alternative screening options shall comply with related standards in section 10.510.

We request that the existing fence be deemed appropriate screening and any other requirements of the Ordinance be waived.

B. Explain the Special Circumstances:

The property is a large parcel with a large parking lot in an industrial area, entirely surrounded by industrial facilities at which there are numerous large trucks constantly moving in and out of. Nearly all of these other properties have chain link fences as barriers along property lines of both city streets and other properties. Some of these parcels/other businesses, including UPS, WOW!, Cintas, ADT Security, Air Center, Aero Filter, and the nearby Carpet Guys store trucks or vehicles on site as well. None of these businesses were noted to have screening of their company or fleet vehicle parking as shown in the attached photos.

We request a variance so that the existing chain link fence be deemed a sufficient "screened" barrier under the terms of the ordinance.

C. Explain Why Literal Interpretation of Provisions Deprive You of Rights:

The property is located in an industrial subdivision with many different types of businesses that store company vehicles. A majority of those businesses and properties are separated by unscreened chain link fences. Our existing chain link fence should be viewed as a sufficient "screened" barrier between the property and the neighboring properties and city street.

The current chain link fence is used generally throughout the industrial neighborhood and has been deemed as a sufficient "screen" for many years. If the ordinance is strictly enforced, the cost of installing "screening" may be excessive to the point that it will prohibit us from entering into a new lease.

D. Did the special circumstances result from your actions?

We did not create any special circumstances which would create the need for the variance requested. The special circumstances of this request, namely the owner's desire for a determination that the existing chain link fence at the property be deemed a sufficient "screened" barrier under the terms of the ordinance for company vehicle

parking, are a result of the city's requirements for the proposed new tenant's use at the property.

We wish to maintain an occupied, safe property that can attract tenants and continue to pay its bills. The building's occupancy has suffered since COVID and this minor variance request, namely a determination that the existing chain link fence at the property be deemed a sufficient "screened" barrier under the terms of the ordinance for company vehicle parking, would help secure a new tenant and business for the area rather than the building space remaining vacant.

E. Can the Property Be Used in a Matter Permitted if the Variance is Not Granted?

If strict adherence to the ordinance is required, the cost to comply would likely exceed \$30,000 and would most likely squash any proposed lease with the proposed tenant. If the variance is not granted, it is likely that the tenant will not lease at the Property and the Property would remain vacant.

F. Will Granting the Variance Change the Character of the Area?

The area is an industrial subdivision with large warehouses and factories where large vehicles are stored with unscreened chain link fences like ours (as shown on the attached photos). For example UPS, WOW!, Cintas, ADT Security, Air Center, Aero Filter that park company vehicles without any screening other than a chain link fence.


Granting the variance for an existing chain link fence to remain and be deemed sufficient as screening would not change the character of the area in any way.

In the event the Board does not grant our request to waive the screening, in the minimum we request that we may be permitted to install fiberglass or plastic suitable material on the exterior of the existing fence as permissible screening.

Thank you and please feel free to contact me with any questions at 313 318 0502 or atpaglia@gmail.com ,

Sincerely,

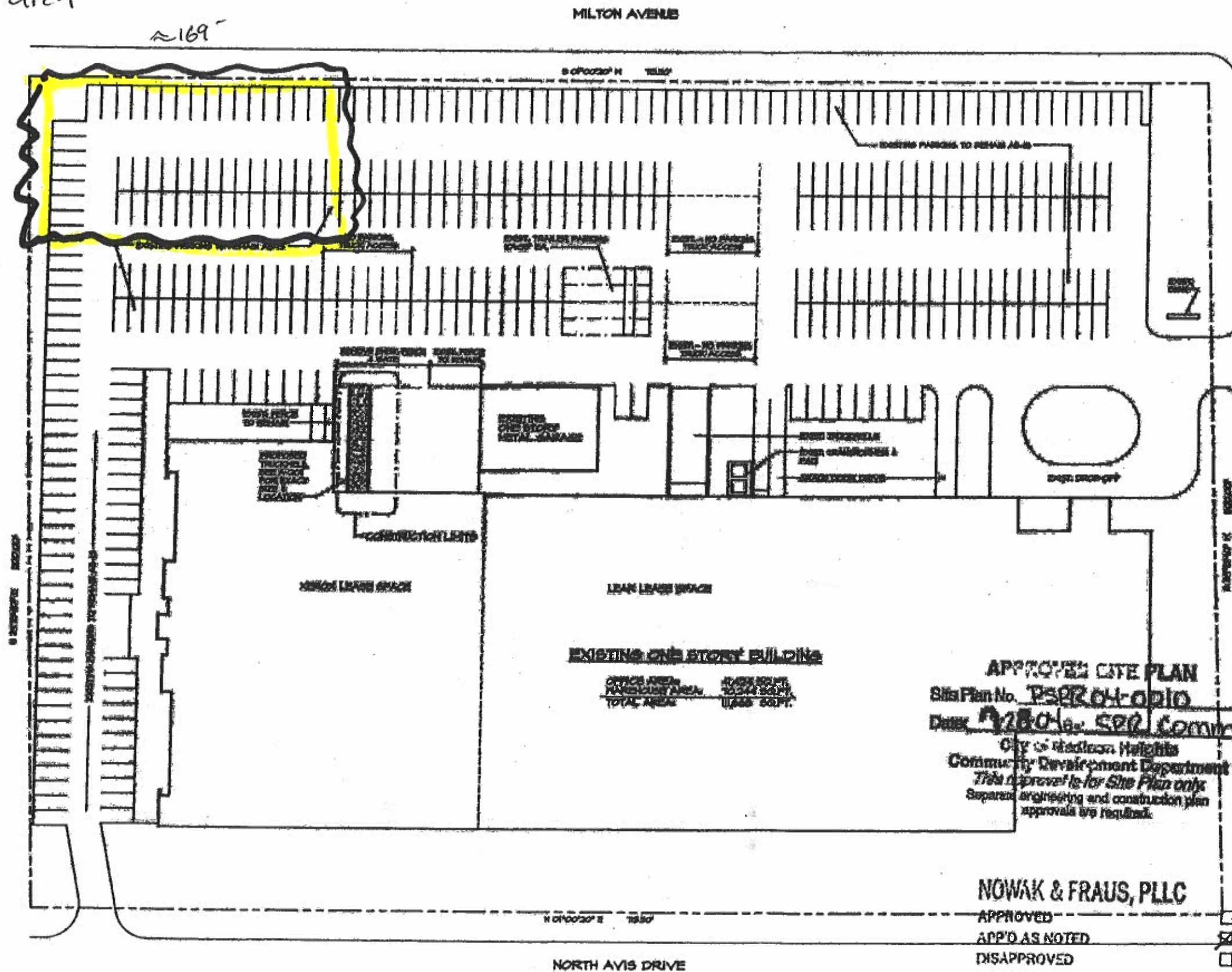
The Ford Building, Inc.

By: 
Tom Paglia, Vice President

- 1100 E. Mandoline

Proposed company vehicle parking area

≈ 169'
≈ 93'



EXISTING ONE STORY BUILDING

OFFICE AREA
PARKING AREA
TOTAL AREA
10,324 SQ. FT.
11,448 SQ. FT.

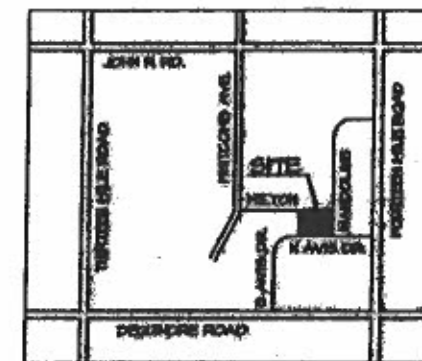
APPROVED SITE PLAN
Site Plan No. PSR-04-0010
DATE 7/28/04 BY SPR Comm
City of Madison Heights
Community Development Department
This approval is for Site Plan only.
Separate engineering and construction plan
approvals are required.

NOWAK & FRAUS, PLLC

APPROVED
APP'D AS NOTED
DISAPPROVED
RESUBMIT

CK'D BY [Signature]
DATE 09/14/04

ARCHITECTURAL SITE PLAN
SCALE 1" = 30'-0"



LOCATION MAP

LEGAL DESCRIPTION

LOT 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 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Tom Paglia <atpaglia@gmail.com>

Photos of SW Corner of 1100 Mandoline

Tom Paglia <atpaglia@gmail.com>
To: "A. Paglia III" <atpaglia@gmail.com>

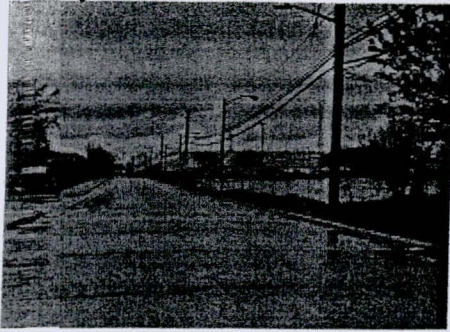
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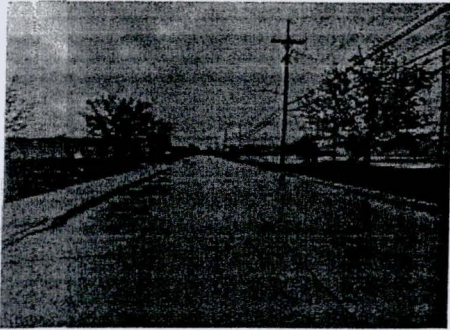
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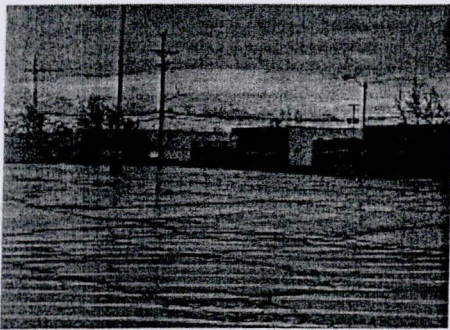
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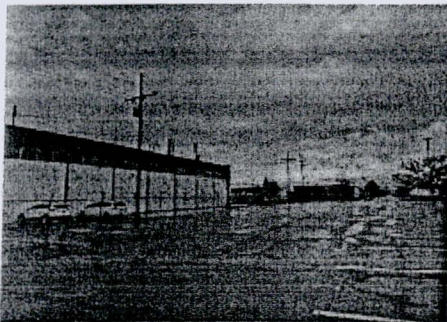
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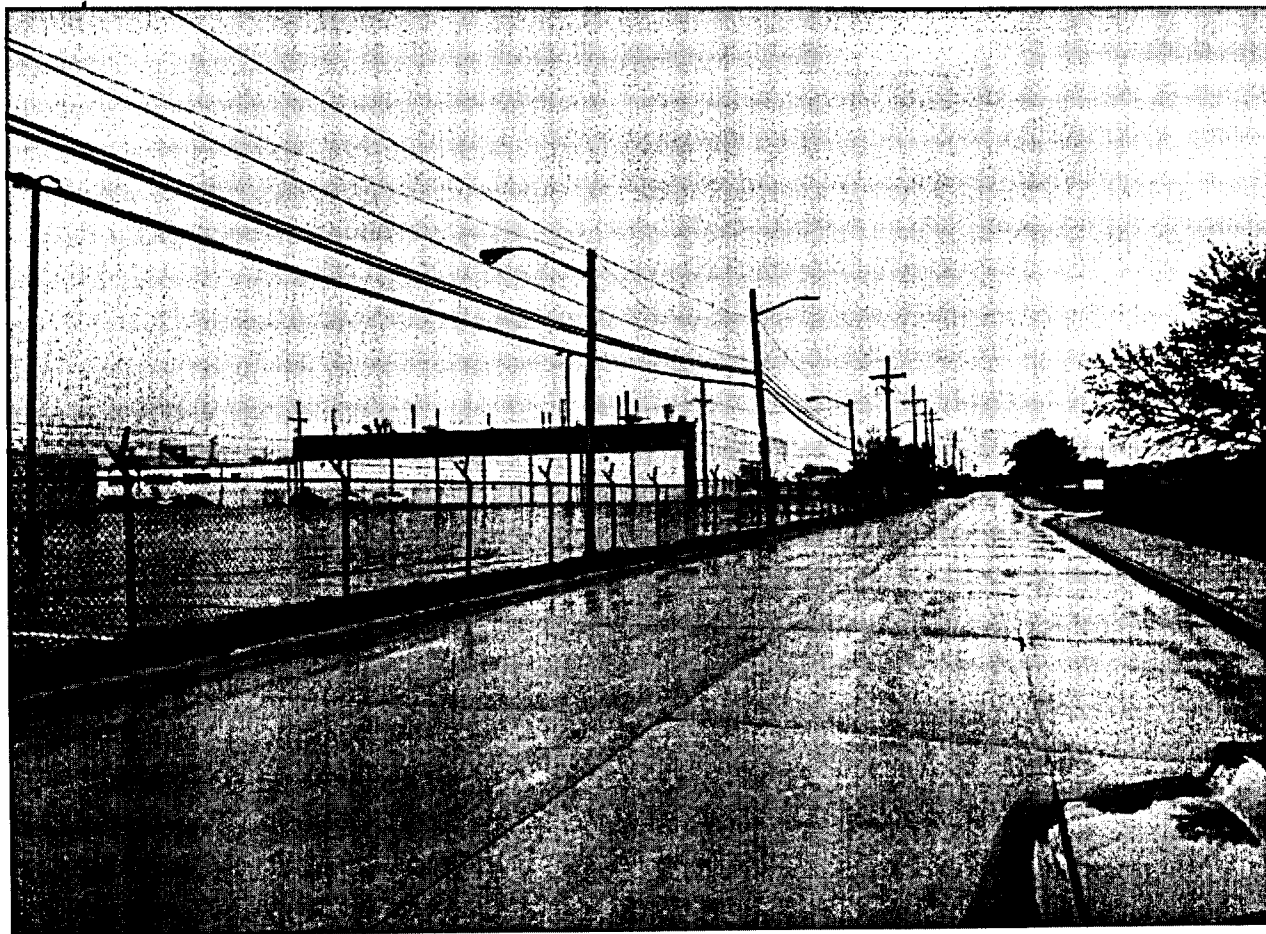
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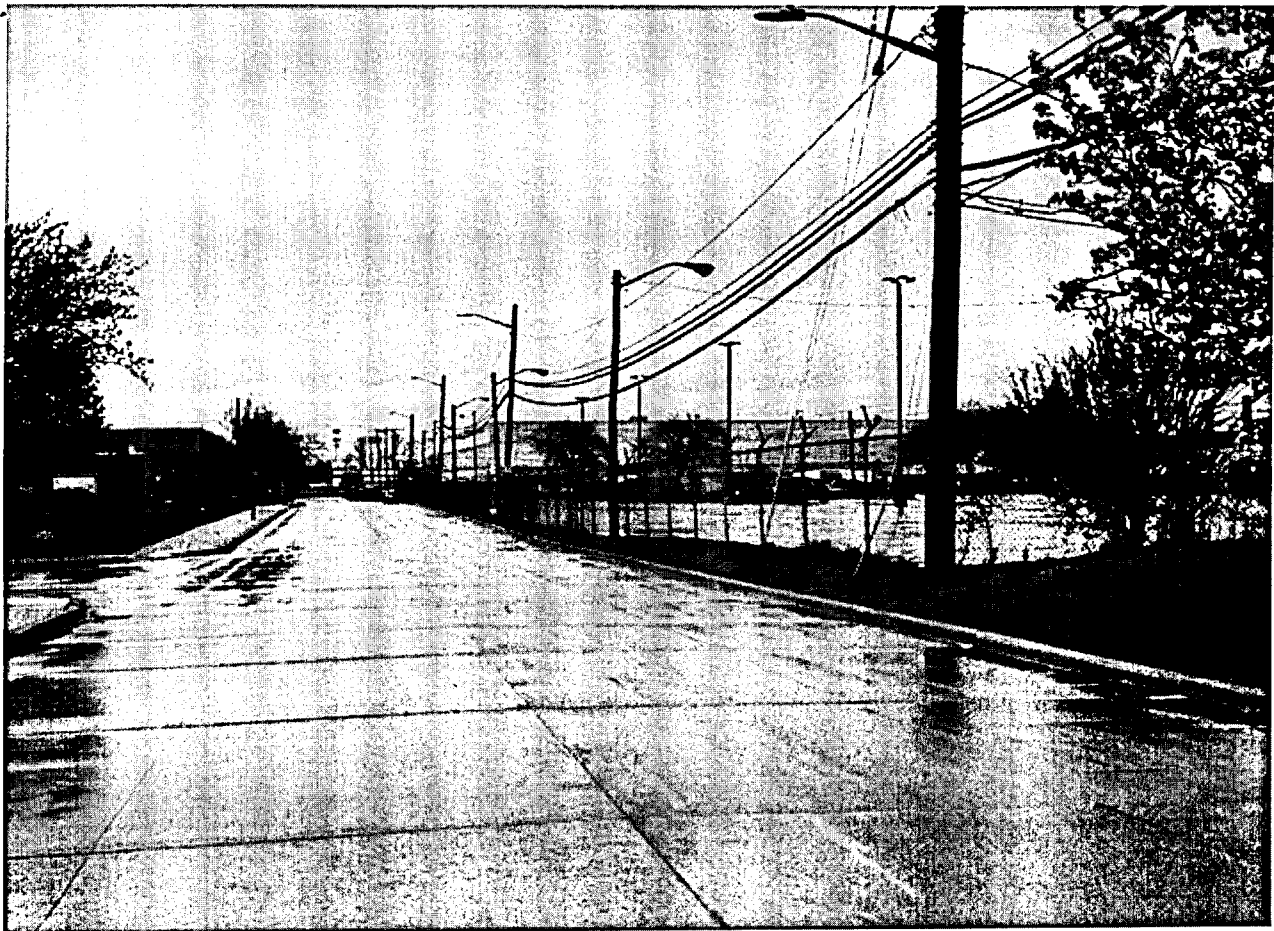


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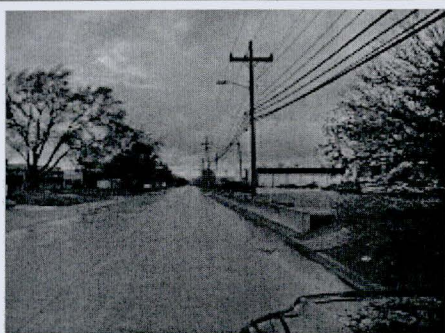
Tom Paglia <atpaglia@gmail.com>

Milton St Looking North Towards 1100 Mandoline

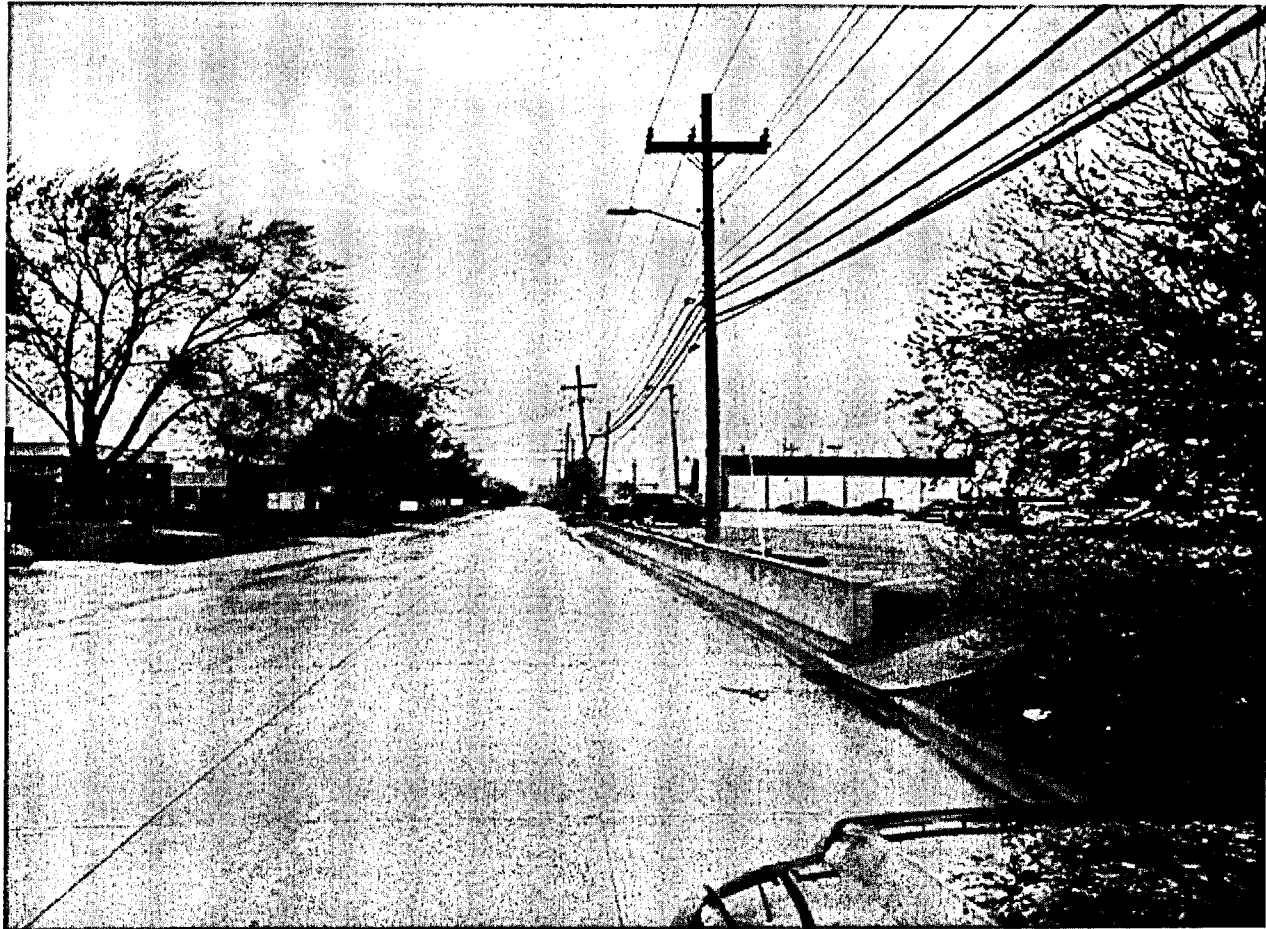
Tom Paglia <atpaglia@gmail.com>
To: "A. Paglia III" <atpaglia@gmail.com>

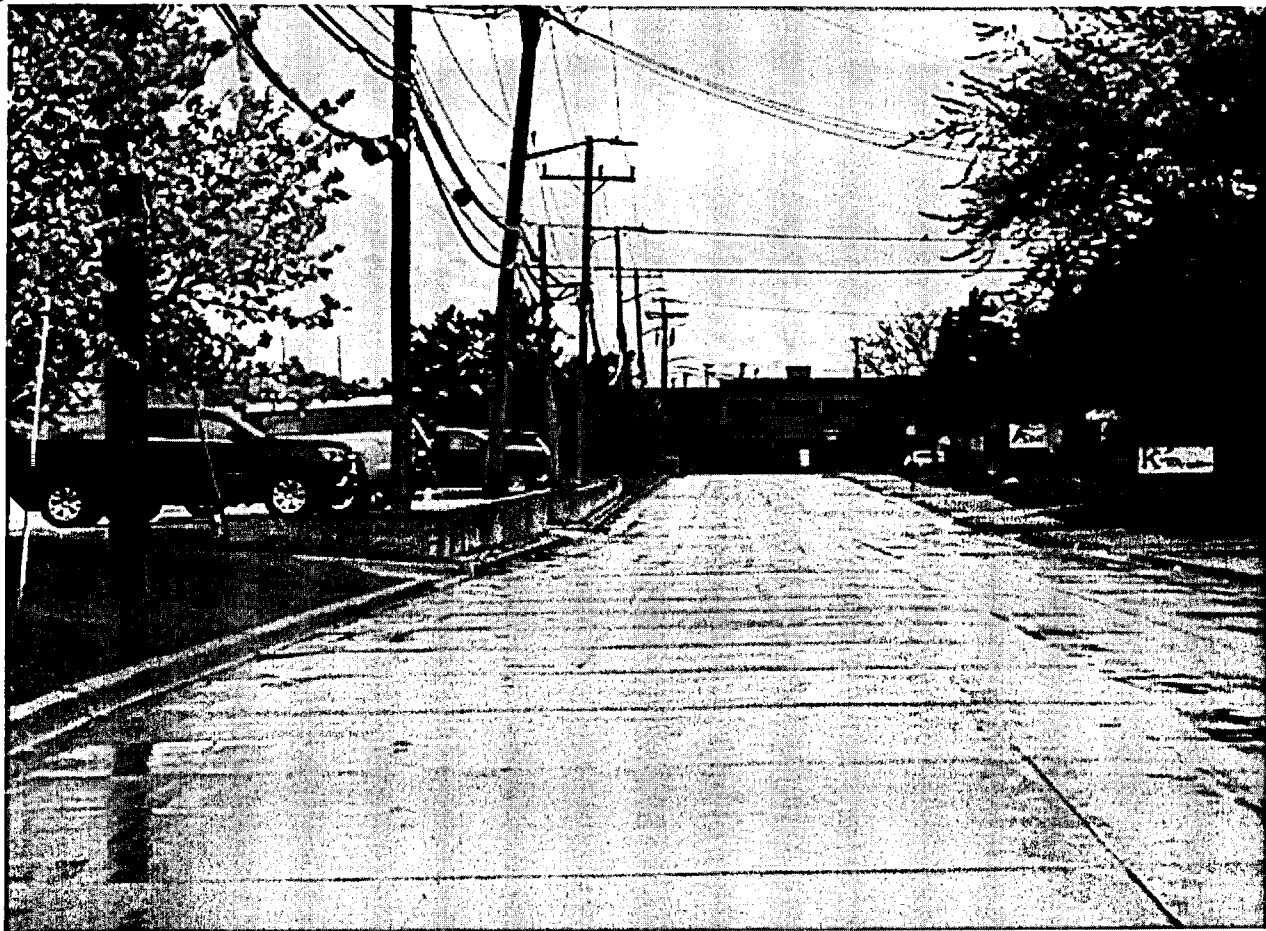
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IMG_8712.jpg
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Tom Paglia <atpaglia@gmail.com>

Company Vehicle Parking

In Area

Tom Paglia <atpaglia@gmail.com>

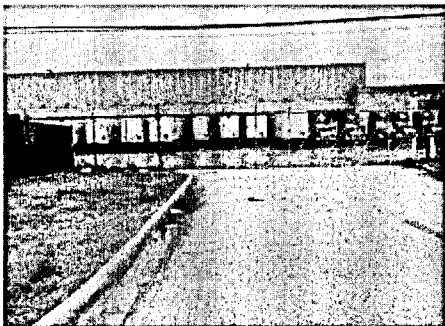
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To: "A. Paglia III" <atpaglia@gmail.com>

12 attachments



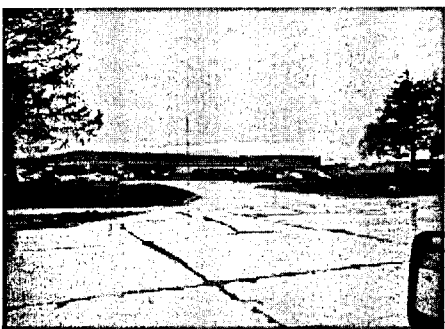
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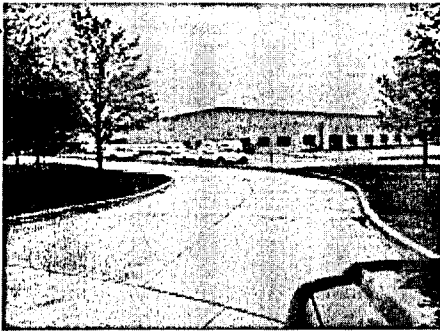
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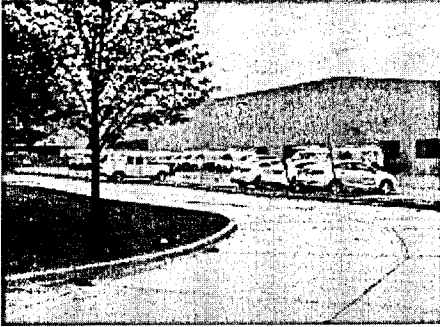
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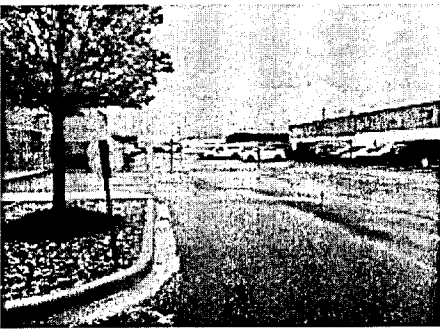
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121K



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86K



IMG_8724.jpg
158K



UPS



WPS



Wow!



wow!



Aero Filter



ADT Security

Estimated Budget

Property Information:

1100 1st Mandoline Avenue
Madison Heights, MI 48071

Contact Information:

Tom Pylia
atpagli@gmail.com
313-3100502

Quote Summary

1 262 LFT

No gates added

Buffed Molded & Extruded PVC,
Chesefield, White (PVC), 6ft

Segment A: 169 LFT

Segment B: 93 LFT

Total Estimate:

