



# MEMORANDUM

Date: May 25<sup>th</sup>, 2023  
To: City of Madison Heights Zoning Board of Appeals  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Building Setback Variance  
PZBA 23-06: 29235 Stephenson Hwy.

## REQUEST

The applicant, Kirk Neal on behalf of 2SP Sports Performance, requests a dimensional variance from Section 10.401(j) of the Zoning Ordinance pertaining to industrial building setback requirements adjacent to residential districts. The subject property is located at 29235 Stephenson Highway and is zoned M-1, Light Industrial district.

The subject site 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 9,100 square foot addition to the rear of the existing building. Per the applicant, the expanded building will house indoor turf area for sports training and practices, such as baseball, soccer, and lacrosse. Per Section 10.401(j) of the Zoning Ordinance, new buildings and additions within the M-1 zoning district shall be set back a minimum of fifty (50) feet from the property line of any adjacent residential zoning district. The subject property is located directly to the east of residentially zoned (R-3) and used property. The proposed building addition is set back thirty (30) feet from the adjacent residential property line; **therefore, the applicant requests a setback variance of twenty (20) feet.**

*Subject Property: 29235 Stephenson Hwy (outlined in red)*



## 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: Staff finds that the subject property's shape, size, width and topographic characteristics are fairly consistent with adjacent industrial properties and other properties located along the Stephenson Highway industrial corridor. The property is approximately 125 feet in width along Stephenson Highway and 510 feet in depth (63,750 square feet in area). The site has parking along the front (east) and north sides of the building and shares an access drive with the property to the north. The existing building is set back approximately 130 feet from the rear (residential) property line; this residential property line is improved with a masonry screen wall.

- ***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: Using aerial photographs, staff analyzed existing building setbacks along the west side of Stephenson Highway. Between 12 Mile Road and Girard Avenue, staff did not locate any existing industrial buildings that encroach into the required 50-foot setback. Between Girard Avenue and 13 Mile Road, staff located two (2) industrial buildings that encroach into the 50-foot setback: 30545 and 30549 Stephenson. There are approximately twenty-eight (28) total properties along the west side of Stephenson Highway between 12 and 13 Mile Roads.

If the ZBA moves to approve the building setback variance, staff recommends the following conditions to mitigate potential detrimental impacts to the residential neighbors and to meet the intent and purpose of the Zoning Ordinance's residential setback requirements:

- 1) A minimum five (5) foot wide greenbelt shall be installed along the rear (western) property line adjacent to the existing masonry wall, planted with a continuous row of evergreen trees. Tree type, spacing, and height may be determined at the time of site plan review.
- 2) The rear (western) building façade shall not feature any overhead doors or windows.
- 3) Industrial soundproofing paneling shall be installed within the building addition, to be approved at the time of site plan and building permit review.
- 4) Any exterior lighting on the rear (western) façade shall be shielded downward.

Additional standards for reviewing variance cases are contained in Section 10.805, listed at the end of this report.

### SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

Staff summarized the variance request to the Site Plan Review Committee (SPRC) at their May 3<sup>rd</sup>, 2023 meeting. The SPRC recommends the following conditions to mitigate the impacts of a reduced building setback:

- 1) A minimum five (5) foot wide greenbelt shall be installed along the rear (western) property line adjacent to the existing masonry wall, planted with a continuous row of evergreen trees. Tree type, spacing, and height may be determined at the time of site plan review.
- 2) The rear (western) building façade shall not feature any overhead doors or windows.
- 3) Industrial soundproofing paneling shall be installed within the building addition, to be approved at the time of site plan and building permit review.
- 4) Any exterior lighting on the rear (western) façade shall be shielded downward.

### 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.

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### CODE REFERENCES

#### **Sec. 10.401 – Limiting Height, Bulk, Density and Area by Land Use**

Zoning District	Maximum Yard Setback (per lot in ft.)
	Rear
M-1, Light Industrial	(j)

Footnote (j): No building shall be closer than 50 feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

#### **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.*