

Zoning Board of Appeals
Madison Heights, Michigan
August 03, 2023

A Regular Meeting of the Madison Heights Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, June 1, 2023, at 7:30 PM at Council Chambers – City Hall, 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson, and members: Aaron, Corbett, Holder, Loranger, Marentette, and Oglesby

Absent: Kehoe

23-27 Minutes.

Motion by Mr. Oglesby, seconded by Ms. Marentette, to approve the Zoning Board of Appeals Meeting Minutes of June 1, 2023.

Yeas: Aaron, Corbett, Holder, Marentette, Loranger, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe

Motion Carried.

23-28 PZBA 23-08: 1485 W. 14 Mile Road.

The applicant, Spectrum Neon on behalf of Matthew Shouneyia (property owner), requests three (3) dimensional variances from Section 10.511(IV)(C) of the Zoning Ordinance pertaining to signage: One (1) variance pertaining to the maximum number of ground signs per property; and two (2) variances pertaining to ground sign dimensions. The subject property is located at 1485 W. 14 Mile Road (tax parcels #44-25-02-101-062; 44-25-02-102-004) and is zoned B-1, Local Business District.

John Haddad, President of Spectrum Neon, introduced Mr. Kevin Denha who is one of the co-owners of 1485 W. 14 Mile Road.

Kevin Denha, co-owner of 1485 W. 14 Mile Road, is requesting sign variances for the corner sign at 14 Mile Road and Campbell and the entrance sign on 14 Mile Road. The corner sign at 14 Mile Road and Campbell will be 14-ft. in height and 125 sq. ft. in width. The entrance sign on 14 Mile Road will be 12-ft. in height and 105 sq. ft. in width. The new signs will have 20 or more panels each and the digital sign on 14 Mile Road will be removed.

Chair Kimble opened the public hearing at 7:35 p.m. to hear comments on application #23-08.

There being no comments on application #23-08, Chair Kimble closed the public hearing at 7:36 p.m.

City Planner Lonnerstater reviewed the staff report provided in the meeting packet, incorporated herein:

REQUEST

The applicant, Spectrum Neon on behalf of Matthew Shouneyia (property owner), requests three (3) variances from the City's Zoning Ordinance relating to signage. The subject property is located at 1485 W. 14 Mile Road (tax parcels # 44-25-02-102-003) and is zoned B-1, Local Business. The property is located at the southeast corner of 14 Mile Road and Campbell Road and is improved with a 102,000-square-foot shopping center anchored by Value Center Marketplace.

The applicant requests variances from the following sections of the Zoning Ordinance pertaining to ground signage:

Variance #1: Section 10.511(IV)(C)(2)(a): One ground sign for each business development; and

Variance #2: Section 10.511(IV)(C)(2)(a)1: Not over eight feet in height above the adjacent grade; and

Variance #3: Section 10.511(IV)(C)(2)(a)4: A ground sign under this section shall not exceed 0.5 square feet per each lineal foot of lot frontage to a maximum of 60 square feet in area.

The shopping center currently has two (2) multi-tenant ground signs. The applicant proposes to replace both existing ground signs with new signs, as follows:

1. Corner of 14 Mile/Campbell: 14-ft. tall and 125 sq. ft. (6 ft. height variance and 65 sq. ft. area variance)
2. 14 Mile Entrance: 12-ft. tall and 105 sq. ft. (4 ft. height variance and 45 sq. ft. area variance) These variances are detailed individually below.

Number of Ground Signs Variance

Per Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance, B-1-zoned properties are afforded one (1) ground sign. The existing shopping center property has two (2) ground signs, one located at the corner of 14 Mile Road and Campbell Road, and one located at the drive entrance along 14 Mile Road. The existing signs are approximately 465 feet apart, as depicted

in the image on the following page. The new ground signs are proposed in the same locations as the existing signage.

Sign 1 (Corner of 14/Campbell): Height and Area Variances

Per Section 10.511(IV)(C)(2)(a)1, ground signs in B-1 zoned districts are afforded a maximum height of eight (8) feet and a maximum area of sixty (60) square feet. The existing sign, shown below on the left, is approximately six (6) feet tall and sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, is proposed at fourteen (14) feet tall and 125 square feet, requiring a six (6) foot height variance and 65 square foot area variance. The proposed sign features an aluminum cabinet and cap feature and internal illumination.

Sign 2 (14 Mile Entrance): Height and Area Variances

Per Section 10.511(IV)(C)(2)(a)1, ground signs in B-1 zoned districts are afforded a maximum height of eight (8) feet and a maximum area of sixty (60) square feet. The existing sign, shown below on the left, is approximately six (6) feet tall and sixty (60) square feet, meeting Ordinance requirements. The new sign, shown on the right, is proposed at twelve (12) feet tall and 105 square feet, requiring a four (4) foot height variance and 45 square foot area variance. The proposed sign features an aluminum cabinet and cap feature and internal illumination.

VARIANCE FINDINGS

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

- 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.
- 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.

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- The special conditions and/or circumstances are not a result of the applicant.

- The variance is the minimum variance necessary to provide relief to the applicant.
- In the absence of a variance, the property could not be used in a manner permitted by the Ordinance. Additional variance review criteria are contained in Section 10.805, listed at the end of this report.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance request at their July 26th, 2023, meeting. The SPRC had no objections to the variance requests.

Kevin Denha, co-owner of 1485 W. 14 Mile Road, answered the questions from the board members that 17 businesses have committed in which 15 businesses have opened and 2 businesses are pending. There is potential for up to 23 businesses in the Value Center Marketplace.

Variance #1 – Number of Ground Signs

Motion by Ms. Corbett, seconded by Mr. Oglesby, to approve the variance application to allow two (2) ground signs at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a) of the Zoning Ordinance permits one ground sign for each business development in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of 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.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

Yeas: Aaron, Corbett, Holder, Marentette, Loranger, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe

Motion Carried.

Variance #2 – Ground Sign Height

Motion by Councilwoman Aaron, seconded by Vice-Chair Thompson, to approve the variance application to allow new ground signs measuring twelve (12) feet and fourteen (14) feet in height at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25- 02-102-003, after the required public hearing, based upon the following findings:

- 1) Section 10.511(IV)(C)(2)(a)1 of the Zoning Ordinance permits ground signs not over eight feet in height above the adjacent grade in the B-1 Zoning District.
- 2) Based on exceptional shape or area of the specific piece of 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.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- 4) The special conditions and/or circumstances are not a result of the applicant.
- 5) The variance is the minimum variance necessary to provide relief to the applicant.

This variance is granted with the following conditions:

- 1) Landscaping shall be planted around the foundation of each new sign to soften the appearance of the metal base and reduce the visual impact of the added height.
- 2) The new ground signs shall not obstruct clear vision corners.
- 3) Each sign shall feature a decorative cap feature, as presented in the variance application.

Yeas: Aaron, Corbett, Holder, Marentette, Loranger, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe

Motion Carried.

Variance #3 – Ground Sign Area

Motion by Ms. Holder, seconded by Ms. Marentette, to approve the variance application to allow new ground signs measuring 125 and 105 square feet in area at the subject property located at 1485 W. 14 Mile Road, Tax Map # 44-25-02-102-003, after the required public hearing, based upon the following findings:

1) Section 10.511(IV)(C)(2)(a)4 of the Zoning Ordinance permits ground signs not over sixty (60) square feet in the B-1 Zoning District.

2) Based on exceptional shape or area of the specific piece of 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.

3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.

4) The special conditions and/or circumstances are not a result of the applicant.

5) The variance is the minimum variance necessary to provide relief to the applicant.

Yeas: Aaron, Corbett, Holder, Marentette, Loranger, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe

Motion Carried.

23-29 PZBA 23-09: 31010 John R Road.

The applicant, Goodwill Industries of Greater Detroit on behalf of NADG NNN CPHARM MH_MI LP (property owner), requests a variance from Section 10.502[A]3 of the Zoning Ordinance, *Regulated Uses*, pertaining to the minimum residential separation requirement. The subject property is located at 31010 John R Road (tax parcel # 44-25-01-351-017) and is zoned B-2, Planned Business District.

Jeff Ukraineec, Vice President of Goodwill Industries of Greater Detroit, is requesting for a 180-foot variance from the Regulated Use residential separation requirement. The Goodwill retail store is classified as a “used good use.”

Chair Kimble opened the public hearing at 8:02 p.m. to hear comments on application #23-09.

There being no comments on application #23-09, Chair Kimble closed the public hearing at 8:03 p.m.

City Planner Lonnerstater reviewed the staff report provided in the meeting packet, incorporated herein:

REQUEST

The applicant, Goodwill Industries of Greater Detroit on behalf of NADG NNN CPHARM MH_MI LP (property owner), requests a variance from Section 10.502[A]3 of the Zoning Ordinance, Regulated Uses, pertaining to the minimum residential separation requirement. The subject property is located at 31010 John R Road (tax parcel # 44-25-01-351-017) and is zoned B-2, Planned Business. The property is located at the northeast corner of John R Road and 13 Mile Road and is improved with a stand-alone commercial structure most recently occupied by CVS Pharmacy.

At the July 10th, 2023, City Council meeting, the applicant received Special Approval, with conditions, to open a Goodwill retail store at the subject property. Per the Zoning Ordinance, the Goodwill retail store is classified as a “used good use” which is subsequently considered a Regulated Use per Section 10.502[A]. Regulated Uses are subject to strict separation requirements, one of which is that they shall not be located within 300 feet of the property line of a lot in residential use or the boundary of a residential zoning district.

The subject property is located directly across 13 Mile Road from the Dover Glen Condominiums, zoned multi-family residential. The distance between the subject property and the residential property, measured from property line to property line, is approximately 120 feet, deficient from Regulated Use standards by 180 feet. **Therefore, the applicant requests a 180-foot variance from the Regulated Use residential separation requirement.** As noted in the approved City Council minutes, one of the conditions of Special Approval is that the applicant apply for and obtain the necessary residential separation variance.

Regulated Uses

Because Goodwill sells used and secondhand products, the store is classified as a “used good use” per the Madison Heights Zoning Ordinance. Per **Section 10.502[A]** of the Zoning Ordinance, used good uses are considered a regulated use, which requires Special Approval through City Council. In addition to used good uses, regulated uses include others that have, “serious objectionable operational characteristics [...]” including, but not limited to, tattoo parlors, pawnbrokers, billiard halls, massage parlors, adult theaters, cabarets, and sexually-oriented businesses. Regulated uses are subject to strict siting standards, as follows:

- Shall not be located within 1,000 feet of another regulated use; and
- Shall only be permitted in the B-2 and B-3 zoning districts after Special Approval by City Council; and
- Shall not be located within 300 feet of a church, a school, a residential zoning district or residential use, a public park, or a childcare facility.

City Council granted Special Approval for the Goodwill used good use at their July 10th, 2023, meeting, with conditions. One of the conditions is that Goodwill apply for and obtain the necessary residential separation variance.

VARIANCE FINDINGS

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

- 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.
- 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.

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- The special conditions and/or circumstances are not a result of the applicant.
- The variance is the minimum variance necessary to provide relief to the applicant.
- In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.

Additional variance review criteria are contained in Section 10.805, listed at the end of this report.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance request at their July 26th, 2023, meeting. The SPRC had no objections to the variance requests.

Motion by Ms. Holder, seconded by Vice-Chair Thompson, to approve the variance application to permit a used good use, classified as a Regulated Use per Section 10.502[A] of the Zoning Ordinance, at 31010 John R Road within 300 feet of a residentially-zoned and used property, based upon the following findings:

- 1) Used Good Uses are classified as a Regulated Use per Section 10.502[A] of the Zoning Ordinance. Per the Ordinance, Regulated Uses shall not be located within 300 feet of the boundary of a residential zoning district or the property line of a lot in residential use. The subject property is located 120 feet from residential condominiums located across 13 Mile Road.
- 2) Based on extraordinary or exceptional conditions of the subject 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.
- 3) The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.

4) The special conditions and/or circumstances are not a result of the applicant.

5) The variance is the minimum variance necessary to provide relief to the applicant.

Yeas: Aaron, Corbett, Holder, Marentette, Loranger, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe

Motion Carried.

23-30 Public Comment: For items not listed on the agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 8:09 p.m. and closed the public comment at 8:10 p.m.

23-31 Special Meeting called for Thursday, August 17th at 7:30 p.m. in Council Chambers.

City Planner Lonnerstater informed the board that the agenda item is the future Jax Kar Wash at 29022 Stephenson Highway.

23-26. Adjournment.

Motion by Ms. Holder, seconded by Mr. Oglesby, to adjourn the meeting.

Yeas: Aaron, Corbett, Holder, Marentette, Loranger, Marentette, Thompson, and Kimble

Nays: None

Absent: Kehoe

Motion Carried.

There being no further business, Chair Kimble, adjourned the meeting at 8:12 p.m.

Phommady A. Boucher
Clerk of the Board