



MEMORANDUM

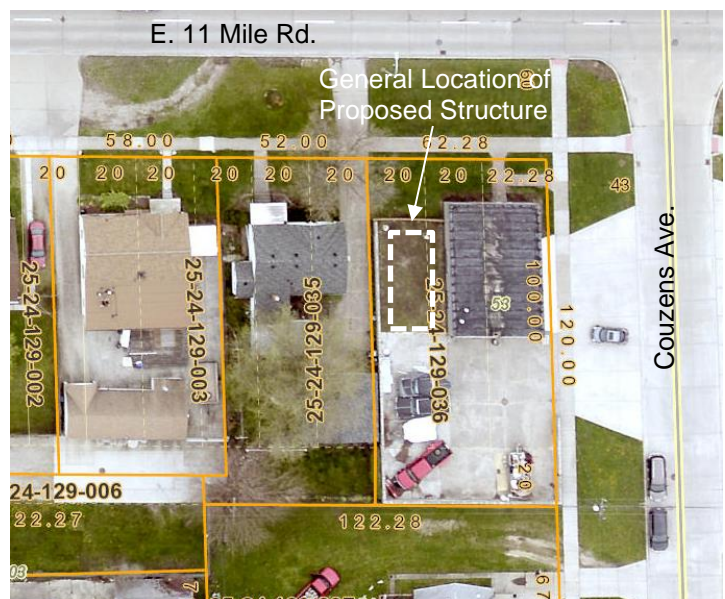
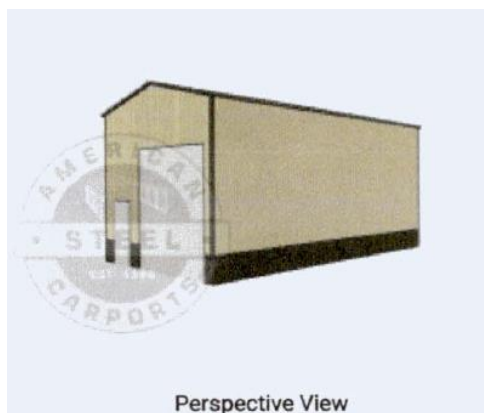
Report Date: September 1st, 2023
To: City of Madison Heights Zoning Board of Appeals
Meeting Date: September 7th, 2023
From: Matt Lonnerstater, AICP – City Planner
Subject: Accessory Structure Variances – Residential Separation Variance
PZBA 23-12; 1044 E. 11 Mile Road

REQUEST AND BACKGROUND

The applicant, *John Joannidis (property owner and business owner)*, requests variances from Section 10.504 of the Zoning Ordinance, Accessory Structures. The subject property is located at 1044 E. 11 Mile Road (tax parcel # 44-25-24-129-036) and is zoned M-1, Light Industrial. The property is located at the southwest corner of E. 11 Mile Road and Couzens Avenue and is improved with a 1,412 square foot light industrial building. The property owner currently operates an auto repair business, Rolling Cars Auto Repair, at the property.

The applicant proposes to construct a detached accessory storage structure on the property to store yard equipment, extra parts, and tools that are not used on a daily basis. The images below depict conceptual structure renderings and the general proposed location of the structure.

Proposed Storage Structure Location and Conceptual Rendering



The accessory structure is proposed in the interior side yard of the property and is set back approximately three (3) feet from the principal building and three (3) feet from the side property line. A concrete pad was recently poured in the side lawn area. The proposed structure measures 18 feet by 35 feet (630 square feet), with a side leg height of 16 feet.

As proposed, the accessory structure fails to meet the following Zoning Ordinance standards:

1. **Section 10.504(1)(c) – Location:** *All detached accessory buildings are only permitted in the rear yard subject to the setbacks listed in this section.*
2. **Section 10.504(1)(d) – Height:** *All detached accessory buildings in all districts with a pitched roof shall not exceed one story or fifteen (15) feet with a maximum ceiling height of ten (10) feet.*
3. **Section 10.504(1)(h)2 – Setbacks:** *No detached accessory building shall be located closer than ten (10) feet to any building nor shall it be located closer than six (6) feet to any side or rear lot line with eaves no closer than four feet to any lot line.*

The applicant has formally applied for the location and setback variances, but an additional height variance will be required based upon the proposed building height. While the building leg height is proposed at 16 ft, the Zoning Ordinance definition of building height is measured from grade to the average height between the eaves and ridge for sloped roofs.

EXISTING SITE CONDITIONS

The subject property is a corner lot that abuts both 11 Mile Road and Couzens Avenue. The property abuts one-family residential properties to the side and rear. As shown in the Streetview images below, the grass lawn area (recently improved with a concrete pad) where the accessory structure is proposed is currently screened by a six foot (6') tall wood fence at the front and an approximately eight foot (8') tall masonry wall at the side.

Streetview Images (from E. 11 Mile Road)



STAFF ANALYSIS

The applicant has provided a written narrative addressing the formally requested variances. As previously noted, an additional height variance will be required for the structure, as proposed. The applicant states that the side yard area is the best option for the accessory structure based on the small size of the lot and existing parking and drive aisle arrangement.

Staff notes that, with the exception of building height, the proposed storage structure could be permitted in the existing rear parking area by-right, subject to yard and building setback standards. Additionally, based upon the manufacturer's website (American Steel Carports, Inc.), a variety of smaller and shorter storage structures are available, which could reduce the number and/or intensity of the requested variances.

If approved, the reduced principal building setback (10 feet required; 3 feet proposed) does not exempt the applicant from meeting minimum building code and/or fire code requirements.

SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance requests at their August 23rd, 2023 meeting. The SPRC stated concerns regarding the proximity of the proposed storage structure to the adjacent residence on 11 Mile Road, the visibility of the structure from the 11 Mile Road right-of-way, and the excessive height of the structure. Additionally, the SPRC stated a concern that the side yard location variance, if approved, could impair the intent and purpose of the accessory structure standards.

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.

ZBA ACTION

Any ZBA motion, including approval and denial, should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. Template approval and denial motions are attached to this memorandum for the ZBA's consideration.

The ZBA should act on each variance separately.

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. If the ZBA moves to approve the requested side yard location and setback variances, staff suggests the following conditions of approval:

- 1) *Additional landscaping in the form of deciduous trees shall be planted within the front yard adjacent to 11 Mile Road to further screen the accessory structure from the road. Details of such plantings may be coordinated with the City Planner.*
- 2) *The building setback variances do not relieve the applicant from minimum building and fire code requirements.*

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:

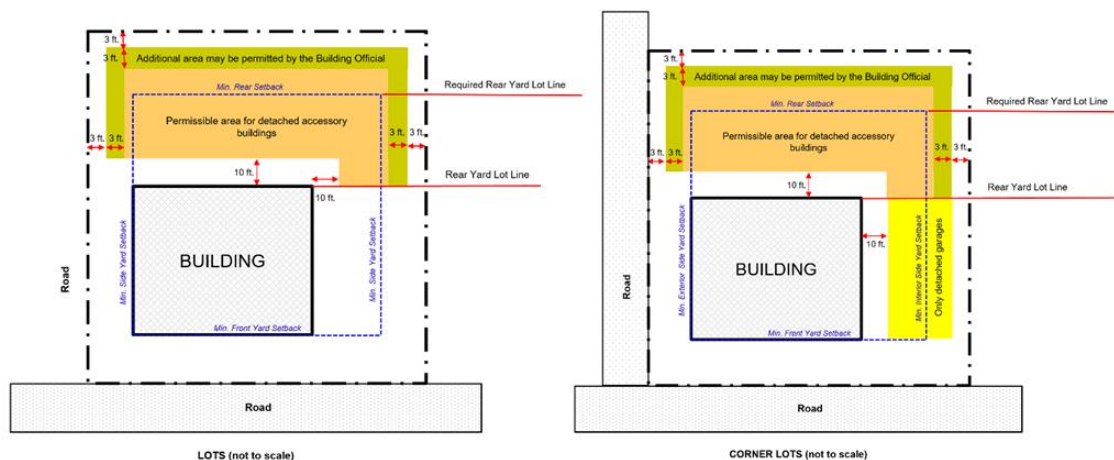
- 1) *The location and size of the use.*
- 2) *The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*

- 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.*

Sec. 10.504. Accessory buildings, structures, and uses.

- (1) *Accessory buildings and structures. Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:*
 - (a) *Use. Accessory buildings and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. A detached accessory building can be used for parking or storage of motor vehicles, but not for commercial servicing or repair.*
 - (b) *Permit. Any accessory building greater than 200 square feet in residential zoned districts and 120 square feet in commercial zoned districts shall require a building permit. All accessory buildings in non-residential districts also require a site plan, unless otherwise determined by the building official.*
 - (c) *Location. All detached accessory buildings are only permitted in rear yard subject to setbacks listed in this section. In case of corner lots, the building official may permit detached garages for parking cars in the side yard in single family residential districts.*
 - (d) *Height. All detached accessory building in all districts with a pitched roof shall not exceed one story or 15 feet with a maximum ceiling height of ten feet.*
 - (e) *All detached accessory building in all districts with a flat roof shall not exceed one story or ten feet.*
 - (f) *All detached accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts subject to approval of the site plan review committee. The applicant shall submit supporting document justifying the reason for additional heights. Such structures shall also comply with building material requirements that apply to a principal structure in such districts.*

- (g) *Lot coverage. The combined floor area of all accessory buildings on a lot or parcel shall not exceed 40 percent of the required rear yard. All attached accessory buildings shall be in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage for principal buildings.*
- (h) *Setbacks. All accessory buildings are subject to the following setbacks listed below:*
1. *Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.*
 2. *No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than six feet to any side or rear lot line with eaves no closer than four feet to any lot line.*
 3. *Detached accessory buildings or private garages may be located up to three feet to the rear lot line or side lot line subject to the building official determination that reduced setbacks would not negatively impact the surrounding uses or access to public or private streets.*
 4. *In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.*
 5. *When an accessory building is located on a corner lot, the said lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line on the lot in the rear of such corner lot, and in no case shall the entrance to a garage be less than ten feet from a lot line.*



- (i) *Design. When a permit is required, all attached and detached accessory buildings shall be designed and constructed of materials and design including roof style compatible with the principal structure and other buildings in the vicinity, as determined by the building official. The building official may allow modifications to the roof design if the alternate design is compatible with surrounding architecture.*
- (j) *Pavement. All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine feet wide unless otherwise approved by the community development department. The community development department shall base its determination upon such factors as the narrowness, shallowness, shape or area of a specific piece of property, topographical conditions, or extraordinary or exceptional conditions of the property by which the strict application of this Ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner.*
- (k) *Drainage. All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the city engineer.*