



# MEMORANDUM

Report Date: September 25<sup>th</sup>, 2026  
To: City of Madison Heights Zoning Board of Appeals  
Meeting Date: October 1<sup>st</sup>, 2026  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Dimensional Variance for Parking in front of a Residential Dwelling  
PZBA 26-03 – 91 E. Harwood

## REQUEST

The applicant and property owner, Naiel Yousif, requests a variance from Section 7.03.10 of the Madison Heights Ordinance pertaining to driveway standards for detached one-family dwellings and duplexes. The property is located at 91 E. Harwood Ave (tax parcel #44-25-24-301-021), zoned R-3, One-Family Residential, and is 0.10 acres (4,356 square feet) in size. The property is currently improved with a legally non-conforming duplex with an attached one-car garage accessed by an 8 ft. wide driveway.

The applicant requests a variance from Section **7.03.10.C(4)** which states:

*Driveways leading to an Attached Garage: [...] In no case shall any part of the driveway be located directly in front of the residential dwelling, with the exception of living spaces above the garage.*

Section 7.03.12 states that duplexes “shall comply with all Detached One-Family standards” with only minor exemptions. Therefore, the prohibition on driveways in front of the dwelling applies to duplexes.

The applicant proposes to construct an 8’ x 16’ parking pad in the front yard adjacent to the existing driveway. Due to limited space on the property, the parking pad is proposed in front of the residential dwelling against Zoning Ordinance standards.

***Aerial View – 91 E. Harwood (Lot #76)***



**91 E. Harwood - Streetview**



**ZONING ORDINANCE STANDARDS AND PROPOSED IMPROVEMENTSS**

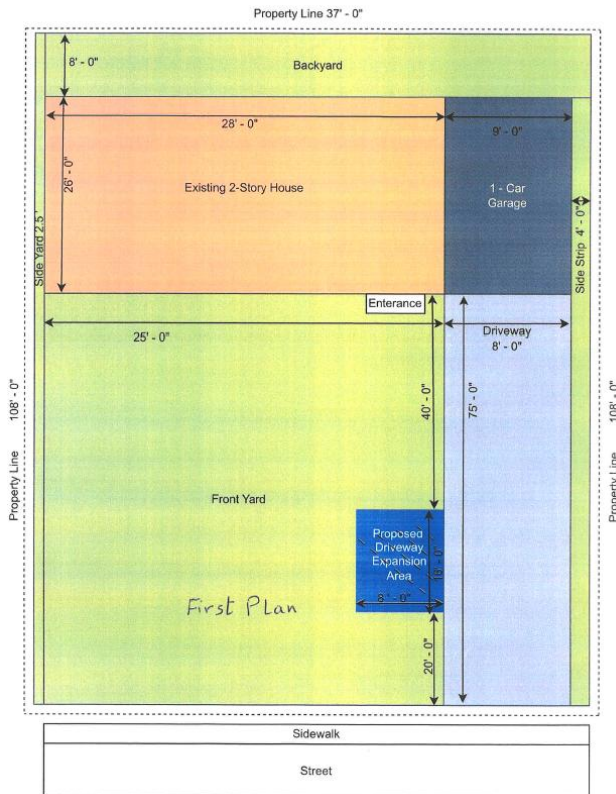
**Detached One-Family Dwellings/Duplexes**

The applicant is seeking relief from Section 7.03.10.C(4) of the Zoning Ordinance, in full as follows:

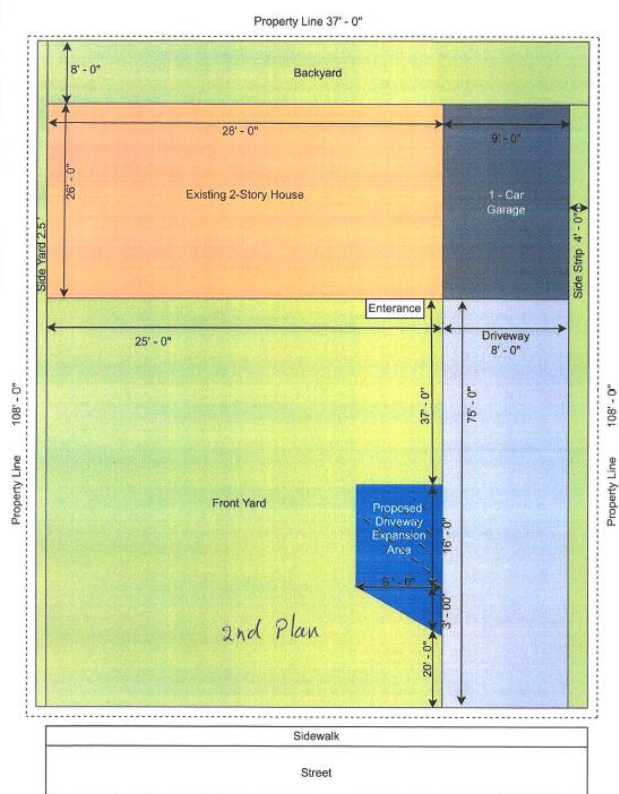
***(4) Driveways leading to an Attached Garage:*** A driveway providing access to an attached garage shall be no wider than 20 feet at the front or street side lot line but may taper to a width up to, but not to exceed, eighteen (18) inches beyond the exterior edges of the garage door opening; the taper shall begin a minimum of five (5) feet from the property line adjacent to the street and shall be angled no greater than forty-five (45) degrees. However, in no case shall any part of the driveway be located directly in front of the residential dwelling, with the exception of living spaces above the garage.

The applicant proposes an 8' x 16' parking pad (large enough for one vehicle) adjacent to the existing 8'-wide driveway. Due to the unique placement of the duplex towards the rear of the parcel, and due to the lack of a side yard, the parking pad is proposed directly in front of the residential dwelling. The applicant has provided two options for the parking pad: (1) Non-Tapered and (2) Tapered.

### Non-Tapered



Tapered



## VARIANCE FINDINGS AND CRITERIA

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize dimensional variances from building setback requirements, provided that such variances will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Boards of Appeals shall make findings that the petitioner has adequately proven the existence of a “practical difficulty”, explicitly with regard to the following criteria:

- A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- C. That the plight of the owner is due to unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and

- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

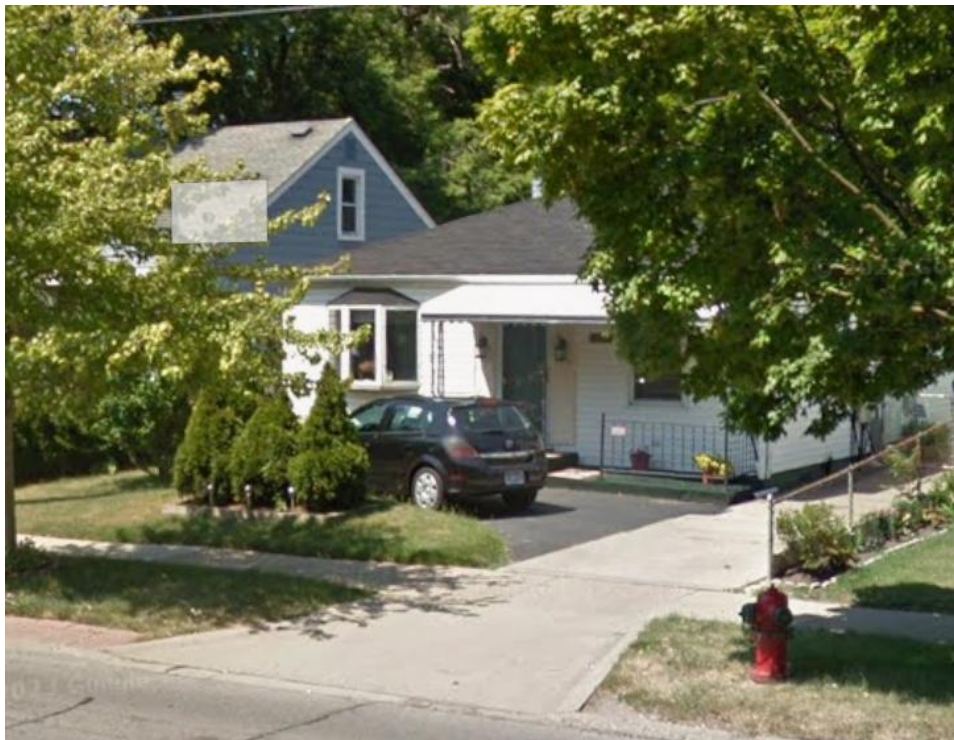
In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with the Ordinance, provided that said conditions are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public. Such conditions shall be necessary to meet the intent and purpose of the Ordinance, be related to the standards established in the section for the land use or activity under consideration and be necessary to ensure compliance with those standards.

### STAFF ANALYSIS

The intent of the front-yard parking restriction is to ensure that residential neighborhoods aren't dominated by the appearance of parked vehicles. The Zoning Ordinance does contain standards and allowances for an "additional parking pad" adjacent to a permitted driveway within the side or rear yard. However, given the unique building placement towards the extreme rear of the property and the limited side yards, widening the driveway in any capacity would likely result in a violation of one or more zoning standards. Additionally, the building's legal non-conforming use as a duplex, with two separate households, makes the current tandem parking arrangement burdensome on the renters.

The Zoning Ordinance does allow for a front-yard parking pad in cases where properties front an arterial or collector street and where the parking pad is screened from the road with plant materials or an alternative screening method. While the subject property is not located on an arterial or collector street, should the ZBA move to approve the variance, staff recommends incorporating a screening requirement as a condition of approval. As shown in the image below, landscaping between the road and the parking pad can reduce the visual impact of parked vehicles from Harwood Avenue.

**Landscape Screening in front of Front-Yard Parking Pad**



Practical difficulties relating to a dimensional variance request should generally relate to unique physical constraints on the property, including but not limited to natural features (e.g. wetlands, topography, soil situations), existing structures, or extraordinary parcel shape. Where physical constraints severely limit the ability to operate a use on the property, variances may be warranted.

If a motion to approve the variance is presented, staff recommends several conditions of approval to further limit adverse visual impacts on adjacent properties and the streetscape and meet the spirit of the Zoning Ordinance

Suggested conditions:

1. The Concrete Permit application, when submitted, shall denote the following:
  - (a) The parking pad shall be shifted to the north towards the house to the greatest extent possible to preserve the appearance of the front yard, consistent with the remainder of the block.
  - (b) Landscape screening shall be provided between the parking pad and the street in the form of arborvitaes, evergreen shrubs, ornamental trees, or other alternative plantings as approved by the Planning and Zoning Administrator. The plantings shall have the effect of screening vehicles from the street to the greatest extent possible.
  - (c) The maximum size of the parking pad shall be 9' x 20', consistent with the dimensions of a single parking space.
2. Repair and replacement of the parking pad may be permitted without the need for a new variance. However, in no case shall the extent or dimensions of the parking pad be increased without approval from the Zoning Board of Appeals.

**ZBA ACTION**

**Any ZBA motion, including approval and denial, shall include findings of fact relating to the variance criteria listed in Sections 15.06.2 of the Zoning Ordinance. Template approval and denial motions are provided below for the ZBA's consideration, which may be modified at the discretion of the board.**

Attachments

- Maps
- ZBA Application and Documents
- Section 7.03.10 – Detached One-Family Dwellings
- Section 15.06 – Variances and Appeals
- Public Hearing Notice
- Public Letters

## TEMPLATE MOTIONS

### APPROVAL:

Move that the Zoning Board of Appeals APPROVE a variance from Section 7.03.10.C(4) to permit a residential parking pad in front of a residential dwelling at 91 E. Harwood. This motion, being made after the required public hearing, is based upon the following findings:

- 1) Section 7.03.10.C(4) prohibits the placement of driveways in front of residential dwellings, with the exception of living spaces above an attached garage; and
- 2) Strict compliance with the driveway standards would unreasonably prevent tenants of the legally non-conforming duplex from entering and exiting the property by vehicle; and
- 3) A variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- 4) The plight of the owner is due to unique circumstances of the property, including unique building placement and the legally non-conforming status as a duplex; and
- 5) The requested variance is the minimum amount necessary to permit reasonable development of the land, building or structure; and
- 6) With conditions, the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community.

Approval is granted with the following **conditions** designed to ensure compliance with the intent and purpose of the use-specific regulations:

- 1) The Concrete Permit application, when submitted, shall denote the following:
  - (a) The parking pad shall be shifted to the north towards the house to the greatest extent possible to preserve the appearance of the front yard, consistent with the remainder of the block.
  - (b) Landscape screening shall be provided between the parking pad and the street in the form of arborvitaes, evergreen shrubs, ornamental trees, or other alternative plantings as approved by the Planning and Zoning Administrator. The plantings shall have the effect of screening vehicles from the street to the greatest extent possible.
  - (c) The maximum size of the parking pad shall be 9' x 20', consistent with the dimensions of a single parking space.
- 2) Repair and replacement of the parking pad may be permitted without the need for a new variance. However, in no case shall the extent or dimensions of the parking pad be increased without approval from the Zoning Board of Appeals.

DENIAL (NOTE: ONLY ONE NON-COMPLIANT STANDARD NEEDS TO BE LISTED TO MOVE FOR DENIAL)

Move that the Zoning Board of Appeals DENY a variance from Section 7.03.10.C(4) to permit a residential parking pad in front of a residential dwelling at 91 E. Harwood. This motion, being made after the required public hearing, is based upon the following findings:

- 1) Section 7.03.10.C(4) prohibits the placement of driveways in front of residential dwellings, with the exception of living spaces above an attached garage; and
- 2) Strict compliance with the parking location standards would not unreasonably prevent the owner from continuing to utilize the existing site as a duplex; and
- 3) The authorization of such variance will materially impair the intent and purpose of this Ordinance to prohibit front yard parking areas in front of one-family residential homes and duplexes; and
- 4) The plight of the owner is not due to unique or extraordinary physical or natural circumstances on the property; and
- 5) The need for the requested variance is a result of actions of the property owner to add a parking pad to a property which already contains a driveway.