



# CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

Date Filed:

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Todd Gesund - BMW Kar Wash, Inc., dba Jax Kar Wash  
Address: 28845 Telegraph Road  
City: Southfield State: MI Zip: 48034  
Telephone: 248-514-5565 Fax: N/A  
Email: todd@jaxkarwash.net
2. **Petitioner's Interest in Property:** Contract purchaser
3. **Property Owner:** (Attach list if more than one owner)  
Name: Sokol & Angjelina Ndrejaj  
Address (Street): 29022 Stephenson Hwy  
City: Madison Heights State: MI Zip: 48071  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_
4. **Property Description:** Address: 29022 Stephenson Hwy.  
Tax Parcel #: 44 - - - -.  
Legal Description - Attach if metes and bounds description.  
If in a subdivision: Lot #: See attached legal.  
Subdivision name: \_\_\_\_\_  
Lot size: 1.09 acres  
Size of proposed building or addition: +/- 6,200sf
5. **Present Zoning of Property:** B-3 **Present Use:** Restaurant
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  
6,200sf drive-through autowash, parking, vacuums, site improvements

Contrary to the requirements of Section(s) 10.326(8)(c) of the Zoning Ordinance  
10.326(8)(d) of the Zoning Ordinance  
10.326(8)(i)&(q) 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.: \_\_\_\_\_

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 Sokol Ndrejaj

Date \_\_\_\_\_

**FOR THE APPLICANT IF NOT THE OWNER:**

Signature \_\_\_\_\_

Printed Name Todd Gesund

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

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## 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:** \$ \_\_\_\_\_**APPROVED:** \_\_\_\_\_**PAID:** \_\_\_\_\_**DENIED:** \_\_\_\_\_**RECEIPT NO.** \_\_\_\_\_

**ADDENDUM TO ZONING BOARD OF APPEALS APPLICATION  
CITY OF MADISON HEIGHTS, MICHIGAN**

**Applicant: BMW Kar Wash Inc., d/b/a Jax Kar Wash  
Parcel ID No.: 25-11-377-015, -016, -019  
Date: July 11, 2023**

Jax Kar Wash proposes to construct a modern automatic car wash on the property. This use obtained special approval from the Madison Heights City Council on July 10, 2023. For the development and operation of an automatic car wash on the property, the property is subject to the requirements of Section 10.326(8) of the Zoning Ordinance for specific design/operational standards for automatic car washes. The Applicant would request the following variances from the Zoning Board of Appeals to such Section:

**Variance #1 – Opening for Business at 7:00 a.m.**

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance:

**Section 10.326(8)(c) requires the time of operation for automatic car washes to be limited between the hours of 8:00 a.m. and 10:00 p.m.**

**Variance Requested – The Applicant requests a variance to commence operation of the business at 7:00 a.m.**

- 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.

**Other businesses in the B-3 district are not limited by the hours of operation imposed upon car washes. For example, a fast-food restaurant would not be precluded from opening at 7:00 a.m. for breakfast. The important fact in this case is that there are no nearby residential or commercial neighbors who would be adversely impacted if the car wash is allowed to open at 7:00 a.m.**

- 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.

**The Applicant is being deprived of the same rights and opportunities as other businesses in the B-3 district to operate and generate revenue before 8:00 a.m.**

- D. Did the special conditions and/or circumstances result from your actions?

**No, the special conditions are an ordinance requirement, and are not caused by the actions of the Applicant.**

- 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?

**The economic feasibility of the car wash project requires that it have the opportunity to be open at 7:00 a.m. to service customers on their way to work. Without this variance, the Applicant would be deprived of the ability to achieve an adequate return on its investment in the property.**

- F. Will granting the variance change the essential character of the area?

**The requested variance will not change the essential character of this area or cause negative impacts upon surrounding property owners. The Property is located in a business district, surrounded by I-75, Twelve Mile Road, Stephenson Highway and the Oakland County Water Resources Commission. There are no residential or commercial neighbors who would be adversely impacted by the car wash opening at 7:00 a.m.**

#### **Variance #2 – 10 Foot Building Variance From Twelve Mile Road Right-of-Way**

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance:

**Section 10.326(8)(d) requires the building to be set back 20 feet from the Twelve Mile Road right-of-way.**

**Variance Requested – The Applicant requests a variance to locate the car wash building 10 feet from the Twelve Mile Road right-of-way.**

- 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.

**The property shape and configuration is somewhat triangular, with the diagonal side facing Twelve Mile Road and I-75. This right-of-way includes a substantial width of lawn buffer area which is not part of the road infrastructure improvements, providing a substantial setback and buffer from any road improvements, which allows a 10 foot setback to be sufficient. The Property will also have trees and shrubs on that side of the building to further shield it from the adjacent roads. Therefore, the property shape and configuration and the wide open buffer along the I-75 interchange and Twelve Mile Road are special conditions that are peculiar to this parcel, and not other parcels in the same district.**

- 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.

**Enforcing the 20 foot setback would likely prevent the property from being developed as an automatic car wash because there would be insufficient land area to make the property safe for vehicular traffic on-site, as the parking spaces or drive aisles would be shorter or narrower. At the very least, this condition would cause an on-site vehicle safety hazard if the development is reduced in size to comply with this requirement.**

- D. Did the special conditions and/or circumstances result from your actions?

**The need for the requested variance results from the unusual shape and configuration of the property, not the actions of the Applicant.**

- 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?

**If the variance is not granted, the property either cannot be used as an automatic car wash, or would cause unsafe vehicular conditions because the drive areas would need to be reduced. The variance requested is the minimum needed to alleviate an unsafe condition and permit the proposed automatic car wash.**

- F. Will granting the variance change the essential character of the area?

**Granting the variance will not change the essential character of the area, given the existence of the wide road right-of-way being used as a lawn buffer, together with the additional landscaping installed on this side of the building.**

### **Variance #3 – Eliminating Chain-Link Fence Along the Property Boundary**

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance:

**Section 10.326(8)(i) requires the erection of a chain-link fence around the property boundary.**

**Variance Requested – The Applicant requests a variance to eliminate the chain-link fence, and instead install landscaping along the property boundaries.**

- 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.

**A chain-link fence enclosing the property would be unsightly, and is applicable to car washes, not other businesses within the B-3 district.**

- 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.

**The aesthetic value to be realized from landscaping at the property boundaries instead of a chain-link fence would entice potential customers to utilize the site, and would provide a more visually attractive site at this very visible gateway location to the City. The Applicant believes that the City does not desire chain-link fencing in its visible commercial areas, and would instead prefer a landscaping buffer around the property boundary.**

- D. Did the special conditions and/or circumstances result from your actions?

**No, the special conditions result from the ordinance requirement for all car washes, which has been waived for other car washes in the City.**

- 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?

**The Applicant would not develop the property with an automatic car wash if a chain-link fence surrounding the property was required, due to the poor visual aesthetics of the chain-link fence, which would preclude the installation of the substantial landscaping proposed for the site, and thereby be less inviting to potential customers.**

- F. Will granting the variance change the essential character of the area?

**Granting of the variance will enhance and improve the essential character of this area, particularly at this very visible gateway location to the City, allowing the property to be surrounded by attractive landscaping instead of a chain-link fence.**

**Variance #4 - Allowing Vacuums and Hand Towel Drying Outside Building**

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance:

**Section 10.326(8)(q) requires that vacuuming and drying be located within the building area.**

**Variance Requested – The Applicant requests a variance to install 19 vacuums outside the building and to operating hand towel drying of vehicles outside the building.**

- 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.

**These ordinance requirements are unworkable for modern automatic car wash facilities, as all have self-service vacuums located outside of the car wash building, and many have hand towel drying outside the building as well.**

- 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.

**Compliance with the ordinance requirement would prevent practically any car wash from being operating within the City, as today's car washes must provide self-serve vacuums and/or hand towel drying outside the building to be competitive in the marketplace.**

- D. Did the special conditions and/or circumstances result from your actions?

**No, the special conditions result from the ordinance requirements.**

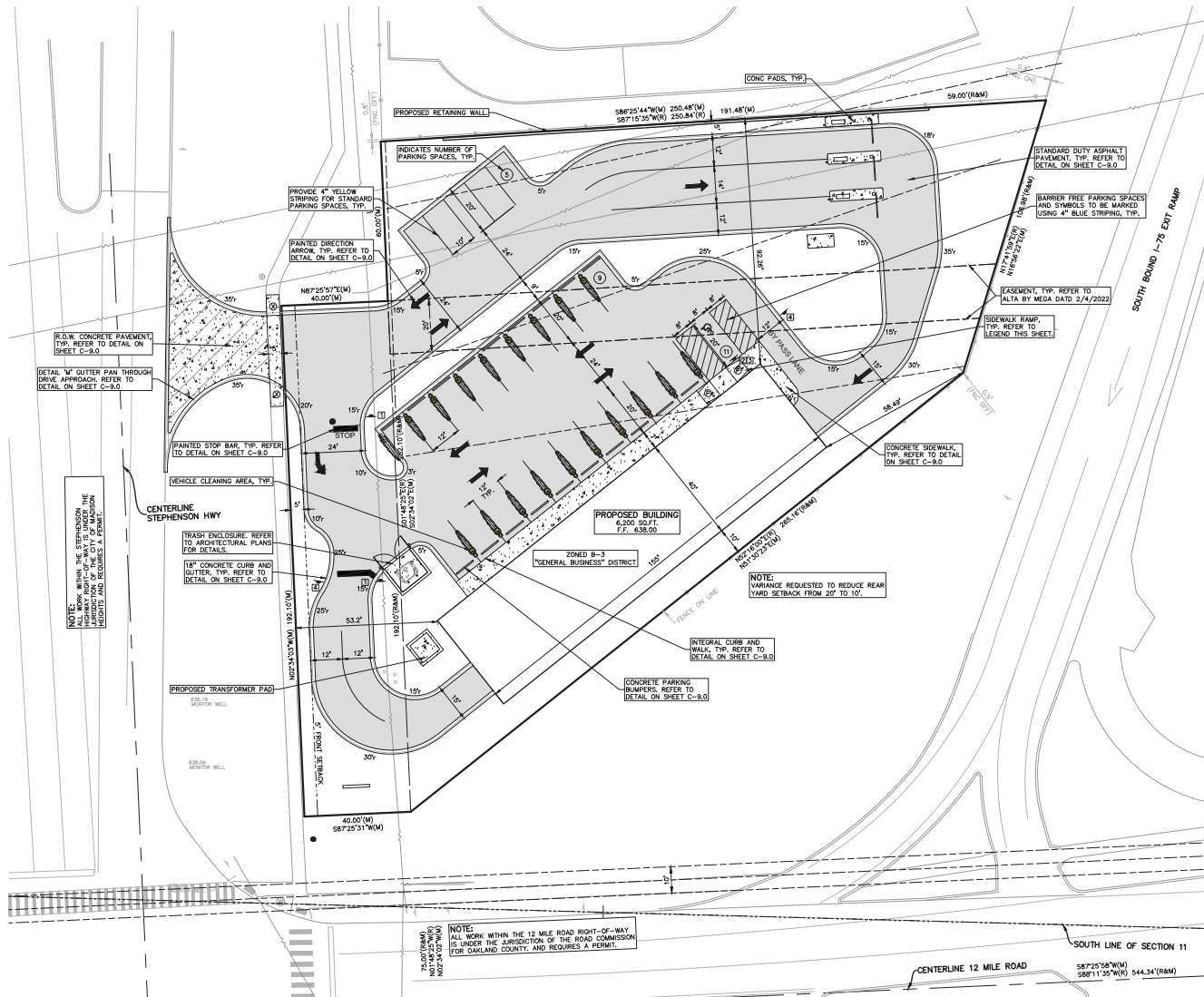


- E. Can you use the property in a manner permitted by the ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?

**A modern automatic car wash would not be developed on the Property if outdoor vacuums and hand towel drying are not permitted, as it would put that facility at a competitive disadvantage. The requested variance is the minimum required for operation.**

- F. Will granting the variance change the essential character of the area?

**The requested variance will not change the essential character of the area, which is surrounded by roads and commercial businesses. The vacuums and Jax' hand towel drying services will be located outdoors, as is typical in most car wash facilities, but the main vacuum filter/separator and vacuum turbine motors will be located inside the building, so as to minimize external noise to the surrounding areas. The vacuums will be free for public use. These areas will also be substantially shielded from public view from Twelve Mile Road by the building, and from Stephenson Highway by substantial landscaping in excess of ordinance requirements.**



**LEGEND:**

- CONCRETE PAVEMENT
- ASPHALT PAVEMENT
- GRAVEL
- WETLAND
- CONCRETE CURB AND GUTTER
- REVERSE GUTTER PAN
- SETBACK LINE
- SIGN LIGHTPOLE
- FENCE
- GUARD RAIL

- GENERAL NOTES:**
- THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.
  - ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.
  - NO PARKING-FIRE LANE SIGNS SHALL BE POSTED ALONG ALL FIRE LANES AT 100 INTERVALS OR AS DIRECTED BY THE FIRE OFFICIAL.
  - REFER TO NOTES & DETAILS SHEET FOR ON-SITE PAVING DETAILS.
  - REFER TO NOTES & DETAILS SHEET FOR ON-SITE SIDEWALK RAMP DETAILS.

**SITE DATA TABLE:**

SITE AREA: 1.08 ACRES (47,269 SF) NET AND GROSS  
ZONING: R-3 "GENERAL BUSINESS" DISTRICT  
PROPOSED USE: CAR WASH (8,200 SF)  
BUILDING INFORMATION  
MAXIMUM ALLOWABLE BUILDING HEIGHT = 40 FT (3 STORIES)  
PROPOSED BUILDING HEIGHT = 1 STORY  
BUILDING FOOTPRINT AREA = 4,300 SF  
BUILDING LOT COVERAGE = 13.1%  
SETBACK REQUIREMENTS:  
FRONT (WEST) 5' 63.20'  
SIDE (NORTH) 0' 63.20'  
SIDE (EAST) 0' 58.49'  
REAR (SOUTH) 20' 101'

**REQUIRED, PROPOSED:**

**SETBACK REQUIREMENTS:**  
REAR = 1 SPACE PER EACH EMPLOYEE PLUS TWO SPACES.  
AUTO WASH = 3 EMPLOYEES + 1 SPACE PER EMPLOYEE + 2 SPACES  
TOTAL REQUIRED PARKING = 5 SPACES  
TOTAL PROPOSED PARKING SPACES = 6 SPACES INC. 1 HC SPACE

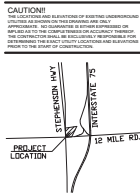
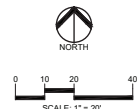
**SITE SOILS INFORMATION:**  
ACCORDING TO THE USGS NATURAL RESOURCES CONSERVATION SERVICE  
WEB SOIL SURVEY FOR OAKLAND COUNTY, THE SITE CONSISTS OF THE  
FOLLOWING SOIL TYPES:  
UDORTHEMS AND UDOSPAMMENTS, NEARLY LEVEL TO HILLY

**SIDEWALK RAMP LEGEND:**

- SIDEWALK RAMP TYPE P
- CURB DROP
- REFER TO LATEST MOOT R-28  
STANDARD RAMP AND DETECTABLE  
WARNING DETAILS

**SIGN LEGEND:**

- "STOP" SIGN
- BARRETT FREE PARKING SIGN
- "VAN ACCESSIBLE" SIGN
- DO NOT ENTER SIGN
- REFER TO DETAIL SHEET FOR SIGN DETAILS



CLIENT  
**CUNNINGHAM LIMP COMPANY**  
20002 STEPHENSON HWY SUITE 100  
MOUNTAIN VIEW, MI 48157

PROJECT TITLE  
**JAX CAR WASH**  
20002 STEPHENSON HWY  
MOUNTAIN VIEW, MI 48157



REVISIONS	
OWNER REVIEW	08/02/23

ORIGINAL ISSUE DATE:

DRAWING TITLE  
**PRELIMINARY SITE PLAN**

PEA JOB NO. 2023-0317  
P.M. JPS  
D.N. J.L.  
D.E.S. K.M.  
DRAWING NUMBER:

**C-3.0**

NOT FOR CONSTRUCTION

\\PEA\IT\JAX\2023-0317 - JAX CAR WASH - 8/2/2023\PEA\JAX\_CAR\_WASH\PEA-C-3.0.dwg PLOT DATE: 8/2/2023  
By: Jax





Proposed Exterior Renderings for:



Cunningham-Limp  
Building Better Communities

F.A.studio  
design to inspire





Proposed Exterior Renderings for:



Cunningham-Limp  
Building Better Communities

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