

Zoning Board of Appeals Meeting
Madison Heights, Michigan
January 08, 2026

A Zoning Board of Appeals Meeting was held on Thursday, January 08, 2026, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

PRESENT: Chair Kimble and members: Corbett, Covert, Holder, Loranger, Oglesby, Sagar, and Thompson

ABSENT: Councilwoman Aaron and Marentette

ZBA 01-26. Excuse member(s).

Motion made by Ms. Holder, Seconded by Mr. Oglesby, to excuse Councilwoman Aaron and member Marentette from tonight’s meeting.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Ms. Marentette

Motion carried.

ZBA 02-26. Minutes.

Motion made by Ms. Corbett, Seconded by Ms. Covert, to approve the December 4, 2025, Meeting Minutes as presented.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

ZBA 03-26 PZBA #25-11: 31075 John R Road

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

REQUEST

The applicant, Matthew Abro, is appealing an administrative decision made by the City Planner, acting in the capacity of the Planning and Zoning Administrator, to deny a Certificate of Occupancy application for a tobacco/smoke shop at 31075 John R Road.

STAFF COMMENT AND ZBA ACTION

The City Planner, Matt Lonnerstater, summarized the staff report: The applicant has appealed the Planning and Zoning Administrator’s decision to deny a Certificate of Occupancy (CofO) for his business. The facts presented in this staff report and the included attachments provide the reasoning for the Planning and Zoning Administrator’s decision. This is not a variance request, and the criteria for reviewing an appeal differ from that of a variance request. In this case, the Zoning Board of Appeals is tasked with determining whether the Planning and Zoning Administrator (City Planner) made an error in their decision to deny the CofO. The onus is on the applicant/petitioner to prove that an error was made.

Based on general zoning practice, a reversal or modification of the Planning and Zoning Administrator's decision may be made if the ZBA finds one of the following to be true:

- (1) The decision was arbitrary or capricious; or
- (2) The decision was based on erroneous findings of fact; or
- (3) The decision was a clear abuse of discretion; or
- (4) The decision was based on an erroneous interpretation of the Zoning Ordinance.

The ZBA should not treat the appeal as a new decision. Rather, review of the decision should be limited to the information that was available to the Planning and Zoning Administrator when the decision to deny the Certificate of Occupancy application was made.

Following the consideration of all testimony, documentary evidence, and matters of record, and following the public hearing, the ZBA shall make a determination on the appeal unless an extension of time is agreed to by the applicant and the ZBA. Any ZBA motion, including a decision to either uphold or overturn the decision of the Planning and Zoning Administrator, shall include clear and concise findings of fact relating to the appeal.

Chair Kimble opened the public hearing at 7:37 p.m. to hear comments on application #25-11.

Appellant, Matthew Abro, explained the appeal: He sought to open a "Smokin Bear Tobacco" retail shop in a suite zoned B-1, Neighborhood Business. The appellant argued that significant investment was made in the build-out, including interior modifications, plumbing, and a new facade, and that city inspectors were aware of the intended use throughout the process. He further noted that a tobacco shop had previously operated in the same plaza.

City Planner Lonnerstater clarified that while building permits were issued for construction, issuance of a permit does not guarantee compliance with zoning codes. Upon review of the Certificate of Occupancy (CofO) application, it was determined that a "tobacco and smoke shop" was not a permitted use in the B-1 district under the current Zoning Ordinance adopted in 2024. The Zoning Ordinance defines such shops as stores primarily selling tobacco products, which are excluded from the B-1 use table.

Assistant City Attorney Burns advised the Board to determine if the City Planner was the appropriate authority and if the regulation was properly enforced.

There being no comments on application #25-11, Chair Kimble closed the public hearing at 8:13 p.m.

Motion made by Ms. Holder, Seconded by Mr. Oglesby, **MOVE** that the Zoning Board of Appeals hereby affirms and upholds the administrative decision of the City Planner, acting in the capacity of the Planning and Zoning Administrator, to deny a Certificate of Occupancy for a tobacco/smoke shop at 31075 John R Road, zoned B-1, Neighborhood Business. This decision is based upon the finding that the Planning and Zoning Administrator acted on the submitted Certificate of Occupancy application in accordance with the Madison Heights Zoning Ordinance.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson
Absent: Councilwoman Aaron, Marentette
Motion carried.

ZBA 04-26. Public Comment: For items not listed on agenda.

Seeing no one wished to comment, Chair Kimble opened public comment at 8:14 p.m. and closed the public comment at 8:15 p.m.

ZBA 05-26. PZBA #25-10: 32500 John R Road

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

REQUEST

The applicant, Marija Dedvukaj on behalf of property owner VDG John R, LLC, requests variances from Section 12.04 (Prohibited Signs) and Section 12.07 (Regulations for Permitted Signs) to permit the installation of a pylon sign that exceeds that maximum permitted height for ground signs. The property is located at 32500 John R Road (tax parcel #44-25-01-151-063) and is zoned B-3, Regional Business. The property is located on the east side of John R Road, south of Mandoline, and is improved with a drivethrough fast-food restaurant which is in the process of being converted into a Coney Island restaurant. At their December 4th, 2025 the Zoning Board of Appeals postponed action on the variance requests to allow time for the applicant to explore alternative sign heights and designs.

VARIANCE FINDINGS AND CRITERIA

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize variances from sign regulations, 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