



**CITY OF Sterling Heights**

InnovatingLiving

## 2020 Zoning Board of Appeals Annual Report



Office of Planning

Community Development- City of Sterling Heights



### Purpose of Annual Report:

- **Article IX- Annual Report of the City of Sterling Height's Zoning Board of Appeals bylaws states:**  
The Vice-Chairperson of the Zoning Board of Appeals shall, by April 15 of the following year, prepare and submit to the Board for approval, and submit to the City Council a written report of its activities covering the previous calendar year. This report is to cover the following:
  1. Number of cases scheduled
  2. Number of meetings held
  3. Action take on cases heard
  4. Attendance

### Creation: Article 30 of the Zoning Ordinance:

- A. Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in Public Act 207 of 1921, as amended, and in such a way that the objectives of this ordinance shall be observed, public safety secured and substantial justice done. The Zoning Board of Appeals shall consist of seven regular members, each to be appointed for a term of three years, expiring on June 30 in the year of expiration. All vacancies for unexpired terms shall be filled for the remainder of the term. The compensation for members of the Board shall be established by City Council. There is hereby established a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended, and in such a way that the objectives of this ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of seven regular members, each to be appointed by a majority of the City Council members serving. All members of the Zoning Board of Appeals shall be selected from the electors of the City and shall be representative of the population distribution and of the various interests in the City. One member of the Board may be a member of the Planning Commission, with the remaining members selected from the electors of the City. Appointments shall be for a three year term expiring on June 30 in the year of expiration, except for appointments to fill vacancies or appointments of the member of the Board who is also a member of the Planning Commission. All vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. The term of the member of the Board who is also a member of the Planning Commission shall be limited to the time he or she is a member of the Planning Commission. Appointments shall be made not more than one month after the term of the preceding member has expired. The City Council may also appoint to the Zoning Board of Appeals not more than two alternate members for the same term as regular members who may be called to serve in the absence of a regular member or for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. The alternate member shall serve in accordance with the provisions of applicable law. The compensation for members of the board shall be established by City Council, and members may be reimbursed for expenses actually incurred in the discharge of their duties.



- B. The City Council may also appoint positions for up to two alternate members to serve on the Zoning Board of Appeals for the same terms as regular members. The alternate members shall be called on a rotating basis to sit as regular members of the Board in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Once an alternate has been called to serve in a particular case, he or she shall continue to participate in that case until a decision has been rendered
- C. Members of the Zoning Board of Appeals shall be removed by the City Council for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- D. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or City Council shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.

#### Membership:

Membership		
Commissioner	Appointment Date	Term Expires
Erica Castiglia	July 2, 2019	June 30, 2022
Derek D'Angelo	December 21, 2004	June 30, 2021
Dale Deming *resigned*	January 19, 2016	June 20, 2020
David Graef	June 15, 2010	June 30, 2022
Aisha Farooqi	August 7, 2020	June 30, 2023
Pashko Ujkic	June 2, 2015	June 30, 2021
Devin Koski	February 18, 2020	June 30, 2023
Raymond Washburn *resigned*	December 5, 1995	December 22 <sup>nd</sup> , 2020
John Fenn	December 1, 2020	Alternate June 30, 2023

Zoning Board of Appeals Activity								
Applications	Total Cases Heard	Use Variance s	Non-Use Variance s	Ordinance Interpretation s	Cases Approved	Cases Denied	Cases Postponed	Withdrawn / Other
No. of Cases	29	11	23	1	17	8	1	3

*\*Note: Several cases had both use and non-use variances, as well as multiple non-use variance requests. Thus, it is the total number of use variances and non-use variances requested.*



## 2020 Meeting Schedule and Attendance

### January 23, 2020

Members Present: Castiglia, D'Angelo, Deming, Graef, Ujkic  
Members Absent: Washburn

### February 25, 2020

Members Present: Castiglia, Deming, Graef, Koski, Ujkic, Washburn  
Members Absent: D'Angelo

### March 24, 2020

Meeting Cancelled

### April 28, 2020

Meeting Cancelled

### May 26, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Graef, Koski, Ujkic, Washburn  
Members Absent: Deming

### June 23, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Graef, Koski, Ujkic  
Members Absent: Deming, Washburn

### July 28, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Graef, Koski, Ujkic, Washburn  
Members Absent: None

### August 25, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Farooqi, Graef, Koski, Ujkic, Washburn  
Members Absent: None

### September 22, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Farooqi, Graef, Koski, Ujkic  
Members Absent: Washburn

### October 27, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Farooqi, Graef, Koski, Ujkic, Washburn  
Members Absent: None

### November 24, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Graef, Koski, Ujkic  
Members Absent: Farooqi, Washburn

### December 20, 2020: *Attended Virtually*

Members Present: Castiglia, D'Angelo, Farooqi, Graef, Kiski, Ujkic, Washburn  
Members Absent: None





January				
1	Case No.	PZBA19-0022	Applicant	Romeo Commercial Properties, Inc. (Postponed from December 19 <sup>th</sup> , 2019 meeting)
	Request board approval for two variances which if granted would: (1) permit stacked parking at the rear of the site, and (2) eliminate the requirements for the required dumpster enclosure on site. Current Zoning: M-1 (Light Industrial District) Property Address: 7700 Nineteen Mile Road			
	Type: Dimensional Variance (2).		Action: Postponed	
2	Case No.	PZBA19-0024	Applicant	Senan Dawood (postponed from December 19 <sup>th</sup> , 2019 meeting)
	Request board approval for a use variance to allow the raising of animals (pigeons) on a property of less than eight (8) acres in the R-60 (One Family Residential District). Current Zoning: R-60 (One Family Residential District) Property Address: 2672 Avis Drive			
	Type: Use Variance		Action: Postponed	
3	Case No.	PZBA19-0025	Applicant	Ashley Liberty Park Commerce Center
	Request board approval to permit an eight (8) foot fence with obscuring slats within the M-1 Light Industrial District. Current Zoning: M-1 (Light Industrial District) Property address: 33600 Mound Road			
	Type: Dimensional Variance		Action: Approved	
4	Case No.	PZBA19-0026	Applicant	Hussein Sobh
	Request board approval for a use variance which if granted would allow two residences on a single property in the O-1 Business and Professional Office District. Current Zoning: O-1 (Business and Professional Office District) Property address: 5600 Fifteen Mile Road			
	Type: Use Variance		Action: Postponed	

February				
1	Case No.	PZBA20-0001	Applicant	Thomas Nichols
	Requesting board approval for two (2) variances which if granted would permit the following: 1) a five (5) foot reduction in the required thirty-five (35) foot rear yard setback and 2) a thirteen (13) foot reduction in the required front yard setback of sixty (60) feet. Current Zoning: R-60 (One Family Residential District) Property Address: 13690 Clinton River Road			
	Type: Dimensional Variance (2)		Action: Approved	
2	Case No.	PZBA19-0014	Applicant	Da Vinci Hookah Lounge, INC- Saad Attish (postponed from December 19 <sup>th</sup> , 2019 meeting)
	Requesting board approval for a use variance which if granted would permit a hookah lounge in a C-2 Planned Comparison District. Current Zoning: C-2 (Planned Comparison District) Property address: 2390 (2420) Metropolitan Parkway			
	Type: Use Variance		Action: Motion Failed	



## February (continued)

3	Case No.	PZBA19-0023	Applicant	Larsa Palace Banquet & Restaurant- Oras Zuhair (postponed from December 19, 2019 meeting)
	Requesting board approval to amend the current use variance to permit the site to be solely used as a banquet facility in the C-1 Local Convenience Business District. Current Zoning: C-1 (Local Convenience Business District.) Property Address: 3995 Fourteen Mile Road			
	Type: Use Variance		Action: Approved	
4	Case No.	PZBA19-0026	Applicant	Hussein Sobh (postponed from January 23 meeting)
	Request board approval for a use variance which if granted would allow two residences on a single property in the O-1 Business and Professional Office District. Current Zoning: O-1 (Business and Professional Office District) Property address: 5600 Fifteen Mile Road			
	Type: Use Variance		Action: Withdrawn	

## March- MEETING CANCELLED DUE TO COVID-19

1	Case No.	PZBA20-0002	Applicant	Erik Heiderer
	Requesting board approval for a variance which if granted would permit a sixteen (16") inch reduction in the required front yard setback for a single family residence. Current Zoning: R-60 (One Family Residential District) Property Address: 39620 Ryan Road			
	Type: Dimensional Variance		Action: Postponed	
2	Case No.	PZBA19-0022	Applicant	Romeo Commercial Properties, INC. (postponed from January 23, 2020)
	Request board approval for two variances which if granted would: (1) permit stacked parking at the rear of the site, and (2) eliminate the requirements for the required dumpster enclosure on site. Current Zoning: M-1 (Light Industrial District) Property Address: 7700 Nineteen Mile Road			
	Type: Dimensional Variance (2)		Action: Postponed	
3	Case No.	PZBA19-0024	Applicant	Senan Dawood (postponed from January 23, 2020)
	Request board approval for a use variance to allow the raising of animals (pigeons) on a property of less than eight (8) acres in the R-60 (One Family Residential District). Current Zoning: R-60 (One Family Residential District) Property Address: 2672 Avis Drive			
	Type: Use Variance		Action: Postponed	



## April- CANCELLED

### May

1	Case No.	PZBA20-0002	Applicant	Erik Heiderer
	Requesting board approval for a variance which if granted would permit a sixteen (16") inch reduction in the required front yard setback for a single family residence.			
	Current Zoning: R-60 (One Family Residential District)			
	Property Address: 39620 Ryan Road			
	Type: Dimensional Variance		Action: Approved	
2	Case No.	PZBA20-0004	Applicant	English Estates- Zeff Berishaj
	Requesting board approval for a variance which if granted would permit a thirty (30) inch reduction in the required front/street-side setback for a single family residence.			
	Current Zoning: R-60 (One Family Residential District)			
	Property Address: 36041 English Drive			
	Type: Dimensional Variance		Action: Approved	

### June

1	Case No.	PZBA19-0022	Applicant	Romeo Commercial Properties, INC (postponed from January 23, 2020 meeting)
	Request board approval for two variances which if granted would: (1) permit stacked parking at the rear of the site, and (2) eliminate the requirements for the required dumpster enclosure on site. Current Zoning: M-1 (Light Industrial District) Property Address: 7700 Nineteen Mile Road			
	Type: Dimensional Variance (2)		Action: Variance #1: Motion Failed, Variance #2: Approved	
2	Case No.	PZBA20-0003	Applicant	Stone Warehouse of Michigan
	Requesting board approval for a variance which if granted would eliminate the requirements for the required dumpster enclosure on site. Current Zoning: M-2 (Heavy Industrial District) Property Address: 7235 Nineteen Mile			
	Type: Dimensional Variance		Action:	
3	Case No.	PZBA20-0005	Applicant	Patrick and Kristin Dunsmore
	Requesting board approval for a variance which if granted would permit a deck to extend three (3) feet into a five (5) foot side yard setback. Current Zoning: R-60 (One Family Residential District) Property Address: 42038 Villanova Drive			
	Type: Dimensional Variance		Action: Postponed	



July				
1	Case No.	PZBA20-0005	Applicant	Patrick and Kristin Dunsmore (postponed from June 23, 2020 meeting)
	Requesting board approval for a variance which if granted would permit a deck to extend three (3) feet into a five (5) foot side yard setback. Current Zoning: R-60 (One Family Residential District) Property Address: 42038 Villanova Drive			
	Type: Dimensional Variance		Action: Approved	
2	Case No.	PZBA20-0006	Applicant	Ultra Hookah Lounge- Ayad Hakeem
	Requesting board approval for a use variance which if granted would permit a hookah lounge (smoking establishment) in a C-2 Planned Comparison District. Current Zoning: C-2 (Planned Comparison District) Property Address: 42050 Van Dyke			
	Type: Use Variance		Action: Denied	

August				
1	Case No.	PZBA20-0007	Applicant	Scott and Jamie LaPointe
	Requesting board approval for a variance which if granted would permit an existing detached accessory structure (a gazebo) within ten (10) feet of the principal building. Current Zoning: RM-1 (Multiple- Family Low Rise District) Property Address: 14223 Townsend Drive			
	Type: Dimensional Variance		Action: Approved	
2	Case No.	PZBA20-0008	Applicant	Bosnian-American Islamic Center
	Requesting board approval for a variance which if granted would permit an increase in the allowable building height without any or an insufficient increase in the required front or side yard setbacks for the proposed building. Current Zoning: R-80 One Family Residential District Property Address: 11063 16 ½ Mile Road			
	Type: Dimensional Variance		Action: Postponed	
3	Case No.	PZBA20-0009	Applicant	Flaming Grill-Designhaus
	Requesting board interpretation to determine whether a carryout pickup window constitutes a drive-through window and whether such a use would be permissible in the C-1 Local Convenience Business District for an existing restaurant. Current Zoning: C-1 (Local Convenience Business District) Property Address: 43474 Mound Road			
	Type: Ordinance Interpretation		Action: Interpreted carry out window constituted a drive through per ordinance	





## September

1	Case No.	PZBA20-0008	Applicant	Bosnian-American Islamic Center (postponed from the August 25, 2020 meeting)
	Requesting board approval for a variance which if granted would permit an increase in the allowable building height without any or an insufficient increase in the required front or side yard setbacks for the proposed building. Current Zoning: R-80 One Family Residential District Property Address: 11063 16 ½ Mile Road			
	Type: Dimensional Variance		Action: Withdrawn	
2	Case No.	PZBA20-0011	Applicant	Far East Therapeutic Massage
	Requesting board approval for a use variance which if granted would permit a massage establishment in a C-1 Local Convenience Business District. Current Zoning: C-1 (Local Convenience Business District) Property Address: 33162 Dequindre Road			
	Type: Use Variance		Action: Postponed	

## October

1	Case No.	PZBA20-0011	Applicant	Far East Therapeutic Massage (postponed from September 22, 2020 meeting)
	Requesting board approval for a use variance which if granted would permit a massage establishment in a C-1 Local Convenience Business District. Current Zoning: C-1 (Local Convenience Business District) Property Address: 33162 Dequindre Road			
	Type: Use Variance		Action: Denied	
2	Case No.	PZBA20-0012	Applicant	Vet IQ (Meijer)- Metro Detroit Signs
	Requesting board approval for a variance which if granted would permit an additional twenty (20) square feet of wall signage beyond what is currently permissible on site via previous Zoning Board of Appeals variances. Current Zoning: C-3 (General Business District) Property Address: 36600 Van Dyke			
	Type: Dimensional Variance		Action: Approved	
3	Case No.	PZBA20-0013	Applicant	Da Vinci Hookah Lounge, INC.
	Requesting board approval for a use variance which if granted would permit a hookah lounge in a C-2 Planned Comparison District. Current Zoning: C-2 (Planned Comparison District) Property Address: 2378 (2420) Metropolitan Parkway			
	Type: Use Variance		Action: Approved	
4	Case No.	PZBA20-0014	Applicant	Clayton and Natalie Westercamp
	Requesting board approval for a variance which would allow a reduction in the total side yard setback allowance of three (3) feet to permit a total of twelve (12) feet combined side yard setback, where fifteen (15) feet is required. Current Zoning: R-60 (One Family Residential District) Property Address: 8772 Essen Drive			
	Type: Dimensional Variance		Action: Approved	



## October (continued)

5	Case No.	PZBA20-0015	Applicant	Shiatsu Well Being, Inc.
	Requesting board approval for a use variance which if granted would permit a massage establishment within a tenant space and shopping center that is regulated by consent judgement that permits uses in the C-1 (Local Convenience Business District).			
	Current Zoning: Consent Judgement (R-60 One Family Residential District)			
	Property Address: 2133 Fifteen Mile Road			
	Type: Use Variance		Action: No Action Taken – Lack of Jurisdiction	

## November

1	Case No.	PZBA20-0016	Applicant	Simon Denha
	Requesting board approval for a use variance to allow the keeping of animals (pigeons) on a property of less than eight (8) acres in the R-60 (One Family Residential District).			
	Current Zoning: R-60 (One Family Residential District)			
	Property Address: 4146 Stephanie Drive			
	Type: Use Variance		Action: Denied	
2	Case No.	PZBA20-0017	Applicant	Lust Wonders- Kevin Dabish
	Requesting board approval for variances to allow an adult entertainment use which if granted; 1) would allow for the reduction in the required setback from a place of worship and 2) would allow the use to be located in a shopping center of less than 100,000 square feet in the C-2 Planned Comparison District.			
	Current Zoning: C-2 Planned Comparison District			
	Property Addresses: 13462 Fifteen Mile Road			
	Type: Dimensional Variance (2)		Action: Postponed	
3	Case No.	PZBA20-0018	Applicant	BBTA Tax Advisors- Courtney Kosnik
	Requesting board approval for a variance which if granted would permit a freestanding sign to be located nine (9) feet from the property line.			
	Current Zoning: O-1 (Business and Professional Office District)			
	Property Addresses: 3603 Fourteen Mile Road			
	Type: Dimensional Variance		Action: Approved	
4	Case No.	PZBA20-0019	Applicant	Sunshine Market SH, LLC- Brian Sharrak
	Requesting board approval for variance(s) which if granted; 1) would permit a thirty-one (31) foot reduction in the rear yard setback and 2) eliminate the requirement for foundation plantings.			
	Current Zoning: C-3 General Business District			
	Property Addresses: 13630 Hall Road			
	Type: Dimensional Variance (2)		Action: Approved	
5	Case No.	PZBA20-0020	Applicant	India Gospel Assembly of Detroit
	Requesting board approval for a use variance which if granted would permit a place of worship in a C-3 General Business District.			
	Current Zoning: C-3 General Business District			
	Property Addresses: 34715 Van Dyke			
	Type: Use Variance		Action: Postponed	



December				
1	Case No.	PZBA20-0017	Applicant	Lust Wonders- Kevin Dabish (postponed from November 24, 2020)
	Requesting board approval for variances to allow an adult entertainment use which if granted; 1) would allow for the reduction in the required setback from a place of worship and 2) would allow the use to be located in a shopping center of less than 100,000 square feet in the C-2 Planned Comparison District. Current Zoning: C-2 Planned Comparison District Property Addresses: 13462 Fifteen Mile Road			
	Type: Dimensional Variance (2)		Action: Denied	
	Case No.	PZBA20-0020	Applicant	India Gospel Assembly of Detroit (postponed from November 24, 2020)
2	Requesting board approval for a use variance which if granted would permit a place of worship in a C-3 General Business District. Current Zoning: C-3 General Business District Property Addresses: 34715 Van Dyke			
	Type: Use Variance		Action: Approved	
	Case No.	PZBA20-0022	Applicant	Mobile Gas Station- Nidhal Y. Toma
3	Requesting board approval for the following variances which if granted would permit: 1) a reduction of six (6) parking spaces; 2) a building to be located within the required front yard setbacks along Metropolitan Parkway and Dequindre, 3) parking within the required front yard setback, and 4) the reconstruction of a gas station within the C-1 Local Convenience Business District Current Zoning: C-1 Local Convenience Business District Property Address: 1925 Metropolitan Parkway			
	Type: Dimensional Variance (4)		Action: Approved	
	Case No.	PZBA20-0023	Applicant	Aspen Dental- Tracey Diehl
4	Requesting board approval for a variance which would allow approximately two hundred and sixty-three (263) square feet of wall signage for the proposed tenant. Current Zoning: C-3 General Business District Property Address: 35372 Van Dyke			
	Type: Dimensional Variance		Action: Denied	
	Case No.	PZBA20-0024	Applicant	Dental Office-Saif Hanna
5	Requesting board approval for a use variance which if granted would permit a dental office in an M-1 Light Industrial District. Current Zoning: M-1 Light Industrial District Property Addresses: 6041 Fifteen Mile Road			
	Type: Use Variance		Action: Approved	